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The Chamizal settlement

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THE CHAMIZAL SETTLEMENT

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Presented to the
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and the
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University of Nebraska at Omaha

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
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Paul S. Bluck, Acting Chairman

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CHAPTER I

INTRODUCTION TO THE CHAMIZAL PROBLEM

In the course of forming the setting for a thorough discussion of the history of the Chamizal dispute, the historical circumstances in which the problems developed must be brought to light. Problems resulting from the changes in the course of the Rio Grande River must be viewed as they affected the whole picture of Mexican-United States relations during the last century.

The main issue of the Chamizal dispute has been the matter of material ownership. The area is situated between what is now El Paso, Texas and Juarez City, Chihuahua, Mexico. When the boundary was originally defined, this area lay to the south of the Rio Bravo, now Rio Grande. Due to sudden changes in the course of the river, the main channel was cut farther to the south thus transferring the Chamizal region to the United States' side of the river.

Since the word "chamizal" means different things to different persons, it is expedient to define the term. Chamizal comes from the Spanish word chamisa which means thicket or brush path. The area was actually named Barrio del Chamizal about two hundred years ago when the city of El Paso del Norte, now Juarez City, began to grow. When the course of the river shifted, the
name "Chemisal" came to denote only that area which was transferred to the north bank of the Rio Grande. One remarkable characteristic of this river has been the continual shifting of its course which has resulted in the formation of banceo\(^1\) which are isolated masses of land or cut-offs. Since these banceos have been shifted to either side of the river, often both countries have claimed title to them. The Chemisal region is, in reality, a bance of very considerable size and its final shifting to the opposite bank of the Rio Grande became a cause for international disagreement.\(^2\)

The Chemisal comprises about six hundred and fifty acres of land in the shape of a lamb's leg with its narrow end facing westward. It has about 4,500 residents, most of whom are of Mexican descent.\(^3\) The majority of the residents are United States citizens with a strong inclination toward Mexican feelings and culture.

The Chemisal may be divided into four distinct sections, each possessing some remarkable flavor or characteristic. Near

\(^1\)The term banceo in Spanish denotes a sand river bank and is usually expressed as banco del rio.

\(^2\)Apparently conflicts over boundaries marked by rivers are rare since they are demarcated and maintained with little effort. An example of this type of dispute is the Carter Lake area. The course of the Missouri River shifted and both Iowa and Nebraska claim the region. However, this controversy only involves two states of the United States and not a foreign country.

the international bridge along El Paso Street and Santa Fe Street, taxi stands and parking spaces congest the area, a basically residential region of not substantial homes. About six blocks to the east of Santa Fe Street is a residential district consisting of moderately well-kept homes painted a variety of colors and surrounded by small Mexican-style fences. The corner store, which is typical of this area, is usually neither well-stocked nor clean. Generally, the clerk does not speak English.

Through a neglected and unkempt region run some tracks of the Santa Fe Railroad. This area is conducive to smuggling rackets because it is not well-patrolled, and because of its proximity to the border.

The easternmost segment of the Chumash is primarily an industrial area which contains a meat packing company, warehouses, and small manufacturing plants. There are a few tomato and cotton farms between and among the industrial buildings. The air is laden with the repulsive odors of the stockyards and fertilizer plants.

In all, the Chumash has some 750 various improvements. There are four hundred and ninety family type dwellings of four

4Sheldon E. Liss, A Century of Disagreement: The Chumash Conflict, 1864-1964 (Washington, D. C.: University Press, 1965), p. 3. There are no tamales shops as has been claimed by Liss.

5The Mexican-style fence is a low fence usually of wood and adobe construction.

6A large number of the signs within the corner stores are printed in Spanish.
to six rooms. In addition, there are ninety shelters generally of two to three rooms which are substandard dwellings of poor construction and without sanitary plumbing facilities; which, nevertheless, constitute the homes of some ninety families.

There are also twenty-one tenement buildings containing 301 one-to three-room units. The Charcas has a total of one hundred and thirty commercial properties, thirty-seven of which are classified as large establishments. These include the meat packing company, the customs office, and the immigration office.

A modern grammar school and part of Bowie High School are located within the area and there are 8.9 miles of railroad track.

The Charcas region has, on occasion, been described as a "hell hole of iniquity", and a place where crime is easily committed and immorality readily indulged in by the inhabitants. This undesirable environment is probably due, in part, to the controversy over ownership of this tract. Respectable entrepreneurs are very reluctant to invest money in property of doubtful ownership.

To the south of El Paso, Texas lies Juarez City—once called El Paso del Norte, but the name of the city was changed to honor Benito Juarez who was the author of the Mexican Constitution

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7 Hearings on S. 2734, Charcas, p. 2.
8 Ibid.
9 Ibid.
10 Ibid., op. cit., p. 3.
of 1857. From this city Benito Juárez launched his successful campaign in 1866 to expel Emperor Maximilian from Mexico.

International bridges connect the two cities of El Paso and Juárez City, and indeed, there is no marked boundary except for a nearly dry river and the customs office. In the southwestern section of the United States, El Paso ranks as one of the largest cities. Juárez City is better known for the part she played in historical military battles of the late nineteenth and early twentieth centuries. Her modern reputation can be attributed to the often exaggerated tales related by the tourists who have visited the city. Across the border, thousands of Americans and Mexicans stream daily in their various pursuits. Not only for her enchanting night life and entertainment, but also for the low prices of merchandise, Juárez City is to many, a paradise.\(^{11}\)

\(^{11}\)This is a paradise for shoppers because they can bargain for merchandise and buy more for an American dollar than they can in their own country.
CHAPTER II

ORIGIN OF THE CHAMIZAL PROBLEM

After this preliminary examination of the Chamizal, the reader might ask why so much attention is brought to focus upon this seemingly insignificant section of land. For any one who is or has been aware of Mexican-United States relations, the Chamizal becomes highly meaningful since it has been an important part of the total story of official relations between the United States and Latin America. In fact, most of the political affairs involving the United States with Mexico have been to a great degree influenced by this dispute.

In the subsequent part of this work, primary concern will be given to the historical aspects of this international dispute and to the final settlement. The geography of the region and the legal theories stated by the antagonists regarding this dispute will not be discussed to any length. Geographic detail which is immediately concerned with the Chamizal will, of course, be examined.

The origin of the problem dates as far back as 1848 when the initial boundary was established between the United States and Mexico. Commissions, with representatives from both countries, were established, but they failed to mark a well-defined boundary.

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As a consequence of failures to establish a definite boundary, both the courts of the United States and the courts of Mexico have been involved with the problem of a disputed boundary. Over the years, all disagreements were solved by conventions between the two nations except the lingering dispute over the Chamisal. The inability of the United States or of Mexico to acquire definite title to this piece of land created many collateral problems of a serious nature; the matters of law enforcement and immigration, for example. Perhaps one of the major reasons which deterred the United States from reaching an agreement was her zeal for expanding westward. This matter of a border dispute was, to her, inconsequential when viewed in relation to the entire western portion of the continent. On the other hand, the Mexicans viewed the United States as an aggressive expansionist careless of the territorial rights of their neighbors. The fact that the United States was not concerned with this tract of land and gave little time to it indicated to Mexico that the United States planned further to pursue the doctrine of "Manifest Destiny" on Mexican territory. Due, in part, to this policy of the United States, it was difficult for both countries to solve the problem of the Chamisal because each country held her own interests. The incursions made by citizens of the United States (the Army and

1United States, Congress, House Executive Document No. 69, Vol. VIII, 30th Cong., 1st Sess., July 6, 1848. When the Mexican-American War was over, Mexico had lost a major part of her northern territory. Article V of the Guadalupe Hidalgo treaty provided for the formation of a commission to settle the border dispute.
filibusters) on various occasions made the people of Mexico distrustful of the intentions of the American people. These feelings and cultural differences strained relations and made negotiations regarding the Chihuahua more difficult.

Throughout the years, one reason the relations have been strained was that Mexico claimed the United States had deprived her of her rights and invaded her national integrity in the Chihuahua. This problem of the Chihuahua has had far-reaching effects. Due to the fact that the United States and Mexico could not settle the issue, the rest of Latin America has likewise held in suspicion the intentions and actions of the United States thereby diminishing her effectiveness and influence. The Chihuahua has become a part of the Mexican people and nearly every Mexican is keenly aware of the conflict. In contrast, there is evidence of little interest in the United States and for the most part, people are not even aware that the problem has existed.

In 1962, President John F. Kennedy saw the need to improve diplomatic relations with Mexico. When he recognised that

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2. J. Lloyd Mecham, *A Survey of United States-Latin American Relations* (Boston: Houghton Mifflin Co., 1965), pp. 90-91. A typical filibuster was William Walker. He was involved with the invasion of the State of Sonora which was an attempt to make it an independent State. He was expelled by the government of Mexico before he accomplished it.


4. In the United States, little is known about the issue, apparently because there is not a great deal of information available. In Mexico there are many publications on the subject.
it was the issue of the Chemisal which had been clouding relations
between the two nations, he decided to give the matter some
consideration. In order to create better understanding in Mexico
and in the rest of Latin America, the United States immediately
shifted her position in the Chemisal question.5

Thus, the purpose of this work is to present the
significance of the prolonged dispute and to show how the return
of this piece of land helped bring back to the Mexican people,
and to the rest of Latin America, a larger measure of confidence
in the United States.

5El Nacional (Mexico, D. F.), July 19, 1963, p. 1. The
ambassador of the Dominican Republic to Mexico said, "The United
States is responding to the fraternity. Their desires to do
right in Latin America appear to be authentic."
CHAPTER III

EARLY NEGOTIATIONS REGARDING THE CHAMILAL

The problem of the Chamizal developed after the Guadalupe Hidalgo Treaty of 1848 was ratified and the border had been defined. Violent floods subsequently occurred and these floods caused periodic changes in the course of the Rio Grande. Because of these changes in the course of the river, shifting of land occurred and created bancos. This made the matter of marking the boundary between these two nations a difficult task, since previously the river had been the border. Therefore, both countries had to give consideration to the matter of settling the questions that arose over the shifting of lands caused by the changing river.

In order to aid one's understanding, it is deemed necessary to present a historical account of the Chamizal and its problems. In 1598, Spanish explorer Juan de Onate first called this region El Paso del Norte. From 1648, El Paso del Norte was part of Mexico and the Chamizal was a ranch belonging to the family of Ponce de Leon. At this time, Mexico had complete

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control of this territory. However, on May 14, 1836, with the end of the war with Texas and the signing of the treaty of Puerta Vallesco, Mexico recognized the independence of Texas. This treaty was the first to deal with the Rio Grande as a dividing line between what was to become the United States and Mexico. The treaty is as follows:

In recognition of the independence of the Republic of Texas, from Mexico. The boundary is upstream on the west bank from the mouth of the Rio Grande as far as the point at which the River takes the name of Rio Bravo del Norte, thence by the west side as far as the source of the said river, it being understood that the names Rio Grande and Rio Bravo del Norte are applied to and designate the same stream; from its source, by which is understood the principal arm, a line to the north to intercept the line established in the treaty between Spain and the United States (1819) and subsequently adopted in the Mexican-United States Treaty of (1828) thence the line shall be the same as in these treaties, continuing as far as the Mouth of the Sabina (Sabine) and thence as far as the Gulf of Mexico.

The Mexicans vigorously blamed the United States for the loss of Texas and this created continual resentment and sore dislike for the United States. Mexico has been very reluctant to forgive the United States for taking advantage of her during her time of weakness. At the time of the war with the United States, Mexico was struggling with four political groups, all of which were attempting to gain control of her government. 4

For centuries the Rio Grande had shifted its course back

3Ibid., op. cit., p. 141.

and forth keeping its own channel and this caused little concern.

Then the Guadalupe Hidalgo treaty was drawn up at the end of the war in 1848 to designate the river as the boundary. Article V of this treaty, in part, reads as follows:

The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same;) thence down the middle of said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "Map of the United Mexican States, as organized and defined by various acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York, in 1847, by J. Hillburn...".

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte...".

With the signing of this treaty, Mexico ceded upper

5House Executive Document No. 69, July, 1848.
California, Arizona, and New Mexico. This territory was more than half of the Mexican nation, and from 1846, the occupation of this area by the United States was not challenged by Mexico. The Guadalupe Hidalgo treaty was not well-planned and was hastily accepted by the United States. It was formed with a doubtful Mexican government and a discredited American commissioner, Nicholas Trist. The treaty also failed to provide for the possible changes of the river in the future.

According to the terms of the treaty, commissioners and surveyors were to be appointed to examine the boundary line in detail. Without delay, the Mexican government appointed as commissioner Pedro Garcia Conde, and Jose Salazar y Larrequi was named surveyor. The United States was not able to comply with this part of the agreement so promptly because of partisan politics; President Polk asked for appropriations for the commission. The Senate approved the provision for a commissioner and a surveyor. The bill was then introduced into the House, but the session closed before it could be acted upon. President Polk, nevertheless, proceeded to make the necessary appointments. On December 18, 1846, he nominated A. H. Sevier, ex-Senator from Arkansas, as commissioner, and Lieutenant A. B. Gray of Texas, as

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6 Ibid.


9 Garber, op. cit., p. 3. It was an election year and the members of Congress were campaigning for re-election.
The nomination of Gray was confirmed, but Sevier died in January, 1849, before his nomination had been acted upon by the Senate. On January 16, 1849, Colonel John B. Waller of Ohio was nominated to replace Sevier, and his nomination was approved by the Senate. The joint commission met at San Diego on July 6, 1849. After the Pacific boundary was ascertained, the commission disbanded to meet in November, 1850, in El Paso.

In the meantime, Commissioner Waller was recalled from his position and succeeded by Colonel John C. Fremont of California. Colonel Fremont later decided to run for the Senate from California and for that reason never joined the commission. John R. Bartlett of Rhode Island was then appointed to serve as commissioner, and under his direction the survey was continued.

Both commissioners arrived after the appointed date, and the first meeting was held on December 3, 1850. At this meeting more difficulties arose because the initial point of the Rio Grande had to be established. The international boundary line was to extend up the middle of the Rio Grande River. According to one authority, it was soon found that there were errors in the Disturnell map.

El Paso was not only located thirty minutes too

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10 United States, Congress, Senate Executive Journal No. VIII, p. 8.

11 Senate Executive Document No. 119, p. 36.

12 Garber, op. cit., p. 12.

far north, but both it and the Rio Grande were placed more than two degrees too far to the east. Again, according to this map the southern boundary of New Mexico was three degrees (175.28 English miles) long and seven minutes north of El Paso. 14

Now it had to be determined whether or not to use the map and ascertain the point with the use of parallels and meridians, or if the initial point should be a line beginning seven minutes north of El Paso and extending westward for three degrees. 15 After much discussion, the commissioners agreed to mark the boundary . . .

. . . three degrees west of the Rio Grande as the river actually was situated and run along the parallel of thirty-two degrees and twenty-two minutes, or seven minutes north of El Paso as that city appeared upon the Disturnell map.

The Disturnell map that was used as a basis for the boundary line was incorrect, and this erroneous map was the direct cause for Mexico's loss of more territory in 1853. This transaction of 1853 is what is known as the Gadsden Purchase. 17

After 1853 the river shifted its course frequently, but little mention was made of it. A new banco was developed in 1865 when a torrential flood transferred a segment of land belonging to a farmer named Josiah Turner to the Mexican side of the river. 18

15 Senate Executive Document No. 41, p. 3.
17 Ibid., p. 9.
18 Ibid., op. cit., p. 9.
Nothing was said until Turner received a large amount of land in 1866 as a result of another change in the river’s course. This time, Mexico claimed that she owned the piece of land. As can be readily seen, this shifting was creating difficulties. Indeed, this incident is typical of how territory changed hands each time the river’s course shifted farther south. In the region of El Paso, a tract of about six hundred fifty acres was left on the north bank of the Rio Grande river; this is the tract called the Chamizal. The exact date of the origin of the Chamizal conflict would be difficult to determine since the change of the river took place over a period of years. With the spectacular change of the river in 1864, however, Mexico became very much concerned. The position of Mexico was made clear to the United States in 1864 when President Benito Juárez instructed Don Matías Romero, his ambassador in Washington, that he, by diplomatic means, reclaim Mexico’s rights over the Chamizal. In spite of Romero’s efforts, no action was taken.

In 1867, Senor Matías Romero once again brought the matter to the attention of Secretary of State Seward. Seward, however, was too busy with post-civil war problems to give much consideration to the matter. Seward did, however, refer the matter to the Attorney General, Caleb Cushing, who was of the opinion that the border should continue to follow the middle of the original channel as in the Guadalupe Hidalgo treaty.

19 El Correo, September 25, 1964.

20 Iss, op. cit., p. 10.
With this decision, Senor Matias Romero and some vocal Mexicans were content for the time being.

Meanwhile, other matters overshadowed the Chamisal dispute. The border area of Juarez and El Paso had been the scene of frequent raids involving Indians; famine due to dry weather, and provoked struggles of the different bandits that abounded in this area. The Chamisal was not frequently mentioned during the early 1870's, probably because of these events of ill report. The first diplomatic discussion of the Chamisal issue during the period came after an American company was awarded a contract to build dikes to prevent more erosion of American soil. Don Francisco Palacio, Charge d'affaires of Mexico, complained to Secretary of State Hamilton Fish charging that the construction of the proposed dikes would divert the Rio Grande and lead to more boundary problems. Secretary of State Fish responded by agreeing to Mexico's request to halt construction.

Ones again, however, activities of Apaches and bandits diverted attention from the Chamisal issue. The Mexican Minister in Washington, between the years 1872 and 1874, constantly harrassed Secretary of State Hamilton Fish urging the basis be laid for a treaty concerning the boundary. He wanted a definite border—one that would not be subject to natural changes. This was a good idea because a fixed and invariable boundary would

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21 Ibid.
22 Ibid., p. 11.
23 Ibid.
eliminate future problems. This would have been an opportune matter to lead to further negotiations for settlement, but when Porfirio Diaz rose to the position of President of Mexico in 1876, he tended to minimize differences between the United States and Mexico. This policy included the Chamisal question. He encouraged the investment of American capital in Mexico. He conspired with Yankee financial investors in the interest of a few. He favored the already privileged and he neglected the less fortunate within his own country.24

The opportunity to settle the entire matter presented itself when, in 1878, a large number of claims had been made by both countries. It was difficult to arrange for discussions for two reasons. Mexico was yet weak as she had not recuperated from the War of Reforms,25 and Diaz did not wish to distress the United States. Thus, it was advantageous for both nations to ignore the matter. Diaz gave more consideration to the investors from the United States than to the citizens of Mexico. The only people who suffered from the neglect of the Chamisal were those who lived within the area.

The persistent agitation on the part of the Mexican and American claimants proved effective. The injustice of the


25 Hector Pinos Martinez, Juarez, El Imposible (Madrid: Espasa Calpe, 1934), pp. 125-27. The War of Reforms was a program which announced the separation of church and State. It was instrumental in the overthrow of Maximilian and the drawing up of the Constitution of 1857, or the Reformas.
situation overcame the monetary interests. The desire to establish and maintain harmonious relations between the two nations won out. On July 29, 1882, a convention was signed between the United States and Mexico which involved the re-establishment and revision of the frontier line. The object of this commission was to establish new border markers. Both nations were to send military leaders to perform this task. However, this convention proved to be inadequate and only served to pacify the claimants temporarily. Indeed, the only purpose it served was to maintain the status quo in the Chamizal.

With the elections of 1880, Diaz lost the presidency to Manuel Gonzalez. Under Gonzalez, in 1884, Mexico once more pressed the issue, and not only claimed the Chamizal, but also two islands that were made by the rivers called Morteritos and Sabinitos. Mexico's claim to the islands was based upon a boundary survey conducted by Major W. Emory in 1857 which seemed to indicate that these islands were the property of Mexico. The United States accepted the claim of Sabinitos, but did not give up Morteritos.

With the intention of eliminating new border disputes, on November 12, 1884, the United States and Mexico signed yet another boundary convention. This convention was created to prevent difficulties along the Rio Grande and Colorado Rivers. The center of the Rio Grande was to remain the international boundary as in

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the 1848 and 1853 treaties, even in the event that the river changed its course by natural means. 28

The convention of 1884 probably would have solved the problems of the border, but Mexico refused to accept it since she claimed that the river had changed its course before the year 1884. This treaty would not recognize the claims prior to the year 1884. Thus, nothing was accomplished by this convention.

In 1884, Diaz was elected president for another term. By March, 1889, another convention was arranged. The primary concern of the new convention was to supplement the treaty of 1884 and to decide the question of the Rio Grande and the Colorado Rivers that was left pending in 1884. 29 Another purpose was to hear the differences and the opinions of the Mexicans and United States citizens. This commission was charged with placing permanent international markers and solving the problems brought over from the convention of 1884.

To complicate matters, on January 23, 1894, the Chamiza was claimed by an individual named Don Pedro I. Garcia. His claim dated back to 1818, at which time he indicated that the then governor of Chihuahua, Senor Barrios, had given the title to M. Bruselas who was Garcia's distant relative. Thus, by inheritance,

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García claimed to have acquired the Ranch which was now situated to the north of the Rio Grande. The claim of Pedro I. García was under discussion until December 4, 1897. Since the commissioners could not reach an agreement, it was mutually considered wise to disband and consult with their respective governments.


31 Ibid.
CHAPTER IV

THE ARBITRATION OF 1911

Throughout the nineteenth century, the Chemisal question was primarily the concern of the Mexicans. The United States would neither be concerned about the matter, nor motivated to attempt a settlement. Early in the twentieth century, however, the United States changed her position with regard to the problem and became interested in attempting to solve the question of ownership of this tract.

The case of Don Pedro Garcia's claim to the Chemisal by inheritance was under discussion by the commission, and in December, 1897, the commissioners realised that they could not resolve the matter. They did, however, propose that a third commissioner be named to determine the limits of the boundary.¹ Thus, this commission, as had the others, left the problem pending.

A related problem was the matter of local taxation. Both cities claimed the area as a proper province for the taxation of real estate. And, of course, the residents were concerned with the matter of payment of taxes.²

Meanwhile, the relations between the United States and

¹Gomez-Rebledo, Mexico y El Arbitraje Internacional, p. 183.
Mexico remained in harmony primarily because President Porfirio Díaz and President Theodore Roosevelt held high esteem for each other. With the increase of American business in Mexico, the important issue of the border question was completely ignored.

The discovery of rich deposits of petroleum in Mexico created more distrust for the United States because Mexico was unable to exploit these resources because of her lack of industrial technology. The greatest benefit to be derived from this discovery would go to foreigners.

In March, 1905, another border commission was organised. Its chief concern was to transfer the cut-offs, or bangs, along the river to the State to which the avulsion had added each tract. In spite of these commissions, it was two years before the representatives of the two countries concluded that they could not reach an agreement.

In 1907, Mexican Ambassador Enrique Creel proposed to the government at Washington that the Chumash issue be submitted to arbitration and that a jurist be selected by the government of Canada to serve in the capacity of arbitrator. Since the

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proposal went unanswered, it was clear that the United States was not interested in it.

There were many incidents at this time which served to cause tension between the people of these two States. The Mexican people misunderstood some of these incidents and with each, distrust of Americans deepened. The following example will serve to illustrate this point. Some Mexican families who were residing in a housing development in the Chamisał were asked to leave by the American owners. The owners wanted to improve the property to increase their rental income. The Mexican families refused to leave. The owners then called marshalls to evict them. The families retorted that they were victims of Yankee exploiters. Their "cause" was taken up by writer Mario Gill who charged that, "... the poor Mexican peasants were being deprived of their homes by Yankee exploiters."7

As the problems appeared to increase, in 1906, the United States displayed more concern. The Mexican Charge d'affaires in Washington discussed the establishment of a permanent boundary.8 No action was taken, however, and for the next several years both governments merely exchanged ideas with regard to a permanent dividing line.

As stated before, President Diaz maintained a policy of cooperation with the United States since he depended heavily upon

her for technology and industry. Some Mexican writers have claimed that the reason Hidalgo lost political power was his failure to solve the problem of the Chamizal during his thirty years in office. Admitted, because of it he did lose some political stature, but this conclusion does not appear to be based on fact. The industry and economy of the country were under the control of foreigners. The main dissatisfaction of the people was not the Chamizal matter, but rather the foreign oppression about which the government of Mexico took no action.

After taking office, President William H. Taft was made aware of the situation in the Chamizal. The American government, through Secretary of State Philander Knox, suggested to Mexican Ambassador Francisco de la Barra that they try to settle the problem by means of arbitration. This suggestion was ignored by the government of Mexico since she had advanced the identical approach several years earlier. However, the ability of Ambassador de la Barra to persuade the Mexican government to submit the matter to arbitration paved the way for negotiating a treaty.

On June 24, 1910, a commission was formed. A Canadian jurist was named to work with American and Mexican diplomats to resolve a problem which was described as follows:

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10 Silva, *op. cit.*, p. 119
11 *Ibid.*, *op. cit.*, p. 21
The Chemisal tract in dispute is located at El Paso, Texas, and Ciudad Juarez, Chihuahua, and is bounded westerly and southerly by the middle of the present channel of the Rio Grande, otherwise called Rio Bravo del Norte, easterly by the middle of the abandoned channel of 1901, and northerly by the middle of the channel of the river as surveyed by Emory and Salazar in 1852, and is substantially as shown on a map on a scale of 1-5,000, signed by General Anson Mills, Commissioner on the part of the United States, and Senor Don F. Javier Osorno, Commissioner on the part of Mexico. This convention provided that both countries present their cases; the presentations could be submitted orally or written, and each government was entitled to be represented by counsel. For the United States, William C. Dennis was appointed as agent. Mexico appointed as agent Senor Joaquin D. Cassus. Walter B. Grant was appointed as counsel, and Richard F. Burgess as associate counsel for the United States. W. J. White, a citizen of Canada was appointed as counsel, and Seymour Thurmond was named associate counsel for Mexico. Seymour Thurmond was an American citizen.

In spite of some difficulties with law and immigration enforcement in 1910, both Mexico and the United States managed to maintain composure, and by the end of 1910, it appeared as if the Chemisal problem would be solved in a matter of months.

The arbitration of 1911 provided the United States with an opportunity to demonstrate to the world that a growing nation

13 Hearings on S. 2374, Chemisal, pp. 84-85.


15 Ibid., p. 710.
such as herself was not interested in territorial aggrandizement. Such action would instill confidence in the people of Mexico and of the rest of the Latin American nations by demonstrating that the United States was not an imperialistic nation. If a solution to the Chasmal problem could be found, the United States might demonstrate that she no longer wanted to expand into Mexican territory. Through the appointment of a Canadian as an arbitrator, the matter would take on an international distinction, and probably help persons with special national interests on either side of the question arrive at a solution.

The Arbitration Convention was enthusiastically welcomed as a means forever to dispose of the Chasmal question by giving the territory to its rightful owner. The result of the commission of 1910, the agreement to submit the matter to arbitration, was proclaimed on January 25, 1911, and began as follows:

Whereas a convention between the United States of America and the United States of Mexico for the arbitration of the differences which have arisen between the two governments as to the international title of the Chasmal tract, was concluded and signed by their respective plenipotentiaries at Washington on the twenty-fourth day of June, 1910.

16 Ibid., pp. 565-66. At this time, the United States' interests in Latin America lay in commerce and industry rather than in mere acquisitions.

17 Ibid. Mexicans were apprehensive of the intentions of the United States. They had not forgotten the Gadsden Purchase of 1853, nor the more recent filibustering expeditions by some undesirable Americans in Mexico.

The Arbitration Commission was formed solely for the purpose of solving the Chalcedonian question. The commission was introduced as follows:

The Commission shall decide solely and exclusively as to whether the international title to the Chalcedonian tract is in the United States of America or Mexico. ¹⁹

On May 15, 1911, the Arbitration Commission met at El Paso, Texas. One month later, on June 15, the board rendered its decision. ²⁰

In compliance with the Convention of 1910, Article II, Eugene Lalfluer of Canada, a distinguished professor and jurist, was chosen as Presiding Commissioner. ²¹ The United States was represented by General Anson Mills (retired) who had served on the International Boundary Commission since 1893. ²² Mexico was represented by Senor Fernando Beltran y Puga, an engineer, who was as well-informed as was General Mills on matters pertaining to the Chalcedonian dispute. ²³

The arbitral board was empowered to resolve the following questions:

1. Was the boundary line established by the Treaties of 1848 and 1853 along the Rio Grande a fixed and invariable

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¹⁹Ibid., p. 556.
line?

2. Had the United States of America acquired title to the Chemisal tract by prescription?

3. Did the Treaty of 1884 apply to all changes in the river subsequent to the survey of 1852?

4. Was the whole of the Chemisal tract, as defined in the Convention of 1910, formed by slow and gradual erosion and deposit of alluvium within the meaning of Article I of the Convention of 1884?

5. Was the formation of the Chemisal tract up to 1864 due to slow and gradual erosion and deposit of alluvium within the meaning of Article I of the Treaty of 1884?

6. Was the whole erosion which occurred in 1864 and after that date slow and gradual within the meaning of the Treaty of 1884?

Mexico presented her case to the Commission with the following statements:

Los Estados Unidos Mexicanos demandan al Gobierno de los Estados Unidos de América que reconozca como suyas, y por ende suyas a las jurisdicciones mexicanas, los terrenos llanados El Chemisal, los cuales, situados antes en la margen derecha del río Grande o Bravo del Norte fueron segregados de ella y se hallan hoy en el lado opuesto a consecuencia de varios cambios bruscos y repentinos que en algunos años sufrió la corriente de dicho río.

The United States of Mexico demand that the government of the United States of America recognise, therefore, that the subject under discussion is under Mexican jurisdiction;

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the territory called El Chamisal which was situated on the right side of the border of the Rio Grande was set apart from it and today is found on the opposite side, as a consequence of the various unexpected and abrupt changes caused in certain years by the current of the said river.²⁵

Mexico claimed ownership of the Chamisal on three counts and asserted that the boundary of 1911 must be the same as that of 1852. The three counts were:

1. Any change other than slow and gradual erosion does not alter the boundary line.
2. The changing of the Chamisal was not slow and gradual, but on the contrary, it was violent and for times of unequal intermission.
3. Therefore, the changing of the river in the Chamisal area does not alter the boundary marked in 1852.²⁶

After carefully presenting her case, Mexico also denied the rights of prescription and asserted that she had constantly challenged and questioned the political control exercised by the United States.²⁷ To further corroborate her anti-prescriptive rights, Mexico quoted from Hugo Grotius, "... A party could lose a state without the consent of the other party. However, this must be lost through neglect of claim for a length of time."²⁸ Thus, American prescriptive claims were not valid since Mexico

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²⁷ Ibid., p. 168

²⁸ Hugo Grotius, The Rights of War and Peace, trans. A. C. Campbell, A. M. (Washington: H. Walter Dunn, Publisher, 1901), p. 115. This work is part of the Universal Classics Library. Grotius was a seventeenth century Dutch scholar who formulated Europe's system of international law.
had continuously contested the ownership of the area.29

Another sharp difference between Mexico’s government and
that of the United States was upon the medium of legal precedents
to support their cases. While Mexico cited the Roman codified
type law to support her claims, the United States relied on the
common law of England.30 This difference of law made the matter
even more difficult to reach an agreement which would satisfy
both states.

The United States took the following position:

1. The treaties of 1846 and 1853 established fluvial
boundaries. The treaties were retroactive and therefore
valid in the case of the Chasls.
2. The commissioner of the United States manifested
his conviction that the changes had been produced by
natural causes or erosion and accretion according to
Article I of the treaty of 1854. Therefore, the
boundary has moved gradually with the river giving title
of ownership to the United States.31

General Mills also claimed the Chasls area for the United States
by right of prescription and he claimed that since 1852 the United
States had exercised jurisdiction over it. The American envoy
further stated that this jurisdiction was not disputed by Mexico
until 1895. Representatives of the United States declared:

That the rights of the United States of America are
founded on the solid rock of prescription, the soundest,
the most general, and the most recognised title between
man and man there is known in municipal or public
jurisdiction, a title in which no arbitrary institution
or the eternal order of things gives judgment; a title
which though not fixed in its terms, is rooted in its

29Miss. sp. cit., p. 28.
30Hearings on S. 2394, Chasls, p. 80.
principles in the law of nature itself and is indeed the original ground of all known property, for all property and soil will always be traced back to that source and arise there. 32

General Mills felt that Mexico did not have the right to claim the Chemisal tract since it had been in the possession of the United States since 1848. Common law was on the side of the United States, but this law Mexico did not accept, nor could Mexican diplomats be expected to be guided solely by legal concepts which were not routinely used in their nation-state.

After both countries had completed their presentations, a solution was given to the problem.
CHAPTER V

THE EFFECTS OF THE AWARD OF 1911

The Award of 1911 in the Chuisul problem did not improve United States relations with either Mexico or the rest of Latin America. On the contrary, it made future diplomatic transactions hazardous.

The convention of 1910 had provided that the decision should be reached by majority vote of the arbitration commission and that the decision was to be final.1 This had been accepted by both nations at the end of the convention.

After one month of negotiations, the commissioners were prepared to cast their ballots. On only one question of the six did the commissioners vote together. All agreed that the United States did not acquire title to the Chuisul tract by prescription.2 The United States and the presiding commissioner, Lafleur, voted together on two issues. First, that the boundary line established by the treaties of 1848 and 1853 was not a fixed and invariable line theory; and secondly, that the treaty of 1884 was applicable to all changes of the river after the survey of

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2 Hearings on S. 2394, Chuisul, p. 80.
1852. The Mexican commissioner and the presiding commissioner voted together on three issues: That the whole Chumash tract was not formed by slow and gradual erosion and deposit of alluvium within the meaning of Article I of the Convention of 1864; and that before 1864, the formation was due to slow and gradual erosion, but that in 1864 and 1868, the formation was not due to slow and gradual erosion. On the matter of the fifth question, that is, whether the formation of the Chumash tract up to 1864 was due to slow and gradual erosion, . . . within the meaning of Article I of the Treaty of 1884, the United States commissioner refused to vote. He gave two reasons for abstaining his vote. First, in Article I of the treaty of June, 1910, it was stated that the commission should decide solely and exclusively as to which nation the Chumash belonged, and on the basis of this article, the American commissioner protested that the presiding commissioner was not empowered to divide the land, but to give it in full to its rightful owner. Secondly, he contended that in segregating the Chumash tract, the presiding commissioner was applying only portions of the treaty. Mills argued that this could not be permitted by the treaties in force.

After all the votes were cast, the majority of the votes

3Ibid., p. 80.
4Ibid.
5Ibid.
6Ibid., p. 81.
were in favor of Mexico. On June 15, 1911, the commission made
the following award:

Atendiendo a todo lo cual, el Comisionado
Presidente y el Comisionado de Mexico, representando
una mayoría en la aseguada Comisión, SENTENCIA Y
DECLARAN que el dominio sedimentario sobre aquella parte
del territorio del Chimal que queda comprendida
entre la línea media del cauce del Río Bravo e
Grande levantado por Emory y Salazar en 1852 y la
línea media del cauce del mismo río tal como existía
en 1864, antes de la avenues de ese mismo año,
pertenece a los Estados Unidos de America, y que el
dominio sedimentario del resto del mencionado territorio
pertenece a los Estados Unidos Mexicanos.

Wherefore the Presiding Commissioner and the
Mexican Commissioner, constituting a majority of the
said commission, hereby award and declare that the
international title of the portion of the Chimal
tract lying between the middle of the bed of the Rio
Grande, as surveyed by Emory and Salazar in 1852,
and the middle of the bed of the said river as it
existed before the flood of 1864, is in the United
States of America, and the international title to
the balance of the said Chimal tract is in the
United States of Mexico.

Thus, one observes that the neutral member of the
commision cast the deciding vote. It was Lefleur's opinion that
the river had moved by slow and gradual erosion prior to 1864,
but he concluded that after that year, the changes were brought
about by rapid erosion. However, the United States refuted
Mexico's stand that the adjectives "slow" and "gradual"
justified a special concept of erosion at the Chimal. This
contention of Mexico's, the United States insisted, was not

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7. N. Quezada Brandi (ed.), El Chimal (Mexico, D. F.:
consistent with international law. 9

Mills refused to accept the award and he reported to
Lafleur and Beltran that his government could not accept it
because the treaty had departed from the terms of the compromise;
the award was uncertain and indefinite and therefore, it could
not be applied; the award neglected to give the reasons upon
which it was based; and that in the award there existed
"essential errors of law and fact." 10

The State Department and the President of the United
States supported General Mills' decision to reject the award
handed down by the commission. In this regard President William
H. Taft, on December 7, 1911, said:

Our arbitration of the Chamsal boundary question
with Mexico was, unfortunately, abortive, but with the
earest efforts on the part of both governments, which
its importance commands, it is felt that an early
practical adjustment should prove possible. 11

The feelings in El Paso were similar to those of General
Mills and President Taft. The Chamber of Commerce held that the
arbitration was unauthorized by the terms of the treaty, and that
its annulment would further the development of El Paso county. 12

The American press gave some coverage to the Arbitration
Commission. The decision of the Chemical Arbitration Commission

9Gregory, _op. cit., p. 25.


11United States President. A Compilation of Messages and
Papers of the Presidents (Washington, D. C.: Bureau of National
Literature), Vol. XVIII, p. 8033.

12Ibid, _op. cit., p. 33.
was referred to as a "comic-opera" by the New York World, in which this editorial opinion was expressed:

The decision of the Chemical Arbitration Commission apportioning between Mexico and the United States a three-mile strip of land five blocks wide, included in the city limits of El Paso, shows an astuteness worthy of the celebrated tariff ruling on frog legs. . . . The difference between Tweedledum and Tweedledee was never before so accurately defined in diplomacy. By crossing a street or turning a corner, citizens of El Paso will find themselves under the dominion of another nation and what that will mean in the matter of conflict of laws and encouragement of license may be readily understood. A comic-opera librettist never created a more diverting situation.\(^\text{13}\)

Thus, the attempt to solve the question by arbitration failed. The United States refused to accept the decision of the Arbitration Commission, and the citizens who were aware of the situation did not take the matter seriously.

\(^{13}\)Quoted in El Paso Times, June 27, 1911, p. 1.
CHAPTER VI

THE MEXICAN REVOLUTION IN THE CHAMIZAL SETTLEMENT

On May 25, 1911, while the Arbitration Commission was in session, President Porfirio Diaz resigned as President of Mexico (his life being in jeopardy) and took refuge in Paris. Indeed, it can be said that this is the date when the Mexican Revolution was launched. On this same date, the forces of Francisco Villa and Francisco I. Madero captured Juarez City, Chihuahua. Twenty days after President Porfirio Diaz had left Mexico, the Chamizal award was given. Because the United States had rejected the decision of the Arbitral Commission, she sought to solve the matter by turning again to diplomatic channels. The Revolution had, however, shaken the political structure of Mexico to such an extent that diplomatic relations were difficult, if not impossible, at this time.

On August 11, 1911, the United States Ambassador to

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1Antonio Luna Arroyo, El Chamisal ya es Mexicano (Mexico, D. F.: Central de Numismatic y Medallistica, Departamento de Relaciones Culturales, 1964), p. 96.

2This is the Revolution which is still in progress. It is always capitalized when written. It is the only true Mexican Revolution. The other wars are known only as revolts and uprisings.

3Luna Arroyo, op. cit., p. 96.
Mexico called at the Mexican Embassy and expressed a desire to refer the Chemidal case to an international commission for the purpose of arriving at a final settlement. The provisional President of Mexico, Francisco de la Barra, had, meanwhile, assumed all the duties of Mexican Foreign Minister. To the surprise of the United States, he stated that Mexico was anxious to put the award into effect.

In spite of his predilection for acceptance of the earlier settlement, President de la Barra permitted new negotiations to be opened in the Chemidal case. Reacting to the favorable attitude of the Mexican President, the United States opened negotiations with the following statement:

The United States desires a definite boundary between both nations. A desire to solve amicably the dispute of 1911. A declaratory interpretation of the boundary treaties and conventions. To state that the treaties of 1848 and 1853 establish a fluvial or ascifious boundary. To agree that the treaty of 1884 is retroactive. To agree that only two changes of the river were avulsive and erosive. Provisions for the adjustment of the International Boundary line at El Paso and Juarez. Provision for indemnification to those who suffered losses.

The government of Mexico rejected these specifications by stating once more that Mexico had accepted the award of 1911 and that the parties to the arbitration should abide by the results.

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5 Ibid., p. 601. President de la Barra may have seen that it was futile to continue to demand that the Award of 1911 be carried out. Probably his persistence reflected his effort to pacify an aroused public in his nation.
6 Ibid., p. 599.
7 Ibid., p. 601.
President de la Barra remained in office until November 6, 1911, when Francisco I. Madero was elected as the new president. President Madero was recognized by the government of the United States. Soon after he took office, Secretary of State Knox informed him of the United States' rejection of the Award of 1911. Knox further indicated that this could create difficulties, and he urged Madero to begin negotiations. However, the revolutionary government declared that it would not even entertain the thought of ceding or receiving indemnification for the rights over the Chamilal. It may have been possible to solve the problem of the Chamilal when President Madero was in office had it not been that the relations between Madero and Henry Lane Wilson, United States Ambassador to Mexico, were quite strained due to Wilson's dislike of Madero. In fact, some Mexicans had laid the blame for Madero's death on Ambassador Wilson. With the assassination of President Francisco I. Madero in February, 1913, diplomatic relations were interrupted between the United States and Mexico. The relations were broken off, not because of the Chamilal, but rather because of the instability of the Mexican

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10Carlos J. Sierra, The Chamilal Question and Some of its Interpretations, A speech delivered at the Sixth Annual Conference of the Western History Association, Juarez City, Mexico, October 13, 1966. English version prepared by Malcolm D. McLean (Fort Worth: Texas Christian University, 1966).


12Ibid., p. 301.
government. Madero's successor was General Victoriano Huerta. With Huerta in office, this would have been an opportune time for the United States to negotiate a Chemical settlement since the government of Huerta needed support from abroad as well as from Mexico itself. But the United States refused to accept this "bloody government" of Huerta, as President Wilson called it. 13

It was during this time that difficulties increased between the United States and Mexico through a series of incidents. The incident of seven marines leaving ship at the port of Tampico in April, 1914, and their subsequent imprisonment by Mexico caused injury to the pride of the United States. 14

Immediately the United States retaliated and Congress approved the sending of troops into Mexico. The American troops occupied the port of Veracruz. All diplomatic relations had been broken. War appeared eminent. However, the friendly nations of Argentina, Brazil, and Chile served as mediators at a meeting held at Niagara.

12 Ibid., p. 301.
13 ibid., op. cit., p. 43.
14 Arthur S. Link, Wilson-The New Freedom (Princeton: Princeton University Press, 1956), pp. 394-416. It is recorded that Mexican revolutionary forces had apprehended seven marines who went into the Mexican mainland at the port of Tampico. After being questioned by the revolutionary authorities commanded by Colonel Ramon E. Garcia, the marines were freed and the revolutionary government apologised. However, Admiral Mayo complained about the incident to President Wilson. Wilson demanded from the Mexican government a twenty-one gun salute to the American flag. Then Mexico, in turn, demanded a twenty-one gun salute to the Mexican flag. Neither would concede to the demands of the other. Thereupon, President Wilson asked Congress for appropriations to send troops into Mexico.
Falls, Canada. Due to their combined endeavors, relations between the two nations saw some improvement.15

Another incident which pushed matters to a danger point involved the incursion of Francisco Villa into the territory of the United States and the subsequent massacre at Columbus, New Mexico. General Pershing, with the permission of the Mexican government, crossed the Rio Grande in his pursuit of Villa, and this action aroused public resentment.16

The revolutionary government of Mexico changed hands again when Venustiano Carranza was inaugurated as legal president in 1917. The United States recognized his government and reopened negotiations on the Chemisal issue. However, now, the question of giving up the Chemisal, or of selling it, became even more difficult since the new Constitution of Mexico stated that all natural resources and land belong to the nation.17

Other matters which kept the Chemisal question in the background were World War I and the Zimmerman note of 1917, in which Germany offered to aid in the recovery of "lost provinces".18

When the United States had approached the regime of General Huerta to discuss the Chemisal, he had refused to consider any


17Mexico, Constitucion, Articulo XVII. This article states that all the soil and subsoil is part of the nation and no one has the power to sell it.

18Ibid., op. cit., p. 48.
proposals for further arrangements. Thus the problem was forgotten for a time. It was not mentioned again until 1919 when the *Excelsior*, a Mexican newspaper, announced in its editorial of September 13, 1919, that a lawyer from the United States wanted to offer Mexico three million dollars for the Chimal. However, by this time, it was said that the Chimal was valued at forty million dollars. As each year passed, the Chimal became more valuable. With the United States passage of the "prohibition law", the area became a unique place for smuggling of liquor from Mexico. Considerable amounts of American money were spent in Mexico as a result. The United States government urged the solving of the Chimal issue since Carranza's government was precarious.

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19Gregory, op. cit., p. 36.

20Sierra, op. cit., p. 11.

CHAPTER VII

THE END OF THE REVOLUTION AND THE CHAMIZAL

The end of the Mexican Revolution is officially dated November 20, 1920. This date also marked the beginning of political stability within the government of Mexico. The United States was recuperating from the effects of World War I. With the newly imposed restrictions on alcoholic beverages in the United States, the matter of the Chamizal was brought to the forefront. It was during the early 1920's that the Chamizal became a notorious channel through which liquor was smuggled into the United States.¹

Within the year, General Alvaro Obregon was elected to the presidency of Mexico. Upon taking office, President Obregon sought recognition from the United States. By overlooking certain provisions of the Constitution of 1917, he found favor with the United States.² However, President Coolidge desired assurance

¹Miss, Century of Disagreement, p. 51.

²U. S. President. A Compilation of Messages, Vol. IV, p. 969². The Constitution of 1917 was apparently feared by foreigners who held property in Mexico because it held certain provisions which affected the agricultural, mining, and oil holdings of foreigners. The Constitution gave the government power to expropriate property held by foreigners.
that Mexico would not confiscate the holdings of United States citizens. Official recognition of President Obregon was withheld while President Coolidge sent two commissioners to Mexico charged with the negotiation of an agreement to prevent confiscation. President Coolidge's reasoning is here stated: "...It was solely because of our understanding secured in this formal manner that our property rights would be respected, that recognition of President Obregon was granted on September 3, 1923."

Having again established diplomatic relations, it would have been timely to open negotiations on the Chimal. The United States decided not to press the issue at this moment, however, but to wait and see if the new government could establish internal peace in Mexico. When it appeared that the Mexican government had control, the United States expressed concern regarding the status of the Chimal. Talks were held, but they only served to pacify public opinion. On April 10, 1925, public opinion was again aroused in regard to the Chimal question. Mexico had sent a note to Washington, D. C., proposing that the legal validity of the Chimal Award of 1911 be submitted to the Hague Tribunal for its decision. The United States refused this offer and stated that she preferred to negotiate a new

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3 Ibid., p. 9694.
4 Ibid.
5 ibid., op. cit., pp. 51-52.
6 Sierra, op. cit., p. 11.
settlement. Mexico rejected this offer and reiterated her earlier stand; that of executing the Award of 1911. The United States then asserted that the Chamisal case could be solved quite simply if Mexico would unconditionally relinquish all her claims to the tract. Of course, Mexico objected to this proposal. Then the United States suggested to Mexico that she should settle for a cash payment. For Mexico, this was impossible. The new Constitution of 1917 would not permit the sale of the property of the country. Thus, nothing was accomplished in regard to the Chamisal dispute.

After General Obregon had completed his term in office, General Plutarco Calles was inaugurated as president. During his first year in office, his primary concern was with the subsurface rights of Mexico. Negotiations over this matter took precedence over the matter of the Chamisal. In spite of some obstacles, negotiations on the Chamisal were resumed when American Ambassador Dwight W. Morrow went to Mexico to discuss the problem of the Chamisal with President Calles. El Universal

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8 *El Paso Herald-Post*, November 12, 1931.
10 *Ibid., op. cit.*, p. 53.
11 Mexico, *Constitución*, Artículo XVII.
stirred emotions by the coverage it gave the negotiations. An editorial stated that Mexico probably would not accept an indemnification, but, if there was no alternative, she would be obliged to accept it and relinquish her claims to the Chemisal. This statement was not in accord with the Constitution of 1917, and it stirred resentment in Mexico. It was, however, only the opinion of one person. In a subsequent edition of El Universal, another editorial dealing with the Chemisal appeared. This article stated that the problem should be solved harmoniously as between good neighbors. Sanchez Ascona, the writer, proposed an exchange on a equal basis of the obligations of the two governments: To exchange the United States obligations of the Chemisal for present or future Mexican obligations.

As can be seen, the press of Mexico involved itself in the matter and on many occasions, its information was misleading. It is possible that some of the information was provided through official channels, but it seems that the majority of the time, the reports expressed only the opinion of a journalist who had no position in the government of Mexico. At any rate, much public sentiment was aroused over these reports.

Viable relations waned early in 1927. Violent disagreements arose over land and subsoil rights and it appeared

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13El Universal, Mexico City, April 24, 1925.
14Ibid., p. 2.
15Sierra, op. cit., p. 13.
that Mexico and the United States would break relations.  
Neither government pressed the issue, however, and Calles completed his term of office. With the election of 1928, Porres Gill became the new president of Mexico. Then, in 1929, Pascual Ortiz Rubio took office. With these peaceful changes of administration, it appeared that the United States gained more confidence in the government of Mexico.

The matter of the Chasmal came up for consideration when, in 1929, the State Department released a Chasmal settlement plan which included new developments in commercial business in El Paso. Also the plan proposed marking the running river as the boundary, giving the Chasmal to the United States, and Cordova to Mexico. Mexico was not pleased with this proposal. On the contrary, she complained of the United States' intentions to expand federal facilities into the disputed Chasmal.

The 1920's had drawn to a close and nothing concrete had been accomplished in the Chasmal case. The strain of the dispute was felt by both nations.

16 John A. Crow, The Epic of Latin America (Garden City, New York: Doubleday and Co., 1946), p. 710. These disagreements involved American business in Mexico. The American property owners were apprehensive with each new election because the government now held the power to confiscate their property. The new law was subject to execution at any time.

17Ibid., op. cit., p. 391.

18Ibid., op. cit., p. 56.

19Ibid.
CHAPTER VIII

THE DECADE OF THE 1930's AND THE CHAMIZAL

By the 1930's, persistent delays in the matter of the Chamizal settlement had caused the dispute to become charged with emotion. However, the United States, seeking reconciliation with Mexico and Latin America, and desiring to cultivate better diplomatic relations, introduced some new policies. Two of these were the Clark Memorandum and the so-called Good Neighbor Policy. Mexico's feelings became less hostile toward the United States because of her efforts to establish a firmer friendship with the Latin Americans. During Hoover's administration, for example, Ambassador J. Reuben Clark, in 1931, sought to settle the dispute with a general rectification of the Rio Grande. In spite of the desires of Ambassador Clark to come to an agreement with regard to the Chamizal, the matter was complicated by many disturbances brought about largely by illegal traffic in liquor. On some occasions, Mexican and American customs agents exchanged gunfire. To make the situation even worse, the Mexican press continually kept public sentiment agitated with some statements asserting

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1 Iss. Century of Disagreement, p. 61.
2 Ibid., p. 62.
once again that the Chamisal was the legal property of Mexico, and that the Yankee "Imperialists" took possession of it at the first opportunity.³

With what appeared to be a new approach to the matter, and to harmonize relations between the citizens of the United States and of Mexico, the United States, as earlier stated, proposed a river rectification plan. The citizens of El Paso objected to the plan and insisted that to remove the Chamisal as part of the city would be risking her prosperity. Attorney William Dennis took up the defense of the citizens of El Paso and pressed for their right to claim the Chamisal. He declared that what was needed was an agreement which included the Chamisal in the United States. He further urged Secretary of State H. L. Stimson to deal with the matter immediately.⁴

Viewing the problem from a different aspect, American Ambassador J. Reuben Clark evaluated the situation, and for the first time since the unsuccessful Award of 1911, caused the United States to consider that it was quite possible that the Award of 1911 was the most favorable manner of settlement. He declared that the United States should consider that, on the basis of the acceptance of the Award, the Chamisal was Mexican territory and should be negotiated on that premise.⁵

Since this was the era of The Good Neighbor Policy, the

³Ibid., p. 63.
⁴Ibid., p. 64.
⁵James M. Callahan, American Foreign Policy in Mexican Relations (New York: Macmillan Co., 1932), p. 621.
United States desired to yield to the demands of Mexico. Therefore, the best possible solution appeared to be to call for a new treaty. The technique employed by Ambassador Clark was for the United States to purchase all real property held by her citizens in the Chamizal, and then to negotiate with Mexico with regard to the national identification of that property. Foreign Minister Estrada agreed to this approach and he and the United States ambassador were certain they could design a treaty that would meet the demands of both countries.  

This proposed new treaty, however, met with much opposition in Mexico. The efforts of the Mexican press to keep the public stirred up with claims and statements not in agreement with the intent of the new treaty were significant. One Mexican newspaper asserted, in effect, that Mexico was planning to sell the Chamizal. The article went to to state that this action was not legal; that it was prohibited by the Constitution of 1917. Then rumors spread all over Mexico that Foreign Minister Estrada was going to sell the Chamizal. In order to pacify an alarmed public, Estrada immediately made the following statement:

Mexico will not sell or otherwise relinquish its claim to the 600 acres of land in El Paso, Texas, involved in what is known as the Chamizal zone, since it is against the Guadalupe 1917 Constitution.

These feelings of mistrust, mainly on the part of the

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6 Idem, ibid. cit., p. 66.
7 El Nacional, Mexico, D. F., October 23, 1931.
8 El Pase Herald-Post, November 12, 1931.
Mexicans, thwarted attempts to solve the problem and the work of United States Ambassador Clark and Foreign Minister Estrada came to nothing. As an example of Mexico's distrust, Ambassador R. Telles was recalled to Mexico because he favored the settlement of the issue as was proposed by the United States.

In spite of these diplomatic problems, in February, 1933, both governments agreed to the adoption of the River Rectification Treaty. The International Boundary and Water Commission was very instrumental in the drawing up of this treaty. This commission provided the key to the final solution of the Chamisal problem in 1962. Since it was able to come to agreement as to where the Rio Grande had run in 1864, it eliminated one of the main reasons that the United States had rejected the Award of 1911.

The problem of the banco was considered in this new treaty. It stated that the land in question belongs:

... To the owner of the said Banco or to the man who was the original owner, and the dividing line would continue to follow the middle of the original channel bed.

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9 These feelings of mistrust were born when Mexico lost Texas and the western part of what is now the United States in 1848.

10 ibid., same cit., p. 70.


12 Ibid.

This boundary rectification was carried out by the Boundary Commission and it appeared to be successful in that it solved the question of the possession of a large number of bancos. The rectification of these bancos started near the Canon de Cajoncitos and eliminated approximately ninety miles of meanderings by exchanging territory on either side.14

As has been seen, the Commission resolved the problem of the bancos, but the Chamsal dispute itself remained unsolved. The problem confronted General Lázaro Cardenas while his administration was in its infancy. With the solution to the question of the bancos, both nations could now negotiate the long disputed Chamsal. Mexican Chargé d'affaires, Senor Padillo Nervo, reiterated that Mexico reserved the right of ownership over the Chamsal area in all further dealings with the United States.15 The Revolution of Mexico had succeeded to the extent that the country was now controlled by a respectable national government. Mexicans displayed more self-confidence in their diplomatic dealings and international negotiations.

Meanwhile, the situation in El Paso was becoming increasingly difficult since the city was in urgent need of better facilities. The citizens, therefore, were pushing for a settlement as to the national sovereignty of the Chamsal, or for steps to be taken toward acquisition.16 Border traffic and

14Quisada Brandi, op. cit., p. 16.


16Ibid., p. 479.
commerce were on the increase and indeed, it was becoming more expedient that the problem be solved. Ambassador Josephus Daniels, having been in Mexico and having caught the Mexican sentiment, saw the need for arranging an agreement regarding the Chamisal. In this regard, he stated:

"I asked my diplomatic mentor, "How could the United States decline to accept the Award when it had consented to the arbitration and to the arbitrator?" His answer was not very convincing then or now. I was to find resentment at the refusal of the United States to abide by the findings of the arbitration, all during my many negotiations with Mexicans. Whenever I stressed that they were not living up to a certain agreement, they would invariably ask, "Did you not refuse to accept the arbitration on the Chamisal tract, after being a party to the selection of the Canadian as arbitrator?" And I had to confess that Uncle Sam was living in a glass house. That failure on our part embarrassed all negotiations looking to settlement of claims in Mexico. "If you would have equity, you must do equity."

Ambassador Daniels was in favor of reaching an accord with Mexican Minister of Foreign Affairs Jose Manuel Pujol. Also, for the first time, an important newspaper in the United States indicated a willingness to give the Chamisal to Mexico for indemnity. In spite of these proposals, it was not until President Cardenas took office in 1935, that negotiations were undertaken. In spite of the desires of some to solve the Chamisal issue in 1935, it was highly unlikely that agreement could be reached because Mexico continued to express her desire to execute the Award of 1911. She

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17 Daniels, op. cit., p. 117.
18 El Paso Times, June 20, 1934.
also continued to claim sovereignty over the disputed area. In fact, Mexican Ambassador F. Cortilez Majera stated that if the American government were to purchase land in the Chemisal, Mexico would not recognize American claims. 20

Even though feelings were calloused, the Mexicans still had hope in President Franklin D. Roosevelt's policies; especially in his Good Neighbor Policy. Many of the addresses delivered by Roosevelt were intended to gain influence in Latin America. These speeches did not go unnoticed by the Mexicans, but rather instilled in their minds the thought that now the United States was willing to make concessions in order to improve relations and create a harmonious feeling between the two neighbors. Another factor that perhaps contributed to eventually finding a solution was the militaristic growth of Germany.

Just as negotiations over the Chemisal were about to be undertaken, in 1937, a labor dispute developed involving the petroleum industry which was owned by foreigners. A sharp rise in the cost of living in the oil areas prompted laborers to demand a raise in pay. Their demands were not met, and a strike ensued. The Mexican government investigated the matter and ordered the companies to substantially increase wages and to train Mexican employees for promotion to responsible managerial positions. The companies finally met the demands for wage increases, but refused to comply with the other terms of the Mexican government. Cardenas retaliated by expelling the companies from Mexico and seizing

20 Kiss, op. cit., p. 74
their property. This action, taken in March, 1938, was quite enthusiastically welcomed in Mexico. The oil companies had been the most disliked of all foreign business groups. They had habitually scoffed Mexican authority and they sold their oil at higher prices in Mexico than abroad. Also, they were draining the country of its natural resources and, in effect, making the country poorer rather than richer. The expropriation enraged the petroleum owners, and in the United States, they instigated immediate retaliation. A boycott of Mexican oil was organised and they made it difficult for Mexico to obtain tankers.

Ambassador Daniels interceded in Washington in behalf of Mexico and the government recognised the right of Mexico to expropriate the industry. Washington asked only that the companies receive proper compensation.

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21Parks, op. cit., p. 407.

22Ibid., p. 408.

23Ibid., op. cit., p. 75.
CHAPTER IX

THE EFFECTS OF WORLD WAR II ON THE CHAMIZAL CASE

A new facet of the Revolution was introduced when General Manuel Avila Camacho assumed the office of president of Mexico. The main emphasis of the government turned to industrial development. The conflict in Europe with the Axis union had diverted the main attention of both countries from the issue of the Chamizal. The more intense the conflict became, the more seriously the United States sought the cooperation of Mexico and the Latin Americas. Yet the two nations continued to give some attention to the Chamizal, and the State Department in Washington was still hearing complaints about the unsettled situation in the Chamizal. Out of this grew a new agreement between the United States and Mexico to form a permanent International Boundary and Water Commission.¹ While this commission was being formed, the issue of the Chamizal was ignored by the diplomats. In fact, it was conspicuous by its absence.² Some time later, Secretary of State Sumner Welles informed Ambassador Daniels that the matter of the Chamizal dispute was now considered closed by the United States.

¹Miss, Century of Disagreement, p. 76.
²Ibid., p. 79.

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government. 3 Ambassador Daniels replied that he believed that the United States would gain immense backing and good will in Mexico by returning to her the Chamisal.

The settlement of the Chamisal could have proven very beneficial to both countries had it been accomplished at this time. However, the United States desired first to settle the oil claims. This also was to be delayed, as both nations became increasingly concerned with affairs in other parts of the world. After the Japanese attack on Pearl Harbor in 1941, Mexico broke relations with the Axis and put herself on the side of the United States. In this time of danger from Europe, protection from Nazi infiltration was essential along the borders of the United States. The matter of the Chamisal did not hamper the security measures in the El Paso-Juarez area.

Meanwhile, the outstanding differences between Mexico and the United States were settled, with the exception of the Chamisal. Mexico agreed to pay for confiscated property, and had come to terms with the ousted oil companies. Also, arrangements were made for Mexico to pay for land which she had earlier taken from American citizens. The oil settlement had the effect of easing tensions, but affairs in Europe required the time and efforts of

4Ibid., op. cit., p. 79.
5Parkes, op. cit., p. 425.
6Ibid., op. cit., p. 80.
7Parkes, op. cit., p. 425.
the diplomat. However, a trade agreement was drawn up which provided for economic cooperation between the two nations. It was called the Mexican Plan, and was quite similar to the Good Neighbor Policy. Another treaty was formulated in February, 1944. It complied with the requests of Mexican farmers for water for irrigation purposes. It dealt with the conservation and distribution of the waters of the Rio Grande. It can be said that, up to this time, this treaty was concluded with the most mutual trust ever shown between these two countries. In return, the Mexican government allowed the brazos to come to the United States to replace manpower lost to the war effort.

Following the death of President Franklin D. Roosevelt, Harry S. Truman assumed the office of President of the United States. He favored the continuance of the Good Neighbor Policy with Mexico, and most cordial relations were maintained between the two neighbors. When President Miguel Aleman took office in Mexico, he was invited to address the Congress of the United States. On May 2, 1947, in his address before the Congress and, in reference to the Chemical problem, he made the following statement:

The boundary between the United States and Mexico is a touchstone for hemispheric solidarity. Mexico and the United States have an example to set for the

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8 Ibid., p. 427.
10 Parkeo, op. cit., p. 427.
rest of the world since more is achieved in a single year of cooperation than in many years of hatred and rancor. 11

As time passed, the long-standing dispute of the Chemical appeared to have been forgotten by the United States. However, Mexico was constantly aware of the issue. Alberto M. Carrero, a Mexican diplomatic historian, expressed the feeling that it was pitiful that the United States had rejected the Award of 1931, since this had created such an obstacle to friendly relations between the two countries. 12

By 1950, the geographic importance of the Chemical had decreased, but the assets of the area were valued at more than fifty million dollars. 13 The government in Washington continued to overlook the importance that the Mexicans had attached to this piece of land. It began to appear that the Chemical dispute would remain to be an upsetting influence in future negotiations.

In 1952, Adolfo Ruiz Cortines was elected as president of Mexico. In the United States, President Dwight Eisenhower was elected in the same year. Once more, the Chemical issue was brought up for discussion. Senator Lyndon B. Johnson from Texas introduced a resolution to give Congress power to create a commission to


resolve the issue. Johnson also proposed that L. M. Lawson, who had served as a member of the International Boundary and Water Commission, be named chairman. It was doubted that the commission could be created, and it was even more doubtful that, if created, the commission could settle the issue. As had been suspected, the Johnson proposal was not carried out. So the matter was again laid aside to await possible action during a time when both nations were less concerned with matters outside this hemisphere.

In 1958, Adolfo Lopez Mateos was inaugurated as the president of Mexico. In his addresses, he made no direct reference to the Chamizal issue, but he stated that Mexico would maintain conduct consistent with equality, dignity, and justice. He further stated that Mexico would follow the principles laid down by Benito Juarez, since between individuals and nations, el respeto al derecho ajeno es la paz, that is, the respect for the rights of others is peace. And with this attachment to the memory of Juarez, and the implied strong nationalism, one may suspect that the new president would be unwilling to sell any of Mexico's sacred soil.

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CHAPTER X

FINAL NEGOTIATIONS OF THE CHAMIZAL

With the election of President John F. Kennedy in 1960 began a series of events which transformed Mexican-American relations, and which ultimately would lead to the settlement of the Chamizal dispute. President Kennedy named as his ambassador to Mexico, Thomas C. Mann. Ambassador Mann was familiar with the problem and he knew the basic philosophy of the Mexican people, being familiar with their way of thinking. 1

In April, 1960, due to the cooperation between President Mateos and Ambassador Mann, the two men discussed sending planners and architects to the border to resolve the difficulties. 2 By sending architects and planners, it seemed as if both governments were trying to find a satisfactory solution to the dispute. The problems were multiplying rapidly in the El Paso-Juarez area. Population was on the increase, and the city of El Paso was growing at a rapid rate. 3

In 1962, President Kennedy made a State visit to Mexico

1Ibid., Century of Disagreement, p. 84.
2Ibid.
3Ibid., p. 85.

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City. The trip was not just a ceremonial affair, but rather an opportunity to discuss the problems of the border, the Alliance for Progress, and the Caribbean difficulties.\(^4\) It is important to mention that the attitude of President Kennedy as well as that of Ambassador Mann seemed very warm and sincere. Thus, these two Americans received very cordial welcomes from the Mexican people.

A few years earlier, there was strong opposition to the American government; so strong, in fact, that when Vice President Richard Nixon visited Mexico, he was subjected to shouts of "Yankee, go home!"\(^5\) an expression that has become very popular in Mexico and other parts of Latin America.

The greeting extended to President Kennedy was outstanding in its warmth. Upon his arrival, a meeting was held at the official residence of the President of Mexico. President Kennedy was accompanied by Ambassador Mann and Assistant Secretary of State for Latin American Affairs E. Martin.\(^6\) President Lopez Mateos received him in the company of Mexican Chancellor Don Manuel Tello and Mexican Ambassador to the United States Antonio Carillo Flores.\(^7\) The attitude which prevailed over the meeting was one of harmony. They discussed the problem of the Caribbean; the matter of polluted water being diverted into Mexicali was

\(^4\) Luna Arroyo, *op. cit.*, p. 73.


\(^6\) Luna Arroyo, *op. cit.*, p. 73.

\(^7\) *Ibid.*
analyzed, and the Alliance for Progress was examined. President Kennedy assured Mexico that the objectives of the Alliance were to promote social justice. Finally, both presidents discussed the problem of the Chamizal. They both saw how great was the need to solve the problem. They took steps to organize a group to solve the problem. Both presidents agreed that the solution of the problem would benefit relations between their respective countries, and the rest of Latin America. It was noted that the solution would help strengthen the Alliance for Progress as well as the Organization of American States. The two presidents concluded their meeting by emphasizing that whatever difficulties should arise between their two nations, that they should be solved in a spirit of friendship.8

The Mexican public was exuberant with the outcome of the meeting. The Mexican people praised President Kennedy and compared him with Abraham Lincoln. Even more, he was hailed as a man equal to Mexico's most honored Benito Juarez.9 The press stated that President Kennedy was against social injustice and thus, the press concluded, in favor of a solution in the Chamizal on Mexico's terms.10 In the United States, the trip was claimed to be another mission of friendship.11 But the trip proved to be more than a

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8Novedades, Mexico, D. F., July 18, 1963.


10Ibid.

11Ibid., op. cit., p. 86.
friendly gesture. With the renewed desire of solving the Chamisal
dispute, the meeting instilled confidence in the people of Mexico,
thereby dealing a blow to Communist propaganda. Mexican newspaper
headlines proclaimed:

El Chamisal va es Mexicano\textsuperscript{12}
Ha Vuelto El Chamisal a Mexico\textsuperscript{13}
La Patr/a a Sido Recompensada con El Chamisal\textsuperscript{14}

In translation:
The Chamisal now belongs to Mexico!
The Chamisal has been returned to Mexico!
The country has been recompensed with the Chamisal!

President Kennedy returned to the United States leaving
Mexico jubilant because of his stand on the Chamisal question.
There was not much concern over the matter in the United States
except as it involved the citizens of El Paso. President Kennedy
had gone so far as to admit that the rejection of the Chamisal
Award of 1911 was a mistake on the part of the United States. He
further stated that the Chamisal dispute was not a matter that
the United States could continue to treat with indifference.\textsuperscript{15}
This declaration shocked the Mexican people. It was the
opposite extreme of the American policies of the past half century
with Mexico and the Chamisal issue. President Kennedy indicated

\textsuperscript{12} El Universal, Mexico, D. F., July 1, 1962.
\textsuperscript{13} El Heraldo, Chihuahua, Mexico, July 1, 1962.
\textsuperscript{14} Nevediion, Mexico, D. F., July 1, 1962.
\textsuperscript{15} New York Times, July 6, 1962.
that relations between Mexico and the United States could have been harmonious had the Award of 1911 been accepted by the United States. He went on to show that since 1911, matters had changed in the Chamisal, property had been expanded, schools had been built, and therefore, interests in the area must be given first consideration.\footnote{Id., July 1, 1962.} Immediately, Foreign Minister Manuel Tello stated that Mexico was willing to consider all that President Kennedy had proposed.\footnote{Id. Senor Tello stated that Mexico was willing to give as much as would be required since the United States had made such generous concessions.}

No one could deny the fact that certain difficulties would be created when the issue was solved. Some people would be deprived of their property, and there would be some objections to the solution. But the leaders of these two nations felt that even though not everyone would be fully satisfied, the main issue should be solved to make the future brighter for both nations.
CHAPTER XI

THE SETTLEMENT OF THE CHAMIZAL

On July 17, 1963, it was announced in Mexico City that the United States and Mexico had agreed to solve the Chamizal issue.¹ President Kennedy made the same announcement at the White House on August 29, 1963, and he further declared that a convention was signed to solve the problem.² In charge of the convention were Ambassadors Don Manuel Tello of Mexico, and Thomas C. Mann of the United States. The ambassadors drew up a treaty and signed it. The treaty was immediately introduced in the Mexican Senate and approval came on December 27, 1963.³ The treaty was introduced in the United States Senate and was approved on December 27, 1963, by a vote of seventy-nine to one. The treaty was entered into force on January 14, 1964.⁴ Ambassador Mann declared that the new treaty was drawn up to completely settle all the disagreements between the two neighboring nations.

¹Manana, Mexico City, No. 1262 (November 4, 1967), p. 52.
²Ibid.
³Ibid., p. 53.
before the end of 1964.  

This treaty marked the last major obstacle to complete border harmony. Since the Chisal meant as much to the Mexicans, there existed in Mexico a feeling of great optimism. It was felt that with the solution to the problem of the Chisal, other problems could more readily be solved. Indeed, this spirit of cooperation imparted to the Mexican people more confidence in the United States. In March, 1963, Ambassador Carillo Flores visited President Kennedy and discussed the matter of the pollution in the Colorado River. Ambassador Flores was not only well received by President Kennedy, but the President indicated that the United States was willing to consider the problem. He also stated that his nation was ready to erase the black mark made against her forty years ago.  

It was at this time that the Chisal issue took on an even greater significance in Mexico. El Heraldo of Chihuahua declared, "El derecho de la razón eleva a las cumbres de la existencia de dos pueblos!" In translation, "The right of reason elevates to the highest the friendship of the two nations."

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7 *Ibid.* The waters of the Colorado River had been used to irrigate Mexican farms. Chemical from American industry had made the water unusable.


El Correo of Juarez City proclaimed, "Mexico recibio El Chemisal, ahora no solo vecinos sino buenos amigos!" 10 In translation, "Now that Mexico has received the Chemisal, we are not only neighbors, but also good friends." All over Mexico, the people were rejoicing and expressing praise for the United States. President Kennedy was being eulogised by young and old. An editorial in Manana stated: "The devolution of the Chemisal to Mexico has given faith and hope to humanity and to the principles of justice." 11

It is interesting to note that the Chemisal issue was settled at a time when the United States was not able to reach an agreement with Mexico over how to deal with a problem of two years' standing, but could solve a matter that had stood for nearly a century. 12 The New York Times declared that when two nations work together as good neighbors, the problems over issues can easily be solved. 13

Ambassador Mann praised the Mexican people for their cooperation and willingness to solve the problem with this statement:

I wish to express my personal gratification that it has been possible to reach agreement on the recommendations for a settlement of the dispute and

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10 El Correo, Juarez City, October 28, 1967.

11 Manana, Mexico City, No. 1260 (October 21, 1967), p. 15.

12 New York Times, July 7, 1963, p. 1. This is in reference to the Punta del Este Conference when efforts were made to stop the spread of Communism by Fidel Castro of Cuba.

13 Ibid.
to say that I am confident that the solution recommended will work to the benefit of both countries, and of the two communities directly concerned.

It would not have been possible to reach agreement had it not been for the many men of good will on both sides of the border who labored to find a solution to the problem.

I wish, particularly, to express my appreciation and respect for the constructive approach to this problem shown by the President of Mexico, Adolfo Lopes Mateos, and his distinguished Foreign Minister Don Manuel Tello who was so ably assisted by Ambassador Vicente Sanchez Cavitito. I have no doubt that the recommended solution constitutes still another important precedent for the amicable settlement of international disputes and hence in the cause of world peace.

The terms of the settlement were organized in a pattern similar to the Award of 1911, and in a manner mutually satisfactory to the nations involved. The settlement was made according to these terms:

1. The net transfer of 437 acres of land from the United States to Mexican jurisdiction. Of this, 366 acres were from the Chamilal and 71 from land of the United States located to the East adjacent to Cordova Island.

2. Cordova Island itself, lying between these two areas, was to be divided equally between the United States and Mexico in the process of relocating the River.

3. The United States was to transfer to Mexico, for 193 acres it would receive out of Cordova Island, an equal acreage from United States territory just east of Cordova Island.

4. The Rio Grande was to be subject to relocation by channelisation and reconstructed as a boundary between the United States and Mexico, thus eliminating the Cordova Island enclave.

5. Both governments were to acquire title to all land improvements in the areas to be transferred.

6. Each government was to receive the area transferred free of encumbrances of any kind.

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14 El Universal, Mexico City, July 19, 1963.
including private titles.
7. No payments were to be made between the two
governments for lands passing title.
8. The United States, however, was to be paid by a
private Mexican bank for the value of structures
that passed intact to Mexico.
9. The governments were to share equally the cost of
actual construction of the relocated river channel,
each government bearing the costs of compensation
for the value of the improvements destroyed in the
construction process in the territory under its
jurisdiction prior to the relocating of the boundary.
10. The costs of constructing bridges which would
replace the existing bridges would be borne in
equal parts by the two governments.
11. Citizenship status of persons who are or were
residents of areas being transferred would not
be affected, nor would jurisdiction over the
applicability of laws to acts or with respect to
the area, including criminal or civil proceedings
decided or pending, at the time of transfer, be
affected.
12. Once the Convention is approved and the enabling
legislation approved—The International Boundary
and Water Commission would agree to a person to
acquire the properties.
13. Relocation of boundaries is to take place when
the United States Commission or Commissioner has
certified to the acquisition of properties, and
evacuation of occupants is complete, and payment
for structures passing intact to Mexico has been
received, and when the Commissioner certifies
with approval of both governments the demarcation
of the new boundary.15

By the terms of this agreement, Mexico was to receive
437.18 acres as had been provided in the Award of 1911. Of this
total, 366 acres were to come from the Chamisal tract, and 71.18
acres from an area just below the Cordova island. The United
States was to receive 193.16 acres of the Cordova island.
Involved in the settlement were approximately 380 structures
passing to the government of Mexico, and for which a bank of

15El Universal, Mexico City, July 19, 1963.
Mexico paid to the United States $4,676,000.00. In compiling the total value of the transferred property, Mexico received territory worth about 20,800,000 dollars. The United States received land valued at six million dollars. In addition to this deficit of fourteen million dollars which the United States assumed, it was estimated that it would cost another eighteen million dollars to complete the transfer of property.17

There was some dissent as spoken by Senator John Tower of Texas who complained that not only would the United States lose the Chamisa1, but in addition, she had to pay about 39.4 million dollars for the settlement.18 However, Senator Tower stated that he felt that the Chamisa1 settlement would be mutually beneficial, and abounding in good faith for both sides.

The Cordova island, included in the solution, was a Mexican enclave jutting into El Paso. In 1899, the Cordova island had been an enclave of 386 acres located to the north of the Rio Grande. This island and the Chamisa1 had served as a center of smuggling and corruption. After the engineers had carefully examined this area, they divided it into equal portions giving each country 193 acres.19 The acquisition of part of Cordova

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16Hearings on S. 2794 to Facilitate Compliance With Convention on the Chamisa1, pp. 5-6.

17Ibid.


Island provided space for the downtown area of El Paso to expand and thereby eliminate traffic congestion. Not only did the solution put an end to many years of international disagreement, but now there was protection from future floods. Many changes had to be made, including the relocation of the International bridges and the railroad tracks. It was estimated that by 1967 the settlement would be completed.

With these plans under consideration, the governments moved toward the final steps. In Mexico, the Chamizal treaty passed with no delay in time. This was not entirely the case in the United States. The Committee of Foreign Relations had to conduct hearings upon the convention. Then it had to be approved by the Senate. The first hearings were held on December 12 and 13, 1963. Presiding over the Committee was Senator William Fulbright. The first testimony was given by Edwin M. Martin, the Assistant Secretary of State for Latin American Affairs. It was his opinion that the United States had made a mistake by not accepting the Award of 1921. He further stated that the State Department felt that the decision of 1911 should now be accepted and the territory given back to Mexico. After the testimony of Martin, the former Ambassador to Mexico, Mann, presented his case to the committee. He stated that the Chamizal issue should now be solved as it was a thorn in the side of Mexican-American relations. He declared that the United States would not be

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actually accepting the 1911 treaty, but rather making a new treaty with the same clauses as contained in the old.\footnote{\textit{Miss, op. cit.}, p. 95.} Senator Ralph Yarborough of Texas approved decisively the motions of Martin and Mann. He also attributed the solution of the Chemical problem to the efforts of the late President Kennedy, and the efforts of President Johnson.\footnote{Ralph W. Yarborough, "Testimony before the Senate Foreign Relations Committee on the Chemical Treaty", \textit{Hearings before the Committee on Foreign Relations}, December, 1963.} Senator Yarborough indicated that he felt that the treaty was very valuable because it would alleviate much bad feeling between the two nations. In this regard, he stated:

What an issue this made for Communism and other anti-American propagandists south of the border; the completion of this dispute by the treaty will be a forward step in improving our relations with all Latin America.

Senator Wayne Morse suggested that it had been a shame for the United States to have rejected the Award of 1911. It was his opinion that had the matter been settled at that time, many difficulties would have been avoided.\footnote{\textit{Ibid.}}

It appears as if the hearings on the Chemical issue were conducted in a very friendly manner since there were no unpleasant debates. The only senator who made any objection was John Tower of Texas. He wanted the United States to subject the treaty to the approval of the Texas State Legislature, but he went on to

\footnote{\textit{Hearings before the Committee on Foreign Relations}, p. 48.
state that if this request were denied, he would still approve the treaty.25 He called this transfer a move for purely political reasons.26 He continued to insist, and he still insists that the Chamisal legally belongs to the United States. In spite of this stand, he accepted the fact that this settlement would greatly benefit both nations, and that it would set a precedent for any future international boundary disputes.27 After hearing the testimonies, the Senate Foreign Relations Committee voted to pass the Chamisal treaty. The bill was unanimously approved by the sixteen members of the Committee.28

This approval was only one of the many steps required in the solution of the Chamisal issue, since the actual rectification of the border had to be made. The river had to be re-routed; a matter that would require a long period of hard work, and the cost would come to a considerable sum. However, this was not important for the Mexican public. The important thing was that their Chamisal had been returned. El Correo of Juarez City published an extra entitled, "Twelve El Chamisal". "The Chamisal is back".29


26 Ibid.

27 Ibid.


29 El Correo, Juarez City, September 24, 1964.
President Johnson put the finishing touches on the settlement when he signed the treaty in a ceremony at the White House in the presence of Mexican Ambassador Carillo Flores. He indicated that the Chemical settlement would stand forever as a memorial to the beloved President Kennedy.  

30lass, op. cit., p. 98.
CHAPTER XIII

FINAL OBSERVATIONS AND REACTIONS REGARDING THE SETTLEMENT
OF THE CHAMIZAL QUESTION

The United States Department of State was firmly convinced
that, in the final analysis, the Chamizal settlement would greatly
benefit both the communities of El Paso and Juarez City, and that
it would strengthen the United States' position and effectiveness
in the Organization of American States. One of the persons most
enthusiastic with the settlement was Senator Yarborough of Texas.

He commented:

The United States could ignore the Chamizal and
ignore the justice of the matter, but such conduct
would not be ignored by the rest of the world. It
would hurt our own self-esteem and our consciences
more than it would hurt us with others, and the
final result would be far more costly to this
country than the sum involved in this agreement. ¹

The reaction in Mexico was by far more joyful and it
was accompanied by loud acclamation. The press published special
editions and went so far as to compare President Kennedy with
their own President Juarez.² Songs and poems have been written

¹United States, Congress, Senate, American-Mexican Chamizal

²El Correo, Juarez City, September 25, 1963, p. 1. It is
interesting to note this comparison since Benito Juarez is the
greatest national hero of Mexico.
to commemorate the historic occasion, and the Mexicans seem to have forgotten the past difficulties that existed between themselves and the United States. The periodical, *Jueves de Excelsior* contained an article which stated:

Yes, it is true that the land that has been recovered is small, but the triumph has been one of a moral right. The United States has demonstrated that she respects the rights of a nation no matter how weak or powerful is that nation.  

The mayor of El Paso, Judson Williams, expressed praise with the solution by declaring, "The settlement between the United States and Mexico at El Paso will favorably change the relations of the United States with Latin America." In Mexico, when the news arrived that the final settlement had been reached, the people danced in the streets and waved banners and carried signs proclaiming, "Capital Mundial del Derecho y la Justicia: El Chimaltenango." In translation, "with the Chimal settlement, the United States is the capital of the World's Rights and Justice". The Mexican nation emphasised to the United States that because of the reasonable settlement of the Chimal, from now on all diplomatic difficulties could and should be eliminated when honor and trust prevailed over the negotiations. The President of Mexico, in a special message to his nation, stated that the Chimal had been given to Mexico on the same basis as the Award of 1911. He

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emphasized that the agreement had no strings attached.6

One of the greatest expressions of gratitude over the settlement was shown when the members of the political parties of Mexico gathered at the National Palace. Indeed, this was a rare occasion since the leaders of the political parties do not, as a matter of practice, agree with one another. The president of the PRI (Partido Revolucionario Institucional) made the following statement on the occasion: "The devolution of the Chamisal will strengthen our territory and this action shall give us more national solidarity."7 The PAN (Partido Acción Nacional) opined: "The United States, a great and powerful nation, did recognize with honor and reason, the rights of Mexico in the Chamisal."8 Not only were the PRI and the PAN jubilant with the settlement, but also the leader of the Communist Party, Vicente Lombardo Toledano, who stated:

The recovery of the Chamisal ends a long era of our history. From today on, no country in the world (including the U. S. S. R.) powerful as it may be, can ever again humiliate Mexico.9

The Mexicans were, indeed, very proud of their achievements regarding the Chamisal. It was proclaimed not only as a victory for Mexico, but for the whole of Latin America. The ambassador

6 Luna Arroyo, op. cit., p. 134.
7 Ibid., p. 135. The PRI is the Party of the Revolution and it controls the political face of Mexico.
9 Ibid., p. 3.
from Argentina to Mexico said, "It is a privilege to assist and to see this act of justice as an example of fraternity among the people of the world, and mainly of our America." The ambassador from Nicaragua, Doctor Alejandro Arguello Montiel, said in reference to the settlement:

This has been a decision that is deserving of acclaim because it was reached by peaceful means, and this demonstrates to us that the persons who accomplished it were men of the greatest human intelligence.

It would thus appear that most people were well satisfied with the solution of the Chamizal problem but this is not entirely the case. Some of the residents of the area were resentful and bitter with the settlement. The New York Times stated that the opinions of the residents of the Chamizal ranged from resignation to bitterness. It is quite likely that there were some individuals who were indignant with the settlement, but this could not be avoided.

With the settlement of the issue, problems were created which involved accommodations for the citizens who had lost their property. Incidentally, the Mexican government promised to permit United States citizens to own property and to reside in the Chamizal area. On January 29, 1964, the United States Congress

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10 Luna Arroyo, op. cit., p. 166.
11 Ibid., p. 167.
13 This compromise is remarkable because the Constitution of 1917 does not permit foreigners to own property in Mexico until they have become citizens.
responded to the needs of the 4,500 residents who had to be relocated by appropriating $43,000,000 dollars to facilitate their resettlement. There was also an allocation of $4,200,000 dollars provided for persons who would have to buy property at higher prices than were paid in the Chamisal. It should be noted that most of the money allocated was for private owners to acquire land and property.

Now that Mexico had acquired the Chamisal, elaborate plans for the development of the area were laid down by both countries. Mexico's plans included the beautification of the border; the task to be performed by the newly created organization calledPrograma Nacional Fronte rico. Another of Mexico's plans was to transform the border town from "Honky tonks" to towns of Alta Clase y Cultura. (High class and culture.) The plans of Mexico also included the construction of a civic center, a museum, and an international convention hall. Plans were formulated to build an Inter-American University, new roads and new hotels. A monument is to be erected in honor of Abraham Lincoln and Benito Juarez in the area.

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14Hearings on S. 2324, p. 13.
16Hearings on S. 2324, p. 13.
18Ibid.
19Mexicans revere the memory of Lincoln. They have placed him on the level of Benito Juarez, their most venerated president.
In February, 1964, Mexican President Lopez Mateos was invited to come to the United States for a visit with President Johnson. The two presidents discussed relations between their countries. While in the United States, President Lopez Mateos visited Chicago and was cheered by the Mexicans residing there.

It is worthy of notice how much improved was "the understanding and cooperation established by both countries since the Chamisal issue was solved." On September 25, 1964, President Johnson and President Lopez Mateos met at El Paso on the grounds of Bowie High School to ceremoniously mark the border between their nations. While in El Paso, President Johnson praised the Mexican government for its cooperation in solving the Chamisal issue. He observed that the settlement would strengthen the Alliance for Progress and would further contribute to the unity and solidarity of the Americas. President Lopez Mateos took this opportunity to express praise in behalf of the late President Kennedy. He continued by uttering appreciation for the efforts of President Johnson and he paid tribute once more to the dignity and trustworthiness of the United States.

On April 14, 1966 President Johnson paid a return visit


21Manana, Mexico City, No. 1260 (October 21, 1967), p. 18.

22El Continental, Juarez City, September 25, 1964. From a speech given by President Johnson in the Chamisal on September 25, 1964.

23Ibid. From a speech delivered by President Lopez Mateos on September 25, 1964 in the Chamisal.
to the Mexican capital. The purpose of this visit was to take part in a ceremony unveiling a statue of Abraham Lincoln given to Mexico by the United States. Upon his arrival, the Mexican people were waiting for him. At the airport, thousands of Mexicans cheered him as he rode in the presidential limousine. Upon this occasion, President Johnson remarked, "I have always known that the Mexican people are very hospitable with their friends. The experience of today reaffirms my conviction."  

Meanwhile in the Chamizal, the plans of the Programa Nacional Fronterizo had been inaugurated. Indeed, the settlement caused a change in the city of Juarez. The Immigration and Naturalization offices were relocated in magnificent buildings. The two new international bridges were constructed and the channelization of the Rio Grande was completed. This channelization would also prevent any inundations. The museum and the convention hall were built. New streets were laid out; new hotels and many new businesses flourish. A new recreation center has been completed and the plans for the Inter-American university are under way. In keeping with the beautification of the area, many trees have been planted. However, the most impressive work was

\[\text{24} \text{ This is another example of the much improved relations with Mexico since the settlement of the Chamizal issue. This statue of Lincoln in Mexico is one of the few monuments the Mexican people have accepted. It is greatly honored.} \]

\[\text{25} \text{ El Correo, Juarez City, April 15, 1966, p. 2.} \]

\[\text{26} \text{ I, as the writer, am very familiar with the new construction since I have lived for several years in Juarez City. Further information regarding new construction can be found in the newspapers and magazines that have been bound for this work.} \]
the construction of a monument to the Chamisa which represents Mexico and honors men such as Lincoln, Juarez, Kennedy, and Lopez Mateos. El Paso also took steps to beautify the city. The slum area close to the Rio Grande has been cleared. New schools have been erected and new businesses are established there. The future looks brighter for the two cities.

In the fall of 1967, President Gustavo Diaz Ordas left Mexico for a trip to New York. He later went to Washington where he addressed the Organisation of American States. In his address, he stated the Mexican position on the Americas. He praised the United States and emphasized that the Latin American countries desire to live in peace and progress. He stressed a need for cooperation between the Latin Americans and the United States. In fact, it can be said that his speech was aimed at strengthening the Alliance for Progress. He further asked the Latin Americans to work together to maintain unity in the Organisation of American States. He asked the United States to be fair with the Latin Americans in trade and commerce since they depend upon the United States. He closed his address by stating:

Mexico has faith in the United States and in the unity that exists between Latin Americans. Bolivar did not plow in the sea. He plowed the earth of America and we are walking in the pathway where he planted the seed. The seed was good and the land is fertile.

On October 27, 1967, President Diaz Ordas was asked to

27Panama, Mexico City, No. 1262 (November 4, 1967), "Analysis of the speech of President Diaz Ordas in the Organization of American States."
address the Congress of the United States. This was the second
time that a Mexican president has had the honor of addressing this
body. He began to stating that the purpose of his visit was to
gain friendship. He spoke of his desire for unity between the
United States and Mexico, and all of Latin America. He requested
aid for the underdeveloped countries of Latin America. He
reiterated his praise for the Alliance for Progress and he paid
tribute to the name of Benito Juarez. He quoted Thoreau by
stating, "Friendship is the only inversion that is not in vain."
He went on to point out that the United States and Mexico had not
always shared the same viewpoint, but that each has learned to
respect the view of the other. He concluded that this is the
basis for our friendship and it has helped us to tolerate our
differences, and from the comprehension of this, our affection is
born. 26

On the following day, October 28, 1967, both presidents
left Washington to travel to El Paso, Texas to participate in
the final ceremony of the devolution of the Chamizal. El Paso
and Juarez City shared the spotlight as diplomats and politicians
convened on the two cities, many coming from other nations of the
hemisphere. The political parties of Mexico were well represented.
The PRI claimed that more than 100,000 party members were on hand
to meet the two presidents. The president of the PAN and the
president of the Communist Party also took part in the commemoration.

26Ibid. "Speech of the Mexican President to the United
States Congress on October 27, 1967."
Ex-governors and senators from the State of Chihuahua were also present. The State of Texas was represented by Governor John Connally. He gave the welcome address upon the arrival of the two presidents. President Johnson spoke of the interest of the United States in solidifying Latin America and the United States.

After the eloquent addresses, both presidents went by motorcade through the crowded streets of El Paso to Juarez City. It was estimated that there were over 300,000 persons gathered for the ceremony. Thousands of American and Mexican flags waved. 29 There were thousands of signs proclaiming, "Viva President Johnson and Gustavo Das Ordaz!" When the procession reached the middle of the Santa Fe bridge, it stopped and a plaque was unveiled which was to mark the new border. Then the procession continued into Mexico to the Chamizal area. Once more, there were addresses of praise for each country for its cooperation in respect to the Chamizal settlement. After the speeches, the two presidents sat down and signed the historic document and exchanged pens. After the ceremonies, each president departed for his own capital.

Mexico enjoyed a national holiday on this day because her territory had been increased by 333 acres, and the century-long struggle was over. The Chamizal issue had been solved.

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29 It amazed me to see so many American flags in the hands of Mexicans as they cheered the American president. In my lifetime, I, being from Mexico, have never seen such a reception given to an American president.
APPENDIX A


Recognition of the independence of the Republic of Texas, from Mexico. The boundary is:

upstream on the west bank from the mouth of the Rio Grande as far as the point at which the River takes the name of Rio Bravo del Norte, thence by the west side as far as the source of the said river, it being understood that the names Rio Grande and Rio Bravo del Norte are applied to and designate the same streams from its source, by which is understood the principal arm, a line to the north to intercept the line established in the treaty between Spain and the United States (1819) and subsequently adopted in the Mexican—United States Treaty of (1828) thence the line shall be the same as in those treaties, continuing as far as the mouth of the Sabina (Sabine) and thence as far as the Gulf of Mexico.

The secret convention of the same date provided for a treaty of convenience, friendship, and boundaries, with the proviso that the Territory of Texas was not to extend beyond the Rio Bravo.

In 1834 the following boundary convention was concluded between the two republics:

BOUNDARY CONVENTION, RIO GRANDE AND RIO COLORADO

Convention between the United States of America and the United States of Mexico touching the boundary line between the two countries where it follows the bed of the Rio Grande and the Rio Colorado.
Whereas, in virtue of the 5th article of the Treaty of Guadalupe Hidalgo between the United States of America and the United States of Mexico, concluded February 2, 1848, and of the first article of that of December 30, 1853, certain parts of the dividing line between the two countries follow the middle of the channel of the Rio Grande and the Rio Colorado, to avoid difficulties which may arise through the changes of channel to which those rivers are subject through the operation of natural forces, the Government of the United States of America and the Government of the United States of Mexico have resolved to conclude a convention which shall lay down rules for the determination of such questions, and have appointed as their Plenipotentiaries:

The President of the United States of America, Frederick T. Frelinghuysen, Secretary of State of the United States; and the President of the United States of Mexico, Matías Rameriz, Envoy Extraordinary and Minister Plenipotentiary of the United States;

Who, after exhibiting their respective Full Powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

The dividing line shall forever be that described in the aforesaid Treaty and follow the centre of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

ARTICLE II

Any other change, wrought by the force of the current, whether by the cutting of a new bed, or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commission in 1853; but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.

ARTICLE III

No artificial change in the navigable course of the
river, by building jetties, piers, or obstructions which may tend to deflect the current or produce deposits of alluvium, or by dredging to deepen another than the one channel, or by cutting waterways to shorten the navigable distance, shall be permitted to affect or alter the dividing line as determined by Article I hereof and under the reservation therein contained; but the protection of the banks on either side from erosion by revetments of stone or other material not unduly projecting into the current of the river shall not be deemed an artificial change.

ARTICLE IV

If any international bridge have been or shall be built across either of the rivers named, the point on such bridge exactly over the middle of the main channel as herein determined shall be marked by a suitable monument, which shall denote the dividing line for all the purposes of such bridge, notwithstanding any change in the channel which may thereafter supervene. But any rights other than in the bridge itself and in the ground on which it is built shall in event of any such subsequent change be determined in accordance with the general provisions of this convention.

ARTICLE V

Rights of property in respect of lands which may have become separated through the creation of new channels as defined in Article II hereof, shall not be affected thereby, but such lands shall continue to be under the jurisdiction of the country to which they previously belonged.

In no case, however, shall this retained jurisdictional right affect or control the right of navigation common to the two countries under the stipulation of Article VII of the aforesaid Treaty of Guadalupe Hidalgo; and such common right shall continue without prejudice throughout the actually navigable main channels of the said rivers, from the mouth of the Rio Grande to the point where the Rio Colorado ceased to be the international boundary, even though any part of the channel of said rivers, through the changes herein provided against, may be comprised within the territory of one of the two nations.

ARTICLE VI

This convention shall be ratified by both parties in accordance with their respective constitutional procedure, and the ratifications exchanged in the city of Washington as soon as possible.
In witness whereof the undersigned Plenipotentaries have hereunto set their hands and seals.

Done at the city of Washington, in duplicate, in the English and Spanish languages, this twelfth day of November, A.D. 1884.

Mexico—United States, March 1, 1889—Convention supplementary to the Boundary Conventions of November 12, 1884, to establish an International Boundary Commission to decide questions brought up by the deviations in the course of the Rio Bravo del Norte and the Rio Colorado.

Provides:

all differences and disputes be submitted to the International Boundary Commission, which shall have exclusive jurisdiction in such matters.

Conditions and powers of the Commission:

If both Commissioners agree to a decision—judgment is binding on governments of both nations, unless one disapproves within one month from the pronouncement of the decision.

Times for the conclusion of the work of the International Boundary Commission were extended as follows:

for two years from October 11, 1894, by Convention of August 24, 1894 (ratifications exchanged, Washington, D.C., October 11, 1894.)

for one year from December 24, 1895, by Convention of October 1, 1895 (ratifications exchanged, Washington, D.C., December 21, 1895.)

for one year from December 24, 1896, by Convention of November 6, 1896 (ratifications exchanged, December 23, 1896.)
for one year from December 24, 1897, by Convention of October 29, 1897 (ratifications exchanged, Washington, D. C., December 21, 1897.)

for one year from December 24, 1898, by Convention of December 2, 1898 (ratified and exchanged, Washington, D. C., February 2, 1899.)

for one year from December 24, 1899, by Convention of December 22, 1899 (ratifications exchanged, Washington, D. C., May 5, 1900.)

indefinitely, by Convention of November 21, 1900 (ratifications exchanged, Washington, D. C., December 24, 1900.)

Instructions to engineers in Chief, of the plan and agreement. United States Boundary Commission, (Mexico, 1891—1896) in English. The Rules and registration of the Commission were approved in Washington, D. C. on February 12, 1894, for the above cited Conventions.
AWARD

BEFORE THE INTERNATIONAL BOUNDARY COMMISSION, ENLARGED BY

THE CONVENTION BETWEEN THE UNITED STATES AND MEXICO OF

JUNE 24, 1910

In the matter of the international title to the Chamizal tract.

PREAMBLE

Whereas a convention between the United States of America and the United States of Mexico for the arbitration of the differences which have arisen between the two governments as to the international title to the Chamizal tract, was concluded and signed by their respective plenipotentiaries at Washington on the twenty-fourth day of June, 1910, which is as follows:

CONVENTION FOR THE ARBITRATION OF THE CHAMIZAL CASE

The United States of America and the United States of Mexico, desiring to terminate, in accordance with the various treaties and conventions now existing between the two countries, and in accordance with the principles of international law, the differences which have arisen between the two Governments as to the international title of the Chamizal tract, upon which the members of the International Boundary Commission have failed to agree, and having determined to refer these differences to the said Commission, established by the Convention of 1889, which for this case only shall be enlarged as hereinafter provided, have
resolved to conclude a Convention for that purpose, and have appointed as their respective plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States of America; and

The President of the United States of Mexico, Don Francisco Leon de la Barra, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington,

Who, after having exhibited their respective full powers, and having found the same to be in good and due form have agreed upon the following articles:

ARTICLE I

The Chihuahua tract in dispute is located at El Paso, Texas, and Ciudad Juarez, Chihuahua, and is bounded westerly and southerly by the middle of the present channel of the Rio Grande, otherwise called Rio Bravo del Norte, easterly by the middle of the abandoned channel of 1901, and northerly by the middle of the channel of the river as surveyed by Emory and Salazar in 1852, and is substantially as shown on a map on a scale of 1:5,000, signed by General Anson Mills, Commissioner on the part of the United States, and Senor Don F. Javier Osorno, Commissioner on the part of Mexico, which accompanies the report of the International Boundary Commission, in case No. 13, entitled, "Alleged Obstruction in the Mexican End of the El Paso Street Railway Bridge and Backwaters Caused by the Great Bend in the River Below," and on file in the archives of the two Governments.

ARTICLE II

The difference as to the international title of the Chihuahua tract shall be again referred to the International Boundary Commission, which shall be enlarged by the addition, for the purposes of the consideration and decision of the aforesaid difference only, of a third Commissioner, who shall preside over the deliberations of the Commission. This commissioner shall be a Canadian jurist and shall be selected by the two Governments by common accord, or, failing such agreement, by the Government of Canada, which shall be requested to designate him. No decision of the Commission shall be perfectly valid unless
the Commission shall have been fully constituted by the
three members who compose it.

ARTICLE III

The Commission shall decide solely and exclusively
as to whether the international title to the Chemal
tract is in the United States of America or Mexico.
The decision of the Commission, whether rendered
unanimously or by majority vote of the Commissioners,
shall be final and conclusive upon both Governments,
and without appeal. The decision shall be in writing
and shall state the reasons upon which it is based. It
shall be rendered within thirty days after the close of
the hearings.

ARTICLE IV

Each Government shall be entitled to be
represented before the Commission by an Agent and such
Counsel as it may deem necessary to designate; the
Agent and Counsel shall be entitled to make oral
argument and to examine and cross-examine witnesses,
and, provided that the Commission so decides, to
introduce further documentary evidence.

ARTICLE V

On or before December 1, 1910, each Government
shall present to the Agent of the other party two or
more printed copies of its case, together with the
documentary evidence upon which it relies. It shall
be sufficient for this purpose if each Government
delivers the copies and documents aforesaid at the
Mexican Embassy at Washington or at the American
Embassy at the City of Mexico, as the case may be, for
transmission. As soon thereafter as possible, and
within ten days, each party shall deliver two printed
copies of its case and accompanying documentary
evidence to each member of the Commission. Delivery
to the American and Mexican Commissioners may be made
at their offices in El Paso, Texas; the copies
intended for the Canadian Commissioner may be delivered
at the British Legation at the City of Mexico.

On or before February 1, 1911, each Government may
present to the Agent of the other a counter-case, with
documentary evidence, in answer to the case and
documentary evidence of the other party. The counter-
case shall be delivered in the manner provided in the
foregoing paragraph.
The Commission shall hold its first session in the city of El Paso, State of Texas, where the offices of the International Boundary Commission are situated, on March 1, 1911, and shall proceed to the trial of the case with all convenient speed, sitting either at El Paso, Texas, or Ciudad Juarez, Chihuahua, as convenience may require. The Commission shall act in accordance with the procedure established in the Boundary Convention of 1889. It shall however, be empowered to adopt such rules and regulations as it may deem convenient in the course of the case.

At the first meeting of the three Commissioners each party shall deliver to each of the Commissioners and to the Agent of the other party, in duplicate, with such additional copies as may be required, a printed argument showing the points relied upon in the case and counter-case, and referring to the documentary evidence upon which it is based. Each party shall have the right to file such supplemental printed brief as it may deem requisite. Such briefs shall be filed within ten days after the close of the hearings, unless further time be granted by the Commission.

ARTICLE VI

Each Government shall pay the expense of the presentation and conduct of its case before the Commission; all other expenses which by their nature are a charge on both Governments, including the honorarium for the Canadian Commissioner, shall be borne by the two Governments in equal moieties.

ARTICLE VII

In case of the temporary or permanent unavoidable absence of any of the Commissioners, his place will be filled by the Government concerned, except in the case of the Canadian jurist. The latter under any like circumstances shall be replaced in accordance with the provisions of this Convention.

ARTICLE VIII

If the arbitral award provided for by this Convention shall be favorable to Mexico, it shall be executed within the term of two years, which can not be extended, and which shall be counted from the date on which the award is rendered. During that time the status quo shall be maintained in the Chihuahua tract on the terms agreed upon by both Governments.
ARTICLE IX

By this Convention the Contracting Parties declare to be null and void all previous propositions that have reciprocally been made for the diplomatic settlement of the Chasmal Case; but each party shall be entitled to put in evidence by way of information such of this official correspondence as it deems advisable.

ARTICLE X

The present Convention shall be ratified in accordance with the constitutional forms of the contracting parties and shall take effect from the date of the exchange of its ratifications.

The ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 24th day of June, one thousand nine hundred and ten.

And whereas the said convention was duly ratified on both parts, and the ratifications of the two governments were exchanged at the City of Washington on the twenty-fourth day of January, 1911.

And whereas on the fifth day of December, 1910, the plenipotentiaries who negotiated and signed the said convention of June 24, 1910, being thereunto duly empowered by their respective governments, agreed upon a supplementary protocol, which is as follows:

Whereas it has become necessary, owing to the lapse of time, that the dates fixed by Article V of the before-mentioned convention be changed, it is hereby agreed as follows:

The date for the presentation of the respective cases and documentary evidence is fixed for February 15, 1911;

The date for presentation of the respective counter-cases and documentary evidence is fixed for April 15, 1911;

The date for the first session of the Commission is fixed for May 15, 1911;
All other provisions of the Convention of June 24, 1910, remain unchanged.

This supplementary protocol shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect from the date of the exchange of its ratifications.

The ratifications of the Convention and the supplementary protocol shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above supplementary protocol, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, this fifth day of December, one thousand nine hundred and ten.

Philander C. Knox. (seal)
F. L. de la Barra. (seal)
CHAMIZAL ARBITRATION, UNITED STATES AND MEXICO

MINUTES OF MEETING OF THE JOINT COMMISSION

June 10, 1911

El Paso, Texas, June 10, 1911

The Joint Commission having been in session every day since the close of argument on June 2, 1911, discussing evidence and argument proceeded to ballot for the purpose of arriving at a decision upon the following points, to wit:

I. Was the boundary line established by the Treaties of 1848 and 1853 along the Rio Grande a fixed and invariable line?

Upon this question the Mexican Commissioner voted yes; the United States Commissioner voted no; the Presiding Commissioner voted no.

II. Has the United States of America acquired title to the Chamizal tract by prescription?

Upon this question the Mexican Commissioner voted no; the United States Commissioner voted no; the Presiding Commissioner voted no.

III. Does the Treaty of 1884 apply to all changes in the river subsequent to the survey of 1852?

Upon this question the Mexican Commissioner voted no; the United States Commissioner voted yes; the Presiding Commissioner voted yes.
IV. Was the whole of the Chamisal tract, as defined in the Convention of 1910, formed by slow and gradual erosion and deposit of alluvium within the meaning of Article I of the Convention of 1884?

Upon this question the Mexican Commissioner voted no; the United States Commissioner voted yes; the Presiding Commissioner voted no.

V. Was the formation of the Chamisal tract up to 1864 due to slow and gradual erosion and deposit of alluvium within the meaning of article I of the Treaty of 1884?

Upon this question the Mexican Commissioner voted yes; the United States Commissioner declined to vote for the following reasons:

1. Article I of the Treaty of June 24, 1910, specifically bounds the Chamisal tract with technical accuracy, while article III provides that "The Commission shall decide solely and exclusively as to whether the international title to the Chamisal tract is in the United States of America or Mexico."

The United States Commissioner does not believe that the Commission, in view of these provisions, is empowered to divide the Chamisal tract between the two countries. This position was specifically taken by counsel for the United States in argument and not denied by counsel on behalf of Mexico. The Commission in dividing the Chamisal tract is taking action which was neither requested nor contemplated by either party.

2. The majority of the Commission in segregating the Chamisal
tract is about to apply to some portion of the tract a standard not permitted by the treaties in force between the two countries.

The Convention of 1884 (see articles 1 and 2) and the Convention of 1889, establishing the present International Boundary Commission (see, particularly, article 4), recognize only two classes of changes in the river channel through natural causes, i. e., (a) through the slow and gradual erosion and deposit of alluvium (article 1, 1884), or erosion (article 4, 1889); (b) by the abandonment of an existing river bed and the opening of a new one (article 1, 1884), or avulsion (article 4, 1889).

The Convention of June 24, 1910, whereby the Ch眯tal Case is "again referred to the International Boundary Commission, which shall be enlarged by the addition, for the purposes of the consideration and decision of the aforesaid difference only" (article 2), i. e., "said Commission established by the Convention of 1889" (preamble) in no wise modifies the provisions of the Conventions of 1884 and 1889, which confines the Commission to the consideration of the two classes of changes aforesaid, i. e., erosion and avulsion.

The Presiding Commissioner voted yes.

VI. Was the whole erosion which occurred in 1864 and after that date slow and gradual within the meaning of the Treaty of 1884?

Upon this question the Mexican Commissioner voted that it was not slow and gradual from 1864 to 1868. He has no data to cover each of the succeeding years.

The United States Commissioner declined to vote, for the same reasons stated with respect to the period from 1852 to 1864.
He furthermore declined to vote because the location of the river in 1864 is wholly obliterated and its position can never be re-established in any one of the points of its former location, and therefore, even if the Commission were empowered to render a decision segregating that portion of the tract formed after 1864, provided the channel of 1864 could be located, a decision to this effect under the present circumstances, when the channel can by no possibility be relocated, is void because it is indeterminate, indefinite and impossible of accomplishment.

He furthermore pointed out that even if the Commission were empowered to segregate the Chimal tract and even if it were possible to relocate the river channel of 1864 and even if the Commission were empowered to engraft upon the treaty a new class of changes, i.e., some form of erosion which was not slow and gradual within the meaning of the treaty, nevertheless, the evidence conclusively shows that this hypothetical violent and rapid erosion could in no event have taken place except at certain points where the river impinged upon the banks with peculiar force, and not along the whole three miles where the tract bounds upon the river. Even if it be conceded, as alleged, that land at certain points of Mexico was destroyed by rapid and violent erosion, and that the Boundary Commission during the last seventeen years has been in error in construing such erosion as being within the terms of Article I of the Convention of 1884, nevertheless, the undisputed evidence in the record shows that the entire tract on the north bank of the river was formed by slow and
gradual deposit of alluvium. It was, in his judgment, in any event, the duty of Mexico to establish by the preponderance of evidence the identity of any portion of land within the Chamisal tract alleged to have been formed as a result of violent and rapid erosion.

The Presiding Commissioner voted that the erosion which was caused by the flood of 1864 was not slow and gradual within the meaning of the Convention of 1884, nor was the erosion during the succeeding years up to and including 1868 of that character. There are no data, and it is immaterial to decide whether the erosion subsequent to that date was slow and gradual or not, inasmuch as the river had ceased to be the international boundary.

The United States Commissioner furthermore stated that he desired to file a dissenting opinion in which he would discuss the merits of the questions before the Commission on the points as to which he was compelled to dissent, as well as to elaborate the grounds which induced him to believe that the Commission by its decision had departed from the terms of the submission.

The Presiding Commissioner was requested to prepare the award in accordance with the above votes and the American and Mexican Commissioners to submit their opinions on the points on which they dissent.

The Commission then adjourned until further notice.
CONVENTION BETWEEN THE UNITED STATES
OF AMERICA AND MEXICO

MEXICO

BOUNDARY: SOLUTION OF THE PROBLEM OF THE CHAMILAR

Convention signed at Mexico City August 29, 1963;
Ratification advised by the Senate of the United States of America December 17, 1963;
Ratified by the President of the United States of America December 20, 1963;
Ratified by Mexico January 7, 1964;
Ratifications exchanged at Mexico City January 14, 1964;
Proclaimed by the President of the United States of America January 16, 1964;
With exchange of notes
Signed at Mexico City August 29, 1963.

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas the convention between the United States of America and the United Mexican States for the solution of the problem of
the Chamizal was signed at Mexico City on August 29, 1963, the
original thereof, in the English and Spanish languages, being word
for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND
THE UNITED MEXICAN STATES FOR THE SOLUTION
OF THE PROBLEM OF THE CHAMIZAL

The United States of America and the United Mexican States:

Animated by the spirit of good neighborliness which has
made possible the amicable solution of various problems which have
arisen between them;

Desiring to arrive at a complete solution of the problem
concerning El Chamizal, an area of land situated to the north of
the Rio Grande, in the El Paso-Ciudad Juarez region;

Considering that the recommendations of the Department of
State of the United States and the Ministry of Foreign Relations
of Mexico of July 17, 1963, have been approved by the Presidents
of the two Republics;

Desiring to give effect to the 1911 arbitration award in
today's circumstances and in keeping with the joint communiqué of
the Presidents of the United States and of Mexico issued on June
30, 1962; and

Convinced of the need for continuing the program of
rectification and stabilization of the Rio Grande which has been
carried out under the terms of the Convention of February 1, 1933,
by improving the channel in the El Paso-Ciudad Juarez region,

Have resolved to conclude a Convention and for this
purpose have named as their Plenipotentiaries:

The President of the United States of America, Thomas C.
Mann, Ambassador of the United States of America to Mexico, and

The President of the United Mexican States, Manuel Tellez,
Secretary of Foreign Relations,

Who, having communicated to each other their respective
Full Powers, found to be in good and due form, have agreed as
follows:

ARTICLE 1

In the El Paso-Ciudad Juarez sector, the Rio Grande shall
be relocated into a new channel in accordance with the engineering
plan recommended in Minute No. 214 of the International Boundary
and Water Commission, United States and Mexico. Authentic copies of the Minute and of the map attached thereto, on which the new channel is shown, are annexed to this convention and made a part hereof.

ARTICLE 2

The river channel shall be relocated so as to transfer from the north to the south of the Rio Grande a tract of 323.50 acres composed of 366.00 acres in the Chasabal tract, 193.16 acres in the southern part of Cordova Island, and 264.34 acres to the east of Cordova Island. A tract of 193.16 acres in the northern part of Cordova Island remain to the north of the river.

ARTICLE 3

The center line of the new river channel shall be the international boundary. The lands that, as a result of the relocation of the river channel, shall be to the north of the center line of the new channel shall be the territory of the United Mexican States.

ARTICLE 4

No payments will be made, as between the two Governments, for the value of the lands that pass from one country to the other as a result of the relocation of the international boundary. The lands that, upon relocation of the international boundary, pass from one country to the other shall pass to the respective Governments in absolute ownership, free of any private titles or encumbrances of any kind.

ARTICLE 5

The Government of Mexico shall convey to the Banco Nacional Hipotecario Urbano y de Obras Publicas, S. A., titles to the properties comprised of the structures which pass intact to Mexico and the lands on which they stand. The Bank shall pay the Government of Mexico for the value of the lands on which such structures are situated and the Government of the United States for the estimated value to Mexico of the said structures.

ARTICLE 6

After this convention has entered into force and the necessary legislation has been enacted for carrying it out, the two Governments shall, on the basis of a recommendation by the International Boundary and Water Commission, determine the period of time appropriate for the Government of the United States to complete the following:

(a) The acquisition, in conformity with its laws, of the
lands to be transferred to Mexico and for the rights of way for that portion of the new river channel in the territory of the United States;

(b) The orderly evacuation of the occupants of the lands referred to in paragraph (a).

ARTICLE 7

As soon as the operations provided in the preceding article have been completed, and the payment made by the Banco Nacional Hipotecario Urbano y de Obras Publicas, S. A., to the Government of the United States as provided in Article 5, the Government of the United States shall so inform the Government of Mexico. The International Boundary and Water Commission shall then proceed to demarcate the new international boundary, recording the demarcation in a Minute. The relocation of the international boundary and the transfer of lands provided for in this Convention shall take place upon express approval of that Minute by both Governments in accordance with the procedure established in the second paragraph of Article 25 of the Treaty of February 3, 1944.

ARTICLE 8

The costs of constructing the new river channel shall be borne in equal parts by the two Governments. However, each Government shall bear the costs of compensation for the value of the structures or improvements which must be destroyed, within the territory under its jurisdiction prior to the relocation of the international boundary, in the process of constructing the new channel.

ARTICLE 9

The International Boundary and Water Commission is charged with the relocation of the river channel, the construction of the bridges herein provided for, and the maintenance, preservation and improvement of the new channel. The Commission's jurisdiction and responsibilities, set forth in Article XI of the 1973 Convention for the maintenance and preservation of the Rio Grande Rectification Project, are extended upstream from that part of the river included in the Project to the point where the Rio Grande meets the land boundary between the two countries.

ARTICLE 10

The six existing bridges shall, as a part of the relocation of the river channel, be replaced by new bridges. The cost of constructing the new bridges shall be borne in equal parts by the two Governments. The bridges which replace those on Stanton-Laredo and Santa Fe-Juarez streets shall be located on the same streets.
The location of the bridge or bridges which replace the two Cerdova Island bridges shall be determined by the International Boundary and Water Commission. The agreements now in force which relate to the four existing bridges between El Paso and Ciudad Juarez shall apply to the new international bridges which replace them. The international bridge or bridges which replace the two Cerdova Island bridges shall be toll free unless both Governments agree to the contrary.

ARTICLE 11

The relocation of the international boundary and the transfer of portions of territory resulting therefrom shall not affect in any way:

(a) The legal status, with respect to citizenship laws, of those persons who are present or former residents of the portions of territory transferred;

(b) The jurisdiction over legal proceedings of either a civil or criminal character which are pending at the time of, or which were decided prior to, such relocation;

(c) The jurisdiction over acts or omissions occurring within or with respect to the said portions of territory prior to their transfer;

(d) The law or laws applicable to the acts or omissions referred to in paragraph (c).

ARTICLE 12

The present Convention shall be ratified and the instruments of ratification shall be exchanged at Mexico City as soon as possible.

The present Convention shall enter into force upon the exchange of instruments of ratification.

DONE at Mexico City the twenty-ninth day of August, nineteen hundred sixty three, in the English and Spanish languages, each text being equally authentic.

For the Government of the United States of America

THOMAS C. MANN

Thomas C. Mann

(SEAL)
Por el Gobierno de
los Estados Unidos Mexicanos,

MANUEL TELLO

Manuel Tello

(SEAL)
APPENDIX B: MAPS

Rio Bravo as seen in 1827, 1852, and 1962.

Maps From La Secretaria de Relaciones Exteriores de Mexico, 1963.

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The Chamizal area in dispute.
Various changes of the Río Bravo.
The Award of 1911, showing the Division of the territory as Proposed by Lafleur.
The Rectification of the Rio Bravo, 1933.
SELECTED BIBLIOGRAPHY

Public Documents


________. Senate Executive Journal No. VIII.


Books

Barrales, Jose (ed.). Pensamiento Politico de Adolfo Lopez

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Callahan, James M. American Foreign Policy in Mexican Relations. New York: Macmillan Company, 1932.


Periodicals and Newspaper Articles

*El Continental* (Mexico City), July 19, 1963.

*El Correo* (Juarez City), October 28, 1967.


*Noticias* (Mexico City), July 18, 1963.


Reports

Sierra, Carlos J. *The Chemical Question and Some of Its Interpretations*. From a speech delivered October 13, 1966 at the Sixth Annual Conference of the Western History Association, Convention Hall, Juarez City,


Other Sources

