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FOREIGN RELATIONS BETWEEN MEXICO AND THE UNITED STATES
IN THE NINETEENTH CENTURY, 1821-1910

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**FOREIGN RELATIONS BETWEEN MEXICO AND THE UNITED STATES
IN THE NINETEENTH CENTURY, 1821-1910**

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****For Professor Peter Reich's Brief Biography, added here, please go to the end of this article.**

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I. Introduction

This essay examines the relationship between Mexico and the United States in the nineteenth century by focusing on key historical dilemmas. Traditional historiography has oversimplified this era by summarizing the relation as one of monolithic U.S. domination and Mexican victimhood, and of periodic warfare interspersed with lesser but constant political conflict. Yet recent scholars have observed that neither country was a unilateral actor, and that their dealings were far more complex and dialectical. The crises studied here elucidate this complexity by demonstrating the diversity of causes, parties, and degrees to which each problem was laid to rest. Nineteenth-century quandaries between these North American neighbors certainly left lasting traces, but their resolutions may also serve as a model for addressing other world conflicts.

II. Conceptual Definitions

This analysis depends on familiarity with the underlying chronology of events and trends, the distinction between national and regional/local perspectives and, most profoundly, the pattern of conflict and cooperation between the parties. We may characterize the nations' relationship along a timeline: cautious alliance in the 1820s and 1830s; military conflict in the 1840s, followed by increasing commerce; neutrality in each other's internal wars of the 1850s and 1860s; political cooperation in the 1880s; deepened economic ties in the 1890s; and, finally, growing tensions over sovereignty in the early 1900s. Against this evolving chronological background, national elites tended

to pursue broader policies while regional or local groups reflected the interests of their areas. Yet both levels might interface with their counterparts across the border from a stance of either contestation or compromise.

For nationwide elite leaders, those interfaces were fraught with ironies: Mexican liberals admired U.S. democracy but feared its expansionism; North Americans called Mexico a “sister republic” even as they sought to undermine it. Yet diplomats often collaborated to resolve problems to their countries’ mutual benefit. Beneath the national plane of politics, war, and investment other currents ran. Even when the two governments were officially in conflict, within specific geographic areas some groups might take a contrary position, and migration, land speculation, and smuggling based on personal linkages continued. Conversely, while the countries were technically at peace, as in the 1850s and 1880s, private armies and low-level military incursions heightened tensions in some sectors of the border. Thus at various levels an overriding dialectic of conflict and cooperation marked the binational relationship as it traversed each of the issues marking the period.

III. Dilemmas of the Nineteenth Century

The examined controversies are discussed in rough chronological order, but our topical approach ensures a fair amount of overlap. Each section treats the national-level relationship, regional/local issues if applicable, and the cycle of conflict and cooperation.

A. Monroe Doctrine

In his annual message of 1823 U.S. President James Monroe enunciated the principle that his country would consider any European intervention in the Western Hemisphere as an aggressive act. While many Latin Americans considered this declaration favorably, it also served as an assertion that the United States viewed the region as its exclusive zone of interest--an ambiguity which persisted throughout the nineteenth and into the early twentieth century. Exemplifying this duality, in 1822 the United States recognized the first government of independent Mexico, that of Emperor Agustín Iturbide, while simultaneously sending secret agent Joel Poinsett to work against European powers such as Great Britain. As U.S. Minister beginning in 1825, Poinsett functioned more openly, promoting trade and security for American citizens in conversations with Mexican Foreign Relations Minister Lucas Alamán. The succeeding representative, Anthony Butler, while formally attempting to negotiate a commercial treaty, worked privately with colonists in Texas to separate that province from Mexico, and had to be withdrawn from his post by President Andrew Jackson in 1836 to avoid further friction.

The Monroe Doctrine remained a theme in Mexico-U.S. relations throughout the nineteenth century, especially in the U.S. reaction to the French Intervention, discussed in more detail in section III.D below. The doctrine was modified in 1904 as the “Roosevelt Corollary.” This new version, set forth by President Theodore Roosevelt and applied by Secretary of State Elihu Root, stated that the U.S. had the right to intervene militarily in any Latin American nation exhibiting “chronic wrongdoing,” such as debt default. In a

series of Pan American conferences, Mexico pushed back against the corollary with the “Díaz Doctrine,” countering that every country’s sovereignty had to be respected and that each would handle debt issues within its own legal system. In fact, Mexico gained such respect in the Interamerican community for this stance that after the Third Pan American Conference in 1906, the other nations delegated the Mexican ambassador to the United States, Joaquín Casasús, to argue the convention’s positions before the U.S. government. Notable proof of Mexico’s independent foreign policy came in 1909, when Mexican Foreign Relations Secretary Ignacio Mariscal granted asylum to deposed Nicaraguan President Juan Santos Zelaya despite strong U.S. opposition. Thus, in practice even the expanded Monroe Doctrine had its limits, especially in the face of an economically and politically more confident Mexican elite and a capable diplomatic corps.

B. Territorial Expansion

Multiple factors contributed to the complex process by which Anglo-Americans migrated to, militarily invaded, and annexed the northern half of Mexico’s territory and proceeded to dominate the remainder of the country economically. The simplest reason this process of expansion took place is that it was facilitated by geography: In the Mexican North navigable rivers leading west from the Gulf of Mexico could be ascended easily, and the flatness of much of the region made it accessible to trading caravans and military expeditions alike. In contrast, Mexico south of the Río Bravo/Rio Grande had few usable rivers and was divided by mountain ranges running north to south, making it difficult to move defending troops from one part of the country to another.

Historians have suggested other causes for U.S. expansion: southern politicians' desire to acquire new territory for the expansion of slavery, an American sense of mission, and Mexico's lack of resistance to migration and invasion. But each of these motives explain it only partially. Settlers in 1820s and 1830s Texas brought slaves and certainly wanted to perpetuate the institution, but their rebellion in 1835 was made possible by the Mexican federalist, or state autonomy, movement. "Manifest Destiny," the idea that the United States was divinely ordained to expand throughout the continent, may have been believed by some, but many Americans simply wanted greater economic opportunities than were available in a country wracked by repeated financial panics. And although *Tejano* participation in the Texas revolt, and rebellions in New Mexico and California in the 1830s and 1840s, reflected disaffection from Mexico's central government, regular troops and irregular militias fought fiercely in the Texas War of Independence and against the U.S. invaders of 1846-48, belying the notion that Mexican resistance was minimal.

Through the 1848 Treaty of Guadalupe Hidalgo, the United States obtained its current Southwest for a paltry fifteen million dollars, but also formally recognized land rights in the annexed area and undertook military defense against Native Americans. Mexico's insistence and U.S. envoy Nicholas Trist's willingness to compromise staved off the loss of Baja California and Sonora, and excluded slavery from the conquered territories. The La Mesilla/Gadsden Treaty enriched this transfer in 1853, adding a strip of current southern Arizona and New Mexico for an additional ten million dollars. On the one hand Mexico suffered a national trauma from the land loss, further embittered by the 1848 discovery of gold in California. But not all social classes felt the blow equally

since not all identified with the Mexican nation state. A more universally experienced consequence of the annexation was the growing intertwining of the two economies, allowing new commercial opportunities and triggering new disputes.

If one aspect of U.S. expansionism aimed at acquiring territory, a view identified with the Democratic Party, another perspective advocated commercial penetration, a philosophy embraced by the Whigs. In power from 1841 to 1845 and from 1849 to 1853, the Whig Party considered that internal infrastructure improvements, such as canals and railroads, and increased foreign trade would better benefit the United States than would annexing new provinces. Thus, the Whigs opposed acquiring Texas, and prominent party leaders like Henry Clay and Abraham Lincoln vigorously argued against the Mexico-U.S. War of 1846-48 (although Clay's son enlisted, and died, in it). The postwar Whig administrations of Zachary Taylor and Millard Fillmore sought economic concessions in Mexico, particularly the right to build a canal across the Isthmus of Tehuantepec. Concerned about excessive U.S. influence, Mexican presidents resisted this pressure through a combination of port closures, negotiation, and public relations. When the parties negotiated the McLane-Ocampo treaty in 1859, allowing perpetual transit rights in exchange for four million pesos (minus a two-million peso offset in payment of outstanding claims), it was rejected by the U.S. Senate as too favorable to southern sectional interests. It should be noted that Mexico was not *per se* against Whig-style policies: Mexican governments from the 1820s on promoted industry (especially mining), modernized agriculture, and during the 1841-43 Santa Anna administration began the nation's first railroad. But for Mexico in the 1850s supporting such measures

internally was different than conceding infrastructure control to a country that had so recently dismembered the national patrimony.

C. Reclamation Commissions

Contemporaneously with the dramatic wars and diplomacy of the nineteenth century, a more mundane but quite significant feature of Mexico-U.S. relations was taking place: the claim resolution process before binational arbitration panels. As early as 1827, U.S. Minister Joel Poinsett lodged a complaint against Mexico on behalf of two merchants who alleged that their trade goods had been plundered by Comanches in Mexican territory. The general question of claims was renewed in 1832 by Poinsett's successor, Anthony Butler, but his proposal stalled due to his support for the Texas rebellion. In 1839 the nations signed a convention to arbitrate claims before a panel of two commissioners from each side, plus an umpire from Prussia to decide awards when the others could not agree. Such matters as detention of goods, overcharging customs duties, and seized vessels came before the commission, and by 1842 the panel had made eleven awards and rejected seven, while the umpire, Baron von Roenne, awarded fifty-two and rejected eighty-eight.

Many of the claims arose when U.S. citizens suffered property damage from internal uprisings related to the conflict between Mexican centralists and federalists over state autonomy. For example, New York merchant Aaron Leggett had obtained a concession from the state of Tabasco to harvest lumber from riverbanks, and in 1832 his steamboat *Hidalgo* sank under questionable circumstances. In the 1842 reclamation

hearing the Mexican commissioners found the loss to be due to Leggett's overloading his ship with logs, and so denied he was owed anything. Their U.S. counterparts considered that the *Hidalgo* had been illegally taken by Tabasco authorities to transport troops and had sunk under their custody, so granted him \$407,079.41 (U.S.). Based on these entirely inconsistent results the umpire allowed the claimant \$99,487.94 (U.S.). Despite Leggett's continued efforts throughout the 1840s to obtain greater compensation, the U.S. government supported the reclamation process and refused to reopen the case.

A larger set of claims was settled under the convention of 1868, with the Mixed Claims Commission being established to address losses incurred during the U.S. invasion of Mexico (1846-48), the Mexican War of the Reform (1858-61), and the French Intervention (1863-67). Unlike the previous commission, jurisdiction now included claims by Mexican citizens against the United States for actions by its troops and Indian depredations--hence the "mixed" character of the panel. Between 1869 and 1877, fully 2,075 claims (998 from Mexico and 1,077 from the United States) were evaluated, with 167 Mexican and 186 American awards being granted by the three-member panel. In these hearings Mexico was able to avoid paying 320 million pesos for railroad concessions in Tehuantepec, but lost the longstanding Pious Fund case over monies collected to support the California missions.

From the end of the seventeenth century the Jesuit order had been collecting capital and land donations to fund missionary activities in Baja California. Upon the order's 1767 expulsion from the New World, the Spanish crown had taken over the enterprise as a trust obligation, extending it to Alta California as well. Independent Mexico assumed the supervision of the Pious Fund, but 1842 legislation directed that the assets be sold and

the proceeds paid into the national treasury. Representing the missions in Alta California, now a U.S. state, the Catholic Church appeared before the Mixed Claims Commission to demand a portion of the Fund's interest. Mexico argued that it was the ultimate owner of the Fund and its earnings because the California missions were both political and religious entities, while Church attorneys maintained that the establishment of civil government was utterly incidental to the missions' fundamentally spiritual purpose. As in the Leggett case thirty years before, the Mexican and U.S. commissioners were deadlocked, leaving the umpire, British Ambassador Sir Edward Thornton, to hold in 1875 that the donations were primarily of a religious nature, and Mexico owed the California bishops \$904,700.79 (Mex.) in accrued interest.

The Church obtained further payments before the Hague Tribunal in 1902, arguing successfully that the 1875 judgment entitled the bishops to continue collecting interest earnings from the Fund. In 1938 and 1962 the United States offered to drop the Church's claim in exchange for Mexico's giving up its rights to the *El Chamizal* tract in the Río Bravo/Rio Grande (see section III.E below), but the issues were ultimately resolved separately, with Mexico paying \$8,937,129.54 (Mex.) or \$719,546.00 (U.S.) in 1967 to settle all past overdue and future annuities arising from the Fund. Although both Mexico and the United States had reasons to be dissatisfied with particular results of the reclamation process, the commissions of 1841-42 and 1869-77 exemplified a cooperative aspect of their relations that would continue despite conflict in other arenas.

D. U.S. Civil War and French Intervention in Mexico

The attempt of the southern U.S. states to secede from the Union (1861-65), followed by France's military intervention and installation of the puppet Emperor Maximilian von Habsburg (1863-67), posed a major challenge to Mexico-U.S. relations. Mexico was officially neutral in the U.S. Civil War, but the Liberal Party under President Benito Juárez had goals parallel to those of President Abraham Lincoln's Republican Party: support for broad political participation and the strengthening of binational ties through commerce. Despite the lack of a formal alliance, Mexico permitted the transit of Union troops through its territory from Guaymas, Sonora, to Arizona, and U.S. Minister Thomas Corwin facilitated an eleven-million-peso loan to the Mexican treasury. The Confederacy opposed these concessions through its agent John T. Pickett, but his efforts failed to gain traction with Juárez's government, which expelled him after he threatened invasion and brawled with a northern sympathizer. Yet below the surface of official tension between Mexico and the Confederacy, a brisk contraband trade in southern cotton and European weapons crossed the Texas-Nuevo León border, facilitated by the latter state's Governor Santiago Vidaurri in defiance of Juárez's orders. The complexity of Mexican reactions to the Civil War thus reflected longstanding tensions between centralizing and regional tendencies.

The neutrality issue became reversed during the French invasion and the Second Empire; U.S. foreign policy, guided by Secretary of State William Henry Seward, initially followed a cautious non-intervention policy in light of the unresolved Civil War. In Washington, the brilliant diplomat Minister Matías Romero tapped Republican Party

sympathy with the Mexican Liberals to leverage U.S. economic and political assistance to the *Juaristas*. When the Confederacy surrendered in 1865, Romero stepped up his efforts by encouraging a volunteer army to enlist in the Liberal cause, but Seward opposed this, preferring negotiation to military force. The Civil War having ended, Seward's overt pressure on Napoleon III convinced him to withdraw French troops, since the United States was now free to enforce the Monroe Doctrine, and Maximilian was left with only his dwindling Conservative supporters (who were disaffected by the Emperor's own reformist ideals). Simultaneously, unauthorized U.S. acts contributed to a Liberal victory--General Philip Sheridan abandoned 40,000 rifles at the border, where they were "discovered" by Juárez's army. By 1867 Maximilian had been defeated and executed by virtue of the Liberals' military operations, Romero's and Seward's diplomatic collaboration, and covert U.S. aid.

The end of the French Intervention and the Second Empire left Mexico with its sovereignty intact but internationally isolated and dependent on the United States for trade and investment. Other bilateral issues still required resolution, including the uncertainty of the boundary from changes in the course of the Río Bravo/Rio Grande--a problem noted by Romero in one of his letters to Seward on January 9, 1867.

E. Control of the River Boundary

The western portion of the border was drawn amicably by a binational survey following the Guadalupe Hidalgo and La Mesilla/Gadsden treaties. However, agreement regarding the riverine sector was more complicated, with general cooperation punctuated

by occasional specific conflicts. In semi-arid regions such as the Río Bravo/Rio Grande valley, rivers can shift unpredictably in configuration and location, rapidly creating *bancos*, or sandbar islands, on one side or the other. U.S. Attorney General Caleb Cushing penned an official opinion in 1856 that disputes should be resolved according to classic Roman law, incorporated into Latin American and common law jurisprudence, by which alluvial additions, or accretions, altered a riverine boundary, while violent movements, or avulsions, did not. Despite Matías Romero's 1867 warning, the problem was not addressed until Mexico and the United States signed the 1884 International Convention, adopting the accretion/avulsion principle, and created the International Boundary Commission in 1889 to apply it. Although Mexico was bound by its constitution not to alienate national territory, both countries approved the 1905 *Banco* Convention, whereby the deepest river channel became the boundary line, and pledged to accept exchanges of smaller or less populated parcels that ended up on their respective sides. The Boundary Commission (later the International Boundary and Water Commission, or IBWC) pursued this process of *banco* allocation from then on without major friction.

While most *bancos* were of little economic value, being marginal sites of banditry, smuggling, and unauthorized tenancies, a major dispute arose over *El Chamizal*, an island formed between the highly populated urban centers of Ciudad Juárez and El Paso. In the 1850s the river's course shifted to the south, leaving more land on the Texas side and sparking conflicting claims by Mexican and U.S. landowners. The allocation procedure under the 1905 *Banco* Convention became deadlocked, and in 1911 a Canadian arbitrator divided the parcel equitably, which decision Mexico accepted. The United States,

however, refused to honor the award, alleging that the umpire had jurisdiction only to allocate the entire tract, and that it was unclear whether its creation was the product of accretion or avulsion. Mexico maintained that it owned at least some of *El Chamizal* for the next half-century, and refused to consider surrendering it in exchange for the United States giving up the Pious Fund claim (see section III.C above). In 1963, President John F. Kennedy reinitiated negotiations as a gesture of goodwill, and the parties signed a treaty to accept the 1911 decision, compensating relocated U.S. citizens and channelizing the relevant stretch of the river in concrete to prevent future course changes. Despite the *El Chamizal* controversy, most later *banco* questions were settled and the river boundary demarcated in a cooperative manner: For example, in 1911 a U.S. surveying error was corrected by a Mexican technician without incident.

F. Political Sovereignty Issues

While the transfer of Mexican territory to the United States had ended by the mid-nineteenth century, alleged interferences by both countries with the other's national sovereignty still disrupted U.S. relations with President Porfirio Díaz's long regime (1876-80, 1884-1910). In 1877 the U.S. War Department issued the "Ord Order" permitting cross-border incursions by the military to pursue Indians and bandits. Diplomats John Foster and Ignacio Vallarta negotiated a system allowing such pursuits on a case-by-case basis, and relations eased considerably in 1878 with official U.S. recognition of the Díaz government. Another conflict concerned the extradition of Mexican and U.S. citizens in legal trouble on the respective sides, sparked by Chihuahua

authorities' 1886 prosecution and jailing of editor A.K. Cutting for defamation. By 1899 the two nations had signed an extradition treaty granting broad jurisdiction to each other's officials over most offenses, which satisfied Mexico's desire to prosecute crimes committed within its borders.

Sovereignty issues continued to occupy bilateral relations through the late nineteenth and early twentieth centuries, although internal dissension gradually eroded Mexico's diplomatic leverage. The Mexican consular service in the U.S. border states occasionally intervened in court cases to protect its nationals from discriminatory proceedings--an involvement in local affairs which triggered fierce opposition in Texas but not in Washington, D.C. Yet by the end of the century, Mexico's weight in bilateral negotiations was waning. In 1904 the Díaz government acceded to the U.S. Navy's request to conduct target practice in Bahía Magdalena, Baja California Sur, despite widespread concern in the Mexican press that the concession threatened sovereignty and bespoke a regime too compromised by its links with foreign investors. Mexico's favor to its northern neighbor was not reciprocated when, several years later, it requested the extradition of political activists from Los Angeles, including the influential Flores Magón brothers, and the U.S. administration refused to force local authorities to comply. Years of dictatorship and encouragement of foreign involvement in the economy had cost the Díaz government internal support and international respect, and compromised Mexican diplomats' ability to defend national sovereignty--a problem which would not be resolved until after the Revolution.

IV. Final Reflections

Over the 1821-1910 period, a series of crises characterized Mexico-U.S. relations. Conflict alternated with compromise, so that the invasion of 1846-48 was preceded and followed by the systematic reclamation process, and later by the *banco* adjudications. This pattern was duplicated nationally and regionally. Collaboration was facilitated at the national level by capable diplomats such as Romero, Seward, Foster, and Vallarta, who defended their countries' interests but also grasped the other's perspective. In regions and localities, centrifugal tensions played a role, such as when North American colonists allied with Mexican federalists helped the Texas revolt, or Governor Vidaurri encouraged contraband trade with the Confederacy. Internal politics also influenced governments' stances: When the Democratic Party gave way to the Whigs, U.S. policy shifted from territorial acquisition to trade promotion, and during the Civil War and French Intervention, embattled administrations on both sides sought alliances to bolster their positions.

Recurrent dealings between governments and individuals should not minimize appreciation of the geographic, military, and economic advantages the United States had over Mexico throughout the nineteenth century. Not only did Mexico lose much of its territory, but the Díaz regime exacerbated these inequalities by promoting foreign financial influence and suppressing the political opposition's demands for defending sovereignty. By the early twentieth century, the dictatorship was losing international legitimacy and so was less able to withstand U.S. influence. Its successful negotiations in the 1870s and 1880s border incursion and extradition controversies faded in memory as

Mexico came up short in the Pious Fund and *El Chamizal* cases, gave in to U.S. pressure over Magdalena Bay, and failed to obtain the extradition of the regime's critics.

V. Conclusions

In the course of the nineteenth century, the trajectory of Mexico-U.S. relations was at times highly conflictive, including a violent invasion and massive territorial transfer. But it also showed continual recourse to cooperation and the development of dispute-resolution mechanisms such as the reclamation panels and the *banco* adjudications. In this sense, the 1821-1910 period left a lasting legacy of collaboration. Currently, institutions like the International Boundary and Water Commission, the North American Commission on Environmental Cooperation, and the North American Development Bank address bilateral and trilateral challenges (with the addition of Canada), and despite criticisms of their limited effectiveness invite public input. At state and local levels, joint commissions and twin-city projects consider environmental, housing, and security matters and promote trade. Certainly, many difficult issues remain: unresolved land claims dating from the Guadalupe Hidalgo treaty, migration, trans-boundary water access, and the international traffic in drugs and weapons. But Mexico and the United States no longer entertain discussion of military conflict, in contrast to neighboring countries in many parts of the world. This boon has resulted in good measure from the binational patterns set between 1821 and 1910.

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Peter L. Reich received his J.D. from UC Berkeley and Ph.D. in modern Latin American history from UCLA. He is Lecturer in Law at UCLA School of Law, where he teaches constitutional law, law of the U.S.-Mexico border, evidence, real property simulation, and academic support to foreign law students pursuing the LL.M. degree; and directs the

Law & Communication Intensive summer program. Professor Reich was formerly Associate Dean and Professor of Law at Whittier Law School, and is a thesis supervisor for Harvard University's Graduate Program in Sustainability and Environmental Management. His numerous books and articles focus on the legal history of Latin America and the U.S. Southwest. Reich's book, *Mexico's Hidden Revolution: The Catholic Church in Law & Politics since 1929* (Univ. Notre Dame Press, 1995), earned the Hubert Herring Memorial Award from the Pacific Coast Council on Latin American Studies; his article, "Mission Revival Jurisprudence: State Courts and Hispanic Water Law since 1850," (*Univ. Washington Law Review*, 1994) won the Western History Association's Billington Prize; and he has received Fulbright, Social Science Research Council, Rocky Mountain Mineral Law Foundation, and Huntington Library fellowships. Published by Carolina Academic Press in 2017, Professor Reich's *The Law of the United States-Mexico Border: A Casebook* uniquely covers legal decisions touching that boundary region. As an expert on Mexican and U.S. environmental law, he prepares legal documents, testifies in court proceedings, and consults on litigation and appellate strategy