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## THE CHAMIZAL ZONE—RIVERS AND REVOLUTIONS ON THE BORDER

J. Sam Moore, Jr.\*

IN June of 1962 the President of Mexico and the President of the United States, following a state visit in Mexico City, issued a joint statement. Point Thirteen of that pronouncement read as follows: "The two Presidents discussed the problem of Chamizal. They agreed to instruct their executive agencies to recommend a complete solution to this problem which, without prejudice to their juridical positions, takes into account the entire history of this tract."<sup>1</sup>

Thus, once more there came into public view the oldest unresolved dispute between the United States and Mexico.

The "Chamizal Zone," or "El Chamizal," or simply "Chamizal" are common titles of an international river boundary dispute over a 636 acre tract of land located on the Rio Grande at the point where it separates the cities of El Paso, Texas, and Ciudad Juarez, Chihuahua, Mexico. Although the Chamizal Zone is devoted to both residential and commercial use of varying quality and lies some eight blocks south of the central business district of El Paso, its growth and development have been stunted by the question of title.<sup>2</sup> The southern line of the Zone is the present river bed of the Rio Grande, and two international bridges connect it, as well as the rest of El Paso, with Juarez. The Chamizal Zone was formed through changes in the course of the Rio Grande occurring between 1852 and 1868 when the river moved south towards Mexico. Since the formation of the Chamizal, the United States and the state of Texas have exercised full jurisdiction over it, and it is and has been physically and geographically an integral part of the city of El Paso.

The passage of time has not resulted in a solution to the problem. The Chamizal has been the subject of formal international proceedings, as opposed to diplomatic proceedings, in 1896 and in 1911. In the latter year, the United States declined to accept the arbitral award of the International Boundary Commission, United States-Mexico, which awarded a portion of the tract to the United States and the remainder to Mexico. One of the principal reasons for this action was that the arbitral tribunal had no jurisdiction to divide

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<sup>1</sup> 47 Dep't State Bull. 135 (1962).

<sup>2</sup> See Hardie, *The Chamizal Tract*, 25 Tex. B.J. 949 (1962).

the tract, since the treaty establishing the tribunal called for a decision resolving which of the two nations held title to *all* of the Zone. Since 1911 every national administration save that of President Woodrow Wilson, has made efforts to resolve the dispute with Mexico through diplomatic channels. However, the problem remains unresolved to this day and is now a national political issue in Mexico and a local political and economic issue largely confined to the El Paso area in the United States.

The significant legal question in the case of Chamizal is whether the United States was justified, in a legal sense or otherwise, in declining to follow an award of an international arbitral commission. I think that it was. However, an understanding of Chamizal and its place, although small, in the annals of international law can only be had by considering the legal elements in the context of contemporary events, and more particularly, the Mexican Revolution of 1910. When such a study has been made, I believe that it will reveal that the Chamizal problem has been shaped more through the influence of contemporary events than by the use of legalistic arguments by the two contending nations. This is certainly not the first time, nor will it be the last time, when such can be said about international relationships.

### I. THE EARLY TREATIES AND CONVENTIONS

The case of Chamizal is a long and detailed one and only a basic framework can be presented here.<sup>3</sup> Initially, the dispute arose out of changes in the course of the river constituting the international boundary and the belated application to such changes of certain nineteenth century treaties between the United States and Mexico. As mentioned, the Rio Grande had shifted its course between 1852 and 1868. The first treaty to affect the boundary was that of Guadalupe Hidalgo in 1848.<sup>4</sup> It contained language which established the international boundary at "the middle of that river [the Rio Grande,

<sup>3</sup>The interested reader may wish to consult the following additional sources: Timm, *The International Boundary Commission, United States and Mexico* (1941); Williams, *Fifty Years of the Chamizal Controversy—A Note on International Arbitral Appeals*, 25 *Texas L. Rev.* 455, 457-62 (1947). The various treaties, conventions and other documents related to the Chamizal case are set forth at length in the written presentations offered at the 1911 arbitration as follows: *The Case, Countercase, and Argument of the United States of America Before the International Boundary Commission, United States-Mexico, Under the Convention with Mexico, June 24, 1910* (1911). The set contains five separate volumes, two with portfolio of maps. The Mexican position is presented in two volumes, a *Brief* and an *Argument*. Two English editions were printed, one by Boulligny & Schmidt Sucs. (Mexico 1911) and one by Eusebio Gomez de la Punte, editor (Mexico 1911). The *Minutes and Award of the Commission* may be found at 5 *Am. J. Int'l L.* 782 (1911).

<sup>4</sup>Treaty of Guadalupe Hidalgo With Mexico, Feb. 2, 1848, 9 Stat. 922, T.S. No. 207.

otherwise called Rio Bravo del Norte], following the deepest channel . . . .<sup>5</sup> This language was carried forward by the Gadsden Treaty of December 1853.<sup>6</sup>

In 1884, it was thought necessary to clarify the treaty language to provide expressly for changes in the river channel and the effect, if any, upon the boundary. From this attempt at clarification came the language that formed the legal basis for the Chamizal dispute. It is a classic case of failing to leave well enough alone.

In the absence of treaty language to the contrary, a well established rule of international law is that a natural boundary, such as a river boundary, shifts when the river movement comes through erosion of one bank and accretion or deposit of soil on the opposite bank. A boundary will not shift when the change comes through avulsion, *i.e.*, when a river leaves its original bed and cuts a new channel in another direction. On November 12, 1884, almost ten years before Mexico presented her first formal claim to the entire Chamizal Zone, and sixteen years after the river movements had created the present Chamizal Zone, a Convention<sup>7</sup> was entered into between the two countries. Article I of the Convention read:

The dividing line shall forever be that described in the aforesaid Treaty [the Treaty of Guadalupe Hidalgo of 1848] 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.<sup>8</sup>

A provision for avulsive changes was included in article II of the Convention. It read:

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 made under the aforesaid Treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852; 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.<sup>9</sup>

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<sup>5</sup> *Id.* at 926, art. V.

<sup>6</sup> The Gadsden Treaty With Mexico, Dec. 30, 1853, art. I, 10 Stat. 1031, T.S. No. 208.

<sup>7</sup> Boundary Convention With Mexico on the Rio Grande and Rio Colorado, Nov. 12, 1884, 24 Stat. 1011, T.S. 226.

<sup>8</sup> *Id.* at 1012, art. I.

<sup>9</sup> *Id.* at 1012, art. II.

The words "slow and gradual" in article I proved to be the key words to the dispute.<sup>10</sup>

In 1889, the International Boundary Commission, United States-Mexico, now the International Boundary and Water Commission (United States and Mexico), was created through the Convention of 1889,<sup>11</sup> and a part of its duty, aside from attempting to settle boundary questions between the United States and Mexico, was to determine whether river changes "occurred through avulsion or erosion, for the effects of Articles I and II of the Convention of November 12, 1884 . . . ."<sup>12</sup>

## II. PRELUDE TO THE 1911 ARBITRATION

One who expects disputes to follow swiftly after the causative events would be disappointed in the Chamizal question. Since the events here occurred in a frontier area, that area had to grow in population and value before an open conflict could develop over a small portion of it. The Treaty of 1848, the Treaty of 1853, river changes from 1852-1868, the Conventions of 1884 and 1889—all the essential physical and legal facts had occurred long before 1894 when the case of El Chamizal No. 4 was commenced belatedly by Mexico before the International Boundary Commission. The Commission, composed of an American member and a Mexican member, heard both expert and lay testimony, and in 1896, formally agreed to disagree as to Mexico's claim to the entire Chamizal Zone. Since that Commission had no procedure by which to resolve disagreements, El Chamizal No. 4 was put to rest.

In the hearing before the International Boundary Commission, the physical facts seemed undisputed, although the witnesses were careful to tailor their language to match the contention of the nation offering them as witnesses. The changes in the channel of the Rio Grande between 1852 and 1868 appeared to be erosive in character, whether rapid or slow, with most of the changes in the river's banks occurring between 1864 and 1868. Both the United States and Mexico

<sup>10</sup> The words "slow and gradual" had their origin without doubt in the legal opinion rendered in 1853 by United States Attorney General Cushing on the subject of arcifinious territories separated by natural boundaries such as a river. See Case of the United States, *supra* note 3, at 25. Mexico seems first to have advanced the supposed need for the Convention of 1884. Appendix to the United States Case, *supra* note 3, at 589-91. The wisdom afforded by hindsight suggests that a better procedure would have been to make reference to the established rules of international law, *i.e.*, erosion vs. avulsion, without making an additional treaty containing the words "slow and gradual," which were superfluous at best.

<sup>11</sup> Boundary Convention With Mexico, March 1, 1889, art. I, 26 Stat. 1512, 1513, T.S. 232.

<sup>12</sup> *Id.* at 1514, art. IV.

seemed to consider the Convention of 1884 controlling, but they differed as to its construction. Not until later was the contention to be made, and then by neither of the two nations, that the Convention of 1884 modified the usual rules of international law so as to divide changes in the Rio Grande into two new classes, "slow and gradual erosion and deposit of alluvium" and "any other change" including rapid erosion.<sup>13</sup>

From 1896 to 1905, diplomatic negotiations were continued in an effort to resolve the Chamizal question. In 1905, the matter was aggravated by the activities of The Chamizal Land Company and The Chamizal Title Company, American-formed corporations that located squatters in the Chamizal Zone under color of Mexican titles. Such action within the city limits of El Paso brought on a serious and dangerous situation through clashes, both legal<sup>14</sup> and physical, between the individual American and Mexican claimants. It should be emphasized that the United States arranged a truce in the form of maintaining the status quo through legal process pending diplomatic settlement by the two national governments.

Then came the years 1910-1911, important years in the history of the Chamizal. In June of 1910 the United States and Mexico entered into a Convention<sup>15</sup> to submit the dispute to international arbitration. The tribunal was to be the International Boundary Commission, but it was enlarged to three members by the addition of a third neutral member, a Canadian jurist. The Convention first contained a legal description of the Chamizal Zone and then prescribed the procedure to be followed in the arbitration. There was to be advance submission to the tribunal and an exchange between the parties of written cases, counter-cases, and arguments, all to be followed by a formal hearing and oral argument in 1911 in either El Paso or Juarez. Each nation, in addition to its commissioner on the International Boundary Commission, was entitled to be represented before the tribunal by an agent and counsel. Article III of the Convention described the issue for decision as follows:

The Commission shall decide solely and exclusively as to whether the international title to the Chamizal 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

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<sup>13</sup> See text accompanying notes 7, 8, 9 *supra*.

<sup>14</sup> See, e.g., *Cordova v. Grant*, 248 U.S. 413 (1919), noted, 63 L. Ed. 877, 883 (1919).

<sup>15</sup> Convention With Mexico for the Arbitration of the Chamizal Case, June 24, 1910, 36 Stat. 2481, T.S. No. 555.

is based. It shall be rendered within thirty days after the close of the hearings.<sup>16</sup>

General Porforio Diaz was President of Mexico in 1910. This was an office he had gained through revolution and had held since 1876. The Mexican member of the International Boundary Commission, engineer Fernando Beltran y Puga, was a Diaz appointee, as was the Mexican agent, attorney Joaquin D. Casaus, a leading member of the Mexican Bar and a trusted Diaz associate of many years. As counsel and associate counsel, Mexico chose not to use her own nationals and appointed W. J. White, of Montreal, Canada, and A. S. Thurmond, of El Paso. As the third and presiding member of the Commission, both nations agreed on the Honorable Eugene Lafluer, K. C., of Montreal, Canada. The American member of the International Boundary Commission, General Anson Mills, had first come to the El Paso area in 1859 and had served on the International Boundary Commission since its formation. For its agent, the United States selected W. C. Dennis, of Washington, and for counsel and associate counsel, Walter B. Grant, of Boston, and Richard F. Burges, of El Paso.

President Diaz and President William Howard Taft of the United States had met in El Paso in October of 1909, at the instance of President Diaz, in an effort to gain American support in the face of growing unrest in Mexico. During their joint passage through the streets of El Paso, over one hundred weapons were removed from the crowds of bystanders by the Secret Service.<sup>17</sup> Since no one fired at the two dignitaries, we may assume that the weapons represented a habit of dress rather than tools of violence. Unfortunately, such was not the case on the other side of the Rio Grande, and in November, the Mexican Revolution of 1910 erupted at Puebla. Mexico was not to know peace or stable government for the remainder of the decade.

The first meeting of the Chamizal tribunal was set for May 15, 1911, in El Paso. The El Paso newspapers up to that time had treated the arbitration as a back page item,<sup>18</sup> since the front pages had been reserved for the revolution and the activities of its principal leader, Francisco Madero. Since April of 1911 Madero had been camped outside Juarez, threatening assault on the city and demanding the resignation of Diaz. After a violent battle of three days, the city

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<sup>16</sup> *Id.* at 2483, art. III.

<sup>17</sup> 2 Horgan, *Great River: The Rio Grande in North American History* 908 (1954).

<sup>18</sup> An editorial termed the arbitration important, while another article implied that Mexico had hired Mr. White as counsel since he was a friend of Presiding Commissioner Lafluer. *El Paso Morning Times*, May 14, 1911.

fell on Wednesday, May 10, to Madero's revolutionary forces. The conflict had featured the use of dynamite and was witnessed from the other side of the Rio Grande by practically all of neighboring El Paso. Some American citizens were killed by stray shells.<sup>19</sup>

On Sunday, May 14, 1911, all of the out-of-town participants, American, Mexican, and Canadian, arrived for the arbitration hearing in El Paso. Their arrival, probably delayed due to chaotic local conditions, was reported on page eight of the next day's El Paso Morning Times immediately under an article concerning a local bicycle theft.

### III. THE 1911 ARBITRATION AND ITS WAKE

The Commission commenced the hearing on May 15, 1911, in the federal courthouse at El Paso. By May 18 both nations had presented all of their evidence. Neither side called any witnesses; instead, both relied upon testimony presented before the prior hearing and upon documents. Oral arguments then commenced and continued until June 2, 1911.

On May 24, General Diaz had announced his retirement and exile and on June 1 had sailed for Paris on a French cruiser. Madero and the revolution had succeeded for the moment. Success of the revolution was based to a significant degree on American-made arms which were shipped to Mexico without interference by the United States. However, to state that only the American government was unfriendly to the revolutionary governments is half a statement,<sup>20</sup> since at times the same hostility was shared by many Mexicans, as evidenced by the series of revolutions. It requires little imagination to consider the effect of these events on Commissioner Puga and counsel Casaus, both of whom were Diaz appointees. The conduct of international litigation is arduous enough without suffering the additional burden of seeing one's government meet a sudden demise.

The background and terms of the Convention of 1910 establishing the arbitration tribunal indicated that both governments believed that the sole issue for decision was which nation had title to all of

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<sup>19</sup> The revolutionary forces released all prisoners from the Juarez jail, save for a Negro murderer. In view of conditions on the outside, this act of discrimination might well have been an indirect act of kindness. The final task was to establish Juarez as the provisional capital of Madero's revolutionary government. See El Paso Morning Times, May 10, 1911.

<sup>20</sup> Interestingly enough, the mayor of El Paso tendered a banquet in honor of President Madero. El Paso Morning Times, May 29, 1911. On May 31, 1911, the three Commissioners, Sr. Puga, included, sent a short joint letter to President Madero of the provisional government, acknowledging in polite terms the existence of a new Mexican government. It is a rare international tribunal that has to interrupt its proceedings to acknowledge the existence of a new party litigant.



the Chamizal tract.<sup>21</sup> Both in their advance written presentations and in the conduct of their cases before the Commission, the two governments proceeded on a winner-take-all basis.

The case of Mexico was different than that advanced at the prior hearing in the 1890's. Mexico principally contended in 1911 that (1) the language of the Treaties of 1848 and 1853 established a fixed boundary not subject to change through river movements, and (2) the Treaty of 1884 providing for boundary changes on certain river movements was not retroactive so as to apply to the prior river movements which formed the Chamizal Zone.

The case of the United States was consistent with that offered at the prior hearing in that it contended that (1) the 1884 Treaty applied to all river movements, past and present, and (2) the Treaties of 1848 and 1853 and the Convention of 1884 established only two classes of river movements, erosive or avulsive, the same two classes recognized in international law. An additional claim based upon prescription was later dropped with the concurrence of the American Commissioner.

During the hearing<sup>22</sup> neither government deviated from its case. The evidence indicated that all movements in the course of the Rio Grande were caused by the erosion of one bank and the depositing of soil on the opposite bank, although the process was one of an advanced nature in 1864 and thereafter. That point was conceded in the award of the Commission.<sup>23</sup> During the hearing, the Presiding Commissioner inquired as to the possibility of dividing title to the Chamizal on the theory that the boundary shifted with the river up to 1864, since the movements were "slow and gradual," but not thereafter, since the movements were not "slow and gradual." This possibility was denied by American counsel on the ground that the sole issue was title to all of the Chamizal tract and that the Commission had no jurisdiction to decide otherwise. No objection to the comment was made by any Mexican representative.

On June 2, 1911, the three Commissioners retired in secret session to consider their award. On June 10, 1911, the minutes<sup>24</sup> reflected that Mexico had lost (2-1) on her fixed boundary and nonretroactive theories and that, therefore, she had lost the case based on her written and oral presentations to the Commission. However, the

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<sup>21</sup> Mendoza, *The Chamizal: A Juridical and Historical Drama* (1962).

<sup>22</sup> An English transcript of the hearing has not been published, but copies are in the files of the Department of State and the Library of Congress.

<sup>23</sup> See *Foreign Relations of the United States, 1911*, at 572 (1918); 5 *Am. J. Int'l L.* 782, 785, 812 (1911).

<sup>24</sup> 5 *Am. J. Int'l L.* 782 (1911).

Presiding Commissioner, with the belated and reluctant joinder of the Mexican Commissioner, decided that the title to the tract was divided with the dividing line being the river boundary in 1864. The reason for the division was that all pre-1864 river movements had been "slow and gradual" and all subsequent river movements up until 1868 had not been "slow and gradual." The American Commissioner declined to vote on these issues on the principal grounds that the Commission had no jurisdiction to divide title to the Chamizal and that the new standards of "slow and gradual" river movement and "all other" river movements were not permitted under the treaties and conventions. Moreover, he asserted that since there was no offer of evidence concerning the location of the 1864 river line, the decision was void for uncertainty and impossibility of accomplishment. The Presiding Commissioner then prepared the formal award, which was publicly announced at 11:00 a.m. on June 15, 1911. The award, after reciting the background of the arbitration in detail, stated the decision at length, conceded that no evidence as to the 1864 line had been offered, and ended with an invitation for "the parties to agree to a designation of the boundary upon principles enunciated in the decision." Within two hours of the announcement of the award, the Presiding Commissioner left El Paso by rail;<sup>25</sup> two months later he still had not been paid his honorarium by either government. The American Commissioner filed a dissenting opinion in which he declined to accept the award on the grounds previously announced by him. This position was later confirmed by the United States. The Mexican Commissioner filed an "individual" rather than a dissenting opinion as to the adverse decision against the pleaded case of Mexico. He closed with these memorable words:

[B]ut as he has been defeated in both points by the majority of the Court, and the latter has left established that as a result of the sequel of the case, the only principles which should govern are those contained in that Convention of 1884, this Commissioner believed it to be his duty to amply express his opinion from the new point of view and had the fortune to have the Presiding Commissioner agree with him in

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<sup>25</sup> El Paso Morning Times, May 15, 1911. A later editorial said that only good could come out of the arbitration because the national publicity given to the problem could and should result in quick settlement of the dispute. El Paso Morning Times, June 17, 1911. Several "old timers" then apparently came forward and said that the river line in 1864 was actually near the current river bed, and thus, the United States had title to the entire Chamizal tract under the award as rendered. El Paso Morning Times, June 18, 1911. The validity of such statements should be examined in connection with a statement made earlier by the International Boundary Commission. It had "been the experience of the Commissioners that testimony of witnesses as to the movements of the river, even for a short period back, was almost wholly unreliable." Timm, *op. cit. supra* note 3, at 83.

regard to the manner in which the convention referred to should be applied to the case, which has permitted the Court to dictate by majority a final sentence, that would otherwise have been impossible, since the attitude of the Commissioner of the United States in regard to such application diverges diametrically from that of the Presiding Commissioner.<sup>26</sup>

Señor Puga had "won" a case he should have lost, and General Mills had "lost" a case he should have won. The result was unfortunate and was the fault of neither; the concept of dividing title to the Chamizal came unsolicited from the Presiding Commissioner. Any advocate who has ever won a case he should have lost on a theory not of his own making can sympathize with Señor Puga in his actions. One cannot be so charitable with M. Lafluer, the Presiding Commissioner, who by ignoring plain treaty language and splitting the difference and dividing the Chamizal, employed the neutral arbitrator's universal method of decision. The task of securing agreement from sovereign nations is difficult enough in tranquil times and is virtually impossible when one of the nations to the proposed agreement is undergoing a series of revolutions as was Mexico in the 1910's.

The Chamizal award was a patent attempt to force settlement of an international dispute in the most inauspicious of times. The award, as rendered, if given in more stable times, could perhaps have resulted in a quick settlement. However, the Chamizal was an old dispute in 1911, and the delay in settlement after that could only be termed as fatal. In 1911, the award should have been based on the presented cases and the law, and a just decision in favor of the United States should have been rendered. If this had been done, over sixty years of ill feeling between two neighboring nations over the award could have been avoided. Such was not the case.

President Madero's assassination in 1913, the taking of power by General Huerta, the succession of President Taft by Woodrow Wilson,<sup>27</sup> the severance of diplomatic relations between Mexico and the United States, the Carranza revolution, the Pancho Villa counter-revolution, the Villa raid on Columbus, Pershing's entry into Mexico, and America's involvement and entry into World War I, ended what had appeared to be fruitful and honest settlement negotiations conducted under the administrations of Presidents Taft and Madero.<sup>28</sup>

<sup>26</sup> 5 Am. J. Int'l L. 832 (1911).

<sup>27</sup> President Wilson regarded General Huerta as "unspeakable." Horgan, *op. cit. supra* note 17, at 911. This sentiment was certainly returned by General Huerta.

<sup>28</sup> Foreign Relations of the United States, 1912, at xix (1919). One El Paso lawyer termed the arbitration a "judicial abortion," El Paso Morning Times, June 17, 1911, a view concurred in by President Taft, Foreign Relations of the United States, 1912, at 706

Diplomatic negotiations have been on an intermittent basis since 1913; neither nation has pressed the matter at length. In 1940 Mexico rejected a United States proposal to arbitrate the Mexican expropriation of American properties in Mexico, assigning as one reason the refusal to honor the Chamizal award.<sup>29</sup> In 1954, Senator Lyndon Johnson of Texas proposed to create a joint government advisory committee on the Chamizal, a proposal not accepted because of State Department opposition. Since the Presidents' joint statement in 1962, the settlement of the Chamizal dispute has again attracted considerable attention on both banks of the Rio Grande.

#### IV. THE FUTURE

It has been stated that the United States indulged in legal subterfuge in declining to follow the 1911 award. There may be many legal subterfuges in the law, municipal and international, but disapproval of an obvious violation of jurisdiction by a tribunal has to my knowledge never been one. The real subterfuge in the Chamizal case was in the attempt of the Presiding Commissioner to force a market place settlement in an international judicial proceeding conducted in an atmosphere of revolution. If Chamizal is a good example, as it may well be, it is not surprising that international arbitration of disputes does not enjoy the same respect of nations that it commanded in the latter part of the nineteenth century and the early part of the twentieth century. The Chamizal is now in diplomatic channels for settlement, as it has been since 1911 and where it should have been referred in the first place without the necessity for an unfortunate arbitration.

A settlement of the dispute in large part depends upon the informal concurrence of the citizens of El Paso. It is not clear whether a similar franchise has been extended by the Mexican government to the citizens of Ciudad Juarez.<sup>30</sup> Officials of both countries have visited the border in recent months. A possible settlement could take the form of an exchange of lands, perhaps accompanied by a relocation of the channel of the Rio Grande within the Chamizal Zone.

The vast majority of the boundary problems arising between the United States and Mexico have been settled amicably in the past. As many successes and satisfactory international relationships are often

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(1919). However, Madero felt a practical settlement possible and recognized the physical difficulties of Mexican acceptance of a portion of a small tract of land that was separated from Mexico by a river and that constituted an integral part of another nation.

<sup>29</sup> See Williams, *supra* note 3, at 461.

<sup>30</sup> Remarks of Engineer David Herrera Jordan, Mexican Commissioner of the International Boundary and Water Commission, United States and Mexico.

eclipsed and forgotten through one conspicuous failure, such as the Chamizal, it would seem desirable from the standpoint of both nations that a settlement of this old dispute be made based on physical, economic, and political terms satisfactory to both governments and to the citizens of El Paso and Ciudad Juarez.