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## Statecraft, Domestic Politics, and Foreign Policymaking: The El Chamizal Dispute

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## BOOK REVIEWS

### STATECRAFT, DOMESTIC POLITICS, AND FOREIGN POLICYMAKING

#### The El Chamizal Dispute

ALAN C. LAMBORN and STEPHEN P. MUMME

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\$32.50 s.c.

Why did it take more than half a century for the United States to comply with the decision of an international arbitration tribunal? Why did it take so long to settle the Chamizal boundary conflict?

The dispute arose when between 1852-1873 the Rio Grande shifted its course to the south in the El Paso area. The most radical shift occurred in 1864 when, under flood conditions, the river violently left its banks, cutting into Mexican territory to establish a new course for its flow and in the process leaving behind several hundred acres of land which had been formerly south of the river in Mexico. The shifting river continued to change course and had moved approximately 600 acres to the U.S. side of the river by 1873. This land had been clearly Mexican, but was it still? This question was raised because under the U.S.-Mexican Boundary Treaty of 1884 the boundary between the two countries was the middle of the river. However, if the river changed its route slowly, the boundary moved with it, but if the river changed its course "avulsively," the boundary did not change. Thus, was the course change of 1864 avulsive or not? Did Mexico lose 600 acres of national territory or not? The question was made even more complicated because the incidents occurred before the 1884 treaty was signed.

To answer these questions the two countries submitted the matter to international arbitration, and in 1911 the international arbitration tribunal under the chairmanship of the Canadian jurist, Eugene LeFluer, decided that the 1884 treaty did apply retroactively, and that the river had in fact moved avulsively and therefore the land in question remained Mexican. The U.S. rejected the finding and refused to honor it on the basis that the tribunal had exceeded its authority.

The matter became a *cause celebre* throughout Latin America, and a festering "burr under the saddle" of U.S.-Mexican relations. The Mexican diplomat, Vicente Sánchez Gavito, summed up the Mexican dismay, "Mexico never wins in its disputes with the United States for when considerations are decided against Mexico, Mexico accepts; but when they are decided against the United States, the United States does not accept." He added, "Mexicans are a sporting people, and when a decision

is made against them they are inclined to accept it regardless of the technicalities and they expect other people to take a similar attitude."

On the other hand, some Mexican politicians preferred that the issue not be settled since it gave them a "sure fire" campaign issue.

It is not the case, however, that numerous negotiations were not undertaken to settle the issue, because they were. There were the Hoover, Truman, and Eisenhower Rounds before the issue was finally resolved under President Kennedy's leadership, fifty-two years after the decision of the tribunal was rendered.

The question is raised why did it take so long, and why was Kennedy successful and the previous efforts not? Was it just a question of a forceful and charismatic President succeeding where the others had failed? The authors conclude that the answer is much more complex than that. The resolution of the Chamizal dispute required the coalescence of overriding international issues, and managing domestic constituencies. The authors observe that the American diplomats had to "settle the Texas problem as much as the Mexican problem."

The Chamizal dispute is particularly revealing in documenting the tension between the top levels of the State Department and a "local" quasi-autonomous agency, between global goals and local interests, between the national foreign policy apparatus and local political power.

In the Truman Round, President Truman and the Secretary of State wanted to achieve better relations with Latin America which considered "the Chamizal case as one in which the U.S. reneged on an international arbitral award which went against it" (p. 90). But local Texas interests did not want to give an inch of "Texas" soil to Mexico.

President Truman and the top echelon of the State Department were sorely handicapped on at least two major scores. President Truman needed to be elected in 1948 and settling the Chamizal would do "nothing to increase his political chances in the election" (p. 88), and if he were not elected, he was not "going to be able to make policy of any kind" (p. 88). Senator Connally of Texas, also Chairman of the Senate Foreign Relations Committee, made this absolutely clear to the President, and the President needed the electoral votes of Texas.

Secondly, the agency upon which the State Department had to rely to negotiate the settlement, the International Boundary and Water Commission (IBWC), was quasi-independent and was adamantly opposed to the settlement as proposed by the State Department. It was a case of the negotiator being the fox in the hen house.

The IBWC was constituted as a quasi-independent agency by the 1944 Rio Grande and Colorado River Treaty with authority to design and build large international projects in the style of an "international corps of

engineers," and it was empowered to settle disputes involving the international boundary and waters of the two countries.

To fund these large projects, the IBWC needed the support of the Texas congressional delegation, and the IBWC Commissioner, Lawrence Lawson, effectively built a coalition with key Texas congressmen and senators. He represented local interests well, and the strong allies in Congress supported IBWC interests and projects in Washington. One congressman, Representative Rooney from Brooklyn, was even fond of calling the IBWC the Texas Boundary and Water Commission.

Out of this institutional environment, the U.S. government presented a being in conflict with itself; it suffered from institutional schizophrenia. The President and his top foreign policy advisors wanted to pursue global goals to improve U.S. relations throughout Latin America, the IBWC and its Texas allies wanted to protect local Texas interests.

Since the IBWC was in the position of being the lead negotiating agency by virtue of its treaty mandate and its knowledge of the technical engineering issues, it was in the strategic position of being able to frustrate the negotiations and the foreign policy makers of the United States including the U.S. ambassador to Mexico, Walter Thurston, Thomas Mann, Director of the Office of Middle American Affairs, and the President himself. The "Texas problem" certainly was at least as difficult as the Mexican problem.

It was a classic example of the border states playing a blocking role as Dr. Helen Ingram has so well documented elsewhere (*State Role in U.S.-Mexico Resource Issues*, TR Report, Vol. 1, #1, Spring 1987 and *State Government Officials' Role in U.S./Mexico Transboundary Resource Issues*, 28 *Natural Resources Journal*, 1988).

Yes, Kennedy did come along and he was personally dedicated to settling the issue, but he was able to do it only with the convergence of a number of other developments. First, the issue was important in the context of Kennedy's efforts to improve relations with Latin America and his Alliance for Progress. Texas opposition was severely weakened because they no longer had the chairmanship of the Senate Foreign Relations under their control as they had had with Senator Connally during the Truman Round. Lyndon Johnson was now Vice President and thereby neutralized since "it was hardly in his interest to prevent Kennedy from achieving a publicly announced diplomatic initiative."

In addition, the head of the American section of the IBWC had changed, weakening the long standing opposition of the IBWC. Commissioner Lawson retired. The new commissioner, Leland Hewitt, did not have the same established political network, and suggested a strategic change. He suggested that the State Department play the lead role in negotiations.

This placed the IBWC in a subordinate, supportive, technical role. Hewitt in turn retired due to ill health and Joseph Freidkin was appointed by President Kennedy. The combination of these events freed the State Department and the President to follow the agenda of broader international policy objectives with fewer constraints from local domestic interests. Resolution did require a strong President with a personal interest in the problem, but it also required a congruence of changes in domestic coalitions so as to manage the "Texas problem."

The authors make a major contribution in putting the Chamizal dispute in context, and in analyzing not only the interplay between the two countries at the diplomatic level, but also the interplay between the State Department and the IBWC, the IBWC and local interests, and the State Department and those state and local constituencies.

This insight illustrates the complexity of resolving rising issues of the 1990s. In the case of the All-American Canal, the powerful congressional delegation of California will be a major force to contend with for the IBWC and the State Department. In regard to a U.S.-Mexico groundwater treaty, the substantial influence of Texas and its established water users will make it difficult for the State Department and IBWC to move ahead with negotiations. The physical location of the U.S. Section of the IBWC in Texas makes that influence even more direct. As the pressures for resolving groundwater issues grow, it may become necessary for the State Department to lead the negotiations as was the case in the Chamizal in order to deal with the "Texas problem" and the "Mexican problem."

This book is must reading not only to understand the Chamizal dispute, but also the complex relationships between the President, the State Department, the IBWC, and the political power centers of the border states.

This analysis of the tortuous, twisting negotiations gives the reader a deeper appreciation of how difficult it is to reach agreement; difficult enough at the international diplomatic level, but made infinitely more difficult by the byzantine road blocks thrown up at the state, local, and agency levels which in turn are affected by the chemistry of individual personalities. It is enough to make one wonder how agreement is ever reached, because the interests of the numerous players are so varied and often diametrically in conflict.

This book, using archival materials only recently available, makes an important contribution to understanding U.S.-Mexico relations, in general, and, of course, the Chamizal, in particular. It is helpful also to read an earlier Mexican account in *La Frontera Norte de Mexico: Historia, conflictos 1762-1975* (published in Spanish by Editorial Porrúa, S.A., in Mexico City) by Ambassador César Sepúlveda.

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