

THE UNITED STATES AND MEXICO 1924-1928

by

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ABSTRACT

The period of this study saw the stabilization of the violent revolution in Mexico and a continuation of the pursuit of revolutionary aims by more peaceful means. The United States, by 1924, was a wealthy and powerful nation whose citizens had financial, cultural, and religious interests in Mexico.

The attempts of the Calles administration to achieve Mexican control over alien land, subsoil resources, and the Roman Catholic Church resulted in diplomatic conflict with both the United States Government and the Roman Catholic Church.

The solution of these deep-seated problems was not achieved in the four-year period of the Calles Administration, but a modus vivendi was agreed upon which was to be one of the bases for the present good relations between the two countries. President Calles thus obtained stability and extended Mexican nationalism while instituting the self-perpetuating oligarchy which, with but little modification, continues to dominate Mexico today.

CHAPTER I

RESIDUE OF REVOLUTION AND THE RISE OF CALLES

After the resignation and later assassination of the idealistic revolutionary Francisco Madero in February, 1913, the period of active revolution¹ came to be dominated by Venustiano Carranza whose armed struggles with Villa and whose diplomatic debates with the Woodrow Wilson Administration mark him as a strong, stubborn Mexican nationalist.

Carranza, his personality and his achievements, cast a long shadow over the decade of the 1920's even after his own flight from the capital and assassination in May, 1920. The 1917 Mexican Constitution promulgated by Carranza was one of the vital, concrete achievements of the Revolution. It embodied the hopes and aspirations of the landless masses in its limitations placed upon foreign and domestic economic exploitation. In social and political fields, the new Mexican Constitution promised progress toward equality and toward democracy. Most important, the Constitution was to

1. The period of the Mexican Revolution by official statement of the Mexican government in agreement with the United States was November 20, 1910 to May 31, 1920. James M. Callahan, American Foreign Policy in Mexican Relations (New York: Macmillan Co., 1932), p. 595.

be used to actively reduce foreign domination of the Mexican economy. One writer suggests that only a nationalistic constitution could make the Mexican Revolution a really new departure.

If the Revolution was not once again to prove a vain and useless effort, something was needed that would reestablish a balance in Mexican Society. The independence from Spain in the early part of the nineteenth century had so weakened the State that it could not contend against the other entrenched institutions within the Mexican body politic. These institutions were defined by the members of the Constitutional Convention [of 1917] as the Church, the large plantations, and foreign interests. It was therefore only by attacking these entrenched forces and bridling or destroying them that the 'radicals' within the convention hoped to balance the social structure and to strengthen the State.²

This Constitution of 1917 was to be almost sacrosanct after Carranza himself had, like Madero, died at the hands of assassins. For any Mexican political figure to yield to foreign pressure in weakening the measures of this Constitution would be to risk revolt from the Mexican people.

The Article of the 1917 Constitution which most affected the relations with the United States was the famous Article 27, relating to landholding:

Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, to develop mines, waters, or mineral fuels in the Republic of Mexico. The nation may grant the

2. Frank Tannenbaum, Mexico: The Struggle for Peace and Bread (New York: Alfred A. Knopf, 1950), p. 60.

same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their governments in respect to the same, under penalty, in case of breach, of forfeiture to the nation of property so acquired.³

The effects of Article 27 would appear to be minor if considered in conjunction with the preamble which sets forth the broad guarantee: "No law shall be given retroactive effect to the prejudice of any person whatsoever."⁴ The vagueness of Article 27, its frequent differing interpretations, and the various organic laws and court decisions bearing on constitutional definition, combine in this period to create the substance and the basis for diplomatic disagreement.

Behind the legal discussion and the diplomatic exchanges two conflicting claims could be seen clearly. Mexico sought to assert her sovereignty as a nation and to regain, however gradually, the title to mineral and petroleum and agricultural lands and rights granted to foreigners during the period of the hated Porfirio Díaz.

The government of the United States sympathized with the aims of the Mexican Revolution, but felt bound to protect the property rights of United States citizens in Mexico.

3. H. N. Branch, ed. and trans., Mexican Constitution of 1917 Compared with the Constitution of 1857 (Philadelphia: American Academy of Political and Social Science, 1917), p. 18.

4. Ibid., p. 7.

Expropriation for public purposes would be acceptable to Washington as long as fair market value were paid in cash, not bonds. Confiscatory legislation to achieve revolutionary aims such as land reform would be strongly opposed by the United States government.

As the decade of the 1920's began and the ten-year Mexican Revolution ended, a residue of bitterness remained between Mexico and her northern neighbor. At the outset of the Revolution desire for removal of foreigners (largely Americans) and their large control of the Mexican economy was acknowledged to be one of the causes of the revolt of the masses in 1910 and afterward.

A nation in rebellion is often difficult to deal with, and the various governments of revolutionary Mexico particularly frustrated the Taft and Wilson Administrations. Taft several times sent troops to the border as a show of strength, and Wilson twice intervened militarily in Mexico in defense of American interests and/or honor, once at Vera Cruz in 1914 and again in 1916-1917 when a punitive expedition was sent deep into Mexico in pursuit of the revolutionary bandit, Pancho Villa.

Mutual designs on the other nation's territory seemed to be the order of the day, much to the resentment of people of both nations. The Plan de San Diego of February, 1915, the general aims of which Carranza supported, had as its aim the seizure of Texas and other Western states of the

American Union once owned by Mexico. The Zimmermann Telegram, which Mexico either did not receive or which she ignored, also aroused feelings of resentment within the United States once it became known, for this message appeared to threaten Mexican alliance with Germany and possibly Japan in time of war which then appeared ready to expand to the Western hemisphere from the trenches of Europe. The Zimmermann Telegram, like the Plan de San Diego, aroused suspicions of revanchism within many North American observers.

United States leadership also harbored territorial ambitions toward Mexico. Senator Ashurst of Arizona and others suggested purchase of Baja California in both 1919 and 1931.⁵ Former Ambassador to Mexico Henry Lane Wilson in 1913 recommended the creation of a "buffer state" (at Mexico's expense) out of the territory of Northern Mexico to the twenty-second parallel of latitude as a means of protecting the United States.⁶ Ambassador Wilson would have had the United States use force to achieve this end if required. Gunrunning, rumrunning, mutual fears of invasion, and other causes combined by 1920 to leave a distinct feeling of uneasiness in the diplomatic relations of the two countries.

The year 1920 saw important changes of leadership in both the United States and in Mexico, changes that were to

5. J. M. Callahan, op. cit., p. 623.

6. Ibid., pp. 580-581.

determine in large part the diplomatic history of the two countries for the decade. In the United States the Republican presidential candidate, Warren G. Harding, won the election of 1920 in what was interpreted as a public desire to retreat from idealism, internationalism, and power politics and to return to "normalcy."

In 1920 it was apparent to many observers that Carranza had lost some of his popularity. Out of the northern Mexican desert emerged what has been called, the "Sonoran Triumvirate" composed of General Alvaro Obregón, Plutarco Elías Calles, and Adolfo de la Huerta. These insurgents led a revolt that ousted Carranza and set up Obregón as President after a brief interregnum led by Governor de la Huerta as provisional president. President Obregón has been called the "architect of the monolithic Mexican state. . . ."7 and the description is apt, for he and his chosen successor, Plutarco Elías Calles, began the single party oligarchy that has guided Mexico since 1920.

President Obregón was anxious for normal diplomatic relations to be renewed with the United States and, to this end, pledged non-enforcement of the potentially troublesome Article 27.⁸ The cautious Harding Administration favored delay although the Obregón regime was far more conciliatory

7. Sheldon B. Liss, A Century of Disagreement: The Chamizal Dispute (Washington, D.C.: University Press of Washington, D.C., 1965), p. 51.

8. Ibid.

than had been the Carranza regime which, under Wilson, had been granted full diplomatic recognition.

It is due to the nature of the various publics served by the two major political parties that the Republican Party, in power after March, 1921, was far more receptive to the pleas of United States oil and mining interests than was the Democratic Party under Wilson. Senator Albert Fall and other influential Republican leaders demanded as a condition of full recognition written guarantees of American property rights to land and minerals.

Having granted only conditional recognition to Obregón, the United States State Department headed by Secretary of State Charles Evans Hughes sought iron-clad written guarantees, preferably in the form of treaty, of American land and subsoil rights. President Obregón took the position that such guarantees would place the property rights of United States citizens above the Mexican Constitution and that he, as President, lacked the legal powers to make such assurances in any case.

The crux of the Fall recommendations was that the Mexican Executive should be required to agree in writing to various things; among others, to suspend the application to American citizens of Articles 27 of the new Constitution--a step which, of course, the Mexican Executive is constitutionally precluded from taking.⁹

Through long diplomatic negotiation a compromise was worked out whereby subsoil rights acquired by United States

9. John Kenneth Turner, "Why the Obregón Government Has Not Been Recognized," Nation, CXII, 2917 (June 1, 1921), 783.

citizens prior to May 1, 1917, would be guaranteed by the Mexican government. Should these lands be expropriated, fair compensation must and would be paid. Lands acquired by Americans after May 1, 1917, would be wholly governed by Mexican land laws of the day. This agreement, together with the setting up of claims commissions to dispose of disputes arising out of the Mexican Revolution, paved the way for full diplomatic recognition of Mexico by the United States government--the beginning of the first period of normal, peacetime relations since the passing of Madero in 1913. Problems remained within the Mexican political system, one of which posed by the conflict between ambition and the Constitution of 1917.

One of the most common slogans heard during and after the Mexican Revolution was "Effective Suffrage; No Reelection." This slogan was based upon the abuses of Porfirio Díaz, who ran sham elections and maintained himself in office for many years. Also, Madero had first pronounced for the presidency in 1910 as a "non-re-election" candidate opposed to Díaz. To the Mexican, then, true democracy demanded regular changes of the mantle of power.

President Alvaro Obregón, whose four-year term expired in 1924 desired to maintain the power of his office. But he knew--and had helped to foster and perpetuate--the sloganned stricture against presidential reelection. Hoisted with his petard, he turned to his fellow Sonoran, Calles, a co-campaigner of many years standing, and offered

to support him for the post on condition that Calles, in turn support Obregón for the presidency in 1928. It was reasoned that reelection after a four-year interim would not really be "reelection" as intended by the slogan which now had become a credo and an important factor in Mexican politics.

The third member of the "Sonoran Triumvirate," Adolfo de la Huerta, had other ideas, however. He broke with his old chief, President Obregón, resigned his post as Secretary of the Treasury in Obregón's cabinet and announced for the presidency in opposition to Calles. In addition, de la Huerta and his followers threatened a new revolution. This threat was met by prompt action from the United States government. Secretary Hughes placed an arms embargo on the export of arms to the de la Huerta faction and sold surplus war equipment to the government forces of Obregón. In this way the United States assisted in the orderly passage of the presidency from General Obregón to General Calles.

As President-elect of Mexico, Calles in 1924 visited New York where he made a most favorable impression upon his listeners as he explained the need for redevelopment and reform in Mexico.

We have in our country, gentlemen, no less than 12,000,000 men who are living on the fringe of civilization, who not only do not know nor enjoy the material gifts and the spiritual advantages which are the patrimony of all of the American people, but who before our flight for social liberation saw no possibility of their lot being bettered in the future because of the state of existence to which they had been condemned

by political oppression and by the selfishness of a small privileged social caste.

. . . as we must not let them perish and as we have no intention of doing so, elemental justice and patriotism and even selfish interests and the fair name of humanity demand that we take the road to bring about their social and economic elevation. In order to accomplish this it is necessary for us to apply honestly and energetically the few reform laws which we have been enabled to enact through so many years of social and political turmoil and to utilize those laws, not for the benefit of the few, but for the well-being of all of our people.¹⁰

Perhaps hoping to involve his audience of businessmen, Calles mentioned the "enormous material advantages, translated into profits of hundreds of millions of dollars for your commerce and industries which will follow in the train of the economic deliverance of these 12,000,000 submerged Mexicans. . . ." ¹¹ Clearly, Calles was both a nationalist and a reformer.

As we begin a detailed examination of the Calles regime's diplomatic relations with the United States, it should be pointed out that even at the time of Calles' election the threat of revolution and civil disorder was never far from the surface of Mexican politics. That ravaged land, torn by more than ten years of revolution and four of uneasy peace, had high hopes to be derived from the Revolution. To a large degree, any Mexican head of state

10. Plutarco Elías Calles, Mexico Before the World (New York: Academy Press, 1927), p. 165.

11. Ibid.

would feel the pressures for change caused by this high level of expectations.

On the United States' part, it was felt that the agreements with Obregón would now eliminate problems over the vague and vexatious Article 27 of the Mexican Constitution. Such was not to be the case. Land, petroleum, religion, and other problems were to be matters of concern to the leaders of both countries in their relations, part of the residue of revolution.

Land problems, border problems, El Chamizal, gun sales, petroleum and mining expropriations, and the religious question form the principal questions of dispute between the two nations during the term of President Plutarco Elías Calles (1924-1928), the subject of this thesis. The period of Calles' Presidency is important for reasons that transcend the disputes and settlements effected between the United States and Mexico. It was this period that saw the stabilization of the Mexican Revolution and the establishment of the orderly oligarchy which, together with picked successors, has continued to govern Mexico down to the present day. The term of President Calles also saw the normalization of relations between Mexico and the United States at a time of great tension and provocation for both nations. Perhaps this period was a crucial one not only for relations between the two nations, but also as a corollary at least for American foreign policy as a whole:

Mexico is figuring in the eyes of the entire world as 'the acid test' of our [United States'] foreign policy--and for several reasons: first, her nearness; second, the fact that--after Canada--she is the principal field for the investment of American capital, but, also because, third, Mexico has developed a progressive if not a some what radical, constitution and form of government, profoundly at variance with the American Constitution and in many ways running directly counter to the political and economic principles of the present [Coolidge] Administration--which is proving so profitable and satisfactory to the capital of the United States. And, finally, Mexico has adopted a nationalistic economic policy openly aimed to prevent the further excessive encroachments of American capital at the expense of Mexican capital and at the cost of the economic and political independence of Mexico.¹²

12. William E. Walling, The Mexican Question (New York: Robins Press, 1927), p. 19.

CHAPTER II

LAND

Plutarco Elías Calles was inaugurated President of Mexico on December 9, 1924, after having impressed official Washington and American business interests on his pre-inauguration visit to New York City. The Coolidge Administration believed that all major diplomatic problems had been solved or were in the process of solution by way of the various claims commissions that had been established at the Bucareli Conferences.

It was more than a hopeful comment when the New York Times reported during Calles' United States visit that

It was said later at the White House that President Coolidge feels the internal conditions of Mexico and that country's relations with the United States are better [now] than for many years, and that as a result America may well regard recent developments in the relations between the two countries with much satisfaction.¹

The improved political climate was also reflected in the business upturn. An Irving Bank-Columbia Trust Company representative reported that

The most striking feature of the financial year 1924 in Mexico was the contrast between its pessimistic beginning and its hopeful ending. During the first two months of the year economic activity of every kind was demoralized by the de la Huerta revolution.

1. New York Times, November 1, 1924, p. 25.

That a decisive factor in the speedy termination of this turmoil was the practical aid given by the United States to the constituted Government was clear to all. The precedent established minimized the likelihood of future revolutionary disturbances and has created a better tone.²

Official United States' optimism apparently did not take into account the fact that Obregón and Calles, though very close politically and professionally, were two distinctly different types. Obregón was far more the practical man: Obregón, far more than Calles saw the need for pragmatism and compromise in politics. Calles was more stubborn, more grimly determined to effect the Mexican Revolution than was his predecessor.

Calles entered office with a genuine passion for social reform, and with a determination to enforce provisions of the Constitution which Obregón had preferred to ignore. He had little of Obregón's geniality and tolerance; he proposed to govern as a master, if necessary as a dictator.³

Mexican Foreign Minister during the Calles Administration was Aaron Saenz, a realist as well as a strongly nationalistic Mexican. Aaron Saenz' brother, Moises Saenz, expressed candidly as perhaps Aaron could not by virtue of the position he held, the plight of the revolutionary diplomatist when he wrote:

If we are not nationalistic and do not give the Mexican a chance, we shall fall foul of the Mexican; if we try to be nationalistic the American raises an

2. Letter from Joseph W. Rowe as quoted from the New York Times, March 6, 1925, p. 34.

3. Henry Bramford Parkes, A History of Mexico (Boston: Houghton-Mifflin Co., 1960), p. 381.

outcry against us. We are between the devil and the deep sea. If we have to run the risk, we would rather do so on the side of national dignity and make the attempt for the sake of our own people. Surely they need to be given a chance, these 12,000,000 of destitutes, sons of the empire builders of America.⁴

In saying this, Moises seemed to parallel a grimly realistic statement made by President Calles to Ernest Gruening, "Either this Administration will be run honestly or they will cut my throat."⁵

Along with the political need to maintain and extend the promises of the Revolution or face ouster or worse, perhaps the Mexican and American viewpoints on the role of law which differed sharply are at base of the controversy over petroleum and land; the ensuing dispute is in large part a legal one and the diplomatic exchanges are replete with legal precedents, references, and distinctions. The previously mentioned personalismo of Mexican leaders together with the machismo or respect for manliness combine to almost require strong men in office and forceful moves from these officeholders.

Our government [Mexico] is such that the laws and the constitution are overlooked for the sake of more important questions. As I shall explain later on, our presidents must fulfill certain duties, must satisfy certain needs whether or not they break the constitution in so doing.⁶

4. Moises Saenz, "The Two Sides of Mexican Nationalism," Current History, XXVI, No. 6 (September, 1927), 912.

5. Ernest Gruening, "Calles Begins 'House-Cleaning' in Mexico," New York Times (February 15, 1925), VIII, 6.

6. Ramon Beteta, "The Government of Mexico," Mexico: Lectures Before the Inter-American Institute, Russell M. Story, editor (Claremont: publisher unknown, 1929, p. 7.

Clearly, there were pressures on the Mexican leadership to attain certain revolutionary ends during the 1920's. Failure to achieve these objectives could spell disaster for those in power. Attainment of these goals (particularly land redistribution and Mexican control of natural resources) was to be so important to the Mexican people, then and now primarily agricultural, that not even the Mexican Constitution could be allowed to contravene; the goals of the Mexican Revolution must be pursued.

American diplomatic leadership during the land and petroleum controversies with the Calles administration consisted of Secretary of State Frank B. Kellogg of Minnesota, who succeeded Charles Evans Hughes in that key Cabinet post in March, 1925. Kellogg was a lawyer, as was Hughes, and had been special counsel for the United States Government, specializing in anti-trust cases. Kellogg had served one term as United States Senator for Minnesota and briefly as American Ambassador to Great Britain. Frank B. Kellogg held the position of Secretary of State from March, 1925, until 1929.

James Rockwell Sheffield succeeded Charles Beecher Warren as United States Ambassador to Mexico in September, 1924. Sheffield was a lawyer who had served as secretary to Senator W. B. Allison whose name is commemorated by the Bland-Allison Silver Purchase Act. Sheffield made his home in New York State and was active in the political life of that state. Ambassador Sheffield served the United States

in Mexico until 1927, when he resigned in favor of Dwight Morrow.

The differences in temperament between the impatient Yankee and the more easy-going Mexican was one of the factors that caused and aggravated the diplomatic dispute over the alien land question. The New York Times of May 3, 1925, reported that Ambassador Sheffield had complained of the very few answers received in response to more than five hundred "representations" to that country. "One case in particular has been dragging since 1923 without settlement. Each time the subject is broached, requests are made for more time for investigation."⁷

This report, with its relatively sharp wording, boded ill for the future. Perhaps behind Washington's assurances of confidence in the new Calles administration there lurked doubts about the sincerity as well as the alacrity of the new government. American concern was felt for the United States citizens who had been shot or otherwise molested by the few groups of bandits and adventurers that roamed the countryside. Even in the cities the post-revolutionary tenor was one of more than occasional violence. Illustrative of the reckless use of firearms was the shooting of United States Vice Consul Harold Bretherton at Aguascalientes. Mexico apologized for the incident, explaining that the shots were fired wildly from the guns of two Mexican

7. New York Times, May 3, 1925, p. 20.

Congressmen who were "firing at each other in the street."⁸ Whether as a real issue or as an excuse for further complaint, the problem of foreigners' lack of safety in Mexico was to reappear.

After conferring with Ambassador Sheffield who had visited Washington for consultation, Secretary of State Kellogg issued a series of complaints to the press on June 12, 1925, which comprise the most famous and certainly the most controversial official statements of the entire land and petroleum dispute with Mexico. Secretary Kellogg attacked expropriation of United States citizens' lands without payment and charged failure to protect Americans living and doing business within Mexico. Secretary Kellogg said, in part,

I have discussed Mexican affairs with Ambassador Sheffield at great length. He has gone over the entire situation. . . . Conditions have improved [in Mexico] and our Ambassador has succeeded in protecting American, as well as foreign interests. Our relations with the Government are friendly, but nevertheless conditions are not entirely satisfactory and we are looking to and expect the Mexican Government to restore properties illegally taken and to indemnify American citizens.

A great deal of property of Americans has been taken under or in violation of the agrarian laws for which no compensation has been made and other properties practically ruined and, in one instance, taken by the Mexican Government on account of unreasonable demands of labor. Mr. Sheffield will have the full support of this Government and we will insist that adequate protection under the recognized rules of international law be afforded American citizens. . . .

I have seen the statements published in the press that another revolutionary movement may be impending

8. Ibid., July 19, 1925, p. 8.

in Mexico. I very much hope this is not true. This Government's attitude toward Mexico and toward threatened revolutionary movements was clearly set forth in 1923, when there was such a movement threatening the constituted Government of that country.

The attitude taken by this Government at that time has since been maintained and it is now the policy of this Government to use its influence and its support in behalf of stability and orderly constitutional procedure, but it should be made clear that this Government will continue to support the Government in Mexico only so long as it protects American lives and American rights and complies with its international engagements and obligations.

The Government of Mexico is now on trial before the world. We have the greatest interest in the stability, prosperity and independence of Mexico. We have been patient and realize, of course, that it takes time to bring about a stable Government, but we can not countenance violation of her obligations and failure to protect American citizens.⁹

The possibility of imminent revolt suggested by Secretary Kellogg must have had as its intent a sharp rebuke to the government of President Calles. As if to give force to the words of the Secretary of State, General John J. Pershing was slated to confer with President Coolidge on board the presidential yacht. Senator William E. Borah of Idaho, Chairman of the Senate Foreign Relations Committee, had also conferred with the President, ostensibly regarding the diplomatic situation with Mexico. Perhaps, as a Nation editorial suggested, all of the conferences were mere "stage-setting" but the effect upon Mexico which had not forgotten the American invasion of 1848, let alone those of

9. Statement of Secretary of State Kellogg as quoted from Literary Digest, "Mexico 'Insulted' by American 'Threats', LXXV, No. 1836 (June 27, 1925), 7-8.

1914 and 1916, was more than passing.¹⁰ Relations between the two countries had suddenly worsened and become quite emotional.

In an attempt to clarify the situation in Mexico, the New York Times wrote:

Information reaching Washington on the situation in Mexico through reliable channels and confirmed in authoritative quarters is to the effect:

That lands taken for division and distribution [to landless Mexicans] are not paid for, even in Government bonds.

That title to parcels of land are [sic] vested in peasant proprietors but withheld by the Government and that this is contrary to the [Mexican] Constitution.

That many local Governments in Mexico have been Sovietized and that the Governors of many of the Mexican states have not been properly elected, some being designated by the Calles regime and many of the elections a farce.¹¹

The New York Times report was not to be the last charge of Communist or Bolshevist influences within Mexico's revolutionary regime. The Philadelphia Public Ledger wrote,

The radicals do not care a hoot for private property rights. They bolshevized Mexico, theoretically, when they forced the adoption of the 1917 Constitution. They would like to bolshevize the country in practice as well, with confiscation of foreign-owned property as a beginning.¹²

10. "Our Threat to Mexico," Nation, CXX, No. 3129 (June 24, 1925), 706.

11. New York Times, June 13, 1925, p. 5.

12. The Philadelphia Public Ledger as quoted by "Another Warning to Mexico," Literary Digest, LXXXVIII, No. 4 (January 23, 1926), 14.

Coming as they did so soon after the United States' own "Red Scare" of 1919-1920, these charges, whether true or not, could not help but make an already emotional situation even more tense and threatening in the eyes of all parties.

Ernest Gruening, writing in the Nation, admitted the sorry state of Mexico's land programs, but disagreed with charges that Mexico was Bolshevist or Communist. Gruening attributed the "agrarian mess" to poor planning and the grasping habits of the officials.¹³ He added that the promise of land reform and redistribution was, in his view, a mistake under the chaotic circumstances. The whole nation was suffering, Gruening wrote, due to the reduction in agricultural production which is a direct result of the uncertainty caused by the agrarian program in the minds of landholders.

President Calles replied to Secretary Kellogg's note on June 14 by saying that Kellogg had "cast some alarm in the world" without cause. Calles accused the Secretary of threatening the sovereignty of Mexico and of causing harm by his suggestion that a revolution might be forthcoming in Mexico. Finally, the Mexican President warned that Mexico was not "disposed to subordinate her international relations to the exigencies of another country [presumably the United States]."¹⁴

13. Ernest Gruening, "Emerging Mexico," Nation, CXX, No. 3129 (June 24, 1925), 713-714.

14. President Calles as quoted by the New York Times, June 15, 1925, p. 2.

Calles' indignant stand against what he regarded as a threat to his nation and to his young administration won the sympathy and the approval of many observers even in the United States. Liberal journals such as the Nation were particularly sympathetic to the Mexican cause:

What has come over President Coolidge that, so soon after his public reprimand of the war-mongering admirals [who had urged stronger measures against Japan], he should permit his Secretary of State to issue one of the most inflammatory and insulting documents which our Government has ever made public in time of peace? The strange prepared document handed to the press representatives by Secretary Kellogg, along with the announcement that President Coolidge had approved it, lacks the niceties of diplomatic courtesy with which brutal international ultimatums are usually disguised. It is a naked club, publicly brandished in the face of a friendly Government. It sounds like a public announcement to revolutionary adventurers that the United States Government will encourage any attempt to overthrow the Calles Government in Mexico unless the Calles Government gives special protection to American property interests. Such a document is a disgrace to the United States.¹⁵

The Chicago Evening News was quoted as stating, "it is not a tactful thing for the State Department to publish rumors that our neighboring Government is threatened with overthrow." The editorial continued, saying, "A parallel to such action might be found in one bank circulating stories that another is on the verge of experiencing a disastrous run."¹⁶

15. "Our Threat to Mexico," op. cit., p. 706.

16. "A New Policy Toward Latin America," Literary Digest, LXXXVI, No. 1 (July 11, 1925), 12.

The statements of Secretary Kellogg also had defenders in the American press. The San Francisco Bulletin was quoted as stating, "we must either establish order in Mexico or permit others--Great Britain or Germany to do it."¹⁷ The Chicago Daily News criticized the Calles government but admitted that the United States' complaints were "cumulative rather than specific. . . ." The editorial stressed that "fresh grievances of Americans in Mexico continue to accumulate."¹⁸ The Outlook defended Kellogg's original statement against the attacks by Calles, with the editorial opinion that Calles' greatest item of complaint was "internationally axiomatic." That Kellogg statement was, "'This Government will continue to support the Government in Mexico only so long as it protects American lives and American rights and complies with its international obligations.'"¹⁹

The view of the Mexican press was one of shock and dismay, as exemplified by El Universal of Mexico City which pointed out that Ambassador Sheffield had given no idea of any serious complaint against the Mexican Government prior to leaving for Washington. Then, upon arrival in the United States, he had been quoted as saying that while

17. Ibid.

18. Ibid.

19. "Which Way is Mexico Headed?" Outlook, CXL, No. 8 (June 24, 1925), 285.

there were outstanding problems between the two countries, "conditions in Mexico were good." Then, just a few short days later came the "unbelievable Kellogg declarations." The El Universal charged the note with containing "not a single cold fact," with "persistent vagueness" throughout, and with "numerous contradictions."²⁰ El Universal suggested that the Kellogg statements had been prompted by Ambassador Sheffield, who may have threatened resignation unless strong measures were taken to support his claims in Mexico.

Excelsior of Mexico City was even more vehement as it editorialized,

It looks as if the sincerity and honesty commonly attributed to President Coolidge are dead words to Mr. Kellogg, whose perfidy is well nigh incomprehensible and quite different from the policy followed by his predecessor, Mr. Hughes.²¹

Many observers, domestic and foreign, agreed that the Kellogg statements to the press had the effect of uniting the Mexican people around President Calles. Even the American chargé d'affaires in Mexico, H. F. Arthur Schoenfeld, reported that the assertions of Secretary Kellogg had played a part in "'rallying . . . dissenting groups around President Calles.'"²²

20. "Mexico's Press On Secretary Kellogg," op. cit., p. 20.

21. Excelsior, as quoted in Ibid.

22. Daniel James, Mexico and the Americans (New York: Praeger, 1963), p. 233.

Speculation continued regarding the provocation for Kellogg's assertions in the Mexican press. The Opinión of Tampico claimed that the Kellogg statements had been prompted by:

1. The approval of the Mexican-Japanese Treaty
2. The fruitless pressure brought to bear upon Mexico in order to obtain a change in the Agrarian laws.
3. The British interests in Mexico
4. The Chamizal boundary question.²³

The Omega and the Revista de Revistas charged the foreign economic interests with urging the Kellogg statements on the American officials.²⁴

It may well be that the heated exchange of notes and statements between the two governments made improvement of relations impossible for a time. On June 17 President Calles stated that 'Mexico would not modify her agrarian policy.' The Calles statement was issued in order to deny reports that Mexico intended to change these policies because of the recent statements made by Secretary Kellogg. "'Modification of our agrarian policy,'" said Calles, "'would imply repudiation of principles heretofore stated, as well as treason to their supporters. The Government's agrarian policy is sanctioned by [Mexican] law, and besides it satisfies the people's aspirations.'"²⁵

23. The Opinión of Tampico as quoted by "A New Policy Toward Latin America," op. cit., p. 12.

24. Ibid.

25. New York Times, June 17, 1925, p. 23.

Immediate interest was fixed on Mexico to determine whether revolution was imminent in Mexico as Secretary Kellogg had implied. The New York Times stated that "Reports from outside Mexico City have shown no signs of rebel activity."²⁶ In the years after the Mexican Revolution (after 1920), the United States citizens in the countryside had felt themselves in more danger than those living in the cities, where the regular Mexican police were available, but no disorder was seen except for the few outlaw bands that continually harrassed the rural areas, according to the New York Times. The Times reported that the Mexican press was unaware of specific cases that might be causing difficulty in relations between the two countries. Therefore, the Times report continued, the press of Mexico generally maintained that Secretary Kellogg's charges had been based upon inaccurate or insufficient information.

In accord with his promise to continue the present land policy, President Calles urged the Mexican Congress to pass legislation that would limit foreigners' rights to acquire properties within Mexico with the intention that "foreigners should hold no land which in the future may be affected by the agrarian laws, thus avoiding the contingency of diplomatic reclamations."²⁸ It became apparent that

26. Ibid.

27. Ibid.

28. Ibid., September 3, 1925, p. 40.

President Calles was determined to continue the revolutionary land program begun by Carranza while at the same time he sought to minimize the possibility of foreign (chiefly United States) diplomatic intervention. In the de la Huerta rebellion of 1924 the United States government had demonstrated its power through denial of arms to the rebels while at the same time supplying guns and munitions to the forces of President Obregón. There remained the ever-present possibility of strained relations which could lead to any or all of the following steps: withdrawal of diplomatic relations, delivery of arms to rebel bands, invasion of Mexico or seizure of, say, Vera Cruz as the United States had done in 1914.

As Calles remained adamant, forces in the United States continued to be critical of his administration, including the respected editorial voice of the New York Times. With reference to a murder of a French citizen in Puebla, Mexico, the Times editorialized:

On September 3 he [Calles] declared that he would not tolerate such 'hideous crimes' against foreigners. 'Seemingly murder is becoming' wrote President Calles, 'a habit of the Agrarians in the state of Puebla and the Executive is firmly decided to end this situation.' This was admirable, but nearly three months ago (June 14) General Calles resented the statement of Secretary Kellogg that the United States would continue to support the Government of Mexico 'only so long as it protects American lives and American rights and complies with its international engagements and obligations. . . .' Mexico is still on trial, as Secretary Kellogg declared. Until President Calles proves his ability to extend Federal control to all parts of the country in such a manner that the 'hideous crimes' he deplores shall cease and [until]

foreigners are protected in their rights, his Administration will not be the success his well wishers in this country would like to see it.²⁹

At least one writer has suggested that President Calles' Administration took up serious discussion of a new Alien Land Bill to implement the constitutional provision permitting additional restrictions on foreigners in retaliation for the June 12 statement of Secretary Kellogg aimed at Mexico.³⁰ The Mexican Congress, whether in retaliation to Kellogg's statement to the press or in order to fulfill the Mexican Constitution's promises, did begin to discuss a proposed alien land bill which to many American observers threatened established business interests in Mexico. Particularly ominous to American investors was the proposal, then discussed in Mexico's Chamber of Deputies, that alien corporations be required to give up their right of appeal to their home government regarding property owned in Mexico on penalty of confiscation for failure to comply. The land bill then proposed would also threaten American interests by its attempt to break up large landholdings, many of which were held by American individuals and corporations. At the same time a petroleum bill was being discussed which had as its aim the restoration of Mexican national resources to Mexican ownership. While the petroleum problem will be treated separately in a later section, it is important that

29. Ibid., September 8, 1925, p. 20.

30. Richard B. Morris (ed.), Encyclopedia of American History (New York: Harper Bros., 1953), p. 322.

the reader realize that the two bills were being discussed at the same time in the Mexican Congress.

Even at the outset it was realized that diplomatic discussion of the bill before the Mexican Congress would be resented, yet the possibility of diplomatic representation was discussed fully and openly in the press of the United States. The New York Times reported that the United States Embassy in Mexico was withholding statement pending receipt of instructions from Washington, the Times offered the observation that:

While the United States cannot interfere in the internal legislation of Mexico, yet it is believed it will hold fast to the principle that a citizen cannot waive his rights unless he absolutely becomes the citizen of another country.³¹

The same newspaper article also suggested that the proposed Mexican legislation may violate the Bucareli accords, especially the article requiring payment in gold for property seized by the Mexican Government. This article stated clearly and succinctly the American position prior to the beginning of the long interchange of notes that was to mark this controversy over the alien land bill. One week after publication of the above article, the Times added that Ambassador Sheffield had received new instructions from Secretary of State Kellogg and that Calles' political opposition foresaw difficult days for his administration unless it yields to the pressure from Washington.³² The

31. New York Times, October 8, 1925, p. 43.

32. Ibid., October 16, 1925, p. 8.

article stated further that supporters of the President predicted that Washington would offer no more than ambassadorial correspondence in objection to the Calles land policy. Any doubts about the steadfast position of the Mexican Government were dispelled when President Calles announced to the Mexican Congress that restriction of foreigners' rights to obtain and maintain land ownership in Mexico was vital to his program.³³

In the uneasy diplomatic situation of the autumn of 1925, it was quite natural that speculation would center about Ambassador Sheffield whose reports and recommendations provided the basis for the Coolidge Administration's policy toward Mexico. Indeed, by late November the New York Times reported that Secretary Kellogg had placed the Mexican problem "entirely in the hands of Mr. Sheffield, who has the entire backing of the President's Cabinet, the State Department, and the Chairman of the Foreign Relations Committee [of the Senate, Senator Borah]. . . ."34

Reports were current that the Ambassador, then in Washington for conferences, would return to Mexico with a detailed note specifying twenty cases where American property had failed to receive proper protection. On the other hand, rumors were also spread that Ambassador

33. Ibid., September 3, 1925, p. 40.

34. Ibid., November 21, 1925, p. 3.

Sheffield might resign due to friction with the Calles Government and to ill health aggravated by the high altitude of Mexico City.³⁵

The Mexican Congress began to debate an alien land bill in early autumn, 1925. This bill would regulate and implement Article 27 of the 1917 Constitution which limited foreign ownership. The Calvo Doctrine would also be imposed. This doctrine would require foreign nationals to forego requests for diplomatic intervention by their home country in affairs involving their property in Mexico. While this doctrine had been placed in the Mexican Constitution, it had not been enforced, lacking the necessary enabling legislation. The alien land bill would provide that enabling legislation and would put the Calvo Doctrine into effect. Thus, the alien land bill would threaten American landholders with loss of their strongest defense in case of dispute with Mexican laws, the aid of the United States government. Foreign landowners in Mexico claimed that enforcement of this doctrine, which they regarded as confiscatory and xenophobic due to the loss of properties in case of failure to comply, would mean great damage to Mexico due to the cutting off of foreign capital they believed would surely follow this proposed expropriation.

The Mexican viewpoint, as expressed by the Minister of Foreign Affairs, Aaron Saenz, was that other countries

35. Ibid.

restricted foreign capital and that the bill was, after all, only an implementation and interpretation of the Constitution. With even greater vehemence, Congressman Soto y Gama, an agrarian leader in the Chamber of Deputies, charged that Mexico's destiny was misplaced, being in the hands of Wall Street. He promised that the Agrarians would win out, despite the desires of Washington. "'Why should England and the United States, who prohibited foreigners from acquiring land in their respective countries, object to Mexico having the same laws?'" he demanded.³⁶

Inquiries of a specific and informal nature regarding proposed land measures in the Mexican Congress were made by the United States Embassy in Mexico City beginning October 29, 1925, with replies following. Formal exchanges began with a personal message from Secretary Kellogg to the Mexican Minister of Foreign Affairs dated November 17, 1925. This aide-mémoire began with the suggestion that a new treaty of amity and commerce be negotiated between the two nations. The Secretary of State denied that he was making "this suggestion because of the present proposed legislation in Mexico." He added that "Americans with acquired rights [in the land] will appeal to this Government which is naturally bound to do its utmost on their behalf."³⁷

36. Ibid., October 17, 1925.

37. U. S. Congress, Senate, Document 96, 69th Congress, First Sess., 1926, p. 3.

Secretary Kellogg again stressed that he did not "desire to assume the role of the uninvited adviser" but asked the Mexican Government to bear in mind the "letter and the spirit" of the Warren-Payne agreements held at Bucareli in May, 1923.³⁸

Despite the copious denials of any intention to interfere, the Kellogg note was interpreted by the Mexican Government and press as an unwelcome attempt to influence the country's internal affairs. The reply of Foreign Minister Saenz expressed interest in the suggested treaty of amity and commerce provided such a treaty "would not set up undue privileges for the respective citizens or purpose to encroach in any way upon the sovereign powers to legislate which both nations are entitled within the bounds of international law."³⁹

The Mexican Foreign Minister denied that the agreements between the two countries made at the Bucareli Conference in any way precluded the proposed legislation then being discussed in the Mexican Congress. Saenz wrote that the conferences "did not result in any formal agreement other than of the claims conventions which were signed after the resumption of the diplomatic relations." Saenz further asserted that the proposed alien land law "has respected in

38. Ibid.

39. Ibid., p. 5.

their entirety acquired rights [of foreign nationals] as unbiased examination can prove."⁴⁰

In his reply dated November 27, 1925, Secretary of State Kellogg stated that the proposed legislation was viewed with "apprehension" by many American landholders, and that in his opinion "such apprehension is justified."⁴¹ Kellogg charged that certain provisions of the proposed laws would operate retroactively and charged virtual confiscation in the proposed imposition of the Calvo Clause as embodied in the proposed law. Throughout the controversy over the land question, the above mentioned provision and its various interpretations provided perhaps the most vexatious problem and one crucial to future relations between the two nations.

Foreign Minister Saenz' reply to the above, dated December 5, 1925, charged that it was "extraordinary" that the United States "should make diplomatic representations" to Mexico regarding pending legislation then being discussed. Bills being discussed "can cause no present harm to American citizens, and therefore it would seem preferable to know the definite scope of the laws after they have been put into effect. . . ." Only after enactment and application would any one be able to charge prejudice or illegal action.⁴² Saenz added that "within the territory of the

40. Ibid.

41. Ibid., p. 6.

42. Ibid., p. 7.

United States . . ." were similar laws "denying the very rights to which reference is made . . . [in the proposed Mexican legislation].⁴³ Specifically, Saenz cited regulations of the State of Illinois which limited alien land ownership.

Regarding the Calvo clause, Saenz wrote,

the legal provisions in effect in Mexico in this connection are not obligatory since, although it is a requisite required by the law that in order that a foreigner may acquire real property he must obtain the permission of the Government, the foreigner who does not wish to acquire it is not obliged to do so; but from the moment in which he consents to submit to these regulations it must be considered that he has undertaken a voluntary contract which entails, as a consequence, not the renouncement of his nationality, but the agreement not to invoke diplomatic protection in those matters in regard to which he has voluntarily agreed to consider himself a Mexican. . . .⁴⁴

Saenz added that the State of Arizona, among others, "has established that no person might acquire titles or property within the State unless he be a citizen of the United States or have previously declared his intention of becoming such."⁴⁵ The Foreign Minister stressed that the proposed Mexican legislation was in fact less stringent than the laws of several states of the United States.

Regarding the proposed Mexican law's provision that foreigners be required to dispose of shares in excess of forty-nine per cent in any agricultural company, Saenz

43. Ibid., p. 8.

44. Ibid., p. 10.

45. Ibid.

stressed the long period given foreigners in which to divest themselves of such ownership. Saenz pointed out that a ten-year period after promulgation of the law in which to dispose of land ownership was hardly confiscation by any definition.

In regard to inheritance, Saenz compared the land bill's prohibition of foreigners' right to acquire title by means of descent with the laws of California and other states. Saenz wrote that "the law puts a limitation upon the right of inheritance, which is in strict conformity with international law, since in such cases there are no acquired rights, but merely an expectation of acquiring them."⁴⁶

Concluding his note, Saenz defended the proposed law, saying that "although it entails for foreigners the necessity of fulfilling certain acts to place themselves in harmony with it, [the law] does not disregard any of their rights."⁴⁷

The United States replied to Saenz' reference to Illinois and Arizona state laws by claiming that the Illinois statute respected rights of aliens acquired prior to enactment of the law limiting alien landholding. Similarly, the United States asserted that the Arizona law "restrictions are expressly stated to refer to future acquirements" only, while the Mexican legislation would require those persons

46. Ibid., pp. 11-12.

47. Ibid., p. 12.

whose rights antedated the law to dispose of their interests within a certain period of time.⁴⁸

Thus, the essential points of controversy were aired even before passage of the alien land bill which was officially published as law in the Diario Oficial on January 21, 1926. At the same time the Mexican Congress had debated and passed a petroleum law which was passed and promulgated on December 31, 1925.

It appears that American diplomatic leadership, by protesting the proposed law, inadvertently aided Mexican nationalists in their efforts to obtain an alien lands law, for Washington's objections to the alien land bill, made prior to passage of the law, were released to the Mexican press and served to enrage public opinion, inspire renewed nationalism, and virtually assure passage of a stringent alien lands law. Foreign Minister Saenz charged that protest against a bill then under discussion in the Mexican Congress was at least a breach of diplomatic etiquette and probably a violation of Mexican sovereignty. In this charge he is supported by some later historical writers. Daniel James compared this protest with that of Secretary Hughes against President Obregón's oil bill prior to its passage and termed the latest protests a "repetition of a grievous error. . . ."49 For this alleged transgression, James

48. Ibid., p. 13.

49. James, op. cit., p. 234.

places a large share of the blame on Ambassador James Rockwell Sheffield, whom he describes as "a man of the Henry Lane Wilson stamp."⁵⁰

In Ambassador Sheffield's note to Aaron Saenz of January 8, 1926, though primarily devoted to a discussion of the Petroleum Law, we again see a discussion of the thorny Calvo Clause. Sheffield foresaw that foreign owners in Mexico would "be deprived of such rights unless they renounce their citizenship with respect to such rights" regardless of when they acquired the rights to the property in question.⁵¹ Sheffield added that the United States "has consistently declined to concede that such a waiver [Calvo Clause] can annul the relation between an American citizen and his Government. . . ." Moreover, the Ambassador concluded, such a clause in no way serves to "extinguish the obligation of his Government to protect him in the event of a denial of justice."⁵²

In his reply to the note from Ambassador Sheffield, the Mexican Foreign Minister repeated his claim that

there is no such renunciation of nationality since the alien retains his own nationality. What the constitution requires of aliens, in order that they may acquire certain properties is that in regard to the latter they shall agree to consider themselves as [Mexican] nationals, and therefore it is a necessary consequence that such aliens shall undertake

50. Ibid.

51. U. S. Congress, Senate, Document 96, op. cit., p. 14.

52. Ibid.

not to invoke the protection of their Governments insofar as such properties are concerned.⁵³

Secretary Kellogg, in a note dated January 28, 1926, stated the United States' view that

it does admit that one of its citizens can contract by declaration or otherwise to bind his own government not to invoke its rights under the rules of international law. Under the rules applicable to intercourse between states, an injury done by one state to a citizen of another state through a denial of justice is an injury done to the state whose national is injured. The right of his state to extend what is known as diplomatic protection cannot be waived by the individual. . . .

The right of diplomatic protection is not a personal right, but exists in favor of one state against another.⁵⁴

In the same note Secretary of State Kellogg repeated his contention that the alien land law was "manifestly retroactive." This claim was made because the law "deprives the alien owner of many rural properties legally acquired under the laws of Mexico and requires him to divest himself of the ownership, control, and management of his property."⁵⁵ Kellogg understood that the alien would have ten years in which to dispose of the portion of stock in excess of forty-nine per cent.

Secretary Saenz replied to Kellogg in his note dated February 12, 1926, a masterful diplomatic note that was superb in style, organization, and research, that Mexico has the right to

53. Ibid., pp. 18-19.

54. Ibid., p. 23.

55. Ibid.

enact such laws as it may deem expedient, even though the effect thereof would be to exclude aliens from all acquisition of property in the country, a point which has not been reached, since the only demand is for certain requisites in cases specified by the law; wherefore the entire question is reduced to determining whether or not the laws under consideration are retroactive in their application or whether they assail or respect rights previously lawfully acquired.⁵⁶

This statement, in a sentence, sums up the Mexican position on the largest outstanding difficulty involved in the alien land law question. In order to substantiate the Mexican Government's position that its sovereignty gives it complete control over real estate ownership within its borders, Saenz quoted a deity from the American pantheon, Chief Justice John Marshall, who had decided a century before that

The jurisdiction of the nation within its own territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself. Any restriction upon it, deriving validity from an external source, would imply a diminution of its sovereignty to the same extent in that power which could impose such restriction.

All exceptions, therefore, to the full and complete power of a nation within its own territories must be traced up to the consent of the nation itself. They can flow from no other legitimate source.

When private individuals of one nation spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purpose of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable

56. Ibid., p. 28.

to the jurisdiction of the country. Nor can the foreign sovereign have any motive for wishing such exemption.⁵⁷

Saenz agreed with the United States' assertion that a person may not force his nation to abstain from diplomatic representation, but that was not the issue in this case, he said. Saenz stated that the Mexican law merely requires that the foreign national consider himself a Mexican "and shall not invoke in regard thereto the protection of his Government."⁵⁸ In sum, Saenz held that while an individual could not preclude diplomatic intervention by his government, it was appropriate for the individual to promise not to call upon his home government for such diplomatic representation in behalf of properties in Mexico.

Saenz restated his Government's claim that the laws of Illinois and Arizona, among others, were more stringent against foreign ownership of land within those states than was the new Mexican alien land law. Saenz issued a new claim: that the Mexican law was no more confiscatory than was the United States' Constitutional Amendment and enforcing act which wiped out the legal brewing and distilling industries in the United States.⁵⁹

Secretary of State Kellogg replied to the above-mentioned note on March 1, 1926, and agreed with his Mexican

57. Chief Justice John Marshall (7 Cranch 116, 135,144), as quoted by Ibid., pp. 28-29.

58. Ibid., p. 29.

59. Ibid., p. 31.

counterpart that the "entire question is reduced to determining whether or not the laws under consideration are retroactive in their application or whether they assail or respect rights previously lawfully acquired."⁶⁰ Such substantial agreement on the problem served to clarify the issue, to reduce irrelevant and extraneous discussion, and to focus attention on the crucial points at hand rather than hypothetical cases. After this point the issue was altered from gentlemanly contentiousness to a more constructive discussion of how the law would be applied in practice. At least part of the change of tone and substance within the American chancellories must be attributed to the tour de force that was the Saenz note of February 12, 1926. Indicative of the new tone in discussion was the series of questions asked by Secretary Kellogg, chief of which was "does article 1 apply to an alien who had acquired . . . direct ownership in lands and waters within the prohibited zones prior" to the date the law became effective?⁶¹

Secretary Kellogg did, however, come to the defense of the United States' prohibition laws in contradistinction to the Mexican land legislation, asserting that in the United States the liquor business has been traditionally a licensed occupation only subject to strict limitation by the police power rather than a property right as Secretary Saenz had

60. Ibid., p. 35.

61. Ibid.

suggested in his previous note.⁶²

Foreign Minister Saenz' note in reply dated March 27, 1926, expressed pleasure at the agreement achieved between the two countries regarding the points at issue, and, in reply to Secretary Kellogg's series of specific questions, the Mexican Foreign Minister wrote that the law would not be applied retroactively. It thus became apparent that the Mexican Alien Land Law would be far more lenient in application than in letter and that the United States had reconciled itself to the existence of the law.

62. Ibid., p. 37.

CHAPTER III

PETROLEUM PROBLEMS

The protracted diplomatic controversy regarding petroleum lands, and the rights thereto held or claimed by United States citizens and corporations, had origins similar to those previously mentioned in the dispute involving alien land in Mexico. The Porfirio Díaz Government's concessions to non-Mexicans included many petroleum properties, and the pattern of awarding drilling rights to foreign groups continued under revolutionary leadership even after the promulgation of the Mexican Constitution of 1917.

The Mexican Constitution of Querétaro specified that all subsoil riches were to be the property of the Mexican nation--dominio directo in the words of that document. In making this claim to national ownership of subsoil wealth, the Mexican leadership asserted that they were merely returning to the traditional Spanish viewpoint, abandoned by Díaz and his Científicos in 1884, that all mineral wealth belonged to the crown. Mexico maintained, of course that the Republic of Mexico had inherited all of the Spanish crown's rights and privileges upon winning independence.

To the foreign oil and mining interests who might be affected by this measure, it appeared to be a form of

confiscation through use of the Constitution. This was more than a light and trivial matter, for in 1920 Mexico, with 23.5 per cent of the world output, was second only to the United States in world production of petroleum; by 1925, after the Revolution's fiery phase had subsided, Mexico was still second in world production of oil, but her share of the world's total production had declined to 10.8 per cent.¹

Foreign oil men operating in Mexico stood to lose not only present riches and the promise of future bounty as a result of the Mexican Constitution of 1917, but they feared a precedent that could jeopardize foreign operations throughout the world at the whim of a local nationalist. The oil companies' appeals to the United States Government and the resultant diplomatic exchanges with Mexico provide, like the agrarian lands controversy, an issue of national police power versus the property rights of foreign nationals. It was a struggle over both rights and riches. Mexico saw her national sovereignty at stake while the foreign oil companies feared far-reaching losses should they lose their point in Mexico.

It is probably a safe generalization to state that extractive industries, petroleum drilling and mining, far more than, say, farming or manufacture, tend to cause public resentment when these industries are operated by and for the profit of foreign firms. The Mexican Constitution, in its

1. Robert Hunt Lyman (ed.), The World Almanac and Book of Facts for 1928 (New York: New York World, 1928), pp. 362, 641.

incorporation of the "Mexico for the Mexicans" program as a reaction against the excesses of the Díaz epoch, was reflecting a basic Mexican determination to end what they regarded as a tragic history of foreign exploitation, first by Spain and then by foreign businessmen.

Mexico faced the almost certain opposition of the United States Government to the enforcement of the constitutional provisions regulating petroleum, a fact that at least partially explained the delay of almost nine years between the promulgation of the Mexican Constitution and the passage of legislation necessary to put these provisions into effect. The delay was probably not to the advantage of the Mexican Government, for after March 1920 there was in Washington a distinctly pro-business administration. A contrast may be made between the Wilson Administration and the Harding-Coolidge Administration if we examine the words of Cabinet members of the two regimes. Secretary of the Navy Josephus Daniels in the Wilson Cabinet asked American investors,

Why did you leave the United States and go to Mexico? You went there because you preferred to invest there rather than in the United States, to make more profit. Isn't that so? Well, then, you must take the risk of losing your property. . . . You must not expect the people of the United States to pay taxes for the support of an army to protect your property in Mexico.²

In this expression of views Secretary Daniels was in accord with his chief, President Woodrow Wilson, who asked Daniels to inform American investors that American arms would no

2. Jules Archer, World Citizen: Woodrow Wilson (New York: Julian Messner, 1967), p. 56.

longer be used to intervene on behalf of American business ventures in Latin America.³

Secretary of State Charles Evans Hughes, who served both Presidents Harding and Coolidge, saw the issue in quite a different light if not precisely opposite to that of the previous administration:

The fundamental question which confronts the Government of the United States in considering its relations with Mexico is the safeguarding of property rights against confiscation. Mexico is free to adopt any policy which she pleases with respect to her public lands, but she is not free to destroy without compensation valid titles which have been obtained by American citizens under Mexican laws. A confiscatory policy strikes not only at the interests of particular individuals, but at the foundations of international intercourse. . . .⁴

The American oil companies operating in Mexico were wealthy and powerful concerns which held a large share of the rights to actual and potential oil-bearing land as well as the lion's share of petroleum production. Its desires and complaints received, generally, a sympathetic hearing in Washington, where many senators and representatives were eager to please the wealthy and often generous oil lobby. The power and prestige of oil men in Washington were lowered somewhat after the Congressional Hearings and their revelations stemming from the so-called "Teapot Dome" scandals of the Harding era.

3. Ibid.

4. New York Times, June 8, 1921, p. 1.

While President Alvaro Obregón (1920-1924) was reluctant to counter the United States by enforcing the Mexican Constitution fully, he was, at the same time, unwilling to give guarantees of safety to American nationals' property that were desired by the United States in the Warren-Payne representations. President Obregón did pledge himself to respect acquired rights of foreign investors in both petroleum and agricultural lands. Such a pledge lacked the authority of a treaty, and Obregón insisted upon the ultimate enforcement of the Mexican Constitution when he said, "Today we profess the principle that the natural resources of the nation belong to the nation. Never will the Mexican people tolerate a government not founded upon this principle."⁵

As Washington sought to persuade Mexico to assure the "vested rights" of land and drilling titles acquired prior to the effective date of the Querétaro Constitution of 1917, the government of President Obregón felt that it could not and would not commit Mexico in treaty form to respect petroleum and mineral rights--not even to obtain United States recognition, the sine qua non of so many Mexican administrations. Mexico had to follow a very narrow and difficult line between alienation of the radical followers of the Revolution on the one hand by too close a

5. New York World, June 27, 1921, as quoted by Frederick F. Barker, "New Laws and Nationalism in Mexico," Foreign Affairs, V, No. 4 (July, 1927), p. 590.

relationship with the United States; and, on the other hand, alienation of the United States by a program thought to be so radical as to threaten the vital interests of the powerful northern neighbor.

In August, 1921, Mexico's Supreme Court gave its decision in the famous Texas Company case, a case that was soon followed by conforming decisions necessary to create binding precedent under the Mexican system of law. Obregón and his government believed these decisions had settled the petroleum controversy by assuring title to foreigners, individuals and corporations, who held title and who had performed "positive acts" prior to the date of the Querétaro Constitution's adoption, May 1, 1917.

Such a simple settlement was not to be made, however, the State Department commented on the Texas Company decisions as follows:

The inference from these decisions is that petroleum properties in process of development before May 1, 1917, when the present Constitution took effect, are protected from a retroactive application of the fourth paragraph of Article 27 [of the Mexican Constitution].

These decisions do not, however, effectively deal with the rights of American citizens in lands containing petroleum or other subsoil substances where the lands were owned prior to May 1, 1917, but had not been developed or as to which leases or contract rights to prospect for and work petroleum had not been granted before that date.⁶

6. "Statement Made by the Department of State, August 10, 1922, in Reply to Inquiries with Respect to the Effect of the Decisions of the Supreme Court of Mexico," International Conciliation, No. 187 (June, 1923), p. 471.

The Mexican doctrine of "positive acts," as established by the Texas Cases, added a new element to the petroleum controversy. As stated by the Mexican Supreme Court, title would be assured to foreign holders of petroleum lands vested prior to May 1, 1917, who had performed "positive acts" with regard to such landholdings. The question naturally arose, just what are "positive acts?" At the Bucareli Conference, also referred to as the Warren-Payne representations, held in the summer of 1923 it was agreed that a positive act was

. . . some positive act which would manifest the intention of the owner of the surface or of the persons entitled to exercise his rights to the oil under the surface to make use of or obtain the oil under the surface; such as drilling, leasing, entering into any contract relative to the subsoil, making investments of capital in lands for the purpose of obtaining the oil in the subsoil, carrying out works of exploitation and exploration of the subsoil and in cases where from the contract relative to the subsoil it appears that the grantors fixed and received a price higher than would have been paid for the surface of the land because it was purchased for the purpose of looking for oil and exploiting same if found; and, in general, performing or doing any other positive act or manifesting an intention of a character similar to those heretofore described. . . .⁷

Thus the Texas Cases served as the basis for an agreement, though importantly, not an agreement in treaty form, between the United States and Mexico regarding petroleum. Obregón turned the reins of government over to Plutarco Elías Calles on December 13, 1924, after having been accorded diplomatic recognition by the United States.

7. U. S. Department of State, Proceedings of the United States-Mexican Commission Convened in Mexico City, May 14, 1923 (Washington: U. S. Government Printing Office, 1923), p. 47.

Calles' background and character have been referred to previously, but one bit of psychology of the Mexican Revolution is pertinent to the discussion at this point. President Calles, in referring to the religious dispute, once commented that his successor as President of Mexico would not like to be thought of as "less liberal" than his predecessor.⁸ Similarly, President Calles probably did not want to be considered less progressive than President Obregón; and this may provide some explanation of his apparently more militant outlook. Such a theory might be at least one interpretation of Mexico's continuing or institutionalized revolution. Another possible explanation of President Calles' harder line, already mentioned, was the suggestion that Calles' actions in support of a more vigorous set of land and petroleum regulations might have been provoked by Secretary Kellogg's statement of July 12, 1925, in which he charged that Mexico was on trial before the world.⁹ In December, in another statement to the press, Secretary of State Kellogg charged that the oil bill was "retroactive and destructive of the vested rights of Americans."¹⁰ This statement by Secretary Kellogg was made four days before the Mexican Petroleum Bill became law.

8. Sister Elizabeth Ann Rice, The Diplomatic Relations Between the United States and Mexico, as Affected by the Struggle for Religious Liberty in Mexico, 1925-1929 (Baltimore: J. H. Furst Co., 1959), p. 126.

9. Morris, op. cit., p. 322.

10. New York Times, December 28, 1925, p. 2.

Whatever the explanation for Calles' support of more stringent regulation of foreigners' holdings, the alien land bill and the petroleum bill were debated in the Mexican Congress simultaneously in the autumn of 1925. Through diplomatic notes the United States Government suggested that both bills would violate previous and existing agreements; Mexico denied the right of diplomatic representation to legislation being discussed in Congress. Both bills were passed into law in late December, 1925, with the support of President Calles.

The Petroleum Law denied foreigners' rights to land on which no positive acts had been made prior to May 1, 1917. In a much narrower interpretation of the phrase "positive acts," these were limited to two: the beginning of drilling and the making of contracts to drill for petroleum. Even for holders of such rights confirmation was required, said confirmation to be obtained from the Mexican Government within one year after official promulgation of the law. Confirmation would not grant or confirm fee title, however; but would confirm use of the land for fifty years, said fifty years to be begun from the date of the first positive act, of necessity prior to 1917. The law further specified that companies that did not ask for confirmation within one year would be considered to have forfeited any and all rights. The law also eliminated inheritance of petroleum rights from a foreign holder, substituting transfer to the Mexican state.

The Mexican Petroleum Law was to aggravate American oil companies and American diplomacy as well. To American oil men the Mexican Petroleum Law was both confiscatory and retroactive. They charged that it was confiscatory in that it took possession of legal, previously recognized rights without proper compensation. The laws were retroactive, according to the oil men, in that they restricted not only future acquisitions by foreigners, but also those already held despite the statement of the Querétaro Constitution that "No law shall be given retroactive effect to the prejudice of any person whomsoever."¹¹ Further, the oil men claimed that the law was a violation of the pledge to guarantee foreigners' rights under the terms specified at the Bucareli Conference of 1923.

Mexico asserted that the Petroleum Law was a legitimate exercise of sovereignty that was actually to the benefit of the foreigners. It was good for all parties concerned, Mexico asserted, because it clarified a previously vague and potentially troublesome situation. Besides, claimed the Mexican Government, it was in conformity with the Mexican Constitution and reflected the will of the Mexican people to regain control of their nation's economic wealth. Mexico claimed further that the curtailment upon the previous right of inheritance was in accord with international law.

11. Branch, op. cit., p. 7.

In regard to the permission for the present owners to preserve their rights until their death, the only thing that might be adduced is that the law puts a limitation upon the right of inheritance, which is in strict conformity with international law, since in such cases there are no acquired rights, but merely an expectation of acquiring them.¹²

Foreign Minister Saenz asserted that Arizona and Illinois state laws also prohibit transfer to aliens by devise or descent (inheritance). The United States maintained that Arizona and Illinois state laws apply only to future acquisitions of land, not to land vested prior to passage of the state law. The United States consistently maintained that the substitution of confirmation for title was pro tanto confiscation; that

This law fails by far to give full recognition to rights lawfully acquired prior to the adoption of the present Mexican Constitution when Mexican law expressly provided that the owner of surface lands owned also the subsoil deposits of petroleum.¹³

Opinion regarding the Mexican Petroleum Law was far from unanimous within the United States. The New York Times expressed fear that Mexico's legislation would violate existing treaties, but "until it is known that the measure is to become operative, this Government cannot protest. . . ." ¹⁴ But as we have seen, the United States did protest--both to the press and through diplomatic channels. The Nation

12. U. S. Congress, Senate, Document No. 96, op. cit., p. 9.

13. Ibid., p. 13.

14. New York Times, January 6, 1926, p. 6.

criticized American capital in general and oil men in particular:

The oil men? They have long been trouble makers and high-handed law-breakers in Mexico. They have engaged in intervention in the past. The fact is, however, that the present legislation in Mexico confiscates not even a part of the oil belonging to them.¹⁵

Calles and his policies also had critics inside the United States. President Calles told an interviewer that the oil and land laws "'are neither retroactive nor confiscatory'" due to lack of executive regulations needed to put them into effect and are thus "'an incomplete legal situation.'"¹⁶ The Literary Digest compared this statement with that of "the famous candidate who favored the law, but was 'agin' its enforcement."¹⁷ The New York Herald Tribune stated, "The United States does not contest Mexico's sovereign rights. It only challenges any assertion of right to annul the guaranties given investors by laws in force at the time of purchase."¹⁸ The New Haven Register charged Calles' complicity in Communism when it stated editorially:

The familiarity with which Mr. Calles slides in the words 'proletariat,' 'privileged classes,' and the

15. "The Mexican Complications," Nation, CXXII, No. 3168 (March 24, 1926), p. 272.

16. New York Times, as quoted by "The Mexican Cactus," Literary Digest, LXXXVIII, No. 9 (February 27, 1926), p. 12.

17. Ibid.

18. New York Herald Tribune, as quoted by Ibid.

rest of the stand-bys of Marxian socialism gives one an assurance that there must have been at least a modicum of truth in the assertion that Bolshevism triumphed in Mexico when this man carried the election [of 1924].¹⁹

The New York Evening Post saw Calles' moves as proof that "'Mexico is once again engaged in the pleasant pastime of pulling a few tail feathers from the American Eagle.'"²⁰ The Philadelphia Public Ledger viewed the Calles regime's oil and land laws as "'an act of bad faith. Under the circumstances there may be nothing left the United States except a virtual withdrawal of recognition from Mexico.'"²¹

In diplomatic exchanges Mexico continued to maintain that the Petroleum Laws were legitimate and proper acts of sovereignty and fully in accord with international law. Rather than being confiscatory or retroactive as charged by the United States, Foreign Minister Saenz claimed that the laws protect foreigners on the same basis that it protects Mexican citizens. The petroleum measures, he claimed, corrected an unjust situation previously existing where foreigners were able to take advantage of both the Mexican courts and the diplomatic intervention of their home

19. New Haven Register, as quoted by Ibid.

20. New York Evening Post, as quoted by "Another Warning to Mexico," Literary Digest, LXXXVIII, No. 4 (January 23, 1926), p. 13.

21. Philadelphia Public Ledger, as quoted by Ibid., p. 13.

government while Mexicans were only able to seek redress in the courts.²² Saenz denied that any part of an agreement made at the Bucareli Conference had been broken by Mexico and quoted from the minutes of the conference to the effect that Obregón's decision to permit "preferential rights" although companies had not completed "positive acts" was limited in time to Obregón's administration and "was not intended to establish an obligation on the part of the Mexican Government for an unlimited period."²³

United States diplomatic observers thought Mexico made a slight concession when it promised to apply both land and petroleum laws in such a way as not to be either retroactive or confiscatory--in effect promising that the implementation (at least temporarily) would be more lenient than the law itself.

The United States Government continued to charge that the laws of Mexico were violations of international law, but Secretary of State Kellogg did admit that "Every sovereign state has the absolute right within its own jurisdiction to make laws governing the acquisition of property acquired in the future. This right cannot be questioned by any other state."²⁴

22. New York Times, December 29, 1925, p. 8.

23. U. S. Congress, Senate, Document No. 96, op. cit., p. 8.

24. Ibid., p. 22.

Foreign Minister Saenz asserted that the laws under discussion between the two countries not only are consistent with both international law and equity, but in addition, they serve to aid and benefit the alien in Mexico by removing all doubt and uncertainty over the rights and duties of the alien and the Government of Mexico. Saenz added that "aliens who have acquired rights in the prohibited zones may hold them, which could not be the case except for the provisions of Article XIV in accordance with the pertinent section of Article XXVII of the Constitution. . . ."25

Mexico denied the commonly held American belief that the purpose of the Petroleum Law was a mercenary one. Quite the contrary, Foreign Minister Saenz asserted; the purpose was to set forth an equitable rule for all parties under a uniform law. He pointed out that the Supreme Court of the Philippines had set forth the principle that the subsoil minerals are the property of the nation. He also claimed that courts in the United States have "held that the ownership of hydrocarbonates in the subsoil is governed by principles other than those applicable to the ownership of the surface."26

Regarding the substitution of fifty-year concessions for land titles held by foreigners, Mexico's Foreign Minister claimed once again that this provision was neither confiscatory nor a retroactive application of the laws.

25. Ibid., p. 24.

26. Ibid., p. 28.

His reasoning is set forth in a fascinatingly complicated sentence:

To grant a concession in exchange for an actual title is to confirm the latter, because the granting of the concession will have no other foundation than respect for the former; and although it is true that the concessions are for a limited duration of time, on the one hand, to determine the period for the future exercise of a right is not to proceed retroactively, because it does not modify the effects already consummated of a right, but only applies a rule for future use, and, on the other hand, the period of a concession having expired, the latter may be extended or another obtained, wherefore in practice no prejudice is caused by the application of the precepts under consideration.²⁷

Similarly, the limitation placed upon inheritance was neither illegal nor unjust because it limits only the hope or expectation of rights and not the rights themselves, Saenz claimed.

On March 29, 1926, and April 8, 1926, Presidential regulations governing the Alien Land Law and the Petroleum Law, respectively, were promulgated. As promised to the United States, the prohibition against "retroactive effect to the prejudice of any person" was found in both laws, the phrase having been taken from Mexico's Constitution.²⁸ Permission for an alien to have an extension of the five year time limit to dispose of land acquired by inheritance could be granted at the discretion of the Mexican Government. Clearly, the Mexican Government was willing to be lenient and understanding as to the terms of compliance if the

27. Ibid., p. 34.

28. Branch, op. cit., p. 7.

alien parties would accept the principle of ultimate ownership by the Mexican nation.

Conferences began between the foreign oil companies and the Mexican Government with the hope that mutually satisfactory regulations could be worked out, but such was not to be the case. Impasse between the two sides could not be avoided and the foreign company representatives withdrew. On June 8, 1926, Luis Morones, Secretary of Industry, Commerce, and Labor, issued regulations to be followed by foreign companies in order to obtain permits to drill for oil in Mexico. The group of affected oil men, Americans and other foreign producers, decided not to apply for concessions as required under Mexican law. In short, the producing companies, with very few exceptions, were defying Mexican law.

The oil companies continued drilling without permits and the Mexican Government sent officials into the oil fields to close down the wells. The foreign oil companies broke down barriers and resumed operations almost immediately. The Mexican armed forces were called in, closed off the wells once again, and kept workers and company personnel out at bayonet point. For a few tense weeks in the summer of 1927 serious danger of American invasion was believed to be imminent, at least by the Mexican Government. One Mexican Army General to be heard of later, General Lázaro Cardenas, was in charge of the defense of Vera Cruz, the eastern gateway to Mexico since the time of Cortez.

In the United States the Hearst newspaper chain and other journals called for military intervention in Mexico in order to protect American interests. Even President Coolidge, who had previously counselled restraint in Mexican relations, on April 25 accused Mexico of plotting "virtual confiscation of the property of our citizens."²⁹ He went on to state that "during the more than thirty years of President Díaz, we were especially encouraged to make investments. . . . After he was driven from office by revolution, much disorder existed, with presidents following one another in rapid succession."³⁰ In this speech President Coolidge appeared to be lamenting the passage of the old order and, at least by extension, seemed to be stating open, public opposition of the Government of the United States toward that of Mexico.

Senator William E. Borah, Republican of Idaho, Chairman of the Foreign Relations Committee, argued in favor of a sympathetic policy toward Mexico. He opined that Mexico, under the semi-revolutionary conditions that existed, was doing her utmost to protect foreign nationals' property. Senator Borah's statement, "God has made us neighbors; let justice make us friends," received wide publicity and considerable support.³¹ This support was reflected in the

29. President Coolidge as quoted by Daniel James, op. cit., p. 238.

30. Ibid.

31. Claudius O. Johnson, Borah of Idaho (New York: Longmans Green & Co., 1936), p. 339.

Robinson Resolution, passed by a unanimous vote of the United States Senate, urging arbitration of the dispute with Mexico over petroleum and land titles. Borah continued to perform the role of gadfly for the Coolidge Administration, suggesting at one point that the British petroleum interests had arranged a settlement with Mexico. Why, then, could the United States not do so, he asked?³²

Senator Borah went so far as to wire President Calles of Mexico to ask the number of oil companies that had complied with the Mexican Government's Petroleum directives and those that had not, together with their names and total holdings in Mexico. Borah felt the need to deal directly with the head of a foreign government because of dissatisfaction with both the information received from the United States' State Department and with their requirement that secrecy be kept on such data. The Idaho Senator was roundly criticized for his extraordinary contacts with President Calles, but the information uncovered was to be of importance.

President Calles claimed, in answer to Senator Borah, that 380 companies had agreed to accept the petroleum laws of Mexico, while 22 companies had failed to agree.³³

32. Ibid., p. 337.

33. Ibid., p. 338. The figures vary somewhat depending upon the reporter, but it was generally agreed that the overwhelming majority of American firms had agreed to accept the Mexican Petroleum Law. See also Carleton Beals, "Whose Property is Kellogg Protecting?," New Republic, L, No. 638 (February 23, 1927), 8.

Those companies complying with Mexico's requirements held almost twenty-nine million acres, while the holdouts had interests in but two million acres in petroleum lands. Principal among the holdouts were the companies associated with Mellon, Doheny, and Sinclair. These revelations tended to reinforce the growing body of public opinion in favor of a negotiated or arbitrated settlement of the several Mexican-American problems. As Borah's biographer concludes, many persons tended to agree that:

It seemed now that with such a large majority of the companies complying with the Mexican law there was no particular reason why the twenty-two holdouts should not comply also; their claim of wholesale confiscation must be something of an exaggeration.³⁴

In mid-July, 1927, the tension between the United States and Mexico was reduced when some of the foreign oil producers directed their crews in Mexico not to violate Mexican instructions regarding prohibitions on drilling. Several of the oil producing companies doubtless hoped to weaken the Mexican Government by reducing its tax income from oil production and then to bring Mexico to terms acceptable to the companies, but the change of heart by a few of the holdout companies soon made this plan impracticable.

Out of this period of difficulty there came an as yet only partially explained incident, the mysterious disappearance of documents from the United States Embassy,

34. Ibid.

and their handling by President Calles in such a way as to bypass, snub, and "short-circuit" Ambassador Sheffield. This incident was to a large extent instrumental in the replacement of Sheffield; for the purloined documents, some forged and some authentic, were quite embarrassing, and the Ambassador's position soon became virtually untenable. The new Ambassador, Dwight Morrow, was a neophyte in the field of diplomacy who had made a fortune and a respected reputation as a Wall Street partner in J. P. Morgan & Co.

Morrow told his friends, "Well, I know one thing I can do for the Mexicans. I can like them."³⁵ This was to be the key to Morrow's diplomacy: He sought to replace the fruitless legalistic exchanges that had marked the previous several years with a personal diplomacy--personal and intimate with both President Calles and with the Mexican people. This personal diplomacy was marked by goodwill visits of the humorist Will Rogers and the aviator, Charles A. Lindbergh, who, after an international romance, married Ambassador Morrow's daughter, Anne.

Ambassador Morrow made several inspection trips to observe government irrigation and public works projects throughout Mexico. On these trips Morrow was usually the guest of President Calles, and the two men were fast friends but unlikely ones. Calles the hardened revolutionary and

35. Mary Margaret McBride, The Story of Dwight W. Morrow (New York: Farrar & Rinehart, 1930), p. 206.

Morrow the Wall Street capitalist, who without previous diplomatic experience and though ignorant of the Spanish language, became far closer than anyone had predicted. Their friendship became so warm that some observers, on both sides of the border, have asserted that Morrow had some mysterious and perhaps sinister influence over Mexico's President.

The charge that Mr. Morrow applied the brakes to the Mexican Revolution is understandable in terms of his background and of what apparently was happening between 1928 and 1934 in Mexico. Seductively appealing is the logic which ascribed to Morrow a role consistent with his antecedents as a corporation lawyer and Morgan partner. Also, it was convenient and satisfying [for Mexicans] to be able to blame the yanqui diplomat for the cynicism and conservatism which overwhelmed Mexican revolutionary leaders during those years.³⁶

It was shortly after Morrow's arrival in Mexico City that President Calles asked the Ambassador what should be done, in his opinion, about the petroleum question that had so long defied efforts at solution. Morrow suggested that a decision of the Mexican Supreme Court on a case then before the court that would return to the doctrine of the Texas Cases might be the beginning of a detente. Calles, surprisingly, left no doubt that such a decision would be forthcoming--and it was. On November 14, 1927, the Supreme Court of Mexico announced that Articles XIV and XV of the Petroleum Law were unconstitutional. These two articles

36. Stanley R. Ross, "Dwight Morrow and the Mexican Revolution," Hispanic American Historical Review, XXXVIII, No. 4 (November, 1958), p. 507.

thus invalidated included the fifty-year concession provision, the provision that nationalized subsurface ownership held by foreign firms. Also eliminated by the court was the requirement that foreign companies apply for confirmation of rights acquired prior to May 1, 1917.

With Calles' support, the necessary congressional action to make the court decision effective was assured, and the amended Petroleum Law went into effect on January 11, 1928. Foreign oil companies were further assured by the Mexican Government that applications for confirmation of concession as required by the law prior to the court decision and amendment of the law did not mean the loss of any previously held rights on the part of these firms.

Thus the White House issued a statement on December 30, 1927, which claimed an end to the chronic petroleum problem by voluntary act of Mexico. The Literary Digest hailed the settlement as "Mexico's Christmas Gift to Uncle Sam," and quoted the St. Louis Globe Democrat as editorializing, ". . . the action of President Calles indicates that he sees in the present situation an opportunity to distinguish the closing years of his Administration with a great diplomatic achievement. . . ."37 Newspapers which had been very critical of Mexico and pessimistic about prospects for friendly relations with that country were now optimistic. The Boston

37. "Mexico's Christmas Gift to Uncle Sam," Literary Digest, XCVI, No. 2 (January 14, 1928), p. 9.

Transcript saw the oil settlement as presaging "a better appreciation of the pacific and helpful policies of the colossus of the North than has governed the past attitude of the Calles regime."³⁸ The Hartford Times, like other journals, appreciated the effects of Lindbergh's visit to Mexico and that of Will Rogers, concluding that the moral of the episode was: "A horse, once led to the water will drink sooner if his nose is scratched and his coat patted than if he is merely kicked in the midriff."³⁹

For the moment, then, the persistent petroleum problem appeared to be ended with a solution that pleased no one completely. The more ambitious plans of Mexico to extend the Revolution into the economic sphere were ended for the moment, including the plan to gradually nationalize the subsoil and to limit the foreign operators to fifty-year concessions. The Mexican Government did, however, reassert its sovereignty and demonstrated that it was stronger than even the united strength of the most powerful foreign oil companies. President Calles' voluntary compromise provided a period of stabilization and relaxation after the nationalistic gains of his administration. Consistent with the philosophy of the continuing Mexican Revolution, the problem was certain to reoccur at a later date, as it did under the presidency of Lázaro Cardenas.

38. Ibid.

39. Ibid.

If Dwight W. Morrow deserves a share of the credit for the modus vivendi worked out over the petroleum issue, most writers give him even higher honors for his efforts, of necessity more behind the scenes and by the same token more disinterested and more idealistic, to arrange a truce that could lead to a settlement of the prolonged religious controversy in Mexico that pitted two powerful and intransigent forces: nationalism and the traditional religion of the nation. The problems of the religious questions will be explored in the next chapter.

CHAPTER IV

RELIGIOUS DISORDERS

The question of Church-State relations in Mexico is far different from Church-State relations in the United States. No understanding of the religious problems during the term of President Calles can be begun without strong emphasis on this point. The reasons for this difference in attitude and outlook are largely historical. The Roman Catholic religion, brought by the Spanish conquerors, rapidly became the religion of Mexico. The shadow of the Spanish Inquisition was cast upon New World heretics as well as those in Europe, and other faiths and denominations were discouraged in Mexico.

The position of the Roman Catholic Church in Mexico was of great power even outside religious circles. Education was almost entirely dominated by priests and nuns, and only in this century has state-controlled education been begun. The large landholdings and the great wealth of the Church in Mexico, real or imagined, fostered jealousy among certain segments of the population who feared clerical domination and who foresaw the Medieval type of mortmain stifling progress in their nation. Moreover, anti-clericalism even among the Roman Catholic laity was almost a constant among the Mexican masses. Since many of the

members of the religious orders in Mexico were of foreign birth (largely Spaniards), the priesthood came to be associated in the popular mind with the hated "Gachupín" or Spaniard who had exploited the people throughout much of Mexican history. Thus developed, along with growing nationalism in Mexico, the apparent contradiction of strong anti-clericalism in a predominantly Roman Catholic country.

Bancroft wrote of the actions of priests in Mexico in 1855-1856 in opposition to the Liberals of that day: "Priests took part in seditious plots, the pulpit being freely used to mislead the sincerely religious, specially the women, with the false assertion that the government was assailing religion."¹ Perhaps as a portent of later crimes in the name of religion, Bancroft added that even "Highwaymen labelled their hats with the word 'religion.'"²

The result of these attitudes was not so much an opposition to religion itself as to the power of the priesthood and the vested interests of the Church. The Constitution of 1857 placed many limitations upon the Church and its members with the intention of limiting and curtailing the power of the Church and its officials in areas outside the spiritual realm. The anti-clerical provisions of the 1857 Constitution carried the prestige of both Benito Juarez and

1. Hubert Howe Bancroft, History of Mexico, V (San Francisco: A. L. Bancroft & Co., 1885), 678.

2. Ibid.

Sebastian Lerdo de Tejada, two of the leaders of the patriotic movement against French domination. In 1857, as in the post-revolutionary stage of the Twentieth Century, the force of nationalism opposed the power and privilege of the Church Universal.

Specifically, the Constitution of 1857 and the Reform Laws provided for complete and rigid separation of Church and State, outlawed certain orders of the Church, and nationalized the Church's property. Juarez and Lerdo, the two preeminent leaders of La Reforma, were generally supported by the foreign policy of the United States.

The Mexican Constitution of 1917 continued and broadened the provisions restricting the priesthood and the power of the Church in general. Its main anti-clerical provisions were Article Three which decreed secular education for Mexico's masses, prohibiting Church-operated primary schools; and Article 130 which banned foreign priests from Mexico. Article 130 also prohibited clerical participation in politics as well as priestly criticism of Mexican laws or government practices. Article 27 nationalized Church property. Altogether, the 1917 Constitution's provisions dealing with religion specified subordination of the Church, its officials, and its property to the State.

Although Mexico is often described as an almost uniformly Roman Catholic nation, a more careful examination would show sharp differences within the Mexican Republic both before and after 1917 and today as well. There are

within Mexico certain conservative states where Roman Catholicism is very strong and very similar to the Spanish Church. One of these states is Jalisco whose capital, Guadalajara, is today the seat of the Cardinal of Mexico (Some regard this location for the Cardinal's cathedral as an implied slap at the alleged anti-clericalism of Mexico City). Morelos is also a very thoroughly Roman Catholic state.

Sonora and some of the other Northern states of Mexico are reputed to be very anti-clerical and much less uniformly are its citizens found to be serious members of the Church than in some of the states adjacent to the Federal District. It is of interest to note at this point that all of the leaders of Mexico from 1915 through 1928 were Norteños, as residents of the Northern states are called. Carranza, Obregón, and Calles were all Sonorans, and all three demonstrated, in greater or lesser degree, the anti-clerical mood reputed to be characteristic of or at least common in their home state. President Calles was probably the most anti-clerical of the trio, his opposition to the priesthood being of early date.

From the beginning of Mexico's history as an independent nation the United States has had interest, if not concern, in Mexico's religious situation. President John Quincy Adams expressed this interest when, in 1825, he sought to use the Panama Conference of that year as a forum in which to suggest to the new Latin nations of this

hemisphere that they pursue religious toleration and avoid establishing state religions.³

Secretary of State Charles Evans Hughes in the period 1921-1923 consistently attempted to obtain from Mexico a pre-recognition treaty which, among other items, would bind Mexico to an agreement not to confiscate Church property owned by United States citizens without adequate compensation. This promise was never made in treaty form, and the Warren-Payne agreements made at the Bucareli Conference were almost without religious implications. Mexico received United States recognition on September 3, 1923, without giving the promises desired by Secretary Hughes.

The administration of President Alvaro Obregón (1920-1924) was primarily concerned with pacifying the country and stabilizing its internal affairs after ten years of bloody fighting. Perhaps to achieve at least temporary peace and order, the provisions of the Mexican Constitution which specified limitations upon the Church were almost ignored, permitting "life as usual" for the Church in Mexico. It may be suggested at this point that President Obregón's tacit acceptance of the status quo made the later enforcement of these same religious restrictions by President Calles, his successor, all the more controversial and potentially dangerous. While Obregón's sympathies, like

3. Samuel Flagg Bemis, John Quincy Adams and the Foundations of American Foreign Policy (New York: Alfred A. Knopf, 1949), p. 557.

those of Calles, were anti-clerical, practical politics precluded enforcement of the religious measures during his term of office.

It is ironic that the President who had not enforced the religious provisions of the Constitution should have been assassinated by a religious fanatic in 1928, just as he was planning to take office for a second term as President of Mexico. It was charged in many quarters that Calles might have had complicity in the death of General Obregón, but all inquiries failed to prove any such link.

The Calles era began on December 13, 1924, when Calles replaced his close friend and benefactor, General Obregón who had supported Calles to succeed him. Calles' anti-clericalism was reported to Washington, serving to predict the harsh reprisals against the religious in the aftermath of Obregón's assassination.⁴

President Calles was more eager to enforce the constitutional provisions in land and petroleum areas than was the more temporizing and accommodating President Obregón. So it was with enforcement of the constitutional provisions relating to religious institutional controls. In being opposed to the power of the Church in Mexico, Calles shared a belief held by many liberal Mexicans: That the Church had held back progress in the Republic of Mexico and that its

4. Ambassador Sheffield to Secretary of State Hughes, 2-24-25. Department of State Records, decimal file number 812.404/256, hereinafter referred to as "DSR".

hold should be broken.⁵ We will not attempt to determine the truth or falsity of that belief; rather, it is enough to note the existence of this strong belief among liberals in Mexico.

The anti-Catholic provisions of 1917 were, despite Calles' personal beliefs, largely unenforced during the first eighteen months of his administration. The incident that ruptured relations between Church and State during the Calles administration was a newspaper interview given by the Archbishop of Mexico, Monsignor Mora y del Río, that appeared in El Universal of Mexico City in February, 1926.⁶ In this interview the elderly churchman made clear the opposition of the Mexican Church leaders to the constitutional restrictions and he urged "a campaign against the laws which are unjust and contrary to Natural Laws. . . ."⁷ He further advocated opposition to the Articles Number Three, Five, Twenty-seven, and 130 of the 1917 Constitution, promising his personal opposition to these articles. His statement caused surprise and indignation in many quarters, because the said

5. This belief was best stated in Lic. Alfonso Toro, La Iglesia y el Estado en Mexico (Mexico City: Talleres Gráficos de la Nación, 1927). See also "The Clergy or the Constitution," Nation, CXXII, No. 3169 (March 31, 1926), 350-354.

6. By coincidence, the Mexican Revolution itself is often said to have begun with the publication of a newspaper interview given by Porfirio Díaz in 1910.

7. Msgr. Mora y del Río, quoted by El Universal, February 29, 1926, as cited by Walter Lippmann, "Church and State in Mexico: The American Mediation," Foreign Affairs, VIII, No. 2 (January, 1930), 190.

constitutional provisions were not at that time being enforced and were as yet ignored by Church and State alike. There followed official Mexican denunciation of the Archbishop's statement as rebellion and subversion, and priests in the capital were arrested and deported. Facing prosecution by the Mexican Government, the aging Archbishop disavowed some of the more fiery statements attributed to him by El Universal.

The Mexican Government's actions at this point were criticized in many quarters as being excessive and arbitrary. A total of 73 convents were closed and 185 priests were forced to leave the country.⁸ In the United States, editorial opinion was often critical. An example was the New York Evening Post which feared worsening of relations between the United States and Mexico 'by the expulsion of religious workers from Mexico' and that relations might be 'irritated by the closing of long-established schools and missions.'⁹ The Houston Post saw in the Mexican Government's action that 'An investigation will probably disclose that the motive power for the movement is being supplied by Communists who are eager to overthrow capitalism and religious institutions in general in Mexico.'¹⁰

8. Ibid.

9. New York Evening Post editorial quoted by "Mexicanizing Religion in Mexico," Literary Digest, LXXXVIII, No. 11 (March 13, 1926), 12.

10. Houston Post editorial as quoted by Ibid.

Mexico's actions also had defenders within the United States, however. The Charleston, West Virginia, Mail wrote editorially that 'Mexico is not making war on any religion.' Rather,

she is trying to nationalize religion in Mexico. What Calles wants to achieve is a Church presided over by Mexicans; that is, by persons who owe allegiance to the Mexican Government and not to foreign Powers. This is purely a concern of Mexico's and of no other nation so long as subjects of these foreign nations are not deprived of their rights.¹¹

It was at this time (Spring, 1926) that oil negotiations with the United States were at a critical stage, and some influential Americans were calling for withdrawal of recognition from Mexico or intervention if the alleged excesses did not cease. In the House of Representatives, Congressman John J. Boylan of New York demanded severance of relations with Mexico 'until Mexico revises its present constitution.'¹² The juxtaposition of religious turmoil and diplomatic pressures over the oil problem must have combined to give the Calles administration some anxious moments in the first half of 1926.

The bloody, violent nature of the religious passions stirred in Mexico was reported widely in the American press such as the report of a riot in which "three representatives of the State of Nayarit were killed. . . ." while trying to close a Roman Catholic Church as ordered by Mexico City.

11. Charleston Mail editorial as quoted by Ibid.

12. John J. Boyland, Member of Congress, as quoted by "The Mexican Complications," op. cit., p. 272.

The three officials were torn limb from limb by the crowd and so badly mutilated that they died before medical attention could be provided.¹³

The Mexican Government was eager to give its side of the story, and the American attorney for the Mexican Consulate in New York was quoted as saying,

It is almost impossible for the American people to understand the true significance of recent events in Mexico for the reason that the conditions and actions of religious bodies there are so entirely different. . . . Here we have never had the tradition and experience of one Church dominating the country, interfering in Government action and legislation and exerting efforts to abrogate regularly adopted laws.¹⁴

The United States almost became directly and officially involved in the Mexican religious controversy when the newly appointed Apostolic Delegate reached Mexico on March 3, 1926. Monsignor George Caruana, though a representative of the Holy See, was a naturalized United States citizen. His mode of entry into Mexico was thought to be questionable by the government, and the naming of a United States citizen to such a diplomatic post was seen as a blatant attempt to bring the Americans into the problem on the side of the clergy. This view was officially held, and the prelate was promptly asked to leave Mexico, forestalling a potentially awkward diplomatic situation. The incident, uneventful though it was, did increase the mutual suspicion between Church and State in Mexico.

13. New York Times, March 13, 1926, p. 6.

14. Charles A. Fruehauff, quoted by New York Times, March 15, 1926, p. 11.

American newspaper readers saw more shocking reports out of Mexico such as testimony before Congress that

a group of Carmelite nuns were taken into custody and threatened with confinement in houses of ill-fame in Mexico City, and that these and other nuns were subjected to humiliating experiences as punishment for their attempts to continue religious instruction in Mexico. . . .¹⁵

and released only upon payment of bribes to the police.

When President Coolidge received two Mexican envoys at the White House, he was criticized along with the visitors by Archbishop Michael J. Curley who referred to 'Calles and his robber band . . .' and stated the policy of the Mexican Government was: "God must be banished. The lights of Heaven must be put out. Mexican children must be raised atheists as far as the Red Government is concerned."¹⁶

The forces of organized labor in the United States made their sympathies known as opposed to intervention in Mexico. Matthew Woll, Vice President of the American Federation of Labor, urged hands off the Church dispute going on inside Mexico. This advice was made together with a verbal attack on United States capital, which, he charged, had tried to take advantage of Mexico and to swallow it up.¹⁷

So far in the religious dispute, Mexico's anti-clerical actions had engendered lively debate within the

15. Testimony of Alfred J. Talley quoted by New York Times, April 1, 1926, p. 8.

16. New York Times, April 11, 1926, p. 7.

17. Ibid, April 5, 1926, p. 2.

United States, but there was really no cause for direct diplomatic involvement by the American Government. Officially detached, the United States was known to be privately concerned over the Mexican Church dispute, and the editorial pages of American newspapers reflected widespread interest but no unity of opinion as the previous commentary showed.

In Mexico, too, there was as yet no completely united opposition to the Calles religious program, even among the Mexican Church hierarchy. The Bishop of Vera Cruz denied official harrassment and stayed at his post.¹⁸

Under the Mexican system of government, constitutional provisions and even laws of Congress are not applicable without Presidential decrees and enabling legislation. On June 21, 1926, these steps were completed and scheduled to be mandatory on July 31, 1926. These provisions gave teeth to the laws by providing punishment for violations of the religious laws.

The Mexican bishops decided to oppose the law, Rome issued a bitter denunciation of the government's actions, and emotions became heated on both sides. Labor unions demonstrated for the government while lay groups of Roman Catholics held protest meetings against it. In the predominantly Roman Catholic areas in and near Jalisco there were violent uprisings, including a murderous train robbery in which passengers were killed, allegedly, by the religious zealots of the area.

18. New York Times, March 15, 1926, p. 1.

Religious wars are often the most brutal and uncompromising type of conflict. Such it was in Mexico. With each side convinced that it could not compromise with the other, deterioration of the situation was inevitable. The League of Religious Defense proclaimed a social and economic boycott with the aim of paralyzing normal channels of life in Mexico and perhaps to dramatize their case before world opinion, particularly that of the most likely and frequent interventionist power the United States. Roman Catholics petitioned the Mexican Congress for action to amend the Mexican Constitution and to return to the status quo ante, but these appeals were rejected. In this impasse the latent spirit of revolution came to the fore. Vigilante types organized as "Cristeros" from their motto, "Viva Cristo Rey" (Long Live Christ the King), and in whole sections of Mexico guerrilla warfare took place between the forces of the government and the Cristeros. In this brutal warfare neither side was able or willing to give quarter. The government saw the Cristeros as treasonous and subversive, mere bandits directed secretly by the clergy. The Church, on the other hand, saw the Government as composed of Bolshevist, godless men who sought to destroy three centuries of religion in Mexico. Neither side was blameless, and there were so many instances of barbarous cruelty and violence, that, if one focused only upon the crimes of one side, each side could make a strong case for the depravity of the other.

One indisputably legitimate area of United States diplomatic involvement in Mexico's religious controversy took place as a result of the properties of American citizens being molested by the Mexican Government acting to enforce the religious laws. Article 130 of the Constitution which required Mexican ownership of Church properties was the most frequent cause of complaints from American citizens in Mexico. Many of the properties seized belonged to American citizens and Protestant missionaries, and frequent assertion was made that the Calles regime was far more lenient to Protestant groups--even to foreign Protestant groups--than to Mexican Roman Catholics.¹⁹ One explanation of this was offered as follows:

The protestants who, after all, are relatively few in numbers, have had little difficulty in conforming to the new constitutional laws. For one reason, there is no such centralized authority as that which is represented in Rome. Then they have been established long enough to have native converts who can carry out the edict which insists on worship in the Spanish tongue. Again, it was more or less easy to turn over such properties as they own to a group of laymen. The nature of their ministry concerned almost exclusively with evangelical work, was not embarrassed by the necessity of keeping silent on public issues.²⁰

The actions of the United States Government in this controversy would of course be difficult and subject to official Mexican criticism because of the domestic nature of the laws. A note to Mexico dated March 8, 1926 expressed

19. Rice, op. cit., p. 70.

20. "Mexico's Religious Problem," The Christian Century, XLV, No. 39 (September 27, 1928), p. 1156.

the hope that American religious workers in Mexico would not be injured or inconvenienced by the laws and their enforcement. Mexico's Foreign Minister replied that the question was entirely an internal Mexican problem, and he hinted that no United States interference was wanted or needed.²¹ Ambassador Sheffield told Mexico informally that the United States would continue to use its "good offices" in order to assist the United States citizens in Mexico who might be affected by Government actions.

In the United States meetings and resolutions resulted from agitated co-religionists and concerned citizens who deplored the actions of the Mexican Government and who feared pogroms against priests and nuns. The Knights of Columbus were particularly active in this area, passing resolutions urging withdrawal of recognition from Mexico as a step toward achieving the collapse of the Calles Government unless the religious policies were changed. Representative John J. Boylan of New York State urged action upon an apathetic Congress, and presented the anti-Calles arguments in the House while Senator William R. King, Democrat, of Utah called for investigation of Mexico's treatment of United States citizens.

On July 31, 1926, the priests of Mexico left their churches, refusing to conduct mass as a protest against the Calles Government. This boycott by priests was to continue

21. DSR 812.404/359 and 812.404/322.

for three years through the end of Calles' term as President, but was to be not as effective as its sponsors had hoped. For example, many accounts tell of Mexican Government officials' wives calling in priests secretly to give mass in private homes during this time.

The Mexican masses were probably confused and incredulous at the priests' strike and resultant loss of holy rites, but saw little reason to revolt en masse against the government; while the Cristeros were fighting in the West of Mexico, the revolt was not a nationwide outbreak as was that of 1910-1920. The Cristeros received not only moral support from Catholic organizations throughout the world, but some--including at least some individual members of the Knights of Columbus in the United States sent money and supplies to the Mexican rebels.²²

The government of President Calles was too well entrenched in Mexico to be toppled by agitation over the religious issue, and despite calls for intervention from United States Senator Rufus King and Senator Royal S. Copeland, Democrat, of New York and the Hearst newspapers, the United States' policy remained one of non-intervention. Similarly,

22. Daniel James, op. cit., p. 232, asserts direct Knights of Columbus monetary assistance to Mexico. Rice, op. cit., denies this charge (pp. 100-103), claiming the money collected for this purpose was used for charitable work instead. She admits, however, that individual Knights of Columbus members may have contributed to aid the Cristeros in Mexico.

the United States' embargo on the sale of guns to rebels remained in effect as well. This failure of the United States government to permit gun sales to any group in Mexico except the Mexican Government was probably crucial and decisive. Without guns and supplies from the North, any rebel group was to have a most difficult if not insuperable task. Under these conditions, the Cristeros and other dissident and bandit groups were to be soon isolated and wiped out.

The policy, doubtless from official sources, of the United States was set forth in a very frank and forthright statement, that appeared in the authoritative New York Times in August, 1926. The article announced that President Coolidge was to confer with Ambassador Sheffield who had come from Mexico for high-level conferences. United States policy was stated as ruling out both intervention and the lifting of the arms embargo. The text of the Times article continued:

The President's Mexican policy so far has been one of protest and demand for satisfaction whenever an American is killed in Mexico or American property is expropriated.

It has not achieved the desired result. . . .

The State Department protests have been answered by the Mexican Government with evasions and promises and the disregard of American treaty rights has continued. . . .

In Cabinet meetings at which the Mexican policy has been discussed the President has indicated his belief that he is accomplishing the utmost that can be expected in the protection of American rights short of invoking measures the result of which might be armed intervention.

The Administration is not prepared to entertain the proposal of intervention or of any course of action predicated upon intervention as a last resort. . . .

There is very little interventionist sentiment in the country, in the opinion of the Administration. Results of intervention would be many dollars, much blood lost, and antagonism of all Latin America with 'the only tangible result' being 'another conquered province, another Philippines.'²³

In this judgment, the Coolidge Administration probably stated the majority sentiment of the United States, for many Americans interpreted the actions of President Calles as a movement toward freedom of religion on the model of the United States. It would appear that, outside Roman Catholic circles, the religious issue caused less antagonism toward the Calles Government by Americans than did either the land or the petroleum issues which were perhaps more easily seen as "grabs" by Mexico, at least in the popular opinion.

It is not surprising, therefore, that some American commentators attempted to unite the alien land and petroleum issues with the religious question in statements to the press. For example, Reverend Francis C. Kelley, Bishop of Oklahoma, told the press:

'The Catholic Church is dragged into this mess of personal ambitions called revolutions for different reasons. One is that she is known to have an affection and devotion to the Mexican people. She will not play in the game of robbery.'

Reverend Kelley asserted the Church persecution takes place because 'they know they cannot rob the "gringo" with perfect safety with the Church keeping her influence.'

23. New York Times, August 29, 1926, p. 1.

He also foresaw an alliance between Church and the United States due to Mexico's hatred of the United States.²⁴

The attitude of the Coolidge Administration continued to be one of stringent maintenance of official neutrality in the religious conflict except where the rights of property belonging to American citizens were involved. The fluid and violent situation in Mexico attracted a certain number of freebooters and adventurers who sought to capitalize on the government's weakness. One group of this type, led by General Enrique Estrada and consisting of 150 Mexicans was stopped on August 15, 1926, at San Diego, California, as they sought to enter Mexico illegally together with guns and ammunition. The group was held and the arms seized. This seizure was seen as proof of the United States Government's strict adherence to international law by the New York Times in applauding the action against the would-be revolutionists.

In halting the Estrada military expedition against Mexico in its tracks, before it got out of California, the United States authorities were doing only their duty. If under our proclaimed embargo on the export of arms to Mexico we are bound to stop their shipment, much more binding is the obligation to prevent violation of our neutrality laws. . . .

The United States cannot permit its territory to be made the basis of attack upon a friendly Government. Whatever we may think of President Calles, we must enforce our own laws even if doing so falls out for his benefit temporarily.²⁵

24. Ibid., August 2, 1926, p. 3.

25. Ibid., editorial, August 20, 1926, p. 16.

The New York Times editorial page was also used to oppose United States Senator Royal S. Copeland's public call for the United States to 'intervene' but 'always within the limits of international law.' The Times denounced Senator Copeland's suggestion by saying, "But as everyone knows international law puts an absolute limit on our interfering [in Mexico] as long as no clear treaty rights of ours [the United States'] are violated . . ."26

Three days later the New York Times, again editorially, expressed sympathy and understanding with the Knights of Columbus over the position faced by Roman Catholics in Mexico, but opposed the Knights' call for United States withdrawal of recognition from Mexico together with an end to the arms embargo. The Times' editorial concluded by saying, ". . . Whatever our feelings may be as Americans enjoying full religious liberty, we cannot interfere with another sovereign nation such as its treatment of the Church."27

By cable early in 1927 Ambassador Sheffield told President Coolidge that religion was a secondary issue to that of confiscation of American property in Mexico.28 Clearly, this was true. While the majority of American

26. Ibid., August 4, 1926, p. 18.

27. Ibid., August 7, 1926, p. 10.

28. Sheffield to President Coolidge, January 28, 1927, DSR 812.5200/541.

opinion was not in favor of Calles' religious policies, it was perhaps more favorable to an understanding of governmental action in this field, especially as it affected the Roman Catholic Church primarily and only secondarily Protestant groups.

By the Spring of 1927 the religious issue, together with the deadlocked oil and land problems, had caused Mexican-United States relations to be very strained, indeed. The situation saw few signs of betterment, since the Calles Government was plainly and openly hostile to the continued presence of Ambassador Sheffield. The strange and still largely unexplained theft of diplomatic documents from the United States Embassy in Mexico City, their handling by the Calles Government in such a way as to snub Sheffield, and their publication in the United States by the Hearst chain of newspapers led to the resignation of Ambassador Sheffield and the appointment of a new United States Ambassador to Mexico.

President Coolidge appointed, with the assistance of the ebullient Senator Borah, his old Amherst classmate Dwight Morrow to the post.²⁹ Morrow was given this famous advice upon his departure for Mexico: "Just keep us out of war."³⁰ A retired partner of J. P. Morgan and Company,

29. Johnson, op. cit., p. 339.

30. L. Ethan Ellis, "Frank B. Kellogg," An Uncertain Tradition, Norman A. Graebner (ed.), (New York: McGraw-Hill Book Co., Inc., 1961), pp. 159-160.

Morrow was received in Mexico with the slogan "After Morrow Come the Marines,"³¹ but the new Ambassador's genuine friendliness and ability to see both sides to every issue endeared him to the President of Mexico and to the Mexican people in what has often been cited as a monumental success in personal diplomacy and a prelude to the Good Neighbor Policy.

Newly appointed Ambassador Morrow was well aware of the impasse that had been reached between the United States and Mexico at the time of his assuming the post in Mexico City. To Morrow, what was needed was a new approach; a break with the past policy of exchanging legalistic notes with Mexico; an end to the coldly formal relations between the host government and the American Ambassador. Morrow was able, through warmth of personality and interest in and respect for the Mexican point of view on outstanding issues, to win the warm acceptance of President Calles. Among Morrow's first speeches was an address to the American colony of Mexico City in which he asked them to remember that they were the guests of the Mexican Government and to act accordingly. Such respect for sensitive Mexican nationalism doubtless was of assistance in forging close relations with Mexico's leaders.

The warm relationship and the resultant personal diplomacy between Morrow and President Calles were not

31. Mary Margaret McBride, The Story of Dwight W. Morrow (New York: Farrar & Rinehart, 1930), p. 128.

gained without a price, however. A group of religious extremists led by a Roman Catholic priest, Father Pro, had made an unsuccessful attempt upon the life of former President Alvaro Obregón on November 13, just before Ambassador Morrow, already close to the Mexican President, was slated to make an inspection trip as Calles' guest. Mexican justice came quickly for the would be assassins: they were to be executed forthwith, without trial, and Ambassador Morrow was forced to choose whether to offend President Calles by passing up the planned trip, or to offend the Roman Catholics in both the United States by making the trip and thereby apparently countenancing the Mexican Government's hasty and extra-legal sentence meted out to the assassins. Morrow made the trip, reasoning that Calles' friendship and good offices might achieve greater ends than a fruitless snub on behalf of men already dead. Predictably Morrow was criticized for associating with the Mexican President immediately after the brutal actions of Calles' Government.³²

As a result of such doggedly persistent personal diplomacy, Calles' confidence was gained within a few weeks, an achievement never attained by Ambassador Sheffield. That such a working relationship was reached between Calles and Morrow so promptly is rather surprising in view of Morrow's

32. Secretary of State Kellogg commended Ambassador Morrow for this decision, saying "I think you are right about taking the trip with the President. I do not worry at all about it creating an unfavorable impression among the Catholics." Kellogg to Morrow, December 17, 1927, Morrow Papers, as quoted by Rice, op. cit., p. 114.

background as a Wall Street lawyer, his Protestant religion, and his complete and continuing lack of facility in the Spanish language.

In the developing setting of mutual respect, Ambassador Morrow was able to arrange a meeting between President Calles and Father John J. Burke, a liberal priest whom Morrow had met in the United States prior to departure for Mexico. The meeting was held at Fort San Juan de Ulloa at Vera Cruz on April 4, 1928, and offered at least a new hope that the Church-State deadlock might be ameliorated somewhat by talks.

Dwight Morrow saw little chance for a real solution of the problems of religion in Mexico given the deep-rooted nature of the conflict and the stubbornly held opinions of each side. He saw that both Calles and the Mexican hierarchy would rather lose than surrender. Morrow sought to promote a tentative working agreement as a prelude to more serious solutions.

Morrow wrote to Undersecretary of State Olds that "No one but a madman would endeavor to settle the question of principle between the Church and Mexico."³³

The agreement reached between Father Burke and Mexico's President provided that the Mexican bishops would allow the reopening of the churches in Mexico if the Government would promise that it had no plan or desire to destroy

33. Morrow to Olds, February 21, 1928, Morrow Papers as quoted by Rice, op. cit., p. 117.

the Church's identity as a spiritual force. This agreement, later added to by Monsignor Leopoldo Ruiz y Flores, marked the break of the logjam that was the religious conflict. It did not mark a final solution, since further Church-State conflicts were to occur throughout the 1930's.

Before the churches were even reopened there were grave problems and months of delay. As at the outset of the religious conflict, an ill-advised interview played a part. Monsignor Ruiz gave an interview in Paris which caused criticism of the details of proposed agreement as a surrender by the Church to the allegedly Bolshevist and godless government of Mexico. Calles, too, was angered at the priest's granting an interview at such a delicate moment, and threatened various reprisals, including publication of the correspondence between his government and Church officials.

The murder of ex-President, Alvaro Obregón on July 17, 1928, caused chaos in official Mexico, resulting in an atmosphere of suspicion that for a time at least was even shed upon President Calles. That the murder of the future President of Mexico was the result (like a previous attempted assassination) of a Roman Catholic fanatic cut off Church-State negotiations for many months as Mexico dealt with the internal crisis posed by the untimely death of the Calles-supported President-elect. During this time there were reprisals against churchmen and further restrictions upon those who would oppose the Calles government.

After the death of President-elect Obregón, Ambassador Morrow used his close association with the Mexican leadership to urge that no harsh or intemperate statements be issued that might associate the assassination with Roman Catholics in general. In this effort Morrow was careful to assert that he was acting as a private individual and not as United States Ambassador, though his ends would be beneficial to both countries' welfare.

Such was the religious situation as Plutarco Elías Calles passed the Presidency to his chosen successor, Portes Gil, in December, 1928. The churches of Mexico were still closed, tension was still present in some states of the Republic though the Cristeros had been largely broken up. Negotiations between the Mexican Government and the Roman Catholic hierarchy were suspended and not to be resumed until the Spring of 1929.

Ambassador Morrow continued his personal diplomacy, using his friendship with Calles, who remained a considerable power behind the scenes. Finally, after the Portes Gil Government put down the Escobar Revolt of the Spring, 1929, a revolt at least in part composed of religious malcontents, the new government made its strength and permanence manifest. The agreement between Church and State finally reached in June, 1929, and provided full amnesty for priests and followers, restoration of property to the use of the Church, but title remained in the hands of Mexico.

The solution was based upon and essentially the same as those points set forth in the discussion between Father Burke and President Calles in April, 1928, and represented a victory, in general for the state. The religious laws of the Mexican Republic, together with the Constitutional provisions, remained not only intact but supreme. Nationalism was triumphant in religion as it had been in the fields of land and petroleum legislation.

Since the terms of Morrow's modus vivendi were essentially the same as those agreed upon in April, 1928, it is reasonable to suggest that the religious controversy in Mexico was prolonged, due in part to the many parties involved in negotiation: the Vatican, the bishops in exile, the negotiators themselves. No doubt the ill-timed Ruiz interview and actions by religious fanatics further hindered settlement.

Ambassador Morrow's modus vivendi (for he has been given credit for the settlement) was a restoration of the situation at the outset of the controversy. No lasting agreements were achieved, though the tacit acceptance of the Government's power to regulate Church affairs was one change. Religious conflict was to continue into the 1930's.

Ambassador Morrow's role in this Church-State conflict was both noble and admirable. Its success was based upon several factors: first, the close personal relationship achieved with President Calles; second, the virtually free hand given Morrow by Washington; third, the ability to

choose conciliatory negotiators such as Father Burke to meet the Mexican President; and fourth, the timing of Morrow's overtures.

These salient factors will be examined individually. Morrow's close personal relationship was achieved only at a price, for he was criticized in the press for his closeness to Calles after the peremptory executions by the Mexican Government of Father Pro and other attempted assassins.

Morrow's almost free hand in attempting to settle the Church dispute was extended by the United States State Department in part because of the delicate situation posed by the Church-State dispute. Personal diplomacy, especially after Mexico's rebuke to the United States of March 16, 1926, which emphasized that the dispute was "entirely a domestic matter," appeared to be the only diplomacy available to the United States despite the concern felt by Washington over continued turbulence in Mexico.³⁴ Fortunately, Secretary of State Frank B. Kellogg had very good results with personal diplomacy carried on by his subordinates in at least two cases, in Mexico with Dwight Morrow and in Nicaragua with Henry L. Stimson. L. Ethan Ellis, writing of Kellogg's tenure as Secretary of State, gives it a low overall rating, "Frank B. Kellogg was well below the top level of Secretarial practitioners in the Twentieth Century . . .," but

34. DSR 812.404/359.

credits it with some easing of tensions in the Americas--due largely to his diplomats on the scene.³⁵

Ambassador Morrow is conceded to be a shrewd judge of men by those who knew him. His choice of Father John J. Burke to meet with President Calles is indicative of the shrewd insight into human nature that he possessed. A liberal American priest was, as Morrow knew, far more likely to be conciliatory than many of the Mexican Church leaders. That a beginning was made toward some small settlement of the vexing and emotional religious issue must be credited, in no small part to Dwight Morrow's ability to judge men.

With regard to the timing of Morrow's mission, one must assert that he was fortunate. Probably no one, not even the legendary Talleyrand, could have brought the Church and Calles together for negotiations during the time of the Cristero rebellions just a few months prior to Morrow's arrival in Mexico. The situation was not yet ready for even a beginning toward détente. To Morrow's good fortune we attribute his taking advantage of the opportunity for an exemplary, though unfortunately not lasting, achievement in diplomacy.

Perhaps the most lasting change effected by the Morrow mission was one of outlook, as suggested by Lippmann:

The three years' conflict did not alter the text of the [Government's] laws. But it altered profoundly the social policy of the Mexican hierarchy. For nearly a hundred years they had identified the

35. Ellis, op. cit., p. 149.

interests of the Church with a Mexican state dominated by the great landlords and by foreign interests. . . . In the three years' conflict the Mexican clergy came to realize that a restoration of the old social order was impossible, that American intervention was no solution, that the new regime, regardless of palace rebellions and military revolts, was likely to endure. During their exile in the United States under the wise tutoring of liberal and far-sighted American priests they realized that the Catholic Church did not need, in fact was far greater without, the support of a privileged feudal order. Thus the Mexican hierarchy achieved a new orientation.³⁶

Morrow saw that the United States and Mexico both sought a peaceful and stable Mexico--for slightly different reasons, to be sure, but that end was shared in common. Morrow has been hailed as a precursor of the "Good Neighbor Policy" in Latin America. Certainly his diplomacy in the Church-State dispute served to raise the Mexicans' opinion of the United States Ambassador and the United States Government's role in Latin America.

The modus vivendi arranged over the religious dispute in Mexico served to end a brief but turbulent threat to Mexico's sovereignty, according to Calles and his followers. There remained other problems of much older vintage, though hopefully less violence, in the Mexican-American relations of the period. Perhaps the oldest and most chronic of the outstanding problems is that of El Chamizal, a territorial ownership problem involving area of surprisingly small size but involving correspondingly large emotional significance.

36. Walter Lippmann, op. cit., p. 206.

CHAPTER V

CHAMIZAL, GUNS, AND THE BORDER

Ever since the Europeans first ventured upon the Río Bravo or, as it is known in the United States, the Río Grande, they have commented upon its erratic nature both in terms of frequent changes in size of the stream and in change of riverbed. As early as 1586 Fray Juan Gonzalez de Mendoza, a Spanish monk, remarked on the unstable course of this river.¹ Almost two centuries later the famous Baron von Humboldt wrote that the river not only grows in size between April and June, but that in 1752 it disappeared completely from view, only to flow in the subsoil.²

This river came to be of international importance early in United States history when it was claimed by the Jefferson Administration as the western boundary of the Louisiana Purchase.³ After the Mexican War of 1846 the Treaty of Guadalupe Hidalgo provided for the tempestuous river to be the boundary between the United States and Mexico for the territory between El Paso and the Gulf of Mexico.

1. Secretaria de Hacienda y Crédito Público, El Chamizal, Monumento a la Justicia Internacional (Mexico City: Dirección General de la Prensa, 1964), p. 101.

2. Ibid.

3. Gladys Gregory, "The Chamizal Settlement: A View From El Paso," Southwestern Studies, I, No. 2 (Summer, 1963), p. 8.

Given the turbulent and tempestuous nature of the river, it is not surprising that a series of floods and changes in course have occurred through the years. The matter takes on added importance when one considers that the river flows between the third largest city of the Mexican nation, Ciudad Juarez, and a principal city of the United States' southwest, El Paso, Texas.

A series of floods between 1853 and 1863 culminating in the worst flood seen in the area in 1864 caused a relocation of the river in an entirely new course the result of which was the addition of approximately seven hundred acres, previously Mexican territory, to the United States' side of the river and separated from its previously contiguous portions of Chihuahua. Since the Río Grande was to be the international boundary, many Americans of both El Paso and of distant Washington reasoned, surely the Chamizal was now United States territory. An act of nature had simply made the area a gift to Uncle Sam. Thus began a diplomatic dispute that was to extend almost a century, from the administration of Abraham Lincoln in 1864 to the administration of John F. Kennedy in July, 18, 1963, when the settlement of the controversy was announced to the world.

The purpose of this discussion is not to give the full history of the Chamizal dispute; that has been done by Sheldon B. Liss. Rather, it is the purpose of this chapter to focus on the Chamizal controversy as it was a source of

diplomatic representation in the period of President Calles' administration, 1924-1928.

Prior to examining in detail the Chamizal in the period of Calles' presidency, we must examine the facets that made the area a small one in size but a chronic and serious diplomatic problem. After the floods of the 1860's the two nations sought to achieve agreement on the future course of the boundary between the two nations, and a treaty was made in 1884 which sought to stabilize the boundary at the course of the river as seen in the year 1852.⁴ Differences appeared over the best means of handling cases of accretion and avulsion, and the treaty of 1884 remained little more than a notice of intent. Therefore, a boundary commission was established, again by treaty, in 1889 in order to deal with each case in dispute. The commission was so successful that its original five-year term was extended to ten.⁵

With steady growth in the area and increased pressures to fix title and to stabilize the disputed area in preparation for new construction, it was seen that a more far-reaching settlement was required. It was agreed that a third member would be added to the two-man boundary commission to be recommended by the Government of Canada, said member to have decisive arbitral powers. The three-man

4. Ibid., p. 11.

5. Ibid., p. 12.

Mixed Boundary Commission met in El Paso, Texas, in the Spring of 1911. The Mexican argument held that the boundary was firm and fixed, a permanent line regardless of the meanderings of the river through the passage of time. The United States argument centered upon the claim that when the river moved so did the boundary at its previously fixed center. According to this view, the United States had gained territory by accretion and the status quo, the present boundary should be maintained. In addition, the United States claimed the Chamizal territory by prescriptive right, by right of occupation from 1864 to 1911.⁶

Although the United States and Mexico had each agreed to accept the award of the majority of the Boundary Commission, the United States representative, Anson Mills, refused to accept it when finally made. This action has been the cause of much discussion and emotion. On the one hand there is the viewpoint of President John F. Kennedy, who said,

This territory was awarded in 1911, but the United States did not accept it . . . but it is a matter that we cannot afford to continue to treat with indifference because the United States failed, after agreeing to arbitration, backed down, and did not accept the report.⁷

In contrast to this critical view of American diplomacy as seen in the case of the United States' rejection of an unfavorable award, there is the viewpoint that an arbitrator may not exceed the terms of the agreement made between the

6. Ibid., p. 23.

7. Ibid., p. 4.

two contending parties. Since the issue was the ownership of the entire Chamizal, the United States' commissioner foresaw that the tract would go to either Mexico or to the United States. When the verdict was rendered and it was found that the disputed territory was to be divided between the two nations, the United States rejected the award as violating the original instructions given the commission. There is more than one precedent to support such an interpretation, but the problem, once so near a solution, remained to vex two more generations of diplomats.⁸

The period after 1911 saw ten years of revolution and civil war in Mexico with an instability that made impossible such quasi-judicial hearings as those held at El Paso in 1911. There were projects broached by the United States to Mexico for the purpose of trading one area in dispute for another, but the fires of nationalism awakened by the Mexican Revolution made such a project politically dangerous for the Mexican statesman who attempted it. Property owners in the area consistently sought a settlement, preferably a favorable one, of the problem and entreated the United States Government to again take up the problem.

As the decade of the 1920's began, the problem of title to the Chamizal area was submerged by other more pressing issues outstanding between the two countries. The Obregón regime had emerged victorious by 1920 and sought to

8. Ibid., pp. 29-31.

stabilize his nation after the Revolution just as President Harding attempted to achieve "normalcy" after the Great War. The Chamizal issue as a subject of international discussion was virtually ignored by the pressing need to return to diplomatic relations that had been suspended by the United States in the midst of the revolutionary turmoil following the removal of Carranza.

As an emotional issue the Chamizal was present, especially in Mexico. The nationalistic fervor of the Mexican Revolution included more than a soupçon of anti-Americanism. For the "young Turks" of the Mexican Revolution, and through dissemination to the masses, a large portion of the informed populace, the Chamizal was a case in point that demonstrated the perfidy of the "Colossus of the North." The failure to abide by the arbitration award, the frequent attempts to buy the territory much as the Gadsden Purchase had been acquired from the allegedly corrupt Santa Anna, were all brought to the attention of the Mexican public.

To the north of the Río Grande the Chamizal was also seen as a sore spot, though for different reasons. The Chamizal was ideally located as a jumping-off place for rum-runners into the legally "dry" United States. In an effort to put down the smuggling of liquor by way of the Chamizal, federal officers entered the area and on more than one occasion the United States officials came into hostile confrontation with the Mexican forces who sought to protect their nation's sovereignty and title to the Chamizal. A

prominent citizen of El Paso, J. D. Coles, told of an attack upon him in the Chamizal by smugglers based in Mexico, and the incident received much publicity.⁹

The Chamizal was in this way the most visible sore spot along the Mexico-United States border, but it was not the only scene of violence or tragedy. The recurring violence both in the interior of Mexico and on the common border was manifested by banditry, kidnapping, and assault directed at American citizens among others. The border situation was so unstable that several times in this period U. S. Congressmen requested that the border gates be controlled and closed at night in order to limit the chronic criminal activity and the local vice.¹⁰ These and many other incidents of violence and tragedy greeted the American public in the morning newspapers across the land. Thus, the Chamizal was perhaps the most critical sore spot along the southern border of the United States, but by no means was it the only problem. The violence of the Mexican Revolution, the potential profit from rum-running and gun-running had created the climate and the situation for violence and bloodshed.

After recognition was accorded the Obregón regime in April, 1921, several attempts were made by the United States to reach a settlement, once at the previously

9. Liss, op. cit., p. 51.

10. New York Times, March 8, 1924, p. 6:
December 4, 1923, p. 7.

mentioned Bucareli Conference at which the United States was represented by Messrs. Warren and Payne and again the groundwork was laid for a face-to-face meeting between Presidents Obregón and Coolidge for an attempt to settle the various border problems confronting the two countries along the common border. As it turned out, however, President Coolidge decided against making the trip to the southwest and the plan came to naught.¹¹

The concern of the United States over the small but important area of the Chamizal can be seen by the repeated efforts, both public and private, to settle the problem. President Calles rejected an offer of the United States to obtain Cordova Island from Mexico and then to obliterate it in order to provide a new, wider, and deeper channel for the river with resultant flood control benefit for both nations. Calles' reason for rejection of the offer was his adherence to the principle of the 1911 arbitration award. Any lesser settlement would, Calles felt, would sell Mexico short.¹² Similarly, an offer by a group of Texas residents to purchase the Chamizal for fair market value was rejected by the Mexican Government.¹³

Mexico's attempts at solution sought to vindicate the rectitude of the 1911 arbitration award, while the

11. Liss, op. cit., p. 52.

12. Ibid., pp. 52-53.

13. Ibid., p. 54.

United States' approaches to the problem tried to arrange payment or construction projects as terms of settlement. One Mexican attempt at resolution of the issue proposed the presentation of the 1911 arbitration award before the World Court at the Hague, Netherlands, for either acceptance or rejection. That Mexico saw reinforcement of its moral position as paramount is seen in Foreign Minister Saenz' offer to accept compensation in lieu of compliance with the 1911 award if the Mexican position were to be upheld by the World Court.¹⁴ The United States refused the Saenz suggestion on the grounds that if Mexico were willing to be indemnified, why carry the matter to the World Court with resulting expense and delay?¹⁵ Perhaps it might be suggested that while Mexico sought to use the World Court to substantiate its moral position vis-a-vis the United States, by the same token, perhaps the United States feared to put its moral position on the same arbitration award to the test of international examination at the Hague.

El Chamizal, the arid, shifting brushland located between El Paso and Ciudad Juarez, during the period of the 1920's was a thorn in the side, not only the two adjacent cities, but of the two nations as well. The solution of the problem of ownership had been exacerbated by the passions stirred by the ten years of conflict within Mexico. While

14. Ibid., p. 55.

15. Ibid.

Mexico sought reinforcement of her legal and moral position, the United States, in the Mexican view, sought only a mercenary solution--payment in disregard of the 1911 award. To the Mexican, no doubt, the constant reiteration of the money values involved such as Secretary Kellogg's claim that the United States had spent \$250,000 in an effort to determine and fix clear title to the area--were perhaps symbolic of larger questions.¹⁶ Mexico--long a poor nation--sought to vindicate her sovereignty in the alien lands and the petroleum controversies. To the Mexicans, in their nationalistic awareness, the Chamizal dispute was an "affair of honor."¹⁷ To American diplomats the Chamizal was a nuisance, an irritant best disposed of in much the way an engineer would acquire right-of-way for a highway or for a dam--by purchase. For both nations the Chamizal was "continually a pawn in Mexican-United States diplomatic matters. Constantly either the Americans or the Mexicans felt the time for settlement was propitious, only to be thwarted by some mitigating circumstance."¹⁸

16. Ibid.

17. Ibid.

18. Ibid., p. 54.

CHAPTER VI

CONCLUSIONS

The period of the Calles presidency in Mexican-American relations was characterized by the violent legacy of the Mexican Revolution and by diplomatic controversy over the attempts to Mexicanize and nationalize the land and mineral wealth of the nation. The same trend of nationalism was seen in the Church dispute in which the United States Government attempted to play a constructive but an indirect role. For the Mexican Government the nationalization program was felt to be a humanitarian and political necessity, a sacred duty to carry out the promises of the Mexican Revolution. The fate of Carranza served as example to the Mexican Governments of later date of what may happen to the leadership that fails to carry out the philosophy of the continuing Revolution.

A significant factor in the Mexican Government's attempts to regain land and mineral wealth held by foreigners was the emphasis on international law. Regardless of how blatant and untoward others thought the Mexican approach to be, the Mexican justification was carefully couched in terms of international law. "Respect for the effectiveness of

international law has become a dogma for her [Mexico].¹ This emphasis on international law as a basis for argument was felt to be necessary by Mexico because of the vast inferiority of Mexico in power to her northern neighbor.

Mexico's attitude toward the rest of the world in the period of the 1920's was one of resurgent nationalism. Mexico sought to undo the injustices committed and permitted in the Díaz decades. President Calles sought to be more nationalistic, more active in returning Mexican wealth to the nation than President Obregón had been. In this project President Calles was assisted by his very able Foreign Minister, Aaron Saenz, whose diplomatic correspondence shows tremendous research and, even his opponents would admit, considerable logic.

In the period 1920-1930 United States diplomacy was at a low ebb in the Twentieth Century, and the challenge of resurgent Mexican nationalism would have posed a series of problems for some of America's finest diplomatic leaders. The outlook and aims of the Harding and Coolidge administrations made the task of dealing with Mexico under Calles especially difficult. The United States in the period 1924-1928 failed to properly define its primary interests in Latin America, particularly in terms of long-range

1. Francisco Cuevas Cancino, "The Foreign Policy of Mexico," Foreign Policies in a World of Change, ed. Joseph E. Black and Kenneth W. Thompson (New York: Harper & Row, 1963), p. 659.

interests. Those long-term interests would have promoted the health and prosperity of the American nations and inter-American solidarity as well as such more direct interests as defense of the Panama Canal and the rights of American investors.

In practice the Washington diplomacy of this period appeared to be returning to the "Dollar Diplomacy" of the pre-World War I period. Perhaps in the period 1924-1928 idealism was not in fashion. The Republican Party was united in opposition to the liberal and idealistic rhetoric of the late President Wilson, and it may be that the national leadership was over-reacting to a period of allegedly futile idealism by turning to a narrow defense of dollar values. An application of the sometimes narrow small town banker's view of international finances, in Mexico as well as in other nations, is seen in President Coolidge's oft-quoted remark, "They hired the money, didn't they?" when asked about European war debts owed to the United States.² In expressing and in carrying out actions based upon such a viewpoint, the Government in Washington was almost certainly reflecting the public opinion of the United States in general, a people tired of international commitment, suspicious of diplomacy, and conscious of their wealth and of other peoples' designs upon that wealth. Thus based upon surprisingly narrow aims

2. Donald R. McCoy, Calvin Coolidge, The Quiet President (New York: Macmillan Co., 1967), p. 337.

and ideology, especially for a great power, American diplomacy was prosaic and unimaginative in general, especially in terms of our relations with Mexico. It is probably charitable to write that "Neither Secretary Kellogg nor the American ambassador to Mexico, James R. Sheffield, displayed much ingenuity in dealing with the Mexican situation. . . ." ³

At the same time the American people sought to withdraw from European affairs, there was a renewed interest in the Western Hemisphere and a realization that the United States was the major power in the Americas. At the same time President Coolidge was reprimanding some American admirals who had warned of dangers from Japan, Secretary of State Kellogg was issuing his famous statement of July 12, 1925, in which he appeared to be warning Mexico of the dangerous consequences of her actions. The juxtaposition of American adventures in the Caribbean and in Nicaragua together with the inflammatory statements made to Mexico as opposed to the Washington Naval Conference and the Kellogg-Briand Pact to outlaw war seem to indicate that "isolationism" is not so much a description of the foreign policy of the 1920's as perhaps "withdrawal to the Americas" would be. ⁴

Many writers have blamed Ambassador Sheffield for that unfortunate and perhaps unwarranted set of charges

3. John D. Hicks, Republican Ascendancy, 1921-1933 (New York: Harper & Row, 1963), pp. 156-157.

4. Selig Adler, The Uncertain Giant (New York: Macmillan Co., 1965), p. 103.

publicly made against Mexico in July, 1925. While Ambassador Sheffield doubtless advocated a "hard line" toward Mexico, surely the Secretary of State must be accountable for those statements. While there was no doubt some basis for criticism of Mexico--her slowness, her banditry, her agrarian reformers who were called "grabbers" (agarristas) by many of the Mexicans themselves--Secretary Kellogg's carefully prepared press release was unusually harsh and lacking in proportion to the minor complaints behind them. Many writers mark the decline in Mexican-American relations from the date of Kellogg's release. Even Kellogg's admiring and authorized biographer has little to say save criticism about the release:

The statement failed in its purpose but it is important to recognize what the purpose was. It was an attempt, not a particularly happy one perhaps, to avert trouble while there was still a possibility of doing so.⁵

This statement of Secretary Kellogg indicated to many Mexicans and to much of Latin America that the United States lacked sympathy with the post-revolutionary plight of Mexico. While the Coolidge Administration supported Secretary Kellogg in this and later statements, it is clear now that it was at no time seriously contemplating war or military intervention in Mexico, contrary to the opinions of many Latin American and pro-Latin writers such as Salvador de Madariaga, who wrote:

5. David Bryn-Jones, Frank B. Kellogg, A Biography (New York: G. P. Putnam's Sons, 1937), p. 176.

In 1925 a bill on oil is submitted to Parliament in Mexico; and a strong world-wide campaign of vilification of Mexico follows. It seems that war would then have been actually declared by the U.S.A. but for a timely intervention from President Calles directly to President Coolidge over the head of Secretary Kellogg. President Calles' revelations were of such a nature that the American Ambassador, Sheffield, had to be replaced. The new man, Monroe [sic], was of a quieter disposition.⁶

It was a feature of the Mexican-American diplomatic controversies of this period that the statements of the press by both sides were more strident and bellicose than was the exchange of diplomatic notes which conformed to all of the niceties of protocol. It appeared that the administration in Washington had precisely reversed President Theodore Roosevelt's famous advice to speak softly and carry a big stick. While engaging in bluster to the press, Secretary Kellogg and the administration had no real thought of military measures against Mexico; indeed, at the same time the Department of State was negotiating treaties to reduce naval tonnage.

The settlements effected in both the petroleum and in the alien lands laws were reluctant and compromising on the part of Mexico, and arranged without real understanding or meeting of the minds by the parties at issue. Ambassador Morrow was under no delusions about the delicate nature of the adjustments. It is not surprising, then, that approximately ten years later yet another Mexican general would

6. Salvador de Madariaga, Latin America Between the Eagle and the Bear (New York: Praeger, 1962), p. 90.

move--far less subtly, incidentally--to nationalize the foreign-owned petroleum assets in Mexico. Possibly such a fate was inevitable given the national spirit of Mexico in those years. Probably the Mexican masses, themselves impoverished, found it intolerable to witness the removal of Mexican wealth in order to enrich foreigners. Certainly the land and petroleum issues were caused more by historical events than by the clash of personalities as some would have us believe. It may be that a settlement of the issues in the 1920's that had been arranged less by personal accommodation between Calles and Morrow, a settlement that had not been made under need of new revenues, that respected the sensitive sovereignty of Mexico--perhaps such a settlement would have been more durable and more easily and quickly effected.⁷

Senator Borah, President Calles, and the unanimous vote of the United States Senate as well as many influential individuals favored arbitration of the land and petroleum issues by the World Court. Such a means of settlement would not have been in any way dependent upon the relative strength or military power of the two countries, a sensitive point with Mexico, and would have demonstrated both good will and a desire for rule by law on the part of the United States. The Coolidge Administration opposed arbitration because of the

7. Adler, op. cit., p. 105, suggests that President Calles sought a detente in order to reduce an incipient depression in Mexico at that time.

belief that property rights were not negotiable nor subject to arbitration.⁸ The administration shared the fear of the land and petroleum interests that such a decision, if in any way adverse to the interests of the American corporations, would surely jeopardize worldwide holdings and open a Pandora's Box of troubles for the United States' investors.

An international lawyer, examining the rival claims posed by the Mexican Constitution of 1917 and the legislation of December, 1925, suggests that international law is not clear on the basis of precedent or previous cases. He concludes that

It is obvious that international differences upon cases of this type cannot be peacefully or permanently settled by any unilateral determination by either of the states involved. Only an international court, following no national system of law, but developing if necessary a rule of international law upon general legal principles, can decide the case objectively.⁹

But, again, the Coolidge Administration continued to refuse arbitration, going so far as to refuse generally even the non-compulsory jurisdiction of the World Court.¹⁰

If the true long-term interests of the United States were considered--the peace, stability, and growing prosperity of the area between the Rio Grande and the Panama Canal

8. Rice, op. cit., p. 126.

9. John P. Bullington, "Problems of International Law in the Mexican Constitution of 1917," The American Journal of International Law, XXI, No. 4 (October, 1927), p. 705.

10. William G. Carleton, The Revolution in American Foreign Policy: Its Global Range (New York: Random House, 1963), p. 29.

together with increased trade and closer ties to the United States--if these interests were considered as primary, the United States would have been best advised to attempt arbitration of the outstanding issues between this country and Mexico in the period between 1925 and 1928. Such a settlement would have respected both Mexican sovereignty and Mexican pride, demonstrated the United States' goodwill, and would have removed the problem from the threat of force, real or implied. Such a means of settlement would have been in the highest tradition of Mexican-American relations in accord with the Pious Fund Cases of 1902. In addition, such a means of solving the dispute would have been in the best tradition of Theodore Roosevelt and the Republican Party.

The religious dispute in Mexico during the term of President Calles was almost exclusively an internal Mexican problem that affected the United States only incidentally. This dispute does, however, point out the emotional nature of religious legislation which can serve to encourage violence in such a situation. To the credit of President Coolidge, he resisted pressures to intervene in Mexico or to take sanctions against the Calles Government. While the religious dispute was bloody and destructive, it would have been aggravated by any United States intervention. The religious controversy points up again the wisdom of Woodrow Wilson's decision, continued and adhered to by Coolidge in this case, not to sell arms to any group save the legally constituted government in Mexico. Without arms purchases

from the United States, any parties who sought encouragement of the Cristeros groups were to be doomed to disappointment. The United States arms embargo helped to prevent further outbreak of wholesale revolution. The settlement of the religious dispute was greatly aided by Ambassador Morrow who acted almost exclusively on his own initiative in the dispute as an unofficial mediator. This successful solution of the religious problem, for which Ambassador Morrow is given much of the credit, helped American prestige to recover from the disrepute previously accorded it during the tenure of Ambassador Sheffield. Many writers date the beginnings of the "Good Neighbor Policy" from the time of Morrow's aid in reducing religious tension.

El Chamizal is an astounding example of how a large and powerful nation continued for a total of almost a century to offend the pride of its weaker neighbor by failure to effect settlement of a problem small in everything except emotional content for Mexico. It is true that in the period of the 1920's the small Chamizal area became a cause célèbre because of the gun-running and rum-running that occurred there and because of the clashes of troops that took place on this tiny yet important "no-man's land." The failure of the United States to consent to a World Court hearing of this problem, like other outstanding United States-Mexican differences, is regrettable. The lassitude and lack of concern that the United States Government felt over the Chamizal is seen in President Coolidge's refusal to meet his

Mexican counterpart at the border to discuss this and other border problems.

In general, the period of Calles' presidency, 1924-1928, in Mexican-American relations saw a series of problems that had as their origin awakened Mexican nationalism that clashed with the strict defense of property values by the United States. It has been seen that American foreign policy leadership was at a low level at this time and that decisions were made that were not in the best interests of the United States over the long run. While the United States was opposed to war with Mexico, some of the statements made by American leaders, including President Coolidge, led many Mexicans to believe the United States intended to intervene.

The Mexican Government, recently emerged from Revolution, was doubtless difficult to work with. Governments that have been tempered by the fires of revolution and civil war often are most trying. Increased forbearance on the part of the United States and greater sympathy for the problems of Mexico would have made the period of adjustment and stabilization less difficult for all parties.

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