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INTRODUCTORY ARTICLE

Respect In Friendship

by Hugo B. Margáin*

IN RECENT YEARS, bilateral relations between Mexico and the United States have undergone, as is to be expected, both positive moments and moments of friction. These positive moments have enhanced the principles of mutual respect, the basis for international law. Moments of friction have stemmed from either a lack of proper communication or differing attitudes of two peoples with diverse cultural origins.

As an example of the reaction of some U.S. politicians, businessmen, writers, and other citizens, I will discuss an article written by a distinguished scholar, published in the American press when the U.S. Government was obviously displeased with Mexico's refusal to receive the Shah of Iran after his medical treatment in New York. Another example I will discuss is the speech delivered on the Senate floor on December 17, 1979 by Senator Lloyd Bentsen of Texas.

I consider it relevant to underscore Mexico's view towards some of the problems, identified in the article and speech mentioned above, which caused a temporary cooling of bilateral relations.

I.

On the 11th of January, 1980, Professor Sidney Weintraub published an article in the *Washington Post* entitled "Mexican Standoffishness."¹ The article begins by asserting that "relations between the two countries had deteriorated, and President Carter set out to rectify this. He has failed."² I will attempt to prove that if such a situation had occurred, it certainly was not Mexico's fault, as implied by Professor Weintraub.

To state his case, Professor Weintraub refers to the toast with which the President of Mexico greeted President Carter during the latter's visit to Mexico in February 1979. On that occasion the Mexican President said, among other things:

It is difficult, particularly among neighbors, to maintain cordial and mu-

* Mexican Ambassador to the United States.

¹ Weintraub, *Mexican Standoffishness*, Wash. Post, Jan. 11, 1980, § A, at 15, col. 1.

² *Id.*

tually advantageous relations in an atmosphere of mistrust or open hostility

[A]mong permanent, not casual, neighbors, surprise moves and sudden deceit or abuse are poisonous fruits that sooner or later have a reverse effect

[O]ur peoples want definitive agreements, not circumstantial concessions

[L]et us seek only lasting solutions—good faith and fair play— nothing that would make us lose the respect of our children. . . .³

Let me point out that the toast was an honorable and succinct expression of our way of thinking. We do not believe in friendship based on silence, but rather in the free expression of our ideas according to the prevailing circumstances of the moment. In reference to the circumstances which inspired President López Portillo's toast, I give three examples of events which took place only a few days before President Carter's visit to Mexico.

First, at the beginning of 1979, President López Portillo travelled to northern Mexico, near the border with the United States. A group of American journalists, who asked to interview the President concerning bilateral issues, arranged for a meeting, in Tijuana. Punctual as always, he arrived at the previously agreed place. Instead of a group of journalists, however, he found an embarrassed young lady who apologized for the delay of the American journalists. She said that the journalists were about to conclude an important interview with a distinguished personality from the United States and that they would arrive in a few minutes. The President of Mexico waited over 30 minutes and was about to leave when the American newspaper men and women arrived, offering a thousand excuses. In all frankness, the President told them not to worry. He said that in Mexico everybody knows the degree of importance the United States assigns to our country. When it concerns Mexican problems, he said, there is always some other more important matter which has priority.⁴

Some journalists found that the straightforward remarks were rather unfair to the United States. In fact, what the President of Mexico said was within the bounds of politeness, considering the lack of courtesy displayed by the journalists who had requested the interview. If we live under democratic systems, we must submit ourselves to the truth: it is indispensable to express it without fear, to speak out.

Second, at that time, the plans for the erection of what has been re-

³ N.Y. Times, Feb. 16, 1979, § A, at 5, col. 1.

⁴ The idea is not a new one. The famous phrase of Daniel Moynihan, who once recommended a policy of "benign neglect" for the racial problems in the United States, has been extended to describe the chaotic state of "American policy towards Latin America." See D. MOYNIHAN & S. WEAVER, *A DANGEROUS PLACE* 64-66 (1978).

ferred to in the United States as the "Tortilla Curtain" had been initiated. Special fences had been originally designed to cut off the hands or feet of the undocumented aliens who dared climb over them.⁵ The protests, including those of the American public, were so strong that the project for the fence—likened to the Berlin Wall—was promptly modified.⁶

Finally, another disturbing occurrence was the CBS-TV interview by Dan Rather, with President López Portillo two days before President Carter's visit. Mr. Rather went to Mexico highly recommended by American personalities. I quote a statement made by Mr. Rather in reference to the price of natural gas (my translation from the Spanish): "I understand that Mr. Schlesinger (former Secretary of Energy James Schlesinger) thinks that the price was highway robbery."⁷ To which the President responded, "That is Mr. Schlesinger's opinion. We were working out a deal (with the American companies) and the operation did not go through. It was not highway robbery. Who would dare attack Mr. Schlesinger? Not I. He would not permit it. I do not consider the price high: I think it was reasonably formulated."⁸

President López Portillo explained that instead of exporting the gas, it would be used in Mexico. Mr. Rather then continued, "I understand, Mr. President, that Mr. Schlesinger and possibly President Carter himself . . . think that you are bluffing."⁹ The President answered serenely, "I am a sincere man who would deceive neither my people nor my neighbors. I am a reasonable man who has no motive to bluff. I can substantiate and sustain each and every one of my observations. If in the United States that was assumed, all I can say is, as in the classical comedies of antiquity: 'Now I understand everything.'"¹⁰

⁵ See TIME, Nov. 13, 1978, at 61, col. 1; Sinclair, *U.S. and Mexico Embroiled in Dispute Over 'Tortilla Curtain'*, Wash. Post, Dec. 24, 1978, § A, at 3, col. 1; Wash. Post, Oct. 25, 1978, § A, at 24, col. 2; Wash. Post, Oct. 31, 1978, § A at 18, col. 1.

⁶ See Crewsdon, *Plans for 'Berlin Wall' at El Paso Assailed*, N.Y. Times, Nov. 7, 1978, § A, at 22, col. 4; Sinclair, *supra* note 5, at 3, col. 1; Schutze, *6-½ Mile-Long 'Tortilla Curtain' Planned To Stem Tide of Illegal Mexican Aliens*, Wash. Post, Oct. 24, 1978, § A, at 6, col. 4; Wash. Post, Mar. 17, 1979, § A, at 23, col. 5. *But see* Letter to the Editor, *In Defense of an El Paso 'Wall'*, N.Y. Times, Nov. 11, 1978, § A, at 22, col. 4. *See also* 80 DEP'T STATE BULL. 76 (Sept. 1980).

⁷ "Tengo entendido que el señor Schlesinger piensa que el precio era un precio de asaltante." *Quoted in* Secretaría de Programacion y Presupuesto, Dirección General de Documentación y Análisis, *En Torno a la Visita del Presidente Carter a México*, 17 CUADERNOS DE FILSOFÍA POLITICA DE JOSÉ LÓPEZ PORTILLO 38 (1979)[copy on file at Case Western Reserve Journal of International Law].

⁸ "Esa es la opinión del señor Schlesinger. Estábamos tratando y no se hizo la operación. No lo asaltamos. ¿Quién se atreve a asaltar al señor Schlesinger? Yo no. El no se deja. A mí no me parece un precio alto: me parece un precio razonablemente compuesto." *Id.*

⁹ "Tengo entendido, señor Presidente, que el señor Schlesinger, y posiblemente el Presidente Carter mismo, creen . . . que usted está 'blofeando'." *Id.* at 39.

¹⁰ "Soy un hombre substancialmente sincero, que no engañaría ni a mi pueblo ni a mis

II.

The background of the natural gas incident should be explained. In the course of the natural gas dealings in 1977, six American companies, headed by TENNECO, Inc., went to Mexico to arrange the purchase of natural gas from PEMEX. They signed a "Memorandum of Intentions" to acquire two billion cubic feet of gas per day, at a price of \$2.60 dollars per mcf.¹¹ The price of the natural gas was to be calculated by taking the price of an alternative energy source, in this case number two fuel oil in New York, as a basis and applying it to the equivalent number of BTU per thousand cubic feet of natural gas.¹²

Mr. Schlesinger did not approve the price negotiated between PEMEX and the six American companies. Senator Adlai E. Stevenson also disapproved of the financial agreement.¹³ Senator Stevenson opposed the financial support that the Export-Import Bank was to provide to build the necessary pipeline from Chiapas, in the south of Mexico, to our common boundary at Reynosa-McAllen. Mexico would have invested the six hundred million dollar loan in U.S. equipment and pipes.¹⁴

This was the first time since the Mexican expropriation of the foreign oil companies in 1938 that the United States applied a financial boycott to Mexico. In this case, however, the City of London immediately offered the same financial support on the same good terms. The syndicated bankers oversubscribed the loan and Mexico was loaned one billion dollars.¹⁵

vecinos. Soy un hombre razonable que no tiene por qué 'blofear'. Cada una de mis afirmaciones las puedo fundar y sostener. Si eso se supuso en Estados Unidos, pudiera yo decir como en las comedias antiguas: ahora me lo explico todo." *Id.*

¹¹ Memorandum of Intentions Between Petroleos Mexicanos (PEMEX), Tenneco Inter America, Inc., Texas Eastern Transmission Corp., El Paso Natural Gas Company, Southern Natural Gas Company, Florida Gas Transmission Company, and Transcontinental Gas Pipeline Corp., Aug. 3, 1977, at 2 [hereinafter cited as Memorandum of Intentions] [copy on file at *Case Western Reserve Journal of International Law*].

¹² *Id.* at 2-3:

The price, F.o.b. Reynosa, shall be in U.S.A. dollars and calculated to equal the total heating value price of No. 2 fuel oil in New York harbor, using the calculations the average of the high prices prevailing during the preceding quarter and using 140,000 Btu/gal. as the heating value of the No. 2 fuel oil; if by the end of any quarter the price index no longer reflects accurately the real commercial value of energy delivered, a new price index shall be chosen by mutual agreement.

¹³ S. Con. Res. 59, 95th Cong., 1st Sess., 123 CONG. REC. 34424-25 (1977).

¹⁴ *Id.* at 34425.

¹⁵ On November 8, 1977, Mexico obtained an import loan from an international consortium of 113 banks. The loan, signed in Frankfurt, West Germany, amounted to 1.2 billion dollars over a period of seven years with a three-year grace period and an interest rate of 1 and ¾ % on the interbank rate of London (LIBOR). At the signing ceremony, the consortium representatives (Bank of America, Lloyds Bank International, Compagnie Financiere of Deutsche Bank and Morgan Guaranty Trust Company) repeatedly underscored the "profound confidence they had in Mexico's future and its immediate development." See

In this context, President López Portillo's words to Mr. Rather are easily understood.

This dispute about the natural gas was settled in September 1979 through government channels, but a lower price was set than the one established in the aforementioned Memorandum of Intentions.¹⁶ Thus, it would appear that Professor Weintraub's contention regarding the purchase of natural gas from Mexico is not accurate. He states that "the primary U.S. motivation in signing the (1979) agreement was to mollify the Mexicans."¹⁷ We were given nothing that could be considered beneficial to "mollify the Mexicans."

Despite the events mentioned above, President Carter's February 1979 visit to Mexico was a success. An appropriately friendly and frank atmosphere prevailed, and I was present to witness it. The incident about the "Montezuma's revenge" remark, as Professor Weintraub says, "was not calculated rudeness" on the part of President Carter,¹⁸ and I could not agree more. The remark was given no importance at all in Mexico, where it was considered totally irrelevant within the substance and importance of the visit. In contrast, in the words of Professor Weintraub, "the U.S. press played up Carter's maladroito reference. . . ." ¹⁹

The conversations between the two Presidents were frank, to the point, and always carried out in a friendly atmosphere. This cordiality is reflected in the last paragraph of the joint communiqué which reads: "President Carter suggested that both dignitaries meet again during the summer of this year (1979) President López Portillo accepted this proposal with pleasure."²⁰ Two presidential visits within a few months are not a common occurrence.

Importante Préstamo Internacional, 37 EL MERCADO DE VALORES 724, 728 (1977); *Crédito de 1200 Milliones de Dólares a México*, 37 EL MERCADO DE VALORES 884 (1977).

In March, 1978, again due to the international respect it enjoys, Mexico obtained another loan, which was exclusively assigned to the PEMEX Investment Program. Due to the fact that the participating banks oversubscribed the amount, the credit reached one billion dollars over a ten-year period, including a four-year grace period at an interest rate of 1 and ¼%. The five banks which handled the credit were Citicorp, Bank of America, West Deutsche Landesbank, Bank of Tokyo and Manufacturers Hanover Trust. (Information obtained by the author from the Ministry of the Treasury of Mexico).

¹⁶ Memorandum of Intentions, *supra* note 11, at 3. See generally CONGRESSIONAL RESEARCH SERVICE, 95TH CONG., 2D SESS., MEXICO'S OIL AND GAS POLICY: AN ANALYSIS PREPARED FOR THE SENATE COMM. ON FOREIGN RELATIONS AND THE JOINT ECONOMIC COMM. (Joint Comm. Print 1979); SUBCOMM. ON INVESTIGATIONS AND OVERSIGHT & SUBCOMM. ON SCIENCE, RESEARCH, AND TECHNOLOGY, 96TH CONG., 1ST SESS., REPORT ON U.S./MEXICO RELATIONS AND POTENTIALS REGARDING ENERGY, IMMIGRATION, SCIENTIFIC COOPERATION AND TECHNOLOGY TRANSFER 2-21, 25-28 (Comm. Print 1979).

¹⁷ Weintraub, *supra* note 1, at 15, col. 2.

¹⁸ *Id.* at 15, col. 1.

¹⁹ *Id.* at 15, col. 2.

²⁰ Joint Communiqué of Feb. 16, 1979, 79 DEP'T STATE BULL. 60, 62 (Mar. 1979).

The second of these visits, in September 1979, was another success.

III.

According to Professor Weintraub, "The last minute Mexican refusal to permit the Shah of Iran to return from the U.S. made it clear that, in a pinch, Mexico could not be counted on."²¹ This statement has no basis in fact. Mexico had never committed itself to the Shah's political asylum. He was granted only a tourist visa: one which expired December 9, 1979.²² Moreover, the United States never officially sought Mexican assurance that the Shah, once he left Mexico, would be able to return. The Shah's arrival in Mexico, after the United States initially denied him entry was not a result of U.S. Government intervention on his behalf. Finally, when the Shah became ill, according to reliable experts, he traveled unnecessarily to New York.²³ It was the United States' decision to permit him to enter this country that triggered the chain of events leading to the deplorable situation in which we later found ourselves.

Therefore, it can be strongly argued that Mexico had no international commitment. But even if such a commitment had in fact existed, Mexico would have had a right to cancel it by virtue of the problems that arose, which, in the words of the Secretary General of the United Nations, were a threat to international peace and security.²⁴

The U.S. Government went so far as to declare that Mexico had assured the deposed Shah *in writing* that after his medical treatment in New York he could return to any part of the Mexican Republic. The so-called "commitment" between Mexico and the United States stemmed from a "secret cable" to which journalist Jack Nelson gained access. In the midst of the crisis caused by Mexico's refusal to welcome the Shah back to the country, on December 20, 1979, Nelson published parts of the "secret cable" in the *Los Angeles Times*, and the *Washington Post* reproduced this article the following day.²⁵

Based on "official information," the author asserts that "President

²¹ Weintraub, *supra* note 1, at 15, col. 2.

²² Ministry of Foreign Affairs of Mexico, Press Release, Nov. 29, 1979, at 1 [hereinafter cited as Mexican Foreign Relations Ministry Press Release] [copy on file at *Case Western Reserve Journal of International Law*].

²³ Cohn & Lescaze, *Many Doctors Think Shah Could Have Stayed in Mexico*, Wash. Post, Dec. 6, 1979, § A, at 8, col. 1; Shearer, *Parade Special Intelligence Report*, PARADE, Jan. 6, 1980, at 4; Scott, *Personality Parade*, PARADE, Feb. 10, 1980, at 12.

²⁴ Gwertzman, *Waldheim Asks U.N. Council to Deal With Iranian Crisis: U.S. 'Strongly Supports' Move*, N.Y. Times, Nov. 26, 1979, § A, at 1, cols. 1, 13; Goldstein, *Peril to Peace Seen*, N.Y. Times, Nov. 26, 1979, § A, at 1, cols. 2, 3, 14.

²⁵ The "secret State Department cable was sent to the White House at the time. . . ." See Nelson, *Mexican Leader Assured Shah He Could Return*, L.A. Times, Dec. 20, 1979, § A, at 6, col. 5.

López Portillo told the deposed Shah 'in writing' that he would be welcomed back to Mexico and granted political asylum." Word for word, according to the two newspaper reports, the Mexican President said: "This is your country. You are always welcome. We are distressed and disturbed by your health. A king should have premier medical treatment."²⁶

Allow me to analyze in general terms the text of the alleged "secret cable." Anyone with a knowledge of Mexican idiosyncracies would immediately discern the false ring of the assertions. Mexican citizens, including the President of Mexico, believers in republican ideals, would never distinguish between a king and a commoner, least of all to declare a "king" deserves "premier medical treatment" because of his rank. President López Portillo would never have made such a statement.

The "secret cable" continues, according to the newspaper article, in a similarly ludicrous way: "You should go to the United States for medical treatment, and we await your return."²⁷ In the first place, experts in the field agree that this was unnecessary.²⁸ Secondly, it would have been a politically disastrous remark. All Mexican doctors, nurses, laboratory technicians, professors and students, as well as the general public, would have reacted immediately, enraged at President López Portillo, who, again, would never have made such a statement.²⁹

Furthermore, the Nelson article says that when the Shah "was deciding whether or not to come to the United States . . . U.S. officials knew of the message," and according to one of them, "that was a factor in our decision to have him come here for treatment."³⁰

The fact is that these "officials" would very much like to have President López Portillo share the responsibility for the tragic decision to allow the Shah to go to New York for medical treatment. The trip was the crucial starting point of the dramatic situation we have all undergone.

On December 25, 1979, journalists Walter Pincus and Dan Morgan published the results of their investigations concerning the alleged "commitment" of Mexico to the United States with regards to the Shah's return trip to Mexico.³¹ Their *Washington Post* article made evident that

²⁶ *Id.*

²⁷ *Id.*

²⁸ See Mexican Foreign Relations Ministry Press Release, *supra* note 22.

²⁹ Marquis Childs, in his weekly column "Washington Calling," emphasized that "The letter was false, as should have been evident from the language." Childs, *Immediate Repairs Needed In U.S.-Mexican Friendship*, "Washington Calling", Jan. 7, 1980 (syndicated by United Features Syndicate, Inc.). See also Rowan, *Hard Feelings Across the Border*, Wash. Star, Jan. 4, 1980, § A, at 9, col. 1; *Hanson's Latin American Letter*, Jan. 12, 1980, at 2.

³⁰ Nelson, *supra* note 25. Supposedly, the written message from President López Portillo "was handed to the Shah by an (unnamed) intermediary on October 20, 1979." *Id.*

³¹ Pincus & Morgan, *Mexico Denies The Shah He Could Return*, Wash. Post, Dec. 25, 1979, § A, at 1, col. 2.

the alleged letter written by President López Portillo *did not in fact exist*. The "assurances" to which the State Department referred in the "secret cable" originated in the Rockefeller office in New York which had provided information suggesting that the Shah would return.³² The Pincus and Morgan article clearly demonstrates that the United States got its assurances "second hand."

I publicly challenged those who claimed the existence of a letter written by President López Portillo to the deposed Shah assuring him that he could return to Mexico to produce such a letter.

It thus seems that there was no commitment between the Governments of Mexico and the United States to receive the former Shah again in my country.

On November 28th, my Government received information that the Shah intended to travel to Mexico within the next four days. Obviously, the circumstances which prevailed on that date were radically different from those existing five weeks earlier when the Shah left for New York. For this reason, after taking into account all the risks, dangers and problems involved for Mexico, it was decided to notify the Shah that his visa would not be renewed once it expired on December 9th.

As was explained at the time that the official communiqué was issued, the decision not to renew the Shah's visa was based on the protection of Mexico's vital interests, especially the peace and security of its inhabitants.³³ In addition, due regard was given to the fact that the situation prevailing in Iran at that time gave no reason to expect that the Shah's departure for Mexico would facilitate a solution to the hostage problem.

Allegedly, there would have been two consequences of the Shah's departure from the United States to Mexico. First, the American hostages in Iran would have had a very good chance of being released. Unfortunately, this did not happen. The former Shah's trip to Panama was of no help in this respect. Second, the return of the Shah to Mexico supposedly would not have been in any way harmful to Mexico. The riots and tensions in Panama proved differently.

In light of the foregoing events, the speech by Lloyd Bentsen, Senator from Texas, on December 17, 1979, was most unfortunate.³⁴ He declared that Mexico "has turned its back and resorted to political sniping"

³² ". . . the disclosure to the Los Angeles Times of the text of the Oct. 21 State Department cable makes clear that the 'Rockefeller Office' rather than the Mexican Government was the source of information regarding the assurances to the Shah . . ." *Id.*

³³ Mexican Foreign Relations Ministry Press Release, *supra* note 22, at 1-2.

³⁴ 125 CONG. REC. S18,772 (daily ed. Dec. 17, 1979) (remarks of Senator Bentsen) [hereinafter cited as Bentsen Speech].

by not welcoming back the former Shah.³⁵ He presumed the existence of a commitment to the U.S. Government, and he even went so far as to say:

With regard to the recent Mexican decision to deny refuge to the Shah of Iran, the United States had prior assurances from Mexico that the Shah would be permitted to return to that country following medical treatment here. Yet, when the Shah's scheduled departure from this country became imminent, Mexico changed its mind, reneged on its commitment and created a new element of crisis in an already difficult situation.³⁶

To use the term "reneged" and to allege that Mexico did not honor its commitments obliged Bentsen, within juridical and moral norms, to substantiate his declarations. Since his allegations, neither Bentsen nor anyone else has been able to prove that Mexico ever made a commitment with the U.S. Government to assure the return of the former monarch to Mexico.

Assuming, arguendo, that a conversation did take place between President López Portillo and the Shah and even supposing that a letter existed, this would only show the existence of a would-be relationship with a private citizen. The deposed Shah was not a U.S. citizen. This could never be construed as a "commitment" between the Governments of Mexico and the United States. It is well known that only the ministries of foreign affairs of both countries can formally make such commitments. In this case, no such commitment was made.

Moreover, Senator Bentsen argued that Mexico "even withdrew its diplomatic representation in Teheran to eliminate the possibility of reprisal" that could be caused by the return of the Shah to Mexico.³⁷ In reality, on November 12, 1979, as a sign of protest, Mexico withdrew its personnel from its Embassy in Iran. This was a preliminary step to the severing of diplomatic relations due to the lack of guarantees in that country.

During this crisis, Mexico, from the beginning condemned the abuses of the Ayatollah Khoemeini. At the Organization of American States, the Mexican Representative, Ambassador Rafael de la Colina, assisted in the drafting of the resolution condemning the Iranian government.³⁸

When Mexico, in the light of the international tensions, denied the Shah an extension of his tourist visa, it condemned the uncivilized attitude of the Iranian government with the following words:

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ OAS Permanent Council, Declaration of the Permanent Council of the Organization of American States on the Occupation of the Embassy of the United States of America in Iran and the Holding of its Personnel as Hostages, OEA/Ser. G, CP/RES, 296 (409/79) (Nov. 26, 1979).

The Government of Mexico has strongly condemned this act which represents a flagrant violation of one of the most ancient and respected international principles: the inviolability of embassies and their diplomatic representatives, a principle which has been respected even during war time.³⁹

Senator Bentsen did not stop his diatribe with the topic of the Shah, as he continued in the same aggressive language to attack President López Portillo for his statement concerning the freezing of Iranian assets in U.S. banks. The President of Mexico said that he considered it inappropriate to freeze Iranian assets in U.S. banks. Bentsen took Mexico to task for the claim that the United States' decision was "aggressive" and "precipitous." The freeze, Senator Bentsen said, "was clearly an exceptional response to an unprecedented provocation."⁴⁰ Nevertheless, newspapers from the United States and other countries, using their unrestricted freedom of expression, have presented arguments similar to those of President López Portillo.⁴¹ Friendship does not presuppose a concordance of ideas. In the United States one has the right to dissent. Mexico has the same right. We shall never accept friendship conditioned on acquiescence.

In accordance with these principles of freedom of expression of ideas, the Government of Mexico allowed, but did not organize, the convening of an international conference on the independence of Puerto Rico. Senator Bentsen, however, "failed to understand why an international conference on the independence of Puerto Rico—a conference attended mainly by delegates from Communist nations and engineered to generate anti-U.S. propaganda— was held in Mexico from November 20 to December 2."⁴² To that I can only reply that to be afraid of freedom of expression is a sign of weakness.

IV.

When we talk about U.S.-Mexican relations we all agree that there are difficult problems to be solved: we likewise agree that they are not insurmountable. The real problem that undoubtedly causes great damage to our bilateral relations arises when facts are misunderstood, as in the case of the "blow out" of the Ixtoc I oil well.

For example, Professor Weintraub asserts that "the suggestion that Mexico had some responsibility for the damage to the Texas coast from the spill from Mexico's oil drilling in the Gulf of Mexico was summarily

³⁹ Mexican Foreign Relations Ministry Press Release, *supra* note 22, at 1.

⁴⁰ Bentsen Speech, *supra* note 34, at S18,772.

⁴¹ See *Review and Outlook: The Chill From Frozen Assets*, Wall. St. J., Dec. 4, 1979, at 26, col. 1.

⁴² Bentsen Speech, *supra* note 34, at S18,773.

dismissed with anti-American rhetoric recalling Colorado River salinity."⁴³ First of all, there was no bilateral agreement on which to base a claim for Mexican responsibility. Consequently, there was a need to devise a legal instrument, bilateral in character, establishing a procedure for compensation of damages caused to either one of our countries by the other.

In this context, a joint commission of representatives from Mexico and the United States was formed to negotiate an agreement and to present it to the two respective governments. The Agreement on Cooperation Between the United States of America and the United Mexican States Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances was signed on July 24, 1980, and it will be applied in the case of future damages.⁴⁴ Until this agreement was concluded, there had been no legal bilateral instrument to bind either country.

The Colorado river salinity case mentioned by Professor Weintraub was not simply anti-American rhetoric. This case involved the drainage of lands into the U.S. portion of the Colorado river in the area known as the Wellton-Mohawk. This action affected the lands of the Mexicali Valley downstream on the Colorado, where a considerable number of Mexican farmers earned their living. The washing of the Wellton-Mohawk lands in order to improve them, without taking into account the resulting contamination of the south-flowing waters, was a voluntary act. The high degree of salinity in the Colorado river water was reduced only after long diplomatic negotiations were carried out in accordance with the treaties in force at the time.⁴⁵ Mexico was not compensated for the damage caused to the lands of the Mexicali Valley. Stating these facts should not be considered "anti-American."

One must underscore the very different nature of the two cases: while the salinity of the Colorado River was due to a voluntary act, the oil spill at the Ixtoc I was an accidental blow-out, which took place just as Mexico was trying its best to develop its energy potential, a potential which has enabled it to export, at a time of an international oil shortage, a considerable number of barrels of this valuable resource, thus helping to ease the tensions created by this scarcity.

Now that we have a bilateral agreement, which will not be retroactively applicable, Mexico will honor its international commitments, as is

⁴³ Weintraub, *supra* note 1, at 15, col. 2.

⁴⁴ Agreement on Cooperation Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances, July 24, 1980, Mexico-United States, 80 DEP'T. STATE BULL. 85 (Oct. 1980).

⁴⁵ Treaty Relating to the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, Feb. 3, 1944, Mexico-United States, 59 Stat. 1223, T.S. No. 944.

its tradition.

V.

Much too much has been said and will be said about the undocumented workers that illegally enter the United States from Mexico. Professor Weintraub states that "Mexicans are properly concerned about the treatment of Mexican workers who come here without documents."⁴⁶ Without question, Mexicans are worried about the treatment received by the Mexican workers in the United States. Our main concern is the protection of their rights, in times when respect for human rights has been given such emphasis. Unfortunately, our workers are humiliated and exploited by organizations without any respect for the ethical norms which forbid exploitation of man by fellow man. More often than not it is forgotten that this is human tragedy of major proportions, a tragedy in which human traffic is now more profitable than drug traffic.⁴⁷

VI.

Weintraub writes, "We are trying to bury the past, whereas—to paraphrase Mexican historian Octavio Paz—Mexico is living with its past."⁴⁸

It has been said before that Mexico and the United States are two peoples with diverse cultural origins. It is true that Mexicans place a great deal of emphasis on their splendid historical past—the Anthropological Museum in Mexico City gives witness to this fact. It is a jewel of contemporary world architecture. We consider the colonial era to be an extraordinary example of the intermixing of cultures. The dynamic Mexico of today, with its advanced industrial developments in certain sectors and a cultural movement which has attracted the attention of the world, is a product of the Revolution started in 1910.

Mexico recalls with pride its past history and projects its own very "mestizo" personality, the fruit of two great cultures. Day to day, in the cultural and economic spheres, one sees progress, coupled with originality, by which Mexico makes an important contribution to world culture. Rather than a country entrenched in its past, it is a dynamic country, with an extraordinary future.

When Josephus Daniels was appointed Ambassador from the United States to Mexico in 1933, he told us with commendable frankness that he had forgotten the U.S. invasion of Veracruz, which he himself, as Secre-

⁴⁶ Weintraub, *supra* note 1, at 15, col. 2.

⁴⁷ Crewsdon, *Aliens, Not Drugs, Are the Contraband of Choice Along the Mexican Border*, N.Y. Times, July 21, 1980, at 1, col. 1.

⁴⁸ Weintraub, *supra* note 1, at 15, col. 2.

tary of the Navy, had ordered.⁴⁹ In this operation, many Mexicans died defending their country and Daniels' wife had to remind him of this fact. When he went to see President Roosevelt, who in 1914 was Undersecretary of the Navy and therefore a colleague of Daniels, the President had also forgotten the American occupation of Veracruz.⁵⁰

To "bury the past" to such an extent will not help to solve our differences at all. It is true that we cannot remain entrenched in the past, but we must know it and appreciate it and give it its just value in order to improve on the lessons of history in our bilateral relationship.

* * * * *

Let us not forget that Mexico is a true friend of the United States, but it is also a country zealously independent and sovereign. We wish to continue the prevailing good relations, vital for both countries. Proximity is a form of interdependence which must be based on mutual respect. We sincerely hope that strong feelings do not obfuscate clear thinking and that discrepancies of criteria are overcome so that the friendly feelings between our countries can prevail.

In closing, let me quote President López Portillo's toast during President Carter's visit to Mexico:

[W]e must view the complex phenomenon of our interrelationship, which should never be confused with dependence, integration, or the blurring of borders. The two countries complement and need each other, but neither would want to depend on the other to the point of nullifying its own sovereign will, reducing the scope of its international activities, or losing its self-respect.⁵¹

I have examined an article by an American scholar, the "secret cable" from the State Department which was leaked to the press, and Senator Bentsen's speech. In so doing, the attitude of different and important sectors of United States' society towards bilateral relations with Mexico have been outlined. From my comments, it can be noted that there is much room to learn, in order to know each other better and thus avoid unnecessary friction. We are neighbors and for everyone's well-being we all aspire to a policy of respect in friendship.

⁴⁹ J. DANIELS, *SHIRT-SLEEVE DIPLOMAT* 3 (1947).

⁵⁰ *Id.* at 4.

⁵¹ President López Portillo's Toast to President Carter, 15 *WEEKLY COMP. OF PRES. DOC.* 274 (Feb. 14, 1979).

