

The Law of the United States-Mexico Border

U.S.-Mexico Borderlands



The Law of the United States-Mexico Border

A Casebook

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Preface

The United States-Mexico border is currently associated in the public mind with drug-fueled, uncontrollable violence. Not a day goes by without some reference to mass murder or related government corruption in the major U.S. and Mexican news outlets. At the same time, commercial activity between the two countries is growing exponentially. Mexico is now the first or second largest foreign trading partner of all four U.S. border states—Arizona, California, New Mexico, and Texas.¹ This paradox emphasizes the border’s complexity, as well as the importance of viewing the region from a legal angle: crime, commerce, as well as so many other aspects of the border, such as immigration and the environment, inevitably involve courts and lawyers.

This casebook is a continuation of two previous border-related projects—a statistical compilation and a course. The first of these, my *Statistical Abstract of the United States-Mexico Borderlands*, published by the UCLA Latin American Center in 1984, aggregated time-series data on the demography, economy, infrastructure, and society of the four U.S. and six Mexican border states.² The present work adds a legal dimension to this quantitative overview, focusing on how judicial case interpretation illuminates the actual resolution of disputes—an aspect of the border not clear from broad statistical patterns. To paraphrase U.S. Supreme Court Justice Oliver Wendell Holmes, Jr.’s words in “The Path of the Law” (1897), such decisions can provide a useful forecast of how human behavior will be governed rather than just a summary of a society’s characteristics.³

The second project is my course at Whittier Law School and the Universidad Iberoamericana (Mexico City), “Law of the Mexico-United States Border Seminar.” Over the last seven years I have selected and tried out the cases comprising this book with successive groups of students. I am grateful for their indulging me in a class that departed from traditional legal taxonomy (discussed in the Introduction below) and for their detailed responses to my assessment questionnaire on the utility of my “line versus zone” approach to border case analysis.

1. See www.census.gov/foreign-trade/statistics/state/data/index.html (last visited Jan. 23, 2017).

2. STATISTICAL ABSTRACT OF THE UNITED STATES-MEXICO BORDERLANDS (Peter L. Reich ed., 1984).

3. See OLIVER WENDELL HOLMES, JR., *The Path of the Law*, in COLLECTED LEGAL PAPERS 167, 167 (1920) (emphasizing that the object of legal study is “the prediction of the incidence of the public force through the instrumentality of the courts.”).

I also want to express my thanks to Whittier Law School's former Dean, Penelope Bryan, its current Dean, Judith Daar, and the Ibero's former Director of the Departamento de Derecho, Víctor M. Rojas Amandi, for their institutional support of this project. The fine editors and staff at Carolina Academic Press deserve special recognition for their careful guidance during the writing and publication process. I am grateful to Rosalie Robles of Whittier Law School, who meticulously prepared the index, and for the encouragement of my new colleagues at UCLA School of Law. My wife, Alisa, and sons, Gabriel and Eli, can be credited respectively with editing and discussions that vastly improved the final product. David and Rebeca Ledersnaider, my Mexico City cousins, provided a home away from home while I taught the border course in the Whittier/Ibero Study Abroad Program. Finally, I wish to acknowledge my late mother, Lili Lerner Reich Greenhut (1927–2014), who did not see this book completed, but applauded the idea.

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The Law of the United States-Mexico Border

Chapter One

Introduction

Much recent writing on the U.S.-Mexico border, both academic and journalistic, emphasizes its often-violent character.¹ Nevertheless, cross-border trade is booming, particularly in the Mexican export sector, where aerospace, medical device, and automotive components effectively compete with those from China.² To complicate matters, the region shares a common transnational ecosystem,³ and some of its population—especially workers in similar economic sectors on either side—share social attributes.⁴ Yet at the same time the border marks an asymmetric power relationship between the United States and Mexico, and is further fragmented into “multiple borders” along its 2,000 miles, which differ in history, economic development, social integration, and cultural expression.⁵ In a general sense, the western half of the border on both sides enjoys greater wealth, while the eastern half is poorer.⁶

Mystery writer Allana Martin’s character, Texana Jones, captures the paradox of a geographic unity divided by law: “We tend to think of both sides of the border as our country and the idea of the river as a boundary as something made up in *Chilangolandia* or *Washingtonlandia*, our derisive terms for Mexico City and Washington.”⁷ Indeed, understanding this complex region, richly interwoven yet riven in so many ways, may be impossible within artificial legal categories, but that is exactly what this casebook attempts to do. The current introductory chapter sets the stage for the diverse material to follow by delineating the border theory that will be applied, by making comparisons to other border regions, by filling in the background of the

1. See, e.g., STEVEN W. BENDER, *RUN FOR THE BORDER: VICE AND VIRTUE IN U.S.-MEXICO BORDER CROSSINGS* (2012); CHARLES BOWDEN, *MURDER CITY: CIUDAD JUAREZ AND THE GLOBAL ECONOMY’S NEW KILLING FIELDS* (2010); KATHLEEN N. STAUDT, *VIOLENCE AND ACTIVISM AT THE BORDER: GENDER, FEAR, AND EVERYDAY LIFE IN CIUDAD JUAREZ* (2008); ED VULLIAMY, *AMERICA: WAR ALONG THE BORDERLINE* (2010). This literature even includes an imagined full-scale war between the two countries, in CASPAR WEINBERGER & PETER SCHWEIZER, *THE NEXT WAR* 161–213 (1998).

2. Carol Wise & Joshua Tuyenman, *NAFTA @ 20: A Bittersweet Celebration*, 8 *AMERICAS Q.* 34 (2014).

3. FREDERICK R. GEHLBACH, *MOUNTAIN ISLANDS AND DESERT SEAS: A NATURAL HISTORY OF THE U.S.-MEXICAN BORDERLANDS* (1993).

4. Garth M. Hansen, *The Challenges to Teach, and to Teaching about International Borders, in TEACHING ABOUT INTERNATIONAL BOUNDARIES* 1, 3 (Garth M. Hansen ed., 1985).

5. These sections include Tijuana-San Diego, Sonora-Arizona, Chihuahua-Texas, and Tamaulipas-Texas. Guadalupe Correa-Cabrera & Kathleen Staudt, *An Introduction to the Multiple US-Mexico Borders*, 29 *J. BORDERLANDS STUD.* 385 (2014).

6. Paul Ganster, *On the Road to Interdependence? The United States-Mexico Border Region, in BORDERS AND BORDER REGIONS IN EUROPE AND NORTH AMERICA* 237, 246 (Paul Ganster ed., 1997).

7. ALLANA MARTIN, *DEATH OF THE LAST VILLISTA* 17 (2001).

Mexican-U.S. relationship and governance structure, by discussing recent efforts at regional integration, and by explaining how the presented cases are organized.

A primary paradigm of the border theory applied in this book distinguishes a “line” and a “zone.” According to historical geographer W. Gordon East, national boundary lines demarcate the limit of state jurisdiction and control, while frontier zones, or “borderlands,” are transitional areas in which the state still exercises its functions near neighboring territories.⁸ On the U.S.-Mexico border, the line might be thought of as an official, staffed crossing point, while the zone may take in a radius with a larger population or contiguous political divisions like cities, school districts, and areas defined by international treaties.⁹ A line implies formality while a zone indicates fluidity, and allows for the presence of people who defy easy categorization, like undocumented migrants and the transnational homeless.¹⁰

Zonal fluidity has been observed as far back as the Roman Empire, where frontier lines were often arbitrarily drawn and administrative or trade relationships bridged borders.¹¹ Another way to explain this distinction is to consider the difference between the “hard” borders of fixed political identity and the “soft” ones of social cooperation characterized by the activities of people with multiple attachments.¹² In the post-9/11 era, the U.S. government’s anti-terrorism strategy to establish a “zone of security” has engendered a new type of border through high-tech fencing and surveillance that compromises or suspends the rights of suspect people.¹³ So the U.S.-Mexico border may, or may not, have a stable identity or economy, depending on whether it is viewed as a line or as a zone, and depending on the varied experiences of individuals or groups within it.¹⁴

The problem identified here is not unique. International boundaries the world over juggle similarly conflicting characteristics to varying degrees. The U.S.-Mexico border’s extreme asymmetry in living standards, technology, and institutional patterns resembles that of the European Union’s contrast with the non-EU states of Eastern Europe.¹⁵ Similarly, the Mediterranean Sea has been called “Europe’s Rio Grande” because it divides the European economies, demographics, cultures, and governmental regimes from

8. W. GORDON EAST, *THE GEOGRAPHY BEHIND HISTORY* 98–99 (1967). For the medieval origins of the term “frontière” as a military fortification line, see LUCIEN FEBVRE, *A NEW KIND OF HISTORY AND OTHER ESSAYS* 208–18 (Peter Burke ed., K. Folca trans., 1973).

9. KATHLEEN STAUDT & IRASEMA CORONADO, *FRONTERAS NO MAS: TOWARD SOCIAL JUSTICE AT THE U.S.-MEXICO BORDER* 10–15 (2002).

10. Howard Campbell & Josué G. Lachica, *Transnational Homelessness: Finding a Place on the U.S.-Mexico Border*, 28 *J. BORDERLANDS STUD.* 279 (2013).

11. STEPHEN L. DYSON, *THE CREATION OF THE ROMAN FRONTIER* 276 (1985).

12. JULIE MOSTOV, *SOFT BORDERS: RETHINKING SOVEREIGNTY AND DEMOCRACY* 1 (2008).

13. Jane Juffer, *Introduction*, 105 *So. ATLANTIC Q.* (Special Issue) 663, 677 (2006).

14. Ruth Buchanan, *Border Crossings: NAFTA, Regulatory Restructuring, and the Politics of Place*, in *THE LEGAL GEOGRAPHIES READER* 285, 286 (Nicholas Blomley et al., eds., 2001); ETIENNE BALIBAR, *POLITICS AND THE OTHER SCENE* 81–82 (2002). The latter refers to the phenomenon of differential experiences as “the *polysemic nature* of borders.” *Id.*

15. Norris Clement et al., *Development, Environment, and Security in Asymmetrical Border Regions: European and North American Perspectives*, in *CURTAINS OF IRON AND GOLD: RECONSTRUCTING BORDERS AND SCALES OF INTERACTION* 243, 244 (Heikki Eskelinen et al. eds., 1999).

those of North Africa.¹⁶ Like the U.S.-Mexico border, the Mediterranean functions as a “migration frontier” for people seeking economic opportunity or greater social and political freedom.¹⁷ In contrast, some other border regions are less asymmetrical: Chile-Bolivia, Oman-Yemen, and South Africa-Mozambique all have neighboring populations that share languages, traditions, and political structures.¹⁸ But the degree of asymmetry between bordering nations is not necessarily the major factor in binational friction, because several boundary disputes within Latin America have heated up in recent years (for example, Bolivia-Chile, Colombia-Venezuela, and Costa Rica-Nicaragua), while Mexico and the United States maintain a relatively harmonious relationship.¹⁹

Examining the historical development of Mexico’s and the United States’ respective jurisdictions illuminates not only the two countries’ overall relationship, but also how border issues emerged in the cases excerpted in this book. According to historian Oscar Martínez, upon achieving independence both the United States and Mexico inherited the territorial conflicts of Spain, France, and England over what is now the U.S. Southwest.²⁰ The 1848 Treaty of Guadalupe Hidalgo, ending the U.S.-Mexican War, established a geographically based boundary—the Río Bravo/Río Grande—to the east, and a “line in the sand”—an entirely artificial frontier—to the west.²¹

Through the end of the nineteenth century, the border was traversed by commercial and industrial linkages such as copper mining in southern Arizona, where Anglo entrepreneurs and Hispanic workers created a culturally hybrid, though economically stratified, society.²² In other regions, such as South Texas, railroad construction connected local businesses to international markets, and the expansion of commercial credit facilitated upward mobility and the emergence of a multiethnic middle class.²³ Yet simultaneously, culturally diverse towns like El Paso, traditionally possessed of ample common lands, were transformed by the Anglo-American economy and legal system into privatized, ethnically segregated, and class-stratified cities.²⁴ Privatization

16. Russell King, *The Mediterranean: Europe’s Rio Grande*, in *THE FRONTIERS OF EUROPE* 109 (Malcolm Anderson & Eberhard Bort eds., 1998).

17. *Id.* at 110. For a more comprehensive project comparing migration from Mexico to the United States with that from Morocco to the EU, see *FRONTERAS COMPARADAS: DESARROLLO, TRABAJO Y MIGRACION* (María del Rosío Barajas Escamilla & Marlene Solís Pérez coords., 2013).

18. Robert G. Varady et al., *Key Issues, Institutions, and Strategies for Managing Transboundary Water Resources in the Arizona-Mexico Border Region*, in *SHARED BORDERS, SHARED WATERS: ISRAELI-PALESTINIAN AND COLORADO RIVER BASIN WATER CHALLENGES* 35 (Sharon Megdal et al., eds., 2013).

19. Sarah Bons, *Hot or Not? Border Conflicts in the Americas*, *AMERICAS Q.*, Winter 2015, at 82.

20. OSCAR MARTÍNEZ, *TROUBLESOME BORDER* 9 (rev. ed. 2006).

21. RACHEL ST. JOHN, *LINE IN THE SAND: A HISTORY OF THE WESTERN U.S.-MEXICO BORDER* 2 (2011). The western section was moved to its current location by the 1853 Gadsden Purchase. PAUL NEFF GARBER, *THE GADSDEN TREATY* (1923).

22. SAMUEL TRUETT, *FUGITIVE LANDSCAPES: THE FORGOTTEN HISTORY OF THE U.S.-MEXICO BORDERLANDS* 4–5 (2006).

23. ALICIA M. DEWEY, *PESOS AND DOLLARS: ENTREPRENEURS IN THE TEXAS-MEXICO BORDERLANDS, 1880–1940* 230–40 (2014).

24. Allison Brownell Tirres, *Bordered Lands: Land Use, Legal Culture, and Community Development in the Nineteenth-Century Southwest*, in *COMMUNITY, HOME, AND IDENTITY* 1 (Michael Diamond & Terry L. Turnipseed eds., 2012).

of community land took place throughout former Mexican territory after 1848, and included the sale of communal township or “pueblo” tracts often far from the boundary, as in San Francisco.²⁵ Historians Jeremy Adelman and Stephen Aron describe the process of transforming hybrid societies into national ones as a move from “borderlands” to “bordered lands” where individuals lost both freedom of movement between sovereignties and various types of status within their own nation-state.²⁶

An important legacy of the hardening of the national boundary between Mexico and the United States has been the existence of institutional barriers to intergovernmental communication—a blockage with profound implications for case law. During the Spanish colonial period and after independence, Mexico’s government was highly centralized, leaving relatively little room for regional and local administrative autonomy, at least in urban areas.²⁷ In contrast, rural governance remained via *derecho vulgar*, or customary legal modification, giving smaller communities the flexibility that major cities lacked.²⁸ Compared to that in the United States, official responsibility for welfare, transportation, and education in Mexico is far more concentrated in federal rather than state or local agencies, complicating cross-border collaboration in the delivery of these services.²⁹ For example, in a study of binational environmental cooperation between 1995 and 1998, Mexican states participated in 24.6 percent of the projects, while corresponding U.S. state involvement reached 57 percent.³⁰ This disarticulation in government structure and decision-making authority not only complicates cross-border collaboration, but also raises the question whether U.S. courts should intervene in disputes wherein their Mexican counterparts might not have the same degree of authority.³¹

Notwithstanding the U.S.-Mexico border’s history of conflict and institutional asymmetry, the region has been characterized by increasing international linkages. In 1815, U.S. Patent Commissioner William Thornton published a proposal for the

25. Peter L. Reich, *Dismantling the Pueblo: Hispanic Municipal Land Rights in California Since 1850*, 45 AM. J. LEGAL HIST. 353 (2001).

26. Jeremy Adelman & Stephen Aron, *From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History*, 104 AM. HIST. REV. 814 (1999). The 1880s containment of the Apache people both between and within Mexico and the United States is a graphic illustration of this last point. *Id.* at 840.

27. LEONARD CARDENAS, JR., *THE MUNICIPALITY IN NORTHERN MEXICO* 32–34 (1963).

28. CHARLES R. CUTTER, *THE LEGAL CULTURE OF NORTHERN NEW SPAIN, 1710–1810* 34, 148 (1995).

29. Glen Sparrow, *Governance in Imperial County, California, and Mexicali, Baja California, in IMPERIAL-MEXICALI VALLEYS: DEVELOPMENT AND ENVIRONMENT OF THE U.S.-MEXICO BORDER REGION* 65, 66 (Kimberly Collins et al. eds., 2004). In the last two decades, Mexico has been devolving services gradually from the national to the local level via constitutional amendment. *Id.*

30. Roberto A. Sánchez, *Binational Cooperation and the Environment at the U.S.-Mexico Border: A Mexican Perspective*, in *BOTH SIDES OF THE BORDER: TRANSBOUNDARY ENVIRONMENTAL MANAGEMENT ISSUES FACING MEXICO AND THE UNITED STATES* 53, 63, 66 (Linda Fernández & Richard T. Carson eds., 2002).

31. See cases *infra*, Chapter 10.

political unification of North and South America on a federalist model.³² Such a plan was too Utopian even for that era of rapidly changing boundaries as the United States spread south and west and Latin American republics gained independence from Spain. Yet despite the convulsion of the U.S.-Mexican War and the annexation of half of Mexico's territory, the two countries settled into a pattern of diplomatic cooperation. Beginning in 1839, financial claims by Mexican and U.S. citizens against each other's government were regularly arbitrated by a series of joint commissions.³³ During the late nineteenth century, the two countries also collaborated in the transborder pursuit of criminals, extradition, and the resolution of boundary disputes.³⁴

In the decades following World War II, the European Economic Community and its successor, the European Union, created a new model for monetary and political integration, including a supranational judicial system with the power to override the separate laws of constituent states.³⁵ The North American Free Trade Agreement (NAFTA), signed by Canada, Mexico, and the United States in 1992 and implemented in 1994, liberalized commerce among its participants but fell short of an EU-style coordinated structure.³⁶ The agreement has had mixed results: Cross-border investment and exports soared, but may have eliminated U.S. jobs and stymied Mexican economic growth.³⁷

In addition to NAFTA's failure to deliver on some of its economic promises, its tribunals have often overruled national environmental and labor legislation, and have thus enhanced the power of multinational corporations over its member countries' sovereignty.³⁸ Responding to this problem, proponents of a more comprehensive "North American Union" maintain that transnational infrastructure, economic policy

32. N. Andrew & N. Cleven, *Document: Thornton's Outlines of a Constitution for United North and Columbia*, 12 *HISP. AM. HIST. REV.* 198 (1932).

33. RECLAMACIONES INTERNACIONALES DE MEXICO Y CONTRA MEXICO SOMETIDAS A ARBITRAJE (1899); MEXICAN CLAIMS COMMISSION UNDER THE ACT OF CONGRESS APPROVED APRIL 10, 1935: REPORT TO THE SECRETARY OF THE STATE WITH DECISIONS SHOWING THE REASONS FOR THE ALLOWANCE OR DISALLOWANCE OF THE CLAIMS (1940).

34. DANIEL S. MARGOLIES, SPACES OF LAW IN AMERICAN FOREIGN RELATIONS: EXTRADITION AND EXTRATERRITORIALITY IN THE BORDERLANDS AND BEYOND, 1877–1898 (2011). Conflicts over the Rio Grande and Colorado River boundaries have been addressed by applying Roman legal concepts of watercourse movement accepted by both sides. Peter L. Reich, *The Historical, Comparative, and Convergence Trifecta in International Water Law: A Mexico-U.S. Example*, 43 *ENVTL. L. REP.* 10509 (2013).

35. John F. Stack Jr. & Mary L. Volcansek, *Courts Crossing Borders*, in *COURTS CROSSING BORDERS: BLURRING THE LINES OF SOVEREIGNTY 1* (Mary L. Volcansek & John F. Stack Jr. eds., 2005).

36. Michael Wilson, *NAFTA's Unfinished Business: The View from Canada*, 93 *FOREIGN AFF.*, Jan.–Feb. 2014, at 128, 129.

37. Carla Hills, *NAFTA's Economic Upsides: The View from the United States*, 93 *FOREIGN AFF.*, Jan.–Feb. 2014, at 122, 123–24; Jorge G. Castañeda, *NAFTA's Mixed Record: The View from Mexico*, 93 *FOREIGN AFF.*, Jan.–Feb. 2104, at 134, 137–39; Azam Ahmed & Elizabeth Malkin, *NAFTA's Promise is Falling Short, Mexicans Agree*, *N.Y. Times*, Jan. 5, 2017, at A1.

38. David M. O'Brien, *Dispute Resolution under NAFTA and the Emergence of Transnational Quasi-Courts*, in *COURTS CROSSING BORDERS: BLURRING THE LINES OF SOVEREIGNTY 137* (Mary L. Volcansek & John F. Stack Jr. eds., 20015). See also Stephen Zamora, *Rethinking North America: Why NAFTA's Laissez Faire Approach to Integration is Flawed, and What to Do About It*, 56 *VILL. L. REV.* 631 (2011) (arguing that NAFTA lacks effective trilateral institutional structures to mitigate its negative side effects).

coordination, and regulatory convergence would benefit sectors of the three countries' populations far larger than the narrow financial elite favored now.³⁹ In the absence of greater formal integration, border lawyers either must work within NAFTA's limited scope, or explore the mechanism for dispute resolution provided by existing case law and suggested in this book.

Having presented essential points of border theory, comparative border characteristics, U.S.-Mexico border history, and challenges to regional integration, I now turn to the taxonomy of this casebook. Categories of legal analysis have been transformed in the past, as when the common law forms of action (various writs and their remedies) were abolished in the early nineteenth century and gave way to property and contract claims.⁴⁰ "Classical legal thought" of the late nineteenth century reorganized the system yet again, yielding the currently recognizable fields of contract, property, tort, and succession.⁴¹ Ultimately, some of these categories were blurred or collapsed as the sphere of public regulation expanded.⁴² Justice Oliver Wendell Holmes Jr., considered that the modern forms of liability had a common origin in the concept of revenge—an element that was eliminated as society transcended the need to impose moral blame.⁴³

Thus, this casebook follows the evolving legal taxonomic tradition, moving away from standard course topics like civil procedure and property to a regional approach that encompasses a multiplicity of subjects within its parameters. Boundary issues, detentions, immigration, family law, business transactions, torts, crimes, the environment—all these receive attention, although no one area predominates. At the beginning of each chapter, a brief introduction provides context for the chapter's focus area, with footnotes to relevant sources. The accommodation of the Mexican civil law system by U.S. courts appears as a recurrent theme in many cases, and the last chapter treats decisions in which such interpretation is central. But the book does not attempt to provide an introduction to civil law methodology or to substantive Mexican law.⁴⁴ Nor does it analyze the history, economics, sociology, or politics of the border, except as necessary to explain the context of the cases.⁴⁵ Rather, my goal

39. ROBERT A. PASTOR, *THE NORTH AMERICAN IDEA: A VISION OF A CONTINENTAL FUTURE* 167–202 (2011).

40. DUNCAN KENNEDY, *THE RISE AND FALL OF CLASSICAL LEGAL THOUGHT* xiii (2006). For a detailed discussion of the medieval common law forms, see F.W. MAITLAND, *THE FORMS OF ACTION AT COMMON LAW* (A.H. Chaytor & W.J. Whittaker eds., 1936).

41. KENNEDY, *supra* note 40. Classical legal thought assumed sharp, abstract distinctions between branches of law. *Id.* at xi.

42. *Id.* at xi.

43. OLIVER WENDELL HOLMES, JR., *THE COMMON LAW* 37 (1881).

44. For excellent treatments of these topics, see JOHN HENRY MERRYMAN & ROGELIO PEREZ PERDOMO, *THE CIVIL LAW TRADITION: AN INTRODUCTION TO THE LEGAL SYSTEMS OF EUROPE AND LATIN AMERICA* (3d ed., 2007); JORGE A. VARGAS, *MEXICAN LAW FOR THE AMERICAN LAWYER* (2009).

45. For a useful treatment of these subjects, see PAUL GANSTER & DAVID LOREY, *THE U.S.-MEXICAN BORDER INTO THE TWENTIETH CENTURY* (2d ed., 2008); *THE U.S.-MEXICO TRANSBORDER REGION: CULTURAL DYNAMICS AND HISTORICAL INTERACTION* (Carlos G. Vález-Ibáñez & Josiah Heyman eds., 2017).

is to demonstrate to students in law, public policy, and undergraduate courses how the U.S.-Mexico border has become a crucial theoretical and practical element of the U.S. legal process.⁴⁶

46. All translations from Spanish-language sources are mine unless otherwise attributed. Ellipses indicate that textual material has been edited out, and original footnotes have been either eliminated or, if relevant, converted into text parentheticals for convenience. Original orthography has been retained unless it is obviously a misprint or would confuse the reader. Author's additions or explanations are bracketed.