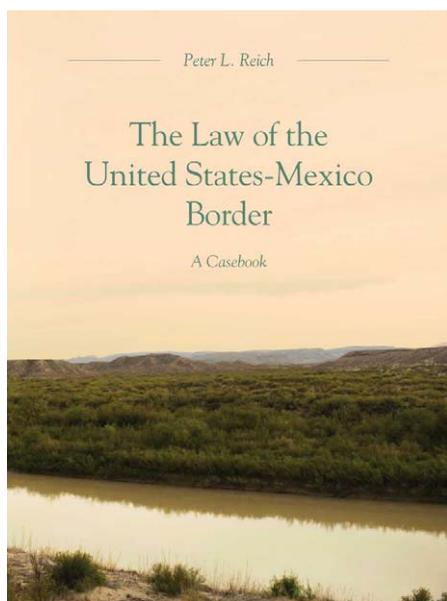


# BOOK REVIEWS

**THE LAW OF THE UNITED STATES –MEXICO BORDER:** *A Casebook*. By Peter L. Reich (Durham: Carolina Academic Press, 2017, 361 pp., \$60.00 paper). Reviewed by Donna C. Schuele.

Peter Reich, trained in both law and history, has produced the first casebook to focus on the intersection of the law and legal systems of the United States and Mexico in the border region. While the text is primarily intended for a law school audience, borderlands and other historians will find it a very useful addition to scholarship that accepts as axiomatic the fluidity of the Mexico-U.S. border.



If there is any category of analysis that would seem to dictate both a “line” paradigm of a border and a hard focus on national jurisdiction and sovereignty, it is law. Yet, Reich demonstrates that the history of the law of the U.S.-Mexico border is marked by a zonal fluidity that makes its study both complex and fascinating. And an examination of law governing the border, as it veers between “line” and “zone,” proves especially timely. For example, the law of asylum highly depends on the notion of a fixed-line border, while the

legitimacy of U.S. border agents lobbing tear gas at migrants on Mexican soil certainly evinces a notion of zonal authority. In addition, Reich makes the case that studying the historical development of law in the Mexico-U.S. borderlands illuminates more largely the changing relationship between the two countries. The border’s (albeit not unique) history of conflict, as well as institutional and economic asymmetry, has—if not given way to—at least become augmented by international collaboration and integration that has challenged sovereign authority. Thus, Reich

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argues, “the U.S.-Mexico border has become a crucial theoretical and practical element of the U.S. legal process” (9).

Reich takes what he denotes a regional approach to the topical organization of this casebook. Rather than exclusively mimicking the categories of traditional law study, each chapter engages multiple subjects under headings that will look familiar even to lay readers with a working knowledge of border contestations, such as “boundary issues,” “border detentions,” “immigrants’ rights,” “financial and trade transactions,” and “environmental law.” The casebook also contains a section that illustrates U.S. jurists’ attempts to interpret and apply Mexican law. The chapters begin with a brief historic contextualization of the topic at hand as well as a note explaining the choice of cases Reich uses to illustrate relevant legal issues. The casebook emerged from a course that Reich taught over many years at Whittier Law School and at the Universidad Iberoamericana in Mexico City, where he “test drove” the cases that found their way into the text. Non-lawyers will most likely gravitate towards the historic discussion and then pick and choose among the cases as interest warrants.

One of the many values of this volume is that Reich has cast his net widely to find illustrative legal opinions, reaching back into the 19<sup>th</sup> century and including cases from a wide variety of United States courts.<sup>1</sup> As expected, the federal courts produce the bulk of the opinions reprinted in the text; the United States Supreme Court is well-represented, along with the U.S. Court of Appeals (as expected, the 5<sup>th</sup> and 9<sup>th</sup> Circuits predominate), and even district courts, but readers will also find opinions from specialized federal tribunals such as the Court of Claims and the Board of Immigration Appeals (BIA). State high courts (including the border/western states of California, Arizona, and Colorado) and intermediate appellate courts (including California and Oregon) are also represented. And, explaining that environmental injuries have less often found their way into court, Reich also includes the 1973 Colorado River Salinity Treaty to exemplify a diplomatic legal resolution of environmental damage.

Reich does not merely set forth the “line” vs. “zone” paradigm in the casebook’s introduction. This theory is carried through the chapters, and it is clear that Reich has chosen his cases to provide opportunities for readers to contemplate the ramifications of courts adopting (even if unwittingly) one view of the border or the other. Following each case, Reich provides thoughtful discussion questions and an occasional explanatory note, which include asking the reader to consider whether the court is viewing the border as a line or a zone.

Although the primary audience for this casebook is law students, those who teach borderlands history, the history of the U.S. West, Latinx studies, or state-based history such as California, Arizona, or Texas, will find materials here that can be used to supplement a course that may otherwise give short shrift to judicial construction of the border and immigrants’ lives. For example, the chapter on

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1. Because this text is not designed to teach substantive Mexican law, or even primarily to be used in a comparative law course, but rather is meant to educate practitioners in United States courts, it does not include cases decided by Mexican courts.

immigrants' rights focuses exclusively on the position of undocumented immigrants and provides an excellent opportunity to examine the increasing role of state-level government in the face of a settled jurisprudence that gives primacy to federal law and authority. While *Plyer v. Doe* is the most recognizable case in this group, undergraduate students will be particularly interested in *Martinez v. Regents of the University of California*, wherein the California Supreme Court upheld legislation conferring eligibility on undocumented students for in-state tuition at public colleges and universities. And two cases, one emanating from the U.S. Supreme Court and the other from a state appellate court, demonstrate opposing attitudes towards the rights of undocumented workers. Given the position of the current presidential administration and the make-up of the Supreme Court, it is a near certainty that those states adopting a more benevolent position towards undocumented residents will continue to push up against federal sovereignty and thus immigrant rights will remain a topic of immediate interest in history, politics, and policy courses for some time to come.

If this casebook follows the pattern of others, we can expect updated editions every few years as issues evolve and new cases are handed down from both federal and state courts. In this vein, I would urge Reich to expand both the contextual essays that begin each chapter and the discussion questions that follow with an eye towards growing the audience and making the casebook even more accessible to students of history, public policy, politics, and ethnic studies. The text is invaluable and should not go unnoticed by instructors in those fields.

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**MIGRANT LONGING:** *Letter Writing Across the U.S.-Mexico Borderlands*. By Miroslava Chávez-García (Chapel Hill: University of North Carolina Press, 2018, 278 pp., \$27.95 paper). Reviewed by Leisy J. Abrego.

Through the analysis of epistolary practices and relationships, *Migrant Longing* offers a uniquely intimate look into the lives and aspirations of early 1960s migrants and their families and friends in Mexico. Based on a unique data set consisting of over 300 letters in the author's and her relatives' personal archives, the book is both intriguing and revealing. In each chapter, Chávez-García takes readers through the highs and lows of relationships—between romantic partners, parents and adult children, and migrants and friends—to underscore that migration entails joy and anguish, satisfaction and regret, and loneliness and longing for home on both sides of the border, even when people relocate willingly and with the protection of legal status.

Methodologically, this is a pathbreaking book. Chávez-García notes that while she initiated the project mainly as a way to get to know her parents through their letters of courtship after both died during a tragic car accident when she was only twelve years old, she also thought frequently about her subjectivity as a researcher.