

**The Mexican-American War and
its Effects**

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During the 19th century the United States acquired a huge portion of land through the Mexican-American War (1846-1848). President James Polk wished to acquire California by peaceful means, so he sent American envoy John Slidell to Mexico in 1845 to negotiate the sale of Texas, New Mexico, and California for no more than \$25 million. This mission failed, so Polk sent General Zachary Taylor across the Rio Grande.¹ Mexico saw the crossing of the Nueces River by Taylor's troops as an act of war so Mexican troops were ordered to cross the Rio Grande. President Polk saw this as aggression towards the US and he declared war on Mexico on May 13, 1846 with the vote of 173-14 in Congress and 42-2 in the Senate both in favor of the war,² thus starting the Mexican-American War.³

The war was waged for two years and the Americans did not cease hostilities until Mexico ratified the Treaty of Guadalupe Hidalgo under US terms. The treaty was signed on February 2, 1848 and the US Senate amended then ratified it by a vote of 38-14.⁴

¹ Jesse S. Reeves, "The Treaty of Guadalupe-Hidalgo," The American Historical Review 10, no. 2 (1905): 311.

² María del Rosario Rodríguez Díaz, "Mexico's Vision of Manifest Destiny During the 1847 War," Journal of Popular Culture 35, no. 2 (Fall 2001): 44.

³ Lalo Lopez, "Legacy of a Land Grab," Hispanic 10, no. 9 (Sept. 1997): 22.

⁴ Reeves, 315-324.

The US not only received a large portion of land, but the people who lived there as well. What was to happen to the tens of thousands of Mexican citizens that lived in this region, which was now part of another nation? Did they become United States citizens with full rights? Were their property rights respected, or were they dispossessed by lawyers, land commissioners, policyholders, and court fees? If the Treaty of Guadalupe Hidalgo guaranteed these rights, did the United States government uphold them?

Reading President James Polk's diary in 1905, historian Jesse S. Reeves found that when Polk came to office, he had already made up his mind that he wanted to acquire California.⁵ Since Alta California belonged to Mexico, Polk's administration would have to pull some strings to get this potentially valuable land. General Antonio Lopez de Santa Anna had a price on his head in the US before he became President of Mexico. With orders from Polk, Santa Anna was allowed to pass through Texas to Vera Cruz untouched in May of 1846. The reason for this was he was seen as a man that would go to the bargaining table before seeing Mexico ruled by another country again.⁶

⁵ Ibid, 310.

⁶Ibid, 312.

Historian Alvar Carlson studied the events after the war. He found that many Mexican settlers had lost their land through illegal acts of white settlers, but there were other groups that lost their land to both the Anglos and the Spanish-Americans, and that was the Northern Pueblo Indians. During the last half of the 1800's, Spanish-Americans acquired much of the irrigable cropland within the eight Northern Pueblo Indian Grants of New Mexico, but unlike their Anglo counterparts, they were able to do this without bloodshed.⁷ Though Pueblos lost much of their land in the second half of the 19th century, they started losing their land in the 1700's due to small pox and outward migration. This opened the land up for Mexican/Spanish settlers to try and make it on the frontier.

During the 1880's the Treaty of Guadalupe-Hidalgo had failed to protect Indian land, so they were forced to apply for homesteads under the Homestead Act. This did not work because they were only given non-irrigable lands, which meant they were a dispersed settlement in a village-minded people who shared land.⁸ Mexicans were also subjected to the seizure of their lands. All non-Indians had to prove ownership by such stipulations as continuous possession for

⁷ Alvar W. Carlson, "Spanish-American Acquisition of Cropland within the Northern Pueblo Indian Grants, New Mexico," Ethnohistory 22, no. 2 (1975): 95.

⁸Ibid, 97-98.

at least twenty years and payment of taxes under American law.

These people were required to present documents proving land transfers. Most of them lacked any written evidence showing proof of exchange. They stated that their ancestors bought land from Indians or they merely achieved the land through inheritance. But according to Carlson, the reality was that these people squatted on the grants of the Indians and claimed the "right to possession and occupancy" of unused land, which was legal under Spanish and Mexican Customs. Even with these strict rules, Spanish-Americans were able to acquire title to 18,200 acres of Indian land in New Mexico.⁹

Another example of a larger group encroaching on the land of a smaller population was the California Gold Rush. This brought over 100,000 people by 1850 into a territory that only had 14,000 people two years before. These settlers were not used to Mexican customs and because of this they had a difficult time figuring out which land belonged to the Mexicans and which land was public domain. These "unknowing" Americans thought that since the US took

⁹ Ibid, 100-103.

over the southwest, including California, that all of the land was public domain.¹⁰

To deal with this confusion, Congress passed the California Land Act of 1851, two years after the end of the war between the US and Mexico. This act created a three-man commission, named by the president. Its responsibility was to decide if land claims issued under Mexican/Spanish rule were valid or not.

All Mexican landholders had two years to present their claims to the commission or their land would be taken away. The commission finished its work by 1856, but in its tenure it saw 813 claims. Of these 813, 514 were approved, 280 rejected, and nineteen were dropped.¹¹ The interesting thing is that this commission was supposed to make the final decision on these claims, but due to litigation only made a final decision on three cases. The rest were settled in the federal courts.¹²

Historians Leonard Pitt has studied the actions of Senator William Gwin, who drew up the California Land Act of 1851. Gwin gave the impression that he did not want to harm any Californians, yet at the same time he also made the rules for Mexicans retaining their land very difficult.

¹⁰ David Hornbeck, "The Patenting of California's Private Land Claims, 1851-1885," Geographic Review 69, no. 4 (Oct. 1979): 435-438.

¹¹ Ibid, 439.

¹² Ibid, 439.

This was done because he thought their claims to be fraudulent. Although the act was passed, it did have its opponents. Senator Thomas Hart Benton thought many of these innocent Mexicans would have to sell or give away their land to pay for court and lawyer fees.¹³ He turned out to be correct.

Later in life Gwin admitted that through the land act, he wanted to encourage American settlers to squat on Mexican land claims and eventually force them out. According to the wording of the act, Americans could enter land that "to the best of ones knowledge" was not being used.¹⁴ Gwin sided with squatters in other ways as well. In 1853, Gwin fired two of the three land commissions to delay claims, which helped the squatters.¹⁵ This is a perfect example of how the treaty was not upheld by US government officials.

According to Historians Karen B. Clay, congress had several choices to deal with the land grant issue including confiscation, buyout, confirmation, bureaucratic investigation, judicial investigation, or a hybrid method, but chose the California Land Act because it best balanced

¹³ Leonard Pitt, The Decline of the Californios: A Social History of the Spanish-Speaking Californians, 1846-1890 (Los Angeles: University of California Press, 1966), 85.

¹⁴ Ibid, 83 & 86.

¹⁵ Ibid, 92.

the interest of the government, owners of grants, and American squatters and settlers.¹⁶ But what it really did was create even more opportunities for squatters and land speculators to obtain land. Anglos in local governments had the power to decide which claims were fraudulent and which were not,¹⁷ which proved to be very corrupt. As early as 1850, wealthy and politically well-connected Americans owned an increasing fraction of the Mexican land grants.¹⁸

Not only was it difficult for the Mexicans to prove their claims in court, but it was also very expensive to do so. To present your claim before a commission cost between \$500 and \$1,500, appeals for federal district court was \$100-\$500, and appeals to the US Supreme Court was between \$600 and \$1,000.¹⁹ These court fees were entirely too much money for these people. Although they were rich in land, they had little or no money.

This new commission gave the impression that the Mexicans had incomplete records, which created an opportunity for individuals to submit fraudulent claims by forwarding previously made grants, resurrecting abandoned

¹⁶ Karen B. Clay, "Property Rights and Institutions: Congress and the California Land Act of 1851," The Journal of Economic History 59, no. 1 (1999): 123-124.

¹⁷ Ibid, 129.

¹⁸ Ibid, 127.

¹⁹ Ibid, 134.

grants, or outright manufacturing claims.²⁰ This uncertainty about property rights led to widespread squatting on Mexican land. Not only did the squatters occupy Mexican land, but in 1852 they also attempted to steal land by lobbying in the California Government. They were backed by Senator Gwin who drew a bill that would allow squatters to sit on Mexican land grants, but it was turned down.²¹

Historian Peter L. Reich has noted that in the 1850's, less than 5 percent of San Francisco's inhabitants controlled over 75 percent of the land. By 1871, journalist Henry George noticed that much of San Francisco's public land that was formerly under Mexican rule, was now under the control of a few rich people. Many people of the city needed that land to build homes.²² This evidence brings up the question if the California judges tried to figure out claims fairly, or if they manipulated the laws for their own financial gain. The answer is the latter.

San Franciscan surveyor Milo Hoadley and California Supreme Court Justice Solomon Heydenfeldt not only were a part of land commissions on several pueblos, but were also

²⁰ Ibid, 126.

²¹ Ibid, 134.

²² Peter L. Reich, "Dismantling the Pueblo: Hispanic Municipal Land Rights in California Since 1850," The American Journal of Legal History 45, no. 4 (Oct. 2001): 353.

speculators as well.²³ These types of speculations were happening even before California was admitted to the US. Military governor of California, Stephen Watts Kearney allowed the sale of some San Franciscan public land in March 1847 (before the signing of the Treaty of Guadalupe Hidalgo).²⁴

The evidence and arguments from Spanish and Mexican law in the case files and published opinions show clearly that California judges intentionally disregarded the prior, more communal legal tradition, and created a new regime of absolute municipal power to alienate land.²⁵

Historian David Hornbeck did a study of these claims in 1979, which included 482 of these claims. Through his research, he found that 209 patents were issued to people with Anglo surnames, and 109 were given to the owners before 1846.²⁶ According to Hornbeck, Spanish surname claimants received 61 percent of the California land while Anglo surnamed people only got 39 percent.²⁷ He agrees with Clay that Mexicans lost their land through legal fees, court fees, and transportation. These factors made them go

²³ Ibid, 362.

²⁴ Ibid, 358.

²⁵ Ibid, 369.

²⁶ Hornbeck, 436. As you can tell by the math, he left out 122 cases and none of the claimants that were in his study were of Spanish origin. Why were these claims not included into his research? It seems that thirty-five percent of your research being left out is quite a large number.

²⁷ Ibid, 443.

bankrupt, so in order for them to pay off their debts, they ended up selling the vary land they were trying to save.²⁸

Although large amounts of money were made by the California Gold Rush, historian A.M. Sakolski believes that more fortunes were made in land/real estate.²⁹ Some of the people who gained fortunes included the city counselors of San Francisco, who had an opportunity to make large profits from the 800 grants totaling up to about 8 million acres. When Mexicans had to bring their claims to the courts, more often than not, they could not prove their titles because neither the Mexican nor the Spanish Government had issued any deeds. Those who did have proof, had to hire lawyers who often charged up to half the land from the people they were supposed to be defending.³⁰

California was not the only territory acquired from Mexico to have land disputes. New Mexico had its fare share as well. Local Mexican land claim holders lacked an understanding of the legal system that was imposed on them. Because of this, all Hispanic residents of New Mexico were seen as guilty of land fraud until proven innocent.

²⁸ Ibid, 440.

²⁹ A.M. Sakolski, The Great American Land Bubble: The Amazing Story of Land-Grabbing, Speculations, and Boons From Colonial Days to the Present Time (New York: Harper & Brothers Publishers, 1932), 256.

³⁰ Ibid, 263.

Conservative estimates show that from 1854-1930, the US took 5.5 million acres from Mexican-Americans in New Mexico. Between 1891 and 1901, 34 million acres were confirmed for Anglos while only 2 million acres were confirmed for Mexican-Americans.³¹ These land claims also took a very long time to settle. In 1890, 107 claims covering 8,704,785 acres were still not resolved. It was not until 1904 that most of these cases were settled.³²

Another interesting event dealt with the governor of New Mexico. William A. Pike, governor of New Mexico 1869-1870, ordered all land grant documents in the Santa Fe archives destroyed. He was a land speculator, past owner of Mexican land and a railroad company that owned about 1.7 million acres.³³ With their destruction, he could obtain more land.

It also took from 1848-1912 for Mexicans in this state to become US citizens. This included Native Americans who were citizens under Mexican rule, but were not made citizens of the US after the signing of the Treaty of Guadalupe Hidalgo. By acts of commission or acts of

³¹ "Land Grants and Land Grabs: Treaty of Guadalupe Hidalgo," Senior Scholastic (Teacher ed.), January 10, 1972, 11.

³² Sakolski, 271.

³³ "Land Grants and Land Grabs," 11.

omission, the US did not live up to the obligations of the treaty.³⁴

Historian Sonia Hernandez has also examined the Treaty of Guadalupe Hidalgo, its effects on Mexicans living in Southern Texas, and the perspectives of other historians such as Armando Alonzo. Alonzo claims that even though there were conflicts between Anglos and Tejanos, he refutes that state conflict and fraud were the dominant reasons for the land loss. Instead, Hernandez agrees with Hornbeck that Tejanos lost their land due to the costly process of the law. What makes them different is that Hernandez and Alonzo believe that in the 1880's many had to sell their land to pay off debts due to a declining cattle economy.³⁵

These people should have been protected by the treaty but were not due to the fact that the US Senate (recommended by Polk) deleted Article X of the Treaty of Guadalupe Hidalgo.³⁶ Polk did so because it challenged the issue of land grants made by Texans after their independence in 1836. Because of this, many Mexicans (inside and out of Texas) lost their land because they

³⁴ Donald C. Cutter, "The Legacy of the Treaty of Guadalupe Hidalgo," New Mexico Historical Review 53 (1978): 313-314.

³⁵ Sonia Hernandez, "The Legacy of the Treaty of Guadalupe Hidalgo on Tejanos' Land," Journal of Popular Culture 35, no. 2 (2001): 101-105.

³⁶ Geoffrey P. Mawn, "A Land-Grant Guarantee: The Treaty of Guadalupe Hidalgo or the Protocol of Queretaro?" Journal of the West 14, no. 1 (Oct. 1975): 54.

could not get the help needed (should had been provided) from the US Government to square away the proper paper work.³⁷

Reeves is sympathetic towards President Polk. A strong sense of nationalism influenced his writings.³⁸ He mentions many times that Polk wanted to acquire land from Mexico in a peaceful manner. This may seem to be true, but the actions of Polk speak louder than his supposed words. Yes, President Polk tried to acquire the lands in a peaceful manner, but he did not hesitate one moment to make an aggressive act towards Mexico, which he knew would most likely start a war. In ordering General Taylor to the mouth of the Rio Grande, Polk himself can be blamed for the start of the war. After he failed to acquire the lands he desired in a peaceful manner.

Carlson seems to be on the side of the United States on the issue of land grabbing. He does not once degrade US actions in New Mexico in regards to Indian land, but instead seems to be saying that other people were guilty of taking land from their rightful owners. He brings some interesting points but his writings are bias because he is attempting to pass the blame onto another group than the

³⁷ Hernandez, 103.

³⁸ Reeves wrote his article in 1905, which was a time of nationalism and colonialism for the United States.

Americans that settled the area. Carlson wrote in 1975, which was a time of civil rights issues. His study could be seen as a counter argument to that of the Chicano Movement.

Hornbeck does not once mention the fact that the Mexicans had their land taken away. Through his bias research numbers and claim to ignorance on the part of Anglo settlers, it is easy to see that he uses this information to say that the US did in fact uphold the treaty as well as justifies the actions of the Anglos.

The Treaty of Guadalupe Hidalgo was signed under a cloud of territorial occupation because at this time, the US occupied the Mexican capital. Under the treaty, Mexico was forced to sell Alta California, Arizona, New Mexico, Texas between the Nueces and Rio Grande, and parts of Utah, Nevada, and Colorado for \$15 Million.³⁹ This is interesting because if the real boarder between the two countries was the Rio Grande as the US said, then why did the US have to buy land it already owned? Also, what was the status of the Mexicans that were still on the land now claimed by the United States?

The treaty was supposed to protect the culture, religion, and civil rights of the Mexicans and their

³⁹ Lopez, 22.

descendants on the newly acquired US land.⁴⁰ Sixty thousand Mexicans and 10,000 Pueblos found themselves under a new ruling government overnight. Mexicans had a year to decide whether to stay on their land and trust that the US would live up to its promises of the treaty, or give up their land and go back to Mexico with no compensation.⁴¹ Some stayed on their land and others went to Mexico. The ones that stayed put their trust into the two most important articles of the treaty, Article VIII and Article IX. Article VIII said that:

In the said territories, property of every kind, now belonging to Mexicans now established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.⁴²

This also made no contribution tax or charge what ever on land. Note lines one through three. The Article, clearly states, "**Property of every kind** . . . shall be inviolably respected." The treaty does not mention the need for these people to have deeds on their land. Observing this line alone shows that the US did not uphold the treaty. Article IX stated:

⁴⁰ Ibid, 22.

⁴¹ Hernandez, 102.

⁴² Lopez, 22.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic. . . . shall be incorporated into the Union of the US and be admitted. . . . to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.⁴³

This covered the civil rights of the new Mexican-American peoples, which includes being admitted to the US as a full citizen. Pueblos Indians were Mexican citizens under Mexican law, but when the US acquired these people, they were not made US citizens with full rights. There were other groups of Mexicans in New Mexico who were not made citizens of the US until 1912. This is yet another example of how the US did not uphold the Treaty of Guadalupe Hidalgo.

Mexico ratified the treaty on February 2, 1848, the US signed it on March 10, 1848, but left out Article X.

Article X said:

All grants of land made by the Mexican Government or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason between Texas and the Mexican Government, may have been prevented from fulfilling

⁴³ Ibid, 22.

all the conditions within the periods limited in the same respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty: in default of which the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this Article.

The foregoing stipulation in regard to grantees of land in Texas, is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and in default of the fulfillment of the conditions of any such grant, within the new period, which, as is above stipulated, begins with the day of the exchange of ratification of this treaty, the same shall be null and void.

The Mexican Government declares that no grant whatever of lands in Texas has been made since the second day of March one thousand eight hundred and thirty-six; and that no grant whatever of lands in any of the territories aforesaid has been made since the thirteenth day of May one thousand eight hundred and forty-six.⁴⁴

Article X protected land grants in the state of Texas. But President Polk did not sign it because Texas was admitted to the Union before the two countries went to war. Mexico agreed to the elimination of Article X because the treaty still protected the rights of other claims in the Southwest, but mainly agreed to eliminate Article X because if it continued to push it then the US would end peace negotiations.⁴⁵

The treaty was to protect the Mexicans and give their descendants certain political rights, but it also made them vulnerable as conquered people abandoned by their own country. After 1848, hostility, discrimination, and

⁴⁴ David Hunter Miller, ed. Treaties And Other International Acts of the United States of America (Washington: Government Printing Office, 1931-1948), Vol. 5, 242-243.

⁴⁵ Mawn, 55.

violence against Mexicans spread like wildfire across the Southwest. This set the tone for decades with most Mexicans loosing their land through force and fraud. Settler leagues would often hire strong-arm men to force Mexicans off their land by fear and violence.⁴⁶

The passing of land from the heirs to the Americans had great psychological effects on the Tejanos because they viewed their land as something sacred while the Anglos saw land merely as a means of gaining wealth.⁴⁷ Another way both Mexicans and Anglos lost their land was when a prospering cattle industry crashed in the 1880's. Many Tejanos had to sell their land to pay their debts, but there still were people who were out to steal their land.

Charles Stillman sold land to squatters in the aftermath of the war, but the land he sold belonged to the Cavazos family. Since he had ties with the troops at Fort Brown, he was able to do this illegally. The Cavazos Family took him to court and won. He was ordered to pay the family \$33,000 for the land, but he paid them nothing. By contrast, he was able to sell the land at its real worth at \$214,000.⁴⁸ Another example of a group that unjustly stole

⁴⁶ Pitt, 96.

⁴⁷ Lopez, 22.

⁴⁸ Ibid, 22.

land was the Santa-Fe Ring. Thomas B. Catron, a member of this group became the largest landholder in the US.

These men were supposed to identify land claims and give them to the right people, but took many of them for themselves, or sold them to mining companies, railroads, and cattle ranches for their own profits. Over a sixty-year period, only forty-six of 205 land claims were approved, the rest went to land speculators.⁴⁹

Many lawyers would pose as friends/helpers for the Mexicans but instead took their land. Another way that Anglos would take Mexican land was loaning them money which the Anglos knew they could not pay back. In Northern California, cattle baron Henry Miller stole either all or large portions of fifteen ranches that belonged to Mexicans this way.⁵⁰

The Surveyor General System was a great failure. Land grants were sometimes given to the wrong people. In one case two land grants, over 1 million acres apiece, were given that should have been about 100,000 acres apiece. To make matters worse, they were given to non-Hispanic colonizers.⁵¹ Another way Mexicans lost their land was by

⁴⁹ Phillip B. Gonzales, "Struggle for Survival: The Hispanic Land Grants of New Mexico, 1848-2001," Agricultural History 77, no. 2 (Spring 2003): 302.

⁵⁰ Pitt, 97-100

⁵¹ Gonzales, 301.

the United States Forest Service. It took 714,000 acres of prime forest from the Mexican heirs. Infuriated, the heirs would assault park rangers in the villages of Rociada, and elsewhere. They continued to hunt, fish, and gather wood without paying state fees or asking permission of the Park Service as well.

A vigilante organization called Las Gorras Blancos, struck back killing livestock, knocking down fences and tearing out railroad tracts. The group broke up in the 1890's due to the jailing of its leaders.⁵² People have said that the Mexicans were stupid and that is the reason why they lost their land. This was not true. In many cases they lacked money, knowledge of American law, and had poor legal counsel. Many of these battles for land started in 1848, and are still being fought today.

Through taxation, legal maneuvering, and US Supreme Court decisions, Hispanics have lost most of their land.⁵³ Although these events took place many years ago, people today are still fighting for their rights and the rights of others. New Mexico's senators sent a letter to the US General Accounting Office (GAO) requesting an answer as of why only 24 percent of New Mexico's land claims were

⁵²Ibid, 302&309.

⁵³ Robert Struckman, "New Airing For Old Grievances About Southwest Land," Christian Science Monitor 93, no. 69 (3/6/2001): 2.

honored, compared to California's 73 percent. This 1999 letter says, "The lingering controversy over the land grant claims has created a sense of distrust and bitterness in New Mexico." Along with this distrust and bitterness the people have a little saying in Spanish, "tierra o muerto." Which means land or death in English. They say this because to them, with out land, there is no hope.⁵⁴

Another way that people today are fighting for their right for land is to take the US to court. Ricky and Nick Gonzales of Santa Fe, New Mexico filed suit against the US citing the Treaty of Guadalupe Hidalgo. They claimed that their ancestors were defrauded off their land by Anglo officials. Unfortunately their case was unsuccessful in the federal courts.⁵⁵

Ninety year-old Maria Ernestina Montoya has been fighting for eighty acres of land in Los Alamos. The government needed the cite for a testing ground, which turned out to be the Manhattan Project. The government gave her \$750 plus a promise that once it was done with the land that it would return it. Now she has learned that the government is going to give 3,000 acres (including her land) of land to Los Alamos County instead of its rightful

⁵⁴ Ibid, 2.

⁵⁵ Lopez, 22.

Hispanic owners. This breaks the Treaty of Guadalupe Hidalgo. In Bills H.R. 806 and 339, non-Hispanic white homesteaders were given compensation for land lost to the White Sands Missile Range, but Hispanic homesteaders received nothing. This is another example of many on how the US government has broken the Treaty of Guadalupe Hidalgo.⁵⁶

Even now in the 21st century, people are still fighting for compensation of their ancestor's lands. Four hundred and thirty three Mexican-American families are asking the Mexican Government for their \$246.1 million for their families' land claims being lost after the Mexican-American war.⁵⁷

In 1923, the Convention for Reciprocal Settlement was made. It dealt with people from the US filing claims against Mexico. Through this, the Convention Respecting Claims of 1941 was made between the US and Mexico. This made the payment of land claimants a domestic dispute, which meant that the US would pay off its citizens and Mexico would do the same.

⁵⁶ Ibid, 22.

⁵⁷ Jorge A. Vargas, "The Other Side Of The Treaty Of Guadalupe Hidalgo: A Synopsis Of The Case Involving 433 Land Claims By Texas Families Against The Government Of Mexico." Texas Hispanic Journal Of Law And Policy 5, no. 41 (2001): 43.

Mexico did not pay back the Texan families, and the US cannot do anything about it because through the agreement, it is a domestic affair of Mexico. FDR made public Law No. 814 in 1942, which is called the Settlement of Mexican Claims Act of 1942. With this, the US paid its qualifying citizens between 1942 and 1948. President Avila Camacho in 1941 made the Act for the Adjustment, Evaluation, and Payment of the Mexican Claims. This was to pay the 433 Texan families as well as others, but it was never passed in the Mexican Congress.⁵⁸

The Mexican-American War has been referred as, "Mr. Polk's War." When he came into office, he knew right away that he wanted California and he would obtain it by any means possible. On November 10, 1845, John Slidell of New York was sent to Mexico to get land. He was sent with instructions from Secretary of State James Buchanan to acquire the claims of American citizens against Mexico, reach a settlement of the boundary in the upper stretches of the Rio Grande, and most important, to purchase California.⁵⁹ It was when Slidell failed that President Polk ordered his troops to the mouth of the Rio Grande. The Treaty of Guadalupe Hidalgo was then drawn up and

⁵⁸ Ibid, 45-48.

⁵⁹ Alice R. Craemer, "Peace-1848," Current History 9 (Dec. 1945): 516.

agreed upon by the US, but then Mexico was forced to sign the treaty under US terms, which included the deletion of Article X and adjustments to other Articles. If it did not agree with the terms, the US (which had already occupied Mexico City for some time) would continue aggressive acts of war until Mexico did sign the treaty.

With the signing of the treaty, the Mexicans that decided to stay on their land had to put their trust in the US Government to uphold the treaty. Their land was immediately put in danger because of Anglo settlers who would squat on their land and quickly took over politics in the American Southwest. These people would force Mexicans off their land, make false claims to commissions, and force them to sell their land at a very cheap price. Another person put in charge by the US government was Governor William A. Pike of New Mexico who destroyed valuable documents, as well as the Santa Fe Ring, which stole large amounts from the Mexicans.

It is apparent that the US did not uphold the treaty. The people in charge, including President Polk's administration are the ones to blame for not upholding the treaty. They are the ones that made the commissions and put these irresponsible and corrupt leaders in charge. With this lack of leadership from the top of the US

government, it is easy to see that Mexican land was taken by the very people put in charge to protect them. Not only was the treaty broken, but the United States Constitution as well. The treaty has the status of Constitutional Law as a document of Constitutional Stature under Article VI, Clause II. "All treaties made or which shall be made under the authority of the US shall be the Supreme Law of the Land."⁶⁰ This brings up the issue of a double standard with issues of private property in the US. It would seem that private property has been upheld for Anglo Americans, but not for minorities such as the Hispanics that lost their land after the Mexican American War.

⁶⁰ Cutter, 305.

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