# FOREIGNERS IN THEIR NATIVE LAND

## Historical Roots of the Mexican Americans

edited by

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*For my wife*
*CAROL BRYANT WEBER*

SITY OF WASH

who promises to be quiet, and is found in arms against me, I will hang!

From the Mexican government you have never received protection. The Apaches and the Navajoes come down from the mountains and carry off your sheep, and even your women, whenever they please. My government will correct all this. It will keep off the Indians, protect you in your persons and property; and, I repeat again, will protect you in your religion. I know you are all great Catholics; that some of your priests have told you all sorts of stories—that we should ill-treat your women, and brand them on the cheek as you do your mules on the hip. It is all false. My government respects your religion as much as the Protestant religion, and allows each man to worship his Creator as his heart tells him is best. Its laws protect the Catholic as well as the Protestant; the weak as well as the strong; the poor as well as the rich. I am not a Catholic myself—I was not brought up in that faith; but, at least one-third of my army are Catholics, and I respect a good Catholic as much as a good Protestant.

There goes my army—you see but a small portion of it; there are many more behind—resistance is useless.

Mr. Alcalde, and you two captains of militia, the laws of my country require that all men who hold office under it shall take the oath of allegiance. I do not wish, for the present, until affairs become more settled, to disturb your form of government. If you are prepared to take oaths of allegiance, I shall continue you in office, and support your authority.

## 2. "All the rights of citizens"

### The Treaty of Guadalupe-Hidalgo, 1848*

When the Treaty of Guadalupe-Hidalgo was signed on February 2, 1848, three of its twenty-three articles—VIII, IX, and X—concerned those Mexicans who remained in the conquered territory. Article X was completely eliminated by the United States Senate before it ratified the treaty on March 19, 1848. The

*Hunter Miller, ed., *Treaties and Other International Acts of the United States of America* (Washington, D.C.: 1931–32), 5:217–19, 241–43, 254–56, 380–81.

1. Norman F. Graebner, "The Treaty of Guadalupe Hidalgo: Its Background and Formation" (Ph.D. dissertation, University of Chicago, 1950), pp. 417–18.



Senate also revised Article IX, leaving only Article VIII unchanged. Article X, which had validated all Mexican land grants in the Southwest, was stricken from the treaty because some senators feared that old Mexican grants might take precedence over the later holdings of American settlers in Texas. Article IX was amended because it implied United States hostility toward the Catholic church, and because the unresolved slavery question made senators reluctant to grant rapid statehood to the newly acquired territory.[1]

In a letter of March 18, 1848 to the Mexican minister of foreign relations, Secretary of State James Buchanan explained in diplomatic language the reasons for these changes. An uneasy Mexican legislature ratified the treaty on May 25, 1848. To allay Mexican fears, when ratifications of the treaty were formally exchanged at Querétaro on May 30, 1848, a protocol was appended to the treaty which provided an official explanation of the changes that the United States had made. Like Buchanan's letter, the protocol assured Mexico that the altered wording of the articles would not change the original intent of the treaty or diminish the rights of Mexicans who might remain in the occupied territory. The United States never regarded the protocol as a legally binding part of the treaty, even though Mexico took it more seriously.

Articles VIII and IX as finally ratified did not affect Mexicans or Mexican Americans in Texas. In the case of John F. McKinney versus Manuel Saviego (1855), the United States Supreme Court ruled that Articles VIII and IX did not apply to Texas, which had been independent a decade before the Mexican War. The protection of those articles was extended, however, to Mexicans absorbed by the Gadsden Purchase. Article V of the Gadsden Treaty specified that articles VIII and IX of the Treaty of Guadalupe-Hidalgo would apply to Mexicans in the territory sold by President Santa Anna.

#### ARTICLE VIII OF THE TREATY AS RATIFIED

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please; without their being subjected, on this account, to any contribution, tax or charge whatever.

Those who shall prefer to remain in the said territories, may either

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retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty: and those who shall remain in the said territories, after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans, not 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, guaranties equally ample as if the same belonged to citizens of the United States.

## ARTICLE IX OF THE TREATY AS RATIFIED

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the mean time 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.

## ARTICLE IX PRIOR TO AMENDMENT BY THE U.S. SENATE

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceeding Article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States. In the mean time, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their



condition shall be on an equality with that of the inhabitants of the other territories of the United States; and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all ecclesiastics and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individual or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to its support, or to that of schools, hospitals and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.

## ARTICLE X PRIOR TO DELETION BY THE U.S. SENATE

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 of the circumstances of the country since the beginning of the troubles between Texas and the Mexican Government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfill the said 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 fulfilment of the conditions of any such grant, within the new period, which as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void.

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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.

Finally, the relations and communication between the Catholics living in the territories aforesaid, and their respective ecclesiastical authorities, shall be open, free and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church.

BUCHANAN EXPLAINS:

The second amendment of the Senate is to strike out the 9th Article and insert the following in lieu thereof.

[Here follows the English version of Article 9]

This article is substantially the same with the original 9th article; but it avoids unnecessary prolixity and accords with the former safe precedents of this Government in the Treaties by which we acquired Louisiana from France and Florida from Spain.

.....

Under these Treaties with France and Spain, the free and flourishing States of Louisiana, Missouri, Arkansas, Iowa and Florida have been admitted into the Union; and no complaint has ever been made by the original or other inhabitants that their civil or religious rights have not been amply protected. The property belonging to the different churches in the United States is held as sacred by our Constitution and laws as the property of individuals; and every individual enjoys the inalienable right of worshipping his God according to the dictates of his own conscience. The Catholic Church in this country would not, if they could, change their position in this particular.

After the successful experience of nearly half a century, the Senate did not deem it advisable to adopt any new form for the 9th Article of the Treaty; and surely the Mexican Government ought to be content with an article similar to those which have proved satisfactory to the



Governments of France and Spain and to all the inhabitants of Louisiana and Florida, both of which were Catholic provinces.

I ought perhaps here to note a modification in the 9th article, as adopted by the Senate, of the analogous articles of the Louisiana and Florida Treaties. Under this modification, the inhabitants of the ceded territories are to be admitted into the Union, "at the proper time (to be judged of by the Congress of the United States") &c.

Congress, under all circumstances and under all Treaties are the sole judges of this proper time, because they and they alone, under the Federal Constitution, have power to admit new States into the Union. That they will always exercise this power as soon as the condition of the inhabitants of any acquired territory may render it proper, cannot be doubted. By this means the Federal Treasury can alone be relieved from the expense of supporting territorial Governments. Besides, Congress will never lend a deaf ear to a people anxious to enjoy the privilege of self government. Their application to become a State or States of the Union will be granted the moment this can be done with safety.

The third amendment of the Senate strikes from the Treaty the 10th Article.

It is truly unaccountable how this article should have found a place in the Treaty. That portion of it in regard to lands in Texas did not receive a single vote in the Senate. If it were adopted, it would be a mere nullity on the face of the Treaty, and the Judges of our Courts would be compelled to disregard it. It is our glory that no human power exists in this country which can deprive one individual of his property without his consent and transfer it to another. If grantees of lands in Texas, under the Mexican Government, possess valid titles, they can maintain their claims before our Courts of Justice. If they have forfeited their grants by not complying with the conditions on which they were made, it is beyond the power of this Government, in any mode of action, to render these titles valid either against Texas or any individual proprietor. To resuscitate such grants and to allow the grantees the same period after the exchange of the ratifications of this Treaty to which they originally entitled for the purpose of performing the conditions on which these grants had been made, even if this could be accomplished by the power of the government of the United States, would work manifold injustice.

These Mexican grants, it is understood, cover nearly the whole sea coast and a large portion of the interior of Texas. They embrace

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thriving villages and a great number of cultivated farms, the proprietors of which have acquired them honestly by purchase from the State of Texas. These proprietors are now dwelling in peace and security. To revive dead titles and suffer the inhabitants of Texas to be ejected under them from their possessions, would be an act of flagrant injustice if not wanton cruelty. Fortunately this Government possesses no power to adopt such a proceeding.

The same observations equally apply to such grantees in New Mexico and Upper Calfornia.

The present Treaty provides amply and specifically in its 8th and 9th Articles for the security of property of every kind belonging to Mexicans, whether acquired under Mexican grants or otherwise in the acquired territory. The property of foreigners under our Constitution and laws, will be equally secure without any Treaty stipulation. The tenth article could have no effect upon such grantees as had forfeited their claims, but that of involving them in endless litigation under the vain hope that a Treaty might cure the defects in their titles against honest purchasers and owners of the soil.

And here it may be worthy of observation that if no stipulation whatever were contained in the Treaty to secure to the Mexican inhabitants and all others protection in the free enjoyment of their liberty, property and the religion which they profess, these would be amply guarantied by the Constitution and laws of the United States. These invaluable blessings, under our form of Government, do not result from Treaty stipulations, but from the very nature and character of our institutions.



## 3. "For me the placers were finished"

### Antonio Franco Coronel, 1849*

Accounts of the lack of justice for Mexicans and Mexican Americans in the California mines are abundant, but few were written by the victims themselves. One exception (and perhaps the only one) is the memoir of Mexican-born Antonio F. Coronel, who had come to California as a youth with the Híjar-Padrés colony in 1834. Coronel settled in Los Angeles, where his father, Ignacio, was a school teacher. Following his experience in the mines, Coronel returned to Los Angeles where he served as mayor (1853), on the city council (1846–67), and as state treasurer (1867–71).

Coronel's experience in the mines seems typical. In 1848, when news of the gold discovery reached them, Californios from as far south as Los Angeles and San Diego headed to the gold fields. Among them were Coronel and his companions. By October, they had begun mining at the Placer Seco, or Dry Diggings, and all "achieved brilliant results." Coronel left the mountains when winter set in, journeying to Sonoma to pick up fresh supplies and horses for further mining in the spring. In 1849, however, newcomers flocked to California from all over the world, bringing racial and ethnic tensions to a pitch and changing dramatically the situation for Mexican Americans, as Coronel sorrowfully described it.

. . . I arrived at the Placer Seco [about March, 1849] and began to work at a regular digging.

In this place there was already a numerous population of Chileans, Peruvians, Californians, Mexicans, and many Americans, Germans, etc. The camps were almost separated according to nationalities. All, some more, some less, were profiting from the fruit of their work. Presently news was circulated that it had been resolved to evict all of those who were not American citizens from the placers because it was

*Antonio Franco Coronel, "Cosas de California," dictated to Thomas Savage for the Bancroft Library, 1877, pp. 176–84, and published by permission of the Director, the Bancroft Library. Translated by David J. and Carol S. Weber. We have added accents and other punctuation where necessary for clarity and accuracy. A translation of Coronel's complete account of his activities in the mines appears in Appendix A of Richard Morefield, "The Mexican Adaptation in American California, 1846–1875" (M.A. thesis, University of California, Berkeley, 1955), which unfortunately came to our attention only after we had finished our own transcription and translation of this document.

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