

On the 4th of July, 1848, President James Polk appeared before the United States Congress to initiate the procedures necessary to elevate the Treaty of Guadalupe Hidalgo to the rank of federal law, a process that culminated in 1850 when the U.S. Senate ratified it thus elevating it to the statute of a federal law of the United States under the Supremacy Clause (Art VI, clause 2 of the U.S. Constitution) as 9 Stat. 922.

In so doing, he unknowingly and unwillingly ensured that Guadalupe Hidalgo should remain actively in force until it would be either repealed or annulled.

Neither has happened hitherto.

Throughout 170 years, the old treaty has been invoked by plaintiffs in hundreds of lawsuits before U.S. tribunals, but no one has used it to defend Mexicans' rights of residence and the right to return against governmental migratory policies and actions, which are contrary to article XXI of Guadalupe Hidalgo as well as contrary to International Law.

Some American analysts and authors sustain that there is nothing to be done about the United States' conquest of California, New Mexico and Texas, "because that was the way things were done in those days"; thus, they confirm and endorse "the right of the strongest".

Others have said that Guadalupe Hidalgo and the Mexican-American War are "a thing of the past".

Both claims are wrong.

The American Conquest of California, New Mexico and Texas, falls under the "Jus Cogens" overriding rule whereby actions and treaties whose terms conflict with peremptory norms and principles of general International Law, are null and void.

In our case, nearly 40 million Mexicans currently endure the result of the American aggression and the ensuing violent conquest of California, New Mexico and Texas.

American presence in California, New Mexico and Texas is the direct result of a long planned aggressive war of conquest that culminated with the imposition of the treaty of Guadalupe Hidalgo to "legitimize" the robbery.

Mexicans currently residing in California, New Mexico and Texas are not illegal aliens but a people under foreign military occupation; Mexicans who have traveled further north in pursuit of the livelihood that the American invasion took away from us, are not illegal but forced migrants according to the definitions of International Law; they are displaced persons.

This book is not merely a historic exposition of long forgotten facts, but a legal argument about Mexico's actual sovereignty over California, New Mexico and Texas based on applicable International Law (Jus Cogens), and on Guadalupe Hidalgo as a U.S. Federal Law, sustained by irrefutable documentary evidence.

Mexicans need no foreign visas to travel across Mexican territory.

The United States only title over those Mexican territories remains "the right of the strongest" (as denounced by Senator Thomas Corwin and confessed by President Polk himself).

However, this book is not contingent on the right of might but on law, reason and ultimately justice.

It is not a begging plea but a justified claim.

Not only the best but also the ineludible starting point to solve our common problems, has to be found in the solid facts of history.

The American invasion of Mexico and the conquest of our northern provinces were the result of long careful planning that led to an aggressive and unprovoked war with the weak neighbor to the south unleashed by the expansionist United States of America.

The Treaty of Guadalupe Hidalgo is a “diplomatic laundering” document intended to cleanse the illegal American conquest of more than half of Mexico’s territory.

Had it been buried in a drawer after being ratified, International Law would have been the only legal route to attack it, but thanks to President Polk’s celebratory mood on July 4, 1848, it became a U.S. federal law whose terms allow us to impugn it before the United States’ courts just as it has been done in over 200 trials since.

It is time for us Mexicans to expose Guadalupe Hidalgo for what it was and still is: The only title whereby the United States exercises jurisdiction (but not sovereignty) over California, New Mexico and Texas.

Guadalupe Hidalgo is at the same time an invaluable instrument and undisputable evidence.

We can use it as an instrument because it is a federal law of the United States under the Supremacy Clause (Article VI; clause 2 of the U.S. Constitution).

It is undeniable evidence of the overwhelming violence unleashed on Mexico to simulate a diplomatic agreement when at the time of its imposition, California, New Mexico and Texas had long been conquered by the U.S. armed forces under orders of President Polk.

Therefore, from a military point of view, California, New Mexico and Texas were beyond Mexico’s power to be ceded; from a constitutional perspective, the Mexican President and our Congress had no attributions or faculties to surrender a single square meter of Mexican territory, just as the U.S. President or the U.S. Congress couldn’t have ceded an inch of American territory if they would have found themselves in the reversed position. This was argued by Senator Corwin in his speech of 11 February 1847.

The current polarized positions that label Mexicans as “illegal aliens” stem from a combination of ignorance and arrogance.

To make my point in this book, I resort mainly to three basic documents:

The Treaty of Guadalupe Hidalgo; the Corwin Speech on the Mexican War, and James Polk’s unequivocal confession whereby it is undisputable that the war on Mexico was an unjustified aggression whose end result was the illegal conquest of more than half of Mexico’s territory and the takeover of the main sources of our livelihood as a nation which has caused the Mexican diaspora to seek what is ours beyond our current northern borders.

The combination of Guadalupe Hidalgo (Articles II, III and IV) together with the Corwin Speech and James Polk’s confession about the true nature and consequences of his unjustified aggression on Mexico, are enough to join the plight of our conquered brothers and sisters and rally to their defense before American courts of law whose jurisdiction is and will remain in force until Guadalupe Hidalgo is annulled and replaced by a legitimate treaty between the United States and Mexico.

All other texts, on which I base my contention, are incorporated to the book with the proper reference to their author and all other related data.

Wherever in the text I speak in the first person, it must be understood as my personal and legal opinion.

My main purpose in this book is to join our brothers and sisters in their plight to uphold their citizenship rights and human rights against the unilateral policies and actions undertaken by the United States Government whose terms are contrary to the very Treaty of Guadalupe Hidalgo as a federal law that remains in force since 4 July 1848, as long as it remains in force.

My purpose is to ignite the awareness of our rights so we can finally rid ourselves of the unending consequences of the American invasion and conquest of our northern territories whose illegal retention has triggered a Mexican Diaspora in pursuit of the livelihood that was taken away from us by the armed conquest perpetrated by James Polk.

To this end, I have chosen to keep a legally simple line of exposition whose end purpose is to advocate for new terms of fair coexistence between the peoples of the United States and Mexico.

It is also my purpose to contribute the legal means to stop the illegal forced removal and displacement of Mexican citizens who happen to reside in the Mexican territories conquered by the United States or on American territory as forced migrants.

I have written this book as a lawyer, fully aware that laws and treaties are useless if justice does not live in our hearts; if we are not willing to listen to our conscience where our Creator speaks to us.

American presence in California, New Mexico and Texas contradicts Americas' self-proclaimed leadership of "the free world"; free world as opposed to what?

Archaeologists continue to find the vestiges of long gone mighty empires whose rulers saw themselves as other peoples' leaders, as having been called by God to follow a manifest destiny to be imposed on other nations.

Those mighty empires have always been beaten into oblivion by mere dust.

My proposition in this book is not to destroy but to build; not to build walls of any kind, but bridges to meet halfway across, to take a leap forward and devise together with the American people, a new way of coexistence that can only be made possible by unearthing the truth about the Mexican-American War and the illegality of Guadalupe Hidalgo.

We must make America an undivided continent where "the right of the strongest" no longer hides under the cloak of "diplomacy".

The purpose of this book is to unearth the long forgotten truth about how California, New Mexico and Texas came to be considered a part of the United States and the actual subsistence of Mexico's sovereignty which includes the right of Mexicans to remain and to transit unmolested across those lands that still belong to Mexico.

Articles VIII and IX have been the main instrument in the hands of many Mexicans, Mexican-Americans and Native Americans (whose forbears were Mexican citizens according to Mexico's Constitution at the time of the U.S. conquest), mainly in disputes about property and land-grant violations, but articles II, III and IV have never been invoked as the indisputable cause of nullity that they are.

James Polk's speech on the Mexican War, combined with articles II, III and IV of Guadalupe Hidalgo, allow no argument. It is irrelevant if the United States Supreme Court is composed of liberal or conservative justices; no matter what their political orientation might be, because they are obligated to apply the law regardless of their political allegiance or their personal opinions.

Chief Justice Marshall's shameful position in the case of the United States vs. Alcea band of Tillamoks (1946) where he declared "Conquest gives a title which the courts of the conqueror cannot deny, whatever the private or speculative opinion of individuals may be." is directly contrary to all norms and principles of International Law and human decency.

The United States has a choice to make: It can choose to be consistent about the high principles it proclaims and preaches to the world, or it can take off the mask and behave as a conqueror whose exploits were confessed by James Polk before the U.S. Congress, thus confirming that the U.S. only title in California, New Mexico and Texas has always been and remains the right of the strongest.

We know that choices come at a price, if we choose to sow winds; the harvest can only be storms.

However, our objective cannot be and it is not to revive the vengeful spirit spurred by the Zimmermann Telegram whereby the German Kaiser invited Mexico to fight by Germany's side against the United States to recover our lands by force in World War I.

Neither the American nor the Mexican people can stand on the side idly looking at how entire families are dismembered, their children locked up in cages and their parents sent away, thus destroying their lives in a brutal repetition of one of the gravest crimes of the Jewish Holocaust. The Final Solution to the Jewish Question started with mass deportations and forced displacement. This is what Simon Wiesenthal fought all his life to avoid by never forgetting what was done to the Jews by the right of the strongest.

We must not allow this to continue happening anywhere; we must follow President Clinton's doctrine by confronting and as best we can, righting the terrible injustice of the past, because in fact, history has no statute of limitations. This is the only way we can truly put an end to the ongoing consequences of the American War on Mexico.

This is the only way to heal the open wound.

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