

■ On Seizing Land from Native Californians

Date: April 1855

Author: de la Guerra, Pablo

Genre: speech

“The [war of 1848] took place, and we . . . were sold like sheep, abandoned by our nation, and as it were, strangers on the very soil on which we were native . . . already we have suffered deeply; our property sacrificed.”

Summary Overview

In his speech known as “On Seizing Land from Native Californians,” Pablo de la Guerra—an influential nineteenth-century Mexican American politician in the California State Assembly—addresses the state Senate regarding a ratified bill known as the Land Law (1851), which allowed for the seizure of land by the US government if its Latino residents failed to provide official documentation of their land grants. Scant documentation of land rights existed during this era, leading to the unjust confiscation of land and, thus, an eradication of the rights codified by the Treaty of Guadalupe Hidalgo at the conclusion of the Mexican-American War (1846–48). As one of the only Mexican American citizens serving in the California State Assembly, de la Guerra used that political forum to voice his opposition to the blatant social injustice experienced by native Mexicans in the aftermath of the war. Although the Treaty of Guadalupe Hidalgo promised the protection of native land grants from American settlers migrating west, the US government ostensibly ignored the treaty with the onset of the California gold rush and allowed for the land to be claimed by settlers. De la Guerra subtly elucidates the racialization of Mexican Americans initiated by the treaty through poignant diction and language. During an epoch in which the ideology of Manifest Destiny guided US foreign policy, de

la Guerra attempts to give a political voice to Mexican Americans by protecting their landholdings through legal means during an era of unequal representation in politics. He engages with ubiquitous tropes in the Latino counternarrative, dealing with issues surrounding race, citizenship, and multiculturalism in a country that claims its fundamental pillars to be liberty and democracy. De la Guerra’s speech conveys a legacy of conflict and hardship wrought by the Treaty of Guadalupe Hidalgo and elucidates the origin of the Latino civil rights movement within the treaty itself and the social injustice that enabled the trend of land loss throughout annexed Mexican territory. The racial logic of white hegemony undergirded US foreign policy along with overt economic motives.

Defining Moment

The nineteenth century was an epoch of rapid westward US expansion as a result of “Manifest Destiny” and the reimagining of occupied land and space as available. Coined by John O’Sullivan, Manifest Destiny—the view that claimed God wanted the people of the United States to control all North American land from the Atlantic to the Pacific Oceans—became the central ideology for US foreign policy and expansion during the nineteenth century. The shifting frontier became associated with American identity of the “rugged

individual” espoused by Frederick Jackson Turner, an American historian whose frontier thesis argued that up until the 1890s, the history of the United States had been characterized by territorial expansion, military conquest, and cultural amalgamation; westward expansion defined the United States and justified the divinely ordained American prerogative to seize control of the land despite the presence of native inhabitants whose claim to the land harked back centuries before the existence of the United States. De la Guerra’s speech elucidates both how the myth of a vanishing frontier functioned and the material consequences it spawned: the illegal seizure of native Mexicans’ land by the conquering United States in the aftermath of the Mexican-American War. The war centered on a dispute over land in the Rio Grande territory and resulted in US victory; the subsequent peace treaty shifted geopolitical borders of the United States and Mexico. Mexicans immediately became colonized persons within their homeland; this idea undergirded the Chicano movement during the twentieth century, as participants based their movement on the imagined homeland they called *Aztlán*, the American Southwest stolen from them at the conclusion of the Mexican-American War.

The colonization of the West and the expansion of the American frontier into previously Mexican territory complicated both the definition of American citizenship and who received its full privileges. With the ratification of the Treaty of Guadalupe Hidalgo, US borders quickly changed, rendering Mexicans living in the region subject to US rule with little protection despite the treaty’s promises. De la Guerra emerged as one of the sole advocates for Mexican American land claims and sought to defend them against racial violence. Born a Mexican citizen, de la Guerra sympathized with the natives when land-seizure bills continued to be put forth in the Senate. His speech addressing an unsympathetic Senate questioned the “liberal myth” of the United States as founded on democratic principles of equality and liberty by highlighting the injustice undergirding the land-seizure bills targeting Mexicans as conquered citizens of color. Annexed by the United States as a result of the Mexican-American War, the American Southwest complicated and redefined the meanings of nationality and citizenship. Mexicans were given an ascriptive form of citizenship that the government used to deflect the reality that Mexicans were a conquered people. The negotiation of Mexican land that de la Guerra discusses serves as a microcosm for the experience of

persons of color in the United States as the definition of citizenship was contested and reformulated throughout the nineteenth and twentieth centuries.

Author Biography

Pablo de la Guerra was born on November 29, 1819, in Santa Barbara, California—then a viceroyalty of Spain—into a distinguished household. He was born in a Spanish colony, worked for the Mexican government in what became the Mexican state of California after Mexican independence, and died a US citizen after his homeland came under US hegemony following the Mexican-American War. His father, José de la Guerra, migrated from Spain to Mexico during the 1790s and married Antonia Carrillo, a member of a well-to-do family residing in California. Born a Mexican citizen, de la Guerra chose to naturalize as an American citizen under the terms of the 1848 Treaty of Guadalupe Hidalgo.

Because of his family’s prestige within the community, de la Guerra became an active public servant, serving in local and statewide government legislative bodies, including California’s constitutional convention in 1849. This convention formally granted Mexicans citizenship rights enjoyed by whites, hinting at the racial prerequisites of “whiteness” for American citizenship. Delegates came to a consensus that “a small amount of Indian blood” was admissible for US citizenship, and Mexicans would be formally enfranchised while excluding both African Americans and American Indians. In 1850, California was officially recognized as a state, which conferred on de la Guerra US citizenship. During the 1860s, de la Guerra became the acting lieutenant governor of California and also served in the California state legislature. Legally defined as white, de la Guerra relished the privileges enjoyed by white citizens, especially in the political arena; his political clout—a rarity for individuals of Mexican descent during that era—gave him a forum for his advocacy of Mexican American rights. As a member of the California State Assembly and Senate, de la Guerra emerged as an advocate for Mexican American rights and was recognized as dependable by both Latinos and whites.

However, when de la Guerra was elected as a California state court judge in 1869, California filed a lawsuit that questioned his eligibility for the position based on his questionable citizenship because of the color of his skin. The prosecutor, M. M. Kimberly, argued that the California act of April 20, 1863, stipulated that only

US citizens retained eligibility for the elected office of district judge. Invoking several articles of the Treaty of Guadalupe Hidalgo, Kimberly argued that de la Guerra was not a US citizen, because the treaty never granted the power to render Mexicans or Americans Indians citizens and because he was not white. De la Guerra rebutted that he was white and therefore was excluded from the racial laws in practice in California. Although the California Supreme Court sided with de la Guerra by classifying him as white, and therefore exempt from racial laws, the decision reaffirmed citizenship as race-based; as a white citizen, de la Guerra had the privileges of citizenship under constitutional law protected while

nonwhite Mexicans did not. Thus, the US government retained the power to distribute political privileges to individuals on the basis of race.

Despite his legal battles, de la Guerra remained a staunch advocate for Mexican American rights and claims under the stipulations of the Treaty of Guadalupe Hidalgo. He fought every land-seizure bill that entered the Senate and ultimately set the foundation for the Hispanic American civil rights movement during the twentieth century. Eventually, mounting political pressure defeated his efforts as white settlers migrating to California vehemently demanded reclamation of the “vacant” land. De la Guerra died on February 5, 1874.

HISTORICAL DOCUMENT

I hope the Senate will allow me to offer a few remarks upon the merits of the bill, and to state why, upon the principles of reason and justice I consider that the bill should be indefinitely postponed. :

Well, sir, the war took place, and we, after doing our duty as citizens of Mexico, were sold like sheep abandoned by our nation, and as it were, awoke from a dream, strangers on the very soil on which we were native and to the manor born. We passed from the hands of Mexico to that of the United States, but we had the consolation of believing that the United States, as a nation, was more liberal than our own. We had the greatest respect for an American. Every American who came to our country was held in higher estimation than even one of our countrymen. And I call upon every American who visited us to bear testimony to this fact. And after being abandoned by our own country and annexed to the United States, we thought that we belonged to a nation the most civilized, the most humane—a nation that was the foremost in planting the banner of liberty on every portion of its dominions—a nation that was the most careful in protecting the just rights of its citizens. Well, sir, in 1849, a great many emigrated to California, not to settle upon the land or to cultivate the soil, but to work in the mines and go home; and from '49 to '52 they had no other object, but many finding that it was hard work in the mines, and being told that the land in the State had not been separated from the public domain, had no boundaries and

being probably further misled by lawyers, or interested persons, who stated that the land in this condition would never be confirmed to the owners by the Supreme Court of the United States, came and settled upon our lands. And I ask, are we to suffer for that?

I believe that I speak advisedly, when I say that three-fourths of the settlers upon the lands, have been aware that someone had a prior claim; they knew it by common report, that such a one and such a one had a claim upon the land; but they thought that even if it was confirmed to the owners, that the use of the land until the confirmation, would be worth more than the improvements that they would make. Perhaps one-fourth went upon the land in good faith. I do not know that such was the case, but I am willing to grant it; but now, when they find that it is probable that the Supreme Court of the United States will confirm these grants, and after deriving all the benefits for the use of the same, they apply to the Legislature, in order that a State Law may be set up as a bar against the action of the Court of the United States.

I say, sir, that already we have suffered deeply; our property has been sacrificed. The Bay of San Francisco alone, at one time, had more cattle than can now be found in the counties of Santa Clara, Monterey, Santa Cruz, San Luis Obispo, and Santa Barbara. Horses, at that time could be counted by the thousands; and I believe that many settlers have settled upon lands for the

purposes of stealing the cattle and sending them to the San Francisco market for sale.

Now, sir, of the 113 members in this Legislature, I am the only native of this state; and the native population expect from me, and through me, that in my place in this Legislative Hall, that I shall call the attention of this body to the facts I have now stated, and to tell you that badly treated as they have been in every respect, they look around them and find no other aid except in the mercy of Heaven, and the justice of this Legislature; and now, in their name, I call upon you, Senators, to consider that if they are deprived of what is left to them, they have no other place to go to. They have been rejected by the Mexicans; they know no other country but California, and by depriving them of their rights, they will be compelled to be beggars in the streets; and in order to prevent this terrible calamity from overtaking them, they, through me, throw themselves upon your mercy and clemency; and they ask and expect from you protection that will justify before the eyes of the world the belief in justice of the American people. If the American settlers are deprived of what they have expended for their improvements, they can go home and meet the aid and sympathies of their friends and countrymen; but the Californian, what prospect has he before him, or where shall he go?

I wish to make one remark about the expression, “settled in good faith,” and I am done. Sir, if this bill

has effect, it will be from the countries of Santa Clara upward, because in the south we have no settlers; but in those counties I am now referring to, the settlers greatly outnumber the land claimants, and it is useless to say that juries are incorruptible. We know that such is not the case from our daily experience. And these juries will be formed by whom? Sir, they will consist of those very settlers. The Sheriff will summon such a jury as will suit their views. I have seen a good deal of juries in California. I have seen where proof, clear as noon day, would not alter the decision of a jury from their preconceived opinions.

And I will affirm that I believe that out of 100 cases tried between the settlers and the land owners that 99 will be given in favor of the settler.

And, sir, to conclude these remarks, permit me to assure you, upon my honor as a gentleman, that everything I have stated is true and as clear as conviction itself. I know that I am in the Senate chamber of California, where full liberty of speech is allowed, but if I were speaking to a barbarous people, I should still advocate the same sentiments, and even if I were killed for so doing, I should at least have the satisfaction of dying in a just cause, and should receive the reward from Him who has said, “Blessed are those who are persecuted, for righteousness sake, for of such is the kingdom of heaven.”

GLOSSARY

calamity: catastrophe, disaster

clemency: forgiveness, mercifulness

consolation: comfort, solace

liberal: progressive, favorable to reform

the war: Refers to the Mexican-American War, in which the United States defeated Mexico and annexed the land that comprises the modern-day American Southwest (including California)

Document Analysis

De la Guerra's speech represents a defense of Mexican American civil rights and laid the foundation for the subsequent twentieth-century Chicano movement. The language he uses alludes to the racial undertones of US immigration and foreign policy during the nineteenth century; in a covert fashion, de la Guerra addresses and laments an American legal system supported by structural and institutional racism that denies persons of color the protections promised by US citizenship. Thus, his staunch defense of land rights highlights broader themes in US history regarding racial hegemony. Invoking a recurring theme of liberty, de la Guerra juxtaposes the actions of the US government with the rudimentary American value of liberty to elucidate the dissonance, and thus hypocrisy, of American values. Born a Mexican citizen into a well-to-do family, de la Guerra possessed political clout that he was willing to exercise in his fight for social justice for Mexican Americans. De la Guerra—the only California native serving in the state legislature—not only recognized the injustices occurring around him but also demonstrated the courage to stand up to a government comprising elite white men who possessed the salient racial attitudes that characterized the time period.

In the opening of his speech, de la Guerra describes native Mexicans as docile, compliant citizens despite their savage treatment at the hands of the US government during and after the Mexican-American War. Identifying himself at the outset with these native Mexicans despite his position in the California legislature, de la Guerra quickly establishes himself as an advocate for and defender of native rights despite his decision to naturalize as an American citizen. His goal in this speech is twofold: he seeks to subvert common knowledge in US public discourse and cultural attitudes toward Mexicans and subtly expose the fallacy of American values and character. He does so immediately by using specific diction associated with the mythos of the United States and its founding principles. The United States expanded westward by touting itself as a beacon of liberty, spreading democracy, equality, and freedom across the North American continent. Native Mexicans viewed the United States as a "humane . . . nation" that would welcome, embrace, and protect inhabitants of Mexico as equal citizens. These expectations articulated by de la Guerra mirror the sentiments held by immigrants throughout American history who

seek refuge in a country that promises a better life and equal, just treatment.

Such expectations of the United States expressed by de la Guerra on behalf of the Mexican Americans he served emanate from the mythos in public discourse and public consciousness; myths transcend stereotypes and become deeply embedded within the social consciousness. Through his subtle assertion of Mexicans as second-class citizens, de la Guerra realizes the fallacy of the myth of a United States "more liberal" than Mexico in its approach to immigration and assimilation, and he conveys such sentiments through his exasperated tone at the outset of his speech.

The promised protection of citizenship rights of Mexican Americans and the ensuing violation of them contribute to de la Guerra's postulate that US values had become the antithesis of what they claimed to be through founding documents such as the Constitution. Prior to and during the Mexican-American War, American settlers were considered aliens in Mexico whose presence was not welcomed by the native Mexicans. Following American victory, the United States annexed the territory known as the Mexican Cession. Arbitrary land laws passed by the US government at the state and national levels made the "calamity" of loss of land and citizenship possible and left Mexicans in the annexed territory vulnerable to attacks on their rights. Laws such as those for which de la Guerra expresses disapproval in his speech thereby arbitrarily constructed Mexicans as illegal, rendering them "strangers" on their native soil. Mexicans living within the territorial borders of the United States had no legal status; "abandoned" by Mexico and betrayed by the United States. As de la Guerra notes, without their rights protected vis-à-vis land grants, Mexicans would become "beggars" in the street hoping for law courts to uphold justice. Therefore, de la Guerra contends that the hypocritical actions of the US government make its representatives the true "barbarians," rather than the Mexicans whom they ostensibly sought to enlighten.

Anglo-Americans never fully accepted Mexicans as racial equals despite allowing those living in the ceded territories to acquire US citizenship. Manifest Destiny—the ideology that guided US expansion throughout the nineteenth century—glorified the white settler. As historian Mae M. Ngai discusses, though US expansionists desired to control all of Mexico, racial suspicions led them to abandon such sentiments out

of aversion to incorporating a nonwhite race into the United States. De la Guerra recognizes such racial attitudes and suspicions held by the US government in his speech and uses both metaphors and particular diction to convey the binary of civilized and uncivilized peoples, but he does so to subvert popular conceptions. Although viewed as barbarous, savage, and uncivilized, Mexicans, de la Guerra asserts, treated the United States and its citizens upon annexation with respect and fidelity. Conversely, however, rather than receive “humane” treatment, Mexicans had their land seized by the government and reclaimed by white settlers despite their knowledge of its rightful ownership. Furthermore, de la Guerra laments the institutional racism toward Mexican Americans underpinning the US legal system. Viewing juries comprising settlers as corruptible and possessing “preconceived opinions,” de la Guerra critiques the inequities latent in law courts dealing with land-claim disputes. He thereby suggests that juries racialized Mexicans and rendered them second-class citizens because of their nationality and race; thus, Mexicans could never fully acculturate and become truly American. Therefore, Mexicans remained at the fringe of US citizenship because of their second-class treatment at the hands of a government that touted the values of equality and liberty for all.

The dissonance between the function of land in Mexican culture—a culture rooted in land as a sacred space to be protected and treasured—and its capitalistic role in American culture further explain the cruel actions of the American government that de la Guerra describes in his speech. De la Guerra outlines the emotional trauma of native Mexicans losing their land and having their property “sacrificed” and “stolen” for the economic gain of a conquering nation. Euro-American colonialism and expansion across the North American continent historically led to violent encounters between natives and the European colonists. The cultural divide between the natives and the colonists regarding the sanctity and importance of land within their respective worldviews catalyzed colonial antagonisms once the natives were uprooted from their sacred lands. The removal and dissociation of natives from their culturally sacred land—to which they had been tied both spatially and culturally for thousands of years—conveys how land lay at the heart of the violent colonial practices waged against indigenous communities in the American Southwest. Mexicans not only viewed

land as the key to their survival but also as tied in to their spirituality and religious beliefs. De la Guerra laments how US capitalism led to the exploitation for the sake of profit of Mexican’s once fertile lands. He thus highlights the primacy of capitalism—a profit-driven and amoral economic system—in the development of the United States. Capitalism required the alienation of native land claims by reimagining American land as unclaimed to enable white settlers to claim it as their own. Thus, de la Guerra implies, westward expansion was rooted in conquest, with latent political, economic, and cultural imperatives rather than the mere desire to “plant” and spread the “banner of liberty” in Mexican soil.

De la Guerra invokes religiosity to further highlight the hypocrisy of the government’s actions in seizing native land. Rendered stateless and unprotected by a conquering US government that violated its own treaty, Mexican Americans became “beggars in the streets” whose livelihood depended on the mercy of a settler government who perceived Mexicans as lesser people. De la Guerra questions the moral basis of settlers occupying Mexican land “in good faith” by questioning the religious justification for stealing land. Such actions delineate the US government as “barbarous people” rather than the enlightened, righteous, and civilized individuals that they tout themselves to be. Thus, de la Guerra invokes the religious principles Americans claim fundamentally underpin the country’s origin to expose the hypocrisy and irreligious behavior involved in stealing land and persecuting native Mexicans. Such sentiments subvert the images of the civilized Yankee and subhuman Mexican that dominated public attitudes and discourse during a turbulent epoch. The conquest and annexation of Mexican territory catalyzed a period of US foreign policy marked by colonialism and imperialism that had lasting consequences for the United States in terms of both its global relations and its internal structures.

Essential Themes

The US government continued to treat Mexicans as second-class citizens following the Treaty of Guadalupe Hidalgo; unequal political representation and the absence of protection for Mexican American citizenship rights through the seizure of land revealed such second-class treatment. Overtly racist stereotypes soon permeated public discourse, and anti-Mexican rhetoric

ric resulted in a production of knowledge regarding the figure of the Mexican as dirty, incompetent, and subhuman. The emergence of scientific racism contributed to the degradation of Mexicans well into the twentieth century and underlay the efforts to restrict Mexican immigration during the 1920s despite the need for cheap labor in the agribusinesses of the Southwest. As Ngai notes, although racialized, Mexicans retained a legal status as white, although this category remained unstable because of their race. Their presence in regions once under Mexican control rendered them “racialized aliens” whose labor was needed but presence was resented because of the to the deep-seated antagonisms dating back to the Treaty of Guadalupe Hidalgo and subsequent land seizures.

De la Guerra delivered his speech on the seizure of native land prior to his legal debacle regarding his fitness for citizenship and service in California legislative bodies. Despite suffering from the injustice latent in government institutions toward citizens of Mexican descent, de la Guerra emerged as the sole advocate for native rights in the California Senate during a time when ideas connoted by Manifest Destiny permeated both elite circles and the public domain. Despite de la Guerra’s efforts to advocate for and defend native rights, the system of white hegemony prevailed. Nonetheless, his efforts served as a foundation for a subsequent civil rights movement during the twentieth century known as the Chicano movement. This cultural movement during the 1960s sought to revive native Mexican culture and reclaim land that was rightfully theirs in the American Southwest. Members of the Chicano movement sought to reclaim their homeland of Aztlán, thereby aligning Mexican Americans with the

American Indian cause. Furthermore, the psychological trauma of Mexican American loss of land led their descendants to negotiate a new identity for Mexican Americans that claimed indigeneity and resulted in the emergence of a nationalism based on culture rather than geopolitical borders and mythos.

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Additional Reading

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LESSON PLAN: A Formal Plea

Students analyze Pablo de la Guerra's speech "On Seizing Land from Native Californians" and compare it to articles within the Treaty of Guadalupe Hidalgo.

Learning Objectives

Identify the central question de la Guerra addresses; read the speech imaginatively; interrogate historical data; compare and contrast the promise of the *Treaty of Guadalupe Hidalgo* to the behaviors de la Guerra identifies.

Materials: Pablo de la Guerra, "On Seizing Land from Native Californians" (1855); Nicholas B. Trist, Treaty of Guadalupe Hidalgo (1848).

Overview Questions

What was de la Guerra's goal and how effective was his argument? How does the fact that this was a speech affect its content? How do historians know these are de la Guerra's literal words? What does de la Guerra's speech reveal about the effectiveness of the Treaty of Guadalupe Hidalgo?

Step 1: Context Questions

What is the specific purpose of this document? How does de la Guerra mount his argument?

- **Activity:** Direct a student to explain the bill de la Guerra is arguing against. Have students list his points against passage of the bill. Further discuss the logic of his argument in its contemporary context.

students suggest other sources that historians might use to confirm the speech's authenticity.

Step 2: Comprehension Questions

How do the rhetorical devices required in a speech affect de la Guerra's argument?

- **Activity:** Have students read passages aloud, giving their readings the oral emphasis a real speech would have. Ask students to identify practical and rhetorical devices that the genre requires. Discuss how those rhetorical needs helped or hurt de la Guerra's argument.

Step 4: Exploration Questions

How does de la Guerra specifically show the bill the California Senate is considering is inconsistent with the Treaty of Guadalupe Hidalgo? How might twenty-first century readers use this inconsistency as evidence in causes of modern-day problems?

- **Activity:** Have students review the list they created of the points in de la Guerra's argument. Direct students to identify specific articles within the treaty that de la Guerra believed were being violated. Challenge students to mount their own arguments about the potential long-term effects of the California Senate's apparent violation of the treaty.

Step 3: Context Questions

What particular problems would a speech versus a written document present to historians? What additional sources might historians employ to verify the authenticity of this speech's content?

- **Activity:** Discuss with students how and if historians know these are the literal words that de la Guerra spoke in the California Senate. Have

Step 5: Response Paper

Word length and additional requirements set by Instructor. Students answer the research question in the *Overview Questions*. Students state a thesis and use as evidence passages from the primary source document as well as support from supplemental materials assigned in the lesson.