

POSITION PAPER #3
Enforce the Treaty of Guadalupe Hidalgo
Invoke Article 21 Neutral Arbitration
For Immigration, the Border, and Immigrant
Rights Issues

Ever since the United States signed the Treaty of Guadalupe Hidalgo and the Protocols of Quaretaro to end the Mexican-American War, the United States has failed to abide by our international commitments.

In California Mexicans or persons of Mexican extraction were barred from California law from bringing criminal charges against Caucasians or testifying against them in court under the theory that they were at least one-quarter of Indian (Native American) extraction.

Not until 1947, a hundred years after the Mexican-American war, did California and federal courts even declare that school segregation directed against Mexican-Americans was unconstitutional. Even then, the fact of school segregation took decades longer to end.

Today, the federal government continues to build anti-immigration barriers across private land that is supposed to be sacrosanct under the Treaty of Guadalupe Hidalgo as owned under Spanish land grants. Municipalities repeatedly violate Native American burial grounds that were arguably protected under the Treaty and the Protocols of Quaretaro.

It is also routine that the rights of Mexican immigrants under the Vienna Convention on Consular Relations are violated when they are arrested, with no access granted to Mexican consular officials and no admonition by peace officers of their rights to consular access.

Bowing to racist and xenophobic pressure, Congress repeatedly attempts to deal with the immigration issue unilaterally and without regard to the history of violations of the rights of Mexico, Mexican citizens, and the descendants of immigrants by the United States.

Congress should enact a resolution calling upon the executive branch of government to invoke Article 21 of the Treaty of Guadalupe Hidalgo and establish either a joint commission of both the United States of Mexico and the United States of America to negotiate over all issues of rights and border issues that have arisen, or, Article 21's provision for third-party neutral arbitration of these issues should be invoked. The time for American unilateralism in foreign policy should be over. The United States of America should live up to its international commitments, starting with the Treaties that we have signed.