

Sara Faulkenberry
5/2/08
Senior Thesis
Advisor: Justin Hughes

Amending a Guilty Conscience

Since Cain and Abel, war has been a part of life and history. Wars have begun to expand territories, exact revenge, and protect the innocent. Americans are especially aware of the reality of war at the present, sending loved ones to fight for the nation. No one likes war. No one wants it. And yet, war is inevitable. As long as there is greed, patriotism, passion, and malice, war will be necessary. Because of this, it is necessary to understand the reasons for it and how to do it legitimately and justly. This can be best learned from examples from history, and the Mexican American War, being one of the most highly debated wars in American history, is a good example of American's misunderstandings of just war theory.

The Mexican-American War of 1846 is a war too easily forgotten. Spanning only two years and hidden in the shadow of the Civil War, it slips through the memories of most Americans despite the fact that it changed the face of a nation and “marks the birth of the Mexican American people” (Christensen v.).

The Mexican War is also a war many choose to forget. From elementary school to college, students are told the war was the most unjust war in American history. They are told America broke treaty with Mexico and further provoked the war by annexing Texas into the Union, something Mexico had warned against. Because it is seen as so horrifyingly unjust, Americans easily put it in the backs of their minds and choose to focus on other, more patriotic wars—wars

they can feel proud of, like the American War for Independence. Although it is commonly believed that the Mexican-American War was unjust, according to St. Thomas Aquinas' just war theory, America's actions are justified.

When Mexico gained its independence from Spain, it began to have difficulties governing itself. The country was huge, and the capital was not centered in the country, making it difficult to control the distant territories (Christensen 13). The province of Texas was not greatly populated, and many Americans wished to immigrate into the area: around eleven thousand people (Christensen 16). In order to avoid illegal immigration and to populate the area, the Mexican government decided to invite American families to settle into the area to live as Mexicans (Christensen 16). However, the country became overwhelmed with massive amounts of Americans flooding in (Christensen 17). Mexican authorities soon lost control of the area, and the population revolted against them, starting the war for Texan independence.

Near the end of the war for Texan independence, the Mexican president, Santa Anna, was captured and held prisoner. Instead of executing him, the Texas government chose to give him the option of signing the Treaty of Velasco, which stated that the land from the Rio Grande to the northern and eastern extensions of Mexico was now independent. Santa Anna, the same man who swore to the Mexican people that Mexico would never surrender to Texas, signed the treaty in exchange for his life (Christensen 23). The Texas government sent Santa Anna back to Mexico and began to be recognized as an independent country. However, after this betrayal by their own president, the country of Mexico boldly denied the fact that they had lost Texas. The people refused to accept that Santa Anna, the president they had trusted and had such confidence in, had signed the treaty giving Texas independence, and they refused to recognize the area as an

independent country (Christensen 28). They continued to claim that Texas was a province of Mexico.

Regardless of Mexico's denial, Texas had "won its freedom, maintained its independence and been officially recognized as a member of the family of nations" (Singletary 9). Other countries recognized Texas as independent, and King Louis Philippe of France warned the Mexican minister, Máximo Garro, saying:

To describe the kind of obstinacy that prevents one from seeing what is evident, we have a word in French that is very easy to translate into Spanish—infatuation. This infatuation prevents you from recognizing what everybody else sees; that is, that you have lost Texas irrevocably. If I urge you to recognize her independence, it is because I believe that advantages will result to Mexico, in whose happiness I take great interest. (Christensen 48)

In spite of Mexico's disappointment and denial, the treaty had been signed, and Texas began debating over the wisdom of annexation to the United States. Texas, as an independent country, applied for statehood and finally, in 1845, despite threats that Mexico "would consider U.S. annexation of Texas 'equivalent to a declaration of war,'" Texas was welcomed into the Union as a slave state (Christensen 30).

It had taken almost ten years of deliberation in the U.S. Congress to finally make their decision to annex Texas because of the slavery issue. At the time the United States had an even "slave state-free state balance established by the Missouri Compromise of 1820" and the anti-slavery "Northern Whig politicians saw Texas annexation as nothing but a brazen attempt by the South to upset the union's balance of power" (Christensen 32). Nonetheless, Texas was welcomed into the Union on July 4, 1845.

President James K. Polk immediately prepared the U.S. armed forces for hostilities from Mexico, who had repeatedly declared that annexation would be an act of war (Christensen 46). However, negotiations went nowhere and repeated attempts at giving Mexico money in exchange for a peaceful annexation were futile. There were even doubts that Mexico would dare to declare war against such a mighty nation. James Buchanan, Polk's secretary of state at the time, said,

The truth is that, although I have no very exalted idea of Mexican intellect, yet I cannot imagine that anyone who could...be elected president, could have so small a modicum of sense as to think seriously of going to war with the United States. (Christensen 46)

The United States was a very strong nation, while Mexico was a very weak one. Buchanan believed that Mexico would recognize this and see that to attack the United States would be detrimental.

Not only did the United States believe Mexico too weak to attempt to attack, they also recognized Texas as an independent country and therefore, saw no reason why they should consult with another country about its annexation. They believed the issue was solely between them and an independent country (Singletary 9).

Polk's troops, under the leadership of General Zachary Taylor, were sent to cross the Arroyo Colorado, a stream just north of the Rio Grande. According to the Treaty of Velasco, the rightful border between Texas and Mexico was the Rio Grande and Taylor was ordered to cross the stream and move toward the border. Mexican troops were waiting on the other side of the Rio Grande at Matamoros. A Mexican messenger was sent to General Taylor to warn him that "any further advance would be considered an act of 'open hostility' and that the Mexicans would open fire upon any American attempting to cross that line" (Singletary 12). Taylor replied that he

“intended to cross the stream and that he would open fire if any interference or opposition was offered” (Singletary 12). Taylor’s troops crossed without hostilities.

However, the Mexican troops continued to guard the Mexican side of the Rio Grande, and in April 1846, General Francisco Mejia ordered Taylor to leave the disputed land and return to the other side of the Arroyo Colorado, giving him twenty-four hours to comply. Taylor answered by stating that he intended to stay where he was ordered to stay. He also reminded Mejia that “responsibility for war would ultimately rest with whoever began it” (Singletary 12). The Mexican general responded by sending a cavalry force to cross the Rio Grande. When Taylor heard of this, he sent a small squadron of dragoons in their direction. They were soon surrounded by the cavalry and had to surrender with the loss of several lives (Singletary 13). Mexico had attacked the United States. The war had begun.

It took two weeks for the news of the attack to finally reach Washington. Two days later, President Polk read the war message to Congress, saying Mexico had “shed American blood upon the American soil” (Singletary 13). Both houses of Congress approved the war bill within two days, making the war official.

Polk chose to begin by sending troops into the provinces of California and New Mexico (Christensen 88). These provinces were weak and had long been attempting to manage their own affairs as Texas had (Christensen 88). Because they were weak and neglected, they could be conquered quickly and easily, avoiding the unnecessary loss of lives.

Finally, on May 30, 1848, just two years after the war began, the Treaty of Guadalupe Hidalgo was approved by Mexico. This treaty “ceded California and New Mexico to the United States and confirmed the American claim to Texas along the Rio Grande line in exchange for a payment of fifteen million dollars” (Singletary 161).

Since it began, there have been oppositions and accusations against the war. People have believed that the war was unjust since its declaration. However, it was just according to the just war theory of St. Thomas Aquinas.

St. Thomas Aquinas developed a just war theory in *Summa Theologica*. In it he uses St. Augustine's theory of just war as a guide to outline three general requirements for a war to be just. The Mexican-American War follows each of these standards.

The first requirement is proper authority. He says, "[...] it is not the business of a private individual to declare war, because he can seek for redress of his rights from the tribunal of his superior." Instead, it is "the authority of the sovereign by whose command the war is to be waged" (Aquinas 1353). Further, "war...must be waged on the order of public authorities for public purposes" (O'Brien 17). Without proper authority, the war cannot be said to be just.

According to the U.S. Constitution, this proper authority is Congress. The president of the United States must make a formal speech requesting that Congress declare war. On May 11, 1846, President Polk addressed the nation, urging Congress to declare war against Mexico. He explained in great detail the attack on American troops at the Rio Grande in April of the same year and stated that he believed the war was "the most certain and efficient means of bringing the existing collision with Mexico to a speedy and successful termination."

Aquinas' second requirement is just cause, "namely that those who are attacked, should be attacked because they deserve it on account of some fault" (Aquinas 1354). A country cannot attack another for unjust reasons. It is unjust to wage war against a nation because it is weak or an easy target, but it is just to wage war against a nation because it must be punished for wrongs (Aquinas 1354).

William O'Brien wrote on Aquinas' concept of just war and further explained it. He says just cause has four sub-divisions and a fulfillment of these sub-divisions is a fulfillment of just cause. These divisions are "the substance of the just cause," "the forms of pursuing just cause," "the requirement of proportionality of ends and means," and "the requirement of exhaustion of peaceful remedies" (O'Brien 20).

According to O'Brien, the "substance of the just cause must be 'serious and weighty'" (O'Brien 20). The cause must be to either "(1) 'to protect the innocent from unjust attack,' (2) 'to restore rights wrongfully denied,' [or] (3) 'to re-establish a just order'" (O'Brien 20). The Mexican-American War falls under the first cause: "to protect the innocent from unjust attack" (O'Brien 20). Mexico had invaded and attacked the United States, killing eleven soldiers. Innocent American civilians were in danger and needed to be protected from future attacks by Mexico.

The Mexican-American War thus follows O'Brien's substance requirement: that the cause must be "serious and weighty" (O'Brien 20). In Polk's declaration of war, he says, "Mexico has passed the boundary of the United States, has invaded our territory, and shed American blood upon the American soil" (Polk). The attack on the dragoons on the 24th of April was unjust and showed that Mexico would stop at nothing to take back Texas.

The war also follows O'Brien's requirement of the forms of pursuit: that the probable good must outweigh the probable evil (O'Brien 28). In this case, the probable good was peace with Mexico. Congress had to determine whether war with Mexico was the appropriate form of pursuing peace with Mexico. This introduces the requirement of proportionality of ends and means and the requirement of exhaustion of peaceful remedies. In order to determine if war was

appropriate, Congress had to determine whether the ends and means would be proportionate and whether they had exhausted every other peaceful remedy.

In order for Congress to determine whether a declaration of war was appropriate, peace with Mexico had to outweigh the probability of the loss of several of the lives of the volunteers fighting. The form of violence Mexico displayed indicated that they would stop at nothing to regain Texas, signifying that they would continue to attack the United States, killing innocent people. Congress could not ignore this. They could not allow Mexico to invade and kill while they did nothing to stop them. Something had to be done. In this case, a war to stop Mexico outweighed the continual oppression by Mexico, which would last much longer than the war and would result in the deaths of many more defenseless Americans.

O'Brien's final requirement is the exhaustion of peaceful remedies (O'Brien 20). Congress also had to be certain that they had made every possible effort to make peace with Mexico without war. In Polk's war message given in May of 1846, he outlines the measures taken to avoid war. He says that in September of 1845,

An envoy of the United States repaired to Mexico, with full powers to adjust every existing difference. But though present on the Mexican soil, by evidence of the most friendly dispositions, his mission has been unavailing. The Mexican government not only refused to receive him, or listen to his propositions, but, after a long-continued series of menaces, have at last invaded our territory and shed the blood of our fellow-citizens on our own soil. (Polk)

Polk goes on to explain that the United States had asked Mexico if they would accept an envoy to negotiate the situation. Mexico accepted under the government of General Herrera, and Slidell, Polk's envoy, was sent with full powers to "adjust both the questions of the Texas

boundary and to indemnification of [the] citizens.” However, when Slidell arrived in Mexico, the government refused to accept him. Five days later, a revolution took place in Mexico and General Herrera yielded the government to General Paredes. The envoy took measures to request the audience of this new president, by addressing a note to the new president requesting to be received by the government. Paredes, however, denied the request. In his war message, Polk says,

Thus the government of Mexico, though solemnly pledged by official acts in October last to receive and accredit an American envoy, violated their plighted faith, and refused the offer of a peaceful adjustment of our difficulties. Not only was the offer rejected, but the indignity of its rejection was enhanced by the manifest breach of faith in refusing to admit the envoy, who came because they had bound themselves to receive him. [...] the Mexican government refused all negotiation. (Polk)

The United States, then, could do nothing more than wait, guarding the borders. Just a few months after Slidell returned to the United States, Mexican troops attacked the small squadron of American dragoons guarding the Texas border.

Aquinas explains that a country can declare war against another as punishment to wrongs done against them (Aquinas 1354). Because Mexico attacked the United States and killed eleven American soldiers, it is justifiable for America to seek retribution. War was not declared in order to take advantage of Mexico’s weakness. It was declared because this weak and vulnerable country attacked the United States. They brought war upon themselves.

Aquinas’ final requirement is rightful intention (Aquinas 1354). It is not enough for the stated causes to be just; the non-physical intentions must be just also. The intentions reveal the real cause of the waged war.

Right intention has certain specific requirements that interlink with just cause. In her book on just war theory, Jean Bethke Elshtain explains this connection. She says:

Right intention is related to just cause—war can be legitimately intended only for the reasons set forth above as a just cause. During the conflict, right intention means pursuit of peace and reconciliation, including avoiding unnecessary destructive acts or imposing unreasonable conditions. (Elshtain 100)

Aquinas says that for a war to be declared with rightful intentions, the intentions must be that of peace and not aggrandizement or cruelty (Aquinas 1354). Also, right intention requires that the belligerent limit himself to the pursuit of the avowed just cause, maintain an ultimate goal of just and lasting peace, and abstain from cruelty (O'Brien 34).

Right intention then, requires pursuit of peace and the stated just cause. This requires that there can be no hidden, deeper intentions of aggrandizement or cruelty and no excessive violence and destruction.

Within the Mexican-American War, President Polk followed these requirements. He never deviated from the pursuit of peace and the protection of the American citizens, which is why the war lasted only two years. Had peace not been intended and pursued faithfully, the war could have lasted much longer. America could have utterly destroyed Mexico if they wished. However, the United States fought and invaded only until Mexico was ready to negotiate. When Mexico finally did say they were ready for negotiation, the U.S. was more than willing to end the war and begin a long peace with Mexico.

The war finally ended with the Treaty of Guadalupe-Hidalgo, which was signed on February 2, 1848. It made the Rio Grande the official boarder of the United States and ceded what

is now California, Nevada, Utah, and parts of Colorado, Wyoming, New Mexico, and Arizona. In return, Mexico was granted fifteen million dollars.

Many historians would say that it is on the topic of right intention that the Mexican-American War becomes unjust. They say the war was fought for the sole purpose of acquiring territory. They say this is proven by the United States' multiple offers to purchase Texas. They also claim that America's desperation for land can be proved in the final treaty between America and Mexico. In it, the United States acquires not only peace, but also a great amount of territory. This, they say, proves that it was "not merely a treaty of peace, but of limits and boundaries" (Jay 184).

In the years preceding the independence of Texas, the United States did make multiple offers to purchase Texas. However, they never became so desperate to acquire Texas that they resorted to threatening Mexico or making any hint at war or violence. Each offer to buy Texas was turned down, and when Texas became independent, the United States seized the opportunity to acquire the territory. Yes, they wanted the land, but they were not desperate for it. They did not start a war for it.

Also, there was no reason why the vast amount of land should not have been acquired in the treaty. For hundreds of years, land has been gained and lost in treaties. Florida and Louisiana were both acquired through treaties, so why is it suddenly a sign of injustice and greed to ask for land in a treaty? Mexico could also have attempted to negotiate the treaty to gain the land back, but they did not. The treaty was negotiated and revised many times. Thus, Mexico had multiple opportunities to negotiate the land back. The land was acquired fairly as a part of the treaty and is not a sign of insatiable greediness.

The intentions of President Polk's declaration of war were peaceful intentions. Mexican troops had attacked and would continue to attack until they won Texas back. How long could President Polk have endured attacks from Mexico? Could he have simply ignored the deaths of the eleven soldiers who had died protecting America's borders? To have done so would have been an injustice to the American citizens living in Texas. It would have put their lives at stake. The only way to attain peace and ensure the safety of innocent American lives was to declare war. Any other decision would have been detrimental to the United States. To have ignored the attack would have been to slacken national security and give Mexico free reign to do what they wished on American soil. War was the only solution that gave the American people hope for peace with Mexico.

There are many reasons why historians believe the Mexican-American War was unjust. Most historians say the war was unjust because America was power hungry and willing to do whatever it took to gain more land. They say Texas was only one more step toward fulfilling America's Manifest Destiny, and the war could have been avoided had America not annexed Texas into the Union.

One thing these historians ignore is the time and debate that went into the decision to annex Texas. It took almost ten years for the proposition to be approved by the members of Congress. This was not a decision made on a whim. Everyone knew "there were causes other than greed as there were consequences other than gain" (Singletary 5). There were many who did not want Texas as a member of the United States because it was a slave state. Many others wanted to avoid war with Mexico, who had threatened to attack if the state was annexed. However, Mexico had no right over Texas. The state had won its independence and was recognized as an independent

country. Mexico had no right to threaten the United States, nor was it wise to considering the fact that Mexico was very weak and America very strong.

These historians also ignore the extensive efforts made by the U.S. to buy the state. America had, for many years, made offers to buy the land and even once offered forty million dollars for the land that is now Texas, New Mexico, Arizona, and California. This offer was twice the amount the land was worth (Henry 27). Each offer was thrown aside by the Mexicans and was considered insulting to the Mexican people. Even when the Mexican government saw they had lost Texas forever, they still did not accept purchase offerings from the United States and thereby made no effort to prevent war.

The second most common objection to the war is on the topic of the confusion and dispute over boundaries. “The Texans claimed everything south to the Rio Grande River, but the Mexicans were equally insistent that the boundary was the Nueces River; left in dispute was a strip of land some 150 miles wide” (Singletary 149). The Treaty of Velasco, signed by both the Texan and Mexican president, said the Texas boundary was the Rio Grande. The Mexican public refused to accept the fact that they lost such a massive territory. However, they did lose it. The land from the Rio Grande north was lost to them and it was because of their own denial and aggression that the war was started.

When the treaty of annexation was signed, it nowhere outlined the boundaries of the state. The Secretary of State informed the Mexican Government that this was done in order to leave the boundary “open for question” and to keep from being objectionable to Mexico as possible so that the issue could be “fully discussed and settled according to the rights of each” (Jay 124-125). This only further outraged Mexico. They did not only want the disputed territory between the Rio Grande and the Nueces River. They wanted all of Texas and were not going to settle for less.

The Mexican-American War was just according to St. Thomas Aquinas. It follows the rules laid out by in his Summa Theologica, which requires a declaration by a proper authority, just cause, and rightful intention.

First, it was declared with the proper authority. This authority at the time was James K. Polk, who on May 11, 1846, gave a speech encouraging Congress to declare war. Congress then declared war against Mexico. Because the government declared war according to the United States custom, it was declared with proper authority and thus fulfils this requirement.

Secondly, it was declared with just cause: Mexican troops had invaded and attacked America, killing eleven soldiers. This was a deliberate, planned act of violence by Mexico. Mexico displayed an aggression towards the United States that could not be ignored. America longed for peace with Mexico. The war was declared to ensure this peace.

Finally, the war was declared with rightful intentions. War was not declared to acquire territory or to be cruel to Mexico. Every act before and during the war was in order to move towards peace, which was the ultimate goal of the war.

Although the Mexican-American War was short and is easily forgotten, it was one of the most important wars in U.S. history. “By the war’s end, Mexico lost nearly half of its territory—the present American Southwest from Texas to California—and the United States became a continental power” (Christensen v). Mexico could no longer become the world power it longed to be. In losing half of its territory, it lost the strength and dominion it could have had.

While it is important not to allow patriotism to blind Americans from the injustices the government commits, it is also important not to allow guilt where it is not necessary, welcome, or beneficial. This war should not incur the guilt of Americans. There was no injustice in the actions of the government. The Mexican-American War was a just war.

Because it is clear that the Mexican-American War was a just war based on Aquinas' guidelines, it is evident that the American public, believing it was unjust, has been functioning under a false understanding of just war. Because America is currently at war, it is important for every American to know just reasons to go to war and how to conduct war in a legitimate and just way.

On September 11, 2001, the United States was attacked by Al-Qaeda terrorists. Soon after, the Bush administration declared a War on Terror, launching America into a world of hate and oppression. This war has lasted almost seven years. Within those seven years, there have been many debates over whether or not the war is just, in which politicians have taken their stances and have divided the loyalties of the country. This is most evident in the current presidential elections. One of the most important issues the candidates address is the issue of the War on Terror. Most Americans have very strong opinions on this topic. However, the causes and desired outcome of this war are unclear. Some say the war was declared to eliminate terrorism, some say religion was the cause, and still others claim it was declared for economic reasons. All of the confusion and misunderstandings of this war must be cleared and explained. I cannot claim to offer a solution to this problem. However, one question that must be asked by the American populace, government, and military officials is whether or not the war is just. It is evident from the popular opinion of the Mexican-American War that most do not fully understand just war theory. As citizens of a democratic republic, Americans must educate themselves on military policy and history. The burden of government lies with the people and if we abdicate our responsibility by being ignorant, then we are guilty of the injustices of our government. Our government is by the people; therefore, its injustices are by the people. It is, then, important that the misunderstandings behind the

Mexican American War be cleared so Americans can better understand what it means for a war to be truly just.