



DEPARTMENT OF STATE
WASHINGTON

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In reply refer to
L/C 211.1241/2-457

March 2 1957

Dear Mr. Brooks:

The Department has received your letter of February 4, 1957, addressed to the Agency of the United States, General Claims Arbitration, United States and Mexico, in which you request information relative to those claims filed by the Government of Mexico with the former General Claims Commission, United States and Mexico, known as the Texas land claims.

In response to many communications sent to the Department and other governmental agencies during the early part of 1954 by persons claiming to be American citizens and heirs of the original Mexican claimants, the Department prepared a memorandum setting forth the history of the above-mentioned claims and the manner in which they were finally disposed of. It is apparent from the history of these claims, as set forth in the memorandum, a copy of which is enclosed, that this Government is not in a position to be of assistance in the matter.

The Department desires to add that the generous assistance rendered by the General Land Office at the time the claims were being considered in the arbitration proceedings was of great importance in the successful defense of these claims against this Government.

Sincerely yours,

Enclosure:

Memorandum.

Benedict M. English
Benedict M. English
Assistant Legal Adviser

Mr. Robert J. Brooks, Director,
Legal Division,
General Land Office,
State of Texas,
Austin 14, Texas.

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FORM M-120

4-18-47

DEPARTMENT OF STATE

ENCLOSURE

COMMUNICATION ADDRESSED TO

Mr. Robert J. Brooks, Director
Legal Division
General Land Office
State of Texas
Austin 14, Texas

OFFICE }
DIVISION }

L:L/C

FILE NO. 211.1241/2-457

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DEPARTMENT OF STATE
WASHINGTON



Memorandum by the Department of State
Regarding so-called Texas Land Claims

The Department of State is receiving, either directly or by reference from the White House or elsewhere, a large number of communications which apparently relate to alleged claims predicated upon the alleged failure of the State of Texas, after its admission to the Union, to recognize ownership interests asserted by Mexican citizens in lands in that State, which interests were said to have been acquired while Texas was a part of Mexico.

In view of the wide interest manifested in this matter, particularly by individuals residing in Texas, the Department has found it necessary to prepare this general statement, instead of making individual replies to each of the individuals sending such communications, the vast majority of which are identical in form and contents, and in a number of instances enclosed within quotation marks. Recently, some two hundred communications of this character were received in a single day.

On September 8, 1923, the Governments of the United States and Mexico signed a claims convention establishing an international commission, known as the General Claims Commission, United States and Mexico, to adjudicate certain outstanding claims of American nationals against the Government of Mexico, and claims of Mexican nationals against this Government. (43 Stat. 1730). The Mexican Government filed with the Commission a large number of claims on behalf of Mexican nationals against this Government of the character indicated in the first paragraph of this statement. The claims in question were subsequently considered by the two Commissioners designated by the Governments of the United States and Mexico pursuant to the Protocol of April 24, 1934 (48 Stat. 1844).

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The Agency for the Government of the United States, which was charged with the defense of the interests of this Government before the above-mentioned international tribunals, made a careful and thorough investigation of each and every such claim which the Government of Mexico attempted to perfect by the filing of pleadings, evidence and briefs; such investigations included in every instance the examination of county and state land records in the State of Texas, records of Texas courts, etc. As a result of such investigations, the Agency of this Government found each and every claim of this character to be wholly without foundation or merit. The report which the two Commissioners designated pursuant to the 1934 Protocol submitted to the two Governments upon the conclusion of their deliberations disclosed that each of the claims of this character which they considered were disallowed. In Article VII of the Claims Convention of 1923, the two Governments agreed to consider such decisions "as final and conclusive upon each claim decided, and to give full effect to such decisions". Moreover, in Article III of the Claims Convention signed by the Governments of the United States and Mexico on November 19, 1941, it was stipulated, with certain exceptions not pertinent here, that the two countries

" . . . reciprocally cancel, renounce, and hereby declare satisfied all claims, of whatsoever nature, of nationals of each country against the Government of the other, which arose prior to the date of the signing of this Convention, whether or not filed, formulated or presented, formally or informally, to either of the two Governments . . ."

Consequently, it is abundantly clear that even if it were established, which it never has been, that this Government incurred any legal responsibility or liability by reason of allegedly wrongful acts of Texas authorities with respect to lands in that State allegedly owned by Mexican nationals, it has been completely relieved of any such responsibility or liability as a consequence of the proceedings and intergovernmental agreements discussed above.

The large number of individuals from whom the Department is now receiving communications concerning this matter seek the assistance of this Government in connection with their apparent attempts to obtain compensation from the Government of Mexico, asserting that they are American citizens and descendants of the above-mentioned Mexican nationals whose alleged claims against the United States have long since been finally disposed of in the manner indicated above.

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There are indicated below some of the reasons why this Government is precluded from intervening, to obtain compensation from the Government of Mexico, on behalf of alleged American heirs of the Mexican nationals who supposedly were deprived of their properties in Texas.

1. There is no evidence that the Mexican Government has taken any action which would impose upon it any legal obligation to compensate the alleged American heirs of the Mexican nationals who were allegedly despoiled of their lands by the State of Texas.

2. It is a fundamental principle of international law and practice that a state may not intervene diplomatically with respect to an international claim asserted by one of its nationals against a foreign state unless the claim has been continuously owned, from the date the claim originated to the date of presentation, by nationals of the state asserting the claim. As indicated above, these claims were originally claims of Mexican nationals, and are now being asserted as claims of American nationals, allegedly descendants of the Mexican nationals who were the alleged owners of the lands at the time the claims arose.

3. It would be wholly inconsistent for this Government to support claims of this character when it has heretofore consistently and successfully asserted that the claims were without foundation in fact or law.

4. In no case has it been established that the individuals now asserting claims are American nationals or that they are descendants or legal successors in interest to the Mexican owners of the lands of which the latter were allegedly despoiled approximately a century ago.

5. By the Convention of November 19, 1941, the Governments of the United States and Mexico stipulated that they "reciprocally cancel, renounce, and hereby declare satisfied all claims, of whatsoever nature, of nationals of each country against the government of the other, which arose prior to the date of the signing of this Convention". (56 Stat. 1347)

September 8, 1954

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CURRENT MISCELLANEOUS INFORMATION

Memorandum by the Department
of State Regarding so-called
Texas Land Claims.

March 2, 1957

September 8, 1954

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