

Exhibit 1376

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

v.

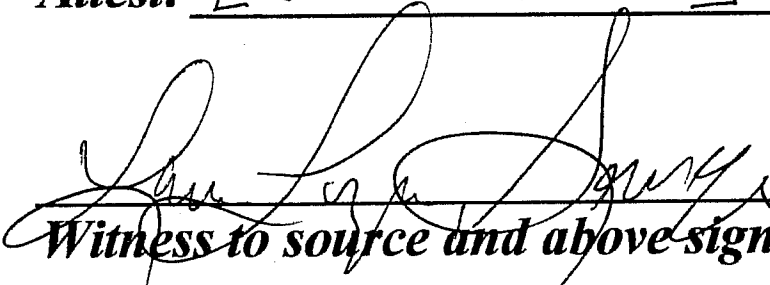
**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

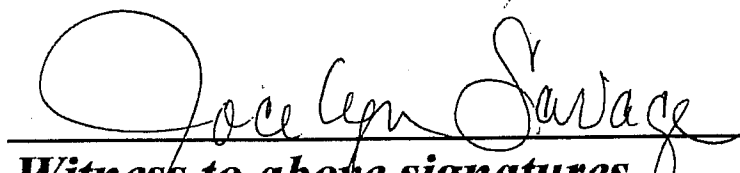
Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

President Polk claims the Rio Grande as the Boundary Between Texas and Mexico, from: Ernest Wallace, David M. Vigness, and George B Ward, *Documents of Texas History*, (State House Press, Texas, 1994).

This attestation is made on August 18, 1998.

Attest: [Jeff Smith] by fax


Witness to source and above signature


Witness to above signatures

President Polk Claims the Rio Grande as the Boundary Between Texas and Mexico

161

72. PRESIDENT POLK CLAIMS THE RIO GRANDE AS THE BOUNDARY
BETWEEN TEXAS AND MEXICO

November 10, 1845, and May 11, 1846

The annexation of Texas brought to a climax the increasingly bitter relations between Mexico and the United States. For years the Mexican government had been suspicious of the expansionist designs of the United States. In their eyes the sympathetic attitude of the American people for the Texans, during the Texas Revolution, was sufficient justification for their suspicions. The United States, on the other hand, was concerned by the continued refusal of the Mexican government to pay claims made against it by United States citizens. When the United States Congress passed the joint resolution annexing Texas, the Mexican government severed diplomatic relations on March 8, 1845. Obligated to protect Texas from an invasion by Mexican forces during the negotiations for annexation, President James K. Polk, in June, ordered General Zachary Taylor to take a position between the Nueces and the Rio Grande.

Since no further effort was made to prevent the annexation of Texas, Polk, under the impression that the Mexican government was favorable to an amicable solution, commissioned John Slidell of Louisiana, in November, as minister plenipotentiary with instructions to make proposals for the settlement of all grounds for controversy, including the boundary question as contained in the first document below.

By this time the major contention had shifted from annexation to the location of the southern boundary of Texas. The Mexican government claimed the Nueces River as the southernmost limit of Texas and the United States government insisted on the Rio Grande. When it became evident that the Mexican government could not come to terms with Slidell, Polk ordered Taylor, who had established his camp at Corpus Christi on the Nueces River, to move to the Rio Grande. Resulting skirmishes between contingents of American and Mexican troops north of the Rio Grande became the principal argument for Polk's request for war with Mexico. The portion of his message dealing with the boundary controversy is reproduced in the second document below.

1. POLK'S INSTRUCTIONS TO SLIDELL

November 10, 1845

From United States, Thirtieth Congress, First Session, *Senate Executive Document*, No. LII (Washington, 1847), 71-80.

Sir: . . . Fortunately, the joint resolution of Congress, approved 1st March, 1845, "for annexing Texas to the United States" presents the means of satisfying these claims [of citizens of the United States against the Mexican government discussed in the preceding section of these instructions], in perfect consistency with the interests, as well as the honor, of both republics. It has reserved to this government the adjustment "of all questions of boundary that may arise with other governments." This question of boundary may, therefore, be adjusted in such a manner between the two republics as to cast the burden of the debt to American claimants upon their own government, whilst it will do no injury to Mexico. . . .

In regard to the right of Texas to the boundary of the del Norte, from the mouth to the Paso, there cannot, it is apprehended, be any very serious doubt. It would be easy to establish, by the authority of our most eminent statesmen—at a time, too, when the question of the boundary of the province of Louisiana was better understood than it is at present—that is, to this extent, at least, the del Norte

was its western limit. Messrs. Monroe and Pinckney, in their communications of January 28, 1805, to Don Pedro Cevallos, then the Spanish minister of foreign relations, assert, in the strongest terms, that the boundaries of that province "are the River Perdido to the east, and the Rio Bravo to the west." They say, "the facts and principles which justify this conclusion are so satisfactory to our government, as to convince it that the United States have not a better right to the island of New Orleans under the cession referred to, (Louisiana) than they have to the whole district of territory which is above described." Mr. Jefferson was at that time President, and Mr. Madison Secretary of State; you well know how to appreciate their authority. In the subsequent negotiation with Mr. Cevallos, Messrs. Monroe and Pinckney conclusively vindicated the right of the United States as far west as the del Norte. . . .

It cannot be denied, however, that the Florida treaty of 22d February, 1819, ceded to Spain all that part of ancient Louisiana within the present limits of Texas; and the more important inquiry now is, what is the extent of the territorial rights which Texas has acquired by the sword in a righteous resistance to Mexico. In your negotiations with Mexico, the independence of Texas must be considered a settled fact, and is not to be called in question. . . .

Finally, on the 29th March, 1845, Mexico consented in the most solemn form, through the intervention of the British and French governments, to acknowledge the independence of Texas, provided she would stipulate not to annex herself or become subject to any country whatever.

It may, however, be contended on the part of Mexico, that the Nueces, and not the Rio del Norte, is the true western boundary of Texas. I need not furnish you arguments to controvert this position. You have been perfectly familiar with the subject from the beginning, and know that the jurisdiction of Texas has been extended beyond that river, and that representatives from the country between it and the del Norte have participated in the deliberations both of her congress and her convention. Besides, this portion of the territory was embraced within the limits of ancient Louisiana.

The case is different in regard to New Mexico. Santa Fe, its capital, was settled by the Spaniards more than two centuries ago; and that province has been ever since in their possession and that of the republic of Mexico. The Texans never have conquered or taken possession of it, nor have its people ever been represented in any of their legislative assemblies or conventions. . . .

Besides, it is greatly to be desired that our boundary with Mexico should now be established in such a manner as to preclude all future difficulties and disputes between the two republics. A great portion of New Mexico being on this side of the Rio Grande, and included within the limits already claimed by Texas, it may hereafter, should it remain a Mexican province, become a subject of dispute and a source of bad feeling between those who, I trust, are destined in future to be always friends.

On the other hand, if, in adjusting the boundary, the province of New Mexico should be included with the limits of the United States, this would obviate the danger of future collisions. . . .

Should the Mexican authorities prove unwilling to extend our boundary beyond the del Norte, you are, in that event, instructed to offer to assume the payment of all the just claims of citizens of the United States against Mexico, should she agree that the line shall be established along the boundary defined by the act of Congress of Texas, approved December 19, 1836, to wit: beginning at "the mouth of the Rio Grande; thence up the principal stream of said river to its sources; thence due north to the forty-second degree of north latitude."

I am, &c. James Buchanan.

John Slidell, Esq.

Envoy Extraordinary and Minister Plenipotentiary from the United States to Mexico.

2. POLK'S WAR MESSAGE

May 11, 1846

From James D. Richardson (ed.), *Messages and Papers of the Presidents, 1789-1897* (10 vols.; Washington, 1900), IV, 437-443.

The existing state of the relations between the United States and Mexico renders it proper that I should bring the subject to the consideration of Congress. . . .

In my message at the commencement of the present session I informed you that upon the earnest appeal both of the Congress and convention of Texas I had ordered an efficient military force to take a position "between the Nueces and the Del Norte." This had become necessary to meet a threatened invasion of Texas by the Mexican forces, for which extensive military preparations had been made. The invasion was threatened solely because Texas had determined, in accordance with a solemn resolution of the Congress of the United States, to annex herself to our Union, and under these circumstances it was plainly our duty to extend our protection over her citizens and soil.

This force was concentrated at Corpus Christi, and remained there until after I had received such information from Mexico as rendered it probable, if not certain, that the Mexican Government would refuse to receive our envoy.

Meantime Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio del Norte to be the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the convention of Texas, had thus taken part in the act of annexation itself, and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory by including it within our own revenue system, and a revenue officer to reside within that district has been appointed by and with the advice and consent

of the Senate. It became, therefore, of urgent necessity to provide for the defense of that portion of our country. Accordingly, on the 13th of January last instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river, which is the southwestern boundary of the State of Texas, is an exposed frontier. From this quarter invasion was threatened; upon it and in its immediate vicinity, in the judgment of high military experience, are the proper stations for the protecting forces of the Government. In addition to this important consideration, several others occurred to induce this movement. Among these are the facilities afforded by the ports at Brazos Santiago and the mouth of the Del Norte for the reception of supplies by sea, the stronger and more healthful military positions, the convenience for obtaining a ready and a more abundant supply of provisions, water, fuel, and forage, and the advantages which are afforded by the Del Norte in forwarding supplies to such posts as may be established in the interior and upon the Indian frontier.

The movement of the troops to the Del Norte was made by the commanding general under positive instructions to abstain from all aggressive acts toward Mexico or Mexican citizens and to regard the relations between that Republic and the United States as peaceful unless she should declare war or commit acts of hostility indicative of a state of war. He was specially directed to protect private property and respect personal rights.

The Army moved from Corpus Christi on the 11th of March, and on the 28th of that month arrived on the left bank of the Del Norte opposite to Matamoras, where it encamped on a commanding position, which has since been strengthened by the erection of fieldworks. A depot has also been established at Point Isabel, near the Brazos Santiago, 30 miles in rear of the encampment. The selection of his position was necessarily confided to the judgment of the general in command.

The Mexican forces at Matamoras assumed a belligerent attitude, and on the 12th of April General Ampudia, then in command, notified General Taylor to break up his camp within twenty-four hours and to retire beyond the Nueces River, and in the event of his failure to comply with these demands announced that arms, and arms alone, must decide the question. But no open act of hostility was committed until the 24th of April. On that day General Arista, who had succeeded to the command of the Mexican forces, communicated to General Taylor that "he considered hostilities commenced and should prosecute them." A party of dragoons of 63 men and officers were on the same day dispatched from the American camp up the Rio del Norte, on its left bank, to ascertain whether the Mexican troops had crossed or were preparing to cross the river, "became engaged with a large body of these troops, and after a short affair, in which some 16 were killed and wounded, appear to have been surrounded and compelled to surrender." . . .

Upon the pretext that Texas, a nation as independent as herself, thought proper to unite its destinies with our own, she has affected to believe that we have severed her rightful territory, and in official proclamations and manifestoes has repeatedly threatened to make war upon us for the purpose of reconquering Texas. In the meantime we have tried every effort at reconciliation. The cup of

Treaty Establishing the Rio Grande as the Boundary Between Texas and Mexico

163

forbearance had been exhausted even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war.

As war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself, we are called

upon by every consideration of duty and patriotism to vindicate with decision the honor, the rights, and the interests of our country. . . .

In further vindication of our rights and defense of our territory, I invoke the prompt action of Congress to recognize the existence of the war, and to place at the disposition of the Executive the means of prosecuting the war with vigor, and thus hastening the restoration of peace. . . .

JAMES K. POLK.

73. A TEXAN'S VIEW OF THE WAR WITH MEXICO

May 13, 1846

From the *Northern Standard* (Clarksville, Texas), May 13, 1846.

The news that the United States had declared war on Mexico was received in Texas with ecstatic approval. On the day after Congress declared war, Charles DeMorse, a highly talented and respected editor in the state, published the following editorial in the columns of his *Northern Standard*.

At last we have a real "sure enough" war on hand; something to warm the blood, and draw out the national enthusiasm. It seems that the "Magnanimous Mexican Nation" has at last come out of its chapparral of wordy diplomacy, treachery, meanness and bombast, and concluded for a little while, only a little while, to act like

white people. There is at last—our pulses beat quickly with the thought—an opportunity to pay off a little of the debt of vengeance which has been accumulating since the massacre of the Alamo.

We trust that every man of our army, as he points his rifle and thrusts his bayonet, will think of his countrymen martyred at the Alamo, at Goliad, and at Mier, whose blood yet cries aloud from the ground for remembrance and vengeance, and taking a little closer aim or giving a little stronger thrust, will give his blow in his country's cause and an additional "God speed."

74. TREATY ESTABLISHING THE RIO GRANDE AS THE BOUNDARY BETWEEN TEXAS AND MEXICO

February 2, 1848

From *United States Statutes at Large*, Vol. IX, 922-942.

The boundary between Texas and Mexico was finally settled by the Treaty of Guadalupe Hidalgo at the end of the Mexican War. The treaty was negotiated by Nicholas P. Trist. He was instructed to demand recognition of the Rio Grande boundary for which the United States would assume the claims of its citizens against the Mexican government, the sale of New Mexico and California to the United States, and a right of way across the Isthmus of Tehauntepec. When Trist's blundering negotiations hampered General Winfield Scott's progress, Scott asked for, and received, Trist's recall. But the Mexican commissioners soon became anxious to make peace, and Trist, disregarding his recall, concluded the Treaty of Guadalupe Hidalgo on February 2, 1848. The treaty, among other provisions, established the Rio Grande as the boundary from its mouth to the southern limits of New Mexico. Although Polk would have preferred more territory than ceded by Mexico in the treaty, he faced strong Whig opposition; the treaty, moreover, followed his instructions fairly closely. After some hesitation, he presented it to the Senate, where it was approved on March 10, 1848, by a vote of 38 to 14.

TREATY OF PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC.

ARTICLE I. There shall be firm and universal peace between the United States of America and the Mexican republic, and between their respective countries, territories, cities, towns and people, without exception of places or persons. . . .

ARTICLE V. The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel,