

THE PHILOSOPHY OF BENITO JUAREZ  
AND ITS INFLUENCE IN THE FORMATION OF HIS DOMESTIC POLICY  
AND IN HIS RELATIONS WITH THE UNITED STATES

by

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## INTRODUCTION

### THE MEXICAN HERITAGE OF BENITO JUÁREZ

#### The Political, Social and Economic Background for the Mexican Scene in 1854

The long glanced rays of the rising sun shimmered over the countryside and bathed the whole of Mexico in gold. Bouncing off the dark green mesquite, they rainbowed the coarse sand grains of the northern desert. The life-saving milk of the epiny cactus, chilled by the desert's night winds, grew warm. Undaunted by the forbidding sheerness of the awe-inspiring gray cliffs, the dawnlight lit their mineral cracks. Having thus penetrated the outer defenses, the lights rippled over the mountains into the sleeping valleys of the mid-plateau. They surprised a plodding Indian on his way to work amid the tasseled corn and dried the dew in the thick, deep grass. After stirring the sweet-toned mission bells of the slumbering pueblo, they stole slowly south to the tropical jungles. Slipping under the dense foliage, wakening the budding orchids, they climbed higher, their task completed.

The whole day gave a promise of plenty, that Mexican day in the year of Our Lord 1854. The silky corn betokened a bountiful harvest, and the tolling mission bells a sentiment of peace. But events in Mexico in 1854 were belying the promise of the day. The plodding Indian cultivated a field not his own and starved in the midst of abundance. In the capital the redoubtable Santa Anna had declared for a strict centralist government

and was seriously considering the establishment of a monarchy with himself as king. This move on the part of Mexico's most versatile turncoat aroused strenuous opposition. Juan Alvarez, an ardent federalist, rose in rebellion in the state of Guerrero in a movement which later became a revolution to end all revolutions and an attempt to introduce a new societal base in the land of Montezuma. But wait! This is getting ahead of the narrative which really begins centuries earlier.

By 1854 Mexico had been independent exactly twenty-three years. During that time her several presidents had raced in and out of office with the agility of the legendary Atalanta. But even this record of political instability did not provide enough data for a competent analysis of the Mexican scene in 1854. The real story was much older. It stretched back three centuries into the closed shadowy past to the time when Huitzilopochtli was propitiated by blood sacrifice and the Virgin of Guadalupe was unknown in the land of the feathered serpent.

Analysis began with a legend, the legend of Quetzalcoatl, the benign god who sprang from the earth to bring the blessings of civilization to the Mexican people. For many years he stayed among them, teaching them countless things. Under his guidance the Indians learned to grow the golden corn that became the staple food of the country and to ferment the sweet honey liquid of the maguey plant. They developed the art of pottery and lived in harmony with each other. But Quetzalcoatl's beneficent rule was soon interrupted. Another contested his authority and displaced him in the loyalty of his people. Saddened by this turn of events, Quetzalcoatl bade farewell to his now repentant people and sailed into the rising sun. But he had not forsaken them forever said the legend. Quetzalcoatl would one day reappear from the East to rule once more his virgin land.

Centuries rolled over the sparse deserts, green plateaus, and lush tropical jungles of Mexico. And over the ages a complex, communal civilization emerged, derived from the simple arts imparted by Quetzalcoatl. In 1519 this civilization had reached an apogee of power. Centered in the Venetian-like city of Tenochtitlán high in the plateau valleys, this culture, known as the Aztec, radiated over the whole of central Mexico. Its ruler, Montezuma II, reigned in sumptuous splendor in the midst of a temple-crowded city. The temples were devoted to the horrendous god of war Huitzilopochtli and bespotted by the blood of human sacrifice. In the provinces tribute was exacted from the conquered tribes. Outwardly nothing seemed to threaten the Empire. But in fact—

Strange reports of white-winged vessels in the eastern waters came trickling in from the outer seacoast provinces. These apparitions flew over the sea without any apparent propelling power, emerging from, and retreating into, the morning sun. Already, reported the messengers, the superstitious masses once more bruted about the legend of Quetzalcoatl. Was it not the time for the noble high priest and representative of Huitzilopochtli, the illustrious Montezuma, to attend to this matter? The messengers were right. As the official representative of Huitzilopochtli, Montezuma knew that the potential homecoming of the feathered serpent posed a threat to his throne. Two powerful gods could not hold sway in Mexico at the same time. Nevertheless Montezuma vacillated. He did do something to be sure, but that something was solely a negative action. He waited and worried.

Toward the end of 1519 the eerie white-winged birds glided again onto the Mexican horizon. But this time they did not flit away as before. They stayed to disgorge tall stalwart light-skinned men with hair the color of

the ripened corn and four-legged monsters that could, perhaps, outdistance the wind. The leader, relayed the messengers, called himself Cortes, but that most probably was only a pseudonym. Had not the legend whispered of Quetzalcoatl's flaxen hair and fair skin? This Cortes wooed the tribes on the coast, enticing them to his banner. Rumors depicted him as invincible in battle, and, had he not whipped the Tlascalans? Montezuma hesitated, and Cortes marched inland. Montezuma sent presents, but this only whetted the appetites of the Spaniards for the fabled Aztec gold. In 1520 they triumphantly entered the Indian capital, and a little more than a year later, despite various reverses, the flaxen-haired "gods" had conquered the vacillating ruler.

After the subjugation of the hub, the victorious band fanned out into the barrenness of the sparsely populated North, into the deep tree-lined gorges of the West, and into the steaming heat of the overgrown South. The subjection of this vast area speedily introduced problems of transportation and administration. And, it was the long term unsatisfactory solution of those problems that bred the restless, potentially explosive uneasiness endemic in the Mexican scene in 1854.

Cortes conquered the Mexican empire with a relatively small nucleus of bold, daring Castilians. These men joined his expedition for many reasons. Some sought adventure, grasping eagerly at the proposed campaign as a means of escaping the unrelieved boredom of colonial life in the Antilles. The call of gold lured others. They followed the golden promise in the setting sun. Some came for the Cross, the unequivocal, controversial standard of ardently Catholic Spain. These too saw promise in the sinking sun, but a promise that forecast treasure in heaven and not gold upon earth. With the campaign's success all the conflicting ambitions

clamored for reward. After all, hardship deserved some recompense.

Cortes and the Spanish monarchs responded. The adventurers received vast tracts of land and the title of hidalgo. The gold-seekers secured extraction rights for the rich veins of gold and silver hidden in the Mexican mountains. The followers of the Cross acquired the privilege and duty of instructing the heathen in the ways of truth.

Theoretically this subdivision of labor presented the possibility of a viable, balanced economy. The cultivation of the rich green valleys would provide enough food for the population, and the development of mineral resources an exchangeable source of wealth. The Roman Catholic Church would unite the Indians to the Crown via the Cross (or vice versa) by promoting both a supernatural and a natural loyalty.

In practice this idyllic picture exhibited two basic flaws that permanently warped the economic and societal base in Mexico. The first flaw emerged from forces extraneous to the Mexican scene and swept across the whole of Europe in the fifteenth, sixteenth, and seventeenth centuries. This flaw was the theory of mercantilism. According to this theory a conquered territory existed for the profit of the victorious nation-state. The latter possessed the right to exploit any and/or all of the colony's resources and to use them without regard for the welfare of the colony. As this theory also placed an inordinate emphasis on the possession of gold bullion as evidence of a nation's prosperity, Mexico's apparently inexhaustible mineral resources became a liability rather than an asset during the colonial period. Ship after ship weighed anchor in the ports of Vera Cruz and Acapulco bound for the Antilles, the Azores, Seville, the Philippines, and the rich spice islands in the Moluccas. Spain received everything, Mexico almost nothing. To be sure a few Mexican

creole merchants speculated their way to fortune and fame, but the mass of the people benefited not at all from their land's mountains of gold. They remained poor and isolated on their land. But the agriculture? Surely the wealthy, fertile earth of Mexico could feed its people. The silky tasseled corn stalks still rustled when the wind whipped down from the high peaks and skimmed across the lowlands. Even in subjugation the Indians remembered the simple arts imparted by Quetzalcoatl. What mattered the export of a mineral that excited only the greed of men? The land gave and sustained life--thus had revealed the gods of old.

The gods gave life, but men also had a hand in sustaining it. And here lay the second flaw in the Mexican scene. The vast acreages or encomiendas, given to the conquistadors by the Spanish kings precluded cultivation by one man or one family alone. The few Spaniards in the country regarded themselves as gentlemen. Menial labor lay beneath their dignity. Obviously an independent source of labor was needed. This the Indians supplied. But the subjected Indian population did not furnish this labor in accord with their dignity as free men, but only as menials, almost as serfs, in a system that bound them relentlessly to the land that they tilled for their Spanish masters. Mexican society was based on a principle of subservience.

When the Spanish monarchs granted the encomiendas, the colonists immediately recognized the need for cheap labor and petitioned the Crown for the services of the Indians. This the Crown granted with some reluctance and with numerous qualifications designed to safeguard the welfare of the native population. The Indians, declared the Crown, were not to be regarded as slaves. The inviolability of their families was to be preserved. The Indians could remain in their villages, grow their own

crops, and pursue their own interests after fulfilling their duties to the encomenderos. The encomenderos in turn shouldered the obligation of providing for the material and, more importantly, for the spiritual wants of the Indians. Unfortunately these decrees speedily came to be more honored in the breach than in the observance. Colonial thought regarded the Indian as something less than the Thomistic definition of a rational animal. Thus he was unworthy of an education or an assured place in the social structure of Mexico. In the beginning most of the friars strenuously opposed this arbitrary position of their colonial compatriots. They devoted their efforts to native education with a view to integrating the Indians into the new Spanish-oriented Catholic society. Gradually, however, outside pressures forced a change. The Indians' education within the religious missions confined itself more and more to the imparting of relatively menial technological rather than intellectual skills. Thus the missions became in essence little more than liberal encomiendas. On the encomiendas themselves Indian service obligations swiftly degenerated into Indian peonage. The colonial overlords' demands far exceeded the legitimate requirements envisaged by the Crown. Indian labor built the beautiful palaces and churches of Mexico. Indian artists adapted the Spanish baroque to the New World, carved the friezes, and painted the murals of the colonial cathedrals.

These and other services left the Indian little time to cultivate his own meager crops or to engage in activities that might tend to render him independent of his Spanish master. But even if he had had the time, other factors were operating to keep him in subjection, among them the wage requirement imposed by the Crown. Fair wages, or even wages, for the Indian aroused considerable amusement in the Spanish community. Did

Isabella (with all due respect to her exalted position of course) actually think that they, the creoles, were going to pay the Indians in gold or even silver for the services they so grudgingly gave? Being highly irrational animals the poor devils would only squander it anyway. It was much better, and much cheaper also, although no one voiced the latter sentiment, to reimburse them in the form of a small portion of the cultivated crops and a few yards of cotton or woolen cloth. A lack of material goods would, it was argued, enable the Indian to devote his attention to the cultivation of the spirit of holy poverty.

Even the family was not inviolate. The repartimiento system snatched away the men of whole villages for work in the silver mines of Mexico. Although the stipulated contracts imposed a ninety day limit, this provision was often violated. The owners often forced the Indians to work up to two years or even more in the mines. In addition the ninety day provision usually caused the owners to work the Indians far beyond their capacity in order to make full use of them. Many of the Indians never returned to their villages, but died in the mines. Although the system of repartimiento was used less extensively in Mexico than in Peru and Bolivia, it still represented an additional factor designed to keep the Indians in subjection.

This suppression of the legitimate desires and aspirations of the Indian population, which represented most of the country's human resources, continued throughout the colonial period and into independence. It fostered the growth of a distinct class structure in Mexico with the Indians at the bottom of the social scale. A class above them in terms of legal status at least was the mixed race, or the mestizo. Then came the creoles, the native born descendants of the first Spanish conquistadores.

This social class owned many of the great haciendas of the country and were relatively active in commerce. At the top of the social scale ranked the peninsular Spaniards, or gachupines, as they were contemptuously called by the creoles. The gachupines filled most of the important political offices in the colonial society--a cold fact hotly resented by the creole aristocracy.

One other institution of Mexican colonial society contributed, albeit unintentionally, to the creole and gachupin subjugation of the Indians. This institution was the Roman Catholic Church. In many ways the Church, both in the colonial period and even perhaps later, remained the staunch champion of Indian welfare and acted as a leveling influence in an extremely stratified society by its emphasis on Christian charity. It established numerous hospitals and orphanages open to all classes of society, and attempted to alleviate, where it could not erase, the most flagrant abuses of Indian labor. But the Church, acting on the precepts of its Founder, Jesus Christ, stressed the necessity for submission both to authority in supernatural matters and to an all-embracing philosophy that extended into every branch of the individual's existence and relationship with others. These two concepts caused severe practical difficulties. Given the close identification of the Church with the Spanish state, the principle of absolute submission to authority in spiritual matters tended to become also the principle of submission in temporal matters. The two intermingled and merged inextricably and were reinforced by the concept of a total philosophy. The distinction between the two worlds was lost, and the interests of the one became ipso facto the interests and concerns of the other. Thus the Church appropriated the right of justice administration in both civil and criminal cases involving clerics, and the state interfered in the

appointment of bishops and in other spiritual disciplinary matters. The idea of the state as an entity existing for the promotion of the kingdom of God on earth became reciprocal. The Church now had the function of fostering both God's kingdom and the aims of the state, which were often not totally in accord. Right merged into privilege; privilege degenerated into abuse; and the line between them was razor-thin.

The stratified society set up by the conquistadors and their immediate descendants remained in force throughout the colonial period. During this time only one significant effort to revolutionize the system occurred. Appropriately enough this began as a move for Mexican political independence, led by Miguel Hidalgo, José Mariá Morelos, Vicente Guerrero, and Miguel Allende in 1810.

The French Revolution and the rise of Napoleon Bonaparte produced devastating repercussions in the Spanish colonies south of the Rio Grande. In 1806, despite the prohibitions of the iniquitous Inquisition, Mexican literates were devouring the works of men like John Locke, Jean Jacque Rosseau, and Denis Diderot. Literary circles formed to discuss the implications of these earth-shaking ideas. One member of such a circle was Hidalgo, a priest in the small Mexican village of Dolores. Together with his colleague Allende and a small group of confederates, Hidalgo plotted the demise of the Spanish rule. But Hidalgo and Allende differed rather drastically on the means to, and the ultimate objective of, the proposed revolution. Allende meant to implement the revolution by encouraging the creole garrisons stationed throughout the country to rise, seize the government, and form a constitution. He aimed for political independence. Hidalgo, on the other hand, envisaged the revolution not only as political but also as social. He wished for a spontaneous uprising of the oppressed

Indians and mestizos, as well as of the creoles. This revolution would thus achieve both social and political independence. Hidalgo translated his ideas into action in September, 1810, with the famous "Grito de Dolores." After some spectacular successes he was betrayed, tried, and executed by the Inquisition. More interesting than his failure, however, were the reasons for it. The 1810 independence movement collapsed because the creole propertied classes denied their support. And they denied this support principally because they foresaw the consequences of Hidalgo's social program. A constitution on the basis of social as well as political equality spelled an early end to their privileged status, and they opposed such ideas vigorously. In fact the successful independence movement of 1821 represented an attempt to avoid the threat of social equality that the creoles feared might be imposed on them by the liberal Spanish Cortes. The Constitution of 1824 wrote into law the special status of the creole minority and the privileged position of the Church. Conventional bows to the inalienable rights of man meant little under such circumstances.

Even after the ratification of the 1824 Constitution, events in Mexico over the next thirty years followed the colonial pattern with at least one exception. This exception consisted in the lack of a stable government. Independence removed the guide of a continuing political tradition and instituted a merry-go-round of governmental changes and civil intrigues.

January 1, 1854, gave no particular hints of being any better or any worse than the years before it. The creoles, minus their partners in crime, the gachupines, still dominated the Indian masses both economically and socially. The Church retained its exclusive privileges. Political intrigue muddled blindly on. Juan Alvarez rose in protest against Santa Anna with his proclamation of Ayutla. Just another year--opening blind.

But in the onrushing movement of history something more came out of this proclamation of Ayutla. Out of it came a social idea, espoused by a small group of then unimportant exiled liberals, among them one Benito Juárez, that significantly altered the history of Mexico. Out of it arose another attempt to separate the interests of the two worlds, the spiritual and the material, that had imperceptibly merged in the sixteenth century. Although the Ayutla revolt did not, perhaps, accomplish all its goals immediately, it pushed Mexican society a long way toward human equality. And in this thrust Benito Juárez played an outstanding role.

Who was Juárez? Why was he honored above all other mid-nineteenth century Mexican liberals? Was it merely because it fell to his lot to shoulder the burdens of the Mexican Presidency from 1858 to 1872? Or was there another deeper reason that fastened to him the devotion of a people not overly praised for political constancy? A deeper reason there was: a devotion to truth and the law and a social philosophy that, like Hidalgo's, was based on equality. These elements in the character of Juárez captured the imagination of the people and sustained their fidelity. For them he represented a new hope, the Mexico of the future.

Benito Juárez was a small figure in 1855 as he slipped, scarcely noticed, into Alvarez's revolutionary camp. By the end of 1855 he represented (depending upon one's point of view) something very white or very black in the development of Mexico. And by 1861 the world focused on Juárez. The glass through which it looked varied, but it was never neutral. It praised and exalted, it excoriated and condemned; but it did not ignore.

What was the social philosophy of Juárez? Was he successful in implementing it in Mexico? Did the watching world, and more especially his republican neighbors to the North appreciate what he was trying to do

for Mexico? And did they praise, condemn, or only ignore his efforts? These are the questions that this study proposes to examine. And just as the spokes of the wheel turn only on its hub, so too do the theses and antitheses of mid-nineteenth century Mexico turn on Benito Juárez, the "Benemérito de las Américas."

## CHAPTER I

### THE LIFE OF BENITO JUÁREZ

#### A Survey from his Humble Indian Childhood to his Position as Executor of a New Social and Political Philosophy for Mexico

Just exactly who was Don Benito Juárez? The birth register in the small town of San Pablo Guelatao, Oaxaca, stated that Juárez was an Indian, born on March 21, 1806. Ralph Roeder, one of his biographers, opined that the man Juárez was diligent and reserved in character. He had few friends, but to those few he invariably showed formality and good sense.<sup>1</sup> William Seward, the American Secretary of State during the Lincoln administration, thought Juárez the greatest man he had ever met. The Mexican people honored him as a national hero, the savior of their independence, and their hope for the future.

But even these few statements tell very little about the man himself. They describe only his external characteristics and fail to reveal the essential philosophy of the man, his concept of the Mexican existence, and his hopes and/or fears for its future place in the sun. And this knowledge is mandatory for an accurate evaluation of his contribution to Mexico.

When Juárez's parents died shortly after his birth, an uncle

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<sup>1</sup>Ralph Roeder, Juárez and his Mexico: a Biographical History (New York: Viking Press, 1947), I, 6.

sheltered the homeless lad. In return Juárez tended his uncle's sheep to help augment the family's meager finances. The narrow confines of the small pueblo fretted the boy's spirit however, and in 1816 he set out for Oaxaca, where, thanks to the kindness of Antonio Salanueva, a well-to-do, kind-hearted Oaxaqueno, he began his education at the Royal School. Here he experienced his first lesson in the evils of a stratified society. Instruction was based not on ability but on wealth. The master tutored the sons of the city's first families, while the poorer students labored under a harsh ill-educated assistant.<sup>2</sup> In 1821 Juárez's thirst for knowledge and the gentle prodding of Salanueva induced him to enter the Seminary of Oaxaca. Although feeling himself unsuited for the priesthood, Juárez completed his theological studies. He was partly motivated in this perhaps by a desire to please Salanueva, who strongly advocated the virtues of the clerical state.

By 1827 Juárez had all but exhausted the educational possibilities in Oaxaca. Fortunately, however, just at this time a small group of Mexican liberals established in the city an Institute of Sciences and Arts. This institution speedily aroused a storm of controversy. As it had no specific affiliation with the Church, the clerical authorities immediately branded the institute as secular and materialistic even though it boasted some few clerics on its faculty. Despite community pressure Juárez entered the Institute in 1828. With this step he definitely transferred his allegiance to the state. The Church, he declared, based its power on error and interest and impeded the mind in its quest for truth.<sup>3</sup>

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<sup>2</sup>Ibid., p. 9.

<sup>3</sup>Ibid., p. 45.

The Mexico of Juárez's youth generated excitement. The hard battle for political independence had been fought--and won--after eleven years of struggle. A new constitution had been set up in 1824. Ideas floated abroad, challenging the staid, well-accepted concepts of the last three centuries. Hidalgo had advocated the abolition of slavery, castes, and tributes, the reduction of taxes, the proscription of estate servitude, and a profit-sharing plan for the workers. His disciple Morelos went even further. Exploiting social forces as levers of revolution, he ordered the confiscation of bureaucratic property and Church wealth and the expropriation of the great estates for the benefit of the landless peons.<sup>4</sup>

The ideas of these two revolutionary thinkers were not accepted by the landed creoles. The Constitution of 1824 wrote in all the old colonial privileges. But the new ideas fermented in the minds of the younger generation and gave a promise of things to come.

Once in the Institute, Juárez abandoned the study of the laws of the Creator for the study of the precepts of the creature. In 1829 he defended before a board a thesis predicating public opinion as a force in maintaining a balance among the divided constitutional powers. The following year he spoke of the necessity of direct election in a republican system. This popular election, he said, grew ever more necessary as the intelligence of the people increased.<sup>5</sup>

As a young law student, Juárez passed the bar in 1834 and immediately set up practice. One of his first cases was destined to have a major effect on the affirmation of his social philosophy. The villagers of Laxicha

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<sup>4</sup>Ibid., p. 18.

<sup>5</sup>James Magner, Men of Mexico (Milwaukee: The Bruce Publishing Co., 1942), p. 355

petitioned him to defend them against the exorbitant exactions of the local curate. Juárez agreed. But although clerical injustice was rather clearly present in this particular case, the state courts found against the defense. Juárez received a prison sentence for his pains, and the villagers were subjected to heavier penalties. As a result of his personal experience Juárez wrote that he became firmer in his resolution to destroy the union of the privileged classes and the civil power.<sup>6</sup>

After this first eventful brush with the authorities, Juárez more or less withdrew from the active political scene although he accepted various minor appointments. As Secretary to the Governor of Oaxaca, he was instrumental in hastening the reorganization of the judiciary, in liberalizing public affairs management, and in setting up a Sanitation Junta.<sup>7</sup> Juárez held this post for only a short while. When the Governor directed him to sign an order to the courts empowering them to prosecute directly those refusing to pay ecclesiastical tithes, he resigned. He did not, however, remain inactive long. In 1847 he served as a delegate to the National Congress in Mexico City and, together with the other Oaxaca delegates, introduced a provision to mortgage 15,000,000 pesos worth of Church property for the prosecution of the American War.<sup>8</sup> Although Congressional work was interrupted by an appointment to the governorship of Oaxaca, Juárez's short stay in Congress made an impression. In an assembly saturated with polemic, the Zapotec was remembered for his sphinx-like silence.

Under the governorship of Juárez, Oaxaca became the pivotal state in the defense against the American invasion.<sup>9</sup> Strong in patriotism, Juárez

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<sup>6</sup> Benito Juárez, Epistolario, with prologue and notes of Jorge L. Tamayo (Mexico: Fondo de Cultura Económica, 1957), p. 19.

<sup>7</sup> Ibid., p. 20.

<sup>8</sup> Roeder, I, 67.

<sup>9</sup> Ibid., p. 73.

determined to continue the war against all odds, just as he would do fifteen years later in the war against the French. With the end of the war and the signing of the Guadalupe-Hidalgo Treaty, state attention turned to the organization of an efficient administration. And between 1848 and 1852 Juárez, as the Governor of Oaxaca, accomplished the antithesis of what Santa Anna stood for. The new government was honest, public-spirited, and thrifty. Education was stressed, and attempts were made to better public administrative organization.

Santa Anna's return to power in 1853 forecast a trying period in the life of Juárez. His arbitrary arrest, forced peregrination, and ultimate exile to Havana and New Orleans had an important effect on his political and social philosophy. For it was in New Orleans that Juárez came into contact with Melchor Ocampo, Pedro Santacilia, and other radical liberals who would shortly exert a formative influence on the future of Mexico. The small group of exiles formed a revolutionary junta in Brownsville and waited. They did not have long to wait.

Liberalism as a movement in Mexico first found significant expression in the reforms initiated by Gomez Farias in 1833. These reforms, however, had insufficient popular following and were speedily crushed by Santa Anna. For twenty years liberalism languished. It gained individual victories in the state elections only to bow again before the strength of the Conservative power. But with the beginning of the decade of the fifties, liberalism again began to revive. This revival was due to the education of new leaders and to the spread of the new ideas among some few old liberals who could arouse at least a temporary enthusiasm among the masses.<sup>10</sup>

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<sup>10</sup>Wilfrid Hardy Callcott, Liberalism in Mexico, 1857-1929 (California: Stanford University Press, 1931), p. 3.

The Liberal program was essentially federalist in character. It predicated a weak central government, and it wished that most of the political and social power be left in the hands of the states. It espoused republican institutions and opposed central power concentration. Even the famous Plan of Ayutla, which ultimately led to the Reform Laws, began only as a separatist movement against the political ambitions of Santa Anna. The Plan, as published by Alvarez in 1854, contained no hint of its future importance and role in the history of Mexico. Stripped of its pretentious verbiage, it represented little that was different from the 101 pronunciamientos that had been issued by other ambitious generals. It charged Santa Anna with despotism and disinterest in the future of the country. He had failed to observe the Plan of Jalisco. He had sold the national territory. He had destroyed individual liberties and attempted to establish a tyranny. The nation, the Plan of Ayutla observed, could never continue under the repressive will of one man.<sup>11</sup> A return to republican institutions was necessary.

In view of the horrendous crimes committed by Santa Anna, the Plan of Ayutla provided for withdrawal of recognition from the existing Mexican government. On the positive side it provided, in the case of its military victory, for the establishment of a provisional government and for the convening of a constitutional congress. An interim president would be elected by a representative congress called before the constitutional congress. The acts of both the representative congress and the interim executive would be subject to review by the constitutional congress.<sup>12</sup>

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<sup>11</sup>Roberto Blanco Moheno, Juárez ante Dios y ante los hombres (ad. ed.; Mexico: Libro Mex. Edits., 1959), p. 36.

<sup>12</sup>Francisco Zarco, Historia del Congreso extraordinario constituyente de 1856-1857 (Mexico: Imp. de Ignacio Cumpulado, 1857), p. 12.

The Plan decreed the abolition of the draft and poll taxes and declared the Ceballos tariff plan to be in effect. Interestingly enough, however, it also pledged the sustaining of the army as well as the care of commerce.<sup>13</sup>

Subsequent minor modifications expressed in the Plan of Acapulco did little to change the basic structure of the revolt initiated at Ayutla. In the beginning the revolution was essentially a military uprising and distinguished itself by its military successes. It did not partake of an agrarian character either by inspiration or by expressed ideology, even though some of the poorer classes fought the dictator, Santa Anna, under their village priests who probably would not have lent their support if the Plan expressed violent anti-clerical provisions.<sup>14</sup>

With the capture of Mexico City, the victorious Federalists faced the problem of reestablishing a viable central government dedicated to the implementation of their programs. Program implementation, however, immediately encountered serious obstacles. The first was created by a rather deep dissension within the Liberal Party itself. Both moderates and radicals agreed on the necessity of a federal system, the separation of executive, legislative, and judicial powers, universal suffrage, freedom of speech and the press, the promotion of internal improvements, the right of free transit for Mexican citizens, and the free movement of commerce. Both paid at least lip service to the principles of equality before the law and individual rights. In this regard Walter Scholes would say that in the Mexican Liberal philosophy of the mid 1850's economic rights would be guaranteed by the conferment of political rights. In his view the

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<sup>13</sup>Richard A. Johnson, The Revolution of Ayutla, 1854-1855 (Rock Hill, Illinois; Augustana College Library, 1939), p. 43.

<sup>14</sup>Ibid., p. 91.

freedom to own property and to follow any trade had little value without freedom of speech and the press.<sup>15</sup> Although it is doubtful that the Mexican moderates of the mid-nineteenth century would completely agree with the above view, still their emphasis leaned more heavily on political rather than on economic questions.

Mexican radicals, however, insisted that these measures of common interest did not extend far enough. They demanded a strict equality before the law, the importance of free, obligatory lay education, the institution of a civil register, and some form of religious freedom--preferably the total separation of church and state in Mexico. They aimed at a lay society by furthering those things that constituted the life and activities of modern peoples and gave brilliance to civilization.<sup>16</sup>

The second serious roadblock in the way of a settled, established, peaceful coexistence came from the popular temperament. Rightly or wrongly the Plan of Ayutla had assumed throughout the Mexican republic a character that predicated the initiation and implementation of radical reforms in governmental structure and policy.<sup>17</sup>

With the victory in Mexico City complete, a provisional president, Juan Alvarez, was elected in accordance with the Plan of Ayutla. The Liberals convened a Constituent Congress with the delegates chosen by direct election. This resulted in a dearth of Conservative representatives and in only a small minority of radical Liberals. Juárez was not among these since he was then serving once again as the Governor of Oaxaca; but

<sup>15</sup>Walter V. Scholes, Mexican Politics During the Juárez Regime, 1855-1872 (Columbia, Mo.: The University of Missouri Studies, 1957), p. 17.

<sup>16</sup>P. Parra, Estudio Histórico-sociológico sobre la Reforma en México (Mexico: n.p., 1906), pp. 22, 168.

<sup>17</sup>Gorham Drummer Abbott, Mexico and the United States: Their Mutual Relations and Common Interests (New York: G.P. Putnam & Sons, 1869), p. 124.

the convention felt his influence. Several convention orators cited his name and beliefs in support of the legislation they were trying to further.

The Constitutional Congress achieved three things, one directly and two indirectly. First, of course, it framed a new constitution for the Mexican people that would serve as the organic law of the land until 1917. Second, it provided a fairly accurate measuring stick for the gauging of public opinion within the republic itself. Third, it set up a framework within which Juárez could later work out his social and political philosophy and which influenced him substantially in his later role as President of the Republic.

Full of righteous indignation at the tyranny and duplicity of the late President of the Republic, one of the first projects of the Constituent Congress consisted in dredging up the acts of Santa Anna in order to condone or condemn them. The Development Commission of the Congress wished to revise the dictator's laws on uncultivated land and on the Tehuantepec land concession to Jecker, Torre and Company. The Justice Commission wished to revise the properties of partiality of San Juan and Santiago, the concession of passage to the papal bulls of the apostolic delegate, the establishment of the Jesuits, and some of the laws on justice administration. Congress proposed the recall of exiled citizens and the reexamination of the Treaty of La Mesilla, by virtue of which the national territory was disengaged and Article Eleven of the Treaty of Guadalupe was abolished. Debate on the Treaty tended to become a bit vituperative. José María Mata roundly condemned both the Treaty and the responsibility of Santa Anna in signing such an infamous document.<sup>18</sup>

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<sup>18</sup>Zarco, pp. 71, 73, 109.

Mata also advocated one rather important piece of legislation. Early in 1856 he introduced a proposal calling for Congressional ratification of the 1855 law of justice administration proposed by Juárez which suppressed ecclesiastical and military privileges in civil matters. This project was accepted on March 31, 1856. At that time its author characterized it as the most important act of the Alvarez government because it contained in miniature the reforms which the Liberal Party desired to establish and consolidate throughout Mexico.<sup>19</sup>

Ponciana Arriaga went even further than Mata, attacking a constitutional draft patterned along the lines of the United States Constitution because the basic right of economic democracy was forgotten. He stated that, while a constitution should be the law of the land, the condition of the land was not constituted or even considered. If popular government was to be predicated on a hungry, naked, and miserable populace, Arriaga thought it more logical to declare the poor as things and not persons, deny them the vote and establish an aristocratic government based on money or talent, as the result would be the same.<sup>20</sup>

Congress buried Arriaga's proposals and his advocacy of land reform principles. Even Juárez's name, which speakers cited as standing for principles of progress, failed. The loss of fruitful discussion on the issue of land reform resulted in a cardinal weakness for the new Constitution. Political freedoms without an economic foundation became a liability rather than an asset for the submerged masses.<sup>21</sup>

On seeing the potentially radical nature of what they were currently

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<sup>19</sup>Ibid., pp. 100, 110.

<sup>20</sup>Roeder, I, 127.

<sup>21</sup>Ibid., pp. 129, 134.

doing, the moderate liberals drew back in alarm and qualified the elementary rights of self-government. They frustrated universal suffrage by indirect election, restricted trial by jury and the power of impeachment, tried to refine away peaceful assembly and lawful petition, and hedged the freedom of the press.<sup>22</sup> As a result the Constitution of 1857 emerged as an unfinished product—a door to liberty, but a door without a key. Its basic precept—the equality of all before the law—had a political rather than a social character. It stressed democracy, states' rights, the authority of Congress over the Executive, and national law over particular interests. The result of the labors of provincial lawyers, small merchants and fiery journalists, the new organic law aimed almost exclusively at solving political problems.<sup>23</sup> Corresponding to Auguste Comte's methodological principle, it emphasized not a single absolute liberty which comprehended all, but specific and determined liberties that corresponded to the most well-defined forms of human activity and were limited only by the respect for another's rights. Liberty existed not as a metaphysical entity per se but only as a form or manner of organizing social cooperation. In this context the notion of right existed only in correlation with that of duty.<sup>24</sup>

The Constitution began functioning on February 5, 1857, under the presidency of Ignacio Comonfort. Its interpretation, however, speedily led to complications. The Conservatives regarded the document as anathema and utilized every expedient to annul its provisions. The Liberals disagreed among themselves. In an effort to preserve peace in the country, Comonfort

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<sup>22</sup>Ibid., p. 137.

<sup>23</sup>Howard Francis Cline, The United States and Mexico (Cambridge: Harvard University Press, 1953), p. 46.

<sup>24</sup>Parra, pp. 123, 126.

made several moves designed to placate the Conservatives, even going so far as to attempt a coup d'état. At this juncture Juárez, who had been elected President of the Supreme Court, announced his ascent to the presidency for the avowed purpose of preserving the Constitution. This action precipitated a bloody three years' civil war from which Juárez and the Constitutional Liberals emerged victorious.

What part, if any, did Juárez play in the Revolution of Ayutla and the Reform movements in Mexico in the mid-fifties? How did he regard the ideals and purposes that were expressed and fostered?

Juárez joined Alvarez's protest movement relatively late. When the outbreak started in 1854, he was still marking time in New Orleans and Brownsville. And, due to a lack of funds, he did not leave the United States until June, 1855. On reaching Alvarez's headquarters at Acapulco, he became the General's personal secretary. After the victory he became the Minister of Justice. This previously rather unimportant position Juárez turned into the most vital ministry of the government--the political ministry par excellence that defined the revolution and converted it into the Reform.<sup>25</sup> In November, 1855, Juárez submitted to Alvarez his plan for the reform of the justice administration, which involved the abolition of the religious and military courts and the suppression of their fueros, privilegees. Alvarez signified his approval, and the measure passed into law. By that first step

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<sup>25</sup>Pablo Prida Santacilia, Siguiendo la vida de Juárez (Mexico: n.p., 1945), p. 238.  
SPAN. ORIG. "La Secretaría de Justicia y Negocios Eclesiásticos, bastante anodina hasta entonces, tornóse en manos de Juárez en el más importante de los ministerios, fué el ministerio político por excelencia, fué la supresión de los privilegios de las clases eclesiástica y militar; fué, bajo una fórmula sencilla, el encargado de definir la revolución, el que la convirtió en LA REFORMA.

Juárez took alone, he breathed life into two major movements in Mexican history, the Reform and the religious revolution. His personal initiative contributed in many ways to the heroic impulse of the Mexican people, and his incomparable firmness sustained them in the drive to victory.<sup>26</sup>

Reaction to this stringent measure aroused stormy emotions on both sides of the political fence with the Conservatives very generally against it and the Liberals for. Acclamation rang through the Constitutional Convention. Vincent Gamboa, speaking on the necessity for liberty of cults in Mexico, prophesied that Benito Juárez was going to conquer a beginning and that he feared nothing because he was a man of heart. He asserted that this same Juárez was acclaiming that very day from Oaxaca reform, tolerances--all that was progress. Anaya Hermosillo regarded Juárez as a boon to the democratic cause. Francisco Zarco, however, proved the most effusive in his praise. He claimed that Juárez had realized the triumph and equality of the people by emancipating them from the yoke of the privileged classes and had taken a giant step forward in the name of progress.<sup>27</sup>

Juárez, however, did not remain long in the Ministry of Justice. With the advent of Comonfort to the presidency, he returned home to once again take over the governorship of his native state and to secure the implementation of the Ley Juárez. Apparently some conservatives intended to contest his rule, but they decided to lay down their arms. On February 2, 1856, Juárez issued a manifesto to the people of Oaxaca promising to implement the revolution initiated in Ayutla and to respect its subsequent modifications.<sup>28</sup>

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<sup>26</sup>Ignacio Mariscal, Juárez y el libro de Bulnes (Mexico: Imp. y Enc. de Arturo García Cubas Suc. Hnos., 1904), pp. 5, 10.

<sup>27</sup>Zarco, II, 56-57, 362, 376.

<sup>28</sup>Juárez, Epistolario, p. 43.

Juárez's second term program sought to extend and to capitalize on the progress of his first. He further reformed the public instruction within the state, reorganized the treasury and justice administrations, secured the due sanction of the civil and criminal law codes, and caused the legislature to adopt a broader-based municipal system and the direct election of the governor.<sup>29</sup> With the abolition of the commandancies general, the previously independent military captains of the state fell under the governor's authority.<sup>30</sup> This removed a very dangerous source of unrest. He also drafted a new state constitution in accord with the federal Constitution in order to brace the state government for the storm which he felt would follow the latter's ratification.<sup>31</sup>

Interesting, however, in view of Juárez's supposed insistence on the inviolability of the law were his relations with the federal government in Mexico City. Although he undertook immediately to enforce the federal Constitution and insisted on strict compliance with the Ley Lerdo and the Ley Juárez, nevertheless, he refused to comply with another Comonfort decree curbing state power.<sup>32</sup>

Federal elections in 1857 catapulted Juárez into the Presidency of the Supreme Court. Then when Comonfort executed his coup d'état, Juárez fled to Querétaro where he was proclaimed the legal President of the Republic. Comonfort, declared Juárez and his small group of followers, had failed to support the law of the land. Three years of civil war followed between the government of Zuloaga and Miramon on the one side and the government of

<sup>29</sup>Abbott, p. 127.

<sup>30</sup>Benito Juárez, Archivo privado de Don Benito Juárez y Don Pedro Santacilia (Mexico: Sria. de Educ. Pub., 1928), p. 251.

<sup>31</sup>Roeder, I, 111.

<sup>32</sup>Juárez, Archivo privado, p. 252.

Juárez, Ocampo, and the Lerdo de Tejada brothers on the other.

Military reverses forced the evacuation of Querétaro and subsequently of Guanajuato. The peregrinating cabinet dodged into the western Mexican port of Mazatlán and embarked via Panama for the Liberal stronghold in Vera Cruz. Arriving in mid-1858 Juárez set out to coordinate the efforts of his far-flung independent generals. This presented a great many more problems than immediately met the eye. Not only did Juárez have to contend with enormous distances and a definite dearth of communications facilities, but also with the radically individualistic spirit of his generals and the lack of a tradition in the country which would support a principle over a personality in government. In addition, he was handicapped by a lack of support from foreign powers. The only nation that recognized the Liberal government during those black days was the United States, and even its motives were questionable.

Both sides experienced reverses in 1858, and proposals were advanced for an armistice predicated on constitutional reform. But Juárez, despite his avowal to work during the short period of his administration for the re-establishment of peace,<sup>33</sup> refused to lend his support. The compromise proposals failed. This would appear rather strange in view of Bulnes' assertion that the war was nothing more than a factional fight between Liberals and Conservatives.<sup>34</sup> Bulnes' premise would seem to be particularly easy to quarrel with in view of the issue of the Reform Laws of July, 1859. If the division were not something more than factional, it would then place

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<sup>33</sup>Francisco Bulnes, Juárez y las revoluciones de Ayutla y de Reforma (Mexico: n.p., 1905), p. 281.

SPAN. ORIG. " ... procuraré en el corto período de mi administración ... para restablecer la paz."

<sup>34</sup>Ibid., p. 512.

Juárez in the undesirable position of not having the interests of the nation's peace and prosperity at heart. Unfortunately the division was something more than factional. As Juárez wrote during some of the blackest days of the war:

I am not the chief of a party. I am the lawful representative of the Nation. The instant I set aside law, my powers cease and my mission is ended. I cannot, I do not desire to, and I must not, make any compromise whatever. The moment I should do so, my constituents would cease to acknowledge me, because I have sworn to support the Constitution, and I sustain, with entire confidence, the public opinion. When this shall be manifested to me in a different sense, I shall be the first to acknowledge its sovereign deliberations.<sup>35</sup>

The political result of the issuance of the Reform Laws in Vera Cruz was to still further estrange the other side. The opening paragraphs of the Vera Cruz proclamation placed the blame for the current abominable state of affairs in Mexico squarely on the shoulders of the clergy. They had oppressed the people and violated their mission as a "perfect organization" by taking outside material aid.<sup>36</sup> To correct this unfortunate situation, the decree then nationalized Church property and the goods of the clergy, suppressed the monastic orders and forbade the wearing of habits, ordered the return of the nuns' dowries, turned the religious articles used in the convents over to the diocesan bishops, made religious contributions optional, and declared marriage a civil contract. Lastly, it postulated the complete and absolute independence of church and state.<sup>37</sup> Further decrees followed. A decree of July 28 established the Civil Register. On

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<sup>35</sup>Abbott, pp. 141-42.

<sup>36</sup>José R. del Castillo, Juárez, *la intervención y el imperio; refutación a la obra "El verdadero Juárez" de Bulnes* (Mexico: Herrero mos, edits., 1904), pp. 40-41.

<sup>37</sup>Ernest Henry Gruening, *Mexico and Its Heritage* (New York: D. Appleton-Century Co., 1942), pp. 205-206.

July 31 came the secularization of cemeteries and other burial sites. The government broke relations with the Holy See and with the Pope in his capacity as head of the Italian States on August 3. A decree of August 11 established the recognized national holidays.<sup>38</sup>

The emergence of the Reform imposed a new organicity to the Mexican state. The Liberal Party merged into the personality of Juárez, and the personality of Juárez blended into the Liberal Party. It and he became the owners of the republican territory, the establishers of the race he called his own, and the cultivators of a potentially flowering new civilization. Juárez and the Liberal Party imposed a new identity on the Mexican nationality.<sup>39</sup>

The importance of Juárez in the Reform movement, however, has not been universally recognized by all historians. Francisco Bulnes charged that during the three year civil war Juárez served as no more than an unconditional servant of the state's will. His 1860 proclamation pledge to reconvene Congress and to hold new elections only showed that Juárez considered the revolution of slight importance and thought nothing of reform, but desired only to retire from office as soon as possible. According to Bulnes, Juárez had decreed the Reform Laws against his will only to secure money and concerned himself only with preserving legality. Furthermore, the 1859 laws only formed a part of the Mexican Reform.<sup>40</sup>

Direct examination indicated that the innuendoes implicit in Bulnes' statements are self-contradictory. If Juárez were interested only in peace,

<sup>38</sup>Castillo, p. 42.

<sup>39</sup>Andrés Molina Enríquez, Juárez y la Reforma (3rd ed.; Mexico D.F.: Libro Mexico Edits., 1958), pp. 45, 155-56.

<sup>40</sup>Bulnes, pp. 267-86, 295, 354.

why did he not accept the compromise proposals in 1858 when the majority of his cabinet were in favor of the measure? If he proved insusceptible to pressure then, why would he have succumbed under stress to issue the Reform Laws in 1859 if he had not believed that they would bring something above and beyond their rather dubious monetary value and military advantage? If the reforms were designed to gain money only, why the multiplication of further decrees, few of which possessed any tangible prospect of immediate remuneration?

With the decisive defeat of the Conservatives in late 1860, the Liberal government under Juárez again faced the task of rebuilding a shattered country. Juárez entered Mexico City in triumph in January, 1861. Realizing that recriminations would avail little in reuniting the country, he proposed a liberal moderate policy for the punishment of the rebels.<sup>41</sup> He then held open elections. The results returned him as president and provided him with a Liberal Congress, which immediately began to attack the previous and present policies of the administration. One deputy, José María Aguirre, proposed to declare Juárez a traitor for the formulation in 1858 of the McLane-Ocampo treaty with the United States. This treaty, although not ratified by either government, contained some provisions which many Mexican liberals thought lessened the freedom and sovereign action of Mexico. Aguirre's proposal failed, partly because of the vigorous defense initiated by Francisco Zarco and the influential daily newspaper El Siglo. Zarco noted that in 1859 when United States recognition and aid was deemed indispensable for the success of the Liberal cause, it was Juárez who opposed all ideas for loans that would occasion

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<sup>41</sup>Juárez, Epistolario, p. 124.

great international compromise and any use of foreign mercenaries.<sup>42</sup> As

El Siglo commented:

In vain the President was entreated; in vain were proposed the most studious precautions to avoid any circumstances which might injure or impair the independence or the dignity of the Republic; in vain the idea was combined with some other projects, joining it with the absolute necessity of colonization, of making religious liberty effective, of maintaining after the victory an element of material force that would complete the pacification of the country. Juárez rejected all these ideas; he had disagreements even with many of his friends. In his correspondence he always opposed the project.<sup>43</sup>

But even Zarco's successful defense ultimately proved no match for a vigorous offense, and the specter of the abortive treaty remained to plague Juárez throughout his career. In addition to the political sniping, the new President faced another and more serious problem. This was the pacification of the country. Guerilla bands of conservatives roamed the countryside, robbing and terrorizing. They captured and murdered Ocampo, and the whole country proclaimed its protest and demanded vigorous action by the government. But during June, 1861, the forces of social decomposition continued to spread. The resources were drained from the treasury to pay the interest on Mexico's numerous foreign debts. Nothing remained with which to rebuild the economy of the nation. In this situation Juárez decided on drastic action. On July 17, 1861 he suspended payment on the foreign debts with the object of saving society and of reorganizing affairs at home in order to be able to pay scrupulously in the future. A one vote margin in Congress sustained the President's action.<sup>44</sup>

<sup>42</sup>Ibid., p. 125.

<sup>43</sup>Ulrich Ralph Burke, A Life of Benito Juárez (London: Remington & Co., Ltd., 1894), p. 84.

<sup>44</sup>Caspar Whitney, What's the Matter with Mexico? (New York: The Macmillan Co., 1916), p. 320. Also Prida Santacilia, Siguiendo la vida de Juárez, p. 121. Also Juárez, Epistolario, p. 127.

The European powers reacted violently to this display of independence. The suspension threatened vital monetary interests. In October 1861 England, France, and Spain signed the Convention of London agreeing to intervention by force to collect their debts.

The English detachment joined the Spanish fleet in Vera Cruz harbor on January 6, 1862. The French brought up the rear of the invasion party on January 8. A week later the three conspirators dispatched a diplomatic note demanding payment of the foreign debt and satisfaction for diverse incidents and for assassinations of Spaniards in the Mexican republic.<sup>45</sup>

Against such an offensive the Mexican government could do little. Such diplomatic defenses as it possessed in early 1862 were purely moral, "but at the head of the government sat a man accustomed to making much of little, and he employed them for more than they were actually worth."<sup>46</sup> Although the government had by this time both loudly condemned the Allies as pirates<sup>47</sup> and quietly repealed the debt suspension act of July 17, 1861, neither action had any particular result. Mexico was unable to forcibly evict the Allies. And the repeal of the debt suspension clause effected nothing since the invasion had already started.

Meanwhile from the Mexican point of view some very promising and yet disturbing incidents were occurring within the Allied camp. As it turned out the three powers of Europe had signed the Convention of London for very different reasons. The English and to a lesser extent the Spanish interested themselves in the Mexican situation almost solely for its commercial implications. The English invading force was small, almost

<sup>45</sup>Juárez, Epistolario, p. 154.

<sup>46</sup>Roeder, II, 392.

<sup>47</sup>Ibid., p. 407.

token, and the Spanish, while slightly larger, came nowhere close to representing a significant threat to Mexican independence. The French on the other hand, as their supposed Allies soon discovered, had disembarked in Mexico with a primarily political objective. Napoleon III had been listening to the whispers of the monarchy-oriented Mexican exiles clustered in Paris. He had visions of establishing a new French Empire in America to counter what he regarded as the baneful Yankee influence in the Caribbean. The French troops in Vera Cruz attained sizable proportions and reinforcements were expected momentarily. This circumstance plus the overbearing insolence of the French diplomatic representative in Mexico, Gabriac de Saligny, fostered dissension. On April 9 the experiment in joint intervention ended. The Allies agreed to disagree at Orizaba. The British concluded a separate convention at Puebla on April 29, but as this involved some transfer of the customs both the Mexican Congress and Juárez refused assent.<sup>48</sup>

When the French marched troops into Orizaba, thus violating their promise signed at Soledad to negotiate differences with the Juárez government and when the Conservative Plan of Cordoba announced its intention to make peace with the enemy on any terms, Juárez abandoned his moderate policy. He declared unequivocally that he would defend the national sovereignty until the last drop of Mexican blood was spilt.<sup>49</sup> And the French General Forey would remark a year later at Puebla on the moral cause of the Mexican tenacity.<sup>50</sup>

<sup>48</sup>Ibid., pp. 423-24.

<sup>49</sup>Pablo Prida Santacilia, Así fue Juárez: su vida en láminas (2nd ed. corrected and augmented; Mexico: Casa Ramirez, Edits., n.d.), p. 76.

<sup>50</sup>Roeder, II, 504.

Juárez's declaration in 1862 marked only the beginning of five years of hit-and-run warfare and passive civil resistance to the French invasion. The government fled north to Guanajuato, to Chihuahua, to Paso del Norte. The French fell back at Puebla in May, 1862, but finally conquered Puebla in March, 1863. They entered Mexico City and established a provisional government to await the arrival of the future Mexican emperor, Maximilian, Prince of the House of Hapsburg. Maximilian came with his beautiful wife. He stayed three years in Ciudad, Mexico, and laid out the Avenida Reforma. He toyed with innumerable projects and accomplished nothing. In 1865 and 1866 Napoleon III became worried. The pacification of the Mexican countryside was nowhere near completed. The European scene was darkening, and with the end of the American Civil War the United States was beginning to cast disapproving eyes south and was sending troops to the border. Discretion became the better part of valor, and the French withdrew in 1867, leaving Maximilian to his tragic fate. The Mexican government moved triumphantly south to Chihuahua, to Querétaro, to Mexico City, where Juárez issued a proclamation. The government would not be vindictive as duty hung on the demands of justice. It would respect the rights of all, for respect for another's rights constituted peace both between individuals and between nations. Having completed the first of its duties by not compromising either in interior or exterior affairs anything that could prejudice the country's independence or sovereignty, its territorial integrity or the respect owed to the Constitution and the laws, the government would now work to obtain and consolidate all the benefits of peace. Within the country's free institutions the people would be the complete arbiters of their own destiny.<sup>51</sup>

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<sup>51</sup>Pere Foix, Juárez (Mexico: Ed. Ibero Americanas, 1949), pp. 216-17. Also Prida Santacilia, Así fué Juárez: su vida en láminas, p. 143.

Once again the Liberals faced the task of reconstruction interrupted in 1861. Juárez wrote of the difficulties after the battle of Querétaro:

The impatient are going to the devil because they want everything to be over at once, although the great criminals will go unpunished, and the future peace of the nation will not be guaranteed; but the government without heeding them, continues to make haste slowly with the firm determination to do what best befits the country, and without being influenced in its decisions by personal vengeance, misguided compassion, or any foreign threat. We have fought for the independence and autonomy of Mexico, and it must be a reality.<sup>52</sup>

The national elections of 1867 returned Juárez to the presidency, but defeated his plea for substantial constitutional reforms that would place considerably more power in the hands of the Executive. This defeat weakened his ability to attack the pressing problems crying for solution. In addition an ardent parliamentarianism raged through Congress. The delegates guarded their prerogatives so jealously that little constructive legislation was passed. Then, too, both Congress and the press tended to discourage Executive initiative and to insist on the strict interpretation of the Constitution.<sup>53</sup> But while impeding Juárez's constructive programs, the opposition, nevertheless, took every opportunity to castigate Juárez for do-nothingness. They accused him of being a puppet, of doing nothing but collecting a salary, and finally they settled on the country's poverty as an effective needling instrument. The government under Juárez's guidance introduced highway and railroad expansion measures into Congress. It tried to effect at least a partial social reform by proposing to tax uncultivated lands. In this way the big estates would degenerate into smaller properties. But Congress refused to act, and the legislation

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<sup>52</sup>Roeder, II, 670-671.

<sup>53</sup>Ibid., p. 691.

languished.<sup>54</sup>

In 1871 Juárez ran again for reelection amidst cries of outrage and vicious recrimination. He won, but the country's impetus for reform seemed to have vanished. Then in 1872 death struck, and all but the reactionaries of Mexico mourned the loss of one of their great ones.

Despite diverse and brilliant ministers, the politics of the Juárezista period were monolithic in nature because the successive cabinets sublimated their ambitions, personal characteristics, loyalties and phobias to the granits personality, mystique, and all-consuming ideal of their leader.<sup>55</sup> Even Francisco Bulnas, one of Juárez's most severe critics wrote:

Since the day that he established the Reform, we have been really Mexicans and sociologically distinct from the Spaniards. ... Adhesion to the memory of Juárez means belief in our dignity as free men.<sup>56</sup>

But there was a reason for this voluntary subjection to the leadership of Juárez that went beyond devotion to a dominant personality or to a mystical quality in his character. And that reason sprang from a fundamental agreement with the principles, social and political, for which Juárez stood and which he carried out in his daily life. Those events influencing the life of Juárez and to a lesser extent his part in them have been traced. But there remains the necessity to examine the philosophy of the man, to see how events shaped it, and more importantly how he shaped by his philosophy the events in which he played a part.

<sup>54</sup>Ibid., pp. 700-702.

<sup>55</sup>Bianco Moheno, p. 235.

<sup>56</sup>Roeder, II, 735.

## CHAPTER II

### JUÁREZ'S DREAM OF A NEW SOCIETY

#### The Political and Social Thought of Benito Juárez and its Relation to Mexico

Did Juárez have a concrete philosophy which guided his actions? And, if so, was this philosophy purely political, or did its ramifications perhaps extend much further than pure politics and reach the social, economic, and even into the religious fields? What were Juárez's most cherished ideals for old Mexico, or more specifically, for the new Mexico that he dreamed of creating?

Many men had dreamed of a new society and a glorious place in the sun for the Mexican nation. Some few, among them Hidalgo, had attempted to implement the dream and had failed. Juárez too had a philosophical vision around which to rally the Mexican people. Part of it was political, liberal, democratic. Part of it was economic, commercial, progressive. Part of it was social, unprivileged, equal. Part of it too was even, in a sense, religious. But in any case the philosophical vision that Juárez, the poor Zapotec Indian of Oaxaca, envisaged for the Mexican nation emerged complete and total. It allowed no room for compromise or for equivocation. It included the ideas of predecessors, such as Hidalgo, but it went much further and wrapped the whole of Mexico in a new ideal.

Most of Juárez's philosophical thought, as written, dated from the period before he left Oaxaca since afterwards the political maelstrom

engulfed him more and more. His thought found its unifying thread in social rather than in political or economic principles. Political reforms were but the means to the end. For to finish Hidalgo's work it was necessary to strive for the good of the country and to purify the political system of the anti-social maxims with which the people were governed and educated. The framers of the Constitution of 1824 had surrendered to abstractions and had failed to take into account the silence, labor, and solemnity proper to the Mexican people.<sup>57</sup>

For Juárez the twin principles of authority and justice underlay his whole social philosophy. This concept of authority, however, embraced something more than just the power of enforcement. It was not only physical but also knowing and moral. It carried responsibility more than representation or legality. Civil authority resided in social feeling and not in political forensic. It established a continuity for the knowledge and rational choice of authority and for the relations between this authority and the individual. Thus, although constitutions remained valid, they were not absolute entities and determinants of political functionalism.

They served as moral codes—a semblance of universal aspirations to the perfection of the state. Given this concept neither liberalism nor masonry as practiced on the Mexican scene over the first half of the nineteenth century constituted a precise characterization of mexicanidad. A constitution could not be a neat little package copied almost verbatim from another land, for then it would neither relate to Mexico nor be able

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<sup>57</sup> Andrés Henestrosa, Textos políticos de Benito Juárez (Mexico: Sria. de Educación pública, 1944), p. 14. Also José C. Valadés, El pensamiento político de Benito Juárez (Mexico: Libr. de Manuel Parrera, s.a., n.d.), p. 150.

to relate Mexico to the world. It should embody only the means by which the native tradition of the country could be developed without losing its truly Mexican flavor and the Indians could be integrated into the national life.<sup>58</sup>

From this ideal of authority and its organicity, Juárez evolved a theory of politics that sprang from nature. Personal authority must be limited to avoid violence and to realize a rational way of life. For it was nature or authority and not politics that provided the unity for the basic culture of America, the primeval mixture and continuity of man, society, and the state. Liberal professions had a future as a part of the free determination of the Mexican. But this, although it marked a new political dawn, a Mexican nativity, failed to provide the whole solution. The answer lay in the ancient Mexican idea of command in an associative authority which valued equally the establishing of a rapport between government and society and a feeling of hierarchy and common benefit. For this reason Juárez advocated the presidential rule which, he thought, gave inspiration and made for social democracy. He wished to link the state and the individual and to make proportionate the relations of the government and the society.<sup>59</sup> The road to liberty, however, did not begin in meaningless constitutional abstractions. Constitutional liberties were spiritual guides and the duty of constitutional government was, as far as possible, to set the moral tone of society by both obeying the law and enforcing with strict impartiality the moral prohibitions implied in it.<sup>60</sup>

Thus progress for Mexico should be one of spirit and not necessarily of industry. And since this ideal also included an element of social

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<sup>58</sup>Valadés, pp. 61-62, 132-33.

<sup>59</sup>Ibid., pp. 11-12, 16, 29-30, 45, 50, 59-60, 92.

<sup>60</sup>Roeder, I, 258.

justice, the monopolies—of the Church over property and education, and of one class, the creole, over the state—had to be destroyed. For under the society that Juárez envisaged, the feeling of a hierarchy in government was not one of persons or classes, but rested in the ordering and execution of moral and political principles. He regarded the presidential regime as the ideal but set it within the limits of justice and democracy and, even more importantly, within a moral practice without which the government would degenerate into monarchy. For the function of the state did not live either because of its command over individuals nor because of its position as their representative. Its function existed to bring order from the chaos of excessive personalism or exaggerated parliamentarianism.<sup>61</sup>

Order, brought about by an essentially moral authority, would foster the principle of a civil and voluntary law. It would coordinate all parts of the government and society. The laws enacted under such authority would exist from nature since they emerged from a moral base that was complete unto itself. No outside agency, such as a religious institution, had a place in such a society, and the democracy founded on these premises demanded a strict observance of the law. Therefore it followed that the first duty of a governor was to comply with the law.<sup>62</sup>

Juárez wrote of the leader's obligation to have no other aim than the securing of the common happiness through a just enforcement of the law. The just ruler could consider only merit and virtue or crime and vice in rewarding or punishing the people.<sup>63</sup>

<sup>61</sup>Valadés, pp. 70-71, 75-77, 95.

<sup>62</sup>Ibid., pp. 111, 114, 117. Also Henestrosa, pp. 90-91.

<sup>63</sup>Frida Santacilia, *Así fue Juárez: su vida en láminas*, p. 186.  
SPAN. ORIG. "El primer gobernante de una sociedad no debe tener más bandera que la ley; la felicidad común debe ser su norte, e iguales los hombres ante su presencia, como lo son ante la ley; sólo debe distinguir al mérito y a la virtud para recompensarlos; al vicio y al crimen para procurar su castigo."

The concept of the moral force of the state was to be cemented through instruction and education, for public instruction constituted the first base of a people's prosperity and the most sure means of preventing the abuse of power. Simply multiplying the schools, however, guaranteed no solution. It was first necessary to remove the public misery. For, a man that lacked the essentials with which to feed his family, looked on education for his children as a remote benefit at best. More frequently he regarded it as an obstacle to the procurement of daily sustenance.<sup>64</sup>

This education, when under way, would also furnish a strong basis for social regeneration. It belonged to the people--all the people--by a right that no one could take from them. Juárez pledged himself to sustain that right:

As a son of the people, I will not forget you; on the contrary I will sustain your rights, I will take care that you are educated, advanced and suckled for the future, and that you abandon the road of disorder, of vice and of misery, to which those men have conducted you that only with their words call themselves your friends and your liberators; but with their deeds are your most cruel tyrants.<sup>65</sup>

And in the fight for education and social regeneration on the basis of the moral authority underlying the state, women would play a very vital role. To form a woman in all the ways--including education--that her necessary and elevated mission demanded was to form the fecund seed of regeneration

<sup>64</sup>Ibid., p. 185. Also Rafael de Zayas Enriquez, Benito Juárez, su vida, su obra (Mexico: Editorial del Magisterio, 1950), p. 43.

<sup>65</sup>Prida Santacilia, Asi fue Juárez: su vida en láminas, p. 186. SPAN. ORIG. "Hijo del pueblo, yo no lo olvidaré; por el contrario sostendré sus derechos, cuidaré de que se ilustre, se engrandezco, y se crie un porvenir, y que abandone la carrera del desorden de los vicios y de la miseria, a que lo han conducido los hombres que sólo con sus palabras se dicen sus amigos y sus libertadores; pero que con sus hechos son sus más crueles tiranos."

and social betterment. Thus it was vital that her education not be neglected.<sup>66</sup>

Juárez's concept of justice for the masses reached far beyond the grant of simple political privileges. It predicated the removal of economic obstacles that precluded a complete break with the past. And since in his view economic interests and social culture approached the synonymous, the implementation of the one implied a recognition for the necessity of the other. Nothing should be lacking to the campesino who produced the wealth. This primarily represented an economic statement. But when the concept of what was just extended out to include as a duty the payment of a living wage, the right to adequate housing and education, security against illness and layoffs, and the right to other economic relief services, the preliminary economic statement moved rapidly into social reform.<sup>67</sup>

Juárez did not shrink from the results of this statement. In a paragraph to Santacilia, he espoused socialism as the natural way to better the human condition and to promote the free development of the physical and moral faculties. While despotism and oppression flourished, this inclination to socialism would increase, but socialism's power to destroy existing things would diminish where despotism and oppression disappeared in governments.<sup>68</sup>

Taken together these ideas of Juárez formed the beginning and the core of his philosophical ideals. Later events led to small variations and carefully considered expansions, but his basic philosophy remained the same. And with this philosophy he influenced to a considerable degree the diversities

<sup>66</sup>Héctor Pérez Martínez, Juárez el imposable (Madrid: Espasa-Calpe, 1934), p. 77.

<sup>67</sup>Roeder, I, 48. Also Foix, p. 278.

<sup>68</sup>Juárez, Archivo privado, p. 275.

of his time and the unity of the future.

In 1821 eleven generations of oppression had considerably strengthened the Liberal movement, which favored equal rights, progress, and freedom of conscience, opinion, speech, and press. As a young student Juárez joined the Liberals and in 1829 made his first public declaration for the separation of public powers and the establishment of a force—public opinion—that could maintain and insure their independence and equilibrium. The force of public opinion, however, never became an absolute for Juárez. Although he at least made reference to it throughout his life, he did not hesitate to attempt to mold it or to go against it when the underlying moral authority of the state so demanded. For the majority of the people rarely examined the causes of things and always admired and extolled what was to them new and extraordinary.<sup>69</sup>

In 1830 Juárez moved slightly away from academic theory and made a daring sally into practical politics by protesting the coup of Antonio Bustamante. Significantly, he condemned him not necessarily for violating the Constitution of 1824, but for not having a comprehensive plan of state, administration, or justice. Bustamante, said Juárez, did not worry about the improvement of the people nor about the lack of schools and teachers. He did not even concern himself with the creation of a disciplined army to defend Mexico from possible attacks on her territorial integrity. Juárez then announced his intention to undertake the painful labor of repairing the country from the robbers who infiltrated into politics with "unconfessed looks".<sup>70</sup> The same year Juárez also proposed

<sup>69</sup>Ibid., p. 232.

<sup>70</sup>Feix, pp. 48-49.

a system of direct election.

Juárez declared himself much in favor of the Reform Laws of 1833. But his acceptance of these reforms did not necessarily mean his undying support of constitutionalism. In commenting on the federalist Constitution of 1824, Juárez criticized it as the breeding ground of subsequent troubles because it recognized religious intolerance and the fueros.<sup>71</sup> More important, however, in determining just how much emphasis and value Juárez, both in 1833 and later, placed on law per se was a resolution that he introduced into the Congress of Oaxaca in 1833. This resolution contained a proposal to honor the memory of Vicente Guerrero, a patriot who had revolted against the Constitution of 1824. In addition, around the same time, he also initiated a bill advocating the confiscation of the estate of Cortes for the benefit of the state.<sup>72</sup> These two resolutions would seem to be inconsistent with the contention of many of Juárez's biographers that he was attached above and beyond all to the concept of the law. On the other hand it would not be at all inconsistent with the wider ideal of Juárez's total social philosophy that envisaged law only as an expression of the basic underlying moral authority of the state. Law represented a means to an end, not the end in itself.

After the fall of the Liberals in Mexico City and Oaxaca around the end of 1834, Juárez occupied his time in various minor duties. In 1836 he was imprisoned on suspicion of a conspiracy to overthrow the Conservative government, thus indicating that in Oaxaca at least he represented a force to be reckoned with. In this connection Foix stated that by 1843, his activities in Oaxaca and his position as Secretary to the Governor of the

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<sup>71</sup>Juárez, Archivo privado, p. 233.

<sup>72</sup>Roeder, I, 54-55.

state had made him known all over Mexico.<sup>73</sup> Despite this comment, however, there was little to indicate that in 1845 Juárez had much influence outside his native state. But in Oaxaca he was important enough to be a member of the ruling triumvirate which administered executive power in 1846. Shortly thereafter the state of Oaxaca sent him to Mexico City as one of its official representatives to the National Congress. And, although noted for his taciturnity, Juárez, nevertheless, made an impression on the other delegates. In conjunction with the rest of the Oaxaca contingent he sponsored the redaction and approval of a law authorizing the government to mortgage a part of the wealth administered by the clergy to carry on the North American War. He also condemned the alcabalas, or sales taxes, and denied the ability of a centralized government to effectively interpret and to remedy the needs of the people. Contrary to the prevailing custom, he opposed the creation of unnecessary jobs to accommodate the friends of the party in power. Positions, he argued, should be apportioned on merit.<sup>74</sup>

Juárez did not remain long in Congress. The following year he accepted appointment as Provisional Governor of Oaxaca and in 1848 was officially elected to a four year term.

The election of Juárez to the governorship of Oaxaca represented his first opportunity to implement his total philosophy.

The state of Oaxaca had at that time a large Indian population that constituted an almost alien people within its territorial borders. The Mexican laws hardly benefited the Indians at all for other classes were continually encroaching upon their communal lands, and the Indians tended

<sup>73</sup>Foix, p. 49.

<sup>74</sup>Zayas Enriquez, pp. 39, 41.

to try to live within their own laws and customs. They mistrusted the governmental framework set up by the Spanish and the newly independent creoles, and they appealed to Juárez for aid by virtue of his Indian blood.<sup>75</sup>

Juárez rose to the challenge. In 1850 when an Indian delegation came to express sorrow for the death of his son, Juárez pledged never to forget his origin or the rights and desires of his people.<sup>76</sup>

As governor Juárez organized the defense of Oaxaca, reconstituted the National Guard and established a hospital for its use, initialed I.O.U.'s to cover the state debt, surveyed the resources of the state, set up a competent bureaucracy, and promoted public education—including education for women. He attempted also to establish a mint, but the central government, which had already compromised itself to an English firm by promising that no money could be coined within fifty leagues of the city, forbade the enterprise. One of his first concrete acts was the reestablishment of the Oaxacan Institute of Arts and Sciences, and his administration issued the first civil and penal code published in Mexico.<sup>77</sup>

Economic projects also advanced. Acting on the supposition that road building, not revolution, cured poverty, the Zapotec governor undertook a system of public works and completed a road to Huatluco. Its opening was marked by a solemn high Mass, sung by the clergy of the state. The introduction of agricultural crop rotation provided much needed improvement over the older methods of Indian farming.<sup>78</sup>

During his term Juárez, being a practical man, did not advocate the impossible. But by pushing forward the possible to the greatest extent,

<sup>75</sup>Roeder, I, 76-77.

<sup>76</sup>Foix, pp. 61-62.

<sup>77</sup>Juárez, *Epistolario*, pp. 23, 25. Also Roeder, I, 77. Also Burke, p. 59.

<sup>78</sup>Roeder, I, 78-79.

he, in the long run, enlarged the limits of what was feasible. The people of Oaxaca were not yet ready to look upon society as their God, as the Creator's manifestation in man's creation. They still thought in terms of corporate institutions--to which they gave their fullest allegiance, rather than giving it to justice and the state.<sup>79</sup> This situation badly needed correcting. But years of tradition could not be immediately overturned and Juárez, endowed with the patience of his race, could afford to wait.

To what extent could the activities of Juárez's first administration in Oaxaca be regarded as either significantly different from those of previous administrations or as constituting steps toward social reform? Bulnes, for instance, charged that as Governor of Oaxaca from 1847 to 1852 Juárez had brilliant programs in pure administration and nothing at all in the way of political reform.<sup>80</sup> And this charge as far as it went perhaps was relatively sound. But here lay the crux of the matter. Bulnes did not go far enough since for Juárez political reform did not constitute the be-all and the end-all of his program. He wished to change the entire structure of society and to reorient its direction. Juárez's ideal society was to be a product of this world, based on the values of this world and not of the next. With such a concept Juárez was forced to proceed slowly. An undue emphasis on political reform during his first term would have turned the vested interests against him and ruined his program before it was safely under way. Thus, Juárez started with administration. He issued a civil and penal code to reorient the ideals of the state courts. The courts of the fueros continued--inaccess-

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<sup>79</sup>Ibid., pp. 80-81, 90.

<sup>80</sup>Bulnes, pp. 170-71.

ible at present. Any attempt to issue reforms here would have brought disaster. Therefore, Juárez waited. He started on a seemingly innocuous subject--the installation of an honest bureaucracy--nothing very spectacular. But as this represented the continuity of the moral authority of the state and its guarantee against the abuses of personality, its orientation toward moral principles became immensely important. In line with his conception of the close identification of economic and social events, the liquidation of the debt and the resource survey would ultimately become a basis on which to build more socially pointed reforms. Equally vital was the promotion of education. The use of women as the pivot of a social regeneration denoted a significant departure from the old Spanish concept of woman, not necessarily in terms of dignity but at least in terms of function. Even if woman's role as the guardian of the hearth continued paramount, she would still have to raise her children in the image desired by the state. Also noteworthy in the field of education was the reestablishment of the secular Institute.

The Church participation in the opening of the road to Huatlaaco Roeder considered as a sign that Juárez had broken through the Church's isolation from civic service.<sup>81</sup> Although the contention in the latter part of the statement that the Church had previously isolated itself from civic service would be open to serious question, the remark presents an interesting speculation on the intentions of Juárez. Did he perhaps envisage manipulating the Church through its participation in civil endeavors into cooperation with the aims of his ideal society?

Interestingly enough one of Juárez's first acts as governor in 1847

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<sup>81</sup>Roeder, I, 79.

was to prohibit cock and bull fights as unworthy of a civilized people.<sup>82</sup> The experiment, like that of the Eighteenth Amendment in the United States, probably was relatively unsuccessful, but it once again illustrated Juárez's determination to use the law for the purpose of promoting certain moral principles for the society.

On September 10, 1847, Juárez addressed the people of Oaxaca. In this address he affirmed independence or death. The old Spanish state, ruling by the might of the strong, was forced to make the Mexicans less mindful of their rights. Thus it inculcated blind obedience, created class interests, prohibited foreign contacts, imposed impoverishing tribute, mixed politics and religion with the object of securing adoration for state personages, and fostered a dislike of work. Spain's ultimate defeat resulted from these principles, but the Mexicans who then adopted republican forms of government obligated themselves to liberate and protect man from the remaining obstacles to true freedom--to abolish the oppressive tributes that lessened the sustenance of their sons, to remove the obstacles that impeded the free exercise of natural rights, to prize virtue and merit, and to downgrade men who tried to leap into public posts through favor, adulation, lowness, chicanery, or infamy. The minister of the sanctuary who practiced the pure moral of the Gospel, harmonizing it with the politic, saw in Mexican youth the seeds of patriotism, liberty, and virtue which ought to be protected. Conduct arranged on those principles would render the Oaxaquenos truly independent of the arms and the musty, pernicious customs of the House of Castile.<sup>83</sup>

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<sup>82</sup>Poix, p. 58.

<sup>83</sup>Ibid., pp. 59-61.

On the surface the speech represented good political rhetoric. Below it there lurked the seeds of bitter conflict depending upon the text's interpretation. Did Juárez classify Roman Catholicism as one of Castile's musty and pernicious customs? What did the term the pure moral of the Gospel signify? Did the tributes branded as excessive also include the tithes paid to the Church? And what were the hindrances to the free exercise of natural rights? If the obstacles impeding the free exercise of these natural rights were interpreted as purely political, then the situation could be coped with fairly easily. The owners of the large haciendas needed only to tell their dependents and their Indian tenants how to vote, and all would be well. But if, on the other hand, these obstacles were to be viewed as social and economic also, possibilities arose that the more wealthy classes, and perhaps even the Church (as a property owner), did not like to contemplate. Implicit in this interpretation lay the seeds of social revolution.

Thus Juárez found it necessary to make haste slowly, reforming only those areas which would arouse least opposition. And the lack of opposition from 1847 to 1852 was due primarily to the fact that the reforms initiated touched no vested interest directly.

With the expiration of his term in 1852, Juárez once again retired briefly to private life. The following year, however, with the return of Santa Anna to power, Juárez was arrested and summarily exiled without trial to Jalapa, thence to Vera Cruz, Havana, and New Orleans. There he remained until June, 1855. At that time he left for the Mexican west coast to join the revolution of Ayutla fomented by Alvarez.

The Ayutla planners, Juárez among them, moved into Mexico City on

August 13, 1855,<sup>84</sup> and established a provisional government under Alvarez. Shortly thereafter the remainder of the Brownsville exiles returned to Mexico City to push for the inauguration of the program that Juárez and Melchor Ocampo had formulated while in exile. The plan espoused the complete emancipation of the civil power through the enactment of modifying legislation to suppress the privileges of the clergy and the religious communities and, if necessary, to nationalize the goods of the Church.<sup>85</sup> Theoretically the Church could, however, retain its purely spiritual function—the government of consciences.<sup>86</sup>

In November, 1855, the new Liberal government took a long step toward the implementation of this controversial ideological plan with the promulgation of the Ley Juárez. This law, drawn up, signed, and publicized by Juárez with the backing of President Alvarez, removed the special jurisdictional privilege from the religious and military courts in civil matters. Henceforth all civil cases involving clerical and military personnel were to be tried in state courts. Seven months later followed another electrifying law, the Ley Lerdo. Juárez's influence in the promulgation of this law has been extensively debated by historians, but at the very least he did approve the measure. The law itself prohibited any corporation from holding real property, although it was entitled to the enjoyment of the fruits of said property. One target of the new law was the Church's vast acreage acquired over the years by inheritance and foreclosure. Unfortunately, however, the law also succeeded in overturning the

<sup>84</sup>Lesley Byrd Simpson, Many Mexicos (New York: G.P. Putnam & Sons, 1941), p. 265.

<sup>85</sup>Jorge Fernández Iturrubarría, Benito Juárez- Porfirio Díaz. Hechos históricos de la vida de estos Próceres de la Reforma (Mexico, D.F.: Edit. de Periódicos, 1960), p. 124.

<sup>86</sup>Parra, p. 36.

communal land ownership system of the Indians--the ejido--and it failed significantly in creating a nucleus of small landed proprietors.<sup>87</sup>

After the bombshell of the Ley Lerdo the Liberal split into two opposing factions quickened and sharpened. The moderates under the leadership of President Comonfort became more and more alarmed at the drastic consequences of their actions and sought increasingly to placate the Conservatives. The radicals on the other hand continued to press for further reform. By the end of 1857 the split had widened into an open break. Comonfort executed an abortive coup, and Juárez declared himself the President and the preserver of the Constitution. Three years of civil war followed.

One more civil war, one more constitution! Mexico had seen both phenomena before. What made this one more important, more passionate, more uncompromising, more bloody than preceding ones? Did it have anything at all to do with the total political and social philosophy of Juárez?

According to Simpson, the efforts of Liberal leaders like Juárez in the mid-1850's brought on one of the bitterest conflicts in Mexican history--a conflict that has continued down to the present day and whose outcome will profoundly affect future life in Mexico. He further analyzed the situation as a contest against the colonial regime that lived on in the Church--a contest even more complicated by racial (Indian) and economic (foreign) issues.<sup>88</sup> In this setting the solidity of privileged social institutions made compromise impossible. On the one side was arrayed the Church, on the other the moral pretensions of the Constitution as upheld by Juárez.<sup>89</sup>

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<sup>87</sup>Simpson, p. 268.

<sup>88</sup>Ibid., pp. 67, 266.

<sup>89</sup>Parra, pp. 68, 122.

In that last sentence lay the crux of the matter. The conflict was not against a colonial regime, or against particular economic or social injustices. It was not even against the Church as institution. The concept of society envisioned by Juárez could have undercut the pretensions to privileges of the colonial regime. It could have, given a willingness to compromise on both sides, made a stab at ameliorating or even perhaps solving the racial and economic issues. It might perhaps have arrived at a compromise with the Church as institution. What it could not do, however, despite its protests to the contrary, was to allow any other agency besides itself to exercise a dominion over the consciences of the people. Juárez's concept of the state's moral authority implied the right to legislate concerning the consciences of its citizens. The Constitution's moral pretensions represented only a highly logical extension of the basic premise. The only thing necessary was to grant the basic premise, but this the Church could not do. In its execution of its divine mission and its dogma of infallibility in the guardianship of supernatural and moral Truth, it was congenitally unable to entrust a vital part of the responsibility to a fallible state. It could cooperate with an earthly government based on moral principles that it sanctioned. But with Juárez's claim of moral supremacy for the state the Church could not compromise. And so the conflict! Unfortunately however the civil war in Mexico and afterwards the French intervention were not fought on principle by the Conservative and clerical elements. They were fought rather on the retention of privilege. The explicit moral issue underlying the struggle received no dramatization. The Conservatives emphasized the safeguarding of property over the defense of principle. On this basis they lost.

The Mexican press and people recognized Juárez as the incarnation of

the social stamina of the revolution. Even before 1861, the newspapers stated that "The name of Juárez was a banner for the revolution, not a man."<sup>90</sup> Justo Sierra credited Lerdo, Ocampo, and Ramírez with having the revolution a possibility and Juárez with making it. The revolution was social because it destroyed clerical privileges and served as a prologue to the economic measures necessary for reform.<sup>91</sup> Once again Sierra was right, as far as he went. But he did not push the question to its ultimate limits. Juárez himself saw the revolution primarily as social. In 1855 his decision to stay in the Alvarez government resulted from the hope of initiating some of the many reforms the society needed to better its condition. Laws consecrating the disappearing despotic power had to be altered. This applied especially to the former laws on justice administration. Thus although the reform statute of 1855 should have affected all the courts in both civil and criminal matters, circumstances within the cabinet forced the enactment of an incomplete reform. Nevertheless, it served as the spark producing the flame of defiance flung at the privileged classes.<sup>92</sup> Yet reforms in the justice administration were patently

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<sup>90</sup>Roeder, I, 296, 300.

<sup>91</sup>Justo Sierra, Juárez, su obra y su tiempo (Mexico: Universided Nacional de México, 1948), pp. 14, 18.

<sup>92</sup>Juárez, Archivo privado, p. 249. Also Prida Santacilia, Así fué Juárez: su vida en láminas, pp. 24-25.  
SPAN. ORIG. "Lo que me decidio era la esperanza de iniciar alguna de tantas reformas que necesitaba la sociedad para mejorar su condición."

"Triunfante la revolución era preciso hacer efectivas las promesas reformando las leyes que consagraban los abusos del poder despótico que acababa de desaparecer. Las leyes anteriores sobre administración de justicia adolecían de este defecto, porque establecían tribunales especiales para las clases privilegiadas haciendo permanente en la sociedad la desigualdad que ofendía a la justicia; y yo me ocupé de trabajar la ley y yo concluído su proyecto en el que me auxiliaron los jóvenes Manuel Dublan e Ignacio Mariscal, lo presenté al Presidente Alvarez, que le dió la aprobación y mandó se publicara como Ley general de administración de

insufficient. More extensive work remained in order to make the Reform as perfect as possible. The ideal method for the efficient accomplishment of this work consisted in the formulation of a general plan of action in the cabinet. Unfortunately however, the strenuous opposition of Comonfort, who was not in conformity with the aims of the revolution, rendered that impossible.<sup>93</sup> Once again the imperturbable Zapotec waited to make haste slowly.

Juárez did not remain continuously in the federal government from 1855 until he assumed the presidency in 1858. For a short period in 1856 to 1857 he returned again to his native state to serve as its governor and to continue his campaign for reform. On reestablishing the Institute at Oaxaca, he once again expressed his belief that public instruction represented the foundation of social happiness. Knowing its importance, he resolved to give it all the impulse the necessities of the state demanded

justicia. Autorizada por mí se publicó el 23 de Noviembre de 1855."

"Imperfecto como era ésta ley, se recibió con grande entusiasmo por el Partido Progresista, fué la chispa que produjo el incendio de la reforma que más tarde consumió el carcomido edificio de los abusos y preocupaciones: fué, en fin el cartel de desafío que se arrojó a las clases privilegiadas ..."

<sup>93</sup>Prida Santacilia, Siguiendo la vida de Juárez, p. 64.

SPAN. ORIG. "No sólo en esta rama [Justice], sino en todas las que formaban la administración pública debía ponerse la mano porque la revolución era social. Se necesitaba un trabajo más extenso para que la obra saliese perfecta en lo posible y para ello era indispensable proponer, discutir y acordar en el seno del gabinete un plan general, lo que no era posible porque desde la separación del señor Ocampo, estaba incompleto el gabinete y el Sr. Comonfort no estaba conforme con las tendencias y fines de la revolución. ... Era, pues, muy difícil hacer algo útil en semejantes circunstancias y ésta es la causa de que las reformas que consigna en la ley de Justicia fueron incompletas limitándose sólo a extinguir el fuero eclesiástico en el ramo civil y dejándolo subsistente en materia criminal, a reserva de dictar más adelante la medida conveniente sobre este particular. A los militares sólo se les dejó el fuero en los delitos y faltas puramente militares. Extinguí igualmente todos los demás tribunales especiales devolviendo a los comunes el conocimiento de los negocios de que aquellos estaban encargados."

by boldly protecting its development.<sup>94</sup> Interestingly enough, the concept of the necessities of the state in the provision for education rose again to the surface. It fit in well with Juárez's total philosophy.

Juárez labored diligently to ingrain the Constitution of 1857 in the soil of Oaxaca. He flagellated opponents who refused to accept its social reforms and who bent all their efforts to destroy the Constitution. They, however, he prophesied, would never succeed but would only serve to establish the true practice and to free Mexico's destinies from dependence on one man or party. He declared the norm of his own action to be subjection to the Constitution and called all to follow his example. The Constitution was the only rule to which the Mexicans ought to subject themselves.<sup>95</sup> Thus once more Juárez proclaimed the moral authority of the state as the ultimate guide to the consciences of its citizens. Juárez flung his challenge, and within a year the Church took it up. The struggle was bitter because the participants played for ultimate.

In enjoining subjugation to the state, however, Juárez had one supreme advantage over the masses in Mexico. His executive office entitled him to interpret as well as to obey. And in his function as interpreter he could also disobey. This he did. As Governor of Oaxaca Juárez could (power wise) and did disobey certain decrees of the Comonfort government. And within a

<sup>94</sup>Ibid., pp. 67-68.

SPAN. ORIG. "Persuadido de que la instrucción pública es el fundamento de la felicidad social, el principio en que descansan la libertad y el engrandecimiento de los pueblos, una de sus primeras providencias ha sido volver a ésta ilustre casa el esplendor que los enemigos de la ilustración y de todo progreso, habían quitádole en una época de funesto recuerdo para Oaxaca. El Gobierno, que conoce la importancia de la instrucción pública, la influencia poderosa que ejerce en la moralidad y adelantos sociales, ésta resuelto a darle todo el impulso que las necesidades del Estado demandan, protegiendo empeñosamente su desarrollo."

<sup>95</sup>Valadés, p. 25.

year of the Constitution's adoption, Juárez found himself in a position which he used to remold the document to his liking. The Constitution became an instrument of his bidding, its articles subject to his interpretation. For Juárez had never, contrary to Simpson's assertion that the Mexican Constitution symbolized for him a Corpus Juris Civilis--the embodiment of Law and the Fatherland<sup>96</sup>--regarded the Constitution as an absolute, but only as a means to the absolute. In a speech before the state constituent convention in June, 1857, Juárez stated that the Constitution had not established with fullness and liberty all those principles necessary for a lasting peace in Mexico. Amendments had to be made. In this task the wisdom and patriotism of the Oaxaqueno representatives could prepare the way in opposing the vested interests resisting the betterment of society.<sup>97</sup>

Thus when Juárez assumed the presidency in 1858, he undertook to construct within the framework of the Constitution a delegated jurisdiction, to establish the principle of a moderated authority, and to initiate a change of persons within the continuity of the state to avoid the possibility of either a central republic or a personal regime. He faced the problem of giving new forms to the public institutions--in line with his own concepts naturally--without specifically being commanded to do so by the Constitution. Perhaps in implementing such reforms he would transgress it. But then which was more important: the giving of reality to the dreams of Juárez or the chimera of an imperfect Constitution? Obviously the former, for as the Governor of Oaxaca stated, government was the science of guiding the people and the art of convincing the citizens.<sup>98</sup>

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<sup>96</sup>Simpson, p. 273.

<sup>97</sup>Juárez, Epistolario, p. 60.

<sup>98</sup>Valadés, pp. 164-65, 175.

Juárez regarded the so-called presidential regime as the ideal solution for the problems of Mexico. The presidential regime fixed a doctrine of political, social and moral responsibility for the President of the Republic that was direct and intransmittable. This system would have the advantage of a strong Executive to enforce the moral authority of the state, but would be restricted enough by Congress to guard against the dangers inherent in the excessive parliamentarianism toward which the Constitution of 1857 leaned. Deliberative assemblies often tended to be impractical because of a lack of tradition outside their formal composition.<sup>99</sup> The greatest aberrations of thought often occurred in Congress where a standard of quantity rather than quality reigned.<sup>100</sup> If then Juárez accepted the 1857 Constitution and made it his own, it was only to realize, solemnize, and substantiate the principle of a national authority. He saw in the Constitution only the beginnings of a return to the ancient culture of Mexico—a workable tool for his purposes.<sup>101</sup>

As president he declared that he would do all in his power to see that the democratic revolution chosen by the nation followed the road of social and humanitarian conquest. Economic evils had to be remedied. Propositions thus emerged: to accept customs reduction, to establish direct contributions and suppress acabalas, to reorganize other federal rents, to consolidate the public debt, and to reduce almost all offices and completely suppress some.<sup>102</sup> In a sense he was continuing the administrative work he had begun at Oaxaca. There was, however, a very significant

<sup>99</sup>Ibid., p. 154.

<sup>100</sup>Iturrubarría, p. 317.

<sup>101</sup>Valadés, p. 155.

<sup>102</sup>Henestrosa, pp. 49-50.

difference. The beginnings had been made toward a shift in the base of society. It remained for Juárez to consolidate the institutions he had helped erect and to mold them according to his ideas. And interestingly enough, Juárez denied the possibility of either liberty, peace, independence, or constitutional order outside of the Reform. He championed public liberties and the legitimate interests of society against those of minorities. For him democracy--social and political--represented the destiny of future humanity; liberty, its armor; and perfection its ultimate direction.<sup>103</sup>

During 1858-1859 the civil war dragged on with each side growing more desperate with the passing months. Obviously some move to decisively turn the tide in favor of the Liberals was required. Juárez deliberated. He had had some measures planned, but these, in concert with the rest of his thought, were primarily social and not military. And foremost among them was the complete nationalization of Church property, toward which a beginning had been made in 1856.

Juárez's advisors urged immediate action. The situation, they insisted, was desperate. The nationalization of clerical property would provide an added source of revenue for the nation. It would lift the morale of despondent or fearful followers. It would deprive the Conservatives of a lucrative source of revenue. Juárez weighed the arguments. Finally, on July 7, 1859, he spoke to the people of Vera Cruz and to the nation in the famous Vera Cruz Manifesto. In order to facilitate stability and freedom, he decreed the separation of church and state, the nationalization of Church property, the elimination of the function of civil authority in the collection of clerical tithes, the formulation of civil and criminal codes,

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<sup>103</sup>ibid., pp. 27, 35, 39.

the introduction of the jury system and the elimination of court fees, and a plan for more free primary schools, secondary schools, and colleges.

Five days later more decrees were issued--notably, the secularization of marriage and the recognition of legal separation.<sup>104</sup>

The furor raised by the Reform Laws of 1859 rang throughout the land. Most especially condemned was the nationalization of Church property. But for Juárez this article, although possibly rendering some assistance in continuing war operations, did not represent the most important factor in the July Manifesto. As he wrote to a friend:

I take great pleasure in sending you the dscres I have just signed. The most important things that it contains are, as you will see, the absolute independens of the civil power and religious liberty. For me these were the capital points to be won in this revolution, and if we succeed we shall have the satisfaction of having rendered a servics to our country and to humanity. I also enclose the program I have published, in which other measures have been noted that are certain to improve the condition of this society.<sup>105</sup>

Nationalization signified " . . . merely the material lever that raised, released, and supported the ideal structure of a secular society."<sup>106</sup>

In 1860 the British representative, considering Her Majesty's financial stakss, offered to mediate the Liberal-Conservative feud. He failed. The end of 1860 saw the triumphal entry of the Liberal government into Mexico City, and one of its first public acts proclaimed anew the Reform Laws of Vera Cruz and the absolute necsssity of free education. In February Juárez decreed the secularization of hospitals and other eleemosynary institutions.<sup>107</sup>

<sup>104</sup>Scholes, pp. 44, 49.

<sup>105</sup>Roeder, I, 209.

<sup>106</sup>Ibid., p. 210.

<sup>107</sup>Callcott, pp. 33-35.

If the objectives of Juárez were to be considered purely as an attempt at political reform, then the secularization of hospitals could easily be viewed as an extreme measure. If on the other hand he aimed at the creation of a secular society, the clerical ouster from this apparently apolitical field made sense. Also logical, if the second assertion were admitted, was the subsequent expulsion by Juárez of certain obstreperous ecclesiastics. Many of his Cabinet resigned in protest over this "arbitrary" measure. And equally interesting here was the extra-legal way in which Juárez operated—using the Constitution as an instrument rather than as an absolute. For, strictly speaking, under the Constitution the authority to exile belonged to the judicial and not to the executive branch of the government.<sup>108</sup> Yet Juárez did not hesitate to exceed or even to bypass the Constitution when the needs of the more important social revolution demanded it.

From 1861 on the Liberals under Juárez tried several times to transfer the confiscated Church property to the poor tenants on the giant estates. And in an effort to reduce the power of the Church still further, Callcott intimated that Ocampo, acting on Juárez's behalf, invited a priest to form a schismatic Mexican church.<sup>109</sup> While this statement would appear of doubtful authenticity in view of Juárez's enunciated principles, it could nevertheless indicate, perhaps, that Juárez once contemplated using the Church to implement his concept of the moral authority of the state. And in this connection a schismatic, national church dependent upon state suffrance for existence would be more amenable than an international

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<sup>108</sup>Ibid., p. 36.

<sup>109</sup>Ibid., p. 24.

congregation based in Rome.

Juárez's victorious entry into Mexico City on January 8, 1861, hardly signified a complete conquest for the Liberals. It represented only a truce—a breathing point in a potentially very long struggle—if Juárez could not immediately consolidate his shaky authority. Bandits roamed the highroads outside the city, plundering and killing. Domestic and foreign critics blamed him for the accumulated evils of forty years of blundering government. Mexico had fallen into debt over this forty year period, and, although the Liberals recognized obligations to the various European governments of up to 80,000,000 pesos and pledged payment as soon as possible, Mexican credit standing on the world market was non-existent.<sup>110</sup>

To the European mind Mexico, as a direct result of her civil strife, poverty, and general underdevelopment, appeared as a beginning republic, paradoxical and erring. The Mexican had not yet tuned his tradition to the requirements of nineteenth century statehood.<sup>111</sup>

The first half of 1861 found Juárez, the executive, trying to bring order to the administrative affairs of the nation, and Juárez, the politician, attempting to parry attacks within the Liberal ranks against his power. Recurring Cabinet crises and Congressional strife led United States Minister Thomas Corwin to doubt the ability of Juárez to survive the onslaught. He opined that the plan to place González Ortega in the executive chair via the Presidency of the Supreme Court would succeed.<sup>112</sup> Interestingly enough the Cabinet disagreements also revealed that some of the dissension stemmed from a conceptual conflict

<sup>110</sup>Simpson, pp. 274-75.

<sup>111</sup>Valadés, pp. 163, 170.

<sup>112</sup>Scholes, pp. 67, 73.

in the interpretation of the cabinet's fundamental role.<sup>113</sup> Once again Juárez was acting to secure an increase influence for the Executive over the other two branches of government in conjunction with his idea of a presidential regime.

In May Juárez surveyed the state of the nation both internally and externally. The reactionaries were complicating the conduct of foreign affairs. The meddling interference of the Spanish ambassador, the apostolic delegate, and the Guatemalan minister in the internal affairs of the Mexican state had led to their expulsion. On the other hand, diplomatic relations had been reestablished with Great Britain, France, and Prussia. Most cordial ties continued to exist with the United States. Juárez did not, however, minimize the seriousness of the foreign situation, especially in relation to the interest on the European debt. Executive pacts pointing to solution of this problem would be reviewed in conformity with the Constitution by the Congress, which without doubt would care for the honor and decorum of the nation.<sup>114</sup>

That was in May. In July economic conditions in Mexico forced the announcement of a temporary suspension of payment on the interest of the foreign debt. The European powers--France, Spain, and Great Britain--at once protested this affront to their vital interests. When protest availed nothing, the Great Powers acted. At a convention in London in the fall of 1861, they agreed on an armed expedition for the purpose of collecting their debts. Within weeks the news had rocketed across the Atlantic and reverberated throughout Mexico. Juárez alerted the generals, grieved

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<sup>113</sup>Juárez, Archivo privado, p. 314.

<sup>114</sup>Henestrosa, p. 43.

his teeth and waited.

Events between 1861 and 1867 exerted a very important influence on the mind of Juárez. They forced the development of an ideology underlying the externals of his foreign policy, just as the events prior to 1861 had shaped the flowering of the theory behind his domestic policy. Juárez's concept of the conduct of international affairs grew logically from his role of the ideal state. Just as within the country the state's prime function consisted in harmonizing the actions of the individual with the universal state principles of justice and peace, so too was it the responsibility of every state to also live in accordance with these ideals in their mutual relationships. And although in his capacity as the President of the Mexican Republic Juárez well understood his obligation to preserve the country against invasion; nevertheless, his concept of authority precluded the employment of illegal, or more properly, immoral means. For Juárez's view of the world and his conduct of Mexican affairs within that world was primarily moral. Thus although he acclaimed his intention of preserving Mexican independence and devoted all his efforts to the development of defenses against invaders, he could, nevertheless, accord the European interventionist powers a refuge for their troops in the mountains when the dread yellow fever raged in Vera Cruz. And he could do this without sacrificing his principles or the integrity of the nation. When the French violated the solemn pact of Soledad, the Juárez government still expressed its policy as the application of its normal procedure in international relations--a precedent moderation, the abstention from all aggressive acts, and only then the preparation, if necessary, to repel force with force. It would, of course, in the case of

a resort to force strictly observe the laws and established uses of war. And it prophesied world acclamation for the Mexican valor in order to sustain the courage of the Mexicans who had to stand up to one of the most powerful nations in the world.<sup>115</sup>

The use of morals in international politics, however, did not brand Juárez as an impractical dreamer unaware of the world's realities. No one realized more than he the seriousness of the Mexican situation in April, 1862. As he wrote his friend and trusted collaborator in Paris, Monsieur Montluc:

We must be under no delusions, my dear sir. There is a deliberate intention on the part of the Imperial Government to humiliate Mexico and impose its will upon us. This is a truth confirmed by facts; there is no help but defense. The Mexican people are resolved upon it, and their government will employ every means permitted by international law in self-defense. The arrival of new and numerous troops has caused no fear or discouragement; on the contrary it has revived public spirit, and today there is but one sentiment in the whole country, the defense of the liberty and independence of Mexico. The Imperial Government will cause us great damages and great misfortunes; such are the inevitable consequences of war; but I can assure you—I who see and feel with my finger the determination of my countrymen—that whatever elements may be employed against us, the Imperial Government will not obtain the submission of the Mexicans, and that its armies will not have a single day of rest.<sup>116</sup>

This was in 1862 when the intervention had not even left Orizaba, and the rumors of the establishment of a Mexican throne for Maximilian, Prince of Austria, floated through the hazy air of international politics only as straws in the wind. Neither did Juárez's international political morals deter him from unequivocally condemning the French action. He emphatically

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<sup>115</sup>Zayas Enriquez, pp. 149, 153. Also Prida Santacilia, Siguiendo la vida de Juárez, p. 136.

<sup>116</sup>Roeder, I, 462-63.

asserted that to proclaim as the French did that they were not warring on the country but on the government was an empty premise because one offended a nation when it attacked a government that the people desired to support. If his (Juárez's) authority had resulted from mutiny, he would sacrifice it to save the country from war; but since it represented a trust given him by the people he could not; and he would wage war until justice was recognized.<sup>117</sup>

Juárez from 1862 to 1867 was fighting not only to preserve the integrity of Mexico; he was fighting to show the moral validity of Mexico's claim to self-determination. This was a principle he believed in passionately—above his life, above his family, above everything. In the dark days of 1864 when advised by the Governor of Chihuahua to cross the border into the United States, he replied:

Don Luis, no one knows this state better than you. Show me the highest, most inaccessible, and driest mountain, and I will go to the top of it and die there of hunger and thirst, wrapped in the flag of the Republic, but without leaving the national territory. That never!<sup>118</sup>

And a little later while fleeing along the road to El Paso del Norte, he wrote:

Wherever I may be, on the summit of a mountain or in the bottom of a ravine, abandoned by everyone perhaps, I shall not cease to uphold the banner of the Republic until the day of triumph.<sup>119</sup>

This attitude presented a rather marked contrast to one of Juárez's predecessors in the presidency—Antonio Lopez de Santa Anna.

The concepts of social revolution and reform in domestic affairs and

<sup>117</sup>Simpson, p. 276.

<sup>118</sup>Roeder, II, 602.

<sup>119</sup>Ibid.

the inherent right to territorial integrity and self-determination in the conduct of international affairs were for Juárez intimately bound together. Thus he castigated Maximilian's adoption of the Reform Laws as a sorry attempt to buy the submission of the Mexican people. It would never succeed, for the Mexican people before all defended their independence. Even though a foreigner interfered with his bayonets and wished to impose his will, Mexico would never consent to his domination; it would war against him to the death and reject all his offers even though he performed miracles. Mexico did not need a foreigner to establish the Reform Laws it had constituted without help.<sup>120</sup>

Both at home and abroad the moral stature of Juárez and the position of Mexico grew by leaps and bounds during the French intervention. The withdrawal of the English and the Spanish had weakened the legality of the French cause. Juárez exploited his moral superiority to the utmost. Although Callcott claimed the English withdrawal " . . . was, as usual, a question of cotton and of Bibles,"<sup>121</sup> Martin asserted that Juárez recognized a certain hesitation in the foreign policy of Lord John Russell and

<sup>120</sup>Prida Santacilia, *Siguiendo la vida de Juárez*, p. 216.

SPAN. ORIG. " . . . por los conservadores y por el clero que están ahora disgustados con Maximiliano que los ha traicionado, adoptando a medias las Leyes de la Reforma, porque creía que los verdaderos liberales eramos tan cándidos que nos habíamos de convertir en partidarios suyos sólo por que adoptaba algunas de nuestras leyes de Reforma sin advertir que aún cuando las adoptara todas, jamás conseguiría nuestra submisión porque nuestros ante todo defendemos la independencia y dignidad de nuestra Patria y mientras un extranjero intervenga con sus bayonetas en nuestros negocios y quiera imponernos su voluntad despótica como lo intenta Maximiliano, jamás consentiremos en su dominación, le haremos la guerra a muerte y rechazaremos todas sus ofertas, aún cuando haga milagros. Nosotros no necesitamos que un extranjero venga a establecer las reformas en nuestro país: nosotros las hemos establecido todas sin necesidad de nadie . . . "

<sup>121</sup>Callcott, p. 44.

Palmerston concerning the Mexican expedition and molded his policy around it. The manifesto appealing to the Mexican patriotism with which Juárez countered the Allied landing in Vera Cruz was, he charged, calculated to impress the British population. More significant, however, was Martin's admission that never once during the protracted negotiations following the Allied arrival did Juárez employ abuse or evident distrust of the British government.<sup>122</sup>

Juárez, even during the darkest days of the intervention never forgot the integrated, total nature of the revolution he was striving to establish. Maximilian's expropriation of the property of some liberals provoked retaliation. Juárez advocated the seizure of the land of apostate liberals not only as a war measure but because:

Now is the opportunity by which is destroyed the monopoly that these men have of immense lands with prejudice to the agriculture and the peoples of this state. Those lands will be able to be sold at equitable prices and their products employed in the maintenance of our forces or in giving some reward to our chiefs who sustain the national cause so valiantly.<sup>123</sup>

Juárez also had an astounding, unshakeable confidence in the ultimate victory of the Liberal forces. As the end of the American Civil War approached, the sturdy Zapotec proclaimed his confidence in Mexican self-determination, in somewhat more colorful language. "Soon," he said, "the fire will assume colossal forms, and we shall see whether Maximilian is

<sup>122</sup>Percy Falcke Martin, F.R.G.S., Maximilian in Mexico (London: Constable & Co., Ltd., 1914), pp. 80-81.

<sup>123</sup>Prida Santacilia, Siguiendo la vida de Juárez, p. 217.  
SPAN. ORIG. "Ahora es la oportunidad de que se destruya el monopolio que esos hombres tienen de inmensos terrenos con perjuicio de la agricultura y de los pueblos de ese Estado. Eso terrenos podrán venderse a precios equitativos y emplear sus productos en el mantenimiento de nuestras fuerzas, a darse algun lote a nuestros jefes que con tanta constancia sostienen la causa nacional."

capable of smothering it."<sup>124</sup>

Did the French recognize the dynamic nature of the force they were contending with? To a degree the answer was yes. Napoleon himself characterized the Reform as a radical social change,<sup>125</sup> but failed to reckon correctly its full strength. He consoled himself with the thought that he fought for the Church of Rome and her privileges and closed his eyes to all possible consequences.<sup>126</sup> In 1865, when General Bazaine had lost the confidence of Napoleon and found himself beset with troubles in Mexico, an obscure observer, Victor Considérant, whispered over the American border the revolutionary measures necessary to save Mexico for France:

If you want an army, a government, and a people in Mexico, you must suppress peonage. If the Emperor Maximilian wishes to remain in Mexico, he MUST suppress peonage. This is the condition SINE QUA NON. Mind you, I do not say that on this condition he will remain; but I do say that it is the obligatory condition to have a choice of staying, and that if, having done this, he is compelled to leave, he will leave at least with honor and will have carved himself a great name in history.<sup>127</sup>

And then Considérant, this mysterious advisor, went on to indirectly recognize the greatness of Juárez:

Juárez is an Indian, and it would be absurd to deny that he has proved himself an energetic representative of modern ideas and laws in Mexico. But has he achieved this Reform, which of all Reforms seemed to belong to him above all men? That he favored it, IN PETTO, I have no doubt. (But Liberal rottenness proved itself in not daring to slay the beast and it was) . . . nonetheless true that Juárez committed his capital error by compromising with the crime of his party.<sup>128</sup>

<sup>124</sup>Roeder, II, 600.

<sup>125</sup>Genaro Garcia, Juárez: refutación a Don Francisco Bulnes (Mexico: Librería de la V<sup>da</sup> de Ch. Bouret, 1904), p. 11.

<sup>126</sup>Martin, p. 47.

<sup>127</sup>Roeder, II, 630.

<sup>128</sup>Ibid., pp. 630-31.

No, perhaps Juárez had not completely abolished peonage. But he had made a start, and in keeping with his social philosophy, after the hard years had passed, he was to make another--this time against the temperament of the times and against public and Congressional opinion in Mexico. And meanwhile the days rolled on. Neither Bazaine nor Maximilian heeded the whispered advice from the unknown savant across the Rio Grande. Maximilian fell and was executed in 1867. And Juárez once more entered Mexico City, as he had left, proclaiming the keystone of his foreign policy--El derecho del ajeno es la paz.

The Constitution of 1857 envisaged an all-powerful legislature and a weak executive. In 1867, faced with the enormous task of reconstituting the economy and society of the country, Juárez attempted to attain constitutional sanction for a strong executive. On August 14, 1867, with the issuance of the call for new elections Juárez again gave the clergy the right to vote and sit in Congress, eliminated the residence requirement for deputies, and proposed five changes to the Constitution. These new amendments would establish a Senate, give the President a two-thirds Senate-supported veto power, permit, in principle, all executive reports to the Congress to be in writing, limit the right of Congress' permanent deputation to call special sessions, and determine the presidential succession beyond the President of the Supreme Court. Approval of these amendments would be subject, not to constitutional procedure which Juárez thought too slow, but to popular referendum.<sup>129</sup> Congress and the press reacted violently to these measures. They failed, but it showed once again that Juárez regarded the Constitution only as a means and not an end

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<sup>129</sup> Scholes, pp. 118-19.

in his drive to achieve the perfect secular society. This crystallized even more clearly subsequently when Juárez intervened several times in state affairs, often outside constitutional sanction, reestablished the supposedly independent judicial system, and pushed through some laws suspending some of the individual guarantees.<sup>130</sup>

Amid acrimonious criticism Juárez continued his campaign to reform Mexican society. In economics, the government appeared willing to use its power to base a sound society. Minister of the Treasury Romero formulated an economic development plan based on tariff and tax reform and the removal of mining restrictions.<sup>131</sup> While Romero's program failed to squarely face the social issue it represented an attempt to do it indirectly by revising the tax laws. In defending his proposals in Congress, Romero stated:

The government cannot, without attacking the sacred right of property, limit the extent of land which any single proprietor may possess; but it does have a great interest in trying, since the good of society so demands, to secure the cultivation and exploitation of all such property, as is susceptible of this improvement.<sup>132</sup>

Interestingly enough, after all the Congressional diatribes leveled against Juárez, one year later Romero was again repeating his recommendations since Congress had taken no action.<sup>133</sup>

Faced with the impasse in Congress, Juárez again resorted to the small way, ordering the ayuntamientos, or town councils, to invite porters, water carriers, and wagoners to give shares for schools for themselves and their

<sup>130</sup>Ibid., p. 129. Also Callcott, p. 80. Also Daniel Cosío Villegas, La Constitución de 1857 y sus críticos (Mexico: Edit. Hermes, 1957), p. 159.

<sup>131</sup>Scholes, p. 143.

<sup>132</sup>Roeder, II, p. 702.

<sup>133</sup>Ibid.

sons, introducing legislation looking toward the abolition of capital punishment, and establishing a bank of help for laborers and poor artisans.<sup>134</sup>

Juárez died in 1872. In assessing his life Roeder stated that he gave the country what it needed--sound management--but could not give it what it craved--the solution of post war difficulties without the patience and the perservance to overcome them.<sup>135</sup> But Juárez gave the country much more than that. He gave the people a philosophy by which to shape their destiny. This philosophy, based on the moral authority of the state was complete. It demanded total surrender, and its precepts extended to both domestic and foreign affairs.

The influence of Juárez as president and thinker has been examined in this chapter. The next chapter will examine his role as statesman, and the way he brought his total philoeophy into play in his external relations, and more particularly in his relations with the United States.

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<sup>134</sup>Prida Santacilia, Así fué Juárez: su vida en láminas, p. 161.

<sup>135</sup>Roeder, II, 707.

### CHAPTER III

#### JUÁREZ'S PHILOSOPHY IN THE INTERNATIONAL ARENA

##### A Consideration of Juárez's Political and Social Thought as Expressed in his Relations with the United States

Mexican-American relations since independence had generally followed a series of ups and downs, depending upon the season and the protagonists in power. In 1850 the relations were very much down. The American territorial grab after the Mexican War had heightened Mexico's xenophobic spirit and had left her with a deep distrust of American motives. This continuing inclination toward suspicion, even after 1850, did not lack foundation. On the American side of the Rio Grande, the pressures of slavery and the need for more cotton land caused many Dixicrats to turn covetous eyes southward. In 1853 James Gadsden left for Mexico with instructions to secure the better part of the states of Tamaulipas, Nueva Leon, Coahuila, Chihuahua, Sonora, and all of Baja California. He failed, but that did not deter determined Americans. Congressional noises then intimated a policy of peaceful penetration. Railroads on Mexico's northern and southern frontiers would animate the people with Americana in all facets of their lives. The absorption of Americana would result in a relaxation of the opposition, and the question of relations would degenerate into one of friendly calculation.<sup>136</sup>

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<sup>136</sup>Ibid., I, 176, 178.

After Gadsden's failure relations rocked along as usual, with the requisite number of incidents dedicated to keeping the caldron heated. From 1854 to 1856 while the Liberals were revolting, winning, and consolidating their power, no opportunity for another territorial grab presented itself. And then in 1856 a new minister, John Forsyth, went to Mexico with a slightly modified version of Gadsden's instructions. At first he did not appear to push vigorously for an immediate settlement of the American claims, but devoted his time to a study of the local situation and the policies of the Alvarez government.

While Forsyth was studying the situation in Mexico with a view to its exploitation, presidential elections were coming up on the other side of the Rio Grande. And in 1856 the platform of the Democratic Party shrieked belligerence. Buchanan and his future Secretary of State Lewis Cass expressed their dissatisfaction at the amount of territory acquired or taken from Mexico in 1848 and 1853. Obviously it should have been more. And as for the outrages committed against American citizens in Mexican territory, that was just too much. Such criminal injustices cried out for intervention. Forgotten in the hue and cry preceding the balloting were the frequent and unpunished outrages perpetrated against Mexicans in California and in the New Mexican Territories.<sup>137</sup>

With the conclusion of the Mexican survey, the Minister of the United States came to certain conclusions. Certain visionary Mexican Liberals were most anxious to conclude a treaty with the United States in order to counter-balance the forces hindering the development of Mexico--the Church and the army. This idea was perhaps chimerical at present, but it

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<sup>137</sup>Gruening, p. 556.

offered fascinating possibilities for the future. If this treaty, which made Mexico a virtual protectorate of the United States, could be effected, might it not provide the United States with an opportunity to enjoy the fruits of annexation without its attendant responsibilities and avert the danger of introducing into its enlightened electorate the ignorant Mexican masses?<sup>138</sup> Then too the Mexican Liberal government had evidenced a favorable disposition toward the settlement of outstanding issues. Lerdo de Tejada had indicated in an interview that he regarded Mexico as the natural ally of the United States and did not partake of the vulgar prejudice prevalent throughout Latin America that the United States followed only a policy of territorial aggrandizement. He saw the American government as a staunch promoter of human rights, aiming more for the conquest of ideas than for the conquest of arms.<sup>139</sup> Taking advantage of the friendly inclinations of the Comonfort government, Forsyth undertook to negotiate and sign in February, 1857, four treaties: a reciprocity treaty, a postal treaty, a claims convention, and a treaty of commerce and loans.<sup>140</sup> The last of these four documents was a direct outgrowth of Forsyth's analysis of the Mexican situation and represented a radical departure from accepted United States foreign policy. As such it is worth examining in greater detail.

As a result of his study, Forsyth thought that current Mexican opinion unalterably opposed any idea of territorial cession. Therefore he proposed to the Mexican government an ingenious way around the adverse public

<sup>138</sup>William R. Manning (ed.), Inter-American Affairs, 1831-1860, Vol. IX: Diplomatic Correspondence of the United States (12 vols.; Washington: Carnegie Endowment for International Peace, 1932-1939), pp. 855-56.

<sup>139</sup>*Ibid.*, p. 874.

<sup>140</sup>Edgar Turlington, Mexico and Her Foreign Creditors (New York: Columbia University Press, 1930), p. 106.

opinion through the negotiation of a loan in the form of a floating mortgage on land which the United States with Mexican consent would eventually foreclose.<sup>141</sup> This proposed loan ran to \$15,000,000. Of this sum \$8,000,000 would be immediately made available to Mexico in anticipation of the customs revenues. It would not be subject to repayment by the Mexican Government, but would form the basis for a twenty per cent reduction in import-export duties for American goods. The remaining \$7,000,000 would settle the American claims against Mexico and would liquidate the English convention debt. This sum would be repaid at four per cent interest and thirteen per cent of the Mexican customs revenue.<sup>142</sup>

In February, 1857, Secretary of State William Marcy laid the treaties before President Franklin Pierce who immediately discerned the momentous consequences to American foreign policy which underlay its provisions. And to these potential shifts he had some very "weighty objections."<sup>143</sup>

The United States government changed hands in March. But the new policy makers were no more susceptible to Forsyth's projects than were the old. Although Buchanan avidly coveted Mexican territory and was willing to play on Mexican financial difficulties in order to attain it, he strenuously opposed Forsyth's scheme for buying commercial privileges with government funds. Both Presidents refused even to submit the treaties to Congress. Stymied, Forsyth attempted to justify his conduct. In a dispatch of April 24, 1857, he argued that it was in the true interest of the United States to see that Mexico was wisely and firmly governed, independent of undue European influence, and, through the strengthening

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<sup>141</sup>F.S.Dunn, The Diplomatic Protection of Americans in Mexico (2 vols.; New York: Columbia University Press, 1933), II, 78.

<sup>142</sup>Turlington, pp. 106-107.

<sup>143</sup>Ibid., p. 108.

of political and commercial relations with the United States, ultimately elevated into the position of a good, useful, and friendly neighbor. Although he was aware of the insatiable appetite for Mexican territory currently existing in the United States, he was sure that it was not the government's desire to satisfy it at the expense of the honor, dignity, and justice of the country. He cited the political advantages for the commercial interests of the North, but most important of all he stressed the need for a definite United States policy toward Mexico in the light of Mexican weakness and her need to lean on someone.<sup>144</sup> Forsyth stated that:

What Mexico wants is a firm and good master to hold her destinies in his hands and save her from herself. Mexico can not furnish such a master and may welcome one from abroad. It is high time for the United States to take present means to provide for her future stake in the destinies of this country.<sup>145</sup>

This could not be done, however, by territorial annexation, despite all instructions to the contrary urged by Buchanan. In November, 1857, when Cass reproved Forsyth for not pressing the point, the latter pleaded as an excuse the certainty of an official rebuff. As for the proposal to establish a United States protectorate, put forward by Senator Sam Houston, from Texas, significantly enough Forsyth doubted the wisdom of selecting Juárez as chief, but recommended Lerdo de Tejada as the latter was resigned to the idea.<sup>146</sup>

Such was the diplomatic situation when the Liberals split toward support of either the Zuloaga or the Juárez regimes in early 1858. This split forced the diplomatic community to choose. The United States,

<sup>144</sup>Manning, pp. 905, 908.

<sup>145</sup>James Morton Callahan, American Foreign Policy in Mexican Relations (New York: The Macmillan Co., 1932), p. 247.

<sup>146</sup>Ibid., pp. 251, 255.

following its previous practice of inclining toward the faction having control of the capital, recognized Zuloaga. Nevertheless, it did not do so without scruples. In January, 1858, Forsyth wrote Cass that, although the other diplomats had early recognized Zuloaga, he had had to struggle with his natural sympathies in favor of a party professing to stand on constitutional government and the consent of the nation. At that time he had had only hearsay intelligence of the existence of the Juárez government. If, on the other hand, the Juárez government had submitted to him its constitutional organization and requested recognition, the case would have been different.<sup>147</sup>

In accordance with instructions Forsyth immediately renewed his attempts to secure a treaty of cession. Zuloaga agreed to remove the one cabinet member opposed to the project, but suddenly reneged and announced a capital tax on both native and foreign property owners that was tantamount to a forced loan. The infuriated Forsyth protested on the grounds that in another state a citizen's property as well as his person was under the protection of his government and asked for his passports.<sup>148</sup> He did not leave, however, without one final cynical comment on Mexican government in general. He wrote:

My experience has taught me that all parties and all changing governments in Mexico are so much alike, that I do not believe that whatever Mexican policy our government may see proper to adopt should be varied in its essentials, whether Conservatives or Liberals are in power. The only difference should be in the manner of insisting upon it. If the present government should stand, nothing but force would accomplish the purpose . . . In either case, determination is indispensable.<sup>149</sup>

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<sup>147</sup>Stuart A. MacCorkle, American Policy of Recognition towards Mexico (Baltimore: Johns Hopkins Press, 1933), p. 48.

<sup>148</sup>Dunn, II, 125.

<sup>149</sup>Roeder, I, 182.

In 1858 Forsyth was right in his assertion of the sameness of the factions in Mexico. Three, two, or even perhaps one year later he would have been wrong. For between the period he wrote and the end of the War of the Reform, one of the Mexican factions began conducting its international relations differently. It began conducting them in terms of a moral authority. The development was at first slow and hesitant perhaps, but it was there and it reached full bloom in the period from 1861-1867.

Before Forsyth left Mexico, he noted one other significant detail of the Mexican scene—a detail which framed Juárezian diplomacy both during the civil war and the French intervention and provided a strong justification for some of the most severely criticized aspects of Juárez's foreign policy. In a note of March 1, 1858, Forsyth opined that "Procrastination is, at once, the genius and the bane of Mexican diplomacy."<sup>150</sup> Not a particularly brilliant statement perhaps, but it was one that would go far to explain United States-Mexican relations in the next ten years.

With the breaking of relations in 1858, Buchanan went on the rampage. In a Congressional address in July he declared that if Zuloaga prevailed all hope for a peaceful settlement of disputes would expire. There was hope that the Juárez regime would prove more friendly. In the absence of this consideration, however, he would have recommended immediate possession of Mexican territory until the desired redress was forthcoming. As it was, he asked Congress for the authority to take over Northern Sonora and Chihuahua. Congress refused his request.<sup>151</sup> Subsequent messages urged the necessity of a military force to protect American citizens traversing the Isthmus of

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<sup>150</sup>Manning, p. 970.

<sup>151</sup>Dunn, II, 84.

Tehuantepec and to obtain "indemnity for the past and security for the future,"<sup>152</sup> but to no avail. In the face of the bitterly intense sectionalism preceding the Civil War, the legislative branch remained adamant. There would be no military forces for Mexico.

Despite Congressional balkiness something had to be done with respect to Mexico. So Buchanan decided to send a special agent to prepare an impartial investigation of the situation. The man selected was William M. Churchwell. In Mexico Churchwell decided that the Constitutional or Liberal Party represented man's capability for self-government. As for Juárez, he characterized him in a rather contradictory statement. Juárez, he declared, had a voice in his council and a respectful audience, but possessed little influence over his ministers. This comment appeared rather unusual since the respect of his audience would seem to imply some influence for Juárez. Despite this limiting factor, Churchwell concluded that the United States had no alternative but to recognize the Juárez government.<sup>153</sup>

In addition his report set the tone of things to come:

The present condition of affairs in Mexico affords the best and it may be the last opportunity which will ever be presented to the United States to form a Treaty with this Republic that will secure to them not only the sovereignty over a country which recent disclosures and the most authoritative accounts respecting its soil and mineral resources represent as being even more valuable than upper California . . . The occasion is one which should be improved without the intermission of a single hour of unnecessary delay.<sup>154</sup>

Meanwhile Cass, in writing to Churchwell in December, 1858, noted that the Liberal Party enjoyed United States sympathy. The American government

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<sup>152</sup>Callahan, p. 259.

<sup>153</sup>Manning, pp. 1025, 1030.

<sup>154</sup>Ibid., pp. 1028, 1030.

was prepared to give the Liberals the moral support resulting from recognition whenever such appeared desirable according to the usual policy followed in these matters.<sup>155</sup>

Thus matters stood at the end of 1858. In March of the following year, Buchanan commissioned Robert M. McLane as minister to Mexico with discretionary powers to recognize the government in general control of the country--preferably Juárez--without regard to the rightness of its existence but only to the fact. The Department of State favored the Juárez regime not only because it took a constitutional form, but also because its general views entertained more friendly sentiments toward the United States. The Department could not, however, directly intervene in its behalf without violating a cardinal tenet of its foreign policy.<sup>156</sup> Nevertheless, it was intimated that certain discrepancies could be overlooked.

Almost immediately after arriving in Mexico, McLane extended de facto recognition to the Juárez government and began to lay the groundwork for the negotiation of a treaty of commerce and limits. His precipitous action, however, caused him some rather grave scruples. In justifying it to the State Department, he noted the special considerations present in the country which demanded the prompt acceptance of some government. It was his considered opinion that only the Juárez faction offered any of the substantial elements of a de facto government or a reasonable etability.<sup>157</sup>

What had been Juárez's considerations in viewing and reviewing these actions of the United States? Had he made any requests for support, moral or otherwise?

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<sup>155</sup>MacCorkle, p. 50.

<sup>156</sup>Ibid., pp. 51-52.

<sup>157</sup>Ibid., p. 53.

Early in 1858 the Constitutional Party bid for the support of the Americans north of Rio Grande. A discouraging reply informed them that while sympathy for the Liberal cause existed in the United States, it was non-negotiable without recognition.<sup>158</sup> Consequently Juárez sent José Maria Mata to Washington to represent the Constitutionals. Mata arrived in Washington just about the time that the Buchanan administration was breaking relations with the Zuloaga government and succeeded in meeting with President Buchanan. The latter manifested great sympathy toward the Mexican republican cause and asked Mata to translate the Constitution of 1857, especially those portions relating to the presidency and the electoral law. Subsequently Mata interviewed Secretary Cass who, although assuring him of his good dispositions in behalf of Mexico, refused to intervene in what he considered strictly Mexican affairs. Extra-governmentally, however, Washington sentiment favored the Liberals. One George Fisher found people ready to donate the war materials necessary for the continuance of the Mexican crusade. And one of Mata's compatriots conducted a troop raising campaign which, it appeared, had never been authorized by Juárez.<sup>159</sup>

The unauthorized troop raising conducted by Vidaurri served to illustrate a cardinal aspect of Juárez's foreign politics that would recur again and again over the next ten years. Ostensibly, it could be charged the Juárez's refusal to employ foreign troops stemmed from his fear of a potential threat to his own power or to a xenophobic distrust.

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<sup>158</sup>Roeder, I, 175.

<sup>159</sup>Fernando Ocaranza, Juárez y sus amigos (Mexico: Editorial Polis, 1939), pp. 127-28, 130-31.

Actually his refusal, or more properly his later acceptance of the practice only under the strictest qualifications, derived from his social concept of authority and the Mexican nationality. From his surrender to the moral authority of the state, the Mexican derived certain privileges and also incurred certain obligations that were intimately connected with one another. The incursion of foreign mercenaries into the Mexican scene would break the totality of identity between the Mexican and the cause. For while the foreigner could integrate into the Mexican scene militarily, he could never, by virtue of his foreignness and his natural inclination toward a short term military victory, fully realize the urgency and the vitality of the cause for which he was fighting. He could not share the poverty of the Mexican private without complaint. Thus it was that Juárez noted frequently in his letters the fact that only under the most severe restrictions, such as supplying their own monetary resources, could foreigners be employed.

Mata, as Mexican representative, was quite amenable to binding the two republics on the North American continent together in a treaty of friendship, but with reservations. He saw a treaty as advantageous in forcing the United States to guarantee Mexican sovereignty and ending the filibustering spirit. The future interests of Mexico required that she adopt a liberal enough course to satisfy the reciprocal interests of both countries. Fitting it was, Mata thought, that the Liberals initiate this new policy which would not only save the nation but which also followed directly from enunciated Liberal principles. Nevertheless, Mata winced when confronted with the preliminary American negotiable points. Buchanan's desire for more territory, the question of right of way over the Tehuantepec Isthmus, and the pressure for the settlement of claims

fostered uneasiness.<sup>160</sup>

Juárez devoted six months to the examination of Buchanan's proposals with the consideration due to a proposition that tied the permanence or transience of the Liberal cause to Forsyth, Buchanan, Benjamin, and Le Suceur. The interacting connection between the American President's recommendations hammerlocked Juárez in a tangle of conflicting claims.<sup>161</sup> Mexican reaction was mixed. Prieto surmised that ". . . the Yankees were merely looking for the best market!"<sup>162</sup>

Juárez, however, could not afford, in view of the Liberals' extremely exposed position, to reject out of hand the American offer. And so began the policy of procrastination, to negotiate until it was no longer possible, to temporize, but to give up nothing that would injure the present or future sovereignty of Mexico.

Churchwell in his stumping tour of conversations with Mexican liberals had persuaded them to indicate their willingness to negotiate affirmatively on such points as the cession of Baja California, rights of way from the Gulf of California to the Rio Grande and across the Isthmus of Tehuantepec, the settlement of claims by a board of joint commissioners, trade reciprocity and the abolition of transit duties, and the consideration for the United States of most-favored nation status.<sup>163</sup>

Treaty negotiations between McLane and the Mexican foreign minister, Melchor Ocampo, began in the early spring of 1859, with the latter evidencing considerable uneasiness concerning several of the proposed bargaining points,

<sup>160</sup>Ibid., p. 127.

<sup>161</sup>Roeder, I, 182.

<sup>162</sup>Ibid., p. 184.

<sup>163</sup>Scholes, p. 34.

especially the cession of Baja California.<sup>164</sup> To McLane's insistence that the government had compromised itself by promising to cede Baja California, Ocampo stubbornly asserted that it had conceded only a willingness to negotiate. Even Bulnes, one of Juárez's most severe critics, admitted that Juárez had compromised nothing in expressing a willingness to dicker.<sup>165</sup> Despite the foot dragging of Ocampo, however, McLane confidently asserted in April that the question of cession was only a matter of time. He counted mistakenly on the consent of Juárez.<sup>166</sup> By July even the optimistic McLane had concluded that the prospect of a territorial cession looked almost hopeless. But he nevertheless counseled the State Department that if Lerdo de Tejada were refused the loan he was coming to negotiate on the security of the nationalized Church lands, something might be worked out. In late August McLane became certain that Juárez would cede nothing<sup>167</sup>—loan or no loan—and shortly thereafter he left for the United States.

Lerdo returned in October empty handed, and the Liberal government could procrastinate, at least at the negotiation stage, no longer. A combination of factors--the Liberal military defeats, desperate pecuniary needs, the threat of foreign intervention, previous transit and territorial pacts, and intense American diplomatic pressure<sup>168</sup>--forced the adoption of a more conciliatory policy when McLane returned that fall from consultations in Washington.

<sup>164</sup>Callahan, p. 261.

<sup>165</sup>Bulnes, p. 428.

<sup>166</sup>Roeder, I, 197.

<sup>167</sup>Scholes, p. 36.

<sup>168</sup>Agustín Gué Cánovas, El tratado McLane-Ocampo: Juárez, los Estados Unidos y Europa (Mexico: Editorial América Nueva, 1956), p. 196.

The Mexicans argued that the time had come for a disinterested policy of good neighborhood and service to the cause of universal liberty on the part of the American government. In doing this the United States would derive more glorious and ultimately more practical advantages.<sup>169</sup> The United States refused to consider this argument. Ocampo was prevailed upon to insert the "except in the case of sudden emergency" clause, so much damned later, but McLane failed in alienating Mexican sovereignty over the transit routes.<sup>170</sup>

The two ministers initialed the treaty on December 14, 1859, and sent it to their respective governments for ratification. The text of the treaty aroused spirited controversy on both sides of the Rio Grande. Its stipulations granted to the United States perpetual right of way over the Isthmus of Tehuantepec and a free transit for those goods not destined for Mexican consumption. It conceded non-discriminatory duties for foreigners and free closed-bag mail transit for the United States mails. In case of danger troops from the American government could be employed to protect the Isthmus only--and then only on the request or consent of the Mexican government. There was, however, a rather grievous qualification in the case of the last provision, which concerned the "extreme emergency" clause inserted under American pressure in October. This clause authorized, under particularly adverse conditions, the presence of United States troops without Mexican consent. Americans received the freedom to practice their religion in Mexico. Rights of way were also conceded from Guaymas to Nogales and from Monterrey to Mazatlán. Article Seven reserved to the

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<sup>169</sup>Roeder, I, 203.

<sup>170</sup>Callahan, pp. 263, 265.

Mexican government the sovereignty currently possessed over all transit routes mentioned in the treaty, and other articles provided for a loose defensive alliance. In case of danger one regime could ask the help of the other with the petitioning government paying the costs of the subsequent expedition. Mexico, said the treaty, was to receive \$4,000,000, of which \$2,000,000 would be payable immediately on ratification and the other \$2,000,000 applied to United States claims against Mexico.<sup>171</sup>

In his State of the Union Message in December, 1859, Buchanan again asked for the use of military forces for Mexico, not only to insure American interests but also to fulfill the duty of the United States toward Mexico. United States insistence on redress immediately could also restore peace to Mexico. In this mission of peace restoration Buchanan proposed, if possible, to work with the Juárez government. Although internal interference in the affairs of another country had not been an American foreign policy principle, Buchanan made it plain that he regarded Mexico as a special case.<sup>172</sup> The tone of the address, however, illustrated that Juárez's support was doubtful at best.

In transmitting the convention to his government, McLane insisted that he had guaranteed the protection of American interests without the necessity of compromising the independence of Mexico. In seeking the emergency clause it had been with great difficulty that he had induced the Constitutional government to recognize its responsibility to seek United States aid when it was unable to fulfill its treaty commitments. Only by representing that the United States would not act without consent had it been practicable

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<sup>171</sup>Scholes, p. 36. Also Bulnes, pp. 641-42.

<sup>172</sup>Dunn, II, 87.

to insert the controversial section. The mutuality or reciprocity principle prevailing in the convention seemed due to the self-respect of the Mexican government. In McLane's opinion the recent events on the Mexican frontier justified it. In any case it significantly strengthened the convention.<sup>173</sup>

The United States realized the extraordinary nature of the convention and regarded it as legitimate only in that it would prevent serious international complications.<sup>174</sup>

On January 4, 1860, Buchanan submitted the Treaty to the Senate with a recommendation for ratification. The Senate debated it acrimoniously from February to May. In these discussions "the Mexican question was not focused in the plane of foreign politics, but [in the plane] of the domestic problem that dominated it in 1860, and the Treaty was complicated with the burning question of slavery."<sup>175</sup> The Republican Party resolved to prevent this or any other Mexican treaty venture favorable to Southern interests. Thus from the moment that the Treaty signified a badly hidden, potential control over Mexican territory, the Republicans fought ratification with all their strength. Despite the fear of a Southern utilization of any advantages derivable from the Treaty, it was interesting to note that one Texas senator, whose state presumably would have the most to gain from ratification, opposed the document.<sup>176</sup>

The Senate rejected the Treaty in May, 1860, presumably because it opposed the establishment of a protectorate or intervention in Mexico. Actually the vote split was eighteen for and twenty-seven against. And of

<sup>173</sup>Manning, pp. 1141, 1144.

<sup>174</sup>Callahan, p. 270.

<sup>175</sup>Juárez, Epistolario, p. 104.

<sup>176</sup>Bulnes, p. 444.

the eighteen senators favoring the Treaty fourteen hailed from the South. Twenty-three of the senators opposing the ratification came from Northern states, so sectional grievances played a relatively significant part in the Treaty condemnation. This rejection, however, was not finalized as the Treaty proponents provided for its restudy in the following Congressional session.<sup>177</sup>

Mexican reaction to the McLane-Ocampo Treaty was equally violent, but for entirely different reasons. The Conservatives immediately branded it as a clear intention on the part of Juárez to sell the independence and the sovereignty of Mexico to the imperialists of the North. Even many Liberals believed the negotiation of the Treaty had compromised the national dignity, although some regarded anything acceptable which would save the Constitution. The implications were still reverberating two years later in 1861 when José María Aguirre stood to condemn Juárez in the Mexican Congress.<sup>178</sup> Although the charge was speedily rebutted, it nevertheless indicated how deeply sensitive was the Mexican nationality on this vital point.

Some there were, however, who came to the support of the beleaguered Ocampo. Andrés Boscuirra wrote that while the critics ignored, or pretended to ignore the fact, it was nevertheless true that the Treaty, disadvantageous as it appeared, avoided the pretext of United States intervention in case of a theocratic triumph. In the event of a Liberal triumph the Treaty also

<sup>177</sup>Ibid., p. 164. Also Juárez, Epistolario, p. 104.

<sup>178</sup>Foix, p. 111.

SPAN. ORIG. of Aguirre's charge: "Juárez había olvidada el decoro nacional hasta el punto de ponerlo a los pies de los norteamericanos por medio del Tratado McLane-Ocampo, en que se permitía la introducción de las tropas extranjeras al territorio nacional y se autorizaba al Gobierno de Washington para el arreglo de los intereses mexicanos."

skirted the protectorate reef.<sup>179</sup>

The Treaty provisions imposed a time limit of six months for ratification by the respective governments. Thus the Senate proposal to reconsider involved extending the allotted time period, and the Juárez cabinet met to debate the proposal. The subsequent vote showed three for and one against the extension. Into this situation stepped Juárez. Juárez opposed the project. Extension failed.

The American government exerted strong diplomatic pressure on Juárez to reconsider his negative decision, but to no avail. McLane notified Washington that Juárez would persist in his opposition to the McLane-Ocampo Convention, "precisely as he resisted originally the actual conclusion of the same."<sup>180</sup>

How did the negotiation and initialing of the controversial McLane-Ocampo Treaty fit in with the total philosophy of Juárez? Did it represent for him a significant departure from the principles for which he stood in the domestic and the international arena? What exactly did Juárez envisage for Mexico in foreign affairs? And to what extent was this vision in accord with or understood by his neighbors to the North?

Even in the early period of his presidency while fighting desperately against the Conservative faction in the capital, Juárez proclaimed the

<sup>179</sup>Cué Cáncovas, p. 196

SPAN. ORIG. "... pero lo que pretenden ignorar o lo ignoran tal vez ES QUE CON EL TRATADO, DESVENTAJOSO COMO APARECE, EVITAN EL PRETEXTO DE QUE TRIUNFANTE LA REACCION TEOCRATICA MONARQUICA EN MEXICO, SO PRETEXTO DE INCOMPATIBILIDAD DE POLITICA Y DE INDEMNIZACION, LOS YANKEES TOMASEN POSESION DE MEXICO. Aun perdiendo nosotros la acción en la República; aún triunfando los santos allí, EL TRATADO YA AJUSTADO Y PROTECTORADO Y DE LA CONQUISTA."

<sup>180</sup>Roeder, I, 260.

respect and friendship of Mexico for all nations on the basis of perfect reciprocity for the same respect for the Mexican republic. Within that general framework of mutual respect reposed the principle of the absolute separation of all tutelage or foreign intervention for the government and for the nation, a decided opposition to diplomatic meddling in Mexican internal affairs, an energetic determination to counter protectorates or patronages within the nation, and a most firm decision never to compromise a single square inch of national territory.<sup>181</sup>

In 1858 Forsyth wrote that Mexican parties were all alike, and he pinpointed the place of procrastination in Mexican diplomacy. Churchwell prophesied the finality of United States attempts at territorial grabbing. And Churchwell was right. For the resistance of Juárez broke the idea of a government to government treaty that proposed the sale of the national domain.<sup>182</sup> To the offers of money and troops he replied with a "no." Due to the government's exposed position, this represented perhaps a procrastinated "no," but it was nevertheless a real one. Only the Mexicans should fight to conquer usurped liberty, as theirs was both the liberty and the potential loss. Even McLane realized that, to an extent, Juárez had outwitted him. When he realized that it had been the President opposing everything so vehemently, he regretted the support he had given the Liberal government. On the strength of a prospective bargain, Juárez had managed to secure international recognition by the United States. And an ostensible negotiated alliance exhibited a neutralizing effect on foreign intervention in favor of the Conservatives.<sup>183</sup>

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<sup>181</sup>Castillo, pp. 132-33.

<sup>182</sup>Foix, p. 112.

<sup>183</sup>Roeder, I, 260-62.

But what about the Treaty? Did it involve the destruction of Mexican sovereignty? In this connection it should be noted that both the transit privileges across Tehuantepec and the free passage of mail represented a continuum and not a new policy. The trade provision was concluded on the basis of perfect reciprocity in line with Juarista principles, as were the defense obligations in the accompanying convention. The damning clause concerned the "extreme emergency" provision. Obviously the article did not involve the surrender of national territory. It presented though, in the long run, a potential threat to the sovereignty of Mexico. Thus Juárez opposed the Treaty and was instrumental in killing its ratification.

While there was no reason to assume that the negotiation of the Treaty was conducted in bad faith by the Juárez government, Juárez, nevertheless recognized that the external circumstances hardly favored the conclusion of a totally equitable treaty. However in line with his concept of friendship and respect for all nations based on the reciprocity principle, he was willing to try. But the advantages of the concluded Treaty, however great, did not completely fit Juárez's concept of his obligation as moral leader of the Mexican state, and he rejected the compromise with principle, in spite of a potential threat from the United States.

Pronouncements from the United States perhaps indicated the validity of Juárez's position. Buchanan indicated that the Senate, by the rejection of the Treaty, manifested its desire to let Mexico handle its internal affairs. Although the United States Chief Executive still worried about the possibility of European intervention south of the Rio Grande and the duty of

the American government in regard to its southern neighbor,<sup>184</sup> the talk of annexation began a rapidly accelerating process of decay.

H. R. La Reintrie, sent by Buchanan to Mexico in 1860, declared that in the case of European intervention America would "to the extent of its power defend the nationality and independence of said Republic."<sup>185</sup> This defence would perhaps stem from selfish motives also, but as the statement came after the Treaty rejection by the Juárez government, it perhaps indicated the beginning of a new respect for the neighbor below the Rio Grande.

Buchanan's phobia on the imminence of foreign intervention from Europe was not unjustified. In 1861 the menace increased with each passing month. But strangely enough with the intensification of the hazard, Mexico also found itself "courted" for the first time in its history. In April, 1861, the new Secretary of State William Seward dispatched Thomas Corwin to Mexico City as minister from the United States government. The appointment was a judicious one and presaged a new deal in Mexican-American relations. For with the Lincoln administration imperialist history came to be recognized as a sectional rather than a national United States interest.<sup>186</sup>

Corwin had championed Mexican rights against Southern aggression, and he sympathized with their interests. Even on the question of territorial cession he was considerably more moderate than any of his prede-

<sup>184</sup>Bulnes, p. 464.

Here Buchanan warned Europe: "It is a duty which we owe to ourselves to protect the integrity of Mexico's territory against the hostile interference of any other power. . . . Our geographical position, our direct interest in all that concerns Mexico, and our settled policy in regard to the North American continent render this an indispensable duty." See Dexter Perkins, A History of the Monroe Doctrine (Boston: Little, Brown & Co., 1941), p. 114.

<sup>185</sup>Callahan, p. 274.

<sup>186</sup>Roeder, I, 350.

cessors. And as for diplomatic meddling, he stated:

I should not desire either to intermeddle in their concerns or add any of their territory to ours, except, perhaps, Lower California, which may become indispensable to our Pacific possessions . . . .<sup>187</sup>

This concern with Lower California however resulted primarily from a fear that it might fall into the hands of the Confederate forces. And interestingly enough also, the United States attitude toward the Mexican government had significantly changed since Forsyth wrote in 1858, even with the rejection of the McLane-Ocampo Treaty. Corwin's writing shows this:

I cannot find in this Republic any men of any party better qualified, in my judgment, for the task than those in power; if they cannot save her, then I am quite sure that she is to be the prey of some foreign Power, and they, I fear, cannot without OUR AID, I say OUR AID, because she will look in vain for help elsewhere.<sup>188</sup>

As subsequent events proved, Corwin greatly underestimated the ability of the Mexican leaders to survive without material aid from the United States. But his remarks indicated a growing respect for the leaders of the Mexican government that had not figured in Mexican-American relations prior to this period. And although the circumstances fostered by the Civil War undoubtedly affected this change in attitude, it perhaps also flowed from at least a partially increased awareness that Juarista foreign policy operated on principle as well as pragmatism. For between 1858 and 1862 Juárez had resisted intense American pressure for a treaty of cession and had rejected a transit treaty that represented not necessarily a present, but only a potential and future threat to Mexican sovereignty. He had showed a willingness to accede to all reasonable financial demands leveled by

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<sup>187</sup>Ibid., p. 351.

<sup>188</sup>Ibid., pp. 351-52.

Mexico's creditor governments. Early in 1862 he allowed the intervention troops refuge from the yellow fever--always on the principle of reciprocal trust. He succeeded in lessening, at least on the part of the United States, diplomatic meddling in Mexican affairs by refusing its influence.

In other ways also, the new foreign policy of Juárez, based on the state as a moral authority interacting with other states on a basis of mutual trust and reciprocity, operated favorably for Mexico. On May 21, 1861, Corwin received a note from the Secretary of State in Washington ordering him to strictly abstain from all intervention in factional struggles or political-religious opinions existing in Mexico.<sup>189</sup> In other words it evidently would no longer be United States policy to treat with whichever faction offered the greater advantages to American interests. This represented a significant victory for Juárez. In 1858, Zuloaga's resort to a forced loan affected American property and precipitated an immediate rupture in diplomatic relations. In November, 1861, Juárez's espousal of the same tactics was approved by the American Secretary of State. Seward declined to second Corwin's protest of illegality and wrote that the United States government desired to see the Juárez regime sustain itself through the crisis.<sup>190</sup>

In 1861 as the situation in Mexico steadily went from bad to worse, as far as the prospect of European intervention was concerned, Seward and Corwin began to consider ways of relieving the Mexican financial difficulties. On June 29, 1861, Corwin proposed to Seward the negotiation of a treaty paying \$5,000,000 to the Mexican government, and an additional

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<sup>189</sup>Castillo, p. 147.

<sup>190</sup>Dunn, II, 130.

\$10,000,000 to keep the regime going. Under the circumstances, however, the sale of territory was to be only a last resort<sup>191</sup>—a statement that again reflected a significant change in attitude on the part of the United States. Security for the loan could better be secured perhaps by a negotiated fifty per cent tariff reduction for American goods. Two months later Corwin informed Seward of Mexican acceptance of the tariff reduction on a five-ten year basis.<sup>192</sup>

Seward approved the proposed bargaining in September with a very important variation. The United States would undertake to assume the interest on the Mexican debt for five years, but the security Seward preferred would give a lien on the public lands and mineral resources in Baja California, Sonora, and Chihuahua. In default of payment such resources would in six years revert to the United States.<sup>193</sup> This proposal aroused stiff opposition both in Washington and in Europe, but Seward nevertheless instructed Corwin to complete the draft. In October Corwin indicated Mexican acceptance of two loans pledging the public lands as security. As the treaty draft, however, was not even completed until November,<sup>194</sup> this in no way implied an official commitment on the part of the Juárez government.

The conclusion of the London Convention, signed by England, France, and Spain which agreed to joint intervention in Mexico, increased the apprehension of Lincoln and Seward over the future of Mexican political independence. Both men considered the treaty so important to the fate of

<sup>191</sup>Turlington, p. 133.

<sup>192</sup>Ibid., pp. 133, 146.

<sup>193</sup>MacCorkle, p. 55. Also Scholes, p. 78.

<sup>194</sup>Turlington, p. 143. Also F.L. Owsley, King Cotton Diplomacy: Foreign Relations of the Confederate States of America (Chicago: n.p. 1931), p. 117.

Mexico that on December 17, 1861, Lincoln submitted the draft copy to the Senate with a request for an advisory opinion. Senate opposition separated into three groups: those who apprehended a future annexation of Mexican territory, those who considered it derogatory to the honor of the United States to discuss the fate of Mexico with foreign nations (England, France, and Spain), and those who regarded a Mexican subsidy as prejudicial to United States credit.<sup>195</sup> In January Lincoln addressed Congress, requesting an immediate decision so that Corwin could act in a way that "while it will most carefully guard the interests of our country, will at the same time be most beneficial to Mexico."<sup>196</sup> Nevertheless the Senate opposition carried the day. On February 25, it disavowed the advisability of negotiating any treaty providing for the assumption of the Mexican foreign debt.

The Senate resolution resulted in a modification of Corwin's essential instructions. These however failed to reach Mexico until quite late. Corwin meanwhile had concluded a convention providing for a loan which was supposedly ratified and/or approved by the Juárez government. The outbreak of hostilities, however, considerably altered the advancement of a loan as this would endanger the neutral status of the United States. In May Seward relayed to Corwin the decision to hold up the convention, as it was inexpedient, due to complications in both Mexican and American affairs to push for immediate ratification. Despite this, the support of Mexican independence appeared so vital that on June 23 Lincoln laid two concluded treaties before the Senate together with the correspondence pertaining thereto and requested their advice on a subject whose importance could not

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<sup>195</sup>Turlington, p. 150.

<sup>196</sup>Roy P. Basler (ed.), The Collected Works of Abraham Lincoln (8 vols.; New Brunswick, N. J.: Rutgers University Press, 1953), V, 109.

be over estimated. But despite administration pleading, the Senate tabled the convention on July 14, 1862.<sup>197</sup> This ended official American governmental efforts to financially sustain the Juárez regime.

The failure of the protracted financial aid negotiations did not necessarily mean that the United States had played a dallying game and now found itself disposed to abandon Mexico to her fate. Indications to the contrary dated back to the fall of 1861.

Shortly after the conclusion of the London Convention the three signatories issued a partnership invitation to the United States. To this overture Seward replied that such a venture ran contrary to the traditional policy of the United States. In addition, Mexico, as a neighbor " . . . possessing a form of government similar to our own in many of its important features,"<sup>198</sup> was entitled to some measure of patience and indulgence in carrying out its foreign financial obligations. A few months later in December, 1861, at a time when Northern prospects appeared rather dim, Seward went a bit further and warned the Europeans against subverting Mexican institutions:

The United States have a deep interest which, however, they are happy to believe is an interest held by them in common with the high contracting parties [at the London Convention] and with all other civilized states, that neither the sovereigns by whom the convention has been concluded shall seek or obtain any acquisition of territory or any advantages peculiar to itself, and not left equally open to the United States and every other civilized state within the territories of Mexico, and especially that neither one nor all of the contracting parties shall, as a result or consequence of hostilities to be inaugurated under the convention, exercise in the subsequent affairs of Mexico any influence of a character to impair the right of the Mexican people to

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<sup>197</sup>Turlington, pp. 150-51. Also Basler, V, 281.

<sup>198</sup>Perkins, p. 125.

choose and freely to constitute the form of its government.<sup>199</sup>

He anticipated, he told Romero, an Allied quarrel that would remove the sting from the plan's far-reaching potential. With the passage of time, however, and despite Seward's correct prophecy of an Allied break, this potential increased markedly. The relative position of the Union vis-à-vis the Confederacy limited effective action by the United States government, but the Lincoln administration, nevertheless, felt bound to clarify its policy. In March, 1862, Seward instructed the American Minister in Paris that:

The President deems it his duty to express to the allies, in all candor and frankness, the opinion that no monarchical government which could be founded in Mexico, in the presence of foreign navies and armies in the waters and upon the soil of Mexico, would have any prospect of security or permanency. Secondly, that the instability of such a monarchy there would be enhanced if the throne should be assigned to any person not of Mexican nativity. That under such circumstances the new government must speedily fall unless it could draw into its support European alliances, which, relating back to the present invasion, would, in fact, make it the beginning of a permanent policy of armed European monarchical intervention injurious and practically hostile to the most general system of government on the continent of America. . . . In such a case it is not to be doubted that the permanent interests and sympathies of this country would be with the other American republics. It is not intended on this occasion to predict the course of events which might happen as a consequence of the proceeding contemplated, either on this continent or in Europe. It is sufficient to say that, in the President's opinion, the emancipation of this continent from European control has been the principal feature of its history during the last century.<sup>200</sup>

This opinion also extended to the majority of the Americans---a fact which Seward was later to emphasize most explicitly.

In other ways also the North indicated its approval of the Juarista cause. After Seward's rebuke for his action on the forced loan issue in

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<sup>199</sup>Ibid.

<sup>200</sup>Ibid., p. 126.

November, 1861, Corwin carefully approved Juárez's two per cent property tax on both Mexicans and foreigners. In May, 1862, Seward instructed Corwin that with the outbreak of French-Mexican hostilities the former government might attempt to inaugurate a new system in Mexico. In such a case, it was not in the United States interest to hastily recognize revolutionary changes, nor was it always safe to judge that a new government would be permanent and satisfactory to the people.<sup>201</sup>

How did Juárez react to events in 1861 and 1862? Did he espouse his enunciated principles of reciprocal justice among nations in his international dealings, and more particularly in his relations with the United States? What of the Confederate minister in Mexico? And did not the "approval" of the Corwin Treaty encourage the demise of national sovereignty? Was he thus willing to negotiate a loan on any terms to obtain the money that was needed so desperately? Was it true, as Hulnes and others charged, that Juárez proposed to the United States the surrender of Mexican territory and was ready to submit Mexico to United States domination to gain his ends? Did he not commission Romero to secure an American army?<sup>202</sup>

On August 1, 1861, Lincoln submitted to the United States Senate a postal convention for consideration with a view to ratification. This postal convention, ratified five days later, had been concluded by the Mexican and American plenipotentiaries. On January 28, 1862, Lincoln submitted an extradition treaty concluded by Corwin on December 11. At the same time he sent a second postal convention also signed on that date. The latter

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<sup>201</sup>U.S., Congress, House, Papers Relating to Foreign Affairs: Mexico, 37th Cong., 3rd Sess., 1862, Exec. Doc. 1, Part I, pp. 733-34, 746.

<sup>202</sup>Magner, p. 383. Also Garcia, p. 130.

would replace the convention ratified on August 6 and later refused by the Juárez government. The Senate acted affirmatively on the postal convention February 10 and, after amending the extradition treaty, ratified it on April 9, 1862.<sup>203</sup>

And what of the Corwin Treaty supposedly ratified and/or approved by Juárez on April 6? The Treaty was ratified. But in view of the three treaties up for ratification, the question presenting itself was which one. The action on the August convention indicated that Juárez had acted after United States Senate approval. And on March 29, 1862, he had written Romero that it didn't appear that Corwin had the full authority to treat with the Mexican government as he hadn't been able to arrange anything. He instructed Romero rather to direct his efforts not only toward seeing that the money loaned would be used for attending to Allied reclamations but also toward trying to obtain money for particular expenses and interests that the United States could loan as a noble and complete favor. And although Manuel Doblato later mentioned the conclusion of three treaties with the United States,<sup>204</sup> ratification or approval was nowhere inferred. Juárez would hardly have ratified a loan treaty only six days later when he doubted the diplomatic powers of the United States representative. Furthermore this treaty would hardly have been ratified if it contained any provision for the alienation or mortgaging of national territory. For governmental policy (and Juárez was to all intents and purposes the government) remained as firmly opposed to intrigues of this nature as it had been

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<sup>203</sup>Basler, IV, 467 and V, 113.

<sup>204</sup>Juárez, Epistolario, pp. 161, 163.

NOTE: The Corwin Treaty was concluded April 15, 1862.

in 1859. In 1862 the Mexican Goicouría came to New York to negotiate a loan offering the sale or mortgaging of the small isle of Cozumel. Juárez immediately hastened to assure Matias Romero that Goicouría possessed no diplomatic character from the Liberal government. The Mexican Minister publicly protested Goicouría's activities and proclaimed that the government and people of Mexico were firmly determined not to alienate a single square inch of national territory.<sup>205</sup> That this represented government policy and not necessarily Romero's personal opinion appeared from a subsequent letter of Romero on the basis of which Bulnes charged that Juárez proposed surrendering Mexican territory to the United States. In a personal opinion letter to Juárez, Romero foresaw the intervention of the United States on the side of Mexico after the conclusion of the American Civil War. Then in return for their services rendered, they would probably request territory. In view of the likely inevitability of this, would it not be better to offer now what Maximilian would cede to France, even though the United States at present would refuse even a land gift as it would complicate their French relations?<sup>206</sup> Juárez's reply scathingly condemned the proposal. Offering national territory was not only anti-national--a cardinal sin within Juárez's total philosophy--but prejudicial to the Liberal cause. And it was both these things precisely because it flaunted and distorted the moral authority of the state. The nation had set its will against the project. And if through weakness the territory was snatched by a usurper, it still remained the duty of the conquered to give their sons the option of recovering that which was lost.<sup>207</sup>

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<sup>205</sup>Castillo, p. 418.

<sup>206</sup>García, p. 131.

<sup>207</sup>Juárez, Epistolario, p. 295.

Mexican-American relations during the American Civil War and the French intervention were not completely one-sided with the American government holding all the ace. Despite the Senate tabling of the Corwin Treaty, Lincoln's subsequent embargo on arms export and United States reluctance to channel any material aid at all to the partisans fighting below the Rio Grande, Juárez continued to support the Northern cause. He maintained this position even though the Confederate representative in Mexico, John T. Pickett, proposed the payment of up to \$1,000,000 for recognition and even though the proximity of the Confederacy offered certain trade advantages. And at one point he actually proposed the closing of the northern border to the Confederacy. Neither did he protest the intrusion of Union troops in pursuit of Confederate marauders. 208

In following this policy Juárez once again demonstrated the importance of his concept of the moral authority of the state. To him integrity, reciprocity, and justice extended to the international plane mattered more than \$1,000,000 even at a time when he needed money desperately to sustain the Liberal revolution. He knew that the use of immoral means to attain a justifiable end in the long run sacrificed the integrity of the

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208 Owsley, pp. 96, 130.

NOTE: Although a great deal of trade crossed the borders between the Liberales and the Confederacy, this was primarily initiated and carried out by the state governors acting independently. Governor Vidaurri, for example, ignored Juárez's closed border proposal. See Francisco Bulnes, El verdadero Juárez y la verdad sobre la intervención y el imperio (Paris: Bouret, 1904), p. 338.

SPAN. ORIG. from Romero's letter: "Me enseñó una carta [el General Grant] que acaba de recibir del general Carvajal que está ahora en Nueva York, en que, con referencia a la declaración de Smith y Magruder, le decía que si los confederados se poseaban a México, el como gobernador de Tamaulipas, no tendría embarazo en que las fuerzas de los Estados Unidos entrasen a perseguirlos. Aunque yo estoy de acuerdo con esa idea y creo que el Supremo Gobierno no la desaprobara ..."

end itself. So he preferred to struggle ahead with only his courage and his faith in the social revolution and the indomitable valor of the Mexican people.

This attitude of Juárez, as has been hinted at above, also carried over in his attempts to buy arms and his tentative toleration of schemes to recruit volunteers in the United States. Despite Mexico's need for both these commodities, the principle or idea of the revolution came first. All had to be sublimated to it.

The Liberal partisans experienced considerable difficulty in purchasing arms in the United States due to Lincoln's embargo on export of munitions and other war supplies. In July and August, 1862--the dark point of the American Civil War--the government refused Romero's previous arms clearance. Two years later in San Francisco, Placido Vega aroused considerable sympathy for the Liberal position and attempted another arms export project but ran into legal trouble. Undaunted the Juaristas continued trying. In early 1864 Juárez wrote Romero that he had heard of a large arms cache in Philadelphia. He wished Romero to contract for them if possible.<sup>209</sup>

Although officially arms help from the United States was small during the intervention period, unofficially it flourished considerably. The Defenders of the Monroe Doctrine, a group of United States citizens living in New Orleans, made daring raids transmitting contraband arms and ammunition across the Mexican frontier at Brownsville. Seward officially

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<sup>209</sup> Juárez, *Epistolario*, p. 239. Also U.S., Congress, Senate, Message of the President of the United States in Answer to a Resolution of the Senate on January 13, 1863, on Contraband Export to the French Army in Mexico, 37th Cong., 3rd Sess., 1863, Exec. Doc. 24, p. 8.

denied American governmental participation and any violation of neutrality, but on the basis of General Nathaniel Banks' subsequent report, General Francis J. Herron disappeared from command in Brownsville. And in El Paso, Customs Collector W. W. Mills winked at the arms scurrying across the Rio Grande to join Juárez.<sup>210</sup>

On the matter of loans and the recruiting of volunteers, Juárez exercised extreme care in order to avoid compromising the moral honesty of the republic. In November, 1864, Juárez authorized José María Carbajal to accept the military services of from one to ten thousand foreigners and to negotiate a loan for their salary and maintenance based on the federal and state revenues of Tamaulipas. Carbajal, however, met General Lewis Wallace and decided to extend his activities into the United States. He concluded a loan in New York with a company of rather doubtful reputation. When they went bankrupt, he succeeded in negotiating another legitimately. His activities, however, were completely disavowed by Juárez who stated unequivocally that he had exceeded his authority. Nevertheless, Carbajal continued his projects. With the help of General Herman Sturm, a retired United States Army officer, he succeeded in cornering Thaddeus Stephens of the House Foreign Relations Committee. In 1866 the latter proposed an inquiry into the propriety of a \$20,000,000 loan to prevent the overthrow of the Mexican government and to vindicate the honor of the United States tarnished by the "Micawber policy" of Secretary Seward.<sup>211</sup>

Juárez received a delirious letter from Gonzales Ortega in New York in May, 1865, in which the latter announced the wild enthusiasm with which

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<sup>210</sup>Scholes, p. 110. Also Martin, p. 139.

<sup>211</sup>Turlington, pp. 158, 161-62, 165-66.

American generals were embracing the Mexican cause. The Mexican President's reaction was stern and moral. To his son-in-law, Santacilia, he wrote that Ortega desired only money. To Guillermo Prieto he wrote, commanding him not to tell Ortega, that he could remain in the country for he, Juárez, never authorized anyone to follow dishonor.<sup>212</sup>

Santos Degollado, also in hiding in the United States, built castles in the air as well. And together with Edward Plumb he contrived to secure Romero's cooperation in his schemes to get aid for Mexico. When Juárez discovered the project and its method of operation, he explicitly forbade Romero's further participation. Not only that but he instructed Romero to bend all his efforts to frustrate its advance.<sup>213</sup>

In one other incident during the period of the French intervention, Juárez, in his relations with the United States, indicated that he valued the moral authority of the Mexican state and the principles of justice and reciprocity in international society over a presently expedient solution or advantage.

When the Civil War ended, a group of restless American army officers, among them Ulysses S. Grant, turned their eyes southward to Mexico and proposed to oust the French bag and baggage from the domain south of the Rio Grande. And in his capacity as commander-in-chief of the Union forces, Grant ordered P. Henry Sheridan south to sit on the Texas border with his 50,000 men. John McAllister Schofield was to enter Mexico and help organize unemployed Confederate and Union veterans to aid the Mexicans' struggle. Meanwhile frontier officers had instructions to break

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<sup>212</sup>Juárez, *Epistolario*, pp. 310, 317, 328.

<sup>213</sup>*Ibid.*, pp. 300-301.

with the French. It was further proposed to put the reputable American General Schofield at the head of the expedition. He would receive compensation for his service, presumably the chief command of the Mexican army.<sup>214</sup>

As a consequence Romero, the Mexican representative in Washington, signed a convention with Schofield sealing the bargain. The convention made Schofield a chief of a division of Americans and possibly others within the Mexican army and conferred on the men in service the rights and privileges of Mexican citizenship. In affixing his signature to the convention Romero directly violated the instructions of the Paso del Norte government. For when Juárez had first heard of the project he had authorized its completion only under certain strictly specified conditions. First, any such army had to form with the direct knowledge and authorization of the United States government. Second, said army could in no way attempt a crime against Mexico's independence, autonomy, territorial integrity, republican institutions, or established government. And third, said army ought to be organized with attention to the laws and military regulations of the Mexican republic. The convention fulfilled some of these stipulations, but Romero exceeded his powers in making it.<sup>215</sup>

Juárez could potentially have derived great advantages from the successful implementation of the Romero-Schofield Convention. But he preferred principle to advantage and so refused to sanction his Minister's action.

Several of Juárez's biographers have charged that throughout the

<sup>214</sup>Bulnes, *El verdadero Juárez*, p. 348.

<sup>215</sup>*Ibid.*, pp. 326-27. Also Castillo, pp. 421-22.

French intervention, the United States simply abandoned Juárez and the all-important Mexican social revolution to their collective fate. This was not altogether true. Although Civil War exigencies limited Secretary of State Seward's freedom of action he, nevertheless, put the United States antagonism on record at various times throughout the French intervention. Juárez's policy of reciprocity and justice had earned him a return in kind. The United States, said Seward, not only opposed the French forces but also the imperial authority thus maintained which contradicted the American principles and policies and impeded the free function of the republican government in that country. He refused to succumb to a favorable immigration policy for Americans, held out by Maximilian, which would give them considerable local self-government<sup>216</sup> (and perhaps ultimate control). Writing to John Bigelow, the United States Minister to Paris, in March, 1865, Seward informed him that:

This government has not interfered. It does not propose to interfere. . . . It firmly repels foreign intervention here and looks with disfavour upon it anywhere. Therefore, for us to intervene in Mexico would be only to reverse our own principles and to adopt in regard to that country the very policy which in any case we disallow.<sup>217</sup>

When the relatively conservative American Minister to Paris John Bigelow intimated to the French that if the monarchy triumphed it would secure United States approval, Seward immediately reprimanded him. The United States of America preferred a domestic and republican government in Mexico and would strive, through the use of moral influence, to attain it in so far as this was possible. In July Seward hinted to Romero of a possible change in the United States policy of neutrality.

<sup>216</sup>Martin, p. 422. Also MacCorkle, pp. 61-62.

<sup>217</sup>Martin, pp. 422-23.

At the same time, however, he expressed the opinion that it would be more honorable for Mexico to save itself using only her own resources, for any United States interference would prejudice the goodness of the Liberal cause. Two months later Romero informed Juárez that the United States had finally decided to intervene actively on the French question. Washington in a rather pointed dispatch to Paris directed attention to the upcoming American elections and their possible repercussions. By November the French troops in Mexico appeared "disallowable and impracticable" and their removal was a necessary condition for the restoration of harmony between the two governments. In December, Seward, using the polite phraseology of diplomacy, issued an ultimatum. Unless France desisted from her policy of armed intervention in Mexico, her relations with the United States would be plunged into imminent jeopardy. On April 5, 1866, Napoleon III of France announced the withdrawal of the imperial forces from Mexico.<sup>218</sup>

With the withdrawal of the imperial forces, public sentiment in the United States concerned itself with the fate of Maximilian. A dispatch to Juárez noted that repeated acts of severity might affect the course of United States sympathy toward the republican government. In reply the Mexican government indicated its definite responsibilities to the people, which sprang from the right of nations and the laws of the republic. As a government it had provided many proofs of its humanitarian principles, but now it possessed an obligation to consider the demands of justice. It expressed the hope, however, of conserving United States sympathies as the people and government of that country were held in high estima-

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<sup>218</sup>Ibid., pp. 433-34. Also Bulnes, El verdadero Juárez, pp. 343-44, 347. Also Perkins, p. 133. Also MacCorkle, p. 63.

tion in Mexico.<sup>219</sup> And so, once more, Juárez dared to be different and to support principle (that is, his concept of proper judgment for Maximilian) over expediency in internal and external affairs.

Between 1867 and Juárez's death in 1872, Mexican-American relations rocked along fairly well. Border raids, the Free Zone problem, and American claims muddied the waters a bit; but on the whole ten years of relative harmony had had its effect. The new chargé d'affaires, Edward Plumb, was instructed not to press American claims immediately as the United States desired to see Mexico consolidate its republican institutions. In 1867 the two countries agreed to submit their mutual claims to arbitration. And the United States in addition promised not to tie up the matter with territorial acquisition claims. The claims adjustment convention was signed in 1868. The following year London bondholders again revived an old assertion and proposed an agreement whereby the United States would guarantee the interest on the Mexican debt. Juárez rejected this outright as leading to American tutelage.<sup>220</sup>

Imperialism had not quite died however, but it was assuming a different form. The next American minister, William S. Rosecrans, argued for an increased United States control and presence in Mexico. His proposals failed to jibe with the new Mexican policy at the Department of State, and he was replaced in May of 1869 by Thomas Nelson. Nelson believed that the United States had a responsibility to give moral aid to the Liberal government. Individual cases of the mistreatment of American citizens should be regarded more as lapses, due in part perhaps to the xenophobia of the

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<sup>219</sup>Documentos para la historia contemporánea de México (2 vols.; Mexico: Tipografía Mexicana, 1867), p. 116.

<sup>220</sup>Furlington, p. 181. Also Dunn, II, 91-92.

Mexican people, rather than as indications of a deliberate unwillingness to correct conditions.<sup>221</sup>

Mexican-American relations had come a long way since the Liberals assumed power in 1856. They were based on a new respect, a new appreciation of the other's point of view, and a new concern for the other's right. And for this change in attitude Juárez's concept of the role of moral authority and justice and reciprocity in international affairs must be given much credit. For Juárez brought to the conduct of international affairs a concept of totality which interwrapped foreign and domestic matters. Injustice abroad hindered the administration of justice at home because it weakened the ideal of the state as a moral entity fit to guide the consciences of men. He injected into international power politics a consciousness of justice and an example of valor that it had not known since the Middle Ages. In so doing it later appeared that he earned for Mexico a new respect in the eyes of the world and more especially in the eyes of its neighbor to the North, the United States.

The influence of Juárez's philosophy in his external relations with the United States and the change that his philosophy caused in this relationship has been examined. But what was the attitude of the participants in the drama that took place from 1856-1872? How did Juárez react toward the "Colossus of the North"? How did he regard its mores, its officials, and its institutions? And the United States--how did it regard Juárez? Did it recognize his ambitions, his dreams, his ideals for the Mexican nation? And if so did it sympathize with them? These questions and their possible answers will form the substance of the new two chapters.

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<sup>221</sup>Dunn, II, 102-103.

## CHAPTER IV

### JUÁREZ'S DEALINGS WITH HIS NORTHERN NEIGHBOR

#### Juárez's Attitude toward the Mexican Policy of the United States from 1857 to 1867

Just exactly what did Juárez feel toward the "Colossus of the North"? Empathy, fear, hatred, envy? At times he perhaps felt one of these emotions, at other times another. He perhaps felt them singly and in combination. But at any rate his feelings toward the United States and his comments about it were more or less responses to particular situations. He did not move toward an examination of the American philosophy, although he did credit that republic's felicity and prosperity to its espousal of the principles of progress, liberty, and republican federalism.<sup>222</sup>

Juárez's attitude toward the United States over the Reform and Civil War years emerged as interestingly ambiguous. While in 1856 he warned of the significant dangers of a United States alliance in connection with the British Barron-Forbes affair, less than six months later he wrote Romero that he soon hoped to celebrate the news of the approval of the Mexican-United States agreements. Juárez opined also that Mexico needed this aid more than ever in order to consolidate peace in the country.<sup>223</sup> Later in 1858 when the United States decided against further recognition of the Zuloaga government Juárez was understandably happy, and for

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<sup>222</sup>Juárez, Archivo privado, p. 233.

<sup>223</sup>Juárez, Epistolario, pp. 56, 64-65.

two reasons. Strangely enough under the circumstances, however, his approval went beyond the narrowly selfish hope of attaining immediate recognition for his own regime and focussed on both the Mexican national and the inter-American interests. As far as the Mexican national interest went, it was vital that Juárez's struggle to protect the Constitution and the social gains of the revolution be successful. In addition, the Zuloaga faction had no national character and wished only to enslave the people through the use of the army. In the inter-American sphere this same faction hindered the development of a true hemispheric spirit by espousing the politics and interests of Europe over those of the new world. The United States disavowal of the Zuloaga faction indicated to Juárez that the American chief magistrate was beginning to take cognizance of this vital fact, and this made him extremely happy. Although he told Prida Santacilia a month later that United States recognition would undoubtedly help Mexico to obtain supplies from that republic, when recognition actually came in April, 1859, he emphasized the boost it gave to the moral cause of the Liberals.<sup>224</sup>

In May, 1861, Juárez noted that the Civil War in the United States lessened the dangers of filibustering expeditions along the frontier.<sup>225</sup>

Juárez's attitude toward the United States during the American intervention was divided into two parts. The first concerned his reaction to the vagaries of the American government as represented by Secretary of State William Seward; and the second, his response to the opinions of the American people. At the beginning of the intervention, the two parts

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<sup>224</sup>Juárez, Archivo privado, pp. 4, 9. Also Juárez, Epistolario, pp. 80, 86.  
<sup>225</sup>Juárez, Epistolario, p. 136.

blended together into an harmonious whole. Thus in 1862 in answering Romero's report of his conversation with Secretary of State Seward, Juárez remarked that Seward's statements were most flattering to Mexico. He instructed Romero to stimulate the good will for Mexico present in the American republic, for in the case of an outbreak of hostilities, the United States would undoubtedly enact the role corresponding to its continental interest in the matter.<sup>226</sup> This continental interest as Juárez saw it appeared to be an inter-American concept within which the United States would cooperate to foeter the principles of justice, reciprocity, and mutual interest in protecting the North and South American continents. In October, 1863, Juárez asked Romero of United States intentions with respect to Napoleon's recent moves in establishing a French influenced government. Since the United States had protected, Juárez believed that no other road lay open to them but the sustaining of their word now that what had previously been presumed was realized. He hoped that God would enable the Northern representatives to quickly end the Civil War. This would alter Napoleon's outlook on the Mexican situation.<sup>227</sup>

With 1864 the harmony splintered, and Juárez began to differentiate between the policies of Seward and the objectives of the American people. It perhaps seemed to him that the United States government opposed the French with words but not with deeds in antagonism both to the principle of mutual justice and reciprocity and to the desires of the American people and the people of the hemisphere. And while Romero continued fighting and working to bring the story of Mexico before the

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<sup>226</sup>Ibid., p. 162.

<sup>227</sup>Ibid., p. 219. Also Juárez, Archivo privado, pp. xxxiv-xxxv.

American people, the dichotomy kept intruding, hindering both the unity and the success of their effort.

The American newspaperers, wrote Juárez concernedly to Romero in the spring of 1864, were completely ignorant of the true situation in Mexico. They published only the prejudicial accounts culled from the interventionist periodicals. To counteract this Plumb and Navarro recommended the publication of an English language magazine, but Mexico lacked printers with the ability to set type in English. Despite these difficulties, however, by the summer of that same year, thanks in large part to the generosity of Escobar y Armendariz, an English language magazine devoted to an exposé of the events in Mexico was circulating in the United States and Europe and greatly aiding the Mexican cause in the process. And to distribute information still further, Juárez instructed Romero to publish if possible the news notices remitted to him for his own use.<sup>228</sup>

Juárez also gave his wholehearted approval to Romero's scheme for a New York banquet to be attended by all the influential men of the city. This would not only influence people in the United States but also in Europe, where thinking men would understand that it was not Seward who represented the public opinion of the United States.<sup>229</sup>

Having plotted his strategy for molding the mind of the American public, Juárez turned his attention to the more difficult task of manipulating the government. In 1864 he requested information as to the temper of the Senate on Davis' Mexican resolution, unanimously approved by the United States House of Representatives in March. Senate approbation, Juárez thought, would give to the resolution the character and force

<sup>228</sup> Juárez, *Epistolario*, pp. 261-62, 272-73.

<sup>229</sup> *Ibid.*, p. 265.

of law and this could conceivably change the policies of the administration or, what was the same thing, the journey of Seward toward at least apparent intimacy with the Napoleonic legions. June found Juárez despondent as to the resolution's chances for passage. Not even all the good reasons of Senator McDougal would be enough to neutralize Seward's baneful influence, whose policy in Mexican matters would never harmonize with the Davis resolution. While he hoped Romero's sustained optimism was correct, he, nevertheless, regarded a change in the Washington cabinet as an imperious necessity. What was happening in Mexico, Santo Domingo, and Peru clearly manifested the intentions of the European powers with respect to the Spanish American republics, and only God knew how far those aggressive policies would extend if the United States remained, as in Mexico, indifferent to the Monroe Doctrine. Juárez awaited anxiously the outcome of the battles around Richmond and the results of the upcoming presidential elections. A decisive military victory would influence the course of the administration although he feared Seward's excessive prudence. In addition the election results could conceivably force a more moral attitude toward immediate work on the continental question which at present had thrown itself down on the floor of Mexico.<sup>230</sup>

By early 1865 things seemed to have leaned somewhat toward favoring the republican cause. Although Juárez feared for awhile that the United States might recognize the Maximilian regime, he later came to feel that Mexico possessed at least the negative cooperation of the United States. In that connection Juárez was also interested by the news of Romero's recent visit to General Grant's army, but he still thought that, even though the United States had good intentions for Mexico, it was far too

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<sup>230</sup>Ibid., pp. 265, 268, 270, 272.

busy to help other peoples. Thus he told Romero that the Mexicans should thank the United States for their generous feelings and try to obtain their own triumph with their own scanty resources and without compromising their dignity. In that way their victory would be all the more glorious, and, if by chance they should lose, at least they bequeathed to their sons the honor of free men.<sup>231</sup>

On April 6, Juárez addressed a long letter to his son-in-law, Santacilia, in New York expressing his views on the American Civil War and its implications for the future of Mexico. It was very difficult he opined for the Southern rebellion to terminate with an arranged peace. Passions on both sides were highly inflamed, and between the freedom which the North sustained and the slavery the South espoused there was no possible transaction. Juárez applauded Lincoln's inflexibility since Lincoln's triumph would be more advantageous for Mexico although he would have preferred a quick peace without the sacrifice of so many lives. Meanwhile the Mexicans with time and their own stubborn resistance would vex the French and make them abandon the subjugation attempt, thus effecting a French withdrawal "without foreign help and this is the greatest glory I desire for my country." The North's destruction of slavery and its non-recognition of Maximilian was sufficient. Now perhaps, Juárez told Santacilia, the North's victories were upsetting the traitors and invaders in Mexico as they gazed into the spectral face of the "Colossus of the North"—a colossus moreover dedicated to espousing the cause of the oppressed. As for the Liberals they would still welcome the aid of the United States, but they would welcome it only as the aid of a

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<sup>231</sup>Ibid., pp. 282-83, 294.

friend--without strings--and not as the aid of a boss. The Mexican republic would refuse even to consider aid offers suggesting any humiliating conditions degrading Mexican dignity or compromising Mexican territory. With respect to non-governmental aid especially in the volunteer field, foreign soldiers unaccustomed to the difficult conditions and the privations endured by the Mexican soldier would be worse than no help at all. The sons of the rich never reconciled themselves to the miserable life of the poor. Thus, Juárez concluded, the fight should be continued whenever and with whatever it could.<sup>232</sup>

In August, Juárez opined that even with the ouster of Seward negative help was all that the United States was capable of rendering Mexico. He never had, he stated, illusions about United States assistance because he knew that rich and powerful nations never felt or, even less, tried to remedy the misfortunes of the poor. They were not capable of it for the world was like that. If sometime they did help the weak they did it for their own interest and convenience. This remote eventuality should never serve as a hope for the weak. For him it was enough not to have an enemy on the north.<sup>233</sup>

President Andrew Johnson declared his intention to sustain the Monroe Doctrine in his address to Congress at the end of 1865. This agreeably surprised Juárez who had hoped for little or nothing from Johnson's speech. In his letter to his son-in-law on January 12, 1866, he agreed that Johnson had said what he ought as the chief executive and couldn't have said more. He reiterated his concept of the relationship between

<sup>232</sup>Ibid., pp. 308-309.

<sup>233</sup>Juárez, Archivo privado, pp. xxxv-xxxvi, 82.

the big and the small nations and emphasized the need for Mexico to redouble her efforts for a single-handed victory and to avoid being tied like a miserable slave to another who might try to think, speak, and work for them. Nevertheless, despite Johnson's speech the United States evaded the Mexican issue and took no definite stand with regard to the Monroe Doctrine per se.<sup>234</sup>

Santacilia's noticee from the United States received careful analysis by Juárez. From them he foresaw either the withdrawal of French troops from Mexican soil or open warfare between France and the United States. The latter he judged rather unlikely, and the former, while inevitable, might not happen so soon as some desired. Nevertheless, some event in 1866 would precipitate an open break. Seward's note to the French government indicated a battle won, and Napoleon's promise to withdraw was undoubtedly valid as specious promises were made only to the weak.<sup>235</sup>

Nevertheless, despite the slowly accelerating action by the United States government on behalf of Mexico, Juárez himself grew more cautious. In April he advised Romero to go slowly on his loan negotiations with the American government as Congress perhaps would look askance at any convention compromising either United States neutrality or the United States treasury.<sup>236</sup>

In June Juárez noted that the Liberals had gained a moral victory with the nomination of Lewis D. Campbell as Minister to Mexico.<sup>237</sup>

The French left, and Juárez entered Mexico City in 1867. In his

<sup>234</sup>Ibid., p. 114. Also Juárez, Epistolario, pp. 309, 341.

<sup>235</sup>Juárez, Archivo privado, pp. 421, 426.

<sup>236</sup>Juárez, Epistolario, p. 354.

<sup>237</sup>Ibid., p. 358.

proclamation to the people he paid tribute to the American government for its role during the intervention. He stated that:

The constant sympathy of the people of the United States and the moral support given by their government to the [Mexican] . . . cause justly deserve the sympathy and the regard of the people and government of Mexico.<sup>238</sup>

United States-Mexican relations over the next six years proceeded relatively smoothly. In a letter to Karl Blind in London, Juárez affirmed his faith in the spread of republican institutions throughout the hemispheres. In another letter in speaking routinely of a filibustering expedition, he observed that the American authorities would undoubtedly take care to strictly observe the neutrality laws to prevent such expeditions as they had over the past few months. In introducing the constitutional reform urging the establishment of a Senate, he cited the role of the Senate of the United States as a preserver of order. And finally in 1871 he observed that Mexican relations with the United States continued harmonious.<sup>239</sup>

Despite Juárez's success in setting Mexican-United States relations on a basis of mutual trust and reciprocity, possibly a certain disillusionment hung over his later comments on the future role of the United States in the hemisphere. He may have, in a sense and without compromising Mexican sovereignty, offered to the "Colossus of the North" a chance to be a moral leader in the Western Hemisphere—a role which would be strongly supported by its neighbor to the south of the Rio Grande. And the United States, while not exactly refusing the role, had shrugged

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<sup>238</sup>James Fred Rippey, The United States and Mexico (New York: Crofts, 1931), p. 279.

<sup>239</sup>Juárez, Epistolario, pp. 452-53, 469, 488. Also Henestrosa, p. 70.

uneasily, almost as if the mantle did not fit or as if it imposed restrictive obligations on its new found power, and evaded the issue. The United States did not want to face the continental question just yet. And so Juárez, having been rebuffed, withdrew and grew cautious. He instructed Romero to go slowly. He analyzed the big nations and found them wanting. Then he turned inward and withdrew Mexico also in an attempt to secure the moral authority of the state at home if he could not do it abroad.

Juárez died almost 100 years ago, but the challenge he flung at the "Colossus of the North" faces it today, not only in the hemisphere but all over the world. Do the officials today see the challenge? Did their predecessors 100 years ago see and recognize it? How did the United States "see" the Juárez regime? What did they think of it and its leader? These questions the next chapter will attempt to answer.

## CHAPTER V

### THE UNITED STATES STUDIES JUÁREZ'S MEXICO

#### United States Public Opinion toward Mexico and the Programs of Juárez and other Mexican Liberals from 1857 to 1867

The Rio Grande is not a wide river. At certain times of the year and at certain places along its course, it just barely attains creek status. Nevertheless it can provide a large--at times an almost insurmountable--barrier to effective communication between the two countries because on each bank of that narrow river stands a culture. And these two cultures differ one from the other in philosophy, in ethics, in a system of values, and in custom and tradition. Each looks at the other through the colored glasses given it by its cumulated heritage and often sees a distorted image.

When "enlightened" American diplomats, statesmen, army officials, newspaper reporters and just plain citizens gazed across the Rio Grande at the Republic of Mexico during the period from 1857 to 1867, they interpreted their neighbors in terms of their own experiences and philosophy. They reacted to the continuing anarchy--fostering intrigues, to the scant respect for constitutionalism, to the civil war and the subsequent intervention. The important question however was how? How did they view the momentous changes brewing within Mexico? Did they realize that the erection of a new societal base was being attempted? Or did their own

culture and national interests blind them and prevent a rational look at the Mexican question within a Mexican context in order to understand the aims of the Mexicans themselves?

In his 1858 message to Congress President Buchanan hoped for the speedy extension of the authority of Constitutional government in Mexico, the exhibition of a less hostile spirit in Mexico toward the United States, and the indemnification of American claims. The following year Buchanan requested permission to enter Mexico both to settle American claims and to aid the establishment of the Constitutional government. He cited the supreme United States interest in Mexican welfare and its duty to extend a friendly hand and to aid in the establishment of order in that republic. For, if the United States did not work to do something about Mexico, it would not be at all difficult for some other nation to burden itself with the enterprise, thus eventually obliging the American government to intervene under more difficult circumstances in order to protect time-honored policy.<sup>240</sup>

For Buchanan, who saw Mexico diverging from an Anglo-American concept of order and proper respect for private property, the understanding of Mexico was hindered by the rose-colored glasses. The support of a Constitutional regime which was trying something different south of the Rio Grande emerged only secondarily and peripherally from his analysis. The important things were order and a sovereignty favoring the United States.

John Forsyth lived in Mexico for two exciting years, from 1856 to 1858. How did he see Mexico and the new revolution? Forsyth had instructions to secure from the Mexican government a treaty of cession

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<sup>240</sup>Cué Cánovas, pp. 109, 155-56. Also Rippy, p. 272.

and bent his talents to that end. In this connection Forsyth noted the ideas of certain visionary liberals who regarded a treaty with the United States as helping to contain the forces of the Church and the army that were hindering progress in Mexico. While these fancies were perhaps the creation of a dream and a visionary speculation, they were dreams, nevertheless, that were living in the minds of a great many of the Mexican people.<sup>241</sup> Forsyth, however, did not really understand the dream. He saw in it only admirable possibilities for the future imposition of an American protectorate, which would remove any potential European danger and protect the Mexicans themselves from the Aztec incompetencies:

What Mexico wants is a firm and good master to hold her destinies in his hands and save her from her worst enemy-herself. . . . 'Mexican institutions are crumbling to pieces and interposition, to gather up the wreck, from some quarter, is as certain as it is indispensable.' BUT 'regeneration must come from abroad in the shape of new ideas and a new blood.'<sup>242</sup>

Forsyth adequately recognized the demise of the old Mexican institutions. But he underestimated the ability of the people themselves to build from the wreck a new vessel. In his typically American view, the sustaining of Mexico, as represented by the Liberal Party, to keep her in one piece and out of the hands of foreign powers signified a stopgap measure until the United States with its naturally superior culture was ready to "Americanize" her.<sup>243</sup>

After Forsyth's retirement special agent William M. Churchwell received the next opportunity to present his estimate of the Mexican tangle to the Department of State. Churchwell exhibited a potentially greater

<sup>241</sup> Gué Cánovas, p. 115.

<sup>242</sup> Rippey, p. 205.

<sup>243</sup> Wagner, p. 374.

understanding of the Mexican ideal than either his predecessor or his superior, although he too bound it to a considerable extent to the territorial question. Churchwell considered the support of the Liberals an object worthy of the "ardent moral cooperation" of the United States government. If, he declared, the Americans would evidence a much needed interest in Mexican welfare as opposed to Mexican territory, then the Mexicans " . . . would adopt us as their virtual Protector and, profiting by our advice leave no effort untried to emulate that of our example which is good . . . ." <sup>244</sup> In his opinion a new phase of the Mexican nationality was a positive necessity and the dictates of common sense directed that it be of American creation. <sup>245</sup>

Churchwell, however, set in his statement a very definite limit on United States influence. The Mexicans by implication, although they would undoubtedly emulate their neighbor to the north as far as the choice of some customs and institutions were concerned, retained a freedom of acceptance or rejection. And while Churchwell realized the necessity for a more disinterested policy and a higher moral leadership on the part of the United States, he nevertheless regarded the creation of the new Mexican nationality as an American rather than a Mexican responsibility. R.B.C. Twyman, the American consul at Vera Cruz, also failed to recognize the Mexican responsibility for the creation of their own new nationality. On September 30, 1859, he wrote that the peace so necessary for the regeneration of Mexico could be restored only through foreign intervention and that all honest hearts " . . . turned to the United States of America

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<sup>244</sup>Callahan, p. 260.

<sup>245</sup>Ibid.

for that intervention--the only salvation for Mexico."<sup>246</sup>

McLane's reputation as a champion of Mexican rights preceded his arrival as foreign minister in the spring of 1859. His acts in Mexico and his understanding of that country, however, failed to live up to his advance notices. While he noted that few Americans desired to undertake a war of conquest in that republic he still pushed for the cession of territory. He did not appreciate the offer of moral leadership implicit in Ocampo's offer of a general and defensive alliance for the support of republican institutions in America, but interpreted the total Mexican-American relationship in terms of power politics. McLane observed that the offer of Mexican support ". . . evinced so little appreciation of the relative condition and power of Mexico and the United States that I have not felt myself encouraged to expect any practical result therefrom."<sup>247</sup> As for the treaty itself, McLane indicated that its ratification would enable the American government to dictate terms to Mexico.<sup>248</sup>

Not all the American officials in Mexico, however, saw the treaty in terms of territory. John Black, the American consul in Mexico City wrote that the United States had ". . . a solemn duty to perform to ITSELF, to the WORLD, to the cause of JUSTICE and HUMANITY, and to that of FREEDOM and HUMAN RIGHTS--from which it will never shrink."<sup>249</sup> Black thus at least recognized a certain moral responsibility for the United States in its position as the foremost advocate of republican institutions in the hemisphere, although it was doubtful perhaps whether he regarded this duty as

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<sup>246</sup>Rippy, p. 189.  
<sup>247</sup>Roeder, I, 213.  
<sup>248</sup>Wagner, p. 378.  
<sup>249</sup>Rippy, p. 225.

performable outside of direct intervention by the United States.

As the end of 1861 approached, the clouds of intervention hovering at the edge of the Mexican horizon grew more dense and dangerous. They broke in January, 1862, with the arrival of the Allied fleets. And the United States, although busily embroiled with its own Civil War, still looked southward and protested this deliberate invasion of Mexican sovereignty. But were they worried only of this threat to Mexican integrity? Or did they perhaps, as has been contended, become indignant at the presence of Maximilian and the French solely because they feared a French invasion of United States territory? Such an army of French troops placed on the side of the South and supported with the might of the Second Empire could incline the balance of power in favor of the Confederacy and forever break the American Union.<sup>250</sup> Did the Lincoln administration and more especially Secretary of State Seward have any sympathy for Mexico per se above and beyond their struggle to advance the selfish interests of United States foreign policy?

American foreign policy over the years from 1861 to 1867 was primarily shaped by one man and one man only, Lincoln's Secretary of State William Seward. In early 1862 Seward glanced south of the border and took one long hard look at the Mexican situation. On the basis of that look he formulated his policy and stuck to it throughout the French intervention, even though he was heavily criticized for a too moderate stand.

Seward's formulated policy predicated itself on the evacuation of French troops. He realized, however, that the power position of the United States government in 1862 rendered the possibilities of equal

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<sup>250</sup>Juárez, Archivo privado, pp. xxxii-xxxiii.

bargaining with the French difficult to say the least. So he contented himself for the time being with protesting. Then he sat back to wait.

In April, 1861, Seward wrote to Minister to Mexico Thomas Corwin of the critical need in the United States for a true understanding of events in Mexico. For Mexican attitudes, both governmental and popular, could exert at least a partial influence on victory or defeat for the North. The Mexican President too could not fail to understand that the destruction of the Union would operate to the ultimate disadvantage of Mexico as well as of the United States. Concurrently the continuation of anarchy south of the Rio Grande would encourage conspiratory powers in their designs against the Union via the path of Mexican conquest. Despite the strong United States interest in Mexican support for the Washington government however, Seward enjoined Corwin to undertake his commission in a spirit of disinterest, without vaulting ambition, and with an attitude favorable to the interests of the whole continent.<sup>251</sup> Corwin's mission was to implement a new policy favorable to the development of hemispheric rather than closed United States interests. This dream of Seward's denied the control of Mexican territory:

This government believes that foreign resistance or attempts to control American civilization must and will fail before the ceaseless and ever increasing activity of the material, moral, and political forces which peculiarly belong to the American continent. Nor do the United States deny that . . . their own safety and the cheerful destiny to which they aspire are intimately dependent on the continuance of free republican institutions throughout America.<sup>252</sup>

He hoped that Mexican sovereignty and independence would be honored by

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<sup>251</sup>Frida Santacilia, *Siguiendo la vida de Juárez*, pp. 283-84.

<sup>252</sup>Callahan, p. 292.

all the nations of the world since all nations were deeply interested in the development of Mexican agricultural, commercial and mineral resources and respected her love of civil liberty.<sup>253</sup>

Nevertheless, while Seward indicated the peculiar vitality of the republic as institution, he pointed out that the outcome of the American Civil War would affect all the hemispheric nations since all were experimenting with republican institutions.<sup>254</sup> He remarked that the American states:

In some respects hold a common attitude and relation toward all other nations . . . It is the interest of them all to be friends as they are neighbors, and to mutually maintain and support each other so far as may be consistent with the individual sovereignty which each of them rightly enjoys, equally against all disintegrating agencies within and foreign influences or power without their borders.<sup>255</sup>

This position of Seward's presented an interesting corollary. Non-intervention by other countries in the affairs of Latin America also included non-intervention by the United States. Seward accepted this fact. From now on the United States had neither the right nor the disposition to interfere in Mexican internal affairs by force either to establish a republican government or to overthrow a monarchy if the Mexicans chose to accept the latter.<sup>256</sup> Seward went even farther than a general statement of the desirability of friendship. To insure the independence and integrity of the Mexican republic he would, as far as his power permitted,

<sup>253</sup>U.S. Congress, Senate, Annual Message of the President: Papers relating to Foreign Affairs: Mexico, 37th Cong., 2nd Sess., 1861, Exec. Doc. 1, pp. 65, 67.

<sup>254</sup>Seward here however moved beyond just a selfish concern for the United States alone and hinted at a relationship not fully realized until the inauguration of the Alliance for Progress almost 100 years later.

<sup>255</sup>Rippy, p. 252.

<sup>256</sup>Callahan, p. 293.

" . . . prevent incursions and every other form of aggression by citizens of the United States against Mexico."<sup>257</sup> Thus in 1865 Seward vigorously opposed the army's proposal to advance into Mexico.

To the United States minister in Paris Seward suggested an offer to the French government of United States good offices in order to forestall intervention. For while the country's resources attracted foreign immigration and capital from all countries any " . . . attempts to acquire them by force must meet with the most annoying and injurious hindrance and resistance."<sup>258</sup> This policy affected not only Mexico, but all sections of the continent. And while all the Latin American states did not yet possess full democracy, nevertheless, they were advancing toward permanent institutions of self-government through social change. The United States favored such a development since it believed that such progress provided the speediest and surest way to the fruitful development of the material resources of the Americas.<sup>259</sup>

If Seward preferred a policy of non-intervention and progress through social change in the Americas, why did he not act sooner to implement his position? The primary reason perhaps was the fortunes of the North during the first two years of the American Civil War. Previously, Seward wrote Thomas Dayton, American minister to Paris, that the strength of the United States had been enough to preserve the integrity of the continent. Now although he was

<sup>257</sup>U.S. Congress, Senate, Foreign Affairs Papers: Mexico, 1861, pp. 65, 67.

<sup>258</sup>U.S. Congress, Senate, Message from the President of the United States in Answer to a Resolution of the Senate of May 25, 1865: Papers relating to Mexican Affairs, 36th Cong., 2nd Sess., 1865, Exec. Doc. 11,

p. 452  
<sup>259</sup>Ibid.

. . . very sure that this Government cherishes the actual independence of Mexico as a cardinal object to the exclusion of all foreign political intervention, . . . yet the present moment does not seem to me an opportune one for formal reassurance of the policy of the Government to foreign nations.<sup>260</sup>

And not only was Seward sure of his policy. The American people, he wrote, were equally convinced of the desirability of the restoration of peace, unity and order in the Mexican republic.<sup>261</sup>

Opposition groups both inside and outside the United States heavily criticized Seward for his acceptance of French assurances in 1861 and 1862 that they had no plans to establish a monarchical government in Mexico. And perhaps Seward did accept them to forestall possible French interference in the American Civil War. But he had a motive beyond this--one that did not then and does not now often intrude itself into international politics. As Seward noted:

We do not feel at liberty to reject the explanations or to anticipate a violation of the assurances they convey. We shall in the end be the stronger for having acted directly, frankly, in good faith, and with reliance upon the good faith of others. Under these circumstances at present we decline debate with foreign powers on Mexican affairs.<sup>262</sup>

With the end of the Civil War Seward reiterated to Napoleon the American inclination to see true self-determination in Mexico a bit more bluntly. And in so doing he apprised the French Emperor of an interesting bit of United States continental perspectives. Even on the outside possibility of Maximilian's acceptance by the Mexican people and thus consequently

<sup>260</sup>Rippy, p. 255.

<sup>261</sup>U.S. Congress, Senate, Answer to Resolution of May 25, 1865: Mexican Affairs, 1865, p. 465.

<sup>262</sup>U.S. Congress, House, Foreign Affairs Papers: Mexico, 1865, Part I, p. 749.

. . . even if it were necessary on our part to labor for its [i.e. the Juárez government's] removal, the traditions and sympathies of a whole continent could not be uprooted by the exercise of any national authority and especially could it not be done by a government that is purely democratic like ours.<sup>263</sup>

And as a further comment and amplification Seward added that:

The Emperor's persistence implies that he yet believes to be certain what we have constantly told him that the people of the United States, reasoning upon preconceived sentiment and national principles, can not even apprehend to be possible, namely: that a new European monarchical system can and ought to be permanently established on the American continent and in territory bordering on this Republic.<sup>264</sup>

The United States regarded the action of the Mexican Conservatives as subversive and undertaken without either authority or the backing of the Mexican people.<sup>265</sup>

In attempting to preserve the independence of Mexico however, Seward not only pressed for French withdrawal and successfully counterbalanced potential army forays into Mexican territory, but he also warned Mexican Minister Romero of the dangers of economic penetration posed by Anglo-American speculators.<sup>266</sup>

Seward visited Juárez in Mexico a few years after the French retreat from the country. And at that time he commented that he thought Juárez the greatest man he had ever known.<sup>267</sup> Challenged on his opinion by United States Minister Thomas Nelson, he replied that his estimate of Juárez was the result of mature examination, and he signified his desire to sustain his remarks.

<sup>263</sup>Rippy, p. 270.

<sup>264</sup>Ibid.

<sup>265</sup>Callahan, p. 322.

<sup>266</sup>Rippy, p. 277.

<sup>267</sup>Zayas Enríquez, p. 227.

In his foreign policy during the Mexican intervention, Seward evidenced a basic sympathy with Juárez's fight to preserve republicanism and all that it symbolized on Mexican soil. And although not relating it specifically to the Mexican experience, he nevertheless recognized the need for social change in order to bring about true republicanism in the countries south of the border. On the continental question, however, Seward did little. While intellectually he considered the concept of an integrated cooperating, unified hemisphere, practically he did absolutely nothing about the concept of a general alliance or some other type of cooperative venture. He based his policy toward France and Mexico on good faith, but did not accept the moral leadership offered by Juárez.

Seward did not act alone in the formulation of his Mexican position. The Lincoln administration had no sympathy with the idea of a protectorate:

'The President,' said Seward, ' . . . is fully satisfied that the safety, welfare, and happiness of Mexico would be more effectually promoted by its complete integrity and independence than by dismemberment with transfer or diminution of its sovereignty, even though a portion or the whole of the country or its sovereignty should be transferred to the United States.'<sup>268</sup>

In a later message the President expressed his admiration for the virtue, heroism, and inextinguishable love of liberty exhibited by the Mexican people.<sup>269</sup>

Lincoln also concerned himself with the plight of the peons in Mexico. In reporting an interview with the railsplitter from Illinois, Romero noted Lincoln's gratification at being informed that Juárez intended to correct

<sup>268</sup>Callahan, p. 280.

<sup>269</sup>Foix, p. 271.

the unjust lot of the peons as soon as peace was restored to the country.<sup>270</sup> This then at the very least would indicate an interested sympathy on Lincoln's part toward Juárez's ambitions for social change in Mexico, although once again specifics would be doubtful as Romero also noted in passing on that 1861 conversation that Lincoln was not well informed on Mexican affairs.

In general Thomas Corwin, the United States minister to Mexico, exhibited a considerable sympathy for the Juarista cause and urged the use of all possible peaceful means to demonstrate United States friendship for Mexico.<sup>271</sup> He also extended this concept of support for Mexico into a policy of support for hemispheric independence.

While Corwin was pushing Mexican support, his colleagues across the Atlantic were stubbornly pursuing an entirely different tack. Thomas Dayton and John Bigelow, the intervention ministers to France, as practical men of affairs, steadily opposed any policies designed to defeat the French experiment. In 1864 Dayton opined that the United States could not ". . . under existing circumstances, afford a war with France for the Quixotic purpose of helping Mexico."<sup>272</sup> Bigelow considered that emigration would ultimately render the American absorption of Mexico inevitable. Meanwhile he proposed giving all possible assurances of friendship to the French government. The Lincoln administration and the American people should oppose only a government ". . . founded for the avowed purpose of limiting the diffusion of the Anglo-Saxon race on the American continent . . ."<sup>273</sup> and not the Mexican monarchy per se. In

<sup>270</sup>Roeder, I, 365.

<sup>271</sup>Callahan, p. 288.

<sup>272</sup>Martin, p. 432.

<sup>273</sup>Callahan, pp. 310, 316.

addition the flagrant waving of the Monroe Doctrine would only serve to perpetuate an absurdity. Meanwhile he too argued for restraint:

I think you will find, when the question is raised in a practical shape with all its attendant responsibilities before our people, that the opposition to the extension of European influence in the Western Hemisphere is a sentiment which they cherish, but not a policy of making ourselves the armed champion of all or of any of the Spanish American states, whose people belong to a different race from ours, who speak a different language, who possess a different religion, and who have been trained under social and political institutions having very little in common with those of the United States. . . . In a war to redress the wrongs of Mexico or to propagate republicanism by the sword, we should, in my opinion, be likely to fail.<sup>274</sup>

Bigelow found considerable support for his point of view even within the Lincoln cabinet. Secretary of the Treasury Hugh McCullough and Secretary of the Navy Gideon Welles expressed concurrence—privately. On the other side the President, William Dennison, and Secretary of the Interior James Harlan pressed for vigorous measures.<sup>275</sup>

Dayton and Bigelow completely rejected any type of leadership for the United States in the Western Hemisphere. They possessed no concept of the moral leadership based on hemispheric cooperation offered by Juárez and at least partially and temporarily espoused by Seward. Republicanism did not necessarily have to be spread by the sword, nor did the question of expediency have to serve as the overriding factor in the conduct of foreign affairs. Properly interpreted the Monroe Doctrine offered potential. But it offered it only for men of vision and not for practical men of affairs.

Andrew Johnson's ascension to the presidency injected a more militant

<sup>274</sup>Perkins, p. 130.

<sup>275</sup>Ibid., pp. 129-30.

note into the French-Mexican-American triangle, but not necessarily a more profound understanding of the Mexican ideals. For while Johnson preferred to have the French withdraw peaceably, nevertheless, he did not rule out the possibility of the use of force. In a ringing speech he declared that after the successful conclusion of the "Rebellion," the United States would attend to this Mexican affair and say to Louis Napoleon, "You cannot found a monarchy on this Continent." He regarded an American expedition to Mexico as a recreation for the Union soldiery. Then when the army "revolted" in 1865, Johnson supported their efforts even though Seward continued strong enough to pursue his policy.

Among the army officers, and especially among the higher ranks, considerable agitation advocated the immediate removal of the French from Mexico. But this growing discontent with the French presence did not necessarily mean an understanding or even a sympathy with the cause of Juárez. Rather, the army chiefs, in general, regarded the French intervention as an integral part of the American Civil War because of Napoleon's Southern sympathies. The forcible ejection of the French in their view would cap the rout of the Confederacy.

In order to facilitate French withdrawal the generals undertook two separate actions. The first consisted in the concentration of troops on the Rio Grande. On May 17, 1865, General U.S. Grant ordered General P.H. Sheridan to the Mexican border with 50,000 troops so that if war came the troops would be in the right places. And Sheridan on his own initiative also visited Brownsville "to impress the Imperialists, as much as possible, with the idea that we meant hostilities."<sup>276</sup> He also care-

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<sup>276</sup>Callcott, p. 71.

fully publicized his dispatch of agents into North Mexico to open contact with Juárez.

While Sheridan gesticulated in West Texas, Grant commanded General Frederick Steele to stage demonstrations all along the lower Rio Grande. In addition arms and ammunition were to be left at strategic spots along the border for the convenience of the Liberal government in Mexico. Meanwhile General W.T. Sherman was cruising up and down the Mexican coast attempting to effect contact with Juárez.<sup>277</sup>

The second separate action taken independently by the army culminated in the abortive Romero-Schofield convention. This document formalized the proposal of certain army officers, notably Grant and Sheridan, to raise troops independently in the United States and send them to Mexico under the command of American General J.M. Schofield. Thwarted by opposition from both the Mexican and American governments, this scheme ultimately failed.

Neither Grant nor Sheridan evidenced any appreciation of Juárez's ideals for the Mexican republic. They were interested in ejecting the French as fast as possible, and that was all, for the confused situation in Mexico disturbed their military sense of authority and order.

Grant looked on the Maximilian invasion as a part of the Civil War because of the support it received from the Confederates. True success in quelling the Confederacy would be incomplete until the French and Austrian invaders evacuated "our sister republic." The achievement of this goal, however, required circumspect action because of Seward's opposition. Grant credited the American demonstrations along the Rio Grande with effecting the French evacuation from North Mexico and the salvation of

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<sup>277</sup>Ibid., pp. 71-72.

Juárez. This in his opinion placed North Mexican affairs on a substantial basis. The chief obstacle to speedy victory, however, was the person of William Seward. After Seward's dog-in-the-manger enforcement of strict neutrality, thought Grant, it required the patience of Job to stand the slow and pokey methods of the Department of State.<sup>278</sup>

Sheridan was even more belligerent on the Mexican question than Grant, but he too had little realization of what Juárez was trying to do in Mexico even as far as the establishment of republicanism was concerned. And although sympathetic toward the Liberals, probably this favoritism represented just the other side of an implacable hatred for Maximilian and the French in Mexico. Sheridan even appeared to regard the Juárez government as possessing no more permanent status than that of its opposition. Sheridan aired his opinions on the Mexican question in a public letter, which stated that it was

. . . useless to walk with subterfuge (or detours) in Mexican matters. We ought to give that republic a permanent government. Our work of suffocating the rebellion can't be considered concluded while this hasn't taken place. Maximilian's coming was part of the rebellion and his fall will pertain to its history. The greater part of French soldiers will lay down their arms as soon as we cross the Rio Grande.<sup>279</sup>

He erroneously believed that before the appearance of the American troops on the frontier the Liberals had no hope of winning. And in Sheridan's opinion the American presence surged like electricity through Mexican hearts and recharged their vitality.<sup>280</sup> Nevertheless, Sheridan was

<sup>278</sup> Philip Henry Sheridan, Personal Memoirs of P.H. Sheridan, General United States Army (2 vols.; New York: C.L. Webster & Co., 1888), I, 210, 211, 216-17.

<sup>279</sup> Bulnes, El verdadero Juárez, pp. 341-42.

<sup>280</sup> U.S. Department of the Army--Department of the Gulf, Report of the Operations of the U.S. Forces and General Information of the Condition of Affairs in the Southwest and Gulf and the Department of the Gulf, Major General P.H. Sheridan, U.S.A. Commanding May 29, 1865, to November 4, 1866 (New Orleans, 1866), p. 5.

careful to state that the American troops were dispatched not because of any republican sympathies nor even because of any devotion to the Monroe Doctrine, but because the French invasion was so related to the rebellion as to be essentially a part of it.

The administration and the army both reacted in differing ways to the situation in Mexico. But in both instances the line of sympathy was rather clearly drawn and the opinion nearly unanimous. The legislative branch of the government, however, acting in accord with custom, split rather sharply down the middle--a split primarily visible before the outbreak of the Civil War and resulting from potential Southern advantage in any conquest or annexation of Mexico. Later as the Civil War began and spread, a continued process toward unanimity of opinion on the Mexican question began to make itself felt. Viewed in the broader context of a political spectrum, this unanimity fell somewhere to the right of the administration analysis of the ideals and aims of Mexican society and somewhat to the left of the position for the restoral of order by force taken by the military and more especially by the army. In general Congress, while condemning the violation of the Monroe Doctrine, also expressed sympathy with the Mexican struggle for self-determination and republican type independence.

During the Buchanan administration proposals to intervene in and/or annex Mexican territory swarmed through the Congressional air like locusts. In February, 1858, Sam Houston, Texas freedom fighter turned United States senator, introduced a resolution calling for the establishment of a protectorate over Mexico and Central America. But even within the context of "Manifest Destiny" and probable Southern support the project failed. The Senate decisively defeated the measure in June.

Buchanan's plea for troops in his state of the union message in December, 1858, was referred to the Senate Foreign Relations Committee. The Committee introduced a bill in January authorizing the use of American troops in Mexico only to protect American citizens. The Senate however did not regard the measure as one of top priority and only considered it in February in response to a special appeal from the White House. On a thirty-one to twenty-five vote shortly thereafter, the measure failed of passage with the vote falling rather concentratedly along sectional lines.<sup>281</sup> Buchanan's second plea for troops in December, 1859, fell on deaf ears. Obviously, and perhaps strangely, the Senate felt no inclination to bargain away Mexican independence. Nevertheless, there were some in Congress who supported the President's position and argued for radical measures. Theodore Sedgwick, the District Attorney from the Southern New York district, condemned unequivocally the principle behind the Guadalupe-Hidalgo Treaty. Now it was Buchanan's responsibility to rectify Polk's error and send American soldiers to maintain order until Anglo-Saxon immigration could gain the ascendancy and dominate the country.<sup>282</sup> And in 1860 Senator Sam Houston was still urging his proposal for a Mexican protectorate, based, he declared, on public opinion in all parts of the United States.<sup>283</sup>

The McLane-Ocampo Treaty came up for ratification in 1859. Published Senatorial reaction was mixed, but in general evidenced little understanding of Juárez's problems in waging civil war in Mexico. The general comments reflected the isolated parochial tendencies present on the

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<sup>281</sup>Rippy, pp. 218-19.

<sup>282</sup>Ibid., p. 196.

<sup>283</sup>Ibid., p. 195.

American scene. Senator Simmons at first opposed the convention because its acceptance would produce a radical change in the federal income system of the United States by converting it from a protectionist to a free trading nation. He later, however, came around to an approval of both this concept and the Treaty. Senator Pugh argued for a treaty reform productive of more benefits to the United States, while Houston's opposite number from Texas hardly considered the matter worth discussing. In his opinion no government existed in Mexico strong enough and respectable enough to make the Treaty stick and insure its ratification.<sup>284</sup> The Senate rejected the Treaty in May.

Congressional apprehension over the French intervention divided itself into concern for the violation of the Monroe Doctrine and concern for the subversion of Mexican independence and republican institutions with somewhat more attention being given to the former. Nevertheless, a certain sympathy for Juárez was not lacking.

As early as 1860, Ohio Representative Samuel S. Cox was expounding on the dangers of French intervention in Mexico: "We ought to be prepared not only to say, but to make it effectual, that no crown shall be established on this continent."<sup>285</sup> Four years later he was still pressing the same point, declaring that ". . . the people of this country would back up an administration that would give a proper defiance to this French intermeddling."<sup>286</sup> He made no mention however of the necessity of preserving Mexican independence and integrity.

Around 1862 Charles Sumner proposed American mediation in the Franco-

<sup>284</sup>Bulnes, Juárez y las revoluciones, p. 463. Also Cué Cánovas, pp. 237-39.  
<sup>285</sup>Martin, p. 418.  
<sup>286</sup>Ibid.

Mexican dispute and contended later that the wasteland securities mentioned in the Corwin Treaty were far different than selling whole states. One Mexican author asserted that Sumner worked perseveringly for all that would redound to the benefit of Mexico. Sumner, he said, enthusiastically condemned the policies of Napoleon III and staunchly defended the Mexican people in the Senate, if not with success than at least with grand conviction.<sup>287</sup>

In January, 1863, Senator James Alexander McDougall of California introduced a resolution into the United States Senate condemning French intervention as an act hostile to the United States. The measure went down to an ignominious defeat presumably engineered by Secretary Seward with the help of Senator Sumner.<sup>288</sup>

Seward could perhaps pressure the Senate, but he could not control the House. On April 6, 1864, the restive representatives unanimously approved a resolution excoriating the deplorable state of affairs in Mexico and declaring that it was not in accord with the policy of the United States to acknowledge any monarchical regime erected on the ruins of any republican government in the Americas or erected under the auspices of any European power.<sup>289</sup> Congress was beginning to realize that the success of Maximilian's monarchy not only jeopardized the Monroe Doctrine but also vitiated Juárez's attempt to found viable republican institutions south of the Rio Grande.

In December, 1865, Congress requested information on Maximilian's black decree—"a barbarous decree of the so-called Emperor of Mexico ordering

<sup>287</sup>Castillo, p. 246.

<sup>288</sup>MacCorkle, pp. 60-61.

<sup>289</sup>Perkins, p. 107.

all Mexicans who bravely defend the sacred cause of their independence to be shot without form or trial."<sup>290</sup> And Missouri's Senator Robert Thompson Van Horn asked for an inquiry into the possible use of the resources of the United States

. . . to restore to the Mexican people the free and unrestricted right to choose their own form of government, and of giving effect to the unanimous voice of the people of this nation that no foreign power shall impose despotic government upon any state or people of this continent.<sup>291</sup>

In 1866 Representative Thaddeus Stevens offered a proposal to lend the Mexicans 20,000,000 pesos to prevent the overthrow of their government.<sup>292</sup>

Thus although Congress pressed for the French withdrawal from Mexico, it evidenced little sympathy with the aims and ideals of Juárez. Individual Congressmen did express concern over the demise of republican institutions south of the border or espouse the Juarista principle of self-determination. They probably, however, possessed no knowledge of his ideals for social reform or his conception of the differing role of republicanism within the framework of the moral authority of the state.

Throughout its history the American press has played a significant role in the formation of public opinion. How did it comment on, possibly, ignore the Mexican question in the years from 1857 to 1867? Did it show any understanding of the conflicting principles that threatened to tear Mexico apart? Or did it confine itself strictly to polemics against Napoleon's violation of the Monroe Doctrine?

On July 6, 1856, the New Orleans Daily Picayune noted that Governor

<sup>290</sup> Callahan, p. 318.

<sup>291</sup> Ibid.

<sup>292</sup> Ibid., p. 326.

NOTE: This was not quite so idealistic as it looked, however, as Stevens proposed Baja California, Sonora, and Sinaloa or Chihuahua as security.

Juárez of Oaxaca had published a protest against the provisional organic statute on the grounds that it did not accord with the principles of the late revolution. Somewhat later the same correspondent opined that while the structure of the intended organic law made it quite evident that the American Constitution had been copied throughout, still there were some puzzling provisions not found in the United States document.<sup>293</sup>

The Daily Picayune correspondent in subsequent dispatches editorialized his staunch support of the Liberal element. In August he opined that the country proceeded as tranquilly as possible considering the clerical-military alliance to form despotism. If the clergy continued their machinations, the Comonfort government would be forced to confiscate their property--a measure he approved.<sup>294</sup>

While The Daily Picayune reporter was imposing his prejudices on New Orleanian society, his counterpart on the New York Times was also molding public opinion in favor of the Liberals. In August the New York Times mentioned the exciting religious toleration debate in the constituent assembly and later approved the reorganization of the National Guard as evidence of a "right spirit" and conclusive proof that the Mexican people supported the Liberal government. In February the Times found it necessary to deny the wild rumors flying around concerning the Forsyth treaties. Nothing existed in the treaties, it declared, that was not mutually advantageous to both sides. All the United States wished was to strengthen friendly and neighborly ties, promote commerce, and perform the good will offices resulting from its geographical position and the community of political institutions. Six months later the Times noted, without comment,

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<sup>293</sup>The Daily Picayune (New Orleans), July 6, 1856.

<sup>294</sup>Ibid., August 28, 1856.

the election of Benito Juárez, a Progresista, to the Presidency of the Supreme Court.<sup>295</sup>

The fall of the Liberal government in early 1858 and the subsequent triumph of the Conservative faction in the capital stirred the Times to a rather crass judgment of the usability of the Conservative and Liberal Parties in Mexico: "The United States may expect nothing in the way of treaties from the Church Party, and Mr. Buchanan cannot fail to see that it is good policy to support the Liberal Party in Mexico."<sup>296</sup> On the face of the statement there would appear to be little sympathy for even the Liberals in general on the part of the Times correspondent in Mexico. If cast against the background of his earlier statement in favor of the Liberals however, it could perhaps represent an attempt to elicit aid for Juárez on the basis of an appeal to expediency.

At about the same time The Daily Picayune was despairing of the future of both Mexican politics and the Mexican people. While it noted that Juárez was standing firm and the admirable confusion in the capital no doubt gave him some encouragement, it nevertheless considered it an immediate duty of the United States to rescue the citizens of Mexico from absolute barbarism. Under such circumstances no Mexican nationality or material on which to base a stable foundation of civilized government existed. Self-protection required the United States to shape a policy looking toward at least some absorption, although there was no perceived disposition for a policy of conquest.<sup>297</sup>

The Picayune opined in January, however, that United States recogni-

<sup>295</sup> New York Times, August 21, 1856, November 18, 1856, February 26, 1857, and August 3, 1857.

<sup>296</sup> Magnor, p. 375.

<sup>297</sup> The Daily Picayune (New Orleans), January 13, 1859 and January 15, 1859.

tion for the Liberals would provide them with increased moral influence and develop the basis for the success of future negotiations between the two countries. On the thirtieth it offered some interesting comments on the social state in Mexico. In Mexico the primary difficulty was people. The demoralized masses had no concept of nationality, and the Indians were adverse to labor, claimed the writer. The civil war currently raging was fundamentally a racial conflict.<sup>298</sup>

In February things looked black for the Liberal cause and the United States also, but the news in New Orleans reflected no sympathy for Juárez himself apart from his identification with the interests of the United States.<sup>299</sup>

Press reaction to the McLane-Ocampo Treaty was nothing if not loud. The American newspapers debated the issue at the top of their lungs, not necessarily on its merits but in view of its effect on slavery and the division in the United States. And despite many other differences, the papers generally agreed that the compact involved an option on Mexican territory.

The opposition voiced its opinions noisily. The staid New York Times allowed that the Mexican Liberal Party had made shameful concessions to the Southern slave interests and hinted that they had either been intimidated or bought by the slavers. The Boston Courier and the National Intelligencer pronounced against the Treaty,<sup>300</sup> and La Propagateur Catholique, the diocesan organ of the Roman Catholic Church in New Orleans, commented:

<sup>298</sup> Ibid., January 29, 1859 and January 30, 1859.

<sup>299</sup> Ibid., February 24, 1859.

<sup>300</sup> José Puig Casauranc, Juárez, una interpretación humana (Mexico: n.p., 1928), p. 464. Also Rippey, p. 226.

Mexico may be destined to lose its nationality, but we would have wished that it might at least lose it nobly. It remained for Juárez to degrade the nation the more easily to destroy it and to drown the spirit of independence in the foulest of slime.<sup>301</sup>

It was the New York Tribune however that really tore into the attack with a fire-eating vengeance:

The whole country should understand the question in all its bearings before the government commits itself to the proposed radical change in relations with that huge, rotten mass of slunk civilization. Whether the consequences in store for us under the proposed new adjustment of our international relations with that country shall be the annexation of its comparatively unpeopled provinces falling to us in undisintegrated masses, as fast as we may be able to spread slavery over them, or whether they shall come in the shape of a ready absorption of its area that is already covered by a priest-ridden, mongrel, dwarfed, and semi-savage population is alike unimportant to us in a national point of view. Either arrangement would be alike mischievous and pregnant in evil consequences . . . We do not want to get into any Mexican quagmires of Dismal Swamps. If we are after Sonora, let us say Sonora. If it be other provinces let us name them. If it be all Mexico, let us say so. Let the people understand exactly what the government aims at. We protest against doing things by stealth and under false pretenses. As things now stand, the Free States must fight for their new share of new territorial acquisitions. We demand that they shall know when anything of this sort is going on in order that they may, as Mr. Calhoun used to claim for slavery in California, 'have a chance to get in.' If we are going to take Mexico or any part of it, the people of the North want a chance to get in.<sup>302</sup>

Concurrent with this barrage, Buchanan sent the Treaty to the Senate for ratification, where the Tribune complacently observed that it appeared for the time being at least to be "as dead as Julius Caesar."<sup>303</sup>

But even this rather crude manifestation of expansionist philosophy did not effectively measure the extent of the "understanding sympathy" Juárez then enjoyed in the United States. When, some months later, Juárez

<sup>301</sup>Roeder, I, 216.

<sup>302</sup>Ibid., p. 225.

<sup>303</sup>Ibid., p. 226.

failed to extend the Treaty ratification period, the Philadelphia Independent buried both the Treaty and its beneficiaries with a vitriolic sneer:

When it was thought that a political object could be promoted by extending aid and comfort to the mongrels and mixed breeds of Mexico, who, under the name of Liberals, were seeking possession of power but unwilling to fight for it as brave men should do, the President was prompt enough to recognize the Indian Juárez, who knows as much about liberty in its high sense as he does about the Koran. It turned out like most of his experiments, and the 'Constitutional President of Mexico' has not been able to survive the partiality of his friend in the White House.<sup>304</sup>

Strangely enough, however, some of the rare moderate opinions on the Treaty came from the deep South. In New Orleans, The Daily Picayune remarked that \$4,000,000 certainly appeared like a small sum to pay for such extensive and valuable transit concessions. Only fifteen years earlier, for example, President James K. Polk had authorized \$15,000,000 for transit across Tehuantepec alone. Another interesting sidelight involved the Picayune's effort to establish some sort of a mutual trust for relations between the two countries. It appealed to Mexico to "trust the loyalty and good faith of the United States with respect to the use which they will make of the powers granted . . ." <sup>305</sup> and to the United States to

. . . abstain from abusing such concessions, avoid all cause of friction, and reward the liberality of the Progressives in Mexico by aiding them actively and effectively in their undertaking.<sup>306</sup>

The other expression of more moderate opposition, although it was related also to the slavery question, came from the opposite corner of the nation. Boston's Atlantic Monthly argued for holding back, noting that

<sup>304</sup>Ibid., pp. 237-38.

<sup>305</sup>Ibid., p. 216.

<sup>306</sup>Ibid.

the United States now had to choose between intervention and non-intervention. The arguments proposed for ratification of the Treaty exhibited a striking similarity to those justifying the partition of Poland, while a common denominator for objections to the Treaty came from an American aversion to the Mexican people. The author then examined the contaminating consequences of intervention as signified in his mind by the ratification of the McLane-Ocampo Treaty. The American advance resulted from the slavers' desire for more states. But in dark-skinned Mexico the rigid Southern color codes would no longer be applicable. The argument maintained that, since the Mexicans had even less enlightened minds than the Negroes who would be imported, the Negroes would be restive at seeing their inferiors in freedom. Just and humane legislation could never result. The Mexican white race would help suppress the mixed and Indian populations. In addition, the migrating Americans would hate these indigenous groups, both as Indians and as low wage laborers. The author agreed with the Southern Democrats who regarded territorial acquisition as unprofitable because of the risk of introducing slavery and adding to the growing race problem of the South. He opined that race prejudice represented the badge of imperialism.<sup>307</sup>

Nevertheless, another eminent democrat, President Buchanan, seemed to feel a bit differently about the problem and, as a decided advocate of Juárez, had proposed to help him with all the power of the United States. Thus with the aid of the American army, the Zapotec Indian could speedily succeed in placing his government in the palaces of Montezuma. This in turn would make Juárez likely to serve or to play a role uncommon in his

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<sup>307</sup>Ibid., pp. 229-31.

country--to destroy its independence with the hope of assuring for himself a more firm, and enduring government.<sup>308</sup>

The American press understood the issues involved in the ratification of the Treaty--the proposed assumption by the United States on ratification of a policy of non-intervention with respect for the integrity of Mexico as a corollary, the grave social problems implicit in annexation, and the need for the establishment of a new policy of mutual trust and respect in Mexican-American relations. But they failed to see the influence of Juárez in the shaping of this policy and in general reacted against this hindrance to an unrestrained freedom of action. And by mixing it up with the slavery question within the United States itself, they effectively precluded many potentially rational discussions on the issue.

That was in 1859. One year later the New York Times ran a front page story deploring the "voracious demands" placed on the Juárez government as a result of its capture of a Spanish filibustering expedition. The Times correspondent woefully predicted immediate Spanish intervention in Mexico and prophesied that without prompt United States interference the Juárez government would fail and an ascendancy of Spanish influence in Mexico would follow. He said that the country needed an honest military chieftain and asked if something could be done to rescue that unhappy nation?<sup>309</sup>

About a year after the Times expressed its concern over the future of Mexico--a reaction slightly in conflict with that promulgated in 1859 The New York Tribune also deigned to notice the struggling nation south of the Rio Grande. In predicting Southern reconquest as the effect of immediate Union entanglement in a foreign war, presumably the proposed

<sup>308</sup>Bulnes, Juárez y las revoluciones, p. 429.

<sup>309</sup>New York Times, August 22, 1860.

Allied intervention in Mexico, the paper stated that foreign involvement would be infeasible but eminently just and in accord with the national honor. It attributed Allied intervention to the speculations of Gabriac Saligny and the Jecker representatives who were ". . . the great element for the attack which they themselves are directing against the independence of Mexico."<sup>310</sup> Nevertheless,

Juárez has received new hope of expelling the intruding swindler whose intrigues and corruption have for so long a time been opposed to all right administration and all honest diplomacy.<sup>311</sup>

Between 1859 and 1861 the Tribune had experienced a rather startling change of heart.

The attempt by Napoleon to found a monarchy in a neighboring American republic was regarded as an insult and a standing challenge to the government and to the people of the United States.<sup>312</sup> But Maximilian's attempt at empire did something more than just insult the republican sensitivities of the American people. It initiated a feeling of intimacy between the neighbors north and south of the Rio Grande. The American press and the American people came to a better understanding of Mexico, her institutions, and her people. And with increased understanding came increased sympathy. Mexico was now not just so much sparsely populated or desert land to be civilized according to American norms and customs. It was a land with a people and a tradition—a people with a dynamic President who put primary emphasis on the importance of moral leadership in domestic and international dealings. The growth of this feeling was traceable in the press as early as 1863.

<sup>310</sup>Bulnes, El verdadero Juárez, p. 126.

<sup>311</sup>Ibid., p. 92.

<sup>312</sup>Callahan, p. 317.

Reflecting this new feeling toward Mexico, the New York Times reported that McDougall's resolution formulated the duty of the United States to invite French withdrawal and to aid Mexico as required to prevent the forcible intervention of European states in the affairs of the republic. The Times editorial comment characterized such action as a bold attempt to sustain the Monroe Doctrine, but questioned the American ability to do so at the present time. The public possessed no clear understanding of the subject. And it was in enlightening the public mind and showing the country where its duty lay that the resolution would prove most valuable. In an added aside of misinformation, the editorial asserted that Mexico owed France no money.<sup>313</sup>

Additional sentences, paragraphs, and articles over the next twelve months evidenced a change of sympathy. Juárez's closing address to the Mexican Congress and the orderly adjournment of that august body presented a lesson to the enemy. The disaster of French arms in early 1863 branded the invasion a failure--a failure that was due to the unity, patriotism, and courage of the Mexican people and was never dreamed of by the American public because of the prevailing ignorance of happenings in Mexico. When only one short year before the three great powers of Europe threatened Mexico, she did not quail. Under the leadership of Juárez, "by his firmness, honesty, and tact alone," she confronted the coalition, and Juárez was now moving the nation to act as one man to repel the invader without yielding a single legitimate right or compromising a single shred of the national honor. Mexican valor in the face of extinction was beginning to radically alter American public opinion. Napoleon stated that the French invasion was designed to limit American territorial expansion and establish

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<sup>313</sup>New York Times, January 21, 1863.

a monarchy. As far as the given reasons applied it belonged to Mexico herself to answer the argument. But the imputation to the Lincoln administration of desires to seize Mexican territory or to overturn its independence were "utterly false." Since the end of the Mexican War, the desire of the American people for Mexican territory had steadily decreased, and for the last two years there had been no thought of it whatsoever.<sup>314</sup>

On March 6 the Times published a circular containing the aims of the Mexican government. The regime had determined to repulse the invader. The dictatorship established to do so represented for the Mexicans a constitutional means to preserve their free institutions. The Mexican nation desired that which was necessary to save its independence, Constitution, and Reform; and the government would not separate its cause from that of the people. The Juárez regime wished an American confederation presided over by an international assembly to promote hemispheric unity; and the republic pledged itself never to make an unjust or dishonorable peace, to assemble a general congress, to allow constructive opposition, and to maintain and democratically develop the Reform on the enlightened principle of the complete separation of church and state.<sup>315</sup>

This considered opinion of a "Veteran Observer" hit the Times on February 20. The veteran noted the mistake implicit in the non-ratification of the Corwin Treaty, as ratification then would have prevented the currently rising complications taking place in Mexico. The Mongol-Mexican had endured endless calamities to displace the Latin race and overturn monarchy in Mexico. As a majority he would soon come to be the ruling race no matter how strong the white resistance. These people could not

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<sup>314</sup>Ibid., January 22, 1863, January 31, 1863, and February 2, 1863.

<sup>315</sup>Ibid., March 6, 1863.

be denied their country and the fruit of their labor. The republican principle now dominated in Mexico with Juárez, a native Indian, at the head of the government. And, asked the veteran, was that not the condition of things most in sympathy with the desires of the United States?<sup>316</sup>

The Times continued its running commentary on Mexican affairs. The French army struggled in thoroughly hostile country and the Mexican army was filled with hope, courage, and determination. The Mexicans ". . . however unable to govern their country, can yet defend it with tremendous vigor."<sup>317</sup> To Mexico's well-wishers the decision not to defend the capital came as a disappointment, but a stand may well have been impossible. The army was running short of arms, and the United States exhibited an unfriendly front with the administration prohibiting the export of articles needed by Mexico in her emergency. This last act would some day rise in judgment against the United States. The French in Mexico protected the Church Party, a group which had declared its intention of extirpating the democratic element. Who, asked the Times, would rejoice at this? Only the bigoted priesthood, the Anti-Progressive, Anti-Democratic Party in Europe, the bigoted retrogressive Church Party in Mexico, the Confederates, and even some Union people. Such a situation caused

. . . sorrow to every true American who would preserve his nationality and constitutional government, every lover of progress, freedom and justice, no matter to what nation or country he may belong.<sup>318</sup>

Despite the seriousness of the problem, however, it was not yet improbable that the friends of freedom and justice would have a word to say for the

<sup>316</sup>Ibid., February 20, 1863.

<sup>317</sup>Ibid., March 20, 1863, April 15, 1863, and May 4, 1863.

<sup>318</sup>Ibid., July 2, 1863.

preservation of liberty and constitutional government on the continent.<sup>319</sup>

Three Times articles in July went a long way toward a minimal understanding of the aims of Juárez. The first, in connection with the above article, noted that Juárez's original policy had been predicated on withdrawal into the interior, and the talk of defending the capital, if in earnest, represented only an after determination.<sup>320</sup> This comment on fact showed a comprehension of what Juárez was trying to do and of his method of defending the Mexican nation at a time when guerilla warfare was relatively uncommon. The second story propheesied a thorough hatred for Maximilian by the Mexican people at large and castigated the injustice and misery brought upon Mexico by the French invasion before it even mentioned American interest in the matter:

We may deplore his [Napoleon's] success thus far on account of its gross injustice to Mexico and the misery it has already brought upon that country. But we have also to deplore the French conquest of the neighboring Republic in consideration of our own interests.<sup>321</sup>

This also indicated a certain change in emphasis in the American press which in combination with the other attitude shifts over the previous two years meant that the American newsmen were beginning to better understand the issues in Mexico and to better appreciate the aims of Juárez at least in so far as the preserving of republican institutions was concerned. And by the end of the month a Times letter had characterized the Mexican Church Party as traitors, thus adopting standard Liberal practice. In September the paper testily informed Maximilian that the great mass of the Mexican people were republican in spirit and that his enthronement represented only a

<sup>319</sup> Ibid.

<sup>320</sup> Ibid., July 11, 1863.

<sup>321</sup> Ibid.

comic interlude before a tragic ending. In October the exchanges of esteem between Lincoln and Romero were "gratifying."<sup>322</sup>

At about the same time that Placido Vega was attempting to export arms to Mexico from San Francisco, customs officials in the city allowed the departure of the Rhine, a ship loaded with provisions, but not arms, for the French. This action caused an immediate outcry of anguish in the San Francisco press. The Call branded the action for the French and against Vega as discriminatory and stated that, while they complained

. . . of British violation of neutrality in aiding one of the belligerents in our own struggle, at the expense of the other, it will not appear very well in history to have it said that we were doing the same thing toward one of the belligerents in the Mexican war, absolutely aiding the French in their war of conquest, but denying all countenance or courtesy to those who are struggling to save their native lands from the heel of the invader. Are we in league with Napoleon to despoil Mexico? Are we afraid to deny his ships what we deny to the people he would reduce to menials? Or can someone reconcile the seeming partiality with national law and neutral customs?<sup>323</sup>

Although the Call subsequently modified its statement after an examination of the legal aspects of the customs action, the article mirrored the American sympathy with Mexico's fight for self-determination.

As the American Civil War fast approached its termination, the press attitude toward the French presence in Mexico grew more and more belligerent. In early 1864 the New York Herald proposed a hundred thousand man army composed of both Northerners and Southerners that would enter Mexico to help Juárez drive the French invaders into the Gulf. In December, 1865, the New York Post enjoined Seward to tell Napoleon to get out of Mexico. And a Washington correspondent of the London Times commented to the effect

<sup>322</sup>Ibid., July 31, 1863, September 2, 1863, and October 30, 1863.

<sup>323</sup>R.W. Frazer, "Trade between California and the Belligerent Powers during the French Intervention in Mexico," Pacific Historical Review, XV (December, 1946), 393.

that these words expressed the feeling of the American people with absolute certainty. The people would rather go to war with France than see her remain in Mexico.

American press opinion thus underwent a significant change of attitude toward Mexico in the period from 1857 to 1867. The American people, whose views the papers both molded and reflected, came to realize at least, to a limited extent, what the Juárez regime was struggling to attain in Mexico. While they did not perhaps understand the full implications of the reform program or favor his ideal for hemispheric unity, they, nevertheless, wholeheartedly approved his espousal of republican institutions and to an ever increasing extent his insistence on the right of self-determination for Mexico. And while the Monroe Doctrine connotations undoubtedly played a part in fostering American sympathies for Mexico, there was also developed some appreciation for the republican cause itself.

The attitudes of diplomats, government officials, army officers, Congress, and the American press have been examined for evidence of United States understanding for and sympathy with the drive of Juárez for independence and self-determination for Mexico. But one other significant factor remains. This important factor is the average American--John Q. Public. How did he feel about Mexico from 1857 to 1867? Or was he too wrapped up in his own personal activities to wonder or ask about his southern neighbor?

In the field of private enterprise in 1858 the slavers favored the absorption of Mexico. But all of the slavers did not mean all of the South. On June 13, 1858, a private American citizen, Bexar County, Texas, Sheriff William Henry, addressed the first of his letters to Juárez from San Antonio de Bejar, Texas. Henry was, he wrote, a confirmed opponent of

the Conservatives and the clerics and was prepared to sacrifice his life for the Liberal cause. He assured the Mexican President of the sympathy of the citizens of the Southwest and offered to raise troops for the Liberals in the United States.<sup>324</sup>

Juárez politely declined Henry's offer of troops. Nevertheless on July 1, the Bexar County Sheriff continued the correspondence. He said that the Americans of the Southwest considered the Mexicans their brothers in ideals and aspirations, as well as their immediate neighbors. As such they were always disposed to aid in annihilating the monsters of fanaticism and tyranny that in Mexico sacrilegiously disfigured Christ's Church and used it to destroy the political and social existence of trusting, innocent people. He again offered to raise a body of troops that would be under Mexican command and paid for by the Mexican government. Henry's missive hailed the social and political regeneration of that beautiful and privileged country, Mexico, so brilliantly inaugurated in current history by the Liberal Party. A Liberal triumph was sure as the cause was of that stamp that, while it perhaps bowed for a moment under adverse circumstances, never died.<sup>325</sup>

Henry stated that he was not alone in this sentiment. Every fine inhabitant of the United States harbored the same feeling and applauded in his heart the great principle embraced in the Mexican revolution. Each cried to the sky for its victory and was disposed to aid in any possible way, motivated purely by sentiments of brotherhood and good will.<sup>326</sup>

Edward Dunbar, American businessman, did duty as the New York Times correspondent in Mexico in 1860. As such he was perhaps the first Ameri-

<sup>324</sup>Ocaranza, pp. 49-50.

<sup>325</sup>Ibid., pp. 51, 54.

<sup>326</sup>Ibid., pp. 57, 60.

can to push for a relationship between Mexico and the United States based on mutual justice and reciprocity. The defeat of the McLane-Ocampo Treaty disappointed Dunbar, who protested against its manipulation by professional politicians. He wished to bring about a sympathetic understanding between two liberty-loving peoples--the one interest which had been neglected by both the Congress and the American press. If, he wrote, the administration had formulated an intelligent, decided, and just policy with regard to Mexico which resulted from convictions based on knowledge, the Treaty could have been carried in the Senate despite fire-eating Republican opposition. Dunbar charged the Republicans with fostering their own selfish political ambitions without regard for the cost to the country at large. McLane had been vilely abused, and for what? He was scorned for promoting the cause of liberty and for trying to create permanent amiable relations between the two republics.<sup>327</sup> As for the climate in the United States, Dunbar stated:

Whether such extraordinary conduct on the part of the American people and Congress, so contrary to their professions and the spirit of the age, arises from apathy, ignorance, partisan feeling in politics, or the lack of anything like real sympathy with freedom in other countries, time alone can determine. At the present moment we are united with despotic agencies to smother the new born hopes of freedom in Mexico and cast the people back into darkness and despair. The United States occupy the meanest position toward Mexico that it is possible for a powerful and free republic to hold toward a weak and despairing neighbor--a position that will prove a sin and a shame to us in the future.<sup>328</sup>

Dunbar reacted this bitterly because his country suffered from the reflections that the Mexican question cast on the American character. For in the last analysis the reason for the failure of the Treaty lay in the

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<sup>327</sup>Roeder, I, 232-33.

<sup>328</sup>Ibid., p. 233.

American people, who had no more moral power than their politicians because they knew nothing at all about Mexico and thus had no convictions, but only an abysmal indifference to the Mexican people. Part of this indifference resulted from a dearth of news from Mexico and the bias against the Liberal cause. Propaganda favoring the Liberals was perverted, falsified, or denied. And for this abominable situation the American press, Prescott's history, Catholic publicity, and more especially race prejudice were responsible. The Republicans had lumped the Mexican question with the abolition issue in the United States. Thus the Mexican natives were abused from one end of Christendom to the other for striving to achieve their freedom, with the Republicans the foremost in denouncing the Mexicans and in trying to crush their aspirations because they were Indians and had dark skin. Dunbar opined that national character was the first and the greatest of national interests.<sup>329</sup>

Such were the reactions of a few private citizens on the Mexican civil war and the McLane-Ocampo Treaty. And significantly enough the feeling of these men was generally very sympathetic to the ideals to which Juárez was dedicating his life. But what about the French intervention? Did the American public react in general as the disillusioned Dunbar had charged? Or, with the advent of better communication across the two banks of the Rio Grande, did the American people come to better understand their neighbors?

Henry Higginson fought in the Union army. He was a simple man, but he thought of Mexico. Not intellectually and dispassionately perhaps, but he realized a problem was there. Sometime during the Civil War he expressed his intentions and opinions on the matter to a sister in Boston stating

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<sup>329</sup>Ibid., pp. 233-36.

that he intended to go to Mexico and fight the French after the Civil War was done with the thought that it would be enjoyable to cut off the French soldiers who had been boasting about their fighting and victory.

While Higginson fought and gleefully meditated on what he intended doing to the French in Mexico, a group of the elite of New York City were invited to a dinner by Matias Romero. The time was December, 1863, and the host, the Mexican Minister to the United States government at Washington. The dinner was in essence a propaganda gesture designed to create understanding of and sympathy for the Mexican position. He succeeded. Hiram Barney, the New York Customs Collector, regretfully noted that, while his official position did not permit him either to express his sentiments and sympathies for Mexico with as much vehemence as he felt or with as much freedom as he would in other circumstances, nevertheless, he thought that the United States had not yet offered Mexico the aid it was duty-bound to give in this critical situation. He voiced the empathy of the American people with Mexico and hoped soon that instead of the establishment of monarchies on a republican continent the opposite would occur.<sup>330</sup> James W. Beekman toasted Mexico which, "while it struggles for its independence, struggles also in defense of the principles which the people of the United States have always sustained and defended."<sup>331</sup> William Cullen Bryant, the radical editor of the New York Post, became a bit more violent. Maximilian's utilization of the American Civil War and a wearied Mexican republic to overthrow the republican institutions the Mexican people had themselves established by virtue of their sovereignty was the vilest atrocity committed in the world

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<sup>330</sup>U.S. Congress, Senate, Answer to Resolution of May 25, 1865: Mexican Affairs, 1865, pp. 398, 402.

<sup>331</sup>Ibid., p. 399.

since its creation. And Bryant declared:

The baseness and villany of this action has no equal, and its lowness can only be compared with the greatness of soul, elevation of sentiments, and pure patriotism with which the Mexicans are endowed, defending the independence of their country and sustaining the constitutional government of Juárez, who is now the emblem of that holy cause. I propose, then, gentlemen, that we drink to the government of Juárez, that eminent patriot who has not hesitated to wrestle in defense of a holy cause with a European colossus and who has become the representative of patriotism and constancy, presiding now over a government which will realize by its triumph the highest hopes for the welfare and prosperity of Mexico.<sup>332</sup>

The New Yorkers however were not satisfied with this limited opportunity to air their views. Therefore, in March, 1864, the cream of New York City society gave a dinner of its own with Romero as the guest of honor. The object of the feast, as one participant conceived it, was to serve as a frank reproach of the people of the United States to Europe.<sup>333</sup>

The proposed toasts expressed a considerable degree of enlightenment and a high degree of relatively disinterested sympathy for Mexico and Juárez's ideals. David Dudley Field asserted the profound American sympathy for Mexico without inquiry as to possible Mexican mistakes, for the Americans themselves had made as many. He proffered all the encouragement that a neutral nation which still believed in the power of nationality and freedom could offer. And, interestingly enough, Field affirmed that the overriding consideration underlying the Mexican-American empathy arose from

<sup>332</sup>Ibid., pp. 399, 402-403.

<sup>333</sup>Ibid., p. 403. The guest list ran as follows: W.C. Bryant, William H. Aspinwall, Hamilton Fish, John W. Hamersley, Jonathan Sturgis, James W. Beekman, J.J. Astor, Jr., Smith Clift, W.E. Dodge, Jr., David Hoadley, Frederick DePoyster, W. Butler Duncan, William Curtis Noyes, Henry Clews, Fred C. Gebhard, George T. Strong, Henry Delafield, Henry E. Pierrepont, George Opdyke, David Dudley Field, George Bancroft, C.A. Bristed, Alexander Van Rensselaer, George Folsom, Washington Hunt, Charles King, Willard Parker, Adrien Iselin, Robert J. Livingston, Samuel B. Ruggles, James T. Brady.

a common opposition to a church claim for the power to interfere in state affairs. The United States held as dogma the complete separation of the two bodies, and, he said, all true and loyal Mexicans were struggling for the same end. And in their fight to achieve this objective Americans of all creeds and parties bade them Godspeed.<sup>334</sup> Charles King declared that in honoring Juárez the guests acted in harmony with the United States government also. Juárez was of the people and labored to see his country great, prosperous, and free--individually and socially, politically and, above all, spiritually. In that last, that is, spiritual bondage, lay potentially the gravest danger since that, more than factionalism, damaged Mexico. King sympathized with Juárez in his tussle against a domineering clergy who now introduced foreigners to ruin a country that they could no longer rule. He, at least, could not be insensible to Mexico as a representative of American as against European interests. Mexico could never become an European appendage with the assent of the United States. After the Civil War, which now interfered with American aid, was over,

. . . we shall . . . have disposable such a force on sea and land as will impart unlimited power of persuasion to the diplomatic declaration we shall . . . make that Mexico must and shall be Mexican, that Mexico must and shall be American and not European.<sup>335</sup>

George Bancroft blamed the civil strife on the clergy and credited Juárez with fighting a holy war. And United States sympathy for his cause only increased when the struggle widened to include also a battle for Mexican independence and integrity against a European nation. The Mexican patriots deserved the "sincere and ardent homage" of the United States. William Cullen Bryant then spoke in his usual vigorous superlatives. Maximilian, he

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<sup>334</sup>Ibid., p. 409.

<sup>335</sup>Ibid., p. 410.

declared, had bought a lawsuit accepting a throne the French would not have dared to offer if the American people were not engaged in fighting ruffians. After the Civil War Americans by the thousands would pour in to help Mexico. George Folsom expressed himself in accord with Mexico's conflict for a principle and assigned that nation first place among the republics of Latin America by virtue of its soil, its resources, and its contiguity with the United States. George Opyke believed that the sentiment of all classes and parties was entirely hostile to European armed intervention on the American continent and more especially when such intervention attempted to overthrow a republic and erect a monarchy. Jonathan Sturgis hoped that Mexico would soon be freed from her foreign and domestic enemies. With American affairs settled, the United States army could be in Mexico within sixty days, but, interestingly enough, now only ". . . if her people desired it." James Beekman lauded Juárez's achievement as Governor of Oaxaca; and Washington Hunt branded the French invasion and attempt to found a monarchy as a ". . . wanton offense against republican liberty and the independence of nations" non-permissible to the United States. Frederick DePeyster cited the patriots' claim to a government of their own choice against a narrow interest Church Party. Henry E. Pierrepont delivered the condemnations of the people from Brooklyn concerning the French invasion. Smith Clift emphasized an interesting point strongly held by Juárez. The two were convinced that Mexicans alone would conquer the European invaders. "Young America," in the person of W.E. Dodge, regarded the French invasion as a direct insult and pledged his support of the Monroe Doctrine. John Hamersley closed the toast by emphasizing the kindred traditions and common future of the two sister republics.<sup>336</sup>

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<sup>336</sup>Ibid., pp. 410, 414-21.

This dinner, more than any other single expression of private opinion, indicated that there was in the United States an understanding of the main problems confronting Juárez and the ideals and principles that he proposed to use in their solution. This, however, was not the only trace of increased comprehension of Mexican problems. Other straws in the wind in 1864 hinted at the same conclusions. The political platforms of 1864 urged support for the republic south of the Rio Grande. The Republican Convention declared:

The national policy known as the Monroe Doctrine has become a recognized principle and . . . the establishment of any anti-republican government on this continent by any foreign power cannot be tolerated.<sup>337</sup>

When Vega's right to export arms to Mexico was questioned by Charles James, the San Francisco customs official, Treasury Department Special Agent Thomas Brown and Surveyor General of California Edward F. Beale went to bat for Vega. Beale, in attempting to persuade James to let the arms through, charged him not to "lend his aid to the extinguishment of the last, feeble flame of republicanism in a neighboring country."<sup>338</sup> Despite his pleas, however, an order was issued prohibiting the arms export. This was bitterly condemned by the San Francisco press, and, when the order went to the Attorney General for a decision on its legality, he ruled for Juárez—a move that increased sympathy for the Mexican cause throughout the United States.<sup>339</sup>

The bankers and industrialists as a group were also relatively favorable to Mexico as they understood that the French intervention was as much an unjustified aggression against Mexico as a threat initiated against the

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<sup>337</sup>Callahan, p. 297.

<sup>338</sup>Frazer, p. 392.

<sup>339</sup>Ibid., pp. 397-98.

United States.<sup>340</sup>

The Monroe Doctrine Committee of New York, headed by E.G. Squier, opened activities to recruit for Mexico. Although the amount of understanding sympathy the group as a whole entertained for Juárez and his cause per se can be questioned, at the very least their sentiments were musical, as their slogan ran, "If the old-world minions on our continent remain, we'll take the old familiar guns and go with Grant again."<sup>341</sup>

A rather more noble expression of empathy from the public, however, came from James H. Carlston from the headquarters of the Department of New Mexico at Santa Fe, New Mexico. Carlston wrote Juárez expressing his heartfelt sympathy for the Liberal cause and offering Juárez asylum in the United States if he should find it necessary to take refuge outside the country. Despite this offer Carlston indicated his belief that not many months would elapse before Juárez would defeat Maximilian. Then neither foreign influence nor bayonets could threaten him in the free discharge of his duty.

1857-1867. This was not a very long time when measured in the eons since the beginning of the world, but it was a very long time and a very eventful one when measured within the narrow contexts of Mexican and American relations. For within those years the two peoples came to look at each other differently. They began--and the impetus for this beginning was owing perhaps in large part to an Indian named Juárez--to understand each other's traditions, ideals, and institutions. This change in attitude from distrust on the one hand and contemptuous scorn on the

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<sup>340</sup>Castillo, p. 244.

<sup>341</sup>R.R. Miller, "American Legion of Honor in Mexico," Pacific Historical Review, XXX (August, 1961), 231.

other toward an amiable modus vivendi and a developing mutual trust and reciprocity was reflected in the government attitude, in the press, and in the comments of the average American. The depth of mutuality was not complete or perfect; it had a long way to go, and it had to overcome a half-century of suspicion and fear but it was there--a landmark for the present and a hope for the future. Thus, the years between 1857 and 1867 signified a landmark and a hope not only for the development of amiable relations on the banks of the Rio Grande, but also for the fostering of friendship and trust throughout the hemisphere.

## CHAPTER VI

### JUÁREZ'S NEW SOCIETY IN THE PAST, PRESENT, AND FUTURE

#### The Consequences of Juárez's Thought on the History of Mexico

Analysis ended with a new legend for the Mexican people. The years rolled on; the nineteenth century faded and the twentieth dawned. But the dream planted by Juárez in the hearts of the Mexicans did not fade. It spread and blossomed, influencing others with its gentle touch, increasing its appeal and intensifying its challenge. The dream provided a base on which to hinge a meaningful program for political democracy based on social justice and an all-embracing moral authority.

Juárez had dreamed of a new society and a glorious place in the sun for his beloved valleys, deserts, and tropical rain forests. But Juárez did something more than just dream. He took steps to make that dream a reality. He attempted to base the state on principles of authority and justice. This authority was something all-embracing and moral, and it looked toward the perfection of the state. It attempted to enforce ethical guides and maxims on the citizens of the community through the instrumentality of a constitution. Justice for Juárez signified something unique also. In the nineteenth century liberals in general identified justice with the exercise of political rights. Juárez however went further. He recognized that political rights were relatively meaningless without a corresponding development of the economic and more especially, the social resources lying dormant

in the country. Thus he emphasized public education, equalization of income distribution, and land for the peons.

But Juárez did not dream for Mexico alone. He extended his vision to Mexican-American relationship and perhaps even hoped for its implementation in hemispheric relations. He predicated the conduct of international relations on the principles of mutual trust and reciprocity rather than on the principle of expediency. Then he utilized these ideals in dealing with the government of the United States. The results achieved were somewhat startling. During the ten years from 1857 to 1867 respect for Mexican independence and understanding of Mexican aims surged sharply upward in the United States. While a significant portion of this attitude probably resulted from internal factors in the United States itself, a part of this new respect likely came from an ever-growing admiration for a government based on principle and one willing not only to honor commitments, but also to defend its integrity, independence, and republican institutions vigorously.

The United States failed to fully appreciate Juárez's vision of hemispheric unity. Despite a certain minimal comprehension by Seward, the implementation of the dream remained abortive. América del Norte was not ready to dream in terms of a moral leadership of the American hemisphere.

Did Juárez succeed generally in imposing his philosophy domestically and internationally? Was he able to convince his people of the government's claim to supremacy? What effect, if any, did his conduct of Mexican affairs have on the great nations?

At home Juárez the reformer destroyed the power of a Mexican colossus in the person of the temporal power of the Church. Through his emphasis on equal justice, he vitiated the privileges of the special courts, thus insuring that future economic and social equality would not be prejudiced

by political inequities. By introducing the tax reform measure after the French intervention, he made an attempt to partially solve the social injustices plaguing the country. But most importantly he imposed upon the Mexicans a nationality, a concept of belonging to the state before the Church and of owing a primary loyalty to this state, and to the moral authority therein represented. Under Juárez no citizen could say, "I obey, but I cannot comply," for that was treason to a spiritual entity. Concurrently for the ruler an obligation existed to preserve this entity to which the Mexicans gave their loyalty intact. This explained Juárez's stern insistence on the non-alienations of territory throughout his relations with the United States. Juárez would concede privileges to foreigners, such as the humane gesture to the French troops at Vera Cruz during the yellow fever season, but only so far as these were consonant with the independent sovereignty belonging to the Mexican nation.

Juárez did not succeed in fully realizing his domestic dream. But he provided the Mexicans with a total philosophy, a base to work on, a vision that wrote itself into the Revolution of 1910 and the Constitution of 1917. No longer could the politicians intrigue only for themselves. From now on some of them at least sometimes had to dream for the future of Mexico.

Juárez could not fully implement his ideals for international relations within the fields of foreign policy either. The civil war and the ensuing French intervention rendered the circumstances within which the Mexican nation carried on international dealings extremely difficult. But even within this framework Juárez managed to accomplish much, especially in his relations with the United States. Mexican governments were no longer all alike and equally untrustworthy. A government now existed that was somehow different, that commanded respect in spite of its relatively weak power

position. The United States government and the American people took a while to realize this change and still longer to implement and adjust their own policy and attitude accordingly. And even then the adjustment was not complete. But it was, nevertheless, there, and it resulted in an increased sympathy for and an understanding of Mexico, her hopes, her fears, and most importantly, her dreams. Americans did not perhaps understand fully Juárez's ideals for social and economic reform or the far-reaching implications of a moral authority for the state. A few saw the struggle as a social one which was ripping apart and reweaving the fabric of society. Many saw with favor the establishment of republican institutions south of the Rio Grande and frowned severely on the French intervention. And while the American people often mixed the Monroe Doctrine and the interests of the United States with their sympathy for Mexico's fight to preserve her independence, they, nevertheless, recognized the challenge to the principle of self-determination and sympathized with Mexico's heroic response to that challenge. And over the years of the empire, they also came to realize the role of Juárez in the establishment and preservation of the Mexican republican institutions and to perceive albeit inchoately that somehow something new and different was happening in Mexico.

Of all the opinion groups in the United States perhaps the two that understood the aims of Juárez most clearly were the very high and the very low. On the one side, the average citizen with no particular axe to grind so far as Mexico was concerned could and, if given any access to accurate information, usually did form a comprehensive idea of Juárez's aims and ambitions. For example, the dinner-going New Yorkers recognized not only the political implications of the civil war and the French intervention but also the social innuendoes involved with the defeat of the clerical

party. And on the other side, the one man in the United States most criticized for the deplorable state of Mexican affairs was most probably the one person within the American territorial limits who most completely understood the ideals of the Mexican President. He did not perhaps agree with them all. At least in one field, that is, in the formation of a Pan-American confederation governed by an international assembly and led morally by the United States, he virtually ignored Juárez's dreams. Nevertheless Secretary of State Seward recognized what Juárez was trying to do for his country in both the political and social fields. And that perhaps accounted for his characterization of Juárez as the greatest man that he had ever known. American ministers to Mexico realized facets of the dream. Some sympathized and some did not. But neither they nor the army nor the Congress realized its full connotations. The army had only one object--to eject the French. If that objective also involved ejecting the Mexicans, well, that was immaterial. Individual Congressmen and much of the American press also glimpsed facets of the diamonded dream. But they seasoned it with a large admixture of the Monroe Doctrine and the slavery question in the United States, thus destroying its resplendence and its beauty. They, more perhaps than Seward or than an informed average citizen, distorted its image and its full beauty by looking at it through dark glasses. Nevertheless, they did understand a portion of the vision.

The sun set blood red behind the Sierras on that Mexican day in July, 1872, and plunged the land into darkness--a darkness that was equaled only by the gloom of Mexican hearts mourning the death of their leader. But Juárez's death was only physical. His dream lived on in the countryside. Like the rays of the rising sun, it bounced off the mesquite, lit the poor huts of the Indians, and insinuated itself into the Mexican landscape. The

dream was not finished then, it is not finished now. But then as now it provided a base, a way of hope, a promise of plenty for all, not only in Mexico itself but throughout the Americas and perhaps throughout the world.

A harvest of golden corn, a contented people, a moral peace at home and abroad. Fantasy? Sí, said the skeptics; and no, said humanity and Benito Juárez, the "Benmérito de las Américas."

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THE PHILOSOPHY OF BENITO JUÁREZ  
AND ITS INFLUENCE IN THE FORMATION OF HIS DOMESTIC POLICY  
AND IN HIS RELATIONS WITH THE UNITED STATES

by

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AN ABSTRACT OF A MASTER'S THESIS

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Major Professor

In analyzing events on the Mexican scene from 1854 to 1872, several related concepts appeared to run consistently through those stormy years of revolution and invasion. These gave the period the unity and the consistency of purpose and direction that had not been characteristic of the first thirty years of the Mexican republic's life. This purposeful unity and direction during the decade after the 1856 Reform did not, however, develop spontaneously. The weaving of the period's conceptual threads into a unified pattern came because of the dedication of one man--Benito Juárez, a Zapotec Indian and the President of the Mexican republic from 1858 to 1872.

Who was this Zapotec Indian who figured so prominently in the 1856 Reform and who later came to be known as the Mexican Lincoln? What was his role in the task of weaving the historical concepts of the time into a unified whole? Did Juárez actually influence the formation of new ideas? Or were his ideas only borrowed from his compatriots? How did the weaving of these conceptual threads affect Mexican internal events and Mexico's relations with the powers beyond her borders, particularly her dealings with the United States? If Juárez, by synthesizing the thoughts of an historical period, did conceive a philosophy operative in his domestic and foreign policy, did he receive support or sympathy from the United States?

An examination of the historical concepts operating in the time from 1854 to 1872 and the role of Juárez in unifying them led to the formation of a central thesis proposition and an accompanying corollary. The central

thesis predicated the existence of an all-encompassing state philosophy on the part of Juárez which he attempted to impose both on the Mexican and the international scene. The corollary examined the understanding and the reaction of the United States to this philosophy of Juárez.

In undertaking the research, the primary sources utilized were the works and letters of Juárez, Congressional documents, and United States newspapers. Secondary sources consisted mainly of biographies of Juárez and various analyses of the history and diplomacy of the period.

Research results yielded one very positive and one rather shady conclusion. Examination of the central proposition revealed that Juárez formulated a philosophy more far-reaching and more absolute than that of his associates which he employed both in his domestic and foreign policies. The foreign effects of this new philosophy in so far as influencing the attitudes and actions of the United States were concerned were nebulous. While a very definite change of attitude occurred over the period from 1857 to 1867, support for republicanism à la Juárez was generally admixed with the provincial concern of throwing out the French-imposed empire in Mexico because it had aided the South in the Civil War. Understanding and some--perhaps much--sympathy, however, did exist for the ideals of Juárez, but the full realization of what he wished to accomplish was limited to a few--and mainly to those few who had some contact with Matias Romero, Juárez's very able minister in Washington.

More important than the concrete conclusions reached, however, was the increased intellectual breadth that follows a deep scrutiny of one subject. The examination of these thesis questions produced a greater understanding of a particular historical period and suggested implications applicable to present day events within both a Mexican and an international context. And

the growth of this more acute perception of history's value as a study of the past for the present and future represented one of the chief values of this thesis.