

The Line of Positive Safety: Borders and Boundaries in the Rio Grande Valley, 1848–1880

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On the eastern face of the Continental Divide rise the headwaters of the Rio Grande—mountain streams, sustained by winter snows, which converge on their steep descent from the San Juan Range. Winding east across southern Colorado, the Rio Grande turns southward through the high desert of New Mexico and west Texas. At El Paso it resumes its easterly course, slowing as it leaves the mountains. Here the Rio Grande becomes more than just a river. Both banks are made of the same materials—sand, loam, or clay—but to the north is American soil and to the south, Mexican. From El Paso to the Gulf of Mexico, the Rio Grande marks the border between the United States and Mexico.

But it was not always so. To most Americans in the nineteenth century, the Rio Grande valley seemed a wild, ungoverned place, populated by “savage” Indians who survived on a bleak diet of birds, lizards, deer, ants, and by some reports, one another. How then did the shallow, meandering river become a border? Historians, such as Stephen Aron and Jeremy Adelman, point to the Treaty of Guadalupe Hidalgo, which “inscribed the Rio Grande as a border” in 1848. Others deny that the treaty marked a turning point, arguing that “the Mexican border was a social fiction.” How are we to judge between these rival explanations? How, in other words, do we know a border when we see one?¹

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¹ Jean Louis Berlandier, “Journal de voyage aux limites N.E. de la Republique Mexicaine” (Travel journal to the northeast limits of the Republic of Mexico), n.d., WA MSS S-311, vol. 30, Jean Louis Berlandier Papers (Beinecke Rare Books and Manuscript Library, Yale University, New Haven, Conn.). Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History,” *American Historical Review*, 104 (June 1999), 838. For a similar understanding of borders, see Juan Mora-Torres, *The Making of the Mexican Border: The State, Capitalism, and Society in Nuevo León, 1848–1910* (Austin, 2001). On the Mexican border as a social fiction, see Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York, 1987), 251. See also Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton, 2011); Omar S. Valerio-Jiménez, *River of Hope: Forging Identity and Nation in the Rio Grande Borderlands* (Durham, N.C., 2013); Eric V. Meeks, *Border Citizens: The Making of Indians, Mexicans, and Anglos in Arizona* (Austin, 2007); Elliott Young, *Catarino Garza’s Revolution on the Texas-Mexico Border* (Durham, N.C., 2004), 7; Kristin Hoganson, “Meat in the Middle: Converging Borderlands in the U.S. Midwest, 1865–1900,” *Journal of American History*, 98 (March 2012), 1025; and Patrick Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882–1930* (Austin, 2009).

Historians, by and large, have not explicitly defined borders. But to understand border formation, we ought to parse this term as carefully as we have *frontiers* or *borderlands*. Borders are dividing lines, separating one country, or state, or town from another. Crossing them implies being subject to a new set of laws. They are distinct from what I call *border lines*: the territorial divisions drawn on maps that permit rulers to imagine their distant lands but do not have meaning for local citizens. Borders and border lines are easy to identify: they appear as lines on a map or fences on the ground. But some of our most important boundaries are never marked. They do not need to be; they are already known to those whom they divide. I define *boundaries* broadly as any dividing line, whether social or cultural, legal or geographic. Some are physical obstacles (a vast desert, a forbidding mountain range), while others are entirely invisible (the section of a beach known for strong currents, the street beyond which it is not safe to walk alone at night).²

Identifying borders and boundaries poses methodological problems. Historians must show not only that a boundary divided a set of political, social, or cultural structures but also that the division had significance to local citizens. Sources are often too few to prove that those crossing a boundary understood it as such. A proxy for meaning, however, is movement or its absence. If historical actors stop at a river they once crossed without notice, the river has acquired new significance. This is not to say that borders or boundaries are impermeable. A strong or experienced swimmer might survive an undertow. A Mexican worker might slip unnoticed into the United States. Yet the swimmer dives into the water and the immigrant crosses the border at the risk of being caught—whether by a strong current flowing seaward or a white U.S. Border Patrol truck.

Boundaries are characterized by relative, not absolute, impermeability. A restriction in movement at one point on the Rio Grande does not necessarily mean that the same is true across its entire length. Border lines, boundaries, and borders exist on local, state, and national scales. The Rio Grande marked a division between Mexico and the United States. But it also divided Texas, to the north, and the states of Tamaulipas, Nuevo León, Coahuila, and Chihuahua, to the south. Although municipal and state authorities quickly claimed (and sometimes successfully exercised) authority over who might cross the Rio Grande, these local borders only extended as far as each community, and so the border remained a dotted line for three decades after the Treaty of Guadalupe Hidalgo.

This article examines the process by which the Rio Grande took on significance as a national border. It argues that in 1848 the Rio Grande did not mark the limits of American sovereignty (Texas courts exercised jurisdiction over crimes committed in Mexico, for example). Nor did it restrict movement: Texans and *norteños* (inhabitants of northern Mexico) crossed the river with ease. After the Civil War, the construction of stockyards in Abilene, Kansas, along with the increase in demand for cowhides, encouraged livestock rustling. Transnational crime increased at the same time that social and economic ties between Texas and Mexico grew strained. Criminals who escaped across the river were unlikely to be further pursued as local courts on both sides of the Rio Grande began refusing to prosecute crimes committed in foreign jurisdictions. Long before either Mexico or the United States consolidated power on the border line, the everyday routines of violence created a boundary with practical consequences. As mounting conflict threatened to

² Despite failing to define borders explicitly, historians have labored over the difference between borderlands and frontiers. For a summary of these definitional debates, see Pekka Hämäläinen and Sam Truett, "On Borderlands," *Journal of American History*, 98 (Sept. 2011), 338–61.



This map shows the principal towns and features of the Rio Grande valley. For almost three decades after the Treaty of Guadalupe Hidalgo (1848), Texans, Mexicans, and Indians crossed the Rio Grande unimpeded. The same was not true of the uncharted Bolsón de Mapimí region and the precipitous Sierra Madre. *Map created by Alice L. Baumgartner.*

provoke a war between Mexico and the United States, authorities in Washington intervened, claiming the Rio Grande as the limit of federal jurisdiction.³

Almost no attention has been paid to the origins of national authority on the border, the assumption being that nation-states, like gases, always expand. This essay challenges that assumption. The federal government did not create a border *gubernatio ex machina*. Instead, it seized upon the circumstances produced by other forces—economics, geography, and violence—to expand its authority along the Rio Grande. This is the story of how violence transformed a river into a border. It begins with an arid landscape, claimed by two countries but effectively belonging to neither, and ends with their armies, facing one another from opposite banks of the Rio Grande.

American Authority on the Rio Grande, 1848–1867

On February 2, 1848, at the altar of the Basilica of Guadalupe in Villa Hidalgo, representatives of the United States and Mexico signed the treaty that ended the Mexican-American War. The United States secured a victor's peace. The dividing line between the two nations became the Rio Grande, as the Americans wanted, rather than the Nueces River (farther to the north and east), as the Mexicans had claimed. But the Rio Grande did not represent a national border, as it neither restricted movement nor marked the lim-

³ A study of Texas, rather than Arizona, New Mexico, or California, has particular advantages regarding the formation of national boundaries. Although, as Stephen Barr Jones argues, "each boundary is almost unique and therefore many generalizations are of doubtful validity," Texas was admitted to the Union as a state, rather than a territory, thus what happened in Texas set a precedent for what would occur in Arizona, New Mexico, and California when they became states. See Stephen Barr Jones, *Boundary-Making: A Handbook for Statesmen, Treaty Editors, and Boundary Commissioners* (Washington, 1945), vi.

its of American jurisdiction. Authority on the river was divided. While the U.S. Army defended the border against foreign soldiers and “savage” Indians, local authorities policed transnational crime. Neither the pursued nor their pursuers stopped at the Rio Grande, marking the river as only a border line—a mark on a map without meaning for locals.⁴

U.S. authorities quickly learned the difficulty of policing a long, unsettled border line—a problem compounded by the lack of almost any federal military presence in Texas. Creating a system of defense fell to Bvt. Maj. Gen. George Mercer Brooke, commander of the Eighth Military District, which encompassed the newly annexed state of Texas. Brooke first established a chain of military posts along the Rio Grande—Forts Brown, Ringgold, McIntosh, and Duncan. Buttressing this line was a second string of forts along the upper Rio Frio, positioned to intercept Indians on their favored raiding trails. After the ratification of the Treaty of Guadalupe Hidalgo, President James K. Polk dispatched 575 soldiers to reinforce the troops already stationed at the border. By 1849, 1,074 non-officers were stationed in Texas—a number that swelled to 2,649 by 1853.⁵

Although these forces were intended to bestow upon Texas “defense and protection from foreign invasion and Indian incursions,” they did not restrict Indians’ movement across the Rio Grande. To avoid being caught, Indian raiders had either to outrun their pursuers or to conceal their stolen stock. To the Indians, the former was certainly possible, because of their superior horses and horsemanship, but the latter solution was preferred, because it increased the number of animals the Indians could take on a single raid. The governor of Coahuila complained to his counterpart in San Luis Potosí that Indians “camp and rest” in the barren Bolsón de Mapimí region of northern Mexico “so that they can steal and make war with greater frequency and facility.” The Indians chose to rest there because their pursuers hesitated to follow them “without any knowledge of the terrain.” Entering the Bolsón de Mapimí desert without knowledge of its water sources came at great risk. Other geographical features, such as the Sierra Madre, also imposed obstacles. On the morning of October 24, 1852, a group of Indians attacked Don Lázaro González’s ranch near Múzquiz, Coahuila. As eight *norteños* raced across the plains, their horses raising a cloud of dust that could be seen for miles, they soon came to the Sierra Madre, a steep, at times precipitous, mountain range. There, their commander lamented, “our hopes of punishing them were dashed . . . because of the imperviousness of the mountains.” The Rio Grande, however, posed no such obstacle: except after a particularly heavy rain, it was no serious barrier to either the pursuers or the pursued.⁶

⁴ Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict* (Norman, 1992); Timothy J. Henderson, *A Glorious Defeat: Mexico and Its War with the United States* (New York, 2007).

⁵ On George Mercer Brooke’s establishment of forts along the Rio Grande and Rio Frio, see Robert M. Utley, *Frontiersmen in Blue: The United States Army and the Indian, 1848–1865* (Lincoln, 1981), 71. On troops stationed at the border, see J. Fred Rippy, “The Indians of the Southwest in the Diplomacy of the United States and Mexico, 1848–1853,” *Hispanic American Historical Review*, 2 (Aug. 1919), 377.

⁶ Wm. L. Marcy, Secretary of War, to General Z[achary] Taylor, May 28, 1845, in *Messages of the President of the United States with the Correspondence, Therewith Communicated, between the Secretary of War and Other Officers of the Government, on the Subject of the Mexican War* (Washington, 1848), 79–80. See also Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820–1875* (Norman, 2005). Governor of Coahuila to Governor of San Luis Potosí, Sept. 8, 1857, folder 1, file 8, box 8, 19th-Century Collection (General Archive of the State of Coahuila, Ramos Arizpe, Mexico). I have translated into English all quotations taken from Spanish-language sources. For the “without any knowledge” quotation, see Blas M. Flores, “Informe al ministro de la guerra sobre los resultados de la campaña contra los salvajes” (Report to the secretary of war on the results of the campaign against the Indians), July 25, 1881, in *El diario de campaña de Blas M. Flores contra las tribus salvajes del norte* (The diary of the campaign of Blas M. Flores against the Indian tribes of the north), transcription in the private collection of Martha Rodríguez (Archive for Memory, Iberoamericana University Extension Center, Saltillo, Mexico). For the “our hopes of punishing them” quotation, see Mayor of Múzquiz to Supremo Gobierno, Oct. 25, 1852, *La Patria*, 3 (Oct. 1852), 4, Official Newspaper Collection (General Archive of the State of Coahuila).

U.S. troops crossed into Mexico routinely under the doctrine of hot pursuit, extending American jurisdiction beyond the Rio Grande. "If Mexican Indians whom Mexico is bound to restrain are permitted to cross its border and commit depredations in the United States," wrote Secretary of State William L. Marcy in 1856, "they may be chased across the border and then punished." Mexican troops also crossed into the United States. On September 5, 1852, Juan N. Zubirán, the Mexican vice-consul in Franklin, Texas, reported that Mexican soldiers at Presidio del Norte often crossed the river with the knowledge of their commander, a Danish émigré named Emilio Langberg, and his counterpart in Texas. Ordinary citizens also crossed the river as they pleased. Eleven *vaqueros* (cowboys) from Guerrero, Nuevo León, chased a band of Indians in 1852, crossing the river "with great promptness." On the U.S. side the men were not rebuked; in fact, a helpful ranch hand pointed them in the direction the Indians had taken.⁷

Federal enforcement did not give meaning to the Rio Grande as a national border, with Texans, Mexicans, Indians, and even American soldiers crossing unimpeded. But the U.S. Army was not the only authority on the Rio Grande. While the American government assumed responsibility for defending against Indians who stole livestock, it had no obligation to defend against others who committed the same offense. Rustling violated state laws against trespass and theft. Though often involving foreign nationals crossing the border, the crime did not concern the government in Washington, which counted regulating foreign trade and defending against external invasion as its primary duties. As the U.S. secretary of war noted in 1852, "the prevention or punishment of disorders . . . when committed by others than Indians, belongs rather to the civil authorities of the State than to the military force of the United States." American soldiers who manned the forts along the Rio Grande had no mandate to arrest criminals. When the Mexican military commander of Piedras Negras complained about Americans who crossed the river to steal Mexican horses, Capt. Sidney Burbank of Fort Duncan replied that the rustlers were "individuals over whom I have very little authority." This distinction between Indians and rustlers was even enshrined in everyday speech. If Indians stole livestock, they were said to be on a raid or an *incursión*. Mexicans or Americans who committed the same crime were known as rustlers or *abigeos*. The U.S. Army would fight Indians. Texas was responsible for stopping rustlers.⁸

For almost two decades after the Treaty of Guadalupe Hidalgo, local authorities were remarkably effective at controlling transnational crime. Cooperation between Mexicans and Americans contributed to this early success. Rather than restrict movement across the Rio Grande, local officials on both sides encouraged it. Texas officials often helped Mexican ranchers recover their stolen livestock. At the request of judges in Reynosa, Sheriff S. B. Baquelos of Cameron County helped Antonio Rodríguez and Eusebio Guajardo recover their stolen horses in 1848. The justice of the peace of Edinburg did likewise, assisting Juan Cantú locate a herd of mules in 1851. When a notorious rustler named Manuel Longoria stole five horses and a mule from Los Corrales Ranch in Montemorelos in 1869, Deputy Collector L. H. Box of Edinburg notified the owner, Don

⁷ Amos S. Hershey, "Incursions into Mexico and the Doctrine of Hot Pursuit," *American Journal of International Law*, 13 (July 1919), 560. Juan N. Zubirán to Foreign Affairs Secretary, Sept. 5, 1852, vol. 20-12-57, Correspondence with Mexican Consul in Brownsville (Genaro Estrada Archive, Mexico City, Mexico); Commander of the Second Canton of Nuevo León, José María Villareal to Governor of Nuevo León, Aug. 2, 1852, box 1, Investigatory Commission of the North Collection, *ibid*.

⁸ "Annual Report of the Secretary of War," *New York Times*, Dec. 10, 1852, p. 6. Sidney Burbank to Military Commander of Piedras Negras, Sept. 15, 1855, box 3, Investigatory Commission of the North Collection.

Francisco Zepeda Cavazos, and advised him to register his brand in Brownsville, Texas, so that he could reclaim stolen animals more easily in the future. Although it is unclear why Box helped Cavazos in particular, we know that the deputy collector had extensive dealings with Tejanos, or Texans of Mexican heritage. Box would probably have come across relatives of Francisco Zepeda Cavazos in Edinburg, where the Cavazos family owned a large, prosperous ranch. Perhaps these connections with local Tejanos gave Box the means and inclination to inform a Mexican rancher that his livestock had been stolen.⁹

Local ad hoc arrangements were not limited to citizens and civil authorities. Mexican militiamen also cooperated with their American counterparts, crossing the Rio Grande with ease. On June 15, 1858, Judge F. F. George from Rosario, Texas, confronted two men from a nearby Texas ranch, dressed in the feathers and buckskins of Comanche warriors, as they crossed the river with livestock stolen from Mexico. The thieves refused to turn over the animals, and outnumbered, George turned his horse back to Edinburg. Returning several hours later with reinforcements, he met a volley of gunfire. Wounded, George ducked behind a wagon and penned a letter to the Tejano doctor Ramón Jiménez. "They are too strong for me," George explained, instructing his friend to ask the authorities at Reynosa, Mexico, for help. "Bring everyone you can, and come as quick as you can, because my life is in danger." By the time these reinforcements arrived, George could barely stand. But the militiamen from Reynosa, along with local ranch hands and the mayor of Edinburg, captured the thieves. Tejanos such as the Cavazos family of Edinburg, Dr. Ramón Jiménez of Salado, Texas, and Sheriff S. B. Baquelos of Cameron County served as the linchpins of the cooperative relationships that maintained order on the Rio Grande.¹⁰

Not only did local authorities pursue criminals across the border line but courts also prosecuted crimes committed on the opposite bank of the river. Ordinarily, rustlers had to be tried in the jurisdiction where they committed their crime. Even if Mexican authorities caught thieves in Mexico with cattle stolen from Texas, they would have to take the rustlers back to Texas for trial—a requirement that made it difficult to bring criminals to justice. The states of Nuevo León and Coahuila avoided this issue by decreeing that "theft perpetrated in American territory does not stop being theft" in Mexico. Texas authorities

⁹ Second Constitutional Judge to C. Antonio Rodríguez, July 10, 1848, box 4, Investigatory Commission of the North Collection; Second Constitutional Judge to C. Eusebio Guajardo, July 14, 1848, *ibid.*; Second Constitutional Judge to S. B. Baquelos, Oct. 2, 1848, *ibid.*; First Constitutional Judge to Justice of the Peace of Edinburg, April 17, 1851, box 2 *ibid.* On L. H. Box and Francisco Zepeda Cavazos, see Testimony of Francisco Zepeda Cavazos, 1873, *ibid.* On Box's dealings with Tejanos, see Armando C. Alonzo, *Tejano Legacy: Rancheros and Settlers in South Texas, 1734–1900* (Albuquerque, 1998), 131.

¹⁰ On F. F. George's confrontation, see Testimony of Trinidad Flores, 1873, box 4, Investigatory Commission of the North Collection. On his retreat, see Investigation of the Mayor of Reynosa, May 8, 1856, *ibid.* On George returning to gunfire, see Military Commander of Reynosa to Mayor of Reynosa, May 21, 1856, *ibid.* For the "They are too strong for me" quotation, see F. F. George to Dr. Ramón Jiménez, June 15, 1858, *ibid.* On the capture of the thieves, see Ayuntamiento of Reynosa to Commander of the Line, June 18, 1858, *ibid.* Although Texans and *norteños* cooperated to pursue their common enemies, disagreements over who counted as a common enemy provoked conflict at times. After the Treaty of Guadalupe Hidalgo, American slaves escaped with increasing frequency to Mexico. Under Mexican law, they were free. To their former owners, they were fugitives. Texas slaveholders tried to activate the usual networks to secure the return of their "property," but their Mexican counterparts sometimes refused to cooperate. Anglo slaveholders and their Tejano allies often turned to violence, kidnapping former slaves from Mexico. These incursions met with legal and physical resistance, restricting movement across some parts of the border. But these borders were local, extending only as far as the communities that defended them. For an example of such an incursion and local Mexican resistance, see Ronnie C. Tyler, "The Callahan Expedition of 1855: Indians or Negroes?," *Southwestern Historical Quarterly*, 70 (April 1967), 574–85.

likewise stipulated that if a person committed a crime in another state or territory, that person could be prosecuted if the offending actions would be considered criminal had they been committed in Texas. Andrés Peña and Rafael Peña, alias “Los Cuates,” worked for four years for Adolphus Glavecke, a Prussian émigré who owned an eight-hundred-acre ranch near Brownsville. Glavecke was said to hire Mexicans to rustle livestock from Mexico, paying them one peso a day in addition to room and board at his ranch. The brothers claimed they had not been involved in Glavecke’s rustling—they simply cleaned the stables and mucked out the barn; but those who knew them described their reputation as *mala* (bad) and even *malísima* (very bad). In 1852 Glavecke’s outfit ran some horses across the river to Texas. Their owner, accompanied by the sheriff of Brownsville, found the animals in Glavecke’s paddock. Eager to dodge accusations, Glavecke blamed the Peñas. After several years, during which the case was pending, the brothers were at last tried and sentenced to the Texas penitentiary. Crimes committed in Mexico could be punished in Texas, and vice versa, blurring the jurisdictional boundary between the two nations.¹¹

For almost two decades after the Treaty of Guadalupe Hidalgo, federal troops fought Indians, while state authorities guarded against criminals. Local and national forces alike regarded the Rio Grande as just another river to ford, not as a national border over which movement was restricted. The Rio Grande was thus a border line—a territorial division that carried little significance for local citizens. Crossing the river protected neither thieves nor Indians: their pursuers did not hesitate to follow, and wrongdoers could be prosecuted for crimes committed on the opposite bank of the Rio Grande. But as the social and economic ties between Texas and Mexico grew strained, the river took on a different meaning.

An End to Cooperation, 1867–1876

Recognizing the “great disparity of Texas values and Northern prices,” an entrepreneur named Joseph McCoy purchased a lot in Abilene, Kansas, in 1867, contracted to buy pine lumber from Missouri, and in sixty days built a stockyard at the head of the Kansas Pacific Railroad, where “Southern drover and Northern buyer would meet upon an equal footing.” Cowboys “armed to the teeth” drove the cattle north to the shipping yards at Abilene, Kansas, where the animals would be loaded, shoulder to flank, on railcars bound for Chicago. In 1867, the first year of operation, 35,000 Texas cattle arrived at Abilene. Only two years later the number increased tenfold to 350,000.¹²

¹¹ For the “theft perpetrated” quotation, see “Leyes de procedimientos contra ladrones” (Procedural laws against thieves), April 10, 1861, folder 509, Decrees Collection (Municipal Archive of Saltillo, Saltillo, Mexico). On Texas’s doctrine of cross-border prosecution, see Jorge W. Paschal, “Digesto de las leyes de Texas” (Digest of the laws of Texas), n.d., box 2, Investigatory Commission of the North Collection. On Adolphus Glavecke, see Jerry Thompson, *Cortina: Defending the Mexican Name in Texas* (College Station, 2007), 27. On accusations of Glavecke rustling livestock, see Testimony of Rafael Peña, 1873, box 4, Investigatory Commission of the North Collection. On the *mala* characterization, see Testimony of Maximiano Chapa, 1873, box 2, Investigatory Commission Collection. On the *malísima* characterization, see Testimony of José María Cisneros, 1873, *ibid.* On Glavecke blaming Andrés Peña and Rafael Peña, see Testimony of Andrés Peña, 1873, *ibid.* On the brothers’ sentence, see Indictment 207, Fall 1859, Texas District Court, *Index to Judgments and Orders, Starr County, Texas* (microfilm, 4 reels, Genealogical Society of Utah, 1977), reel 1. See also Testimony of José María Vela, 1873, box 2, Investigatory Commission of the North Collection; and Testimony of Santos Hernández, 1873, *ibid.*

¹² Joseph G. McCoy, *Historic Sketches of the Cattle Trade of the West and Southwest* (Kansas City, 1874), 40. For the “armed to the teeth” quotation, see John Gamgee, “Report of Professor Gamgee on the Splenic or Periodic Fever of Cattle,” in *Report of the Commissioner of Agriculture on the Diseases of Cattle in the United States* (Washington, 1871), 82. Daniel Cosío Villegas, *The United States versus Porfirio Díaz*, trans. Nettie Benson (Lincoln, 1963), 44.

Meanwhile, American manufacturing created a new market for hides. In New York, hides doubled in price between 1862 and 1872, spurring an active trade. Cattle were driven to slaughterhouses, like that in Brazoria, Texas, where their skins were removed and their carcasses chucked down chutes into the Brazos River, in whose depths, claimed the folklorist J. Frank Dobie, the catfish grew to unnatural size gorging on the meat.¹³

The new stockyards at Abilene and the booming market for hides increased the demand for Texas longhorns—and the incentives to steal them from Mexico. Thieves, upon finding a herd, would shoot a cow, and, without waiting for it to die, skin it, leaving the buzzards to pick the meat from the bone. The *Brownsville Sentinel* wrote that the so-called peelers were “flaying daily thousands of heads” on the Texas side of the river. The same practice occurred, though on a lesser scale, in Mexico. To one diplomat, the rustlers were “unendurable . . . worse than the Apaches in the heyday of their career.”¹⁴

At the same time that crime increased, the cooperation between *norteños* and Texans grew strained. The market forces that encouraged rustling also made ranching more profitable. After holding a finger to the economic wind, Anglo merchants took an interest in acquiring grazing land in south Texas but found that Tejanos already owned most of the land. Clearing title to such property was costly and difficult, and in the first two decades after the Treaty of Guadalupe Hidalgo, Tejanos were mostly unwilling to sell. By the 1870s, however, many had no choice. Burdened by taxation and costly litigation, the Tejano elite struggled to survive the economic depression that followed the panic of 1873. For many, the only solution to insolvency was to sell their land to more highly capitalized operations. At the same time, Americans, predominantly from Mississippi and Louisiana, left “the defeated, isolated, impoverished, brutally bigoted South” for Texas. Not only did these new arrivals displace Mexicans and blacks as ranch hands but they also carried with them deep-seated prejudices, which helped countenance racial violence.¹⁵

Dispossession and racism decreased cooperation between Tejanos and Texans. Tejanos were key to collaboration across the Rio Grande. It was L. H. Box’s relationship with Tejanos in Edinburg that probably led him to help Francisco Zepeda Cavazos recover his stolen livestock. After being shot by the rustlers in 1858, Judge F. F. George asked the Tejano doctor Ramón Jiménez to petition the authorities at Reynosa for help. The Tejano sheriff S. B. Baquelos helped Mexican ranchers in 1848 recover their stolen livestock in Cameron County.

Stripped of land and status, Tejanos no longer served as the vital link in the chain of communication and cooperation between Anglos and Mexicans. In March 1877 Judge Luis Benavides of Guerrero, Mexico, captured a herd of cattle stolen from Texas but “not

¹³ On hide prices, see Ignacio Galindo et al., “Investigating Commission of the Northern Frontier,” in *Reports of the Committee of Investigation Sent in 1873 by the Mexican Government to the Frontier of Texas* (New York, 1875), 94. J. Frank Dobie, *The Longhorns* (Austin, 1980), 240.

¹⁴ *Brownsville Sentinel*, Feb. 14, 1873. On the illegal skinning of herds in Mexico, see Lázaro Campos to the jefe politico of Saltillo, July 11, 1875, folder 2, file 7, box 10, 19th-Century Collection. Mexican minister in Washington Manuel de Zamacona, to Secretary of State James G. Blaine, April 13, 1881, quoted in Daniel S. Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877–1898* (Athens, Ga., 2011), 100.

¹⁵ On the problem of acquiring grazing land in south Texas, see Commander A. McCook of Fort Brown to Acting Adjutant General, April 4, 1872, vol. 2, box 17, U.S. Commission to Texas, Miscellaneous Records, RG 76 (National Archives, College Park, Md.). On Tejanos’ need to sell, see David Montejano, *Anglos and Mexicans in the Making of Texas, 1836–1986* (Austin, 1987), 55. For the “defeated, isolated, impoverished” quotation, see Walter L. Buenger, “Texas and the South,” *Southwestern Historical Quarterly*, 103 (Jan. 2000), 324. On Americans carrying racial prejudice, see Terry G. Jordan, “The Origin of Anglo-American Cattle Ranching in Texas: A Documentation of Diffusion from the Lower South,” *Economic Geography*, 45 (Jan. 1969), 84.

knowing what authority to report to,” could not immediately inform Fort Duncan. Instead, he asked an American visitor named William Stone to return to his home in Eagle Pass and alert the authorities. As communication diminished, each side suspected the other of acting in bad faith. To Mexicans, a band of petty criminals defying the U.S. government seemed unlikely: “Such thieves could not occur on the American side if these parties were not protected by the authorities,” some concluded. Americans also grew suspicious of their neighbors. Texas Ranger captain S. H. McNally insisted that Mexicans could very well defend the border—they simply chose not to. At the sounding of an alarm, he claimed in 1876, the head of the rural police could alert the nearby ranches and within twenty-four hours bring together a force capable of overpowering five hundred American troops. “They gather rapidly, and are very patriotic,” McNally explained.¹⁶

These accusations ignored the difficulties of seizing and returning stolen animals. The U.S. commercial agent at Piedras Negras complained in 1869 that the Mexicans showed “little favor to Americans claiming stolen property” because Texans refused to turn over indentured servants who had fled north of the Rio Grande. But stolen cattle were often not returned due to insufficient evidence—not obstinacy. After returning twelve horses to an American who had come to Mexico with a certified list of the animals that had been stolen, the mayor of Múzquiz wrote to the authorities at Fort Duncan, denying charges that Mexican authorities protected thieves. Texans, he said, often came to Mexico, claiming that Indians had stolen their stock, without producing the necessary “legal justifications.”¹⁷

This suspicion made cooperation between Mexican and Texan authorities increasingly difficult. When the American commanders at Fort Duncan suggested to the governor of Coahuila, Vicente Galán, that the forces of each country be allowed to cross the border in pursuit of Indians or bandits, Galán testily replied in 1875 that the state government “does not have the authority to celebrate such agreements.” The Texas officials responded that they had made just such an arrangement with the state of Chihuahua. Several weeks later the governor of Chihuahua wrote to the Mexican secretary of foreign relations, denying the Americans’ claims—“This government, understanding its authority, has not given any permission or made any agreement.”¹⁸

The ad hoc collaborations that once checked transnational crime had come to an end, and the two national governments failed to provide an alternative. Mexico and the Unit-

¹⁶ “Report of Judge Luis Benavides,” Nov. 29, 1878, p. 3, folder 10, file 1, box 7, 19th-Century Collection. For the “such thieves” quotation, see U.S. Commercial Agency at Piedras Negras to the Second Assistant Secretary of State, April 9, 1872, *Despatches from the United States Consuls at Piedras Negras, Mexico, 1868–1906* (microfilm, National Archives and Records Service, 1970), roll 1, vol. 1, U.S. State Department Records in the National Archives, RG 59 (National Archives, Washington, D.C.). Testimony of S. H. McNally, Jan. 24, 1876, in *Report and Accompanying Documents of the Committee on Foreign Affairs on the Relation of the United States with Mexico*, ed. Gustave Schleicher (Washington, 1878), 169.

¹⁷ William Schuchardt to Secretary of State Hamilton Fish, April 12, 1869, *Despatches from the United States Consuls at Piedras Negras*, roll 1, vol. 1. Most historians concur that peonage was uncommon in northern Mexico. For examples of this view, see Alan Knight, “Mexican Peonage: What Was It and Why Was It?,” *Journal of Latin American Studies*, 18 (May 1986), 41–74; Friedrich Katz, “Labor Conditions on Haciendas in Porfirian Mexico: Some Trends and Tendencies,” *Hispanic American Historical Review*, 54 (Feb. 1974), 1–47. For a differing interpretation, see Charles H. Harris III, *A Mexican Family Empire: The Latifundio of the Sánchez Navarro Family, 1765–1867* (Austin, 1975). Municipal President of Múzquiz to Commanders at Fort Brown, Jan. 26, 1869, in “Report of Jesús Castellano, First Judge of Múzquiz,” Dec. 3, 1878, p. 11, folder 11, file 1, box 8, 19th-Century Collection.

¹⁸ Vicente Galán to Governor of Coahuila, Nov. 30, 1875, folder 10, file 9, box 19, 19th-Century Collection. Testimony of Gen. Edward Ord, Feb. 12, 1876 in *Report and Accompanying Documents of the Committee on Foreign Affairs on the Relation of the United States with Mexico*, ed. Schleicher, 176. Governor of Nuevo León to Secretary of Foreign Relations, Dec. 30, 1875, folder 10, file 9, box 19, 19th-Century Collection.

ed States concluded an extradition treaty on December 11, 1861, but the agreement was primarily used to extradite Confederates. The failure to negotiate a broader extradition policy left many criminals unpunished. After Gov. Evaristo Madero of Coahuila indicted thieves who rustled cattle from Texas, U.S. federal authorities informed the Mexican secretary of state that “according to the laws of the United States, crimes can only be punished by the authorities in the place where they are committed.” This decree departed from the legal precedent set in Texan and Mexican courts, which had long passed justice on crimes committed abroad, so long as the offenses would have been considered crimes at home.¹⁹

As cooperation decreased, Mexican courts began to uphold the principle that a criminal could be convicted only in the district where the crime had been committed. On February 6, 1877, before the court of Guerrero, Mexico, a Texan named John S. McDonald accused John Yuselman of stealing his horse. Yuselman, an American citizen living in San Antonio, had stolen McDonald’s horse in Texas, and McDonald had followed him to Mexico. After catching Yuselman with the horse in Guerrero, McDonald brought him to the local authorities. The judge dismissed the case because “according to the principles of international law . . . penal legislation of one state only extends to the crimes committed inside its territory, whether by nationals or foreigners.” The crime had been committed in Texas—and only there could it be tried.²⁰

Without the informal arrangements between local officials, transnational crime went unchecked. Pursuing thieves across the Rio Grande now promised few returns for Mexicans. They could neither bring the rustlers to justice in Texas nor often recover their stolen goods, as they had in the past. Texan authorities treated Mexicans—like Tejanos—differently from Anglos. They required “deposits and other proofs which are difficult to produce” before they would return stolen cattle. According to Celio Díaz, a rancher from Gigedo, pursuing cattle across the river was “useless.” Another stock raiser from Gigedo, Perfecto Flores, testified that stolen animals could not be recovered by legal means. In February 1869 thieves rustled five horses and one mule from Rancho de los Conales near Montemorelos, Nuevo León. Their owner was Francisco Zepeda Cavazos, the man whom L. H. Box, the customs collector of Edinburg, once helped recover his stolen livestock. This time, however, Zepeda Cavazos followed their tracks across the river and found one of the horses outside Edinburg. Although he had registered his brands with Texas authorities, the sheriff would not return Zepeda Cavazos’s horse because “he had not presented a certification that he had not sold the animals.” By the time he returned to Edinburg with the required document, the horse had been sold and was far away in the interior.²¹

Given the heightened risk and scant returns, Mexicans followed their stolen animals across the Rio Grande less frequently. Tirso de la Garza, a *criador* (cattle breeder) from Rancho de la Norma, Nuevo León, twice crossed the river into Texas to reclaim stolen animals, but, “as it had been without result and at great difficulty, he no longer made the

¹⁹ On the extradition treaty, see Martha Menchaca, *Naturalizing Mexican Immigrants: A Texas History* (Austin, 2011), 36. “Ganadería” (Livestock), *Órgano Oficial*, June 29, 1883, edition 2, no. 100, p. 1, Official Newspaper Collection.

²⁰ “Justicia” (Justice), *Periódico Oficial*, Feb. 6, 1877, edition 1, no. 18, p. 3, Official Newspaper Collection.

²¹ For the “deposits and other proofs” quotation, see Testimony of Casiano Martínez, Rancho de las Norias, 1873, box 2, Investigatory Commission of the North Collection. “Report of Municipal President Manuel Hernández, Gigedo, Coahuila,” Sept. 25, 1877, p. 3, folder 2, file 9, box 8, 19th-Century Collection. Testimony of Francisco Zepeda Cavazos, 1873, box 2, Investigatory Commission of the North Collection.

effort.” Along with frustration, Mexicans also faced violence in Texas. Esteban Juárez, a soldier from Matamoros, said that when he pursued mules stolen from his property in 1864, his friends from Brownsville persuaded him not to continue, saying that to do so “would put his life at risk.” Roberto Fragoso, a rancher from Puertos Verdes, Nuevo León, was also accustomed to pursuing rustlers into Texas. But in 1865 he found at Rancho Viejo, Texas, three horses and four mules that had been stolen from his pastures. Guarding the herd were an Indian, a Mexican, and an American. The Mexican advised Fragoso and his companions “to leave because if [the Texan] boss arrived, they would be killed.” Such warnings had a basis in fact. In April 1876 a band of Americans and Mexicans rustled five animals from a ranch outside Guerrero and, when a group of nine *vecinos* chased after them, the thieves assaulted the Mexicans, killing one, and leaving another mutilated.²²

The Rio Grande marked “the line of positive safety”—not only for ranchers but also for the thieves they pursued. Criminals were unlikely to be followed or brought to trial across jurisdictional lines. “Once across the river, they are safe,” concluded Gaspar Guzman, a *criador* from San Fernando. That crossing the river now had consequences represented a significant shift. For almost two decades after the Treaty of Guadalupe Hidalgo, the Rio Grande promised no protection to rustlers, who were forced to hide stolen animals in sheer mountains or uncharted deserts. Now thieves could “turn and laugh at their pursuers” from the opposite bank of the river.²³ What caused this change?

After the American Civil War, rustling increased, spurred by the heightened demand for cowhides and the construction of the stockyards at Abilene. At the same time, the economic and social ties between Texas and Mexico grew strained, making cooperation increasingly difficult. Local authorities declined to prosecute crimes committed in foreign jurisdictions. Mexicans stopped crossing the Rio Grande in pursuit of stolen livestock, for fear of physical intimidation or for want of assistance. As a result, criminals were unlikely to be pursued or brought to trial once across the river. Ominous reports began to arrive in Washington. The Rio Grande valley was in tumult. Thieves stole livestock, shot customs inspectors, and set fire to post offices. The river might have been, in the words of one observer, “worse than an imaginary” border. But even without fences or guard towers, it had become a boundary—a dividing line between safety and danger.²⁴

²² Testimony of Tirso de la Garza, 1873, box 4, Investigatory Commission of the North Collection. Testimony of Esteban Juárez, 1873, *ibid.* For other examples of Mexicans less frequently pursuing stolen livestock into Texas, see Testimony of Francisco Zaragosa, 1873, *ibid.*; Testimony of Rudicindo Martínez, 1873, box 2, Investigatory Commission of the North Collection; and Testimony of Pedro Cantu Pineda, 1873, *ibid.* Testimony of Roberto Fragoso, 1873, *ibid.* Testimony of Esteban Hernández, Oct. 2, 1877, vol. 41-16-72, Rustling Collection (Estrada Archive).

²³ “Second Report of U.S. Commissioners for Inquiry into the Depredations Committed on the Texas Frontier,” June 30, 1873, House Executive Document No. 257, 43 Cong., 1 sess., May 26, 1874, p. 354. Testimony of Gaspar Guzman, 1873, box 2, Investigatory Commission of the North Collection. For the “turn and laugh” quotation, see “Annual Report of the Department of Texas,” Sept. 30, 1873, in *Ranald S. Mackenzie’s Official Correspondence Relating to Texas, 1873–1879*, ed. Ernest Wallace (Lubbock, 1968), 61.

²⁴ On livestock theft, see John B. Jones to Neal Caldwell, March 11, 1875, folder 3, box 393, Texas Adjutant General Records (Texas State Archives, Austin). On violence against customs officials, see [Assistant Secretary of State Frederick W.] Seward to [Ambassador to Mexico John W.] Foster, May 16, 1877, House Executive Document No. 222, 45 Cong., 2 sess., Dec. 3, 1877, p. 405; and Ord to Col. R. C. Drum, June 3, 1875, House Executive Document No. 343, 44 Cong., 1 sess., Feb. 29, 1876, p. 132. On the burning of post offices, see Foster to J. M. LaFragua, Minister of Foreign Affairs, May 3, 1875, Inclosure 1, Executive Document No. 287, 44 Cong., 1 sess., Dec. 6, 1875, p. 916; and William W. Belknap to Fish, April 10, 1875, Inclosure 1, Executive Document No. 214, 44 Cong., 1 sess., Dec. 6, 1875, p. 899. On the river being “worse than an imaginary” border, see A. Navarro to Sam Houston, Feb. 15, 1860, House Executive Document No. 52, 36 Cong., 1 sess., March 16, 1860, p. 122.

Federal Intervention, 1877–1880

Authorities in Washington took note of the violence in the Rio Grande valley. A congressional committee expressed concern that “the people of Texas will rise in arms in their last despair . . . and wage a war of retaliation” against Mexico. In May 1872 Congress authorized a commission to investigate the depredations on the Texas frontier. Although the commission collected 1,090 depositions from citizens of Brownsville, Ringgold Barracks, Corpus Christi, Laredo, Eagle Pass, Fort Clark, and San Antonio, the claims the witnesses made were suspect. These Texans swore under oath that the damages from Mexican raids totaled \$35 million—three times the assessed value of the *total* real and livestock property in the counties where the raids allegedly occurred. To prove the error of the American claims, the Mexican Congress also named three commissioners, who traveled from Matamoros to La Resurrección (present-day Jiménez, Coahuila), examining witnesses, copying public archives, and gathering 17,688 pages of evidence.²⁵

The two groups of commissioners differed in their interpretations but not in their accounts of, or solution for, border violence. The Rio Grande valley was, as the Americans put it, a “saturnalia of crime, violence, and rapine,” and the solution was a greater military presence on the border. The Mexican commission urged the “stationing of the most select portion of our army along the frontier.” Their American counterparts recommended that the U.S. Army give protection “to those who live under the shadow of [the American] flag on the distant Rio Grande . . . whose members have been depleted by the arrow of the Indian and the knife and pistol of the Mexican assassin.”²⁶

But the government in Washington continued to insist that federal forces be used only to defend against Indians’ arrows, not Mexicans’ pistols. Impatient to decrease the size of the peacetime army after the Civil War, the U.S. government wanted fewer soldiers—not more. To military commanders’ consternation, Congress cut the army from over 1 million men in 1865 to twenty-seven thousand by 1874. Since Congress reduced only the number of troops, not the number of regiments, companies that once numbered fifty to a hundred were reduced—sometimes to less than ten men. An officer of the black Twenty-Fourth Infantry testified in 1876 that the largest company in the regiment mustered seven soldiers. “It is rather stupid work for an officer to go out and drill four men,” he said. Even at these numbers, however, the army was still too large for Democrats, who accused the Republican administrations of Ulysses S. Grant and Rutherford B. Hayes of maintaining a large army not to fight Indians but to thwart dissent.²⁷

²⁵ G. Schleicher et al., “Report of the Special Committee on the Mexican Border Troubles Appointed under Resolution of the House of Representatives,” Jan. 6, 1876, House Report No. 343, 44 Cong., 1 sess., Feb. 29, 1876, p. 160. “Extracts from the second report of the United States commissioners for inquiring into the depredations committed on the Texas frontier, appointed under joint resolution of Congress approved May 7, 1872,” House Executive Document No. 257, 43 Cong., 1 sess., June 30, 1873, p. 143. “Doubtful Character of the Reports of Mexican Outrages,” *New York Times*, April 2, 1875, p. 1. “Preface to the Translation,” *Reports of the Committee of Investigation, sent in 1873 by the Mexican Government to the Frontier of Texas*, iv.

²⁶ For the “saturnalia of crime” quotation, see “Federal Grand Jury Report,” March 25, 1872, in *Report and Accompanying Documents of the Committee on Foreign Affairs on the Relation of the United States with Mexico*, ed. Schleicher, 92. Galindo et al., “Investigating Commission of the Northern Frontier,” 442. “Depredations on the Frontiers of Texas,” May 26, 1874, House Executive Document No. 257, 43 Cong., 1 sess., May 26, 1874, p. 32.

²⁷ [Secretary of State] Fish to Foster, April 28, 1875, *Executive Documents, 1875–76* (17 vols., Washington, 1876), II, 900. On declining numbers in the army, see Richard Wooster, “The Army and the Politics of Expansion: Texas and the Southwestern Borderlands, 1870–1886,” *Southwestern Historical Quarterly*, 93 (Oct. 1989), 151. See also Robert M. Utley, *Frontier Regulars: The United States Army and the Indian, 1866–1891* (New York, 1973). “Testimony of Capt. H. C. Corbin,” March 2, 1876, House Report No. 354, 44 Cong., 1 sess., March 9, 1876, p. 210. On Democrats’ criticism of the army, see Utley, *Frontier Regulars*, 64.

Texans in the Rio Grande valley supported federal intervention, insisting that neither municipal nor state forces could defend the border against Mexican rustlers. Local civil authorities were, according to the U.S. Army provost marshal of Brownsville, John Evans, “wholly powerless to sustain themselves against the flood of thieves and desperadoes who swarmed across the river on their mission of pillage and murder.” Although the state government in Austin failed to protect the frontier, it still levied taxes to fund border defense. “If we are to stand on duty as sentinels for the interior portions of the State, we should not be required to pay the State for *not* performing that duty for us,” the grand jury of Cameron County complained in 1871. A broader military mandate and presence would not only protect south Texas but also enrich its citizens, particularly those who supplied food, forage, and equipment to the U.S. Army.²⁸

Texans in other parts of the state disagreed, however. Congressman John H. Reagan of east Texas argued in 1878 that the army should not perform the duties of a local police force: “I . . . prefer to act on the theory that . . . the States can best, and with the greatest safety to our people and institutions, repress such disorders as may occur within them.” After Texas’s Radical Republican governor Edmund Davis enlisted black officers in the newly formed Texas State Police in the early 1870s and instructed the force to impose martial law on towns that refused to be reconstructed, Texas Democrats were wary of army rule. To many Texans, the solution was for the federal government to pay local forces to guard the Rio Grande. “If Texas is to defend her frontier,” wrote the *San Antonio Herald* in 1878, “let the Federal Government say so in plain terms, and withdraw the Corporal’s guard of bluecoats under Gen. [Edward] Ord, and spend the money in improving the trout streams of Pennsylvania.”²⁹

The Texas government took steps to achieve its vision of frontier defense. In 1874, after the Democrat Richard Coke became governor, the state legislature reinstated the Texas Rangers (an organization that had been abolished during Radical Reconstruction) and enacted a militia bill, creating a permanent force of state troops on the border—the Texas Ranger Frontier Battalion. Impatient to end the raids, Governor Coke ordered the battalion to pursue rustlers no matter where they went. “It is because each state or nation has undertaken to restrain its people from making war on the people of its neighbors that the law of nations forbids an armed force from entering the territory of another,” Coke pontificated. The Mexican government could not restrain its citizens from crossing into Texas, and so Texas troops would cross into Mexico to restrain them. To the governor, the Rio Grande did not mark the limits of Texas’s jurisdiction.³⁰

But these incursions threatened to start another war with Mexico—a war that the United States could ill afford. This possibility caught the attention of Republicans outside of Texas, who wished to avoid the outbreak of hostilities. “Could a more idiotic, a more

²⁸ John H. Evans to Raymond House, Sept. 26, 1877, *Annual Report of the Secretary of War on the Operations of the Department for the Fiscal Year Ending June 30, 1877* (4 vols., Washington, 1877), 1, 83. “Report of the Grand Jury of Cameron County, Texas,” Aug. 28, 1871, in *Report and Accompanying Documents of the Committee on Foreign Affairs on the Relation of the United States with Mexico*, ed. Schleicher, 90.

²⁹ “Reagan on the Army,” *New York Times*, June 22, 1878, p. 5. On the enlistment of black officers, see Robert M. Utley, *Lone Star Justice: The First Century of the Texas Rangers* (New York, 2002), 137. “The Texas Frontier,” *San Antonio Herald*, May 29, 1878, reprinted in *New York Times*, June 3, 1878, p. 2.

³⁰ On the creation of the Texas Ranger Frontier Battalion, see Utley, *Lone Star Justice*, 152. Richard Coke to Attorney General [George Henry] Williams, n.d., quoted in “Report of the Special Committee on the Mexican Border Troubles, Appointed under Resolution of the House of Representatives, Passed January 6, 1876,” in *Report and Accompanying Documents of the Committee on Foreign Affairs on the Relation of the United States with Mexico*, ed. Schleicher, 161.

perilous policy be invented than that of entrusting international obligations to the care of local Militia—local Militia, too, on a border full of traditional race feuds and personal vendettas?” asked an exasperated *New York Times* columnist in 1877. The interests of several factions aligned. The military did not want its numbers reduced, and Republicans wanted to avoid a costly war with Mexico. But what to do? The army fought Indians and foreign armies—not rustling outfits. The practical difficulty of distinguishing Mexicans from Indians provided an unlikely solution.³¹

One winter morning in 1880, Capt. Martiniano Valdés set off in pursuit of Indians who had stolen cattle from Hacienda de San Blas near Múzquiz, Mexico. As Valdés and his men gained on the raiders, a gun fight broke out. Overwhelmed “by the number and valor of my soldiers,” Valdés reported, the raiders surrendered. But as he readied the firing squad, the Indians rubbed the paint from their faces, crying that they were not Indians after all. This situation was not unusual. The governor of Nuevo León often voiced his suspicions that the bands of Indians plundering his state were “Tejanos and Indians and not only savages.” Authorities in Saltillo hanged four Mexican rustlers in 1869 for painting their faces with black ink, “just like the savages.” A company of settlers from Missouri hanged five “bogus Indians.”³²

Although it is difficult to say how often Mexicans disguised themselves as Indians, Commander Christopher Augur of the U.S. Army’s Military Department of Texas insisted in 1873 that they dressed often enough in feathers and paint that “it will be impossible for the troops to discriminate between the Indians and Mexicans detected *in flagrante delicto*.” As soon as the contents of Augur’s letter became known, American military men took it to mean that “no distinction will be made between Indian and Mexican thieves.” The argument that American troops could not give chase to Indians without pursuing the Mexicans among them blurred a once-stark distinction between raiders and rustlers. With the tacit approval of the commanding general of the army, William T. Sherman, the troops on the Rio Grande began to pursue Mexican thieves, restoring peace by May 1876.³³

On June 1, 1877, President Hayes issued a set of instructions to Brig. Gen. Edward Ord, legalizing what was already common practice. “In case the lawless incursions continue,” read the order, the military command in Texas could, “when in pursuit of a band of the marauders, and when his troops are either in sight of them or upon a fresh trail, . . . follow them across the Rio Grande.” But the Ord Order was unprecedented for more than authorizing federal troops to cross the river: it also gave official sanction to the pursuit of non-Indian rustlers, calling for “the exercise of the utmost vigilance on the part of

³¹ “Texas Militia and the Army Bill,” *New York Times*, Nov. 13, 1877, p. 4.

³² For the “by the number” quotation, see Col. Pedro Valdez to Governor of Chihuahua, Jan. 18, 1881, folder 3, file 4, box 2, 19th-Century Collection. For instances of rustlers dressed as Indians, see Jesus de Isla de Villa de Patos to Secretary of the Government of Coahuila, Sept. 11, 1870, folder 9, file 1, box 11, *ibid.*; Governor of Chihuahua to Governor Luis Terraza of Coahuila, Feb. 14, 1881, folder 3, file 4, box 2, *ibid.*; and Mayor of Múzquiz to Secretary of the Government of Coahuila, Dec. 16, 1875, folder 14, file 6, box 20, *ibid.* Governor of Nuevo León to Mayor of Agualeguas, March 5, 1852, box 1, Investigatory Commission of the North Collection. Correspondence between the auxiliary judges and the municipal president of Saltillo for 1869, folder 62, box 112, Town Council Collection (Municipal Archive of Saltillo). On the “bogus Indians,” see Galindo et al., “Investigating Commission of the Northern Frontier,” 366.

³³ Christopher C. Augur to Victoriano Cepeda, June 23, 1873, call no. VAULT, Ayer, MS 3008, folder 4, box 1, Christopher C. Augur Papers (Newberry Library, Chicago, Ill.). For the “no distinction” quotation, see W. R. Shafter to Ranald Mackenzie, Fort Duncan, July 1, 1873, in *Ranald S. Mackenzie’s Official Correspondence Relating to Texas*, ed. Wallace, 39. Philip Sheridan to William T. Sherman, April 3, 1876, quoted in Utey, *Frontier Regulars*, 60.

our troops for the suppression of these raids and the punishment of the guilty parties, as well as the recapture of property stolen by them.”³⁴

The instructions to cross the border understandably rankled Mexican authorities, who insisted that their commanders in the Rio Grande District were keeping the peace. The U.S. Army commander of Fort Brown reported as well that the border had experienced a period of unprecedented peace since May 1876. “It is astonishing to know what effrontery some of the people of this border have,” Capt. Neal Caldwell wrote. “They are continually writing articles,” he continued, “which they know and everyone in this country know to be false.” Even General Ord claimed that his eponymous order was unnecessary. In February 1880 President Hayes revoked the order. By acknowledging that the U.S. Army had no legal right to cross into Mexico without permission, authorities in Washington recognized the Rio Grande as the limit of national jurisdiction.³⁵

Even after the revocation of the Ord Order, the federal government continued to control border security, even assuming tasks previously assigned to the states. Federal authorities could exercise a more complete authority on the border, in part because of political developments at the center. The arrival of the Mexican army was evidence of growing state power under Porfirio Díaz. The presence of the American soldiers owed to expanded U.S. federal authority after the Civil War. This was a necessary, though not sufficient, condition for change. Union victory signaled expansion of federal power, but national authority did not increase in every respect. States continued to exercise many of their former rights. For more than a decade after the surrender at Appomattox, the federal government continued to defer to state authorities, invoking its limited mandate to regulate foreign commerce and defend against external invasion. Federal authorities in Washington had the ability to assume control of the border because of a war fought over a decade earlier, but they did so because of the outcry from Texas in 1877. Local concerns determined how federal authority expanded on the Rio Grande.³⁶

The way the line became a boundary was intimately linked to the process by which the boundary became a border. As mounting violence threatened to provoke a war between Mexico and the United States, federal authorities intervened. Although the threat came not from Indians or foreign armies, the American government sent troops to the Rio Grande, claiming jurisdiction that it had previously shared with or entirely delegated to the states. By acknowledging the Rio Grande as the limits of American sovereignty and claiming exclusive authority over who and what could cross the river, the United States government inscribed it as a national border.

³⁴ For the orders, see Daniel Margolies, *Spaces of Law in American Foreign Relations*, 10. For the “exercise of the utmost vigilance” quotation, see “Message,” Dec. 3, 1877, *Papers Relating to the Foreign Relations of the United States, Transmitted to Congress, with the Annual Message of the President, December 3, 1877* (Washington, 1877), xvii. For more on the Ord Order, see Josefina Zoraida Vázquez and Lorenzo Meyer, *The United States and Mexico* (Chicago, 1987), 79–84.

³⁵ On the commander of Fort Brown, see Daniel Cosío Villegas, *United States versus Porfirio Díaz* (Lincoln, 1963), 59. Caldwell to Jones, April 30, 1875, folder 4, box 393, Texas Adjutant General Records (Texas State Archives). On the revocation of the Ord Order, see Robert Wooster, *The Military and United States Indian Policy, 1865–1903* (Lincoln, 1988), 95.

³⁶ Although the Fourteenth and Fifteenth Amendments enfranchised male citizens, for instance, states could still limit access to the vote. Despite acknowledging black citizenship, Attorney General Edward Bates denied that eligibility for suffrage was an inherent incident of the status. See Edward Bates, *Opinion of Attorney General Bates on Citizenship* (Washington, 1862); and James H. Kettner, *The Development of American Citizenship, 1608–1870* (Chapel Hill, 1978), 344.

Conclusion

In 1848 the Rio Grande was little more than a line on a map, which neither Indians nor soldiers, rustlers nor ranchers hesitated to cross. After the American Civil War, the wheels of the market, greased by violence, displaced Tejanos from their lands. The economic and social ties that facilitated cooperation across the border line grew strained. Mexicans hesitated to pursue rustlers into Texas, and Americans became less likely to continue a chase across the river. The Rio Grande had become a boundary with practical consequences. As violence threatened to provoke a war between Mexico and the United States, federal authorities intervened. Although the threat came not from Indians or foreign armies, the U.S. government dispatched troops to the Rio Grande to stop rustlers, the private malefactors whose arrest had been until then entrusted to the states. By inscribing the Rio Grande with national, political meaning, the federal government transformed the boundary into a border.

Claiming exclusive authority over the U.S.-Mexico border, however, did not always mean that the federal government was successful in imposing its vision of order. Violence continues. Drug cartels and immigrants inspire the same debates over federal power as did rustlers and Indians. More than a century after Gov. Richard Coke complained that the national government was depriving Texas “of her Constitutional right to be defended at the expense of the common government,” Texas governor Rick Perry in 2011 lodged the same objection: that “the federal government has abdicated its constitutional responsibility to secure our border.”³⁷

But these similarities obscure a subtler shift in how the American government understood its duties. Not until the end of the nineteenth century did national authorities understand border security as an essential component of American sovereignty. To claim that this change marked a turning point in American history is to presume that the border would be different otherwise. The counterfactual is impossible to prove. But since enforcing the U.S.-Mexico border costs \$18 billion a year, could the border be as militarized without federal funding? If the national government defended only against foreign armies, would there still be white trucks patrolling the Rio Grande or a corrugated metal wall stretching into the Pacific Ocean at Imperial Beach?³⁸

The federal government asserted control over border security because of developments on the periphery, not demands from the center. This argument is not novel; nor is its aim—to look beyond the nation. The new social history was revolutionary because it encouraged the study of the little people, rather than the great ones. But the move away from state-centered histories did not change the fact that state actors write, collect, and preserve the archive, or that the average person inspires bureaucratic documentation primarily during rebellions and other unrest. The most common story, unsurprisingly, is of resistance. Historians of British, French, and Spanish empires draw a binary distinction between the colonial state and its agents, on the one hand, and native agitators, on the other. American historians of the twentieth century understand oppression primarily in the context of the state, without recognizing its economic, social, and cultural forms.

³⁷ Coke to General Ord, April 24, 1874, House Report No. 343, 44 Cong., 1 sess., Feb. 29, 1876, p. 73. Rick Perry, “Cleaning Up Washington’s Mess,” Sept. 26, 2011, *American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=97194>.

³⁸ On the cost of enforcing the border, see “Secure Enough,” *Economist*, June 22, 2013, <http://www.economist.com/news/usa/21579828-spending-billions-more-fences-and-drones-will-do-more-harm-good-secure-enough>.

Borderlands historians conceive of westward expansion as the process by which the federal government enlarged its powers despite local protest. At its best, this scholarship shows how colonies, the subaltern, or the periphery influenced the center. But even at its best, this approach, directly or indirectly, casts the nation-state as the primary, if not exclusive, historical actor.³⁹

The result has been what might be called the anarchistic turn—a proliferation of scholarship that casts the expansion of the American state against the backdrop of local protest. Although this approach has produced important scholarship, it presents an unbalanced account of how federal authority expanded in the United States. The nation-state was often an invited guest, not an unwelcome stranger. In the Rio Grande valley, the U.S. government responded to the circumstances created by geography, violence, and economic markets to expand its jurisdiction. Federal officials succeeded in establishing coercive forms and agencies because most Texans welcomed the order (and often, the graft) that this federal presence promised.⁴⁰

This perspective challenges the view either that the Treaty of Guadalupe Hidalgo created the border or that expanding state power in the late nineteenth and early twentieth centuries initiated the still-unfinished process of border formation. It widens our view beyond the state, allowing us to see nonstate forces as drivers of change: in the words of Pekka Hämäläinen and Samuel Truett, it recognizes the “other turning points anchored in vast stretches of America where the visions of empires and nations often foundered and the future was far from certain.” Before the gates and fences, patrols and immigration officers, violence created a boundary where once there had only been a river—brown and languid, so shallow at points that riders could cross it on horseback without so much as wetting their boots.⁴¹

³⁹ Among the best works of imperial history are Ranajit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (Durham, N.C., 1999); James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, 1987); Gilbert Joseph and Daniel Nugent, eds., *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico* (Durham, N.C., 1994); and Timothy Mitchell, *Colonising Egypt* (Los Angeles, 1991). Excellent histories of the state in the twentieth-century United States include Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, 2009); and Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York, 2010). On borderlands histories, see St. John, *Line in the Sand*; Mora-Torres, *Making of the Mexican Border*; Valerio-Jiménez, *River of Hope*; Meeks, *Border Citizens*; and Adelman and Aron, “From Borderlands to Borders.” I am grateful to Robert Perkinson, whose talk at the Yale Americas Graduate School Alumni Conference informed this argument. See Robert Perkinson, “Interpreting Violence in American History,” paper delivered at the Yale Americas Graduate School Alumni Conference, New Haven, Conn., Nov. 9, 2013.

⁴⁰ On coercive forms and agencies, see Philip Corrigan and Derek Sayer, *The Great Arch: English State Formation as Cultural Revolution* (New York, 1985); James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, 1999); and Joseph and Nugent, eds., *Everyday Forms of State Formation*.

⁴¹ Hämäläinen and Truett, “On Borderlands,” 340.

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