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The Decree of 19 August 1848: The First Repatriation Commissions and Postwar Settlements Along the U.S.-Mexico Borderlands

JOSÉ ANGEL HERNÁNDEZ[†]

I. INTRODUCTION

Like all other wars that bring about destruction and chaos in their wake, these eventful ruptures in the historical structure are also moments of creativity and introspection surrounding the meaning of the nation, and its legacy. The end of the war simultaneously brought about the creation of the *Department of Colonization* because many amongst the intelligentsia believed that a failure to colonize and populate those areas lost to the US was the primary reason for this recent partition.¹ To this end, the northern frontier was divided into three regions, and a Repatriate Commission was assigned to each: New Mexico, Texas and California.² The primary function of these Repatriate Commissions, just like the *Department of Colonization*, was to identify, administer, and then to accommodate those Mexican citizens that opted to migrate southward across the new international boundary following the signing of the *Treaty of Guadalupe Hidalgo*

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1. PROYECTOS DE COLONIZACIÓN PRESENTADOS POR LA JUNTA DIRECTIVA DEL RAMO, AL MINISTERIO DE RELACIONES DE LA REPÚBLICA MEXICANA EN 5 DE JULIO DE 1848, (M. . .xico: Imprenta de Vicente García Torres, 1848) (1848) (Mex.). Full copy is available at CÓDIGO DE COLONIZACIÓN Y TERRENOS BALDÍOS DE LA REPÚBLICA MEXICANA, FORMADO POR FRANCISCO F. DE LA MAZA Y PUBLICADO SEGÚN EL ACUERDO DEL PRESIDENTE DE LA REPÚBLICA, POR CONDUCTA DE LA SECRETARÍA DE ESTADO Y DEL DESPACHO DE FOMENTO, AÑOS DE 1451 A 1892, 368–398 (México: Oficina Tipográfica de la Secretaria de Fomento) (1893) [hereinafter *Código de Colonización*].

2. See *id.* at 400–06; see also *id.* at 407–12.

(1848).³ Because the New Mexico Territory was the most heavily populated, the creation of the First Repatriation Commission for this region was considered the most important of the three eventual assignments.⁴ Post-war instabilities, strapped financial resources, shifting geo-political boundaries, resistance by U.S. authorities, and internal accusations of financial mismanagement and corruption all contributed to the dissolution of these initial Repatriation Commissions.⁵ Legislation implemented to encourage Mexican citizens to return via the *Department of Colonization* and the Repatriation Commissions provided both the power of the Law and the agents of the government to the foundation of dozens of settlements along the newly established frontiers.⁶ In the end, colonies nevertheless emerged along the northern frontiers between the New Mexico Territory and through Baja California, due in large part to the will and survival skills of the repatriates themselves.⁷

With the fallout of the war between the US and Mexico unfolding during the signing of the treaties of peace in the mid nineteenth century, the question about Mexican citizens left in the ceded territories continued to be of concern for both countries particularly the question of citizenship. In accordance with Article 9 of the *Treaty of Guadalupe Hidalgo* (1848),⁸ the Treaty stipulated that those individuals could either stay where they were at or they could leave south towards the shrinking International boundaries of the Mexican Republic.⁹ If they opted to stay, which recent estimates suggest that

3. *Id.* at 11 (Original: “esas colonias en las costas y fronteras pueden y deben ser, con mayor éxito, compuestas de Mexicanos”).

4. This article read as follows:

“Artículo 22 de la ley de 14 de junio de 1848: “Queda autorizado el Gobierno para invertir hasta doscientos mil pesos del fondo de que habla el artículo 2º (el de indemnización que paguen los Estados Unidos) de esta ley en la traslación de las familias mexicanas que no quieran permanecer en el territorio cedido a los Estados Unidos y soliciten establecerse en la República. Esta cantidad podrá aumentarse con presencia de los presupuestos respectivos, que el mismo Gobierno presentará al Congreso.”

“Asunto: Ramón Ortiz—Nombramiento del citado para que pase a Nuevo M. . .ico, comisionado para la traslación de familias a territorio de la República, 1848,” ARCHIVO HISTÓRICO SECRETARÍA DE RELACIONES EXTERIORES [HISTORICAL ARCHIVE OF THE SECRETARY OF FOREIGN RELATIONS] L-E-1975 (XXV) [hereinafter *AHSRE*].

5. José Angel Hernández, *El México Perdido, El México Olvidado, y El México de Afuera: A History of Mexican American Colonization 1836-1892, 195-220* (2008) (published Ph.D. dissertation, on file with University of Chicago).

6. *Código de Colonización*, *supra* note 1, at 407-12.

7. JOSÉ ANGEL HERNÁNDEZ, *MEXICAN AMERICAN COLONIZATION DURING THE NINETEENTH CENTURY: A HISTORY OF THE US-MEXICO BORDERLANDS*, 225-231 (2012).

8. Treaty of Guadalupe-Hidalgo, Mex.-U.S., Feb. 2, 1848, 9 Stat. 922 (1850).

9. *Id.*

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70% remained within the territorial confines of the US, automatic U.S. citizenship was conferred within the year.¹⁰ For those that opted to leave, some very generous offers of land were made by the Mexican government in their efforts to try and resettle and repopulate the fringes of their decreasing borders with “Modern Mexicans” who had acquired particular modern skills in agriculture, livestock, and martial arts.¹¹ These historical circumstances and the Mexican government’s response to repatriation and settlement set a pattern in motion that continues to this day—the continuing circularity of Mexican migration in both the US and Mexico.

To analyze and contextualize this particular legal history, it is important to examine a number of regional cases of repatriation beyond those from New Mexico, specifically a series of repatriations from the territories of Texas and California. In heretofore unexamined archival documents that detail the repatriation experience in a comparative fashion, I examine the formation of the first Repatriation Commissions charged with encouraging the repatriation of its citizens; a detailed examination of its initial efforts at recruiting repatriates; the work of establishing colonies along the frontiers of the new International Boundary; and the competing interests that pitted the *realpolitik* of state necessities against the pragmatic interests of repatriates themselves. Our examination of the process of repatriation to Mexico begins with a review of the establishment of the commission charged with this arduous task. The laws and decrees debated and passed by the Mexican Congress and Senate are a useful compass to follow in order to understand what entailed the first Repatriation Commission from the 1850s to perhaps more contemporary efforts by the Mexican government to accommodate the millions of repatriates that have arrived since, particularly those currently under the threat of deportation.¹²

II. SOME NUMBERS AND CONTEXT

Approximately “twenty-five percent of the total Mexican American population of the Southwest in the 1850s” returned to Mexico in the four decades following the end of hostilities, but more research into these particular numbers would be necessary for more

10. *Id.*

11. *Código de Colonización*, *supra* note 1, at 407–412.

12. For a broader outline, *see* Hernández, *supra* note 5. A condensed version of the two-volume study appeared as HERNÁNDEZ, *supra* note 7.

accurate estimates.¹³ A number of scholars in the past generation have debated the number of Mexican citizens that were left in the ceded territories following the Mexican-American War, and their numbers have steadily fluctuated between 116,000 to upwards of 250,000, or around 1% of Mexico's total population during this era.¹⁴ Mexican citizens in what is now the American southwest constituted around 1% of the total population of Mexico during this time, thus Mexican officials actively sought to repatriate and accommodate those Mexican citizens willing to move across the new international boundary following an end to hostilities.¹⁵ Although accurate figures would be almost impossible to determine because of the imprecision of statistical data then and now, a few studies have surfaced over the past few years that shed light on repatriation and return migrations. Some comparison with similar cases might be of use for gauging the number of return migrants during the middle to late nineteenth century, but these are merely comparative in nature. For instance, Historian Mark Wyman notes for the case of return immigrants in Europe that "During this era of mass immigration, from approximately 1880-1930 when restriction laws and the Great Depression choked it off, from one-quarter to one-third of all European immigrants to the United States permanently returned home."¹⁶ These particular historical trends therefore mirror in some parts those estimates that we read about with return migration to Mexico during the same periodization. Many of these studies, though, do not take into account the simultaneous migrations that occurred northward during the latter half of the nineteenth century. Here, it is important to underscore the simultaneous process of migration and return migration, then and now, before turning to the more concrete estimates of northward migration.

If we calculate the estimates by the United States Census Bureau around 1910, or about six decades following the signing of the *Treaty of Guadalupe Hidalgo* of 1849, some estimates are that almost at a

13. See RICHARD GRISWOLD DEL CASTILLO, *THE LOS ANGELES BARRIO: A SOCIAL HISTORY*, 120 (1982).

14. See Phillip B. Gonzales, *The Hispano Homeland Debate: New Lessons*, 6 PERSPECTIVES IN MEXICAN AMERICAN STUDIES 123-141 (1997). For some numbers see Oscar J. Martinez, *On the Size of the Chicano Population: New Estimates 1850-1900*, 1 AZTLÁN: J. OF CHICANO STUDIES 43-67 (Spring 1975) (Martinez suggests that my lower range is his upper range; however, if one takes into account hispanicized Indians, or *Genizaros*, the number is conservatively closer to 250,000 so-called "Mexican citizens" in the ceded territories).

15. LUIS ABOITES AGUILAR, *NORTE PRECARIO: POBLAMIENTO Y COLONIZACIÓN EN MÉXICO, 1760-1940*, (El Colegio de México, Centro de Estudios Históricos: Centro de Investigaciones y Estudios Superiores en Antropología Social, 1995) (Mex.).

16. MARK WYMAN, *ROUND TRIP AMERICA: THE IMMIGRANTS RETURN TO EUROPE, 1880-1930*, 6 (1993).

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quarter million Mexicans were being counted by the census, which needs to be factored into the equation.¹⁷ Migration and repatriation are processes that happen simultaneously thereafter and therefore difficult to calculate with any precision because of absence of institutions to perform a census, statistical data, or more concrete evidence. Thus, the number of *Mexicanos* that migrated south in the decades after the Mexican War continues to generate debate accompanied by a variety of conflicting numbers, but an estimate of 31,000, or around 25-30% of the total Mexican population residing in what is today the US Southwest may have returned.¹⁸

III. THE FIRST FEDERAL REPATRIATION COMMISSION AND ITS MISSION

Not long after the end of hostilities, the administration of José Joaquín de Herrera issued a decree on August 19, 1848, addressing “those Mexican families that are found in the United States and want to emigrate to their *patria*.”¹⁹ Issued shortly after the important July 5 “*Proyectos de Colonización*,” the decree was considered an extension of the *Treaty of Guadalupe Hidalgo* signed at the beginning of that

17. ARTHUR CORWIN, *Early Mexican Labor Migration: A Frontier Sketch, 1848-1900*, in IMMIGRANTS—AND IMMIGRANTS: PERSPECTIVES ON MEXICAN LABOR MIGRATION TO THE UNITED STATES 25–37 (Arthur F. Corwin ed., Westport: Greenwood Press, 1978); see also JUAN GÓMEZ-QUINONES, *Mexican Immigration to the United States, 1848-1980: An Overview*, in CHICANO STUDIES: A MULTIDISCIPLINARY APPROACH 56–78 (Eugene E. Garcia, Francisco A. Lomelí, and Isidro D. Ortíz, eds., New York: Teachers College Press, Columbia University, 1984).

18. There are obviously debates about these numbers in the estimates for return migration, and they stand in stark contrast to the primary estimates. For instance, William Douglas Taylor, places the number at 3,000; however, he only cites the [Chihuahuan] study undertaken by Martín González de La Vara (1994), and then only this one case. Douglas states that: “Aunque no se sabe con exactitud el número de mexicanos que eventualmente se hayan mudado a México, se calcula que alrededor de tres mil personas aceptaron la oferta y volvieron” [“Even though the number of Mexicans who eventually moved to Mexico is not exactly known, it is calculated that about three thousand people accepted the offered and returned”]. See *La Repatriación de Mexicanos de 1848 a 1980 y su papel en la colonización de la región fronteriza septentrional de México*, 69 RELACIONES 18, 198–212 (1997). According to the First Repatriation Commission to New Mexico in early June 1848, Father Ramón Ortiz estimated that in addition to the 900 families that had already signed up to help found the colonies in Chihuahua, another 16,000 families totalling upwards of 53,000 souls could migrate south if monies were set aside for this endeavour. An additional \$1,653,342 pesos would be necessary if all of the potential repatriates opted to leave, or about \$1,628,342 pesos more than the original \$25,000 that was initially extended. See *Correspondence of Ramón Ortiz*, in THREE NEW MEXICO CHRONICLES, 148–49; AHSRE, *supra* note 4, at 2-13-2971.

19. *Código de Colonización*, *supra* note 1, at 407–412.

year.²⁰ All potential emigrants were free to make their own travel arrangements, according to Article 9 of the Herrera Decree, but they would still be obligated to notify the “commissioner at the time of enlistment, in order to have him present when making out the budget.”²² Twenty-five pesos would be allotted to each repatriate over the age of fourteen, and twelve pesos for those thirteen and under.²³ At least on paper, local commissioners and state governments did their best to place those potential repatriates in colonies where their skills could be employed, especially agricultural and livestock specialists.²⁴ The 1848 decree instituting the Repatriation Commission for the three northern regions contains important stipulations that speak to a more nuanced and accurate view of the period. Particularly telling are those orders calling for preferential treatment of repatriates and the distribution of authority for the repatriation project. Much like the preferential treatment accorded the indigenes following Independence, or those migrating north from the center of Mexico, Mexicans residing in the “lost territory” were favored over foreign immigrants and other military colonists. Article One of the decree states, “All of the Mexicans found in the territory during the celebration of peace that, because of the *Treaty of Guadalupe Hidalgo*, remained in the power of the United States of [the] North, and want to come and establish themselves in that of the Republic, will be transferred to this one [Mexico] on account of the treasury and in the form established in the following articles.”²⁵ The decree notably grants preferential treatment to repatriates, one of the many hallmarks of repatriation policies as the nineteenth century wore on.²⁶

The benefits decreed for repatriates reflected a perception of these returning migrants as ideal colonists that were now considered

20. Consisting of two dozen articles, this comprehensive repatriation decree addressed a wide range of topics. These included: the composition of the commission, the states that would accommodate repatriates, the particulars of the repatriates’ travel back to Mexico, responsibilities and payments to repatriates, the salaries and duties of the commissioners, and agreements with state and federal officials concerning land.

21. This article read as follows: “Artículo 22 de la ley de 14 de junio de 1848: “Queda autorizado el Gobierno para invertir hasta doscientos mil pesos del fondo de que habla el artículo 2º (el de indemnización que paguen los Estados Unidos) de esta ley en la traslación de las familias mexicanas que no quieran permanecer en el territorio cedido a los Estados Unidos y soliciten establecerse en la República. Esta cantidad podrá aumentarse con presencia de los presupuestos respectivos, que el mismo Gobierno presentará al Congreso.” AHSRE, *supra* note 4.

22. *Código de Colonización*, *supra* note 1, at 407–412.

23. AHSRE, *supra* note 4.

24. *Id.*

25. *Código de Colonización*, *supra* note 1, at 407–412.

26. *Id.*

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“modern” and therefore “civilized.” Their attraction came in part due to the impression that they could fulfill the dual purposes of displacing foreign colonists and maintain the northern colonies as military outposts continuing their pacification of the indigenes of those regions. Article 6 declares: “The Mexicans that emigrate in virtue of this decree will have the right of preference so that all of the concessions that the law establishes or had established in favor of foreign colonists will be made to them.”²⁷ Assistance would be extended to them in a “special manner,” and they would receive preferential treatment in the Military Colonies established by law on the 20 of July.²⁸ Although foreigners would still be allowed to settle in these colonies, an individual review by the inspector of the colony was now required in each of these cases.²⁹

An abdication of federal authority to the states in the decree presented a major difficulty for repatriates as questions about available land and financial responsibilities were being articulated. Whereas the central government desired to be the final authority on immigration policy, the responsibility of providing for these migrants would ultimately fall to the states. Article 7 states that “Governors of the states of Chihuahua, Coahuila, Nuevo León, Tamaulipas, and Sonora and the primary political authority of Baja California, shall regulate by law, in the part that corresponds to each of them, the organization of the civil colonies that are to be founded by emigrants.”³⁰ Land for the colonies should come from “arrangements with large landowners, or through whatever other means, that the emigrants find.”³¹ Article 22 ceded even more authority to the state Governors when it noted that the Governors had final say in disputed matters. The federal government assigned very significant responsibility to state officials by stipulating that officials would negotiate with local *hacendados* to secure land for the repatriates. The ongoing struggle to disintegrate the *hacendado* system was certainly part of the story behind the weak concentration of settlement in the north, further complicating the possibility of a well ordered repatriation program.³² In the end—and

27. *Id.*

28. *Id.*

29. See *Código de Colonización*, *supra* note 1, at 400–07 (Artículo 24 of “Decreto de 19 de Julio de 1848, y Reglamento expedido el día 20 del mismo mes, para el establecimiento de colonias militares en la nueva línea divisoria con los Estados Unidos de América”).

30. *Id.*

31. *Id.*

32. Jan de Vos, *Una legislación de graves consecuencias: El acaparamiento de tierras baldías en México, con el pretexto de colonización, 1821-1910*, 34 *HISTORIA MEXICANA* 76–113 (1984) (Mex.).

even as some argued that repatriates would help fragment the *hacendado* stranglehold—most large landowners did very little to make land available for repatriates, or any other settlers for that matter.³³ Simultaneously, various northern states provided lands and other incentives for repatriation before, during, and after the passage of the August 19, 1848 Decree—in many cases simply repopulating smaller towns along the border, as in the cases of modern day Tijuana, Baja California; Piedras Negras, Coahuila; and Ciudad Juarez, Chihuahua.³⁴

IV. APPOINTMENT OF THE COMMISSIONERS IN NEW MEXICO

The decree in question was implemented through the appointment of three Repatriation Commissions appointed to each of the three frontier regions.³⁵ Article 3 specified that “three commissioners were to arrange the migrations. Mexicans in Alta California were to receive land in Baja California or Sonora; those in New Mexico, land in Chihuahua; and Texas Mexicans, land in Tamaulipas, Coahuila or Nuevo León.”³⁶ I would suggest that the repatriation operation should be located within a continuum of the postwar military realignment of the northern frontier as a whole since the tripartite schema was simply amalgamated to the newly formed Repatriation Commission. Repatriation policies, at least during the mid nineteenth century, were co-opted as military policies that included the pacification of the frontier, only this time with returning colonists.³⁷ Despite the fact that the decree made a concerted effort to treat the repatriation of those military zones as a whole, the commissions were established at different times, under different circumstances, with different levels of investment, and they each ultimately met with differing levels of settlement and therefore “success.” In the western territory of Baja California, for instance, the governor of that state appears to have taken the lead in the designation of a Repatriate Commissioner with the

33. Holden points out that such practices, at least in terms of claiming public lands (*baldíos*) would under the presidency of Benito Juárez as the *Ley sobre Ocupación y Enajenación de Terrenos Baldíos* (1863), but that the rush for public lands commenced during the Porfiriato. See ROBERT H. HOLDEN, *MEXICO AND THE SURVEY OF PUBLIC LANDS: THE MANAGEMENT OF MODERNIZATION, 1876-1911*, 3–24 (1994).

34. HERNÁNDEZ, *supra* note 7, at 137–162.

35. *Código de Colonización*, *supra* note 1, at 407–412.

36. THOMAS EWING COTNER, *THE MILITARY AND POLITICAL CAREER OF JOSE JOAQUIN DE HERRERA, 1792-1854*, 268–69 (1949); *quoted in* DAVID J. WEBER, *FOREIGNERS IN THEIR NATIVE LAND: HISTORICAL ROOTS OF THE MEXICAN AMERICANS*, 141–44 (1973).

37. José Angel Hernández, *Contemporary Deportation Raids and Historical Memory: Mexican Expulsions in the Nineteenth Century*, 52:2 *AZTLÁN: J. OF CHICANO STUDIES* 115–141 (2010).

appointment of Jesús Islas in 1856.³⁸ Islas had stimulated a “Back to Mexico” movement only a few years earlier, but later was implicated in a filibustering expedition.³⁹ In the Eastern provinces, Don Rafael De La Garza, a former treasurer for the state of Nuevo León was appointed as the Commissioner to repatriate Mexican families to Tamaulipas. In 1850 he declined this job offer from the central government.⁴⁰ The case of New Mexico, when compared to Texas and California, had a categorically diverging historical experience due primarily to the demographic positionality of the region.

New Mexico, the state with largest Mexican population, proved to be the most fruitful area for attracting repatriates. The territory, then known as Nuevo Mejico, was naturally targeted for repatriation and Father Ortiz, a leading politician, priest, and known patriot, was appointed to serve as its first representative.⁴¹ The appointment of Father Ortiz as the first commissioner in charge of repatriating Mexican families from New Mexico was initially without incident—at least until he began to encourage the mass repatriation of *Nuevo Mexicanos* immediately following the war and allegedly violating some of the terms of the *Treaty of Guadalupe Hidalgo*.⁴² When Ortiz arrived in the county of Lerdo, New Mexico—where the general opinion of U.S. officials was that only a small portion of the local population wished to return to Mexico—Ortiz notes that “the inhabitants enthusiastically presented themselves to me, asking that they be enlisted with their families in order to pass to Mexican territory.”⁴³ Father Ortiz was by his own account received positively wherever he went while serving as commissioner up until 1853.⁴⁴ It was precisely along the border where most of the repatriation activity would eventually take place, and he found no lack of interest on the

38. *Código de Colonización*, *supra* note 1, at 607–612.

39. In my own research of these Repatriate Commissions, I found very little evidence to suggest that a commissioner was ever appointed for Baja California. It was not until 1855 that Jesús Islas was appointed to the post. Instead what one reads is an active Governor involved in the repatriation efforts, but only to a limited degree. I would argue that the formation of repatriate societies in California after 1849 is a phenomenon that questions the limits of state efforts to repatriate after the war. See *Código de Colonización*, *supra* note 1, at 607–612 (“Disposición de 13 de Febrero de 1856: Promoviendo la emigración de la raza hispano-americana existente en la Alta California, para aprovecharla en la colonización del Estado de Sonora”). This letter and four-point suggestion was also published in the 1856 publication of “Ministerio de Fomento,” 10 Mayo 1856.

40. AHSRE *supra* note 4, at 2-13-1974.

41. *Id.* at 2-13-2971.

42. *Id.*

43. *Id.* at L-E-1975 (XXV); see English translation of letter in THREE NEW MEXICO CHRONICLES, 144–145; see also AHSRE, *supra* note 4, at 2-13-2971.

44. *Id.*

part of residents. Would-be repatriates in the area eagerly approached the commissioner to have their names placed on the list to migrate to Chihuahua. In one of his first letters to the Minister of Foreign Relations reporting on the conditions in El Paso Del Norte, Ortiz signals both the enterprise's problems and its promise, i.e., the possibility of repatriating thousands of *Nuevomexicanos*.⁴⁵ But worthy of note are his references to the kinds of individuals interested in this proposition. According to Ortiz,

To fulfil the commission that the Supreme Government has seen fit to honor me with, I find myself, after having surpassed the various obstacles that I have had to overcome, at the door of New Mexico, and even before entering I have the satisfaction of announcing to His Excellency that I have received about twenty distinct requests from middle class families to transfer to the territory of the Republic, and that according to the news arriving consistently from the nationals of that country, and according to foreigners that have recently arrived from the same, there should be at least from two to four thousand families disposed to emigrate, yet even though this news favors the generous desires of the Supreme Government of the Nation, it is accompanied by insurmountable obstacles for the emigration to occur this coming Spring.⁴⁶

In this initial report Ortiz clearly indicates that the vast majority of potential repatriates would not be taken from the middle class, but rather from families with more limited means: "twenty requests were made by middle-class families while another potential two to four thousand families were prepared to move south with the Repatriate Commission."⁴⁷ Depending on whether we accept the two thousand or four thousand figures, the middle classes here constitute a mere percentage of the interested parties. What remains clear is that the visit

45. *Id.* at L-E- 1975 (XXV), f. 135-137. Original: "Para cumplir con la comisión con que el Supremo Gobierno se sirvió honrarme me hallo ya apenas de los diversos obstáculos que he tenido que vencer a las puertas de Nuevo México y aun antes de entrar tengo la satisfacción de anunciar a V. E. que he recibido ya como veinte solicitudes distintas de familias de la clase media para pasar al territorio de la República y que según las noticias uniformes de nacionales de aquel país y extranjeros que recientemente han venido del mismo, debe haber lo menos de dos a cuatro mil familias dispuestas a emigrar, pero aunque esta noticia es tan favorable a los generosos deseos del Gobierno Supremo de la Nación, se presentan con todo obstáculos insuperables para que la emigración pueda ser en la próxima primavera."

46. *Id.*

47. *Id.*

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from the Repatriate Commission generated interest among the least fortunate, or those without lands in the New Mexico Territory.

It also appears that for many repatriates, the decision to follow the new political boundaries of Mexico southward was a doubtful negotiation, in other words, a choice favoring the lesser of two evils. Early repatriates exhibited doubts about whether their rights would be respected as subjects of the US if they stayed in place, or to take their chances with a government seemingly in chaos and revolutions. In a letter to the Ministry of Foreign Relations and the Governor of the state of Chihuahua, Ortiz explains that those of El Vado County receptive to repatriation “were willing to lose everything rather than to live in a country whose government gave them fewer guarantees than our own and in which they were treated with more disdain than members of the African race.”⁴⁸ According to Ortiz, New Mexicans feared that, under a U.S. system of governance, they would be treated as second-class citizens.⁴⁹ But as most of the literature illustrates for the nineteenth century Mexican American experience in the southwest, the vast majority of *Nuevomexicanos* opted to remain in place and hence under a US system of government. Moreover, the experience of *Nuevomexicanos*, despite these early and eerie warnings, partook of an experience that was fundamentally distinct from so-called members of the “African race.”

Although Ortiz’ initial assessment of the prospects for repatriation was generally positive, he stressed the need for more money to offset these unforeseen circumstances having to do with the war and the unforeseen winter weather. Indeed, if one were to weave a *petate*, one of the many threads throughout the archival record is the states’ lack of funding, which is not without merit. The desire and demand, one could suggest, were in place at this time, but the monies were not, thus lessening the potential impact of return migration. Thus, like many others during the era, Father Ramon Ortiz made a dramatic appeal to the government of Mexico, sympathetically noting that the situation “makes one feel the hunger of those pueblos and this calamity will be a destructive beating to them after four months.”⁵⁰ Regardless of whether Ortiz saw these conditions as a liability or potentially a strategic advantage for recruitment, from the perspective of repatriates, the decision to continue in colonies was perhaps tied as much to questions of survival than loyalty to the Mexican state. In the balance

48. *Id.* at 135–37.

49. *Id.*

50. *Id.*

was Ortiz' standing as saviour or scapegoat. In the end, the vast majority of *Nuevomexicanos* stayed in place, while perhaps 25-30% may have returned in the four decades following the Mexican American war.⁵¹

V. ISSUES WITH FUNDING AND FAVORITISM

As already described, the desire to repatriate was much stronger than initially expected. It is not surprising, then, that the original amount of money allotted for repatriation was but a fraction of what Ortiz predicted for resettlement.⁵² The problems associated with finances, favoritism, and the cronyism of regional politics contributed to the early problems with repatriation, not to mention efforts by the US government to prevent the repatriation/depopulation of New Mexico after 1848.

The reassignment of Ortiz from a national to a state-level commission may indicate that the federal government to some extent abandoned repatriation efforts after U.S. authorities challenged the Repatriation Commission. But the cost of this enterprise must certainly have been daunting to federal officials with perennially empty coffers. During his trip in the spring of 1849, the priest Ramón Ortiz indicated to the Ministry of Foreign Relations that he would need a great deal more than the first payment of \$25,000 pesos.⁵³ According to his calculations in early June of that year, Ortiz estimated that in addition to the 900 families that had already signed up to help found the colonies in Chihuahua, another 16,000 families totalling upwards of 53,000 souls could migrate south if monies were set aside for this endeavour.⁵⁴ An additional \$1,653,342 pesos would be necessary if all of the potential repatriates opted to leave, or about \$1,628,342 pesos more than the original \$25,000 that was initially extended.⁵⁵ Around 92,000 fanegas of corn and almost 25,000 fanegas of beans, roughly an eight-month supply of food would be needed until the colonies could become self-sufficient.⁵⁶ Accounting by the government of Chihuahua showed Ortiz as being at a deficit of almost \$3,000 by the

51. GRISWOLD DEL CASTILLO, *supra* note 13, at 120.

52. Ortiz was estimating that the total costs of repatriation would entail some \$1,653,342 pesos for all the potential migrants.

53. Martín González de la Vara, *The Return to Mexico: the relocation of New Mexican families in Chihuahua and the conformation of a border region*, in *THE CONTESTED HOMELAND: A CHICANO HISTORY OF NEW MEXICO 1848-1854*, 50 (2000).

54. AHSRE, *supra* note 4.

55. *Id.*

56. *Id.*

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end of 1850. He had spent \$39,110 pesos since the start of his mission, and various governmental officials and agencies had already forwarded around \$36,167 pesos.⁵⁷

The government acknowledged that funding for repatriation was an ongoing problem, and that it may have had an effect on where individuals chose to live after the war. The *Memoria* submitted to the Chamber of Deputies in 1851 addressed this matter somewhat vaguely in its 43-page report in the following way: “*Transfer of Mexican families*: The government has given some quantities more for this object and has the satisfaction of announcing that there have already been formed in the territory of the Republic, new populations composed in their larger part by Mexicans that have emigrated from the lands given by the last treaty to the United States of the North. I should mention here that Don Gregorio Mier y Terán graciously ceded some lands for this object. The government believes that if it had been able to dispose of larger sums, the number of those that would have transferred to Mexico would have been greater.”⁵⁸ The use of “some additional amounts” really means a total of a few thousand pesos and not more than 1% of the \$15,000,000 the U.S. government provided for the lands ceded to them after the war.⁵⁹ Given the postwar environment, foreign interventions, the Wars of Reform, a depleted treasury, and the continued war against “Indios Bárbaros,” perhaps more pressing concerns impeded such altruistic policies.

VI. THE LEGAL ARGUMENT IN U.S. OPPOSITION TO REPATRIATION

Opposition to Ortiz, or to his leadership of the first repatriation campaigns, did not deter ongoing efforts at repatriation by the national government or state governments across the new International Boundary. The repatriation of Mexican nationals to the state of Chihuahua did not end with this first Repatriation Commission, but instead it became a state-level initiative thereafter.⁶⁰ The states of Sonora, Baja California, Chihuahua, Coahuila, and Tamaulipas each did their part to encourage and in some cases implement repatriation initiatives on their own, and each with their own regional particularities, too numerous to mention here. Ortiz resolved to try other avenues that encouraged return migration, as federal efforts were

57. AHSRE, *supra* note 4, at 2-13-2977.

58. *Memoria del Ministro de Relaciones Interiores y Exteriores Leída en las Cámaras en 1851*, 29 (México: Imprenta de Vicente García Torres, 1851) (Mex.).

59. *Id.*

60. González de la Vara, *supra* note 53, at 9–21.

thwarted and subsequently suspended.⁶¹ Where he was removed from New Mexico for encouraging repatriation, he was now being hired by the Government of Chihuahua to receive and settle those repatriates that had crossed into Mexican territory.⁶²

After Ortiz' initial visit to El Vado, he moved on to La Cañada County, only to be forced to desist when the Military Governor of the Territory, Donaciano Vigil, prohibited the recruitment of repatriates. According to Ortiz, "The first day I was there about to enlist more than one hundred heads of families, who had appeared before me in compliance with the decree dated August 19, 1848, I received an official letter from the Governor of the territory. In it, with the excuse that the gathering was disturbing the peace, he prohibited my appearing personally in the settlements of the territory."⁶³ In no uncertain terms Vigil made it clear that he would not permit "[Ortiz] personally to visit the different points of this territory for the purpose of setting forth [his] commission to the settlers."⁶⁴ With the backing of U.S. military officials, Vigil claimed Ortiz had "acted beyond" his "official capacity by making promises which are too extensive and which arouse a great deal of commotion," among the potential repatriates.⁶⁵ These accusations of "disturbing the peace" were not completely off the mark. Ortiz was known to harbor anti-American sentiments, which had in part led to his appointment as commissioner in the first place. Vigil thus prohibited Ortiz from appearing personally in any of the towns, thus putting an end to his Commission, at least at the federal level.

Vigil, according to Ortiz, prohibited the repatriation of Mexicans from the territory "under the pretext that the disturbance was growing even in the capital and that he had received complaints from all the prefects in which they said that from the time of my arrival in the territory all the settlements had openly refused to obey them."⁶⁶ When Ortiz protested in face-to-face interviews with Vigil, the latter argued that Ortiz was inciting disturbances of the sort he had organized after the signing the *Treaty of Guadalupe Hidalgo*.⁶⁷ Ortiz emerges as a

61. AHSRE, *supra* note 4.

62. González de la Vara, *supra* note 53, at 9–21.

63. AHSRE, *supra* note 4.

64. *Id.*

65. *Letter from Donaciano Vigil to Ramón Ortiz*, THREE NEW MEXICO CHRONICLES 149 (Apr. 29, 1849).

66. *Id.*

67. *Correspondence of Ramón Ortiz*, THREE NEW MEXICO CHRONICLES, 144–49; *see* AHSRE, *supra* note 4, at L-E-1975 (XXV); *see also* AHSRE, *supra* note 4, at 2-13-2971.

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figure caught between his regional loyalty to the territories of the north, his patriotic sentiments toward the Mexican government, and his concern for a repatriate population more interested in pragmatic concerns than ideology.

Some in Washington, D.C. echoing the concerns expressed by some local officials interpreted the repatriation of New Mexicans to Chihuahua as counterproductive to the normalization of relations between the U.S. and Mexico and a violation of the *Treaty of Guadalupe Hidalgo*.⁶⁸ Vigil's affronts to repatriation efforts echoed a broader set of arguments that appealed directly to at least two interpretations of the *Treaty of Guadalupe Hidalgo*, and thus reflected the still fresh wounds of battles over national sovereignty and border territory. The past of Father Ramón Ortiz, integral to this history, also became a factor in the way repatriation efforts would play out, and US officials had plenty of intelligence to justify their concerns. Strictly speaking, the repatriation of the population of Mexican origin was not part of the agreement reached on February of 1848 when both nations came together to sign the *Treaty of Guadalupe Hidalgo*. The U.S. Secretary of War, George W. Cranford pointed out to the Mexican Minister of Foreign Relations that "it is not perceived, examining the material, that Mexico has acquired any right, not even when it can be inferred that it possess it, to entice those inhabitants in the ceded territories to emigrate and conserve their citizenship returning to establish themselves within Mexican territory."⁶⁹ The treaty excluded the possibility of repatriation and consequently, so the argument went, the entry of a foreign representative such as Ortiz into New Mexico to encourage repatriation was prohibited. This unauthorized travel to depopulate a region of its inhabitants could then be framed in stark terms as an "invasion" in violation of the treaty. In a remarkable political move, reminiscent of the *Encomienda* system of Spanish past, here the Treaty was interpreted to include not only the physical landscape, but also extended to the inhabitants of the ceded territories, the very population leading the charge against the native indigenes laying claim to the western territories.

VII. A FEW OF THE NEW MEXICO TOWNS, BRIEFLY...

In April of 1849 a small group of 2500 settlers were already occupying the area which would become the Colonia "Guadalupe de los Nobles," and successive waves of repatriates would foster

68. *Id.*

69. AHSRE, *supra* note 4, at 2-13-2971.

resentment and competition for land in the years to come.⁷⁰ New arrivals are always treated with resentment by earlier colonists. Resentment and competition between first settlers and later colonists is a universally well-known source of social conflict, and the distinctions can become harsher when these particularities are being resolved along a violent and volatile frontier. These first settlers had “emigrated from the towns of Senecú, Ysleta, and San Elizario”—locations and settlements that had been part of Chihuahua prior to the U.S. occupation.⁷¹ Although the commissioner articulated an objection to preferential treatment, the very material promises of the decrees undermine such a caveat. In his study of contemporary rural violence in Mexico, Sociologist Andrés Villarreal believes that “because the loss of land, or loss of good quality land, has a direct impact on the livelihood of the peasant and may indeed be life-threatening, conflict over land may be expected to turn more violent.”⁷² Favoritism and extortion, whether real or imagined, emerged as a constant theme in almost every repatriate colony that I examined. Gregorio Gándara, the commissioner of emigration from the border town of San Elizario, stipulated that the emigrants from just across the river should be treated the same as those coming from further away in New Mexico, and the need to underscore this apparent consideration only evidences the tension.⁷³

By April of 1850, it is estimated that six hundred families from New Mexico had migrated to the colonies of Guadalupe and San Ignacio.⁷⁴ Governor Frías noted in the middle of March that migrants were arriving at the border towns of San Elizario and Isleta every day, and that more were to be expected. Frías estimated that “[t]wo thousand five hundred people to date exist in the colony of Guadalupe of those that have emigrated from New Mexico and of the towns of San Elizario, Socorro and Isleta belonging to this Villa; and new emigrants are arriving most of the days.”⁷⁵ Two years later the population of Guadalupe appears at 1,015 individuals, while that of

70. *Id.* at 2-13-2977.

71. Samuel E. Sisneros, *Los emigrantes nuevomexicanos: The 1849 repatriation to Guadalupe and San Ignacio, Chihuahua, Mexico*, 46–54 (Dec. 2001) (unpublished M.A. thesis, University of Texas at El Paso) (on file at <https://digitalcommons.utep.edu/dissertations/AAIEP05556>).

72. See *The Social Ecology of Rural Violence: Land Scarcity, the Organization of Agricultural Production, and the Presence of the State*, 110:2 *AMERICAN J. OF SOCIOLOGY* 313–348 (Sep. 2004).

73. Sisneros, *supra* note 71.

74. AHSRE, *supra* note 4, at 2-13-2977.

75. *Id.*

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San Ignacio was at 232. Of this total, upwards of 550 colonists had come from the New Mexico Territory to these two colonies, according to the 1852 census, and per the analysis provided by Samuel Sisneros.⁷⁶

The preferential treatment of migrants from right across the river would serve to fuel internal tensions between earlier and newly arrived migrants. The early settlers were the keenest to secure better lands, the most abundant watering holes, and other advantages. The division between earlier and later settlers is universal, and as such social divisions within these colonies were transferred to the new locales and further complicated by successive waves of settlement.

VIII. REPATRIATIONS FROM TEXAS

The repatriation of the Mexican population in the region of Texas and Louisiana began in 1831 and experienced substantial increase with the many expulsions that occurred after so-called “Texas Independence” in 1835.⁷⁷ The towns of Piedras Negras, Coahuila, and Nuevo Laredo, Tamaulipas were also founded immediately following the war, and several locales in Coahuila would become the sites of repatriation as the century came to a close.⁷⁸ Sociologist David Montejano notes there was “considerable repatriation after the Mexican War,” in which “refugees” moved across the Rio Grande and settled “among the old established towns of El Paso del Norte, Guerrero, Mier, Camargo, Reynosa, and Matamoros.”⁷⁹ Throughout the rest of the nineteenth century other important towns were founded and grew just across the new border, towns such as Nuevo Monterrey, Tamaulipas (now Nuevo Laredo), Piedras Negras, San Diego, San Juan, Palo Blanco, Agua Dulce, El Sauz, Los Olmos, San Luis, Pansacola, Zapata, San Ignacio, and Los Saenz.⁸⁰

76. Sisneros, *supra* note 71, at 158.

77. José Angel Hernández, *Mexican Expulsions & Indian Removal during the Early Period of Global Mass Immigrations*, 30 *WORLD HISTORY BULLETIN* 30–34 (Jared Poley ed., 2014).

78. Otto Schober, *Breve historia de Piedras Negras*, PIEDRAS NEGRAS, <http://www.piedrasnegras.gob.mx/contenido05/conoce-pn/historia/> (last visited May 10, 2018).

79. DAVID MONTEJANO, *ANGLOS AND MEXICANS IN THE MAKING OF TEXAS, 1836–1986*, 30 (2009).

80. Arnoldo De León, *Life for Mexicans in Texas after the 1836 Revolution*, in *MAJOR PROBLEMS IN MEXICAN AMERICAN HISTORY 167–175* (Zaragoza Vargas ed. 1999). The total number of towns founded or repopulated after the war requires an amount of detailed research that is not always easily accessible. Indeed, one way in which to analyze this phenomenon would be for a research team to identify, quantify, and analyze the number of settlements established along the Mexican frontiers during and in the years following the war.

Many of the repatriates resettled in towns that were already well established and oftentimes right across the new international boundary, as in the case of Piedras Negras, Coahuila (A.K.A Ciudad Porfirio Díaz), which today sits across the border from Eagle Pass, Texas.⁸¹ Because of its close proximity, it was obviously a notable repatriate destination. A local historian mentions that 34 repatriates arrived on June 15, 1850 to settle in what was then called “Colonia Militar de Guerrero en Piedras Negras.”⁸² Five years later, this settlement lost its military character and became an ordinary “civilian” outpost named simply “Piedras Negras.” The population of Piedras Negras these days numbers around a quarter of a million citizens in the larger metropolitan area and constitutes its own city and municipality.⁸³ Today, the city of Piedras Negras generates millions of dollars in revenue as a major port of entry between the US and Mexico.⁸⁴ A similar phenomenon has taken place in the case of Nuevo Laredo, Tamaulipas—also one of the most important trade routes between the United States—which we turn to now.

Directly across the border (and river) from Laredo, Texas, the border town of Nuevo Laredo still holds celebrations that hearken to its foundational 1848 repatriations. On the surface, it appears repatriation across the new international boundary in this locale took place uneventfully, but this state of affairs should be both scrutinized more closely and placed within the broader context of postwar repatriation as a whole. Archival evidence exists that money and land were provided to support repatriation to Nuevo Laredo (known then as “La Colonia Civil in el Rio Salado”) and also to the town of Mier in neighboring Coahuila.⁸⁵ According to some sources, the Governor of Tamaulipas wrote to the Minister of Foreign Relations to “receive and distribute the ten thousand three hundred and seventy-nine pesos destined for the Supreme Government for the aid of 502 individuals

81. CARLOS FLORES REVUELTA AND ÁLVARO CANALES SANTOS, *PIEDRAS NEGRAS: RESEÑA HISTÓRICA, PROTAGONISTAS*, (Saltillo: Club del Libro Coahuilense, Editora el Dos, 2004) (Mex.).

82. Schober, *supra* note 78.

83. For Piedras Negras population statistics, see the Official Government Website, <http://www.piedrasnegras.gob.mx/2010/06/historia/>.

84. For Piedras Negras economic and trade statistics, see *Instituto Nacional de Estadística y Geografía [National Institute of Statistics and Geography]*, <http://www.beta.inegi.org.mx/app/areasgeograficas/?ag=05#>.

85. *Carta de Gobernador de Tamaulipas a Ministro de Relaciones Interiores y Exteriores, 15 Abril 1850*, AHSRE, *supra* note 4, at 2-13-2976, “El gobernador de Tamaulipas pide se nombre al comisionado que haya de entenderse con la traslación de familias que soliciten venir a México y que vivido en E.U. de A. De acuerdo con el Tratado de Guadalupe, 1850.”

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from Laredo that should form a colony on the land ceded for this purpose by Don Gregorio de Mier y Terán,” i.e., the area of modern day Nuevo Laredo.⁸⁶ Some records also exist pertaining to the establishment of the town of Mier in modern day Coahuila (then a part of the state of Tamaulipas). Fifty families “left in the territories ceded to the United States of America” were granted lands close to the town of “Villa de Mier, according to the Governor of Tamaulipas.”⁸⁷ The founding of Nuevo Laredo and Mier are remarkable grassroots efforts considering that they occurred without the benefit of a government representative leading the effort. The relative ease with which the local population and the government could align in this case of repatriation was probably also due to its geographical proximity right across the new international boundary. In Laredo, repatriates need only to transfer their belongings to the opposite side of the river. One must also consider other, better-recorded cases in which repatriation did not appear to proceed nearly as smoothly, as was the case of El Remolino in the neighboring state of Coahuila.

The 1850 repatriation of 618 individuals from Nacogdoches, Texas to El Remolino, Coahuila, approximately 150 kilometers away, presents an interesting test case for gauging the Mexican government’s commitment to the cause of repatriation. The repatriation from Nacogdoches was shaped largely from the problematic execution of appointing a Repatriation Commissioner for the eastern provinces. There was no government champion to spearhead the effort for the case of Texas as there was with Father Ramon Ortiz in New Mexico. In the end, the success of repatriation over this considerable distance relied much more on local intervention than the economic and political support of government authorities. Without being blind to a certain amount of self-interest in colonization, the relative success of the case of El Remolino seems to have rested largely on the shoulders of a prominent local official: Antonio Menchaca. Menchaca composed a list that provides the bare facts of the Nacogdoches to El Remolino repatriation.⁸⁸ From the archival record, we learn that two hundred

86. AHSRE, *supra* note 4, at 2-13-2974. Don Gregorio de Mier y Terán is probably one of the few individuals that donated a substantial amount of his land for repatriate colonization.

87. *Id.* at 2-13-2976.

88. *Id.* at 2-13-2975, “El Gobernador de Coahuila acompañando una solicitud de Don Antonio Menchaca vecino de Nacogdoches para trasladar a la República familias mexicanas. Se nombra comisionado al Gobernador de Nuevo León, 1850.” (Nominal list of Mexican families from Nacogdoches who remained on territory transferred to the United States in the Treaty of Guadalupe Hidalgo, and due to said treaties and the Decree of August 19, 1848, are conceded the right to transport themselves in Mexican territory).

families intended to settle in El Remolino.⁸⁹ The total number of persons was 618, and 146 of these were under the age of 14, while the remaining 472 were over the age of 14. Only three female heads of household were listed by Menchaca in his correspondence with officials in Coahuila and Mexico City.

Unlike the relatively successful cases of repatriations from New Mexico and perhaps California, the appointment of a Repatriation Commission for the Eastern Provinces ended in *temporary* disarray when the nominee, José Rafael De La Garza, rejected his appointment. Among the several candidates proposed initially was José María Carvajal, who years later would be accused of fraud and going beyond his jurisdiction by attempting to extend land grants to friends and cronies.⁹⁰ De La Garza was the ultimate choice for commissioner and it was specified that “the quantity of ten thousand three hundred and seventy-nine pesos” should be allotted to him for the repatriation of individuals to Nuevo León if he were eventually named as Repatriate Commissioner for the region.⁹¹ Unfortunately for the officials in Mexico City, De La Garza declined his appointment that fall because of his current employment and other personal business matters. In his response to the officials, De La Garza stated: “I can barely and badly attend to [my own affairs] because of my public [obligations].”⁹² Feeling overburdened, he resisted taking on any additional public duties and commented that “[M]y employment as Chief Treasurer of this State absorbs all of my attention, [and] my responsibility toward the same State and the circumstances of my private business would interfere with the work of the Repatriate Commission.”⁹³ This rejection would later be made public to Mr. Menchaca of the Remolino repatriation, but not for another few months.

The frustrations of Antonio Menchaca with respect to repatriation along the Texas border typified the kinds of relations that often developed between local officials and the central Mexican government in such efforts. Menchaca was still unaware that De La Garza had

89. *Id.*

90. See CIUDAD JUAREZ MUNICIPAL ARCHIVES MICROFILM COLLECTION, *microformed on* MF513, Pt. 2, Reel 38; *quoted in* Samuel E. Sisneros, *An Annotated List of Documents on the Towns of Guadalupe and San Ignacio in the Ciudad Juarez Municipal Archives, 1849-1859*, GUIDES TO MICROFILM COLLECTION (Jan. 14, 2000), <https://digitalcommons.utep.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1000&context=guides>.

91. *Nombramiento para comisionado en Matamoros, hecho en Don Rafael de la Garza, Tesorero General. Del Estado de Nuevo León, 1850*, AHSRE, *supra* note 4, at 2-13-2974.

92. *Id.*

93. *Id.*

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turned down the position of Commissioner and therefore went to the port of Matamoros in hopes of speaking with him in person. There he contacted the Mexican Consulate in Brownsville about De La Garza and ended up waiting three months for information about his whereabouts and the agency charged with repatriation.⁹⁴ Menchaca was finally able to meet with De La Garza in late November, only to be shown a copy of the letter in which the appointee had formally (and respectfully) declined his appointment as Repatriation Commissioner for the region.⁹⁵ Oddly enough, neither Menchaca nor the Consulate in Brownsville was ever informed through official channels of De La Garza's rejection of the appointment. This lack of communication and other problems must surely have frustrated Menchaca and the hundreds of repatriates waiting to resettle across the border in the postwar environment. At first it seemed as though government officials in Mexico City and the Foreign Ministry were warm to the mutual benefits of repatriating experienced frontiersmen as settlers of the northern frontiers. Only later when money became a factor did national interest waver, and patriotism as well. Menchaca invested a total of fourteen months traveling and petitioning the government for a Repatriation Commission to assist him in a serious case of postwar repatriation in the mid nineteenth century.

Some thirty-eight months after Menchaca composed his nominal list, the number of repatriates and their families remained unchanged when Menchaca billed the federal government \$20,632 pesos. He broke down his expenditures in the following manner: \$1,752 for the 146 persons under the age of 14 (allotted \$12 each) and \$11,800 for the 472 persons over the age of 14 (allotted \$25 each).⁹⁶ To this Menchaca added \$7,080 pesos in unforeseen expenses as he financed and led this particular repatriation project toward the state of Coahuila.⁹⁷ The Ministry of Foreign Relations responded to Menchaca's request by saying that due to the "scantiness of the treasury" the government was currently not in a position to "make the proposed expenditure."⁹⁸ This kind of exchange typified relations between repatriates and advocates following the Mexican American War of 1846-1848. The government response in this and many other

94. *Id.* at 2-13-2975.

95. *Id.*

96. *Id.* at 2-13-2974.

97. *Id.*

98. *Id.* at 2-13-2975; see also *Sobre el establecimiento de 200 familias emigradas de Bejar en el punto del Remolino en Coahuila (1850)*, Expediente 1819, Vol. SLVI, SALTILLO ARCHIVES, CENTER FOR AMERICAN HISTORY, UNIVERSITY OF TEXAS AT AUSTIN 93-127 [hereinafter *SACAH*].

cases, though, is near universal: there is no money, but there is land.

On various occasions, Menchaca attempted to use the power of the pen and a varied arsenal of arguments to solicit help from relevant authorities. In correspondence with the President of Mexico, Menchaca minced no words, describing the De La Garza appointment as “illusory” and insisting that Herrera’s government comply with the laws already on the books.⁹⁹ Presumably this was a reference to the Decree of August 19, 1848, which “while being of use for the nation, also alleviates [the] misfortunate [emigrants].”¹⁰⁰ Menchaca also wrote to the Governor of Coahuila, Rafael De La Fuente. From this correspondence we learn that Menchaca was aware of the Nuevo Laredo repatriation a few months earlier, and he could use the case to good advantage as a precedent. He described it as an “identical case that presented itself this year, regarding the emigration and establishment of the colony of Mier y Terán by Mexican families from Laredo.”¹⁰¹ In addition to being fair, a repatriation colony was due in order to “fulfill the aims of unfortunate Mexicans [and] to ease their difficult situation” and to realize the “noble and patriotic objectives” of the Repatriation Commission. This feat would engender “undying gratitude toward the sponsors,” argued Menchaca, if only the Mexican government would respond in the positive, and according to the law.¹⁰² It appears that not only the repatriates themselves, but apparently a number of border governors as well, believed that the Mexican government had an obligation to its citizens now left in the ceded territories.

De La Fuente jointly took up the cause with Menchaca and relied similarly on notions of precedent, fairness, humanitarian concern, patriotism, and pragmatic grounds. On behalf of Menchaca, De La Fuente composed a pointed appeal to the Minister of Foreign Relations in May of 1851 that included material culled from Menchaca’s correspondence. Menchaca asked, “[I]f Nuevo León [Laredo] was granted ten thousand pesos to transfer the neighbors of Laredo to a new colony inside its jurisdiction, should Coahuila be denied equal grace?”¹⁰³ Monies gained from the Treaty, he argued, should rightly be applied toward the welfare of patriotic individuals who only circumstantially found themselves across the border from their

99. AHSRE, *supra* note 4, at 2-13-2975.

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.*

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homeland.¹⁰⁴ This government of Coahuila,” began De La Fuente, “did not doubt the patriotic sentiments of the national government in rescuing and assisting the return of Mexico’s sons back to the homeland.” Referring to the value of the lands lost after the Mexican American war, he went on to say:

[T]hat this immense loss has not been reimbursed by the federation even though it be a considerable part of the land given to the neighboring Republic, and for which was reimbursed to the Nation the sum of fifteen million pesos; that for these circumstances the sons of Coahuila are entitled to be aided with preference in the necessary expenses for their adjournment to the territory of the Republic.¹⁰⁵

Like much of the documentation of the period relating to repatriation and colonization, practical concerns are also glossed over with the moral patina of national belonging and postwar suffering. But such appeals were usually met with responses of scant treasuries and its accompanying discourse of “administrative disorder.” Appealing to the nation’s sense of suffering and oppression, Menchaca maintained that Mexico should “transfer to her bosom the unfortunates that reside in Texas today reporting as Mexicans the injustices of the proud Americans that, with weapons in hand, required and obtained from Mexico those fertile lands.”¹⁰⁶ At the very least, argued the Governor of Nuevo Leon, the government should do everything in its power “to rescue the unhappy Mexicans that by virtue of the treaty of Guadalupe remained foreigners in their own land, and of the misfortunes that afflict them.”¹⁰⁷ In short order, the monies granted to the nation via the stipulations of the 1848 *Treaty of Guadalupe Hidalgo* should be applied to the very victims that had suffered the loss of land, namely the now fractured state of Coahuila y Tejas.

The back-and-forth between the federal government and state officials endured for eight years and tested the patience of Menchaca and the Governor of the state of Coahuila. For years to come the *Diario Oficial de Coahuila* and various newspapers would continue to publish advertisements promising government support for the repatriation of Mexicans to the state.¹⁰⁸ But repatriates also grew tired of waiting, and

104. *Id.*

105. *Id.*

106. *Id.* “El Gobernador de Coahuila acompañando una solicitud de Don Antonio Menchaca vecino de Nacogdoches para trasladar a la República familias mexicanas. Se nombra comisionado al Gobernador de Nuevo León, 1850.”

107. *Id.*

108. SACAH, *supra* note 98.

many decided to deal with administrative matters at a later date. Some matters were in fact never resolved. In other cases, as with the repatriation of La Ascensión, Chihuahua, land titles were issued more than a decade later, though this did not end controversy over land matters.¹⁰⁹

Although little government aid came forward to contribute to the formation of this settlement, the repatriate colony of El Remolino, Coahuila would return to Mexico under difficult conditions and circumstances. Part of these conditions were motivated by the governments desire to populate the northern regions with loyal citizens to fight off “Indios Bárbaros”; to serve as a buffer zone against its northern neighbour; and to help thwart filibusters from Mexico and the US.¹¹⁰ The colony would subsequently be renamed “Resurrección” and then settled in a location that had earlier been *La Colonia Militar de San Vicente*, attesting to the military concerns of post-war colonization policy. Repatriation throughout the nineteenth century was therefore not a policy based on nationalist sentiment or impulse, but one more interested in maintaining territorial hegemony and a military presence along the frontier.¹¹¹ The archival trail ends here, but today El Remolino is a town of about four hundred individuals—with a majority (71%) considered “indigenous,” and about 24% speaking an indigenous language.¹¹²

The case of El Remolino illustrates several important issues. First, arguments in favor of supporting repatriation in the Eastern Provinces could be made based on: (A) Legal/Treaty obligations, (B) precedent in comparison with other repatriations, and (C) on humanitarian grounds. Second, the inadequate response of the Mexican government in this case supported widespread claims of “administrative disorder” of the Herrera government as well as the divide between regional and federal authorities in mid nineteenth century Mexican politics. At the national level, the Menchaca case shows us that state governments had little power or influence in postwar Mexico. If states had difficulty in their appeals for federal aid or assistance, then surely repatriates would likely have suffered a similar fate. Finally, and perhaps most importantly, a persuasive argument could be made that there was an unresolved contradiction in

109. José Angel Hernández, *Violence as Communication: The Revolt of La Ascensión, Chihuahua (1892)*, 2:6 LANDSCAPES OF VIOLENCE (2012).

110. See SACA, *supra* note 98.

111. *Id.*

112. *El Remolino*, PUEBLOS AMERICA.COM, <https://mexico.pueblosamerica.com/i/el-remolino-4/> (see for statistics).

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repatriation policy in the years after the Mexican American War, namely, that the very monies intended for supporting those within the ceded territories were never appropriately directed toward victims of the war. Of the \$15 million dollars paid by the U.S. as recompense for the ceded territories, less than 1% made its way into the hands of the actual victims of this “sale.” Guillermo Prieto, one time finance minister, perhaps said it best with the following: “If you ask what use Mexico made of all the money it got from the United States as a result of its national tragedy, you should answer, without hesitation, that it wasn’t in material improvements, defending the borders, or for public safety. It went, almost entirely, to our creditors, foreigners mostly.”¹¹³

IX. BACK TO MEXICO MOVEMENTS IN CALIFORNIA, CA. 1850S

The Governor of Sonora, Pesquiera, correctly pointed out the three factors that hindered the successful colonization of the frontier—Indian raiding, depopulation caused by emigration, and insecurity.¹¹⁴ These issues were intertwined and not easily resolved. Unless the government solved the question of Indian raiding first, neither repatriation nor long-term stability would have much of a chance along the northern frontier. For the Governor, it was clear that “the day that those incursions of the barbarians are finished, at that same moment the state will remain populated.”¹¹⁵ While the “Indios Bárbaros” were still not under the control of the state and “the border is found in the abandonment that it is currently found, it is impossible to be able to stimulate the population with any kind of offers.”¹¹⁶ And so the process appeared to be a self-perpetuating mechanism, which only an end to raiding and attacks could interrupt. Though framed from the perspective of government interest, the Governor provides a remarkable early recognition of the ironic, Mexican American predicament of having to leave Mexican roots in the hope of one day returning better able to sustain them. He notes that those with property “abandon it” and then migrate to the U.S., while “the ones that do not have it, seek it to leave it...in the hopes that at some time they will

113. Guillermo Prieto, *Informes leídos en la Cámara de Diputados por el Secretario de Hacienda*, 40 (1852) (Mex.), quoted in RICHARD J. SALVUCCI, *POLITICS, MARKETS, AND MEXICO’S ‘LONDON DEBT,’ 1823-1887*, 200–201 (Cambridge: Cambridge University Press, 2009).

114. Enrique Cortés, *Mexican Colonies During the Porfiriato*, 10 *AZTLÁN: J. OF CHICANO STUDIES* 1–14 (1979).

115. AHSRE, *supra* note 4, at 6-17-41.

116. *Id.*

have it.”¹¹⁷

In contrast to the cases of Texas and New Mexico, California support for repatriation seem to sprout from the ground amid government inaction, or if you prefer, “administrative disorder.” In this case repatriation would be buttressed by the institutional interests of a secularized Catholic Church, by the accessible and mobile wealth of California gold, and by an accompanying re-distribution of labor involving significant ethnic based expulsions from California. As in other regions, the indigenous population fighting for autonomy formed a common enemy for US and Mexican national boundaries that were perpetually contested. In California, the prime movers of repatriation were not so much prominent individuals like Menchaca in Texas or Ortiz in New Mexico, but by the group efforts of a variety of religious and secular societies that formed during the period to fulfill the aforementioned interests of returning to Mexico during times of economic and social stress.

After gold was discovered in newly lost California in 1849, a number of government officials pondered how Mexico could benefit from some of the riches that were being extracted while the area was simultaneously being depopulated.¹¹⁸ Gold, in this context, functioned like a magnet that attracted groups of Mexican miners from their much needed posts occupying the northern frontier. Already burdened by the need to populate the deserts of Sonora, the Gold Rush now pulled these very settlers away from the sparsely populated frontiers that cleared the way for easier raiding by independent Amerindians, which also guaranteed their autonomy. In other words, migration to the gold placers of California left the neighboring state of Sonora open to various Indian raids due precisely to this migratory depopulation heading northward toward the gold placers.

Alluding to the silver lining in the depopulation of the frontiers, General Ignacio Pesquiera, the Governor of Sonora, noted that, although return migration was evident, the “returning citizens appear to be motivated to return to the next station of the works,” and many of them returned with vast amounts of wealth.¹¹⁹ They in turn “excited many others” to make the trip northward. If this work was not “absolutely impeded” by local authorities, the Governor estimated that “next year’s emigration from this state will be surpassed in a somewhat

117. *Id.*

118. AHSRE, *supra* note 4, at 6-17-41.

119. *Id.*

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greater number by this year's emigrants."¹²⁰ Unless they were prevented from working in the mines, this northern migration could spiral out of control and with dire consequences for the frontier states of Sonora.

Mexicans in search of work and of riches in gold country entered a frenzied field composed not only of Euro American and Chinese miners, but also Peruvian, Chilean, Spanish, and other "Latins" who drew successfully from the mining expertise they had acquired in their home countries.¹²¹ On the ground, reaction to "foreign" competition in the mines took the form of an escalated level of violence in various locales in Gold Rush California, culminating in the formation of various extralegal "vigilante committees" and passage of questionable laws.¹²² The courts reacted to growing multi ethnic conflicts by passing the "Foreigner Miner's Tax of 1851," which levied a \$20 per capita fee on all "foreigners" wanting to stake claims in the gold placers of Upper California.¹²³ This racially targeted legislation applied to non-Euro Americans; that is, those not of the "white race," thus fueling the number of potential repatriates for the states of Baja California, Sonora, and Sinaloa.¹²⁴ The Mexican government recognized that such legislation and, even perhaps border violence as well, could serve its interests by curtailing emigration and forcing its citizens to remain in those lands "infested by Indios Bárbaros." With this background in mind, the Governor of Sonora, Ignacio Pesquiera, initiated some of the first colonization policies for Mexican Americans in that state. "Incensed by outrages committed [in the goldmines] by the Anglo Americans against...Mexican Americans," Pesquiera "offered lands to the victims, aiding them and at the same time colonizing the lands."¹²⁵ In the process, according to the historian Enrique Cortés, the Governor "set the stage for a pattern that was repeated throughout the rest of the century."¹²⁶

Governor Pesquiera was not alone in his condemnation of "Euro American" ill treatment of the working classes and the migrant

120. *Id.*

121. Sister M. Colette Standart, OP, *The Sonoran Migration to California, 1848–1856: A Study in Prejudice*, 58 SOUTHERN CALIFORNIA QUARTERLY, 333–357 (1976).

122. ROBERT M. SENKEWICZ S.J., VIGILANTES IN GOLD RUSH SAN FRANCISCO 156–202 (1985).

123. *Foreign Miners Tax documents, 1850–1867*, ONLINE ARCHIVE OF CALIFORNIA, <http://www.oac.cdlib.org/search?style=oac4;Institution=California%20State%20Library;idT=001482545>.

124. *Id.* (Miner's tax).

125. Cortés, *supra* note 114.

126. *Id.*

Mexican American populace. Several other politicians and government officials put forth proposals to hasten the repatriation of Mexican Americans while others supported the establishment of military colonies on the northern frontiers of the newly established international boundary.¹²⁷ But very little assistance was forthcoming from the central government. As in Texas, the most vocal and articulate advocates for repatriation were Governors and politicians from the border region itself. But their outrage did not translate into material assistance or an organized repatriation process for at least four more years. The answers were consistently always the same: the treasury is depleted and the government is in “administrative disorder.”¹²⁸

Still, a northern circuit with a lid on it presented a significant potential benefit to the Mexican state. The unusual wealth available to prospecting potential repatriates was well recognized, by those of the frontiers, and those far removed from the border. Pesquiera observed, “It can be calculated that more than 300 [migrants] have returned and others are arriving daily, to such a manner that it can be expected that that we will not lose all of this part of the emigrated population.”¹²⁹ And, even in the face of long and dangerous journeys, returning Sonorans “come very satisfied with the wealth of those bonanzas and they report that except for the crime of robbery, all the others enjoy immunity.”¹³⁰ Many documents relating to Sonoran history point out that Sonorans returned from the gold placers of California with millions of pesos worth of gold.¹³¹ However, the borders drawn between the U.S. and Mexico were also superimposed on land still claimed by many indigenous groups willing to die and raid in its defense. This presented a dilemma for any who had designs on the wealth in the region’s natural resources.

The central government in Mexico City appears to have administered the repatriation of Alta California as it did in Coahuila and Chihuahua—that is to say reactively instead of proactively. At least with respect to repatriation, Historian Griswold del Castillo has noted that *Californios* in particular “had little financial help from the

127. JUAN N. ALMONTE, PROYECTOS DE LEYES SOBRE COLONIZACIÓN (Ignacio Cumplido, 26 Enero 1852) (Mex.); translated in Odie B. Faulk, *Projected Mexican Colonies in the Borderlands, 1852*, 10 THE J. OF ARIZ. HISTORY 115–128 (1969).

128. MEMORIA DEL MINISTRO DE RELACIONES INTERIORES Y EXTERIORES, D. LUIS G. CUEVAS, LEÍDA EN LA CÁMARA DE DIPUTADOS EL 5 Y EN LA DE SENADORES EL 8 DE ENERO DE 1849, 8 (Imprenta de Vicente García Torres, Ex-Convento del Espíritu Santo, 1849) (Mex.).

129. AHSRE, *supra* note 4, at 6-17-41.

130. *Id.*

131. *Id.*

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Mexican government in these ventures.”¹³² Yet repatriation was successfully conducted from California to Sonora and to various locales along the northern Mexican frontiers due primarily to the repatriates themselves. So who or what lay behind these resettlements? Part of the answer lies with the way repatriation were also contingent upon the depopulation of northern Mexican states, the violence and opportunity of the Gold Rush in California, and the formation of regional Repatriation Societies.

X. REPATRIATION SOCIETIES AND LOCAL PROTECTION

In the face of government neglect, *Californios* and Mexican residents in California responded to the violence and land displacement in a highly organized fashion by forming repatriation societies. Independent and self-funded repatriation societies such as Jesús Islas’ *La Junta para Promover la Emigración de Todos los Hispanos-Americanos Residentes en California* (The Steering Committee to Promote Immigration of All Hispanic-Americans Living in California) and Andrés Pico’s *La Sociedad de Colonización de Nativos de California para el Estado de Sonora* (The Colonization Society of Native Californians for the State of Sonora), founded in 1855 and 1858, respectively, sprang up and established a trend in California that we will not see for the other regions: the patriotic naming of colonization and repatriation societies.¹³³ By the time of the Porfiriato (1876-1911), several more organizations of this kind had come into being, such as *Compañía de colonos para la Republica Mexicana* (1875), *Compañía de colonos “La Esperanza”* (1878), and *Sociedad de Colonización Benito Juárez* (1880).¹³⁴ Many of the colonization schemes, like Pico’s *La Sociedad de Colonización* (1855) were advanced “during the height of racial conflict and violence.”¹³⁵ If neither Mexico nor the US could respond, it was articulated at the time, then locals took matters into their own hands and moved southwards to Mexico in what can be termed a “back to Mexico” movement.

In 1855, Jesús Islas founded a colonization society in San José that managed to recruit hundreds of people throughout California “by running advertisements in the newspapers.”¹³⁶ According to Griswold

132. GRISWOLD DEL CASTILLO, *supra* note 13, at 119.

133. *Id.* at 119–124.

134. See “Pimentel, I.M.—Compañía de Colonos para el Estado de Sonora “La Esperanza” Propuesta,” in AHTN 1.29 (22) Leg. 8, Exp. 290. 28 Diciembre 1878.

135. GRISWOLD DEL CASTILLO, *supra* note 13, at 119–124.

136. *Id.*

Del Castillo, Islas' success "spurred others to imitation." *La Junta para Promover la Emigración de Todos los Hispanos-Americanos Residentes en California* offered a similar rationale for returning to México in an 1855 announcement.¹³⁷ "Their major purpose," accordingly, "was to escape the inhospitable social and economic climate of Anglo-American dominated California."¹³⁸ To promote repatriation, Islas published an extensive broadside entitled *Situación de los Habitantes Ispano-Americanos en el Estado de la Alta California*, printed in Mazatlán on 26 June 1855, which was carried by at least one newspaper in California, *El Clamor Público*. Written as a kind of manifesto, this document details how Mexican American repatriation would benefit both potential colonists and the Mexican government. A close reading reveals not only references to humanitarian concern for the mistreatment of patriotic Mexican Americans, but also the contradictory nature of that discourse when gauged against state concerns for its failing economy and threatened northern perimeters.

Islas begins his appeal for repatriation, not by mentioning the violence visited upon the Mexican population, but by sketching the larger structural forces that compelled him and other *Californios* to seek better economic opportunities elsewhere. In effect, the author is patently aware of a global economic crisis that has subsequently impacted the lives of a population which now sought repatriation in Mexico. As his opening salvo states, "[T]he epoch has arrived in which the extravagance of the [gold] speculations, and the great importance of foreign products, has brought a great monetary crisis, that has caused the ruin of most of the bankers and innumerable mercantile stores, as well as the complete annihilation of agriculture in general."¹³⁹ The collapse of the agricultural sector to which he refers had hit the "Ispano-Americanos," made up of "*Californios*, Mexicanos, Chilenos, and Peruanos," particularly hard. By the time of the publication of his broadside, the fallout from the Gold Rush was unfolding before his eyes as migrants and other foreigners began to seek out other opportunities. Perhaps it is no coincidence that in this document, so-called "Ispano-Americanos" are framed as only suited to performing agricultural labor, thereby ignoring the legislation and racialized climate that excluded even the highly skilled from work in

137. JESÚS ISLAS, *SITUACIÓN DE LOS HABITANTES ISPANO-AMERICANOS EN EL ESTADO DE ALTA CALIFORNIA*, 26 JUNIO 1855, (Puerto de Mazatlán: Imprenta de Rafael Carreon, 1855) (Mex.).

138. GRISWOLD DEL CASTILLO, *supra* note 13, at 119–124.

139. ISLAS, *supra* note 137.

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the mining sector: He states,

It should be observed that most of the Hispanic-American population, which includes *Californios*, Mexicans, Chileans, Peruvians, etc. etc. had been dedicated to the work of agriculture, that, due to the complete paralysis of and lack of appreciation for the productivity of the country, they have all been obliged to abandon their fields and labors and they are today found ruined and unable to secure a destiny; and being the only work that the Spanish class can dedicate itself to, given that in no other industry would they be able to compete with the Saxon race, because they lack the necessary know-how, they are seen today therefore in the saddest situation and without hope for the future. Besides it should be added that one of the causes of the discontent and general displeasure is the mistreatment that the Hispanic-American population has received from certain classes of the American populace.¹⁴⁰

Reminders of the injustices this population had suffered could play well on the patriotic sentiments of border officials and private landowners across the border. Yet this bad treatment by the Americans could also align with an ongoing military strategy. Islas states that these potential colonists alone are “able to contain the advances of the barbarous apache.”¹⁴¹ Officials who hoped to contain the “Barbarous Indians” simultaneously sought to make use of Mexicans residing in the U.S. for this purpose, and would offer them lands, tax concessions, and free passage to government-sponsored colonies as enticements.¹⁴²

The designs harbored by Mexican officials can be discerned by the manner in which Mexican American labor is framed in contradictory ways. The “energy” and “strength” of new migrants and their families is always noted in the archival record, but the unique

140. *Id.*:

“Debe observarse que la mayor parte de la población Hispano-Americana, que comprende *Californios*, mexicanos, chilenos, peruanos, etc. Se habían dedicado al giro de agricultura, las que por causa de la completa paralización y ningún aprecio de las producciones del país, se han visto todos obligados a abandonar sus labores y trabajos y se encuentran hoy arruinados y sin poder obtener destino; y siendo el único giro al que la clase española puede dedicarse, pues en ninguna otra industria podrían competir con la raza sajona, por carecer de los conocimientos necesarios, se ven hoy pues en la más triste situación y sin esperanzas en lo futuro. Además debe agregarse que una de las causas del descontento y disgusto general, es el mal tratamiento que la población Hispano-Americana ha recibido de ciertas clases del pueblo americano.”

141. *Id.*

142. *Emigración a Sonora: A los Mexicanos, Hispano Americanos y Californios; Manifiesto*, EL CLAMOR PÚBLICO (Feb. 16, 1856).

positionality of *Californios* as potential repatriates was presented with a particular regional twist. Islas advanced the idea that, among the different candidate populations available to occupy the northern territories, only Mexican American repatriates would thrive given their existing “compatibilities” with Mexico:

And what better time for Sonora to take advantage of the circumstances, which under its liberal and protective laws, is the only emigration that is acceptable because of its language, religion and customs? Right now is the time to populate its frontiers with a population that is useful, energetic, and trained by contact with the Saxon race, the only one that is able to contain the advances of the barbarous apache.¹⁴³

Thus, even after decrying the mistreatment of Mexican Americans and framing them suitable only for agriculture, he also posits that it is precisely “contact with the Saxon race” that makes his potential repatriates so desirable for Mexico in general, and Sonora in particular. Note here, as well, that Isla’s points out that these potential repatriates are the best colonists because they have also been “trained by the Saxon race.” Notably, the discourse that Mexican migrants in the US as somehow better than those that never left continues to this very day, and here we have future leader of the Repatriation Commission for the Western Region articulating this folk belief in the mid nineteenth century.

XI. ISLAS’ COLONY AND THE MIXED MESSAGES OF REPATRIATION

On October of 1855, Francisco P. Ramírez, editorial writer for *El Clamor Público* criticized the Mexican government and wrote an extensive editorial that “encouraged [California] Mexicans and Chileans to join Isla’s *Junta Colonizadora de Sonora* and return to Mexico.”¹⁴⁴ Disillusioned by the U.S. government’s lack of concern about Euro American racism, Ramírez continued to support these “back to Mexico movements” even when it appeared that politicians in Mexico City would not be forthcoming with monetary support. The commotion and enthusiasm for the project attracted the attention of local and federal officials who noted the benefits of this migration to the frontiers of the Mexican Republic. According to Islas’ report published in the local paper, the project was received with “great

143. *Id.*; reprinted in *Situación de los Hispano-Americanos en California*, 19 EL CLAMOR PÚBLICO (Oct. 23, 1955).

144. *Id.*

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enthusiasm by all of the populations of the state,” including the Governor and the large landowners, “to protect the emigrants that settle along the frontiers of the state.” For instance, locals came to the aid of Islas’ project in Sonora. The village of Ures donated 200 fanegas of wheat, 100 head of cattle, and land for those cattle as well as for the production of cotton, sugar, and indigo.¹⁴⁵

Recognizing the enthusiasm for Islas’ project earlier that year, the federal government encouraged the state of Sonora to cooperate with this “patriot” and appointed him as the colonization agent for the same state. Always mindful of useful anti-American sentiment, the Minister of Fomento, Manuel Siliceo maintained that there were “great advantages” to welcoming these Gold Rush repatriates: “they do not mix with the Anglo-Saxon race,” with whom they lacked a common culture, and would fare much better as colonists in Sonora.¹⁴⁶ Thus, unlike the relatively organized Repatriate Commission of New Mexico, or the botched appointment of the Eastern Provinces, the case of the Repatriation Commission for the Western states was a case where government officials in Mexico City co-opted the most visible leader of a repatriation society and appointed him as Repatriation Commissioner for the region.

In early 1856 Islas recruited around 300 people for his colonization project and headed out for Sonora.¹⁴⁷ News of the Islas colony reached the *Californio* audience back at home via *El Clamor Público*. By June of 1856, *El Clamor Público* noted that “more persons than could conveniently be taken” continued to arrive and were awaiting financial support for the journey. For the time being, Los Angeles would be their base of operations.¹⁴⁸ As success of the colony became widely known, more and more repatriates set out for the colony, now known as Saric, Sonora. At this time, according to Griswold del Castillo, “it appeared that this colonization venture was succeeding” and Islas reported the following a few months later: “We are living peacefully and breathing the pure and agreeable air of this beautiful climate.”¹⁴⁹

But negative reports also surfaced, including one that alleged that

145. *Emigración a Sonora*, *supra* note 142.

146. *Código de Colonización*, *supra* note 1, at 607–612. This letter and four point suggestion was also published in the 1856 publication of “Ministerio de Fomento,” (May 10, 1856).

147. *La Colonia*, EL CLAMOR PÚBLICO (June 7, 1856).

148. *Id.*

149. GRISWOLD DEL CASTILLO, *supra* note 13, at 121.

the Islas colony had joined in a rebellion against the central government.¹⁵⁰ The prosperity of the Islas' colony in Sonora opened a space among the Mexican community in California to debate the merits of this process, and it appears that not all were in favor of resettling in a country that had already abandoned them once. Making a case that had been raised in New Mexico (and later in San Antonio, Texas), locals questioned the logic of returning to a government so fraught with "administrative disorder" and a history of abandoning the frontier regions to "barbarous Indians" and then North Americans.¹⁵¹ In an extensive and critical letter signed by "California," the author noted the past history of the Mexican state left much to be desired.¹⁵² Colonists returning to Sonora would be subjected to "undisciplined military officials and mercenaries" that have ruined the local population with levies and forced contributions, according to his view.

Several exchanges for and against return migration were recorded in *El Clamor Público* between a number of authors, but in the end, the Islas colonization project proceeded forward and settled repatriates. The "failed colonizations" of Texas and Coatzacoalcos in the 1820s, the authors reminded the readers of *El Clamor Público*, were proof enough of the government's incompetence. The reason for these past failures, were "for the very simple reason that although the government of Mexico has judgment and discernment, the Mexicans do not have it and with their anarchic craziness do not allow the realization of useful business," as the example of past colonization projects had effectively proven.¹⁵³ Living under U.S. rule was much better than living under a Mexican regime that only a few years earlier had passed their fate into the "hands of strangers."¹⁵⁴ "When were we the most happy, when we pertained to the Mexican Republic or now?" asked the author.¹⁵⁵ And although wishing the colonists and the enterprise well, the letter writer echoed the sentiment expressed by previous critics who argued that Los Angeles was historically the refuge of Sonorans. The government of Mexico, always in constant revolt and in "administrative disorder," made promises that it could not keep, and any repatriate would probably be swept up in one of the many uprisings.¹⁵⁶

Some recent research in Baja California in 2015 also revealed

150. *Sonora*, EL CLAMOR PÚBLICO (Dec. 13 1856).

151. *Id.*

152. *Id.*

153. *Comunicado*, EL CLAMOR PÚBLICO (May 24, 1856).

154. *Más Sobre la Emigración a Sonora*, EL CLAMOR PÚBLICO (May 17, 1856).

155. *Id.*

156. *Id.*

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some further documentation on the case of Jesús Islas, which is worth mentioning here in order to conclude this multi-state analysis of repatriation and settlement along the northern frontiers of the republic following the postwar environment. In early January of 1856, the Ministro de Gobernación in Mexico City wrote to the governor of Sonora that Jesús Islas repatriate colony was merely a ploy whose underlying intention was to filibuster and separate Sonora from Mexican control. Amid the varying revolts against the central government, like *El Plan de Ayutla* (1855); Wars of Reform (1857-60); and *El Plan de Tacubaya* (1858), the governor was forced out of office at the highest levels. Thereafter Jesus Islas was terminated as the Repatriation Commissioner for the western region. Mexican officials acknowledged the “sad situation that our compatriots keep, and other individuals of the Spanish race,” but also realized that these colonization schemes could also be employed to speculate empty lands and then foment rebellions against the state, as in the case of the Ainza Brothers.¹⁵⁷

According to the exchange between the federal government and the Governor of Sonora, the document makes note of the fact that particular news had been obtained from the Secretary, Don Francisco Tena, and others whom confirmed the idea that the colonization company headed by the Ainza Brothers was purely interested in the speculation of lands, and they have attempted to justify certain payments by The Mexican government and then find a motive or a pretext to make claims for payment by the same government.¹⁵⁸ The observations that are shared between the government officials are worthy of note because they speak to a much more nuanced view of Mexican officials during this era. They note that although the family is a native of the state of Sonora this individual was an under aged minor when his family migrated over to California in the year of 1805. This individual, the report continued, resided along with three of his brothers, and each of these was also married to a woman from the United States. As such, the exchange points out these marriages have formed an interconnection between the families and the brothers have now essentially taken on the customs and culture, and even the inclinations of that particular country, which is to say the United States. According to the exchange, these brothers have more affection

157. *Desautorización de José de Aguilar, gobernador de Sonora, para que Jesús Islas, quien se supone agente de colonización, envíe a sonorenses radicados en California a colonizar terrenos en Sonora. Ures, 1 julio 1856*, ARCHIVO DEL INSTITUTO DE INVESTIGACIONES HISTÓRICAS (Fondo Pablo Herrera Carrillo, Universidad Autónoma de Baja California) (Mex.).

158. *Id.*

for California then for their native country, and Jesus Isla's is essentially part of that same family and mentality. Finally, the letter establishes the relationship between these brothers and their brother-in-law Henry A. Crabb, whose name in Sonoran history is well known as the last filibuster defeated by the Mexican government and their indigenous allies. Mexican government officials also made the observation that one of the brothers was perhaps "mentally ill" in his attempts to try to convince the people of Sonora to separate from the Mexican Government, but in the end the local prefect had him arrested and Jesus Islas was also removed from his position.¹⁵⁹

XII. CONCLUSION

In comparing the three cases of repatriation, the divergent experiences of each of these cases reveals an almost too perfect analogy for the repatriates experience in the post-war era. And although I've only discussed a few cases in this particular article, I've examined similar cases of repatriation and subsequent colonization throughout the rest of the century, certainly enough to make the claim here that repatriates from the North and migrants from the south built the modern day border between the US and Mexico. Hence, this particular microcosm does reveal some patterns about the first Repatriation Commissions and the experience of those repatriates returning to Mexico under the decree of August 19, 1848.

The case of New Mexico, because it was the most heavily populated and the best-known of the three locations, became the locus of most government attention, and most success, as it turns out. Because the government moved quickly to appoint the well-known anti-American Priest, Father Ramon Ortiz to the position, the dissolution of this repatriate commission did not impede future government efforts to effectively repatriate and resettle those Mexican citizens that opted to return South after the end of hostilities.

The case of Texas, as it turns out, also reveals an experience that can be read in the correspondence throughout the rest of the nineteenth century, and this is that even amid periods of administrative disorder, many repatriates took it upon themselves to leave South, with or without the assistance of the government. What is with less doubt, is the fact that these repatriates initially sought out the assistance of The Mexican government. The option to either return, migrate southward, or petition the Mexican government also highlights their belief not

159. *Id.*

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only in their own rights as citizens, but also their faith in the role of the Mexican government during this time. The correspondence between the Federal, State, and Local government is revealing and makes interesting arguments in favor of this diasporic diplomatic relationship—for lack of a better term.

The final case of California also reveals perhaps the most negative of the experiences, in that a number of repatriates that did return south, did so under some dubious circumstances and with intentions not in line with those of the Mexican Government. As we saw in the case of Jesus Islas, his initial project calling for the repatriation of Mexicans in California to return to Sonora in the 1850s led to his collusion with a number of filibusters that were eventually defeated only a few years later. Indeed there are multiple cases in the Mexican archive where Mexican repatriates also became sources of conflict, to such a high degree, that the Mexican Government so fit to create an agency that would go after and prosecute those Mexicans that encouraged others that seceding from the Mexican Nation was a good idea.

The fallout of the postwar environment brought about the *Department of Colonization* and the first Repatriation Commissions dedicated to the repatriation and resettlement of Mexican origin populations in the U.S. The primary function of these Repatriate Commissions was to identify, administer, and then to accommodate those Mexican citizens that opted to migrate across the new international boundary following the signing of the *Treaty of Guadalupe Hidalgo* (1848). Because the New Mexico Territory was the most heavily populated, the creation of the First Repatriation Commission for this region was considered the most important of the three eventual assignments. Post-war instabilities, strapped financial resources, shifting geo-political boundaries, resistance by U.S. authorities, and internal accusations of financial mismanagement and corruption all contributed to the dissolution of these initial Repatriation Commissions. Legislation implemented to encourage Mexican citizens to return via the *Department of Colonization* and the Repatriation Commissions provided both the power of the Law and the agents of the government to the foundation of dozens of settlements along the newly established frontiers. In the end, colonies nevertheless emerged along the northern frontiers between the New Mexico Territory and through Baja California, due mainly to the will and survival skills of the repatriates themselves.