This work analyses the diplomatic conflicts that slavery and the problem of runaway slaves provoked in relations between Mexico and the United States from 1821 to 1857. Slavery became a source of conflict after the colonization of Texas. Later, after the US-Mexico War, slaves ran away into Mexican territory, and therefore slaveholders and politicians in Texas wanted a treaty of extradition that included a stipulation for the return of fugitives. This article contests recent historiography that considers the South (as a region) and southern politicians as strongly influential in the design of foreign policy, putting into question the actual power not only of the South but also of the United States as a whole. The problem of slavery divided the United States and rendered the pursuit of a proslavery foreign policy increasingly difficult. In addition, the South never acted as a unified bloc; there were considerable differences between the upper South and the lower South. These differences are noticeable in the fact that southerners in Congress never sought with enough energy a treaty of extradition with Mexico. The article also argues that Mexico found the necessary leeway to defend its own interests, even with the stark differential of wealth and resources existing between the two countries.

Keywords: Antislavery, extradition, fugitives, runaways, sectionalism, slavery, Texas.

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tras la colonización de Texas. Más tarde, después de la guerra Mexico-Estados Unidos, algunos esclavos se fugaron al territorio mexicano y por lo tanto dueños y políticos solicitaron un tratado de extradición que incluyera una estipulación para el retorno de los fugitivos. Este artículo disputa la idea de la historiografía reciente que considera al Sur (en cuanto región), así como a los políticos sureños, como grandes influencias en el diseño de la política exterior, y pone en tela de juicio el verdadero poder no sólo del Sur sino de Estados Unidos en su conjunto. El problema de la esclavitud dividió a Estados Unidos y dificultó cada vez más el impulso de una política exterior que favoreciera la esclavitud. Además, el Sur jamás operó como unidad: había diferencias marcadas entre el Alto Sur y el Bajo Sur. Estas diferencias se observan en el hecho de que los sureños en el Congreso jamás se esforzaron en buscar con suficiente energía un tratado de extradición con México. El artículo también sostiene que México halló el margen de maniobra necesario para defender sus propios intereses, pese a los fuertes contrastes de riqueza y recursos entre los dos países.

**Palabras clave:** antiesclavitud, esclavitud, esclavos fugitivos, extradición, fugitivos, faccionalismo, Texas.

In the summer of 1857, two black sailors from the United States jumped ship in Veracruz. Both had reached the Mexican port in the vessel *Metacomet* and seized the opportunity to mingle with the local population and abscond. Following routine procedure, the US consul requested that the port authorities apprehend the deserters and deliver them to him, so that he could place them at the disposal of the shipmaster.¹ The Mexican authorities complied, but only partially. Both sailors were arrested and jailed, but when the consul showed the papers to claim them, it turned out that one of them, named James Frisby, was a slave hired out by his master to work on the ship. In the eyes of Mexican officials, Frisby was no longer a mere deserter from duty on a ship, he was a fugitive slave. On that account, the port captain refused to deliver him to the consul.²

¹. Article xxx of the Treaty of Amity, Commerce and Navigation between the United States and Mexico (1831) established this mutual obligation, a common feature in treaties of this kind. In addition, the Guadalupe-Hidalgo treaty of 1848 revived the article for another eight years.

². James Frisby was simultaneously a slave and a sailor, but it is interesting to note that there were some significant similarities in the situation of slaves and seamen: both could be legally subjected to physical punishment; and were bound to work and could not absent themselves from their obligations. When they did, they became fugitives, and the law gave their masters the means to reclaim them. Of course, there was one fundamental difference: seamen signed a contract of their own accord. See Jonathan M. Gutoff, “Fugitive Slaves and Ship-Jumping Sailors: The Enforcement and Survival of
The US consul referred the matter to the US minister in Mexico, John Forsyth, who wrote to the Mexican minister of foreign relations, Sebastián Lerdo de Tejada, insisting on the delivery of Frisby. Adhering to a policy that his government had followed with considerable consistency since the drawing of the new borderline in 1848, Lerdo de Tejada denied the request, adducing that Frisby was a slave who had been bound to work in the ship by his master, and that the laws of Mexico made him free as soon as he set foot on Mexican territory. In a notoriously angry reply, Forsyth asserted that the “moral grandeur” of such declarations failed to impress him. It was hard to believe, he argued, that in the view of the Mexican authorities, being a black slave spared Frisby from obligations to which no other sailors were exempted, not even if they were white and “the master blood of the earth” ran through their veins. Forsyth added in an ominous tone:

To the States of the American Union lying contiguous to Mexico, this is a question far too serious and important to be disposed of upon a mere sentiment of philanthropy. If Mexico is so deeply imbued with the mania of negrophilism as to be willing to introduce into her political relations with the United States the cant of Exeter Hall, in lieu of the sound principles of international comity and law, it is but fair that we should know and understand it and shape our relations accordingly. What is quite certain is that the practice of the Republic for some years past of imprisoning our white citizens and making free our slaves as fast as they put foot on Mexican soil cannot long endure consistently with peace and harmony between the two countries.

Lerdo de Tejada was unmoved. In his rejoinder to Forsyth, he explained that turning Frisby in would be “repugnant to every principle of law in respect to slaves, since from their very state and condition, they cannot be considered capable of a perfect obligation which they can be compelled to discharge,” and that “the rules established by free men who have assumed a duty by a voluntary contract, are not


3. Lerdo de Tejada to Forsyth, Mexico City, August 18, 1857. Enclosure 9 to Forsyth to Lewis Cass, Mexico City, September 3, 1857, dispatch no 47, in Despatches from the United States Ministers to México 1823–1906, 97 (microfilm), National Archives of the United States (hereinafter NA).

4. Forsyth to Lerdo de Tejada, Mexico City, August 20, 1857. Enclosure 10 to Ibid.

5. Ibid.

6. Ibid. Exeter Hall was a public lecture hall in London. Abolitionists and other philanthropic societies often used the hall for meetings and lectures.
applicable to those held as slaves by force alone, and who on leaving a vessel cannot even be termed deserters.”

This was the only time that the case of an individual runaway slave appeared so prominently in the diplomatic correspondence between both governments. The exchange was also exceptional in its bitter and threatening tone. The problem of slave fugitives, however, was far from new. It had been an issue in relations between the two countries since Mexico became independent from Spain, and the issue had gained importance after Texas seceded from Mexico to found an independent, slaveholding republic in 1836. The issue became even more salient after the annexation of Texas and the US-Mexico War, as the treaty of Guadalupe-Hidalgo drew a new and porous borderline between both countries in 1848, and Texas became part of the “Cotton Kingdom” in the lower South of the United States.

The escape of African-Americans to Mexican territory was a direct consequence of the expansion of slavery into the borderlands with Mexico. As a matter of diplomatic dispute after 1848, the runaways tested both the power of the United States to protect slavery in its exposed borderlands and the ability of Mexico to follow an independent course and resist that power. It was a problem concerning social, ideological, and institutional differences in a relationship of neighbors characterized by a substantial asymmetry of power. This issue raises many questions, including: How able was the United States to dictate terms to its weaker neighbor? How able was Mexico to pursue its own goals of foreign policy, even if they ran against the interests of the US? And how important was it for Mexico to maintain an antislavery position, and why?

In the last years, several authors have suggested that the United States pursued ambitious, aggressive, imperialistic goals practically from the beginning of its national existence. The US grew so powerful because it had an expansionist vocation and it purposefully used its resources and strength to conquer and despoil the populations who stood in the way of its territorial enlargement. This interpretation

7. Lerdo de Tejada to Forsyth, Mexico City, September 15, 1857, Enclosure A to Forsyth to Cass, Dispatch no. 50, in Despatches from the United States Ministers to México 1823–1906, 97 (Microfilm), NA. All translations by author.

has dovetailed with new appraisals of the power of southern elites and politicians over the national government and in the definition of foreign-policy goals. The argument is that southern, proslavery politicians had a disproportionate sway in the three branches of the federal government, and that they were able to use that power to push forward proslavery goals.9

According to my research, however, these interpretations have overestimated the power and the unity of purpose of the United States and of the southern, proslavery politicians who tried to exert influence on its government. By examining the problem of slave fugitives in the relations between both countries, this article discusses three main areas. Firstly, it seeks to show that Mexico had the ability and the means to defend and maintain an antislavery stance to serve its political interests, despite the marked asymmetry of power with its neighbor to the north; Secondly, this article demonstrates that the United States had a limited capacity to use effectively that difference of power at the international level, although it undoubtedly had more economic, demographic, and military resources at its command. After winning a war against its Mexican neighbor in 1848, the recourse to force was not a viable alternative—at least not over fugitive slaves—and US administrations had limited alternative means to press their Mexican counterparts into making concessions. Mexico was able to profit from an international context increasingly unfavorable to slavery, and it could use the growing internal divisions regarding slavery in its neighbor to the North to its


9. For the ability of southern politicians to influence federal policy see: Robert E. Bonner, Mastering America: Southern Slaveholders and the Crisis of American Nationhood (New York: Cambridge University Press, 2009), especially 3–40; Matthew Karp, This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy (Cambridge: Harvard University Press, 2016); Leonard L. Richards, The Slave Power: The Free North and Southern Domination, 1780–1860 (Baton Rouge: Louisiana State University Press, 2000). For the southern, pro-slavery views of foreign policy see: Walter Johnson, River of Dark Dreams: Slavery and Empire in the Cotton Kingdom (Cambridge: Belknap Press of Harvard University Press, 2013), 303–420; Karp, This Vast Southern Empire; and the pioneering work of Robert E. May, The Southern Dream of a Caribbean Empire (Chapel Hill: University of North Carolina Press, 1984). In several ways, these interpretations have given considerable credit to the belief of antebellum northern politicians and editors that there was a Slave Power bent on protecting slavery. At least to the extent that southerners held disproportionate power over the federal government, and that a group of southern politicians was always ready to use that power to advance proslavery interests.
own advantage; Thirdly, both the Mexican and US governments showed a very limited capacity to enforce their will on the border, which was the theater where most escapes, and the violent incidents they provoked, took place. In the last analysis, although federal officials of both nations would debate the issue repeatedly, the fate of the fugitives would mostly depend on the disposition of local communities and authorities to incorporate the runaways and shield them from persecution.10

**Mexican Antislavery**

This situation raises another question: Why did Mexico refuse to return runaway slaves? To answer this, it is necessary to explain the process through which an antislavery stance became coincident with the political interests of Mexican governments. Keeping a position unfavorable to slavery in its foreign policy was not a direct consequence of moral principle and libertarian ideals. Principles and ideals were certainly an important ingredient, but more than ideological zeal was required, as I discuss below.11


Antislavery convictions were not enough to implement anti-slavery policy. This becomes clear when considering the vacillating course followed by the Mexican government throughout the first fifteen years after independence (1821–1836). Most Mexican legislators and politicians disliked slavery and they understood the contradiction between their own quest for freedom from colonial rule and the preservation of involuntary servitude. Some argued for its immediate abolition. For example, in the first legislative body formed after independence, Deputy Francisco Azcárate stated forcefully: “There is no better moment to forbid slavery in the Mexican Empire than this, in which it has happily attained its Independence, for thus it upholds the rights of nature, the rights of religion, the feelings of reason, and the honor of the Empire.” Antislavery feeling found additional encouragement in the fact that slavery had relatively little economic importance in the new nation and that only a few thousand individuals remained in bondage. Nevertheless, decision makers struggled to find a balance between their hatred of slavery, their respect for private property, and, more importantly, their strong desire to populate the northern territories and draw colonists from abroad. For the province of Texas, this meant settlers from the United States.


The Junta Provisional formed a special committee to prepare a report on slavery. The report made an acerbic denunciation of slavery because of its violation of rights, but it shrank from recommending immediate abolition. Instead, it suggested a gradual scheme with the adoption of a free-womb law and compensation to owners: “Debiéndose respetar la propiedad de los dueños de esclavos que existen en el Imperio, continuarán estos en la esclavitud, entre tanto las Diputaciones Provinciales oyendo á los Ayuntamientos y con la intervencion [sic] del Gobierno eligen medios convenientes para rescatarlos con total arreglo á lo dispuesto por las leyes, contando como uno de los principales la filantropía de los dueños, que remitirán el todo ó parte del precio conforme quieran[.]” Neither was adopted. *Dictamen de la Comisión de Esclavos*, 3.
The issue of colonization became crucial from the beginning of the legislative efforts of the new country. The northern territories were large and sparsely populated, vulnerable to foreign encroachment and to the constant raids of Indigenous groups. Mexican leaders hoped that foreign immigration would secure the possession of those territories, develop their agricultural potential, and help repel Indian depredations. In the case of Texas, ever since the closing months of colonial rule, Spanish authorities had given approval to a project for the settlement of people from the United States. The project was ratified by the fleeting Mexican Empire. Suspecting rightly that the migrants would hail mainly from the southern states, lawmakers soon had to confront the problem of whether settlers should be allowed to bring slaves with them, or not.

After the fall of Agustín de Iturbide (1823), a new constituent assembly debated a law to ban the slave trade in the republic. The prohibition of the trade was a given, but the issue was whether that ban would include the introduction of slaves by their owners, but not for the purpose of trade. The first bill of the law included an article that explicitly allowed settlers to bring slaves with them, provided the slaves had been the property of the owner for at least one year prior to their introduction. The bill also declared that the children of the slaves brought by the immigrants would be free, and that the slaves themselves would attain freedom after 10 years of being in the country. The record of the debates on the bill, moreover, shows that many lawmakers wanted a full prohibition. As one of them said, “Let’s avoid the hateful Project of colonizing with slaves. That immoral calculus is not worthy of a nation that just left slavery.” Nevertheless, the

14. The raiding activities of Indigenous groups in the northern territories of Mexico grew in frequency and intensity after independence due to a complex combination of factors: the unraveling of the diplomacy of gifts and trade that colonial authorities had implemented since the eighteenth century; the advancement of US settlement into the Southwest, encroaching upon Comanche lands—which in turn pressed Comanches into seeking resources and game in the lands of other indigenous groups—and the ever-growing demand of horses and cattle in the US settlements, which made raiding in poorly-defended ranches and haciendas in northern Mexico very lucrative for Comanches. See Brian DeLay, War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War (New Haven: Yale University Press, 2008).


16. The debates about this law were published in newspapers: El Sol, January 15 and 17, 1824; Aguila Mexicana, January 15, 16 and 17, 1824. Quote in Acta constitutiva de la Federación. Crónicas., p. 515.
aforementioned article was not included in the final version of the law, which purposefully left the matter ambiguous. Similarly, the federal law of colonization, approved soon afterwards, said nothing about slavery and set only very general guidelines, leaving to the states the task of drafting specific regulation on the subject.17

In sum, it is possible to observe a process of pragmatic adaptation through which the realization that slavery was a handy way to foster the badly needed development, security, and increase of population in the northern territories clearly outweighed the initial objections. Just as the United States’ federal government had used slavery as a “tool of empire” to populate rapidly and ensure its sovereignty over the southern section of the Louisiana Purchase and the Mississippi territory, the Mexican government hoped to accomplish something similar in Texas.18 The attempt was successful indeed, but not in the way Mexican authorities had expected.

The negotiation of the Treaty of Amity, Navigation, and Commerce in 1825—the first treaty between the two countries—also suggests that Mexican officials were willing to subordinate antislavery convictions to other foreign policy goals. Whereas the US representative expected the treaty to deal exclusively with commercial matters, the Mexican negotiators insisted on the need for an article to regulate the Indigenous populations that crisscrossed the border. In bringing border-related issues into the discussions, they opened the door to the inclusion of an article about fugitive slaves. Joel Roberts Poinsett, the first US Minister to Mexico, was in charge of the negotiations and seized the opportunity to propose an article that would enable owners of fugitive slaves to “require the assistance” of Mexican authorities for the detention of fugitives and their custody.19 Masters, or their agents, would be able to claim them after showing


proof of ownership to a magistrate. The Mexican negotiators accepted the suggested article without comment or objection, satisfied with the inclusion of another article stipulating the mutual obligation to restrain hostile incursions on the part of Indigenous groups.\textsuperscript{20} Months later, the Mexican Senate rejected the treaty. Although the lawmakers objected to the delivery of fugitive slaves, that was only one among several reasons for delaying approval of the treaty. The negotiations had been difficult and protracted owing to stark differences on commercial issues. While Poinsett insisted that the treaty establish reciprocity in the trade between both countries, the Mexican negotiators feared that reciprocity would benefit mostly the US side. Instead, they sought the adoption of the most-favored nation clause, and, to Poinsett's dismay, insisted on keeping the right to grant commercial privileges to other Latin American countries. This point was later resolved in close compliance of the wishes of the Mexican representatives, but approval of the treaty was hampered by the influence of events in Texas and the more complicated negotiations of territorial limits between both countries. Although the treaty was ready for legislative analysis on several occasions, the Mexican government procrastinated deliberately to promote the negotiation of a treaty of limits that would ratify the boundaries set in the Adams-Onís treaty of 1819, signed by the United States and Spain. In sum, the effort to include the return of fugitives was only one among several factors that hindered the approval of the commercial treaty. After a long and intricate negotiation, the agreement received the blessing of both governments in 1831.\textsuperscript{21}

The foregoing does not amount to saying that Mexican officials accepted slavery without reservations. Slavery became a contentious issue from the beginning of the settlement of Texas, triggering dispute and controversy at both the federal and the local level. Joined under a single state government, Coahuila and Texas called a constitutional assembly in 1827. Meeting in the city of Saltillo, the assembly would have to decide the fate of slavery in the state. After a long and complex process, in spite of extensive lobbying on the part of slaveholding Texans and their Tejano allies, article 13 of the

\textsuperscript{20} Ibid.
Constitution declared that “in the state no one [was] born a slave,” and it forbade the introduction of more slaves after six months from the date of the publication of the law. Article 13 thus left all the slaves already in the state, or soon to be brought in, in bondage for life—which was a significant concession to slaveholders—but it would abolish slavery gradually.22

Mexican officials also started hardening their stance toward slavery when they realized that they had to check the flow of migrants into Texas and halt the process through which the settlers were gaining increasing autonomy, but they were unable to follow a clear antislavery course. The decree of abolition promulgated by Vicente Guerrero in September of 1829 provides a clear illustration. Fearing that it would have explosive effects, local officials prevented the publication of the decree in Texas, and, less than three months later, Guerrero yielded to the pressure of the state government and granted its far-northern territory an exemption.23 Similarly, at the local level the Coahuila authorities accommodated the slave interest constantly, permitting the entrance of slaves in the guise of apprentices when the six-month window established in article 13 expired, and granting legal value to contracts binding them to perpetual labor.24

The Mexican government adopted what seemed a more decisive measure in April of 1830. After years of receiving alarming reports about the growing autonomy and restiveness of the colonists, the Mexican Congress passed a law with the clear purpose of asserting control of the central government over the colonies. The law’s most restrictive provision was the ban on further immigration of US residents into Texas, to which it added a call for the strict enforcement of state and colonization laws that forbade the introduction of more


24. Copies of the notarized contracts, and correspondence of Mexican officials complaining of the violation of the law, can be found in “Texas: Correspondencia relativa a la importación de esclavos a aquel territorio. 1831,” (microfilm) Primera Serie de Papeles Sueltos, Rollo 47, 51–7–56, Biblioteca Nacional de Antropología e Historia. A copy of Decree no. 56, issued by the government of Coahuila and Texas, which recognizes the legality of such contracts, is found in Ibid.
slaves into the Mexican province. Despite its strong-sounding and sweeping provisions, however, the law was completely ineffective. The authorities were unable to enforce it, white migrants kept arriving, and they continued to bring slaves with them as indentured laborers. Years of tolerance and contradictory legislation about slavery, combined with the rising prices of cotton in the international market, had set in motion a migratory flow that no law, no matter how stringent, could stem by itself. The point to be stressed here is that, between 1821 and 1835, a consistent antislavery position had not figured among the main interests of the Mexican governments. To Mexican policy makers, having a country without slavery had been a desirable goal but was clearly not a priority.

The Convergence of Ideology and Policy

This situation changed drastically after 1835, when the conflict between the settlers and the federal government came to a head, and the ensuing war resulted in the independence of Texas. This outcome marked a defining moment for the Mexican authorities' attitude toward slavery. Mexican leaders could finally be fully consistent with their antislavery views, because acting upon them became a convenient course of policy. Not by coincidence, in 1837 the Mexican Congress enacted the first clear and unequivocal law of abolition, which mandated emancipation to take place immediately and promised compensation to owners. From that moment on, the Mexican government would adopt an antislavery stance with considerable consistency. Needless to say, slaves fleeing from Texas into Mexico would become free and would not be returned to their masters. Again, principles were important, but the advantages that such a position could produce were just as significant.

First, an indignant antislavery stance allowed Mexican leaders to ignore their own responsibility for grafting slavery onto Texas. Soon

27. The law can be found in Dublán y Lozano, Legislación mexicana, Tomo III, 352. Abolition attained constitutional status in 1843: “Ninguno es esclavo en el territorio de la Nación, y el que se introduzca, se considerará en la clase de libre . . .” in Bases Orgánicas de la República Mexicana, Article 9, number I. Felipe Tena Ramírez, Leyes fundamentales de México (México: Porrúa, 1957), 407.
after the loss of the territory, putting the blame on a slaveholder’s conspiracy orchestrated by proslavery politicians in the United States became the standard narrative of the Texas rebellion. Manuel E. Gorostiza, the Mexican minister in Washington, articulated forcefully this interpretation in a note to his superiors in 1836: “The primordial object of this plot is to take Texas at all costs, join it to the United States, and then break Texas into four or five slave states to attain . . . southern preponderance in Congress, and prepare for a separation from the North which is bound to happen sooner or later.”

Southern politicians had betrayed Mexican generosity in order to strengthen the position of the South in the federal government and ensure the future viability of the peculiar institution.

In adopting this view of the conflict, Mexican leaders could take advantage of the internal political divisions caused by slavery in the United States. After the secession of Texas, abolitionist Benjamin Lundy published *The War in Texas*, a polemic diatribe against slaveholders and southern politicians, where he explained the conflict between the colonists and the Mexican government in a way that would have certainly pleased Mexican authorities. The war was the result of a slaveholder-led conspiracy to “wrest the large and valuable territory of Texas from the Mexican Republic, in order to re-establish the SYSTEM OF SLAVERY; to open a vast and profitable SLAVE MARKET therein; and ultimately to annex it to the United States.”

Running to several editions, Lundy’s pamphlet found a receptive audience in antislavery circles, and promoted antiannexationist feeling in the North. It also provided encouragement and ammunition to John Quincy Adams, who became the foremost antagonist of the Southern, proslavery, delegation in Congress and played a decisive role in thwarting the annexation momentum in the late 1830s. Of course, the Mexican government was fully aware of how the widening

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29. Gorostiza to the Ministry of Foreign Relations, Washington, July 12, 1836. Sucesos entre México y los Estados Unidos relacionados con Texas, 1836, L-E 1062 (1), AHSRE.

rift within the United States regarding the expansion of slavery served its interests.31

Lastly, but no less important, a militant antislavery position allowed Mexico to align itself on the side of Britain in its international efforts against slavery. By means of this association, the Mexican governments hoped to enroll the support of Britain in preventing the annexation of Texas. The 1830s were a defining moment for slavery in the Atlantic world. Britain had abolished it in its colonial possessions in 1834 (except in India) and had assumed a leading role in the cause of international abolition. The contest between freedom and slavery, moreover, was not confined to the moral sphere; it also represented an economic experiment in which free labor would supposedly prove superior to slavery in the cultivation of tropical staples. When sugar production in the West Indies began a substantial decline, southern observers believed that Britain was trying to dismantle slavery where it still existed in order to compensate for its own productive disadvantage. In their view, if not annexed to the United States soon, Texas would become a first step in this attempt to foster abolition where slavery was still profitable, and a haven for runaway slaves from the southwest.32 It was a crucial stage in the radicalization of US abolitionism too, as William Lloyd Garrison issued his uncompromising call for abolition in 1830, and, in 1835, the American Antislavery Society launched an aggressive campaign of moral persuasion, printing hundreds of thousands of pamphlets, sending them to the South, and petitioning Congress for abolition in the District of Columbia.33

31. There is a revealing example of this awareness in a note of 1843, in which the Minister of Foreign Relations instructed its representative in Washington to pay an official visit to John Quincy Adams in order to express to him the gratitude of the Mexican president for defending so forcefully the rights of Mexico and “humanity” against “the supporters of slavery.” José María Bocanegra to Juan Nepomuceno Almonte, March 18, 1843, no. 32, Archivo de la Embajada de México en los Estados Unidos de América (hereinafter cited as AEMEUÁ), legajo 28, expediente 3. AHSRE. See also Samuel Flagg Bemis, John Quincy Adams and the Union (New York: Alfred A. Knopf, 1970), 354–367.


The slavery question in Texas was thus part of a larger international context, a kind of cold war between slavery and freedom, which afforded some leeway for the Mexican authorities. As of 1836, Mexican ministers in London played what might be called the slavery card several times to discourage Britain from granting diplomatic recognition to the newly independent slaveholding republic. How could Britain recognize a republic created by slaveholders who would surely resort to the international slave trade to increase their labor force and boost their cotton production? Even when that effort failed, and Britain recognized the independence of Texas at the end of 1840, the diplomatic exchange between London and Mexico City pointed at the possibility of an agreement whereby Mexico would finally accept the independence of its former province as long as Britain guaranteed that it would not be incorporated into the United States. Texas would forgo annexation, and supposedly slavery too, in exchange for British protection and financial help. The prospect of such an agreement was always remote, but both Mexico and Texas exaggerated its viability to bolster their respective positions. By taking the side of Britain and making her appear interested in promoting abolition in Texas, the Mexican government made more credible the threat that Britain would not accept tamely the annexation of the former Mexican province. At the end of the day, however, it was the fear of British intervention itself that gave a boost to the annexationist cause in the United States. By inflaming Anglophobia and nationalistic feeling, the ghost of British imperialism turned

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34. The similarity of the 1830’s and 1840’s with a cold war between slavery and anti-slavery has been plausibly suggested by Mitton, “The Free World Confronted”, and Karp, This Vast Southern Empire.

35. Good examples of these attempts by Mexican diplomats can be found in Juan Nepomuceno Almonte to the Minister of Foreign Relations, London, June 8, 1838; Almonte to the Minister of Foreign Relations, London, October 9, 1838; Thomas Murphy to the Minister of Foreign Relations, London, September 15, 1839; Murphy to the Minister of Foreign Relations, London, October 15, 1839; Murphy to the Minister of Foreign Relations, London, July 15, 1840, Murphy to The Minister of Foreign Relations, London, January 15, 1841. All in Correspondencia diplomática de la legación de México en Inglaterra, 1835–1848, L-E-1641, AHSRE. See also Oficial Mayor del Misterio de Relaciones Exteriores to Richard Pakenham, Mexico, February 9, 1841, in Sucesos entre México y los Estados Unidos de América relacionados con Texas, 1836. L-E- 1062 (1), AHSRE. And also Murphy to the Minister of Foreign Relations, London, June 1, 1844, and Memorandum de la reunión de Thomas Murphy con Lord Aberdeen, London, May 21, 1844, both in Josefina Zoraida Vázquez, ed., La Gran Bretaña frente al México amenazado 1835–1848 (México: Secretaría de Relaciones Exteriores, 2002), 49–54; Bosch García, Historia de las relaciones, 160–162.
annexation into an issue that could bridge the sectional divide, at least briefly. Nonetheless, this outcome was far from certain when Mexican officials tried to garner Britain’s support. Without the benefit of hindsight, the attempt at manipulating British antislavery feeling was a sound move. The United States did annex Texas, but this was not a predetermined outcome. Annexation came after a long, complicated process, and it took almost ten years from the date that Texas declared its independence from Mexico.

**The New Border**

The period after 1848 marks a new stage, in which the problem of fugitive slaves became more important. The borderline acquired fixity as a clear demarcation between free soil and slave soil, a fact that did not escape the attention of Texas slaves, who fled in greater numbers. As part of the Union, Texas also could count with the support of the federal government to back its claims for a secure border for slavery, at least theoretically.

Nevertheless, the United States faced widening internal divisions over the issue of slavery. The territorial gains of the Mexican War fed the fire of sectional strife, triggering an intense debate as to whether slavery could be extended to the acquired lands or not. California soon applied for admission into the Union as a free state, provoking an angry reaction from southern politicians, who felt cheated out of the spoils of victory and offended by the attempts to keep slavery from spreading to the new territories. Besides, the United States lacked the resources to assert its authority on the border. In sum, after waging a successful foreign war, and after humbling its southern neighbor and swallowing up half of its territory, in 1848 the United States was triumphant, yet hopelessly divided and overextended.


37. Kelley, “‘Mexico in his Head,’” 717. In Kelley’s estimation, by the mid-1850s the number of runaways in Mexico was between 3 000 and 4 000. *Los Brazos de Dios*, 99 (Kindle edition). Nichols suspects this figure is exaggerated. *The Limits of Liberty*, position 2628 (Kindle edition).

The new border soon became the source of vexing troubles. The treaty drew the line closer to population centers, and crime soon became a concern for local authorities. The line afforded haven to rustlers, thieves and all kinds of malefactors. Of course, it also provided an opportunity of escape to slaves and indebted Mexican peons, as I discuss below. An extradition agreement thus appeared as a convenient measure.39

The Mexican government was the first to take the initiative. In June of 1849, the Ministry of Foreign Relations sent a plea from the legislature of the state of Tamaulipas to Luis de la Rosa—the representative in Washington—requesting the prompt negotiation of an extradition treaty with the United States. Tamaulipas’ lawmakers complained that US residents of a bad disposition had recently settled on the left bank of the river, taking advantage of the borderline to rob the villages on the Mexican side. With “deep sorrow,” they saw that:

The thieves of that side, in cahoots with the few miscreants of this side, roam the pastures of the right bank of the River and take as many animals as they find. In just one stroke, with the peace treaty, the property holders of the Mexican frontier have lost all the cattle they had on the left bank of the Bravo, because the Yankees, threatening and by force have removed them farther into Texas.40

Impunity reigned unchecked: the rustlers, encouraged by the ease with which they committed their depredations, had extended their unlawful activities to the Mexican side, and the Mexican authorities could not count on any cooperation from their counterparts on the US side. Therefore, the minister instructed De la Rosa to start negotiations for an extradition treaty. He emphatically warned De la Rosa, however, to make sure that fugitive slaves remained excluded from the treaty, “for according to our laws, they are free at the moment they set foot on the national territory their freedom is protected by our laws and we cannot consider escape, the way in which they have attained that freedom, a crime.”41

Thus, counterintuitively, Mexico was the one who proposed the negotiations, and the main motive was the concern for growing disorder and crime at the new borderline. Furthermore, the prevention of raiding activities by the Indigenous populations that straddled

39. For a different assessment of the situation in the border after 1848, see Baumgartner, “The Line of Positive Safety.”
40. José María Lacunza a De la Rosa, June 8, 1949, No. 12, Reservada, AEMEUA, legajo 31, expediente 1. AHSRE. For the increase of cattle theft after 1848, see Terrazas, “Ganado, armas y cautivos,” in this issue of MS/EM.
41. Ibid.
the line was again a primary concern for the Mexican government. Through article 11 of the treaty of Guadalupe-Hidalgo, the United States had assumed the responsibility of stopping Indians living in its territory from launching raids into Mexico, and the correspondence of De la Rosa shows that ensuring compliance with this article was one of his main worries during his tenure as minister. De la Rosa complained several times that the US federal government was not doing enough to carry out this stipulation, but Washington lacked the resources to comply with it in a satisfying way. In fact, the Secretary of State himself told De la Rosa that to beef up the small forces then deployed along the border, Congress needed to approve a large budget increase for the army, which was unlikely.\footnote{De la Rosa a Lacunza, Washington, March 2, 1850; De la Rosa a Clayton, March 20, 1850; both in AEMEUA, Legajo 32, expediente 2, AHSRE. For a comprehensive analysis of De la Rosa’s diplomatic performance, see Laura Suárez de la Torre, “Diplomacia en la derrota: la actuación de Luis de la Rosa, 1847–1851,” 71–126, in Ana Rosa Suárez Argüello, ed., \textit{Pragmatismo y principios: la relación conflictiva entre México y Estados Unidos, 1810–1942} (México: Instituto Mora, 1998), 71–126.}

In any case, this time the issue of the fugitive slaves was not subordinated to other considerations. The Mexican foreign ministry was certainly interested in keeping order and preventing crime in the border, but it was no less determined to keep the return of runaway slaves off the bargaining table. This task would not be an easy one. Midway into the negotiations, De la Rosa still felt optimistic that the omission of the obligation to return fugitive slaves would not be an impediment to completing the treaty. In fact, the first project of the agreement referred only to criminals and did not include an article in that regard.\footnote{De la Rosa a Lacunza, Washington, December 20, 1849, AEMEUA, legajo 31, expediente 2, foja 190, AEMEUA; Proyecto de Tratado de Extradicación, [January, 1850], AEMEUA, legajo 31, expediente 2, fojas 2015–206, AEMEUA.} After considering the first project, however, Secretary of State John Clayton returned a counter proposal with a significant addition: an article enjoining the return of fugitives. Clayton explained that without such a provision it was unlikely that either the President or the Senate would approve the agreement. In transmitting this information to his superiors, De la Rosa explained that “present circumstances in this Republic compel the government of the US, more than ever, [to keep] its pretension about the return of fugitive slaves. If [the government] forwent it, it would lose completely its popularity in the southern states.”\footnote{Clayton to De la Rosa, Washington, February 18, 1850 (enclosure); De la Rosa a Lacunza, Washington, February 18, 1850, In AEMEUA, Legajo 32, expediente 2, AEMEUA.}
negotiations with Clayton took place right in the middle of the debates that would culminate in the compromise of 1850.

Moreover, the fact that Clayton’s counterproposal referred to “fugitives” in general, and not to “fugitive slaves,” was highly significant. To persuade the Mexican negotiator to accept the article, Clayton tried to make its benefits reciprocal by extending its purview to all persons “whose service or labor was compulsory in the territories or states of any of the contracting parties.”\(^{45}\) Somehow, Clayton knew that indebted peons from Coahuila, Nuevo León, and Tamaulipas ran away to Texas, and that Mexican authorities wanted to prevent such escapes. De la Rosa, however, understood well that the inclusion of such a stipulation would be inseparable from the obligation to return runaway slaves. In a confidential note to Clayton, he therefore stated firmly that the Mexican Congress would not consent to change the laws of the country just for the benefit of providing its northeastern hacendados with a means to recover their fugitive peons.\(^{46}\) In the end, observing that his counterpart would not yield, Clayton forwent the article and agreed to sign the treaty. The agreement would apply to persons guilty of murder, robbery, assault, abduction, forgery, arson, embezzlement of public funds, and to persons guilty of participating in raids and invasions of “savage Indians.”\(^{47}\)

\(^{45}\) Clayton to De la Rosa, Washington, February 18, 1850 (enclosure), in AEMEUA, Legajo 32, expediente 2.


\(^{47}\) De la Rosa a Lacunza, Washington, May 22, 1850, AEMEUA, legajo 32, expediente 2, foja 137; the treaty is enclosed to De la Rosa a Lacunza, Washington, July 21, 1850, AEMEUA, legajo 32, expediente 2, fojas 202–203, both in AHSRE.
The government in Mexico City, however, was apparently insensitive to the contradiction implicit in demanding the return of peons and denying the return of slaves. In January of 1851, as the treaty still awaited scrutiny by the Senate, De la Rosa received instructions to propose an additional article for the return of fugitive peons. Perhaps officials in the Mexican capital saw a significant difference in the fact that peons became indebted, and incurred an obligation to work until full payment, as a “voluntary” act, whereas slaves from Texas did not have a choice. At any rate, De la Rosa pointed out to his superiors that proposing such a provision was ill-advised, since there was no way to make it reciprocal, and it would lead directly to “the question of extradition of slaves; which with a lot of effort has been avoided in the treaty of extradition already agreed upon.”48 He therefore did not follow instructions. His superiors probably agreed with his course of action, for they did not insist.

The US Executive sent the extradition treaty to the Senate, but legislators failed to take decisive action on it. Although the treaty was referred to the committee of foreign relations, this body never issued a report.49 The lack of a stipulation for the return of fugitive slaves probably had something to do with the committee’s disregard of the treaty. After all, the chair of the committee was non-other than James Murray Mason, a proslavery firebrand who was also one of the most insistent proponents of a stricter federal law of fugitive slaves during the discussions of the compromise of 1850. Strangely, despite Mason’s undoubted interest in the subject, the committee never issued an opinion expressing disapproval of the treaty based on the omission of fugitives, or requiring its redress. How could Southern Senators be so engrossed discussing a Fugitive Slave Law to protect slavery at the border with the free states of the Union, and at the same time be mindless of the same problem in the Texas borderlands? There is no doubt that Southern politicians were deeply interested in the adoption a strong and effective law to obtain the return of runaways from the northern states. Affairs at the southern, international borderline, however, did not receive similar attention, no matter that both borders shared a vulnerability to the problem of fugitives.50 Sam Houston, at that time a strong advocate for southern

48. De la Rosa al Ministro de Relaciones Exteriores, Washington, January 31, 1851. AEMEU, legajo 33, expediente 1, parte 1, foja 2, AHSRE.
moderation and willingness to compromise in the Senate, after listening to the complaints of his southern peers pointed out that his own state had an equally exposed border with free territory (Mexico), that it was just as affected by the frequent escape of slaves as Maryland or Kentucky, and “yet, Texans did not complain as loudly.”

Houston’s remark is revealing of the divisions that existed between the different regions of the South, divisions that prevented a unified Slave Power from pursuing goals that would supposedly benefit the whole region. The 1850s would witness an increasing aggressiveness on the part of Southern politicians in their expansionist and proslavery rhetoric. Southerners supposedly wanted to annex Cuba and carve out several slave states from the island to restore the federal balance of power; they wanted to take more territory from Mexico, acquire parts of Central America, and bring slavery and its social and economic blessings to those places. They even wanted to reopen the African slave trade to ensure a sufficient supply of laborers for these new acquisitions. Still, this “dream of a Caribbean empire,” as William Freehling has convincingly argued, was mostly the project of a minority of deep South politicians, intellectuals and editors, clustered mainly around New Orleans and its economic sphere of influence, and drawn together by the extreme, proslavery forums of the Southern Commercial Conventions. Most southern politicians would remain more interested in protecting the right of slaveholders to bring their property to the federal territories and in asserting their equality in the Union. To the chagrin of the likes of William Walker, most Southern legislators were more interested in securing a foothold for slavery in Kansas than in Nicaragua.

The interest of Southern Senators in the Fugitive Slave Law also sheds light on Southern priorities, at least as manifested in


52. Johnson, River of Dark Dreams; Karp, This Vast Southern Empire; May, Southern Dream of a Caribbean Empire. For the campaign to reopen the African Slave Trade, see Ronald Takaki, A Pro-Slavery Crusade: The Agitation to Reopen the African Slave Trade (New York: Free Press, 1971).


Washington. Slave escapes to the North were surely a source of irritation and material loss for southern masters, but they never became numerous enough to endanger the economic viability of the institution, or destabilize it. Therefore, the main purpose behind the demand for a stronger law was testing the willingness of northern citizens and authorities to uphold the Constitution and to prove their disposition to act with comity toward the South. John Calhoun, in the last speech he gave in the Senate (read by Virginian James M. Mason, because Calhoun was too sick and feeble to read it), stated: “The responsibility of saving the Union rests with the North, and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the Constitution should be regarded by her as a sacrifice.”

In this manner, throughout the discussions of the Fugitive Slave Law, the protection of slavery in the Texas borderlands was not a priority.

In 1853 the possibility of renewing the extradition negotiations arose following, once more, an initiative from the Mexican government. Border troubles were a continuous source of concern for Mexican authorities. The United States government had done little, if anything, to increase its ability to restrain Indian raiding and comply with article 11 of the treaty of Guadalupe-Hidalgo. The notes coming out of the Ministry of Foreign Relations contained many reports of violent incidents, rising criminal activity, and complaints about the indifference of local officials toward the impunity that the line afforded. Hence the proposal of the Mexican government. The


56. Manuel Díez de Bonilla a James Gadsden, Mexico City, October 10, 1853, Enclosure “O” to Gadsden to William L. Marcy, Mexico City, November 3, 1853, in Despatches from the United States Ministers to México 1823–1906, 97 (microfilm), NA.

57. See, for instance, Díez de Bonilla a Gadsden, Mexico City, August 27, 1853, enclosed to Gadsden to Marcy, Mexico City, August 31, 1853; Díez de Bonilla a Gadsden, Mexico City, August 30, 1853, enclosed to Gadsden to Marcy, Mexico City, September 18, 1853; Díez de Bonilla a Gadsden, Mexico City, October 10, 1853, enclosed to Gadsden to Marcy, Mexico City, November 19, 1853. All in Despatches from the United States Ministers to México 1823–1906, 97 (microfilm), NA. For a useful
Department of State reacted favorably to the proposal and sent to James Gadsden, its minister in Mexico, a file with the agreement signed in 1850 to use as a basis for the new negotiations. In addition, he received specific instructions to include an article for the return of fugitive slaves. “Those provisions are deemed indispensable to the favorable action of the Senate,” William L. Marcy said, adding in an optimistic tone that “material changes” in the Mexican government “will, it is presumed, facilitate the . . . adoption of the additional article in any future convention.”

58 What exactly Marcy meant by referring to those “material changes” is difficult to know. Perhaps, unlike the previous governments, Santa Anna’s conservative dictatorship might have been willing to compromise on the issue of returning fugitive slaves, possibly as a bargaining chip for other negotiations. In fact, according to James Gadsden, the Mexican minister of foreign relations told him in a “casual conversation,” that he “supposed there would be no objection” to including the stipulation for the return of runaways in the treaty of extradition.

In the end, however, the negotiations never took off and the issue of extradition soon became overshadowed by the weightier negotiations of the Gadsden Purchase treaty, which would give to the United States the territory of southern Arizona, then thought to be necessary for the construction of a transcontinental railroad. Besides setting a new borderline on the Southwest, the treaty also rendered void the obligation of the US government to keep Indians living inside its territory from launching raids into Mexico.

60 From the perspective of a proslavery, southern politician, it may be argued that it was of greater import to acquire more territory from Mexico than simply to secure the return of fugitive slaves. It is worth pointing out, however, that in approving the treaty the Senate reduced the extent of transferred territory to the minimum required by the

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58. Marcy to Gadsden, Washington, December 3, 1853, in Diplomatic Instructions of the Department of State, Mexico, 1801–1906, 77 (microfilm), NA.
59. Gadsden to Marcy, Mexico City, January 17, 1854, in Despatches from the United States Ministers to México 1823–1906, 97 (microfilm), NA.
60. For the Gadsden Purchase Treaty see Marcela Terrazas y Basante, Inversiones, especulación y diplomacia. Las relaciones entre México y los Estados Unidos durante la dictadura santannista (México: UNAM, 2000), and Paul Neff Garber, The Gadsden Treaty (Gloucester: P. Smith, 1959).
construction of the railroad. The sectional rift in the Senate would not allow more. Thus, the acquisition was inconsequential for slavery, not only because it was an arid strip of land, far away from slavery’s exposed borderlands, but also because it was not large enough, nor attractive enough for settlers, to expect the creation of a new slave state. The 1850s saw a rise in expansionist feeling in the states of the deep South: it was the decade of the Ostend Manifesto and filibustering expeditions. But even the administrations of Franklin Pierce and James Buchanan, the northern Democrats most willing to please the South, would not accomplish anything tangible, beyond the Gadsden Purchase.  

In this manner, a treaty with Mexico for the return of fugitive slaves would remain mostly a Texan interest. Therefore, the problem of runaways would be important especially at the local level and dealt with mostly through the informal channels of local diplomacy, on the one hand, and through extra-legal, violent means, on the other. Just as the ineffectiveness of the federal government to support properly the projects of the acquisition of Cuba and other Caribbean lands gave impulse to private initiatives of conquest, the unwillingness to secure the Texas borderlands for slavery propelled private initiatives to reclaim the fugitives.

Local Affairs

The history of these local affairs is complex and violent. A short look at some important incidents suffices to bring into relief the inability of central authorities, both in Mexico and the United States, to police their borders, to stop “fugitives from labor” of both countries from

61. Matthew Karp argues that the slaveholding leaders who had decisive influence over US foreign policy were more interested in the strategic protection of slavery within the US and in the remaining slave regimes of the continent than in territorial acquisitions. In any case, the Gadsden Treaty was inconsequential for both purposes. This Vast Southern Empire, 6, 246.

62. See the Proceedings of the Southern Commercial Convention, Held in the City of New Orleans, on the 8th, 9th, 10th, 11th, 12th, 13th, and 15th of January, 1855; Embracing Resolutions, Speeches, General Transactions, Etc., Etc. (New Orleans: Office of the Crescent, 1855), 21; May, Southern Dream of a Caribbean Empire, 137–138.

crossing the line, and, far worse, to prevent private parties from seeking redress through their own means. In August of 1850, in Matamoros, two armed US residents broke into the house of a local resident, searching for Matilde Haynes and her child. Haynes had been a slave in Texas. She identified one of the assailants as William Cheney, her former master. To Haynes’ fortune, the local authorities were able to arrest Cheney when he was trying to capture her. Henderson, another runaway, was not so lucky. Living with his wife and children in the ranch of Juan Longoria Tijerina, near the town of Reynosa, he was seized and taken back to Texas by five US residents. Slavecatchers sometimes made mistakes and captured the wrong person. This happened to Anastacio Aguado, a Tamaulipeco laborer. While he was working on a field near Reynosa, a party of four US residents attacked him, gave him a whipping, and took him to Texas. Aguado was able to return to Tamulipas a few days later, after his captors realized they had mistaken him for a runaway slave and then released him.64 On other occasions, slavecatchers ran into serious trouble. In 1851, for instance, a bounty hunter faced armed resistance while attempting to capture a fugitive in Guerrero, Coahuila. He was shot and killed.65

In 1855, the accumulation of incidents and a sense of frustration about not being able to count on the support of the federal government, or on a treaty, cohered with the circulation of exaggerated reports of the number of fugitives living on the Mexican side of the line, giving angry slaveholders a reason to take matters into their own hands. Newspaper editors, such as John Salmon “Rip” Ford, inflated the number of fugitives who were supposedly living in concentrated communities just a few miles into Mexican territory, and capitalized on the feeling of masters from Bexar, Seguín, Bastrop and González Counties that it was time to make an earnest attempt to get the escapees back.66

A committee of Texan slaveholders approached Emilio Langberg, commander of the liberal army in the northern section of Coahuila, asking for the prompt return of the fugitive slaves absconding near the border. The communication sent to Langberg suggests that the slaveholders expected Mexican authorities to undertake a roundup of

64. All three cases in “Atentados cometidos por ciudadanos americanos que han pasado de este lado del Río Bravo con objeto de plagiar o a aprisionar a personas residentes en territorio de México,” Papeles de la Comisión Pesquisidora de la Frontera Norte, caja 3, expediente 6, folder 13, en AHSRE.
fugitives. They enquired as to the number of slaves they could expect to have back, the amount of money they would have to pay for each one of them, and even the method of payment. Ominously, they closed the letter by saying that their “future measures would depend” on the reply that Langberg gave to their request.\(^6^7\) Texan slaveholders chose well in writing to Langberg: he had a bad opinion of runaways and did not want them to keep seeking haven in Mexican territory. He thought fugitives did not make a good addition to the Mexican population and that they provoked frictions with both Texas and the United States. Langberg also wanted to cooperate. In his reply to the committee, he stated that, since he had assumed his command, one of his priorities was to end “this guerra sorda, that both frontiers are engaged against each other.” Similarly, when referring the matter to his superiors, he expressed that, while he thought Mexico should resist any forcible breach of its sovereignty, he could not but recognize the “justice” that assisted the state of Texas in its efforts to reclaim its fugitive slaves.\(^6^8\) The secretary of war of the Liberal Army, however, pointed out to Langberg that Mexican officials would deal only with the formally appointed agents of the state of Texas, and only in a provisional capacity, while a new, legitimate government was formed in Mexico City (Santa Anna had just been overthrown). He also warned Langberg that the group of Texas citizens (vecinos) that had approached him lacked any authority to make demands or enter into any kind of negotiation, and that he should be ready to repel by force any armed attempt to recover fugitives.\(^6^9\)

After learning that Mexican authorities would not cooperate, Texan slaveholders launched a raid known as the “Callahan expedition”—the commander was a captain of the Texas Rangers named James Hugh Callahan. An armed band crossed to the Mexican side searching for fugitives, but after clashing with Mexican troops on the Río Escondido they made a hasty retreat. Before re-crossing the line, however, the Texans burned the town of Piedras Negras.\(^7^0\)

The Callahan expedition was a failed attempt at local diplomacy. Part of its importance lays in the clarity with which it reveals the

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68. Langberg to [Lacoste et al.], Piedras Negras, August 30, 1855; Langberg to the Secretary of War of the Northern Liberating Army, August 31, 1855, both in Ibid.
69. Ignacio Galindo to Langberg, Monterrey, September 11, 1855, in Ibid.
distance that separated the borderlands from the centers of national power in Mexico City and Washington. It illustrates how local populations and authorities were the ones who had to deal with the absence of legal means to solve conflicts—an extradition treaty—and the weakness of state structures on both sides. The line separating the two countries was still an abstraction, made more intractable by the fact that it marked a liminal space between freedom and servitude—not only for African-American slaves, but also for Mexican indebted peons, who sought freedom in Texas. Most significantly, border incidents of this kind show how, at that time, to some extent, it did not matter too much that the United States was wealthier and had more resources. If no country is ever a monolithic entity, that is especially true of the United States in the mid-nineteenth century. The internal debate about slavery raised significant obstacles to the implementation of any coherent policy favorable to slavery. Southern politicians, moreover, even if they could agree on a basic proslavery position, were divided along regional and ideological fractures within the South, and could not agree on the measures that would most benefit slavery. The Slave Power was not so powerful after all.

As for Mexico, in spite of its comparative weakness and its endless political turmoil, it was able to follow an antislavery policy, and to derive the benefits of taking the high moral ground; benefits that could not always be translated into material or tangible gains, but were not insignificant, especially in an international context increasingly antagonistic to slavery.71 Going back to the case of James Frisby described at the beginning of this article, in his effort to reclaim the slave sailor, John Forsyth went beyond the case at issue and tried to lecture Sebastián Lerdo de Tejada on the true nature of freedom. With almost visible irritation, Forsyth stated that, regardless of the abolitionist cant of the Mexican government, there was more actual and authentic freedom in any of the slave states of the American Union than in Mexico, or in any of the former Spanish colonies. Lerdo de Tejada did not have to say too much in response, he did not even have to admit that there was debt-peonage in Mexico. To the elaborate argument of the US Minister, he could simply reply, with

71. For this conclusion, some insights are taken from Christopher L. Brown, *Moral Capital: Foundations of British Abolitionism* (Chapel Hill: University of North Carolina Press, 2006). Similarly, James Nichols suggests that the runaways afforded Mexico “ammunition in an ideological war fought between the two countries”: a war in which Mexico could assert its independence by maintaining an antislavery position. *The Limits of Liberty*, position 1539, and 307 (Kindle edition).
notorious satisfaction, that slaves became free by setting foot on Mexican territory.

Nevertheless, as already stated, Mexico adopted the moral high ground not only for the sake of antislavery ideals, but also because of the political gains it could secure by doing so. The issue of runaway slaves thus provides a case in which, within the context of a quite conflictive and unequal relationship with the United States, Mexico was able to follow an independent course, and even score some points, even if that course ran against the interests of its northern neighbor. As for the United States, its governments were unable to follow a consistent policy about the problem of runaways due to growing internal divisions. The North-South rift about slavery was, of course, determinant, but the different views about proslavery priorities within the southern camp were just as important. In the end, however, the new borderline drawn in 1848 was a clear indication of the limited capabilities of both nation states to control their boundaries. Fugitives from labor from both countries would continue to run away, no matter what politicians in both capital cities did.