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MEXICAN UNIONISTS: A FORGOTTEN
INCIDENT OF THE WAR BETWEEN STATES

By CLARENCE C. CLENDENEN*

IT was a hot day in early September, 1864. In the valley of the lower Rio Grande, during the day, there had been an intermittent rattle of musketry, punctuated occasionally by the sharp report of a field gun. Colonel John S. Ford, C.S.A., commanding the Confederate "Expeditionary Force," may possibly have been surprised, late in the afternoon, on finding that the prisoners captured during the day's spasmodic fighting included twelve men wearing the insignia of Colonel Miguel Echarzarretas Mexican *Exploradores del Bravo*. They had been taken, arms in hand, fighting in the Federal ranks. Moreover, as far as information available to Colonel Ford indicated, the Federals had no artillery in the lower valley, yet during the day there had definitely been artillery in action on the Federal side.¹

Behind this curious situation lay the complexities of two neighboring countries, each engaged in a desperate civil war. In the late summer of 1864 the civil war that had been raging in the United States for three years showed no signs of abating. The little frontier town of Brownsville had changed hands several times, but was now held by Colonel Ford's Confederate force. Strong Federal forces posted not far distant, at Brazos Santiago, however, constituted a continuous threat to Confederate possession of Brownsville and the lower valley. Brownsville was extremely important, since it was one of the few remaining ports through which the Confederacy could import war materials and export cotton without direct interference by the Union fleet.

South of the Rio Grande, in Mexico, the interminable

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1. *Official Records of the Union and Confederate Armies in the War of the Rebellion*, Series I, Vol. XLI, p. 947. Since all references in this paper are to volumes of Series I, the series number is hereafter omitted.

civil war that had disrupted the unhappy country for several years seemed to be drawing to its close. With the establishment of Maximilian's empire and the intervention of powerful French forces, the Republic of Mexico and the government of President Benito Juárez appeared to be doomed. The forces remaining loyal to Juárez and the Republic were shattered, with only scattered and isolated bands still offering sporadic resistance to the Imperialists and the French. The State of Tamaulipas, with General Juan Nepomuceno Cortina as Governor, was one of the few states of Mexico remaining under nominal Republican control, and with a Republican garrison still occupying Matamoros, across the river from Brownsville. But even this seemed to be a forlorn hope when, late in August, with French and Imperialist forces converging on Tamaulipas from the interior, a French naval force suddenly appeared at the mouth of the Rio Grande and landed troops who began immediately to make obvious preparations to advance up the river.²

Both Confederates and Federals in lower Texas, in spite of their necessary preoccupation with their own turbulent affairs, were watching developments in Mexico with close attention and deep concern. For some time the Confederates had felt that their own interests would be best served by an Imperialist victory in Mexico, and consequently they were thoroughly sympathetic toward the French invaders of the neighboring country. Conversely, from the start President Lincoln's administration in Washington had been sympathetic toward Juárez and his efforts to keep the Republic of Mexico alive. From time to time there had been considerable friction between the United States and France because of Mexico. In the summer of 1864, shortly before the events recounted here, the French charge d'affairs in Washington had protested vigorously because, it was claimed, United States citizens were taking service with Cortina, and Cortina was receiving arms and munitions from the United

2. *Ibid.*, Vol. XLVI, Part 3, p. 101.

States.³ And as for Cortina himself, although he was well known as a character who placed his own interests before any others, his attitude was causing the Confederates some uneasiness, because for several months he seemed to be leaning distinctly toward Federals.⁴

This was the broad situation when, around September 1, 1864, Cortina, finding himself threatened by the Imperialists and French from all sides, abandoned his state capital and suddenly arrived at Matamoros with some 1,500 men and twenty or more pieces of artillery. Immediately after arriving he held a council of war with his principal officers to decide upon a course of action. Since the force at his disposal was too small for any hope of defending Matamoros successfully, Cortina decided to pass his troops across the Rio Grande into Texas, and there surrender to the Union authorities. To carry out this decision, however, promised to be difficult, because the Confederates occupied the entire river line from Brownsville to the Gulf of Mexico. A passageway would have to be opened before the Federals could be reached.

An interested and sympathetic observer was the United States consul at Matamoros, L. Pierce, who may possibly have been included in the council of war. Whether present or not, he was clearly in Cortina's confidence, and had full information as to the council's decision immediately after it was formulated. Anxious to do anything possible to embarrass the Confederates and at the same time to forward his government's known policy of benevolence toward the Mexican republicans, Pierce suggested that Cortina move down the river a short distance with a strong detachment, including some artillery, and force an opening through the Confederate cordon. At the same time Pierce sent an urgent message to Colonel Henry M. Day, in command of the Federal force at Brazos Santiago, urging him to send enough troops to drive the Confederates out of Brownsville, aid the

3. *Ibid.*, Part 2, p. 916.

4. *Ibid.*

Mexicans in their crossing, and accept their surrender.⁵ Writing a few days later to Major General F. J. Herron, who commanded all Federal troops in the Gulf region, Pierce expressed the hope that Colonel Day would either employ the Mexicans as beef hunters, or muster them formally into the Federal service as rangers.⁶

By some mysterious means the broad outline of this plan became known to Colonel Ford within a short time. (It is a reasonable assumption that Confederate intelligence agents were keeping a close watch on Cortina and his activities.) Ford had only about five hundred men in his "Expeditionary Force," and so he found it necessary to obtain assistance. At some time on September 6, he wrote an urgent invitation to the commander of the French forces at Bagdad for co-operation in frustrating Pierce's scheme. Ford authorized the French to enter Texas at any point they might choose, and to remain on Texas soil as long as might be necessary.⁷ Unfortunately for Ford's hopes, and fortunately for Cortina, the invitation was too late, for the Mexicans had crossed the Rio Grande early that same day.

The records are so fragmentary and confused that it is impossible to determine in detail exactly what happened, or the sequence of events. It is clear that a large body of Cortina's men crossed into the United States with several pieces of artillery. There was some fighting, but there is no positive record to indicate just when or where. On September 7, 1864, the day following the crossing, Colonel Day received an indignant note from "A. Veron," who signed himself as "Commander in Chief, French Forces."

Colonel: Yesterday, the 6th of September, the hostile forces of General Cortina displayed themselves before our lines and made a feint to attack the place we hold. General Cortina, who knows the march of our several columns against him, managed to move without our knowledge, and, with your

5. *Ibid.*, Part 3, p. 101.

6. *Ibid.*

7. *Ibid.*, Part 2, pp. 911-912.

powerful aid, succeeded in passing his troops to your side with arms and baggage. The first squadrons of cavalry afforded you immediate aid to fight the Confederates. This morning the passage of all these forces being effected, you gave them provisions; all that they wanted. According to these facts, and according to the law of nations . . . I am bound to consider the forces of General Cortina as belonging to the United States Government. . . .⁸

Colonel Day responded immediately, curtly informing A. Veron that the latter's note was the first official information he had received about the passage of Cortina's troops into the United States. Day flatly denied furnishing any provisions for the Mexicans, but as to the charge that the Mexicans had taken part in a fight with the Confederates, Day was silent.⁹

It is possible that Veron's note gave Day his first information of the presence of Cortina's troops on United States soil, but his statement that it was the first *official* information he had received carries a strong inference that he had not been in complete ignorance as to what was happening. He had certainly been informed by Consul Pierce that Cortina was planning to cross the river. Although Day had refused Pierce's recommendation that he send a force strong enough to drive the Confederates out of Brownsville, he had actually sent a detachment of unrecorded strength.¹⁰ Moreover, writing hastily to General Herron on September 8, Day said, "These troops [i.e., the Mexicans who had crossed into the United States] are commanded by General Cortina, whom I have seen in person. . . . An order has been sent to him, demanding an immediate surrender. . . ."¹¹

A week later, in a more complete report, Day gave somewhat more detailed information. On September 8, he reported, he had dispatched Major E. J. Noyes, with a strong detachment of the 1st Texas Cavalry [Federal], to the point

8. *Ibid.*

9. *Ibid.*, Part 3, pp. 100-101.

10. *Ibid.*

11. *Ibid.*, pp. 99-100.

where the Mexicans were supposed to be. It will be noted that two days elapsed between the receipt of Veron's complaint and the dispatch of Noyes' force. Noyes was directed to demand the surrender of the Mexicans and to disarm them, *but*, at his own discretion he might allow them to retain or resume their arms if such should prove necessary for defense.¹²

The scanty records indicate that several fights had already occurred between the Mexicans and Confederates, and either while the disarmament was taking place, or shortly after, the Confederates again attacked. In accordance with his orders, Noyes rearmed the Mexicans, who fought alongside the Unionists in resisting the attack. Finding that his ammunition was running low, Noyes fell back slowly to a stronger position, where the fight was renewed. Late in the afternoon he was joined at White's ranch by Day himself, with a part of the 91st Illinois Infantry. There was another Confederate attack at White's ranch, but the combined Union-Mexican force was too strong, and Day reported, "I soon routed them with my artillery." In this day of skirmishing, the sole Union casualties were one American and several Mexican soldiers taken prisoner. As for Day's mention of artillery, one is forced to the conclusion that it was Mexican, since there is no previous mention of any artillery in the Union forces.¹³

The Confederate version of these events differs, naturally, from that of the Federal reports. A few days later Brigadier General Thomas F. Drayton, C.S.A., arrived at Brownsville on a tour of inspection. With considerable indignation he reported to the Confederate high command at Houston that "[Cortina] has most treacherously and unexpectedly allied himself with the Yankees . . . and has fought us on the lower Rio Grande in conjunction with the Yankees on several different occasions. By the gallantry of our troops . . . they have both been driven back to the Brazos

12. *Ibid.*

13. *Ibid.*, p. 184.

Santiago, after having been severely punished. . . ."¹⁴ And somewhat exultingly General Drayton added that relations between the Yankees and the French had become very complicated as a result of the Mexican republicans crossing the river.

The twelve Mexican soldiers who had the misfortune to be captured caused an immediate flurry of correspondence between the local Confederate and Union commanders—a correspondence that is almost unique in the annals of warfare. On September 12, under a flag of truce, Colonel Ford sent a curt, formal, and icy note to Colonel Day:

Sir: In the recent affairs between your troops and those of my command, between the 6th and 12th instant, 12 Mexicans of the Exploradores del Bravo of Colonel Echarzarreta's corps, General Juan N. Cortina's brigade, were taken prisoners. I desire to know if they were at the time of capture in the service of the Government of the United States?¹⁵

Day's reply was equally curt and formal. After acknowledging the capture of the twelve Mexicans, Day stated briefly, "I have the honor to state that those men were in the service of the United States and fighting under the U.S. flag."¹⁶

With this interchange of hostile courtesies the matter drops from sight. It may be assumed that the prisoners were treated as prisoners of war, rather than as bandits or filibusters. Cortina, for reasons best known to himself alone, seems not to have entered the United States at any time. There is nothing to indicate whether Day adopted Consul Pierce's suggestion that the Mexican soldiers be employed as beef hunters or rangers, or whether they eventually returned to Mexico to follow their unpredictable general in changing sides from the Republic to the Empire and back to the Republic. Long after the affair had been all but for-

14. *Ibid.*, pp. 931-932.

15. *Ibid.*, p. 947.

16. *Ibid.*

gotten in the lower Rio Grande Valley, the French charge d'affairs in Washington protested against granting asylum to Cortina's men. The whole curious incident was finally closed by Lieutenant General Ulysses S. Grant, in supreme command of all the Union armies, in a brief decision: "If Cortina's men came into the United States, there was no law against it. The Imperialists had the same right."¹⁷

17. *Ibid.*, Vol. XLVIII, Part 2, pp. 1253-1254.