

Alternative Report *for the* CERD Review of Spain

submitted by the Apache-Ndé-Nneé Working Group

to the United Nations Committee on the Elimination of Racial Discrimination (CERD)
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Apache Ndé Nneé Statement on Apache Ndee Nnee Access to Justice and Redress

The Apache Ndé Nneé Working Group is a collaborative of Apache peoples and non-Apache friends who have unified our expertise in the fields of culture, law, history, philosophy, arts, economics, politics, health, social welfare, education, spirituality, science, and much more. We endeavor to provide the truth and use our expertise to redress for past and ongoing occurring grievances that Apaches have faced historically and continue to face on a daily basis. We utilize the United Nations and international treaty bodies and mechanisms to promote the specific and general welfare and well-being of the Peoples in order to bring about harmony and balance within our own beings and belonging. We are re-establishing our permanent roles as Apache Ndé Nneé in the international political arena, in accordance with our understanding of Apache Ndé Nneé truth, laws, oral tradition, oral history, historical memory, inter-generational knowledge and community documentation and archiving systems. The Apache Ndé Nneé system of analyzing colonialism and colonial power has been under development since first contact, post 1492. The Apache Ndé Nneé Working Group exercise Indigenous self-determination and sovereignty to enable justice for all Ndé Nneé peoples and future generations to come.

This is an emergent Apache Ndé Nneé framework to establish new justice, peace, and redress processes. The present utilization of the United Nations' systems is one of diverse approaches to address and receive full redress and justice for all The People.

-Michael Paul Hill with Margo Tamez, Apache-Ndé-Nneé Working Group

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Key Issues: Spain in Apache-Ndé-Nneé Territories¹ – History and Legacy

1. Spain's corroboration in implementation with Holy See of its Inter Caetera and Papal Bulls in Doctrine of Discovery as *mercenarios* and *militarios*.
2. Spain's development and implementation of the ideologies of Imperialism and Colonialism in and affecting Apache-Ndé-Nneé territories and remaining today in the now United States Southwest, Mexico and the U.S.-Mexico Border Wall.
3. Spain's implementation of the *Recopilations de Leyes los Reynos de los Indias 1680*, establishing colonial towns and settlements and using Indigenous Peoples in those areas as natural resources i.e. enslavement.
4. Results of the *Leyes* (Laws): forceful and planned and calculated domination over Indigenous Peoples, including the Apache-Ndé-Nneé, in their own lands by way of occupation, subjugation, separation, enslavement, trade, commerce, and also so-called treaties of friendship, peace, compacts and agreements with Nde-Nnee peoples in their lands/territories resulting in further domination by colonial forces including Spain and the remaining legacies therein.
5. Legacy to this day: Ndee-Nnee peoples live still as an occupied, subjugated, separated people; many are homeless and others confined on United States' Federally-run Reservations. These situations are a direct result of foreign treaties stemming from Spain, Nueva Espana, and Mexico Eras and the constraints of present-day U.S-Mexico-business-foreign occupation of Apache-Ndé-Nneé Peoples, histories, decision-making, worldview and lands.

Recommendations

1. For the Spain to participate in a *Historical Dialogue* with the Apache-Ndé-Nneé regarding the path to justice, repair and healing for damages done and continuing as a result of Spanish colonialism in Apache-Ndé-Nneé territories, as a form of “*eliminating racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (a) The right to equal treatment before the tribunals and all other organs administering justice*”²

In this era of Truth Commissions³ and Restorative and Reparative Justice,⁴ and especially in regards to Indigenous Peoples and all peoples under colonial domination and in light of Indigenous and Human Rights, ending all forms of decolonization, the returning of stolen lands, revoking of discriminatory and racist laws and policies, and preventative and punitive measures regarding ethnocide and genocide, accountability of Spain for colonial and colonizing actions in pursuit of land acquisition, power, domination, enslavement, servitude, wealth and world influence is a necessity for Apache-Ndé-Nneé recovery.

¹ For additional description of Apache-Ndé-Nneé Territories, see Apache-Ndé-Nneé Working Group's Shadow Report submitted to CERD at its 88th session in review of the Holy See, November 2015, http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VAT/INT_CERD_NGO_VAT_22151_E.pdf.

² CERD Article 5(a)

³ See for example: UN Permanent Forum on Indigenous Issues: *Study on the rights of indigenous peoples and truth commissions and other truth-seeking mechanisms on the American continent*, UNPFII 12th session, Provisional agenda item 6, Discussion on the World Conference on Indigenous Peoples, 14 February 2013, Para. 6, E/C.19/2013/13

⁴ See for example: Study by the Expert Mechanism on the Rights of Indigenous Peoples: *Restorative justice, indigenous juridical systems and access to justice for indigenous women, children and youth, and persons with disabilities*, EMRIP 7th session, Item 5 of the provisional agenda: Continuation of the study on access to justice in the promotion and protection of the rights of indigenous peoples, , 25 June 2014, A/HRC/EMRIP/2014/3/Rev.1

Introduction

India Reed Bowers, B.A. LL.M.⁵ with Margo Tamez, Ph.D.⁶

“The States Parties to this Convention,

...Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end...”

...Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere...

...Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations”

-International Convention on the Elimination of all forms of Racial Discrimination (CERD)

CERD Article 5 with special attention to Art. 5(a)⁷ Access to Justice

The Apache-Ndé-Nneé Working Group presents this Alternative Report to address the situation of discrimination surrounding and resulting from the lack of redress for and ongoing legacy of Spain’s involvement in the colonization of the Apache-Ndé-Nneé People, territories, peoples, lifeways, and more, through Spain’s various forms of slavery, subjugation, abuse, murder, domination, dividing, conquering, theft and generations-long damage against the Apache-Ndé People therein.

Spain’s historical obligation to participate in redress and repair of the Apache-Ndé-Nneé is deep and weighs heavily on Apache-Ndé-Nneé current life and reality. The notion of *hispanism*⁸ is a descriptor for the Spanish identity and ideology that has violently displaced native identity and ideology, raping native languages, women, elders, relations, cultures, social fabrics, and relationships with the natural world and life, as well as the societal world in general, in how they are perceived and in relation to the Apache-Ndé. The strategic colonizing of Apache-Ndé-Nneé territories by Spain, significantly including but not limited to by the ‘String of Pearls of the Lower Rio Grande’⁹ design of José de Escandón, documented murderer of indigenous peoples and the organizer of their mass killings and displacement as well as their forced conversions. José de Escandón - deemed ‘Father of the Valley’ by many and a signification actor in colonization of Apache-Ndé-Nneé territories and people - whose bronze statue was erected just this 2014 in

⁵ Founder & Director of the International Organization for Self-Determination and Equality (IOSDE); Independent Freelance Consultant; Apache-Ndé-Nneé Working Group Member.

⁶ University of British Columbia, Okanagan Territory; Lipan Apache Band of Texas, Konitsaaiigokiya Nde' (Big Water Peoples' Country); Apache-Ndé-Nneé Working Group Member.

⁷ “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (a) The right to equal treatment before the tribunals and all other organs administering justice”

⁸ See article by Dr. Margo Tamez in the Apache-Ndé-Nneé Working Group’s Shadow Report submitted to CERD at its 88th session in review of the Holy See,

http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VAT/INT_CERD_NGO_VAT_22151_E.pdf; for more information see, for example: Mabel Moraña, *Ideologies of Hispanism*, Vanderbilt University Press, 2005, available in part at

https://books.google.ca/books/about/Ideologies_of_Hispanism.html?id=TzHIWtvObLsC&redir_esc=y

⁹ See Tamez in the Apache-Ndé-Nneé Working Group’s Shadow Report,

http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VAT/INT_CERD_NGO_VAT_22151_E.pdf. See also for example <https://riograndeguardian.com/!%C3%B3pez-the-string-of-pearls-of-the-lower-rio-grande/>

front of the Student Academic Center at the University of Texas Pan-American, perpetuating the colonial dominance myth as achievement.¹⁰ The result of Spain's colonization is a lasting legacy that Spanish ways of thinking, being, doing, and knowing are supreme to the subjugated, forming a rooted discrimination so permeating that *only direct addressing of, redress, reparation and change can alter the indoctrinated cycle of abuse.*

The adjoining articles in this Alternative Report provide a sampling of historical documentation by both Apache-Ndé-Nneé and non-native historians on the brutal subjugation of the Apache-Ndé-Nneé by Spain that continues to deeply affect and dictate the lives of the Apache-Ndé-Nneé today, to the benefit of colonial and still-colonizing States in-tandem, not least the United States, the Vatican and the Holy See, and of course, the focus of this report, Spain. This Alternative Report can be considered crucially interwoven in historical and contextual relation with the Apache-Ndé-Nneé Working Group's Shadow Report submitted to CERD at its 88th session in review of the Holy See.¹¹ The Holy See and Spain colonized Apache-Ndé-Nneé territories and peoples in corroboration. The legacy of each today is a brutal inter-generational reality expressed and lived by the Apache-Ndé who currently exist under the racist oppressions within their homeland impacted by Spain's colonial legacy, and through a plurality of successor states, but also impacted by Spain's continuing presence—culturally, economically, and politically--in the unceded and unsundered territory of the Ndé. Hispanicism and Spain's impact dominate Ndé in virtually all aspects on life, as detailed in part in both reports.

Spain's investment portfolios that continue to benefit from racism-based policy and colonial laws first created by Spain in Apache-Ndé-Nneé territories are the direct continuation of forced subjugation toward the Apache-Ndé-Nneé. To this day, non-Apache-Ndé persons on the Texas-Mexico border hold Spanish Crown land grants in Apache-Ndé-Nneé territories,¹² and Spain maintains silver and mineral interests in Apache-Ndé-Nneé territories, all without the Free, Prior and Informed Consent (FPIC) of the indigenous Apache-Ndé Peoples. These realities are only a sampling of the ongoing colonization resulting from Spanish colonialism in Apache lands - a colonization perpetuated not only continue to subjugate and as a result deeply impoverish and, literally, poison the Apache-Ndé-Nneé and their historic and traditional lands, and this cultures, sovereignty, territorial and cultural integrities, relationships and spirits, but to continue to benefit from yet-to-be-legally-addressed world colonialisms; a direct continuation of Spain's colonial relations to the Holy See in the conquest of the 'Americas'. In planned and agreed-to corroboration with the Holy See, Spain introduced and induced subjugation to the Ndé-Nneé via its relationship with the Catholic Church for the sake of colonial domination- taking Ndé-Nneé spirit and lands, imposing slavery, and de-indigenizing the Apache-Ndé Peoples, an ultimate form of calculated discrimination against, and cultural eradication of, a people. The fact that Spanish Mission sites are currently being established as UNESCO World Heritage Sites, despite the Lipan Apache Ndé written protests to UNESCO (U.S.A.) headquarters in New York, and despite the physical and intellectual exclusion of Apache-Ndé-Nneé meaningful participation in the process within the unceded territories, serves as example to the deep-seated continuous nature of re-colonization, re-traumatization and domination as ideologies and forced existences onto Apache-Ndé-Nneé peoples, communities, families and territories. So long as there is no true and self-determined redress for the Apache-Ndé, and the Spanish Mission UNESCO World Heritage Sites are allowed to go forward as planned, without the FPIC of the Apache-Ndé-Nneé peoples, the CERD then is a hollow forum for Indigenous peoples who are excluded from exercising rights and gaining access to meaningful justice.

Just as the Holy See must meet with Indigenous Peoples, to discuss its racist colonial legacy and decision-making,¹³ to discuss redress and ongoing violations by the Holy See that are racist and discriminatory, and not least with the Apache-Ndé-Nneé who called for such action at the CERD 88th session review of the

¹⁰ see for example <http://www.utpa.edu/news/2014/11/unveiling-of-new-building-and-statue-nov-18-marks-historic-day-at-utpa.htm>

¹¹ Dr. Babcock's article is contained in both reports, Ms. Garcia's article in variations in each; see http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VAT/INT_CERD_NGO_VAT_22151_E.pdf for the Apache-Ndé-Nneé Working Group's Shadow Report submitted to CERD at its 88th session in review of the Holy See.

¹² See for example <http://www.glo.texas.gov/history/archives/forms/files/history-of-texas-public-lands.pdf>

¹³ CERD/C/VAT/CO/16-23, paras. 16-17.

Holy See, Spain, too, must face its past and its ongoing colonial legacy against Indigenous Peoples and the Apache-Ndé-Nneé.

Spain must face its victims; to not do so is an act of racial discrimination in the scope of access to justice; such discrimination is a continued colonization itself via the notion that only some persons and peoples who seek, desire or need justice deserve its repair and change, while the rest must perish starving for peace.

This conversation between the Apache-Ndé-Nneé and Spain is long overdue.

Spain's Legacy of Participation in the Doctrine of Discovery in Ndee-Nnee Territories in the United States' American Southwest¹⁴

Lorraine F. Garcia¹⁵

In the United States' American Southwest, Spain and its colonial country of *Nueva España*, known today as the Republic of Mexico, in their historical past recognized and acknowledged Ndee-Nnee peoples and their traditional homelands for approximately four hundred years. This long-standing perpetual recognition and acknowledgment were contextualized by written and recorded documents of maps, military reports, church records, laws, and decrees that stemmed from the Doctrine of Discovery contained in the *Papal Bull Inter Caetera* issued by Pope Alexander VI on May 4th of 1493. Spain's participation as the Spanish Rulers of military occupation and domination along with the dominion of Roman Catholicism Canon Rule and Law; specifically Spanish Emperor Philip II's 1573 New Ordinances and the *Recopilacion de Leyes los Reynos de los Indias* of many laws that evolved from the Laws of the Indies, created the ideologies of imperialism and colonialism that have taken root in today's American Southwest and have encroached upon and voided Ndee-Nnee peoples' freedoms of lifeways of spiritualism of oneness. Spain's legacy of participation in the Doctrine of Discovery in Ndee-Nnee territories in the United States' American Southwest has left the Ndee-Nnee an occupied, subjugated, separated and, for many Ndee-Nnee, a homeless peoples in their perpetual sacred and traditional homelands.

"The Spaniards, to whom Indians are entrusted [encomendados], should seek with great care that these Indians be settled into towns...so that the Indians can be instructed into the Christian doctrine and live in good order." Spanish King Philip II 1573 (Crouch, Mundigo 258)

In his 1630 memorial, the custodian of conversions of New Mexico's missions, Fray Alonso de Benavides wrote of meeting with Apache (Ndee-Nnee) leader Sanaba numerous times. Fray Benavides also divulged in that 1630 Memorial; even though he suspected there were at least 30,000 Ndee-Nnee people, "And although these Apaches are very warlike, they are more to be trusted...and we pass by them with less anxiety" (Ayers 16). The Laws of the Indies were already implemented in Ndee-Nnee lands when Fray Benavides passed through them and until 1624; Spanish Emperor's Philip II's 1573 New Ordinances within the Laws of the Indies called for settlement in the Indian population with intentions of conversion and 'protection' of those converted Indians, in conjunction with Rome's Catholic Church's (hired) mercenaries appointed by Spanish Rulers as Castilian Spanish *conquistadors* and 'protectors'. Spanish Emperor Philip II was precise in the 1573 Ordinances of Pacifications 138-148, that the Spanish conquerors' appointments were as pacifiers to Indian populations; to get to know those Indians on whose lands they settled and their language, their [lords] leaders, their strengths, weaknesses and their conflicts with other Indian people. The thoroughness of the Ordinance's 10-point Pacification was to see which Indian populations could possibly be groomed and ready for the conversions by the Roman friars and priests (Crouch, Mundigo 259, 260). Furthermore, "The Ordinances Concerning Discoveries, issued in 1573, forbade unauthorized operations against independent Indian peoples" (Editors, Encyclopedia Britannica 2016); such operations occurred with authorization.

So independent and numerous were the Ndee-Nnee peoples in their logic of geographies, diplomacies of leaderships and familiar respectability in attending to their self-sufficiencies and self-accountabilities, that dependency on Spanish 'protection' from any Indian enemies was unnecessary, so conversion was also unattainable. The name placed upon Ndee-Nnee peoples by their enemies spoke volumes to who they were and their strength in numbers. A name that The Spanish would placate on a 1705 map in Latin showing the Ndee-Nnee lands as a Kingdom: *Apacheria, Sive, Terra Apachorum*. The name enemies of the Ndee-Nnee identified them with was *Apache* meaning *Enemy*. Thus, The Spanish documented their lands as *Lands of The Apache Kingdom, also, Lands of the Enemy Peoples*. The designation as a Kingdom further reflected

¹⁴ Draft for use in the *Apache-Ndé-Nneé Working Group Shadow Report* to UN CERD for reviews of Spain; not for other use without author's permission.

¹⁵ Ndee-Nnee Historical Researcher; Apache-Ndé-Nneé Working Group Member.



Map 1: 1705 Spanish Map in Latin depicting in center *Apacheria..Sive..Terra Apachorum*

the leadership process of the Ndee-Nnee of which men were designated by a concession of women and men of their respective family clan groups to be guided representatives for them in all areas of matters of lifeways, conflicts and spirituality. Not having one person to rule over the whole Ndee-Nnee Nation like a King or Queen was not pertinent, because Ndee-Nnee people in the past as today believed in a monotheistic concept; in a spiritual belief of a one-God concept who created all human and animals and living beings. These organized concepts of a one-God creator of all and leadership roles alluded to true sovereignty over self to Ndee-Nnee people and in perpetuity to their lands as they would for four hundred years in Spanish and other European maps.

In 1685, then-custodian Fray Alonso de Posada wrote in a report that the Ndee-Nnee in New Mexico were boastful, fearless and constantly warring with The Spanish and other *indios* east of the Rio Grande and that “They have made many attacks from prepared ambushes on Indian pueblos, killing atrociously the warriors, carrying off the women and children alive, considering them as legitimate captives” (Posada, 1685). Over 90 Decrees were created by 1670 New Mexico Spanish Governor Bernardo Lopez de Mendizabál that justified the taking of captives as war reprisals, which resulted in the establishment of the legitimization of slavery that had begun in the 1650’s (Carlisle 95, 96). Peaceful Ndee-Nnee peoples were threatened by these new decrees and the trust they had shown Fray Benavides and their accompanying Spanish protectors; their Spanish successors would throw away that trust to murderous ways and slave raids. These 90 decrees were the results of the power play of The Spanish to expand their overseas territories because of economic gain that could be easily begotten by the European competitive slave trade. With a new Spanish Emperor and a Century gone by since Spanish Emperor Philip’s reign, the *Recopilacion de Leyes los Reynos de los Indias* 1681 replaced his 1573 New Ordinances. This new Law of the Indies was “a collection of pre-existing laws to be followed in the Castilian overseas colonies and the primary source of Spanish colonial law” (Miguel-Stearns, Filiu, Kim-Prieto, 308).

The Ndee-Nnee had not resigned to Catholic conversion attempts, and as copper and silver were discovered in their homelands spanning across today’s four American states of Arizona, New Mexico, Colorado and Texas and the Mexican states of Sonora and Chihuahua, the desire for the Spanish to gain access to and occupy these areas was enacted through colonialism and the imperialistic ways of war waged by any means necessary. Spain’s 1680 recompilations laws and the numerous decrees that evolved out of the establishment of settlements, towns and their local governments’ constitutions and courts were the legal avenues to achieve the horrendous atrocities that were set upon Ndee-Nnee peoples. This included using

the Indian population in colonial settlements and towns as natural resources by way of forced labor thru enslavement.

The insert of Map 2 of the Roman Catholic Holy See Map below began in 1751 and was completed and recorded in Rome in 1754. It documents the Ndee-Nnee peoples as *Apaches Gentiles*; meaning, conversion in their lands had not happened in the almost two hundred years since Spanish King Philip II's 1537 New Ordinances contained in the Laws of the Indies. The initial campaign against Ndee-Nnee peoples by the Spanish was legitimizing slavery.



Map 2: Roman Catholic Holy See Map 1751-1754 Depicting Rome's Missions in the lands of converted Indian populations from North America to South America stemming from King Philip II's 1573 New Ordinances contained in the Laws of the Indies.



Map 3: Insert of Map 2: Upper Left *Apaches Gentiles*

At contact, The Spanish brought The European Overseas Slave Trade to the American Southwest and legalized it in Santa Fe, New Mexico with The Mendizabál Decrees of the 1670's. For the search of riches to begin in Ndee-Nnee lands, the people that had been deemed peaceful had to be broken down. The Spanish military did exactly that and waged war began with the search for riches and slave raids. The first

to be found was surface copper in New Mexico and The Mendizabál Decrees heightened the slave raids into Ndee-Nnee lands. These slave raids forever decimated and changed family structure not only by separation and subjugation but by the kidnapping, capturing, trading and selling of Apache people, and Apaches whose families were obliterated in massacres would forever be enslaved in Spanish households, as were their offspring and every generation thereafter in servitude, until their death or until the end of slavery, as is the recorded example below:

6 Abr. 1729 Antonia, Apachi, sirvienta de Diego Trujillo
 20 Abr. 1729 Antonia, Apachi, sirvienta de Cristobal Varela
 27 Feb. 1733 Joseph de Lara, Apache, 25 años
 16 Jul 1736 Maria, Apachi criada de Manuel Montoya
 3 Oct. 1736 Margarita, Apachi criada de Diego del Rio
 3 Mar. 1744 Maria, Apachi, parbula, hija de Rosa ,
 Apachi sirvienta de Isabel Romero
 21 Abr. 1744 Juana Maria, parbula, hija de Otero Naranja
 (mestizo, sirvienta de Don Manuel Valiran) y Francisca Telles, Apache india
 21 Sep. 1744 Juana, Apachi sirvienta de Gregoria Varela
 3 Jul. 1757 Maria, parbula, Apache huérfana de Joseph Apodaca
 9 Oct. 1758 Maria, india, Apachi amanecio ahorcada en la casa de Domingo Apodaca
 (Magdaleno)

To be taken as a slave was a very somber ordeal and so feared by an Ndee-Nnee person that many deaths such as the very last Ndee-Nnee (Apache) girl listed, death by hanging, by suicide, was the only resolve for the many *countless* and *unlisted* Ndee-Nnee throughout The Southwest. The actual numbers of Ndee-Nnee people sold and born into slavery will never be known, but slavery affected Ndee-Nnee peoples for at least more than three hundred and eighty years that can be calculated by church, military and state records. The mission of *Nuestra Señora de Guadalupe Del Norte* in Chihuahua, Mexico, just bordering El Paso, Texas in the United States, is just one of numerous Catholic missions that recorded Ndee-Nnee as slaves and servants in Spanish households (Magdaleno). Distrust of the Spanish and the Roman Catholic Church would forever be ingrained in the minds and hearts of *free* Nde-Nnee peoples, because they would eventually do all that could be done at such a horrific cost to attempt to save the enslaved and in servitude Ndee-Nnee, from raids onto missions to attempt the rescues of enslaved people in the very beginnings, to even bartering and trading them from proprietors of ranchos and haciendas; most often times to no avail. By the end of 1790, Ndee-Nnee leaders resolved to treaties in the hopes of the return of their captive and enslaved peoples.

The first established treaty was with Ndee-Nnee leaders from the Gila regions, spanning present-day Arizona and New Mexico, in the form of the *1790 Treaty with Gila Apaches July 13, 1790* (Deloria, DeMallie 136). This 1790 treaty was established for the barter and trade of Spanish captive per (Apache) captive and to allow the Spanish to have *access* to Gila (Apache) traditional homelands in their extensive regions. The taking of Ndee-Nnee leaders' wives, children and family members seemingly became the norm prior to 1790 in attempt to parlay with Ndee-Nnee leaders; to get their families back, leaders entered into treaties. Unfortunately, for many Ndee-Nnee captives who were not of leadership families, some could not be bartered back. Recorded in Spanish military records, specifically from the Janos Presidio, are the letters and summons of field officers from Ndee-Nnee leaders as *captiancillos*, asking for the release of their wives and families who had been taken as prisoners in raids, as seen in the 1790 list below:

- Al sr. don Antonio Cordero; carta sobre oficio que se pasa al capitán don Manuel de Casanova, sobre capitancillos indios y la india apacha prisionera mujer de Ysquiernocten que se halla en San Buenaventura. (Chihuahua) [11] 29 de marzo
- Al sr. comandante de la compañía de Janos; carta sobre entregar al indio Guero una india que hay se halla de las prisioneras. Cumpá. (Chihuahua) [11] 22 de agosto
- *Nava*: al sr. com. de Janos; carta sobre volver al capitancillo Tesegoslán sus dos sobrinos en buena fe. Ayud. Insp. don Roque de Medina, Gandules. (Chihuahua) [11] 1 de julio
- *NNava*: al sr. com. de Janos; carta sobre las diligencias practicadas don los hijos del capitancillo Pitsago. (Chihuahua) [11] 1 de julio
- *Nava*: al sr. don Manuel de Casanova; carta sobre no deber darse entero crédito a lo que ha dicho el indio que se hizo prisionero en la campaña del Sargento Nicolás Madrid sobre

junta que quedara haciendo el hijo del capitán Chiquito. Pueblo de Bacuachi, Sonora, ten. cor. don Roque de Medina, Babispe. (Chihuahua) [21] 31 de Agosto

- *Nava*: al sr. don Manuel de Casanova; carta sobre haber llegado un indio hermano de Tusegoslán. Rachería de Patatirante, ten. don José Ygnacio Escageda, capitancillo Compá, Apaches. (Chihuahua) [11] 8 de septiembre

The Economy of The Slave Trade proved too prosperous for The Spanish Economy to be readily given up. Those who remained captives were sold into slavery and their offspring were born into servitude; the *supposed* saving of their *souls* was more important to the Roman Catholic Church, so that they stayed in servitude and enslaved on haciendas and ranchos. By the 1700's, the first generations of Ndee-Nnee born as slaves were systematically forced into arranged marriages to other Ndee-Nnee and non-Ndee-Nnee, as is the documented and recorded in examples below:

- Ene. 23, 1734 Nicolas de la Cruz, indio Apachi sirviente, de Capitán Don Joseph Valentín de Aganza con Luisa Ana Chavez, HL Joseph Chavez y Maria Antonia, sirvienta de Capitan Don Joseph Valentín de Aganza (Source 1D)
- Ago. 11, 1734 Marcial Abiles, coyote con Gertrudis Velarde, india Apache
- Ago. 30, 1734 Francisco de Osuña, de Guadalajara, HL Salvador de la Vega y Maria Rojas (Nicolas de Osuña, padrastro) con Isabel Olivares, Apache sirvienta de Don Bernardino de Olivares (Source 4)
- May 1, 1736 Nicolas Joseph Antonio Morales, mulatto esclavo, natural de Ciudad del Guadalará, Padres no conocidos con Maria Ysidra, india Apache, sirvienta (Source 1A)
- Feb. 3, 1737 Salvador Maria Subiate, Apachi sirviente con Maria Isidora, Apachi, criada, viuda de Jose Antonio Nicolas, mulatto esclavo de Antonia Valverde (Source 4)
- Ago. 29, 1737 Ventura Cortes, indio Apache sirviente de Don Nicolas de la Sierra, viudo de Rosa Maria con Barbara, india Apache esclava de Don Antonio Tiburcio (Source 4)
- Nov. 26, 1737 Antonio de la Cruz, Apachi sirviente con Asuncion, Suma, HL Leonicio Guarachi (dfto) y Angela (Source 4) (Magdaleno)

There are many more documented Ndee-Nnee marriages and deaths throughout The United States' Southwestern states other than the few listed in this paper, however the *absence* of recorded baptisms of Apaches suggests that the Roman Catholic Church readily married and buried them but that actual Catholic Conversion did not occur within the Ndee-Nnee slave and servant status. This separation and subjugation further decimated Ndee-Nnee families religiously and spiritually, because they could not even practice in disguise their Apache culture and traditions without reprisals of torture and or death while enslaved and in servitude. Many Ndee-Nnee families endured one to two centuries of enslavement and servitude in Spanish households, until Mexico gained its Independence from Spain and after Mexican President Vicente Guerrero abolished slavery in his Decree of 1829 (Vincent); upon freedom during the short Mexican Era, many Ndee-Nnee people would face and endure racism in the *colonias* of The U.S. Southwest as desinated Apache *genizaros*.

While generations of Ndee-Nnee were enslaved, for two and a half centuries the *non*-enslaved lived chaotically within the Spanish Rule of Occupation and Domination and the yolk of Rome's Holy See of Spiritual War of the Doctrine of Discovery, the Laws of the Indies and its *Recopilacion de Leyes los Reynos de los Indias 1680*. Another campaign against Ndee-Nnee peoples would be set upon those that had not converted to Christianity and had not settled in Spanish colonial towns by the late 1700's. Ndee-Nnee peoples throughout The Southwest would be confined under peace treaties and agreements with Spain in what was known then as peace establishments: Lands appointed to Ndee-Nnee peoples by the Spanish government to live and receive rations of clothes, cloth, beef, corn, sugar, tobacco and for some, agricultural seed and tools to become famers. These peace establishments were the forerunners of today's American Indian Reservations. When closely examined and analyzed they have direct links to Spanish King Philip's 1573 New Ordinances of Pacifications from the reference [*encomendados*] that made Indian populations trustees on their own lands within the Doctrine of Discovery (Crouch Mungido 258).

The Ndee Nnee people fought hard against the Spanish Military incursions and resisted Rome's Christian conversion. Most stayed at peace establishments under duress, hunger, safety, fear of enslavement and sporadically at interval points in times for about thirty years 1790-1820 during Spanish occupation, about thirty years 1820-1850 during Mexican occupation, and many still reside at these establishments now called

American Indian Federal Reservations. *Please see Dr. Matthew Babcock's paper about these chaotic eras contained within this report for an in-depth examination.*

Many of today's Ndee-Nnee descendants of the enslaved are landless and, in actuality, homeless because The United States has deemed it a reality and many of them are those descendants that were not of leadership families. Many of these descendants face identity crisis and feel they do not fit in the normalcy of American societies. They are deemed *white* at birth but are viewed solely by looks, skin color and supposedly racial identities in a land that is since Spanish and Catholic colonization solely based upon race. Generations of Ndee-Nnee are lost in United States' communities that express one's racial identity on fixed identity cards and applications.

The creation of *racism* and Native American Indian populations as trustees and inhabitants are parts of Spain's legacies in their intentional corroboration in The Papal Bulls' Doctrine of Discovery in America. This continues to harbor hatred and harm to those peoples and their cultures that were and are supposedly indifferent. Although some scholars and written histories claim that the 1573 New Ordinances and *Recopilacion de Leyes los Reynos de los Indias 1680* have been rendered obsolete, those claims are so far from the truth. *Las Siete Partidas* are included in the collective bodies of works of the *Recopilacion*, and the Laws of the Indies are still being used in Southern states' courts and constitutions (Miguel-Stearns Filiu, Kim-Prieto, 308).

The United States and every country that has inherited from and through the Doctrine of Discovery and its edicts, decrees and laws, also inherited its - The Doctrine of Discovery's - *Indian populations* and uses those inheritances against the Indian populations in turn. For instance:

- *Johnson v. M'Intosh 21 U.S. 543* (1823) "Indian inhabitants are to be considered merely as occupants, to be protected, indeed while in peace, in the possession of their lands, but to be deemed incapable of transferring absolute titles to others" (Nicely 3)
- *Cherokee Nation v. Georgia 30 U.S. 1* (1831) Establishes Indians as wards and the United States government as a guardian (Nicely 3)

The Papal Bulls including the Inter Caetera and the resulting edicts of the Doctrine of Discovery, the Law of the Indies, Spanish Emperor Philip II's 1573 New Ordinances and the *Recopilacion de Leyes los Reynos de los Indias 1680* are living and breathing documents that today, as in the past, continue to reign over the Ndee-Nnee and all other Indian populations in The United States of America. Some may argue that that is so to make sure that Indian populations will always have their lands in perpetuity, but they are still merely *trustees* on their lands, without having the say-so of what is being done to harm the land, when by colonial law the United States and Mexico forever own that Indian land and regulates, for example, when lands can be mined, used as chemical waste land as has been done in the past (and continues to leak poisons today), sold and leased, and regulated as waterways and highways. Many traditional Ndee-Nnee homelands are in federal, state and private holdings and are sacred lands connected spiritually as places of creation, birth, ceremony, energies, medicinal, sustenance, and death. Many go unprotected and are inaccessible and are destroyed or sacred items, petro glyphs, and remains are sold on black markets for profit nationally and globally.

Spain's legacy in the United States is inhumane; shackles are still cuffed to the legs and arms of Ndee-Nnee peoples, yokes are still clasped around the necks of the peoples. Ndee-Nnee peoples still live under the oppression of The Doctrine of Discovery and all edicts, ordinances, and laws that bind them to it as well as the beneficiaries therein. Ndee-Nnee peoples hold Spain among colonial forces most accountable for these past and present situations, and address and redress of these suppressions must be remedied by Spain and with Spain who brought the devastating racist occupation and subjugation to Ndee-Nnee peoples.

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- 22 de agosto Al sr. comandante de la compañía de Janos; carta sobre entregar al indio Guero una india que hay se halla de las prisioneras. Cumpá. (Chihuahua) [11]
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Map 1: 1705 Terrarum Anglicarum et anterorum Americae Infularum; item curfuum et circuituum flummis Mississipi dicti. Amfteti profiant apud Petrum SCHENCK. Cum Priviti

Map 2: Mexicana Provincia Societatis IESU DD Joseph Villasenor et Sanchez Delin Ann 1751 Sedium Tchnographia Secundo Ignatio Humanifsime Annuenti Ann 1754 DCO

Surviving Three Cycles of Colonialism: A Brief History of the Ndé People, 1700-1850¹⁶

Matthew Babcock, Ph.D.¹⁷

In one of the modern world's most profound ironies, the Ndé people, who are native inhabitants of North America and are well-known to most Americans in history, literature, and film as Apaches, are asserting the right of each of their groups to be recognized as sovereign and live in peace under the protection of international law. The Ndé are taking this action as a result of repeated human rights violations experienced during three cycles of colonialism under imperial Spain, Mexico, and the United States. This essay focuses on the period 1700-1850, emphasizing the violations committed by the Spanish, Mexican, and U.S. military, as well as Mexican and American settlers and politicians.

Since at the mid-1680s ancestral Jicarillas, Mescaleros, and Lipans of the southern and central plains, who Spaniards called Palomas, Cuarteojos, Carlanas, Jicarillas, Faraones, Natagés, and Ypandes, were the “owner[s] and possessor[s] of all of the plains” of “*Cibola*.” The majority of these groups maintained peaceful commercial relations with Spaniards and Pueblo groups in New Mexico, while defending their central position in the regional political economy against surrounding Jumanos, Caddos, Wichitas, and Pawnees and encroaching Utes and Comanches between the 1680s and 1720s. During the early 1690s, prior to the Ndé committing any violent acts against the Spanish and French in the region of modern Texas, Spanish and French troops conducted joint military campaigns with the Hasinai Caddos (Tejas) against eastern Ndé groups on the southern plains. Thus, twenty-five years before the founding of San Antonio in 1718, ancestral Lipans and Mescaleros already had a perfectly legitimate reason to be hostile towards Europeans entering the Apachería.ⁱ

Between 1719 and 1766 eastern Ndé groups used a combination of creative adaptive strategies to try to retain control of the bison and horse trade on the southern and central plains and withstand attacks from their French-armed indigenous neighbors. These included forming an alliance with the Kadohadachos and settling near Spanish missions in order to obtain provisions, protection, and spiritual and healing power. However, frequent disease outbreaks at the missions, Franciscan support of the Spanish military's unjust seizure and capture of potential Ndé converts, and the Spanish military's ongoing imprisonment and enslavement of Ndé people combined to undermine Ndé-Spanish relations and provoke Ndé retaliation.ⁱⁱ

According to the Jesuit Father Ignaz Pfefferkorn, the treachery of the Spanish military was responsible for the deterioration of Ndé-Spanish relations in Sonora during the 1730s. At the same time that the Catholic conversion of a Chokonen named Pedro had revived Jesuit hopes for converting all Ndé people to Catholicism, a Spanish presidial commander in eastern Sonora had his soldiers seize Pedro's unsuspecting delegation of Chokonen emissaries during peace negotiations for extradition to Mexico City. When the Ndé captives tried to escape, Spanish troops fired on them, mortally wounding Pedro, who requested and received baptism prior to his death.ⁱⁱⁱ

Three Spanish policy decisions—the expulsion of the Jesuits in 1767, the Marqués de Rubí's inspection of the presidial line from 1766-68, and King Carlos III's regulations of 1772—together demonstrated the military's expanded role in attempting to control the Ndé and other equestrian Native peoples living across New Spain's northern frontier. Most infamously, Rubí advocated that Spaniards, Comanches, and Caddoan Norteños work to achieve “the total extermination” of Lipan Apaches “or at least their complete reduction,” through the extradition of those who “seek asylum in our missions and presidios” to interior Mexico. Although the Spanish military never achieved either goal, several officers, including Inspector-in-Chief Hugo O'Conor, Commander-in-Chief Teodoro de Croix, and Coahuila Governor Juan de Ugalde, did their best to accomplish those goals in practice.^{iv}

The height of Spanish-led military aggression against the Ndé occurred during the 1770s and 1780s, when Spanish troops and their indigenous allies launched coordinated strikes on Ndé camps in the heart of their

¹⁶ Pre-publication draft for use in the *Apache-Ndé-Nneeé Working Group Shadow Report* to UN CERD for reviews of Spain and the Holy See; not for other use without author's permission.

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homeland both east and west of the Rio Grande. Spanish officers timed their offensives so that they would ambush Ndé families when they were most vulnerable, while harvesting mescal near Spanish presidios from December through February, while planting crops in April, and just before the October harvest. Spanish troops attacked Southern Apache groups from the Florida and Chiricahua Mountains in the south to the San Mateo and Mogollon Mountains in the north and Mescaleros, who encompassed groups they called Natagés, Faraones, and Mescaleros, in the Sacramento, Guadalupe, Organ, and Sierra Blanca ranges.^v

Even more diabolical than the Spanish-led attacks on unsuspecting Ndé families in their homeland was Commander-in-Chief Teodoro de Croix's decision to implement the murderous policy recommendation of his Chihuahua War Council in 1778 calling for him to make peace simultaneously with Mescaleros in Nueva Vizcaya and Lipans in Coahuila in order for them to attack one another. Following that decision, in 1782 Croix deceived 137 Mescaleros by accepting their request for peace and subsequently having them extradited and imprisoned in interior New Spain.^{vi}

The attacks after 1786 were part of a reformed Spanish Indian policy under Viceroy Bernardo de Gálvez and Commander-in-Chief of the Interior Provinces Pedro de Nava, which scholars often refer to as "enlightened" but was much more aggressive and violent towards Apaches in practice than most specialists have realized. Presidial commanders conducted a dual strategy of peace and war to pacify Apaches, which most Ndé people found hypocritical and resented. On the one hand, they offered gifts, rations, protection, and plots of "fertile land" to those Apache bands who requested peace in the hope of curbing their livestock raids and turning them into productive sedentary farmers subject to crown authority. At the same time, however, Spanish troops and their Indian allies, including Apache auxiliaries, were to wage incessant offensive campaigns into the *Apachería* (Apache homeland) to compel the remaining independent Apache bands to "sue for peace" under Spanish terms. Those who refused to submit were either killed in battle or captured and deported southward to interior Mexico and Havana, Cuba, where they were either imprisoned or enslaved. Like Rubí, Galvez recognized that "the extermination of the Apaches" was a possible outcome of his policy, which he thought could be achieved in two different ways. First, as Croix had already attempted with the Lipans and Mescaleros, Spaniards could encourage Apaches to use Spanish arms to fight each other to the point of "their mutual destruction," and, second, Spanish troops could work together with Comanches, their Caddoan allies, and other indigenous groups already warring with Apaches to achieve it.^{vii}

In addition to captivity, slavery, and death, the Ndé people experienced deep political challenges as groups adapted to this multifaceted policy in distinct ways. Those Ndé who negotiated peace with Spanish officers and resettled near presidios, known as *Apaches de paz*, or "peaceful Apaches," largely shaped the system. Subverting Spanish efforts to make them wholly sedentary, Apaches de paz adapted to reservation life by remaining semi-sedentary and using Spanish rations, gifts, and military protection to sustain and preserve their families. A minority of reservation-dwelling Ndé men, most notably the Chokonen chief El Compá and his sons Juan Diego and Juan José at Janos, worked together with presidial troops and redeemed captive men of Christian parents to reduce violence in the region by serving as scouts, auxiliaries, and political leaders. The majority of Ndé, however, relied on what they always had—movement, economic exchange, and small-scale livestock raiding—to ensure their political and cultural independence. Most independent Ndé had only limited contact with Spaniards, and most Apaches de paz continued to subsist on their own procured fruits, nuts, and game, while receiving weekly rations of Spanish corn, meat, and tobacco simply as dietary supplements. In general, supposedly "peaceful" Apaches exhibited mixed loyalties, sometimes serving Spanish interests and other times subverting them.^{viii}

The Spanish and Mexican military's system of reservation-like Apache establecimientos (establishments or settlements) experienced an uneven decline. Lipans and Mescaleros in the east deserted their reservations in the 1790s, which was decades before Southern Apache groups in Nueva Vizcaya did. However, Western Apaches at Tucson never left. After initially withstanding the deterioration of peace and order during the Mexican War of Independence between 1810 and 1821, a variety of factors, including ongoing political and economic instability in Mexico City, competition from United States traders, and a regional small pox epidemic, caused most Apaches de paz to desert their reservations by 1832. Ndé raiding increased in frequency and intensity during the 1820s in large part because of the Mexican government's decision to cut

costs by eliminating meat rations for reservation-dwelling Apaches in 1822 and rations *in absentia* in 1824.^{ix}

After the collapse of the establecimientos in Chihuahua and Sonora in 1832, Mexican presidios and towns, which were previously zones for reciprocal diplomacy and exchange, disintegrated into arenas of treacherous violence. Desperate to curtail Ndé raiding and killing, officials in underfunded and undermanned northern Mexican states implemented an Apache scalp bounty, and money-hungry soldiers, citizens, and contract killers gunned down unsuspecting and unarmed Ndé men, women, and children, which simply escalated the reciprocal violence. A minority of Mexican military officers and Ndé leaders, however, still valued peace and trusted one another enough to try to renegotiate, and small groups of Apaches placed their lives at risk by temporarily resettling at presidios in Chihuahua and Sonora.

Following Chihuahua's implementation of an Apache scalp bounty in 1837, James Kirker and his mixed band of Delaware, Shawnee, Mexican, and American mercenaries, with plenty of help from Mexican vecinos, took the scalps of an estimated 487 Apaches. But that does not tell the whole story. Attempting to clarify the law, Chihuahuan presidial commanders implored Kirker and his contract killers not to attack peace-seeking Apache rancherías and reservation-dwelling Apaches de paz. But they repeatedly ignored the warnings, and routinely captured, scalped, imprisoned, and killed peace-abiding Apaches. This began with their imprisoning and killing of 53 peaceful Apaches near Janos in January and March 1840, including the abduction and deportation of Chihene Mimbres leader Pisago Cabezón's son Marcelo to Chihuahua, and culminated in the slaughter of 148 Apaches de paz at Galeana and the San Buenaventura Valley in July 1846.^x Little wonder, then, that Apaches were distrustful and fearful of coming into presidios and towns to negotiate and trade in this era.

Eager to exploit the mineral and land wealth of the Apachería, the large number of Anglo Americans settling across the American Southwest after 1848 posed the newest and greatest threat to Ndé survival. Protecting the settlers were members of the U.S. Army, who established nine forts across present New Mexico alone between 1846 and 1855, including Fort Webster, which stood in the heart of the Apachería near the Santa Rita copper mines. At the same time, without consulting Ndé people, U.S. and Mexican politicians made three critical decisions that undermined the Indians' legal claim to the Apachería. In 1845 the U.S. Congress voted to annex Texas, and Mexico ceded most of present-day New Mexico and Arizona to the United States in the Treaty of Guadalupe Hidalgo of 1848 and the Gadsden Purchase of 1853. In spite of what these agreements stated on paper, the Ndé people still occupied and controlled the vast majority of their homeland from 1845-1850, and they would intensify their efforts to retain it and their sovereignty in the coming decades.^{xi}

Notes

The vast majority of the information in this essay comes from the author's forthcoming book, *Apaches de Paz: Adaptation to Hispanic Rule in the American Southwest, 1700-1850* (New York: Cambridge University Press, 2016).

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^{iv} Sidney B. Brinckerhoff and Odie B. Faulk, eds. and trans., *Lancers for the King: A Study of the Frontier Military System of Northern New Spain, with a Translation of the Royal Regulations of 1772* (Phoenix: Arizona Historical Foundation, 1965), 7; Max L. Moorhead, *The Apache Frontier: Jacobo Ugarte and Spanish-Indian Relations in Northern New Spain, 1769-1791*, Civilization of the American Indian Series (Norman: University of Oklahoma, 1968), 116-117.; Marqués de Rubí, *Dictamen*, Tacubaya, 10 April 1768, translated in Jack Jackson and William C. Foster, eds., *Imaginary Kingdom: Texas as Seen by the Rivera and Rubí Military Expeditions, 1727-1767* (Austin: Texas State Historical Association, 1995), Article 16, 181-182. For a published Spanish version of Rubí's *Dictamen*, see María del Carmen Velásquez, ed. *La frontera norte y la experiencia colonial* (Mexico: Secretaría de Relaciones Exteriores, 1982), 29-84. Rubí advocated the extermination of Lipans specifically, not all Apaches, as a majority of Borderlands specialists have mistakenly suggested. See David J. Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992), 220; John, *Storms Brewed*, 440; Max L. Moorhead, *The Presidio: Bastion of the Spanish Borderlands* (Norman: University of Oklahoma Press, 1975), 60-61; Moorhead, *Apache Frontier*, 16-17; Joseph F. Park, "Spanish Indian Policy in Northern Mexico, 1765-1810," *Arizona and the West* 4 (Winter 1962): 330; Bolton, *Texas in the Middle Eighteenth Century*, 381-382. For a notable exception, which is still not evident in the actual text, see David J. Weber, *Bárbaros: Spaniards and Their Savages in the Age of Enlightenment* (New Haven: Yale University Press, 2005), 325n64.

^v For Spanish attacks on Ndé groups during the 1770s and 1780s, see Hugo O'Connor, *The Defenses of Northern New Spain: Hugo O'Connor's Report to Teodoro de Croix, July 22, 1777*, ed. and trans. Donald C. Cutter (Dallas: Southern Methodist University Press/DeGolyer Library, 1994), 87-88, paras. 215, 220; Alfred Barnaby Thomas, ed. and trans., *Forgotten Frontiers: A Study of the Spanish Indian Policy of Don Juan Bautista de Anza, Governor of New Mexico, 1777-1787* (Norman: University of Oklahoma Press, 1932), 1, 4-12, 156, 192, 209, 218, 221, 320; Adlai Feather, ed., "Colonel Don Fernando de la Concha Diary, 1788," *New Mexico Historical Review* 34 (October 1959): 297, 300; Morris E. Opler, "Chiricahua Apache," in *Handbook of North American Indians: Southwest*, ed. Alfonso Ortiz (Washington, D.C.: Smithsonian Institution, 1983), 403; Opler, "Mescalero Apache," 420. For Ndé seasonal movements and subsistence, see Harry W. Basehart, "Mescalero Apache Band Organization and Leadership," in *Apachean Culture History and Ethnology*, ed. Keith H. Basso and Morris E. Opler (Tucson: University of Arizona Press, 1971), 39; Grenville Goodwin, *The Social Organization of the Western Apache* (Chicago: University of Chicago Press, 1942), 158; Robert N. Bellah, *Apache Kinship Systems* (Cambridge, MA: Harvard University Press, 1952), 85; Keith H. Basso, "Western Apache," in *Handbook of North American Indians*, ed. Alfonso Ortiz (Washington, D.C.: Smithsonian Institution, 1983), 469.

^{vi} Croix, et. al., "Council of War," Chihuahua, June 9-15, 1778 in Alfred Barnaby Thomas, ed. and trans., *The Plains Indians and New Mexico, 1751-1778: A Collection of Documents Illustrative of the History of the Eastern Frontier of New Mexico* (Albuquerque: University of New Mexico Press, 1940), 200. See also Alfred Barnaby Thomas, ed. and trans., *Teodoro de Croix and the Northern Frontier of New Spain, 1776-1783: from the Original Document in the Archives of the Indies, Seville* (Norman: University of Oklahoma Press, 1941), 37-38, 62; Moorhead, *Apache Frontier*, 47-48, 120.

^{vii} For the quotation, see Bernardo de Gálvez, *Instructions for Governing the Interior Provinces of New Spain, 1786*, ed. trans. and ed. Donald E. Worcester (Berkeley: Quivira Society, 1951), para. 42.

^{viii} Matthew Babcock, "Blurred Borders: North America's Forgotten Apache Reservations," in *Contested Spaces of Early America*, ed. Juliana Barr and Edward Countryman (Philadelphia: University of Pennsylvania Press, 2014), 176.

^{ix} For the uneven breakdown of the system after 1810, see Weber, *Bárbaros*, 360n60; Ignacio Zúñiga, *Rápida ojeada al estado de Sonora: dirigida y dedicada al supremo gobierno de la nación* (Mexico: Juan Ojeda, 1835), 22-26. For the ending of meat rations and the 1824 policy change, see Janos ration lists 1822-1827, JPR-UTA; William B. Griffen, *Apaches at War and Peace: The Janos Presidio, 1750-1858* (1988; reprint, Norman: University of Oklahoma Press, 1998), 125, 131; William B. Griffen, *Utmost Good Faith: Patterns of Apache-Mexican Hostilities in Northern Chihuahua Border Warfare, 1821-1848* (Albuquerque: University of New Mexico Press, 1988), 21.

^x Ralph A. Smith, "Indians in American-Mexican Relations Before the War of 1846," *Hispanic American Historical Review* 43 (February 1963): 45-46, 62-63; Ralph Adam Smith, *Borderlander: The Life of James Kirker, 1793-1852* (Norman: University of Oklahoma Press, 1999), 170; Griffen, *Apaches at War and Peace*, 187, 216; Edwin R. Sweeney, *Mangas Coloradas: Chief of the Chiricahua Apaches* (Norman: University of Oklahoma Press, 1998), 83-86, 134-136. The scalp estimate comes from Smith, 170. According to Lorraine García, Pisago Cabezón the younger was

a Chihene leader from the middle Gila River Valley region, who succeeded his father as leader, following Pisago Cabezón the elder's passing in the late 1830s (email, 7/14/14). See also Griffen, *Apaches at War and Peace*, 127, 149; Smith, *Borderlander*, 48.

^{xi} Joseph F. Park, "The Apaches in Mexican-American Relations, 1848-1861: A Footnote to the Gadsden Treaty," *Arizona and the West* 3 (Summer 1961): 145; James L. Haley, *Apaches: A History and Culture Portrait* (Garden City: Doubleday, 1981), 184-187; Opler, "Mescalero Apache," 420-421; Opler, "Chiricahua Apache," 404. (Haley, *Apaches*, 184-187; Park, *Apaches in Mexican-American Relation*, 145; Opler, *Chiricahua Apache*, 404; Opler, *Mescalero Apache*, 420-421).