A DARK CLOUD RESTS UPON YOUR NATION: LIPAN APACHE SOVEREIGNTY AND RELATIONS WITH MEXICO, THE UNITED STATES, AND THE REPUBLIC OF TEXAS

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THESIS APPROVAL

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Abstract

The indigenous nation of the Lipan Apaches initiated diplomatic interaction with European powers beginning with colonial Spain in the early eighteenth century. In the nineteenth century, Lipan Apaches engaged the sovereign entities of the Republic of Texas, Mexico, and the United States. My thesis examines relations between the Lipan Apaches and external sovereigns from the advent of the Republic of Texas in 1836 to the 1856 massacre of people in Mexico. During this period, the Lipan asserted their own internal polity through democratic organization as well as external diplomatic negotiations with other nations. The thesis focuses on how Lipan Apaches attempted to establish boundaries relative to the Republic of Texas, the United States, and Mexico in an assertion of indigenous sovereignty. The thesis argues that sovereignty in the case of the Lipan Apaches consisted of community cohesion and diplomacy with other nations.

This historical study begins with a literature review and then focuses on Lipan Apache external social relations with the Republic of Texas. Next, the thesis discusses autonomous relations with the settler states of Coahuila, Nuevo León, and Tamaulipas in northeastern Mexico. The final chapter discusses treaty relations between the United States and the Lipan Apaches. In this part, the thesis promotes the idea that this indigenous nation linked itself to the settler state. Later, however, the United States delinked from the Lipan Apache nation and then promulgated a number of massacres against Native peoples including the Apaches. In my conclusion, I analyze the impact of indigenous theoreticians of sovereignty in an effort to determine the significance of this legal concept in understanding intergovernmental relations between Native Americans and the diverse settler states in the mid-nineteenth century.

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"A Dark Cloud Rests Upon Your Nation: Lipan Apache Sovereignty and Relations with Mexico, the United States, and the Republic of Texas"

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Introduction

It is nighttime in March 1843. Sam Houston, known as "The Raven" by the Cherokee Indians, bends over his desk to pen a letter by the light of a candle. He composes a poem. He sits back in his chair, contemplating what he will say next. Then he leans forward into the light and writes the words "a dark cloud rests upon your nation." Houston writes a letter to one of the leaders of the Lipan Apaches, the elder Flacco, upon the death of his son. Perhaps, at this moment, Houston reflects upon his words. Does the dark cloud follow the Lipan Apache Nation, or, instead, does Houston reverse what he really means to say? Does the dark cloud truly rest upon his own nation, that fledgling country known as the Republic of Texas? We do not know what whirs in the mind of the leader at this point in time.

Sam Houston plays a large role in the composition of this thesis, as do the indigenous peoples of Texas. Indeed, my writing examines relations between the Lipan Apache, or Ndé, Nation and external sovereignties from the advent of the Republic of Texas to the beginning of the U.S. Civil War. During this period, the Lipan Apaches asserted their own internal polity through popular democracy and external diplomatic negotiations. In contemporary times, the Lipan Apaches organized into a political body in order to seek federal recognition. In 2009, the State of Texas granted recognition to the Ndé. In 2014, the Lipan Apaches continue to seek United States recognition of the tribe. As a result of these efforts, this thesis examines sovereign recognition of the Ndé from 1836 to 1861. Three governing bodies granted diplomatic recognition to the Lipan Apaches at this time. The Republic of Texas, Mexico, and the United States each entered into agreements and treaties with this indigenous nation. This thesis argues that, because

of diplomatic recognition on the part of these settler states, the Lipan Apaches maintained external political relations with foreign bodies that recognized the sovereignty of this indigenous nation.

I acknowledge that I make use of sources from the colonizer alone. My reliance on Indian agent and military reports precludes me from writing an indigenous or tribal history sensitive to the cultural, social, political, and economic beliefs of the Ndé. This, however, is not the point. In writing a thesis about colonial recognition of the colonized, I attempt to place the Ndé as central in the history of resistance to the colonization of Texas and northeastern Mexico. My primary focus is on the intergovernmental relations between the settler states and this indigenous nation. As such, I am not trying to write an oral-based history of an indigenous people not my own. That is the purview of an Ndé scholar. Instead, I am discussing intergovernmental relations between the Ndé and the colonizers as a case study. I seek to understand the significance and particularity of nineteenth century non-Indian discourse among settler states in colonial recognition of the sovereignty and autonomy of indigenous nations. The overarching narrative of domination, subjugation, and racism found in nineteenth-century written documents comprises the subject of this thesis.

I have incorporated several questions for my research. What is indigenous sovereignty? How did it operate in the nineteenth century? How did the various presidential administration of the Republic of Texas promote positive or negative interaction with the Lipan Apaches and the Indians of Texas in general? How did Lipan self-government differ in Ndé relations with Mexico, the Texas Republic, and the United States? What effect did the U.S.-Mexican War have on sovereign recognition of the

Lipan Apaches in Mexico and the United States? How significant are treaties between the Ndé and various external governments? How did the United States finally resolve the "problem" of the Lipan Apaches?

In the first chapter, the thesis provides an analysis of historical writing regarding the Native peoples of Texas from the turn of the twentieth to the twenty-first centuries. This chapter places the Ndé as central in histories of the Texas Indians. Progressive histories of indigenous peoples promote positive interpretations of the lives and agency of Texas Indians in general and Lipan Apaches specifically. The purpose of this chapter's literature review functions to understand some of the strands of historical writing that reflect perspectives on indigenous and subject peoples in an effort to examine changes in the writing of Ndé and indigenous Texan history over time.

For the second chapter, the thesis discusses various racial and political constructions placed upon Lipan Apaches in interaction with the budding Republic of Texas. In this chapter, I argue that the Ndé asserted national popular sovereignty on their own terms in defiance of Texas settler state indigenous policies replete with gender and racial bias. Beginning with an analysis of the 1836 Constitution and its denial of citizenship to Native Americans, the chapter goes on the elucidate the policies of Sam Houston's first administration and the presidency of Mirabeau Lamar. Sam Houston's peace policy met with intransigence and rejection on the part of Texas legislature. Mirabeau Lamar actively cultivated Indian-hating in his administration. Regardless of these administrative difficulties, the Ndé succeeded in negotiating a treaty with the Sam Houston administration. Further, under the aegis of Lamar, Lipan Apaches retained a measure of self-rule based on military service as scouts against other indigenous nations.

In the third chapter, the thesis discusses the later administrative policies of the republic that, while peaceful in nature, resulted in the destruction of positive diplomatic relations with this indigenous nation. Sam Houston's naïve faith in his peace policy and reliance on Ndé military service did not reflect the hatred most of his fellow Anglo-Texans felt for all indigenous peoples of Texas including the Lipan Apaches. As a result, Houston felt shame, as produced in a poem to Ndé leaders, at the death of one of the Lipan Apache chief's son. This death marked the turning point in Ndé relations with the republic, finally resulting in the effective marginalization of the indigenous nation, Houston's peace policy notwithstanding. The last president of the Republic, Anson Jones, continued Houston's policies of pacification. More than anything, the appointment of Indian agent Robert Simpson Neighbors resulted in the recovery of positive diplomatic between the two nations, but only in part. Many Lipan Apaches fled beyond the line of Anglo settlement at this time, while a small remnant remained near San Antonio.

The fourth chapter seeks to understand the machinations of Mexican governments, local and national, in their efforts to promote social and geopolitical control over the Ndé. In this and the following chapter, I define the term "autonomy" as a form of self-rule of a lesser degree than sovereignty, primarily in the absence of diplomatic recognition on the part of foreign bodies. Mexico sought to incorporate all Native people within its borders as citizens. Sovereign recognition remained outside the realm of Mexican political thought, at least with regard to the Lipan Apaches. At this time, local governments in northeastern Mexico including those of Coahuila, Nuevo León, and Tamaulipas desired to separate themselves from the centralist government of Mexico City. They founded a revolutionary movement that accorded no recognition to the Ndé.

The Lipan Apaches responded with massacres of Mexican settlers. Eventually, Coahuila recognized the error of ignoring the Ndé and concluded a treaty with one of their leaders. Lipan Apache autonomy remained a fact on the northeastern frontier. The U.S.-Mexican war changed all that. The U.S. military perpetrated a massacre of a band of Ndé men in Coahuila, thereby opening old wounds between the Mexican settlers and the Lipan Apaches.

In the fifth chapter, treaties and massacres play a central role in the ultimate rejection of Lipan Apache political autonomy in northeastern Mexico. The Treaty of Guadalupe Hidalgo and the Gadsden Purchase proved extremely detrimental to the situation of this indigenous nation. In particular, the invitation on the part of the Mexican government to resettle Ndé territory with settlers and refugee Indians produced severe problems for Lipan Apaches. Moreover, with the Liberal Revolution in Mexican politics, the militaristic caudillo Santiago Vidaurri came to the fore of power in the northeast. While originally supportive of the Ndé, eventually Vidaurri perpetrated one of the most violent attacks on Lipan Apache men, women, and children. His name went down in ignominy among the Ndé people.

The sixth chapter switches to U.S. relations with the Ndé in an effort to analyze the several treaties promulgated between the two nations. The United States promulgated three treaties with the Lipan Apaches at this time. In each of these treaties, the settler state recognized the sovereignty of the Ndé people. Moreover, representatives of the Lipan Apaches visited then President of the United States, James K. Polk. The significance of these treaties remains to this day a stated fact. The U.S. government, in each negotiated accord, recognized the value and importance of Ndé national sovereignty

in these documents. By touching the pen, Lipan Apache leaders linked their own indigenous government in an alliance with the settler state. In particular, however, the Ndé people never made land cessions to the United States or any other sovereign entity.

Further, the sixth chapter discusses "solutions" to the continuing problem of Lipan Apaches within the boundaries claimed by the state of Texas. In many ways, these methods devastated the situation of this indigenous nation on the frontier of the settler state. I focus on three policies, intended or otherwise, implemented to destroy the political structure inhering in the Ndé nation. These include starvation, massacre, and forced exile. While these "policies" may have been unintended, the end result is the same. The destruction of the Lipan Apache subsistence economy, along with the loss of life, resulted in their exile beyond the boundaries of the United States. Some Ndé chose to blend in with the *tejano* population in South Texas. Others chose to live beyond the confines of Texas in northeastern Mexico.

The conclusion seeks to interpret various theories of indigenous sovereignty with particular regard to the Ndé. In this chapter, I will seek to analyze two contemporary theories of indigenous sovereignty. Those theories that rely on external diplomatic recognition from the United State alone, I find wanting. Instead, the best of indigenous theory regarding sovereignty comprises the notion of power on a micro-level and the recognition of popular sovereignty in the will of the people. Most of all, I question the value of rejecting the term "sovereignty" altogether. The Lipan Apache Nation at this time provides a test case for the reliability and validity of indigenous theory regarding sovereignty.

In sum, my thesis takes as its focus an analysis of sovereign diplomatic relations between the Ndé and Mexico, the United States, and the Republic of Texas in the mid-nineteenth century. My primary intent is two-fold. First, I seek to provide a treaty analysis of various intergovernmental agreements between the Lipan Apaches and these foreign powers. Second, I seek to apply two theories of indigenous sovereignty to the Ndé as a case study of the performance of autonomy in the 1830s, 1840s, and 1850s. The thesis argues for a positive relation of external sovereignty in Lipan Apache diplomacy with these three settler states. I also use the term "popular sovereignty" to designate internal relations within this indigenous nation. Diplomatic relations point to a less intact notion of what constitutes a nation-state with regard to the indigenous nation of the Ndé.

Internal Sovereignty and Anthropology

In the face of evidence regarding Lipan Apache socio-political organization, Morris E. Opler, anthropologist, asserted his own agenda in wishing to dispense with the notion of Ndé national sovereignty. Many scholars, including Nancy McGown Minor, Thomas A. Britten, and Sherry Robinson found that the Lipan Apache formed a nation with structural integrity. At certain points in Ndé history, the various bands and divisions amalgamated into different levels of alliance, although the status of the nation remained coherent even in the face of devastation wrought by colonial powers such as Spain, Mexico, and the United States. Contradicting the assertions of many scholars, Opler insisted that the Lipan Apaches did not form a complete tribal entity.[1] Instead, he argued that the Lipan Apaches lacked an overarching national identification and that political status remained at the level of local family groups. Opler declared that the Ndé formed

[1] Morris E. Opler, "Lipan Apache," in *Handbook of North American Indians XII, Part Two: Plains*, ed. Raymond J. DeMallie (Washington: Smithsonian Institution, 2001), 949.

into a collection of extended families termed "bands" only in order to perform the bison hunt.[2] The Lipan Apache, according to this anthropologist, did not constitute a nation because primary political control remained at the local family group level.[3] This analytical mistake, intended or otherwise, during the reports of the Indian Claims Commission in the 1970s, contributed to systematic erasure of the historical constitution of Ndé national government. Opler's error allowed for the U.S. government in the late twentieth and early twenty-first centuries to deny the existence of the Ndé nation and government throughout the history of Ndé-white relations.

Ndé internal leadership, composed primarily of women who were heads of families, used political tactics and strategies that proved decidedly resilient in the face of the onslaught of the Anglo hordes. In order to understand how the Ndé maintained sovereign independence from the Republic of Texas, one must first delineate Lipan Apache socio-political structure. This tribal nation promoted a polity with its basis in local family groups founded on matrilocal principles and matrilineal kinship formation.[4] Ndé women controlled the family unit as late as the early nineteenth century. Ndé men resided with the families of their wives, and the Ndé family line traced itself from grandmother to mother to daughter. The local family base expanded further to include the notion of a band, a collection of three to four extended families.[5] While the term "band" has negative connotations because anthropologists defined this group formation as the primary political structure among the Lipan Apache, this chapter uses the term "band" only as a third tier in Lipan socio-political structure.

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[2] Morris E. Opler, "The Lipan and Mescalero Apaches in Texas," in *Apache Indians X* (New York: Garland Publishing, 1974), 216.
[3] Opler, "Lipan Apache," 949.
[4] Morris E. Opler, "Lipan Apache," 950.
[5] Minor, *Light Gray People*, 87.

Larger than the bands, the divisions, the Upper Lipan, the Lower Lipan, and the Mexican Lipan, comprised the three basic political divisions of the Ndé nation based on geographical location. In the historical record, Euro-Americans identified the Plains Lipan as the Upper Lipan. They designated the Forest Lipan as the Lower Lipan. The third division, the Mexican Lipan, arose primarily because of the bifurcation along the border between the United States and Mexico.[6] This division resulted in a north-south formation as well as an east-west structure between the Mexican, Lower, and Upper Lipan. Some of the names of bands that comprised subdivisions of each larger sphere included the Sun Otter Band and the High-Beaked Moccasin Band under the Lower Lipan division, the Fire/Camp Circle Band and the Pulverizing Band under the Upper Lipan division, and the Big Water Band and the Painted Wood Band under the Mexican Lipan division.[7] The largest concentric sphere of Lipan Apache government comprised the nation as a whole.

National integrity entailed language, cultural affiliation, and participation in a loose arrangement of trade both intertribal and intratribal. The loose structure at the national level allowed Ndé people to alter their group formation in order to resist the invaders. Divisions could re-form with different bands. Alternate family groups could join a different band if necessary, and bands could break up into extended family groups in the face of warfare or decimation from Spanish or Anglo attacks. Within each sphere, these groups could form and re-form according to a resilient, flexible, and fluid notion of popular sovereignty.[8] Ndé women formed the backbone of internal politics.

[6] Opler, "Lipan Apache," 951-952.
[7] Minor, *Light Gray People*, 93-97.
[8] Minor, *Light Gray People*, 88.

External Sovereignty: Lipan Leadership in the 1830s, 1840s, and 1850s

In a subversion of women's power, colonizing states in the mid-nineteenth century drastically altered the political roles of Ndé men and women in diplomatic negotiations. According to my own primary source research, because of patriarchal expectations on the part of settler leadership, Ndé men began filling the roles Ndé women held in diplomatic relations. From the beginning of the eighteenth century to the early part of the nineteenth, Ndé women not only led on the level of the family group but also engaged actively in diplomatic relations with the Spanish settler state. Ndé men led war parties in early times, yet Ndé women usually brokered peace negotiations in relation to colonial Spanish attempts at social control. In the 1830s, Ndé peace leadership began to change along the lines of gender. The colonial powers forced Ndé men into peaceful leadership roles and shunted Ndé women aside.

This gendered violence appeared with regard to the primary representatives of the Ndé in relations with Mexico, the Republic of Texas, and the United States. Male peace representatives led their respective family groups originating in the bands of the Lower Lipan. The Flacco family male leaders represented the High-Beaked Moccasin Band. El Flacco ("thin one" in Spanish) led this band until 1843 when he died. Anglo-Texans murdered his son before he could assume the mantle of leadership. Leadership of this band passed into the hands of Flacco Chico ("thin boy") also known as Juan, or John, Flacco. He attained the position of chief in 1844. Sun Otter Band representation during the years of the Texas republic fell on the Castro family. Cuelgas de Castro led his people until 1842 when he passed away. His sons Ramón and Juan Castro continued

holding the reins of leadership after occupation by the United States.[9] The historical record remains silent on the roles of Ndé women in leadership positions at this time. Mexicans, Texans, and representatives of the United States, unlike the colonial Spanish, refused to negotiate peace settlements with women whom settlers considered to be vastly inferior to men. The historical record also does not reveal the power dynamic between Ndé women and men at this time, although in recognizing only men as leaders the settler states contributed to the general chaos and tribulations of the Lipan in the 1830s, 1840s, and 1850s.

A Note on Terminology

As for terminology, the preferred term of art for more than one tribal people throughout the globe is "indigenous." While this word is the term I use the most throughout the thesis, I also incorporate such terms as "Indian," "American Indian," "Native American," and "Native peoples" in the course of my writing. I use these other terms consciously in an effort to avoid repetition in the thesis. Moreover, the semantics of each of these terms is essentially the same. While the term "Indian" is a misnomer, many tribal people still use this term in everyday parlance. As a result, I do not see fit to problematize use of this word. For the Lipan Apache, the preferred term of art is "Ndé" because that is what the people call themselves. I, however, have used the terms "Ndé," "Lipan Apache," "Lipanes," and "Lipan" interchangeably throughout my writing. Again, I have done so in an effort to avoid repetition. I hope that by making this acknowledgment that I do not incur the anger of the Ndé who read this thesis. I have made use of several terms in reference to indigenous nations and the Ndé, specifically. These terms are significant in the historiography of the indigenous peoples of Texas.

[9] Minor, *Light Gray People*, 106-107.

Chapter 1. National Homelands:

Writing the History of the Indigenous Peoples of Texas with Special Reference to the Lipan Apaches

Time and time again, the colonial administrations of Texas sought to destroy, absorb, or remove indigenous peoples from the geopolitical construction of the settler state. Native peoples as nations resisted the coercion these regimes implemented on a political and symbolic level. Out of this sense of indigeneity, Native Americans retained their concept of nationhood. Nationhood defines the political relations of indigenous peoples. Birth of adoption into the culture and society of an Indian nation defines nationhood. Each indigenous people in Texas constituted a nation. In each nation, territorial integrity demanded that this nation's geopolitical formation comprise a homeland. Historically, these national homelands took precedence over and above the claimed boundaries of the Spanish province, the Anglo republic, and the state of Texas. This paper asserts the significance of historical literature relating to the indigenous peoples of Texas with emphasis placed on diplomatic and military engagements between settler states and the Ndé, or Lipan Apache. Progressive histories of indigenous peoples promote positive interpretation of the lives and agency of the Texas Indians and, in particular, the Lipan Apaches. The purpose of this literature review functions to understand some of the strands of historical writing that reflect perspectives on indigenous and subject peoples in an effort to examine changes in historiography over time. This paper advocates for the continued inclusion of indigenous-centered histories in historical writing relating to the geopolitical dominion of what is now Texas.

Histories of the Texas Indians changed from the progressive era historical writing of the 1910s and 1920s to cultural analyses in the 1930s and 1940s. As a result of the termination policies of the 1950s and early 1960s, historians of Native peoples modified their interpretation to reflect negative views. While the American Indian Movement of the late 1960s and 1970s had little effect on the historiography of Texas Indians, the Indian Claims Commission decision regarding the Lipan Apaches had an impact on historical writing about the Ndé. The 1980s and 1990s saw the rise of several tribal histories of Native peoples in Texas. At this time, only one historian saw fit to write about the Ndé. From 1999 to 2011, historians expanded their horizons to include syntheses of Texas Indian history. By 2007, tribal histories of the Ndé began to make their appearance.

Two watershed events played primary roles in the political evolution of the Lipan Apache Nation and subsequent publications in the late twentieth and early twenty-first centuries. By 1999, Daniel Castro Romero established the Lipan Apache governing body that remains at the forefront of the movement for federal recognition today. On March 18, 2009, Texas granted recognition to the Lipan Apache as an indigenous nation forming its own governing body. State recognition of the Ndé coincided with the dissemination of Lipan Apache tribal histories. This chapter argues that much of the scholarship about the Ndé and the Native peoples of Texas in general developed as a result of political events.

The vast majority of histories involving the Texas Indians follow the trajectory of studies in eighteenth and nineteenth century Texas history. Indigenous histories follow this arc because Texas expelled the vast majority of Indians within its claimed boundaries by 1859. In the eighteenth century, the Ndé bounded their homeland in what is now south

Texas and northeastern Mexico. The Comanche lived to the northwest. The Caddo Nation settled in northeastern Texas and northwestern Louisiana. The nineteenth century saw turbulence and forced indigenous removal to the west of encroaching Anglo-Texas settlement. Texans forced several Lipan Apaches south into Mexico and further into West Texas. Eventually, Anglos expunged the Caddo, the Wichita, and the Tonkawa north to Indian Territory. The Comanche remained in northwest Texas until the 1870s when the U.S. government relocated the nation to Indian Territory. The Ndé journeyed into Mexico or blended with the *tejano* population during the eighteenth and nineteenth centuries.

Histories of the indigenous peoples of Texas in the 1910s and 1920s, progressive in nature, reflected the professionalization of the historical discipline and claims to objectivity. Objectivity at this time meant thorough archival research with little or no interpretation or analysis.[10] Two articles, both published in the Texas-based *Southwestern Historical Quarterly*, illustrate this so-called objective approach. In Anna Muckleroy's "The Indian Policy of the Republic of Texas," the author delineates her subject matter from an extraordinary distance. She attempts to efface herself from the narrative altogether. The article, originally a Master's thesis for the History Department at the University of Texas in Austin, reads in an objective manner at the expense of social historical perspectives. Muckleroy provides the facts of various presidential Indian policies with no analysis or interpretation. While she appears to favor the peace policies of the Sam Houston administrations with regard to the Native peoples of Texas, it remains unclear as to what stance Muckleroy takes on the issues involved. Her writing,

[10] Two examples of "objective" historical writing at this time include William Edward Dunn, "Apache Relations in Texas, 1718-1750," *Quarterly of the Texas State Historical Association* 14 (January 1911), 198-275; J. Fred Rippy, "The Indians of the Southwest in the Diplomacy of the United States and Mexico, 1848-1853," *The Hispanic American Historical Review* 2 (August 1919), 363-396.

along with the following article discussed, belongs properly to reporting in its quest to avoid argument in favor of or against administrative policies.[11]

Writing three years later, Lena Clara Koch's "The Federal Indian Policy in Texas, 1845-1860," follows an approach similar to that of Muckelroy. Again, the author adapted her Master's thesis from the University of Texas in Austin for publication in the same historical journal. Koch displays a paternalistic attitude in relation to the indigenous peoples of Texas, referring to them at one point in her article as "children." Most of her writing, however, takes no particular stance on indigenous peoples or the destructive policies of the United States in the 1840s and 1850s. Along with Muckleroy, she includes specific mention of the Lipan Apaches, an advantage in its own right, yet her work chronicles historical events rather than providing thoughtful analysis of the significance of federal Indian policies on the Native peoples of Texas. In an effort to remain impartial to events portrayed, both historians provide simplistic lists of events. While each of the authors delineated their research in a meticulous and exacting examination of primary sources, both historians remain unconcerned on an intellectual level with the subject matter of their articles.[12]

In a manifest alteration from previous studies of indigenous peoples, anthropologists in the 1930s collected information on the Ndé among other Texas tribes and published their results in the 1940s and early 1950s. Indeed, at this time, histories and cultural studies of the Ndé, the Caddo, and the Comanche developed positive descriptions of indigenous peoples. By its very nature, anthropology requires rapport with Native

[11] Anna Muckleroy, "The Indian Policy of the Republic of Texas," *Southwestern Historical Quarterly* 25 (April 1922), 229-260; 26 (July 1922), 1-29; 26 (October 1922), 128-148; 26 (January 1923), 184-206.

[12] Lena Clara Koch, "The Federal Indian Policy in Texas, 1845-1860," *Southwestern Historical Quarterly* 28 (April 1925), 259-286; 29 (July 1925), 19-35; 29 (October 1925), 98-127.

Americans. As a result, anthropological studies emphasize indigenous peoples and their oral histories as sources in and of themselves. In the 1930s, the discipline of anthropology demanded co-authorship with Native peoples.[13] At this time, the anthropologist Morris E. Opler produced one of the first book-length works taking as its subject the cultural study of the Ndé. In his *Myths and Legends of the Lipan Apache Indians* (1940), Opler set forth his research of the sacred stories, including the origin story, of the Ndé using Native American "informants."[14] The term "informant" presents a problem to the contemporary intellectual of indigenous studies. The connotation of the word in the 1930s and 1940s, however, lacked the demeaning sense ascribed to it today.

Historians of the 1940s and early 1950s began to develop positive views of the Native Americans of Texas. Grant Foreman, in his "Texas Comanche Treaty of 1846," provides an excellent example of the glimmer of new historical writing about indigenous peoples of Texas. While resorting to an element of objectivity, Foreman's respect for the Comanche and the Ndé among other Native peoples reveals much about his earnest perspective in support of the Indians in Texas.[15] In Howard Lackman's "The Howard-Neighbors Controversy: A Cross-Section in West Texas Indian Affairs," the author provides a supportive role to Native Americans in the interaction between two Indian agents in Texas.[16] The writings of both of these authors produce narratives that would be

[13] See, for example, John R. Swanton, *Source Material on the History and Ethnology of the Caddo Indians* (Norman: University of Oklahoma Press, 1996); Andrée F. Sjoberg, "Lipan Apache Culture in Historical Perspective," *Southwestern Historical Quarterly* 9 (Spring 1953), 76-98.

[14] Morris Edward Opler, *Myths and Legends of the Lipan Apache Indians* (New York: American Folk-Lore Society, 1940).

[15] Grant Foreman, "The Texas Comanche Treaty of 1846," *Southwestern Historical Quarterly* 51 (April 1948), 313-322.

[16] Howard Lackman, "The Howard-Neighbors Controversy: A Cross-Section in West Texas Indian Affairs," *Panhandle-Plains Historical Review* 25 (1952), 29-44.

later taken up by historians in the 1970s. The intervening period, however, remained pejorative to Native American issues.

Terminationist federal Indian policies began in earnest in the mid-1950s. As a result, historical scholarship remained problematic in relation to Texas Indians until the early 1970s. The method in which such racial bias revealed itself in historical scholarship included problematic references to indigenous peoples as "cannibals" and "savages." These histories placed historical events in relation to Native Americans firmly in the distant past.[17] At this time, scholarship elided references to contemporary conditions of indigenous peoples into an absence. This absence of the contemporary voice of the Texas Indians resulted in distant, so-called objective histories that patently ignored the reality of indigenous peoples during the fifties and sixties in favor of historical renderings of fact in the eighteenth and early nineteenth centuries.

W. W. Newcomb's *The Indians of Texas* (1961) exemplifies this type of pejorative historical writing. In his book, the author asserts that by understanding Texas Indians, readers lessen their parochial beliefs in their own culture. The relation between historical study of the Texas Indians and today's society raises awareness of difference in others outside of the mainstream. The author believes that although all people have the same innate capabilities, they evince diversity through culture. Natural environment can explain cultural differences only in part. A culture itself is an organization of materials, patterns of behavior, beliefs, epistemologies, and feelings that characterize a particular nation. Newcomb also asserts that culture constantly accumulates, changes, and moves. Newcomb's primary interest revolves around Texas Indian cultures prior to their

[17] See, for example, David M. Vigness, "Indian Raids on the Lower Rio Grande, 1836-1837," *Southwestern Historical Quarterly* 51 (April 1948), 313-322; W.W. Newcomb and Curtis Tunnell, *A Lipan Apache Mission: San Lorenzo de la Santa Cruz, 1762-1771* (Austin: Texas Memorial Museum, 1969).

"corruption" by so-called "advanced" civilizations such as the Spanish, the French, and the United States.[18]

This book focuses on the historic tribes of Texas including the Coahuiltecans, the Karankawa, the Lipan Apache, the Tonkawa, the Comanche, the Kiowa, the Jumanos, the Wichita, the Attakapa, and the Caddo. Newcomb classifies the tribes according to region and cultural variation. Three primary classifications include the peoples of the western Gulf, the peoples who adapted the horse to their nomadic culture, and the agriculturalists. Newcomb delineates religious rituals of the Indians including the Sun Dance, the sacred story of Bright Shining Woman, and the vision quests of medicine people. Lipan Apache medicine people, for example, helped the Ndé to win wars because they could bring misfortune to enemies and predict their approach.

In his work, Newcomb acknowledges that he provided no original research on the Texas Indians. He made use of no archives. Instead, he focuses on published primary sources including linguistic studies, ecological studies, ethnographies, explorers' accounts, the archaeological record, correspondence, memoirs, government documents, drawing, maps, photographs, diaries, journals, captivity narratives, private papers, and documents of the Catholic Church.

Although Newcomb carefully phrases his definitions of "savage" and "barbarian," he employs condescending terms with impunity. He believes that the onslaught of western civilization doomed Native Americans from the beginning. This belief denies agency to Native Americans, refuses to recognize the Native present, and presumes a problematic definition of progress. Newcomb frames so-called "pre-contact" Indian

[18] W.W. Newcomb, *The Indians of Texas: From Prehistoric to Modern Times* (Austin: University of Texas Press, 1961).

nations as static and unchanging. In comparison to Native cultures he makes anachronistic references to modern Anglo-American culture. He covers no historical processes until the last chapter, and, even then, he laces his narrative with celebratory accounts of the Anglo-Texans at the expense of indigenous peoples.

Newcomb's work broke ground for the time in which he wrote because he focused on Native American culture as an object of study. For the early 1960s, his work represented a sincere accomplishment. His evaluation of Native religion, although termed "supernaturalism," provides a useful account of indigenous religious beliefs, actions, and material culture that remains a powerful explanation of Native ceremonies. While incorrectly asserting that most Native Texas tribes practiced cannibalism, Newcomb provides an enlightened analysis of subsistence activities on the part of indigenous peoples, including agriculture. The details provided allow for a deep understanding of Native cultures during European contact. His book, however, is exemplary of the oppressive era in which he worked.

In contrast to Newcomb's work, the rise of the American Indian Movement in the 1970s resulted in increased awareness of the rights of indigenous peoples. Texas Indians, however, remained neglected during this time period. Indeed, the most cogent analyses comprised testimony before the Indian Claims Commission.[19] At this point in time, preliminary research in the histories of the indigenous peoples of Texas began to make an appearance, although this research, couched in somewhat pejorative terminology,

[19] Publications resulting from this testimony include Kenneth F. Neighbours, *Government, Land, and Indian Policies Relative to the Lipan, Mescalero, and Tigua Indians* (New York: Garland Publishing, 1974); Morris E. Opler, *The Lipan and Mescalero Apaches in Texas* (New York: Garland Publishing, 1974); Verne F. Ray, *Ethnohistorical Analysis of Documents Relating to the Apache Indians of Texas* (New York: Garland Publishing, 1974).

remained problematic.[20] While various indigenous groups throughout the United States engaged in political uprisings, reflected in historical scholarship, the historiography of the Native peoples of Texas remained strangely reticent in connecting historical to contemporary events.

With the 1980s, conservative backlash manifested itself, and historians wrote few works on the indigenous peoples of Texas. Some tribal histories written at this time, however, comprised exceptional works contributing to the historiography of the indigenous peoples of Texas. One history of the Caddo comprised the publication of Herbert Eugene Bolton's research performed in the early part of the twentieth century. While his research was thorough, Bolton placed his research in the distant past without reference to contemporary indigenous peoples.[21] In the late 1980s, two significant tribal histories made their appearance. Caddo tribal historiography received an added boost from a history, *Hasinai: A Traditional History of the Caddo Confederacy* by Vynola Beaver Newkumet and Howard L. Meredith (1988), that combined historical analysis with oral history.[22] Moreover, the first Lipan Apache tribal history garnered academic recognition at this time. In the early 1980s, the borderlands scholar David J. Weber also produced a historical synthesis of nineteenth century Mexican history that included aspects relevant to indigenous history.

Weber's *The Mexican Frontier* (1982) a groundbreaking work in many respects, proposed an entirely new form of diplomatic, social, and cultural history in relation to the

[20] See Kenneth F. Neighbours, *Robert Simpson Neighbors and the Texas Frontier, 1836-1859* (Waco: Texian Press, 1975); Elizabeth A.H. John, *Storms Brewed in Other Men's Worlds: The Confrontation of Indians, Spanish, and French in the Southwest, 1540-1795* (College Station: Texas A&M University Press, 1975).

[21] Herbert Eugene Bolton, *The Hasinais: Southern Caddoans as Seen by the Earliest Europeans* (Norman: University of Oklahoma Press, 1987).

[22] Vynola Beaver Newkumet and Howard L. Meredith, Hasinai: A Traditional History of the Caddo Confederacy (College Station: Texas A&M University Press, 1988).

borderlands between the United States and Mexico. The author argues that the Mexican government viewed the northern frontier as remote and, consequently, did little to protect it from Indian "depredations" and economic imperialism on the part of the United States. The exception comprised the defense of Texas from 1835 to 1836, although this policy ultimately failed as well. By the end of the Mexican period, each of the provinces with the exception of northern Sonora viewed themselves more as economic allies of the United States than as governments loyal to the centralist power of Mexico City.[23]

Weber breaks down his history into a discussion of the different regions of the far north of Mexico including Alta California, northern Sonora, New Mexico, and Texas. Alta California, a place of great wealth, continued its prosperity after the secularization of the missions in the 1830s. Northern Sonora remained sparsely settled as a result of Apache attacks in defense of their homelands on settlers. New Mexico changed during the Mexican period from a strong allegiance to Spain to the development of economic ties to the United States because of the incentive to trade with Anglos on the Santa Fe Trail. Texas, poorly defended, opened its borders to Anglo-American settlers. Eventually Anglo settlers rebelled and overran Texas with a regime in which prominent *tejanos* took part, at first.

The author makes extensive use of primary sources including private papers, correspondence, explorers' accounts, journals, diaries, censuses, official reports, memoirs, autobiographies, compendiums of laws, constitutions, treaties, government documents, government reports, government instructions, documents of the Catholic Church, newspapers, expositions, speeches, addresses, land records, poetry, and

[23] David J. Weber, *The Mexican Frontier, 1821-1846: The American Southwest Under Mexico* (Albuquerque: University of New Mexico Press, 1982).

architecture. The author performed research in many archives in Mexico and the United States.

Weber hardly describes the impact Native American nations had on the development and demise of the Mexican colonies in the far north. Any exposition of the Mexican era in Texas and New Mexico must include a description of the impact of Native American nations on the economies of these colonies. Weber, however, pays scant attention to indigenous peoples. He ascribes recognition in his history to the impact of the California Indians on the development of the colony of Alta California, although Weber neglects to mention the abuse suffered by the California Mission Indians at the hands of the friars and, later, the secular *californios*.

This book is comprehensive and thoroughly researched. Weber's use of Spanish language histories allows for a much broader concept of history and opens up a much-needed dialogue between Mexican historians on the one hand and U.S. historians on the other. His analysis of cultural, political, and economic frontier institutions allows for an interpretive reading of the primary sources for his text. His understanding of the broad historical forces that led to the annexation of the territories in the far north of Mexico to the United States clarifies a much neglected portion of Mexican and U.S. history.

Another narrative reflects a development in the writing of tribal histories as a result of the rise of intellectuals advocating for revised American Indian history in the 1970s and 1980s. Thomas F. Schilz in *Lipan Apaches in Texas* (1987) argues that for much of the time during the nineteenth century, the Lipan Apaches struggled between two warring nations, the United States and the Comanche. The United States exploited Lipan Apaches through employment as scouts against the Comanche. Eventually the U.S.

and the Comanche, in warring with each other, drove the Lipan Apaches outside the boundaries of the United States and, later, onto a reservation in southern New Mexico.[24]

The author divides Lipan Apache history into four periods. In turn, these periods each reflect a particular colonial power in its relation to the Lipanes. From 1542 to 1821, the era of Spanish colonization, Lipan Apaches controlled most of south Texas and what is now northeastern Mexico. From 1821 to 1846, the period of Mexican colonization and the Republic of Texas took effect. In this era the Apache, according to the author, acted as scouts and defenders of the Mexicans and Anglo-Americans against other Texas tribes.

From 1846 to 1860 imperialist U.S. colonization was at the forefront of relations between the Lipan Apaches and empire. The Lipanes avoided the most stringent controls of the United States. In fact, the nation divided into two groups, a southern group in what is now Mexico and a northern group in south Texas that treated with the United States. From 1860 to the 1880s the U.S. military imposed an aggressive policy against Lipan Apaches. By 1865, the northern and southern groups had reunited in northern Mexico only to be defeated in the 1870s. In the 1880s the United States forcibly removed the tribal nation from northern Mexico to the Mescalero Apache Indian Reservation in New Mexico.

Schilz makes some use of primary sources including narratives of conquest expeditions, published historical documents, correspondence, official documents of the Spanish colonies, journals of Anglo-American explorers, official documents of the Texas *empresario* Stephen Austin, official documents of the Mexican government, historical documents relating to the Texas Revolution of 1835, memoirs, published reports relating to the Texas Indians, United States government documents, and diaries. Schilz

[24] Thomas F. Schilz, *Lipan Apaches in Texas* (El Paso, TX: Texas Western Press, 1987).

performed research in the following archives: the *Archivo General y Publico de la Nación*, the Bexar Archives at the University of Texas at Austin, and the National Archives in Washington, D.C.

The author's narrative suffers from lack of interpretation. Schilz fails to provide strong historical analysis of the events given in the text. At times, the narrative reads like a chronicle. Schilz discusses facts and events without much analysis. The author pieces together historical events including migrations, wars, conflicts, and changes in tribal leadership. Schilz's periodization also explores different colonial powers that affected Lipan Apaches over time. He engrosses himself in the political economy of the nation without a close study of culture. This first foray into the tribal history of the Lipan Apaches exemplifies many initial attempts to write indigenous histories.

In the 1990s, historians wrote several tribal histories, although the Ndé remained excluded from serious historical scholarship. Non-Indian historians wrote about the Comanche, Caddo, Wichita, Karankawa, and Jumano peoples of Texas.[25] Each of these historians centered one or two indigenous peoples in academic scholarship. An indigenous historian, Cecile Elkins Carter, also wrote a tribal history of the Caddo titled *Caddo Indians: Where We Come From* (1995).[26] This indigenous-centered history comprised one of the few tribal histories written by an indigenous historian during the 1990s.

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[25] Stanley Noyes, *Los Comanches: The Horse People, 1751-1845* (Albuquerque: University of New Mexico Press, 1993); Nancy Parrott Hickerson, *The Jumanos: Hunters and Traders of the South Plains* (Austin: University of Texas Press, 1994); F. Todd Smith, *The Caddo Indians: Tribes at the Convergence of Empires, 1542-1854* (College Station: Texas A&M University Press, 1995); F. Todd Smith, *The Caddos, the Wichitas, and the United States, 1846-1901* (College Station: Texas A&M University Press, 1996); Thomas W. Kavanagh, *The Comanches: A History, 1706-1875* (Lincoln: University of Nebraska Press, 1996); Robert A. Ricklis, *The Karankawa Indians of Texas: An Ecological Study of Cultural Tradition and Change* (Austin: University of Texas Press, 1996).

[26] Cecile Elkins Carter, *Caddo Indians: Where We Come From* (Norman: University of Oklahoma Press, 1995).

Beginning in 1999, several professional historians began to write syntheses of historical events relating to the Texas Indians as a whole along with the standard tribal histories. At the same time, tribal histories proliferated as well. The tribal histories differed from previous works in the sense of the incorporation of social theory into the texts.[27] Syntheses of Texas indigenous history also incorporated cultural philosophies at this time.[28] Non-Indian historian Gary Clayton Anderson has played a significant role in the adaptation of theory into historical writing since 1999.

In his attempt to incorporate Native Americans into mainstream history, Gary Clayton Anderson in *The Indian Southwest* (1999) seeks to develop new concepts in describing events in colonial Spanish and Mexican Texas. The author argues that the Jumanos along the Rio Grande comprised the earliest Native group to establish hegemony as a result of interaction with the Spanish in the late sixteenth and early seventeenth centuries. After the Spanish virtually destroyed Jumano culture, the Apaches asserted dominance throughout colonial Texas in the seventeenth century. As a result of Spanish machinations to defeat the Apaches, the *norteños* (comprised of the Wichita, the Caddo, and the Comanche nations among others) asserted hegemony on the southern Plains in the eighteenth and early nineteenth centuries.[29]

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[27] See, for example, F. Todd Smith, *The Wichita Indians: Traders of Texas and the Southern Plains, 1540-1845* (College Station: Texas A&M University Press, 2000); Mark Santiago, *The Jar of Severed Hands: Spanish Deportation of Apache Prisoners of War, 1770-1810* (Norman: University of Oklahoma Press, 2011).

[28] Maria F. Wade, *The Native Americans of the Texas Edwards Plateau, 1582-1799* (Austin: University of Texas Press, 2003); David J. Weber, *Bárbaros: Spaniards and Their Savages in the Age of Enlightenment* (New Haven: Yale University Press, 2005); Juliana Barr, *Peace Came in the Form of Woman: Indians and Spaniards in the Texas Borderlands* (Chapel Hill: University of North Carolina Press, 2007); Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008).

[29] Gary Clayton Anderson, *The Indian Southwest, 1580-1830* (Norman: University of Oklahoma Press, 1999).

The author further defines ethnogenesis as a process whereby a tribe or nation incorporates people from other indigenous polities or European powers. As a result of tribal incorporation, many tribes contributed to the formation of a new people. Spanish colonial policy fragmented the Jumanos early on. They formed into a new tribal grouping at the *ranchería grande* and later developed into the Tonkawa people, at least in part. The Apaches also engaged in ethnogenesis by incorporating apostate mission Indians into their cultural and national group. The Comanche adapted themselves along the lines of ethnogenesis in capturing Native people from other nations, Spaniards, Mexicans, and Anglos.

Anderson makes extensive use of primary sources including government and colonial reports, exploration accounts, memorials, testimonies of missionaries, journals, diaries, letters, laws, quantitative studies, government petitions, drawings, and anthropological accounts. He performed research in many Spanish and French archives.

Anderson's narrative contains a great deal of technical language and use of theoretical terminology defined only lightly. The author, in a move ascribed to anthropological writing, elides difference and historical change within tribal societies except in blocks of time. He uses periodization to discuss this change without focusing on the micro-level of historical difference within and among Native communities. On a positive note, Anderson employs Marxist theory to great advantage in describing Native peoples during the Spanish colonial era. Too often, Marxist historians relegate indigenous peoples to the level of "simple, primitive" economies. Anderson revises this theory to include the notion of a legitimate political economy among Native Americans. In introducing the concept of ethnogenesis to the history of Native peoples in Texas,

Anderson expands understandings of Native societies as fluid and transitional instead of static and unchanging. The author develops theoretical complexity in writing about historical events pertaining to Native Americans. The historiography of Native Americans in Texas only increased in sophistication after the publication of this book.

Kelly F. Himmel's *The Conquest of the Karankawas and Tonkawas* (1999) epitomizes the theory-based approach to historical writing in the late 1990s. In his book, the author argues that originally the Spanish viewed the coastal Karankawa in Texas as a barrier to French, British, and U.S. intrusion into New Spain. Similarly, during Mexican occupation and the establishment of the Republic of Texas, Mexicans and Anglo-Americans found that the Tonkawa acted as a buffer between their settlements and the Wichita and Comanche peoples. For these reasons, the colonizers of Texas established trade and treaty negotiations with the Karankawa and Tonkawa. In the case of the Karankawa, Anglo-American settlement in Stephen Austin's colony entailed the end of peaceful diplomacy between the Karankawa and officials of the province of *Coahuila y Texas* in the Mexican republic. The extension of the frontier with the annexation of Texas in 1845 resulted in a break in diplomatic relations between the settler state and the Tonkawa. Because of the extension of the frontier beyond these buffer zones, Anglo-Texans and Anglo-Americans later brushed aside recognition of the Tonkawa and Karankawa as independent nations. As a result, the United States and its settlers annihilated the Karankawa as a cultural group and forcibly removed the Tonkawa to Indian Territory. Himmel's analysis is particularly useful in his delineation of the general Indian policies of the United States and the Republic of Texas.[30]

[30] Kelly F. Himmel, *The Conquest of the Karankawas and the Tonkawas, 1821-1859* (College Station: Texas A&M University Press, 1999).

Himmel makes use of primary sources including correspondence, accounts by explorers, journals, memoirs, diaries, government reports, personal papers, autobiographies, laws, newspapers, and collections of primary source documents relating to Indian affairs. Himmel performed research in the Bexar Archives and the Center for American History at the University of Texas at Austin.

In historical sociology's effort to grasp larger social processes through the lens of theory, the discipline neglects the singularity and particularity of the historical events portrayed. Himmel's work typifies this approach. The author provides insufficient information on Mexican policy toward the Karankawa and Tonkawa and focuses almost exclusively on the Spanish, the Anglo-Texan, and the Anglo-American periods. Himmel engages historical texts peripherally because he seeks primarily to prove sociological theories. Because he takes this perspective, however, Himmel provides some fresh insights about the history of the Indians of Texas and their conquest. His use of theoretical models from sociology describes macrohistorical processes. The author's focus on memoirs of Anglo-Texans during the Mexican period and the regime of the Republic of Texas allows for a nuanced understanding of the intimate relations between Anglos and the Karankawa and Tonkawa. Still, his analysis proves too limited in scope. The histories of both Himmel and Anderson apply Marxist and sociological theories to the situation of Native Americans, giving rise to deeper modes of analysis.

In contrast to Himmel and Anderson, David La Vere in *The Texas Indians* (2004) rewrites a survey of the Texas Indians in direct response to Newcomb's *The Indians of Texas*. La Vere argues that Spanish colonialism made many tribes of Texas dependent, to a certain extent, on Spanish trade goods. The French supplied guns to the tribes north and

east of Texas. Missionization in the Rio Grande area of Texas resulted in the Hispanization of the Indian populace and the virtual disappearance of the Jumano and the Coahuiltecans. Anglo contact with the tribes of Texas resulted in policies of removal and extermination. In his book, La Vere recognizes that the original tribes at about the year 1500 C.E. included the Caddo of East Texas, the Karankawa and the Atakapa on the Gulf Coast, the Jumano along the Rio Grande, the Coahuiltecan in South Texas, and the Wichita in the Texas Panhandle. According to the author, the Lipan Apache immigrated to Texas in the sixteenth century. The Comanche immigrated to Texas in the seventeenth century. Various eastern tribes, as a result of the Indian Removal policies of Andrew Jackson, including the Choctaw, Chickasaw, Cherokee, Creek, Seminole, Kickapoo, Shawnee, Delaware, found refuge in Texas in the early nineteenth century. Spanish contact resulted in the establishment of missions along the Rio Grande and the founding of San Antonio.[31]

The wars over Texas in the early to mid-nineteenth century resulted in the decimation of many Native populations through disease and depredations. Texas and the U.S. removed the Wichita, Caddo, and the Peneteka Comanche to reservations on the Upper Brazos River in 1854. By 1859, Anglo-Texans coveted these reservation lands and drove these tribes into Indian Territory. The author argues that three primary groups of Texas Indians survived the wars of extermination and removal: the Tiguas of El Paso, the Mexican Kickapoo on the Rio Grande, and the Alabama-Coushatta near the city of Houston. La Vere neglects to mention Texas state recognition of the Lipan Apache.

La Vere uses some primary sources including archaeological information, the writings of anthropologists, the reports of conquistadors, letters between various Spanish

[31] David La Vere, *The Texas Indians* (College Station: Texas A&M University Press, 2004).

government agents, journals of French explorers, diaries of French and Spanish visitors to Texas, and the *Texas Indian Papers*.

La Vere's material lacks cogent analysis of Texas Indian history. The book, a survey, remains unfocused in scope. La Vere's book, however, provides a wealth of information on the Texas tribes from first European contact to the present. Although the text lacks clarity at times, the book provides a careful analysis of certain historical moments. In a significant difference from Newcomb, the author portrays macro-processes of change over time among the Indians of Texas. Most survey histories lack nuance in discussing historical processes and social change. Instead, La Vere writes a dynamic survey history of the Texas Indians.

In another survey history of the Texas Indians in the nineteenth century, Gary Clayton Anderson in *The Conquest of Texas* (2005) provides a more in-depth analysis of the dynamics of Texas history focused solely on the nineteenth century. The author, in defining the annihilation and removal of Texas Indians as ethnic cleansing, asserts that the difference between ethnic cleansing and genocide is one of degree and geopolitical placement. Genocide is the outright extermination of a people or peoples. Instead, ethnic cleansing involves the forced displacement of peoples and the creation of a refugee status for them. In this case, Anglo-Texans in the nineteenth century sought to remove from a certain geopolitical area all ethnicities that did not coincide with their own. Ethnic cleansing provides a useful category of analysis for indigenous history.[32]

From 1836 to 1845, with the establishment of the Republic of Texas, the author argues that the Anglo populace began to ethnically cleanse its geopolitical area by

[32] Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005).

legislating the removal of Indians from east Texas to west Texas. From 1845 to 1859, when Texas became a state, the government pushed Indians further west and settled some of them on two small reservations. From 1859 to 1875, Texas pushed the vast majority of Native Americans from its borders, according to the author. Texas Rangers, vigilante militia groups, attacked Native Americans wherever they found them. Some Rangers disguised themselves as Native Americans to incite media and government support in favor of ethnic cleansing.

Anderson used many primary sources including newspapers, letters, diaries, papers, correspondence, governmental records, statistical reports, correspondence, sketches, photographs, and journals. He performed research in archives in Mexico and the United States.

Particularly in the early part of the book, during his discussion of the Mexican era of Texas, Anderson's narrative suffers from a muddling effect. He refers to a number of different historical events and personages in a jumbled manner. The narrative in other parts is also not clear and concise. Anderson, however, performed extensive archival research. His theoretical model of ethnic cleansing, in replacement of genocide, provides a divergent formulation in the classification of wars of extermination in Texas. As with individual tribal histories, later surveys of the conditions of indigenous peoples in Texas such as that of Anderson employ complex theoretical models.

In contrast to Anderson's heavy use of theory, F. Todd Smith's survey of Texas Indian history in *From Dominance to Disappearance* (2005) ascribes the disappearance of the Indians from Texas in part to demographics. While the author denotes warfare and disease as contributing factors, he promotes the idea that Anglos simply overwhelmed the

Indians of Texas by sheer numbers of immigrants from the United States. Smith finds that colonial Spain initiated a peace policy with the Comanches, Wichitas, and Caddos at the expense of positive relations with the Lipan Apaches and Karankawas. The peace itself, however, was always tenuous at best because the Comanche in particular based a part of their culture on raiding horse and cattle herds in Texas, Nuevo León, and Coahuila. The "liberal" policy of Mexico upon its founding included populating the far reaches of the northern province of Texas with Anglo-Americans who converted to Roman Catholicism and purportedly become Mexican citizens. Ultimately, this plan backfired when Anglo settlement came to dominate the province of Texas to the detriment not only of Mexicans but also Indians who lived in Texas long before the Spanish "discovered" the province.[33]

From 1836 to 1845, during the regime of the Republic of Texas, two types of Indian policy appeared. One promoted peace between Anglo settlers and the tribes of Texas. The other promoted wars of extermination and forced removal from the boundaries of the Republic. Eventually, the second type of Indian policy prevailed. During the 1850s, once Texas reached statehood, the United States established two reservations in Texas. The author argues that the reservation policy resulted in failure for two reasons. First, the northern Comanche continued raiding Anglo settlements surrounding the reserves. Second, Anglo settlers blamed reservation Indians for the depredations of the northern Comanche and, as a result, organized militias to massacre and expel Texas Indians in 1859.

[33] F. Todd Smith, *From Dominance to Disappearance: The Indians of Texas and the Near Southwest, 1786-1859* (Lincoln: University of Nebraska Press, 2005).

Smith makes extensive use of primary sources including United States government documents, letters and correspondence, colonial Spanish government documents, Mexican government documents, the Texas Indian Papers, population studies, diaries, depositions, reports, lists of goods distributed to Indians, petitions, census rolls, and Indian treaties. Smith performed research in archives in Spain and the United States.

Smith's work appears to provide only facts without interpretive context. The historical events and material with which Smith works comprise considerable possibilities for further analysis. The book ends abruptly without a synthesis of the arguments provided throughout the work. Smith does not use enough historical, social, and cultural theory to demonstrate credible historical arguments for his thesis.

By contrast, in Hämäläinen's *The Comanche Empire* (2008), the author asserts that this indigenous nation had an adaptive culture that allowed them to assimilate horses, buffalo hunting, and captives into their political economy. These adaptations created the conditions for "empire." Hämäläinen argues that the Comanche comprised the center of a geopolitical nexus that allowed them to play off one colonial power against another. The author defines empire as including conquest, tributary client states, slave markets, an extraction economy, the incorporation of foreign peoples, and cultural influence on subject states. The Comanche "empire" fulfilled each of these requirements. Turning dependency theory on its head, *la comanchería* was at the core of empire, and the Comanche subjugated each of the settlements of the colonial powers surrounding their lands.[34]

[34] Pekka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008).

The author makes extensive use of primary sources including newspapers, explorers' accounts, government documents, letters, diaries, archaeological studies, anthropological studies, environmental studies, interviews with Comanches, reports, testimonies, council proceedings, accounts, statements, depositions, itineraries, demographic reports, autobiographies, proposals, treaties, military reports, maps, territorial papers, dictionaries, private papers, petitions, court records, proclamations, military documents, expositions, and captivity narratives.

The work suffers from an overabundance of technical jargon and theory. While this fact makes the book more readable for academics, the author's history remains inaccessible to the general reader. In his effort to describe the Comanche empire, the author neglects an accurate analysis of state formation among other Native American peoples such as the Apaches, the Pueblos, and the Osages. On the other hand, the author carefully ascribes power and ability to Native peoples. The author's use of endnotes and sources engages the academic reader and reflects a concern to be authoritative and exhaustive of the literature on the Comanche. The author's use of the Comanche language comprises an added element to his analysis. His tracing of events from the sixteenth century to the late nineteenth century is comprehensive in its analysis of the rise and fall of the Comanche empire.

The author reverses Immanuel Wallerstein's economic theory of dependency. He ascribes agency to the Comanche and recognition of their accomplishments. His analysis of Comanche culture and the dynamics of cultural change in the era of empire allows for a historical rendering that far surpasses anthropological and ethnohistorical renditions of the societies of Native peoples as static and unchanging. Tribal history reaches new

heights with this work because the author interweaves Comanche history with the histories of other peoples on the edge of empire including the Ndé.

Beginning in 1999, the Ndé began to assert tribal sovereignty in relation to external governments. Early in the 1990s, Daniel Castro Romero and Bernard F. Barcena developed a constitution for the Lipan Apache Band of Texas and began enrolling tribal citizens. They presented their petition for federal recognition to the U.S. government in 1999. In the interceding years to the present, Castro Romero developed a tribal historical narrative to provide justification for continued existence of the Lipan Apache. Schism developed in 2007. As a result of imposition from external sources, in particular the Bexar County District Court, a separate governing body formed from the Lipan Apache Band of Texas. This new governing body, led by Barcena, called itself the Lipan Apache Tribe of Texas. In the spring of 2009, Texas moved to recognize the Lipan Apache as a sovereign nation separate from the state. The Texas legislature also moved to form an official government-to-government relation with the tribe. As a result of these recent historical events, tribal histories of the Ndé proliferated in their dissemination of knowledge with the purpose of providing a scholarly basis for federal recognition.

In the continuation of co-authorship between an indigenous person and a non-Indian tribal historian, William Chebahtah and Nancy McGown Minor published *Chevato: The story of the Apache Who Captured Herman Lehmann* (2007). In this work, the history and biography of Chevato, a Lipan Apache, plays a primary role. Chebahtah, a direct descendant of Chevato, provides an excellent rendition of oral history in relation to his ancestor. Minor provides a thorough analysis of historical events relating to this Ndé man who significantly brought the peyote ceremony to the Comanche in Oklahoma. The

authors argue that Chevato ought to take his place in the annals of history as a Lipan Apache who distinguished himself through his capacity for survival during the reservation era and his dissemination of knowledge about peyote religion to the Mescalero Apache in New Mexico and the Comanche in Indian Territory.[35]

As for sources, perhaps the most significant derivation is the oral history that William Chebahtah introduces. Oral history played a role in the development of indigenous histories of Texas since 1988 with the publication of *Hasinai: A Traditional History of the Caddo Confederacy*. One cannot stress more the importance that oral history provides, particularly in histories that involve the recent past and historical events of the twentieth century. Other sources came from archives such as the Center for American History at the University of Texas at Austin and the National Archives. Genealogical societies and censuses also play a significant role in the development of Chebahtah and Minor's work.

One problem with the book is that at times the facts portrayed in Minor's straight narrative history do not correspond to Chebahtah's reminiscences. The narrative can be somewhat confusing in the sense that Minor often skips significant events only to return to them later. As a result, the chronology appears scattered and repetitive. Overall, this text provides groundbreaking work on the Ndé. The combination of oral narrative with diachronic analysis of related historical events provides a necessary contribution to the development of Lipan Apache histories. Indeed, histories of the Ndé following the publication of this work remained at the level of renditions of historical events based on

[35] William Chebahtah and Nancy McGown Minor, *Chevato: The Story of the Apache Warrior Who Captured Herman Lehmann* (Lincoln: University of Nebraska Press, 2007).

written primary sources. As a result, *Chevato* remains unparalleled in its focus on the combination of Chebahtah's narrative with Minor's historical research.

Minor's books provide effective means for understanding the history of the Lipan Apache. She was tribal historian for the Lipan Apache Tribe of Texas, one of two governing bodies. While factions resulted in a split between the Ndé, Minor effected a description of the Lipan Apaches that included both sides of their story. In *The Light Gray People: An Ethno-History of the Lipan Apaches of Texas and Northern Mexico* (2009), the author gave an excellent cultural and social explanation of the Ndé as a whole indigenous nation. She asserts that the Lipanes performed several cultural ceremonies. She also discusses their political organization. Minor argues that, with careful interpretation of oral histories and written historical documents, she recovers the history of the Ndé through analysis of their economic, cultural, and political status.[36]

Minor's book focuses on ethnological approaches to Ndé history. She includes such topics as political organization, religion, styles of warfare and raiding, economics, and social structure. The author carefully delineates each of the bands and band leaders within the Lipan Apache nation. Minor includes an extensive discussion of Ndé relations, both spiritual and economic, to the bison. One weakness of the book comprises placement of Lipan culture in an ethnographic present. As a result, changes within Ndé culture become subsumed to an eternal, unchanging time frame. Diachronic analysis suffers. In this book, Minor also implied that the Lipan diaspora at the end of the nineteenth century resulted in the end of Ndé cohesiveness and political formation. Her later work serves to repudiate this notion.

[36] Nancy McGown Minor, *The Light Gray People: An Ethno-History of the Lipan Apaches of Texas and Northern Mexico* (Lanham, MD: University Press of America, 2009).

In her third book, Minor writes the history of events relating to the Lipan Apaches in Texas and Mexico. In *Turning Adversity to Advantage: A History of the Lipan Apaches of Texas and Northern Mexico, 1700-1900* (2009), the author provides a privileged analysis based, as stated above, on her role as tribal historian for the Lipan Apache Tribe of Texas. In this book, Minor produces a historical narrative of events relating to the Ndé from the time of their first recognition to contemporary issues affecting the tribe. She asserts that the Lipan Apache had a direct influence on the development of cowboy culture in Mexico and Texas, particularly in the realm of environmental interaction with horses. She finds that the record of events provides a rich source for discussion of Ndé history. She seeks to include the reasons that Lipan Apaches performed their actions both with relation to each other as individuals, as groups, and to the governments of outside powers. She argues that the indigenous nation turned a variety of barriers to development to their advantage over two centuries.[37]

In this work, Minor brings the history of the Ndé up to the present day. As a result, this narrative, more diachronic in nature than her previous book, contributes much to understandings of Lipan Apache history from the eighteenth century to 2009. Over half the book deals with historical events in the 1700s. Minor provides new research based on Spanish-language primary source documents found in archives in Texas. In contrast to her extensive narrative regarding the eighteenth century, Minor's analysis of the Ndé in the nineteenth century lacks clear organization. At these points in her narrative, she skips from one time period to another only to return in discussion to a previous era. The

[37] Nancy McGown Minor, *Turning Adversity to Advantage: A History of the Lipan Apaches of Texas and Northern Mexico, 1700-1900* (Lanham, MD: University Press of America, 2009).

author's work, published by an obscure publishing house with problematic bibliography and footnotes, remains the most insightful analysis of Lipan historical events to 2013.

In *The Lipan Apaches: People of Wind and Lightning* (2009), Thomas A. Britten seeks to provide an academic approach different from Minor's histories of the Ndé. The author argues that the Lipan Apache provide a test case of Native American groups that experienced enormous stress in relation to interaction with external sovereign forces. In this case, those powers that induced Ndé internal strife included the governments of Spain, Mexico, the Republic of Texas, and the United States. Britten seeks to give voice to the Lipan Apache, particularly through the writing of oral narratives passed down over the generations at the beginning of each chapter. He also attempts to recognize and write about agency among the Ndé, although he acknowledges that the sources lean toward the white view of Lipan Apaches. Britten argues that the Ndé maintained cohesiveness in the face of the intended destruction of their people.[38]

Britten's work comprises an analysis that is the most academic of current Lipan Apache histories. At times, his terminology remains difficult and requires advanced knowledge of social theory. In this sense, Britten's work provides legitimation to scholarly understandings of Ndé social and political history. His narrative suffers from insufficient interpretation of certain historical events relating to the Lipan Apaches. For example, his analysis of relations between the Ndé and the Texas Rangers lacks a certain richness of detail found in Minor's books. Britten's book, while useful, provides only a small amount of research in comparison to Sherry Robinson's book.

[38] Thomas A. Britten, *The Lipan Apaches: People of Wind and Lightning* (Albuquerque: University of New Mexico Press, 2009).

Robinson's work *I Fought A Good Fight: A History of the Lipan Apaches* (2013) provides an excellent narrative of historical events relating to the Ndé. She asserts that Lipan Apaches maintained autonomy in relation to the various foreign states that attempted to control and subjugate them. In a negative sense, Robinson denies that the Ndé built an empire or remained victims of circumstances beyond their control. She asserts that the Lipanes initiated violence while, at the same time, other states committed depredations against this indigenous nation. She argues that the history of the Ndé carries a moral tone in uplifting a subject people from the dustbin of history.[39]

Robinson's work is extensively researched and provides excellent footnotes and bibliography. Her perspective remains decidedly in support of the Ndé, both historically and in the present. She distinguishes her work from previous authors by stating that those histories produced too much academic jargon. In this assertion, Robinson is unfair in her assessment. Academic histories provide useful legitimating structures of analysis. Robinson, trained as a journalist, provides a unique perspective on Lipan Apaches. She need not attack other historians without recognizing the benefits they provide as well. Significantly, Robinson references Ndé scholars in her work.

This analysis of historical writing would be incomplete without discussion of indigenous scholars and their contributions to the historical discussion. Three scholars with Native American backgrounds have focused on the history of the Ndé. They include Daniel Castro Romero and Margo Tamez. Both of these historians are Ndé themselves. A third scholar who writes about Lipan Apaches is Enrique Gilbert-Michael Maestas of Jumano descent. Unfortunately, none of these scholars have published books about Ndé

[39] Sherry Robinson, *I Fought a Good Fight: A History of the Lipan Apaches* (Denton: University of North Texas Press, 2013).

history. Tamez received her doctorate from Washington State University in 2010. In 2014, she teaches indigenous studies at the University of British Columbia. Castro Romero is studying for his doctorate at the University of Texas at El Paso. Maestas received his doctorate from the University of Texas at Austin in 2008. While each of these indigenous historians have penetrating analyses of the historical situation of the Ndé, the reader awaits their book-length publications. One must watch for these indigenous scholars to develop their work into book form.[40]

As for my research, its purpose is to examine historical bases for U.S. recognition of Lipan Apaches today. The United States has so far refused federal recognition of the Ndé. My research focuses on historical treaties and social relations between settler states and the Ndé in the early to mid-nineteenth century. The lack of academic scholarship influences my interest in this indigenous people during this time period. My focus on relations between Lipan Apaches and the Republic of Texas serve to provide international diplomatic precursors to U.S. involvement with the Ndé. In analyzing events during this time period between Mexico and the Lipan Apaches, my narrative seeks to provide the grounding for Mexican recognition of Ndé sovereignty today. Most significantly, Ndé interaction with the United States before the Civil War produces a basis for understanding U.S. historical recognition of the Lipan Apache. This historical recognition, then, should encourage the United States to renew diplomatic and political ties with this indigenous nation in the contemporary realm. Although my thesis provides no privileged information through oral narratives, I carefully position myself as an

[40] Daniel Castro Romero, "Cuélcahen Ndé: The Castros of the Lipan Apache Band of Texas" (San Antonio: Lipan Apache Band of Texas, 2004); Enrique Gilbert-Michael Maestas, "Culture and History of Native American Peoples of South Texas" (PhD diss., University of Texas at Austin, 2008); Margo Tamez, "Returning Lipan Apache Women's Laws, Lands, and Power in El Calaboz Ranchería, Texas-Mexico Border" (PhD diss, Washington State University, 2010).

external agent examining perceptions between colonial regimes and Native peoples. My research adds to previous scholarship in assessing the latest theories of indigenous sovereignty as they apply to the situation of the Ndé in the mid-nineteenth century.

In sum, this overview of historical writing about the Native peoples of Texas covers a wide range of types of history. The most significant histories combine traditional stories with straightforward narrative composition. Indeed, the oral traditions of indigenous peoples contain privileged knowledge, thereby constituting a value-laden ethos. The union of narrative with stories passes down over generations provides a unique perspective on the ordering of events. These indigenous-centered histories comprise the vanguard of historical research in relation to the study of Native Americans.

Chapter 2. Citizenship, Sovereignty, Land: The Lipan Apaches and the Republic of Texas, 1836-1841

In the 1836 Constitution of the Republic of Texas, the government recognized only free white persons as legitimate for the purposes of citizenship. Not surprisingly, Lipan Apaches could not gain access as citizens. Along with free people of color and slaves, the constitution specifically prohibited Native Americans from its citizenry. Consummate with this cold fact, the Ndé remained the original arbiters of the land on which Anglo-Texans stood. In terms of sovereignty and nationhood, Lipan Apaches from 1836 to 1841 continued their political, social, and cultural exercise of power in relation to themselves, other indigenous nations, and, astonishingly, the Republic of Texas itself.

Texas asserted incomplete jurisdiction over the population within its claimed borders. Sovereignty is the ability to exercise political power in favor of individuals within a national group and relations with foreign nations.[41] The settler state of Texas enshrined its governing structure within a written document, its constitution. This form of government entailed the writing, passage, and execution of laws promulgated in written form. Proof of the scope and intent of a law required an adversarial relationship between two opposing parties in a court of law. The Ndé polity comprised popular sovereignty in its most radical form. Popular sovereignty is political power that rests within the people of a nation and not in the hands of a sovereign. In Ndé society, the people had no need for a constitution because they lived in a strong, resilient community. Oral traditions instead of writing characterized Ndé "laws." Ndé justice took the form of obligations to each other within a community, reciprocity between individuals, and respect between groups.

[41] For an interesting counterpoint to the use of the term "sovereignty," see Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Oxford: Oxford University Press, 2009), 79-84.

Individual acceptance of Ndé legal strictures embodied a system of belief in which each person, particularly each woman head of a family, made decisions in concert with each other to formulate policy.[42]

Lipanes, along with other indigenous nations, held their own views on national integrity based in part on external leadership in relations with Texas and internal leadership centered on Ndé women's power. External leadership, composed of extended families with a man and his wife at the head of a socio-political group, included the Flacco family and the Castro family during this time period. Lipan Apaches also formulated internal maintenance of territory in the face of Anglo settlement through the exercise of family and community decisions on the part of Ndé women's leadership.[43] Lipan Apache political progress comprised fluid concepts that transcended traditional European-American definitions of sovereignty. The Ndé rose to the challenge in the face of the territorial, legal, and political invasion from the Republic of Texas. This chapter argues that Lipan Apaches asserted national popular sovereignty on their own terms in defiance of Texas settler state Indian policies replete with racial and gender bias.

The 1836 Constitution of the Republic of Texas

Texas's first constitution entailed juridical violence against all non-white persons, particularly Native Americans and people of African descent. In its constitution and with relation to those of supposed inferior races, the Republic of Texas reserved rights to those individuals categorized as "white" that purportedly limited the sovereignty of the various indigenous nations within the boundaries claimed. The constitution, adopted in 1836, enshrined particular elements of racial bias against Native Americans and African

[42] Nancy McGown Minor, *The Light Gray People: An Ethno-History of the Lipan Apaches of Texas and Northern Mexico* (Lanham, MD: University Press of America, 2009), 79-83.
[43] Minor, *The Light Gray People*, 87-88.

Americans.[44] Two specific sections, found in the general provisions, provided a basis for the exclusion and destruction of indigenous and African peoples and cultures. First, the constitution named "all free white persons" as entitled to the privileges of citizenship.[45] The nomenclature of race found in this section promoted the concept of republican civic virtue for whites alone. In Section Ten of the general provisions, consideration of persons for citizenship specifically denied Native peoples along with persons of African descent, free or enslaved.[46] The only allowance for this egregious racial bias comprised the possibility for recognition of indigenous peoples as separate nations.

The Republic lumped African American slaves and free persons of color with Native Americans. The Texas Constitution denied each of these groups their rights to citizenship within the settler state. Moreover, Texas sought to erase indigenous and free African populations from the boundaries of its territory. The white republic remained in the minds of its Anglo citizens as an effort not only to clear the land for planting but also to clear the territory of peoples of so-called impure blood. Texans of Mexican descent maintained a precarious relation to the new polity based primarily on Anglo demands that they, as *tejanos*, acknowledge their own "white" racial status in continued dominance of indigenous and African peoples. In the erasure of ethnic differences and the expulsion of those who made such assertions, the constitution of the Texas Republic planted the seeds

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[44] Constitution of the Republic of Texas, March 17, 1836, in *The Presidents of the Republic of Texas: Chronology-Documents-Bibliography*, ed. George Lankevich (Dobbs Ferry, NY: Oceana Publications, 1979), 86-102.

[45] Section 6, General Provisions, Constitution of the Republic of Texas, March 17, 1836, in *Presidents of the Republic of Texas*, ed. Lankevich, 96.

[46] Section 10, General Provisions, Constitution of the Republic of Texas, March 17, 1836 in *Presidents of the Republic of Texas*, ed. Lankevich, 96. For further reading on the role of African-American slaves in antebellum Texas and during the Civil War, see Randolph B. Campbell and Richard G. Lowe, *Wealth and Power in Antebellum Texas* (College Station: Texas A&M University Press, 1977); Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge: Louisiana State University Press, 1989); Richard B. McCaslin, *Tainted Breeze: The Great Hanging at Gainesville, Texas, 1862* (Baton Rouge: Louisiana State University Press, 1994); *The Laws of Slavery in Texas*, Randolph B. Campbell, ed (Austin: University of Texas Press, 2010).

of violence in thought, speech, discourse, and action against African Americans and Native Americans. During 1836, the Republic elected a president, Sam Houston, who sought, however, to accord indigenous nations the respect they deserved.

Houston's First Administration

Political interaction evinced positive relations with indigenous peoples at the beginning of the republican era even if the Ndé gained little from this duplicitous discourse. Houston's first administration put in place the mechanisms of Indian policy similar to the legal and political decisions of the United States. Beginning with his inaugural address in October 1836 Houston clarified his intent to dispense justice in relation to the Native American tribes that bordered the small republic.[47] He embedded his peace policy in a larger discourse on diplomatic relations with other countries. While Houston made no provisions for the establishment of indigenous legal title to land, his inaugural address clarified three main policy aims: to refrain from aggression, establish commerce, and supply the tribes with goods. These policies reduced conflict on the frontier. The absence of recognition of Indian ownership of land, however, resulted in a juridical erasure of indigenous rights. Over time, this problem for the settler state remained in place because the Republic, in treating with the Ndé specifically, never extinguished Native American title to lands that Texas claimed.

In his address, Houston also referred to the power of making treaties with Indian nations. Treaty making supplied a discourse of external diplomatic sovereignty in relations between Texas and the tribes. Congress made it clear, however, that it opposed

[47] Houston's Inaugural Address, Columbia, October 26, 1836, in *The Writings of Sam Houston*, eds. Amelia W. Williams and Eugene C. Barker, vol. 1, *1813-1863* (Austin: University of Texas Press, 1938), 449.

granting land titles and extending diplomatic relations to indigenous nations.[48] Regardless, in November 1836, the Texas Senate approved the appointment of Indian commissioners upon the recommendation of the President. Houston, the primary force behind the implementation of favorable Indian policies, developed governmental structures for recognizing indigenous nations as sovereign entities.[49]

Enacted laws of the Republic affected various indigenous peoples. During Houston's first administration, the Congress passed an act for protection of the frontier.[50] The main import of this law was to establish a military corps in order to protect the lives and property of white settlers on the edge of the so-called civilized part of Texas. This military corps, later referred to as the Texas Rangers, evolved with the rise of the vigilante police state. The act further mentioned Native Americans as the source of depredations against European-Americans. This discourse of "depredations" and "acts of hostility" elided the truth of violence between Native peoples and the settler state. Native Americans sought through warfare to defeat the aims of Texas and defend their homelands. The settlers promoted the notion that indigenous national defense comprised so-called depredations.

The Republic, however, also sought to promote treaties of peace and friendship with the tribes. Diplomatic negotiations with indigenous nations explicitly recognized the sovereignty of these peoples. Legal structures for the implementation of either warfare or diplomacy resulted from the political apparatus of the Republic. The impetus for Congressional conduct in establishing treaty relations with indigenous nations resulted

[48] Anna Muckleroy, "The Indian Policy of the Republic of Texas, II," *Southwestern Historical Quarterly* 26, no. 1 (1922), 19.
[49] Muckleroy, "The Indian Policy of the Republic of Texas, II," 8.
[50] An Act to Protect the Frontier, December 5, 1836, in *The Laws of Texas, 1822-1897, vol. 1*, Hans P.M.N. Gammel, ed., (Austin: Gammel, 1898), 1113-1114.

from Sam Houston's peace policy with regard to Native peoples within the claimed boundaries of Texas. As a result, pro-active indigenous policies produced honorable relations between the Ndé, in particular, and the republican government.

In an attempt to align with the Indian policy of the United States, Texas promoted interaction with Native peoples that recognized their sovereign status and ability to treat with the Republic on a nation-to-nation basis. The act for protection of the frontier further provided for the establishment of trading houses and forts along the boundary between indigenous nations and the settler state.[51] Trading houses implied the notion of international commerce between Texas and the Indian nations. These commercial enterprises also represented economic sites in the cultural reinforcement of dependency. One result of the establishment of these houses comprised the destruction of indigenous traditional economies in favor of dependence on Euro-American trade goods. Further, forts established national borders. These forts evolved into the militarization of the border long before disputes developed between the settler states of Mexico and the United States. In effect, the republic promulgated a number of legal concepts that implied recognition of indigenous sovereignty. With regard to the Ndé, initial republican understandings of this indigenous nation, however, resulted in rejection of its very existence within the boundaries of the Republic.

The Texas expansionist impulse, alive and well in 1837, resulted in juridical and discursive violence with particular regard to the Ndé. In a move detrimental to external recognition of Ndé people, the republican Senate Standing Committee on Indian Affairs submitted a report to the president outlining the various situations of indigenous

[51] Section Five, An Act to Protect the Frontier, December 5, 1836, in *Laws of Texas*, Gammel, ed., vol. 1, 1113.

nations.[52] The Committee chose to place many Native Americans within the boundaries of Texas without necessarily recognizing or honoring Indian sovereignty. This alteration in discourse reflected Congress's negative attitude toward indigenous peoples at variance with that of the president. The report comprised information gathered about the tribes with some policy recommendations.

The Committee found that the Lipan Apaches, along with the Karankawas and Tonkawas, ought to be considered a part of the Mexican nation, thereby embedding Ndé external peacemaking within the fold of the Mexican sovereign, a "legitimate" nation in the eyes of Texas. The Senate refused to treat these indigenous peoples as political entities separate from the government of Mexico.[53] This policy recommendation began a long practice among Anglos of falsely labeling Lipanes as Mexicans. In the interest of reducing fiscal expenditures, the Committee excused itself from its responsibilities to the Ndé. The result, although only in the short term, continued the discourse of absence. Because the governing body of the Republic refused to recognize Lipan Apaches within its borders, Texas effected an erasure of Ndé nationhood.

The report also granted Native peoples use of the land under the so-called right of occupancy. In this purported recognition of Indian land title, the Texas government inscribed indigenous peoples in juridical practice as squatters on homelands the tribes claimed for thousands of years. The document made express reference that "no fee simple right of soil be acknowledged by this [government] in favor of these Indians."[54] The arbitrary and malicious supposed demotion of Indian land title entailed Texas' discursive

[52] Report of Standing Committee on Indian Affairs, October 12, 1837, in *The Indian Papers of Texas and the Southwest, 1825-1916*, eds. Dorman H. Winfrey and James M. Day, vol. 1, *1825-1843* (Austin: Texas State Historical Association, 1995), 22-28.
[53] Report of Standing Committee on Indian Affairs, October 12, 1837, in *Texas Indian Papers*, vol. 1, 24.
[54] Report of Standing Committee on Indian Affairs, in *Texas Indian Papers*, vol. 1, 27.

excuse to expel indigenous peoples from their homelands. These assertions contradicted Houston's peace policy. As a result, Houston overrode the suggestions of the Senate report in an effort to promote recognition of the viability of Indian nations through treaty making.[55]

Eventually the Republic politically recognized the Ndé. Indigenous intergovernmental agreements often comprised sites of social and cultural destruction cloaked in the recognition of tribal sovereignty. Even if Congress resisted, Houston's first administration made a point of promoting accords with the tribes. In November 1837, the president made his second annual message to Congress. He asserted that the Texas legislature should regulate the interaction between settlers and Native peoples on the frontier between the settler state and the indigenous nations. Houston neglected to mention the possibility of treaty making in his second annual message as a result of congressional resistance to the notion of treating Indian tribes as sovereign nations.[56] The President, in a clever sleight of hand, promoted his own treaty policy while not explicitly acknowledging his program before the Texas Congress. Soon after, Houston made preparations for sovereign diplomatic relations with the Ndé. Indeed, he commissioned James Power to treat with the Lipan Apache nation.

Land cessions, arising in concert with the land law of 1836 and the subsequent opening of the General Land Office of the Republic of Texas, contradicted recognition of indigenous sovereignty.[57] Settlers who invaded Indian-held territories, including those of

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[55] See, for example, The Treaty Between Texas and the Cherokee Indians, February 23, 1836, in *Texas Indian Papers*, vol. 1, 14-17.

[56] Muckleroy, "The Indian Policy of the Republic of Texas, II," 9-10.

[57] An Act to Establish a General Land Office for the Republic of Texas, December 22, 1836, in *Laws of Texas*, Gammel, ed., vol. 1. 1276-1284; John G. Johnson, "General Land Office," *Handbook of Texas Online*, accessed October 1, 2014; htttp://www.tshaonline.org/handbook/online/articles/mcg01.

the Ndé, flooded the office with land claims and requests for surveying parties in order to depose the indigenous people of their so-called right of occupancy. The act of opening lands claimed by Texas to Anglo settlement denied recognition that people already lived on these lands and had done so for millennia. The categorical erasure of indigenous space on the prairies, plains, forests, and rivers resulted in the evaporation of indigenous land stewardship in favor of large plantation cotton economies.

In making treaties with representatives of the Lipan Apache Nation, the Republic of Texas promoted the concept of indigenous sovereignty and recognized Ndé power to the south and west of the early line of Anglo settlement. Lipan leader Cuelgas de Castro signed the Live Oak Point Treaty in January 1838.[58] He negotiated this treaty with James Power on the Gulf Coast above the mouth of the Nueces River at Aransas Bay.[59] The diplomatic and peacemaking roles of Ndé women appeared to vanish in the face of Anglo-Texan patriarchal notions of women's status. The violence of the dominant discourse resulted in reduction of Ndé women's power. The colonial Spanish, however grudgingly, at least recognized the diplomatic capabilities of indigenous women.[60] The Texans refused to do so. From Anglo domination of the geopolitical region beginning in a direct manner in 1836, Ndé women disappear from the written record as diplomats or political leaders. In essence, the Lipan accommodated themselves to Anglo-Texan power, although Ndé women most likely remained in internal political councils. The Anglo-

[58] Treaty Between Texas and Lipan Indians, Live Oak Point, January 8, 1838, in *Texas Indian Papers*, vol. 1, 30-32.

[59] Nancy McGown Minor, *Turning Adversity to Advantage: A History of the Lipan Apaches of Texas and Northern Mexico, 1700- 1900* (Lanham, MD; University Press of America, 2009), 140.

[60] For a cogent analysis of Ndé women's roles as diplomats in the eighteenth century, see Juliana Barr, *Peace Came in the Form of a Woman: Indians and Spaniards in the Texas Borderlands* (Chapel Hill: University of North Carolina Press, 2007).

Texan written record, however, ascribes no recognition of Lipan Apache women's roles in politics.

The Lipanes made no land cessions at this time. The primary purpose of the treaty asserted peace and friendship between the two nations in keeping with Houston's Indian policy. Article Three of the treaty provided for trading houses to be established in Lipan Apache settlements.[61] The Republic did not fulfill this stipulation. The lack of enforcement of this provision constituted a boost to the maintenance of traditional Ndé economies, however, because the Ndé had embroiled themselves in dependency on Euro-American trade goods at the end of the Spanish colonial era in the early nineteenth century. Another stipulation, Article Five, also lacked teeth in its enforcement. Castro agreed to turn over any Lipanes who committed depredations against Anglo-Texan settlers. Clearly, he later refused to do so in the case of Ndé "crimes" against Euro-American settlers in San Antonio during the Lamar administration. According to Article Five, the Republic also promised to prosecute all settlers who committed crimes against the Lipanes.[62] Law enforcement, comprised of the Texas Rangers, refused to enforce this stipulation. Article Five rendered criminal jurisdiction as problematic. In particular, the underlying rationale for the seizure of rights to police indigenous crimes came about because a purportedly inferior race could not exercise the administration of justice over the "superior" white bodies of the "master-race." On paper, Texas accorded rights to the Ndé in criminal jurisdiction that the Republic later refused to enforce. Actions on the part of the Republic differed from paper promises.

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[61] Article Three, Treaty Between Texas and Lipan Indians, Live Oak Point, January 8, 1838, in *Texas Indian Papers*, vol. 1, 30.

[62] Article Five, Treaty Between Texas and Lipan Indians, Live Oak Point, January 8, 1838, in *Texas Indian Papers*, vol. 1, 31.

Scholar of the Ndé Nancy McGown Minor associates the fact of making one band chief representative of the Lipan Apache Nation with disaster in Ndé-Texan relations. Castro, head of the Sun Otter Band, lacked authority to assert power over the various Lipan Apache groups in west Texas and south of the Rio Grande.[63] The republic refused to recognize its own folly in upholding the representational synecdoche of the Sun Otter Band as constitutive of the entire Ndé nation.[64] Minor is correct in her assessment that one local group of Ndé lacked the ability to represent, let alone enforce, the stipulations of a treaty made with another sovereign entity. Ndé government comprised a loose federation of different family groups, bands, and divisions.[65] As a result, consensus among the nation as a whole became necessary for treaty stipulations to be honored. Minor correctly asserts that Castro lacked sufficient power in his person to represent the entirety of the Lipan nation.[66] Regardless, the treaty affirmed Lipan Apache sovereignty as separate from the Republic of Texas. After the signing of the treaty, the republican government invited Castro to the city of Houston, an invitation to which Castro responded favorably.

Ndé leaders, when faced with the naked power of the Anglo-Texan settler state, appeared to manifest two primary responses: hegemonic co-optation and subversion. Hegemony, as defined here, is structural power exercised over subordinate groups in daily life in which the dominated group takes part in its own oppression, usually by idolizing or "selling out" to the dominant polity.[67] In this sense, then, Ndé leader Cuelgas

[63] Minor, *The Light Gray People*, 89-92.
[64] For more information on the Sun Otter Band, see Minor, *The Light Gray People*, 93.
[65] Minor, *The Light Gray People*, 87.
[66] Minor, *Turning Adversity of Advantage*, 141.
[67] For a brief description of the definition of hegemony, see John Charles Chasteen, *Born in Blood and Fire: A Concise History of Latin America* (New York: Norton, 2011), 57.

de Castro, in his visit to the Texas capital in the city of Houston, found himself co-opted in a hegemonic social structure. Castro also engaged in subversion of the aspirations of the settler state. He maintained his own integrity as a leader by means of subtle resistance through charm and diplomacy.

When Castro came to Houston to solidify treaty negotiations in March 1838, representatives of the government of Texas accorded him honors reserved for foreign diplomats. The Lipan Apache leader made a distinct impression among the social elites of the capital. Upon his arrival in Houston on March 3, Castro, wearing "American" clothes, attended a society ball in which he made a distinct and captivating impression on the elites of the Texas oligarchy. His chronicler, John Hunter Herndon, declared that Castro was "fine looking," "intelligent," and "very warlike."[68]

Mirabeau Lamar's relation to indigenous peoples often contained an element of duplicity. All the same, Lamar had certain affections for Lipan Apaches as individuals and as a people. Castro, styled as a "General," met with Vice President Lamar in Houston on March 6. Lamar, in his speech, recognized the sovereign status of the Lipan Apaches Apache Nation by his declaration of "General de Castro as the enlightened chief of a powerful nation." He asserted the intention of the Republic of Texas to "maintain amicable and pacific relations with all nations and tribes."[69] In his statements, Lamar recognized the sovereign status of the Ndé. In granting symbolic power to Ndé leadership, the Vice President, however, overstepped his political boundaries.

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[68] John Hunter Herndon, "Diary of a Young Man in Houston, 1838," ed. Andrew Forest Muir, *Southwestern Historical Quarterly* 53, no. 3 (1950), 290-291.

[69] M.B. Lamar to General de Castro, Houston, March 6, 1838, in *The Papers of Mirabeau Buonaparte Lamar*, eds. Charles Adams Gulick and Katherine Elliott, vol. 2, (Austin: A. C. Baldwin and Sons, 1922), 43-44.

Afterwards, one of his advisers during his presidential campaign proposed that Lamar retract publicly his statements made to Cuelgas de Castro.[70]

President Houston, in contrast to his Vice President, had faith in the mechanism of U.S. Indian policy that he sought to apply to the situation of indigenous peoples in Texas. This earnest faith in U.S. administrative policy ultimately thwarted Houston's desire to respect the rights of Native peoples. In the intervening period between Lamar's speech in March and his receipt of the letter from his adviser in June, President Houston vetoed a bill sending ranger companies to attack so-called "hostile" Indians. Houston provided a message along with this bill reaffirming the importance of making treaty negotiations with Native peoples. He reasoned that "the executive has never yet known a treaty made with an Indian tribe first infracted or violated by them."[71] Unfortunately, in the election of 1838, Lamar replaced Houston as President of the Republic. Lamar's administration tolerated no treaty making, in part because of pressure from Congress to take a hard line against indigenous nations bordering on or intersecting with Texas.

Lamar's Administration

Lamar's Indian policy, in marked contrast to Houston's peaceful initiatives, promoted the use of physical violence against indigenous peoples through the discursive destruction of his own political cant. In his inaugural address in December the President declared a *de facto* war against the indigenous peoples on the Texas frontier. His desire for conflict tolerated no compromise. Lamar wished to enact total devastation. He proposed to exterminate or remove all "hostile" Indians from the claimed boundaries of the republic. Lamar tempered his inflammatory rhetoric through the statement that the *lex*

[70] W.J. Jones to Mirabeau Buonaparte Lamar, Nacogdoches, Lune 23, 1838, in *Papers of Mirabeau Lamar*, vol. 2, 170-171.
[71] Muckleroy, "Indian Policy of Republic of Texas, II," 10.

talionis, or law of retaliation, would not rule the war. Still, he attacked Native peoples as worthy only of extinction or expulsion, incorrectly calling them "sanguinary savages" and "wild cannibals."[72]

Lamar also made an arbitrary distinction between those Natives he considered "hostile" and those he posited as "friendly." In creating this distinction, Lamar effectively discouraged indigenous nations from intertribal negotiations to defeat the settler state. Lamar demanded the atomization of each "friendly" Indian's family to separate plots of land, a prescient and disturbing precursor to the policy of allotment the United States deployed in the late nineteenth century. Further, so-called friendly Natives remained subject to the laws of the Republic of Texas and the control of Indian agents.[73] Lamar, in designating a part of the Lipan nation as "friendly," divided the tribe. He demanded submission to the will of the settler state and active intolerance of other indigenous nations, particularly the Comanches.

Lamar used soft power, or subtle discursive violence, to enforce dominant modes of Indian hating in designating the Ndé as "friendly" yet subjected to the "superior" control of the Anglo settler state. During Lamar's administration the Texas Congress, in keeping with the President's Indian policy, subsumed the Lipan among other tribes into the category of "friendly Indians." While the legislation that the President approved in January 1839 did not specifically name the Lipan Apaches, the act implied their inclusion.[74] This implication resulted only from Lamar's actions toward Lipan Apaches afterwards. The law provided for the employment of "friendly Indians" in the military

[72] "Lamar Charts a New Course, 1838," in *Presidents of the Republic of Texas*, Lankevich, ed., 148-149.
[73] "Lamar Charts a New Course," in *Presidents of the Republic of Texas*, Lankevich, ed., 149.
[74] A Joint Resolution Approving of the Employment of Friendly Indians in our Service, and Providing for their Pay, January 26, 1839, in *Laws of Texas*, Gammel, ed., vol. 2, 126-127.

service of the republic. Lamar's policy pointed to the Lipan as "friendly" because Texas proceeded to employ the Apaches as scouts in military actions against both the Comanche and refugee indigenous nations. This legislation, however, limited Indian sovereignty through the arbitrary designation of "friendly" nations such as the Lipan Apache and Tonkawa to supposedly hostile ones including the Comanche. The law also promoted a vision of relations with indigenous people not as nations but as individuals subject to employment by the Republic. As a result, arbitrary divisions between and within indigenous nations precluded international agreements among tribes in order to defeat the order of the settler state.

In a series of campaigns against so-called enemy nations, President Lamar deployed the so-called "friendly" Lipan Apaches against the Comanche, Mexican *banditti*, and the Texas Cherokee. The settler state employed the Lipans as scouts alongside Anglo Rangers. The Republic attacked indigenous and Mexican men, women, and children in their settlements.[75] These attacks also included incursions on Comanche land in what is now Northwest Texas.[76] The Texas Rangers advanced the border between the indigenous nations to the west and north of the Republic for the purposes of Anglo-Texan settlement. Texas co-opted the allegiances and activities of Ndé leaders and warriors. Indeed, the Lipanes gained very little for their service. The indigenous nation received no official recognition of its sovereignty during the Lamar administration.

Still, the Ndé were not simply pawns in the hands of Lamar. An understanding of the actions of the Lipan Apaches results from their peculiar situation in relation to Texas. Indeed, Euro-Americans continued to immigrate to the republic and lay claim to the lands

[75] S. Hewes to M. B. Lamar, City of Aransas, May 23, 1839, in *Papers of Mirabeau Lamar*, vol. 2, 585.
[76] Difficulties with the Tonkaway and Comanche Indians in Bexar and Vicinity, 1836-1841, n.d., in *Papers of Mirabeau Lamar*, vol. 4, 235.

of the Ndé. The Lipan Apaches sought to maintain positive relations with Texas and interact with Anglo-Texans in the face of a widespread assault on Ndé territorial integrity. This attempt at diplomatic negotiations ultimately failed.

Lamar and his administration used hegemonic social control against both the Apaches and Comanches. Indeed, hegemony was central to the Texas Republic's dominance over "friendly" Indians including the Tonkawa and the Ndé. Ever seeking to accommodate the encroaching white settlers of the republic, Lipan Apaches submitted in part to the control of the settler state. Ndé men did so because they wished to remain warriors in the face of the overwhelming deluge of white settlers onto their traditional homelands. The choice of the Ndé was to attack so-called "hostile" nations such as the Comanche in order to maintain Lipan Apache status as a warrior society. Ultimately, their agreement with Texas resulted in loss of land and destruction of their original way of life.

A closer look at historical events during the Lamar administration reveals complicit relationships between the Ndé and the larger Texas colonizing entity. One month into the new administration, Colonel John H. Moore organized a group of Anglo-Texans into a military unit. This unit co-opted the Lipan Apaches as scouts under the direction of Cuelgas de Castro. Young Flacco along with Juan Castro and Juan Seis comprised three members of this unit.[77] The Apaches, who knew the terrain because it was their homeland, traced signs of Comanche habitation to the San Saba River valley several miles northwest of the white settlements.[78] The combined Native and Anglo-

[77] Noah Smithwick, *The Evolution of a State or Recollections of Old Texas Days* (Austin: University of Texas Press, 1983, orig. 1900), 154; Fredrick Wilkins, *The Legend Begins: The Texas Rangers, 1823-1845* (Austin: State House Press, 1996), 46.
[78] Smithwick, *The Evolution of a State*, 155.

Texan military unit succeeded in taking the enemy camp and cruelly massacred men, women, and children as they were sleeping in February 1839. The Comanche responded quickly, and the outcome of the battle evolved into a stalemate. The Lipan Apaches acquired a number of Comanche horses, and the Comanche absconded with the mounts of the Anglo-Texans.[79]

Ndé women, although excoriated by the leaders of the Republic of Texas, remained the primary matriarchs within internal relations of the indigenous nation. In the eighteenth century, Lipan Apaches often used matriarchs for diplomatic relations with Spain, although the historical record tends to obscure their leadership roles.[80] The Ndé responded viscerally to their own captives among foreign nations, particularly Lipan women, because women held such commendable status within Ndé society. The end of the San Saba battle occurred when the Comanche sent a Lipan captive woman to negotiate a peace settlement.[81] In the eighteenth century, both the Comanches and the Lipan Apaches often employed women as cultural brokers between warring nations.[82] Indeed, Ndé women evinced diplomatic leadership. The Comanches knew that the Apaches would respond favorably to the use of a captive Ndé woman as diplomat. At this time, Anglo-Texans refused to understand this concept of women as diplomats during wartime.

Lamar also employed Lipan Apache scouts to drive the last vestiges of the Cherokee from Texas. This indigenous nation consisted of refugees from the Indian removal policies of President Andrew Jackson. Under Sam Houston, a long-time friend

[79] Smithwick, *The Evolution of a State*, 157.
[80] Barr, *Peace Came in the Form of a Woman*, 164.
[81] Smithwick, *The Evolution of a State*, 156.
[82] Barr, *Peace Came in the Form of a Woman*, 13.

of this displaced people, the Texas Cherokee sought legitimacy to their land claims.[83] Upon failing in this measure, they sought solace and protection under the Lamar administration. Lamar would have none of it. During the summer of 1839, the rangers defeated and removed most of these refugees.[84] By December of the same year, only a small part of the Cherokee Nation remained in the central part of the Republic. Indeed, this tribal remnant sought to receive asylum within Mexico.[85] Ndé scouts led a reconnaissance party to discover the village and assess its strength in December. On Christmas Day, the Texas Rangers, under Colonel Edward Burleson attacked the small indigenous village on the Colorado River northwest of the town of Austin.[86] The Christmas Day Cherokee massacre resulted in the death of two tribal leaders, including John Bowls. With the contributions of Lipan Apaches, the Rangers captured five women and nineteen children. The combined force marched these defenseless prisoners in the dead of winter to Austin. Ranger guards "protected" the prisoners in their removal to the city.[87] The hegemony of the Anglo-Texans produced "success" in subordinating the Ndé to the whims of the settler state. The Lipan Apaches found themselves free from persecution under Lamar's administration only as long as they practiced coercion and violence against other indigenous peoples, no matter how peaceful, within the claimed boundaries of Texas.

The year 1840 saw only increased complicity of the Lipan Apaches in the violent actions of the Republic. The Ndé gained very little from this sacrifice of their integrity as

[83] Dianna Everett, *The Texas Cherokees: A People Between Two Fires, 1819-1840* (Norman: University of Oklahoma Press, 1990), 83-89.
[84] Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005), 175-179.
[85] Stephen L. Moore, *Savage Frontier: Rangers, Riflemen, and Indian Wars in Texas*, vol. 2, 1838-1839 (Denton: University of North Texas Press, 2006), 347.
[86] Moore, *Savage Frontier*, vol. 2, 346.
[87] Moore, *Savage Frontier*, vol. 2, 348-349.

a people apart from the Anglo-Texans. For the vast majority of the year, Lipan Apaches, along with the Texas Rangers, promoted armed conflict with the Comanche nation. In March 1840, Comanche leaders found themselves in the midst of a massacre in San Antonio. The chiefs arrived in the village in order to negotiate a treaty. While Anglo-Texans referred to the following events as the Council House Fight, these same Anglos perpetrated a massacre against the Comanche.[88] Apparently, the Texans led the chiefs into a trap. Instead of a prisoner exchange, the Rangers sought to hold the Comanche leaders hostage until the release of more prisoners than anticipated.[89] The Comanche could not abide captivity and sought to escape. Every Comanche man along with many women and children died at the hands of the Anglo-Texans in San Antonio.[90] Reprisal for wrongs committed during this massacre inevitably developed later in the year.

It took most of the summer for the Comanche to decide on an act of retribution for the killing of some of their most significant leaders. In August 1840, the Comanche provided a military response to the destruction of their people by invading the towns of Victoria and Linnville.[91] Indeed, Linnville sat on the coastline of the Gulf of Mexico. Comanche attacks in this vicinity were unusual given the fact that the Comanche homeland consisted of territory far from the coast in the vicinity of Central and Northwest Texas. Anger at the destruction of traditional lifeways and revenge for the deaths of some of their most prominent chiefs convinced the Comanche to make war as far into Anglo-Texan settlements as they could. Parties of men from this indigenous

[88] Smithwick, *The Evolution of a State*, 183.
[89] Donaly E. Brice, *The Great Comanche Raid: Boldest Indian Attack of the Texas Republic* (Austin: Eakin Press, 1987), 23.
[90] Smithwick, *The Evolution of a State*, 184.
[91] Smithwick, *The Evolution of a State*, 184; see also Brice, *The Great Comanche Raid*, 30-31.

nation proceeded to immolate Linnville in a fiery inferno on the shoreline.[92] Key to the Republic's response, the Ndé formed a part of the countering movement of the Texas Rangers in reasserting dominance and control over the settlements of coastal and Central Texas.

The Lipan Apaches, forced to employ physical violence against other indigenous nations, had no choice with regard to their exercise of sovereignty. The Ndé, in their relations with Lamar's administration and the Texas Rangers, held no sovereign status separate from the Republic at this time. Lamar's policy, specifically, provided for no recognition of intergovernmental agreements with the tribes. The Ndé, in an effort at self-preservation given the proximity of some of their *rancherías* to Anglo settlements, found that they had little choice but to accommodate themselves to the control of the police state. In policing Native peoples, Texas sought to incorporate the Ndé into their society. In other words, Texas wanted to ignore the "otherness" of Lipan Apaches in order to integrate individual leaders of this indigenous nation into Anglo-Texan settlements. As a result, in October 1840, Ndé scouts along with Colonel John H. Moore's regiment of Texas Rangers sought out and killed Comanche men, women, and children.[93] Although called a battle, this military action constituted no armed conflict. Instead, Texas promulgated mass extermination of the Comanches. The Comanches, after this battle in their own territory, never again attacked the coast settlements of the Republic.

In dispensing with their desire to maintain territorial and structural integrity, the Ndé accompanied the Rangers in the hopes of a reward to their people. In this, the Lipanes found friends within the Texas legislature. In fact, some of these politicians

[92] *Telegraph and Texas Register* (Houston, TX), September 2, 1840.
[93] *Texas Sentinel* (Austin, TX), November 14, 1840.

deigned to provide the Ndé with a small plot of land reserved from the entirety of *la lipanería*. The ten-mile square reservation proposal west of the Colorado River, for all intents and purposes, constituted a chimera on the part of those politicians desirous of recognizing the Lipan Apaches. The media at the time deemed this reservation offer as an "experiment."[94] Apparently, the measure fell through as the historical record provides no evidence of the establishment of reserved lands in accordance with the "right of occupancy" in 1840. Lamar, without engaging in clear inconsistencies, could not allow it.

In 1841, the themes of accommodation, integration, and the awards system came to a head in San Antonio. Anglo-Texans often did not understand the intricacy and subtlety of Ndé socio-political interaction. They understood much, however, about methods of destroying Lipan Apache culture. Alcohol, for example, fueled the fire of the destruction of Ndé traditional lifeways. Whiskey peddlers in San Antonio, as elsewhere throughout Indian country, sought to anaesthetize Ndé agency in a form of structural violence imposed on Lipan politics, society, and culture. The situation of the Ndé in Béxar (San Antonio) indicated the extent of the problem of Lipan Apache relationships to Anglo-Texan society. In July 1841, the mayor of Béxar, C. H. Guilbeau, wrote President Lamar about the problems of Ndé social and political relations with settlers in the city. The mayor insisted that Lipan Apaches committed theft, destroyed crops and livestock, and desecrated the missions. Ndé people, according to Guilbeau, performed these actions while under the influence of alcohol. The mayor punished the "delinquent" Lipan Apaches with imprisonment. He also appealed to Cuelgas de Castro to chastise and

[94] *Telegraph and Texas Register* (Houston, TX), December 16, 1840.

control Ndé men committing these actions.[95] What Guilbeau could not understand, however, was that Ndé political structure at the time refused to allow Castro, as leader, to impose his power through force. Ndé leaders, in accordance with popular sovereignty, relied on gentle admonition instead of coercion.[96]

Guilbeau sought to place blame on the Ndé and their leaders in a psychology of ethnic chauvinism. The mayor lacked the ability to comprehend the actions of Lipan Apaches and, more significantly, their motivations. Béxar constituted a cultural crossroads for centuries. The placement of the city coincided directly with the homelands of the Ndé.[97] Indeed, it appears that Lipan Apaches committed these acts out of anger at continued Anglo-Texan encroachment on their lands. Without sovereign recognition from Texas, the Ndé fell back on subversive actions against Anglos who refused to respect the integrity of the Lipan Apache nation. A change was absolutely necessary in Ndé-Texan relations. This change, with unforeseen negative consequences, came about with the reelection of Sam Houston in 1841.

Conclusion

During the first five years of the newly established Republic of Texas, the Ndé maintained positive relations with the government. Indeed, the Republic accorded status to the Ndé under the Sam Houston administration as a sovereign entity separate from the juridical nature of Texas. This sovereign recognition appeared markedly different from the experience of Lipanes to the south in Mexico. Indeed, that government sought to incorporate the Ndé as citizens of its polity. The Constitution of the Republic and the

[95] C. H. Guilbeau to M. B. Lamar, San Antonio de Bexar, July 25, 1841, in *Papers of Mirabeau Lamar*, vol. 3, 559.
[96] Minor, *The Light Gray People*, 103-105.
[97] For information on Lipan relations with the citizens of San Antonio as early as 1751, see Minor, *Turning Adversity to Advantage*, 30.

Lamar administration provide a nadir in comparison to either Mexican or Houstonian indigenous policies. Lamar's administration demonized Native peoples and subscribed to the dictum: "divide and conquer." In distinguishing "friendly" from "hostile" Native Americans, the Republic sought to accord the Ndé status as a people residing in limbo. Neither citizen nor separate nation, Lipan Apaches adapted to their situation in multiple, ultimately negative, ways. The Lipan Apache people either surrendered to the soft power of the Republic in becoming scouts for the settler state or adopted negative behaviors such as alcoholism. Neither result contributed much to Ndé sovereignty. By 1841, Lipan Apache political status remained subject to the political whims of the Lamar administration. The situation had to change.

Chapter 3. Grass Shall Not Grow in the Path Between Us: Sam Houston, Anson Jones, and the Lipan Apaches, 1841-1846

In 1843 Sam Houston, President of the Republic of Texas, in writing his poem to the elder Flacco, Lipan Apache commandant, discussed in the introduction, pleaded with the Ndé that "grass shall not grow in the path between us."[98] Houston made this effort in order to allay the fear that Anglo-Texans had murdered Flacco's son in an ethnically motivated attack. Although Flacco's personal response to the poem remains hidden from the written historical record, the Lipanes withdrew from official relations with the young republic shortly afterwards. Did grass grow in the path between the Ndé and the Republic of Texas in the years following young Flacco's death? The simple answer is affirmative, although a careful delineation of events reflects Lipan Apache desires to maintain good relations with the settlers and the settler state. Yet, Anglo-Texans refused to accord positive recognition to the value of Lipan Apaches in relation to Texas politics and society. Houston's poetry, while poignant, also reflected denial on the part of the republic to recognize its own fault in the destruction of amenable relations between the settlers and the Ndé.

This chapter seeks to clarify sovereign and diplomatic relations between the Republic of Texas and Lipan Apaches in the latter half of the era of independent Texas. From 1841 to 1846, the Republic sought to consolidate its territorial claims vis-à-vis the claims of Mexico and the United States. While demanding recognition from Mexico in a belligerent manner led to war with that nation-state in 1842, Anglo-Texans found common cause with the Anglo citizens of the U.S. settler state. Eventually, this rapport

[98] Sam Houston to Flacco, Washington-on-the-Brazos, March 28, 1842, in *The Indian Papers of Texas and the Southwest, 1825-1916*, eds. Dorman H. Winfrey and James M. Day, vol. 1, *1825-1843* (Austin: Texas State Historical Association, 1995), 164-165.

led to the annexation of Texas as a state in 1845 and the establishment of a state government in February 1846. The indigenous policies of the Republic at this time reflected Sam Houston's desire to perform justice in relation to Native Americans. Following Houston's administration, President Anson Jones continued the peace policies of the previous leader of the Republic. Ironically, this period found the Ndé to be marginalized and bereft of political sovereign rights. This chapter argues that Lipan Apaches, contrary to the historical trends of marginalization and rejection, maintained internal structural coherence and partial recognition from the Republic of sovereign rights to maintain the coherence of the Ndé polity.

Houston's Second Administration

President Houston sought to perform the role of savior to indigenous people, but his naïveté in actuality resulted in the exploitation of divisions between tribal nations. Houston, in his second term, purportedly continued his indigenous peace policy. The President clarified his position in his first message before Congress in December 1841.[99] He declared Lamar's war of attrition a failure. The president reinstated a policy of treaty-making with the various tribes considered to be within the boundaries of Texas. The Lipan Apaches remained staunch allies of the republic. The impetus for diplomatic relations ultimately resulted in a treaty with the Ndé.[100] Determining Lamar's war against "hostile" indigenous peoples as a failure, Houston carefully ascribed fault with the administration of his predecessor. It seemed as if a new Indian policy would soon

[99] Sam Houston's First Message to Congress, Second Administration, Austin, December 20, 1841, in *The Writings of Sam Houston*, eds. Amelia W. Williams and Eugene C. Barker, vol. 2 (Austin: University of Texas Press, 1938), 401-402.

[100] A Treaty Signed in Council at Tehuacana Creek, October 9, 1844, in *The Indian Papers of Texas and the Southwest, 1825-1916*, eds. Dorman H. Winfrey and James M. Day, vol. 2, *1844-1845* (Austin: Texas State Historical Association, 1995), 114-119.

develop as a result. Unfortunately for the Lipan Apaches, Houston's efforts to accord diplomatic recognition of the Comanche and other tribes actually increased negative relations between the Ndé and the Republic. Moreover, Houston maintained the distinction between "hostile" and "friendly" Indians as a discourse begun under the aegis of Lamar. This discourse, in a clear continuance of Lamar's divide-and-conquer strategy, resulted in the destruction of positive international relations between indigenous peoples in Texas.

The President cleverly maintained Lipan Apaches as friends to the people of the Republic of Texas. Whether the Anglo-Texans of the Republic returned this offer of friendship remained a different matter altogether. Houston wryly clarified his position in relation to the Lipan Apaches in a letter written in February 1842.[101] In this letter, Houston described the Ndé as "friendly" Indians similar to the assertions of Mirabeau Lamar. In his letter, Houston retained the arbitrary division of Native peoples as either "friendly" or "hostile." The designation of "friendly" constituted the political relation between the Ndé and Anglo-Texans, at least in the President's eyes. This dualism resulted in Houston's admonition to the Lipan Apache as a group not to associate with those the administration viewed as a threat. The President requested of the Lipan Apaches that they guard against and watch for Indians who "murder and steal."[102]

At this point in his letter, Houston elucidated the fault in his perspective that ultimately led to the downfall of the Ndé. If no Lipan Apaches murdered or engaged in thievery, the President made primary reference to other indigenous nations and citizens of these nations as "other." Houston not only divided the nations from each other in his

[101] Sam Houston to Colonel L. B. Franks, Austin, February 1, 1842, in *Writings of Sam Houston*, vol. 2, 461-462.
[102]Houston to Franks, in *Writings of Sam Houston*, vol. 2, 462.

request, he also accused those "other" Indians as morally distinct from the Ndé and, somehow, in the wrong. The President further asked that Lipan Apaches act as spies for the Republic against other Indian tribes. In this final twist to the divisive discourse of the letter, Houston promoted not only the difference of the Ndé from other tribes but also the active complicity of Lipan Apaches in the destruction and surveillance of those "other" Indians. Houston may not have realized the purport of his demands, yet his orders prove that his peace policy could not be truly conciliatory to the Comanche and other indigenous nations pejoratively labeled as "hostile."

Because of the hegemonic relations of power between the Anglo settler state and the Lipan Apache Nation, the Ndé acted in what they perceived as their own best interest. Because the Lipanes trusted Anglo-Texans as their friends on the basis of previous experience, this indigenous nation provided service to the Texas settler state against the Mexican military. Texans manipulated the fealty of the Ndé for their own ends. Almost directly after the swearing in of Houston as President of the Republic, war with Mexico brewed on the horizon. Hostilities between the two "legitimized" polities, unlike "delegitimized" indigenous nations, broke out in 1842.[103] Lipan Apaches formed an invaluable role in the Republic's war with Mexico by acting as scouts for the Texas militia. The Ndé, having lived in south Texas for several centuries, could distinguish the different topographical markers of the terrain that remained invisible to Anglo-Texan settlers of the 1840s.[104]

[103] For a thoroughly researched historical rendition of the Texas-Mexican War, see Joseph M. Nance, *Attack and Counter-Attack: The Texas Mexican Frontier, 1842* (Austin: University of Texas Press, 1964).

[104] Nancy McGown Minor, *Turning Adversity to Advantage: A History of the Lipan Apaches of Texas and Northern Mexico, 1700-1900* (Lanham, MD: University Press of America, 2009), 131-132.

In effect, the Ndé approach to the 1842 war formed a triangulation that broke the false dichotomy of Anglo versus Mexican. During the war, each of the three polities exercised their interests. While Lipan Apaches allied with the Anglo-Texans, certain *tejanos* also fought on the side of the Republic.[105] The Ndé played a direct role in the prosecution of the war. Unfortunately, the year 1842 comprised the beginning of the end of peaceful relations between the Ndé and the Anglo-Texans. Indeed, after 1842, Anglo settlers made clear and distinct group formations on the basis of perceived "racial" attributes that determined the previously elevated position of Lipan Apaches to subjugation.

From Texan independence to 1842, the nation-state of Mexico denied recognition of the Republic. As a result of this refusal, Mexico planned to realign Texas as its own province during the ensuing years after the Texas Revolution of 1836. In 1841, General Mariano Arista amassed an army on the border with Texas. In January 1842, the Mexican General issued a proclamation from his military seat in Tamaulipas in which he threatened the invasion of the "Department of Texas."[106] In early March, Mexican troops under General Rafael Vasquez marched on San Antonio, although they abandoned the old capital of the Province of Texas only four days later.[107] With regard to the Mexican military, their leaders, as so often before, refused to recognize the significance or status of the indigenous nations on the so-called border between Texas and Mexico.

The Ndé, however, retained a position of importance to relations between the militaries of the Texas Republic and Mexico. The Mexican army under Captain Miguel Aznar engaged this indigenous nation at the Mission del Refugio near San Antonio. On

[105] Nance, *Attack and Counter-Attack*, 15.
[106] Nance, *Attack and Counter-Attack*, 7.
[107] *Telegraph and Texas Register*, March 16, 1842, (Houston, TX.)

March 5, an invading party of Mexicans attacked a Lipan settlement near Refugio. In this battle, the Mexican soldiers killed Lipan Apache leader Cuelgas de Castro's son-in-law and nephew. Moreover, the Ndé, having acquired goods from south of the Rio Grande, lost forty-two horses in the Mexican attack. Captain Aznar killed each Ndé person who demonstrated resistance against his military force. The Mexicans murdered two of the Lipanes who ventured to escape.[108] In this instance, the Ndé evinced a clearly negative relation to the Mexican military, and, while the Lipanes often traded with the *tejano* population, animosity between this indigenous nation and the military elite of Mexico remained a constant of anger and misunderstanding.[109]

Indeed, the Ndé refused to suffer the atrocities of the Mexicans under Captain Aznar for any length of time. Retribution came swift and just. The Apaches, enraged with the Mexican military over the loss of family members of a hereditary chief, gathered a war party to attack the Mexicans as they withdrew from the Anglo-Texans settlements south to the Rio Grande. The Texas rangers supplied the Lipan Apaches with guns and ammunition, and the Ndé captured a number of horses during this skirmish. The Lipan war party met with the Mexican regiment just south of the Nueces River five days after the death of the nephew of Cuelgas de Castro. The Ndé managed to reacquire some of their horses and wounded fifteen soldiers.[110] Lipanes and Mexican military elites failed to engage in acts of friendship. Soon, the Anglo-Texans would join the Mexican elites as enemies in the eyes of the Ndé.

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[108] Nance, *Attack and Counter-Attack*, 41.
[109] Nancy McGown Minor, *The Light Gray People: An Ethno-History of the Lipan Apaches of Texas and Northern Mexico* (Lanham, MD; University Press of America), 74
[110] Nance, *Attack and Counter-Attack*, 44.

While some of the Lipanes resided in Mexico at this time, other Ndé people inhabited the claimed lands of Texas. Because of divisions between Texas and the Mexican nation-state, at points in time the Ndé could not maintain proper communication lines across the Rio Grande. Lipanes at this time fought the Mexicans in Mexico and the Mexicans invading Texas. As for the continuance of war, President Houston organized a general call to arms on March 10. A volunteer army under Brigadier General Alexander Somervell formed only to disband in late April.[111] The Ndé, along with their friend among the Texas Rangers, Captain John Hays, formed a small defense party with headquarters at San Antonio by the end of May.[112] Although Lipan Apaches quickly found themselves in the position of the enemy at the same time in the following year, in the spring of 1842 the people of this indigenous nation remained on good terms with the Republic and the Texas Rangers.

During the summer of 1842, the President remained solicitous of Lipan Apache leadership and collective rights as a direct result of the need for the Republic to employ the Ndé as scouts in protection of the environs of San Antonio during the Texas-Mexican War. Houston reiterated his peace policy with specific regard to the Lipan Apaches in a letter dated March 25, 1842.[113] In this letter, the President of the Republic requested that Major Thomas J. Smith, commander of the Texas rangers, stop Anglos from attacking the Ndé. Clearly, Houston was anxious to retain the allegiance of the Apaches given the attacks on the Republic from Mexico. In April, Houston requested a trading house to be placed on the Brazos River. He also demanded that Anglo-Texans not make enemies of

[111] Nance, *Attack and Counter-Attack*, 88.
[112] Nance, *Attack and Counter-Attack*, 116.
[113] Sam Houston To Major Thomas J. Smith, Houston, March 25, 1842, in *Writings of Sam Houston*, vol. 2, 535.

the Lipan and, in particular, to keep the Lipanes from purchasing whiskey and other spirits.[114] Houston, in his good-natured way, evinced a policy of social control of the Ndé that, all the same, denied their agency. Moreover, his repeated requests that Anglo-Texans refrain from violent speech and behavior toward Lipan Apaches belie the changes occurring in the perspectives of Anglos toward Native Americans, *tejanos*, and Mexicans.

Ndé women continued to retain high status. In late May, traveler Francis Latham encountered the Lipan Apaches on the San Marcos River in between Austin and San Antonio.[115] Latham described the customs and habits of Lipan Apaches at this time. He praised the beauty and dignity of Ndé women. Latham recognized the high status accorded women in the nation, including the demand that a husband live with his wife's family. Indeed, while the erosion of women's power with regard to the polity continued, their exalted status within the domestic affairs of the nation remained in force.

Ndé leaders and people in general suffered from increasing alienation from the dominant society. As Anglo populations increased as a result of immigration, the previous favored status of the Lipan Apache Nation continued to deteriorate. In the early summer of 1842, President Houston granted a passport to Cuelgas de Castro for safe passage from Houston to Austin.[116] The grant of a passport reflected the problem of Anglo-Texan settler demonization of indigenous peoples encountered on the roads of the republic. Moreover, the irony of granting a passport to an indigenous person within his own homeland remained a glaring reminder of the impositions of settler colonialism.

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[114] Sam Houston to George W. Adams, Houston, April 14, 1842, in *Writings of Sam Houston*, vol. 3, 32-34.

[115] Francis S. Latham, *Travels in the Republic of Texas, 1842* (Austin: Encino Press, 1972), 29-32.

[116] Sam Houston, A Request in Behalf of Castro, the Lipan Chief, Houston, June 21, 1842, in *Writings of Sam Houston*, vol. 3, 73.

The Texas Rangers continued to exploit the military prowess of the Ndé in a series of attacks on the Mexican military in the latter part of 1842. In recognition of the fact that the Mexicans could invade at any time, young Flacco and Colonel Juan Castro, a son of Cuelgas de Castro, remained in the fields west of San Antonio with Texas ranger Colonel Hays.[117] In early July, a Mexican force under Colonel Antonio Canales, a former Texas ally in the federalist uprisings against the government in Mexico City in 1840, attacked a small party of Anglo-Texans at Lipantitlán. After his initial success, the Colonel quickly withdrew south of the Rio Grande.[118] In September, the Mexican military under Brigadier General Adrián Woll captured San Antonio once again only to abandon the town before the end of the month.[119] The historical record remains silent on whether the Lipan fought in these engagements, but, considering that their fellow comrade-in-arms Colonel Hays fought against Woll in September near San Antonio, the Ndé certainly had an interest in the unfolding of events.

In the exercise of hegemony, the oppressed individual takes part in his or her own oppression. Another term for this behavior is to sell out. While Flacco, the son of one hereditary chief of the Lipan Apache Nation, was no sell-out, he partook of his own oppression in acting as a scout for the Anglo-Texans in their war with Mexico. In November 1842, Brigadier General Somervell ordered his expedition into disputed territory south of the Nueces River in order to pillage the town of Laredo on the north bank of the Rio Grande. He wished to punish the Mexican army for attempting to reassert control over San Antonio and other towns in the Republic in September.[120] Young Flacco

[117] Nance, *Attack and Counter-Attack*, 116.
[118] *Telegraph and Texas Register*, August 3, 1842 (Houston, TX).
[119] *Telegraph and Texas Register*, September 28, 1842 (Houston, TX).
[120] Nance, *Attack and Counter-Attack*, 446-447.

joined Captain Hays as a scout. In early December, young Flacco and one deaf mute Lipan with an acute sense of sight traveled with Hays to the Nueces River. Flacco rode further south to the town of Laredo on the Mexican frontier in order to gather information.[121] He returned four days later to the Somervell outfit to inform them of the position of his scouts and the situation just north of the Rio Grande.[122] On December 9, the Somervell expedition took Laredo. After capturing a second Rio Grande town, Guerrero, General Somervell disbanded the expedition on December 19, 1842.[123] Flacco, an intriguing warrior in his own right, reinforced the notion of the Ndé as complicit in the oppression of other Native Americans and Mexicans. Justifications exist in explanation of his behavior. The fact remains, however, that Flacco acted in the interests of Anglo-Texans during the Somervell Expedition.

On January 1, 1843, General Somervell offered a reward to Flacco if he returned to the Nueces River from San Antonio in order to recover some horses.[124] Flacco left with his friend and recovered the animals. Two Anglo-Texans accompanied them. In late January, James O. Rice found the murdered bodies of the two indigenous warriors. The Anglo-Texans murdered young Flacco while he was sleeping and stole away with the horses to sell in the town of Seguin. Settlers spotted one of the killers, Tom Thernon, in town.[125] Lamar, in his personal papers, noted that James B. Ravis was the second perpetrator.[126]

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[121] Noah Smithwick, *The Evolution of a State or Recollections of Old Texas Days* (Austin: University of Texas Press, 1983, orig. 1900), 160.
[122] Nance, *Attack and Counter-Attack*, 497.
[123] Nance, *Attack and Counter-Attack*, 565.
[124] Nance, *Attack and Counter-Attack*, 576.
[125] Smithwick, *Evolution of a State*, 160.
[126] M.N. Lamar, Mexicans who Fell in the Alamo, San Antonio, n.d., in *The Papers of Mirabeau Buonaparte Lamar*, eds. Charles M. Gulick and Katherine Elliott vol. 6 (Austin: A. C. Baldwin and Sons, 1922), 297.

Noah Smithwick, friend to the Ndé, told old Flacco of his son's death. When the leader heard the news "tears rained down the old man's face while sobs fairly shook his frame."[127] Houston sent the mournful leader a letter in which he asserted that Mexicans killed his son. The president, while penning this letter, had just received a note from old Flacco that he was distraught and in poor health over the death of young Flacco. He changed his name to Yawney in his sorrow because he longer wanted to hear the name Flacco. Soon after discovering the truth that Anglos had killed his son, Yawney removed himself and his band to the Rio Grande.[128] Diplomatic relations between the Lipan Apaches and the settlers of Texas ended at this time.

The Republic never brought the men to justice, even if some Anglos such as Lamar, as mentioned above, knew their identities. In the summer of 1843, Lipan Apaches raided Anglo-Texans in San Antonio, although Colonel Jack Hays blamed the depredations on the Comanche.[129] Bitterness and the seeds of discord sown between the two nations resulted in chaos during the U.S. era after 1846. What was justice, then, according to Anglo-Texans in the 1840s? At the time, justice could only provide retribution for white citizens of the republic as embedded in the Constitution of 1836.[130] The Ndé remained outside of the mechanism of the juridical administration of the law. The actions of the settler state entailed a test of its ability to ascribe fairness to juridical proceedings. In this instance, the Republic failed to accord respectful recognition of the

[127] Smithwick, *Evolution of a State*, 161.
[128] Sam Houston to Benjamin Bryant, Indian Agent, Washington-on-the-Brazos, March 28, 1843, in *Writings of Sam Houston*, vol. 3, 344-345.
[129] Frederick Wilkins, *The Legend Begins: The Texas Rangers, 1823-1845* (Austin: State House Press, 1996), 170.
[130] Constitution of the Republic of Texas, March 17, 1836, in *The Presidents of the Republic of Texas: Chronology-Documents-Bibliography*, ed. George Lankevich (Dobbs Ferry, NY: Oceana Publications, 1979), 86-102.

legal rights of the Ndé as found in the Live Oak Point Treaty of 1838.[131] To compound the matter, President Houston used the administration of Indian affairs found in U.S. structures of government as a blueprint for the implementation of his own prerogatives in relation to the Lipan among other indigenous nations.

Houston inscribed the shortcomings of U.S. Indian policy in establishing the Republic's own Bureau of Indian Affairs. This department of government exemplified a microcosm of policies that failed to accord equal status to indigenous nations within the confines of the United States.[132] Congress enacted the most comprehensive law dealing with Native Americans during Houston's second administration in January 1843.[133] The act's stated goal provided for peace and the regulation of trade with indigenous peoples. The legislation established a Bureau of Indian Affairs attached to the Department of War, synonymous with the structure of federal government over Natives in the United States. The President of the Republic requested a yearly congressional report, interpreters, agents, and a superintendent. The Indian agents reported directly to the President. The law provided for trading posts along the line between white settlements and indigenous nations. The Republic required licenses of its traders. The legislation specifically prohibited trade in horses between white settlers and Native people. This stipulation directly affected Ndé economic initiatives focused on the appropriation of Mexican horses for trade to Texas settlers. The act also prohibited the sale of alcohol to Indians.[134]

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[131] Treaty Between Texas and Lipan Indians, Live Oak Point, January 8, 1838, in *Texas Indian Papers*, vol. 1, 30-32.

[132] Ordinance for the Regulation of Indian Affairs, August 7, 1786, in *Documents of United States Indian Policy*, ed. Francis Paul Prucha (Lincoln: University of Nebraska Press, 1975), 8-9.

[133] An Act to Provide for the Establishment and Maintenance of Peace, and to Regulate Friendly Intercourse with the Indians, January 1843, in *The Laws of Texas, 1822-1897*, Hans P.M.N. Gammel, ed., vol. 2 (Austin: Gammel, 1898), 842-845.

[134] An Act to Provide for the Establishment and Maintenance of Peace, January 1843, in *Laws of Texas*, Gammel, ed., vol. 2, 843.

In a reflection on the limitations of indigenous sovereignty, several provisions of the Act attenuated the rights of Native nations. Under the control of Texas, all Indians who stole European-American property had to restore the goods to the settlers. Further, the law prohibited Native movement across the border of white settlement. The very notion of a reduction and survey of indigenous territory implied encroachment upon tribal sovereignty. Texas forced Lipan Apaches, whose settlements at the time fell below the dividing line, to remove beyond the limits of the white settler state. In relation to crimes, the Republic asserted control over prosecution regardless of the ethnicity of the perpetrator.[135] This provision comprised an outright assault on Indian sovereignty because it refused to recognize the right of the tribes to prosecute non-Indian crimes. Clearly, this legislation brought the tribes under control of the settler state even while purporting to promote peaceful relations with indigenous nations.

The Republic's lumping of diverse Indian nations within the Treaty of Tehuacana Creek resulted in a further misrecognition of indigenous peoples. Texas sought to impose the concept of one single purported "Indian race" according to physiological and cultural difference. This action implicated the failure of the settler state to accord sovereign status to each nation as a distinct collective. On October 9, 1844, the Lipan Apache and Comanche along with other indigenous nations "agreed" to this treaty with Texas.[136] Signed in council south of present-day Waco, this accord also presented a renewed recognition of the sovereign status of the Ndé. In keeping with President Houston's

[135] An Act to Provide for the Establishment and Maintenance of Peace, January 1843, in *Laws of Texas*, Gammel, ed., vol. 2, 845.

[136] Anna Muckleroy, "The Indian Policy of Texas, Chapter VI: Indian Affairs During Houston's Administration and Jones's Administration," *Southwestern Historical Quarterly* 26, no. 3 (1923): 193-196.

policy, the treaty's title referenced peace and friendship.[137] The Lipanes were not the only signatories to the treaty. Other tribal leaders that signed included the purported heads of the Keechi, the Waco, the Caddo, the Anadarko, the Ioni, the Delaware, the Shawnee, and the Tawakoni tribes. Lipan Apache signatories to the Treaty of Tehuacana Creek included Ramon Castro, son of the deceased Cuelgas de Castro, and Captain Chico who renamed himself after the death of his brother young Flacco.[138] The liberal stipulations of the treaty provided a basis for the recognition of sovereignty with regard to each nation even if the agreement "lumped" the interests of every polity into one "Indian" conglomerate.

The gist of the treaty provided mostly negative consequences for the Ndé, although the accord allowed for some positive developments in relation to indigenous sovereignty in general. Article Two of the treaty proposed a borderline between the colonial settlements and the indigenous nations to the south, west, and north of the settler state. In a strong concession to Native peoples, Article Five of the treaty allowed Natives to punish their own thieves committing depredations against non-Indians.[139] The ability to punish crimes against Anglo-Texans allowed for recognition of tribal power in criminal law. Article Thirteen demanded that no settlers sell whiskey to Native peoples. In an ironic turn, Article Fifteen sought to teach Native peoples the arts of agriculture in raising corn.[140] Lipan Apaches planted corn long before the arrival of the Europeans and needed no instruction on this point. In keeping with the Republic's prior stance on the Native right of occupancy, the accord provided for no land cessions.

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[137] Treaty of Tehuacana Creek, October 9, 1844 in *Texas Indian Papers*, vol. 2, 114-119.
[138] For a list of local groups and hereditary chiefs, see Minor, *The Light Gray People*, 106-108.
[139] Treaty of Tehuacana Creek, October 9, 1844, in *Texas Indian Papers*, vol. 2, 115.
[140] Treaty of Tehuacana Creek, October 9, 1844, in *Texas Indian Papers*, vol. 2, 116.

This treaty comprised Houston's final accomplishment with indigenous nations before statehood. Sam Houston stepped down from the presidency in early December, giving a valedictory address that recognized a newfound peace with the tribes.[141] His peace policy, absent the death of Flacco, had been such a success with other indigenous nations that Houston's successor, Anson Jones, continued diplomatic relations with Native peoples almost uninterrupted. This last President of the Republic, however, created more problems for the Ndé than solutions. While he appointed effective Indian agents to negotiate with the Lipan Apache Nation, his superintendent posed difficulties with relation to other indigenous nations.

The Jones Administration

The settler state of Texas inaugurated Jones as President of the Republic on December 9, 1844.[142] The administration of Indian Affairs with regard to the Ndé commenced almost immediately after his inauguration. In a report to the Superintendent of Indian Affairs made in mid-December, Cambridge Green, Agent to the Lipans and Tonkawas, found that Ndé people committed depredations on a daily basis against the settlers of Seguin. Prior to the Council at Tehuacana Creek, Green unsuccessfully coerced the Ndé to avoid intergovernmental agreements with either "Mexicans or Indians." According to the Agent, Lipan Apaches engaged in diplomatic relations with the Comanche to garner a peace.[143] Clearly, Ndé anger at the loss of Flacco demonstrated itself in raids on Anglo-Texan settlements and peace-making with the powerful and independent Comanche. In proof of the fact that matters of diplomacy hinge on positive

[141] Lankevich, *Presidents of the Republic of Texas*, 200.
[142] Herbert Gambrell, *Anson Jones: The Last President of Texas* (Austin: University of Texas Press, 1988), 370.
[143] C. Green to Thomas G. Western, Washington-on-the-Brazos, December 14, 1844, in *Texas Indian Papers*, vol. 2, 150-151.

interpersonal relationships, the personalities of the Texas Bureau of Indian Affairs reflected differing perspectives on the treatment of the Ndé with respect to national sovereignty or its absence.

Relations with the Lipan Apaches would change, however, with the appointment of Robert Simpson Neighbors as Indian Agent to the Ndé.[144] Neighbors sympathized with Native Americans, a quality few other Indian Agents possessed in the nineteenth century. As evinced by one of his reports in January 1844, Neighbors found Lipan Apaches to be "perfectly willing to be governed by the instructions of the government in every respect."[145] Given the nature of hegemony, Ndé acceptance of settler colonialism at this point reflects either a blind obedience or a clever subterfuge in "accepting" the "graces" of the Anglo-Texan Republic while maintaining national autonomy. In counterpoint to this sly move, the Ndé embraced the notion of joining a number of indigenous nations in council with the settler state the following September.

Texas Indian Superintendent Thomas G. Western, on the other hand, had little patience for the situation of the Lipan Apache Nation. In fact, in attempting to enforce a provision of the Tehuacana Creek Treaty, Western sought to remove the nation beyond the line of white settlement in March.[146] In May, Western desired Neighbors to inform the Ndé that, should their services be required, the Republic demanded that Lipan Apaches act as scouts for further incursions on the frontier.[147] The Superintendent engaged in a form of Janus diplomacy with the Ndé. He required the removal of this

[144] Thomas G. Western to Robert S. Neighbors, Washington-on-the-Brazos, February 12, 1845, in *Texas Indian Papers*, vol. 2, 197-198.
[145] Robert S. Neighbors to Thomas G. Western, San Antonio, January 14, 1845, in *Texas Indian Papers*, vol. 2, 166.
[146] Thomas G. Western to Robert S. Neighbors, Washington-on-the-Brazos, March 2, 1845, in *Texas Indian Papers*, vol. 2, 205-206.
[147] Thomas G. Western to Robert S. Neighbors, Washington-on-the-Brazos, May 20, 1845, in Texas Indian Papers, vol. 2, 252.

nation beyond the boundary of white settlement but also asserted his need of the services of this people in "protecting" the frontier. In the summer of 1845, Western made numerous requests that Lipan Apaches keep out of Anglo settlements.[148] In the final analysis, the President's policy toward the Ndé constituted removal as evinced by the letters of Superintendent Western. While paying lip service to the continuance of Houston's peace policy, in point of fact the Ndé suffered a worsening situation since the death of Flacco at the beginning of 1843.

While the historical record appears bereft of the speech-acts of Ndé leaders, an important exception reveals the power inherent in the discourse of Ndé peace leadership then devolving upon men. Lipan Apache leaders' articulation of their independence contributed to their diplomatic recognition as ambassadors of a separate nation. Cuelgas de Castro's son, Ramón, representative of the Lipan Apache Nation at a second council held at Tehuacana Creek in September 1845, gave a fine speech at the council quoted in full here:

> I am happy to learn that all is peace. I wish to say to the President and the commissioners that I bring my people here to continue our friendship, and that I want to give my hand in peace to all the tribes present. I do not come here with a forked tongue. I come to make peace with all, and I know that my young men will keep it and not molest the property of anyone. The old chiefs present must tell their young men not to break the treaty but to assist one another in maintaining it. I saw some at the last council that pretended to be at peace that are not here now. I fear they do not intend to keep the treaty. I do not see any now but what, I believe, will do as they

[148] Thomas G. Western to Robert S. Neigbors, Austin, July 8, 1845, in *Texas Indian Papers*, vol. 2, 273; Thomas G. Western to Robert S. Neighbors, Washington-on-the-Brazos, July 18, 1845, in *Texas Indian Papers*, vol. 2, 293.

> promise. I have only to assure the commissioners and the different tribes present that I have faithfully kept the treaty and will continue to do so, and I call upon the Great Spirit to witness that what I say is true. And I want the other tribes to talk the truth so that we may all understand one another and live in peace.[149]

This eloquent address to the various tribes represented at the council testified to the speaking capabilities and diplomatic skills of the leaders of the Ndé nation. In contrast to the lumping of tribes according to so-called "race," Castro accorded sovereign respect to each indigenous nation present. His control of the warriors among his band reflected his status as a leader. Castro recognized that not all leaders from other nations came in good faith to the diplomatic table. He admonished the leaders of other nations to control their warriors as well. Castro's metaphor of the "forked tongue" revealed the significance of the snake to Lipan culture and his assertion that falsehoods would not be tolerated.[150] His reference to the Great Spirit implied an ability to translate complex indigenous concepts of religion and spirituality into a simplified form recognizable by the representative of the settler state. Ndé rhetoric, evinced in this masterpiece of oratory, comprised a significant part of the oral cultures of indigenous peoples. In speaking truth to other sovereign entities, the Ndé revealed their own power reflected in the spoken word.

Resettlement, or forced exile, deterred Lower Lipan Apache resolve to maintain structural integrity in the lands they considered to be their homes. Surprisingly, Neighbors first suggested the removal of this indigenous people. Directly after the council at Tehuacana Creek, Neighbors declared that, given Lipan Apache rapport with the Mexican population among Anglo settlements, the Ndé "must be kept out of the reach

[149] Minutes of a Council Held at Tehuacana Creek and Appointment of Daniel D. Culp as Secretary, September 19, 1845, in *Texas Indian Papers*, vol. 2, 337-338.
[150] Minor, *The Light Gray People*, 154-155.

of Mexican settlements."[151] Indeed, Neighbors hoped that the Superintendent would decree the removal of this indigenous nation from their homelands. The Comanche sought to punish the Ndé for their earlier complicity with the settler state in exiling the Lower Lipan bands to lands claimed by the Comanche as their own. In a clever move, the Ndé simply ignored the discursive violence contained within Texas's proclamations and returned to familiar sites within the boundaries that they recognized as their own land. Each attempt to resettle the Ndé above the border line of white settlement ultimately failed to impact Lipan territorial integrity. Comanche leaders in November 1845 demanded that the Ndé remove from the vicinity of Anglo settlements and camp in Comanche territory above the line.[152] As a result of this pressure, the Lipan Apaches removed for a couple of months from the San Antonio River to the San Gabriel beyond the reach of Anglo settlement.[153]

Settler colonialism, as practiced by the Republic of Texas, demanded the removal of the Ndé from Anglo settlements, yet these same settlements continued to grow with immigration from the United States and stretch further west over time. The Ndé, in an effort to subvert the aims of the settler state, agreed to remove west into the *Comanchería* only to return to their previous long-term homelands to the northeast of San Antonio. Indeed, by February 1846, Indian Agent Neighbors reported that Lipan Apaches returned to their old town on Cibolo Creek near San Antonio and planted corn. All attempts on the part of the settler state to destroy the territorial integrity of this indigenous nation came to nought. The Ndé simply refused to relocate from their ancient place of living for

[151] Robert S. Neighbors to Thomas G. Western, Camp Comanche, September 15, 1845, in *Texas Indian Papers*, vol. 2, 361.
[152] Report of a Council with the Comanche Indians, Torrey's Trading House, November 23, 1845, in *Texas Indian Papers*, vol. 2, 412.
[153] William G. Cooke to Anson Jones, Austin, December 12, 1845, in *Texas Indian Papers*, vol. 2, 423.

prolonged periods of time. Indian Agent Neighbors, in sympathy and knowledge of the difficult position of the Lipan Apache Nation, advised the Superintendent to allow the nation to remain at its ancient settlement because of their "entire devotion … and their willingness at all times to serve [the Republic] to the best of their ability in every respect."[154] Neighbors found it only just to allow the Ndé to remain in their homeland. His opinion, however, was that of a minority among Anglos.

U.S. policy as exercised in Texas would continue the Janus perspective of treating with the tribes yet effecting their removal or destruction. The United States officially recognized the state government of Texas on February 19, 1846 after annexation the previous year.[155] Relations between the Lipan Apaches and the Republic came to an ignominious end. Over time, the Republic treated the Ndé alternatively as a sovereign nation, as exploited peoples, as hegemonized soldiers for the uses of the state, and as enemies to the interests of Texas.

Conclusion

Did the Lipan Apache Nation maintain sovereignty in the face of the onslaught of the Anglo-Texan settlers and the settler state? If sovereignty is defined as a nation-state with proper borders and relations with foreign nations, then, by definition, Lipan Apaches lost their sovereignty under the creeping auspices of the Republic of Texas. Yet, this definition does not constitute the sovereignty of indigenous peoples. Instead, indigenous sovereignty resides in the people and the maintenance of community integrity even in the face of colonization and attempts at erasure. In this sense, then, Lipan Apache

[154] R. S. Neighbors to T. G. Western, Austin, February 4, 1846, in *The Indian Papers of Texas and the Southwest, 1825-1916*, eds. Dorman H. Winfrey and James M. Day, vol. 3, *1846-1859* (Austin: Texas State Historical Association, 1995), 13-14.

[155] Joel H. Silbey, *Storm Over Texas: The Annexation Controversy and the Road to Civil War* (Oxford: Oxford University Press, 2005), 92.

sovereignty remained intact.[156] The bands in different divisions continued to interact with each other both across the disputed border between Texas and Mexico and beyond the line of settlement in west Texas. Indeed, the erosion of sovereignty perpetrated by the Republic of Texas impacted only the Sun Otter and High-Beaked Moccasin bands.[157] Ndé sovereignty, defined as community integrity, remained strong. It allowed Ndé people to maintain internal social relations and external interaction with Texas.

Ndé sovereignty remained undiminished in the face of the onslaught of Anglo settlers and the settler state of the Republic of Texas. The Ndé maintained sovereignty because the structure of their government was neither rigid nor hierarchical. Ndé politics, characterized by a loose federation of three divisions comprised of bands and local family groups, contained enough fluidity to withstand repeated attacks in the mid-nineteenth century.[158] Each of the four administrations of the Texas republic attempted to impose its own view on the constitution of Lipan Apache sovereignty, and each administration's policy failed in its goal of assimilation, annihilation, or removal of the Ndé people. The settler state promulgated definitions of sovereignty that retained a nation-to-nation relation with the Ndé. The Ndé retained internal sovereignty by means of careful organization of their related divisions and external sovereignty through diplomatic relations with the Republic of Texas. Ndé relations with Mexico, the subject of the next chapter, proved in actuality to be a great deal more contentious even than relations with the Texas Republic.

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[156] For more on the special status of indigenous sovereignty, see Walter R. Echo-Hawk, *In the Light of Justice: The Rise of Human Rights in Native America and the UN Declaration on the Rights of Indigenous Peoples* (Golden, Colorado: Fulcrum, 2013), 125-132.
[157] Minor, *The Light Gray People*, 93-94.
[158] Minor, *The Light Gray People*, 87.

Chapter 4. Shadows in Northeastern Mexico: Federalism, Mexican Treaty Relations with the Lipan Apaches, and the U.S.-Mexican War, 1836-1848

Shadows are odd things. They appear to occupy space, yet they have no substance. They are the negation of light. Moreover, they follow us wherever we walk. What, then, are the shadows of northeastern Mexico in the mid-nineteenth century? This chapter argues that the shadows of Mexican settlers and elites had form. From 1836 to 1848, the Ndé shadowed Mexican politics and social interaction. The Lipanes formed a shadow polity and economy at this time in eluding direct recognition from the Mexican national state. While this indigenous nation concluded one treaty with local Mexican governmental authority in 1845, their overwhelming place in the historical events of the era comprised clever moves to avoid direct incorporation in the polity including raiding for economic trade goods and lightning-quick military strikes. As such, the sovereign status of the Ndé reflected their own internal order rather than full-blown diplomatic relations with the Mexican settler state.

Sovereignty consists of formal external relations with a foreign power and governmental structural integrity. The Ndé in Mexico maintained their own internal forms of government, yet their external relations with Mexico were anything but sovereign.[159] Elements of what defines concepts of sovereignty existed in treaties and the negotiation for land title in *establicimientos de paz* recognized by the state of Coahuila. Mexican officials in Mexico City and local governments in the northeast refused to accord the Ndé sovereign status. Instead, they looked upon the nation as either *indios bárbaros* or Mexican citizens without rights to land and culture prior to European

[159] For a discussion of internal versus external sovereignty, see N. Bruce Duthu, *Shadow Nations: Tribal Sovereignty and the Limits of Legal Pluralism* (Oxford: Oxford University Press, 2013), 95.

colonization. Regardless, the Ndé maintained political integrity and autonomy in Mexico because the Mexican government lacked resources to implement its strategies to dissolve the Lipan nation.

Many individual Mexicans found common cause with the Lipanes in politico-economic relations such as the shadow economy but not in the fight for federalism against centralism. The founding of the "Republic of the Rio Grande," as the Texas newspapers termed this separatist movement among the northeastern states of Mexico, resulted in the direct subordination of Ndé goals for political self-rule. Because poor relations developed between northeastern elites and the Lipanes, massacres against either the Ndé or Mexicans occurred all too often. The Ndé negotiated one treaty with representatives of local Mexican government at this time, although the U.S.-Mexican War eventually took precedence in the minds of Mexican politicians. This chapter argues that the Ndé exercised autonomy in relation to Mexico even if, in the end, the United States imposed its military might not only against the nation-state but also this indigenous nation.

Ndé Appropriation of Settler Property

The Ndé "shadow" economy, built in time over the eighteenth century, comprised the enterprise of raiding for Mexican cattle, horses, and firearms south of the Rio Grande to trade with tribes in southeastern Texas such as the Bidais and Akokisas.[160] This economy relied on shadowing the formal economy of the Mexican and Anglo-Texan population. Because Spanish colonization depleted bison populations earlier in the

[160] Juan Agustín de Morfi, *Excerpts from the Memorias for the History of the Province of Texas*, trans. Frederick C. Chabot (San Antonio: Naylor, 1932), 4; see also Nancy McGown Minor, *Turning Adversity to Advantage: A History of the Lipan Apaches of Texas and Northern Mexico, 1700-1900* (Lanham, MD: University Press of America, 2009), 75.

eighteenth century, conditions forced the Ndé to rely on shadowing the Mexican and Anglo-Texan economies through raiding settlements for goods and trading them with willing partners on the other side of the Rio Grande.[161] In this way, the Ndé exploited the political differences between Mexicans and Anglos. The Ndé raided in Texas and traded in Mexico or raided in Mexico and traded in Texas. From 1836 to 1845, the Ndé continued their shadow economy of raiding and trading with Mexican settlements in defiance of Mexican attempts at control of the indigenous population. As a result, Ndé efforts at autonomy during this period remained powerful in the face of Mexican attempts at social control of the Ndé population south of the Nueces River, the de facto boundary between the Republic of Texas and Mexico.

The numbers of the bison thinned beginning in the mid-eighteenth century. As a result, the Ndé turned increasingly from their traditional bison economy to the shadow economy of acquiring horses, cattle, and sheep from Mexicans for sale across the border into the Republic of Texas.[162] This acquisition by means of appropriation of animals on what the Ndé considered to be their own territory primarily affected the elites of societies in the northeast of Mexico. *Peones*, comprised mostly of tribal remnants of various indigenous nations along and south of the Río Bravo/Grande, also suffered inordinately. Indeed, the peons, comprised of sheep-herders among other lowly economic positions relative to the Spanish elites in Coahuila, Nuevo León, and Tamaulipas, often risked death in their efforts to incorporate themselves into the cash economy of the northeast.[163]

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[161] For a discussion and definition of the shadow economy of the Ndé, see Nancy McGown Minor, *The Light Gray People: An Ethno-History of the Lipan Apaches of Texas and Northern Mexico* (Lanham, MD: University Press of America, 2009), 71-76.

[162] Minor, *The Light Gray People*, 72.

[163] Charles H. Harris III, *A Mexican Empire: The Latifundio of the Sánchez Navarros, 1765-1867* (Austin: University of Texas Press, 1975), 186-193.

Lipan Apache leaders engaged in horse and livestock rustling for trade across the Rio Grande and the Nueces River (the disputed boundary between Mexico and the Republic of Texas) in favor of Anglo-Texans and indigenous nations to the east of Anglo settlements in Texas. Because the newly established Republic of Texas engaged in the shadow economy of the Lipanes, the Ndé made raids in the vicinity of the Río Bravo/Grande resulting in severe destabilization in the Mexican polity of the northeast and the continued strength of the Ndé in maintaining political autonomy.

Reports of newspapers in Tamaulipas reflected Ndé political self-rule and economic autonomy by means of the shadow economy. In 1836, a Matamoros newspaper reported that the Lipanes raided as far south as the Arroyo Colorado in Tamaulipas.[164] Reynosa, a town situated on the south side of the Río Bravo, suffered. The Lipanes reportedly raided south of the Rio Grande because the Texans "no longer [had] anything of value to them."[165] The idea, implicit in this statement, demonstrated the intent of the Ndé to appropriate livestock and horses south of the Rio Grande not because the Anglo-Texans had nothing to offer the Ndé in terms of livestock and horses. Instead, the Anglos of the Republic of Texas provided sufficient military and vigilante force to halt Indian raiding north of the Nueces River. Anglo-Texans also had enough economic acumen to deal with the Lipanes as economic partners in the shadow economy.

The Ndé exercised their autonomy in their ability to effect population change among the *pobladores*/settlers of the Nueces Strip. The Nueces River to the north and the Río Bravo/Grande to the south formed the borders of the Nueces Strip. During the 1830s,

[164] David M. Vigness, "Indian Raids on the Lower Rio Grande, 1836-1837," *Southwestern Historical Quarterly* 59, no.1 (July 1955), 17.
[165] *El Mercurio del Puerto de Matamoros*, September 9, 1836, quoted in Vigness, "Indian Raids," 18.

both the Republic of Texas and Tamaulipas claimed this piece of land as their own.[166] Most of the non-Indian residents of the Strip, however, were Mexicans. Mexicans holding title to lands north of the Rio Grande began a steady immigration south of the river as a result of Indian depredations, including those of the Ndé and the Comanche, in 1837.[167] Mexico's claims to the territory between the Nueces and the Rio Grande thereby weakened. In this sense, then, the Ndé asserted territorial rights to the Nueces Strip.

Moreover, the Ndé asserted rights to lands in Coahuila and Tamaulipas at this time, particularly in the towns of Santa Rosa and Laredo. In 1838, Ndé leader Datíl resided in Santa Rosa in Coahuila. Mexican leaders in Laredo speculated that a division existed between Datíl and Cuelgas de Castro to the north of Tamaulipas in the Republic of Texas. Datíl had an agreement with the town of Laredo to afford his people protection when they resided in this *villa del norte* just north of the Río Bravo/Grande. Cuelgas de Castro, however, had no such agreement, although he decided to move his band to Laredo. Indeed, Capitán Manuel Lafuente wrote that the Lipanes who chose to settle near the town spied on the people of this village for the purposes of making raids on behalf of Cuelgas de Castro. Lafuente speculated further that Lipan Apache spies could not help but find the military garrison of the town weak and depleted.[168] Ndé leadership evinced itself in this case of the assertion of territorial rights in Coahuila and Tamaulipas.

Mexican national Indian policy at this time sought to accord Mexican citizenship to all indigenous peoples within its boundaries.[169] The Ndé, in keeping with their

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[166] Brain DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008), 73-75.
[167] Vigness, "Indian Raids," 22.
[168] Manuel Lafuente to the Military Commander of the Frontier Towns of the North of Tamaulipas, June 11, 1838, in *Archivos de Laredo: Documentos Referentes a los Indios, Documents of the Indians*, ed. and trans. Robert D. Wood (Laredo, TX: Laredo Archives Series, 1998), 55-56.
[169] DeLay, *War of a Thousand Deserts*, 158.

autonomous stance, refused to become part of Mexico. Moreover, Mexican settlers in the northeast viewed the Ndé as *indios bárbaros* unworthy of Mexican citizenship because the Ndé committed "depredations" against their settlements. Indeed, the northeastern *pobladores* refused to accord citizen rights to the Ndé because they hated and feared difference and Lipan Apache national autonomy.[170] Because the centralist government in Mexico City would not protect settlers on the Río Bravo/Grande, the settlers of the northeastern states of Tamaulipas, Nuevo León, and Coahuila protested against the centralist regime in its lack of ability to quell Lipan Apache and Comanche "hostilities" and eventually rebelled beginning in 1838 and resulting in the short-lived "Republic of the Rio Grande" in 1840. The impetus for the uprising included Lipan Apache attacks on Mexican settlements.[171] To the northeastern Mexican elites, however, the fact that the Ndé sought reprisal in defense of their homeland remained a moot point. The establishment of the provisional state boded ill for the Ndé because the states of northeastern Mexico in asserting their separatist sovereignty refused to recognized the autonomy of the Ndé nation. Indeed, the northeastern states sought to negate Ndé sovereignty and autonomy through rejection of the Mexican national Indian policy.

In the events leading up to the federalist uprisings, the central Mexican government sought to subsume Ndé rights to territorial integrity and political self-rule. In 1835 the centralist party of Mexico returned to power. In doing so, the new regime promulgated the *Siete Leyes* as a replacement for the federalist Constitution of 1824.[172] This new constitution converted Mexican states into departments that had no political or

[170] DeLay, *War of a Thousand Deserts*, 159.
[171] Vigness, "Indian Raids," 23.
[172] Beatriz de la Garza, *From the Republic of the Rio Grande: A Personal History of the Place and the People* (Austin: University of Texas Press, 2013), 10-11.

fiscal autonomy. Juntas replaced provincial assemblies. The centralist government based out of Mexico City appointed governors of each of the departments instead of holding elections. This quelling of local power along with the centralist refusal to aid the departments of Coahuila, Nuevo León, and Tamaulipas in their efforts to annihilate the Ndé and the Comanche resulted in the federalist uprisings in northeastern Mexico from 1838 to 1840.[173] Even more significant, the centralist Mexican government continued to recognize all inhabitants of Mexico as Mexican citizens including all Native Americans residing within the borders of the state. As a result, the government recognized the Ndé as citizens of Mexico not as a separate Indian nation. In other words, the assimilation program directed from Mexico City viewed the Lipanes among other peoples as already assimilated into the mainstream of Mexican society.[174] The Mexican authorities refused to recognize that such was not the case.

With the stirrings of a federalist push for local government, the Mexican state of Tamaulipas embodied concerns over the assimilationist Indian policy of the central government. Indeed, the most significant revolutionary in these uprisings, José Antonio Canales Rosillo, was well-versed in attacking the Ndé in their own homeland. Canales, prior to his rise to power, engaged in fighting the Lipan Apache and other tribes through the local militia in the Mexican northeast.[175] The federalist movement began in October 1838 with an uprising in the port city of Tampico in Tamaulipas. The movement then spread to Nuevo León and Coahuila.[176] On November 3, 1838, Canales promulgated a *pronunciamiento* from Guererro in northern Tamaulipas against the centralist government

[173] Omar S. Valerio-Jiménez, *River of Hope: Forging Identity and Nation in the Rio Grande Borderlands* (Durham, NC: Duke University Press, 2013), 124.
[174] DeLay, *War of a Thousand Deserts* (New Haven: Yale University Press, 2008), 160-161.
[175] Garza, *From the Republic of the Rio Grande*, 11.
[176] Valerio-Jiménez, *River of Hope*, 125.

in Mexico City in favor of federalism.[177] The subtext of the uprising remained clear. The federalists sought local power in order to implement a policy of extermination against the Ndé.

Rejecting Ndé needs and rights, the federalists engaged the centralists and succeeded in battles against Mexican forces. By early 1839, the federalists of the northeast appeared poised to topple the centralist government in Coahuila, Nuevo León, and Tamaulipas. Their military forces took control of the capital cities of Saltillo and Monterrey. The federalists also controlled foreign trade through the ports of Tampico and Matamoros in Tamaulipas.[178] All too soon, the centralist forces began to agitate and regain control of each of these towns. For the better part of 1839 and 1840, Canales and other officials of the federalist uprisings crossed the Río Bravo/Grande into the Nueces Strip and the Republic of Texas. From summer 1839 to the following January, Canales and his followers defeated centralist forces at Guererro and Mier along or south of the Río Bravo/Grande.[179] In this "revolution," both sides all but ignored the Ndé.

In defiance of any kind of recognition of Ndé self-rule, the federalists in 1840 sought to establish a new jurisdiction in the Mexican northeast. This new republic elided all mention of indigenous political and social rights. In January 1840, Canales called a convention to meet in Guererro. The convention elected officials from Tamaulipas, Nuevo León, and Coahuila including Jesús Cárdenas, President, Francisco Vidaurri y Villaseñor, Vice President, Antonio Canales as commander-in-chief of the army, and one

[177] David M. Vigness, "Relations of the Republic of Texas and the Republic of the Rio Grande," *Southwestern Historical Quarterly* 57, no.3 (January 1954): 312.
[178] Garza, *From the Republic of the Rio Grande*, 12.
[179] *Telegraph and Texas Register* (Houston, TX), October 30, 1839; see also Garza, *From the Republic of the Rio Grande*, 13-14; David M. Vigness, "A Texas Expedition into Mexico, 1840," *Southwestern Historical Quarterly* 62, no.1 (July 1958): 19-22.

representative each from Coahuila, Nuevo León, and Tamaulipas.[180] These elected officials then formed a political entity separate from the government of Mexico. The name of this provisional government was the *Frontera del norte*. The Texas press mistakenly labeled the fledgling state the "Republic of the Rio Grande."[181] No self-respecting Mexican at the time referred to the Río Bravo as the Rio Grande. As a result, the likelihood of referring to their new regime with the misnomer "Rio Grande" was extremely low.[182] The import of this action, however, resulted in complete denial of the land title and political standing of the indigenous people of the lower Río Bravo. The Ndé remained side-lined in the political and military wrangling between federalists and centralists.

Involved in the discourse of war between the federalists and the centralists, both sides employed the Ndé as political pawns in a battle of words. Indeed both ideological groups accused each other of inciting the Ndé to attack the opposing force, yet the Ndé remained aloof from the political and military machinations of a war that affected the Indian nation only peripherally.[183] In the end, the uprising lasted until November 1840 when the leader of the federalist forces, General Canales, capitulated and joined the Mexican military.[184] Such a move on the part of Canales suggested that he was not entirely sincere in his "revolution" against the central government of Mexico. In sum, when faced with Native American opposition, both federalists and centralists saw

[180] *Brazos Courier* (Barzoria, TX), April 21, 1840; see also Garza, *From the Republic of the Rio Grande*, 15.
[181] Garza, *From the Republic of the Rio Grande*, 21.
[182] Valerio-Jiménez, *River of Hope*, 126; Vigness, "Relations," 316.
[183] Garza, *From the Republic of the Rio Grande*, 27.
[184] *San Luis Advocate* (San Luis, TX), December 10, 1840; Garza, *From the Republic of the Rio Grande*, 20; Vigness, "Relations," 321.

common cause in defeating the Ndé and other indigenous peoples of northeastern Mexico.

Increasingly angered with the imposition of military occupation, the Ndé began to fight in earnest for their homeland. Their lives, freedom, and autonomy were at stake in the escalating violence between centralist and federalist armies crossing the region. Clearly the Lipanes perceived a change in the colonial situation. As a result, the Ndé altered their own military tactics to reflect the new reality of internecine violence within the boundaries of their homeland. In 1840 the Ndé attacked the town of Agualeguas in Nuevo León. In a reflection of their rage, the Lipanes killed sixty settlers, wounded another sixty, and took twenty-eight Mexicans as captives.[185] The Ndé response to the chaos of the temporary provisional government entailed an alteration from raiding for commodities to execution of settlers. The indigenous nation realized that the various colonial factions engaged in war fought over what was essentially not Mexican land. Mexicans fought over rights to Ndé land without acknowledging Ndé title. As a result, the Ndé demonstrated their anger for Mexicans who refused to acknowledge the existence of the Ndé let alone their rights to their own territories and self-rule.

Further Attacks in the Northeast and Datíl's Treaty

With the demise of the so-called Republic of the Rio Grande, the Mexican settlers of the northeast devoted themselves whole-heartedly to attacks on Ndé national autonomy, although they couched their discourse of domination in terms of defense, portraying themselves as innocent in violent interaction with the Lipanes. Deteriorating relations with the Republic of Texas exacerbated the war of attrition between northeastern *pobladores* and indigenous peoples. The war between the Ndé and the

[185] Minor, *Turning Adversity to Advantage*, 149.

settlers remained in effect until 1845. At this point in time, the Ndé residing in Mexico under the aegis of Datíl made a treaty of peace with Coahuila.[186] Lipan Apache relations with the Mexicans of the northeast entered a period of détente until the Anglo-American hordes invaded Mexico in the war of the following year during *la intervención norteamericana*, or the U.S.-Mexican War.[187] Prior to the intervention, Ndé autonomy remained structurally intact and garnered recognition from the state of Coahuila in the continued saga of Ndé attempts to maintain political and territorial strength in the face of Mexican attempts to deny recognition of Ndé sovereignty.

Mexican military leaders in the northeast employed discursive tropes that portrayed the Ndé as "savages" who attacked the *pobladores* without compunction. Captain Lafuente, in particular, denied any recognition of Ndé aboriginal title or rights to political integrity. In the minds of Mexican military elites, the Ndé associated with Anglo-Texans in raiding Mexican settlements. On June 18, 1841, Manuel Lafuente wrote from Monterrey that the Commanding General in Lampazos, Nuevo León discovered that fifty Lipanes along with Anglo-Texans sought to raid the frontier. Lafuente argued that the Mexican settlers of Lampazos believed that the Anglo-Texans would do nothing against Mexicans without the instigation of the Lipan Apaches.[188] In other words, Lafuente ascribed fault with the Lipanes in encouraging Anglo-Texans to rob and steal from the Mexicans with impunity. Lafuente used the trope of blaming the "foreign," non-European element as a foil to explain the outrageous behavior of Anglo-Texans. The capitán failed to mention, purposefully, that the Ndé sought only to protect their

[186] Minor, *Turning Adversity to Advantage*, 170.
[187] DeLay, *War of a Thousand Deserts*, 253-254.
[188] Manuel Lafuente to the Military Commander of Laredo, June 18, 1841, in *Archivos de Laredo: Documentos Referentes a los Indios, Documents of the Indians*, ed. and trans. Robert D. Wood (Laredo, TX: Laredo Archives Series, 1998), 58.

homeland and appropriate commodities such as livestock as tribute. The Lipanes, instead, asserted rights to all goods within the boundaries of their own territory.

Given the Mexican military's propensity for demonization of the Ndé, relations between Mexico and the indigenous nation became increasingly polarized. As a result, in an attack in Tamaulipas and Nuevo León in 1844, the Ndé evinced a style of warfare similar to the attack on the village of Agualeguas in 1840. Angered with the continuing occupation and Euro-American development of their territories, the Lipanes attempted to send a message to northeastern Mexico that refused any compromise. In October 1844, over 400 Lipan Apache warriors led by a chief referred to as Indio Viejo attacked four towns in the northeast: Mier on the Río Bravo/Grande and the villages of La Palmita, La Laja, and La China in Nuevo León. In La Palmita, the Lipanes killed eighty-three Mexicans and took approximately fifty women and children captive. The Ndé appropriated horses but this was more than a raid. The attack was an act of retribution. After the assault on La China in Nuevo León, the Mexican military returned fire against the Lipanes and routed the Natives, recovering most of the women and children taken captive.[189] As a result, Ndé anger and desire for retribution remained a significant fact in relations on the northeastern frontier or, rather, the indigenous territories of the Lipan.

Mexican military elites of the *villas del norte* continued to employ the rhetoric of "innocence" in the face of Ndé incursions resulting in further misunderstandings and an increase in violence between the Lipanes and the Mexican *pobladores*. In February 1845, the Mexican military in Laredo, led by Calisto Bravo, decided to end the peace with Lipanes along with all other "barbarian" tribes because it believed that Texas provided

[189] Minor, *Turning Adversity to Advantage*, 150; Brian DeLay, "Independent Indians and the U.S.-Mexican War," *American Historical Review* 112, no.1 (February 2007), 44.

arms to the Lipanes to raid into Mexico.[190] The Ndé, portrayed as *salvajes*/savages once again rose up against the people of the *villas del norte*. In March, approximately 1500 Ndé, massed at the headwaters of the Colorado River in central Texas, sought to attack Laredo in particular.[191] Most likely, Bravo exaggerated the numbers in order to incite fear in the settlers. In a discourse of terror, Mexican elites sought to polarize relations between the Ndé and the Anglo-Texans on the one hand and the Mexican *pobladores* on the other.

In a move indicative of final recognition of Ndé sovereignty, Mexicans subscribed to the policies of the United States in engaging with the Ndé on a sovereign-to-sovereign basis, that is treaty making. Under duress from increasingly violent incursions on the part of the Ndé, officials of the Mexican government decided that recognition of the Lipanes as an entity separate from the rest of Mexico resulted in more positive relations between the two nations. Unfortunately, this recognition of Ndé sovereignty functioned only at the local level. In May 1845 Chief Datíl engaged in treaty making with local officials of Santa Rosa, Coahuila.[192] The resulting agreement meant that the Mexican Lipanes observed a peace with the settlers until the violence of the U.S.-Mexican War the following year. Because municipal officials recognized this fact that the central government in Mexico City did not, peace between the two governments became a distinct possibility. In the end, the Ndé gained the highest respect from the Mexican *pobladores* in the figure of a treaty.

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[190] Sherry Robinson, *I Fought a Good Fight: A History of the Lipan Apaches* (Denton, TX: University of North Texas Press, 2013), 216.

[191] Memorandum of Calisto Bravo, March 27, 1845, in *Archivos de Laredo: Documentos Referentes a los Indios, Documents of the Indians*, ed. and trans. Robert D. Wood (Laredo, TX: Laredo Archives Series, 1998), 79.

[192] Minor, *Turning Adversity to Advantage*, 170; Martha Rodríguez, *Historias de resistencia y exterminio: Los indios de Coahuila durante el siglo XIX* (Mexico City: Instituto Nacional Indigenista, 1995), 71.

As a result of this détente in sovereign relations between the Ndé and the municipality of Santa Rosa, officials from throughout Coahuila and Tamaulipas sought the aid of the indigenous nation. In July 1845 the prefect of Monclova in Coahuila made the suggestion that because the *pobladores* abandoned the vast majority of the northern part of Coahuila, perhaps the Lipanes could receive Mexican title to their own indigenous territories.[193] On September 30, 1845, Calisto Bravo voiced concerns over the Texas Lipanes. His primary fear comprised that of Anglo-Texan hostilities from San Antonio towards Laredo, Tamaulipas. The Mexican military authorities specifically sought the help of Mexican Lipanes in assuaging fears over a Texas Lipan incursion against the villa.[194] In a direct about-face only one year away from the devastating massacres against the Mexican settlers of the northeast, the Ndé in 1845 provided much needed help with regard to Mexican military affairs in Tamaulipas. This new approach of recognition of the value of the indigenous nation appeared auspicious to Ndé-Mexican relations. *La intervención norteamericana* dashed all Mexican hopes for a final peace, however, in the following year.

The U.S.-Mexican War

Clearly, the imperialist war of aggression on the part of the United States against Mexico from 1846 to 1848 comprised a land grab that resulted in the loss of over half of Mexico's territory. The U.S. government fully intended to provoke Mexico into the losing proposition of a war when it annexed Texas beginning in 1845. Indeed, by February 1846, the designs of U.S. President James K. Polk for the acquisition of

[193] Robinson, *I Fought a Good Fight*, 214.
[194] Memorandum of Calisto Bravo, September 30, 1845, in *Archivos de Laredo: Documentos Referentes a los Indios, Documents of the Indians*, ed. and trans. Robert D. Wood (Laredo, TX: Laredo Archives Series, 1998), 83-84.

California and New Mexico manifested themselves in a perspicuous push for more and more land. Almost immediately upon the annexation of Texas, U.S. troops began to amass in Corpus Christi south of the disputed boundary line of the Nueces River.[195] "American" blood was not shed on "American" soil when the Mexican army attacked and killed the imperialist aggressor just north of the Río Bravo/Grande regardless of whatever rhetorical tropes President Polk employed in order to galvanize the U.S. war machine. The occupation of Mexico City in 1847 supplied the coup de grâce to a war with no just moral basis.[196]

More significant to the matter at hand, the U.S. occupation of the *villas del norte* and the Mexican northeast beginning in 1846 posed a serious problem for the Ndé. The beginning of a war that ultimately divided Lipan Apache traditional territories in two resulted in the unparalleled destruction of Ndé structural integrity and autonomy. The Lipanes could not ignore the war and its effects on their homelands. Historical sources, however, sorely lack substantiation in terms of the Ndé response to this unbelievable attack on their lifeworld. The world of the Lipan Apaches became severely attenuated beginning in 1846 and resulted in desperate situations for the Ndé by the end of the nineteenth century.

That Mexico supposedly lost half of her territory begs the question of whose lands were lost. At this point, indigenous and Mexican national perspectives diverge. A careful reading of the history of this region reveals that indigenous people retained strong rights

[195] John S.D. Eisenhower, *So Far From God: The U.S. War with Mexico, 1846-1848* (Norman: University of Oklahoma Press, 1989), 32-33.
[196] Eisenhower, *So Far From God*, 345.

to the territories of New Mexico, California, and south Texas.[197] The Lipanes certainly felt threatened enough by the Republic of Mexico to flee military conscription into the Mexican army. At first, the U.S. occupation of the Nueces Strip and northeastern Mexico appeared to alleviate some of the most egregious complaints the Ndé held against the *pobladores*. If anything, however, massacres promulgated on the part of the United States against the Ndé revealed more of what was to come. The peculiar attitudes of Anglo-Americans with regard to race, nation, violence, class, patriarchy, and even scientific racism entailed the rejection of Lipan Apaches as equals in the race for control of the U.S.-Mexican borderlands at the flashpoint of the Río Bravo/Grande. The Ndé learned quickly that Anglo control of Lipan Apache territories could only result in a fate far worse than anything the Mexicans had ever imposed in the form of social control and policies of assimilation and annihilation.

The Ndé felt threatened as much by the Mexicans as by the Anglo-Americans during *la intervención norteamericana*. Indeed, according to Sherry Robinson in *I Fought a Good Fight: A History of the Lipan Apaches*, 2,500 Apache families fled northeastern Mexico to join their fellows on the Edwards Plateau. The Lipanes brought herds of cattle raided from Mexican settlements.[198] In May 1846, because the Mexican military sought to conscript Lipan men into their army in defense of the northeast against the Anglo-American invaders, many Mexican Lipanes fled north of the Río Bravo/Grande to escape military conscription during the U.S.-Mexican war. A Houston newspaper, the *Democratic Telegraph and Texas Register*, reported that the Mexican Lipanes "fled from the oppressions of Mexico, because their young men were forced into

[197] David J. Weber, *The Mexican Frontier, 1821-1846* (Albuquerque: University of New Mexico Press, 1982), 86.
[198] Robinson, *I Fought a Good Fight*, 220.

the army without their consent."[199] Although the United States comprised the instigator in the U.S.-Mexican War, Mexico herself also committed crimes against the Ndé during the war. Clearly, because the Mexican military forced Ndé men and boys to fight for a nation that they never considered their own, the Lipanes sought to exploit the divisions between the United States and Mexico in an effort to maintain political and structural integrity in the face of enormous devastation.

If the Ndé contemplated protection from Mexican elites and settlers alike in turning to Anglo-Americans for help, events that soon followed combined to disabuse the indigenous nation of such a notion. Anglo-American armies crossed Ndé territorial homelands beginning in 1846.[200] In 1847 Anglo colonization of Lipan-claimed land began in earnest. General Zachary Taylor's armies of occupation settled in Tamaulipas, Nuevo León, and Coahuila. Moreover, Colonel Alexander Doniphan's regiment descended from El Paso del Norte into Chihuahua and set its sights on Coahuila, the central southern part of the *Lipanería*. Soon after, Doniphan dispatched Captain John Reid to reconnoiter the area around the village of Parras. In May Captain Reid contributed to the massacre of several Lipanes.[201] This monstrous event was only one of many that Anglo-Americans would perpetrate in the following years. Blind to their own failings and race hatred, the Anglos consistently portrayed themselves as heroes in their delusional melodrama of "evil" Indians versus "good" whites. The truth was always more complex than Anglo-American thinking on the matter of the Ndé.

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[199] *Democratic Telegraph and Texas Register* (Houston, TX), May 13, 1846.
[200] Eisenhower, *So Far From God*, 52-54.
[201] Robinson, *I Fought a Good Fight*, 222-223; DeLay, *War of a Thousand Deserts*, 267-268; Thomas A. Britten, *The Lipan Apaches: People of Wind and Lightning* (Albuquerque: University of New Mexico Press, 2009), 206-207; Joseph C. Dawson III, *Doniphan's Epic March: The 1st Missouri Volunteers in the Mexican War* (Lawrence: University of Kansas Press, 1999), 176-178.

On May 13, 1847, in the midst of *la intervención norteamericana*, a small force of Anglo soldiers led by Captain Reid joined with a number of Mexican cavalry headed by the *hacendero* Don Manuel de Ibarra at the Hacienda San José del Pozo. The plantation was near the town of Parras in southern Coahuila. The small combined force had gathered to attack approximately sixty-five Lipan Apaches. The armed party of Mexicans and Anglos killed many Lipanes including their medicine man.[202] The European-Americans identified the war leader as a medicine man by means of his headdress of feathers and horns. Upon his death, the physician accompanying Reid's force, Adolph Wislizenus, severed the head of the Apache leader, boiled it in water to remove the flesh, and transported the skull for the purposes of craniological study.[203] The Mexican force rescued more than one dozen women and children along with five hundred horses and mules. After the so-called Battle of El Pozo, Don Manuel fêted the U.S. cavalry at his hacienda that evening. The following day, the citizens of the town of Parras honored Captain Reid with a letter of thanks for rescuing Christians from what they called "the cruelty of the most inhuman of savages."[204]

Anglo-Americans in relating their contributions in the Battle of El Pozo cast themselves as heroes in the defeat of the so-called "savage" Lipan Apache.[205] Anglos also believed that Mexican people succeeded in vanquishing the Apache only because of the U.S. military's presence.[206] The Anglos-Americans viewed the land itself, a desert,

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[202] *Captain John Reid to General John Wool*, H.R. Exec. Doc. No. 60, at 1144 (1847).
[203] William C. Kennerly, *Persimmon Hill: A Narrative of Old St. Louis and the Far West, as told to Elizabeth Russell* (Norman: University of Oklahoma Press, 1948), 203-204.
[204] William E. Connelley, *Doniphan's Expedition and the Conquest of New Mexico and California* (Topeka, Kansas: by the author, 1907), 479.
[205] Josiah Gregg, *Diary and Letters of Josiah Gregg*, eds. Maurice J. Fulton and Paul Horgan (Norman: University of Oklahoma Press, 1948), 125.
[206] Frank S. Edwards, *A Campaign in New Mexico with Colonel Doniphan*, (Philadelphia: Carey and Hart, 1847), 139.

primarily as a wilderness in need of taming. Such views of the land extended to the original inhabitants. Anglo men viewed violence against the Apache as a necessary element to the establishment of United States sovereignty in the borderlands.[207] The Indian as other, then, represented a relic of the past, a fossil that required extermination. The *norteamericanos* held the Apache as other responsible for the violence at El Pozo without contextualizing relations between Mexicans, Indians, and Anglos within the borderlands. Indeed, US attitudes towards both Mexicans and Indians explicitly produced a discourse in which it viewed the other as lacking in human value.[208]

Scientific racism, in a corollary to general racist attitudes, manifested an empirical justification for the annihilation of Native peoples in the nineteenth century. In the case of the El Pozo incident, craniology as a purported "science" came to the fore. Craniology, in the mid-nineteenth century, included the study of skull capacity to determine racial difference and the intelligence of a given human being.[209] Dr. Wislizenus, an acquaintance of and familiar with the work of Samuel Morton, idolized the renowned craniologist in Philadelphia. Dr. Morton wrote extensively on the superiority of the European "race" through comparison of the size of skulls of the supposedly different "races" of the globe.[210] Dr. Wislizenus believed that he could gain fame and notoriety as a cranial scientist by contributing to Morton's collection of skulls, the largest scientific holding in the entire world. What the event demonstrates is that European and European-American scientists viewed Apache bodies as the source of scientific experiments. They

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[207] Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly*, (Berkeley: University of California Press, 1994), 235-260.

[208] Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005), 3-17.

[209] Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981), 116-38.

[210] Frederick Adolph Wislizenus, *Memoir of a Tour to Northern Mexico, Connected with Col. Doniphan's Expedition*, Sen. Misc. Doc. No. 26, at 172 (1848).

used indigenous skulls to argue for racial difference among the various populations in the world. Anglo scientists viewed Native bodies as not fully human.[211] Instead, Lipan Apache corpses were instrumental to the "scientific" proof of various theories regarding the purported inferiority of certain supposed "races" to others.

The *norteamericanos* often viewed Mexicans as subordinate to themselves in terms of class.[212] The battle of El Pozo composed a significant exception. In this case, Anglo volunteers, drawn from the upper classes in the United States, recognized distinctions in class in Mexico. The volunteers identified the *hacenderos* as similar in class relations with the peons and Lipanes to upper class Anglos in the United States in exploiting workers, regular soldiers in the U.S. Army, and, most significantly, Native Americans in the 1840s.[213] In other words, recognition of class-consciousness and solidarity transcended the war between Mexico and the United States in the event of the Battle of El Pozo.[214] As a result, Anglos allied with Mexican *hacenderos* along the lines of class over and above issues of war and national identity. They did so through the willing acquiescence to attack the Lipanes on behalf and with the plantation-owners of Parras and its environs.

In an issue related to the exploitation of supposed inferiors along the lines of class, Anglos perceived male *hacendero* relations with their wives and children as similar to upper class United States male approaches to their wives and children. The upper classes of both nations embodied patriarchy defined here as the relations of power

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[211] Reginald Horsman, *Race and Manifest Destiny*, 144-57.
[212] Robert W. Johannsen, *To the Halls of the Montezumas: The Mexican War in the American Imagination*, (Oxford: Oxford University Press, 1985), 164-74.
[213] Charles H. Harris, *A Mexican Family Empire: The Latifundio of the Sánchez Navarros, 1765-1867* (Austin: University of Texas Press, 1975), 255-70.
[214] Josiah Gregg, *Diary*, 125.

between the *hacenderos* and Anglo volunteers on the one hand and women, children, and Native Americans on the other.[215] While relations between the different groups cannot be reduced to a simple dualism, the end result was an alliance between Anglo volunteers and *hacenderos* to control women and children as property in accordance with the *patria potestas*.[216] This "power of the father" dictated that the men who controlled the relations of production on the haciendas would have final say in the control over their wives and children. The Anglo volunteers served only to reinforce upper class control of women and children in Mexico.

Both sovereigns, however, recognized the border between them as peripheral to the main political centers in each country. Lipanes viewed the border as a disruption that drew distinctions directly in contradiction to their territory, the *Lipanería*. This problem of a border, a line in the sand drawn between two competing visions of social control, became an all-encompassing and devastating problem for the Ndé because two foreign powers suddenly divided the unified whole of their homeland. The boundary of the Río Bravo/Grande was the new source for an arbitrary and malicious division between different groups of Lipanes. The inane pride of the United States and Mexico demanded that these lands were theirs when, in fact, the US and Mexico were only foreign powers occupying the aboriginal homeland of the Ndé.

Conclusion

In sum, during the years leading up to and during the U.S.-Mexican War, the Lipan Apache Nation exercised political autonomy in relations with the settler states of the Mexico and the United States. Autonomy is a lesser form of sovereignty that implies

[215] Gillian Howie, *Between Feminism and Materialism* (New York: Palgrave Macmillan, 2010), 179-200.
[216] Michel Foucault, *The History of Sexuality: An Introduction* (New York: Random House, 1978), 135-6.

a lack of external recognition and the uses of diplomacy. The Ndé engaged in national self-determination through the exercise of military might against the settlers at this time to the extent of a lasting enmity between certain pobladores and this indigenous nation. Treaty negotiations tempered this divisive attitude toward the Lipanes. All the same, with the establishment of the imperial forces of the United States in Mexico, the elite interests of the upper echelons of each settler state combined to destroy certain aspects of Ndé society, culture, and even physical life. Sovereignty, with its emphasis on intergovernmental agreements between nation-states, eluded the aspirations of this indigenous nation. The Mexican policy of citizenship for all indigenous peoples within its geopolitical boundaries had the contrary effect of resulting in the withdrawal of the Lipanes from direct social and political interaction in the northeast. Federalist against centralist interests contributed to the further marginalization of the Ndé from Mexican political interaction. Lipan Apache sovereignty in the northeast of the settler state remained a chimera.

Chapter 5. This Horrible Butchery: Lipan Apache Autonomy, Treaties, and the Perfidy of Santiago Vidaurri, 1848-1856

In a dusty corner of the Mexican province of Coahuila lie the shallow graves of Lipan Apache women and children massacred at the location of Gracias a Dios in 1856. Translated as "Thanks Be to God," Gracias a Dios consists of a geographical site of resistance and despair. The Ndé suffered enormous casualties as the result of an internecine war between Mexico, the United States, Texas, and the indigenous peoples of the so-called borderlands. The border divided Ndé homelands in two. Indeed, the Ndé maintain to this day that the border comprises a fiction. This indigenous nation asserts that its homelands constitute a unity regardless of U.S. assertions to the contrary. As a "transnational" people, the Lipanes evinced strategies and tactical maneuvers in order to maintain subsistence economies and political integrity. They shared their lands with other indigenous nations, refugees such as the Seminoles, Mascogos, and Kickapoos. While differences flared, the confluence of nations combined to fight Anglo-Texans who sought to control the so-called border between Mexico and the United States.

The impositions of the United States on indigenous peoples remain a stated fact. The history of Mexican Indian policies in its northeast, however, involves an entirely different historical approach. Indeed, sovereign relations between the Ndé and Mexico eroded with the Treaty of Guadalupe Hidalgo in 1848. From this time until 1856, the Ndé maintained political integrity and autonomy in large part because the Mexican government had few resources to implement its assimilation and annihilation strategies. Acrimony developed between northeastern elites and the Lipanes resulting in massacres against either the Ndé or Mexicans with inordinate frequency. Relations between the

Lipanes and Mexico controverted traditional Euro-American concepts of sovereignty. Still, Mexico allowed for the Ndé people to develop their own political autonomy at least in part. Indeed, Ndé resistance to Mexican social control during this time period remained strong, even if Mexico, particularly the governments and elites of the northeast, sought to destroy the Lipanes.

The Treaty of Guadalupe Hidalgo and Its Aftermath

The negotiations, ratification, and enactment of the Treaty of Guadalupe Hidalgo ended the Mexican War, or *la intervención noteramericana*, in early 1848. In February U.S. diplomat Nicholas Trist signed the treaty along with three plenipotentiaries representing the government of Mexico.[217] Prior to the signing of the treaty between the United States and Mexico, the Mexican Commissioners Luis Cuevas, Bernardo Couto, and Miguel Atristain insured the insertion of language into the treaty regarding indigenous nations on the new border between the United States and Mexico. This language grew into an entire article within the Treaty, Article XI.[218] Trist wrote U.S. Secretary of State James Buchanan that Mexico's northern states required the inclusion of language against Native American incursions into Mexico.[219] The Mexican government, in an effort at propaganda to promote widespread acceptance of the treaty, proclaimed Article XI as the primary advantage to compensate the fledgling nation for sacrifices made during the war.[220] The treaty would not have been approved without language recognizing culpability on the part of the United States in border incursions perpetrated

[217] Wallace Ohrt, *Defiant Peacemaker: Nicholas Trist in the Mexican War* (College Station: Texas A&M University Press, 1997), 145.
[218] Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict* (Norman: University of Oklahoma Press, 1990), 36.
[219] Brian DeLay, "Independent Indians and the U.S.-Mexican War," *American Historical Review* 112 (February 2007), 66.
[220] DeLay, "Independent Indians," 67.

against the Mexican countryside. In March the U.S. Senate ratified the treaty including Article XI. In May Mexico also ratified the *tratado*. On July 4, 1848, the Treaty of Guadalupe Hidalgo took effect.[221] Article XI affected the Ndé along with a significant number of other indigenous peoples.

Ironically, U.S. incursions against the Lipanes in Mexico occurred only after the abrogation of Article XI in 1853. Instead, Mexican *pobladores* and military elites remained the prime instigators in the destruction of Ndé structural and political integrity. Contrary to expectations, in 1854 a successful détente arose between the Mexicans of northern Coahuila and the Ndé. Indeed, local and provincial governments in Coahuila eventually recognized Ndé sovereignty with successful treaty negotiations and the appointment of Indian agents in the style of general U.S. Indian policy.

The Mexican Republic felt the need to redress the issue of Indian depredations on the border with the United States including those of the Lipanes. An analysis of the language of the treaty reveals the direction of Apache, Mexican, and U.S. relations until the 1880s even if the *Tratado de la Mesilla*/Gadsden Purchase specifically superseded Article XI. Four primary points in the article made the treaty a real presence in the lives of the Ndé. First, the United States promised to halt Indians from crossing the international border into Mexico or lead punitive expeditions against those Indians who committed depredations across the Río Bravo/Grande. According to Article XI, the Apache "occupied" their own homelands and came under "the exclusive control of the Government of the United States."[222] In this statement, the U.S. government denied

[221] Preamble. *The Treaty of Guadalupe Hidalgo*. http://avalon.law.yale.edu/19th_century/guadhida.asp. Accessed September 30, 2014; see also *North-Carolina Standard*, July 19, 1848.

[222] Article XI. *The Treaty of Guadalupe Hidalgo*. http://avalon.law.yale.edu/19th_century/guadhida.asp. Accessed September 30, 2014.

indigenous land title and asserted plenary power over the *Lipanería*, the homelands of the Lipanes. The arbitrary division of Ndé territory resulted in treaty language effectively destroying the holistic nature of Lipan Apache lands with the stroke of a pen. Second, the treaty disallowed U.S. citizens from purchasing Mexican captives or stolen Mexican property offered by indigenous nations, including the Ndé. The consequences for Lipan subsistence, based in "shadow" economies of raiding and trading, became tantamount to the destruction of Ndé livelihoods.[223] Third, the United States promised to return Mexican captives to Mexico. Fourth, the U.S. government promised to remove each indigenous nation along the border from their homelands.[224] The treaty assumed this action in stating that

> …when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain….[225]

The United States, in this section, promoted a dual and inconsistent policy. The U.S. government sought Indian removal while at the same time leaving indigenous nations alone in the hopes that Native peoples would not commit depredations against Mexicans. The federal government later subjected the Ndé to policies of removal and genocide on the basis of the language of Article XI of the Treaty of Guadalupe Hidalgo.

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[223] For a discussion and definition of the shadow economy of the Ndé, see Nancy McGown Minor, *The Light Gray People: An Ethno-History of the Lipan Apaches of Texas and Northern Mexico* (Lanham, MD: University Press of America, 2009), 71-76.

[224] J. Fred Rippy, "The Indians of the Southwest in the Diplomacy of the United States and Mexico, 1848-1853," *The Hispanic American Historical Review* 2 (August 1919), 363-364.

[225] Article XI. *The Treaty of Guadalupe Hidalgo*. http://avalon.law.yale.edu/19th_century/guadhida.asp. Accessed September 30, 2014.

The general implementation of the article from 1848 to 1853 resulted in a rise in depredations and costs across the *Apachería* and the *Comanchería* from Tamaulipas to Sonora. More than 160,000 Native Americans lived along the newly established border between the United States and Mexico. Both the Apache and Comanche often raided Mexican villages south of the Río Bravo beginning in the early eighteenth century. During the early 1850s, approximately 8,000 U.S. troops mobilized on the border. As a result, the cost of reducing Indian incursions was greater than the cost of compensation to Mexico for the southwestern United States.[226] Moreover, the establishment of the new border meant that Mexicans could not cross the Río Bravo for retribution against Native Americans.[227] The significance of these facts to the Ndé included an increase in negative relations with the U.S. military and further deterioration of relations with Mexican *pobladores*.

Mexican Atrocities and Lipan Losses

The Ndé, during these years, continued their "shadow" economy of raiding Mexican villages and trading with Anglo-Texans across the border, although Mexican attacks hindered the indigenous nation. Ndé and Comanche incursions for the years 1849 to 1852 have considerable documentation. For the states of northeastern Mexico, attack and reprisal remained the status quo in relations between the settler state and indigenous peoples. While the historical record does not differentiate the Lipan Apaches from the Comanches, the defense of the Lipan Apache Nation constituted a powerful response to

[226] The source for these figures is Griswold del Castillo, *The Treaty of Guadalupe Hidalgo*, 59.
[227] Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008), 302.

the military ethos of Tamaulipas, Nuevo León and Coahuila.[228] The Ndé, however, also suffered a great deal from Mexican retaliation for perceived wrongs.

Three specific events from the years intervening between the Treaty of Guadalupe Hidalgo and the Gadsden Purchase between the United States and Mexico in 1853 reveal specific Mexican atrocities and the concomitant losses sustained by the Lipan Apache Nation. On Christmas Day in 1849, sixty soldiers from San Vicente and Monclova Viejo along with seventy-five settlers from Santa Rosa in Coahuila found a local group of approximately one hundred Lipanes and Mescaleros camped in a forest near the watering hole of Rosita. The Mexicans attacked, and most of the Apaches fled into the forest. After the attack, the settlers and military corps found ten indigenous bodies. The Mexicans proceeded to scalp eight of the Apache corpses.[229]

In September 1850 the military elites in the northeast promulgated a new Indian policy. They demanded that the Mexican people make no peace with any indigenous peoples of the area. Military elites, instead, sought to wage total war against the Comanche and the Ndé. Mexican authorities declared that Lipanes lacked sedentary villages and horticulture. Instead, the elites asserted that the Ndé devoted themselves only to hunting and warfare.[230] In truth, the Lipanes engaged in hunting and warfare but not to the exclusion of other cultural concerns including the harvesting of the sotol plant and the Apache girl's coming of age ceremony.[231] Furthermore, Mexican elites completely

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[228] Rippy, "Indians of the Southwest," 385-386.

[229] Francisco de Castañeda to Antonio María Jaúregui, December 28, 1849, quoted in Martha Rodríguez, *Historias de resistencia and exterminio: Los indios de Coahuila durante el siglo XIX* (Mexico City: Instituto Nacional Indigenista, 1995), 164-169.

[230] Thomas A. Britten, *The Lipan Apaches: People of Wind and Lightning* (Albuquerque: University of New Mexico Press, 2009), 210.

[231] For an exceptional rendition of the Apache girl's coming of age ceremony among the Mescalero, closely aligned to the Lipan, see Claire R. Farrer, *Thunder Rides a Black Horse: Mescalero Apaches and the Mythic Present* (Long Grove, IL: Waveland Press, 2011).

ignored women's roles and work in Ndé society. In particular, Lipan women engaged in horticulture prior to European contact. Mexican authorities appeared woefully naïve in their assertions.

In February 1852 at Los Salitres de Cabezas near San Buenaventura in Coahuila, Mexicans attacked a Lipan camp in order to recover silver, money, cotton, and silk.[232] This "recovery" found in the historical sources belies the notion that Mexican settlers often stole from the Ndé just as much as the Ndé appropriated Mexican property within the confines of their homeland. Relations between Mexican settlers and the Lipanes remained problematic at this time. The interference of Mexican elites added to the war of attrition between the two peoples.

The Settlement of Mexican Colonies, Refugee Indians, and Mascogos in Coahuila

In a flurry of legislation during and after *la intervención norteamericana*, the Mexican government sought to "protect" the northern frontier from American Indian incursions and Anglo-American banditry. The Ndé were primary targets in the republic's effort to quell "hostile" Indians. Beginning at the outset of the war, the government of Mexico sought to establish a policy of so-called pacification of the north. In December 1846 the Mexican legislature passed a law for the establishment of a Department of Colonization and introduction of military colonies comprised of Mexican nationals or foreigners in the north to halt Indian incursions.[233] Two years later, Mexican President José Joaquín de Herrera released guidelines for Mexican colonization along the newly

[232] Nancy McGown Minor, *Turning Adversity to Advantage: A History of the Lipan Apaches of Texas and Northern Mexico, 1700-1900* (Lanham, MD: University Press of America, 2009), 170.

[233] Rippy, "Indians of the Southwest," 380; José Angel Hernández, *Mexican American Colonization during the Nineteenth Century: A History of the U.S.-Mexico Borderlands* (Cambridge: Cambridge University Press, 2012), 62; Kevin Mulroy, *Freedom on the Border: The Seminole Maroons in Florida, the Indian Territory, Coahuila, and Texas* (Lubbock: Texas Tech University Press, 1993), 52.

established border with the United States. This new law established military colonies in the north for defense from incursions by *indios bárbaro*s including the Ndé.[234] At the end of the war, President Herrera also stated in a decree the Mexican policy of repatriating and resettling Mexicans desiring to return to the Republic and remain citizens of Mexico. These resettlements occurred, again, primarily in the north and remained connected to the founding of new "frontier" towns such as Nuevo Laredo in Tamaulipas and Piedras Negras in Coahuila.[235] Through these initiatives, the federal government sought to control the Ndé and destroy their autonomy as a nation separate from the United States or Mexico.

In a strange twist of events, the government of Mexico also invited refugee peoples from the United States to settle in northern Coahuila in order to defeat Ndé initiatives in protecting their indigenous homeland. In 1849, Wild Cat (Cowokocî or Coacoochee) led a group of Seminoles, Black Seminoles and Kickapoos into Coahuila seeking asylum from the U.S. settler state.[236] Mexicans referred to African-Seminole people as *los mascogos* after the word for "the people" in Seminole. In 1850, Cowokocî signed an agreement with the inspector general of the eastern military colonies in San Fernando de Rosas (now Zaragoza). The indigenous leader's followers received lands in northern Coahuila. The agreement accorded Mexican citizenship to the Kickapoo, Seminole, and refugee *mascogos* led by John Horse (John Cowíka). Mexican elites required the displaced peoples to defeat the Comanche, Mescalero, and Lipan and

[234] Hernández, *Mexican American Colonization*, 84; Mulroy, *Freedom on the Border*, 53.
[235] Hernández, *Mexican American Colonization*, 6, 139.
[236] Felipe A. Latorre and Dolores L. Latorre, *The Mexican Kickapoo Indians* (Austin: University of Texas Press, 1976), 12. For further reading on the Seminole and los mascogos, see Susan A. Miller, *Coacoochee's Bones: A Seminole Saga* (Lawrence: University Press of Kansas, 2003) and John L. Elder, *Everlasting Fire: Cowokocî's Legacy in the Seminole Struggle Against Western Expansion* (Edmond, OK: Medicine Wheel Press, 2004).

maintain good relations with U.S. citizens. Mexico did not require the peoples to "change their habits and customs."[237]

In late 1851 the Mexican government established permanent settlements for the Seminoles and *mascogos* at the Hacienda de Nacimiento near the headwaters of the Río San Juan Sabinas. Their settlements became the villages of Nacimiento and Nacimiento de los Negros.[238] Most Kickapoos returned to Indian Territory, or what is now Oklahoma, after attacks on Lipanes, Comanches, and Mescaleros in 1851. One Kickapoo local group under Chief Papicua remained in a settlement near Morelos, Coahuila.[239] In a clever yet malevolent move, the Mexican government exploited oppressed groups against each other. The Ndé became subject to attacks not only from the Comanche but also from displaced peoples fighting for their right to survive unencumbered. Ultimately, after 1852, the *mascogos* demonstrated less interest in military maneuvers against "barbarian" Indians and concerned themselves with their own economic ventures and cultural development. Indeed, Black Seminoles quickly developed an interest distinct from the goals of Cowokocî's local group.[240] The Black Seminoles simply wished to remain apart from other ethnic groups and celebrate their freedom from slavery. Their presence, however, offended the so-called sensibilities of Anglo-Texan slavers, and, ultimately, led to U.S. attacks on both the Ndé and the *mascogos*.

An Uneasy Peace

Ndé autonomy received an added boost with the establishment of a peace settlement near the town of San Fernando de Rosas (now Zaragoza) in Coahuila. Local

[237] Latorre and Latorre, *Mexican Kickapoo*, 14; Kevin Mulroy, *Freedom on the Border*, 56.
[238] Mulroy, *Freedom on the Border*, 71.
[239] Latorre and Latorre, *Mexican Kickapoo*, 15.
[240] Mulroy, *Freedom on the Border*, 75.

Mexicans named the village after the old church at the site. The Spanish had used this place of worship as a mission to the Ndé in the eighteenth century. In June 1853 the local government chose to recognize the Lipanes as a separate people apart from the general Mexican population. Ndé leader Coyote entered into a treaty of peace and friendship with the town. This leader was a minor *capitán* of the Lipanes. His local group comprised three men and seventeen women, suggesting that the women of the group placed strong emphasis on diplomacy and negotiation. The leader set no conditions on his surrender in establishing a truce with the village.[241] The impetus for the villagers was the hope that the settled Lipanes could act as a deterrent to Comanche raiding. Also, horses and cattle stolen by the Ndé across the Río Bravo in Texas could then be resold from San Fernando to the Coahuilan capital of Saltillo. The village "adopted" the Ndé and settled them at the Hacienda Patiño in order to "teach" them agriculture, not knowing that the Lipanes practiced agriculture since before European contact. Lipanes also settled at El Remolino northwest of San Fernando de Rosas at this time.[242] Although the stated reason for the treaty proclaimed amity between the two sovereign entities, both the Ndé and the Mexican villagers needed a détente in hostile relations between each other. An unintended result, however, was to recognize the sovereign independence of the Lipan nation.

In further recognition of the Ndé as a separate people, Governor Gerónimo Cardona of Coahuila initiated policies recognizing the Lipanes and their needs to recover from depredations on the part of Anglo-Americans on the north side of the Río Bravo. In January 1854 a number of Lipanes crossed the international border near Laredo and

[241] Minor, *Turning Adversity to Advantage*, 170; Rodríguez, *Historias de resistencia y exterminio*, 71.
[242] William Chebahtah and Nancy McGown Minor, *Chevato: The Story of the Apache who Captured Herman Lehmann* (Lincoln: University of Nebraska Press, 2007), 19-21.

settled in Coahuila at the invitation of Mexican authorities. These officials offered land and security.[243] Governor Cardona of Coahuila appointed an Indian agent to watch over the Ndé. In April 1854 Juan Castro and his local group of Ndé people crossed the Río Bravo/Grande and met with other Lipanes at San Fernando de Rosas.[244] As further proof of his goodwill towards the Lipan Apache people, Governor Cardona defended the Ndé in August 1854 when the indigenous nation stood accused of attacking a small settlement in Nuevo León. Indeed, during the summer of 1854, the Lipanes proved their value to the Mexicans in defeating Comanche raiders in the province to the east of Coahuila, Nuevo León.[245] Peace appeared finally to have settled on the northeastern frontier of the Mexican Republic. From an Ndé perspective, the Lipanes saw the need to negotiate with the invaders in order to remain in their original homeland.

With the Gadsden Purchase, finalized in 1854, the United States rescinded Article XI of the Treaty of Guadalupe Hidalgo. This agreement purportedly released the Ndé from fear of reprisal for continuing their shadow economy. This fear, however, remained significant until 1861 with the coming of the U.S. Civil War. Indeed, the military of the country to the north increased incursions against Native peoples across the Río Bravo/Grande in Coahuila. In Article II of the Gadsden Purchase, or the *Tratado de la Mesilla*, the U.S. government abandoned responsibility for "protecting" Mexican citizens from Native American attacks south of the boundary between the two countries.[246] The United States assumed that its payment of ten million dollars included rectification for

[243] Sherry Robinson, *I Fought a Good Fight: A History of the Lipan Apaches* (Denton, TX: University of North Texas Press, 2013), 247.
[244] Robinson, *I Fought a Good Fight*, 246.
[245] Minor, *Turning Adversity to Advantage*, 171.
[246] Article II. *Gadsden Purchase Treaty*. http://avalon.law.yale.edu/19th_century/mx1853.asp. Accessed September 30, 2014. See also *Galveston Weekly News*, July 11, 1854.

Mexican losses to the Ndé among other indigenous nations.[247] The Lipanes, even with the détente in relations with Mexican *pobladores* in Coahuila, remained subject to attack from the Mexican and U.S. armies. Particularly with the drastic change in leadership, both in Mexico City and in the northeast, the Ndé suffered unparalleled losses.

Death and Destruction in Coahuila

With the change in the government of the northeast to Liberal leadership, the Mexican state imposed physical and structural violence against the Ndé to the point of cultural destruction and the shattering of Lipan Apache autonomous political structures. With the deposition of Santa Anna from the presidency in Mexico City in August 1855, many changes erupted on the political scene throughout the nation. New leaders under the banner of Liberalism emerged throughout Mexico.[248] In the northeast, the political opportunist Santiago Vidaurri assumed power beginning in Nuevo León. His dominion quickly spread to Coahuila.[249] His policy towards the Ndé contained no compromise. He refused to recognize recent developments in Mexican recognition of indigenous sovereignty. All treaty-making came to a standstill. Indeed, Vidaurri took clear and malevolent advantage of the positive interactions between Coahuila and the Ndé in 1853 and 1854. As a result of Vidaurri's scorched earth policies, he initiated an overwhelming massacre of Ndé people at Gracias a Dios.[250] Prior to this unprecedented attack, Anglo-Americans in Texas singled out the Ndé as purveyors of destruction in their exercise of the "shadow economy." As a result, the Callahan expedition of 1855 led to a skirmish between the Anglo-Americans and a combined force of Ndé and Mexicans south of the

[247] Paul Neff Garber, *The Gadsden Treaty* (Gloucester, MA: Peter Smith, 1959), 131.
[248] Brian Hamnett, *Juárez* (London: Longman, 1994), 59.
[249] Hamnett, *Juárez*, 130.
[250] Minor, *Turning Adversity to Advantage*, 171.

Río Bravo/Grande.[251] This alliance however quickly melted away in the face of the Liberal uprising initiated by Santiago Vidaurri. There would be no more treaties between the Lipanes and Mexican governments, local, provincial, or otherwise. Instead, a period of extreme violence perpetrated against the Ndé resulted in tragic and dire consequences for the indigenous nation.

Santiago Vidaurri was born in the Nuevo León village of Lampazos, the heart of the Ndé homelands in northeastern Mexico. Vidaurri began his long political career in the service of the conservative party in Nuevo León. From 1832 to 1837, he served as chief clerk to the governor, Joaquín García.[252] More significantly, Nuevo León appointed Vidaurri as Commander of the *Compañía defensora de la frontera*. In this capacity, he joined forces with the Mexican militia to attack Ndé people in their own territories.[253] Throughout the 1840s and 1850s, Vidaurri served in the conservative administrations of Nuevo León.[254] Ever the political opportunist, when the Liberals toppled the conservative government of Santa Anna, he quickly switched parties to become a champion of Mexican Liberalism.

Liberalism, as defined in Mexican politics of the nineteenth century, promoted economic development and the rights of individuals over groups, including Native American tribes.[255] In March 1854 Mexican rebels published the Plan of Ayutla and

[251] Michael L. Collins, *Texas Devils: Rangers & Regulars on the Lower Rio Grande, 1846-1861* (Norman: University of Oklahoma Press, 2008), 81.
[252] Ronnie C. Tyler, *Santiago Vidaurri and the Southern Confederacy* (Austin: Texas State Historical Association, 1973), 16.
[253] *Encyclopedia of Mexico: History, Society, and Culture* (Chicago: Fitzroy Dearborn, 1997), s.v. "Vidaurri, Santiago."
[254] Tyler, *Santiago Vidaurri*, 16-17.
[255] For more on the role of Mexican Liberalism in placing the individual over the group, see Hamnett, *Juárez*, 49-68.

made known their purpose to oust Santa Anna from the presidency.[256] The Ayutla revolution had enveloped the entire nation of Mexico by the Spring of 1855. Jumping at the chance to assert political power at the provincial level, Vidaurri, along with Juan Zuazua, successfully overthrew the conservative government of Nuevo León headed by Gerónimo Cardona. In May, Vidaurri declared himself governor of Nuevo León and named Zuazua as his military strategist and colonel. At this time, Vidaurri issued his own plan, titled the *Plan del restaurador de la libertad*, to overthrow the Mexican government. In his assertions as an autocrat and tyrant, he declared the province of Nuevo León to be independent from Mexico until the nation established a Liberal government in Mexico City.[257] In a pointed reference to his hatred of the Ndé, Vidaurri invited Coahuila and Tamaulipas to join his government in order to deal with the so-called Indian threat.[258] On August 9, 1855, the conservative Santa Anna resigned the Mexican presidency and went into exile in Cuba.[259] The indigenous homelands of the Ndé became subject to the tyranny of Governor Vidaurri and his vehement attacks on the rights of the Indian nation.

The Callahan Fiasco: U.S. Intervention in Mexico

The Ndé had to withstand the incursions of Anglo-Texans from across the border into Mexico in addition to suffering the tyranny of Governor Viduarri. The Anglos crossed the Río Bravo/Grande with the specific purpose of attacking the Ndé in their peace settlements. In the summer of 1855 the United States military recalled most of its cavalry from the Texas border forts to "Bleeding Kansas." Without the oppression and

[256] Ernest C. Shearer, "The Callahan Expedition, 1855," *Southwestern Historical Quarterly* 54 (April 1951), 435.
[257] Tyler, *Santiago Vidaurri*, 17-19.
[258] Tyler, *Santiago Vidaurri*, 21.
[259] Shearer, "The Callahan Expedition," 435.

threats on the part of the United States, the Ndé renewed their shadow economy of raiding in Texas for trade in Mexico. At this point, the state of Texas decided in favor of vigilantism in order to halt Ndé economic initiatives. In early July Texas Governor Elisha M. Pease ordered Captain James Callahan to form a company of Rangers to attack Lipan Apache raiders in Mexico.[260] This action comprised a clear violation of both the rights of the indigenous nation and the government of Mexico after the abrogation of Article XI of the Treaty of Guadalupe Hidalgo in 1853. In late July 1855 Callahan collected eighty-eight mounted gunmen for an invasion of Ndé and Mexican territories.[261] By late September, the so-called Callahan expedition reached the Río Bravo/Grande across from Piedras Negras, Coahuila.[262] In contemplation of an invasion of Mexican and Ndé lands, Callahan gave no thought to the import of his actions. His force comprised only a small number of vigilantes with tacit approval of the governor of Texas and no recognition from the U.S. government.

The Ndé and the Mexicans, in a rare show of solidarity, combined to defeat the Anglo invaders. In early October Callahan crossed the Bravo into Mexico. He moved his force to the Lipan Apache camp near San Fernando de Rosas. At that point, he engaged a party of Mexicans and Lipanes who defeated his vigilante army.[263] The following day, Callahan retreated to the village of Piedras Negras.[264] In direct violation of the rights of a citizenry not their own, Callahan's troops set fire to the town and then retreated further across the Rio Grande into Texas.[265] The political fall-out of this fiasco comprised a deep

[260] Shearer, "The Callahan Expedition," 431-432; Michael L. Collins, *Texas Devils: Rangers and Regulars on the Lower Rio Grande, 1846-1861* (Norman: University of Oklahoma Press, 2008), 74.
[261] Collins, *Texas Devils*, 75.
[262] Shearer, "The Callahan Expedition," 436.
[263] Collins, *Texas Devils*, 81; Shearer, "The Callahan Expedition," 439.
[264] *San Antonio Ledger*, October 6, 1855; see also Collins, *Texas Devils*, 84.
[265] *State Gazette* (Austin, TX), October 20, 1855; see also Shearer, "The Callahan Expedition," 441.

sense of violation felt by both the Ndé and Mexico. The United States disrespected both Mexican and Ndé aspirations to sovereignty. As a result, indigenous peoples and Mexicans found common cause in the face of Anglo-Texan oppressors. This newfound solidarity lasted only a short time before Governor Vidaurri altered his opinions about both the Ndé and the Texans.

At first, Vidaurri expressed sentiment that demonstrated some sympathy for the difficult situation of the Ndé. Before his drastic and unmitigated change of heart, the governor wrote to the Mexican leader of the Liberal rebels, Juan Alvarez. Vidaurri stated that "the object [of the Callahan Expedition was] the recovery of fugitive negroes from the State of Texas or a desire to chastise the Lipan Indians, who being at peace among us, are said to have committed murders in Texas…."[266] At this time, during the heated debates on the evils of slavery in the halls of the U.S. Congress, many Anglo-Texans sought to subjugate and punish Mexico because of that nation's policy of according freedom and rights to African-Americans. The Callahan fiasco, a prime example of southern white arrogance and hatred, resulted in chastisement of those Anglo-Texans who threatened the rights and freedoms both of the Ndé and freed Africans in Mexico.

Massacre at Gracias a Dios

Governor Vidaurri ultimately gave the order to annihilate the Ndé. Although he failed in his endeavor, the shock wave of the events that occurred throughout Coahuila in 1856 signified an unmitigated chill in Lipan Apache-Mexican relations. Governor Vidaurri's fears over the power of the Ndé resulted directly from the Callahan fiasco. In December 1855 Governor Vidaurri, in response to fears of reprisal over the Callahan

[266] Santiago Vidaurri to Don Juan Alvarez, October 6, 1855, in *National Intelligencer*, November 13, 1855, quoted in Shearer, "The Callahan Expedition," 443. See also *Texas State Times*, October 27, 1855.

incident, wrote to the Mexican Minister of War that "there is nothing to fear from the [Ndé nation], which is located at a place [Hacienda Patiño] which it cannot leave without being observed, but as it is really composed of savages [sic], it needs a director who shall care for its education, and lands for cultivation."[267] At this stage, Vidaurri remained noncommittal in relation to the situation of the Ndé. He sought to impose an agent in the style of U.S. federal Indian policy in order to quell Lipan Apache responses to the outright attacks of the Anglo-Texas.

In a related strategic move, on February 19, 1856, Vidaurri unilaterally annexed Coahuila to Nuevo León as one of the first acts of his new government.[268] His new interest in Coahuila became the source of his desire to control and, finally, attempt to annihilate the Lipanes. By February 1856, Vidaurri sought to conduct an investigation of the Ndé. At this point, rethinking his stance on the Lipan Apache "shadow" economy and raids into Texas, the governor altered his approach toward the Ndé. Indeed, he gave orders "to notify them for the last time, that the least complaint for damages caused on either side of the Rio Grande would be the signal for their extermination without discrimination of any kind."[269] Slowly, Vidaurri, in his tyrannical disposition as a Coahuilan *caudillo*, began to implement a cruel and untoward policy in relation to the Lipan that would have lasting effects.

The governor made his move in March. In an effort to develop positive relations with Anglo-Texans and the U.S. military, Vidaurri gave the orders for the purported final

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[267] Santiago Vidaurri to the Minister of War, December 1855, quoted in *Reports of the Committee of Investigation Sent in 1873 by the Mexican Government to the Frontier of Texas* (New York: Baker and Godwin, 1875), 418.

[268] Edward H. Moseley, "Vidaurri, Santiago," *Handbook of Texas Online*. http://www.tshaonline.org/handbook/online/articles/fvi24. Accessed June 1, 2014.

[269] Military Order of Santiago Vidaurri, February 1856, quoted in *Reports of the Committee of Investigation*, 419.

destruction of the Ndé. On March 16, 1856, he wrote to the Anglo-American military commander stationed across the Río Bravo/Grande at Fort McIntosh that "I have the satisfaction to enclose copies of communications sent to the military commanders on the frontier. In them you will see that before you informed me of the murders and robberies committed by the Lipans, I ordered the arrest of the malefactors, and in case of resistance, to wage a war of extermination against them."[270] With this notification, Vidaurri's machinery of war and genocide began to develop in its final manifestation.

The governor's private army stepped in to fulfill his nightmare visions of war. Colonel Pablo Espinosa moved his troops to the Chupadero River near Villa Gigedo in Coahuila to attack an Ndé ranchería. Further, Colonel Juan Zuazua, Governor Vidaurri's military strategist, located his troops at the Río Salado to attack another Ndé settlement. On March 19, 1856, Captain Miguel Patiño with Espinosa's army captured and made prisoners of the Ndé at the Río Chupadero with the intent of moving the indigenous nation's captive men, women, and children to Colonel Zuazua's force on the Río Salado.[271] On March 20, the Mexican soldiers and captive Ndé rested at Gracias a Dios. It was only a matter of time before the Lipanes decided to end their captivity as best they could. The Mexican soldiers held them in their grip, and the Lipan could see no route of escape. Ndé women, without warning, killed their own children by cutting their throats.[272] Because the Lipanes valued freedom from the hated Mexican soldiers more than anything else, Ndé women, as the matrilineal centers of power in Lipan society, made the ultimate and coerced decision to end their own lives and those of their children.

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[270] Santiago Vidaurri to Colonel Ruggles, March 16, 1856, quoted in *Reports of the Committee of Investigation*, 419.
[271] Minor, *Turning Adversity to Advantage*, 171.
[272] *Weekly Telegraph*, April 30, 1856.

This result was better than forced subjugation at the hand of the Mexicans and incorporation as servants at the bottom rung of Coahuilan society. Choosing death over the loss of freedom, Ndé women knew there could be no alternative to forced domination and what amounted to slavery at the hands of the Mexicans. In an inexplicable move, Captain Patiño then gave orders to kill all of the Ndé men, many of the women, and at least one girl.[273] On March 21, 1856, Espinosa wrote to Governor Vidaurri of the incident in cold, dispassionate tones and in language relishing the deaths of the Ndé women and children.[274]

After notification, Vidaurri penned a letter to the Mexican War Department. He could not understand the motivations of Ndé women. On March 26, 1856, the governor wrote that "the savages [sic] undertook to escape [on March 20], while their women commenced killing their infants, rather than see them deprived of liberty. This unnatural action enraged the troops, and after Captain Miguel Patiño had in vain attempted to prevent the flight and this horrible butchery, he was forced to appeal to the last remedy, by putting to death forty-one persons of both sexes."[275] Vidaurri's explanation for the massacre at Gracias a Dios lacks conviction or credibility. Since February, he intended to annihilate every single Lipan he could locate. To add insult to injury, the governor found the actions on the part of the Ndé objectionable even if their fear and anger compelled them to drastic measures. He disdained to understand the rationale behind their desperation.

[273] Robinson, *I Fought a Good Fight*, 252.
[274] Minor, *Turning Adversity to Advantage*, 172.
[275] Santiago Vidaurri to Minister of War, March 26, 1856, quoted in *Reports of the Committee of Investigation*, 420.

Further, Ndé men found themselves attacked in another part of Coahuila. On March 22, 1856, Colonel Zuazua attacked an Ndé settlement at the Río Salado. He took many captives and killed others. Ndé warriors, weeping because they thought that "God was angry" with them, sought to commit suicide.[276] Again, the Mexicans could not comprehend the actions of the Lipanes. They refused to understand suicide as an option. Mexican reactions to the Ndé resulted in an assertion of their supposed cultural superiority. In fact, Ndé men sought death over captivity because they knew the consequences of coercion and assimilation into Mexican society. Ndé men sought to end their lives rather than become the slaves and domestic servants of upper class Mexican *hacendados*. Captivity and the denial of freedom were anathema to the cultural, social, political, and physical vitality of the Lipanes.

After these events, the Mexican government falsely asserted that the history of the Ndé as a people came to an end. In an effort at wishful thinking, the government believed that the tribe disappeared as a result of these massacres in March 1856.[277] The Euro-American colonial apparatus, however, failed in its endeavor. The Lipanes remained in Coahuila to the early twenty-first century. In 1868 the U.S. military on a reconnaissance mission found the Ndé in the exact same location as in 1856 prior to the massacre.[278] Indeed, the Lipanes refused to halt the implementation of their shadow economic policies in raiding Texans for livestock to trade in northern Coahuila. The Ndé remain to this day

[276] Minor, *Turning Adversity to Advantage*, 172.

[277] In marked contrast to the assertions of the Mexican government, Frederick Law Olmstead found the Lipan to be living well in San Fernando in 1856. See Frederick Law Olmstead, *A Journey Through Texas* (New York: Dix, Edwards & Co., 1857), 344-345.

[278] S.S. Brown, "Towards a Report upon Indians and tribal people pertaining to the territory of the United States now harbored by the Mexicans in the State of Coahuila, Mexico," September 1, 1868, *Letters Received by the Office of the Adjutant General*, M619, Roll 642, National Archives and Records Administration, Washington, DC.

at their settlement in Zaragoza, the town formerly named San Fernando de Rosas where the Lipan Apache settled as a result of the treaty of 1853.[279]

Conclusion

In the period from 1848 to 1856, the Ndé engaged in direct relations with the Mexicans of Coahuila, Nuevo León, and Tamaulipas. Lipan Apache sovereignty in relation to the Mexican government remained attenuated and problematized during this period. Indeed, the Ndé formed only one intergovernmental agreement between their nation and the government of Coahuila. In the face of Mexican assimilation policy, the fact that the Lipanes formed even one treaty with a local government testifies to the diplomatic abilities of Ndé leaders. One problem, however, with these Mexican sources is the fact that they, for the most part, ignore the role of women in Apache culture. This fact is not surprising given the patriarchal structure of Mexican society in the northeast. Moreover, the Mexican sources reveal little about internal Lipan Apache interactions and cultural beliefs. In accordance with their assimilation and annihilation policies in the north, the Mexican government simply refused to care about the construction of Ndé society and culture. All the same, Lipan Apache autonomy accorded the indigenous nation different status from the Mexican *pobladores*. Mexican settlers could not deny this difference in political structure between the Ndé and the governments of Mexico. As a result, Lipanes engaged in self-rule regardless of all attempts to destroy their persons and their society.

[279] Robinson, *I Fought a Good Fight*, 373.

Chapter 6. Anxious to Be at Peace: The Treaty Era and Linkages between the Lipan Apaches and the United States, 1845-1853

Throughout treaty negotiations between the Lipan Apache Nation and the United States, the phrase "anxious to be at peace" appeared several times.[280] The treaty commissioners assumed this anxiety on the part of the Ndé. Given the difficult conditions of the settler state of Texas and its burgeoning Anglo-American population, perhaps the Lipan Apaches felt some anxiety to negotiate peace with the U.S. settler state. Recognizing the sovereignty of the indigenous nations of Texas, however, U.S. treaty commissioners became truly anxious. In linking with the United States, the Ndé parted with certain sovereign principles, particularly in the realm of diplomacy. The internal structural integrity of the Lipan Apache Nation remained consistent regardless.

With the imperial power of the United States established by the mid-nineteenth century, this settler state really had no use for intergovernmental agreements with the indigenous peoples of Texas. The Harney massacre of 1853 evinced the problematic relation the United States imposed on the Lipan. The fact, however, that the U.S. government saw fit to engage in treaties with the Ndé among other Native peoples suggests that presidential administrations at this time felt a moral obligation to recognize the sovereignty of American Indian tribes. In this sense, the United States linked with the Ndé in a powerful relation not to be taken lightly. In a series of three treaties from 1846 to 1851, the United States promoted the validity of indigenous claims to their homelands. The fact that the Ndé never ceded land to the United States or any other sovereign power attests to the resilience of Lipan Apache leaders in rejecting colonial politics and social

[280] For the appearance of this phrase, see the Treaty of Council Springs (1846) and the Treaty of Spring Creek (1850), in *The Indian Papers of Texas and the Southwest, 1825-1916*, eds. Dorman H. Winfrey and James M. Day, vol. 3, *1846-1859* (Austin: Texas State Historical Association, 1995), 49, 131.

control. Even though Texas refused to recognize indigenous land title, the U.S. federal government sought to engage in nation-to-nation relations with the Ndé in an effort to validate Native American sovereignty in keeping with precedent.

The False Link

Failing to recognize the polity of the Ndé, the 1846 Treaty of Council Springs resulted in a false link. The linkage of the United States with the Ndé failed at this time because the Lipan refused to sign the treaty. Under the administration of Indian Affairs promulgated by the United States, settler colonialism demanded recognition of the sovereignty of indigenous "domestic, dependent nations" per the U.S. Supreme Court decisions in the Cherokee cases of the early 1830s.[281] Needless to say, the linking of indigenous nations to the imperial structure of the United States resulted in the subjugation and domination of each Native people to the overarching political control of the settler state. In arguing for dependent nation status the United States recognized the significance of each Native people as an autonomous entity, however, separate from the construction of the U.S. empire.

Because the administration of Indian-white relations took place under the aegis of the Department of War until 1849, the Office of Indian Affairs looked to the Secretary of War, in this case William Marcy, for policy directives and permissions to engage indigenous nations in the field. In September 1845, four months prior to the admission of the State of Texas into the Union, the machinery of U.S. diplomacy with the indigenous nations began its assumption of power. Previously, the Republic of Texas claimed exclusive right to treat with Native peoples within the boundaries of this settler state. On instructions from the U.S. Department of War, Pierce M. Butler and Colonel L. G. Lewis

[281] *Cherokee Nation v. Georgia*, 30 U.S. 1 (1831); *Worcester v. Georgia*, 31 U.S. 515 (1832).

set out to make a treaty with the indigenous tribes in the Indian country of North, Central, and West Texas.[282] The prime target nation for diplomacy constituted the Comanche people as a result of their pronounced independence and geopolitical dominance within the realm of Texas-Indian relations. The U.S. Department of War also, however, targeted Lipan Apaches as instrumental to developing positive relations between Native peoples and the United States and as prime subjects for its so-called civilizing enterprise.

In the following month, President Polk appointed a new Indian Commissioner, William Medill, under the control of the Secretary of War. Medill was a political appointee and a beneficiary of the spoils system. He had no prior knowledge of Indian affairs.[283] With his proposed policy of cultural assimilation, termed "civilizing," the new Commissioner intended to destroy the internal structural integrity of indigenous peoples. He desired to replace indigenous ways of knowledge with "civilization."

In order to carry out this process by means of treaty negotiations, Butler and Lewis traveled across diverse sections of Indian country in order to reach the indigenous nations of what is now the state of Texas. By November of 1845, the treaty party reached the Cherokee Nation in Indian Territory north of Texas.[284] In the ensuing month, the Principal Chief of the Cherokee appointed Elijah Hicks, a Cherokee citizen, to accompany Butler and Lewis on their excursion. The day after Christmas, the party departed the Cherokee Nation arriving in the Creek Nation two days later. On New Year's Day of 1846, Wild Cat (Coacoochee or Cowokocî), the Seminole leader discussed in the previous chapter, joined the treaty negotiators, and the party crossed the Canadian

[282] *A Report of Messrs. Butler and Lewis relative to the Indians of Texas and the southwestern prairies*, H.R. Exec. Doc. 76 (1847), 2.
[283] Robert M. Kvasnicka and Herman J. Viola, eds., *The Commissioners of Indian Affairs, 1824-1977* (Lincoln: University of Nebraska Press, 1979), 29.
[284] *Report of Messrs. Butler and Lewis*, 3.

River into the Chickasaw Nation.[285] By late-January, the treaty commissioners crossed the Red River into lands claimed by the ex-Republic of Texas and settled at Comanche Peak.[286] The record of their travel, recorded by Hicks in his personal diary, gives a pleasing description of the carefully tended environment in Indian Territory and what is now North Texas.

The Ndé made their presence known at the camps of this colonizing treaty party. While camping on the Brazos River near Torrey's Trading House in late February, the first Ndé representatives made their appearance. Among these leaders was an indigenous woman Hicks styled "a Lipan lady with a fancy dress." His observation coincided with remarks made by many observers of the beauty and high social status of Ndé women.[287] Some days later, Cowokocî informed Native leaders including Lipan Apaches that Butler and Lewis wanted to negotiate a treaty in order "to have a good talk with them, to settle all questions of value to all parties, to prevent crimes, horse stealing and war." One Lipan Apache leader responded in intelligent recognition of the dangers inherent in revealing tribal secrets. He stated that his nation denied engaging in the phenomenon of horse stealing.[288] This assertion comprised a preemptive move to deflect untoward attention to the Ndé "shadow economy."

In mid-March, the Lipan Apaches held a wedding. Hicks rendered a fascinating depiction of the marriage. He observed that "a Lipan belle, dressed in fringed buckskin jacket, and also fringed bootees ornamented with sleigh bells" proceeded to marry her

[285] Elijah Hicks, "The Journal of Elijah Hicks," *The Chronicles of Oklahoma* 13 (March 1935), 71.
[286] *Report of Messrs. Butler and Lewis*, 3; "Journal of Elijah Hicks," 73.
[287] "Journal of Elijah Hicks," 79.
[288] "Journal of Elijah Hicks," 80-81.

husband during this celebrated gathering of nations.[289] Again, Hicks noted the poise and grace of Ndé women. Without clarifying the matter, the Cherokee attendee declined to acknowledge that the man would join his wife's family to live and his property would become hers. Matrilineality and matrilocality played a significant role in gender relations in the Lipan Apache Nation. These factors accorded women higher status than patriarchal relations found in the United States.

In March 1846, further Ndé actions reflected their need for acknowledgment of their situation. In a treaty council held in the middle of the month, at least three Lipan captains attended what Hicks referred to as "Mexico."[290] Given the existence of disputed territory between the Nueces River and the Rio Grande, these Ndé leaders could easily have arrived from north of the Rio Grande in lands claimed by the settler state of Mexico. In this council, Hicks asserted that the independence of Texas had ended upon annexation to the United States. He explained that the Anglos had formed into one people. He asserted, without knowing the state's intrusion, that Texas no longer managed Indian Affairs.[291] Having dealt with colonial authorities for two centuries, the Ndé leaders promoted a style of interaction designed to appeal to the typical colonialist stance. Hicks recorded that "they replied that they were from Mexico and the Rio Grande. They had also been oppressed and could not live there and had entered the great prairie."[292] In their assurance of friendship, these Ndé leaders promoted this stance recognizing colonial imperatives while retaining their integrity in the face of the imperialist hegemon.

[289] "Journal of Elijah Hicks," 89.
[290] "Journal of Elijah Hicks," 90.
[291] "Journal of Elijah Hicks," 91.
[292] "Journal of Elijah Hicks," 92.

At the end of April, events took an untoward turn for the Ndé. Robert S. Neighbors, whom the United States appointed Special Indian Agent to the Lipan Apaches after his "success" in establishing rapport with the indigenous nation, brought heavy news from Central Texas. Hicks reported that the Special Agent returned from Austin bringing information that Anglo-Texans killed several Lipan Apaches on the Colorado River. These inauspicious tidings "caused the most heartrending national mourning by the Lipan women encamped here, loud with their shrieks which lost their sound in the distant heaven."[293] At this point, the Anglo-Texans, having forgotten their previous dependence on Ndé goodwill, proved their unworthiness in their dealings with this indigenous nation. Texans viewed their former allies no longer as friends but as enemies to be murdered without quarter. Treaty relations resumed after several weeks of mourning.

In mid-May, the Ndé, along with a number of other indigenous nations including the Comanche, concluded a treaty with the United States at Council Springs.[294] Apparently, representatives of the United States passed over Ndé leaders in requesting signatories to the treaty. As a result, no Ndé leaders affixed their marks to the document. From this fact, one could make the argument that the stipulations of this accord did not apply to the Ndé nation. All the same, the presence of Lipan Apache leaders at the council implied, at the very least, their recognition of the terms of the treaty. The application of the treaty's focus awaited a separate agreement negotiated in 1851.

[293] "Journal of Elijah Hicks," 95-96.

[294] Articles of a Treaty Made and Concluded at Council Springs, May 16, 1846, in *The Indian Papers of Texas and the Southwest, 1825-1916*, eds. Dorman H. Winfrey and James M. Day, vol. 3, *1846-1859* (Austin: Texas State Historical Association, 1995), 53.

Article I of the Treaty of Council Springs provided that the signatory nations to the treaty acknowledged the protection of the United States and no other sovereign party. Indeed, in refusing to sign the treaty, the Ndé made no recognition of the superiority of the sovereign of the United States. Because of this loophole, the Lipan could maintain sovereign linkages with governments in Mexico at this time.[295] Article IV of the treaty stipulated the return of white and African American captives on the part of indigenous signatories to the superintendent of Indian Affairs. The United States declared that it would use force against those nations refusing to give up captives, thereby providing basis for wars of attrition between indigenous nations and the U.S. military in Texas.[296]

Article VI demanded that indigenous signatories act as informants against those Native people and nations whom they suspected as perpetrating disturbance of the peace or the destruction of the interests of the United States. As a result, the colonizing settler state demanded divisive interests both within and between the indigenous nations of Texas. This article clearly endorsed a divide-and-conquer strategy with the purpose of co-opting those indigenous leaders privy to the resistance of other Native American nations. With all of its attendant incipient colonization of the mind, hegemony asserted itself in this article. Henceforth, the United States promoted divisions in the interests of protecting the peace and capitalist state formation.[297]

In a clear withdrawal of elements of sovereignty recognized during the era of the Republic of Texas, the United States imposed strenuous restriction on the ability of the tribes to prosecute criminals committing crimes within their respective homelands. Indeed, Article VII compelled all indigenous persons suspected of committing murder or

[295] Article I, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 53.
[296] Article IV, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 54.
[297] Article VI, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 55.

robbery of U.S. citizens to accept trial according to the laws of the state of Texas. State law subsumed federal laws against criminals in this instance. Furthermore, all non-indigenous persons committing murder or robbery against citizens of indigenous nations became subject only to the laws of the state of Texas. As a result, prosecution of non-Indian crimes against indigenous peoples was dependent upon the benevolence of the settler state of Texas to arrest, try, and punish these criminals. For the purposes of prosecution, indigenous signatories to this treaty abandoned their rights to prosecute non-Indian and Native American criminals according to their own laws.[298]

In Article IX of the Treaty of Council Springs, indigenous signatories to the document allowed the United States to establish military posts, Indian agencies, and trading houses on their homelands. The language of the treaty was such that the United States made this request for the "protection" of indigenous people. The need for military posts, however, begs the question of which group of persons required "protection."[299] Indeed, white citizens comprised the beneficiaries of this treaty stipulation because military posts in indigenous territories protected Anglo settlers instead of indigenous people. Such use of language perpetuated euphemistic fictions about the benevolence of the United States with relation to Native peoples. In another arrogation of the sovereign rights of indigenous nations, Article XII provided for the prosecution of those non-Indians introducing liquor to Native people under state law instead of according to indigenous laws regarding the prohibition against alcohol in Indian communities.[300]

Article XIII provided for assimilation strategies on the part of the United States. These tactics comprised another example of the delinking of indigenous nations from

[298] Article VII, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 55.
[299] Article IX, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 56.
[300] Article XII, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 56.

their sovereign rights as distinct polities and cultural centers separate from the settler state.[301] Indeed, with the introduction of teachers and "preachers of the gospel," one sees the beginning of cultural assimilation practices administered through the colonial power in an effort to inculcate Native people into the dominant society. This article entailed the rejection of indigenous social communities. In Article XIV, the tribal signatories provided their acknowledgement that they were "anxious to be at peace" with the United States and other indigenous nations.[302] The sovereignty of the U.S. President clearly exerted itself over the signatories to this treaty. While the Ndé were present at the signing of this treaty, they refused to affix their marks to the document. So, while the United States acted as if this nation accepted the terms of the agreement, the settler state could not bind the Ndé to recognition of the treaty stipulations in fact. Furthermore, the indigenous signatories to this accord made no land cessions at this time.[303]

A Strange Interlude

After the council held on the Brazos River to promulgate the Treaty of 1846, several indigenous leaders, including Ndé chiefs, traveled to Washington to meet with President James K. Polk.[304] Butler and Lewis wrote in their report to Commissioner of Indian Affairs Medill that, in transporting the tribal leaders to Washington, they sought two main objectives. The treaty commissioners desired to keep the chiefs away from Texas during the U.S.-Mexican war "as hostages for the good behavior of those left behind." Further, Butler and Lewis wished to bedazzle the Indians with the glory of the imperial capital. The commissioners supposed that the tribal leaders would "go back

[301] Article XIII, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 57.
[302] Article XIV, Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 57.
[303] Treaty of Council Springs, in *Texas Indian Papers*, vol. 3, 60-61.
[304] Sherry Robinson, *I Fought A Good Fight: A History of the Lipan Apaches* (Denton: University of North Texas Press, 2013), 216.

impressed with our strength, and their own weakness."[305] As a result of these negotiations, Ndé hereditary chiefs, along with Comanche and other tribal leaders, attended festivities in Washington.

President Polk received the tribal leaders in the late afternoon of July 1, 1846. He made several observations in his diary on the reception of the "wild Indians of the prairies." Lewis presented the indigenous leaders to Polk in a reception in the Ladies' Parlor of the White House. The U.S. President spoke through an interpreter, "assuring them that they might rely upon the friendship and protection of the U.S. as long as they would remain peaceable and friendly."[306] Upon termination of the parley, a young white woman performed for the chiefs and their wives on the piano. The Ndé, along with other indigenous leaders, found themselves entranced by the mirrors of the East Room. Polk asserted "when they saw themselves at full length, they seemed to be greatly delighted."[307]

Tribal leaders also made an appearance at the South Grounds of the White House, attending a concert "in the presence of many hundred ladies and gentleman. The Indians attracted much more attention than the music."[308] The President of the United States sought to impress upon the indigenous leaders of Texas, including the Ndé, the power, might, and large population of the capital city of the imperialist power as means to preserve the peace.[309] His stated goal failed primarily as the result of Anglo-Texan settlers, politicians, and the ineptitude of the U.S. military and the Indian Office.

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[305] *Report of Messrs. Butler and Lewis*, 8-9.
[306] Milo Milton Quaife, ed., *The Diary of James K. Polk During His Presidency, 1845 to 1849*, vol. 2 (Chicago: A.C. McClurg and Co., 1910), 3.
[307] Quaife, *Diary of James K. Polk*, vol. 2, 3.
[308] Quaife, *Diary of James K. Polk*, vol. 2, 4.
[309] Quaife, *Diary of James K. Polk*, vol. 2, 4.

In November 1846, Commissioner of Indian Affairs Medill addressed several issues in relation to the indigenous peoples of Texas in his annual report. In discussing the Treaty of Council Springs, Medill argued that this intergovernmental agreement proved useful in promoting positive relations between the "wild Indians of the prairies" and the citizens and government of the United States.[310] While he followed this positive assessment with inappropriate descriptions of the Indians of Texas as "mischievous" and "predatory," Medill also found that the State of Texas was at fault as well. Texas, upon entering the union, retained title to all supposedly vacant lands. In an effort to establish title to these "virgin lands," Medill argued that the tribes held only a right of occupancy to their homelands. Still, the commissioner accepted the authority and control of the state, finding that the federal trade and intercourse acts along with other federal Indian laws and regulations interfered with the right of Texas in the assertions of the state's local jurisdiction. There remained some dispute over whether federal Indian law applied within the boundaries of Texas. The Indian commissioner's statements served to cloak the issues in mystery without clarifying the roles of the various governments founded in settler colonialism.[311]

Indeed, Texas claimed that its rights to the lands held by the indigenous peoples superseded the Native "right of occupancy." Moreover, Texas Governor James Pinckney Henderson asserted that Indian Agent Neighbors must not assure the tribal leaders in any way. The governor assumed that the federal government would not allow the Indians to remain on a permanent basis on lands claimed by Texas. In a clear usurpation of the authority of the U.S. government, Henderson instructed Neighbors to withhold any

[310] *Annual Report of the Commissioner of Indian Affairs, 1846-1847* (Washington: Ritchie and Heiss, 1846), 7.
[311] *Indian Affairs Annual Report, 1846-1847*, 14.

information or direction that suggested to the tribes privileges in land title. Further, the governor asserted the position of Texas as sovereign equal to the sovereignty of the United States. Henderson argued that "the consent of the State Government too must be had before [Indians] can acquire any right to remain where they are."[312] Henderson overstepped the boundaries of state jurisdiction in the handling of indigenous peoples in direct violation of the U.S. Constitution, particularly the Indian Commerce Clause.

In a June 1847 letter to the Commissioner of Indian Affairs, Special Agent to the Texas Indians Robert S. Neighbors recognized that "the present laws of Texas do not acknowledge that the Indians have any right of soil; and those [white] persons holding land claims contend that they have the privilege of locating wherever they choose."[313] As a result, Neighbors argued that the federal government could accomplish little in preventing Anglo-Americans from entering and laying claims to indigenous-held territories. Neighbors also noted that Lipan Apaches relied primarily on hunting to provide sustenance in a subsistence economy.[314]

In August 1847, Neighbors relayed significant information about negative Ndé-white relations to the Indian Commissioner. While unable to vouch for the veracity of the accusation, Neighbors found that a party of Lipan Apaches attacked a party of Texas Rangers on the road to Laredo from San Antonio. The skirmish resulted in the deaths of three Ndé. Colonel Jack Hays, originally a friend to the Lipan Apaches, aspired to resolve peacefully the issue between representatives of the United States and the Lipan. Hays's

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[312] J. Pinckney Henderson to Robert Neighbors, Austin, January 15, 1847, in *Texas Indian Papers*, vol. 5, 25.

[313] Robert S. Neighbors to Commissioner William Medill, Torrey's Trading House, Texas, June 22, 1847, in *Annual Report of Commissioner of Indian Affairs, 1847-1848* (Washington: Wendell and Van Benthuysen, 1848), 173-174.

[314] Neighbors to Medill, June 22, 1847, *Indian Affairs Annual Report, 1847-1848*, 176.

men, however, fired upon the Ndé, wounding two of them, who then fled. Neighbors reported that the Lipan resided below the Nueces River in occupied Mexican territory during the U.S.-Mexican War and "beyond [his] control."[315]

In September of the same year, Neighbors asserted that he was unable to locate any Ndé people as a result of the Ranger attack.[316] The Texas Indian Agent, in communications with the Comanche, gained information that the Ndé joined a number of "Apaches" on the Pecos River or, as Neighbors termed it, the "Rio Puerco." The reason for their removal beyond the reach of the long arm of the state resulted from an attack along the upper Colorado River. Neighbors would not learn of the reasons for their escape until April of the following year. Indeed, the reasons for their flight included Texas Ranger Bezaleel W. Armstrong's ambush and massacre of several members of hereditary chief Chiquito's local group of Ndé in August 1847.[317]

The Armstrong incident was only one of a series of massacres perpetrated against the Ndé in the coming years. The Texas Rangers appear to be the primary culprits in these incursions against Lipan Apache lives, liberty, and property. In January of the following year, Captain James Gillett executed seven Ndé people for the perception that the Lipan had absconded with a small number of horses. In fact, a Comanche raiding party was responsible for the theft of these horses. Captain Gillett, unaware of such fine distinctions, formed a cover for his gun holster out of an Apache scalp.[318] Before October 1848, Texas Ranger William Crump massacred several Ndé in an incident of horse theft.

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[315] Robert S. Neighbors to Commissioner William Medill, Austin, Texas, August 5, 1847, *Indian Affairs Annual Report, 1847-1848*, 178.

[316] Robert S. Neighbors to Commissioner William Medill, Torrey's Trading House, Texas, September 14, 1847, *Indian Affairs Annual Report, 1847-1848*, 183.

[317] Robert S. Neighbors to Commissioner William Medill, United States Special Indian Agency, Texas, April 28, 1848, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication #M234, Roll 858, National Archives.

[318] Morris E. Opler, *The Lipan and Mescalero Apache in Texas* (New York: Garland, 1974), 74.

Again, a Comanche raiding party made off with Crump's horses. The Lipan Apaches fled to the headwaters of the Colorado River, declaring their anger at the loss of indigenous lives. Ndé people refused to engage in peaceful negotiations "until they had full satisfaction." Neighbors, at this time, made an especially perspicacious comment. He argued that "under the present system the treaty is forgotten, and, if a horse is stolen by an Indian, there is no demand made, through the agent, for his recovery, but the first party of Indians that is fallen in with is attacked and massacred."[319] These Anglo atrocities succeeded only in further alienating Lipan Apaches from positive diplomatic negotiations.

Significantly, while the Rangers remained the primary culprits, at least one instance of violent and deadly perpetrations against Lipan Apaches included the U.S. military. Under Lieutenant H.M.C. Brown's orders, the U.S. Army attacked the Ndé in 1848. As a result, many Ndé leaders declared against all Anglo-Americans in the face of repeated attacks on their lives and property within their indigenous homeland. In response, Neighbors reported that he had "heard threats made by some [whites] to shoot the first Indian they meet with." The Indian Agent also argued that "a few more attacks similar to the one made on the Lipans, must involve us in difficulties with the wild Indians that it would be impossible to adjust without much blood."[320] Clearly, the U.S. military was just as culpable as Texas in the subjugation of the Lipan Apache.

Anglo-Americans refused to simply target Ndé warriors in their efforts to eradicate this indigenous people from disputed territories along the frontier. Indeed, in

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[319] Robert S. Neighbors to Commissioner William Medill, United States Special Agency, Texas, October 23, 1848, in *Annual Report of the Commissioner of Indian Affairs, 1848-1849*, Senate Executive Document 1, 30th Congress, first session, Serial Set 550 (Washington: Government Printing Office, 1849), 598.

[320] Neighbors to Medill, San Antonio, Texas, November 7, 1848, *Indian Affairs Annual Report, 1848-1849*, 600.

1849, the Texas Rangers attacked Lipan Apaches indiscriminately including the act of murdering defenseless women and children. According to Abbé Emmanuel Domenech, the Anglo vigilante force "massacred a whole division of the Lipan tribe, who were quietly camped near Castroville: they slew all, neither woman nor child was spared."[321]

Neighbors, in his letter of March 7, 1849, recognized the import of the massacres perpetrated against the Ndé population. He stated that misunderstanding continued to develop from attacks on Lipan Apaches. He argued that "all intercourse with them has ceased for some months passed; and it will be impossible to adjust those differences satisfactorily without money or presents to give them as an indemnity; they claiming to be the aggrieved party."[322] Further, the federal government in the form of Neighbors' petition finally found in favor of the tribes in terms of the necessity to extinguish Indian title to their own homelands.[323] In a letter written in May 1849 to H.G. Catlett, later published in the *Annual Report of the Commissioner of Indian Affairs*, Texas Ranger Middleton T. Johnson outlined the original homelands of the Lipan as "ranging from Austin to Corpus Christi." Johnson continued his discourse in stating that the Ndé either should have been removed beyond the line of Anglo settlement or allowed to stay in the midst of Anglo settlements without intercourse with "the wild tribes beyond." He declared that, because of attacks against Ndé lives and property, Lipan Apaches established themselves on the Brazos River and "declared open hostilities."[324]

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[321] Abbé Emmanuel Domenech, 1849, quoted in Opler, *Lipan and Mescalero Apache in Texas*, 75.

[322] Robert S. Neighbors to Major General William J. Worth, Torrey's Trading House, March 7, 1849, in *Annual Report of the Commissioner of Indian Affairs, 1849-1950* (Washington: Gideon and Company, 1850), 28.

[323] Neighbors to Worth, March 7, 1849, *Indian Affairs Annual Report, 1849-1850*, 29.

[324] H.G. Catlett to Commissioner William Medill, Washington D.C., May 12, 1849, *Indian Affairs Annual Report, 1849-1850*, 31.

By June 1849, the Ndé split into at least two political positions in relation to the whites. One group, in response to the massacres, declared open war against all Anglo-Americans. Indeed, Lipan Apaches absconded with the Mexican wife of an Anglo-American living in the vicinity of Matamoros north of the Rio Grande.[325] Some Ndé joined with the Comanche in fighting Anglo-Americans on the El Paso road. These whites sought to emigrate from the eastern United States to California in search of gold and a better life. They attacked the Ndé and Comanche in their tribal indigenous homelands on both sides of the Rio Grande. One Comanche leader regarding this incident declared that the white settlers charged the indigenous force four times. The Indians then fired their guns and successfully killed a large number of the gold-seeking party. Tribal leaders demonstrated no real desire to fight. They defeated the Americans on the basis of self-defense. Another group of Ndé, seeking peace with the Anglo-Americans, joined the Caddo at Torrey's Trading Post in North Central Texas to engage in diplomatic negotiations with Indian Agent Neighbors. These partisan bands, Neighbors stated, "evince a decided disposition in favor of peace."[326]

In March 1849, the United States created the Department of the Interior and moved the Indian Office from the Department of War to the newly created administrative unit.[327] Secretary of the Interior Thomas Ewing took an active interest in Indian Affairs and superseded the authority of Orlando Brown who replaced William Medill as Indian

[325] Benjamin J. Willse to President Zachary Taylor, Brownsville, Texas, June 2, 1849, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 858, National Archives.

[326] Robert S. Neighbors to Commissioner William Medill, United States Special Indian Agency, Torrey's Trading House, June 18, 1849, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 858, National Archives.

[327] Francis Paul Prucha, ed., *Documents of United States Indian Policy* (Lincoln: University of Nebraska Press, 1975), 80.

Commissioner on June 30, 1849. Brown resigned by the middle of 1850.[328] When he assumed the office of commissioner on June 30, 1849, many changes occurred in appointments of Indian Agents, including the replacement of Texas Agent Neighbors by August 1849. Commissioner Brown, writing in November, found that "Texas, on coming into the Union, retained control and jurisdiction over all her public domain, so that none of the laws or regulations of our Indian system are in force in her limits."[329] Brown adopted whole-heartedly the assertions of Texas. Inexperienced in his understanding of Indian policy, Brown gave assent to a law promoted by Anglo-Texans that remained questionable in terms of legal force. Texas land policy interfered with the treatment of indigenous peoples as "domestic, dependent nations." Commissioner Brown, in the interest of the Whig administration of President Zachary Taylor, appointed John H. Rollins to replace Neighbors, a Democrat, in the summer of 1849. Indian Agent Rollins, however, arrived in Texas to assume the mantle only in November.[330] In February 1850, the Texas state legislature, in violation of the Indian Commerce Clause of the U.S. Constitution, rejected a bill extending federal Indian Trade and Intercourse Acts to indigenous peoples within its jurisdiction.[331]

Agent Rollins, in an expedition to discover the mode of living among the indigenous inhabitants of Texas, visited Lipan Apaches on the Llano River in the spring of 1850. He discovered that "since the attack made upon them by a portion of Captain Crump's company, as reported by the late Agent, the position of the Lipans has been

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[328] Kvasnicka and Viola, eds., *The Commissioners of Indian Affairs*, 45-46.

[329] Commissioner of Indian Affairs Orlando Brown to Secretary of the Interior Thomas Ewing, November 30, 1849, *Indian Affairs Annual Report, 1849-1950*, 7.

[330] Kenneth F. Neighbours, *Indian Exodus: Texas Indian Affairs, 1835-1859* (Wichita Falls, TX: Nortex, 1973), 70.

[331] F. Todd Smith, *From Dominance to Disappearance: The Indians of Texas and the near Southwest, 1786-1859* (Lincoln: University of Nebraska Press, 2005), 203.

always doubtful and frequently hostile. They now, however, express a strong desire to remain friendly with the whites forever."[332] Rollins suggested a peace treaty, and the leader of this Ndé local group, Chipota, agreed. In the intervening months before conclusion of this peace treaty, President Taylor appointed Luke Lea to the position of Commissioner of the Indian Office in July and then died eight days later.

Lipan Apache Links to the Settler State

As a prelude to discussion of the Spring Creek Treaty, this chapter will discuss the impact of the laws of the State of Texas on Indian Affairs within the confines of the claimed boundaries. The U.S. Office of Indian Affairs, prior to the completion of this second treaty, wavered in its resolve to impose federal law over the indigenous peoples of the state. Because Texas falsely asserted that it had complete control over indigenous peoples, the United States acquiesced for several years after annexation to the demands of the state. In an instruction to the Texas Indian Agent, Commissioner Lea found that "none of the laws and regulations pertaining to our Indian system have been extended over them; and it has hitherto been held by this department, that to authorize such extension the consent of Texas must first be obtained."[333] The Commissioner made this assertion more in response to the events of 1850 than the assumption of the federal role in Indian Affairs since 1845.

Because of the continuous turn-over in Commissioner of Indian Affairs, each new official had to begin again and often held conflicting perspectives on the administration in Texas. Commissioner Lea found it expedient to adopt a position that circumvented the

[332] Special Texas Indian Agent John H. Rollins to Commissioner of Indian Affairs Orlando Brown, Austin, May 8, 1850, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 858, National Archives.

[333] Commissioner of Indian Affairs Luke Lea to John H. Rollins, Washington, November 25, 1850, *Annual Report of the Commissioner of Indian Affairs, 1851* (Washington: Gideon and Co., 1851), 253.

interests of previous commissioners in protecting the indigenous peoples of Texas. He declared in November 1850 that "the constitution, it is true, gives Congress the power to regulate commerce with the Indian tribes, but that it can be rightfully exercised in such manner as to punish the citizens of that State for trespassing on lands occupied by the Indians, or trading with them, unless licensed by the government, is a proposition that may well be controverted."[334] This delicate and rarefied language served only to obfuscate the fear, on the part of the Indian Office, to assert jurisdiction over and above that of the State of Texas in Indian Affairs. The assertion of federal authority in Texas changed with the adoption of the Treaty of Spring Creek in December 1850.

One of the reasons for delineating an analysis of the Treaty of Council Springs, outlined earlier in this chapter, is that the substance of the treaties that followed in which Lipan Apache leaders acted as signatories constituted vast similarities to the false treaty, false in the sense that it could not apply to the Ndé nation because the Ndé had not signed it. On December 10, 1850, representatives of the United States signed the Treaty of Spring Creek with the imprimatur of Lipan Apache leaders including Chiquito and Chipota.[335] A full-scale analysis of the treaty is not necessary given its use of the same language as the previous treaty. Still, a broad outline of the treaty proves useful in clarifying the position of the Ndé vis-à-vis the United States.

The first articles of the treaty focused on significant preliminaries. In Article I, as in the previous accord, the Spring Creek Treaty espoused the position that the indigenous signatories, including the Ndé, acknowledged themselves to be under U.S. jurisdiction

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[334] *Annual Report of the Commissioner of Indian Affairs, 1850* (Washington: Gideon and Co., 1850), 12.

[335] Articles of a Treaty Made and Concluded on Spring Creek, December 10, 1850, in *The Indian Papers of Texas and the Southwest, 1825-1916*, eds. Dorman H. Winfrey and James M. Day, vol. 3, *1846-1859* (Austin: Texas State Historical Association, 1995), 130.

alone. Most germane to the situation at hand was the assertion that no state could acquire authority over the Lipan Apache Nation. This stipulation included the State of Texas, a sovereign entity that, at this point in time, sought to remove all indigenous peoples from its borders or, at the very least, impose its own laws, subverting federal Indian law.[336] Article II provided for licensed traders validated by the United States alone to practice sales of goods to the indigenous nations that signed the treaty.[337] Article III demanded that the "Indians," a blanket term, agree that they "forever…remain at peace with the United States."[338] The notion of perpetual peace included no reference to the United States itself maintaining peaceful relations with the tribes, a loophole the U.S. military used later to justify repeated massacres.

Because of the recent hostilities between the United States and Mexico resulting in the 1848 Treaty of Guadalupe Hidalgo, the language of the Treaty of Spring Creek differed markedly from the previous treaty in some of its articles. In Article IV, the treaty found that the indigenous peoples, now referred to as "nations," were "anxious to be at peace" with all other nations of people.[339] The onus of the preservation of the peace between these indigenous nations and other nations, including Mexico, shifted to the President of the United States. Clearly, then, the purpose of the treaty included the imposition of federalism on the signatory tribal leaders as opposed to the intervention of the State of Texas and the Republic of Mexico. In substance, the use of informants against other indigenous nations, state criminal jurisdiction, alcohol prohibitions, and the

[336] Article I, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 130.
[337] Article II, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 130-131.
[338] Article III, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 131.
[339] Article IV, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 131.

establishment of military posts continued the actions of the previous treaty.[340] The caveat here was that the Ndé explicitly came under the auspices of this document.

Articles XIII, XIV, and XV of the Treaty of Spring Creek differed markedly from the previous 1846 treaty. Article XIII specified that no Indian should murder or take captive "any white person."[341] Article XIV asserted that "Young Men" of diverse indigenous nations accused of thievery or murder ought to be delivered to the military installation Fort Martin Scott for punishment. The distinction here is the allowance of recognition of the fluid nature of indigenous leadership particular to the circumstances at hand. Indian Agent John Rollins, representing the United States, recognized here that the authority of tribal leaders comprised no absolute social or political control of the main body of members of a given indigenous nation. In other words, Rollins recognized that "young men" of a given nation were not subject to the absolute sovereign will of their leaders. Instead, in accordance with the dictates of popular sovereignty, any indigenous person could refuse an order from his or her leader except in extreme circumstances.[342] Personal freedom was more important than the consolidation of power.

Although these indigenous nations made no land cessions in this treaty, Article XV provided for the establishment of a boundary line consummate with the line of military posts in central Texas.[343] The United States simply assumed that the lands east of the line had already been ceded. Indeed, the Ndé never made any land cessions to the United States or any other power. It was not the prerogative of the United States to assert the extension of a line of settlement without proper disposal of Indian title to the lands in

[340] Articles VI, VII, XVIII, and XIX, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 131-135.
[341] Article XIII, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 133.
[342] Article XIV, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 133.
[343] Article XV, Treaty of Spring Creek, in *Texas Indian Papers*, vol. 3, 134.

question. This extralegal action on the part of Rollins as representative of the settler state resulted in a question of clouded land title that remains problematic to this day. In this sense, the United States cannot accord federal recognition to the Ndé because to do so would imply acknowledgment of this problematic issue of the ownership of the lands of South and Central Texas.

By late March of the following year, Agent Rollins concluded the necessity of land cessions from the indigenous peoples of Texas in the interest of settling the tribes on reserved lands and avoiding further hostilities between the indigenous nations and the settler state. He asserted "that no action, except that which was radical, could be effective; and that nothing short of a country for the Indians, over which the laws of the United States regulating our Indian intercourse and relations were extended, together with a temporary support for the Indians, could be safely adopted as a permanent policy."[344] John Rollins died later in 1851 prior to the conclusion of the San Saba Treaty in late October.[345]

In the negotiations prior to the Treaty of San Saba, several Lipan Apache leaders spoke in favor of the agreement. Chiquito asserted that he and his people had the "desire to do as [the United States] advised us to cultivate the lands and raise corn and other things necessary for the support of ourselves and our children."[346] Quaco declared, "I have been and will continue to be the friend of the white man and people of the United States. They have been good to me."[347] Lamos stated that "the reasons of his great

[344] Special Agent to the Texas Indians John H. Rollins to Colonel C.S. Todd, San Antonio, March 25, 1851, *Indian Affairs Annual Report, 1851*, 256.
[345] Neighbours, *Indian Exodus*, 89.
[346] Statement of Chiquito, San Saba Treaty Grounds, October 27, 1851, in *Texas Indian Papers*, vol. 3, 146.
[347] Statement of Quaco, San Saba Treaty Grounds, October 27, 1851, in *Texas Indian Papers*, vol. 3, 146.

satisfaction is he now has a hope of being settled where he can have his children about him."[348] Was this an instance of hegemony? No. Instead, Ndé leaders simply recognized that without these negotiations the U.S. military and the Texas Rangers would continue total war against the men, women, and children of the Lipan Apache Nation.

On October 28, 1851, Lipan Apache leaders signed the Treaty of San Saba with John A. Rogers, Special Agent for the Indians residing in Texas.[349] The substance of this treaty extended and confirmed the exactions of two previous treaties, the Treaty of Guadalupe Hidalgo and the 1846 Treaty of Council Springs. The false link of the original treaty made by Butler and Lewis now extended itself in direct manner over the indigenous polity of the Ndé. Article II provided the impetus for this inclusion.[350] The Ndé established a final link to the United States with this treaty. Afterwards, only hardship and pain resulted from further interaction between the two sovereigns.

Article III extended terms of Article XI of the Treaty of Guadalupe Hidalgo, made in 1848, over the Ndé indigenous nation.[351] Herein the tribes acceded to the power of the United States to determine affairs in relation between Mexico and the U.S. settler state. Only in 1851 would Mexico have legal recourse to indemnities suffered on its part in relations to Lipan depredations. This legally-binding intergovernmental resolution would last only to January 1854 when the Gadsden Purchase superseded Article XI. The situation in Mexico changed dramatically before then in relation to the Ndé. Indeed, the Ndé, under the guidance of Lipan Apache leader Coyote, also a signatory to the San Saba

[348] Statement of Lamos, San Saba Treaty Grounds, October 27, 1851, in *Texas Indian Papers*, vol. 3, 147.
[349] Articles of Treaty Made and Concluded at the Council Ground on the San Saba River, Bexar County, October 28, 1851, in *Texas Indian Papers*, vol. 3, 149.
[350] Article II, San Saba Treaty, in *Texas Indian Papers*, vol. 3, 149.
[351] Article III, San Saba Treaty, in *Texas Indian Papers*, vol. 3, 150.

Treaty, engaged in an intergovernmental agreement with the town of Santa Rosa, Coahuila.

The resulting document between the Lipan Apache and the Mexican village nullified U.S. assertions to preemptive power over the Ndé as contained in Article I of the San Saba Treaty. Texas, however, apparently lost its hold on the Texas Indians. Indeed, in Article I of the treaty made on the banks of the San Saba River, the United States preempted the powers of the state of Texas explicitly.[352] Texas could no longer find that they had any kind of control over the homelands of the Ndé. Most significantly, the San Saba Treaty provided for no land cessions. In fact, Lipan Apaches never ceded any lands to the Republic of Texas, the state, or the United States. Even if Texas asserted that it need not extinguish Indian land title by treaty, the established conventions of the United States, of which Texas was a part, demanded land cessions from each tribe recognized in treaty relations in order to clear the Indian "right of occupancy." The fact that the United States never adhered to its own diplomatic protocols is a stain on the national character.

Commissioner of Indian Affairs Lea apparently received no notice of this treaty. He concluded that the indigenous peoples of Texas required the rights to their homelands. He declared,

> "they are in such a condition as to be compelled to starve or steal. And if Texas will not consent to the arrangement suggested, necessary as it is to the security of her frontier, and the very existence of the Indians, she can have no just cause to complain of depredations committed by famishing aborigines of the country, who certainly have the right to live

[352] Article I, San Saba Treaty, in *Texas Indian Papers*, vol. 3, 149.

somewhere; and nowhere, more certainly, than on the lands which they and their fathers have occupied for countless generations."[353]

In this statement, Lea recognized that the indigenous peoples of Texas held aboriginal title prior to any "doctrine of discovery." This legal construction is the foundation for federal Indian law prior to 1871 when the United States ended treaty negotiations with all tribes.

Shocking to Every Feeling of Humanity

Whatever the intention of the United States, the federal government deployed three primary strategies for solving the Ndé "problem" after the treaty of 1851. These strong-arm tactics included economic dependency and subsequent starvation, the murder of Ndé warriors and civilians, and, ultimately, enforced exile beyond the boundaries of Texas. The federal "solution" to the problem of Ndé defense of territory resulted from these strategies. In effect, the United States "pacified" the Ndé to the detriment of territorial and structural integrity. From 1852 to 1853, the U.S. military initiated a set of maneuvers designed to control and subdue the indigenous nation.

As a result of the turnover in leadership, the U.S. government in relation to the Indians of Texas was forced to reinvent the wheel once again. By January 1852, Major George Thomas Howard assumed the role of Texas Indian Agent.[354] Special Indian Agent John A. Rogers resigned before March 9, 1852.[355] The Office of Indian Affairs instituted Horace Capron as Special Indian Agent in May 1852.[356] Treaties having been concluded, the United States felt that it could deal with the Ndé in any form the settler

[353] *Indian Affairs Annual Report, 1851*, 11.
[354] Neighbours, *Indian Exodus*, 90.
[355] Neighbours, *Indian Exodus*, 91.
[356] Neighbours, *Indian Exodus*, 91.

state so desired. As a result, Congress defunded the programs to encourage the Native peoples of Texas in their wellbeing. Reduced from the ability to engage in their shadow economy by the presence of the U.S. military, Lipan Apaches were reduced to the economics of dependency and starvation. Further, the increasing growth of the Anglo-Texan population resulted in mass invasions of Lipan Apache territories and physical attacks. The settler state, always with the interest of the whites in mind, sought a final solution in imposing exile on the Ndé.

Beginning in July, Capron visited Lipan Apaches at Fredericksburg in the Hill Country of Central Texas. He met with Ndé leaders Chiquito, Chipota, and Castro with the purpose of removing Lipan Apaches from the vicinity of Fredericksburg to Fort Mason.[357] This forced exile comprised one more example of the destruction of Ndé territorial integrity. While the Lipan Apache Nation never made any land cessions in any treaty, the United States proceeded as if the Ndé ceded rights to all of their traditional homelands with the purpose of exiling Lipan Apaches to points more and more remote from the Anglo-Texan settlers. Capron asserted

> "after talking with them freely upon the subject of their continued depredations, plans were suggested for preventing further difficulties between them and the white settlers. The only feasible one appeared to me to be for them to remove their whole tribe further into the interior, and out of the way of the settlers."[358]

As a result, Capron arranged to remove the Lipan Apaches to Fort Mason.[359] The agent perceived this indigenous removal as the only possibility of rescuing the tribe.

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[357] Horace Capron to Major G.T. Howard, Fort Mason, August 12, 1852, in *Annual Report of the Commissioner of Indian Affairs, 1852* (Washington: Robert Armstrong, 1852), 141-143.
[358] Capron to Howard, August 12, 1852, *Indian Affairs Annual Report, 1852*, 141.
[359] Capron to Howard, August 12, 1852, *Indian Affairs Annual Report, 1852*, 142.

These accords resulted in the forcible removal of certain Lipan bands to incorporation within the fort system. The problem with dependency on the fort system for economic and social subsistence consisted of the increasing ease with which the United States or Texas could wipe out the indigenous population. Indeed, the Ndé removed to Fort Mason only to experience starvation at the hands of the U.S. military. The deterioration in the tribe began slowly. By late August, Capron found it necessary to request of the Commissioner of Indian Affairs Luke Lea that "in locating these Lipan Indians upon their present grounds, it is important they should be fed to some extent, as game is very scarce in all this region, and they are cut off from their usual resources of stealing from the settlers to sustain themselves."[360] Starvation, as a distinct possibility, came to be a stark reality.

U.S. Indian Agents blamed unscrupulous whites dealing in the alcohol trade for further Ndé depredations. Howard, as leader of all of the agents to the Texas Indians, declared that Capron "also states that the Chiefs and older men of the tribes are anxious to remain on terms of peace and amity with the whites. But that they are unable to control their young men when the whites let them have liquor."[361] Lipan Apaches remained "anxious to be at peace" with the settler state. The terms of the peace, however, required a rejection of alcohol as a threat to the vitality of the Ndé.

Coupled with extensive neglect by the Commissioner and the U.S. Congress, Lipan Apaches starved. Capron acknowledged

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[360] Horace Capron to Commissioner Luke Lea, Fort Mason, Texas, August 25, 1852, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 858, National Archives.

[361] George T. Howard to Governor P.H. Bell, San Antonio, Texas, September 11, 1852, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 858, National Archives.

> "the absence of all official advice from the Commissioner of Washington, particularly in relation to appropriations for the Indian Service in Texas, cripples materially the operations of the Agents. And whilst my presence amongst the Indians might be useful with a comparatively small amount to purchase food for them, it is rendered entirely useless for want of it."

Capron clearly understood the implications of the neglect of the Indian Office in relation to the Ndé. Deprived of their ability to engage in the shadow economy and unable to subsist any longer on the animals of the Plains, the United States reduced Lipan Apaches to starvation in an economy of austerity. Capron explained that "there is no exaggerating the starving condition of these Indians, and with every disposition on their part to be friendly, they are forced into predatory excursions to sustain life."[362] The Indian Agent recognized one of the underlying reasons in the rise of the shadow economy.

Carnage and massacre consisted of added elements to Ndé starvation. All suggestions left aside of a U.S.-led conspiracy to annihilate the Lipan on the level of Mexico's policies in the 1850s, the end result was the same. Indeed, in December 1852, the U.S. military once again committed horrible atrocities against Ndé people. The reason these actions remain documented is that Capron, unlike most other Indian agents and military officers on the frontier, had a conscience. Prior to his removal from office, Capron reported a massacre initiated by U.S. General William S. Harney against the Ndé.

The carnage was born from a case of mistaken identity. An unnamed Mexican accused Lipan Apaches under the direction of Chief Manuel of descending on a ranch on the San Antonio River and driving off twenty-five horses, wounding several persons in

[362] Horace Capron to Commissioner Luke Lea, San Antonio, Texas, September 30, 1852, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 858, National Archives.

the melee. Indeed, the Mexican informant asserted that he knew they were Lipan because Manuel announced it, an action suspect in its own right. For General Harney, this supposed action was sufficient for him to propose the annihilation of the tribe. Upon further investigation, Capron discovered that Manuel was with the Delaware interpreter, John Connor, two hundred miles away from the scene of the horse-theft. Capron petitioned the U.S. Indian Commissioner in January, asserting that "the result of our inquiries was reported to General Harney by Major Howard, but the order had gone forth for killing all the men and making all the women and children prisoners." Furthermore, General Harney succeeded in imprisoning Ndé women and children. He allowed the men to escape. This atrocity, unparalleled in previous U.S. military actions against the Ndé, provoked the conscience of Capron. He also recognized that such rash attacks on the sovereignty of an indigenous nation could only result in further depredations in Texas. Capron stated that "under any circumstances the result I fear will prove disastrous to the peace of the frontier settlers, as it is shocking to every feeling of humanity."[363]

Capron, dissatisfied with the inaction of the federal government in disciplining General Harney, traveled to Washington to gain an audience with Indian Commissioner Lea. Unfortunately there is no record of such a meeting, perhaps because it never occurred. Instead, the Texas Indian Agent outlined the scandal in a letter, stating that the U.S. military killed some Lipan Apache warriors and

> "a few women and children captured; the tribe scattered, stripped of their horses and mules, their clothing…their camp burned, and even their presents lately distributed among them by the Indian Agents, and their blankets, have been taken from them as

[363] Horace Capron to Commissioner Luke Lea, San Antonio, Texas, January 23, 1853, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 859, National Archives.

> trophies of war, and, by consequence, all that survive turned loose upon the borders at an inclement season of the year, destitute and fired with revenge."[364]

One of the soldiers involved in the atrocities succinctly observed that "the property the wealthy Lipan Indians had, which was destroyed in obedience to the orders of General Harney."[365] This statement is telling in the sense that the soldiers ascribed "wealth" to the Lipan Apaches because of the goods recently distributed. His comments beg the question of why the Ndé starved while maintaining vast amounts of what he termed "wealth."

Surprisingly the Indian Agent sympathized with the losses of the Ndé in the destruction of their lives, property, and integrity. He recognized that Lipan Apaches would have no choice but to turn to depredations against Anglo settlers as a result of the widespread devastation brought on by the order of General Harney. Capron declare that "every principle inherent in the Indian character, every feeling that can operate to arouse oppressed and starving human beings to resistance, will drive this warlike tribe to extremities." General Harney, famed for his exploits during the Indian "wars," in essence, was nothing more than a brigand. Capron recognized that "this tribe has been subjected to the unfortunate attack while guileless of any participation in the crime."[366] Given the haste of Harney's orders, it was not surprising that Lipan Apaches suffered for the misdeeds of others, most likely a collection of outlaws on the San Antonio River.

In marked contrast to Capron's demands for justice, Howard, his superior, attempted to smooth over the horrors that General Harney initiated. His concern lay more with appeasing the white settlers than caring for the Ndé. Howard declared in March,

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[364] Horace Capron to Commissioner Luke Lea, Washington City, February 18, 1853, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 859, National Archives.

[365] Samuel Henry Starr to Ellen Kurtz Starr, Fort Mason, Texas, May 19, 1853, Starr (Samuel Henry) Papers, Box 3P46, Center for American History, University of Texas, Austin.

[366] Capron to Lea, February 18, 1853, *Letters Received*, National Archives.

three months after the event, "the Indians…must be fed in order to keep them quiet." From this statement, the conclusion is that Howard had no sense of mission to alleviating the poverty of Lipan Apaches. Instead, his purpose was to subdue them, keep them in starvation mode, and placate the U.S. military and the colonizing settlers. Howard met with an unnamed Lipan Apache chief and found that the chief's "tribe is starving and is anxious to have a talk with me about late occurrences."[367] Indeed, Howard's silvered tongue portrayed the Lipan Apaches as quelled from their anger over the atrocities sustained. In mid-March, the Agent stated "my last communication anticipated a probable outbreak on account of the severe character of General Harney's order. I have now the pleasure to state that all feelings of animosity on the part of our red brethren has been removed. My visits and explanations have soothed away all irritation. I have prevented depredations of every description."[368] If only in his own perception, Howard figured that the sole responsibility for ending the "war" between the United States and the Ndé was his alone. The triple-pronged initiative of starvation, carnage, and forced exile, however, remained in place as, wittingly or no, the policy of the Indian Administration in alliance with the military.

Conclusion

In sum, the linkages between the United States and the Lipan Apache tribe resulted in a firm bond between the federal government and the indigenous nation absent what happened in the following years. The United States government broke its promises

[367] George T. Howard to Commissioner Luke Lea, San Antonio, Texas, March 1, 1853, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 859, National Archives.

[368] George T. Howard to Commissioner Luke Lea, San Antonio, Texas, March 18, 1853, *Letters Received by the Office of Indian Affairs, Texas Indian Agency*, Record Group 75, Microfilm Publication M#234, Roll 859, National Archives.

time and time again. Diplomatic sovereignty, ever elusive to the Ndé in relation to the Republic of Texas and the settler state of Mexico, appeared to finally gain a solid foothold in relations with the United States. Emphasis, however, must be placed on the word "appeared." This appearance proved a mirage. The United States ultimately failed in its mission to accord sovereignty to the indigenous peoples of Texas. The Ndé concluded three treaties with the United States during the nation's treaty era from 1845 to 1852. In each of these treaties, the Lipan made no land cessions. As a result, indigenous land title remained a question unanswered. What, then, was the solution to problem of the Ndé as a thorn in the side of the both Texas and the United States? The ultimate answer lay in forced exile and destruction of Lipan Apache structural integrity promulgated in the years 1852-1853 and leading up the Civil War.

Conclusion

Sovereignty is the ability of a nation to exercise internal forms of self-government and external diplomatic relations. In the mid-nineteenth century, three sovereign entities engaged the indigenous nation of the Lipan Apache, or Ndé. These entities included the Republic of Texas, the United States, and Mexico. Each of these governments perpetuated colonial and imperial attempts at social control of the Lipan. Each settler state, however, also accorded some recognition of Ndé sovereignty in the form of treaties. While the official position of the Mexican government was to grant citizenship to all indigenous peoples, in practice the settlers of northeastern Mexico chose to both establish intergovernmental agreements with the Lipan Apache Nation as well as engage in military expeditions against this indigenous nation. The Republic of Texas, particularly under the aegis of President Sam Houston, promoted treaty relations along the lines of U.S. Indian policy up to the 1830s. The United States, upon completing three treaties with the Ndé, proceeded to marginalize, massacre, and force Lipan Apache into exile. Indigenous sovereignty, as practiced by the Ndé, reflected notions of true democracy internally and honorable negotiations externally.

Beginning with the turn of the twentieth century, several historians began to study Lipan Apaches with regard to the nation's relations with the Republic of Texas and the United States. These studies, however, promoted a scientific notion of objectivity that masked certain prejudices these historians held toward indigenous peoples in general. In the 1930s, anthropologists recorded the traditions and belief systems of the Ndé. Again, while the accomplishments of these writers consisted of the categorization of Lipan Apache elements of culture, the anthropologists contained bias in their writings. In the

1960s and 1970s, the Lipan Apache case before the Indian Claims Commission resulted in three primary studies of the impact of external sovereigns on the territorial integrity of the Ndé.

In the 1990s and 2000s, many historians engaged in syntheses of several indigenous national histories contained within the boundaries of what is now the state of Texas. While these historians discussed Lipan Apache actions in relation to the settler states of Mexico, the Republic of Texas, and the United States, the Ndé remained peripheral to the study of the indigenous peoples of Texas. In the past eight years, several new tribal histories focused on Lipan Apache have made an appearance. These histories may be distinguished from the previous historiography by their focus not only on the Anglo-American encounter with the Ndé but also the Spanish and Mexican approaches to this indigenous nation.

Within the historical context of the mid-nineteenth century, the case of the Lipan Apaches promoted diversity in colonial recognition on the part of Mexico, the United States, and the Republic of Texas through the colonial techniques of treaties and massacres. The Ndé, while subject to plebeian racism, also demanded political power and intergovernmental accords from the settler states of Mexico, the Republic of Texas, and the United States. The thesis promotes an understanding of Lipan Apache indigenous sovereignty that accords significance both to traditional forms of government and external relations with colonial powers. With regard to the government of Mexico, the settler state accorded citizenship to the Ndé in the 1824 Constitution. The practice of citizenship in the Mexican northeast, however, excluded the Lipan Apache as barbarian Indians, yet municipal governments treated with the Ndé on a government-to-government

basis. As for the Republic of Texas, three out of four presidential administrations treated with the Lipan Apache as a sovereign entity. By contrast, Mirabeau Lamar's administration sought and failed to integrate the Ndé into Anglo-Texan settler society. The United States treated with the Lipan Apache on a nation-to-nation basis. After completion of these treaties, however, the U.S. government sought to starve, massacre, and exile the Ndé as final solutions to the Indian "problem". Between 1836 and 1861, each of these three settler states attempted to destroy this indigenous nation while also entering into sovereign agreements with the Lipan Apache.

This historical work examines the role of indigenous sovereignty as a form separate from the sovereignty of colonialist powers. By analyzing external responses on the part of three distinct governmental entities, the thesis asserts that sovereign recognition can be coupled with attempts to destroy indigenous peoples, particularly the Lipan Apache Nation within the boundaries of what is now the state of Texas and northeastern Mexico. In this nineteenth century study, the thesis further proves that the historical past cannot simply be studied as a litany of racist policies and belief systems. Instead, government officials of the United States, Mexico, and the Republic of Texas held vastly differing perspectives with regard to the Lipan Apaches. Some of these officials held no compunctions in attempting to annihilate this indigenous people. Other persons in official positions sought to alleviate the suffering of Ndé people in recognition of their humanity in accordance with a higher, moral law. The thesis answers significant questions relating to racism in the nineteenth century as well as the implications of sovereign recognition on the part of settler states towards indigenous and subject peoples.

While the main focus of the thesis is on Lipan Apache-white relations, I wish to interpose a caveat about the internal structuring of indigenous governance. Within tribal societies, a distinction must be made between the "ethnos," a community of descent and affiliation, people, nation, tribe, and the "demos," a politically defined community of public negotiation or the people as a political unit. The concept of "nation" itself implies a common culture, language, ethnicity, and history because the etymology of term derives from the Latin "natio" meaning "birth." As a concept, then, indigenous nations describe the "ethnos." Popular sovereignty, as practiced by the Ndé and other tribal nations, describes the "demos." True democracy is the will of the people, unlike "representative" democracy such as found in the U.S. government. "Representative" democracy is a misnomer. Government by representative is not the same as government by the people. Many indigenous nations practiced and, still to this day, practice true democracy. The Ndé nation, with its hereditary leadership, comprised true democracy in the sense that Ndé people could always choose not to abide by the rule of the hereditary chief.

Settler colonialism, as a set of strategies and tactics, demanded blood in terms of the destruction of Lipan Apache lives. It, however, sought more than this. Settler colonialism required the destruction of traditional lifeways, culture, language, and indigenous forms of government. By 1861, the current settler states of Mexico and the United States had not accomplished these aims with regard to Lipan Apache culture, language, and government. If anything, the Ndé were poised to take advantage of the removal of the U.S. military from the frontier in a revitalization of the Lipan Apache "shadow" economy. In one significant respect, however, settler colonists succeeded in a

structural shift in Ndé society. Colonization required a reduction in the political status of Ndé women. As a result, Lipan Apache women no longer played the diplomatic roles they held throughout the long eighteenth century. Instead, mention of Ndé women all but disappears from the historical record for the mid-nineteenth century. Today, decolonization strategies choose to recognize the valued contributions of women throughout Ndé history, and the reincorporation of collaborative women leaders and diplomats as worthy political persons within the Ndé polity.

Taiaiake Alfred, in *Peace, Power, Righteousness: An Indigenous Manifesto*, attacks the very concept of "sovereignty" as inappropriate.[369] He states that in making claims to sovereignty, indigenous elites accept the state as their design and allow indigenous political goals to be focused according to a "statist" pattern. Alfred believes that the act of promoting indigenous governance in terms of sovereignty comprises a problematic juncture. Sovereignty implies values opposed to those found in those indigenous philosophies that take pre-contact modes as their point of origin. Sovereignty comprises an exclusive concept rooted in coercive Western notion of powers. Acceptance of indigenous rights and claims to territories under the rubric of "state sovereignty" represents the extremity of white society's notion of assimilating indigenous peoples. Concepts of indigenous sovereignty that do not challenge the racist core of Western thought serve to continue Western modes of representation. State sovereignty, put simply, is confounding.

In contrast, this thesis asserts that sovereignty as a concept may be worthless, although it is possible to salvage a different connotation of the term sovereignty, If one

[369] Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Oxford: Oxford University Press, 2009), 79-84.

makes reference to popular sovereignty – that political action must be based on persuasion and consensus-building instead of coercion – one can save the denotative concepts of the term as simply the exercise of political intergovernmental interaction and national viability and integrity. Does sovereignty as a term have to mean the physically and intellectually violent exercise of power by a state? No. This thesis presupposes a history of sovereignty and not nationhood because it does not exactly include indigenous notions of self-government. That is the purview of the Ndé theorist and historian. Instead, this thesis focuses on a history of how statist sovereigns viewed the Ndé nation as constituting a sovereign in and of itself. To say that this is wrong misses the point.

According to Western notions of political self-government in the nineteenth century, settler states acknowledged the self-determination of indigenous nations within the framework of sovereignty. Sovereignty, as a concept, may be inappropriate as a label for indigenous political theory; however, one cannot simply ignore the viewpoints of the polities of the settler states in the nineteenth century. The fact that settler states recognized indigenous self-government through the lens of sovereignty or any other lens conveys significant information about settler states in relation to indigenous peoples. Settler states could have and often did simply ignore all indigenous rights to self-governance. They could have and did ignore indigenous peoples' rights altogether. As a result, sovereign recognition in the nineteenth century formed a basis of leverage for indigenous nations to garner recognition not only of their rights as peoples but also to interpose their own views on political philosophy. Without intergovernmental recognition in agreements and accords, the option for indigenous intellectuals to posit Native political formations would have remained a chimera. Recognition is not an end in itself, yet the

concept of intergovernmental relations is a necessary element to construction of viable indigenous polities. Indigenous nations do not reside in a vacuum. They must deal with settler states on several political levels. To posit a theory of indigeneity in political consciousness is integral. To disregard the presence of the settler state is folly.

In her writings, Susan Miller asserts that the tribes have the full right to self-determination.[370] She argues that limited sovereignty is a fictional product of the colonial imagination. Like Alfred, Miller has doubts about the concept of sovereignty. In her writing, according to doctrines of sovereignty, the state has vast rights to control individual behavior. On the other hand, tribes exercised self-governance since time immemorial. Today, U.S. officials recognize "limited sovereignty" as inhering in indigenous nations. The notion of indigenous sovereignty comprises peoplehood. It remains a stated fact today, although the United States persists in violating tribal sovereignty. Miller asserts that sovereignty itself is a European concept, not indigenous. "Connotations of monarchy and state-type organization" alien to American Indian political thought inhere in the very idea of sovereignty.[371] European notions of sovereignty assert the power of the state to limit individual behavior. Miller contrasts this idea of sovereignty with the indigenous principle of respect for the autonomy of all tribal members. Kinship is vital to indigenous law. Sovereignty issues focus on land tenure, land claims, and dispossession.

Miller asserts further that decolonization is a "movement to rid the tribes of colonized relations with nation-states and the destructive effects of those relations."[372]

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[370] See, for example, her essays in Susan A. Miller and James Riding In, eds., *Native Historians Write Back: Decolonizing American Indian History* (Lubbock, TX: Texas Tech University Press, 2011), 9-40.
[371] Miller and Riding In, *Native Historians*, 32.
[372] Miller and Riding In, *Native Historians*, 34.

Decolonizing tribal government consists of changing them to serve indigenous instead of colonial interests. Historians must consult Indians for the acceptability of their works; however, all scholarship that replaces colonizing histories with indigenous-centered studies manifests decolonization. Indigenous methodologies decenter the statist assumptions of settler colonialism to focus instead on the needs of the tribes, prescribing indigenous histories that resist imperialist hegemony, rejecting the official language of the colonizer, and proposing historical narratives that indigenous nations may employ to further their own concepts of peoplehood.

It is my hope that this thesis contributes to the national interests of the Lipan Apache Nation, although I understand the limitations that result from using only the sources of the colonizer. With the analysis and delineation of treaties with the United States, Mexico, and the Republic of Texas, this thesis takes as its purpose recognition of the inherent ideologies of self-determination composed within the confines of this indigenous nation. While recognizing that my work lacks Ndé voices except insofar as they have been recorded in the written historical record, my intentions have always been to attribute power, status, and worth to the Ndé. Further studies of the Ndé require the input of Lipan Apache scholars in the formation of historical accounts. These studies should also provide emphases on the Ndé perspective of these momentous events. The oral histories of the Ndé, as recorded by the elders of the nation, must take precedence in future discussion of the history of this powerful and worthy indigenous people.

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