

SPACE, POSITION, AND IMPERIALISM IN SOUTH TEXAS

*Dr. Eloisa García Tamez v. U.S. Secretary Michael Chertoff,
U.S. Department of Homeland Security, U.S. Border Patrol,
U.S. Army Corps of Engineers*

Margo Tamez (Lipan Apache/Jumano Apache)

This work is part of a longer response and testimony to the United States Periodic Report of April, 2007, on the United Nations Committee on the Elimination of Racism and Racial Discrimination (CERD). The longer piece, with its supporting documents, was made on behalf of my mother, Dr. Eloisa García Tamez, and elder title holders of the San Pedro de Carricitos Land Grant of 1786 in El Calaboz Ranchería, South Texas, in the Lower Rio Grande Valley. The title holders, descendants of both Lhepa Nde' (Lipan Apache) and Euskara (Basque) indigenous peoples, constitute a unique ethnic group of North America who are under direct threat by the United States of America National Security Agency, the U.S. Border Patrol, and the U.S. Army Corps of Engineers. This commentary makes clear the visible policies, practices, and systems of racism and racial discrimination perpetrated by the United States against the Lipan Apache and Basque descent land grant title holders and indigenous women defenders of the sacred sites and burial grounds, culturally significant sites, agricultural fields, water rights, oral histories, traditional medicinal plants, and ecological economies related to flora, fauna, and mammalogy.

Ahi'ie Ussn biyati. Ahi'ie Shima' lhepa ndé Ahi'ie Shita' Nde'

I wrote the response and testimony because I was called upon by the Lipan Apache and Basque Apache descent women land title holders of El Calaboz to relay current-day struggles and the plight of indigenous Lipan Apache people, who are firmly in resistance to further occupation and encroachments by the violent waves of corporatism and militarization in the region of El Calaboz, La Paloma, and El Ranchito of the San Pedro de Carricitos land grant to indigenous people. The recent occupation was implemented as a result of an executive order by President George W. Bush and approved by the U.S. Congress to execute the building of a militarized wall/fence on the levee north of the Mexico–United States international boundary. The levee is located contiguously on Lipan Apache land title holder traditional lands, deeded to them by the King of Spain during the Spanish colonization and occupation of the region. We refuse the terms of the U.S. government and have attempted to negotiate peaceably with this hostile government that negates the rights of indigenous people in our own aboriginal homelands.

El Calaboz Ranchería is one of three culturally and historically significant sites whose community members are Lipan Apache and Basque-Ibero people, whose ancestors resisted Spanish imperial domination in the mid-1700s in what is known as the Lower Rio Grande of North America.¹ This whole region from the coastal plains to the “wild horse plains” of West Texas was the territorial homeland of the Lhepa Nde', the Lipan Apache, and was referred to by neighboring indigenous people to the south as “Ta ma ho lipam”—the place where the Lipan pray. Today, the state of Tamaulipas, a Nahuatl derivative of the Apache place name, signifies the expansive reach of the pre-empire presence of the southern Athabaskan people. El Calaboz Ranchería is located in current-day Cameron County in South Texas, on the northern shores of the Rio Grande, and in the northernmost section of the Nuevo Santander colony,

established in 1747 by the Spanish king, against the authority of the Lipan Apache people, who did not give their consent to the Spanish occupation of our traditional territories. The indigenous-rooted community, which originally held more than 20,000 acres titled to the Nde' ancestors by the King of Spain, today holds a tiny fraction of the San Pedro de Carricitos traditional indigenous customary parceled lands, or *porciones*, and is situated fourteen miles to the west of Brownsville, Texas/Matamoros, Tamaulipas, Mexico.

The Mexico-U.S. boundary divides indigenous peoples and mixed-blood indigenous (*mestizos indigenas*) of the original land grant, as well as other descendants of the original inhabitants of these lands. El Calaboz Ranchería (sometimes referred to as “colonia” by local community members) is populated by the direct descendants of Lipan Apache people and the Basque people who intermarried with the Lipan and are their mixed-blood Amerindian descendants, as well as descendants of other indigenous ethnic groups whom the U.S. government categorizes and identifies as Mexican American and Hispanic. Among these Spanish-surnamed groups are communities of dispossessed *indios*, *indigenas*, *pueblos indigenas*, and Native Americans. The community is one of the few places in the United States also composed of direct descendants of Basque colonists, who had themselves undergone persistent persecution by the French and Spanish in their homelands, resisting assimilation and conquest. The Basque were forcibly removed from Basque Santander during revolts of 1661–1685, 1696, 1724, 1726, and 1748 against the French crown.² Basque national autonomy on the European continent, as well as in diaspora, is a struggle for self-determination. Institutionally de-indigenized, Lipan Apache and Basque Apache descent peoples of El Calaboz were racialized into a homogenous nationality of “Mexicans,” “Mexican Americans,” and “Hispanics” from the mid-nineteenth century through the present periods. State-imposed nationalities are well documented in the dispossession of indigenous people

from their lands and resources and in forced transfer of lands through liberalization, that is, privatization, throughout the hemisphere.

Staging Violence and Crisis

El Calaboz, like its sister rancherías of La Paloma and El Ranchito, is at the nexus of the Spanish *Camino Militar* (military road), established during the Spanish imperial period. During the time of the U.S. Civil War, the road, which cuts through indigenous and mestizo colonias, was overtaken by “military highway”/Highway 281. During the late Texas period (1994–2007), this same road was transferred once again through expansionist and capitalist projects to the “NAFTA” highway.³

The NAFTA highway was widened in the last few years. Some El Calaboz community members individually confronted the International Boundary and Water Commission in regard to blatant abuses of their land grant rights. My mother noticed, one evening after returning home, that her back fence had been pushed in several feet toward her house. Her house in El Calaboz is situated on the south side of military highway/NAFTA highway, between the highway and the levee, which is on the riverfront. Her land grant rights extend to the levee, an earthen structure constructed in the 1930s by the U.S. Army Corps of Engineers, which the Corps stated at the time was implemented by the U.S. government to keep floodwaters from the Rio Grande from inundating the local farming communities of El Calaboz, El Ranchito, and La Paloma, among many land grant communities. However, the levee was built without community consultation or consent, according to Basque-descent community elder Lydia Esparza García, a direct descendant of the people placed under the Nuevo Santander land grant of 1743.⁴ Community members lost rights to control the usage of the land upon which the levee is situated by de facto eminent domain, instituted without their knowledge, compensation, or political participation.

The elder García today documents the violent removals of elder grandmothers, daughters, and children in floodwaters that ensued with the “reconstruction” of the levee in the mid 1930s, prior to the State of Texas’ establishment of oversight procedures for construction of a levee in rural locations along the Mexico-U.S. border. Consequently, indigenous claims to sacred sites, burial grounds, and agricultural fields were lost. This process occurred without prior knowledge, consent, or authority of the pueblos indigenas of the Lower Rio Grande.

To this day, the levee—where the U.S. Department of Homeland Security wants to build the wall to hold back “illegal immigration”—itself is a source of bitter memory based on traumatic histories of violence between El Calaboz community members and the U.S. Army and the U.S. Border Patrol. Local community members believe they were not adequately informed about the loss of access and rights to their titled lands that would follow the construction of the levee, nor were they given due process or consultation to access legal representation, and they did not give their prior consent to the implied and actual long-term occupation of the levee by U.S. armed personnel to the present—the U.S. Border Patrol. These long-term implications—of increased militarization of the levee itself—had become a controversial issue among riverfront residents, who continue to argue against increased soldiering and militarization of the levee in the U.S. “War on Terror.” This pattern of privatization of indigenous lands, militarization and occupation, and forced removals by corporate-led invasions is nothing new to El Calaboz residents.

According to Lydia Esparza García, my grandmother and the mother of Eloisa García Tamez, when the Army Corps of Engineers arrived in the mid-1930s and forced the construction of the levee upon indigenous women, mothers, grandmothers, and children, the Corps never compensated the community for the lives lost in the flooding that occurred due to structural deficiencies, the

loss of rich farmland sacrificed to the flooding, loss of animals, and ongoing losses of Basque land grant families and the Lipan Apache land grant social networks and ties, which are intrinsically bound up in land, culture, tradition, *and legal title*—to both sides of the river, where these families' titles are held in customary land grant law.⁵ The forces of government economic policies benefiting the elites and the negative affects on the impoverished indigenous peoples form a strong thread running through the stories of local El Calaboz residents, who testify to the fact that these forces are bound up in the political economy of the Lipan Apache and Basque indigenous way of life and livelihoods intrinsic to future sovereignty and self-determination.

The Department of Homeland Security (DHS), U.S. Border Patrol, and the Army Corps of Engineers are pressuring Dr. García Tamez to relinquish her property. As Peter Schey, President of the Center for Human Rights and Constitutional Law, notes in his letter to the Secretary of DHS, Michael Chertoff, on behalf of Dr. García Tamez, Tamez is being pressured to sign a

waiver that does not guarantee her payment for use of Indigenous lands nor for property damages that may occur during the proposed survey and assessment. Further, it does not provide any assurance that the government will relinquish private property or Indigenous lands back to the rightful owners after the surveying has been completed. Nevertheless, a mere resolution of these ambiguities will not in and of itself resolve the multitude of affronts to Indigenous lands and culture that are presented by the proposed wall and accompanying militarization of the border.⁶

Armed personnel, arriving on the elders' doorsteps without prior appointments speaking only in English, tactically present a threat to people who have been

conditioned to obey the “law and order” of militaristic and masculinist South Texas institutional powers. As Schey indicates, the levee and the land are sites of ongoing historical trauma for El Calaboz residents.

Apaches and Basque Apache People as Multiply Oppressed

Being *both* indigenous *and* associated with Mexico over their long colonial histories as colonized peoples since the sixteenth century, Lipan Apaches have been shackled with dual racisms. By virtue of being indigenous and intrinsically bound up in relations with Mexico and Spain—empires that the United States both races and classes in its past and present construction of the villainous, dark-skinned, non-English-speaking individual/nation as both “foreign” and “enemy”—Lipan Apaches experience *multiple* oppressions. Through colonial relationships locked in oppressive mission and presidio structures, Lipan Apache descent groups have a long, conflict-ridden history of complex social, economic, and political ties to Spain, Catholicism, and Mexico. In fact, Apache history with Spain and Mexico (which extends into the present) goes back further than the length of colonization under Anglo-Saxon, English-speaking Texas and the United States.

Today, Lipan Apache people of South Texas, being marginalized both as indigenous and as prior colonial subjects of Catholic Spain, the Republic of Mexico, and the enslaved Republic of Texas, *experience both overlapping and conflated racisms* embedded in “Indian” identity situated at the peripheries of the United States, Mexico, and empire. At the Mexico–United States international boundary region, “Indian” as a social, economic, and political marker is saturated with persistent colonialistic antagonism, often used to mean “inferior” and “savage” when marking indigenous people, and to evoke “inferior” and “savage” in association with everything and everyone associated with what is stereotypically “Mexico,” “Mexican,” and of “Spanish”-language

influence. As a result of dual racisms and systems of oppression, Lipan Apache and Basque Apache descent people are positioned in the center of multiple matrixes and intersections of racial State policies in militarization and corporate empire.

As bi- and trilingual peoples, and assimilation-resistant peoples, Lipan Apache and Basque Apache descent communities, dispersed throughout South Texas and along the international boundary, are people of diaspora. We are a high-risk indigenous ethnic group who face specific threats by the U.S. Department of Homeland Security and the U.S. National Security Agency, and, due to the United States' southern command of the hemisphere, we are threatened by the U.S. involvement in militarization of Mexico's northern states. Thus, the Lipan Apache and Basque Apache descent people who refuse occupation are dangerously positioned under militarization at the peripheries of both the United States and Mexico. Given current climates of xenophobia regarding these indigenous peoples of the Americas, as well as anti-"Mexican illegals" hate-infused policies governing North America, El Calaboz Lipan Apache and Basque Apache descent community members are in a threatened position for their current resistance to the United States National Security Agency and Homeland Security Agency and these agencies' forced occupations of their homelands.

Lipan Apaches and Basque-Ibero-Apache peoples are *still* struggling at the peripheries of U.S. empire against racism and hate-mongering, stereotyping, erasure of their sacred sites, desecration of their burial sites as a result of development projects, occupation, and removal from their ancestral aboriginal sites. At the same time, they are being condemned to toxic environments, violence, and inadequate living conditions, while being subjected to threats *to their very existence* at the heavily militarized Mexico-U.S. militarized zone.

They are directed by executive presidential orders carried out by Secretary Michael Chertoff, and daily harassed and intimidated by armed personnel of the government, to waive their rights to the crumbs of the lands they've clung to for hundreds of years since the Spanish empire. These threatening actions and elevated stresses to remove Lipan Apache and Basque Apache land grant people are having devastating results on our elders and our future generations. In effect, the Lipan Apache may be conceptualized to be as endangered as the pygmy owl or as an ecological keystone of the social-economic-political indigenous present and future of the region. We implore the United Nations Committee on the Elimination of Racism and Racial Discrimination to aid us in our struggle against the illegitimate and violent acts of aggression by the United States. Finally, we urge the UN CERD to advocate effectively on our behalf so that we may disrupt and halt the current processes of state violence upon our people and our homelands. We request steadfastly the UN CERD to enable us to practice our unique heritage in our own aboriginal lands and to live uninvaded by State militarization.

I hope this commentary compels readers to action. We are calling upon our indigenous communities and our supporters globally to assist us in foregrounding the issues discussed here, in particular, the heightened threat of armed violence and lethal threats to elder people and women leaders of our *ranchería*, El Calaboz, which literally means "earthen dug-out prison." It is a name that references the psychological warfare that the Spanish used against our ancestors to contain them in little prison holes within the ground when they resisted oppression and stood firm on dissidence against all power used to destroy a people. We have always been known as resisters to the many empires that forcibly occupied our territories. For more information, see the MALCS blog (<http://malcs.net/blog/>) for the longer response and testimony.

Notes

¹ *Ranchería* is a term used by Spanish colonists to refer to indigenous settlements they encountered, which they viewed as peripheral to colonial settlements.

² Nuevo Santander originally included the present-day state of Tamaulipas, Mexico. Current-day Texas was formerly within the boundaries of Tamaulipas and Coahila.

³ In El Calaboz, Highway 281, the old military highway, inundated with heavy trucking traffic is now often referred to by local community members as “the NAFTA road.”

⁴ Interview with Lydia Esparza García, August, 2007, on file with author.

⁵ Lydia Esparza García, in a conversation among family members, August, 2007, Harlingen, Texas.

⁶ Peter Schey, letter dated January 7, 2008, to Gus Coldebella, General Counsel Department of Homeland Security. Two letters were drafted for Secretary Michael Chertoff. The first letter did not contain this quoted material, which is included in a memorandum to General Counsel Coldebella.