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Republicans, Citizens, and Wards: Indian Voting in New Mexico and Arizona, 1598—1912

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by

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DISSERTATION

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DEDICATION

This dissertation is dedicated to my wife, Connie, whose unconditional love and support have carried me through on more occasions than I could ever recount. I also dedicate this work to my children, Avery, Ira, Perry, and Ada, who have never known a daddy who was not in graduate school. I owe special thanks to my late grandparents, Ned and Bonnie Russell, who taught me the power of stories, and urged me to get as much education as possible. I would likely have quit long ago, but their challenge has motivated me. Haniigum!

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I owe a great debt of gratitude to my home nation, the Yavapai-Apache Nation, which supported me throughout my university studies. In particular, I am grateful to Lisa Sandoval in the Yavapai-Apache Nation Higher Education Office for her support. I also offer my sincere thanks to my committee members, Dr. Barbara Reyes, Dr. Samuel Truett, Dr. Durwood Ball, and Dr. Kathleen Chamberlain, for their encouragement and assistance. I am very grateful to the University of New Mexico-Andrew W. Mellon Foundation for its assistance in the form of a Dissertation Completion Fellowship. Without this assistance I would not have been able to complete my writing in a timely manner.

More individuals than I could possibly name have assisted me through the course of this project. I am indebted to Dr. Dorothy Tanck de Estrada at the Colegio de México, who very early on in my research pointed me to important scholarship on repúblicas de indios. I offer hearty thanks to Nancy Brown-Martinez, Chris Geherin, Samuel Sisneros, and the late Ann Massmann, all at UNM's Center for Southwest Research, for their assistance with my research. They pointed me to numerous collections and documents and showed a wealth of knowledge. I thank Dr. Gregory Pass at the Vatican Film Library at Saint Louis University, who provided much needed

material for my research on the Yaqui. Thanks are owed to Adam Tafoya and Shawn Austin for helping me with Spanish translation and paleography when I was a novice. I also acknowledge and thank the many research librarians, scholars, and others who pointed me in the right direction as I navigated this complicated topic.

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ABSTRACT

The Spanish settlers and friars who came to colonize the Indigenous nations of the Southwest Borderlands in the sixteenth and seventeenth centuries brought with them distinct ideas of voting, town governance, and citizenship. Wary of dealings with large cadres of traditional village elders, they sought to implement a streamlined system of Indian town government whereby an Indigenous electorate voted for a governor, lieutenant governor, and other town officers. Spain hoped that these semi-autonomous communities, known as *repúblicas de indios*, or Indian republics, would eventually result in tax-paying citizens at the Pueblos of New Mexico and Arizona, the mission communities of Pimería Alta, and in the Yaqui towns of Sonora. Although missionization did not lead to citizenship during the Spanish period, these Indian groups used imposed concepts of voting and secular town government to subvert and

challenge Spanish colonial authority, protect land and water rights, and maintain village sovereignty.

When Mexico gained its independence in 1821, it declared Indians citizens of the Republic of Mexico. The Mexican government hoped to end all special distinctions for Indians, and usher in their inclusion in the body politic. In some areas, Indians began participating in politics beyond the limits of their communities, working alongside Hispanos on governing councils. But in other areas, Hispano encroachments and the decline of the missions led to a constricting of Indigenous land and rights. Still, under these challenging circumstances many Indigenous communities continued with their systems of electoral town politics. While Indian in New Mexico and Arizona remained mostly outside of the political mainstream, they maintained their dedication to the vote on the town level, and to securing their status as independent Native nations.

As New Mexico and Arizona passed to United States hands in the 1840s and 1850s, Indigenous communities in the region maintained hybridized forms of voting and civil government that had been adapted to local needs over the decades of colonization. The United States sought to implement Indian policies that it believed would finally result in "fully enfranchised" citizen Indians. These policies included allotment of land in severalty and schooling. During the U.S. territorial period, Indians in New Mexico and Arizona rejected U.S. citizenship and did not seek the right to vote on a large scale, because voting in municipal and territorial elections would have opened up their towns to outside control. Instead, these communities continued to turn inward, strengthening town electoral systems that had served to protect Indigenous land and sovereignty for centuries. Acting as sovereign nations, they fought to secure and protect their status as citizens of Indigenous nations, as they had during the Spanish

and Mexican eras. The vote was an important tool for maintaining sovereignty, and it could be rejected when it threatened Indigenous rights.

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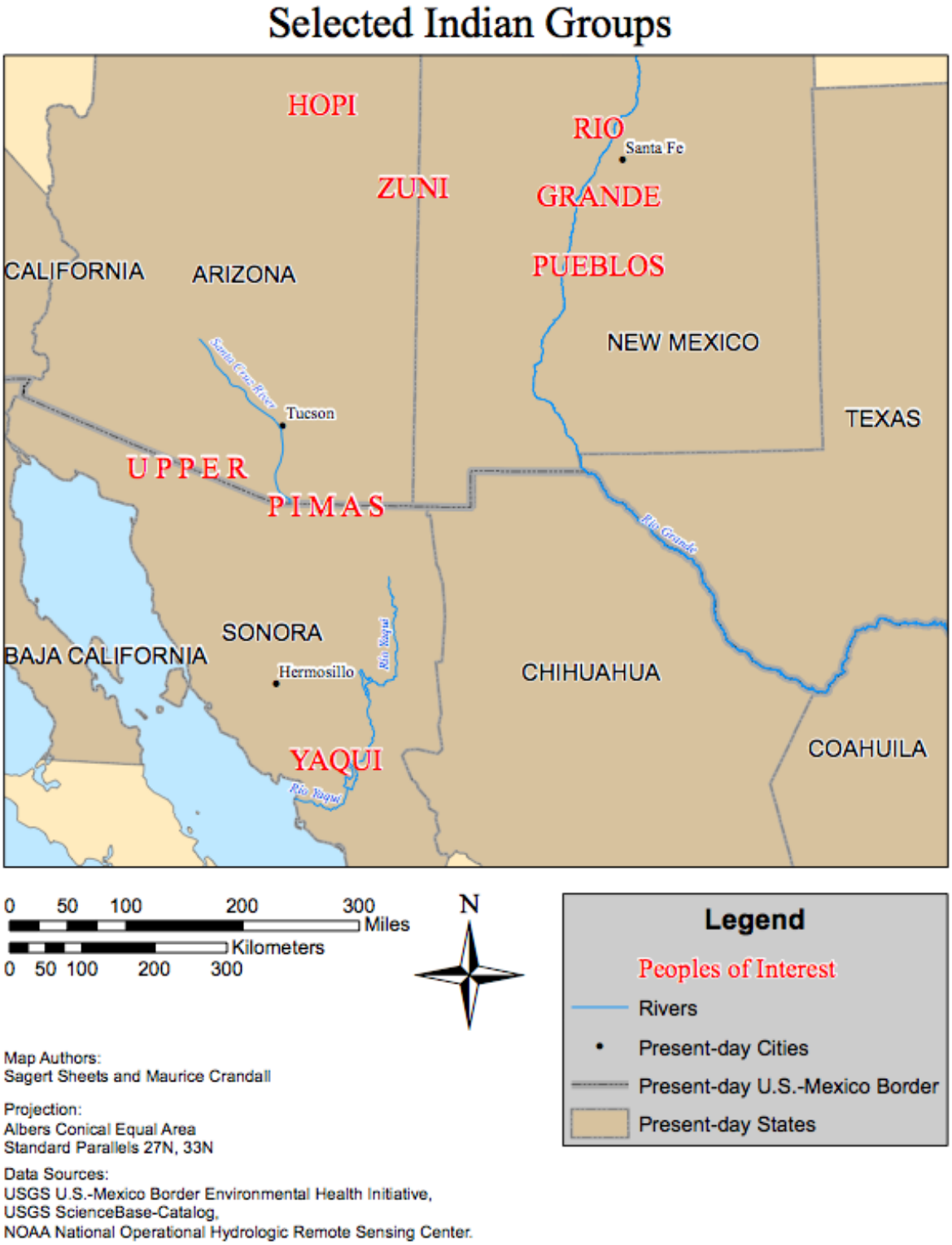
Selected Indian Groups
HOPI
ZUNI
RIO
GRANDE
PUEBLOS
Santa Fe
CALIFORNIA
ARIZONA
NEW MEXICO
TEXAS
Tucson
UPPER
PIMAS
SONORA
BAJA CALIFORNIA
Hermosillo
CHIHUAHUA
COAHUILA
YAQUI
0 50 100 200 300 Miles
0 50 100 200 300 Kilometers
N
Legend
Peoples of Interest
Rivers
Present-day Cities
Present-day U.S.-Mexico Border
Present-day States
Map Authors:
Sagert Sheets and Maurice Crandall
Projection:
Albers Conical Equal Area
Standard Parallels 27N, 33N
Data Sources:
USGS U.S.-Mexico Border Environmental Health Initiative,
USGS ScienceBase-Catalog,
NOAA National Operational Hydrologic Remote Sensing Center.

INTRODUCTION

There is power in stories. I recognized this from a young age. My mother once said something to me along the lines of, "You were always listening to your elders and asking questions about their lives and experiences. You were just more interested in that stuff than your siblings." I particularly loved hearing stories from my grandparents about when they were young. From my Grandma, Bonnie Moore Russell, I learned that her family were Okies, sort of. They were actually Pawnee, and made their way west in the early part of the twentieth century. My great-grandfather, Perry Moore, eventually found work in Williams, Arizona. I also learned that although Perry was Pawnee, and, from family photos, clearly Indian[1] (to my eyes, anyways), he somehow "passed" as non-Indian to avoid the prejudice of the era. He secured a relatively high-paying job as a bookkeeper that he otherwise would not have been able to land had he identified as Indian. I learned from my Grandpa, Ned Russell, that his parents, Daisy Quesada (Cibecue Apache) and Henry Russell (Yavapai), had met and married on the San Carlos Indian Reservation in southeastern Arizona. This was at a time when the United States Army had rounded up Yavapais, Dilzhe'e Apaches, Pinal Apaches, Aravaipa Apaches, White Mountain Apaches, Chiricahua Apaches, Cibecue Apaches, and Warm Spring Apaches, concentrating the eight groups on a single reservation.[2] My great-grandparents' relationship, which paired a Cibecue Apache and a Yavapai, was born of this congregative federal Indian policy. My

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[1] A note on terminology: throughout this work, I will use Indian, Indigenous, and Native interchangeably. In many instances, I have favored the term Indian, not because I believe it best describes the Indigenous nations and peoples of the Southwest Borderlands, but because it is the term I am most accustomed to using in my interactions with family members and other Natives. In my experience, in family and tribal circles, Indian is most commonly used, followed by Native (not Native American). I have almost never heard the word Indigenous used outside of academic settings.

[2] Daniel J. Herman, *Rim Country Exodus: A Story of Conquest, Renewal, and Race in the Making* (Tucson: University of Arizona Press, 2012), 149.

grandparents met in the sleepy mining company town of Clarkdale Arizona, where my great-grandfathers—one Yavapai, one Pawnee—both found work.[3]

Although this information may seem superfluous or indulgent, it is my introduction as an Indigenous storyteller, and that Indigenous history is an incredible confluence of stories. In fact, it was a particular family story that inspired my interest in the history of Indian[4] voting in New Mexico and Arizona. On two separate occasions during his adolescence, my grandfather, Ned Russell, was arrested and punished in the Arizona justice system without a formal trial. In the first instance, he and several friends had broken into the local general store and helped themselves to several items. My grandfather, who lived in destitute conditions in the Clarkdale Yavapai-Apache community, took a pair of boots, some Levi's, and a wallet. When the local sheriff noticed a poor Indian boy with new boots and jeans, he immediately took him in. Ned refused to implicate his friends, and was sent to the "Boys' Ranch," as they called it; a juvenile detention center at Fort Grant in Wilcox, Arizona. He was incarcerated for "three months, three weeks, and three days." Fort Grant was remarkably similar to Ned's Indian boarding school experience, and he did not find his incarceration terribly trying. But, from that point on he was labeled as a "troublemaker," a situation only compounded by the fact that he was Indian. Around one year after his first incarceration, Ned was falsely accused of a "burglary or whatever." Law

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[3] A large smelter was located in Clarkdale, which smelted the copper ore from the Jerome copper mines, These mines were once among the largest in the world. See "The History of Clarkdale," Town of Clarkdale Website, http://www.clarkdale.az.gov/history.html, accessed 28 September 2015.

[4] A note on terminology: throughout this work, I will use "Indian," "Native," and "Indigenous" interchangeably. In many instances, I have favored the term Indian, not because I believe it best describes the Indigenous nations and peoples of the Southwest Borderlands, but because it is the term I am most accustomed to using in my interactions with family members and other Natives. In my experience, in family and tribal circles, Indian is most commonly used, followed by Native (not Native American). In all honesty, I have almost never heard the word Indigenous used outside of academic settings.

enforcement officers again sent him to Fort Grant, and they intended to keep him there for one year. But a remarkable thing happened after his arrival at Fort Grant for the second time. One of the prison guards knew an elderly rancher couple who lived in the foothills of the nearby Galiuro Mountains. Ned was sent to live with the family, where his situation resembled that of an indentured servant. He recalled being expected to "milk cows, slop the hogs, feed all the livestock…I also plowed the fields." Fortunately, Ned grew to like the elderly couple, and looked upon his year on their ranch favorably.[5]

On both occasions, which took place during the 1930s, my grandfather had no civil rights. In rural, racist Arizona, there was no presumption of innocence, and he did not receive any sort of trial in juvenile court. Even though the United States Congress had passed the Indian Citizenship Act in 1924, through which, in the words of the foremost historian of Indian civil rights John R. Wunder, "the citizenship odyssey for American Indians was concluded,"[6] the reality was that Indians had virtually none of the rights of citizens in many places during the first half of the twentieth century, as evidenced by my grandfather's experiences. How could my grandfather and others have secured their civil rights under such circumstances? Wunder states, "Colonial power over Indian peoples and their lands constituted a direct destruction of individual rights and collective entitlements. Might a bill of rights have prevented the loss of rights for Native Americans?"[7] Felix S. Cohen, the father of federal Indian law and author of the seminal work on the subject, wrote, "In a democracy suffrage is the most basic civil right, since its

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[5] Maurice Crandall, "The Early Life of Ned Russell, Yavapai-Apache, 1924–1946" (master's thesis, University of New Mexico, 2007), 40–44.
[6] John R. Wunder, *"Retained by the People": A History of American Indians and the Bill of Rights* (New York: Oxford University Press, 1994), 50.
[7] Ibid., 15.

exercise is the chief means whereby other rights may be safeguarded. The enfranchisement of the Indians has been a slow [sic] and is still an incomplete process."[8]

From this commonly held perspective, Indian voting can be seen as a long process, through which all other civil rights can be secured and safeguarded. I had determined to write an expansive history of Indian voting that covered all three colonial regimes: Spain, Mexico, and the United States. At an early stage, Sam Truett advised me to avoid a facile, triumphalist narrative along these lines: Indians suffered under Spain and Mexico, but eventually "won" their long struggle for the right to vote in U.S. courts. Such a narrative, even if nuanced and well written, only serves to reinforce dominant Anglo-American historical tropes: what came before the United States seizure of much of the American Southwest from Mexico only set the stage for the more important events that would follow. Spain and Mexico were the introductory acts ion this epic play, while the United States offered the dramatic conclusion. Such an argument does not correspond with the extensive research I have conducted on the topic. The reality, and my argument in this work, is that during all three colonial periods Indians absorbed and adapted colonially imposed forms of electoral politics and exercised political sovereignty based on localized political, economic, and social needs. Community sovereignty and internal control were important to Natives above all else. Indians in New Mexico and Arizona created hybridized forms of colonial civil government and electoral processes—many of which are still in practice today—that are distinctly Indigenous and always seek to protect the interests of the community. The story of Indian voting in New Mexico and Arizona must be seen as a long struggle to *continue* to secure the franchise; to use the vote to protect internal citizenship and the sovereignty of independent Native communities and subvert colonial power. This is the story that

[8] Felix S. Cohen, *Felix S. Cohen's Handbook of Federal Indian Law* (Albuquerque: University of New Mexico Press, 1971), 157.

I encountered; one that counters prevailing progressive narratives of a long struggle with a determinate ending in the post-World War II civil rights era.

A few noteworthy examples of works on the history of Indian voting include: *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, 2007); "The Fight for Indian Voting Rights in New Mexico" (Carol A. Venturini, master's thesis, University of New Mexico, 1993); and "A Study of the Suffrage of the Arizona and New Mexico Indian" (Laird J. Dunbar, master's thesis, University of New Mexico, 1948). John Wunder and Felix Cohen also address Indian suffrage in their works, as do a host of other scholars writing primarily on federal Indian policy issues of the nineteenth and twentieth centuries. While these works and others ably tell the story of Indian voting in many ways, they also favor a form of voting and "democracy" within the U.S. system, while largely focusing their attention on the east to west progress of Manifest Destiny. They do not generally characterize the colonial era, especially under Spain and Mexico, as one of Indian voting. Some of these studies do point to Spanish-Mexican legal precedents in the history of Indian voting in the U.S.-Mexico Borderlands. For example, when Mexico became an independent nation in 1821, it declared Indians citizens. Thus, Indians living in the territory conquered during the U.S.-Mexico War, which included New Mexico and Arizona, technically possessed the right to vote.[9] But, most of the studies on Indian voting clearly fail to acknowledge Indian enfranchisement prior to the period of Anglo-American domination. McCool, Olson, and Robinson correctly lament the lack of scholarship on Indian voting. In studies that address the

[9] See Cohen, 157, and Carol A. Venturini, "The Fight for Indian Voting Rights in New Mexico" (master's thesis, University of New Mexico, 1994), 2–4.

topic, they observe, "the focus is almost always on tribal elections. There is virtually no coverage of the role of Indian voting in federal, state, and local elections."[10]

This study adopts an opposite approach. Turning Wunder, Cohen, and McCool et al. on their heads, my work considers questions of Indian citizenship and civil rights prior to the so-called full enfranchisement of Indians. "Republicans, Citizens, and Wards" refers to the evolving political status of Indians in New Mexico and Arizona under the three colonizing nations of Spain, Mexico, and the United States. But, I largely focus on the internal community affairs. I explore the adoption and incorporation of voting and civil government on the village level by assessing four major groups of New Mexico and Arizona Indians: Pueblos, Hopis, Yaquis, and Pimas.[11] The local community was and has remained, by far, the most important political entity for these Indians.

Such an ambitious topic has required extensive research and the critical and creative use of a variety of sources such as: oral history, Spanish colonial archival documents, Mexican documents, period travel accounts, anthropological works, church records, letters and reports of federal Indian agents, and other materials. Interpreting the colonizers' documents has been a difficult endeavor. It has required careful reading in a search for the Native voice, and bringing to light the stories that are at the center of Indigenous existence. These stories have the power to help Indigenous peoples make sense of our existence. Further, they counter, subvert, and contradict prevailing hegemonic colonial narratives. The individual and collective voices in the

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[10] McCool, Olson, and Robinson, *Native Vote*, ix. The passage refers to scholarship on tribal electoral and political systems established under the Indian Reorganization Act.

[11] Although Pueblos refers to numerous sovereign Native nations, there are many similarities in the experiences of the various Pueblos under colonization. I often refer to specific Pueblos, but I also refer to the Pueblos as a whole when addressing aspects of colonial policy that affected them collectively. Pimas also refers to a number of Piman-speaking groups in northern Mexico and southern Arizona. These groups are all culturally related, and at times I will focus on specific Pima bands, such as Tohono O'odhams near present day Tucson.

chapters that follow demonstrate a certain cleverness; a coyote-like ability to lead hearers to unexpected places.

With that said, there is still an important alternate narrative. What James C. Scott refers to as the "hidden transcript," pervades Indigenous history, and governs the stories we tell among ourselves and to others. What Scott states in referring to the hidden transcript applies to the Native peoples and communities in this study: "That hidden transcript could be recovered only in the clubs, homes, and small gatherings [of colonized peoples]."[12] In most cases, I have used public transcripts in this work. In a few cases, I have had access to the hidden transcript through interviews and conversations with members of the specific groups. I feel that the hidden transcript, especially when it looks at sensitive issues such as internal governance, ought to remain private. In the words of Pueblo scholar Joseph "Woody" Aguilar (San Ildefonso Pueblo), there is a dialogue about the Pueblo Revolt that exists only within the Pueblos—it is a hidden transcript consisting of the stories Pueblo people share with one another about the Revolt.[13] I will leave such stories of Indian voting and internal governance to Pueblos, Hopis, Yaquis, and Pimas to tell. Thus, the chapters that follow mainly rely on public transcripts.

Chapter 1, "Repúblicas de Indios in Spanish New Mexico," examines the imposition of the Iberian model of town government among the Pueblos of New Mexico. Wary of dealing with a large council of traditional elders, in the early seventeenth century Spain mandated that each Pueblo elect a cadre of civil officers for each calendar year. These officers included a governor, lieutenant governor, sheriffs, ditch captains, and others. Documentary evidence shows that during the initial decades of this system, the Franciscan friars and Spanish civil officers attached

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[12] James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven: Yale University Press, 1990), 15.
[13] Joseph "Woody" Aguilar, "Postcolonialism in Borderlands and Pueblo Histories," *Joe Sando Symposium for Pueblo Indian Studies*, Albuquerque, N.Mex., 5 March 2015.

to each Pueblo mission community controlled the selection of Pueblo officers. The friars often chose the most "hispanicized" Indians—and those most favorable to Spanish colonial aims—as governors and other officers. But at some point later in the seventeenth century, the Pueblos themselves began to take control and selected the annual civil officers. Spain intended that the electoral process mirror that of Spanish towns, where an adult male electorate voted for town officers. Only two of the Pueblos—Isleta and Laguna--implemented a system whereby the adult men directly elected the annual officers. At all of the other Pueblos, traditional moiety chiefs, ceremonial leaders, and village councils chose the civil officers in a modified form of Pueblo democracy. In turn, these officers shielded the traditional Pueblo leadership structures from outside control, as they shouldered the responsibility of all dealings with Spanish civil and ecclesiastical leaders. Spain referred to these semi-sovereign Pueblo political entities, and others like them, as "repúblicas de indios," or Indian republics. Furthermore, Spain implemented some form of this system among all of the Indian groups in this study.

Even though the electoral process within the Pueblos evolved into a *seloctoral* process controlled by traditional leaders, Pueblo civil leaders were anything but an afterthought. The Pueblos placed great importance on the selection of civil officers. Once they had been selected for office, Spain recognized these men as the legal political leaders of their individual Pueblo nations. The governor of New Mexico confirmed these men in a ceremony at Santa Fe, the provincial capital, distributing a silver-tipped ebony cane decorated with lace fringes—known as a *vara de justicia*, or cane of power—to each governor. The Pueblos entrusted these leaders with all dealings with outsiders, and as civil officers they frequently fought to protect Pueblo land, water, and culture, all of which constitute the Pueblo existence. Elected civil officers traveled to local seats of justice and to Santa Fe time and again during the seventeenth, eighteenth, and

nineteenth centuries to air their peoples' grievances and seek redress at the hands of Spanish authorities. On a number of occasions, Pueblo officers traveled south over one thousand miles to Mexico City to the Kingdom of New Spain's highest courts and interacted with the kingdom's highest officials. Throughout the Spanish colonial era, Pueblo civil officers remained the crucial link between colonial officials and the Pueblos. Elected through a hybridized form of Pueblo-Spanish democracy, they performed a critical role in protecting the sovereignty of their communities, paving the way for solvent Pueblo nations through several centuries of colonization.

Chapter 2, "Hopis, Yaquis, and Pimas in Spanish Arizona: Political Incorporation by Degrees," addresses the varying levels of colonization and political incorporation for three groups whose homelands lay in what I term the Arizona-Sonora Borderlands. All three groups are related by language family—Uto-Aztecan—and they represent three extremes in the Spanish colonial experience. To the far north, Hopis were located at the extreme edge of the Spanish Southwest. Franciscans eventually succeeded in establishing missions at Hopi, and had particular success at the village of Awatovi. While there is virtually no Hopi oral tradition or public memory of a Spanish form of civil government existing at Hopi, traces in the documentary record point to its establishment. Although Hopis participated in the Pueblo Revolt of 1680, Awatovi was singular in that it allowed Spaniards to return after 1692. New Mexico Governor Diego de Vargas placed a Spanish-speaking Hopi named Miguel in the governorship at Awatovi in 1692. In 1699, Hopis at Awatovi offered to rebuild their mission church and permit Franciscans to return. In an extreme act of intracultural violence, Hopis from other villages attacked and destroyed Awatovi in late 1700. They murdered all of the men and boys, and divided the women and girls as spoils after the massacre. Although Catholicism surely played a

large part in the dispute, the Spanish political system must have also played an important role. The Franciscan presence also meant a village electoral system and Hopi civil officers. The massacre on that fateful morning surely killed all such officers and sent a bloody warning to those who would allow such structural impositions. Spain never reestablished the Hopi missions nor were there any further Hopi governors.

The contrast between Yaquis and Hopis could not be more stark. In the early seventeenth century, Yaquis fiercely resisted Spanish incursions, thus signaling the beginning of the oft-repeated trope of the "savage" and "bloodthirsty" Yaqui. But after fierce fighting, Yaquis made peace with Spain and congregated around eight Jesuit mission towns. In the eight Yaqui towns, they fully implemented the Spanish town electoral system, complete with elections of governors and other officers by an adult electorate, which in some cases even included women. The system became deeply ingrained in Yaqui town culture. In 1740, after Jesuits repeatedly meddled in Yaqui town elections, economics, and political affairs, Yaquis revolted. Two Yaqui town governors, who had both been removed from office by an overbearing Jesuit friar, led the Yaqui fight for town sovereignty. The two governors traveled to Mexico City, where they had an audience with the viceroy, who agreed to their demands, which included the demand for Yaqui elections free from outside interference. Although the Yaqui Revolt of 1740 subsequently failed, it is quite possibly the first voter rebellion in the history of North America; the Yaqui franchise lay at the heart of Yaqui grievances.

The electoral experiences of the Native peoples of Pimería Alta, the region that straddles today's U.S-Mexico border, lie somewhere in between Hopis and Yaquis. Beginning with the pioneering missionary effort of Jesuit Father Eusebio Kino in the latter part of the seventeenth century, Piman-speakers in the region congregated at missions such as San Xavier del Bac and

Tumacácori, living under the governor system. But the Jesuits who missionized the area seemed far less interested in viable village governments at the missions. They were only too happy to oversee sham elections and prop up their own candidates. The journals of Jesuit chroniclers such as Ignaz Pfefferkorn, Jacobo Sedelmayr, Joseph Och, and Juan Nentvig, all of whom labored among Piman peoples during the Spanish period, describe an anemic town electoral system. Even so, town officers still engaged in much of the same intermediary negotiation as their Pueblo and Yaqui counterparts, advocating for their people in the courts and defending Indigenous land claims. These three groups—Hopis, Yaquis, and Pimas—provide a useful comparison in the varying implementation of a system of Indian voting under Spain.

In Chapter 3, "The Rise of Pueblo Power in the Mexican Period," I explore the voting activities of the Pueblos during the relatively brief Mexican period in New Mexico. From 1821, when Mexico became an independent nation, until 1846, when United States troops entered Santa Fe, Pueblo peoples participated in New Mexico electoral politics in unprecedented ways. The governor system persisted, but under Mexican law all Indians became citizens of the Republic of Mexico. Administrative changes also brought about a municipal system that grouped Pueblos and Hispanos into the same electorate for *ayuntamientos*, or town councils. In areas such as Santa Clara Pueblo, which borders the Hispano town of Española, Pueblo Indians and Hispanos were elected and served together in municipal governing bodies. But in other municipalities where Pueblos were a distinct minority, their political voice in the new ayuntameintos was at times negligible, although they did avail themselves of the services of such governing bodies on issues they deemed significant. In the most important display of Pueblo electoral power in New Mexico up to that point, Pueblo Indians took an active role in the Rio Arriba Rebellion of 1837. The rebellion, initiated by Hispanos unhappy with administrative

changes that took away local autonomy and brought direct taxation to New Mexico, grew to include significant numbers of Pueblo Indians. A joint force of Pueblos and Hispanos deposed and killed the governor, Albino Pérez. Remarkably, a joint legislative body of Pueblo Indians and Hispanos met briefly at the Palace of the Governors and selected a Taos Indian by the name of José Gonzales as the first, and only, Indian governor in New Mexico's history. Gonzales's term was very brief. Former governor of New Mexico Manuel Armijo crushed the rebellion and executed Gonzales in early 1838. But the legacy of Pueblo voting during the Mexican era in New Mexico remains one of expanded political participation, and the assumption of a leading role in the affairs of the territory for a brief time in the late 1830s.

While the Pueblo peoples of New Mexico exhibited assertiveness in claiming their political rights under Mexico, Arizona's Indians did not weather the chaotic Mexican period nearly as well. Chapter 4, "Stagnant Arizona: Indian Politics in the Arizona-Sonora Borderlands During the Mexican Period," describes a deteriorating Indian political situation under Mexico. The Hopi, whose traditional governing structures remained relatively unmolested through the Mexican era, suffered from greater numbers of Navajo and Apache raids between 1821–1846. They made overtures to Santa Fe for protection, but no help arrived. An opportunity to reestablish political power at Hopi was thus lost, and Hopis continued to function largely outside of colonial control. Even though Hopis showed almost no interest in participating in Mexican electoral politics, Hopi oral history tells of at least one example of a Hopi traveling to Santa Fe to retrieve kidnapped kin. The governor of New Mexico found and returned the kidnapped Hopis, who were already household servants, and severely punished the Hispano kidnappers. Even though they were functionally independent of Mexican control, in this instance both Hopis and Mexicans acted as if the Hopi were Mexican citizens, which they legally were.

Yaquis similarly struggled against violent outside forces, but these came in the form of the Mexican military. Another Yaqui revolt, this one led by a Yaqui visionary who appearedin the same vein as other Indian prophet-revivalists between the late eighteenth and early twentieth centuries, positioned Yaquis in opposition to Mexican aspirations to control Yaqui territory. Much of the trouble stemmed from Mexican administrative changes that aimed to bring Yaqui towns under the control of Mexican municipalities, a situation previously seen in New Mexico. But Yaquis had a weaker tradition of coexistence with their Mexican neighbors, and balked at the possibility of diminished town autonomy. Mexican officials also were less willing to leave Yaquis to govern their own communities, which was, perhaps, more the result of the Yaqui's bad reputation than any real Yaqui aggressions. While the revolt, which lasted from the late 1820s through the 1830s, eventually failed, Yaqui town elections continued. The Yaqui governing system would come under increased pressure in the decades that followed, and was eventually stretched to the breaking point.

Pimas in Pimería Alta also faced dire circumstances during the Mexican period. The missions of northern Sonora had sharply declined after the Jesuit expulsion of 1767. By the 1830s, many of the missions of Pimería Alta had been completely abandoned. The Indian town electoral model, which was weak to begin with, further atrophied under Mexican rule. In addition, as vecino populations grew and began encroaching on Pima land, Indian populations sharply declined. For all of their faults, the Jesuit and Franciscan missionaries of the past had been reasonably strong advocates for Pima land rights. In their absence, Pima governors did as best they could. Pimas continued selecting governors in the absence of mission officials, but the method of selection had completely reverted to pre-contact tradition. Indians at San Xavier del Bac did an admirable job of preserving the mission structure and its reliquary, but Anglo-

American travelers who visited the region in the wake of the U.S.-Mexico War commented on the destitute condition of Pimería Alta's Indians. They had been left high and dry by Mexico, as it were. Pimería Alta did not become part of the United States until the Gadsden Purchase in 1854. Its Piman peoples thus endured six more years of dreadful Mexican administration, devoid of protection from Apache raiders and vecino encroachments.

Chapter 5, "Refusing Citizenship: Pueblo Indians and Voting During the United States Territorial Period," marks the dramatic administrative changes that took place after 1846. Under the terms of the Treaty of Guadalupe Hidalgo, former Mexican citizens had the option to become United States citizens. This included Pueblo Indians. Pueblo peoples and Office of Indian Affairs employees soon faced challenging questions regarding the citizenship status of the Pueblos. Indian Service employees recognized that Pueblo Indians were entitled to citizenship and the franchise, but exercising the right to vote proved problematic. Two opposing factions developed over the citizenship question. On one side, many Hispanos and Anglo-Americans favored full Pueblo citizenship, because it would open up Pueblo lands to alienation and the eventual demise of the Pueblos. On the other side, Indian Service employees favored a plan whereby the Pueblos would be made wards of the federal government and their lands protected from outside encroachments. This plan would require that Pueblo Indians forego voting in elections outside of their communities. New Mexico Governor and Superintendent of Indian Affairs James S. Calhoun met with Pueblo leaders in the late 1840s and early 1850s, seeking to convince them to renounce citizenship rights in favor of wardship. Calhoun's successors pursued a similar course, resulting in several decades of Pueblo disenfranchisement.

While the paternalistic goals of Calhoun and his successors are clear, the Pueblo perspective is more problematic. The documentary record indicates that the Pubelos did not see

overtures by Indian Service employees as paternalistic and damaging. Instead, they provided the only viable option for protecting village autonomy and internal government. Pueblo civil officers repeatedly traveled to Santa Fe stating their desire to forego U.S. citizenship in favor of local sovereignty. Delegations of Pueblo leaders also traveled to Washington, D.C. on several occasions to express their desire to remain outside of the political mainstream. Their goal was to protect the rights of citizenship in the individual Pueblo, which they deemed to be far more important than U.S. citizenship. As a result, the Pueblos refused to pursue or accept citizenship; it only threatened the community sovereignty they had maintained under Spain and Mexico.

The sixth and final chapter, "Disparate Designs: Indian Voting in Territorial Arizona," begins with an examination of Hopi political developments under the United States. The U.S. took a far more active role in the Hopi villages than Spain and Mexico, eventually establishing schools, centers of Protestant missionary activities, and trading posts. But, Hopis maintained their resistance to colonial control. The U.S. allotted some Hopi lands under the General Allotment Act (Dawes Act) in the early 1890s, hoping to turn Hopis into farming citizens who could eventually exercise the right to vote. Indian Service officials reported success in their assimilationist efforts among Hopi young men. At one point, the Hopi Indian Agent reported that several Hopi young men had progressed to the point of exercising their rights as citizens and would soon be voting in territorial elections. This Indian agent proved rather unrealistic in his optimism, and a Hopi electorate never developed. Citizenship and voting offered no benefits to Hopis, for whom protecting the villages from outside forces remained the primary concern.

During the U.S. territorial period, Yaqui refugees fled en masse to southern Arizona. They did so to escape extermination campaigns waged by Mexican soldiers, and mass deportations that placed Yaquis in slavery on the plantations of Yucatan. In the Yaqui

communities that coalesced in southern Arizona, the complex Yaqui town voting and governing system that had characterized life in Sonora did not persist. Because Yaquis in these communities came from disparate villages, a sense of community unity—of being from the same Yaqui town—was lost. Further, fear of deportation and the horrors of their experiences in Mexico led many Yaquis to keep a low profile. Since Yaqui political stridency would likely attract undue attention, Yaquis sought to remain incognito in Arizona. Throughout the U.S. territorial period, Yaquis in southern Arizona were a people without a homeland, without a reservation, and with none of the protections offered to other Arizona Indian groups. Exercising the right to vote was out of the question.

Tohono O'odhams at the old mission of San Xavier del Bac provide the final case study for Indian voting in territorial Arizona. When representatives of the United States government made their way to O'odham territory in the 1850s, they commented frequently on the similarity between O'odhams and the Rio Grande Pueblos; they were peaceful, they farmed, and they lived in fixed communities. But, the two groups were dissimilar in that the governor system had all but died out among the O'odham by the latter half of the nineteenth century. Stepping into this environment, Indian Service employees began proposing various schemes for O'odham political organization. One proposal would have set up an O'odham republic with national elections for leaders. Another would have placed O'odham on farms under the Homestead Act. In the end, O'odhams at San Xavier were allotted under the Dawes Act. The Indian Service employee in charge of San Xavier hoped that would begin exercising their right to vote as the twentieth century neared. But just as Hopis and Pueblos had shown little enthusiasm for the franchise, O'odhams did not seek to vote during the Arizona territorial period. Although O'odhams had a long history of colonial interaction and participated in the regional economy, political

involvement in issues outside their communities only opened up their villages to further incursions by forces they preferred to keep out.

Taken in its totality, the history of Indian voting in New Mexico and Arizona presents an intriguing story of colonial relations, power, and Indigenous sovereignty in the Southwest. In New Mexico, an effort that began as a Spanish attempt to more easily control and govern Pueblo communities—the governor system—eventually became a deeply ingrained element of Pueblo culture. Pueblo people initially embraced this system out of necessity, but over the decades and centuries that followed, they came to rely on its resilience in safeguarding Pueblo land, culture, and rights. Thus, when U.S. officials proposed political changes that would shift power away from Pueblo officers and place the Pueblos within the political mainstream, the Pueblos labored to reinforce the governor system, even though it was a colonially imposed system of electoral politics. The Pueblos embraced voting when they understood that it would reinforce their ability to function as sovereign Pueblo nations, and on occasion they went outside their communities in their voting and political participation. This was not the case in the U.S. territorial period; in this era they preferred to continue under the political system imposed by Spain in the early seventeenth century, one that looked inward and protected internal Pueblo control.

In Arizona, three Native groups confronted colonial power and electoral institutions in vastly differing ways. While Hopis repeatedly resisted colonial domination and succeeded in remaining outside the political mainstream well into the U.S. period, Yaquis readily accepted Spanish ideas of village government and electoral politics. Hopis found sovereignty in isolation and resistance; Yaquis used colonial structures to maintain an evolving, complex religious/social/political culture. But under both Spain and Mexico, Yaqui political power proved

too much of a good thing. While Spain and Mexico sought politically self-sufficient communities, they did not want them to be too self-sufficient. Yaquis made voting a bulwark in their defense against colonial aggression. Mexico eventually broke Yaqui power, forcing them to flee for their lives across the border. In southern Arizona's Yaqui communities, these refugees did not reconstitute the town electoral system from the eight Yaqui towns, because their survival depended on political anonymity. Pimas' choices lay in between Hopis and Yaquis, both geographically and politically. A weak town electoral model was in place at the missions of Pimería Alta during the Spanish period, but it eventually reverted to traditional methods of leadership selection. Pima governors still performed many of the functions of their Yaqui and Pueblo counterparts, but mission decay, depopulation, vecino encroachments, and Apache raids in the late Spanish period and throughout the Mexican era eventually led to the complete erosion of Spanish-influenced Pima elections. The United States believed it had found ideal potential citizens in Pimas, particularly the Tohono O'odham of San Xavier del Bac. But O'odham citizenship and voting proved as elusive as they had been at the Pueblos. O'odhams, who had been subjected to schooling, allotment, and assimilation by the federal government, simply ignored pleas by their Indian agent to go to the polls. Once again, an Indigenous group under U.S. colonial domination could see no material benefits to embracing U.S. citizenship and the franchise.

With a few exceptions, such as Pueblo political forays during the Mexican era, voting as a colonial imposition only succeeded on the village level from the Spanish period through U.S. statehood in New Mexico and Arizona. When the colonizers attempted to bring New Mexico and Arizona Natives into elections outside of their towns, Natives were largely unresponsive. For Pueblo Indians, Hopis, Yaquis, and Pimas, voting in larger municipalities beyond Indigenous

boundaries meant further opening up their communities to outside forces. Voting and civil government in Indian towns worked within the colonial sphere because they could be used to deflect, and sometimes stymie, colonial power. All of these groups embraced voting as a concept of internal governance at some point. For those who succeeded in indigenizing the Indian vote and harnessing its potential, it became a powerful tool in maintaining citizenship in the Native nation and protecting Indigenous sovereignty.

Chapter 1

REPÚBLICAS DE INDIOS IN SPANISH NEW MEXICO

Introduction

Imagine a scene in a Spanish colonial Indian pueblo, or village. It is the first of the New Year, and the entire village has turned out for an important event, perhaps even called to the central plaza by beating drums or clanging bells. On this day village citizens will choose their civil officers for the coming year. There is a great deal of excitement accompanying this event, because the men whom they elect will meet frequently with Spanish leaders, travel to the provincial capital and perhaps all the way to Mexico City, and see to it that the land and rights of their people are secured and protected during their term in office. These officials will constitute the civil arm of village government in their pueblos. They will confront both internal matters such as the punishment of crime, and external matters such as Hispano encroachments on Indian land. Spain hoped that by organizing Indians in such a way, with defined leadership structures and duly-elected officers, they would be able to quickly transition the Indigenous peoples of this hemisphere from their savage, natural state into tax-paying Spanish citizens. The Spanish crown optimistically envisioned an orderly, relatively brief process. Turning Indian pueblos into municipalities with an Indigenous electorate was a key facet of the Spanish program of Indian political incorporation. This civilizing program could only succeed when Indians became voters who dutifully elected those who led them in the Spanish town model.

The present chapter examines Indian voting and the attempted reorganization of New Mexico's Pueblo Indian nations into municipalities based on the Spanish model. The electoral scene briefly narrated above, or some variation of it, has repeated itself in the numerous Pueblos

across New Mexico for over four hundred years. The Pueblo electoral-municipal organization has proven to be a durable, adaptable system, one that the Pueblos have maintained across the centuries and three colonial regimes. The crucial questions I will address are as follows: what form did the system of civil government imposed at the New Mexico Pueblos actually take? Did a Pueblo Indian electorate ever materialize? What did participation in civil government mean to Pueblo Indians and Spaniards? There are no definitive answers to these difficult questions, but maneuvering their nuances sheds new light on the New Mexico Indian experience in voting and civil governance under Spain.

Indigenous Electoral Foundations in Spanish Colonial America

It is important to address the main political and religious underpinnings in Spain's dealings with New Mexico's Indian peoples.[1] The idea that Spaniards possessed a legal right to conquer and subjugate specific peoples, especially heathens, was established during the Crusades. By the time of the Spanish invasion of the so-called New World, the pope, who was the supreme authority in both temporal and spiritual matters, had sanctioned the colonization of all the lands "discovered" by the Spanish and Portuguese, the conversion of their infidel inhabitants, and their eventual political incorporation.[2] By the time Spaniards entered New Mexico to establish permanent settlements, they did not simply lump all Indians into a single entity. The so-called *Indios bárbaros* (barbarian Indians), such as the Comanches, Navajos, and Apaches, did not experience the same degree of colonization and incorporation as Pueblo

[1] These same, or similar, ideas will guide Spanish dealings with Arizona's Indigenous nations in the next chapter.
[2] William Y. Adams, *Indian Policies in the Americas: From Columbus to Collier and Beyond* (Santa Fe, N.Mex.: School for Advanced Research Press, 2014), 21–22.

Indians, except in the case of the genízaros.[3] By contrast, Spaniards referred to Indians who lived under Spanish rule as *Indios naturales*, or simply as *naturales*.[4] Beginning in the years immediately following Don Juan de Oñate's entrada of 1598, Spaniards sought to impose a system of civil government on the Pueblos, whom they viewed as Indios naturales. This system would be well entrenched by the second half of the seventeenth century.

Indian civil government has clear foundations in Spanish law and policy. Following El Camino Real deep into Mexico, then to the first Spanish island settlements in the Caribbean, and back to Iberia, these roots are easily discernable. In the decades following its first encounters with the Indigenous peoples of the Western Hemisphere, imperial Spain dictated Indian policy through a series of laws. The ultimate goal of these legal measures, according to Spanish colonial historian Lesley Byrd Simpson, was to transform Indians into "tax-paying and God-fearing Christians." The *Leyes de Burgos* (Laws of Burgos), established in Burgos, Castile, in 1512, and amended in 1513, were the first comprehensive Spanish code specifically for administering Indians. Among other things, the Leyes de Burgos bolstered the encomienda system,[5] and highlighted the importance of placing Indians in a town setting, because, "it is our determination to remove the said Indians and have them dwell near the Spaniards," so that they could be more easily converted and controlled, and avoid the backsliding that occurred when Indians lived in remote areas, far from Spanish eyes. Once Indians were converted and sufficiently instructed, they would be ready to govern themselves. Amendment IV to the Leyes de Burgos (1513) states:

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[3] I will briefly address New Mexico's genízaros later in this chapter.
[4] The use of the term naturales for Indians under Spanish colonial control indicated that they were more natural or normal, as opposed to the barbarian savages outside of Spanish dominion.
[5] Under the encomienda system conquistadores and other influential individuals known as *encomenderos* were granted specific numbers of Indians, from whom they demanded tribute and labor. Theoretically, these payments of tribute and labor were in exchange for protection and Christianization, but the system often degenerated into a form of Indian slavery.

> And whereas it may so happen that in the course of time, what with their indoctrination and association with Christians, the Indians will become so apt and ready to become Christians, and so civilized and educated, that they will be capable of governing themselves and leading the kind of life that said Christians lead there, we declare and command and say that it is our will that those Indians who thus become competent to live by themselves and govern themselves, under the direction and control of said judges…shall be allowed to live by themselves and shall be obliged to serve [only] in those things in which our vassals in Spain are accustomed to serve, so that they may serve and pay tribute which they [our vassals] are accustomed to pay to their princes.[6]

Thus, with an eye towards citizenship and tax paying, Spaniards attempted to reduce Indians (congregate them into Indian towns), and instruct them in religion and government. What followed next over the course of the sixteenth century was the *Leyes de Indias* (Laws of the Indies), a long, complicated set of Spanish legal codes. These laws were compiled and published in 1681 as the *Recopilación de Leyes de los Reinos de las Indias.*

Over the course of the 1500s, Spanish military, clerical, and civil administrators organized Indians in the villages in Mexico into what they termed *repúblicas de indios*, or Indian republics. Each Indian town was entitled to form its own town government and governing town council. The Spanish town council, or *cabildo*, served as the model for the Indian town council. Spanish colonial documents refer the Indian town council variously as a cabildo, *ayuntamiento*,[7] or even república. Broadly speaking, the cabildo or ayuntamiento served as the preeminent institution of local government in organized municipalities throughout New Spain over the duration of the Spanish colonial period, both Native and non-Native. These local town councils were crucial—most of all on the local level—to the overall political structure of Spanish America. The cabildo is ancient in origin, with an evolution that can be traced back at least as far

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[6] Lesley Byrd Simpson, trans., *The Laws of Burgos of 1512–1513: Royal Ordinances for the Good Government and Treatment of the Indians* (John Howell Books, 1960; repr. Westport, Conn.: Greenwood Press, 1978), 2, 14, 45.

[7] Cabildo finds more common usage in the early Spanish period, while ayuntamiento is frequently used in the later eighteenth century through the Mexican period.

as Roman times, through the Castilian towns during the Christian Reconquest of Spain, and then to Spanish colonial America.[8] The *Recolpilación*, which established guidelines in Spanish Indian policy, mandated that each new settlement in Spain's American colonies have a cabildo. Title 7, Law 18 of Book IV of the *Recolpilación* states that a "Justicia and governing body shall be chosen from among the settlers" of each town, while Title 10 clarifies that, "Citizens of the village must be elected as officials."[9] Indian town officers were to be chosen through elections held on or near the first of the calendar year. The offices named include *gobernador* (governor), *alcaldes* (mayors), *alcaldes mayores* (local chief magistrates), *principales* (headmen or nobles), *regidores* (alderman or town councilmen), and *corregidores* (local magistrates, similar to alcaldes mayores). Tradition holds that Hernando Cortés set in motion the process of Indian civil government after the Iberian model in 1525, when he conferred the titles of gobernador, alcalde, regidor, *escribano* (notary), and *oficial* on Indigenous elites in Milpa Alta, Oaxaca.[10] When Spain established a permanent colony in New Mexico, it already had three-quarters of a century of experience in restructuring Indian town governments.

These self-governing colonial Indigenous communities, or repúblicas, are best described as semi-sovereign. The elected Indian officials had jurisdiction over town government, but still had to answer to local and provincial Spanish officials, courts, and even the viceroy, all of which intervened in electoral processes at the repúblicas on various occasions, thus limiting the sovereignty of Indian towns. There was even a special court in Mexico City that heard a wide

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[8] Gilbert R. Cruz, *Let There Be Towns: Spanish Municipal Origins in the American Southwest, 1610–1810* (College Station: Texas A&M Press, 1988), 5–6.
[9] S. Lyman Tyler, ed., *The Indian Cause in the Spanish Laws of the Indies*. Western Civilization and Native Peoples series (Salt Lake City: American West Center, University of Utah, 1980), 51, 52.
[10] Robert Haskett, *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca* (Albuquerque: University of New Mexico Press, 1991), 20.

variety of cases involving Indian litigation, including conflicts over elections, called the *Juzgado General de Indios* (General Indian Court).[11] Spanish law mandated that all town officers be elected at intervals of one or two years,[12] and these elections were to take place in January.[13] How elections were conducted varied, sometimes widely, from one Indian town to another. In Spanish colonial Cuernavaca, for example, the vote was restricted to males in the upper echelons of local society.[14] The election was usually a major event in the town's annual calendar, with voters called to the election by the sound of trumpets and drums. In many instances electoral processes maintained some pre-contact traditions. For example, voters often deliberated all day and placed great value on consensus when choosing their officers.[15] Although there were variations in implementation among Indian towns, the *Recopilación* was quite clear in its language that Indians were to elect their own leadership, reaffirming the Leyes de Burgos from the previous century. Speaking specifically of the office of alcalde, Book VI, Title 3, Law 15 of the Recopilación reads, "[Alcaldes] are to be elected each year in the presence of the Curates, as is the practice in Spanish and Indian towns."[16]

Juan Solórzano Pereyra, the preeminent scholar of Indian law of the seventeenth century, wrote extensively on the legal framework governing Spain's Indian communities in the Western Hemishpere. His three-volume work, *Política Indiana*, treats nearly every aspect of Spanish legal tradition concerning Indians. Pereyra, who served as oidor, or judge, in the Real Audencia of Lima, and later as a council member of the Royal and Supreme Council of the Indies, clarified

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[11] Woodrow Borah, *Justice by Insurance: The General Indian Court of Colonial Mexico and the Legal Aides of the Half-Real* (Berkeley: University of California Press, 1983), 224.
[12] Haskett, *Indigenous Rulers*, 27.
[13] Dorothy Tanck de Estrada, *Pueblos de Indios Y Educación en el México Colonial, 1750–1821* (México, D. F.: El Colegio de México, 1999), 30.
[14] Haskett, 30.
[15] Ibid., 32.
[16] Tyler, *The Indian Cause in the Spanish Laws of the Indies*, 115.

many aspects of Indian law in his work.[17] Pereyra wrote that, in general, man is "'sociable,' 'political' [and] 'civil,'" and that man's ideal state is to live in towns and places where he can better communicate, help others, and defend himself. He spoke for Spanish policymakers of his time, who believed Indians must be congregated in larger communities for their own security, conversion, and governance. Of course, he and others overlooked the fact that Indians already lived in communities that insured their security and governance; this was one of many oversights built into the Spanish colonial model. Pereyra wrote categorically that Indians must be reduced, and that every reduction must have a church, Catholic ministers, Indian instructors of doctrine, Indians trained as singers to lead mission church services, a *sacristán* (an Indian charged with the care of the sacristy and church possessions), and a fiscal (church officer who made sure town residents attended mass and generally obeyed doctrine). He further stated that each village with at least forty households was to have an annually elected Indian alcalde, or mayor. Towns with more than eighty households were to have an alcalde and a regidor. Very large villages could not have more than two alcaldes and four regidores, with these officials "being elected as is customary in towns of Spaniards and in the presence of the curates." And, "because Indians are fond of wandering," he stressed that Indians from one town not be allowed to live in another Indian town, and that Indians not even be allowed to relocate to other Indian villages. He further clarified, "So that they may live in the greatest liberty and peace it was commanded that Spaniards, blacks, mestizos, and mulattos not live in [Indian] pueblos, unless they are mestizos

[17] "Solórzano Pereira, Juan de (1575–1655)," short biography on the website of the Universidad de Navarra, http://www.unav.es/biblioteca/fondoantiguo/hufaexp20/Deleitando_ensena/4._Autores/Entradas/2009/10/29_Solorzano_Pereira,_Juan_de_(1575-1655).html, accessed 15 November 2014.

born of Indians of the same pueblo."[18] Pereyra's statements clarify and reinforce Spain's Indian policy, and they demonstrate the crown's larger preoccupation with the administration of Indian villages and government, all in the hopes that Indian pueblos would become orderly, self-governing Indian republics in the Spanish municipal model. For this to happen, Indians must be congregated and placed under the control of competent elected Indigenous leadersip.

The documentary evidence demonstrates that both Spanish colonial officials and Indians in these early repúblicas took the elections of civil officials quite seriously. Indians frequently aired their electoral grievances to Spanish officials. Letters in the *Archivo General de la Nación*, or the Mexican National Archives, contain enlightening information regarding Indian elections. For example, there is a series of letters relating to elections in the Indian town of Otumba, which is located approximately sixty-one kilometers from Mexico City.[19] In one letter dated 29 December 1589, the viceroy in Mexico City notifies the local Spanish official that he has received complaints from the Indian headmen and others that the same four men have been holding and controlling the office of alcalde for over ten years. He informs the local Spanish official that he has also received reports that these four Indian leaders have been "soliciting and gaining votes from their important friends by extraordinary means [connotes extralegal means], that [the people of the town] receive notable vexations and threats from the abovementioned

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[18] Capítulo XXIV, Nos. 2, 5, 48, 49, 53, 55, 58 in Juan Solórzano Pereyra, *Política Indiana, Tomo I* (Madrid: Biblioteca Castro, 1996), 512, 513, 524, 525. Translated by the author.

[19] Distance calculated using Google Maps, http://maps.google.com/maps?hl=en&bav=on.2,or.r_gc.r_pw.r_qf.&bvm=bv.41018144,d.aWc&biw=1280&bih=601&q=otumba+mexico&um=1&ie=UTF-8&hq=&hnear=0x85d1c0b1f07469cd:0x7b6d4ee27ecb043d,Otumba+de+Gómez+Far%C3%ADas,+State+of+Mexico,+Mexico&gl=us&sa=X&ei=YdL1ULfoHNDDiwK6gIGYDQ&ved=0CJkBELYD, accessed 15 January 2013.

men…"[20] The viceroy then set term limits so that a man could be alcalde for only one year at a time, and could not serve in the office until two years had lapsed from the end of his previous term.

Spaniards concerned themselves not only with who was elected and how, but also if non-Indians were present at the elections. Initially, república elections took place in the presence of a local curate, but complaints by Indians of outsiders exerting undue influence at their elections led the crown to do away this requirement in 1622.[21] The presence of Spanish clerics or civil officials put undue pressure on Indians to elect officials favorable to these outsiders. On numerous occasions, higher-ups in Mexico City wrote to local Spanish officials and clerics, forbidding their presence in Indian towns on election days. Another letter to the Spanish magistrate of Otumba dating from 1590 states, "the Alcaldes and Rejidores [sic] and headmen of the town have made known to me that in order for them to freely hold the elections of the República that are to be held in the coming year 1591 as is customary[,] that religious officials or people who are not citizens of the town must not disturb in the voting process."[22] Spanish officials in the Indian town of Ozolotepec[23] received the same rebukes in July of 1591:

> [Indian officials] of the town of Ozolotepeque have made known to me that the times that they hold their cabildos and ayuntamientos to elect officials of the Republic…the

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[20] The Marquis to the Magistrate of Otumba, 29 December 1589, MSS 867, box 4, folder 182, rec. 182, transcription, Archivo General de la Nación, Center for Southwest Research, University Libraries, University of New Mexico (hereafter cited as AGN CSWR). Translated by the author.
[21] Haskett, 32. See also Tanck Estrada, *Pueblos de Indios*, 37.
[22] Don Luis de Velasco to Magistrate of Otumba, 29 November 1590, MSS 867, box 3, folder 147, rec. 204 – DF, transcription, AGN CSWR. Translated by the author.
[23] Ozolotepec is approximately 17.5 kilometers from Mexico City, distance calculated using Google Maps: http://maps.google.com/maps?hl=en&bav=on.2,or.r_gc.r_pw.r_qf.&bvm=bv.41018144,d.aWc&biw=1280&bih=601&q=otumba+mexico&um=1&ie=UTF-8&hq=&hnear=0x85d1c0b1f07469cd:0x7b6d4ee27ecb043d,Otumba+de+Gómez+Far%C3%ADas,+State+of+Mexico,+Mexico&gl=us&sa=X&ei=YdL1ULfoHNDDiwK6gIGYDQ&ved=0CJkBELYD, accessed 16 January 2013.

> Religious that administer and some of the Spanish that reside nearby enter into the cabildos to obstruct them and to impede them so that they do not elect sufficient and worthy people to the said positions…[I order that] no Spanish enter into their councils and that they be allowed to liberally be and reside alone in the said Cabildos, not even you, unless it were with my express permission.[24]

Even with these express prohibitions by viceroys and other officials, Spanish civil and religious officials continued to meddle in Indian elections throughout the colonial period.[25] But in theory, at least, Indian elections for the repúblicas were to be free and open to Indians only. All of these developments set the precedent for Spanish implementation of Indigenous civil government in New Mexico. These Mexican Indian communities were the antecedents for Pueblo civil governments as Spain brought the concept of repúblicas de indios up the Camino Real into their distant northern province, adapting the system to the unique circumstances and conditions in New Mexico.

When it comes to the elected Indigenous officers of New Spain, sweeping statements about their powers and responsibilities are a bit tricky, since these were often adapted to suit the needs of the individual village. But we are able to make some general statements on the official powers and responsibilities of these officers. Using colonial Cuernavaca as an example,[26] elected officers engaged in tribute collection and delivery to Spanish officials, oversaw a municipal treasury used for community expenses and emergencies, supported the local church, and oversaw cases involving petty crime and community land issues, among other things.[27] Speaking broadly of Indian town government in Mexico, prominent historian of repúblicas de indios Dorothy

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[24] Don Luis Velasco to the Magistrate of Ozolotepec, 31 July 1591, MSS 867, box 4, folder 112, rec. 848 – DF, transcription, AGN CSWR. Translated by the author.
[25] Priests were by far the most frequent offenders, since they lived in or near Indian villages and felt that they had the most to lose or gain in these elections.
[26] Cuernavacan elites who served as town officers kept records in their own Nahuatl language, so we know a relatively large amount about their activities and powers.
[27] Haskett, 60–1, 63, 69, 77–8. See all of chapter three for detailed information on Indian civil governance there.

Tanck de Estrada neatly summarizes the duties of elected Indian officials, which could include: travel to the capital of the jurisdiction to receive ceremonial staffs (Santa Fe in the case of New Mexico); oversee the mass and communal meal for the newly-elected officials each year; judge minor crimes; oversee the planting and harvesting of crops on communal lands, and the necessary labor for this work; pay for and direct the repairs of the church, village meeting house, and community roads; fund and oversee the fiesta of the pueblo's patron saint; pay for and consult with attorneys regarding village litigation; and carry out the annual elections for the new government.[28] It is important to keep all of this information in mind as we turn to the Pueblos of New Mexico. A lack of documentary sources regarding the establishment of self-governing Pueblo repúblicas forces us to turn to Mexico and later Pueblo sources.[29] Dorothy Roman of Jemez Pueblo, who was interviewed in 1968, related her family history which discussed the duties of Pueblo officers: "The way I understand…my daddy used to tell us that the governors [are supposed] to take care of the Pueblo, to take care of roads, to take care [of the] ditches, to take care of water gates and fans and everything like that…and then to go to meetings, and whenever they put up a meeting to see what is right or what they want for somebody to do…"[30] It is safe to assume that elected Pueblo civil officers held some or all of the powers discussed above.

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[28] Dorothy Tanck de Estrada, mapas de Jorge Luis Miranda García y Dorothy Tanck de Estrada, con la colaboración de Tania Lilia Chávez Soto, *Atlas Ilustrado de los Pueblos de Indios: Nueva España, 1800* (México, D. F.: El Colegio de México, A.C.; Comisión Nacional para el Desarrollo de los Pueblos Indigenas; Fomento Cultural Banamex, 2005), 32.

[29] Nearly all of the archival documents housed in the Palace of the Governors in Santa Fe dating from 1598–1680 were destroyed during the Pueblo Revolt.

[30] Dorothy Roman, interview by Ronald Switzer, 5 March 1968, tape #33, American Indian Oral History Collection (MSS 314 BC), Center for Southwest Research, University Libraries, University of New Mexico, hereafter AIOHC CSWR.

Pueblo Elections, Civil Government, and Officers in New Mexico

First, there is the obvious: Pueblos had and still have Spanish-style civil governing officers and structures. A brief look at the official websites of several New Mexico Pueblos gives enlightening information on these matters. The Pueblo of Sandia (*Na-Fiat* in Tiwa[31]) website indicates:

> A Governor, Lt. Governor, Warchief, and Lt. Warchief are appointed for annual terms according to Sandia's cultural tradition. Each man can be appointed to consecutive terms. The Governor and Warchief will become Tribal Council members for life. The Warchief and Lt. Warchief are responsible for all religious activities held in the Pueblo. The Governor oversees day to day government operations, while the Lt. Governor is the Tribal Court Judge.[32]

Taos Pueblo's (*Tuah-Tah* in Tiwa) website states:

> A tribal governor and war chief, along with staffs for each, are appointed yearly by the Tribal Council, a group of some 50 male tribal elders. The tribal governor and his staff are concerned with civil and business issues within the village and relations with the non-Indian world. The war chief and staff deal with the protection of the mountains and Indian lands outside the Pueblo walls.[33]

The Jemez Pueblo (*Walatowa* in Towa) website explains, "Our secular tribal government includes the Tribal Council, the Governor, two Lt. Governors, two fiscales, and a sheriff. These officials are appointed every year to carry out all secular duties and responsibilities of the tribal

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[31] All of the traditional names for the Pueblos are taken from the Indian Pueblo Cultural Center website: http://indianpueblo.org/19pueblos/index.html. I will include the traditional name in parenthesis at the first mention of each Pueblo, and then revert to the common name for ease of identification.

[32] Official website of the Pueblo of Sandia. "Administration," http://www.sandiapueblo.nsn.us/administration.html, accessed 14 January 2013. Internet websites are particularly interesting because their content is maintained by someone, and in the case of most of the Pueblos, these fall under the purview of Public Affairs Departments funded by casino dollars. Indian groups are conscious of the image they present of themselves—something they were unable to control for so long—and so they are a reflection of what Indians want outsiders to know about them.

[33] Official Website of Taos Pueblo. "How is the Pueblo Governed" in "About," http://www.taospueblo.com/about, accessed 14January 2013.

government."[34] Finally, the Keresan speaking Pueblo de Cochiti's (*Ko-Tyit*) website indicates that civil officers for the Pueblo include a "War Chief, Lieutenant War Chief, Governor, Lieutenant Governor, Major Fiscale and Lieutenant Fiscale." There are also "minor officials" in the Pueblo's government.[35] Other Pueblo websites list the names of various individuals filling offices and explain their forms of civil government. Although the titles are not always the same, one commonly finds governors, lieutenant governors, fiscales, and others.

Looking back, in many of the Pueblo communities that lay to the far north, Spaniards believed that they had found ideal candidates for tractable self-governing Indian communities that conformed to their vision of Indian municipalities. For starters, the Pueblos were sedentary and stable communities requiring little by way of reduction compared to other Indian groups. Furthermore, Spaniards were convinced that Pueblo peoples were of a favorable, docile disposition. For example, Hernando de Alvarado, a member of Coronado's expedition who spent time among the Tiwas in the middle Rio Grande Valley, related that "The people seem excellent, more like farmers than warriors.…[the Pueblo people from surrounding areas] came to this place to offer me their friendship." Alvarado also commended the Tiwas for what he perceived as their worship of Catholic crosses erected by Spaniards in his party:

> In those places where crosses were erected, we showed them [how] to venerate them. They offer their powders and feathers [to the crosses], and some leave the *mantas* they are wearing. [They venerate the cross] with such great ardor that some climbed on top of others in order to reach the arms of the crosses so they could place feathers and roses [there]. Others brought ladders, holding them, [and still] others climbed up to tie on yarn in order to attach roses and feathers.[36]

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[34] Official website of the Pueblo of Jemez. "Governor's Office," http://www.jemezpueblo.org/Governors_Office.aspx, accessed 14 January 2013.
[35] Official Website of the Pueblo de Cochiti. "Pueblo Government," http://www.pueblodecochiti.org/government.html, accessed 13 July 2015.
[36] "Hernando de Alvarado's Narrative, 1540," in *Documents of the Coronado Expedition, 1539–1542*, edited, translated, and annotated by Richard Flint and Shirley Cushing Flint (Albuquerque: University of New Mexico Press, 2005), 306.

Alvarado clearly failed to see the Indigenous nature of their actions, but his characterization of Pueblos followed a common trope. New Mexico historian Marc Simmons summarizes the favorable view of the Pueblos reported by Fray Agustín Rodríguez's exploratory party of 1581: Pueblos Indians were "clean, handsome, and industrious, and…if interpreters had been available, some [Pueblo Indians] would have quickly become Christians."[37] Under such ostensibly favorable circumstances, Spaniards hoped to quickly pacify, convert, and then incorporate Pueblo Indians into civil society.[38] The reality that the Iberians encountered was quite different from what they had hoped. Coronado, for example, met with fierce resistance along the middle Rio Grande during the brutal Tiquex War of 1540–41, and events at Acoma in 1598 threatened to derail Oñate's nascent colony. In spite of these violent initial encounters, Spaniards intended to bring Pueblo Indians into the sphere of Spanish institutions, including access to the Spanish legal system and eventual citizenship.[39] Soldiers would accomplish the goal of pacification, while Franciscans would tackle conversion. Most important of all, in order for peace and order to be established so that the civilizing program could proceed, the Pueblos needed to be incorporated into the body politic, and Pueblo Indian repúblicas served this purpose.

The precise date when Spaniards implemented civil government at the Pueblos remains unclear. Establishing repúblicas must certainly have been an important order of business directly after Oñate toured the Pueblos in the summer of 1598, a moment when the Pueblos nominally swore fealty to the Spanish crown and god. Dr. Joseph Henry Suina, who served two separate

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[37] Marc Simmons, *New Mexico: An Interpretive History* (New York: Norton, 1977; repr., Albuquerque: University of New Mexico Press, 1988), 28.
[38] Ibid., 11.
[39] Charles Cutter, *The Protector de Indios in Colonial New Mexico, 1659–1821* (Albuquerue: University of New Mexico Press, published in cooperation with the Historical Society of New Mexico, 1986), 29.

terms as governor of Cochiti Pueblo, recounts the oral tradition of the meeting between Oñate and Pueblo leaders at Santo Domingo (*Kewa* in Keres), during this early period of Oñate's New Mexico governorship. Pueblo leaders were made to "submit" to Spanish civil and Catholic religious authority, though Dr. Suina contends that this likely made no sense to these Pueblo Indians.[40] At some point, probably in the early decades of the seventeenth century, Spanish authorities sought to establish permanent Pueblo repúblicas modeled after those already in place to the south. Ohkay Owingeh anthropologist Alfonso Ortiz states that, "it is really not known when the Spanish system of local government was imposed, since most church and administrative records in New Mexico were burned during the Pueblo Revolt of 1680."[41] Jemez historian Joe Sando contends that prior to approximately 1620, Spanish governors felt it was within their power to appoint Pueblo civil officials, or "governors" of the Pueblos.[42] Renowned New Mexico Historian Marc Simmons summarizes:

> When Oñate accepted the submission of individual [Pueblo] villages, he acknowledged their status as *repúblicas*, which, in the Spanish sense, referred to semiautonomous municipalities with certain inherent rights of self-government. It was recognized that a form of native administration already existed under a system of caciques, but to fit more smoothly into the Spanish scheme, a new set of officers was soon created to deal directly with the governor in Santa Fe.[43]

The admittedly scant documentary evidence dealing with Spanish-Pueblo relations in New

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[40] Dr. Joseph Henry Suina in *Canes of Power* (Santa Fe, N.Mex.: Silver Bullet Productions with funds from the San Manuel Band of Mission Indians, 2012), DVD.
[41] Alfonso Ortiz, *The Tewa World: Space, Time, Being, and Becoming in a Pueblo Society* (Chicago: The University of Chicago Press, 1969), 61.
[42] Joe S. Sando, *Nee Hemish: A History of Jemez Pueblo* (Santa Fe, N. Mex.: Clear Light Publishing, 2008), 53. Sando was a noted Towa scholar who taught at the University of New Mexico, lectured on Pueblo culture and history around the world, and served as director of the Institute for Pueblo Indian Studies at the Indian Pueblo Cultural Center in Albuquerque. He is widely regarded as one of the greatest scholars of Pueblo peoples. He passed away in 2011.
[43] Marc Simmons, "History of Pueblo-Spanish Relations to 1821," in *Handbook of North American Indians, Vol. 9, Southwest*, ed. by Alfonso Ortiz (Washington: Smithsonian Institution, 1979), 183.

Mexico before the Pueblo Revolt of 1680 suggests that the seemingly eternal power struggle between clergy and civil officials also spilled over to the selection of Indian magistrates. Civil governors and clergy battled one another over who would control the selection of Pueblo officers.

Eventually, none other than King Phillip III of Spain intervened and sought to resolve this matter as it concerned Indian elections at the Pueblos. Writing to Governor Juan de Eulate in a letter dated 10 March 1620, the viceroy of New Spain, Don Diego Fernandez de Cordova, informs Eulate that he has been made aware of "certain differences and disputes which there have been between you and the Father Custodian of the Religious of Sr. St. Francisco and the Religious themselves…in matters of jurisdiction."[44] One of the principal issues at hand was the annual elections of Pueblo civil officers. Noted New Mexico historian France Scholes asserts that Governor Eulate had meddled in Pueblo elections.[45] Scholes, who worked tirelessly to bring many Spanish archival documents to New Mexico and pointed to the church-state conflict in colonial New Mexico during the seventeenth century, comments, "The clergy had complained that the governor tried to impose his will in such elections in order to further his own selfish ends. The civil authorities, on the other hand, had asserted that the custodian and other friars had given the Indians to understand that their [the friars'] authority was superior to that of the governor."[46] Such power jockeying and attempts to control Pueblo elections by Spanish civil and clerical leaders surely undermined the early vitality of the repúblicas de indios of New Mexico. Nevertheless, the system did take hold in due course.

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[44] Lansing B. Bloom, "A Glimpse of New Mexico in 1620," *New Mexico Historical Review*, vol. 3 no. 4 (October, 1928), 360.
[45] France V. Scholes, *Church and State in New Mexico, 1610–1650* (Albuquerque: University of New Mexico Press, with the Historical Society of New Mexico, Publications in History, Vol. VII June, 1937), 73.
[46] Ibid., 78.

The text of the viceroy's letter is very telling as to what the king and his representative envisioned for Pueblo electoral procedures. A section of the letter under the subheading "Elections" reads:

> And Because of the part of the said custodian and [other] Religious some complaints have been presented to me to the effect that Ye interfere in the matters under their care even to naming the *fiscals* of the church and in other lesser things, Ye shall give order how each of the pueblos of those provinces, on the first day of January of each year, may hold its elections of governor, *alcaldes*, *topiles*, *fiscals*, and the others who serve the Republic, without You or any other Judiciary, the custodian of other Religious being present at the said elections, so that in them the said Indians may have the liberty which is fitting. And the [elections] which in this manner they may hold, they shall report them to You that ye may confirm them if they have been effected by the majority and with the liberty Stated, that everything is in accord with what is customary in this New Spain.[47]

This mirrored events in Mexico, where the presence of Spaniards at elections inspired the instructions cited earlier. This crucial letter, which fortunately survived the Pueblo Revolt of 1680 due to copies remaining in Mexico City, demonstrates that these elections were important enough for the highest Spanish civil official in New Spain—the viceroy—to write about them in a very specific and straightforward manner to the governor of a sparsely-populated province on the farthest fringe of the kingdom. In a letter dated 9 January 1621—another one of the few surviving documents from the Spanish Archives of New Mexico predating the Pueblo Revolt—the governor is directed, "That things that might be of importance to the common welfare of the baptized Indians and to the universal preservation of the republic to the Spaniards and Indians will be consulted with you the governor of the villa of Santa Fe…"[48] In other words, in those matters that pertained to the preservation of the Indian repúblicas, consultation between Spanish and Pueblo officials was essential. Spaniards placed great value on properly functioning Pueblo repúblicas, so that orderly relations could be maintained between the church and crown on one

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[47] Bloom, "A Glimpse of New Mexico in 1620," 362–63.
[48] Ralph Emerson Twitchell, *The Spanish Archives of New Mexico, Volume II* (Cedar Rapids, Iowa: The Torch Press, 1914), 1.

hand, and the Pueblos on the other. Without repúblicas de indios and their cadre of elected Pueblo civil officials, Spain saw no way to maintain harmonious relations between Indians and Spaniards, both secular and religious.

The Evolution of Pueblo Elections

As Joe Sando and others have hypothesized, Spanish officials probably appointed the first Pueblo civil officers. It is impossible to know exactly how long the practice of Spanish appointments for Pueblo officers persisted, but it lasted at least as late as 1665. On February 9 of that year, the Viceroy of New Spain, Don Antonio Sebastián de Toledo, issued a royal decree appointing Pedro de la Aguila of Isleta Pueblo (*Tue-I* in Tiwa), "Governor of the said province of the Tiwas…for the rest of his life." He was made governor of the Tiwas of that province due to his "having served His Majesty on various occasions for more than ten years" as an interpreter and missionary to the Ypotlapigua Indians.[49] Nevertheless, at some point the electoral process at the Puebos became thoroughly indigenized. This process did not take place overnight, nor did it

[49] "Appointment of Pedro de la Aguila, Indio, as Governor of the Tiguas, Isleta Pueblo," 9 February 1665, MSS 867, file 24, box 5, folder 4, rec. 63 – DF, transcription, AGN CSWR, translated by the author. New Mexico's Digital Collections, University Libraries of the University of New Mexico, http://econtent.unm.edu/cdm4/document.php?CISOROOT=/Manuscripts&CISOPTR=7651&REC=3, accessed 12 January 2013. Mateo Pacheco of Jemez Pueblo was similarly appointed governor for life in a decree issued the same date as that above. See "Appointment of Mateo Pacheco, Indian, as Governor of Jemez Pueblo," 9 February 1665, MSS 867, file 24, box 5, folder 5, rec. 64 – DF, transcription, AGN CSWR New Mexico's Digital Collections, University Libraries of the University of New Mexico, http://econtent.unm.edu/cdm/compoundobject/collection/Manuscripts/id/7648/rec/463. Jack Forbes noted that Ypotlapigua probably referred to Opatas. See Jack D. Forbes, *Apache, Navaho and Spaniard* (Norman: University of Oklahoma Press, 1960), 127. It is also worth noting that during the Pueblo Revolt, a number of individuals at Isleta Pueblo remained loyal to the Spanish and fled with them to El Paso. Perhaps de la Aguila, if still alive, was among this group of loyalist refugees.

yield the same results at each Pueblo, although there are similarities among them.[50] Only two of the Pueblos ever implemented actual elections in the Iberian town model during the Spanish era. As anthropologist Florence M. Hawley, who conducted field work in the Pueblos in the 1930s, points out, "Only two Pueblos, Isleta and Laguna [*Ka'waika* in Keres], ever comprehended and adopted the elections system." She described these elections in some detail:

> Isleta is one of the two Eastern Pueblos in which we find elections of secular officers actually being held according to the old Spanish decree. The men of the pueblo elect a governor, a lieutenant governor or right hand man, a second lieutenant who is left hand man, six war captains (three from each moiety)…[At Laguna] the secular government consists of a governor, two lieutenant governors, and three war captains. As in Isleta, these officers are elected annually by a council composed of all the men. Contrary to the usual custom, these officers have ritual as well as secular functions.[51]

But two out of perhaps several dozen is a very low yield. At all of the other Pueblos, the elections mixed Spanish customs with traditional Pueblo practice.

Detailed descriptions of Pueblo elections during the Spanish period simply do not exist. Instead, I cautiously reference two descriptions of the Pueblo electoral process at Cochiti and Ohkay Owingeh Pueblos. These two descriptions come from prominent Pueblo scholars: former governor of Cochiti Joseph Suina and famed Ohkay Owingeh anthropologist Alfonso Ortiz. While I concede that the election process must certainly have changed and evolved between the Spanish period and the late twentieth century, the period from which these accounts are taken, I still believe that the process remains similar enough to render these accounts extremely useful. They are the best and most complete that we have. Dr. Suina's rich description reads as follows:

> There are two kivas in the village, two moieties, of which one of them you are born into, and they're the hubs of our government. The moieties, which are religious in nature, take

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[50] I must also frankly admit that the details of the electoral process are still kept secret at many of the Pueblos and are known to outsiders only in general terms. Some descriptions, both by Pueblo citizens and non-Indians, describe the process in detail. I will refer to such descriptions shortly.
[51] Florence M. Hawley, "Pueblo Social Organization as a Lead to Pueblo History," in *American Anthropologist*, New Series, vol. 39, no. 3, part 1 (Jul.–Sept., 1937), 508, 511–512, 514.

> turns providing the leaders for the village. The leaders are in place for one year, and then at the end of the year, they switch kivas furnishing the leaders.
> And every year that the leaders are in place, they have a layer of another six to 12 junior officers underneath them—drawn from the opposite kiva. The junior officers do the dog work, if you will, but that's how you learn. What's happening in that process, of course, is that, as a junior officer [he was chosen to serve as a junior officer four times, serving four one-year terms], you're privy to council meetings and to ceremonies in the kiva that are only for tribal leaders. So that while you're doing your piddly stuff—sweeping floors, or getting the message out to the people and those kinds of things—you're also learning the way of life and laying the groundwork for governing in the future….[Then] I was given my first major responsibility of a post within the tribe in 1995. I became lieutenant governor, and that sort of changed my whole relationship to the tribe. Before you're an elder, you can be fairly lax about attendance at events. You can offer an excuse when you miss something, and so forth. But as an elder, which I became, you've got to be there for things; that's expected of you. If you expect the youth to be there, then you better be there first. I had to drop out of university teaching for that period of time in office….Then in 1998 I became the governor of Cochiti Pueblo…in 1995, when I was lieutenant governor and went with delegations to Washington to lobby for financial aid for an irrigation project, for a problem with seepage from the dam on our land, and for the construction costs for an elderly center and other projects. Being governor was another level of education for me, which clearly involved my pueblo but not so much on the traditional end. It was more about assisting with the tribe's intersect with the big world, where we dealt with highways, hospitals, social services, schools and much more.[52]

I have cited much of Dr. Suina's interview because it contains many of the essential elements of Pueblo electoral processes: selection of officers by moiety leaders and elders; the divisions of leaders into junior and senior; the responsibility of senior officers—namely the lieutenant governor and governor—to deal with outside entities and protect Pueblo interests; and the overall importance of these offices. As Dr. Suina states, being chosen to serve as an officer was not to be taken lightly. I will return to many of these important aspects shortly, but it is important to point out the hybrid Pueblo-Spanish nature of the electoral process at Cochiti and many of the other Pueblos.

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[52] "Joseph Henry Suina: Cochiti, N. Mexico," North Dakota Study Group Oral History Project: http://www.ndsg.org/oralhistory/jsuina/index.html, accessed 26 July 2015. I met informally with Dr. Suina and he graciously spoke to me about some of his experiences as a Pueblo civil officer and the challenges he faced. It was an enlightening conversation, but he agreed to speak on the condition that I not cite him as a source, as these things are very private affairs for the Pueblos, and issues of governance are to be kept confidential.

Ohkay Owingeh anthropologist Alfonso Ortiz provides an even more in-depth description of the election process.[53] Ortiz's description of an election at Ohkay Owingeh in the 1960s is the most detailed account by a Pueblo Indian. In *The Tewa World: Space, Time, Being, and Becoming in a Pueblo Society*, he describes the organization of Spanish-imposed civil authorities at Ohkay Owingeh: they include a governor, two lieutenants, and an *aguacil* (sheriff). According to Ortiz, the officials are selected on 1 January of each year, but none are notified beforehand, since being selected as a civil official requires a large commitment of time, travel, and resources, with very little compensation. Without foreknowledge, those selected for positions have less chance to refuse. Ortiz even cites examples of individuals leaving town when somehow notified in advance.[54] The newly elected Pueblo governors received black canes adorned with silver and

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[53] Alfonso Ortiz, a University of Chicago-trained Tewa anthropologist, courted great controversy for *The Tewa World*. Ortiz is writing from an emic perspective. At the very least, I believe that we can trust his account of the Ohkay Owingeh Pueblo selection process, particularly due to the amount of displeasure his work generated among Pueblo peoples, who felt he revealed too much sensitive information. The negative reaction to his work by tribal members makes him a particularly compelling source for me personally. This is one of the issues I have confronted in my research as well. I contacted the archivist at the Indian Pueblo Cultural Center and began a conversation about Pueblo governance. When I asked whether they had any Pueblo sources on civil governance, she replied, "you're joking, right?" The Pueblos are famous for protecting elements of their culture from outsiders, including information on civil governance. I made the decision to not seek oral interviews with Pueblo peoples, because I did not want to put anyone in the position of potentially revealing sensitive or sacred information. What has been written will have to suffice, and I have sought to incorporate the Pueblo voice as much as possible in archival and other sources. I have had many informal conversations with Pueblo peoples—coworkers, acquaintances, and fellow conference or workshop attendees—about civil government. All of these interactions have helped to inform my work and my attempt to incorporate the Pueblo worldview.

[54] Ortiz, *The Tewa World*, 62–3. Lela Kaskalla, the former governor of the Pueblo of Nambé (*Nambé O-Ween-Gé* in Tewa), and one of very few female governors in Pueblo history, relates that in olden times, families would weep when their brothers, sons, and other relatives were selected for leadership positions ("Coffee and Conversation with Verna Teller, Former Governor of Isleta Pueblo, and Lela Kaskalla, Former Governor of Nambé Pueblo." Public speaking event, Indian Pueblo Cultural Center, 14 March 2015).

silk as symbols of their offices.[55] Today the governor receives three canes: one for the Spanish government, another for the Mexican government, and the third—the so-called Lincoln canes—representing governing authority granted by the President of the United States. The other officials receive only a single, shorter, cane, which they leave hanging on their wall while in office, while the governor may carry his canes when acting in his office.[56] The Spanish referred to these canes as *varas de justicia* (staffs of justice or canes of power), and they played an important symbolic role in the confirmation of Pueblo officials.[57] Pueblo tradition holds that leaders used canes or staffs as symbols of power before the arrival of the Spaniards. These canes were viewed as living entities with a life and heartbeat of their own. Thus, the use of varas corresponded nicely to this traditional practice. Furthermore, former governor of Tesuque Pueblo Gil Vigil relates that the canes also served Spanish purposes. Vigil asserts that the Spanish established elected Pueblo offices and canes because "they wanted to have one person to deal with, instead of having to deal with ten, twelve, fifteen people," or a large group of traditional Pueblo elders, in whose hands power rested.[58] There was religious significance to the canes as well. According to the Pueblo of Acoma [*Haaku* in Keres] website, "The good Franciscan Fathers following the Good Book of Moses impressed upon the Indians the lessons of leadership in Exodus Four and Numbers Seventeen. The rod and staff should be their comfort and strength,

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[55] Martha LaCroix Dailey, "Symbolism and Significance of the Lincoln Canes for the Pueblos of New Mexico," *New Mexico Historical Review*, vol. 69, no. 2 (April 1994), 129.
[56] Ortiz, 62–7.
[57] Marc Simmons, *Spanish Government in New Mexico* (Albuquerque: University of New Mexico Press, 1968; repr., Albuquerque: University of New Mexico Press, 1990), 161. The tradition of receiving varas de justicia was not limited to Indian Pueblo officials; some non-Indian municipal officers also received varas as symbols of authority upon entering office (see Cruz, *Let There Be Towns*, p. 149).
[58] *Canes of Justice*, DVD.

and their token against all enemies."[59] The electoral process would have varied from one Pueblo to the next,[60] but the example of Ohkay Owingeh is extremely informative. What is certain is that some version of this election process eventually occurred in all of the Pueblos of New Mexico that came under Spanish rule.[61]

Ortiz also carefully outlines the duties of the elected officials at that time. Their responsibilities included maintaining and supervising the Pueblo's irrigation system. This is a considerable undertaking, since the irrigation system has long been shared with neighboring Hispano communities. Officers oversee the Pueblo's stock and grazing rights on communal lands, and direct the renting of land and Pueblo property to outsiders. The village aguacil, or sheriff, may punish minor crimes, and is to bring those who commit more serious crimes to the governor, who has the power to fine such individuals. The fiscales, or church officers, maintain the church grounds and help the priest with his duties on feast days and during special religious observances. Ortiz relates that in past times, fiscales forced Pueblo citizens to attend church services under the threat of whipping, taught catechism to village children, and buried the dead in the Catholic manner.[62] Perhaps the most important duty of Pueblo officers, and one which falls mainly to the governor, is to represent the Pueblo in its dealings with other Indian nations and outside governments.[63] All of the official responsibilities illuminated by Ortiz are mostly in

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[59] "Canes of Power," from the official website of the Pueblo of Acoma: http://www.puebloofacoma.org/canes-of-power.aspx. Accessed 27 July 2015.
[60] The process has evolved to the extent that in some Pueblos, actual elections now take place, such as at Isleta and Nambé. These elections have paved the way for female governors. In other Pueblos, traditional leaders still select the officers, and women are not allowed to hold office.
[61] Sando, *Nee Hemish*, 53.
[62] Ortiz, 71–72.
[63] Ortiz refers to dealing with the federal government, but two centuries before they would have dealt with church government, nearby Spanish officials, and the provincial government in Santa Fe. This echoes what Suina relates about the governor's dealings with outside governments and entities.

keeping with Indian república officials in other parts of Spanish America.

These two narratives by Pueblo citizens, one a former governor, are the most detailed accounts by Pueblo members that I have encountered. But, there are also anthropological studies by non-Indians who affirm what Suina and Ortiz tell us about Pueblo elections. These studies may contain some mistaken information, since they came from informants and were not actually observed by the anthropologists. They must be used judiciously. Anthropologist Leslie A. White, who studied Santo Domingo Pueblo in the first decades of the twentieth century, wrote about the governing structure of the Keresan Pueblo from information she gathered from Santo Domingo informants.[64] At Santo Domingo, the ruling authority is the cacique, known as the *ksaik*, *hotcanyi*, or *taimoni*. He is the spiritual leader of the Pueblo and carries a basket full of clay images that represent the people of his village, on whose behalf he frequently fasts and prays. White states that the cacique appoints two lesser officials, the war priests, and their ten helpers. The war priests "take charge" of nearly all of the important ceremonies, and they select the successor to the cacique. The war priests and their helpers serve for terms of one year. White states, "The cacique appoints the two war priests and their helpers at the annual elections." The war chiefs each receive a vara at their investiture, while their helpers all receive a smaller wooden staff about eighteen inches long as a symbol of their office. The position of war chief predates the Spanish period. The elections of civil officers are held each December 31. The heads of the Flint and Cikame societies (two of the main medicine societies) announce the names

[64] I approach White's anthropological work with caution, since he himself commented on the difficulty of finding informants willing to speak to him. He is quite candid in stating that all of his information came from three adult Santo Domingo men. In addition, no one would meet with him at the Pueblo, but these few men were willing to share information "secretly," and "at some distance from Domingo." This is not surprising, since Santo Domingo continues to be one of the most culturally conservative of the Rio Grande Pueblos. See Leslie A. White, *The Pueblo of Santo Domingo, New Mexico*, in Memoirs of the American Anthropological Association, no. 43 (Menasha, Wis.: American Anthropological Association, 1935), 8.

of those men whom they have selected to serve in the offices imposed by the Spaniards.[65]

The civil officers present at Santo Domingo at that time were the governor, lieutenant governor, six *capitani*, and six bickari, or fiscales.[66] The head of the Cikame society chooses the governor. The governor carries his cane as his badge of office, but he has absolutely no ceremonial responsibilities: "His duties in general are to transact such business as the pueblo has with outside, non-Indian agencies, such as the Government, tourists, church organizations, etc." He helps to oversee work on the irrigation ditch, assists at times with quarrels in the Pueblo, gives permission to Pueblo members to leave for jobs, schooling, or other reasons, and supervises the sentries when sacred and/or masked ceremonies and dances are held. The Cikame head also selects the lieutenant governor, and he receives a vara for his office. He assists the governor in his duties. The Cikame society leader also chooses the six capitani each year. They act as the governor's helpers—as messengers, errand boys, and lookouts during ceremonies, among other things. They each carry a short cane, as the war priests' helpers do. Being one of the capitani is not considered an unimportant office, and neither are they young men. White lists junior officers all aged forty and above, with one man even in his seventies. He refers to the fiscales as those who, "in the old days," took care of the church, gathered food and supplies for the resident Franciscan, and accompanied him on his visits to the Pueblo. Fiscales also bury the dead. There is a hierarchy among the fiscales, or bickari, with a bickari mayor, a bickari teniente, and four bickari helpers. The fiscales all carry small staffs, with both younger and older men

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[65] Leslie A. White, *The Pueblo of Santo Domingo, New Mexico*, 35–36, 40, 42–43.
[66] Most of these offices are still present today, but it is difficult to determine the exact makeup of Santo Domingo's secular government at the present. That information is not immediately forthcoming.

holding office.[67]

As at Ohkay Owingeh, a few days before the official elections are to take place, on 29 December, all of the Pueblo's officers meet at the governor's home. This is the final day of post-Chirstmas dancing. The governor and war chief, who preside at this meeting, inform the officers that their term is ending. They then proceed to the cacique's home and inform him that the end of the year has arrived and the officers are through with performing their duties of office. The outgoing officers wait at the governor's house for the war chief and governor to return.
The next day all of the medicine men, principales, and officers meet at the Turquoise kiva. The cacique and Cikame head both announce the new officers, and everyone is to meet the next morning again at the kiva. The following morning, there is an installation ceremony in which the cacique and Cikame head bring the old officers forward along with the new ones. They take the outgoing officers' canes and present them to the new officials, also making speeches about fulfilling their duties and serving the people. Pueblo citizens gather at the main plaza for a dance on January 1 where they celebrate the installation of new officers.[68] This is Santo Domingo

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[67] White, 43–44. There was also a sacristan (she was unsure of how he received his office), mayordomo, bugler, and drummer (p. 45).
[68] Ibid., 45–47. White also conducted a similar study of San Felipe Pueblo. The selection process is similar to that of Santo Domingo, where a governor, lieutenant governor, eight capitani, and six fiscales serve as the civil officers. Commenting on the selection process and civil officers, he states, "They are appointed yearly by the cacique. It is the business of the governor to deal with Americans, aliens…religious organizations, tourist parties, or traders. So conspicuous is the governor in all transactions with outsiders, and so concealed are the priests and medicinemen, that many white people think that the governor is the supreme authority in the pueblo. Indeed, I have often heard white people who 'knew the pueblos' say (and I have read in one or two books) that the pueblos are very democratic, that the governor is elected by universal suffrage, and has very great power! As a matter of fact the governor and his men are simple tools of the real powers; all his duties are unpleasant, he receives neither reward nor credit, he tries to maintain a between two hostile forces, viz., the government of the United States and the government of the pueblo, and, if he fails, he is censured." See Leslie A. White, *The Pueblo of San Felipe*, in Memoirs of the American Anthropological Association, no. 38 (Menasha, Wis.: American Anthropological Association, 1932), 19–20. I will return to the idea of the governor as protector

democracy, and one can observe the subtle differences between this Pueblo, Ohkay Owingeh, Cochiti, Laguna, and Isleta. They all follow a similar general model, but have been adapted to the individual Pueblo over time. Through these examples, we see Pueblo voting and democracy in action.

After the electoral process occurred at each Pueblo, and village leaders confirmed the new officers and distributed the canes, one important step in the process remained. Spanish authorities in Santa Fe received Pueblo officials and swore them in. One Spanish document dated 10 January 1706 details the reception and confirmation of numerous officers from the Pueblo repúblicas for that year:

> Captain Don Alfonso Rael de Aguilar, secretary of government and war, *alcalde ordinario* of the villa of Santa Fé, the capital of this kingdom and province of New Mexico, protector-general of the Indians native to its pueblos and frontiers…I certify, as is my duty…That on the sixth day of January of the current year, 1706, there appeared before me as their protector-general the Indian governors, chiefs, captains, and the other officials of justice of the pueblos of this kingdom and jurisdiction, of the nations of the Zuñis, Queres [Keres], Teguas [Tewas], Hemes [Jemez], Thanos [Tanos], Pecos, Tiguas [Tiwas], Pecuries [Picuris], and Thaos [Taos]. They had come to this villa for the purpose of being confirmed in the positions to which they had just been elected.[69]

This formal reception and confirmation process persisted throughout the Spanish period. In a

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from the outside world, and the concept of compartmentalization. There is also the account of Father Noël Dumarest, a French born priest who served at Cochiti, Santo Domingo, and San Felipe, as well as several Hispano towns in the 1890s until his death in 1903. He corroborates much of White's statements. See Father Noël Dumarest, with a preface by Stewart Culin, trans. and ed. by Elsie Clews Parsons, *Notes on Cochiti, New Mexico*, in Memoirs of the American Anthropological Association, no. 6 (Lancaster, Pa.: The New Era Printing Company,1919), 197–202.

[69] "Certification of Captain Rael de Aguilar, Santa Fé, Jaunuary 10, 1706," in Charles Wilson Hackett, ed., *Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773* (Washington, D.C.: Carnegie Institution of Washington, 1937), 366. Don Alfonso Rael de Aguilar, who names himself as the "protector-general of the Indians," was pointing to his office as *protector de indios* (protector of Indians). Those who held this office often acted as intermediaries for the Pueblos and Spanish government; in land disputes, in election disputes, and other important matters. See Cutter, *The Protector de Indios in Colonial New Mexico, 1659–1821*.

letter written much later in New Mexico's Spanish colonial era, dated 16 January 1811, Ignacio Sanchez, a Spanish official with jurisdiction over Jemez Pueblo, wrote that "The Justices who have been elected in the Pueblos of my care, have gone [to Santa Fe] to be confirmed with their staffs [of justice] and to receive the orders of their office."[70] As cited in the earlier example from Ohkay Owingeh, religious leaders at that Pueblo would have already sworn in the civil authorities in a scripted, ceremonial manner, but the physical act of traveling to Santa Fe to be confirmed, which served as a sort of Spanish colonial inauguration, gave legitimacy to the whole process, at least to Spanish eyes. These men were now recognized as the governing figures of the individual Pueblo repúblicas.

As a final caveat, while the Pueblos had attained a relative degree of autonomy in the selection of their officers, perhaps reaching the greatest degree of freedom in the wake of the Pueblo Revolt and Reconquista,[71] Spaniards persisted in their efforts to sway Pueblo Indians in their leadership choices, and had clear opinions on the attributes of an ideal Pueblo governor. In an undated document, presumed to be from 1773, Father Joaquín de Jesús Ruiz, who had ministered at both Jémez and Isleta, penned a short treatise on the governing of Franciscan

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[70] "Election of Jemez Officials." 16 January 1811. Spanish Archives of New Mexico II, 2391, reel 17. Santa Fe, N.Mex.: New Mexico State Records Center and Archives (hereafter cited as SANM II). Translated by the author.

[71] It could be that the Spanish ended the practice of appointing or selecting their own puppet Pueblo governors as a part of what some have referred to as the negotiated peace between the Spanish and Pueblo Indians, whereby Spaniards were allowed to reenter New Mexico in exchange for more tolerant behavior on the part of Spanish settlers, civil officials, military officers, and clerics. Former New Mexico State Historian and expert on New Mexico history Robert J. Torrez, writes that the Pueblo Revolt "did force changes in Spanish attitudes which enabled the Pueblos to maintain their language and ancient religious practices. After the reconquest, it became apparent that the Spanish would have to demonstrate tolerance towards Pueblo religious and cultural ceremonies and cooperate with their neighbors…" More freedom in the selecting of officers could have been part of this compromise. See Robert J. Torrez, "A Cuarto Centennial History of New Mexico," ch. 4, available online at the New Mexico Genealogical Society website, http://www.nmgs.org/artcuar4.htm, accessed 27 January 2014.

missions in New Mexico, including the duties of Indian governors. Regarding the Pueblo governor, he wrote:

> Each pueblo shall have its head, who shall be satisfactory to the missionary father and confirmed by the governor. He must be a man who will make himself respected by the Indians and unite us with them, and he must be of temperate disposition…It is his obligation to join the minister immediately when the bell rings, to see that none of the pupils are missing at catechism, or the married people at mass, without sufficient cause; but shall not be allowed the right to punish without consulting the missionary father or minister, so that the latter may decide whether or not there is sufficient reason for the punishment. It should be the duty of this leader to see that the Indians live in peace…He should exert himself to make them plant crops, for if they have enough to eat in their pueblos they will not wander about. He should take note of what Indians go out and come in and report to the father; he should see that they keep watch over the country…Citizens are not permitted to enter the community, nor shall girls enter it when there are travelers there…And if this leader becomes sick, or joins in with the Indians [engaged in prohibited behavior], the minister shall report it to the prelate, so that the latter may inform the governor [of New Mexico], who will remove him from office.[72]

This document illustrates how Franciscans viewed the powers of Indian governors as limited, and best used to influence Indians to follow Spanish religion and work patterns. This fact notwithstanding, over the course of the seventeenth and eighteenth centuries, Pueblo communities took control of their electoral processes, fusing elements of Spanish democratic town government and traditional Pueblo practices. What resulted were Pueblo elections and officers adapted to local conditions.

As a final note on the evolution of the Pueblo democratic process, accounts of Pueblo election disputes are rare in the Spanish colonial period. During Governor Pedro Rodríguez Cubero's term (1697–1703), reports came in of a dispute at Zuñi Pueblo [*She-We-Na* in Zuñi] over the governorship. Apparently, the cacique, don Juan, was upset because "the cane was taken from him." A Zuñi by the name of don Antonio was serving in office, and Governor Cubero

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[72] "The form of government used at the missions of San Diego de los Jémez and San Augustín de la Isleta by Father Fray Joaquín de Jesús Ruiz, their former minister. [Undated. 1773?]" in Hackett, *Historical Documents*, 506. It is interesting that Father Ruiz refers to Spaniards, who should not enter the Pueblos, as "citizens." Indians, in his opinion, were clearly not citizens yet.

ordered Captain Juan de Ulibarrí to investigate whether Antonio "was elected as governor of Zuni Pueblo with the agreement and at the pleasure of all the Indians or whether this was done based on the opinion of the alcalde mayor, José Naranjo [a Spaniard], and not that of the Indians. If the latter is true, Ulibarrí will return the governor's cane to don Juan, the cacique of Zuni Pueblo." Spaniards collected accounts from a number of witnesses on the matter, and Captian Ulibarrí found that, "don Juan [the cacique and seemingly the previous governor] though at very first sad to give up control (since because of it, he had been made governor), is today very happy."[73] This closed the dispute over the overnorship at Zuñi, with the cacique seemingly bending to the will of the Zuñi people, even though he would have at first preferred to retain power.

The Work of the Governors

While few, if any, scholars have written book-length studies that specifically address Pueblo civil government in Spanish colonial New Mexico, a number of studies have focused on Indian town governments in Mexico and other parts of Latin America.[74] Tracy L. Brown's *Pueblo Indians and Spanish Colonial Authority in Eighteenth-Century New Mexico* does address

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[73] "Bartolomé Lobato, Opinion, Cochiti Pueblo, 25 February 1702, DS," 143; "Pedro Rodríguez Cubero, Order, Zia Pueblo, 28 February 1702, DS," 150; "Juan de Ulibarrí to Pedro Rodríguez Cubero, Zuni Pueblo, 8 March 1702, DS," 179, in John L. Kessell, Rick Hendricks, Meredith D. Dodge, and Larry D. Miller, eds., *That Disturbances Cease: The Journals of don Diego de Vargas, New Mexico, 1697–1700* (Albuquerque: University of New Mexico Press, 2000).

[74] Titles include: William F. Connell, *After Moctezuma: Indigenous Politics and Self-government in Mexico City, 1524–1730* (Norman: University of Oklahoma Press, 2011, now in its third printing); Brian Pwensby, *Empire of Law and Indian Justice in Colonial Mexico* (Stanford, Calif.: Stanford University Pres, 2011); Dorothy Tanck de Estrada, *Pueblos de Indios y Educación en el México Colonial, 1750-1821*, cited previously; Charles Gibson, *Tlaxcala in the Sixteenth Century* (Stanford, Calif.: Stanford University Press, 1967); Robert Haskett, *Indigenous Rulers: An Ethnohistory of Town Government in Colonial Cuernavaca*, cited previously; and Bernardo García Martínez, *Los Pueblos de la Sierra: El Poder y el Espacio Entre los Indios del Norte de Puebla Hasta 1700* (México D.F.: El Colegio de México, 2005).

Pueblo civil officers and their power. In her work, Brown combines an examination of Pueblo politics with chapters on Pueblo economics, gender relations, marriage, and other topics. She argues that Pueblo Indians incorporated new forms of Spanish civil government in ways that reinforced the power of Pueblo elites, as well as buttressed gender and class distinctions.[75] In his classic study, *Spanish Government in New Mexico*, Marc Simmons only briefly mentions Pueblo government, and then only in a footnote. It reads: "Indian *justicias* (justices, or officials) were elected annually by the Pueblo and confirmed in their offices by the provincial governor in Santa Fe where they received their *varas de justicia* or staffs of justice."[76] Noted historian of Southwestern Indigenous history Edward Spicer summarized the entire Indian república system in his work, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533–1960*, with this description:

> The effort to organize all Indian villages into formal governments resembling the local governments of Spain was of course official policy from the first in northern New Spain. It involved the appointment by a governor of a province of civil and military officials among the Indians of each village. Canes of office were distributed to such individuals after they had been picked out. They were held to be responsible for maintaining peace, for enforcing discipline by whipping or use of the stocks as the missionary or other official might require, and serving as a communication channel with the Spanish civil authority….The [Indian] governor and his associated officials, once appointed (or elected), were, however, under the supervision of the Spanish alcaldes who were the administrative executives set up by a Spanish governor within his province. There is little indication that any but the most fragmentary communication systems were set up during the Spanish period between Spanish and Indian governors.[77]

While this description and others are factually correct, they fail to capture the essence of Pueblo government and the important functions these leaders performed for their communities.

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[75] See Tracy L. Brown, *Pueblo Indians and Spanish Colonial Authority in Eighteenth-Century New Mexico* (Tucson: University of New Mexico Press, 2013), 21.
[76] Simmons, *Spanish Government in New Mexico*, 161.
[77] Edward H. Spicer, *Cycles of Conquest: The Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533–1960* (Tucson: The University of Arizona Press, 1962; repr., Tucson: The University of Arizona Press, 1976), 303–4.

Even Pueblo historians such as Joe Sando (Jemez) can seem somewhat dismissive of Pueblo civil officers: "[Spanish imposition of the governor system was] a form that the Spaniards understood; and with this kind of government, he saw a way of making village officials conform to his way of doing things." Sando points to the fact, earlier elaborated by Suina and Ortiz, that the cacique and his staff have always selected the governor and all other officials annually. In other words, the imposition of the república model did not diminish the power of traditional religious leaders at the Pueblos, who in nearly all cases assumed the responsibility of selecting civil officers. As Tracy Brown contends:

> …caciques and the assistants continued to govern Pueblo communities…governors were appointed by them and subordinated to them. Secular officials had no real power in the Pueblo communities and made no policy decisions. The imposed Spanish system was simply incorporated into the traditional, corporate form of governance, with caciques and their assistants directing the actions of governors and other imposed officials.[78]

As Sando astutely explains, the governor system was "superimposed upon the ancient tradition of selecting war captains and their aides to govern the civil aspects of pueblo life."[79] Still, even with caciques, society chiefs, and traditional elders pulling the strings within the república system, each type of government required a specific body of knowledge. The governing religious leaders were the keepers of ceremonial and historical knowledge necessary to maintain cultural continuity, while the civil governors had to be versed in Spanish law and culture in order to treat successfully with the colonizers. In other words, the Pueblo civil governors were the cultural intermediaries in New Mexico's Pueblo repúblicas. Their work, though subservient to that of the caciques and other traditional leaders, was still crucial to the survival and well being of the Pueblos. Both forms of Pueblo government operated, and continue to operate, in a symbiotic manner.

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[78] Brown, *Pueblo Indians and Spanish Colonial Authority*, 27.
[79] Sando, *Nee Hemesh*, 52–3, 55.

Santa Clara Pueblo (*Kha'p'oo Owinge* in Tewa) anthropologist Edward P. Dozier[80] noted the importance of the elected civil authorities, but qualified his observations with this caveat: "it is important to note only that the officers of the civil government system are recognized in all the pueblos today as an imposed set." Still, he goes on to say, "This is not to imply that the latter are unimportant, for these officers are crucial in dealing with profane matters and the outside world." Dozier lists the elected officers in a general manner, describing them as a governor, a lieutenant governor, alguacil, *mayordomo* (ditch captain), and fiscales. He provides a clear and succinct summary of official duties during the Spanish colonial period from the Pueblo perspective:

> The governor was to represent the village in all important dealings with Spanish authorities. The lieutenant governor was to serve as an assistant to the governor and represent him when absent; and, in the event of the governor's death, succeed him. The *alguacil* was to maintain law and order within the pueblo; the *sacristan* was church assistant and aid to the priest; the *fiscales* were responsible for mission discipline; while the *mayordomos* were ditch superintendents.[81]

Dozier echoes other scholars, pointing out that religious leaders control the civil authorities and hold the real power. This is proven by the fact that "in most pueblos, the religious officers select and appoint the secular officers, a practice not ordinarily known to outside administrators." He states that the secular affairs of the Pueblos are controlled by the religious leaders so that, "The secular officers simply carry out the decisions and instructions of the priests." Dozier makes one interesting final assertion about what he sees as an essential function of the civil officials: "The set of secular officials served as a convenient façade behind which the more important and vital

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[80] Noted anthropologist Edward P. Dozier, the son of an Anglo-American schoolteacher father and a Tewa mother, grew up at Santa Clara Pueblo. He served in the United States Air Force during World War II, and eventually trained as an anthropologist, earning a PhD from UCLA. He taught, among other places, at the University of Arizona, and was among the first generation of Native American college professors. He encountered some of the same disapproval that Alonzo Ortiz had in his explorations of Pueblo lifeways. Dr. Dozier passed away in 1971.

[81] Edward P. Dozier, *The Pueblo Indians of North America* (New York: Holt, Rinehart and Winston, 1970), 68, 67.

organization of native priests carried out the social and religious functions of the pueblo."[82] Thus, in Dozier's—and others'—interpretation any power held by Pueblo civil authorities was secondary to that of the religious rulers. Pueblo civil governors were to carry out the will of the ruling religious body, and these civil officers conveniently obstructed Pueblo ceremonies and traditions from outside view, calling Spanish attention away from the continued exercise of traditional Pueblo culture and practices.[83]

An example of civil officers carrying out the wishes of the religious leadership is found in Governor Diego de Vargas's account of the Reconquista, and the retaking of Santa Fe in particular. As Vargas had reconquered the various Pueblos and made them once again subservient to church and crown, a question arose as to what to do about Tano Pueblo Indians who had moved into Spanish buildings in the capital. One of Vargas's requirements was that each group of Pueblo Indians have a Catholic church for religious observances. For these Santa Fe Pueblo Indians, the logical choice was the San Miguel Mission, located centrally in the city. But the church had been damaged during the revolt and was not in serviceable condition at that time, which happened to be the winter of 1693–94. Indians were required to repair the chapel, but this was nearly impossible due to "the many freezes and the snow, [so that they] could not go to the forest to cut the beams necessary [to repair] the roof." At the direction of traditional leaders, the governor of the Santa Fe Pueblo, a man named only as José, and another Indian leader named Antonio Bolsas, proposed a solution:

> …having communicated last night *with the elders they obey* and the other inhabitants of the walled pueblo they have here in this villa. They said it would be better to make a door in a kiva they have at the corner of their pueblo for a chapel than to use the hermitage of

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[82] Dozier, *The Pueblo Indians of North America*, 68.
[83] The All Indian Pueblo Council, which traditionally dates back to 1598, similarly acts as a buffer between the Pueblos of New Mexico and outside groups, thus operating on a larger scale in the same way that religious leaders did at the individual Pueblos during Spanish times.

> San Miguel….The elders and other inhabitants said in the ~~chapel~~ kiva, it would [be] more likely that all will be able to attend mass and pray, because they will be able to come down through their pueblo without having to go outside.

Governor Vargas went and inspected the kiva, and found it a satisfactory temporary replacement. He ordered the Indians to "cut a door in it immediately, whitewash it, and also make adobes in order to put up an altar." He also instructed the Indians to make the adjoining building into a residence for the priest.[84] With these actions taken, Spanish civil and religious authorities, and Pueblo civil and traditional leaders had all worked together in order to solve a problem.

In a contemporary account, Santo Domingo Pueblo scholar Estefanita Lynne Calabaza relates an episode at her Keresan Pueblo in which her aunt's father had to ask the governor's permission for his daughter to attend nursing school out of state. In Calabaza's words, this demonstrated how "The governor was and still is responsible for the well-being of his 'community' children. This included protecting the community from external institutions that may negatively affect the collective whole. He needed to know where each 'child' was." Though she states that matters at Santo Domingo have changed considerably since her aunt's youth, this example highlights the idea that the governor protected his Pueblo from outside influences, thus helping it remain culturally solvent.[85]

What Dozier and others collectively refer to is the concept of compartmentalization. Distilled to its simplest form, the idea is that the civil officials of the Pueblos acted as a front to protect the more important traditional government, which governed from the kivas. The traditional leadership directed the civil governors in all matters, and these civil officers had no

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[84] John L. Kessell, Rick Hendricks, and Meredith Dodge, eds., *To the Royal Crown Restored: The Journals of Don Diego de Vargas, New Mexico, 1692–1694* (Albuquerque: University of New Mexico Press, 1995).

[85] Estefanita Lynne Calabaza, "Through Pueblo Oral Tradition and Personal Narrative: Following the Santo Domingan 'Good Path'" (master's thesis, University of Arizona, 2011), 152–53.

executive power. While in the strictest sense this is true, it is important to point out that the civil officials did have a say in executive decisions at the Pueblos. Regarding Santo Domingo Pueblo, Leslie White states that any man who has served as one of the important civil officers "becomes automatically a principale for the rest of his life. The principales are regarded as men of influence in the pueblo. They very frequently advise or collaborate with the officers of the pueblo, including the heads of the two kiva-kachina groups. The principales do not constitute an organization; there is no head principale, no meeting house, no paraphernalia."[86] The same is true of the Pueblo of Cochiti. Returning to their official website:

> While the Governor has authority to guide the day-to-day operations of the Pueblo the Pueblo Council is responsible for policy development and making all decisions by consensus at monthly council meetings, affecting the Pueblo as a while. *The Pueblo Council consists of approximately 40 male members who have served in one or more of the top positions of Tribal Government and by tradition are council members for life*.[87]

These brief statements are crucial for several reasons. First, they show that men who served as civil officers did possess influence within the Pueblos, and served in an advisory role in Pueblo decisions. Furthermore, the fact that council members advised both civil and traditional leaders would indicate a potentially less rigid form of compartmentalization. While civil officers closely followed the instructions of the cacique and other leaders in their dealings with officials in Santa Fe and elsewhere over complicated issues of land, rights, and sovereignty, the majority of those who advised in these matters had themselves been governors or lieutenant governors. The governor and other officers maintained strictly secular power answerable to traditional leaders, but on a more conceptual level, while leadership offices and responsibilities were compartmentalized, individual leaders were not. There was no such thing as a strictly secular

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[86] White, *The Pueblo of Santo Domingo, New Mexico*, 45.
[87] "Pueblo Government," Official Website of the Pueblo Of Cochiti, http://www.pueblodecochiti.org/government.html, accessed 15 July 2015. Emphasis added by author.

Pueblo person. The holistic nature of Pueblo culture and society meant that the secular and sacred were intertwined. While acting in a secular office, a Pueblo man still needed to keep the sacred foremost in his mind, and act to protect it. Furthermore, the overarching responsibility of any Pueblo leader is the same: to maintain the people's well-being and the sovereignty of the Pueblo. All worked together to this end. Seen in this light, the work of governors and other civil officials is markedly more important. Lastly, a cooperative effort in governing between principales and traditional leaders constitutes a hybrid Indian town council, or ayuntmiento. Although Spaniards probably would not have considered Pueblo governing councils consisting of traditional religious leaders, sitting civil officers, and former officers true ayuntamientos, they remain an intriguing example of an alternative form of Indian voting that emerged under Spain—a hybridized Indian town council where strictly "civil" and "religious" leaders worked in tandem on Pueblo affairs. It is important to remember that the voice accorded to civil officers—both current and former—in decision-making councils would have varied between Pueblos. Still, speaking in 1879 of the Pueblos after several years of observation as Pueblo Indian Agent, Benjamin H. Thomas wrote:

> *The Governor* is appointed by the cacique for one year, and is the executive officer of the pueblo. Nothing can be done without the order of the governor. The position is purely honorary in respect to remuneration, but the honors do not cease with the office, for the dignified position of principal is awaiting him at the close of his term…The *principales* (ex-governors) compose a 'council of wise men' and are the 'constitutional advisers' of the governor. All important matters seem to be decided by a vote of the council.[88]

Dorothy Roman of Jemez Pueblo, cited previously, also referred to this hybrid council: "The governor tells the councilmens [sic]…[There are] a whole bunch of councilmens [sic]…everybody that [has been] an officer is what they call a councilman. Almost all of the men

[88] "Report of B. H. Thomas, Pueblo Agent," 14 August 1879, in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1879* (Washington: Government Printing Office, 1879), 119.

are councilmens [sic]."[89] The evidence from a variety of sources, mostly contemporary, points to a hybrid democratic governing council at the Pueblos, influenced by Spanish policy and Pueblo tradition.[90]

Statements by Pueblo and non-Indian scholars—coupled with the documentary record—clearly demonstrate that Pueblo religious leaders found a way to maintain control of civil affairs by selecting governors, lieutenant governors, fiscales, and other officers of their repúblicas, and insuring that these Indian magistrates acted in accordance with the will of the traditional leadership. But, this does not diminish the actual importance of Indian voting and the selection of Pueblo officials. Pueblo peoples considered their civil governments of the utmost importance. Spanish leaders also recognized the key role they played in maintaining order in the Pueblo communities and keeping these repúblicas in harmony with both cross and crown. Allowing Indians to freely elect their own civil officials had a purpose. The Spanish crown wanted the Pueblos to become part of the Spanish body politic through the establishment of semi-sovereign repúblicas de indios. Furthermore, they understood that well run, self-governing Pueblos meant fewer administrative headaches for themselves. Religious and secular Spaniards certainly meddled, but that the system persisted throughout the colonial period, and still persists to the present, demonstrates its resilience and importance.

Nowhere is the importance of Pueblo officers more apparent than in Governor Vargas's account of the Reconquista. After over a decade of Spanish absence, a time when the Pueblos likely did not follow the Spanish system of annual elections and officers, one of Vargas's first actions was to see to the reestablishment of these secular power structures. Although a large

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[89] Dorothy Roman interview, AIOHC CSWR.
[90] To what degree this was the case during the Spanish period is impossible to say, but I feel safe in assuming that these hybrid governing councils were in place during that time as well.

uprising would later occur in 1696, in 1693–94 Vargas recorded extensively in his journal about his efforts to recommit the Pueblos to elections and officers. In a sort of reeducation policy, he lectured traditional and civil leaders about their responsibilities. For example, in his visit to Pecos Pueblo [*Cicuye* in Towa[91]] on 24 September 1694, Vargas addressed the assembled leadership:

> … speaking and conferring with their cacique and governor as well as with the captains and elder Indians who are their leaders {*mandones*} and war captains…[I] told them that in order that they may live in an orderly political manner, recognizing their leader to govern them and administer justice among them, it was necessary for them to elect freely, meeting together as His Majesty, our lord, orders and directs them to do, and to present to me those elected from among those Indians best qualified and required to exercise the said offices and that I would present them with the rods of office and would receive in the name of His Majesty their oath, which they should make in recognition of the law of God our Lord and the holy cross, and which I, said governor and captain general, would confirm and approve so that he {the elected} would be and continue to serve as the head of the head of the government of the said natives, and understanding my wishes, they assented and indicated that this was their true wish. And in fulfillment of the above, today, said day, at two o'clock in the afternoon they appeared before me bringing the rods and requesting that I, said governor and captain general, present them to the said elected persons. They were: for governor of this said pueblo, Diego Marcos; for lieutenant governor, Augustín; for *alcaldes*, Pedro Pupo and Salvador Tunoque; for captain of war, Pedro Lucero Tuque; for *alcalde unfeto, alguacil*, Pedro Cristóbal Tundias; as fiscals, Antonio Quoaes, Pedro Coctze, Diego Ystico, and Augustín Gocho; and as captaions of war, Juan Chiuta as chief war captain and Miguel Echos, Juan Ombire, Miguel Himuiro, Juan Diego, Diego Stayo, don Lorenzo de Ye, and Augustín Tafuno. And to all of the said I gave the said rods and canes….And in this form I carried out these measures and completed the said visit and election.[92]

In this rare account in which all of the Pecos officers are listed, the formal, almost liturgical, interplay satisfied both Spaniards and Pueblos, demonstrating how the system had become accepted and workable. Vargas also visited San Felipe, Zia, Jemez, Santo Domingo, Tesuque, San Ildefonso, Santa Clara, Cuyamungué, Ohkay Owingeh, and other villages. In some Pueblos,

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[91] "People of Pecos," Pecos National Historic Park website, http://www.nps.gov/peco/learn/historyculture/peple-of-pecos.htm. Accessed 29 July 2015.
[92] J. Manuel Espinosa, *The Pueblo Indian Revolt of 1696 and the Franciscan Missions in New Mexico: Letters of the Missionaries and Related Documents* (Norman: University of Oklahoma Press, 1988), 93–94.

the Indians had already held their elections in anticipation of his visit. At Santo Domingo, he states, "And they asked that I accept their officials, whom they had already designated, which I did, and they presented the elected officials, to whom I gave the said rods and canes."[93] What Vargas writes about his interactions with the Pueblo of Zia[94] leadership can be said of his instructions to all of the Pueblos: "I made clear to each of them the obligations of their office. And I emphasized to them that they should assist their minister and reverend father preacher in every way and [re]build the church as soon as possible…"[95]

While the governor system was clearly indispensable to Spaniards in New Mexico, it is impossible to know the degree of ambivalence Pueblo peoples felt regarding their imposed civil governments. But we find clues in the documentary record. As historian Charles Cutter notes, "Like indigenous subjects throughout the empire, Pueblo Indians had become adept through decades of experience at playing the legal game, and their continual activity in the courtroom led to the incorporation of certain customary rights into the legal culture of the province."[96] One crucial aspect of this "legal game" which Pueblos played time and again had to do with protecting the land base. For the Pueblos, as for all Indigenous peoples, land is life. As Pueblo land grant scholars Malcolm Ebright, Rick Hendricks, and Richard W. Hughes point out, "the ability of an Indian pueblo to maintain its culture and its religious life is closely linked to the pueblo's preservation of its land base."[97] Without the land within which they constructed their sacred kivas, and upon which were situated the landmarks that informed their geographic

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[93] J. Manuel Espinosa, *The Pueblo Indian Revolt of 1696*, 109.
[94] The Indian Pueblo Cultural Center website lists no name in Keres for Zia, and neither does the Zia Pueblo website, http://www.zia.com/home/zia_info.html.
[95] Espinosa, 98.
[96] Charles Cutter, "The Administration of Colonial Law in New Mexico," in *Journal of the Early Republic*, vol. 18, no. 1 (Spring, 1998), 106.
[97] Malcolm Ebright, Rick Hendricks, and Richard W. Hughes, *Four Square Leagues: Pueblo Indian Land in New Mexico* (Albuquerque: University of New Mexico Press, 2014), 86.

reckoning, the Pueblo way of life could not exist. With their efforts to insure the survival of Pueblo religion, culture, and sovereignty inseparably tied to protecting Pueblo land, the importance of elections and civil officers becomes clearer. The electoral process must be viewed not simply as a way to compartmentalize and protect the inner Pueblo leadership from outside forces, or even to satisfy demanding Spanish overlords, but as a proactive means of securing those leaders best equipped to guarantee survival through the conservation of sacred Pueblo land.

Spanish archival sources contain scores of examples of efforts by Pueblo officers to maintain control over their land, curb the constant encroachments by Spanish *vecinos*, and deal with problems caused by outsiders living in their midst. These documents show that in many cases Pueblo officials served as powerful advocates for their people, and their efforts made the crucial difference in interactions with Spaniards. For example, in 1705 several northern Pueblos faced difficulties with Hispanos living inside their land grants.[98] These Spaniards were ostensibly there to take part in the trade with Athabaskans and other neighboring tribes. The Pueblos of Taos and Picurís[99] were among the most prominent trading centers due to their location at the mountain passes that controlled access to the Plains. These non-Indians often meddled in Pueblo affairs, or felt themselves above the laws governing Spanish Indian towns. Governor Francisco Cuervo y Valdés issued an order regarding Taos and Picurís, stating:

> Whereas there have come to my notice the gravest disadvantages, damages, deteriorations and extortions which ensue and are perpetuated in the pueblos of Pecos, Thaos (sic), Pecuries (sic), and the other pueblos of these frontiers and their fortresses because (some) of the residents of this kingdom are living in the pueblos and because of

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[98] The Pueblo land grant consisted of four square leagues, or one league in each of the cardinal directions from the Pueblo's central plaza. One league measures approximately 2.6 miles, and an area of four square leagues totaled approximately 17,350 acres. Ebright, Hendricks, and Hughes, *Four Square Leagues*, 11.

[99] The IPCC website lists no traditional name for Picurís, but the Picurís website states, "Picuris was called by its neighbors 'pikuria', [sic] or "those who paint'. [sic]" See http://www.picurispueblo.org/4716.html. It is not clear whether pikuria is a Tiwa word.

> the presence there of those who come in from outside to trade with the heathen friends, as they have been accustomed to do in the trading expeditions held each year; and because of the personal complaints which I have had *from the Governors of said pueblos*, insinuations from the rest of the Indian inhabitants…and because of the grave damage to the Indians of the said pueblos, whom I must take care of according to the duty of my office: by virtue thereof, I expressly command by this, my order, that no resident of the said (province), regardless of what state, quality or condition he may be in shall dare to pass to the said pueblos for any purpose whatever, or on any valid or invalid pretext, without my special permission, (under) penalty of life (as a) traitor to the King, with the confiscation of property, which, after confiscation, shall be assigned from this time forward by halves to the Chamber of his Majesty and expenses of government. In the same penalty are comprehended those found at present in the said pueblos who must immediately depart from them…[100]

Governor Cuervo y Valdés also ordered that the Spanish alcaldes mayores of the area publish the order and see that all were in compliance under penalty of a harsh fine of two hundred pesos. We can only surmise the nature of the "disadvantages, damages, deteriorations and extortions," but they were serious enough for the governor to intervene on behalf of the Pueblos. This order was the direct result of actions taken by Pueblo governors, the very men elected by the Pueblos to represent them in their important dealings with Spanish officials. Such orders often went unheeded or lightly enforced, and in all likelihood outsiders still found ways to live in the Pueblos, but these Indians had clearly learned how to use the system to address problems they were experiencing, and they turned to their governors to mitigate these difficult circumstances. Furthermore, controlling borders and access to land and resources within a homeland are hallmarks of independent nations, a status the Pueblos continuously battled to maintain against outside efforts to the contrary.

In another example, Santa Clara Pueblo officials fought a long battle to protect lands

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[100] "Spaniards in Indian Pueblos. Decree of Governor Cuerbo y Valdes prohibiting the entrance into Indian pueblos of any Spaniards, and ordering the departure of any 'found at present in said pueblos.'" 25 August 1705. WPA Translations of Spanish Archives of New Mexico I, 1340, reel 9. Works Progress Administration, Historical Records Survey. (hereafter cited as WPA SANM I). Parenthetical insertions in original, italics added by author.

from Hispano encroachments as far back as 1724. The dispute between the Tafoya family and Santa Clara Pueblo over lands located near Santa Clara Creek is too long to narrate here, actually lasting from the first half of the eighteenth century through the U.S. territorial period. In 1724 Juan and Antonio Tafoya petitioned Governor Juan Domingo de Bustamente for land within the Pueblo's grant. The Santa Clarans protested, and an agreement was reached that the Tafoyas could only use the land for pasturage for cattle and horses. They were not to use the land for agriculture, for the water from Santa Clara Creek was not sufficient for both Hispano and Pueblo needs. Over the course of the next several decades, Hispanos did not keep to this agreement, farming on the land and funneling off precious water upstream for irrigation. Time and again, Santa Clara officers argued their case, seeking to protect their land and water through every means short of armed revolt. The Santa Clarans won legal victories on a number of occasions, and Hispanos were ordered off the lands by both governors and lesser officials. For example, in 1763 Governor Tomás Vélez Cachupín declared the Tafoya grant null and void, quoting the *Recopilación* that grazing grants to Hispanos were to be at least a league and a half from Pueblo grants. Governor Juan Bautista de Anza reaffirmed Vélez Cachupín in 1780 as well, stating that upstream irrigation by Hispanos was forbidden. But these declarations did not settle the issue, and in 1788 the local Spanish alcalde finally ordered that Hispanos remove their cattle from Santa Clara Pueblo lands.[101] It is questionable whether the alcalde's orders were carried out, and the problems of Hispano encroachments at Santa Clara continued into the twentieth century, but this example demonstrates that persistent efforts by Pueblo governors and other officers did yield favorable decisions, as difficult as they were to enforce.

Other examples show the nearly insurmountable nature of the battles fought by Pueblo

[101] Ebright, Hendricks, and Hughes, *Four Square Leagues*, 155–162.

officers against encroachments, battles that they often lost. In 1704, Pueblo inhabitants of San Ildefonso [*Po-wo-ge-oweenge* in Tewa] took Captain Ygnacio de Roibal to court in Santa Fe over lands that he claimed to have been granted near their Pueblo. They claimed that the lands encroached on their peoples' lands, and crossed the boundaries of their original Pueblo land grant. The court took testimony from Pueblo witnesses in the case, who acted on behalf of the plaintiffs. Those who appeared before the court were, "Mathias Cuntzi, native governor of the native Indians of this said pueblo of San Yldephonso, and the other ministers of justice of this said pueblo." All of these men were the elected civil officers of San Ildefonso. In their testimony, they claimed that, "the natives of this pueblo are hemmed in in the same (pueblo) because the Ensign Ygnazio de Roybal has intruded in the lands which belong to this said pueblo and to the natives of the same." The Protector de Indios, Captain Alphonso Rael de Aguilar, acted on behalf of the Indians.[102] He asked that measurements of one league in each of the cardinal directions from San Ildefonso be retaken in order to assess whether Roybal's land fell within the Pueblo's four square league boundary. The San Ildefonsans also countered Roybal's assertion that the territory under question was not arable land and only good for grazing, a tactic he employed to diminish both the land's relative value and his own illegal encroachment. The Indians insisted that the land was indeed arable, and that there was obvious evidence of their prior cultivation of the disputed land.[103] Spanish governor Páez Hurtado ordered that four square leagues be

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[102] The before-cited work by Charles Cutter, *The Protector de Indios*, neatly summarizes this interesting office, whereby a Spaniard was appointed to act as an Indian advocate and the important go-between for Indians going to Spanish courts. They appear often in cases involving Spaniards and Indians, and show that, at least on some level, the Spaniards intended for Indians to receive fair treatment in court.

[103] "Lawsuit. San Ildefonso pueblo vs. Ygnacio de Roibal. Proceedings in a dispute over lands situated 'on the other side of the Rio del Norte opposite the pueblo of San Ildefonso,' held by the defendant and claimed by the plaintiff as Indian land." 16 September 1704, WPA SANM I, 1339, reel 9. Parenthetical insertions in original.

measured, but local Alcalde Cristóbal de Arellano purposely measured a full league to the north, but only a half league in the other three directions. San Ildefonso Governor Matías Cuntzi, with the support of Protector Aguilar, pleaded for the correct measurement to be made and respected, but Governor Páez Hurtado rejected the request.[104] This example and others show that Pueblo leaders tirelessly worked to protect their lands, often sparing no effort or expense in the process. In their battle for land, Cochiti Pueblo officers traveled to Durango and Mexico City to secure support for their cause.[105] In some cases, Pueblos won favorable decisions, but these often turned out to be unfulfilled promises by Spanish officials.[106] In other cases, they simply lost. The system was undoubtedly tipped in favor of Spaniards. But, even if it would appear that legal actions in their own defense were fool's errands, it is still significant that elected Pueblo officers went before Spanish officials and to Spanish courts time and again to fight for the rights of their people. It is a testament to the perseverance of Pueblo peoples and their elected governments. The unfavorable results notwithstanding, elected Pueblo officers repeatedly represented their Indigenous nations in court and before the crown.

Not only was it difficult for Pueblo officers to obtain a favorable decision in court, there were also limits to their powers within the Pubelos. In 1797, Spanish officials opened up an investigation against Sandia Pueblo officials over the fate of an Indian named Cristóbal whom Pueblo residents had accused of witchcraft. Sandia Pueblo governor Juan Domingo and War Chief Diego Antonio had gathered the people together at the kiva. Pueblo officers had Cristóbal bound and drawn from the roof beams of the kiva, after which they whipped him numerous

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[104] Ebright, Hendricks, and Hughes, 18.
[105] Ebright, Hendricks, and Hughes masterfully narrate this episode at Cochiti Pueblo in *Four Square Leagues*, pp. 170–175.
[106] In an informal conversation with New Mexico State Historian and Pueblo land expert Rick Hendricks, he stated that Spaniards who lost such cases simply refused to leave. He was not sure that any Spaniard was ever forced to vacate such lands.

times. Sandians accused Cristóbal of using witchcraft to assist Apaches in a raid on the Pueblo that resulted in the loss of several livestock and other items. He confessed after the lashing, but it continued in spite of his confession, leading ultimately to Cristóbal's death. Local Spanish officials submitted reports to Governor Fernando de Chacón in Santa Fe, who reviewed the case. Governor Chacón decided that the evidence was too scant to charge Sandia Pueblo officials with criminal wrongdoing, and that, in the words of Marc Simmons, "at least in this instance [it was] not worth stirring up the Indians." Chacón ordered the investigation halted.[107] Even though Pueblo officials were to govern the affairs of their own people and could punish lawbreakers, there were bounds set to this power, and overstepping these bounds could have serious repercussions, which, fortunately, were avoided in this case.

The limits of Pueblo civil government notwithstanding, one document dated 20 October 1815 perhaps demonstrates most clearly of all how seriously Pueblo peoples took their electoral process and their civil officers. A letter instructs Interim Governor of New Mexico Alberto Maynez regarding Pueblo officers. A Cochiti Indian by the name of Juan Antonio Ignacio, as well as other Pueblo *Justiciales* (Justices), complained after several elected Cochiti officials had been removed from office. Spanish advocate Pedro Bautista Pino, one of New Mexico's greatest statesmen and the man who represented New Mexico at the Spanish Cortes at Cádiz from 1810–1812, filed the complaint on behalf of the Pueblo officers. No reason is given as to why the local Spanish magistrate removed the Pueblo officers, but it is made very clear to Governor Maynez that this should not have happened. Referring to these Pueblo officials, Maynez is ordered to "Immediately restore them to the exercise of their responsibilities." The official writing the

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[107] Marc Simmons, *Witchcraft in the Southwest : Spanish and Indian Supernaturalism on the Rio Grande* (Flagstaff, Ariz.: Northland Press, 1974; repr., Norman, Okla.: Bison Books, 1980), 32–3.

letter, one Bernardo Benavides, goes on to say, "Even if there had been cause [for removal], you should not have removed them from their offices; if this were the case, this would fall under my jurisdiction."[108] When Spaniards removed Indian magistrates from office in a manner that the Pueblos perceived as unfair, they took their case to Spanish officials and, at least in this instance, received a positive outcome. One may suppose that Spanish officials were more willing to reinstate Pueblo officers than to give back land, and it is hoped that these elected officials were allowed to once again take their place as Indian magistrates.

While the efforts of Pueblo officers from individual Pueblos were generally a force for good in their communities, there are also examples of collective action by elected Pueblo leaders. The previously cited example of Indian governors and officers who came to Santa Fe in January 1706 is more than just a confirmation of república officials. In his statement, Captain Don Alfonso Rael de Aguilar, who received and confirmed these officers, relates that these governors and justices from the "Zuñis, Queres, Teguas, Hemes, Thanos, Pecos, Tiguas, Pecuries, and Thaos… all came together, having been incited thereto each by the other, asking me to hear them, as their protector-general on certain subjects upon which they had conferred, and which had been dealt with and discussed in their pueblos by the old men, the chiefs, and the men, children, and women." Aguilar summarizes statements made by Pueblo officers on this occasion: "Don Domingo Romero began to speak in our Castilian tongue (in which he is very well instructed). He said that the occasion for having called together the governors, chiefs, and other captains who were present was the fact that they were exceedingly well satisfied, pleased, and content with the good treatment given them by Señor Don Francisco Cuervo y Valdez…present governor and captain-general of this kingdom and province." They praised Governor Cuervo

[108] Letter to Alberto Maynez, 20 October 1815. SANM II, 2630, reel 18. Translated by the author.

specifically for his swift actions in assisting them, especially the most remote frontier Pueblos, against the Apaches, and also against the Navajos, "who had stolen some beasts and cattle from the towns of San Ildefonso, Santa Clara, and San Juan." This invaluable document gives the names many of the Pueblo governors: Don Felipe Chistoe (Pecos Pueblo, who, we shall soon see, served for a number of continuous years as governor, which was against the letter of the law); Don Juan Pacheco (Taos); Don Christóbal Corís (Santo Domingo); Francisco Enjenoe (Nambé); Don Luis Conitzu (Xemes); Don Luis Romero (Cochití); Don Antonio Cossío (Zia); Don Felipe (Santa Ana, no last name given); and Don Joseph (Acoma, also no surname). These men apparently all spoke Spanish and asked that Cuervo be kept in power for a long time. According to Aguilar, those who only spoke their Native language "said the same thing through their interpreters."[109] Aside from its value as another rare document that names a great number of the Pueblo civil leadership in a given year, it also says much about the role played by elected Pueblo leaders. The officers came to Santa Fe to address "certain subjects *upon which they had conferred*," meaning upon which they had already conferred as civil magistrates. This is clearly an early example of the All Indian Pueblo Council, with governors meeting to counsel on important issues that concerned all of the Pueblos. In addition, these leaders related that these issues "had been dealt with and discussed in their pueblos by the old men, the chiefs, and the men, children, and women." Although this account is filtered through a Spaniard, it seems to give a much more inclusive view of Pueblo internal discourse, one where leaders and others, including women and children, had a voice.

Another intriguing illustration of the concept of collaborative efforts between Pueblo civil leaders can be found in incidents relating to the trial of Tewa leaders in 1793. Spaniards

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[109] Hackett, *Historical Documents Relating to New Mexico*, 366–369.

accused Tewa leaders of holding illegal *juntas* (meetings) at San Ildefonso and Santa Clara. They claimed that Tewa leaders had conspired at these meetings to revolt against the government of New Mexico and join the "heathen" Indian nations. Spaniards arrested a large number of Pueblo civil leaders and held a trial in Santa Fe. They questioned all of the leaders at trial and individually, a tried and tested method to garner confessions from some and keep them isolated from each other so that they would incriminate one another. But the Pueblo officers worked together in an ingenious way to deflect the questions and confuse the Spanish system of justice. Ultimately, the governor of New Mexico, Fernando de la Concha, condemned four Tewa governors and three other leaders. Governor Antonio Guille of San Ildefonso was given twenty-five lashes, administered by the Alcalde of the Tewa district. Miguel Cacugé, Antonio Tafoya, and Francisco Chiche, governors of Ohkay Owingeh, Santa Clara, and Nambé, all spent four months in chains doing hard labor without pay. The four governors, along with three other officials, were barred from ever holding office again.[110] Although they were all eventually punished, these leaders of Tewa repúblicas did demonstrate an admirable degree of solidarity and cooperation in challenging the power of New Mexico's colonial system.

While all of the previous examples demonstrate that the Pueblos took to the governor system and used it to protect their land, rights, and sovereignty, it also created darker examples of contested loyalties. When Pueblo officers swore allegiance to church and crown, receiving a cane and the right to govern in exchange, there was always the possibility that this new power could lead to divided loyalties on the part of Pueblo officers. While it is safe to assume that the overwhelming majority of Pueblo elected officers dutifully served with the best interests of their

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[110] Ross Frank, "From Settler to Citizen: Economic Development and Cultural Change in Late Colonial New Mexico, 1750–1820" (PhD diss., University of California, Berkeley, 1992), 370–388.

people at heart, there are a few examples of conflict cause by this colonially-imposed system of government. During the Pueblo Revolt, religious and secular leaders reportedly clashed at Ohkay Owingeh. One of Popé's notable decisions was to exclude Pueblo civil leaders, and even entire Pueblos, that were viewed as too sympathetic to the Spanish cause. Popé purportedly went far beyond simple exclusion. There is the declaration of a Pueblo Indian named Juan, given at El Paso del Norte to Governor Don Antonio Otermín's men, which made a number of claims about Popé. Juan claimed that Popé communicated with the devil and received his instructions from him. Juan also asserted that Popé killed his own son-in-law, a man by that name of Nicolás Bua, who also happened to be the governor of Ohkay Owingeh Pueblo. Juan contended that Popé had killed Bua "so that he might not warn the Spaniards of the rebellion, as he intended to do."[111] The possibility of conflict between Pueblo civil and religious leaders on the eve of the Revolt is not difficult to imagine. It is true that some Pueblos, especially the Southern Tiwas (such as some at Isleta Pueblo) and Piros (near present-day Socorro, New Mexico),[112] did not support the Revolt, and sympathy for the Spaniards is given as the root cause of their failure to join with the other Pueblos in the uprising. Another statement, this one from Otermín, reinforces the divided loyalties among Pueblo Indians on the eve of the Revolt. In testimony sent to the viceroy shortly after the Pueblos expelled Spaniards from New Mexico, Otermín states, "[I] received notice of

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[111] "Declaration of the Indian, Juan. Place on the Rio del Norte, December 18, 1681" in Charles Wilson Hackett, ed., *Revolt of the Pueblo Indians of New Mexico and Otermin's Attempted Reconquest, 1680–1682*, vol. 2 (Albuquerque: University of New Mexico Press, 1942), 232. Alfonso Ortiz claims that this simply could not be true. See: Alfonzo Ortiz, "Po'pay's Leadership: A Pueblo Perspective" in *Po'Pay: Leader of the First American Revolution*, edited by Joe S. Sando and Herman Agoyo, foreward by Governor Bill Richardson (Santa Fe, N. Mex.: Clear Light Publishing, 2005), 88–9. Ortiz states that because Popé was a religious leader, "he could not have taken life of any kind—or knowingly participated in its taking" (p. 89).

[112] Piro population had declined significantly by 1680. The Piro villages were abandoned during the Revolt when they joined Spaniards and loyal Indians on the march south to El Paso del Norte, and their villages were not repopulated after the Revolt.

the said rebellion from the governors of Pecos and Tanos…they came to tell me of it and of how they were unwilling to participate in such wickedness and treason, saying that they now regarded the Spaniards as their brothers."[113] As several scholars have pointed out, before the Revolt Spaniards had appointed sympathetic Pueblo civil officers. Were Bua and the governors of Pecos and Tanos simply sellouts more loyal to Spaniards than their own people? It is difficult to know what to make of these cases. Still, they illustrate the very real fact that Pueblo Indians felt the pull of divided loyalties; leaders were not immune to these forces.

A more graphic example comes from a 1696 episode at Pecos Pueblo. In the wake of the Reconquista, Spaniards faced several revolts while they struggled to fully subdue the Indians of New Mexico. Felipe Chistoe, the Indian governor of Pecos Pueblo, appeared before Governor Vargas in Santa Fe. He requested royal permission to execute a number of rebellious Pecos Indians, led by one Diego Umbiro. Governor Vargas wrote of the meeting with Governor Chistoe: "[I told him] 'Yes…you can call them to your house at night for the purpose of discussing the people of the [rebellious] pueblos. In this way you can succeed for sure in taking their lives.' This seemed fine to him and he said he would do it." The governor of New Mexico had encouraged a loyal Indian governor to trick rebels into coming to his house to discuss conspiracy plans and then execute them! He lured the rebel leaders, who included men from

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[113] "Letter from the Governor and Captain-general, Don Antonio de Otermín, from New Mexico," 8 September 1680, in Hackett, *Historical Documents Relating to New Mexico*, 328–329. Another statement of Otermín's in the same letter relates how he summoned an Indian before him in the besieged capital, before the Spanish evacuation. According to Otermín, this Indian had lived in Santa Fe for many years. When he came to see the governor, "I asked him how it was that he had gone crazy too—being an Indian who spoke our language, was so intelligent, and had lived all his life in the villa among Spaniards, where I had placed such confidence in him—and was now coming as a leader of the Indian rebels. He replied that they had elected him as their captain" (p. 330). The practice of electing military officers was one the Pueblos had learned as auxiliaries in New Mexico's many military actions against more "barbarous" Indian neighbors. In another example of Indian voting in the colonial context, they had used a Spanish electoral method to select this particular Indian as their captain.

Jemez and Nambé, into the Pecos kiva, and asked for their opinion of rebellion. When they voiced their support, he brandished his vara de justicia, then announced, "Here we are the king's men!" Governor Chistoe's men seized these leaders, and hanged Diego Umbiro and three others. One rebel escaped, but Governor Chistoe chased him down and personally shot him. Governor Vargas recorded their next meeting in his diary: "[Felipe] presented me the head, hand, and foot [of the rebel he had shot]. All the citizens of the villa saw them, marveling at the loyalty of this Indian. I thanked him and gave him a gift, as well as the others." The episode resulted in two factions at Pecos Pueblo, with the families of Diego Umbiro and the other executed Indians attempting to incite the Pueblo to rise up against Felipe Chistoe in 1700. They failed in their attempt, were jailed in Santa Fe, but escaped. On five occasions, the two parties were perilously close to civil war at Pecos Pueblo. Chistoe's faction won each showdown, largely thanks to Spanish support, but the infighting left Pecos Pueblo weakened, and this was one of the causes of its eventually abandonment in the nineteenth century. This violent example illustrates the negative effects of Spanish-imposed Indian government in New Mexico—turning Indian against Indian in a world of divided loyalties.[114]

Genízaros in Spanish New Mexico

Any discussion of Indian voting in New Mexico would be incomplete if it did not mention, at least briefly, one important Indian group that also fell within the control of Spanish authorities: the Genízaros. The meaning of the term Genízaro evolved over the course of New Mexico's Spanish period, but originally it designated captive Plains Indians who had been "ransomed" (bought) by Spanish settlers or officials, and placed in Spanish homes to work off

[114] John L. Kessell, *Kiva, Cross, and Crown: the Pecos Indians and New Mexico, 1540–1840* (Albuquerque: University of New Mexico Press, 1987), 288–297.

the cost of their ransom, more or less as indentured servants. Spanish leaders expected Genízaros to receive a Spanish education and Catholic religious instruction as well. Over time Genízaros also came to include Pueblo Christian Indians who, for one reason or another, had left or been forced out of their Pueblos and gone to live with other Christian Indians and Genízaros.[115] A contemporary New Mexico source, that appears as a 1744 declaration by one Fray Miguel de Menchero, a Spaniard who held various religious offices in New Mexico during the first half of the nineteenth century, describes Genízaros in this manner:

> …the Indians are of the various nations that have been taken captive by the Comanche Apaches…[who] sell people of all the nations to the Spaniards of the kingdom, by whom they are held in servitude, the adults being instructed by the fathers and the children baptized…[At one Genízaro settlement, Valencia and Cerro de Tomé, now Los Lunas] [t]he people engage in agriculture and are under obligation to go out and explore the country in pursuit of the enemy [Indios Bárbaros], which they are doing with great bravery and zeal in their obedience, and under the direction of the said father they are erecting their church without any cost to the royal crown.[116]

A definition that has come into common usage for Genízaros is simply detribalized Indians.

Large numbers of Genízaros lived in New Mexico during the Spanish period, and they formed ethnic enclaves in towns where other Spaniards lived. Anthropologist Albert H. Schroeder asserted that by that by the late 1700s, roughly one-third of New Mexico's population was Genízaro.[117] These Genízaro neighborhoods, or barrios, kept them apart as a group, and also enabled them to develop a distinctive group identity, particularly as warriors.[118] Genízaros often

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[115] Steven Horvath, "The social and political organization of the Genízaros of Plaza de Nuestra Senora de los Dolores de Belén, New Mexico, 1740–1812" (PhD diss., Brown University, 1979), 1–2. The captain of the Pueblo Revolt to whom Otermín referred would have been part of this group.

[116] "Declaration of Fray Miguel de Menchero. Santa Bárbara, May 10, 1744" in Hackett, *Historical Documents Relating to New Mexico*, 401–402.

[117] Albert H. Schroeder, "Rio Grande Ethnohistory," in Alfonso Ortiz, ed., *New Perspectives on the Pueblos*, School of American Research Advanced Seminar Series (Albuquerque: University of New Mexico Press, 1972), 62.

[118] Horvath, "Genízaros of Belén," 3.

lived in border villages on the far edges of New Mexico, acting as buffers against raiding Comanches, Apaches, Navajos, and other groups. In addition, they proved extremely valuable in Spanish campaigns against these Indios Bárbaros, serving bravely and being highly valued for their military skills.

But if Genízaros were respected for their abilities as warriors, they occupied a difficult space that was not quite fully Indian, yet certainly not fully Spanish. They were continually stigmatized for their Indianness and their low social position as household servants, even after they completed their period of indenture.[119] Spaniards also stigmatized Pueblo Indians to some degree, but Pueblos had important rights to self-government in their repúblicas. The Spanish governor in Santa Fe respected the civil officials elected in the Pueblo repúblicas, and this provided some degree of protection to the Pueblo peoples. Genízaros did not have the same rights and entitlements as citizens of the Pueblo repúblicas. They could sue in court, and on many occasions they did, and won. For example, in one court case a group of thirty-four Genízaros petitioned the governor after being removed from their homes in Santa Fe and sent to the Comanche frontier to serve as a buffer against raids. These Genízaros were unhappy with their forced move, and desired to return to their former homes. They even threatened to rejoin their former tribes, using these words: "…we find ourselves burdened and without having anything in our favor. This affliction has forced us to have idle thoughts, as to whether we shall suffer our anxieties and hardships or shall leave in order to seek comfort in our domain and tribe."[120] This example illustrates that Genízaros did have access to official channels in Spanish

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[119] Hovarth, 21.

[120] "Protest made by Lieutenant Benture Bustamante at the order of Captain Juan de Armijo in the name of thirty-three companions, half-breed Indians, against being removed from Santa Fe to the Comanche frontier." 20 June 1780, WPA SANM I, 1138, reel 8.

New Mexico.[121]

But they did not have access to self-government on a formal basis; they did not form independent Genízaro repúblicas. They recognized their own informal leaders known as *cabesas* (heads), as well as captains. These informal leaders argued for Genízaro causes in the courts.[122] But Genízaros did not elect their own governing bodies as the Pueblos did. They did appear before local town councils and participated in town government, but they were always subject to the decisions of local officials, who would have seen them through the stigmatization of Genízaros so common in Spanish New Mexico. Their inferior political and social position notwithstanding, in some cases Genízaros formed political alliances with local Hispanos. In the Genízaro grant of Abiquiu, for example, Genízaros and Spaniards joined together to protest actions by the local Franciscan, Father Teodoro Alcina, for perceived abuses against both groups. They presented a unified front at the local court, but a strange exchange took place in which the friar purportedly damned the District of Abiquiu. The next day, a severe hailstorm destroyed much of the local crops, and then locusts ate what was left.[123] The strange conclusion aside, this episode illustrates that there was room for political alliance between Genízaros and Spaniards, with Genízaros wholly subject to Spanish jurisdiction. There was no separate Genízaro jurisdiction, and the archives make no mention of Genízaro self-government as they do with the Pueblo repúblicas. They were limited to political participation in Spanish towns and were not a

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[121] Genízaros seemed less likely to get a fair shake in Spanish courts compared to Pueblo Indians. In one example from 1746 involving a land dispute at Belén, the Genízaro plaintiffs are referred to as "haughty half breeds, recently converted to the lady of our Holy mother church, and incapable of petitions or demands as judged by affiant, that the said Antonio Casados [who brought suit claiming he had been granted land] is the one that incites them with his captiousness as he is well versed in the castillian language, that he is no chief, captain or any thing else…" See WPA SANM I, 183, reel 2.

[122] Horvath, 132.

[123] Malcolm Ebright and Rick Hendricks, *The Witches of Abiquiu: The Governor, the Priest, the Genízaro Indians, and the Devil* (Albuquerque: University of New Mexico Press, 2006), 95–6.

distinct Indian people in their political rights.

Conclusion

Eminent New Mexico historian Eleanor B. Adams once wrote, "Spanish law for her overseas possessions is probably the most humane code ever developed for the rule of subject peoples."[124] Although she correctly points out that too much depended on Spanish civil and religious leaders in the ultimate treatment of Native peoples, her statement has particular relevance with Indian voting in New Mexico. Spanish law did indeed firmly establish the rights of Indian communities to freely elect their own civil officers. The Pueblos established methods, according to the needs and traditions of each individual Pueblo, of selecting república governors and other officers who served their people in critical ways. Pueblo civil leaders had to be knowledgeable in Spanish law, customs, and procedure. They advocated for their people. They could not be unreliable, and they had to be men of trustworthy character. These república officers, who operated mostly outside the ceremonial realm—which remained the true center of Pueblo life—performed the critical work of protecting land, water, and sovereignty, regulating crime, and punishing offenders of Spanish civil and ecclesiastical and Pueblo law. They tirelessly petitioned official Spanish channels for redress of wrongs committed by Spaniards in their midst. Because the work of república officials was so important, Pueblo voters and religious leaders did all they could to ensure those chosen as civil leaders were up to the task. Many of the same characteristics required of traditional leaders—wisdom, honesty, reliability, service to the people above all else—correspond with those listed above for civil leaders. The two groups, though often operating in different spheres, had more in common than it might seem. Both

[124] Eleanor B. Adams, "Hopi-Spanish Relations in the Colonial Period," unpub. typescript, Eleanor B. Adams Papers [hereafter EBA], box 1, folder 7), 3.

Spaniards and Pueblo peoples realized the crucial work república officers performed, and thus sought to insure that the process of election and governance proceeded in an orderly manner. When it did not, both groups made their voices heard. But it must be remembered that all of this occurred within the context of colonialism. As William Adams points out, the Spanish system sought a form of incorporation that proved to be very sinister:

> Indians were drawn—indeed forced—into the economy but at the same time excluded from society. They were often uprooted from their aboriginal villages and resettled in towns under Spanish control, but, apart from religious conversion, they were largely allowed to retain their Native cultures, languages, and systems of control. They retained legal, generally communal title to their traditional lands…Indians had none of the special rights allowed to Spaniards. For generations, they remained subject to special taxes and labor conscription policies that applied only to them and also a variety of sumptuary laws that restricted what they could wear, eat, and ride.[125]

All the more reason that the work that Indian civil leaders did in Spanish New Mexico was remarkable given the extremely difficult circumstances in which they found themselves. They persevered, never wavering in their battle in the people's behalf.

It is interesting to note that at various points over the course of the eighteenth century, the bulwark of local Spanish municipal government in New Mexico, the Santa Fe governing council or cabildo, experienced "a demise in its importance." For much of the Spanish period, New Mexico's Hispano communities had no popularly elected town councils. This demise of local government in New Mexico's Spanish towns did not begin to abate until after the Bourbon Reforms of the 1780s and beyond.[126] The Pueblo repúblicas seem to have experienced no such interruptions, excepting, or course, during the Pueblo Revolt. Thee Pueblos continued to elect civil officers from year-to-year throughout the Spanish period. The irony is that the Pueblos elected their own governing officials during a period when their Spanish counterparts largely did

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[125] Adams, *Indian Policies in the Americas*, 35.
[126] Cruz, *Let There Be Towns*, 147–48.

not exercise this right. New Mexico's repúblicas de indios withstood the political turmoil that unfolded as Spain's empire in the western hemisphere unraveled, which is remarkable considering the political and cultural pressures exerted on them by vecinos, military officials, Spanish magistrates, and clergy. That this form of civil government, with governors, lieutenant governors, fiscales, and others still exists today in the Pueblos is a mark of its true importance in the Pueblo world. The Pueblos ultimately used this imposed system to protect their status as sovereign Pueblo nations.

Chapter 2:

HOPIS, YAQUIS, AND PIMAS IN SPANISH ARIZONA: POLITICAL INCORPORATION BY DEGREES

Introduction

For the purposes of a comparative study of American Indian voting in New Mexico and Arizona, it is rather difficult to determine just what qualifies as Arizona. Compared to its neighbor to the east, Arizona's borders were not as fixed and recognizable during the Spanish colonial era. "Arizona" never existed under Spain, for that matter. During the Spanish period, the Indigenous peoples who now inhabit the state we call Arizona resided in what was then part of New Mexico, Sonora, and even Sinaloa. To this end, expanding our geographic reckoning to include a larger area, one that incorporates what is now northern Mexico, gives a much more complete picture of how Native peoples experienced electoral politics in Spanish "Arizona." As a result, while I will use the term "Arizona" throughout this work, the term "Arizona-Sonora Borderlands" conveys a better geographic picture of the area under study.

I have chosen three Indian groups for the present chapter: Hopis, Yaquis, and Pimas.[1] All three fall within the Uto-Aztecan language family. These groups come from varied geographical locations within my expanded Arizona, with Hopis at the far northern extreme, Pimas in the middle, and Yaquis inhabiting the far southern region. Differing locations, as well as colonization under different civil administrations and religious orders, resulted in a wide spectrum of Indian voting and political incorporation for these three groups. Franciscans

[1] The term Pimas is a general one, referring to various groups of Piman-speaking peoples of southern Arizona and northern Sonora. I will differentiate between various Piman-speakers at times, while at other times refer more generally to these groups as a whole.

ventured into the Hopi homeland in the sixteenth century, but the Spanish missionization project failed miserably, with Hopis eventually expelling not only Franciscans, but turning on their own people in brutal fashion. In many respects Spanish efforts to missionize and politically incorporate Yaquis seemed spectacularly successful, but this success belied a deep Yaqui ambivalence for the colonial system. In the 1730s–1740s, Yaqui elected officials would demand that Spaniards respect sovereignty rights guaranteed to their people under royal policy. Pimas, somewhat isolated in the region known as Pimería Alta, lived with both Jesuits and Franciscans. But even with their missionary zeal, encapsulated so perfectly in the tireless efforts of Father Eusebio Francisco Kino, the representatives of both cross and crown never accomplished the goal of bringing Pimas into the kingdom as citizens. Thus, American Indian voting in Spanish Arizona was as varied as the disparate landscapes that these peoples inhabited.

Arizona's "Most Famous Apostates"—the Hopi

Discussions of Spanish colonial New Mexico sometimes leave out the distant western Pueblo people, the Hopis. The Hopi villages were, administratively, part of the Kingdom of New Mexico. They fell under the jurisdiction of Santa Fe, and treated with New Mexico's Spanish governors, soldiers, and friars. But the various representatives of cross and crown exercised a fleeting hold over Hopiland, never fully bringing the Hopi villages under administrative, military, or religious control. For centuries, the Hopi were allied with their eastern Pueblo neighbors, and most closely aligned with Zuñis to the south. But distance, language, and culture also separated the Uto-Aztecan Hopi from the Tewa, Tiwa, Towa, and Keresan Puebloans of New Mexico, and this separation is clearly discernable in Hopi interactions with Spain.

Spaniards never fully succeeded in establishing a Hopi república answerable to royal representatives, and their efforts to manage Hopi affairs often met with frustration and failure.

Spaniards entered Hopi territory as early as 1540, during the Coronado expedition, but the net results of Hopi-Spanish contacts from Coronado through Oñate were fairly minimal. When Oñate opened New Mexico to permanent Spanish colonization in 1598, he went through the familiar ceremony of subjecting Hopis to Spanish royal authority, as he had done at the other New Mexico Pueblos. In a Spanish archival document penned by Juan Velarde, Oñate's secretary, dated 21 February 1599, he recounts the meeting between Spaniards, Hopi leaders, and "common people" from "Oraybi [Oraibi], Xumupami [Shongopavi], Cuaurabi, and Esperiez [it is unknown to which villages he was referring]." Through Don Tomás, an Indian interpreter, Oñate made the following declaration:

> He [Oñate] had come to their lands to bring them to the knowledge of God and the king our lord, on which depended the salvation of their souls *and their living securely and undisturbed in their nation, maintaining justice and order*, secure in their homes and protected from their enemies, and that he had not come to do them any harm….[I]t was fitting that they should render obedience and vassalage to God and the king…[2]

Velarde also wrote in his account that the Spaniards would "employ them [Hopis] in many offices and posts in connection with political and economic matters, as would be explained more at length to them later." This was a reference to the future establishment of a Hopi república, though such political entities did not fully come into existence in New Mexico for roughly another twenty years. Hopis were clearly included in the plan to force New Mexico's Pueblo poeples to adopt a Spanish form of civil governance under the república system. Velarde concludes his retelling of the Hopi-Spanish encounter by stating that the Hopi "chiefs, having

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[2] George P. Hammond and Agapito Rey, eds., *Don Juan de Oñate: Colonizer of New Mexico, 1595–1628*, vol. 1 (Albuquerque: University of New Mexico Press, 1953), 360–61, emphasis added by author.

heard, understood, and discussed among themselves all the aforesaid, replied, with signs of spontaneous contentment and agreement, that they wished to become vassals of the most Christian king our lord."[3] As with the eastern Pueblos, the extent to which Hopis understood this swearing of vassalage to the Spanish monarch is questionable, but these Spaniards fully intended to place the Hopi under Catholic religious authority, and Spanish civil jurisdiction.

This ceremony had little immediate effect on Hopi political matters. Historian Peter Iverson writes that the Oñate colonizing mission of the late 1500s "did not have as much as [sic] an impact as one might have anticipated."[4] Hopis were a clear exception among the Kingdom of New Mexico's Puebloans, since the years following Oñate's 1598 tour of the various Pueblos, and their subsequent swearing of vassalage to the Spanish cross and crown, were followed by actual Spanish political, military, and religious domination of most of these Pueblo nations. Historian Richard O. Clemmer concludes that the lack of continual contacts between Hopis and Spaniards after the 1598 ceremony was due to the aridity of Hopiland: "Because Hopi country—which the Spaniards called 'Tusayan'—had no permanent streams, Spanish settlers confined their colonizing to the Rio Grande Valley…"[5] Whether it was aridity, distance, or some other cause, the Spaniards largely failed in their early seventeenth century efforts to subdue and control Hopis.

As Eleanor B. Adams, one of the foremost authorities on Hopi-Spanish relations, explains, "[After Oñate's official visit of 1598], thirty more years went by before the Spaniards

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[3] Hammond and Rey, eds., *Don Juan de Oñate*, 361.
[4] Peter Iverson, "The Enduring Hopi," in *Hopi Nation: Essays on Indigenous Art, Culture, History and Law*, Edna Glenn, John R. Wunder, Willard Hughes Rollings, and C. L. Martin (Lincoln: University of Nebraska-Lincoln Digital Commons, 2008), 144. Available at: http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1015&context=hopination.
[5] Richard O. Clemmer, *Roads in the Sky: The Hopi Indians in a Century of Change* (Boulder, Colo.: Westview Press, 1995), 28.

could spare time and effort to reduce the Hopi pueblos to the service of both Majesties, God and the King."[6] Three Franciscan friars, Francisco Porras, Andrés Guitiérez, and Cristóbal de la Concepción (who was a lay brother) established their first mission at Awatovi in August 1629, and followed this initial foothold with a missionary presence at Shongopavi and Oraibi. But this missionary work was fraught with difficulty, as were all Spanish attempts to build the churches, schools, and infrastructure needed for a functioning Hopi república. Even before their 1629 arrival, an "apostate" Pueblo Indian from the Rio Grande Valley arrived to warn the Hopi that, "the Spaniards and their man-eating horses would destroy them. And if they allowed the priests to sprinkle water on their heads, they would certainly die of it."[7] The Hopi were pacified when the friars' escort of soldiers threatened to call upon the governor of New Mexico to bring an entire army to their land to burn and destroy them if they made any threatening movements.[8] Contemporary Spanish accounts attributed Hopi pacification to the power of the Christian God, but the threat of destruction must certainly have been the most convincing factor in the Hopi decision not to attack and destroy the small Spanish religious-military party that arrived in 1629. After all, two Hopi men had been at Acoma for the 1599 massacre there. They had been taken prisoner and each had one of his hands cut off and then released so that they could warn all Indians with whom they came in contact of how deadly serious the Spanish were about their God and crown. These events were deeply ingrained in the Hopi memory, and perhaps for this reason they allowed the Spaniards to remain that fateful year.

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[6] Eleanor B. Adams, "Hopi-Spanish Relations in the Colonial Period," unpub. typescript, Eleanor B. Adams Papers [hereafter EBA], box 1, folder 7), Center for Southwest Research, University Libraries, University of New Mexico, 2.
[7] Ibid., 4–5.
[8] Ibid., 5.

Fray Alonso de Benavides, who recounted the events of the year before in his 1630 account, *A Harvest of Reluctant Souls* (an appropriate title, especially in reference to Hopis), states that the pacification, and subsequent permission granted to the Franciscans to stay in the Hopi villages, was due to miraculous circumstances. According to Benavides's narrative, the villagers who greeted the Franciscan friar in 1629 initially venerated the cross. The Hopi "sorcerers" became so enraged at this sight that they stirred up their people nearly to the point of killing the priest and his companions. In an account mirroring the story of Elijah's showdown with the priests of Baal in 1 Kings, the Hopi holy men produce a "boy of twelve or thirteen, blind from birth, born with his eyes shut tight" and challenge the Catholic cleric, whom they call "an incredible liar," to put their cross to the boy's eyes and heal his blindness. Just as Baal's priests had failed in the Old Testament, so too were the Hopi priests powerless to help the boy. The Franciscan, playing the part of Elijah, dramatically drops to his knees, imploring God to "confound those barbarous infidels," and grant him the faith to work this miracle. He heals the boy, who is then hoisted up by the villagers and paraded around with loud cries for all to believe the padre and be baptized.[9] It makes for a great story, one in which King Philip IV of Spain, to whom it was written, would have reveled. But, even Benavides comments that the Spaniards were unharmed in 1629 "on account of the vigilance of the soldiers." But then, almost correcting himself, he states that it was even more "because of divine aid."[10] One is inclined to believe that Spanish guns and horses were more convincing than Spanish friars.

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[9] Fray Alonso de Benavides, translated and edited by Baker H. Morrow, *A Harvest of Reluctant Souls: The Memorial of Fray Alonso de Benavides, 1630* (Boulder: University of Colorado Press, 1996), 37–38.

[10] Ibid., 37. There are three main accounts of the events at Awatovi: Benivides's 1630 *Memorial*, Fray Estevan de Perea's 1633 account, and Benavides's *Revised Memorial of 1634*.

On the heels of these opening episodes, from the late 1620s through the mid 1630s, Franciscan missionaries "persuaded"—in Clemmer's words—the Hopi to build three large stone mission churches in the villages of Awatovi, Shungopavi, and Oraibi. Hopis did all of the heavy lifting, quite literally, providing the stones for building and all of the labor, even hauling huge trees from the San Francisco Peaks near Flagstaff, a trip which today takes well over two hours by car and traverses over one-hundred miles, one-way. The mission at Awatovi was built directly on top of a kiva, thus demonstrating the Spanish view of the superiority of their faith.[11] Franciscans also established smaller, satellite churches, called *visitas*, at Walpi and Mishongnovi.[12] These friars struggled over the next several decades, up to the Pueblo Revolt of 1680, and saw meager returns to their evangelizing efforts.

The retelling of early Hopi-Spanish relations in this remote northern stretch of what is today Arizona begs the question: to what extent did Hopis incorporate Spanish forms of civil governance? Did events in Hopi territory mirror developments at the Rio Grande Pueblos? To what extent did Hopis incorporate Spanish electoral processes? Did Hopis gather each New Year and select the civil officials for the following year? Did Hopi governors and other officers ever make the trek to Santa Fe to be confirmed and receive instructions? Were Hopis ever recognized as a legitimate república de indios, with the corresponding cadre of governor, lieutenant governor, and other officials? These are all very difficult questions that, unfortunately, cannot be answered definitively.

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[11] Clemmer, *Roads in the Sky*, 28–29, Ekkehart Malotki, collected, translated, and edited, *Hopi Tales of Destruction* (Lincoln: University of Nebraska Press, 2002), 125.

[12] Ross Gordon Montgomery, Watson Smith, and John Otis Brew, *Franciscan Awatovi: The Excavation and Conjectural Reconstruction of a 17th-Century Spanish Mission Establishment at a Hopi Indian Town in Northeastern Arizona*, Papers of the Peabody Museum of American Archaeology and Ethnology, Harvard University, vol. 36; Reports of the Awatovi Expedition Peabody Museum, Harvard University, Report no. 3 (Cambridge, Mass.: Peabody Museum of American Archaeology and Ethnology, Harvard University, 1949), 13.

What is indisputable is that the years 1629–1680 (followed by a brief period after Diego de Vargas's Reconquista) were the period of greatest Spanish influence among the Hopi, when Spaniards made the most inroads religiously, culturally, and politically, though these successes were quite modest. Clemmer makes the broadest assertion regarding Spanish influence on Hopi government, referring to Awatovi, Shungopavi, and Oraibi: "These three mission villages…*probably* had schools and village functionaries on the Spanish model: sheriffs, governors, sacristans, catechists, church wardens."[13] Clemmer is borrowing from Edward Spicer, who also briefly touches on the subject in his earlier work with this terse statement: "The mission villages of Awatovi, Shungopovi, and Oraibi *probably* at this time also were provided with schools and village organization in the Spanish form."[14] What Clemmer and Spicer refer to as the "Spanish model" and "Spanish form," respectively, meant elected village leaders such as governors, lieutenant governors, and others and a town roughly modeled after Spanish municipalities. The elected officers would have traveled to Santa Fe with their varas de justicia to receive official approval from New Mexico's governor. All of these are the essential ingredients of a república de indios, and that likely took place at the missionized Hopi villages.

But what should have happened at Hopi and what actually happened are not necessarily the same thing. There is a strong possibility that during the seventeenth century Hopis possessed some form of Spanish civil government, but it is difficult to establish what this Hopi república looked like. First of all, if Hopi elected leaders made the trip to Santa Fe for their swearing in, receiving official endorsements with their varas, there is no record of it. Unfortunately, the era of greatest Spanish influence among the Hopi happens to be the pre-Revolt period, the years for

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[13] Clemmer, *Roads in the Sky*, 29, emphasis added by author.
[14] Edward Spicer, *Cycles of Conquest*, 191, emphasis added by author. Spicer spells the village Shungopovi, while the more common spelling is Shungopavi.

which records are incredibly scarce.[15] Second, and more importantly, the traditions of civil government (such as the governor system with its annual elections), which remain entrenched in the Rio Grande Pueblos, are nonexistent at the Hopi villages. There are simply no remnants of secular governance at Hopi. If this governing system was once in place, one explanation for its conspicuous absence is that Hopis consciously and systematically eliminated all vestiges of Spanish power, including those Hopis who had supported the Spaniards.

The most obvious and potent example of Hopi elimination of Spanish influence is the destruction of Awatovi in 1700. Since the Franciscans had experienced a reasonable degree of missionary success there, the strongest contingent of pro-Spanish Hopis likely resided there. But, as was surely the case in other Pueblos of divided loyalties, this led to enmity between Hopi villages, especially between Hopi Spanish sympathizers and those intent on driving all things Spanish from their communities. In 1680, in conjunction with the Pueblo Revolt, Hopis rose up, killing their priests and driving the Spaniards out of their homeland. In 1692, Governor Diego de Vargas, who led the so-called "Reconquista" of New Mexico, conducted a party of soldiers to Hopi territory. They endured a tense initial meeting at Awatovi, thanks in no small part to Vargas's castigation in which he lamented:

> How is it when you are Christians, though such bad ones, that, forgetting what you promised in baptism, you have profaned the churches, destroyed the images, murdered the missionaries, and sacrificed yourselves to the Devil to your own damnation! [How is it that] you do not humbly cast yourselves upon the ground and revere the true Mother of your God and mine who, in the image which ennobles this banner, comes with forgiveness to offer you salvation! Kneel, kneel at once before I consume you all with the fire of my indignation![16]

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[15] Only three documents from before 1680 survive from the Spanish Archives of New Mexico.
[16] Don Carlos de Sigüenza Y Góngora, *The Mercurio Volante of Don Carlos de Sigüenza Y Góngora: An Account of the First Expedition of Don Diego de Vargas into New Mexico in 1692*, Irving Albert Leonard, trans. (Los Angeles, Calif.: The Quivira Society, 1932), 82.

The threat of force prevailed. Hopis capitulated, making signs of penitence to the image of the Virgin and pledging loyalty to the crown. Vargas proceeded to the other Hopi villages and secured similar responses. But, Hopi fealty did not persist. Events unfolded in 1700 that would prove disastrous to Catholic Hopis and their Spanish allies. Writing over thirty years after the fact in 1732, Fray José Narváez Valverde gives an account of how Fathers Juan de Garicochea and Antonio Miranda in 1700 gained permission to return to the Hopi villages to minister there. They made their way to Awatovi, where they "reduced all the natives and baptized many."[17] The commitment of Hopis at Awatovi to the Catholic faith did not sit well with the more defiant Hopi. Many had verbally committed to Catholicism and the crown when the threat of Spanish arms compelled them to do so, but had then returned to their traditional ways once Spaniards left. But now, the devotion of those at Awatovi went beyond the lip service intended to satisfy the watchful Spaniards. Captain John G. Bourke, the famous U.S. Army officer and ethnographer who spent time in Hopiland, told of the "legend of Awatovi," which had been related to him in the 1880s. When he and others came upon substantial ruins of a Hopi village, he stated that "The Moquis tell the story that this town was destroyed by the people of Mu-shang-newy [Mishongnovi], who came over in the night, got on the top of the roofs, and tossed bundles of lighted straw down upon the people inside and stifled them." Interestingly, his Hopi informants told him that, "this attack [was carried out because] the town was full of 'singing men,' whom

[17] José Narváez Valverde, "Notes Upon Moqui and Other Recent Ones Upon New Mexico," Senecú, October 7, 1732. In Charles W. Hackett, ed., *Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1773*, 385.

the Moquis did not like."[18] This last part could possibly refer to the performance of Catholic liturgy, which angered traditional Hopis.

The story of Awatovi's destruction becomes clearer when all of the events are considered. For one thing, there is archaeological evidence that Catholic practices persisted there during the Revolt years. After killing their Franciscan minister and destroying the mission church, Awatovis's residents continued to inter their dead at the mission, mixing traditional Hopi items and Catholic objects in their burials.[19] Second, Awatovi is the only location where a village governor is definitively mentioned, and this comes after the Revolt period. Governor Diego de Vargas entered Awatovi on 19 November 1692, finding the Hopis friendly but suspicious. Vargas identified a Hopi named Miguel, who also spoke Castilian, as the head of the village. After a tense first night in which the Spaniards refused to camp at Awatovi, the party baptized 122 children. Vargas was godfather to Miguel's son and daughter. Vargas then relates:

> Afterward, I appointed Miguel as their governor in their presence, telling him to obey him in every way. I had him swear the oath to properly exercise his office, which he did and I received, before God Our Lord, and the sign of the cross. Then, he asked me to go up to his house and eat, which I did to please him and the Indians so that they might not think I was afraid of them.[20]

The oath Vargas made Miguel swear, and the speech he gave regarding his duties of office, were doubtless the same ones Vargas delivered to the Rio Grande Pueblos. While this is the only specific mention of a Hopi governor in the historical record, I am inclined to believe that this was

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[18] John G. Bourke, *The Snake-dance of the Moquis of Arizona: Being a Narrative of a Journey from Santa Fe, New Mexico, to the Villages of the Moqui Indians of Arizona* (London: Sampson Low, Marston, Searle, and Rivington, 1884), 90.
[19] James F. Brooks, "Women, Men, and Cycles of Evangelism in the Southwest Borderlands, A.D. 750 to 1750," in *The American Historical Review* (2013) 118 (3), 761.
[20] John L. Kessell and Rick Hendricks, eds., *By Force of Arms: The Journals of Don Diego de Vargas, 1691–1693* (Albuquerque: University of New Mexico Press, 1992), 561–562.

not out of the ordinary; the matter-of-fact way in which Vargas relates these events demonstrates that Hopis had had governors previously and understood this designation.

Vargas's retelling of events after Miguel's selection reveal much about Hopi intentions. Before Vargas went to Hopi, he had stopped at the Zuñi villages. While there, he sent a letter ahead to Hopi stating his intentions to return and resubmit the letter. The Hopi leader Miguel had received this letter, and notified his own village, as well as the villages of Walpi, Shungopavi, Mishongnovi, and Oraibi. The villages hastily called a junta, in which they all agreed that they could easily kill the Spaniards, who were very few in number. Miguel and others from Awatovi were the only ones who did not support such a course, and Hopis from the other villages had threatened him, telling him that once the Spaniards left they would kill him. In fact, Miguel came to Vargas privately, and "crying a river of tears," he "was well aware [Hopis from the other villages] would kill him after [Varas] left with the men-at-arms."[21] Contacts with Governor Miguel were practically nonexistent after this episode, but Vargas did attempt to write to Miguel and Awativi in 1694, when many of the Rio Grande Pueblos had again risen up against Spanish colonial power. He writes:

> Son, compadre, and governor, Miguel, of the pueblo of Awatovi and the rest of its Indians and war captains, I advise you that I am in this villa of Santa Fe with the priests, many soldiers, and the Spaniards and their wives and children, and that many more people are coming. Once everyone is together, I shall go to see you, which I greatly wish, to embrace you and tell you that the king, our lord (may Gold keep him), sent me only so that you may live as Christians, which you are. I come to you neither to ask for anything nor to do you harm whatsoever. You may know me. I was with you and paid you for what I needed. I also gave you what I had, as I shall do. You are all my children, and I love you, and God, very much. May He keep you, my compadre, for many years.[22]

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[21] Kessell and Hendricks, eds., *By Force of Arms*, 562, 564–565.
[22] "Don Diego de Vargas to Miguel and the people of Awatovi, Santa Fe, 28 April 1694, DS," in John L. Kessell, Rick Hendricks, and Meredith Dodge, eds., *Blood on the Boulders: The Journals of Don Diego de Vargas, 1694–97. Book 1* (Albuquerque: University of New Mexico Press, 1998), 216–217.

Miguel was already a leader before his selection as governor, and barring some egregious offense to his people or being killed at the hands of other villagers, he would have remained in power. It is impossible to know if the governor designation meant anything to anyone other than Miguel and his village, but it could be that it was a powerful symbol of everything Hopis hated about the república system. A solitary friar was bad enough, but a sympathetic Hopi governor and other officers were likely more than they could bear. Miguel's fear for his own life proved remarkably prescient.[23]

Following sparse contact with Spaniards, in 1699 Hopis at Awatovi offered to rebuild their mission and permit the Franciscans to return. Spicer believes this was because they had seen the proverbial writing on the wall with the resubmission of the Rio Grande Pueblos, and wanted to keep destructive warfare from reaching them. They sent a preemptive delegation to Santa Fe in 1699 to ask for missionaries. Thus, the aforementioned Fray Garicochea reported that the Catholic Hopis were already rebuilding the mission at Awatovi when he arrived. But as the Spanish hold at Awatovi took root for a second time, Hopis at the other villages grew more alarmed. One of the priests who had labored at Awatovi prior to the Revolt of 1680, José de Espeleta, had a protégé to whom he gave the name Francisco. Francisco, who was also called Espeleta, had been baptized and was fluent in Spanish. By 1700 he was a cacique at Oraibi, and strongly opposed the growing Spanish influence at Awatovi. Espeleta then traveled at the head of another delegation of Hopis to Santa Fe. They were implacably opposed to the return of missionaries and hoped to negotiate a peace with Governor Pedro Rodríguez Cubero. Adolph Bandelier insists that Espeleta and the chiefs at Oraibi, along with twenty other delegates,

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[23] It is unknown if Miguel was alive in 1700, since he is not named in the accounts of Awatovi's destruction. If he was, and he had remained faithful to the Spaniards, he was almost certainly killed that day.

appeared before Governor Cubero "not as subjects of the crown, but as delegates of a foreign power sent to conclude a treaty of peace and amity."[24] Espeleta later masterminded the attack on Awatovi. With the assistance of the chief of Awatovi, the conspirators, who now included men from Oraibi, Walpi, Mishongnovi, and Shungopavi, planned the attack for a morning when all the men of Awatovi would be in their kivas. Early on a December morning in 1700, the attackers greeted the men, who were now in the kivas, from the roofs above. They pulled out the ladders, and threw in bundles of burning wood. The victims below panicked, and in a final show of spite, the attackers threw in Spanish peppers, for which their victims had apparently developed a taste. The roof beams burned and collapsed, killing many, while others were shot with arrows. They then poured through the village, killing most of the possibly 800 residents, and taking the surviving women and children as spoils of war and dividing them among the villages.[25]

Hopi oral tradition also sheds potential light on the events of that fateful day. The (possibly new) chief of Awatovi, Ta'palo, summed up how Spanish influence had corrupted Awatovi:

> In our village the sorcerers, those creatures of evil [the Spaniards], do not let anyone go free anymore. Their influence is devastating. They are destroying people whenever they can. They are seducing the unmarried girls and having intercourse with them wherever they can. It's a lot worse than it ever was before. I'm at my wits' end. I do not know what to do anymore."[26]

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[24] Adolph Francis Bandelier, *Final Report of Investigations Among the Indians of the Southwestern United States, Carried on Mainly in the Years from 1880 to 1895*, *Vol. 2*. Papers of the Archaeological Institute of America, American series, vol. 3–4. (Cambridge, Mass.: Archaeological Institute of America, 1890–1892), 371–72.

[25] Harry C. James, *Pages from Hopi History* (Tuscon: University of Arizona Press, 1974), 62–64, Malotki, *Hopi Tales of Destruction*, 126. See also James F. Brooks, "Women, Men, and Cycles of Evangelization in the Southwest Borderlands," 742–743.

[26] Malotki, 176. It's possible that Miguel had been killed, deposed, or both. American-Danish scholar Armin W. Geertz, who has written on Hopis and religion, posits that it is possible Miguel and Ta'palo were one and the same, and that Miguel's prior actions were simply done as political expediency. But he also states that Ta'palo was actually Christian and the destruction of the village was brought on by the Catholic-traditionalist rivalry. See Armin W. Geertz, *The Invention*

In his attempt to enlist the help of the other village chiefs, he stated:

> My children over in Awat'ovi are out of control. They have no respect for people nor do they listen to anyone. The elders are nothing to them. They are ravishing the women and girls. Our shrines and ceremonies are in shambles. They don't mean anything. These Spaniards, nothing but sorcerers and witches, are hoping to settle here for good. That's why they came. The same thing took place when we still lived in the underworld. Now I want my village erased from the surface of the earth. It is to disappear completely. If you assist me, therefore, you can have everything. You can bring women and girls here. They can help you to increase in number….I'll let you have all these things if you help me….Awat'ovi is to be no more.[27]

Hopi oral tradition even speaks of the intentional use of chilis in the attack:

> [T]he Spaniards used to grow a lot of the chile at Awat'ovi…The chile caught fire and, mixed with the smoke, stung most painfully. There was crying, screaming, and coughing. After a while the roof beams caught fire. As they flamed up, they began to collapse, one after the other. Finally, the screams died down and became still. Eventually, the roofs caved in on the dead, burying them. Then there was just silence. All of the people inside the kivas had perished.[28]

When a dispute arose after some from Walpi and Mishongnovi took the most attractive women and girls before the attackers from Oraibi got their chance, they angrily grabbed the women and began stabbing them, shooting them with arrows, and mutilating their bodies. Men from the party who tried to intervene in their behalf had their penises and testicles cut off.[29] These Hopi accounts speak to the depth of he hatred for the Spaniards, their religion, and even Hopis who embraced them.

In a single stroke, the Hopi village that had proved the most fertile ground for establishing Spanish power in Hopiland was destroyed. With this destruction all traces of

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of Prophecy: Continuity and Meaning in Hopi Indian Religion (Berkeley: University of California Press, 1994), 30–36. Whatever his fate, and if Ta'palo and Miguel were the same individual, the fact remains that Awatovi was violently destroyed, and that Miguel had held the Spanish title of Indian governor for some period of time.

[27] James, 182.

[28] Ibid., 186–87.

[29] Malotki, 188–89.

Spanish civil government among the Hopi came to an end. Awatovi was the likely location of Spanish-imposed Hopi civil government, and these Spanish concepts of civil government and electoral town politics surely perished along with those unlucky men in the kivas and women on the road. If Hopis had practiced some form of elective government and sent officers to treat with Spanish officials in Santa Fe—possibly those who had traveled to the capital to request friars be sent—they certainly would have been among those killed. If Hopis from other mission villages who had taken part in Spanish civil institutions had survived, they surely left these concepts to die with those at Awatovi. Hopiland was securely Hopi and would remain so for many decades, despite various Spanish attempts to reassert authority there.

Hopis succeeded not only in eradicating Spanish influence, but also in destroying public memory of Spanish civil governance. Hopi oral history does mention the Spanish presence in their territory, but when referring to the seventeenth and eighteenth centuries, tradition speaks almost entirely of the influence of Franciscans, making no mention of how the Spanish presence there influenced Hopi secular government. In these stories, the priests are always the villains, ruling over the Hopi as despots. For example, in an account from 1936, Edmund Nequatewa, a Hopi from Shungopavi, tells the story of how the Spaniards came to the village long ago. The Hopi agreed to build a mission for the priest. But, relations eventually soured when the priest, "who had great power," sent the men of the village away on long trips to fetch him water from a certain spring that had his favorite drinking water, only to seduce their wives while they were away.[30] In this retelling the people of Shongopavi, outraged at the priest's behavior, eventually join with Hopis at Mishongnovi and Awatovi, and all killed their priests on the same day in

[30] Edmund Nequatewa, *Truth of a Hopi: Stories Relating to the Origin, Myths and Clan Histories of the Hopi* (1936; repr., Flagstaff, Ariz.: Northland Publishing in cooperation with the Museum of Northern Arizona, 1993), 34–35.

1680. In a similar version told by an Oraibi informant, the Hopi there tired of the oppressive priest, even though the Spaniards "were not bad to them at first." After a series of bad harvests, no rain, and the priest's constant demands for tributes of food, the men of Badger clan dragged him out of his house and slit his throat. Wíkvaya, the Hopi telling this story to ethnographers in 1905, states that, "The killing of the padre in Oraíbi was the signal for the other villages to get rid of the padres that lived in those mesas also."[31] Absent in these accounts is any mention of Spanish institutions other than Catholicism. There is mention of Spanish material culture—tools, woolen goods, etc.—but there are no governors, lieutenant governors, alcaldes, ayuntamientos, or other elements of Spanish municipal government.

Even more contemporary Hopi accounts collected as part of The American Indian History Project supported by Doris Duke in the late 1960s focus almost entirely on Spanish missionary activity. Interestingly, though, when Robert Sakiestewa, from Oraibi, was asked, "Did the Spanish actually have a province out here [at Hopi] or a state or something of this kind?" he answered, "Yes, they did." When asked how many Spanish there were, he said that there was one priest at Oraibi, two at Shongopavi, and two at Awatovi. Sakiestewa also clearly stated that only priests, not soldiers, came to the Hopi villages.[32] In order for a province or state to exist at Hopi, officers were needed. These would have been Hopis elected by their own people in some manner. In a similar interview from the same collection, Emil Pooley from Hotevilla tells of the Spaniards coming to Oraibi. He similarly relates an account of Hopis initially being content under the influence of the Catholic priests, a relationship that soured when the men of the

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[31] Wíkvaya, "The Early Spanish Missions at Oraíbi," in H.R. Voth, *The Traditions of the Hopi*, Anthropological Series, pub. 96, vol. 8, the Stanley McCormick Hopi Expedition (Chicago, Ill.: Field Columbian Museum, 1905), 269–70.

[32] Robert Sakiestewa, interviewed by Charles Peterson, September 13, 1967. Doris Duke Indian Oral History Project (Salt Lake City: J. Willard Marriott Library, University of Utah), 17.

village were subjected to long hours of hard physical labor with little food and frequent whippings. Eventually these men determined to kill their Catholic priests, with each village holding their own secret meetings to that end, and carrying out their plans. This interview differs from Sakiestwa's in that Pooley, when asked if there were Spanish soldiers present, stated, "There must have been, just a few, a very few. They were all killed off because of what they had done. They had made slaves out of the Oraibi people, and they had killed many young men, had been mean to them and raped their women…"[33] Pooley mentions a nominal military presence, but there is no talk of civil government. The Hopi república, whatever form it took, surely only existed between 1629 and the destruction of Awatovi in 1700.

Thus the erasure of these institutional memories is so complete they do not even survive in the oral history of the Hopi. Clemmer asserts that "the Hopi are one of the few groups to have endured prolonged domination by the Spaniards—more than 50 years—without being influenced even a little bit by Spanish culture, unlike their Puebloan cohorts to the east, who were influenced to some degree."[34] Still, the tantalizing question remains: did the Hopi have some form of tenuous república under Spain? And if so, did Hopis institute some sort of civil government in the 1600s, with elected leaders recognized by officials in Santa Fe and who treated with them in the proscribed manner? A Spanish program similar to the one established along the Rio Grande must have been instituted at Hopi, but their resistance to Spanish influence, expulsion of Franciscan priests, destruction of sympathetic villagers, and erasure of whatever collective memory of Spanish civil institutions did exist points to weak Spanish political institutions in Hopiland, institutions that were successfully destroyed by obstinate Hopis. All that

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[33] Emil Pooley, interviewed by D. Corydon Hammond, September 3, 1967. Doris Duke Indian Oral History Project (Salt Lake City: J. Willard Marriott Library, University of Utah), 6, 8.
[34] Clemmer, *Roads in the Sky*, 27.

remains is a sparse account of the beleaguered Governor Miguel, who feared for his life after accepting a Spanish position.

In a letter to the governor of New Mexico dated October 28, 1775, while Spaniards were debating how to bring Hopis under colonial control once again, Fray Silvestre Velez de Escalante, who had spent a brief period among the Hopi, wrote:

> The Moqui are very civilized, apply themselves to weaving and cultivating the land by means of which they raise abundant crops of maize, beans and chile. They also gather cotton although not as much….Understanding that the Moqui, although rebels, are really vassals of our sovereign, that they bowed for some time their arrogant heads beneath the gentle yoke of our Lord, Jesus Christ that in as many years as they count their rebellion and apostasy, it has not sufficed to conquer their obstinacy by the suave exhortations of many religious who have entered from this Custody to preach to them, and finally that in them the apostates of Christianity may have foundation and even defense against the Christian religion of great prejudice to it, it appears to me that the proper means that can and ought to be taken is as follows: with forces of the projected expedition they be subdued by arms to the dominion of their legitimate sovereign; that they be brought down from the pueblos to a plain and proper site, and whatever measures considered imperative be taken to require of them the necessary compliance….As they are subjects and are without hope of giving up their ignorant licentiousness, I hold for certain their prompt and complete conversion inasmuch as the principal obstacle with which Infernal astuteness has always frustrated the Christian zeal of those they have tried to convert to the fold of the Church, is the inordinate religious control which the caciques and chiefs have, the absolute dominion which they usurp to the injury of both Majesties. For this reason they prevent by terrible threats any of their people from seeking conversion or even addressing a religious, or harkening to him when he preaches, reserving to themselves solely the faculty of hearing and speaking on points of religion.[35]

Though such hyperbolic pronouncements about the undue influence of traditional holy men of New Spain's frontier Indian nations were common, Father Escalante does not seem far off in his summary of their power at Hopi. The lengths to which Hopis were willing to go to eliminate Spanish influence, including town elections and civil government, served notice to those who may have been sympathetic to the Spaniards and their colonial system.

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[35] "Escalante to Mendinueta, October 28, 1775," in Alfred Barnaby Thomas, trans., ed., and annot., *Forgotten Frontiers: A Study of the Spanish Indian Policy of Don Juan Bautista de Anza, Governor of New Mexico, 1777–1787* (Norman: University of Oklahoma Press, 1932), 151–152.

Yaquis, Jesuits, and North America's First Voter Rebellion

The Yaqui colonial experience is one of diaspora. Mobility has become a key Yaqui cultural component over the last five centuries. Today Yaquis reside primarily in the Mexican state of Sonora, as well as in southern Arizona.[36] The present section, which examines Yaqui voting and civil government from 1617 to the early1740s, focuses on the eight Yaqui pueblos along the Yaqui River: Pótam, Vícam, Tórin, Bácum, Cócorit, Huírivis, Bélem, and Ráum.[37] The Yaqui language is a dialect of Cahita, a group of mutually intelligible languages spoken by Yaquis, Mayos, Fuertes, and other Indian nations of northern Mexico. Cahita is in the Uto-Aztecan family, and so Yaquis are related, linguistically, to Hopis and Pimas. While it is extremely difficult to piece together the nature of a Hopi República that may have existed during the brief period of Spanish missionization there, the Yaqui experience under Spanish Jesuit and civil authority is quite well documented. And while the Hopi briefly flirted with Spanish religion and material culture, Yaquis seem to have "Hispanicized" quite readily, eventually becoming the most prosperous mission in northern Mexico.[38] But the success of the Jesuit missionary efforts in Yaqui territory, and the Yaquis' subsequent reduction to eight mission towns in the years following the Jesuit entrada, belie a deep ambivalence that developed over the decades between the 1610s and 1740s. Yaquis adopted Catholicism, mission life, and civil government, yet they

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[36] Yaquis reside all over the world, but the largest groupings of Yaquis are in the two states mentioned above.

[37] The spellings for the eight principal Yaqui pueblos vary greatly, but I have retained their Spanish spellings. The original Spanish names were quite elaborate: Espíritu Santo de Cócorit, Santa Rosa de Bácum, San Ignacio de Tórin, La Natividad del Señor de Vícam, La Santísima Trinidad de Pótam, La Asuncíon de Ráum, Santa Bárbara de Huírivis, and San Miguel de Bélem. Evelyn Hu-DeHart, *Missionaries, Miners, and Indians: Spanish Contact with the Yaqui Nation of Northwestern New Spain, 1533–1820* (Tucson: University of Arizona Press, 1981), 33.

[38] Hu-DeHart, *Missionaries, Miners, and Indians*, 60.

revolted violently when these Spanish institutions did not conform to their idea of how systems of religion, economics, and politics should benefit Yaqui people. They revolted, at least in part, when the system of voting for town officials broke down and silenced the Yaqui voice in electing their Native governors. Yaquis rebelled in 1740 because the Yaqui República broke down; they were fighting in favor of a distinctly Spanish-imposed system of civil government.

Yaquis, or the Yoeme people in their own language, traditionally occupied the area around the river bearing their name, which in the 1500s was at the extreme northwestern edge of New Spain. The Yaqui River, which flows from 9,000-foot highlands to the coastal plain, emptying into the Sea of Cortés, provided the water needed for Yaquis to cultivate maize, beans, squash, amaranth, and cotton. Since the river frequently flooded and shifted its course, Yaquis and their river villages had to be mobile.[39] Diego de Guzmán was the first Spaniard to reach the Yaqui River Valley and its Indigenous occupants while on a slaving mission along the coast of the Sea of Cortés in 1533. An anonymous contemporary chronicler recorded what happened in that first encounter. After not seeing any Yaquis during the first part of their sojourn in Yaqui territory, they eventually came across a group of intimidating Yaquis at a distance, arrayed for battle, "shaking their firsts in the air, with bows trembling and making menacing faces." He made special note of one Yaqui, set apart by his elaborate dress and regal appearance: "This Indian who governed the others came ahead of the group and with his bow made a very long line in the ground, knelt down and kissed the ground." After this he arose, and the Spaniards were made to understand that if they crossed the line, "they would kill all of us." Captain de Guzmán told the Yaquis that they meant no harm, desiring peace and friendship with the Yaquis. Predictably, de Guzmán and his men crossed the line, and a violent encounter ensued in which

[39] Edward H. Spicer, *The Yaquis: A Cultural History* (Tucson: University of Arizona Press, 1980), 5.

twelve Spanish horses were wounded and one man killed out of a party of seventeen. The chronicler praised the Yaqui for their abilities as warriors, stating that, "These Indians fought as well and as spirited as any I have seen since I have been in the Indies, and I have seen none fight as well as they."[40] It was a fairly typical encounter in the annals of Indian-white first contacts.

And yet, with this short description of a violent first encounter between Yaquis and Spaniards, the narrator initiated the oft-repeated epithet of "the bellicose Yaqui."[41] Spaniards repeated this trope in the following decades, and it still finds a prominent place in the Yaqui historiography. Andrés Pérez de Ribas, the first Jesuit missionary to minister to the Yaqui over an extended period of time, referred to them as a "bellicose, and arrogant nation."[42] In his classic study of armed conflicts with the Yaqui, Mexican officer Francisco P. Troncoso characterized Yaqui history as "a history extremely abundant in wars, in bloody episodes and in scenes of savagery, perpetrated by them and on them."[43] Pérez de Ribas tersely summed up what Spaniards believed about Yaquis when he commented, "I found hardly a single Indian who did not have a name derived from or signifying the murders he had committed, such as who-killed-four or –five or –ten, he-who-killed-in-the-monte or –on-the-road or –in-the-field."[44] This reputation as a fiercely warlike people belies the rapidity with which Yaquis were Christianized, brought under Jesuit control, and reduced to their eight principal mission towns. Further complicating this

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[40] "Segunda relación anonima de la jornada que hizo Nuño de Guzman á la Nueva Galicia" in Joaquín García Icazbalceta, *Coleccíon de Documentos para la Historia de México* Vol. 2 (México: Antigua Librería, 1866), 301–2. Translated by the author.
[41] Robert C. West, *Sonora: Its Geographical Personality* (Austin: University of Texas Press, 1993), 29.
[42] Andrés Pérez de Ribas, translated by Daniel T. Reff, Maureen Ahern, and Richard K. Danford, *History of the Triumphs of Our Holy Faith Amongst the Most Barbarous and Fierce Peoples of the New World* (Tucson: University of Arizona Press, 1999), 327.
[43] Francisco P. Troncoso, *Las Guerras con las Tribus Yaqui y Mayo*, Clásicos de la Antropología Mexicana (México, D.F.: Instituto Nacional Indigenista, 1977), 20. Translated by the author.
[44] Pérez de Ribas, *History of the Triumphs of Our Holy Faith*, 328–29.

reputation is the fact that the Yaqui, after over one hundred years of Jesuit domination, rebelled against their Catholic spiritual fathers, not solely because they chafed under the autocratic regime, but also because one of the fundamental tenets of the república system—Indian voting—was not properly respected. Yaqui actions in the late 1730s and early 1740s constitute a complicated response to Spanish religion, politics, and economics.

Sustained, transformative contacts between Yaquis and Spaniards did not begin until the first decades of the 1600s. During the entradas of Captain Diego Martínez de Hurdaide in 1607–1608, Spanish soldiers and their Indian auxiliaries suffered a series of humiliating defeats by the Yaqui, thus strengthening their fame as a savage, fearsome people. The worst of these defeats occurred in 1610, and actually paved the way for Yaqui evangelization. Captain Hurdaide invaded Yaqui territory at the head of 40 mounted Spaniards and 2,000 Indian allies, many of whom were from the neighboring Mayos, the Yaquis' close cultural relations but fierce enemies. He came perilously close to being killed by Yaquis that year, but somehow managed to escape back to the base for Spanish operations in this area, the Villa of San Felipe. Captain Hurdaide circulated rumors that the Spaniards planned to bring their full military might to bear upon the Yaqui, and that three squadrons of ships were making their way up the Yaqui River to attack. Furthermore, the captain intimated that there was an open invitation for any Indian nations that wished to settle old scores with the Yaquis to assist in the impending military campaign.[45] Pérez de Ribas had not been present during the battles between Hurdaide and the Yaqui. Arriving a few years later, he related that since the Yaqui had been unable "to take the head" of Hurdaide, nor any of his captains, and "When the threats of this brave man, of whom they had heard a great deal, reached their ears from the villa [of San Felipe], some of the caciques of the nation decided

[45] Hu-DeHart, *Missionaries, Miners, and Indians*, 27.

to negotiate peace with him and the Christians."[46] Early Jesuit scholar Francisco Javier Alegre (1729–1788) similarly asserted that Yaquis sued for peace after "Seeing…men battle without any break for an entire day, without losing a soldier and finding a way to escape in the midst of more than seven thousand enemies who had encircled them, they were frightened by such heroic valor, and did not want such valiant men for enemies."[47] Hyperbole aside, the Yaqui made a strategic decision to negotiate. Recent historian of Yaqui-Spanish relations, Raphael Brewster Folsom, posits that Yaquis referred to Hurdaide as a wizard and a dwarf (apparently the dwarf moniker related to his being compared to the supernatural, powerful Yaqui Surem, who were thought to be small in stature). Yaquis had beaten Hurdaide back, but they "recognized that the captain and his allies represented a formidable enemy….cunning in battle and [possessing] skill in negotiations over captives." Hurdaide also knew that he was one defeat away from disaster and possibly his own death. Both sides were tired and scared of more violence; negotiating benefited both parties.[48]

Whatever their motivations, a complicated diplomatic mission followed, in which Yaquis first sent small, female-led delegations to the Mayos, whose territory they would need to traverse in order to reach the Villa of San Felipe and who had served as Spanish auxiliaries. One of these Yaqui delegations also brought two female Mayo captives taken years before as a sign of peaceful Yaqui intentions. Acting as go-betweens, the Mayos traveled to San Felipe and informed Hurdaide of the Yaqui desire for peace. Hurdaide and the Jesuits present at the Villa were pleased with these developments, and initiated direct contacts between the Yaqui and

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[46] Pérez de Ribas, 337.
[47] Francisco Javier Alegre, *Historia de la Compañia de Jesus en Nueva-España, Vol. 2* (Mexico: Impr. De J. M. Lara, 1841–42), 36, translated by the author.
[48] Raphael Brewster Folsom, *The Yaquis and the Empire: Violence, Spanish Imperial Power, and Native Resilience in Colonial Mexico* (New Haven, Conn.: Yale University Press, 2014), 83–84.

Spaniards. Two Yaqui delegates arrived at San Felipe, and according to Pérez de Ribas's account, informed Hurdaide that after having suffered many casualties in their battles with the Spaniards, they "recognized that their neighbors, the Mayo, and other Christian nations were at peace, happy, and content—protected by the captain and cared for by the priests, who treated them as children. Thus, they wished for the same. This was the reason the Yaqui gave for their [peace] mission."[49]

The large peace delegation, consisting of one hundred and fifty Yaquis, signed a formal peace agreement with the Spaniards at San Felipe on 25 April 1610. As quoted above, Pérez de Ribas believed that Yaquis saw that their Indian neighbors, among whom Spanish religious and laypersons labored, were "at peace, happy, and content," and desired the same. Expert on Yaqui history, Evelyn Hu-DeHart, speculates that the Yaqui, even though they had defeated Hurdaide in battle, chose "pragmatism and flexibility," rather than "a futile, protracted struggle," and that allowing the Spaniards to enter would mean "essentially two or three unarmed, peaceful missionaries, not whole settlements of rapacious foreign intruders."[50] Yaquis likely feared the costs of continued armed struggle with Spaniards, and perhaps saw that their neighbors, who were then coming under the Jesuit mission system, were not all the worse off for it. Yet, these types of explanations gloss over what must have been the incredibly strong coercive element. For example, when Hurdaide told the Yaqui, after initial small groups came bearing news of their desire for peace, to come back with a large formal delegation, he also ordered them to return any stolen horses, silver items, weapons, and other treasure, and not to ever again fight any Christian gentile Indian nations under Spanish control. He also demanded they kill any rebels from other

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[49] Pérez de Ribas, 339–40. For other examples of women's involvement in Indian diplomacy, see also 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).
[50] Hu-DeHart, 28.

Indian nations who were hiding among them, which they did not do. The Yaqui did return the silver and weapons, and inexplicably "left…a good number of their sons" to live with the priests at San Felipe and learn Spanish and the Christian gospel, "so that their seriousness in seeking peace and will to receive the instruction of the Gospel and become Christians would be understood."[51] These appear to be the actions of a people under duress. It is also entirely possible that the Yaqui themselves did not realize the power of their own position. With a total population estimated at perhaps 30,000, they greatly outnumbered whatever forces the Spaniards could marshal in their remote northern frontier. Pérez de Ribas even states that the Yaqui "could have been much more daring and arrogant than they had been in the beginning."[52] Yaquis and Spaniards did establish peace, but it was a slow process, as permanent Jesuit missionaries would not arrive among the Yaqui for several more years.

Yaqui oral tradition offers intriguing insights into why Yaquis negotiated. Yaqui ethnographer David Delgado Shorter asserts in his work, *We Will Dance Our Truth: Yaqui History in Yoeme Performances*, that Yaquis knew they could defeat the Spaniards in battle, and had no reason to believe that they could not continue to do so if they so desired. He turns to a Yaqui prophecy called the Talking Tree. In this traditional Yaqui story, there is a tree that begins speaking to the people, and nobody can understand it. Eventually, a young woman interprets what the tree is saying, and it is a prophecy in which the Yaqui are told of the coming of Spaniards and Christianity. The prophecy states that Yaquis will split into two groups—the baptized and the unbaptized—with the baptized remaining in the villages, while the unbaptized, who are known as the Surem (mentioned previously), go to live in the mountains, caves, and hills that are part of the Yaqui homeland, where they are mostly unseen but can make themselves

[51] Pérez de Ribas, 340–41.
[52] Ibid., 338–39.

known to Yaquis. Shorter thus asserts that Yaquis agreed to negotiate with Spaniards in fulfillment of prophecy; they knew baptism was coming.[53]

Spanish missionization spread in the 1610s to include many of the Yaquis' neighbors, but none as important as the Mayos. They were the steppingstone to the Yaqui, and the official Yaqui mission opened on 20 May 1617. The oft-quoted Andrés Pérez de Ribas was one of the two Jesuits who opened the mission. His account, *History of the Triumphs of Our Holy Faith Amongst the Most Barbarous and Fierce Peoples of the New World*, serves as my main source in assessing how Yaqui politics changed under Jesuit control, and what constituted the early Yaqui electoral process under the Spanish-Jesuit system. Pérez de Ribas first came to Mexico in 1602, and from 1604–1619, he labored among several groups of northern Mexican Indians, eventually returning to Mexico City in 1619 due in large part to poor health. His account of Jesuit missionary activities among these indigenous peoples, first published in 1645, is similar to the *Relations de Jésuites de la Nouvelle-France*. One of the most comprehensive and authoritative period primary sources on the indigenous peoples of northern Mexico, it does much to uncover the dynamics of Spanish-Indian relations in the seventeenth-century Arizona-Sonora Borderlands.[54] Pérez de Ribas highlighted important political changes that occurred within Yaqui

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[53] David Delgado Shorter, *We Will Dance Our Truth: Yaqui History in Yoeme Performances* (Lincoln: University of Nebraska Press, 2009), 119–122. Even Edward Spicer, the foremost authority on Yaqui ethnography, asserts the importance of the Talking Tree. He contends that the story predated colonial contacts, but the baptism element was inserted after the Spaniards came. He points to the prophecy, as it was told to him in the first half of the twentieth century, including communication by telephone and human flight and other elements as proof that it had been added to over the centuries. See "*Haikim*: The Yaqui Homeland," edited by Joseph Carlton Wilder. *The Journal of the Southwest*, Vol. 34, No. 1 (Spring 1992).
[54] Pérez de Ribas, 3.

society, changes that Spicer asserts brought Yaquis "into the state of citizens of Spain."[55] In fact, Spicer sees the 1617 opening of the Yaqui mission as so important that, beginning in that year,

> Yaquis embarked on remodeling their existing military, political, and ecclesiastical organizations in ways suggested or required by the Spaniards. Then for 150 years the process of incorporation proceeded with increasingly intensity, always with members of the highly organized Society of Jesus playing a major role…[It was] a vitalization that extended through all aspects of native life.[56]

The arrival of the Jesuits was certainly transformative, but whether it can be characterized as a "vitalization" is questionable. Yaqui life changed significantly over time, with Yaqui politics and voting forming a significant portion of this change. Folsom cautions that the process of Yaqui change was "slow, piecemeal, fraught with violence and loss, and very much on Yaqui terms." It was Yaquis who dictated the pace of change, as Jesuits were forced to accept only a "precarious foothold" among the Yaqui.[57]

After quickly baptizing thousands of Yaquis, Spaniards then attempted to reduce Yaquis to Jesuit mission towns. The idea of Indian reduction followed the instructions laid out by the Council of the Indies for all colonial towns: a large central plaza on elevated ground with the parish church and administrative buildings lining the plaza, surrounded by rectangular blocks and streets intersecting at right angles. The town perimeter was stockaded or walled off, and the area outside the perimeter contained the pasture and farm lands. Jesuits adapted their reduction towns to suit their own needs: the priest's house and church lined an entire side of the plaza, with adjoining storehouses for food and other goods, as well as workshops for various trades.[58] Pérez

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[55] Spicer, *The Yaquis*, 4.
[56] Ibid., 13.
[57] Raphael Brewster Folsom, *The Yaquis and the Empire*, 73.
[58] Philip Caraman, *The Lost Paradise: The Jesuit Republic in South America* (New York: The Seabury Press, 1976), 131, 133. Jesuit Reductions took place all over Latin America, with some of the largest and most well known occurring among the Guaraní of Paraguay. Such reductions

de Ribas wrote of reduction as a primary concern. He did not believe Indians were inherently inferior or lacking in intelligence, but he did believe that true civilization entailed living in towns or cities with rulers, elites, and government. According to chroniclers, the Yaqui Reduction fit perfectly with this ideal. Pérez de Ribas described Yaquis as a ranchería people, living in small villages of one to several families. He stated that they lived in some eighty rancherías along the Yaqui River, with an estimated total population of around 30,000. Interestingly, he asserted that the Yaqui who formed the 1610 peace delegation to San Felipe "offered to reduce their rancherías to large pueblos, where they could build churches when the priests came to instruct them." Again, when he arrived in 1617, "They offered to bring their rancherías together in the form of pueblos to make enramadas for churches, just as other nations had done to receive us."[59] The enthusiasm with which the Yaqui reduced is highly questionable. Again, Folsom asserts that reduction was anything but a smooth and easy process. Within a few years many Yaquis had coalesced in the eight principal Jesuit towns, while many others still remained in the countryside.[60] What is without question is that the process of political incorporation began in earnest along with the work of reduction.

The importance of reduction to Yaqui civil government and voting cannot be overstated. The coalescing of Yaquis in eight large towns made their conversion to Catholicism easier, and it also brought them into political bodies that could function in the Spanish political model. With the Yaqui reduced from dispersed rancherías to permanent villages along the river, villages that could be more easily monitored and controlled, Spaniards focused on instituting the religious,

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were obviously not necessary for the Pueblos of New Mexico and Arizona, since they were already in large towns.

[59] Pérez de Ribas, 4–5, 328, 341, 344.

[60] Folsom, 73. Jesuits complained as late as 1738 that the majority of Yaquis still lived outside of the eight villages (p. 104).

political, and social reforms they believed would convert Yaquis into Spanish citizens. The point is that while the Yaqui Reduction paved the way for Spanish-style political institutions, it also helped create the Yaqui political consciousness that would eventually lead to the violent Yaqui Revolt of 1740.

As interested as Pérez de Ribas was in converting and civilizing the Yaqui, he said relatively little about the role of civil government in accomplishing this goal. He spoke generally about traditional indigenous government, but described it in rather derisive terms:

> There were no laws or kings among them to chastise their vices or sins, nor was there any kind of authority or civil government that could punish them. It is true that they recognized some principal caciques, who were the heads or captains of families or rancherías. But their authority consisted only in organizing for war or attacks against their enemies or working out peace agreements with other nations. Such actions were in no instance undertaken without the consent of said caciques, who for such purposes commanded great authority, It was at their houses that well-known drunken war revels were held. In addition, their subjects helped cultivate their fields, which were usually larger than those of others. These caciques acquired authority not so much through inheritance, but rather through their bravery in war, the number of children, grandchildren, and other relatives they had, or at times because they were orators or preachers.[61]

What Pérez de Ribas described as a lack of law or civil authorities sounds rather like a complex system of government with leaders, meritocracy, and a keenly developed sense of action by consensus, which it was. What he actually noticed in this passage was a lack of coercive religious or social control, which he would have considered a hallmark of civilization. This is further illustrated by a statement of an encounter at the pueblo of Tórin, where an as yet heathen Yaqui angrily fired arrows at Pérez de Ribas. When the Jesuit asked the baptized cacique of the pueblo to punish the offender, he replied, "He could not punish it, for one thing because the Indian who shot the arrow was not yet reduced to his kin group [or baptized as he was]. Moreover, these caciques…do not have authority over their people to punish them for offenses

[61] Pérez de Ribas, 92.

they commit."[62] It is also noteworthy that he made a detailed account of the speeches he gave to large gatherings of Yaquis at these initial meetings, but in these speeches he spoke exclusively of spiritual matters. There was no mention of civil government, as Oñate had done at the New Mexico Pueblos and at Hopi.

When Jesuits reduced Indigenous nations they were supposed to establish civil as well ecclesiastical government, but it was not until Captain Hurdaide returned to Yaqui territory in 1618, with a full military escort, that Yaquis saw the roots of Spanish-style civil government in their pueblos. Pérez de Ribas's account provides the best primary source for Hurdaide's important 1618 tour. He recounts:

> Captain Diego Martínez de Hurdaide decided to visit this nation in peace to win them over with affection and friendship and to establish political government in their numerous pueblos…In order to introduce some type of government and civility, the captain appointed governors and alcaldes for the pueblos. All this helped to prepare them to receive with pleasure and esteem that which the priests preached to them.[63]

It is important to note that Hurdaide appointed the governors and alcaldes with no elections. Furthermore, as Evelyn Hu-DeHart points out, "Although in theory these secular officials were to answer directly to [Hurdaide], in practice he left it up the fathers to define their specific duties, to appoint their assistants, and to supervise their performance in office."[64] With Hurdaide and his soldiers residing some distance away at the Villa de San Felipe, Jesuits controlled Yaqui civil government, and did as they saw fit, enjoying a great deal of autonomy over the next roughly one hundred and fifteen years. In theory, Indigenous civil government in Sonora functioned in much the same way as it did in colonial New Mexico. The town governor was the most important Indian official, and was to be elected annually by the Indian residents. His powers included

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[62] Pérez de Ribas, 357.
[63] Ibid., 361.
[64] Hu-DeHart, 32–33.

maintaining community order, judging disputes, and punishing guilty parties. He was also to organize town communal work, and give authorization to those who needed to leave the town for whatever reason. The governor also had an alguacil, who informed him of offenses committed by town residents. Indigenous governors in Sonora could administer punishments, which included warnings, lashings, stocks, and the cutting of offenders' hair. The sovereignty Indigenous governors enjoyed would depend on the Jesuits, and in many cases they were merely the priests' auxiliaries. There were also several Indian religious officials in each town, with varying degrees of ecclesiastical power.[65]

As the Jesuits saw it, civil government was a tool to facilitate civilization and conversion to Christianity, not to affirm indigenous sovereignty. In Pérez de Ribas's observations on the implementation of Spanish civil government among the Yaqui, he was careful to note how the gospel and civility went hand-in-hand, with religious conversion always the primary goal. For example, he stated, "It is…certain that the introduction of the Faith and divine law to these people not only made them Christians, but also taught them a rational and human way of life," or civility. He concluded, "it is…true that the Yaqui nation provides the greatest and clearest evidence of this change"—the change from being base heathens to civilized Christians.[66] Speaking of the changes in Yaqui political life, he pointed out that even though the Yaqui were among the most barbarous of Indian nations he had encountered,

> [T]he Yaqui's bravery and ability to reason exceeded that of many [others], and with cultivation, their moral and political life have improved greatly. In all of their pueblos are governors, alcaldes, church fiscales, and their own ministers of justice. These individuals govern with order, respect, and obedience. Some of these officials are appointed by the captain [meaning Hurdaide], although he is more than fifty leagues away. The

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[65] Sergio Ortega Noriega, "El Sistema de Misiones Jesuíticas, 1591–1699," in *Tres Siglos de Historia Sonorense (1530–1830)*, Sergio Ortega Noriega and Ignacio del Río, eds. (México: Universidad Nacional Autónoma de México, 1993), 69–70.
[66] Pérez de Ribas, 364.

> missionaries appoint the fiscales of the church. The latter are responsible for keeping the priest informed of all matters that pertain to the church (as has been described previously), including marriages that Christians wish to contract, newborns who need to be baptized, the celebration of feast days, and those who become ill and are in need of the sacraments…The civil governors likewise inform the captain of matters that require his attention. Because the missionary is right there and everyone regards him as a father, the people normally go to him with everyday complaints, which usually concern land or similar things. The priest settles these disputes, and they obey him and are satisfied.[67]

Thus the Jesuits retained the lion's share of civil authority, selecting civil and ecclesiastical authorities and having the final say in disputes. In none of Pérez de Ribas's writings did he mention Indian voting. He saw Jesuits as benevolent parents, who were there to lead Yaquis on their new spiritual path. Civil government was helpful and necessary, but full sovereign power was not in Indian hands. While the Spanish crown envisioned the Jesuit missionization as a transitional period to bring these Indians into the body politic as citizens, Jesuits seemed content to maintain an open-ended process, one in which Indians need not worry about such things as voting, sovereignty, and self-government. Their main responsibility was to become obedient Christian charges. This is all in keeping with the guiding principles of the Jesuit order in Sonora. In the "Rules for the Government of the Missions, As Approved by the Father Visitor Rodrigo de Cabredo, 1610," Rule 12, though referring specifically to work to be performed by Indians in the Jesuit missions, reads, "Ours ought to encourage and introduce the Indians to beneficial works which will eradicate laziness that is the root and mother of all vices; *in this way they can live a more politically organized life*."[68] Furthermore, Pérez de Ribas believed that Yaquis should possess as little political power as possible because "it avoided burdening the Indians."[69]

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[67] Pérez de Ribas, 374–75.
[68] "Rules for the Government of the Missions, As Approved by the Father Visitor Rodrigo de Cabredo, 1610," in *Rules and Precepts of the Jesuit Missions of Northwestern New Spain*. By Charles W. Polzer. (Tucson: University of Arizona Press, 1976), 64, emphasis my own.
[69] Pérez de Ribas, 459. A number of Jesuit letters from the sixteenth century also demonstrate the secondary role civil government played. In their Puntos de Annua, or Annual Reports to the

Scholars have frequently commented on the rapidity with which the Yaqui converted to the Spanish municipal system, and the scale of the change. Spicer succinctly summed up this rapid change from traditional Yaqui government to a Spanish-modeled one in this way:

> [C]omposed at least by 1619 of two kinds of secular officials, namely governors and alcaldes (judges). In accordance with Spanish custom in rural communities, the governors of local communities were elected by the general populace. This system of election was instituted in the Yaqui communities, although some confusion was introduced by the initial appointment of governors by the Spanish military commander Hurdiade. The secular government like the church government developed steadily and became fully accepted by Yaquis during the following century. Both organizations became closely interlocked under Jesuit influence into a single local government unit.[70]

There are a number of problematic elements in Spicer's assertion, but my focus is not on how "fully accepted" the new secular government was by Yaquis, but that theses significant changes did, indeed, happen. Furthermore, it is extremely difficult to know when and where Yaquis actually began voting, as opposed to having their officers appointed for them. What is certain is that political matters fell almost entirely to the Jesuits. In many cases, Jesuits chose officials or manipulated elections, which resulted in Yaqui leaders favorable to their own goals. Historian Susan M. Deeds summarized, "Jesuits introduced a new political-religious hierarchy, in which they were the final arbiters…For many decades, Jesuits were successful in manipulating the election of Yaqui officials who were effective in brokering conflicting interests. Even more

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Padre Provincial, Jesuits based at the Mission of San Ignacio frequently refer to their work combating the devil, miracles they performed or witnessed, and how many baptisms and marriages celebrated. Yet, in four annual reports, dating from 1636, 1637, 1641, and 1653, not once do the Jesuit authors make any mention of voting or the government of the pueblos. See "Puntos de Annua de las Missiones de San Ignaxia (Yaqui)," 1636, 1637, 1641, and 1653 (MSS 867, *Missiones*, Legajo 25, Parte 2), AGN CSWR.

[70] Spicer, *The Yaquis*, 30.

significantly, they were able to minimize the demands of Spanish secular society on Yaqui peoples for nearly a century."[71]

Despite Jesuit manipulation, there can be no question that Yaqui sought to integrate the political changes needed for a fully functioning Yaqui República. In this light, the Jesuits' lack of respect for Yaqui sovereignty must certainly have been galling to independently minded Yaquis. One single event best illustrates Yaqui integration of Spanish concepts of civil authority: the Yaqui Revolt of 1740.[72] If any single event can be pointed to as leading directly to the 1740 Revolt, it was the appointment of Manuel Bernal de Huidobro as lifetime Governor of the Provinces of Sonora y Sinaloa in 1733, the first and only lifetime appointment in New Spain.[73] Conflict had long been brewing between Jesuits and vecinos, with Yaquis in the middle of the two feuding sides. Hu-DeHart points to three reasons for the conflict between Yaquis, vecinos/Spanish civil authorities, and Jesuits: 1) as the possibility of mine productivity in

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[71] Susan M. Deeds, "Indigenous Rebellions on the Northern Mexican Mission Frontier: From First-Generation to Later Colonial Responses," in *Contested Ground: Comparative Frontiers on the Northern and Southern Edges of the Spanish EmpireI*, edited by Donna J. Guy and Thomas E. Sheridan. The Southwest Center Series. (Tucson: University of Arizona Press, 1998), 40–41.

[72] A note on sources for the Yaqui Revolt of 1740: a number of original, Spanish language documents exist on the revolt. Many of these sources were written by Jesuits or Spanish officials, and are understandably biased, favoring the Jesuit side in the Revolt. The best secondary source material for the Revolt comes from three historians of the Yaquis: Luis Navarro García Evelyn Hu-DeHart, and Raphael Brewster Folsom. All of these historians consulted a set of documents from the Archivo de Indian in Sevilla, Spain. Copies of many of these documents exist in microfilms as part of the Pastells Collection housed at the Knights of Columbus Vatican Film Library at St. Louis University, St. Louis, Missouri. In June of 1744, Viceroy Conde de Funclara submitted a final report on the 1740 Revolt to the crown, which contained his own conclusions and hundreds of documents, including letters and testimony from Yaquis, Spanish civil leaders, and Jesuits. Jesuit scholar Pablo Pastells transcribed many of these original AGI documents from the 1890s through the 1930s, and the films of these transcriptions are in the Pastells Collection at SLU. Navarro García thus consulted the original AGI documents, while Hu-DeHart consulted the Pastells transcriptions of the same documents, and Folsom consulted archival documents in both Spain and Mexico City. I rely heavily on the summaries of these documents in the work of Navarro García, Hu-DeHart, and Folsom.

[73] Luís Navarro García, *La Sublevacion Yaqui de 1740* (Sevilla, España: Escuala de Estudios Hispano-Americans, 1966), 16.

Sonora/Sinaloa grew, miners intensified their calls for Indian labor; 2) local Spanish civil and military officials grew more bold in their exercise of legal authority over temporal affairs at the missions; and 3) Indians themselves began pushing for changes in the mission system.[74] Governor Huidobro represented the interests of the crown and vecinos. He argued that the Jesuits were taking too many liberties in their control of the Yaqui, overstepping their powers as Christian ministers. More importantly, he agreed with vecinos that the Jesuits were monopolizing the labor of the Indians for themselves. Huidobro reported to superiors in Mexico City that only a very few of the Indians in his province were actually paying taxes, which by law they were supposed to do after ten years of missionization. In addition, he reported that Yaquis were not holding regular elections for their governing officials, as they should. Jesuits had kept town officials in office for extended periods, in one case up to seventeen years, while in other cases they had removed officers after only three or four months. In response, Jesuit Padre Crsitóbal de Cañas, the missionary at Arizpe and rector of San Francisco Javier de Sonora, presented a contradictory report. He stated that while the work of evangelization had proceeded well among the Yaqui, many were still holding to heathen and heretical practices, and the very men the Yaqui elected were encouraging or allowing such practices.[75] As Folsom points our, Governor Huidobro sided with reformers who believed that Indians needed to take their place in the mainstream of Sonora's political and economic life. He aimed to "suppress laziness and vagrancy, form militia companies in the region, open up roads and pathways, look into allegations that idolatry persisted among mission Indians, examine the labor practices and finances of each mission, and make sure the Jesuits were not abusing the Indians in their care."[76]

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[74] Hu-DeHart, *Missionaries, Miners, and Indians*, 60.
[75] Navarro García, 22–23.
[76] Folsom, 121, 127.

Huidobro's political views and goals would pit him against the Jesuits who controlled the missions.

In September 1735, Pedro Álvarez Acevedo, a vecino militia captain and miner from Río Chico, complained to local Spanish civil authorities that he could not keep the mines running because he lacked Indian workers. In response, the alcalde mayor of Ostimuri, Miguel de Quiroz, ordered the Yaqui Cristóbal de Gurrola, captain general of the Yaqui and Indian magistrate of Pótam, to send the required workers to the mines. Gurrola emerged as one of the main objects of Yaqui complaints. He was one of their own, yet he had been chosen by the Jesuits and always supported their interests. Gurrola ignored Quiroz's order, because it would have taken labor away from the Jesuits, and Acevedo logged the same labor complaints in October and November. Huidobro eventually became involved, ordering a *tapisque*, or work detail, of twenty Yaquis each fortnight. Again, the required workers failed to show up, and vecinos complained that Pótam's priest, Diego González, told the Yaqui not to work in the mines and directly defy Governor Huidobro's orders.[77] It was later reported that Indians indeed mustered for work duty, but Father González said to one of the Indian leaders, "Where do you think you're going? Are you the alcalde mayor's sheriff? You don't know your place. I'll give him an answer for all of you."[78] Quiroz, frustrated at his powerlessness in confronting the Jesuits, wrote to Huidobro in 1735:

> [The] cause for the Indians' failure to obey the [civil] authorities [is] because these missionaries so dominated them that they only did what the padres wished, and the padres wanted to be despotic lords, who install and depose [Yaqui] gobernadores at their

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[77] Hu-DeHart, 61. Book VI, Title 15, Law 2 of the *Recopilación* permitted Indians to "voluntarily go to labor, and work in gold, silver, and mercury mines, if they are paid fair wages. See S. Lyman Tyler, ed., *The Indian Cause in the Spanish Laws of the Indies*, 325.
[78] Navarro García, 26.

> whim…as if each padre in his station was so absolute that there were no sovereign power than he alone.[79]

The significance of Quiroz's words as they pertain to Yaqui voting is clear: the Jesuits, in addition to obstructing Yaqui labor at the mines, had usurped supreme political power in the Yaqui towns. Instead of the formal electoral process called for in Indian villages under Spanish law, Jesuits selected Yaqui governors who were favorable to their own aims and policies. The conflict was not just about labor, but Yaqui voting and sovereignty.

In the ensuing months and years, a strange alliance emerged, which Navarro García characterizes as Yaquis, Spanish civil authorities, and miners all combining in order to remove Yaquis from Jesuit tutelage. The important actors in this complicated dispute included Governor Huidobro, vecino miners, Jesuit fathers, chief among them the Sicilian priest of Pótam, Ráum, and Huírivis, Ignacio María Nápoli, and the Yaqui governors of Ráum and Huírivis, Juan Ignacio Usacamea (known as Muni), and Bernabé Basoritemea (known as Bernabé), respectively. Muni and Bernabé were related, and both had authority in their respective pueblos as war chiefs in addition to their elected status. Muni had been elected ensign of Yaqui auxiliaries during the famous campaign of Juan Bautista de Anza I (the father of New Mexico Governor de Anza) against the Seris and Tiburones. Bernabé had worked as a mule driver, traveling the region with his teams.[80] The two were at the center of Yaqui resistance, and led the call for Jesuits to respect Yaqui voting rights, and the sovereign power of Yaqui elected officials. Because of their military service, Muni and Bernabé were also highly experienced with life outside of the missions. They were not simply backward-looking defenders of Yaqui tradition, but, as Folsom states, "leaders

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[79] Quiroz to Huidobro, 11 December 1735, in Hu-DeHart, 61.
[80] Navarro García, 27–28.

of rural resistance who gained contacts outside of the mission and perhaps prestige within it through their extensive travels."[81]

On 13 March 1736, Muni and Bernabé appeared before Quiroz to complain about Gurrola, who they said had improperly wielded his power over the Yaqui as captain general, with the Jesuits' blessing. They also complained about a number of mestizos and coyotes living in the Yaqui pueblos, whom they alleged had used their friendships with Gurrola and the Jesuits to appropriate lands and extort money from the Yaquis.[82] The Jesuits sent a convoy of loyal Yaqui officials, under Gurrola's command and accompanied by Father José Roldán, to visit Quiroz. They stated that all was well, and that Yaquis and Jesuits had been reconciled. Quiroz's term ended in the middle of this mounting controversy, and the new alcalde mayor, Francisco Ordóñez, did nothing to resolve the matter. It was clear that the alcaldes mayores, both Quiroz and Ordóñez, supported the Yaqui side and were unfavorable toward the Jesuits.[83]

Complicating matters, Governor Huidobro was away taking care of matters in California (over which he had jurisdiction) for much of this time. In his place was Lieutenant Governor Don Manuel de Mena. The disgruntled Yaquis, unsatisfied with Jesuit and Spanish responses to their complaints, began making their way to Sinaloa in October to visit Lieutenant Governor Mena. Mena's messengers intercepted the pair, and told them and the twenty of so other Yaqui leaders with them to return to their villages and await his visit, promising resolution to the conflict. He appeared to be favorable to the Yaqui cause. With the Yaqui leaders back in their

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[81] Folsom, 128.
[82] Ibid., 28. They were well within the law in airing their complaints to civl officials. Book VI, Title 10, Law 18 of the *Recopilación* stated, "If Indians of Seigniory suffer any wrong from the Alcalde Mayor, the Justicia or any other person, they may go freely to the Royal Audencia of the district to make their complaint and to request satisfaction for the wrong done to them. They shall be dealt justice, and they shall not be restrained. Tyler, *Indian Cause*, 259.
[83] Navarro García, 28; Hu-DeHart, 63.

villages, Mena came, as promised, and was greeted with celebrations. But, what happened then was the complete opposite of what Muni and Bernabé expected. After meeting with the Jesuits, who bribed him with pearls and other riches, Mena changed his stance on the developing conflict, throwing Muni, Bernabé, and other leaders, including Muni's father, in Pótam town jail. He harassed the Yaqui governors, telling them to admit that Quiroz had put them up to their agitation, which they denied, but when he threatened to take them to Guadalajara to be executed, they relented.[84]

What occurred next marked the point of no return in the conflict. Led by Muni's nephew, Luis Aquibuamea, a group of over 2,000 Yaqui warriors, regaled for battle with banners and weaponry, surrounded the jailhouse and began shouting loud threats at the Spanish soldiers. It looked as though a battle would follow, one in which the heavily armed Yaquis would have easily overpowered the handful of Spanish defenders. Muni decided to pacify the surrounding Yaquis, asking Mena to allow him to speak to his compatriots. He convinced his Yaqui supporters to disperse as long as Mena promised to release him and the other prisoners the next day. They agreed and duly dispersed, and Muni and Bernabé were released. It was a resounding victory for the elected Yaqui governors, and among Muni's greatest moments as a leader of his people.[85] Muni, Bernabé, and the others clearly viewed themselves as the legitimate Yaqui

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[84] Navarro García, 29; Hu-DeHart, 63–64; Folsom, 129.

[85] Navarro García, 31. Interestingly, in his 1743 account of events leading up to the Yaqui Revolt, Mateo Ansaldo, Jesuit Provincial Father of the Yaqui region from 1739 to 1743, placed the blame for the prison incident on the Spanish authorities. He stated that Muni was riled up by Quiroz, and "became impudent and lost respect for his minister, the rector, Padre Diego Gonzalez…[and] the Indians began to be insolent and to lose respect for the missionaries and the *justicias*." See "The Yaqui Rebellion of 1740: A Jesuit Account and its Implications" by John D. Meredith. In *Ethnohistory*, vol. 22, no. 3 (Summer, 1975), 229. He also claimed that Huidobro's ire for the Jesuits came from the fact that he was surveying Yaqui lands to appropriate for his own and vecino use, which the Jesuits opposed (pp. 228–29). He also claimed that it was Jesuit

leadership, possessing political power officially sanctioned through proper electoral processes. Both Muni and Bernabé were restored to office in October 1736.[86]

Yaqui-Jesuit relations continued to sour after the Pótam prison incident, with Muni and Bernabé at the center of controversy. The Jesuit father of Pótam, Ráum, and Huírivis as of November 1736, Padre Nápoli, despised Muni and Bernabé, and often sought opportunity to accuse them of wrongdoing. Nápoli accused Yaquis of stealing various items intended for the California missions, and questioned Muni and Bernabé about the missing items. They told him that the king was rich and would not miss the goods. The king had stolen so much from Yaquis in the past so it was only right that they steal from the king. When Nápoli sought to repremand them, they slapped the table and told him that they feared no man. The friar was enraged at their insolence. Nápoli had particular ire for Bernabé. When he called the governor of Huírivis in for questioning, he refused to come, telling the Jesuit that he knew where to find him and for Nápoli to come to his house if he needed him. Nápoli also had seen Bernabé wearing silk stockings and high heels from the looted goods. Furthermor, Bernabé had shielded the accused, among whom he was one.[87]

In a somewhat strange turn of events, Muni and Bernabé left their offices as governor. Whether or not they did so voluntarily is up for debate. By this time Muni had apparently begun advocating that Yaquis pay tribute to the crown, which would place them under Spanish civil jurisdiction and outside Jesuit authority. He was called to Nápoli's residence, and they quickly began to argue. Muni reportedly placed his vara de justicia, which he carried with him at all times as a legal governor of a Spanish Indian town, on a chair. Nápoli took this as a sign of his

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Padre Reynaldos that had Muni and the other prisoners freed when the Indians became "stirred up" (p. 230).
[86] Folsom, 130.
[87] Ibid., 133–134.

giving up his civil authority, and even alleged that Muni had said that he no longer wanted to be governor of Ráum. Nápoli held an election for a new governor of Ráum four days later, and at this election only a few men turned up to vote, with most of the votes cast by women. Juan Turimea succeeded Muni as governor. Bernabé left office around this same time because his one-year term was up. Nápoli once again oversaw an election in which Bernabé's nephew, Diego Marquina, was elected. Bernabé was unhappy with the result, and vandalized his nephew's home, taking back his vara.[88] Nápoli had thus single-handedly subverted the entire electoral process for the Yaqui towns under his jurisdiction, casting aside the principles of voting and Indian town sovereignty.

Muni and Bernabé refused to acquiesce to these Jesuit actions and traveled to Sinaloa to see Lieutenant Governor Don Martín Cayetano Fernández de Peralta to complain of their treatment at Nápoli's hands. They claimed that they had been removed from office for refusing to abuse other Yaquis, and that the new governors were unfit for office. Turimea was a cruel adulterer and Marquina was a backstabbing gossiper who had threatened to cut off their heads if they went to Spanish authorities.[89] On 29 Novermber 1736, Lieutenant Governor Peralta adopted two measures: 1) He sent immediate notice to Huidobro, who was still in California, to apprise him of all of the happenings in Yaqui territory; 2) Peralta commissioned Don Manuel Gaspar de Flores, a vecino civil officer from Baroyeca, to go to Ráum and Huírivis, reinstate Muni and Bernabé in their positions, and inform Gurrola that he was not to mistreat the Yaqui anymore. Peralta also wrote to the vice-rector of Sinaloa about Nápoli 's behavior, informing him of the Jesuit's misbehavior, but he was also careful to declare himself the most beloved son of the

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[88] Navarro García, 34. Spanish town elections were reserved for the male electorate, so the Yaqui claim that women had primarily voted in this election was an attempt to delegitimize it; Folsom, 134–135.
[89] Folsom, 135.

Society of Jesus.[90] He did this because the Jesuits had threatened him with excommunication if he misstepped.[91] Muni and Bernabé's actions in the unfolding events are of the utmost importance. Factors such as labor, tribute, and land continued to play a part in the events of the late 1730s, but the fact that Muni and Bernabé repeatedly went through civil channels to voice their complaints, not just as aggrieved Indians, but on behalf of Yaquis as their legally elected civil governors, illustrates the importance of the electoral process to these Indians.

The disputes continued over the ensuing months, with Nápoli, the two Yaqui governors, and Spanish officials locked in a back-and-forth battle of accusations and counteraccusations. At both Ráum and Huírivis, small groups came out in support of the new governors and stated that their elections were legitimate, followed by hundreds of Yaquis in support of Muni and Bernabé, disputing the elections.[92] On 14 January 1738, Muni, Bernabé, and thirty-one other Yaqui leaders finally made their way to Sinaloa. They intended to flex their muscle. They came attired in battle clothing, with drums beating and flutes blowing, and Muni at their head on horseback. It was a dramatic scene, one that undoubtedly made an impression on the Spaniards. Muni and Bernabé were not reinstated, but Peralta intimated that they were still governors, just temporarily suspended from the exercise of their office. Peralta also convinced the Yaqui to return to their villages, and somehow convinced them to apologize to Nápoli, who for his part immediately questioned their sincerity.[93] With these events the Yaqui officers had experienced a setback, but they did not give up. Most importantly, these Yaqui were exercising their customary rights as elected officers, airing their grievances against infringements by Jesuits and their allied Yaqui in crown-sanctioned electoral institutions.

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[90]Navarro García, 35.
[91] Hu-DeHart 66.
[92] Folsom, 136–137.
[93] Navarro García, 37.

Governor Huidobro finally returned from Baja California in June 1738. He had been gone for twenty months, and his absence had complicated events in Sonora considerably. Huidobro received a letter, purportedly from Gurrola and the three Jesuit replacement governors of Pótam, Ráum, and Huírivis, with accusations against Muni, Bernabé, and fifteen others. They accused them of openly carrying arms, disobeying the captain general, stealing items from the churches, not going to mass, and other offenses. The letter also claimed that Muni aspired to be captain general of the Yaqui Nation, and that Bernabé intended to make himself the perpetual governor of Huírivis. Upon further questioning of Nápoli, the new governors, and others, Huidobro learned that the Yaqui had not even written the accusatory letters; the priests and some of the coyotes living among the Yaqui had penned the statements. Huidobro's first red flag was likely that the letters were written in perfect Castilian, when Gurrola and Governors Marquina, Turimea, and Buimea were all illiterate. On 21 July, Nápoli appeared before Huidobro. He claimed that the Yaqui had been showing a clear pattern of insubordination for two years, repeating the previous charges in the letters he had helped author. Nápoli was horrified to witness Muni and Bernabé presenting themselves as gentlemen, or *hombrearse*, in his presence.[94] Muni had dared to go with Nápoli into the church with his hat on and had seated himself as Nápoli's equal at the padre's mission dwelling. Muni did openly carried weapons and dressed as a Spaniard. Nápoli went so far as to claim that Yaquis were worshiping Muni, and that it was clear to him that Muni was possessed by the devil. Perhaps his most interesting accusation was that when he had arrived at his assignment over the Yaqui villages, the Natives had told him he would have to do what they wanted, they would not consent to a mayordomo or outsiders, and they would name their own pages and other mission servants. Nápoli had clearly been caught in a

[94] This directly violated laws in the *Recopilación* that Indian Caciques and Principales not have the title of "Señor." See Book VI, Title 7, Law 5 in Tyler, *Indian Cause*, 189.

lie, but he was still a fierce opponent with powerful allies.[95] Even if his claims were exaggerated, they demonstrate a clear sense of Yaqui political identity; the Yaqui intended to exercise their own sovereignty in choosing not just town officials, but also church officers. This marked a blatant display of political power on the part of the Yaquis, which transcended voting (though this was a key Yaqui complaint). Nápoli's accusations also illustrate how Muni and Bernabé, as duly elected governors, expected even the priests to respect their authority and offices.

Huidobro held public meetings in which he listened to Yaqui complaints: they had been forced to work on Jesuit mission lands for little or no pay, they had not been allowed to work in the mines or elsewhere, they did not see any of the profits from their mission labor, which they said all went to the unprofitable missions in Baja California, and they had often been subjected to severe corporal punishment with little or no cause. It became clear that Governor Huidobro favored the Yaqui side of the dispute. He decided that this was the perfect moment to read a letter that had just conveniently arrived from the Viceroy, Archbishop Vizarrón, dating from March 1737. It exonerated the Yaquis for the Pótam prison incident and invited Yaqui leaders to Mexico City for a private audience.[96] Support from the viceroy, a cleric himself, must have been extremely troubling to the Jesuits. On 30 July, Huidobro accompanied Governors Marquina, Turimea, and Buimea to see Nápoli. They resigned their posts, which was probably Huidobro's idea, and new elections were held at Pótam, Ráum, Huírivis, and Vícam. Huidobro likely saw this as the best option, since the previous elections had been so heavily disputed. Yaquis were purportedly happy with the results.[97]

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[95] Navarro García, 38–41; Folsom, 139–142.
[96] Hu-DeHart, 67.
[97] Navarro García, 43–44; Folsom, 144.

The accounts of Huidobro's visit provide a fascinating window into the Yaqui electoral process. This process was somewhat similar to those in place at the Rio Grande Pueblos, but also distinctly Yaqui. At each Yaqui pueblo, a group of forty to fifty men met at the *casa de comunidad*, where they presented around three candidates for governor. They then voted on the three candidates. If there was a tie, they drew lots to determine a winner. The Jesuit was not shut out of these proceedings, and could oppose their choice. When this happened, the captain of the Villa de Sinaloa would select a replacement, always subject to the consent of the voters and the Jesuit. After the governor was elected, they named lesser officials such as teniente, alcalde, topil, alguacil, and others. It was a delicate balance that required the cooperation of Yaquis, Jesuits, and Spanish officials.[98] This window demonstrates that, at least in this particular moment in Yaqui history, the electorate consisted of male elites. This is why the election at Ráum in 1736 had been so problematic; mainly women had voted, and it had been almost entirely under the control of Nápoli. Such sham elections did not conform to Yaqui electoral ideals. What is more, Muni and Bernabé forewent running for office in the elections overseen by Huidobro. Instead, they attended to their most important mission: traveling to Mexico City to speak with the viceroy and insure Yaqui electoral freedoms once and for all.

The Yaqui diplomatic mission to the capital of New Spain departed in October 1738. An interpreter and five other Yaquis accompanied Muni and Bernabé.[99] Their role transcended their previous terms as governors of Ráum and Huírivis; they represented the political voice of the Yaqui Nation. They desired to no longer be treated simply as children of the Jesuits and intended to take their place as citizens of Spain. They stopped in Sinaloa, where Huidobro gave them passports, and then traveled on to Mexico City. It was a long journey, and in their absence the

[98] Folsom, 144–145.
[99] Ibid., 145.

situation worsened at home. Yaquis lacked reliable leadership. Jesuits persisted in their mistreatment, and after a bad crop yield, they horded what food remained, selling to starving Yaquis at inflated prices. Yaquis reached their breaking point and revolted in 1740. During that time, though, the actions undertaken by Muni and Bernabé in the context of political leadership by two former elected officials of the Yaqui República are quite remarkable. Certainly, Huidobro was using the aggrieved Yaqui for his own political purposes. He disliked the Jesuits, thought Yaquis should be politically and economically integrated, and saw the economic interests of miners and vecinos as more important than the Jesuit mission enterprise. Still, his actions also indicated at least some measure of sympathy for the Yaqui cause, and he was willing to put his political career on the line in their behalf. He was eventually relieved of his position for his handling of the Yaqui Revolt, and universally criticized by the Jesuits in the wake of the revolt. It was at his urging that Muni and Bernabé made the long trip to the capital, and he respected their office and status as Indian magistrates.

The Yaqui petition, which they presented to Viceroy Duque de la Conquista, and which became widely distributed at the time, confirmed the Jesuits' worst nightmares about the Yaqui, their leaders, and their demands. The document presented the viceroy with a number of requests, not least of which was that Muni and Bernabé have their names cleared (particularly for the Potám prison incident), and their lands restored. But, more importantly, the document demonstrated a political maturation on the part of the Yaqui; they desired to exercise their own political rights and sovereignty as an Indian republic. They condemned Padre Nápoli and other Jesuits for poor treatment of Yaquis, asked that Gurrola be replaced, that the coyotes brought in by the Jesuits be expelled, that Yaquis be allowed to carry arms, that they be paid for their work for the Jesuits, that the Padres not impede Yaquis from working in the nearby mines, and that

their old Spanish ally, Don Miguel de Quiroz, be named their Protector. Their most important political demand, number nine, was encapsulated in a single, brief phrase: "que se guardase dicho auto, en quanto a la livertad de las elecciones" (That the before mentioned order be kept, regarding freedom of elections).[100] Among a litany of other complaints, this one speaks to the Yaqui desire to self-govern, to have the final say in choosing their leaders, and in whose hands ultimate political power at the local level would rest. Yaquis envisioned a república that followed guidelines set by the Spaniards themselces, and this could happen only when Jesuit political hegemony was broken.

The long-feared revolt raged while Muni and Bernabé were away in Mexico City. Governor Huidobro, continually accused by the Jesuits of plotting with Yaquis to overthrow their power, failed to act decisively and the revolt spread to neighboring Indian nations, where the Mayos offered particularly fierce resistance. Viceroy Duque de la Conquista, who had conceded to Yaqui demands, died in office in 1741, and his replacement, Viceroy Conde de Fuenclara, grew impatient with Huidobro, eventually replacing him in 1741 with Sonora's sargento mayor, Captain Agustín de Vildósola, first as interim governor, and then on a permanent basis. Vildósola was much more closely allied with the Jesuit fathers, and acted decisively to put down the Yaqui Revolt. In addition, on 22 June 1741, after the events of 1740 had largely subsided, and even though they had pushed for a peaceful resolution to the conflict, he had Muni and Bernabé executed and then decapitated, sending their heads to all of the Yaqui villages as a warning against further rebellions.[101] Still, even with Huidobro's removal and the executions of

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[100] Petition to Viceroy de la Conquista, July 1739, Pastells Collection, Sevilla, Secretaria de Nueva España, Audencia de Mexico y Guadalajara, Knights of Columbus Vatican Film Library, Saint Louis University, St. Louis, Mo., reel 22, fr. 354–356.

[101] Hu-DeHart, 75. The Jesuit position on the revolt, succinctly summarized by Jesuit Padre Provincial Mateo Ansaldo in 1743, laid the blame for the revolt squarely on the shoulders of

Muni and Bernabé, the Viceroy Conde de Fuenclara directly addressed two central Yaqui demands: Jesuits were expressly forbidden to name or depose Yaqui governors; and coyotes, lobos, and mulattos were expelled from the Yaqui pueblos.[102] The importance of the actions of the governors of Ráum and Huírivis, who at a particular moment in Yaqui history, labored mightily to assert Yaqui sovereignty, and secure the right of Yaquis to elect their own officials free of Jesuit or Spanish meddling, cannot be overstated. The Jesuits would never regain their power and status in Sonora. Spain eventually expelled the order from the New World in 1767 after prolonged fears of disloyalty to the crown. Yaquis would maintain their fierce political independence, fighting a number of wars against Spain and Mexico well into the twentieth century, when many fled Sonora as political refugees, settling in what is today southern Arizona. It was a steep price to pay for votes and sovereignty, but one that Yaquis were willing to pay.

Yaquis, Huidobro, and vecinos. Among other things, Ansaldo accused Huidobro "of not having trusted the good Indians." He also listed the Yaquis' "false" accusations against the order, one of which was "mistreating the Indians," but did not include the denial of voting rights specifically. In fact, he did not once mention Yaqui complaints of political meddling by Jesuits, and a Yaqui desire for sovereignty and free elections as a major cause of Yaqui unrest. John D. Meredith, "The Yaqui Rebellion of 1740: A Jesuit Account and its Implications," 247, 243. Interestingly, this was not Huidobro's only confrontation with Jesuits during his tenure. He also had problems with jurisdiction in Baja California at the same time. For example, when Huidobro and civil officials fought with Jesuits over Aripes (who occupied the southern tip of Baja California) accused of stealing church valuables, Huidobro wrote to the viceroy on October 26, 1738 that unsanctioned Jesuit punishments needed to stop, "So that it be recognized in those dominions who is the sovereign and whom they must obey."

It also must be seen as at least a partial admission of wrongdoing that Padre Nápoli was eventually expelled from the order sometime after the 1740 revolt (the preceding expulsion trial is dated 1736, and the trial immediately after his is dated 1744). See MSS 867 CSWR Vol 41A AGN CSWR– Historia – Legajo 295, Parte 1. In addition, the Yaqui Revolt was not a unified effort on the part of Yaquis. For example, when dissident Yaquis attempted to enlist the help of the village of Belén, they refused. In response, they stole Belén's church ornaments and then danced the matachín in front of the priest there while wearing the stolen church cloth and vestments (Folsom, p. 146).

[102] Folsom, 179.

The Incomplete Political Incorporation of Pimería Alta

The area identified as the far northern region of New Spain, which Herbert Eugene Bolton referred to as the "rim of Christendom," has, for millennia, been inhabited by numerous Native peoples, prominent among whom are the various tribes collectively referred to as Piman peoples. The Pimas, which include Pimas, Tohono O'odhams (Papagos), Akimel O'odham, Sobaipuris, and others, inhabited a large territory that today falls within the States of Sonora, Arizona, and California. Spaniards had various names for these groups, but generally distinguished between Upper and Lower Pimas. They referred to the Upper Pima homeland as Pimería Alta. In simplest terms, Pimas and Sobairpuris lived in far northern Sonora, while Papagos, or desert Pimas, lived in the far northwest.[103] The current section focuses mainly on these three groups of Pimería Alta, to whom I will collectively refer as Pimas. In particular, I refer to the villages of San Cayetano de Tumacácori, San Gabriel de Guevavi, and San Xavier del Bac. Since the final decades of the seventeenth century, these Indigenous groups have gone through a process of political, religious, and cultural incorporation, which Edward Spicer has summarized in this manner:

> Upper Pima history through the Jesuit period is a story of a people whose interest in and demand for elements of Spanish culture was never fully satisfied. It contrasts with the histories of the Opatas, Mayo-Yaquis, and Lower Pimas…The Upper Pimas…did not divide sharply into pro-mission and anti-mission groups. As far as we can tell there was throughout the Jesuit period a genuine demand for missionaries all through the Pima country [although this demand was never fully satisfied].[104]

Scholar of the Papagos Bernard Fontana agreed with Spicer's assessment, further stating, "For three centuries Papagos have been encouraged directly…and indirectly… to become Spaniards,

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[103] Bernard L. Fontana, *Of Earth and Little Rain: The Papago Indians* (Flagstaff, Ariz.: Northland Press, 1981), 34–35.
[104] Spicer, *Cycles of Conquest*, 130.

Mexicans, and Anglo-Americans. The results to date have been very uneven; the process continues and perhaps always will."[105]

In the second half of the seventeenth century, the Spanish Crown tasked the Society of Jesus with bringing the various groups of Pimería Alta into the sphere of the Kingdom of Spain and the Catholic Church. The indefatigable individual who spearheaded this directive to Christianize and civilize the Upper Pimas was none other than the "padre on horseback," Eusebio Francisco Kino. From Kino's arrival in Pimería Alta in 1687, through periods of Jesuit and Franciscan missionization, and under the flags of Spain, Mexico, and the United States, Pimas experienced varying levels of political incorporation, and saw the promise of Indian voting largely unfulfilled, even though they, like the other indigenous peoples of northern New Spain, were entitled to that right under the Spanish colonial legal system.[106]

Father Kino established his headquarters in Pimería Alta near the Pima village of Cosari, founding the Mission Nuestra Señora de los Dolores on 13 March 1687. It was situated at a strategic point on the San Miguel River of northern Sonora, and a number of Pimas lived in the vicinity. An important headman by the name of Coxi lived there. Coxi held a considerable amount of sway among Pimas of the region.[107] Kino followed the tried and true method of befriending and converting the headman, baptizing Coxi, his wife, and more than forty other adults and children on 31 July 1687. Kino related that he was received very well by all of the

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[105] Fontana, *Of Earth and Little Rain*, 47.

[106] There are numerous sources upon which to draw for constructing a broad narrative of Pima politics and voting, and as with the other Native peoples I have examined, the writings of non-Indians essentially form the entirety of my sources. Yet, through a careful reading of missionaries such as Kino, Pfefferkorn, and Och, and examining important secondary sources by scholars such as Bolton, Spicer, and Kessell, I intend to reconstruct a broad narrative of Pima political change and voting in what today includes southern Arizona.

[107] Herbert Eugene Bolton, *Rim of Christendom: A Biography of Eusebio Francisco Kino, Pacific Coast Pioneer* (New York: Russell & Russell, 1960, repr. The Macmillan Company, 1936), 252–53.

Indians in his early encounters at Dolores and the outlying areas: "In all places they received with love the Word of God for the sake of their eternal salvation."[108]

After a few years of ministering to the Pimas of northern Sonora from his base of operations at Dolores, Kino embarked on many expeditions to the Indians of today's southern Arizona, in the land "más allá."[109] My intent here is not to narrate Kino's countless interactions with Upper Pimas, nor even necessarily to trace his steady progress into this far northern region. Instead, I will highlight actions taken by Kino and those who followed, and how these actions established a pattern of political interaction between Upper Pimas in Southern Arizona and Spanish government and church officials. In a 1691 journey with travel companion Father Visitor Juan María Salvatierra[110] designed to assess the feasibility of missions to the Pimas and Sobaipuris, Kino's party visited the villages of San Cayetano de Tumacácori and San Gabriel de Guevavi and met with Indian representatives from San Xavier del Bac. Kino reported that the Indians asked him to come to visit them at his earliest convenience. The padres delivered the customary orations on Catholic theology, and baptized several individuals, including children. The Spanish representatives distributed gifts and promised that priests would come in the future to live in their villages. They also began the process of political incorporation that took place in so many Indian-Spanish encounters before and after. They identified Native leaders, conferring the titles of gobernador, alcalde, and *mador* (herald). They distributed varas de justicia as

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[108] Eusebio Francisco Kino, *Historical Memoir of Pimería Alta*, ed. and trans. by Herbert Eugene Bolton (Berkeley: University of California Press, 1948), 112.
[109] Bolton, *Rim of Christendom*, 261.
[110] As Father Visitor, it was Salvatierra's responsibility to visit the Upper Pima missions and potential mission sites, assess their strengths and weaknesses, and sites for future missions.

symbols of Native leaders' power and responsibilities in the new Spanish order, and informed the Pima that they were now subjects of His Most Catholic Majesty, King Charles II of Spain.[111]

As large as Kino looms in the history of Spanish-Pima interactions in Arizona, it is, not surprisingly, Kino's military escort on many of his expeditions to the region in the late 1690s and early 1700s who recorded the most information on the political implications of these early encounters. Though Kino preferred to travel without a military escort, we are fortunate that Captain Juan Mateo Manje, the Lieutenant Alcalde Mayor of Sonora, escorted him on nine major trips of discovery and exploration, which covered thousands of miles and interactions with thousands of Native peoples. Kino rarely wrote of Indian civil government in any detail, but Manje had a keen eye for such issues. His narrations frequently contain descriptions of meetings in which he distributed varas de justicia all over Pimería Alta. But more importantly, Manje often commented on his attempted explanations to Indian leaders of the meaning of such titles and power. Manje's comments illustrate that these Spaniards firmly believed in the significance of the staffs and titles, even if they completely missed the irony of what they were doing. For example, Manje related a February 1694 encounter at the village of Caborca of the Soba Nation, located on the Río Altar in northern Sonora, in which "We gave them [the Indian officials] staffs of justice showing them how to govern their people and to take an interest in the public welfare." Just what did he think Indigenous rulers had been doing before the Jesuits and soldiers came? Manje also narrates the ideal scenario in which Native rulers and their people came under Spanish dominion. He described Chief Soba of said Soba Nation, who lived directly south of the Papagos, as a "vigorous, strong and valiant Indian…[who, along with his people] heard the Word

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[111] John L. Kessell, "Peaceful Conquest in Southern Arizona," in *Father Kino in Arizona*, by Fay Jackson Smith, John L. Kessell, and Francis J. Fox (Phoenix: Arizona Historical Foundation, 1966), 63.

of God and His Sacred Law and submitted to His Royal Majesty…[and thanks to his conversion and leadership], in a short time this nation was subdued…and indicated their willingness to serve God and to become loyal subjects of His Majesty."[112]

By late 1697, Manje and Kino were ready to travel north to the Sobaipuris of Southern Arizona. They brought gifts with them, for "Benevolence is the only thing with which you can attract those Indians." At the villages of Busac and Tubo, they conferred varas de justicia, "so they may enter into politics and government." Again, they must have believed that Indian leaders had no concept of leading and governing their people, and that they were there to introduce them to the world of politicking. The party traveled a loop through Sobaipuri and Pima territory, visiting numerous villages including Bac, Tumacácori, and Guevavi, all the while observing the conditions of the villages, noting the growth of horse and cattle herds that Kino had brought on previous visits, and commenting on the fervent desire of these Natives to have their own resident priests. Manje saw these many expeditions as a means to establish bases from which many more Indian nations to the north could eventually be incorporated into the Spanish body politic, since they were "ripe to be initiated into the science of government and politics."[113]

What Manje, Kino, and Spanish church and civil officials must surely have understood was that such initiation into the kingdom's political realm required a constant Spanish presence at or near Indian towns in the form of missionaries. In some instances, they quickly established these missions, while in other areas they were years in coming. Kino constantly demanded more help—more Jesuits to minister to Pimería Alta—with mixed results. Church and secular officials had good reason for their trepidation. Despite Kino's assertion that he was always well received

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[112] Captain Juan Mateo Manje, *Unknown Arizona and Sonora, 1693–1721*, trans. by Harry J. Karns (Tucson: Arizona Silhouettes, 1954), 18, 21–22.
[113] Manje, *Unknown Arizona and Sonora*, 75, 83, 93–94, 128.

and the Indians' desire for resident fathers, things did not always go smoothly. In some cases Spanish attempts at political incorporation were at the root of the problem. For example, in October1694, after much lobbying from Kino, Jesuits established a Soba mission at La Concepción de Nuestra Señora del Caborca and assigned Father Francisco Javier Saeta to serve there. Saeta was young and ambitious, but his mission was beset with problems from the beginning, including the father's own physical difficulty with the harsh environment. Less than six months later on 2 April 1695, Saeta met a violent death at the hands of Sobas from nearby villages. What is fascinating is that, according to Kino, the ringleaders were none other than the Native civil leaders of the neighboring town of San Antonio de Oquitoa. As Kino narrated the episode, when Father Visitor Salvatierra had gone to Oquitoa in 1690, he had promised to provide a priest for the town. The Oquitoans waited patiently for a number of years, but when Father Saeta was assigned to Caborca instead of their own town, their patience was at an end. Jealous of both the spiritual benefits and the "inner and outer clothing, cattle, sheep and goats, horses, mules, a farm, cow-hands, pack-trains and drivers" a resident priest would bring, many from Oquitoa left their town and went to live at Caborca, "leaving the [Indian civil] officials almost alone, etc., with all their dissatisfactions and other grievances." The Acalde of Oquitoa, with fifty to sixty followers from the surrounding area, went to Caborca and shot Saeta with arrows and clubbed the father, while "the Captain and Governor of [Caborca] responded immediately…[but] were defenseless…so they turned and fled in fear with all of the people of the pueblo, the officials, etc."[114] Kino placed the blame squarely on Oquitoa's appointed Indian officials, who were jealous of Caborca's new material benefits and their own lack of power when

[114] Eusebio Kino, *Kino's Biography of Francisco Javier Saeta, S. J.*, trans. by Charles W. Polzer, S. J., ed. by Ernest J. Burres, S. J. (St. Louis, Mo.: Saint Louis University, Jesuit Historical Society, 1971), 51, 87–91.

town residents moved away. These were unintended consequences of both resident priests and imposed civil government in Pimería Alta.

The Sobaipuri missions in southern Arizona were slow in coming as well. Kino made periodic visits during the 1690s, and even recorded the appointment of two new governors in 1698 at Guevavi and Los Reyes: "Two Governor's batons of authority were presented; one to the Governor of Guevavi and one to the Governor of Los Reyes, in place of those of the two Governors who had died in the previous months."[115] What effect these appointments of Native governors actually had on the Sobaipuri towns is impossible to know, but when Kino and others visited, they met with Native officials at many villages, and as noted in the above example, even replaced those who had died or left office for some reason. But, an actual functioning Indigenous town government in the Spanish model, with Spanish oversight, required resident priests. Finally, in 1701, Jesuits were assigned to the far north of Pimería Alta. Father Valenciano Francisco Gonzalvo was selected for Bac, while Father Juan de San Martín went to Guevavi. Within a short time, both Gonzalvo and San Martín had left their posts due to illness.[116] San Martín had only lasted a few months at Guevavi, while Gonzalvo died in 1702 of the illness he contracted at Bac.[117] It would be another thirty years before any fathers would again take up residence at the Sobaipuri towns.

Finally, in 1730, the viceroy gave instructions for missionaries in Pimería Alta to once again proceed to the far northern Pima missions: "For the conversion of those heathen Indians to our holy Catholic Faith and their education, three missions are to be erected and planted in

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[115] Eusebio Kino, "Relasión diaria de la entrada Norduesta…" in John L. Kessell, *Father Kino in Arizona*, 74.
[116] Ibid., 89–90, 92. The forbidding desert landscape and climate of Pimería Alta took their toll on many a Catholic priest.
[117] John L. Kessell, *Mission of Sorrows: Jesuit Geuvavi and the Pimas, 1691–1767* (Tucson: University of Arizona Press, 1970), 31–32.

northern Pimería Alta and entrusted to three religious of the Sacred Company of Jesus." The towns of Bac, Guevavi, and Santa María Saomca were chosen, and missionaries arrived in the spring of 1732.[118] This began the first period of extended missionization among these Upper Pimas. Many of these Jesuits who ministered at the Upper Pima missions loom large in the chronicles of northern Sonora and southern Arizona, perhaps less so than Kino, but still with recognizable names: Ignaz Pfefferkorn, Jacobo Sedelmayr, Joseph Och, and Juan Nentvig. These missions still experienced a great deal of instability, and even periods without priests (at Bac, for example, between 1692 to 1767, the padre's house stood vacant four out of every five years on average[119]), but their relatively sustained presence led to a more formal establishment of Indian civil government in the Spanish town model. Whether or not these qualify as repúblicas de indios is debatable; they were remote, under-populated, and constantly exposed to attacks from Apaches.

What form or level of civil government did these Indian towns attain in the eighteenth and nineteenth centuries under Spanish control? Borderlands scholar Cynthia Radding neatly summarized the structure of Sonora's Indian civil governments: "Mission pueblos replicated Iberian town government in a colonial setting through the election of Indian officers, who received a cane of office and the titles of *gobernador*, *alcalde*, *fiscal*, *topil* and, for purposes of religious instruction, of *mador* and *temestián*."[120] Papago expert Ruth Underhill similarly summarizes the Pima town governments instituted by Kino in this way:

> In the San Pedro valley, [Kino] gave many staves of "governors, justices and captains," and he frequently was guided on his trips by Indian "justices." Just how universal the system of appointment was, he does not say, but the complexity of organization probably

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[118] Kessell, *Mission of Sorrows*, 40, 43, 45.
[119] Ibid., 65.
[120] Cynthia Radding, "The Colonial Pact and Changing Ethnic Frontiers in Highland Sonora, 1740–1840," in *Contested Grounds*, 57.

> depended on the size of the town since the "very great rancheria of Adid" received a governor, chief *fiscal* and sheriff, while Anegam and Bitter Wells received only one cane apiece…[Royal policy] provided that Indian officials should be elected every year in the presence of the parish priest. But the Papago villages (except Bac) had no parish priest and they soon relapsed into their traditional method of choosing an official by heredity subject to the approval of the villagers, and holding office for life. The different villages, in time, worked out slightly different methods [of selection].[121]

Like the Pueblos of New Mexico, each Pima village adapted the annual elections (which were held much less frequently in many Pima towns), and officers often had a formal installation, which included traveling to the provincial capital at Pitic (now Hermosillo), to be confirmed by Spanish officials.[122]

Jesuit chroniclers who labored in the Pima missions left invaluable clues about civil government and the electoral process in Pimería Alta. Other than the Natives themselves, whose accounts we unfortunately do not have, these Jesuits were best equipped to comment on how Indian town governments were instituted. Ignaz Pfefferkorn, who served at Guevavi from 1761–63, summarized Indian town government in this way:

> Certain Indian magistrates were put at the head of each village…Indians who were best fitted for the position and who seemed also to be true and pious Christians were appointed as magistrates. The first and most distinguished of these magistrates was the *govenaar*.
> His duty it was to pass judgment on disputes which occurred in the village, to see that the laws were obeyed, and to punish transgressions according to their seriousness. However, he was not permitted to punish anyone without the pastor's knowledge and consent, lest passion cause him to misuse his power.
> The second in command bore the name of *alcalde*…The alcalde carried out the governor's orders and filled his office during the governor's absence.[123]
> Every community had also a fiscal…who was, so to speak, a summoner. He was obliged to assemble the people when a community enterprise was to be undertaken or when a general announcement was to be made…Similarly, he reported…misdeeds which he discovered among the people…

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[121] Ruth Murray Underhill, *Social Organization of the Papago Indians* (New York: Columbia University Press, 1939), 85–86.
[122] Ibid., 87.
[123] Alcalde in the Pimería Alta missions was the rough equivalent of lieutenant governor in the Rio Grande Pueblos.

> In each village there were also one or two…*madores*, who supervised the grown children and also cared for the sick. This office was filled by Indians, who from their reputations could be expected to be faithful, careful, and diligent.[124]

Father Pfefferkorn also refers to special clothing worn by Indian magistrates while performing the duties of their office, such as scarlet shirts and pants with silver borders, a decorated hat (which had so angered Father Nápoli), and their varas de justicia.[125] But for all of his detail on the magistrates and duties of office, he does not once use the word "elected." There is no mention of Indians choosing their own leaders; the Jesuits selected the officials.

Similarly, laboring in Pimería Alta in the 1750s and 1760s, Father Joseph Och affirmed much of what Pfefferkorn stated, but went a step further in describing the selecting of town officials:

> The Indians' actual superiors [magistrates] in the villages are mainly chosen by the father, who knows them best, and then approved by the provincial governor. These Indian magistrates may become somewhat conceited and consider themselves of the nobility or as caciques; yet it lies in the father's power, if they conduct themselves badly, to depose them along with a public whipping, and reduce them to common folk. Others are then elevated in the name of the King, and receive the staff of authority. Such a staff is often fitted with a silver knob weighing a pound.[126]

And yet, despite such a blatant lack of real authority on the part of the Indian magistrates, and apparently little say in the selection of these officials, Och asserts that "The Indians recognize the King of Spain as their overlord, or much more; they believe he is the man who can give them orders."[127]

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[124] Ignaz Pfefferkorn, *Sonora: A Description of the Province*, trans. by Theodore E. Treutlein. Coronado Cuarto Centennial Publications, 1540–1940, vol. 12. (Albuquerque: University of New Mexico Press, 1949), 266–67.
[125]Ibid., 273.
[126] Joseph Och, *Missionary in Sonora: The Travel Reports of Joseph Och, S. J., 1755–1767*, trans. by Theodore E. Treutlein. (San Francisco: California Historical Society, 1965), 167.
[127] Ibid., 166.

Father Juan Nentvig, who also labored in Pimería Alta in the 1750s and 1760s, differed from Pfefferkorn and Och in his 1764 account, observing that, "The governor is a native selected by the inhabitants of the pueblo in the presence of the missionary who directs the inhabitants to be sure that the elected man is one who leads a good life thus setting an example that all will stimulate and spur them to be good." His narrative stands out in that he actually referred to a Native electoral process, and the governor as an "elected man." He also wrote that the temastian, or Native teacher of catechism, "also serves as scribe for the town council," and that all of the preceding was in line with directives from the viceroy. This is a rare mention of a town council, or ayuntamiento, in Pimería Alta.[128] Since Jesuits held a great deal of power in the establishment of secular governments in the missions, it is possible that Nentvig allowed more political autonomy to the Indians under his direct care. But, real electoral power in Indian hands certainly seems to be the exception. Jesuit chroniclers and scholars generally agree that Jesuits selected Indian magistrates in Pimería Alta; these were not free Indian elections. Even Kino, who tirelessly wrote in behalf of Upper Pimas and lauded their good character, wrote, "The Indian governors do not know how to obey the missionary fathers nor how to command their own subjects. Their rather uncouth subjects, in turn, do not know how to obey the governors or officers."[129] Even though he was referring to the early stages of missionization, it still bespeaks a Jesuit and Spanish belief in the Indians' inability to truly govern themselves. In a later letter from 1783, one Franciscan lamented that mission Indians on work assignments labored neither hard

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[128] Juan Nentvig, S. J., *Rudo Ensayo: A Description of Sonora and Arizona in 1764*, trans. by Alberto Francisco Pradeau and Robert R. Rasmussen. (Tucson: University of Arizona Press, 1980), 111. In their cardinal work on the history of Sonora, *Tres Siglos de Historia Sonorense (1530–1830)*, editors Sergio Ortega Ignacio del Río echo much of what the Jesuit fathers stated about Indian town government in Sonora. See Sergio Ortega and Ignacio del Río, eds., *Tres Siglos de Historia Sonorense (1530–1830)*, (México, D. F.: Universidad Nacional Autónoma de México, 1993), 69–70.

[129] Kino, *Kino's Biography of Saeta*, 187.

nor long, "but when and how they choose, *since they are not the most obedient to their justicias* [who were in charge of assigning such work details]."[130] Thus, Indian town officials voted into office by the Indians themselves remained mostly an illusion in Pimería Alta from Kino to Mexican independence. The whole purpose of Indian town government—to make Indians into taxpaying Spanish citizens—must be seen as a failure, since Upper Pimas at Guevavi, Bac, and Tumacácori were never politically incorporated. Bernard Fontana concludes, "In the case of the Pimería Alta, neither the Jesuits nor the Franciscans who succeeded them were ever able to bring the O'odham beyond the stage of conversion/reduction. The natives never became tax-paying vassals of the crown nor did they ever have to pay ecclesiastical tithes."[131] Still, even though they kept power to themselves, Kessell points out that "[The priests] tried to choose natives who commanded respect of their brethren and who might have been headmen among them even in their heathen state."[132] In the worst-case scenario the priests chose leaders at odds with their people, while in the best possible outcome they selected traditional leaders respected by fellow Pimas.

In 1767 Charles III expelled the Jesuits from the Spanish Empire and attempted to put New Spain on course for missionary reform. In Kessell's words, "the reformers tried to throw out the traditional paternalism along with the Jesuits. They would grant the Indians civil rights

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[130] Father Reyes to Croix, Culicán, April 24, 1783, AGI Guadalajara., 348, in John L. Kessell, *Friars, Soldiers, and Reformers: Hispanic Arizona and the Sonora Mission Frontier, 1767–1856*. (Tucson: University of Arizona Press, 1976), 155, emphasis added by author.

[131] Bernard L. Fontana in *Before the Rebellion: Letters & Reports of Jacobo Sedelmayr, S. J.*, trans. by Daniel S. Matson. (Tucson: Arizona Historical Society, 1996), xxxviii. Spaniards failed to establish a single mission among the most northern Pimas, those who lived along the Gila River. Because of this, "a uniform and elaborate hierarchy of officialdom, such as came into existence in the south where contact was close and continuous, apparently was never achieved on the Gila River." See Paul H. Ezell, "The Hispanic Acculturation of the Gila River Pimas," in *American Anthropological Association*, vol. 63, no. 5, part 2, Memoir 90 (October 1961), 126.

[132] Kessell, *Mission of Sorrows*, 75.

and put mission economics in the hands of government agents," thus hastening the political incorporation of Upper Pimas and the secularization of their missions, which the Jesuits had failed to accomplish. Franciscans replaced Jesuits in Pimería Alta, but they soon found their missionary task nearly impossible without the carte blanche of the old system. They reverted to the same form of paternalism within a short time, and the idealistic reform rhetoric that had heralded the Jesuit expulsion gave way to several more decades of missionary control. Franciscans continued to control Indian elections by selecting those Indians most disposed to support the aims of the priests. Kessell summarizes the "election" of town officials in Pimería Alta with this succinct passage:

> The annual mission "election" was never intended to be free and open. The missionary provided close supervision, seeing to it that indios ladinos, the most hispanicized of his neophytes, were chosen. At Tumacácori cooperative Indians were elected over and over. As mission *justicias*, they maintained order and assisted the Father in his relations with the people. In turn they learned something of how civilized men governed themselves. [Franciscan Antonio María Reyes wrote in 1772] "The missionaries must…teach and make the justicias understand the obligation, love, and veneration they owe our beloved Sovereign, and that in his name they must punish the bad in moderation and serve as protectors of the good."[133]

Writing in 1778 about annual elections at the Opata Pueblo of Nuestra Señora de la Asunción de Arizpe in Sonora, an unidentified Spaniard recorded what an Indian election there looked like. Although he was documenting Opata activities, it is safe to assume that the same applied to the Indians of Guevavi, Tumacácori, and Bac:

> The annual election of these officials should be in the community house by vote with the assistance of the Spanish justice of the district. *But ordinarily they yield to the proposition which is made at the door of their house, and immediately that they are admitted, he [the justice] places them in possession [of the office] without any other formality then to inform those present that so and so are the officials*.[134]

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[133] Kessell, *Friars, Soldiers, and Reformers*, 72.
[134] Kessell, *Kino in Arizona*, 126, emphasis added by author.

The rhetoric of Indian self-government clearly remained empty for Upper Pimas in the seventeenth, eighteenth, and into the nineteenth centuries.

This is not to say that the Indian officials in Pimería Alta did not frequently complete important work for their people, even if they were merely selected by priests as opposed to being voted into office. In many cases Upper Pima magistrates performed the same duties as their Pueblo counterparts in New Mexico. In a positive example from the late Spanish era of Indian justicias using their position on behalf of their people, Father Narciso Gutiérrez encouraged Tumacácori's justicias to travel to the administrative capital at Arizpe in 1806 to ask for a formal grant of land for the Indians. The mission did not have a land grant. In fact, there was absolutely no legal document stating Tumacácori's boundaries, and vecino ranchers and others were beginning to encroach upon Indian lands. By now the mission was a mix of Sobaipuris and Papagos from the west. The priest told Tumacácori's governor, a Papago named Juan Legarra, and the other justicias, to petition for a formal land grant. The legal proceedings that ensued continued from late 1806 into 1807. The Indians of Tumacácori won their land grant, and none too soon as ranchers on all sides encroached more and more on their land. The justicias made statements in court on behalf of their people, called witnesses, and generally handled all the important parts of the case.[135] This demonstrates that, even if they were selected by and acted under the direction of a priest, Indian magistrates in southern Arizona still could play a very important part in the affairs of their people and act in their behalf. But this was not true Indian sovereignty, and Pimas lingered in a state of unrealized political freedom, while Pueblos, Hopis, and Yaquis clearly controlled more of their own affairs.

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[135] Kessell, *Friars, Soldiers, and Reformers*, 207–214.

Conclusion

The history of Indian politics and voting in Arizona, illustrated through the examples of Hopis, Yaquis, and Pimas, is replete with the unfulfilled promise of Indian self-government and voting. The plan to politically incorporate Indian peoples in Spain's far northern region hinged on efforts by Jesuits and Franciscans, and included civil authorities as well. The Spanish goal to complete this incorporation within one to two decades was foolhardy. Jesuits, Franciscans, and civil authorities in the region never proved willing to give up control over their Indian charges to the degree that would allow for free and open voting and the exercise of Indian sovereignty. Spaniards imposed a system of government in which Indian magistrates were often puppets of cross and crown. Though the system was fraught with problems in New Mexico during the same period, by comparison, New Mexico's Indians enjoyed a greater degree of power in selecting their governors and officials, and in directing the affairs of their Pueblos. Spaniards in New Mexico, both civil and religious, were more willing to compromise, allowing Indians to decide how village elections would proceed.

Some Indians in the Arizona-Sonora Borderlands recognized their lack of political power and engaged in armed revolt on several occasions (Lower Pimas in 1737, Yaquis, Mayos, and others in 1740, Upper Pimas in 1751). This series of Sonoran uprisings has been characterized by one scholar as motivated by "Pimas [who] were dissatisfied over certain abuses in the exercise of civil authority."[136] Yaquis are unique among these groups. They revolted when Jesuits disrespected and abused their elected civil officials and barred their right to vote. They, at least, had internalized the Spanish system of town government to a large degree, and were willing to

[136] Roberto Mario Salmón, "A Marginal Man: Luis of Saric and the Pima Revolt of 1751," in *The Americas* vol. 45, no. 1 (July 1988), 67.

risk their lives when this system of civil governance was implemented incompletely when outsiders infringed upon their legal rights to autonomy.

Spaniards implemented this system among Hopis and Pimas in a manner that can only be characterized as incomplete. Far to the north, Hopis endured the arrival of Spanish civil and religious representatives, followed by the establishment of Franciscan missions at Awatovi and other villages. A system of civil government in the Iberian model would surely have accompanied the missions. Yet, the very men who would have served as gobernadores and alcaldes, working within a tenuous Hopi República, were murdered at Awatovi one fateful morning in 1700, and whatever memory there was of Hispanicized Hopis wielding varas de justicia died with them. Perhaps Miguel had surely met such a fate after accepting a village governorship in the Spanish system. The image of Hopis killing other Hopis over power and Christianity is one of the darkest illustrations of the dangers of colonialism, and how Spanish efforts to incorporate Native peoples could result in unimaginably brutal consequences. For their part, Pimas in the Arizona-Sonora Borderlands experienced more than a century of missionization. Yet in the end, they were never truly brought into the Spanish body politic. The project to make Upper Pimas tax-paying Spanish citizens failed completely. Priests there proved too unwilling to place control of Pima affairs squarely in Indian hands. For these reasons, the history of Indian politics and Indian voting in the Arizona-Sonora Borderlands is much more disparate and varied than New Mexico's dealings with Pueblo peoples. Still, both areas would share in the further promise of secularization and expansion of civil rights that accompanied Mexican independence during the pivotal first half of the nineteenth century.

Chapter 3

THE RISE OF PUEBLO POWER IN THE MEXICAN PERIOD

From Spanish Twilight to Mexican Republic

The years from 1821, when Mexico formally gained its independence from Spain, to 1846, when United States Army forces began a war of conquest against the Republic of Mexico, are remembered as politically, socially, and culturally chaotic for Mexicans of all races and classes. For Indigenous peoples, that chaos did not simply begin with the Treaty of Córdoba in 1821, in which Spain formally recognized an independent Mexico, or even with Miguel Hidalgo y Costilla's "Grito de Dolores" in 1810, which called upon *criollos* (Mexicans of Spanish descent born in the New World), mestizos, and Indians to throw off the Spanish yoke of oppression. The roots of the profound changes that also came to engulf the Indians of New Mexico are to be found in the latter half of the eighteenth century, culminating in the events of the 1840s, when yet another colonial power forced its administration on the Indians of this territory (as well as the Native peoples of Arizona, the subject of my next chapter). The Mexican period in New Mexico would mark the final stage of colonial administration in the Hispanic model, a model that agents of the United States would later drastically alter in favor of their own vision. For Indians, this brief interlude was a period marked by the high ideals of independence, racial equality, and opportunity promised by those who heralded in an independent Mexico. But the reality was that New Mexico's Indian peoples found Mexican promises as empty as those offered by the Spaniards who had preceded them. Government officials in Mexico City and provincial seats of power were far too preoccupied with the upheavals that accompanied

independence to fully implement the reforms intended to bring political and social equality to Indians.

Repúblicas de indios were part of a larger effort by viceregal officials in the Spain's New World possessions to allow a relatively high amount of autonomous political power to local officials. By the mid 1700s, Spanish residents of the Western Hemisphere had come to be ruled by a political framework of consensus. This meant that, on the municipal level, many criollos, mestizos, and Indians enjoyed political power. Part of this was due to the fact that political positions from the mid-sixteenth century on—from corregidores and members of ayuntamientos all the way up through the viceroy—were available for sale. The Spanish crown was in steep decline after the seventeenth century, and the sale of positions was intended to raise funds for the nearly bankrupt treasury. This practice provided ambitious criollos and mestizos the opportunity for some upward mobility. Indian villages also continued to select their leaders in whichever manner best suited each individual village—some through selection by traditional village elders, others through an electoral process—and continued with the tradition of Indian political autonomy within the repúblicas. But, after Habsburg rule of Spain came to a close in the early 1700s, Spain was in need of drastic reform. Felipe V of Spain initiated the Bourbon reforms, which aimed to centralize government in Spain, restore the royal finances and depleted treasury, and reorganize the military. These Bourbon rulers who came to power in the latter half of the eighteenth century sought to implement reforms that would allow for better tax collection, more efficient provincial government, and the development of regional economies.[1] In addition, the colonial government took greater fiscal control of Indian pueblos in 1766, which left Indian rulers under greater oversight and with less autonomy in dispensing community funds and

[1] Jaime E. Rodríguez O., *The Independence of Spanish America*, Cambridge Latin American Studies series (Cambridge: Cambridge University Press, 1996), 19–22, 25–26..

determining budgets.[2] These developments were harbingers of attempts to phase out repúblicas de indios, first by the Spanish crown, and then by the Mexican government.

In the midst of the crown's desperate attempts to reform colonial administration in the Americas, one crucial phenomenon of the late eighteenth and early nineteenth century was the development of a distinct New World identity—an American identity—particularly among criollos in Mexico. Criollos became more and more disillusioned with the lack of opportunities for those who were not *peninsulares* (Spaniards born in Iberia), or *gachupines* as criollos came to call them. This heightened sense of American identity brought a reactionary response by Spanish rulers in the eighteenth and nineteenth centuries, who then attempted to reduce a politically-strident New Spain to its earlier colonial status. For example, Spain replaced the sale of provincial offices with regular paid officials chosen by the crown. This significantly diminished the power of criollos.[3] Naturally, there was a pushback from Mexico in particular as prominent criollos and their supporters agitated for more home rule.

Events came to a head in the early nineteenth century when Napoleon Bonaparte's French armies invaded Iberia. King Charles IV abdicated in March 1808, and Napoleon replaced him with his own brother, Joseph Bonaparte. In response, Spaniards rallied around Charles's son, Ferdinand VII. They called for him to be king, and a movement in support of Ferdinand became synonymous with the movement against the Napoleonic presence in Spain. In addition, emerging political players in the Americas saw the collapse of the Bourbon crown as the perfect opportunity to push for the desired home rule.[4] But, the movement for independence was still in its earliest phase. In Mexico City and elsewhere in this hemisphere, peninsulares, criollos,

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[2] Dorothy Tanck de Estrada, *Pueblos de Indios en el México Colonial, 1750–1821*, 581.
[3] Jaime E. Rodríguez O., *The Independence of Spanish America*, 19, 23.
[4] Ibid., 51–53.

mestizos, and Indians all watched anxiously to see how the Spanish struggle against Napoleon would unfold.

The events following 1808 marked the beginning of a political revolution in the Americas that would eventually result in changes to the way Pueblo Indians voted and participated in politics. While they had initially rallied around Fernando VII, some criollos began to argue that in the absence of a Spanish monarch, sovereignty reverted to the people and their institutions. The ayuntamiento of Mexico City, and the other important provincial governing bodies, took a leading role. With the remaining Spanish government hemmed in by the French at the port city of Cádiz, in the southern Spanish region of Andalucía, the Spanish government called together a national congress, or *Cortes*, to deliberate on political reforms that would result in a new constitution for Spain and the restoration of Ferdinand to the throne. Furthermore, the deliberations that led to the Constitution of 1812 would make Spain into a modern constitutional democracy.[5] From the outset, the Cortes faced a dilemma: in order to maintain unity in the face of a protracted war in Iberia, support from overseas possessions was essential. But in order to achieve this they would need to allow greater political participation from those residing outside of the peninsula, both at the Cortes and in Spanish politics in general. Many peninsulares at the Cortes of 1810–12 were terrified by the prospect of full political participation for the 15–16 million American and Philippine residents.[6] These developments, and those that followed, which eventually led to Mexican independence, would directly impact how Indians in New Mexico voted and participated in political processes. New Mexico had its own representative at Cádiz.

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[5] Rodríguez O., 73, 82.
[6] James F. King, "The Colored Castes and American Representation in the Cortes of Cadiz," in *The Hispanic American Historical Review*, vol. 33, no. 1 (Feb., 1953), 33.

Don Pedro Bautista Pino traveled to Spain to participate in the Cortes, but by most accounts he played a rather anonymous part in the proceedings.[7]

In Cádiz, the struggle between peninsulares and non-peninsulares over representation and political participation played out over the coming year-and-a-half. The single Indian representative at the Cortes that drew up the Spanish Constitution of 1812 was a Peruvian by the name of Dionisio Inca Yupangui. Still, the American contingent pushed for political equality. A leader of this contingent, José Mejía Lequerica delivered an impassioned statement on 2 October 1810, calling for the Cortes to "grant equality to all the free castes." He even got down on his knees in a bit of dramatic flair, reportedly drawing tears from the gallery. Unfortunately, the peninsulares at the Cortes made up the majority of the delegates, with their seventy-five deputies greatly outnumbering the thirty American and Philippine deputies. They refused to grant full political participation to all free men, in spite of the impassioned pleas uttered by non-peninsulares.[8]

Iberians put up particularly stiff resistance to the proposal for Indian political rights. A statement was read on 11 September 1811, declaring that more than two hundred years of efforts to Christianize and civilize Indians had accomplished little, since Indians were of an inferior nature. They simply were not fit for self-government. This statement, called the *Representación del Consulado de México*, read:

> [The Indian] is endowed with a laziness and languor….He never moves unless hunger or vice drive him. Congenitally stupid, without either innovative talent or strength of thought, he despises both the arts and work; they are not necessary to his way of life. He is a drunkard by nature….Sensual because of lascivious thoughts and bereft of chaste ideas about physical closeness, modesty or incest, he takes his fleeting pleasures with the

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[7] Joseph P. Sánchez, Robert L. Spude, and Art Gómez, *New Mexico: A History* (Norman: University of Oklahoma Press, 2013), 70.
[8] James F. King, "The Colored Castes and American Representation in the Cortes of Cadiz," 37, 41–42, 35–36.

> woman closest at hand. As careless as he is insensitive to religious truths…, and lacking love for his fellow-creatures, he only avoids those crimes which will bring him immediate punishment.

American representatives were so outraged they even attempted to leave the proceedings, but the president of the Cortes ordered the guards to bar their exit.[9] The peninsular desire to exclude Indians from political representation proved impossible, since the nominal freedom and equality of Indians had already been too firmly established in the Laws of the Indies to pursue this course. Instead, peninsulares turned to Spanish Americans of African descent, both free and enslaved, as their targets of exclusion. Those of African ancestry, known collectively as *castas*, proved easier to marginalize than Indians and mestizos. On 15 October 1810, the Americans presented a list of eleven demands, the most important of which called for equal representation between Spain and its overseas possessions. The language of this list called for representation for "natives derived from both hemispheres, Spaniards as well as Indians, and the children of both."[10] Peninsulares simply could not overlook these demands while still seeking the loyalty and support of criolloes, mestizos, and Indians, which they desperately needed.

In the end, the Constitution of 1812 represented a compromise between American demands and peninsular fears. Article 5 states, "Of those who are Spaniards, and lawfully considered as such: 1. All free-men, born and bred up in the Spanish dominions, and their sons." This meant Indians were considered Spaniards under the law. Furthermore, Article 18 grants citizenship to "Those who, by both lines, are of Spanish parents, of either hemisphere, and have resided ten years in some village of the Spanish dominions." Article 23 states that "those who are citizens can obtain municipal employments; and elect for them, in the cases pointed out by

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[9] Rodríguez O., 85.
[10] King, 43–44, 47.

law."[11] The constitution allowed all areas of the Spanish dominion with 1,000 or more inhabitants to establish ayuntamientos, with significantly expanded political participation. For purposes of representation, one deputy to the Cortes was granted for every 70,000 inhabitants. But, the Cádiz Constitution left out all of the castas. Still, on paper at least, the long fight for Indian citizenship and voting rights in Spain had finally been resolved. The granting of the franchise to all adult males (except Africans), without a literacy test or property requirement, made Spain the most politically open society in the western world to date.[12]

With the establishment of the Constitution of 1812, the first popular elections in New Spain were held in Mexico City in 1812–1813. These elections, designed to choose deputies to participate in the Cortes, represented the first direct participation in Spanish national politics by large sectors of the population, since the constitution had declared all Spaniards equal before the law. It was an extremely complicated electoral process, but electoral juntas chose electors, who then chose the deputies to the Cortes. Among the chosen electors were former Indian governors of Mexico City's Indian communities, such as Dionisio Cano y Moctezuma, who had been the governor of the San Juan section of the city. Many were excluded from the elections, since the constitution did not grant citizenship to castas and also suspended the voting rights of debtors, domestic servants, the unemployed, and those who were under criminal indictment.[13] Still, these

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[11] *The Political Constitution of the Spanish Monarchy: Promulgated in Cádiz, the nineteenth day of March*, Biblioteca Virtual Miguel de Cervantes, http://www.cervantesvirtual.com/obra-visor/the-political-constitution-of-the-spanish-monarchy-promulgated-in-cadiz-the-nineteenth-day-of-march--0/html/ffd04084-82b1-11df-acc7-002185ce6064_1.html#I_1_, accessed 4 March 2014.
[12] Rodríguez O., 89, 92.
[13] Virginia Guedea, "The First Popular Elections in Mexico City, 1812–1813," in *The Origins of Mexican National Politics, 1808–1847*, edited by Jaime E. Rodríguez O. (Wilmington, Del.: Scholarly Resources, 1997), 39–40, 42–43, 45, 49.

elections represented an important step in the electoral process: the first Indian participation in national politics.

Even with these constitutional concessions and the elections, peninsular Spain could not avoid unrest in its overseas dominions. Criollos who favored home rule in Mexico, led by Father Miguel Hidalgo y Costilla, the priest of the mostly Indian parish of Dolores located in the central Mexican state of Guanajuato, realized that their uprising would certainly fail unless it attracted broad support. This meant that it could not be a movement of criollos alone; mestizos and Indians had to take part.[14] Hidalgo and others had been plotting a revolt for October of 1810. When it was prematurely discovered in mid-September, Hidalgo and others made the decision to carry out the revolt immediately, much like the Pueblo Indians of New Mexico in 1680. What happened next is steeped in legend, and it is impossible to know what Hidalgo said when he reportedly called his parishioners, many of them Indians, to join the revolt.[15] The popular retelling of what became known as the "Grito de Dolores" has a distinctly Indian feel. In the most common version of the Grito, Father Hidalgo states:

> My Children: a new dispensation comes to us today. Will you receive it? Will you free yourselves? *Will you recover the lands stolen three hundred years ago from your forefathers by the hated Spaniards?* We must act at once….Will you not defend your religion and your rights as true patriots? Long live our Lady of Guadalupe! Death to bad government! Death to the gachupines [another word for peninsulares]!

Hidalgo embraced la Virgen de Guadalupe as a symbol of the revolt. This appealed to Indians, as the Virgen de Guadalupe was an indigenous representation of the Virgin Mary.[16] In addition, Hidalgo called for an end to tribute, which disproportionately burdened Indians. The propaganda

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[14] Michael C. Meyer, William L. Sherman, and Susan M. Deeds, *The Course of Mexican History, Sixth Edition* (New York: Oxford University Press, 1999), 127.
[15] Hugh M. Hamill, Jr., *The Hidalgo Revolt: Prelude to Mexican Independence* (Gainesville: University of Florida Press, 1966), 118–119, 121.
[16] Meyer et al., *The Course of Mexican History*, 276.

of the early movement for Mexican independence was aimed at criollos, mestizos, and Indians. Printed materials were popular with literate white Mexicans, while slogans, songs, and banners prevailed among Indians and mestizos.[17] Thus, while the Cortes in Spain debated citizenship for people of color in Mexico and elsewhere, Father Hidalgo carried out an independence movement that called upon Indians specifically to expel the colonizers and reclaim their lands. The movements were simultaneous: on the one hand, Spain reluctantly granted citizenship and voting rights to all non-African Spaniards, while Father Hidalgo called upon Indians to unite in his struggle to cast off corrupt Spanish government.

As the independence movement gained traction in the 1810s, culminating in a free and independent Mexico in 1821, it maintained the rhetoric of racial equality and rights for mestizos and Indians. General Augustín de Iturbide, who inherited Hidalgo's mantle in the years following the priest's capture and execution, championed the *Plan de Iguala*, independent Mexico's first governing document. At its core, the Plan de Iguala was a conservative attempt to balance the interests of the Church, the army, and the new nation. It proposed a constitutional monarchy, and still proposed that Fernando VII come to Mexico to rule as emperor. When Mexican forces finally defeated royalist armies and seized Mexico City, the newly-arrived Spanish *Jefe Politico Superior* (essentially the equivalent of viceroy), Juan O'Donojú, signed the Treaty of Córdoba on 24 August 1821, thereby accepting the Plan of Iguala and recognizing

[17] Hamill, *The Hidalgo Revolt*, 123, 127. Hamill also shows that revolutionary plotters included Indians and castas in their plans from the early stages of the revolt. For example, José Mariano Michelena, a Spanish military officer and early revolutionary, along with his coconspirators, planned to recruit peasants in Morelia (at the time called Valladolid), combine them with militia regiments, and then hoped to attract 18,000–20,000 Indains and castas to their army with the promise of the abolition of the levy. See Hugh M. Hamill, "An 'Absurd Insurrection'? Creole Insecurity, Pro-Spanish Propaganda, and the Hidalgo Revolt," in Christon I. Archer, *The Birth of Modern Mexico, 1780–1824* (Wilmington, Del.: Scholarly Resources, 2003), 69.

Mexican independence.[18] The Plan de Iguala, so important in the annals of Mexican constitutional history, called for the so-called *Tres Garantías* (Three Guarantees): Catholicism, Union, and Independence. The ideology of equality is clear from the preamble:

> When I speak of Americans, I speak not only of those persons born in America, but of the Europeans, Africans, and Asians who reside here. May they all have the good grace to hear me!…For three hundred years…Spain educated and aggrandized [North America], forming its opulent cities, its beautiful villages, its remote provinces and kingdoms…a general union between Europeans, Americans, and Indians, is the only solid base upon which our common happiness can rest.

For the status and rights of Indians, the most important element of the Plan was Article 12: "All of the inhabitants of that Empire, with no considerations except those of merit and virtue, are citizens qualified to accept any employment."[19] With this action, Mexico continued the trend toward racial equality, begun in the last years under Spain, except that even Mexicans of African descent were full citizens. But, it remained to be seen how these developments would affect the Indians of New Mexico.

Returning to the 1810s, in November of 1812, in addition to granting citizenship and voting rights to Indians and mestizos, Spain also abolished personal servitude by Indians and gave them control of communal lands in order to encourage agriculture, industry, and population growth. But the biggest reform measure of the new constitution was its establishment of ayuntamientos in all towns with more than 1,000 residents. This change marked the virtual elimination of repúblicas de indios. Constitutional ayuntamientos lumped Spaniards, mestizos, and Indians together in a single voting body, thereby replacing the traditional cabildos and town

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[18] Timothy E. Anna, "Iguala: The Prototype," in *Forceful Negotiations: The Origins of the Pronunciamento in Nineteenth-Century Mexico*, edited by Will Fowler (Lincoln: University of Nebraska Press, 2010), 3, 5. The plan to bring in Fernando VII as emperor was dropped immediately after Mexico gained its independence. It made little sense to begin with and was mostly meant to attract conservatives to the cause.

[19] *Plan de Iguala* in *The Mexico Reader: History, Culture, Politics*, edited by Gilbert M. Joseph and Timothy J. Henderson (Durham: Duke University Press, 2002), 192–193.

governments of the repúblicas. Indians were no longer to vote for leaders solely of their own race. In larger urban areas with Indian neighborhoods, they had traditionally elected their own town governments. But now, these Indians were swallowed up in the larger urban population. Many Indians grew disillusioned, believing their participation in the new ayuntamiento system was useless. In large villages with multiracial populations, Indians had essentially lost their special status. Circulars eminated from Mexico City that repúblicas de indios would be closed down with no more local elections beyond those for the new ayuntamientos.[20]

But it proved extremely difficult to completely eliminate the repúblicas, and in many areas they persisted. Even though they had been legally abolished, in rural areas populated almost solely by Indians, residents continued to elect Indian town governors and officials. Some of these areas had Indian populations as high as 70–90 percent. In such places, systems that looked a lot like repúblicas simply continued. Depending on the proportion of Indians to non-Indians, there were three possibilities for the compositions of town councils: ayuntamientos or cabildos without a single Indian, those with some, and those that were completely Indian.[21] The latter was certainly the case in New Mexico, where Pueblo Indians lived in their own villages, sometimes removed from Spanish centers of population. Indian elections of town officials in the Pueblos persisted into the Mexican period. By contrast, the Republic of Mexico continued the trend of eliminating special Indian status, which began in the final years of the Spanish colonial period.

In many ways the developments of the previous decades seemed far away to New Mexico's Indian and Mexican population. New Mexico remained one of the most remote

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[20] Tanck de Estrada, *Pueblos de Indios y Educacion en el México Colonial, 1750–1821*, 545, 547–48, 565–66.
[21] Ibid., 548–49.

territories in the Spanish Empire. During the twilight of its power in the Americas, Spain struggled simultaneously to liberalize and tighten its hold on New World colonies. Despite living in an independent Mexico with no legal distinctions between Indians and non-Indians, life went on as it had for New Mexico's Indians. New Mexicans had not taken an active part in the independence movement, adopting a "wait and see" attitude. Word of Iturbide's victory arrived relatively late, with a mounted courier bringing the news to the Palace of the Governors on 26 December 1821. The courier presented a circular demanding that New Mexico Governor Facundo Melgares and other officials officially swear their allegiance to the new Mexican nation. A celebration followed on 31 December, hailing the Tres Garantías.[22] It was a relatively somber affair. New Mexicans held a second celebration on 6 January 1822. This time, they partied into the wee hours of the morning, and for several days straight. Governor Melgares later wrote an account of the January festivities for Mexico's official state newspaper, the *Gaceta Imperial*. His description demonstrates that Pueblo Indians participated in the ushering in of a new national government. Melgares wrote:

> Ending the parade which terminated at the main church of the parish, the crowd, which in spite of the severe inclemency, was very large, and moved to the main plaza: awaiting them was a magnificent dance, [performed] by the natives of the Pueblo of San Diego de Tesuque which lasted until one o'clock in the afternoon, and after it ended, the participants divided up to [go to] the various public games which had been set up around the plaza.[23]

An Anglo-American also witnessed the day's celebration. General Thomas James, a soldier and frontiersman, was sent from St. Louis in 1821 to open up trade with Mexico. He found himself in Santa Fe in late 1821 and early 1822, and wrote about what he observed. He was clearly biased

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[22] Sánchez, Spude, and Gómez, *New Mexico: A History*, 74–75.
[23] Facundo Melgares, *Gazeta Imperial de México* (*Imperial Gazette of Mexico*) Tuesday, 26 Marche 1822, Mexico City. Vol. II, No. 12, p. 92. In Santa Fe, New Mexico Records, (MSS 76 BC, box 1 folder 1), Center for Southwest Research, University Libraries, University of New Mexico.

against Mexicans, asserting that they "abandoned themselves to the most reckless dissipation and profligacy," but he also referenced Pueblo Indian participation in the celebration of the new national political order:

> [A] large company of men and women from San Felipe, an Indian town forty miles south of Santa Fe, marched into the city, displaying the best formed persons I had yet seen in the country….The Indian company danced very gracefully upon the public square to the sound of a drum and the singing of the older members of their band…About the same time the Peccas [sic, Pecos] Indians came into the city, dressed in skins of bulls and bears.

Interestingly, James also makes a few comments about New Mexico Indians' fitness for self-government: "I saw enough during this five days revelry to convince me that the republicans of New Mexico were unfit to govern themselves or anybody else. [But] the Indians acted with more moderation and reason in their rejoicing than the Spaniards." He also wrote, referring not just to Pueblos, but to Utes and Navajos, all of whom he referred to as "Mexican Indians," were "generally far in advance of the Spaniards around them, in all the arts of civilized life as well as the virtues that give value to national character."[24] This was clearly an attempt to discredit New Mexico's Hispano population, whose land a U.S. Army officer and other American expansionists had their eye on, even at this early date. Still, it is noteworthy that more than one source mentions an Indian presence at the Santa Fe festivities. That more Indians did not participate may be due to a few reasons: disinterest, trepidation, or perhaps the most plausible, an unwillingness to travel the long distances to the capital in the dead of winter.

It is extremely difficult to determine how Indians might have viewed these political changes based solely on brief accounts by non-Natives of the festivities accompanying Mexican

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[24] Thomas James, *Three Years Among the Indians and Mexicans*, Keystone Western Americana Series (New York: J. B. Lippincott, 1962), 88–90. James's account, written in 1846, is clearly a piece of pro-war propaganda during the U.S-Mexico War. But, it is still significant that he points to Indians as more civilized than Mexicans, and specifically comments on the Mexicans' inability to govern themselves, while stating quite the contrary about New Mexico Indians.

independence. A significant hemispheric geopolitical shift, Mexican independence had repercussions that continue to reverberate to the present, but what did it mean for Indians? David Weber, writing about the events of early 1822, concluded, "the reaction [to Mexican independence] of Pueblo Indians [cannot] be assessed. Although [they] participated in the Independence festivities, there is no way of knowing what meaning it held for them."[25] Still, these succinct asides by Melgares and James are significant because they show that Indians at least took some active part in celebrating Mexican independence in New Mexico. It remained to be seen what form their political participation in Mexican national politics would take, but their presence demonstrates at least a passing interest in these developments.

New Mexico's Indians in the New Republic

That some of New Mexico's Native peoples participated in the ringing in of an independent Mexico is without question. But, just how the high ideals of the new Republic of Mexico filtered down to the Indian villages is an entirely different matter. The most important change was that Indians were now unquestionably Mexican citizens. This citizenship should have brought the right to vote and hold office. But, potential changes in civil rights appear to have been rather slow in coming. Renowned Acoma expert Ward Minge describes the changeover from colony to independent nation for the Pueblos in the following manner:

> On September 16, 1821, Mexico won her independence from Spain, a political change of some magnitude for America in general, but one so distant that the Ácomas would not be affected by it. Over the years the pueblos' mode of living did not change perceptibly. Mexican authorities accepted the agrarian and peaceful Indians as citizens and with a few changes to the old Spanish laws, their life went on as before. They continued farming, hunting, and grazing their own lands. Likewise, there were no apparent changes in administrative procedures when Mexicans took control of New Mexico in 1821. If there

[25] David J. Weber, ed., "An Unforgettable Day: Facundo Melgares on Independence" in *New Mexico Historical Review*, vol. 48, no. 1 (January 1973), 34.

> were changes which affected Pueblo Indians, other than those of citizenship and national loyalty, they went unrecorded.[26]

Though referring specifically to Acoma Pueblo in the beginning of this passage, he expands his assertion to include all Pueblo Indians. His point is clear: though Indians had become citizens of Mexico, their life did not perceptibly change after 1821.[27] As Minge points out, much of our lack of knowledge regarding changes during the Mexican era, or even how they viewed the republic, is due to an absence of Indian sources. As such, the only way to make sense of these developments is to turn again to the documents of the colonizers. Decrees issued during the years leading up to 1821 illustrate that New Mexico's Spanish authorities received directives from the crown regarding the protection of Indian civil liberties. For example, one decree in the name of Alejo García Conde, writing as "Governador Comandante General y Gefe Superior Politico" of New Spain (the office which replaced that of viceroy in the final years of Spanish rule), reiterates the civil rights of Indians throughout New Spain. Conde calls attention to the actions taken in the Cortes, and states that he "wants to avoid any doubt" about the question of the status of Indians. The decree contains eight articles, among them that personal servitude by Indians be eliminated,

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[26] Ward Alan Minge, *Ácoma: Pueblo in the Sky, Revised Edition* (Albuquerque: University of New Mexico Press, 1991), 42. Minge was somewhat singular as a scholar of the Pueblos: he was granted unprecedented access to Acoma Pueblo archival materials in the possession of the Pueblo.

[27] Minge had also made a similar, though slightly truncated, statement about changes in Pueblo life under Mexico in an undated document prepared for the Bureau of Indian Affairs: "The Pueblos mode of living had not changed perceptibly over the years. Mexican authorities accepted these agrarian and peaceful Indians as citizens with few changes in the old Spanish laws, living went on as it had. They continued farming, hunting, and grazing their own lands. There were no apparent changes in administrative procedures when Mexicans took control of the Territory of New Mexico in 1821 and if there were changes which affected the Pueblo Indians, other than citizenship and loyalty, these went unrecorded." Ward Alan Minge, "A history of the Pueblo Indians," prepared for the Bureau of Indian Affairs, United States Department of the Interior, no date, p. 50. Online source, https://sandramathews.files.wordpress.com/2011/04/minge_historyofpi_4.pdf, accessed 13 February 2015.

that opportunities for Indians to attend religious colleges be provided, that communal work such as the rebuilding of public houses, road construction, and building of bridges be distributed among Indians and vecinos of all classes, and that land be given to Indians who are married or over the age of twenty-five.[28]

But, we must be careful not to overstate the attention paid to New Mexico's Indians by New Mexico officials at this time. When Don Pedro Bautista Pino, New Mexico's deputy to the Cortes in the 1810s, for example, received instruction from his superiors at home, none of these instructions dealt specifically with Indians.[29] In his classic *Exposition on the Province of New Mexico*, prepared for royal officials in Spain, Pino points to the lack of ayuntamientos in New Mexico, thus necessitating an alternative electoral system for choosing their deputy.[30] Most interestingly, Pino's only references to New Mexico's Indians states: "Spaniards and pure Indians (that are hardly distinguishable from ourselves) are the ones who make up the total of [New Mexico's] 40,000 inhabitants," and "New Mexico counts 40 thousand [persons], all citizens."[31] In Pino's mind, and he must be seen as representing the opinion of New Mexico's Hispano leaders, any special status of Indians was a moot point. One can see in his statements the roots of the pervasive myth of New Mexico's peaceful race relations. He and others sought to ignore or gloss over challenges faced by Indians. By flatly stating that Indians were indistinguishable from Hispanos, and that all were equal citizens, he asserted that New Mexico

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[28] "Decree of Indian Civil Liberties." 9 September 1820, SANM II, 2886, reel 20, fr. 196. Translated by the author.

[29] Don Pedro Baptista Pino, trans., ed. and with a preface by Adrian Bustamante and Marc Simmons, *The Exposition on the Province of New Mexico, 1812* (Santa Fe and Albuquerque: El Rancho de las Golondrinas and the University of New Mexico Press, 1995), 25, 28–28. The official instruction had four specific items, calling for such things as uniformity in military service for New Mexicans, and more presidios in the territory.

[30] Ibid., 35–37.

[31] Ibid., 40, 56. Pino also asserted that, "In New Mexico there are no castas of African origin" (p. 40).

had succeeded in the mission of civilizing and incorporating its Indians into the body politic. This would have come as a surprise to Natives in the province.

Be that as it may, Indians during the period of Mexican independence found themselves in the throes of frequent and complex political changes, which would, in turn, affect their exercising the right to vote and to participate in politics beyond the village level. As stated in chapter one, there was only one official cabildo or ayuntamineto in existence in New Mexico before the first decades of the nineteenth century. It was naturally located in Santa Fe. However, as also shown earlier, Indian Pueblos did have unofficial ayuntamientos where the duly elected/selected civil officials worked in conjunction with village elders and religious leaders to make important decisions on behalf of the Pueblos. But as Mark Simmons points out, New Mexico's only cabildo ceased function around 1725, with local civil authority resting in the hands of appointed alcades mayores and their assistants through the first decade of the nineteenth century. This began to change when the Cortes ordered that all towns with 1,000 or more inhabitants were to have a constitutional ayuntamiento composed of alcaldes constitucionales, regidores, a *procurador-síndaco* (attorney), and a secretary. Towns that did not possess the requisite population, but were economically significant, could also select municipal councils. During these elections, which were held in December of each year, citizens voted first for electors, who would then select the magistrates. Alcaldes served for one year and regidores for two. The only requirements for holding office were that a man be twenty-five years of age and have resided in his town for five years. But in a strange turn of events, when Ferdinand was restored to power after Napoleon's defeat in 1814, he issued a July 20 order that did away with the newly-established constitutional ayuntamientos and reestablished the old system of town magistrates. He ordered all existing municipal councils dissolved. But, in the typical seesaw

action of the late Spanish period and the era of Mexican independence, this decision was reversed in 1820, thus restoring constitutional ayuntamientos in New Mexico's towns. The Laws of the Cortes and the Cádiz Constitution were once again formally recognized.[32] These ayuntamientos adopted local ordinances for the area under their jurisdiction, supervised local elections, verified land exchanges, and were the court of first resort for both civil and criminal cases.[33]

But what of Indian town government in New Mexico? The central question is not necessarily whether the right to elections and self-government applied to Indians; it did. As Spicer points out, the Indian program Mexico pursued was based on the fundamental pillar of Indian citizenship. Adult Indian males were to take part in the election of officials, Indians could hold public office, and Indian towns were to become participating units of larger municipalities, municipalities that included Hispano towns as well. Furthermore, Indian citizenship meant the dividing up of Indian communal lands and subjecting them to taxation. Officials pursued these ends in Sonora during the Mexican period, but the government of New Mexico was far too weak to fully enforce such policies.[34] Pueblo lands were also under attack during the Mexican period. In the early years of the Republic of Mexico, New Mexico's leaders favored policies that encouraged the privatization of communal Pueblo lands. Through tradition that had evolved over the centuries, the Pueblos were entitled to "four square leagues" of land, or an area measuring one league in all four cardinal directions from the central plaza of each Pueblo. When New Mexico officials sought to privatize these lands in the 1820s, and to distribute the "surplus" lands to Hispanos, the Pueblos fought back. At Pecos Pueblo, for example, a long dispute between

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[32] Marc Simmons, *Spanish Government in New Mexico*, 206–207, 209–211.
[33] Daniel Tyler, *Sources for New Mexican History 1821–1848* (Santa Fe: Museum of New Mexico Press, 1984), 7.
[34] Spicer, *Cycles of Conquest*, 396.

Indians and Hispanos persisted until 1829. Initially, the administration of Governor Bartolomé Baca favored the interests of land hungry Hispanos. But, following years of court battles, and the administrations of several different governors, Pecos secured the rights to its league. As the New Mexico territorial deputation stated, "since time immemorial the land in question was the property of the Indians of Pecos." The Mexican supreme court agreed with the territorial deputation, leaving such cases of Pueblo land adjudication under the jurisdiction of New Mexico. As a result, and often thanks to the actions of Pueblo civil officers, the Pueblo league survived the period of Mexican privatization.[35] Sonora's Indian populations faced a much more dire situation, as will be seen in the subsequent chapter.

Joe Sando provides an alternative account of Pueblo experiences during the Mexican period. In his work, *Pueblo Nations: Eight Centuries of Pueblo History*, he points out that what some have seen as a lack of meddling by Hispano officials in Pueblo affairs under independent Mexico was actually quite the opposite: "Mexican influence in Indian life consisted largely of confusing Indian land title, ignoring illegal taking of Pueblo land, and responding passively when Indian boundaries were violated. Thus were twenty-five years under the rule of Mexico spent." Furthermore, Sando asserts that the Plan of Iguala and Mexican rhetoric of equal rights, "soon became the right for all equally to take Pueblo land." Alfonso Ortiz concurs with this assertion, stating that even before Mexico gained its independence, "[Hispano] officials began to argue that because of the long decline in the Pueblo population…the leagues were too large to be needed or advantageously used by the Pueblo villages and should thus be opened up for Spanish settlement." Like Sando, he concludes that one of the net results of Mexican independence for

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[35] Ebright et al., *Four Square Leagues*, 36–43, quote from "una propiedad immemorial de dichos naturales" (minutes of the deputation meeting, 29 Nov. 1829, MANM, r. 42, f. 631) in *Four Square Leagues*.

New Mexico's Pueblo peoples was "unauthorized encroachment upon Pueblo leagues and the filing by non-Indians of a number of formal petitions requesting titles to communally held Pueblo property."[36] Although the Pueblo league persisted during the Mexican period, as Ebright, Hendricks, and Hughes contend, Sando and Ortiz, two of the foremost Pueblo scholars, do well to remind us that it rather narrowly survived.

While Pueblo peoples fought to preserve their land grants, Mexico's preoccupation with other affairs resulted in the decline of the mission system. By the 1830s, only five missionaries were still serving among New Mexico's Pueblo peoples. According to Ortiz, the Pueblos welcomed this ecclesiastical neglect, as they were now freer than at any other point in the colonial era "to openly pursue the rich ceremonial life and ways of being that had secretly sustained them through the long years of persecution and oppression." Sando summarizes the religious and cultural flowering of the Mexican period in this way: "The Pueblos received little attention [under Mexico]. The ceremonies of the people were held, religion was strengthened, the people planted their corn, harvested their crops, worried about the water supply, and maintained traditional family life. Clan ties were strengthened, and the ancient customs began to take on new life."[37] Armed with this more balanced perspective on what Mexican neglect meant to Pueblo life, we can move on to Native participation in electoral processes and civil governance in the Mexican era.

Regarding formal governing councils, Simmons asserts that by the time of Mexican independence, most New Mexico towns, and even Indian Pueblos, had ayuntamientos. He also states that changes to Spanish law from the 1810s through independence ended the "minority" of

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[36] Joe S. Sando, *Pueblo Nations: Eight Centuries of Pueblo History* (Santa Fe, N.Mex.: Clear Light, 1992), 83–84; Alfonso Ortiz, *The Pueblo*, Indians of North America series (New York: Chelsea House Publishers, 1994), 79–80.
[37] Ortiz, *The Pueblo*, 80; Sando, *Pueblo Nations*, 84.

New Mexican Indians, and that they would thereafter be regarded as "Spaniards in all things, exercising especially their rights to vote and stand as candidates for office." He concludes definitively: by late 1821, most of the Pueblos had installed formal municipal governments.[38] Simmons employs a rather exclusive definition of municipal government—the Pueblos already had municipal governments with their governors, lieutenant governors, and other officials. As Lansing Bloom succinctly stated in his classic study of New Mexico under Mexican rule: "They [Pueblo Indians] were nominally under the jurisdiction of the federal government as Mexican citizens, but each pueblo had its own *cacique* and *principales*, and also its own 'governor' and other civil officers for each year, who were named by the cacique and approved by the people."[39] Within their Hispano-influenced system of civil government, governors and other civil officers would continue to carry on their most important work during the Mexican period—that of protecting Pueblo land. But, it was still unknown how fully the Mexican ayuntamiento system would be implemented.

Independent Mexico carried on the practice of constitutional ayuntamientos after it had won independence. The assertion that most Pueblos had ayuntamientos by 1821 is difficult to verify. For example, historian Daniel Tyler seconds Simmon's assertion, stating, "Although *ayuntamientos* (town councils) had been dissolved in the late colonial period in 1820 the King of Spain was forced to restore the Constitution of 1812 and recall the Cortes. In so doing, the *ayuntamiento* system was reestablished, and by 1821, most New Mexican towns and Indian Pueblos had their own *ayuntamientos*." But, Tyler further points to the problematic nature of

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[38] Simmons, *Spanish Government in New Mexico*, 212–213.
[39] Lansing B. Bloom, "New Mexico Under Mexican Administration, 1821–1846," *Old Santa Fe*, vol. 1, no. 1 (July 1913), 26.

determining just which Hispano towns and Indian Pueblos had ayuntaminetos during the Mexican period:

> Records of *ayuntamiento* activities are incomplete. Some collections were destroyed during the Mexican War and subsequent uprisings, but the general carelessness of officials in the Mexican and early territorial periods resulted in lost records. In some places, records were not even kept because of the illiteracy of the officials, the high cost of paper, or infrequent meetings. Although Governor Armijo listed sixteen *ayuntamientos* in 1828, a few years later Antonio Barreiro counted only four and noted that the majority of towns and pueblos were under the control of an alcalde.[40]

This meant that a few locations had ayuntamientos, while most had only an alcalde without a proper governing council, which I will discuss later. Tyler also points to the obvious problems facing poor, rural jurisdictions in Mexico. New Mexico was Mexico's most remote province, with a low population and isolated villages and towns. Compounded by the lack of paper for proper recordkeeping, it is simply impossible to know whether or not many locales had functioning ayuntamientos during the Mexican period. Even though he is a biased source, one must not completely disregard Anglo-American trader Josiah Gregg's comments about the Pueblos of New Mexico: "Although they are famous for their hospitality and industry, they still continue in the rudest state of ignorance, having neither books nor schools among them, as none of their languages have been reduced to rules and very few of their children are ever taught in Spanish."[41] Gregg clearly dehumanizes Pueblo Indians, repeating the age-old ignorant savage trope, but it was certainly true that many Pueblo Indians were unschooled and could not speak Spanish. Mexico hoped to teach a sense of civic duty in its schools, yet their establishment in New Mexico was always a difficult proposition, especially among the Pueblos. Taking all of this

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[40] Daniel Tyler, *Sources for New Mexican History*, 6, 7–8.
[41] Josiah Gregg, *Commerce of the Prairies*, edited by Max L. Moorhead (Norman: University of Oklahoma Press, 1954), 191.

into account, we must more critically examine Simmons's and Tyler's assertion that a majority of New Mexico's Pueblos had ayuntamientos by 1821.

Ayuntamientos were ephemeral institutions, and the question arises as to how many there were in New Mexico at any given point during the Mexican era. Govorner Armijo put the number at sixteen in 1828. Scarcely five years later, the *administrador principal de correo* (head postal administrator) of Chihuahua, the location through which all of New Mexico's mail was delivered, listed the main cities, villas, Pueblos, missions, mines, ports of mark, presidios, plazas, haciendas, ranchos, and ayuntamientos in the territory. He reported that there were ayuntamientos only at Santa Fe, Abiquiú, Bado, Cochití, Belen, San Agustin de la Isleta, San José de la Laguna, and Socorro, making eight in total. All of the locations listed as ayuntamientos also received the designation of "Pueblo," which in this case would mean "town."[42] Cochití, Isleta, and Laguna were Indian Pueblos, while Abiquiú, Belen, and Socorro did have many genízaro residents, but were not Indian Pueblos proper. Bado, or San Miguel del Bado, was located near Pecos Pueblo, but Pecos was almost depopulated by this point. A report completed by Antonio Narvona in 1829, and subsequently sent to the government office of the Mexican Republic listed alcaldías (locations with alcaldes, but not necessarily ayuntamientos) at thirty cities and towns. Among these, Indian Pueblos with alcaldes were: Tesuque, Pecos, Cochití, Santo Domingo, Xemes, Zia, Santa Ana, Sandia, San Felipe, Isleta, Laguna, Acoma, Zuñi, Santa Clara, San Ildefonso, Pojoaque, Nambé, San Juan, Taos, and Pecurís, for a total of twetnty.[43] These Pueblos had an alcalde, but not necessarily a formal ayuntamiento.

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[42] Lansing B. Bloom, "New Mexico Under Mexican Administration, 1821–1846," *Old Santa Fe*, vol. 1, no. 1 (July 1913), 14–15.

[43] Antonio Narvona, "Detailed report of the cities, villas, and pueblos within the territory of New Mexico," April 8, 1827, in H. Bailey Carroll and J. Villasana Haggard, trans., introduction, and notes, *Three New Mexico Chronicles: The Exposición of Don Pedro Bautista Pino 1812; the*

Don Antonio Barreiro wrote a third account of New Mexico in 1832. Barreiro was an attorney sent from Mexico to serve as *asesor*, or legal advisor, to New Mexico territorial authorities. Barreiro, a relatively young and ambitious type, was elected New Mexico's deputy to the Mexican congress in 1833, and then re-elected in 1834. He also published New Mexico's first newspaper, *El Crepúscolo de la Libertad*. His short account, or *Ojeada sobre Nuevo Mexico*, was published in Puebla in 1832.[44] In Barreiro's summary of New Mexico, he addresses, among other things, the territory's ayuntamientos. Barreiro includes a table that shows where ayuntamientos existed in the early 1830s, and where there were only alcaldes, with no councils. Furthermore, he states: "The illiteracy which prevails generally in this Territory causes these bodies, in which the law has deposited a great part of the common happiness, to be null and insignificant; so it will be evident that this, by no means the least of ills, is curable only by time and by such protection as the government may give to education."[45] Barreiro thus blames the absence of functioning ayuntamientos on the lack of literacy among New Mexico's inhabitants. He calls the condition of public education in the territory "distressing," with schools at only Santa Fé, San Miguel del Vado, Cañada, Taos, Albuquerque, and Belén.[46] Problems of illiteracy in ayuntamientos would certainly have affected the Pueblos, since there were no schools in most towns at this time. More importantly, he lists only four ayuntamientos in New Mexico in 1832: Santa Fe, Cañada, Taos, and Albuquerque. Cochití, Jemez, Sandia, San Juan, Isleta, and Laguna

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Ojeada of Lic. Antonio Barreiro 1832; and the additions by Don José Agustín de Escudero, 1849. Quivira Society Publications vol. XI (Albuquerque: University of New Mexico Press, 1942), 48–49.

[44] Narvona, "Detailed report of the cities, villas, and pueblos within the territory of New Mexico," xx.

[45] Lansing B. Bloom, ed. and trans., *Antonio Barreiro's Ojecda sobre Nuevo Mexico*, Historical Society of New Mexico Publications in History, vol. V (Santa Fe, N.Mex.: l Palacio Press, 1928), 29.

[46] Ibid., 29, 45.

are listed as having a judge (alcalde) and attorney (procurador-síndaco).[47] Barreiro appears to be a reliable source. He was an attorney involved in the highest levels of government in New Mexico, and he also served as a congressional deputy. He certainly was familiar with New Mexico's governing councils. How do we then account for the discrepancy between Simmon's assertion that most of New Mexico's Pueblos had ayuntamientos by 1821, and Barreiro's report that none of them did in 1832? The number of Indian ayuntamientos certainly would have fluctuated during the chaotic Mexican period, but to proceed from a majority in 1821 to none in 1832 seems strange. The answer is that formal ayuntamientos rarely existed at the Pueblos, nor did Pueblos dominate ayuntamientos in municipalities where they made up the majority of the population.

A number of factors would have impeded—or at least complicated—the establishment of ayuntamientos in the Pueblos. It is clear that the governor system continued in the Pueblos after Mexico became independent, and it still persists to the present. By 1821, the Pueblos already had a functioning system of civil government in place. Within the framework of the governor system, Pueblos chose civil leaders through an electoral process that did not follow Hispanic democratic principles. The system functioned for the Pueblos and Spanish officials had allowed it, as did the Mexican leadership after 1821. It is too simplistic to assume that the Pueblos simply accepted ayuntamientos and implemented them wholesale. Since the governor system persisted, did it coexist alongside the ayuntamiento structure? Did citizens of Pueblos where there were allegedly functioning ayuntamientos elect their officers in the proscribed way with balloted votes and tallies? Or did the village elders select regidores and other administrators as they had the governors and officers? And what happened at Pueblos where there was only an alcalde and

[47] Bloom, *Antonio Barreiro's Ojecda*, 44–45.

procurador-síndaco? Did their power exceed that of the governor and other officials, who had up to that point been entrusted with overseeing the day-to-day affairs of the villages? All of these questions force us to examine the existence of Pueblo ayuntamientos more carefully. On the one hand, the governor system persisted throughout the Mexican era. Due to the lengthy persistence of the governor system, and the relatively short lifespan of the formal ayuntamiento system during the Mexican period, I am inclined to believe that formal ayuntamientos never attained a place of prominence in Pueblo communities.

The fact that the documentary record for Mexican New Mexico refers to ayuntamientos at locations such as Isleta, Jemez, Santa Clara, and Cochiti, is cause for some confusion. References to ayuntamientos at such locations does not necessarily mean that said ayuntamientos were Indian in nature, or even included Indian participation. An ayuntaimiento was, in theory, the governing council for a geographical area with more than 1,000 residents, but that area could include several towns or villages. Census figures for the Mexican period display a wide disparity between Indians and Hispanos in a majority of jurisdictions. For example, a church census of 1821 divides the population in locations where religious are serving into categories of "Indians" and "Spaniards and people of other classes."[48]

Pueblo	Total Indian Population	Total Hispano Population	Total Population
Pecos	54	738	792
Tesuque	187	300	487
Nambé	231	61	292

[48] It further divides the groups into "Women" and "Men," but for my purposes I am only interested in total figures of both women and men.

Pojoaque	93	286	379
San Juan	232	2482	2714
Picuris	320	1047	1367
Taos	753	1260	2013
Santa Clara	180	1205	1385
Cochití	339	359	698
San Felipe	310	408	718
Santa Anna	471	7	478
Zia	196	3	199
Xemes	330	534	864
Laguna	779	463	1242
Acoma	477	8	485
Zuñi	1597	0	1597
Isleta	511	2313	2824
Sandía	405	406	811
San Yldefonso	527	668	1195
Santo Domingo	726	261	987

Tab. 3.1 Indian and Hispano Population Figures in New Mexico, 1821[49]

[49] Fr. Jose Pedro Ruben de Celis, "Report of the Missions occupied by the 'Religious' of the Regular Observance of Our Lord Father San Francisco pertaining to said *Custodia* which is subordinate to the Province of the Holy Evangel, their gains in the Year 1821, number of Ministers who serve them, Stipends which they enjoy, and the total of Souls distinguished by Classes and Sexes," in Bloom, "New Mexico Under Mexican Administration, 1821–1846," vol. 1, no. 1 (July 1913), 28.

Although closely matched in population in a few locations, and with Indians outnumbering Hispanos in a handful of locations as well, the disparity between Indians and Hispanos at others is not surprising, given Indigenous population decline under colonialism. Just one year prior to this census, Governor Melgares reported a total Hispano population of 28,436, with the total Indian population at 9,923.[50] Even though Indians still outnumbered Hispanos in some jurisdictions, they were greatly outnumbered in many others. In ayuntamientos representing areas with large numbers of Hispano residents, it is entirely plausible that the Indian voice was simply drowned out, or that Indians did not participate at all.

Take, for example, a report sent in 1832 to the Jefe Politico of New Mexico (the position that replaced the governor for a time in New Mexico, but was essentially a change in name only) and then forwarded to the Secretary of State in Mexico City. The report brings to light an election dispute for the ayuntamiento of Isleta. This jurisdiction included the Pueblo of Isleta, but it also included a number of other towns and villages nearby. In the detailed set of documents, several individuals bring complaints against the alcalde, don José Chávez, who is described as an "hombre rico." Chávez was accused of manipulating the ayuntamiento elections for 1833 so that individuals to his liking won positions of power.[51] The documents provide insight into the electoral process, clearly demonstrating that votes were cast by ballot, and that residents voted by *manzana*, or neighborhood. In the complaint, it is alleged that Agustín Beitia, who was acting as

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[50] Bloom, "New Mexico Under Mexican Administration, 1821–1846," vol. 1, no. 1 (July 1913), 29.

[51] "Ayuntamienots. Sobre no haberse verificado la elección para renovación del Ayuntamiento del pueblo de la Isleta, en el territorio del Nuevo Mexico," Año de 1833 (hereafter "Isleta Ayuntamiento Complaint"), MSS 867, box 1, folder 1A, transcription, Archivo General de la Nación, Center for Southwest Research, University Libraries, University of New Mexico, 2.

president of the ayuntamiento, tore up the ballots when he did not like the results for manzanas nine and ten.[52]

On the surface, the report could be taken as proof of Pueblo participation in the electoral process, since it refers specifically to the "pueblo de la Isleta." But examined more critically, it becomes clear that this is not a reference to the Indian Pueblo per se. First of all, there is the matter of population referenced earlier. In 1821, the mission at Isleta served 511 Indians and 2,313 Hispanos.[53] Indians were outnumbered nearly five to one in this jurisdiction. It would have been very difficult for them to assert their political voice in the face of such numbers. Second, part of the complaint references a lack of individuals able to read or write, and thus serve as suitable voters.[54] While many of the Hispanos in the Isleta electorate would have been unable to read or write, this was more likely the case for the Indians of Isleta Pueblo. Third, although the documents name the pueblo of Isleta, they reference locations outside of the Pueblo. For example, the alcalde under complaint, José Chávez, is described as a "vecino de la plaza de los Padillas."[55] Los Padillas is a neighborhood in Albuquerque's South Valley, some 4.5 miles from Isleta Pueblo. In searching for an Indian voice in this report, one finds none. This 1832–33 election dispute at Isleta was between vecinos of the pueblo of Isleta. This is a case of an ayuntamiento in which Hispanos were firmly in control of the affairs of the council. If Indians did participate, they did so as a vastly outnumbered minority and were possibly relegated to the sidelines.

Frequent administrative changes in New Mexico under the Mexican regime further complicate Indian participation in ayuntamiento elections and politics. The Mexican Constitution

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[52] Isleta Ayuntamiento Complaint, 8–9.
[53] Celis, "Report of the Missions," in Bloom, "New Mexico Under Mexican Administration," 28.
[54] Isleta Ayuntamiento Complaint, 6.
[55] Ibid., 11.

of 1824 demoted New Mexico from provincial to territorial status. The territory was divided into two *distritos* (districts)—northern and southern—with these districts further subdivided into *partidos* (subdistricts). Taos and San Ildefonso (not the Indian Pueblos, but the Hispano towns near the Pueblos) were the northern partido capitals, while Albuquerque and Los Padillas were the southern capitals.[56] The Constitution of 1836 then changed the designations from provinces to departments, and New Mexico was made a department. The departmental junta, or assembly, was in Santa Fe, with the department divided into two districts, each governed by a *prefecto* (prefect). The districts were again subdivided into two precincts each, or partidos, overseen by subprefects. The northern district was the Río Arriba, while the southern district was the Río Abajo, with Cochití Pueblo as the dividing line.[57] The governor had broad executive powers, and could suspend common councils in the districts, and was the arbiter of elections in case of disputed results. He was the deciding vote in case of a tie in an election, and he could accept or reject resignations of council members. He also responded to personal petitions from New Mexico's Hispanos, Indians, and religious officials, who recognized him as the ultimate arbiter of justice. In spite of all of this, local politics were more "elective" under Mexico, since alcaldes were elected and worked closely with their ayuntamientos, having been appointed under the Spanish system. Under this system, the local political system played a greater role in the administration of judicial matters, local economies, and land distribution.[58] As Ward Minge points out, under political reorganizations that took place in 1837, each Pueblo had a local judge, who was frequently a member of the Pueblo. Still, all of these judges were the governor's appointees, and by 1844, "there were indications of gross incompetence and corruption among

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[56] Sánchez, et al., *New Mexico: A History*, 77.
[57] Ibid., 78–79.
[58] Ibid., 79–80, 83; Tyler, 4–5.

these local officials." Further reform came in 1844, when Governor Mariano Martinez created *jueces de barrio* (ward justices), with each Pueblo receiving a justice who was from among the tribal membership.[59]

With population decline and frequent, complicated changes in political administration during the decades of Mexican rule in New Mexico, it is understandably difficult to decipher the extent to which Indians participated in systems of local politics. But even with these complicating factors, there still was the distinct possibility of an all-Indian formal ayuntamiento. One ayuntamiento election report from Pecos Pueblo seems to point to this type of town council. Dated 3 January 1821, the short letter is addressed to Governor Facundo Melgarez and signed by one Manuel Duranes; it is written in a barely legible hand with significant spelling errors. This would not necessarily point to an Indian author, but the letter reads "Por parte ha ellos havere mudado el ayuntamiento que continuaba en el pueblo de pecos los que ocupan el lugar por elesion es el yaman guanima [sic] de alcalde y regidor el que yaman Rafael." Essentially, the author reported that for the ayuntamiento of Pecos Pueblo, those who lived there elected for alcalde "he whom they call guanima," and for councilman "he whom they call Rafael."[60] The informal tone of the document, coupled with the use of first names only for the elected alcalde and regidor, would seem to point to Indian officials for an Indian ayuntamiento. The fact that there was an ayuntamiento at Pecos seemingly made up of Indian officials is somewhat surprising, given the fact that Pecos had 54 Indians to 738 Hispanos in 1821.[61] It is also possible that Guanima and Rafael were Hispanos, but the previous clues in the document lead me to

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[59] Minge, *Ácoma*, 45–47.
[60] Election report for Pecos Pueblo, 3 January 1821, SANM II, 2954, reel 20, fr. 620. Although this document falls right on the cusp of the switch from Spanish to Mexican rule in New Mexico, it is in keeping with the establishment of constitutional ayuntamientos in New Mexico in the last years leading up to Mexican independence.
[61] "Report of the Missions," 28.

believe that it is referring to Indians. All of this points to the difficulty in deciphering where and how ayuntamientos were established in New Mexico, and who sat on these councils.[62]

Without question, Indians appealed to their ayuntamientos for redress on many occasions. There are numerous accounts in the documentary record of Indians appearing before their ayuntamientos for help in matters large and small. In an example of Pueblo Indians going through the channel of their ayuntamiento, one that almost seems trivial on the surface, Hispano official Juan Armijo filed a formal complaint to the governor on behalf of the ayuntamiento for the Indians of Cochití Pueblo "and the neighborhood." In his complaint, he spoke of the priest at the Pueblo mission saying mass without first ringing the bell, stating: "…on one hand it is true that he says the mass on the Festival days, and even during the week, but he does so without ringing the bells, as has been the custom, and for this cause they don't hear it, and nobody goes [to mass] for two months…he says the mass every day, but he says it to himself…he doesn't wait for anyone, and only he who hears it is the one who says it."[63] The episode borders on the comical, but to those Indians who had converted to Catholicism, the actions of their Franciscan threatened the welfare of their souls, since they were unable to receive one of the holy sacraments. The actions of the priest were serious enough for these Indians to take their case to the ayuntamiento, which then brought the complaint to the attention of higher authorities.[64]

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[62] There are other references to ayuntamientos in which the officials may have been Indians. One document, for example, refers to the election of Rafael Cordova as president of the ayuntamiento of Nambé in 1831. Nambé was one of the locations in the 1821 census in which Indians outnumbered Hispanos, so it is possible that they controlled the ayuntamiento there. See Sender Collection, Doc. 118, CSWR.

[63] Complaint of Cochití Pueblo against Fr. Manuel Bellido, Mexican Archives of New Mexico, Santa Fe, N.Mex.: New Mexico State Records Center and Archives (hereafter MANM), 4 December 1821, Vol. 4 (1821), Doc. 3092, 845–847.

[64] Cochití Pueblo presents a difficult case for deciphering Hispano vs. Pueblo populations. The 1821 mission census gives totals of 339 Indians to 359 Hispanos, for a total of 698. This is the same year the complaint was filed. Yet an 1829 census prepared by the alcalde of Cochití gave a

One intriguing episode took place at Laguna in 1830 in which the Natives of the Pueblo, with Vicente Romero speaking on behalf of his fellow Lagunans, complained directly to the governor of New Mexico about the actions of Alcalde Marcos Baca, and a vecino, Joaquin Pino. In the complaint, the Indians express their sense of hopelessness after years of mistreatment by Pino, who with the support of Alcalde Baca (Pino was also Baca's grandfather-in-law), had "intended to disturb our tranquility…[and] in the interest of exasperating us and getting us to abandon, to cede, or renounce the small possessions [of land], which, although with enough penury, give us moderately the necessary support and also are open so that we may be able to have our few little animals on them." They also claimed that "[Pino] has imposed fines, taken animals, and despoiled as many as show up around those environs of the most value and usefulness…these injuries received being much greater when under the protection of being Alcalde, as [Pino also] has been several times."[65] Essentially, the Indians of the Pueblo took the case directly to the governor of New Mexico, complaining against their highest local authority, the alcalde, and his vecino ally. This is noteworthy because Laguna was one of those jurisdictions with an Indian majority. In the 1821 mission census, Indians outnumbered Hispanos 779 to 463.[66] Also, Laguna is one of the areas listed in the 1833 report as having an ayuntamiento.[67] The ayuntamiento would have been the court of first resort in this instance, but perhaps it had come under vecino control and was not responsive to Indian needs. Furthermore, the ayuntamiento was answerable to the alcalde, who, if we take the Indians at their word, clearly

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total population for the alcaldía of 1746, only 372 of whom were Indians from the Pueblo. See Cochití Census, MANM, November 1829, Vol. 4 for 1829, 803.

[65] "Petition from Pueblo of San José de la Laguna to Governor of New Mexico, 16 July 1830," Bureau of Indian Affairs Collection, Museum of New Mexico, The Palace of the Governors, Fray Angélico Chávez History Library, Santa Fe, N.Mex. (hereafter BIA Collection), fol. 4, doc. 1, transcription, 1–2.

[66] "Report of the Missions," 28.

[67] Bloom, "New Mexico Under Mexican Administration," 15.

did not have their best interests at heart. Whatever the particulars of the relationship between Indians, ayuntamiento, and alcalde at Laguna, there was a broken link between the local elected council and the Indians it was supposed to represent. Interestingly, Laguna oral history recalled this dispute between Laguna Pueblo residents and Joaquin Pino, which lasted well into the American territorial period. Former Laguna Governor Robert Anaya and Mrs. Walter K. Marmon, interviewed in November 1968, stated, "They [The Pino's] said they were granted the land, but they never were; it was just a permit. But they needed a grant, and said it was a grant. They were there until…say in the 1890s…and they vacated. They had very influential friends in Santa Fe…who helped them hold onto the place. But finally when research was made, it was found that their land was only a permit, and not a claim. The Pino's."[68]

The documentary record shows that some Pueblos disputed under which ayuntamiento's jurisdiction they fell. In the early 1820s, the Mexican government, under the principle of privatizing "unused" Pueblo lands, issued the Río de Picurís grant to Hispanos from Santa Cruz de la Cañada. Citizens of Picuris Pueblo strongly opposed the granting of this land to these Hispanos, who claimed the "unused" land in order to expand their own agriculture and pasturage. The Indans stated that the land in question from the new Río de Picurís grant was already in use as part of their ejido to pasture and water their animals in the summer. What is interesting is that the original Hispano petition for the grant, which was filed with the territorial deputation, was referred to the ayuntamiento of Santa Cruz de la Cañada. In addition to arguing that they were already using the land, the Picurans, along with some Hispano allies, asserted that the land was under the jurisdiction of the ayuntamiento of Taos, not Santa Cruz. Unfortunately, things did not end well for Picuris Pueblo, as the grant to the Hispanos was eventually upheld, and they found

[68] Robert Analla (Anaya), interview by David E. Buge, Mrs. Walter K. Marmon, interpreter, 21 November 1968, tape #19, AIOHC CSWR.

themselves completely surrounded by Hispano settlements and land within their league occupied by outsiders. Hispanos who hastily moved onto the grant land were never evicted, as was nearly always the case under Spain and Mexico.[69] The case of Picuris Pueblo land during the Mexican period demonstrates that issues of ayuntamiento jurisdiction were far from clear. The Picuris response to the ayuntamiento of Santa Cruz de la Cañada's claim that it had jurisdiction over the Pueblo shows that Picuris had no part in this ayuntamiento. It is interesting that they claimed, rather, to be under the jurisdiction of Taos. It is difficult to ascertain their level of participation, if any, in the Taos ayuntamunto's politics—the Pueblo had a small population that was clearly overshadowed by large Hispano populations at Taos and the surrounding communities, and the more prominent Taos Pueblo. Still, on this occasion Indians raised their voice in matters of jurisdiction, showing that the ayuntamiento of Taos was at least responsive to their needs.

In a final, and most telling example, the ayuntamiento of Santa Clara included the Pueblo of Santa Clara and a number of towns in the vicinity. A seemingly mundane document, reporting the results of an ayuntamiento election on 4 December 1836, gives no mention of Indians or anything of significance to Indian voting in this jurisdiction. Electors from among the ayuntamiento members were selected, and that is the end of the document. Jose Miguel Naranjo, president of the ayuntamiento, signed the report.[70] This document only assumes significance when coupled with another document dated 19 April 1837. In the document, the same Jose Miguel Naranjo, and another man by the name of Marcos Tafoya, present a formal complaint to the governor of New Mexico on behalf of Santa Clara Pueblo against Joaquin Castellana, a member of the Pueblo. Castellana, according to Naranjo and Tafoya, fraudulently sold lands to

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[69] Ebright et al., 116.
[70] "Election of primary and secondary electors at pueblo of Santa Clara, 4 December 1836," BIA Collection, fol. 1, doc. 4, transcription, 1.

three Hispanos. The lands he sold fell within the league of the Pueblo, and they state that there is no evidence that the community consented to the sale. They ask that the land be returned to the community and the guilty part punished "immediately." This type of document concerning land disputes between Hispanos and Pueblo Indians occurs frequently in both the Spanish and Mexican Archives of New Mexico. What makes this particular complaint so important is that Jose Miguel Naranjo and Marcos Tafoya identify themselves as representatives of Santa Clara Pueblo speaking on behalf of the principal chiefs, but they also present themselves as "natives of the pueblo of Santa Clara."[71] This means that Naranjo, who here represented his people in a land dispute, also served the year prior as the president of the ayuntamiento of Santa Clara. This jurisdiction included several Hispano communities. Even in 1821, Hispanos outnumbered Santa Clarans 1205 to 180.[72] In an ayuntamiento where Hispanos greatly outnumbered Natives, not only was an Indian elected to the auntamiento, he also served as its president. This would appear to be a clear example of an ayuntamiento in which Indians and Hispanos worked side by side, and Indians, although a small minority, had a voice and some positions of power.

Herein lies definitive proof that in at least one of New Mexico's ayuntamientos, Indians not only participated in, but also directed the activities of these democratically-elected councils.[73] As Alfonso Ortiz states, the period of isolation and neglect by the central government in Mexico City "strengthened the cooperative bonds forged between the Pueblo and rural Hispanic communities. The two groups frequently worked together to maintain and regulate the use of irrigation ditches. Hispanic families were welcomed visitors at feast days and Pueblo dancers

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[71] "Asking annulment of illegal sale of Santa Clara lands," 19 April 1837, BIA Collection, fol. 1, doc. 10, transcription, 1.
[72] "Report of the Missions," 28.
[73] The Naranjo name has long been an important one at Santa Clara Pueblo, most notably the famous Naranjo potters.

performed at Santa Fe in full regalia at the annual independence day celebrations."[74] In some areas, such as Santa Clara Pueblo, cultural lines were permeable enough to truly allow the Native voice in New Mexico's democratic governing bodies. As Mexican law stated, Indians possessed these rights as citizens. Writing in the spring of 1821, on the eve of Mexican independence, Governor Melgares noted that Indians "should be considered Spaniards in everything and enjoy their rights to elect and be elected."[75] But these highly idealistic guiding principles of Mexican equality and the Tres Garantías were extended to New Mexico's Indians in an uneven manner. It would be left to Native peoples to find alternative forms of asserting their political voice during the Mexican period.

Indian Voting and the Politics of Rebellion in Mexican New Mexico

Despite the murky nature of Indian participation in Mexican constitutional ayuntamientos from the 1820s to 1840s, there are intriguing examples of Pueblo Indians participating in alternative forms of voting. When the events of the Río Arriba Rebellion of 1837 are viewed in the context of Indian electoral participation, they take on added significance. Though ultimately unsuccessful, during this brief period of violent upheaval New Mexico's Indians voted with both their voices and their arms, and greatly influenced the political landscape of the territory. Hispanos and Indians even selected a Native as the governor of their short-lived state, José

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[74] Ortiz, *The Pueblo*, 83. Ortiz is uniquely equipped to make an assertion about cooperation between Hispanos and Indians. After all, as his obituary states, "Like most Pueblo Indians, Dr. Ortiz was part Hispanic -- an uncle, Emilio Naranjo was for years the boss of the Democratic political machine in Rio Arriba County, which surrounds San Juan Pueblo." See "Alfonso Ortiz, 57, Anthropologist of the Pueblo, Dies," by George Johnson, in *New York Times* Obituary, 31 January 1997: http://www.nytimes.com/1997/01/31/us/alfonso-ortiz-57-anthropologist-of-the-pueblo-dies.html. Accessed 3 September 2014.

[75] "Governor Melgares to the provincial junta," 18 April 1821, in Simmons, *Spanish Government in New Mexico*, 213.

González of Taos Pueblo. The Río Arriba Rebellion represents a political maturation of the Pueblo peoples of New Mexico, at least as it pertains to the politics of the Hispano tradition.

As has been stated on so many occasions, the first few decades of Mexican independence were extremely chaotic. Between 1821 and 1837, the Mexican chief executive changed twenty-one times. And yet, in the midst of that chaos, New Mexico remained relatively stable, albeit neglected. The main threats came from raids by Apaches and other Native groups, particularly in northern New Mexico, and the province responded to this threat as it had for centuries—with its militia, comprised of Hispano farmers and Pueblo auxiliaries, who were often poorly armed and served out of their own pockets. Because of this frontier military service, New Mexican residents had always been exempted from paying direct taxes to the national government. The residents of northern New Mexico, as Janet Lecompte puts it, had two fundamental rights: to select their own town government, and to pay no taxes.[76] Yet events combined in the mid 1830s to bring the Mexican chaos to New Mexico. A worldwide economic crash and depression, which began in many places in 1836, had spread to much of Europe and the Americas by 1837. Great Britain, Belgium, Germany, France, Canada, and the United States all experienced the effects of this depression. Mexico, already in desperate need of money at the onset of the Depression of 1837, sought new sources of income. In 1835, President Antonio López de Santa Anna, an authoritarian centralist frustrated with the degree of autonomy afforded to Mexican provinces and municipalities under the 1824 constitution, implemented a centralized form of government called the Departmental Plan. Under the Departmental Plan, provinces were changed to departments. Each department was to have a jefe politico, or governor, who was directly answerable to the central government, and departments would no longer have legislative

[76] Janet Lecompte, *Rebellion in Río Arriba, 1837* (Albuquerque: University of New Mexico Press, published in cooperation with the Historical Society of New Mexico, 1985), 7, 10, xi.

assemblies. Instead, these were replaced with five-men appointed councils. When a governor's term ended, the departmental council would draw up a *terna*, or list of three candidates, from which the Supreme Government would choose one. Santa Anna's plan, also called the *Siete Leyes*, aimed to centralize all branches of the Mexican national government at the expense of local self-government. In addition, President Santa Anna appointed Albino Pérez governor of New Mexico. Pérez, a military officer from Veracruz in central Mexico, had an autocratic air and made New Mexicans nervous. Perhaps worst of all, Hispanos had grown accustomed to native New Mexican governors, which Pérez certainly was not.[77]

Problems quickly arose when Pérez, though well intentioned, failed to grasp New Mexico's customs and the character of its residents. He did not comprehend the importance of local governing structures to New Mexicans. Furthermore, he was unquestioningly loyal to the Santa Anna centralist government, and intended to implement the president's reforms completely. Pérez hoped to transform New Mexico from an isolated outlier to a department in Santa Anna's model. Part of Santa Anna's Departmental Plan was that all Mexicans in all departments would pay equal direct taxes to the Supreme Government. In 1835, Pérez began to implement direct taxes, and dissolved the old provincial assembly, replacing it with a provisional five-man departmental council in Santa Fe. New Mexicans became truly worried about their local government and tax-exempt status. Pérez again enraged New Mexicans in 1835–36 when he took measures to end the lucrative illegal arms trade with Apaches, Navajos, Comanches, and Utes; required licenses for New Mexicans to trade with Indians or trap beaver; levied taxes on all

[77] William H. Wroth, "1837 Rebellion of Rio Arriba," Official website of the Office of the State Historian of New Mexico, http://newmexicohistory.org/places/1837-rebellion-of-rio-arriba#, accessed 22 September 2014, and Lecompte, *Rebellion in Río Arriba, 1837*, 17.

wagons arriving from the United States; implemented taxes for combating raiders; and regulated the actions of all those involved in the Santa Fe trade.[78]

New Mexicans chafed under these new policies. They felt, and rightly so, that they had never received any benefits from the Mexican government, such as schools, hospitals, roads, bridges, soldiers, and arms. Josiah Gregg, who spent much of the 1830s on the Santa Fe Trail, wrote of New Mexicans' response to the new taxation: "it was now found necessary for the support of the new organization, to introduce a system of direct taxation, with which the people were wholly unacquainted; and they would sooner have paid a *doblon* through tariff than a *real* in this way." As galling as economic changes were under the Departmental Plan, it was the threat posed to self-government that tipped the scale in favor of rebellion in New Mexico. In fact, Gregg says as much: "Yet, although the conspiracy had been brewing for some time, no indications of violence were demonstrated, until, on account of some misdemeanor, an *alcalde* was imprisoned by the *Prefecto* of the northern district…" In 1836, the ayuntamiento of La Cañada in northern New Mexico was made up of seven regidores. The majority of these men were related, as was the case in many of New Mexico's municipalities. This was technically against the law, but the law was rarely enforced since a few select families often made up the core of leadership in New Mexico's towns. Governor Pérez dissolved the ayuntamiento of Santa Cruz de la Cañada and ordered new elections, signaling a threat to centuries of home rule. The residents of Santa Cruz were incensed. Pérez also had grounds for removing the alcalde, Juan José Esquibel, who often flaunted his authority and disobeyed orders from superiors, including the governor. Esquibel was arrested and jailed for bribery and disobedience, but a mob of his

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[78] Joseph P. Sánchez, "It Happened in Old Santa Fe, The Death of Governor Albino Pérez, 1835–1837," in *All Trails Lead to Santa Fe: An Anthology Commemorating the 400th Anniversary of the Founding of Santa Fe, Nee Mexico in 1610* (Santa Fe, N.Mex.: Sunstone Press, 2010), 268–270.

relations and supporters freed him in July of 1837. Once freed, Esquibel openly proclaimed his enmity towards New Mexico's authorities, forming a twelve-man council that he called the *Cantón* (district), which then masterminded a rebellion against the governor and other authorities.[79]

When Esquibel made overtures to New Mexicans to join him, both Hispanos and Pueblo Indians flocked to the Cantón. He found his primary Hispano support among the residents of the Santa Cruz valley, and Indians from Taos and San Ildefonso Pueblos also lent him their support. Indians were actively involved in such large numbers from the outset that Josiah Gregg commented, "…the most active agents in this desperate affair were the Pueblo Indians." Alarmed by the rapid developments, Governor Pérez mobilized a force to counter the rebels, but he wasted precious time in doing so. Several weeks passed before his army of a few hundred militiamen—mostly Indians from Cochití, Santo Domingo, and Sandía Pueblos—moved to confront the rebels. The two opposing sides met on 7 August 1837. To their horror, Pérez and his men found a force of 1,500–2,000 rebels, both Hispanos and Indians, waiting for them at La Mesilla, just north of San Ildefonso. As the rebels mounted their attack, Pérez's Indian troops deserted to the rebel side, as did several of his Hispano soldiers and officers. Pérez and twenty-three of his men fled south for their lives. They were eventually caught and killed by Indians from Santo Domingo Pueblo.[80]

One Nuevo Mexicano account, probably written in the fall of 1837, makes several interesting points about the rebellion. The author states that Pérez was not able to raise a large enough force to subdue the rebellion because he moved too slowly, and because the Alcaldes from the various New Mexico jurisdictions did not help him raise his force. In other words, they

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[79] Lecompte, 17, 19–20; Gregg, 92. The doblón, or doubloon, was far more valuable than a real.
[80] Gregg, 95; Lecompte, 21–22, 31–34.

recognized the threat that Pérez's administration posed to their political power. He also states that when the fighting began, "all the Indians *with their alcaldes* passed over to the other side." These alcaldes may have been Indians themselves, demonstrating Indian self-government in military as well as village affairs. And in one final gory detail, the author tells how Pérez "was killed by two Indians in its suburbs [Santa Fe], and his head carried to the camp and jeered by the perverted villains."[81]

As important as these events at the beginning of Río Arriba Rebellion were, the political maneuverings that took place after the battle at La Mesilla truly demonstrate the Indian nature of the revolt, and how Indians took the crucial role in the directing of its affairs. After defeating and killing Pérez, the rebels transitioned from the Cantón at Santa Cruz to a new departmental government at Santa Fe. They met on the outskirts of town, and on 10 August, "[held] the election of governor which devolved on a farmer named José Gonzales whose only talent was knowing how to kill buffalo."[82] This election included voting by both Hispanos and Indians. The new government then entered Santa Fe, and what became known as the *Junta Popular* proclaimed itself the legitimate governing body of New Mexico. The Junta Popular differed from New Mexico's previous departmental, provincial, and territorial assemblies in that its rhetoric and membership were far more inclusive. The Junta's minutes are frantically written, with motions scribbled onto the paper and then scratched out. Writing crowds the margins of the minutes as well. Whole paragraphs are deleted at times. They made few decisions, but agreed to send a delegation to Mexico. The Junta declared in plain language that "they are met under the portal of the palace [of the governors] of our city [as] all of the citizens that compose the

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[81] "An Acount of the Chimayó Rebellion, 1837," attributed to Albino Chacón, in Lecompte, *Rebellion in Río Arriba, 1837*, 99–100.
[82] Ibid., 101. I will return to the identity of Governor Gonzales later.

respectable Junta popular." The Junta was the governing body for all New Mexicans. As Janet Lecompte points out, the struggle was not a race or class war; rich, poor, Indian, and Hispano all participated in government and fought on the battlefield together.[83]

The Cantón demonstrated by its actions that it was an inclusive entity. It sent letters to the various Indian Pueblos inviting Pueblo leaders to participate in the Junta Popular. A letter dated 21 August 1837 from leaders of the Cantón to the Indian governor of Cochití Pueblo, Josecito Archibeque, informed him of threats to the rebellion and invited him to come to Santa Fe. The letter, signed on behalf of Governor Gonzales by José Esquibel and Juan Vigil, reads, "Let us as compatriots and good Mexicans purify our native land so that we can live in peace and quiet." In another letter dated 31 August 1837, José Gonzales wrote to Tesuque Pueblo, stating "two Indians from the Pueblo of Tesuque must present themselves…so that they can accompany [leaders] from other Pueblos and march to…El Paso…and leave…for the Capital of the Republic with the objective of representing our rights." Philip Reno makes two correct conclusions in his short work on the 1837 rebellion: "1) For the rebels, governmental power resided effectively in the village leaders. 2) The Pueblo Indians were included in councils on government policy."[84] This was the most inclusive government New Mexico has ever seen, past or present. Indians enthusiastically took part in governing the affairs of New Mexico.

It is important to now turn to the identity of the man chosen to lead the Cantón. Since 1837, much confusion has existed about the identity of this man. First, let us address what is known about José Gonzales: he was from Taos, he was a buffalo hunter, and he was illiterate.

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[83] Minutes of the Junta Popular, 27 August 1837, William G. Ritch Collection, 1539–1901, Huntington Library, San Marino, Calif. (hereafter Ritch Collection), reel 2, doc. 161, translation by the author; Lecompte, 45.

[84] José Esquibel and Juan Vigil to Josecito Archibeque, 21 August 1837, in "Rebellion in New Mexico—1837," by Philip Reno, *New Mexico Historical Review*, vol. 40, no. 3 (1965), 205; José Gonzales, Letter to Tesuque Pueblo, Ritch Collection, reel 2, doc. 163, translation by the author.

Those unsympathetic to the rebellion used his humble background to criticize both Gonzales and the revolt. For example, a caravan of merchants who were in Santa Fe when the rebellion broke out traveled to El Paso, bringing news and providing legal testimony about the events of August 1837. Guadalupe Miranda testified that, "José María Gonzales…is an idiot not worthy or capable of filling the position he has usurped, and even less for having been enthroned over the cadavers of the true and legitimate authorities." Josiah Gregg was with this merchant party as well, testifying that "José Gonzales was in command of the government…a man without civil virtues and so ignorant that he does not even know how to sign his own name." Another American trader who was in Santa Fe during the rebellion wrote that, "The triumphant army having declared their leader, Jose Gonzales, an inhabitant of Taos, governor, made the entrance into the town, where he assumed the government." Writing years later, Gregg elaborated on Gonzales a bit more. He observed that he was "one of the boldest leaders," and that he was "a good honest hunter but a very ignorant man, [and was] elected for governor."[85] Detractors portray him as an ignorant hunter who was in way over his head.

But Gonzales's ethnic origin is even more contested. Lecompte argues that he was a vecino from Taos. Wroth states that Gonzales may have been a Taos Indian, a genízaro, or a vecino. Padre Don Antonio José Martínez, who served as the parish priest at Taos, was present at the end of the rebellion when Gonzales was defeated and killed. The man in charge of the army that finally defeated the Cantón is reported to have said to the father, "Padre Martínez, hear this genízaro's confession so that he may be given five bullets." Lansing Bloom writes that Gonzales was "reputed to have been a Taos Indian and buffalo hunter by trade." Reno comments in a biased manner:

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[85] Testimony of Merchants, August 28, 1837, in Lecompte, *Rebellion in Río Arriba*, 115, 118; Letter from Santa Fe, August 12, 1837, in Lecompte, 122; Gregg, *Commerce of the Prairies*, 94.

> Named by the Canton as Governor of New Mexico, and confirmed in this office by the People's Assembly, was José Gonzales of Taos, whose mother was a Taos Pueblo Indian and whose father was a genízaro of non-Pueblo Indian lineage with some admixture of white blood…There is no wonder that such a government was brief, or that it achieved only de facto status. The wonder is that José Gonzales ever became governor at all-a singular aberration in the long succession of governors of New Mexico from other geographical areas and other classes of society.

In other words, it was no surprise the rebellion failed. The Cantón foolishly chose an Indian for their governor, after all. The most definitive work on José Gonzales's identity is by Fray Angélico Chávez. He seeks to uncover Gonzales's identity, which he calls "unimportant but intriguing." Using parish records and genealogical sources, Chávez concludes, rather convincingly, that José Gonzales was the son of a genízaro father and a Taos Pueblo mother, and that the terms vecino and genízaro were often interchanged. Any of these terms, including vecino, could have been used to describe a Pueblo Indian who married a Hispano and moved away from the Pueblo, as Chávez argues Gonzales had. He goes on to say that, "From his close connections with Taos Pueblo, especially through his mother, we can assume that he was conversant with the North Tigua language. His arousing of various Pueblos to follow him in his bloody spree shows his influence, and also sympathies, with the indigenous inhabitants of New Mexico." Gonzales proved invaluable to the Río Arriba Rebellion. It could not have succeeded without widespread Indian support, and such support could not have been garnered without an Indian at its head. As Chávez concludes: "The upshot of the whole matter is that New Mexico did have an Indian Governor, even if by savage usurpation, in the same manner that Mexico [had] an Indian President in Benito Juárez. But neither of these two revolutionaries wore loin-clouts and war-bonnets."[86] Chávez's extensive research and knowledge about New Mexico's

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[86] Lecompte, 36–37; William H. Wroth, "1837 Rebellion of Rio Arriba"; Pedro Sánchez, *Recollections of the Life of the Priest Don Antonio José Martínez*, Original Spanish Text, with English Translation by Ray John de Aragon (Santa Fé, N.Mex.: The Lightning Tree, 1978), 54;

Hispanos, Indians, and their marriage practices lends credence to his conclusions. The significance of Gonzalez's ethnic identity cannot be understated: for the first and only time in the history of New Mexico, the duly elected governor was an Indian.

As remarkable as the fact of his governorship is, Gonzales's leadership was rather unremarkable, and the rebellion ultimately failed. The Cantón had issued its set of five demands just prior to Gonzales's election as governor. Their primary demands were to not follow the Departmental Plan and to pay no taxes. In response to the rebellion, former governor Manuel Armijo led the pro-centralist party against the rebels. Armijo's forces gathered in the Río Abajo, and they adopted the Plan de Tomé on 8 September 1837. The Plan, which neatly encapsulated their aims and rhetoric, contained ten points, two of which directly addressed Indians:

> 5. As it is fitting that the Pueblo [Indians] remain tranquil and do not mix in the affairs of the Mexicans, they will be instructed to take part in favor of no party, as the war is not, nor is it directed, against them; and that, until the supreme government name a governor, they are to govern themselves without regard to any authority which may not eminate from themselves.
> 6. In order that the preceding article may take effect, three natives of Isleta who are present were informed of all the just reasons which exist and which they are to explain to their fellows.

Armijo clearly saw the important part Indians played in the rebellion, imploring them to sit out the hostilities and appealing to their desire to self-govern. He also believed using the Isletans to explain their reasons for opposing the Cantón was a good strategic move.[87]

Armijo led his force north from the Río Abajo, and met with the rebels. By early September, the Cantón no longer supported Gonzales as governor. The center of the rebellion

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Bloom, "New Mexico Under Mexican Administration," *Old Santa Fe*, vol. 2, no. 1 (July 1914), 24; Reno, "Rebellion in New Mexico—1837," 197; Fray Angélico Chávez, "José Gonzalez, Genízaro Governor," in *New Mexico Historical Review*, vol. 30, vo. 3 (July 1955), 190, 191–193, 194.

[87] Lecompte, 20; "Plan de Tomé," in Bloom, "New Mexico Under Mexican Administration," *Old Santa Fe* vol. 1, no. 1 (July, 1913), 26.

had shifted to Taos, now under the leadership of Pablo Montoya, the former alcalde of Taos. Montoya and other rebel leaders met with Armijo, and the rebels signed a treaty in Santa Fe on 21 September 1837. Writing to explain his actions after the treaty had been concluded, Armijo laid much of the blame for the revolt on the Indians:

> [The movers of the rebellion] counting as well on the Pueblo Indian people whom as a weak, credulous, ignorant people very addicted to the sack and spoils of war, they easily seduced, persuading them that the departmental laws would take from them a third part of the fruits of their labor, taxing heavily the common benefits of water, wood, pastures, and even their own children and wives… [with Nuevo Mexicanos and Pueblos] identifying themselves with the savage tribes and putting themselves on the same level, making the same cause with their same interests [88]

In keeping with his statements in the Plan de Tomé, he saw the Indians as ignorant victims of persuasive Hispanos. He failed to recognize the fact that he was denigrating politically mature Pueblo Indians who knew the Mexican system and desired self-government, just like the Hispano rebels from La Cañada and Taos.

Despite the treaty, hostilities flared up once more in early 1838. This time the conflict centered around Truchas, and Armijo wanted to be sure to dissuade any Indians who might support it. He issued a circular on 19 January 1838, and addressed the Indians specifically:

> I want the Indians of the country to know that my aim is none other than to sustain the law, punishing only the truly culpable, protecting the ignorant even when they have cooperated with previous revolutions, having been motivated by the seductions and deceits of the promoters. I want them to suffer no hostile treatment however light, nor especially do I want their poor families to suffer the terrible scourge of war to which they are provoked by the rebels of Las Truchas at those *reuniones*, as criminal as they are insignificant, so that they forget the clemency and commiseration they have enjoyed until now; but once they are freed from their obstinacy and backsliding, one must work in another manner, and therefore I am convinced that the blame always falls on the poor ignorant Indian who knows not what he does. I am warning them, so that they may not be deceived, so that they may close their ears to the invitations, and so that they may live in peace in the confidence that the government values them, but if in spite of this they take part in the revolution, they may not afterwards complain nor plead ignorance, for then the

[88] Lecompte, 46, 56; Letter of Manuel Armijo, October 11, 1837, in Lecompte, 139.

rigor of the law will fall equally on everyone.[89]

Armijo and his men eventually defeated the rebels. Bolstered by a force of Mexican cavalry regulars sent from Veracruz, the pro-centralist force finally defeated the Cantón at Pojoaque on 27 January 1838. Though no longer holding power, José Gonzales was present. In the aftermath of the battle, he presented himself to Armijo at Santa Cruz, asking that no direct taxes be imposed on the people. Armijo refused to make any guarantees, and then condemned Gonzales to be shot. Hispano leaders of the rebellion such as Esquibel had also been executed. The rebellion failed to stop Santa Anna's dictatorial reforms. Still, within another ten years New Mexico would be under the control of another colonial power.[90]

Conclusion

In his circular of 19 January 1838, Manuel Armijo made reference to the "poor ignorant Indian who knows not what he does." Yet Armijo pleaded with New Mexico's Pueblo Indians to refrain from supporting the Cantón. He asked them to stay at their Pueblos and govern themselves until a proper New Mexico government could be reestablished. Armijo is at once belittling and praising the Indians. On the one hand, he depicts them as ignorant children, who need to behave as good children do. On the other hand, he fears the strength they provide to the rebellion on the battlefield. But, in the Plan de Tomé, issued four months before Armijo's warning to the "ignorant" Indians, he unknowingly affirms the Native tradition of self-government. He requests that they remain in their Pueblos and govern themselves—something

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[89] Circular of Manuel Armijo, January 19, 1838, in Lecompte, 145–146. There is an obvious reference to the crucifixion of Christ, when he pleaded with his father to forgive his crucifiers, who knew not what they did.

[90] Lecompte, 72–74; Sánchez, *Recollections of the Life of the Priest Don Antonio José Martínez*, 54.

they had already done for centuries—while he attempted to sort out the chaos in Santa Fe. For Armijo, politics at the departmental level were the concern of Hispanos, not Indians; better that they remain at their Pueblos and not concern their allegedly simple minds with these things.

Yet the actions of Pueblo Indians throughout the Río Arriba Rebellion showed that they were anything but children. In 1837–1838, New Mexico's Pueblo Indians were a politically savvy people, well versed in the complexities of Spanish and Mexican electoral politics and town governance. Indian actions in the rebellion represented a coming of age in the political landscape of New Mexico. These were Indians who for two hundred years had elected their village officials each year in a manner each Pueblo saw fit. They had taken part in town ayuntamientos in the late Spanish period and throughout the Mexican era. In some ayuntamientos, Indians had even held positions of power. Indians continued to fight through legal channels to protect the land and rights of their people. And they had formed an important block in the Junta Popular that elected José Gonzales. Gonzales's election as governor of the Cantón represents the single most significant Indian action in the history of New Mexico's electoral politics. With an Indian governor at the helm, Natives assumed a large part of the leadership that directed the affairs of New Mexico during those fateful months in 1837–1838.

Indian electoral participation was, nonetheless, constrained by localized conditions during the Mexican period, as it had always been in the earlier colonial era. In one area, Indians and Hispanos could work in an effective, mutually beneficial manner, with Indians even serving in leadership positions over mixed Indian-Hispano councils. In other areas, Indians viewed ayuntamientos as bodies that addressed their needs and concerns, even if they did not take an active part as council members. They petitioned ayuntamientos time and again, occasionally with favorable results. But in other areas, the Indian presence in ayuntamientos is conspicuously

absent. This could be due to several factors, not the least of which was that Hispanos significantly outnumbered Pueblo Indians. Furthermore, Hispano communities only continued to expand during the Mexican era. And as ever, the effect of the administration in Santa Fe cannot be overlooked. A favorable or unfavorable governor could greatly affect the degree to which Indians were secure in the exercising of their rights. On the whole, New Mexican Indians became more familiar than ever with the politics of Iberian town government from 1821–1846. This would be both a benefit and a hindrance during the Anglo American colonial administration that followed.

Chapter 4

STAGNANT ARIZONA: INDIAN POLITICS IN THE ARIZONA-SONORA BORDERLANDS DURING THE MEXICAN PERIOD

Introduction

In 1821, officials in Tucson officially swore allegiance to the newly independent Republic of Mexico. While New Mexico Governor Facundo Melgares in Santa Fe had orchestrated a celebration that included public revelry and Indian dances, Pimería Alta witnessed a much simpler affair: "On September 3, the *comandante* of the half-century-old adobe presidio of Tucson swore allegiance to the new government [of Mexico]." Aside from their celebrations, Pimería Alta differed significantly from New Mexico during the late Spanish and Mexican periods in two significant ways. First, while officials in Mexico City had neglected New Mexico during this time, the tradition of self-government remained strong in New Mexico's Indian and Hispano communities. In his classic study of Arizona under Spanish and Mexican administration, historian James E. Officer sums up the degree to which residents of Pimería Alta had grown accustomed to self-government before the region came under the control of the United States:

> Relatively little that the Hispanic residents of the Pimería Alta experienced during the years of Spanish and Mexican rule prepared them for the participation in the political life of the region after it became a part of the United States. In this respect, they differed somewhat from certain of their neighbors in California and New Mexico, where the Spanish founded towns with civil governments.

Second, Sonora's Indian affairs in its northern frontier had severely deteriorated by the Mexican period, where "missions and military posts decayed for lack of support."[1]

The decay of the missions and presidios had a direct effect on the Indians of the Arizona-Sonora Borderlands. For example, when independent Mexico inherited control over Hopi territory from an expiring colonial Spain, Hopis were only nominally under the control of the Republic of Mexico. Isolation and increased raids on their territory only exacerbated their tenuous plight. Farther south, Yaqui town government continued to evolve, with Yaquis controlling much of their internal affairs. They pushed against colonial control, and again turned to revolt in the 1820s under the leadership of a charismatic Yaqui known as Juan Banderas. Elections of officials again played a part in this rebellion, though not as prominent a role as in the Yaqui Revolt of 1740. Still, at the heart of their grievances was control of Yaqui internal affairs. Much like Yaquis, the Piman peoples of Pimería Alta saw more Hispanos encroach on their territory, while simultaneously receiving fewer protections from these encroachments. Somewhat surprisingly, the Jesuit and Franciscan missionaries who ministered to them were among their best defenders, for all of their other flaws. The system of Indian civil government in Pimería Alta, which had been so unevenly instituted and rarely under the control of Indians themselves, continued into the Mexican period. As the Catholic Church abandoned its northern Sonora missions, the selection of Indian officers fell completely to Indians themselves. But the system bore little resemblance to the Spanish town municipal model, as Indians reverted to traditional methods of selection and the cadre of officers shrank to only a governor in many

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[1] James E. Officer, *Hispanic Arizona, 1536–1856* (Tucson: University of Arizona Press, 1987), 17; David J. Weber, *The Mexican Frontier, 1821–1846: The American Southwest Under Mexico* (Albuquerque: University of New Mexico Press, 1982), 4, xviii.

locations. While the governor system persisted among the Yaquis during the Mexican era, it was nonexistent at Hopi and weakened in Pimería Alta.

No single summary of Indian voting during the Mexican era can be easily applied to Arizona. Indian participation in electoral politics varied greatly from group to group. In some areas, Indians saw the Hispano presence diminish significantly, resulting in greater control of internal affairs and selecting community leaders. But in other areas, Mexican officials sought to exert greater control over highly independent Indian villages, resulting in significant pushback from Indians. For the Native peoples of the Arizona-Sonora Borderlands, the brief decades of Mexican control were chaotic and unpredictable.

Hopis Under Mexican Rule

It would not be inaccurate to state that Mexico had little or nothing to do with Hopis from 1821–1846. The early contacts between Hopis and Spaniards in the seventeenth century slowed significantly after the Pueblo Revolt of 1680 and destruction of Awatovi in 1700. Spaniards made infrequent attempts to reestablish missionary work among the Hopis, such as that undertaken by Father Francisco Silvestre Vélez de Escalante, along with the occasional military foray into Hopi territory. By Mexican independence, contacts between Hopis and outsiders were nearly nonexistent. A long distance separated Hopis from the Rio Grande Pueblos and the government at Santa Fe. In addition, raids by outside tribes such as Apaches and Navajos markedly increased during the late Spanish period and Mexican era. After significant human and material losses in the particularly violent 1810s, Hopis sent a delegation to Santa Fe in 1818 to request military assistance against the Navajos. Spaniards recognized the urgency of the situation, and that it represented an opportunity to reestablish contacts with Hopis.

Unfortunately, Santa Fe could do nothing, lacking the manpower and money to invest in a large military operation for its most distant Indian charges. Athabascan raids and warfare proved to be a larger impediment to Hopi-Mexican relations than distance. As Edward Spicer summarizes succinctly: "the widespread warfare which took place with increasing frequency during those years between the settled Pueblos and the far-ranging, marauding Navajos and Apaches—and which the Mexican troops were unable to prevent—virtually stopped all travel in the northern area….Hopis [did not feel] the touch of Mexican political authority."[2]

The raiding and warfare in the region had grown to a level not previously seen under Spain. The introduction of increasing numbers of firearms to non-Pueblo Indians through the Santa Fe trade amplified the violence. Increasingly brazen Navajos penetrated deeper than ever before into the Hopi homeland. A massive Navajo raid on Oraibi in 1837, at the time the largest of the Hopi villages, killed or scattered "virtually its entire population." But Hopi troubles were not limited to bloody encounters with Navajos. Apaches, Comanches, and Utes all ventured into Hopi territory, taking livestock and captives. Since Hopis commanded a premium on the Southwestern Indian slave market, they were prime targets for captivity.[3]

With little support from Spanish missionaries, civil authorities, and soldiers, Hopis were left to fend for themselves in a world of violence created by the Spanish imperial presence. The upside to this was that Hopis essentially remained in a state of complete political independence. This political situation continued after 1821. Hopis paid no taxes to Mexico and the Mexican republic did not count them in its censuses. Commenting on the Hopis during the Mexican period, American trader Josiah Gregg wrote: "The 'seven pueblos of the Moqui' (as they are called)…formerly acknowledged the government and religion of the Spaniards, but have long

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[2] Edward Spicer, *Cycles of Conquest*, 196–197.
[3] C. James, *Pages from Hopi History*, 71–72.

since rejected both, and live in a state of independence and paganism….[But] they are…industrious and agricultural, and…ingenious in their manufacturing." Gregg contended that the Hopis "still retain their independence." This meant that just as the Spanish administration that came before, the Mexican government was unable to place Hopis under its jurisdiction. Hopis remained citizens of their own virtually independent Indian nation, and participated in none of the Mexican political developments of the 1820s–1840s.[4]

One oral account perfectly encapsulates the Hopi experience under Mexico. Edmund Nequatewa, who heard the story from one of his elders, relates that in1846, a party of Mexican traders—or raiders—visited Oraibi. Hopis feared such visits "because they were never sure but that the Mexicans were coming to take revenge on them for killing the Spanish priests in 1680."[5] At the same time that the Mexicans arrived, three Hopi men from Oraibi were troubled with their own personal lives to the point of desiring to die. But, a Hopi man could not kill himself, "for he would lose his reputation of being a brave man." The arrival of the Mexicans came at a fortuitous moment, and the three Hopis made arrangements with the Mexicans to kill them so that their reputations would not be tarnished. The arrangement was that the Mexicans would shoot the three men while they were in a kiva for a ceremony. But the plan was in serious jeopardy when the Mexicans could not distinguish the three men from the others inside the crowded kiva. The three Hopi men, not wanting to be responsible for disgracing the kiva, exited the chamber one by one. The Mexicans shot each man after he exited. By this time a large number of Hopis had

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[4] David J. Webber, "Hopi Land and Water Rights under Spain and Mexico," Prepared for the Hopi Tribe for General Adjudication of All Rights to Use Water in the Little Colorado River System and Source Superior Court of Arizona Case No. CV-6417, March 2009; Josiah Gregg, *Commerce on the Prairies*, 188n, 193.

[5] Hopis seem to have made no distinction between representatives of Spain or independent Mexico—for them they were one and the same, as was the case with Papagos from the chapter two.

gathered on their rooftops and saw what had happened. After the third Hopi was killed, a shot rang out from the distance, and one of the Mexicans fell wounded. A Hopi, unaware of the arrangements, had shot the Mexican.[6]

The Mexicans were then forced to flee for their lives as a melee ensued. While they fled, the killers grabbed a Hopi woman and several Hopi children.[7] They tied the children to their bodies to use as human shields. The Mexicans killed more Hopis while attempting to escape, and also stole a number of Hopi sheep. They also raped the Hopi woman nightly, to the horror of the children. A first party of Hopis attempted to track the Mexicans, but turned back after three fruitless days. The captive woman's husband, Wikvaya, set out on his own, determined to find his wife and the children or die trying. He eventually made his way to one of the Rio Grande Pueblos, where a Hopi living there took him to the village chief. The chief insisted that Wikvaya's story be written down, and so they located a literate Indian, who recorded the account. The chief also insisted that they travel to Albuquerque, where "they found someone who had the authority to look into the matter."[8] The officer heard Wikvaya's story, and sent him on his way with some sort of document to see the governor in Santa Fe. The governor listened intently to Wikvaya's story, and to his surprise, sent a large group of men to locate the children and his wife. It took some time, since the children had all been sold as genízaros to Hispano families. The governor's men found the children and Wikvaya's wife, who all made their way back to Oraibi. The governor also had the Mexican raiders executed. They had lied by saying

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[6] Edmund Nequatewa, "A Mexican Raid on the Hopi Pueblo of Oraibi," in *Plateau: A Quarterly*, Published by the Northern Arizona Society of Science and Art, Museum of Northern Arizona, Flagstaff, vol. 16, no. 3 (January 1944), 45–46. The events must have taken place in the winter of 1844–1846, since New Mexico was under United States control in the winter of 1846–1847.
[7] The story claims that the woman and children were the promised rewards from the Hopis who wished to be killed.
[8] This was likely an alcalde or justice of the peace.

that their captives were Navajos, about which no one had cared "because the Navajos were enemies of most everyone at that time."[9]

This episode illustrates the tenuous nature of Hopi-Mexican relations during the period of Mexican administration. Hopi territory was susceptible to attack, and not just by Navajo, Apache, Comanche, and Ute raiders. Mexicans also made clandestine forays to Hopiland, killing Hopis, kidnapping women and children, and stealing their property. If Hopis wanted redress of these wrongs, they had to make their own way to Santa Fe, which was a long and dangerous journey. In at least one instance they treated with Mexican authorities, both on the local level and with the governor in Santa Fe. When their complaints were adjudged to be legitimate, these Mexican authorities meted out swift and severe punishments. But the virtually independent Hopis had to seek this justice in Santa Fe themselves. It would not come to them, since they had no elected alcaldes, governors, regidores, or justices of the peace in their own communities. The Hopi villages remained independent, autonomous Indian nations.

Sonoran Electoral Politics and the Breaking of the Colonial Compact

Electoral politics came to the far northern towns of the Arizona-Sonora Borderlands later than their New Mexican counterparts. For example, civil government in the ayuntamiento model arrived in Tubac and Tucson in early 1825, when elected officials took office. These officials had been duly elected a few weeks prior. In the beginning, both towns had only an *alcalde de*

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[9] Edmund Nequatewa, "A Mexican Raid on the Hopi Pueblo of Oraibi," 48–52. According to the account, some of the Mexican raiding party were executed by being dragged by ropes around their necks behind horses until they were strangled, and the others were stoned. Nequatewa relates that the story was told to him by Masavema, an elder at Oraibi who was one of the kidnapped children. He states that Masavema died in 1939, which would have made him well over eighty-years-old. I have searched in the Mexican Archives of New Mexico for an account of these events, but was unable to locate any official Mexican documentation.

policía (essentially a mayor) and a *síndaco procurador* (a sort of treasurer-attorney). The title of the main officer was changed in December 1831 to a *primer juez de paz* (first justice of the peace). What is interesting is that neither Tucson nor Tubac had the necessary 1,000 residents for an ayuntamiento constitucional. Tucson met the requirement only when it included Apaches de Paz living there and nearby Piman peoples in the tally.[10]

The first ayuntamiento elections were held on 19 December 1824. José de León became the first alcalde of Tucson, while León Herreros served in the same office for Tubac. Both men took office on 1 January 1825.[11] Since Indians were included in population counts for Tucson (and possibly Tubac), the question is whether Indians took part in these elections, or served in office at either location. First let us address the latter question. James Officer states that, "Record keeping was a responsibility of the first justice of the peace and the treasurer-attorney, meaning they had to be literate, a requirement that severely limited the pool of candidates." This would have precluded large numbers of both Hispanos and Indians. He goes on to conclude, "The result was circulation of these offices among a handful of individuals from elite families of the region. Such persons were closely bound by kinship and the godparent system, or *compadrazco*, to the *comandantes* and to civil and military officials at higher levels." This does not leave out the possibility of an individual of Indian origin rising to a position of prominence. Both soldiers and settlers served as godparents to Indians baptized at the missions. In 1818, the Pima lieutenant of the Tubac presidio even married his commander's daughter, who was strictly considered a Spaniard.[12] These would have been what were referred to at the time as "indios ladinos," what

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[10] Officer, *Hispanic Arizona*, 17, 88.
[11] Ibid., 103.
[12] Officer, 17; Thomas Sheridan, *Landscapes of Fraud: Mission Tumacácori, the Baca Float, and the Betrayal of the O'odham* (Tucson: University of Arizona Press, 2006), 60. When he passed through Tucson in 1848, Cave Couts commented that Tucson was "Indians and Mexicans

scholars have termed "Hispanicized" Indians, or those fluent in Spanish and familiar with Hispano customs, often having intermarried with vecinos. While the chances of Indians serving in positions of power were small, it is possible that at least some Indians participated in the elections of ayuntamiento officials.

The Mexican national government mandated such electoral developments in the republic, and these filtered down to the state assemblies, which instituted guidelines for voting qualifications. In the liberal traditions of independent Mexico, the Estado de Occidente, which consisted of the previous states of Sinaloa and Sonora, adopted its constitution in 1825. The Constitution of Occidente defined citizenship and set voting guidelines. To be considered a citizen of the state, Section Three, Article 13 states: "Sonorans are: 1. All those born in the territory of the state." This meant that Indians were citizens, since the wording of the article made no differentiation between Hispanos and Indians. Citizenship was granted to all who were over the age of eighteen, if married, and over twenty-one if unmarried. Furthermore, Section Three, Article 21 reads: "Sonorans are equal before the law…all citizens may obtain employment by the state with no other motive of preference than merit, virtue, the aptitude for the discharge of office, and the talents required by each one." As with Mexican national law, Indians who qualified for employment or office on merit had that right. The rights of citizens could only be taken away for specific reasons, only one of which was Indian-specific. Section Four, Article 28, No. 6 states that the rights of Indian citizens could be taken away "For having the custom of going about shamefully nude; however, this clause is to have no effect on the

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together, probably the largest place we have met since leaving Chihuahua." See Henry F. Dobyns, ed., *Hepah, California! The Journal of Cave Johnson Couts from Monterrey, Nuevo Leon, Mexico, to Los Angeles, California During the Years 1848–1849* (Tucson: Arizona Pioneers' Historical Society, 1961), 62.

indigenous citizens until the year 1850."[13] In theory at least, Indians were granted citizenship rights in Occidente and could participate in all political activity there.

Mexican liberalism and legal developments paid lip service to equality and inclusion, but something more sinister was clearly afoot. As Cynthia Radding, one of the foremost historians of colonial Latin America, summarizes, in the wake of Mexican independence:

> Sonoran oligarchs [and those of Occidente] changed the terms of negotiation with the ethnic communities in their province and, in so doing, altered irretrievably the operative legal definition of property and the relations between the state and these Serrano *naciones*. The new regime pushed aggressively to privatize the land and to change both the civic status of Indians and the internal governance of their pueblos.

Between 1825 and 1835, leaders in Occidente and Sonora (Sonora became its own state in 1831) enacted legislation that, on paper, made Indians and Hispanos equal before the law. But Mexican leaders sought to extend their jurisdiction over Indian towns through municipal government and the dividing up of Indian communal lands. The State of Occidente implemented legal protections for Indian lands, but moved to sell off "vacant lands" for the benefit of Indians. Whether Indians actually saw any of the proceeds of these sales is unknown. Indians saw their communal lands severely depleted, hemmed in on every side by Hispanos. This was strengthened by the expulsion of Iberian priests from the missions in Pimería Alta.[14] Occidente and Sonora also passed laws that subordinated Indian towns to local municipal governments. Since Indians no longer had any special status, they were included in municipal governing bodies dominated by Hispanos. As Mexican historian José Refugio de la Torre Curiel points out:

> [Changes that culminated in the 1820s–1830s occurred] in the context of secularization of that society, the consolidation of Spanish settlement, and, above all, the demographic changes that resulted in the progressive Hispanization of the old missions. By 1831, most

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[13] Odie B. Faulk, trans. and ed., *The Constitution of Occidente: The First Constitution of Arizona, Sonora, and Sinaloa (1825–1831)* (Tucson: Arizona Pioneers' Historical Society, 1967), 11–12,14; Spicer, *Cycles of Conquest*, 60.

[14] This will be discussed in greater depth as it relates to Pimas.

> towns of Pimería Alta were predominantly *mestizo*, and their forms of community organization had come under serious attack by interests favoring privatizing land and doing away with the corporative character of local social organizations.

The powers of Indian governors diminished significantly as Indian landholdings in Sonora shrank and municipal government was transformed.[15] Many recognized the threats that the new system posed to Indian town autonomy, and resisted when the system became untenable.

As pointed out in the previous chapter, Mexico attempted to solve the Indian problem by essentially ignoring it. Indians were to be citizens under the law, with the mere mention of "Indian" dropped from official documents. In the case of laws in which it was absolutely necessary to refer to Indians, the term "indigene" was used instead. As will be discussed in greater depth shortly, Mexican officials made some efforts to insure that Indians were treated fairly under Mexican law. Mexican officials were to insure that democratic elections of municipal officers began immediately (although this had been going on for some time already in many Indian towns), thereby establishing an Indian electorate. Regarding the question of communal lands, officials were to implement new reforms with the awareness that lands had been illegally taken from Indians in the past. Officials were to administer the public lands in partnership with commissions composed of Indians themselves. Finally, disputes over land between Indians and non-Indians were to be decided in favor of Indians. Justice and equality were supposed to be the guiding principles, with slight preference given to Indians.[16]

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[15] Cynthia Radding, "The Colonial Pact and Changing Ethnic Frontiers in Highland Sonora, 1740–1840," 63–65; José Refugio de la Torra Curiel, *Twilight of the Mission Frontier: Shifting Interethnic Alliances and Social Organization in Sonora, 1768–1855* (Stanford, Calif.: Stanford University Press, and Berkeley, Calif.: The Academy of American Franciscan History, 2012), 101.

[16] Spicer, *Cycles of Conquest*, 336.

The Yaqui Response

What policymakers failed to realize was that their actions, however well intentioned, attacked the foundations of a system to which Indians had long been accustomed. By the first decades of the nineteenth century, Yaquis in particular had already developed a system of town government loosely based on the Spanish model, with elections of local officers and definite ideas of political sovereignty and corporate land control. Evelyn Hu-DeHart states that Yaqui village sovereignty was a keystone of their political system: "Each [village elected] its own set of gobernadores in the tradition of local village autonomy, they retained the position of captain general as an overall military leader and as spokesman with the outside world." When Yaquis were pushed—as in the previous century—they pushed back. Mexican reforms brought a return of Yaqui violence, and, once again, the two sides again were unable to see eye to eye. Mexicans viewed Yaqui attempts to maintain well-established methods of local governance and land control as the mere actions of spoiled children, too long accustomed to a privileged status as Indians. As Spicer points out, Mexicans saw the Yaqui and other Indian opposition to reform as "resistance to a loss of special privilege—the exemption from citizenship responsibilities."[17]

Putting aside the issues of land, taxation, and military service for a moment, it is important to understand that the Yaqui system of civil governance was highly sophisticated and firmly established by the nineteenth century. Although, as Spicer points out, the Yaqui political

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[17] Evelyn Hu-DeHart, *Yaqui Resistance and Survival: The Struggle for Land and Autonomy, 1821–1910* (Madison: The University of Wisconsin Press, 1984), 19; Spicer, *Cycles of Conquest* 337–338. Hu-DeHart makes the following statement regarding Yaqui allegiance to independent Mexico: "Yaquis…perhaps sensing that what little protection they had enjoyed as 'Indians' under the colonial system would be lost, continued to feel little pride or stake in the new nation of Mexico that was born in 1821" (p. 19). While this statement may have some truth to it, Yaquis did not necessarily desire "special status." They wanted to continue to live in their communities and choose their leaders as they had for the past centuries. Perhaps what Hu-DeHart refers to as special status, I would refer to as sovereignty. Above all else, Yaquis wanted to retain village sovereignty.

system did not reach its full development until the latter decades of the nineteenth century, it is safe to assume that some or many of the elements found in Yaqui town government in the late 1800s were present in 1825. In the first place, the office of governor was prominent in the Yaqui towns. These governors carried the customary varas de justicia, and community members elected them by popular vote. Governors were inducted on 4 January of each year, and their powers included the ability to settle family disputes and manage land boundaries within the communities. Mexican officials had only a nominal presence in the governing of Yaqui communities through the office of captain-general. Mexicans appointed the captain-general, whom they regarded as a liaison officer between the government of Occidente and the Yaquis. But the role of captain-general was never well defined. At times, upstart individuals sought to use the office to mobilize Yaqui resistance, while at other times sympathetic captains-general aligned with vecino interests.

Outside of these and other civil offices dating back to the Spanish period, Yaqui political institutions had evolved to the point that by the late 1800s Yaqui town government included five branches or authorities. Many pages could be dedicated to these authorities and their complicated structures, but in simplified form they were the civil government, Military Society, the church, the Kohtumbre, who oversaw important rituals in the towns, and the Pahkome, who buried the dead and maintained the town's obligations to the patron saint. Spicer points to five principles as guiding Yaqui government in the nineteenth century: "(1) unity of civil, military, and religious organization, (2) necessity for unanimity as a basis for action, (3) importance of seniority in all

governmental participation, (4) constant review of executive and judicial activity by the total community, and (5) interdependence of all specialized arms of government."[18]

I again urge caution when applying Yaqui government as it appeared in the late nineteenth century and early twentieth century to the 1820s, but many of these elements must have been present. It is not overreaching to assert that Yaquis had a sophisticated form of town government with some elements of Spanish-style civil and religious government, and many traditional Yaqui elements. The net result was a set of institutions and governing principals perfectly suited to Yaqui life. Yaqui voting, and the obligation of all community members to participate in the town political sphere (which included the civil, military, and religious), were central to this system. With this knowledge, it is easy to understand why Yaquis resisted violently to Mexican incursions in the 1820s–1830s. They were not simply resisting taxation and the division of land, they were insuring their own sovereignty and survival as a people.

When the Constitution of Occidente (1825) declared all Indians citizens, it finally made Indians subject to direct taxation by the state, which had never been the case. Yaquis, who had played no part in the independence movement, were now called upon to pay taxes to the Republic of Mexico and serve as soldiers in its armies. Yaquis balked at the idea of paying taxes and fighting for Mexico, on the grounds that they had never done it before, and had no desire to do so now. Furthermore, when Occidente officials began entering Yaqui territory in 1824–1825 in order to survey Yaqui lands for purposes of taxation and to set up new municipal governments, Yaquis went on high alert. The Occidente Constitution and the actions of state officials represented a threat not only to Yaqui political sovereignty, but also to the territorial integrity of the Yaqui homeland. After Yaquis simply ignored calls to pay taxes and raise troops,

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[18] Spicer, *Yaquis: A Cultural History*, 176, 180, see 178–188 for a detailed description of the five town authorities.

Mexico decided to take more serious measures. Mexico intended to deal with Apaches living to the north of Yaquis, who had long been seen as a threat to Sonoran towns. In September 1825, the federal commander general of Occiente, José Figueroa, ordered Yaqui Captain General Nicolás María Alvarez to mobilize Yaqui auxiliaries to fight Apaches to the north along the Colorado River. Although Yaquis had provided auxiliary soldiers on past occasions—always at their own discretion—on this occasion they decided to take a stand and refused to mobilize the troops. Not only this, but they deposed Alvarez as captain general, placing Juan Buitemea, Huírivis's militia commander, in his place. To complicate matters even further, the priest of Huírivis, Father José María Melquiades Villaseñor, had actually encouraged the Yaui to depose Captain General Alvarez in favor of Buitemea. Mexicans were interested in taxation and Yaqui lands, but also in access to Yaqui labor, since Yaquis had a large population that could be put to use in the growing economy of northern Sonora.[19] The Mexican response to these initial Yaqui actions precipitated a major Yaqui rebellion that would persist into the 1830s.

Commander General Figueroa, enraged at Father Villaseñor interference in Yaqui affairs and the Yaqui refusal to participate in an Apache campaign, sent Captain Ramón Mier to the Yaqui River to arrest both Villaseñor and Buitemea. On 25 October 1825, Captian Mier's soldiers entered the Yaqui town of Ráum.[20] Defiant Yaquis met the soldiers, and in the resulting clash a number of Mexican soldiers, vecinos, and Yaquis were killed. Panic quickly spread in the wake of this encounter, aided by Mexican fears of a pan-Indian alliance of Yaquis, Opatas, and Pimas, and the rumor that Yaquis indiscriminately killed any Mexicans they encountered.[21] This

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[19] Edward H. Spicer, *The Yaquis: A Cultural History*, 130; Spicer, *Cycles of Conquest*, 60; Hu-DeHart, 20–21.
[20] Juan Ignacio Usacamea, known as Muni, who had led the Yaqui Revolt of 1740, was governor of Ráum. The town had a history of being at the forefront of Yaqui struggles for sovereignty.
[21] Hu-DeHart, 22.

came to be the common Mexican characterization of the Yaqui-Mexican conflict of the 1820s–1830s, one that has persisted. For example, eminent Mexican historian of the Indian wars in Sonora, Francisco P. Troncoso, wrote in his classic work, *Las Guerras con las Yaquis y Mayos del Estado de Sonora*, that "los indios perpetraron horrorosos asesinatos de mujeres y niños" (Indians perpetrated horrific murders of women and children), and made no attempt to understand Yaqui motivations, thus reinforcing the savage Yaqui trope.[22] On 27 October 1825, only two days after the initial encounter, the governor of Occidente offered a pardon to Yaquis if they gave back stolen goods, returned to their villages, assisted in hunting down any Yaquis who continued armed resistance, and reinstated Alvarez as captain general. In their counter-demands, Yaquis insisted all troops leave the Yaqui River Valley, that vecinos who had fled the fighting not return, and that Mexico recognize Yaquis as the sole owners of their land.[23]

Mexican civil and military officials disagreed on how to handle the situation. Governor Elías González favored amnesty and meeting the Yaqui demands, while General Figueroa favored decisive action to subdue the warlike Yaqui once and for all. Mexican officials decided on a diplomatic solution, and the elected Yaqui governors, along with the Yaqui captains, traveled to Guaymas where they met with Governor González on Christmas Day, 1825. The Mexican governor lectured the Yaqui leaders on their new responsibilities to the government of Occidente, while Figueroa secretly hedged his bets by sending 200 Mexican soldiers to Belém on 8 January 1826. Yaquis there were generally peaceful, but he knew that the more resistant Yaquis were still hiding in the hills. As a precautionary measure he left three detachments of seventy men each at Tórin, Guaymas, and Buenavista to monitor the situation and visit the Yaqui villages with some frequency. General Figueroa believed that he had suppressed Yaqui

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[22] Francisco P. Troncoso, *Las Guerras con las Yaquis y Mayos del Estado de Sonora*, 50–51.
[23] Hu-DeHart, 22.

resistance, but he was gravely mistaken on several counts. First, he wrongly believed that Yaquis were motivated by race hatred and wanted to kill all Mexicans. Second, he believed Yaquis had neither morals nor politics, and refused to recognize their right to self-govern.[24] Figueroa and other Mexican officials failed to see Yaqui resistance for what it was: a struggle to maintain sovereignty and an ordered system of town government adapted to Yaqui needs. Taxes, land, and the Mexican system of town government fit into this, since taxation, the division of lands, and a new system of town government eroded Yaqui sovereignty and the ability to govern themselves according to the well-established model that had been in place for two centuries.

The figure at the head of Yaqui resistance in the 1820s–1830s was Juan Ignacio Jusacamea,[25] commonly known as Juan de la Cruz Banderas, or simply Juan Banderas. Banderas had initially led only a few hundred Yaqui holdouts. The group hid in the forested areas and canyons, and raided for subsistence, but Banderas soon attracted more Yaqui adherents, and even some Mayos. General Figueroa, who had set up his headquarters at Buenavista by June 1826, offered amnesty to Yaquis who turned themselves in. He distributed passports to those who came in from the hills and valleys, certifying that these were friendly Yaquis. But Figueroa's forces had a difficult time hunting down the resistant Yaqui bands, and Mexicans living in the countryside began to panic at the possibility of another Yaqui, or even pan-Indian, uprising. Figueroa made some headway in June and July 1826, when his forces defeated Yaquis in a few engagements and a number of Yaquis turned themselves in.[26]

It was at this point that Banderas's unique leadership style emerged. Very little is known about Banderas before his war with Mexico. What is known is that he served in the position of

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[24] Hu-DeHart, 23–24.
[25] Note the addition of the "J" to the beginning of the surname, but it is still the same surname as Muni from the 1740 revolt.
[26] Hu-DeHart, 25–26.

alférez, or flag bearer, of the military organization of Ráum. He carried the flag bearing the image of the Virgin of Guadalupe; thus the name "Banderas."[27] The flag was to assume special significance in his message, which will be discussed shortly. Alférez was an important position in the village military organization, but it did not entitle one to a position of village leadership. Although Banderas was the most important Yaqui leader since Muni and Bernabe, he was not a governor or a traditional religious leader. It would seem that he attained his status through his leadership skills and charisma. Primary accounts from the period corroborate this theory. For example, Lieutenant R. W. H. Hardy, an officer in the British Royal Navy who was in Sonora in the 1820s during the Yaqui War, wrote his impressions. Although he clearly harbored an anti-Mexican bias, Hardy had much to say about Banderas and the events surrounding the conflict. He spoke highly of Banderas, calling him "a man of extraordinary talent and character; nor is it easy to foresee how his career will terminate, or where the revolution, which he so ably manages, will stop." Hardy, who made several trips to Sonora in the latter half of the 1820s, wondered how long the protracted struggle would continue with Banderas at the head of the Indians: "[Banderas is] endowed with a natural flow of eloquence quite extraordinary, and with a talent and activity which have kept up the revolution for two years, in spite of every effort of General Figueroa to subdue it." Hardy believed that Banderas was a leader who exercised restraint, seeking only to protect the sovereignty of the Yaqui Nation and the rights of his people:

> It cannot be denied that he [Banderas] might have captured Fuerte, Alamos, and Pitic [all major towns in the region], if he had chosen so to have done; but his object seems thoroughly merely to obtain redress for his suffering nation, by convincing the Mexican government that although unarmed and undisciplined, the Yaqui is not so impotent as he has always been supposed. Indeed, he sent delegates to remonstrate with the President, General Victoria, and the government, with orders to state the grievances of the nation,

[27] Hu-DeHart, 24; Spicer, *The Yaquis*, 130.

> and with assurances, that as soon as they should be redressed, he would immediately disband his warriors, and they should all return to their homes on the instant.[28]

For Hardy, Banderas provided a stark contrast to Mexican leaders, with his strong leadership and personality.

Even Mexican commentators of the time grudgingly admired Banderas's gifts as a leader, and Yaqui characteristics in general. Ignacio Zuñiga, who traveled to the Arizona-Sonora Borderlands in the 1830s, was concerned with consolidating a defensive frontier line from New Mexico to Arizona that would provide a bulwark against both Apaches and the expansionist United States. He also believed that the definitive integration of "pacified" Indians would help guarantee peace and internal security. While Zuñiga wrote disparagingly of Pimas, calling them "phlegmatic and lazy," he was complimentary of Yaquis, stating that they possessed "a lively and vigorous imagination: they are men of ideas and clear powers." But Zuñiga also fell into the warlike Yaqui trope when he characterized them as "fierce in war, audacious and intrepid." Zuñiga clearly felt a begrudging sense of admiration for Banderas, whom he referred to as "a genius at managing and exciting his followers, blessed with spirited imagination, eloquence, and a rare talent, with which he could have done a lot more bad." But, like other Mexicans, he did not understand Yaqui motivations for resisting the Mexican Indian program: "This people has

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[28] Lieutenant R. W. H. Hardy, R. N., *Travels in the Interior of Mexico, In Baja California and Around the Sea of Cortes, 1825, 1826, 1827 and 1828* (1829; reprint, Glorieta, N.Mex.: Rio Grande Press, 1977), 201, 389, 411. Hardy also clearly saw the causes of Yaqui discontent lay in issues of taxation and political autonomy: "At length, the Revolution overset the dominion of Spain; a Republican form of Government was established; and the Yaqui nation, in common with many other tribes of Indians, were declared free citizens, and equal participators in the benefits of Mexican liberty. But the gaudy trapping was a dead letter, since they were not allowed to elect deputies from among themselves to represent their nation, in either the General or the State Congresses. The Causes of tyranny, and with them the vicious friars who resided amongst them, and lived upon their substance, were by no means removed; but as an equivalent for this liberty and equality which had been ceded to them, an additional tax was laid upon every article of food, &c. which they might supply to the town of their co-citizens, whether it were sold or taken back again!" (439–440).

thus far perpetrated bloody and disastrous uprisings…due to the extraordinary genius displayed by their bosses." He failed to see that Yaquis had a governing structure in place, and chose their leaders through indigenized democratic processes—he did not recognize the enterprising Yaqui spirit reflected in their highly developed political institutions and system of land tenure. He urged an increase in Mexican colonization of Yaqui territory, and the division of their lands, while lamenting that, "At no time has the Yaqui nation been governed by anyone other than their own governors and captain general."[29] While he offered some praise for Yaquis and their leaders, Zuñiga fell in line with Mexican political thinkers of the day who argued for an end to Indian status, the division of Indian lands, and the mainstreaming of Indian political institutions. With Yaquis in particular, the security of Mexico's vulnerable north depended on their full political incorporation.

While Banderas's rise to prominence outside of the traditional Yaqui channels of power was somewhat unique, his political ideology was nothing short of singular. A report from 1827 asserted that Banderas was illiterate, but fortunately someone in his inner circle could read and write. This individual was most likely another Yaqui. We are thus fortunate to have four of Banderas's manifestos, one of his purported religious visions, and several letters written to him by other Yaqui leaders. Yaqui linguistics expert John M. Dedrick transcribed these manifestos and letters in an article titled "Las Cartas en Yaqui de Juan 'Bandera.'"[30] The letters and

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[29] Ignacio Zuñiga, *Rapida Ojeada al Estado de Sonora (1835)* (Hermosillo: Gobierno del Estado de Sonora, 1985), 28–29, 33, 35, 37–38, 96, 101. Translation by the author.

[30] John M. Dedrick's article, "Las Cartas en Yaqui de Juan 'Bandera,'" in *Tlalocan: Revista de Fuentes para el Conoscimiento de las Culturas Indígenas de México*, vol. 10 (1985), 120–187, is a singular piece of scholarly writing. Most of these primary documents, dating form the 1820s and 1830s, were written in Yaqui, although Banderas's manifestos and vision were written in Spanish. Dedrick did the painstaking work of transcribing these documents into Yaqui (in the case of those written in Yaqui originally), phonemic Yaqui, and Spanish. Banderas's manifestos, along with many official military documents dealing with the war with the Yaquis, can be

manifestos shed great light on Yaqui thought from the period, and how Yaquis viewed Banderas's leadership. For example, a letter written to Banderas by José de Jesús and Juan Felipe de Jesús of Ráum, dated 18 August 1832, states, "People! Yaqui Nation! The time has arrived in which we must mutually help one another. Great harm is coming to us. We who are all brothers, who are of the brotherhood of Yaquis, we must join together for our mutual defense…United we will cry our war cry, launching the attack against our enemies. God will help us." The ideology adopted by Banderas's supporters, calling on Yaquis and other Indians to join the struggle against the Mexicans, often invokes God, and we will soon see that Banderas did the same. Banderas and his followers believed that they would have divine help in their fight. Still, Yaquis were by no means unified behind Banderas, and many supporters felt that those who did not follow him completely simply lacked the necessary faith to throw themselves wholeheartedly into the cause.[31]

Other letters from Yaqui supporters demonstrate that Banderas, though he was primarily a military leader, also wielded significant influence in civil matters. This influence even extended outside the Yaqui villages, when Mayos and other groups joined in the war. In a letter dated 28 September 1832, Govorner Manuel Ozuna of the Mayo village of Tesia wrote to Banderas in an obvious attempt to assuage Banderas's anger with him. Governor Ozuna refered to complaints that had reached Banderas of how he, Ozuna, had whipped his people (something well within his power as an Indian governor). Ozuna admitted to punishing some individuals, but

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viewed digitally at the Archivo Histórico Militar del Secretaría de la Defensa Nacional de Mexico (Archive of the Mexican Secretary of Defense), http://www.archivohistorico2010.sedena.gob.mx/home. Dedrick's Yaqui language documents came from the Bancroft Library, and date from the latter part of the war, 1830–32. Dedrick is uncertain how these Yaqui documents got into the Bancroft's collections (see pp. 119, 122). The translations from Spanish to English for all of the documents in Dedrick's article are my own.

[31] "Carta 7," in Dedrick, "Las Cartas en Yaqui de Juan 'Bandera,'" 160, 121.

insisted that he took no pleasure in it. He was quite worried about what Banderas had heard, and insisted that those who had spread rumors about his severity as a governor were simply troublemakers. He asserted his loyalty to the cause, and said that he was ever at Banderas's service. He went so far as to state that he respected and loved Banderas, and that he kissed his hand three times.[32] Governor Ozuna's fear of Banderas is evident in this letter. While Banderas's appeal as a leader must have motivated many supporters to join his side, others clearly feared him and were not as dedicated to the cause. One letter, signed by Alcalde Juan Gerónimo Marquín, Síndico Ysidro Juan Maria Jusacamea, and Juan Zacaria Armenta, all Yaqui civil leaders, describes complaints by a number of Yaquis, stating that these Yaquis "nos han hablado del mal y de la miseria que Bandera y sus soldados les han causado" (they told us of the bad and misery that Banderas and his soldiers had caused them).[33] Infighting among Yaquis, including a lack of unity in the Yaqui leadership, ultimately proved disastrous to Banderas's efforts.

Each of Banderas's four existing manifestos is rather brief, and is written in a simple, phonetic manner. Along with the account of Banderas's vision, all were written in the same hand, which Dedrick insists is "characteristic of a manuscript of the seventeenth or early eighteenth century rather than one of the nineteenth century." Although they are not dated, they were submitted with other documents to the central government, and are believed to date from approximately1826.[34] More than the letters to and about Banderas, his own statements in the manifestos and visions provide an intriguing lens into the mind of the influential Yaqui. They indicate how he viewed Yaqui leadership, and from whence power ultimately derived. In the first manifesto, he begins by referring to himself as "the flag of our sovereign Montesuma [sic]…I

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[32] "Carta 8," Dedrick, 164–165.
[33]"Carta 11," in Dedrick, 175–177.
[34] Ibid., 178.

come sent by my Lady of Guadalupe to win this crown." He goes on to state that it is she who bade "all of the Governors of the Towns, to win this crown of Our King Montesuma that they have inherited from our Lady of Guadalupe." He assures the people that he has not come to harm Indians or criollos. He states that he now has one thousand men under arms from the Yaqui and Mayo Nations, and even twenty men of razón (vecinos) under his flag.[35] A few items in this manifesto are noteworthy. First, Banderas asserts that his power comes through the Aztec emperor Moctezuma. Further, he combines this with la Virgen de Guadalupe. Banderas's power is both hereditary and otherworldly, since it comes through the important line of Aztec kings and the Mother of God. We must remember that Banderas did not come through typical Yaqui avenues of power—he was neither an elected town official nor part of the religious leadership, thus he had neither civil nor religious authority. His only position prior to this war was that of flag bearer. But, he ingeniously satisfies both needs by appealing to Moctezuma (civil authority) and the Virgin (religious authority). Furthermore, he covers all of the necessary bases by enlisting the support of "the Governors of the Pueblos." Banderas must have realized the tenuous nature of his position as a leader, unlike Muni and Bernabé, who both came through "proper" leadership channels, as he took great care to affirm his own legitimacy.

The second manifesto echoes many of these statements, but he closes by stating that, "all that which the Gachupines [Mexicans] had will be for those who will help me win this crown of King Montesuma." In his third manifesto, Banderas offers little variation, except that this time he explicitly calls upon other Indian nations to join what has been primarily a rebellion of Yaquis and Mayos. He implores Yaquis, Mayos, Opatas, Eulaves, Apaches, Papagos, and Seris to join his band, which he asserts is now over two thousand strong. General Figueroa himself sent the

[35] "Manifesto A," in Dedrick, 178–179.

manifesto to the central government in Mexico City, along with his own thoughts on what it contained. Figueroa sees nothing of value in Banderas's message and cause, calling his proclamation "bastante ridiculo" (rather ridiculous), but he still wants to bring it to the attention of authorities because it is circulating among the Indian towns and fanning fires of discontent.[36]

In the fourth and final manifesto, which also contains Banderas's vision, we see the solidifying of his leadership rhetoric. In the last manifesto he refers to himself as "Yo el Rey y Emperador" (I the King and Emperor). He calls on various Indian nations to "get themselves ready" to support him and enter under his flag.[37] Banderas was also a visionary, though only one reliable account of a vision exists, as it was written in the same hand as the manifestos, and on the reverse side of the paper containing the fourth manifesto. In his vision, which differs from the manifestos in that it is written in third person, Banderas tells of lying as if dead for an entire day. He revives at a certain point, and then goes up to a mountain, staying there with no food or drink. Jesus of Nazareth, the Virgin Mary, St. Bartholomew, St. John, and other angels then visit Banderas. The angels lift him by his armpits, and carry him back to his own land so that buzzards or foxes do not eat him. One of his relatives finds him three days later, and nurses him back to health in his home for an entire month. At the end of this period, Banderas leads the people in a festival for the Apostles, and then they begin their war against the Mexicans.[38] This vision has clear similarities to the visions of Native revivalists such as the Lenni Lenape prophet Neolin, the Shawnee prophet Tenskwatawa, and the Seneca visionary Handsome Lake. Unlike these other visionaries, who usually functioned as the religious leaders in conjunction with a military arm of their movements (such as Pontiac and Tecumseh), Banderas is both civil-military and religious

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[36] "Manifesto B," in Dedrick, 180; "Manifesto C," 180–181.
[37] The flag was an obvious symbol that served Banderas well as a rallying tool, since his name meant "flags," and he had carried the flag of the Virgen de Guadalupe.
[38] "Vision," in Dedrick, 184.

leader. His power is ultimate because it comes from God and from a hereditary line of Indian kings. But it was his assumption of power outside proper channels that would ultimately prove his undoing.

As for the war itself, Banderas met mixed results in his calls for followers, especially among tribes outside of the Yaquis and Mayos. His movement never gained the traction with other Indian nations that he would have liked. Even among his own people and his closest Mayo allies, support was tenuous. Lieutenant Hardy relates events surrounding raids by Banderas's band, and the looting they undertook in these attacks:

> …a great deal of plunder was taken, of which Bandéras made division. He would give a portion to his present followers; another part he sent into the Yáqui and Mayo country, for the purpose not only of raising recruits, but of also keeping up the spirits of the old men of the different towns which had elected him for their Generalissimo.[39]

Hardy, who we must recall admired Banderas and his leadership, indicates with his statement that Banderas gained at least some of his adherents, and maintained the confidence of influential elders, through the goods that he sent to them. And while Banderas may have had some support among Yaqui and Mayo elders, he did not have a mandate from the Yaqui people, a people characterized by government based on popular support. Nor did he have the widespread support of other Indian groups. As Spicer summarizes: "…Juan Banderas's authority had foundations outside the traditional Yaqui governmental system."[40]

The fighting was by no means continuous from the time of Banderas's emergence in 1826 to his capture in 1832. Episodes of intense warfare were followed by periodic truces. Banderas's actions during rebellion are very illuminating. By late 1827, the manifestos ceased and he no longer declared himself the heir of Moctezuma, empowered by the Virgin of

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[39] Hu-DeHart, 26–27; Hardy, *Travels in the Interior of Mexico*, 394.
[40] Spicer, *The Yaquis*, 213.

Guadalupe, nor did he refer to himself as emperor and king. In fact, on 13 April 1827, Banderas made one of his surrenders to the priest of Pótam. In return for his capitulation and assurance of peace, Banderas was promised the position of captain general of the Yaqui Nation, or in other words, leadership power through a recognized channel, although this office was appointed by Mexican officials and not achieved through popular election. Furthermore, as Banderas resisted Mexican incursion, Mexican officials redoubled their efforts to control Yaqui civil affairs. For example, after Yaqui villages surrendered to Mexican soldiers in late 1826, Lieutenant Colonel Romero appointed captains and governors in these towns. Yaqui captains were placed in command of twenty-five men each and ordered to hunt down rebels.[41] This followed the well-established Hispano tradition of appointing agreeable Indians to positions of leadership.

In the midst of these developments, the government of Occidente sought to address Indian discontent by issuing a series of decrees. These decrees concerned the issues central to Yaqui grievances: citizenship, taxes, land, and voting. The decrees show a certain degree of naiveté on the part of the state government, as if legislation alone could solve the problems manifesting themselves in an alarming number of Indian rebellions flaring up during this time.[42] Decree 44, issued 6 February 1828, addressed Occidente's desire to regain control over Yaqui territory. Article one of the decree states that a new partido (subdistrict) would be formed out of the eight Yaqui villages under the control of the presidio of Buenavista. Occidente intended to remove Yaqui independence by placing their villages within a political jurisdiction coming under the control of a military presidio. Article four called for the immediate elections of alcaldes de policía (mayors) and síndacos procuradores (attorneys) for the towns, who would report to the

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[41] Hu-DeHart, 30–31.
[42] Yaquis were not the only ones to revolt in the 1820s–1830s; Opatas rebelled en masse in the mid 1820s for many of the same reasons as Yaquis.

state government on any abuses and "jealously seek the unity and equality of those called whites and indigenes." Article six encouraged Hispano settlement on Yaqui lands by exempting vecinos who settled on Yaqui lands from taxes for a period of six years. But the government also sought to appease Yaquis by declaring in article seven that the ayuntamientos of Buenavista and other towns in this new subdistrict "will very scrupulously watch over the integral conservation of the common lands of the pueblos and the private properties of the Indians." The ayuntamientos were also to oversee the restitution of any Indian lands or goods lost to outside parties, "whether through sale, exchange or donation."[43] The government of Occidente was thus attempting to pursue contradictory ends in its dealings with Yaquis. It simultaneously encouraged Hispano settlements in the area, while calling for the restitution of Yaqui lands and goods. In addition, Occidente placed control over lands and issues of governance squarely in the hands of the ayuntamiento of Buenavista and Mexican officials. Yaquis had enjoyed a great deal of political autonomy up to this point, particularly in electoral matters. Through these decrees, the state government stripped them of control over their own national affairs.

More decrees followed. Decrees 88 and 89, both dated 30 September 1828, sought to clarify once and for all the status of Indian towns, addressing how they were to be governed, and how their lands were to be administered. One can clearly see the motives of Occidente officials in these decrees. For example, Decree 88 states in its introduction that it is "Law for the particular government of Indian towns."[44] The very first article reaffirms that Indians be

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[43] "Decree of the State of Occidente re: treatment of Indians and whites," Decree No. 44, 6 February 1828, Don Jesus José Aguiar Collection, 1825–1878, Arizona-Sonora Documents Online, The University of Arizona Libraries Digital Collections (hereafter DJJAC), http://content.library.arizona.edu/cdm/compoundobject/collection/asd/id/1537/ rec/1, accessed 10 October 2014. All translations of the Occidente decrees are my own.

[44] The document does not say "Indian towns," but "pueblos de indigenas," or "towns of indigenes." This was according to Mexican policy, referred to previously, which dropped the

protected in their rights of "equality, liberty, property and security." After this generic pronouncement of Indian rights, it very specifically states, "that in every popular election they be called on to vote and be voted for, both for council jobs, or for any other they be capable of performing." The language of this decree as it pertains to Indian voting is very telling. It affirms that the "rights" associated with citizenship are, in reality, obligations. Indians are not encouraged to vote; they are called upon to vote and hold office. This referred to being part of ayuntamientos that were inclusive, and not simply composed of Indians. In addition to the voting obligation, the decree specifies that Indian militias are now a thing of the past. From this point, the "civil Militia" is to be comprised of all citizens in common. This eroded another aspect of Indian sovereignty, this time over military affairs. The motivation for this action was obvious. With Indian militias, Mexicans found an established, experienced, disciplined enemy under Indigenous leadership. Yaquis in particular had fielded large companies of soldiers. By integrating Yaqui soldiers into Mexican militia units, Occidente hoped to eliminate potential sources of organized resistance.[45]

Decree 88 also addressed the issue of Indian lands, which was of particular interest to Yaquis. Article five reaffirms that land distribution was to proceed, but that lands and goods subject to the new redistribution laws were to be "administered with the knowledge of the indigenes, under the inspection of the ayuntamientos and alcaldes." Article six states that both Indians and vecinos have the same obligation to cultivate their lands and partake in the fruits of these labors with equality. Article seven establishes an administrative position to oversee the

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word "Indian" in legal documents, and, when necessary, referred to Indians as indigenous or indigenes.

[45] "Decree of the State of Occidente re: Indian towns," Decree No. 88, 30 September 1828, DJJAC, http://content.library.arizona.edu/cdm/compoundobject/collection/asd/id/ 1537/rec/1, accessed 11 October 2014.

communal lands. This administrator was to serve for a five-year term, and Indians were "preferred" for the position. Regarding how funds were to be used from the sales of "excess" lands, article eight lists the appropriate expenditures: pay for teachers of Indian children; the creation and encouragement of schools; repair of churches, jails, and municipal houses; beautification and cleaning of churches and municipal houses; and any expenditures conducive to public education. The final portion of the Decree 88 takes the previous articles one step further, addressing questions of Indian education. Articles ten through fifteen call for the establishment of schools, for both boys and girls, where Indians will be taught "to read, write and count, [and] they will be instructed in the principles of our religion and their civil and political rights."[46]

Decree 88 was a calculated and comprehensive plan for Indian towns that would attack the pillars of Indian sovereignty. First, Indians would be obligated to perform their civic duty in voting and holding office through elections that would replace the established Indian town democratic practices. Second, Indians would no longer muster their own militia units, a measure that would weaken their ability to offer organized military resistance to Mexican soldiers and policies. Third, lands would be distributed and the excess sold off. Only the absolute minimum care would be taken to insure that Indians were part of the process. Vecinos would be encouraged to occupy excess lands, thereby hemming in Indian communities on all sides. Lastly,

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[46] "Decree of the State of Occidente re: Indian towns," DJJAC. Decree Number 89, which dealt specifically with the distribution of the common lands, clarified some parts of Decree 88, specifically stating that lands previously taken from Indians were to be returned to them, and that the common lands were to be distributed "only to the natives of each pueblos in equal parts." Furthermore, Indians could not sell or transfer these lands for six years. The decree was to be posted in all of the churches and in all of the Indian towns so that they would be familiar with land distribution policies. See "Decree of the State of Occidente re: Indian lands," Decree No. 89, 30 September 1828, DJJAC, http://content.library.arizona.edu/cdm/compoundobject/collection/asd/id/ 1537/rec/1, accessed 11 October 2014.

Indian children would be removed from traditional teachings and educated in the Mexican way, with special emphasis on their duties as citizens. If all went according to plan, the ever-troublesome Yaqui would be incorporated into the political mainstream once and for all.

But these measures were not acceptable to Yaqui resisters. With Bandaras and his supporters still offering armed resistance, Mexican leaders found their ideal candidate for a Yaqui leader and intermediary in Juan María Jusacamea.[47] Throughout the late 1820s and early 1830s, Banderas and Jusacamea were mired in a power struggle for Yaqui leadership. When more Apache threats flared up in 1831, Sonora, which by now had become a separate state once again, accepted a political solution to the Yaqui War in May of that year. The Yaqui demands were threefold: first, that a single civil official, an alcalde, be made the chief governing figure over the Yaqui Nation, and that he be popularly elected; second, that each Yaqui pueblo be allowed to elect its own regidor, or gobernador, answerable to only the Yaqui alcalde; and third, that a captain general and lieutenant general of the Yaqui Nation be elected as well. The Sonora government accepted these three measures, but added a few items to the agreement. Sonora granted parish priests direct supervisory power over the alcalde and village governors. Sonora officials clearly saw that Mexican military and civil officers had failed in attempting to subdue and administer Yaquis. They hoped that the priests would have better luck in keeping the peace. In addition, the Yaqui alcalde and town governors were to serve one-year terms. They had charge over civil matters, but could only punish minor crimes. All other jurisdiction reverted to the Buenavista ayuntamiento.[48] This system, though it represented a compromise, was rather similar to the old república system. Their demands indicated that Yaquis clearly desired popular

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[47] Note the surname from the prominent family, which had been changed by Mexican times to include the J at the beginning.
[48] Hu-DeHart, 37.

democracy. All three of their major demands aimed at securing the right to choose their own officials on both the town and national level. But, in a final measure, the Sonora state government established a director position for Yaqui affairs. This director, who was to be a non-Indain, was above the Yaqui alcalde, and reported directly to the governor of Sonora. His job was to insure that Yaqui leaders did not exercise too much autonomy and sovereignty.[49]

Regardless of the fact that these developments held some promise for allowing for Yaqui sovereignty, they ultimately failed to satisfy Banderas and his followers. When the non-Indian director oversaw Yaqui elections for alcalde and town governors on 1 July 1831, Banderas did not run for office. Instead, at a general meeting held at Bácum on 30 August, Banderas deposed the newly elected alcade and governors, and proclaimed himself in possession of sole power over the Yaqui Nation. Banderas pursued one final campaign in the countryside, attempting to rally Yaquis and Mayos to his cause. These were the last actions of Banderas's political and military career. On 6 December 1832, soldiers captured Banderas and a number of his men. Sonora officials took Banderas to Arizpe, where he was tried by a military tribunal and put to death on 7 January 1833. Mexican reports claimed that Banderas spoke to a confessor in his last days, imploring Yaquis not to follow his bad example, but instead live in peace with non-Indians. He begged forgiveness for his crimes against Hispanos and left his family in the care of a priest.[50]

With Banderas gone, Mexican authorities seized the opportunity to prop up their man in the Yaqui government. Juan María Jusacamea, who had been Banderas's fiercest Yaqui opponent over the course of several years, was elected to the position of captain general of the Yaqui. From the Mexican point of view, Jusacamea was the perfect captain general. He was content to allow Mexican authorities to control Yaqui affairs. Jusacamea did not have the support

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[49] Hu-DeHart, 38.
[50] Ibid., 39–40, 44, 47.

of the Yaqui people, nor did he seem particularly fond of his own people. In a report to the governor of Sonora in 1833, he stated, "[Yaquis] are resentful against me for having been obedient to the government and to the laws." He was correct in his observation. But, he went a step further to characterize the Yaqui spirit as "generally inclined toward evil." By the summer of 1836, four Yaqui villages had come out in open opposition to Captain General Jusacamea. The governor of Sonora refursed to hold new elections, even though Jusacamea had been in office for several years, a condition expressly prohibited in the Indian election laws of 1831. A full-fledged rebellion did not follow in this case, but Yaquis continued to resist efforts by Mexican authorities to make them full citizens of Mexico and subject them to civil and military jurisdiction.[51]

In the words of Edward Spicer, "The Mexicans had not foreseen the depth of the Indian devotion to the institutions which had developed out of the fusion of Spanish and native forms."[52] In other words, they had not foreseen the fierce Yaqui loyalty to the old república system that had developed over the course of two centuries. It is difficult to assess Banderas's contribution in defending an autonomous Yaqui Nation that maintained its own electoral and political systems. On the one hand, there is no doubting Banderas's commitment to Yaqui autonomy. He envisioned a Yaqui Nation free from Mexican meddling. On the other hand, when Yaquis and Mexicans reached a compromise in 1831, allowing Yaquis to elect their own officials—a compromise Banderas supported at the time—he seemed unwilling to leave power quietly and let those elected serve in their offices. This was Banderas's undoing. Banderas was a chameleon of sorts. His power came from the Virgin of Guadalupe, from Moctezuma, or from

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[51] Juan María Jusacamea, report to José Lucas Pico, 22 June 1833, quoted in Hu-DeHart, 49; Hu-DeHart, 51.
[52] Spicer, *Cycles of Conquest*, 397.

his right to rule as the sole leader of the Yaqui Nation. But his power never came from popular elections and national consensus, principles crucial to Yaqui electoral politics. Banderas, a man whom Yaquis and outsiders admired and praised for his eloquence, forcefulness, resoluteness, and even restraint in some instances, failed his people because he could not fully reconcile himself to Yaqui electoral practices, practices that potentially threatened his power.[53]

Pima Governors, Mexican Administration, and the Decline of Pimería Alta

The decline of the mission system in Pimería Alta before and after Mexico became an independent republic affected Indian voting and civil governance in the region more than any other factor. Historian David Weber characterizes the Mexican era as a time of complete collapse for the missions of northern Mexico.[54] The Indian population of Pimería Alta had been in steady decline for decades. According to census information from 1820, the total population of all Indians at the eight missions of Pimería Alta was 1,127. The Hispano population of the same area was 2,291. Vecino population had doubled since 1800. By 1820, only the missions of San Xavier del Bac, Tumacácori, and Caborca had more Indians than gente de razón. The only reason significant Indian populations remained at the missions was because Franciscan missionaries had

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[53] There were other unforeseen consequences to Banderas's revolt. One was the creation of a strong state militia in Sonora capable of confronting, and in some cases subduing, Indian resistance, and the decision to maintain the mission system among the Yaquis. See Juan Domingo Vidargas del Moral, "Sonora y Sinaloa Como Provincias Independientes y Como Estado Interno de Occidente: 1821–1830," in *Tres Siglos de Historia Sonorense*, 455. Regarding Banderas's legacy, Spicer states that he "widened an individual leader's scope." Spicer also points to Banderas's introduction of Moctezuma, or the return of an indigenous leader, and the mixing of Yaqui and Christian elements, both of which corresponded with other Indian revivalist and pan-Indian movements of the period, such as those led by the Shawnee brothers Tecumseh and Tenskwatawa, and the Ottowa leader Pontiac (see Spicer, *The Yaquis*, p. 133). Spicer, and Hu-DeHart for that matter, could possibly have been more critical of Banderas. His voice represented a Yaqui yearning for sovereignty in their own affairs, but his failure to understand the fundamentals of Yaqui leadership and popular politics meant his revolt failed as well.

[54] This period of mission collapse also includes California, Pimería Alta, and New Mexico

actively recruited desert Pimas, or Tohono O'odhams, to take the place of Pimas who had steadily died off.[55] The story of Indian decline in Pimería Alta, and the weakening of Indian colonial electoral politics, is closely linked to the atrophy of the mission system, shrinking Indian populations, and the growth of vecino communities.

Since the establishment of the northern missions, whether they were under Jesuit or Franciscan control, their ultimate goal was to transform Indians into tax-paying citizens. But this was always a painfully slow process. Following Mexican independence, conditions seemingly combined to expedite this process. The political incorporation of Indians required the secularization of missions. For this to occur, the state-supported friars from the orders would have to be replaced with parish-supported priests, or *curas* (secular clergy). Further, Indians would no longer be under the care of missionaries; they would become parishioners and tax payers. Indian parishioners would support the priest through *diezmos* (tithes) and other fees, thus ending the government's responsibility to provide financial support for the missions. With treasuries severely depleted from years of instability, in the 1820s and 1830s Mexican officials turned to secularization as a revenue source. They sorely needed the moneys that could be gathered from Indian taxation. Vecinos also favored secularization because the protected communal mission lands, or the *fondo legal*, would be converted to private property for individual Indians. "Excess" lands reverted back to the public domain, making them available to vecinos.[56]

The liberal humanistic ideology of the late Spanish colonial period and independent Mexico also called for secularization. Liberal thinkers agued against the inferiority of Indians

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[55] Weber, *The Mexican Frontier*, 50–51; Kessell, *Friars, Soldiers, and Reformers*, 246. Papago was frequently used by Spain, Mexico, and the U.S.; I have chosen to use the term O'odham to refer to desert Pimas. Today, they are principally citizens of the Tohono O'odham Nation.
[56] Weber, 45–46.

and in favor of their inclusion as equal citizens. Franciscans, who in theory wanted Indians to achieve the status of "civilized" persons, proved the most resistant voices against secularization. They argued that Indians did not understand private property, thrift, and hard work well enough to protect themselves from greedy vecinos, who would steal their land once the Indians were liberated. They found it difficult to imagine that their neophytes were ready to be full citizens, and it is questionable whether they believed this would ever happen. Indians, government officials, missionaries, and vecinos were locked in a difficult situation, summed up by one Franciscan serving in the California missions in 1833:

> The [government] wants the Indians to be private owners of lands and of other property; this is just. The Indians, however, want the freedom of vagabonds. The [non-Indians] want the absolute liberation and emancipation of the neophytes…in order that they may avail themselves of their lands and other property as well as of their persons. I do not see how these opposing interests can be harmonized.[57]

But secularization did proceed in Arizona's mission communities, due as much to circumstance as to conscious policy.

As Indian populations declined in Pimería Alta, so too did the number of priests in the region. The College of Santa Cruz de Querétaro, which supplied the Franciscans for Pimería Alta, had persistent difficulties manning the missions. The vast majority of these fathers were Iberian-born Spaniards. While the war for independence raged in Mexico, and after Mexico gained its independence, it was nearly impossible to find Spaniards willing to serve in the Mexican missions. The Church was unable to replace the old, infirm, and dying priests in the northern missions. The Mexican government's actions of 20 December 1827 compounded the situation. On this date, Mexico ordered all Spaniards to leave Mexico. This measure had a drastic effect on the missions of Pimería Alta. Some scholars refer to the expulsion of Spaniards from

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[57] Weber, 45–46; Fray Narciso Durán, *Alta California, 1833*, in Weber, 43.

Mexico as "Armageddon in the Missions."[58] Southern Arizona, which had been nearly devoid of priests, became completely devoid of them.

In addition, in 1828 the Church divided the Pimería Alta missions into northern and southern, with missions at Cocóspera, Tumacácori, and Bac, while Santa Cruz, Tubac, and Tucson served as presidios. Civil leaders were hesitant to enforce an expulsion order that would leave Indians and vecinos without priets, but military leaders stepped in with a decisive voice. Padre Ramón Liberós of Tumacácori was given his marching orders the second week of April 1828. He was given only three days to get mission affairs in order. He was concerned about the mission goods, livestock, stores, books, and the Indians. Civil officials informed him that these were no longer his concern. Father Rafael Díaz was similarly expelled form San Xavier del Bac. Fray Rafael was a bit more fortunate in that he had become a naturalized Mexican citizen. He waited out the wave of anti-peninsular hatred, and managed to return to Pimería Alta in the summer of 1828, serving as the chaplain at the presidial town of Tucson. Father Díaz rode the circuit in the Santa Cruz Valley over the ensuing years, administering sacraments to the Indians at the priest-less missions. Much like Kino, Díaz visited Bac and Tumacácori, "where a few Indians hung on." When he died in 1841 at age forty-six, he proved to be the last Spanish Franciscan to serve in Pimería Alta. Neither Tumacácori nor Bac had resident priests after 1828 and through the duration of the Mexican period.[59] In the absence of priests, mission buildings deteriorated, mission fields lay fallow, orchards became overgrown, and livestock herds diminished or dispersed.

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[58] Weber, 44–45. The order expelling peninsulares nearly led to the closing of the College of Querétaro in the late 1820s; Kessell, 269; Kieran McCarty, ed., *A Frontier Documentary: Sonora and Tucson, 1821–1848* (Tucson: University of Arizona Press, 1997), 16.
[59] Weber, 52–53; Kessell, 270, 277.

Still, some Indians remained at the missions. The old Spanish system of village governors and other officers, which had been in place for over one hundred years, persisted even in the absence of priests. Ruth Underhill asserts that O'odhams continued to select governors during the Spanish and Mexican periods, but "[made] no distinction between Spaniards and Mexicans and [knew] nothing of Mexico's war of independence."[60] The system did not include democratic elections with ballots or votes, and as was the case in New Mexico, individual tribal communities had their own methods for selection. Interestingly, one of Father Liberós's final actions as the missionary at Tumacácori was to instruct his namesake, Ramón Pamplona, the longtime governor of the village, to pay off the mission debts still owed to workers who had labored on the unfinished church. He would have preferred that mission affairs be placed squarely in the hands of the Indians. But with the missions no longer under Church control, an Hispano overseer administered mission lands and properties. This overseer was known as a mayordomo. When Commissioner General of Pimería Alta Fernando Grande went to Tumacácori in late summer 1828, he found that Governor Pamplona had performed respectably in administering the affairs of the mission. He begged Pamplona to remain in office as governor and continue in charge of the mission, but Pamplona refused, even after he was offered a salary. A vecino was put in his place to oversee the mission, and Pamplona shared control of mission affairs with the Mexican civil administrator.

Grande continued on to Cocóspera, where he deposed the Native governor, Nicolás Martínez, who apparently had not been as adept as Pamplona at administering a mission. But, vecino mission administrators were notoriously corrupt, and vecinos made every effort to steal mission lands and goods. For example, the Indians of Tumacácori saw their vecino overseer, a

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[60] Ruth Murray Underhill, *Social Organization of the Papago Indians*, 87.

resident of the Tubac presidio, as a "no-good white." Commissioner General Grande wrote on 1 November 1828:

> The friars continually and consistently impressed upon the Pimas that all mission properties are the legal and rightful possession of the Indians alone. Three centuries of Spanish domination and the degrading and dehumanizing exemptions granted the Indians have made these people incapable of ever accepting our present system of government. They are irremediably prejudiced in favor of monarchy, and their lack of intelligence will always prevent them from understanding anything else…At this very moment the native governors of Tubutama and Saric are here in Magdalena complaining against my civil subcommissioners at those missions and demanding the right to control their own mission properties…I am insisting now on only one central administration for the wealth of all the missions, instead of an individual civil commissioner in each mission, precisely to delay reaction on the part of the Pimas. Only this way can we gain time to sell off gradually the effects of these missions. Only in this way can we ever refill the depleted treasury of our state.

While Grande lamented the actions of civil administrators, his primary goal was to fill up the state treasury with money and goods from Pima missions. Civil administration of Indian lands was an unqualified debacle. On 13 January 1830, Grande wrote to the governor of Occidente, Francisco Iriarte, that, even though only four Franciscans remained in Pimería Alta, mission lands must be returned to them "before the totality of mission wealth is either squandered by the civil commissioners or destroyed by the Apaches." In January 1830, mission lands in Pimería Alta were again placed under the control of Franciscans. But, this solution also fell short in the absence of resident missionaries.[61]

In such chaotic circumstances, Native governors and officers in Pimería Alta, even those outside of the missions, continued governing their communities as best they could, often with "assistance" from vecino civil authorities. Ever faithful in recording the condition of the Pimería Alta missions, Grande wrote about the condition of San Xavier del Bac to the Father Superior of

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[61] Kessell, 289–290, 278–281; Letter from Fernando María Grande, Commissioner General of Pimería Alta, 1 November 1828, in McCarty, *A Frontier Documentary*, 18; Grande to Governor Iriarte, 13 January 1830, in *A Frontier Documentary*, 19–21.

Pimería Alta, José María Pérez Llera. In his letter dated 25 May 1830, he described the fertility of the fields around the mission, and how Indians from other locations frequently came to Bac, with its imposing mission church, during harvest and at other festive times, only to return to their own villages. He discussed how the furnishings for the priest's quarters and tools were handed over to the Native governor, Juan Ignacio Zapata. He observed that, "Justice is exercised in this village by a representative of the mayor of law and order of Tucson." But, the key to the priest's quarters were entrusted to Governor Zapata.[62] It would appear from this example that at Bac, Native governors retained some power, such as administering some of the mission properties, but power ultimately resided in the hands of vecino authorities.

As vecino power over Indian affairs in Pimería Alta grew, the absence of missionaries became quite troubling to many Indians. The Native governor of Caborca, Francisco Neblina, commented on the decline of the missions, even after they were returned to the control of Franciscan missionaries in 1830. Governor Neblina's 28 February 1835 letter, which he penned in own hand, retains a rather nostalgic tone regarding the old mission days. He notes that the missionary father sold their crops at a higher price than they themselves could attain, and with the profits he "was able to maintain schools in our three villages and care for the widows, the sick, and the neophytes among the baptized, as well as giving something to the unbaptized." It is difficult to know what to make of the section of his letter in which he describes vecino encroachments on mission Indian lands and denial of Indian civil rights: "Often we have wanted to go ourselves and present our problems personally before these higher superiors. Our missionary himself, however, has stopped us. Being a Spaniard, he is sure they would blame him for our action [ie, blame him for sending Indians to complain]." He goes on to lament the influx

[62] Fernando Grande to Father José María Pérez Llera, 25 May 1830, in *A Frontier Documentary*, 23–24.

of O'odhams to the missions. While many wanted to come in from dispersed rancherías, be baptized, and settle on mission lands, they are unable to do so, since so much of the land had been snatched up and privatized. With no place for them, O'odhams wandered around, "free from the controls of mission regulations, and *free from guidance by their native governors*."[63]

Neblina's position—and that of other duly-chosen Native leaders—was rather complicated. On the one hand, administration of the missions by civil authorities, which officially ended in 1830 but still continued after that date,[64] depleted the missions of lands and goods. Vecinos continued to encroach on former Indian communal lands as more and more of the fondo legal became private property. And while the Franciscans had oppressed the Indians in many ways and enriched the church at their expense, Neblina and others could point to schools and care for the needy in villages under Franciscan control, and some protection of communal land. The Franciscans' refusal to allow the Indians to travel to seats of Mexican government to air legal complaints was not universal, as there are many records of Indians using the colonizers' legal system to attempt to protect their rights and lands. As for the issue with O'odhams, vecino encroachment prevented their incorporation into mission communities. More importantly for Neblina, vecino land grabs inhibited the ability of Native governors to incorporate O'odhams into the mission Indian body politic, where they might have had a say in the governing of the villages and the selection of Indian officers. Neblina surely recognized that the mission system had its weaknesses, but to the mission Indians of Pimería Alta, the secularization of missions and

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[63] Letter from Francisco Neblina, 28 February 1835, in *A Frontier Documentary*, 26–27, emphasis added by author.

[64] There simply were not enough Franciscans to minister to Pimería Alta in the 1830s. From 1830–35, of the eight mission districts, never was there more than one or two that had an actual resident priest at any point. *A Frontier Documentary*, 25.

the administration of mission lands and goods by civil administrators was the worst possible option.

The Native governors, a couple of Franciscan missionaries, and a few sympathetic vecinos could not stem the tide of mission decay, secularization, abandonment, and the loss of lands by Pimas in Pimería Alta. A report dated 11 May 1843 depicts the bleak condition at San Xavier del Bac and its sub-mission at Tucson:

> [At Bac] The communal agricultural lands of the mission are no longer cultivated and lie barren. Only about an eighth part of these lands and of the garden are kept up by the native governor. The rest of the planting land is used by the natives of this village and those of Santa Ana, a remote village subject to the authority of the missionary at San Xavier. No non-Indians are involved. The majority of even the native residents are without sustenance and unable to farm.

The sub-mission at Tucson fared no better:

> Our native governor sold the door to the sacristy and the door to an upper room of the missionary's residence for a yoke of oxen. The missionary himself sold the door to the baptistery to a settler for a saddletree…The mission agricultural fields, both communal and those apportioned to the Indian families individually, and the plentiful water corresponding, are maintained by only six Indians, who are all that are left. The abundant land left over is farmed by the settlers of this presidio.

The mission at Bac and sub-mission at Tucson saw none of the products or profits from their produce. Settlers farmed on Indian lands without paying any rents. The anonymous author of the report pleaded for a missionary to come to Bac, which was an ideal location with ample land and water. Plus, "many unbaptized Papagos would come in from the desert and settle here" if there were a priest. Most alarming to the author was the fact that "For lack of religious attention, many Indians have abandoned religious practice, left the missions, and returned to the open desert."[65]

American travelers commented on the complete decline of the Pima missions, yet made very little, if any, mention of Native civil governance. Cave Couts, who traveled through

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[65] Anonymous Report, San Xavier del Bac, 11 May 1843, in *A Frontier Documentary*, 89–92.

southern Arizona in the late 1840s, wrote of Tumacácori: "Today we passed quite a nice indian village 2 ½ miles from Tubac. The church looked very well." He was relatively impressed by the Pimas at Tumacácori and Bac:

> The churches in this [Santa Cruz] valley are remarkable. At Tumacacori is a very large and fine church standing in the midst of a few common conical Indian huts, made of brushes, thatched with grass, huts of most common and primitive kind….This church is now taken care of by the Indians, Pimas, most of whom are off attending a jubilee, or fair, on the other side of the mountain.
> No Priest has been in attendance for many years, though all its images, figures &c remain unmolested, and in good keeping. No Mexicans live with them at all.
> The Church at *Xavier del Bac*, which we left this morning is said to be the *finest* in Sonora. 'Tis truly a noble and stupendous building. Its domes and spires which projected above the thick mesquite growth as we approached was of itself sufficient to guarantee a City with *many* churches and other large fine buildings. But when we came up, found it standing solitary and alone, not another building nearer to it than *Tucson*, save the few old Indian huts of the most rude description, whose inmates (Pimas) had charge of the fine old church….It is kept by the Pimas with incredible care and neatness.

Couts summed up the condition of the Indians of Pimería Alta with these words: "The unfortunate redman! unsuspicious and unsuspecting of the cunning and politic white flatterer, little thought of their days being numbered! of the day when the white man would see the last red warrior drowning in the Pacific, and rejoice when his rifle ball took the last breath of life from him!"[66] John Russell Bartlett was far less admiring than Couts in his own travel narrative. Traveling through the same region in the early 1850s, he referred to Tumacácori and Guevavi as "two depopulated towns, in both of which were churches." He admired the church at Bac, but wrote disparagingly of its Indian inhabitants:

> [It was] truly a miserable place, consisting of from eighty to one hundred huts, or wigwams, made or mud or straw, the sole occupants of which are Pimo Indians, though generally called *Papagos*. In the midst of these hovels stands the largest and most beautiful church in the State of Sonora…[one building adjacent to the church] is occupied by the only Mexican family in the place.

He even insulted the Indians who took care of the beautiful church and worshiped there:

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[66] Henry F. Dobyns, ed., *Hepah, California!*, 59, 61–62, 68.

> The poor Indian doubtless believed them all to be saints, and made his offerings accordingly, although about one half are statues of old Spanish cavaliers and figures of Chinese mandarins…This church was built towards the close of the last century from the produce of the Mission lands, and it is throughout in a good state of preservation.

Bartlett's final piece of soliloquy is reserved for the failure of Mexican colonial policy, and how Mexico had much to learn from United States Indian policy: "A more thoroughly lazy set of people, I never saw…. Whether a proximity to the church and the worthless half-civilized Mexicans has reduced them to this state of indolence and poverty, I know not; but if so, they would better have remained in their native valleys, and never seen the faces of white men."[67] What Bartlett and Couts failed to recognize was the destructive power of the upheavals of the period of Mexican independence, depopulation through disease and warfare, and struggles between Native civil leaders, vecinos, and Franciscans that precipitated this mission decay.

Even in the face of these chaotic circumstances, Natives continued to select their governors under the old Spanish model. Kino and Manje began the tradition of designating Indian governors and other officials at the Native settlements of Pimería Alta. But, in most cases no friar or civil official lived in close proximity to these communities. As Ruth Underhill demonstrated, the selection of civil officials at O'odham communities in the absence of Spanish civil or religious authority fell to the Natives themselves, and these selections varied on a village-to-village basis. Nevertheless, the practice of selecting town governors did persist, and these officials proved their worth by navigating the increasingly complicated lines between missionaries, vecinos, and other Indians during the Mexican period. As Spicer points out, Pima-Mexican relations took several forms as more Hispanos poured into Pimería Alta. As Mexican

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[67] John Russell Bartlett, *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California, Sonora, and Chihuahua, Connected with the United States Boundary Commission, During the Years 1850, '51, '52, and '53* (New York: D. Appleton & Co., 1854), Volume 1, 392, Volume 2, 298–300.

landholdings increased, they began to depend on O'odhams in particular as a labor source. Indians provided the much needed labor, and took a larger part in an evolving cash economy. They often traveled some distance from their villages to engage in this work, keeping their homes and families at arm's length. But in other locations, Pimas found it difficult to stem the tide of increasing encroachment by Mexican settlers. In particular, Mexican cattlemen encroached on Pima lands, and disputes arose over water and grazing land.[68]

In addition to farmers and ranchers, miners contributed significantly to Pima-Mexican disputes. The late Spanish and Mexican periods marked an era of economic growth in the region. When gold was discovered on O'odham lands in the 1830s, Mexican gold seekers poured into the area. Around the town of Altar, violence nearly erupted between miners and O'odhams. Santiago Redondo, the Mexican political chief of the Altar district, wrote on 12 May 1812 that, "we were saved from further incident through the good graces of Tónolic, governor of Cubó and a prominent O'odham leader."[69] The picture that emerges is one of Mexican settlers and O'odhams on the brink of war in the late 1830s, with only O'odham governors standing in the way of full-scale conflict on several occasions. Tónolic demonstrated masterful diplomacy throughout this entire episode, as many O'odhams agitated for armed conflict with the Mexicans and the forceful repossession of O'odham lands. Tónolic acted as the head of Indian civil officials, fulfilling their duties of office. Redondo and other Mexicans were met at Soñi on 27 April 1838 by "Tónolic, the Papago governor of Cubó, and the governors of Carricito, Ayoma, and Tac, all accompanied by constables, alcaldes, and other officials of their government." As

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[68] Spicer, *Cycles of Conquest*, 133.
[69] John P. Wilson, foreword by Patricia M. Spoerl, *Islands in the Desert: A History of the Uplands of Southeastern Arizona* (Albuquerque: University of New Mexico Press, published in cooperation with the Historical Society of New Mexico, 1995), 59; Santiago Redondo, 12 May 1838, in *A Frontier Documentary*, 62; see p. 60 for general description of mining incursions by Mexicans and the resultant hostilities.

Tónolic and others voiced their complaints, "through Francisco Carro, our state-appointed captain general of the Papagos, [we] tried to make him understand that there are legal procedures he can follow when others try to steal Papago lands. More important, these procedures would avoid armed invasions to seek out dissident Papagos and even enlist the powerful aid of our state governor against the enemies of the Papagos"[70] Despite the enormous pressures on these O'odham leaders, their diplomatic relations with Mexicans did not completely collapse at this time.

Unfortunately, conflicts between Mexicans and O'odhams did not cease in the late 1830s, despite the heroic efforts of Native governors such as Tónolic. Mexicans had made various attempts to ease the pressures in the region during the 1830s as well. Mexican officials believed that the establishment of more civil officials for Pimas would solve some of the problems created by Mexican land incursions and Apache raids. For example, the Sonoran congress issued Decree 19 in 1831, mandating that each major Indian settlement in Pimería Alta have two civil officials (besides governors and previous officials). These two officers were a *juez económico* (economic judge), who was a tribal judge and overseer of communal property. The other was the alguacil, a constable who enforced law and order. In addition, on 1 April 1832 the ayuntamiento of the Mexican town Altar petitioned for the establishment of a Pima Captain General for all of Pimería Alta. In the end, they created two captains general—one for the northern region and one for the southern.[71] The aforementioned Francisco Carro was one of these, referred to as "our state-appointed captain general of the Papagos." The fact that the Mexicans referred to the captain general as "our" official, and that he attempted to persuade O'odhams to seek redress through

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[70] Santiago Redondo's letter in *A Frontier Documentary*, 63–64. Papagos were also facing pressures from raiding by Pinal Apaches, which compounded the Mexican land incursions. I will address the "constables…and other officials of their government" shortly.
[71] Fontana, *Of Earth and Little Rain; The Papago Indians*, 57–60.

legal channels, indicates that he grappled with a difficult intermediary relationship between O'odhams and Mexicans, much as the Yaqui captain general, Juan María Jusacamea, found himself at odds with Yaquis in the 1830s.

In spite of these efforts, an O'odham revolt was in full swing by 1840, spreading all the way to San Xavier del Bac and its village of El Pueblito. O'odham auxiliaries stationed in the Tucson presidio even clashed violently with Pinal Apaches living there, the so-called *Apaches de paz* (peace Apaches). The long-expected Mexican military campaign arrived in April 1843, with O'odhams suing for peace that summer. The two sides met to negotiate the peace in June 1843. Pedro, the Native governor of Santa Rosa, led the O'odham party. Mexican officials offered pardons to the O'odhams, for which Pedro expressed thanks on behalf of the all of the villages he represented. The governors of Gácac and Pirigua joined Pedro as well. Antonio Comadurán wrote the official Mexican account of proceedings that day:

> [The three governors asked the Mexican official to] present them once again with the wands of office that they had brought with them and reappoint them as governors of their respective villages. They vowed to respect in the future only those communications channeled through the presidio so as forever to avoid the grief brought upon the, recently by lying to emissaries from elsewhere…I then collected their wands of office, which I adorned with new ribbons, and requested that they prepare to receive them in the accustomed fashion. They immediately knelt down, and as I presented each with his and I reminded them of their obligations to both their own villages and our government. Each made a profound bow with his head and kissed the wand of office. Their interpreter explained to me that this meant that they would hold my present action forever sacred in memory.
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> Finally I gave each of the three a certificate of temporary reappointment as village governor. I urgently request that your office issue a certificate of permanent appointment for each as soon as possible so that I can recall the temporary certificates: for Pedro as governor of Santa Rosa, for José as governor of Pirigua, and for Juan Cuate as governor of Gácac. In recognition of the special services of Pedro as your emissary to the western Papago villages, I rewarded him with eight yards of broadcloth.[72]

[72] Antonio Comadurán, "Peace Report," 15 August 1843, in *A Frontier Documentary*, 86–87.

This telling account demonstrates the importance of O'odham civil governors, who made peace with Mexican officials in the wake of armed conflict. They retained the power to govern their villages, but they also had the power to represent and speak for their people, and to negotiate peace between Indian villages and the government of Sonora. Mexican officials recognized their power to govern and represent their people, and followed the custom dating back to Spanish times of distributing varas with ribbon. In addition to varas and official certificates, the ceremony also included gift giving, one of the ubiquitous hallmarks of Indian diplomacy. That the Mexican official asked for permanent appointments for these Native governors demonstrates the adaptability of the system within Pimería Alta, where exigency proved more important than the letter of the law. Clearly, these governors were not chosen for office after a formal election in the Iberian model, rather, the process reflected localized tradition that had evolved since the days of Kino.

Although open hostilities of the early 1840s between Mexicans and O'odhams subsided, the same issue of vecino encroachment persisted. The mid to late 1840s signaled the end of Indian authority in the mission towns of Pimería Alta. In a letter dated 18 October 1846, Indian governors from the towns of Oquitoa, Átil, and Tubutama complained to the Sonoran departmental assembly about vecinos taking Indian lands. Hearkening back to pleas from previous Pimas that Franciscan authority to administer Indian communal landholdings be upheld, they asked that the sale of Indians lands be handled by their priest, and that the proceeds from such sales be used for "the repair of our churches, the material needs of divine worship, compensation for the religious instruction of our children, and with even more reason, the repair and reconstruction of the residential rooms within the mission buildings themselves." They were angered that "all these benefits are [instead] going to the private citizens usurping the rights to

our own lands. Justice demands that these lands immediately be returned to the administration of our missionary."[73]

The reply from the departmental assembly, which was addressed "to the native governors of Oquitoa, Átil, and Tubutama," made it clear that the priest no longer had the power to administer Indian lands in former mission communities. The letter stated that the departmental assembly had decided to place the proceeds from the sales of all Indian lands into a fund for an Indian school and teacher. It further cited a Mexican national decree of 5 March 1845 that relieved all missionaries of their jurisdiction over mission lands "and their emoluments."[74] This exchange between Indian governors and Sonora officials demonstrated that priests were powerless in administering Indian lands. Furthermore, the political climate after the late 1840s no longer favored Native governors and officials. Changes had taken place within the framework of Sonoran politics that had eroded the power of these officials. Pima town governors and civil officials continued to handle some local affairs, but found themselves powerless to regulate the sale of their common lands. This condition persisted until the United States took control of the region after the Gadsden Purchase in 1854.

Political change, economic developments, and changes in the mission system all combined from the late 1820s to produce a framework in which Pima autonomy came under significant threat. Pointing specifically to the weakening of the mission system, Fontana summarizes this period by stating:

> The dismemberment of mission properties that occurred in the Pimería Alta after 1828 led to the privatization of lands, undermined the native tradition of communal subsistence, and led to an increased demand for Indian labor in a cash economy. This

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[73] Letter from Benito Valverde, General Juan Tereso Álamo, and Governor Cristóbal Aliso, 18 October 1846, in *A Frontier Documentary*, 117–118

[74] Reply from the Departmental Assembly of Sonora, 20 October 1848, in *A Frontier Documentary*, 118.

> foreordained that Indians would mix more readily with Spanish, mestizo, and mulatto settlers who by then comprised the majority population. The movement toward Mexicanization, with entry at the bottom rung of the socioeconomic ladder, became an inevitability.[75]

Piman peoples in the region faced some of their darkest times within the framework of the decline of the mission system and growth of the cash economy.

In addition to this mission decay, the central government in Mexico City completely neglected the Indian towns of Pimería Alta from the 1820s through the Gadsden Purchase.[76] Piman populations also decreased through outmarriage, relocation for economic opportunities, and disease, eventually leading to what ethnohistorian of Pimería Alta Henry F. Dobyns refers to as "Indian Extinction in the Middle Santa Cruz River Valley, Arizona." Raids and depopulation compelled the last 100 or so Indians at Tumacácori to flee to San Xavier del Bac in 1848. This small group "constituted the entire surviving native Indian population in the Middle Santa Cruz River Valley and beyond." By the 1800s, this region of the Santa Cruz in particular had experienced a depopulation ratio of 23/24ths of the 1700 population. This depopulation was certainly not limited to the Santa Cruz Valley. At the mission town of San Ignacio, further to the south, by the mid 1820s there were only a few dozen Indians left, compared to 1,500 vecinos.[77] Such a loss is staggering, and it demonstrates how Indian civil leadership in such areas simply could not continue; there was nobody left to govern.

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[75] Bernard Fontana, "The O'odham," in James E. Officer, Mardith Schuetz-Miller, and Bernard L. Fontana, ed., *The Pimería Alta: Missions & More* (Tucson, Ariz.: The Southwestern Mission Research Center, 1996), 27.
[76] James E. Officer, "Government, Mining, and Agriculture," in *The Pimería Alta: Missions & More*, 53.
[77] Henry F. Dobyns, "Indian Extinction in the Middle Santa Cruz River Valley, Arizona," in *New Mexico Historical Review*, vol. 38, no. 2 (April 1963), 166, 181; Kessell, *Friars, Soldiers, and Reformers*, 259.

As a final note on Indian electoral participation in Mexican Pimería Alta, it is important to point out that Indians participated in some forms of alternative voting outside of the setting of village civil governance. For example, Hispano residents at the presidial town of Tubac and Pima residents from Tumacácori shared close relations. Tubaqueños and Pimas from Tumacácori shared the same irrigation water and ran their livestock herds together. Soldiers and settlers served as godparents for the Indians baptized at the mission. In the words of historian of Pimería Alta, Thomas Sheridan, "Cultural differences blurred between O'odham and non-O'odham as Spanish Sonora leapfrogged north." Pimas began serving as auxiliaries (non-professional Indian militia) and as professional soldiers during the late Spanish period through Mexicans times. Pimas of the Compañía de Pimas, or the Compañía de San Rafael de Buenavista, were professional soldiers. Furthermore, from the first establishment of military outposts in the Arizona-Sonora frontier, soldiers were encouraged to fraternize and intermarry with Piman peoples, and settle at nearby presidios. This helped to maintain the peace to some degree. These relationships aided Mexico in holding the frontier line.[78]

More importantly, Indians who served in military capacities participated in military democracy, such as the electing of officers and other activities. In 1832, vecino and Indian forces campaigned against Apaches in Pimería Alta, the same military forays in which Yaquis were so hesitant to participate. In May of that year, leaders from the so-called "patriotic pueblos" of Cucurpe, Tuape, San Ignacio, Magdalena, Ímuris, Cocóspera, Tumacácori, San Xavier del Bac, and Tucson met at Cocóspera as the guests of Father Rafael Díaz, while they readied for the military campaign. They formed La Sección Patriótica, and elected don Ignacio Elías to preside

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[78] See Thomas E. Sheridan, *Landscapes of Fraud*, 58–60; Earl Jackson, *Tumacacori's Yesterdays*, Southwestern Monuments Association Popular Series, no. 6 (Santa Fe, N.Mex.: U. S. Department of the Interior, National Park Service, Southwestern National Monuments, 1951), 11–12.

over their meeting. They then named Joaquín Vicente Elías as chief of their organization. Next, they drew up military articles, with Father Díaz signing the pact on behalf of the O'odham leader Francisco Carros, who was serving as Lieutenant General of the Pima Nation. They defeated an Apache war party on 4 June 1832, with La Sección Patriótica killing seventy-one Apache fighters, as well as capturing thirteen Apache children, while suffering only a single death in their own ranks. The battle was a resounding success, but it also engendered the resentment of some Mexican regulars, who saw La Sección Patriótica as "a bunch of farmers and breeds."[79] As substantial as the victory was, the activities prior to the battle were a significant moment of Indian democratic participation, as Indian soldiers elected leaders and contributed to the planning of their military activities. Their civil counterparts in the villages would not fare as well by the close of Mexican rule in Pimería Alta.

Conclusion

Indian peoples in the Arizona-Sonora Borderlands found themselves at a crossroads with the ushering in of an independent Mexican republic. Independence could have signaled a new era in Indian affairs. The rhetoric of the Tres Garantías promised Indian political and social equality, with Indians to be finally incorporated into the political mainstream. But things did not pan out as Mexican policymakers had intended. The Mexican era left Hopis, Yaquis, and Pimas with no more access to the franchise and political equality than they had enjoyed under Spain. Hopis felt increasing pressures within their position on the extreme edge of Mexican territory. They were subjected to warfare and raids with other more mobile Indian nations. While this presented the possibility of strengthening Hopi-Mexican ties, and perhaps even bringing the Hopi back into the

[79] Kessell, *Friars, Soldiers, and Reformers*, 284–286.

Hispano political sphere, this opportunity passed without coming to fruition. Mexico was stretched too thin, and the young nation did not have the men or the resources to dedicate to Hopis, their overtures for assistance notwithstanding. Under these circumstances, Hopis remained politically independent, with no established electoral system based on an Iberian model. It would be left to United States policymakers to take up the cause of Hopi political inclusion, and Anglo-Americans would face similar challenges in dealing with these isolated and independent peoples.

Yaquis found themselves at the other extreme. After reduction and missionization during the seventeenth century, Yaquis developed a complex system of civil government, complete with annual elections and varas de justicia. Their incorporation of this system seems so thorough that attempts by Hispano religious, civil, and military authorities to limit Yaqui electoral freedom, among other rights guaranteed to Indians, led to violent conflict on several occasions. In the wake of the 1740 revolt, Yaquis continued to develop a town governing system based on consensus and popular sovereignty over the course of the second half of the eighteenth century and the first decades of the nineteenth. By the time of Mexican independence, Yaquis had created a system that went far beyond governors, lieutenant governors, sheriffs, and the like. The Yaqui town was governed by complex system of civil governance in which numerous branches formed an integrated whole. The Yaqui vote was paramount in this system.

When Mexico declared Yaquis citizens of the republic, this meant an end to Yaqui communal land tenure practices and tax exemptions. But more important than the allotment of land to individual Yaqui families or taxation was the issue of Yaqui autonomy in governing their internal affairs. Division of land and the sale of excess lands to vecinos meant that Mexico considered the Yaquis as part of the larger municipalities in which their voice would be only one

of many. To Yaquis, the idea of outsiders having the final say in their governance was insufferable. So the Yaqui flag bearer, Juan Banderas, took up the mantle of Muni and Bernabé. Eloquent and charismatic though he was, Banderas's frenetic leadership failed to unite Yaquis and surrounding Indian nations in a manner that would decisively push the Mexicans out of their territory. Further, Banderas failed to abide by the central Yaqui principles of unity and popular sovereignty. At the very moment when Yaquis had won concessions that would preserve some degree of autonomy in internal affairs, Banderas chose to stand on his own, rather than behind elected Yaqui officials. This decision would lead to the end of his power, and to his own capture and execution. Although Yaquis had failed, as in 1740, Mexico would still have to confront issues of Yaqui autonomy in the future. Yaquis had once again demonstrated their fierce commitment to self-government and Indian democracy.

Pimas experienced significant population decline over the course of missionization. With shrinking—or even vanishing—populations, a number of the Pima missions were closed, and community members relocated to other missions or returned to a more mobile life in the rancherías. In communities outside Mexican control, Pimas continued to select governors and other authorities who dealt with vecinos and their leaders. But in the Pimería Alta of the 1820s and 1830s, as the secular impulse attacked the foundations of the mission system, Pimas saw the delicate repúblicas they had constructed over the course of decades erode away as well. As Sonoran authorities pursued a policy of Hispano settlement on former mission lands, while claiming to insure that lands were equitably administered to Indians, Indian governors and civil authorities saw their power eroded, while mission priests experienced a similar diminution of power. Surrounded on all sides by Hispano encroachment, and without the backing of Jesuits or Franciscans, Indian authorities were left in worrisome positions. In some mission communities

where priests no longer served, the power to administer mission lands, moneys, and goods fell to Indian governors, which was an unprecedented development in their colonial experience. In other areas outside of Mexican control, Indian governors and civil leaders continued to exercise diplomatic authority and sought to protect the land and sovereignty of their people. But in many areas, Pima civil leaders were simply overlooked by Mexican administrators, whose primary concerns were the division of communal Indian lands and Hispano settlement on "excess" lands. It must also be recalled that Indian elections and civil governance had always been varied and uneven in Pimería Alta. In some areas, Natives continued to choose their civil leaders according to established tribal democratic processes, but in other areas friars and Mexican officials took it upon themselves to exercise this power.

Hopis represented one extreme on the spectrum of civil power and civil governance. For them, the idea of separation of the secular and sacred was nonexistent. While Hopis avoided administrative change, their political independence came at a high price as they were constantly under threat from Indian and Hispano raiders, with no protection from the Mexican republic. Yaqius, living in organized mission communities with highly developed models of governance, reflected the other extreme. Mexico felt they profited too much from their special status and protections as Indians. The time had come for their incorporation, no matter the cost to their system of government. For Yaquis clinging to the entrenched pillars of the Indian franchise and the division of power in the Iberian model, Hispano attempts to alter these pillars once again resulted in bloodshed and upheaval. Pimas lived in a sort of middle ground, where a variety of forces prevented the full establishment of the Indian franchise and deeply rooted civil institutions. All three of these peoples, situated as they were on at different points on the spectrum of political incorporation, found themselves on dangerous ground during the Mexican

era. Life would only grow more complicated under the United States administration.

Chapter 5

REFUSING CITIZENSHIP: PUEBLO INDIANS AND VOTING DURING THE UNITED STATES TERRITORIAL PERIOD

Introduction

When Stephen Watts Kearny's Army of the West entered Santa Fe on 15 August 1846, the Native population of New Mexico could not have imagined the incredible pressures that the Anglo-Americans would bring to bear on the Native political systems that had been in place for nearly two and one-half centuries. During the Spanish period, New Mexico's Pueblo peoples had enjoyed a relative degree of autonomy in the selection of their own civil officials and internal governance. Although Spaniards had imposed their will on Pueblo civil and religious affairs at various times during the Spanish period, Spain viewed Indians as citizens of repúblicas de indios with distinct political rights. Still, Indians were not considered citizens of Spain until the final days of Spanish rule, and even then their status as citizens was far from secure.

When Augustín de Iturbide ushered in an independent Mexico with his Plan de Iguala, it looked as if the new nation was poised to finally complete the job of politically incorporating the millions of Native peoples who resided within its boundaries. While the Republic of Mexico embraced the rhetoric of equality of political rights for all Mexicans, chaos plagued the national government for several decades. As a result, the government in Mexico City virtually ignored the Pueblos, even though they were technically Mexican citizens. The Pueblos continued to practice village electoral politics, but now with the added potential element of participation in political affairs alongside Hispanos. When Mexico City did seek to flex its muscle in New Mexican affairs, a revolt in Río Arriba saw unprecedented cooperation between Pueblos and Hispanos,

resulting in the overthrow and death of the centrally appointed governor. Still, Pueblo peoples in the 1840s lived a life very similar to that of a century or more before. They followed the cycles of nature, saw to their ceremonial obligations, and farmed the land that had sustained them since time immemorial. They did not know what to expect when the United States took over their territory. If past experience were any indicator, the change of power would be in name only, with very little substantive change in their everyday lives.

But the reality was that Natives in New Mexico were confronting a colonial power with an altogether different conception of Indian status and political rights. From its inception, the United States had never considered Indians as citizens, and the right of an Indian to vote in an election, municipal or otherwise, would have been practically unthinkable. During the first half of the nineteenth century, the United States had exterminated or removed the numerous Native groups it had encountered in its march toward a "manifest destiny." But it had little to no experience with Southwestern Native peoples whose rights had been established under the Spanish regime. As the U.S. pursued successive waves of Indian policies—treaties with Indigenous nations, Indian reservations, the Peace Policy, an influx of Christian reformers, assimilation, allotment in severalty, boarding school education[1]—the Pueblos never neatly fit into these plans. Many difficult questions arose. Principal among these was the citizenship status of the Pueblo Indians. Would they be citizens as they had been under Mexico (even if this citizenship was nominal)? Would they become wards of the federal government like other Native peoples in United States territory? Would the system of virtually independent village government

[1] Gant's so-called Peace Policy, instituted in 1868, took control from corrupt Indian agents, and placed reservation affairs in the hands of Christian missionaries who were seen as less morally corruptible. Congress ended the practice of making treaties with Indian nations in 1871. Allotment in severalty, instituted under the Dawes Act in 1887, allowed the federal government to break up reservation lands into smaller parcels. These parcels were then distributed to individual Indians. The goal was to break up large communal Indian landholdings.

continue? There were no easy answers to these issues, and federal, territorial, local, and Pueblo officials would all grapple with these questions. Indian suffrage would become a central part of this debate. Soon after the transition to United States rule, the Pueblos would realize that they were confronting an entirely different character of colonial overlord. During New Mexico's lengthy territorial period, from 1846 to 1912, the Pueblos saw their lands, political rights, and very existence threatened by numerous foes.

Throughout the territorial period, United States and New Mexico officials engaged in a fierce power struggle, with the Pueblos caught in the middle. The Treaty of Guadalupe Hidalgo offered United States citizenship to citizens of the Republic of Mexico; this included Indians. Territorial officials wanted to grant citizenship to Indians so that they could be alienated from their lands. Under such an arrangement, Pueblo Indians, Anglo-Americans, and Hispanos would form New Mexico's citizenry. Pueblo Indians would also be under the political jurisdiction of the larger municipalities in which they resided. They would no longer be deemed "Indians," with special rights or protections. As agents of the federal government, Indian Service employees opposed Pueblo Indian citizenship and campaigned for the Pueblos to become wards of the federal government. They saw this designation as the best way to protect Pueblo lands and insure the survival of these communities. Indian agents recognized in the Pueblos many of the traits that indicated a "civilized" people, but they were still distinctly Indian.

While territorial officials labored to secure Pueblo Indian citizenship in order to open up Pueblo lands to alienation, and federal officials argued for Pueblo inclusion as wards of the federal government, it was the Pueblos themselves who exercised their agency, limited though it was within the confines of the U.S. colonial system, and took the necessary steps to preserve their political rights. They chose to reject United States citizenship. They repeatedly expressed

their desire to become wards of the federal government and live under its protection. As difficult as this decision must have been, wardship insured the form of citizenship they valued above all else: citizenship in the individual Pueblo. As wards of the federal government, Pueblo Indians could continue to select their local governors and civil officers as they had for hundreds of years, and exercise autonomy on the local level. In this way, they protected the Native vote in their own communities, while rejecting the vote and participation in external affairs. Internal sovereignty trumped Indian citizenship in the larger nation.

Pueblo Status During the U.S.-Mexico War and After the Treaty of Guadalupe Hidalgo

After leading the army that seized New Mexico in the summer of 1846, Stephen Watts Kearny issued the so-called "Kearny Code" for the governing of the territory. The code begins with a Bill of Rights based loosely on that of the United States Constitution, guaranteeing such rights as peaceable assembly, jury trial, freedom of religion, and freedom of the press. The code also establishes laws for governing New Mexico, including laws relating to property, criminal offenses, and the elections of officials. But, the Kearny Code makes no mention of Indians, Pueblo or otherwise.[2] This is not to say that Kearny and his men were unconcerned with the Pueblos; they clearly were. And Pueblo Indians were equally interested in assessing the character of the invaders. The two sides enjoyed somewhat tense initial encounters. As Alfonso Ortiz relates, an episode unfolded in which Pueblo leaders came to Santa Fe to meet with United States officials. In a scene reminiscent of the one that took place in early January 1822, when Pueblo leaders had sworn allegiance to an independent Mexico, Pueblo leaders again traveled to Santa

[2] "Laws of the Territory of New Mexico, Santa Fe, October 7, 1846: the Kearny Code," New Mexico State Library Digital Collections, nmdigital.cdmhost.com/cdm/ref/collection/p267801 coll5/id/5292, accessed 10 December 2014.

Fe to meet with another new government. On the morning of 14 August 1846, these leaders pledged their allegiance to the United States. But, as Ortiz points out, they also traveled to the capital to "gauge what the transition would mean for them."[3] William H. Emory, an American military officer in Kearny's army,[4] recorded observations in his journal. When the Army of the West arrived in Santa Fe, they feared an attack by a combined force of Mexican and Pueblo Indian soldiers. Interestingly, he relates that, "the Mexicans, to a man, were anxious for a fight, but that half the Pueblo Indians were indifferent on the subject, but would be made to fight." The Pueblos had no desire to fight for the Republic of Mexico. He also highlights the meeting between American military officials and Pueblo leaders:

> The next day, the chiefs and head men of the Pueblo Indians came to give in their adhesion and express their great satisfaction at our arrival. This large and formidable tribe are amongst the best and most peaceable citizens of New Mexico [Anglo-Americans repeatedly mistook the nineteen separate New Mexico Pueblos for a single tribe]. They, early after the Spanish conquest, embraced the forms of religion, and the manners and customs of their then more civilized masters, the Spaniards. Their interview was long and interesting. They narrated, what is tradition with them, that the white man would come from the far east and release them from the bonds and shackles which the Spaniards had imposed, not in the name, but in a worse form than slavery.
> They and the numerous half-breeds are our fast friends now and forever. Three hundred years of oppression and injustice have failed to extinguish in this race the recollection that they were once the peaceable and inoffensive masters of the country.[5]

These seemingly innocuous encounters would be the first in a long and troubled relationship between Anglo-Americans and Pueblo Indians.

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[3] Alfonso Ortiz, *The Pueblo*, 87.

[4] William H. Emory was born into a slaveholding Maryland family. He was a gifted mapmaker and observer of the plant life and human inhabitants of the American Southwest. He served as a brigadier general in the Union Army during the Civil War. See "Gen. William H. Emory (b. 1811 – d. 1887)," Emory biography in *Archives of Maryland (Biographical Series)*, http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/009400/009485/html/09485bio.html, accessed 9 September 2015.

[5] W. H. Emory, *Notes of a Military Reconnaissance from Fort Leavenworth, in Missouri, to San Diego, in California, Including Parts of the Arkansas, Del Nortem and Gila Rivers*, 30th United States Congress, 1st Session, Senate, Executive, No. 7 (Washington: Wendell and Van Benthuysen, Printers, 1848), 22, 33.

At the aforementioned meeting, representatives from Santo Domingo Pueblo invited the Americans to visit their village. The Americans agreed, and Emory again provides our account for this visit. The American party traveled to Santo Domingo early the next month, and Emory's narration of events offers a perfect description of the Indian political status quo in 1846:

> *September* 3.—This has been a great day. An invitation was received, some days since, from the Pueblo Indians to visit their town of Santo Domingo….we met ten or fifteen sachemic looking old Indians, well mounted, and two of them carrying gold-headed canes with tassels [varas de justicia], the emblems of office in New Mexico.
> Salutations over…the alcalde [governor perhaps], a grave and majestic old Indian, said, as if casually, "We shall meet some Indians presently, mounted, and dressed for war, but they are the young men of my town, friends come to receive you, and I wish you to caution your men not to fire upon them when they ride towards them."…[After a colorful display by mounted Santo Domingo warriors,] we were joined by the priest, a fat old white gentleman. We were escorted first to the padre's, of course; for here, as every where, these men are the most intelligent, and the best to do in the world, and when the good people wish to put their best foot foremost, the padre's wines, beds, and couches have to suffer. The entrance to the portal was lined with the women of the village, all dressed alike, and ranged in treble files; they looked fat and stupid….[After being hosted in the priest's residence,] the general went forward on the portal and delivered a speech to the assembled people of the town, which was first interpreted into Spanish, and then into Pueblo.[6]

The Domingueños interacted with the American officials in the manner to which they were accustomed, with duly chosen leaders of the autonomous Pueblo wielding their staffs of office and treating with the Americans on a government-to-government basis.

But such encounters were also complicated by darker incidents, such as the violent uprising of Taos Pueblo Indians and Hispanos against the American military government of New Mexico in 1847, which resulted in the death of New Mexico's first governor, Charles Bent. Officials recognized that they had to determine the political status of Indians, especially the Pueblos. The territorial government, now under Governor Donaciano Vigil,[7] took its first

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[6] Emory, *Notes of a Military Reconnaissance*, 37–38.
[7] Governor Vigil was crucial in the transition from Mexican to United States government in New Mexico. He assembled the first territorial legislature in 1847. Although this legislative body was

substantive action in this regard when it enacted a law in December 1847 that formally incorporated the Pueblos as legal entities. The law reads:

> The inhabitants within the Territory of New Mexico, known by the name of the Pueblo Indians, and living in towns or villages built on lands granted to such Indians by the laws of Spain and Mexico, and conceding to such inhabitants certain lands and privileges, to be used for the common benefit, are severally hereby created and constituted bodies politic and corporate, and shall be known in the law by the name of the Pueblo de _____, (naming it) and by that name they and their successors, shall have perpetual succession, sue and be sued, plead and be impleaded, bring and defend in any court of law or equity, all such actions, pleas and matters whatsoever, proper to recover, protect, reclaim, demand or assert the right of such inhabitants, or any individual thereof, to any lands, tenements or hereditaments, possessed, occupied or claimed contrary to law, by any person whatsoever, and to bring and defend all such actions, and to resist any encroachment, claim or trespass made upon such lands, tenements or hereditaments, belonging to said inhabitants, or to any individual.[8]

This law was to have far-reaching consequences. It opened up Pueblo communities to all sorts of lawsuits from the outside, especially lawsuits involving land.[9]

The United States and Mexican governments then took up the matter of the political status of those Mexican citizens who resided in the conquered territory with the Treaty of Guadalupe Hidalgo in 1848. Article VIII of the treaty reads:

> Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.
> Those who shall prefer to remain in the said territories may either retain the title and rights

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advisory in nature, it marked serious efforts by Vigil and others to establish a functioning civil government in the wake of the U.S-Mexico War. See Joseph P. Sánchez, Robert L. Spude, and Art Gómez, *New Mexico: A History*, 110–111.

[8] "Pueblos constituted corporate bodies, Section 1875 (December 1847), in John P. Victory (compiler), *1897, Compiled Laws of New Mexico: in accordance with an act of the legislature, approved March 16th, 1897. Including the Constitution of the United States, the treaty of Guadalupe Hidalgo, the Gadsden treaty, the original act organizing the territory, the organic acts as now in force, the original Kearny code, and a list of laws enacted since compilation in 1884, as well as those in that work* (Santa Fe, N.Mex.: New Mexican Print Co., 1897), 500–501.

[9] We will return to this issue shortly.

> of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.
> In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

In other words, all Mexicans who chose to remain in the newly conquered territory could either "retain" Mexican citizenship or "acquire" United States citizenship. This applied to Indians as well as Hispanos, since all were Mexican citizens. Article IX goes on to stipulate that:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States. and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the mean time, shall be maintained and protected in the free enjoyment of their liberty and property.[10]

The wording of these articles could not be more clear: Mexicans—a designation that included Indians—who remained in New Mexico, and did not declare their intentions to retain Mexican citizenship, would then become citizens of the United States, with their rights and properties secured to them. As Joe Sando puts it, "Clarity of purpose is certainly expressed in the language of the treaty." Regarding whether the Pueblos desired to remain citizens of Mexico, he is equally unequivocal: "Not a single Pueblo Indian elected to retain Mexican citizenship."[11]

Although the Treaty of Guadalupe Hidalgo was clear enough, and Mexico had declared all Indians citizens of the republic decades prior, Anglo-Americans quickly made a mess of the issue. According to Sando, the central questions were these:

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[10] John P. Victory, *Compiled Laws of New Mexico*, 31, 32.
[11] Joe S. Sando, *Pueblo Nations*, 86.

> Are the Pueblo people Indians? Do the Pueblo people have the right to protection under United States law, as Indians? These questions plagued both the Congress and the Pueblo people, as they were shuttled from one lawsuit to another in their persistent struggle to endure as the oldest continuous native inhabitants of North America. During the process of these lawsuits, there were some descriptions of Pueblo life and culture that bear repeating. Indeed, these statements express the strange climate of those years, as the Pueblos won respect and admiration but were deprived of rights accorded other tribes in the United States.[12]

In the decades following the treaty this issue came to be tied directly to voting. Before the late 1840s, the Pueblos had participated almost exclusively in electoral processes on the village level. Even during the Mexican period, when the Pueblos were legally given the right to vote and to hold office, relatively few cases have been recorded in which they went beyond the limits of their own communities to vote in elections. Further, governors and lieutenant governors had the job of dealing with outsiders, thus diminishing interactions between common Pueblo people and Hispano officials. Pueblo Indians did not generally seek the vote or to hold office.[13] As such, the Pueblos were mostly left to themselves through the 1840s, tending mostly to internal affairs. This served as a stark contrast to the Arizona-Sonora Borderlands, where the Occidente/Sonora government sought to forcibly bring groups such as the Yaquis into the political mainstream.

In the years following the Treaty of Guadalupe Hidalgo, the right of Pueblo Indians to vote occupied the attention of Indian Service and territorial officials. Concern over voting rights

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[12] Sando, *Pueblo Nations*, 86–88; see also Mary Childers Mangusso, "A Study of the Citizenship Provisions of the Treaty of Guadalupe Hidalgo," (master's thesis, University of New Mexico, 1966), 77. Mangusso also demonstrates that Pueblos were not the only Indians in ceded Mexican territory that confronted issues of citizenship. A small number of Indians and people of Indian descent living in Upper California had also been considered Mexican citizens. The California Constitutional Convention in 1849 engaged in a debate on whether or not to extend citizenship to these Indians. Delegates grappled with how to grant citizenship to "civilized Indians" who "deserved" it while simultaneously withholding it from "wild Indians." The convention eventually decided that the state would grant citizenship to Indians on a case-by-case basis, when they deemed it proper to do so. See Mangusso pp. 77–79.

[13] An exception would have been those Pueblo Indians who moved out of the Pueblos and into Hispano communities, becoming "indios ladinos" and living as Hispanos did.

was tied to the larger questions of civilization, land, and citizenship. James S. Calhoun, whom President Zachary Taylor appointed Indian Agent at Santa Fe in April 1849, framed much of the early debate around the Indian vote in the territory. His policies would profoundly affect the Indian vote and citizenship through the duration of the territorial period. In one of his earliest letters as Indian Agent, Calhoun wrote to Commissioner of Indian Affairs William Medill on 29 July 1849:

> The Pueblo Indians…are entitled to the early, and especial consideration of the government of the United States. They are the only tribe in perfect amity with the government, and are an industrious, agricultural, and pastoral people, living principally in villages, ranging North and West of Taos South, on both sides of the Rio Grande, more than two hundred and fifty miles. By a Mexican statute these people…were constituted citizens of the Republic of Mexico, granting to all of mature age, who could read and write the privilege of voting. But this statute has no practical operation.[14]

As Calhoun gained more experience with the Pueblos, he began to see the pressing problems they faced. After undertaking an expedition against the Navajos with fifty-four Pueblo soldiers, Calhoun commented that the Pueblo Indians "are, in every sense of the word, *excellent* people, and ought to be immediately protected." He met with leaders from twelve Pueblos—Jemez, Laguna, Acoma, Santo Domingo, San Juan, Santa Clara, San Ildefonso, Nambé, Pojoaque, Zia, Santa Ana, and Sandia—and he began to understand how local Hispano officials such as alcaldes and prefects did not "use their authority, whatever it may be, without abusing it. Contributions

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[14] "Calhoun to Medill," 29 July 1849, in Annie Heloise Abel, ed., *The Official Correspondence of James S. Calhoun* (Washington, D.C.: Government Printing Office, 1915), 18–19 (hereafter Calhoun, Official Correspondence). At the time of this letter, Calhoun had not yet had a chance to visit the various Pueblos under his charge, but the information he had received indicated that they had been citizens of Mexico with the right to vote, and that they were civilized and peaceful.

upon their labor, and property, are frequently made by the law, or laws, which Alcaldes and Prefects *manufacture* to suit the occasion."[15]

In fact, the Pueblos needed protection from a number of groups. First of all, they required military protection from Navajos and other Indian nations who raided their communities. Calhoun noted that under Spain and Mexico, Pueblos had been permitted to make reprisals against such raiders, but the United States turned down requests to continue this practice: "it has not been deemed advisable to accede to this request."[16] More important, they needed protection from encroachment by land hungry Hispanos and Anglo-Americans. Corrupt local officials supported the spurious actions of greedy outliers to Pueblo communities. The question of land was the single most important one for the Pueblos. They had labored mightily over the centuries to protect their lands against Spanish and Mexican encroachments, and had often seen their efforts fail. But, they had managed to protect portions of the lands granted to them by Spain until the territorial period. As corporate communities who could now sue and be sued, and whose land could be alienated, they were particularly vulnerable. Indian leaders and delegations visited Calhoun in an almost unending stream, complaining of these encroachments and begging Calhoun for relief from both settlers and local officials. For example, Calhoun wrote of a visit by the "Governor, Lt. Governor, and an Indian of less repute, of the Pueblo of Santo Domingo," who had come to him "to enter a formal complaint in reference to encroachments upon their planting grounds, and asking for a redress of grievances." Aware of the crucial importance the Pueblos placed on their lands, Calhoun saw the foolishness of attempting to remove them or consolidate them onto reservations:

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[15] "Calhoun to Medill," 1 October 1849, 38; "Calhoun to Medill," 13 October 1849, 46, in Calhoun, Official Correspondence.
[16] "Calhoun to Brown," 7 November 1849. Calhoun, Official Correspondence, 73. Orlando Brown replaced Medill as Commissioner of Indian Affairs in 1849.

> To remove and consolidate the Indians of the various Pueblos at a common point is out of the question—the general character of their houses are superior to those of Santa Fe—they have rich valleys to cultivate—grow quantities of corn and wheat, and raise vast herds of horses, mules, sheep and goats…they are a valuable, and *available* people, and as firmly fixed in their homes, as any one can be in the United States.
> Their lands are held by Spanish and Mexican grants—to what extent is unknown—and in their religion, they are Catholics, with a certain admixture of an early superstition, with its ceremonials; *all of which attaches them to the soil of their fathers—the soil upon which they came into existence, and the soil upon which they have been reared—and their concentration is not advisable*.[17]

Calhoun was confronting something outside the experience of Indian Service administrators up to that point. As Marc Simmons explains:

> Wholly foreign was the idea underlying Spanish and Mexican administration of the Indians—that the native people when ready should be incorporated as full citizens and allowed unrestricted participation in provincial life. Almost at once those responsible for Indian affairs in New Mexico realized that relations with the Pueblos would have to be founded, not upon any civilizing mission, but rather upon a program of government protection that extended them aid in maintaining their self-sufficiency and peaceful habits.[18]

Even though it would be a long and difficult process, Calhoun seemed particularly interested and even empathetic concerning the plight of the Pueblos.

It soon became clear to territorial officials that Indian voting and Indian citizenship were inextricably linked. According to the terms of the Treaty of Guadalupe Hidalgo, which became the law of the United States upon ratification by the Senate, Pueblo Indians were U. S. citizens

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[17] "Calhoun to Brown," 20 November 1849, 87; "Calhoun to Medill," 15 October 1849, 53–54 (emphasis added by author). In Calhoun, Official Correspondence. There is some bitter irony in this situation as it developed after the U.S.-Mexico War. As Pueblo scholar Edward Dozier states, the Pueblos and Hispanos had enjoyed a relatively high degree of cooperation and good relations over the centuries. He points to the high degree of indigenous blood in the Hispano population of New Mexico, and that the two peoples had far more in common than differences. In fact, "The differences between the two people might have disappeared altogether, but Anglos and the United States government intervened." See Edward P. Dozier, *The Pueblo Indians of North America*. Case Studies in Cultural Anthropology series (New York: Holt, Rinehart and Weston, Inc., 1970), 113.

[18] Marc Simmons, "History of the Pueblos Since 1821," in *Handbook of North American Indians: Southwest, Vol. 9*, edited by Alfonso Ortiz (Washington: Smithsonian Institution, 1979), 209.

and entitled to all the rights and privileges of citizens. Calhoun realized as much when he wrote to Commissioner Medill on 15 October 1849: "…one born in Mexico, was a Mexican Citizen, and, as such, is a voter; and therefore, all the Pueblo Indians are voters." But Calhoun was also aware that the Pueblos had not generally been in the practice of exercising the right to vote outside their own village boundaries: "But, still, the exercise of this privilege was not known." He also felt some ambivalence about the status of the Pueblos as citizens and voters. Calhoun recognized that they had been citizens of Mexico by law and should, therefore, be United States citizens. But he did not view them as American citizens yet:

> They must become Citizens, sooner or later, of the United States; and if there was a State or territory to be found immediately west of the Rio Grande, I should not hesitate to say, these Pueblos are entitled to all the rights and privileges of citizens of the United States, *as mere voters*—As to the rights which it may have been designed to confer upon them under the 9th. Art. of the late treaty, I venture not an opinion…If the Pueblo Indians are to be taxed, *they are from their general intelligence, and probity as much entitled to select their agents*, as the mass of New Mexico…it is easier to dispose of the tribes of roving Indians, than the better, and more civilized Pueblo Indians.[19]

Calhoun believed that the Pueblos were advanced enough to be "mere voters." But, whether they qualified for all of the citizenship rights guaranteed under Article 9 of the Treaty of Guadalupe Hidalgo, he would "venture not an opinion." Calhoun frequently qualified his assessments of the Pueblos with statements like the following: "…that a more upright and useful people are no where to be found; fit to be associated with, and to have—all the rights and privileges of the body politic, *at least, so far as the right of suffrage is concerned*; or, if it should be preferable, you may colonize them, without risking convulsion."[20] He found himself in a tricky situation,

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[19] "Calhoun to Medill," 15 October 1849. Calhoun, Official Correspondence, 53–54.
[20] "Calhoun to Brown," 15 November 1849. Calhoun, Official Correspondence, 80 (emphasis added by author). In the same letter, Calhoun shows himself to be remarkably forward-thinking, urging that a printing press be established among the Pueblos, "which should publish matter, both in English and in Spanish—There are those who can read Spanish, but not one who can read

and yet, it is difficult to feel a great deal of sympathy for his position. Calhoun essentially wished that the Pueblos were more like the savage Indians, whom the United States simply removed from their lands and forced onto reservations, without the added worry of citizenship and voting rights.

From this early point in his tenure, Calhoun began developing his own conception of Pueblo political status in New Mexico, one that favored wardship and protection by the federal government over citizenship. While today we may view these concepts as not mutually exclusive, Calhoun and other authorities were unable to reconcile them. Either the Pueblos were wards of the federal government, subject to special protections stemming from that status, or they were citizens of the United States, subject to all the laws and obligations of non-Indians. From Calhoun's perspective, the issue of encroachment and abuse of power by petty officials would only continue if the Pueblos were declared full citizens. In late 1849, he began advocating that the Pueblos be brought under the care of the federal government under the provisions of the Nonintercourse Act of 1834. This act aimed to protect tribes from non-Indian trespassing; it prohibited settlers from entering or settling on Indian lands.[21] But inclusion under the protections offered through the Nonintercourse Act also meant that the Pueblos would be considered Indians in the same vein as other, "less civilized" groups. This possibility was not particularly concerning to Calhoun, or to the Pueblos themselves for that matter, but opponents would later cite the degree to which the Pueblos had become civilized as an argument against wardship.

The inspiration for the warship concept came from decisions relating to the Cherokees handed down by the United States Supreme Court under Chief Justice John Marshall. In

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English. This suggestion would afford them a proper facility for acquiring of our language, and ultimately they would give us a written language of their own" (80).

[21] Sando, *Pueblo Nations*, 90.

Cherokee Nation v. Georgia (1831), Marshall wrote that the Cherokee Nation was "a distinct political society separated from others, capable of managing its own affairs and governing itself…" But, while the court ruled that the Cherokee Nation, and other Indian nations, were indeed states unto themselves, they must be considered "domestic dependant nations." Furthermore, they were "in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian."[22] Over the coming decades, agents attempted to apply this principle to the Pueblos. They were independent political entities capable of governing themselves, but their incomplete state of civilization, coupled with the need for protection from Hispano and Anglo-American land grabs, entitled them to federal protection as wards.

If the federal government were to consider the Pueblos wards and offer them protection under the Nonintercourse Act, the question of voting in municipal, state, and federal elections would have to be resolved. To Calhoun the solution was simple: Pueblo Indians would forego voting in such elections. He set to work in early 1850, attempting to convince the Pueblos that wardship was preferable to citizenship and civil rights. In addition to the issue of land theft by non-Indians, Calhoun also recognized that full citizenship would pose a threat to the system of internal government that the Pueblos had enjoyed for over two centuries. Writing in mid-November 1849, Calhoun argued that wardship would protect indigenous civil government for the Pueblos:

> There are a few, at the present, but few, who advise the immediate blending of these Indians with the mass of the people of this territory, with common laws, and institutions for the government of all alike—The execution of this plan would in my opinion produce terrible results—….The localities of these Indians, are chequered by their own Pueblos, and old Spanish, and Mexican Villages—The former Government of this territory, having never interfered with their peculiar form of governments, each Pueblo has had, from time immemorial, a separate and distinct political existence—Instances are now occurring of Prefects and Alcaldes extending the operation of some of the laws of this territory over

[22] *The Cherokee Nation v. The State of Georgia*, 30 U.S. 1 (1831).

> these people—a matter they can not comprehend, and of which, they daily complain, and beg for relief [plus the matter of reprisals for Apache and Comanche and such tribes raids]…I, by no means, deem it an impracticable matter, to make these people as worthy and useful Citizens as will be found in this territory; but, this is not the labor of a day.[23]

This statement was the most astute of Calhoun's observations about the Pueblos. Certainly, the Pueblos were concerned first and foremost with encroachments on their lands by Hispano and Anglo-American settlers. But, they were also extremely alarmed by interference from outside petty officials in matters of Pueblo government, which had been relatively rare under the successive república and Mexican systems. These Indians could not comprehend the sudden change they were encountering, and they complained "daily" to Calhoun. If he could redefine the Pueblos as wards of the federal government, he believed he could solve the twin problems of land encroachments and interference in internal Pueblo governments.

Taos Pueblo provides a fitting example of the importance of land and local autonomy for the Pueblos. In January 1850, Calhoun traveled north from Santa Fe. That he made the trip in January, when conditions can be quite treacherous in the northern New Mexico mountains, demonstrates the increasing severity of the Pueblo political situation. At Taos, he found the Indians in a "moody and dissatisfied state." For one thing, there had been an election for delegates to a territorial convention the previous fall, accompanied by accusations that Taos Indians had been "brought to the polls and induced to vote." They also complained of "Mexican" encroachments on their lands. But, they also lamented that Hispano authorities had "subverted" the laws of the Pueblo, "laws by which they had been governed from time immemorial." Worst of all, outside officials had meddled in the process of selecting local officers:

> Alcaldes were now being appointed by the Governor at Santa Fe, instead of the annual elections to which they had been accustomed. They pray for protection, and the extension of the United States Indian laws over them….Mexican Alcaldes, sheriffs &c &c.

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[23] "Calhoun to Brown," 16 November 1849. Calhoun, Official Correspondence, 79.

> appointed by American authority, are demanding just such contributions *as they may desire*, for their own use—and many of the Pueblos have yielded to these unjust demands, and for which there is not the shadow of a law.[24]

Calhoun could see no solution to such problems other than moving these Indians outside of New Mexico's jurisdiction and under the watchful eye of the federal government. He made the case for wardship to the Taoseños, "explain[ing] to [them] the character of the laws of the U. S. regulating trade and intercourse with Indians, and made them understand how such laws might affect them." But he also made it clear that they could advocate for their rights as American citizens: "I also, told them, if they preferred to be a part of all the people of New Mexico, they might have the right of voting for Governors, Members of Congress, and all of the officers of a State, or territory." But, if they chose this condition, then they would lose their status as an autonomous community. Calhoun went on to explain:

> …if they should determine to ask the President of the United State *to secure them in an independent government*, and to extend to them the benefits of the laws regulating trade and intercourse with Indians under the protection of the Government, they ought not to allow themselves to be used by Americans or Mexicans in voting at elections for officers out of their Pueblo—that in said elections they should take no part, but quietly attend to their own business. [Other American officials present echoed what he said], and closed with a full endorsement of my advice as to voting, unless they preferred to yield their identity as a distinct people.[25]

This letter is extremely revealing regarding the evolution of Calhoun's views on Indian voting. Initially, Calhoun had been of the opinion that the Pueblos qualified for voting rights. And while he allowed for the possibility of a Pueblo push for citizenship and voting rights in territorial, state, congressional, and national elections, he realized that he would be unable to offer them any protection from further encroachments and abuses. Furthermore, Calhoun recognized that New

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[24] "Calhoun to Brown," 2 February 1850; "Calhoun to Brown," 25 January 1850. Calhoun, Official Correspondence, 103.
[25] "Calhoun to Brown," 2 February 1850. Calhoun, Official Correspondence, 134–135 (emphasis added by author).

Mexico's courts offered no support for the embattled Pueblos.[26] He repeatedly called for the settling of Pueblo land claims, but this process failed to gather the requisite steam. He warned that if these developments went unchecked, the end result would be a loss of their status as a distinct people.

For the Taos Pueblo Indians, this was an unthinkable result. According to Calhoun, their identity, culture, government, and religion—everything that they were—was at stake. The Indians met at council for some time, and then returned with their reply. The governor and principales asked Calhoun if the Nonintercourse Act could be extended over them immediately. He told them that he did not have the power to do so, but that he would lobby the "great Father" to extend these laws over them as soon as possible. After returning to Santa Fe, Calhoun wrote a letter to the Taos Indians reiterating what they had discussed in council. In his clearest statement of the dangers of citizenship and voting, he states:

> …if you prefer to be mixed up with the laws, and the people of New Mexico, and take your chance to become citizens like them, and to be governed, not by your own laws, but by such as the Americans and Mexicans here may make for you, I do not think your great Father will object to it, But it is my duty to tell you, I do not think that course would be the best for you, and my advice to you is, be quiet, attend to your own business pursuit, and dont [sic] listen to the talk of bad men, and in due time, your great Father, the President of all the Indians, and all the people, of the United States, will take care to order his agents here, so as to act as to secure, to you happiness and prosperity.

He even reminded them that they "told me you understood it, that you did not wish to be New Mexicans, that you wished to live as a separate community, and to make your own laws, and to execute them in your own way, and to select your own Officers, all in the same way that you,

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[26] The Pueblos could not receive a fair trail if they took Hispanos or others to court. He even suggested that the courts hear no civil suits against Pueblo Indians, which would have negated the 1847 incorporation of the Pueblos. See "Calhoun to Brown," 28 January 1850, in Calhoun, Official Correspondence, 120. Furthermore, to defend land claims in court was often an extremely expensive endeavor for the generally impoverished Pueblos, one that required travel to distant seats of government. The Pueblos were faced with a catch-22 dilemma of potentially having to sell off lands to cover the costs of defending their lands in court. See Mangusso, 83.

and your fathers, and your fathers fathers have done, since the Great Spirit sent you into this country."[27]

The episode at Taos Pueblo was not an isolated exchange between James C. Calhoun and the Pueblos of New Mexico. Calhoun made the case for wardship to all of the Pueblos, whether in person at their villages, to their governors and representatives who came to see him, or in letters. He reported in late 1849 that, "Of the twenty two Pueblos, east of the Mochies [sic, ie Hopis], *sixteen* have asked for the extension of the laws which regulated the intercourse with the Indian tribes of the United States prior to the late treaty with Mexico." In the same letter, he related that the Indians of Santa Clara Pueblo had reminded him "they were permitted, each, a separate government for every Pueblo—a separate and undisturbed political existence."[28] Next to retaining their sacred lands, this separate and undisturbed political existence was important above all else.

To summarize, prior to the 1840s, the Pueblos did not have a strong tradition of electoral participation beyond the village level. In the wake of the United States takeover of New Mexico during the U.S.-Mexico War, Hispanos—and Anglo-Americans to some extent—made a conscious effort to dispossess Pueblos of their land. They also sought to bring Pueblo Indians under their jurisdiction and control, similar to the actions of Sonora officials during the Mexican period, subjecting the Pueblos to outside laws and taking away internal control. Such a condition had not existed before 1846. Further, Calhoun spearheaded an effort to remove the Indian right to vote, not necessarily because he felt that it was misplaced in Pueblo hands, but because he believed that in so doing he would offer the surest protection to continued Pueblo existence.

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[27] "Calhoun to the Indians of the Pueblo of Taos," 2 February 1850. Calhoun, Official Correspondence, 136–138.
[28] "Calhoun to Brown," 15 November 1849. Calhoun, Official Correspondence, 77–78.

Finally, the Pueblos themselves chose to forego suffrage in territorial New Mexico. This is not to say that Pueblo Indians did not attempt to vote in New Mexico elections from time to time; they did. But, as they understood it, and as it was put to them, their greatest chance of preserving their existence as distinct communities, with ancient (and some not so ancient) customs and practices, rested in becoming wards of the federal government. When viewed in this manner, it becomes much more clear that Indians did not truly "fight" for voting rights in territorial New Mexico.[29] Pueblo Indians exercised their agency, limited though it was, to preserve their Indigenous electoral institutions and processes, and internal control of Pueblo affairs.[30] In other words, they chose to preserve and maintain citizenship in the individual Pueblo community. It was a tradeoff that the Pueblo people were willing to accept, given the circumstances and Calhoun's persuasive argument in favor of this arrangement.

Electoral Developments After 1850

Although Calhoun had suggested the inclusion of Pueblo Indians in the Nonintercourse Act of 1834, and the Pueblos had largely accepted this idea, he did not actually have the power to effect this change on his own. Calhoun awaited further instructions from federal officials while

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[29] Carol Venturini, in her work "The Fight for Indian Voting Rights in New Mexico," completed an admirable amount of research on the subject. But, she perhaps failed to recognize that the vast majority of Pueblo peoples did not "fight" for voting rights in New Mexico prior to the first decades of the twentieth century.

[30] Ironically, the system they so vehemently defended was the república model. As Marc Simmons explains: "As Anglo influence became more pervasive and signs of disintegration of Indian culture appeared, the Pueblos hastened to define boundaries of their traditional lifestyle by way of preserving it from total erosion. In the process many Spanish elements, since they were rooted in the past, not only persisted but also were identified as part of the Pueblo cultural framework." Simmons, "History of the Pueblos Since 1821," 211. The governor system is clearly one of these Spanish elements. But it would be overly simplistic to assert that the Pueblos held onto it simply because it was rooted in the past. Instead, within the colonial context, it offered the greatest possibility for Pueblo autonomy and sovereignty.

seeking to put out fires in New Mexico. A convention in 1850 to decide the immediate political future of New Mexico severely tested his resolve. The question was whether it would be admitted to the Union as a state, with its own elections for governor, congressmen, and other officials, or whether it would be a territory, with federal appointments of territorial officials. New Mexico had been under military administration since 1846, but in 1849 Hispanos began agitating for statehood.[31] Hispanos favored statehood because it allowed for greater home rule, and, as the majority population in New Mexico, they would enjoy the lion's share of power. The territorial party consisted mainly of Anglo-Americans who sought to preserve their tenuous grip on New Mexico affairs through official appointments from Washington.[32] Both sides sought to enlist the support of Pueblo Indians, and reports of questionable dealings began to stream in. Cyrus Choice, Indian Agent at the Albiquin Agency, wrote to Calhoun on 8 May 1850 that a Pueblo Indian had come to him to report that an Hispano constable by the name of Pedro Solisair (likely a misspelling) "had been all around the Pueblo, requesting the Mexicans to meet at his house, on the day of the Election for Deligates [sic] to the Convention." Apparently, Solisair had warned the Indians and others that a large Mexican army was on the march from "Old Mexico," and he wanted to know if the Indians would support them or the Anglo-Americans.[33] Rumors of a Mexican reconquest circulated at various times after the U.S.-Mexico War, but on this occasion the rumor was clearly calculated to scare the Indians into supporting the Hispano for fear of being punished when the imaginary Mexican army arrived.

Calhoun wrote to Commissioner Brown on 19 June 1850, the day before the vote on statehood. He reported that, "The Pueblo Indians are excited, the Mexicans are excited, and a

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[31] This was the election to which I previously referred, in which Taos Indians were coerced by Hispanos to vote for convention delegates in favor of statehood.
[32] Simmons, "History of the Pueblos Since 1821," 209.
[33] "Choice to Calhoun," 8 May 1850. Calhoun, Official Correspondence, 194.

certain class of Americans are greatly excited….The contest is extremely violent. The Pueblo Indians have been called upon by both parties, and during the week past, various deputations have called upon me for advice." Calhoun felt that it was the "general disposition, upon the part of the Indians, to have nothing to do with the elections, and I approved, most heartily, their determination." In fact, Calhoun had advised the Pueblos the previous month, urging them not to vote in the election. His letter, written in Spanish, reads, in part: "…as your Agent and friend sent to you by the President of the United States I advise you that you not take part in the elections…for delegates to form a state constitution for New Mexico, if you do not want to lose your character as a separate people and abandon your old customs and your own laws and become citizens of New Mexico, subject to its laws." If they voted, then they were taking the actions of citizens, and he could not offer them federal protections.[34]

Remarkably, the sitting military governor of New Mexico, John Munroe, sent a proclamation to the Pueblos, telling them that they could not be prevented from voting. This directly contradicted what their Indian agent had told them; the Pueblo Indians were understandably confused, as Calhoun had indicated in his letter. In Governor Munroe's Spanish language document, dated 6 June 1850 and addressed "To the Pueblo Indians of New Mexico," he states that his purpose is to avoid a situation where any Indian was being pressured to vote a certain way in the upcoming election. He declares that Indians can vote or stay in their homes; it is up to them. Furthermore, he asserts that, "no official agent of the government is authorized to attack, govern, direct, or in any other manner influence you in the free and independent exercise

[34] "Calhoun to Brown," 19 June 1850; John Munroe, "Calhoun to the Pueblos," 20 May 1850, reel 1, no. 388, Ritch Collection, translation by the author.

of this right."[35] Pueblo Indians had participated to some extent in this convention, which overwhelmingly approved a constitution and statehood. Despite the efforts of Calhoun and Munroe, some New Mexicans enticed Indians to vote, while others threatened to take away their property if they did vote, which was likely the real reason for Munroe's letter.

In the wake of this election, the Pueblos retained fears that their participation would have negative consequences. Calhoun and Munroe apparently put their differences aside, coauthoring a letter to the Pueblos in late June. The letter represents a clear attempt to ease Pueblo fears after heavy solicitation of their votes in the statehood debate:

> We having learned, that, malicious representations have been made to you. In order that you may not be deceived [we think] it proper to say; That neither are you abandoned or ruined. We say to you, that you and your people are in the same position and security that you had prior to the election, and the same protection to your persons and right of possession of your houses, lands and all other property, will be maintained as formerly. And until other news be Agency made, or until the President of the United States provides otherwise, the internal affairs of your Pueblos shall be governed by your laws and customs and by the same authorities which each Pueblo has elected as their Governors and other officials.

Calhoun obviously found himself in a difficult situation. As he had told the Pueblos on so many occasions, if they voted, and thereby acted like citizens, then they would be treated like citizens. As citizens, they would no longer have any special protection and would be subject to outside civil control. Since some Pueblo Indians had voted in 1850, he and the governor would have to perform some damage control. He assured the Pueblos that all was not lost. He still advocated that they abstain from voting and see to their own internal affairs. Ironically, these events turned out to be much ado about nothing. As Marc Simmons points out, "In the end the constitutional election was without meaning since Congress ignored it and created a territorial government for

[35] "A los Indios de Pueblo de Nuevo Méjico," 6 June 1850, in Calhoun, Official Correspondence, 213–214, translation by the author.

New Mexico….Their brief participation in the new political structure had…soured [the Pueblos] on the democratic process."[36]

Although the Pueblos may have "soured" on the democratic process after the convention debacle in 1850, the question of their political status had not been resolved. Calhoun and other Indian Office employees continued to push for inclusion of the Pueblos under the Nonintercourse Act of 1834. New Mexico Indian Agent E. H. Wingfield, who wrote to Commissioner of Indian Affairs Luke Lea on 6 Febraury 1852, succinctly encapsulated the complexity of the debate over Pueblo citizenship and voting rights. He wrote that the "Pueblo Indians [are] a very interesting tribe, possessing many of the amiable elements of character, without the savage features of other races—and well worthy the consideration of the Government of the United States." He went on to state that, "They approach nearer to civilization, than any of the Indian Races." They were "virtuous," "intelligent," "honest," and "industrious," and they hold their lands by virtue of Spanish land grants. He felt that it was "evident" that the Pueblos "should be regarded by us either as Indians, or like ourselves as citizens of the United States--& entitled to all the privileges springing from that relation." But, Wingfield believed that "as the latter position would be obnoxious to their own wishes—the Government should view them as Indians in all future legislation."[37]

Evidently, all of the lobbying by Calhoun and others paid off in 1851, when the United States Congress officially included all territory conquered in the U.S.-Mexico War under the terms of the Nonintercourse Act. The Nonintercourse Act, which was actually a series of acts to regulate Indian trade and intercourse passed over several decades and culminating in the statute

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[36] "Letter to the Pueblos concerning criminal jurisdiction, taxation, voting, and land issues, July 8, 1903," Box 1 Folder 2, Indian Affairs Collection, CSWR; Simmons, 209.
[37] "Wingfield to Lea," 6 February 1852. Calhoun, Official Correspondence, 470–471.

of 1834, provided a number of specific protections for Indians and their lands. While it made them wards of the federal government, it also forbade the sale of alcohol to Indians and prevented all non-Indians from purchasing Indian lands. It strictly forbade encroachments on Indian lands, and named the federal government as the sole entity with the right to purchase or regulate these lands. In essence, the Nonintercourse Act was a powerful measure that made any unauthorized settlement or seizure of Indian lands a federal offense.[38] In the words of preeminent historian of federal Indian policy Francis Paul Prucha, measures to regulate trade and intercourse with Indians were the actions of a young, expanding republic, seeking "conciliation of the Indians by negotiation, a show of liberality, express guarantees of protection from encroachment beyond certain set boundaries, and a fostered and developed trade." The federal government hoped these laws would "prevent the steady eating away of the Indian country by individuals who privately acquired lands from the Indians."[39]

If the Nonintercourse Act had been strictly enforced in New Mexico, then future encroachments by Hispanos and Anglo-Americans would have ended or slowed down significantly. Furthermore, the previous law of 1847 that declared Pueblos' corporate bodies were subject to lawsuits would be ineffectual, since such suits could not be brought against the Pueblos under the Nonintercourse Act. Calhoun also asserted that Indians had a hand in this lobbying, and had expressed their desire to be placed under the act. Writing to Lea on 30 June 1851, he reported that a "Council" had been held at his office, which continued for three days. Representatives came from the Pueblos of Sandia, Santa Ana, San Felipe, Zia, Santo Domingo,

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[38] Richard Ellis, "Hispanic Americans and Indians in New Mexico State Politics," *New Mexico Historical Review*, vol. 53, no. 4 (October 1978), 362–363; Ward Alan Minge, *Ácoma: Pueblo in the Sky, Revised Edition* (Albuquerque: University of New Mexico Press, 1991), 58.
[39] Francis Paul Prucha, *The Great Father: The United States Government and the American Indians, Abridged Edition* (Lincoln, University of Nebraska Press, 1986), 31.

Cochiti, San Ildefonso, Santa Clara, Tesuque, Nambé, San Juan, and Taos. These Pueblo leaders drafted a report that was subsequently forwarded to Washington. The governor of Sandia Pueblo acted as voice for the group. Calhoun characterized him as an "exceedingly clever Indian." The delegation was clear: "Not one of the Pueblos, at this time, desire to abandon their old customs as usages."[40]

Unfortunately, the trade and intercourse law was not strictly enforced, and questions about the status of the Pueblos persisted. Calhoun wrote in desperation to Commissioner Lea on 29 February 1852, stating, "differences between the Pueblos and the Mexicans will continue until the end of time unless the Government of the United States shall provide for their adjustment."[41] Later that year, President Fillmore appointed Calhoun as governor of New Mexico. For a brief time he served both as governor and New Mexico Superintendent of Indian Affairs, where he was continually dogged by New Mexicans with an interest in Pueblo land and resources who simply ignored the law. During the coming decades, Hispanos and Anglo-Americans would continue their encroachments, and find support in the New Mexico and United States courts.

Calhoun's health deteriorated steadily in 1852, and he soon left New Mexico for Washington, D.C. Extremely ill with scurvy, he died on 6 May 1852, near Independence, Missouri.[42] William Carr Lane, who replaced Calhoun as governor, served for a relatively brief

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[40] "Calhoun to Lea," 30 June 1851. Calhoun, Official Correspondence, 369–370. Calhoun included a note that he was including the letter from the Pueblo delegation. I was unable to locate the letter in any of the records of the New Mexico Superintendency. The archivist at the National Archives was unable to find the letter as well. It was likely discarded.

[41] "Calhoun to Lea," 29 February 1852. Calhoun, Official Correspondence, 489.

[42] "James S. Calhoun," New Mexico Office of the State Historian website, newmexicohistory.org/people/james-s-calhoun, accessed 12 January 2015. Interestingly, the biographical information on the New Mexico State Historian's website also points out that Calhoun was "popular with the Mexican population because of his efforts to secure them full

period. Governor Lane was not as sympathetic to the Pueblo cause as his predecessor. Writing to his son-in-law, William Glasgow, on 26 February 1852, Lane mocked Pueblos and Hispanos for their ongoing disputes and visits to his office:

> And the 'Dignitat' consists in one eternal round of appeals, written & verbal, from Mexicans & Indians, & sometimes from Americans, for reparations, of every description of wrongs, - in which you hear, or read – 'Governor,' or 'Gobernador,' every 5 minutes, - besides getting at least 50 embraces, from Indians & sometimes from Mexicans, daily. I'll tell you all about it by & by. These people *embrace*, with much grace & dignity; but the custom does not suit the taste of one of us.

Lane obviously had no patience for Indian diplomacy, and from his letter it is clear that he was not responsive to Indian complaints of Hispano aggressions. But Lane's poor qualities did not end there. In addition to his lack of sympathy for the Indian cause, he also had no idea what his powers were, and how they related to civil, military, and Indian affairs. An exasperated Lane wrote to Glasgow: "There is such a strange state of things, in every Dept of the Govt. of this Ter. – civil, military & Indn; & so ill-defined [regarding] the line of offl. duties, in both the civil & Indn. Dept., that we are compelled to grope in the dark, in discharging our duties."[43] Lane faced many of the same difficulties Calhoun had, but he seemed less inclined to confront Indian problems head on.

Governor Lane left office in 1853 to campaign for the position of congressional territorial delegate for New Mexico. Lane's opponent was a prominent Hispano, José Manuel Gallegos. Gallegos, a Catholic priest who had served in the legislative assembly of New Mexico during the Mexican departmental period, did not speak English. He chiefly represented New Mexico

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citizenship rights and appointment to office." I am unable to dedicate more time to this claim, but it is important to note that Calhoun, then, supported full citizenship for Hispanos, but not for Pueblo Indians.

[43] "Lane to William Glasgow," Santa Fé, 26 February 1852; "Lane to William Glasgow," Santa Fé, 30 September 1852. In Ralph P. Bieber, ed., "Letters of William Carr Lane, 1852–1854," *Historical Society of New Mexico Publications in History*, vol. VI (April, 1928), 186, 189.

Hispanos. Lane had his campaign work cut out for him, and he recognized as much. Writing to his wife on 30 August 1853, he lamented:

> I am thus far, upon an Electioneering tour, & am in the midst of a Rabidity infected District. In point of fact, the opposition, to every thing American, is so uncompromising, that if this county should turn the scale against me, you must not be surprised. But "all is not lost, that is in danger." They say, they have no personal objection to me, but they are determined to elect one of their own race: that I am the most acceptable, of all the Americans; but that they must try a Mexican. God bless them. If you knew how very little the very best informed know, you would be amazed at their conceitedness.[44]

While he recognized his uphill battle against the Hispano majority in the territory, Lane could not have imagined the source of his eventual undoing. Gallegos won the election, but Lane and his supporters claimed that it was only because Pueblo Indian votes in Lane's favor had not been counted. In fact, sixty Taos Indians had attempted to vote in the election, but had been turned away. Farther south, 202 Laguna Pueblo Indians had succeeded in voting. Lane believed that the Indian vote had swayed the election in his favor, and he should have been declared the rightful winner. He sent a memorial to Congress laying his case before the body. In response, the House Committee on Elections issued a report declaring Gallegos the winner. Congress declared that Indians were not citizens and could not vote in New Mexico. The New Mexico election judge who had initially handled the case was criticized for accepting "illegal" Indian votes. According to the House Report on the contested election, the 202 Laguna votes should be discounted because the election was held at the Pueblo under the direction of the "chiefs" and "without authority from the probate judge." Laguna cast all 202 votes for Lane. Declaring these votes illegal, the House sided with Gallegos. The irony was that Lane, who was obviously prejudiced against Indians, as evidenced by his personal letters, lost his bid for congress due to

[44] "Lane to His Wife," Las Vegas, 30 August 1853, "Letters of William Carr Lane," 198.

the Indian vote. Dejected, he penned these words to his son-in-law after his unsuccessful protest to congress: "My contest has ended, this day, adversely."[45]

David Meriwether, who succeeded Lane as governor and superintendent, entered office rather oblivious to the seriousness of the situation. In his annual report for 1853 to Commissioner of Indian Affairs George W. Manypenny, Meriwether asserted:

> The Pueblo, or half-civilized Indians of this Territory, are in a satisfactory condition in every respect. They reside in villages situated upon grants made to them by the governments of Spain and Mexico, and subsist themselves comfortably by cultivating the soil and rearing herds and flocks of various kinds. Each tribe has a separately-organized government of its own, though all fashioned after the same model. They annually elect their respective governor, lieutenant governor, and various other minor officers….When disputes arise between two pueblos, or between them and their more civilized neighbors, the matter is invariably laid before the territorial governor, and his decision is invariably regarded as final.[46]

Meriwether's comments must be deconstructed to understand the situation of Indian civil rights and voting in New Mexico in the 1850s. First of all, Meriwether naively believed that the Pueblos were "in a satisfactory condition in every respect." They were not. Second, Meriwether understood the basic political organization of the Pueblos, and seemed to understand the importance of these governing structures and officers. Finally, he refers to the Pueblos as "half-civilized Indians," who engaged in disputes with their "more civilized neighbors." While Calhoun had implied that the Pueblos were slightly less civilized than Anglo-Americans and

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[45] Mangusso, 89; Carol Venturini, "The Fight for Indian Voting Rights in New Mexico," 8; 33rd Congress, 1st Session, 1854, "House Report No. 121," *United States Congressional Serial Set 742*, 2; "Lane to William Glasgow," 27 February 1854, "Letters of William Carr Lane," 201. The House report also gave its justification for throwing out the Pueblo votes: "…they retain their tribal characteristics, form a distinct community from the whites, make their own local and separate laws, are governed by their own chiefs, and do not differ essentially from other savage tribes. For the same reason 202 Indian votes, cast by the Pueblos at Laguina [sic] precinct…were rejected by the committee and deemed illegal" (p.2).

[46] "Report of Governor D. Meriwether, superintendent *ex officio*," 31 August 1853 (Meriwether to Manypenny), in *Annual Report of the Commissioner of Indian Affairs, Transmitted with the Message of the President at the Opening of the First Session of the Thirty-Third Congress, 1853* (Washington: Robert Armstrong, Printer, 1853), hereafter *Annual Report*, and year, 189.

Hispanos, Meriwether was explicit in his view. It was a stance that could then be used for a variety of purposes, both good and bad. On some occasions officials denied the vote to Pueblo Indians because they were not civilized enough. On other occasions a lack of Pueblo civilization was used to support wardship and federal protection. This also meant the vote was withheld, but wardship offered important legal protections for Pueblo land. On still other occasions this view was employed to support Indian citizenship. While not as civilized as whites, the Pueblos had achieved a level of civilization sufficient to be granted citizenship. This would open up their lands to sale, alienation, encroachment, and a host of unfair legal apparatuses. In a letter contained in the same 1853 annual report in which Meriwether characterized Pueblo Indians as half-civilized, Indian Agent E. A. Graves complained of the non-implementation of the Nonintercurse Act of 1834, "which was adopted and applied to this Territory by an act of Congress of 27th February, 1851." He reported having visited the Río Arriba region and Taos, and found them to be "friendly, and well disposed towards the government and the citizens of this Territory." But, he also stated that the Pueblos "merit the attention of the government, and should receive its fostering care and watchfulness," which obviously was not happening.[47]

Within a short time, Governor Meriwether began to realize the contradictions embedded in official policy, if indeed there was an official policy. On the one hand, the Pueblos were corporate bodies that could sue and be sued. On the other hand, they were under the protection of the federal government and immune from lawsuits. Some felt that they could and should vote, as in the case of William Carr Lane's failed election. On 5 December 1853, Governor Meriwether rose before the New Mexico legislative assembly and proposed that the question of the status of Pueblo Indians be settled once and for all. In his address, he told lawmakers that, "The right of

[47] "Report of agent E. A. Graves" ("Indians in New Mexico"), 31 August 1853, in *Annual Report,* 1853, 197, 200.

suffrage is a privilege held dear by every American freeman, and great care should be had that this inestimable right be not abused or trenched upon by such as are not legally entitled to its exercise." He went on to lament the fact that New Mexico voting laws were not clear enough on who was entitled to the vote. Referring to the Lane-Gallegos debacle, he stated, "It appears that in some parts of the Territory the Pueblo Indians were permitted to vote at the late election whilst in other parts they were excluded. And I would recommend express legislative actions upon this point."[48]

In 1854, the New Mexico legislature acted on the issue of Indian voting. On 16 February 1854, the body passed an act with exceedingly clear language that could not be misinterpreted:

> That the Pueblo Indians of this Territory, for the present, and until they shall be declared, by the Congress of the United States, to have the right, are excluded from the privilege of voting at the popular elections of the Territory, except in the elections for overseers of ditches to which they belong, and in the elections proper to their own pueblos, to elect their officers according to their ancient customs.[49]

From this point forward, Indians could only vote in two circumstances: they would continue to elect their own Pueblo officers; and they could vote for mayordomos of ditches shared with Hispano communities. After this date, Indians rarely attempted to vote outside of their own Pueblos, although there were occasional cases after 1854, such as a contested election between José Manuel Gallegos (again) and Miguel A. Otero for congressional delegate for New Mexico in 1855. On this occasion, Gallegos alleged that, "in the precinct of Los Lentes, in the county of Valencia, fifty Pueblo Indians voted for [Otero], and that said fifty votes were counted for you."

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[48] "Address of Governor Meriwether to the Territorial Legislature," 5 December 1853, reel 1, fr. 136, State Department Territorial Papers, New Mexico, 1851–1872, Washington, D.C.: National Archives.

[49] "Act of 16th February, 1854. Pamphlet, p. 142," in James J. Davenport, reviser and arranger, *Revised Statutes of the Territory of New Mexico* (Santa Fé, N.Mex.: Santa Fé Weekly Gazette Office, 1856), 302.

These Indians would have been from Isleta Pueblo.[50] But the 1854 law essentially closed the book on Pueblo Indian voting in New Mexico elections for nearly a century. The next order of business was an assault on the protected status of Pueblo Indians.

Judicial Assaults on Pueblo Status

Despite the passage of voting restrictions on the Pueblos, their citizenship status still remained in question. Part of the "problem" was that they were unlike Indians whom Indian Service employees had previously encountered. For example, in his annual report to the Superintendent of Indian Affairs for 1854, Governor Meriwether pointed out that, on the one hand, the Pueblos acted like independent nations: "The Pueblo of Nambe in March last actually executed several of their own people, who were charged with being witches." Meriwether was appalled by these actions, and prevented further executions. But, he failed to see these actions for what they were: an independent community carrying out its own form of criminal justice. He also stressed the importance of the annual elections of a "governor, war captain, and various other minor officials." He recognized their independent forms of justice and government, and even conceded, "It has been contended that the Pueblo Indians were recognized as citizens by the Mexican government, and hence are citizens of the United States under the Treaty of Guadalupe Hidalgo." But, Meriwether concluded, "…on a full investigation I am clearly of the opinion that this is not the case. Having visited several of these pueblos…[I believe] that these people differ in some respects from any other Indians to be found on this continent....I can but recommend

[50] 34th Congress, 1st Session, 1855, "House Miscellaneous Document No. 15" ("New Mexico Contested Election"), *United States Congressional Serial Set 866*, 11.

them and their possessions to the protection and fostering hand of the government."[51] Meriwether acknowledged the elements that made the Pueblos autonomous, self-governing communities, but was unable to reconcile the tribal, communal elements of Pueblo Indian life with nineteenth-century American conceptions of civilization. From this perspective, Pueblo Indians did not fully meet the civilization requirement for citizenship, and thus they remained in a state of political limbo.

This same idea plagued the Indian administrators who followed in the 1850s and 1860s. As Hispanos and Anglo-Americans continued their assaults on Pueblo lands, administrators blamed these problems precisely on their "partially civilized" state. In his 1855 annual report, Meriwether writes, "These Indians are ignorant, and but little removed from a savage state, and interested persons stir up litigation between the different pueblos and between the Mexican population and the pueblos."[52] In the Anglo-American view, the Pueblos' loss of land was due to their own ignorance. In actuality, the Pueblos had been using the courts to protect their lands for centuries. In the territorial era, with control of the courts in the hands of corrupt Hispanos in many instances, coupled with an erosion of legal protections for Indians, Pueblo Indians could not secure their lands and rights in the courts. New Mexico Superintendent of Indian Affairs J. L. Collins, who had replaced Meriwether, wrote in 1857 that, "These Indians [Pueblos] can, at no distant day, be made useful and intelligent citizens." But in order for that to happen, they needed schools, vocational training, and a "speedy" resolution of Pueblo land grant disputes.[53] As

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[51] "Report of Governor D. Meriwether, superintendent *ex officio*," 1 September 1854, *Annual Report*, 1854, 173–174, 176.
[52] "Report of Governor David Meriwether, superintendent *ex officio*," September 1885, *Annual Report*, 1855, 189–190.
[53] "Report of J. L. Collins, superintendent," 30 August 1857 (J. L. Collins to J. W. Denver, Commissioner of Indian Affairs), *Annual Report*, 1857, 276.

Pueblo Indian Agent Samuel M. Yost wrote in his 1857 annual report, the competing agendas of the territory and the federal government exacerbated the situation with the Pueblos:

> It would facilitate me much in the discharge of my duties were the Hon. Commissioner of Indians Affairs to instruct me, when the territorial laws and regulations of the Indians department conflict, as to my duty. Questions legitimate, ordinarily, for an agent to decide, under the existing relations of the Pueblo Indians, become matter of reference to a legal tribunal. Must the territorial laws have precedence over the laws and regulations of your department, or must I carry out the instructions embraced in those regulations?…They are in a state of civilization too far advanced to be recognized as Indians, in the ordinary acceptance of the term, and not sufficiently civilized to assume the responsibilities of *bona fide* citizens. Their position is anomalous, and the sooner it is properly defined the better; until them, there are likely to be embarrassing questions constantly presented to the agent for adjustment, when he is not empowered, as he conceives, to act in the premises….Each of the pueblos has its separate government, which partakes more of the aristocratic form than the democratic.[54]

Yost highlighted the crux of the problem: New Mexico wanted to treat the Pueblos as non-Indian citizens (non-voting citizens), while the Indian Office viewed them as semi-civilized Indians under federal protection. Unfortunately, the federal government provided insufficient direction on the matter.

By 1858, Superintendent Collins had come to the conclusion that the Pueblos' status in political limbo could not be solved by the current policies of the Indian Service. In his annual report, he contends:

> I deem it proper to mention that the laws and regulations of the Indian department are not suited to the conditions of these Pueblos, and would specifically suggest, that in the revision of the laws and regulations, which it is greatly desired should be done at the approaching session of Congress, some special enactment be inserted, suited to the condition of these Indians. They are not citizens in the true sense of the term, and yet are too far advanced in civilization to some under the laws and regulations that are intended for the government of the wild tribes…A [central school for the Pueblos] would in a few years qualify teachers for all the Pueblos, and would in the end lead to a general system

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[54] "Report of Samuel M. Yost, agent for the Pueblos," 30 August 1857, *Annual Report*, 1857, 284–284. Agent Yost also indicated that he had met several Pueblo Indians who could read and write Spanish, but none with comparable English skills. He urged education and literacy, stating that if such actions were taken, "it would not be long before the Pueblo Indians…would become intelligent and useful citizens of the United States" (p. 284).

> of education among them, which is all that is wanted to make them useful and obedient citizens.[55]

It is remarkable that the New Mexico Superintendent of Indian Affairs was calling for a new set of policy guidelines, designed specifically for the Pueblos. The call for education also became a rallying cry for Indian agents and others; they viewed schooling as the means for accomplishing full citizenship for these "partially civilized" Indians.[56]

While Indian Service employees grappled with questions of Pueblo legal status, Superintendent Collins astutely recognized the factions that were then emerging within the Pueblo internal elections. These disputes were the latest incarnation of the factionalism that had flared up from time to time during the Spanish and Mexican periods. They can best be described as battles between "traditionalists" and "progressives." As Collins writes in 1859, "The officers are elected annually, by a vote of the people. In these elections, party divisions not unfrequently create much excitement among the Indians, and questions arise that have to be referred to this office for settlement. They are always submissive, and acquiesce without further trouble." As Isleta Pueblo informant Juan Abeita told anthropologist Elsie Clews Parsons in the early twentieth century, "Smart young boys who know more than old people in some ways" came into positions of power. These new leaders would have been those educated in American schools and

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[55] "Report of J. L. Collins, superintendent," 27 September 1858, *Annual Report*, 1858, 192.
[56] Reverend Samuel Gorman, a Baptist missionary, wrote from Laguna Pueblo in 1858, urging the federal government institute off-Pueblo boarding schools, because, "…by our long and intimate acquaintance with these people, mingling with them in their councils and customs, we are fully satisfied that, with their present form of government, and under their present circumstances, centuries might roll away, and the posterity of this people would remain essentially the same ignorant, superstitious people that they are now." "Report from the Reverend Samuel Gorman, relative to the condition of the Pueblo Indians," Pueblo de Laguna, 2 October 1858, *Annual Report*, 1858, 202.

trained in American culture and ways, a culmination of the factionalism that began to surface in the 1850s.[57]

The United States confirmed the Pueblos' status as sovereign communities in 1864 when Dr. Michael Steck, serving as Superintendent of Indian Affairs for New Mexico, issued nineteen silver tipped canes to Pueblo leaders. The canes, which had Lincoln's signature engraved in the silver, were integrated into the existing Spanish and Mexican varas carried by Pueblo leaders, thus also becoming important symbols of Pueblo civil authority. The arrival of the Lincoln canes also coincided with long-promised confirmation of Pueblo land patents from Washington, D.C.[58] But, the Lincoln canes alone did little to change the political situation of the Pueblos vis-à-vis the territorial government. Viewed in this manner, Steck's actions only highlight the impasse between Indian Service employees, who viewed Pueblo Indians as under protective wardship, and territorial officials, who hoped to further alienate Pueblo lands and deny Pueblo rights. Territorial courts and officials continued their assaults on Pueblo lands and sovereignty after 1864.

On the eve of an important case involving Hispano encroachments on Pueblo lands that would ultimately prove detrimental to Pueblo Indian status, New Mexico Superintendent of Indian Affairs A. B. Norton wrote to the commissioner, suggesting that Congress act so that "all suits against these Indians [Pueblos] shall be brought only in the United States district court." The Pueblos were "continually imposed upon and harassed by vexatious prosecutions brought before said alcaldes, who always decide in favor of the Mexican and against the Indian, no

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[57] "Report of J. L. Collins, superintendent," 17 September 1859 (Collins to A. B. Greenwood, Commissioner of Indian Affairs), *Annual Report*, 1859, 340; Elsie Clews Parsons, *The Pueblo of Isleta*, Indian Classics Series, Volume I (Albuquerque, N.Mex.: The University of Albuquerque, in collaboration with Calvin Horn Publisher, 1974), 250–251.
[58] Martha LaCroix Dailey, "Symbolism and Significance of the Lincoln Canes for the Pueblos of New Mexico," 133, 127, 142.

matter how meritorious may be the case of the latter." He asked further that Congress act so that "the sale of the lands granted to these Pueblo Indians be absolutely forbidden, and that all sales heretofore made be declared null and void." He proposed that Hispanos and Anglo-Americans living on Pueblo lands gained from such sales be made to vacate these lands.[59] It was an ambitious proposition, and one that non-Indians in New Mexico would never support.

But Collins and the Pueblos had the proverbial rug pulled out from under them beginning in 1867. Pueblo Agent John Ward summarized the events surrounding an 1867 case over Hispano encroachment on Pueblo lands. According to Ward, in June of 1866 he had received a letter from Stephen B. Elkins, district attorney for New Mexico, with a request for a list of "all persons occupying lands belonging to the Pueblo Indians." Agent Ward went to Tesuque, San Ildefonso, Nambe, and Pojoaque, and made a list of over 200 names of persons illegally residing on Pueblo lands. Ward reported that, "most of [them] were indicted and brought before the district court." United States District Attorney Elkins initiated around thirty lawsuits against these individuals, one of who was Benigno Ortiz, an Hispano squatter on Cochiti Pueblo land. Elkins attempted to have Ortiz pay a $1,000 fine for settling on Cochiti land. Ward asserted that, "The case, it was supposed, would settle and decide all the other cases." The United States used the terms of the Nonintercourse Act of 1834 as the basis for its argument.

Unfortunately, the District Court of the First Judicial District of New Mexico disagreed, ruling in 1867 that the act did not apply to the Pueblos of New Mexico. Justice John P. Slough, who was murdered by a political opponent later that year, ruled that the Pueblos were citizens of the United States and not entitled to the protections of the Nonintercourse Act. In his decision, Justice Slough argued that "The Pueblo Indians… were recognized as citizens of Mexico…[and]

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[59] "Annual report of Superintendent Norton, (extracts.)," 28 September 1866 (A. B. Norton, Superintendent of Indian Affairs to Cooley), *Annual Report*, 1866, 146.

as late as the year 1851, the Pueblo Indians of this territory, without question or interruption, not only voted, but held both civil and military offices…. They should be treated not as under the pupilage of government, but as citizens, not of a State or Territory, but of the United States of America." William Arny, Indian Agent for New Mexico, vehemently disagreed with Slough's conclusions. The decision, he argued, "will open the door for the despoiling of the Pueblo Indians of their property…they will soon be swindled our of their lands by designing men, and 7,000 pauper Indians will be thrown upon the government to be fed and clothed, who for years have supported themselves upon the lands granted them, without any appropriations from the government." He concludes, "These Indians have never claimed citizenship." In addition to losing their land, Ward believed the Pueblos would ultimately lose all faith in the United States government, toward which they had acted fairly and amicably up to that point.[60]

The *Ortiz* decision was devastating to Pueblo status and rights. In affirming Pueblo citizenship, Justice Slough gave official sanction to encroachments on Pueblo lands, forcing Pueblos to seek redress in New Mexico courts, courts controlled by non-Indians in which Pueblo peoples had little to no chance of receiving justice. But even more sinister was the fact that Slough affirmed Pueblo citizenship when the laws of New Mexico said otherwise. By judicial action, they were citizens, yet legislative actions had taken away the cardinal right of citizens: the vote. The only right they now possessed was the right to lose their land. Slough went to great lengths to praise the Pueblos, stating that crime was practically unknown in the Pueblos: "The

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[60] "Annual report of John Ward, special agent, Pueblos agency," 2 August 1867 (Ward to Norton), 207–208; "Letter of Agent Arny relative to the opinion of the chief justice of New Mexico, respecting the status of the Pueblo Indians," 11 March 1867 (W. F. M. Arny, United States Indian Agent for New Mexico to Charles E. Mix, Acting Commissioner of Indian Affairs), 215–216; "Opinion on Chief Justice Slough," The United States vs. Benigno Ortiz, 219–222, all in *Annual Report*, 1867; Deborah A. Rosen, *American Indians and State Law: Sovereignty, Race, and Citizenship, 1790–1880* (Lincoln: University of Nebraska Press, 2007), 189–190.

criminal records of the courts of the Territory scarcely contain the name of a Pueblo Indian." As such, the 1851 extension of the Nonintercourse Act over Indians in the Mexican Cession could not apply to them; they were not "wild Indians."[61]

Another case of a similar nature followed in January 1869. The United States again brought suit against an Hispano, one Juan José Lucero, who had moved onto Cochiti Pueblo land. The New Mexico Supreme Court handed down a decision very similar to that of two years before, agreeing with Justice Slough that Indians were citizens, and not entitled to any special protections under the Nonintercourse Act of 1834. The long decision, which reads partly like a biased history lesson, states, "[Indians] were as much and fully citizens of the republic of Mexico as Europeans and Africans." The same argument is presented that through the Treaty of Guadalupe Hidalgo, the Pueblos are United States citizens. Citizens are supposed to possess the right to vote, Watts concedes, but he writes:

> Whether the right to vote shall be…given to the pueblo Indian or taken away from him [is a question] not properly before us, and [is] to be judged of by the congress of the United States. It is to be presumed that congress has the right, if congress thinks proper to exercise it, to…disfranchise all the citizens…but it is the right and duty of the courts to see that every citizen of the territory of New Mexico, in conformity with the ninth article of the treaty of Guadalupe Hidalgo, "shall be maintained and protected in the free enjoyment of their liberty and property."[62]

In other words, the Pueblos were not entitled to any special protections; the Nonintercourse Act did not apply to them. Pueblo Indians were citizens and should be allowed to vote, but it was up to congress to see to it that this right was upheld. It was a completely hollow victory that opened up the Pueblos to more land grabs.

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[61] "Opinion on Chief Justice Slough," The United States vs. Benigno Ortiz, 219.
[62] Rosen, *American Indians and State Law*, 190; Mangusso, 91–92; *United States v. Lucero*, 1 N.M. 422 (1869).

Indian Agents were quick to criticize the *Lucero* decision. Pueblo Special Agent Lieutenant George E. Ford wrote on 8 September 1869:

> The decision...by Chief Justice Watts of the supreme court, has given rise to much uneasiness if not dissatisfaction among the Pueblos, and opens a way by which much injustice is done to them. By deciding that they are citizens under the treaty of Guadalupe Hidalgo, no action can be taken by their agent against parties for violation of the 'intercourse act' in locating upon the Pueblo grants, of which trespass several instances have been brought to my notice by the Indians themselves, while I am unable to give them the assistance it is their right to expect.

Pueblo Agent Charles L. Cooper wrote that, "in placing these Indians on the footing of citizens, and allowing them to sue and be sued, vote, hold office, &c. they are continually imposed upon and harassed by vexations [sic] prosecutions brought before the [Hispano] alcales, (justices of the peace,) who generally decide in favor of the Mexicans." The Pueblos were "not being allowed to vote," and they "do not want to become or be considered as citizens." Pueblo Special Agent Ford concluded by reaffirming the importance of Pueblo citizenship and civil government, which trumped all other forms of citizenship in importance to the Pueblo peoples: "These people have their own laws and form of government. When any question arises among them it is decided by their own governor and head men, to the satisfaction of all parties."[63]

As Ford pointed out, the Pueblos were growing particularly concerned about the state of affairs. The right to vote was no longer of primary importance. Judicial decisions had gone beyond that right. As the Pueblos now saw it, they were engaged in a life or death battle for their survival. If they were to retain the status of United States citizens, they had little to no chance of being able to protect their distinctive communities, cultures, religion, and Indigenous forms of

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[63] "Annual report of Lieutenant George E. Ford, U. S. A., special agent for the Pueblo Indians," 8 September 1869 (George E. Ford to Major William Clinton), 251; "Annual report of Lieutenant C. L. Cooper, U. S. A., agent for the Pueblo Indians," 8 September 1869 (Charles L. Cooper to Major William Clinton, Superintendent of Indian Affairs, Territory of New Mexico), 249–250, in *Annual Report*, 1869.

government. The vote could do very little to change that, even if they did exercise the right. A delegation of Pueblo leaders traveled to Washington in 1868. Special Agent Ward accompanied two Pueblo leaders, Alejandro Padilla and Ambrosio Abeita, to the capital, where they logged an official complaint with the Indian Office about a recent court decision that they feared would "unmake [the word they use is *desaser*, which essentially means to unmake] them as a distinct and separate people, and dispossess them of their ancient customs and rights, and will also deprive them of their land." A letter recounting the visit of this Pueblo delegation, written by Acting Commissioner of Indian Affairs Charles E. Mix, was addressed to New Mexico Superintendent of Indian Affairs L. E. Webb, who likely then forwarded a copy to Pueblo leaders from Isleta.[64] Mix instructed Webb to tell the Pueblos that even though the court had decided in an unfavorable manner, in the meantime the office would do what it could to protect Pueblo property and customs. Mix also ordered Superintendent Webb to instruct Special Agent Ward to inform the Pueblo delegates that their grievances and requests "will receive the attention they deserve in regards to this office all will be done to increase your happiness."[65]

Eventually, Commissioner of Indian Affairs under President Ulysses S. Grant, Ely S. Parker, took it upon himself to write to Juan Andres Abeita and Juan Rey Lucero of Isleta Pueblo

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[64] The notes for the letter indicate that this copy was translated into Spanish for Commissioner Mix by New Mexico Congressional Delegate José Francisco Chaves.

[65] "Spanish translation of letter from Acting Commissioner of Indian Affairs C. E. Mix, to Superintendent of Indian Affairs for New Mexico L. E. Webb," 7 May 1868, box 1, folder 23, Arthur Bibo Collection of Acoma and Laguna Pueblo Documents, New Mexico State Records Center and Archives, Santa Fe, New Mexico (hereafter Arthur Bibo Collection), translation by the author. The Arthur Bibo Collection is a singular set of documents relating to Pueblo land claims and history. Arthur Bibo was a descendant of Solomon Bibo, the only white man to ever be chosen governor of an Indian Pueblo. Solomon Bibo, who served as Acoma Pueblo governor in 1885, likely kept many of these items after he had served as governor and left Acoma in the late 1890s. The provenance of the other papers from after his time at Acoma is unknown. These documents are among the only ones of their type available in public archives and likely would not have been deposited in the New Mexico State Records Center and Archives if they were from another Pueblo or governor.

in order to reassure them that the federal government still cared about them. Parker, who was Seneca, told them that he wanted to help them "to advance [their] material and intellectual prosperity." How and when would this be accomplished? "In a day not too distant they will be put in a position so that they can exercise all of their pertinent Rights and privileges." He desired that all Indians "progress to agriculture and other trades and literacy, so that they can be qualified to be citizens of the Unites States. And have an equal voice with Whites in the making of laws for the benefit of the entire country."[66]

While Commissioner Parker can be forgiven for stating his desire to help the Pueblos progress to agriculture, his other statements are very interesting. The courts in New Mexico Territory had declared the Pueblo Indians citizens over the past few years, but he and the Indian Office apparently did not view them in this way. Furthermore, he placed conditions on the granting of citizenship to the Pueblos—they must first progress in agriculture, the mechanical arts, and literacy. Then, they would be "ready" for citizenship and the full enjoyment of their rights, and be able to take their place alongside whites in framing laws for the benefit of the nation. Besides being incredibly condescending, his letter also shows no real understanding of what the Pueblos truly needed at that moment. Full citizenship was a disastrous step backwards. These besieged Indians needed the protection of the Indian Service, and for their laws and customs to be respected. The Pueblos clearly understood this fact, and so did the Indian agents. But, we can come to no other conclusion than Commissioner Parker did not truly grasp the seriousness of the Pueblos' plight. It must be remembered that although Parker was the highest official in the Indian Service, he was familiar with the struggles of non-citizen Indians. He had

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[66] "Copy of letter from Ely S. Parker, Commissioner of Indian Affairs, Washington, to Juan Andres Abeita and Juan Rey Lucero," 23 December 1869, box 1, fol. 24, Arthur Bibo Collection, translation by the author.

trained as a lawyer, but was unable to sit before the bar because he was not a U.S. citizen.[67] Parker cut quite the complicated figure as he firmly supported assimilation and the allotment of Indian lands. While there is a distinct tone of paternalism and misunderstanding in his statements to the Pueblos, on some level he must have also empathized with their plight.

The *Ortiz* and *Lucero* decisions did little to clear up the citizenship status of Pueblo Indians, even if Justices Slough and Watts clearly stated that they were citizens of the United States. New Mexico Superintendent of Indian Affairs Nathanial Pope wrote in 1871, two years after *Lucero*, that, "A vexed question in this superintendency is, whether or not the Pueblo Indians are citizens of the United States." He mentioned the regular issues of land, but also made reference to electoral problems that resulted from encroachments, and competing authorities:

> In several of their villages the greater portion of the inhabitants are Mexicans, who elect their own alcalde and other officers, and insist upon controlling the affairs of the village; whereas it is the custom of the Indians, in each village, to choose from their number a governor, lieutenant governor, war captain, and an assistant, to serve for one year, whose duty it is to consult with their agent and superintendent in the management of the affairs of the village. In consequence of this conflict of authority, differences often arise, and street fights are not uncommon.

Superintendent Pope also asked that schools be established among the Pueblos, and concluded by stating, "I will simply characterize them [the Publos] as law-abiding, industrious, and self-sustaining." Pope also wrote in his 1872 report that, "The question of citizenship, I regret to say, has not yet been satisfactorily settled, and every year renders it more difficult to solve. The courts of this Territory have decided upon several occasions that the Pueblo Indians are citizens of the United States." He also indicated that, "during last summer two Pueblo Indians were placed on a United States jury at Albuquerque, in this Territory, in accordance with these

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[67] "Ely Parker – Chief, Lawyer, Engineer, and Brigadeer General," Appomattox Courthouse website, National Park Service, http://www.nps.gov/apco/parker.htm, accessed 16 September 2015. See also William H. Armstrong, *Warrior in Two Camps: Ely S. Parker, Union General and Seneca Chief* (Syracuse, N.Y.: Syracuse University Press, 1978.

decisions, but it is doubtful of this action will be sustained till their status is finally and definitely fixed by the Supreme Court of the United States"[68] Again, they had all of the characteristics of "good" citizens and civilized people, but were they or were they not citizens? There were token actions such as occasional jury participation by Indians, but Hispano and Anglo-American encroachments continued to severely threaten the Pueblo right to self govern.

The 1871 report also contains Pueblo Agent William Arny's fascinating in-depth report on the condition of the Pueblos at that time. He provides a glimpse into the disputes between Pueblos and outsiders. Early in his report, he points to a Pueblo characteristic that outsiders have noted throughout centuries of contact: "they do not like to be questioned on subjects which they believe to concern none but themselves." While the Pueblos were seen as mostly civilized and self-sustaining, they were also viewed as backwards and tribal. Non-Indians failed to recognize that they were, and ever remain, a very private people with an acute sense of propriety with regards to internal matters. When Arny's findings are considered, the precarious nature of the Pueblos' existence in territorial New Mexico becomes apparent. For example, at San Ildefonso, he counted 156 Indians and 373 non-Indians, while at Nambé there were 78 Indians and 175 non-Indians. In total, he put the number of non-Indians living on Pueblo lands at 5,543, with a total property value of $434,677. Realistically, "This is too much for the government to pay for the breaking up of some of the best settlements of citizens [non-Indians] within the Territory of New Mexico." Arny believed that non-Indians should be allowed to stay on Pueblo lands, thus

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[68] "Annual report of N. Pope, superintendent of Indian affairs," 25 September 1871 (Pope to the Honorable Committee on Indian Affairs), *Annual Report, 1871*, 371–372; "Nathaniel Pope, *New Mexico Superintendency*, Santa Fé, New Mexico," 10 October 1872 (Pope to Honorable Francis A. Walker, Commissioner of Indian Affairs), *Annual Report*, 1872, 300.

foreshadowing the Bursum Bill of 1922,[69] and claimed that the overwhelming majority of Pueblo Indians were willing to let the squatters stay on their land. In one of the more prescient summaries of Pueblo political status, Arny wrote:

> What shall be done with them in reference to our body politic? They are in the midst of and surrounded by our population, without any authority to mingle in our political affairs. They are independent sovereignties in the midst of one of the Territories of the United States; and these people have never received until now any aid from the Government of the United States to qualify them to become citizens. They have always been self-sustaining, and are a living evidence that Indians can sustain themselves in spite of opposition and frequent raids against them. They, however, must have, and are entitled to, the same protection that is afforded to the most favored. The faith of the Government was pledged to give it to them when they were acquired from Old Mexico with the territory upon which they live….the improvement of their moral and political condition…[and their transition to full citizenship,] can only be done by a system of industrial education.[70]

The Pueblos were "independent sovereignties" within the United States who had sustained themselves from time immemorial. Although such statements ring of the Indian self-determination and sovereignty of the modern era, at this particular moment, more than anything else the Pueblos needed protection. The United States had to live up to its treaty obligations and provide for the welfare of these people.

Important cases involving Pueblo land, political status, and citizenship would be decided in the mid-1870s. In the lead-up to these cases, New Mexico Superintendent of Indian Affairs L. Edwin Dudley reported that the attempts by non-Indians to solicit Indian votes had continued into the 1870s, after New Mexico court decisions had declared the Pueblos non-voting citizens:

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[69] The Bursum Bill was intended to settle longstanding land disputes between the Pueblos and those living within their original land grants. The bill would have proved disastrous to the Pueblos, as it would have decided many land and water disputes in favor of non-Indians. It was also one of the first large-scale mobilizations by national Indian organizations such as the Indian Rights Organization in favor of Pueblo sovereignty and rights. The Taos and Santa Fe arts communities also lobbied heavily in opposition to the Bursum Bill.

[70] "Annual report of W. F. N. Arny, agent of Pueblo agency," 18 August 1871 (Arny to Pope), *Annual Report*, 1871, 382, 387, 389, 393–394.

"they have often been solicited by aspiring candidates to exercise the right of suffrage, but in every instance they have refused, preferring to remain as wards of the Government."[71] Superintendent Dudley asserted that the Pueblos had exercised their agency and refused the vote. This was the only way to protect their status as distinct, sovereign peoples. The year after Dudley's report, another case involving encroachment on Pueblo land made its way to the New Mexico Supreme Court. *United States v. Santistevan* was a familiar scenario: an Hispano had moved onto Taos Pueblo land. With the help of the Indian Office, Taos Pueblo attempted to evict him under the terms of the Nonintercourse Act. The New Mexico Supreme Court dismissed the case, reaffirming the *Ortiz* and *Lucero* decisions. Once again, the Pueblos were at a state too far advanced to be grouped with the other "wild Indians" under the Nonintercourse Act.[72]

While the New Mexico courts repeated themselves with regularity, the Supreme Court of the United States finally heard a case involving Pueblo land. In *United States v. Joseph* (1876), the nation's highest court reaffirmed what the New Mexico courts had repeated on so many occasions. On one hand, the court held that the Nonintercourse Act of 1834 did not apply to the Pueblos. The decision reads:

> At the time the act of 1834 was passed there were no such Indians as these in the United States…The Pueblo Indians, if, indeed, they can be called Indians, had nothing in common with this class ["wild" Indians]. The degree of civilization which they had attained centuries before, their willing submission to all the laws of the Mexican government, the full recognition by that government of all their civil rights, including that of voting and holding office, and their absorption into the general mass of the population (except that they held their lands in common), all forbid the idea that they should be classed with the Indian tribes for whom the intercourse acts were made, or that in the intent of the act of 1851 its provisions were applicable to them.

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[71] "Annual report of L. Edwin Dudley, Superintendent," 15 November 1873 (Dudley to Honorable Edward P. Smith, Commissioner of Indian Affairs), *Annual Report*, 1873, 269–270.
[72] Mangusso, 94.

The court repeated the faux history lessons of *Ortiz*, *Lucero*, and *Santistevan*, and declared that the Pueblos had complete title to their lands. With said title, they could dispose of their lands at will. The court did not question the right of Pueblos to petition for redress on land issues in the courts, but it was quite clear that this was the responsibility of the Pueblos themselves, and not the federal government. What complicated this case and others like it even more was that they often involved non-Indians who had obtained some sort of title to the land they occupied. The Pueblos claimed that such sales and transfers of title were done without proper approval from Pueblo leadership, and were illegal under the Nonintercourse Act.

Unfortunately, since the 1834 act did not apply to the Pueblos, they could not eject individuals living on their lands if they produced some sort of title (and even if they did not): "If the defendant is on the lands of the pueblo, without the consent of the inhabitants, he may be ejected, or punished civilly by a suit for trespass, according to the laws regulating such matters in the Territory. If he is there with their consent or license, we know of no injury which the United States suffers by his presence, not any statute which he violates in that regard." In a puzzling move, the court declared, "We have been urged…to declare that they are citizens of the United States and New Mexico. But…we leave that question until it shall be made in some case where the rights of citizenship are necessarily involved." But in summarizing all of the rights of citizens that the Pueblos enjoyed under Mexico, and the United States' obligation to extend the same rights, the court *did* declare them de facto citizens. As historian Richard N. Ellis summarizes, the net result of all of these developments, from the entry of Kearny's Army of the West through the *Joseph* decision, was that "in practice…Pueblo people were denied suffrage because they were Indians [under the 1854 New Mexico law] and…they were also denied protection that the federal

government provided other Indian people [because they were too far advanced for such protections].”[73]

Pueblo Political Status after *Joseph*

With the sanction of the U. S. Supreme Court, Hispanos and Anglo-Americans continued their Pueblo land grabs. The Pueblos took their place alongside African Americans and women as the United States’ non-voting citizens, and saw their lands under attack for the coming decades. While these negative court decisions eroded Pueblo status as Indians, and excluded them from federal protection, Indian agents undertook a conscious effort to bring the Pueblo Indians from their “half-civilized” state to full civilization and citizenship. Pueblo Agent B. M. Thomas wrote in August 1876, “The Pueblo Indians are worthy of every effort that can be bestowed upon them to lead them to citizenship.”[74] For the agents, “every effort” mainly meant schooling, with agriculture also forming an important component of the civilizing mission. Writing in September 1865, Superintendent Felipe Delgado wrote to Commissioner of Indian Affairs William P. Dole: “But few of them can read, and the number is growing less every year from deaths. I regret to say that there is not a school in the Territory for the education of the Indians…[which would] prepare them to become useful and worthy citizens.” As historian Brian Dippie points out, for African Americans “agriculture would define a humble role in life as a

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[73] Simmons, “History of the Pueblos Since 1821,” 214; Mangusso, 94–95; *United States v. Joseph*, 94 U.S. 614 (1876); Edward P. Dozier, *The Pueblo Indians of North America*, 108; Richard N. Ellis, “Hispanic Americans and Indians in New Mexico State Politics,” 363. In Vine Deloria, Jr., and Clifford M. Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983), they argue that New Mexico was the only territory in which the territorial courts took an active role in deciding Indian cases, due to the perceived “civilized” and “sedentary” nature of these Indians. In the overwhelming majority of locations, such cases were under the jurisdiction of the federal courts (pp. 113–114).

[74] “Annual Report of B. M. Thomas, Pueblo agent,” 24 August 1876 (Thomas to the Commissioner of Indian Affairs), *Annual Report*, 1876, 111.

member of a permanent American peasant class; for the landed Indian, it would facilitate eventual mergence with white society." Through agriculture—which the Pueblos already practiced—and education, "yesterday's savages" would become "tomorrow's citizens."[75] While allotment in severalty was deemed impracticable for the Pueblos, education was pursued in earnest. As the United States embarked on the era of assimilationist Indian policy, it employed schools and vocational training to meet these goals. In their annual reports, the Indian Agents speak constantly of education and training in the industrial arts such as farming, carpentry, and blacksmithing. In addition to establishing schools at the Pueblos, agents began sending Pueblo children to off-reservation boarding schools. Agent B. H. Thomas reported in 1880 that he had "collected ten Pueblo children to be taken to the 'Carlisle Indian training-school.'"[76]

Progress in establishing schools was rather slow, and met with considerable resistance from the Pueblos. Pueblo Agent Pedro Sanchez's 1884 report oozes with disdain for Pueblo resistance to the civilizing project: "I am, indeed, extremely sorry to state that these

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[75] Brian Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Lawrence: University Press of Kansas, 1982), 108.

[76] "Report of F. Delgado, superintendent," 10 September 1865 (Felipe Delgado to Dole), *Annual Report, 1865*, 164; "Report of B. H. Thomas, Pueblo Agent," 1 September 1880 (Thomas to Commissioner), *Annual Report*, 1880, 133. In the same report, Agent Thomas recounts comments made to him by some Pueblo officers regarding their unprotected status: "Some of the Pueblo Indian officers have remarked that if they were to stop struggling to improve their condition and begin to murder and steal in all directions they would receive as much consideration from the 'great father' as the other tribes do" (p. 134). There was by no means agreement among the agents in New Mexico regarding Pueblo citizenship. Special Agent to the Pueblos J. K. Graves wrote in 1866 that compared to "other tribes," the Pueblos were "as distinct in all their habits and customs as light and darkness." While they added to the numerical totals of Indians, he felt that they "should be included with the citizenry rather than the Indians." See "Report of J. K. Graves, special agent," no date (J. K. Graves, United States Indian Agent for New Mexico to D. N. Cooley, Commissioner of Indian Affairs), *Annual Report*, 1866, 132. The Carlisle Indian Industrial School, established in 1879 by Colonel Richard Henry Pratt in Carlisle, Pennsylvania, served as the model boarding school for Indian children. Colonel Pratt had led Buffalo Soldiers and Indian scouts during military campaigns in the 1860s and 1870s, and had began educating Indian prisoners of war from Ft. Sill, Oklahoma at Ft. Marion in St. Augustine, Florida. He was convinced of the power of education to transform Indians into citizens.

Pueblos…are debased and *idiotized* by the effects of ignorance, indolence, and superstition, to which they abandon themselves to excess." They had not taken upon themselves the uplifting traits of "white society…instead of identifying themselves with it, they hate and fear it, because it attacks their superstition, loathes their vices, and punishes them for, their crimes. To this indigenous race the conquests of civilization are unknown and the law of progress utterly void." Agent Sanchez believed that mandatory education of their youths was the only way to combat Pueblo "superstition." He blamed their elected leaders for their state, and attacked those agents who argued that the Pueblos were "independent," and that their "governing councils for the administration of justice are composed of wise men." In his opinion, "It is only the civilized, educated, and energetic man that is independent. What wisdom is there in men who for centuries have lived among civilized people and are not yet ashamed to go naked?"[77] It is likely that Sanchez's background as a New Mexico Hispano during the period of fierce Pueblo-Hispano land disputes colored his opinions.

As Richard Henry Pratt had envisioned the boarding school program, Indian children would be separated from their tribal environments, but they would also be forced to interact with mainstream white society through working on white farms and in white businesses—the "outing program." In this manner, Indian pupils would receive industrial training, and also interact with whites in close quarters, thereby learning the superiority of mainstream culture.[78] The Pueblos offered staunch resistance to the project of assimilation through education. Understandably, the Pueblos did not like having their children taken away to boarding schools far from home, and

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[77] "Report of Pedro Sanchez, Pueblo Agent," August 1884 (Sanchez to Commissioner), *Annual Report*, 1884, 138–139.
[78] Brian Dippie, *The Vanishing American*, 116–117. See also Jacqueline Dear-Segal, *White Man's Club: Schools, Race, and the Struggle of Indian Acculturation* (Lincoln: University of Nebraska Press, 2007).

especially feared the influence such an arrangement would have on traditional culture. They had worked far too long and hard to allow outside influences to creep in. In 1897, Acting Pueblo Agent C. E. Nordstrom reported extensively on Pueblo school attendance, noting that many of the Pueblos now had day schools. But even the day schools attracted few pupils. At Santa Clara, for example, there were 78 children, of whom only 38 were enrolled with an average attendance of 7 boys and 10 girls. At Ohkay Owingeh, there were 84 children with 23 enrolled and an average attendance of 7 boys and 5 girls. Taos had 76 children, with only 31 enrolled and an average attendance of 11 boys and 5 girls. Laguna Pueblo fiercely opposed children being taken off-reservation for education. In their efforts, they even had the support of a rather progressive missionary stationed there, about whom Nordstrom complained: "According to his dictum the Indian should be taught in his own language [Keres] and children should never be separated from their parents; the transfer of children to nonreservation schools is therefore a 'cruelty'." When the agent reported that ten pupils had been found "eligible for transfer from this school…not a single case of 'consent' was recorded. And Laguna is considered as being among the foremost in 'advancement' of all the pueblos."[79]

Agent Nordstrom also reported an almost comical episode at Santo Domingo Pueblo. Santo Domingo—which today remains one of the most conservative Pueblos in New Mexico—turned away a female headmaster sent by the government. Pueblo leaders eventually allowed a male teacher to come to the Pueblo, but the governor refused to turn over the key to the

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[79] "Report of C. E. Nordstrom, Acting Pueblo Agent," 16 August 1897 (Nordstrom to Commissioner), *Annual Report*, 1897, 196–197. Besides the schools at the Pueblos, there were the larger boarding schools, Santa Fe Indian School and Albuquerque Indian School, established in 1890 and 1881, respectively. See Sally Hyer, *One House, One Voice, One Heart: Native American Education at the Santa Fe Indian School* (Santa Fe, N.Mex.: Museum of New Mexico Press, 1990) and John R. Gram, *Education ay the Edge of Empire: Negotiating Pueblo Identity in New Mexico's Indian Boarding Schools* (Seattle: University of Washington Press, 2015).

schoolhouse and bring the children to school. The governor told Nordstrom that he could not send the children since "this was a feast week." Nordstrom remarked that, "there is always a feast or a fast among these people." The agent eventually threatened to bring in a cavalry troop and arrest the governor and headmen and bring them to Fort Wingate if the children were not sent to school. The governor relented, but sent only the boys to school. When asked why he had not sent the girls, the governor replied, "education might be all very well for the boys, but it wouldn't do for the girls, who as soon as they got educated wanted to run off." In the end, Nordstrom reported feeling powerless and "humiliated," since he could not compel the governor of Santo Domingo Pueblo.[80]

Pueblo agents also reported disputes between Pueblo Indians supporting education and those opposed to its introduction. Indian Agent John H. Robertson wrote in 1892 that there were instances in which "for one year a progressive man (Indian) has been elected governor, favoring all the modern ideas of improvement." But, with the yearly elections of the governor system, "The following year a man of totally different ideas succeeds, and by his influence and position he undoes to a very great extent the work of progression previously started, in the way [es]pecially of education." Agent Robertson proposed empowering Indian Agents to remove any governors who "prove to be a stumbling block in the way of his people's improvement." Robertson wanted to tie Pueblo citizenship directly to education:

> I would recommend that all graduates, on attaining their majority and passing a satisfactory examination, such as may be prescribed by the Indian office, shall have the privilege offered them of becoming citizens of the United States. There is a feeling amongst returned graduates that they are still Indians and that they are in duty bound to return to their pueblos, whereas were they given citizenship they would be on an equality in this regard with the outer world, and would be more likely to act independently of their

[80] "Report of C. E. Nordstrom," 16 August 1897, *Annual Report*, 1897, 197–198.

> tribal relations and government, and to mix among the general population and follow the avocations they have acquired at school.[81]

As Indian policy in New Mexico evolved, Indian Service officials pointed to three conditions for Pueblo citizenship: 1. Pueblo Indians had to be educated in the American way; 2. "Progressive" Pueblo leaders who favored education and assimilation must be elected; and 3. Indian Agents must exercise more control of Pueblo internal affairs to insure that the requisite progress was made. Underscoring all of this was the belief of OIA officials that the Pueblos had to "earn" citizenship and the vote. While the most ignorant and uneducated white was a citizen by birth, a Pueblo Indian, who was legally a citizen under the terms of the Treaty of Guadalupe Hidalgo, had to become "educated" and shake off centuries of "superstition" and "backwardness" in order to take his place as a citizen of the United States.

Acoma Pueblo seemingly met all of these conditions in the late 1880s–early 1890s. In 1885, the people of Acoma elected Solomon Bibo governor of the Pueblo. Bibo, a German-Jewish entrepreneur, first secured a license to trade at Acoma and then married into a prominent Acoma family. Bibo, who was the only non-Indian to ever be chosen as governor of a Pueblo, supported education and progressive policies for the Pueblo. After his term in office, Bibo retained a great deal of influence at the Pueblo. The governor who followed Bibo strongly opposed sending Acoma children to off-reservation boarding schools. He came into conflict with Bibo and the progressive faction. The dispute escalated quickly, and, according to Bibo's account, which he wrote about in a letter to Richard Henry Pratt, the governor had men and boys horsewhipped and left hanging from whipping posts on September 2, the Feast of San Estevan, the Pueblo's patron saint. Pratt wrote to the Commissioner of Indian Affairs, urging him to take

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[81] "Report of John H. Robertson, Indian Agent," 30 August 1892 (Robertson to Commissioner), *Annual Report*, 1892, 335–336.

immediate action to break the power of the governor. As long as such men were in office, Acoma children would not be educated, the tribe would not become civilized, and they would never take their place as American citizens. The commissioner ordered the governor arrested and held by an Albuquerque sheriff, and the Pueblo Indian Agency placed Juan Rey, a young, progressive Indian, as interim governor until the elections of January 1890.[82] These events demonstrated that if the Pueblos would not accept education, civilization, and citizenship willingly, the Indian Service would take drastic steps to force them to do so.

At the same time, economic and other external forces began to converge on the Pueblos, speeding up the pace of Pueblo life to some extent. For example, in 1880 the Atchison, Topeka, and Santa Fe Railroad extended its line though five Pueblos, while the Denver and Rio Grande completed its grading through four others. The Atlantic and Pacific had begun grading its line, which would cross through three more Pueblos. While many Pueblo Indians viewed the railroads with suspicion and apprehension, some Pueblo men found employment with the railroad companies. They worked the rails at the Pueblos of Acoma, Laguna, and Zuñi in particular. Acting Pueblo Agent C. E. Nordstrom used Laguna as an example of how the railroad and schooling aided in the work of civilization:

> [Laguna has] made more rapid strides on the road to civilization than any of the Pueblos. This condition is entirely due to the advantages which inevitably come in the train of education. Between 125 and 150 of the young men have been educated at Carlisle and other industrial institutions provided by the Government, and these, almost without exception, are profiting by what they have learned. Nearly all of them are employed in some capacity or other by the Atlantic and Pacific Railroad, which runs through the village, the authorities of the road informing me that they prefer Indian labor to that furnished by the native Mexican.[83]

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[82] Minge, 71, 79.
[83] "Report of B. H. Thomas, Pueblo Agent," 1 September 1880, 133; Ward Alan Minge, *Ácoma*, 65; "Report of C. E. Nordstrom, Acting Pueblo Agent," 16 August 1897 (Nordstrom to Commissioner), *Annual Report*, 1897, 201.

In this regard, Anglo-Americans believed the work of assimilation could be viewed as a success in some select cases. Some Pueblo Indians even demanded their citizenship rights during the territorial period. One such Indian was a Laguna man by the name of Charles Kie, who worked as a car inspector for the Atchison, Topeka, and Santa Fe Railroad. Over a several-year period, Kie wrote numerous letters to Special Attorney for the Pueblo Indians A. J. Abbott. In his letters, Kie pointed to the injustice of New Mexico's denial of his right to vote, since he was a citizen of New Mexico and the United States. Abbott wrote to the Commissioner of Indian Affairs on Kie's behalf, and even initiated a lawsuit for Kie. Kie reported mixed results in his voting attempts—he succeeded on some occasions, while on others he was denied suffrage and even arrested at the polls.[84] But Kie, and the handful of other Pueblo Indians who voted or attempted to vote during the territorial period, were certainly the exception. As Superintendent C. J. Crandall wrote in 1904, "…the Pueblo have never been permitted to vote or exercise the right of citizenship. *Neither have the Pueblo demanded this nor asked for it*."[85]

United States Citizenship and Pueblo Refusal

The developments in Pueblo citizenship and voting in the late nineteenth and early twentieth centuries took place within a framework of national calls for citizenship by Indian reformers. These reformers and their allies viewed citizenship as the logical and necessary next step in the progression of the nation's Native peoples. The Friends of the Indian who met at Lake Mohonk, for example, adopted Indian citizenship and legal equality with whites as one of their

[84] Venturini, 59–62. The final outcome of Kie's legal battle is unclear.
[85] "Report of School Superintendent in Charge of Pueblo [Santa Fe Indian School]," 17 August 1904 (C. J. Crandall to Commissioner), *Annual Report*, 1904, 261, emphasis added by author.

principal proposals.[86] Organizations that mobilized on behalf of Indian rights in the last quarter of the nineteenth century, such as the Indian Rights Association and the Women's National Indian Association, were composed of evangelical Protestants from comfortable economic backgrounds. They hoped to Christianize Indian men, grant them citizenship, and transform them into Jeffersonian yeoman farmers. Through missionary work and education, they would hasten civilization, Christianization, and enfranchisement.[87] But it was extremely difficult for an Indian to attain citizenship during this period. John Elk, an Omaha who had abandoned his tribal membership and farmed on his own land, sued for his citizenship rights in 1884. A Nebraska voting registrar, Charles Wilkins, refused to allow Elk to vote since he was an Indian, and therefore not a citizen. The United States Supreme Court ruled in *Elk v. Wilkins* that Elk had not become a citizens simply because he had left a tribal way of life and farmed his own land.

According to John Wunder, Indians were defined as "noncitizen nationals." The only way to overcome this status was for an Indian to receive a special certificate from the Secretary of the Interior that stated he was a citizen.[88] Some federal policies aimed, at least in part, to grant Indian citizenship. Under the terms of the Dawes Act, for example, those Indians who received allotments, and eventually, titles in fee simple, became citizens of the United States.[89] Still, the process of transforming Indians into citizens proved extremely bulky and complicated. The

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[86] Francis Paul Prucha, ed., *Americanizing the American Indians: Writings by the "Friends of the Indian," 1880–1900* (Cambridge: Harvard University Press, 1973), 6.
[87] Valerie Sherer Mathes, ed., *The Women's National Indian Association: A History* (Albuquerque: University of New Mexico Press, 2015), 24; Valerie Sherer Mathes, "Mary Bonney, Amelia Quinton, and the Formative Years," in *The Women's National Indian Association*, 32. Indian women also received considerable attention from Indian reformers, particularly women reformers. But, they were not singled out for citizenship and enfranchisement, as Indian men were. The sexist tendencies of mainstream American politics were reflected in Indian reform work as well.
[88] John R. Wunder, *"Retained by the People": A History of American Indians and the Bill of Rights* (New York: Oxford University Press, 1994), 45–46.
[89] Francis Paul Prucha, *The Great Father*, 226.

question of U. S. citizenship for Indians would not be resolved until the Indian Citizenship Act of 1924, and even then Indians in New Mexico and Arizona would not be allowed to vote.

When Carlos Montezuma (Yavapai), Charles Eastman (Santee Dakota), Thomas Sloan (Omaha), Laura Cornelius (Oneida), Henry Standing Bear (Oglala Lakota), and Charles Dagenett (Peoria) gathered in Columbus, Ohio in the spring of 1911 to establish the Society of American Indians (SAI), they represented the most progressive, educated, and influential Indians of their day. Not surprisingly, they made citizenship for the Indian their prime objective. According to historian Frederick Hoxie, they believed that citizenship would "empower their members to become forceful actors in the nation's democracy." As an organization, they declared, "The open plan is to develop race leaders, to give hope, to inspire, to lead outward and upward….We ask every Indian to speak, to voice his wrongs, to tell of injustice." The organization solicited, and received, the support of Richard Henry Pratt, who applauded their call for citizenship, referring to it as "your good citizenship gun." SAI's founders believed that citizenship could be a powerful tool, or gun, which they could wield to help them live outside of the control of the Indian Office and turn back the constant assaults of their white neighbors.[90]

Pueblo Indians had been conspicuously absent from meetings of Indian activists. While Pueblo Indians certainly wanted to secure their rights vis-á-vis their position in the face of ongoing legal assaults and land encroachments, they displayed little desire to make their political mark on the national scene. There was no Pueblo Eastman, Montezuma, or Cornelius. Instead, elected Pueblo officers filed petitions, traveled to Santa Fe to meet with New Mexico governors, and even made the long trek to Washington, D.C. to lobby the Great Father and his representatives. The Pueblos had survived nearly four centuries of invasion and colonization

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[90] Frederick E. Hoxie, *This Indian Country: American Indian Activists and the Place They Made* (New York: Penguin Press, 2012), 225–227.

through adaptability and legal efforts, on the one hand, but more so through maintaining fiercely proscribed and closed societies. When James Calhoun wrote to the Pueblos in May 1850, on the eve of the ratification vote for a state constitution, he had offered them a choice: vote and become citizens of New Mexico and the Unites States, or refrain from voting and remain a separate and distinct people, governed by your own laws, customs, traditions, and leaders. It is hardly surprising that the Pueblos chose the latter.

From the late 1840s through the 1910s, Indian agents, superintendents, and others reconfirmed the Pueblo stance: the Pueblos controlled their own internal affairs and did not want to become part of mainstream society. Indian Service representatives and the Pueblos had worked out an arrangement whereby in exchange for largely staying out of New Mexico and United States politics, including elections, the federal government would protect the Pueblo right to self govern. As Pueblo Agent Silas F. Kendrick wrote in 1860, "Each village, or 'Pueblo,' as it is called, is a political community of itself, has its own complete organization; its own laws; its own tribunals; and its own officers for their enforcement. Probably there is no people, enlightened or otherwise, among whom the laws are enforced with greater regularity and efficiency." In 1859 New Mexico Superintendent of Indian Affairs J. L. Collins summarized this arrangement with this terse statement: "The internal government of these Pueblos is left entirely to themselves."[91]

While an element of coercive power certainly lurked in this arrangement, with the federal government implicit as the colonizer, the Pueblos clearly sought their own ends within this framework. The system of village government, which had evolved and adapted over the

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[91] "Report of Silas F. Kendrick, agent for the Pueblos," 25 September 1860 (Kendrick to Greenwood), *Annual Report*, 1860, 166–67; "Report of J. L. Collins, superintendent," 17 September 1859, *Annual Report*, 1859, 340.

centuries, remained essentially the same república system instituted by the Spaniards in the early seventeenth century. Deeply ingrained in Pueblo political organization, it had attained a status as an almost "traditional" element of Pueblo society.[92] The Pueblos fiercely clung to the governor system throughout the territorial period; Indian agents and others noted their resentment regarding any outside meddling in internal Pueblo affairs. On the list of Pueblo grievances, outside meddling in internal affairs was second only to land encroachment. As Pueblo Agent William Arny reported in 1871, "[The Pueblos] do not [even] like to be questioned on subjects which they believe to concern none but themselves."[93] Superintendent Crandall summarized the Pueblos' desire for complete village autonomy: "…the spirit of the Pueblo is to retain Indian customs and to live apart from the the [sic] state as much as possible." He wrote further, "This is…one…of the traits of the Pueblo. They desire to be independent of all white people, to have nothing to do with them…There is a greater desire among the Pueblo to live apart and be independent and have nothing to do with the white race than among any other Indians with whom I have worked."[94] The governor system, and relatively unobtrusive Indian agents, allowed for such autonomy in internal Pueblo affairs.

What, then, did Pueblo "internal control" look like during the U.S. territorial period? It bore a very close resemblance to the Spanish and Mexican eras. Each Pueblo elected its own officials on an annual basis, and these officials exercised the duties of their office. In addition,

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[92] See Simmons, "History of the Pueblos Since 1821," 211.
[93] "Annual report of W. F. N. Arny, agent of Pueblo agency," 18 August 1871, *Annual Report*, 1871, 382.
[94] "Report of School Superintendent in Charge of Pueblo [Santa Fe Indian School]," 19 August 1905 (C. J. Crandall to Commissioner), *Annual Report, 1905*, 272–273; "Report of Superintendent of Santa Fe School [Pueblo.]," 17 August 1906 (C. J. Crandall to Commissioner), *Annual Report*, 1906, 283.

the Pueblos continued to administer internal justice in the traditional way. Pueblo Agent José Segura reported to the Commissioner of Indian Affairs in 1890:

> …each Pueblo has some kind of tribunal in which they try offenders against their customs, rules, and regulations and mete out punishment to the convicted; and if reports are to be believed the punishment is sometimes quite severe. But these matters are never officially reported to the agent; he only hears of them incidentally. I can not possibly estimate the number so tried and punished. Some offenses that to civilized man is very trivial are considered heinous crimes by them, and the guilty party is severely punished.[95]

Coupled with yearly elections, the administration of internal justice was the most prominent display of Pueblo autonomy.

A few specific examples are illustrative. Anthropologist Elsie Clews Parsons, who wrote extensively on Isleta Pueblo during the first half of the twentieth century, relates events that took place at the Pueblo in 1904. One night, an intoxicated Isleta man was "being baited by some boys." The man became angry, and "took a strap and then grabbed [one of the boys] to choke him." The boy grabbed a rock with which to defend himself, and struck the intoxicated man in the head. The man died from the blow. The boys panicked and fled from the scene. Someone in the village saw the body later that night, and reported it to the dead man's father. The man's father alerted Isleta's sheriffs, who combed the village and arrested all men who were outdoors. The next day, they found the man's killer hiding in a bush. The governor, acting within his powers to dispense justice, had the young man fined $350 and a team of oxen. These items then went to the deceased man's wife. Some time later the Indian agent found out about the events. He could have insisted that the killer brought up on charges in a New Mexico court. But, he

[95] "Report of José Segura, Pueblo Agent," 25 August 1890 (Segura to Commissioner), *Annual Report*, 1890, 174.

agreed with the Isletans that the decision was fair, and did not pursue the matter any further.[96] This internal handling of justice had satisfied all involved, and it was in line with the agreement to allow the Pueblos to see to their own internal government, even, as in this case, in a serious capital offence.

Another case also comes from Isleta Pueblo. In an account originally related by Father Anton Docher, the French Franciscan who labored at Isleta for several decades, as he traveled by wagon performing his priestly duties, a severe sandstorm arose. Docher came across Vicente, the governor of Isleta, traveling alone in the storm. Docher tells of giving Vicente a ride, and also recalls the governor's words at his installation as governor: "I want no one to say when I surrender the Lincoln Cane of Authority, that I failed to lead the…People [of the sixteen clans] in the right direction." In the conversation between Docher and Vicente that followed, the governor asked the father if he had heard anything of a certain Isleta man in the village of Peralta, where Docher had been earlier to minister. The man in question had been gone for three days, and his wife had come to the governor because she was concerned. The governor feared the man might be dead. Vicente planned to employ the "Town Crier, the War Captain, the First and Second Lieutenant-Governors, and the two sheriffs on the job of hunting for the missing Isletan, after consulting of course, the *cacique* and the Business Council of Twelve."[97]

When the missing man, one Pedro Lucero, did not turn up, the people Isleta Pueblo searched for him for several days. The governor eventually announced that they had found a man by the name of Juan Montoya, who had last been seen riding with Pedro. Montoya was suspected

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[96] Elsie Clews Parsons, *The Pueblo of Isleta*, Indian Classics Series, Volume I (Albuquerque, N.Mex.: The University of Albuquerque, in collaboration with Calvin Horn Publisher, 1974), 252.

[97] Julia Keleher and Elsie Ruth Chant, *The Padre of Isleta* (Santa Fe, N.Mex.: The Rydal Press, 1940), 79–80. By this time Isleta had established a governing council of twelve men, called the Business Council of Twelve.

of foul play. Apparently, villagers had seen him by the river bridge "looking at the water in a very suspicious manner." After Docher traveled to Peralta again for a funeral of a tribal member, he returned to Isleta to find the governor and other secular officials, along with some Anglo-American surveyors who had been surveying for a new bridge, standing along the bank of the river. Nearby was an object on the ground covered in canvas. The governor said, "It is the body of Pedro Lucero. The white men found it in the river this morning. His head was smashed, and his hands and feet tied. We will have to lock up Juan Montoya again. I think he is the only one who has something to do with Pedro's death." They did not discipline him, though, and when Docher later saw Governor Vicente supervising men cleaning the acequia, Juan Montoya was among the workers. The governor said to the father, "You see we let him out of jail. Some one has to support Pedro's family. We might just as well let Juan do it."[98] Once again, Pueblo leadership had administered traditional justice to the approval of all involved. The Territory of New Mexico dispensed no justice; there was no trial in a New Mexico court, imprisonment of the accused, or eventual hanging.

In fact, these accounts contradict a short article penned by Father Docher himself for *The Santa Fe Magazine* in 1913 titled "The Quaint Indian Pueblo of Isleta." In his article, Docher summarizes systems of power then in place at Isleta: "The village of Isleta, like all other Indian pueblos, has a special administration which is recognized by the United States government. A cacique, appointed for life, has supreme power over his subjects. A governor, elected yearly by the people, is the judge in civil cases only. He has two assists, and, if the occasion demands, a grand council." But it is Docher's final statement regarding the administration of justice that belies the previous summary: "*All criminal cases are turned over to the district courts*, but

[98] Keleher and Chant, *The Padre of Isleta*, 82.

criminality is almost unknown among the Indians of Isleta."[99] According to the letter of the law, Pueblo officials were to have jurisdiction over civil cases only. But in practice, as in the Spanish and Mexican periods, they exercised jurisdiction in criminal cases as well. They did so with the tacit approval of federal officials, who had ultimate authority at the Pueblos. In these instances, the Pueblos exemplified independent Indigenous nations.

An episode that culminated during the term of Pueblo Agent Leo Crane, who served in New Mexico for most of the 1920s, provides a final example of how the Pueblos exercised sovereignty in internal electoral affairs with the support of Indian Service employees at the expense of territorial and state power. According to Crane, during Harold F. Coggeshall's time as Superintendent of Pueblo Day Schools during the early 1910s, factionalism had developed at Ohkay Owingeh Pueblo. The "worth-while Governor was deposed [so] that a very doubtful one should reign in his stead." The deposed Ohkay Owingeh governor complained to the superintendent that "the election had not been conducted in strict accordance with the customs of the people." The governor also "refused to yield the symbols of his office." An intriguing situation developed in which the "pretender" governor filed suit in the New Mexico Territorial Court to force the deposed governor to give up his Lincoln cane, Mexican cane,[100] Ohkay Owingeh's land grant patent, and the archives of the Pueblo. Before the territorial court's writ to deliver the items could be served, the governor deposited them with Coggeshall, who passed them on to his successor, Phillip T. Lonergan, who then gave them to his successor, Leo Crane. The case lasted until 1919, during which time the state court also decided in favor of the pretender governor. Lonergan had refused to comply with the state court, citing its lack of

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[99] Rev. A. Docher, "The Quaint Indian Pueblo of Isleta," in *The Santa Fe Magazine*, vol. 7 no. 7 (June, 1913), 32, emphasis added by author.
[100] Crane only lists the two canes, but he likely petitioned for the Spanish cane as well.

jurisdiction over a federal official, and he was even jailed for a time before resigning. Eventually, the federal court sided with the Indian Service employees in the case of the deposed Ohkay Owingeh governor. Crane observed, "Naturally, the Federal Court decided that *the State Courts [and Territorial Court before them] had no jurisdiction over questions of internal government of the Pueblo Indians*, and the state did not appeal the case."[101] Federal law protected Pueblo internal sovereignty in the late territorial period through the late 1910s, and territorial and state courts could not interfere in such matters.

Conclusion

In their numerous statements and actions, federal authorities recognized that Pueblo communities were ordered, efficiently run political entities with systems in place for establishing leadership and administering justice. In some cases, Indian agents intervened in internal Pueblo affairs, especially as factionalism expanded during the territorial period. They also stepped in when there were serious criminal offenses. But in the overwhelming majority of cases, the Pueblos resolved their own disputes, administered justice themselves, and saw to their own internal affairs. They had made their decision on citizenship. They would not focus on the acquisition of United States or New Mexico citizenship, but on the citizenship most important to themselves: Pueblo citizenship. By maintaining their culture, religion, and institutions against an almost overwhelming tide of encroachment, competing jurisdictions, and unfavorable courts, the Pueblos were continuing the same persistent struggle that had begun under Spanish domination. Armed not with the weapon of the "good citizenship gun," but with stable, proscribed systems of

[101] Leo Crane, *Desert Drums: The Pueblo Indians of New Mexico, 1540–1928* (Boston: Little, Brown, and Company, 1928), 293–294.

electoral politics and civil governance, Pueblo communities did all they could to maintain autonomy and sovereignty. Considering the obstacles, they succeeded to a relatively high degree.

In the decades preceding New Mexico's admission to the Union as a state, New Mexico attempted to implement taxes on Pueblo lands, since court decisions from the previous decades had classified Pueblos as citizens with titles to their lands. This proved the final test of the Pueblos' citizenship status during the territorial period. The Territory of New Mexico attempted to collect taxes on Pueblo property—lands in particular—and took the Pueblos, collectively, to court in 1900. The *Territory of New Mexico v. Delinquent Taxpayers* case reached the New Mexico Supreme Court in 1904. In his ruling, the Associate Justice J. W. Crumpacker stated, "Among other property on which taxes were delinquent, were the land grants…" The decision contains another lengthy summary of Pueblo rights and history; a history always told from the conqueror's point of view. Invoking the *Lucero* decision, the court held that "it seems clear that [the Pueblos] have…[the] right" to alienate their lands. Furthermore, "The right of alienation is one of the chief elements of property values, and is possessed by all citizens." As citizens, "they are subject to taxation." The defendants attempted to argue that the Pueblos were in a state of wardship, especially since "they have been deprived of the elective franchise." The court overlooked this lack of voting rights, asserting, "never has congress assumed to reduce them to a state of tutelage and their status has never been attempted to be changed by any act of the government." In terms of Pueblo property, the court pointed out that, "The United States has never assumed to take control of their property…it has quitclaimed to them and issued its patent for all their lands." The Pueblos were delinquent on their property taxes "for fifty years." In its conclusion, the court felt perfectly comfortable arguing two contradictory sides. While Indian agents and others had for decades pointed out that even though the Pueblos were "civilized" or

"semi-civilized," they were still Indians in need of the protections granted to the Indian peoples of the United States. The court, on the other hand, stated:

> It is true, no doubt, that the fact that these people live in communities, separate from the rest of the people, and have local self-government, and thus preserve, in a large measure, the characteristics of their ancient civilization, is the fact which appeals most strongly to the mind and causes it to rebel against the conclusion reached here; but when their history is seen and understood and their legal status examined, they are found to possess all the qualifications and rights of citizenship. They are not unlike, in this respect, the Shakers and other communistic societies in other parts of the country.

Having considered all of these points, the court ruled "that the Pueblo Indians of New Mexico are citizens of New Mexico and of the United States, hold their lands with full power of alienation, and are, as such, subject to taxation."[102]

The New Mexico Supreme Court ruled affirmatively on the citizenship status of the Pueblos, supporting all of the previous decisions. Furthermore, Justice Crumpacker reaffirmed the status of the Pueblos as non-voting citizens. The fact that Pueblo lands and property were deemed taxable only underscored the unfair position of the Pueblos. The supreme irony was that over three hundred years of colonization had eventually ended in the goal with which the Spaniards had embarked: to turn Indians into taxpaying citizens. But, these taxpaying citizen Pueblo Indians did not possess the gold standard of citizenship: the franchise. American policymakers had found a way to legally deny full citizenship rights, while still preserving the right of Hispanos and Anglo-American access to Pueblo lands. Pueblo Indians had little or no legal recourse in the adversarial courts, as evidenced by one negative decision after another.

The next year, the U. S. Congress took action on the issue of taxation. In its Appropriation Act of 3 March 1905, which covered the year 1906, Congress definitively

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[102] *Territory of New Mexico v. Delinquent Taxpayers*, 12 N. M. 139, 76 Pac. 316 (1904).

excluded the Pueblos from property taxes. In fact, the act excluded "lands now held by the various villages or pueblos…or by individual members," as well as "all personal property furnished said Indians by the United States, or used in cultivating said lands, and any cattle and sheep now possessed or that may hereafter be acquired by said Indians shall be free and exempt from taxation of any sort whatsoever, including taxes hereafter levied, if any, until Congress shall otherwise provide."[103] This resolved neither the citizenship nor the voting issues, but at least it provided some relief from territorial officials attempting to collect taxes on Pueblo property.

While this congressional action protected Pueblo Indians from property taxes, it opened the door for continued disenfranchisement of Indians when New Mexico entered the Union. Perhaps stinging from Congress's move to exempt the Pueblos from taxation, delegates to the New Mexico Constitutional Convention in 1910[104] moved to prohibit Indian voting once again. Article 7, Section 1 of the constitution reads:

> Every male citizen of the United States, who is over the age of twenty-one years, and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote thirty days, next preceding the election, except idiots, insane persons, persons convicted of a felonious or infamous crime, unless restored political rights, and Indians not taxed, shall be qualified to vote at all elections for public officers.[105]

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[103] Congressional Appropriation Act of March 3, 1905, quoted in Felix S. Cohen, *Felix S. Cohen's Handbook of Federal Indian Law* (Albuquerque: University of New Mexico Press, 1971), 386.

[104] The convention's one hundred delegates came from all twenty-four of New Mexico's counties. Seventy-one delegates were Republicans, and twenty-nine were Democrats. There were thirty-two Hispano delegates, all of whom were Republicans. There was not a single Indian delegate. See Sánchez et al., *New Mexico: A History*, 194.

[105] Article 7, Section 1, "Message from the President of the United States Transmitting Copy of the Constitution of New Mexico with Formal Approval Thereof, and Recommending the Approval of the Same by Congress," 61st Congress, 3rd Session, Senate Document No. 835, 24 February 1911 (Washington, Government Printing Office), 25.

For decades, the Territory of New Mexico had battled to legally designate Pueblo Indians citizens of New Mexico and the United States, while also denying their voting rights. Now Indians were kept from the franchise because of their tax status. The New Mexico Constitution also grouped Indians in the same class as "idiots, insane persons, [and] persons convicted of a felonious or infamous crime." Delegates ratified the constitution 21 November 1910, and the male voters of the territory—Indians not included—approved the document on 21 January 1911. President Taft signed New Mexico's admission document early the next year, and New Mexico officially became the forty-seventh state on 6 January 1912.[106]

The inclusion of the "Indians not taxed" clause in the New Mexico State Constitution would prove extremely important over the next nearly four decades, as Indians were completely barred from voting. And while there had been periodic efforts by individual Indians or small groups of Indians to vote during the territorial period, by 1912 the issue of Indian voting was essentially moot. Framing the years from 1846 to 1912 as a struggle to secure the Indian vote would be a mischaracterization. Rather, we should view the period as a continuing struggle by the Pueblos to retain their autonomy, sovereignty, and control of internal affairs. Pueblo Indians actively rejected citizenship, telling their Indian agents repeatedly that they did not desire to become citizens. They were already citizens of internal Indian nations, and this citizenship mattered most to them. They were already voters as well, participating in the annual elections for Pueblo officials. For them, citizenship in New Mexico and the United States held no appeal, as it would endanger their sacred land, their religion, and their institutions. A statement from Pueblo representatives dated 24 March 1904 best summarizes the Pueblo position. The New Mexico

[106] Venturini, 48–49; Mangusso, 97–98.

Supreme Court had just handed down the *Delinquent Taxpayer* decision, and the Pueblos were alarmed at the prospect of heavy property taxes. Representatives from the Eight Northern Indian Pueblos Council[107] met at the office of Ohkay Owingeh Pueblo Governor José Ramon Archuleta, and drafted a letter, in Spanish, to the Southern Pueblos to enlist their support in opposition to this decision. They were absolutely opposed to taxation of their lands, but they carried it a step further. The representatives stated, "It was decided that all of the pueblos that were there represented were opposed to participating as citizens in the public affairs of the Territory, and that we want to protest against the taxation of our lands." They concluded definitively with the following statement: "We ask all the Pueblos of the Territory to join together and consider these matters and take some action to make known to officials in Washington, and in this Territory, and to Congress that is now in session, *that we do not want to be citizens* and that we protest against the taxation of our lands."[108] The document lists the participating officers—governor, lieutenant governor, and war chief—from Taos, Ohkay Owingeh, Santa Clara, San Ildefonso, Nambé, Pojoaque, Tesuque, and Picuris. We can only assume that the ten Southern Pueblos, and Zuñi, were in agreement. The Pueblos had no desire to become citizens, and exercise the associated franchise; it offered no protection of their rights. The overwhelming majority of

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[107] Although they did not identify themselves as such, the representatives listed in this document come from the same Pueblos that are part of the current Eight Northern Indian Pueblos Council, Inc.

[108] "Officials of the northern Pueblos of Taos, San Juan, Santa Clara, San Ildefonso, Nambe, Pojoaque, Tesuque and Picuris to the officials of the Pueblo of Acoma. Statement of united opposition to Territorial Supreme Court decision declaring the Pueblo Indians citizens and their land subject to taxation and requesting united action of all Pueblos to oppose the decision with federal and territorial authorities," 24 March 1904, Arthur Bibo Collection, box 1, folder 31, translation and emphasis by the author. The document was addressed to Acoma Pueblo, and on typed paper. Each of the eleven Southern Pueblos must have received an identical letter. How this copy came into the hands of Arthur Bibo is unknown, but the Bibo family's influence at Acoma and Laguna continued long after Solomon Bibo's term as governor.

Pueblo Indians chose to forego the vote and participation in public affairs outside of their villages in order to preserve their stable, traditional, and ordered way of life.

Chapter 6

DISPERATE DESIGNS: INDIAN VOTING IN TERRITORIAL ARIZONA

Introduction

Unlike New Mexico, where Pueblo nations faced similar challenges during the assimilationist United States territorial period, Arizona's Native peoples confronted differing dilemmas from one Indigenous nation to the next. The inroads made by Spanish and Mexican culture and systems of government varied, sometimes drastically, from group to group. To the far north, Hopis had evaded colonial control since 1700. When United States officials entered the scene, they encountered a people whose life was still dictated by strict ceremonial cycles, traditional leadership, and a reluctance to accept any changes brought by the colonizers. The Hopi would prove a worthy adversary to the panoply of Americans—Indian Service employees, military officers, missionaries, educators, and reformers—who came to Tusayan after the late 1840s. These outsiders eventually focused their assimilationist agenda on schooling for Hopi children and land allotment for individual Hopi farmers in an effort to prepare them for citizenship and voting. Many Anglo-Americans who labored at Hopi reported enthusiastically about progress made by the "peaceful" and "tractable" Hopi. One went so far as to suggest that progressive, young Hopi men who had received allotments—thus qualifying for citizenship under the Dawes Act—were on the cusp of claiming their right to the franchise as United States citizens. But such pronouncements and progress proved a mirage. Hopis resisted United States influence just as they had that of Spain and Mexico. The much-anticipated Hopi citizen voter did not materialize before Arizona statehood in 1912. Hopi villages continued to operate as

sovereign, Indigenous nations, only allowing the degree of Americanization with which they were comfortable.

To the south in Sonora, the Yaqui endured the most violent period of their colonial existence during the decades following Mexican independence. The eight Yaqui villages, once the wellspring of Yaqui cultural and political development, suffered serious depopulation. Mexico resorted to wholesale extermination or deportation of Yaquis to the plantations of Yucatan, hundreds of miles from their homeland. Under these intolerable circumstances, many Yaquis moved to the cities of Sonora, where they changed their names to protect their identity and their lives. Others began a trek to safety in Arizona, and the resulting Yaqui exhodus saw thousands of Yaqui refuges cross the porous Mexico-U.S. border. Yaquis found refuge in their newly formed communities in southern Arizona, but the horrors of Mexico were still too fresh to forget. Yaquis did not transplant the governor system and complex pillars of village civil government from the eight villages. Fearful of deportation, Yaquis kept a low profile. In addition, Arizona officials did not view Yaquis as Indians; they were unlike Hopis, Navajos, or Apaches. They had no reservation, no trust land, no Indian agent, and no Indian status. Their only protection came from their status as refugees. A tragedy of their experience was that the intricate systems of government that existed in the Yaqui Valley were not to be found in southern Arizona; and neither was the right to the franchise in municipal elections.

Spain began colonizing the Piman peoples of the Arizona-Sonora Borderlands as early as 1687, the year of Eusebio Kino's first mission to the area. And while the region had experienced significant ebbs and flows in the degree of missionization and Hispanic presence, when the U.S. period began, Pimans had already dealt intimately with colonizers for nearly two hundred years. The governor system had declined sharply during the Mexican era, which meant that most Piman

communities had restored traditional modes of leadership; the United States would not find well-organized cadres of Spanish-style officers with varas de justicia and sharply defined duties. Even though these Piman peoples had not retained Spanish systems of government, federal officials still viewed them as "civilized" or "half-civilized," as they had the Rio Grande Pueblo peoples. The United States believed it could transform the Tohono O'odham of San Xavier del Bac, in particular, into civilized, voting, citizens who farmed land in severalty. But the allotment of O'odham lands at San Xavier did not produce O'odham voters. The farmer who served as the federal agent at San Xavier reported year after year that allotted O'odhams, who qualified for voting under the terms of the General Allotment Act, had failed to do so. Thus for Hopis, Yaquis, and Odhams in Arizona, the franchise remained a right unclaimed or undesired. Change would only come on the wings of the post-World War I and World War II political climate, when these Native peoples would actively pursue citizenship and voting.

The United States and the Hopi

When the United States assumed control of Hopi homelands in 1846, the area, as well as all of the current state of Arizona, was then designated as part of the Territory of New Mexico. Arizona did not become a territory until 1863. Not only did Arizona remain under New Mexican control for nearly twenty years, but Anglo-American contacts were delayed as well. According to historian Peter Iverson, Bill Williams was probably the first U.S. trapper to visit Hopi lands in 1827, and it is likely Williams guided Captain Joseph Walker's 1834 exploration which led to the deaths of twenty Hopis shot dead in the so-called "cornfield incident."[1] Governor James

[1] Peter Iverson, "The Enduring Hopi," 145. The cornfield incident occurred when the party of trappers attempted to steal corn from Hopi fields. The Hopis, already accustomed to Navajo and

Calhoun was the first U.S. administrator of Hopiland. While Calhoun met frequently with the governors and other representatives of the Rio Grande Pueblos, he had difficulty negotiating with the Hopi. What made meeting with the Hopi so difficult was the fact that both Navajo and Apache territory lay between Santa Fe and Hopiland, and the military was reluctant to provide Calhoun with the protective escort he deemed essential to safely visit Tusayan.[2] United States authorities and Hopis thus experienced infrequent early contacts.

Calhoun had every intention of visiting the Hopi, and establishing political ties with them, but he simply was unable to do so during his brief tenure in office. Arizona territorial officials also failed, and there is an easily discernable pattern in the relationship between colonial powers and Hopis: both Spain and Mexico had fallen short in their efforts to incorporate Hopis as well. Calhoun voiced his desires to establish contacts in 1850—and the inherent difficulties in doing so—stating:

> Beyond Zuñi…the Moqui country is reached—These Indians live in Pueblos, cultivate the soil to a limited extent, and raise horses, Mules, Sheep and goats, and, I am informed, manufacture various articles—
> I am extremely anxious to visit these Indians; but it would be unsafe to do so, without sufficient escort, as the Apaches are upon the left, and the Navajos on the right in traveling…to the Moquies…My information concerning the Moqui Indians is not of a character to justify me in making suggestions in reference to an Agent, or agents, further than to say, without an absolute examination by some one deputed for that purpose, information, precise and reliable, may not be looked for.[3]

Apache raids, attempted to defend their precious fields. Twenty men were shot dead by the trappers. See Harry C. James, *Pages from Hopi History*, 130.

[2] Harry C. James, *Pages from Hopi History*, 78–79. The risk of traveling unaccompanied by military escort was very real. Superintendent of Indian Affairs for Arizona George W. Leihy was killed in December 1866, allegedly by "Tonta [sic] Apaches," while traveling without an escort. See "Annual Report of G. W. Dent, Superintendent," 15 July 1867 (Dent to Hon. N. G. Taylor, Commissioner of Indian Affairs) in *Report of Indian Affairs, by the Acting Commissioner, for the Year 1867*, hereafter *Annual Report*, year (Washington: Government Printing Office, 1867), 154.

[3] "Calhoun to Commissioner Brown," 29 March 1850, in *The Official Correspondence of James S. Calhoun*, 172–73.

In other words, Calhoun felt unsafe visiting the Hopi villages without a military escort, and he was desperately short on information relating to Hopi customs and political protocol. He felt that he could not recommend an Indian agent be sent to them without first visiting in person to ascertain their condition and disposition.

It was the Hopi who inaugurated first contact when they came to visit Calhoun. The New Mexico governor received the first official Hopi delegation to United States officials in October of 1850:

> The Seven Moqui Pueblos sent me a deputation who presented themselves on the 6th day of this month. Their object, as announced, was to ascertain the purposes and views of the Government of the United States towards them. They complained, bitterly, of the depredations of the Navajos—The deputation consisted of the Cacique of *all* the Pueblos, and a *chief* of the largest Pueblo, accompanied by two who were not officials. From what I could learn from the Cacique, I came to the conclusion, that each of the seven Pueblos, was an independent Republic, having confederated for mutual protection.[4]

Calhoun's report to the Commissioner of Indian Affairs contains a number of telling statements. First of all, the Hopi were still smarting from Navajo raids and depredations, a situation that had persisted since at least the Mexican period. According to Iverson, Navajo raids and aggressions remained the foremost Hopi concern.[5] Second, in sending a cacique, chief, and two other leaders, Hopis demonstrated they were still governed by traditional religious leadership alone. Unlike the Rio Grande Pueblos, Hopis had no religious-secular division of government, and this had likely been the case since the destruction of Awatovi. Third, Calhoun described the seven Hopi villages represented by the delegation as "independent Republic[s]." Whether this was a nod to the earlier designation of the Pueblos as repúblicas de indios is impossible to say, but Calhoun and other New Mexico officials certainly had access to, and poured over, Spanish and Mexican records at

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[4] "Calhoun to Brown," 12 October 1850. Calhoun, Official Correspondence, 264.
[5] Iverson, "The Enduring Hopi," 145–146.

the Palace of the Governors.[6] It is a tantalizing idea nonetheless, and demonstrates that in the early territorial period United States officials viewed the Hopi Pueblos as independent political units. Despite his failure to visit the Hopi villages, James Calhoun wrote to Commissioner of Indian Affairs Luke Lea in 1851, "These Indians seem to be innocent, and very poor, and should be taken care of."[7] In the absence of firm political ties between the United States and Hopis, a status that persisted for several decades after the 1840s, issues of Hopi voting would not trouble Calhoun or several of his successors. While federal and territorial officials focused on issues of Rio Grande Pueblo citizenship and voting during this era, such concerns did not surface at Hopi until a later date. Instead, the Hopi Pueblos functioned as independent nations at this time.

By the time the Indian Office had established an agency among the Hopis in 1869,[8] a number of visitors had entered their territory. One important visitor, United States Army Lieutenant Joseph C. Ives, directed a party dispatched to explore the Colorado River by steamboat in 1857–58. Despite the ugly cornfield incident and the lack of United States response to Hopi pleas for assistance against the Navajos, when Ives's party reached the outskirts of the Hopi villages on 11 May 1857, they were met by two mounted Hopis "arrayed…in their best attire." The two Hopis were extremely friendly, "each insisting upon shaking hands with the whole company." Ives identified one of the pair as the leader, recalling that, in spite of his friendliness, his "pleasant, intelligent face…expressed, however, misgivings as to our character and object in coming into that unvisited region." After the group was directed to the first Hopi

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[6] Secretary of the Territory of New Mexico William G. Ritch was one such official, who famously stole many documents out of the New Mexico Archives at the Palace of the Governors. They eventually found their way to the Huntington Library in San Marino, California.
[7] "Calhoun to Commissioner Lea," 31 August 1851. Calhoun, Official Correspondence, 415.
[8] The agency was originally known as the Moqui Pueblo Agency, after the common Spanish term. It was changed to the Hopi Agency in 1923, but I have chosen to refer to it as the Hopi Agency in the present chapter out of personal preference.

village, a "pleasant looking middle-aged man" approached the Americans. Aside from being adorned with a "handsome shell" around his neck, Ives noted astutely that he had "a kind of baton in his hand." Ives surmised that he was a "chief."[9] It is difficult to say whether the baton was solely traditional Hopi practice for leaders, or some remnant of the varas de justicia tradition the Spaniards must surely have initiated over two hundred years earlier. Hopi chiefs wielded some sort of traditional ceremonial club or staff, as had the Rio Grande Pueblo leaders in the pre-contact period, but the term "baton" has a certain connotation, one that lends itself well to the idea of the varas de justicia. Unfortunately, Ives makes no comment on the physical appearance of the baton.

Ives held long conversations with his chiefly host, who, among other things, indicated that, "Comanches and Navajoes had driven off a great deal of their stock during the previous year. The Moquis do not look warlike, and but for their natural and artificial defences [sic] would doubtless long ago have been exterminated by their powerful and aggressive neighbors."[10] Ives also encountered the more resistant group of Hopis at Oraibe, whose chief he described as "the senior of all," "out of humor," and "ill temper[ed]." The chief refused to allow any of his people to guide the party on its trip north toward to Colorado, and when one of the junior Hopi leaders expressed a desire to accompany the Americans, the man, who "was friendly in his

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[9] Joseph C. Ives, *Report Upon the Colorado River of the West, Explored in 1857 and 1858 by Lieutenant Joseph C. Ives, Corps of Topographical Engineers, Under the Direction of the Office of Explorations and Surveys, A. A. Humphreys, Captain Topographical Engineers, In Charge. By Order of the Secretary of War* (Washington: Government Printing office, 1861), 119–120. Ives was an astute observer. After being led to a dwelling where he and his men were to spend the night, he commented on being brought "a tray filled with a singular substance that looked more like sheets of thin blue wrapping paper rolled up into bundles than anything else that I had ever seen. I learned afterwards that it was made from corn meal, ground very fine, made into a gruel, and poured over a heated stone to be baked. When dry it has a surface slightly polished, like paper. The sheets are folded and tolled together, and form the staple article of food with the Moqui Indians." (121) This, of course, was the famous Hopi piki bread.

[10] Ives, *Report Upon the Colorado River of the West*, 122.

manner…said that he could not go while his superior objected." Ives was pointing to the unanimous nature of Hopi leadership. Even though he might have disagreed with his superior, the junior leader stood aside in favor of group unity. Surprisingly, when the Americans left unaccompanied the next morning, the Oraibe chief sent a guide after them; without his help they would not have found a trail north leading to the next watering hole. Ives commented, "we began to think the old fellow less churlish than he appeared, and gladly availed ourselves of his civility and the new-comer's knowledge."[11]

Although Ives observed few details of Hopi government, he indicated how Americans viewed Hopi power structures in these early encounters. In addition to his narration of the need for unanimity in community matters and the use of a baton by the Hopi leader, Ives also referred on several occasions to Hopis as "citizens" of their various villages.[12] Surprisingly (or perhaps not), despite the fact that the Hopis had fed, watered, accommodated, and guided Ives, his party, and their numerous animals, he concluded that Hopis were quick to "lounge and gossip." Although they were honest and did not steal, "their promises are not to be relied upon. They want force of character and the courageous qualities which the Zuñians and some other Pueblo Indians have the credit of possessing." Like the Spaniards and Mexicans who preceded him, Ives failed to grasp the complex structure of Hopi government and the machinations of their governance: "Their chiefs exercise a good deal of authority, but by what tenure they hold their power, or how many there are, we could not learn."[13] The many-layered nature of Hopi government would remain a mystery to Anglo-Americans for decades.

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[11] Ives, 124.
[12] Ibid., 126.
[13] Ibid., 127.

Another U.S. visitor to the Hopi arrived at the very moment of the agency's establishment. Thomas Edwin Farish, who penned the eight-volume *History of Arizona* from 1915–1918, included quotes from one Dr. Edward Palmer, who visited Oraibi in May of 1869.[14] Dr. Palmer stated that during his visit, "The Governor [of Oraibi] invited Mr. Colyer, Lieut. Crouse and myself to dine with him at his house. He received us cordially, showing us a silver headed ebony cane, a gift from President Lincoln." The Hopi headman was in possession of one of the famous Lincoln canes. Farish was also of the opinion that Hopis were American citizens. Quoting Thomas Donaldson from the Eleventh Census of the United States (1893), "The Moqui Pueblos of Arizona and Pueblos of New Mexico are citizens of the United States by virtue of the laws of the Mexican republic."[15] This was the opinion of one commentator in 1893, and Farish agreed, but this was not the common view of Hopi in the early decades of the United States period. The most interesting takeaways from the 1869 encounter reported in Farish's *History of Arizona* was that Dr. Palmer referred to the leader at Oraibi as a governor, and that he was in possession of a Lincoln cane. Perhaps his reference to a Hopi governor was colored by experiences with the Rio Grande Pueblos, but there can be no mistaking a Hopi leader possessing

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[14] Thomas Edwin Farish was an explorer, miner, and politician. He served as Arizona State Historian in the 1910s. Dr. Edward Palmer was born in England in 1821, and after emigrating to the United States at the age of eighteen, he became enamored with natural history. He was associated with the American Academy of Sciences, and undertook numerous expeditions to locations in both North and South America. After serving as a surgeon in the U. S. Army during the Civil War, Palmer was sent by the Commissioner of Agriculture in 1869 to New Mexico to report on agricultural resources, soil and climate, commercial products, and the general habitability of the territory. He crossed over into Arizona during this expedition, and spent time among the Hopis [see William Edwin Safford, "Edward Palmer," *Popular Science Monthly*, vol. 78 (April 1911), 341, 345]. All of this biographical information is to establish Dr. Palmer is a reliable source, since he makes a remarkable claim about the Hopis.

[15] Thomas Edwin Farish, *History of Arizona, Volume VII* (San Francisco, Calif., Ariz.: Filmer Brothers Electrotype Company, 1918). From the Books of the Southwest Series, University of Arizona Library Southwest Electronic Text Center, http://southwest.library.arizona.edu/hav7/, 148, 157.

a Lincoln cane—either the cane was fake, Palmer had made up the story, or the village chief at Oraibe somehow had received a Lincoln cane.[16]

When an agency for the Hopis finally opened in 1869, federal officials chose Fort Wingate for its location. Special Agent A. D. Palmer, writing to Commissioner Ely Parker in 1870, reported that the Hopi were anxious to receive smallpox vaccinations upon his visit to the villages. He duly vaccinated some four hundred and seventy-eight Hopis, and revaccinated three hundred and forty more. Special Agent Palmer also commented, as many before him had noted, that, "the Moquis are not progressive in their work, clinging strongly to their traditional customs in everything they do. They are much attached to their villages and country, and extremely jealous of innovation." Palmer surmised that a general lack of Hopi enthusiasm at his arrival was due to the fact that "several Americans, who formerly visited them, counted their people and promised them aid, [but] failed to fulfil [sic] their promise." He summarized the American stance on Hopis with the following statement: "They are the most ignorant and superstitious tribe I have

[16] I will return to this 1893 discussion of Hopi citizenship later. As for Dr. Palmer's story, it is the only source that I have ever come across that refers to Lincoln canes being presented to Hopi leaders. It presents an intriguing possibility. For one thing, the canes were made in Philadelphia, Pennsylvania in 1864 by order of Dr. Michael Steck, Superintendent of Indian Affairs for the Territory of New Mexico. They were then "immediately delivered to nineteen pueblos" in order to commemorate the United States's confirmation of the Pueblo land grants [See Martha LaCroix Dailey, "Symbolism and Significance of the Lincoln Canes for the Pueblos of New Mexico," 127]. This would put the Hopi in an interesting spot. For one thing, Arizona gained territorial status in 1863, and Indians in the territory, including Hopis, were administered through the Arizona Superintendency. Furthermore, in her article on the Lincoln canes, Martha LaCroix Dailey does not once mention Hopi canes. She specifically states that Steck's accounts only show receipts for nineteen canes (p. 133). This is admittedly an area that will require further research, but I am having difficulty locating any sources that would cast further light on the subject. Suffice it to say that the possibility of Hopi Lincoln canes is an intriguing one, and will be quite a discovery if it can be further verified. I have not been able to determine where Palmer's account originally appeared, but my search is ongoing.

ever seen, due, I believe, to their isolated position."[17] What Palmer had actually noted was a longstanding resistance to colonial control, and, like his predecessors, Palmer discerned nothing regarding traditional patterns of Hopi governance and power structures.

From the 1870s on, agents began to speak of a strategy for civilizing the Hopi. Just as agents were attempting to establish schools among the Rio Grande Pueblos during the era of federal expansion in Indian schooling, the Indian Office moved forward with similar plans for the Hopi. Unfortunately, the singularity of village locations proved a constant concern. Writing in 1872, Agent W. D. Crothers commented, "Their locality is so remote from civilization, that in order to make much progress in civilization there must be a greater number of schools established among them…" He also noted the reluctance on the part of Hopis at Oraibi to cooperate with American officials, a problem that would persist for decades.[18] Crothers held firm to the American belief that education would do the work of civilizing. From the U.S. perspective, this would eventually lead to Hopi citizenship, and, potentially, Hopi voters.

Initially the Hopi Agency had an exceedingly high turnover, but by 1875, Agent W. B. Traux became perhaps the first United States Indian official to make specific references to Hopi citizenship. By this time the agency had a boarding school, which had finally been moved close to Hopi lands ("some fifteen miles from the nearest Indian [Hopi] village"). According to Agent Traux, "All of the pupils were boarded, clothed, and furnished lodgings here." He reported enthusiastically that parents had requested more schools at the villages, since a boarding school proved to be an inconvenience for many of them. He also recommended two additional teachers for a school "located as to be within convenient reach of six of the villages…[which] would

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[17] "Annual report of Captain A. D. Palmer, United States Army, agent for Moquis Pueblos, 30 September 1870 (Palmer to Commissioner Parker) in *Annual Report*, 1870, 134–135.
[18] "Report of W. D. Crothers, Moquis Pueblo Agency, Arizona," 20 September 1872 (Crothers to Commissioner Walker) in *Annual Report*, 1872, 324.

afford facilities to almost the whole tribe for educating their children." Truax believed that if such measures were implemented, "These Indians, living in permanent abodes, far removed from all disturbing causes, *and to some extent civilized*, furnish a most hopeful field for missionary and educational effort." But, he cautioned, "The Bible and the common school must be given them, *if they would ever rise to the true position of citizens*. I believe that no nation or people ever will, by their own efforts, lift themselves out of a state of degradation and barbarism into a permanent civilization."[19] Traux believed that Hopis could "rise to the true position of citizens," but, repeating the mantra of his cohorts, he inserted the common claim that only schools and the Bible would accomplish this goal. The agents who followed would carry Traux's ideas to the next step, suggesting that Hopis become voters as well.

In the middle of the 1870s a number of conditions challenged the Indian Service's work among the Hopi. First, the Hopi had never received a land grant from the Spanish or Mexican governments. Further, they did not possess a reservation. As Agent Traux indicated in his 1876 report, with "no reservation or title to the country they are now occupying, consequently they are…liable to be imposed upon in various ways." The agent also believed that the soil near the mesas was approaching the critical point of exhaustion, and he recommended Hopis farm a river valley fifteen miles from their villages. He even supported the idea of possible Hopi removal to Indian Territory, but conceded, "They told me emphatically they would never leave their present abodes, unless forced to do so." He suggested that in order to solve the issues of encroachment, and to avoid further degradation, a reservation for them should be set aside. The school was

[19] "Report of W. B. Traux, Moquis Pueblos Agent," 31 August 1875 (Traux to Smith), in *Annual Report*, 1875, 212, emphasis added by author.

already proving successful, and "A good portion of the scholars have a strong desire to obtain education 'that they may be like Americans.'"[20]

But the Hopi school closed down in September of 1876 after only a few years of operation. The agency turnover continued, and Agent William R. Mateer reported in 1878 that the Hopis were "an exceedingly superstitious people." Frustrated with the failures of Hopi schooling to that point, Agent Mateer suggested that "six of the brightest Moquis boys, sixteen years of age, be sent to a State normal school for four or five years…These young men upon their return would make competent teachers…[and] certainly do much toward educating, civilizing, and christianizing these Indians."[21] In spite of the recommendations of the Hopi agents, Americans saw little Hopi progress toward "civilization" as the 1880s began. In a positive development, on 16 December 1882 President Chester A. Arthur finally set aside a Hopi Reservation through the means of an Executive Order.[22] A reservation provided some degree of protection for Hopi lands. While Americans had viewed the Rio Grande Pueblos as "civilized" or "half-civilized," they did not consider Hopis in the same class. Neither Spain nor Mexico had granted the Hopi their land. Their lack of civilization and land grant meant that there was no question as to their citizenship status. As uncivilized reservation Indians, Hopis were firmly wards of the federal government.

Beginning in the early 1880s, the Hopi endured a rather rocky relationship with the Indian Office. By 1882, the Presbyterian Board of Home Missions had opened a day school with

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[20] "Report of W. B. Traux, Moquis Pueblo," 26 September 1876 (Traux to Commissioner) in *Annual Report*, 1876, 5–6.
[21] "Report of William R. Mateer, Moquis Pueblo Agency," 24 August 1878 (Mateer to Commissioner) in *Annual Report*, 1878, 8–9.
[22] James, *Pages from Hopi History*, 100.

a staff of two teachers, but it was sorely underfunded and supplied.[23] In addition, the OIA abandoned the Hopi Agency for five years: 1882–1887. Furthermore, from 1882 to 1889, the Indian Service jointly administered Hopis and Navajos. It was an administrative mess, to put it lightly. The United States finally sent James Gallaher to serve as Hopi Agent in 1887. Based at Keams Canyon, where the agency had been moved in 1873, Gallaher and his staff ushered in the opening of a school at Keams Canyon on 1 October 1887, with an initial enrollment of fifty-two pupils.[24] The work at Hopi would take on a decidedly different air after the late 1880s. Agents would ramp up their efforts to civilize the Hopis and transform them into citizen voters.

While earlier agents had largely failed in their civilizing efforts, the redoubled effort by those who followed had dire consequences. The Indian Service touted its successes at Hopi, failing to see, or ignoring, the negative consequences of its work there. Historian Harry C. James notes that beginning in the late 1880s, Hopi agents worked "with a determined dedication to do everything within their power to make the Hopi over into an imitation and second-class white man, rather than the best type of Hopi citizen." Furthermore, officials actively sought to undermine or sidestep traditional patterns of Hopi leadership and governance: "It is only too evident that the men who came out as representatives of the BIA did not even consider the age-old indigenous system of government the Hopi had worked out for their villages. Certainly, no attempt was made by these government officials to work through the traditional leaders of the villages."[25] The Indian Office began to employ numerous tactics in its attempt to civilize the Hopi villages: schooling, allotment and private property, employment, and religion. All four were intertwined in some way or another, and, as E. Charles Adams and M. Nieves Zedeño point

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[23] "Report of J. H. Fleming, Moquis Pueblo Agent," 31 August 1882 (Fleming to Commissioner) in *Annual Report*, 1882, 5.
[24] James, 100–101, 106–107.
[25] Ibid., 108, 110.

out, these tools would function to bring Hopis, who were perceived as being "in a much lower stage of social development," into the American mainstream. With these measures successfully employed, "Indian citizenship would be, in evolutionary terms, the inevitable consequence of progress and civilization."[26]

With the passage of the General Allotment (Dawes) Act in 1887, which corresponded to the reopening of the Hopi Agency, the Indian Service saw a perfect opportunity to change the people they perceived as superstitious and overly communal. The Hopi allotment plan, which aimed to break up the communal villages and their social and political structures, began to crystallize in 1891. The Indian Office contracted an outsider to survey Hopi lands for individual allotments. Indian Service officials promised lumber and other supplies to those Hopis who accepted allotments. They hoped to move the Hopi off of the mesas and into the valley floors to farm.[27] Hopis had practiced agriculture for centuries, but Indian Office bureaucrats reasoned if Hopi farming communities could be modeled after Anglo-American patterns, Hopis could be much more easily educated, surveilled, and controlled. American officials succeeded in surveying one hundred and twenty thousand acres of land, and made individual allotments to Hopis who would accept such parcels. Agents reported enthusiastically that they had equipped twenty houses upon individual land allotments with stoves, beds, and other modern conveniences. Unfortunately, they also pointed out that even allotted Hopis continued with traditional subsistence patterns, moving from their new valley homes to the mesas during certain parts of the year. Hopis considered their allotments as seasonal abodes.[28]

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[26] E. Charles Adams and M. Nieves Zedeño, "BAE Scholars as Documenters of Diversity and Change at Hopi, 1870–1895," in *Journal of the Southwest*, vol. 41, no. 3 (Autumn, 1999), 313.
[27] James, 111–112.
[28] Ibid., 114.

The allotment work was completed by 1894, but all had not proceeded as planned. Commissioner of Indian Affairs Daniel N. Browning reported to the Secretary of the Interior:

> The work of allotting lands in severalty to the Indians of this [Hopi] reservation has been discontinued. All but a few of the Indians had made their selections…but a small number continued their opposition to the allotment work. This opposition together with formal objections to the approval of any of the allotments presented to this office by friends of the Indians, led to a discontinuance of the work in February last.[29]

Agent E. H. Plummer, who was Navajo Agent at that time, administering both groups once again, wrote flatly to the commissioner: "There is little, indeed no, improvement in the condition of the Moquis in the past year." The plan to move the villagers off the mesas had simply not worked. They had no desire to move, and resisted all efforts to that end. While they were "very friendly to the whites and appear anxious to learn and have their children educated"—except at Oraibi, of course[30]—enrollment at the Keams Canyon boarding school was down, and the day schools averaged only around thirty pupils in attendance. Plummer concluded that allotment was not feasible. The Friends of the Indians had petitioned for an end to Hopi allotment, and Plummer favored this action.[31] This episode effectively closed the book on Hopi allotment, which had been a complete failure. Allotment might have accomplished the U.S. goal of citizenship for Hopis, as allotted Indians at this time automatically became citizens, but Hopis fought valiantly in favor of their traditional village structures and way of life. Since there were no allotted Hopi citizens, there were also no Hopi voters for the time being.

Not only had allotment failed, schooling also struggled at Hopi. Reporting in 1897, Agent Constant Williams wrote to the Commissioner of Indian Affairs, "There are not sufficient school

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[29] Attributed to Commissioner D. N. Browning (source not specified) in James, 114.
[30] Oraibi, located on Third Mesa, offered some of the stiffest resistance to federal assimilation efforts.
[31] "Report of Navajo Agency," E. H. Plummer, 17 August 1894 (Plummer to Commissioner) in *Annual Report*, 1894, 100–101.

accommodations for the Moqui children…"[32] Williams elaborated during the following year: "The school plant at Keam's Canyon is old and the buildings are in bad order." He suggested that a new school be built.[33] The following year, Williams's replacement, Agent G. W. Hayzlett, was a bit more positive about the situation. He commented: "The Moqui is quite provident….They are industrious and appear to be a very quiet and peaceful people." Hayzlett concluded using a familiar measuring stick of civilization: "All dress mostly in citizens' clothing."[34] The arrival of School Superintendent Charles E. Burton would signal a significant change at Hopi. Burton pursued a forceful policy with the Hopi, one that earned him a great deal of infamy in Hopi history. But, he was the first American official at Hopi to take seriously the prospect of Hopi citizen voters at the turn of the twentieth century.

When Superintendent Burton reported to Commissioner of Indian Affairs William A. Jones in 1902, he proudly listed the schools at Hopi: Moqui Training School at Keams Canyon, Polacca Day School, Second Mesa Day School, and Oraibi Day School. More Hopi children were being educated in American schools than at any time in the past. But, as pleased as he was with the schooling, Burton was more enthusiastic about Hopi involvement in the operation of trading posts and other establishments. He reported:

> There are now five stores on the reservation run entirely by Indian young men on their own capital….*No other features of my work here has had better tendencies toward*

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[32] "Report of Navajo Agency," Constant Williams, 27 August 1897 (Williams to Commissioner) in *Annual Report*, 1897, 107.
[33] "Report of Navajo Agency," Constant Williams, 27 August 1898 (Williams to Commissioner) in *Annual Report*, 1898, 124. Williams also reported that Hopi allotments had been made at Moenkipi Wash, and that these allotments had been confirmed by the Department of the Interior, with all white claimants to these lands notified of Hopi ownership (p. 124).
[34] "Report of Navajo Agent," G. W. Hayzlett, 18 August 1899 (Hayzlett to Commissioner) in *Annual Report*, 1899, 158, 159.

> *civilization*. These young men are learning to be keen traders and to compete successfully with the white man instead of cowering in servile obedience to him.[35]

The civilizing work of federal and denominational representatives had stretched for several decades. By 1902, officials could count some successes as measured by American standards. But Burton was categorical that *nothing* had worked more toward civilizing Hopis than young Hopi men working in the trading posts and stores located at Hopi. Two years later, when Burton wrote his annual report, he again referred enthusiastically to Hopis engaged in trading and business pursuits. In these young Hopi men, School Superintendent Burton believed he had finally found the ideal Hopi candidates for citizenship *and voting*: "Several young Indians [Hopis] will vote this coming election, being able to fulfill every requirement of the law. They can read and speak well in the English language, they can hold their own in commercial pursuits, they can make a good living for themselves and their families, and why should they not vote?"[36] Burton believed these Hopis were worthy of the vote because they could read and speak English, displayed commercial savvy, and could successfully provide for their families. These young men were likely boarding school graduates, or at the very least had attended day school at Hopi. They might also be allottees, since this would have fulfilled the citizenship requirement. If they were not allottees, Burton was offering his opinion on the matter; they qualified for the franchise as far as he was concerned, regardless of their allotment status.[37]

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[35] "Report of the School Superintendent in Charge of Moqui," Charles E. Burton, 7 August 1902 (Burton to Commissioner) in *Annual Report*, 1903, 151–152, 153, emphasis added by author. Burton also reported about an incident in which he ordered every Hopi male to have his hair cut. I will return to this incident shortly.

[36] "Report of School Superintendent in Charge of Moqui," Charles E. Burton, 15 July 1904 (Burton to Commissioner) in *Annual Report*, 1905, 140.

[37] It is impossible to know who Burton's young Hopis were, and whether they had taken up allotments.

Fortunately for the Hopi, the OIA replaced Burton the following year.[38] Unfortunately for a study of Hopi citizenship and voting rights, Burton's successors make no reference to the potential Hopi voters who had so excited Burton. In his 1905 annual report, Hopi Superintendent Theo. G. Lemmon wrote that, "Progress has necessarily been slow as these Indians are loath to part from old tribal customs."[39] But Lemmon was a bit more insightful than his cursory first report suggested. The following year, he addressed the seemingly never-ending issue of how Hopi religious practice and culture interfered with the civilizing of these Indians:

> The Hopi's religion, ceremonies, dances, and other customs pertaining to his final and future salvation are, I maintain, not of political nature or of Government concern except as any of these may interfere with good citizenship….When the Hopi quits the earth he goes beyond the jurisdiction of the United States and beyond Government concern, and may as well belong to the missionary as to another. The Government deals with him as present or prospective citizen and while the best Christian is probably the best citizen, his religious belief and practise [sic] is sacred so long as it does not lead him to violate a reasonable standard of public morals or personal decency….I have faith in my ability to

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[38] Charles Burton was involved in a notorious haircutting incident that drew significant national attention to Hopi and its school superintendent. Charles F. Lummis, who had crusaded for Isleta Pueblo rights, also took up the Hopi cause against Burton, and particularly his treatment of the children and others at Oraibi, where Hopis had put up staunch resistance to the civilization program. Lummis referred to Burton's time in charge at Hopi as a "reign of terror," observing that he had done terrible things to the Hopi in the name of "Education," while he described the Hopis as "the People of Peace; the gentlest, most tractable and most inoffensive of American Indians; the first Quakers in America." Lummis wrote that this "salaried representative of the United States Government, with absolutely despotic power over 2,600 Indians, who after four years among them can neither talk to them nor understand them; who, in place of having acquired leadership among them, has gained neither their liking, their confidence, nor their respect." Lummis described "screaming children of three or four years old dragged forcibly from their weeping mothers and driven off through the snow down to the schoolhouse…" He also referred to Burton's "notorious 'Hair-Cut Order.'" Overall, Lummis decried Burton's attempts to forcefully educate and civilize the Hopis, stating that Burton was a bully, and lamented the fact that he was the man charged with the work "to fit them for the duties and responsibilities of American citizenship….Mr. Burton is absolutely unfit for such a position." See Charles F. Lummis, "The Sequoya League," in *Out West*, vol. 18, no. 4 (April, 1903), 478–481.

[39] "Report of Superintendent in Charge of Moqui," Theo. G. Lemmon, 30 June 1905 (Lemmon to Commissioner) in *Annual Report*, 1906, 164.

> work to good results along lines of good citizenship, with the support of the Office, and without that no man may succeed.[40]

Much has been written about the Hopis' fierce maintenance of religious practice. Lemmon did not particularly care about this matter, though he certainly preferred Hopi Christians. It was more important to him that Hopis be made into good United States citizens, and he believed he could accomplish this work.

On the eve of Arizona statehood, many concurred with assessments by Lummis and Lemmon that Hopis were of good character and could be led to citizenship peacefully. Some even argued that the Hopi were already citizens of the United States. Thomas Donaldson, writing in the Eleventh Census of the United States in 1893, argued that, "The Moqui Pueblos of Arizona and Pueblos of New Mexico are citizens of the United States by virtue of the laws of the Mexican republic." He referenced the citizenship arguments made regarding the Treaty of Guadalupe Hidalgo. But, in terms of Hopi voting, he stated:

> Neither the Moqui Pueblos nor the Pueblos have exercised the right of suffrage to any extent since they became citizens of the United States. This fact should have no weight against their right of citizenship, especially in the case of the Pueblos of New Mexico. Suffrage is not a natural right; it is a privilege, and is conferred by the state. The citizen need not vote; there is no law to force him to vote; neither does he lose any rights or remedies for wrong by not voting. He can vote or not, as he likes. Thousands of American citizens do not vote, but they are citizens nevertheless.[41]

In Donaldson's estimation, Hopis were citizens of the United States since they had been classed with the Rio Grande Pueblos during Spanish and Mexican times. Although they had not voted, this record had no bearing on their citizenship. Furthermore, the right to vote was conferred by the state, not by citizenship status alone.

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[40] "Report of Superintendent of Moqui School," Theo. G. Lemmon, 3 September 1906 (Lemmon to Commissioner) in *Annual Report*, 1906, 180, 181.
[41] Thomas Donaldson, in *Eleventh Census of the United States, Extra Census Bulletin: Moqui Pueblo Indians of Arizona and Pueblo Indians of New Mexico* (Washington, D.C.: United States Census Printing Office, 1893), 9.

Joseph A. Munk, an Arizona doctor, rancher, and collector of books who amassed a large and important collection on Arizona history, which he later donated to the University of Arizona Library, wrote on Hopi status in 1905:

> Some years ago the government, through its agents, began to civilize and Christianize these Indians and established a school at Keam's Cañon…When the school was opened the requisition for a specified number of children from each pueblo was not filled until secured by force. As free citizens of the United States, being such by the treaty made with Mexico in 1848 and, indeed, already so under a system of self-government superior to our own and established long before Columbus discovered America, they naturally resented any interference in their affairs but, being in the minority and overpowered, had to submit.[42]

In Munk's view, Hopis were "free citizens of the United States" under the Treaty of Guadalupe Hidalgo with inherent rights of sovereignty and self-government, who had been forced to submit to the United States government. He did not comment on whether or not they were entitled to vote, but they certainly had the right to self-govern.

Charles Francis Saunders, a botanist who traveled through New Mexico and Arizona around the turn of the twentieth century, wrote in his classic study, *The Indians of the Terraced Houses*, that Hopis were citizens of the United States just like the Rio Grande Pueblos. He believed that Hopis had been incorrectly considered as separate from the Rio Grande Pueblo group, and that this had damaged their rights and citizenship status:

> The Arizona Pueblos—the Hopis—have been less fortunate in the recognition of their political status. Their lands are theirs only by grace of an Executive order of December 16, 1882, creating the Moqui Reservation, and judging by past Indian history, the Hopi Pueblos of Moqui may…"move on" whenever enough white people of necessary influence, who want the land, say so. At present, there is a Government allotting agent at work there, seeking to apportion lands to individuals under the terms of the general Allotment Act of Congress. There seems also a curious disposition on the part of the Office of Indian Affairs to exclude the Hopis from the class of Pueblo Indians. They

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[42] Joseph A. Munk, *Arizona Sketches* (New York: Grafton Press, 1905). From the Books of the Southwest Series, University of Arizona Library Southwest Electronic Text Center, http://southwest.library.arizona.edu/azsk/, 205. Munk also wrote critically of the Burton school incidents.

> were, up to 1896, designated in the reports of the Indian Office as Moqui Pueblos; but since that, they figure therein shorn of their Pueblo appendage. The Government's treatment of them is practically as of any Reservation Indians and their decadence is correspondingly progressing.

Since they were not considered Pueblo Indians, Hopis and their land received no special protection. They were simply considered reservation Indians like other tribes. Commenting on Pueblo Indians in general, Saunders asserted that they were "already as good citizens as their neighbour whites."[43]

Thus the Hopi had their allies among Indian advocates, but they still occupied a difficult physical and political terrain in terms of citizenship and voting. Decades of efforts to civilize the Hopis had met with mixed results. In many cases, such as Oraibi, officials dragged Hopi children to school kicking and screaming in the cold winter snow. In other cases, educated young Hopi men engaged in business and commerce, appearing to Indian Bureau employees to be on the very cusp of voting in outside elections. Still others saw in the Hopi an inherent right to self-govern, much like their Pueblo neighbors to the east, a fact that would have been supported by the presence of a Lincoln cane at Hopi, a symbol of Indigenous rights to land and sovereignty. A few individuals saw Hopis as United States citizens. Whether this meant they were entitled to vote is not clear, but as citizens of the United States they would certainly have been on the path to voting, if not already there. Whether Hopis themselves expressed any desire to claim voting and citizenship rights is an entirely different matter, and extremely difficult to determine. Certainly a small core of "progressive" Hopis subscribed to the American plan of civilization and assimilation, just as there had been along the Rio Grande. But, this would have been a distinct minority, since even those Hopis who supported schooling would likely have seen its potential as

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[43] Charles Francis Saunders, *The Indians of the Terraced Houses* (New York: The Knickerbocker Press, 1912). From the Books of the Southwest Series, University of Arizona Library Southwest Electronic Text Center, http://southwest.library.arizona.edu/inte/, 238, 270.

a tool to protect Hopi rights, sovereignty, and culture. That the Hopi maintained their ancient forms of governance and traditional lifeways throughout the territorial period and into statehood is without question.

In their struggle with the invasive forces of assimilation within their homeland, Hopis still managed to keep much of their traditional territory intact and their culture viable. Yaquis, on the other hand, confronted an enemy determined to wipe them off the map. At a time when Hopis rejected citizenship and voting, Yaquis had to flee for their lives to the north, forming expatriate communities in southern Arizona. For Yaquis, the struggle for survival would mean the demise of the town governing system in these Arizona communities. The loss of a defining feature of Yaqui political organization would have far-reaching consequences.

Yaqui Refugees in the Time of Terror

In 1909–1910, Norwegian explorer and ethnographer Carl Lumholtz undertook one of his many expeditions to Pimería Alta. Like the many like-minded explorer/ethnographers of this era, Lumholtz was fascinated with "primitive" cultures. During this particular expedition, funded by the American Museum of Natural History, Lumholtz wrote briefly about his encounters with Yaquis in northern Sonora:

> The State of Sonora is, as is well-known, the home of the Yaqui Indians and the scene of war for, more or less, one hundred and sixty years between these extraordinary able-bodied and very intelligent Indians and the masters of Mexico on the other hand. It is the old question occurring all over the world, whether the country belongs to the native of the soil or to the conqueror… The Yaqui, besides their own language, speak Spanish and are Roman Catholic, although they keep up many aboriginal customs and beliefs. As miners and laborers they are preferred by Americans to Caucasians or other races. They have, which for Indians is a singular gift, great mechanical ability and learn to work machines quicker than the whites.[44]

[44] Carl Lumholtz, *New Trails in Mexico: An Account of One Year's Exploration in North-Western Sonora, Mexico, and South-Western Arizona, 1909–1910* (New York: Charles

In this relatively brief passage, Lumholtz outlines some of the major impressions of Yaquis that were in wide circulation during the territorial period: their protracted, bloody struggle with Mexican forces; their adoption of many Spanish cultural and religious elements; their maintenance of traditional Yaqui elements as well; and their reputation as skilled laborers. All of these factors played a part in Yaqui political status from the 1840s through the 1910s. More than ever, in the late nineteenth century Yaquis would become a people without a homeland in their native Sonora. Many of them would eventually find safety in southern Arizona, where they formed communities and revived some elements of traditional Yaqui culture. But, since they remained visitors in a foreign land, U.S. officials came to view Yaquis as members of a distinct group that was separate from other Indians. They were neither citizens of the United States, nor wards of the federal government. Yaquis were more akin to refugees, and in their attempt to maintain safety and anonymity in their new home they would necessarily abandon their fierce political independence and systems of village governance and elections. Yaquis did not transplant the sophisticated system of civil government of the eight villages along the Río Yaqui to southern Arizona. They were, in the words of historian Erik Meeks, "border citizens," or "people whose rights of belonging were in question, leaving them on the margins of the national territory and of American society and culture."[45]

In the decades following the death of Yaqui leader Juan Banderas in 1833, large landholders dominated Sonora under a hacienda system. These hacendados controlled the land

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Scribner's Sons, 1912), 136, 137. For the purpose of this chapter, my focus will be more on the communities of Yaquis in southern Arizona, as opposed to the Yaquis who remained in Sonora. The two stories are intertwined, obviously, but I will refrain form delving too much into events in Mexico, save to give pertinent historical context. Numerous volumes have already been written about the history of Yaqui-Mexican relations during this time.

[45] Eric V. Meeks, *Border Citizens: The Making of Indians, Mexicans, and Anglos in Arizona* (Austin: University of Texas Press, 2007), 11.

and politics of the region, and Yaquis bitterly opposed their policies. This hacendado politico-economic system eventually broke down in 1910 with the onset of the Mexican Revolution, but not before these powerful hacendados had succeeded in killing countless Yaquis and forcing thousands of others to flee the region.[46] In particular, during the reign Porfirio Díaz (1876–1911), state officials from Sonora and federal leaders teamed up to implement the Porfirian policy that favored the pacification of any dissenting groups, economic development (in the north especially), and the establishment of law and order. Evelyn Hu-Dehart refers to the men who controlled Sonora state politics as a "closely-knit clique of federal generals and local civilians. The state and national power structures were so intertwined at times that it was difficult to separate the two." Prominent among this civilian ruling class was Ramón Corral. He served as governor of Sonora several times, and also rose to become Porfiro Díaz's vice president. Two other important leaders in this clique included General Luis E. Torres and his relative, General Lorenzo Torres. They came to Sonora from neighboring Sinaloa in 1879 to help institute the Díaz government. Corral, the two Torres's, and the civilian leader Rafael Izábel took turns occupying the governor's seat during most of the Porfiriato. They effectively monopolized Sonoran political power.[47]

These leaders pursued goals that directly intersected with Yaqui interests. They brought the railroad to Sonora and opened up the state for economic exploitation by both foreign firms and governments. The new railroads naturally passed through Yaqui lands. They also reopened the region to mining, which had lain somewhat dormant for a number of years. Historically, there had been many mines on Yaqui lands worked by Yaqui miners. Much of the investment capital

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[46] Edward H. Spicer, *The Yaquis: A Cultural History*, 137.
[47] Evelyn Hu-Dehart, "Development and Rural Rebellion: Pacification of the Yaquis in the Late Porfiriato," *The Hispanic American Historical Review*, vol. 54, no. 1 (Feb., 1974), 75–76.

for these railroad and mining ventures came from the United States, as Díaz desperately sought to inject foreign investments into the heavily indebted Mexican economy. Furthermore, they pushed for agricultural and land development in Sonora. Yaquis lived on the best potential farmland in Sonora, and would need to be dispossessed or brushed aside so that their farmland could be utilized.[48] In order to subdue the Yaqui, the Sonoran and federal governments tried legal maneuvers, military campaigns, offers of land, and finally, extermination and deportation.

Scholars have written numerous volumes in both English and Spanish about the various developments of this period, and so the present summary will be relatively brief. I refer to the words of Evelyn Hu-DeHart, who aptly describes it in the following way:

> For three-quarters of the nineteenth century, the chaotic, divisive and problem-torn state of Sonora was unable to dominate the Yaquis. In a series of civil wars in Sonora, they became the allies of any side that would promise them autonomy and independence in the Yaqui Valley. Thus they were found fighting alongside the Federalists, the Centralists, the Liberals and even the French Imperialists. Although they were merely used by these various political factions as a fighting force, their active participation contributed to the instability and impotency of the state government. For most of this period the Yaquis enjoyed a *de facto* independence, and were able to keep incursions into the Yaqui territory at a minimum.[49]

The second half of the nineteenth century saw a number of prominent Yaqui leaders in the tradition of Muni, Bernabé, and Banderas. One such leader was José María Leyva, commonly known by his Yaqui name, Cajeme (*he who does not drink water*). Cajeme, who was born in Hermosillo in 1837, spent part of his youth in California, where his family unsuccessfully sought their fortune in the gold fields. Cajeme later became a professional soldier, and he fought in a

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[48] Hu-Dehart, "Development and Rural Rebellion: Pacification of the Yaquis in the Late Porfiriato," 76.
[49] Ibid., 74.

number of conflicts against enemies that included French filibusterers, both for and against Emperor Maximilian von Hapsburg, and he even took up arms against other Yaquis.[50]

By 1872, federal officials had appointed Cajeme, who had distinguished himself as a soldier in the service of the state, first alcalde of the eight Yaqui villages, or the chief Mexican official in the zone. They saw Cajeme as an important piece in finally solving the "Yaqui problem." But, in 1875 Cajeme murdered the Yaqui Captain General Julio Mayoroqui ("El Jaguali" or the hare lip), and declared himself Captain General. He initiated a revolt against the Mexicans, proclaiming himself "head of the Yaqui nation."[51] Spicer credits this as one of Cajeme's early flaws, in that he violated the traditional basis of power in the eight villages—the governors, civil leaders, and religious society heads—and tried to consolidate political and military power with himself as head, much as Banderas had done. Cajeme was accused of self-interest and nepotism, but Spicer states, "Once he learned that he had to accept a position subordinate to the civil government, he began to develop an effective working relationship, and his enthusiasm spread among young and old. [By 1884] Cajeme's reorganization of Yaqui military was developing rapidly."[52] Ramon Corral, Sonora governor turned Mexican vice president, became Cajeme's biographer while the defeated Yaqui leader awaited trail and execution in his last days. He linked Cajeme's success to his political reorientation:

> He organized the towns with their Governors, Alcaldes, Captains and Temastians…For resolutions that affected the common interests of the tribe, he established a system of popular assemblies that met every time he believed it necessary to consult them on some matter. These assemblies were composed of all of the Indians in general, and they had no

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[50] Interestingly, Cajeme learned to speak, read, and write English while in California. Cajeme's parents had been forced to flee to Hermosillo to escape reprisals in the wake of Banderas's uprising. Although born in the Sonoran capital, much of Cajame's childhood was in Bacum. See Frank M. Hillary, "Cajeme, and the Mexico of His Time," *The Journal of Arizona History*, vol. 8, no. 2 (Summer 1967), 120, 123, 125, 127–128, 129–131.
[51] Ibid., 131.
[52] Spicer, *The Yaquis*, 155, 146.

> fixed meeting place; the chief, through the town governors, convened the meeting at a determined location, and exposed the business which needed to be addressed and put it before the resolution of the crowd.

Cajeme thus cultivated a sense of Yaqui nationhood, but one that was contingent upon the civil governing structure. Corral states very clearly, "The administration of justice in each town was in the hands of the alcaldes and governors." Power remained firmly with the civil leaders.[53] Yaquis flocked back from cities such as Hermosillo and Guaymas to Cajeme's flag, hoping that the decades of Yaqui dispersal were at an end, and that they would finally achieve their dream of complete autonomy and nationhood. From his rise to power until his capture and execution in 1887, Cajeme defeated numerous Mexican forces, including officers under whom he had previously fought.[54]

Far from crushing Yaqui resistance, Cajeme's demise led other Yaqui leaders to step in to fill the void, while Yaqui resistance fighters carried on a protracted guerilla campaign. The Yaqui Juan Maldonado, known as Tetabiate, led guerilla forces after Cajeme's death. Yaquis hid in the mountains—particularly their sacred Becatete Mountains—and surrounding countryside, mixing with peaceful Yaqui ranchers and farmers. They were extremely adept at guerilla warfare, and eluded detection and capture time and again. But, after a decade of fighting, in 1897 Tetabiate decided to negotiate with Luis E. Torres's Sonoran state government. The "Peace of Ortiz," as it was called, included quite a bit of pomp and circumstance, calling to memory the incident at the Pótam jail in 1736.[55] Four hundred Yaquis reportedly turned up for the ceremony. The official Act of Submission, drawn up by Torres, included a number of guarantees for the Yaquis. Mexican officials promised Tetabiate and his companions that both they and their

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[53] Ramon Corral, *Obras Historicas*, No. 1 (Hermosillo, Sonora: Biblioteca Sonorense de Geografia e Historia, 1959), 155–156.
[54] Frank M. Hillary, "Cajeme, and the Mexico of His Time," 133–134.
[55] Hu-DeHart, "Development and Rural Rebellion," 78–79.

property would be protected, and the government offered those who had been displaced in the hostilities new lands on the Río Yaqui. The government also promised to supply these men and their families with some animals and provisions for a period of two months, while they readjusted to life in the villages.[56] Díaz had expressed his desire to see every Yaqui behind a plow, and Mexican officials believed that this peace would help make that vision a reality. Yaquis understood the peace very differently. They believed that the document guaranteed their autonomy, and that federal soldiers would finally leave the Yaqui River Valley.[57]

What is perhaps most interesting is that at no point does the Act of Submission mention village politics or elections. Unlike Muni and Bernabé, who had traveled to Mexico City for, among other things, express guarantees of autonomy in town politics, by this time Tetabiate and his followers were fighting for their very survival. They certainly attempted to keep their town structures intact, but one can only imagine the disruptions caused by the constant warfare. Still, Spicer asserts that the annual elections of town officers continued, and while town life "may have been constricted and even choked off at the peak of the conflict...the Yaquis' memories of what town life had been like were not far in the background." This was one of the great ironies of the Yaqui-Mexican conflict. Yaquis fully believed in the superiority of their system of town governance. But, as Spicer expertly points out:

> Their town governments to which they were deeply devoted were characterized by a type of political succession which was widespread among nation-states participating in Western civilization, namely, popular election geared to the transfer of office without resort to military force. In short, even though by the end of the century Yaqui leaders had become very rigid in their belief in the superiority of their form of community and political life as against that of…Mexican society, they appeared to be as open as they had ever been to the adoption of selected items from that same Mexican society.[58]

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[56] Francisco P. Troncoso, *Las Guerras con las Tribus Yaqui y Mayo*, 232–233. Troncoso includes the text of the Act of Submission.
[57] Hu-DeHart, 79.
[58] Spicer, *The Yaquis*, 154, 155.

Yaquis were thus battling fiercely for a democratic electoral system, but it was a system in which they were completely unwilling to participate outside of the confines of the eight villages. While Mexican control certainly meant Yaqui land dispossession, it also could have potentially led to wider Yaqui participation in politics beyond the town level. As had often been the case with the Indigenous peoples of New Mexico and Arizona, Yaquis flatly rejected such participation. Through continued resistance to Mexican control, and their maintenance of town politics—even if just by keeping the memory alive—Yaquis actively resisted Sonoran or Mexican citizenship. Instead, they focused on the citizenship most important to Yaquis, just as the Pueblos of New Mexico had during the same period: citizenship within the independent Indian town.

Unfortunately, Tetabiate's peace was very short-lived. Since both sides had misunderstood the other's intentions form the very beginning, fighting resumed in 1899–1900. Mexican soldiers relentlessly pursued Yaqui holdouts into the Becatete Mountains, and at the battle of Mazocoba on 18 January 1900 Tetabiate's army suffered a crushing defeat. Federal troops killed more than 400 Yaquis and took 800 prisoners. The Díaz government considered the Yaqui campaign to be closed by the summer of 1901.[59] Although Tetabiate survived the Battle of Mazocaba, he was eventually killed in the summer of 1901. Even United States news outlets took note of Tetabiate's death, as it signaled a shift in the Yaqui wars. The *Los Angeles Herald* from 31 July 1901 reported:

> Tetabiate, the formidable warrior chief of the Yaquis, was ambushed and slain several days ago near Potam, Mexico. The victory of the Mexican troops has caused general rejoicing throughout that portion of Mexico lying east of Guaymas, and it is considered by all that the Yaquis, the bravest and most intelligent race of Indians that ever trod on Mexican soil, have made their last stand.

[59] Hu-DeHart, "Development and Rural Rebellion," 79.

Another portion of the short article pointed to a change in policy in Mexican dealings with Yaquis: "…all [Yaquis], whether peaceful or hostile, who have been captured since the commencement of the rebellion, have been sent to Yucatan, on the east coast of Mexico…The general policy is to get the Yaquis out of their native country."[60] While pockets of Yaqui resisters still remained in the mountains, the government undertook what it considered the final solution to the Yaqui problem. Governor Rafael Isábel, with federal support, spearheaded a policy of deportation during the first decade of the twentieth century. In the simplest of terms, Yaquis were made to pay for their desire for autonomy and decades of resistance.[61]

Before turning to Yaqui deportation, it is important to note that even when the war against the Yaquis raged at its most violent point, as alluded to in Spicer's comments, Yaquis showed remarkable fortitude in their fight to protect their sovereign rights. Manuel Balbás, a Mexican medical doctor who had served as an army surgeon in the Yaqui campaigns of 1899–1901 and lived among the Yaquis during that time, recorded many of his observations on Yaqui life on the eve of the mass deportations. He wrote that many Yaquis still remained outside Mexican control, stating, "These Yaqui towns remain at present in the same state of abandonment and backwardness in which they must have been before the conquest. One meets in them not a single detail of civilization." Furthermore, he commented that barely any of these Yaquis spoke Spanish, and, "Among them there exist no schools and the few which there are in the region have been established by the government, which has not concerned itself sufficiently

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[60] "Chief of Yaqui Falls Fighting," *Los Angeles Herald*, 31 July 1901, 14.
[61] Thomas E. Sheridan, "The Yoemem (Yaquis): An Enduring People," in Thomas E. Sheridan and Nancy J. Parezo, eds., *Paths of Life: Ameircan Indians of the Southwest and Northern Mexico* (Tucson: University of Arizona Press, 1996), 44–45. It is interesting to note that deportation was not necessarily the only solution considered for the "Yaqui problem." A number of Mexican medical doctors, intellectuals, and other intelligentsia representing the state participated in the discussion, proposing a variety of solutions to the "Yaqui problem"

with this point the most important among all the problems of the Yaqui." Still, he conceded that, "The intelligence of the Yaquis is perhaps superior to that of all the other Indians of the country…" His most revealing comments, though, refer to Yaqui self-government at that time:

> The from of government of the tribe is very rudimentary; it reduces itself to arming among themselves with no more formula than the opinion of whatever group (meets together) a chief who almost always has the double character of governor and military [officer].
> This chief remains in his post the whole time [during] which his ascendancy among the Indian lasts. If the dominance which he exercises is great, either for his bravery, for his strength, or for his audacity, he can remain many years [in office]. But if he shows the slightest weakness, they remove him immediately.
> They have various chiefs or "governors," according to the towns that they live in, although among all these chiefs they always recognize one as the superior.
> The "governors" dispense justice, aided by a council formed of he eldest men of the people.
> The decisions of this council are final, conforming with true religiosity, from punishment by whipping to the penalty of death. Generally the sentences of the council are just.[62]

Remarkably, Yaquis had still retained their democratic system of town government. Even at the turn of the twentieth century, they still held elections and met in councils. Unfortunately, the deportations and disruptions of the first decade of the twentieth century were so severe that these tried and tested institutions would finally break for a time, and would not be revived in the Yaqui communities of southern Arizona.

In the words of Edward Spicer, the military campaigns suffered by the Yaquis, and the subsequent Yaqui diaspora, resulted in "the most widely scattered native people in North America."[63] The preferred destination for Yaquis was the henequen plantations of Yucatán, far to the south. The deportation figures differ depending on the source. One source puts the number of

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[62] Manuel Balbás, *Recuerdos del Yaqui: Principales Episodios Durante la Campaña de 1899 a 1901* (1927), translated and quoted in Spicer, *The Yaquis*, 141–142.
[63] Spicer, *The Yaquis*, 158.

Yaquis deported to Yucatán between 1903 and 1908 at two thousand,[64] while a more contemporary source posits a much higher number. The American John Kenneth Turner traveled to Yucatán and published an exposé on the Yaqui deportations in 1910. Posing as a rich investor, he found the conditions there deplorable, with rich landowners controlling huge numbers of laborers. Turner claimed that there were "8,000 Yaqui Indians imported from Sonora, 3,000 Chinese (Koreans), and between 100,000 and 125,000 native Mayans, who formerly owned the lands that the henequen kings now own." He claimed that planters paid the government $65 apiece for Yaquis. He summarized his findings with these scathing words regarding "President Diaz's sweeping order of deprtation": "The Yaquis are being exterminated and exterminated fast. There is no room for controversy as to that; the only controversy relates to whether or not the Yaquis deserve to be exterminated….The extermination of the Yaquis began in war; its finish is being accomplished in deportation and slavery."[65] While the number of deportees may be debatable, what is not debatable is that the government pursued the policy with gusto. General Torres concluded, "I don't see any other solution for these *indios*." While many Yaquis had been forced into work camps on the haciendas of Sonora in a form of peonage, numerous Yaquis still held out in the remote mountain hideouts. Any Yaqui under the slightest suspicion of aiding the fighters or showing sympathies for the cause was rounded up and deported. Whole families were shipped south.[66] This represented the worst time in the history of the Yaqui: extermination, deportation, and slavery.

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[64] Thomas R. McGuire, *Politics and Ethnicity on the Río Yaqui: Potam Revisited* (Tucson: University of Arizona Press, 1986), 33.
[65] John Kenneth Turner, *Barbarous Mexico*, The Texas Pan American Series (Austin: University of Texas Press, 1969), 7–8, 10, 27, 28.
[66] Hu-DeHart, "Development and Rural Rebellion," 80, 83.

By 1910, the Yaqui diaspora was so widespread that the types of Yaqui communities that had once dotted the Rio Yaqui until the latter part of the nineteenth century no longer existed. The Yaqiu's international population was still perhaps as high as 15,000, but they were dispersed widely over Mexico and the United States. Many were in Yucatán, while others were in barrios in southern California. Some even took up residence at Zuñi Pueblo. But the most famous Yaqui refugees were those who formed communities in southern Arizona. By 1887, when Cajeme was executed, a group of Yaquis had already established a community across the international border on the outskirts of Nogales. They worked on the railroads linking the mines with Tucson. They also passed through the Altar Valley and into the Baboquivari Mountains. It was not uncommon for Yaquis to sojourn with O'odhams as they migrated to southern Arizona, and a high degree of cultural exchange and even some intermarriage took place between these two peoples.[67] Since the United States did not patrol the border during the first decade of the twentieth century, there are no official Yaqui immigration numbers. But, by 1910 there were at least five Yaqui communities in southern Arizona: Nogalitos (on the outskirts of Nogales), Mezquital (south of Tucson on the east bank of the Santa Cruz River), Barrio Anita (on the Santa Cruz in the northern part of Tucson), Tierra Floja (a large farming area north of Tucson), and Guadalupe (south of Phoenix in present-day Tempe on the Salt River).[68]

The Yaqui who came to Arizona did so out of necessity. Their lives were no longer safe in Mexico, and crossing into the United States offered relative protection from death, deportation, slavery, and peonage. Former chairwoman of the Pascua Yaqui Tribe Octaviana Valenzuela Trujillo states that many Yaquis were forced "clandestinely across the U.S. border

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[67] The intermixing of these two groups can be readily seen at the Mission San Xavier del Bac, which serves a local congregation largely composed of O'odham and Yaqui.
[68] Spicer, *The Yaquis*, 158–159.

into Arizona and into a life of self-imposed exile…[which at least saved them] from the threat of annihilation." She also comments that the cultural adaptations that had characterized Yaqui life in Mexico continued in Arizona: "By the time the Yaqui began to migrate across the border into the United States in the late 1800s, their lifeways had undergone drastic changes from earlier times. Cultural adaptations continued as small Yaqui communities were established in Arizona." While Yaqui oral tradition tells of their presence in Arizona since "time immemorial…The major migration of the historical era came during the years 1900 to 1910."[69] Yaquis would thus come to inhabit a unique place in Arizona's cultural landscape.

Fearing the same violence that Mexicans had perpetrated against them in Sonora and elsewhere, Yaquis acted with caution in Arizona. Many Yaquis had changed their surnames while still in hiding in Mexico. The common Yaqui surname Husacamea became Valenzuela, for example.[70] As Trujillo points out, fear led Yaquis in Arizona to operate "primarily within their own microcosmic cultural enclave as a defense mechanism to the perceived threat of deportation." Part of this defense mechanism included the outward suppression of Yaqui identity, language, and religious practices. Continuing the lessons they had learned in Mexico, "They had as little contact as possible with government officials so that nearly fifteen years passed before the Yaquis became aware that they had been afforded political asylum, and that in the United States religious freedom was upheld regardless of political or social status."[71] This is an important point because it underscores the fact that Yaquis were not politically organized during the first decades of their Arizona residency, a point to which I will return shortly.

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[69] Octaviana Valenzuela Trujillo, "The Yaqui of Guadalupe, Arizona: A Century of Cultural Survival through Trilingualism," *American Indian Culture and Research Journal*, vol. 22, no. 4 (1998), 73–74.
[70] Spicer, *The Yaquis*, 160.
[71] Trujillo, "The Yaqui of Guadalupe," 74.

There are a number of primary accounts by Yaqui refugees who crossed over into Arizona in the late 1800s and early 1900s. One such Yaqui was Rosalio Moisés, whose grandfather had fought by Cajeme's side, and whose father crossed over into Arizona in 1904, and then brought the family into Arizona the following year. In his autobiography, he told of how many of his mother's relatives were killed at the massacre that followed Tetabiate's defeat at Mazocaba. His family was working at the Colorada Mine in Sonora, when "Mexican soldiers came from Hermosillo to tell all Yaqui men they had to register with the government [for work at the haciendas]. From this time on, our lives changed." When young Rosalio finally crossed over into Arizona with his family, an "American inspector" questioned the group. He asked for letters of recommendation, but they had none. Rosalio's grandmother told the inspector that she was taking them to her son, who was already in Tucson. He asked the name, and they told him Miguel Valenzuela. He had changed the family name while still in Mexico to avoid detection and identification as a Yaqui.[72] Fortunately, Rosalio and his family found a relative degree of safety and anonymity in the United States.

Some of Rosalio's more interesting comments refer to relations between Yaquis and other groups, particularly American authorities. As Trujillo stated, Yaquis avoided contact with government officials at all costs, and one episode in particular illustrates this fear. Rosalio tells the story of a Yaqui man who caught his sixteen-year-old daughter talking to a boy by the river. The man, one Juan Buichileme, was so angry at his daughter's impropriety that he beat her severely. She died one week later. Rosalio states, "No one ever reported this to the American police because no one spoke English." A fear of government officials, coupled with the language

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[72] Rosalio Moisés, Jane Holden Kelley, and William Curry Holden, *A Yaqui Life: A Personal Chronicle of a Yaqui Indian*, Bison Book Edition (Lincoln: University of Nebraska Press, 1977), xxii, 15, 34.

barrier, caused Yaquis to refrain even from reporting murders. Rosalio's family lived in Barrio Anita on the outskirts of Tucson, on land owned by a certain "Mr. Nash." On a number of occasions, Rosalio's family provided assistance to Yaqui guerillas in Sonora, even participating in military actions. They received frequent visits from a Yaqui general from the Sierra who stayed for sometimes months at a time. It was a truly transnational setting, with Yaquis from Sonora coming to buy arms, ammunition, and supplies in Tucson, and then transporting them back to Mexico on horseback. At one point in 1912 Rosalio's father bought a .30-.30 rifle, three ammunition belts, and returned to Sonora to fight. In Rosalio's words, "He was very happy."[73]

Refugio Savala was another of the Arizona Yaqui refugees. Around 1900, before Refugio's birth, his family, accompanying a donkey cart, slowly plodded north through Sonora to safety. Refugio was born in 1904 in the historically O'odham (and Yaqui to a lesser extent) town of Magdalena south of the U.S. border. His grandparents had fled to the mountains to escape deportation to Yucatán, and his father "drifted to Arizona to work on the Benson-Nogales branch of the Southern Pacific Railroad." As in the case of Rosalio Moisés, Refurgio's father came back from Arizona to Sonora to retrieve the family: "He brought good news to our people about himself and other Yaquis who had accompanied him on his first trip and about the opportunities to work freely for a good wage. Many Yaquis, learning of this, started making their way north." More than any other commentators on the Yaqui refugees, Refugio, who was a poet by trade, eloquently encapsulates Yaqui motivations: "The Yaquis did not go to Arizona because of ambition or to seek riches, but went in search of peace and freedom and to escape from heartless killers. We hail the Southern Pacific for having provided all these Yaqui refugees shelter, wage work, and food." Refugio Savala's life is a testament to the resilient, transient

[73] Rosalio Moisés et al., *A Yaqui Life*, 37–38, 39–40, 40–41, 49.

nature of Yaqui existence at that time: he worked in Tucson, Yuma, California, Deming, New Mexico, and a number of other locations.[74]

Rosalio Moisés, Refugio Savala, their familes, and other Yaqui refugees inhabited some of the most unique towns then in existence in the United States. Armed with this understanding of how thousands of Yaquis eventually ended up in the United States in the first years of the twentieth century, it is much easier to understand their political status approaching statehood in 1912. The deportation policy officially ended in 1910, when the Mexican Revolution commenced. Yaquis participated in this struggle, with many fighting for Obregón. By this time Yaquis could again live a relatively secure life in Mexico, and many returned. But the Yaqui communities in southern Arizona were there to stay.[75] The two main Yaqui communities, and those upon which I will focus particular attention, are Pasqua on the outskirts of Tucson, and Guadalupe in Tempe (Phoenix area). It is important to recognize that Yaquis were encountering a non-Hispanic culture and form of government for the first time in their history. They had been under Hispanic influence since the early 1600s. While they certainly had to adjust to this new culture and government, their tendency was to turn inward, seeking to preserve their Spanish-Indian lifeways that had developed in Sonora over the centuries.

Edward Spicer, who spent many years living and researching in the Yaqui village of Pascau in the middle of the twentieth century, and remains the foremost expert on Arizona Yaquis, summed up their political status with these words:

> The Yaqui population of Arizona consists of immigrants from the Mexican state of Sonora and their descendants. Other than those born in the United States, there are few, if any, citizens of the United States. The immigrant basis of the population has entered this

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[74] Refugio Savala, *Autobiography of a Yaqui Poet* (Tucson: University of Arizona Press, 1980), xiii–xiv, 5, 6–7.
[75] Thomas E. Sheridan, "The Yoemem (Yaquis): An Enduring People," 46.

> country at various times from 1882 to the present. As early as 1904 there was a settlement of Yaquis at a place called Guadalupe, about seven miles east of Phoenix.[76]

In other words, except for those Yaquis born in the United States,[77] the majority of Yaquis in southern Arizona were not American citizens. Spicer elaborated that Yaquis did not behave as citizens: "It is a rare Yaqui who has the sort of stake in his community that goes with the ownership of immovable property. Yaquis do not ordinarily own the land they live on, nor do they have even the well-established connection with it that comes from paying rent. The typical Yaqui is a squatter." Yaquis were not landowners; they were squatters. But, Yaquis also did not have a reservation, and were not viewed as Indians similar to Apaches or O'odhams or Hopis: "…they are marked off thus from other Indians in their own and in Anglo-American eyes." When Spicer conducted his research at Pascua, he estimated that, "90 percent of the heads of Yaqui families are not citizens of the United States. This means that this proportion has been born in Mexico and has not become or signified intention of becoming citizens." Had they expressed a desire to become citizens, the process would have been extremely complicated. According to immigration guidelines enforced in Arizona during the first half of the twentieth century, all persons who entered from Mexico before 1924 and had no papers were in the United States illegally. But, they could not be deported because "there is no legal provision for starting deportation charges." They needed to first return to Mexico and reenter the United States legally in order to become citizens.[78]

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[76] Edward H. Spicer, *Pascua: A Yaqui Village in Arizona* (Tucson: University of Arizona Press, 1984), 4.
[77] We know that many Yaqui mothers returned to ancestral towns in Sonora for the births of their children, such as Refugio Savala's mother, thus further diminishing Yaqui births in the United States around the turn of the twentieth century.
[78] Edward H. Spicer, edited by Kathleen M. Sands and Rosamond B. Spicer, *People of Pascua* (Tucson: University of Arizona Press, 1988), 39, 40–41, 43, 44.

As if this were not complicated enough, Spicer acknowledged the presence of "A large proportion of Yaquis in Arizona who are citizens of the U.S. by virtue of being born here." In addition, there was the issue of Yaquis born in Mexico, who entered the United States, and applied for citizenship. If they declared that they were Yaqui Indians, then they were denied citizenship because the Arizona constitution denied citizenship rights, namely voting, to all persons "under guardianship, non compos mentis or insane…" Indians living on reservations in Arizona were considered wards under the guardianship of the federal government, and thus could not vote.[79] But, since Yaquis had no reservation, were they truly wards? Furthermore, if upon entering the United States they simply declared themselves Mexicans, then theoretically they could have become citizens and voted. Spicer asserts rather unequivocally:

> Up to 1940 there had been no record of a Yaqui attempting to register for the purpose of voting in an election, at least a Yaqui who called himself a Yaqui in his registration. There seem as yet no evident advantages as recognized by Yaquis in citizenship except that of freedom from fear of deportation, which is one of the ever-recurring fears among Arizona Yaquis.[80]

Spicer is rather bold in his assertion no Yaquis attempted to vote before 1940, at least not without passing themselves off as ethnic Mexicans instead of Indians, but the theme of Yaqui political non-participation motivated by fear is also supported by former Pascua Yaqui chairwoman Octaviana Valenzuela Trujillo.[81] As anthropologist George Pierre Castile succinctly

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[79] Spicer, *People of Pascua*, 44–45; Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote: American Indians, the Voting Rights Act, and the Right to Vote* (New York: Cambridge University Press, 2007), 15. The quoted portion of the Arizona Constitution is Article 7, Section 2, quoted in McCool et al.

[80] Spicer, *People of Pascua*, 45.

[81] Even if they were not citizens and could not/did not vote, Yaquis still acted like citizens in some ways. According to Spicer, Yaquis in Tucson made use of the justice system as far back as at least 1918 (and perhaps earlier). The cases brought before Tucson courts or peace officials included adoption of children, bootlegging, assault and battery, adultery, and even witchcraft. Also, he commented, "Yaquis do and have had for some time a political life involving participation in the various political institutions of the state of Arizona." See *People of Pascua*,

states, "Fearing deportarion, few Yaquis appear to have put their status to the test by attempting to claim civil rights, such as the vote, which was not granted to Indians in Arizona until 1948."[82]

Shifting from Yaqui poltical status in Arizona to the Yaqui communities, Yaqui refugees found work in the United States wherever they could: railroads, smelters, mines, and irrigated farms. They made permanent settlements largely according to the work patterns they established. These settlements were constructed around a plaza with a church, a communal kitchen for preparing food for religious celebrations, and a ramada for Pascola and Deer dances. Leadership in these early communities fell to officers in the religious organizations of the Yaqui communities that predated the diaspora.[83] This point is of the utmost importance: in the towns of southern Arizona, Yaquis did not transplant the Yaqui-Hispanic governor system. Yaquis did not transplant the annual elections, civil officers, and systems of civil government. There are several reasons for this. For one, as Trujillo points out, the town that refugees established at Guadalupe by around the turn of the century was a "small one-square-mile desert settlement" that was more akin to a "refugee camp, an innocuous cluster of extremely humble dwellings on the lightly populated Valley's periphery." Their location on the periphery "was…symbolic of the Yaquis' lack of cultural and social integration in their new homeland."[84] These refugees, worn out from years of fighting, hiding, and a long journey to a new and unfamiliar land, focused primarily on survival. Complex, strident political institutions were simply out of the question. Furthermore, as Trujillo points out:

43, 50. But we must exercise caution, since Spicer's comments refer to growing Yaqui political participation after statehood and into the 1930s and 1940s. Most scholars tend to agree that Yaquis laid low as much as possible, as it were, during the first years of their time in Arizona.

[82] George Pierre Castile, "Yaquis, Edward H. Spicer, and Federal Indian Policy: From Immigrants to Native Americans," *Journal of the Southwest*, vol. 44, no. 4 (Winter 2002), 389.

[83] William Willard, "The Comparative History of Two Tribal Governments," *Wicazo Sa Review*, vol. 6, no. 1 (Spring 1990), 59.

[84] Trujillo, 67–68.

> Most Yaquis came to the United States as individuals without any kin or social grouping to help them survive. Usually they were unrelated individuals who had fallen in with one another. During the early years in Arizona, they gradually developed new family groupings through reunion of separated families and the starting of new families. Ritual kin groups, based on baptismal godparents and ceremonial sponsors, further extended the basic family organization.[85]

This is another crucial point. At various points in their history Yaquis felt a strong sense of nationhood and a collective struggle for a Yaqui Nation. But, Yaqui political identity was much more closely tied to village identity. Yaquis identified as citizens of Bácum, or Ráum, or Cócorit, and they tied their allegiance to local, elected civil officials. Since the Yaqui who fled to the U.S. were "without kin or social grouping," that sense of village identity would have been lost. Yaquis would have remembered their individual villages, but reconstituting the traditional village civil government would have been very difficult among refugees from many different villages. Finally, many residents of Arizona Yaqui settlements did not reside there full time. They worked on railroad lines or at mines far away from their settlements and families, returning for special ceremonies or to visit families.[86] A stable leadership corps of elected men would have been nearly impossible to achieve under such transitory employment and settlement patterns. These three factors, among others, combined to stymie the reestablishment of Yaqui democratic civil government in Arizona.

At Guadalupe, for example, we can observe these issues at play in its early history. Around the turn of the twentieth century Yaquis established a community in Tempe when railroads first began connecting the area's farms to larger markets. Railroad companies and large farming enterprises needed cheap, reliable labor, and Yaquis ably filled this need. Canals made fields in this area particularly fertile, and the railroads brought these crops to market. After their

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[85] Trujillo, 74.
[86] Leah S. Glaser, "The Story of Guadalupe, Arizona: The Survival and Preservation of a Yaqui Community," MA Thesis, 1996, Arizona State University, 23.

arrival in the area in the 1880s in the wake of the Cajeme wars, some thirty Yaquis established ties with Franciscans, who helped secure five acres of homestead land for the Indians in 1898 for a payment of one dollar. They named their newborn village after their homeland's patron saint, Our Lady of Guadalupe. Initially Guadalupe's Yaquis considered themselves temporary, but by 1906, they realized they were refugees. This meant that the United States had no plans to extradite them, and they initiated a cultural revival. But, at this time they revived only portions of their culture, all of which revolved around the church and religious celebrations and dances. As historian Leah S. Glaser, who wrote extensively on the history of Guadalupe, states, "Yaqui communities did not develop the same types of social or political institutions as other immigrant groups, including Mexicans."[87] Writing in 1940 after prolonged fieldwork, Spicer once again summarized the lack of political development among the Arizona Yaquis:

> Although at least two of the villages have within the past twenty years attempted to set up village organizations, it can be said now that none has any purely political government. There is no chief in the sense that whites think of such an official. Village organization is entirely in terms of the ceremonial groups. In addition to such groups, those based on kinship and others best described as godparental groups constitute the fabric of the social organization.[88]

Yaquis engaged in discussions about village government in the 1920s and after, and some favored recreating the structures of civil government from the Yaqui Valley. But Yaquis eventually concluded that since there was no actual Yaqui land to manage, and since federal and state officials already fulfilled the functions of the old officers, they should not try to reestablish their traditional officers.[89] From the first Yaqui refugees in the 1880s through statehood, Yaquis

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[87] Leah S. Glaser, "The Story of Guadalupe, Arizona," 20–22, 15.
[88] Eward H. Spicer, "The Yaqui Indians of Arizona," *Kiva*, vol. 5, no. 6 (March 1940), 23.
[89] Spicer, *The Yaquis*, 244. There were a few abortive attempts at electing officials, such as one in which "judges" were elected at Pascua in 1923. But these attempts failed to take root. However, to the south in Sonora, Yaquis who reoccupied their traditional homelands after 1910 did reconstitute their systems of government. Several works describe these structures in detail,

remained non-citizens in Arizona. But in addition to their non-citizen status, Yaquis also did not have a reservation. They lacked the Indian status of other Indian nations in both Arizona and New Mexico. Not only could they not vote in municipal and territorial elections like other Indians, through disruptions caused by decades of warfare and forced diaspora, they no longer possessed their traditional governing structures.[90] Among all of the Indian groups of Arizona and New Mexico, the Yaqui right to vote had perhaps seen the most interruptions, culminating in a lack of sovereignty on the village level for the Yaqui of southern Arizona. The Tohono O'odham, with whom the Yaquis had shared cultural ties, would face challenges to their sovereignty as well. But the O'odham, much like the Hopi and Pueblo Indians, failed to embrace

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with depictions of councils at the village level, elections, and even a more national Yaqui governors' council. See Alfonso Fabila, *Las Tribus Yaquis de Sonora: Su Cultura y Anhelada Autodeterminacion*, Clásicos de la Antropología Mexicana, Colección Número 5 (México D. F.: Instituto Nacional Indigenista, 1978) and W. C. Holden, C C. Seltzer, R. A. Studhalter, C. J. Wagner, and W. G. McMillan, *Studies of the Yaqui Indians of Sonora, Mexico*, Scientific Series No. 2 (Lubbock, Texas Tech Press, 1936).

[90] A number of Anglo-American newspaper reporters and others took an interest in the Arizona Yaquis. But reporters were almost universally concerned with Arizona Yaqui support for continued resistance in Sonora, the protracted guerilla struggles there, and elements outside of Arizona Yaqui village structure and politics at this early date. One exception is a brief report by Dane Coolidge, which appeared in the publication *Sunset: The Magazine of the Prairie and of all the Far West* om 1909. He visited Guadalupe, and reported a town election for a "capitan." He stated: "The *pueblo* of Guadalupe, duly organized, has elected its *capitan*, a ruler and leader among the people, half a chief and half a mayor, the *Jefe politico* of the Mexicans. If you would succeed in your desires, whether it be to see the church or hire a ditch cleaner, call on the *capitan* first, for his good will carries with it that of the whole village, and his word is law among the people. The *capitan* at Guadalupe is a Mayo Indians, near neighbor and kindred to the Yaqui in Sonora, Teodoro Ramos, a man of great force of character and of tremendous physical strength. He has been in Arizona since 1886 and is an example of the peaceful Indian, driven from Sonora by the long years of war." (Dane Coolidge, "The Yaqui in Exile," *Sunset: The Magazine of the Prairie and of all the Far West*, vol. 23 [September 1909], 301) It is difficult to identify who Teodoro Ramos actually was, and if he was truly elected. It is not inconceivable that the villagers had chosen a capitan, but this appears to be an anomaly in the history of Yaqui leadership in Arizona. It is also possible that the towns experimented with various systems at various times. The fact still stands that the elaborate system in place in Sonora was never in place in Arizona.

the franchise, preferring instead to participate in their own internal forms of governance. It was a luxury the Yaqui did not possess.

Piman Peoples of Southern Arizona in the Territorial Period

Before delving into Pima electoral politics during the territorial period, I must first identify my Piman subjects. Various groups in Southern Arizona speak some variant of the Pima language and can be classed as Pimans. Two groups in particular stand out because of their long history of interaction with the United States government and its agents: the Tohono O'odham and Gila River Pimas. A wealth of primary sources, some of which even come from Pimans themselves, relate to interactions between the federal government and these Natives. Because of the impossibility of addressing Indian voting and citizenship for all of the Pimans during the territorial period, I have selected the Tohono O'odhams of San Xavier del Bac as my primary group for the present section. Descended from the Sobairuris who originally inhabited the mission, and the later "desert Pimas" or so-called Papagos who increasingly moved to the mission in the late Spanish and Mexican periods, O'odhams endured some the longest and most sustained interaction with government officials during the territorial period. I will thus refer almost exclusively to the San Xavier O'odham, with occasional references to Gila River Pimas and Maricopas, and how they interacted with the government officials who largely dictated the development of Piman political incorporation.[91] More than Hopis and Yaquis, San Xavier O'odhams came closer to the ideal of voting American citizens, and yet, they would ultimately

[91] A word on Gila Pimas: they can be considered the cousins of the O'odham. The two groups were, historically, very closely related, sharing not only a common language, but economic and social ties. They traded, shared resource zones, and intermarried. See Winston P. Erickson, *Sharing the Desert: The Tohono O'odham in History* (Tucson: University of Arizona Press, 1994), 13, 16–17. The Gila Pimas certainly deserve of their own study as it relates to voting and citizenship.

fall short in this regard, as the United States on one side and O'odhams on the other failed to connect the dots of the elusive scheme of Indian voters.

The instability and turmoil of the Mexican period resulted in extreme neglect of O'odham lands. A number of Catholic missions had once dotted O'odham territory. But as has been amply shown, as an independent Mexico focused on internal problems, it could no longer fully fund the presidios and missions of Pimería Alta. This drastically affected those O'odhams who had previously been attached to the missions, and they found themselves at the front line of the war against surging Apaches. Even so, as Winston P. Erickson stated in his important work on the Tohono O'odham, "The O'odham were not concerned with the problems of Mexican politicians most of the time."[92] The abandonment of the missions during the Mexican period adversely affected O'odhams because the missions, in spite of their troubled history, had often served to protect Indian rights guaranteed under Spanish and Mexican law. When the Church placed the missions in the hands of civilian administrators in the 1830s:

> …the civilian managers sold much of the valuable land and either consumed the animals or sold them for their own profit. They also abused the O'odham, took away their privileges, and drove many of them away from the mission lands.
> These actions destroyed the missions and imperiled the towns that had developed around them. No longer could the missions attract the O'odham, who tried to avoid the intruding settlers.[93]

Thus, when the United States began to exert control over O'odham lands in the 1840s and 1850s, they encountered a people who had for centuries dealt with government and church officials. But, for reasons listed above, O'odhams had seen these dealings diminish significantly over the course of the previous decades, while experiencing a simultaneous increase in encroachments by

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[92] Winston P. Erickson, *Sharing the Desert*, 59–60, 62. Erickson undertook this study at the behest of the O'odhams themselves. It combined extensive documentary research with oral histories from numerous O'odham (pp. ix–x).
[93] Ibid., 64.

Hispano settlers. O'odhams had essentially been forced to hold their own against squatters, Apaches, and other threats, both foreign and domestic.

With the ratification of the Gadsden Treaty in 1854, the United States gained the homelands of thousands of Pimans. The treaty also split the O'odham in the southern part of this territory into two groups living on different sides of the border. But, several decades passed before the revised U.S.-Mexico border was strictly enforced, and O'odhams on both sides maintained strong ties into the early twentieth century. In addition, many of the Mexican O'odham, who probably numbered no more than one thousand individuals, began moving north as more Mexicans moved onto the best lands along the Altar River, much as they had done along the Yaqui River. As Erickson summarizes, "…life for the O'odham continued much as it had. A new government meant little to them." Furthermore, "For the most part, the O'odham remained at peace with whatever government they had to deal with."[94] While Mexico considered the Indigenous peoples of Pimería Alta nominal citizens of the republic with all of the rights of citizens, their attempts to incorporate these Pimans were halting and had never truly gained traction. After the U.S.-Mexico War and the Gadsden Purchase, Anglo-American influence grew in Papaguería (the O'odham homeland), but unlike other Natives groups, they never received the protection of their land and rights guaranteed under the Treaty of Guadalupe Hidalgo. As Erickson points out, "the O'odham had few or no rights as the intruding Anglos took whatever they wanted and ignored the rights of native peoples." Since ownership of land had remained largely a foreign concept, intruding settlers and government officials assumed that any O'odham land without proper documentation was ripe for settlement. Since the O'odham were not hostile, did not fight against the U.S. Army, and did not raid American settlements, the United States saw

[94] Erickson, *Sharing the Desert*, 69–70, 72.

no need to send troops in order to protect their land, interests, or rights. Quite simply, "the federal government basically ignored the O'odham and their rights."[95]

Thus, agents of the federal government began their dealings with the O'odham in a subdued manner. During the early years of U.S. administration of Pimería Alta, the two sides tried to feel one another out, as it were, and to understand one another's characteristics and intentions. Pimans first appear in official reports sent from New Mexico Territory to the Commissioner of Indian Affairs in 1856. New Mexico Governor David Meriwether, who now oversaw dealings with these Pimans, sent what sparse information he had gathered to the commissioner:

> From the most reliable information in my possession, we have acquired, by the Gadsden treaty with Mexico, about five thousand Indians in addition to those heretofore under the charge of this superintendency. A large portion of this accession to our Indian population consists of Pueblos, situated near Tucson…These recently acquired Pueblo Indians are represented to me as being in a similar state of civilization as the other Pueblos of this Territory. They reside in permanent villages, have comfortable houses built of adobes, have flocks and herds around them, and rely upon the cultivation of the soil for a subsistence—raising wheat, corn, cotton, and other vegetables. They are divided into six pueblos, or villages, but whether or not they hold their lands under grants from the former governments of their country I am not informed; but presume that they do, as they have been permanently settled for a great number of years.[96]

Since Meriwether had never visited Pimería Alta, he based his information on accounts from military officers and others who had traveled through southern Arizona. He described O'odhams in terms that he understood: as another type of Pueblo Indians. Officials commonly used this designation during the early years of U.S.-O'odham interactions, but it would fade as the territorial period progressed.

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[95] Erickson, 76.
[96] "Report of Governor David Merriwether [sic], superintendent *ex officio*," 30 September 1856 (Meriwether to Manypenny) in *Annual Report*, 1856, 183–184.

Official reports to the commissioner in the next few years described the O'odham in more detail.[97] Reporting in 1857, Lieutenant Sylvester Mowry described the Indians of the Gadsden Purchase as having "extensive buildings, irrigating canals, and broad cultivated domain." In particular, he singled out Pimas and Maricopas of the Gila River as "undoubtedly the most interesting and docile tribes of Indians on the continent." He asserted that they possessed Spanish title to their lands, and that their territory "is intersected in all directions by 'acequis,' or irrigating canals, through which water from the Gila is drawn for purposes of cultivation." He concluded that they were living on lands that were already like reservations, and that, "By proper management, the conditions of these Indians may be much improved, and their villages be made of great service to the Territory by supplying large quantities of breadstuffs." But, he warned, "Injudicious management would bring on contact with the white population, and cause infinite trouble. They are at present extremely anxious about the tenure of their lands, and inquire of all Americans who have visited their villages whether they will be allowed to remain."[98] To American observers the Indians of this newly acquired territory seemed to fall under the category of more "civilized" Indians; they lived in permanent adobe dwellings, farmed, used irrigation, and were peaceful.

Other Army officers who interacted with Pimans in the area in the 1850s echoed these high estimations. Lieutenant A. B. Chapman of the First Dragoons reported that, "About ninety miles from Tucson, and directly on the route from Fort Buchanan to Fort Yuma, are the Pima

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[97] The Maricopas were Yuman speakers who migrated from the Colorado River to the Gila and took up residence with Pimas there in the early 1800s. See "History and Culture," on the Official Website of the Salt River Pima-Maricopa Indian Community, http://www.srpmic-nsn.gov/history_culture/, accessed 1 June 2015.

[98] "Report of J. L. Collins, superintendent," 30 August 1857 (Mowry to J. W. Denver, Commissioner of Ind. Affairs) in *Annual Report*, 1857, 297, 299, 303–304. Superintendent Collins reproduced Lieutenant Mowry's report, but introduced it by stating, "The Indians acquired by the Gadsden Purchase are mostly Pueblos" (p. 276).

villages, occupied by the Pima and Maricopa Indians…These Indians, even before their country came into possession of the United States, were exceedingly friendly to the Americans." Referring to O'odham and Pima support for the Mormon Battalion, which traversed their territory in 1846–47, he wrote, "From the time they refused to assist the Mexicans in cutting off Colonel Cooke's comman, in 1847, they have ever been loyal to us…Their chief recently boasted that 'the Maricopas had not yet learned the color of the white man's blood." He recommended that their lands be secured for them "at once" so as to maintain the longstanding peaceful relations between them and the United States. In additon to reporting on the Pima-Maricopa settlements, he also reported on the O'odham of San Xavier del Bac: "They occupy a unproductive tract of country lying west and southwest of Tucson, their principal village being in the vicinity of San Xavier del Bac…They are represented as being very poor, and indeed destitute."[99] These tropes would be repeated frequently: Pimas were agricultural, peaceful, and industrious, while O'odhams were also peaceful, but destitute.

By 1859, Indian Agent John Walker had been in Tucson for two years, administering the affairs of both O'odhams and Pimas. He reported enthusiastically that all was well, and that the Indians were busy with agricultural pursuits. But, he stated that the O'odham in his agency needed more tools. He made no comment on government or the rights of these Indians, concluding simply that, "I find the condition of these people very much improved since I first came among them, two years since: now their confidence being established in the kind intentions of government towards them, I consequently have no fear of their future conduct towards all

[99] Report of Lieutenant A. B. Chapman, First Dragoons, quoted in "Report of G. Bailey, special agent, in regard to the Indians of Arizona," 4 November 1858 (Bailey to commissioner) in *Annual Report*, 1858, 203–205.

good Americans, and in their success and prosperity in a pecuniary point."[100] Lieutenant Mowry submitted another report in 1859 after meeting with a large group of Pima and Maricopa leaders. Mowry feared the possibility of war with the Pimas, and went so far as to consult with Governor Alberto Cubillas of Sonora, who confirmed, along with "the archives of the State and of the capital of Mexico, that they Pimos and Maricopas were entitled to fifty leagues of land by actual grant." Ironically, even though he referred to them as a "friendly and semi-civilized people," he did not believe in the civilization project for them:

> The idea of civilizing and christianizing them, exposed as they are to all the influences of a frontier people, is the idle dream of a pseudo-philanthropist. The rapid development of the mineral resources of Arizona and the settlement of the Territory will bring them soon enough in contact with the "humanizing and civilizing influence of the white man," and the result will be the same inevitable one that has followed its contact with other tribes: the men will become drunkards, the women prostitutes, and disease will soon leave only the name of their race.[101]

Fortunately, Lieutenant Mowry's vision of Pima-Maricopa doom did not pan out. Unfortunately for Pimas and O'odhams, the civilization program would move forward in future years.

As the 1860s began, representatives of the United States continued to work among Pimas, Maricopas, and O'odhams. Agent Walker, ever enthusiastic, reported that there was "a very perceivable advance in civilization among [the Pimas]." He again noted the need for farming implements and tools for the San Xavier O'odham, and observed that they were "the best Indians in the Territory…as easily managed as the Pimos."[102] While Arizona moved into its final year as

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[100] "Report of John Walker, agent for the Indians within the Tucson agency," 28 September 1859 (Walker to Collins) in *Annual Report*, 1859, 352.

[101] "Report of Sylvester Mowry, upon the condition of the Pimas and Marricopas [sic], of Arizona," 21 November 1859 (Mowry to Greenwood) in *Annual Report*, 1859, 353–354, 359–360, 361.

[102] "Report of John Walker, agent for the Indians within the Tucson agency," 6 September 1860 (Walker to Collins) in *Annual Report*, 1860, 167, 168. Walker also commented that there were "Pueblos or tame Apaches [living] in the immediate vicinity of Tucson, numbering, perhaps 150

part of the New Mexico Superintendency, Superintendent Michael Steck reported in 1863 that many O'odhams of southern Arizona had participated in the emerging economy of the region as shepherds. He also commented that, "A number were educated at the mission of San Xavier."[103] American agents soon began to understand what this "education" entailed. New Superintendent of Indian Affairs for Arizona Charles D. Poston noted that O'odhams had been baptized, cut their hair short, wore Western-style clothing, and generally were "modified by civilization." He began to discern a system of government at San Xavier, with a "captain" by the name of José Victoriano Solorse, a "highly intelligent Indian…exercising beneficial influence on the tribe." Superintendent Poston also designated a reservation of two square leagues, and called for additional aid so that they could "colonize the struggling members of the tribe within this reservation."[104] J. Ross Browne, the nineteenth-century author, journalist, traveler, and government employee who traveled to Arizona with Poston, wrote about the O'odham he encountered at San Xavier in his 1863 visit. He described the O'odham there as a "peaceable, industrious, and friendly race. They live here, as they lived two centuries ago, by cultivating the low grounds in the vicinity, which they make wonderfully productive by a system of irrigation." He also commented: "They profess the Catholic faith, and are apparently sincere converts. The Jesuit missionaries taught them those simple forms which they retain to this day, though of late years they have been utterly neglected. The women sing in the church with a degree of sweetness and harmony that quite surprised me." Brown also mentioned the governor, José, and stated that

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souls. They have no lands, and work in the same manner as, and are upon an equality with the Mexican peons" (p. 169).

[103] "Report of Michael Steck, superintendent," 19 September 1863 (Steck to Dole) in *Annual Report*, 1863, 109.

[104] "Report of Charles D. Poston, suprintendent," 30 September 1864 (Poston to Commissioner Dole) in *Annual Report*, 1864, 153–154

he and his people had been intruded upon by Mexicans living nearby. They entreated Poston for assistance, and he "ordered the Mexicans to leave."[105]

In 1865, Papago Agent M. O. Davidson wrote at length to Commissioner of Indian Affairs William P. Dole about the conditions of the O'odham around San Xavier. While he echoed Superintendent Poston's praise of the O'odham "'gobernador' or head chief, Don José Victoriano Solesse…an intelligent and worthy man," Davidson did not agree that O'odhams should be congregated at San Xavier. He did not believe that such a measure would "contribute most to their welfare," owing to their "local attachment to their homes, nor could they be made readily to understand why such a measure should be proposed. So far as I can learn, they will be better pleased to retain possession of their own little valleys and villages." What Davidson proposed was the formation of an O'odham republic, with San Xavier at the center. Davidson's treatise on potential O'odham democratic government is lengthy, but portions of it bear repeating to show that one agent, as early as 1865, envisioned an O'odham electorate and functioning representative government. He advised that the federal government "unite [them] in forming a central government at San Xavier, to which each community will send delegates yearly, to deliberate upon the common welfare, and pass such laws and ordinances as the condition of the people may require." This sounded very much like an O'odham national council with delegates elected annually. But, Agent Davidson felt that O'odhams should be given the choice between remaining in their dispersed communities or congregating at San Xavier, and that this should take place in a national referendum:

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[105] J. Ross Browne, *Adventures in the Apache Country: A Tour Through Arizona and Sonora, with Notes on the Silver Regions of Nevada* (New York: Harper & Brothers, Publishers, 1869), 138, 140–142, 276. Having attended Sunday morning mass at San Xavier myself, I can confirm that the choir at the Mission, still comprised mostly of O'odham singers, is truly impressive.

> Before acting upon any policy, I would suggest that a convention of the people be called to deliberate, and give expression to their wishes by a decisive vote. They are disposed to agriculture and the arts of peace. Again, it may be reasonably doubted whether the limits of the proposed reservation will embrace sufficient arable land to sustain the whole people. If it should not be the case, and the voice of the people shall be in favor of concentration, then the surplus population that cannot be advantageously located ay San Xavier, may be allotted a reservation not far distant, and selected from the tillable lands now in the power of the hostile Apaches, when the latter shall be conquered and removed.

Davidson did not stop there. He believed that these O'odham should be considered citizens of the United States with all of the appertaining rights:

> In my opinion, we must regard them as American citizens, and under certain conditions entitled to all their privileges. Many are sufficiently advanced to understand their duties and exercise their rights as such. It is my humble opinion that it is the duty of the government to educate the remainder to a degree that will qualify them also to fulfil [sic] all the obligations and perform all the duties of citizenship. I will venture to say that these people, from their intelligence, their morality, and the manifestation of all the requisite qualifications, are quite as much entitled to the privileges referred to as the majority of the Mexican population… In a few words, confirm their possession to the lands they occupy, by the title of pre-emption, establishing suitable metes and bounds thereto, not interfering with the white settlements or mining claims; and it may be confidently asserted that, with the aid of schools, the rising generation of Papagos will not discredit the country of the institutions by which they are allowed to profit.[106]

These were remarkably enlightened and measured statements for an Indian agent, considering the year (1865), and the prevailing U.S. attitudes about Indians and their advancement. Had Davidson's recommendations been implemented, it would have signaled U.S. recognition of a sovereign O'odham republic within southern Arizona; able to elect representatives to a national council and choose whether to remain in small communities stretched throughout Papaguería or concentrate at the mission. These plans obviously did not take into account O'odham goals and

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[106] "Report from M. O. Davidson, relative to character, traditions, habits, &c., of Papagos," 16 June 1865 (Davidson to Dole) in *Annual Report*, 1865, 133–134. Agent Davidson also recounted that the O'odhams and so-called tame Apaches had supplied some 150 soldiers for a campaign against the "barbarous Apaches." Their service had been "really valuable" (p. 134).

ideas of governance, but they did convey a clear sense of O'odhams as deserving the franchise rights of United States citizens.

Agent Davidson's suggestions did catch the attention of the Indian Bureau. Writing in response to Davidson's recommendations in the fall of 1865, Acting Commissioner of Indian Affairs Rober B. Van Valkenburgh[107] instructed Davidson to "convene the Papagos at the earliest convenient day, and setting before them the advantages which will accrue to them from a settlement upon certain defined reservations within which their rights will be exclusive." If they accepted, Davidson was to "make selection for them of one or more reservations of reasonable extent for their wants." Davidson was also empowered to employ a teacher for the Indians, "who must read and speak both the English and Spanish languages." Finally, he notified Davidson that, "Provision will be made for the payment of a salary of $500 per annum to the duly elected head chief of the Papagos, and to three subordinate chiefs of $350 each per annum, to be paid so long as they shall continue friendly and efficient in aiding the United States authorities in preserving the peace and in the improvement of their people." Acting Commissioner Van Valkenburgh made no mention of whether he shared Davidson's intention of allowing the O'odham to choose whether or not they wanted to be concentrated on the reservation. But he hoped that the reservation and a steady advancement in "education, civilization, and the arts of self-sustaining industry" would cause them, "as citizens of the United States, [to] lose their separate tribal character and become merged in the general population of the Territory."[108] Still, that the acting commissioner viewed O'odhams nearing citizenship, under the leadership of a duly elected chief,

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[107] Van Valkenburgh served as acting commissioner only briefly in 1865 before going on to become U.S. Minister Resident to Japan.
[108] "Instructions to Mr. Davidson, relative to his agency," 7 September 1865 (Acting Commissioner R. B. Van Valkenburgh to Davidson) in *Annual Report*, 1865, 137–138.

demonstrates the lofty goals the United States held for the political incorporation of this Indigenous nation.

The proposed elections and meetings did not materialize. Seemingly constant turnover at the Indian Office must surely have hindered any stability in policy for southern Arizona. The agents who followed Davidson spoke frequently of establishing schools among the Pima, Maricopa, and O'odham. Schooling became the main focus of the assimilationist goal of turning these Indians into self-sufficient farmers in the Anglo-American mold. Levi Ruggles, for example, was special agent for the Pima and Maricopa in the late 1870s. As part of this office, he also administered for the O'odham. He commented on the benefits of schooling, and a perceived willingness among Pimas and Maricopas to embrace it: "They desire to have a school established here, where a few of their youths can be taught the English language. I think that they fully appreciate the advantages to be gained by education, and would cause a portion of their children to attend school constantly; and there is no doubt of their capacity to learn." He believed that O'odhams would benefit as well: "Critics might doubt that great good had been derived from [their] conversion [to Catholicism], but without doubt these people are capable of receiving and are anxious to obtain moral, religious, and scientific authors. A school for the education of a few of these youths in the elementary branches of an English education should be established at the Old Mission church of San Haver del Bec [sic]."[109] As was par for the course in late-nineteenth century federal Indian policy, southern Arizona administrators believed Indian education would accomplish the goal of civilizing Piman peoples.

By 1869 officials had begun to distinguish between Pimas and Maricopas and O'odhams. Pimas and Maricopas, who received annuities and other assistance, were "cared for to a greater

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[109] "Annual report of Levi Ruggles, special agent in charge of Pimas and Maricopas," 20 June 1867 (Ruggles to Superintendent Dent) in *Annual Report*, 1867, 162, 165.

or less extent by the government, are located on reservations, or who live in their own villages, receiving clothing, seeds, and agricultural implements from Indian agents or superintendents." O'odhams, on the other hand, "live in pueblos or villages, and cultivate the soil, or otherwise support themselves by their own labor exclusively, receiving no support from the government, but who are at peace with the whites." The author of this report, Lieutenant Colonel R. Jones, also observed:

> Of late years this industrious tribe has been utterly ignored by the Indian department, and it is not known that any reservation has ever been designated for them, though a former agent, named Lyon, assigned them to the country in the vicinity of San Xavier del Bac, and while they remained under his charge he protected them in their rights, but since then the Whites and Mexicans have been encroaching on and taking up their best lands, and the Papagos are being gradually crowded across the line into Mexican Territory.

Jones, whose report was endorsed by none other than General William Tecumseh Sherman, felt strongly that Levi Ruggles should be removed as the Pima-Maricopa agent: "In a word, he is a mere nullity, for whom the Indians have no respect." He felt that Ruggles only took an interest in these Natives when it came time to distribute goods.[110] On the other extreme, O'odhams were in a situation similar to the Pueblos of New Mexico. Their peaceful, agricultural characteristics led federal agents to ignore them, believing that all was well.

In the 1870s, various groups opened schools among the Pima, Maricopa, and O'odham. For example, renowned Presbyterian missionary Charles Cook began his work ministering among Gila Pimas in 1870, and soon opened a school among them.[111] This work would continue well into the twentieth century. Among the Pima, Maricopa, and O'odham, Presbyterians,

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[110] "Report of Lieutenant Colonel R. Jones, U. S. A., relative to Indian tribes in Arizona," 21 July 1869 (Jones to Brevet Major General R. B. Marcy, Inspector General U. S. A., Washington) in *Annual Report*, 1869, 215, 220.

[111] Pima and Maricopa Agent J. H. Stout reported on Cook's activities in 1871 and the various challenges he faced in establishing schools among the Pimas. See "Annual report of J. H. Stout, special agent Pima and Maricopa agency," 18 August 1871 (Stout to Bendell) in *Annual Report*, 1871, 355–356.

Catholics, and Indian Service employees operated several day schools, as well as industrial boarding schools in Tucson and Phoenix. Agents grappled with the common conundrum of the benefits and drawbacks of day schools as opposed to boarding schools, and the relative merits of schooling under the various denominations. While it is not my intention to gloss over this important history of the education of Piman children in southern Arizona, it is a history that would require a separate volume entirely. I have made a strategic choice, therefore, to focus on important events surrounding allotment, citizenship, and voting among the Tohono O'odham of San Xavier del Bac.

By the early 1870s, federal officials had failed to establish a reservation at San Xavier. They had discussed the issue ad nauseam, but had not taken the necessary actions for an O'odham reservation. Special Agent R. A. Wilbur reported in 1871 that O'odhams at San Xavier were "peaceful, comparatively intelligent, and very industrious, being of great assistance to the farmers of the Santa Cruz Valley in harvesting and as herders." Referring to the years of neglect and many broken promises, he pleaded for action in their behalf:

> They are ready and willing to conform to any proposition the Government may wish to extend them. They complain, and with reason, perhaps, that they have been neglected, while other Indians, who in no respect could compare with them in fealty to the Government, have yearly been provided for, and they only occasionally. They want something permanent, some assistance continued, until they are so established that they can feel able to take care of themselves under an improved and civilized organization. They say they have been promised schools, agricultural implements, and improved breeds of stock; but the promise has been fulfilled only to a very limited extent.

Furthermore, he pointed to the fact that many O'odhams worked in Tucson and participated in the cash economy: "From their employment and associations they have become more intelligent in regard to these matters than any other Indians."[112]

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[112] "Annual report R. A. Wilbur, special agent Papago agency," 26 August 1871 (Wilbut to Bendell) in *Annual Report*, 1871, 365–366.

The situation was exacerbated by settler encroachments around San Xavier. Papago Agent R. A. Wilbur reported in 1872: "Little by little settlers are hedging them in, using the water for irrigating their own fields, until now they are so crowded they come continually with complaints." Wilbur had seven suggestions: 1. Put them on a reservation; 2. Give them agricultural implements, seeds, carts and oxen, and breeding-stock; 3. Establish schools and provide instructors; 4. Increase the salary of the physician there and give him enough supplies; 5. Give them clothing, blankets, and shoes; 6. Provide the agent with a light wagon and team of horses for traveling to their dispersed villages; 7. Consider sinking artesian wells for them.[113] Agent Wilbur believed these would all mitigate the situation, but establishing a reservation was the most pressing issue.[114] The long awaited reservation finally materialized through an Executive Order issued on 1 July 1874. Encroachments by outsiders had brought O'odhams almost to the breaking point, when the Executive Order set aside 69,200 acres.

The San Xavier Reservation was primarily under the jurisdiction of the Pima-Maricopa Agent, save for a few years when there was a Papago Agency.[115] Papago Agent John W. Cornyn reported in 1875 that the O'odham at San Xavier were very happy to finally have a reservation. He also reported that education among them had been a "great success," and that he found them to be a "civilized, moral, and virtuous people." While other agents had urged they be moved

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[113] "R. A. Wilbur, Papago agency, Arizona," 31 August 1872 (Wilbur to Bendell) in *Annual Report*, 1872, 321.

[114] The 372,000-acre Gila River Pima Reservation was established by act of Congress in 1859, while the 52,600 Salt River Pima-Maricopa Reservation was established by Executive Order in 1879. See Inter Tribal Council of Arizona website, "Gila River Indian Community," http://itcaonline.com/?page_id=1158, and "Salt River Pima-Maricopa Indian Community," http://itcaonline.com/?page_id=1175, accessed 1 June 2015. While there were always issues of competition for irrigating waters, and encroachments by Anglo-American settlers, there was a pronounced neglect of the O'odhams when it came to a reservation.

[115] Erickson, 77–78; Alice Joseph, M. D., Rosamond B. Spicer, and Jane Chesky, *The Desert People: A Study of the Papago Indians* (Chicago: University of Chicago Press, 1949), 22.

north to the Gila River Reservation he strongly protested such a course; Pimas would corrupt the "gentle, virtuous Papagos."[116]

With the San Xavier Reservation established, agents turned to what they believed was the next logical step in their development: individual land ownership and title. O'odhams had gained a reservation, but no agent. In 1876 Pima-Maricopa Agent Charles Hudson administered the San Xavier Reservation from Gila River. He found O'odham affairs "somewhat complicated." While many O'odhams secured "considerable employment among the settlers," he reported that, "Mexicans are occupying farms and using the water-privileges belonging to and absolutely necessary to the Indians, without a shadow of title except occupancy." As a solution, Hudson proposed 160 acres to each family and inalienable title: "Such action would encourage them to renewed efforts, allow them to assume a position by the side of their civilized brethren, and to join in the march of progress."[117] This is one of the earliest mentions of an allotment-style arrangement for O'odhams. Hudson likely based his vision on the Homestead Act of 1862, which provided for 160-acre grants to homesteaders. The Homestead Act had opened O'odham lands to Anglo-American settlement in 1866,[118] but what is remarkable is that he was encouraging O'odhams to take up homesteads under the act, on their own traditional lands. His thinking also preceded the Dawes Act by more than ten years. By the following year, 1877, Pima-Maricopa Agent J. H. Stout updated the Pima Agency's recommendation. He suggested giving heads of family forty acres minimum in severalty, and as much as eighty acres if forty did not suffice. The government would retain title until they "become somewhat familiar with their

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[116] "Report of John W. Corynyn, Papago Agency," 14 September 1875 (Cornyn to Smith) in *Annual Report*, 1875, 213.
[117] "Report of Charles Hudson, Pima and Maricopa Agency," 31 August 1876 (Hudson to Commissioner) in *Annual Report*, 1876, 8–9.
[118] Erickson, 77.

responsibilities as citizens." He also regretted to report that the Hispano encroachments he had mentioned the previous year had not abated, and that they continued to use O'odham water and cut down all of the trees.[119] Individual land ownership may have been the goal, but it would be over a decade in coming to the O'odham, and it would have decidedly mixed results.

By 1885, Pima Agent Roswell G. Wheeler reported that O'odhams on the San Xavier Reservation had been "harassed, cheated, bulldozed, by lawless whites and Mexicans. Troubles about land and water have continually called for the interference of the agent. The intruders have finally been ejected and temporary quietness prevails." Still, he feared that the ejected parties would not hesitate to "create a disturbance" and seek O'odham land once again.[120] In 1886, Agent Wheeler actively "endeavored so far as possible to arouse an interest in and to induce them to avail themselves of the homestead law…many of them have gladly embraced this opportunity and roughly outlined their homesteads." He also stated, "The Papagos need an agent badly…No better Indians than these there are known, and a great field is open and waiting for the harvest."[121] Although the Dawes Act debate was then raging in Washington, there was no other "homestead law" on the books besides the Homestead Act. Wheeler was clearly trying to get O'odhams to take up homesteads under this law, in a sort of proto-Dawes Act Indian policy. While O'odhams did not take up homesteads under the Homestead Act, the passage of the Dawes Act in 1887 paved the way for O'odham allotment. Agents were anxious to begin allotment at San Xavier, but Pima Agent Claude M. Johnson reported in 1889 that, "No land has

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[119] "Report of Charles Hudson, Pima Agency," [actual report is from J. H. Stout] 31 August 1877 (Stout to Commissioner) in *Annual Report*, 1877, 33–34.
[120] "Report of Roswell G. Wheeler, Pima Agent," 29 August 1885 (Wheeler to Commissioner) in *Annual Report*, 1885, 4.
[121] "Report of Roswell G. Wheeler, Pima Agent," 2 August 1886 (Wheeler to Commissioner) in *Annual Report*, 1886, 39.

been allotted in severalty to them."[122] This would all change in 1890, when the government began allotting land to O'odhams at San Xavier. Agent Cornerlius W. Crouse mentions allotment almost in passing: "During the year the Papago Reservation was allotted to 363 Indians."[123] In the end, ninety-four heads of family each received 160-acre allotments. They were all men, as married women shared their husbands' allotments. A single 160-acre allotment contained 20 acres of farmland, 50 to 80 acres of mesquite timberland, and the rest mesa fit for grazing only. All single adults—male and female—received forty or eighty acres of mesa. When the allotting at San Xavier was complete, 42,000 acres of the 71,090-acre reservation was in individual plots.[124] Unfortunatelt, on average, each allottee received only ten acres of irrigated land.[125]

Crouse's casual approach and the seemingly tidy allotment work belie the complexity of allotment at San Xavier. For one thing, O'odhams had long practiced seasonal migrations, even those who had permanent homes at San Xavier. When the allotting agent counted resident O'odhams, he put the number at 363. He considered all of them residents. Some of them were descendents of the original Sobaipuris who had lived at the mission and its vicinity for centuries. Others were only visitors to the region, there to visit family members or for economic reasons. Carl Lunholtz reported on San Xavier at the end of the 1910s: "The church is at present surrounded by a reservation of the Papago Indians….owing to the half nomadic habits of the tribe, natives of the interior districts are constantly to be found there."[126] It made no difference; all received allotments. Many O'odham residents of San Xavier were away at the time for

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[122] "Report of Claude M. Johnson, Pima Agent," 1 July 1889 (Johnson to Commissioner) in *Annual Report*, 1889, 120–121.
[123] "Report of Cornelius W. Crouse, Pima Agent," 18 August 1890 (Crouse to Commissioner) in *Annual Report*, 1890, 7.
[124] Erickson, 92.
[125] Andrea M. Marak and Laura Tuennerman, *At the Border of Empires: The Tohono O'odham, Gender, and Assimilation, 1880–1934* (Tucson: University of Arizona Press, 2013), 20.
[126] Lunholtz, 6.

various reasons and did not receive allotments. O'odham Peter Blaine, Sr., whose biography, *Papagos and Politics* remains one of the best O'odham accounts of life in the late nineteenth and early twentieth centuries, reported that his aunt had married an allotee, but that the man was originally from Caborca, on the Sonora side towards the Gulf of California. His allotment was one of these San Xavier allotments made in the early 1890s, very near the mission church. He reported that some people who lived there had been away and missed being allotted, while others who were clearly non-residents were. Blaine commented, "I really didn't understand how the Papago lands were allotted to just certain people. I never could get that straight." He also related that his father-in-law had an allotment at San Xavier. What he had done was choose a plot of land he liked, cleared it, and begun farming it. When the allotting agent came, "he got that piece of land."[127] Also, the O'odham initially ignored the new allotment boundaries, continuing with traditional agricultural practices. But as time wore on, more O'odhams moved onto individual plots. These allottees seldom made wills, nor did they understand Arizona land inheritance laws. When allottees died, their lands were divided among heirs. Because of this, land ownership at San Xavier became fragmented and confusing over the years. Amazingly, OIA officials asserted some O'odham alloottees had "progressed" enough after the twenty-five year trust period, and gave them fee-simple title.[128]

As historian Eric Meeks points out, "One of the central tools of the assimilation policy was allotment….Any Indian who received an allotment would become a U.S. citizen with 'equal protection under the law,' echoing the language of the Fourteenth Amendment." San Xavier was

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[127] Peter Blaine, Sr. as told to Michael S. Adams, *Papagos and Politics* (Tucson: The Arizona Historical Society, 1991), 17, 32.

[128] Erickson, 92–93. Blaine reported on farming: "At San Xavier we ran our own farms. We didn't have nobody telling us how to farm." See Blaine, p. 34. Blaine was decribing his own farming a few decades after the 1890 allotments were made, but this still indicates a continuation of traditional O'odham farming practices regarless of allotment.

the *only* reservation allotted by the Bureau of Indian Affairs in Arizona during the nineteenth century (since allotment at Hopi was never completed).[129] While Indian agents considered the O'odham of San Xavier to be civilized or half-civilized, and well on their way to citizenship in many cases, the dream of voting O'odham citizens did not materialize in the 1890s or early 1900s. A key figure in these developments was John M. Berger, the Indian Service farmer in charge of the San Xavier Reservation. Berger, a Swiss-born naturalized U.S. citizen, had worked initially as a jeweler in Tucson. After he married an Hispana woman, he took up ranching on traditional O'odham land. Agent Wheeler forcibly removed Berger and his wife from the ranch in 1875, when it was included in the San Xavier Reservation boundaries of 1874.

Somehow, Berger later became deeply ingrained in the Indian Service bureaucracy at San Xavier, serving variously as farmer, agent, and sub-agent for over twenty-five years.[130] Berger began his work among the O'odham in 1890. In 1893, Pima Agent Crouse was already regretting allotment at San Xavier, which he felt was a mistake. He stated, "so many nonreservation, nomadic, homeless Papagos were and are yet needing it [allotment]." He felt that it had been done hastily and did not extend to enough O'odhams.[131] In his report of that same year, Berger painted a rosy picture of an allotted, civilized people, stating that, "All the Indians on this reservation without a single exception, wear citizen's dress and the greater part of them live in more or less comfortable houses built of sun-dried bricks of large size (here called adobes)." He also commented that, "About three-fourths of the allottees are devout Catholics and attend

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[129] Eric V. Meeks, *Border Citizens*, 46.

[130] Biographical information on Berger is extremely difficult to come by, but much of it has been compiled on the Find a Grave website, including his obituary in *The Arizona Daily Star*. See page for "Maria Policarpia Martinez Berger," (his wife) http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=115238196, accessed 8 June 2015.

[131] "Report of Pima Agency," Cornelius W. Crouse, 1 July 1893 (Crouse to Commissioner) *Annual Report*, 1893, 114. He urged the allotment of the Gila Bend Papago Reservation, which was much smaller: only six square miles (114).

regularly the mass held in the church every two weeks by a priest of that denomination." Most interesting of all, he reported:

> With the exception of a few malcontents, found in every community, all the allottees appreciate fully the privilege they enjoy in the ownership of land in severalty. It gives them a greater inclination toward farming and especially toward a more careful clearing and cultivating of their land than they ever had before, a fact clearly shown by the increase in the number of farmers among them.[132]

Berger had obviously exaggerated in his description of O'odham enthusiasm for allotment, but his report for that first year clearly enunciated the government's plan for O'odham civilization and citizenship, one that Berger hoped would culminate in O'odham voting.

The following year, Berger reported at length on the O'odham under his care. First, he noted two different classes of O'odhams at San Xavier. One consisted of those who descended from Sobaipuris, and had "always lived upon this reservation. They are a better kind of Indian, more advanced in civilization, live in better houses, dress better, are more honest, and generally more amenable to good advice than others. They send their children to school." The other class consisted of more recent O'odham immigrants from the desert rancherías. They had a more "nomadic disposition," and were, "as a rule, opposed to civilization in any manner, and will not send their children to school." In a critical insight in his report, Berger stated:

> The Papago allottees have not yet claimed any of their rights as citizens, but at the same time they have done their duty as citizens in this respect, that they have worked on the public roads under the supervision of the county road overseer from the village of San Xavier to Tucson, 125 allottees having each given one day's work for that purpose. This was done to comply with the Territorial law exacting this duty from every male citizen between the ages of 21 and 50 years, or in default of said labor a payment of $2.[133]

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[132] "Report of Farmer, Papago Reservation," J. M. Berger, 4 August 1893 (Berger to Crouse) in *Annual Report*, 1893, 117–118.
[133] "Report of Papago Subagency," J. M. Berger, 28 August 1894 (Berger to Young) in *Annual Report*, 1894, 108–110.

In other words, the O'odham had not claimed any of their rights as citizens—voting, namely—but they behaved as good citizens, even participating in public works projects.

After some eight years of service at San Xavier, Berger maintained his positive attitude, attesting that, "The Indians of this reservation live much better than they did formerly. They have better houses, wear better clothing, have more to eat and of a better quality, and they are more cleanly in their habits, consequently their sanitary condition has improved." He was the proud patriarch in his paternalistic little empire. Returning to the idea of citizenship: "In making a review of the year's work I can see much to encourage, for in many things that go to make up a prosperous people and good citizens, great progress has been made."[134] Such grand statements of great progress toward civilization by Indians under any given agent's care were common, as I have shown on numerous occasions, but in this case Berger had a valid point, at least in the world of assimilationist Arizona Indian policy. Here were of hundreds allotted Indians.[135] They farmed, dressed like citizens, were civilized, sent their children to school, could lease their land to outside parties, and by law were entitled to all of the rights of citizens, including voting rights. Berger must have been frustrated to report in 1899 that, "As yet no land has been leased, nor has any application to that effect been made, *nor has any allottee exercised his right to suffrage*."[136] It is difficult to understand fully the mind of this government employee, but he was obviously consumed with ideas of progress and civilization. He clearly measured his own success by the degree to which he was able to "lift" the O'odham to the status of good American citizens. And the pinnacle of citizenship in the late nineteenth and early twentieth centuries was suffrage.

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[134] "Report of Farmer in Charge of Papagoes [sic]," J. M. Berger 3 September 1898, (Berger to E. Hadley, United States Indian Agent) in *Annual Report*, 1898, 129.
[135] Berger put the population on the San Xavier Reservation in 1895 at 492. See "Report of Papago Subagency," J. M. Berger, 28 August 1894, in *Annual Report*, 1894, 108.
[136] "Report of Farmer in Charge of San Xavier Papagoes [sic]," J. M. Berger, 15 August 1899 (Berger to Hedley) in *Annual Report*, 1899, 165. Emphasis added by author.

When viewed from this perspective, Berger's repetitive assertions, such as the one that follows, are much easier to understand:

> I am pleased to state that reasonable progress has been made in civilization among the Papagoes under my charge during the past year. Every step made by them has been a step forward. On the whole there has been manifested a better appreciation of the value of the occupations pertaining to civilized life and a greater earnestness and persistence in pursuit of them. They are getting more progressive and self-sustaining every day and many of them are abundantly able to manage their own affairs. The allottee plainly shows that he is proud to be the owner of a piece of land which he knows belongs to him and his family, by the many improvements he is continually making thereon.[137]

Berger saw what he wanted to see. What were longstanding O'odham traditions of participation in the labor and cash economy appeared to him as examples of progress in "the occupations pertaining to civilized life." The O'odham had long been self-sustaining, a fact noted by the earliest Ango-American observers, so again, Berger's point is moot. Further, it is difficult to ascertain the level of enthusiasm the allottee truly displayed for land in severalty. What is clear is that Berger was trying to justify his own work, and to show in every way possible that the O'odham were truly on the cusp of citizenship and suffrage. It was so close that he could almost taste it.

Berger summed up his eleven years of service at San Xavier by asserting that they had been filled with progress, and that there was still room for more: "They have not only considerably advanced in civilization, but they are also in a far more prosperous condition than they ever have been."[138] Berger must have been extremely disappointed when his charges, who qualified for citizenship in every way, apparently never undertook that culminating step of exercising their right to suffrage. His disgust is apparent in his 1902 report, when he was

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[137] "Report of Farmer in Charge of San Xavier Papagoes," J. M. Berger, 18 August 1900 (Berger to Hadley) in *Annual Report*, 1900, 199.
[138] "Report of Farmer in Charge of San Xavier Papago," J. M. Berger, 17 August 1901 (Berger to Hadley) in *Annual Report*, 1901, 190.

removed from his position for a short time and then reinstated. The O'odham misunderstood this action, believing that they were no longer under federal control: "the subsequent behavior of a great number of them fully demonstrated that they were not yet ready for self-government." He laid the blame on the traditional O'odham leadership, who thwarted the actions of true civilization:

> A few old Indians and medicine men, all of whom have always been more or less troublesome and opposed to civilization and progress, thought their time had come again, They called meetings, selected new chiefs of their own kind and sentiment, and informed the actual chiefs (both of them very good and progressive Indians) that they had no further use for them, etc. The announcement of my reappointment was a great relief to the good Indians, as it suddenly stopped all further injurious proceedings from and by the bad element.

The O'odham, jubilant at the prospect of actual self-government, gathered together and selected new leadership in the traditional manner, ridding themselves of the "very good and progressive" O'odham leadership supported by the Indian Service. In actuality, this episode demonstrated that the O'odham were more ready than ever for self-government. Berger concluded this 1902 report with the familiar statement, "As yet no land has been leased by the allottees, nor has any allottee exercised his right of suffrage."[139]

The same rang true in 1904: "As yet no land has been leased by the allottees to whites, nor has any application to that effect been made, nor has any allottee exercised his right to suffrage." No contrary report surfaces in the remaining years of Berger's tenure, which terminated with his death in 1910. Although he noted the progress made by the O'odham during his years of service, he failed in the final goal of fashioning them into citizen voters. His report from 1902 speaks volumes about the O'odham vision of leadership and citizenship, at least at San Xavier. They wanted to select their own leaders in the traditional way, and they did not

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[139] "Report of Farmer in Charge of San Xavier Papago," J. M. Berger, 28 August 1902 (Berger to Commissioner) in *Annual Report*, 1902, 167–168.

exercise the right to suffrage because they did not desire to. As with the Pueblos of New Mexico, citizenship in the O'odham community was far more important than United States citizenship, and the allure of gaining alleged "rights" could not convince them otherwise. Furthermore, the Burke Act of 1906 largely closed the door to O'odham citizenship and voting. According to the terms of the Burke Act, which amended the Dawes Act, allottees must receive fee-simple title in order to become citizens. They either had to pass the twenty-five-year trust period, or be individually assessed by the Secretary of the Interior as competent and capable of managing their own affairs.[140] No O'odham had voted as of Berger's 1904 report, and there is no reason to believe that any did in the years immediately following. The federal government did not deem O'odham allottees at San Xavier competent and grant them citizenship. While some O'odham qualified for citizenship before the Burke Act, they had not voted, making them citizens by law but not in deed. When allotment and citizenship laws were amended, O'odhams had not passed through the mandatory twenty-five years, and no longer qualified for citizenship. Writing about the Tohono O'odham in the 1940s, after they had organized under the Indian Reorganization Act, a group of authors commented, "The Papago tribe as a political unit has existed for less than ten years. Before this time, *each village handled its own affairs, and related villages cooperated economically and socially, but there was no tribal government as such*."[141] San Xavier del Bac had handled its own affairs for decades, even while federal officials there focused their efforts on securing O'odham citizenship. These O'odham had repeatedly resisted Anglo-American

[140] Meeks, 49.
[141] Joseph, Spicer, and Chesky, *The Desert People*, 104. Emphasis added by author.

concepts of citizenship, such as the franchise; the project to transform the O'odham into citizen voters had failed.[142]

Conclusion

In 1928, Peter Porter, a citizen of the Gila River Indian Community, tried to register to vote in Pinal County. The county registrar denied his registration. Porter took his case to court, and the Arizona Supreme Court eventually decided against him in *Porter v. Hall* (1928). In Arizona, those opposed to Indian voting argued that Indians could not vote because state jurisdiction did not fall within the political and governmental boundaries of the state.

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[142] Peter Blaine's philosophy perfectly encapsulates this view of O'odham governance and politics, one that resisted change by the BIA. Although he became politically active in the 1920s, this idea had guided O'odham thought throughout the territorial period. He stated: "I started working more closely with the old San Xavier people. I had already been an interpreter for them to the Agency, so when my godfather went to the San Xavier village council meetings, I went along. Most all of the council were older men, some young, but most were old. Being young, I never wanted to fail my people" (Blaine, 40). As his biographer summarizes, he was "committed to the traditional concept of leadership: a head man, chief or chairman must always go to the people and ask what they want done before making a decision. This is 'the Papago way'" (2–3). There was also the rise of the Good Government League (GGL) in the last year of the territorial period. Formed in 1911, the GGL supported Progressive Era reform, and campaigned forcefully, among other things, for more day schools in O'odham country, stating, "We want to become good and useful citizens of our great country, but how are we to become so if means for securing an education is not provided?" They were supported by the Indian Rights Association, and wanted more federal involvement in O'odham affairs. The Indian Rights Association vociferously called for schools and the federal government to give the O'odham "at least a white man's chance" (see *The Thirty-First Annual Report of the Executive Committee of the Indian Rights Association, for the Year* Ending December 10, *1913* [Philadelphia: Office of the Indian Rights Association, 1914], 26, 28). GGL members were mostly Presbyterian O'odham who were graduates of the Tucson Indian Training School, a Presbyterian-run boarding school. Their main opposition was the League of Papago Chiefs, who were Catholics dedicated to more traditional concepts of O'odham governance (see Meeks, 100–101 and Daniel Bruce Ferguson, "The Escuela Experience: The Tucson Indian School in Perspective." Master's thesis, University of Arizona, 1997, 38, 43–44). Blaine fell squarely with the latter group, and the two battled long and hard over control of O'odham leadership. This conflict precipitated O'odham political realignment during the Indian Reorganization period, but it occurred in the 1930s, and thus falls outside of the present study.

Furthermore they were wards of the federal government. But, while New Mexicans denied voting through constitutional means by way of the "Indians not taxed" clause, Arizona opponents of Indian voting used wardship in a new way. Article 7, Section 2 of the Arizona Constitution read: "No person under guardianship, non campos entis or insane, shall be qualified to vote at any election."[143] Indians in Arizona were thus classed with the institutionalized and denied the franchise.

But, the Arizona Constitution of 1912 did not mention Indians in its sections on voting. And that it took nearly twenty years for a legal challenge to the right of Indians to vote in the state is a testament to the failure of OIA employees, missionaries, and reformers to bring the vote to Arizona's Indians. Indians did not vote in Arizona during the U.S. territorial period largely because they had no desire to do so. Indian agents were willing to extend this right, and seemingly encouraged those Indians they deemed "civilized" enough to exercise this right. But Hopis did not embrace citizenship and voting, turning instead to internal affairs as they had done for so many centuries. As fearful refugees in a foreign country, Yaquis tried to stay away from any situation that would potentially lead to trouble and the horrors of deportation. Furthermore, their reconstituted communities in southern Arizona did not possess the town electoral system for which Yaquis had fought so valiantly in the eighteenth and nineteenth centuries. For the Yaqui, voting was simply out of the question. The Tohono O'odham of San Xavier del Bac, who seemed the perfect subjects for the civilizing project, also did not exercise their right to the franchise. Although they had been allotted land in severalty, and met the qualifications for

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[143] McCool, Olson, and Robinson, 15. Article 7, Section 2. C. now reads: "No person who is adjudicated an incapacitated person shall be qualified to vote at any election…" See Article 7, Section 2. C. of Arizona Constitution, Arizona State Legislature Website, http://www.azleg.gov/FormatDocument.asp?inDoc=/const/7/2.htm. Accessed 27 September 2015.

citizenship and voting under the law, they showed no interest in doing so. O'odhams participated in the regional economy and interacted with Anglo-Americans, Mexicans, and Hispano-Americans, but they also labored to keep their communities solvent, basing leadership on traditional structures that had existed for centuries. Within the colonial context, the effort to transform Indians into voters in territorial Arizona bore no fruit.

CONCLUSION

In 1948, Frank Harrison and Harry Austin, both citizens of the Fort McDowell Yavapai Nation,[1] attempted to register to vote in Maricopa County. Frank Harrison had served honorably in the United States Marine Corps in World War II, but found that his family and other tribal members lived as second-class citizens in the country he had served. Harrison recalled that when he and Austin, who was the tribal chairman at the time, went to fill out their voter registrations, Roger Laveen, the young county registrar, refused, telling them, "You're under the ward[ship] of [the] government."[2] The state denied Indians the right to vote under Article 7, Section 2, of the Arizona Constitution, which read, "No person under guardianship, non compos mentis or insane, shall be qualified to vote in any election." Indians were thus classed with those under institutionalization or otherwise mentally incompetent. Harrison and Austin first sued in Maricopa County Superior Court, where they lost. They persisted, appealing to the Arizona Supreme Court. With the help of an amicus brief filed on their behalf by the National Congress of American Indians and the American Civil Liberties Union, they eventually won a favorable decision in *Harrison v. Laveen* on 15 July 1948.[3] Yavapais from Fort McDowell retell this story and commemorate this event each July. The poster from the 2014 edition of this celebration reads, "Celebrating the 66th Annual American Indian Right to Vote," and, "Exercise Your Right

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[1] At the time it was known as the Fort McDowell Mohave Apache Tribe. Outsiders had long mistaken Yavapais for a band of Apaches. Even the famous Progressive Era Yavapai physician, Carlos Montezuma, frequently referred to himself as an Apache or Mojave Apache.
[2] Frank Harrison, quoted in Anne T. Denogean, "60 Years Ago in Arizona, Indians Won Right to Vote," *Tucson Citizen*, July 25, 2009.
[3] Daniel McCool, Susan M. Olson, and Jennifer L. Robinson, *Native Vote*, 15–16; Denogean, "60 Years Ago in Arizona."

to Vote."[4] The *Harrison* decision remains a point of pride for Yavapais and other Arizona Indians. My own cousin, Paul Russell, a long-serving tribal council member at Fort McDowell, speaks admiringly of his predecessors and their valiant fight for the franchise. Harrison and Austin descendants are often invited to speak at tribal commemorations.

The experiences of Frank Harrison and Harry Austin link with a prominent story in the history of New Mexico's Pueblo Indians. Isleta Pueblo citizen Miguel Trujillo Sr. had also served in the Marine Corps in World War II. He attended the University of New Mexico, where he earned a BA and MA. He went on to work as a Bureau of Indian Affairs schoolteacher at Laguna Pueblo. In 1948, he attempted to register to vote in Valencia County. Valencia County Recorder Eloy Garley refused to allow Trujillo to register, since Article 7, Section 1 of the New Mexico Constitution read:

> Every male citizen of the United States, who is over the age of twenty-one years, and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote thirty days, next preceding the election, except idiots, insane persons, persons convicted of a felonious or infamous crime, unless restored political rights, and Indians not taxed, shall be qualified to vote at all elections for public officers.[5]

Although New Mexico also grouped Indian with "idiots, insane persons, [and] persons convicted of a felonious or infamous crime," it denied the right to vote on the grounds that Indians were "not taxed." This was incorrect, since Indians paid nearly all the taxes other New Mexicans paid. They only did not pay property tax on reservation trust land. Trujillo sued the county recorder, and Felix Cohen, the father of federal Indian law, served as his attorney. On 3 August 1948, mere weeks after the Arizona Supreme Court handed down the *Harrison* decision, the federal

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[4] Indian Voting Commemoration Poster, Monday, 21 July 2014. Poster in possession of the author.

[5] Article 7, Section 1, "Message from the President of the United States Transmitting Copy of the Constitution of New Mexico with Formal Approval Thereof, and Recommending the Approval of the Same by Congress," 61st Congress, 3rd Session, Senate Document No. 835, 24 February 1911 (Washington, Government Printing Office), 25.

court in Santa Fe ruled in *Trujillo v. Garley* that Indians in New Mexico could no longer be kept from voting.[6] These events are commemorated among New Mexico's Pueblo Indians and other Native peoples. A poster celebrating Miguel Trujillo and the "Indian Vote" decorates the hallway of the Indian Pueblo Cultural Center archives.

Peter Porter, a citizen of the Gila River Indian Community, was another prominent figure in the fight for Indian voting in the twentieth century who proceeded the *Harrison* and *Trujillo* cases by twenty years. In 1928, just four years after the passage of the Indian Citizenship Act,[7] Porter tried to register to vote in Pinal County, Arizona. He was denied his voter registration on account of the status of Arizona's Indians as wards of the federal government. The Arizona Supreme Court decided against Porter, thus closing the door to Indian voting for two more decades.[8] A story printed in the Gila River Indian Community's newspaper reads, "…to not vote is a disservice to those who fought for decades to win that right for Native peoples."[9] Although Porter lost his legal challenge to end Arizona's discriminatory voting practices, his courage and sacrifice are to be commended.

Such stories are important to Native peoples because they help us to remember. The act of remembering helps us to reaffirm our identity, history, and existence. There is power in the stories of Harrison, Trujillo, and Porter. These stories are repeated, their power grows, and they

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[6] Matthew Martinez (Ohkay Owingeh Pueblo), "Pueblo People Win the Right to Vote – 1948," from New Mexico Office of the State Historian Website, http://dev.newmexicohistory.org/filedetails.php?fileID=415; Dean Chavers, "A History of Indian Voting Rights and Why It's Important," *Indian Country Today Media Network*, 29 October 2012, http://indiancountrytodaymedianetwork.com/2012/10/29/history-indian-voting-rights-and-why-its-important-vote-140373. Both accessed 29 September 2015.
[7] The Indian Citizenship Act of 1924 granted citizenship to all Natives, but states such as Arizona and New Mexico obviously still found ways to bar Indians from voting.
[8] McCool et al., *Native Vote*, 15–16.
[9] Mikhail Sundust, "GRIC Celebrates Arizona Native Right to Vote," *Gila River Indian News*, vol. 15, no. 8 (August 2012), 1,6.

become foundational narratives for Native rights. I have heard these stories repeated many times through the course of my life; I have retold them many times as well. The narrative is often framed as one of a long struggle for Indian voting rights in New Mexico and Arizona, finally culminating in the twentieth century. Consider the following passage from a recent work on the history of New Mexico:

> The Indian Citizenship Act of 1924…granted full U.S. citizenship to America's indigenous people. By 1947 states with large Indian populations, *except Arizona and New Mexico*, had extended voting rights to the nation's newest citizens….Trujillo, a schoolteacher from Laguna Pueblo and former staff sergeant in the U.S. Marine Corps, refused to be denied his right to vote. Trujillo…became a dissident voice representing twenty thousand Indian people in New Mexico….In a stunning reversal on August 3, 1948, a federal triumvirate ruled that the New Mexico statute violated the Fifteenth Amendment and was, therefore, null and void. Thirty-six years after gaining statehood, New Mexico finally granted the right to vote to its American Indian citizens.[10]

The heroic actions of all of these individuals are worthy of our highest praise. We should retell these stories to our children and attend the yearly commemorations. We should never forget the efforts and sacrifices of those who came before us and secured the Indian vote for future generations.

But we must also not forget those individuals—some of them in the more distant past—who labored to secure the Indian vote in a different set of circumstances. Under the incredibly constraining conditions of the colonialism, which in many ways still persist, Pueblos, Hopis, Yaquis, and Pimas all fought to secure the right to govern their communities as they saw fit, often through voting. This meant instituting and adapting colonial ideas of electoral politics that, on the surface, may have seemed incongruous with Indigenous practice. But the governors, lieutenant governors, and other officers, and the men, women, and children who supported them, were involved in the crucial work of protecting the sovereignty of their Indigenous nations.

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[10] Sánchez et al., *New Mexico: A History*, 307–308. Emphasis added by the author.

Elected officers repeatedly confronted colonial power as stand-ins for their people. Their intense focus on the internal community, while meeting the demands of the colonizers, preserved their status as sovereign Native nations for future generations. Describing the centuries-old efforts by Mohawks of Kehnawà:ke to preserve their sovereignty, Mohawk anthropologist Audra Simpson writes:

> The Mohawks of Kehnawà:ke are nationals of a precontact Indigenous polity that simply refuse to stop being themselves. In other words, they insist on being and acting as people who belong to a nation other than the United States or Canada. Their political form predates and survives "conquest"; it is tangible (albeit strangulated by colonial governmentality) and is tied to sovereign practices….As Indigenous peoples they have survived a great, transformative process of settler occupation, and they continue to live under the conditions of this occupation, its disavowal, and its ongoing life, which has required and still requires that they give up their lands and give up themselves.[11]

Much of the same can be said of the Indigenous nations of this study. Through an ingenious mixture of Indigenous tradition and colonially imposed practices, these groups simply refused to stop acting like independent nations.

In celebrating only recent legal victories in the history of the Indian franchise, we can unwittingly promote the sort of facile, triumphalist narrative that promotes an Anglo-American agenda: people suffered under the unjust system of previous colonial administrations, but in the courts of the United States of America, everyone can seek, and win, justice. This simply is not the case. The story of struggle, and success, extends much farther into our past. We must, therefore, celebrate and tell stories about the elected Cochiti Pueblo officers who traveled all the way to Mexico City in an attempt to protect the Pueblo's lands. Such a journey was long, expensive, and dangerous. We must tell the story of the Yaqui governors who challenged the authority of despotic, sadistic Jesuits who usurped Yaqui labor and meddled in matters of

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[11] Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham: Duke University Press, 2014), 2.

internal governance. These Yaqui governors also made the trek to Mexico City, and eventually gave their lives in a struggle to protect the status of their communities as sovereign Indigenous nations. We must tell the stories of O'odhams at San Xavier del Bac who subverted the allotment process, maintaining traditional subsistence and economic practices. These Odhams refused to embrace U.S. citizenship and the franchise, when their baffled Indian agent saw no reason why they should not. We cannot know their exact motivations, but this simple act likely kept O'odham lands free from an even stronger Anglo-American presence, as it would have led to more allotment, more alienation, and decreased community autonomy. We must tell the stories of the Yaqui founders of the southern Arizona communities, who forewent their intricate system of electoral town government for a time so that their people could live safely in the United States. We must tell the stories of elected Pueblo officers who repeatedly took Hispano and Anglo-American squatters to court to have them ejected from Pueblo lands. These same officers expressed their desire to officials in Santa Fe and Washington, D.C. to not become citizens of the United States. To accept citizenship would have opened up their communities to external forces they likely could not turn back. They would have been compelled to pay taxes on traditional lands, thereby forcing them to sell off more territory, since their only cash-generating resource was land. Perhaps many more similar stories are part of the hidden transcript that Pueblo, Hopi, Yaqui, and Piman peoples tell one another. I would hope so. These are the stories that also need to be shared repeatedly.

We must also realize that, historically, the Indian vote was far from perfect and fraught with many hazards. Imposed ideas of democracy caused friction within communities, and on a number of occasions, violently pitted those who supported such ideas against those who vehemently opposed them. The Indian vote contributed to the deaths of several individuals at

Ohkay Owingeh Pueblo, Pecos Pueblo, and Awatovi. This violence is also part of the legacy of the Native vote.

But through such stories we come to understand that the Indians of New Mexico and the Arizona-Sonora Borderlands were not simply colonized peoples with no rights during the Spanish, Mexican, and U.S. territorial periods. On the contrary, they were enfranchised Native nations who refused to relinquish internal control of their communities, and continued to function as sovereign nations. More than anything else, for the Native groups in this study, the vote was an act of refusal. Through this act, they refused to forget their past, abandon their traditions, and bow their heads under a colonial yoke. Nuevamexicana historian Deena J. González similarly wrote of the refusal by New Mexico Hispana women to abandon their identity, thereby "stav[ing] off complete colonization." Like the Indians of New Mexico and Arizona, "Their resistance efforts were not always visible to the newcomers who wrote about them, nor are they visible to contemporary historians who continue today to interpret these events." Like New Mexico's Hispana women who confronted the U.S. takeover of their lands, Indians of New Mexico and Arizona stood up to three separate colonial powers and "refused the favor."[12] Through the vote, or their opposition to it, Pueblos, Hopis, Yaquis, and Pimas all refused to relinquish their status as sovereign nations, nations that remain strong today.

Still, in many other ways, the actions of these Indigenous groups were visible to the colonizers. In practical terms, the Spanish arrival brought a system of town government that included the vote as one of its central components. While the Franciscans and Jesuits who oversaw the elections of Indian officers were, at times, dismissive of the Indian vote, the franchise brought real power to these Indigenous communities. The Pueblos used the vote to

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[12] Deena J. González, *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820–1880* (New York: Oxford University Press, 1999), 15.

continued pre-contact traditions of town government, and to fight to protect their land, water, and culture. The degree to which Hopis implemented the Spanish colonial governing system is unknown. What is known is that they eventually destroyed such a system and eradicated its likely proponents from among themselves. For their part, Yaquis internalized concepts of voting and town government to such a degree that they were willing to revolt when such rights were infringed. The vote kept their communities strong, and provided a bulwark against Spanish colonial authority. In Pimería Alta, Piman peoples lived under Jesuits who were often dismissive of their right to vote freely. Nevertheless, Pima officers fought for their people and land as best they could, while also battling population decline and increasing land encroachments.

In many ways, the vote remained important during the Mexican era. While Mexico's declarations of political equality for all ethnic groups brought very little substantive change in some Indian communities, in a few cases it heralded unprecedented joint participation on governing bodies by both Pueblos and Hispanos. In a singular episode of Pueblo-Hispano cooperation, the two groups ousted the governor and briefly established an independent state—the cantón—with an Indian as its governor. But Indians in the Arizona-Sonora Borderlands did not fare so well. Mexican officials there had not embraced a spirit of coexistence, and viewed the collapse of the mission system as a means to take away Pima lands. The authority of Pima officers decreased significantly, and with the colonial pact broken, the Indian vote faded. Yaquis found themselves similarly assailed by Mexican state power. They would again revolt, and fail as they had in 1740. Yaquis had, perhaps, become too adept at governing their towns in the manner imposed by the colonizers. Yaqui political power and sovereignty simply had to be broken.

To the far north, Hopis had, for the most part, successfully evaded colonial control since that fateful winter morning in 1700. But the transition from Mexico to the United States signaled

an unprecedented influx of outsiders. These newcomers brought American schooling, trading posts, and an insistence on Hopi "progress" and assimilation. As Indian Agents touted their success, believing they were on the cusp of ushering in a Hopi electorate who would vote in territorial elections, the effort seems to have stalled. Hopis did not embrace the vote. To the far south, Yaquis came under unprecedented assault in the second half of the nineteenth century. Mexico waged wars of extermination, killing many Yaquis, forcing others to flee, and deporting the rest to slave plantations. Many Yaquis found safety in the United States, but it came at a cost. The Yaqui vote, which had sustained their communities for over two centuries, did not make the trip north. Yaquis kept a low profile in order to avoid trouble. They would not again reestablish patterns of self-government until after Arizona statehood.

Pueblos and O'odhams similarly refused to embrace U.S. citizenship and voting during the U.S. territorial period. Although some Pueblos did head to the polls at various times during this era, the United States takeover of the region pitted Pueblo and Hispanos against one another. Within this setting, citizenship and voting could only decrease Pueblo sovereignty, and so they refused, once again turning to the vote on the community level to protect the sovereignty of their individual Pueblo nations. In Pimería Alta, the O'odham of San Xavier del Bac refused to exercise the franchise, but it is difficult to know their exact motivations. Like the Pueblos, they likely saw little material benefit to taking their place as citizens of Arizona and the United States. Local, internal needs took precedence, and O'odhams to their focus to such matters. For all of these groups, enfranchisement would have to wait until the post-World War II period, when the growth of federal power in the West had increased the need for political participation and voting in the American system. But through all of these changes, the element that remained constant

was the desire by Pueblos, Hopis, Yaquis, and Pimas to protect their rights as sovereign Native Nations. It remains so today.

And so I come full circle with another story. A short time ago, I sat in the familiar confines of my mother's home in rural Arizona—traditional Yavapai-Apache lands—with my mother, sister, aunties, uncles, wife, and children. Even more familiar than the setting were the evening's activities: sitting around the table, eating beans and fry bread, and listening to family stories. What made this gathering somewhat unique was that the family was celebrating an election day. Three seats were up for grabs on our tribal council. I had forgotten to send in an absentee ballot, and so I made the five and one-half hour drive home from Albuquerque to cast my ballot. In a tribal election where voter turnouts usually total roughly two hundred people, the saying "every vote counts" rings particularly true. Unfortunately, my uncle lost in his bid for the Yavapai-Apache Nation Tribal Council, but he remained optimistic. He can easily run for office again in the near future. The council is composed of seven council members, elected to staggered three-year terms. The governing structure also includes an executive branch with a tribal chair and vice chair, as well as a judicial branch with chief judge and tribal court.[13] Under the terms of the Indian Reorganization Act of 1934, we adopted a tribal constitution and three-branch governing structure on 24 October 1936, which were approved by the Secretary of the Interior of the United States on 12 February 1937.[14] Council members are frequently removed from office—sometimes deservedly so, sometime not—resulting in emergency elections to fill vacated

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[13] See "Government," official website of the Yavapai-Apache Nation, http://yavapai-apache.org/government-issues/1262806, accessed 29 September 2015. Headquartered in Middle Verde, Arizona, the Yavapai-Apache Nation, of which I am a citizen, is is a combination of two distinct peoples: Dilzhe'e, or Western, Apaches (Athabaskan speakers), and Yavapais (Yuman speakers). The two groups historically inhabited neighboring territory along the Verde River.
[14] See Yavapai-Apache Nation Constitution, National Indian Law Library Website, http://www.narf.org/nill/constitutions/yavapai_apache/, accessed 29 September 2015.

seats. We have learned well from our colonizers. And yet, our elections generate much excitement and clamoring for office because we realize that through our officers and our political activities, we continue the fight to maintain our status as sovereign nations in an imperfect system. This is the legacy of Indian voting.

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