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So What's Truth Got to Do with It?

REFLECTIONS ON OÑATE AND THE BLACK LEGEND

John L. Kessell

Near the end of volume one in the series, Harry Potter pleads with Prof. Albus Dumbledore, headmaster of Hogwarts School of Witchcraft and Wizardry, for the truth about his life. “‘The truth.’ Dumbledore sighed. ‘It is a beautiful and terrible thing, and should therefore be treated with great caution.’”¹

At the foundation, somewhere, lies absolute truth—wars take place, Miguel de Cervantes lived, planet earth revolves around the sun. On top of such unassailable facts, however, as time passes, we slather layer upon layer of interpretation, opinion, and emotion. Then we dig back down to pry out “the truth.” We want to know who to blame for a war, how did Cervantes survive captivity by Barbary pirates, what is causing global warming?

First off let us ignore the postmodernists’ claim that none of us can possibly know objectively what actually happened, only subjectively what is said to have happened. As historians, that is our business—to say what happened, to pursue historical truth as objectively as possible. Historians Jacques Barzun and Henry F. Graff suggest in *The Modern Researcher* (1992) that practitioners of the craft apply six rules: accuracy, orderliness, logic, honesty, self-awareness, and imagination (I might add calmness). Evidence gathered in this way,, one

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bit reinforcing or challenging another, provides us with the probability upon which to base our “truth,” that is, the probability that something actually happened pretty much the way we say it did.²

So what about the Black Legend? Finally, the twenty-third edition of the *Diccionario de la lengua española*, first published by the Real Academia Española in 1780, has defined the term “black legend (*leyenda negra*): 1. Anti-Spanish opinion spread since the 16th century. 2. Unfavorable and generalized opinion about anyone or anything, generally unfounded.”³

In a way, it is a shame that in 1914 Spanish historian Julián Juderías suggestively titled his book *La leyenda negra (The Black Legend)*, and not more literally “*La denigración de España (The Blackening of Spain)*,” surely more fact than legend.⁴ Juderías was referring of course to the exaggerated anti-Spanish propaganda of other nations, which he showed convincingly was mostly a hateful legend. Spaniards were simply not *that* bad, especially when compared with other imperialists.

Black Legends are as natural and visceral as human hatred. With what other color might we expect Spain’s jealous sixteenth- and seventeenth-century international rivals to have painted the western world’s overbearing Roman Catholic superpower? What other way to stereotype Spaniards than as monstrously bigoted, crafty, cruel, and greedy? And surely nowhere did the propaganda mills grind more noisily than in Protestant England or more persistently than in English North America. Documenting the process, historian Phillip Wayne Powell chose an unequivocal synonym for the Black Legend, *Tree of Hate*, subtitling his classic work *Propaganda and Prejudices Affecting United States Relations with the Hispanic World*.⁵

Black legends are easily born. Yet they are harder to kill than a snake. A recent and venomous example is the blatant anti-Hispanic tone of the television production “The Last Conquistador,” which, in 2008, set out to chronicle the production of John Sherrill Houser’s monumental statue of Juan de Oñate. Through clever editing, innuendo, and untruth, the documentary’s producers cast New Mexico’s founder as an archvillain.⁶

Obvious as such prejudice is, hunters of the snake beware. Our understandable tendency is to jab at its writhing body, driving untruth too far in the other direction, exchanging its black skin for an equally flawed whitened version. Today, some descendants of New Mexico’s Hispanic colonists go too far in their efforts to counter the Black Legend, excusing the transgressions of their ancestors too readily. It is a sensitive matter of degrees: yes, like most of humanity, they may have acted badly, but not *that* badly.⁷

With historical truth, not legend, as our goal, how then do we approach New Mexico’s Juan de Oñate? Despite the Ordinances for New Discoveries,

promulgated in 1573, which substituted the term pacification for conquest, Oñate was in every way a conqueror.⁸ In 1598 with six or seven hundred culturally Hispanic but racially mixed *primeros pobladores*—children, women, and men, hardly any of them soldiers—Oñate broke into an interlocking Pueblo Indian world of perhaps eighty towns and sixty thousand people.

Nine frustrating years later, his funding exhausted and his dreams sunk in empty assay reports, New Mexico's founding proprietor and first governor resigned. In our day, however, certain events of Oñate's administration have taken on a new and contentious life. Reviewing these occurrences fairly demands of us the above-mentioned accuracy, orderliness, logic, honesty, self-awareness, and imagination (as well as calmness) if we are to arrive at the probability that such events actually happened pretty much the way we say they did.

These lightning-rod events include the death of Maese de campo Juan de Zaldívar late in 1598, the battle at Acoma Pueblo in January 1599, and the subsequent trial of Acoma prisoners. Oñate's colony had arrived uninvited in a marginal land of little rainfall, just as other groups had for centuries. The great difference was that the Spaniards' sudden migration came from so far away in distance and in culture. In their persons and in their baggage came much that was new, both attractive and frightening to the Pueblo Indians. Some of these aliens were likely nasty individuals who considered themselves superior in every way to Native peoples, but the majority, we can fairly assume, were ordinary folk who, like colonists and migrants everywhere, sought a new and better life elsewhere. Still, their goal was to impose a foreign sovereignty over the Pueblos' homeland.

The acts of obedience dutifully documented by legalistic Spaniards at Pueblo Indian gatherings were in no sense "treaties" between consenting nations.⁹ Despite the efforts of designated Indian interpreters, it was impossible to convey European concepts of law and sovereignty to New Mexico's Native inhabitants. Nevertheless, at the base of their imposing rock on 27 October 1598, a concourse of the Acoma people looked on as Governor Oñate administered the ritual of vassalage to both majesties, God and king. Spiritual salvation, peace, and justice were to be the Acomas' rewards. "The governor reminded them," reads an English translation of the act, "that they should realize that by rendering obedience and vassalage to the king our lord they would become subject to his will and laws, and that if they failed to observe them they would be punished as transgressors of the orders of their king and natural master."¹⁰

Evidently other Pueblo Indians considered the Acomas overbearing, which stands to reason, given the apparent invulnerability of their mesa-top stronghold. We cannot know for certain whether a faction of Acomas began

to plot against the Spanish invaders right away, as poet-captain Gaspar Pérez de Villagrà wants us to believe. Riding past Acoma alone, Villagrà fell into a horse trap but survived. Then, in mid-November, Juan de Zaldívar, Oñate's nephew and second-in-command, with a contingent of men-at-arms pressed westward to overtake the governor, who had set out in the hope of reaching the Gulf of California. The circumstances under which Zaldívar and a dozen of his men died at Acoma are also uncertain, since only Spanish testimony survives.¹¹ Was their intent to trade peaceably for needed supplies, or did their unreasonable demands provoke the Acomas to violence? Was the killing premeditated or self-defense? On the basis of existing documentation, we simply cannot know.

Following the death of Juan de Zaldívar, Oñate was left with only two choices: withdraw his vulnerable colony—probably outnumbered in the Pueblo world a hundred to one—or attempt to bring the Acoma perpetrators to European justice, while the rest of the Pueblo world looked on. He chose the latter. Adhering to his culture's legal and ecclesiastical requirements, Governor Oñate consulted the Franciscans of the colony who declared the campaign a just war by a Christian prince “to attain and preserve peace . . . not for mere craving for power, revenge, or greed.” And the friars' opinion referred more than once to Oñate as conqueror.¹²

Considering available living space atop the mesa, probably not many more than a thousand Acomas dwelled there. According to eyewitness Villagrà, the three-day battle, fought between 22 and 25 January 1599, was a bloody affair. Treasurer Alonso Sánchez, also present, reckoned “that more than eight hundred persons died, and the prisoners taken numbered five hundred women and children, and eighty men.”¹³

The notorious trial of the Acoma captives, staged at centrally located Santo Domingo Pueblo, followed European precedents for dealing swiftly with rebellion. Oñate's brutal sentence aimed to dissuade further violence. He condemned male prisoners who appeared to be at least twenty-five, the full legal age under Spanish law, “to have one foot cut off”, then, counterproductively, to “twenty years of personal servitude.” Males twelve through twenty-four and females over twelve would serve without mutilation for twenty years. The governor declared Acoma children under twelve innocent of their parents' crimes, yet he orphaned them. He entrusted the girls to fray Alonso Martínez, the Franciscan superior, who escorted them to Mexico City to be distributed among convents. The boys remained in New Mexico to either escape or be raised among colonist families.¹⁴

While the abduction of Acoma children probably caused the deepest immediate grief, the image of dismemberment is what most offends today's

sensibilities. This practice was, however, standard penal procedure among Europeans of Oñate's day. To excuse in part the severing of a foot by alleging, on the basis of a supposedly missing document, that Oñate's sentence applied only to the toes is an example of beating the Black Legend snake with a white stick.¹⁵

The sentence, dated 12 February 1599, and preserved today in the Archivo General de Indias, Sevilla, Spain, reads unequivocally "*a los yndios de beynte y cinco años para arriba a que se le corte un pie y en beynte años de serbicio// personal*" ("Indian men twenty-five years of age and older are to have one foot cut off and to render twenty years of personal servitude"). At least three other contemporary documents proclaim "*se les cortaron los pies*."¹⁶

Yet, just ten days before the battle at Acoma began, Governor Oñate instructed commander Vicente de Zaldívar, surviving brother of the slain Juan, to recognize the uncivilized nature and incapacity of the Indians and therefore "to make more use of royal clemency than of the severity that the case demands." Zaldívar had full authority, in the event of a Spanish victory, to execute publically captive males of fighting age or to show mercy. In the case of mercy, Oñate demanded: "you should seek all possible means to make the Indians believe that you are doing so at the request of the friar with your forces. In this manner they will recognize the friars as their benefactors and protectors and come to love and esteem them, and fear us."¹⁷

Would the granting of such mercy not have served Oñate's purposes after the well-publicized trial? A methodical note in the proceedings does say, however, that the sentence was executed in Santo Domingo and other pueblos, "where the Indians whose hands and feet were to be cut off were punished on different days."¹⁸ But just how, we should ask, was this intentionally brutal sentence actually carried out? In what way were the prisoners punished? Did armed Spaniards repeatedly gather the onlookers, raise high the sword or axe, then on cue have a Franciscan intercede? Here was a theatrical act scripted by Oñate himself in his instructions to Zaldívar. What better method to reinstall the friars in Pueblo communities after the Acoma war?

Two further witnesses for the prosecution, seeking to discredit Oñate, gave ambiguous second-hand testimonies that imply the foot chopping. Yet, the historical record makes no mention of a one-footed Acoma slave. Cutting off a foot, after all, rendered a potential worker all but useless. The second witness concluded that within a year "most of the slaves had run away, that they had tried to reestablish the pueblo," a remarkable project for one-footed men.¹⁹ Oñate's Spaniards may indeed have performed the mutilations, but a close reading of the documents raises reasonable doubt.

To the suggestion of reasonable doubt, author David Roberts registered immediate offense, branding the idea “not only sophistry at its feeblest, but a deep insult to the Acomans themselves.”²⁰ By all means let us condemn past brutality, but why is it insulting to the descendants of alleged victims to learn that perhaps the particulars were not as bad as they thought?

Elsewhere, I have been accused of *perpetuating* the Black Legend. One Amazon.com reviewer of *Spain in the Southwest: A Narrative History of Colonial New Mexico, Arizona, Texas, and California* (2002) bristled at my statement that Oñate’s colonists “willed to dominate,” signing her review, “One very disgusted Spanish girl.”²¹ Let us face it, colonization is domination. And as noted before, this is a sensitive matter of degrees: bad but not *that* bad. Like it or not, conquest would seem to be the innate human behavior of those of us who enjoy greater numbers and superior technology.

No matter how Oñate’s brutal sentence played out, is it not time, four hundred years later, to forgive? Put bluntly to get over it? Unforgiveness—enshrining one’s victimhood—does provide a satisfying power over the accused. By claiming moral high ground, unforgivers also grab attention. But they do so at a price. Not to forgive demands that one remains mired in negativity. A few vocal Acomas and their sympathizers attempted to halt the production of John Houser’s huge equestrian statue of Oñate, but despite considerable press coverage they failed. Earlier, New Mexico Hispanics and their sympathizers tried to usurp the placement of a statue of Po’pay, leader of the Pueblo Revolt of 1680, in the National Statuary Hall of the U.S. Capitol, but their efforts also proved futile. And those two failures greatly enhanced the historical landscape of New Mexico.

So, what has truth got to do with it? Obviously not as much as forgiveness. But who goes first? Those Acoma descendants who charge Oñate with racist genocide, or the descendants of Oñate’s colonists who would change the name of the Pueblo Revolt to the St. Lawrence Day Massacre? Just get over it! But who goes first?²²

Notes

1. J. K. Rowling, *Harry Potter and the Sorcerer’s Stone* (New York: Scholastic Press, 1998), 298.
2. Jacques Barzun and Henry F. Graff, *The Modern Researcher*, 5th ed. (New York: Harcourt Brace Jovanovich, 1992).
3. *Diccionario de la lengua española*, 23d ed., s.v. “leyenda negra,” www.rae.es. As for the word “legend” alone, the *Oxford English Dictionary* considers it “an unauthentic or non-historical story, esp. one handed down by tradition from early times and popularly regarded as historical,” and *Webster’s Third New International* adds, “although not

- entirely verifiable." *The Compact Edition of the Oxford English Dictionary*, (1971) s.v. "legend"; and *Webster's Third New International*, (1986) s.v. "legend." Still, most legends endure precisely because they interweave strands of truth or half-truth.
4. Julián Juderías, *La leyenda negra: Estudios acerca del concepto de España en el extranjero*, 13th ed. (1914; repr., Madrid: Editora Nacional, 1954).
 5. Philip Wayne Powell, *Tree of Hate: Propaganda and Prejudices Affecting United States Relations with the Hispanic World*, rev. ed., introd. by Robert Himmerich y Valencia (1971; repr., Albuquerque: University of New Mexico Press, 2008).
 6. "The Last Conquistador," Point of View, produced by John J. Valadez and Cristina Ibarra (PBS, 2008).
 7. A notable black-legend/white-legend debate took place between Lewis Hanke and Benjamin Keen, two eminent historians of Spanish America, in the pages of *The American Historical Review* between 1969 and 1971.
 8. John L. Kessell, *Spain in the Southwest: A Narrative History of Colonial New Mexico, Arizona, Texas, and California* (Norman: University of Oklahoma Press, 2002), 73. The belief that conquests had ended in 1573 and "there had not been a conquistador in the New World for over 50 years" appears in New Mexico Hispanic Culture Preservation League, "Excerpts from the NMHCPL Newsletters," www.nmhcpl.org/News_Letter.html.
 9. The assertion that the Oñate acts of obedience were treaties "drawn up and affirmed to by both parties guaranteeing the rights and responsibilities of the Indians and Spanish" appears to be another article of faith of the New Mexico Hispanic Culture Preservation League. "Excerpts from the NMHCPL Newsletters."
 10. George P. Hammond and Agapito Rey, eds., *Don Juan de Oñate, Colonizer of New Mexico, 1595–1628*, 2 vols., Coronado Cuarto Centennial Publications, 1540–1940 (Albuquerque: University of New Mexico Press, 1953), 1:355. For context, see Marc Simmons, *The Last Conquistador: Juan de Oñate and the Settling of the Far Southwest*, Oklahoma Western Biographies series (Norman: University of Oklahoma Press, 1991), 132–48; and John L. Kessell, *Pueblos, Spaniards, and the Kingdom of New Mexico* (Norman: University of Oklahoma Press, 2008), 25–50.
 11. Gaspar Pérez de Villagrà, *Historia de la Nueva México, 1610*, ed. Miguel Encinias, Alfred Rodríguez, and Joseph P. Sánchez, Pasó por aquí series (Albuquerque: University of New Mexico Press, 1992), 175–82, 193–208; and Rubén Sálaz Márquez, *The Pueblo Revolt Massacre* (Albuquerque, N.Mex.: Cosmic House, 2008), 18–19.
 12. Hammond and Rey, *Don Juan de Oñate*, 1:452.
 13. *Ibid.*, 1:427.
 14. For the trial of the Acomas, see Hammond and Rey, *Don Juan de Oñate*, 1:428–79.
 15. "According to Dr. Eloy Gallegos, some twenty-four warriors were ordered to have *puntas de pies*, toes (not feet) cut off as punishment for murdering members of the original trading party and then plunging their people into war. According to Dr. Gallegos, who actually inspected the original document in the archives in Guadalajara, Mexico, this was the least severe punishment that could be effected under the law of that time." Rubén Sálaz Márquez, "Oñate and the Acoma War," History Not Hype, www.historynothype.com/Oñate_AcomaWar.html. See also Rubén Sálaz Márquez, *Pueblo Revolt Massacre* (Albuquerque, N.Mex.: Cosmic House, 2008), 23. When Gallegos returned to the archive, the document was missing. "La Polémica de Acoma," *NMHCPL Newsletter* 10 (September 2008).

16. Archivo General de Indias, [hereafter AGI], Patronato, 22, Sevilla, Spain; and AGI, Audiencia de México, 26. For the translation, see Hammond and Rey, *Don Juan de Oñate*, 1:477, 478; 2:615, 649–50.
17. Hammond and Rey, *Don Juan de Oñate*, 1:457, 459.
18. *Ibid.*, 1:478.
19. *Ibid.*, 2:649–50. In 1606 a certification of Juan Martínez de Montoya's services states that he and a party of friars visited a functioning Acoma Pueblo in late 1603 or early 1604. France V. Scholes, "Juan Martínez de Montoya, Settler and Conquistador of New Mexico," *New Mexico Historical Review* 19 (October 1944), 338–39.
20. David Roberts, *The Pueblo Revolt: The Secret Rebellion that Drove the Spaniards out of the Southwest* (New York: Simon and Schuster, 2004), 92.
21. Rozana al Jinan, "Same Old Black Legend Rhetoric," review of *Spain in the Southwest*, by John L. Kessell, Amazon.com Customer Reviews, May 2002.
22. A heartening act of reconciliation occurred at Acoma Pueblo in May 2009, when thanks to the good offices of Albert J. Gallegos, Honorary Consul of Spain in Santa Fe, Spain's ambassador to the United States, Jorge Dezcallar de Mazarredo, presented to the Acoma Tribal Council and the people of the pueblo a symbolic silver-headed cane of authority in the name of King Juan Carlos I. Previously, the king himself, during a visit to New Mexico in 1987, had presented similar canes to other pueblos.