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## The Manliness to Defend Themselves: Race and Civilian/ Indigenous Warfare in New Mexico, 1598-1898

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THE MANLINESS TO DEFEND THEMSELVES: RACE AND CIVILIAN/INDIGENOUS  
WARFARE IN NEW MEXICO, 1598-1898

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Doctoral Program in Borderlands History

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by

Ian Anson Lee

2020

## **Dedication**

The completion of this dissertation would not have been possible without the love and support of my wife, Belinda, and the encouragement of my mother, Tina Sage.

THE MANLINESS TO DEFEND THEMSELVES: RACE AND CIVILIAN/INDIGENOUS  
WARFARE IN NEW MEXICO, 1598-1898

by

IAN ANSON LEE, B.A, M.A.

DISSERTATION

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## **Abstract**

“The Manliness to Defend Themselves: Race and Civilian/Indigenous Warfare in New Mexico, 1598-1898,” explores three-hundred years of warfare between the civilian population and Native peoples in New Mexico. For centuries the regimes of New Spain and Mexico had utilized New Mexican civilians to battle independent Indians. A culture of warfare had subsequently emerged among the civilian population. As the United States proclaimed sovereignty over New Mexico, military officials attempted to put an end to the practice of warfare by civilians, yet would be hard-pressed to do so. The ideas of Anglo American officials concerning race and citizenship conflicted with the custom of warfare by civilians against Native peoples in New Mexico in large part because local militias consisted primarily of ethnic Mexicans and Pueblo Indians. Attempts by the United States to secure a monopoly of force in the region by dismantling the centuries-long custom of civilian militarization led to a disconnect and conflict between the territorial government, the multi-ethnic inhabitants, and the U.S. military.

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## Introduction

During the summer of 1860, citizens of Santa Fe, New Mexico held a convention concerning a recent assault near the town by certain members of the Navajo nation. During this meeting, the residents passed a preamble and resolution requesting that Governor Abraham Rencher organize and call into the field a force of mounted volunteers to wage war with the Navajo as retribution for the incident. The residents had claimed the mobilization of such a force was necessary because Colonel Thomas Fauntleroy, the military commander of the Department of New Mexico, “Refused to call into active service the large body of troops under his command to protect the Territory and chastise the Navajos.”<sup>1</sup> After much reflection, Governor Rencher declined to comply with the demands of the convention. Rencher based his rejection on the belief that the department commander was in the immediate process of “Organizing a vigorous campaign against the Indians.”<sup>2</sup> Rencher instead recommended to the convention that the civilians should: “Organize a regiment of Mounted Volunteers for the protection of their frontier, and to hold themselves in readiness to be called into the service of the United States, if at any time, Colonel Fauntleroy should need their services.”<sup>3</sup> The citizens recognized that ever since the U.S. invaded New Mexico, they rarely allowed civilian soldiers to war with Native peoples in the region. Knowing Colonel Fauntleroy would likely not utilize them to chastise the Navajos, and fed up with the perceived lack of protection provided by the regular army, the citizens

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<sup>1</sup> Governor Rencher and the Volunteers to the Public, 20 August 1860, State Department Territorial Papers, New Mexico, 1851-1872, March 3, 1851-December 8, 1860, Record Group 59, National Archives, Microfilm Publication T17 (hereafter SDTP, NM, RG 59, NA, T17), Roll 2.

<sup>2</sup> Rencher to Cass, 4 September 1860, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>3</sup> Rencher to the Council and House of Representatives of the Territory of New Mexico, 30 January 1861, SDTP, NM, RG59, NA, T17, Roll 2.

rejected Rencher's proposal to show restraint and wait to be called out by the department commander.

Dissatisfied with the response from the governor, on August 27, 1860, the people of Santa Fe again came together and held a meeting concerning the most recent string of Navajo raids in the area. During this gathering, they defiantly voted to both elect their own officers and to raise a regiment of mounted volunteers to assault the Navajos in their native homelands to the west. The Hispano residents also decided, "[We] should receive no orders from the Governor or Military Commander, nor have any communication with them."<sup>4</sup> These citizens, therefore, resolved to establish their own military force, outside the purview of either the federal or territorial governments. Organized for a term of two months, Nuevomexicano fighters, along with a small contingent of Pueblo Indians, soon penetrated with "some difficulty" into the heart of the Navajo homeland. During the raid, the attackers killed approximately ten people, took possession of Navajo cornfields, captured a large amount of stock belonging to the Indians, and took about a hundred captives, mainly women and children who they "applied to their own use," likely utilizing them as slave labor.<sup>5</sup> For their part, the Pueblo participants appropriated some five thousand sheep and horses as their portion of the spoils. After almost two months in the field, the Nuevomexicanos and Pueblos withdrew to their homes where they awaited "a favorable opportunity to return."<sup>6</sup>

Despite Governor Abraham Rencher's refusal to comply with the pleas of the citizens to organize a civilian force, he certainly empathized with their perceived plight. Referring in racialized language to the Mexican American population of New Mexico as simply "Mexican,"

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<sup>4</sup> *Ibid.*

<sup>5</sup> Rencher to Cass, 1861, SDTP, NM, RG59, NA, T17, Roll 2.

<sup>6</sup> Rencher to Cass, 10 November 1860, SDTP, NM, RG59, NA, T17, Roll 1.

the governor stated, “For a year past, the Mexicans have suffered much from the Navajo Indians, and have good cause to complain.”<sup>7</sup> Rencher, like his predecessors, believed that the regular military routinely failed to protect the settlements against independent Indians, arguing, “The regular army certainly does not afford the protection which is expected of it.”<sup>8</sup> He also indicated that he would have had no issue calling out civilian volunteers if indeed the situation warranted such a response. Speaking of the citizens’ pleas to organize a force against the Navajos, the governor maintained, “If, during the spring previous, I had possessed the means, I would have taken the responsibility of calling out the military force of the Territory to chastise them [the Navajos].” In this instance, however, the governor felt compelled to allow the regular military to act independently of any assistance by civilians, arguing, “After the arrival of large reinforcements from Utah, and after orders were received from the Secretary of War, directing Colonel Fauntleroy to make a vigorous campaign against those Indians, I saw no necessity for volunteers, and no excuse whatever for the lawless manner of calling them out.”<sup>9</sup> Despite his empathetic stance toward the Nuevomexicano citizens, Rencher recognized the potential harm that would come from an extralegal independent civilian expedition against the Navajos. He asserted that very few positives could come out of “Mexicans moving in armed bodies upon the Navajo Indians, without any authority.”<sup>10</sup>

An additional factor which informed Rencher’s decision not to organize and call out civilian volunteers was his belief that he did not legally have the authority to do so. The governor claimed he had “Neither a man, nor a dollar, nor any power to enable him, to raise [a militia].” He argued that the only law on the books authorizing the governor to call out civilian

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<sup>7</sup> *Ibid.*

<sup>8</sup> Rencher to Cass, 15 October 1860, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>9</sup> Rencher to Cass, 10 November 1860, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>10</sup> Rencher to Cass, 4 September 1860, SDTP, NM, RG59, NA, T17, Roll 1.

volunteers “Was only intended to enable the Governor to call out Volunteers, upon the requisition of the Military Commander.”<sup>11</sup> Only, therefore, if the department commander requested civilian reinforcements could the civil governors legally organize and call out civilian volunteers. Military commanders in New Mexico, however, only very rarely made such requests. Knowing this, Rencher appealed to the Legislature of New Mexico and advised them, “They should authorize the Governor to call out the volunteers...and provide him with the means to equip and support them in the field.”<sup>12</sup> Like his predecessors, Rencher strongly favored the use of civilian volunteers in New Mexico, yet, circumstance and ambiguous legality prevented him from doing so.

Anglo military officials in New Mexico were in complete agreement with Rencher’s decision to reject the calls of the Hispano citizens by organizing and calling out a volunteer force. Since the beginning of the U.S. era in New Mexico, the regular military had been deeply hesitant to utilize civilian volunteers. Military apprehension concerning the use of civilian soldiers in the region had been a source of constant conflict between civil and military officials, as well as the citizenry themselves. Both the civil government and civilians constantly appealed to the military to allow the establishment of a volunteer militia. The military was less than enthusiastic concerning this approach, which led to multiple petitions by citizens, as well as heated arguments between civil and military officials. This atmosphere of disagreement and discord had continued unabated since the introduction of the first civil governor in 1851 and had seemingly reached a peak directly before the Civil War. The situation between the civil and military officials in New Mexico had become so poisonous and pervasive that governor Rencher

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<sup>11</sup> Governor’s Message to the Council and House of Representatives, 1861, SDTP, NM, RG59, NA, T17, Roll 2.

<sup>12</sup> *Ibid.*

actually felt uncomfortable that the military approved of his measure. Rencher, speaking of denying the citizens a volunteer company, stated, tongue-in-cheek, “[I am] embarrassed in the performance of this duty, in consequence of the favor shown it by a few federal officers.”<sup>13</sup>

For their part, civilians around the territory had been strongly in favor of initiatives such as the extralegal Navajo expedition of 1860. To these residents, they were simply following precedent, in which previous generations of Nuevomexicanos regularly warred with Native Peoples. Historically, the practice was common and even encouraged by the governments of New Spain and Mexico, unlike the United States. Thus, the implementation of an extralegal defense unit to war with the Navajos drew praise from civilians around the territory. *The Santa Fe Weekly Gazette* reported that for too long Nuevomexicanos had seen “Their kindred, friends and neighbors murdered by the merciless savage; they saw homes desolated and helpless children carried into captivity.” Therefore, they argued that the creation of a volunteer force, despite not being under the supervision of either the civil government or the military, “[Was] a commendable liberality for which our citizens are entitled to great credit.”<sup>14</sup> The paper further chastised the supposed inaction of the federal military in the territory, arguing that the civilians “Have looked with a confiding eye to those government agents who have the power and means to afford them relief, for that protection which it is their duty, and should be their pleasure to give. Vain have been their expectations. The official ear has been deaf to their appeals.” Ultimately, the publication declared, “Never did any army go forth in a more righteous cause; never did one go in pursuit of a more devilish enemy,” adding, “In them now rests the hope of the country.”<sup>15</sup> Many New Mexican civilians, as well as some civil officials, shared the opinion

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<sup>13</sup> Rencher to Cass, undated, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>14</sup> *Santa Fe Weekly Gazette*, 15 September 1860.

<sup>15</sup> *Santa Fe Weekly Gazette*, 15 September 1860.

that civilian defense was the only adequate way to protect the region from Indian hostilities. The feeling was so commonplace that governor Rencher, speaking of the extralegal Navajo expedition, claimed that because there were so many who were sympathetic to the Navajo expedition, “It would, therefore, be difficult, if not impossible, for the Governor successfully to prosecute these violations of the laws of the United States.”<sup>16</sup>

By the time of the extralegal Navajo expedition in 1860, the U.S. had claimed sovereignty over New Mexico for nearly fifteen years, yet a state of warfare between Native and non-Native peoples in the region had been raging for centuries. 262 years earlier, Juan de Oñate and a number of settlers trekked from the interior of New Spain to colonize its far north. Spanish brutality toward Pueblo peoples resulted in the colonizers’ expulsion from the region during the Pueblo revolt of 1680.<sup>17</sup> Upon their return in 1691, the Spanish conceded some autonomy to Puebloan communities to govern their own settlements. Despite an uneasy détente between the Spanish and Pueblo peoples, hostilities between New Mexican settlers and tribes such as the Apaches, Navajos, Utes, Jicarillas, and Comanches had continued almost unabated; each side ferociously fighting for supremacy over the region. A brutal centuries-long stalemate resulted, in which the many Native groups and settlers largely failed to dominate one another. The damage caused by colonialism, however, had been wrought. The area’s traditional food sources such as the buffalo and other game dwindled as both Native and non-Native colonists had long competed for the region’s scarce resources. As such, many Native Peoples had to steal or starve, which led to a marked increase in Indian raiding as time progressed. Many Native American economies in

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<sup>16</sup> Rencher to Cass, 10 1860, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>17</sup> See William B. Carter, *Indian Alliances and the Spanish in the Southwest, 750-1750* (Norman: University of Oklahoma Press, 2009), 184-208.

New Mexico ultimately transformed into those predicated on raiding and poaching.<sup>18</sup> The Nuevomexicano colonists reciprocated this violence by invading Indian country to pilfer both resources and prisoners. This cycle of violence, captive-taking, plunder, and retaliation endured for centuries. The governments of New Spain, Mexico, and the United States would all use varying tactics to deal with this situation.

When the Spanish first arrived on the shores of North America in the early sixteenth century, they brought with them values, customs, and culture from the Iberian Peninsula that influenced the trajectory of warfare on the northern frontier. Traditional Spanish ideas concerning warfare and honor pervaded New Spain. By 1492 the Iberian kingdoms had overgone a centuries-long struggle to reconquer the Iberian Peninsula from Muslims. The Spanish endeavor to conquer the western hemisphere from Indian peoples can be thought of as an extension of this Reconquista due to their desire to spread Spanish culture and Catholicism to the “pagans” in America.<sup>19</sup> Militia service had its roots during the Reconquista since at least the eleventh century and the militia practice of procuring captives from the enemy and the taking of booty go back just as far.<sup>20</sup> Spanish-style warfare against Native people on the frontier mirrored their attempts to expel Muslim invaders and municipal militias played a prominent role in both conflicts. This style of warfare lasted well into the U.S. era after 1848.

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<sup>18</sup> See Gary Clayton Anderson, *The Indian Southwest, 1580-1830: Ethnogenesis and Reinvention* (Norman: University of Oklahoma Press, 1999), 128-144; James F. Brooks, *Captives & Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (Chapel Hill: University of North Carolina Press, 2002).

<sup>19</sup> David J. Weber, *The Spanish Frontier in North America* (New Haven and London: Yale University Press, 2009), 19.

<sup>20</sup> See James F. Powers, *A Society Organized for War: The Iberian Municipal Militias in the Central Middle Ages, 1000-1284* (Berkeley: University of California Press, 1988).



Ideas of self-defense that were intertwined with the social constructs of honor and gender also went back centuries. Honor was the supreme social virtue among the Spanish.<sup>21</sup> Patricia Seed argues that honor in Hispanic society “meant both the esteem a person had for himself and the esteem that society had for him.”<sup>22</sup> For men on New Spain and Mexico’s northern frontier, the maintenance of honor was intertwined with the idea of masculinity, which implied the willingness to fight and to defend one’s home. Ana Maria Alonso argues that “to fight and defeat the Apache became a sign of macho valor and virility, as well as the manly virtue of affirmed honor.”<sup>23</sup> The inability of a man to defend his family and home meant that he lacked the social standing that honor provided and those who proved that they lacked masculinity held little esteem among his community. Thus, the motivations for warfare and self-defense went beyond self-preservation, defense, and economics, but were heavily influenced by social conditions that went back centuries on the Iberian peninsula.

The governments of New Spain and Mexico utilized a variety of techniques to wage war with Native Peoples. By the seventeenth century, Spanish officials realized they needed to use the regular military in conjunction with civilian and Native auxiliaries to be effective in their conflict with independent Indians. Regular military units stationed in Presidios, alongside civilian militias, routinely worked in tandem to make campaigns into Indian country. Notably, Pueblo peoples assisted these units by joining in the fight against their traditional enemies. Pueblo “auxiliaries” commonly made up the bulk of militia units tasked with combating enemy Indians during the colonial era. The government of New Spain also created a series of “peace

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<sup>21</sup> Patricia Seed, *To Love, Honor and Obey in Colonial Mexico: Conflicts Over Marriage Choice, 1574-1821* (Stanford: Stanford University Press, 1988), 61.

<sup>22</sup> Seed, *To Love*, 62.

<sup>23</sup> Ana María Alonso, *Thread of Blood: Colonialism, Revolution, and Gender on Mexico’s Northern Frontier* (Tucson: The University of Arizona Press, 1997), 93.

establishments” to settle nearby Apache peoples and supply them rations in an attempt to keep the peace. These tactics, alongside a system of treaty-making, resulted in brief, yet sometimes significant, respites of calm amongst the almost continual warfare during the colonial era.<sup>24</sup>

As sovereignty in New Mexico shifted from New Spain to Mexico, a new method of warfare prevailed in the region. During Mexico’s decade-long war for independence in the early nineteenth century, the colonial government diverted troops from its northern frontier to the interior to battle the insurrectionists. After independence, due to Mexico’s economic woes, soldiers did not reappear in the borderlands in the same numbers as had been stationed under the Spanish regime. Provincial governments, therefore, became much more involved in protecting their communities. With the diminishment of federal troops on the frontier, local governments came to heavily rely on the citizenry and their native associates to a much greater extent than did the government of New Spain. Mexican citizens assumed almost full responsibility for their military defense, and the central government encouraged them to form civilian militia units.<sup>25</sup> At the same time, treaties between Native People and New Spain fell apart, and very little money was available to keep the peace establishment system afloat.<sup>26</sup> This situation led to a marked uptick in hostilities with Native peoples during the Mexican era. Thus, the Mexican national period in New Mexico would be defined by brutal violence and hostility between ethnic groups,

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<sup>24</sup> In 1786, New Mexican Governor Juan Bautista de Anza entered into negotiations with the Comanches. This kickstarted an era of peace between New Mexico and the Comanche people which lasted until 1821. Afterward, New Mexico was spared the brunt of Comanche raiding due to gift-giving and a reciprocal trade relationship. See Pekka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008). During the eighteenth century, a combination of military pressure, extermination policies, and the implementation of peace establishments caused the pacification of the majority of the Apache people in northern Mexico until Mexican independence. See Matthew Babcock, *Apache Adaptation to Hispanic Rule* (Cambridge: Cambridge University Press, 2018); William B. Griffen, *Apaches at War and Peace: The Janos Presidio, 1750-1858* (Norman: University of Oklahoma Press, 1988).

<sup>25</sup> Martha Menchaca, *Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans* (Austin: University of Texas Press, 2001), 164.

<sup>26</sup> See Griffen, *Apaches at War and Peace*.

which had a significant impact on the culture of the Nuevomexicano civilians as they became principally tasked with the protection of their communities.

Violent hostility between Native peoples and Mexican civilians had become the norm in New Mexico when, in 1846, the United States declared war on Mexico. During the War, the U.S. military moved into New Mexico intent on conquering the region. Racialized notions of Mexican inability to subdue the Native tribes of the area in part drove this conquest.<sup>27</sup> The U.S. government arrogantly believed, unlike the Mexicans, the U.S. military could quickly and decisively subdue the Native peoples in the region. Upon taking possession of New Mexico, General Stephen Watts Kearny said as much. Kearny underestimated this commitment, boldly proclaiming to the Nuevomexicanos: “From the Mexican government you have never received protection. The Apaches and Navajos come down from the mountain and carry off your sheep, and even your women, whenever they please. My government will correct all this.”<sup>28</sup> The United States certainly did not expect to inherit an almost unwinnable series of wars and protracted conflict with Native peoples lasting nearly three decades.

The chosen mode of warfare by the United States was quite different than their previous counterparts in the region. Diverging from the policies of Spain and Mexico, the United States attempted to establish a monopoly of force in the territory by leaving warfare with Native peoples almost solely in the hands of the regular army. In particular, the U.S. military sought to limit the role of Nuevomexicanos in engaging in warfare with Native peoples. In 1847, necessity drove the U.S. military to utilize Nuevomexicano civilians in conjunction with the regular army,

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<sup>27</sup> See Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2008).

<sup>28</sup> Ralph Emerson Twitchell, *The History of the Military Occupation of the Territory of New Mexico* (New York: Arno Press, 1976), 65-67.

to quell a violent revolt of both Native and non-Native residents near Taos. Afterward, the United States would only very rarely consent to utilize citizen soldiers in New Mexico. By and large, U.S. military officials attempted to end the centuries-old tradition of civilian/Native warfare due to efforts to secure their own monopoly of force alongside Anglo racial ideologies concerning ethnic Mexicans and Native people.

There were many reasons why Nuevomexicanos were seemingly so motivated to take matters into their own hands. Many historians have long noted that vigilantism arose in response to a typical American problem: the absence of effective law and order in a frontier region.<sup>29</sup> In New Mexico, as in other frontier areas around the United States, vigilante groups argued that extralegal punishment was a legitimate response to crime because the official institutions of law enforcement were inadequate to ensure peace and tranquility.<sup>30</sup> This certainly was the case in New Mexico during the U.S. era, as, other than the four years during the Civil War, the presence of the regular military in New Mexico certainly did not meet the standards of either the citizenry or the civil government. The number of troops stationed in the territory was perceived as not adequate to fully protect the settlements from independent Indians. Both the citizenry and the civil government constantly appealed to the military to increase the number of regular troops. By 1849, roughly 60 percent of the total regular army, some 7,796 men were garrisoned along western frontier posts.<sup>31</sup> At certain times, Congress agreed to allocate even more troops to the frontier to be more effective in battling independent Indians. However, as historian Robert Utley argues, Congress never supplied enough troops “with a liberality permitting anything

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<sup>29</sup> Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 22.

<sup>30</sup> Manfred Berg, *Popular Justice: A History of Lynching in America* (Chicago: Ivan R. Dee, 2011), 53.

<sup>31</sup> William S. Kiser, *Dragoons in Apacheland: Conquest and Resistance in Southern New Mexico, 1846-1861* (Norman: University of Oklahoma Press, 2012), 61.

approaching a strength equal to the task.”<sup>32</sup> Despite the bulk of the regular army serving in western outposts, a perceived lack of troops became a common motif throughout the latter part of the nineteenth century in New Mexico. This undoubtedly accounts for part of the reason why civilians felt the need to guide the trajectory of warfare in New Mexico.

The long history of civilians warring with Native Peoples was also a prominent motive for why Nuevomexicanos felt justified attacking Native people, even without the permission of the civil government or military. Centuries of war between the settlers and Native peoples of the territory led to a custom of warfare by civilians against Native peoples that lasted well into the U.S. era after 1848. The governments of New Spain and to a greater extent Mexico allowed and even encouraged civilians to fight for the defense of their own communities. These regimes conferred honor, respect, and certain other rewards to those who fought for the security of their communities.<sup>33</sup> This allowed for what anthropologist Ana Maria Alonso calls a “militarization of the citizenry” along Mexico’s northern frontier. The notion that the newly introduced U.S. authorities would no longer enable Nuevomexicanos to seek retribution for the raiding of their settlements didn’t sit well with many residents who felt they had a moral, civic, and historical right to do so. Frequently, the territorial residents ignored the wishes of the United States military and enacted warfare on their own accord. As U.S. officials soon found out, this civilian custom of violence would be challenging to quash.

This begs the question: Why was the U.S. military so against the utilization of civilian soldiers in New Mexico? Various states and territories around the United States, since the birth of the country, had frequently used their citizenry for the defense of their communities. Why

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<sup>32</sup> Robert M. Utley, *Frontiersmen in Blue: The United States Army and the Indian 1848-1865* (New York: The Macmillan Company, 1967), 11.

<sup>33</sup> Alonso, *Thread of Blood*, 31.

should New Mexico be any different? The answer lies in the ethnic makeup of the potential “volunteers.” As soon as the United States had entered the territory, Nuevomexicanos and Native peoples of the region held a very uncertain place in a nation constructed upon white supremacy. In Mexico, the Mexican national identity had included multiple racial groups, including “Indians,” “whites,” and “mestizos,” but the Mexican federal constitution erased official recognition of these groups as legally or racially “different.” Embracing the nascent ideology of mestizaje, the nation imagined one unified race of people from myriad ancestries. Moreover, the nation granted official citizenship to all people within its boundaries, regardless of that ethnic background. Mexico even withheld hope that the “Indios Barbaros” also known as “independent Indians” of the north, could become “civilized” members of the body politic. Thus, upon the eve of the U.S. War with Mexico, most Indigenous people in Mexico were at least nominally citizens, and to some extent, “Mexican” in terms of their nationality. Conceptualizing “Mexicans” primarily in terms of national citizenship, created tension and confusion after the War as the U.S. annexed the Mexican north and contemplated the status of its newly conquered population.

Rather than focusing on nationality, the U.S. emphasized purported “racial” categories and the associated intellectual, social, and political capabilities, or inabilities, “Mexican” status implied. In the United States, the term “Mexican” denoted only one racial group: “mestizos,” or those of mixed European and Native American ancestry.<sup>34</sup> Under this umbrella term, Anglo American invaders considered “Mexicans,” who made up the bulk of the population in New Mexico, to be both culturally deprived and racially inferior. The incorporation of much of

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<sup>34</sup> Anthony Mora, *Border Dilemmas: Racial and National Uncertainties in New Mexico, 1848-1912* (Durham: Duke University Press, 2011), 5.

northwestern Mexico in 1848 was accompanied by the spread of scientific racism that raised new questions about who qualified as American.<sup>35</sup> Scientific racism, religion, and the powerful influence of national economic interests combined to question the “fitness” of “Mexicans” to enjoy the fruits of U.S. citizenship. The status of Mexico’s former Indigenous people first came into question, and by the 1860s, U.S. courts had stripped Indigenous people in the U.S. of their old status as citizens in Mexico, and replaced it with the colonized status of “wards of the state.” Revoking the citizenship of Native peoples excluded them from political participation in U.S. institutions, particularly membership in any civilian militias. This division reflected American obsessions with alleged dichotomies between civilization and savagery that seemed clear enough when directed towards the Independent Indians such as Apaches and Comanches, and despite some ambivalence towards Puebloan peoples, they also lost their status. Questions about the mestizo Mexican population, however, raised more complicated debates about racial status, particularly whiteness, and status as a citizen in the United States.<sup>36</sup>

During the U.S.-Mexico War, the U.S. government held debates on how and if they should incorporate former Mexicans into the larger body politic. Senator John C. Calhoun of South Carolina implored his colleagues not to annex large portions of Mexican territory. He claimed that admitting Mexicans into the United States would precipitate a collapse of the racial order.<sup>37</sup> Many government officials, like Calhoun, were against the notion of incorporating a region so populated with people considered “non-white.” The thirst for a direct route to the flourishing markets of California prevailed, however, and upon the appropriation of Mexico’s

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<sup>35</sup> Katherine Benton-Cohen, *Borderline Americans: Racial Divisions and Labor War in the Arizona Borderlands* (Cambridge: Harvard University Press, 2009), 5.

<sup>36</sup> See Menchaca, *Recovering History Constructing Race*; Mora, *Border Dilemmas*.

<sup>37</sup> John Nieto Phillips, *The Language of Blood: The Making of Spanish-American Identity in New Mexico, 1880s-1930s* (Albuquerque: University of New Mexico Press, 2004), 97.

north, uncertainty concerning its inhabitants persisted. Although deemed “white” under the law and given citizenship, in practice mestizos were regarded as second-class citizens. The notion that people of Mexican descent could never be full citizens was grounded in an Anglo American belief in ethnic Mexican racial inferiority. Regarding military service, many Anglo Americans used racialized notions of Nuevomexicanos as justification that they were not masculine enough, and that they were cowardly, weak, undisciplined, and ultimately unfit for military service.<sup>38</sup> Not only did many U.S. officials believe Nuevomexicanos did not qualify for military service, but they also postulated that if allowed to fight, the settlers’ long hatred toward certain native groups would be a detriment, and thereby spark more conflict. Centuries of animosity toward Native peoples would only make Hispanos difficult to restrain during battle, which could lead to atrocities such as the assault of innocent bands, and the murder of women, and children; ultimately leading to unnecessary and overblown hostilities. In essence, by taking away the Hispano right to warfare, Anglo officials stripped them of their customary mode of maintaining honor among their community.

Anglo Americans also frequently posited that ethnic Mexicans lacked the virtue of manliness. Despite centuries of warfare partly driven by a Hispano desire to assert his masculinity, white Americans argued that ethnic Mexicans did not live up to their ideas of masculinity. As the United States proclaimed sovereignty over New Mexico, changes concerning gendered ideas took place. Amy S. Greenberg posits, “Dramatic changes in American society, economy, and culture reconfigured the meanings of both manhood and

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<sup>38</sup> See Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981); Ernesto Chávez, *The U.S. War with Mexico: A Brief History with Documents* (New York: Bedford/St. Martin’s, 2007).



womanhood in the 1830s and 1840s.”<sup>39</sup> White men during this time adhered to a wide range of masculine practices. Men embraced physical expressions of manliness such as boxing and dueling, while other men practiced the manly virtues of self-restraint and moral self-discipline.<sup>40</sup> White men believed that ethnic Mexicans did not live up to either the physical or moral virtues of what constituted manliness. Belief in the racial superiority of white Anglo-Saxon masculinity translated to a denigration of Mexican masculinity. Through Anglo American eyes, ethnic Mexicans could never have the manliness to defend themselves. This translated into an insistence by some white officials to curtail Nuevomexicano militia service.

At the same time, concerns regarding Nuevomexicano loyalty was also an important factor explaining why the U.S. military was so reticent in allowing civilians to fight in New Mexico. Very shortly after the U.S. had entered the region, a Nuevomexicano and Pueblo uprising took place near Taos in which they murdered many U.S. officials, including the governor, Charles Bent. To many officials, another rebellion could potentially develop at any time. Both military and civil officials were constantly concerned that individual sections of the population were conspiring against the United States. Shortly after the U.S.-Mexico War, the relationship between the United States and Mexico was also at a low ebb, and U.S. officials believed Nuevomexicanos were still devoted to their former nation. Thus, if a state of war again materialized between the two nations, U.S. officials were concerned that the Nuevomexicanos would ally themselves with Mexico over the United States. Therefore, Anglo American military

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<sup>39</sup> Amy S. Greenberg, *Manifest Manhood and the Antebellum American Empire* (New York: Cambridge University Press, 2005), 6.

<sup>40</sup> *Ibid.*, 10.

officials assumed that arming and allowing New Mexican civilians to engage in warfare might not have been in the best interest of the United States.<sup>41</sup>

The question of ethnic Mexican loyalty to the United States continued to emerge for decades after conquest and beyond. For example, whites doubting the allegiance of ethnic Mexicans once again arose as a response to the Mexican Revolution beginning in 1910. Similar to Irish and eastern European immigrants who used military service to become more “white,” doubts about loyalty to the United States had historically fueled higher rates of military service among ethnic Mexicans as military service was one of the most effective ways to prove national loyalty.<sup>42</sup> Hispano military service on behalf of the United States from 1846 to the late nineteenth century, therefore, certainly could have been motivated by a desire to demonstrate that they were indeed loyal to the new government in New Mexico and were equally deserving of the benefits of U.S. citizenship.<sup>43</sup>

U.S. officials had also terminated the centuries-old system of allowing Pueblo Indians to fight. New Spain’s casta system placed Pueblo peoples on the lower rung of the social hierarchy, but they still typically assisted the military with forays against other Indian nations. The practice was still quite common under the regime of Mexico. In fact, Mexico’s Plan de Iguala abolished Spain’s casta system and theoretically gave Mexican citizenship to all Native peoples, even in

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<sup>41</sup> There are many other instances in U.S. history in which whites assumed that people of color, particularly immigrants, could not be loyal to the United States during times of crisis. German immigrants and Japanese-Americans were detained during World Wars I and II. See Wendy Ng, *Japanese American Internment During World War II: A History and Reference Guide* (Westport, CT: Greenwood Press, 2002); and John Christgau, *Enemies: World War II Alien Internment* (Lincoln: University of Nebraska Press, 2009).

<sup>42</sup> See Alison Clark Efford, *German Immigrants, Race, and Citizenship in the Civil War Era* (Cambridge: Cambridge University Press, 2013); Ryan W. Keating, *Shades of Green: Irish Regiments, American Soldiers, and Local Communities in the Civil War Era* (New York: Fordham University Press, 2017).

<sup>43</sup> Free and enslaved African Americans also utilized military service to attempt to secure a better standing in U.S. society. See Paul D. Escott, *Paying Freedom’s Price: A History of African Americans in the Civil War* (New York: Rowman & Littlefield, 2017).

the province of New Mexico.<sup>44</sup> Pueblo peoples were, however, better able to claim the benefits of Mexican citizenship than other indigenous groups in New Mexico, in part because of their long tradition of militia service and because Mexico perceived their “sedentary lifestyle” as more civilized than that of the mobile “Independent Indians” such as the Comanche and Apache. Yet, as the U.S. claimed sovereignty over the region, Anglo American ideology concerning the savagery of Native Peoples took precedence. U.S. authorities denied American citizenship to Pueblo peoples, disenfranchised them, and cut back their militia service. At least once during the early U.S. era, officials allowed the Pueblos to war with the Navajo. However, fairly quickly, they were barred from engaging in militia service; being only sparsely utilized as guides and scouts.

The military’s reticence in using civilian soldiers led to considerable strife between the military, civil government, and the citizenry in New Mexico. Hispano citizens constantly appealed to the territorial government for permission to launch retributive forays into Indian country as they had for generations. Upon receiving these many requests, the civil government was quite sympathetic to their desires. They too perceived that the regular military was mostly ineffective in New Mexico. The civil government thus attempted to put various militia laws on the books; the first being in 1851. However, the governors were under the impression that they were not allowed to call out such a militia without the permission of the department commander. The department commanders themselves remained almost consistently opposed to the use of civilian militias except in times of emergencies. Various governors regularly appealed to Washington for counsel, but with New Mexico so far removed geographically and psychologically, U.S. officials in Washington offered little if any guidance concerning civilian

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<sup>44</sup> Menchaca, *Recovering History*, 161.

warfare in the territory. This negligence ultimately contributed to a poisonous atmosphere in New Mexico between the civil government, the military, and the citizenry. Residents became so frustrated by the situation that they frequently felt compelled to take warfare into their own hands. Thus, despite their best efforts, the U.S. military was never quite able to establish an absolute monopoly of force on the frontier of New Mexico.<sup>45</sup> The borderlands were an ever-shifting space in which no single group held real sovereignty over another.

Historic and social factors alongside centuries of violence along the frontier of New Spain and Mexico, shaped Hispano society into one predicated upon warfare with Native peoples. U.S. officials had used ideas concerning race, gender, and citizenship to attempt to curb the practice of both sanctioned and unsanctioned civilian retribution. Cultural change, however, advanced much more slowly than U.S. officials had hoped. The notion of a historical and moral right to warfare, along with the continuity of a culture and custom of warfare, motivated Hispano citizens to continue to wage war against their enemies. Additionally, by continuing the custom of self-defense into the U.S. era, Hispanos defined themselves as citizens by embodying the state in its perceived absence. They were doing what the state could not do by performing their own settler-colonial sovereignty. Ultimately, this dissertation argues that Anglo American ideas concerning race and citizenship intersected with the custom of civilian warfare in New Mexico primarily because civilian fighters were ethnic Mexicans and in some cases, Pueblo Indians, which led to conflict between the territorial government, the multi-ethnic inhabitants, and the United States military. The narrative of civilian warfare in New Mexico delves into questions concerning race, citizenship, national allegiance, and the significance of bordered-lands. This

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<sup>45</sup> See Frank McNitt, *Navajo Wars: Military Campaigns, Slave Raids, and Reprisals* (Albuquerque: University of New Mexico Press, 1990); Brooks, *Captives & Cousins*; Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006); Kiser, *Dragoons in Apacheland*.

dissertation endeavors to explore these important themes through a lens that also analyzes the effects of warfare and violence on the multiple communities of what is now the southwest United States.

Historicizing civilian warfare in New Mexico during the nineteenth century can reveal a variety of essential aspects in the history of the southwest borderlands. As such, this study seeks to do multiple things. First, this dissertation strives to offer a complete examination of civilian defense in New Mexico from the time of Oñate to the late nineteenth century with the creation of the New Mexico National Guard. Civilian defense in New Mexico has a long and meaningful history, yet has been only superficially examined by historians up to this point. Looking deeper into how Nuevomexicanos and Pueblo Indians conceptualized and enacted the defense of their own communities can give us a much better understanding of the history of the southwest, both militarily and socially. This dissertation explores not only how warfare functioned in the borderlands, but how warfare shaped relations between Hispanos, Indians, and Anglos. Admittedly, the bulk of this study centers on the era of U.S. sovereignty after 1848. This is, in part, due to the fact that the introduction of the United States into the region was a period of profound change in New Mexico and the southwest as a whole. As the United States colonized the area, Anglo American settlers and administrators brought with them a collection of customs, habits, and beliefs, attempting to transform the nature of New Mexican society accordingly. Studying this transitional era can bring to light how U.S. authorities attempted a forced change of certain fixed institutions in the region, and how the residents, brought under the purview of the United States, resisted this transformation. Thus, one cannot have a complete picture of the history of the military, warfare, and society in New Mexico without looking closely into the institution of civilian defense.

This study also attempts to offer a better understanding of the causes and effects of warfare and violence in New Mexico, and the borderlands more broadly, from the colonial era to the late nineteenth century. Until recently, scholarship has largely overlooked how physical violence has been a central factor in shaping the history of the United States-Mexico borderlands. Despite popular culture depictions of the borderlands as a lawless, violent region, scholarship concerning the actual impact of violence on the many peoples of the area has been relatively sparse. As Ned Blackhawk argues, “the narrative of American history has failed to gauge the violence that remade much of the continent before, during, and after U.S. expansion.”<sup>46</sup>

The process of settler-colonialism led to the diminishment of Native communities particularly through violence as well as the marginalization of the Hispano population in New Mexico after 1848. At its core, settler-colonialism seeks to replace Native populations with imperial settlers, thus the permanent occupation of indigenous land. Patrick Wolfe argued, “settler-colonization is at base a winner-take-all project whose dominant feature is not exploitation but replacement.”<sup>47</sup> New Mexico was certainly a site in which both the imperial core and the settlers themselves attempted to extinguish Native sovereignty through missionization, confiscation of Native lands, ideas of racial superiority, labor exploitation, slavery, and extermination through violence. New Mexico was also a space that adhered to another settler-colonial tenet. Lorenzo Vericini argues, “settlers insist on their autonomous capacity to control indigenous policy.”<sup>48</sup> Frequently, the settlers themselves attempted to sidestep imperial indigenous policy in New Mexico. They ignored treaties and attacked Native

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<sup>46</sup> Blackhawk, *Violence Over the Land*, 1.

<sup>47</sup> Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999), 163.

<sup>48</sup> Lorenzo Vericini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave MacMillan, 2010), 16.

bands at peace with imperial authorities. They enacted their own form of settler-colonial destruction of Native communities.

The basic tenets of this framework: displacement, assimilation, racial classification, and extermination have all been implemented by the various imperial regimes upon the Native population in New Mexico. Yet, as the U.S. proclaimed sovereignty over the region, settler-colonial ideas concerning racial superiority motivated the marginalization and displacement of the Hispano community, most notably with the gradual extermination of Mexican American land grants. New Mexico is a unique space in which the United States had to reconcile the elimination of Native communities with the aid of another group who bore the brunt of the settler-colonial agenda. Thus, officials were hard-pressed to utilize a supposedly racially inferior population militarily against the original targets of settler-colonialism, the Natives. This paradox caused much confusion, conflict, and violence in nineteenth century New Mexico.

The effects that centuries of continual warfare had on the many societies and peoples in New Mexico are front and center in this study. After so long a conflict, and especially on the heels of an uptick in hostilities throughout the 1830s and 1840s, U.S. officials indeed entered a region by 1848 that, as historian Brian DeLay argues, “had been transformed into a vast theater of hatred, terror, and staggering loss for independent Indians and Mexicans alike.”<sup>49</sup> After centuries of mutual combat and destruction, this “War of a Thousand Deserts” had vast implications for the peoples and the region as a whole. There has, however, been a regional gap concerning this war. Few studies have illuminated the personal, communal, and regional effects

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<sup>49</sup> DeLay, *War of a Thousand Deserts*, xv.

of this considerable violence in New Mexico.<sup>50</sup> This dissertation endeavors to address this gap by first showing that, by and large, the Nuevomexicano settlers themselves lived in poverty; the growth and wealth of the region completely hampered by constant warfare and arguably unjust economic policies implemented by Mexico. Many were hesitant to settle and do business the region, and as a result, the Nuevomexicano people struggled to survive on a daily basis.

This dissertation adds to the discussion of brutality by linking violence to evolving notions of race, shifting definitions of citizenship, and the claims that civilians made to justify their violence. Hispano civilians in New Mexico claimed a unique right to the utilization of such violence. Hispanos defended the use of force in relation to the state, territory, race, and rights. As they perceived that the state offered sub-par protection from Indian attacks, civilians organized and took it upon themselves to fill the supposed void left by the regular military. At the same time, a newly implemented border changed the nature of race and citizenship in the borderlands, as race had become a central factor in obtaining all of the benefits of U.S. citizenship. Ideas concerning race and citizenship played a primary role in how U.S. officials envisioned both sanctioned and unsanctioned civilian warfare in the borderlands. This study explores the fragile line between illegal acts of violence upon persons and/or property, and violent acts deemed justified by civilians due to perceived failures of the state, a precedent of racial warfare, and the United States' reaction to this violence given the region's ethnic makeup. Ultimately, through a lens of race and citizenship, this study analyzes the idea of control over the use of force. Brutality was perceived as justifiable by the citizenry while being regarded as illegal by the state, leading to a state of turmoil in the territory.

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<sup>50</sup> Scholars such as Brian DeLay, Pekka Hämäläinen, James F. Brooks, and William S. Kiser have investigated the impacts of violence on New Mexican communities, but to date there has been no study that has specifically addressed this theme.



Native Peoples were in an even more dire situation. Years of colonialism and warfare culminated in the near-starvation of many Indian groups. Raiding for survival, therefore, became an absolute necessity. The reorientation towards a raiding economy ensured the continuation of hostilities in the foreseeable future because Anglos, Mexicans, and competing Native groups would inevitably seek revenge. Hundreds of years of violent captive-taking on both sides also wholly remade New Mexican societies. As historian James F. Brooks argues, “Most such slaves became members of the capturing society, often in marginal categories but in ways that allowed them to bring useful cultural repertoires and mediation to their new kinspeople.”<sup>51</sup> Thus, centuries of warfare had very real, if often overlooked, consequences among the peoples examined in this study.

By analyzing the nature of warfare in New Mexico, this study also stresses that raiding and violence between settlers and Native Peoples in the southwest were not just a one-sided occurrence. The historical record is filled with Euro-American references to Indian raiding and its savagery, yet any mention that New Mexicans were also engaging in the raiding of Indian communities is missing. Yet they were; heavily. Thus, traditional scholarship has generally been one-sided regarding Indian hostilities and raiding, with Native Peoples bearing the brunt of the blame for raiding, taking prisoners, and nurturing an atmosphere of violence. This dissertation looks to overturn this idea and offer a different interpretation. Raiding and plunder were indeed mutual on both sides. Certain Indian groups surely attacked and robbed New Mexican settlements, however, Nuevomexicano raiding of Indian country was equally as

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<sup>51</sup> Brooks, *Captives & Cousins*, 34. See also Blackhawk, *Violence Over the Land*; Hämäläinen, *The Comanche Empire*.

widespread. Nuevomexicanos were as enthusiastic as their Native counterparts to steal stock and prisoners and enact retributive violence upon their enemies.

In a similar vein, this dissertation attempts to offer a better analysis of the idea of “cycles of violence” that have dominated borderlands historiography. The impression that cycles of warfare and raiding influenced the nature of borderlands communities is generally correct. Yet, historians have somewhat blindly accepted that these “cycles” of violence and retribution were somehow inevitable. This dissertation hopes to remedy this notion by offering a better explanation of these cycles than previous historical scholarship. These cycles were anything but unavoidable, as a culture of retributive civilian violence can be linked to many factors which include encouragement by the state and its desire to secure a monopoly of force. These cycles continued into the U.S. era due to both historical notions of “defense,” perceived military weakness, and a desire to attain equal claims of citizenship. Thus, these “cycles” continued throughout many years not because of “culture” or simply the economics of raiding, but rather philosophical notions of “defense,” the claims of law and rights, and notions of citizenship.

This dissertation also emphasizes the effects of nineteenth-century racial thought on communities in the U.S. Southwest. With the induction of a large number of people of color into the United States after the U.S.-Mexico War, U.S. officials pondered if and how they would introduce these people into the larger body politic of a nation founded upon the institution of white supremacy. Racial beliefs concerning warfare and the institution of civilian defense are significant in the history of the U.S. Southwest. Notions concerning New Mexican inferiority and uncertainty concerning citizenship played prominently in Nuevomexicano and Pueblo Indian service (or lack thereof) in civilian militias. Consequently, through the institution of warfare,

these notions have helped shaped the history of the region. A more thorough examination of the topic is indeed warranted.

Lastly, this dissertation seeks to provide a tri-ethnic or tri-racial perspective on events in New Mexico. Many borderlands narratives have commonly limited relations and interactions as being strictly bi-racial. Interaction between two ethnic groups in the borderlands did not, however, happen in a vacuum, to the exclusion of all others. Commonly, relations between one racial group continued down a particular trajectory because of their interaction with another. Intercultural contact, communications, and connections, therefore, can indeed be more multilayered and complex than traditionally credited. All too often, scholars tend to bifurcate interactions between people; such as black/white, Mexican/white, white/Indian. By looking into the interconnectedness of multiple races at once, we can better see how their interactions were influenced by relations with others. In this respect, this dissertation hopes to give a better understanding of interethnic relationships and how they functioned.

This dissertation is inspired by and draws from various facets of historical literature. First, this study adds to the plethora of existing literature concerning citizen soldiers in the United States during the nineteenth century. There have been many notable works that have analyzed militia service in the United States in very general terms. In 1957, William H. Riker surveyed the creation, degeneration, and ultimate revival of the militia in the United States in his work, *Soldiers of the States: The Role of the National Guard in American Democracy*. Similarly, in 1964, Jim Dan Hill wrote a sprawling, single-volume work on the Volunteer Organized Militia and the National Guard with *The Minute Man in Peace and War: A History of the National Guard*. One year later saw the publication of an edited collection: *Bayonets in the Streets: The Use of Troops in Civil Disturbances*, in which several historians pieced together the

history of not just the militia and national guard in the United States, but the military utilization of civilians such as federal marshals and police to quell popular uprisings around the United States. More recently, works such as Michael D. Doubler's *Civilian in Peace, Soldier in War: The Army National Guard, 1636-2000*, offer a more modern examination of civilian warriors in the United States to the year 2000.<sup>52</sup>

In addition to these broad surveys of civilian warfare in the United States, some authors have taken a more focused approach to the subject. Certain historians have analyzed civilian warfare on a more regional scale. Most of these scholars have predominately focused on the institution of the militia and national guard in the eastern United States, yet few have analyzed the subject in regions that many have deemed "the western frontier." There has emerged, however few, notable scholarship that focuses on these areas. In 1935, John H. Nankivill looked into the history of civilian soldiers in Colorado with *History of the Military Organizations of the State of Colorado, 1860-1935*, and Richard Campbell Roberts wrote a critical dissertation of the Utah National Guard in 1973 with "History of the Utah National Guard, 1894-1954." More recent works include Jerry Cooper and Glenn Smith's *Citizens as Soldiers: A History of the North Dakota National Guard*, published in 1986. These works have offered broad analyses concerning militia use in specific locations. Unsurprisingly, the scarce literature concerning civilian soldiers in frontier areas has led to only one piece of historical scholarship specifically devoted to civilian warfare in New Mexico. In 1980, the *New Mexico Historical Review* published Larry D. Ball's "Militia Posses: The Territorial Militia in Civil Law Enforcement in

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<sup>52</sup> William H. Riker, *Soldiers of the States: The Role of the National Guard in American Democracy* (New York: Arno Press, 1979); Jim Dan Hill, *The Minuteman in Peace and War: A History of the National Guard* (Stackpole Co, 1964); Robin Higham, *Bayonets in the Streets: The Use of Troops in Civil Disturbances* (Manhattan, KS.: Sunflower University Press, 1989); Michael Doubler, *Civilian in Peace, Soldier in War: the Army National Guard, 1636-2000* (Lawrence, KS: University Press of Kansas, 2003).

New Mexico Territory, 1877-1883.” This article, however, barely scratches the surface of the history of civilian warfare in New Mexico, limiting its scope to just six years. Other than Ball’s article, there has not been one substantive study concerning the citizen-soldier in New Mexico. This study hopes to add a much-needed perspective on the topic.<sup>53</sup>

This study also intersects with literature concerning the causes, effects, and impacts of borderlands violence. Many works have begun to address this critical topic. The borderlands of northern Mexico has received particular attention. Published in 1988, William B. Griffen explores the nature of Spanish-Mexican and Apache relations in his book *Apaches at War and Peace: The Janos Presidio, 1750-1858*. Griffen shows how Spanish and later Mexican civilian violence, and military expeditions both increased interethnic hostilities and drove many Apaches toward the peace establishments. Once there, Apaches adapted by taking advantage of the establishments while, at the same time, retaining their tribal autonomy. Three years after Griffen’s book, Max Moorehead, in *The Presidio: Bastion of the Spanish Borderlands* offers a complete examination of the role of the Spanish and Mexican presidio in borderlands warfare. Ana María Alonso’s 1997 book, *Thread of Blood: Colonialism, Revolution, and Gender on Mexico’s Northern Frontier*, argues that due to constant warfare with the Apaches and the lack of centralized Mexican control in the area, the northern Chihuahuan community of Namiquipa “became a society organized for warfare, with specialists in violence.”<sup>54</sup> Alonso illustrates that an enduring culture of violence pervaded northern Mexican society, which had a significant

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<sup>53</sup> John H. Nankivell, *History of the Military Organizations of the State of Colorado: 1860-1935* (Ann Arbor, MI: UMI, 1992, reprinted); Richard Campbell Roberts, “History of the Utah National Guard: 1894-1954” PhD Diss, The University of Utah, 1973; Jerry M. Cooper and Glenn Smith, *Citizens as Soldiers: A History of the North Dakota National Guard* (Lincoln: University of Nebraska Press, 2005); Larry D. Ball, “Militia Posses: The Territorial Militia in Civil Law Enforcement in New Mexico Territory, 1877-1883,” *New Mexico Historical Review*, vol. 55, no. 1 (Jan 1, 1980): 47.

<sup>54</sup> Ana María Alonso, *Thread of Blood*, 7.

impact on the Mexican Revolution, as northern peasants rose up in response to the injustices of the Porfiriato. More recently, Lance Blyth has followed in the footsteps of these scholars with *Chiricahua and Janos: Communities of Violence in the Southwestern Borderlands, 1580-1880*, published in 2012. This work posits that precisely because there was little-centralized authority in the northern Mexican frontier, violence between troops stationed at the Janos Presidio and nearby Apaches served explicit purposes of creating diplomatic relations, as well as conferring status on Apaches and Janos men as warriors.<sup>55</sup>

Other essential works concerning violence have shifted their attention onto the southwest United States. Ned Blackhawk's *Violence Over the Land: Indians and Empires in the Early American West*, published in 2006, shows the nature and effects of brutality against Native groups such as the Paiutes and Shoshones in the Great Basin throughout the centuries. Blackhawk uses violence as a method to understand the understudied world of the Great Basin Indian peoples. Karl Jacoby's *Shadows at Dawn: An Apache Massacre and the Violence of History*, published two years later, demonstrates the ways in which violence structured relationships between the various ethnic groups in Arizona during the nineteenth century. A culture of violence in the borderlands culminated in the Camp Grant Massacre in 1871, in which a force of Anglo Americans, Mexican Americans, and Tohono O'odham Indians attacked a peaceful Apache encampment in southern Arizona, and massacred a large number of women and children. This violence, he argues, has the potential to rupture history, as the narrative of the Camp Grant Massacre, over time, came to symbolize the celebrated tale American manifest

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<sup>55</sup> Griffen, *Apaches at War and Peace*; Max Moorehead, *The Presidio: Bastion of the Spanish Borderlands* (Norman: University of Oklahoma Press, 1991); Alonso, *Thread of Blood*; Lance Blyth, *Chiricahua and Janos: Communities of Violence in the Southwestern Borderlands, 1580-1880* (Lincoln: University of Nebraska Press, 2012).

destiny and the conquering of the savage, rather than a story of overt violence perpetrated upon innocent Native peoples.<sup>56</sup>

Also published in 2008, Brian DeLay's *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* shows how violence in the borderlands was one of the defining factors responsible for the U.S. – Mexico War in 1846. Anglo American conceptions of the Mexican inability to properly conquer their northern frontier led many Americans to assume that Mexico had forfeited any claim over the region. Nicole M. Guidotti-Hernández's *Unspeakable Violence: Remapping U.S. and Mexican National Imaginaries*, published in 2011, analyzes four diverse, violent events: the lynching of a Mexican-American woman, the Camp Grant Massacre, racialized and sexualized violence in south Texas, and the Yaqui Indian Wars. Guidotti-Hernández argues that violence "is an ongoing social process of differentiation for racialized, sexualized, gendered subjects in the U.S. borderlands in the nineteenth century and early twentieth." Brendan C. Lindsay's *Murder State: California's Native American Genocide, 1846-1873*, published in 2012, argues that due to a conscious attempt by whites to exterminate indigenous populations in California, Indians in the state suffered a violent campaign of genocide. To carry out this method of extermination, state and non-state violence hid behind notions of democracy. Benjamin Madley's *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* also uncovers the roots of American Indian genocide in California. This dissertation looks to add a significant yet overlooked viewpoint to these studies: how violence affected communities in New Mexico during the nineteenth century.<sup>57</sup>

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<sup>56</sup> Ned Blackhawk, *Violence Over the Land*; Karl Jacoby, *Shadows at Dawn: An Apache Massacre and the Violence of History* (New York: Penguin Books, 2008).

<sup>57</sup> Brian DeLay, *War of a Thousand Deserts*; Nicole M. Guidotti-Hernández, *Unspeakable Violence: Remapping U.S. and Mexican National Imaginaries* (Durham: Duke University Press, 2011); Brendan C. Lindsay, *Murder*

This study also hopes to add to a growing body of historical scholarship, which emphasizes how ideas concerning the interweaving of race and citizenship played a central role in the lives of the varied borderlands peoples. There has been a rich and insightful historiography concerning this topic. In 1983, Arnolfo DeLeon offered a ground-breaking examination of white stereotypes of Tejanos in nineteenth-century Texas in his study *They Called Them Greasers: Anglo American Attitudes Toward Mexicans in Texas, 1821-1900*. Four years later, in *Anglos and Mexicans in the Making of Texas, 1836-1936*, David Montejano pieced together Anglo/Mexican relations in Texas over time, attempting to contradict the ever-present triumphalist narratives in which Anglo Americans subdued Indians and Mexicans, and the west was completely won. Both of these works delve into the ways in which racialized Anglo perceptions led to a status of second-class citizenship for most ethnic Mexicans living in Texas. In 1999, Deena J. González in *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880*, delved into notions of race and gender in New Mexico, showing the injurious effects on ethnic Mexican women due to the acquisition of New Mexico by the United States. González argues that although U.S. colonialism led to the impoverishment and disempowerment of ethnic Mexican women, they were ultimately able to stave off complete colonization by retaining their culture. Martha Menchaca's *Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans*, published in 2001 chronicles the aspects of the Southwest from Spanish contact up to the present day that have assisted in shaping notions and definitions of race, and its consequences. Menchaca analyzes the legacy of racial discrimination against Mexican Americans that began during the era of the Spanish and was reinforced by the

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*State: California's Native American Genocide, 1846-1873* (Lincoln: University of Nebraska Press, 2012); Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873* (New Haven: Yale University Press, 2017).



conquering of northern Mexico by the United States. Following this historiographical trajectory, with *The Language of Blood: The Making of Spanish-American Identity in New Mexico, 1880s-1930s*, John M. Nieto-Phillips shows how New Mexicans shaped their identity as one of a Spanish background in order to distance themselves from their indigenous roots.<sup>58</sup>

In his work, *Changing National Identities at the Frontier: Texas and New Mexico 1800-1850*, published in 2004, Andrés Reséndez traces ideas of racial identity in the borderlands, explicitly noting their fluidity and uncertainty. Many residents were able to use the malleability of identity in the borderlands to secure an advantage regarding both state and market forces. Similarly, in 2007, Eric Meeks's *Border Citizens: The Making of Indians, Mexicans, and Anglos in Arizona* charges that Indian, Mexican, and Anglo identity in Arizona has changed over time due to various, but principally, economic reasons. Meeks posits that complete political and economic incorporation of Arizona into the United States was tied, from the state's inception to racial and economic inequality. In 2009, Katherine Benton-Cohen, in her work *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands*, argues that an idea of "whiteness" eventually emerged in the industrial sector of the Arizona borderlands, which ultimately culminated in the Bisbee deportation and other aspects of racial and economic discrimination against non-whites. Benton-Cohen's study illuminates the evolution of racial categories imposed upon certain peoples from outside their own communities, showing how certain U.S. residents became "white" and some did not. Anthony Mora's *Border Dilemmas: Racial and National Uncertainties in New Mexico, 1848-1912*, published in 2011, details that

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<sup>58</sup> Arnaldo DeLeon, *They Called Them Greasers: Anglo American Attitudes Toward Mexicans in Texas, 1821-1900* (Austin: University of Texas Press, 1983); David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1936* (Austin: University of Texas Press, 1987); Deena J. González, *Refusing the Favor: The Spanish-Mexican Women of Santa Fe, 1820-1880* (Oxford: Oxford University Press, 1999); Menchaca, *Recovering History*; Nieto-Phillips, *The Language of Blood*.

ideas concerning race and space are intertwined. Mora describes how Las Cruces came to be identified as a primarily Anglo American town, while nearby La Mesilla attempted to keep its Mexican heritage. Mora attempts to discover how and why there were many notions concerning national identity in such a small region. Omar Valerio-Jiménez, in *River of Hope: Forging Identity and Nation in the Rio Grande Borderlands*, published in 2013, explores ideas concerning race and state-formation, showing how these notions shifted and contributed toward the historical experience of the residents of the Rio Grande Valley. The lower Rio Grande Valley saw three nations compete for control over the region, and each helped shape the social and political identities of its inhabitants due to shifting ideas concerning race and citizenship. My dissertation looks to add to these works which have emphasized how race and citizenship functioned in the multi-ethnic and fluid southwest borderlands.<sup>59</sup>

In six chapters, this study analyzes the meaning of race, citizenship, and belonging in New Mexico and its connection to the role of civilian soldiers as they claimed the right to employ violence, with or without the sanction of the state. Chapter 1 offers broad context concerning the history of civilian/Native warfare in New Mexico from the time of Spanish colonization in the late sixteenth century to the end of the U.S.-Mexico War in 1848. This was an era in which both civilians and Native peoples such as the Pueblo Indians significantly contributed toward the “defense” of their own communities. Hispanos and Pueblo peoples provided the bulk of the manpower needed to engage in warfare with Native peoples. The Spanish central government played a prominent role in both using the regular military and

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<sup>59</sup> Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico 1800-1850* (Cambridge: Cambridge University Press, 2004); Eric Meeks, *Border Citizens: Race, Labor, and Identity in South-Central Arizona, 1910-1965* (Austin: The University of Texas Press, 2007); Benton-Cohen, *Borderline Americans*; Mora, *Border Dilemmas*; Omar S. Valerio-Jiménez, *River of Hope: Forging Identity and Nation in the Rio Grande Borderlands* (Durham: Duke University Press, 2013).

civilian militias to achieve their goals. The Mexican nation, on the other hand, principally relied on their citizenry, including Pueblo peoples to patrol New Mexican communities and war with independent Indians. This reliance on the New Mexican residents for their own defense led to a culture of militarization which became entrenched in the communities of the region. As the United States entered the area in 1846, Anglo American officials found that a custom of civilian warfare was extremely difficult to extricate.

The second chapter narrows its focus to the years 1848-1853. During this short period, despite U.S. promises to bring Indian hostilities to an end, fighting between Nuevomexicanos and Native peoples accelerated. Acting on a perceived notion that the regular military was failing in their duty to protect the settlements, civilian officials such as governor James S. Calhoun saw the advantage of attempting to utilize civilians for warfare against independent Indians. Due to derogatory Anglo American ideas regarding the racial identity, citizenship, and loyalty of the multi-ethnic New Mexican residents, the military, however, tried to curb the practice of civilian defense of their own communities. With an emphasis on the effects of Anglo American thought concerning the racial inferiority of the New Mexican people, this chapter analyzes the conflict that emerged between the regular military, civil government, and residents of New Mexico due to the army's restriction of utilizing civilian soldiers for warfare. In particular, governor Calhoun and military department commander Edwin Sumner bickered back and forth concerning the topic, resulting in a toxic atmosphere between the civil government, military, and citizenry in New Mexico.

Chapter 3 expands upon the narrative of the previous chapter, showcasing the tenuous atmosphere between the civil government, military, and citizenry, primarily concerning civilian warfare, that continued in New Mexico until the coming of the Civil War. This chapter's subject

matter builds upon the racial attitudes of U.S. military officials, focusing on the racialized doubts they held concerning the national allegiance and loyalty of Nuevomexicanos, which put into question the advantages of arming the ethnic-Mexican population in New Mexico. Despite such notions, however, the civil government remained highly sympathetic to the desires of the residents to war with Native peoples as they had for centuries previous, and interim governor, William S. Messervy, for example, made great strides in attempting to establish an organized territorial civilian militia. This was due, in part, to the employment of General John Garland as military department commander in New Mexico. Garland was much more lenient in allowing for the use of civilian soldiers than both his predecessors and successors. Garland's replacement, however, Colonel Thomas Fauntleroy, in contrast, tried to curb the use of civilian militia units. This back and forth tug-of-war between the civil government and the military in New Mexico continued until the firing on Fort Sumter in 1861.

Chapter 4 showcases Nuevomexicano resistance to U.S. military efforts to stop them from engaging in warfare with independent Indians. This chapter focuses on the brutal behaviors of certain residents of La Mesilla during the 1850s. During this time, an unsanctioned militia unit, the Mesilla Guard, emerged in that community. Utilizing a repertoire of guerilla tactics, massacres, murder, and theft, the Mesilla Guard violently terrorized nearby Apache peoples for nearly a decade. The violent and unauthorized actions of the residents of Mesilla caused U.S. officials much frustration, as they were seemingly unable to put a stop to their exploits. This shows that despite their best efforts, the U.S. government never truly held a monopoly of force on the frontier of New Mexico during this era. The actions of the Mesilla Guard were both a response to a seemingly unsympathetic U.S. military, as well as a continuation of a custom of civilian warfare and violence that went back centuries.

Chapter 5 analyzes the vast effects that the Civil War had on the institution of civilian soldiers in the territory. The Civil War was a substantial turning point in regards to civilian warfare in New Mexico. During the brief four-year period during the war, military officials had, for the first time in any substantial way, begun to utilize territorial residents for warfare heavily. Civil officials noted the military's newfound clemency concerning the institution and went to work organizing civilian militias all over the territory. This was the initial time in the history of the United States that ethnic Mexicans were in the employ of the U.S. military in any significant way. Many "Hispanic" residents throughout the country volunteered for Union and Confederate duty. The Territory of New Mexico, however, had the largest number of Civil War volunteers of Mexican descent. This chapter emphasizes how the volunteer army and militia in New Mexico suffered a process of racialization in which they were privy to a multitude of discriminatory practices by Anglo American troops and officers stationed in the territory. Despite this, Nuevomexicano volunteers and militia were integral in expelling invading Confederates in New Mexico, as well as violently subduing powerful tribes such as the Mescalero and Navajo peoples.

Despite all they had done during the Civil War, these New Mexican units generally disappeared after its conclusion. New Mexican civil governors, however, still strove to enact a sustained territorial militia. Chapter 6 analyzes how specific territorial emergencies, such as the Lincoln County War, and hostilities with the Apache leaders, Victorio and Geronimo, would finally lead to that result. The development of the territorial militia is also associated with the growth of the Anglo American community in New Mexico. This, more than any other reason, contributed to an organized territorial militia beginning in the late 1870s. Military officials were much more tolerant of militias which consisted of those they deemed "white," and they also began to ensure that Anglo American officers headed the many ethnic Mexican militias around

the territory. As a response to this demographic shift, multiple militia units began to spring up all around the territory, culminating in the creation of the New Mexico National Guard during the late nineteenth century.

This dissertation looks to be the only substantive piece of scholarship concerning civilian warfare in New Mexico from the era of the Spanish to the creation of the New Mexico National Guard during the late nineteenth century. This study also seeks to be much more than a standard history of particular military undertakings. This project began as just that, with an emphasis on the effects of violence and warfare on New Mexican communities. However, as research on this project commenced, it became clear that there was much more to this topic than military exploits and warfare. Central to various other borderlands topics, ideas of race and citizenship alongside notions of a historical right to violence, played a notable role in the story of civilian soldiers in New Mexico. Thus, this study seeks to intersect with both the overall historiography of civilian warriors and that of race relations in the southwest United States during the nineteenth century. Ultimately, this dissertation hopes to uncover a story and voices long overlooked in the historical archive.

## Chapter 1: Spain and Mexico Set the Stage, 1598-1846

The arrival of the Spanish in the region they had branded *Nuevo Mexico* created the overall blueprint for civilian warfare in the region for years to come. The entrance of Spain, which brought the introduction of the Catholic religion, presidios, and large-scale mining and ranching operations, precipitated tensions that antagonized the Native people of the north. Colonial violence stemming from these institutions caused many of these peoples to retaliate against Spanish colonists. This violence, in turn, triggered the establishment of both sanctioned and unsanctioned civilian militias to reinforce the relatively weak formal military presence in the frontier. With hostilities brewing between the colonists and Native peoples since the colonization of the area after 1598, warfare on the frontier developed a specific form which greatly emphasized the role of the colonist as citizen-soldier as had been common during the Reconquista centuries before. Through the significant use of civilians, the Spanish and Mexican governments implemented various mechanisms based on warfare with Native peoples that transformed settler society. Militia service and independent civilian expeditions against New Mexican Natives defined much of the seventeenth and eighteenth centuries, and generations of inter-ethnic warfare shaped New Mexican society into one predicated and centered on violence.

During the early Spanish era in New Mexico, directly after initial colonization, warfare with independent Indians was primarily the responsibility of the civilians. After the Pueblo Revolt of 1680, colonial officials placed more of the burden of warfare against the Natives on the regular military, constructing a system of presidios along New Spain's far north. The presidios, however, proved largely ineffective in combating Native peoples. Issues concerning the construction and location of these forts, as well as low morale among the scant regular military

personnel stationed within the province, dictated that civilians continued to play a significant role in warfare in New Mexico. Although the physical expressions of colonialism, such as the presidios, would eventually crumble, a social custom of warfare among the New Mexican populace continued for much longer. In fact, warfare between independent Indians and the settlers would last long into the era of the United States, much to the chagrin of U.S. officials.

Thus, during the colonial era, a cultural transformation emerged as sections of the civilian populace were fast becoming militarized, and the function of warfare became linked with gendered ideas of masculinity, social honor, and even economic advancement and political status. This culture of warfare became even more entrenched in New Mexican society as Mexico struggled to achieve independence from Spain beginning in 1810. The new nation's many woes, which included an empty federal treasury, weakened foreign relations capacity, and a crippled political system assured the decline of the ability of the regular military to carry out their duties. Civilians, therefore, became even more inclined to enact warfare on their own terms and for their own ends than during the colonial era. Not coincidentally, the growing utilization of civilian fighters during the Mexican era overlapped with a marked increase in hostilities with Native peoples, especially in the 1830s. The large scale structural changes following in the wake of Independence exacerbated local conditions on the northern frontier to cause the future entrenchment of a tradition of civilian warfare in New Mexico.<sup>60</sup>

Civilian warfare during the era of the United States in New Mexico after 1848, the principle time period analyzed by this dissertation, cannot be fully understood without a

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<sup>60</sup> See David J. Weber, *The Mexican Frontier, 1821-1846: The American Southwest Under Mexico* (Albuquerque: University of New Mexico Press, 1982); Ana María Alonso, *Thread of Blood*; David J. Weber, *Barbaros: Spaniards and Their Savages in the Age of Enlightenment* (New Haven and London: Yale University Press, 2005); David J. Weber, *The Spanish Frontier in North America* (New Haven and London: Yale University Press, 2009).



knowledge of the institution during both the colonial and Mexican periods. Many of the mechanisms of warfare put in place by both the Spanish and Mexican regimes, specifically their reliance on the civilian population, had a direct effect on the struggle by the United States to subdue independent Indians. The Spanish colonial and Mexican eras set a precedent for how civilians interpreted the role of the state, their claims to citizenship, their gendered masculinity, their sense of obligation to their communities, and their understanding of violence as a means to survive a hostile northern frontier. The economy, social structure, and even the spatial layout of towns in New Mexico reflected violent relations with Indigenous groups. Considering these deep roots and structural realities, civilian warfare after the U.S. declared war against Mexico and claimed the Southwest would not easily disappear. This chapter will discuss the implementation of warfare in New Mexico, specifically emphasizing the tremendous reliance on non-military personnel, from the beginning of the Spanish era to the U.S.-Mexico War. I ultimately argue that the structures of warfare fostered by the Spanish and Mexican regimes would have a vast and longstanding influence among many of the residents of the region, thus contributing toward cycles of warfare and violence between the civilian and Native populations. Ultimately, the trajectory of civilian warfare implemented by these regimes in New Mexico would long endure even after these governments had disappeared from the region.

Violent clashes between Native peoples and Spanish colonists in northern New Spain had become a common occurrence since the mid-sixteenth century. The extension of the Spanish Reconquista reached northern New Spain as the Spanish attempted to conquer and control Indian “infidels” whom they compared to the Muslim invaders of the Iberian peninsula. Motivated by Spanish beliefs of cultural and religious superiority, they saw Indian people as little better than

beasts.<sup>61</sup> Settlers residing in Zacatecas and Durango soon sent small parties north in search of Indian peoples whom they raided for slaves.<sup>62</sup> By 1598, as the Spanish presence grew further northward to New Mexico, colonial violence enveloped Indigenous groups such as the Apaches, Navajos, and Utes. Both the colonists and Indigenous people frequently raided each other for captives and livestock, and to extract revenge for previous outrages. Interethnic brutality rapidly accelerated during the seventeenth century, and the Spanish frequently sent out search and destroy expeditions against enemy Indians, going as far as offering rewards for pairs of Apache ears, and sending Apache prisoners into permanent exile.<sup>63</sup> The Spanish ultimately sent over two-thousand Apache prisoners into regions of the empire from which they could never return.<sup>64</sup> Indigenous peoples were compelled to retaliate; leading to a cycle of murder, revenge, and mutual animosity that would carry on for well over two centuries. By 1664, violence with the Apache and Navajo became so fierce that the governor of New Mexico forbade the entrance into the colony of any of whom the Spanish termed *Indios Barbaros*.<sup>65</sup> At the same time, the Spanish had also mistreated many of the region's numerous Pueblo peoples, whom the Spanish perceived as more "civilized" than the mobile *Indios Barbaros*. Clergy attempted to stamp out Pueblo religious customs and beliefs, the system of *encomienda* exploited Pueblo labor, and rape and murder by colonial soldiers were commonplace. As a response to this violence, as well as other aspects of Spanish colonialism, brutality would long define the relationship between certain Indigenous groups and the Spanish colonists. Thus, brutality became routine in the Spanish borderlands, and both sides enacted a war of terror upon the other. The killing of men, women,

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<sup>61</sup> Weber, *The Spanish Frontier*, 20.

<sup>62</sup> Anderson, *The Indian Southwest*, 10.

<sup>63</sup> Weber, *Barbaros*, 193.

<sup>64</sup> Mark Santiago, *The Jar of Severed Hands: Spanish Deportation of Apache Prisoners of War, 1770-1810* (Norman: University of Oklahoma Press, 2011), 4-5.

<sup>65</sup> Blackhawk, *Violence Over the Land*, 29.

children, and the elderly alongside the mutilation of the dead and the taking of heads and ears to show a “body count” were common.<sup>66</sup> This level of brutality bestowed certain benefits among both societies such as the capture of prisoners and plunder as well as the ability to enact revenge for previous outrages.

The introduction of the Spanish in New Mexico led to the transformation of the lives of many Native groups which further fostered an atmosphere of hostility in the region. Due in part to Spanish intrusion, increased calls for military pressure against Native peoples, and the arrival of the powerful Comanche, groups such as the Apaches faced a narrowing set of options to maintain a livelihood that required vast tracts of land. The mutual theft of horses, livestock, and the taking of captives had been commonplace since the Spanish had entered the region; however, settler colonialists’ demand for land and resources, military pressure, and warfare between the tribes placed a tremendous strain on Indigenous livelihood and subsistence, and many had few options beyond raiding for survival. Pressures such as these against Native peoples coincided with an impressive expansion of Spanish ranching in New Mexico. This buildup of Spanish livestock overlapped with a sharp decline in buffalo populations, a principal source of nourishment and provisions for Native societies.<sup>67</sup> Spanish ranching directly threatened the southern plains buffalo herds, but it compromised the ability of eastern Apaches and western Comanches to procure the buffalo and trade the hides and meat to Puebloan communities in New Mexico. As a result, many Native groups increasingly turned to Spanish livestock for subsistence. Many of these peoples quickly shifted from buffalo hunters and partial agriculturalists to people who lived almost exclusively by raiding and poaching Spanish animal

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<sup>66</sup> Santiago, *Severed Hands*, 8,13.

<sup>67</sup> Anderson, *The Indian Southwest*, 130.

herds and livestock.<sup>68</sup> The expansion of the theft of horses and other livestock contributed toward a realignment of Indigenous economies, which in turn resulted in an upward spike of violence across the region. At the heart of indigenous raiding was survival; however raids were “deeply embedded in a larger network of exchange stretching far beyond the Spanish settlements out onto the Great Plains.”<sup>69</sup> Thus, raiding increasingly became a vital part of indigenous trade and wealth, which contributed to the intensification and frequency of the undertaking.

Spanish officials and settlers in the region usually tended to identify Indian raiding as acts of war, but indigenous groups such as the Apaches may have thought differently. The Apaches were unaccustomed to treating animals as private property, and they might have seen Spanish livestock as a form of wild game. As a result, certain Indigenous groups could have seen the taking of these animals more as hunting than raiding.<sup>70</sup> When engaged in raiding the opportunity to avenge past wrongs was frequent and such expeditions were also a valuable chance to enhance one’s reputation as a fighter and someone who could provide for their family and kin relations.<sup>71</sup> Engaging in such raids usually required that those involved in the operation form small groups in order to capture the cattle and horse herds of the Spanish, and later Mexican and American ranches. Frequently these small assemblages were not sanctioned by the leaders of the group but were initiated by rebellious members of the band. Particular Apache bands such as the Mescalero also possessed minimal political or military organization beyond that of the local group.<sup>72</sup> Therefore misunderstandings were common because whatever peace agreements reached by the Spanish, Mexicans, or Americans were with individual Apache

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<sup>68</sup> *Ibid.*, 128.

<sup>69</sup> Blyth, *Chiricahua and Janos*, 36.

<sup>70</sup> Jacoby, *Shadows at Dawn*, 149.

<sup>71</sup> Griffen, *Apaches at War and Peace*, 11.

<sup>72</sup> Jacoby, *Shadows at Dawn*, 145.

bands, rather than a larger unified group. This often led to confusion on the part of the colonists, as they frequently sought vengeance against innocent groups of Native peoples because they were unable or unwilling to differentiate between offending and innocent bands.

To address this threat as the Spanish perceived it, local communities frequently had to defend themselves when the Crown was unable to provide them with presidio soldiers. Since the beginning of the seventeenth century colonial military duties in the province were principally assigned to a small handful of *encomenderos* who assumed command of citizens and who were entrusted to commence war with Indian groups. *Encomenderos* were especially known for their control over sedentary Native communities and for the obligation to Christianize and protect them. In exchange for assembling and funding civilian militia units, the *encomenderos* held the right to extract labor and tribute from Indian heads of households.<sup>73</sup> The governor of New Mexico himself exercised direct control over these *encomenderos*. The exploitation and mistreatment of the Pueblo peoples, however, would end this system by 1680, but the use of citizens such as encomenderos laid the groundwork for non-military use of force and violence against Native people.<sup>74</sup>

Juan de Oñate's colonization of New Mexico had led to warfare against many Pueblo peoples that had resulted in widespread violence and death. Afterward, the colonizers and the Pueblo peoples adhered to a tenuous peace built upon a widespread fear infused by coercive tactics employed by the Spanish.<sup>75</sup> Pueblo labor was exploited by the encomienda system and the

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<sup>73</sup> Diana Hadley, Thomas H. Naylor, and Mardith K. Schuetz-Miller, eds, *The Presidio and Militia on the Northern Frontier of New Spain: A Documentary History, Volume Two, Part Two, The Central Corridor and the Texas Corridor, 1700-1765* (Tucson: The University of Arizona Press, 1997), 229.

<sup>74</sup> See John L. Kessell, *Kiva, Cross, & Crown* (Tucson: Southwest Parks and Monuments Association, 1987); Weber, *The Spanish Frontier in North America*.

<sup>75</sup> Carter, *Indian Alliances and the Spanish in the Southwest, 750-1750*, 141.

Franciscans had imposed upon the Natives the mission system in which priests attempted to diminish the influence of Pueblo religions and stamp out cultural practices deemed unacceptable in a Christian society. Forced labor, conversion to Christianity, and obligatory transformation of their culture only led to much Puebloan resentment. Physical and emotional abuse by Spanish priests and soldiers further emboldened many, but not all, Pueblos to resist Spanish control. Many Pueblos opposed Spanish power by continuing to practice their own religions and adhere to their traditional customs in secret. Certain Pueblos also attempted to oust the Spanish by initiating a series of violent revolts such as rebellions at Taos and Jemez in 1613 and 1614. By the second half of the seventeenth century, drought, famine, and disease plagued New Mexico and led to a marked decline in the indigenous population.<sup>76</sup> These dreadful conditions led many Pueblo communities to pool their resources and organize an extensive campaign against the Spanish. Under the leadership of the Tewa Pueblo Indian, Popé, various Pueblo communities initiated a violent revolt that resulted in the wholesale expulsion of the Spanish from New Mexico in 1680.<sup>77</sup>

After the Pueblo peoples and their allies expelled the Spanish from New Mexico in the Pueblo Revolt of 1680, the system of *encomienda* was ended in the province along with its ties to militia duty. The Spanish returned a decade later and reclaimed the region for Spain. After the reconquest of New Mexico, Spanish authorities sought to center warfare in the region around a system of presidios. These garrisons were constructed to not only protect the colonists situated within this hostile environment but to guard their perceived imperial possessions from foreign

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<sup>76</sup> *Ibid.*, 187.

<sup>77</sup> See Andrew L. Knaut, *The Pueblo Revolt of 1680: Conquest and Resistance in Seventeenth-Century New Mexico* (Norman: University of Oklahoma Press, 1995); David Roberts, *The Pueblo Revolt: The Secret Rebellion that Drove the Spaniards Out of the Southwest* (New York: Simon & Schuster, 2005); Michael V. Wilcox, *The Pueblo Revolt and the Mythology of Conquest: An Indigenous Archaeology of Contact* (Berkeley: University of California Press, 2009).

invasion. Construction of presidios had begun in the interior provinces starting in 1570, and by the 1690s, the colonial government had finally begun to devise a line of garrisons in the far north. Eventually, traders, settlers, and military families congregated around these presidios, which in time grew into towns of varying size and importance. The province of New Mexico; New Spain's most remote and regarded by many as its most desolate outpost, boasted two of these strongholds; one in Santa Fe, the other some three-hundred miles south in El Paso del Norte. Not only were these presidios too spread out to offer any real protection, but as in other areas of New Spain, they were often poorly constructed and dilapidated.<sup>78</sup> These costly presidios had also come under criticism because they were not suited for the style of warfare initiated by mounted Native peoples, as independent Indians could easily avoid the expensive, stationary forts.<sup>79</sup>

The introduction of regular soldiers stationed at the presidios further contributed toward an environment of violence in New Mexico. Regular soldiers in the field, as well as the settlers themselves, repeatedly committed atrocities upon Native peoples. Soldiers called out to war with independent Indians were frequently known to indiscriminately slay innocent women and children. They were also responsible for enacting violence against innocent indigenous groups. For their part, the settlers commonly raided Indian *rancherías* in search of plunder and prisoners, often slaughtering non-combatants during their expeditions. In 1741, New Mexican governor Gaspar Domingo noted certain brutalities undertaken by both soldiers and settlers, stating, "It has come to my attention that during pursuits of the infidel Indians, or while returning from raids against them, small groups of women, young boys and girls, and other persons who are unable to

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<sup>78</sup> Frank W. Blackmar, *Spanish Institutions of the Southwest* (Glorieta, NM: The Rio Grande Press, Inc., 1976), 194.

<sup>79</sup> Weber, *The Mexican Frontier*, 107.

defend themselves are encountered, and [the men] who go on these raids have attempted to mistreat them and take their lives.”<sup>80</sup> After more than a century of violent interactions, Spanish officials knew that a change in Indian and military policy would be necessary to halt the simmering animosity brewing between the colonists and Native peoples.

By 1765, the poor state of the presidios, as well as the growing violence between the Spanish and Native peoples, led the reform-minded King Carlos III of Spain to reexamine the seemingly feeble northern frontier defense system. The crown subsequently implemented a restructuring of administration, policy, and defense in America, known as the Bourbon Reforms. Spain’s defeat two years earlier in the Seven Years’ War also motivated a shoring up of defenses. During the War, England had seized the heavily fortified city of Havana, and if another war should occur Spain believed they would need stronger defensive fortifications.<sup>81</sup> The crown was also interested in strengthening frontier presidios because they had surpassed the mission as the dominant institution in the far north.<sup>82</sup> The king tasked the Marqués de Rubí to tour the interior provinces - or northern frontier. He was to report on the condition of the presidios and make recommendations for their improvement. The ensuing report, Rubí’s *Reglamento* of 1772, guided military policy in New Mexico far beyond the era of the Spanish. Among Rubí’s suggestions was a reorganization of the military garrisons in New Mexico as well as the implementation of a revamped Indian policy which ultimately stressed trade over war and deception over confrontation.<sup>83</sup> Although the *Reglamento* didn’t directly affect the Santa Fe presidio, it called for the complete elimination of the stronghold at El Paso. Rubí’s report

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<sup>80</sup> Bando Prohibiting Gambling and Attacks on Defenseless Women and Children, 1741, Spanish Archives of New Mexico, New Mexico State Records Center and Archives (hereafter, SANM, NMSRCA), Reel 8, Frames 48-49.

<sup>81</sup> Weber, *The Spanish Frontier*, 155.

<sup>82</sup> *Ibid.*, 157.

<sup>83</sup> DeLay, *War of a Thousand Deserts*, 12.



generally emphasized peaceful rather than hostile interactions with most Native Peoples, yet he, like many other officials, considered Apaches in particular to be the most severe threat to the province; therefore, he recommended their extermination as well as peace and alliance with all Apache enemies.<sup>84</sup> Although not endorsed by the King in its entirety, Rubi's policies, especially those regarding Apache extermination continued to fan the flames of hatred between the Apaches and the colonizers.

As Rubí was touring the presidios preparing his *Reglamento*, the king also assigned Viceroy Bernardo de Gálvez to devise an effective frontier system of governing, which included a workable Indian policy. Gálvez's report, the *Instrucción para el Buen Gobierno de las Provincias Internas de la Nueva España* of 1786, which superseded yet complemented in many ways Rubi's *Reglamento*, suggested that dealings with Indians through gifts, diplomacy, and trade were preferable to war. He did, however, stress that Indians not willing to negotiate would indeed feel the wrath of the Spanish military.<sup>85</sup> Therefore, Gálvez's *Instrucción* was an ambitious combination of war as well as peace. It was designed to impress the Native peoples through war-making while at the same time keeping open a path to peace if actively sought by Indigenous groups.<sup>86</sup> Significantly, the *Instrucción* suggested the creation of "*establamiento de paz*" around which Apaches who wished to remain at peace with the Spanish could settle and receive much-needed provisions. These establishments are the earliest and most extensive system of military-

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<sup>84</sup> Max L. Moorehead, *The Apache Frontier: Jacob Ugarte and Spanish-Indian Relations in Northern New Spain, 1769-1791* (Norman: University of Oklahoma Press, 1968), 16.

<sup>85</sup> DeLay, *War of a Thousand Deserts*, 13.

<sup>86</sup> Daniel Tyler, "Mexican Indian Policy in New Mexico," *New Mexico Historical Review* vol. 55, no. 2 (April 1980): 102.

run reservations in the Americas.<sup>87</sup> Many of the proposals of both Rubí and Gálvez remained fundamental policy throughout the remainder of the Spanish period and beyond.<sup>88</sup>

As part of Gálvez's *Instrucción*, and to deal with the situation threatening the northern frontier, the viceroy established the *commandancia general*, or frontier military district, under a commandant general to direct military affairs. The duties of the general were broad, which enabled him to exercise direct and forceful supervision in all military matters.<sup>89</sup> The king appointed Teodoro de Croix as the first commandant general of the *Provinces Internas*, and he reported directly to the king. The military forces under the commandancy general consisted of the presidial garrisons, mobile companies (of which New Mexico had none), citizens' militia, and Indian auxiliaries. Directly below the commandant general were the provincial governors who acted as military commanders in their respective districts.<sup>90</sup> The governor of New Mexico was both the chief military and civil officer of his jurisdiction. He communicated directly with the commandant but also went through the newly created adjutant inspector located in Chihuahua, who served as an intermediary.<sup>91</sup> As a military ruler, the governor was responsible for the maintenance of the peace, yet he was subject always to the approval of his immediate superiors. He was, however, accorded a vast amount of leeway in his dealings as military commander; being directly in charge of supplying, training, and commanding the regular troops and militia. His title was "commander of the armed forces of New Mexico," and he often personally led war operations himself or left it to a trusted subordinate.

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<sup>87</sup> Babcock, *Apache Adaptation to Hispanic Rule*, 2.

<sup>88</sup> Moorehead, *The Apache Frontier*, 123.

<sup>89</sup> Marc Simmons, *Spanish Government in New Mexico* (Albuquerque: The University of New Mexico Press, 1968), 7.

<sup>90</sup> *Ibid.*, 10.

<sup>91</sup> *Ibid.*, 46.

Despite their apparent benefits, the enactment of the Bourbon Reforms in New Mexico came with specific challenges. A Spanish New Mexican Indian policy centered around a presidio system came with particular difficulties, principally, that many observers believed the presidios were never adequately staffed. For example, as part of Rubi's recommendations, the presidio at El Paso was eliminated entirely, a new one being constructed to the south at Carrizal in Nueva Vizcaya in 1772. Rubi's rationale stemmed from his belief that the residents of El Paso were fully capable of defending themselves.<sup>92</sup> The Spanish, therefore, placed a militia in charge of the protection of El Paso, which consisted of two companies; the first consisting of forty-six Spaniards and thirty Indians; the second comprising forty-seven Spaniards and thirty Indians respectively.<sup>93</sup> The one remaining northern presidio located at Santa Fe was generally insufficiently staffed. By 1777, the number of soldiers stationed at the Santa Fe presidio, at 110, represented a force more substantial than that stationed at any other presidio in Northern New Spain.<sup>94</sup> However, being New Mexico's only presidio, that number was actually wholly inadequate to patrol the entire province.

Military officials frequently appealed to the colonial government to supply the northern provinces with more troops and supplies. In particular, the governors repeatedly asked for reinforcements, increases in arms, and the establishment of additional presidios. The colonial government, however, was hesitant to provide the resources necessary to adequately secure the region due to the province's low population and negligible economic promise outside of a few silver mines spread throughout the north that produced the bulk of the region's wealth.<sup>95</sup> A

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<sup>92</sup> *Ibid.*, 113.

<sup>93</sup> Alfred Barnaby Thomas, *Teodoro de Croix and the Northern Frontier of New Spain, 1776-1783* (Norman: University of Oklahoma Press, 1941), 39.

<sup>94</sup> Ross Frank, *From Settler to Citizen: New Mexican Economic Development and the Creation of Vecino Society, 1750-1820* (Berkeley: University of California Press, 2000), 71.

<sup>95</sup> Hadley, Naylor, Schuetz-Miller, eds, *The Presidio and Militia*, 233.

general policy of neglect by the ruling government remained a prominent feature of New Mexico long into the future, and it emboldened settlers to take matters into their own hands. In a letter to viceroy Gálvez, commandant general Croix begged for more troops for the most northern frontier of New Spain. Croix stated, “I have spoken of the impossibility of keeping up the defense of that frontier, so extensive, with the small number of troops that are stationed there...with reference to the panic and terror that the hostility of the Indian enemy has caused these inhabitants, I beg your excellency the help of two thousand men.”<sup>96</sup> These reinforcements were not forthcoming, and the Santa Fe presidio never exceeded more than 120 soldiers throughout its lifespan.

Not only did these garrisons rarely boast a strength equal to the task, but the regular military soldiers who staffed the presidios were generally inadequately trained and suffered from low morale. Many soldiers were forced to serve at the presidios; a good number being convicted criminals who had been given duty on the frontier as their punishment.<sup>97</sup> Pay was also low at between 420 and 450 pesos per year, and salaries arrived only sporadically.<sup>98</sup> In New Mexico, presidial soldiers were thus oftentimes poorer than the local settlers and frequently subject to debt servitude, which had the effect of worsening the already low morale among the troops.<sup>99</sup> During an inspection of the Santa Fe presidio in 1726, Brigadier Pedro de Rivera Villalón noted, “The necessary provisions were supplied to the soldiers at inflated prices and were deducted from their salaries.”<sup>100</sup> These poorly compensated and debt-ridden soldiers were tasked with

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<sup>96</sup> Croix to Gálvez, No. 735, Arispe, 23 April 1782, Archivo General de las Indias, Seville, Spain, 253.

<sup>97</sup> Hadley, Naylor, Schuetz-Miller, eds, *Presidio and Militia*, 234.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

<sup>100</sup> Pedro de Rivera, Report on His Tour of Inspection, 1728, in Thomas H. Naylor and Charles W. Polzer, eds., *Pedro de Rivera and the Military Regulations for Northern New Spain 1724-1729* (Tucson: University of Arizona Press, 1988), 79.

both the defense of the nearby settlements as well as carrying out retributive forays into Indian country. The effects of these punitive invasions usually consisted of little more than instilling grudges, thereby increasing the hatred between Indian groups and the colonizers. Historian Max L. Moorhead posited that the frontier soldier provided "heroic but ineffective service. The best they could do was make the enemy pay dearly for his victories."<sup>101</sup> Thus, during the eighteenth century, violence between the Spanish and Indians in New Mexico flourished. Of the 1,775 settler deaths that occurred in New Mexico from 1700 to 1820, sixty percent of those happened during the twenty years from the 1770s and 1780s.<sup>102</sup>

The seeming ineffectiveness of the regular troops and the marked increase in inter-ethnic violence on New Spain's northern frontier ensured the necessity of militia and civilian protection units. As stated above, civilians had played a large part in New Mexican warfare since before the Pueblo Revolt. Although civilian military ties to *encomienda* ended after the Pueblos expelled the Spanish, the utilization of civilian warriors in New Mexico continued long into the future. As New Mexican refugees fled south to El Paso after their expulsion from the province, the first presidio on the far northern frontier was erected there in 1683. Upon Spanish reconquest of New Mexico during the 1690s, the colonial government commissioned the second presidio located in Santa Fe in 1693. However, even after the implementation of these presidios, settlers continued to organize to defend the province and plunder certain Native peoples. Settler militias both worked independently and in tandem with presidial troops in warring with independent Indians.

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<sup>101</sup> Moorhead, *The Apache Frontier*, 114.

<sup>102</sup> Frank, *From Settler to Citizen*, 35.

Although civilian soldiers had been utilized since the reconquest of New Mexico, the aforementioned Pedro de Rivera composed a *Reglamento* in 1729 which officially made militia duty mandatory upon the call of the presidial captains. Rivera's order specified, "The political administration of Spaniards, mulattos, and mestizos who may take up residence in the presidios and their surrounding jurisdictions belongs to the presidial captains. For this reason, these people may be called upon for military service whenever the occasion of war necessitates the use of the troops in the place where they reside, or to solve any disputes over jurisdiction that may arise."<sup>103</sup> By the mid-eighteenth century in New Mexico, in theory, all able men were to be enlisted in hometown units led by their own officers who received their appointments from the governor. The soldiers of the presidial company were designated as *tropas veteranas* to distinguish them from the militia. The officer class of the militia usually consisted of men of high social standing as some militia captains were the *alcalde mayor* of their town.<sup>104</sup> By 1808, there were at least three companies of volunteer cavalry totaling sixty-nine men in the principal towns of Santa Fe, Santa Cruz de la Canada, and Albuquerque. It is, however, unclear how strictly many smaller communities adhered to maintaining a standing, organized militia.

Scholars have had difficulty obtaining detailed information about civilian militias across the northern frontier, but evidence suggests that they were an important component of Spanish warfare in certain communities during the eighteenth century. For example, Nicholas Lafora, who accompanied the Marques de Rubí on his inspection tour from 1766 to 1768, maintained that Albuquerque had at the ready eighty militiamen organized with officers.<sup>105</sup> After the elimination

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<sup>103</sup> Reglamento Para Todos Los Presidios de las Provincias Internas, Archivo General de Indias, Seville, Spain, 144.

<sup>104</sup> Howard R. Lamar, *The Far Southwest 1846-1912: A Territorial History* (Revised Edition) (Albuquerque: University of New Mexico Press, 2000), 27.

<sup>105</sup> Simmons, *Spanish Government in New Mexico*, 148.

of the El Paso presidio, the settlement initially supported four militia companies of fifty-three men each, whose salaries were paid by the local citizens.<sup>106</sup> In a report in 1781, Commandant General, Teodoro de Croix noted the importance of civilian volunteers for the defense of New Mexico while emphasizing the strategic importance that he placed on the province. He stated, “From the Pueblo of El Paso there intervenes to the north a desert of more than 100 leagues to the first establishment of New Mexico....it depends for its defenses upon the presidial company at Santa Fe of 110 units, and upon the strength of its settlers, Indians, and Spaniards...Its conservation is so important that if we should lose New Mexico a second time, we would have upon Vizcaya, Sonora, and Coahuila all the enemies who now invade that province.”<sup>107</sup> Even with the rise of the presidio system, militia service was no less important than it had been before the Pueblo Revolt.

Usually noted for their effects on the presidio system, the Bourbon reforms also had a palpable impact on civilian warfare across the northern frontier of New Spain. An expansion of the Spanish military presence accelerated the militarization of northern colonist’s social structures. The creation of a line of presidios, as well as increased emphasis on placing military pressure on hostile Apaches, brought with it an increase in the number of active soldiers in the north as a whole.<sup>108</sup> Many of these fighters who served on the frontier were recruited from frontier provinces, and when these battle-hardened men returned to their communities, they brought home with them a culture of militarism based on violence against Indian groups.<sup>109</sup> In 1777, Croix persuaded the crown to loosen regulations against officers marrying into frontier

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<sup>106</sup> Hadley, Naylor, Schuetz-Miller, *Presidio and Militia*, 234.

<sup>107</sup> Croix’s Report of 1781, Province of New Mexico, in Thomas, *Teodoro de Croix*, 106.

<sup>108</sup> Weber, *The Spanish Frontier*, 168.

<sup>109</sup> Alonso, *Thread of Blood*, 31.

families without royal permission.<sup>110</sup> Therefore, even soldiers from the interior of New Spain added to the process of militarization by marrying into peasant families and becoming frontier settlers upon retirement. These circumstances assisted in blurring the line between settler and soldier in the Spanish north. Militia units on the northern frontier also enjoyed certain privileges given them by the government of New Spain. In Nueva Vizcaya, for example, militiamen were exempted from the labor draft, involuntary guardianship of their personal funds, impressment into the regular army, having to pay federal dues, and having to quarter troops in their homes.<sup>111</sup> These benefits assisted in entrenching a culture of violence, cloaked in notions of “defense,” on the northern frontier.

Recognizing the necessity of civilian protection of the province, the Bourbon reforms had also attempted to congregate colonists into populated settlements for the defense of the region. Croix, in particular, tried to bolster the presidio with a defensive line of military settlements.<sup>112</sup> The colonial government believed that New Mexican colonists would be more effective in halting enemy attacks if they settled in close proximity to each other. To the great frustration of Spanish officials, civilians, however, had the inclination to spread out, typically due to the need for large sections of land to sustain their ranching and farming pursuits. In 1772 governor Pedro Fermin de Mendinueta stated, “[Among] the Spaniards there is no united settlement, so that the dispersion of their houses the name of ranches or houses of the field is properly given and not that of villas or villages.”<sup>113</sup> Four years later, Adjutant Inspector Antonio de Bonilla similarly noted, “The force of settlers is divided, and they can neither protect themselves nor contribute to

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<sup>110</sup> Moorehead, *The Presidio*, 225.

<sup>111</sup> *Ibid.*, 234.

<sup>112</sup> Thomas, *Teodoro de Croix*, 45.

<sup>113</sup> Alfred B. Thomas, “Governor Mendinueta’s Proposals for the Defense of New Mexico, 1772-1778,” *New Mexico Historical Review*, 6 (1931), 27.



the general defense of the country.” He, however, praised the settlements of the Pueblo peoples, stating that they “are defensible because of their excellent and unified formation.”<sup>114</sup> Therefore, commandant general Croix sought to reorganize the colonial settlements to have families who resided in the countryside gathered together to thwart Apache and Comanche attacks. There is evidence that such progress was made at Encinal, Albuquerque, Canada, Taos, and possibly Ojo Caliente, but these settlements were the exception rather than the rule across the region.<sup>115</sup>

Many settlers despised mandatory militia duty because serving was detrimental in various ways. Militiamen in New Mexico were usually unpaid (excepting the standing militia at El Paso), and had to supply their own arms, mounts, and pack animals. They were called out by the sound of a drum in times of emergency and could serve campaigns of up to forty-five days.<sup>116</sup> In 1812, Don Pedro Bautista Pino reported that militiamen sometimes had to sell their children into peonage in order to purchase the weapons and animals necessary for militia service, stating, “it is enough to say that many of these unfortunate souls are ruined in one single campaign, they are forced to sell their clothes and their families’ clothes to supply themselves with ammunition and food. This horror gets to the point where they even have to sacrifice the freedom of their children to carry out their civic obligations.”<sup>117</sup> During extended forays into Indian country, the men were also compelled to leave their families and property unprotected.<sup>118</sup>

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<sup>114</sup> Alfred B. Thomas, “Antonio Bonilla and Spanish Plans for the Defense of New Mexico, 1772-1778,” in Charles Wilson Hackett, George Peter Hammond, John Lloyd Mecham, et al, eds., *New Spain and the Anglo American West; Historical Contributions Presented to Herbert Eugene Bolton* (New York: Kraus Reprint, 1969), 196-200.

<sup>115</sup> Thomas, *Teodoro de Croix*, 55.

<sup>116</sup> Simmons, *Spanish Government in New Mexico*, 150.

<sup>117</sup> Pedro Pino Bautista, *Three New Mexico Chronicles: The Exposición of Pedro Bautista Pino, 1812; The Ojeada of Lic. Antonio Barreiro, 1832; and the Additions by José Agustín de Escudero, 1849*, trans. H. Bailey Carrol and J. Villasana Haggard (New York: Arno Press, 1967), 225-226.

<sup>118</sup> James F. Brooks, *Captives and Cousins*, 252.

Thus, the advantages of militia service were few but there were factors that encouraged militiamen to fight. One of the benefits was an ability to collect and retain spoils of war. This would be a motif that continued far into the U.S. period in New Mexico, and created a powerful cycle of violence and retribution, as civilian soldiers saw militia service as an opportunity to compensate themselves for the perceived wrongdoings of groups like the Apache. The violence of the militias in seeking retribution for Apache aggression, and to obtain wealth in compensation for the debts associated with service itself, spawned greater retaliatory strikes from Apaches. Thus the militia members were in a somewhat unenviable position as they were exploited by the provincial government, chronically poor and in debt, and subjects of Native campaigns against their farms and ranching operations.

However, the idea of social honor was also a significant motivating factor for militiamen to fight. The social construct of honor developed during the Reconquest of the Iberian peninsula from the Moors. The idea of honor only grew in the Americas due to the more heterogeneous environment.<sup>119</sup> In colonial Mexico honor was worth fighting and dying for because Spaniards saw a man without honor as worse than dead.<sup>120</sup> A man's honor was, therefore, the single most important social characteristic in his life. The prestige and reputation a man held among his community was tied to his ambition and ability to fight for the defense of his family and home. To stray from his military duty and thus forsake the protection of both his family and community was deemed dishonorable. Honor also became linked with ideas of masculinity and manliness. It was a man's duty to defend his home and if he failed in this task, he lacked manliness which

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<sup>119</sup> Mark A. Burkholder, "Honor and Honors in Colonial Spanish America," in *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America*, ed. Lyman L. Johnson and Sonya Lipsett-Rivera (Albuquerque: University of New Mexico Press, 1998), 18.

<sup>120</sup> Seed, *To Love*, 61-62.

directly affected his standing among his community. Although militia service was an unpleasant affair, civilians certainly had many motivations to continue fighting, the ideas of honor and masculinity being chief among them.

Many colonial officials noted the impoverished condition of the militia in New Mexico. However strong in numbers, militia units during the colonial period most notably suffered due to a chronic lack of serviceable weapons.<sup>121</sup> Teodoro de Croix noted the threadbare condition New Mexico's civilian militia. Croix observed that civilian defense of the province consisted of "a militia of Indians and Spaniards, ill-equipped with arms and horses and without instruction and discipline."<sup>122</sup> The provincial government, therefore, took responsibility of arming these settler soldiers when they could. As far back as 1719, Governor Antonio de Valverde articulated, "forty-five settlers and volunteers...offered voluntarily to serve his majesty on his campaign...to these, on account of the impoverished condition of some, it was necessary to supply powder and balls and distribute among them ten leather jackets, which his lordship had bought and had made."<sup>123</sup> By the early 1770s, there were still only 250 people in the province of New Mexico who possessed firearms, and most of these were outdated escopetas or flintlock muskets.<sup>124</sup> In 1779, Governor Juan Bautista de Anza similarly observed the poor condition of the militia. He announced: "I found the troops provided with three horses to each soldier with arms, munitions of war, and food supplies more than enough for forty days. This was not the case with the settlers and Indians. Because of their well-known poverty and wretchedness, the best equipped

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<sup>121</sup> Hadley, Naylor, Schuetz-Miller, *Presidio and Militia*, 234.

<sup>122</sup> Thomas, *Teodoro de Croix*, 24.

<sup>123</sup> Diary of the Campaign of Governor Antonio de Valverde Against the Ute and Comanche Indians, 1719, in "Alfred B. Diario y dorrotero que cujio el Sr General Don Antonio Balverde Cosio, Governor General de este Reyno y Governor de las provincias de la nueva Mexico en la campana que ejecutó contra las naciones Yutas y Cumanches. 1719," Bancroft Library, University of California.

<sup>124</sup> Oakah L. Jones, Jr., *Pueblo Warriors and Spanish Conquest* (Norman: University of Oklahoma Press, 1966), 135.

presented themselves with two riding beasts, the most of them almost useless; their guns were the same, very few of them having three charges of powder; in everything else the proportion was similar.”<sup>125</sup> Adjutant Inspector Bonilla similarly remarked that the militia was “a congregation of dissident, discordant, scattered people without subordination, without horses, arms, knowledge of their handling, and were governed by their [own] caprice.”<sup>126</sup> Thus, the military frequently loaned supplies to the militia such as when governor Anza ordered “two hundred firearms with corresponding munitions for the equipment of the militia, settlers and Navajo who attend the campaigns with the troop.”<sup>127</sup>

It is not therefore surprising that desertion by militiamen serving on expeditions during the colonial period was not uncommon. In a letter to Teodoro de Croix in 1780 concerning hostilities with the Comanches and Apaches, military officer Pedro Galindo Navarro noted, “Eighty settlers of the jurisdiction of Albuquerque and La Canada voluntarily offered themselves for the undertaking, but because of the flight of some of them...there were now no more than sixty.”<sup>128</sup> Flights such as these were commonplace, and to further reward militiamen and prevent desertion, the government occasionally supplied funds to pay militiamen who were called upon to perform service outside their own districts.<sup>129</sup> Concerning payment of the militia, Navarro stated, “The settlers of New Mexico who volunteer to make the expeditions are entitled to some recompense as a reward for their zeal and labor. Besides that which they will be able to secure

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<sup>125</sup> Diario de la Expedicion que Sale a Practicar Contra La Nacion Cumancha el Infraescrito Teniente Coronel, Don Juan Bautista de Anza, Gobernador Y Comandante de la Provincia de Nuevo Mexico con la Tropa, Milicianos, e Indios, in Alfred Barnaby Thomas, ed., *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), 123.

<sup>126</sup> Bonilla, Lieutenant Colonel Antonio. Puntas historicas sobre Nuevo México, Año de 1776. Historia 25, Expediente 7, paragraph 44, Archivo General de la Nación, Mexico City.

<sup>127</sup> Rengel to Anza, 27 August 1785, in Thomas, *Forgotten Frontiers*, 267.

<sup>128</sup> Navarro to Croix, 28 July 1780, in Thomas, *Forgotten Frontiers*, 183.

<sup>129</sup> Simmons, *Spanish Government in New Mexico*, 150.

from the distributions and divisions which, by equal parts, pro-rated with the troops, will have to be made of the booty captured from the enemy, it appears to me that your lordship will be able also to concede with the existent money destined for the support of those settlers.”<sup>130</sup> Payment of the militia in the form of anything other than spoils of war was, however, extremely rare, and this key reality of civilian poverty remained one of the driving factors behind the cycles of violence between militias and Natives on the Spanish frontier.

Although the presidial soldiers and settler militias played a significant role in enacting warfare against Native peoples in New Mexico, by far the most commonly utilized people who aided the Spanish militarily were known as Indian “auxiliaries.” The bulk of these troops in New Mexico consisted of the various Pueblo peoples. In 1704, Governor Diego de Vargas led a multi-ethnic expedition against the Apaches, which marked the beginning of a new era of Spanish and Pueblo Indians being united in combat against a mutual enemy.<sup>131</sup> Approximately one decade after the Reconquista of northern New Mexico in the wake of the 1680 Revolt, Pueblo auxiliaries became crucial to the military defense of Spanish towns on the frontier. Pueblo combat service was made up of tribal warriors serving as allies to the Spanish who worked in concert with the regular troops and militia. These men were usually drawn on a quota basis for temporary duty, and there were a few special garrisons of Indians regularly organized as military companies.<sup>132</sup> Pedro de Rivera made note in his 1729 *Reglamento*: “The Indians of the pueblos of this province assist the regular troops of the presidios in their campaigns against hostile Indian tribes. Each pueblo provides the number assigned it by the governor at no cost to

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<sup>130</sup> Navarro to Croix, 28 July 1780, in Thomas, *Forgotten Frontiers*, 186.

<sup>131</sup> Jones, *Pueblo Warriors*, 65.

<sup>132</sup> Moorehead, *The Apache Frontier*, 88.

the royal treasury. They provide their own supplies, horses, and weapons. Their deeds have proven their loyalty.”<sup>133</sup>

The many benefits of utilizing the considerable population of Pueblo peoples for warfare was not lost on Spanish officials. During the eighteenth century, their population had far exceeded that of non-indigenous inhabitants in New Mexico, as the 1752 census revealed that there were 6,453 Pueblos to 4,458 Spaniards, with approximately 1,046 residing in El Paso.<sup>134</sup> Government officials considered these Indian troops, provided mainly by Pueblo villages, to be part of the New Mexican citizenry and made their villages subject to the same defense requirements as Spanish villages. These Pueblo militia units even went as far as forming separate military units for protection of their own villages under an appointed *Capitan de Guerra*, supplying their own horses and arms for the task.<sup>135</sup> There were many reasons Pueblos chose to fight alongside the Spanish. Expeditions provided them with the opportunity to war with their enemies, and the Pueblos could share in the spoils of battle. The Spanish even regularly distributed annual presents to loyal allies.<sup>136</sup>

The use of Pueblo “auxiliaries” was so widespread in New Mexico that they usually made up the majority of troops tasked with enacting warfare against enemy Indians. Numerous battle accounts mention the large numbers of Pueblo peoples that took part in war expeditions during the colonial era. General Juan Ulibarri stated in his diary in 1706, “I received at the same time the enlistment roll of the soldiers and settlers, and found that it comprised forty men of war:

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<sup>133</sup> Alvarez Barreiro, A Description of the Interior Provinces of New Spain to Provide a Clearer Understanding of the Maps and Plans Accompanying This Report, in Naylor and Polzer, eds., *Pedro de Rivera and the Military Regulations for Northern New Spain*, 218.

<sup>134</sup> Estado general y particular de las 16 poblaciones españolas del Nuevo México el año 1752, Archivo General de la Nación, Mexico City, Provincias Internas 102, Expediente 2, Foja 2. 123.

<sup>135</sup> Hadley, Naylor, Schuetz-Miller, eds., *Presidio and Militia*, 234.

<sup>136</sup> Jones, *Pueblo Warriors*, 175.

the twenty-eight military men and the twelve settlers of the militia. These were joined by some groups of friendly Indians of different tribes who came from the pueblos and missions of this kingdom. They amounted to one hundred Indians.”<sup>137</sup> In 1715, military commander Juan Páez Hurtado mentioned, “I set out from the pueblo of Picuries at about nine o’clock in the morning with thirty-seven soldiers, eighteen settlers, and one hundred and forty-six Indians.”<sup>138</sup> It was not, therefore, uncommon for Native peoples, mainly Pueblos, to make up the majority of the companies assigned with battling independent Indians.

Nevertheless, many colonial officials were extremely wary about utilizing Pueblo peoples to enact warfare. The 1680 Pueblo Revolt cast a long shadow over Spanish communities in the eighteenth century, and numerous officials repeatedly questioned the wisdom of arming the Pueblo populations. In 1714 a *junta de guerra* regarding Pueblo practices was held in Santa Fe. The governor, Flores Mogollon examined, among other things, the right of the Pueblo people to bear arms. Many colonists feared that the Pueblos would use the firearms given the Indians to defend the province against them.<sup>139</sup> The governor, for example, claimed that he believed the Pueblos were raiding horse herds and cattle under the guise of peace. As the Franciscan strategy of Christianization called for the open elimination of native Pueblo ceremonies, Pueblo war customs such as wearing war paint and feathers were also put into question.<sup>140</sup> In the end, the Spanish need for Pueblo militias outweighed these concerns. Pueblo peoples were allowed to

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<sup>137</sup> Diario y derrotero que hizo el Sargento Mayor Juan de Ulibarri de la jornada que executó de orden del Senior Gobernador y Capitan General de este Rnno Don Francisco Cuerbó y Valdes, Archivo General de la Nación, Mexico City, Provincio Internas, Tomo 36, Expediente 4, Fojas 131-40.

<sup>138</sup> Diary of the Campaign of Juan Páez Hurtado Against the Faron Apache, 1715, in Alfred Barbaby Thomas, *After Coronado: Spanish Exploration Northeast of New Mexico, 1699-1727; Documents from the Archives of Spain, Mexico and New Mexico* (Norman: University of Oklahoma Press, 1969), 94.

<sup>139</sup> Ramón Gutiérrez, *When Jesus Came the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846* (Stanford: Stanford University Press, 1991), 165.

<sup>140</sup> *Ibid.*, 165.

dress as they pleased and keep their arms, yet on military campaigns they remained segregated from Spaniards, both regular and militia.<sup>141</sup>

Other Indigenous groups also regularly assisted the Spanish in war expeditions, though not nearly to the extent of the Pueblos. Certain Apaches, Utes, Navajos, and Comanches were frequently enthusiastic about joining the Spanish to battle their Indian enemies. As reward for their service, the Spanish would present these Indians horses, weapons, and other gifts.<sup>142</sup> These tribes saw increased use as the eighteenth century advanced. In a diary entry of Governor Juan Bautista de Anza in 1779 concerning an expedition against the Comanches, he recorded, “two hundred men of the Ute and Apache nation also joined me with one of their principal captains. Of the first were those who ever since my assumption of this government have asked me, and have reiterated incessantly with prayers that they be admitted into my company in confirmation of our friendship, provided I should go on a campaign against the Comanches. I agreed to grant this to them, as much to take advantage of this increase of people as to try in this way to civilize them so that they may be at least be more useful to us against the enemy itself than they have been formerly.”<sup>143</sup> The Spanish, however, trusted these warriors much less than they did even the Pueblos. Commander General Jacob Ugarte y Loyola in 1786 mentioned, “The cited order of January 18 last included the most appropriate method for making campaigns without interruption, composing the detachments of troop, settlers, Pueblo Indians and a competent number of Navajos. Although it would be good for the latter to act by themselves provided that positive tokens of their fidelity are had, it is necessary that, to prove themselves to us, they carry

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<sup>141</sup> Jones, *Pueblo Warriors*, 108.

<sup>142</sup> Santiago, *The Jar of Severed Hands*, 58.

<sup>143</sup> Diario de la Expedicion que Sale a Practicar Contra La Nacion Cumancha el Infraescrito Teniente Coronel, Don Juan Bautista de Anza, Gobernador Y Comandante de la Provincia de Nuevo Mexico con la Tropa, Milicianos, e Indios, in Thomas, *Forgotten Frontiers*, 125.



out before-hand a series of four or six campaigns with our people, each ranchería furnishing a proportionate part of its own people.”<sup>144</sup> Ugarte’s words illustrate that he did not have confidence that the Navajo could effectively carry out warfare against Indian enemies without Spanish supervision. The same is true for other independent Indian groups, as Spanish authorities utilized these peoples very intermittently and kept them under constant observation.

Another designation of people, the *genízaros*, also assisted with militia duty during the colonial era. Not fitting the binary of either “Spanish” or “Indian,” these enigmatic and varied people were former Indians who had been captured or ransomed by the Spaniards and educated as Christians. Although the Spanish government had outlawed the practice of slavery throughout Spanish America, a doctrine of “just war” and the Catholic doctrine of *rescate* resulted in the growth of a slave trade economy in New Mexico.<sup>145</sup> *Genízaros* were initially slaves in the houses of Spanish citizens but eventually congregated in towns along the frontier. In an effort to populate land grants deserted by Indian raids, the New Mexican government ordered that *genízaro* communities be given deeds to lands such as at Ojo Caliente.<sup>146</sup> Other prominent *genízaro* communities were established at the Pueblo of Abiquiú, and in the Taos valley.<sup>147</sup> Their standing ranged, therefore, from “near-slave status initially to autonomous conditions within their own communities by midcentury.”<sup>148</sup>

The Spanish required *genízaros* to form their own company of militia and assist with forays against independent Indians. Many *genízaro* men were enrolled in a military unit created

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<sup>144</sup> Ugarte to the Governor of New Mexico, Chihuahua, 5 October 1786, SANM, II, NMRCA, Roll 942.

<sup>145</sup> Gregory Paul Esteban Gonzales, “Si eres *Genízaro*: Race, Indigeneity, and Belonging in Northern New Mexico” PhD diss., University of Texas at Austin, 3.

<sup>146</sup> Malcolm Ebright, *Advocates for the Oppressed: Hispanos, Indians, Genízaros, and Their Land* (Albuquerque: University of New Mexico Press, 2015), 66.

<sup>147</sup> Gonzales, *Si eres Genízaro*, 5.

<sup>148</sup> Brooks, *Captives and Cousins*, 138.

for genízaros called “la tropa de genízaros.”<sup>149</sup> This military organization was drawn from all genízaro settlements in New Mexico and maintained in Santa Fe.<sup>150</sup> Throughout the colonial period, they proved crucial in colonial defense and ultimately acted as slave raiders themselves.<sup>151</sup> In 1744, Fray Miguel del Menchero noted that he admired the genízaros for the “great bravery and zeal” with which they traversed the “country in pursuit of the enemy.”<sup>152</sup> Genízaros assisted the Spanish with excursions against the Gila Apaches in 1747, Comanches in 1751 and 1774, Sierra Blanca Apaches in 1777, in the defeat of Cuerno Verde in 1779, and possibly many more engagements.<sup>153</sup> By the late eighteenth century, their reputation as fighters caused genízaros to be seen as a distinct and dangerous ethnic group and were thus assembled into their own villages.<sup>154</sup> Unfortunately, the documentary evidence concerning militia service of these people is both sparse and conflicting.<sup>155</sup>

Amidst an atmosphere of violence during the late eighteenth century, two events took place which finally pushed New Mexico into a relative era of peace between the colonists and certain Indigenous groups: the governor of New Mexico entered into peaceful negotiations with the Comanche, and the usage of Apache peace establishments began to increase. In 1779, Governor Juan Bautista de Anza, with a force of almost six hundred presidial soldiers, militia, Indian auxiliaries, and genízaros formed a military expedition against the Comanches. The party

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<sup>149</sup> Thomas Hall, “Genizaros,” in *Encyclopedia of the Great Plains*, edited by David J. Wishart (Lincoln: University of Nebraska Press, 2004), 356.

<sup>150</sup> Simmons, *Spanish Government in New Mexico*, 151.

<sup>151</sup> Brooks, *Captives and Cousins*, 128.

<sup>152</sup> The Declaration of Fray Miguel de Menchero, 10 May 1744, in Charles Wilson Hackett, trans. And ed., *Historical Documents Relating to New Mexico, Nueva Vizcaya, and Approaches Thereto, to 1771*, 3 vols. (Washington, D.C., 1937), III, 401.

<sup>153</sup> Brooks, *Captives and Cousins*, 132.

<sup>154</sup> Gutiérrez, *When Jesus Came*, 305.

<sup>155</sup> See also Bill Piatt and Moises Gonzales, *Slavery in the Southwest: Genízaro Identity, Dignity and the Law* (Durham, NC: Carolina Academic Press, 2019); Moises Gonzales and Enrique R. Lamadrid, *Nación Genízara: Ethnogenesis, Place, and Identity in New Mexico* (Albuquerque: University of New Mexico Press, 2019).

initially killed eighteen Comanche men and thirty women and children, taking thirty-four women and children captive. Anza then attacked a Comanche group near Taos under the famed headman Cuerno Verde, during which the chief, his eldest son, and a number of influential warriors perished. Soon after, there was an almost immediate halt in Comanche raiding in New Mexico, and some Comanche leaders sought to negotiate with the governor. This cessation in hostilities was only due in part to Anza's military expedition, as war with other plains tribes, an erosion of Comanche economic and commercial fortunes, and an outbreak of smallpox contributed toward the gestures of peace.<sup>156</sup> Although a peace treaty was not signed until 1786, Anza's campaign had helped lead the province toward peace with New Mexico's most dangerous enemy and had also opened up a tentative Comanche-Spanish alliance against the Apache.<sup>157</sup> After 1786, the Spanish also secured a tenuous peace with the Utes, Jicarilla Apaches, and the Navajos. However, a large number of Apaches, primarily Mescalero, Chiricahua, and Lipan remained independent all along the northern frontier.

Spaniards, along with their new allies, the Comanches, almost immediately sought to bring their mutual enemy, the Apaches, to subjugation. They began working in tandem to attack Apache settlements in Southern New Mexico, Texas Sonora, Chihuahua, Coahuila, and Tamaulipas. In 1786, a campaign consisting of 127 Spaniards and 108 Indians, twenty of whom were Comanches, surveyed the lands south of Santa Fe, engaging in small scale skirmishes. In that instance, thirteen Apache prisoners were taken and one woman killed.<sup>158</sup> These continuous small-scale attacks on the Apaches strained the physical resources of many Apache groups and reduced their ability to obtain food and supplies necessary to sustain their livelihood.<sup>159</sup> The

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<sup>156</sup> Hämäläinen, *The Comanche Empire*, 110.

<sup>157</sup> Frank, *From Settler to Citizen*, 73.

<sup>158</sup> Griffen, *Apaches at War and Peace*, 54.

<sup>159</sup> Santiago, *The Jar of Severed Hands*, 198.

prospect of receiving necessary provisions from the Spanish eventually compelled many Apache rancherías to begin requesting peace. By 1790, hostilities along the northern frontier had diminished as Apaches had begun to settle near presidios such as Janos in Chihuahua, Paso del Norte, Presidio del Norte (near present day Ojinaga, Chihuahua) and some near Sabinal, New Mexico. A central motivating factor for these Apaches to remain near the presidios were Spanish promises to supply them with rations and gifts. At the system's height, Apaches at peace comprised at least 50 percent of all Mescaleros and Southern Apaches.<sup>160</sup> That is not to say, however, that there was a complete halt in hostilities. A surge in violence between the Mescaleros and the Spaniards took place during the 1790s that can only be categorized as war.<sup>161</sup>

Between 1790 and the beginning of Mexican Independence in the early 1820s, hundreds of Apaches moved in and out of the establishments on the northern frontier. As Mathew Babcock notes in *Apache Adaptation to Spanish Rule*, Apaches incorporated the “reservations” into their larger cultural landscape and “settled” in them when they suffered from Comanche attacks, drought, or other disruptions to their survival. Peace establishments revealed an ambivalent set of realities for Apaches in that the Spanish offered them rations, farming equipment and protection from Comanches, but the Spanish also extracted promises that Apaches would stop “raiding” towns and villages throughout the region. Although some Apaches remained for several years, most groups seemed to perceive living in the establishments as a temporary if not pragmatic option to help them survive a rapidly changing world. The inconsistencies of the peace establishments in the context of violence perpetuated by vecinos and Comanches made Apaches cautious about their utility, but they nonetheless frequented them well

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<sup>160</sup> Babcock, *Apache Adaptation*, 2.

<sup>161</sup> See Mark Santiago, *A Bad Peace and a Good War: Spain and the Mescalero Uprising of 1795-1799* (Norman: University of Oklahoma Press, 2018).

into the nineteenth century. By 1817, between four hundred and five hundred Apaches were living at Peace near Janos in Chihuahua.<sup>162</sup> Many of these Apaches at peace served alongside Spanish forces as auxiliaries and scouts, and were promised booty taken in battle. The Mescaleros, for example, when they weren't the target of Spanish attacks, contributed substantially to fighting other Apaches alongside the Spanish.<sup>163</sup> Although, many of these Apaches at peace continued to raid other settlements to the south, the events of the late eighteenth century brought New Mexico into an era of relative peace.<sup>164</sup> This led to a period of economic development in New Mexico that continued until Mexican independence.<sup>165</sup>

The struggle for Mexican independence beginning in 1810 would change the nature of warfare throughout the northern frontier. During Mexico's decade-long struggle for independence, New Spain found it necessary to divert troops from the far northern presidios to the interior to battle the insurgency. These changes ensured that the newly independent Mexican nation-state would inherit little more than a feeble version of Spain's northern defenses.<sup>166</sup> Mexico's economic woes after the war for independence ensured that troops were unable to reappear in the borderlands in such numbers as during the Spanish colonial era. Mexico was financially unable to support presidial protection, and as a result, the Spanish system of presidios began to decay. Although the presidio at Santa Fe continued to house about one hundred troops, these soldiers were more neglected than ever before. Morale at the presidios declined, and many soldiers turned to illegal trade with the Indians to earn a living due to reductions in pay.<sup>167</sup> The

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<sup>162</sup> Griffen, *Apaches at War and Peace*, 92.

<sup>163</sup> Moorehead, *The Presidio*, 248.

<sup>164</sup> Frank, *From Settler to Citizen*, 75.

<sup>165</sup> *Ibid.*, 119.

<sup>166</sup> Weber, *The Mexican Frontier*, 57.

<sup>167</sup> Joseph F. Park, "Spanish Indian Policy in Northern Mexico, 1765-1810," *Arizona and the West*, vol. 4, no. 4 (winter, 1962): 325.

Mexican era produced a precipitous drop in both political authority and economic activity. Accordingly, the power of the Commandancy General weakened and its power shrank. In 1826, the Mexican government attempted to revive the decaying presidios and even suggested creating several new ones. The plan never took off and individual states were left with the majority of the burden for frontier defense.<sup>168</sup> Thus, provincial governments, also extremely lacking in financial resources were principally charged with the task of protecting their colonies. One of New Mexico's leading citizens, Donaciano Vigil, observed New Mexico's military woes during the Mexican era, verbalizing that "the central government of the nation, continually distracted and occupied with more general concerns, has not been able to provide us with the protection we need and that we have wanted for our security. The few troops that are in this Department are employed in this capital...due to their number and due to the deterioration of most of their equipment...they would not be able to defend more than the place where they live."<sup>169</sup> Arguing that more of the burden of defense would inevitably fall on the civilian population, Vigil added that "I believe we should not count on any protection or resources other than those the New Mexicans themselves can provide."<sup>170</sup>

This inability of the Mexican government to effectively manage warfare with Native peoples came at a time when many settlers believed they needed it most. Numerous factors during the early Mexican period contributed to an era of unprecedented violence between Mexicans and Indigenous peoples. First, trade between the United States and New Mexico opened up via the Santa Fe Trail, starting in the early 1820s. Spanish authorities had tried to keep trade within the empire itself by denying foreign traders' access to New Mexico. The

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<sup>168</sup> DeLay, *War of a Thousand Deserts*, 147.

<sup>169</sup> Vigil to the New Mexico Assembly, 18 June 1846, Donaciano Vigil Papers, New Mexico State Records Center and Archives, Santa Fe, New Mexico.

<sup>170</sup> *Ibid.*

Mexican government, however, in an effort to bolster the economy of the new nation, encouraged such trade. Santa Fe subsequently became an important link to an economic chain connecting the United States and central Mexico.<sup>171</sup> Because of this trade, unlike the interior of Mexico, the new nation's northern frontier experienced significant economic growth.<sup>172</sup> Two and a half decades after Mexican independence, New Mexico was economically far more integrated into the economy of the United States than Mexico and helped to prime New Mexico for American conquest.<sup>173</sup>

As Missouri came to replace Mexico as the principal source of trade for New Mexican inhabitants, Indigenous people also began to turn toward American traders. Firearms were one of the more significant commodities that Anglo Americans traded with Native Peoples. New Mexican Natives were, for the first time, able to obtain a significant number of firearms which increased their proficiency at warfare and bolstered their confidence to attack settlements across the frontier. As Native peoples now had a pathway other than New Mexico for obtaining manufactured goods through trade, the necessity to form a conciliatory relationship with New Mexicans diminished. The introduction of new trading partners proved ruinous for the province. The introduction of a deluge of firearms, as well as the unraveling of Native-Hispano alliances, led to a destabilization of civilian-Native relations and frequently erupted in more violence.

In 1831 an economically impoverished Mexico also abandoned the ration and gift-giving system that had kept many Apaches contained within the peace establishments. In 1818 Governor Melagres articulated that funds for Indian gifts had run out leaving him "little or

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<sup>171</sup> Blackhawk, *Violence Over the Land*, 117.

<sup>172</sup> Andrés Reséndez, *Changing National Identities at the Frontier*, 93.

<sup>173</sup> *Ibid.* 249.

nothing of that used as Indian presents.”<sup>174</sup> Most Apaches thus evacuated the peace establishments en masse and Apache raiding parties began laying waste to the northern Mexican frontier. These factors returned the Mexican north as a whole back to a state of war with indigenous peoples.<sup>175</sup> Historian Joseph F. Park articulates, “The twenty year respite of peace ended in a flame of revolt that burned brightly for many years thereafter.”<sup>176</sup>

By the decade of the 1830s, the Apaches effectively seized the area between Socorro, New Mexico and Paso del Norte, the Navajos had joined forces with Utes to attack outlying settlements, and the Pawnees were reaching as far south as San Juan Pueblo. Although the New Mexican/Comanche alliance endured long after their peace with the rest of Mexico collapsed, certain Comanche bands also began to threaten northern and eastern New Mexico.<sup>177</sup> Many individual settlements in the Mexican north were relegated to signing unauthorized peace treaties, known as “calico treaties,” with certain Native bands. However, the Apaches remained the principal threat to the region. One American mercenary, George Evans noted, “The whole country seems to be governed by the Apache nation, and those pretending to rule dare not say that they are masters.”<sup>178</sup> Instability caused by all of the aforementioned factors, including the growth of scalp hunting epitomized by James T. Kirker, as well as the spike in Apache retaliatory violence, caused many Mexican families to abandon certain frontier areas in the 1830s.<sup>179</sup>

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<sup>174</sup> Blackhawk, *Violence Over the Land*, 125.

<sup>175</sup> Griffen, *Apaches at War and Peace*, 123.

<sup>176</sup> Park, “Spanish Indian Policy in Northern Mexico, 1765-1810,” in Weber, ed., *New Spain's Far Northern Frontier*, 231.

<sup>177</sup> Tyler, “Mexican Indian Policy in New Mexico,” 108-109.

<sup>178</sup> Ralph Smith, “The Scalp Hunt in Chihuahua-1849,” *New Mexico Historical Review* 40, no. 2 (1965): 134.

<sup>179</sup> See Delay, *War of a Thousand Deserts*, 146.



During the Mexican era from 1821-1848, amidst this unprecedented atmosphere of mutual brutality, the institution of civilian warfare gained importance to fill the vacuum created by the weak Mexican state. The lion's share of both offensive and defensive warfare in Mexico's north indeed fell to both mandatory and volunteer civilian militias sanctioned by the state. In a bankrupt nation, strong local militias seemed an economically sound alternative to maintaining an expensive standing army. As in the colonial era, regional Mexican governments maintained local militias, which included all able-bodied men, except those with position or wealth who could afford to pay a fee to avoid service.<sup>180</sup> However, in 1835, to weaken the power of the states, centralist President Antonio López de Santa Anna reduced the size of local militias to only one out of every five hundred inhabitants.<sup>181</sup> As a result, non-sanctioned volunteer units arose to defend their homes motivated by the necessity to defend themselves and their communities or to avenge an outrage.<sup>182</sup> Sonora and Chihuahua even went as far as adopting extermination policies, paying 100 pesos or more to volunteer militiamen for an adult male Apache's scalp.<sup>183</sup> The most notorious of these scalp hunters was James Kirker, contracted by the governor of Chihuahua to fight Apaches. Kirker was given a force of two hundred militiamen at his disposal.<sup>184</sup> Unlike the other northern provinces, New Mexico didn't find it necessary to adopt Indian extermination policies and continued utilizing civilian warriors for defense. As in the colonial era, the poor tended to bear the brunt of regional defense, and by 1834, civilian militias in New Mexico totaled nine hundred men "badly armed, poorly equipped, and without instructions in handling arms."<sup>185</sup> These men weren't only tasked with warring with

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<sup>180</sup> Weber, *The Mexican Frontier*, 116.

<sup>181</sup> *Ibid.*

<sup>182</sup> *Ibid.*, 118

<sup>183</sup> Shelley Bowen Hatfield, *Chasing Shadows: Indians Along the United States-Mexico Border 1876-1911* (Albuquerque: University of New Mexico Press, 1997), 12.

<sup>184</sup> *Ibid.*, 13.

<sup>185</sup> Brooks, *Captives and Cousins*, 252.

Independent Indians; they took an active part under the direction of the governor in both suppressing the Chimayo Rebellion and repelling invaders during the Texas-Santa Fe Expedition.

Certain observers commented on the change in the nature of warfare in New Mexico from the Spanish regime to the Mexican, explicitly noting the destitute condition of the overburdened civilian militias. Donaciano Vigil stated that during the colonial era, only “one company of presidial soldiers, properly under a superior system of discipline, well armed, mounted, and supported in everything, along with the customary aid of the citizenry, protected this area.” Noting the importance of civilian warfare during the colonial era, he stated that expeditions were successful due to “the cooperation of as many citizenry as were named who blindly obeyed the established authorities.” However, articulating the marked increased reliance on civilian warfare during the Mexican era, as well as their destitute condition, Vigil begrudgingly said, “Most of the inhabitants of New Mexico, and especially those who are most exposed to attacks by the barbarians, are armed only with bows and arrows and these are scarce because they do not have the means to buy more – not to mention guns and ammunition.” He added, “I do not doubt, gentlemen, that if the people of New Mexico could acquire arms and ammunition at reasonable prices, the same barbarians who now insult our defenseless situation will very quickly learn to respect us.”<sup>186</sup> Governor Francisco Sarracino himself blamed the ricos for putting all the responsibility of defense on the poor population and stated that the lower class fought out of necessity, but did so “without enthusiasm or zeal.”<sup>187</sup>

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<sup>186</sup> Vigil to the New Mexico Assembly, 18 June 1846, Donaciano Vigil Papers, New Mexico State Records Center and Archives, Santa Fe, New Mexico.

<sup>187</sup> Weber, *The Mexican Frontier*, 117.

The experiences and organization of these civilian frontier militias differed from professionalized career soldiers in several ways which contributed towards a sustained and unique military culture in the north. First, these men were able to use military valor and honor to improve their social positions. On the frontier, the legitimization of authority became linked with warfare. As Ana María Alonso argues in her analysis of violence in Namiquipa, Chihuahua, men who possessed extraordinary fighting skills and bravery gained a local following within their pueblos.<sup>188</sup> Second, frontier forces largely ignored legal regulations and strategies. Instead of following standard military protocol, civilians as frontier warriors followed their own unendorsed, unsanctioned paths of violence. These men learned to fight like their enemies, attacking “without regularity or concert, shouting, halloing, and firing their carbines.”<sup>189</sup> Military violence on the frontier, therefore, lacked the more restrictive regulations, including a system of military justice and punishment for egregious behavior, observed by a professional army. Finally, whereas the soldiers stationed at a presidio typically lacked personal or familial ties to the region they protected, civilian militia lived in the communities they protected. Living in the towns sometimes for generations provided them with an additional incentive to violence and retribution not generally possessed by the professional soldiers during their temporary appointment a presidio because they were in charge of the protection of their land and families. Thus, civilian militia perceived their retributive violence as an individual and communal right associated with protecting their families, property and homeland, the core tenants of maintaining honor among one’s community. This unique military culture on the northern reaches of Mexico ensured that an interweaving of violence and honor, freedom from

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<sup>188</sup> Alonso, *Thread of Blood*, 41.

<sup>189</sup> *Ibid.*, 32.

traditional military protocol, and protection of kin and hearth, helped to shape the ideals, values, and actions of its citizens well into the U.S. era in the Southwest borderlands.

In addition, and tied to the issues discussed above, masculine honor necessitated that these militiamen respond with a certain kind of gendered violence which both feminized Apache men and obliterated Apache womanhood. Even before engaging in warfare with Indians, Mexican colonists already held that Indian men did not adhere to masculine standards partly because they believed the men did not properly engage in work. According to one observer: “The men never occupy themselves in any other work but hunting, fighting, and stealing, for everything else is done by the women.”<sup>190</sup> These gendered ideals assisted in further drawing a boundary between the civilized male colonist who adhered to his manly duties and the native savage who did not. According to Ana María Alonso, “the colonists deployed a multiplicity of practices that feminized the ethnic other and stripped him of his masculinity and power.”<sup>191</sup> Defeating Indian men in warfare and capturing women were some of the ways in which Mexican men could further dishonor and emasculate Indian men.<sup>192</sup> In particular, the murder of Apache women had much to do with this gendered ideal. By slaying Apache women, militiamen took women out of the category of non-combatants. By doing so, Juliana Barr argues in her analysis of the eighteenth-century frontier; colonists deprived these women of the consideration and protection that European-based codes of war dictated, which was “in effect- a denial of their identity as women eligible for the privileges of respectful...womanhood.”<sup>193</sup>

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<sup>190</sup> *Ibid.*, 107.

<sup>191</sup> *Ibid.*, 78.

<sup>192</sup> *Ibid.*, 94.

<sup>193</sup> Juliana Barr, *Peace Came in the form of a Woman: Indians and Spaniards in the Texas Borderlands* (Chapel Hill: The University of North Carolina Press, 2007), 165.

Acts of brutality by militia groups and citizenry were thus extremely common throughout the Mexican north on the eve of the U.S.-Mexico War. In 1834, for example, at the northern Chihuahuan town of El Cobre, a group of Apaches consisting of five women and two men approached the town in an effort to trade fifteen head of cattle. Even by this time, Mexican hatred for Apaches ran deep, as the Mexicans in the town allowed the Apaches to enter, where they immediately fell upon them, killing two of the men and one woman. The Mexican commander at El Cobre was able to seize two Mexicans for the murders, however popular sentiment was against him, and he had to let them go when the townspeople turned on him “with their weapons in their hands.”<sup>194</sup> In another example of this trend of violence in the Mexican north, colonists from the Chihuahua town of Galeana invited over a hundred Apaches to a feast. Much of the day was festively spent dancing and drinking. By midnight “nearly everyone was lying in a drunken stupor.” The Mexicans of Galeana took advantage of this circumstance and violently attacked the sleeping Apaches. The Mexicans proceeded to “stab, hack, and club the recumbent Apaches.” One pregnant Apache woman was killed in the town church, where the Mexicans proceeded to tear her unborn child from her body.<sup>195</sup> These are but some examples of the violent acts against Indians that were prevalent in the Mexican north during the nineteenth century.

Violent interactions between such militia groups and Native peoples in the borderlands were indeed based upon a long history of mutual violence and hatred due in part to Apache raiding and retaliation, but by the nineteenth century, justification of the brutality employed towards Indians became much more heavily influenced by Mexican racial ideologies concerning

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<sup>194</sup> Blyth, *Chiricahua and Janos*, 130.

<sup>195</sup> *Ibid.*, 142.

Native peoples. The idea of race, despite being officially expelled as an identification system by the Mexican federal government, still held a large amount of importance in the lives of the various peoples situated in the Mexican north during the nineteenth century. Indian peoples such as the Pueblos, who served in militias, paid their taxes and maintained their own municipal governments were not considered to be on equal footing with the Mexican colonists, but they were still more easily incorporated into an idea of *Mexicanidad*, or Mexican identity, than groups such as the Apaches.<sup>196</sup> Many considered these groups which refused to follow these precepts outside the boundaries of modern civilization. Mexican colonists considered seminomadic Native peoples such as the Apache who based much of their economies on raiding livestock as “barbarians” who lived in a state of nature. Within an ideological framework that equated independent Indians with animals, Apaches could be hunted and slain in a similar fashion, with little cause for remorse.

Many northern Mexicans, however, found it more difficult than their neighbors in Texas and the United States to think in binary racial categories as most Mexicans had native ancestry themselves. The Spanish *casta* system separated the races into hierarchies yet the blurring of racial boundaries in New Mexico led to confusion over what criteria constituted indigenous and non-indigenous. Genízaros, for example, never fit into either category and their existence bordered in between these two worlds. During the Mexican era, a more conscious separation of the identities of the *mestizo* and the Indian occurred in the Mexican north. In order to claim all the benefits of “whiteness,” northern colonist’s redefined their heritage based on “whiteness” rather than “Indianness.” According to invented tradition, conquest and settlement of the frontier had been carried out by Spaniards, whom colonists considered white, and intermixture with

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<sup>196</sup> Anthony Mora, *Border Dilemmas*, 39.

Indians had been negligible.<sup>197</sup> Accordingly, colonists in the Mexican north began to distance themselves from anything considered traditionally Indian. As evidence of the intensity of this conceptual separation of ethnicity, by the end of the eighteenth century, northern Mexicans consumed more than one-third of the entire wheat harvest, even though they comprised only one-fourth of the total population because cornmeal was associated with Indianness.<sup>198</sup> Such conscious racial separation served to harden the line between groups such as the Apaches and Mexicans in places such as New Mexico.

Although unable to supply significant numbers of troops to defend the frontier, the Mexican federal government was still able to regulate the use of force in the north, thereby using these militarized citizens as tools of the state. The Mexican state successfully acted as a fount and arbiter of honor for civilians engaged in community defense. For instance, to secure political office, military skill and valor were a necessity.<sup>199</sup> Also, with peasants often being too poor to purchase their own weapons, the state tried to provide civilian warriors with arms and munitions.<sup>200</sup> As Donaciano Vigil noted, [it is not] “the rich who usually go in pursuit of the barbarians when they have carried out a raid.”<sup>201</sup> Therefore, the Mexican government managed violence and fueled the search for personal honor by furnishing civilian fighters with rights to land, tax exemptions, rights to booty captured from defeated Indians, and as was the case of James Kirker, cash payments for Apache scalps and prisoners.<sup>202</sup> In these ways, the government

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<sup>197</sup> Alonso, *Thread of Blood*, 68.

<sup>198</sup> *Ibid.*, 67.

<sup>199</sup> Alonso, *Thread of Blood*, 41.

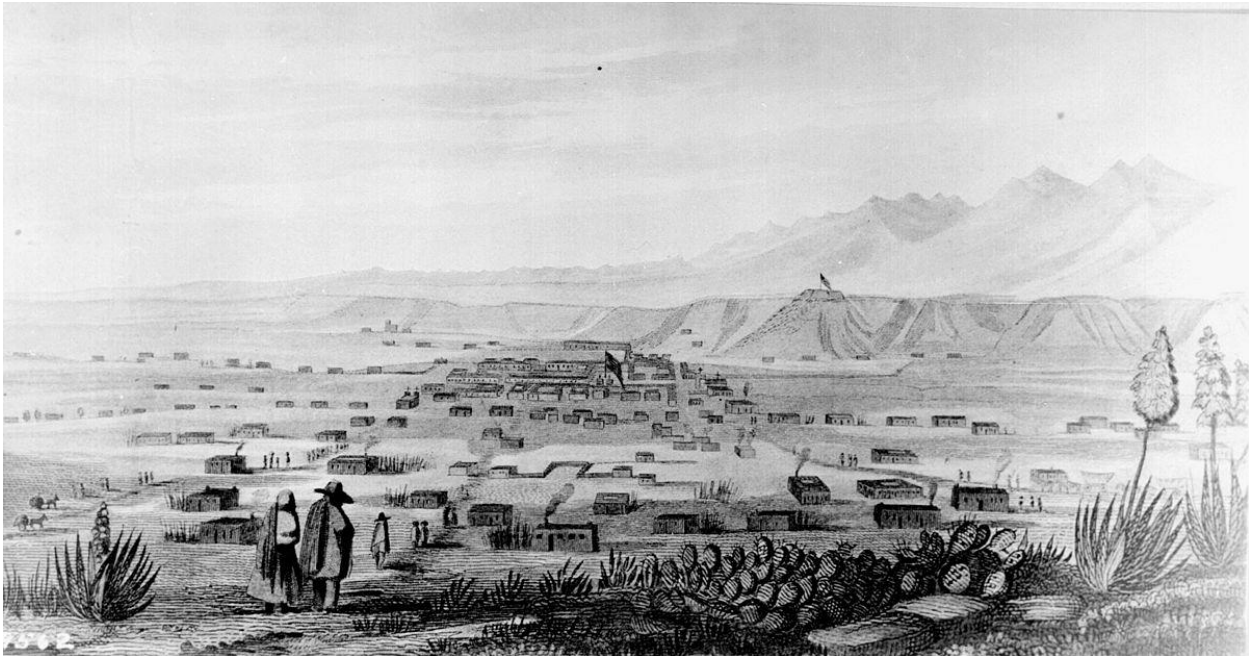
<sup>200</sup> *Ibid.*

<sup>201</sup> Vigil to the New Mexico Assembly, 18 June 1846, Donaciano Vigil Papers, New Mexico State Records Center and Archives, Santa Fe, New Mexico.

<sup>202</sup> Alonso, *Thread of Blood*, 42.

was able to assert its control over frontier warfare, shape the nature of borderlands combat, and influence the culture of its residents for decades.

By the 1840s, the Mexican government, at last, began to address the extreme violence taking place on its northern frontier. It was not, however, solely Indian hostilities which compelled the government to act. The possibility of a foreign invasion by Texas made the Mexican federal government extremely anxious. Mexican authorities had long blamed the U.S. and Texas governments which they believed were helping the Apache in their war with the Mexicans in order to ultimately annex the provinces.<sup>203</sup> During the 1840s, the Mexican government had reason to think that neighboring Texas had been encouraging and assisting Indians in their war with New Mexico. Under the threat that Texas would endeavor to overtake New Mexico as they had attempted in 1841, the Mexican government gave more weapons, supplies, and troops to Santa Fe. In 1846, the President had ordered the national treasury to provide New Mexico with “all the resources available to the Supreme Government.”<sup>204</sup>



<sup>203</sup> Alonso, *Thread of Blood*, 28; DeLay, *War of a Thousand Deserts*.

<sup>204</sup> Joaquín Castillo y Lanzas to Gefe Politico, 17 January 1846, communication received from Ministerio de Relaciones Exteriores, Governor's Papers, 1846, Mexican Archives of New Mexico.



Illustration 1.1: A depiction of Santa Fe in 1846-47. Source: Wikimedia Commons

Encouraging cooperation between the departments, the number of potentially available troops at the Santa Fe presidio increased to more than 200. These actions proved to be too little too late, however, as war with the United States was at hand.

United States observers pointed to the state of warfare with Independent Indians in the Mexican north as a reason to question Mexico's claim over the region. As part of their quest for a continental empire, many U.S. officials saw merit in acquiring the Mexican north, specifically the budding markets of California. After a questionable boundary dispute in Texas, U.S. officials saw an opportunity to act, declaring war on Mexico in 1846. Soon after, the U.S. military under General Stephen Watts Kearny swept through New Mexico. Upon hearing of the coming of the Americans, 4,000 civilian volunteers under the guidance of Governor Manuel Armijo gathered in Santa Fe and declared their intentions to fight. As the American army drew near the defensive stronghold of Apache Canyon, General Armijo and his troops were waiting on the other side. As it became clear that there would be no hostilities that day, the governor unceremoniously sent all the militia home. He then mustered the small company at the Santa Fe presidio and hastily fled to Chihuahua. Although primed for a fight, the civilian population was consigned to bow to the wishes of the governor. Armijo justified his decision not to battle the Americans, arguing, "We would defend our country, we desire to defend it, but we cannot do so, our general government being hundreds of leagues distant, it is impossible for me to receive the necessary aid to make such a defense."<sup>205</sup> Kearny and his men thus marched into Santa Fe. The acting governor turned the province over to American general, not a shot fired.

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<sup>205</sup> Armijo to Kearny, 16 August 1846, in Lamar, *The Far Southwest*, 55.

Immediately after occupying New Mexico, U.S. military officials frequently claimed that they had come to liberate the region, specifically arguing that, unlike Mexico, they would actually be able to subjugate the independent Indians. They thus attempted to play off of the people's frustration toward the Mexican government, specifically their seeming neglect concerning warfare with independent Indians. In a proclamation in Santa Fe, general Kearny stated, "From the Mexican government you have never received protection...The Apaches and Navajoes come down from the mountains and carry off your sheep, and even your women, whenever they please. My government will correct all this."<sup>206</sup> The Polk administration also gave general Zachary Taylor a proclamation to read which said that the Mexican people were left "defenseless, and easy prey to savage Cumanches [sic], who not only destroy your lives and property, but drive into captivity more horrible than death itself your wives and children."<sup>207</sup> Taylor had also claimed that many Mexican communities "were disgusted with the lack of protection from these [Indian] raids by their government far away in Mexico City."<sup>208</sup> Thus, the United States presented themselves as liberators, but as time progressed, it became clear to the Hispano residents that they would be anything but.

Centuries of near constant warfare between the settlers and Native Peoples shaped New Mexican society. Mandatory militia service alongside a system of retaliatory violence and plunder became so commonplace that Hispano settlers came to believe that it was their moral

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<sup>206</sup> Ross Calvin, ed., *Lieutenant Emory Reports: A Reprint of Lieutenant W.H. Emory's Notes of a Military Reconnaissance* (Albuquerque: University of New Mexico Press, 1951), 50.

<sup>207</sup> "Translation of the Spanish proclamation given to Generals Taylor and Kearny," Senate Doc 19, 29<sup>th</sup> Cong. 2<sup>nd</sup> sess.

<sup>208</sup> Abner Doubleday, Joseph E. Chance, ed., *My Life in the Old Army: The Reminiscences of Abner Doubleday: From the Collections of the New-York Historical Society* (Fort Worth: Texas Christian University Press, 1998), 4.

right and duty to battle independent Indians either with or without the consent of the government. Violence and brutality begot violence and brutality in New Mexico. A hostile environment such as this certainly influenced the behavior of the residents for years to come.

The modes of warfare enacted during the Spanish and Mexican periods in New Mexico set a precedent that would continue long into the U.S. era. Their consistent reliance (especially during the Mexican era) on civilian warriors bled into the culture of the diverse residents, priming them to fight Indians, particularly Apaches, regardless of the policies articulated by the U.S. military or the American governors of New Mexico. As the United States attempted to assert their own style of governance and warfare in the territory of New Mexico, they would be surprised to find just how deeply the desire for civilians to carry out their own form of warfare was. Partly due to Anglo American racialization of the various peoples of New Mexico, however, the United States military would try to place warfare solely into the hands of the regular army. Yet, civilians repeatedly called for their own form of retribution against their traditional Native enemies, and in the process, called into question the authority of the U.S. military and the territorial government to control the actions of *Nuevomexicanos*. When the US government refused to track down Native perpetrators of thefts or violence, many residents took matters into their own hands. Thus, during the first decades of U.S. rule in New Mexico, the Anglo government, Nuevo Hispano civilians, and Native groups such as the Apache, waged not only a physical war based on retributive violence, but they also engaged in a more conceptual battle over cultural authority, manhood, the right to protect the homeland, and larger questions of belonging in the Southwest borderlands.

## Chapter 2: Bordered-lands and the Dismantling of an Institution, 1846-1852

In 1848, less than two years after its commencement, the U.S.-Mexico War came to a close as the United States secured victory over Mexico. In May of that year, the two nations ratified the landmark Treaty of Guadalupe Hidalgo which ceded a sizeable portion of Mexico's northern regions, almost half of its entire domain, to the United States for a paltry sum of 15 million dollars.<sup>209</sup> Through the stroke of a pen, the region transformed from a borderland to a bordered-land, at least on paper. Almost immediately an approximate boundary between the two nations roughly the length of the Rio Grande westward to the Pacific emerged on the maps of cartographers and in the minds of politicians. An international line of demarcation between the two nations etched like a scar through New Mexico.<sup>210</sup> As abstract and arbitrary as this boundary was, it had very real consequences for the residents of what was now the U.S. Southwest. Above all the new border delineated a concept of citizenship which became interwoven with Anglo American notions concerning race. Relative racial and social fluidity observed during the Spanish and Mexican eras in New Mexico would quickly be replaced by hardened conceptions of belonging, inclusion, and exclusion.

A large segment of the newly acquired territory, New Mexico was generally seen by many Anglo Americans as a hopeless and inaccessible desert which was basically worthless and unable to sustain what they considered civilized life.<sup>211</sup> This idea was contrary to the ways that

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<sup>209</sup> The United States acquired most of modern-day New Mexico, California, Arizona, Nevada and Utah, as well as portions of Wyoming and Colorado.

<sup>210</sup> Directly after the signing of the Treaty of Guadalupe Hidalgo, the exact location of the international boundary became a point of contention between the United States and Mexico. In particular, both nations claimed the Mesilla Valley in New Mexico. The two nations would agree to a more rigid border with the Gadsden Purchase in 1854 and the Mesilla Valley would come under U.S. control.

<sup>211</sup> Averam B. Bender, *The March of Empire: Frontier Defense in the Southwest, 1848-1860* (New York: Greenwood Press, 1968), 6.

Americans had envisioned the fertile lands and trading ports of California. Many Americans were therefore extremely anxious concerning the incorporation of this domain. Most concerning to these critics was the racial and ethnic makeup of the region's population. By 1850, less than 1 percent of New Mexico's 62,000 inhabitants (a number that excludes the region's numerous nomadic Indian groups) were Anglos.<sup>212</sup> Many Anglo Americans, due to widespread racial beliefs, couldn't fathom incorporating such an unwelcome mix of Hispano and Indian peoples into the broader U.S. body politic. To these observers, New Mexicans had no place in a nation that continued to operate within the ideological confines of presumed white Anglo Saxon supremacy.<sup>213</sup> This can be ultimately exemplified in prolonged disagreements concerning the prospect of New Mexican statehood. Although New Mexico by law could apply for statehood if they reached a population of 60,000, it had exceeded that number by 1850. The territory, however, would not achieve statehood until 1912.<sup>214</sup> Thus the initial prospect of granting New Mexico's Hispano population full equality and citizenship struck many Anglo American officials as objectionable.

Anxiety concerning conflict with the region's various Indian peoples also plagued many Anglo-American officials who questioned the wisdom of acquiring Mexico's northern frontier. Centuries of warfare with Native Peoples in New Mexico had preceded the Americans, and despite General Stephen Watts Kearny's insistence that the U.S. military would quickly remedy the situation, the difficulty of adhering to this promise soon became apparent. Through Article 11 of the Treaty of Guadalupe Hidalgo, the United States arrogantly agreed to forcibly restrain

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<sup>212</sup> Joseph P. Sanchez, *New Mexico: A History* (Norman: University of Oklahoma Press, 2014), 123. Census records of 1850 did not include independent Indians.

<sup>213</sup> See Horsman, *Race and Manifest Destiny*.

<sup>214</sup> Pablo Mitchell, *Coyote Nation: Sexuality, Race, and Conquest in Modernizing New Mexico 1880-1920* (Chicago: University of Chicago Press, 2005), 17.

“incursions within the territory of Mexico” by “savage tribes.” In one of the only provisions of the treaty that favored Mexico, Article 11 stipulated that the U.S. had the responsibility of preventing Indian raiding parties who ventured below the border. The task of militarily subjugating New Mexico’s Native inhabitants would, however, prove nearly impossible. New Mexico itself was vast. It included modern-day Arizona and bordered Sonora, Chihuahua, and far West Texas. Its porous borders ensured that Native people could easily escape U.S. military engagements. The region was located in the heart of both *Dinetah* and *Apacheria*, and the total Indian population of New Mexico was between 40,000 and 58,000; only a small minority of those were on peaceful terms with the non-indigenous inhabitants.<sup>215</sup> New Mexico itself was vast. It included modern-day Arizona and bordered Sonora, Chihuahua, and far West Texas. Its porous borders ensured that Native people could easily escape U.S. military engagements. In addition, the lion’s share of the Hispano and Pueblo communities resided only in the very contained upper Rio Grande region and the Mesilla Valley; there being no permanent Hispano settlements to speak of in far eastern or western New Mexico. It’s safe to say that independent Indians held sovereignty over the bulk of what was known as New Mexico during the early U.S. period. Adherence to article 11, therefore, would be an arduous if not impossible undertaking which would lead to its eventual extraction from the treaty by 1854.<sup>216</sup> Yet during the early years of U.S. rule, the military would endeavor unsuccessfully to fulfill the article’s stipulations.

In their effort to forcibly overpower New Mexico’s independent Indians, the United States military would seek to transform the nature of civilian warfare throughout the territory. In contrast to New Spain and Mexico’s abundant reliance on civilian militias in the region, the

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<sup>215</sup> Bender, *March of Empire*, 13.

<sup>216</sup> With the Gadsden Purchase of 1854, the United States and Mexico agreed to void Article 11 of the Treaty of Guadalupe Hidalgo.

United States military sought to restrain civilian warriors and place a greater dependency on the regular troops to engage in warfare with Native Peoples. It quickly became apparent, however, to the settlers, the Pueblo peoples, and the territorial government established in 1851, that the military strength offered by the army was woefully inadequate and would not nearly be enough to effectively war with the independent Indians of New Mexico. To afford the necessary manpower to battle these Native peoples, many non-military personnel in New Mexico, including Indian agent turned first civilian Governor James Calhoun, saw the benefit in continuing the utilization of civilian soldiers, both Native and non-Native, either with or without the cooperation of the regular army. The military, however, especially under Department Commander Edwin Sumner saw things differently. During the U.S. War with Mexico and shortly after, the military welcomed aid from certain sections of the New Mexican population to help battle independent Indians. Upon his arrival in 1852, Sumner, due in part to prevalent racialized ideas concerning *Nuevomexicanos*, tried to limit the organization and power of such civilian militias because, at the onset of U.S. conquest, there were very few Anglos in the territory. Thus, the creation of a civilian militia would undoubtedly have been primarily comprised of *Nuevomexicanos* and Pueblo Indians. The civilian population, however, continued to advocate for self-defense, thereby implementing their own notions of citizenship. They, in essence, became the state in its absence and continued to hold sovereignty over their own conceptions of what defines citizenship, which included the right to warfare. This ushered in an era of conflict with the territorial government, citizens, and Pueblo Indians on one side, and the U.S. military on the other.

The civil government and territorial inhabitants had their own sets of concerns and perspectives which commonly ran counter to the interests of the military. The territorial

government along with the New Mexican settlers and Pueblo peoples, for example, frequently sought to continue the mode of civilian warfare that they and their forbears had performed for centuries. Yet, U.S. military officials, with the exception of a few more open-minded officers initially, were generally reticent to utilize civilian fighters whom they considered racially incapable of being effective warriors and ultimately a liability. Necessity drove the military to use Hispano volunteers during and shortly after the occupational period. Yet, many Anglo American officials held to the racialized beliefs that *Nuevomexicanos* were ignorant, lazy, and apathetic; at the same time noting their failure to subdue independent Indians during the Mexican era effectively. These observers also claimed that Hispanos lacked the masculine qualities necessary for self-defense. Therefore, officials such as Edwin Sumner assumed that the *Nuevomexicano* population would be anything but effective warriors. They also supposed that these men, if allowed to fight, could not, by virtue of their supposed disobedient nature, exist as disciplined units which the military could easily supervise. Primarily due to the simmering centuries-long hatred between these inhabitants and independent Indians, U.S. officials assumed that during military expeditions, *Nuevomexicanos* would be difficult to restrain and manage. These factors, many military officials believed, would ultimately have the undesired effect of inciting further chaos and violence in the territory. With these viewpoints in mind, Department Commander Colonel Edwin Sumner upon his appointment in 1852, would attempt to put a stop to the long-adhered-to custom of civilian warfare.

Additionally, several Anglo American officials, as chapter 3 will outline in greater detail, adhered to a belief that the dubious citizenship status of the Hispano population was a factor that disqualified them from engaging in warfare on behalf of the United States. Anglo observers surmised that although *Nuevomexicanos* were given U.S. citizenship in 1848, this status was



questionable at best. Being defined as “white” under the law Hispanos were theoretically granted all of the rights and privileges that the status entailed. Yet the political power of whiteness was generally denied these people by the emerging Anglo elite. Historian Pablo Mitchell posits that the physical characteristics of being “white” can be equated with voting rights, civic leadership, and legal protections.<sup>217</sup> To many Anglo Americans, Hispanos certainly did not possess the perceived physical and mental traits that supposedly qualified them for these privileges. Furthermore, many U.S. officials reasoned that *Nuevomexicano* citizens held no real loyalty to the United States and actually retained allegiance to their former government of Mexico. In general, the military viewed Hispanos as conquered people. Just a few short years earlier, the U.S. deemed Hispanos as effectively enemies of the U.S as they were at war. During the occupational period, in 1847, an alliance of Hispanos and Pueblos near Taos revolted against the United States, resulting in many deaths, including then governor, Charles Bent. This worried many Anglo officials who questioned the wisdom of arming such a population. Hispanos in New Mexico, due to their relatively large population, were initially able to secure political rights longer and fend off prejudicial legislation and court decisions more effectively than other ethnic Mexicans in California or Texas. Yet, during this early period, the U.S. military nonetheless attempted to curtail Hispanos’ right to engage militarily on behalf of the United States due to racialized notions concerning citizenship.

The citizenship status of Pueblo Indians, as this current chapter will discuss, also affected Anglo American willingness to utilize them militarily. Anglo Americans generally imagined the various Native Peoples of the United States in monolithic terms. The Pueblos of New Mexico fit in with this conception. As just one of the many Native American communities located within

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<sup>217</sup> Mitchell, *Coyote Nation*, 6.

U.S. boundaries, Pueblo peoples were accorded the same status given other Indian nations. Native peoples located within the limits of the United States were not allowed U.S. citizenship, and even though the Pueblo people attained citizenship under Mexico, they were denied this status by the U.S. government. A series of court cases in the late 19<sup>th</sup> century further confirmed this status as “wards of the state.” Although many Anglo American observers perceived Pueblo peoples as more exceptional and industrious than Hispanos, Pueblo Indians generally fell under the racialized rhetoric of being too “savage” and “uncivilized” to continue to assist with military duty, at least on the scale previously seen during the Spanish and Mexican eras.<sup>218</sup> Through the eyes of many Anglo military officials, these intertwined notions of race and citizenship and the supposed “savagery” of Native peoples disqualified both Hispanos and Pueblo Indians to engage militarily on behalf of the United States.

The events which took place in New Mexico during the short four-year period of 1848-1852 laid the overall framework for the nature of warfare in the territory, both civilian and military, that would, excepting the five years during the Civil War, last another fifty years.<sup>219</sup> Primarily, this period became one of initial racialization of the New Mexican people by a growing Anglo elite. Pablo Mitchell defines racialization as an “externally imposed set of categories that differentiate and hierarchically organize social groups according to scientific and quasi-scientific physical embodied features.”<sup>220</sup> This process had a tangible impact on not only its people but warfare in general in New Mexico. This brief era saw the U.S. military curb the utilization of Pueblo Peoples as active participants in warfare against independent Indians; the

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<sup>218</sup> Anglo Americans generally disparaged Pueblo Indians in New Mexico. Yet some, like Colonel Edwin Vose Sumner accorded the Pueblo peoples more respect than their Hispano counterparts. This idea shows the extensive nature of Anglo American belittlement of Hispanos in New Mexico.

<sup>219</sup> Hispano civilians would be heavily utilized in New Mexico from 1861-1865 due to the Civil War (see chapter 5).

<sup>220</sup> Mitchell, *Coyote Nation*, 20-21.

territorial government attempt to implement New Mexico's first U.S. era militia law; and a concerted effort by certain military officials to halt the traditional practice of Hispano warfare with Native Peoples. These circumstances led to the formation of a specific pattern of extremely limited civilian defense in New Mexico that would last many years. As a result, the era saw the birth of what would be a long precedent of conflict between the civil government along with the inhabitants, and the U.S. military. This chapter will explore these various themes through a lens that emphasizes the impact that Anglo American racialization of the New Mexican inhabitants had on warfare in the region. This chapter ultimately argues that Anglo American ideas concerning race and citizenship in New Mexico during the nineteenth century bled into white military officials' views of civilian militias consisting mainly of Pueblo Indians and Hispanos, effectively putting a halt to the centuries-old model of civilian warfare, ultimately leading to a colossal disconnect and conflict between the territorial government, the multi-ethnic inhabitants, and the military.

The tumultuous nature of U.S./Indian relations in New Mexico as well as general dissatisfaction with the U.S. military's actions in the region led many of its inhabitants and initially even some military officials to continue to support the institution of civilian warfare. A turbulent Indian policy, a perceived lack of sufficient military manpower, and the overall deleterious condition of the few regular troops stationed in New Mexico all contributed toward an apparent need for civilian warriors. Similar to the Spanish and Mexican regimes, Native peoples and *Nuevomexicanos* during the U.S. era continued to take part in the centuries-old ritualistic dance of violent revenge and mutual plunder for livestock and captives. The government of the United States placed the blame of this shared violence solely on the overly

simplistic explanation of “Indian raiding.” Thus, in order to carry out the stipulations of Article 11, the central objective of the military in New Mexico quickly became the endeavor of halting Indian raids both within the territory and directly below the new border.<sup>221</sup> Military policy in New Mexico, therefore, became entangled with the overall Indian policy of the United States which, at that time had long been ambiguous and inconsistent.

Since the nation’s founding, the United States had been largely unable to implement a uniform, definitive Indian policy. Instead, policymakers carried out relations with Indian peoples through “a series of experimentations on successive frontiers.”<sup>222</sup> As such, varying methods of handling relations with Native Peoples located within the supposed boundaries of the United States had been carried out over many years. These techniques included war, treaties, the cession of Indian land, annuities and presents, and complete removal of some tribes to so-called Indian country in the west. At best, these practices resulted in only temporary cessations in hostilities, and as American settlers increasingly flooded into the West, the notion of an independent Indian country as a permanent solution was swept away by the colonial tide. At worst, U.S.-Indian relations had devolved into open hostility culminating in violence, warfare, and death. These various modes of Indian-U.S. relations had been implemented at different times and under unique circumstances, leading to many different outcomes. In general, the United States had therefore pursued anything but a uniform, coherent, and effective Indian policy leading up to the U.S.-Mexico War.

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<sup>221</sup> Of particular concern to military officials were the various Apache groups, the Navajos, the Utes, and occasionally the Comanches in far eastern New Mexico.

<sup>222</sup> Fredrick Jackson Turner, *The Frontier in American History* (New York, 1920), 10, quoted in Bender, *The March of Empire*, 17.

The acquisition of Mexico's far north after the U.S.-Mexico War further imperiled this already disordered policy. With such a sizeable territorial acquisition thousands of Native Peoples were placed under the perceived dominion of the United States. This led many observers to believe that any former Indian policy, as ineffective as it already was, would prove wholly inadequate. In 1849, for example, the Commissioner of Indian Affairs Orlando Brown concluded that if there were to be any practical solution to the "Indian problem," the policy of the federal government toward Indian tribes would need to be completely transformed, and they would need to implement a more concrete and effective strategy concerning their interactions with Native peoples.<sup>223</sup> Accordingly, that same year, in an effort to achieve a fresh approach to Indian relations, the Indian office was transferred from the Department of War to the Department of the Interior. Government officials reasoned that civil administration would be more effective in "civilizing" and educating the Indians than the military.<sup>224</sup> In theory, through this transfer, the federal government subordinated the military to civilian authority in matters relevant to Indian relations. In practice, however, the policy frustrated many military field commanders, which led to considerable controversy over whether military or civilian officials were more adequately competent to manage Indian affairs.<sup>225</sup> Frequently, bickering between military and civil officials concerning the correct course of action caused more complicated relations with not only Native nations but Congress, on which both departments depended for appropriations.<sup>226</sup> Confusion and ensuing struggles concerning whether military or civil authority should oversee Indian relations would indeed play out in the newly acquired territory of New Mexico.

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<sup>223</sup> Bender, *March of Empire*, 21.

<sup>224</sup> *Ibid.*

<sup>225</sup> Durwood Ball, *Army Regulars on the Western Frontier 1848-1861* (Norman: University of Oklahoma Press, 2001), 17.

<sup>226</sup> Utley, *Frontiersmen in Blue*, 11.

One of the defining characteristics of Indian policy in the United States was the government's heavy reliance on Indian agents, and the acquisition of Mexico's north would place tremendous strain on this institution. It had been the policy for many years that a regional superintendent, usually the governor, be in charge of that particular region's Indian affairs. Immediately under these superintendents were Indian agents, who lived with or nearby a specific tribe and were crucial points of interethnic contact. Despite directly incorporating approximately 124,000 Native peoples into the United States after acquiring Mexico's northern region in 1848, Congress did little to increase the number of Indian agents needed on new frontier outposts. New Mexican officials, however, thought it necessary to employ many more Indian agents to communicate and negotiate with the many Native nations residing there. Yet, no change in the number of Indian agents was forthcoming in New Mexico until 1851. This left James Calhoun - a 47-year-old ex-army officer and soon-to-be first civilian governor of the territory- as the lone Indian agent in New Mexico for more than two years.<sup>227</sup> This was a monumental if not impossible task given the number of indigenous people disseminated around the territory, which at the time included present-day Arizona. Even when Congress finally consented to have four Indian agents in New Mexico, territorial officials still found this number insufficient to communicate with the numerous Indian nations in the region effectively. Thus, directly after the Treaty of Guadalupe Hidalgo, due to a chaotic, shifting, and mostly ineffective Indian policy, Indian agents and the military were hard-pressed to do their duties effectively. These factors almost immediately led to the continuation of an environment of violent hostility between

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<sup>227</sup> Born around 1802 in Georgia, James Silas Calhoun had been a state politician, consulate to Cuba, and was a Lieutenant Colonel in the U.S.-Mexico War. After the War, Calhoun remained in the new U.S. Southwest and was appointed the first U.S. Indian agent for New Mexico in 1849.

indigenous and non-indigenous people in New Mexico as the region switched hands from Mexico to the United States.

As the United States saw massive territorial growth after the U.S. War with Mexico, the need for more troops to police these newly acquired areas was considerable. Yet Congress, similar to their hesitancy in expanding the number of Indian agents, was likewise reluctant to increase the size of the army. In 1848, President James K. Polk stated that the number of troops, as it existed before the War with Mexico, would be enough to serve peacetime necessities. He mistakenly believed that the current number of Indian agents would be able to secure peace with the tribes; therefore, no additional troop numbers would be needed. Congress concurred with the President, and the regular army maintained just over ten thousand men to police the entire United States.<sup>228</sup> In 1850 and 1855, Congress allocated additional troops to help subdue the frontier, however, as historian Robert Utley argues, they never supplied enough troops "with a liberality permitting anything approaching a strength equal to the task."<sup>229</sup> This seeming lack of military manpower hit New Mexico particularly hard. Major George Archibald McCall said as much during his 1850 inspection tour of New Mexico. He pointed out that "it must appear that the military force at present in New Mexico is idle and inefficient, or that the extent of frontier entrusted to its protection is out of proportion to its strength and the character of its organization."<sup>230</sup> Despite such observations by military officials, troop numbers long remained lower than the settlers and the military themselves stationed in New Mexico had hoped for.

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<sup>228</sup> Utley, *Frontiersmen in Blue*, 11.

<sup>229</sup> *Ibid.*

<sup>230</sup> Major George Archibald McCall's Report on the Defensive Needs of New Mexico, Philadelphia, 26 December 1850 in McCall, George A., *New Mexico in 1850: A Military View* ed., Robert W. Frazer (Norman: University of Oklahoma Press, 1968), 180.

Straightaway, aggressions arose between Native peoples and U.S. soldiers and settlers in New Mexico during the occupational period during which a general feeling of the inadequacy of the military began to spread among the populace. In the fall of 1846, the army was able to induce the Navajo to a peace treaty using the strength of the occupying forces available at that time.<sup>231</sup> However, after the Treaty of Guadalupe Hidalgo in 1848, the volunteer army was mustered out of service leaving the territory with a relatively limited number of regular military soldiers. After the U.S. military mustered the volunteer troops out of New Mexico in 1848, they left the territory with a scant force of fewer than five-hundred soldiers from a peak of nearly three-thousand during the occupational period.<sup>232</sup> Many inhabitants began to question the effectiveness of these few remaining regular troops perceiving that their limited numbers would hinder them from effectively subduing independent Indians. Few as they were, regular troops in New Mexico were disbursed over six towns; two companies in Santa Fe, one in Taos, and the other two distributed between Albuquerque, Socorro, Tome, and Doña Ana. Although the military population in New Mexico increased to 895 by 1850, settlers believed that there were too few troops scattered over too many areas to be at all effective against powerful Native groups such as the Navajo, Apache, and Ute nations.<sup>233</sup> This perceived lack of military manpower would come to be a significant point of contention between the territorial and federal governments as well as the citizenry for decades to come.

The perceptibly insufficient number of soldiers stationed in New Mexico after 1848 had very tangible consequences as there were typically not enough soldiers to complete the most

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<sup>231</sup> Colonel Alexander Doniphan on behalf of the United States signed the Treaty of Ojo Del Oso with the Navajo in November of 1846. The treaty's stipulations of peace would soon fall apart.

<sup>232</sup> Frazer, *Forts and Supplies: The Role of the Army in the Economy of the Southwest, 1846-1861* (Albuquerque: University of New Mexico Press, 1983), 33.

<sup>233</sup> Richard L. Nostrand, *The Hispano Homeland* (Norman: University of Oklahoma Press, 1992), 105.



essential tasks. Without a sufficient number of men, officers and soldiers were expected to undertake an often-overwhelming array of assignments which commonly led to overwork, stress, and exhaustion. On top of their central mission of battling Native peoples, soldiers in the territory carried out laborious duties such as building their own outposts and farming their own subsistence. Concerning an obvious lack of military manpower, in 1853, Colonel Joseph King Fenno Mansfield, upon his military inspection of New Mexico noted, “Here it is proper to remark that there has been too few officers at their companies to secure instruction to the rank and file and to perform the duty. There were eleven companies with only one officer at a company for duty and in four cases out of the eleven, that officer commanded the post and did quartermaster and commissary duty at the same time...It is therefore apparent that these officers were over worked and nothing but their extraordinary merit, combined with the high character of the other officers, has kept up the character of the army to the high standard it should always maintain of honor and sobriety.”<sup>234</sup> Recreation time for soldiers was therefore almost nonexistent, and it’s hard to imagine that the life of a soldier in New Mexico was anything but a grueling, drab, tedious, and uncomfortable affair. These factors all but guaranteed that troop morale on western outposts such as New Mexico would be dismal.

Congress’s reluctance to supply additional troops to New Mexico, in particular, stemmed from the fact that the cost of maintaining forces in the ninth military department, which oversaw New Mexico and initially west Texas, was proportionally higher than any other department in the United States. Due to New Mexico's relatively isolated position and its distance from any navigable river, expenses such as transportation, the purchasing of supplies and the renting of

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<sup>234</sup> J.K.F. Mansfield, *Mansfield on the Condition of the Western Forts, 1853-54* ed. Robert W. Frazer (Norman: University of Oklahoma Press, 1963), 67.

facilities skyrocketed military costs.<sup>235</sup> Particularly expensive was military transport to western outposts. Soldiers and goods had to travel hundreds of miles, much of that through an arid expanse of desert to reach the military stations in New Mexico. Twelve years after the U.S. War with Mexico, U.S. transportation costs averaged about \$2,000,000 a year, which was an increase of about 1,500% from before the war.<sup>236</sup> These massive expenditures, mostly due to the formation of the U.S. Southwest, persuaded Congress to enact cost-cutting measures that, because of their detrimental effects on frontier defense, infuriated the territorial government and the citizenry. Yet those hit hardest by such cost-cutting measures were the troops themselves.

Regular troops felt the harmful effects of these financial measures first-hand. Living quarters and supplies for the soldiers, particularly those stationed in remote frontier areas such as New Mexico, left much to be desired. Most of these soldiers received inadequate clothing and insufficient provisions from the War Department. The soldiers' pay was meager if they received it at all and when the troops in New Mexico moved out of the settlements and into frontier forts in 1851, these posts were rough-shod, usually an assemblage of adobe or log huts which offered inadequate shelter against the desert sun, whipping wind, and rain.<sup>237</sup> During winter, the troops shivered from the intense cold, and during summer, nothing could combat the oppressive New Mexican heat. Weapons supplied to the soldiers were merely operational at best; most of whom were armed with muzzle-loading guns which at the time were antiquated and obsolete.<sup>238</sup> In 1850, the captain of the post of San Elizario in west Texas, south of present-day El Paso, then still part of the ninth military department which encompassed New Mexico, complained of this

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<sup>235</sup> Frazer, *New Mexico in 1850*, 63.

<sup>236</sup> Averam B. Bender, "Military Transportation in the Southwest, 1848-1860," *New Mexico Historical Review*, 32, no.2 (April 1957): 135.

<sup>237</sup> Kiser, *Dragoons in Apacheland*, 25-28.

<sup>238</sup> Bender, *March of Empire*, 118.

apparent lack of necessities for his company during a retributive expedition stating, “No blame can be attached to the company commanders for their deficiency in clothing and other necessities for their companies...they were literally shoved off on their march with all their deficiencies known to General Harvey, then in command of the department.”<sup>239</sup> Soldiers and their officers likewise continually expressed their concerns with the lack of basic materials needed to achieve their objectives in New Mexico.

Additionally, the style of warfare initiated by the U.S. military against Native peoples in New Mexico was generally ineffective at achieving their desired goals. Even though the U.S. military frequently peddled the idea of Indian “savagery” and boasted of American technological and cultural superiority, the military in New Mexico had an extremely difficult time securing many decisive military victories over independent Indians during this early period. Many Native groups still had firearms due to trading on the Santa Fe Trail and raids into northern Mexico. They were, therefore, armed fairly well, which made the Army’s task of subjugation all the more difficult. The odds were stacked against the regular troops in New Mexico from the outset. Not only did the Army in New Mexico lack sufficient funds, but no set of rules guided Indian military policy in the West, and the military offered regular troops no systematic training for Indian warfare.<sup>240</sup> Infantry, a vital component of the army during the U.S. War with Mexico, proved to be almost completely useless in the fight against mounted Indians in New Mexico. The frontier guerilla tactics frequently carried out by Native peoples required fast-paced pursuit, all but impossible for infantry soldiers on foot. Expeditions to pursue the enemy were often many miles in length, exemplified by a retributive journey near Doña Ana in 1849 in which a

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<sup>239</sup> Henry to McLaws, 20 February 1850, Letters Received, 9<sup>th</sup> Military District, Department of New Mexico, 1849-1853, Record Group 393, National Archives, Microfilm Publication M1102 (hereafter, LR, DMN, RG393, NA, M1102), Roll 1.

<sup>240</sup> Ball, *Army Regulars*, 24.

company traveled over fifty miles to exact revenge against a group of Apaches for the murder of a citizen.<sup>241</sup> Such long-distance expeditions were commonplace, and troops could move up to 2,000 to 3,000 miles per year in some cases.<sup>242</sup> Thus, frontier forces in the west constantly appealed to the federal government for additional companies of dragoons and mounted riflemen. This style of long-distance pursuit, however, still placed a massive strain on even mounted dragoons and their horses.

Combined, these unsatisfactory conditions made it difficult for the army to respond to citizen petitions for military assistance effectively. Alcaldes from various towns in New Mexico regularly appealed to military officials for the military to undertake retributive campaigns against independent Indians accused of stealing from or murdering the residents.<sup>243</sup> However, due to the many factors previously discussed, these officials frequently denied such requests. In February of 1849, for example, the Alcalde of Canales, then a small town about ten miles north of Albuquerque, appealed to a lieutenant to make a campaign against the Navajos due to their supposed theft of livestock. The lieutenant was compelled to decline the request. He justified his refusal by stating, “Having but few troops to spare, I refused to comply with the request...to this decision, I was led partly from the fruitless result of the last expedition, and again from the fact that the robberies complained of had been committed more than a week previous.” He then stated that such a campaign would require “one or two months with at least a hundred men and the utmost I could do would be to send twelve or fifteen men for about two or three weeks at the farthest.”<sup>244</sup> To the *Nuevomexicanos*, these rejections became all too commonplace, leading

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<sup>241</sup> Unnamed correspondence, 1 October 1849, LR, DMN, RG393, NA, M1102, Roll 1.

<sup>242</sup> Kiser, *Dragoons in Apacheland*, 33.

<sup>243</sup> After the U.S.-Mexico War, the United States left much of New Mexico’s governmental system and personnel intact. Mayors or magistrates of specific towns continued to be referred to as “alcaldes.”

<sup>244</sup> Illegible to Dickerson, 28 February 1849, LR, DMN, RG393, NA, M1102, Roll 1.

these inhabitants to question the effectiveness of the regular military further. The inability of the army to respond to requests for military assistance had the detrimental effect of ultimately harboring more ill will towards the regular military in New Mexico.

Another point of contention that developed between settlers and the military was that many *Nuevomexicanos* believed that companies stationed in New Mexico were too far removed from the villages. Initially, following the U.S.-Mexico War, the military housed U.S. troops within the settlements themselves. The military quickly began to transfer these troops away from the towns to what officials deemed more strategic locations. When the military planned to relocate away from a town, often residents expressed extreme dissatisfaction. In 1849, upon learning that officials were proposing to relocate the post at Franklin, the site of present-day El Paso to San Elizario, twenty-five miles to the south, a petition by residents of the town, whose signatories included noted businessman James Magoffin stated, “We have recently learned that an order has been issued to vacate the post at present occupied by troops opposite to El Paso which would leave this part of the country totally unprotected. That such a measure is not only highly detrimental to our interests but injuring to the interests of the whole neighboring county.”<sup>245</sup> A letter to Major Jefferson Van Horne from a resident of El Paso concerning the same proposed removal stated, “The situation of this place deserves indeed some consideration- it is one of the most exposed points on the frontier, where Indians always almost lay...near enough to fall on the travelers.”<sup>246</sup> U.S. military officials surmised that these transfers away from the settlements brought with it a greater chance of military success, yet the civilians did not see it that way. Instead, they perceived these relocations as a wholesale military abandonment of

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<sup>245</sup> El Paso Petition Against Vacating Post, 20 November 1849, LR, DMN, RG393, NA, M1102, Roll 1.

<sup>246</sup> Illegible to Van Horne, 20 November 1849, LR, DMN, RG393, NA, M1102, Roll 1.

the civilians. Actions such as these began confirming settlers' beliefs that they were alone in their struggles with Indians, and that their resumption of war was justified.

Due to these various factors, many inhabitants and even some military officials themselves quickly perceived that the military stationed in the territory was predominately ineffective at preventing Indian raiding. Hence, some pragmatic military officials saw the wisdom in utilizing the military assistance of the civilians themselves. These officials reasoned, with a certain amount of hesitancy, that additional military aid by the residents would be necessary if they were to be at all effective in subduing the independent Indians of New Mexico. Although there was a relatively sufficient amount of troops stationed in New Mexico during its occupation, the military welcomed the help of the residents during this period. After the withdrawal of the occupational force, military officials saw the benefit of further utilizing civilian volunteers. There was, therefore, a short window directly before and after the Treaty of Guadalupe Hidalgo in which the military actively sought to recruit New Mexican volunteers for temporary military service. This practice, however, was short-lived.

Between 1846 and 1851, the U.S. military occasionally worked in tandem with a limited number of friendly Hispanos and Pueblo Indians to war with independent tribes. Although the New Mexican inhabitants were initially an occupied people, both sides welcomed the other's help in warring with a mutual enemy. General Kearny himself advocated the use of civilian auxiliaries to help subdue independent tribes. In an announcement to New Mexico's inhabitants in 1846, Kearny stated, "[I] hereby authorize all the Inhabitants (Mexican & Pueblos) living in the said District of Country, viz the Rio Abajo, to form War Parties, to march into the Country of their enemies, the Navajoes, to recover their Property, to make reprisals and obtain redress for the many insults received from them." Kearny, therefore, welcomed the unsupervised assistance

of both Hispanos and Pueblos in the area of Rio Abajo, south of Albuquerque, in his war against the Navajos. There is evidence that the residents responded to Kearny's announcement by independently campaigning within the Navajo homeland.

After the withdrawal of the occupying force, in 1849 Colonel John M. Washington, military commander and interim governor of the territory sought to overawe the Navajos with an expedition into their country with what few troops were at his disposal. Washington foresaw all too well the necessity of having civilian volunteers assist regular troops in their efforts. In March of that year, Colonel Washington called for the organization of four companies of volunteers for a six-month enlistment period for the expedition. These volunteer companies consisted almost entirely of Hispanos recruited from nearby villages. At first, Washington planned to discharge the volunteer service after the arrival of additional regular troops from Fort Leavenworth in Kansas. He thought the better of it, however, and kept these volunteers in cooperation with army regulars in service against the Navajos.<sup>247</sup> Volunteer *Nuevomexicanos* and the regular army fought side by side against the Navajos and had the desired effect of inducing them to terms of peace via a treaty.

To their surprise, certain military officials were generally impressed with the combat prowess of the volunteer Hispanos. In a letter to a territorial official in Santa Fe, Captain Henry B. Judd praised the actions of the New Mexico volunteer companies in their fight with the Navajos. He even went as far as recommending the employment of additional volunteer units in the territory. Judd particularly noted that the volunteer's familiarity with the region made them useful soldiers. He stated, "The necessity for their service seems the more important and their

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<sup>247</sup> McNitt, *Navajo Wars*, 134.

capabilities for the protection of this frontier more fully developed from their knowledge of the country and an increased degree of confidence in their own valor and military merits under strict discipline.” He desired the continuation of at least one of the volunteer companies after their term of service had expired, asserting, “I would therefore respectfully recommend [that] to secure their services as soon as possible, that authority be granted me to organize and muster in at least fifty of these men.”<sup>248</sup> Due to their perceived respectable efforts, a minimal number of the *Nuevomexicano* Volunteers would remain in service, albeit under very loose terms to be mustered upon the call of the federal military when needed. These men were very informally assembled and utilized by the military on an as-needed basis, and no actual legislation concerning a standing militia was forthcoming at this point.

Serving in capacities where the regular army couldn’t, almost every state and territory of the United States had long utilized civilian militias. In addition to participating in traditional wars, militias were commonly utilized as a solution to a weak standing army, being organized and deployed to deal with issues on state, territorial, or local levels. Employed with a more regional focus, local militias had been used to stem popular uprisings, engage in warfare with Native peoples, and recapture fugitive slaves among multiple other purposes. Usually recruited from the localities that saw such issues, antebellum militia volunteers had been almost universally Anglo-American men.<sup>249</sup> The concept of the citizen soldier was so strong in the United States that Congress passed the Militia Act of 1792 in which all able-bodied white male citizens, aged 18-45 were to be enrolled in a state or territorial militia to be used whenever local legislatures deemed necessary. However, the law’s greatest weakness was that it contained no

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<sup>248</sup> Judd to Adams, 25 August 1849, LR, DMN, RG393, NA, M1102, Roll 1.

<sup>249</sup> There were a few functional militias in Indian Territory consisting of Native American men. See Seth Fortin, “The Unextinguished Militia Power of Indian Tribes,” *American Indian Law Journal* vol. 2, no. 1 (Fall 2013).



penalties for non-compliance.<sup>250</sup> Therefore, indifference and the bureaucratic inability to adhere to the Act led to the disintegration of militia units in individual states and territories by the mid-nineteenth century. For example, by 1844, the militia of Indiana had not been mustered for twelve years.<sup>251</sup> Although the militia system was in decline throughout the United States, New Mexican civil authorities would soon endeavor to create an organized militia in the territory.

Rather than relying on a territorial militia to aid them, early military officials in New Mexico turned to an informal network of volunteers. Unlike standing militia companies, the military called up civilian volunteers very sporadically on an as-needed basis, offering no payment but the prospect of revenge and plunder. From 1849-1852, the military deployed New Mexican volunteer companies on several different occasions. One month after Washington's Navajo campaign, for example, a party of New Mexican volunteers, under U.S. Army Captain A.L. Papin, responded to the robbery of livestock by a group of Jicarilla Apaches. Military officials praised the subsequent expedition, particularly noting the ferocity of the volunteers. The militiamen, about forty in number, pursued the Apaches some twenty miles, confronted the Indians and killed at least five of them, including their chief, Petrillo. In a letter admiring the tenacity of the volunteers, Captain Henry B. Judd said that "the Mexicans composing Captain Papin's company exhibited much determination and gallantry, the great difficulty was the ability to restrain them." Their aggressiveness suggests that hatred between the settlers and Native people in New Mexico still ran deep. It also exemplifies that, as historian Durwood Ball claims, "Local militia had concrete stakes – homes, families, farms, and businesses – in their conflict's outcome, vengeance would come easily to them."<sup>252</sup> These civilian warriors thus took full

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<sup>250</sup> Doubler, *Civilian in Peace, Soldier in War*, 68.

<sup>251</sup> Riker, *Soldiers of the States*, 23.

<sup>252</sup> Ball, *Army Regulars*, 25.

advantage of the military's initial enthusiasm for allowing them to battle Native peoples as had been the custom before the U.S. claimed sovereignty over the region. Overall, Captain Judd was so pleased by the success of his company that he ordered the alcaldes in the vicinity of San Miguel, just to the east of Santa Fe, to enroll all the men of the settlements above the age of sixteen who were capable of bearing arms into a system of night police and patrols. There is no evidence that the residents strictly adhered to these orders, yet Judd's order shows that at least some military officials were indeed initially pleased with the service of *Nuevomexicano* volunteers.<sup>253</sup>

These New Mexican volunteer companies during the early U.S. era continued to be motivated by the honor of protecting one's community, vengeance, a desire to do physical harm to their traditional enemies, but they were also inspired by the prospect of payment in the form of stolen property. It had long been the policy, as far back as the Spanish period, for volunteer militia to be paid in booty and prisoners captured from Indians. The U.S. period was no different. The vast majority of Hispanos were generally poor, owning little land and engaging in small-scale agriculture and ranching.<sup>254</sup> They had, for hundreds of years, attempted to further their economic fortunes by obtaining prisoners, animals and other property from enemy Indians. The volunteer companies during the early U.S. era desired similar rewards for their service. They, therefore, received no pay other than what they took from the expeditions, and this payment system worked perfectly for a cash strapped War Department. Under this arrangement, there was little then that separated the actions of the volunteers from what many deemed Indian "raiding." Indian raids were usually organized for the purposes of enacting revenge and

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<sup>253</sup> Judd to Dickerson, 10 September 10 1849, LR, DMN, RG393, NA, M1102, Roll 1.

<sup>254</sup> Mitchell, *Coyote Nation*, 12.

obtaining property and prisoners. So too were these Hispano volunteer expeditions against independent Indians. The volunteers, for example, returned from the aforementioned Jicarilla expedition with one hundred and fifty head of cattle and other plunder. In a letter concerning the event, army Captain Henry B. Judd wrote: "As a trifling reward for their gallantry I have directed Captain Papin to retain for their use such articles of captured property as are not needed for the public service or claimed by those from whom they may have been stolen." The pilfering of Indian property was indeed a significant motivating factor for these volunteers to engage in military service, and although Anglo military officials generally shunned the practice of taking prisoners during this early period, the method would live on and be encouraged, especially during the Civil War.

With the relative success of these initial volunteer expeditions, certain officials considered the thought of further adding to the fighting force of New Mexico by employing the territory's Pueblo Indians. Since the return of the Spanish after being expelled due to the Pueblo Revolt of 1680, Pueblo communities possessed a certain level of autonomy seldom allowed Native peoples by a colonizing force. Pueblo communities generally governed themselves which included the independence of organizing their own militias. These Pueblo militias coordinated their own military expeditions against their enemies as well as assisted the Spanish and Mexican governments to battle independent Indians for almost 150 years. Yet, despite their relative autonomy and militia service, Pueblo Indians during the Spanish period were still considered socially inferior to non-indigenous inhabitants in New Mexico due to Spain's *casta* system. With Mexican independence in 1821, however, the new government implemented the *Plan de Iguala*, which abolished race as an official defining category. In theory, The *Plan de Iguala*

ensured that “race could no longer be legally used to prevent Indians, mestizos, and free fromestizos from exercising the citizenship rights enjoyed by whites.”<sup>255</sup>

In theory, Mexico granted all Native peoples in the nation the privileges of Mexican citizenship, but it was easier for non-Indigenous Mexicans to accept Pueblo citizenship over other Indians in New Mexico due to several factors which indicated to non-Native observers a degree of “civilization” among the Pueblo peoples. Many of these Pueblo communities, unlike various other indigenous groups in New Mexico, lived in what the Spanish and Mexicans perceived as towns. They had also maintained their own municipal governments, paid taxes, practiced agriculture, and held to at least a superficial adherence of Christianity.<sup>256</sup> Of particular importance to Mexican officials was that Pueblos had long organized their own militias and acted as auxiliaries to the armies of the Spanish and Mexican periods. As the United States claimed sovereignty over the region, they had similarly noted the supposed “civilization” of the Pueblo peoples. Many U.S. observers claimed that the Pueblo peoples possessed a civilization and industriousness even superior to the Hispano inhabitants of the region. Therefore, many Anglo-American officials saw the benefit in reviving the idea of Pueblo Indians serving alongside the regular military to combat enemy Indian nations.

In 1849, James Calhoun, the sole Indian agent for New Mexico, sought to persuade the federal government to allow Pueblo Indians to fight the Navajos, Apaches, and Utes, as they had done for hundreds of years under the Spanish and Mexican regimes. Since his appointment, Calhoun had spent a significant amount of time settling disputes concerning Hispano encroachment on Pueblo lands.<sup>257</sup> He was therefore very familiar with the Pueblo peoples and

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<sup>255</sup> Menchaca, *Recovering History, Constructing Race*, 161.

<sup>256</sup> Mora, *Border Dilemmas*, 38.

<sup>257</sup> Sanchez, *New Mexico: A History*, 125.

encouraged their participation in military endeavors. Like most residents of the territory, Calhoun was a firm believer that more troops would solve the territory's woes, and he saw in the abundant population of Pueblo peoples much needed military strength. Calhoun had frequently penned letters to the federal government in hopes that they would increase the troop strength in New Mexico. In a letter to Commissioner of Indian Affairs Orlando Brown, Calhoun claimed that the number of regular military soldiers in New Mexico was inadequate to subdue the independent Indians. He asserted, "It will not be a difficult matter for [the Indians] to elude the most piercing military eye in this territory. Look upon the maps and see the extent of country over which they roam and say, whether six hundred troops, of all arms, about one half infantry, are sufficient to check for a moment, these Indians in their irregular mode of warfare."<sup>258</sup> As it became clear that an increase in troop strength was not forthcoming, Calhoun saw the wisdom in augmenting regular troops with Pueblo Indians. In a letter to the subsequent Commissioner of Indian Affairs, William Medill, Calhoun pleaded for the use of Pueblo Indians to supplement the regular troops. He appealed to Medill: "Give me four companies of Dragoons and allow me to organize a force from the Pueblo Indians, with the means to subsist them, and to pay them, and my life for it, in less than six months I will so tame the Navajoes and Utahs that you will scarcely hear of them again."<sup>259</sup> Calhoun was therefore extremely enthusiastic about allowing Pueblo peoples the responsibility of battling independent Indians.

Many Pueblo peoples themselves, steeped in a long tradition of independently warring with their enemies, were also heavily in favor of being allowed to fight. On multiple occasions, the Pueblos petitioned the U.S. military for permission to make war upon enemy Indians. In

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<sup>258</sup> Calhoun to Brown, 7 November 1849, in Annie Heloise Abel, ed. *The Official Correspondence of James S. Calhoun While Indian Agent at Santa Fe and Superintendent of Indian Affairs in New Mexico* (Washington: Government Printing Office, 1915), 72-73.

<sup>259</sup> Calhoun to Medill, 29 October 1849, in Abel, *The Official Correspondence of James S. Calhoun*, 63.

October of 1849, the Zuñi Pueblo community applied to Colonel Washington to allow them to go to war against the Navajos. Initially, the Colonel did not comply with their request. In August of 1850, after two assaults by the Navajos upon Zuñi, during which they killed three residents and procured several animals, the *Gobernador*, the *Captain de Guerra*, and other Principal leaders from the Pueblo of Zuñi once again petitioned the military to allow them to organize and make war upon the Navajos. Like the *Nuevomexicano* population, the Governor of Zuñi articulated the need for their community to take matters into their own hands, as he was quite distraught by what he perceived as a lack of U.S. military protection of their pueblo. He stated that it wasn't sensible that as the Navajos were commencing war against Zuñi, the military was in the process of withdrawing troops from nearby Cibolletta and relocating them to Albuquerque. Unlike Washington, his successor, Colonel John Munroe heeded their petition and consented to the wishes of the people of Zuni, allowing them to go to war with the Navajos.<sup>260</sup>

James Calhoun, although a firm believer in the use of Pueblo auxiliaries, was apprehensive about this particular expedition due primarily to a lack of military oversight by Munroe. Colonel Munroe failed to issue the Zuñi people any orders other than a very general permission to make war upon the Navajo. This left the Zuñi people in charge of guiding New Mexican warfare without the input or management of either the military or territorial government. Even Calhoun, an early advocate for allowing Pueblos to engage in military service, wasn't willing to fully trust Native peoples to guide the trajectory of warfare in the territory independently. Pueblos should fight, he reasoned, but only if they were employed in cooperation and under the direction of an Anglo authority; either the military or civil government. Calhoun articulated his fears that "a general war between the Pueblo Indians and

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<sup>260</sup> Calhoun to Brown, 12 August 1850, in Abel, *The Official Correspondence of James S. Calhoun*, 250-251.

the Navajos, would beget results that every lover of humanity would deeply deplore – and the policy of permitting such a war, is a question for others to determine.” By not directly overseeing the Zuñi expedition, Calhoun believed that the military was failing in their duty to have a U.S. authority guide and supervise the course of warfare in New Mexico. In his view, allowing the Zuñi and Navajo to make war on each other without U.S. guidance and intervention would lead to disastrous consequences.

James Calhoun’s reluctance also stemmed from the fact that the Pueblo peoples as a whole were massively underequipped for the task of even temporary military service. In 1849 there were five hundred and ninety-seven men in the Pueblo of Zuñi, and only forty-two muskets and rifles. This left five hundred and fifty-five potential fighters without firearms. A chronic shortage of useful arms had long plagued the Pueblo people of New Mexico. In most cases, they had been relegated to using crude, antiquated, and largely ineffective weapons. American trader Josiah Gregg observed that during the Mexican era in New Mexico, “The weapons most in use among the Pueblos are the bow and arrow, with a long-handled lance and occasionally a fusil.”<sup>261</sup> The lack of Pueblo firearms endured long into the U.S. era. This fact concerned Calhoun greatly, and he stated that with so few firearms, the Zuñi expedition against the Navajo might “prove disastrous unless other Pueblos fly to the rescue.” He had therefore hoped that the Zuñi would ask for assistance with their expedition by applying to Colonel Munroe for a joint operation against the Navajos in cooperation with other Pueblo villages.<sup>262</sup> Without proper munitions, Calhoun reasoned that Zuñi defeat was all but inevitable. It’s not known if the Zuñi expedition against the Navajo ultimately failed or succeeded in its purpose.

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<sup>261</sup> Josiah Gregg, *the Commerce of the Prairies: The Journal of a Santa Fe Trader* (Dallas: Southwest Press, 1933. First Published 1844), 185.

<sup>262</sup> Calhoun to Brown, 12 August 1850, in Abel, *The Official Correspondence of James S. Calhoun*, 250-251.

Colonel John Munroe initially gave his blessing to the Zuni people to make war upon the Navajo, yet afterward, the U.S. military would only very seldom allow Pueblo peoples other opportunities to engage in militia service. Anglo-American racialized notions concerning Native peoples played a prominent role in this decision. Since acquiring the territory, Anglo American officials in New Mexico had lumped the Pueblo peoples into the overall community of Indians living within the United States. Their situation, however, was quite different from most other Native peoples as, under the Mexican *Plan de Iguala*, Pueblo peoples had obtained full citizenship which included the right to vote. Although other indigenous groups in New Mexico during the Mexican era theoretically held this status, the Pueblos were the only Native group in the region that actively exercised their rights as citizens. Although the U.S. Organic Act of 1850 conferred full rights of citizenship upon ex-citizens of Mexico who fell under the purview of the United States with the Treaty of Guadalupe Hidalgo, confusion arose over whether the Pueblo Indians, as indigenous peoples, were able to attain U.S. citizenship at all. Anglo policymakers ultimately felt that the Pueblo people, as Native Americans, were too “uncivilized” to merit U.S. citizenship. U.S. colonial administrators would eventually use boarding schools as a tool to attempt to acculturate and transform Pueblo Indian youth into individuals they felt worthy of citizenship consideration.<sup>263</sup> But for the time being the U.S. Congress ultimately decided that they would regard Pueblo peoples as all other indigenous people in the United States, rescinding their right to vote and denying them U.S. citizenship.<sup>264</sup> During the U.S. era, the Pueblo peoples saw their rights eroded which also included their right to engage in military service as they had done for centuries before the United States claimed sovereignty over the region.

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<sup>263</sup> Mitchell, *Coyote Nation*, 28.

<sup>264</sup> Menchaca, *Recovering History, Constructing Race*, 224-225.



Although allowing them to fight initially, Colonel John Munroe fairly quickly afterward suggested that the Pueblo Indians, as Indigenous peoples, should not be trusted in aiding the army militarily. Two years after he allowed the Zuñi's to make war upon the Navajos, Munroe's suspicion and distrust of the Pueblos surfaced. Munroe admitted that allowing the Pueblos to battle the Navajos in 1849 had been out of absolute necessity, yet he felt that it was too risky to continue to enable Pueblos to fight if not essential to the overall defense of the territory. It was tough for Anglo officials such as Colonel Munroe to differentiate Pueblo Indians as friend or foe, and many military officers imagined that Pueblo peoples were generally hostile toward the United States and allied with the independent Indians of New Mexico. Accordingly, Munroe, ignoring hundreds of years of historical precedent, wrote to Governor Calhoun that the Pueblos and Navajos were conspiring with one another to the detriment of the United States. Upon a request in 1851 by the Governor of Jemez that the military lend his community powder and lead to make war upon the Navajo, Munroe declined. The colonel stated, "At that time I am led to believe the intercourse between the Pueblos of Jemez and the Navajoes was not beyond suspicion and I would not now, feel myself at liberty to supply them with public ammunitions, without a very evident necessity."<sup>265</sup> Munroe and other military officials continued to remain extremely hesitant to use Pueblo peoples for military service. Joseph King Fenno Mansfield, in his report on the condition of New Mexico in 1853, curtly stated that the Pueblo people should play no role in assisting the United States militarily. Concerning the Pueblos, Mansfield made a claim, "No reliance whatever can be placed on this class of the population for national defense as militia, or even against the wild Indians."<sup>266</sup> By virtue of these racialized attitudes by the military, Pueblo peoples were rarely ever used again for the defense of the territory during the

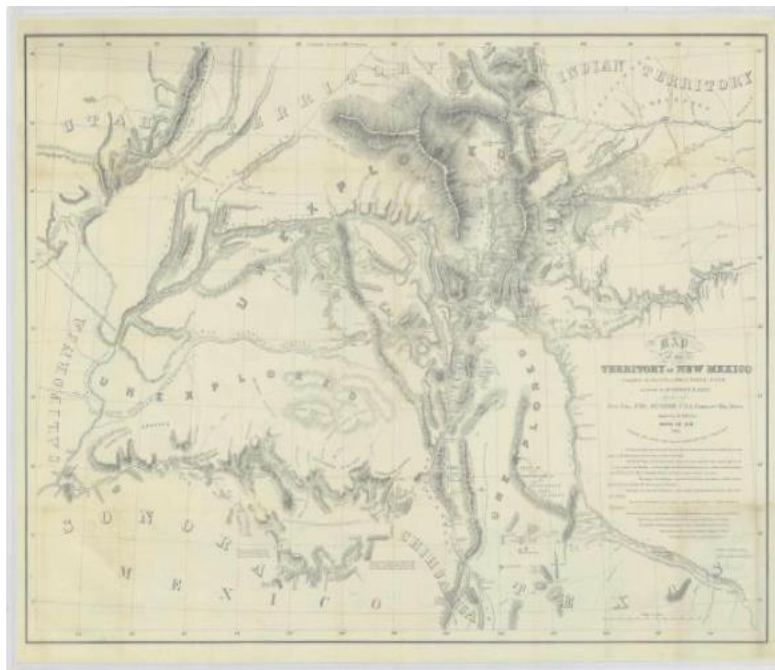
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<sup>265</sup> Munroe to Calhoun, 31 March 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 312.

<sup>266</sup> Frazer, *Mansfield on the Condition of the Western Forts*, 8.

early U.S. period. Yet, the civil government would still endeavor to make Pueblo militia service a reality.

In March of 1851, the federal government promoted James Calhoun as the first civilian Governor of New Mexico, and he wasted little time in attempting to utilize both Hispanos and the Pueblo Indians for military service against independent Indians.<sup>267</sup> On March 18, 1851, the new governor had issued an announcement that attempted to establish the territory's first civilian fighting force during the U.S. era. Calhoun issued the first proclamation of the U.S. period in New Mexico that called for the wholesale organization of non-indigenous civilian warriors all across the territory. In his announcement, Calhoun ordered the formation of citizen volunteer companies in every corner of the territory for "service against hostile Indians." Calhoun ordered: "All able-bodied male citizens of the Territory, capable of bearing arms, [form] Volunteer Corps to protect their families, property and homes." The governor himself was to commission the officers of all companies, and they were to report to him their strength and numbers.



<sup>267</sup> The Governor of New Mexico had initially also served as the Superintendent of Indian Affairs in the Territory; the two offices being combined at the time.

Illustration 2.1: This map of the Territory of New Mexico in 1851 illustrates how little the U.S. understood the region upon conquest. Maps and charts no. 1851-NM, "Map of the Territory of New Mexico," 1851; Records of the Office of the Chief of Engineers, 1789-1999, Record Group 77; National Archives at College Park, College Park, MD.

Afterward, these companies would be authorized to pursue and attack any hostile Indian groups who may have entered the settlements for the purpose of plunder.

Calhoun attempted to place limits on the order. He made clear that the volunteer companies were only to be used for self-defense against enemy Indians. They were not to go out into Indian country without the permission of either the military or territorial government. He also threatened that the full force of the law would be brought upon any of these organized bodies who committed unlawful acts. He stated, "I also remind those who may volunteer in any such company, that the law will be strictly enforced against any persons who shall use this manner of protection to the inhabitants of the Territory, as a pretext for any depredations upon or invasions of property by the peaceable citizens of New Mexico; the intention being to put in force the means which are in the power of the people for their benefit, and not that a license for injury to them shall be the result." Therefore, the proclamation was not a blank check given to the civilians to inflict violence upon just anyone. Rather, the proclamation was a means of self-defense against Indian groups only to be used in accordance with the permission of the governor or military commander.<sup>268</sup>

One day after issuing the proclamation, in an order which apparently flew in the face of the inclinations of Colonel Munroe, Calhoun also gave the Pueblo Indians permission to organize and make war expeditions against independent Indians if they so desired. In an order to the

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<sup>268</sup> Calhoun to the People of Said Territory, 18 March, 1851, SDTP, NM, RG 59, T17, Roll 1.

Caciques, Governors, and Principals of the Pueblos, Calhoun stated that for the purposes of either “chastisement” or “the extermination of hostile Indians...you are directed to abstain from all friendly intercourse with the Navajo Indians and should they dare to come into your neighborhood, you are authorized to make war upon them, and to take their animals and such other property as they may have with them, and to make divisions of the same according to your laws and customs.” Indeed this was a broad-ranging order, but Calhoun tried to curb the power of such unsupervised expeditions by stating that warfare be limited to “hostile Indians” only if they entered their communities. He also required that the Pueblos must remain in constant contact with the military commanders should they decide to make war, adding that they should “be exceedingly careful to prevent and prohibit that the least trouble shall be given to the persons and property of all Americans, Mexicans, and Pueblos.”<sup>269</sup> The new governor had tried to maintain a middle ground, allowing Pueblos to defend their communities while attempting to keep the military on board as a supervisory force. Despite the military powers that these proclamations theoretically gave the Pueblos and Hispanos, the New Mexico legislature would then endeavor to enact a more potent law calling for the creation of an official territorial militia.

Although standing militias were, by and large, declining throughout the United States, the civil officials of New Mexico saw the benefit in attempting to organize such a force within the territory. Following Calhoun’s proclamations, the House of Representatives and Council Chamber of the Territory of New Mexico, which consisted primarily of wealthy Hispanos with backgrounds in clergy and land ownership, knew that they needed a legitimate law on the books to commission a functioning territorial militia. To do so, the legislature felt they required the

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<sup>269</sup> Calhoun to the Cacique, Governors and Principals of the Pueblos, 19 March 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 301-302.

permission of the federal government. In 1851, they petitioned President Millard Fillmore to give the federal authority to enact a militia law in the territory. The petition was highly critical of the U.S. military and spelled out the need for a federally mandated territorial militia. The petition stated that

“Some few days since a party of Navajoes made a descent upon the Pueblo of Isletta one of the numerous villages upon the Rio Grande and drove off a large number of animals, successfully completing the robbery and escaping a rescue, while the officers and soldiers of the regular army were quietly reposing in quarters at Albuquerque and Socorro. The undersigned would respectfully suggest to your Excellency, that the masterly inactivity of the Government troops does not afford that protection from foray and rapine which the present unhappy and distracted state of this Territory imperatively demands; and in view of these facts and of the unguarded situation of the lives and property of our citizens the undersigned respectfully request of your Excellency first that sufficient arms and munitions of war be supplied to the Territory to equip and furnish a militia and volunteer force to be raised in the Territory – Second, that ample power be delegated to the Executive officer of the Territory to call forth the Militia and to offer sufficient inducement to volunteer corps as shall command ready and effectual men at arms... Your excellency will permit your memorialists to urge the great necessity of the above suggestions and petition upon your consideration inasmuch as the experience of the last two years has with frightful and appalling events of murder and robbery convinced the minds of your memorialists and their constituency of the utter inefficacy of the regular troops to save and protect the Territory from lawless savages upon our frontiers and roaming bandits in our midst. The best interests of our constituents and the Territory would be more effectually shielded by men who will fight for their altars and their firesides, than by disciplined troops however powerful and intrepid who seem disposed to recline upon the glory of past triumphs and are reluctant to tarnish by petty skirmishes with hordes of half-naked savages.”<sup>270</sup>

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<sup>270</sup> The House of Representatives of the Territory of New Mexico to President Millard Fillmore, 30 June 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 367.

The territorial government's call for a militia was heavily motivated by a perceived lack of military manpower in New Mexico. The harsh wording of the petition made known the legislature's unenthusiastic perception of the military. Not only did the territorial legislature voice their concerns that the military was ineffective, but they also painted a picture of the military as too grandiose to be bothered with battling Indians whom they described as fragile and feeble. The depiction of an ostentatious army was juxtaposed with a representation of "half naked savages." These images were offset by the legislature's interpretation of civilian warriors as resolutely fighting to protect their homes. They had ultimately hoped that the federal government would note this disorderly atmosphere in New Mexico and ultimately emphasize with the alleged noble deeds of the civilians, allowing for the creation of a standing territorial militia.

The military in New Mexico was well aware of the ill feelings toward them by the territorial government and inhabitants. Military officials argued that money-hungry charlatans mainly instigated such negative portrayals. Colonel John Munroe took issue with the allegations against the military in New Mexico. He responded to these inflammatory claims by stating that the people of New Mexico who were criticizing the army was led by

“...a disregard for facts from motives of self-interest. Various statements emanating from persons in this Territory and circulated in the United States through the public prints...having in view to disparage the military force in this Department and more immediately commanding officers, teem with direct violation of truth or with gross misrepresentations intentionally made. The objects mainly to be attained being to prepare the public mind and the congress of the United States to consider favorably the claims proposed to be set up for the payment of all the stock which has been or which they will represent to have been driven off by the various bands of surrounding Indians- through the supposed neglect of the government to give that protection which has been guaranteed by the people of the territory, and by deprecating the

services of the regular army, expect that Congress will authorize the creation of a local force as a substitute or partial substitute for it."<sup>271</sup>

In Munroe's view, the citizens of New Mexico were intentionally disparaging the regular army so that they could receive compensation for lost property and so that Congress would be more sympathetic to authorizing an official militia system in the territory.

Despite Munroe's claims, all available evidence points to the assertion that civilians and the territorial government did indeed believe that the military was too idle and ineffective. Indeed, there were residents who may have exaggerated the number of Indian "depredations" to receive compensation from the government. Yet, inhabitants in the territory were increasingly desperate to expand the overall number of troops available to patrol the region. The inhabitants and the territorial government had pleaded with the federal government to increase the number of troops in New Mexico numerous times. In 1850, citizens of Santa Fe sent a petition to President Zachary Taylor which stated, "Indian troubles at this moment are of a more terrible, and alarming character, than we have ever known them before. We feel confident Sir you are ready and willing to give us all proper aid and protection, and that the Congress of the United States will promptly place at your disposal the means necessary to affect that object... We beg for an adequate mounted force to accomplish these ends, and we further pray there may be no delay in sending them to our rescue."<sup>272</sup> In February of 1852, Governor James Calhoun wrote to the Commissioner of Indian Affairs Luke Lea. In similar language to the Santa Fe petition, Calhoun claimed, "the troops of the United States are at present totally useless, on account of the inability of the mounted men to perform their duty, the feeble and half-starved condition of their horses will not allow them to travel, and infantry is of no use whatever." He ominously added: "If such

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<sup>271</sup> Munroe to Jones, 30 March 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 310-311.

<sup>272</sup> Calhoun to Brown, 27 February 1850, in Abel, *The Official Correspondence of James S. Calhoun*, 158.

outrages continue much longer, our Territory...will be left a howling wilderness, with no other inhabitants than the wolf, and the birds of prey hovering over the mangled remains of our murdered countrymen."<sup>273</sup> Similarly, in less dramatic language, Colonel Munroe himself even concurred that an increase in regular troops would better serve the department. On March 15, 1850, Munroe wrote a letter to the Assistant Adjutant General detailing the insufficiency of the cavalry force in the department. He stated that if military officials withdrew any cavalry without being replaced, "I apprehend the most serious consequences."<sup>274</sup> The call for additional troop numbers had become a recurring theme in the territory that would continue for decades. The perceived necessity of increasing the number of troops in order to transform the military into a more formidable force was indeed at the forefront of the minds of many of the territory's inhabitants. The military's detractors in the territory certainly weren't only opportunistic individuals attempting to increase their own wealth, as Munroe had claimed.

There is no evidence that the President responded to the legislative assembly's petition to establish a territorial militia. Nevertheless, soon after in July of 1851 the territorial assembly drafted the first militia law of the U.S. era in New Mexico.<sup>275</sup> The Legislative Act to Organize the Militia of New Mexico made law that any male inhabitant of the territory over eighteen and under forty-five years of age, barring any disability and not being clergy, were required to constitute the militia of the territory. This territorially mandated militia was to consist of three divisions. The first division encompassed the far northern counties of Taos and Rio Arriba which was to be called the Northern Division. The second division consisted of the counties of Santa Fe and San Miguel and was labeled the Central Division. The final division included the

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<sup>273</sup> Calhoun to Lea, 29 February 1852, in Abel, *The Official Correspondence of James S. Calhoun*, 487.

<sup>274</sup> Munroe to Freeman, 15 March 1850, in Abel, *The Official Correspondence of James S. Calhoun*, 188.

<sup>275</sup> Sanchez, *New Mexico: A History*, 120.



counties of Santa Ana, Bernalillo, Socorro, Valencia, and any villages lying south of the Jornada del Muerto, which was to be the Southern Division. Each of these divisions were to be divided into brigades, regiments, battalions, and companies.<sup>276</sup> The territorial legislature, therefore, took it upon themselves to enact the territory's first militia law which would quickly become the basis of much confusion and conflict between the territorial government and military in New Mexico. It's also unclear if this law applied to the numerous Pueblo communities throughout the territory.

This long and comprehensive piece of legislation itemized all of the particulars relating to militia duty, with more regulations than could be realistically adhered to with such a sparse government presence in New Mexico during this time. The militia law established the office of the Adjutant General of the Territory, called for the democratic election of militia officers, and allowed for the governor or department commander to call out the militia in times of need. The law also outlined the various officer designations to be adhered to, as well as necessitating yearly muster and inspection orders. Militia officers could appeal to the governor to make a campaign against an enemy provided that they conducted themselves according to the rules and customs of the laws of the United States. Most significantly, the law laid out that the only payment that the officers and men were to receive was to be captured property taken during campaigns to be split evenly between the militia company. Punishment for poor conduct during expeditions was the withholding of such spoils of war from the offender.<sup>277</sup>

Evidence shows that the residents of New Mexico only superficially adhered to the Act to Organize the Militia of New Mexico due to there being almost no bureaucratic way to ensure they were adequately following the new law, as well as the fact that *Nuevomexicanos*, like their

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<sup>276</sup> An Act to Organize a Militia of New Mexico, 10 July 1851, SDTP, NM, RG 59, NA, T17, Roll 1.

<sup>277</sup> *Ibid.*

Pueblo counterparts, were sorely lacking in firearms. A large portion of New Mexican citizen soldiers during the Spanish, Mexican, and U.S. periods had been relegated to utilizing bows and arrows or fighting hand to hand. During the 1830s, American trader Josiah Gregg noted the New Mexican militia's lack of effective weaponry, stating, "A great portion of the militia are obliged to use the clumsy, old-fashioned *escopeta*, or firelock of the sixteenth century; while others have nothing but the bow and arrow, and sometimes the lance, which is in fact a weapon very much in use throughout the country."<sup>278</sup> Things were no different during the early U.S. era in New Mexico. In 1851, one concerned resident wrote to James Calhoun that the citizens of Taos and Rio Arriba, "Labour under much difficulty for the want of arms as most of them have but their bows and quivers of arrows and in this respect possess no advantage over the Indians. I am well satisfied that could arsenals and arms be distributed through this country, so that these people could be furnished with arms and ammunition whenever they wish to carry on an expedition of this kind."<sup>279</sup> The necessity of supplying civilian soldiers with proper firearms would soon become yet another point of contention between the settlers/territorial government, and the U.S. military.

Most settlers, therefore, didn't have the arms available to create active militia companies under the new law. Civilians could only properly follow the act if the military or civil government supplied useful weapons to the civilian population. This would prove to be more complicated than the legislature had imagined. On many separate occasions, Governor James Calhoun begged the federal government to supply the territory with firearms. On March 31, 1851, Calhoun petitioned the federal government for more weapons, claiming, "We need

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<sup>278</sup> Gregg, *Commerce of the Prairies*, 145.

<sup>279</sup> Wheaton to Calhoun, 20 September 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 427.

munitions of war of every kind. These we have not, and our treasury is empty. Has Congress provided the means to aid us?"<sup>280</sup> One month later, he again asked the federal government for a supply of weapons. Calhoun claimed, "There are but few...difficulties or annoyances that I could not remedy, at an early moment, if I had the means - - that is to say munitions of war."<sup>281</sup> Despite these pleas, the federal government seldom agreed to supply firearms for the purposes of arming the militia. Lack of serviceable weapons would be only one of the many reasons that the militia law of 1851 would rapidly fall into obscurity.

The militia law would also suffer because of the actions of one Colonel Edwin Sumner.<sup>282</sup> Nine days after the New Mexican legislature drafted the Act to Organize the Militia of New Mexico, new Department commander Edwin Sumner replaced John Munroe and arrived for duty in New Mexico. Sumner's arrival kick-started an era of conflict between the territorial government and federal military officials, mainly concerning civilian warfare, that guided the course of the institution for decades.

Upon his arrival, Sumner was directed by his superiors to carry out changes in the department which were intended to provide more efficient protection at less cost.<sup>283</sup> In his letter notifying Sumner that he was to command the Ninth Military Department, Secretary of War Charles Magill Conrad articulated, "It is believed that material changes ought to be made in that department, both with a view to a more efficient protection of the country and to a diminution of expense."<sup>284</sup> The letter outlined ways in which Sumner was to cut costs in the territory while

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<sup>280</sup> Calhoun to Stuart, 31 March 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 306.

<sup>281</sup> Calhoun to Stuart, 2 April 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 313-314.

<sup>282</sup> Edwin Vose Sumner was born in Boston in 1797. He was a stern military commander who had fought in various wars against Native Peoples, as well as serving with distinction in the U.S.-Mexico War.

<sup>283</sup> Frazer, *Forts and Supplies*, 61.

<sup>284</sup> Conrad to Sumner, 1 April 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 383-384.

trying to maintain an adequate measure of defense; two seemingly contradictory goals.

Sumner's first assignment was to relocate the remaining troops from the settlements and station them in strategically placed forts. These new posts were generally situated several miles distant from the settlements and towns. Sumner felt the need to break up the military establishments among the settlements because he believed they were "expensive and useless."<sup>285</sup> For these new forts to be as cost-effective as possible, the military tasked soldiers with building these fortresses as well as farming their own subsistence.

Already suffering due to the perceived lack of troops in the territory, Sumner's wholesale removal of the soldiers from the towns further alienated the military from the civilian population. The residents of Doña Ana in southern New Mexico, for example, petitioned James Calhoun for the soldiers not to abandon their settlement. Using language that hearkened to their past masculine obligation to protect their families, the residents argued, "The execution of such a movement would bring imminent peril to us, to the extent that our lives and wives and families might be sacrificed and lose the little we have to live upon and will be exposed to the fury of the bloody hands of the Apaches, just as we have in the past years."<sup>286</sup> The citizens of El Paso County, located in far west Texas but still under the purview of the Ninth Military Department, also petitioned against the removal of the troops from both the fort located within the town and one at nearby San Elizario. These inhabitants believed that the removal of the troops from their community to some seventy miles away "has paralyzed all and everything." They had claimed

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<sup>285</sup> Sumner to Jones, 1 January 1852, in Abel, *The Official Correspondence of James S. Calhoun*, 433-434.

<sup>286</sup> Rodriguez and Others to Calhoun, 8 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 402-403.

that many of the citizens had, as a consequence, abandoned their farms and homes and retreated to El Paso (present-day Ciudad Juárez) on the Mexican side of the border.<sup>287</sup>

Edwin Sumner quickly dismissed these criticisms and similar to his predecessor argued that fault finders of his decision to abandon the settlements were motivated more by money than the need for protection. In response to several petitions by the citizens against the removal of the troops from Santa Fe, Colonel Sumner callously stated: “I understand that many applications have been made to the government, by the people of Santa Fe, to have the troops ordered back there. I have no hesitation in saying, that I believe most of these applications proceed directly or indirectly from those who have hitherto managed to live, in some way, from the extravagant expenditures of the Government, I trust their petitions will not be heeded.”<sup>288</sup> It is indeed true that the soldiers stationed within the towns injected comparatively large sums of money into these communities.<sup>289</sup> Yet, Sumner never wanted to admit that the settlements were indeed left in great peril upon the desertion of the troops.

It didn’t take long for Department Commander Edwin Sumner and territorial governor James Calhoun to come into conflict concerning various matters including civilian warfare in New Mexico. Almost immediately the two men diverged concerning the appropriate way to deliberate with the territory’s vast number of Native peoples. Calhoun believed that Sumner was blocking his attempts to confer with Indians properly. According to historian Howard R. Lamar, “Sumner felt that he himself was the logical director of Indian relations and the savior of that worthless country.”<sup>290</sup> In August of 1851, Sumner had planned to carry out a punitive expedition

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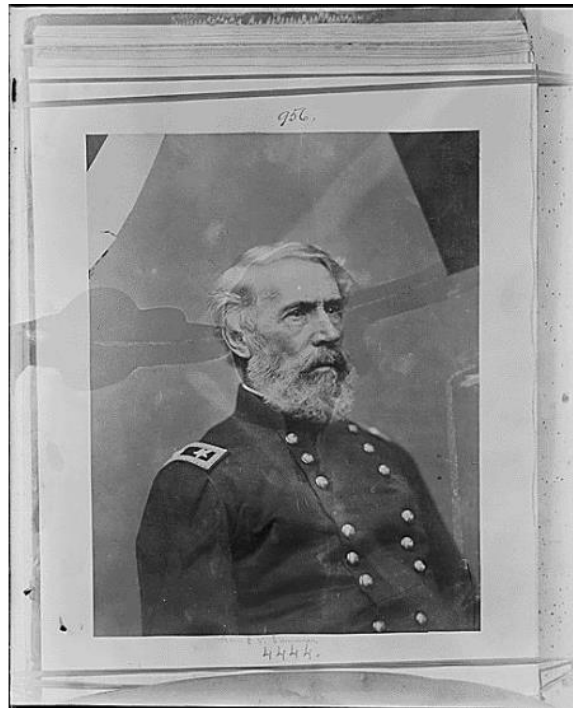
<sup>287</sup> El Paso County Petition to President Fillmore, undated, LR, DMN, RG393, NA, M1102, Roll 6.

<sup>288</sup> Sumner to Jones, 24 October 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 416-417.

<sup>289</sup> Frazer, *Forts and Supplies*, 2

<sup>290</sup> Lamar, *The Far Southwest*, 83.

against the Navajo. As a matter of policy, Calhoun requested that Indian agents accompany the military on their expedition in order to negotiate and communicate with the Navajos if need be. Sumner refused to allow any Indian agents to accompany his expedition citing curtly, “With regard to the transportation and subsistence of Indian Agents, I would remark, that no allowances, whatever, can be made to any person from army supplies, not provided for, by express law.”<sup>291</sup> Sumner’s actions were contrary to federal policy, as regular troops were not to pursue alleged Indian depredators until the local federal Indian agent investigated and confirmed the report of violence and requested military intervention.<sup>292</sup> However, as historian William G.B. Carson argues, Sumner was resentful of the presence of a civil government in New Mexico and thought that all authority should have been vested in him.<sup>293</sup> Sumner’s unwillingness to bring along federal Indian agents on his military excursion against the Navajos seem to reinforce that statement.



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<sup>291</sup> Sumner to Calhoun, 8 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 397.

<sup>292</sup> Ball, *Army Regulars*, 17.

<sup>293</sup> William G.B. Carson, ed. “William Carr Lane, Diary,” *New Mexico Historical Review* 39, no. 3 (July 1964): 187.

Illustration 2.2: Colonel Edwin Sumner, Commander of the Department of New Mexico from 1851-1853. Photograph no. 111-B-4444; “Gen. Edwin V. Sumner, 1860-1865; Mathew Brady Photographs of Civil War-Era Personalities and Scenes, 1921-1940 Records of the Office of the Chief Signal Officer, 1860-1985, Record Group

James Calhoun believed that the accompaniment of Indian agents on expeditions such as these were absolutely necessary not only because it was the policy of the United States but because non-violent negotiation would be preferable to an aggressive encounter. Sumner’s decision to not take Indian agents on military expeditions set a dangerous standard in which relations with Indians were left solely in the hands of the military. Sumner also refused to provide military escorts to civil officials attempting to visit nearby Native nations. This angered Calhoun and in a letter to the Commissioner of Indian Affairs concerning a proposed journey to conferr with the Gila Apaches, he stated, “I shall not be able to visit the Gila Apaches, as I intended, and deemed absolutely necessary, because Col. Sumner declines affording this Superintendency escorts for my purpose – If this course is in pursuance of instructions from Washington, our Indian Affairs must be conducted by the officers of the army, or they must be neglected.”<sup>294</sup> With no way for Indian agents or other civil officials to reach the Indian nations in New Mexico, these men would not be able to negotiate with this diverse array of peoples effectively.

The New Mexican Indian Agents themselves began to lament that by not providing escort to Indian country, Edwin Sumner was not allowing them the essential means to do their jobs. In a joint letter to the Commissioner of Indian Affairs, the New Mexico Indian agents said, “In this

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<sup>294</sup> Calhoun to Lea, 22 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 401.

state of things, we feel that it is impossible for us to render that efficient aid to the public service, that our duties require...How is it possible for us as Indian Agents to discharge the important duties devolving upon us when all the facilities of performing the same are withheld by the military officers in command?"<sup>295</sup> These agents believed that they had no choice but to stand idly by as the military, an entity designated for warfare rather than negotiation, dictated the course of relations with Native peoples. It appeared that the relationship between the civil and military authorities in the territory was growing incredibly sour.

In light of these events, James Calhoun appealed to Washington to give him instructions on how he was to conduct Indian affairs when Sumner appeared to be blocking his every attempt. Replies were not forthcoming. William G.B. Carson argued that "so far as Washington was concerned, New Mexico might just as well have been on another planet, and no one there took the slightest interest in its vote-less inhabitants."<sup>296</sup> The lack of federal response to Calhoun's pleas reaffirms this statement. Time and time again, Calhoun grumbled that he had received no word from Washington on any matter whatsoever. This was a severe source of frustration for him, as he sought advice and authorization concerning a host of territorial matters. Without proper guidance from Washington, Calhoun was unsure if he was indeed following proper protocol. In one communication he claimed, "[I am] without means or instructions, and without a satisfactory guarantee that my actings and doings will be approved."<sup>297</sup> In August, Calhoun complained to the Commissioner of Indian Affairs: "The mail from the states arrived on the 29th without bringing me a word of instructions from Washington, and you must feel that I

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<sup>295</sup> Woolley, Wingfield, and Greiner to Lea, 29 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 421.

<sup>296</sup> Carson, "William Carr Lane, Diary," 182.

<sup>297</sup> Calhoun to Lea, 28 February 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 295.



am sorely troubled at the embarrassments which surround me."<sup>298</sup> In April of 1852, a highly frustrated Calhoun again complained to the Commissioner, "If the government of the United States intends on doing anything for our protection for Heaven's sake let us know and allow us an opportunity for each one to look out for himself and allow us an opportunity to leave as soon as possible."<sup>299</sup> Even Colonel Munroe, during his tenure as Department Commander, had been aggravated with the lack of communication from Washington. In March of 1850, Munroe wrote to the Assistant Adjutant General, "I have not received an acknowledgment of a single official communication written since my arrival on the 23rd October last."<sup>300</sup> It seemed as though both civil and military officials in New Mexico were to try to administer New Mexico with minimal direction from federal authorities in Washington.

Due to the almost complete absence of communication from Washington, James Calhoun was left entirely in the dark regarding whether federal law allowed him the permission to call out the newly established militia. Since the drafting of the Militia Act of 1851, Calhoun was not convinced that he held the independent authority to call out the militia without having to rely on the approval of the military department. Although territorial law gave the governor authority to independently assemble the militia, it was unclear under federal law as to whether or not he could actually wield that power. On at least seven different occasions from 1851-1852, Calhoun wrote to the federal government pleading that they grant him the authority to call out the militia. In one instance, Calhoun wrote, "At the moment the necessity of an organization of the militia is oppressively felt...until we can procure munitions of war, and the Executive is clothed with authority to call out the militia, there will be no quiet in this territory."<sup>301</sup> In another letter, he

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<sup>298</sup> Calhoun to Lea, 31 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 414.

<sup>299</sup> Calhoun to Lea, 6 April 1852, in Abel, *The Official Correspondence of James S. Calhoun*, 515.

<sup>300</sup> Munroe to Freeman, 15 March 1850, in Abel, *The Official Correspondence of James S. Calhoun*, 188.

<sup>301</sup> Calhoun to Conrad, 31 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 413.

appealed to the federal government, declaring, “We need munitions of war, and the authority to call out the militia to preserve internal quiet and to repel aggressions at points which cannot be supported by the troops of the United States.”<sup>302</sup> Again in 1851, Calhoun wrote to Washington maintaining, “The people are uneasy, and with arms and munitions of war, and the bare authority to call out the militia, confidence would prevail, and the means of properly conducting our Indian relations in this territory would secure quietude.”<sup>303</sup> Despite these anxious pleas, Calhoun would never receive the answer he had so desperately sought.

Unlike James Calhoun, Edwin Sumner held no enthusiasm for using a civilian militia in the fight against the independent Indians of New Mexico. This could have been, in part, due to Sumner’s disparaging views of the *Nuevomexicano* population. After the Treaty of Guadalupe Hidalgo, a process of racialization occurred in New Mexico. New Anglo Americans in the territory, small in number as they were, tended to seize elite positions: governors, judges, military commanders, etc. These elite Anglos brought with them racialized and gendered notions concerning *Nuevomexicanos* that had a marked impact on New Mexican communities. These newcomers generally considered Hispanos and Native peoples in New Mexico as racially and culturally inferior to themselves as they believed that Hispanos in New Mexico to be a product of racial mixing, which to the racialized scientific rhetoric of the time led to negative physical and mental traits. Anglo Americans also tended to use the label “Mexican” as a distinct monolithic racial rather than a national marker of identity and they used this term on one racial group: *mestizos*, or individuals of mixed European and Native American ancestry.<sup>304</sup> Therefore, to Anglo Americans, Hispanos in New Mexico were simply “Mexican,” with all the negative

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<sup>302</sup> Calhoun to Webster, 30 June 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 362.

<sup>303</sup> Calhoun to Lea, 22 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 402.

<sup>304</sup> Mora, *Border Dilemmas*, 5.

racial connotations that the label carried with it. How Anglo Americans perceived these people also influenced their perceptions of themselves. According to historian Anthony Mora, “Distinguishing Mexican as a racial group afforded Euro-Americans an inverted mirror in which they could assert their own sense of national and racial identity as superior. If Euro-Americans were “pure whites,” then Mexicans must be “mongrels”; if Euro-Americans were industrious, then Mexicans must be lazy.”<sup>305</sup>

Anglo Americans also continuously denigrated Mexican masculinity. Anthony Mora argues that to Anglo men saw “Mexicans’ gender and sexual behavior as the most obvious evidence of racial difference.”<sup>306</sup> White American men frequently contrasted their supposed superior gendered ideas of themselves against that of Mexican men. Concerning ethnic Mexican males, the *Southern Quarterly Review* in 1847 stated, “the mass of the male sex is selfish, false, reckless, and idle.”<sup>307</sup> To be morally virtuous and industrious were core tenants of Anglo American masculinity, traits that they did not accord ethnic Mexican men. White Americans also frequently stripped away Mexican masculinity by feminizing the men. Former U.S. minister to Mexico Waddy Thompson, for example, claimed that “I do not think that the Mexican men have much more physical strength than our women.”<sup>308</sup> Gendered notions such as these caused many Anglo Americans to question ethnic Mexican citizenship, fitness to hold positions of power, and effectiveness in military combat.

From the beginning of the U.S. era in New Mexico, military officials were known to make derogatory remarks concerning *Nuevomexicanos* which ultimately conveyed their opinion

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<sup>305</sup> *Ibid.*, 44.

<sup>306</sup> *Ibid.*, 136.

<sup>307</sup> “Mexico, Her People and Revolutions,” *Southern Quarterly Review* 12 (October 1847): 371.

<sup>308</sup> Waddy Thompson, *Recollections of New Mexico* (New York: Wiley and Putnam, 1846), 172.

that these people were generally unfit to serve as citizen-soldiers. Military officials often held Hispanos with disdain, labeling them as indolent, degenerate, undependable, dishonest, impoverished, and addicted to gambling and other vices.<sup>309</sup> Edwin Sumner himself had made many disparaging remarks concerning *Nuevomexicanos* in 1852. Not only had he described them as “stupidly ignorant,”<sup>310</sup> but in a letter to Secretary of War Conrad in 1852, Sumner used gendered language to emasculate the residents of El Paso due to their recent objection to having troops removed from their town. Sumner proclaimed, “If these Mexicans when banded together in large numbers, have not the manliness to defend themselves from small parties of roving Indians, they deserve to suffer.”<sup>311</sup> In a similarly scathing report to Washington, Sumner declared that “The New Mexicans are thoroughly debased and totally incapable of self-government, and there is no latent quality about them that can ever make them respectable. They have more Indian blood than Spanish, and in some respects are below the Pueblo Indians, for they are not as honest or industrious.”<sup>312</sup> In 1853, Colonel Joseph King Fenno Mansfield made similar observations in his report on the condition of the military in New Mexico. He proclaimed, “[These people] as a body are ignorant, and as a community jealous.” He added: “I think I can safely say, that no reliance whatever can be placed on them as militia to defend the Territory...they are not warlike and are incapable of defending their property against the Indians as a general thing.”<sup>313</sup> With his statement, Mansfield had ignored the fact that these residents had been obligated to defend their communities long before the United States entered the region. Yet, it’s clear that racial attitudes among Anglo American officials concerning *Nuevomexicanos*

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<sup>309</sup> Nostrand, *The Hispano Homeland*, 106.

<sup>310</sup> Sumner to Calhoun, 14 April 1852, in Abel, *The Official Correspondence of James S. Calhoun*, 527.

<sup>311</sup> Sumner to Conrad, 27 March 1852, in Abel, *The Official Correspondence of James S. Calhoun*, 516.

<sup>312</sup> Lamar, *The Far Southwest*, 83.

<sup>313</sup> Frazer, *Mansfield on the Condition of the Western Forts*, 7.

made the inhabitants ineligible in the eyes of some officials in aiding in the fight against independent Indians.

The ramifications of this racialized rhetoric upon the people of the new U.S Southwest were great. Although considered “white” under the law and technically given all the rights of U.S. citizenship, most ethnic Mexicans were generally accorded inferior legal rights.<sup>314</sup> Anglo Americans fairly quickly occupied positions of power and multiple land grants respected since the Spanish era were considered void. Court decisions concerning a variety of issues generally favored Anglo newcomers, and Mexican Americans of the Southwest quickly became a marginalized people. New Mexico was, however, able to halt prejudicial legislation longer than many other areas in the U.S. southwest due to its relatively high percentage of inhabitants of Mexican descent. Unlike California and Texas, which attracted large numbers of Anglo Americans, 90.9 percent of the population of New Mexico in 1850 were Hispanos.<sup>315</sup> Even by 1900, Hispanos would still constitute two-thirds of the New Mexican population.<sup>316</sup> Therefore, despite a substantial increase in the Anglo American population, Hispanos in New Mexico continued to hold considerable political power, wealth, and status, and Hispano culture persisted.<sup>317</sup> Yet, during the U.S. era, Nuevomexicanos saw their status as citizens continue to erode, and their calls for self-defense was one way in which they attempted to preserve their rights, traditions, and notions of citizenship. Anglo American officials still however brought with them these racialized views which reinforced their own supposed racial superiority while

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<sup>314</sup> Menchaca, *Recovering History, Constructing Race*, 215.

<sup>315</sup> Nostrand, *Hispano Homeland*, 19.

<sup>316</sup> *Ibid.*, 6.

<sup>317</sup> Mitchell, *Coyote Nation*, 4.

causing harm to the New Mexican population. It would only be a matter of time until Hispanos were marginalized like other peoples throughout the southwest.

As Anglo Americans began to arrive in New Mexico after the U.S.-Mexico War, *Nuevomexicanos* had to come to terms with this new racialized rhetoric quickly. Hispanos in New Mexico eventually sought to free themselves of the term “Mexican” along with its negative racial connotations by emphasizing their more perceptibly white Spanish roots. Anglo American men were generally charitable in their views of Hispanas, whom they frequently labeled “Spanish,” but typically held contempt for the men who they almost universally designated as “Mexican.”<sup>318</sup> As a result, to seem more “white” to the newly-emerging Anglo elite, *Nuevomexicanos* eventually began to refer to themselves as “Spanish-American” or simply “Spanish” to avoid being labeled as “Mexican.” Hispano elites, in particular, sought to maintain some measure of power by asserting and defending their claim to whiteness by referring to themselves as “Spanish.”<sup>319</sup> The “Spanish/Mexican” dichotomy, as trifling as it may seem, had real ramifications in New Mexico. Hispano identity began to separate from a historical and racial attachment to Mexico. After the U.S.-Mexico War, racial ideologies in New Mexico thus had the impact of not only shaping Anglo American identity but the identity of Hispanos themselves.

Even before the slow influx of an emerging Anglo elite in New Mexico, Anglo American racial ideology concerning “Mexicans” had already had a sustained and significant impact on the people of the region. Perceived negative racial traits of ethnic Mexicans had played a crucial role in the United States’ decision to annex the southwest from Mexico. According to historian

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<sup>318</sup> Nostrand, *The Hispano Homeland*, 15.

<sup>319</sup> Mitchell, *Coyote Nation*, 179.

Brian DeLay, “Americans formed a mental picture of the Mexican north as a place of enormous potential that the Mexicans had patently failed to redeem from Independent Indians.”<sup>320</sup>

Americans often blamed this failure on Mexican cowardice, weakness, and stupidity. Due to such racial and gendered ideologies concerning its inhabitants, American officials felt justified in annexing Mexico’s northernmost regions. To the residents of Mexico’s north, U.S. colonialism involuntarily washed over them. Racialization thus had already had a marked impact on the people of the now U.S. southwest, and Anglo Americans such as Edwin Sumner also held these prejudices which would shape how they perceived New Mexican citizen-soldiers.

Despite these racial attitudes, Sumner met Governor Calhoun halfway by reluctantly conceding that a territorial militia should be maintained but ultimately disagreed with Calhoun about the nature of the militia’s duties. Sumner believed that the militia ought to be organized for the defense of their communities only. To the department commander, the militia should only be called up in the event of Indian infiltration into civilian neighborhoods. He shunned the idea of any offensive military expeditions by the militia. However, if there just so happened to be any occasion upon which the militia should be offensively called into the field, Sumner insisted that they be controlled solely by himself. Sumner didn’t trust the territorial government with military (or many other) matters and wanted full and complete control over the territorial militia. He did not want the civil government to intervene in military affairs by commanding what he saw as a tattered Hispano militia that would ultimately damage whatever military gains the U.S. had made. He, however, never actually intended to employ the territorial militia in any offensive way and would do everything in his power to prevent its utilization.

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<sup>320</sup> DeLay, *War of a Thousand Deserts*, 227.

James Calhoun and Edwin Sumner frequently bickered about the overall obligations of the militia. In defense of his aversion to an offensive rather than strictly defensive militia, Sumner stated to Calhoun, “This is not the kind of warfare that our government has hitherto condescended to engage in...it will give me the highest satisfaction to cooperate with you in all measures for the protection of the people of this territory that are not in direct violation of the law and the express orders of the War Department.”<sup>321</sup> Calhoun, however, wanted the authority to offensively call out the militia himself without having to rely on the permission of the department. He felt that the department was too ineffectual and would not act swiftly and decisively enough in times of military need. Calhoun reasoned that the territorial militia could be mustered and deployed quicker and more efficiently than the regular army. The ability of the governor to call up the territorial militia would become a significant point of contention between the two men for as long as they both remained in office.

In one particularly heated exchange, Calhoun told Sumner that he might unilaterally call out the militia if he believed it was necessary. Calhoun blatantly made known that he would not wait for the permission of the Department Commander to muster the militia in an offensive manner. In a letter to Sumner, Calhoun argued, “As the Governor of the territory, the solemn duty is imposed upon me, to assist them [the settlers] in every proper measure of defense – and that duty I am called upon to discharge...it may be absolutely necessary to allow the people to defend themselves against the Navajo assaults.” Sumner responded by threatening that if the governor was to prompt an expedition by the militia into Indian country without his consent, he would deploy the regular troops to prevent the militia from carrying out its objectives. Calhoun was extremely distraught at this attempt at intimidation, stating, “Is it possible, that the

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<sup>321</sup> Sumner to Calhoun, 10 November 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 452.



murderers of our people are to go unpunished, our women and children to be carried off, and our property taken away, and the people are not to be permitted to go in pursuit of those demons who have possession of their wives and children and property beyond a purely imaginary line, without incurring the risk of having pointed at them, by the troops of the U.S. the very arms placed in their hands for our defense and protection – What!”<sup>322</sup> The department commander’s threat to use military force against the civilian warriors illustrates how far Sumner was willing to go to prevent the deployment and use of a territorial militia. Threatening to use violence against citizens of the United States also speaks to Sumner’s views concerning *Nuevomexicanos*. He didn’t believe these people worthy of the same considerations as white American citizens; specifically that of not using the military to subdue a state-mandated militia.

After some time, cooler heads prevailed, and Sumner reluctantly conceded that he would not actually deploy regular troops against the militia if Calhoun called them into the field. Sumner penned a letter to Calhoun stating, “After mature reflections, I have determined that I shall not use the regular troops, to expel from Indian Country the marauding parties that your Excellency may think proper to commission, as it will not be their fault. I hereby protest against any such action on your part, as an interference with my duties, and contrary to the express orders of the War Department.”<sup>323</sup> Notably, the language Sumner used to describe the civilian soldiers of the militia was very similar to that commonly used to portray Native raiders. By using the term “marauding parties,” Sumner equated the service of *Nuevomexicano* militiamen to the actions of Indian depredators. In his mind, little difference separated the *Nuevomexicano* militiamen and Indian raiders in terms of their supposed uncivilized nature and illegality of their

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<sup>322</sup> Calhoun to Sumner, 10 November 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 448.

<sup>323</sup> Sumner to Calhoun, 11 November 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 455.

deeds. Calhoun was satisfied with Sumner's promise not to use troops against the militia, although he was not happy with the term "marauding parties." Calhoun grumbled to Sumner, "I think you are discreet in your determination; but not wise in your application of the term "marauding parties" – which you point to me, as an epithet of opprobrium – be it so, such measures will not deter me from the discharge of my duties, and I thank you for withdrawing the epithet from the citizens of the territory, and applying it to me, their Governor."<sup>324</sup> It appeared as though the relationship between the civil government and military had reached its highest level of toxicity.

On at least two occasions, Calhoun successfully persuaded Sumner to meet him halfway by supplying portions of the militia with arms and ammunition. In accordance with Sumner's desire that the militia was to be used for defense only, Calhoun appealed to the department to have them supply the organized citizens of Santa Fe with arms due to a string of Indian raids into the town in November of 1851. Sumner agreed, providing seventy-five flintlock muskets, with the same number of cartridge boxes, and bayonet scabbards to the governor to distribute to some companies of the territorial militia.<sup>325</sup> Sumner, however, agreed to supply the weapons on "two conditions alone." Sumner stipulated that the men could have their weapons recalled by the department at any time and that the company would be restricted to obey only the orders of the department commander. In a surprising move, because of these conditions, the citizens of Santa Fe actually declined the firearms last minute. They refused to accept the weapons because, as they claimed to governor Calhoun: "[We are] liable to have our arms taken away at a moment's notice," and "because we do not wish to be restricted in our incursions by the Commander of the

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<sup>324</sup> Calhoun to Sumner, 11 November 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 456.

<sup>325</sup> McFerran to Shoemaker, 10 November 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 446.

9<sup>th</sup> Department, but held subject only to Your Excellency's orders as commander in chief of the Militia of this territory."<sup>326</sup> Thus, due to the poor perception of the regular army, it seemed that the citizen's loyalties lay with the governor over the military. In spite of this rejection, In March of 1852, Sumner again agreed to issue one-hundred stands of arms with ammunition to the people in the vicinity of Socorro due to recent Indian depredations there. Unlike the residents of Santa Fe, the people of Socorro gladly made use of these weapons.

Despite these rare occasions of accommodation, Calhoun constantly complained about the lack of coordination and harmony between the civil government and the military. Calhoun had foremost emphasized that without cooperation between the two organizations, violence with Native peoples would endure. He stated, "Unless Colonel Sumner and myself can adopt a plan, by which we can harmonize, but a very inconsiderable amount of treaty drafts will be used."<sup>327</sup> He also frequently suggested that partly due to the discord between the civil government and the military, the government experiment in New Mexico had in large part failed. He expressed his dismay through appeals that the government and military should abandon the territory entirely. He stated to the Commissioner of Indian Affairs in October of 1851: "I must say – the military officers and the executive cannot harmonize, and I am not certain that the public interests would not be promoted by relieving us all from duty in this territory."<sup>328</sup> Sumner held a similar view that the territory was beyond repair, and U.S. officials would be wise to vacate. Sumner once stated that he proposed to "withdraw the troops and civil officers, and let the people elect their own civil officers, and conduct the government in their own way, under the general supervision

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<sup>326</sup> Beck and Others to Calhoun, 11 November 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 453.

<sup>327</sup> Calhoun to Lea, 31 October 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 443.

<sup>328</sup> Calhoun to Lea, 1 October 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 432-433.

of the government.”<sup>329</sup> Of course, neither men were entirely serious about abandoning New Mexico, but both believed that saving the territory from its current state of discord and violence was an almost impossible task.

Conflict and disagreement between Calhoun and Sumner lasted many more months. All the while, jaundice, scurvy, and the many stresses of governing the territory took its toll on the Governor. In May of 1852, James Calhoun fell gravely ill. He, with his coffin in tow, made the trek east to seek medical assistance. He died in route and was buried somewhere near Kansas City. Upon learning of the governor’s death, Department Commander Edwin Sumner took it upon himself to assume the governorship of the territory while the federal government contemplated a permanent replacement. Arriving in New Mexico in September of 1852, new Governor William Carr Lane would pick up exactly where Calhoun had left off, bickering with Department Commander concerning many matters; chief among them the utilization of civilian warriors.

The years 1848-1852 set up the primary conditions for the continuation of strife between the territorial government/residents, and the military in New Mexico. The creation of a racial and ideological dividing line that sliced through New Mexico had significant repercussions on the many peoples of the area. The process of racialization would long plague the many peoples of the territory and had a marked impact on the lengthy tradition of civilian warfare. Anglo American military officials generally held negative viewpoints toward the New Mexican people, and their questionable status as citizens in a society dominated by ideas concerning Anglo Saxon dominance and supremacy led to their eventual marginalization. This process also led to the

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<sup>329</sup> William A. Keleher, *Turmoil in New Mexico 1846-1868* (Santa Fe: The Rydal Press, 1952), 62.

erosion of Pueblo political rights. Hispanos, due to their status as citizens and legal designation as “white,” as well as their relatively large population numbers, were able to resist such prejudicial practices longer than their Pueblo counterparts. However, both groups saw the immediate curtailment of their participation in the engagement of warfare on behalf of the United States. This didn’t sit well with certain section of the New Mexican population who wished to continue their mode of warfare with Native peoples. Edwin Sumner’s hesitancy in utilizing civilian warriors lived on in the actions and viewpoints of subsequent military commanders stationed in New Mexico. Yet others, such as General John Garland would be more forgiving toward the institution. This, however, did not stop individual sections of the populace from warring with Native peoples without the permission of the military or territorial government as the decade continued.

### **Chapter 3: Loyalty Questioned, 1853-1860**

From 1846 onward, U.S. colonialism had changed the nature of civilian warfare and to a more significant extent the overall condition of the multi-ethnic inhabitants of New Mexico. U.S. ideas of Anglo-Saxon supremacy, alongside the implementation of a border which ran through the territory, had a marked impact on ideas concerning the race and citizenship of the peoples of the region. For a variety of reasons that spoke to the wholesale Anglo American disparagement of Hispanos and Pueblo peoples, military officials such as Colonel Edwin Sumner tried to ensure that these civilians would be hard pressed to continue fighting independent Indians, even alongside the military. Conversely, governor James Calhoun together with the New Mexico territorial legislature were champions of keeping the mode of civilian warfare that had existed since time immemorial. They had implemented a law in 1851 mandating a standing civilian force throughout the territory. Logistic and practical considerations, however, prevented complete adherence to the law, and it quickly became defunct. Nevertheless, the governor's death in 1852 was a seemingly tremendous blow to the institution as well a significant victory for Colonel Sumner. As territorial governor, the Colonel would continue to attempt to dismantle the already brittle civilian defense system that had been implemented by Calhoun and the territorial legislature.

After Calhoun's death, relations between New Mexico's various inhabitants continued down a very tumultuous path. As the 1850s progressed, violent hostilities between Native and non-Native Peoples in the region accelerated. The United States and several Native groups signed many treaties in efforts to keep the peace, but Congress never ratified the vast bulk of these, which ultimately led to further confusion, distrust, and violence. Following in the

footsteps of James Calhoun and Edwin Sumner's rivalry, civil and military administrators continued to disagree concerning how they should engage with this threat. They relentlessly bickered about multiple topics ranging from Indian policy to military expenditures, very rarely finding any middle ground upon which they could harmonize. Continued cost-cutting measures by the army further alienated the military from the civil government and citizenry of the territory. For their part, civilians continued to decry the perceived lack of military protection that these seemingly tight-fisted economic measures generated. Both civil officials and settlers, therefore, continued to call for the utilization of civilian warriors for the defense of the territory. Certain New Mexican inhabitants would even go as far as enacting their own unauthorized violent military expeditions against Indian groups; such as the unsanctioned militia, the Mesilla Guard, as will be discussed in the next chapter. The military, however, was still generally hesitant to use civilian soldiers and civilian defense continued to be a hugely divisive issue during the rest of the 1850s.

Throughout the 1850s, the use of civilian warriors was very much contingent upon individual Department Commanders' attitudes toward both the institution and the New Mexican people. As Colonel Edwin Sumner temporarily assumed the governorship after Calhoun's death, the militia law of 1851 fell into obscurity relatively quickly. For as long as Sumner was in command of the department and the government, he would do everything in his power to prevent the persistence of sanctioned or unsanctioned civilian militia units in New Mexico. Sumner's reluctance to utilize civilian warriors partially stemmed from prevalent racial biases concerning Hispanos and Native Peoples, yet a perceived uncertain national allegiance of the *Nuevomexicano* population had also haunted the Colonel as well as many of his military contemporaries. Sumner's successor, General John Garland, however, was much more receptive

to allowing civilians to take up arms. Being much more pragmatic than his precursor, Garland saw the wisdom in putting aside his prejudices and concerns with the Hispano population, allowing them to aid him in the war with independent Indians. As Sumner successfully invalidated the Militia Law of 1851 by neglecting to enforce it, Garland restored the system of utilizing temporary volunteers alongside the military that was prevalent before Sumner took command of the department. Consequently, the organization or dissolution of civilian warriors was mainly contingent upon the department commander's personal views towards the institution.

During this time, the civil governors, territorial legislature, and residents themselves repeatedly sought to resurrect the idea of a standing territorial militia. Subsequent governors of New Mexico after Calhoun continued to support the custom of civilian warfare, and during the five-year tenure of Department Commander John Garland, they took advantage of the new Commander's relative tolerance of civilian warriors by attempting to utilize, strengthen, and sustain a territorial militia. Most noteworthy, in 1854 interim governor, William S. Messervy who took charge during governor David Meriwether's absence did more to attempt to enact strengthen local militia units than any individual up to that point. Ethnic Mexicans took advantage of this brief window of opportunity to prove their loyalty and readiness for full citizenship. Colonel Thomas Fauntleroy, however, would again try to curb the new-found power of these militia units. Colonel Fauntleroy and governor Abraham Rencher, Meriwether's replacement, would constantly squabble concerning the utilization of civilian warriors. This back and forth tug-of-war concerning civilian defense defined the institution throughout the 1850s.

The militia act of 1851, as well as the actions of certain civil officials such as William Messervy, were significant steps forward in attempting to utilize *Nuevomexicanos* to war with



independent Indians during the U.S. era. However, some Anglo American officials could not stomach the idea of military power being consolidated in the hands of a people whom they had deemed, in racial and national language, untrustworthy. Alongside the racialization of the New Mexican people by a growing Anglo elite discussed previously, many Anglo American observers supposed that Hispano cultural and historical ties to Mexico carried with it an uninterrupted fidelity to that nation. In particular, the fact that a collaboration of certain Hispanos and Pueblo Indians rose up against the United States in rebellion only a few short years earlier in 1847 caused many military officials to reason that another uprising could potentially materialize at any time. Due to these factors, ideas concerning Hispano loyalty and citizenship weighed heavily on the minds of many Anglo American observers.

Broader issues were taking place between the United States and Mexico, which further promoted uncertainties concerning Hispano loyalty to the United States. During the 1850s relations between the two nations remained tense, as the legacy of the U.S. invasion left a deep and lasting scar upon the region and its people. Disputes concerning the exact location of the new border as well as interracial strife and internal conflict in Mexico alarmed U.S. officials. Discord between the two nations had transformed into a racial suspicion toward ethnic Mexicans as a whole. Anglo Americans generally envisioned Mexico as a nation of *mestizos*. As such, through Anglo eyes, any mestizo in the United States could potentially be aligned with the interests of the Mexican nation. Nation and race were indeed intertwined in the minds of many Anglo Americans which ultimately affected the ways in which many Anglo American officials envisioned a standing army of Hispanos.

Some Anglo American officials in New Mexico were able to look past their fears of a potential *Nuevomexicano* rebellion; others were not. In large part, the civil governors, daily

inundated with civilian requests to organize companies to make military campaigns against independent Indians, were better able to concede the necessity of arming the Nuevomexicano population than their military counterparts. This is not to say, however, that civil officials such as James Calhoun did not hold their own suspicions of the New Mexican population. Calhoun and other Anglo American public officials frequently voiced their concerns that the Hispano and Pueblo population held an overall contempt for the government of the United States. Yet, they felt that the situation with independent Indians was so dire that it necessitated looking past these fears and utilizing civilian warriors. To the military, however, anxieties concerning Nuevomexicano loyalty were too much to swallow. Thus, they were much more cautious concerning the arming of the civilian population. Conceptions such as these led to a back and forth debate concerning the enactment of civilian militias in New Mexico. The bulk of the 1850s saw racial bias indeed pervading the thoughts of military officials such as Colonels Sumner and Fauntleroy, but in a broader sense, doubts concerning national allegiance and loyalty put into question the merits of arming an ethnic Mexican population so recently placed under the dominion of the United States. This chapter will analyze the turbulent nature of civilian warfare in New Mexico during the 1850s while also examining the relations between Native Peoples, Hispanos, and Anglo Americans in the territory as a whole. This chapter ultimately argues that Anglo American intertwined ideas concerning race, nation, and loyalty dictated not only the course of civilian warfare but overall relations between Indians, Nuevomexicanos, and Anglo Americans in New Mexico.

After the death of governor James Calhoun in 1852, Colonel Edwin Sumner declared himself governor of New Mexico while the federal government contemplated Calhoun's

successor. Being in charge of the military department as well as the civil government, Sumner asserted near complete control over almost all aspects of New Mexican affairs. Due to the previous clashes between the civil government and the military, he likely reveled in the freedom and power that this new role offered. Sumner's actions as both governor and department commander dictated the course of warfare, both civilian and military, as well as influence the trajectory of relations with Native peoples in the territory.

The new governor/department commander immediately went to work carrying out his controversial objective of reducing military costs in the territory while attempting to maintain an adequate measure of military strength. These two objectives frequently contradicted one another. For example, in 1852 Sumner relocated the U.S. troops from the settlements, establishing six permanent military posts in various locations. These forts were generally located closer to independent Indian nations than the settlements. These included Fort Conrad, twenty-five miles below Socorro; Fort Fillmore, six miles below Mesilla; Fort Defiance, deep into Navajo territory; and Fort Webster near the Santa Rita Copper Mines. Sumner, in part, chose the location for these new posts based on their agriculture potential. Under Sumner's cost-saving strategies, rather than purchasing foodstuffs through a vendor, the troops themselves were expected to cultivate their own crops. Observers of this unusual practice were of the opinion that Sumner's conception of the farmer-soldier hampered the military's overall effectiveness. They generally believed that because of the necessity of agricultural production, the new posts were not constructed in locations best suited for warfare with the Indians. Strategies such as this which seemingly emphasized economics over protection irritated both civilians and territorial officials.

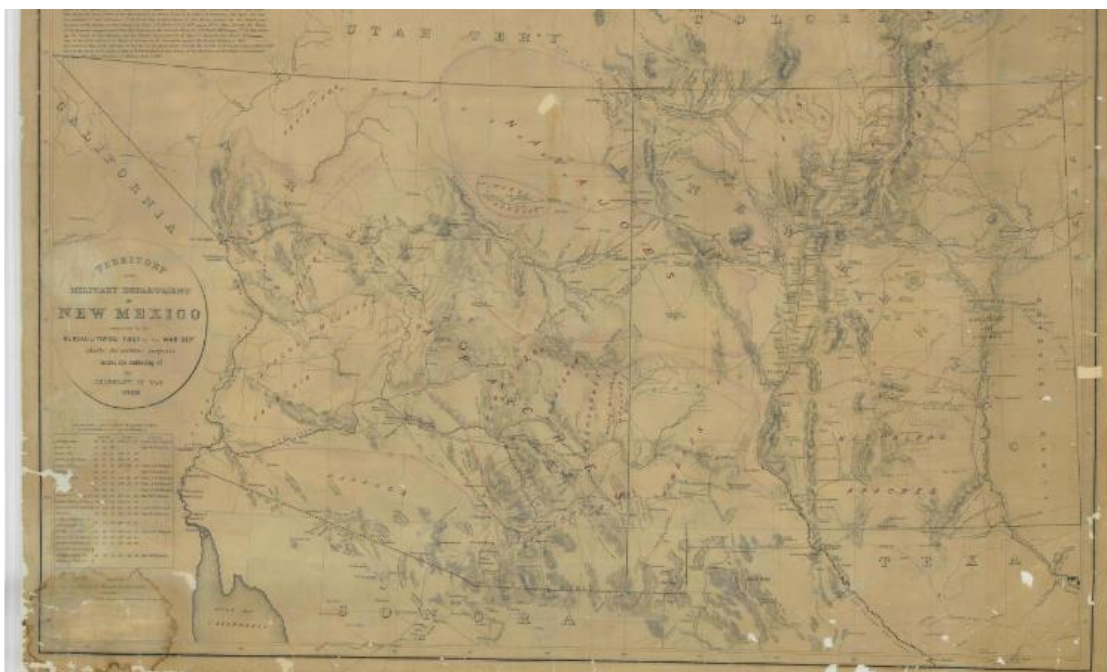


Illustration 3.1: This map of the Military Department of New Mexico in 1859 illustrates the vastness of the department's boundaries. Maps and Charts No. NM-1; "Map Showing Territory and Military Department of New Mexico," 1859; Old Map File Manuscript and Annotated Maps of the United States and its Territories, 1812-1946; Records of the Bureau of Land Management, 1685-2006, Record Group 49; National Archives at College Park, College Park, MD.

Even though there was no longer a civil governor to criticize Sumner's cost-cutting measures, his approaches nonetheless drew criticism from all sides, including his military contemporaries. Due to his efforts, Sumner had temporarily reduced expenditures in some categories, but as historian Robert Frazer argues, "It was a questionable economy that hampered efficiency, led to shoddy results, and, in the long run, increased costs."<sup>330</sup> Sumner's farming initiative was a particularly significant point of contention between the Department Commander and other officials in the territory. Major Enoch Steen, commander at Fort Webster, informed Sumner that "as you are well aware, soldiers are bad farmers at best, even in countries better

<sup>330</sup> Frazer, *Forts and Supplies*, 62.

adapted to cultivation than New Mexico.”<sup>331</sup> As officials such as Major Steen predicted, the farming project ultimately proved to be a failure. Overworked soldiers made lackluster farmers at best, and the crops cultivated were rarely enough to feed entire companies. Colonel Joseph King Fenno Mansfield observed in 1853 that the business of farming is “so entirely different from the pursuits of an officer and soldier, that it is not at all astonishing it did not succeed.”<sup>332</sup> Unenthusiastic observations such as these concerning his efforts induced Sumner into believing that the settlers, civil officials, and even his military counterparts were opposed to his strategies. Sumner resentfully declared that the orders of the war department concerning frugality had been carried out, “in spite of the most determined opposition from all classes.”<sup>333</sup> Sumner’s much-maligned policies further ostracized the regular military in the territory, inducing civilians to persist in their calls to aid in the defense of their own communities.

Sumner’s cost-cutting measures coincided with a marked increase in hostility between Native and non-Native peoples in New Mexico. Previously signed treaties commonly fell apart, and independent Indians and certain sections of the civilian population continued to attack each other; warring with, murdering, and stealing from one another at an ever-increasing pace. Noted frontiersman and Indian Agent for the Ute tribe, Kit Carson, articulated the uptick in hostilities with Indians during the first half of the 1850s. Noting the ineffectiveness of the regular military, as well as the supremacy that independent Indians held over New Mexico, Carson stated, “As it is at present, the Indians are masters of the country. They commit depredations as they please.”<sup>334</sup> In the late 1850s, then governor, Abraham Rencher, also highlighted the constant and

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<sup>331</sup> *Ibid.*, 66.

<sup>332</sup> Frazer, *Mansfield on the Condition of the Western Forts*, 63.

<sup>333</sup> Sumner to Adjutant General, 24 September 1852, Lee C. Meyers Papers, Rio Grande Historical Collection, New Mexico State University, MS24, Box 13.

<sup>334</sup> Tom Dunlay, *Kit Carson and the Indians* (Lincoln: University of Nebraska Press, 2000), 172.

growing state of hostility which had taken place between Native peoples and settlers throughout the decade. Placing the blame for the aggressions solely at the feet of the Natives, the governor claimed, “The wrongs which they [the civilians] have suffered at the hands of the Indians, ever since it was a territory, have been enough to exhaust both the energies and patience of any people on earth.” He also faulted the military and federal government for these aggressions because they had not allowed civilians to take up arms in their own defense without the caveat of being under the control of the military. Rencher asserted that the people of the territory “have confided in the parental assurances of the Federal Government, that as they were forbidden by law to vindicate their own wrongs, the United States would provide for their indemnification. But up to this time the promise has been kept ‘only to the ear.’”<sup>335</sup> Thus, in his view, the resident population had suffered because they were neither given the opportunity to war with the Natives independently nor were they adequately recompensed for stolen property.

For their part, by the 1850s generations of violence, disease, and hunger due to colonialism had decimated many independent Indian groups. Yet, these people continued to persist, striking fear into the hearts of the civilian residents through warfare and raiding. More enlightened non-Native observers noted the desperate situation of certain Indian groups in the territory, discerning that in most cases Indian raiding was a mechanism necessary for the survival of their communities. Remarking that certain Indian groups in New Mexico were quite literally starving, Apache Indian agent Michael Steck, for example, wrote in 1853, “I found [the Indians] poor – and from the scarcity of game – likely to suffer from want of provisions.” He added: “some Utahs...were in a starving condition...and found as had been represented, about forty

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<sup>335</sup> Governor’s Message to the House of Representatives of New Mexico, Undated, SDTP, NM, RG59, NA, T17, Roll 1.

families mostly women and children suffering for want of provisions.” He went on to state that these people had no other recourse but to “consume their mules and horses and the bark of trees.... I have been in their camps when their only visible means of subsistence was the bark of the pine and asher trees.... the squaws with hatchets removing the bark and their children seated around...collecting and eating the pulp and soft parts.” In empathetic language, Steck noted the necessity for certain Indian bands to steal from the settlements, stating, “Notwithstanding, their disposition to steal and often murder to appease hunger must elicit sympathy...they are reduced to the absolute necessity of choosing between stealing or starvation.”<sup>336</sup> As frequent as these observations were, the majority of the non-Native population, however, continued to adhere to the belief that Indian raiding was less about necessity but rather the ultimate result of Native American “savagery” and hostility.

Historical Hispano hostility toward independent Indian groups had also contributed toward the dire situation of many Native bands. Deviating from the views of the majority of non-Native inhabitants in New Mexico, Michael Steck contended that civilians had historically engaged in the violent raiding of Indian communities, which had been a significant reason for the despondent situation of Native peoples. Steck stated that the settlers had been involved in an unending and reciprocal pattern of violence and theft with the Native peoples throughout many generations. This extended cycle of revenge and retaliation had the effect of devastating certain Native groups in New Mexico which by the 1850s had become all too apparent.<sup>337</sup> He claimed that there was “a custom for the Indians to steal from the N. Mexicans and then the Mexicans to steal from them...this system of thieving and retaliation has been kept up, and under the Mexican

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<sup>336</sup> Steck to Lane, January 1853, Michael Steck Papers, University of New Mexico Center for Southwest Research, MSS134BC, Box 1, Folder 2.

<sup>337</sup> See Alonso, *Thread of Blood*; Brooks, *Captives & Cousins*; Blackhawk, *Violence Over the Land*.

rule organized parties were permitted to make campaigns for the avowed purpose of stealing Indian stock and prisoners.” Thus, raiding wasn’t only a one-sided occurrence instigated solely by independent Indians. With such views in mind, Steck advocated for a more sympathetic strategy concerning Native Peoples in New Mexico. Steck compassionately enquired: “Does not justice demand that something be done for the Indian, that some return he made for his lands taken possession of by us [and] for his game killed and driven aside?”<sup>338</sup> Accordingly, Michael Steck and other Indian agents attempted to halt Indian depredations in New Mexico by implementing a more humanitarian philosophy.

Acknowledging that Indian “depredations” were necessary to prevent starvation, the New Mexican Indian agents pursued a course of action that reflected this reality. By 1853 they sought to carry out a new policy which, in their words, would commence “the work of civilization” towards Native peoples. This was approximately twenty years before the implementation of Ulysses S. Grant’s “Peace Policy,” which, under the guise of “civilizing” the Natives ultimately sought to destroy Native languages and customs. This early strategy by the agents was much more moderate. Michael Steck recommended the establishment of agencies in the vicinity of each tribe where the agents could teach them “the advantages of civilization.” Noting the famished condition of many Native groups, Steck’s main focus would be teaching the independent Indians how to farm their own subsistence. Under this proposal, Indians would be supplied with provisions until they were “taught to provide for themselves.”

During the 1850s, U.S. officials had begun to contemplate the idea of permanent locations upon which they could confine Native peoples. An embryonic idea of “reservations”

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<sup>338</sup>Steck to Lane, January 1853, Michael Steck Papers, University of New Mexico Center for Southwest Research, MSS134BC, Box 1, Folder 2.



had been practiced for many years, as the Spanish had implemented a technique of assembling “*Apaches de Paz*” around military outposts.<sup>339</sup> Whites located within the bounds of the United States had also attempted to, with varying degrees of success, relocate Native Peoples to specifically chosen tracks of land upon which they could assert a more considerable amount of control over them. Indians caught in the wake of Anglo American westward expansion were continually forced to relocate, and as more and more whites pushed west, they continued to force Indians westward to areas that were generally deemed undesirable.<sup>340</sup> By the mid-nineteenth century, wholesale continental conquest had resulted in there no longer being a “west” with which to relocate Native peoples. The U.S. government thus began to formulate the idea of a formal reservation system; permanent locations upon which whites could better regulate Indian life while endeavoring to “civilize” and assimilate them. This system would become more fully developed after the Civil War, but by the 1850s, the idea was generally vague and untested. Michael Steck was a firm believer that a reservation system in New Mexico could potentially be a panacea for the plight of Indian peoples in the region. He argued that reservations should be established “in order to protect them in their rights, from the encroachments of settlers and from the neighboring tribes of Indians.”<sup>341</sup> Thus, Steck began to implement a plan in which territorial officials would assign certain Native groups a specific tract of land upon which white agents would teach them how to farm, thereby theoretically eliminating their need to raid the settlements. Steck went to work choosing sites upon which Indians at peace would be able to learn to cultivate the land.

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<sup>339</sup> See Chapter 1.

<sup>340</sup> Clifford E. Trafzer, *As Long as the Grass Shall Grow and Rivers Flow: A History of Native Americans* (Belmont, CA: Wadworth Group, 2000), 281.

<sup>341</sup> Steck to Lane, January 1853, Michael Steck Papers, University of New Mexico Center for Southwest Research, MSS134BC, Box 1, Folder 2.

Attempting to change the culture and lifeways of the Independent Indians was admittedly no easy task for the colonizers. These Native peoples had been fighting against the tide of colonialism for centuries, and they certainly were not going to be receptive to transforming their way of life under the direction of U.S. officials. Historically, peoples such as the Apache had successfully subverted Spanish attempts at assimilation. They had been able to adapt to the Spanish reservation system by taking advantage of the rations, gifts, and military protection to preserve their families.<sup>342</sup> They also maintained a measure of autonomy, avoiding state incorporation by moving in and out of Spanish zones of control, relying on movement, economic exchange, and small-scale livestock raiding.<sup>343</sup> U.S. authorities would attempt to succeed where the Spanish had failed. Michael Steck endeavored to induce various bands of Native peoples to settle on reservations. In return, they had to agree to give up their independence and become dependent upon the U.S. government. Unsurprisingly, Steck found few participants willing to undergo such a lifestyle alteration. The Indian agent noted, “I enquired into their willingness to settle in towns - and instead of their roving life – to become permanent settlers and cultivators of the soil. There is still a strong disposition among them all to adhere to their ancient customs.”<sup>344</sup> Steck was, however, able to convince certain, more receptive Native bands to try the farming experiment. Under the prospect of receiving rations, these groups saw no other way of prolonging the survival of their communities. The long-term result of this policy is difficult to determine. Some Native bands made great strides practicing agriculture while others preferred to continue the age-old custom of procuring sustenance through hunting and raiding. However, the

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<sup>342</sup> Babcock, *Apache Adaptation to Hispanic Rule*, 2.

<sup>343</sup> *Ibid.*

<sup>344</sup> Steck to Lane, January 1853, Michael Steck Papers, University of New Mexico Center for Southwest Research, MSS134BC, Box 1, Folder 2.

importance that U.S. officials placed on a system of reservations would only increase as the nineteenth century progressed.

During the time that Michael Steck was endeavoring to implement a more humanitarian Indian policy, both the U.S. and Mexican armies had been pursuing independent Native peoples along the border. Reliance on violent negotiation led to several fleeting overtures of peace with a few Native groups. The most significant was the Treaty of Acoma in 1852. Early in the year, certain Chiricahua Apache leaders met Colonel Sumner and acting Superintendent of Indian Affairs John Greiner at the Pueblo of Acoma to hammer out a peace treaty. Sumner chose the Pueblo of Acoma as a meeting ground due to its proximity to his headquarters in Santa Fe.<sup>345</sup> These Apaches had been at war with Sonora and used the new border to their advantage. They would remain at war with Mexico while using the United States as a peaceful base of operations. Chiricahua leaders led by noted chief Mangus Coloradas signed the Treaty of Acoma, which became the only officially ratified treaty between the United States and the Apache people.<sup>346</sup> The treaty contained eleven articles which stipulated that the Apaches would recognize the jurisdiction of the United States, establish friendly relations between the two peoples, and allow the government to create military posts and agencies in their country. Attempting to keep to the terms of article XI of the Treaty of Guadalupe Hidalgo, the treaty also stipulated that Indians return any Mexican captives and prohibit raiding in that country. In return, the Americans agreed to issue presents and other gifts.<sup>347</sup> Although ratified by Congress, U.S. officials were skeptical that the Indians would adhere to the treaty. Captain John Pope, present at the signing of the Treaty stated, “The state of comparative peace to which they [the Apaches] had been

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<sup>345</sup> Kiser, *Dragoons in Apacheland*, 133-134.

<sup>346</sup> Also known as the Apache Treaty of 1852, or the Treaty with the Apaches.

<sup>347</sup> Edwin R. Sweeny, *Mangas Coloradas: Chief of the Chiricahua Apaches* (Norman: University of Oklahoma Press, 2011), 259-260.

brought by the treaty of Acoma in 1852, is well understood to be a very uncertain and precarious arrangement and one liable at any and every moment to be abruptly terminated.”<sup>348</sup> The Americans ultimately issued fewer presents than the Chiricahuas would have liked, and the treaty was soon defied. The Treaty of Acoma, however, illustrates how the new border benefitted Native bands which crossed at will between both nations. Native peoples found that they could escape pursuit by one country by taking refuge in the other. This emboldened certain Native groups which frequently led to further hostilities in both nations.

Throughout the 1850s, pauses in violence brought about due to treaties such as Acoma and others signed by the New Mexican governors collapsed rather quickly. Federal officials were extremely hesitant to appropriate scarce government funds for Indian treaties in a territory so physically and psychologically removed from what they considered the civilized world. The Treaty of Acoma, for example, was the only treaty with an Apache group that Congress ever ratified. However, various other treaties with the Apaches and other groups were negotiated and signed by territorial officials without the approval of federal authorities. These treaties generally promised to provide the Native peoples with rations and other provisions, but without continued congressional funding, territorial officials could not deliver the commodities promised. On multiple occasions, New Mexico, and by extension, the United States had violated its treaty agreements by not providing the supplies pledged to Indian groups. At the same time, New Mexican officials believed that various Indian groups had also breached their treaty stipulations. Various Native groups that New Mexican authorities thought to have embraced treaties continued to raid the settlements. However, through a fundamental misunderstanding of Native

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<sup>348</sup> John Pope and Robert M. Utley, ed., “Captain John Pope’s Plan of 1853 for the Frontier Defense of New Mexico,” *Arizona and the West*, Vol. 5, No. 2 (Summer, 1963): 155.

American societal structures, U.S. officials failed to realize that although they had made an agreement with several bands, it was not necessarily binding upon all the members of the tribe.<sup>349</sup> Some Native leaders who did sign such treaties also had a difficult time hindering rebellious young men intent on proving themselves through raiding. These issues, as well as sheer necessity to “steal or starve,” continually led to the breakdown of treaty obligations on both sides. After signing a treaty in 1852 for example, a group of Mescaleros in 1853 violated their treaty stipulations by killing two residents of Dona Ana who left to collect salt near the town. The Mescaleros later killed ten out of fifteen emigrants driving away one hundred and fifty head of stock.<sup>350</sup> Hispano residents also continually harassed Native groups despite having signed treaties. Such is the case with the unsanctioned militia group, the Mesilla Guard, who engaged in multiple massacres and thefts of Native peoples at peace throughout the 1850s. Thus, both settlers and independent Indians accused each other of violating treaty stipulations, which further led to increased aggressions.

Due to an apparent rise in hostilities with Native peoples, many New Mexican residents deemed Edwin Sumner’s military exploits and cost-cutting strategies as failures. Realizing that his tenure as both department commander and governor failed to yield any significant results, Sumner wrote a scathing letter to Secretary of War Charles Magill Conrad summarizing the bleak condition of New Mexico. In his letter, Sumner argued that the tumultuous state of Indian affairs in New Mexico could not be resolved. To the proud and obstinate department commander, if he could not restore peace in New Mexico, then the territory was simply beyond repair. Therefore, he concluded that it would serve New Mexico best if the civil and military

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<sup>349</sup> Kelly R. Hays, “General Garland’s War: The Mescalero Apache Campaigns, 1854-1855,” *New Mexico Historical Review*, 67, 3 (July 1, 1992): 253.

<sup>350</sup> Steck to Meriwether, 23 August 1853, Michael Steck Papers, University of New Mexico Center for Southwest Research, MSS134BC, Box 1, Folder 2.

officials completely abandoned the territory. After such supposed withdrawal, Sumner asserted that the U.S. should supply arms to the civilians allowing them to conduct warfare with independent Indians as they saw fit. In this context, Sumner considered the merits of civilian defense, arguing that if no civil or military official remained in the territory “with regard to the protection of these people from the Indians, they would have the same that was extended to them by the Mexican government – that is to say, permission to defend themselves. Besides, they would be much better armed than they have ever been before, and the Indians would have more respect and fear for them.”<sup>351</sup> The federal government did not take his recommendations seriously. Moreover, despite these aforementioned views, as long as the U.S. military remained in New Mexico, Sumner continued to remain opposed to allowing settlers to fight. The use of civilian warriors would again become a significant point of contention upon the arrival of a new civil governor.

In September of 1852, former six-term mayor of St. Louis and surgeon William Carr Lane entered New Mexico to assume the governorship from Sumner. Lane was immediately thrust into the conflict between the civil government, military, and settlers; the foundation of which was built upon James Calhoun and Sumner’s toxic relationship. Sumner was perfectly contented with the authority he had held since Calhoun’s death and was not pleased that he had had to cede the governorship back to a civilian who was again bound to get in the way of his objectives. Sumner was resentful of civilian authority from the outset, and his troubles with Calhoun left a bad taste in his mouth. Having to transfer his governmental authority to Lane greatly distressed him. As he conceded the office to Lane, Sumner lamented, “When the President appointed you as successor to Governor Calhoun, I felt bound to understand, that it

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<sup>351</sup> Keleher, *Turmoil in New Mexico*, 64.

was his wish to try again the appointment of a civil government in this territory.”<sup>352</sup> Sumner would, however, do everything in his power to limit the influence of the new civil governor.

Sumner immediately attempted to assert his authority over Lane. The department commander made it clear that similar to his dealings with Calhoun, the military was not going to supply the governor or his agents with any military support toward their objectives. He strictly prohibited any military supplies for being used for the purpose of aiding the governor, going as far as reprimanding one of his officers, Colonel Horace Brooks, for wasting ammunition by firing a salute in the plaza at Governor Lane’s inauguration.<sup>353</sup> Sumner even ordered the American flag, which had flown over the plaza since Kearny’s conquest, to be taken down with the justification that he was not allowed to furnish the governor with government stores.<sup>354</sup> With these actions, Sumner made it known at the outset that there would be very little cooperation between the military and the civil authorities. This non-cooperation bled over into the institution of civilian defense, and strife concerning this issue continued just as it had under the Calhoun administration, for a time.

During his tenure as governor, Sumner had disregarded the Militia Law of 1851 allowing the idea of a standing militia in New Mexico to crumble. The fact that there was virtually no maintained militia in the territory was baffling to the new governor. Lane quickly became aware of New Mexico’s Indian troubles and firmly believed that a standing militia would solve many of the territory’s woes. Lane penned an angry letter to Colonel Sumner criticizing that the department commander had not sanctioned or maintained a territorial militia in any form. Lane

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<sup>352</sup> Sumner to Lane, 27 September 1852, LR, DNM, RG393, NA, M1102, Roll 5.

<sup>353</sup> *Ibid.*

<sup>354</sup> Calvin Horn, *New Mexico’s Troubled Years: The Story of the Early Territorial Governors* (Albuquerque: Horn & Wallace, Publishers, 1963), 40.

furiously observed that there was not “a single company of militia organized in the whole territory, nor a single musket within reach of the volunteer, should there be an offer of service by anyone; and you, Colonel Sumner, must have been, from your official position, duly informed of these things.”<sup>355</sup> Like Calhoun, Lane was a proponent of using civilian warriors to battle independent Indians and was extremely troubled as to why there were seemingly no militia companies available when, in his view, the territory could so clearly benefit from their organization.

In the vein of his predecessor, the federal government provided William Carr Lane with insufficient direction regarding the organization of the militia or any other matters concerning New Mexico. Congress and other federal officials in Washington, D.C. accorded very little significance to New Mexico, rendering much more importance to the growing sectional disputes and other matters to the east. They gave very little heed to concerns emanating from a territory thought to be so inconsequential to the overall value of the United States. Struck by the United States’ perceived indifference to the territory, Lane stated, “I find a deplorable state of ignorance to exist, among the officials [in Washington], on the subject of New Mexican affairs.”<sup>356</sup> Federal apathy was a severe source of frustration for Lane, as it would be for many officials stationed in the territory. After his tenure as governor had ended, Lane claimed, “Never was an executive officer in a more pitiable plight than I was at this time. I was an utter stranger to my official duties, without having any competent legal advisor, and with scarcely an official document on file to direct or assist my official actions...not a cent of money on hand or known to be subject to the draft of the governor...not a cent in the city, county or territorial treasuries and no credit for

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<sup>355</sup> Horn, *New Mexico's Troubled Years*, 41.

<sup>356</sup> Frazer, *New Mexico in 1850*, 4.



the country.”<sup>357</sup> Lane, however, had a defiant character that his predecessor lacked, and would be much more comfortable making decisions without the input of Washington or the New Mexican military authorities.

Lane’s rebellious nature first emerged in his interactions with Native peoples. In terms of Indian relations, the governor was of the same mindset as Indian Agent Michael Steck. Lane believed that, for the peace of the territory and the survival of its many inhabitants, independent Indians needed to learn to cultivate the land and raise stock. Lane, like other more humanitarian observers, correctly noted that Indians had to “steal or starve.” He, therefore, advocated treaty-making and ration-giving over the utilization of violence. Without the approval of the Senate, the governor negotiated numerous treaties with Native groups throughout his tenure. He ultimately spent between \$20,000 and \$40,000 on treaties with Apache groups alone. He also agreed to supply rations to over 1,000 Native peoples.<sup>358</sup> As these treaties were unauthorized, they lacked sustained federal funding. Without the financial backing of the federal government, the bankrupt territory of New Mexico could not continue to adhere to the treaty stipulations of supplying provisions to Native peoples. As a result, New Mexico had subsequently violated many treaties they had made with various Indian groups. This understandably infuriated Indians with whom Lane had made the treaties, leading to an increasing distrust of the New Mexicans. Cynicism concerning violated treaties drove a wedge between native groups, such as the Apache, and non-Native peoples in New Mexico, which only led to more violence. Lack of communication between the territory and Washington thus had genuine consequences.

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<sup>357</sup> Horn, *New Mexico’s Troubled Years*, 41

<sup>358</sup> Bender, *The March of Empire*, 156.

However, when federal officials learned about Lane's unauthorized expenditures on Indian treaties, they were incensed. Commissioner of Indian Affairs, George H. Manypenny was particularly distraught. He argued that authority was not "given by this office to any officers of the United States in New Mexico to incur the heavy expenditures that have been made there during the latter part of the year 1852, and the first six months of 1853." Manypenny revealed that Lane had spent a total of \$19,174.51 on Indian affairs, which was "nearly double the amount of the appropriation for the current year."<sup>359</sup> Receiving the ire of certain federal officials would not, however, deter the governor from following a path that deviated from the wishes of the federal government and military department in New Mexico.

Lane's role in a boundary dispute between the United States and Mexico regarding the town of La Mesilla further showed his daring disregard for federal authority. After the U.S. War with Mexico, many residents of New Mexico who did not wish to become citizens of the United States migrated south of the newly established border. Doing so, according to historian Anthony Mora, "became one of the most important expressions of Mexican patriotism in the first decade after the war."<sup>360</sup> During the 1840s, several small communities existed across the river from modern-day Las Cruces. After the War, repatriates poured into these communities birthing the Mexican town of La Mesilla, incorporated in 1850. That same year, the United States and Mexico participated in a joint boundary survey to shore up the vague borders of the two nations. There was, however, a dispute as to whether the town of Mesilla fell under the jurisdiction of the U.S. or Mexico. The Mesilla Valley no doubt was a vital strip of land to the United States primarily because they wanted to secure the southernmost section of New Mexico for purposes

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<sup>359</sup> U.S. Congress. 33d Cong., 1<sup>st</sup> Session, H. Rep. Ex Doc no. 43, pg. 3.

<sup>360</sup> Mora, *Border Dilemmas*, 71.

of building a railroad.<sup>361</sup> Mexican citizens of La Mesilla who founded the town to escape being under the sovereignty of the United States, however, certainly did not want to be once again placed under the purview of the United States.

There were, however, a minority of Mesilla residents who advocated for U.S. rule over the town. In 1851, certain U.S.-friendly residents of La Mesilla signed a petition. They pleaded to Governor Calhoun to clear up the boundary dispute and place Mesilla under the authority of the United States. The petitioners falsely claimed, "The town of La Mesilla was settled sometime in the early part of 1850, by Americans and New Mexican Territory Citizens, under the conviction that it was New Mexican Territory and was subject to its laws."<sup>362</sup> Their grievances against the Mexican authorities included the establishment of a Mexican custom house which collected duties from the residents, as well as their claim that the Mexican government was "taking away lands from Americans and others who are favorable to American rights and privileges, and giving them to those who profess to be Citizens of Mexico."<sup>363</sup> These residents argued that Mexico held no jurisdiction over the town and they advocated the detachment of the area from the Mexican Republic.

Shortly after assuming office, Lane responded to the wishes of these residents by traveling to the Mesilla Valley with the intent of issuing a proclamation claiming the area for the United States. Federal authorities did not authorize Lane's actions, and his rash decision led the U.S. and Mexico exceptionally close to war. Lane reasoned that he would need military aid with this daring scheme. He appealed to Colonel Sumner for assistance in supplying troops to aid in

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<sup>361</sup> Kiser, William S., *Turmoil on the Rio Grande: The Territorial History of the Mesilla Valley, 1846-1865* (College Station: Texas A&M University Press, 2014), 71.

<sup>362</sup> Citizens of Mesilla to Calhoun, 25 August 1851, in Abel, *The Official Correspondence of James S. Calhoun*, 404-405.

<sup>363</sup> *Ibid.*

occupying the town. Sumner was appalled that Lane even considered such a course of action. He, like most other military and federal officials, perceived Lane's actions as a reckless abuse of power and refused to offer the governor any military aid whatsoever. Despite not having any official military or federal support, in March of 1853, Lane proceeded with his plan and arrived in the U.S. town of Doña Ana, some 20 miles north of La Mesilla. Upon his arrival, the governor issued a proclamation in which he claimed the Mesilla Valley as part of the United States. In his announcement, Lane justified his taking possession of the area due in part to his opinion that Mexico had failed to protect the area against Indian incursions.<sup>364</sup> Lane's words echoed racialized rhetoric used by federal officials to go to acquire Mexico's north in 1848.<sup>365</sup>

Lane's brash actions sent ripples throughout the United States. In New Mexico, a meeting of the citizens led by prominent Anglo men took place in Santa Fe. During this gathering, the people in attendance agreed with Lane's course of action and promised him their support. Racialized rhetoric certainly influenced these people's decision to back the efforts of the governor. They had used the term "American" to denote Anglo American inhabitants of Mesilla while denoting "Mexican" as the mestizo residents. The citizens of Santa Fe claimed, "American citizens located there [Mesilla] were despoiled of their property, and many Mexicans who had commenced the settlement of Mesilla, in 1847, with the understanding that they were placing themselves under the protection of the Government of the United States, found themselves, against their will, again under the Mexican government."<sup>366</sup> Particular residents of New Mexico went further by agreeing to volunteer to recapture the area by force. Volunteers from Texas also offered their military assistance. In California, the General Assembly agreed to

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<sup>364</sup> Paul N. Garber, *The Gadsden Treaty* (Gloucester, MA: P. Smith, 1959), 71.

<sup>365</sup> See Delay, *War of a Thousand Deserts*.

<sup>366</sup> *Santa Fe Weekly Gazette*, 14 May 1853.

organize ten companies of men and assist Lane in his endeavor if war with Mexico should occur.<sup>367</sup> Lane's actions led many throughout the United States to perceive that another war with Mexico was on the horizon.

The governments of both Mexico and the United States were infuriated with Lane's actions. Despite being the exploits of one man, Mexico saw Lane's proclamation as an act of hostility by the United States. Mexican President Antonio Lopez de Santa Anna subsequently ordered troops into La Mesilla to resist any military attempt to gain possession of the area. Up to four hundred Mexican soldiers immediately amassed in the town with the prospect of a thousand more arriving from nearby Chihuahua City. The possibility of military hostility with Mexico was obviously of grave concern to U.S. officials. In a letter to the Assistant Adjutant General, the commander at Fort Thorn near Doña Ana, Lieutenant Colonel Dixon Miles, stated that Lane chose to "issue the proclamation, without authority from Congress or the chief executive of the United States." He added, "As the question now stands, it will be involved in difficulty to settle, if not ultimately result on the part of Mexico in a declaration of war."<sup>368</sup> Alfred Conkling, United States Minister to Mexico similarly disavowed Lane's actions and severely criticized him for what he saw as an illegal act.<sup>369</sup> U.S. authorities decided to end the boundary dispute quickly before hostilities broke out with Mexico.

For his part, William Carr Lane felt he was completely justified in his actions. He claimed that he held the independent authority to make such brazen decisions because, as governor of New Mexico, he was not beholden to military authority. In a letter to Colonel Dixon Miles, Lane tried to vindicate himself arguing, "As the army is subordinate and auxiliary to the

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<sup>367</sup> Garber, *The Gadsden Purchase*, 72.

<sup>368</sup> Miles to Assistant Adjutant General, 20 March 1853, LR, DMN, RG393, NA, M1102, Roll 7

<sup>369</sup> Garber, *The Gadsden Treaty*, 73.

civil authorities of the U.S. - in all states and territories...the Governor of New Mexico is certainly not accountable to the army for his acts as civil magistrate. I therefore do not hold myself accountable to Colonel Sumner, or yourself, for what I have done, in relation to this disputed territory." In the same letter, Lane voiced his opinion that the inept nature of the military currently stationed in New Mexico compelled him to act. He argued that it was ultimately the military's duty to end the boundary dispute by force, yet, as he asserted: "Some 350 U.S. troops, who are unemployed and are within 5 miles of the scene of action, fold their arms in frigid tranquility and thereby sustain the enemies of their country!"<sup>370</sup> Receiving minimal direction from Washington additionally emboldened Lane into believing that he could make weighty decisions without the permission of the federal government. It also revealed and reflected larger debates unfolding across the U.S. regarding the division of powers between the territorial government and the military, the role and power of civilian governments, the influence of the military, and other weighty questions in antebellum America.

Lane's independent action brought the U.S. and Mexico very close to another war which forced the federal government to act. The administration decided to make a new treaty with Mexico. The two nations negotiated the Gadsden Treaty in 1854 in which Santa Anna agreed to sell the southern portion of New Mexico to the United States for 10 million dollars. The U.S. favored this treaty because they desired the southern portion of New Mexico to construct a southern route to the transcontinental rail line. Thus, the government was able to step in before any blood was shed. The Gadsden Treaty, however, did not bring an end to turmoil between the two nations. Santa Anna, not pleased with the aggressive actions of the United States, responded with orders against free speech, the surrender of arms, and a system of passports for travel for all

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<sup>370</sup> Lane to Miles, 19 March 1853, in Frazer, *Mansfield on the Condition of the Western Forts*, 76-77.

foreigners in Mexico. Mexican authorities mainly directed these mandates toward American citizens living in Mexico.<sup>371</sup> The treaty also contributed toward a feeling of resentment toward the United States by the vast majority of residents of La Mesilla, being once again placed under the authority of the United States against their will. Most residents of Mesilla in southern New Mexico considered themselves more attached geographically to Mexico than Santa Fe. Mesilla was located but 45 miles from Paso del Norte, yet was almost 300 miles from New Mexico's capital and center of government. These residents rarely felt that the far off New Mexican government shared their particular local concerns. This disconnect would become most apparent during the Civil War, as Mesilla rejected the United States and cast their lot with the Confederacy.

The boundary dispute demonstrated that Lane felt he was not subordinate to military or federal authority which also fueled greater tension between himself and Colonel Sumner concerning civilian defense of New Mexico. Similar to the relationship between Lane's predecessor and Sumner, the new governor's views on civilian militias created tumult between the civil government and the military. In May of 1853, for example, territorial officials blamed the murder of a man and the taking two captive children in Rio Arriba County on a group of Navajos. In a rare scenario, Lane and Sumner both agreed on how to proceed. They decided that a retributive expedition into Navajo country was in order. Lane, however, believed that a much larger fighting force than what the regular military could provide would more effectively compel the Navajos into submission. He assumed that a campaign undertaken by regular troops alone could only lead to a protracted and costly war. The Governor thereby requested supplementing Sumner's regular troops with New Mexican volunteers. Predictably, Sumner yet

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<sup>371</sup> Garber, *The Gadsden Treaty*, 148.

again refused to allow citizens to campaign against their enemies.<sup>372</sup> So adamant was Lane about the use of civilian warriors that he threatened to order out volunteers without approval from the military. Sumner's rejection of Lane's proposal so infuriated the governor that he challenged Sumner to a duel, who subsequently declined the offer.<sup>373</sup> The use of civilian volunteers was indeed still a very heated topic among the officials of the territory.

Alongside the general vilification of the New Mexican people by Anglo American officials examined in the previous chapter, concern over uncertain national loyalties of the Hispano population defined the 1850s which also certainly played into Sumner and other official's hesitance in utilizing the civilian population militarily. Many U.S. officials perceived that the Hispano population still held more allegiance toward their former government than they did the United States. In particular, military officials in New Mexico supposed that Hispano cultural and historical ties to Mexico translated into a sustained loyalty to that nation as well as an instinctive hatred for the United States. Anglo officials believed they had many reasons to fear a potential uprising among the Hispano population. The U.S.-Mexico War was but a recent memory, and the Gadsden Treaty had placed many displeased residents back under the purview of the United States. Most concerning was the fact that in 1847 many *Nuevomexicanos* and Pueblo Indians united and rose up in rebellion killing several U.S. government officials including then governor Charles Bent.<sup>374</sup> U.S. officials were particularly anxious about the allegiance of the poorer classes. Elite Hispanos generally, sometimes reluctantly, embraced the United States, yet U.S. officials thought that poorer residents might have harbored anti-American sentiments.

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<sup>372</sup> McNitt, *Navajo Wars*, 225-226.

<sup>373</sup> J Manuel Espinosa, "Memoir of a Kentuckian in New Mexico," *New Mexico Historical Review*, 13, No. 1 (January 1, 1938): 8.

<sup>374</sup> See James Crutchfield, *Revolt at Taos: The New Mexican and Indian Insurrection of 1847* (Yardley PA: Westholme Publishing, 2015).



To Anglo officials, shadows of another revolution potentially lurked around every corner. This distrust and suspicion toward the New Mexican population translated into racial mistrust on a larger scale.

Another rebellion by the ethnic Mexican population and Pueblo Peoples was a genuine threat in the minds of many Anglo-American residents of New Mexico during the 1850s. In April of 1852, then governor James Calhoun wrote to Edwin Sumner that he believed there was a “rebellious feeling among the people and that they now only await a favorable opportunity to attempt carrying out their treasonable purposes into effect.” Believing that some certain *Nuevomexicanos* and independent Indians were conspiring with each other to overthrow the U.S. government, Calhoun claimed, “The savages surrounding them were being excited against us by emissaries and traitorous persons.”<sup>375</sup> Calhoun argued that the lower class were the ones responsible for the proposed revolution, stating, “The more intelligent and better-informed portion of the natives of this Territory have taken no part in the projected revolution.” He claimed that in order to carry out their plans, leading insurrectionists had played off of the strong Mexican national sentiment of the people. He asserted that the agitators had “doubtless worked upon the naturally strong national and religious preferences of the lower classes...their object, as far as we can learn is to overthrow the present administration and do all the injury possible to the public officers.”<sup>376</sup> Calhoun, therefore, called for an additional military force at Santa Fe to prevent an insurrection of the populace. Sumner agreed that revolution was looming and acceded to Calhoun’s demands, consolidating troops at Santa Fe. When the Department Commander felt that the rebellious spirit had subsided, he withdrew the troops. Despite

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<sup>375</sup> Calhoun to Sumner, 12 April 1852, LR, DNM, RG393, NA, M1102, Roll 5.

<sup>376</sup> Whiting to Sumner, 25 April 1852, LR, DNM, RG393, NA, M1102, Roll 5.

Calhoun's fears concerning rebellion, he was still much more inclined than Sumner in allowing civilians to serve in a territorial militia.

Anglo fears concerning the questionable loyalty of the Hispano population was further exacerbated by ongoing tensions between the United States and Mexico as well as within Mexico itself during the 1850s. Since the U.S.-Mexico War, the relationship between the United States and Mexico was understandably hostile and fraught with suspicion and mistrust. Many U.S. officials reasoned that ethnic Mexicans along the border would potentially support any hostilities prompted by the Mexican nation toward of the United States. Events taking place within Mexico intensified Anglo American suspicions of potential rebellion. In Mexico during 1853, certain officials sought to bring Antonio Lopez de Santa Anna back as chief executive and revive the federal constitution of 1824 through the *Plan de Hicpocio*. To U.S. officials, this political rebellion in Mexico could potentially inspire revolt within the United States. Upon learning of this undertaking, Colonel Dixon Miles at Fort Fillmore, concerned that the population of Hispanos residing in the area would turn their back on the United States, issued a proclamation to all of the inhabitants below the *Jornada del Muerto*. In his announcement, Miles stated:

“it has come to my knowledge that a revolution is in progress by our neighbors to the south, the Mexicans, to change their form of government. The various laws enacted by our National Legislature, the Congress of the United States, positively prohibits under severe penalties, any of our citizens from engaging in the revolution of neighboring governments. To maintain the strictest neutrality with all whom we are at peace, to prevent our citizens from participating in any of their internal difficulties, under severe penalties of fine and imprisonment, be it therefore known to all concerned, I shall, as superior commander of the United States troops within this district use all lawful means within my power to prevent any of you from participating in the present revolution now carrying on in the State of Chihuahua, and I call upon all civil officers, judges and magistrates to lend me their assistance in restraining the inhabitants from any act, or acts, compromising the

neutrality of the United States Government – and I further declare I shall, without hesitation, perform the duty placed upon me by law, to bring to the United States Courts, for punishment, all who may be aiding and assisting in this present revolution. My advice to you my fellow citizens, is to remain quietly at your homes, and let our neighbors settle their own difficulties in their own way...Like good citizens, obey the law, if you do not I will, and however painful to my feelings, shall be bound to prosecute you.”<sup>377</sup>

In response, justices of the peace and other government officials from San Elizario, Socorro, and “other towns on this side of the river” signed an agreement pledging neutrality “among the Mexican population” in Mexican affairs.<sup>378</sup> The fact that these leaders felt the need to assuage U.S. officials by insisting that the ethnic Mexicans in their jurisdictions held no hostile intentions toward the United States displays the apprehension many Anglos felt toward the ethnic Mexican population. To many government officials, potential Hispano insurrection was, therefore, a very real danger.

Racial strife on both sides of the border further influenced Anglo American perceptions concerning ethnic Mexican loyalty to the United States. A noteworthy example of Anglo and Mexican discord occurred in and around El Paso in July of 1853. That year, Mexican officials had jailed an American citizen by the name of James Magee in El Paso del Norte (modern-day Ciudad Juárez) on his way to California for allegedly stealing some oxen from Mexican citizens. Upon being summoned by the Prefect of the city, Magee brought the cattle back to the Mexican side of the river and delivered them to the authorities. He maintained his innocence, claiming that he did not knowingly steal from the Mexicans but instead found the oxen among his own herd. Despite his proclamation of innocence, Mexican officials arrested and imprisoned Magee. The Mexican government agreed to free the prisoner if he paid a fine of one hundred dollars. As

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<sup>377</sup> Proclamation to the Inhabitants residing within the Limits of the United States, South of the Jornada del Muerto, January 1853, LR, DMN, RG393, NA, M1102, Roll 7.

<sup>378</sup> Unnamed letter from Magoffinsville, Texas, 8 January 1853, LR, DNM, RG393, NA, M1102, Roll 7.

the Prefect called Magee into court; however, he changed his mind and refused to release him. Several hundred California emigrants encamped along the Texas side of the river soon learned of the actions of the Mexican government. These Anglos maintained Magee's innocence, arguing that his return of the oxen to Mexico proved no wrongdoing. These Americans and others located on the U.S. side of the Rio Grande (present-day El Paso) were incensed that the Mexicans did not free Magee as they had promised, and "the excitement rose to a fearful height." They subsequently took it upon themselves to cross into Mexico, attack the jail, and free Magee. On July 18<sup>th</sup>, several Americans had fired upon the prison and were repulsed by Mexican defenders. One American was immediately killed, and one was left wounded, expiring a day later.<sup>379</sup>

Because of this event, relations between the people of the two nations further deteriorated. On the American side of the river directly adjacent to El Paso del Norte, Anglos and Mexicans regularly insulted and drew pistols at each other. The situation became so dire that Consul to Mexico, Davis Diffendorfer, "for the sake of safety," ordered, "every American to shut up his store at dusk, and upon no account leave his house after dark." In favor of the actions of the small group of Anglo American invaders, Diffendorfer claimed that "the whole proceeding is a plan [by Mexico] to extort money from [Magee]."<sup>380</sup> Eventually, the racial tensions caused by this occurrence cooled, yet a sense of racial suspicion never fully abated. Officials opposed to the use of civilian volunteers were influenced by the precarious national, and ethnic relations such as these examples suggest.

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<sup>379</sup> Diffendorfer to Marcy, 23 July 1853, LR, DNM, RG393, NA, M1102, Roll 7.

<sup>380</sup> *Ibid.*

Not all military officials in New Mexico would be wholly against the use of civilian volunteers, however. In 1853, General John Garland, a sixty-one-year-old veteran of the War of 1812, the Seminole Wars, and the U.S.-Mexico War, replaced Edwin Sumner as Department Commander in New Mexico. This shift in military leadership would change the course of civilian warfare in New Mexico for the next five years. Although Garland held Sumner in high regard, he criticized the actions that he took in New Mexico. The new department commander claimed, “My predecessor is an old friend and acknowledged throughout the army to be one of our most efficient and gallant officers in the field...but his energies have been misapplied, and he has left the department in an impoverished and crippled condition.... [H]is sole aim appears to have been to win reputation from an economical administration of his Department; in this, he will be found to have signally failed, if all his acts are closely looked into.”<sup>381</sup> Garland, therefore, attempted to cultivate more amicable relations with New Mexico civil authorities and strengthen the military so impaired by Sumner’s strategies.<sup>382</sup> Above all, Garland was much more receptive to using civilian volunteers than his predecessor.

Upon assuming command, Garland sought immediate and significant changes to the military department. He abandoned many of the cost-cutting measures of his predecessor. Under Garland’s management, there would be no more skimping.<sup>383</sup> The military under Garland pushed even further into New Mexican Indian territory establishing additional forts such as Fort Massachusetts and Fort Stanton while abandoning some thought useless such as Fort Webster. Under Garland, the troops no longer had to cultivate the land, nor were they required to construct these additional forts. A big proponent of extra troop strength, upon taking command of New

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<sup>381</sup> Kiser, *Dragoons in Apacheland*, 157.

<sup>382</sup> Ball, *Army Regulars*, 68.

<sup>383</sup> Frazer, *Forts and Supplies*, 96.

Mexico Garland brought with him 300 recruits to reinforce additional military posts made necessary by the acquired land of the Gadsden Purchase. A proponent of utilizing force to attempt to overwhelm the Indians, Garland launched numerous campaigns against Native groups in New Mexico and west Texas. He had embraced a policy of aggression against Native peoples, and as such he recognized the necessity of supplementing the regular troops with civilian volunteers if the territory was to be successful in subduing the independent tribes. He, therefore, encouraged the practice of allowing New Mexican volunteers to fight alongside regular troops. Garland was more pragmatic than his predecessor and didn't let disparaging views of Hispanos influence the course of civilian warfare.

While advocating for the use of civilian warriors fighting alongside the military, Garland also generally tolerated small independent civilian expeditions against Native peoples accused of stealing from or murdering the residents. Under Garland, civilians were usually free to seek redress against independent Indians as long as these expeditions did not result in wholesale slaughter or the assault of innocent tribes under treaty. The long-adhered to custom of civilian warfare had endured and survived the Sumner era as a limited number of independent volunteer companies had still been active around the territory. Civilians had been more than dissatisfied with the regular military and as a response, small local volunteer units frequently acted autonomously without the supervision of either the territorial government or the military. They believed they had the right to pursue Indian depredators as a matter of precedent as well as governor Calhoun's previous proclamations encouraging them to do so. Men of high social standing such as local government officials, led these independent volunteer companies and frequently initiated forays into Indian country under the guise of self-defense.

By and large, Garland accepted these small expeditions, allowing these men to deliver their prisoners to military posts. In 1854, for example, the Justice of the Peace of El Rito, fifty-five miles north of Santa Fe, Felipe Martinez, headed a local volunteer company which surprised and captured a party of eight Apaches who were accused of stealing sheep in the area. Two of the Apaches attempted to make their escape and were killed; the rest were captured and delivered to the military. In another instance, Juan Martinez y Peña led an expedition of men who captured ten Apaches near La Servilleta, approximately thirty miles north of El Rito. The men killed one Apache, while one escaped, and they sent the remainder to Taos as prisoners. These particular prisoners threatened that they would “war with the United States as long as any of them are left alive or until the white population are driven from the territory.”<sup>384</sup> Independent local militia organizations such as these certainly took advantage of Garland’s general tolerance of their actions. Garland and other military officials, however, would shun certain overly violent civilian forays that resulted in a breakdown in relations with friendly Natives, such is the case with the Mesilla Guard discussed in the next chapter.

The arrival of a new governor in New Mexico further paved the way for a more lenient attitude toward civilian defense. In 1853, William Carr Lane resigned the governorship, and President Franklin Pierce appointed David Meriwether to head the civil government in New Mexico. Governor Meriwether was not at all pleased with many of the previous governor’s actions, particularly regarding Lane’s numerous unratified treaties with Native peoples. Meriwether voiced his frustration declaring: “I entered upon the discharge of the duties of this office...and soon found that my predecessor had made a compact with several bands of the

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<sup>384</sup> Messervy to Executive Department, 30 May 1854, SDTP, NM, RG59, NA, T17, Roll 1.

Apache tribe...which has caused much embarrassment and difficulty.”<sup>385</sup> Due to the U.S. Senate’s decision to ratify only one Apache treaty, the rations Lane had promised the Apache tribes had never materialized. These Apache groups were perplexed as to why the New Mexican government had failed to live up to their end of the treaties. Upon his visit with an Apache band, Meriwether claimed, “They [the Apaches] ask how it was that the former Father could satisfy them with food...whilst their present Father could not. When I say to them that I have no money to purchase presents and provisions with, their reply is, how did their former Father get money for this purpose.”<sup>386</sup> The refusal of the New Mexican government to abide by the terms of the treaties emboldened Native groups to become more hostile. From the Albuquerque Agency, Apache agent Edmund Graves made this observation. He said that a certain chief of a “dangerous” and “warlike” Apache band “complained much that presents had not been liberally given...and unless given to them, they should consider it evidence of an unfriendly feeling.”<sup>387</sup> Increasing hostilities with Native Peoples led Meriwether to take a more hardline militaristic approach to Indian relations.

The tenures of David Meriwether and John Garland had shifted Indian relations with the civil government in the territory from a semi-humanitarian approach to the utilization of violence to induce peace. After only five weeks in office, Meriwether reported thirteen citizens murdered, ten to fifteen wounded, and a property loss by theft of \$10,000 to \$15,000.<sup>388</sup> Thus, he believed the benevolent strategy advocated by William Carr Lane had primarily been a failure.

Meriwether stated that federal Indian policy in New Mexico took two forms: either “feed or

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<sup>385</sup> Kiser, *Dragoons in Apacheland*, 153.

<sup>386</sup> Horn, *New Mexico’s Troubled Years*, 61.

<sup>387</sup> Graves to Meriwether, 31 August 1853, E.A. Graves Letters to Governor David Meriwether Regarding Indians in the New Mexico Territory, 1853, University of New Mexico Center for Southwest Research, MSS 876 OV.

<sup>388</sup> Utley, *Frontiersmen in Blue*, 143.



whip them...the former had been the policy of my predecessors; the latter has not been effectively tried.”<sup>389</sup> Apache agent Edmund Graves similarly promoted a more aggressive approach to Indian relations. In a letter to the new governor, Graves placed the blame of the current state of the territory on the historical disconnect between the civil and military authorities. He claimed, “There are two equal and independent authorities in this territory, who often have to act upon the same matter. If they differ in opinion, as is frequently the case, the Indian escapes, and the citizen remains without redress.” Graves encouraged a stronger military approach to Indian affairs, claiming: “Indians should be made aware of...the power of the government, and this can only be done, by bringing to bear upon them, in full force, the power of the military...After the Indian has been made to feel and appreciate the power of the government to punish and enforce a compliance with its institutions, then presents can be given and treaties made with safety.”<sup>390</sup> Graves also supported the right for civilians to war with Native peoples. He argued, “either complete and adequate protection should be afforded to the settlers, or they should be permitted fully to redress their wrongs.... It is hard, that the privileges of retaliation should belong only to the Indians and that the settlers should have to await the slow and uncertain remuneration of this government.”<sup>391</sup> The views of these two men would prevail, and with General Garland’s blessing, the U.S. military along with civilian volunteers placed increasing military pressure on independent Indians during the second half of the decade.

Despite an approach to Indian relations based on military power, the results were similar to those under Calhoun and Sumner. After the military overpowered Native bands, Meriwether utilized the treaty system for those who requested peace. In July of 1854, Congress appropriated

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<sup>389</sup> Kiser, *Dragoons in Apacheland*, 155.

<sup>390</sup> Graves to Meriwether, 31 August 1853, E.A. Graves Letters to Governor David Meriwether Regarding Indians in the New Mexico Territory, 1853, University of New Mexico Center for Southwest Research, MSS 876 OV.

<sup>391</sup> *Ibid.*

\$30,000 to make treaties with the Indians of New Mexico.<sup>392</sup> In 1855 alone, Meriwether had negotiated six treaties with Indians. However, like Lane's treaties, Meriwether's were never approved by Congress, which added to the frustration felt by Indian groups leading only to further hostility. Despite not being ratified, New Mexican civilians themselves were displeased with Meriwether's treaties with Native peoples. Some New Mexican residents thought that the treaties bestowed too much to the Indians. Utah Indian Agent Diego Archuleta, for example, complained that certain treaties promised Native peoples lands that belonged to the Hispano community. Archuleta, one of a handful of Hispano Indian agents in New Mexico, the majority being Anglos, argued, "The treaties negotiated by Gov. and Supt. Meriwether were in direct violation of the rights of individuals, because the selections of the reservations were not only upon private grants, but also so proximate to the settlements."<sup>393</sup> New Mexican civilians were in fact so upset by the liberal offerings of the treaties that they had hung an effigy of Meriwether to a flagstaff in the central plaza of Santa Fe.<sup>394</sup> Meriwether's approach to Indian relations generally failed to produce any real change and aggravated both Native and non-Native peoples. Yet, an Indian policy based on militarism alongside a lenient approach to civilian warfare by general Garland soon led to a revival of the idea of a standing territorial militia.

One civil official, in particular, put a great deal of effort into coordinating the implementation of a standing civilian fighting force in New Mexico. In early 1854, David Meriwether had been granted a four-month leave of absence by the State Department, leaving Lieutenant Governor William S. Messervy in charge. By means of a territorial emergency, the interim governor did more to strengthen and organize militia units in New Mexico than any

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<sup>392</sup> Horn, *New Mexico's Troubled Years*, 62.

<sup>393</sup> *Ibid.*, 63.

<sup>394</sup> *Ibid.*, 64.

governor preceeding him. During his brief tenure, Messervy would not shy away from utilizing his temporary powers to attempt to solidify and maintain a functioning New Mexican militia.

Upon stepping into his new position, civilian requests to enact warfare against Native peoples immediately inundated the interim governor. In 1854, the Probate Judge of Rio Arriba County, Jose Maria Chavez, petitioned William Messervy to make an expedition against the Jicarilla Apaches. These Apaches had initiated a series of raids against the residents of the region. Messervy was initially compelled to refuse, citing, “the Executive Department cannot render any assistance to that frontier until information is received from the General Commanding, that he is not able to chastise and check the invasions of the Indians.” He also claimed, “There would be great difficulty in giving protection to that frontier, in consequence of the want of organization of, and arms and ammunition, for the militia.”<sup>395</sup> One month later, a combined force of 100 Jicarilla Apaches and Utes engaged a company of regular soldiers twenty-five miles south of Taos. After a three-hour battle, twenty-two dragoons were killed and thirty-six wounded.<sup>396</sup> After this incident, with general Garland hundreds of miles away in West Texas, Messervy decided to act. He issued an executive proclamation stating: “The tribe of Indians, known as the Jicarilla Apaches, have made war upon, and commenced hostilities against the government of the United States.” In his proclamation, he made it a criminal act for any “Americans, Mexicans, Pueblo or other Indians, now at peace with the United States, to hold any communication whatever with said tribe of Indians.”<sup>397</sup> Thus, the new governor considered the actions of the Jicarillas as an act of war and would respond accordingly. At the same time, bands of Mescalero Apaches had been attacking travelers in Southern New Mexico. Messervy knew

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<sup>395</sup> Messervy to Chavez, 19 May 19 1854, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>396</sup> Veronica E. Velarde Tiller, *The Jicarilla Apache Tribe: A History, 1846-1970* (Lincoln: University of Nebraska Press, 1983), 47.

<sup>397</sup> Messervy Proclamation, 10 April 1854, SDTP, NM, RG59, NA, T17, Roll 1.

that he would need to entrust military power to New Mexican civilians to effectively chastise these offending Indians.

The interim governor used war with the Jicarillas and Mescaleros as justification for the revival of standing militia units in the central and northern portions of the territory. Messervy, who styled himself “Commanding Chief of the Militia,” saw the threat as particularly imminent which necessitated militia organization quickly. During his brief tenure, Messervy immediately set about organizing the militia under laws set forth by the territorial government. On May 19, 1854, Messervy brought the Militia Law of 1851 back from the dead. He issued a military order to Probate Judge Jose Maria Chavez of Rio Arriba County, who he named Brigadier General of the second brigade of the first division of the Militia of New Mexico. In this order, he commanded Chavez to organize two-hundred fighting men in the “shortest practicable time.” He ordered Chavez to “hold yourself and them in readiness at such place or places as you may deem expedient to repel any invasion or invasions threatened or made by said [Jicarilla] Indians, and if practicable you will pursue them into whatever parts of said territory they may flee.”<sup>398</sup> This was the first time that a New Mexican governor had used his power to organize a militia unit during the U.S. period.

After calling for the organization of a militia company in Rio Arriba County, Messervy advised other settlements to be ready for militia service if need be. In a letter to Francisco Lopez, Probate Judge of nearby San Miguel County, Messervy stated that he had already called many men into service and he expected that Lopez would communicate to the people [of San Miguel] the importance of volunteering for service when called upon. He stated, “I expect that

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<sup>398</sup> Messervy to Chavez, 19 May 1854, SDTP, NM, RG59, NA, T17, Roll 1.

you, as Probate Judge will represent to the people, the necessity of action for the defense of their lives and property,” he added that if civilians were called upon and refused to serve, they could expect punishment. He told the Probate Judge: “I expect that you will use all the powers conferred upon you by law, in case any person should refuse to render said service.” Messervy expected that “each town, village, and settlement [within San Miguel County] should organize themselves and be ready to repulse any invasion of the savages, for the better preservation and security of their families.”<sup>399</sup> Thus, militia service under Messervy was compulsory, under penalty of retribution.

Soon after, Messervy turned his attention to the Mescalero threat. He ordered Manuel Herrera of San Miguel County, Brigadier General of the second brigade of the second division of the Militia, to also organize two hundred men to deal with this danger. Admitting that many men in the county were not well armed, Messervy communicated to Herrera, “You are therefore commanded to detail from the militia of your said district two hundred efficient men armed and equipped as well as circumstances will admit.” He then ordered Herrera to organize a corps of officers, noting, “In the organization of the detachment you will select such men as are best qualified and place them in the subordinate positions and commands, and when there organized you will report the names of the occupying said subordinate positions to me.” Local officials were supposed to report these positions and officers monthly according to the Militia Law of 1851, which shows that much of the law had not been adhered to. Messervy added the restriction: “You will confine your operations to your particular districts of the territory.”<sup>400</sup>

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<sup>399</sup> Messervy to Lopez, 20 May 1854, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>400</sup> Messervy to Herrera, 20 May 1854, SDTP, NM, RG59, NA, T17, Roll 1.

The want of arms for volunteer forces remained a significant problem well into the 1850s. These newly organized militia personnel continually pleaded with the territorial government for firearms. In a letter to Governor Messervy, a militia captain begged the governor to send “as soon as possible, a supply of arms in order that we may be able to defend our lives and property; the critical state of affairs in this county compel us to make this request of Your Excellency, which we hope that Your Excellency will not fail to grant.”<sup>401</sup> In reply, Messervy stated, “I have no arms at my disposal, at this time to supply the militia of this territory. I have represented to the general government, this condition, and am now awaiting the arrival of Gov. Meriwether, (who is daily expected) who I entertain no doubt, will come from Washington with ample power to relieve the many embarrassments.”<sup>402</sup> Militia units organized under Messervy certainly did not have the number of arms necessary to carry out their duties most effectively should they be called upon, and civilian leaders would soon attempt to remedy this issue through legislation.

In the meantime, generally following the guidelines of the Militia Law of 1851, Messervy commissioned militia captains, lieutenants, and other officers; almost entirely men of Mexican descent. Under his work, he organized entire companies of militia for the northern and central militia divisions. Messervy also laid out certain militia guidelines not present in the Militia Law of 1851. He noted that substitutes were to be procured for certain militiamen who had “sufficient reasons for being excused.” He also outlined that the men of the militia should not remain in service for longer than three months, noting however, “In order that the militia in your district may be well organized at all times, at the expiration of one month service, you should

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<sup>401</sup> Romero to Messervy, 3 July 1854, Territorial Archives of New Mexico, Adjutant General Campaign Records, New Mexico Records Center and Archives, (hereafter TANM, AGCR, NMRCAs), Roll 8.

<sup>402</sup> Messervy to Gallegos, 6 July 1854, SDTP, NM, RG59, NA, T17, Roll 1.

discharge a certain number, and replace them with an equal number of men, who should be organized previously and be ready for detail – but in this you should use great prudence in order that the service shall bear equally upon all.” Thus, not only was Messervy trying to organize civilian volunteers, he was attempting to create a sustained functioning territorial militia.<sup>403</sup>

The acting governor felt that the organization of standing militia units was entirely necessary primarily because, as many in New Mexico had argued before him, there was a lack of effective regular military troops stationed in the territory. During the troubles with the Jicarilla and Mescaleros, general Garland had been lingering near El Paso on business (no longer part of the military department of New Mexico).<sup>404</sup> Messervy appealed to him to return to New Mexico as quickly as possible, arguing a deficiency in regular troops available to combat the Natives. He stated, “Our Indian relations are becoming every day more and more embarrassing and our frontier settlements are daily visited by the Apaches in small parties who rob and murder the inhabitants.” He admitted that the primary reason for calling out the militia was that the troops already stationed at Fort Union were withdrawing in the direction of the Raton Mountains “leaving the Indians referred to, in [their] rear.” He therefore noted that the utilization of these militia units was only a temporary measure until General Garland arrived with more troops.<sup>405</sup> In 1861, then governor Abraham Rencher also claimed that Messervy had been obliged called out the militia because during the turmoil, the “military force in the Territory was comparatively small and the military commander absent and could not be heard from.”<sup>406</sup> Upon learning of Messervy’s actions, General Garland was apprehensive about the organization and use of these units to enact war with Native peoples. He stated, “The acting governor of the Territory has

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<sup>403</sup> Messervy to Unnamed, 30 May 1854, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>404</sup> Texas had become part of the Department of Texas on December 8, 1860.

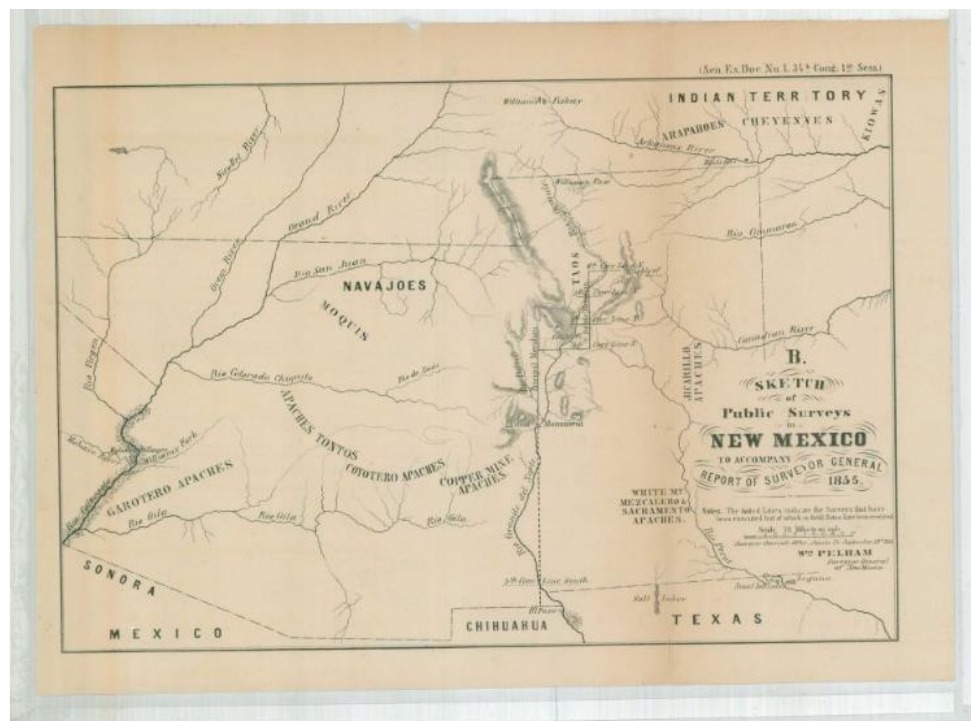
<sup>405</sup> Messervy to Garland, 20 May 1854, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>406</sup> Governor’s Message, 1861, SDTP, NM, RG59, NA, T17, Roll 2.

deemed it necessary, in my temporary absence, to call out several companies of volunteers. This step is to be much regretted. Of its necessity I cannot well judge until my arrival at Santa Fe.”<sup>407</sup>

The department commander, however, allowed Messervy to employ volunteers and even supported their war with the Natives.

Four hundred men of these newly organized militia units saw combat against the Jicarilla and Mescalero Apaches in 1854. These men saw an opportunity to battle their traditional enemies while proving their loyalty to the United States which displayed their desire for all of the benefits of full citizenship. General Garland, however apprehensive he was concerning this particular expedition, aided the volunteers with a company of regular troops from Fort Union. Several clashes between the Jicarillas/Mescaleros and soldiers and citizens resulted in deaths, principally among the Indians. In one battle of the Jicarilla campaign, militiamen had



<sup>407</sup> U.S. Congress. *Militia of New Mexico, 1855*. Garland to Thomas, 5 June 1854. 33d Cong., 2<sup>nd</sup> sess. H. Rep. 38, 3.



Illustration 3.2: This map shows the names U.S. officials ascribed to New Mexican Native groups as well as their locations in 1855. Maps and Charts no. US 538-15; "Sketch of Public Surveys in New Mexico to Accompany Report of Surveyor General," 1855; Civil Works Map File, 1818-1947; Records of the Chief of Engineers, 1789-1999, Record Group 77; National Archives at College Park, College Park, MD.

taken forty-nine Jicarillas prisoner, and "several" were shot.<sup>408</sup> Overall, both civil and military officials deemed these expeditions successful. General Garland reported that "the Jicarilla Apaches have been most thoroughly humbled, and beg for peace."<sup>409</sup> Messervy himself was particularly delighted with these results because, as he claimed, the militia had been "so poorly provided with the necessary arms and munitions, to defend themselves against the incursions of the hostile Indians." To Messervy, the fact that the New Mexican people were able to defeat these tribes despite a lack of firepower proved their resolve, determination, and masculinity.

Deviating from the previous payment system consisting of the booty captured from enemy Indians, Messervy promised these volunteers monetary compensation. The Jicarilla and Mescalero campaigns had been the largest conflict between civilians and Native peoples during the U.S. era up to that point. The four hundred men who volunteered for the fight fully expected someone to compensate them. Issues inevitably arose concerning this payment system. Messervy's militia served a term of six months, and these men were promised payment upon being released from service. A bankrupt territorial government, however, had no funds with which to pay them. This understandably angered many who were promised recompense for their service. During the campaign, many volunteers used their own weapons, animals, and supplied their own food. They particularly anticipated reimbursement for their losses. Militia Captains

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<sup>408</sup> U.S. Congress. *Militia of New Mexico*, 1855. Garland to Thomas, 30 June 1854. 33d Cong., 2<sup>nd</sup> sess. H. Rep. 38, 3.

<sup>409</sup> Tiller, *The Jicarilla Apache Tribe*, 51.

such as Jose Maria Chavez pleaded with the territorial government to pay him and his men as promised by the governor. However, the civil government in New Mexico would fail to live up to their end of the bargain. These officials turned to the largely apathetic federal government to supply funds for militia payment.

Upon his return, governor Meriwether applied to the federal government for funds to pay the militia for their service. Meriwether informed Congress, “These militiamen furnished their own arms and ammunition, horses, forage, and subsistence, during the time they were in service. He added: “I estimate twenty-five thousand dollars to be a sum sufficient for their compensation.”<sup>410</sup> The federal government had heavily criticized Messervy’s decision to call out the militia, and they were less than enthusiastic about supplying the requested funds. Secretary of War, Jefferson Davis, argued that the expedition was unlawful to begin with, as “the men were called out without the usual requirements, or the competent authority.”<sup>411</sup> Congress concurred and ultimately determined that “no satisfactory evidence has been adduced to enable the committee to judge of the necessity of calling out of the said militia, the actual time it was in service, or the amount of money necessary to defray the expenses thereof.”<sup>412</sup> The federal government denied Meriwether’s appeals and the militia remained unpaid for their service in the 1854 Jicarilla and Mescalero campaigns. These men received no payment nor did Anglo Americans change their views regarding ethnic Mexican national allegiance. Despite showing their desire and readiness for citizenship through warfare, Anglo Americans still refused to see ethnic Mexicans as equal members of the nation-state.

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<sup>410</sup> U.S. Congress. *Militia of New Mexico, 1855*. Meriwether to Davis, 28 July 1854. 33d Cong., 2<sup>nd</sup> sess. H. Rep. 38, 3.

<sup>411</sup> U.S. Congress. *Militia of New Mexico, 1855*. Davis to Meriwether, 11 September 1854. 33d Cong., 2<sup>nd</sup> sess. H. Rep. 38, 3.

<sup>412</sup> U.S. Congress. *Militia of New Mexico, 1855*. 33d Cong., 2<sup>nd</sup> sess. H. Rep. 38, 1.

The unenthusiastic response of the federal government toward the mustering of New Mexican volunteers had been in stark contrast to Washington's reaction to their equivalents to the east, the Texas Rangers. During the 1840s and 1850s, Texas had organized volunteer "ranger" companies at will. Unlike the New Mexican volunteers, these ranger units were almost entirely men of Anglo descent. These companies had militantly and violently warred with the various Native peoples of the region, so much so that historian Gary Clayton Anderson claims, "Killing Indians apparently had become 'sport' in Texas."<sup>413</sup> Some of these volunteers had also been known to assault sections of the Tejano population in Texas. The Texas volunteers' tactics were so appalling in some instances that in 1846, General Zachary Taylor endeavored to "get the 'rangers' so called, out of service."<sup>414</sup> The federal government, however, chose to continue to pay and equip ranger units to carry out their bloody tasks for years into the future. The federal government's endorsement of the Texas Rangers while shunning the actions of New Mexican volunteers is telling. They continued to pay and supply ranger companies accused of overly violent forays against both Indians and Tejanos while touting the illegality of the mustering of New Mexican volunteers.

Despite fairly significant issues regarding compensation, the civil government and military in New Mexico finally seemed to be on the same page with regard to militia use. General Garland did not hesitate to again call up territorial militia units to war with Native peoples. On Christmas day of 1854, a band of Muache Utes and Jicarilla Apaches under Chief Blanco attacked a small trading post located in present-day Colorado. Fifteen occupants of the post were killed and two young boys were taken captive. In January 1855, Garland himself

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<sup>413</sup> Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land 1820-1875* (Norman: University of Oklahoma Press, 2005), 227.

<sup>414</sup> General Taylor to Governor Wood, 7 July 1846, Governors' Papers, Texas State Library.

called up five companies of territorial volunteers under the veteran trapper Ceran St. Vrain, supplying these men with weapons, in order to punish those responsible.<sup>415</sup> A retributive expedition ensued which consisted of two companies of Dragoons, one company of artillery, and 500 New Mexican volunteers. The campaign, which lasted six months, comprised several battles which eventually resulted in the surrender of the Muache Utes and Jicarilla Apaches and the signing of a peace treaty; never ratified by Congress.

The volunteers of this particular expedition were exceptionally proud of their designation as citizen soldiers. Each company of volunteers purchased their own shirts and hats of the same color, which “gave them quite a military appearance.”<sup>416</sup> Their enrollment as temporary soldiers also produced an air of superiority over their fellow citizens. Dewitt C. Peters, who took part in the expedition as an army surgeon, observed, “Never were men prouder of the position they now held than the volunteers under consideration...So pleased were they at being recognized as soldiers, that they could not, when afterwards marching through their own towns, resist the temptation of jocosely taunting their countrymen whom they chanced to meet, for being obliged to till the ground.”<sup>417</sup> The privilege of serving alongside the military indeed gave these men a masculine sentiment of self-importance and special-standing among their community.

During this brief window of military and civil government accommodation, the New Mexican legislature saw an opportunity to draft new legislation concerning civilian militias. The idea of a territorial militia seemingly had the acceptance of the department commander, and through the actions of William Messervy, organized militia units had been formed and saw service. However, the Militia Act of 1851 had been mainly a failure, and civil officials reasoned

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<sup>415</sup> Utley, *Frontiersmen in Blue*, 147.

<sup>416</sup> Dewitt C. Peters, *The Story of Kit Carson's Life and Adventures* (Hartford: Dustin, Gilman and Co., 1875), 493.

<sup>417</sup> *Ibid.*

that the time had come for new legislation. In 1857, the new governor, Abraham Rencher, and the Legislative Assembly of the Territory of New Mexico drew up an act that amended the first militia law of 1851. The amendment permitted much more liberal use of civilian volunteers than the original 1851 code. It stated: “any man of experience and good character who shall raise and organize a force of not less than two hundred men nor more than two hundred and twenty-five men is hereby authorized to apply to the governor of this territory to make a volunteer campaign against any tribe or tribes of Indians at war with this Territory.” The amendment added, “as soon as their respective commanders shall have received their commissions and instructions from the Governor in the manner in which they shall conceive and conduct the campaign against what tribe or nation of Indians they shall commence operations independent of all other military authority.”<sup>418</sup> The original law of 1851 provided that there would be an enduring standing militia in New Mexico. Knowing that this stipulation had been almost impossible to enforce, the 1857 amendment to the original law specified that militia companies would only be created and deployed as needed. This act also gave the civilians the authority to wage war without the requirement of military oversight or cooperation. After the payment debacle in 1854, compensation for service, however, remained spoils taken from the battlefield.

This new legislation gave incredible leeway to civilians wishing to war with Indians. Many residents seemed to be more than satisfied with the power the new law gave them, and the press was quick to capitalize. The *Santa Fe Gazette* on August 22, 1860, ran an article encouraging citizens to form volunteer companies for warfare with Indians due to Rencher’s liberal law. The article stated that

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<sup>418</sup> An Act Amending the Militia Law of the Territory, Undated, SDTP, NM, RG59, NA, T17, Roll 1.

“the occasion presents itself to you to redeem yourselves, your families and your country from the accursed condition of subjection to the savages who so long have preyed upon your vitals....the regular troops at the disposal of the Commandant have arrived with exhausted teams and are without the fresh and efficient equipment essential to the accomplishment....Under these circumstances, to you the people of New Mexico, the appeal is made for that co-operation with the regular army which will subdue for ever the savage foes who have cost you so much blood and property. Respond promptly, raise a volunteer force of a thousand men, and we have the promise of the Governor of the Territory that he will call them into the field and supply them with arms. We have the assurance of the Military commandant that he will supply them with ammunition and accept cordially their cooperation....Though it would be better if the volunteers proposed to be raised could be mustered into the regular service, and thus be entitled to subsistence and pay; yet, this being unattainable, let us not underrate the advantages which are offered for our acceptance.”<sup>419</sup>

Alongside the Act amending the Militia Law, Governor Rencher also issued several orders to civilian military leaders that bequeathed a vast amount of military authority to volunteer companies. In one letter to several militia captains, Rencher stated, “You have the right to defend yourselves and your property against the Navajoes, or other marauding Indians, or if they have committed any murders, or stolen and carried off any stock, or other property from your settlements, you have a right to follow the Indians, who have committed these offences where you can find them, even into the Indian Country, for the purpose of punishing the murderers, or of recapturing the property stolen. If in such pursuit, it becomes necessary to kill the Indians who have committed such offenses, you have a right to do so.”<sup>420</sup> Rencher’s instructions gave civilian warriors unprecedented power to chart the course of warfare with Native peoples in New Mexico. The prospect of allowing civilians to pursue Indians into their

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<sup>419</sup> “Address to the People of New Mexico.” *Santa Fe Weekly Gazette*, 22 August 1860.

<sup>420</sup> Rencher to Unnamed Militia Captain, 1 May 1860, SDTP, NM, RG59, NA, T17, Roll 1.

territory and enact violent revenge, including the right to take life, was, however, too much for certain military officials to stomach. In their minds, the form of warfare advocated by Rencher could potentially set a dangerous precedent which could undo whatever efforts toward peace the military had achieved.

Assuming command of the Department in 1860, Colonel Thomas T. Fauntleroy, a veteran of numerous Indian battles, was one such dissenter. Stubborn and proud, the new department commander was less amiable toward civilian officials than Colonel Garland.<sup>421</sup> After Fauntleroy's appointment, whatever goodwill and harmony established between civil and military officials during Garland's tenure would soon be undone. As soon as Fauntleroy assumed command, conflict between him and Governor Abraham Rencher immediately erupted. In October of 1860, the U.S. Secretary of the Treasury tasked Rencher with repairing the crumbling Palace of the Governors located in Santa Fe. Rencher found it necessary to tear down a vacant and crumbling part of the building formerly used as a post office. For reasons unknown, Fauntleroy threatened Governor Rencher with martial law if he continued with his plan to demolish the old post office.<sup>422</sup> In response to Fauntleroy's threat, Rencher grumbled that Fauntleroy had a "continued disposition to subordinate the civil to the military authority of the government."<sup>423</sup> Thus, after a period of relative cooperation, conflict once again emerged between the civil government and the military.

Disagreement and tensions between the two men soon spilled over into territorial militia affairs. During the period of brief cooperation which allowed civilian warfare to flourish, the territorial legislature passed an Act Authorizing the Loan of Public Arms in 1857. This act had

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<sup>421</sup> Ball, *Army Regulars*, 68.

<sup>422</sup> Rencher to Cass, 15 October 1860, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>423</sup> *Ibid.*

meant to make it easier for the territorial government to supply arms to militia companies called into service. The Act was an agreement between territorial officials and the military that the latter would provide the militia with weapons in times of need. In November of 1860, The Navajos had instigated a series of raids near Santa Fe, and Governor Rencher found it necessary to supply a portion of the militia with weapons to protect themselves. Although the military was expected to supply the arms requested of the governor, Fauntleroy, whose stance on civilian volunteers tended to echo that of Edwin Sumner, chose not to provide the requested arms to the militia.<sup>424</sup> The loyalty of the ethnic Mexican population was, once again, in question.

Fauntleroy's hesitance to arm the Hispano population stemmed from his perceived notion that the loyalty of the New Mexican population was suspect. A year previous, a revolt by the ethnic Mexican population on both sides of the border in nearby south Texas added to Anglo anxieties concerning the allegiance of these people. Near Brownsville, Texas, Juan Cortina led a party of men who attacked and occupied the town. Cortina, son of wealthy Mexican landowners, had been disaffected with the way Anglo Americans had treated the Mexican population along the Texas border. This led to a series of battles between the *Cortinistas* and the Texas Rangers. Cortina's actions had attracted the support of hundreds of distressed Mexicans on either side of the border, and for five months Cortina and his followers controlled south Texas, burning the ranches of whites and their Tejano allies.<sup>425</sup> In 1860 Colonel Fauntleroy had worried that a similar rebellion was brewing nearer to home. Fauntleroy articulated that, similar to the Cortina Rebellion, in nearby El Paso (Juárez), the Mexican population was contemplating invading the

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<sup>424</sup> Fauntleroy was, however, more pragmatic than Sumner. In February 1860, Fauntleroy, needing more troops, had attempted to raise a company of volunteers for making war upon the Navajos. He had appealed to the federal government to receive payment for such volunteers. The Assistant Adjutant General denied this request, and the volunteers were never mustered.

<sup>425</sup> Andrew R. Graybill, *Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910* (Lincoln: University of Nebraska Press, 2007), 75.



United States, encouraging Mexican American citizens to rise up against their government. The Colonel fearfully stated, “Mexicans are likely to enact on that border scenes similar to those at Brownsville.”<sup>426</sup> Thus, due to the perceived questionable allegiance of ethnic Mexicans, Fauntleroy reasoned that they could not be trusted with government issued firearms at this particular time. He, therefore, neglected to enforce the Act Authorizing the Loan of Public Arms.

Perturbed, Rencher appealed to U.S. Secretary of State Lewis Cass to help him gain possession of the arms, which, he stated, were “so much needed by the people for their protection against Indian murders and depredations.”<sup>427</sup> In reply, the Secretary of State concurred with Colonel Fauntleroy on the matter stating, “There is reason to apprehend injurious consequences from the employment of volunteer troops in New Mexico against the Navajo Indians, which seems to be one of the subjects of difference, without the plan of Colonel Fauntleroy.”<sup>428</sup> Thus, the federal government acquiesced that Hispanos should not have the independent power to battle independent Indians.

The people of the territory, of course, felt differently. *The Santa Fe Gazette* heavily criticized Colonel Fauntleroy for his actions. The paper claimed that Fauntleroy’s decision not to supply the requested arms was a “usurpation of authority on the part of the ‘distinguished Colonel’ that justly excited dissatisfaction in our people, for the Colonel had no more rightful control over the disposition of those arms than had the Editor of the News who probably had no knowledge of their existence. The Governor thought they were necessary for the preservation of the peace of the citizens and the protection of the Territory and the ‘distinguished Colonel’ had

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<sup>426</sup> U.S. Congress. House. *Indian Hostilities in New Mexico, 1860*. 36<sup>th</sup> Cong., 1<sup>st</sup> sess. H. Exec. Doc. 69, 36.

<sup>427</sup> Rencher to Cass, 15 October 1860, SDTP, NM, RG59, NA, T17, Roll 1.

<sup>428</sup> Secretary of War to Secretary of State, 28 July 1860, SDTP, NM, RG59, T17, Roll 1.

no right to any opinion on the subject whatever.”<sup>429</sup> After the harmonious tenure of John Garland, conflict between the civil government, military, and inhabitants concerning civilian warfare once again gripped the territory.

Throughout the 1850s, the use of civilian warriors primarily hinged upon the views of the particular military department commander. As such, the institution of civilian warfare saw both upsurges and declines throughout the decade. During the very early 1850s, the civil government had attempted to implement a policy which generally emphasized a humane approach to Indian affairs. At the same time, an effort at frugality had rendered the army almost useless in the eyes of many and civilians who were by and large banned from engaging in warfare with Indians. By the mid-1850s, a more aggressive Indian policy emerged under the direction of both General John Garland and Governor David Meriwether. As a result, General Garland saw the benefit in a stronger military force and he abandoned his predecessors cost-cutting measures. He also employed civilian volunteers to aid the military in their battles with Indians on many occasions. New Mexican governors were subsequently empowered to develop territorial militia units. Under governors Meriwether and William Messervy, sanctioned militia units in several counties were birthed. This relative harmony in regards to civilian warfare wouldn’t last, however. Upon taking command of the department, Thomas Fauntleroy tried to curb the power of civilian volunteers, much to the chagrin of civil officials. Overall, however, the decade saw great strides in organizing and utilizing sustained militia units in the central and northern portions of the territory.

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<sup>429</sup> “The New York News and the Indians.” *Santa Fe Weekly Gazette*, November 16, 1860.

Racialized ideas regarding Nuevomexicano national loyalty and allegiance had influenced the thoughts and actions of military officials such as Sumner and Fauntleroy concerning civilian defense. Bitter relations between the United States and Mexico, Anglo and Hispano racial discord, as well as internal struggles in Mexico, led certain Anglo officials in New Mexico to question the rationale of arming the ethnic Mexican population. Anglo racialized notions led to the conclusion that the New Mexican population had not entirely severed their allegiance to the Mexican state, and that they were indeed plotting a revolution against the United States. Certain governors, however, felt that the Indian threat was a greater danger than a potential Hispano revolt. Therefore, these civil authorities worked tirelessly with more enlightened military officials such as General Garland to enact policies favoring civilian warriors. Ultimately, fears of rebellion by the Mexican population had come to not, yet because of Anglo anxiety, the majority of Hispanos, specifically the lower classes, had become suspect. These ideas had led to Colonel Fauntleroy's refusal to arm Hispanos in 1860.

Despite attempts by certain military officials to curtail the use of civilian warriors, small independent groups pursued Indians accused of plundering the settlements. Many civilians took it upon themselves to continue to war with the Natives as they had done for centuries under the Spanish and Mexican regimes in New Mexico. Even Edwin Sumner had been powerless to end the tradition of civilian warfare completely. Specific communities had thus formed their own units that acted without the permission or supervision of the civil government or military. By and large, General Garland had tolerated the exploits of these unsanctioned militia units. Yet a militia group organized in the town of Mesilla would take the "defense" of their communities farther than officials such as Garland had consented to. A long precedent of self-defense and hatred for Native Peoples endured through the Mesilla Guard, and throughout the 1850s, this

militia group terrorized Apache peoples, and civil and military officials were almost powerless to stop them.

## Chapter 4: The Mesilla Guard, 1853-1860

For nearly two centuries in New Mexico, a custom of violence fostered by settler colonialism had developed among the region's various inhabitants. Long before the United States proclaimed sovereignty over New Mexico, the governments of New Spain and to a greater extent, Mexico, advocated utilizing civilian warfare to attempt to assert their dominance over the region. Neither the Spanish nor Mexican state ever held a genuine monopoly of force on the frontier and attempts by these governments to regulate the use of force unexpectedly resulted in expanding and strengthening the practice of civilian warfare.<sup>430</sup> A tradition of civilians engaging in warfare with Native Peoples either in cooperation with the military or independent of government oversight evolved over the centuries. As the United States proclaimed sovereignty over the region, U.S. military officials diverged from the policies of the previous regimes by concentrating warfare with Native peoples almost solely in the hands of the military; only rarely allowing civilians to fight. Colonel Edwin Sumner, in particular, attempted to establish a monopoly of force in the region by going to great lengths to prevent New Mexican civilians from engaging in warfare with Native Peoples either independently or alongside the military. On the rare occasions that more practical U.S. military leaders relied on settler warfare, they enrolled citizens in temporary, heavily-supervised sanctioned militia groups. Yet, despite the efforts of these administrators, constant unsanctioned warfare between New Mexican civilians and Native peoples continued for years. During the 1850s, U.S. officials were hard pressed to end the institution of unsanctioned civilian warfare in New Mexico, as the previous regimes had implemented processes which sustained the behavior for decades after their departure.

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<sup>430</sup> Alonso, *Thread of Blood*, 46.

As certain military officials attempted to reign in the practice of civilian defense, some New Mexican communities were heavily resistant to the efforts of the U.S. government to stop them from engaging in unsanctioned warfare. The residents of the southern New Mexican community of Mesilla were of particular aggravation to U.S. officials. Soon after the U.S. War with Mexico, residents of southern New Mexico, displeased with being thrust under the purview of the United States, moved back into Mexican territory south of the newly conceived border. These repatriates established the Mexican community of La Mesilla some twenty miles south of the town of Doña Ana. Almost immediately, the townspeople organized a community militia to protect the village from nearby Apaches, with whom the settlers had been at war for generations. Brendan Morgan argues that the creation of a geopolitical border “did not create ordered, bounded space, and it certainly did not bring an end to violent interactions along the border.”<sup>431</sup> In practice, the “protection” offered by this militia group was almost entirely offensive in nature, consisting of guerrilla tactics, massacres, the murder of individual Apaches, and theft. These *Mesilleros* frequently crossed over the newly delineated border into U.S. territory to enact their bloody style of retributive justice against Native groups. Even after the U.S. took possession of the Mesilla Valley in 1854, the residents of Mesilla, now residing in the United States, continued to attack Apaches, to the aggravation of U.S. officials.

Mesilla’s unauthorized militia organization, the *Guardia Movíl*, styled the “Mesilla Guard” by Anglo residents on the U.S. side of the border, would rain terror down upon their time-honored Apache enemies throughout the 1850s. The militia had generally directed the brunt of their malice toward the nearby Mescaleros, on whom the *Mesilleros* blamed most of

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<sup>431</sup> Brandon Morgan, “Columbus, New Mexico, and Palomas Chihuahua: Transnational Landscapes of Violence, 1888-1930” PhD diss., University of New Mexico, Albuquerque, 2013, 11.

their woes. The unsolicited and brutal actions of the Mesilla Guard over the course of ten years caused U.S. officials in New Mexico much irritation, and in effect, undermined the goal of a military monopoly of force on the frontier. Further, many of the Apaches who suffered at the hands of the Guard were under treaty stipulations with New Mexico. The violent actions of the people of Mesilla were, therefore, undoing whatever tentative peace New Mexican authorities and the Apaches had arranged.

The Mesilla Guard followed processes and precedents that had been established under the regimes of Spain and Mexico. U.S. officials were quick to blame the exploits of the Mesilla Guard on the relatively lenient policy of civilian warfare implemented by the Mexican regime. They claimed that such a policy of individual reprisal had entrenched itself in the culture of the residents. Civilian warfare against independent Indians had its initial roots in the era of the Spanish. Spanish officials frequently sought civilian assistance to battle New Mexico's Native population. After Mexican independence, the new nation had relied even more heavily on civilian warriors to protect their communities from Native peoples. At the same time, Mexican residents in the region frequently invaded Indian communities to procure livestock and prisoners, as well as to enact violence upon their enemies. Mexican authorities in New Mexico seldom disciplined Hispanos for such unauthorized forays. This style of warfare had ingrained itself into the culture of specific Mexican communities in southern New Mexico, and they would be highly resistant to change under the government of the United States. Well into the U.S. era in New Mexico, the Mesilla Guard had continued the mode of both retributive and unwarranted violence against Native peoples that had been prevalent under the Mexican state.

The newly delineated border in New Mexico also undoubtedly played a significant role in events concerning the actions of the Mesilla Guard. Before 1854, the Guardsmen, being

residents of Mesilla, were initially located within the bounds of Mexico. During this time, they had crossed the border into the United States multiple times to commit atrocities against Apaches at peace with the United States. As the frontier shifted to a borderland, the nations of the United States and Mexico attempted to “establish clear territorial sovereignty over their respective sides of a territorially delineated border.”<sup>432</sup> As such, the practice of crossing the border to execute violence against Native Peoples added to an atmosphere of turmoil between the United States and Mexico. The actions of the Guard specifically hurt the U.S.’s prospects of adhering to article XI of the Treaty of Guadalupe Hidalgo, and they were able to escape justice as the United States had no authority to prosecute Mexican citizens for crimes committed in New Mexican territory.

After 1854, the Guard was brought under the sovereignty of the United States, yet they continued to harass the Mescalero people. New Mexican authorities, however, failed to bring justice to the Mescaleros because of a failure to convict the Guard primarily due to centuries of Hispano-Apache animosity. Juries were highly unlikely to convict residents who had committed atrocities against Native Peoples, especially if the juries benefitted and supported such violence. Ultimately, the narrative of the Mesilla Guard shows that the custom of civilian violence against Native people encouraged by the regimes of Spain and Mexico continued well into the U.S. era which conflicted with U.S. efforts to secure a monopoly of force over New Mexico. This chapter also endeavors to show how the newly conceived border contributed toward furthering both interpersonal and systemic violence in the borderlands during the nineteenth century.

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<sup>432</sup> Morgan, “Columbus, New Mexico, and Palomas Chihuahua,” 9.



Central to this chapter specifically, and the dissertation more broadly are the often-intertwined themes of colonialism and violence. As the colonial reach and influence of Spain, Mexico, and the United States stretched further into the territory of New Mexico, diseases decimated native populations, raiding for Indian slaves became common, and competition for precious resources increased. Under these conditions, Native peoples such as the Apaches were compelled to base their economies and livelihoods on raiding livestock and taking captives from nearby communities. The residents of these colonies responded mainly with violence toward Native peoples, as they interpreted raiding purely as a racialized act of violence rather than a complicated response to Mexican aggression as well as dwindling economic opportunities. In this vein, analyzing the nature of the Mesilla Guard further displays the characteristics and effects of the violence that aided in defining what is now the U.S. Southwest during the nineteenth century. Furthermore, this chapter explores the violence inherent in the failure of the United States to protect Native peoples whom they had agreed to safeguard. The Apaches assailed by the Mesilla Guard had signed treaties of peace and had agreed to place themselves under the “protection” of the United States. These groups were residing near military establishments when these attacks occurred. Furthermore, the failure of the courts; a space in which justice should have been served the Apaches, had also contributed toward the violence against Native peoples. Ultimately, but not surprisingly, the justice system had failed the Apaches, encouraging further violence against Native peoples without fear of legal retribution.

This chapter also endeavors to show the complex nature of change over time. An examination of the Mesilla Guard illuminates the idea of multiple, rather than a single, one-directional time. The narrative of the Mesilla Guard, and this dissertation more broadly displays that cultural change advanced at a much slower pace than political change. The Mesilla Valley

switched hands from Mexico to the United States seemingly overnight. Despite their best efforts U.S. officials struggled to end the long-standing cultural practice of civilian warfare against Native peoples in New Mexico. This social tradition, however, endured well into the 1860s and continued to cause much vexation among U.S. authorities in New Mexico. The Mesilleros acted from the view that the U.S. military had not sufficiently “protected” their settlement, and due to cultural and historical custom, New Mexican residents felt that they had a historical right to warfare, and continued to carry out their long-standing mode of bloody conflict. Rapid political change clashed with slow-moving cultural continuity, which caused much turmoil in the territory of New Mexico during the mid-nineteenth century.

Small communities had existed for many years on the site that would become known as Mesilla. Yet, after the U.S.-Mexico War, Mexico embarked on a resettlement program in northern Mexico designed to create a buffer zone against any future U.S. invasion. The Mexican government commissioned Father Ramón Ortiz to establish communities throughout northern Chihuahua. Ortiz issued several Mexican land grants in and around Mesilla in order to encourage repatriation.<sup>433</sup> Encouraged by the Mexican government, residents of the new U.S. territory of New Mexico, who were unhappy about being under the sovereignty of the United States, moved across the Rio Grande into Mexican Chihuahua. These Mexican repatriates, under the guidance of Rafael Ruelas, future alcalde of the newly established La Mesilla in 1850. Afterwards, Mesilla became a blossoming community attracting immigrants from throughout

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<sup>433</sup> Kiser, *Turmoil on the Rio Grande*, 40.

northern Mexico. Historian Anthony Mora argues, “Founding Mesilla was an explicit act of Mexican nationalism because it was an escape from Euro-American imperialism.”<sup>434</sup>

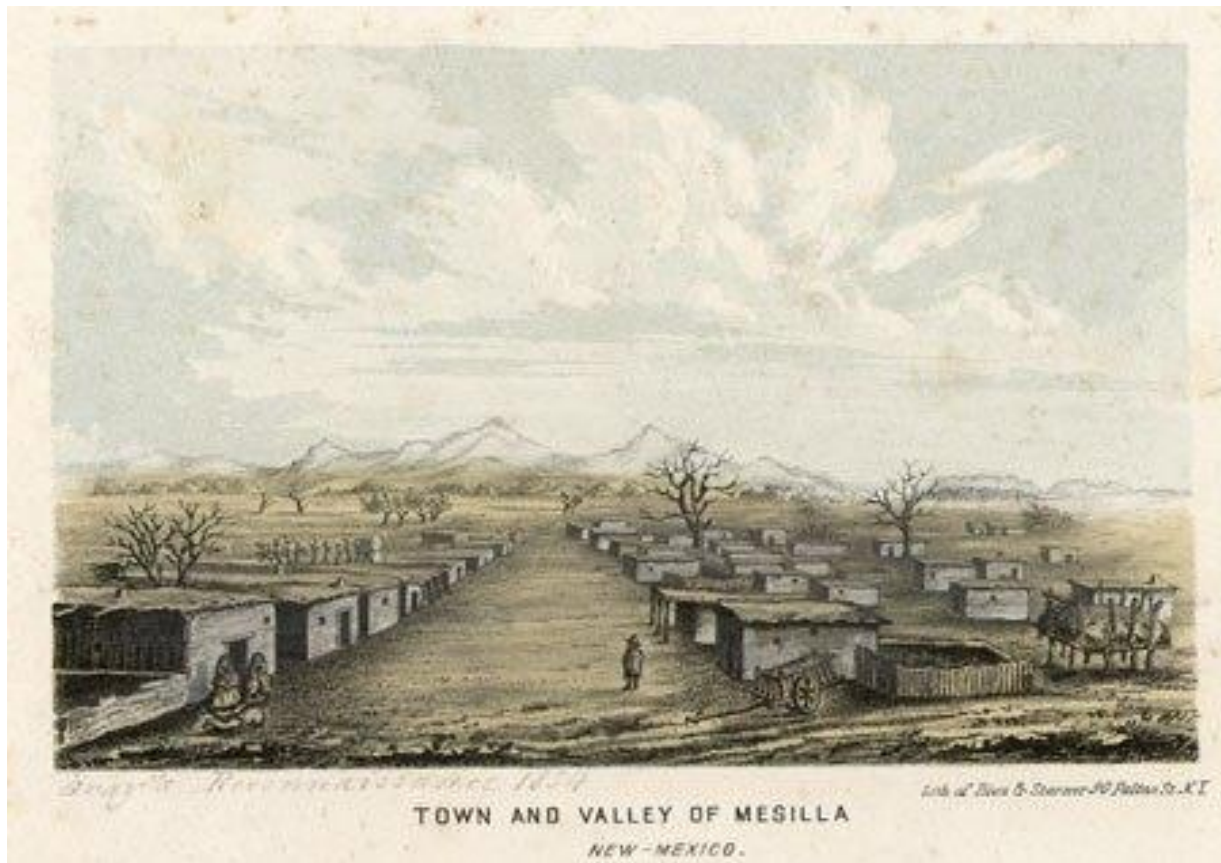


Illustration 4.1: La Mesilla in 1854. New Mexico State University Library, Archives and Special Collections. MS 0339.

Three years after the founding of the town of La Mesilla, the Mesilla Guard ferociously entered the archival record for the first time. In February of 1853, a band of Apaches had been peacefully residing near the U.S. controlled town of Doña Ana for some time. These particular Apaches were under treaty stipulations of peace with New Mexico. It is unclear, however, if they were signatories to the 1852 Treaty of Acoma, or if they were protected by a temporary, unratified treaty with New Mexico. Governors James Calhoun and William Carr Lane had

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<sup>434</sup> Mora, *Border Dilemmas*, 78.

signed various treaties with Apache peoples during the early 1850s. These treaties were never ratified by Congress. Nevertheless, the Apaches certainly expected New Mexico to adhere to the negotiated treaty provisions. Occupying an area near San Nicholas Spring, the Apaches had, by all accounts, obeyed their treaty stipulations and had not committed a single depredation upon any resident on either side of the border. News of an Indian settlement so close to Mexican La Mesilla had soon reached the residents of that community. Despite the Apaches not engaging in any theft or violence, the *Mesilleros* were controlled by a desire to do physical harm to their traditional enemies. Some twenty men from the community militia crossed the porous border, arriving in Doña Ana on the fifth of February. Taking the unsuspecting Apaches by surprise, the aggressors drew their arms and murdered in cold blood fourteen or fifteen innocent men, women, and children. After completing this atrocious deed, the group then robbed their victims, taking several horses, mules, saddles, bridles, guns, and bows and arrows.

News of the slaughter soon reached U.S. administrators in New Mexico. The Apache victims had been at peace with the United States, and they had, therefore, reasoned that the murders had been unwarranted. Enraged, both civil and military officials quickly condemned the *Mesilleros* for the atrocity. The Commander at nearby Fort Fillmore, Colonel Dixon Miles immediately attributed the murders to the “outrageous conduct of the bad people of Mesilla.”<sup>435</sup> The New Mexican government and U.S. military were incensed that these men had committed such a heinous act upon Apaches at peace, which threatened to undo the tenuous truce that they had established with the tribe. They were also angry that citizens of Mexico had crossed into the United States to commit this deed.

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<sup>435</sup> Miles to assistant Adjutant General, 6 Feb 1853, LR, DNM, RG393, NA, M1102, Roll 7.

An arbitrary national boundary had been conceived after the Treaty of Guadalupe Hidalgo which among other things delineated notions of citizenship and belonging. However, the newly implemented border was also extremely permeable, which allowed unhindered cross-border movement. The border was primarily an imaginary line which, although having significant ramifications on the people of the region, did not exist in a physical sense. The contemporary idea of an imposing, impermeable, policed border certainly did not exist during the mid-nineteenth century. Before 1900, the U.S. government could not and did not prevent Mexican immigrants from crossing the border, nor did they record any entries.<sup>436</sup> At that time, Mexican citizens could enter the United States at will, as there was no port of entry and no customs office. Mexican citizens crossing the international boundary for a variety of reasons had been a frequent and accepted occurrence. However, Mexicans entering the United States to commit murder angered U.S. officials, even if that border had been established only five years previous after a war that many observers believed the U.S. started without real provocation. Nonetheless, Colonel Dixon Miles described the event as a “gross trespass on the soil of the United States,” which “cannot be for a moment overlooked or permitted.”<sup>437</sup> Thus, the idea of “trespassing” on U.S. soil certainly existed during this time, yet, the idea was mostly contingent upon the actions of the intruders. Mexicans who entered the United States to commit crimes were intruders, while Mexicans who entered the United States peacefully were generally unnoticed.

What caused U.S. officials particular aggravation, however, was that the massacre interfered with the military’s efforts to enforce Article XI of the Treaty of Guadalupe Hidalgo.

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<sup>436</sup> Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton: Princeton University Press, 2011), 1.

<sup>437</sup> Miles to Alcalde of La Mesilla, 6 Feb 1853, LR, DNM, RG393, NA, M1102, Roll 7.

As noted by Brian DeLay, in *War of a Thousand Deserts*, Article XI was the only provision of the Treaty that favored the nation of Mexico and stipulated that the United States would forcibly restrain “incursions” by “savage tribes” into Mexico as well as rescue any Mexican captives that these Indians held. Officials had heavily debated Article XI upon its inception. Many U.S. senators who were more enlightened concerning the situation in the borderlands opposed the provision, understanding that it would be nearly impossible to enforce. In over two centuries, the governments of New Spain and Mexico had failed to subdue the independent Indians of New Mexico, and some believed that U.S. efforts to do so would be more demanding than the area’s overall worth. These dissenters claimed that adherence to such a stipulation would leave the United States “encumbered by conditions relative to the Indians which would be worth more, in a pecuniary point of view, than all the vacant land acquired.”<sup>438</sup> However, these dissenters were clearly the minority, and the majority of senators, “versed more in the rhetoric than the reality of Mexico’s Indian war, voted to assume the responsibility for preventing Indian raids into Mexico.”<sup>439</sup> U.S. overconfidence and views of racial and cultural superiority led many to believe that once Anglo-Americans possessed former Mexican territory, they would quickly subdue the raiders and inaugurate a new era in the new U.S. southwest.<sup>440</sup> The task of enforcing the article, however, turned out to be more difficult than most Anglo officials had imagined.

By the 1850s, the military had had to endure insurmountable difficulties in attempting to enforce the article. Almost all treaties negotiated between the United States and Native Peoples in New Mexico had been broken. The inability of the United States to continue to provide rations and other goods to the Natives, as the treaties stipulated, led to further hostilities and

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<sup>438</sup> DeLay, *War of a Thousand Deserts*, 295.

<sup>439</sup> *Ibid.*

<sup>440</sup> *Ibid.*, 299.

Native raiding of the settlements. Moreover, the relatively sparse military presence in the territory had not been enough to subdue Indian peoples determined to both raid the New Mexican settlements and venture below the border to assault Mexican communities. Native peoples also held an advantage due to the creation of the international boundary. They were able to use the newly conceived border as “protection” from the military. Although citizens could cross the border at will, it was illegal for the militaries of either Mexico or the United States to cross into the territory of the other. Native bands would, therefore, frequently attack Mexican settlements and subsequently retreat across the border out of reach of the Mexican authorities. They would repeat this process on the other side of the border. This tactic and the determination of Native Peoples to defend their homelands against continued European intrusion contributed toward the inability of the U.S. military to curb raids either at home or into Mexico as they had promised.

The independent actions of the people of Mesilla, and their willingness to cross the border at will to attack Native Peoples, further added to the difficulty in enforcing Article XI. The *Mesilleros* had assaulted Apaches that had negotiated a peace treaty with New Mexico and civilian attacks upon Indians at peace could potentially lead these people to reject their treaty and seek vengeance against their assailants. Retributive violence would only lead the Apaches into conflict with the military, thus nullifying any peace the two sides had maintained. Colonel Dixon Miles argued, “the Treaty of Guadalupe Hidalgo stipulates that the Indians within the United States shall be controlled by that Government from committing depredations on the property, or inhabitants of Mexico, but this cannot be effected, if the citizens of the latter Government will not adhere to the Treaties of peace made by the United States with the Indians

bordering on the boundary.”<sup>441</sup> The actions of the Mesilla Guard in February of 1853 were a big blow to article XI, causing New Mexican officials to question further the wisdom of having to adhere to it. By crossing into the United States from Mexico, the actions of the *Mesilleros* revealed how both the Treaty of Guadalupe Hidalgo in general, and Article XI specifically failed to recognize the fluidity of communities along this very porous border.

U.S. officials were quick to blame the Mexican citizens of Mesilla for the massacre, but they also placed responsibility at the feet of the Mexican government itself, while conveniently ignoring how the U.S. war with Mexico caused the traumatic and dramatic redrawing of borderlands geography. They had claimed that the Republic of Mexico was responsible for the violent behavior of its citizens toward Native Peoples because of their past and current tolerance and acceptance of individual reprisals by its citizens against Indian groups. Civilian warfare against Native Peoples had existed since the era of the Spanish, as settlers and Native allies had worked in cooperation with the regular military in countless expeditions against enemy Indians. After Mexican Independence from Spain, due to economic woes, the Mexican government had to prioritize where they were to station their troops. The northern frontier of New Mexico had not been their priority. Historian Daniel Tyler argued, “the Mexican central government denied New Mexico the support it needed to woo the Indians successfully until it was too late.”<sup>442</sup> A policy of benign neglect by the central Mexican government, therefore, prevailed in New Mexico and local New Mexican officials were compelled to shift more of the responsibility for community protection onto the citizens themselves. The governors of New Mexico during the Mexican era frequently called upon civilians to engage in warfare against independent Indians.

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<sup>441</sup> Miles to Alcalde of La Mesilla, 6 Feb 1853, LR, DNM, RG393, NA, M1102, Roll 7.

<sup>442</sup> Daniel Tyler, “Mexican Indian Policy in New Mexico,” *New Mexico Historical Review* 55, no. 2 (April 1980): 114.



Local New Mexican governments had given these civilians liberal powers in conducting warfare against Indians as they saw fit by permitting settlers to enter into hostilities with Indians to enact violent revenge and take property or captives as they desired. In some instances, the Mexican central government, unable to provide a large amount of military assistance, offered various rewards to civilian Indian fighters. In their communities, civilian warriors had also been accorded heightened social status, honor, and respect. This contributes to Ana María Alonso's claim that the frontier of Mexico had become a society organized for warfare, laden with specialists in violence.<sup>443</sup> Through their actions, the Mesilla Guard had been following decades of precedent in which the civilians themselves and all levels of government venerated civilian violence against Apaches.

Since the United States absorbed New Mexico in 1846, various U.S. officials had grumbled that the Republic of Mexico had haphazardly militarized much of the citizenry by liberally allowing such violent reprisals during its tenure over the area. During his governorship, James Calhoun had made the observation: "The eternal state of war, and reciprocal robbery, under a former government, gave to many, a pleasurable excitement, and afforded to all an opportunity of satisfying their own demands, whether founded in justice, or, in a mere desire to possess other people's property."<sup>444</sup> Calhoun later made a similar conclusion, noting, "In former years, such authority [to make independent campaigns against Indians] was easily obtained, and robbery and murder, with their usual terrible accompaniments, were cured by robbery and murder, and in all such instances, the most innocent became the victims – for the guilty were soon beyond the reach of pursuit."<sup>445</sup> Thus, Calhoun noted that individual civilian campaigns

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<sup>443</sup> Alonso, *Thread of Blood*, 7.

<sup>444</sup> Calhoun to Brown, 15 November 1849, in Abel, *The Official Correspondence of James S. Calhoun*, 77.

<sup>445</sup> Calhoun to Brown, 12 February 1850, in Abel, *The Official Correspondence of James S. Calhoun*, 148-149.

against the Indians had been frequent and had deep-seated roots emboldened by the leniency of the Mexican regime.

Like Calhoun, New Mexican Indian Agent Michael Steck and Colonel Dixon Miles also voiced their disapproval of the Mexican government allowing its citizens to redress their wrongs against independent Indians. Steck noted, “It has been the custom for the Indians to steal from the New Mexicans and then the Mexicans to steal from them, this system of thieving and retaliation has been kept up, and under the Mexican rule organized parties were permitted to make campaigns for the avowed purpose of stealing Indian stock and prisoners and dividing it among the captors. This having been the custom it is not easily broken up.”<sup>446</sup> Colonel Miles argued that the Mexican government’s continued approval of retributive forays was harmful to the United States. He claimed, “If the Mexican authorities do not instantly repress the disposition of their people to individual redress, for wrongs done them by the Indians and if such a feeling and disposition prevails among [the] inhabitants, the efforts of the officers of the United States Government to keep the Indians at peace, will ever be attended with vast expense and vexation.”<sup>447</sup> Ultimately, Calhoun, Steck, and Miles argued that unsanctioned reprisals were engrained deep in the culture of the residents of the border, and it would not be easy to prevent them from making such retributive attacks in the future. They also admitted, contrary to many of their contemporaries, that the Hispano population was just as responsible for the violent atmosphere of New Mexico as were their Native counterparts.

The centuries-long precedent of retributive violence allowed—even encouraged-- under the Mexican regime, shaped race relations and relationships between Mexicans and the U.S.

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<sup>446</sup> Steck to Anonymous, no date, Center for Southwest Research, University of New Mexico. Michael Steck Papers, MSS 134, Box 1.

<sup>447</sup> Miles to Alcalde of La Mesilla, 6 Feb 1853, LR, DNM, RG393, NA, M1102, Roll 7.

Military, for much of the nineteenth century. The international border had washed over the people of New Mexico without their consent, and with it came unwelcome attempts to change their traditional lifeways. As such, retributive or other military expeditions into Indian country by civilians had generally been shunned by the U.S. military in New Mexico. Residents of the U.S. borderlands, who had been Mexican citizens only a few years prior, however, claimed that they had a historical right to engage in warfare with Native peoples independently. Many Hispanos had themselves engaged in warfare against Indians, and had long lineages of Indian fighters going back to the Spanish era. Attempts to curtail Hispanos' perceived historical right to warfare was, in their eyes, an effort to restrict what they thought of as one the only modes of justice and fairness allowed them by former governments. By taking away their right to redress themselves, many Hispanos felt that the U.S. government was further placing them in a position of helplessness as fairly quickly after being placed under the sovereignty of the United States, Hispanos saw the erosion of their historical rights. The dissolution of their legal rights would soon follow.

Residents continually pleaded with the U.S. government in New Mexico to allow them to enact retributive expeditions into Indian country, usually to no avail. These residents had constantly compared the policy of the United States that emphasized military over civilian engagements to the more civilian-friendly policy of retribution under Mexico. In one instance in 1849, Governor James Calhoun was approached by a New Mexican resident who claimed that Indians had driven off a large number of his stock. The man had asked Calhoun for permission to engage in an independent expedition to retrieve his property. The governor did not comply with his wishes, upon which, according to Calhoun, the man "in quite an agitated manner...contrasted the present with the former government of this territory. The preceding

government permitted reprisals, which is not tolerated now.”<sup>448</sup> The resident was certainly dismayed that his right to retribution, a core tenant of citizenship and honor under Mexico, was being curtailed by U.S. authorities. Another occurrence in 1854 saw the citizens of Bernalillo county petition the governor of New Mexico to assemble an expedition against Indians that they accused of robbing them of several horses and other livestock. These citizens argued that long into the past, the Mexican government had allowed them to organize and retake stolen property through warfare. In their petition, the citizens pleaded with the governor, stating, “[We hope] your Excellency will grant us the right of following said Indians and taking from them such...property as will indemnify us for the heavy losses we have sustained. Such was the custom under the government of the Republic of Mexico.”<sup>449</sup> Despite such a rationale, the U.S. government reasoned that such expeditions would only result in further disorder and violence. Thus, the U.S. government, unlike Mexico, was never willing to accede to the peoples’ demands for individual retribution.

Following the massacre of Apaches by the people of Mesilla, a sense of anxiety gripped the inhabitants and authorities in U.S. controlled New Mexico. They feared that the aggrieved Apaches would attempt to seek revenge for the massacre and they believed that an Apache reprisal would not discriminate between citizens of the United States and the Mexican citizens responsible for the murders. This frightening possibility was at the forefront of the mind of Colonel Miles. He stated, “This act of the Mesilla people, reopens the war with this Tribe and they surely will take their revenge- on probably innocent people, who had no participation in the

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<sup>448</sup> Calhoun to Brown, 15 November 1849, in Abel, *The Official Correspondence of James S. Calhoun*, 76.

<sup>449</sup> Petition by the Citizens of Bernalillo County, 11 March 1854, Records of the New Mexico Superintendency of Indian Affairs, 1849-80, Record Group 75, National Archives, Microfilm Publication T21 (hereafter LR, NMS, RG75, NA, T21), Roll 2.

murder of their companions.”<sup>450</sup> The Colonel also argued, “It will involve innocent people of our country in much trouble, as the Indians cannot, or will not here after, draw the distinction between the people of Mexico who are guilty, - and our inhabitants, in the vengeance they will surely endeavor to take.”<sup>451</sup> New Mexican officials reasoned that any retributive action by the Apaches would further embroil the region into chaos and violence.

Fears of Apache retribution within the United States triggered Colonel Miles into taking immediate and forceful action. He first issued an order to the Alcalde of Doña Ana, Pablo Melendez, directing him to capture any members of the Mesilla Guard found in U.S. territory. Miles commanded to Melendez: “confine any of the Mesilla people you can catch for the infraction of our law and territory; for the outrage they have committed; and this I advise you to do, if you know them.”<sup>452</sup> The Colonel also issued a strongly worded warning to the Mexican Alcalde of Mesilla notifying him that “hereafter, I will apprehend and turn over to the civil authorities for prosecution, every resident Mexican armed body, found within the limits of the United States territory, seeking, killing, or pillaging Indians; as being contrary to the laws enacted by the Congress of the United States.”<sup>453</sup> The actions of the people of Mesilla further contributed toward the turbulent relationship between the United States and Mexico that had been prevalent since the U.S.-Mexico War in 1846.

Attempting to avoid diplomatic conflict, the Republic of Mexico sought to satisfy the Americans by reprimanding the people of Mesilla for their actions. In late February, the Republic of Mexico sent three commissioners to Mesilla in an attempt to settle and regulate

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<sup>450</sup> Miles to Alcalde of La Mesilla, 6 Feb 1853, LR, DNM, RG393, NA, M1102, Roll 7.

<sup>451</sup> Miles to Melendez, 5 February 1853, LR, DNM, RG393, NA, M1102, Roll 7.

<sup>452</sup> *Ibid.*

<sup>453</sup> Miles to Alcalde of La Mesilla, 6 Feb 1853, LR, DNM, RG393, NA, M1102, Roll 7.

affairs. These ambassadors visited Colonel Miles at Fort Fillmore, who assured the Colonel of their desire to cultivate an amicable feeling with U.S. authorities. The Mexican commissioners then took disciplinary action towards the people of Mesilla. Colonel Miles noted that the Mexican government “censured the people of Mesilla for their conduct and ordered them to make full reparation to the Indians.” Not only did the Mexican government force the *Mesilleros* to return the Apaches’ stolen property, but they also compelled the residents to provide the affected Indians with presents. Mexico’s response to the crisis pleased Colonel Miles, largely due to the fact that Mexico’s ambassadors had tried to appease the Apache victims, thus decreasing the chances for violent reprisal.

As for the Apaches themselves, the *Mesilleros* had murdered fifteen members of their band had in cold blood, they had robbed them, and the Apaches demanded justice. The Apaches had arrived at Doña Ana three days after the massacre to converse with Alcalde Pablo Melendez concerning the murder of their people. As the killings happened on U.S. soil, the Apaches had looked to U.S. authorities for action. Melendez spoke with the afflicted Apaches and returned much of their stolen property while promising to obtain from Mesilla their stolen horses and mules. Eight days after this encounter, the Apaches met with Colonel Miles at Fort Fillmore. The Colonel tried to make it clear that the murderers were Mexican citizens from Mesilla, and he assured them of the desire of the United States to be at peace with the band. The Apaches were seemingly appeased, at least temporarily, by the actions of the U.S. and Mexican governments, and they ultimately took no retributive action against citizens of either nation. Colonel Miles claimed that the conciliatory measures of the people of Mesilla under the direction of the Mexican commissioners, and the efforts of the U.S. government left the Apaches “perfectly

satisfied” and they were ultimately able to “bury the hatchet.”<sup>454</sup> A short time later, however, the people of Mesilla would again violently provoke innocent Apache peoples.

Nine months after the February 1853 massacre, the people of Mesilla again violently assaulted a group of nearby Apaches. In November, a Mescalero Apache band led by Cuentas Azules visited Fort Fillmore to reiterate their desire to be on peaceful terms with the Americans. The Commander of the post, Major Electus Backus, commanding Fort Fillmore in Colonel Miles’ absence spoke with them, fed them, echoed a desire to remain at peace, and sent them on their way. After their official visit with U.S. authorities, the Mescaleros certainly didn’t expect that any physical harm would come to them so soon. Little did Cuentas Azules suspect, he and his band had been followed for at least a day by several residents of La Mesilla. In the dark of night, as the Apaches neared Doña Ana, the men surprised the Mescaleros. They kidnapped Cuentas Azules from his camp and proceeded to “beat the chief’s brains out” with a club. Stealing his horse, the men left the chief for dead. The remaining Indians escaped unharmed, and Cuentas Azules took his last breath the next morning.<sup>455</sup> This unprovoked assault on an innocent Mescalero headman again contributed toward diplomatic turmoil between the United States and Mexico. The new international boundary certainly played a significant role in the events which took place shortly after the murder.

U.S. officials in New Mexico were enraged by this second unprovoked act of violence by the people of Mexican Mesilla. A major point of vexation was once again that the *Mesilleros*’ tactic of crossing the border to assail Native Peoples would make enforcement of Article XI of the Treaty of Guadalupe Hidalgo extremely difficult. Major Backus made his opinion known

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<sup>454</sup> Miles to Assistant Adjutant General, 17 February 1853, LR, DNM, RG393, NA, M1102, Roll 7.

<sup>455</sup> Backus to Nichols, 10 November 1853, LR, DNM, RG393, NA, M1102, Roll 6.

that actions such as those taken by the Mexican citizens of Mesilla should have effectively rendered article XI null and void once and for all. He argued that the provision should have been “annulled and abrogated by the act of the Mexicans themselves,” adding that “Mexico alone is responsible for the consequences which may flow from the conduct of her armed citizens, under the protection of her own civil magistrates.”<sup>456</sup> Backus, of course, had no authority to cancel a significant provision of a U.S. treaty. However, the murder of Cuentas Azules by the citizens of Mexico was another significant blow to the already weakened article. Officials felt that the actions of the citizens of Mexico had made the article difficult to enforce because of their insistence on crossing into the U.S. to attack peaceful Indians and Indians under treaty within the United States. Any retributive action by the aggrieved Apaches could potentially undo such treaties and add to an already violent atmosphere in the borderlands. Due to the ultimate inability of the U.S. to adhere to the stipulations of article XI, (the actions of the people of Mesilla being a contributing factor), officials would rescind the stipulation less than a year later. The inability of the U.S. to check Indian incursions along the border demonstrated that article XI amounted to an arrogant and empty claim of U.S. superiority. Despite repeated assertions of military, technological, and racial supremacy, U.S. authorities had been unable to conquer the independent Indians of New Mexico, and these people continued to hold sovereignty over a large portion of the borderlands.

Fears of Mescalero retaliation were well founded. The death of a prominent and respected leader enraged the Mescalero people, who immediately declared their intention to avenge him, ultimately triggering anxiety throughout the borderlands. Nearby residents noted that Cuentas Azules’s people had “fled to the mountains threatening vengeance against all

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<sup>456</sup> *Ibid.*



Mexicans and especially against those of Mesilla.”<sup>457</sup> This made both New Mexican officials and its citizenry extremely uneasy. Major Backus noted, “The evils which are likely to flow from this vile act, can scarcely be estimated at this time.”<sup>458</sup> In a letter to Governor David Meriwether, Backus claimed, “This foul act has probably rendered this friendly band of Apaches the most hostile of any in this frontier, and I have much reason to fear that our highways will again be infested with marauding parties and the business of the county interrupted.”<sup>459</sup> Meriwether echoed the fears of Major Backus concerning the murder of the Mescalero chief, articulating, “such an occurrence would be deemed unfortunate at any time but singularly so at this particular juncture as our relations with these Indians has not been of a satisfactory character for some time past and I had but very recently succeeded in opening with them a friendly intercourse. I am really apprehensive that serious consequences will grow out of this affair and that some of our innocent citizens may suffer for this wanton act.”<sup>460</sup> The murder of Cuentas Azules clearly exacerbated an already tense situation along the U.S.-Mexico border, and it promised to unleash violent remuneration by the Apache.

With the February massacre was still a fresh memory, and this most recent atrocity by the people of Mesilla again contributed to the ongoing atmosphere of friction between the United States and Mexico. The accused Mexican citizens were able to use the border to shield themselves from U.S. authorities. Major Backus determined, “the worst fortune of the whole, is that the act was committed by Mexicans from Mesilla, who are protected by the Mexican

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<sup>457</sup> Backus to Meriwether, 6 November 1853, NMSU Special Collections, Mary Daniels Taylor Papers, MS0162, Box 9.

<sup>458</sup> Backus to Nichols, 10 November 1853, LR, DNM, RG393, NA, M1102, Roll 6.

<sup>459</sup> Backus to Meriwether, 6 November 1853, NMSU Special Collections, Mary Daniels Taylor Papers, MS0162, Box 9.

<sup>460</sup> Meriwether to Mannypenny, 14 November 1853, NMSU Special Collections, Mary Daniels Taylor Papers, MS0162, Box 9.

authorities.”<sup>461</sup> The Major’s concerns were well placed. The four men charged for the crime sought refuge from U.S. authorities across the border of the Rio Grande in La Mesilla, and Mexican authorities were less than cooperative in handing them over. Eventually, the list of accused was narrowed down to just one Mesilla resident, Pedro José Borule. The process of extraditing the man fell to the hands of a U.S. Marshall, who crossed the river into Mexico to attempt to arrest the alleged murderer of the Apache chief. Upon trying to requisition Borule for trial in the United States, the Alcalde of Mesilla brazenly refused to give him up. Mesilla residents themselves were also of the opinion that Borule should not be given to U.S. authorities. They were in such support of the actions of the murderer that they prepared themselves to oppose any arrest by the U.S. Marshal through force if necessary. Because of the tenuous situation between U.S. officials and the government and people of Mexico, the judge in charge of the case, Kirby Benedict, appealed to the military for help in securing the accused. Major Backus declined his request, however, stating that the delicate relations existing between the two nations prevented him from using military force to extradite the alleged murderer.<sup>462</sup> The border was responsible for allowing Borule to escape justice, much to the chagrin of the Mescalero people.

The Mescaleros were offended that seemingly no justice was being served for the murder of their beloved leader. They, however, had yet to retaliate for the murder and initially placed their bets on the justice system of the United States. Upon learning that U.S. officials had had trouble acquiring Borule, the Mescaleros informed the commanding officer at Fort Fillmore that they would give him five more days, and afterward, they would be forced to take matters in their own hands if no progress was made in obtaining the accused. The *Santa Fe Weekly Gazette*

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<sup>461</sup> Backus to Nichols, 10 November 1853, LR, DNM, RG393, NA, M1102, Roll 6.

<sup>462</sup> *Santa Fe Weekly Gazette*, 4 February 1854.

articulated the fears of the citizenry concerning this situation. The paper stated, “The most serious apprehensions were entertained by the citizens on both sides of the river, and unless General Garland takes some decisive steps, on his arrival at Fort Fillmore, to have this offender arrested and punished, a renewal of hostilities must be the consequence.”<sup>463</sup> U.S. officials were thus placed in a precarious position, with the Mescaleros threatening violence on both sides of the border, and the Mexicans unwilling to give up the accused murderer who had crossed the boundary into the United States and killed a respected Apache leader. Despite their threat of retaliation, months passed without any Apache retribution. However, U.S. officials were unable to arrest the accused.

After the United States acquired Mesilla through the Gadsden Purchase in early 1854, officials were finally able to secure the arrest of Borule. The U.S. government had long sought to build a railroad through southern New Mexico, and officials reasoned that the land directly below the New Mexican boundary contained the best topography upon which to create such a railroad. That area, of course, belonged to Mexico, however, and the United States began to covet that particular region for a railroad to link the south with the Pacific coast. In 1853, due to uncertainty in the exact placement of the border, New Mexican governor William Carr Lane had brashly claimed the Mesilla Valley for the United States. Although Lane had acted without the blessing of federal authorities, the government saw an opening to finally acquire the region because of the governor’s actions. To prevent hostilities, the two nations negotiated a treaty in December of 1853, which ceded the southernmost portion of New Mexico to the United States in exchange for 10 million dollars. The terms of the Gadsden Purchase also finally rendered Article XI of the Treaty of Guadalupe Hidalgo null and void. The treaty thus gave possession of the

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<sup>463</sup> *Santa Fe Weekly Gazette*, 10 December 1853.

Mesilla Valley to the United States, placing countless Mexican residents under the authority of the U.S. As Mesilla was initially founded as a space to escape U.S. colonialism, many residents were less than pleased to be back under the sovereignty of the Union. Nevertheless, with the town of Mesilla under U.S. authority, officials were finally able to detain the man accused of murdering Cuentas Azules.

Through the Gadsden Purchase, Borule became a citizen of the United States, and U.S. authorities immediately arrested him. The accused stood trial in May of 1854, more than a year after the murder. During the trial, many of the Mescaleros were in attendance upon the court and “seemed to desire nothing more than the murderer be punished.”<sup>464</sup> The Apaches, who were non-citizens, attended the trial of a man who, when he committed the crime, was not a citizen of the United States, but became one seemingly overnight. Thus, U.S. colonialism and the implementation of an arbitrary boundary brought with it implications concerning citizenship that profoundly impacted the various residents of New Mexico. The borderlands were indeed a continually shifting space with substantial implications for its many ethnic groups. In the end, Borule’s attorney asked for permission to enter a nolle prosequi, and the prosecutor decided not to indict Borule. The judge granted this request, and the defendant was released.<sup>465</sup> The U.S. court system failed to bring justice to the aggrieved Mescaleros. The fact that the case was so easily tossed out displays Euro American indifference to Native American justice. In terms of vigilante hostility toward Native peoples, historian Larry D. Ball argued, “efforts to take court action against suspected vigilantes were usually futile, as jurors in most cases sided with the accused, especially in cases where Native peoples were attempting to attain justice.”<sup>466</sup> This

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<sup>464</sup> *Ibid.*

<sup>465</sup> Aurora Hunt, *Kirby Benedict: Frontier Federal Judge* (Glendale: The Arthur H. Clark Company, 1961), 61.

<sup>466</sup> Larry D. Ball, *Desert Lawmen: The High Sheriffs of New Mexico and Arizona, 1846-1912*, (Albuquerque: University of New Mexico Press, 1992), 138.

would not be the last time that the courts abandoned Native Peoples injured by the conduct of the people of Mesilla.

The Mescaleros possibly considered the failure to bring Borule to justice as a violation of the treaty negotiated by U.S. authorities and the tribe in 1852. That year, the Mescaleros, Chiricahuas and New Mexican authorities had negotiated the Treaty of Acoma in Santa Fe. Cuentas Azules had been a primary signatory for this particular treaty. The Treaty of Acoma is significant because it was the only treaty with Apache peoples ratified by the President and Congress. Unlike the various other treaties made with Apache peoples by New Mexican authorities, the U.S. government fully backed and approved this treaty and had an obligation to see it upheld. Article VI of the treaty stipulated: “Should any citizen of the United States, or other persons subject to the laws of the United States, murder, rob, or otherwise maltreat any Apache Indian or Indians, he or they shall be arrested and tried, and upon conviction, shall be subject to the penalties provided by law for the protection of persons and property of the said States.” When Cuentas Azules placed his mark upon the treaty, he could not have known that article VI would apply to himself. Although his murderer was indeed arrested, the case was rather quickly dismissed. Thus, Borule was certainly not “subject to all the penalties provided by law for the protection and property of the people of the said States.” To the Mescaleros, the government had failed to uphold the terms of the treaty, which ultimately led to further hostility with the Mescalero nation.

Failure by the United States to avenge the death of their chieftain was a tipping point in U.S.-Mescalero relations. By 1854, there was a marked increase in Mescalero raiding and hostility. During the summer of 1854, Mescaleros sporadically attacked traffic on the San Antonio – El Paso road. In June, they ambushed several emigrant trains at Eagle Springs, killing

people and stealing over two-hundred head of cattle. The Mescaleros also drove off stock from the vicinity of Anton Chico and Bosque Redondo.<sup>467</sup> The list of Mescalero depredations during 1854 continued to grow, and as a result, General John Garland launched a series of military campaigns in the heart of Mescalero territory. Michael Steck noted a connection between the murder of Cuentas Azules and the conflicts with the Mescaleros that began in 1854. He stated that the killing of the chief by the people of Mesilla “is alleged to have been one of the causes of the war of 1855 with that tribe.”<sup>468</sup> The actions of the people of Mesilla almost certainly contributed toward full-scale war between the United States and Mescalero nation. The complicated nature of cross-border interactions led to a war within the U.S. between the military and Native Peoples based on the actions of Mexican citizens.

As the Gadsden Purchase was finalized, and the people of Mesilla were brought under the administration of the United States, the brutal actions of the people of Mesilla did not cease; but in fact, accelerated. During the early part of U.S. rule over the Mesilla Valley, the Mesilla Guard turned southern New Mexico into a stage of terror and brutality for the Mescalero people. In February of 1858, the Mesilla Guard once again engaged in a horrific massacre of innocent Apaches. On the seventh of the month, someone stole three horses from the town of Mesilla. Without any evidence, the *Mesilleros* quickly accused a band of Apaches residing near Doña Ana of the theft. The Guard had hurriedly tracked and pursued the band to a camp some three miles outside of the town. Similar to the previous attacks, these Apaches were Mescaleros who, one observer noted, were “living on terms of amity with the inhabitants of [Doña Ana],” and

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<sup>467</sup> Hays, “General Garland’s War,” 257.

<sup>468</sup> Steck to Collins, 15 February 1858, Center for Southwest Research, University of New Mexico. Michael Steck Papers, MSS 134, Box 1.

were “permitted by the Indian agent to come into and linger about [the town].”<sup>469</sup> This particular band had been living near that location for the past six months where they were “trafficking in a small way for corn, pumpkins or something else to eat.”<sup>470</sup> There, on the outskirts of the city, the Guard surprised the Mescaleros in their camp. They murdered three Indians, including the noted Mescalero head-man Shaw-o-na. This particular chief, according to Michael Steck, had been “the terror of the country for the last three years.” Steck, in a comment out of character for the respected Indian Agent, argued, “if they had stopped after killing the men in camp, they would have done the country a great service and not brought disgrace upon themselves.”<sup>471</sup> However, the Mesilla Guard was not finished enacting their style of bloody revenge.

After carrying out these initial murders, the Guard, “in a semi-intoxicated state,” rode into the center of Doña Ana where many Indians were trading with the residents. Once in town, the attackers, “in a riotous and wanton manner, and without warning commenced an indiscriminate attack upon the Indians.”<sup>472</sup> Witness to the massacre; lawyer John Watts described it thus: “I was astonished at the sight of from thirty to fifty well-armed and mounted men charging into town painted and dressed as Indians.” The Mesilla Guard began murdering Indians wherever they found them. Surviving victims of the attack fled and attempted to take refuge in the homes of nearby residents as many of the local Hispanos were willing to shelter the Indians in their houses for protection. Watts claimed that the Guard “surrounded and broke into several houses, dragged helpless Indians out into the street and murdered them in cold blood

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<sup>469</sup> Alley to Pilot, 8 February 1858, Registers of Letters Received and Letters Received by Headquarters, Department of New Mexico, 1854-1865, Record Group 393, National Archives, Microfilm Publication 1120 (hereafter LR, DMN, RG393, NA, M1120), Roll 7.

<sup>470</sup> Wells to Steck, 7 February 1858, Center for Southwest Research, University of New Mexico. Michael Steck Papers, MSS 134, Box 1.

<sup>471</sup> Steck to Collins, 15 February 1858, Center for Southwest Research, University of New Mexico. Michael Steck Papers, MSS 134, Box 1.

<sup>472</sup> Miles to Nichols, 9 February 1858, LR, DNM, RG393, NA, M1120, Roll 7.

committing such atrocities that I am not willing to describe it on paper.”<sup>473</sup> In one instance, several Indians found refuge in the home of a local man, who, being armed along with his wife and son, were able to prevent members of the Guard from entering. A witness to this particular act of goodwill noted that an “old Mexican...hid several Indians in his house and like a man faced the murderers with his gun in hand.”<sup>474</sup> Although there had been centuries of hostility between New Mexicans and Native peoples, certain Hispanos had responded to the massacre with a sense of common humanity, heroically protecting the Apaches from unprovoked execution.

After the dust had settled, the Guard had murdered at least nine Mescaleros, wounding many more. At least five women were among the dead, of whom the guard “most horribly mutilated.”<sup>475</sup> The *Santa Fe Weekly Gazette* described the mutilation of these women in vivid detail, stating, “one Indian woman clung to a Mexican woman, begging for her life, but the brutes tore her away, cut her up, took out her heart, and split it open! Another had her tongue cut out and her breasts cut off, and was thus tortured to death! In what age of savage barbarity have such deeds equaled in brutality?”<sup>476</sup> Thus, the Mesilla Guard’s brutal tactics were not only reserved for men. Female Indians were frequently targeted, and most brutally dismembered. To the Guard, Indian women were not worthy of the regulations of war that supposedly protected them from such atrocities. The Guard most certainly considered both Indian men and women as less than human, and female Indians certainly weren’t deserving of standard gendered

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<sup>473</sup> Watts to Steck, undated, Mary Daniels Taylor papers, NMSU Special Collections, MS0162, Box 9.

<sup>474</sup> Alley to Miles, 8 February 1858, Center for Southwest Research, University of New Mexico. Michael Steck Papers, MSS 134, Box 1.

<sup>475</sup> Alley to Pilot, 8 February 1858, LR, DNM, RG393, NA, M1120, Roll 7.

<sup>476</sup> *Santa Fe Weekly Gazette*, 20 February, 1858.



conventions concerning violence and warfare. The Guard's apparent delight in massacring women elicited disgust in many of the borderland's residents.

For their part, U.S. military officials in New Mexico saw the events of February 1858 as the final strike against the people of Mesilla. As the town was now under the authority of the United States, New Mexican officials contemplated how they were going to respond to the Guard's horrific massacre. To instill a sense of fear into the residents, senior military officials proposed that, due to the residents' proficiency at defending themselves, troops stationed at nearby Fort Fillmore would no longer be needed. The Assistant Adjutant General of the territory reported, "as the people of Mesilla have taken it upon themselves to protect that region of the country against Indian depredation, the garrison of Fort Fillmore will be no longer required; and that the next mail will bring an order for the withdrawal of one company, and, in a very short time, one for the evacuation of the remainder of the garrison."<sup>477</sup> The fort, however, was never actually abandoned and U.S. officials had only made the suggestion due to their frustrated inability to control the actions of the people of Mesilla.

The people of Mesilla, however, saw the military's threat to abandon the post as credible. In their minds, the desertion of the fort would spell absolute disaster for their community. In desperation, the citizens of Mesilla petitioned the military not to leave the post at Fort Fillmore. The residents stated, "the continued depredations upon our property, particularly upon the western side of the Rio Grande by the Gila Apaches, and those residing in the Florida Mountains and near the Mexican line, keep us in a state of excitement and alarm. Our losses are numerous and serious, for most of those who lose their animals, lose that upon which they principally rely

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<sup>477</sup> Nichols to Miles, 15 March 1858, Letters Sent by the 9<sup>th</sup> Military District, Department of New Mexico, 1849-1890, Record Group 393, National Archives, Microfilm Publication M1072 (hereafter LS, DNM, RG393, NA, M1072), Roll 2.

for support.” They then went on to partly blame the military for the creation and actions of their Mesilla Guard: “The people of this county are poor, it can hardly be said that there is a wealthy man residing within its limits, and being thus poor, almost daily deprived of their means of support and there being no mounted force at Fort Fillmore to pursue and chastise the marauding Indians, the citizens of the towns of Mesilla and La Mesa have felt it imperatively necessary to form a company of mounted men who, in consideration of their constant readiness to pursue at a moments’ warning...has several times followed the Indians, have killed some and recovered at various times a portion of the property stolen from us, but the statements of barbarous atrocities having been committed by them in Dona Ana...are grossly exaggerated and false.” The petitioners then argued the need for additional military in the vicinity of the town, rather than the withdrawal of the paltry force currently stationed there. They pleaded to General John Garland: “general, we need the presence of your troops. There is no county in the territory more exposed, or more in want of military protection than Doña Ana, and we respectfully inform you that if you adhere to your intention of evacuating Fort Fillmore, the result will be disastrous not only to the residents of the county but to travelers over the roads.”<sup>478</sup> Numerous people of the community signed the petition, including multiple members of the Mesilla Guard.<sup>479</sup> Thus, the people of Mesilla had complained that lack of military power had compelled the creation of the Mesilla Guard, yet they had balked when faced with the prospect of the military’s withdrawal from the region.

Department Commander John Garland, who, unlike his predecessor, had generally been tolerant toward independent civilian expeditions, responded to the petition. This particular

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<sup>478</sup> Petition by Citizens of Mesilla Against the Removal of Troops from Fort Fillmore, undated, LR, DNM, RG393, NA, M1120, Roll 8.

<sup>479</sup> Various members of the Mesilla Guard that were named responsible for a massacre in April 1858 signed the petition. The most noteworthy was Juan Ortega, who headed the April 1858 massacre.

excursion had been different than others allowed by Garland. The actions of the Mesilla Guard were committed against Indians at peace with the United States. The Guard's overtly violent tactics and targeting of women had also repulsed the general. Of the people of Mesilla's plea to prevent the abandonment of Fort Fillmore, Garland replied, "with respect to the retention of the two companies at Fort Fillmore, I can not now speak positively, but will naturally consider the matter. It must be borne in mind that the Mesilla is the strongest settlement in New Mexico... I regret to be compelled to say that, instead of receiving aid from the citizens, hostilities have in some cases been provoked by their acts of outrage upon the Indians... It is proper for me to say that, those of our citizens who perpetrate acts of violence and outrage, such as have been represented to me – have no claim to the protection of the military and will receive none." Garland reasoned that if the civilians were intent on self-protection, then there was no need for the military to remain. Responding the petitioners' request for a greater military presence near the town, Garland stated, "The request cannot, in the present condition of affairs, be complied with. Two of the mounted companies at Fort Buchanan have been ordered out of this department, one hundred mounted men have been detached from Fort Union for the Salt Lake, Utah, and a company of mounted men ordered from Fort Stanton to the Red River where a settlement has been recently broken up by the Comanches."<sup>480</sup> Due to General Garland's reply, it appeared to the people of Mesilla that the town would have to endure without any further aid of the United States military.

In contrast to U.S. military officials, local government agents and civilians in Mesilla regarded the actions of the Mesilla Guard in a much different light. In their hometown, the members of the Mesilla Guard were hailed as heroes were accorded honor and certain privileges

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<sup>480</sup> Garland to citizens of Mesilla, 7 April 1858, LS, DNM, RG393, NA, M1072, Roll 2.

because of their status as Indian fighters. From the Indian agency at Fort Thorn, Michael Steck officially protested the use of unsanctioned civilian violence to Rafael Ruelas, Prefect and Probate judge of Dona Ana County and resident of La Mesilla. Ruelas, who assisted in establishing Mesilla eight years prior, responded to Steck's complaint, justifying the *Mesilleros'* use of force. As for entering the homes of civilians to kill Apaches hiding there, Ruelas stated, "Now if you in Dona Ana begin to protect the thieving Indians when they have broken every peace treaty that they have made...and I think there is no section in any treaty which gives them permission to steal...they do wrong." Ruelas went on to claim: "we do not esteem you in Dona Ana [for] treating us as savages and barbarians for having done our duty. It is the first law of nature to protect oneself and one's property."<sup>481</sup> Thus, the highest office-holder in Mesilla was fully aware and in favor of the actions of the Guard. Scant evidence even shows that Ruelas may have himself ordered the Guard into the field to commit the deadly act. Acts that had historically bestowed honor among Hispano communities were considered dishonorable by Anglo officials.

The people of La Mesilla also praised the actions of the Guard, bestowing honor and other benefits upon its members. A contemporaneous report by Lieutenant J.W. Alley shed light on the status of the Guard in their own community. He noted, "The Mexican band is held in high esteem by the people of Mesilla, the party seems to be constantly held in readiness to pursue Indians, retake stolen property from them, and when not employed in active service of this nature, enjoying certain privileges in that town, they are known as the Mesilla Guard."<sup>482</sup> Ana María Alonso argues that the privileged status of militia groups was a common theme under the Mexican government during the nineteenth century. In her case study of the northern Chihuahua

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<sup>481</sup> Ruelas to Steck, 9 February 1858, Michael Steck Collection, NMSU Microfilm, Reel 2.

<sup>482</sup> Alley to Pilot, 8 February 1858, LR, DNM, RG393, NA, M1120, Roll 7.

town of Namiquipa, Alonso argues that men who protected their communities were able to use military valor and honor to improve their social positions. On the frontier, the legitimization of authority became linked with warfare, and in many cases, the Mexican government itself was able to manage violence and fuel the search for personal honor by furnishing civilian warriors with rights to land, tax exemptions, rights to booty captured from defeated Indians.<sup>483</sup> This type of culture was no different in La Mesilla, and these behaviors bled into the U.S. era with the actions of the Mesilla Guard. Through violent acts against Apaches, the members of the Mesilla Guard were able to maintain honor during a time when Anglo officials attempted to strip away traditional notions of Hispano honor.

The make-up and membership of the Mesilla Guard also adhered to a model brought from militia groups existent in New Mexico during the Spanish and Mexican eras. The Guard had followed a centuries-long process of offering substitutes, most commonly, peons for militia service. The practice of debt peonage had cemented itself in New Mexican society by 1800. At times these peons were related to their patrons, yet captured members of hostile tribes were also incorporated into the peonage system. During the Mexican era, subaltern classes such as peons bore the brunt of the fighting, and access to military honor improved the social status of these people. It wasn't until April 14, 1867, that the U.S. officially outlawed peonage in the territory. A description of the Guard by Colonel Dixon Miles illuminated the Guard's organization. The Colonel noted, "This company is composed of one hundred landholders, but when the company is called into service, if any of the landholders are disinclined to march, they are obliged to furnish a substitute, always of course one of his peons...among the company that came here and perpetrated the recent outrage; were mostly peons, (as I hear), not over five landholders among

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<sup>483</sup> Alonso, *Thread of Blood*, 42.

them, the balance peons, runaways from [illegible] and deserters from the Mexican army.”<sup>484</sup>

There’s no doubt that these substitutes held a higher standing in the community of Mesilla than they otherwise would by actively participating in the defense of the town.

During this time, the motives, scope, and tactics of the Mesilla Guard came into sharper focus. The Guard was active on a larger regional scale than previously thought. Colonel Dixon miles noted the geographical scope of the Guard, stating, “The people of Mesilla have raised and maintain a volunteer company of Mexicans. This company carries on war against all Indians wherever met, and it seems by extending its sphere of action have penetrated as far as the Mimbres and attacked the Indians peaceably living there, despoiling them in their recent foray, of horses, etc, on the pretense of having dead cattle stolen.”<sup>485</sup> One article in the *Santa Fe Gazette* detailed twenty members of the Mesilla Guard, led by one Juan Ortega, going far up into Rio Abajo County to rob a band of Apaches of “some twenty head of animals, mules and horses.”<sup>486</sup> It seems that the Mesilla Guard were heavily active far from their home base of Mesilla. It was common during the Mexican era for armed groups to make extended forays away from their home base to pilfer Indian property. The Mesilla Guard continued to observe this form of raiding Indian communities.

The Mesilla Guard also participated in the centuries-old borderlands practice of captive-taking. Upon completing the February 1858 massacre, the murderers had taken with them one child. Up to that time, captive-taking in New Mexico was so common that it was responsible for the continuation, growth, and creation of Hispano communities. New Mexican villagers commonly, ransomed, exchanged, or brought captive Indian children into the household as

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<sup>484</sup> Miles to Nichols, 29 April 1858, LR, DNM, RG393, NA, M1120, Roll 7.

<sup>485</sup> Miles to Nichols, 18 February 1858, LR, DNM, RG393, NA, M1120, Roll 7.

<sup>486</sup> *Santa Fe Weekly Gazette*, 26 November 1853.

*criadas*, as servants or slaves. Captive taking was so prevalent in the borderlands that a new class emerged made up of those brought into captivity: the genizaro. Between 1700 and 1880, some five thousand Indians entered New Mexican society as genizaros. They generally occupied a lower standing in society than the broader Hispano community. In theory, these people were to have their ransom paid off after ten to twenty years of service, yet as James Brooks argues, in practice “these people appear to have experienced their bondage on a continuum that ranged from near slavery to familial incorporation.”<sup>487</sup> Most, however, appeared to achieve familial assimilation in the households of their masters. It’s uncertain what the Mesilla Guard had planned to do with their captive children, but it’s clear that the act was part of the broader long-term borderland precedent of captive-taking.

Once again, due to the actions of the Mesilla Guard, fear mounted that the aggrieved Mescaleros would seek vengeance upon the inhabitants of New Mexico. Because members of the Guard now resided in U.S. territory, any possible retribution by the Indians would no longer bear any distinction between residents and citizens of Mexico and the United States. Soon after the massacre, southern New Mexicans noted signal fires in the mountains which communicated to the residents: “not a doubt that the Apaches are collecting to take revenge – and a terrible bloody retribution will follow.”<sup>488</sup> As a result, Colonel Miles ordered the Alcalde of Mesilla to return the captive child to the Mescaleros. He also cryptically relayed to the Alcalde, “It would be well for you to warn the inhabitants of the impending storm that apparently will break soon over there.”<sup>489</sup> To try to calm the aggrieved Apaches, Miles ordered Indian Agent Michael Steck, well respected by several Apache bands, to come to the Mesilla Valley to try to appease

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<sup>487</sup> Brooks, *Captives and Cousins*, 125.

<sup>488</sup> Miles to Nichols, 9 February 1858, LR, DNM, RG393, NA, M1120, Roll 7.

<sup>489</sup> Headquarters to Prefect of Doña Ana, 9 February 1858, LR, DNM, RG393, NA, M1120, Roll 7.

them. The Colonel also suggested, contrary to the inclination of General Garland, strengthening the post at Fort Fillmore with mounted troops, as he believed that the actions of the Guard would “bring the whole Mescalero nation into active hostility.”<sup>490</sup>

The February 1858 outrage by the Mesilla Guard was indeed the final tipping point for the Mescaleros. One week after the massacre, approximately one hundred men of the tribe came into Doña Ana intent on attacking the residents of La Mesilla. Michael Steck immediately met with the Mescalero headmen Manuelito and Gomes. Steck persuaded the Mescaleros not to attack the town of Mesilla, claiming that if they commenced an assault on the settlement, then the military would have to “attack them and carry the war into their country.” Being well respected among the tribe, the headmen took Steck at his word. Accordingly, they promised the Indian agent that their people would commit no violence upon the people of Mesilla. As a result of Steck’s actions, the Mescaleros retreated and did not enact revenge, and large-scale warfare was averted.<sup>491</sup>

The situation, however, became more heated less than a month later when members of the Mesilla Guard pursued a band of Mescaleros who had allegedly stolen cattle from the town. The Guard tracked down the Indians, took back the animals that the Indians had supposedly stolen, and killed at least two members of the tribe. Within days of the incident, reports came in from Mesilla that the Mescaleros, in retaliation, had erected a “skull and bones” in the town. This ghastly symbol was a sign that the Apaches were still very much aggrieved with the actions of the Mesilla Guard, and intended to settle the score. Colonel Dixon Miles argued, “Should the independent action of the inhabitants of Mesilla continue, the Indians will to a certainty unite and

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<sup>490</sup> Miles to Nichols, 9 February 1858, LR, DNM, RG393, NA, M1120, Roll 7.

<sup>491</sup> *Ibid.*



carry out their threat, as reported by erection of ‘skull and bones,’ by wiping this town out.”<sup>492</sup>

Despite striking fear into the hearts of New Mexican residents, the Mescaleros stayed their hand for a time. The threat of retaliation by the Mescalero people, however, only prompted the Guard to be even more hostile toward the tribe.

Unhindered, and perhaps emboldened by the threats of the Mescaleros, in April of 1858, the Mesilla Guard would carry out their final massacre against the Mescalero people. Since the December previous, a band of Mescaleros had been living near the vicinity of Fort Thorn, near present-day Hatch. These people had been on friendly terms with the people of the garrison, and hadn’t committed any depredations upon nearby settlements. Despite this relative quietude, in the early morning hours of April 17, 1858, thirty-six members of the Mesilla Guard led by Juan Ortega, charged into the Mescalero camp. During this surprise attack, the Guard drew their pistols and knives, butchering three men, three women, and one boy. The Guard also wounded two women and one boy in the attack, taking several children captive. Michael Steck, relaying an eye-witness account, reported, “The people living at the agency were aroused by the screams of Indians and when going to their doors saw the party...indiscriminately butchering Indians regardless of age, sex, or condition.”<sup>493</sup> Again, the Guard seemed determined to target Mescalero women. Steck added that the Mesilla Guard “seemed to take a fiendish delight in murdering innocent defenseless and unoffending women.”<sup>494</sup> As the chaos ensued, the

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<sup>492</sup> Miles to Nichols, 4 March 1858, LR, DNM, RG393, NA, M1120, Roll 7.

<sup>493</sup> Steck to Collins, 15 April 1858, Letters Received by the Office of Indian Affairs, New Mexico 1858-1859, Record Group 75, National Archives, Microfilm Publication M234 (hereafter LR, OIA, RG75, NA, M234), Roll 549.

<sup>494</sup> *Ibid.*

Mescaleros scattered in all directions. Some sought refuge in the homes of nearby civilians, while others took shelter near the river to hide amongst the trees.<sup>495</sup>

During the massacre, the Commander at Fort Thorn, Lieutenant William Henry Wood, responded immediately to the situation. He ordered the garrison under arms, then went out with the infantry and captured the whole party about half a mile from the post. Michael Steck noted, “Within fifteen minutes of receiving information of what was going on, Wood rushed into the midst of the Guard, drew his pistol, and demanded an immediate surrender.”<sup>496</sup> The Guard submitted to Lieutenant Wood without incident and were marched into the garrison at Fort Thorn, disarmed, and placed under a strong guard. Upon disarming the Guard, the Lieutenant noted that the thirty-six men were heavily armed, having thirty-five rifles, fourteen Colt revolvers, and six other pistols between them. Lieutenant Wood had also exhibited that most of the men had lived in Mesilla since the town’s founding, and all but two claimed to be citizens of the United States. The majority of the Guard had been Mexican citizens before the Gadsden Purchase.

Again, fears of Mescalero retaliation spiked. Conscious that New Mexican civilians were working at the Santa Rita Copper mines nearby, Lieutenant Wood sent a military envoy to protect the miners in case the Mescaleros took retaliatory measures. Wood sent a sergeant, a corporal, and twenty privates to the Copper Mines to “protect this party in their efforts to develop the mineral resources of that section of the country.” On the other hand, the same troops were dispatched to protect the Mescaleros against potential additional attacks from the

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<sup>495</sup> The Guard’s continual murder of Apache women in effect removed women from the category of noncombatants. By doing so, historian Juliana Barr argues in her analysis of the eighteenth century frontier, colonists deprived these women of the consideration and protection that European-based codes of war dictated, which was “in effect – a denial of their identity as women eligible for the privileges of respectful...womanhood.”

<sup>496</sup> Steck to Collins, 15 April 1858, LR, OIA, RG75, NA, M234, Roll 549.

*Mesilleros*. The Lieutenant, however, was anxious that the introduction of soldiers in the area would make the Indians “feel we had lost confidence in their professions of peace.” Wood told the leader of the copper miners that if any Indians should approach him and question the presence of U.S. troops, he should “intimate to them that the soldiers were sent into their country to protect them, should attempts again be made by the *Mesilleros* to molest any portion of their tribe.”<sup>497</sup>

Despite these fears of Mescalero retribution, Michael Steck reported that the Apaches were not as inclined to take revenge as some had believed. Steck claimed that the band was “perfectly peaceable” and “appear to be on the most friendly terms.”<sup>498</sup> He added that the quick capture of the guard by Lieutenant Wood “has had a most excellent effect upon the Indians...it shows them that while we have confidence in their good behavior they will be protected, many of them are here today cheerful as though nothing had happened.”<sup>499</sup> Dixon Miles also stated, “The Indians are perfectly satisfied at the course adopted by the Commanding General of the Department and have left for their location where they intend planting corn. The wounded are improving and will soon be well.”<sup>500</sup> Ultimately, Lieutenant Wood claimed that the Mescaleros were content with awaiting “the decision of the U.S. district court for redress for the grievous injury done them by the people of Mesilla.”<sup>501</sup> The Mescaleros would not be satisfied, however, by the final result.

This repeat massacre once again enraged New Mexican officials who had been powerless to stop such behavior. General John Garland stated, “[I can] not believe that this outrage [had]

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<sup>497</sup> Wood to Nichols, 19 May 1858, LR, DNM, RG393, NA, M1120, Roll 8.

<sup>498</sup> *Ibid.*

<sup>499</sup> Steck to Collins, 15 April 1858, LR, OIA, RG75, NA, M234, Roll 549.

<sup>500</sup> Miles to Nichols, 29 April 1858, LR, DNM, RG393, NA, M1120, Roll 7.

<sup>501</sup> *Ibid.*

been committed by persons having any just claim to the protection of our laws, they have insulted our flag,” adding, “No armed body of men near our Mexican frontier...can be permitted to approach one of our military posts without giving due notice, much less to engage in the murder of our peaceable citizens and friendly Indians, who are entitled to the protection which our flag purports to give them.”<sup>502</sup> The General added, “It is high time that a stop should be put to these lawless acts of violence and murder. Orders will be transmitted today, to the Commanders of Forts Thorn and Craig, to afford every facility in their power in the way of “posse, prisons, etc., to aid the civil authorities in the due execution of the laws.”<sup>503</sup> In accordance with General Garland’s wishes, an attempt would finally be made to bring the Mesilla Guard to justice. Very soon after the capture of the Guard, Judge Kirby Benedict issued an arrest warrant for the thirty-six men. The military handed the men over to the civil government, where they were to be taken north to Socorro to be tried. On April 28, the thirty-six members of the Mesilla Guard, under heavy escort, made their trek up the desolate Jornada del Muerto to Socorro where they were to await trial.

In a properly functioning legal system, with the evidence clearly showing the Guard’s guilt, it would have been almost certain that the Mescaleros would finally attain justice. However, officials who recognized the historical hatred between New Mexicans and Native peoples had little faith that the jurors would convict the Guard. Michael Steck accepted that the citizenry of New Mexico was sympathetic to the violent actions of the Guard, claiming, “It is useless to attempt to bring the perpetrators of the outrages to justice as a vast majority of the people and the officers of justice sympathize with the murderers.”<sup>504</sup> New Mexican communities

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<sup>502</sup> Garland to Miles, 22 April 1858, LS, DNM, RG393, M1072, Roll 2.

<sup>503</sup> Garland to Benedict, 26 April 1858, LS, DNM, RG393, M1072, Roll 2.

<sup>504</sup> Steck to Collins, 15 February 1858, Center for Southwest Research, University of New Mexico. Michael Steck Papers, MSS 134, Box 1.

held Indian fighters such as the Guardsmen in high esteem. Hispano jurors were not likely to go against centuries of social custom by convicting the Guard. Superintendent of Indian Affairs James Collins held the same viewpoint, stating, “This affair will give you some idea of what we have to contend with in securing peace and protection to the Territory. The Mexicans who committed the deed are held under arrest, and are at Socorro being tried before Judge Benedict... But it will be of no use to commit them for a trial before a jury of their own countrymen, they will of course be acquitted.”<sup>505</sup> These premonitions proved correct.

The trial took place in October of 1858 causing “considerable excitement all over the territory.” Large crowds of spectators collected in and around the courthouse to witness the proceedings. The prosecution put forth their case that the Mesilla Guard murdered the Mescaleros in cold blood, bringing in many witnesses who confirmed that fact. The prosecution then tried to prove that this particular band of Indians had not stolen cattle in or around their camp either before or during the massacre. Overall, they had tried to verify that the attack by the Guard was unprovoked and unwarranted.

The argument of the defense entailed that a few days before the murders, seven or eight oxen were stolen from Mesilla, which they said was an all too common occurrence in the town. They claimed that the thieves wore moccasins similar to those worn by Indians. They then attempted to prove that the Guard followed the trail of the robbers, which led them straight to the Mescalero camp near Fort Thorn. The defense failed, however, to prove that the affected Indians were indeed the ones who stole the oxen. The defense also tried to confirm that the actions of the Guard were perfectly legal. They stated that the volunteer company was doing their legal

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<sup>505</sup> Collins to Mix, 10 May 1858, LR, OIA, RG75, NA, M234, Roll 549.

duty under the orders of the Alcalde of Mesilla, Rafael Ruelas. This being the case, the Guard was certainly adhering to a practice brought directly from the Mexican era, as local leaders were frequently tasked with the defense of their communities. U.S. officials in New Mexico had generally shunned this custom, leaving most matters concerning warfare in the hands of the military. This mattered not, and the jury, after a very brief deliberation returned to the court with a verdict of not guilty.<sup>506</sup>

Lieutenant William Averell was present during the proceedings. His description of the trial highlights both Anglo American racial attitudes towards these jurors of Mexican descent and disgust at the acquittal of the accused. He described the trial thus: “The court in session was something worthy of contemplation...the judge charged the jury with sonorous declamation, “*Señores Caballeros*” and a dozen Mexicans arose to their more or less bare feet from the jury benches...all wore the serape... The cigarillo solaced their arduous mental strain. They could have said unanimously to the prisoners “*estamos hermanos*,” and appearances would have sustained the statement. The *Señores Caballeors*...shuffled out when it was concluded and returned as soon as they had smoked another cigarillo with a verdict of “not guilty,” and the prisoners were discharged.”<sup>507</sup> Averell in very racialized language disagreed with the conclusion of the jurors. His description implied that the Hispano jurors were too poverty-stricken, incompetent, and overly comparable to the defendants themselves to warrant a fair trial. Averell’s racial mindset echoed that of many Anglo Americans concerning Hispano unsuitability for full citizenship, which included jury duty.

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<sup>506</sup> *Santa Fe Weekly Gazette*, 24 July 1858.

<sup>507</sup> William Woods Averell, *Ten Years in the Saddle: The Memoir of William Woods Averell, 1851-1862* ed., Edward K. Eckert and Nicholas J. Amato (San Rafael, CA: Presidio Press, 1978), 142.

Despite U.S. claims that the actions of the Mesilla Guard warranted punishment, justice was ultimately denied the Mescalero people and granted the members of the guard. Although Indian peoples were not citizens, the United States took it upon themselves to provide protection to Native Peoples in their jurisdiction, especially those at peace or under treaty. The United States failed in its obligation. The verdict ultimately reaffirmed that Hispanos' claim to what they saw as a moral right to retribution had legitimacy. The cycle of violence between Hispanos and Apache peoples throughout the centuries all but ensured that Native peoples would not receive impartiality from Hispano jurors. The Mescaleros had thus utilized a justice system that would never grant objectivity toward Indians. Retributive violence against Native Peoples during the Mexican era seldom merited legal discipline, and it appeared that not much had changed during the U.S. period. The acquittal of the Mesilla Guard illustrated that unsanctioned violence toward Indian groups continued to be largely overlooked.

Many of the people of New Mexico held mixed feelings concerning the verdict. In an editorial contrary to their typical anti-Indian bias, the *Santa Fe Weekly Gazette* voiced their disapproval of the judgment. The column stated that:

“The killing of those Indians was perpetrated within a very short distance of the flag of our country, a fact which adds largely to the aggravation of this bloody deed. We, the citizens of the United States not only claim for ourselves, but also concede and promise indiscriminately to every foreigner ample protection, wherever the banner of our country floats. These Indians were as much entitled to that protection as the Mesilla Guard themselves. If a violation of these privileges is approved, by American Citizens of all our boasting about the ‘Star spangled banner’ is a humbug. If it is expected the officers of the government to be only silent spectators whilst such scenes are being enacted, let us tear down the stars and stripes, and put instead the device: ‘a shield for lawlessness and violence.’”<sup>508</sup>

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<sup>508</sup> *Santa Fe Weekly Gazette*, 24 July 1858.

This excerpt highlights that although Euro-Americans likened Native Peoples with “foreigners,” the United States had still been responsible for their protection. The failure of the U.S. to provide that protection was a violation of the supposed morality of Anglo American citizens.

After the trial, the Guard still managed to cling to life, though never again were they accused of the level of violence committed against Apaches in 1858. In March 1860, the Guard reappeared in the archival record for the final time. They had chased a band of Apaches west into the Florida Mountains, subsequently crossing the border into Mexico and confronted some 380 Apaches in northern Chihuahua. Upon encountering the large group, the Guard, numbering about thirty, decided to flee and return to Mesilla.<sup>509</sup> Shortly afterward, during the opening of the Civil War in 1861, New Mexico Governor Abraham Rencher commissioned two of the original thirty-six, including their leader, Juan Ortega into the newly created, pro-Union Mesilla and Mesa Mounted Volunteers of the Militia of the Territory of New Mexico.<sup>510</sup> Thus, these men now answered to the territorial militia, which effectively ended the unsanctioned exploits of the Mesilla Guard.

This chapter adds to a historiography addressing the implications that violence and colonialism have had on Native and non-Native peoples in what is now the southwest United States. Both interpersonal and structural forms of violence significantly affected borderlands peoples. Lance Blyth argues, “Violence can be a useful tool for communities to employ, particularly in areas where no single political organization or cultural group has a monopoly on its use, such as borderlands.”<sup>511</sup> That was certainly the case in nineteenth-century New Mexico. However, until relatively recently, historians have not critically examined the causes and effects

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<sup>509</sup> Kiser, *Turmoil on the Rio Grande*, 126.

<sup>510</sup> Nona Barrick and Mary Taylor, *The Mesilla Guard 1851-61* (El Paso: Texas Western Press, 1976), 33.

<sup>511</sup> Blyth, *Chiricahua and Janos*, x.



of such violence. Ned Blackhawk claims, “Despite an outpouring of work over the past decades, those investigating American Indian history and U.S. history more generally have failed to reckon with the violence upon which the continent was built.”<sup>512</sup> This chapter has attempted to explore the nature of such violence, its foundations, and its consequences. Brutality played such a significant role in the lives of the various peoples in the southwest United States that only through a lens of violence can we obtain a clearer picture of the true nature of both colonialism, the construction of the United States, and their effects on both Native and non-Native peoples situated in the area.

The demise of the Mesilla Guard did not coincide with an end of the violence between the many peoples living in the southwest United States. Other vigilante groups continued to organize unsanctioned military expeditions against Native peoples. Ideas concerning race, gender, violence, and vigilantism in the southwest United States persisted far into the future, and most notably emerged with the 1871 Camp Grant Massacre near Tucson, Arizona in which a group consisting of Anglo Americans, Mexican Americans, and Tohono O’odham Indians engaged in the murder of nearly 150 Apache Indians.<sup>513</sup> Simultaneously, the United States’ war with Apaches would continue for decades, concluding only with Geronimo’s surrender in 1886. The narrative of the Mesilla Guard is but one of many examples of the atmosphere of brutality that had manifested itself in the borderlands throughout the centuries.

This long trajectory of violence helped to shape communities and cultures in New Mexico. Citizens of the Spanish empire, Mexico, and the United States employed many forms of colonial violence against the Native Peoples in the area. The actions of the Mesilla Guard were the result of a long history of this violence which was sanctioned and sustained by the state, most

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<sup>512</sup> Blackhawk, *Violence Over the Land*, 3.

<sup>513</sup> See Jacoby, *Shadows at Dawn*.

notably, Mexico, and carried out by its citizens.<sup>514</sup> The United States also observed forms of violent colonialism against Native Peoples less centered on the actions of its citizens, but more so based on military prowess. These combined modes of violence dealt a forceful blow to Apaches, yet these people remained powerful enough to play a central part in the course of empire. An examination of the Mesilla Guard offers an example of how the multiple people of the borderlands interacted, and also highlights the significance of the racial interplay that was unique to the US southwest.

The actions and acquittal of the members of the Mesilla Guard tell us much about relations of power in the borderlands during the mid-nineteenth century. Even though the United States claimed sovereignty over New Mexico after the U.S. War with Mexico, the fact remains that they were virtually powerless to prevent these former citizens of Mexico from employing their traditional forms of protection. The residents of Mesilla were simply repeating precedents concerning what they believed was their only option for dealing with the Apache threat. They were not willing, nor able to in their opinion, submit to the will of the United States by halting vigilante militia justice. Furthermore, the Guard was able to utilize the newly conceived border to escape prosecution on multiple occasions and continue their bloody exploits. Ultimately, however, despite claiming ownership over the area, Spaniards, Mexicans, and Anglo Americans were incapable of subduing the Apaches for almost three centuries. The story of the Mesilla Guard illustrates how fragile control and dominance were in what is now the U.S. southwest, and no one group held a true monopoly of force.

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<sup>514</sup> The Mesilla Guard had been following a trajectory of violence advocated by Spain and Mexico. However, at the same time, citizens in other areas of the United States had been utilizing democratic processes and structures of the state to implement genocide against certain Indian groups, most notably in California. See Lindsay, *Murder State*; and Madley, *An American Genocide*.

## Chapter 5: The Civil War, 1860-1865

As Governor Abraham Rencher and Colonel Thomas Fauntleroy quarreled over the use of civilian soldiers, and the Mesilla Guard turned southern New Mexico into a theatre of terror for certain Apache peoples, the specter of war began to consume the eastern United States. The issue of slavery had finally reached its breaking point, and by 1861, the majority of southern states had broken away from the Union. The dark cloud of Civil War soon engulfed the territory of New Mexico. For both Union and Confederate officials, New Mexico was an essential component in their schemes of Manifest Destiny.<sup>515</sup> With its vast mineral resources and access to the flourishing markets of California, New Mexico soon became a significant staging ground of conflict involving the struggle over the meaning of labor, the status of free people of color, and the nature of citizenship in the Southwest. What began as a violent debate over the expansion of slavery across the United States, soon resulted in the rapid transformation of civilian defense in the young borderlands territory.

From the onset of the U.S. Civil War, the need for New Mexican volunteers to supplement the regular army was readily apparent. The coming of the War immediately placed a heavy strain upon the regular military already stationed in the territory. Since the end of the U.S.-Mexico War, the federal government had maintained a military presence in New Mexico to restrain the power of the various Indian nations in the region. By June of 1860, the regions of New Mexico and Arizona maintained approximately 1,500 regular military soldiers.<sup>516</sup> As examined previously, however, many residents felt that the number of troops had been

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<sup>515</sup> William S. Kiser, *Coast-To-Coast Empire: Manifest Destiny and the New Mexico Borderlands* (Norman: University of Oklahoma Press, 2018), 181.

<sup>516</sup> Darlis A. Miller, *Soldiers and Settlers: Military Supply in the Southwest, 1861-1885* (Albuquerque: University of New Mexico Press, 1989), 3.

inadequate to overpower the Native Peoples of the territory. As multiple Southern states began to secede in 1860 and 1861, the U.S. Army in New Mexico suffered a significant blow to these perceived insignificant troop numbers. Most Southern officers stationed in the region cast their lot with the Confederacy and resigned their commissions. Prominent U.S. military officials such as New Mexico Department Commander, William W. Loring, and General Henry Hopkins Sibley joined the Confederacy leaving Union loyalist Colonel Edward Canby in command of the military department of New Mexico. Despite such high-profile desertions, the majority of enlisted men in New Mexico remained at their posts. Nevertheless, these losses all but ensured that military ranks in New Mexico would need to be filled by civilian volunteers to both resist the growing Confederate threat and war with Native Peoples.

The secession crisis, particularly that of Texas in February of 1861 further marred the U.S. military in the southwest. New Mexico's access to the eastern United States through Texas was abruptly cut off. Without efficient transportation to and from the east, New Mexican subsistence stores accrued heavy losses. At the same time, the department of New Mexico had to come to terms with a shortage of horses as well as a poorly timed change in the weather that resulted in a lack of rain that devastated crops. These circumstances drove Colonel Canby to proclaim that conditions in the territory were near the level of famine.<sup>517</sup> In addition, U.S. troops in New Mexico had already gone unpaid for many months, inducing many more soldiers to defect to the nearby Confederacy under the assumption that their new administrators would pay them.<sup>518</sup> As a result of these chaotic conditions, local businesses began to refuse to credit the military owing to the uneasiness and restlessness concerning the economic future of the

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<sup>517</sup> Miller, *Soldiers and Settlers*, 4.

<sup>518</sup> Martin Hardwick Hall, *Sibley's New Mexico Campaign* (Austin: University of Texas Press, 1960), 22.

territory.<sup>519</sup> Due to the coming of the Civil War, the army in New Mexico certainly faced many challenges before even a shot was fired.

The federal government soon called on civilians to enlist in the volunteer army in all states and territories loyal to the Union, including New Mexico. After the firing on Fort Sumter, on May 3, 1861, President Abraham Lincoln issued a nationwide proclamation organizing volunteer forces into the service of the United States to wage war against the Confederacy. Under these orders, authorities in New Mexico began recruiting local citizens to fill two volunteer regiments for terms of three years. The military had mustered four companies into service at Fort Union, four at Albuquerque, two at Fort Stanton, and two at Fort Craig. These companies collectively became known as the First and Second Regiments of New Mexico Volunteers. The military would muster several more volunteer regiments into service as the War progressed. These companies were armed and equipped for immediate service under orders of Colonel Canby. The mustering of these volunteer companies initiated an era of civilian defense in the territory whereby the military, civil officials, and citizenry finally worked in unison in a concerted effort to defend the territory against the Confederates and combat Native Peoples.

The use of civilian soldiers in New Mexico during the U.S. era before the coming of the war in 1861 had been highly inconsistent. Certain military officials such as Edwin Sumner and Thomas Fauntleroy had been hesitant to enlist Hispanos in volunteer military units due to racialized notions concerning ability, loyalty, and citizenship. Others, like John Garland, tended to embrace Hispano civilian warriors. The decade of the 1850s saw both a rise and decline of the use of civilian volunteers mainly depending on the personal views of the department commander

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<sup>519</sup> Loring to Thomas, 23 March 1861, Letters Received by the Office of the Adjutant General, 1861-1870, 1861 N1-203, Record Group 94, National Archives, Microfilm Publication M619 (hereafter LR, AGO, RG94, NA, M619), Roll 42.

in charge. New Mexican civil officials and the residents themselves, however, had almost always advocated for the use of civilian warriors. The efforts of the civil government, spearheaded by the governors, had led to the ratification of legislation concerning civilian militia units. Even so, residents such as the citizens of Mesilla continued the mode of warfare prevalent under the Mexican regime, taking vengeance and warfare into their own hands through unsanctioned war expeditions against enemy Indians. Disagreements and ambiguity concerning civilian warfare had indeed led the territory down a path of turmoil during the 1850s.

Unlike much of the previous decade in New Mexico, the 1860s saw military officials freely utilize territorial residents for defense. By the end of the Civil War, New Mexico had sent 6,561 of its civilians to war, more than North Dakota, South Dakota, Washington, Montana, Idaho, Wyoming, and Colorado combined.<sup>520</sup> With this recent mobilization of civilians in the service of a war over the nature of labor and allegedly for the freedom of enslaved African Americans, this was the first time that any significant number of ethnic Mexicans engaged in combat on behalf of the United States. The volunteer army and militia in New Mexico, however, underwent a process of racialization in which they suffered under a host of both negative racial and gendered perceptions and discriminatory practices by Anglo Americans stationed in the territory. Many of the racial sentiments that animated the U.S. to declare war on Mexico fifteen years earlier continued to influence how Anglo military men and civilians treated ethnic Mexicans in the militia and volunteer army. However, seeing the necessity of mustering up the Nuevomexicanos in defense of liberty and the integrity of the territory recently conquered from Mexico, raised new questions about the meaning of citizenship, race and gender; but their service also sparked critical conversations about the claims these people of color could make on the

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<sup>520</sup> Jerry D. Thompson, *A Civil War History of the New Mexico Volunteers & Militia* (Albuquerque: University of New Mexico Press, 2015), 111.

nation to protect their rights as *Americans*. Although their Anglo counterparts derided their service and participation in the War, that same service in defense of liberty and against slavery accrued to the Hispano militiamen a newfound moral authority and status. Whereas previous generations anchored their rights to the Spanish and Mexican laws and institutions, the generation that fought in the Civil War could point to their service to the United States as leverage to live as full citizens in post-War America.

Foreseeing a variety of potential benefits in serving for the United States, thousands of New Mexicans immediately responded to the government's call by enlisting in the volunteer military. Many Hispanos believed that military service was a gateway to a citizenship status equal to that of Anglo Americans. Nuevomexicanos were finally offered an opportunity to prove their loyalty, masculinity, and readiness for citizenship. Men who had seen their traditional gateway to honor being closed by the U.S. government were willing to enlist and prove their valor on the field of battle. The prospect of payment was also a very prominent incentive. Unlike previous militia duty during the Spanish, Mexican, and early U.S. eras, in which payment primarily consisted of captured booty and prisoners, the federal government promised to pay volunteer units in actual U.S. dollars. These men, many being alive under the Spanish regime, looked forward to payment in hard currency for their military service. Compensation in hard currency gained importance as the territory saw a shift away from pesos and an economy based on barter and trade, to one based on cash backed by the U.S. Treasury. The U.S. government promised New Mexican volunteers the same pay rate as their regular army counterparts at

thirteen dollars a month.<sup>521</sup> The government gave those who agreed to enlist for three years a bounty of one hundred dollars, a quarter of which was to be paid in advance.<sup>522</sup> Many volunteers ultimately never received the payment owed them, nevertheless, this was an extremely enticing offer to many impoverished Hispanos who survived predominately through subsistence agriculture.

Another major factor which led a multitude of New Mexicans to enlist was the prospect of escaping the long-standing institution of debt peonage. Ever since the Spanish had claimed sovereignty over the region, the custom of debt peonage had long been a persistent feature of New Mexican society. Peonage consisted of the “voluntary” servitude of a particular person for payment of a debt.<sup>523</sup> However, peons often labored for life under the same master. Numerous households contained at least one peon, but some *ricos* had amassed substantial numbers.<sup>524</sup> Many Anglo-American observers unfamiliar with the practice equated New Mexican debt peonage with southern chattel slavery. Territorial official William Watts Hart Davis postulated, “In truth, peonism is but a more charming name for a species of slavery as abject and oppressive as any found on the American continent.”<sup>525</sup> The U.S. military in New Mexico was subsequently able to take advantage of the desire by many peons to free themselves by enticing them to enlist. These people were able to use enlistment in the volunteers as a pathway to independence. Colonel Canby, for example, issued a circular stating that the military would not discharge volunteers due to past indebtedness and petitions to reclaim peons had to be filed with the U.S.

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<sup>521</sup> General Orders no. 48, 15 October 1861, Territorial Archives of New Mexico, Adjutant General Annual Reports, 1874-1912, Orders and Related Correspondence, 1851-1911, New Mexico Records Center and Archives (hereafter TANM, AGR, ORC, NMRCA), Roll 84.

<sup>522</sup> Miller, *Soldiers and Settlers*, 5.

<sup>523</sup> Twitchell, *The Leading Facts of New Mexican History*, Vol. II, 324.

<sup>524</sup> Brooks, *Captives & Cousins*, 351-352.

<sup>525</sup> W.W.H. Davis, *El Gringo: New Mexico and Her People* (Lincoln: University of Nebraska Press, 1982), 231-232.



District Courts. These orders made it extremely difficult for masters to reclaim their enlisted peons.<sup>526</sup> Large numbers of peons flocked to recruiting stations around the territory. Noting the prevalence of this phenomenon in the Mesilla Valley, Probate Judge Frank Higgins observed, “in this valley I do not think more than one company could be raised, and these chiefly from peons who enlist to escape servitude.”<sup>527</sup> An article in the *Santa Fe New Mexican* similarly noted that many peons had “extricated themselves from their thralldom as servants by going into the United States Volunteer regiments.”<sup>528</sup>

Hispano peons had used military service to free themselves from servitude and at the same time, transform their social status. The desire by many peons to enter military service echoed that of the *genízaros* during the colonial era. Through military service, *genízaros* were able to secure a more respectful position in a New Mexican society which, by and large, had denigrated these peoples. Peons had also attempted to utilize military service to become independent, functioning members of society. Through military service, they were better able to take advantage of the benefits of U.S. citizenship, limited as they were in New Mexico during this time. Being free of their masters, peons sought to own land, exercise their right to vote, and achieve a level of independence they had only dreamed about. Military service promised such a pathway. The Civil War also offered a passageway to a better life for multiple peoples throughout the United States. African Americans, the Irish, and immigrants residing in the northern and southern states flocked to join the military for reasons similar to the New Mexican peons. In this respect, the Civil War was distinctive from all other U.S. wars up to that point, as

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<sup>526</sup> Chris Emmett, *Fort Union and the Winning of the Southwest* (Norman: University of Oklahoma Press, 1965), 239.

<sup>527</sup> Kiser, *Turmoil on the Rio Grande*, 240 n.67.

<sup>528</sup> *Santa Fe New Mexican*, 2 April 1864. For a recent examination of debt peonage and slavery in the borderlands, see William S. Kiser, *Borderlands of Slavery: The Struggle over Captivity and Peonage in the American Southwest* (Philadelphia: University of Pennsylvania Press, 2017).

disadvantaged people could use military service to secure a better standing in society as well as to attain better economic opportunities.

Although many Hispanos found reasons to enlist, countless New Mexicans were understandably apprehensive about volunteering. In particular, poorer Hispanos could not fathom the likely damage that could come from being away from their homes, farms, ranches, and families for an extended period. Being absent for up to three years could potentially destroy their fields and livestock, only leading to further impoverishment. Many New Mexican civilians were also not particularly motivated to battle a Confederate menace on behalf of a nation that had forcefully colonized their region against their will just fifteen years previous.

“Volunteering” was not always voluntary, and multitudes of potential New Mexican recruits found ways to shirk military duty. Militia Captain Rafael Chacón noted that civilians from New Mexican villages were “frightened by the stories of the recruitment of soldiers for the army and militia, and they stayed out in the mountains under the pretext of gathering pinons and acorns, but, in reality, in order to escape recruitment.”<sup>529</sup> In his diary, Colorado Volunteer, Alonzo Ferdinand Ickis, similarly observed that in one village “there are no men in the town they are skulking over the Mts to keep out of sight of the Territorial pressman who are knabbing every man who is able to carry a musket and into the Militia they go.”<sup>530</sup> A significant amount of New Mexican civilians, therefore, attempted to opt out of serving military duty during the Civil War.

U.S. officials were consequently compelled to acquire recruits using different techniques which included coercion and intimidation.<sup>531</sup> In an order to a New Mexican recruiting officer,

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<sup>529</sup> Rafael Chacón, Jaqueline Dorgan Meketa, ed. *Legacy of Honor: The Life of Rafael Chacón, A Nineteenth-Century New Mexican* (Albuquerque: University of New Mexico Press, 1986), 133-35.

<sup>530</sup> Alonzo Ickis, Nolie Mumey, ed., *Bloody Trails Along the Rio Grande: A Day-by-Day Diary of Alonzo Ferdinand Ickis* (Denver: Fred A. Rosenstock, 1958), 60.

<sup>531</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 56.

Colonel B.S. Roberts commanded, “If any of the Officers or Soldiers of the Militia, called into service...refuses to obey your call, I am instructed to Send you Military force to compel their obedience.”<sup>532</sup> Like many Americans in other parts of the nation, New Mexicans cared little about the sectional debates that sparked the War. They were generally less than motivated to potentially give their lives for the return of the South to the Union, or for the equality and freedom of African Americans. Consequently, recruiters in New Mexico were tasked with reframing the War as something worthy of Hispano enlistment. U.S. officials endeavored to play off of the regional sentiments of the population by framing the Civil War as a battle between the local Mexican population and their traditional enemies, the Texans.<sup>533</sup> Much of the northern Mexican population had stigmatized Anglo Texans. New Mexicans had, therefore, seen Anglo Texans as a traditional enemy for many years. These combined recruitment tactics drove many hesitant *Nuevomexicanos* to enlist. By the end of the war, some 3,846 volunteers and militia were organized all over New Mexico.<sup>534</sup>

In charge of these units were New Mexican men of high reputation and wealth. A combination of both prominent Anglo and Hispano leaders headed both volunteer and militia companies. In command of the first New Mexico infantry, for example, was influential New Mexican businessman, Céran St. Vrain, followed by famed frontiersman Kit Carson upon St. Vrain’s resignation. Brothers Nicolas and Miguel Pino, who had participated in a planned rebellion against the United States in 1846, had both commanded companies of volunteers and militia during the Civil War. Prominent former Mexican military officers Manuel Antonio Chaves and Rafael Chacón also led local volunteer companies. Thus, it seems that much of the

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<sup>532</sup> Emmett, *Fort Union and the Winning of the West*, 241.

<sup>533</sup> Mora, *Border Dilemmas*, 91.

<sup>534</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 97.

anxiety concerning an alliance with Mexico by the New Mexican population was diminished during the era of the Civil War.

Nevertheless, many U.S. officials feared that individual sections of the New Mexican population could potentially turn to the Confederacy. To many Anglo American observers, *Nuevomexicano* reluctance to join the volunteer military displayed a long-standing lack of loyalty to the United States. Long before the coming of the Civil War, Anglo Americans had concluded that the New Mexican population possessed little if any allegiance to the United States. Many believed that *Nuevomexicano* historical and cultural ties to Mexico carried with them a deep and abiding fidelity to their former state. The 1846 War with Mexico, a rebellion by Hispanos and Pueblo Indians near Taos, and the refusal of Hispano groups such as the Mesilla Guard to follow U.S. law when it came to conflicts with the Apaches, indeed concerned U.S. military officials. Consequently, they had been hesitant to organize an army of Hispanos that could potentially rebel against their new government. To many U.S. officials, the ethnic Mexican population could never truly be loyal to the United States, as, during the Civil War, the debate shifted from Hispano loyalty to the Mexican state to allegiance to the newly formed Confederacy. Colonel Canby made note: “The Mexican people have no affection for the institutions of the United States,” and “have a strong, but hitherto restrained, hatred for the Americans as a race.”<sup>535</sup> Through the eyes of Canby and other officials, it would not, therefore, be difficult for the allegedly disloyal New Mexican population be supportive of the goals of the Confederacy.

Fears of Confederate loyalty in the southern portion of the territory were a particular concern. Years before the Civil War, Hispano residents of the town of Mesilla, which was the

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<sup>535</sup> Canby to AG, 13 January 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, I, (Washington, DC: Government Printing Office, 1896), 4:85.

seat of Doña Ana County, had frequently petitioned Congress for recognition of a new geopolitical entity in the southern region of New Mexico to be called Arizona. Southern New Mexicans had clung to a long list of grievances against New Mexico, leading to a desire to create a new territory more receptive to their needs. Many Hispanos were not accustomed to certain regulations put in place by the U.S. government that had been absent under the Spanish and Mexican regimes. Probate Judge of Mesilla, Rafael Ruelas claimed that the government of New Mexico had not provided “the protection which belongs to them.” He also stated that there was “only a limited and inconvenient administration of the laws,” arguing, “[We] are geographically disunited from New Mexico by sterile deserts, difficult (or rough) mountains, and desolate jornadas... which are infested by barbarous and savage Indians.” He added, “The interests of the people of New Mexico are very distinct from ours – and that we are treated with contempt or cursed with a partial legislation.”<sup>536</sup> By 1856, without the blessing of the federal government, residents in the region took it upon themselves to hold the first Arizona Territorial Convention, during which participants in this convention went as far as electing their own governor. They also petitioned Congress to formally establish a Territory of Arizona.

In light of these views, on the eve of the Civil War, southern New Mexico became a hotbed of secessionism. Residents created the community of La Mesilla only twenty years earlier to avoid being under the purview of the United States. Due to the War, southern New Mexicans saw an opportunity to finally detach themselves from U.S.-governed New Mexico. On March 16, 1861, citizens held a convention at Mesilla in which they passed a resolution repudiating the United States and attaching themselves to the Confederate States.<sup>537</sup> The

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<sup>536</sup> Petition by Rafael Ruelas for the Creation of Arizona, undated, Territorial Papers of the United States Senate, 1789-1873, New Mexico, 1840-1854, Record Group 46, National Archives, Microfilm Publication 200, Roll 14.

<sup>537</sup> F.S. Donnell, “The Confederate Territory of Arizona, as Compiled from Official Sources,” *New Mexico Historical Review* 17, no. 2 (April 1, 1942): 150.

prospect of joining a nation more receptive to the needs of the local population outweighed concerns regarding the South's views relating to race. In fact, the South's critical views concerning the racial makeup of New Mexico differed little from the North's. The Mesilleros were so critical of the U.S. government that they opted to join forces with their traditional enemies, the Texans. Upon the fall of Fort Sumter, Hispanos in Mesilla erected a Confederate flag in celebration. Upon Confederate Colonel John Baylor's entrance into the town, the residents received the Confederates with a tremendous ovation and "vivas and hurrahs rang them welcome from every point."<sup>538</sup>

U.S. officials were anxious that disaffected citizens in other parts of New Mexico could potentially turn their backs on the United States like their counterparts in the southern region. Both civil and military officials urgently attempted to identify and punish alleged New Mexican traitors. In a letter to a militia commander, Governor Henry Connelly claimed, "I fear that there are...within the limits of your Division, disaffected and disloyal persons, who would be disposed to frustrate the intentions of the government in regard to the defense of this territory." He added, "You will at once have him, or them arrested and brought to the guard house of this military post for correction and punishment."<sup>539</sup> The military also issued a broad order stating that:

"all loyal citizens are expected to manifest their loyalty now, and disloyal citizens and opposers of these orders will be daily reported to the Commanding officer of the nearest military post, and if necessary they will be arrested, and sent forthwith to said military posts. It will be the duty of all militia officers in this Territory to aid in carrying these orders into immediate effect and to give information of any persons who may be discovered opposing them, or who are found deceiving the people using words, proclamations or letters in favor of the enemy, and all person who are suspected of being spies of the enemy or using

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<sup>538</sup> Hall, *Sibley's New Mexico Campaign*, 26.

<sup>539</sup> Connelly to Major General of the New Mexico Militia, 29 October 1861, TANM, AGR, ORC, NMRCA, Roll 84.

arguments in favor of the invaders of our Territory shall be arrested forthwith.”<sup>540</sup>

Threats such as these weren’t just idle, as officials indeed arrested many New Mexican citizens believed to be disloyal. By January of 1862, arrests were a daily occurrence in Santa Fe.<sup>541</sup> Fears concerning Nuevomexicano lack of allegiance to the United States were such that Colonel Canby found it ultimately necessary to declare martial law in the territory while requiring all males over the age of sixteen to take an oath of allegiance to the United States. The necessity of Colonel Canby to require oaths of allegiance certainly spoke to the Anglo belief that Hispanos were not part of the larger American fabric. The Civil War most prominently brought out longstanding issues concerning the national fidelity of the New Mexican people.

In late July of 1861, the immediate necessity of New Mexican volunteer troops became apparent as Confederate Colonel John R. Baylor with a force of about three hundred Texans crossed over the Rio Grande from Texas and occupied the town of Mesilla. The Confederates sought to claim New Mexico and the southwest predominately as a way to secure its mineral resources as well as to gain access to a route to the booming markets of California.<sup>542</sup> Union General James H. Carleton noted as much, claiming that the South desired “the right of way to the Pacific, to which great importance is said to be attached.”<sup>543</sup> After a brief firefight near the town, Major Isaac Lynde, Union commander at nearby Fort Fillmore surrendered his army of about five hundred men to Baylor’s force of less than three hundred. Taking possession of southern New Mexico, Baylor formally renamed it Arizona and assumed the title of governor.

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<sup>540</sup> General Order No.5, 25 January 1862, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>541</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 83.

<sup>542</sup> See Kiser, *Coast-To-Coast Empire*.

<sup>543</sup> Carleton to Thomas, 1 February 1863, LR, AGO, RG94 , NA, M619, Roll 195.

In the face of this threat, Colonel Canby knew that more haste was needed in recruiting New Mexican civilian volunteers. Days after Baylor's invasion, Colonel Canby issued a suspension of habeas corpus and made a plea to the citizens of New Mexico to take up arms in defense of their communities. Canby appealed: "All loyal citizens, as they value their liberties, their homes and the soil of their birth...to aid and assist, to the utmost of their ability, in repelling invasion, suppressing insurrection, and sustaining and enforcing the laws of the United States."<sup>544</sup> In addition to attempting to add more New Mexican volunteers to his fighting force, Canby also appealed to the governor of Colorado to organize volunteer units to supplement his troops in New Mexico.

The New Mexican civil governors also responded to the invasion by encouraging civilians to form local militia units. Governor Abraham Rencher immediately issued a proclamation after Baylor's incursion stating, "I...do call upon all good and loyal citizens to uphold the authority of the laws and to defend the Territory against invasion and violence from whatever quarter they may come. For this purpose, I exhort and require all persons able to do military service to organize themselves into military companies."<sup>545</sup> Two months after Rencher's proclamation, newly appointed Governor Henry Connelly also responded to the Confederate occupation, issuing a declaration of his own regarding the defense of the territory. Connelly claimed that section 43 of an act of the Legislative Assembly approved January 6, 1852, provided, "In case of insurrection, rebellion or invasion, the Governor shall have the power to organize and call out the militia for the service in such numbers, and form such districts as he may think proper."<sup>546</sup> Accordingly, Connelly, with the blessing of Colonel Canby, ordered the

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<sup>544</sup> Canby Proclamation, 6 August 1861, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>545</sup> Horn, *New Mexico's Troubled Years*, 88.

<sup>546</sup> Proclamation by the Governor, 9 September 1861, TANM, AGR, ORC, NMRCA, Roll 84.



immediate organization of the militia in every county of New Mexico. This would be the first time that the militia of New Mexico had been called up on a territory-wide scale during the U.S. period.

In an attempt to motivate citizens to enlist in the militia, Governor Connelly appealed to notions of masculinity while hearkening back to a long tradition of New Mexican civilian defense. In a circular to the citizens of the territory, Connelly claimed, “You cannot, you must not, hesitate to take up arms in defense of your homes, firesides and families.” Calling upon a perception of Hispano masculine duty, Connelly stated, “Your manhood calls upon you to be on the alert and to be vigilant in the protection of the soil of your birth.” He also made reference to the fact that New Mexican civilians had historically played a prominent role in the defense of their communities, arguing, “As your ancestors met the emergencies which presented themselves in reclaiming your country from the dominion of the savage and in preparing it for the abode of Christianity and civilization, so must you now prove yourselves equal to the occasion and nerve your arms for the approaching conflict.”<sup>547</sup> Anglo Americans had historically questioned Hispano masculinity, and many U.S. military officials had reasoned that the Hispano male lacked the “manliness to defend themselves.” This interpretation had been a significant reason that military officials such as Edwin Sumner felt that Hispanos could not be capable soldiers. Appeals for New Mexican men during the Civil War to do their manly duty by protecting their women and children certainly didn’t fall on deaf ears. Similar to their male counterparts across the United States, a masculine duty to defend their firesides certainly motivated many Hispanos to enlist for volunteer duty. Through tactics such as these alongside coercion, militia units called

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<sup>547</sup> Connelly to AG of New Mexico, 2 October 1861, TANM, AGR, ORC, NMRCA, Roll 84.

out by the governor began to organize, and by February of 1862, these units had begun arriving at Fort Craig.<sup>548</sup>

In gendered terms, Anglo American observers had been less than optimistic concerning the fighting spirit of these Nuevomexicano citizen-soldiers. In particular, Anglos generally believed that Hispanos lacked the masculine quality of courage. W.H.H. Davis commented, “At home, their manhood has been almost crushed out of them; and when led to the field, they had no interest in the contest, and nothing to fight for.”<sup>549</sup> Colorado volunteer Alonzo Ickis noted, “If these Greasers will only fight we are all OK. Time will tell.”<sup>550</sup> The chief of the Fort Union ordnance depot also held these sentiments, stating, “A residence of twelve years among them, that without the support and protection of the Regular Army of the United States they are entirely unable to protect the...Territory...no matter how many there may be or how well armed the New Mexican volunteers are.”<sup>551</sup> Alongside being branded as cowards, Anglo Americans such as these used gendered language to suggest that Hispano males were inherently prone to thievery, sexual violence, and an addiction to alcohol; all traits that were antithetical to Anglo notions of manliness. The Anglo perception of the inability of Hispano bodies to adhere to proper gender codes was widespread in nineteenth-century New Mexico, which ultimately contributed toward the inability of Hispanos to claim full citizenship.<sup>552</sup>

Calls by both the military department commander and the governor for civilians to mobilize and enlist for volunteer duty led to the enactment of two different yet intersecting military units in the territory during the Civil War. Both the New Mexican Volunteers, overseen

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<sup>548</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 56.

<sup>549</sup> Davis, *El Gringo*, 218-219.

<sup>550</sup> Ickis, *Bloody Trails along the Rio Grande*, 72.

<sup>551</sup> Hall, *Sibley's New Mexico Campaign*, 60.

<sup>552</sup> See Mitchell, *Coyote Nation*.

by the military, and the Militia of New Mexico, directed by the governor, were called upon for military duty during the War. Although the governor oversaw the militia, both militia and New Mexican volunteer units ultimately fell under the purview of the department commander.

Colonel Canby, and later General James Carleton utilized both of these forces as they deemed necessary. The militia and volunteers frequently partnered with the other as well as the regular troops in military endeavors. To prevent any confusion regarding the two units, military officials noted, “Persons subject to militia duty will be exempted therefrom by enlisting in one of the Regiments of New Mexican Volunteers.”<sup>553</sup> Usually recruited for a term of three months, wealthy, influential local leaders such as farmer, politician, priest, and delegate to Congress, Jose Pablo Gallegos led these militia units. Although serving similar purposes, the payment for militia service differed from that of the volunteers; the territory of New Mexico was responsible for the payment of the militia, while the volunteers were to be compensated by the federal government. New Mexico’s treasury, however, was empty and as many as 1,400 militiamen would never receive payment for their role in the War.<sup>554</sup>

The Civil War in New Mexico brought about the first time in the history of the United States that the nation militarily deployed a large force of ethnic Mexicans. Union leaders begrudgingly decided that they could not do without the contributions of the ethnic Mexican population if they wanted to preserve the territory for the United States.<sup>555</sup> African Americans also played a prominent military role in the Civil War through segregated military companies. Unlike African Americans, however, the federal government chose not to segregate Hispanos from Anglo Americans in the military. This had much to do with the law designating ethnic

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<sup>553</sup> General Orders no.16, 27 October 1863, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>554</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 55.

<sup>555</sup> Mora, *Border Dilemmas*, 90.

Mexicans as “white.” The Naturalization Act of 1790 offered U.S. citizenship to only “white” immigrants, and the Treaty of Guadalupe Hidalgo and the Gadsden Purchase denoted citizens of Mexican descent as “white.” This meant that all ethnic Mexicans in the territory were considered both “white” and citizens under the law, while African Americans, Asian Americans, and American Indians were not.<sup>556</sup> Mexican Americans in New Mexico thus fought alongside Anglo Americans in unsegregated units. As such, General Canby issued an order in 1862 which specified that “In the organization of companies the enrolled men of native and foreign birth will be kept distinct except that in the New Mexican companies.”<sup>557</sup> Most Anglo Americans, such as the soldiers and volunteers in the militia, however, grounded Mexican identity not as white, but as a product of racial mixing.<sup>558</sup> Therefore, despite the federal laws designating Mexicans as white, their social reality in the territory and on the field of battle included discrimination and charges of racial inferiority.

Colonel Canby, like most other U.S. military officials, let racialized ideas concerning the inferiority of ethnic Mexicans influence his actions and rhetoric concerning *Nuevomexicano* volunteer units. Canby frequently grumbled about the perceived ineffectiveness of Mexican American companies, pointing out the “inexperience of the volunteers” and the “ignorant staff officers,” noting, “I question very much whether a sufficient force for the defense of the Territory can be raised within its limits, and I place no reliance upon any volunteer force that is raised, unless strongly supported by regular troops.”<sup>559</sup> Canby argued, “The New Mexican Volunteers, without the support of the regular troops or of volunteers drawn from some other

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<sup>556</sup> Benton-Cohen, *Borderline Americans*, 30.

<sup>557</sup> General Orders no.44, 10 May 1862, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>558</sup> Mora, *Border Dilemmas*, 12.

<sup>559</sup> Canby to AAG, 16 August 1861, *War of the Rebellion*, I, 4:65.

section of the country, cannot be relied on to resist an invasion of the country.”<sup>560</sup> Thus, Canby appealed to the Anglo-heavy Colorado volunteers to supplement the New Mexican troops. He also believed that *Nuevomexicano* troops had to remain “under the supervision of an officer of the army” to be at all effective.<sup>561</sup> He, therefore, maintained that in each company, there should be commissioned “one American who could be relied upon.”<sup>562</sup> Thus, Canby, in racial terms, was fundamentally unable to trust New Mexican civilians for the defense of the territory. He fully advocated that Anglo American officers should lead Hispano companies whenever available.

Anglo volunteers stationed in New Mexico also routinely held negative racial perceptions of Hispanos which influenced their views of ethnic Mexican volunteers. Colorado volunteer, Alonzo Ferdinand Ickis made a claim: “the more of them [Hispanos] that are killed the better the country is off. They won’t work but will steal all they can lay their dirty hands on.”<sup>563</sup> Referring to the New Mexican volunteers as “Corahoes”<sup>564</sup> Ickis noted in his diary: “Two Co of Corahoes...were not worth their rations.”<sup>565</sup> He also made the disparaging comment that “Two hundred Corahoes were discharged and paid off. They will now have a few dollars to lose at monte.”<sup>566</sup> Anglo Volunteers such as Ickis routinely used such racialized rhetoric to disparage the combat prowess of the New Mexican volunteers in upcoming battles.

Serving side by side with Anglo Americans in the military, discrimination against *Nuevomexicano* volunteers was rampant. In addition to referring to the New Mexican volunteers

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<sup>560</sup> Canby to AG, 8 December 1861, *War of the Rebellion*, I, 4:80.

<sup>561</sup> Canby to Roberts, 21 July 1861, LR, DNM, RG393, NA, M1120.

<sup>562</sup> Canby Order, 10 May 1862, TANM, AGR, ORC, NMCA, Roll 84.

<sup>563</sup> Ickis, *Bloody Trails*, 72.

<sup>564</sup> The slang expression “corajo” had been used in New Mexico to denote a person as being stupid. Ickis used the term “corahoes” in a derogatory manner.

<sup>565</sup> Ickis, *Bloody Trails*, 84

<sup>566</sup> *Ibid.*, 86.

as “greasers,” Anglo American ideologies of the time assumed that different “races” had naturally different standards of living.<sup>567</sup> Therefore inequities which favored the Anglo American regular troops concerning the distribution of military supplies and furnishings were common. Despite promising clothing to the volunteers, the army was unable to clothe a large number of these men. Captain Andrew W. Evans noted that many of the volunteers “are in no sort of uniform whatever, but are rather dressed in dirty rags, and some are even without shoes.”<sup>568</sup> Many of these men, without being issued blankets were relegated to sleeping on the ground; one observer noting, “They are wholly deficient in bunks and bed sacks, have never had them.”<sup>569</sup> Furthermore, New Mexican volunteers were also segregated into substandard living quarters. Volunteer Lieutenant Colonel José Francisco Chavez noted this and made a formal complaint that his men were provided inferior living quarters compared with the regular troops.<sup>570</sup> As a result of his petition, a regular army official countered that the volunteers “have not been slighted in any respect whatever,” judgementally adding that “the volunteer soldiers of your command have never been so well fed, clothed and quartered.”<sup>571</sup> Captain Rafael Chacón’s company also felt the brunt of discriminatory practices as the quartermaster at Fort Wingate refused to shoe the horses of Chacón’s men. Chacón noted that this was due in part because “This quartermaster looked down on all the native officers without any distinction as to their rank.” The quartermaster begrudgingly complied after Chacón showed him a direct order from the War Department to have his horses shod.<sup>572</sup>

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<sup>567</sup> Benton-Cohen, *Borderline Americans*, 87-88.

<sup>568</sup> Evans to AAAG, October 14, 1861, LR, DNM, RG393, NA, M1120.

<sup>569</sup> HD Wallen to Captain, 23 January 1863, in Jerry D. Thompson, ed, *New Mexico Territory During the Civil War: Wallen and Evans Inspection Reports, 1862-1863* (Albuquerque: University of New Mexico Press, 2008), 87.

<sup>570</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 77.

<sup>571</sup> Emmett, *Fort Union and the Winning of the Southwest*, 251.

<sup>572</sup> Chacón, *Legacy of Honor*, 262.

Inequities concerning the payment of the regular military and volunteers was also an extremely volatile issue. Although neither the regular military nor volunteers received compensation on time, volunteers who enlisted specifically due to the promise of being paid were particularly distraught when the army failed to do so. Concerning imbursement, General Canby stated, “Many regular troops have not been paid for more than twelve months and the volunteers not at all.”<sup>573</sup> The volunteers, therefore had no money to send to their families and many, as a consequence fell on desperate times. Volunteer captain Ethan Eaton complained that his company had not received a “cent of pay” in fifteen months, noting the destitute condition that the situation left many of the volunteers’ families.<sup>574</sup>

When faced with the prospect of non-payment, many volunteers either revolted or deserted. A riot erupted among the members of Company C of the First Regiment of the First Division as a consequence of not receiving compensation as promised. All the men of the company were subsequently split up and transferred to other companies.<sup>575</sup> Concerning this disturbance, departmental headquarters admitted, “There had been a serious revolt in two companies” because of the volunteers “not having been paid and clothed as they were promised.”<sup>576</sup> Desertion, of which non-payment was a crucial factor, was an all-too-common occurrence. Canby made note of large-scale desertions by members of the volunteer force, claiming, “The volunteer forces, already organized, will melt away by desertion.”<sup>577</sup> He also added that any further delay in payment would result in “a marked and pernicious influence upon these ignorant and impulsive people.”<sup>578</sup> Faced with this issue, Canby made multiple attempts to

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<sup>573</sup> Emmett, *Fort Union and the Winning of the Southwest*, 250.

<sup>574</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 97.

<sup>575</sup> *Ibid.*, 63.

<sup>576</sup> Emmett, *Fort Union and the Winning of the Southwest*, 252.

<sup>577</sup> *Ibid.*, 250.

<sup>578</sup> Canby to Adjutant General, 13 January 1862, LS, DNM, RG393, NA, M1072, Roll2.

secure payment for these volunteers.<sup>579</sup> However, it seemed that ethnic Mexicans who enlisted to secure a more equal standing and citizenship status with whites would be disappointed.

For their part, due to racialized notions concerning Nuevomexicanos, the Confederates, with only very few exceptions, did not utilize the Hispano population in any combat facility for the duration of their occupation of southern New Mexico. Anglo Texans' history of white supremacy ideology long had a significant impact in the borderlands. Ideas concerning Anglo supremacy had, in part, led to the Texas Revolution in 1836. Racial ideology also played a prominent role in acquiring the Mexican north after the U.S.-Mexico War. The fear of the eradication of race-based slavery led Texas to secede from the United States. When Confederate Texans invaded and occupied southern New Mexico, they certainly were not prepared to place any military responsibility in the hands of the Hispano population. When a local man, Pablo Alderete, for example, raised a local company for the Confederates, the military commander declined to utilize it for service.<sup>580</sup>

Anglo Americans in southern New Mexico had maintained, even before the coming of the Confederates, that Hispanos were unfit to serve militarily during the Civil War. Sam Jones, the editor of the *Mesilla Times*, reasoned that Hispanos could not be trusted in any combat capacity. Speaking of the Union army in New Mexico, he claimed, "The better part of the army officers and men are composed of native New Mexican volunteers, who do not differ, in any essential degree, from the people of Old Mexico, who neither know nor care anything about the principle involved, and are, with a facility proverbial with the Mexican race, ready to espouse the side of the successful."<sup>581</sup> In general, the Confederates also ascribed to this racial doctrine and

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<sup>579</sup> In 1861 Canby made an unsuccessful attempt to borrow money from the government. He then posited that all money owed should be repaid in treasury notes, bearing interest.

<sup>580</sup> Mora, *Border Dilemmas*, 90.

<sup>581</sup> *The Mesilla Times*, 13 July 1861.



refused to allow Hispanos to assist militarily in their struggle against the Union. There were discussions among Confederate leadership, however, that the local Mexican population could be utilized to fight Native Americans as they had done for centuries. In 1861, the Congress of the Confederate States passed a law declaring the extermination of all Indians deemed “hostile” in New Mexico and Arizona. To accomplish the task, John Baylor suggested using “the Mexicans, if they can be trusted.”<sup>582</sup>

The Civil War in New Mexico entered a much more dire phase in December of 1861 as General Henry Hopkins Sibley, with approximately 3,000 volunteer Texans, supplemented John Baylor’s force in Mesilla. Baylor had requested these reinforcements in part because local support by Hispanos for the Confederates began to dissipate in southern New Mexico. Similar to their northern counterparts, the Confederates routinely questioned the loyalty and allegiance of the New Mexican population. Baylor claimed, “The Mexican population are decidedly Northern in sentiment, and avail themselves of the first opportunity to rob us or join the enemy. Nothing but a strong force will keep them quiet.”<sup>583</sup> Upon learning of Sibley’s invasion, Colonel Canby immediately issued an order to all militia companies so far organized in New Mexico to “keep up a corps of observations of the enemy’s movements, as also to prevent the entrance of small parties of the enemy into the settlements.” He added, “You will form Guerilla parties to attack and damage the enemy as much as they possibly can.” Despite these efforts, in February of 1862, Sibley’s army had successfully advanced up the Rio Grande to within one mile of Fort Craig and challenged the Union to an open-field fight.<sup>584</sup> The subsequent Battle of Valverde was

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<sup>582</sup> Garber, *The Gadsden Treaty*, 75.

<sup>583</sup> Donnell, “The Confederate Territory of New Mexico,” 154.

<sup>584</sup> Ray C. Colton, *The Civil War in the Western Territories: Arizona, Colorado, New Mexico, and Utah* (Norman: University of Oklahoma Press, 1959), 28.

the first major conflict between Union and Confederate forces in the Intermountain West, and the New Mexican Volunteers and militia would play a major role in this consequential battle.<sup>585</sup>

The result of the Battle of Valverde on February 21, 1862, was a costly loss for the Union, and not surprisingly Nuevomexicanos bore the brunt of the blame for the defeat. The Union army consisted of 1,200 Regulars and 2,600 New Mexico and Colorado Volunteers, along with several companies of New Mexico Militia.<sup>586</sup> The Confederate force comprised of 2,150 officers and men. The Battle of Valverde was thus the largest Civil War battle in the Southwest, and the costliest, with 100 Union killed and 160 wounded, and 72 Confederates dead, and 157 injured. After a day of brutal combat, Union troops, both regular and volunteer, were compelled to retreat to Fort Craig. Regular army officials and soldiers immediately blamed the supposed cowardice of the New Mexican volunteers for the failure.<sup>587</sup> Surveyor General John A. Clark noted that the New Mexico volunteers had “retreated at the first fire” and “rushing into the river...were killed by dozens.” He added, but for the “cowardice of Colonel Pino’s regiment it would have been a glorious victory.”<sup>588</sup> Captain Gurden Chapin noted, “The militia have all run away and the New Mexican Volunteers are deserting in large numbers. No dependence whatever can be placed on the natives; they are worse than worthless; they are really aids to the enemy, who catch them, take their arms, and tell them to go home.”<sup>589</sup> One newspaper also curtly noted that “a regiment of Mexicans ran away.”<sup>590</sup> Colonel Canby himself noted that “No reliance can be placed on the New Mexico Volunteers and Militia, and I advise their being disbanded.” Noting the longstanding tension between New Mexicans and Anglo Texans, Canby

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<sup>585</sup> Colton, *The Civil War in the Western Territories*, 28

<sup>586</sup> Thompson, ed, *New Mexico Territory during the Civil War*.

<sup>587</sup> Dunlay, *Kit Carson and the Indians*, 235.

<sup>588</sup> John Anderson Clark. Diary. 25 February 1862, Fray Angélico Chávez Library, Museum of New Mexico, Santa Fe.

<sup>589</sup> Fort Union, 258.A.I.G. to Halleck, 28 February 1862, in *War of the Rebellion*, I, 9:635.

<sup>590</sup> *Rocky Mountain Daily Mail*, March 8, 1862.

stated, “They have a traditional fear of the Texans, and will not face them in the field.”<sup>591</sup> He also added that the battle of Valverde was a “disaster” and was fought “almost entirely by the regular troops with no assistance from the militia and with but little from the Volunteers, who would not obey orders or obeyed them too late to be of any service.”<sup>592</sup> Alonzo Ickis argued, “At the first sight of such a very large body of Texans Pinos men ran leaving us white men only 250 to hold the section.”<sup>593</sup> Through the eyes of Anglo American observers, Hispanos acquired little or no honor on the battlefield and lacked the manliness required to be effective warriors. Despite these views, evidence shows, however, that the vast majority of Nuevomexicanos fought well at Valverde and did not flee the battlefield in mass as these witnesses had claimed.<sup>594</sup>

One month after the battle of Valverde, Union forces scored a victory at the battle of Glorieta inducing General Sibley and his men to retreat to Texas. A combination of regular troops alongside New Mexican and Colorado Volunteers participated in a series of battles in the mountains near Glorieta over several days.<sup>595</sup> Fifty-one Union and 50 Confederate soldiers were killed during the clashes. The destruction of the Confederate supply train during the events at Glorieta triggered the end of the Confederacy in New Mexico. The Confederate departure was therefore prompted by a lack of food, blankets, and other provisions necessary to continue the occupation of New Mexico as well as the fact that Union General James H. Carleton had been dispatched with his California Volunteers to retake Arizona and New Mexico. Sibley had recognized the fact that the Confederates had ultimately failed to attain their objectives in New Mexico and decided to send their army back to Texas as soon as possible, never to return during

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<sup>591</sup> Donaldson to Thomas, 1 March 1862, in *The War of the Rebellion*, I, 9:635-36.

<sup>592</sup> Emmett, *Fort Union and the Winning of the Southwest*, 259.

<sup>593</sup> Ickis, *Bloody Trails*, 77.

<sup>594</sup> Thompson, *A Civil War History of the New Mexico Volunteers & Militia*, 132.

<sup>595</sup> Chacón, *Legacy of Honor*, 384 note 38.

the duration of the War.<sup>596</sup> Thus, the Confederate threat in New Mexico was rather quickly squelched at the expense of many lives lost on both sides. The regular troops, alongside volunteer and militia units organized to fight the Confederates, were subsequently able to turn their attention to the longstanding Indian wars in the territory.

General James Carleton's entrance and Sibley's exit spearheaded a turning point in which the federal and territorial officials in New Mexico would use all available troops to wage a protracted war against the independent Indians in the territory, even as Civil War tensions continued to the east. General Carleton arrived in New Mexico and relieved Colonel Canby of the command of the department on September 18, 1862. During the ensuing four years, the new department commander conducted a brutal and unprecedented military operation against Indians in New Mexico and Arizona.<sup>597</sup> General Carleton's Indian policy would turn out to be a combination of concentration camp and benevolent despotism.<sup>598</sup> New Mexican volunteers and militia played a crucial role in Carleton's aggressive war against the territory's independent Indians.

Carleton expected his arrival in New Mexico to initiate a new era in New Mexico. Many Americans, including Carleton, perceived that the Southwest had languished under the Mexican regime, and life in the region bordered on savagery. Upon his arrival, Carleton immediately declared martial law and attempted to mold Nuevomexicano spaces to conform with those that he considered more Euro-American friendly. In this way, Carleton tried to bring the New Mexican settlements into conformity with his vision of national identity.<sup>599</sup> First, Carleton turned his focus to the common Anglo American notion that Hispanos and their dwellings were

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<sup>596</sup> Colton, *The Civil War in the Western Territories*, 79.

<sup>597</sup> Twitchell, *Leading Facts of New Mexico History*, 428- 429

<sup>598</sup> Lamar, *The Far Southwest*, 113.

<sup>599</sup> Mora, *Border Dilemmas*, 78.

unclean. To the inhabitants of New Mexico, General Carleton ordered, “The keeping of their dwellings, quarters, stores, corrals, etc. in a state of cleanliness may be necessary to health and comfort.” He added, “It is expected that all of the inhabitants living along the Rio Grande southward from the jornada del Muerto to Fort Bliss in Texas, will...repair their dwellings and clean up their streets.” He then promised, in a fashion that echoed General Stephen Watts Kearny’s proclamation in 1846, that his arrival would bring the territory back from the brink of ruin. Carleton stated, “The people may now rest assured that the era of anarchy and misrule when there was no protection to life or property; when the wealthy were plundered; when the poor were robbed and oppressed; when all were insulted and maltreated; and when there was no respect for age or sex, *has passed away*; that now under the sacred banner of our country, ALL may claim, and shall receive their just rights.”<sup>600</sup> Carleton certainly ascribed to notions of Hispano inferiority and believed that upon his arrival, he had brought civilization in tow.

What Carleton did, in fact, bring with him was his own racialized ideas concerning New Mexican cowardice and lack of allegiance to the United States. He had spent the bulk of his military service in the southwest, and like many other Anglo officials, his impressions of *Nuevomexicanos* were anything but flattering. Carleton claimed, “[I have] heretofore resided five years in this country...and know somewhat the character of the people.”<sup>601</sup> Carleton first attempted to root out any New Mexican resident accused of uncertain loyalties. The General issued an order: “All doubtful Americans and foreigners,” were to be seized and sent “strongly guarded” to the nearest fort, where, “with the spade, at least, they could help defend the flag.” Using harsh language, he added that all who belong “to this class of men would suffer their

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<sup>600</sup> General Orders no.11, 14 August 1862, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>601</sup> ” The California Column,” in *War of the Rebellion*, I, 9:562.

houses and stores to be laid in ashes.”<sup>602</sup> He also sought to punish New Mexicans who attempted to evade military duty for their perceived cowardice. In a letter to a militia captain, Carleton claimed, “When the country was invaded, I have been told that many American citizens...left the Territory and remained absent until all the danger had passed by.” He added, “It is rumored that we are again menaced by the enemies of the Union; and again such good citizens may find it convenient to leave New Mexico while this threatened danger hangs over it.” He articulated, “Whenever, until further orders, citizens wish to leave New Mexico to go to the States, you will detain them and have them assist you, unless they have passports signed by myself.”<sup>603</sup> Carleton had no patience for Hispanos who, in his view, were either weak-willed or held no loyalty toward the U.S.

Shortly after Carleton’s arrival, rumors soon emerged of an additional Confederate invasion. Carleton feared that there would be “another advance of a hostile force of Texans, numbering, it is said, 6000 men under Baylor.”<sup>604</sup> The General immediately sent volunteer and militia troops to scout the south looking for any trace of the enemy. He ordered Kit Carson and his men to “watch and annoy [the enemy] by day and night.” He tasked the volunteers with “burning off all the grass in front of [the Confederates]; stampeding stock; [and] firing into the camps at night.” He also ordered volunteer officers: “Animate – as you can do” – the New Mexican citizen soldiers “with a settled determination to attack the enemy from every corner; to shoot down their teams; to stampede their stock when grazing; to destroy the bridges...to hover by night around their camps; to set fire to the grass...to shoot down their men at night...then

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<sup>602</sup> Emmett, *Fort Union and the Winning of the Southwest*, 283.

<sup>603</sup> Carleton to Plympton, 9 December 1862, LR, AGO, RG94, NA, M619, Roll 123.

<sup>604</sup> Carleton to Commanding Officer at Fort Lyon Colorado, 8 December 1862, LR, AGO, RG94, NA, M619, Roll 123.

before day to scatter in all directions.”<sup>605</sup> To motivate civilians for this mode of warfare, and noting that volunteer units had so far received no payment, Carleton told Carson, “Your people, as well as the inhabitants of the country, shall have as their own, all the property they can capture or steal from the enemy.”<sup>606</sup> The General thus reverted to a payment system based on the pilfering of Indian possessions.

Carleton also attempted to utilize many New Mexican civilians in capacities other than combat. He conscripted civilians to strengthen the military posts in anticipation of a Confederate advance. He ordered that Forts Union and Craig were “to be defended at all hazards against any force that may be sent.”<sup>607</sup> Therefore, upon the threat of another Confederate invasion, Fort Craig was a beehive of activity as the army worked feverishly to strengthen the post.<sup>608</sup> Carleton needed civilian labor to help shore up Fort Craig and other defenses around the territory. The General would appeal to the citizens of the territory to volunteer for this task. Carleton wrote to Cerán St. Vrain stating, “As the citizens are all interested in our success, we must appeal to them to come forward and help with their labor to complete these defenses.” He added, “We want them to show their patriotism in volunteering their labor – each man his twenty days. We will feed him – but we have no money to pay him.” He went on: “Your social position is such, that if you started the movement, the whole country would emulate your example.”<sup>609</sup> Ultimately yet not surprisingly, volunteers didn’t flock to sites such as Fort Craig in the numbers that the General had hoped. Carleton, therefore, conscripted workers in Socorro County for twenty days to work on nearby Fort Craig. Anglo observers denigrated Hispanos forced to work on such

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<sup>605</sup> Emmett, *Fort Union and the Winning of the Southwest*, 283.

<sup>606</sup> Carleton to Assistant Adjutant General, 8 December 1862, LR, AGO, RG94, NA, M619, Roll 123.

<sup>607</sup> Emmett, *Fort Union and the Winning of the Southwest*, 274.

<sup>608</sup> Thompson, ed., *New Mexico Territory During the Civil War*, 98

<sup>609</sup> Carleton to St Vrain, 9 December 1862, LR, AGO, RG94, NA, M619, Roll 123.

projects. Major Edwin A. Rigg made the derogatory claim that the residents who were forced to provide physical labor were “dilatary in reporting to work on the fortification,” adding, “Nothing but the strong arm of the military will compel these people to do their duty to the government.”<sup>610</sup>

As James Carleton was busy preparing for another Confederate assault, New Mexico Governor Henry Connelly had been highly concerned with the longstanding issue of hostilities with Native peoples. The Confederate invasions of 1862 had left the territory further exposed to Apache and Navajo attacks as several military posts had to be abandoned upon the arrival of the Texans. Certain Native groups took advantage of this power vacuum to defend their homelands against the longstanding intrusion by Mexican and American colonists. During this time, Native Peoples attacked the settlements with more frequency than they had before the War, wreaking havoc throughout the territory. Connelly noted that as the military and civilian volunteers had been sidetracked with addressing the Confederates, “the Navajoes were consequently undisturbed in their infernal work of destruction. Well did they take advantage of this opportunity. Never before were their atrocities so numerous. They overran this whole country.”<sup>611</sup> One report claimed that the Apaches had come to believe that they had “stampeded the entire white population.”<sup>612</sup> The Independent Indians had killed an estimated two-hundred civilians since the start of the War.<sup>613</sup> Speaking particularly of the Navajo, Connelly argued, “extermination by the sword, or by starvation, is our only remedy for the evils which they have caused, and will continue to cause our people, so long as there is one in existence.” The governor, therefore, sought to use whatever means at his disposal to combat the Indian threat.

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<sup>610</sup> Rigg to Carleton, 7 March 1863, in Thompson, ed., *New Mexico Territory During the Civil War*, 98.

<sup>611</sup> Carson to Assistant Adjutant General, May 20, 1864, LR, AGO, RG94, NA, M619, Roll 284.

<sup>612</sup> Colton, *The Civil War in the Western Territories*, 121.

<sup>613</sup> *Ibid.*, 125.



Connelly admitted that the primary reason he called out the militia in 1861 was not the Confederate threat, but the Indian. He believed that the regular military, along with its volunteers, would be able to effectively combat the Confederates leaving his militia free to war with independent Indians. In late 1861, the governor had proposed that the militia under his command would be “actively engaged against any and all hostile tribes at least four months in the year...until we have, with them, a permanent peace.”<sup>614</sup> Accordingly, the militia had been delegated to punish offending Indians when they weren’t assigned to assist in expelling the Confederates. After the complete expulsion of the Confederates, however, the governor saw a chance to fully utilize the militia as he had initially intended.

The Volunteers under the department commander had also been regularly tasked to make war upon independent Indian nations. By 1862, Colonel Canby had designated four companies of New Mexican volunteers for service in Indian Country under Kit Carson. Canby had noted that the Navajos and Mescaleros were “exceedingly troublesome” and gave these volunteers “constant employment.” He perceived, as other observers such as Indian agent Michael Steck, that the New Mexican people actually encouraged this turmoil with their constant plunder, murder, and enslavement of the Indians.<sup>615</sup> Nevertheless, if Indians attacked or raided a nearby settlement, even in retaliation for offenses committed by Anglos or Nuevomexicanos, New Mexican volunteers were frequently dispatched to punish them. An extensive war by the volunteers against the Indians had been hindered by the presence of the Confederates. After their retreat, however, a full, protracted, and consequential war against independent Indians would be spearheaded by General James H. Carleton shortly after he replaced Canby in late 1862.

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<sup>614</sup> Connelly to Seward, 26 October 1861, SDTP, NM, RG59, NA, T17, Roll 2.

<sup>615</sup> Durwood Ball, “Fort Craig, New Mexico, and the Southwest Indian Wars, 1854-1884,” *New Mexico Historical Review*, 73, no.2, (April 1, 1998): 161.

The additional Confederate invasion that Carleton feared never materialized, and with that particular threat distant, the general's next avenue would be the unfettered subjugation of the Indians in New Mexico and Arizona. Carleton stated just that; claiming, "[As] the probabilities of an invasion cease, at this moment I consider such probabilities so remote as to justify me in employing the troops under my command in chastising the hostile tribes of Indians." Carleton knew he would need the help of a larger force than what was at his disposal for his war against such tribes like the Navajo and Apache. In late 1863, Carleton had asked the federal government to supply him with an additional regiment of cavalry for this purpose. The government denied his request on the pretext that "the commanders of frontier departments, remote from the more active theater of operations, must make every exertion to economize material and men...the number of troops now stationed in the frontier departments and Territories is much larger than in time of peace, and yet nearly all the commanders are asking for large re-enforcements; both are entirely beyond the reach of the enemy; no extraordinary circumstances are known which require additional troops."<sup>616</sup> Thus, the task of warring with Native peoples fell to the regular military, volunteers, and militia companies already stationed in the territory. Despite Carleton's pleas for more troops, for the first time since the U.S. had entered New Mexico, non-native peoples in New Mexico would deploy a force large enough to cause considerable and lasting damage to Native groups. Mescalero Chief Cadete noted the sizeable presence of troops in New Mexico during the Civil War era, stating, "Your troops are everywhere; our springs and waterholes are either occupied or overlooked by your young men."<sup>617</sup>

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<sup>616</sup> Halleck to Carleton, 8 September 1863, Lee C. Meyers Papers, Rio Grande Historical Collections, New Mexico State University, MS24, Box 13.

<sup>617</sup> John C. Cremony, *Life Among the Apaches* (San Francisco: A. Roman, 1868), 201.

Carleton first set his gaze upon the Mescalero people. He sent Kit Carson with five companies of the New Mexico Volunteers to Fort Stanton to operate against the tribe during late 1862. Carleton's extremely harsh policy toward the Mescaleros was articulated in an order to Carson: "All Indian men of that tribe are to be killed wherever you find them. The women and children will not be harmed, but you will take them prisoners."<sup>618</sup> Before reaching Fort Stanton, a portion of Carson's volunteers under Captain James Graydon clashed with a group of Mescaleros, killing two chiefs, Manuelito and Jose Largo as well as several other men. After another brief firefight with Carleton's California Volunteers, a large number of Mescaleros promptly fled to Fort Stanton and surrendered to Kit Carson.<sup>619</sup> Fairly quickly, Carson held a significant portion of the Mescalero tribe prisoner, all of whom he sent to the newly-formed Bosque Redondo reservation. By March of 1863, Carson claimed that the Mescalero ordeal had been a "short and inexpensive campaign," as the majority of the Mescalero tribe, some four hundred, had been taken prisoner to Bosque Redondo.<sup>620</sup>

Next, Carleton focused the energies of the volunteers and militia on the subjugation of the Navajos.<sup>621</sup> Carleton claimed that the Navajos "have long since passed that point when talking would be of any avail. They must be whipped and fear us before they will cease killing and robbing the people."<sup>622</sup> After defeating them militarily, Carleton would then endeavor to "withdraw the whole Navajo tribe from their present locality of mountain recesses, and place them upon the Pecos river...there they can be taught the arts of civilized life whilst they are receiving the protection of Government arms."<sup>623</sup> For this task, Carleton again chose Kit Carson

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<sup>618</sup> Dunlay, *Kit Carson and the Indians*, 241.

<sup>619</sup> C.L. Sonnichsen, *The Mescalero Apaches* (Norman: University of Oklahoma Press, 1958), 100.

<sup>620</sup> Carson to Assistant Adjutant General, 20 May 1864, LR, AGO, RG94, NA, M619, Roll 284.

<sup>621</sup> Carleton to Thomas, 1 February 1863, LR, AGO, RG94, NA, M619, Roll 195.

<sup>622</sup> *Ibid.*

<sup>623</sup> Annual Message of the Governor to the Legislative Assembly, 9 December 1863, SDTP, NM, RG59, NA, T17, Roll 2.

and his volunteers. Carleton also deployed militia units to assist Carson's volunteers to "perform such service among the Navajos as will bring them to feel that they have been doing wrong."<sup>624</sup>

Carson and his men marched into Navajo country establishing a garrison called Fort Wingate. Carson eventually made Fort Defiance, now known as Fort Canby, his headquarters from which he and his New Mexican Volunteers and militia would wage war on the tribe. The volunteers and militia initiated a violent war against the Navajo with no quarter. They also attempted to destroy the lifeways of the Natives by demolishing every Navajo food cache, capturing their horses, and taking their sheep.<sup>625</sup>

Having long been enemies of the Navajos since the era of the Spanish, Hispano volunteers and militia during the Civil War adhered to a unique centuries-long style of retaliatory warfare. Hostilities between the two had led to a particularly brutal cycle of violence and retaliation that had taken place largely unabated for centuries, and the Civil War was no different. From Fort Wingate, a company of men under Rafael Chacón and his First New Mexico Cavalry engaged in this mode of warfare. Chacón had been a military volunteer under the Mexican governor Manuel Armijo during which he had been present at Apache Canyon to repel Stephen Watts Kearny's invading army nearly two decades prior. After the U.S. takeover of New Mexico, Chacón had fought for the Americans, battling the Utes and Mescaleros under Kit Carson in 1855. During the Civil War, Chacón and his men sought out the Indians wherever they would find them and kill them. These Volunteers would then take the Indians' belongings, and capture several women and children, depositing these captives into the centuries-old borderlands slavery system. Rafael Chacón himself took one Indian girl for his own to be

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<sup>624</sup> Carleton to Thomas, 30 September 1862, Lee C. Meyers Papers, Rio Grande Historical Collections, New Mexico State University, MS24, Box 13.

<sup>625</sup> Lamar, *The Far Southwest*, 108.

“instructed in the Catholic faith.”<sup>626</sup> Extreme brutality was also quite common in this mode of warfare. After witnessing the vicious act of New Mexican volunteers scalping a Navajo man, one Anglo American participant noted, “This style of proceeding may inaugurate retaliation and a system of warfare in which we may be the sufferers. The Navajoes seldom or never scalp their prisoners and the barbarous practice should not have been commenced by us.”<sup>627</sup> Longstanding modes of violence were, therefore, certainly not eradicated by the coming of the Americans.

Further, following an enduring precedent of warfare in New Mexico, many Native groups played crucial roles in the military’s fight against the Apaches and Navajos. The army utilized these people in various roles; primarily scouting and spying on the enemy. The military frequently employed the Ute people during the War. These people saw action against both the Confederates and the Navajos. In August 1861, Colonel Canby instructed commanders at Fort Union: “Urge the organization of the Utes as rapidly as possible and if any of them are in the immediate neighborhood of your post ask Col. Carson to send them out as spies and annoy and



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<sup>626</sup> Chacón, *Legacy of Honor*, 230.

<sup>627</sup> Dunlay, *Kit Carson and the Indians*, 281.

Illustration 5.1: Captain Rafael Chacón  
of the New Mexico Volunteer Infantry.  
Palace of the Governors Photo Archive,  
New Mexico History Museum, Santa Fe.

cripple the Texans.” The Utes agreed to help the military, their only stipulation being that the army keep their families fed in their absence.<sup>628</sup> In his war with the Navajos, Kit Carson had asked for the authority to employ one hundred Utes as auxiliaries. The Utes had been engaged in conflicts with the Navajos since the late 1850s and were also more than willing to help the United States in their campaign against that tribe.<sup>629</sup> Carleton forwarded Carson’s claim to Washington, arguing, “The Utes are very brave, and fine shots, fine trailers, and uncommonly energetic in the field...They could be mustered as a company or, preferably, could be employed as spies and guides.”<sup>630</sup>

Carson’s Ute partners assisted him in his war with the Navajo primarily by spying and scouting. These Utes did not require pay as soldiers but were paid in provisions and captured booty. In particular, the Muache Utes received firearms, clothing, and provisions, as well as permission to take livestock as reimbursement for their services.<sup>631</sup> Carson also argued that the Utes be allowed to take prisoners as payment for their services, claiming, “It is expected by the Utes...to allow them to keep the women and children, and the property captured by them...as there is no way to sufficiently recompense these Indians for their invaluable services.” The Ute auxiliaries took captives who were frequently then sold into the system of borderlands slavery. Carson noted, “The Utes dispose of their captives to Mexican families, where they are fed and taken care of and thus cease to require any further attention on the part of the government.

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<sup>628</sup> Blackhawk, *Violence Over the Land*, 211.

<sup>629</sup> Virginia McConnell Simmons, *The Ute Indians of Utah, Colorado, and New Mexico* (Boulder: University Press of Colorado, 2000), 118.

<sup>630</sup> *Ibid.*, 119.

<sup>631</sup> *Ibid.*

Besides this, their being distributed as Servants thro' the territory causes them to loose that collectiveness of interest as a tribe, which they will retain if kept together at any one place."<sup>632</sup>

Carleton himself knew about and condoned the slave/captive system. Thus, in many ways, warfare during the Civil War in New Mexico echoed modes of combat that had taken place for centuries in the region.

Many Pueblo peoples also assisted U.S. troops, although James Carleton had difficulty trusting them. He believed, like other department commanders previously, that the Pueblo Peoples were allied with hostile Native tribes. In a letter to Kit Carson, Carleton aggressively noted, "You will assure the Zuni Indians that if I hear that they help or harbor Navajoes, or steal stock from any white man, or injure the person of any white man, I will as certainly destroy their villages as sure as the sun shines."<sup>633</sup> Despite Carleton's views, Pueblos were frequently recruited for terms of six months to drive off confederate herds, scout, spy on the enemy, and report their movements. During Kit Carson's war with the Navajo, the Governor of Zuni gave Carson three guides, and about twenty other Zunis accompanied him. These people assisted Carson, during which they had taken some Navajo sheep and goats before returning home.<sup>634</sup> Pueblos also frequently operated against the Navajos without military oversight. In October of 1863, a force of Pueblos had killed Navajo Chief Barboncito and sixteen others, capturing forty-four women and children and one thousand sheep.<sup>635</sup> Utes were also commonly found in the field acting without military permission. In September of 1863, Michael Steck reported that some Utes had killed nine Navajos and captured forty children, while Pueblos had killed two.<sup>636</sup> Native allies of

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<sup>632</sup> Dulay, *Kit Carson and the Indians*, 283.

<sup>633</sup> Carleton to Carson, 19 September 1863, in Lawrence C. Kelly, ed., *Navajo Roundup: Selected Correspondence of Kit Carson's Expedition Against the Navajo, 1863-1865* (Boulder: The Pruett Publishing Company, 1970), 52.

<sup>634</sup> Carson to Cutler, 5 October 1863, in Kelly, *Navajo Roundup*, 53.

<sup>635</sup> Dunlay, *Kit Carson and the Indians*, 287.

<sup>636</sup> *Ibid.*

the U.S. government certainly played significant roles in helping the military achieve its objectives as they had done for centuries.

By the winter of 1863, Carson's campaigns had destroyed massive amounts of Navajo provisions and taken many lives, but he was still unable to secure a decisive victory. Occasionally small bands of destitute Navajos turned themselves in and were escorted to Bosque Redondo.<sup>637</sup> This was not enough, however, for Governor Henry Connelly who was compelled to use the newfound power that the Civil War had given the militia to once and for all subdue the Indians. He continued to push for the enlistment of more men for militia duty, issuing a proclamation to motivate New Mexican civilians for warfare against Native peoples. In September of 1863, Governor Connelly appealed to the people of New Mexico: "To defend against all enemies, is the first and paramount duty of all good citizens." Harkening back to New Mexicans' inherited duty of defense against Indians, he added, "Our common country has, again, called upon you for aid, in suppressing rebellion, and liberating yourselves from the effects of the savage foe, which as, for so many years, waged a relentless warfare against your lives and property. An opportunity is now offered to you, not only to chastise your hereditary enemy, the Indians, but to receive ample reward, from the Government, for services you may render in the field, against those desolating tribes." He stoked the fires of old animosities: "This territory is the land of your forefathers, conquered by their valor, from the savages that are now preying upon your interest and bequeathed by them as a legacy to you and yours, in the expectation that you would defend it as they had done and as it becomes you to do."<sup>638</sup> Thus,

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<sup>637</sup> Gerald Thompson, *The Army and the Navajo* (Tucson: The University of Arizona Press, 1976), 22.

<sup>638</sup> Governor Connelly Proclamation, 21 September 1863, Lee C. Meyers Papers, Rio Grande Historical Collections, New Mexico State University, MS24, Box 13.



Connelly frequently appealed to notions of a Hispano duty to battle Native peoples that was inherited from their forebears.

By early 1864, Kit Carson and his volunteers had begun to make progress in their war. Many impoverished Navajos had been in retreat to north-eastern Arizona. With these Navajos hemmed in and short on provisions, Carson decided to launch an attack at Canyon de Chelly, the traditional Navajo stronghold. Surrounded and destitute, many Navajos in the canyon area chose to surrender. Large groups of Navajos soon began presenting themselves at Forts Wingate and Canby.<sup>639</sup> Pleased with the overall results of the campaign, Carleton stated, “This is the first time any troops, whether when the country belonged to Mexico, or since we acquired it, have been able to pass through the Canon de Chelly ...It has been the great fortress of the tribe since time out of mind....I believe this will be the last Navajoe War.”<sup>640</sup> Carleton commended the role of the volunteers, praising “the gallant and meritorious services of certain officers of the regular and volunteer forces of this distant command during the last three years.” He requested that several officers be breveted. Out of the eight officers of the New Mexico volunteers recommended by Carleton, only one had a Hispanic surname.<sup>641</sup>

Some New Mexican civilians had indeed responded to continued calls to engage in hostilities with the Indians, but not in the way officials had envisioned. New Mexican civilians frequently illegally attacked and raided Navajos who were in route to Fort Wingate to surrender. Volunteer Captain A.B. Carey noted that the Navajo chief Delgadito and his group were attacked by “a party of Mexicans” while leading his group to Fort Wingate. He reported that the civilians killed several men, kidnapped women and children, and drove off a portion of the Indians’

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<sup>639</sup> Thompson, *The Army and the Navajo*, 27.

<sup>640</sup> Carleton to Thomas, 7 February 1864, in Kelly, *Navajo Roundup*, 108-109.

<sup>641</sup> Carleton to Adjutant General, 27 October 1865, Lee C. Meyers Papers, Rio Grande Historical Collections, New Mexico State University, NS24, Box 13.

herd.<sup>642</sup> Although he noted, “Any attack made on these people now, would in all probability, injure those who were coming in in good faith,” Carey actually praised the actions of the attackers, stating, “The citizens cannot be blamed, but must on the contrary be praised for their energy in pursuing so far the robbers of their flocks – their hereditary foe – the Navajo.” He eventually added, “They should at the same time understand that any act of hostility committed against the Navajo at present may place a barrier in the way of carrying out the wise measures now in successful progress.”<sup>643</sup> One month later, Carey also discovered “the dead bodies of 3 Navajo Indians” during a scouting expedition to round up any remaining independent Navajos. He claimed, “A Navajo Indian has since Informed me that the party who killed them were Mexicans.”<sup>644</sup> The U.S. military would have a difficult time halting Hispano retribution against their longstanding Native foes.

Civilians also continued to engage in the long-standing precedent of stealing from the Navajos, even after the tribe had sued for peace. Kit Carson himself claimed, “Since active hostilities have ceased against the Navajoes, various parties of citizens have come into this country for the purpose of robbing from the Navajoes, and some of them have carried their audacity so far as to steal from those under my protection at this Post.” A Volunteer Captain also noted, “The Indians have lost 50 head of horses and mules which were stolen by Mexican thieves.”<sup>645</sup> Carson, therefore, recommended that New Mexican Volunteers “pursue and capture whatever band of citizen marauders may come here for the purpose of thwarting the laudable action of the Government in removing the Navajo Indians to the Reservation.”<sup>646</sup> Certain

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<sup>642</sup> Kelly, *Navajo Roundup*, 119-20.

<sup>643</sup> Carey to Cutler, 28 February 1864, in Kelly, *Navajo Roundup*, 120-21.

<sup>644</sup> Carey to Cutler, 13 March 1864, in Kelly, *Navajo Roundup*, 130-31.

<sup>645</sup> Thompson to Cutler, 15 April 1864, in Kelly, *Navajo Roundup*, 125.

<sup>646</sup> Carson to Assistant Adjutant General, 13 April 1864, in Kelly, *Navajo Roundup*, 150.

Nuevomexicanos, therefore, took full advantage of the Navajos' newfound vulnerability, attacking and robbing them at an ever-increasing pace.

The civilian practice of attacking retreating Navajos was so prevalent that Governor Connelly issued a proclamation dissuading residents from continuing the custom. His proclamation stated that:

“Whereas any hostile demonstration upon the part of our citizens towards the said Indians during this suspension of hostilities would frustrate the intentions and efforts of the government...First. That hostilities on the part of the citizens with the remainder of the Navajo tribe of Indians...shall cease. Second. That all forays by our citizens of a hostile character into the country...of the said Navajo tribe of Indians, are hereby positively prohibited under the severest penalties. Third. That any parties of armed men, with hostile intentions, hereafter found in this Navajo country, will be immediately arrested... Fourth. It is proper in this connection to warn the people against further traffic in captive Indians.”<sup>647</sup>

The need for the governor to issue orders condemning Hostilities toward the Navajo after their surrender is telling. After the Navajo surrender, Hispanos found it easier to harass the Natives, taking full advantage of their situation to enact vengeance against their age-old enemy.

After the surrender of the bulk of the Navajo tribe, the military then tasked the New Mexican Volunteers with escorting them to the Bosque Redondo reservation. This ruthless march would become known to Navajos as the infamous “Long Walk.” Many Navajos died under the supervision of New Mexican volunteers during this notorious trek. In one instance 165 Navajos left Fort Canby with fifty New Mexican Volunteers under Captain Joseph Berney. Early in the march, “the Indians suffered intensely from the want of clothing, four were entirely frozen to death.” Later being joined by about 1,400 additional Navajos, Captain Berney stated that “I lost fifteen Indians on the road...ten died from the effects of the cold.”<sup>648</sup> Another March

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<sup>647</sup> Governor Connelly Proclamation, 4 May 1864, in Kelly, *Navajo Roundup*, 150.

<sup>648</sup> Berney to Assistant Adjutant General, 7 April 1864, in Kelly, *Navajo Roundup*, 115-116.

was taken on by New Mexican Volunteers from Fort Canby to the Bosque Redondo with 2,400 Navajo prisoners under Captain John Thompson. One hundred ninety-four Navajos of Captain Thompson's party died en route. General Carleton curtly blamed these deaths on "The weather" which "was very inclement with terrible gusts of wind and heavy falls of rain." He also claimed that deaths were due to "eating too heartily of half cooked bread made of our flower to which they were not accustomed."<sup>649</sup> Thus, New Mexican volunteers bore first-hand witness to the awful consequences of the forced march.

By late 1864, General Carleton, through the use of the New Mexico Volunteers and Militia, had begun to overpower the Mescalero and Navajo nations. Their defeat and subsequent journey to the Bosque Redondo reservation was severe and unforgiving. After the military had moved the tribes to the reservation, despite his application and acceptance of heavy-handed and brutal tactics, Carleton was able to articulate some semblance of misplaced empathy for the Indians. Carleton asserted that: "For pity's sake, if not moved by any other consideration, let us as a great nation, for once treat the Indians as he deserves to be treated. It is due to ourselves as well as to them that this be done." He added, "The exodus of this whole people from the land of their fathers, is not only an interesting but a touching sight. They have fought gallantly for years on years... as brave men entitled to our admiration and respect, have come to us with confidence in our magnanimity and feeling that we are too powerful and too just a people to repay that confidence with meanness or neglect... we will not dole out to them a miser's pittance in return for what they know to be and what we know to be, a princely realm."<sup>650</sup>

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<sup>649</sup> Carleton to Thomas, 24 April 1864, LR, AGO, RG94, NA, M619, Roll 284.

<sup>650</sup> Carleton to Thomas, 12 March 1864, LR, AGO, RG94, NA, M619, Roll 284.

The Civil War brought about the first time that people of color were utilized in any significant way to engage in warfare on behalf of the United States. Unlike African Americans, legal notions of whiteness prevented Nuevomexicanos from being segregated from Anglo American military units. However, Anglo officers and soldiers frequently discriminated against these men. Hispano troops were commonly placed under Anglo American officers or had a prominent Anglo American officer among their company, as they were generally not trusted to lead themselves. They were also accorded inferior supplies and housing, rarely of the quality issued to regular troops. Despite their essential roles in battling the Confederate menace, many Anglo Americans were not willing to accord these people the respect that they had garnered on the battlefield due to prevalent racial and gendered biases. Due to racialized notions of ethnic Mexican cowardice and lack of masculine qualities, Nuevomexicanos bore the brunt of the blame for costly losses. Anglo American racialization of Nuevomexicanos thus played a prominent role in the New Mexican struggle to repel the Confederates. Nevertheless, both the New Mexico Volunteers and Militia had helped to drive out the Confederates and overpower two dominant tribes of Indians. Racial discrimination on the battlefield, however, undermined the common purpose of the War. Protection of the territory against the Confederates was almost certainly affected. Lack of everyday necessities, respect by their Anglo counterparts, and a complete absence of compensation certainly affected morale on the battlefield. A sense of national unity, a prominent reason for the War, was undercut by discriminatory practices in

places such as New Mexico. The Civil War in New Mexico displays that the nation certainly was not close to being brought together in a racial sense. In fact, the end of the Civil War would bring about a reinforcement in the idea of white supremacy in the United States.

The Civil War era in New Mexico can be also be thought of as a continuation of a particular mode of warfare that had endured in the area for centuries. As Union troops had driven the Confederates from the territory, military officials turned their attention to the subjugation of the Indians. Civilians in New Mexico saw this as an opportunity to war with their traditional Indian foes, receive payment, and retain their honor as fighters. They took full advantage of this opportunity enacting violent retribution upon their enemies. Under officers



Illustration 5.2: The U.S. army “counting Indians” at the Bosque Redondo Reservation, undated. Photograph No. 111-SC-87964; “Fort Sumner, New Mexico. Guadeloupe County at the Bosque Redondo on Pecos River. Counting Indians;” Photographs of American Military Activities, ca. 1918-1981; Records of the Office of the Chief Signal Officer, 1860-1985, Record Group 111; National Archives at College Park, College Park, MD.

such as Kit Carson, and with the help of certain Native groups, Nuevomexicanos were able to defeat their generational enemies, the Mescaleros, and Navajos. They had then driven these tribes to the Bosque Redondo reservation, where only famine and death awaited.

Hispanos hoping for a better claim to citizenship by fighting on behalf of the United States would be disappointed. The Civil War did little to change Anglo perception of the diverse New Mexican population. Political equality and full citizenship for New Mexicans, especially the poorer classes, remained beyond reach. Anglos in the territory continued to enjoy far greater material wealth and professional success than Hispanos.<sup>651</sup> They continued to racialize Hispano and Indian bodies in such a way that questioned these peoples' fitness for full citizenship. Despite all they had done during the War, poorer Hispanos continued to fall victim to Anglo assertions of white supremacy. The supposed unsavory mix in New Mexico of Hispano and Indian peoples also impeded efforts to incorporate the territory into the Union as a state. It wouldn't be until 1912 that the U.S. Congress agreed to grant New Mexico designation as a state, thus permitting its people the right to vote on a national scale. Former peons were sometimes able to secure their freedom through military service, yet, as a whole, many Hispanos were unable to use their service in the War as leverage to live as full citizens.

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<sup>651</sup> Mitchell, *Coyote Nation*, 15.

## Chapter 6: The Expansion, 1865-1898

Despite everything the New Mexico Volunteers and Militia had done during the Civil War, these units faced an uncertain and unpredictable future after its conclusion. Existing militia systems throughout the United States created during the War disappeared rapidly with the end of hostilities.<sup>652</sup> In New Mexico, the threat of large-scale Indian attacks also waned with the imprisonment of the Mescaleros and Navajos on the Bosque Redondo Reservation, although interethnic tensions did not end for another two decades. The federal government, therefore, disbanded New Mexican volunteer units, and the territorial militia likewise fell into decay. Civilians, however, continued to petition the government for permission to militarily confront nearby tribes whom they blamed for continued raids into the settlements. Like their pre-Civil War counterparts, the post-war governors of New Mexico attempted to appease the civilian population by issuing a host of orders and proclamations trying to establish civilian defense forces throughout the territory. These efforts were generally successful toward building small temporary civilian defense units, but by and large, they had failed to create an organized and sustained territorial militia. The endeavors of the territorial governors were, however, responsible for legalizing small-scale civilian violence against certain Native groups after the Civil War.

As the 1870s came to a close, however, the territory would, in fact, see a large increase in the number of sanctioned civilian-military units. The shifting racial makeup of New Mexico, territorial emergencies such as the Lincoln County War and Victorio's War, and national trends

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<sup>652</sup> Jerry Cooper, *The Rise of the National Guard: The Evolution of the American Militia, 1865-1920* (Lincoln: University of Nebraska Press, 1997), 23.



regarding militia service were ultimately responsible for the growth of the territorial militia in New Mexico. The factors mentioned above would do more to advance the creation of a sustained territorial militia than the efforts of any previous New Mexican governor during the U.S. era. Thus, immediately after the Civil War, the use of civilian warriors in New Mexico waxed and waned in response to emergencies and contingencies in the territory. However, motivated by specific events alongside the marked influx of Anglo American settlers, the territorial legislature managed to pass a new militia law in 1880, the first since 1851, that allowed for the rejuvenation of an ongoing and robust militia.

The growth and ultimate reauthorization of a territorial militia during the 1870s and 1880s can be tied, in part, to racial trends that had been taking place in New Mexico after 1865. As the nation struggled to reconstruct after the War, many Anglo Americans sought to build new lives by relocating to western territories. Anglo Americans flooded into former Mexican territory at a rate never before seen, establishing small but vibrant Anglo communities throughout both New Mexico and the newly created territory of Arizona. Many of these migrants came from the southern states and brought with them deeply racialized notions of non-white peoples. Ethnic Mexicans, however, remained the majority in New Mexico for years to come. This being the case, the Hispano population in the territory would be much more resistant to Anglo assaults on their language, culture, and landholdings than other areas of the southwest. Yet, the growth of the “white” population in New Mexico contributed toward the acceptance of local militia units by the Anglo-heavy military leadership and territorial government.

Despite a marked increase in the white population, the majority of militia units birthed during this era continued to consist primarily of ethnic Mexicans. The military allowed the formation of these companies toward the end of the nineteenth century partially because Anglo

American officers frequently led these groups. Civil and military officials found it easier to consent to civilian militia units that they considered more “American” and less “foreign.” These officials could more readily accept the citizenship status, supposed loyalty to the United States, and alleged superior fighting prowess of Anglo American officers than they could the ethnic Mexican population. To U.S. military officials, Hispano civilian warriors were relegated to their rightful subordinate position under the leadership of Anglo men. Many Anglos who could never accept an entire Hispano militia considered this a panacea. Consequently, many militia units were placed under white command, which ultimately contributed toward the exponential growth in the number of sanctioned militia groups. In fact, of all the western states and territories in 1885, New Mexico had the second-highest number of total militiamen at 1,468, behind only California.<sup>653</sup> By 1898, the federal government would re-designate the militia as the New Mexico National Guard, the title that is used presently. This was a remarkable change from the early era of U.S. rule in New Mexico during which the army rarely allowed civilians to assemble for the purposes of warfare.

New Mexico’s militia growth also mirrored an expansion of state and territorial militias around the United States during the late nineteenth century, which many historians attribute to episodes of civil unrest such as the 1877 railroad riots.<sup>654</sup> Quelling public disorder, therefore, became an essential component in the rise of militias in the United States after 1877, and New Mexico was no different. The Posse Comitatus Act of 1878 further contributed toward the growth of the New Mexico militia because of its attempt to prevent federal troops from becoming involved in civil disputes. New Mexican militia units helped the local constabulary

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<sup>653</sup> *Ibid.*, 36.

<sup>654</sup> *Ibid.*, 44.

with episodes of civil unrest such as the Lincoln County War and other civil disorders. The growth of the territorial militia coincided with national developments that encouraged the use of civilian soldiers as a local police force. The relative acceptance of the militia as a police force also contributed toward its use in the continued subjugation of nearby tribes. The territorial militia would become heavily involved in episodes of Indian unrest such as the Victorio and Geronimo uprisings.

Thus, the flowering of a territorial militia, after years of neglect, was triggered by various factors such as shifts in the racial makeup of New Mexico, national trends favoring the use of state and territorial militias, alongside the desire to suppress local civil, labor, and Indian unrest. Since the invasion of New Mexico by the United States in 1846, Anglo military officials had generally tried to limit the scope of civilian warfare in New Mexico, notwithstanding the institution's short-lived increase during the Civil War. By the late 1870s, Hispano civilians, this time under Anglo leadership, were once again used extensively by the government to war with Independent Indians as they had done for generations previous. The exponential growth of the non-Native population alongside a newfound emphasis on the militia to suppress civil uprisings and subdue Native tribes would turn the tide of the centuries-long stalemate. By the 1880s, the civilian population in New Mexico would become victorious in their three-hundred-year-long war with the Natives, aided in part by demographic changes sparked by the railroad and the cumulative impact of disease, land loss, and Indian policies promoting assimilation.

Shortly after the conclusion of the Civil War, territorial officials held onto hope that the relatively large number of troops stationed in the territory during the War would remain operational. They were disappointed. In 1866 the federal government mustered out of service

the vast majority of New Mexican volunteers organized during the Civil War. As a small concession, however, the federal government, noting the territory's continued conflict with certain Native tribes, agreed to authorize the retention of four companies of the New Mexican Volunteers for service against the Indians.<sup>655</sup> The military selected Kit Carson to lead these New Mexican volunteers with the rank of Lieutenant Colonel. The army had split Carson's companies into two cavalries and two infantry; the vast majority of these men possessing Hispanic surnames.<sup>656</sup> Carson and his volunteers, remnants of the Civil War regular army in New Mexico, were stationed at Fort Garland in Colorado to police the Utes and Jicarilla Apaches in the northern portion of New Mexico territory. Carson's command amounted to little more than negotiation and peacekeeping, and the volunteers saw little action.<sup>657</sup> While these volunteers were kept busy policing the far northern part of the territory, the vast majority of New Mexico was left without proper volunteer or militia units after the conclusion of the war.

As the regular troops stationed in the territory regressed to pre-Civil War numbers, the militia in New Mexico also fell into a state of decay, reverting to a few, if any, standing companies even though relations with Independent Indians remained volatile and unpredictable. After the war, the Utes had been at peace, but the Chiricahua Apaches, as well as many Navajos, had still been at war with individual New Mexican settlements. Considering the strength of many Indian nations, several civil officials continued to advocate for a more significant military presence in New Mexico. In 1867, Acting Governor William F. M. Army echoed pre-Civil War governors by voicing his frustration with the apparent lack of regular military troops. In a report

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<sup>655</sup> General Field Orders no. 4, 26 July 1866. Lee C. Meyers Papers, Rio Grande Historical Collections, New Mexico State University, MS2, Box 13.

<sup>656</sup> General Orders No. 21, 31 August 1866. Lee C. Meyers Papers, Rio Grande Historical Collections, New Mexico State University, MS2, Box 13.

<sup>657</sup> See Dunlay, *Kit Carson and the Indians*.

to the United States Congress, Arny argued that since at least 1846, the citizens of New Mexico had been constantly “met with loss of life and property.” He claimed that the cost of damages caused by Indians totaled \$1,377, 296; a significant and most likely overstated amount of money during this time. Critical of the regular military, Arny claimed, “Our people have been suffering unceasingly from the loss of life and property occasioned by the incursions made upon them by the tribes of hostile Indians notwithstanding the vigilance and efforts of ourselves and the troops of the government.”<sup>658</sup> Arny was also discouraged with the apparent deterioration of the militia. He claimed that having no militia would leave “our population at the mercy of the savage Indians with the exception of such protection as the general government may give.”<sup>659</sup> Thus, after the War, the civil government in New Mexico still desired a standing militia and was as critical of the regular army’s supposed ineffectiveness as they had been before the War.

Inundated with civilian petitions to war with nearby Indians as they had done for generations, and under the perception that the military had offered little adequate protection, Arny called upon the settlers to engage in their own self-preservation, issuing a proclamation in late 1866 which beckoned the citizens of the territory to be vigilant and protect their homes if necessary. Arny’s proclamation also served as a reminder to the people that the Act of 1857 authorizing the loan of public arms, was still in effect, through which they could obtain firearms if necessary. Stopping short of calling for a sustained and organized territorial militia, Arny’s proclamation recommended all able-bodied male citizens of the territory to arrange themselves into unofficial volunteer companies. If these companies found it necessary to pursue independent Indians, they could, therefore, report to the governor, and he might furnish them

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<sup>658</sup> Arny to Congress, 16 January 1867, SDTP, NM, RG59, NA, T17, Roll 3.

<sup>659</sup> Second Annual Message of Acting Governor Arny, December 1866, SDTP, RG59, NA, T17, Roll 3.

with arms in accordance with the Act of 1857. In the proclamation, Arny voiced his hard-hearted belief that the Indians would never cease murdering until they were “brought into proper subjection or exterminated.” The governor supposed, like many other officials, that the Indians should “be conquered and placed upon reservations outside of the settlements and kept there.” Until that task had been completed, Arny argued, “We must protect ourselves.”<sup>660</sup> This proclamation was not an official declaration for militia organization, but an ad-hoc, temporary solution to any Indian troubles that may materialize within or nearby the settlements. The citizens, therefore, continued to serve the function of racialized warfare, which drew upon generations of the militarization of Hispano communities against Indigenous peoples.

William Arny’s desire to place Indians on specific reservations was nothing new, but after the Civil War, the central component of federal Indian policy became setting aside lands exclusively for Indian habitation, which also had the effect of allowing Euro-Americans to acquire the land once claimed by Indian peoples.<sup>661</sup> The placement of the Navajo people on the Bosque Redondo exemplifies a most vicious and costly example of this policy. A few years before Arny’s proclamation, New Mexico Volunteers under Kit Carson mercilessly rounded up several thousand Navajos by employing overtly violent tactics, as well as destroying their food caches and capturing their horses and sheep. The military had forced the Navajos to make the long and deadly walk to a newly selected reserve called Bosque Redondo. By all accounts, the Indian experience at Bosque Redondo was appalling. Not only were Navajos placed alongside their traditional Apache enemies, but the inhabitants of the reserve suffered from drought and freezing temperatures. The majority of the 9,000 Indians at Bosque Redondo soon faced

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<sup>660</sup> Proclamation by W.F.M. Arny, 20 November 1866. SDTP, NM, RG59, NA, T17, Roll 3.

<sup>661</sup> Jill St. Germain, *Indian Treaty-Making Policy in the United States and Canada 1867-1877* (Lincoln: University of Nebraska Press, 2001), 80.

starvation. Many observers began to criticize the mastermind behind the Bosque Redondo policy, General James Carleton. His more humanitarian opponents, particularly the new Superintendent of Indian Affairs, Michael Steck, highlighted the severe plight of the peoples at Bosque Redondo. Critics such as Steck ultimately succeeded in having Carleton ousted from New Mexico in 1867 and saw to it that the Navajos returned to their homeland. Despite the catastrophe at Bosque Redondo, the desire to place all Indians on reservations remained the foremost policy concerning Native Peoples in New Mexico after the Civil War.

In 1869, the U.S. Department of the Interior issued a circular to Indian agents stationed around the nation, which emphasized the new-found emphasis on placing all Native peoples on reservations. The circular communicated, “It is the wish and policy of the Government to localize all the Indians upon the reservations...Indians who fail or refuse to come in and locate in permanent abodes, upon reservations, will be subject wholly to the control and supervision of the military authorities. It is proper that you should at once notify the Indians of this determination of the Government, so that those who are friendly may not leave their reservations and subject themselves to the suspicion and supervision of the military authorities.”<sup>662</sup> This new policy guided the nature of relations between Native and non-Native peoples in New Mexico, and its implementation had diverse and complex implications.

Despite there being no standing militia directly after the Civil War, militia affairs were undoubtedly at the forefront of the minds of territorial officials. By 1867, New Mexican administrators had become inundated with requests for back-payment of militia service both before and during the Civil War. Dating back to the beginning of the U.S. era in New Mexico,

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<sup>662</sup> Circular Letter to Superintendents and Agents of the Indian Department, 12 June 1869, SDTP, NM, RG59, NA, T17, Roll 3.

very few militiamen were paid in anything but spoils taken from their enemies. With the end of the Civil War, officials believed that the time had come to attempt to pay the militiamen who fought both before and during the War. These same administrators noted that the territory had not only failed to adequately reimburse civilian warriors, but also the citizens who had assisted the militia in various other ways. One governmental circular argued, “The citizens of this Territory have upon all occasions promptly given their services and furnished subsistence to equip and maintain the militia, and have at no time received reimbursement, and consequently there are now unpaid accounts due our citizens, amounting to many thousands of dollars.”<sup>663</sup>

The territorial legislature, therefore, issued an act to remedy these many requests for payment. The bill stipulated that any previous militia company captains were required to furnish muster rolls of their respective troops “during the late rebellion, or at any other time.” They were to highlight their names, rank, age, when and where enrolled, for what period of service, and under what proclamation or situation that the governor had called them into service. This effort to pay the militia for their service during the whole of the U.S. period proved practically impossible, as the territory was chronically bankrupt. In an attempt to remedy this, instead of hard currency, the territorial government issued certificates of allowance, which were to be paid by the Treasury when funds became available. The first certificates began to roll out in March of 1867 to militia units called out by Colonel Canby during the Civil War. These certificates held little real value. One observer noted, “These certificates were not binding upon the territory except in a moral way.” In the end, these certificates were to a large degree, turned over to attorneys or merchants for collection and discounted. As most of these certificates were eventually disregarded, many militia units that had served since the advent of the territory would

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<sup>663</sup> Adjutant General’s Office Circular No. 1, 4 February 1867, TANM, AGR, ORC, NMRCA, Roll 84.



never receive proper compensation.<sup>664</sup> One can infer that the reticence of the territory to organize a standing militia was due, at least in part, to their inability to pay them.

Payment wasn't the only issue plaguing the implementation of a standing militia; the legality of mustering civilian-soldiers also came into question. Motivated by generations of civilian/Native warfare, Hispano residents repeatedly petitioned the territorial government to organize themselves into a territorial militia to war with the Natives. New Mexican governors, however, were still uncertain if they held the authority to call volunteers into service without the approval of the federal government. Although the militia law of 1851 approved such measures in theory, the seldom-adhered-to law seems to have been long forgotten at this point. In July of 1868, Acting Governor H.H. Heath issued a circular replying to one such citizen petition. In the circular, Heath claimed that he, as governor, did not have the authority to call out the militia, arguing, "There is no law upon which [the governor] can rely for calling upon the militia of the territory to pursue and chastise these Indians." He also stated that even if he did have the authority to call out the militia "it is not improbable that any serious movement on the part of the territory against the Indians would result in a general war with them and promote dangers which it is imperatively necessary to avoid."<sup>665</sup> Heath, therefore, to the chagrin of the civilian population, declined to call up a territorial militia because he didn't have the legal authority alongside his desire to avoid full-scale war with the Natives. Heath echoed the concerns of many military officials long before the Civil War that militia movement against Indian peoples promised unrestrained warfare that the government would not be able to control.

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<sup>664</sup> Biennial Report of the Adjutant General 1877, 1888, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>665</sup> H.H. Heath Circular, 14 July 1868, TANM, AGR, ORC, NMRCA, Roll 84.

Rather than formally calling out the militia, Heath reaffirmed the informal recommendations of William Arny two years earlier which somewhat satisfied the desires of the civilian population. Heath advocated, “In each settlement such number of citizens as may be deemed necessary, hold themselves in readiness at all times, to protect their neighborhood from the incursions and depredations of the Indians. Then, if Indians molest the people, let them be pursued, if Indians are killed, the fault will be their own.... When such companies as are referred to shall have been organized, a proper number of them will be furnished with arms from the Territorial Armory.”<sup>666</sup> Heath’s recommendations, therefore, advocated what amounted to state-supported vigilante violence and racial warfare.

Through these instructions, the acting governor had encouraged the long-adhered-to cycle of revenge warfare while fostering the democratization of civilian militarism. Individual communities acted through democratic means by encouraging the maintaining of a “defense” force by petitioning the government to support them. Warfare upon Indigenous peoples in New Mexico was, therefore, partially coordinated by the general public who attempted to pressure the local government through democratic means to aid them in their mission. Historian Brendan C. Lindsay makes a similar argument in his examination of Indigenous genocide in California, arguing that assaults on Native peoples were organized from the periphery, with the general public pushing for Indians to be exterminated.<sup>667</sup>

Like Arny, Acting Governor Heath claimed that the governors lacked the power to call the territorial militia into service, yet both men’s subsequent recommendations inherently gave civilians more military independence than if the governors did hold the authority. By decrying

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<sup>666</sup> *Ibid.*

<sup>667</sup> Lindsay, *Murder State*, 14.

that there was no law on the books for them to call out the militia and encouraging civilians to defend themselves, in effect, these post-Civil War governors were giving civilians the authority to conduct warfare as they saw fit. Ad-hoc defense units promoted by these governors were encouraged to act on their own, without the oversight of the civil government or military. Similar to the ongoing Native American genocide in California, these regulations made the killing of Indians essentially legal, and roving death-squads were free to patrol the countryside to eliminate enemy Indians without any legal recourse. This method was not dissimilar to New Mexico's neighbors to the north and east. The governors of both Colorado and Texas had given militia groups such as the Texas Rangers almost free reign attack Indian peoples.<sup>668</sup>

In 1869 Governor Robert B. Mitchell took a similar yet even more hardline approach to territorial warfare with independent Indians. In August of that year, Mitchell incurred the wrath of the federal government by issuing a proclamation declaring that all Indians not residing on reservations were to be considered "outlaws." Mitchell, a stern and hotheaded veteran of the U.S. War with Mexico and the Civil War, recklessly issued this order without the authorization of the federal government or military. Mitchell's proclamation read: "In consequence of the constant depredations and the murder of our most esteemed and valuable citizens – cruelly murdered by the Navajo and Gila Apache Indian tribes – said tribes are hereby declared outlaws, and will be punished wherever found outside the limits of their respective reservations (except under the immediate escort of the soldiery) as common enemies of the country.... I do further authorize the citizens of the Territory to use sufficient force, in all localities, for the protection of its citizens, even should it result in the killing of every such depredator."<sup>669</sup> Mitchell's actions,

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<sup>668</sup> See Anderson, *The Conquest of Texas*.

<sup>669</sup> Circular Letter to Superintendents and Agents of the Indian Department, 12 June 1869, SDTP, NM, RG59, NA, T17, Roll 3.

similar to his predecessors, gave the citizenry the power to deal with independent Indians as they saw fit. However, by declaring all non-reservation Indians “outlaws,” and calling for the murder of these peoples, Mitchell provided a pretext of legal authority for civilians to enact violence against Native peoples. In essence, Mitchell criminalized independent Indians on their own ancestral homeland while calling for large-scale violence against them.

Mitchell’s proclamation stemmed, at least in part, from his frustration with the federal government and military’s dealings with Indians in the territory. Mitchell placed the blame directly on the federal government for the territory’s woes relating to the Indians. Like his predecessors, he was deeply distressed that the military presence in the territory so quickly disintegrated after the Civil War. Mitchell argued that he had “hoped that the government would, after the close of the late terrible, bloody and wicked rebellion, and the large increase of the regular army, furnish to our accomplished Department and District Commanders, Major Generals Sheridan and Getty, a sufficient number of available troops to protect our people against constant depredations on the plains, and very many parts of the Territory, from hostile and thieving bands of Indians which occupy every thoroughfare to, and almost every rod of border of our Territorial limits.”<sup>670</sup> Mitchell’s criticism of the federal government and the military would, however, go further than most previous New Mexican governors during the U.S. era.

Mitchell forcefully condemned the federal government’s relations with the territory’s Indians. The governor believed that chastisement, rather than conciliation, should have been the federal government’s first and only policy when dealing with Indian peoples. Mitchell’s main

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<sup>670</sup> Second Annual Message of Governor Robert B. Mitchell, December 1868, SDTP, NM, RG59, NA, T17, Roll 3.

criticism was that as part of terms of peace, the federal government supplied certain tribes with firearms. The military's rationale for providing guns to specific tribes at peace was benevolent in nature. Humanitarian observers noted the despondent condition of these groups and supplied them with firearms to both hunt and protect themselves from hostile tribes. Mitchell, who saw Indians as inherently savage and hostile, disregarded this truth and ultimately advocated for the violent subjugation of all independent Indians in New Mexico. The governor announced, "The distribution of arms and ammunition by these commissioners and agents, enables the various tribes of Indians to more successfully carry on their...wicked warfare against the whites."<sup>671</sup> Mitchell was, therefore, highly critical of the military's Indian policy, and believed that their actions encouraged Indian warfare against the "white" race.

Mitchell, like his predecessors, advocated for civilian defense, yet he argued that the federal government had virtually prevented the people from adequately protecting themselves. He claimed that civilians would not be able to effectively war with the Indians "so long as the government with its strong arm keeps our enemy under its protecting care, and prohibits our people from redressing their own wrongs." Indeed, the military had been almost always opposed to settlers "redressing their own wrongs" as this could be construed as taking revenge upon, in many cases, innocent Indians leading to unrestrained and unwelcome warfare. Mitchell, however, claimed that the government was more sympathetic to independent Indians than they were the settlers. Mitchell appealed to the government: "give us half the means for our protection you give the hostile Indians to enable them to make war on us, and we will guarantee a very different state of things on the frontier."<sup>672</sup> Thus, New Mexican governors after 1865

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<sup>671</sup> *Ibid.*

<sup>672</sup> *Ibid.*

were even more critical of the federal government and military as their pre-war counterparts. The military's supposed ineffectiveness led these men to advocate for vigilante violence against most Native groups.

On top of declaring Indian peoples as outlaws, Mitchell ultimately proposed a heavy-handed solution to the territory's war against the Indians. He suggested, "hang the chiefs and the head men on the spot – and allow the military to make such terms with them as they may deem best, after a severe and just punishment has been inflicted on every warlike tribe."<sup>673</sup> The governor, therefore, again encouraged violent hostility toward independent Indians. He was, however, not alone in his assertion that non-reservation Indians were inherently hostile. Mitchell's outlook echoed that of New Mexico Department Commander, Colonel George Getty. Colonel Getty's official policy was to eliminate all off-reservation Apaches. Getty's headquarters wrote to the commander at Fort Craig, "All Apache Indians in this Territory are hostile; and all male adults capable of bearing arms should be killed...unless they give themselves up as prisoners."<sup>674</sup> Despite this being the official strategy, the military's exploits were not as aggressive as Getty's policy suggested. Mitchell's policy, however, was more belligerent than Getty's in that he labeled *all* off-reservation Indians as outlaws, not just Apaches, as subject to violent vigilantism on behalf of the civilian population.<sup>675</sup>

The federal government criticized Mitchell's reckless proclamation declaring all non-reservation Indians as "outlaws," due in large part to the potential provocation of civilians to attack Indians with impunity. Commissioner of Indian Affairs Ed Parker was an especially harsh critic of Mitchell's rash and irresponsible proclamation. He argued that the Governor had no

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<sup>673</sup> *Ibid.*

<sup>674</sup> Ball, "Fort Craig, New Mexico, and the Southwest Indian Wars," 167.

<sup>675</sup> See also, Governor's Message, *Santa Fe Weekly Gazette*, 12 December, 1868.

right “to bring about a state of war contrary to the wishes of this Department and without the authority of the military branch of the Government.” He added, “I will immediately advise the Superintendent of Indian Affairs for New Mexico to disavow...the proclamation.” Seeing the danger in allowing citizens to deal with these “outlaw” Indians as they saw fit, Parker also argued, “The Governor assumes all control, puts aside both the civil and military authorities of the General Government and proclaims an indiscriminate warfare by an irresponsible body of citizens against certain Indians.”<sup>676</sup> The conflict between the civil government and the military in New Mexico once again reared its ugly head, as the two institutions fought for jurisdiction over the right to use deadly force against Indians. These tensions continued to define the scope of the state, the perceived “freedoms” of civilians to wage war against Native people, negative Anglo perceptions concerning Hispano civilian warfare, and the breadth of militarization throughout New Mexico’s population.

Other federal officials echoed commissioner Parker’s protests. Secretary of State, Hamilton Fish, requested to Mitchell’s successor, William Pile, that he rescind the proclamation. Pile sympathized with Mitchell, however, and instead of annulling the proclamation, suggested to the Secretary a modified yet similar course of action. Pile argued that Mitchell’s proclamation was indeed justified: “The Mescalero and Gila Apaches are at open war with us – are constantly murdering and robbing the citizens of this and the Territory of Arizona, [these Indians] are ‘outlaws’ and no harm came from the proclamation so declaring them.”<sup>677</sup> Pile also noted that the military in New Mexico had agreed with the outlaw proclamation, stating that Carleton’s replacement, General George Getty concurred, “All bands of Indians found away from their

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<sup>676</sup> Parker to Otto, 14 August 1869, SDTP, NM, RG59, NA, T17, Roll 3.

<sup>677</sup> Pile to Fish, 15 September 1869, SDTP, NM, RG59, NA, T17, Roll 3.

reservations would be treated as ‘hostile.’” Therefore, instead of annulling Mitchell’s proclamation, Pile attempted to modify it through his own. Pile’s proclamation would heavily emphasize the use of civilian warfare in protecting the settlements against Indian raids.

First, Governor Pile issued an announcement in September of 1869 that amended Mitchell’s orders. In his decree, Pile clarified that not all non-reservation Indians were to be deemed outlaws after all. Pile noted that most of the Navajos were “peaceably at work on their reservation, the depredations being committed by roving bands without the permission or sanction of the chiefs or head men of the tribe.” Accordingly, he clarified, “Only marauding bands known to be committing depredations shall be considered and treated as hostile.” He further emphasized the need for civilians to organize, as Mitchell had suggested. Pile permitted civilians “to defend their lives and property and punish all marauding bands of Indians, and at the same time, they are required not to molest peaceable Indians living on their reservations.”<sup>678</sup> By proclaiming “only marauding bands” of Indians as hostile, Pile was able to calm the fears of federal officials. The Governor’s next move, however, caused federal officials much anxiety, as it gave New Mexican civilians a considerable amount of power to conduct warfare against Indians.

Pile’s proclamation implemented a peculiar system of civilian defense that vastly differed from the territorial militia templates of the past. In August of 1869, the Adjutant General’s Office of New Mexico in cooperation with the governor issued orders noting, “The constant depredations committed by roving bands of Indians, renders the employment of more vigorous measures than have hitherto been used, necessary, in order to protect the lives and property of the

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<sup>678</sup> Proclamation by W.F.M. Pile, 8 September 1869, SDTP, NM, RG59, NA, T17, Roll 3.



people.” The proclamation thus called for the probate judges of each county in New Mexico to immediately organize mounted posses of not less than ten nor more than twenty-five men in each precinct in their respective counties.<sup>679</sup> By calling these companies “posses,” and giving the probate judges the power to employ them, Pile fashioned these units as local police rather than a territorial militia. In this way, Pile attempted to sidestep the fact that he did not hold the power to call a militia into the field.

Pile’s posse policy somewhat echoed recommendations put forth by General William Tecumseh Sherman two years prior. In 1867, Sherman issued an order that attempted to make civilian defense more uniform in all the western territories. Sherman claimed that each state and territory implemented civil defense in particular ways, arguing, “A great diversity of opinion and practice exists as to how far the civil authority can apply.” Sherman stated that “when the Indians leave their reservations and go beyond the country committed to them, and there commit a crime, they fall under military control, or subject themselves to arrest and punishment by the civil power.” By stating such, he argued the civil authority did indeed have the legal ability to punish Indians. He went on: “it is hereby made known that if each State and Territory will organize a battalion of mounted men, ready to be called into the service of the United States, it will be called for by the department commander, and used in connection with the regular troops.” He recommended: “The civil authorities of the said States and Territories should, by their sheriffs of counties and by their deputies, have small posses armed and prepared, at all times, to pursue and hunt down the small horse thieving bands of Indians, who, by dispersing, avoid the military forces.”<sup>680</sup> Pile’s posse system was similar to these recommendations, yet Sherman

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<sup>679</sup> General Orders no. 1, 24 August 1869, SDTP, NM, RG59, NA, T17, Roll 3.

<sup>680</sup> Sherman, Order no. 8, 13 July 1867, TANM, AGR, ORC, NMRCA, Roll 84.

advocated for the use of such posses only as called upon by the department commander, while Pile's system sidestepped that stipulation, requiring no permission from the military. Pile's system echoed that of New Mexico's neighbor to the east, Texas. The Texas Rangers were a largely independent militia organization, frequently operating without the oversight of the U.S. military.<sup>681</sup>

Through their proclamations, military and territorial authorities in effect criminalized the majority of Native peoples who were not confined to reservations. In addition, the territorial government had allowed the citizens to create posses to "punish" non-reservation Indians. The punishment that these posses were legally permitted to inflict upon Native people had no clear boundaries. These men were given the legal authority to enact violence upon Indians in New Mexico on the pretext of "defense." Furthermore, Indians could be unfairly targeted by the posses for crimes they did not commit, and they had no legal right to appeal nor did they have access to the U.S. court system.

Pile's "posse" system was undoubtedly different from New Mexico's inconsistent militia systems of the past. The probate judges were to select a "competent and reliable man" to take command of each posse. These posses were to use their own weapons, but if there were a lack of weapons, they were to be furnished by the government under the Act to Supply Arms of 1857. The duty of the commanders of each posse was to investigate the presence of "marauding bands" of Indians and report to the probate judge his findings. The judge could then order the posse into the field to chastise the Indians, recapture stolen property, and to "proceed at once against any bands of Indians infesting their immediate vicinity." Explicit instructions were given for the

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<sup>681</sup> See Anderson, *The Conquest of Texas*.

posses “not to molest Indians who are living peaceably in the localities permitted by the United States.” The order did, however, give citizens a considerable amount of power in implementing warfare. The order stated that the posses “are authorized to punish with the utmost severity, any bands of Indians engaged in committing depredations against the inhabitants of the territory.”<sup>682</sup> Also, unlike past militia organizations, these posses were under no obligation to communicate with the governor. They were to only report to the probate judges of their respective counties. Being first-hand witnesses to the potential devastation wrought by Indians, these probate judges were almost certainly more likely than the governor to sympathize with the people and allow retributive forays against the Indians. Enacting punishment with the “utmost severity” was an extremely vague term that opened up the possibility of legal murder and massacre.

Governor Pile addressed the people of the territory concerning the need for his new posse system, arguing that from the time the territory came under the authority of the United States, its condition had been “unsatisfactory.” He claimed that because of the troubles with independent Indians, New Mexican “industry has languished, production has not advanced, and there has been no material increase in the population or wealth of the Territory,” adding that the territorial treasury is “BANKRUPT.” He argued, “Men will not earnestly endeavor to accumulate and save when they may and are likely to lose by lawlessness that which they have accumulated and saved.” Therefore, Pile argued that the posse system was a last-ditch effort to save the territory from certain ruin. Pile claimed, “[The citizens’] wages for labor, the desire for food and clothing for their families and their well being in every sense of the word depends very greatly upon the...proper and efficient execution of this order.” Pile communicated a sense of urgency in his

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<sup>682</sup> General Orders no. 1, 24 August 1869. SDTP, NM, RG59, NA, T17, Roll 3.

order observing that a massive wave of immigration had been taking place in the territories surrounding New Mexico. For New Mexico to benefit from such migration, Pile argued, “Whether this great wave reaches and blesses this Territory, and we reap our proportion of its advantages, depends on our action now.”<sup>683</sup>

While his order gave communities unprecedented authority to engage in warfare as they desired, the governor also acknowledged the risks of bequeathing civilians such power. Pile insisted, “Great care be exercised by the organized ‘posses’ in the different counties, to prevent the molestation of peaceable Indians working on or near their reservations.” Perhaps more critical to Pile than the potential prospect of innocent Indians losing their lives due to his system, the governor’s main concern was that the federal government would interfere with and cancel his system if not properly adhered to. He argued, “Should such Indians be molested, the authorities at Washington would unquestionably interfere and order the discontinuance of the whole organization.”<sup>684</sup> Thus, the regulations of the posse system were to be strictly adhered to, if only to allow the system to continue without disruption from the federal government.

Upon learning of Pile’s new posse system in New Mexico, federal officials were anxious at best. The idea of the posse system reached the desk of President Ulysses S. Grant, who was “apprehensive that disorders and excesses may be committed by the citizens organized in the manner stated in the order, and that only extreme necessity will justify their employment.”<sup>685</sup> After multiple non-sanctioned expeditions against Indians, including the Mesilla Guard massacres, anxieties about violent excesses were indeed justified.

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<sup>683</sup> Pile, unnamed document, undated, SDTP, NM, RG59, NA, T17, Roll 3.

<sup>684</sup> *Ibid.*

<sup>685</sup> Pile to Fish, 6 October 1869, SDTP, NM, RG59, NA, T17, Roll 3; *The Daily New Mexican*, 26 October 1869.

Governor Pile attempted to ease the president's anxieties concerning his program. Pile admitted, "The danger of excesses alluded to strongly presented itself to my mind." He argued that the Indians themselves were responsible for their own murder and massacre by raiding the settlements: "so long as bands of Indians murder...they will be pursued by these citizens prompted by 'exigencies of self defense' and if the guilty are not overtaken innocent Indians are robbed and murdered instead." However, he argued that the posse system would ultimately put an end to unsanctioned violence, stating, "Acting under orders and responsible in some measure at least for their conduct will tend to decrease the apprehended 'disorders and excesses.'"<sup>686</sup> A smart move on his part, Pile argued that his system would stop rather than encourage unnecessary violence against Native peoples. Despite Pile's assurances, these posses amounted to vigilante violence rather than organized warfare, seemingly possessed of unchecked authority to kill or capture Indians.

The federal government also took issue with Pile's decision of continuing, albeit slightly amended, Robert Mitchell's "outlaw" proclamation. U.S. Secretary of State Hamilton Fish argued, "The act upon which your order is based applies only to hostile bands while your communications show that individual Navajos who commit depredations are not to be regarded as hostile in the sense of being public enemies but simply as marauders for private gain." In reply, Pile continued to argue that marauding Navajos, as well as the Gila and Mescalero Apaches, should be absolutely considered hostile "and in every sense public enemies." Pile explained that in the past three months, these tribes had murdered twenty-seven civilians across southern New Mexico. He added, "You will perceive that these bands of Indians 'are hostile' in the precise sense contemplated by the law." In closing, Pile stated that "the great extent of the

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<sup>686</sup> *Ibid.*

country and the limited number of soldiers make it utterly impossible to prevent these crimes by United States troops. I am anxious at least to make an earnest effort to accomplish this desirable result through the people themselves.”<sup>687</sup> Within one generation, Native peoples that had ruled the region were now re-cast as “public enemies.” The New Mexican government, thus, defined tribes such as the Navajos and Apaches as enemies of the state who were beyond civilization, ungovernable, and not worthy of the presumption of innocence.

Hispano and Anglo communities around the territory enthusiastically organized into posses intent on demonstrating notions of honor and masculinity that were historically tied to self-defense. They immediately set out to attack and “punish” their traditional enemies. There were nine instances in six months where the posses had “pursued and punished” bands of Apaches and Navajos accused of depredations. On November 14, 1869, a posse in Doña Ana County commanded by Tiburcio Madrid overtook a band of Indians who allegedly stole 1,200 sheep. They killed three Indians and recaptured all of the sheep.<sup>688</sup> In March of 1871, 120 miles northwest of Pinos Altos, a thirty-two man posse pursued a band of Apaches accused of stealing a number of horses and mules. The posse confronted the Apaches, killing fourteen. During the fight, the Apaches killed the posse’s leader, John Bullard.<sup>689</sup> The violent tactics of the posses had induced many Indians to seek peace with New Mexico. The governor claimed, “The citizens of New Mexico were well armed and they [the Indians] could not ‘steal enough to live on;’ thus being the strongest testimony to the utility of the posse organization.”<sup>690</sup> Due to the enthusiasm

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<sup>687</sup> *Ibid.*

<sup>688</sup> *The Daily New Mexican*, 23 November 1869.

<sup>689</sup> *The Daily New Mexican*, 10 March 1871.

<sup>690</sup> Pile to Fish, 26 May 1870. SDTP, NM, RG59, NA, T17, Roll 3; *The Daily New Mexican*, 27 May, 1870.

of these posses to fight, alongside the supposed triumph of forcing Indian groups to sue for peace, many considered the system a success.

In a letter to the Secretary of State, Hamilton Fish, Governor Pile reveled in the perceived success of his project nine months after its implementation. He claimed, “I am gratified to be able to report to you for the information of the President that for six months there has not been a single white man murdered in this territory by Indians and very little stock molested.” Pile also gleefully argued that the posses were more effective at curbing Indian raids than the military. He made the strong claim that reducing Indian raids “can be done more efficiently and vastly cheaper by maintaining a small armed force of citizens in each expressed settlement than by regular military organization.”<sup>691</sup> According to him, the posse system was a better, more efficient, and less costly system of frontier defense than the regular military. Pile’s arguments were compelling, and the federal government reluctantly allowed him to continue his policy.

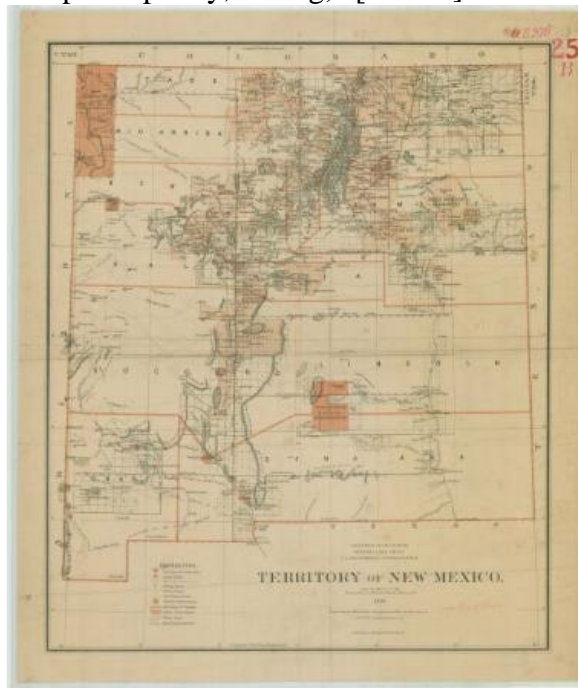
New Mexico’s posse system coincided with a federal shift in Indian relations known as Ulysses S. Grant’s Peace Policy. As a whole, Indian affairs in the United States were at an all-time low after the Civil War. Regular troops and civilians in western territories regularly carried out multiple murders and massacres upon Native Peoples. Atrocities during the 1860s such as the Sand Creek Massacre in Colorado Territory, Bear River in Idaho, and the Washita Massacre in Oklahoma, prompted the President to implement a unique system that focused on the reservation as a basis of solution. In theory, the reservations kept Indians out of the way and provided a means whereby they could be taught to live like white men. Coinciding with the termination of the treaty system in 1871, what became known as the peace policy generally

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<sup>691</sup> *Ibid.*

called for the use of peaceful rather than forceful means. The plan sought to locate all the tribes on reservations with eventual individual allotments, expand the education program and facilities, provide food and clothing for the Indians until they could become self-sufficient, and improve the quality of Indian agents. In large part, the peace policy also advocated for the complete extermination of Indian culture and lifeways.

In New Mexico, the state of Indian relations was such that civilians were extremely reticent to offer independent Indians the benefits that the peace policy supposedly claimed to provide. Citizens of Mesilla, Mimbres, and Pinos Altos forwarded resolutions condemning the peace policy “particularly when it consisted apparently of collecting Indians on reservations safe from pursuit for wrong-doing and without troops to prevent them from depredating.”<sup>692</sup> These civilians were concerned that Indians would continue to retaliate or attack, afterward retreating to the safety of their reservation. In his first annual message to the territory in 1871, Governor Marsh Giddings also denounced the peace policy, stating, “[Hatred] is not softened at all but



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<sup>692</sup> Frank D. Reeve, “Federal Indian Policy in New Mexico, 1858-1880,” *New Mexico Historical Review*, Vol. 12, No. 3 (July 1, 1937): 291.



Illustration 6.1: The Territory of New Mexico, 1879. Maps & Charts No. US 376-25B; "Territory of New Mexico," 1879; Civil Works Map File, 1818-1947; Records of the Office of the Chief of Engineers, 1789-1999, Record Group 77; National Archives at College Park, College Park, MD.

aggravated by the attempt so persistently made to create a sympathy for the 'poor Indian,' which the people have looked upon as extenuating the relentless cruelties, while overlooking apparently the agonies indescribable and the death tortures of defenseless men, women and children."

Ultimately, Giddings conceded, "Whether the 'Peace Policy' will succeed best or not, is yet uncertain, but if the result mentioned viz: preventing by the [feeding of] the Indians from raiding upon the settlers, can be secured, there is no doubt our people would be willing that they [the Indians] should be filled until their skins should fail to withstand the pressure."<sup>693</sup> These words show the extreme hatred that New Mexicans held for independent Indians, yet if the peace policy actually brought about peace, then it was at least worth a try.

Indian troubles directly after the Civil War led to the organization of small ad-hoc civilian "defense" forces, but by the late 1870s, New Mexico would take advantage of national trends that encouraged the growth of sustained militia groups. By 1878, there was a rapid increase in the use of militia units throughout the United States. Since the War of 1812 until the Civil War, there had been a long and slow decline in the strength, numbers, and utilization of civilian militias.<sup>694</sup> The volunteer militia's lowest ebb came during 1865-1877, as men were exhausted by the Civil War and uninterested in voluntary military service.<sup>695</sup> However, after 1877, most states and territories saw a precipitous increase in militia service. Historical opinion

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<sup>693</sup> First Annual Message of Governor Giddings to The Legislative Assembly of the Territory of New Mexico, December 1871, SDTP, NM, RG59, NA, T17, Roll 4.

<sup>694</sup> See Riker, *Soldiers of the States*.

<sup>695</sup> Doubler, *Civilian in Peace, Soldier in War*, 110.

identifies the 1877 railroad disorders as the crucial event that led to the rise of militia systems in the United States.<sup>696</sup> The upheaval brought about by the Great Railroad Strike was put down largely through the efforts of state and local militia units. Afterward, organized militia units increasingly acted as a police force by quelling riots, aiding civil authorities, suppressing labor-related incidents, protecting prisoners, and policing racial incidents. After 1877, the borderlands was not immune to labor disputes. During the early twentieth century, Colorado had been the site of a series of labor wars in which the Colorado National Guard was brought in to militarily quell upheaval, leading to violence and death.<sup>697</sup> In Bisbee, Arizona in 1917, thousands of members of a deputized posse arrested striking mine workers, deporting them to Mexico.<sup>698</sup> Thus, a militia explosion subsequently occurred around the United States in reaction to labor disputes that would soon reach New Mexico.

At the same time, Congress signed into law the Posse Comitatus Act of 1878. The act prohibited the regular army from aiding civil authorities. Consequently, if local police required assistance, they would call upon local militias rather than the regular military. A Democratic Congress passed the Act as a response to concerns over the Regular Army's employment during Reconstruction.<sup>699</sup> Due to social upheaval and the Posse Comitatus Act, militia use in New Mexico skyrocketed in part because most municipalities in New Mexico lacked a standing police force or sheriffs officers due to a lack of funding and tax revenue. New Mexican authorities would take advantage of this newfound reliance on civilian militias by organizing local men to quell civil disputes.

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<sup>696</sup> Cooper, *The Rise of the National Guard*, 44.

<sup>697</sup> See Thomas G. Andrews, *Killing for Coal: America's Deadliest Labor War* (Cambridge: Harvard University Press, 2008);

<sup>698</sup> See Benton-Cohen, *Borderline Americans*.

<sup>699</sup> Doubler, *Civilian in Peace, Soldier in War*, 112.

After the Civil War, New Mexico became rife with civil disorder, and the government organized militia units to help civil authorities deal with these issues. After 1865, New Mexico's population was growing fast. The Atchison, Topeka & Santa Fe Railroad completed its track into New Mexico in 1878 and marked a period of rapid economic, social, and political change.<sup>700</sup> Throngs of Anglo Americans moved to New Mexico. During the start of the War, there were 80,000 non-Indian inhabitants; by 1880, there were 109,000.<sup>701</sup> Likewise, New Mexico was quickly becoming a place in which scores of drifters, gunmen, and other outlaws flooded into the territory. Frequently, settlements remained without proper or efficient law enforcement to deal with lawlessness and violence. The lawless nature of the frontier was exacerbated by a masculine code that "demanded personal courage and pride, reckless disregard for life, and instant redress of insult, real or fancied – all traits with great appeal to the masculine young adventurers who flocked to the frontier."<sup>702</sup> Migrants wishing to make a quick dollar alongside scores of outlaws soon plagued western territories such as New Mexico.

However, the idea that the absence of law enforcement alone triggered civil disorder is erroneous. Richard White argues that the notion that violence in the west vanished as society imposed law and order is a myth. He claims that the frontier social order itself encouraged violence, as the majority of frontier violence consisted of clashes between social groups, not necessarily individuals. With this in mind, the popular myth of the rule of law upon a lawless and violent land loses its meaning.<sup>703</sup> At the same time, members of such groups who engaged in violence in areas with sparse official law enforcement believed they were establishing order,

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<sup>700</sup> Sánchez, Spude, and Gómez, *New Mexico: A History*, 150.

<sup>701</sup> Ball, *Desert Lawmen*, 17.

<sup>702</sup> Robert M. Utley, *High Noon in Lincoln: Violence on the Western Frontier* (Albuquerque: University of New Mexico Press, 1987), 20.

<sup>703</sup> Richard White, *'It's Your Misfortune and None of My Own: A History of the American West* (Norman: University of Oklahoma Press, 1991), 329.

not contributing to disorder.<sup>704</sup> Such was the case in many areas throughout New Mexico during the 1870s. Many New Mexican communities became rife with chaos and disorder, much of it stemming from social and class conflict alongside unsanctioned attempts to promote law and order.

It was in this context that the famous Lincoln County War commenced, necessitating the organization of a militia unit to assist in restoring the peace. Competition for political-economic power was the basis for the conflict.<sup>705</sup> During the same time as the San Elizario Salt War to the east, in 1878, during which an ad-hoc civilian militia and the Texas Rangers were battling over the rights to nearby salt beds, two rival factions had emerged that attempted to secure economic dominance over Lincoln County, New Mexico.<sup>706</sup> One party, led by businessman James Dolan and his supporters vied for supremacy with another faction, led by John Tunstall, Alexander McSween, and John Chisum. Dolan's group was backed by a criminal group called the Evans Gang, while the Tunstall-McSween faction was supported by a group termed the Regulators. Violence and revenge killings between the two factions lasted for three years, ultimately leading to the death of 22 persons. Territorial officials realized that an additional force would be required to restore the peace.

In 1879, Governor Lew Wallace, having the blessing of the military, authorized New Mexico native and Lincoln County resident, Juan B. Patron, to raise a company of mounted riflemen as a response to the regional turmoil. In regards to assembling a militia group in

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<sup>704</sup> Richard White, "Outlaw Gangs of the Middle Border: American Social Bandits," *Western Historical Quarterly*, Vol. 12, No. 4 (Oct., 1981): 388.

<sup>705</sup> Robert N. Mullin, ed, *Maurice Garland Fulton's History of the Lincoln County War* (Tucson: The University of Arizona Press, 1968), 405.

<sup>706</sup> For more on the San Elizario Salt War, see Paul Cool, *Salt Warriors: Insurgency on the Rio Grande* (College Station: Texas A&M University Press, 2008).

Lincoln County, Wallace argued, “It became apparent that to restore confidence in the people, and give them necessary protection at their homes and while they were planting their crops and to enable the officers of the law to make arrests of notorious offenders, something like a military organization was essential.” Wallace subsequently appointed Patron as Captain of the “Lincoln County Rifles.” This militia unit consisted almost entirely of Nuevomexicanos, with the exception of a few Anglo Americans who lived within or nearby the Lincoln precinct. Wallace ordered these men “to be constantly in readiness at a minute’s notice from the Governor or Patron, and to be at the request of the Sheriff of Lincoln County.” These men had been assembled without the prospect of prompt payment, Wallace informing the militiamen: “No promise of pay could be given..., but that the matter of pay would be deferred to the Legislature for its action.”<sup>707</sup>

The Lincoln County Rifles were immediately put to use, searching for gang members Josiah G. Scurlock and Charles Bowdre. Bowdre had managed to escape, but they arrested Scurlock and brought him in. They also made repeated but vain attempts to find gang members Jesse Evans and William Campbell. Despite making valiant efforts at apprehending violent gang members, many residents criticized the militia group and pejoratively termed them “the Governor’s Heel-flies.”<sup>708</sup>

Despite such criticism and their relatively limited role in the conflict, Governor Wallace praised the effects that the organization of the militia had upon the residents of Lincoln County. The governor claimed that the actions of the Lincoln County Rifles was “most excellent,”

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<sup>707</sup> Lew Wallace to the Honorable Members of the Legislative Assembly of New Mexico, undated, Territorial Archives of New Mexico, Lew Wallace & Lionel Sheldon, 1878-1885, New Mexico Records Center and Archives (hereafter TANM, LWLS, NMRCA), Roll 99.

<sup>708</sup> Mullin, ed., *Lincoln County War*, 339.

asserting that “the civil officers had at command an efficient posse, and the moral effect of knowledge of the existence of the organization was such that the enforcement of order, within the province of its operations, was perfect as in any community in this country.” He stated, “Detachments of the company serving under the Captain and his officers were in constant motion, and accomplished arrests theretofore often tried but always without result.” The governor was wise to exaggerate the actions of the militia in regards to the Lincoln County troubles, as this would help lead to a revival of the territorial militia as a sustained, organized system.<sup>709</sup>

Contemporaneous hostilities with Indians under the Chiricahua Apache leader Victorio, beginning in September 1879, further prompted the mobilization of territorial militia companies. With three hundred armed followers, Victorio had engaged in open conflict with the citizens of New Mexico, West Texas, and northern Chihuahua, murdering about one hundred men, women, and children. Governor Lionel Sheldon noted the fear that Victorio and his followers had placed upon the civilians, claiming that the band had been “outraging and carrying them [New Mexicans] as slaves into captivity, brain[ing] children, torturing the living and mutilating the dead.”<sup>710</sup> The military, most notably the 9<sup>th</sup> Cavalry had extreme difficulty capturing Victorio and his followers. Victorio confused his enemies by using speed and crossing the U.S.-Mexico border to evade his pursuers.<sup>711</sup> Under these conditions, southern New Mexican civilians

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<sup>709</sup> Wallace to the Honorable Members of the Legislative Assembly of New Mexico, undated, TANM, LWLS, NMRCA, Roll 99.

<sup>710</sup> An Act to Provide Means of Defense Against Hostile Indians, 17 January 1880, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>711</sup> Kendall D. Gott, *In Search of an Elusive Enemy: The Victorio Campaign* (Fort Leavenworth, KS: Combat Studies Institute Press, 2012), 2. See Bruce J. Dinges, “The Victorio Campaign of 1880: Cooperation and Conflict on the United States-Mexico Border,” *New Mexico Historical Review*, Vol 62, No. 1 (January, 1987) .

perceived the importance of banding together for protection. These people had seemingly deemed the existing “posse” system inadequate to deal with this new threat.

The situation was so dire that residents of southern New Mexico had threatened to organize independent expeditions against Victorio if the governor did not establish sanctioned militia units for their defense. These settlers issued a handbill arguing, “During the past eight months the southern counties of New Mexico...have been the scene of a most savage Indian war.” Describing actions by the Indians deemed “barbarous,” the residents argued that

“the true condition of affairs in these counties...has been systematically misrepresented to the authorities at Washington by the military commander of this district, BE IT RESOLVED: That the campaign instituted by the military authorities...against these Indians has resulted in a complete and disgraceful failure. That, as self preservation is the law of nature, unless prompt action is taken by the military arm of the government...the duty we owe to ourselves and our families will require us to take the field in our own defense. That His Excellency, the Governor of New Mexico, be earnestly requested to exert his utmost endeavors...to obtain for us the...privilege of organizing and taking the field with our militia...”<sup>712</sup>

This handbill was read to residents of Mesilla in both English and Spanish and was “frequently interrupted by vociferous applause.”<sup>713</sup> Residents of southern New Mexico were thus very close to enacting revenge upon Victorio’s band without the regulation of the civil government or military.

Governor Lionel Sheldon took heed of the grievances of the citizenry. Due to the successes of the Lincoln County Rifles, the swelling of new Indian troubles, and national trends that favored militia service, the territorial legislature finally agreed that a new militia law would

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<sup>712</sup> *Thirty Four*, February 11, March 24, April 7, 1880.

<sup>713</sup> *Ibid.*

benefit the territory greatly. Thus in January, the government of New Mexico enacted the Militia Law of 1880. Excluding orders given during the Civil War, the militia law of 1880 was the only piece of legislation which called for the organization of a sanctioned militia in New Mexico since the long-defunct militia law of 1851. Sheldon justified the implementation of such an act by stating, "Bands of hostile Indians are now at large in the counties in the southern part of New Mexico, imperiling the lives and property of citizens; and a state of war actually exists between such Indians and the settlers and citizens of that section."<sup>714</sup> In effect, the new decree soon initiated a militia renaissance in New Mexico.

Sheldon argued the necessity of a new militia law based on his belief that the regular army had virtually abandoned the territory and had refused to offer sufficient aid in the struggle against Victorio's band. The governor claimed, "Upon the outbreak of these Indians, troops of the regular army, stationed within the Territory, instead of being marched to the scene of slaughter were ordered to the defense of the people of a neighboring State...leaving the force at the disposal of the military authorities in New Mexico totally inadequate to effectively punish the savages, as subsequent events have amply proved." Before resorting to the enactment of a new militia law, Sheldon first requested authority from the military to call out four companies of volunteers to defend the settlements. The military refused his request because "there was no congressional authority for the employment of such volunteers." The governor then conceded that any such volunteer companies would work without pay, asking at the very least for the military to distribute rations to the militiamen. The military also denied this request. Due to the perceived lack of military support, Governor Sheldon claimed that he had no other recourse than

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<sup>714</sup> An Act to Provide Means of Defense Against Hostile Indians, 17 January 1880, TANM, AGR, ORC, NMRCA, Roll 84.



to adopt a new militia law. In regard to the law's implementation, the governor claimed, "The representatives of the people of this Territory are forced to the painful conclusion that no adequate assistance or protection is to be expected or relied upon from the government of the United States, and that in such an exigency nothing is left this people but a recourse to the natural right of self-defense."<sup>715</sup> Similar to the Mexican era in New Mexico, lack of federal military support promoted the belief among the civilian population that they possessed a natural and lawful right to "defend" themselves against Indian peoples.

The Militia Law of 1880 theoretically gave the governor the power to organize and call out, seemingly without the permission of the military, a force of volunteers "for the protection of the lives and property of the citizens of the Territory." The law stated that the governor could organize companies of not less than thirty-six nor more than one hundred men. These men were to elect their captains, first, and second Lieutenants. The governor was authorized, at the expense of the territory, to hire transportation for the delivery of arms and ammunition to these established companies, to purchase rations for use in the field, to buy the necessary arms and ammunition, to employ a surgeon, and to provide storage for the arms and ammunition. It's unclear, however, how a bankrupt New Mexico was to fund such a program. The territorial government did try to rein in costs, however, adding a provision that the territory was under no obligation to pay these men for their service.

The regular military seemingly had no issue accepting help from newly formed militia units under the law of 1880. That same year, Department Commander, Colonel Edward Hatch brought one thousand troops together for an all-out campaign against Victorio and the Apaches.

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<sup>715</sup> *Ibid.*

Militia units quickly came together and cooperated with regular troops to battle Victorio and his allies. The Adjutant General of New Mexico wrote to one militia captain; “It is the desire of the Governor that you and your company act in concert with the U.S. troops in that regard, and render them all the assistance possible in overtaking and capturing them [the Indians].”<sup>716</sup> New Mexican civilians were more than happy to assist the regular army in chastising their traditional enemy.

A militia group known as the Mesilla Scouts, for example, assisted Colonel Hatch in searching for Victorio. Similar to the Mesilla Guard twenty years prior, the people of Mesilla formed the Mesilla Scouts in late 1879 as an extra-legal militia unit created to war with nearby Indian enemies. Under the leadership of prominent Mesilla citizen, Albert Jennings Fountain, the company initially consisted of thirty men, almost all of them ethnic Mexican. Chosen to lead this company were prominent Anglo citizens such as Fountain, John Crouch, and Charles Bull. The Mesilla Scouts held weekly drills, and they established a command post on the town plaza and assigned scouts to watch for Indian activity.<sup>717</sup> In 1880, knowing little of the surrounding area, the military called upon the Mesilla Scouts to assist them in tracking Victorio and his band. With the assistance of U.S. troops, a battle ensued at Hembrillo Canyon in which the Apache leader ultimately escaped. Fountain’s cavalry, however, eventually participated in capturing the Apache chieftain, Nana.<sup>718</sup>

With the enactment of the Militia Law of 1880, militia companies emerged across the territory, and the territorial legislature tasked Albert Jennings Fountain with organizing a unit for

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<sup>716</sup> Bartlett to Sampson, 9 May 1882, Territorial Archives of New Mexico, Letters Sent, 1862-1893, New Mexico Records Center and Archives (hereafter TANM, LS, NMRCA), Roll 78.

<sup>717</sup> A.M. Gibson, *The Life and Death of Colonel Albert Jennings Fountain* (Norman: University of Oklahoma Press, 1965), 105.

<sup>718</sup> *Ibid.*, 108.

Doña Ana County. With the title of Captain, Fountain added men from other nearby settlements into a militia cavalry. On multiple occasions, the territorial government tasked Fountain's cavalry with chasing down gunmen, rustlers, and highwaymen. Fountain's men shot to prominence when, in 1883, the militia tracked down and arrested John Kinney of the infamous John Kinney Gang.<sup>719</sup> The Kinney Gang had been involved in cattle rustling, robbery, and sometimes murder. They were also a part of the Murphy-Dolan faction during the Lincoln County War.

As was the case with the Mesilla Scouts, the territorial government applied the new militia law toward transforming other extralegal protection squads into state-sanctioned militias. In March of 1881, Anglo raiders from Colorado, known as the Stockton Gang had continually attacked communities near Rio Arriba County in northwestern New Mexico. These raiders were responsible for the murder of at least three Anglo citizens of the county as well as the theft of numerous cattle. In retaliation, residents of Rio Arriba County killed one of the Stockton leaders, William Porter Stockton, wounding his wife in the process. Isaac Stockton, living in Texas at the time, vowed to avenge his brother's death. With a gang of twenty men, Stockton set up camp in Durango, Colorado, from which they periodically threatened residents of Rio Arriba County and stole their stock.

The residents of Rio Arriba County found it necessary to organize themselves for self-defense against the Stockton Gang. The extralegal self-defense organization was led by prominent men of the community, such as William B. Haines and A.F. Stumpf. Haines was a lawyer, merchant, and "man of good reputation," and Stumpf was a wealthy ranch owner. Both

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<sup>719</sup> *Ibid.*, 120.

Haines and Stumpf had been officers in the New Mexico volunteer corps during the Civil War. These men were in charge of organizing patrol units and seeing to it that militiamen were constantly policing the roads. The situation was so dire that the citizens of the county placed everything else on hold as they patrolled their settlement. Adjutant General Max Frost noted, “Business and agricultural pursuits are still at a standstill, most men being on guard and patrol duty.”<sup>720</sup>

The citizens of the San Juan and Animas Rivers subsequently petitioned the governor for help with their struggles against the Stockton Gang.<sup>721</sup> In response, Governor Lew Wallace ordered the Adjutant General of the Territory, Max Frost, to travel to the county to ascertain what was going on. He ordered Frost to take “sixty strands” of arms and ammunition with him. He also notified the Adjutant General that if the civilians were organizing themselves for defense, he was advised to organize the residents into a lawful militia according to the Militia Law of 1880. In turning the independent company into a state-sanctioned militia, the Adjutant General was to “exercise the utmost care in selecting men for the company.” The Governor told the General to “Investigate each man’s history and reject every one who cannot establish a reputation as a good law-abiding person.” The newly sanctioned militia was to respond directly to the County Sheriff, who was to call out the company to help him in the service of serving warrants and making arrests.<sup>722</sup>

The Adjutant General of New Mexico followed the Governor’s orders. He organized the independent self-defense company into the “San Juan Guards.” Arms and ammunition were

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<sup>720</sup> Frost to Wallace, 12 April 1881, TANM, LWLS, NMRCA, Roll 99.

<sup>721</sup> See Philip J. Rasch, “Feuding at Farmington,” *New Mexico Historical Review*, Vol 40, No. 3 (July 1, 1965).

<sup>722</sup> Wallace to Frost, 27 March 1881. New Mexico – U.S. Department of Interior Territorial Papers, Letters Received, April 1851-May 29, 1907, Record Group 48, National Archives, Microfilm Publication M364 (hereafter LR, ITP, RG48, NA, M364), Roll 8.

given to them, as well as a payment to the officers totaling \$2,500. Frost appointed the same men who led the unsanctioned self-defense unit as officers of the militia company. Haines and Stumpf were commissioned as captain and lieutenant, respectively. Under these men, the militia company acted “as a force to serve warrants, arrest felons and outlaws, and to preserve the peace within the limits of the county of Rio Arriba only.” The Adjutant General stipulated, “The officers and enlisted men of the San Juan Guards are particularly cautioned that under the law, they can only act as a force in organized bodies, under the command of their properly appointed and commissioned officers.” He also added that the San Juan Guards are ordered: “Not to leave the limits of the County of Rio Arriba or the Territory of New Mexico when on duty or acting as a posse to deputy sheriffs.”<sup>723</sup> Thus, the militia law effectively turned non-sanctioned groups into organized volunteers under the watchful eye of the territorial government. It is crucial to note that the legitimacy of both the Mesilla Scouts and San Juan Guards was, in part, due to the fact that these units were led by prominent Anglo men of their respective communities.

The San Juan Guards effectively acted as a “posse comitatus,” serving warrants and making arrests under the authority of the deputy sheriffs. With the help of the militia, the Rio Arriba county war soon came to a close. According to the Captain of the San Juan Guards, militia duty was a dreary, costly affair. Haynes stated, “It is a terrible thing for this country being compelled at this season of the year to keep the militia in the field. Their crops are suffering for water and attention and the stockmen have not been able to round up and have to leave their cattle unbranded. One of the most despicable positions a man can be placed in is that of commanding a company who are complaining, mourning, and homesick.”<sup>724</sup>

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<sup>723</sup> Frost to Wallace, 28 April 1881, LR, ITP, RG48, NA, M364, Roll 8.

<sup>724</sup> Haines to Wallace, 21 May 1881, TANM, LWLS, NMRC, Roll 99.

Immediately after the Rio Arriba County War, continuing Indian troubles with certain Apache groups continued to accelerate, which necessitated assistance from militia units newly formed under the law of 1880. The Mexican army had killed Victorio in late 1880, but his supporters continued on the warpath. In early 1882, Lionel Sheldon noted that the Chiricahua Apache leaders Nana and Juh were raiding in Sonora, “plundering and killing people.” He pointed out that the Sonorans would fight back and “likely drive the hostiles upon us.” Numerous militia units were subsequently organized all around the territory under the law of 1880. By the end of 1882, almost every county in New Mexico had at least one militia unit at the ready. From that point forward, militia growth exploded in the territory. By 1884, there were thirty companies of militia in New Mexico; thirteen were cavalry, the rest infantry. In general, each company contained approximately forty-five men. Six of the companies procured their uniforms at their own expense.<sup>725</sup> These units were used for several purposes, such as escorting prisoners, suppressing outlaws, and engaging in warfare with Indians. Cooperation between the militia and regular army became common, and army officers continually aided and assisted the militia with advice and suggestions when asked. These militia units primarily consisted of Hispanos, and many Anglo outlaws unaffectionately labeled these units the “Greaser Militia.”<sup>726</sup> The epithet placed upon the Hispano militia implies that many Anglo Americans rejected the authority and legitimacy of Mexican American citizen-soldiers.

It is, therefore, no coincidence that the enlargement of the militia coincided with the “whitening” of its officer corps. Despite all they had done during the Civil War, even as late as the 1880s, distrust of Nuevomexicanos by Anglo officials still ran high. Many Anglos held

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<sup>725</sup> Bartlett to Sheldon, 1 Jan 1883, TANM, AGR, ORC, NMRCA, Roll 84.

<sup>726</sup> Report of the Adjutant General, 1882-1884, TANM, AGR, ORC, NMRCA, Roll 84.

racialized beliefs that the ethnic Mexicans were unfit to serve in organized militia units. Anglos were also still concerned with the Hispanos' supposed lack of loyalty to the United States. Not ten years earlier, ethnic Mexicans near El Paso revolted against the Anglo elite in what became known as the San Elizario Salt War.<sup>727</sup> Worries of such rebellion spread to the nearby territory of New Mexico. In a letter, Adjutant General of New Mexico Edward Bartlett felt compelled to reassure the Adjutant General of the United States: "I have from conversation with the native officers and men, that the native New Mexicans would be loyal to the United States in all that that word implies. Even as they were during the war of the rebellion."<sup>728</sup> Many Anglo American officials were, however, still leery of allowing Nuevomexicanos to take up arms. Thus, the exponential growth and legitimization of the militia may not have occurred had there not been a growing Anglo American population to fill these militia units, specifically the officer corps. Moreover, as more Anglos moved into New Mexico, the desire by the government to protect Anglo property from Indian raids was undoubtedly stronger than it had been for the ethnic Mexican residents.

With fears of rebellion, distrust of the ethnic Mexican population, and the racialized notion that Hispanos were unfit to lead themselves, the majority of prominent militia officers commissioned by the territorial government were Anglo Americans. Almost all of the field officers of the militia were Anglo Americans. By 1886, there were three regiments of cavalry and one infantry of militia organized in the territory. The first cavalry regiment consisted of twelve units, all men of Mexican descent. Eight of the nine senior officers of the regiment, however, were Anglos. Also, more than one-half of the line officers were described as

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<sup>727</sup> See Cool, *Salt Warriors*.

<sup>728</sup> Bartlett to U.S. Adjutant General, 18 November 1886, TANM, LS, NMRCA, Roll 78.

“experienced Americans,” and commands were given in English. The second regiment of cavalry consisted of ten units of fifty men each. Of the nine senior officers of this regiment, only one had a Spanish surname. One of those units contained mostly Laguna Pueblo Indians led by Anglo American officers. The third cavalry regiment consisted of six units, all Anglo Americans with Anglo officers. Lastly, the regiment of infantry consisted of five companies of 40 men each; three companies were led by Anglo Americans and two led by ethnic Mexicans.<sup>729</sup> The whitening of the militia officer corps continued into the late nineteenth century, until 1897, when the volunteer militia was re-designated as the New Mexico National Guard. The whitening of the upper class in New Mexico led to the Anglicization of the militia and its officer corps, which, in part, allowed the New Mexico militia to flourish as the nineteenth century came to a close. Although ethnic Mexican service in the territorial militia thrived, their subordination to white officers shows that they still did not receive the citizenship status that they believed military service merited.

However, they were given the opportunity to put their masculinity and honor on full display. The territorial militia saw so much growth that militia companies annually participated in competitive drills. The purpose of such competitions was to foment, as one observer noted, a “spirit of generous rivalry” among the various companies in the territory...”as such contests do much to encourage the zeal and efficiency of the troops.” The competitive drills took place in front of regular army officers who “greatly admired” the discipline of the militia. Uniformed in the same dress as the U.S. Army, the Las Vegas companies took first prize in the 1883 competition.<sup>730</sup> Indeed, such competitions revealed the continuation of the militarization of

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<sup>729</sup> Bartlett to Drum, Adjutant General of the United States, 18 November 1886, TANM, LS, NMRCA, Roll 78.

<sup>730</sup> Bartlett to Sheldon, 1 Jan 1883, TANM, AGR, ORC, NMRCA, Roll 84.



society. A culture of militarism and masculinity continued to permeate society by the late nineteenth century, despite early Anglo American efforts to eliminate the tradition of civilian militarism.

Despite its growth, the militia still had to overcome many obstacles. The territory continued to have trouble furnishing them with appropriate arms. One observer noted in 1885, “The arms of the militia are not what they should be. The territorial rifles and carbines are now obsolete, and while serviceable, are not good weapons in the event of a general uprising of the Indians – who have the best modern arms.... If the militia and the regulars should be called upon to cooperate and either should get out of ammunition it can be readily seen that they could yield each other no support.”<sup>731</sup> Running out of arms and ammunition for the militia was indeed a common occurrence. In 1885, the Adjutant General of New Mexico tried to requisition more weapons from the military. He argued, “We have now eight militia companies after the Apaches, and their supply of ammunition is running out and we have none here to send.”<sup>732</sup>

Lack of funds was also a vital issue that hindered the effectiveness of many militia companies. By 1885, the New Mexico legislature limited militia appropriations to \$5,000 annually which caused many problems, as hostilities with Indians in 1880 itself cost at least \$20,000. In 1885, the yearly supply of militia money had been exhausted by July, and the territorial government continued to issue worthless certificates as a form of “payment.”

Although Adjutant General Bartlett argued, “There’s no room for a reasonable doubt that these certificates will be paid in full with interest.”<sup>733</sup> In the end, there was no way that the territory

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<sup>731</sup> Jordan to Ross, 29 June 1885, TANM, Territorial Archives of New Mexico, Campaign Records, 1851-1898, New Mexico Records Center and Archives (hereafter TANM, CR, NMRCA), Roll 87.

<sup>732</sup> Bartlett to Benet, 15 May 1885, TANM, LS, NMRCA, Roll 78.

<sup>733</sup> Bartlett to Anonymous, 6 July 1885, TANM, LS, NMRCA, Roll 78.

could honor them. The issue of payment was such that Adjutant General Bartlett asked the regular military if they would be willing to pay for militia expenses. There is no evidence that the military ever responded to Bartlett's pleas. Despite these problems, the militia continued to grow and become more active in territorial issues.

The territorial militia played a meaningful role, in concert with the regular army, in the troubles emanating from Geronimo and his followers. In 1885, Geronimo, with forty-five warriors and nearly one hundred women and children, broke out of the San Carlos reservation in Arizona and attacked U.S. and Mexican settlements along the border. Within days, fifty-seven border residents were reported slain. On May 26<sup>th</sup>, residents at Silver City had written to Governor Lionel Sheldon that Geronimo and his band had passed near the settlement and urged that the militia be called out against them. Governor Sheldon subsequently called out the territorial militia to assist with finding Geronimo and bringing him to U.S. authorities. The militia was also ordered "to protect the people who were in danger." The militia acted both independently and in concert with the regular troops in pursuit of Apaches. By August of that year, at least eight militia companies had taken the field against Geronimo.

In one instance, sixty mounted men of Captain Russell's company assisted in attempting to track down Geronimo and his band. These men scouted over four hundred miles of southern New Mexico, looking for clues. They found evidence that the party of Indians had camped at White Tail Lake in the Mogollon Mountains. When they arrived, they found that the Indians had abandoned the area. Begrudgingly, one observer noted, "The company being out of supplies except fresh beef, and many of the horses broken down, it was deemed advisable to return." Despite not accomplishing their goals, one observer noted, "No men ever worked harder or endured fatigue with more cheerfulness than the officers and men of this company, buoyed up as

they were with the hope of avenging the death of so many innocent people and protecting others from a like fate.”<sup>734</sup> Thus, the motivation of these civilian soldiers, at least partly, stemmed from revenge. As in the distant past, the cycle of violence and revenge was a driving factor for militiamen.

In another instance in 1885, Geronimo’s band had been spotted in Sierra County. Consequently, nearby settlers had abandoned their homes out of fear. Accordingly, the Adjutant General ordered Captain James P. Blaine’s militia company “E” to scout the mountains. The company was discharged after finding nothing. Albert Fountain’s Mesilla Scouts and other companies near Deming and Silver City were also called up upon the governor’s orders. These companies worked in cooperation with the regular army to pursue and scout Indians. Most of these expeditions spearheaded by the militia ended with “no satisfactory result.” However, *The Santa Fe Republican* reported: “Since the militia have been in the field very few depredations by the Indians have been reported.” Upon returning home, the militiamen were met with “delirious welcomes from grateful citizens in every village and town en route to their homes.”<sup>735</sup>

After the military and militia had driven Geronimo into Mexico, Governor Ross communicated his satisfaction with the efforts of the militia in the campaign. He congratulated “the people of the territory upon the termination of the Apache raid within its borders.” He also addressed the issue of payment: “the commander in chief regrets sincerely that the meager appropriation made by the legislature for payment of this class of expenditure will not meet the allowance to the officers and men which they have so worthily earned. But certificates of indebtedness will be issued for pay and other allowances for all claims under the militia act, and

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<sup>734</sup> Blake to Bartlett, 15 June 15, 1885, TANM, CR, NMRCR, Roll 87.

<sup>735</sup> Gordon R. Owen, *The Two Alberts: Fountain and Fall* (Las Cruces, NM: Yucca Tree Press, 1996), 123.

it is believed that upon a showing of the necessity for this expenditure, which the governor will make to the next legislature, that the body will promptly provide for payment of these certificates with interest.”<sup>736</sup> The territorial government, however, seldom honored these certificates. A few months later, Geronimo had returned from Mexico, making his way through the territory. Militia detachments worked in the mountains alone and in concert with regular troops until Geronimo fled back across the border at the close of the year. Despite not being able to apprehend Geronimo and his followers, Hispano men, after years of attempts to stamp out civilian warfare, were once again legally encouraged to war with the Apaches as they had done for generations previous.

By the latter part of the nineteenth century, the territory of New Mexico went through a significant transformation. Directly after the Civil War, the New Mexico Volunteers and Militia fell into a state of decay, reverting to their pre-War numbers. As they had for generations, the civilian population continued their efforts to engage in warfare with their traditional enemies. They frequently appealed to the territorial government for permission to raise a substantial militia to fight Indian peoples. Despite their best efforts, New Mexican civil officials could not get civilian defense programs off the ground. By the late 1860s, these administrators implemented specific controversial techniques to try to use civilians to quell Indian hostilities. Using the justification that they didn't have the authority to organize and call out a standing militia, certain governors had given the citizenry sizeable powers to police their own communities. Multiple governors had labeled all off-reservation Indians as “outlaws” and gave

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<sup>736</sup> Bartlett to Ross, 7 December 1886, TANM, AGR, ORC, NMRCA, Roll 84.

the civilian population the authority to bring these “outlaws” to justice. Civilians took advantage of this power by using laws such as William F. Pile’s “posse” system, to violently subdue their enemies. However, as significant events threatened portions of the territory, this system would be seen as not nearly effective enough. With the sentiment that the regular military remained inadequate, territorial officials felt they had to enact a strong militia law. They did so in 1880. The new law led to a strong and capable militia force.

After the Civil War, many Anglo Americans had begun to settle in New Mexico, prompting a much more lenient stance concerning militia use. However, the vast majority of the New Mexican population remained ethnic Mexican. Anglo territorial officials, believing in the necessity of a standing militia, acknowledged that Nuevomexicanos would have to make up the bulk of militia companies. Despite their significant role in the Civil War, Hispanos in New Mexico were still deeply racialized by the Anglo elite. Distrust concerning allegiance continued to run high, as ethnic Mexican uprisings such as the San Elizario Salt War were but a recent memory. Anglo racial attitudes also painted Hispano militia groups as illegitimate and absurd. Anglo Americans could never fully accept the legitimacy of a militia composed entirely of Mexican Americans. Realizing the necessity of maintaining a territorial militia, especially after the civil disputes and Indian troubles of the 1870s and 1880s, the Anglo elite in New Mexico tolerated Hispano militia groups so long as Anglo officers led the majority of these groups. Thus, the growth of the territorial militia was contingent upon having white officers lead these men. This being the case, militia growth exploded in New Mexico, with these men being utilized for several tasks ranging from subduing outlaws to warring with Native peoples. The strength of the militia continued well into the late 1890s when it was re-designated as the New Mexico National Guard.

After three-hundred years of warfare between New Mexican civilians and the Native population, the late nineteenth-century saw the final conquest of indigenous people. The relentless tide of colonialism slowly diminished the power and numbers of the territory's Native population. Since the late seventeenth-century New Mexican civilians had played a large role in this shift. Continued attacks by civilians and the military onto Native groups simply became too much to repulse. Heavy-handed policies such as outlawing Native people on their own land opened Indian people up to lawful and repeated attacks by the civilian population. Indian people had had a long history of being branded enemies of the state, beyond civilization, ungovernable, and not privy to colonial law. By the late-nineteenth century, however, a spike in population numbers, alongside a newfound alliance of civilian and regular military soldiers, led to the inability of Native groups to effectively mount an offensive war against the civilian population in New Mexico. After three hundred years, the civilian population had prevailed in their war against the Natives.

## Conclusion

The creation of the New Mexico National Guard was by no means the end of anxieties concerning civilian militias in the borderlands. Borderlands residents have since organized citizen militias that have primarily focused on the elimination or subjugation of the racial “other.” The borderlands have seen a unique precedent of civilian “defense,” usually targeting subaltern groups. Beginning with the civilian warriors in New Mexico examined in this dissertation, many other civilian militias, sanctioned or otherwise, have assembled and employed their own forms of violence. Texas, New Mexico, Arizona, and California have all seen the creation of “defense” organizations, many of which have engaged in appalling violence against certain groups. Aside from the Mesilla Guard massacres of the 1850s discussed in this dissertation, in 1856-1859, white settlers in California engaged in a series of attacks upon the Yuki people of Round Valley in California killing over 1,000 Indians during that time.<sup>737</sup> In 1871, a group of Mexican Americans, Anglo Americans, and Tohono O’odham Indians came together and executed 144 Apaches.<sup>738</sup> During the twentieth century, the Texas Rangers continually attacked and harassed ethnic Mexicans throughout the state. In 1918, a group of Texas Rangers and local ranchers killed 15 unarmed Mexicans living in west Texas.<sup>739</sup> This event prompted a wider investigation in which the U.S. government estimated that the Texas Rangers were responsible for thousands of murders of ethnic Mexicans throughout Texas.<sup>740</sup> These are but a few of the countless examples of civilians coming together to enact violence

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<sup>737</sup> See Lindsay, *Murder State*.

<sup>738</sup> See Jacoby, *Shadows at Dawn*.

<sup>739</sup> See “Porvenir, Texas,” *Voces*, aired September 20, 2019, on PBS.

<sup>740</sup> See Proceedings of the Joint Committee of the Senate and the House in the Investigation of the Texas State Ranger Force, Vol. 1, 1918. Retrieved, January 27, 2020.

<https://www.tsl.texas.gov/sites/default/files/public/tslac/treasures/images/law/1919rangerVolume1.pdf>

against the racial “other” in the region, notwithstanding the thousands of lynchings across the borderlands.<sup>741</sup> Borderlands militarism, civilian militias, vigilante violence, and race-based warfare certainly wasn’t limited to New Mexico, nor does it have temporal boundaries, but continues to endure.

More recently, the issue of undocumented immigration has culminated in the creation of extralegal vigilante organizations commissioned to stop illegal migration and apprehend asylum seekers along the southern border. In August 2004, a group of private individuals created a borderland vigilante organization termed the Minutemen Project. They tasked themselves with patrolling the Arizona-Mexico border in an attempt to curb undocumented immigration from Mexico. Minuteman founder Jim Gilchrist has stated that he created the organization to “keep the U.S. under the rule of law.” The initial purpose of the Minutemen was to assist the U.S. Border Patrol in locating illegal immigrants. The Border Patrol, however, declined their offer, encouraging the group to stay home. President George W. Bush himself criticized the militia, calling them nothing more than “vigilantes.” The Minutemen organization has since deteriorated but has influenced other vigilante organizations tasked with the same purpose. Estimates stand that about a dozen of these militias now patrol southern Arizona and New Mexico. Dressed in army fatigues and armed to the teeth, these men and women are prepared to use force and intimidation to stop and apprehend any migrants they see crossing the border.

These overwhelmingly white vigilante groups defend their use of militarization because they believe that the federal government has failed in their duty to police the southern border. Gilchrist himself claimed that he created the Minutemen to fix “the lack of enforcement of

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<sup>741</sup> See also, Benjamin Heber Johnson, *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans into Americans* (New Haven: Yale University Press, 2005); Miguel Antonio Levario, *Militarizing the Border: When Mexicans Became the Enemy* (College Station: Texas A&M University Press, 2015).



immigration laws,” ultimately arguing, “The laws need to be enforced.” Civilian militias such as the Minutemen Project are drawing upon a long tradition of civilian “defense” groups in the borderlands that claimed the government to be insufficient in upholding the law. These militias have also condemned the government for not taking a more hardline approach to undocumented immigration. Gilchrist has gone on record advocating for the deportation of all “illegal aliens currently occupying U.S. territory.” By using terms such as “occupying,” Gilchrist suggests that undocumented immigrants from Latin America have “invaded” the United States and must be expelled. The group has influenced other unsanctioned militias such as the United Constitutional Patriots who, since 2019, have attempted to detain undocumented immigrants in southern New Mexico. In April 2019, the United Constitutional Patriots apprehended 200 migrants at gunpoint near Sunland Park, New Mexico. Although not sanctioned by either the state or U.S. Border Patrol, the latter has cooperated with the UCP to apprehend migrants along the New Mexican border.<sup>742</sup>

Civilian militias, sanctioned or otherwise are not just a significant aspect of borderlands history, but also the history of the entire United States. Civilian warfare has operated in particular ways in New Mexico, yet there has been a precedent throughout the United States of civilians employing force against the racial “other.” In general, the civilian population has felt justified in employing the use of force when they believe that the state has failed them. This line of thinking has led to multiple massacres, lynchings, and vigilante violence across the nation. New Mexico is just one example of this custom of civilian use of force.

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<sup>742</sup> Simon Romero, “Militia in New Mexico Detains Asylum Seekers at Gunpoint,” *The New York Times*, April 18, 2019. Accessed January 27, 2020. <https://www.nytimes.com/2019/04/18/us/new-mexico-militia.html>.

As of yet, there has been no complete substantive study of civilian warfare, non-state sanctioned vigilantes, posses, or lynchings during the U.S. era in New Mexico. This study is just a fragment of a subject that should be further explored. This dissertation is the first study to examine various themes related to the issue of civilian warfare in New Mexican history. By looking into the long and meaningful pattern of civilian warfare through two centuries, this dissertation has sought to offer a fundamental understanding of how settlers and Native peoples in New Mexico understood and performed warfare during this time. Examining two centuries of the practice also illuminates the significance of cultural continuity over time. By centering on the U.S. era, it is essential to note that these peoples' ideas and enactment of warfare conflicted with the desires of many U.S. officials and led to conflict between the people, territorial government and federal government concerning the institution throughout the nineteenth century. This study has thus attempted to be the first examination of these critical and overlooked aspects of the history of New Mexico.

When studying this topic, an evident model of historical change and continuity emerges. Most historians of the *Annales* school of history discarded the traditional notion of historical time, abandoning the idea of a single linear directional history. In its place, they posited that there were instead multiple, coexisting times.<sup>743</sup> This study tends to adhere to this train of thought. A protracted stretch of cultural change challenged the incredibly speedy nature of political change. Almost overnight, the region of New Mexico switched hands from Spain to Mexico, and later Mexico to the United States. These political entities hurriedly claimed sovereignty over these areas, at least on paper. As they did so, however, they relatively quickly

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<sup>743</sup> Georg G. Iggers, *Historiography in the Twentieth Century: From Scientific Objectivity to the Postmodern Challenge* (Middletown, CT: Wesleyan University Press, 1997), 56.

set about to try to enact changes that fit their style of governance. After 1848, for example, many U.S. officials in New Mexico, mainly military, sought to end the centuries-long practice of civilian warfare. A forced change in the ingrained culture of the residents would not, however, be swift. Many New Mexican residents believed they had a historical right to warfare, and subsequently sought to continue the modes of warfare carried out by themselves and their forebears for centuries before. This was due to both cultural and historical precedent as well as their belief that the U.S. military could not by itself offer them adequate protection from independent Indians. Scholars such as Ana María Alonso have also noted the slow cultural change in the region, arguing that the culture of honor due to centuries of warfare on the northern frontiers of Spain and Mexico has repercussions even into the present.<sup>744</sup> Rapid political change thus butted heads with cultural continuity, which led to a very tumultuous atmosphere in the region during the nineteenth century.

The subject of civilian warfare in New Mexico can also divulge much about the nature of frontiers and borders. During the Spanish and Mexican periods, New Mexico was the northernmost and most sparsely populated of their imperial realms in North America. The region can undoubtedly be defined as a frontier within which many different peoples converged, and cultural and geographic borders were not clearly defined. Accordingly, frontiers can generally be thought of as spaces of both accommodation and violent conflict. During the Spanish and Mexican eras, their northernmost frontier certainly leaned toward the latter. These governments never held the power to subdue independent Indians in New Mexico, and they never attempted to adhere to any sort of “middle ground.” In his seminal book, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*, Richard White

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<sup>744</sup> See Alonso, *Thread of Blood*.

shows how neither the French nor the Native peoples in the *Pays d'en haut* held the power to bend the other to their will. Instead, these people forced each other onto what White calls a middle ground. White defines the primary tenant of a middle ground as “attempts to try to persuade others who are different from themselves by appealing to what they perceive to be the values and practices of those others.”<sup>745</sup> Although neither the Spanish nor Native peoples in New Mexico had control over the other, the Spanish ultimately sought to dominate and assimilate New Mexico’s indigenous inhabitants. The government of New Spain had no interest in adhering to any kind of middle ground in New Mexico. They did, however, go as far as permitting Pueblo peoples a certain level of autonomy for self-government. But this was only because the colonizers were aware that they didn’t hold complete authority over these people, evidenced by their expulsion by the Pueblos from New Mexico during the 1680s. Yet over the independent Indians in the region, neither the Spanish nor Mexican governments ever held any dominion.

The governments of both New Spain and Mexico generally refused to recognize their northern frontier as a place of accommodation. Both governments largely continued to attempt to assert their sovereignty upon indigenous peoples on the northern frontier over whom they had no power to subdue. As the Spanish believed their culture and religion to be superior to those of the indigenous inhabitants, they had attempted to forcibly assert their method of civilization over the many Native peoples in New Mexico. Missionization, attempted suppression of Native cultural and religious practices, and the system of *encomienda* all displayed Spanish attempts at asserting hegemony over New Mexico’s indigenous populations. This often led to violent

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<sup>745</sup> Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York: Cambridge University Press, 1991), xxxvi.

conflicts such as the Pueblo Revolt and brutal interactions with other New Mexican Indians. The meeting place of New Spain's northern frontier was indeed a place of violent discord over accommodation. On the rare occasions in which relative compromise did occur, it was usually as a last-ditch effort after violent methods had been exhausted, such as the peace with the Comanches after 1786.

As the northern frontier switched hands from Spain to Mexico in the early nineteenth century, the new government implemented a different way of dealing with Native peoples in the region. The Mexican government, using new nationalistic rhetoric, branded every person residing within its boundaries as a citizen of Mexico. In theory, all inhabitants, including independent Indians, were citizens of the new nation-state. Although intending to denote a sense of racial unity throughout the nation, Mexico through the *Plana de Igualta* still attempted to assert its will over the independent Indians of New Mexico. In this respect, much like the Spanish, the new nation had disregarded any notion of Native sovereignty on their northern frontier. They had forcibly incorporated Native peoples as citizens into a nation-state that, at least on the northern frontier, existed only on paper. Yet, Mexico like New Spain essentially had no authority over these people, and this new citizenship meant nothing to groups such as the Apaches. These governments indeed held very little sovereignty over their northern frontiers and their inability to accommodate the indigenous inhabitants made matters worse. The situation would remain the same long into the U.S. era.

When the United States claimed ownership over New Mexico after its war with Mexico, the frontier indeed remained a space of blurred cultural borders. Yet, for the first time, it also became a contested boundary between two nation-states. Although the United States officially took possession of Mexico's northern frontier by 1848, the official border wasn't even clearly

defined until after the Gadsden Purchase in 1854. As the two nations formulated a hardened border separating them, the former borderland of New Mexico became a bordered land. However imaginary and arbitrary this new boundary was, it had real ramifications for the inhabitants of New Mexico as connections between imperial competition and intercultural relations developed in the region.

The newly delineated border assisted in defining notions of citizenship, which became intertwined with ideas concerning race and gender. A hardened border helped to distinguish in a primarily racial sense internal membership into the political communities of the United States. In contrast to the relative racial fluidity of the region during the Spanish and Mexican eras, the solidified border hardened the lines separating which people belonged and which people didn't. *Mestizos* in New Mexico differing in religion, culture, and phenotype from most of U.S. Anglo society, were never considered assimilable into a U.S. polity predicated upon the idea of Anglo Saxon supremacy. Racialized questions concerning the ethnic Mexican ability to fight due to ethnicity and gendered ideas pervaded the minds of Anglo Americans. Many Anglo American observers imagined *Nuevomexicanos*' natural state as existing on the other side of the border just by virtue of their "race." As such, New Mexicans became separated from the national majority and held status as second-class citizens. This notion of exclusion led many U.S. military officials to question the merit of arming a population they believed were racially inferior and the antithesis of what constituted an American. The residents themselves, of course, thought differently and sought to continue warfare against Native peoples the way they had for centuries before the Americans arrived. Ethnic Mexicans also saw military service as a gateway to full citizenship. They would be disappointed. Their continued adherence to self-defense, however,

allowed Hispanos to implement their own notions of citizenship as they, in effect, embodied the state in its perceived absence.

This notion of cultural and racial belonging and exclusion, made more concrete with the creation of a delineated border, had real consequences for *Nuevomexicanos* who wished to continue to war with Native peoples as they had under the previous governments. With the U.S.-Mexico War being but a recent memory, many Anglo Americans looked upon ex-citizens of Mexico who now resided in the U.S. with a certain level of suspicion. In a racial sense, most Anglo officials would always consider *Nuevomexicanos* “Mexicans” and frequently imagined them as being allied with their former nation. Many Anglo officials, both military and civil, regularly feared an uprising among the New Mexican population in the vein of the Taos Rebellion of 1847. U.S. military officials thus questioned the merits of allowing such a people access to arms. In a similar vein, U.S. officials could never place their trust to enact warfare in Native peoples such as the Pueblos, who had historically assisted the Spanish and Mexican regimes in their battle with independent Indians. This was one of the main contributing factors of the U.S. military’s hesitance in allowing for civilian militias during the early U.S. period.

Analyzing civilian warfare also tells us much about both the causes and effects of warfare and violence in New Mexico from the colonial era to the late nineteenth century. Certainly, centuries of almost constant warfare among settlers, along with their Native allies and independent Indians, had an enormous impact upon the many communities of New Mexico. Because the province lay amid such a hostile environment, the economic promise of the region could not be fully realized until peace was secured. Constant warfare took a heavy toll on the

New Mexican economy, especially during the tumultuous years of the 1760s and 1770s.<sup>746</sup> The province of New Mexico thus languished economically throughout the bulk of the Spanish era. Settler population growth was also severely hindered by constant attacks by Comanches and Apaches.<sup>747</sup> Due in large part to the violent atmosphere in the region, vecino settlement on the far northern frontier remained relatively sparse and consisted mostly of poor ranching and agricultural communities. Only until after the peace with the Comanches was the province finally able to begin to prosper for the Spanish and New Mexico also saw a marked increase in settler population numbers.

Peace with the tribes during the late eighteenth century finally allowed the province to begin to flourish economically. Yet, as the region was brought under the purview of the Mexican government, a new era of hostility brought wholesale destitution. Vecino communities in New Mexico began to be crushed under the weight of unprecedented Indian attacks, especially starting in the 1830s. Countrysides in New Mexico, like elsewhere along the northern frontier became depopulated as terrified residents fled to more populous settlements. This era of extreme hostility is what historian Brian DeLay calls the War of a Thousand Deserts, in which communities were unmade by hostile warfare with native peoples such as the Apaches. This war led to the “creation of man-made deserts where once there had been thriving Mexican settlements.”<sup>748</sup> This depopulation and unprecedented hostility also led Anglo observers to believe that the Mexicans were not effectively subduing the Mexican north. They would consequently seek to redeem the Mexican north from what they felt was an inability of the

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<sup>746</sup> Frank, *From Settler to Citizen*, 13.

<sup>747</sup> *Ibid.*, 47.

<sup>748</sup> DeLay, *War of a Thousand Deserts*, xv.



Mexicans to conquer their Indian enemies. Little did these American officials realize that the heir of hostility would remain far after they had taken possession of the territory.

For the Native peoples residing in New Mexico, the situation was even more dire. Contemporary historians have noted the devastation wrought upon the settlers by Native Peoples in the Spanish and Mexican north, especially during the Mexican era. Yet, the damage done to Indian peoples by settler and military violence is often overlooked. Due in large part to endless hostilities with the colonists and militaries of multiple governments, extreme poverty and starvation frequently befell these people. Many observers noted that Native raiders had no other recourse than to either steal or starve. This is most exemplified in Indian agent Michael Steck's observation that Apache children had been obligated to suck on the bark of trees to obtain whatever scarce nutrients lay within. Many independent Indian groups were thus more than willing to exchange peace for much-needed provisions. More sympathetic Anglo observers, such as Steck, were very empathetic toward the plight of impoverished Native peoples in New Mexico. However, both the military and settlers continued to carry out bloody warfare upon these people, no matter how impoverished. The Mesilla Guard, for example, in cold blood, murdered Apache women and children who were present at Fort Thorn to receive rations. And the U.S. military's march to the Bosque Redondo with impoverished Navajos, known as the infamous "long walk," led to several Navajo deaths.

This study has also sought to show that violence and raiding was not just a one-sided process. Historians have typically portrayed the act of "raiding" in the southwest borderlands as a purely indigenous phenomenon. Historians have generally described vecinos acting in a similar manner as something entirely different. Settlers entering Indian communities to carry out theft and violence have characteristically been depicted as an act of necessary and even heroic

retribution. If “raiding” can be defined as entering a foreign community to rob or enact vengeance than there was no difference between what is known as Indian raiding and the actions of the settlers. The fact remains that both Native peoples and vecinos alike practiced invading communities to procure goods, animals, and human prisoners. In fact, the primary motivating factor for many civilians to war with Native people was the prospect of attaining these spoils. In essence, settlers raided Native people just as Native people raided the settlers. Most historians of New Mexico have habitually overlooked this reality, opting instead to emphasize a more Eurocentric approach to “savage” raiding and heroic settler reprisals. This study has endeavored to remedy this traditional and flawed interpretation.

This dissertation has also made an effort to adhere to a multi-racial perspective concerning interactions between the many peoples of New Mexico. We, as historians have tended to approach historical race relations in a purely binary way. This method, however illuminating, ignores the complexity of race relations particularly in places where more than two cultures meet and interact. The borderlands have historically been a place in which many different peoples and cultures converge. Borderland areas such as New Mexico can be great case studies in the ways certain ethnicities historically interacted with each other, which in effect, influenced how they interacted with other peoples. The ways that Anglos associated with ethnic Mexicans, for instance, affected Anglo relations with Native peoples. In that regard, this study hopes to add different and new dimensions to race relations in the borderlands.

Since its inception as a state in 1912, New Mexico has emphasized an imagined past. Tourism flyers such as one pictured below have stressed the region’s tri-racial background in a way that skews the reality of racial interaction in the area. Settler-colonialism has certainly contributed toward the interaction of various races and ethnicities, however, this contact has been

much more fraught with conflict and violence than these advertisements have depicted. The history of New Mexico is not one the peaceful coming together of the races and a continuing multi-racial harmony. It's quite the opposite. The endeavor to eliminate the racial "other" has contributed toward violence, death, subjugation, and poverty. The narrative of civilian warfare in New Mexico shows the reality of interethnic interaction and the consequences of settler-colonialism. Revealing the true history of the region helps to overturn efforts to distort the past to conform with the imaginary of a virtuous history.

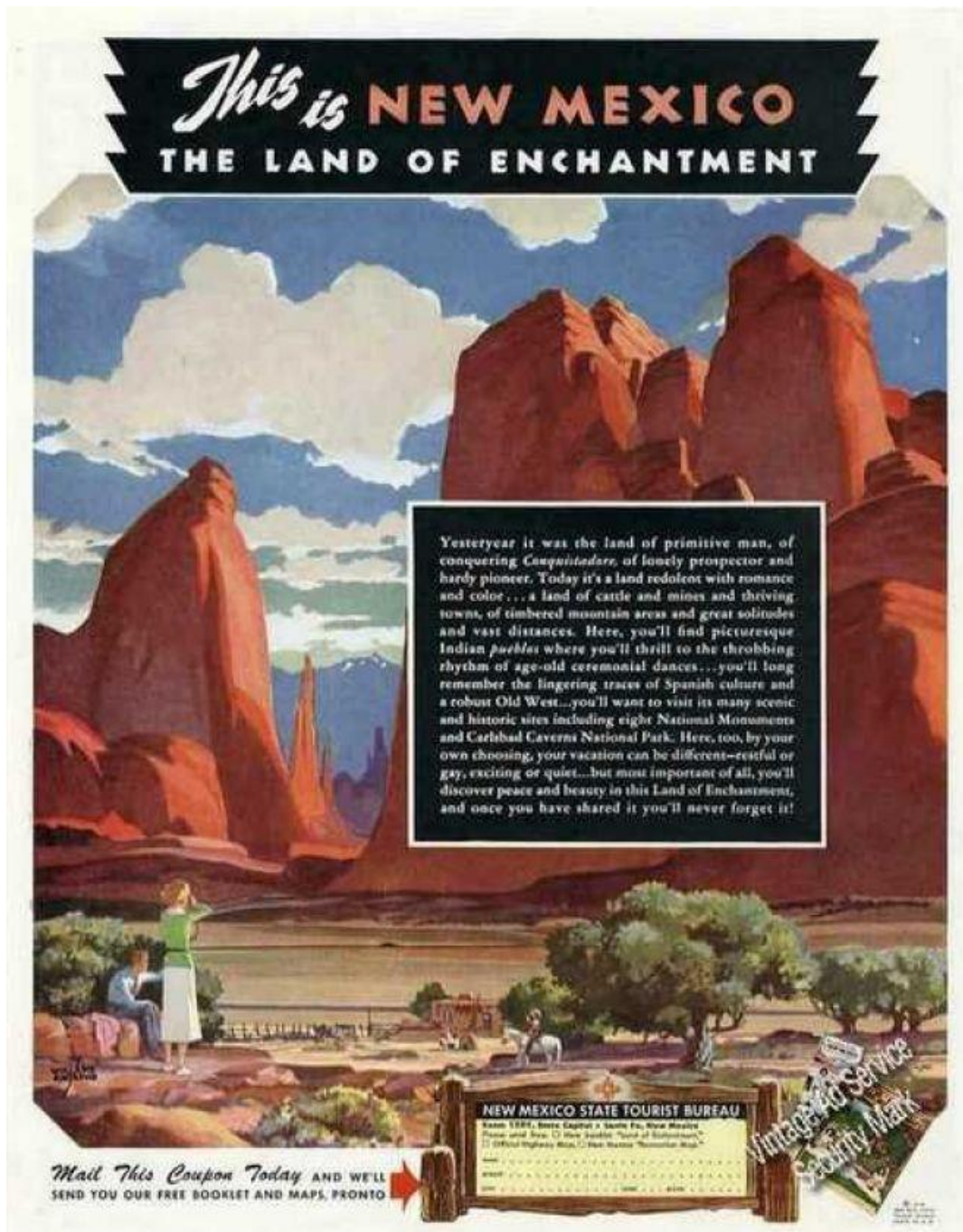


Illustration 7.1: New Mexico Tourism Advertisement. 1949. Accessed January 30, 2020.  
<http://www.vintageadbrowser.com/travel-ads-1940s/62>

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