

Margo Tamez
1230 NW Clifford
Pullman, WA 99163
U.S.A.
509-595-4445
mtamez@wsu.edu

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Ms. Nathalie Prouvez
Secretary, U.N. Committee for the
Elimination of Racial Discrimination
UNOG-OHCHR
CH-1211
Geneva 10, Switzerland

Re: Response to the United States Periodic Report of April 2007 on the United Nations International Convention on the Elimination of All Forms of Racial Discrimination

Dear CERD Members:

I am submitting this testimony in response to the United States Periodic Report of April 2007, with supporting documents, on behalf of my mother, Eloisa García Tamez, and elder women title holders of the San Pedro de Carricitos Land Grant, of the Nuevo Santander region of South Texas, established by Spain in 1743. We are land title holders of El Calaboz rancheria, South Texas. The title holders are descendents of both Nde' (Apache) and Basque indigenous peoples, and are a unique ethnic group of North America who are under direct threat by the United States of America National Security Agency, U.S. Border Patrol, and the U.S. Army Corps of Engineers. This brief will make visible policies, practices and systems of racism and racial discrimination perpetrated by the United States against the Lipan Apache and Basque descent land title holder indigenous women of El Calaboz by demonstrating the social, economic and political impacts of persistent racism, corporatism and militarization on bi-national indigenous mothers and children who live in the shadows of the MX-U.S. International Boundary region. We are calling upon the United Nations CERD members to regard this document as a case study and a bridge to opening a dialogue regarding the claims of indigenous Lipan Apache groups in South Texas who have refused the National Security Agency and the U.S. Army Corps of Engineers access to our lands. We find that the United States uses systematic, structural and institutional laws, policies and practices of racism which oppress our people in the attempt to force a wall onto our lands as a part of its "Secure Border Project", which is a racist project and destructive to indigenous peoples' lives.

General Historical Context

El Calaboz ‘rancheria’¹ is one of three historically recognized communities extending back to the Spanish colonial period of indigenous and European relations in North America in the 1700’s. El Calaboz rancheria is located in current-day Cameron County in south Texas, on the northern shores of the Rio Grande River. El Calaboz rancheria is located in the northernmost section of the Nuevo Santander land grant, established in 1747. El Calaboz, a part of the La Encantada-Carricitos parceled lands, is situated 14 miles to the west of Brownsville, Texas /Matamoros, Tamaulipas, Mexico.

Today, the Mexico-U.S. International Boundary divides indigenous peoples, and mixed-blood indigenous (*mestizos indigenas*) of the original land grant, as well as other descendents of the original inhabitants of these lands. El Calaboz rancheria (sometimes referred to as ‘colonia’ by local community members), is populated of the direct descendents of Lipan Apache and Basque colonists, their mixed-blood Amerindian descendents, as well as descendents of other indigenous ethnic groups who the United States categorizes, and who therefore identify as ‘Mexican-American’ and ‘Hispanic.’ Among these Spanish surnamed groups are communities of dispossessed ‘indios’, ‘indigenas’, ‘pueblos indigenas’ and ‘Native Americans’. The community is also one of the few places in the United States comprised of direct descendents of Basque colonists, who had themselves undergone persistent persecution by the French and Spanish in their indigenous homelands, resisting forced assimilation and conquest. The Basque were forcibly removed from Santander during revolts of 1661-1685, 1696, 1724, 1726, and 1748 against the French crown². Basque national autonomy on the European continent, as well as in diaspora, to this day is a struggle for self-determination.

Texas—History of Legalized Slavery and a Legacy of Racism and Racial Discrimination Against Native Americans

Texas’ pre-state social, economic and political foundations are built upon previous Spanish colonial land grant institutions—*hacendados* and *casta*—the basis of feudal land tenure, dispossession of indigenous people from their lands, and the systematic oppression of indigenous women, children, elders and men as indentured laborers in missions and presidios. These are the foundations of an embedded practice of institutionalized racism, slavery and genocidal policies undergirding power relations in Texas. After its secession from the Republic of Mexico, the Republic of Texas organized as a sovereign state between 1836-1845. The Republic of Texas originally claimed the lands now encompassing Texas, Oklahoma, New Mexico, Kansas, Colorado, and Wyoming. Texas Republic nationalism led by Mirabeau B. Lamar, advocated the continued independence of Texas as a Republic, the expulsion of the Native Americans (*pueblos indigenas*), and the expansion of Texas to the Pacific Ocean. Texas’ settler society endorsed its annexation into the U.S. in 1845, with the understandings of an allowance for the institution of slavery to remain intact, and the advancement of the slave trade. The United States accepted these terms on December 29, 1845. Texas ceded its territories (Oklahoma, New Mexico, Kansas, Colorado and Wyoming) in return for

¹ ‘rancheria’ is a term applied by Spanish colonists referring to indigenous settlements they encountered which they viewed as peripheral to colonial settlements.

² Nuevo Santander originally included the present-day state of Tamaulipas, Mexico.

cancellation of its large fiscal debt owed to the U.S. However, Texas was not required to cede its internal lands as ‘public lands’ to the U.S. *This is a significant factor for current indigenous rights claims.* Furthermore, the State of Texas retained “control over oil reserves which were later used to fund the state's public university system. In addition, the state's control over offshore oil reserves in Texas runs out to 3 leagues (10.357015 miles) rather than three miles (5 km) as with other states.”³

The State of Texas institutionally abolished Indian status, ‘Indians’, and recognition of Indian claims to lands and resources within its state boundaries, as well as de-legitimated Indian identity as racial and political categories in 1846. These structural acts laid out long-term social, economic and political struggles for indigenous people as heavily repressed and oppressed groups in Texas, and as *de jure* segregated communities. In turn, constitutional abolishment of aboriginal identity and aboriginal land claims under a feudal land tenure system privileged settlement of lands by a white settler society prior to and after Texas’ annexation by the United States. In 1861, the State of Texas, unwilling to abolish the human slave traffic, seceded from the United States, along with the Confederate States of America⁴, forming, once again, a sovereign, self-determining nation and government. Texas led the secession of New Mexico, Oklahoma (Five Civilized Tribes) and Arizona Territory in the Confederate States of America, from 1861-1865. Britain sold the CSA munitions supplies and assisted in its efforts militarily overall. In 1865, the United States militarily conquered the CSA, abolished slavery, and imposed economic and political dominance upon former CSA nation-states and governments.

By the early 20th century, Texas legalized segregation policies and institutions, known as ‘Jim Crow’ laws. Jim Crow instituted legalized racial separation, segregation and discrimination against indigenous persons and communities along social, economic and political lines in Texas. El Calaboz, Cameron County Texas, had its very own traumatic history in Jim Crow—identified by scholar Benjamin Heber Johnson as the “Congo of North America” and the United States’ very own “killing fields.”⁵ Jim Crow allowed for gross human rights abuses by settler society against indigenous communities, who were the former colonial subjects of Mexico and Spain. Ancestors of El Calaboz, El Ranchito and La Paloma experienced the grim results of *de jure* racism and settler frontier laws through the lynching of men and the rape and abuse of women.⁶ One of those suspected of being lynched was my maternal great grandfather. According to Johnson, he was but one of hundreds. This was a common tactic by paramilitaries (Texas Rangers), acting at the behest of a nation annexing land illegitimately. This would not stop the resistance of Apache descendents, even under strict apartheid. In 1951-2, at the age of 16, my mother, Dr. Eloisa Garcia Tamez, led a rebellion against the Cameron

³ http://en.wikipedia.org/wiki/Republic_of_Texas; Basque People’s History, <http://membres.lycos.fr/artzamendi/baskhise.html> Accessed December 4, 2007.

⁴ South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Virginia, Arkansas, North Carolina, Tennessee, Missouri, Kentucky, and the Cherokee, Seminole, Creek tribes.

⁵ Johnson, Benjamin Heber. *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans into Americans.* Western American Series. New Haven: Yale University Press, 2003.

⁶ Ibid.

County officials, who attempted to repress her requests to attend better schools in nearby San Benito, who refused her access to proper textbooks and access to the tools of settler society children, and imposed segregated education upon her community. She led a community-based challenge at great risk to herself and the elders of El Calaboz, but nevertheless, relentlessly fought against systematic oppression. She was one of the first indigenous females to earn a doctorate degree from El Calaboz, and has built a long public career on community service and advocacy.⁷

Jim Crow effectively separated not only whites from Blacks, but just as importantly—and rarely reported or studied in the context of South Texas and indigenous people—it separated whites from ‘Indians’ and/or ‘Indios’, who were at the time racially mis-categorized as “Mexicans” (a national identity, not an ethnicity or race), and sometimes as “Spaniards” (a spoken language, not a race), and sometimes as “Blacks” (a phenotype) in Texas birth certificates and census data. The majority of indigenous peoples of Texas and South Texas, particularly in the Mexico-U.S. International Boundary region, were subsumed and absorbed into socially constructed and institutionally bound racial categories in birth certificates, baptismal records, census reports, anthropological ethnographies, historical narratives and education statistics collected, interpreted and narrated by settler society representatives. Institutionally de-indigenized, Lipan Apache and Basque-Apache descent peoples of El Calaboz were racialized into and all-homogenous nationality of ‘Mexicans’, ‘Mexican-Americans’ and ‘Hispanics’ from the mid 19th century, through the present periods. While civil society in Black and feminist sectors of social movements gained wide recognition and support, both nationally and globally in the 1960’s and 1970’s, indigenous Lipan Apache descent people in South Texas, specifically in El Calaboz, receded to the peripheries—despite rebellions led by elders and youth alike, which included the ancestors and trickled down to Dr. Eloisa García Tamez, both in 1951, and in the present moment.

Texas had an extremely short-lived institutional structure to deal with indigenous peoples’ social, economic and political concerns, which primarily focused on tribes such as the Alabama Coushatta, the Kickapoo and the Tigua tribes. Apache people in Texas, on the other hand, were driven to the margins of Native American existence, driven into subcultures and undergrounded by ‘official’ Texas history and State supported museum-based models of anthropology which articulated indigenous people in Texas as ‘past, ancient, vanished’ people. This State-driven narrative effectively drove Apache descent people—the often constructed ‘arch-enemy’ of both Texas, the United States, Mexico and empire-building—into marginal and desperate conditions. The Texas Indian Commission was established in 1965 and was abolished September 1, 1989.⁸:

“[...] At that time the status of Indians in Texas was unique; they could own no land and were regarded as "tenants at will" as established by the Republic of Texas. When Texas became a state, no intercourse laws were passed and none were extended to the Texas Indians by the United

⁷ 1985, University of Texas—Austin.

⁸ Texas Indian Commission: An Inventory of Records at the Texas State Archives, 1957-1989. <http://www.lib.utexas.edu/taro/tslac/20050/tsl-20050.html>

States.⁹ According to Robert Soto, Lipan Apache Tribe First Vice Chairman, “Lipan Apaches at one time lived in the area of Southwest Texas and its border with northern Mexico until the 1880’s, when Texas became a state and passed laws forbidding Native Americans from living in the newfound state. At that time, most of the Lipan Apaches moved to the mountains of Mexico and to several of the reservations in New Mexico and Oklahoma. Yet many of them continued to live in the area by changing their names and adopting the Mexican culture.”¹⁰

Apaches and Basque-Apache People as Multiply-Oppressed

Being *both* indigenous *and* associated with Mexico over their long colonial histories as colonized peoples since the 16th century—Lipan Apaches have been shackled with dual racisms. By virtue of being indigenous and intrinsically bound-up in relations with Mexico and Spain—empires which the U.S. both races and classes in its past and present construction of the villainous, dark-skinned, non-English-speaking individual/nation as both ‘foreign and enemy’—Lipan Apaches experience *multiple* oppressions. Through colonial relationships bound up in oppressive mission and presidio structures, Lipan Apache descent groups have a long, conflict-ridden history through complex social, economic and political ties to Spain, Catholicism, and Mexico. In fact, Apache history with these Spain and Mexico go back further (and extend into the present) than the length of colonization under Anglo-Saxon, English speaking Texas and the United States.

Today, Lipan Apache people of South Texas, being marginalized both as indigenous and as prior colonial subjects of Catholic Spain, the Republic of Mexico, and the slave Republic of Texas, *experience both overlapping and conflated racisms* embedded in ‘Indian’ identity situated at the peripheries of U.S., Mexico, and empire. At the MX-US International Boundary region, ‘Indian’ as a social, economic and political marker is saturated with persistent colonialistic antagonism, often used to mean ‘inferior’ and ‘savage’ when marking indigenous people, and to evoke ‘inferior’ and ‘savage’ in association with everything and everyone associated with what is stereotypically ‘Mexico’, ‘Mexican’, and of ‘Spanish’-language influence. As a result of dual racisms and systems of oppression, Lipan Apache and Basque-Apache descent people are positioned in the center of multiple matrixes and intersections of racial State policies in militarization and corporate empire.

As bi- and tri-lingual peoples, and assimilation-resistant peoples, Lipan Apache and Basque-Apache descent communities, we are dispersed throughout South Texas and along the International Boundary, and people of diaspora. We are a high-risk indigenous ethnic group who face specific threats by the U.S. Department of Homeland Security and the U.S. National Security Agency, both within the nation-state of the U.S., and due to

⁹ <http://www.forttours.com/pages/reserv.asp>

¹⁰ Robert Soto (Lipan Apache Tribe Councilman). Website <http://www.angelfire.com/in2/sandpiper3/apache.html>. Accessed December 2, 2007.

the United States Southern Command of the hemisphere, we are threatened by the U.S. involvement in militarization of Mexico's northern states. Thus, the Lipan Apache and Basque-Apache descent people refusing occupation are dangerously positioned at the peripheries of both the U.S. and Mexico under militarization. As such, given current climates of xenophobia against *both* indigenous people of the Americas *as well as* anti-'Mexican illegals' hate-infused policies governing North America, El Calaboz Lipan Apache and Basque-Apache descent community members are in a threatened position in their current resistance to the United States National Security Agency and Homeland Security Agency in its forced occupations of their homelands.

Texas—Resistant to Indigenous Sovereignty and Self-Determination

The State of Texas is one of the last states of the Western hemisphere resisting official recognition of the human, social, economic and political rights of the aboriginal people. Texas, as one of the states which upheld slavery, apartheid, state imposed violence, genocide and Jim Crow against its own aboriginal peoples as *de jure* state and nation building policies, is one of the last Western states of the hemisphere to refuse to advocate and advance human rights and indigenous rights practices and procedures for expediting responsibilities, through reparations and rights, to indigenous people within its state boundaries.

In the current context, in the daily lives of the Lipan Apache and Basque descent peoples of El Calaboz, the stigmas attached to being both indigenous ('Indian') and being subsumed beneath the 'Texas Origin Myth' advances white settler society, and simultaneously de-privileges aboriginal peoples by imposing the State's celebratory mythologies of superior white civilization as *de facto* history. Through public institutions, such as schools, universities, museums, state historical markers, and through private institutions, such as corporate advertising, racism and erasure determines structural processes for discriminating against indigenous people under the cultural rubric of social constructions repeating the narratives of outlawry and feudalism, 'the west', 'frontier' and the demise of indigenous people through their banishment-by-effacement. 'Indian-as-foreigner' and 'Indian-as-illegal' logics uphold the invention of the debased, stereotyped and denationalized Indian as 'Mexican', 'Mexican-American' and 'Hispanic.' Texas, the State, and the U.S., economic and political collaborators, reinscribe 19th century racist policies of economic, political and cultural genocide against Lipan Apache and Basque-Apache descent people. Texas, by upholding as well as negating institutionalized racism against indigenous Lipan Apaches, maintains indigenous people in never-ending feudal land tenure power relations, which violently strips aboriginal Lipan Apache people of legal constitutional structures and processes to advocate for their culture, heritage, and histories inherently bound up in the lands, resources, technologies, and political exercise of aboriginal production and human rights in their homelands. This overt passive-aggressive form of neglect and abandonment is a direct result of the State of Texas and the United States emphatic denials of indigenous rights to Texas aboriginal peoples, and the ongoing imposed 'making foreign' through an artificial 'Mexicanization' of Lipan Apache and Basque-Apache mixed-blood groups. These institutional processes drive Lipan Apache peoples to the social, economic and political peripheries of U.S. Native American advocacy, rights, and constitutional

apparatus in U.S. jurisdictions, and therefore deny them legal due process structurally under the United States Bureau of Indian Affairs.

The ‘War on Drugs’—‘War on Terror’-- ‘Mexicanizing’ Lipan Apache and Basque-Apache Mixed-Bloods

Lipan Apache and Basque-Apache mixed blood communities are oppressed by the subsuming of the Spanish-speaking Lipan Apache ethnicity (a ‘foreign’ and ‘enemy’ marker to settler society groups) beneath the racialized ‘Mexican’ both generic and homogenizing, and stereotyping markers used to tool genocide in ideological ‘wars’: ‘the War on Drugs’ and ‘the War on Terror.’ Thus, in present contexts, Lipan Apache descent people in their lands on the MX-US I.B., are always seen as ‘Mexican’, ‘peasant’, ‘illegal’, ‘alien.’ From the 19th century to the 21st century, racism against anything ‘Mexican’, has negatively impacted the social, cultural, economic and political advocacy for Lipan Apache descendents in South Texas. The U.S. government and the State of Texas, by virtue of the massive wealth accumulated from natural resources in South Texas in oil, agricultural, cattle ranching, research and development, have structured violence within Lipan Apache descent communities’ livelihoods in systematic ways. Poverty, disease, inadequate housing, low education levels, violence and diminishing labor opportunities plague Cameron County and El Calaboz community members, especially since the enactment of the North American Free Trade Agreement (NAFTA) in 1994.

Policies of cultural genocide, stimulated by rampant poverty, disease, inadequate living conditions, acute public health inadequacies, ineffective job and education opportunities... are the current face of racism and racial discrimination against North American indigenous people who comprise over 70% of the South Texas-Matamoros, Mexico population centered in Cameron County, Texas. Interrogating racism against aboriginal groups in Cameron County, where El Calaboz is located, requires a more serious examination of poverty, degraded environments, mortality rates, rampant disease, hyper-industrialization, inadequate institutional responses to public health, upsurges in prison populations and buildup of prison industrial complex, and record-level population growth levels in North America—clearly define the contours of persistent and gross levels of racist policies not only in the county, but in comparison to the hemisphere.

The plight of aboriginal people such as the Lipan Apache in El Calaboz, is shadowed more intensely by the impacts of increasing waves of forcibly relocated indigenous groups from Mexico and Guatemala to Cameron County, and surrounding areas prior to and after the implementation of the (NAFTA). North American aboriginal migrant workers and South Texas-aboriginal land grant descendents often compete for jobs, resources, and livelihoods and the urgent call from El Calaboz asks for the U.N’s attention to a region requiring more complex lenses and more thorough analysis of *both* Texas and U.S. National Security Agency’s persistent human rights abuses embedded in the South Texas Border Security Project and its relationship to corporatism,

globalization, and militaristic capitalism waging genocide against the Lipan Apache in El Calaboz.¹¹

Dr. Eloisa García Tamez's refusal to sign a 'waiver' form—a policy to intimidate and force occupation upon local communities of El Calaboz, La Paloma and El Ranchito, and implemented by agents of NSA, NSA Border Patrol and NSA Army Corps of Engineers—is an extremely courageous and significant act against State sponsored and imposed racist and genocidal policies against indigenous rights policy arenas—both nationally and internationally, as Dr. Tamez's land grant rights originally allowed access to her ancestral inheritance to lands currently in the Mexican state of Tamaulipas. Her rejection of *laissez faire* State violence against vulnerable indigenous communities exposes the illegitimacy of the U.S.'s gross enforcement of eminent domain upon land title holders who have survived by living in states of fear and repression, and by hiding their ethnicity. Her challenge to National Security Agency, Border Patrol and the Army Corps of Engineers surfaced the waiver's 'fine print' of indefinite occupation rights of the State, no compensation to land title holders for damages enacted by the State, and no compensation to local communities as a result of negative impacts to indigenous social, economic and political futures. Thus being both 'Indian' and associated with 'Mexico' in South Texas, specifically in El Calaboz, Cameron County, Texas, continues to grant the State 'customary and usual' 'legal' 'rights' to force racist disparities upon Lipan Apaches. These policies are governed by insidious and persistent xenophobic and racist roots within the Anglo-Saxon settler society against indigenous people of North America who speak not only English, but also Spanish and indigenous languages.¹² By insisting

¹¹ Gibson, David V., Dr. Pablo Rhi-Perez, Margaret Cotrofeld, Oralia De Los Reyes, Mark Gipson, Richard J. Rodarte, Ignacio Rodriguez, Alan Cox, Matt Cunningham, and Dan Houston Civic Economics, Austin, Texas. "AT THE CROSSROADS ASSETS AND CHALLENGES FOR ACCELERATED REGIONAL & BINATIONAL DEVELOPMENT, CAMERON COUNTY/MATAMOROS. A CBIRD (Cross Border Institute for Regional Development) The University of Texas at Brownsville/Texas Southmost College Report." <http://www.ic2.org/publications/At%20the%20Crossroads.%202003.pdf> Accessed December 2, 2007.

¹² Here I include a sample remark on Brenda Norrell's 'Censored' blog, titled: "Urgent Call for Help!: Homeland Security Attempting Seizure of Lipan Apache lands!" The comment is posted from an anonymous opponent of indigenous peoples' rights vs. rights of U.S. National Security Agency policies to occupy lands on the MX-US International Boundary without prior knowledge nor prior consent of indigenous peoples. "1 comments: Anonymous said... What is a shame is your stance on not wanting to protect your mother and family from the ill effects of drug runners and humman smugglers that cross into this country! It is time for Indians to honor themselves and take a stance against what Mexico is doing to its people! Mexico must help its poor citizens, not encourage them to migrate north! You also should support the fence project, good fences make good neighbors, and the last thing you want is for a bunch of drug runners to come through there and really cause problems! That is unless you are NOT against the drug & humman smuglers! Your choice as a Indian nation, do what is right and help create a safe zone & support the building of the fence, or just create more problems for everyone in your community & this nation & Mexico. Tough decissions are hard to make, that is why they are so important! Good luck in yours, I know what mine would be! I would be out there helping them to build that fence, and cooking lunches for the crews! November 19, 2007 6:50 AM " <http://bsnorrell.blogspot.com/2007/11/urgent-call-for-help-homeland-security.html> Accessed December 2, 2007.

that the U.S. National Security Agency *as well as* the Commander-in-Chief George W. Bush, directly address her concerns as a Native American, Lipan Apache woman, a Texan, a retired Lt. Colonel of the Army National Guard, and a retired Chief Nurse of the United States Veterans Administration, Dr. Tamez insistently re-centers both Texas' and the U.S. neglect and abandonment of aboriginal peoples in Jim Crow South Texas—El Calaboz rancheria.¹³ After more than three European empires in our aboriginal homelands, Lipan Apaches are still struggling against 'We the People' which privileges the colonizer society and exploits, uses, abuses, and oppresses the colonized.

Aboriginal Social, Economic and Political Conditions—Cameron County, Texas

Artificial constructions of both *foreignness* and *non-citizenship* are at the root of race-based structural violence embedded in Texas and U.S. based institutionalized practices which force conditions of poverty, disease, hunger, environmental degradation, and increase the level and negative impacts of interpersonal, group to group and state violence in the lives of indigenous people living in El Calaboz, La Paloma and El Ranchito in Cameron County. For example consider this:

“A 1994 Texas Department of Housing and Community Affairs study found that 83 percent of the families in the Cameron Park colonia in Brownsville, Texas had annual household incomes below \$10,000, and 56 percent earned less than \$5,000 per year. ...

The Colonias of Cameron County

The colonias of Cameron County have some of the worst conditions in all of Texas. The Cameron Park colonia, with over 6,000 residents, is the largest colonia in the country. According to 2000 Census per capita income data, it is also the poorest community in the United States.

The average annual colonia income in Cameron County is \$7,800, compared to \$8,500 in Texas. Only 30 percent of the Cameron County colonia population has access to outhouses or cesspools, leaving 70 percent of the Cameron County colonias without access to even the most rudimentary plumbing systems. Over 83 percent of the county's colonia housing is substandard or dilapidated. This significantly exceeds the statistic for the remaining Texas colonia population.¹⁴”

Thus, Lipan Apaches in 2007 *still* struggle against eradication of their aboriginal rights, are subjected to threats *to their very existence*, and given the Executive orders imposed by National Security Agency to waive their rights to the fringes of the lands they still have in holding. These impositions will have devastating impacts upon our elders, and future generations. In effect, the Lipan Apache may be conceptualized as the 'pygmy owl' or the ecological 'keystone' of the social-economic-political indigenous present and future of the region. We are urging the United Nations Committee on the Elimination of Racism and Racial Discrimination to aid us in our struggle against the illegitimate and violent acts of aggression by the U.S. We urge the U.N. CERD to advocate effectively on our behalf so that we may disrupt and halt the current processes of State violence upon

¹³ Letter. Dr. Eloisa G. Tamez to Commander-in-Chief, George W. Bush, dated

¹⁴ U.S. Department Housing & Urban Development. Office of Policy Development and Research.

“Colonia Redevelopment in Texas: The Colonias of Cameron County.”

<http://www.huduser.org/periodicals/fieldworks/1002/fworks4.html>

our people and our homelands. We urgently request the U.N. CERD to enable us to practice our unique heritage in our own aboriginal lands and to live uninvaded by State militarization.

Texas Settler Origin Myth as Ongoing Narrative of Unexamined Violence

As a result of institutionalized racism in Texas, and under authority of the U.S. government which secures federal funding to Texas for marginalized minorities, El Calaboz Lipan Apache and Basque-Apache mixed blood/mestizo culture is forcibly subsumed beneath structures of violence which fulfill the eradication of an ancient culture and which privileges and celebrates a “Texas Origin Myth” –a settler society built upon violence and genocidal policies as ‘customary’ and ‘usual.’ These ‘customs’ of Texas and the U.S., continue to deny, both structurally and institutionally, the existence of Lipan Apache aboriginal peoples, and denies our existence subsumed beneath the “Texas Origin Myth” of the “ignorant, poor, Mexican peasant.” This is a dangerous and deadly practice of subversive racism, because in effect it relegates all indigenous people of Cameron County, and in South Texas in a nebulous, denationalized and very naturalized ‘peasant’ category, and makes indigenous people of the region both ‘suspect’, ‘dissident’ and ‘foreign’ at the peripheries of both Texas and U.S. empire. This practice puts indigenous women like my mother on ‘lists’ of ‘dissidents’ in their aboriginal lands.

Lipan Apache have become multiply criminalized, vilified, and discriminated against by virtue of phenotype, languages (indigenous and Spanish) and religions (indigenous, Catholic)—all markers associated by Anglo settler society as foreign, undesirable, and inferior to white Anglo-Saxon Christian culture. This is due to historical enmity between Anglo settler society and North American indigenous people, on the one hand, as well as the whole-scale xenophobic racializations of Mexican-origin North American indigenous people who have been continuously forcibly removed from their homelands throughout North America, and who have been victims of privatization and the negative impacts of diaspora from southern Mexico and central Mexico,

The Lipan Apaches and Basque-Apache descent peoples, similar to many colonized groups whose lands are also on the Mexico-U.S. International Boundary, such as the O’odham, Yaquis, Opata, Mayo, Tarahumara, Jumano Apache, and Chiricahua Apache, continue to be violently challenged to maintain productive working relationships with settler society groups who constructed, and continue to construct them as ‘foreign’ in their aboriginal lands. We have been constructed not only ‘foreign’ to an Anglo conceptualization of indigeneity, but also have been constructed as ‘foreign’ due to our varying historical and tactical alliances with a declared enemy of the U.S.—the nation-state of Mexico. Our affinity, through the Spanish language, with the declared enemy of ‘the War on Drugs’ and ‘the War on Terror’—Mexico, as well as our historical affiliations with the Mexican indigenous community at large, and our Apache peoples and lands still under the illegitimate control of the nation-state of Mexico, marks Lipan Apache peoples challenging current militarization and occupation a threat to the illegitimacy of the U.S. and Mexico as oppressors of indigenous peoples human rights *to be* indigenous.

Empires: International World Banking and El Calaboz Lipan Apache people

In spite of cultural, economic and political colonization, and genocidal policies against indigenous peoples in South Texas—from the early Spanish imperial colonial projects, through the Anglo-Saxon settler colonization of the region—Apaches and Basques of El Calaboz *have maintained cultural, social and political bonds to each other through clan and extended family systems*. In the present context of nationally legislated border ‘de-fence’ building projects, enforced by National Security Agency, Homeland Security Agency, United States Border Patrol Agency, U.S. Drug Enforcement Agency, U.S. Immigration and Naturalization Service, the U.S. National Guard, and the U.S. Army Corps of Engineers, *enforced through the multinational and world banking systems which comprise the International Boundary and Water Commission*, El Calaboz has become a hemispheric and global target for racial discrimination and increasing conflict between these agencies and civilians.

Converging Histories of Militarization and Hemispheric Traffic

The history of Spanish presidios and missions as sites of cultural, economic and political oppression against indigenous peoples has been documented in the larger Mexico-U.S. boundary region (Jackson; Deed; Weber; Castañeda; Sanchez; de la Teja), yet the Lower Rio Grande Valley-Mexico presidio and mission history and the ongoing negative impacts on regional and local indigenous communities have been overlooked by institutions which focus on the celebratory Spanish imperial and Anglo settler society ‘histories’. The Lipan Apache and Basque-Apache mixed-blood/mestizo descent communities of El Calaboz, who continue to maintain land title status in the region, are at the forefront of converging colonial and genocidal histories of the Spanish empire and of the Confederate States of America.

Comment [s1]: What does close ties mean if they are actual title holders?

Comment [s2]: I took out references to Jim Crown b/c we have to assume they know nothing about US history.

Well documented in the national and state-building narratives of Texas’, is the institutional repression and official abolishment of, and institutionally structured extermination policies against ‘Indians’ in the slave-owning Texas Republic.¹⁵ Ongoing feudal institutional policies and practices of anti-indigenous and anti-Mexican sentiment affect El Calaboz community members directly. As my mother told U.S. Border Patrol agents: “how can you tell if I’m from here or there” when she refers to land on either side of the Mexico-U.S. border. To her, a Lipan Apache and Basque descent person, who is a direct descendent of land title holders, and still maintains title to her land grant, she is being straight forward—both sides of the river belong to her, emphatically.

Histories of Racial and Militarized Conflict Still Impact El Calaboz Lipan Apaches

¹⁵ Anderson, Gary Clayton. *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875*. (Norman: University of Oklahoma Press) 2005. Also see: *The Mercenary Rangers: Economic Racism and the Extermination of Texas Indians, 1850-1900*. S. Hafley, (Louisiana Tech University: 2001); *Federal Indian Policy in Texas, 1845-1859*. L.F. Hill, (University of California: 1921); George D. Harmon. “The United States Indian Policy in Texas, 1845-1860.” *The Mississippi Valley Historical Review*, Vol. 17, No. 3 (Dec., 1930), pp. 377-403, doi:10.2307/1893077

These histories of racial conflict at the Mexico-U.S. border negatively and cumulatively impact the Lipan Apache people of El Calaboz. The effects over the centuries since the first European contact have been serial, para-military hunt downs and killings, lynching, rapes, and mutilations, (Anderson, Castañeda). Armed nationalist settler movements through the end of the 19th and throughout the 20th centuries left behind legalized theft and destruction of indigenous lands and resources through the forces of colonization, militarization and corporatism.¹⁶ The result of these combined and converging colonial practices in the region has been a normalization of ‘customary’, ‘everyday acts’ of racism and racist institutionalization through national celebrations of U.S. ‘progress’--industrialization and privatization—at the expense of indigenous human rights and land grant title owners.

The Structural Violence of Racism and Racial Discrimination—Texas

Racial discrimination systematized throughout major institutions of government, policy-making, finance, and education systems have resulted in displacement, diaspora, poverty, homelessness, joblessness, diabetes, drug and alcohol abuse, communicable diseases, infant mortality, malnourishment, elder health mismanagement, extreme deprivations to women’s reproductive health, and sexual violence in the area of El Calaboz.¹⁷

According to a report by Senator Shapleigh’s staff on health, economic, social, cultural and political disparities:

“Border residents face the most dramatic health disparities in America today. The health issues, [...] poor access to care, a shortage of health professionals and dental care, a lack of health insurance, obesity, infectious diseases, mental health, hunger, incompetent operation of public health benefits by privatized vendors, and recent budget cuts—are just some of the challenges that Texans from the Border confront.”¹⁸

The Texas border covers approximately 1,954 miles across the North American continent. This is one of the longest, if not the longest international boundary region in the world. With the increased funding to the “War on Drugs” and the “War on Terror”, the expenditures to ‘protect’ national security, for the corporate sector in the region, which profits in the range of \$800,00 million dollars daily, and over 93 billion annually,

Comment [s3]: ?

¹⁶ Johnson, Benjamin Heber. *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans Into Americans*. (New Haven and London: Yale University Press) 2003.

¹⁷ “Texas Borderlands: Ground Zero of Health Care in America”; “Demographics of the Border Region”; “Comparative Facts and Figures About the Texas Border Region.”
http://shapleigh.org/system/reporting_document/file/175/6_health-chapter.pdf;
http://shapleigh.org/system/reporting_document/file/170/1_demographics.pdf
Accessed 11/20/07.

¹⁸ “Texas Borderlands: Ground Zero of Health Care in America.” Ibid.; Cisneros, Ariel. “Texas Colonias: Housing and Infrastructure Issues.” Federal Reserve Bank of Dallas. June 2001.

disparities of the residents of the MX-U.S. International Boundary, on the Cameron County, Texas suffer the ramifications of corporatism and militarism at the extreme.

According to Senator Shapleigh's website the Brownsville, Texas, U.S.-Matamoros, Tamaulipas, MX metropolitan area, combined population is 753,368. Brownsville comprises 335, 227 and Matamoros 418,141. Spanish surnamed populations comprise 84 %, and of this group, the majority reported "Hispanic" as a U.S. census racial category.¹⁹ The majority are indigenous to North America in terms of their heritage as aboriginal peoples of the continent, mestizos (mixed European and indigenous), and people of color (mixed race European, indigenous and African descent) whose specific heritages place them in direct land-based relationships to colonial land tenure histories.

In terms of poverty disparities between the wealthy and the oppressed, the Senator's report states that "the Border region of both the U.S. and Mexico include a mix of very poor and relatively affluent [...]. The northern border of Mexico is one of the wealthier regions of Mexico." This must be configured not necessarily as a national occurrence that singles out Mexico as a 'winner', but must be analyzed in terms of how NAFTA positions U.S. and Canadian-based corporations which dominate the economic and political landscape in the six northern Mexico states bordering the U.S.

On the downside of this picture of wealth and prosperity for the privileged few, the majority of the population living in northern Mexico and the border region of Texas are a younger and younger population of displaced indigenous migrants from the states of southern Mexico. NAFTA displaced hundreds of thousands of indigenous people from Oaxaca, Guerrero, Tabasco, Chiapas, Michoacan, Veracruz, Durango, and Sinoloa. Senator Shapleigh's report is accurate when it states that extreme economic disparities exist for indigenous and mestizo people in diaspora as a result of neoliberalism, and NAFTA which have had devastating effects. Rather than economic uplift and 'progress', Shapleigh's staff reports that "The opposite is true for the Texas Border."²⁰

Texas and U.S. Army Corps of Engineers Abuse Indigenous People of Cameron County and Lipan Apaches in El Calaboz—Past and Present

El Calaboz, like its sister rancherias of La Paloma and El Ranchito, are at the nexus of the Spanish 'Camino Militar' (Military Road), established during the Spanish imperial period. During the U.S. civil war period, the road, which cuts right through indigenous and mestizo colonias, was overtaken by "Military Highway/HWY 281." During the late Texas period, (1994-2007), this same road was transferred once again through expansionist and capitalist projects to the "NAFTA Highway."

The NAFTA Hwy was widened in the last few years. Some El Calaboz community members confronted the International Boundary and Water Commission individually in regards to blatant abuses of their land grant rights. My mother, Dr. Eloisa García Tamez noticed, one evening after returning home, that her back fence had been removed and pushed in several feet towards her house. Her house in El Calaboz is

¹⁹ "Demographics of the Border Region."

²⁰ Ibid.

situated on the south of Military Hwy/NAFTA Hwy, which is on the river side of the road. Her land grant rights extend to the levee, an earthen structure constructed in the 1930s by the Army Corps of Engineers, which they stated at the time was implemented by the U.S. government to keep flood waters from the Rio Grande from inundating the local farming communities of El Calaboz, El Ranchito, La Paloma, among many other land grant communities. However, the levee was built without community consultation or consent, according to Basque-descent community elder, Lydia Esparza García, a direct descendent of the Nuevo Santander land grant of 1743.²¹ Community members lost rights to control the usage of the land upon which the levee is situated by de facto eminent domain, instituted without their knowledge, compensation or political participation.

Comment [s4]: Did they receive compensation?

Staging Violence and Crisis: The Lipan Apache Levee, Homeland Security, Border Patrol, Army Corps of Engineers

To this day, the levee itself is a source of bitter racist history, violence and heated conflict between El Calaboz community members and the National Security Agency U.S. Border Patrol agents, who exercised ‘rights’ with the International Boundary and Water Commission to patrol the levee to ‘secure’ the international border from ‘illegal’ immigrants from Mexico and Guatemala. Local community members do not feel that they were adequately informed, had prior participatory access to laws, nor gave their prior consent under proper education about the long-term implications of increased militarization of the levee itself. Yet, during this time period, NAFTA policies forced massive migrations among Mexico’s own indigenous people. Indigenous and mestizo (Native American and European mixed-bloods) migrants moving northward in search of a livelihood to support their families, and were forcibly relocated to border towns under neoliberal policies implemented by Canada, U.S. and Mexico, under the structures of NAFTA. This pattern of privatization of indigenous lands, militarization and occupation, and forced removals by corporate-led invasions is nothing new to El Calaboz residents.

According to Lydia Esparza García, my grandmother, and the mother of Eloisa García Tamez, when the Army Corps of Engineers came in the mid 1930’s and forced the levee upon indigenous women, mothers, grandmothers, and children, what they never compensated the community for was the lives lost in the ensuing flooding which occurred due to structural deficiencies, the loss of rich farmland sacrificed to structural damages, and ongoing losses of Lipan Apache social networks and ties which are intrinsically bound up in land, culture, tradition. The forces of government economic policies benefiting the elites and the negative impacts on the impoverished indigenous peoples are a strong thread running through the stories of local El Calaboz residents. They testify to the fact that these are bound up in the political economy of the Lipan Apache and Basque indigenous way of life and livelihoods intrinsic to future sovereignty and self-determination.

Recently, Dr. Tamez insisted that National Security Agency officials, Border Patrol Officers, and the Army Corps of Engineers officers meet with her directly, rather

²¹ Interview August 2007, on file with author.

than continue their barrage of round-the-clock harassment and intimidation tactics, where they had been cornering her at work, in public, and at home. At the meeting, she was informed that she had no ‘choice’ but to sign the governments document. When she refused, she was warned that her name would be put on a list of refusers. A reporter for the Brownsville Herald, Kevin Sieff, notified me that he interviewed NSA spokespersons and was informed that if she does not comply with their orders to sign the waiver (which does not guarantee her payment for her land, nor payment for property damages incurred by the Army, nor guarantees that NSA will relinquish her lands back to her after the project), that they will impose eminent domain on dissenters by force.²²

El Calaboz, Cameron County, Texas—Racism, Structural Violence, and Social Conditions of Invisible and Multiply Oppressed Lipan Apaches in 2007

The data supporting the Lipan Apache peoples of El Calaboz are based in census figures, sociological data and research reports utilized by state actors to assess social, economic and political degradation of its own citizens—the dominantly indigenous groups of Cameron County, where El Calaboz is situated.

For example, on November 21, 1997, in a testimony to Senate Interim Committee on Housing, John Henneberger, the Co-director for the Texas Low Income Housing Information Service, reported the following:

“This housing **crisis** is perhaps **the worst in the nation** considering the concentration the problem, the percentage of the local population experiencing the crisis and the depth of the poverty and housing problems along the border.

I said that the border housing crisis is **large scale**. Let me illustrate this with some local statistics. According to the U.S. Census the percentage of low income households with excessive cost burden (that is paying more than 30% of their income for rent) is 39.4% in **Cameron County** and 36.3% in Hidalgo County. This is more than one-third of the households in each county.

If the population growth of the border is amazing then **the extent and depth of poverty is dumbfounding. The poverty rate in Cameron County is 40%**. The poverty rate in Hidalgo County is 42%. The poverty rate for the state as a whole is 18%. Poverty is the largest contributor to the border’s housing **crisis**.” (Emphasis mine.)²³

In 2000, the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, found the following to be true:

“A 1994 Texas Department of Housing and Community Affairs study found that 83 percent of the families in the Cameron Park colonia in Brownsville, Texas had annual household incomes below \$10,000, and 56 percent earned less than \$5,000 per year. ...

The Colonias of Cameron County

The colonias of Cameron County have some of the worst conditions in all of Texas. The Cameron Park colonia, with over 6,000 residents, is the largest colonia in the country. According to 2000 Census per

²² Kevin Sieff. Conversation on file with me.

²³ Texas Low Income Housing Information Service.

<http://www.texashousing.org/documents/files/senhear.pdf> Accessed December 2, 2007.

capita income data, it is also the poorest community in the United States.

The average annual colonia income in Cameron County is \$7,800, compared to \$8,500 in Texas. Only 30 percent of the Cameron County colonia population has access to outhouses or cesspools, leaving 70 percent of the Cameron County colonias without access to even the most rudimentary plumbing systems. Over 83 percent of the county's colonia housing is substandard or dilapidated. This significantly exceeds the statistic for the remaining Texas colonia population."²⁴

Furthermore, in 2003, in a report entitled, "CAMERON COUNTY/MATAMOROS AT THE CROSSROADS ASSETS AND CHALLENGES FOR ACCELERATED REGIONAL & BINATIONAL DEVELOPMENT: A CBIRD (Cross Border Institute for Regional Development) The University of Texas at Brownsville/Texas Southmost College Report," a panel of authors concluded the following regarding Cameron County race and assets disparities:

"While Cameron County's unemployment rate compares well with other border regions, it is over twice the rate for the State of Texas. And while it is "good news" that unemployment has decreased since 1990, the "bad news" is that it is still more than double the state's average. ²⁵ [Furthermore], The disparities in income and employment rates are linked to the corresponding statistics of poverty, Figure 2.18. 1999 U.S. census data shows that the poverty level in Cameron County is 33%, over twice the state rate of 15%; and the poverty rate increases for Hidalgo, Willacy, and Starr Counties."²⁶ "The U.S. Census Bureau recently published national rankings of critical statistics (November 2002) for counties with populations of over 250,000. Out of these 220 counties, Cameron and Hidalgo Counties repeatedly ranked, side-by-side, as the worst AND second worst nationwide in ten poverty-related issues."²⁷

On Thursday, August 26, 2004, the U.S. Census Bureau News distributed the following on a press release:

Although "real median household income remained unchanged between 2002 and 2003 at \$43,318, according to a report released today by the U.S. Census Bureau. **At the same time**, the nation's official **poverty rate rose** from 12.1 percent in 2002 to 12.5 percent in 2003. ... Hidalgo County, Texas (38.0 percent), and **Cameron County, Texas (36.5 percent)**, had poverty rates higher than those of the other 231 counties, though not different from one another." (Emphasis mine.)

In June 2006, again, indigenous descent people in Cameron County failed to compare with the nation's and Texas' averages. Cameron County residents continued to experience racist structural economic, social and political policies of the nation-states, as their lives and livelihoods continued to plummet to the bottom of North America's zones of despair, neglect and crisis. In a report titled "At the Crossroads: the Texas/Mexico border economy at Cameron County and Matamoros," David V. Gibson, Pablo Rhi-

²⁴ "Colonia Redevelopment in Texas: The Colonias of Cameron County." <http://www.huduser.org/periodicals/fieldworks/1002/fworks4.html> Accessed December 2, 2007.

²⁵ Gibson, David V., Pablo Rhi-Perez, Margaret Cotrofeld, Oralia De Los Reyes, Mark Gipson, Richard J. Rodarte, Ignacio Rodriguez, Alan Cox, Matt Cunningham, Dan Houston Civic Economics, Austin, Texas. 35. <http://www.ic2.org/publications/At%20the%20Crossroads.%202003.pdf>

²⁶ Ibid. 36.

²⁷ Ibid. 37.

Perez and Antonio Zavaleta examine Cameron County's continuing plunge to the bottom of the hemisphere's most marginalized region:

Cameron County and the neighboring Hidalgo County ranked side-by-side to lead the nation in percentages of people in poverty with the least education, evidenced by multiple poverty-related statistics (see Table 1). This means that Texas border counties rank lower than inner city counties such as Bronx County, New York, and Los Angeles County, California. Additionally, these "inner city" counties are surrounded by more prosperous areas in their direct vicinity. Cameron and Hidalgo share their borders with rural counties that are smaller (therefore not ranked in these comparisons) and whose poverty statistics are even more desperate.²⁸

Lipan Apache of El Calaboz and Racism of International-Global Actors—The International Boundary and Water Commission

The passage of NAFTA on January 1, 1994 caused immediate economic, social, cultural and political disruption and misery for millions of Mexican indigenous peasant communities, as well as indigenous people in the 'sending' cities of the MX-US border regions or 'corridors'. Matamoros, Tamaulipas Mexico, across from Brownsville, Texas and El Calaboz is no exception. The U.S. corporate role in uprooting peasant communities south of the International Boundary must be configured in the analysis of a relational oppression to indigenous groups throughout the South Texas-Tamaulipas corridor, for these are intermeshed social, economic and politically-tied communities, given that they are all governed over by a joint body—the International Boundary and Water Commission. El Calaboz, configures large in this corridor, due to the fact that Lipan Apache women title holders contest and disrupt the ongoing violence of numerous state, interstate, international, hemispheric and global monetary partnerships.

El Calaboz community members who used their traditional farm lands along the levee, have land title holder rights which require the United Nations to defend at the international and global level due to the international and global presences in the corridor. After September 11, 2001, the levee and the NAFTA Hwy became heavily trafficked by large freight trucks, NSA Border Patrol vehicles, and civilian traffic. The deterioration of the levee, due to increased militarization of the border in 1994, and hyper-militarization of the border in the last five years with the increased expenditures to Iraq, Afghanistan and Mexico's 'Wars on Terror', has resulted directly in the degradation of the levee to such an extreme level of compaction. so much so that the levee's function as a barrier to floods from hurricanes and tropical storms is feared by local Lipan Apache descent residents to be altogether insufficient, in the event of larger storms in the range of Katrina. Thus, the Lipan Apache community of El Calaboz now charges both Texas, the U.S. government and the multi-national economic sectors under the umbrella of the International Boundary and Water Commission with mismanagement of El Calaboz' natural resources and endangering an indigenous Lipan Apache and Basque-Apache aboriginal community.

²⁸ http://www.accessmylibrary.com/coms2/summary_0286-16201065_ITM Accessed December 2, 2007.

The south side of the NAFTA Hwy, where my mother is a land title community member, is a traditional indigenous pastoral community. Community members who are relatives and who live there still practice a range of agronomy: goat herding, cattle and horse raising, small communal gardens, and wildcrafting are traditional ways of life on the Lower Rio Grande for many people.

Honda' Da'go tee! United Nations CERD Committee: Lipan Apache and Basque-Apache Descent Title Holders Call Upon You for Action on Our Behalf!

Ahi'i'e Ussn biyati. Ahi'i'e Shima' hleh-pai ndé Ahi'i'e Shita' Nde'

Today I, Margo Tamez, am called upon by the Lipan Apache and Basque-Apache descent Women Land Title Holders of El Calaboz to relay current-day struggles and the plight of indigenous Lipan Apache people firmly in resistance to further occupation and encroachments by the violent waves of corporatism and militarization in the region of El Calaboz, La Paloma and El Ranchito of the La Encantada-Carricitors, Nuevo Santander Land Grant, implemented as a result of an Executive Order by President George W. Bush and approved by the U.S. Congress to execute the building of a militarized wall/fence on the levee, north of the MX-US International Boundary. The levee is located contiguously on Lipan Apache land title holder traditional lands, deeded to them by the Nuevo Santander Land Grant. We refuse these terms, and have attempted peaceably to negotiate with this hostile government that negates the rights of indigenous people in our own homelands.

Indigenous Lipan Apache women's resistances to current occupation forces of increased militarization in their communities, in conjunction with ongoing structural, systemic and institutional racial discrimination, are focused on protecting human rights of indigenous people who are vulnerable to exploitation through the forces of colonization, corporatism, globalization and militarization. These forces result in degradations to indigenous cultures which are bound up in complex social, economic, and political self-determination processes. High degrees of structural violence practiced as 'customary' social and cultural dominance, unleash unexamined racism and sexism, which render the Lipan Apache and mixed Basque community of El Calaboz extremely disadvantaged under the forces of National Security Agency, Homeland Security, the U.S. Border Patrol and the Army National Guard. Soldiering, policing, as well as vigilante groups (Minutemen) who are enforcing U.S. laws under the guise of the "War on Terror" and the "War on Drugs", are an immediate threat to indigenous people in the region.

As the indigenous title holders' rights are invaded at the current moment, as they are harassed, intimidated and hunted down each day by the National Security Agency, the National Guard, and the Army Corps of Engineers --with increasingly disturbing methods-- the exploitation of a vulnerable mixed Lipan Apache and Basque heritage community is endangered by the accumulating damages of historical trauma.

Effects upon local indigenous people are made invisible in dominating narratives covered by mainstream media which only focus on the minority elite corporate agenda of

‘progress’ and ‘security’. This disregards the large majority of Texas civil society which abhor the increased policing and militarization of civilian spaces and the ongoing deployment of more public funds for the deployment of more troops and technology in the region.

The elder women title holders of the Santander Land Grant of 1743 in the El Calaboz Rancheria of South Texas call on the Committee to raise these issues with the United States when it considers its report during its 72nd session.. These include the following which have been identified by public news media as beneficiaries of the “Secure Border Initiative Project Network”:

Corporate Contracting and the Racist Roots of International Militarization & Global Policing in El Calaboz

The following is a list of corporate and institutional contractors which the United States has secured billions of dollars in private contracts for the implementation of the *Secure Border Initiative Project Network*, under authority of the U.S. Office of Homeland Security:

- Lockheed Martin²⁹
- Texas Divisions of Raytheon (Network Centric Systems)³⁰
- L-3 Communications (Integrated Systems)³¹
- Northrup Grumman (Los Angeles, CA)³²
- BAE Systems (Austin, TX)³³
- SAIC of San Diego³⁴
- Computer Sciences Corp of El Segundo, CA³⁵
- America’s Border Security Group (Ericsson Inc., Plano, TX) (NASDAQ:ERICY)³⁶
- Fluor Corporation (NYSEL:FLR)³⁷
- SYColeman Corporation (A Division of LC Communications)³⁸
- MTC Technologies³⁹

²⁹ PennWell. “Defense firms turn to border security.” Washington, 28, Dec. 2005. “The government’s high-profile offensive to control the borders is spawning a growth market for the nations’s defense industry.” http://mae.pannet.com/Articles/Article_Display.cfm?ARTICLE_ID=244491&p=32 Accessed 11/20/07.

³⁰ Ibid.

³¹ Ibid.

³² AEP Networks, America’s Border Security Group. “Ericsson’s AMericoa Border Security Group (ABSG) Offers Proven Effective Solution for U.S. Border Security.” http://www.aepnetworks.com/news/press_archive/release_06012006.htm

Accessed 11/20/07.

³³ Ibid.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

- CAMBER Corporation⁴⁰
- AEP Networks, Inc.⁴¹
- Texas A & Am University⁴²
- University of Texas (Austin)⁴³
- Boeing (Seattle, WA; Secure Border Initiative/SBInet—“Project 28”)⁴⁴
- Kellogg Brown & Root (Halliburton)⁴⁵
- Secure Border Initiative Network (SBInet) major partners⁴⁶
- United Kingdom Home Office⁴⁷

Dr. Eloisa García Tamez’ Testimony and Chronology of Recent Events:

“The first I heard of an effect on me was is August 2007—Border Patrol CPT Rick Cavazos and another border patrolman whose name I did not record called me at my office of employment and extension to inform me that my property would be affected by the Wall that was planned. I was on speaker phone and probably should have insisted that the call be terminated because of that because I was not asked if I approved of that method of communication. Once I told them that I was not in favor of the Wall and that I did not agree with the terms they presented which involved a checkpoint three to four miles east of my property, CPT Cavazos asked me if I knew what eminent domain was? I said yes. I also told them that I did not want to continue discussing this issue over the phone. CPT Cavazos asked me if they could say that I was against the Wall; I said yes. He also stated that more than 90 percent of the people they had contacted were for the Wall. He did not say how many they had contacted.

From that time to the present, I have received many calls on my cell phone from the Corps of Engineers. At first, the calls showed up as unknown so I did not answer them. The messages left in were from a female who claimed Corps of Engineers status. Often, the messages do not show up on my phone right away especially if I am on travel.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ CORP Watch. Richey, Joseph. “Fencingthe Border: Boeing’s High-Tech Plan Falter.” July 9, 2007. <http://www.corpwatch.org/article.php?id=14552>. Accessed 11/20/07.; “Software Glitches Delay Virtual Border Fence.” Newsmax.com. Tuesday, October 30, 2007. http://www.newsmax.com/us/virtual_border_fence/2007/10/30/45069.html

Accessed 11/20/07.; Riley, Michael. “Fortress America--Building a Border: Part 2.” Denver Post. 03/06/07. http://www.denverpost.com/fortressamerica/ci_5356695. Accessed 11/20/07.; McLemore, David. “Border Residents fuming over fence plans.” June 26, 2007. <http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/062707dntex...>

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⁴⁵ Downing, Margaret. “Killing Fences: Totally Misconstrued.” Houston Press, May 31 2007.

<http://www.houstonpress.com/2007-05-31/news/killing-fences-totally-misconstrued/> Accessed 11/20/07

⁴⁶ Boeing, Ericsson, Lockheed, Northop Grumman and Raytheon. Richey, Joseph. “Border for Sale: Privatizing Immigration Control. July 5, 2006.

<http://www.corpwatch.org/article.php?id=13845&printsafe=1>

Accessed 11/20/07.

⁴⁷ PRNewswire. Garland, TX. “Raytheon Awarded Contract with U.K. Home Office for e-Borders Project.” November 14, 2007.

<http://money.cnn.com/news/newsfeeds/articles/prnewswire/NEW03314112007-1.htm>

Accessed 11/20/07.

Finally, about three weeks ago, I received a call on a Saturday evening from a Mr. Duane Feller who is with the Corps of Engineers (817 422 3451). He inquired about access to my property for a survey of the property for the Wall that is to be built Spring 2008. I told him that I preferred not to conduct business on the weekend and to call me back on Monday as I preferred a face-to-face meeting. Me Feller did not call.

On Thanksgiving weekend, Mr. Feller called again and he agreed to come to my office on Monday November 25, 2007. Mr. Feller and CPT Cavazos both came to my office and presented me a paper for right of entry to my property. I read the document and informed that I needed time. CPT Cavazos said that 95 percent of the people contacted have signed the document. Again, CPT Cavazos did not state the number contacted. Today, I called Mr. Feller and told him that I would not be signing the document as the terms are constraining, i.e., access to the property, once authorized, is for 12 months and irrevocable.

Eloisa G. Taméz, RN, PhD, FAAN
Associate Professor and Director
Master of Science in Nursing Program
The University of Texas and Texas Southmost College
80 Fort Brown
Brownsville, Texas 78520
eloisa.tamez@utb.edu
956.882.5079”

Supporting documentation in Appendices:

- * Letter—Eloisa García Támez to President George W. Bush, dated
- * Map—Mexico-U.S. International Boundary
- * Map—Mexico-U.S. planned border wall
- * Photo—Eloisa García Támez by levee

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Appendices:

1. Letter—Eloisa García Tamez to President George W. Bush, dated
2. Maps—Mexico-U.S. International Boundary, El Calaboz, and Dr. Tamez' rancheria of El Calaboz
3. Map—Mexico-U.S. planned border wall
4. "Urgent Call For Help! Homeland Security attempting Seizure of Lipan Apache Lands!"

1. Letter—Eloisa García Támez to President George W. Bush, dated

Eloisa G. Taméz, RN, PhD, FAAN
P. O. Box 1737
San Benito, Texas 78586

September 21, 2007

George W. Bush
The President of the United States and
Commander in Chief
The White House
1600 Pennsylvania Ave. NW
Washington DC 20500

The Honorable President George W. Bush:

Please accept my gratitude for your response dated July 2, 2007, through Darren K. Hipp, your Special Assistant and Director of Presidential Correspondence. My appeal for justice is made directly to you, President Bush, as the Commander in Chief, through direct line of authority, with the knowledge that you initiate Executive Orders and National Security Directives. I am a citizen who has been harmed by more than one government agency and must advocate for myself since neither the Congressman nor the Senator within my geographical area fulfill that rule following many requests from me over the nearly 10 years that I have disputed the unfair treatment and absence of justice in the greatest democracy in the whole world.

The most recent rejection came from the Senator's office. I found it rather interesting that shortly thereafter she appeared at a grandstand advocating for a Veterans Hospital in the Rio Grande Valley. Truthfully, she did not sound very convincing that she indeed is passionate about adequate health care for our valley veterans emphasizing that the care was being extended through the initiation of a new "clinic" in Harlingen, Texas. Knowing this, I can assure you, veterans will still be sent to San Antonio because the medical school controls that.

I appeal to you because I believe that you are the only one who will listen to me but is the only one fully in authority to take action. I want to share with you all my relationships with United States government entities. All issues seem to end with similar outcomes, i.e., no solution nor pro-active advocacy and increasing negative impacts leading to personal pain and suffering and the destruction of community health and well-being.

1. United States Army

You have the history of all that has happened to me resulting from my 17 years of service in the United States Army (Copy of file previously sent enclosed). Essentially, my issues have not been heard but simply passed around through administrative circuitry or answered by staff. Mr. Hipp's response for you was patronizing, insincere, and of no help. My issues were sent to you in hopes that justice be served, much in the same way as Scooter Libby experienced. I have committed no crime. Instead, I have been physically injured. As I relentlessly pursue justice, I am told that my issue is not timely after nearly 10 years of pursuit whereby the Army held my request without answers just long enough to make my issue untimely. My request for justice and equal treatment remains as noted in my previous correspondence.

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2. Department of Veterans Affairs

I have been assessed and reassessed for the line-of-duty injury numerous times, only to be told that my injury does not merit an increase in disability. This issue has been going on since 2000 and I have just received notification (See enclosed VA document). Neither the Army or the Department of Veterans Affairs has been accountable for the burden of cost resulting from my line-of-duty injury. My personal health care insurance paid for the best practice medical care which I received—too long after the incident thus finding irreparable permanent damage which has resulted in less than optimal physical functioning, recovery and prognosis. These outcomes are minimized by the VA and justified in language that only VA representatives understand. Additionally, the summary lacks specificity and demands definition. For example: Page 8, fourth paragraph, second sentence of the document enclosed, "A higher evaluation of 40 percent is not warranted unless arm motion is limited to 25 degrees from the side". Paragraph three includes a flexion, abduction, internal rotation, and external rotation. My question to this is: What arm motion must be at "25 degrees from the side"?

All veterans are equal, no matter what age, whether reservist or active duty, no matter when military service took place, and no matter what injury. However, the evidence confirms disparity.

3. Homeland Security

In mid July 2007, I was informed by telephone that Homeland Security plans to split my property with a wall/fence. The informant (Border Patrol Agent Rick

Cavazos) indicated that the government, under a National Security Directive, plans to build a fence on my private property with or without my consent or approval. For the record, land grant title holders currently own properties which extend to north of the levee but also south of the levee of the Rio Grande. Of this, the only 'choice' given me is that I can access my land south of the levee via a proposed checkpoint that will be built three miles east of my property (Garza Road). Many elders in our community will be denied basic freedoms to access their private property, due to the burden this 'access' will impose on their daily lives. The government denies the economic, social and cultural divides which are entrenched in the agrarian, land-based cultures indigenous to South Texas. Significant sectors of our communities will not be economically or socially positioned to travel three miles and through a security check-point to access their land grant private property holdings. Effectively, this measure would seriously sever an indigenous community from cultural resources, and cause immeasurable injury to community economic, social, ecological proprietorship and future development.

This aggressive and invasive action against our historically embedded communities is an encroachment and threat to a significant indigenous Texas way of life. Furthermore, from the community's perspective, the enforcement of a wall/fence on our private property is nothing short of a *landgrab*, of which our community has witnessed prior waves throughout the history of South Texas and positions our community in a tense conflict with an aggressive federal entity. This purely political threat is viewed as a tool to destroy, and potentially extinct, a recognized and significant Texas cultural community and state treasure.

As an indigenous person of South Texas, descendent from uninterrupted land grant title holders of both Native American and European ancestry, I am a citizen who has been harmed by the Senate's passage of a 370-mile wall/fence. This wall/fence is designated

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to be constructed north of the levee of the Rio Grande, which is on my private property. Not only I, but every elder in the community who are also land grant title holders, stand to incur significant losses of our land-based culture, economy, natural resources, and fundamental freedoms to have unimpeded access to our private property.

I must advocate for myself, and each of my elderly relatives, as well as my descendents, since neither the Congressman nor the Senator within my geographical area fulfilled the role of being proactive on behalf of land grant title holders in the historically recognized

Texas Medallion land grant communities of El Ranchito, El Calaboz, and La Paloma, situated approximately 14 miles west of Brownsville, on Highway 281, the historical “Camino Militar”, or Military Highway. The actions of Homeland Security directly impact my community in El Calaboz, Cameron County, Texas, and the United States. The building of the wall/fence on my private property, without community stakeholder consent, but through coercion and denial of justice, is the most recent of a series of ‘fences’ challenging me with regard to the United States Government.

4. United States International Boundary and Water Commission

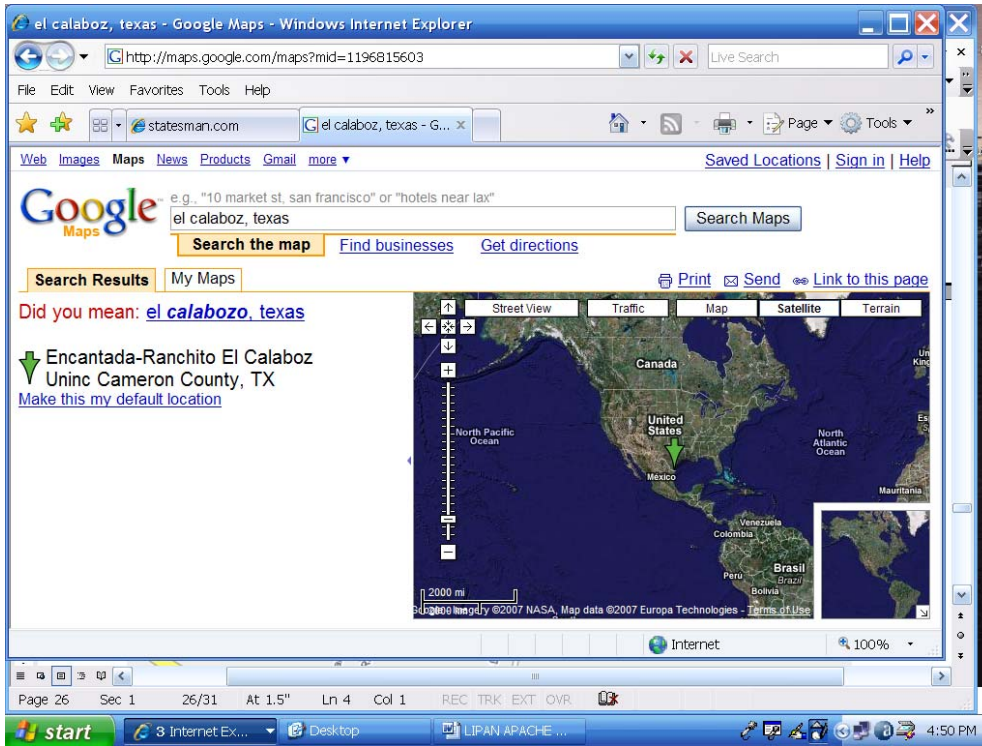
About five years ago, I arrived home from my employment late one day and discovered that this agency had torn down the fence on my property north of the levee. When I inquired, I was told that they were authorized to have 100 feet on either side from the center of the levee. My deed, which showed a 50 foot access lien on either side from the center of the levee, originated in 1936 when the government came and built the levee and split land-grant property without the consent or permission of land grant title holders. Five years ago, not only was the fence torn down, I was never notified of the government’s intent. I reminded the man in charge at the time (Anzaldua, I believe) that 1936 tactics and *landgrab* procedures no longer function in our communities. The fence was reluctantly replaced after more than a year of follow-up phone calls from me, under the advisement of legal counsel. Since this incident, I have had numerous concerns regarding my personal safety when I must have direct contact with Border Patrol officers who are allowed by me to have direct access to my property, as per the access lien.

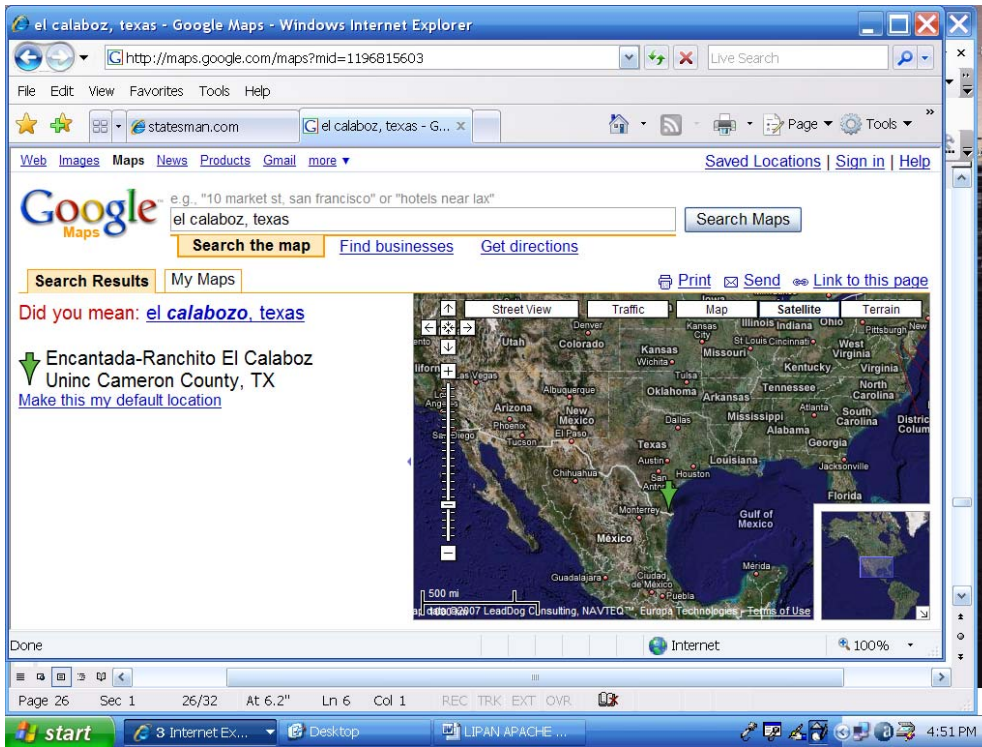
I am truly disappointed that at every encounter with the United States government, I am faced with dismay, causing physical and mental harm and injury. If I go to the Congressman or the Senator of my district, I am told they cannot do anything. In regards to military and veteran issues, I asked the Senator to advocate for representation on a national veteran’s committee in the Department of Veterans Affairs (DVA). I was denied. So, therefore, with all due respect, I request membership in a national committee at DVA. As a military person and a veteran, I have followed the chain of command. With all due respect, I must pursue resolution directly with the Commander in Chief.

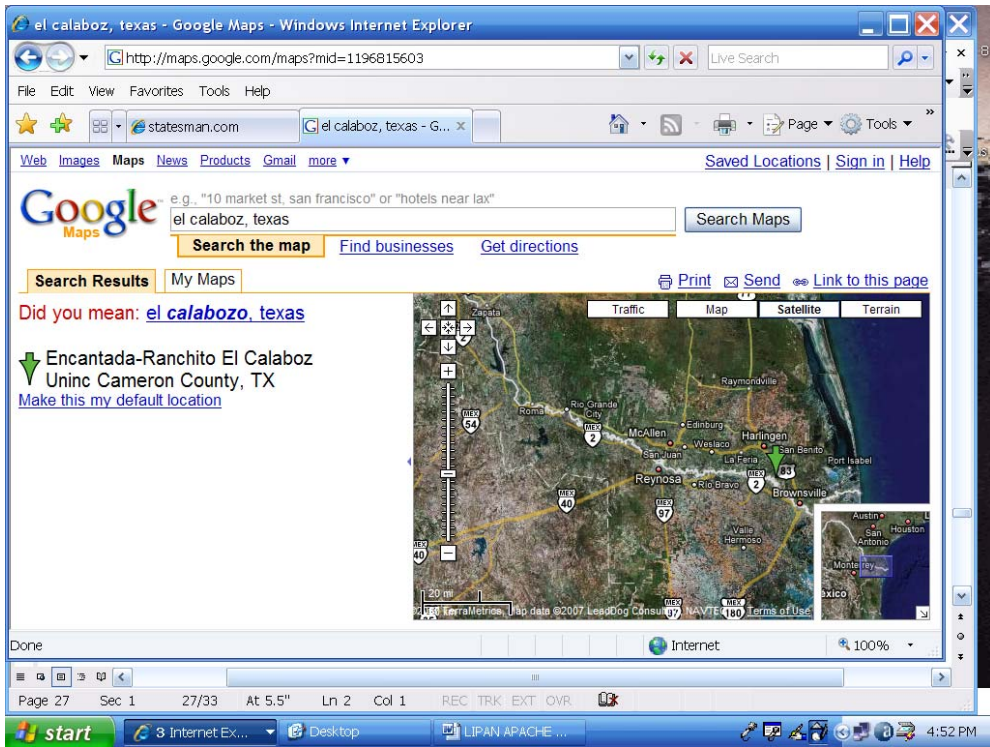
Respectfully,

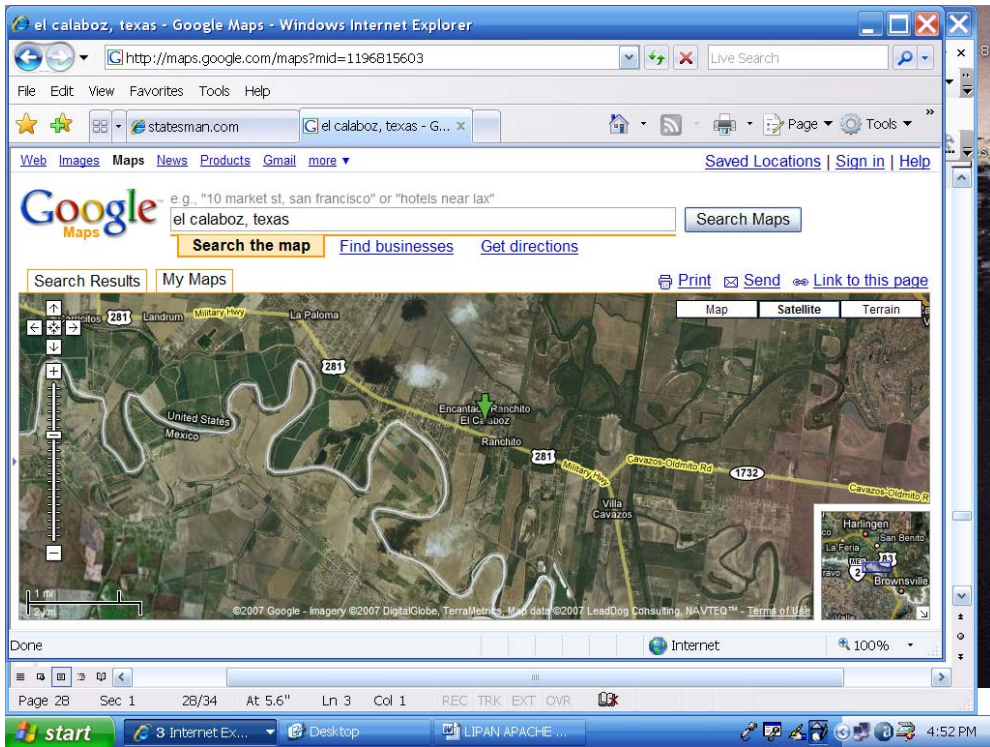
Eloisa G. Taméz, RN, PhD, FAAN

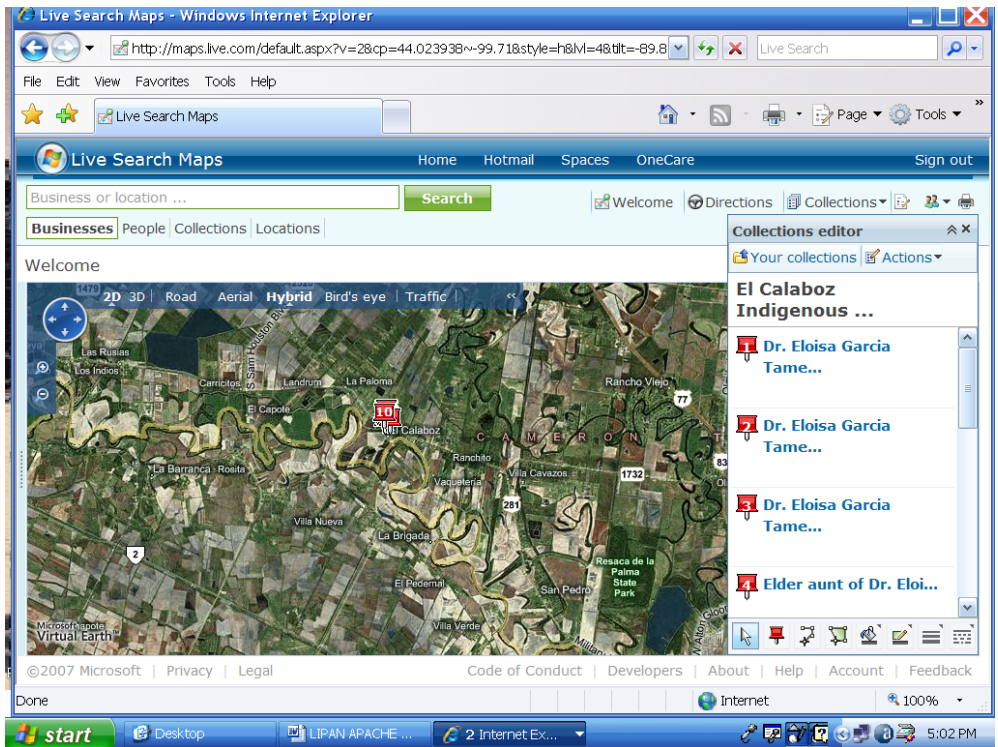
2. Maps—Mexico-U.S. International Boundary, El Calaboz, and Dr. Tamez' & indigenous relatives rancheria of El Calaboz.

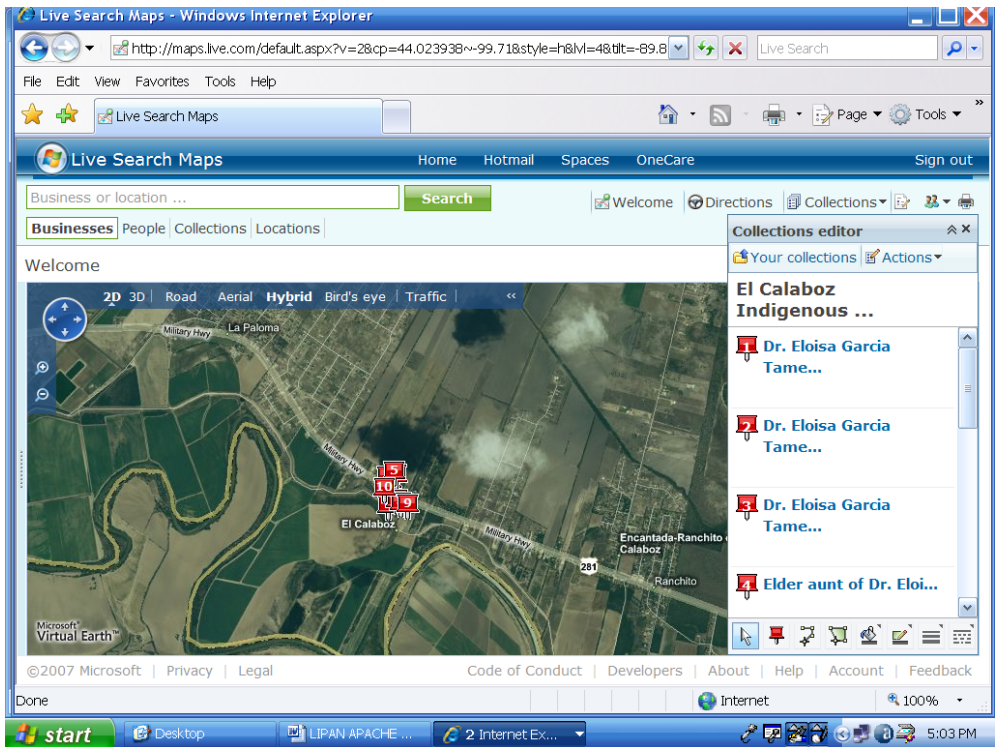


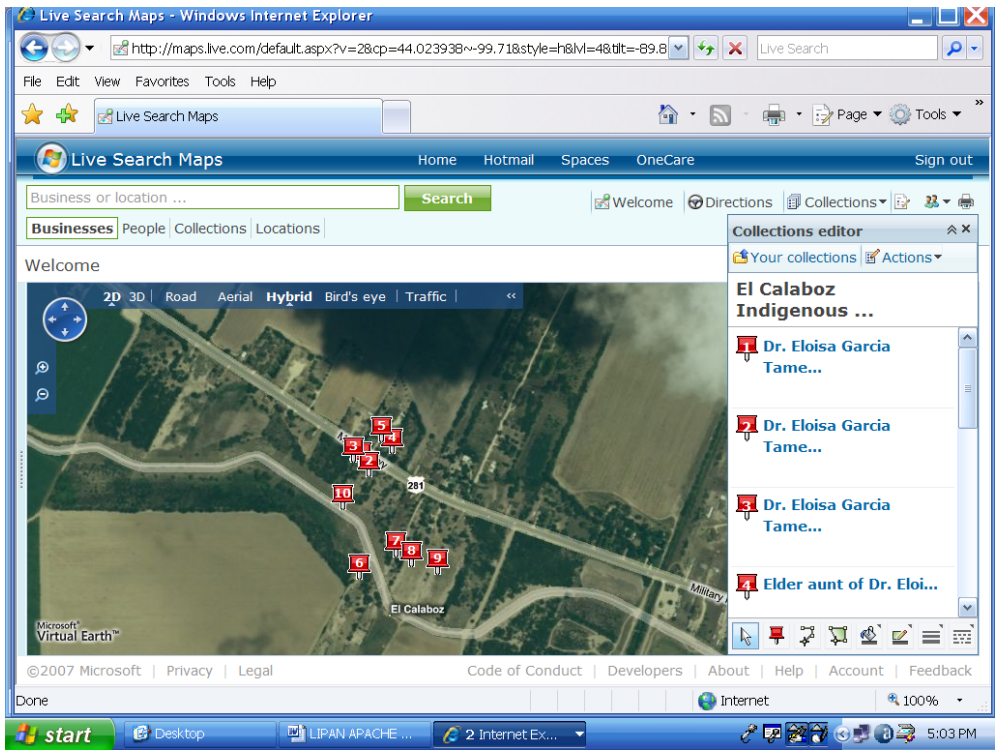


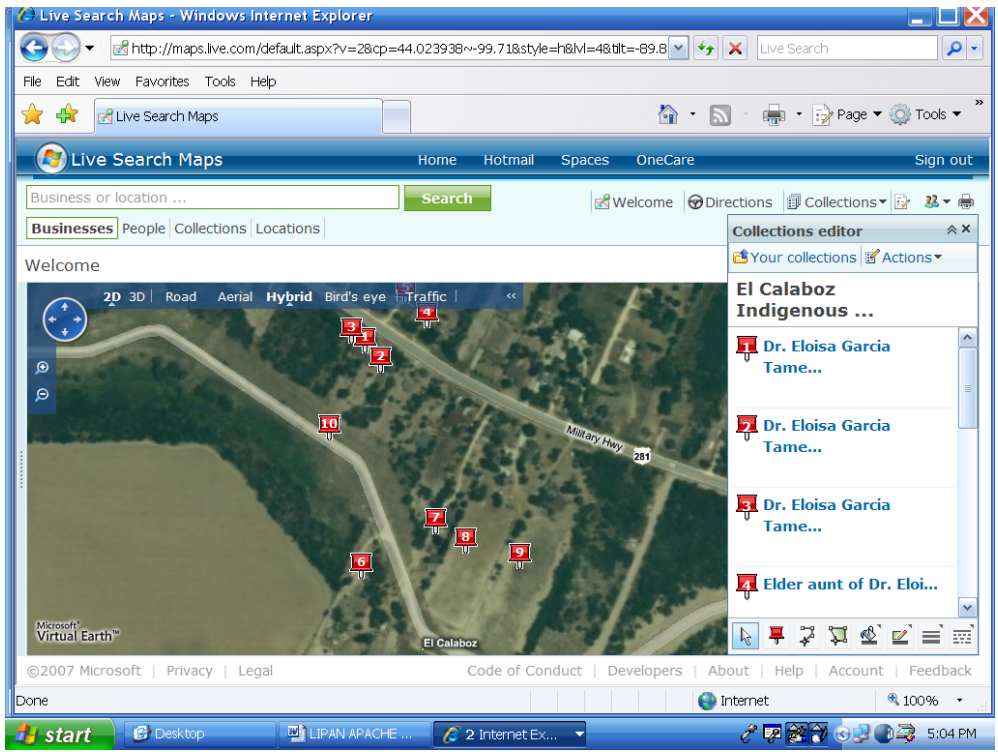


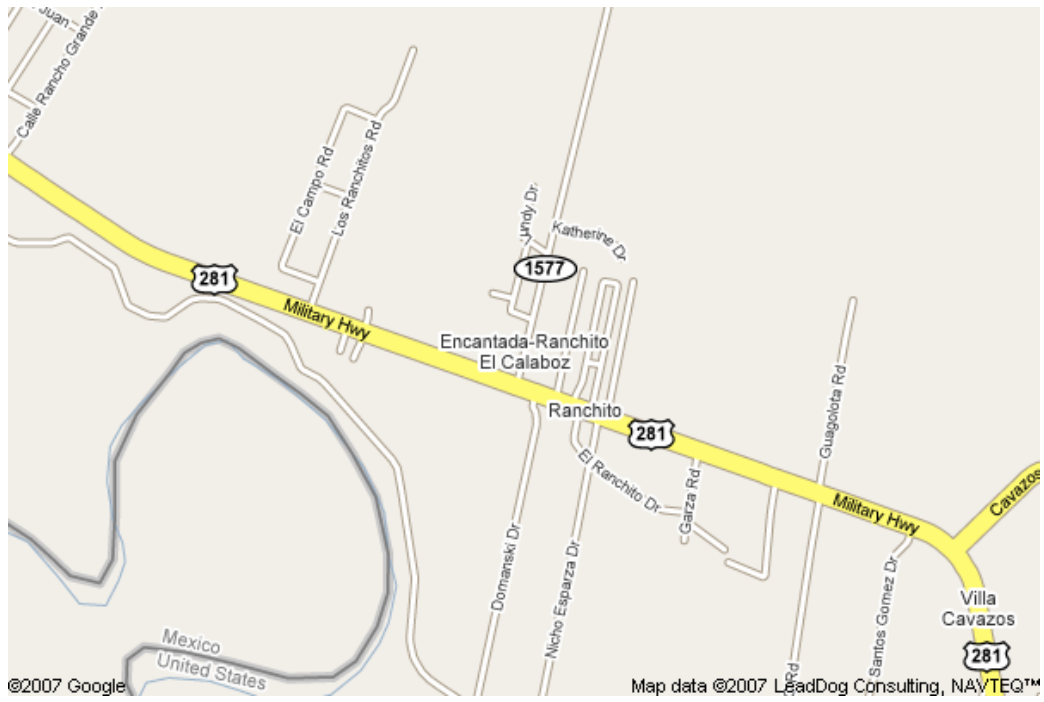




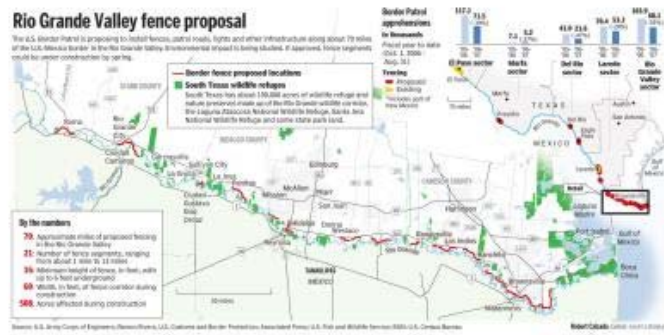








3. Map—Mexico-U.S. planned border wall



Source:

<http://www.statesman.com/news/content/news/stories/local/10/01/WEB1001borderfencexx.html>

4. "Urgent Call For Help! Homeland Security attempting Seizure of Lipan Apache Lands!"

<https://connect.wsu.edu/exchange/mtamez/Sent%20Items/THIS%20ONE!.EML/CENSORED%20Urgent%20call%20for%20help%20Homeland%20Security%20attempting%20seizure%20of%20Lipan%20Apache%20lands,%20Texas.mht/C58EA28C-18C0-4a97-9AF2-036E93DDAFB3/CENSORED%20Urgent%20call%20for%20help%20Homeland%20Security%20attempting%20seizure%20of%20Lipan%20Apache%20lands,%20Texas.mht?attach=1>

CENSORED

Censored and under-reported news:
brendanorrell@gmail.com

Sunday, November 18, 2007

[Urgent call for help: Homeland Security attempting seizure of Lipan Apache lands, Texas](#)

URGENT! From: Margo Tamez
Subject: URGENT! el Calaboz, Lipan Apache Land Title Holders Threatened by National Guard and Border Patrol in last 72 Hours

Subject: el Calaboz, Land Grant Indigenous communities, South Texas--Tamaulipas (Nuevo Santander rancheria), Mexico-US International Boundary, Militarized Zone.

Lipan Apache Descent Land Title Holders Threatened by Homeland National Security Agency, National Guard and Border Patrol

Hello friends,

I am informing you of recent events in my maternal community of el Calaboz, Texas, a binational land grant indigenous rancheria of Lipan Apache, Chiricahua and Basque descent.

I am foregrounding this because I have been asked to submit documentation through the NGO, the International Indigenous Treaty Council, for the CERD investigation of human rights and indigenous rights abuses by the U.S. government against my mother community.

The Committee on the Elimination of all forms of Racial Discrimination (CERD) report to be directed toward the United Nation in March 2008,

which will for the first time in over a decade focus on abuses by the United States to oppressed groups.

This year, as a result of the recently approved UN Declaration of Indigenous Peoples rights, indigenous people have a specific opportunity to submit documents on behalf of their communities.

I'll be working hard the next week to complete a draft document, with evidentiary materials, for review by an international human rights and indigenous rights attorney who recently accompanied me on an investigatory field trip to my paternal community, Redford, TX, of the Jumano Apache.

I wanted to keep you informed of this progress, and through this following letter, establish a way to communicate what I'm doing and how it impacts all my work. See the earlier letter below.

Ahi'i'eMargo

Tamez~-----

Subject: Emergency in el Calaboz, Lipan Apache & Basque-Indigena North American Land Title Holders!!!

Dear relatives,

I wish I was writing under better circumstances, but I must be fast and direct.

My mother and elders of El Calaboz, since July have been the targets of numerous threats and harassments by the Border Patrol, Army Corps of Engineers, NSA, and the U.S. related to the proposed building of a fence on their levee.

Since July, they have been the targets of numerous telephone calls, unexpected and uninvited visits on their lands, informing them that they will have to relinquish parts of their land grant holdings to the border fence buildup. The NSA demands that elders give up their lands to build the levee, and further, that they travel a distance of 3 miles, to go through checkpoints, to walk, recreate, and to farm and herd goats and cattle, ON THEIR OWN LANDS.

This threat against indigenous people, life ways and lands has been very very serious and stress inducing to local leaders, such as Dr. Eloisa Garcia Tamez, who has been in isolation from the larger indigenous rights community due to the invisibility of indigenous people of South Texas and Northern Tamaulipas to the larger social justice conversation regarding the border issues.

However recent events, of the last 5 days cause us to feel that we are in urgent need of immediate human rights observers in the area, deployed by all who can help as soon as possible--immediate relief.

My mother informed me, as I got back into cell range out of Redford, TX, on Monday, November 13, that Army Corps of Engineers, Border Patrol

and National Security Agency teams have been going house to house, and calling on her personal office phone, her cell phone and in other venues, tracking down and enclosing upon the people and telling them that they have no other choice in this matter. They are telling elders and other vulnerable people that "the wall is going on these lands whether you like it or not, and you have to sell your land to the U.S."

My mother, Eloisa Garcia Tamez, Lipan Apache (descendant of Mexican Chiricahua descent elder, Aniceto Garcia, who gave her traditional indigenous birth welcoming ceremony and lightning ceremony), is resisting the forced occupation with firm resistance. She has already had two major confrontations with NSA since July--one in her office at the University of Texas at Brownsville, where she is the Director of a Nursing Program and where she conducts research on diabetes among indigenous people of the MX-US binational region of South Texas and Tamaulipas. She reports that some land owners in the rancheria area of El Calaboz, La Paloma and El Ranchito, under pressure to sell to the U.S. without prior and informed consent, have already signed over their lands, due to their ongoing state of impoverishment and exploitation in the area under colonization, corporatism, NAFTA and militarization.

This is an outrage, but more, this is a significant violation of United Nations Declaration on Rights of Indigenous People, recently ratified and accepted by all UN nations, except the U.S., Canada, and Australia. Furthermore, it is a violation of the United Nations CERD, Committee on Elimination of Racism and Racial Discrimination.

My mother is under great stress and crisis, unknowing if the Army soldiers and the NSA agents will be forcibly demanding that she sign documents. She reports that they are calling her at all hours, seven days a week. She has firmly told them not to call her anymore, nor to call her at all hours of the night and day, nor to call on the weekends any further. She asked them to meet with her in a public space and to tell their supervisors to come. They refuse to do so. Instead, they continue to harass and intimidate. At this time, due to the great stress the elders are currently under, communicated to me, because they are being demanded under covert tactics, to relinquish indigenous lands, I feel that I MUST call upon my relatives, friends, colleagues, especially associates in Texas within driving distance to the Rio Grande valley region, and involved in indigenous rights issues, to come forth and aid us.

Please! Please help indigenous women land title holders resisting forced occupation in their own lands! Please do not hesitate to forward this to people in your own networks in media, journalism, social and environmental justice, human rights, indigenous rights advocacy and public health watch groups!

Margo Tamez mtamez@wsu.edu

Jumano Apache West Texas-Chihuahua Lipan Apache South Texas-Tamaulipas, Apacheria Nuevo Santander Land Grant--Basque Colony)
http://www.nativewiki.org/Margo_Tamez

Listen to Margo Tamez' report at the Indigenous Border Summit, on women and children at the border:

Day three:

<http://www.earthcycles.net/>

More articles on the Indigenous Border Summit and border wall:

<http://news.google.com/news?hl=en&ned=us&ie=UTF-8&q=%22Brenda+Norrell%22&scoring=d>