

“Our Way of Life is Our Resistance”: Indigenous Women and Anti-Imperialist Challenges to Militarization along the U.S.- Mexico Border

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Historically, the area now claimed as the southern political land border of the United States has been a place of Indigenous territories, communities, gatherings, markets, and cross roads for thousands of years. The Western Hemisphere, prior to European invasion and settlement, contained extensive trade routes linking to substantial trade centers. In the United States-Mexico border area, many Tribal Nations shared the territory, and co-existed in community and as market partners. These nations included the Acoma, Anasazi, Apache, Aztec, Pima, Hohokam, Pueblo, Hopi, Navajo, Zuni, Papago, and others. As communities and Indigenous peoples, commonalities flourished among the peoples. Accounts have been handed down on the relatedness between the Eagle and Condor peoples, strengthening alliances within the hemisphere. Indigenous peoples of the hemisphere share a worldview that includes principles of environmental stewardship, concepts of balance within an interdependent universe, kinship and clans as the basis of governance, and with European invasion and settlement, resistance to colonization.

—Angelique EagleWoman (Wambdi A. WasteWin)²

Introduction

In this article, I will discuss the activist work of women Indigenous to the lands within the U.S.-Mexico border region. The Indigenous women are engaged in collective movements for self-determination, autonomy, and to disrupt wars and the violations of human rights against Indigenous peoples. This article presents Indigenous women's anti-imperialist and de-colonization activism, informed by their oral and analytical histories. Western linear histories have distorted, disfigured, and effaced Indigenous peoples' histories of resistance, and many activists work to correct this in their daily lives. In this discussion, the politics of Indigenous collective continuities and transitions

WORKS AND DAYS 57/58: Vol. 29, 2011

overlap and intersect, which is a contemporary facet of the resiliency of historical continuities of kinship and clan-based governance in the region. The reality of kinship-based economic and political politics is important for re-thinking Indigenous women's roles in the formation of transnational, transborder, and hemispheric interactive movements. It is also within the "traditional" gendered domain of Indigenous women and their relations across families, nations, states, and borders where Indigenous women often form oppositional identities and polities to the state.

Today, the entire U.S.-Mexico border region is considered by the American Civil Liberties Union to be a "Constitution Free Zone."³ Critical theorist Rosa Linda Fregoso identifies the Texas-Mexico border region as a "necropolitical order," whereby

multiple forms of sovereignty converge and intersect . . . as "contemporary forms of subjugation of life to the power of death" [resulting in] a heterogeneous network of deployers of violence: the confluence of state armies, paramilitary groups, private armies, private security firms and armies of drug lords and ruling elite—all claiming the right to exercise sovereignty.⁴

Fregoso argues that it is the "state of exception," "produced by an authoritarian government that has cultivated extreme forms of violence, corruption and, yes, even death, in order to cripple people's capacity to resist, to smother effective counterdiscourse and overpower the revitalized democratic opposition." Drawing from Fregoso's contribution, this framework is key to understanding a multifaceted discussion of Indigenous women along the U.S.-Mexico border and their families who are increasingly the targets of the state. At the same time, this framework allows me to draw in a multiplicity of institutional actors, individuals, and organized groups who also take up an assumed "right" to exercise sovereignty within the U.S.-Mexico border region. This would include nations-within-nations, NGOs, organization leaders and followers, as well as oligarchical figures and groups whose power has rested intergenerationally within a privileged segment of society. The oligarchical structure—notable in patriarchal and highly stratified societies—exists as a dense web of configurations along the U.S.-Mexico border, spatialized horizontally and vertically across geopolitical fields and across ideologically-based notions of blood, genealogies, military authority, and cultural pre-eminence. The transnational social forces from below and how they contour Indigenous women's lives, and how women organize to push back, are often repressed and hidden within the laws, philosophies, and practices of the state and its multiplicity of "states" that operate normatively within the "United States" and "Mexico." As U.S. corporations and military industrial complexes increase the use of violence as acts of "sovereignty"—to seize control over lands, water, oil, ores, and biological resources in the specific region—the norming of violence saturates state as well as individual practices of social coercion and control along the U.S.-Mexico border.

Indigenous women who are from the communities physically bifurcated by the international border are uniquely positioned to analyze the historiographies and long-term impacts of imperialism. Their current struggles often foreground the Indigenous struggles which pre-date the state and nation, articulated through their oral traditions of their foremothers and forefathers who engaged in revolutionary struggles against Spain, Mexico, the Texas Republic, the Confederate States of America, and the territorial expansion of the United States. The intergenerational transmission of these struggles has often occurred through oral histories as well as primary documents and archival collections maintained by specified members of families. Indigenous women today in the U.S.-Mexico border region increasingly direct their on-the-ground activism at the international and transnational political arenas to be actively engaged in historical recovery, documentation, and critical interrogation of the past.

I have been situated within Indigenous and tribal communities from birth through the present, and from my 1994-2005 involvement as a community organizer and leader of collective actions in southern Arizona with Indigenous women and families committed to transnational community networks. These communities historically and currently bind numerous reservations, *ejidos*, *colonias*, and *barrios* in the Sonora-Arizona bordered Indigenous lands. Since 2006, my focus has shifted to the Texas-Mexico border, following the Secure Fence Act of 2006, and the human rights violations in my mother's birth community, El Calaboz Ranchería. My involvement in my peoples' and our allies' anticolonial alliances in Lipan Apache (South Texas-Tamaulipas), and O'odham and Ópata-Mayo (Sonora-Arizona) territories is part of a significant history including Indigenous women's efforts to defend situated land-based subsistence, holdings, relationships, cultures, histories, and epistemologies in the protection of sacred water, soils, minerals, air, and spirit.

Indigenous women have strongly influenced and shaped my thinking about the local and larger structures of power. Histories, contexts, and texts of Indigenous peoples' anti-imperialist and anticolonial struggles in Mexico's northern states and the U.S. Southwest are rooted in kinship, trade, and epistemological exchange based in 10,000 years of transcontinental Indigenous social, economic and political mobilities and relationships. Indigenous peoples of the U.S.-Mexico region are interrelated through the precolonial histories they share and their centuries-long, coordinated and continuous alliance-building in anti-imperialist struggles. I cannot do this history justice in the space of this article, but I will point to those histories when I can. I will focus on Indigenous women's experiences, theories, and practices today as a continuation of their peoples' resistances and activism. I will provide frameworks to illuminate how those were, and continue to be, connected to and made invisible by imperialism, militarism, nationalism, and gender violence. I will focus on key ways in which contemporary Indigenous women are educating broad audiences about the importance of history, and the relationships between Christendom, dominion, and Western legal thought, and the imperialist wars of destruction, crimes against humanity, and human rights violations against Indigenous women, families, and communities.

Later in the article, I will provide a synopsis of the critical activism of Teresa Leal (Ópata-Mayo) in transborder and transnational Indigenous struggles that involve the Guatemala-Mexico, Mexico-U.S., and U.S.-Canada militarized zones. I will also analyze the work of Lori Thomas-Riddle (Akimel O'odham), who is building alliances within and across Indigenous Arizona's rural and urban elder and youth communities, based in her network-building with immigrant-Indigenous youth in Palo Alto, California, who together organized the collective community resistance to Romic Environmental Technologies, Inc., a multinational incineration corporation.⁵

In solidarity, Leal and Thomas-Riddle have opened up their lives and political work to me for eight years in our ongoing collective work. In the transborder and transnational movement, we coordinated Indigenous women, families, and collectives in Arizona, Sonora, and South Texas-Mexico. Leal and Thomas-Riddle shared oral histories, documents, and archives of their communities, for video recording and analysis. In the process, I learned that their ancestors and mine had much longer alliance histories in the struggles against imperialism, militarism, and extermination—going back to the 16th century. Those history lessons helped connect the larger structures of imperialist, capitalist, white supremacist, and gendered violence against Indigenous women and families across communities. Leal and Thomas-Riddle shed light on the invisible forces of oppression showing me my elders' mobilization to re-fan the coals of my community's struggles against armed force and dispossession when U.S. forces invaded our community in 2007.

The Lipan Apache Women Defense (LAW-Defense)—an organization which my mother and I co-founded in 2007—has become a centering and grounding force through which Indigenous women and families have organized, documented, and deployed legal, discursive, cultural, and media-based challenges to the Texas-Mexico border wall. This article will address some of the challenges faced by LAW-Defense in the daily struggles to sustain a federal case, and the ongoing processes in international spheres to document and analyze the militarization and U.S. invasion of the Lower Rio Grande Valley traditional rural communities. I will attempt to elucidate the wars that conflate “enemy,” “terrorist,” and “foreigner” with Indigenous peoples, and clarify why, how, and when Indigenous women disrupt the “citizens” and “rights” regimes, which are retrofitting the liberal discourse of “progress” to conduct wars against them. These wars are built upon the privileging of violent, masculine identities and are instilling the dangerous popular concept in settler societies that the destruction and erasure of Indigenous peoples *is* power. Finally, I will provide an update on recent events unfolding in El Calaboz Ranchería, and the responses of LAW-Defense.

Imperialism v. Indigeneity: Dominion v. Autonomy

From Indigenous women's perspectives, the ongoing violence of colonialism cannot be disconnected from hierarchies and structures laid down in the Euro-American empires, nor can Indigenous peoples' historical experiences be lumped into and aggregated among

"American-Indian," "Native-American," "mestizaje," "pueblos indígenas," "Latinos," "Hispanics," "Chicanos," and "mestiza"/"borderlands" theorizations of colonization. For the aboriginal women human rights defenders, repression began with Spanish colonization, mass-slaughter, sexual violence, and the radical disruption to Indigenous institutions.

The 1520 establishment of the two separate Spanish Republic and Indian Republic spheres of law, and the granting of Indigenous lands to European colonizers, initiated one of the largest transfers of wealth from the Indigenous Americas to European Christendom.⁶ The use of armed force, rape, and bondage enslaved Indigenous communities.⁷ The *encomienda* system provided for large estates of land and tributary labor to be distributed among the colonizers. The *encomienda* resulted in the legal valuation of Indigenous people as commoditized units of energy.⁸ The *encomienda* may be the first truly American "energy" policy, effected through the violent dispossession of Indigenous peoples of their rights to control their own economies, trade systems, transportation systems, subsistence, holdings, bodies, and families. The *encomienda* signaled the most significant and radical restructuring of the Indigenous clan and kinship economy models. Many Indigenous women who are aboriginal to the U.S.-Mexico border region often express that they are living under legal, social, economic, and political structures which were forged in Spanish- and Euro-American developed sites of oppression that followed the *encomienda*: *repartimientos*, *establecimientos*, *haciendas*, *missions*, *ranchos*, *obrajes*, *presidios*, *colonias*, *garrisons*, *prisons*, *barrios*, *reservations* and *forts*.⁹

Traditionally, and for millennia, the key actors who guided the critical social relations of economic trade and development of markets in the Americas were Indigenous women. They influenced and often controlled kinship, clans, and extended identities in cultural landscapes. Indigenous women formed a larger structural organization which webbed the continent and maintained and improved the mechanisms, languages, and modes of trade, markets, exchange, and autonomy.¹⁰ Epistemologies of Indigenous women in this particular geopolitical region, as throughout the world, work to reinforce productive reconnections to the historical social activism of their foreparents, to inform Indigenous women's social movements and empowerment in the present.

Contexts of Indigenous Women and Overlapping Border-ed Domains

In their commitments to restore historical memory and to reclaim their foremothers' histories and strategies of survival under militarization, Indigenous women activists today are recovering repressed and invisible histories, governing practices, and political formations, and, in the process, they are exposing the linear and conquering methods of Euro-American settler histories. Indigenous women are also analyzing the larger cultural landscape of border-ed lands marked by settler histories, which developed above the sub-geophysical terrain of contiguous ore deposits buried in the belly of

Earth. These run up and down the continent, followed by the railroad tracks above ground. The manufacturing centers are organized near the railroads, which trace the rich deposits and the distribution routes across the borders seamlessly. The zones of dispossession and impoverishment are the industrialized pathways and circuits of wage-laborers.

Indigenous women are also fundamentally challenging the Euro-American states' "legalized" formalizations of military and corporate transnational expansions through and across Indigenous communities. Through exploitative and violent uses of technology, weaponry, ground troops, and the construction of gulag-walls and detention centers; and by warping and manipulating "democratic law" vis-à-vis the concentration of "no-constitution zones" with and through the coordination of politicians and the global private soldier-police industry, the states have constructed wide corridors of death zones for Indigenous peoples. This is just a facet of the contemporary architecture of a death-as power and extraction culture. We must understand this in order to comprehend how laborers, corporations, and states forge and shape multi-national mega-projects and how Indigenous women understand their experiences and roles at the intersections. Extractive mining projects; super-power hazardous waste corporations that use Indigenous lands to conceal illicit traffic and disposals; and "Mega-Projects" (security walls, virtual walls and spy technologies, super highways); and the hyper-military policing of Indigenous bodies are framed by the states of U.S., Mexico, China, and Canada as "security" for the "prosperity" of "freedom fighters" in the never-ending "war on terror."

Indigenous women continually challenge the normalization of warfare along the international border of the U.S. with Mexico and are active in exercising the authority of families, and in securing necessary food, water, medicine, and manufactured goods, which they transport back and forth between the U.S. and Mexico on a daily basis. While male family members are important to the process of survival, it is the women who are the systems' most active directors, managers, and coordinators of resources, and their actions feed back into their kinship circles and spheres, and this aspect of the transnational work of Indigenous women is often undergrounded in important ways. The establishment of checkpoints where there were none before (Arizona); the reinforcement of older checkpoint infrastructures and the build-up of riot-style policing (South Texas); and the upsurge in air-surveillance "killer" systems; and increased weapons and boots on the ground are all forms of the states' and the heteropatriarchal citizens' collaboration to quash Indigenous civil resistances and mobilizations. In this nexus, Indigenous women, their families, and their close social networks are vital actors in human rights defense within and across their traditional territories. These communities form a key polity against encroachments of their sovereign territories, and the infiltration of assimilative forces promoted by the U.S. and Mexican states.¹¹

Resistances in the Border-ed Lands: Indigenous Women Human Rights Defenders

It is in the sphere of human rights defense work related to forced relocations and dispossession, exploitation of laborers, extractive and toxic corporate industries, destruction of food and water systems, and mega-projects and autonomy, where Indigenous women are in most dramatic and violent conflict with the states and their collateral use of coordinated armed force to achieve “progress.” The current-day U.S.-Mexico border is a region encompassing ten states from two nation-states that are currently divided by an international economic-political border and heavily militarized zones. These zones are especially garrisoned at the largest ports of entry, such as Tijuana-San Diego, Nogales-Nogales, Juarez-El Paso, and Matamoros-Brownsville. There are many more ports which are now being developed in response to the Security and Prosperity Partnership (SPP).¹² Likewise, there are hundreds of well-documented ancient to contemporary *traditional* crossings within the territories of bi-national Indigenous communities (Arizona-Sonora, and Texas-Chihuahua, -Coahuila, -Nuevo Leon, -Tamaulipas, for example). Militarily enforced ruptures to these crossings by the United States since 9/11 have been especially fractious and violent for Indigenous elders and their extended families on either side of the border.¹³

The U.S.-Mexico border militarization is a violation of numerous Indigenous laws to sustain life, and it ruptures treaties negotiated to preserve Indigenous forms of community-building, trade, commerce and sovereignty. The will to empire has continuously been structured by the settler states in explicitly racial, ethnic, religious, gendered, and political terms. The U.S.-Mexico border is a *de facto* 150-year-old militarized zone against Indigenous sovereignty and collective identity, organization and autonomy. The border is hotly contested and is maintained vis-à-vis paramilitaries, border patrols, armies, checkpoints, spatialities of control over Indigenous peoples, and the constant whitestream of right-wing and liberal ideological discourse.¹⁴ Fernando Romero-Lar, economist and theorist, refers to the U.S.-Mexico border's extensively militarized-commercial-economic-trade zone as the “hyperborder.”¹⁵ On a global scale, the U.S.-Mexico border, in comparison to the borders of North Korea-South Korea, Israel-Palestine, Morocco-Spain, U.S.-Canada, South Africa, the Golden Triangle, is *unique* according to Romero-Lar, because it is

the world's longest contiguous international divide between a superpower and a developing nation. Crime, corruption, free trade, urbanization, resource scarcity, migration, border control, death, and environmental degradation are just some of the influences that have come to define the nature of the hyperborder, making the boundary unique in the contemporary world for the breadth of issues confronting it.¹⁶

Similarly, Indigenous women refer to the U.S.-Mexico border as a war and murder zone, a nightmare, a prison, and a colony.¹⁷ In-

Indigenous women's communities, though dominant in population numbers, are largely invisible in mainstream media and literacies, which often aggregate their social identities flatly and erroneously into state and citizen-centered descriptors largely constructed by the neoliberal capitalist lens and systems: "Latina," "Hispanic," "Mexican-origin," "Mexican-American," "Native-American," "American-Indian," "Chicana," "Asian-American," and "African-American." Since 1848, the border has been a tool for the two states to repress Indigenous autonomy and social-political organization, and to maintain this liberal and capitalist construction as the norm. By 1848, the border operated to repress Indigenous peoples' efforts to retake the region and to re-appropriate the goods, and, in the process, reduced much of the region's European settlements to embers.¹⁸ When the U.S. annexed nearly half of Mexico's territorial claims, the resistant Indigenous sovereignties were divvied up between the two states and shrouded in the Western legal language of the dominion and the infidel, vassal-wards.¹⁹

Indigenous relocation, displacement, surveillance, enclosure, segregation, and extermination are broadly referenced in Article XI of the Treaty of Guadalupe Hidalgo, which assigns to the United States the full responsibility of the "exclusive control" of "savage tribes" whose lands and peoples were directly impacted by the TGH and the establishment of a border. The signatories agreed that all "incursions" by the Indigenous of the entire 2000 mile long region shall be

forcibly restrained by the Government of the United States whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory, against its own citizens.²⁰

From Indigenous peoples' perspectives, the TGH set forth the collateral legal construction of Indigenous peoples, who resisted genocidal policies as "savages," and the TGH specified language for the states' continuing partnership in their destruction.²¹ The TGH institutionalized the legal framework of the modern-industrial version of *dominion* and *infidel*, the two pillars of Christendom and imperialism.²² The state parties constructed the U.S.-Mexico border to constrain and segregate lineally related Indigenous peoples from each other. The use of armed force to construct and control borders, and designating the United States unilateral authority to manage the operations against "savages" is the modern-industrial historiography of Indigenous repression and genocides. The "Mexico border" is the American cognate for a legal killing zone and a constitution-free zone rooted in capitalism, war, and extermination.²³

Indigenous Polities in the Autonomy Struggle and Violence Against Human Rights Defenders

Indigenous women are retaking strategic spaces in the struggles for customary women's principles and law systems, the protection of children, and human rights litigation both locally and internationally. Indigenous women defend the human rights of oppressed people who are under heavy surveillance. Because the oral traditions of many Indigenous peoples of the bordered regions uphold the historical central role of women governance of the extended clan, Indigenous women today are restoring the strategic use of original clan-based governance systems. These are critical moves, because matrilineal clan law pre-dates the colonialist and capitalist state. They demonstrate that the border, armies, forts, settlers, and corporations are fundamental violations of original aboriginal sovereign title laws. Today, Indigenous women along the U.S.-Mexico border are working with numerous communities at the international level to challenge the presumed rights of settler states over Indigenous peoples' sovereignty and rights to self-determined autonomy. At the international level, Indigenous politics provide spaces for community leaders to forge their local struggles to global revolutionary movements for transformation and radical change. For example, the following two articles from the *United Nations Declaration of the Rights of Indigenous Peoples* (UNDRIP) are just a sample of the frameworks that Indigenous women use along the militarized zone to galvanize new relationships with each other, international actors, NGOs, rights regimes, corporations and states.

Article 11, Section 2: States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with Indigenous Peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs. (*United Nations Declaration on the Rights of Indigenous Peoples*, the General Assembly, September 7, 2007)

Article 22, Section 2: States shall take measures, in conjunction with Indigenous Peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.²⁴

As Indigenous communities in the U.S.-Mexico border militarized zones strain to recover from colonization and exploitation by settler frontier societies and states, they are increasingly using the UNDRIP and other mechanisms and rights spheres to increase their communities' visibility. This is to apply pressure to states, and forge alliances on collective projects that raise their communities' profiles among an important range of interested and supportive groups, and individuals.

As militarization along the U.S.-Mexico border drives local fears, community endangerment, and state defenses to all-time highs, it is

women's local and international activism and networks that continue to draw legal experts, scholars, funders, and global actors into participatory partnerships. These support Indigenous women's analysis, documentation, and presentation in prominent spheres of their collected bodies of evidence in the active promotion of an interrogation of states' violations of Indigenous peoples' rights to essential freedoms: security and autonomy.²⁵

Insisting on Peoplehood (autonomy, independence, and the traditional and contemporary identities of Indigenous polities in a local, international and global context), Indigenous women in the bordered regions destabilize the "Native Woman/Mujer Indigena" aggregate so often utilized by states as well as nonprofit and citizen-focused "rights" groups and corrupt community leaders. These aggregate identifications flatten Indigenous women's lineal, religious, social, economic, and political ties to specific lands, histories, sovereignties, institutions, and activisms beyond borders of the states. Mexico, the U.S.-Mexico international boundary, and the United States are zones which are *in* and *on* Indigenous territories. This is the dominant view of Indigenous peoples working in a larger struggle. This perspective makes Indigenous political leaders the targets of hate- and violence-focused anti-immigration, white nationalist, nativist, and paramilitary groups.²⁶ These groups and others are some of the first to respond with fear and hostility when Indigenous women are publicly and visibly making waves in sectors typically reserved for white spokespersons.²⁷

When Indigenous human rights defenders in the bordered region are stalked, kidnapped, assaulted, raped, and/or murdered by members ("citizens") of "the public," it is fundamentally an attack on the "Native women"/"Mujer Indigena" as "the Other" to the white settler and to the state conception of space, race, and rights. Her racialized, sexualized, gendered, and classed body is subjected to mental and physical warfare in a neocolonialist society where its most conservative and extremist members exercise citizenship as power-over-death, and their constitutional rights to speak, gather, bear arms, and own property, and wield these in violent repression against Indigenous people with impunity.²⁸ The "Native woman"/"Mujer Indigena" is constructed (objectified) to explicitly dehumanize, subordinate, and demobilize her *because* she is Indigenous. At the recesses of the masculinist settler memory is a fetish for the exotic, enslaved, tortured Indigenous resister. *Indigenous women, when challenging this, are bluntly challenging white male heterosexuality as inherently violent and destructive to an entire group.* Indigenous women's oral histories are the undergrounded co-authors of the masculinist militarized landscape. Their mutilated vaginas, sliced breasts, ripped buttocks and anuses, scalped heads and pubic hair, their tattered clothing and sacred objects—all are pieces on the "crossroads" of settlers' and states' memory. Their indigeneity is a constant reminder to the settler that his land is gotten by mass crimes against humanity. The settlers' gender, race, and sexuality exist outside of the law of the people. Indigenous women and youth, who are most empowered when they are at the forefront of resource protection, are denouncing the violations of the states, and insisting that Indigenous

decolonization is the pathway to restoring aboriginal rights, for the protection of Mother Earth, future generations, and healthy systems. Women's voices and perspectives are often the most censured by politicians as well as by opposing Indigenous community members who see the women's stepping out of the norm as dissidence, dangerous, and criminal. Many agree that the conflation of anticolonial resistance with dissidence and criminality is internalized racism among the dominant mainstream against Spanish-speaking Indigenous peoples.

The local analysis claws against the scars of a deeper tyranny: the blood-stained killing fields, death marches, abductions, death squads, lynchings, burned fields, and detentions that mark the landscapes and topographies of war involving Southwest Indigenous peoples²⁹ in the 19th, 20th, and 21st centuries, without cease.³⁰ The express will to empire could *not exist* without the explicit racial, gendered, economic, cultural, religious, political, and global allegiances of powerful and elite members within NGOs, tribal governments, political, economic, and institutional groups and organizations, and international legal bodies.³¹

Transborder and Transnational Networks

The colonizers in Sonora, (Arizona wasn't a state yet in the old days you know, but we were all the same then, before the taking), . . . um . . . well they were compelled to incorporate the Indian into every aspect of their colonial existence—without the Indian as the hunters, agronomists, laborers, herbalists, spiritualists, religious leaders, healers, maids, nurse maids, cooks, gardeners, farmers, cowboys, . . . you know . . . all those functions which we perform that are not acknowledged, yet, as laborers in service for their wealth. . . . they couldn't survive or exist without us. When Indians assert their rights, to be owners, then that's when the soldiers come. When Indians fight to be human again and not to surrender to submission and passivity, then they come and destroy us. The colonialist society penetrated our Indigenous ways to a deep extent, you know . . . Indian male leaders get pressured by the state to denounce Indian women, or maybe not openly work against them, but in other forms, not support them. The women's hearts and minds [are] the ones who have a direct connection to the life forces and to the memories of the older generations.³²

Teresa Leal: Ópata-Mayo, Co-Founder, Las Co-Madres Ambos Nogales, Sonora-Arizona

Teresa Leal (Ópata-Mayo) is well-known in Indigenous women's movements throughout Sonora, Mexico, Guatemala, Arizona, and in numerous spheres of Indigenous peoples' coalition organizing in the U.S., Canada, Taiwan, and South Africa. Born and raised on a ranch in the highlands of Sonora where her mother was a domestic worker for a wealthy land-owner, Leal had opportunities to learn English, and to go to school in Nogales, Arizona. In her twenties she

left Sonora, Mexico to earn a degree in sociology, and during this time she joined the people's resistance movement in Guatemala. She eventually took a job with the Mexican government as a social worker and did translation work for Indigenous women seeking social services. Eventually she left her state job to more effectively avail herself in the local struggles of Indigenous people, which became the basis of her advocacies in labor unions, mining communities, factory workers, women care providers, domestic workers, housewives, children, and elders' health. Familiar with the American Indian Movement (AIM) and migrant workers' organizations and the systems operations of Zapatista Army of National Liberation (EZLN), Leal emulates the trilingual versatility of today's Indigenous women human rights defenders whose people are from the region. In this trajectory, she trains and organizes with Indigenous communities, from the Guatemala-Mexico border to the Mexico-U.S. border, and throughout Arizona, New Mexico, Texas, Sonora, Sinaloa, Durango, Oaxaca, Chiapas, and Guatemala. The founder of prominent and numerous smaller, local, and inter-webbed "hubs" in the "corridor,"³³ today her activism is concentrated across more than fifty-two urban colonias which flank the factory zones of Nogales near the U.S.-Mexico border wall and Tucson, Arizona—a well-known convergence site for the numerous tribal groups whose traditional territories overlap and align in sacred sites both around and within the urban area of the old imperial presidio-garrison town.³⁴

The autonomous colonias have been in continuous development by Indigenous women and families, over the last forty to fifty years, as a direct response to two factors: U.S. wars in Central America and southern Mexico against Indigenous peoples, and as part of struggles of resistance by Indigenous women and their families to re-take lands in the industrialized north, to use the Mexican constitutional right of Indigenous peoples to take unused lands, and to resist the local and state efforts to remove them. Nogales's urban colonias are built upon the work of Indigenous mothers. Numerous Indigenous communities who migrated to Sonora from throughout central and southern Mexico collectively organized. Teresa Leal formed alliances of many Indigenous women with ties to mines, manufacturing zones, street markets, migration, domestic labor, and dispossessed communities, and together they organized an Indigenous urban polity. With leadership of Teresa Leal, they collectively reclaimed "waste" lands considered undesirable by elites and "citizens." Seeking collective and community-controlled organization of the local resources, Indigenous women structured the social and economic relationships of thousands of landless families, and negotiated the terms of these with local politicians and state officials in the process. What may seem an eyesore for middle-class American tourists visiting Nogales to purchase pharmaceuticals, tequila, and "a day in Mexico" is actually a huge land reclamation political movement for displaced Indigenous workers seeking stability for their families. As Leal states, "Empowerment is in the eyes of the beholder. Each colonia is semi-autonomous with its own political history, context, and founding clan-mothers who maintain activism and oral histories of their colonia's foundation and they recharge the ongoing struggles to main-

tain the peoples' rights to the land and community."³⁵ Leal and her *comadres* work to bridge the activism of each colonia's key leaders, and at the same time to provide support and strength to women's antiviolence struggles within their homes, colonias, and in the numerous struggles against "bad government." Indigenous women struggle to gain a voice in local colonia and municipal politics, which have historically exploited and violated them, while upholding the patriarchal cult of "la familia" as Indigenous women's traditional sphere of honor.

Ópata and Mayo frameworks are important because Leal's work, like that of thousands of Indigenous women organizers in the region, is not isolated, occurring in a vacuum, or an anomaly. Rather, it is grounded in local Indigenous politics, experiences and histories. Her work, and the numerous women and men who operate in solidarity with her, carry forward a much longer historical, intellectual, and ancestral tradition of anticolonial alliance building in Mexico and the bordered region that stems from revolutionary 18th century and 19th century precedents. Through the intersecting frameworks of "labor," "work-place," "elder care," "child care," "education," "water," "food security," "collective squatter rights," "mining," and "biological reproduction," Indigenous women's experiences and histories crisscross many hubs and nodes of solidarities. Leal's most recent work in the Indigenous laborers' uprisings in the mining communities of Cananea and the human rights monitoring and defense for the hundreds of thousands of "returned ones"³⁶ are crucial examples of resilience, endurance, and persistence of networked solidarities which mirror the work of Indigenous grandmothers throughout the construction of the mining industries in the 17th and 18th centuries.³⁷

**Lori Thomas-Riddle: Akimel O'odham, Co-Founder,
Gila River Alliance for a Clean Environment**

The state and heteropatriarchally defined frameworks of "environmental racism" have increasingly come under the critical analysis of Indigenous women whose land-bases are bisected by the U.S.-Mexico border. Their criticisms tease out the ways in which environmental justice—and injustice—is constrained within a normative "civil rights" and "constitutional rights" platform. In that sphere, "citizens" resist the violence that other "persons"—i.e., corporations, states, or other private businesses—create that harms them. They may litigate against those entities if they "choose." Their "rights" to complain are supposedly enshrined within the democratic principles of "civil" and "constitutional" rights.

Indigenous women's challenges to the authority of this framework inherently contest the state's legitimacy, authority and sovereignty, and the social and political identities of citizenship as constraints for Indigenous peoples bisected by borders. Lori Thomas-Riddle (Akimel O'odham), co-founder of Gila River Alliance for a Clean Environment, and its offshoot, O'odham Solidarity Across Borders Collective, demonstrated this challenge to corporate and state power in her numerous campaigns between 1997-2007. Her organizing counter-

wars, which she launches regularly on the Web using social networking tools, are articulated in both an “environmental justice” frame, and through a “Peoplehood” discursive resistance to the homogenous aggregate of “the Native American citizen-hero” within the U.S. For example,

[a] toxic waste treatment facility called Romic Southwest sits in the Gila River Indian Community next to Chandler. The U.S. EPA refuses to fine this company despite serious and repeat violations and the people who live and work in the community have little means to do anything about it. That is why dozens of people came out to demand the toxic waste facility be shut down. People lined both sides of the street near the facility holding signs and banners. Speeches were made as the crowd rallied in an open lot, listening to the stories of ill-health, similar struggles that others are facing around the country, and encouragement. A walk to the location where the police had blocked off the road to the Romic facility was made twice during that day.³⁸

For Thomas-Riddle, informing O’odham community elders, youth, allies, and advocates about the destruction to their lands, food systems, water and air, and de-colonial alliance work on the ground is a key role to play in shifting the local and international politics of the illicit transporting and dumping of toxic waste in O’odham reservation lands. The waste travels from Romic’s multiple international sites, through Mexico and into the U.S. vis-à-vis the Gila River Indian Community, the first stop on a toxic railroad route in a transnational path beginning south of the border.³⁹ Thomas-Riddle is informing O’odham people of the importance of the dangerous, unlawful, and unjust use of modern technologies by corporations, and the U.S. EPA’s knowledge of these violations of federal, constitutional, and treaty law. She is taking huge risks by doing so, as (obviously) not all Akimel O’odham peoples are the same; in fact, key Indigenous elites and everyday working people in her nation, across six distinct community-and-clan-governed districts, belong to related, and often competing, clans. Many families and younger generations are assimilating rapidly into consumerism and the ideologies of racism, tribalism, and indigenism which saturate their existences within a capitalist and media-focused U.S. constitutionalist society.

Thomas-Riddle is an avid early innovator of text messaging as a tool to synchronize large numbers of people to concentrate actions to offset the work of corrupt government and tribal officials. She has made broadcasting and transparency a top priority in the work she does in her communities on the Mexico side of the border. Her efforts to disentangle Indigenous facts from the avalanches of disinformation passed off as “reports,” by corporations and government bureaucrats alike, are a crucial part of bridging rural Indigenous principles and perspectives from and to rural and urban areas, and Mexico. In Quitovac, Sonora, the women-led O’odham community leadership work against similar forces of local elites—government and Indigenous, SEMARNAT, (Mexico’s parallel to the U.S. EPA) and the corporation CEGIR.⁴⁰

Thomas-Riddle's contemporary advocacies continue to shape Indigenous environmental politics through an environmental racism/environmental justice legal framework which has been, to varying degrees, somewhat successful at different times on the reservation. However, after the construction of the border wall, enabled through the Department of Homeland Security's 2008 waiver of thirty-five federal laws⁴¹ to erect the 18-foot steel and concrete barrier, there is lingering skepticism whether the environmental justice framework is still capable of deterring the nation-state in its use of sovereignty, "security," and "democracy" as key frameworks to suspend citizen-based civil rights. This force effectively pushes Native American environmental justice activists in Southern Arizona to pick up the international law frameworks of human rights and international Indigenous rights to address environmental injustices on the U.S. side of the border as an issue of the state's violation of constitutional law. At the same time, the movement towards international rights' spheres is an area of great interest to Thomas-Riddle as she engages in transnational O'odham and diverse Indigenous social networks which amplify the transnational flows of toxics, from Mexico to the reservation, and the implications of a single-focus strategy, (environmental justice/civil rights) which is radically modified by current eradication of environmental protection laws, vis-à-vis the border wall and the rise of the "Constitution Free Zone."

The important transnational Indigenous human rights and autonomy work she and her clans are accomplishing demands the attention of international legal spheres, NGOs and U.N. bodies. The effects of her work on Indigenous people in a hemispheric and global context rupture the traditional lenses of the "citizen-hero" of U.S. environmental justice movement practices. The Indigenous framework focuses the battlegrounds firmly within the Indigenous peoples' traditional and customary terrains, and challenges the legitimacy of the perpetrator's legal domain, which protects "personhood" rights to commerce and progress. Thus, in normative spheres of environmental justice praxis, Indigenous peoples are merely assigned "minority" status along with other state-defined "minorities": "African-," "Asian-," "poor white," and "Latino-" Americans. These also deny the fact that Indigenous political actors are a heterogeneous population that vehemently resists the colonialist categories of "mixed-blood" and "mestiza," which serve to stratify, divide and disband their collective organizing as Indigenous people.⁴² In the political spheres of the state, human rights are repressed—by both the state and Indigenous tribal elites—through the normative discourse of citizens' civil rights and the state (allegedly) as the protector of citizens' civil rights to speech, religion, property, and safety.

The lethal costs of environmental destruction, displacement and gender violence to women and girls have increasingly forced Indigenous families to seek alternative paths to justice. They are consistently in the lead in reframing Indigenous rights in the international definitions of states' and corporations' criminality and their collective rights to human and Indigenous rights. Indigenous women's activisms in the U.S.-Mexico bordered region resist the pressure to

conform and to “fit” inside the delimiting frames of the state and its “citizens.” Rather, they invoke radically different collective narratives, systems and processes that challenge imperialist, and fictive-histories which legitimated state and citizens’ destruction as the mitigating domain over Indigenous families. After a successful 10-year, women-led grassroots battle against Romic Environmental Technologies Corporation, Lori Thomas-Riddle remarked on the Indigenous peoples’ de-colonial struggles:

Romic Environmental Technologies Corporation operates a commercial hazardous waste “treatment” facility at Lone Butte Industrial Park on the Gila River Indian Community, and they are authorized to store and “treat” hundreds of highly dangerous toxic chemicals and toxic metals. Romic accepts hazardous waste shipped from around the world! Romic wants to expand the amount of hazardous waste they store on site by about 50%! Romic wants to add 15 new tanks to store additional hazardous waste. This plant has existed since 1975 and has a terrible history of violations including: hazardous waste leaks, hazardous waste barrels stored in flooded areas, missing inspection and monitoring reports, missing hazardous waste labels, incomplete inspection logs, open containers of hazardous waste. According to U.S. Environmental Protection Agency inspection reports, the dangerous practices have continued at the facility for decades. U.S. EPA refuses to fine this company despite serious and repeat violations. U.S. EPA never told the community the truth about this hazardous waste company, its problems or risks, or the proposed big expansion. EPA has allowed this company to operate for decades without full permits or any environmental impact report. In December 2002 Romic applied to U.S. EPA for a permit to expand and continue operating, but the EPA has failed to hold a public hearing where tribal members could voice concerns.⁴³

Thomas-Riddle’s denouncement connects the grassroots movement to her detection of U.S. abuse of power both within and on O’odham traditional homelands—an implicit reminder to her people of their sovereignty and rights as a nation in the spheres of international law. International law, if not explicitly invoked, is nonetheless understood by Indigenous transnationals, who are advocating for similar corporate shut-downs on the Mexico side of the O’odham community in Sonora.⁴⁴ Thomas-Riddle’s work is paying off, as an offshoot group of O’odham youth are taking up the struggle in the arena of international Indigenous rights. In the group’s statement, “Who We Are,” the youth assert a human rights and Indigenous rights framework:

O’odham Solidarity Across Borders Collective is made up of Akimel O’odham and Tohono O’odham youth who are pressing the attack against the ongoing colonization of our traditional lands (i.e., U.S./Mexico Border policies), environmental racism from transnational corporations and the state, and all colonial polices aimed at

destroying our O'odham Him'dag (Traditional Way of Life). We fight for self-determination, and true sovereignty of our lands. We advocate for the traditional elders in Mexico and the United States. We provide an autonomous space for O'odham to educate themselves on the issues that affect our land and people (our future). We encourage and support all O'odham, especially the youth, in carrying on our traditional practices, just as our ancestors did before us. Our projects of solidarity are our politics. You dig?⁴⁵

Eloisa García Támez and the Lipan Apache Legal Challenges to the U.S./Texas-Mexico Border Wall

By permitting and prescribing only certain forms of violence—those that advanced projects of territorial conquest and consolidation—both the Spanish and the Mexican states retained the power to regulate the colonists' use of force. To this end, they fostered the militarization of frontier subjects—particularly members of subaltern groups and classes. Not only did the state legitimate the use of violence against indigenes, it made warfare against the Apache a source of personal prestige and status honor for the peasants [in Chihuahua] and other military colonies.⁴⁶

The above statement is useful in the larger historiography of empires' and states' uses of militarization—of the lands, systems, institutions, and other Indigenous peoples—in the wars against “enemies” and “infidels.”

In 2007, Eloisa García Támez, a Lipan Apache elder with a lifetime of activism against the settler constitutionalist state, emerged from the shadows of Texas and U.S. history and into Indigenous light when she took a firm stance against the U.S.-Mexico border wall mega-project situated across her traditional village-like *ranchería* of El Calaboz, located on the southern tip of the Texas-Mexico border. The focus of international attention, her legal case centers on her class-action lawsuit against the U.S./Texas-Mexico border wall. It is an important case study of an Indigenous community from El Calaboz *Ranchería*, who in late 2007 refused to grant entry to the U.S. Army, U.S. Customs Border Patrol, and the U.S. Department of Homeland Security to survey their lands for construction.⁴⁷ In doing so, Támez and community elders and relatives set off a political firestorm in which Congress, the U.S. President, the Director of Homeland Security, a morass of bureaucrats, media pundits and white nationalist groups pounced upon the small *ranchería* society of independent Lipan Apaches. Since 2007, Támez and her clan elders have stood firm, won numerous crucial steps in their case against the United States by disrupting and dismantling the use of eminent domain, condemnation, and the Declaration of Taking, all tactics tied to militarization of the border. With each win, the community's popularity grew nationally and internationally, and was largely defined as a women-led grass-roots social movement that incorporated crucial themes in the continent's Indigenous Peoplehood movements against

imperialist government and corporate corruption.⁴⁸

Lipan Apaches are a community with Spanish Crown title, treaty rights, and other legal mechanisms to hold and maintain their lands as individuals and as a collective. Their aboriginal title predates 1767, when Spain began its encroachments. Crown Land Grants are recognized in South Texas, as well as in New Mexico, and have provided legal measures for Indigenous peoples to maintain aspects of traditional autonomy in land-tenure throughout the last four centuries. Since Texas does not recognize the treaty, collective, and Peoplehood rights of Lipan Apaches, the few surviving members who still have land grants must protect them diligently against development, greed and exploitation by settler organizations and developers.⁴⁹

Since 2006, when the Border Fence Act went into effect, Támez's legal case was the first class-action suit against the United States, from which all others followed. Between 2007 to 2009, *Támez v. U.S. et al.* was the dominant case against the U.S. border wall and successfully halted the construction of the border wall for two years in the community of El Calaboz, Cameron County, Texas. *Támez v. U.S. et al.* is especially notable for advancing the Indigenous principles and perspectives within a U.S. and international human rights framework, and introduced innovative new strategies and collective forms of political, social and economic organization in the construction of the case. Throughout the process, the El Calaboz community exerted rules, norms and practices through which Indigenous people operated and governed transnationally, transhemispherically, and autonomously, outside of the formal, non-profit and community organizations. The Támez case drew in Indigenous polities from throughout international Indigenous alliance and solidarity movements, and drew upon the activism of Indigenous migrants' human rights experts, with the leading support and coordinating efforts by Arnoldo García, Indigenous to Matamoros, Tamaulipas, México and a project director of the National Network for Immigrants and Refugee Rights. The legal cases raised by the municipalities that followed the Támez case benefitted tremendously from the analysis of the Támez community of support: a large network of grass-roots organizers and activists, labor rights leaders, migrant rights experts, border history and justice scholars, indy-media technicians, and Web 2.0 and communications consultants. The legal team comprised the LAW-Defense Working Group, co-led by Peter Schey and the Center for Human Rights and Constitutional Law. By 2008, this alliance of leaders eventually included the University of Texas Law Working Group, the Texas Civil Rights Project, and numerous private legal consultants spanning the Americas.⁵⁰ In addition to pursuit of land rights based on Crown Land grants, the decisive battle to foreground Indigenous peoples' human rights has been fought predominantly through Indigenous and Ndé clan-based matrilineal customary institutions, traditional belief and land-tenure law systems and practices using contemporary and traditional technologies.

Recognizing that the U.S. considers the Texas-Mexico border and border people a "no-constitution zone," Támez strategically pursued international law in order to apply Indigenous principles and per-

spectives to the case. The Inter-American Commission on Human Rights, which operates under the Organization of American States, heard the case in its 133rd Session, and commented on my testimony and that of a team of legal experts, attorneys and scholars:

The Commission received troubling information about the impact that the construction of a wall in Texas, along the U.S.-Mexico border, has on the human rights of area residents, in particular its discriminatory effects. The information received indicates that its construction would disproportionately affect people who are poor, with a low level of education, and generally of Mexican descent, as well as Indigenous communities on both sides of the border. On another U.S.-related issue, the IACHR continued to receive troubling information during these sessions about the situation of detainees in Guantánamo. As it did on July 28, 2006, through its Resolution 02/06, and on subsequent occasions, the Commission again urges the government to shut down the detention center.⁵¹

This statement by the Inter-American Human Rights Commission, to which the U.S. is a signatory member, fuses the Texas-Mexico border wall and Guantánamo Bay as interlocking international human rights issues related to the U.S. In doing so, the IAC/OAS welded the two into connected themes: U.S. human rights obstructions, state and global terrorism, detention, gulag prisons, torture, and human rights violations.

Prior to and after the passing of the Secure Fence Act of 2006, most citizens of the U.S. and Mexico had undergone a radical restructuring of their constitution-based rights as citizens of states, yet for the most part, it was predominantly the Indigenous peoples of Mexico whose reactions received the strongest media coverage in a global context. The Zapatistas are the most visible community symbolizing this radical reclaiming of the tools and means of production through Indigenous and contemporary thought and systems. However, Indigenous women in the north argue that these processes are misunderstood if forced through the linear frames and periodization of Western wars. Rather, the Zapatista revolutions have been the product of diverse and multiple processes occurring throughout the Americas of counter-cultural, economic and political battles that have re-shaped the terrains of Indigenous v. imperialist warfare.⁵²

Militarization, border enforcements, and state violence on the Texas-Mexico border have long been under-theorized and repressed from the mainstream by corporate-owned media. It was not until the global attention that the Zapatistas brought to Mexico and the United States in 1994, that militarization and low-intensity conflict were taken up as a critical framework by academics situated in the United States—a critical framework that had already been theorized by Indigenous people for numerous centuries. Scholars José Palafox and Timothy Dunn supported that work and analyzed the connections among the U.S.-backed overthrow of governments in Central America, the genocide of Indigenous peoples, the illicit drug and arms trade involving prominent U.S. elites, and the exploitation of dis-

placed Indigenous peoples as connected to key operations on the U.S.-Mexico border to manage and warehouse commodified Indigenous workers in the mining, agriculture, and development projects throughout Mexico, the U.S. and Canada.⁵³ The militarization of the U.S.-Mexico border is an ongoing part of a set of failed policies by which feudalism-capitalism engages in race wars that are legitimized as “law” and “rule” of dominion over Indigenous sovereigns. These policies should be explicitly defined as issues of state criminality, international law, Indigenous peoples and crimes against humanity.

Although the Lipan Apache community has also pursued a collective class-action suit against the U.S. and continues to pursue legal appeals in U.S. courts to the U.S./Texas-Mexico border wall mega-project, it is with the explicit understanding that the legal remedies of the state involved must be exhausted before further action can be admitted at the international legal level of the Inter-American Commission/Organization of American States. Through the activism of Indigenous women from El Calaboz Ranchería, working with Indigenous organizations, communities, scholars, governments and individuals, the Secure Fence Act of 2006, with its colonization and militarization, is being explicitly challenged by Indigenous women’s contextualization of Ndé histories, resilience and cultural landscapes in the centuries-long logics of “just war” emanating from Western legal thought, Christendom and imperialist figure-heads, such as the Bush or Obama regimes. Both regimes pursue these as legal, psychological and symbolic wars to enslave and to exploit the biological holdings and reserves of Indigenous peoples on a global scale. Eloisa García Támez, always anchoring this movement in the traditional values and inherited legacies of her ancestors, argues, “We have been doing this ‘movement’ for hundreds of years. You citizens may refer to this as ‘civil disobedience,’ [but] for the Indigenous Peoples we ‘resist’ by living our lives as in the ways of our grandparents. Our way of life is our resistance.”⁵⁴

Eloisa García Támez emphasizes that a Lipan Apache matrilineal “power/strength,” “poder” or “nalwodí,” has been alive and well for generations, and “never vanished.”⁵⁵ Strength comes from knowing that the ancestors defended, protected, and prayed for the lands, and that their elements are buried in the lands for continuity of the generations. This continuous message emanating from El Calaboz disrupted and contradicted the militarized historical construction of “Apache enemies,” which flattens and distorts Ndé males’ gender roles as savage destroyers and killers, while relegating Ndé women to the margins as an invisible and silent “influence.”⁵⁶

In separate published papers, court briefs, and articles forthcoming, I have analyzed the specific violence—extra-legal and inter-generational—experienced in the family of Eloisa García Támez, and more than nineteen generations of her ancestors, and her communities from El Calaboz, La Encantada, Las Milpas, Los Indios, La Paloma and Las Rusias.⁵⁷ Mass killings, executions, killing fields and armed removals are haunting fixtures in El Calaboz’s history of settler violence and resistance. From 1910-1919, the genocidal and mob-killings in Cameron County Texas led to the deaths of over

5,000 human beings.⁵⁸ The possibility of extra-legal, paramilitary violence repeating in the Lower Rio Grande is a grave concern of LAW-Defense. In the clan histories of El Calaboz Ranchería, women have taken lead roles in reconstructing the community's history within the contexts and texts of their legal challenges to the settler states of the United States, Mexico and Texas.⁵⁹ For example, in 1935, Andrea Cavazos García (Tlaxcalteca-Ndé) and several clanswomen challenged the U.S. Army in the illegal taking of their collective farm lands for the purpose of constructing a levee to manipulate the waters of the Rio Grande River and to appropriate the water rights from Indigenous rural agrarian societies and re-route those rights to the state and private industry leaders. In 1946, Francisca Reyes Esparza (Nahua-Tlaxcalteca-Bizkaian) had a leading role in traditional rural peoples' land rights struggles, displacement, and dispossession. She won her land rights case, as Irene Blea argued: "While attempting to gather evidence to file a Land grant lawsuit for titles to a quarter of a million acres of oil and ranch land, Esparza successfully developed communication between the United States and Mexico. She became an expert on the historical aspects of old land titles guaranteed to [Indigenous peoples] under Article VIII of the Treaty of Guadalupe Hidalgo."⁶⁰

The Esparza women (Támez's maternal foremothers) have an extensive history of Indigenous land and autonomy defense and offense, originating from the mid 16th century. Utilizing the Spanish colonial law institutions to challenge imperialism and colonial rule, their 13th Great-Grandmother, Mariana Leonor de Moctezuma, a daughter of Moctezuma II, was one of the first Indigenous women to litigate successfully against the Spanish Crown on issues related to Indigenous women's rights to land, inheritance, and autonomous control over their property.⁶¹ Thus, when we examine Indigenous women's histories as political actors in a five-centuries-long challenge to imperialist norms, we are better situated to comprehend why Lipan Apache women, from a small ranchería along the Lower Rio Grande, in the poorest county in the United States, emerged to challenge the legal grounds of U.S. imperialist dispossession of their lands.⁶²

"Enemy" Evil-doers, the U.S. Empire's Border Wall, and the Secure Fence Act of 2006

The hierocratic conflation of the "enemy" with the "Apache" is the American-made "infidel" in the dominion-ward relationship that structures settler constitutionalism. The dominion is considered to be the entire Earth that the Holy Roman Emperor galvanized and incorporated into a legal conception of Christendom. Dominion is the concept driving the modes in which empires are forged, and govern the "circumstances [whereby] . . . Christians . . . dispossess pagan peoples of their lordship and property."⁶³ The linear history of the "Apache" is constructed inside Mexico's and the United States' departments of war. The Nde people's social identities as "non-white" (enemy Apaches) or "white" (peaceful Apaches) in Texas, the U.S. and Mexico war games were constructed in the laboratory of West-

ern military science, law, religion, anthropology and development. The context of dominion is important to comprehend the meaning of the 2006 legal structures that allowed the wall's construction.

The U.S. Senate and House enacted the Secure Fence Act of 2006 (Pub. L. 109-367) on October 26, 2006. This legislation was passed as "an Act to establish operational control over the international land and maritime borders of the United States."⁶⁴ The Act provides for systematic surveillance technologies, physical infrastructure, checkpoints, and barriers to control U.S. borders against "terrorists," "illegal aliens" and "drug traffickers." Under "Section 3, Construction of Fencing and Security Improvements in Border Area from Pacific Coast to Gulf of Mexico," the Act provides for the construction of 700 miles of a barrier wall built in specific sectors along the U.S.-Mexico border. Seventy miles of 18-foot steel and concrete slab wall is scheduled for deployment in the Lower Rio Grande Valley, Texas.

In its execution of the "war on terror," the Bush Administration legalized the demonization of the world's and the U.S.-Mexico border's populations of poor, brown, displaced peoples, homogenizing the brown peoples into a global policing racial dictum of "not white, no English, not American, potential terrorist." The Bush Administration set the stage for "vigilant American citizens" to deploy highly organized and sanctioned systems of "homegrown security" in the U.S. war against immigration on the U.S.-Mexico border. He rationalized his actions with a call: "To better secure our homeland, America will continue to depend on the eyes and ears of alert citizens."⁶⁵ Architected, the President's "axis of evil" speech fueled and fanned a fervent, radical, and retaliatory U.S.-based nativist movement.⁶⁶

On June 27, 2003, "Endgame: Office of Detention and Removal Strategic Plan, 2003-2012, Detention and Removal Strategy for a Secure Homeland," was released by Anthony S. Tangeman, Director, Office of Detention and Removal.⁶⁷ In 2005-2006, Southern Command was removed from Vieques, Puerto Rico, and re-established in San Antonio, Texas. In 2006, the Secure Fence Act was fully operational. After wide-scale civil uprisings, massive protests, and transnational advocacy, Congress enacted Section 102 of the Real ID Act. Section 102, also referred to as the "mega-waiver," conferred on the Secretary of the Department of Homeland Security, Michael Chertoff, the unilateral authority "to waive all legal requirements such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section."⁶⁸ In doing so, the Bush Administration and the U.S. Congress authorized Chertoff to void and freeze, in effect, the following federal laws, which the Obama administration has removed from the official policy agenda, and will not review, nor reinstate:

1. National Environmental Policy Act (Pub. L. 91-190, 83 Stat. 852 (Jan. 1, 1970) (42 U.S.C. 4321 *et seq.*))
2. Endangered Species Act (Pub. L. 93-205, 87 Stat. 884 (Dec. 28, 1973) (16 U.S.C. 1531 *et seq.*))
3. Federal Water Pollution Control Act (commonly referred to as the Clean Water Act) (Act of June 30, 1948, c. 758, 62 Stat. 1155 (33 U.S.C. 1251 *et seq.*))
4. National Historic Preservation Act (Pub. L. 89-665, 80 Stat. 915 (Oct. 15, 1966) (16 U.S.C. 470 *et seq.*))

5. Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*)
6. Clean Air Act (42 U.S.C. 7401 *et seq.*)
7. Archeological Resources Protection Act (Pub. L. 96-95, 16 U.S.C. 470aa *et seq.*)
8. Safe Drinking Water Act (42 U.S.C. 300f *et seq.*)
9. Noise Control Act (42 U.S.C. 4901 *et seq.*)
10. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*)
11. Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq.*)
12. Federal Land Policy and Management Act (Pub. L. 94-579, 43 U.S.C. 1701 *et seq.*)
13. Fish and Wildlife Coordination Act (Pub. L. 73-121, 48 Stat. 401, 16 U.S.C. 661 *et seq.*)
14. Archaeological and Historic Preservation Act (Pub. L. 86-523, 16 U.S.C. 469 *et seq.*)
15. Antiquities Act (16 U.S.C. 431 *et seq.*)
16. Historic Sites, Buildings, and Antiquities Act (16 U.S.C. 461 *et seq.*)
17. Arizona-Idaho Conservation Act of 1988 (Pub. L. 100-696, 16 U.S.C. 460xx *et seq.*)
18. Wild and Scenic Rivers Act (Pub. L. 90-542, 16 U.S.C. 1281 *et seq.*)
19. Farmland Protection Policy Act (7 U.S.C. 4201 *et seq.*)
20. Administrative Procedure Act (5 U.S.C. 551 *et seq.*)

Amidst battles against these suspensions of legal rights, Eloisa García Támez challenged the construction of the Berlin-style wall in the Lipan Apache traditional lands of the *Ranchería* of El Calaboz. Her arguments to protect ancestral lands, elders' lands, and collective rights extended to any other similarly impacted traditional and rural peoples along the path of the border wall. Támez argued on four key rights: culture, environment, economic livelihood, and way of life. In her testimonies she consistently made reference to the loss of religious and traditional knowledge related to the flora and fauna of her lands, through the historic uses of eminent domain by Euro-American settler states. Today, in what was originally a 12,000 acre land-grant to three of her matrilineal ancestors, numerous species are at risk of destruction by the U.S. border wall: peyote, anacua, mesquite, huisache, golondrina, wolf berry, and the chacalaca and other relative species, which are all considered critical medicines important to the knowledge systems of Ndé Peoplehood.⁶⁹ These are combined with sacred elements such as lightning, water, prayers, songs and rituals—and knowledge of these are handed down traditionally from mothers to daughters through the Ndé coming-of-age ceremony.⁷⁰

In late April 2009, the U.S. government gained access to the Támez lands and finished construction on the final section of the Texas-Mexico border wall. On the day she received the news, she was sitting in a conference presentation on the militarization of U.S. universities, presented by faculty of the University of Texas system, in Albuquerque, New Mexico.⁷¹ A severe blow to the 72-year-old

career nurse and Lt. Colonel in the Army Corps of Nurses, Támez regained her strength through the community of scholar-activists around her, who immediately surrounded her in a blanket of protection, and held an emergency press conference. True to the strategies of Indigenous women, Támez worked directly with activists and the media as her “organization.” By keeping control over the message and the tools, Indigenous women along the U.S.-Mexico border stay focused on the local-global struggles as defined by women, family and community-focused collectives.

Támez is quick to point out that the movement to stop the U.S. border wall, with the Lipan Apaches of El Calaboz Ranchería, began with the spiritual, mental, and physical focus of Támez’s prayers to a deity, the Sacred Mother. One night, when we were discussing strategies to unite small groups of allies with our movement, I asked why she was going to ask the parish priest of St. Ignatius in El Ran-chito for help. She stated:

I had a vision, from a prayer I made to our Mother.⁷² She told me I needed to stand up and fight now and to go to the parish priest, who is from Africa, and to tell him what she told me. I did exactly that, and I was so happy to do so. She was very direct to me. I knew I had to. She would be there with us. I felt her.

Numerous media sources have asked her why she took a stand against the government’s taking of their lands and construction of the border wall, when so many people could not. She stated:

The reason I speak out about hanging onto our land is because. . .the people here. . .we are humble people, we respect [. . .] and we’re facing quite a challenge, and it is important that my people know. . .it is important that we stand up for our rights. Here are the remnants of the land grant⁷³ awarded to my people in San Pedro de Carricitos back in 1767. I remember my father and grandfather used to farm this side of the levee as well as land grandmother had that went all the way to the river’s edge. There is no dollar value for this land in comparison to those memories of how hard it was for my father, my grandfather to carve life out for their families. We’ve always been here, just here, always. We serve, we pay taxes, my father was in military, I also served 17 years. . .I’m proud of it. No thought was given to who will be harmed by [the government, the border wall]. Why do our people have to sacrifice our land and lives for them?⁷⁴

Támez mapped the landscapes from a different understanding of law, security, and community—one based in ancient, community law systems, and rooted in matrilineal oral history and knowledge. She theorizes these understandings as she is followed daily by armed U.S. Border Patrol soldiers, while she walks her lands to “keep an eye on and take pictures of” the invasion occurring. Cherokee scholar Andrea Smith describes these on-the-ground theorizations and methods as “native feminism without apology.” Smith says:

[...] if we were to recognize the agency of Indigenous women in an account of feminist history, we might begin with 1492 when Native women collectively resisted colonization. This would allow us to see that there are multiple feminist histories emerging from multiple communities of colour which intersect at points and diverge in others. This would not negate the contributions made by white feminists, but would de-center them from our historicizing and analysis. [...] Indigenous feminism thus centers anti-colonial practice within its organizing. This is critical today when you have mainstream feminist groups supporting, for example, the US bombing of Afghanistan with the claim that this bombing will free women from the Taliban (apparently bombing women somehow liberates them). Indigenous feminists are [...] challenging how we conceptualize Indigenous sovereignty—it is not an add-on to the heteronormative and patriarchal nationstate. Rather it challenges the nation-state system itself.⁷⁵

In this nexus, Támez is continuing to fight colonial and imperialist violence and threats against her people. Her concern for the elders and the future generations of her grandchildren is always at the forefront of her work. Since the wall was constructed through her peoples' lands, the elders have not accessed their lands on the south side—which is dangerous due to the high traffic by U.S. Border Patrol and helicopters when they attempt to be on their lands. Even though all the officers know who the plaintiffs are, and why they try to use their lands, they are treated like criminals, suspects and threats first. The walk to get on the south side of the gate takes over 45 minutes for a healthy, active person to walk. For elders, this is doubled. This is problematic for cattle and goat herders. The loss of livelihood has extreme consequences for peoples who have no other source of income and whose traditional herding customs are being severed. When the elders are prevented from their way of life, they are disrupted from passing along those knowledges to future generations.

Update: Lipan Apaches, Támez-Benavidez Stronghold on Texas-Mexico Border Singled Out for New Round of Federal Condemnations

In mid-December 2009, the United States sent Eloisa García Támez and her elders a notification that due to the need to “cure access” for “property owners” (developers) the government is demanding a 12-month right of entry to survey more of the community's lands, and if the elders refuse to sign another waiver to their rights, then the U.S. may proceed with condemnation. In other words, the U.S. is threatening a second-round of forced removals, displacements and dispossessions, only in the El Calaboz community. At present, the Támez case is awaiting a jury trial to determine the amount of “damage” the community has thus far experienced and “compensation” that the U.S. citizen-taxpayers owe to this community. The compensation hearing has been postponed three times already. In the meantime, Támez continues to document the incessant harassment and daily threats the community experiences by vig-

ilant U.S. Border Patrol officers, newly recruited from midwestern and other inland states, white Anglos and Hispanic whites, with no cultural competencies in the local histories of Indigenous peoples. Támez states, “to them, where we live, the way they see the world . . . Indians are all ‘Meskins’ and that means ‘the enemies.’” She walks along the wall frequently and makes plans for the future. “We’re going to plant food gardens, and continue to direct the community through the construction of an Indigenous institute for law, environment, economics, and customary ways of life—an institute to be named after my father and my great-grandmother. In this new place, we will continue the legal battles, and to raise our voices, which will educate the people, build a library, nurture traditional cultural programs, protect ceremonial practices, encourage scholars who develop papers here while in residence, and continue to work at all levels to knock down this wall of death.”⁷⁶

Indigenous women at the U.S.-Mexico militarized zone are fighting “wars” against the physical enslavement, detention, and removal of our parents, children, sisters, mothers, aunts, uncles, brothers and extended families—behind bars, 18-foot walls, detention centers and gulags.⁷⁷ Human rights defenders are threatened daily by police, Border Patrol, politicians, paramilitary groups, corporate defenders and employees, and operatives of the Department of Homeland Security. Largely, Indigenous women are assaulted through cultural, social, economic, and political frameworks which too often deny the on-going colonization of the Indigenous Americas. This important baseline is disconnected from normative discourse of “the border,” “Latin American,” “borderlands,” “Mexico,” “U.S.” and heteropatriarchal “Aztlán” understandings which efface Indigenous homelands, people and contemporary struggles by diverse polities—from and of the lands bisected.

Indigenous women’s human rights defense work is deeply informed by and with support and authority from the communities across the Indigenous networks locally and throughout the militarized bordered territories, or what I call the U.S.-Mexico Zone of Militarized Occupation & Conflict (U.S.-Mexico ZMOC). I utilize this phrase to emphasize and to illustrate the ways that current militarization along the border operates as physical, economic, historical, and political erasure of so-called “refusing” dissident identities and collective rights of Indigenous women as a unique category in the protection of human rights.⁷⁸ The U.S.-Mexico ZMOC exists through normalized violence against the Indigenous peoples as exterminable and the Earth as commodified. The Indigenous women challenge the invisibility of multiply-oppressed communities specific to the U.S.-Mexico International Boundary region. They disaggregate complex ways in which they are situated in the interstices of “human rights,” “Indigenous rights,” “citizenship,” “nation,” “borders,” “gender,” “status,” and “ethnicity” in Western legal thought.

Conclusion

Indigenous women human rights defenders promote the critical dissemination of education, support, and the integration at the state-

level of the Indigenous peoples' and human rights as ratified by the United Nations General Assembly, 2007, *United Nations Declaration on the Rights of Indigenous Peoples*.⁷⁹ The states' use of armed force, coercion, and exploitation to disrupt Indigenous peoples' transborder and transcontinental security, and their control and decision-making over their children's futures are fundamental concerns widely expressed across communities.⁸⁰

Through the lenses and testimonies of three Indigenous women, this essay provided local understandings and theorizations from impacted Indigenous communities and human rights defenders from three transnational and transborder communities.⁸¹ Working with numerous collectives, these women are shaping contemporary frameworks of resistance to forced dispossession, and calling attention to many ways that imperialist and capitalist systems generate destructive impacts for Indigenous peoples. At the same time, these processes work to the benefit of elites and specifically socialized "citizens" who promote the advancement of industrial and military systems through increasingly masculine terrains of armed force, threat, and destruction. From Indigenous women's perspectives, all of the above worked hand-in-glove to implant structures tactically maneuvered to infiltrate, overthrow, and expropriate Indigenous lands, governing systems, critical Indigenous interrelationships, epistemologies, and autonomy from tyrannical and violent forms of relationships with Earth and life. Indigenous women have been explicit within their families, intimate circles, and religious societies. Civically engaged projects restore Indigenous self-determination, autonomy, and self-rule beyond the constraining definitions of constitutionalist settler and tribal governments, and they are ongoing priorities in the recovery of Indigenous clan and band-based customary governance, histories, intelligence and properties.

The international legal spheres are important sites for the recovery and accomplishment of that work, to which Indigenous women signify "rebirth" for Indigenous self-rule. The advancing of the disruption of imperialist violence, exploitation, militarism as weapons of anti-Indigeneity, and militarization as the machine through which it operates at its most destructive level, are key tenets of current work along the U.S.-Mexico border. The critical rebuilding and healing processes in the recovery of intergenerational memory, education, and transmission, help to fasten the self-determination process to the documentation of human rights violations. Ongoing challenges by individuals, groups, and states to Indigenous peoplehood are key frameworks for transborder Indigenous women's anti-imperialist and human rights defense work with the U.S.-Mexico boundary.

Notes

¹ Margo García Támez (Lipan Apache, Jumano-Apache) received her Ph.D. in the American Studies Program at Washington State University in May 2010. Gratitude and acknowledgement is given to Eloisa García Támez, Teresa Leal, and Lori Riddle for their contributions to this article, and sacrifices made. I wish to acknowledge Ayano Ginoza, Carmen Lugo-Lugo, Linda Heidenreich and Judy Meuth for their incisive comments on earlier drafts of

this paper. Their suggestions added critical dimensions and insights. I also acknowledge deep gratitude to Jenn Weldy, whose critical lenses and editorial skills empowered this project. Any errors and faults in the article are my own.

² Angelique EagleWoman, "The Eagle and the Condor of the Western Hemisphere: Application of International Indigenous Principles to Halt the United States Border Wall," *Idaho Law Review*, Vol. 45, No. 3, 2009, 1-18, at <http://ssrn.com/abstract=1440831>, (accessed December 27, 2009).

³ American Civil Liberties Union. "Fact Sheet on U.S. 'Constitution Free Zone,'" ACLU.org. <http://www.aclu.org/technology-and-liberty/fact-sheet-us-constitution-free-zone>.

⁴ Rosa Linda Fregoso, "'We Want Them Alive!': The Politics and Culture of Human Rights," *Social Identities*, Vol. 12, No. 2, March 2006, 114.

⁵ For more information about the work of Teresa Leal, see <http://native-women372.blogspot.com/2008/12/teresa-leal-binational-Indigenous.html>, (accessed December 27, 2009); for Lori Thomas-Riddle see O'dham Solidarity Across Borders Collective, at <http://oodhamsolidarity.blogspot.com/>, (accessed December 27, 2009); for Lori Thomas-Riddle's work with Youth United for Community Action (Palo Alto, CA) against Romic Environmental Technologies, Inc., see http://www.youthunited.net/hl/index.php?content=hl_highlights, (accessed December 27, 2009).

⁶ Robert A. Williams, Jr. *The American in Western Legal Thought: The Discourses of Conquest*, (New York: Oxford University Press, 1990).

⁷ See generally, Charles Gibson, *The Aztecs Under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519-1810*, (Stanford: Stanford University Press, 1964); Susan Schroeder, Stephanie Wood, and Robert Haskett, Eds., *Indian Women in Early Mexico*, (Norman: University of Oklahoma Press, 1997).

⁸ Williams, *Ibid*.

⁹ Gibson, *Ibid*; James Lockhart, *The Nahuas After the Conquest: A Social and Cultural History of the Indians of Central Mexico, Sixteenth Through Eighteenth Centuries*, (Stanford: Stanford University Press, 1992).

¹⁰ See generally, Schroeder, *et al*.

¹¹ Many more than twelve Indigenous peoples' communities are aboriginal to the lands currently bisected by the U.S.-Mexico International Boundary region, a 2,000-mile long militarized zone that has a North-South/South-North girth of approximately 100 miles. The nation-states of the United States and Mexico have, since the late colonial period (1752-1821), worked perniciously to repress the resistances, histories, and knowledges of many Indigenous communities.

¹² Security and Prosperity Partnership, see generally, "SPP.GOV: A North American Partnership: SPP Myths vs. Facts," at http://www.spp.gov/myths_vs_facts.asp, (accessed December 27, 2009); and Judicial Watch Inc., "Security and Prosperity Partnership of North America," at <http://www.judicialwatch.org/SPP.shtml>, (accessed December 27, 2009). "On March 23, 2005, heads of government Vincente Fox, George W. Bush, and Paul Martin launched the North American partnership at a meeting in Waco, Texas, with the expressed goal of 'a safer, more prosperous North America.'"

¹³ April Cotte and Enrique Madrid, "Overview of Border Patrol Activity in Redford, Texas, 2007-2009." Available upon request from the authors. "The Redford River crossing was part of a prehistoric trade route for thousands of years through the Indigenous pueblo, Tapalcolmes, later renamed El Polvo then Redford. We will use El Polvo here to denote the part of Redford where dirt roads dead end at the river crossing and there is the highest concentration of houses. Indigenous agricultural communities occupied this area continuously for 2000 years with artifacts dating 8 to 10,000 years line both sides of the river for a 20 mile stretch around the crossing. People on both sides of the river are related to each other and interdependent."

¹⁴ The U.S.-Mexico Treaty of Guadalupe Hidalgo (1848) and subsequent treaties and covenants firmly established the international boundary cutting across 2,000 miles of North America, thus militarizing and bifurcating thousands of tribal, clan-based communities which were then forcibly re-organized through both U.S. and Mexico's legal systems into a handful of "tribes" and "nations."

¹⁵ Romero-Lar, Fernando, *Hyper-border: The Contemporary U.S.-Mexico Border and Its Future*, (New York: Princeton Architectural Press, 2008).

¹⁶ Romero-Lar, *Ibid.*

¹⁷ Interviews of Teresa Leal, Lori Thomas-Riddle and Eloisa García Támez, August 2007.

¹⁸ Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War*, (New Haven: Yale University Press, 2008).

¹⁹ The Treaty of Guadalupe Hidalgo (hereinafter "TGH") is an agreement between the two States regulating, controlling and restructuring the commerce, currency, taxes, and the people between Mexico and the U.S. as expressed in Articles III, VI, VII, XVII, XIX, and XX.

²⁰ Treaty of Guadalupe Hidalgo, at http://avalon.law.yale.edu/19th_century/guadhida.asp, (accessed December 23, 2009).

²¹ See also TGH, Article X, at <http://www.southwest-books.org/treaty-hm#articlex>, (accessed December 23, 2009). It should be noted as well that Article X, protecting land grants awarded to Indigenous and Hispanized settler groups in lands previously in Mexico's domain, was stricken out, due to the contestation of the Republic of Texas. The TGH set forth that land grants within the jurisdiction of Texas "shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this Article." "The foregoing stipulation in regard to grantees of land in Texas, is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and, in default of the fulfillment of the conditions of any such grant, within the new period, which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void."

²² Williams, *Ibid.*, 13-58.

²³ EagleWoman, *Ibid.*

²⁴ United Nations Permanent Forum on Indigenous Issues, *United Nations Declaration on the Rights of Indigenous Peoples*, at <http://www.un.org/esa/socdev/unpfii/en/declaration.html>, (accessed December 27, 2009).

²⁵ The Texas-Mexico border, above all other corridors, consistently ranks #1 for deprived living conditions imposed by capitalism, militarism, racism, and structural violence socializing racial and ethnic stratification. Both State-normed patriarchy and transnational oligarchical business and political ties entangle the bonds of kinship and inter-marriages informing the complex Indigenous, Hispanic, Anglo South Texas border "machine."

²⁶ Groups such as American Immigration Control Foundation, California Coalition for Immigration Reform, Federation for American Immigration Reform, National Organization for European American Rights, NumbersUSA, ProjectUSA, The Social Contract Press, Voices of Citizens Together/American Patrol, and the Minute Men.

²⁷ Southern Poverty Law Center, "Anti-Immigration Groups," at <http://www.splcenter.org/intel/intelreport/article.jsp?sid=175>, (accessed December 23, 2009); *Ibid.*, Heidi Beirich, "The Teflon Nativists: FAIR Marked by Ties to White Supremacy," at <http://www.splcenter.org/intel/intelreport/article.jsp?aid=846>, (accessed December 23, 2009).

²⁸ See Cynthia Bejarano and Rosalinda Fregoso, *Terrorizing Women: Feminicide in the Americas* (Durham: Duke University Press, 2010). Also see December 10, 2009 opinion of the Inter-American Court of Human Rights in the "Campo Algodonero vs. Mexico" case, accessible at Center for Justice and Accountability, at <http://www.cja.org/article.php?id=724>, (accessed

December 27, 2009). General content of opinion, at <http://www.cja.org/article.php?id=724>. Ariel Dulitzky's comments on decision of the IAC/OAS, at http://www.utexas.edu/law/news/2009/121109_dulitzky_advises_historic_case.html. "This is the first case in which an international tribunal has found Mexico guilty for the murders of women that have occurred in Ciudad Juárez in northern Mexico. The Court decided in favor of the murdered women, Claudia Ivette González, Esmeralda Herrera Monreal, and Laura Berenice Ramos Monárrez, whose bodies were found in an area known as "Campo Algodonero" (Cotton Field) together with five other victims."

²⁹ Yaqui, Apache, Mayo, Raramuri, Lipan Apache, Mescalero Apache, Jumano-Apache, Chiricahua, Ópata, and O'odham peoples.

³⁰ See Silvio Zavala, *Ibid.*

³¹ Not only is the Indigenous land-base along the Ndé-Texas-Mexico borderlands not Aztlan, nor the "Native-American" borderlands, nor the "Hispanic" Southwest, these cultural domains are also not a zone of hybridity, cyborgs, and "bodies in production." The symbolic and cultural role that "borderlands" has played in the obfuscation of Indigenous peoples' continuous anti-colonial struggles, destruction of biodiversity, and the obsession with organizing the U.S.-Mexico borders as militarized zones is a perverse *commitment* by constitutionalist societies to *vanishing* specific Indigenous communities through depopulation, denationalization, and displacement.

³² Leal, Teresa. Interview. June 14, 2008. Nogales, Sonora, México. I was visiting Teresa at this time on the matter of gaining counsel from her for my daughter Milpa, who was in the Seri village of Sonora, and for whom I was preparing and sponsoring the traditional Na'ii'ees Isdzanleshe ceremony, (the Apache Puberty Ceremony/White Painted Woman ceremony). After Teresa and I reunited with Milpa, I asked Teresa to tell us the story of the famous Yaqui healer, Teresita de Urrea, after whom Teresa is named in her honor. At times, and for different purposes, stories from the "present" are enmeshed with the history lessons from "the past."

³³ In Nogales, Sonora, Leal and her comadres are renowned for their two year occupation of the garbage dumping site on the outskirts of the municipio, known informally as the "Squatters Rebellion," where a collective used Constitutional Article 27 to take and to occupy public lands for raising subsistence food crops, and to build themselves appropriate housing according to the traditions of Indigenous peoples.

³⁴ For more information about Teresa Leal, see <http://nativewomen372.blogspot.com/>, (accessed March 22, 2010).

³⁵ Each colonia maintains its own identity and through kinship and reciprocity is also networked with numerous others in challenges to the forces of assimilation, poverty, poor education systems, forced removals, lack of food and water security, and the government's and private sector's racism and neglect towards the common peoples.

³⁶ The deported workers from the U.S. since the implementation of the 2006 Secure Fence Act.

³⁷ Margo Tamez, "*Nádasí'né' nde' isdzáné begoz'aahi' shima shini' gokal Gowa goshjaa ha'áná'idili texas-nakaiyé godesdzog*," [Translation: Returning Lipan Apache Women's Laws, Lands, & Strength in El Calaboz Ranchería, Texas-Mexico Border], (PhD diss., Washington State University, 2010).

³⁸ Censored News, at http://bsnorrell.blogspot.com/2007_04_01_archive.html, (accessed October 30, 2009).

³⁹ Report available upon request.

⁴⁰ See "No Toxic Waste Dump or Border Wall on O'odham Lands," at <http://www.solidarity-project.org/>, (accessed December 27, 2009). See also, O'odham Solidarity Project, at <http://www.solidarity-project.org/>, (accessed December 27, 2009).

⁴¹ I elaborate on this further in the "'Enemy' Evil Doers, the U.S. Empire's Border Wall, and the Secure Fence Act 2006" section.

⁴² As members of sovereign, political entities their activism within State legal spheres is complicated by the fact that their tribal nations are often the strongest advocates for those definitions to remain in place, and reveals the degree to which Indigenous populations are precariously and violently entangled in capitalist and hierarchical institutions which work in multiplicities to dispossess and violate numerous vulnerable Indigenous peoples.

⁴³ See <http://oodhamsolidarity.blogspot.com/>, (accessed December 27, 2009).

⁴⁴ See Ofelia Rivas's interview at <http://www.solidarity-project.org/>, (accessed December 27, 2009). "Imperialism is not limited to lands across the oceans, and the United States Government is currently engaged in the occupation of lands much closer to home."

⁴⁵ <http://oodhamsolidarity.blogspot.com/> (accessed October 31, 2009).

⁴⁶ Ana María Alonso, *Thread of Blood: Colonialism, Revolution, and Gender on Mexico's Northern Frontier*. (Tucson: University of Arizona Press, 1997), 46.

⁴⁷ Eloisa García Támez, et al., Plaintiffs v. Michael Chertoff, Secretary, U.S. Department of Homeland Security, et al., Defendants, Civil Action No.: B-08-044, The Bernard and Audre Rapoport Center for Human Rights and Justice, The Texas-Mexico Border Wall, Lawsuits Filed Challenging Government's Actions, Affirmative Class Action Litigation—Tamez Family, at <http://www.utexas.edu/law/academics/centers/humanrights/borderwall/law/lawsuits-government.html>, (accessed December 27, 2009); See also "Tamez Family Defensive Litigation," The Bernard and Audre Rapoport Center for Human Rights and Justice, The Texas-Mexico Border Wall, Legal Action Against Property Owners Seeking Condemnation of Land, at <http://www.utexas.edu/law/academics/centers/humanrights/borderwall/law/lawsuits-property.html>, (accessed December 27, 2009). The Támez case has, by far, generated a large amount of defense litigation, and is best understood in careful study through the case history, as well as through the sites produced by community members who work in alliance with the impacted communities. See the Lipan Apache Women Defense at <http://lipanapachecomunitydefense.blogspot.com/>, (accessed December 27, 2009).

⁴⁸ See Lipan Apache Women Defense, at <http://lipanapachecomunitydefense.blogspot.com/>, (accessed December 27, 2009).

⁴⁹ Enrique Gilbert-Michael Maestas and Daniel Castro Romero, *Ndé: Anthropological Report on the Cuelcahen Nde: Lipan Apache of Texas*, ©2004. Treaty of Mission Valero de Bexar, August 19, 1749 (Spain); Land Grant of San Pedro de Carricitos 1761 (Spain), Confirmed as #336, Texas Land Office; Colonial del Nuevo Santander, March 15, 1791 (Spain); Agreement of the Alcaldes de las Villas de la Provincia Laredo, August 17, 1882 (Spain); Live Oak Point Treaty, January 8, 1838 (Republic of Texas); Tehuacama Creek Treaty, October 9, 1844 (Republic of Texas; U.S. Government); San Saba Treaty, October 28, 1851 (U.S. Government).

⁵⁰ See National Network for Immigrant & Refugee Rights, at <http://www.nnirr.org/>, (accessed December 27, 2009); The Center for Human Rights and Constitutional Law at <http://www.centerforhumanrights.org/>, (accessed December 27, 2009); See The University of Texas at Austin, School of Law, The Texas-Mexico Border Wall at <http://www.utexas.edu/law/academics/centers/humanrights/borderwall/>, (accessed December 27, 2009); See The Bernard and Audre Rapoport Center for Human Rights and Justice, at <http://www.utexas.edu/law/academics/centers/humanrights/>, (accessed December 27, 2009); Texas Civil Rights Project, at <http://www.texascivilrightsproject.org/>, (accessed December 27, 2009).

⁵¹ Inter-American Commission on Human Rights/Organization of American States, at <http://www.cidh.org/Comunicados/English/2008/46.08eng.htm>, (accessed November 4, 2008).

⁵² See generally, David Ronfeldt, John Arquilla, Graham E. Fuller, and Melissa Fuller, *The Zapatista Social Netwar in Mexico*, (Santa Monica: RAND, 1998); Michael Dartnell, *Insurgency Online: Web Activism and Global Conflict*, (Toronto: University of Toronto Press, Inc., 2006); Margaret E. Keck and Kathryn Kikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*, (Ithaca: Cornell University Press, 1998); Rob Kroes, *Them and Us: Questions of Citizenship in a Globalizing World*, (Urbana: University of Illinois Press, 2000); Jonathan Alexander, *Digital Youth: Emerging Literacies on the World Wide Web*, (Cresskill, NJ: Hampton Press, Inc., 2006); Lisa Nakamura, *Cybertypes: Race, Ethnicity, and Identity on the Internet*, (New York: Routledge, 2002).

⁵³ José Palafox, "Opening Up Borderland Studies: A Review of U.S.-Mexico Border Militarization Discourse," in *History is a Weapon*, at <http://www.historyisaweapon.com/defcon1/palafox.html>, (accessed December 27, 2009); Timothy Dunn, *The Militarization of the U.S.-Mexico Border, 1978-1992: Low-Intensity Conflict Doctrine Comes Home*, (Austin: CMAS Books, 1996).

⁵⁴ Eloisa García Támez, conversation with author while being followed by two Customs Border Patrol squad cars, while en route to El Calaboz Ranchería to monitor the U.S. DHS challenges to local Indigenous women's customary sovereignty, Brownsville, Texas, August 2008.

⁵⁵ Eloisa García Támez, interview on file.

⁵⁶ Margo Tamez, "Nádasí'né' nde' isdzáné begoz'aahi' shima shini' gokal Gowa goshjaa ha'áná'idilí texas-nakaiyé godesdzog." [Translation: Returning Lipan Apache Women's Laws, Lands, & Strength in El Calaboz Ranchería, Texas-Mexico Border], unpublished dissertation.

⁵⁷ Margo Támez, *Ibid.*

⁵⁸ See Benjamin Heber Johnson, *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans into Americans*, (New Haven: Yale University Press, 2003).

⁵⁹ Támez, *Ibid.*

⁶⁰ Irene Blea, *U.S. Chicanas & Latinas within a Global Context: Women of Color at the Fourth World Women's Conference*, (London: Praeger, 1997), 123-124. At the same time, Blea argues that women such as Esparza were often eclipsed by the patriarchal-driven politics of the Indigenous peoples' social movements, such as the Chicano movement, and that Indigenous women's work was rendered invisible through those structures. Community member Margie Esparza noted to me that the traditional peoples of the rancherías did not agree with Blea's assignation of Francisca Reyes Esparza as a "Chicana."

⁶¹ Donald L. Chipman, *Moctezuma's Children: Aztec Royalty Under Spanish Rule, 1520-1700*, (Austin: University of Texas Press, 2005).

⁶² These lands were granted to them by the sovereign agreement between their ancestors and Spain. This agreement was later ratified by Mexico, the State. This grant was confirmed by the Republic, and later the state of Texas.

⁶³ Williams, *Ibid.*, "The basic idea of the Church as a universal body, uniting all peoples in Christ and hierarchically directed by the pope, God's appointed representative on earth, can be traced to the earliest history of Western Christianity" (15). The will to empire expressed in this central vision of a universal order established through law and lawgiving is a distinctive feature of the West's colonizing discourse of conquest (17).

⁶⁴ One Hundred Ninth Congress of the United States of America, At the Second Session, "HR6061, Secure Fence Act 2006," January 3, 2006, *Library of Congress*, Thomas, Bills & Resolutions, at <http://thomas.loc.gov/cgi-bin/query/D?c109:4:.temp/~c109F8Du9W>, (accessed April 9, 2009).

⁶⁵ Bush, *Ibid.*

⁶⁶ See Southern Poverty Law Center, Intelligence Report, "Anti-Immigration Groups" at <http://www.splcenter.org/intel/intelreport/article.jsp?sid=>

175 (accessed April 10, 2009); Heidi Beirich, "New SPLC Report: Three Leading anti-immigration groups share extremist roots," February 3, 2009, Southern Poverty Law Center, Hatewatch: Keeping an Eye on the Radical Right, <http://www.splc.org/blog/2009/02/03/new-splc-report-three-leading-anti-immigration-groups-share-extremist-roots/>. The Minute Men, American Immigration Control Foundation, California Coalition for Immigration Reform, Federation for American Immigration Reform, National Organization for European American Rights, NumbersUSA, ProjectUSA, The Social Contract Press, The Stein Report, V-DARE, Voices of Citizens Together/American Patrol, and the "independent" scholarly think tank, Center for Immigration Studies are key ideological "centers" in this deployment.

⁶⁷ Anthony S. Tangeman, Office of Detention and Removal, "Memorandum for Deputy Assistant Director, Field Operations Division, Field Office Directors, U.S. Department of Homeland Security, Immigration and Customs Enforcement, June 27, 2003." Memorandum and full report on file with author.

⁶⁸ Section 102 of the REAL ID Act of 2005, Public Law 109–13, Div. B, 119 Stat. 231, 302, 306 (May 11, 2005) (REAL ID Act) 8 U.S.C. 1103 note.

⁶⁹ Margo Tamez and Daniel Castro Romero, Jr., "Lipan Apache History, Culture, Sacred Sites, Archaeological Resources, and Ecological Rights in the Lower Rio Grande, with respect to Cameron County and Titled Lands Held by Lipan Apache Lineal Descendants, in the case of Eloisa García Tamez," Reply for Interrogatories, 5th District, United States Federal Court, January 21, 2009.

⁷⁰ Ines Talamantez, "In the Space between Earth and Sky: Contemporary Mescalero Apache Ceremonialism," in *Native Religions and Cultures of North America: Anthropology of the Sacred*, Lawrence E. Sullivan, Ed. (New York: Continuum, 2003).

⁷¹ Western Social Science Association, 2009 Annual Conference, program at <http://wssa.asu.edu/conferences/WSSAPROGRAM2009.pdf>, (accessed December 27, 2009).

⁷² Sacred mother of many Indigenous people with histories of colonization under Spanish Catholic Mission systems; she is a deity which paralleled the disapproved devotion to the Lipan Apaches' original, ancestral cultural holy mother, Na'ii'e'es Isdzanleshe, or White Painted Woman.

⁷³ "Texas" has only been "Texas" for a very short period of Ndé (Apache) people's histories in land tenure in the region, in contrast to Ndé people's land tenure in the much larger Southern Athapaskan territory which today includes: Texas, Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, New Mexico and Arizona. The "American Colonies" and the "Declaration of Independence" were still kernels in the imagination of (undocumented and illegal) immigrants in New England at the time the King of Spain authorized "charters" such as "Tejas" and imposed a "porcion" (fractionated lands) upon the Lipan Apache. This land tenure formation with colonials and pre-state entities in Southern Athapaskan territory, *predates* both *asentamientos de indios* and "Indian Reservations" as some of the earliest forms of Indigenous containment in North America.

⁷⁴ Eloisa García Támez, interviewed by Melissa del Bosque. "Why I Speak Out," *The Texas Observer*. March 7, 2008. At http://www.texasobserver.org/web_features/border_interviews/?page=brownsville-1, (accessed September 8, 2008).

⁷⁵ Smith, Andrea. Excerpted from "Indigenous Feminism," 10/30/2006. At <http://www.un-instraw.org/revista/hypermail/alltickers/en/0821.html>, (accessed September 8, 2008).

⁷⁶ In a recent press release dated January 5, 2010, LAW-Defense responded to the use of force by the United States, at <http://lipanapachecomunitydefense.blogspot.com/2010/01/Indigenous-elders-singled-out-for-new.html>, (accessed March 22, 2010).

⁷⁷ See Daniel Ibsen Morales, "In Democracy's Shadow: Fences, Raids, and the Production of Migrant Illegality," *Legal Studies Research Paper Series*, Paper No. 1068, January 2009, University of Wisconsin Law School, at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1301598, (accessed December 27, 2009).

⁷⁸ Ken Ellingwood, "Court Cites Failure by Mexico in Juarez Killings of Women," *Los Angeles Times*, December 11, 2009, at <http://www.latimes.com/news/nation-and-world/la-fg-mexico-ruling11-2009dec11,0,7865590.story>, (accessed December 27, 2009).

⁷⁹ UNPFII, *Ibid.* See "Intervention Documents, Global Indigenous Women's Caucus—8th Session, UNPFII," at <http://lipanapachecomunity-defense.blogspot.com/2009/06/global-Indigenous-womens-caucus-8th.html>, (accessed December 27, 2009).

⁸⁰ *Ibid.*

⁸¹ It is beyond the scope and focus of this paper to illuminate the many complex ways that Indigenous peoples of the region are impacted by the militarized U.S.-Mexico border. My hope is that this discussion will stimulate and prioritize productive research, collaboration and publication which support this concern.

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