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Los Angeles

El Río Grande as Pedagogy: The Unruly, Unresolved Terrains of the Chamizal Land Dispute

A dissertation submitted in partial satisfaction

of the requirements for the degree of Doctor of Philosophy

in Chicana & Chicano Studies

by

Alana Camille de Hinojosa

2023

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2023

ABSTRACT OF THE DISSERTATION

El Río Grande as Pedagogy:

The Unruly, Unresolved Terrains of the Chamizal Land Dispute

by

Alana Camille de Hinojosa

Doctor of Philosophy in Chicana & Chicano Studies

University of California, Los Angeles, 2023

Professor Alicia Gaspar de Alba, Co-Chair

Professor Genevieve Gonzalez Carpio, Co-Chair

This dissertation responds to the existing historical literature on the U.S.-Mexico borderlands that leaves unattended the socio-political significance of the Chamizal Land Dispute (1864-1964) and the meandering Río Grande that caused this conflict. In 1964, the Chamizal Treaty returned contested land known as "El Chamizal" to Cd. Juárez—making it the first and only time the U.S. has ever returned land to Mexico. Returning El Chamizal was only possible, however, by canalizing the Río Grande along a redrawn boundary and displacing 5,600 mostly Mexican American El Paso residents—recalling the Chicana/o Movement's refrain, "We didn't cross the border, the border crossed us." Despite this conflict's ongoing significance to the El Paso-Cd. Juárez borderlands, the

Chamizal Dispute has most often been consigned to a trivial, marginal past by scholarship on this region. In turn, the treaty has been memorialized as a "borderlands beacon" to the U.S.-Mexico diplomacy that finally and completely ended this conflict by ushering in "progress" to the region.

I offer a new analysis of this history, however, that demonstrates this conflict is not so clear cut and still unfolding. Drawing on archival research and oral histories, I first uncover the layered, ongoing efforts to conceal El Chamizal and the stories of its diverse, minoritized claimants (Manso, Suma, Apache, Tigua Pueblo, *Mexicano*, Anglo American, and Mexican American). I then leverage this terrain's wayward, absented presence to reshape popular geographies and transnational histories of this region. In doing so, I argue that if we engage this conflict as a much longer, far more complicated, and ongoing story, the Chamizal Dispute is a stunning microcosm for studying legacies of displacement and dispossession across differentially racialized nonwhite peoples in this region, for studying the American frontier, white settler colonialism and racial capitalism, environmental history, the relationship between cultural memory and the built environment, and resistance to colonial domination—and all of these things from the Spanish colonial period to the present. I execute this project through two interventions. First, I demonstrate that El Chamizal was/is produced by overlapping native and colonial (Spanish, Mexican, and U.S.) sovereignties and inter-ethnic/racial relations to and place-making practices within El Chamizal. My second intervention comes from examining the river's unruliness as a lens through which to theorize its land-based pedagogies of refusal. I argue these pedagogies denaturalize the white possessive logics (borders, property, racial capitalism, citizenship, settler time, etc.) required to enact the U.S. and Mexico as settler states. Ultimately, then, I demonstrate how El Chamizal is neither a reconciled conflict nor a wholly dominated landscape. Rather, El Chamizal is an unfinished, contested, and gendered fugitive landscape imbued with struggle, refusal, and challenges/alternatives to the status quo.

This dissertation of Alana Camille de Hinojosa is approved.

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University of California, Los Angeles

2023

DEDICATION

To the Chamizal residents & their descendants,

& to my mother & father,

Evelina & Stuart.

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I would be mistaken if I did not also extend recognition to the Indigenous peoples[1] who have called the lands on which these towns and cities stand their home since time immemorial. These places were founded on land theft, Indigenous "disappearance," and the white possessive logics of white settler colonialism and racial capitalism; these conditions underwrite the places I have called home and from which I wrote my dissertation—and therefore are not separate from the intellectual and emotional work of this project. Indeed, just as I am convinced that one day the Río Grande between El Paso and Cd. Juárez will move again as it has always done, I insist that land and water back movements are the root of our move toward a more just present and future. This dissertation asks that its readers be mindful of these movements, and that, as Gloria Anzaldúa once said of the U.S. Southwest: *This land was Mexican once, Indigenous always and is. And will be again.*

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Selected Publications

Alana de Hinojosa, "Elvira Villa Escajeda," *Handbook of Texas*, Texas State Historical Association, June 15, 2022*:* https://www.tshaonline.org/handbook/entries/escajeda-elvira-villa-lacarra

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OF A LIMINAL TENSE

for Maria Eugenia Trillo

And so, in this hallway of flood & saltbush
I arrive, & she comes unhurried (I am learning)
to greet me from that funny place between her hands,
a doorway & phantom limb
to a long memory I ask to cross with her,
the riverbanks
pregnant with rhythms,
pendulum & fugitive stories along a land I know
only in library books, archives, & my diary
where I collect each shade
    of you (us)
        teeth of the river
        toes of the earth
so I may fill my memory, like fireflies
in the night, of El Chamizal's liminal tense.

I am a child again, sitting at her side,
    María Eugenia, girl-child who is 66,
coloring the map of our families browns & blues,
marking relentlessly our separate routes,

    Davis   Sacramento
    Los Angeles   Calexico
        Durango   Zacatecas
    Tucson   El Paso
        Cd. Juárez   El Paso
        Albuquerque   El Paso
                     El Paso   El Chamizal
both of us returning,
crossing the bridge,
the instructions we inherit.

This is my task: take up the pen she set down,
& begin again, stitching that wayward river
fickle thing & her people,
beloved Chamizal into the fabric of this place,
its stories crocheted from water & concrete,
breaking poems the history books refuse—still
& always at night,
after I set down this pen,
brush my fig hair
into fireflies.

INTRODUCTION

When they dispersed our community,
it was as if they had cut off the hand or the arm
but that you could still feel the fingers.
You would look down and there was nothing there,
but you could still feel it. And that's how we still feel.

— María Eugenia Trillo[1]

When María Eugenia Trillo recalls her family's displacement from their South El Paso home following the 1964 settlement of the Chamizal Dispute, she references the body. To be displaced, she suggests, is to be corporeally severed from the land; it is to know that land and body are not as distinct as we may think; that they are intersecting terrains that can become so with emotions and memory that they "speak back" in ways that remind us that "despite the limitations of remembering through trauma and semantic and spatial confusion, the violence of loss is unmistakable, mnemonically traceable, and corporeally inscribed." [2] More than fifty years have passed since Trillo and her family were among the recorded 5,600 mostly Mexican American residents displaced from

[1] During my interview with María Eugenia Trillo, she explained to me that of the Chamizal community mothers had once used this metaphor of a phantom limb during an interview for Trillo's 2002 dissertation. When Trillo asked if she remembered Rio Linda, the mother replied: "Remember? How can I forget? Es como si me hubieran cortado la mano…y de vez en cuando todavía siento mis dedos. [It's as if they had cut off my hand…and I still feel my fingers.]" Since then, Trillo explained to me, she has found that she uses the metaphor herself to describe the consequences of their forced displacement. María Eugenia Trillo, in conversation with the author, August 2016. See also: María Eugenia Trillo, *The Code-switching Patterns of the Rio Linda Community of El Chamizal in El Paso, Texas: An Ethnic Perspective of Syntactic Constraints*. Dissertation: University of Mexico, 2002: 189.

[2] Susan J. Scarberry, "Land into Flesh: Images of Intimacy," *Frontiers: A Journal of Women Studies* 6.3 (1981): 24-28; Sherene Razack ed., *Race, Space, and the Law: Unmapping a White Settler Society* (Toronto: Between the Lines, 2002), 89.

their homes within internationally disputed territory known as "El Chamizal" in the El Paso–Ciudad Juárez borderlands. Yet, even now, Trillo is haunted by a phantom limb that refuses oblivion.

Multiple South El Paso residential barrios were affected by the Chamizal Treaty of 1964. Yet those displaced from these barrios collectively call themselves the "Chamizal residents" and have referred to their experience post displacement as the "Chamizal diaspora": that is, the forced dispersal of their communities and their recognition of a shared historical trauma (displacement) and "homeland" (El Chamizal) that is now, literally, across the border in Ciudad Juárez, Chihuahua.[3] The historical literature on the U.S.-Mexico borderlands often relegates the Chamizal Dispute to just a few fleeting sentences that typically overlook those displaced by the Chamizal Treaty and the significance of the meandering Río Grande that caused this conflict to begin with. Instead, the literature replicates US and Mexican state narratives that insist this conflict was wholly resolved with the Chamizal Treaty, which is, in turn, memorialized as a "borderlands beacon" to US-Mexico diplomacy that not only "healed an old sore," but also finally eliminated the Río Grande's unruliness.[4] I argue, however, that this territorial conflict and this region's unruly river are not so clear cut. Rather, they are still unfolding, deeply unresolved terrains of struggle from which we have much to learn about the intersections of power, geography, and possibility.

"We didn't cross the border, the border crossed us."

Throughout history and well after the river's designation as the US-Mexico boundary, the Río Grande has done as it has always done: move back and forth across the landscape according to its own needs and desires. Following the United States' victory in the U.S.-Mexico War, the 1848

[3] Trillo, *The Code-switching Patterns of the Rio Linda Community of El Chamizal in El Paso, Texas,* 26.

[4] Marshall McNeil, "'Old Sore Healed,' Says Yarborough," *El Paso Herald-Post*, July 18, 1963; Leon Metz, "Chamizal: A borderlands beacon," *Vista: The Magazine for All Hispanics*, September 7, 1993.

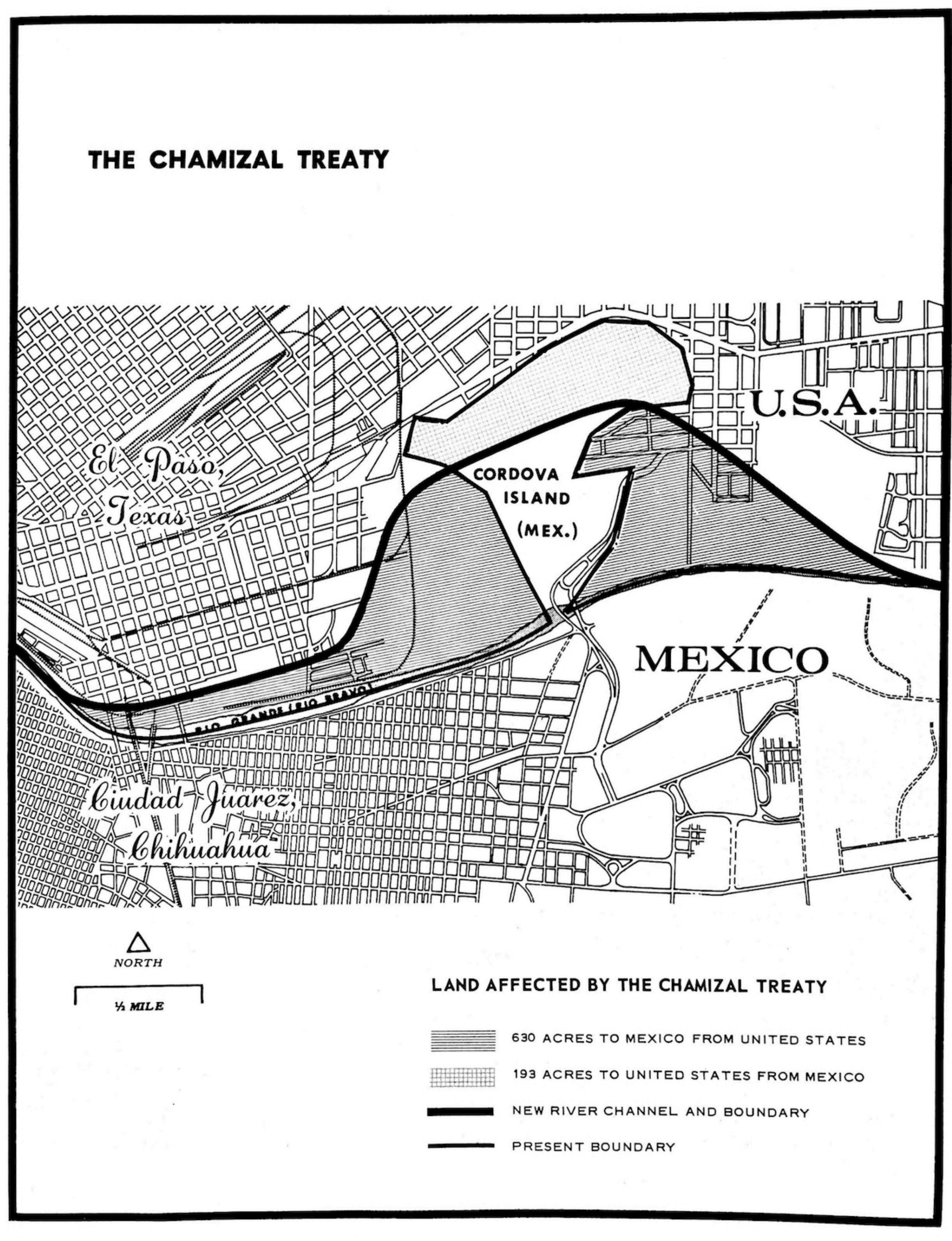

Figure 1: Map showing redrawn boundary between El Paso and Cd. Juárez and land affected by the Chamizal Treaty. Source: Southwest Vertical Files, El Paso Public Library.

Treaty of Guadalupe established the Río Grande as the new international boundary. This border, however, will go unmarked and unmapped until 1852 when a binational team of American and Mexican engineers and cartographers survey, map, and official established the U.S.-Mexico boundary between what is now El Paso and Cd. Juarez. According to the Treaty of Guadalupe Hidalgo, everything north of the Rio Grande is the US and everything south is Mexico. However, rivers are not fixed in place like lines on a map, and the Río Grande refused to stay put. In the four years alone between 1848 and 1852, local residents in the region will later testify that the river's channel shifted on a year-by-year basis. Over the next fifty years, Mexican authorities recorded at least five distinct southward movements from the river's location in 1852—with the most dramatic shifts taking place after multiple remarkable floods in the 1860s.[5] One of these great floods in the year of 1864 would come to mark the beginning of the Chamizal Dispute. Together, then, these floods and meanderings "transferred" land formerly south of the international boundary north of the river—and seemingly into U.S. jurisdiction. As the river's meanderings continued, and as Anglo American settlers began arriving to this region and settling this territory, these processes created the swath of contested land known as "El Chamizal." So began the international land and boundary conflict between the United States and Mexico known as the Chamizal Dispute.

Both United States and Mexican state records identify the Río Grande's refusal to stay "in its proper place" as the source of the century-long Chamizal Dispute. In 1963, nearly one hundred years after the great flood of 1864, U.S. President John F. Kennedy responded to Cold War pressures and concerns over Mexico's allyship with Cuba by announcing that he would be the one to finally bring this story to a close. He would do so, he declared, by virtue of the Chamizal Treaty.

[5] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of "El Chamizal," Republic of Mexico Secretary of Foreign Relations, Library of Congress; M. Quesada Brandi, *El Chamizal, solución complete: album gráfico*, (Mexico: Secretaría de Relaciones Exterirores, 1963).

This landmark settlement streamlined the Río Grande through a concrete canal along a newly agreed-on boundary between El Paso and Cd. Juárez—thereby demonstrating how disobedience must be kept submissively "in place" to (re)secure colonial spatialities. In redrawing and fixing the boundary "in its proper place," writers of the Chamizal Treaty claimed to have finally ended the Chamizal Dispute by taming the unruly Río Grande and landscaping El Chamizal's troublesome terrain out of the U.S. nation. In the redrawing of this boundary, the Chamizal Treaty returned land to Mexico for the first and only time in US history.[6] This land, which consisted of 630 acres meant to symbolically represent El Chamizal, was the land from which Trillo's family and thousands more were displaced between 1964 and 1970—recalling the Chicana/o Movement's *dicho*, "We didn't cross the border, the border crossed us."

Despite the insights the Chamizal story has to offer us about the intersections of power and geography, the power relations that ruptured and reshaped this region of the borderlands and the lives of those displaced continue to go unseen and unattended in the historical literature. Instead, this literature continues to replicate US and Mexican state narratives that insist the Chamizal Treaty was a beacon to the US-Mexico friendship, goodwill, and diplomacy that finally ushered in a "Happy Ending at Last."

This study offers a new analysis of this history, however, that demonstrates this official narrative of friendship and resolution is a dominate narrative meant to distract, conceal, and deny not only this conflict's ongoing qualities, but the insights we must learn from this terrain. Indeed, I argue not only that diverse stakeholders continue to claim El Chamizal, but also that the river's

[6] Although the two countries engaged in "banco" exchanges in the 1930s to straighten the U.S.-Mexico boundary, these exchanges have typically involved trades of equal or near equal acreage. The Chamizal Treaty is the only instance of nonequal exchanges of land and where the United States explicitly ceded land to Mexico as a return of stolen territory.

El Paso Herald-Post

Chamizal Edition
September 25, 1964

—Herald-Post Photo by Charles Teed

Chamizal Pact Changes Rio Grande Boundary (center) but El Paso (top) and Juarez Remain One Great Community. (See Drawing on Page 2.)

Old Chamizal Story Reaches Happy Ending at Last

By MARSHALL HAIL

One hundred years ago the raging Rio Grande cut a new course through El Paso and Juarez, leaving some Mexican land on the El Paso side and creating a boundary problem that couldn't be solved. The small detached strip of territory, claimed by both countries, was called El Chamizal.

Today the Chamizal problem is solved.

Unveiling of a new boundary marker by Presidents Lyndon B. Johnson and Adolfo Lopez Mateos draws worldwide attention to the fact that the United States and Mexico can and do settle disagreements in a friendly way, even if it takes a century.

SYMBOLICALLY, dedication of the monument on a revised boundary line cedes a part of South El Paso to Mexico and a smaller part of Mexico to the United States. The deal reduces the size of the United States by 437 acres.

Actually, physical transfer of the acreage to Mexico must await the moving out of some 5000 residents from the affected areas and construction of new port of entry facilities farther north. Later the Rio Grande—now an irrigation-bled stream no longer capable of leaping out of bounds—will be moved to a new channel marking the new border.

But today's ceremonies by the two presidents, a uniquely historic event for both nations, commemorates the Chamizal convention that put an end to decades of bickering, misunderstandings, and ill will. The ancient quarrel is over.

There was one poignant aspect to today's rites: absence of the late President John F. Kennedy. It was he who made the Chamizal solution possible.

TODAY'S MEETING was the second by U.S. and Mexican presidents in El Paso. The first, that of William Howard Taft and Porfirio Diaz on Oct. 16, 1909, recognized the problem but made no attempt to resolve it.

Because of countless failures over the decades, many statesmen and others had given up hope that a solution was possible. Though the land involved was small—less than a square mile—the issue, with its overtones of national pride and stirred up emotions, loomed ever larger.

Numerous U.S. secretaries of state had shied away from Chamizal. One of Mexico's former presidents, Plutaro Elias Calles, once said, "No one in Mexico is willing to commit political suicide by attempting to settle the case."

But in June of 1962 Presidents Kennedy and Lopez Mateos, meeting in Mexico City, discussed mutual problems. The Mexican chief executive raised the Chamizal question.

THEY THEN ISSUED this press release: "The two presidents discussed the problem of Chamizal. They agreed to instruct their executive agencies to recommend a complete solution to this problem without prejudice to their juridical position, takes into account the entire history of this tract.

The executive agencies did go into action. Thomas C. Mann, then U.S. ambassador to Mexico, sparked a new effort to find common ground. The International Boundary and Water Commission, Commissioners Joseph F. Friedkin for the U.S. and David Herrera Jordan for Mexico, sought an engineering and technical base on which an acceptable diplomatic proposal could be offered. From the start it was realized that a new approach was needed, for the problem had become far more complicated than it was in 1864.

Just how did the dispute start, and why did it last so long.

THE TREATY of 1848 provided that the boundary between Texas and Mexico should be the middle of the deepest channel of the Rio Grande. It was surveyed in 1852, and there has never been any doubt as to where the channel was then.

But in 1864 the Rio Grande went on a terrific rampage. The few inhabitants of El Paso, still identified on maps of the time as Franklin, escaped the floodwaters by taking refuge on the heights where Rim road is now. Residents of Juarez, then known as Paso del Norte, fled to high ground around the Old Mission.

The floods and changes in the river channel in that year laid the basis for the sticky Chamizal dispute. Juarez citizens complained locally that their land was now on the north bank of the Rio Bravo, as they called the river. In 1867 the Mexican foreign minister expressed concern over boundary problems created by the capricious stream.

BECAUSE OF DOUBT as to whether the boundary was changed when the river changed its course, a new treaty in 1884 provided (1) that the normal channel would continue to be the international boundary if changes in the channel were gradual, by erosion; and (2) that the boundary would remain at the old river bed if the stream by violent force of current should cut a new channel, by avulsion, abandoning the old.

Although the two governments carried on a large volume of correspondence about the matter from 1867 on, it was not until 1895 that Mexico made an official claim to the South El Paso territory.

According to Mexico's original claim in 1895, all land south of the 1852 Rio Grande channel, which had been surveyed before the river began to move southward, belonged to that country. This tract of some 800 acres was called El Chamizal, Spanish for thicket or brush patch. It contained few if any improvements.

IN VIEW OF the 1884 treaty, the basic question was this: Had the Rio Grande moved from its known 1852 channel slowly or swiftly? Had it gradually eaten away at Mexican territory, by erosion, or had it detached chunks of Mexico by leaping from its old bed into a new one?

The U.S. contended the river bed had changed slowly. Therefore by treaty terms its latest channel was the boundary.

Mexico argued that the Rio Bravo, as it is known in that country, had moved violently; therefore the old 1852 river bed was still the boundary.

All negotiations by the two governments on Chamizal failed. If a settlement had been reached, the cost then would have been comparatively insignificant. South El Paso was largely undeveloped.

Finally, in 1910, the two nations agreed to submit the Chamizal case to arbitration.

THE ARBITRATORS were the two members of the International Boundary Commission, Gen. Anson Mills of El Paso for the U.S. and F. B. Puga for Mexico, with a third commissioner added to cast deciding votes. He was a Canadian jurist, Eugene LaFleur. They were charged with deciding whether El Chamizal belonged to the U.S. or Mexico under existing treaties and international law. There was to be no appeal from their decision.

Arbitration hearings began May 15, 1911, in the old Federal Building at North Oregon street and Mills avenue. Echoes of gunfire from the Battle of Juarez, which toppled the Porfirio Diaz regime, were still being heard as a procession of witnesses told what they knew about river changes. The hearings lasted one month.

On the crucial issue of how the river moved, Judge LaFleur cast the deciding vote. Until 1864, he said, the Rio Grande changed course slowly, by erosion. Therefore, that part of El Chamizal north of the 1864 river bed was U.S. territory.

In 1864, however, the stream changed course rapidly, and even though it did not actually cut an entirely new channel by force of current, the change was faster than gradual erosion. Therefore, Mexico should get sovereignty over land south of the 1864 channel.

THIS FINDING by LaFleur divided El Chamizal about half and half, giving Mexico a little more than 400 acres north of the existing channel.

When Mexicans read in newspaper extras on June 15 that the territory was to be split between the two countries, that at least part of El Chamizal was to be regained, they were overjoyed. South of the Rio there were fireworks and torchlight parades.

Then came a deluge of cold water, thrown by Commissioner Mills. The U.S., he announced, would not accept the arbitration award. Secretary of State Philander Knox backed him up.

U.S. objections were three: (1) Under the arbitration rules, LaFleur had no authority to divide the tract; he was obliged to award all of El Chamizal to one country or the other. (2) Undisputed evidence showed the 1864 flood did not cause the river to abandon its bed; that LaFleur invented a new kind of change—rapid erosion—which was neither erosion nor avulsion and not recognized by the 1884 treaty and international law. (3) The award was invalid because the 1864 channel never had been surveyed and nobody knew where it was.

THERE ARE able lawyers who say the U.S. had good legal grounds for rejecting the decision. But its refusal to abide by arbitration created bitterness

(Continued on Page B-2, Col. 1)

ADOLFO LOPEZ MATEOS
Asked for El Chamizal

JOHN F. KENNEDY
Agreed on settlement

LYNDON B. JOHNSON
Made treaty effective

Figure 2: *El Paso Herald-Post* "Chamizal Edition" announcing "happy ending" to the Chamizal Dispute. Source: *El Paso Herald-Post,* September 25, 1964.

the river's canalization does not signify a wholly dominated landscape. Rather, this terrain locates struggle, refusal, and possibility.

El Chamizal: Overlapping Sovereignties & Colliding Colonialities

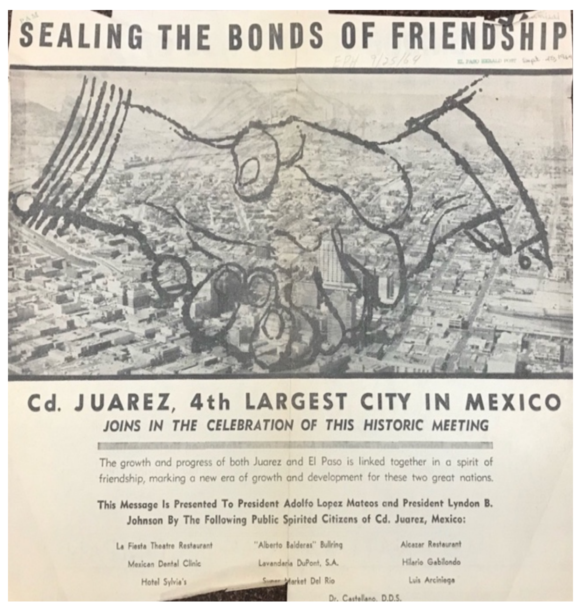

Figure 3: "Sealing the Bonds of Friendship" newspaper advertisement for Chamizal Treaty. Source: Border Heritage Collection, El Paso Public Library

Though there is only so much we know about El Chamizal's exact location and boundaries due to "the Rio Grande's stubborn tendency to meander," what we do know is this: First, that El Chamizal is composed partly of an 1818 Spanish land grant deriving its name from a prolific saltbush known as *chamizo*.[7] We also know that El Chamizal includes an area of Mexico once known in the 1800s as Paso del Norte's most northern district, *Partido Chamizal*. El Chamizal, however, also and falls within lands the Manso, Suma, Mescalero Apache, Comanche, and the federally recognized Tigua / Ysleta del Sur Pueblo First Nations People identify as stolen by multiple colonial powers.[8] The Chamizal

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[7] "Papers Trace El Chamizal Back to 1818," *El Paso Herald-Post*, October 27, 1967; Larry Rohter, "A Liquid Border Pays No Heed to Diplomacy," *New York Times*, September 26, 1987; Alan C. Lamborn and Stephen P. Memme, *Statecraft, Domestic Politics, and Foreign Policy Making: The El Chamizal Dispute*, (New York: Routledge, 2019), 52.

[8] The Tigua/Ysleta de Sur Pueblo reservation is located in the Ysleta borough of El Paso. Tigua land claims are typically constrained to the boundaries of this reservation, which coincide with those of their 1751 Spanish Land Grant given to the Tigua by the Spanish Crown. See: Adolph M. Greenburg, "Tigua Land Tenure and Land Use Practices: An Ethnographic Assessment and Interpretation of Tigua Land Tenure and Land Use Practices in the Ysleta Grant and Ysleta De Sur Claim Area," in *Ysleta de Sur Pueblo Archives: A Project of Ysleta de Sur Pueblo (Tigua Tribe of Texas) Tribal Council* Vol 1 p. 209-312.

story, then, is not simply a territorial conflict between the United States and Mexico, as the historical literature suggests; rather, El Chamizal is a contested tract of land that also consists of overlapping, contested claims amongst and between this region's Indigenous peoples. Nor is this conflict the reconciled story of an US-Mexico land dispute, as dominant narratives would like us to believe. As this study shows, the Chamizal Dispute is the story of overlapping native and colonial sovereignties, inter-ethnic/racial (Manso, Suma, Apache, Tigua, *Mexicano*, Mexican American, and Anglo American) relations and land claims, as well as unfinished narratives, displacements, and resistances from an unruly terrain known as El Chamizal.[9]

In what follows, I demonstrate that if we blow up this conflict's official 1864-1964 timeframe, that if we understand the Chamizal Dispute as a far more complicated, longer, and still unfolding story, this history becomes a stunning microcosm for studying legacies of displacement and dispossession across differentially racialized nonwhite peoples in this region; for studying the history of the American frontier and racial formations in Texas at this time; for studying white settler colonialism and racial capitalism, environmental history, the relationship between urban planning and race, cultural memory and the built environment, and perhaps most importantly resistance to conquest and colonial dominance—and all of these things from the Spanish colonial period to the present. For all its influence and ongoing role in the making of El Paso and Cd. Juárez, El Chamizal has most often been consigned to a trivial past by the historical literature on the U.S.-Mexico borderlands. I therefore expose how this conflict has *never* been trivial to this region or critical understandings of the U.S.-Mexico border. By first uncovering the layered, ongoing efforts to conceal El Chamizal and the stories of its minoritized claimants, I use this terrain's absented

[9] For more on "overlapping colonialities," see: Maylei Blackwell, Floridalma Boj Lopez, and Luis Urrieta Jr., "Special Issue: Critical Latinx indigeneities," *Latino Studies* 15 (2017): 126-137.

presence to reshape U.S.-Mexico border/lands studies and popular geographies and transnational histories of this region.

The following four questions guide this study: How might we engage El Chamizal as a terrain where we can both "see" and "site" layers of subaltern removal, as well as who is "rightfully" erasable according to settler and racial capitalist logics that reproduce the inevitability of subaltern placelessness while also securing white settler innocence, dominance, and emplacement? What are the implications of engaging the Río Grande as an active (haunting) participant or deliberate social actor in this history rather than as a mere backdrop or bygone past? How do Chamizal residents underscore the river's unruly (haunting) knowability when they name the ongoing consequences of their displacement? And lastly, How did/do Indigenous, *Mexicano,* Mexican American, and Chicana/o Chamizal residents respond to marginalization and geographic domination, and what might we learn from these responses when we study them alongside the insights of the unruly Río Grande?

Methods

To answer these questions, I draw on archival research throughout the U.S. Southwest and oral histories with more than 30 individuals displaced by the Chamizal Treaty. These methods build on and deepen the insights of scholarship in U.S.-Mexico Borderlands History, Chicana/o Studies, American Indian Studies, Texas History, and Environmental and Urban Studies to contextualize the localized, ongoing role of the Chamizal Dispute in shaping this region's socio-spatial power relations.

Across the archival institutions that I visited for this study, I confronted what Anna Laura Stoler calls the "colonial archive" and what Lisa Lowe calls the "archive of liberalism."[10] As Stoler defines it, the colonial archive is a highly advanced technology of the imperial state that collects "codified beliefs that clustered (and bore witness to) connections between secrecy, the law, and power."[11] Lowe builds on this framework by observing how state and institutional archives absorb colonial violence within narratives of modern reason and progress that naturalize colonial violence people and forgetting of that violence.[12] Similarly so, the majority of archival materials on the Chamizal Dispute represent official state accounts that couch this history in narratives of progress, friendship, and resolution. In turn, these official accounts obscure, erasure, and actively forget the violences inflicted upon and experienced by multiple generations of differentially racialized, non-white Chamizal stakeholders. The oral histories I conducted over the course of eight years are crucial to identifying and reckoning with these erasures. Indeed, they are necessary in attending to the gaps of these archival records that not only tend to replicate the official narrative on this conflict, but which do so by obscuring and trivializing the place-making practices, places, and storied terrains of life and struggle lived and made possible by Chamizal residents. When paired alongside the memories and coutnerstories of Chamizal residents and examined through a critical race lens, the archival materials I work with therefore become rich and instructive materials. Together, these archives and oral histories together tell a fuller, more complex version of the Chamizal Dispute that deeply trouble dominant narratives and widely accepted interpretations of this conflict and its afterlives in the El Paso-Cd. Juárez borderlands.

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[10] Ann Laura Stoler, "Colonial Archives and the Arts of Governance," *Archival Science* 2 (2002): 87.

[11] Ibd. 87.

[12] Lisa Lowe, *The Intimacies of Four Continents*, (Durham: Duke University Press, 2015), 2.

In addition to bridging these archival materials and the counterstories of Chamizal residents, I insist that a critical Latinx Geographies lens is essential for the historical investigation of the Chamizal Dispute. At the intersection of geography and Latinx Studies, Latinx Geographies is a theoretical approach and field of study that examines Latinx experiences and identities in relation to space, place, and land. It does so, however, by moving beyond a singular identity politics to consider how Latinx experiences, racial formations, and places do not exist in a vacuum but rather relationally with other racialized groups. My critical Latinx Geographies approach to the Chamizal Dispute therefore positions me to trace the places, place-making practices, and overlapping claims to place amongst El Chamizal's differentially racialized stakeholders. Those stakeholders include: the Manso, Suma, and Mescalero Apache Peoples who have tended to this region since time immemorial; the Tigua / Ysleta del Sur Pueblo People, the only federally recognized tribe in El Paso, who were forcibly brought to this region in 1680 as slaves of the Spanish Crown, and who continue to claim the El Paso-Cd. Juarez borderlands, including El Chamizal; we also have the Mexican nationals who owned property within El Chamizal; The descendants of these claimants; Anglo American claimants and their descendants; and multiple generations of Mexican Americans in South El Paso. A critical Latinx Geographies lens is therefore necessary to answering the research questions of this study because it equips me to engage the relationship between this terrain and Indigenous, Mexicano, Anglo American, Mexican American, and Chicana/o racializations in this region. Moreover, this lens traces not only how race becomes space in the El Paso-Cd Juárez, but also how El Chamizal is an unfinished terrain of life and racial struggle that has been produced overtime via colonial violence *and* the place-making practices and resistance of these marginalized stakeholders.

This interdisciplinary methodology diverges from the existing and strictly historiographical, policy-oriented, or sociological (and often quantitative) scholarship produced about this conflict. This existing scholarship overlooks colonialities beyond the U.S. settler state by constraining this

history to its official 1864-1964 timeframe. This not only forsakes the experiences of the 5,600 residents displaced in 1964 (including the ongoing consequences of displacement), but also overlooks how El Chamizal falls within the lands of the Manso, Suma, Apache, and the Tigua/Ysleta del Sur Pueblo peoples who identify this land as stolen by multiple colonial empires. By drawing on a mix of archival research and oral histories, my methodology traces the place-making practices, community formations, and the strategies devised amongst El Chamizal's differentially racialized, non-white stakeholders in response to living under conditions of conquest across multiple settler racial capitalist contexts. It also attends to how multiple colonialities sought—and failed—to eliminate El Chamizal.

Unmapping El Chamizal: Fugitive Landscapes & Haunting Refusals

Answering the research questions of this study requires an interdisciplinary theoretical approach that contextualizes the overlapping sovereignties and racial geographies of this border region; it also, however, necessitates contextualizing and analyzing the Chamizal Dispute alongside what I identify as the Río Grande's haunting refusals.[13] As we shall see, this wayward river not only produced El Chamizal's contested terrain; rather, I argue the river's unruliness haunts both the El Paso–Cd. Juárez borderlands and the Chamizal diaspora. I demonstrate, for instance, how the Río Grande has haunted various, overlapping ideological/geographic projects required to enact and anchor the United States and Mexico as settler possessions. While the river does so most pointedly by disrupting and refusing the fixity and inevitability of geopolitical borders, it moreover "unmaps"

[13] My thinking here is shaped by Leanne Betasamosake Simpson's essay "Land as Pedagogy" as well as what Indigenous scholars have identified as practices of refusal. See: Leanne Betasamosake Simpson, "Land as Pedagogy: Nishnaabeg intelligence and rebellious transformation," *Decoloniazation: Indigeneity, Education & Society* 3.3 (2014): 1-25; Audra Simpson, "On Ethnographic Refusal: Indigeneity, 'Voice' and Colonial Citizenship," *Junctures,* 9 (2007): 67-80; Glen Sean Coulhard, *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition.* (Minneapolis: University of Minnesota Press, 2014).

or denaturalizes differential settler emplacements and constructs of property, racial capitalism, white settler temporality, the spatial entitlements of exclusionary citizenship, and what Aileen Moreton Robinson calls "white possessive logics": that is, grammars and sensibilities that inescapably naturalize and tighten the grip of white possession, its racist underpinnings, and the myth of subaltern placelessness.[14] In this way, I theorize this river as a fugitive, haunting landscape.[15]

Like other historians of the U.S.-Mexico borderlands who are concerned with how this border eluded state control, my attention rests on how El Chamizal evolved into multiple, evasive forms and meanings that neither the United States nor Mexico could predict, fully control, or understand. "Corporations, states, and regional entrepreneurs hoped to domesticate and modernize a fugitive landscape—what they saw as a wild and barbaric frontier—but it continually slipped out of their control," argues the historian Samuel Truett about the U.S.-Mexico border's fugitive landscapes.[16] These hegemonic reorganizations of the borderlands, however "remained tenuous, uneven, and incomplete."[17] In El Paso, I similarly argue that the Río Grande through El Chamizal is fugitive in that this land refuses to comply/conform with various structures of colonial empire or become a productive part of settler capitalist conquest in the El Paso-Cd. Juárez borderlands. As the chapters of this study show, the Río Grande and El Chamizal's intertwined fugitive terrain flaunt this land's undefinable breath/limits as well as its ability and capacity move outside our grasp. And this land is a haunting landscape because through this unruliness (its relentlessly unsettled, contested,

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[14] Aileen Moreton-Robinson, *The White Possessive: Property, Power, and Indigenous Sovereignty*, (Minneapolis and London: University of Minnesota Press, 2015), xii.

[15] For more on histories and theories of "fugitive landscapes" see: Samuel Truett, *Fugitive Landscapes: The Forgotten History of the U.S.-Mexico Borderlands* (New Haven and London: Yale University Press, 2006); Raymond B. Craib, *Cartographic Mexico: A History of State Fixations and Fugitive Landscapes* (Durham and London: Duke University Press, 2004).

[16] Truett, *Fugitive Landscapes*, 6.

[17] Ibd.

and opaque character) this land does not simply challenge the very legitimacy of El Paso, Texas, but moreover enacts an affective and sinister mutiny against overlapping frontier capitalist colonialisms. This study, then, is a history of how El Chamizal's unruly terrain illuminates not only "how the best-laid plans of states, entrepreneurs, and corporations repeatedly ran aground in fugitive landscapes of subaltern power," but how this land enacts in place routes to a different world with alternative geographies to white settler capitalism.[18]

In what follows, then, I work through the Chamizal story and the power relations that ruptured and reshaped this region of the borderlands through a white settler colonial framework that engages El Chamizal, the Chamizal Dispute, and the Chamizal Treaty as instances in which three white settler societies (Spain, Mexico, and the United States) accumulated land (El Chamizal) through multiple constructs of property and the ongoing displacement and dispossession of racialized difference and the violent reconfiguring of this landscape to serve the needs of empire, state-making, white supremacy, and racial capitalism.[19] The Chamizal Dispute therefore reflects the insights of Indigenous and critical race scholars who have named, studied, and critiqued, the core imperatives of what has emerged as the study of white settler colonial racial capitalism: principally, that settler colonial dispossessive regimes of accumulation through differentiation and exploitation are entrenched in the racist, economic, social, and political inequalities that capitalism requires.[20] By engaging the ways white settler colonialism and racial capitalism converge, this study contributes to

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[18] Truett, *Fugitive Landscapes*, 9.

[19] For more on the multiple constructs of property of the Spanish, Mexican, and U.S. colonial empires, see: David Correia, *Properties of Violence: Law and Land Grant Struggle in Northern New Mexico* (Athens: University of Georgia Press, 2013).

[20] Jodi A. Byrd et al., *Colonial Racial Capitalism*, (Durham and London: Duke University Press, 2022).

analyses that illuminate how white settler colonialism and dispossession are not historical events.[21] Rather, they are continually unfolding processes and structures that reproduce white, capitalist domination through (1) the constant displacement and dispossession of Indigeneity and racialized difference, and (2) the elimination of Indigenous responsibilities to and relations with and from land that are antithetical (and disruptive) to colonial racial capitalism. In this way, engaging the multiple, colliding colonialities of this region positions me to illustrate not only that El Chamizal is the unfinished socio-spatial product of colonial encounters and disorientations with indigeneity, racialized difference, and land. But, more than this, it illustrates the ongoing role of racial capitalism, dispossession, and resistances to these uneven processes in the making and maintaining of white settler society. Through this framework, I argue that El Chamizal and the displacements from it are not bygone events, but rather part of larger, ongoing capitalist processes that have and continue to shape racial formations and power relations in the El Paso-Cd. Juarez borderlands.

Unruly Geography of Scars

I moreover suggest that there is evidence of the Río Grande and El Chamizal's intertwined haunting when Trillo describes her displacement as felt and remembered in and through the body as a phantom limb. In this instance, Trillo is not simply naming the brutality of the Chamizal Treaty or her community's distinct sense (and loss) of place within El Chamizal; she is also articulating the Río Grande's haunting through its persistent, unpredictable unruliness felt across her body and flesh. While there is no single rendition of the Chamizal story, Chamizal residents so often reference the body and a haunting quality in their testimonies that when examined alongside the river's long-

[21] See: Aimee Carrillo Rowe and Eve Tuck, "Settler Colonialism and Cultural Studies: Ongoing Settlement, Cultural Production and Resistance," *Cultural Studies ←→ Critical Methodologies* 17.1 (2017): 1-13; Shino Konishi, "First Nations Scholars, Settler Colonial Studies, and Indigenous History," *Australian Historical Studies* 50.3 (2019): 285-304; J. Kehaulani Kauanui, "'A Structure, Not an Event': Settler Colonialism and Endruing Indigeneity," *Lateral* 5.1 (2016): https://doi.org/10.25158/L5.1.7.

standing unruliness, together they evoke what I call El Chamizal and the Chamizal diaspora's *unruly geography of scars.* Across this unruly geography of scars the Río Grande "throbs with both fists along" that "vague and undetermined place created by the emotional residue of an unnatural boundary" and multiply hailed by the river's intimate and haunting interventions to psyche, body, land, and multiple colonial empires. [22]

In what follows, then, I demonstrate the instructiveness of analyzing the Chamizal story as this unruly geography of scars: a wayward, storied, corporeal, and haunted fugitive terrain of struggle not only inscribed with Trillo's phantom limb, or the open wounds Gloria Anzaldúa identified from "where the Third World grates against the first and bleeds," but also entwined with the wounds, scars, and ongoing struggles and stories of diverse social actors across the overlapping colonialities and claims to place that predate the imposition of the US-Mexico boundary and which collide along the El Paso–Cd. Juárez borderlands.[23] I argue that this terrain's haunting quality is an extension of the racial violence and colonial conquests that produced El Chamizal's contested, scarred terrain—and in turn the Chamizal diaspora. To analyze El Chamizal's scarred terrain is to account for how these scars illuminate not only the varied and enduring traces of violence from multiple colonialities, but also how the "vestiges of violence, despite efforts to erase them, do leave traces."[24] Hegemony requires remnants of violence in order to remind the violated and marginalized of their subjugation, while simultaneously reminding the perpetrator of their dominance.[25] Furthermore, selective scars

[22] Sandra Cisneros, "Salvador, Late or Early," in *Woman Hollering Creek*, (New York: Vintage, 1992), 10-11; Gloria Anzaldúa, *Borderlands/La Frontera: The New Mestiza*, (San Francisco: Aunt Lute Books, 1987), 3.

[23] Ibd; Maria Josefina Saldaña-Portillo, *Indian Given: Racial Geographies across Mexico and the United States*, (Durham and London: Duke University Press, 2016).

[24] Monica Muñoz Martinez, *The Injustice Never Leaves You: Anti-Mexican Violence in Texas*, (Cambridge and London: Harvard University Press, 2018), 25.

[25] Sherene Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pameal George," *Canadian Journal of Law and Society*, 15.2 (2000): 107.

and erasures are also mandated to perpetuate particular narratives about our world and its (im)possibilites. Yet, as scholarship on haunting consistently contends, processes of erasure have their own remnants that linger—a haunting with its politic born out of necessity.[26]

In this way, I am convinced that this terrain's haunting quality is an extension of its "unwritten, unseen history of resistance" refusing domination as well as the Río Grande's colonial recognition as political boundary and the supposed permeance of white settler colonialism. [27] Indeed, this haunting is the "relentless remembering and reminding" of an unjust settler colonial past and present wherein phantoms refuse to assure settler society of its innocence or offer reconciliation for participation in settler colonial processes and structures. [28] Due to the legacies and ongoing practices of settler colonial violence, erasure, and theft historian Renee Bergland argues that the U.S. is "predicated on haunted grounds: the land is haunted because it is stolen."[29] When Bergland argues that the theft of Indigenous lands results in a persisting haunting, she is arguing that the taking of Indigenous lands is never untroubled, never without consequence; it is to argue, as I am insisting here, that haunting produces varied, nuanced, and unexpected space in the present. "Haunting," insist the scholars Eve Tuck and C. Ree, "lies precisely in its refusal to stop." [30] These insights offer attention to the role of violence and erasure, and the (im)material consequences of

[26] Maria del Pilar Blanco and Esther Peeren ed., *The Spectralities Reader: Ghosts and Haunting in Contemporary Theory*, (New York and London: Bloomsbury Publishing Plc, 2013).

[27] Simpson, "Land as Pedagogy," 20; Coulhard, *Red Skins, White Masks.*

[28] Eve Tuck and C. Ree, "A Glossary of Haunting," in *Handbook of Autoethnography*, edited by Stacey Holman, Tony E. Adams, and Carolyn Ellis, (Left Coast Press, Inc, 2013): 642.

[29] Renée L. Bergland, *The National Uncanny: Indian Ghosts and American Subjects* (Hanover and London: University Press of New England, 2000): 9.

[30] Ibd.

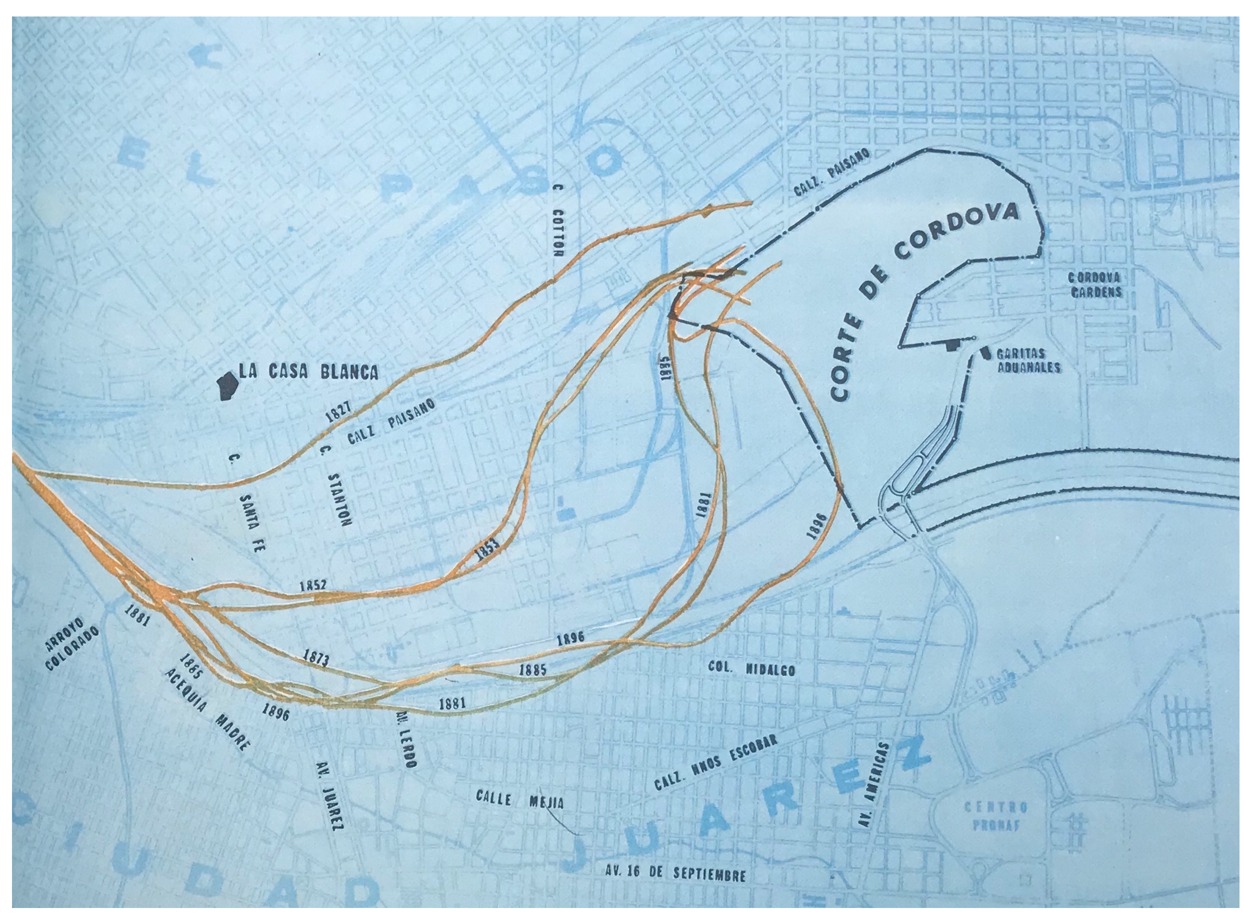

Figure 4: Mexican map showing the Río Grande's meandering, known locations across El Chamizal from 1827 to 1896. Source: *El Chamizal, solución complete: album gráfico* by M. Quesada Brandi.

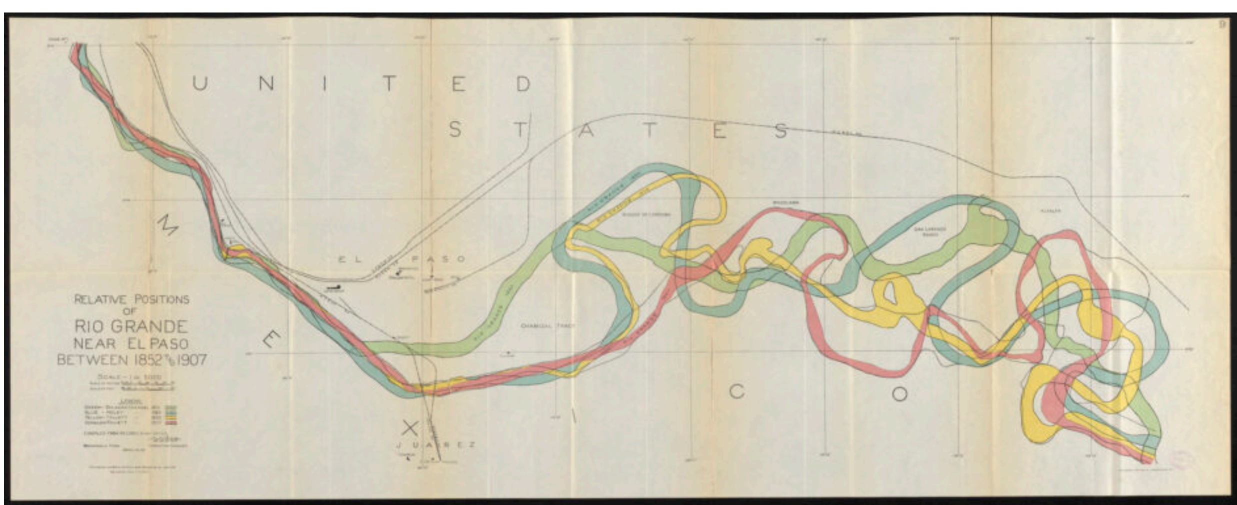

Figure 5: American map showing the Río Grande's meanderings across the greater El Paso-Cd. Juarez borderlands. Source: Chamizal National Memorial Archives.

their injustice: a haunting "that refuses to stop"—just like Trillo's phantom limb and, as we shall see, the *unruliness* of the Río Grande.[31]

"Geography is Always Human, and Humanness is Always Geographic"

By using the conceptual metaphor *unruly geography of scars* as my guiding analytical framework, I am also evoking Sandra Cisneros' short story "Salvador, Late or Early," in which she describes a boy named Salvador who is pained by the "geography of scars" and "history of hurt" that make up his body.[32] As such, within Salvador's chest "something throbs with both fists and knows only what Salvador knows." I draw on this story because I am interested in the ways that Trillo's testimony and those of Chamizal residents who similarly evoke the body when discussing their stories similarly illuminate individuals pained by a repressed "geography of scars" and "history of hurt" that are inscribed across their bodies and El Chamizal. Put another way, I want to give attention to what might comparably "throb with both fists" within El Chamizal's scarred terrain and what some residents describe as the Chamizal diaspora.[33] Indeed, if we are to take Katherine McKittrick's insistence that "geography is always human and humanness is always geographic" and that "geography holds in it the possibility to speak for itself," the questions at the heart of this study become deeply interwoven with concerns over land, body, memory, and power.[34] Which is to ask, what do Chamizal residents know about the memory of displacement, violence, and loss as it relates

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[31] Nicole Guidotti-Hernandez, *Unspeakable Violence: Remapping U.S. and Mexican National Imaginaries* (Durham and London: Duke University Press, 2011), 5.

[32] Cisneros, "Salvador, Late or Early," 10-11.

[33] Trillo, *The Code-switching Patterns of the Rio Linda Community of El Chamizal in El Paso, Texas*, 26.

[34] Katherine McKittrick, *Demonic Grounds: Black Women and the Cartographies of Struggle* (Minneapolis and London: University of Minnesota Press, 2006), ix.

to the long-standing Chamizal Dispute as well as the hauntings of these injustices that are etched across the El Paso-Juarez borderlands? What do they—and the Chamizal stakeholders before and after them—know that only they know?

If we are to fully think through these questions and the Río Grande's lessons on how to relate and speak to one another from an unruly geography of scars, we must return to Trillo's phantom limb as site of haunting. This spectral limb consists of not only what has been erased, as well as what is being erased *still*, but also what the body—as an extension of land—refuses to forget. Indeed, when recounting her story to me, Trillo suggested that she and El Chamizal are corporeally bound to one another because shortly after Trillo's birth her mother buried Trillo's umbilical cord beside a tree in the yard of their Rio Linda home. That Trillo summons this small fact of her life during her testimony is telling: burying an infant's umbilical cord, while a common and meaningful practice in Mexican American communities, is a cultural custom grounded in reciprocal Indigenous relations and stewardship obligations to land and community.[35] "We're still tied," Trillo explained, as she grew emotional describing her connection to El Chamizal and her former neighbors. "There's this ephemeral cord still among us still."[36]

I emphasize this narrative detail here because it was crucial to Trillo's testimony and because, for the purposes of this study, what it tells us about the haunted and incommensurable place of Chamizal residents within a geography scarred with layered colonial displacements—rather than what it may suggest about Trillo's indigeneity. While the anecdote of Trillo's umbilical cord may belie the neat dichotomous divide between settler and native, I am stressing here that when Trillo tells this story, she gestures not so much toward any particular identity marker, but rather to the

[35] Barbara Rogoff, et al, "Constellations of Cultural Practices across Generations: Indigenous American Heritage and Learning by Observing and Pitching In," *Human Development* 57 (2014): 82-95.

[36] Trillo, in conversation with the author, 2016.

insights of indigenous knowledge systems about the literal and figural connective tissues between land and body—their tethered quality—and how these landscapes can become so imbued with emotions that they "speak" in ways that remind us that violence inflicted on land is often directly connected to the body, and vice versa. Cherríe Moraga might have called this "theory in the flesh," as Moraga has long asserted that bodies consist of and generate theory by both refusing oblivion and enacting "a politic born out of necessity."[37] But what is this politic born out of necessity in Trillo's case? Is it simply—and only—her body's recollection of her community's trauma and displacement? A corporeal and psychic refusal to forget this contained moment of injustice? Of course, it *is* the result of her community's forced removal, their shared trauma, and her feelings of stewardship for this terrain and her former community members. She evokes a politic that vividly demonstrates the power of place and loss, and how the seemingly unintelligible and supposedly erased nevertheless intervene in the knowability of our world.

But I also want to propose that Trillo's phantom limb is the consequence of the psychic core of an unjust settler colonial past and present—that is, the land/body effects of living along a scarred geography and its affective, unsettling legacies uncannily bubbling up from the ground and making their presence felt. Given what scholars of haunting insist, what if Trillo's phantom limb is the result of an inherited *geography of scars* and *history of hurt*—the transmission of trauma, marginalization, and an unjust past and present that hold an unrelenting grip on memory and yet is often deemed unspeakable? Could this unjust past and present also be what *throbs with both fists* within the corporeal terrains of El Chamizal and the Chamizal diaspora? And if it is, might this bodily haunting illuminate its own politic born out of necessity—one with its own needs and demands?

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[37] Cherríe Moraga and Gloria Anzaldúa, *This Bridge Called My Back: Writings by Radical Women of Color*, (San Francisco: Aunt Lute Press, 1981), 19.

I propose that this *other* politic initiates an uncanny pull to the place (El Chamizal); and this place-politic encourage clarity about the needs and demands of an unruly, scarred site of memory that persists within and emerges from under supposed wholly erasure. In this study I consider the trauma, estrangements, and longevity of displacement's schisms on memory, land, and body, as well as what these corporeal/spatial scars and hauntings teach us. Indeed, as historians of racial violence in Texas like Trinidad Gonzalez and Monica Munoz Martinez have suggested, the profound violences that enacted the state of Texas "never leave you" but rather continue to haunt the state of Texas and those who move through this geography. The same must be said about the Chamizal Dispute and the hauntings of the meandering Río Grande. I want, then, to propose that the unruliness of the river is at once the haunting of colonialism's unjust past and present and the remnants of the Río Grande's meandering that since time immemorial has shaped this region according to the river's needs and desires.

El Chamizal as "Site of Memory"

As I proposed above, the Río Grande's concrete canalization through El Paso and Cd. Juárez does not signify a wholly subdued, foreclosed, and dominated landscape. Rather, the canal is a geographic scar/wound that locates and remembers not only where racial-geographic differentiation and violence occur in racist capitalist conquest, but also rebellion, refusal, and possibility. Indeed, as Toni Morrison argued in her 1995 essay "Site of Memory" about the meandering Mississippi River," rivers cannot be beaten into total submission because they remember where they used to be before irrigation and flood control measures straightened them out—and thus flood (haunt) our world with where they are *still going*.[38] Occasionally, Morrison explains, the Mississippi river floods these places.

[38] Toni Morrison, "Site of Memory," in *Inventing Truth: The Art and Craft of Memoir*, edited by William Zinsser (Boston, New York: Houghton and Mifflin, 1995), 99.

"*Floods* is the word they use," she continues, "but in fact it is not flooding; it is remembering […] remembering where it used to be before it was straightened out." [39] Morrison herself argues that the "straightening out" of the Mississippi River does not signified a stifled landscape. Rather, she asserts that these sites of memory persist in their "route to a reconstruction of a world, […] to the revelation of a kind of truth" about the possibilities for this world where not only subaltern lives matter, but where we turn to land and its own needs and desires for insights to imagine and achieve more just respatializations.[40]

The Río Grande between El Paso and Cd. Juárez may no longer floods like it once used to; nevertheless, I want to suggest that this river, too, is a particular site of memory in this region of the borderlands. This site of memory floods with countermemory, recalling where it used to be before it was straightened out and a without borders. Morrison's "Site of Memory" has been profoundly helpful to me in thinking through El Chamizal's unruly geography of scars because she not only discusses the poetic relations between memory and landscape, the remains or traces of geographic narratives, as well as how these various and often obstructed sites of memory offer us a different (haunting) sense of place, but she further suggests that these different, flooding epistemologies re-imagine a world where subaltern lives matter.

Land as Insight: Haunting Pedagogies of Refusal & Possibility

What if, then, we were to think about the Río Grande's floodings and disruptive meanderings to the U.S.-Mexico boundary as a material manifestation of the remembering and haunting that Morrison and scholars of haunting are suggesting? That is, how might we "read" these

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[39] Ibd.

[40] Ibd. 95.

meanderings as a kind of return—indeed, the haunting—of the repressed, of "modernity's phantoms" remembering, resisting, intervening, and producing material effects?[41] And, perhaps most importantly, what can be learned from the river's hauntings and site of memory?

I am emphasizing here that this unruly river is a haunted terrain from which we have something to learn about power, land, and our relations to them. In her landmark essay "Land as Pedagogy," Leanne Betasamosake Simpson insists on this point by arguing that land is imbued with distinct and transformative theories and methodologies that, among other lessons, offer pedagogies to rebel against the permanence of settler colonialism.[42] The wisdom of theories and methodologies are "generated from the ground up and its power stems from its living resonance within individuals and collectives." She means this both literally and conceptually, and insists through embodied practices there are crucial insights to be learned from learning *from* and *with* the land.[43] She contends, then, that in order for Indigenous peoples to mobilize an alternative present where Indigenous lives matter and guide the rebuilding of our world, land's "unwritten, unseen history of resistance" must be reclaimed as an instructing source of knowledge.[44] These insights are crucial for all those who wish to reflect on this unjust world in order to work toward changing it, and illuminate how the unruly Río Grande's history of resistance guides us toward a space of possibility. It does so not only as a repertoire of the repressed "talking back" to power, but also as the river's own pedagogic, decolonial endeavor (not merely resistance) to denaturalize settler spatialities.

I do want to suggest, then, that although the Río Grande is certainly *made* unruly within the

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[41] Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination,* (Minneapolis: University of Minnesota Press, 1997), 16.

[42] Simpson, "Land as Pedagogy."

[43] Ibd. 7.

[44] Ibd. 13, 20.

framework of Enlightenment capitalist ideology and settlement, the river *responded* to these ideologies and structures through unruliness. In other words, the Río Grande decided and settled on refusal. It chose to be—to become—unruly; and through this decisiveness, enacted its own kind of haunting. In this way, the river's pedagogies are underwritten by what Margo Tamez has called "rivered refusals" to dispossession in the U.S.-Mexico borderlands and what other Indigenous scholars have elsewhere identified as the "gorgeous generative refusal of colonial recognition." [45] In these cases, Indigenous practices of refusal not only trouble nation-state borders and settler state sovereignty—including white possessive logics and racial capitalism—but these refusals also become an opening enacting terrains through which different, more just worlds and relations with land can be and are told. Tamez, for instance, argues that in the community of El Calaboz in the Lower Rio Grande Valley of Texas, Ndé peoples draws on "a memory of refusal" and "ways of remembering through rivering ancestral relationships to place, language, and family" to reject U.S. government access to ancestral lands to build the U.S.-Mexico border wall.[46] This re-surgent memory of refusal is grounded in an "Indigenous rivering epistemology," a dynamic knowing and being within rivered places that is in no way distinct from the Rio Grande's meanderings, ebbs and flows. "Rivering ways flow and swell, ebb and swirl in whirlpooled currents across space, time and place," Tamez writes, and have also more recently been "deeply affected by borders, militarization, and nonrecogition." Through specific knowledge-making sites like weaving and storytelling, however, Ndé peoples draw on resurgent, rivered refusals to disrupt dispossession in the U.S.-Mexico borderlands. In his book *Red Skin/White Masks*, Sean Glen Coulhard similarly discusses the transformative, decolonial

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[45] Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance*, (Minneapolis: University of Minnesota Press, 2017), 9; Glen Sean Coulhard, *Red Skins, White Masks:*, 130; Simpson, "On Ethnographic Refusal."

[46] Margo Tamez, "Indigenous Women's Rivered Refusals in El Calaboz," *Diálogo* 19.1 (2016): 7-21.

possibilities of refusal. He argues not only how Indigenous peoples refuse the structures and "gifts" of colonial empires that promise to render Indigenous peoples legible to the state, but also how Indigenous peoples refuse to participate in colonial structures and processes by selectively "turning away" from circumstances where participation is coerced and demanded.[47] In doing so, he contends, Indigenous peoples mobilize the world on their own terms.

This "turning away" is instructive in an analysis of the Río Grande's unruliness through El Chamizal because it allows us to consider how this river "turns away" from its knowability as a colonial boundary, and thus not only refuses to participate in this colonial project by rupturing the seemingly natural ideologies of settler domination imposed onto geography. But, more than this, how its unruliness mobilizes an "otherwise" geography: spaces other than what we may know, reference, or expect, but which are already present and underwritten by decolonial pedagogies of refusal and different spatialities to white settler colonialism. In other words, the Río Grande through El Chamizal is a site of memory where the river refuses annihilation and assimilation into the U.S.-Mexico border while simultaneously enacting a rivered refusal and resurgent knowledge that demands we *turn toward* El Chamizal's unruly, scarred site of memory that teaches what it has always offered: that colonial capitalist spatialities are neither natural, permanent, complete, or without consequence; that space is malleable and perpetually unfinished; and that different spatialities to white settler colonialism are not only possible, but they already exist.

I want, then, to summarize the analytical frameworks of *unruly geography of scars* and *haunting pedagogies of refusal* by emphasizing how the Chamizal story has been cloaked in state narratives of progress, friendship, and diplomacy in order to foreclose the insights of the unruly Río Grande—to render El Chamizal a hidden geography—and therefore obstruct what this land makes possible:

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[47] Coulhard, *Red Skins, White Masks*, 45.

geographies of refusal that denaturalize settler colonial racial capitalist ideologies. In this way, this study illuminates why and how it is necessary to attend to the Río Grande and El Chamizal's intertwined unruliness as sites of expropriation, dispossession, and extraction in El Paso while also engaging this terrain—and land more broadly—"as the often unnamed but vital actor that is always exceeding and resisting the violence of colonial racial capitalism."[48]

Chapter Breakdown

The interventions of this study outlined above engage Laura Pulido's recent argument that Chicana/o Studies must engage white settler colonial studies in order to create meaningful interventions in the field. These interventions, however, are also necessary in order but demonstrate the larger argument of this research: that the Chamizal Dispute—despite what dominant accounts would like us to believe—is not a reconciled, finished story.[49] Rather, El Chamizal is an unfinished site of struggle imbued with challenges and alternatives to the status quo.

The chapters of this study unfold largely chronologically. Chapter one offers a historical overview of the Chamizal Dispute that traces the socio-spatial production of El Chamizal and its evasive (unruly/haunting) qualities. I begin this chapter with the Chamizal story of Cleofas Calleros, a highly regarded Mexican American historian and civic leader in El Paso, to introduce and situate the complexity of El Chamizal. Thereafter, I rewind to late seventieth century when Tigua People arrived to what is now the El Paso-Cd. Juárez borderlands and became deeply intertwined in the Chamizal story. This chapter thereby diverges from the Chamizal Dispute's codified 1864–1964 timeframe that temporally constrains this history in ways that conceal the Río Grande's haunting

[48] Byrd et al., *Colonial Racial Capitalism*, 12.

[49] Laura Pulido, "Geographies of race and ethnicity III: Settler Colonialism and nonnative people of color," *Progress in Human Geography* 42.2 (2018): 209-318.

pedagogies of refusal long before 1864 and well after 1964. Drawing on a mix of archival materials including maps, letters, and affidavits, this chapter explores how El Chamizal is a far more complex—and in many instances *unknowable*—tract of land. In turn, this chapter argues that the Chamizal Treaty must be understood as part of an enduring colonial undertaking designed to erase, conceal, and deny El Chamizal's complex geography and lasting presence in the heart of downtown El Paso.

Chapter two draws on the legal papers of American lawyers representing Chamizal claimants in the 19th and 20th-century to examine how the historical geography and legacy of colonial El Paso is entrenched in a complicated web of spatial, temporal, and legal power relations designed to trivialize and deny the significance of El Chamizal in the (un)making of Anglo El Paso's nascent settler capitalist society. I argue that early Anglo American settlers wed rumor and time as their means to eliminate the self-determined, unknowable chaos of the Río Grande for a present-future that could be predictable, certain, and predicated on colonial racial capitalism. In doing so, I uncover how settler time, rumor, and law helped Anglo American transform the Mexican-controlled borough of Cd. Juárez's *Partido Chamizal* into the Anglo American dominated city of El Paso. I demonstrate how Anglo El Paso's particular settler temporal frame of reference hinges on the year of 1848—the same year of the Treaty of Guadalupe Hidalgo that ended the U.S.-Mexico war and declared the Río Grande the new international boundary. Coupled with rumor and law, this temporal frame of reference perpetuates Anglo American possession, permeance, and inevitability in El Paso by cementing non-white claims to El Chamizal as a permanent fixture of the past. At the same time, I show how there is an overwhelming sense of apprehension among Anglo El Pasoan about this so-called bygone past. Ultimately, then, this chapter shows how the historical and contemporary geography of El Paso is entrenched this time/rumor and rife with settler anxiety and denial.

In chapter three, my focus shifts to the oral histories I have conducted with those displaced by the 1964 Chamizal Treaty to illuminate a women-led barrio activism against the 1964 treaty and how members of "the Chamizal diaspora" still claim this land. This chapter draws on more than 30 oral histories I have conducted with individuals displaced by the Chamizal Treaty. In this way, this chapter centers the memories of Chamizal residents, their family stories, their place-making practices and community formations, and barrio activism that carved out dignified and livable spaces within this disputed terrain. In turn, we learn how members of the Chamizal diaspora continue to know themselves in and through not only the distinct sense of place and belonging that the Chamizal barrios afforded them, but moreover the injustices of the Chamizal Treaty and the afterlives of these injustices.[50] In turn, this chapter examines the negation of their stories and place-making practices, whose needs this ongoing negation serves, and the ongoing aftermath of displacement on residents. I also turn to archival sources that document the residents' barrio activism in response to the Chamizal Treaty. When tracing the barrio activism of this generation of Chamizal residents, I situate this displacement within the context of US urban renewal and uneven development, and a rich history of U.S. barrio activism to combat injustice and uneven spaces. Here I demonstrate how their strategies to assert durable, legible scripts against their displacement both enacted and diverged from the Río Grande's pedagogies of refusal that disrupt and denaturalize white possessive logics.

In the conclusion chapter, I examine how Chicana mothers in South El Paso's "Barrio Chamizal" are currently organizing against environmental racism and uneven development in their neighborhood. Both the environmental racism and urban development are directly connected to the Chamizal Treaty's urban reconfiguration of South El Paso. This chapter thus demonstrates how El Chamizal is an ongoing, multifaceted terrain of struggle. More than this, however, this chapter

[50] While the treaty impacted multiple boroughs, I refer to these residents collectively as "Chamizal residents" to evoke their shared history, trauma, and experiences of erasure.

demonstrates how El Chamizal is an unfinished, gendered site of racial struggle imbued with challenges and alternatives to the status quo.

These chapters demonstrate that far from being a marginal or bygone event, the Chamizal Dispute remains central to El Paso-Cd. Juárez borderlands history and the making of these border cities. Together, they deepen Texas History, U.S.-Mexico Borderlands History, and the field of Chicana/o Studies by examining the haunted, racial geographies and overlapping colonialisms of the El Paso-Cd. Juárez borderlands that together produced the contested tract of land known as El Chamizal. Although the Chamizal Dispute and story has been largely absent from these academic fields, this study demonstrates how this history reflects some of the core imperatives of these fields. It is an instance of "We didn't cross the border, the border crossed us." It is an instance of uneven urban planning development and urban renewal and their lasting impact on Mexican American communities. And it is a part of a legacy of Chicana-led barrio and fronteriza activism that continues today.

UNSETTLING COMFORTS

I knead the creosote clay,   draw the beady black curtain,
the many ghosts of El Paso   filtering through the slacks,
stars above a river   in grief & fury,
moving within me now   the water
refusing this city still   laughing as I try to make sense of this place:
unsettling comforts,   the way this land
is self-determined   in how it speaks for itself
breaking time & space   the border
as we thought we knew it   as they wanted us to know it
but still a mystery   still a wonder
& that concrete canal,   geography of scars
a callous "healed"   streamlined & tamed
along this map   of violence where somewhere I remember
this river is a body   a verb
& the words that I write   from these undercurrents
of parallel countries   are not my words
but this land's long refusal   remembering where it used to be before it was straightened out.

CHAPTER 1

"Inability to Lay the Ghost of the Chamizal:" Opacity, Wonder, & El Chamizal's Haunting Unknowability

"For 96 years the United States and Mexico have fought over *un pedazo de tierra* consisting of 630-acres in what is now part of South El Paso, Texas, and which originally was part of Segundo Barrio."[51]

— Cleofas Calleros, "El Chamizal—¿Qué Es?"

When the late El Paso historian Cleofas Calleros self-published his pamphlet "El Chamizal—¿Qué Es?" in 1963, he was trying to resolve two riddled, age-old questions: *What is El Chamizal, and where is it exactly?* Like those before him, solving these questions—let alone convincing his readers of his answers—would be a challenge. A disputed tract of land somewhere between El Paso, Texas, and Ciudad Juárez, Chihuahua, El Chamizal has been so long contested, so fraught with ambiguity, always too elusive to define and too puzzling to fully seize because of the meandering Río Grande that caused the Chamizal Dispute, that it's exact size and location has remained a highly debatable obscurity for more than a century.

Long before Calleros became obsessed with resolving this mystery, there were others who tried to define El Chamizal. President William Howard Taft would be the first U.S. President to try and settle the Chamizal Dispute, followed by Calvin Coolige, Herbert Hoover, F.D. Roosevelt, Harry Truman, and Dwight T. Eisenhower. Yet, "in no instance could the baffling enigma of the

[51] Translated from Spanish by the author. Original: "Por noventa y seis anos los Estados Unidos de America y los Estados Unidos Mexicanos han tenido en disute un pedazo de tierra que consiste en 630 acrees en lo que ahora es la parte sur de El Paso, Texas que ordinariamente se le llama parte del Segundo Barrio." Cleofas Calleros Papers, MS231, box 33, folder 13, C. L. Sonnichsen Special Collections Dept., The University of Texas at El Paso Library.

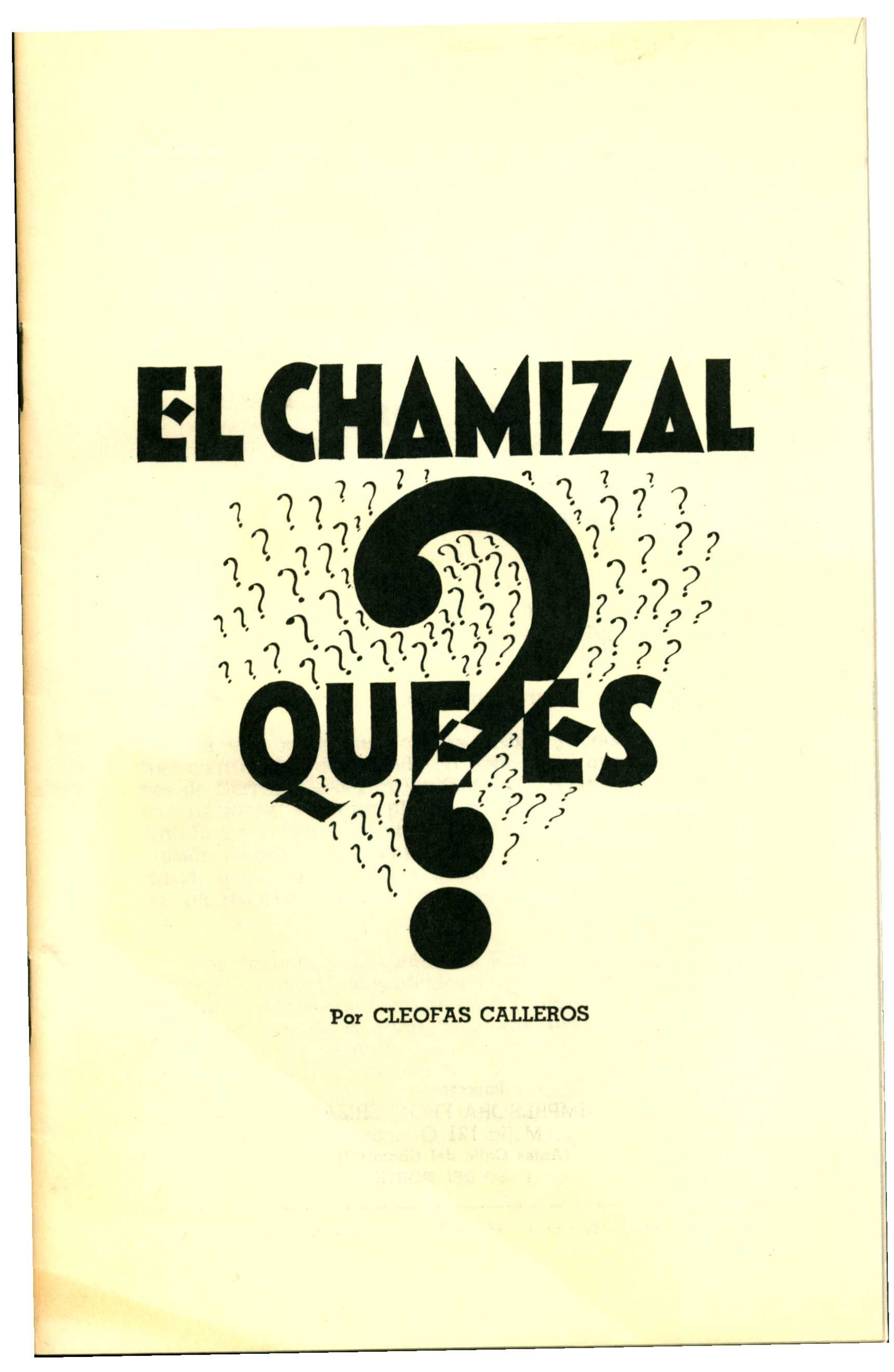

Figure 6: Front page of Cleofas Calleros' informational pamphlet on the Chamizal Dispute titled "El Chamizal—Qué Es?" (El Chamizal—What is it?) Source: Cleofas Calleros Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

Figure 7: Mexican map showing the 630 aces (333 hectares) defined as El Chamizal by the Chamizal Treaty. Source: *El Chamizal, solución complete: album gráfico* by M. Quesada Brandi.

Figure 8: Aerial photograph taken in 1968 showing the 630-acres defined as El Chamizal. Source: International Water and Boundary Commission.

Chamizal be resolved."[52] However, Calleros' "¿El Chamizal—Que Es?" obscures this relentless mystery. It does so by telling a simplified story where the United States and Mexico fought over *un pedazo de tierra* consisting of a neat 630-acres in South El Paso.[53] It was, of course, no coincidence that Calleros' 630-acre definition for El Chamizal was the same definition announced by the American and Mexican diplomats negotiating the Chamizal Treaty. Long before rumors of the proposed Chamizal Treaty arrived in El Paso, Calleros had lived a life largely defined by the mystery of El Chamizal's whereabouts. Over the course of his lifetime, then, he had wrestled this elusive tract of land himself. Perhaps, then, he saw in the Chamizal Treaty the opportunity to finally absolve himself of this troublesome terrain. "El Chamizal—¿Qué Es?" works toward this objective. Not only does it tell a story that agrees with the settlement's definition for El Chamizal, but it also suggests that returning these 630 acres would finally open the door to progress in the region.[54] It would do so, Calleros writes, by putting the question of El Chamizal to rest once and for all.

* * *

Although Cleofas Calleros is a prominent figure in El Paso history due to role as a civic leader and self-trained historian of the city, his contributions to the Chamizal Treaty are seldom if at all discussed in the historical literature on this conflict. In what follows, I argue that Calleros was formative in securing the success of the Chamizal Treaty and establishing the settlement's official version of the Chamizal story as the *only* Chamizal story. Throughout this essay, then, I trace and contextualize Calleros' relationship with El Chamizal, his personal and professional motivations to

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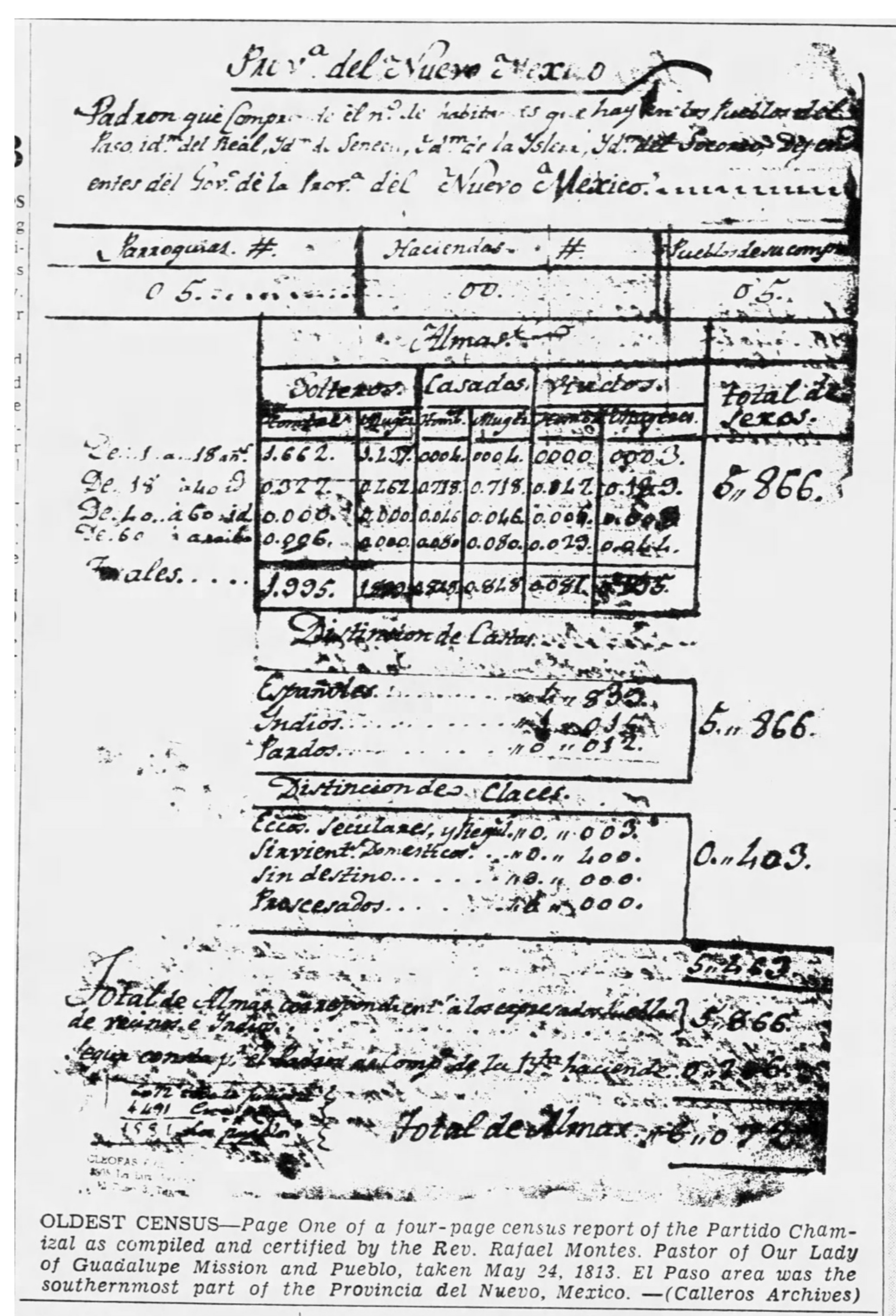
52 Gladys Gregory, "The Chamizal Settlement: A View from El Paso," *Southwestern Studies* 1.2 (1963), 6.

53 Cleofas Calleros Papers, MS231, box 33, folder 13.

54 "Chamizal Pact Opens Door to Progress," *El Paso Herald Post*, July 18, 1963.



OLDEST CENSUS—*Page One of a four-page census report of the Partido Chamizal as compiled and certified by the Rev. Rafael Montes. Pastor of Our Lady of Guadalupe Mission and Pueblo, taken May 24, 1813. El Paso area was the southernmost part of the Provincia del Nuevo, Mexico. —(Calleros Archives)*

Figure 9: Excerpt from 1813 Spanish census on Partido Chamizal. Divided into several *ejido* and private farms, Partido Chamizal was home to hundreds of residents. In 1813, a census conducted in Paso del Norte recorded 718 residents living in the district. Those who owned their property had titles that stemmed from Spanish and Mexican land grants—some issued as early as 1781. Source: *El Paso Times* October 28, 1967.

settle this conflict, as well as his role in the Chamizal Treaty within a much longer, coordinated colonial endeavor to obscure El Chamizal's complex geography and bend social perceptions of it in service of dominant geographies. In turn, I show how the Chamizal Treaty's definition for El Chamizal required a great deal of labor, ongoing modes of erasure, a great many storytellers to maintain. I suggest that when Calleros wrote "El Chamizal—¿Qué Es?" he became one of these storytellers and part of a long line of historians, cartographers, politicians, power brokers, and urban planners who have sought to naturalize a particular historical geography of El Paso underwritten by the erasure of El Chamizal.[55]

"Mexico Debe Recuperar El Chamizal"

To date, Calleros' "El Chamizal—¿Qué Es?" is perhaps one of the few comprehensive histories of the Chamizal Dispute. Despite its thoroughness, it is also so fraught with omission that it inescapably bends El Chamizal to fit the needs of a larger dominant narrative intent on trivializing El Chamizal's place in El Paso. There was, of course, the pamphlets' omission of 5,600 residents who would be displaced from their homes within these 630 acres—an omission that reflected the official messaging at that time that described these homes as blighted areas in the city whose removal would be El Paso's gain.[56] But of the pamphlet's many omissions, perhaps the most significant is rather technical: that is, that the settlement's 630-acre definition for El Chamizal contained very little of what historians and many long-standing residents in this region considered El

[55] The canon historiography of El Paos often mentions the Chamizal Dispute, but glosses over the key role of El Chamizal in the making of what is now El Paso, Texas. See: W.H. Timmons, *El Paso: A Borderlands History* (El Paso: The University of Texas at El Paso, 1990); Leon C. Metz, *Border: The U.S.-Mexico Line* (El Paso: Mangan Books, 1989); *C.L. Sonnichsen, Pass of the North: Four Centuries on the Rio Grande Volume 1 1529-1917* (El Paso: Texas Western Press, 1968); Mario, Garcia, *Desert Immigrants: The Mexicans of El Paso, 1880-1920* (New Haven and London: Yale University Press, 1981), 143.

[56] "Chamizal Settlement, Freeway Bring Gigantic EP Facelifting," *El Paso Times*, September 25, 1964.

Chamizal. Indeed, for many in this region, El Chamizal is a much larger swath of land today covering both sides of the El Paso-Cd. Juárez borderlands—including Chihuahuita, Segundo Barrio, and part of downtown El Paso—that was known in the 1800s as Paso del Norte's most northern district *Partido Chamizal*.[57] Nor does Calleros' pamphlet explicitly say that of these 630 acres promised to Mexico, only a sliver of this land (173-acres) consisted of Partido Chamizal. This meant that of the acreage promised to Mexico as El Chamizal, 193-acres consisted of Mexico's Cordova Island and another 264-acres included land directly east of this island that the state of Mexico had never regarded as El Chamizal but which was included in the settlement to "make up" for the parts of El Chamizal that would remain north of the border.[58]

Omissions like these that obscure El Chamizal's enduring presence within the city of El Paso were not lost on Mexicans south of the border. Nor was it lost on Mexican nationals that the land promised to Mexico consisted in large part of territory neglected and exploited by Americans. Indeed, not only had the United States been so bold to offer Mexico a sliver of El Chamizal, but the 630-acres included an old city dump and the hazardous cattle lands of Peyton Packing. Mexican nationals were so vocal in their dissent with the Chamizal Treaty that their protest quickly became a topic of annoyance among U.S. federal officials. "The Mexicans are barking about a couple of things," wrote a White House aid during treaty negotiations, "particularly a packing plant and slaughterhouse on land which will go to Mexico, because the facilities are public nuisances."[59]

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[57] "Chamizal Census Take in 1813," *El Paso Times*, October, 28, 1967; Joe K. Parrish Papers, MS111, box 1, folder 44, C.L. Sonnichsen Special Collections Dept., University of Texas at El Paso Library.

[58] Alana de Hinojosa, "El Río Grande as Pedagogy: The Unruly, Unresolved Terrains of the Chamizal Land Dispute," *American Quarterly* 73 (December 2021); Paola Juárez, *El Chamizal: Reflexciones sobre nacionailsmo y frontera en torno de acuerdo territorial (1962-1967)* (Ciudad Juárez, Createspace Independent Pub, 2017), 35; Conrey Bryson, *The Land Where We Live: Paso del Norte* (El Paso: Aniversario del Paso '73, 1973), 25.

[59] WH Confidential Files, C.F. Oversized Attachments, box 165 4/22/66 #3 Mexico-Chamizal [2 of 2], Lyndon B. Johnson Presidential Library, Austin, Texas.

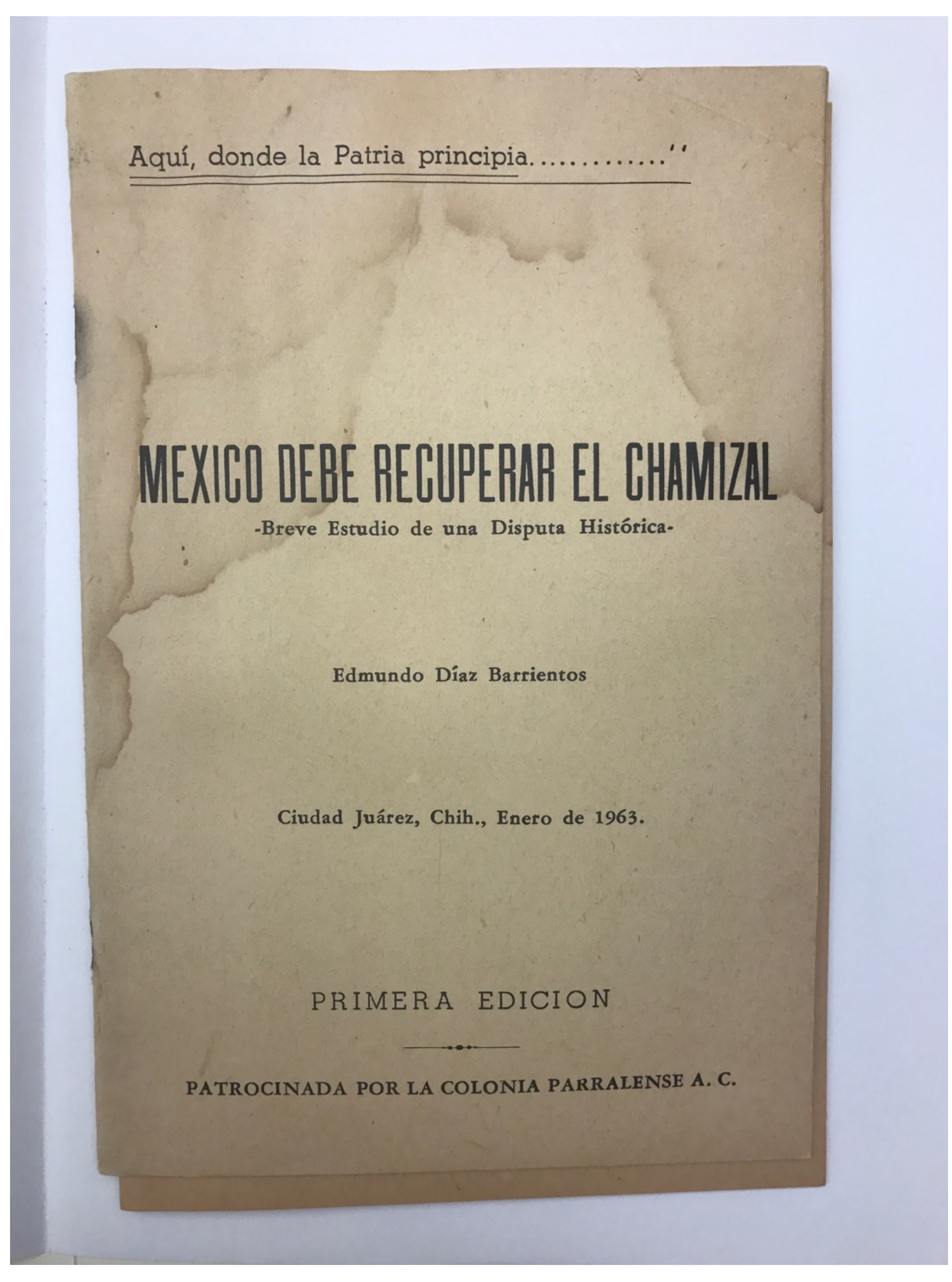

Figure 10: Front page of informational pamphlet, "Mexico Debe Recuperar El Chamizal" [Mexico Should Recover El Chamizal], produced by local government in Parral, Chihuahua. Source: Cleofas Calleros Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

Mexican nationals responded in turn by publishing their own pamphlets on the Chamizal Treaty. In 1963, for instance, the city of Parral, Chihuahua, distributed 10,000 copies of a 15-page pamphlet titled "Mexico debe recuperar El Chamizal" that called for the *complete* return of El Chamizal.[60] Calleros, who was himself annoyed but such protests, just so happened to be visiting the mayor of Parral when copies of this pamphlet were delivered to the city. Calleros took the opportunity to meet the Mexican mayor's administration and afterwards reported on their conversation with his new friend, Joseph F. Friedkin, the US Commissioner to the International Water and Boundary Commission (IWBC) tasked with carrying out the terms of the Chamizal Treaty. Unfortunately, Calleros told to Friedkin, half of those he had spoken to in Parral "were not too happy over the proposed settlement."[61] "Most of them expressed the feelings that 'they were robbed,' because they did not get the entire original Chamizal," Calleros explained. Ultimately, Calleros would encourage Friedkin not to take such accusations seriously. In fact, in "¿El Chamizal—Qué Es?," Calleros made light of these kinds of allegations, arguing that "[it] is humanly impossible that every individual will be perfectly satisfied [by the Chamizal Treaty]. For everyone to agree and be satisfied," he insisted, "you would need a Chamizal for each one."[62]

For those who really knew Calleros, this remark would have been particularly striking. Not only did it belittle the significance of long-standing and complex experiences of El Chamizal in the

[60] In a 1963 letter to the U.S. Commissioner to the IWBC, Joseph Friedkin, Calleros explains that this Mexican pamphlet has been published and distributed in Parral, Mexico, and that many Parralenses "were not too happy over the proposed settlement." The Mexican pamphlet, written by Edmundo Días Barrientos, was published in Cd. Juarez and sponsored by the District of Parral in Chihuahua, Mexico. See: Calleros Papers, MS231, box 34, folder 1.

[61] Calleros Papers, MS231, box 33, folder 1.

[62] Calleros Papers, MS231, box 33, folder 13.

borderlands that Calleros was well apprised of, but it also trivialized Calleros' own Chamizal story—so much so that this story was missing entirely from "¿El Chamizal—¿Qué Es?"[63]

* * *

Calleros' Chamizal story begins on a Sunday in October of 1902. Calleros is six years old and he and his mother, Refugio, have just arrived in Cd. Juárez.[64] They had come by way of the Mexican Central Railroad, third class, and had traveled nearly 500 miles from a town called Río Florido in Chihuahua, Mexico, that by the day's end would be home in the past tense. Calleros' father, Ismael, was already across the border in El Paso where he was waiting for his wife and son in what would be their new home: a small *jacalito* between 7th and 8th Street in Segundo Barrio. "And as we got off the train," Calleros often narrated this part of the story, "my mother opened a letter of instructions which she had previously received in Chihuahua City giving us direction what to do to cross El Paso."[65] As Calleros remembers it, these instructions were in Ismael's handwriting and read: "As you get off the train come to the Santa Fe bridge, walk and cross the river underneath the bridge, once you have crossed go to the end of the bridge and be admitted for entry to reside in El Paso."[66] Refugio did as her husband instructed, and crossed the Río Grande with her son out of sight from U.S. authorities and beneath the Santa Fe International Bridge where she and Calleros then walked

63 Just before Calleros' death in 1973, historian Oscar Martinez conducted an oral history with Cleofas Calleros. In that interview, Calleros tells this story. See: Cleofas Calleros, "Interview No. 156" by Oscar Martinez, *Institute of Oral Histor*y, University of Texas at El Paso (1972): 1-2.

64 Calleros Papers, MS231, box 32, folder 14; Calleros Papers, box 33, folder 2.

65 Calleros Papers, MS231, box 32, folder 14.

66 Calleros Papers, MS231, box 32, folder 14.

to the immigration station, registered themselves as immigrants, and then made their way into Segundo Barrio. Even as a boy, the crossing seemed strange to Calleros. "Being six and a half years old, naturally my curiosity was aroused," he recalled of that day nearly sixty years later.[67] Despite his curiousity, something told Calleros not to inquire about the nature of their crossing until it was safe to do so. But when he and his mother arrived at their new home where Ismael was waiting for them, Calleros could no longer contain his curiosity. "Why did you tell mother to walk over the dry Río Grande, when there was such a nice bridge to cross from Mexico to the United States?" he asked his father. "Mira hijito," Ismael replied, "there is no reason why we Mexicans should pay un centavo to cross a bridge which is built on the Chamizal."[68]

Calleros could not have known it then, but his father's words would shape him and his perceptions of El Chamizal and El Paso for the rest of his life. "This statement [from my father] caused me to ask many questions as to El Chamizal," recounted Calleros in his sixties.[69] It was because of these great many questions that Calleros committed his father's words to memory and repeated this Chamizal story over and over to anyone who would listen. As an adult, it was this version of El Chamizal that Calleros wrote in letters to his friends and colleagues and to local businessmen and politicians on both sides of the border. Often, Calleros did so in the postscript like an epilogue noting the significance of El Chamizal on his family's immigration story and their sense of place and belonging in El Paso, as if to say: *This is how we arrived: with dignity and El Chamizal as our doorstep.* And with each repetition, the story would change him—and not in some neat, orderly, or contained way. Because in *this* storied version of El Chamizal, this contested land is a subversive

[67] Calleros Papers, MS231, box 32, folder 14.

[68] Calleros Papers, MS231, box 32, folder 14.

[69] Calleros Papers, MS231, box 32, folder 14.

place beneath the Santa Fe International Bridge from which Calleros and his Mexican family challenged and refused the United States' colonial project of innate, impenetrable boundaries and its cartographic rules for regulating the mobility of racialized difference. In this version of the Chamizal story, in other words, El Chamizal, is a storied place of political struggle for Calleros.

As a boy, Calleros quickly learned that he and his family were not the only ones with a Chamizal story. Rather, it seemed that everyone in Segundo Barrio had a Chamizal story—and that each version, while often distinct from that of others, was no less true. For instance, when Calleros enrolled in Sacred Heart School as a first grader, a boy in his class named Raymundo Santiago Garcia introduced himself by telling his own family's Chamizal story. In this boy's telling, Sacred Heart School was built on El Chamizal—land, Raymundo explained, that had been stolen from his father, Pedro Ignacio Garcia del Barrio. As Calleros listen, he learned that in 1866 Raymundo's father had inherited an 1818 Spanish land grant called the Chamizal Land Grant that eventually became part of an international land dispute between the United States and Mexico.[70] When Father Carlos M. Pinto, the Jesuit priest who ran Sacred Heart Church, overheard Raymundo, he not only confirmed the boy's story but added details from his own Chamizal story. In fact, Pinto explained to the two boys, when Sacred Heart Church was under construction in 1892 residents in the area and some of his parishioners across the border protested that such "an elaborate brick building" was being built on El Chamizal.[71] Even then, Pinto told Calleros and Raymundo, El Chamizal was a deeply contested subject.

Just as everyone seemed to have their own Chamizal story, Calleros also learned that everyone had their own ideas for the boundaries and whereabouts for El Chamizal. Although in

[70] Calleros Papers, MS231, box 33, folder 2.

[71] Calleros Papers, MS231, box 33, folder 2; Calleros Papers, MS231, box 33, folder 13.

Segundo Barrio "[i]t was common talk and knowledge that everything south of Fifth street belonged to Mexico," as Calleros ventured beyond the racialized boundaries of the Second Ward he realized that Anglo El Pasoans had their own ideas for El Chamizal's whereabouts.[72] Later, at the age of nineteen when Calleros purchased property in Segundo Barrio, he also learned that "[a]ll property owners who have purchased property in South El Paso, south of First Street to the River since 1900, have been duly advised and warned that the Chamizal […] clouds the title."[73] In El Paso, he came to realize, there was no escaping El Chamizal.

What everyone in El Paso seemed to know—but dare not admit—was that there was no easy, neat, or single answer to the questions, *What is El Chamizal, and where is it?* Because El Chamizal is not some passive, static place trivial to life and space in El Paso, but rather a storied, complex, and mysterious terrain that exists along various, distinct, sometimes overlapping—but always equally as real—lived, imagined, and disbelieved locations.

* * *

It is impossible to say why Calleros omitted these stories from his 1963 pamphlet "¿El Chamizal—Qué Es?" just as attempting to unravel who, if anyone, knows "the truth" about El Chamizal's whereabouts is an impossible task. In what follows, however, I propose that Calleros omitted these stories because the Chamizal Treaty's 630-acre figure promised him (and many others) an end to the troublesome question of El Chamizal's whereabouts—an end that he had sought for nearly his entire life. Calleros wrote a pamphlet that consigned El Chamizal to a trivial, marginal

[72] Calleros Papers, MS231, box 33, folder 2.

[73] Calleros Papers, MS231, box 32, folder 13.

Figure 11: Sacred Heart School graduating class of 1911. Cleofas Calleros is pictured directly center in the back row. Source: Cleofas Calleros Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

past. But if we look closely, this constructed past is fragile and susceptible to moments of fraying and unraveling.

By tending to these moments, this chapter offers a discussion of space, place, and land different from other texts on El Paso, which often bypass the very site, complexity, and the ongoing significance of El Chamizal to the making of this city. In turn, this chapter demonstrates how El Chamizal was not trivial to the making of El Paso as the official record—or Calleros for that matter—would like us to believe. Rather, El Chamizal is a much more complicated, unresolved, and still unfolding story that is part of the fabric of El Paso.

Producing South El Paso: El Chamizal & Segundo Barrio

A resident of Segundo Barrio for more than 60 years, Calleros knew all too well how Anglo Americans in El Paso had exploited the riddled boundaries of El Chamizal to build and maintain the poverty-stricken Second Ward that he called home. "For many the Chamizal's murky status conveyed distinct advantages," writes the historian Paul Kramer in his 2014 essay on the Chamizal Dispute.[74] Over time, "it grew into a haven for slumlords seeking to extract the most rent from the most vulnerable with the least government oversight, and for business owners and city officials looking to install the slaughterhouses and garbage dumps that other neighborhoods had the power to stave off."[75] As one newscaster put it in 1962, El Chamizal has long "an excuse for not doing a lot of things that ought to be done in and around the Chamizal zone."[76] Indeed, the City of El Paso's reluctance to make improvements or guarantee private loans in El Chamizal, together with landlords who refused to make repairs or upgrade their property on the grounds that their property titles might be called into question, was rooted in an established relationship between Anglo Americans and urban planning. This relationship was designed to produce uneven socio-spatial relations and the "blighted area calling for a solution" that became known as Segundo Barrio and "the southside."[77]

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[74] Paul Kramer, "A Border Crosses," *The New Yorker*, September 20, 2014.

[75] Ibd.

[76] In 1962, the El Paso radio broadcaster Conrey Bryson described the Chamizal Dispute "as an excuse for not doing a lot of things that ought to be done in and around the Chamizal Zone." See: "Everyday Events," *El Paso Times*, June 17, 1962.

[77] Benjamin Marquez, *Power and Politics in a Chicano Barrio: A Study of Mobilization Efforts and Community Power in El Paso*, (Lanham and London: University Press of America, 1985), 53; For more on landlord neglect in Segundo Barrio and El Chamizal see: C.L. Sonnichsen, *Pass of the North,* 70; Bryson, *The Land Where We Live*, 30.

Prior to the Chamizal Treaty, the City of El Paso and southside slumlords used El Chamizal's contested boundaries to obscure the deliberate racial capitalist production of Segundo Barrio through structural neglect and abandonment. The "immoral geography" of Segundo Barrio and the "moral geography" of the mostly Anglo American households and neighborhoods north of Paisano Boulevard (Segundo Barrio's most northern boundary) can only exist in their place of privilege and power in relation to one another. The production of these unequal spaces is by no means an inevitable or neutral process, but rather part of "a white spatial imaginary" that requires and enacts these spaces in order to naturalize uneven social relations of dominance and exploitation.[78] "Seemingly race-neutral urban sites contain hidden racial assumptions and imperatives," argues George Lipsitz in *How Racism Takes Place*. "These spaces make racial segregation seem desirable, natural, necessary, and inevitable," he continues. "Even more important, these sites serve to produce and sustain racial meanings: they enact public pedagogy about who belongs where and about what makes certain spaces desirable."[79] To most Anglo Americans, however, the structural decay and "filth" of Segundo Barrio is "proof" that the barrio is inherently inferior to its Anglo American counterpart north of the "Tortilla Curtain"—a derogatory term for Paisano Boulevard.[80] Just as southside landlord took advantage of El Chamizal to rationalize neglect of their southside properties, seemingly neutral but racist forms of social description toward Segundo Barrio

[78] George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011), 25.

[79] George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011), 15.

[80] For more on the racialization of Mexicans and Segundo Barrio along lines "filth" and "decay" see: Alexandra Minna Stern, "Buildings, Boundaries, and Bloods: Medicalization and Nation-Building on the U.S.-Mexico Border, 1910-1930," The Hispanic American Historical Review 79.1 (1999):41-81; David Romo, *Ringside Seat to a Revolution: An Underground Cultural History of El Paso and Cd. Juárez, 1893-1923* (El Paso: Cinco Puntos Press, 2017).

have long rationalized discriminatory policies, infrastructural crises, and landlord neglect in this part of the city.

Calleros, who had grown up in these exploitative conditions, wanted deeply to be part of their solution. As a social worker and civic activist in his twenties, Calleros made reallocating city resources to the Second Ward his life's work. He advocated for better living conditions and critiqued landlords for neglecting their properties and tenants on account of their contested property titles within El Chamizal. As a moderate liberal, however, Calleros believed in the power of government to solve these problems and that working within the political system was the only viable avenue to promote meaningful change in the Second Ward.[81] In the 1920s, a twenty-something-year-old Calleros decided that if he was going to help his community, the jacalitos or "slums" like the one he had grown up in would need to be dealt with. Consequently, Calleros became involved in numerous activities to clear slums in South El Paso. During this time, he seemed to adopt the racist moderate language toward these slums when he described them in the *El Paso Times* as "constantly creating 'bad citizens.'"[82] In this way, Calleros adopted a perspective on South El Paso that was something akin to the white spatial imaginary that pinned the southside within an innately immoral geography.

As Calleros continued to advocate for the elimination of slums in the southside, El Chamizal would become deeply entangled in his professional work. In the 1930s, he led a slum clearance program in Chihuahuita as the chairman of El Paso's Federal Housing Authority. "Having lived a tenement for ten years, I could really appreciate what better housing meant to so many

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[81] For more on Mexican American moderates during the 1960s, see: Guadalupe San Miguel Jr., *In the Midst of Radicalism: Mexican American Moderates during the Chicano Movement, 1960-1978*, (Norman: University of Oklahoma Press, 2022).

[82] Mercedes Lugo, "El Paso's Own Señor Cleofas Calleros," *Junior Historian*, December 1968, 25; "Advocates Destruction of El Paso Tenements," *El Paso Evening Post*, September 16, 1930; Cleofas Calleros, "Everyday Events," *El Paso Times*, June 20, 1952.

unfortunates," he later said of his qualifications for the position. [83] "As a matter of record," however, "the fact is that it was a hard and thankless job." Though Calleros did not outright say why his time as chairman was so difficult, newspaper coverage from that time suggests that it may have had something to do with El Chamizal.[84] In 1937, for instance, the *El Paso Times* ran a story with the headline, "Persons Born in Chamizal Zone May Be Citizens of Two Countries," which suggested that because no one really knew where El Chamizal began and ended, the boundaries of US citizenship were not as concrete as they seemed.[85] El Paso officials labored ceaselessly to nullify this wrinkle to US sovereignty. Three years later, they tried to survey and map El Chamizal with the added objective of implementing the South El Paso slum clearance program headed by Calleros. But "[t]he inability of American and Mexican officials to lay the ghost of the Chamizal," summarized the *El Paso Times*, "barred the slum clearance program from the area, as governmental regulations prohibit federal participation where ownership is in question."[86] Some couldn't help but see this troublesome terrain as willfully injuring and even endangering the sanctity of their city. *El Chamizal was a risk*, they said to one another, *to the sanctity of American citizenship, to land values, to the public good, to progress*.

The ghost of El Chamizal not only blazoned this terrain's right to remain unknowable in way that are self-determined, but this fugitive terrain ultimately also blocked Calleros' slum clearance

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83 Calleros, "Everday Events."

84 In addition to problems involving El Chamizal, public opinion in El Paso at that time was against public housing and that the housing board to which Calleros was a part of was accused of socialism. See: Marquez, *Power and Politics in a Chicano Barrio*, 62.

85 Henry Yermillion, "Persons Born in Chamizal Zone May Be Citizens of Two Countries," *El Paso Times*, August 5, 1934.

86 "Chamizal Zone to be Surveyed," *El Paso Times*, October 26, 1937.

vision.[87] This poetic justice—that the same subversive terrain through which Calleros crossed into El Paso was now some thirty years later disrupting the spatial entitlements of US citizenship—was likely not lost on Calleros. Indeed, perhaps he felt some sense of affinity and gratitude to El Chamizal. But as chairman of the FHA, Calleros was not able to admire the power of El Chamizal. In fact, his official role as a city employee mandated disdain for this troublesome terrain. In 1963, when President John F. Kennedy publicly committed to the state and people of Mexico that the United States would finally resolved the Chamizal Dispute, perhaps Calleros felt that this was his chance to finally absolve himself of this troublesome terrain. And if Calleros, nearing his 70th birthday, was focused on his legacy in South El Paso, perhaps he also believed that if he played his part in bending the complex history of the Chamizal Dispute to fit the settlement's definition of this contested land, not only would the Chamizal Treaty be his means to an engineered end, but he would also be remembered as the champion of South El Paso who helped to eliminate the ghost of El Chamizal and bring long overdue progress to the place he called home.

Wayward Origins

Calleros' "El Chamizal—¿Qué Es?" is perhaps the earliest reference to how historians of the El Paso-Cd. Juarez borderlands have explained away the mystery of El Chamizal to naturalize narratives of closure and progress in this region. These dominant narratives, however, are only possible by concealing El Chamizal's complex geography and bending this terrain to fit the

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[87] Though Calleros was unable to secure public housing in Chihuahuita, he was able to elsewhere in Segundo Barrio. On September 3, 1935, the Slum Clearance committee that Calleros was part of secured $2,000,000 from the federal government to build public housing in South El Paso. With these funds, the commission built what is now the Alamito Garden public housing community on Tays and 3rd Avenue—and area in northeast Segundo Barrio. Calleros later referred to the Alamito as a "blessing" from his time on the commission. See: Calleros, "Everyday Events," *El Paso Times*, 1952.

settlement's unit of 630 acres. As part of this larger project, even the origins of the Chamizal Dispute have been obscured.

Indeed, while the Chamizal Dispute was officially anchored in the struggle over the sovereignty of the modern US and Mexican nation-states, this conflict took place across the unceded lands of the Manso, Suma, Apache, and the more recent Piro and Tigua Pueblo People who were in 1680 forcibly brought to this region as slaves of the Spanish Crown and Catholic Church. [88] It was the Spanish captain Alonso Garcia who forced the Piro and Tigua People from their homes in what is now Ysleta, New Mexico. Garcia, having just narrowly escaped the 1680 Pueblo Revolt, took the 317 Indians he could and fled downriver to the Spanish Crown's nearest stronghold in Paso del Norte (later renamed Ciudad Juárez).[89] Although typically left out of the historical literature, Garcia and the Tigua People's complexly intertwined arrival to Paso del Norte is inescapably bound up in what will hundreds of years later become the Chamizal Land Dispute.

When the Tigua arrived in this region and settled along the Río Grande in 1682 where the Isleta Mission and Pueblo of Ysleta del Sur remain today, perhaps a small comfort to their forced exile was that this region was not entirely unfamiliar to them. [90] Like their home upriver, this new place was also along the Río Grande—a sacred ceremonial site for Pueblo traditions. [91] Living in and tending to this place, they realized, would entail doing so as they had always done: in relation to the

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[88] While dominant accounts suggest that the Manso, Suma, and Piro Peoples are extinct, others suggest that they have either intermarried with the Tigua and become citizens of the Pueblo, or have intermarried with the region's Mexican/Mexican American population. Greenburg, "Tigua Land Tenure."

[89] Victor M. Guzman Garcia, "The Legacy of Captain Alonso Garcia I," *Password* 43.1 (1998): 159-173.

[90] *Ysleta Del Sur Pueblo Archives Vol. 1*, 181, 242.

[91] Adolph Greenberg, "Ysleta del Sur Pueblo and the Rio Grande: An Ethnographic Assessment of Ysleta del Sur Pueblo's Relationship with the Rio Grande," in *Ysleta Del Sur Pueblo Archives: A Project of the Ysleta del Sur Pueblo (Tigua Tribe of Texas) Tribal Council*, Vol. 3 (El Paso: Sundance Press, 2000), 386-415.

Río Grande that continuously reshaped the landscape in its mutable image. And as before, it would be this river's ongoing change and transformation of the landscape from which all good things would come. The months of May, June, and July were always the same: they brought with them mercurial deluges that moved the river back and forth across a four-to-six-mile alluvial plain that had developed over centuries of accumulative meanderings. In fact, it was because of this alluvial plain—this constantly changing landscape and the river's movement of clay, silt, sand, and gravel across this landscape—that the land so fertile. Although in 1751 the Spanish Crown gave the Tigua a land grant of thirty-six-square acres surrounding the Isleta Mission, the Tigua continued to tend to lands far beyond these boundaries (today covering land on both sides of the international boundary, including El Chamizal, and well into Presidio County) according to the river's seasonal meanderings.[92] When farming their land base, then, the Tigua left particular areas unoccupied for weeks or months at a time and cultivated them only after the river shifted its course.[93] This mobility and relationality not only defined life along this river, but also yielded abundance and reduced impact of the land. To the Tigua, the meandering Río Grande was not a menace or an annoying distraction as the Spanish and other settlers, who refused to be in relationship with the land, regarded it. To the Tigua, the river's meanderings were instances in which the land engaged the world by extending its invitation to collectively participate in geography's re-arrangement. Their role as stewards was to live within a careful balance and relation with the land.

The Tigua People and the Río Grande co-evolved this way for hundreds of years. But "colonialism seeks to rapidly block that process of co-evolution, to eradicate the accumulated knowledge of that process," argues Manu Karuka, and in its place impose an antithetical conception

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92 *Ysleta Del Sur Pueblo Archives Vol. 1*, 213.

93 Greenberg, "Ysleta del Sur Pueblo and the Rio Grande," 29, 175.

of land as lifeless heap of mass, an inert background without any due reverence, meaning, or relation, and which must moreover be constantly disciplined to suppress its madness and reflect white dominance.[94] This refusal to be in relationship with land, to take heed of Indigenous People's land-based relations and ontologies manifests as a relationship of war and is the basis for the violence of invasion and occupation.[95] Principal to this colonial refusal of relationship is the insistence that the white subject is both separate from and dominant to land—something that must be constantly preformed and announced. Cartography serves this dual purpose by not only representing "the externalization and control" of chaotic, mobile geographies, but in turn, produces the "safely encapsulated" white rational subject.[96] Indeed, the missionaries and Spanish men who called themselves "explorers" were quick to observe this river's changing locations in their dairies and to draw up maps—however futile in their temporality—depicting the Isleta Mission's location in relation to this shifting landscape. A map completed in 1710 shows the Isleta Mission south of the river, while another drawn up three years later shows it north. [97] Yet each map sought the same vain outcome: to fix the Río Grande in a knowable, coherent place that would in turn reflect Spanish dominance and geographic security. Settlers' insistence that they could build structures within the river's floodplain only further marked them as both foreign and foolish.

There were months, years, sometimes only a matter of days, when the Mission was north of the river, and others when it was south. To the Tigua, these floods and changes to the landscape

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[94] Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Berkely: University of California Press, 2019), 30.

[95] Karuka, *Empire's Tracks*, 26.

[96] Kathleen Kirby, "Re:Mapping Subjectivity: Cartographic vision and the limits of politics," in *BodySpace: Destabilizing geographies of gender and sexuality*, edited by Nancy Duncan (London and New York: Routledge, 1996): 47.

[97] Bill Wright, *The Tiguas: Pueblo Indians of Texas*, (El Paso: Texas Western Press, 1993), 11-12.

were the facts of their lives; there along the river, they lived a life that matched the patchwork of this landscape. But although the river was rarely—if ever—exactly as it had been the year before, it was not an erratic thing that moved without reason, but rather a living relation who moved according to necessary seasonal rhythms that the land and life depended on. During most of the winter and early spring months, the river remained dry and dormant; but when summer arrived, and as the Colorado mountain snows melted, the Río Grande would swell in size, flood, and meander. It's tendency to overwhelm its width, open new bending, ribbon-like channels and sometimes abandon older channels altogether were not only its defining features, but announced this river's integral role in shaping this landscape according to its own needs and desires. It is a river, in other words, that lived unregulated and free.

Though the river's changes rarely alarmed the Tigua, perhaps one particular flood in 1740 brought some element of wonder when it swept the Isleta Mission away—destroying the house of their enslavers and what the missionaries thought to be the permanence of its structure.[98] When the deluge settled, however, and the river had determined its course, the missionaries announced the Tigua would rebuild the mission. By the 1830s, a curious flood formed a new channel south of the old one, placing the Mission both north *and* south of the river and turning the Tigua Pueblo into a small island known regionally as "La Isla" that was twenty miles in length and four miles in width.[99] By 1848, however, when the river became the international boundary between the United States and Mexico, water no longer flowed through the old riverbed and the Isleta Mission found itself north of the international boundary.[100]

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[98] Ibd.

[99] W. H. Timmons, "La Isla," *Handbook of Texas Online*, accessed April 21, 2023, https://www.tshaonline.org/handbook/entries/la-isla

[100] Ibd.

Living in relation with and according to the Río Grande's will and sense of time was either lost on, dismissed, or willfully refused by settlers arriving to this region. When Mexico achieved independence from Spain in 1821, for instance, Mexican settlers began seizing and settling the "vacant" Tigua lands the tribe had put aside in anticipation of flooding. Though a Mexican surveyor in 1825 noted these perceptions of "vacant" lands were mistaken because the Tigua grazed their livestock on these lands until the floods came and went.[101] By 1835, however, Mexican settlers claimed ownership to a majority of the Tigua Land Grant and had established a practice of selling parcels within it to arriving settlers. The Tigua protested and repeatedly submitted complaints to the Mexican government regarding the occupation of their land. Though that same year a tribunal would agree with the Tigua that only they had title to lands within their land grant, lawsuits between the Tigua and Mexican settlers would persist through the 1850s.[102]

Moreover, just as Mexican settlers seized "vacant" Tigua lands, so too would Anglo Americans arriving to the area after an 1849 shift in the Río Grande placed the Tigua Pueblo north of the river/the newly declared U.S.-Mexico boundary.[103] When the Emory-Salazar bi-national boundary commission arrived to Paso del Norte in 1852 and began surveying the international boundary, so too did Anglo Americans arrive who had been following the commission and seizing and settling lands along the survey route by pretending to be commission employees.[104] Not a year

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101 *Ysleta de Sur Pueblo Archives: A Project of Ysleta de Sur Pueblo (Tigua Tribe of Texas) Tribal Council*, vol. 1 (El Paso: Sundance, 2000), 166.

102 This was despite the Mexican government having multiply reaffirmed the boundaries of the Tigua Land Grant, its inalienable quality, or the conclusion of an 1835 Tribunal that while the Tigua "managed the land they possess in a different way," only the Tigua had title to lands within the land grant. See: Ysleta del Sur Pueblo Archives, 1:27, 175-176; *Ysleta de Sur Pueblo Archives: A Project of Ysleta de Sur Pueblo (Tigua Tribe of Texas) Tribal Council*, vol. 4 (El Paso: Sundance, 2000), 1-2.

103 *Ysleta Del Sur Pueblo Archives* 1:29, 175.

104 *Ysleta Del Sur Pueblo Archives Vol. 1*, 29, 175.

passed before Ysleta's Justice of the Peace, Pedro Gonzalez, wrote a letter to the governor of Texas criticizing these Americans who, he argued, "under the guise of surveyors, survey [Tigua] lands, dispossess them of their property, and bestow the same upon their own friends." These "ruffians" and their "accomplices in the plundering transactions" had come to their pueblo "without previous notice or cause, and without any kind of commission, court, process of warrant, etc."[105] Consequently, Gonzalez wrote, his people could not tend to their fields or livestock. In this way, the making the US-Mexico border was both a boundary- and identity-making process critical to the production of an emplaced white settler "self" and a nonwhite (displaced/ placeless) "other." The commission's arrival therefore brought with it a devastating period of land loss and disruption to daily Tigua land practices. By the end of the century, and as a result of discrepancies between where the Mexican and U.S. commissioners mapped the Río Grande, the Tigua lost almost half of their official land base, with only the northern portion being placed under the jurisdiction of Texas.[106]

It mattered not at all to El Paso's nascent settler society that the Río Grande through their city was alive. It mattered little that the river was an actor, a protagonist, a relation in this region of the world who since time immemorial brought life and environmental balance by reshaping the landscape according to its own needs and desires. Like the Mexican settlers who had come before them, Anglo Americans gave little thought to how Native communities living along this river's floodplain had tended to and lived in relation with the Río Grande's perpetually changing landscape since time in memorial.[107] Nor did they give much attention to the fact that the towns of El Paso

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105 *Ysleta Del Sur Pueblo Archives* 1:47.

106 J.J. Bowden, "Spanish and Mexican Land Grants in the Chihuahuan Acquisition," (El Paso: Texas Western Press, 1971), 144.

107 Where the river begins in the San Juan Range of the Colorado Rockies, the Ute Peoples tend to and care for the river, and as it flows south through the state of New Mexico, the Pueblo and Apache Peoples have done the same. At El Paso, where it becomes in the U.S.-Mexico boundary and flows through the ancestral

and Paso del Norte were only possible because of the meandering river that carved out what the Spanish had called "El Paso" or "The Pass" through the Franklin Mountains at the base of the Rockies. What mattered instead to these Anglo American settlers was that this unruly land was perceived as terra nullis, as in need of Anglo American control to open it up to settlement and capitalist production.

It was only a matter of time, however, until the Río Grande made itself known to the settlers who dismissed it: no sooner would they settle and begin farming the land than the river would rise and flood them out. It "was like a mad dog at their heels . . . refusing to let them remain in one place," one man named Charles recalled in 1937 about his parents' constant turmoil with the Río Grande when they arrived in this region in the 1880s.[108] "Sometimes we would go to bed hoping to rest after a hard day's work," explained another man named Nemecio, "only to be wakened by the lap, lap of water at our doors; sometimes around our beds. It had a voice that we grew to hate—a voice that struck terror in our hearts and souls," Nemecio continued. "It was there in the rising river, increasing in volume as the water rose, submerging our land, stealing our seed, quite often our homes, leaving us nothing—nothing."[109] It was a voice that refused to stop—a haunting extension of this river's unruly hand in constantly reshaping the landscape outside settler possession.

The river responded in this way not only to individual settlers and their homesteads, but also to entire infrastructures of settler capitalist expansion. In 1884, Anson Mills, one of El Paso's earliest Anglo American settlers, described how the Río Grande had changed its course so "suddenly from

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lands of the Manso, Suma, Apache, Piro, and the Tigua/Ysleta del Sur Pueblo, the Rio Grande begins to curve in a south-easterly direction toward the Gulf of Mexico.

[108] Marie Carter, *Charles C. Geck*, New Mexico, 1937. Manuscript/Mixed Material: https://www.loc.gov/item/wpalh001143/.

[109] Marie Carter, *Nemecio Provincio*, New Mexico, 1937. Manuscript/Mixed Material: http://www.loc.gov/resource/wpalh1.18120308

the Mexican side" that it "crossed the Southern Pacific Railroad and destroyed both track and bed for a distance of 15 miles, stopping traffic for a period of three months and causing the removal of the road to hills above the valley."[110] These shifts in the river were particularly disturbing to both the United States and Mexico as they were not isolated geographic events, but were happening from El Paso all the way to the Gulf of Mexico. These shifts "not only prevent the settlement and development of such of the lands," Mills explained, "but by reason of the river being the international boundary between the United States and Mexico for over 1,200 miles, cause fatal embarrassments to the citizens and officials of both Republics in fixing boundaries and titles to lands."[111] The uncertainly of the boundary's location due to this fugitive landscape also made it difficult to prevent smuggling, collect customs, and enact legal punishment for crimes committed near the supposed boundary line. "It being easy at almost any point in its great length," Mills complained, "to produce evidence sufficient to raise a reasonable doubt in the minds of the jurors as to which side of the line the arrest was made or the act committed."[112] The Río Grande's fugitive landscape, in other words, was not only deeply unsettling to various colonial projects along the U.S.-Mexico borderlands, but was a humiliating terrain that had to be dealt with. That this river would create the contested tract of land known as El Chamizal was only part of a much longer frustration with this fugitive landscape.

Where is El Chamizal?

[110] Anson Mills, *My Story* (Washington D.C.: Press of Byron S. Adams, 1918), 265-266.

[111] Mills, *My Story*, 266.

[112] Ibd.

For more than a century, Mexicanos and Anglo Americans would wrestle amongst themselves to measure and bind their differential settler emplacements to the fugitive landscape that would become El Chamizal. And while El Chamizal remained largely outside their knowing and full grasp, together they would work to simplify and flatten this wayward place to pacify their own anxiety. U.S. and Mexican state accounts, for instance, maintain that the Chamizal Dispute began with a *single* shift in the Río Grande in year of 1864. But archival records, local and binational maps, and regional testimonies tell a more complicated story: one where El Chamizal was the consequence of multiple meanderings across Partido Chamizal. Although this record suggests that it was likely three great floods in 1862, 1864 and 1865 that most dramatically moved Partido Chamizal north of the river, we also know that shifts in the Río Grande also took place in the years of 1848, 1852, 1858, 1868, 1873, 1883, 1895, 1897 and through the early 1900s.[113] These shifts, however, are just the ones we have record of. In any case, as these meanderings continued, this growing disputed area eventually became known as "El Chamizal" or the "Chamizal Zone." El Chamizal's size remains highly contested and perhaps impossible to define due to "the river's stubborn tendency to meander" and cursory documentation for this wayward river.[114] It was this river's self-determined quality that produced El Chamizal's complex terrain and the mystery of El Chamizal's location. And it was this mystery—as an extension of the land's self-determined agency—that not only refused the Enlightenment logic that everything can and must be within white possession, but which exceeded and resisted the violence of Anglo El Paso's colonial racial capitalism.

[113] Cleofas Calleros, "All Talk, Little Done Until 1962 For Settlement," *El Paso Times*, September 25, 1964; "Terms of Submission. Proceedings in Chamizal case no. 4. Diplomatic correspondence," Volume 1, U.S. Government Printing Office, 1911: 1-554; Ray Daguerre, "Interview no. 185" by Oscar J. Martínez, *Institute of Oral History*, University of Texas at El Paso, 1975.

[114] Rohter, "A Liquid Border Pays No Heed to Diplomacy," *New York Times*, September 26, 1987.

Figure 12: Mexican map showing rough location of 1852 Río Grande channel/border. Source: Leon Metz Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

Indeed, in the last 150 years alone, there have been so many estimations for El Chamizal that it is hard to believe any single one that purports to have wholly identified it. Some historians of El Paso claim that in the city's early years El Chamizal comprised one-fourth of El Paso.[115] Owen White, in his now canonical text, *Out of the Desert: The Historical Romance of El Paso*, eluded to breath of El Chamizal's size. Speaking to the ecological changes in El Paso between 1850 and 1923, he explains that "the Rio Grande, which was then a turbulent, muddy stream, has literally 'picked up its bed and walked,' until it now flows peacefully along its sandy bottom more than half a middle south

[115] Donald W. Peters, "The Rio Grande Boundary Dispute in American Diplomacy," *The Southwestern Historical Quarterly* 54.4 (1951), 414.

of where its course lay at that time."[116] Leon Metz, the renowned borderlands historian, once suggested El Chamizal consisted of 1,200 acres while another well-known El Paso historian, Gladys Gregory, claimed about 100 of these acres fell within El Paso's business district. [117] On several occasions even Cleofas Calleros announced his estimations for El Chamizal. More than once he said in writing that El Chamizal began at San Antonio Street and extended as far south as Cd. Juárez's Calle Ignacio Mejía—once known by its former name Calle del Chamizal.[118] In his 1954 book, *El Paso—Then and Now,* Calleros identified the intersection of Mesa Avenue and Sixth Street as the center of the Chamizal Zone (although he would later retract this statement to advocate for the Chamizal Treaty's 630-acre definition).[119] In the 1950s, during renewed efforts to resolve the conflict, the U.S. federal government identified El Chamizal as a much smaller swath a land at a total of 590 acres.[120]

While we may never know El Chamizal true size and boundaries, what we do know is that a Anglo American settlers began arriving to this region of the borderlands and settling this contested area as part of the United States, what had once been the Paso del Norte's Chamizal Land Grant

116 Like many twentieth century historians influenced by Fredrick Turner's frontier thesis, White attributes this "peaceful" Rio Grande to the "rugged and individual kind of Americanism" that he argues was unique to the American settlers of El Paso. "Without [these men]," argues White, "the Southwest would still be a wilderness." Representations of the Rio Grande as an eventually tame and predictable thing are common in the historical literature; but they are gross misrepresentations. At El Chamizal, this could not have been truer. In fact, the river's unpredictable, self-determined quality caused ongoing and deeply frustrating debates about this contested tract of land. See: Owen White, *Out of the Desert: The Historical Romance of El Paso* (El Paso: The McMath Company, 1923), ii, 39; Frederick Jackson Turner, "The Significance of the Frontier in American History," American Historical Association. Chicago Worlds Fair, Chicago, July 12, 1983.

117 Leon Metz, *El Paso Chronicles: A Record of Historical Events in El Paso, Texas*, (El Paso: Mangan Books, 1993), 212.

118 Calleros Papers, MS231, box 33, folder 13.

119 Cleofas Calleros, *El Paso Then and Now* Vol III (El Paso: American Printing Company, 1954), 28.

120 Clark S. Knowlton Papers, ACCN 0153: Box 5, Folder 2, Special Collections, The University of Utah.

was rezoned in 1885 as El Paso's First Ward of Chihuahuita and what had been Partido Chamizal was rezoned as El Paso's Second Ward or Segundo Barrio. By the turn of the century, as Mexican migration to the United States increased due to a booming railroad economy and later the Mexican Revolution, these two barrios became what historians have called the "Ellis Island" of the U.S. Southwest. Due to racist structural neglect and abandonment by city officials and capitalist exploitation in the barrio, these boroughs would also become known as El Paso's "Mexican slum."

Despite varied answers for El Chamizal's whereabouts, when the Chamizal Treaty announced its 630-acre definition for El Chamizal, many rallied behind this figure because it offered them a solution to the age-old problem of El Chamizal. Calleros, for instance, wrote letters to Segundo Barrio residents encouraging them to support the proposed settlement. For those who expressed concern that their homes might be included in the settlement, Calleros assured them that El Chamizal did not involve as much of Segundo Barrio as previously imagined. "[W]hile there was once a map that existed in Ciudad Juarez that said Mexico claimed all land south of First Street," one of his letters reads, "this is officially incorrect. The line in consideration begins at 10th Street."[121] But like all state-sanctioned narratives of this magnitude, the official definition for El Chamizal was suspectable to fraying and unraveling.

Thirty years later, for instance, Nestor Valencia, who served as El Paso's Chamizal Project Director from 1964 to 1969, suggested in an interview that El Chamizal's size and location has never been fully known, never wholly certain in the local spatial imaginary.[122] He made this suggestion

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121 Translated from Spanish by the author. Original reads: "La question del Chamizal propiamente no afecta su propiedad, aunque, segun un mapa que se exhibe en Ciudad Juarez ultimamente, se dice que Mexico quiere reclamar desde la Calle Primera has el Sur. Esto es oficialmente incorrecto. La linea en consideracion comienza en la Calle Diez." See: Calleros Papers, MS231, box 32, folder 13.

122 Nestor Valencia, "Interview no. 844," by Michelle L. Gomilla, Institute of Oral History, University of Texas at El Paso, 1994, 5.

when he referenced his childhood: how as a boy his parents often told stories to him and his siblings of a vast and seemingly immeasurable parcel of Mexican territory called "El Chamizal" that enveloped all of El Paso and extended into the lower valley all the way to the Valencia family home in Ysleta. "I think there was exaggeration at home," he began, qualifying what was to come next. "My parents thought that the Chamizal was a much more extensive area that we owed Mexico," he continued. "They believed that it covered practically all of El Paso and half of the Valley. And so, everything was Chamizal to them."[123] Stories like Valencia's, however, which suggest that El Chamizal remains north of the border, are unacceptable. They are unacceptable because they challenge assumptions that El Chamizal was wholly identified and expelled from El Paso by finally putting the troublesome Río Grande "in its proper place."

"Caprices of Nature:" American & Mexican Responses to the Rio Grande at El Chamizal

While the meandering Rio Grande was not distinct to the El Paso-Cd. Juarez borderlands, this this terrain's unknowable quality via its unruliness was nowhere truer that at El Chamizal. Even those like Anson Mills, the first Commissioner to the International Boundary Commission and a man who prided himself in his sophisticated understanding of this river, found the Río Grande through El Chamizal distinct. At El Chamizal, Mills explained in his 1918 memoir, this river's "general characteristics as compared with other rivers with reference to irrigation are so abnormal as to require different or more heroic treatment."[124] The river's uniqueness at El Chamizal the result of a combination of the river slowing down in the lower valley of El Paso and depositing sediment, which over time had built up an extensive alluvial plain over which the river wandered at will.

[123] Nestor Valencia, interview by Michelle L. Gomilla, "Interview no. 844," 5.

[124] Mills, *My Story*, 268.

Indeed, before flood control measures, the months of May, June, and July brought with them such remarkable deluges that the river at El Chamizal would shift back and forth along a four- to six-mile alluvial plain that had developed over centuries of accumulative meanderings. The "abnormality" of this river is in fact what ecologists seeks to describe as a matter of science.

Although the Río Grande through El Chamizal has shaped this region's socio-spatial stories since time immemorial, with the arrival of colonial powers the river would shape the region by rupturing colonial spatialities of fixity, predictability, and reason. In turn, the river often imbued spaces and places with conflict, struggle, and meanings outside and beyond the stability of white settler and capitalist possession. In almost every instance, the river was therefore rendered a menace. Historical texts on the Chamizal Dispute tend to operate within this white colonial spatial imaginary and its disdain for a river that "refused to remain still."[125] In a 1963 essay, Gladys Gregory argued the Río Grande was mad like "the witches in Macbeth" for having "brewed an evil influence destined to defeat the best of human intentions—a striking example of the mastery of matter over mind."[126] "Throughout its history, the "Great River" has not always been friendly to man," he continued. "Sometimes during a period of drought it has failed him altogether, and at other times of great flood it has washed away what he has built or planted."[127] Like the many settlers before them, "the enemy was nature—the Indians were only an incident in the whole—and the newcomers found that Nature's obstacles could be the most stubborn and the obdurate of any."[128]

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[125] George Nathanson, "U.S. Moves on Cession of Chamizal," *Los Angeles Times*, July 19, 1964.

[126] Gregory, Gladys, "The Chamizal Settlement: A View From El Paso," in *Password*, Vol. III, No. 4 (1963), 51.

[127] Gregory, "The Chamizal Settlement," 7.

[128] White, Out of the Desert, 67.

A flood in 1897, for instance, caused such significant damage to the cities of El Paso and Cd. Juárez that the Mayor of El Paso, Joseph Magoffin, and the Governor of Chihuahua, Migual Ahumada, commissioned the straightening of the Río Grande to prevent future deluges. As a result of this cut-off, at tract of Mexican territory known as "Cordova Island," was left north of the now straightened Río Grande. Because the cut-off had been man-made, Magoffin and Ahumada agreed that Mexico would retain Cordova Island as Mexican territory despite being north of the river. Ultimately, the cut-off only partially worked, as continued flooding in the river continued to change in the terrain. With the creation of Cordova Island, the cut-off also made the location of the geopolitical boundary all the more complicated.[129] Environmental catastrophes like the 1897 deluge were not merely cyclical or self-equilibrating. Rather, events of this kind "constitute a history of the ecosystem in which a unique linear sequence was imposed on the regularly recurring processes which ecology as a science seeks to describe."[130] When settlers like Magoffin and Ahumada altered the river's channel they became part of the river's linear history. They may have tried to mimick certain ecological processes like influencing the natural meandering of the Río Grande, but they did so with a crucial difference. Whereas the Río Grande was part of a constantly changing and evolving arrangement and ecosystem—its very continuity and lifeway depending on what colonial logics can only understand as "disorder"— Magoffin and Ahumada "sought to give their landscape a new purposefulness, often by simplifying its seemingly chaotic tangle."[131]

As it often turned out, however, efforts to simplify the landscape accentuated settlers' futile efforts to control the landscape. In the early 20th century, for instance, flood control measures

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129 Cordova Island would eventually become deeply entangled in the Chamizal Dispute and Chamizal Treaty.

130 William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983), 32.

131 Cronon, *Changes in the Land*, 32-33.

established upriver reduced flooding in the lower valley. [132] But because El Chamizal remained internationally contested territory, flood control measures through El Chamizal were not allowed. Like Calleros' slum clearance program, El Chamizal's contested terrain and unknown boundaries prevented irrigation technologies from altering the bed of the river. In the 1930s, when the Rio Grande Rectification Project straightened and stabilized the Río Grande along the Texas-Mexico border, El Chamizal was also excluded from the program. In turn, rhetoric developed among Anglo El Pasoans that insisted El Chamizal and the Río Grande were an intertwined, corrupt force in need of correction if progress was ever to grace the city. The root of the Chamizal Dispute, he argued, "can be traced directly to the vagaries of the Rio Grande."[133] As many El Pasoan saw it, these vagaries stood in the way of El Paso's capitalist development and had to be dealt with. Rendering the river as a corrupt force and obstacle to capitalist expansion was useful because it reduced the Río Grande into an erratic thing who behaves according to the "caprices of nature."[134] This replicates scripts of the frontier that tie indigeneity to a savage wilderness and whiteness to rationality.

The Chamizal Treaty emerges from these colonial confrontations and disorientations with the meandering Río Grande. Indeed, while the public objective of the settlement was to resolve the Chamizal Dispute, the settlement's unspoken motivation was disciplining this unruly terrain to prevent any future boundary disputes. "The Rio Grande [was] rerouted to conform to this transfer," announced the New York Times in 1967, "and its new channel is being lined with concrete to prevent future waywardness."[135]

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[132] Completed in 1916, Elephant Butte Dam and later the Caballo dam in New Mexico were built to harness the Río Grande through New Mexico, Texas, and Mexico.

[133] Gladys, "The Chamizal Settlement," 7.

[134] "South of Border Was Once North," *New York Times*, September 26, 1987.

[135] "Johnson and Diaz Formally Settle Boundary Dispute," *New York Times*, October 19, 1967.

This Chamizal canal thus locates what the historian Donald Worster has called America's "epidemic of blindness."[136] "In his raging, uncontrolled drive for self-preservation and self-extension," writes Worster in his book on U.S. westward expansion and its connection to irrigation, "the dominator loses sight of the very ends of life."[137] Worster argues that Anglo American settlers responded to their "manifest destiny" by not only dominating the rugged, arid regions of the American West through irrigation technologies, but by reshaping the region's water sources into "rivers of empire." [138] Rivers of empire like the concrete canal through El Paso and Cd. Juárez are part of what Richard Slotkin has called the frontier's "myth of regeneration through violence."[139] A process of self-making through violence, violence upon the land and non-white peoples was not only the means through which Anglo American settlers defined the U.S. frontier, their national aspiration, and self-determination, but more than this, violence was the method through which these settlers understood themselves to be coherent, dominant subjects. White settler colonialism and its citizen subjectivity necessitates the continued repetition of colonial and racial violence because violence "imprints colonial power onto the skin" and in turn "the settler subject is formed and his or her entitlement to the land is secured."[140] The canal between El Paso and Cd. Juarez is a reminder of settler dominance, a vestige of the violence required in "expelling" El Chamizal and fixing the river

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[136] Donald Worster, *Rivers of Empire: Water, Aridity, and the Growth of the American West* (New York and Oxford: Oxford University Press, 1985), 56.

[137] Worster, *Rivers of Empire*, 56.

[138] Worster, *Rivers of Empire.*

[139] Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860* (Middletown: Wesleyan University Press, 1973).

[140] Razack, "Gendered Racial Violence and Spatialized Justice," 6.

in its proper place. Such vestiges, remind the marginalized of their subjugation and the perpetrator of their dominance.[141]

The vestiges of rivers of empire are everywhere. Like the Río Grande through El Chamizal, by the 1920s, the Los Angeles River in California was transformed from a meandering, often-flooding stream to a contained, flood control device. This transformation, however, was only possible by establishing a "cartography of memory." The Anglo American urban planners tasked with controlling this river needed "evidence of the river's wanderings and its excesses, a way to map reminiscence."[142] Local Mexicans who lived in this region of California long before Anglo Americans arrived offered these urban planners this evidence.[143] Rivers of empire—built through the construction of canals, levees, and dams—brutally inscribed reason and capitalism onto the landscape in ways that naturalized uneven social relations of dominance and exploitation. By proposing that a canal be carved out of the land to straighten and redirect the Río Grande, the writers of the Chamizal Treaty sought not simply to solidify U.S. settler domination over this land by transforming this river into a river of empire. More than this to foreclose any imagining of this river's unruliness or the mystery of El Chamizal. The canal thus locates that which the white settler state must conceal, suppress, and deny. This site of concealment is not natural, but rather names and locates where racial-geographic differentiation and violence occur in empire-building, racist capitalist conquest, and the making of the El Paso-Cd. Juarez borderlands.

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[141] Razack, "Gendered Racial Violence and Spatialized Justice," 107.

[142] Ibd. 118.

[143] The story of the Los Angeles River recounts a time when the long-established placeness of Mexicans—and the insights that were generated because of their long presence in the region—were deployed by Anglo Americans to build a new environment in which Mexicans would be paradoxically rendered not only placeless and foreign, but also inherently incapable of properly working the land.

State Fixations, State Frustrations: Making the U.S.-Mexico Boundary

Since its inception as the U.S.-Mexico boundary, the Río Grande has been a fraught locator for this geopolitical border. Although the American diplomats had anticipated at least in part the challenges of establishing this river as the boundary, they nonetheless assumed they could outwit the river. Article V of the 1848 Treaty, for instance, specifies that the U.S.-Mexico boundary is a fixed thing: a line following the middle of the river's channel. Aware that the Río Grande often had multiple channels, the writers also stipulated that the deepest channel marks the "real" boundary.[144] Having assumed that this logic settled any future confusion over the boundary's exact location, they declared the boundary would be surveyed and mapped by a binational boundary commission with "due precision" and thereafter "no change shall ever be made […] except by the express and free consent of both nations."[145] This was a foolish declaration—one rooted in a colonial refusal to be in relation with this river and a reflection of what Raymond B. Craib has called "state fixations:" that is, narrative and cartographic projects of state formation that impose structures of fixity and rationality onto land.[146] Ultimately, "state fixations all too often ended up as state frustrations. On the ground, fantasies of fixity ran aground."[147]

Indeed, from the beginning the binational boundary commission tasked with surveying the Texas-Mexico boundary struggled to enact the treaty's proclaimed precision and permanence.[148]

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144 Treaty of Guadalupe-Hidalgo [Exchange copy], February 2, 1848; Perfected Treaties, 1778-1945; Record Group 11; General Records of the United States Government, 1778-1992; National Archives.
145 Ibd.

146 Craib, *Cartographic Mexico,* 8.

147 Craib, *Cartographic Mexico*, 11.

148 While the historical record demonstrates that the joint commission repeatedly failed to bend the Río Grande to their will, some historians of the Texas-Mexico boundary insist that, "Officials chose the Rio Grande [as the U.S.-Mexico boundary] for the same reason rivers so often serve as boundaries: because on maps of unfamiliar (at least to non-natives) territory, rivers are often the most, if not the only, conspicuous feature, making them convenient points of reference." Such rationalizes serve to naturalize geopolitical borders and distract what from other historians have long argued: that the writers of the Treaty of Guadalupe

When the boundary commission arrived at Paso del Norte (now named Cd. Juárez) in 1850, it didn't take long before they realized the Río Grande was not a passive, lifeless heap of mass upon which they could impose their state fixations. Rather, the river was a protagonist in this region with its own will and say on the landscape's composition. During the river's flood season, for instance, the river's deepest channel was undiscernible. In these cases, the U.S. Commissioner, William H. Emory, reported that he and his Mexican counterpart, Jose Salazar, often had no idea where to place the border.[149] In some cases, old fence posts assembled by Mexican ranchers along portions of the river did the commission's job of "revealing" the boundary.[150] Worse still, during times of drought the river often eroded from the landscape entirely. Only until heavy rains arrived and "revealed" the boundary were they able to complete their task. Indeed, "rather than establishing the border, they seemed to be looking for it."[151]

To the American and Mexican boundary commissioners tasked with surveying the new international boundary, the Río Grande's freedom was nothing short of anarchy. It was a force of nature that moved according to its own inexplicable cadence; a meandering body of water that could only be described as engaged in open rebellion against them—let alone a threat to the sanctity of the U.S.-Mexico border. "The difficulties faced by the boundary commission not only impeded the

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Hidalgo and the politicians and businessmen they represented set the new southern U.S. boundary along the Río Grande in 1848 not because of its conspicuous features, but because of the trade and profit that the river guaranteed to the frontier's capitalist expansion. See: Jeffrey M. Schulze, "The Chamizal Blues: El Paso, the Wayward River, and the Peoples in Between," *The Western Historical Quarterly* 43.3 (2012): 305; Martinez, Oscar. *Troublesome Border* (Tucson: The University of Arizona Press, 1988).

149 James Mueller, *Restless River: International Law and the Behavior of the Rio Grande*. (El Paso: Texas Western Press, 1975), 58-62.

150 Of particular importance were cottonwood fence posts, which, instead of rotting in the moist bottonlands of the river, often regenerated into an arc of towering trees whose trace marked where the Río Grande had either dried up or shifted across the landscape See: Mueller, *Restless River*, 59.

151 St. John, *Line in the Sand*, 13.

commissioners' work, but also fundamentally challenged the national sovereignty under which they operated," writes Rachel St. John in her book on the making of the U.S.-Mexico border. The Río Grande must have seemed fugitive to the commissioners, as if it was an accomplice in a larger conspiracy undermining their task to establish the boundary.[152] Its fleeting and flooding characteristics not only refused to become an instrument to the colonial apparatus of the U.S.-Mexico boundary, but this meandering landscape remained at least in part outside their cartographic control and knowing. Indeed, "[t]he discrepancy between the ability of the nation-states to delimit the boundary line in the treaty and to demarcate it on the ground marked the beginning of a long history in which the border would repeatedly reveal the divide between the states' aspirations and their actual power." Even so, when the commissioners completed their survey of the river/boundary through El Paso and Paso del Norte in 1852, they refused to acknowledge what they had learned to be true about this river and the farce of their duty to fix it in place. So instead, they did what was expected of them. They declared their maps a testament to the boundary's permanence.

Maps No. 29: A Fatal Conundrum

So persistent was this fugitive terrain and so fraught was the boundary commission with inaccurate instrumentation and cursory procedures that the commissioners sometimes mapped entirely different locations for the international boundary.[153] In 1854, a discrepancy between the U.S. and Mexican maps depicting the location of Paso del Norte and the 1852 course of the Río Grande

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152 Craib, *Cartographic Mexico*, 57.

153 "Why Were Names Mysteriously Erased On U.S. Chamizal Map?" *The Southwesterner* 2 no. 2, (1963): 14; Paula Rebert, *La Gran Línea: Mapping the United States-Mexico Boundary, 1849-1857* (Austin: University of Texas Press, 2001), 177. C.J. Alvarez, *Border Land, Border Water: A History of Construction on the U.S.-Mexico Divide* (Austin: University of Texas Press, 2019), 18; Muller, *Restless River, 58-62*.

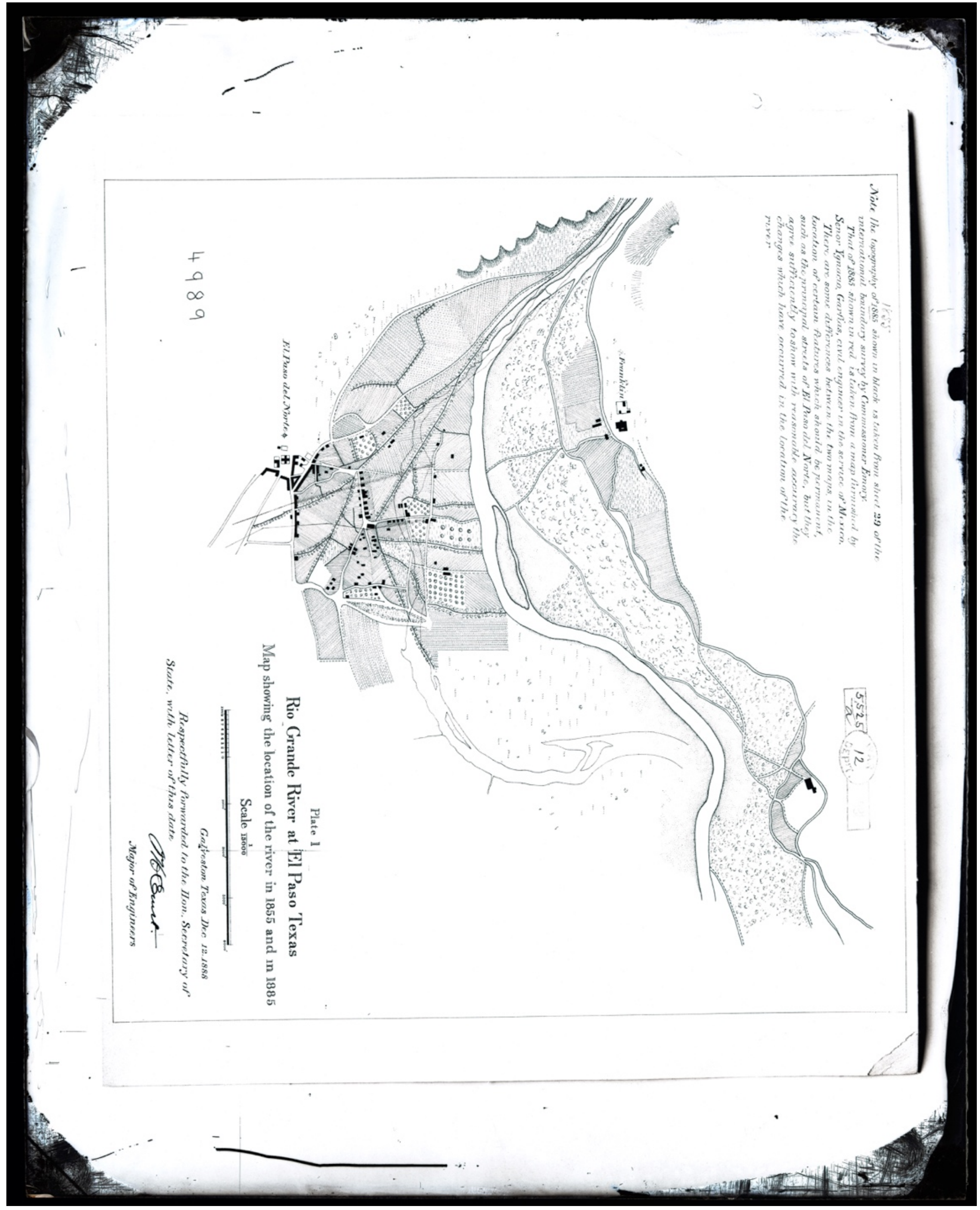

Figure 13: Map showing the location of the river in 1855 and 1885. The topography shown is taken from Map 29 of the international boundary survey by Emory. The southern river channel shown in this map is taken from an 1885 map made by Ygnacio Garfias, a civil engineer, in service of Mexico. Source: Smithsonian Instution Archives.

Figure 14: Salazar Map No. 29 showing agricultural farmlands in Partido Chamizal south of 1852 Rio Grande channel. Source: Source: Proceedings of International (Water) Boundary Commission, Volume 1, Department of State.

through this region fueled U.S. territorial claims—culminating in the 1854 Gadsden Purchase.[154] While this discrepancy and its connection to the Gadsden Purchase has been documented by historians, its role in fueling U.S. and Mexican territorial claims to El Chamizal has largely gone unattended.[155]

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[154] Donald Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History Volume 2 Continental America, 1800-1867* (New Haven and London: Yale University Press, 1993), 152.

[155] Anglo Americans in El Paso, for instance, insisted that the 1848 and 1852 channel locations were interchangeable and therefore that El Chamizal was the rightful possession of the United States. Mexico insisted the opposite. See: 'Terms of submission, Proceedings in Chamizal case no. 4"; "Believes Rio Grande

Known as U.S. and Mexican Maps No. 29, these two maps showed the boundary through Paso del Norte as following the middle of the river. Only later, when the International Boundary Commission went to review these maps in 1896 in their investigation of the Chamizal Dispute, did they realize that Emory and Salazar's maps depicted different locations for the middle of this river. Worse still, Salazar's signature had been erased from Emory's Map No. 29—thereby making the U.S. map illegitimate.[156] Salazar's map, on the other hand, had both signatures—making it the only legally sound map of the two.[157] A formal note written on Emory's map explained this discrepancy—stating that the U.S. and Mexican maps agreed with another "except in the bed of the River, which circumstance is the consequence of the two Surveys being made at different periods, six months apart, during which time the River changed its bed, as it is constantly doing, but always within narrow limits."[158] Emory may have been trying diminish the significance of this discrepancy. Even so, he could not fully conceal the unspoken truth of the matter: that the Río Grande had evaded their cartographic control, ruptured their pretenses of scientific accuracy and objectivity, and exposed the farce of their state fixations.[159]

Multiple projects of concealment that were each directly connected to the Chamizal Dispute were at play with maps No. 29. Although Salazar's Map No. 29 represented the Mexican presence south of the Río Grande in Paso del Norte through an extensive and detailed illustration of Partido

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Occupies 1848 Channel," *El Paso Times*, May 15, 1963; Chamizal Title Company Papers MS978: Box 1, Series 1, Folder 8, Arizona Historical Society, Tucson, Arizona; Harry Hewitt, "Mexican-United States Boundary Commission," *Texas State Historical Association Handbook of Texas*, Texas State Historical Association: https://www.tshaonline.org/handbook/entries/mexican-united-states-boundary-commission

156 "Why Were Names Mysteriously Erased On U.S. Chamizal Map?" *The Southwesterner* 2 no. 2, (1963): 14.

157 Rebert, *La Gran Línea*, 177.

158 "Terms of Submission. Proceedings in Chamizal case no. 4," 109.

159 Rebert, *La Gran Línea*, 196.

Chamizal's ranchos, cultivated fields, and acequias, Emory's map had no such representations. Paula Rebert has argued that Emory's map "represent[ed] the Mexican side of the river so sparsely that it appeared to be undeveloped relative to the U.S. side."[160] In turn, Emory's map voids Partido Chamizal and "gives the impression that Mexicans had little at stake in locating the boundary in the region."[161] If this was true, the implication held, then the area was what Americans like to called a hinterland open for Anglo American settlement.

Perhaps, then, Emory's map is the earliest cartographic instance of a U.S. state fixation that hinges on obscuring and denying El Chamizal's integral place and presence. Even today, maps of El Chamizal conceal this terrain's complexity. Indeed, of the maps that depict the river's shifts across El Chamizal, few—if any—represent just how often the river rearranged itself across this landscape. Although Mexican maps tend to represent more of these meanderings, American maps typically externalize and simplicity El Chamizal by representing only those river localities officially surveyed and colonially legible to the United States.[162] What's striking, then, about these American maps is how they collectively conceal El Chamizal's riddled boundaries. These cartographic maneuvers are emblematic of s cartography's dual purpose: "the externalization and control" of geography as the means to produce the "safely encapsulated" White rational subject.[163] In other words, the cartographer must conceal the great pains he takes to convince himself that he and geography are

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[160] Rebert, *Línea*, 173.

[161] Rebert, *Línea*, 175.

[162] Mexican maps of these meanderings can be found in *El Chamizal, solución complete: album gráfico* by M. Quesada Brandi. American maps of these meanderings at El Chamizal can be found at the Chamizal National Memorial and in the following source: Donald Peters, "The Rio Grande Boundary Dispute in American Diplomacy," in *The Southwestern Historical Quarterly*, 54.4 (1951): 412-429.

[163] Kirby, "Re:Mapping Subjectivity," 47.

not "integrally involved."[164] American maps of El Chamizal represent a world where El Paso and El Chamizal are not fundamentally involved.

El Chamizal, the law of accretion, & the making of El Paso

What few historians of El Paso seem to realize or perhaps dare to admit is that the making of El Paso, Texas, is inescapably wrapped up in El Chamizal.[165] In 1856, the very same year Emory and Salazar wrote their final reports, one of El Paso's earliest Anglo American settlers, James Wiley Magoffin, wrote an "anxious inquiry" to the U.S. government concerning a change in the Río Grande's deepest channel.[166] Alarmed by the nature of Magoffin's letter, authorities forwarded it to the U.S. Attorney General Caleb Cushing who, after reviewing the 1848 Treaty of Guadalupe Hidalgo and consulting international law on fluvial boundaries, submitted a response that directly contradicted the 1848 treaty. In this written opinion, Cushing began by saying that the writers of the 1848 Treaty had been correct when they declared the international boundary was to be forever that described by the 1848 Treaty: a fixed line mapped with "due precision" wherein "no change shall ever be made […] except by the express and free consent of both nations."[167] However, Cushing reasoned, "if [the boundary] need modification to give it absolute exactness" then changes in the boundary were to be allotted for provided that such changes be through the "gradual change of a

[164] Kirby, "Re: Mapping Subjectivity," 49.

[165] Gladys Gregory may be one of the few historians to explicitly connect the Ponce de Leon Land Grant to El Chamizal in his 1963 essay "The Chamizal Settlement : A View from El Paso."

[166] Mueller, *Restless River*, 22; *Reports of International Arbitral Awards*, The Chamizal Case (Mexico, United States) June 15, 1911, Volume XI, United Nations (2006), 329; "Chamizal," U.S. Department of Interior, National Park Service, 1976.

[167] Treaty of Guadalupe-Hidalgo [Exchange copy], February 2, 1848.

river-course by insensible accretion" and not by the sudden abandonment of an existing riverbed for another one entirely.[168]

In effect, Cushing's opinion applied an international legal principle known as the law of accretion, which stipulates that if a river-boundary moves *gradually* and *imperceptibly* from its surveyed boundary location through erosion—a process environmental scientists and engineers call accretion—the boundary moves *with* the river. However, if the river-boundary moves *suddenly* and *abruptly* by abandoning its channel for another one entirely—a process scientists call avulsion—the boundary *remains* at its surveyed location.[169] The law, in other words, automatically affords ownership to the landowner of an opposite riverbank property when a river-boundary slowly moves (via accretion) to such a degree that it gradually transfers land from one side of the riverbank to the other.[170] These principles of accretion and avulsion (as well as their definitions) have their roots in common law and Roman civil law and historically have been applied to domestic property; although in the late nineteenth country the law was applied to interstate boundary law, shaping U.S. Supreme Court decisions including Iowa v. Nebraska (1892) and Missuori v. Nebreska (1904). Cushing's application of these principles to the U.S.-Mexico boundary in 1856, however, was one of the earliest explicit attempts to extend these principles into international law.[171] Though at the time of Cushing's opinion there was already evidence that the Río Grande was shifting southward into Paso

[168] [Opinion of Attorney General Caleb Cushing, November 11, 1856], Cushing to McClelland, November 11, 1856, Appendix, U.S. Case, II, 5559.

[169] James J. Walsh, "The Federal Common Law of Accretion: A New Element in Property Law," *Louisiana Law Review* 35(1): 182.

[170] Walsh, "The Federal Common Law of Accretion," 183-4.

[171] John W. Donaldson, "Paradox of the Moving Boundary: Legal Heredity of River Accretion and Avulsion," *Water Alternatives* 4.2 (2011): 161.

del Norte and thereby "transferring" land north of the river, it is impossible to say if Cushing knew of this evidence or if it factored into his opinion.

The law of accretion is itself both a remarkably predictable and unusual legal framework within U.S. property law and colonial ideology. It is one of the rare instances in which nature and geography are not engaged as corrupt, savage entities in need of White manipulation to adhere it to colonial projects of property, capital, and rationality—but, under certain conditions, in fact foster them. As scholars of the law have regarded it, the law of accretion is an "universal rule"—both "ancient and modern"—that protects a landowner's entitlement to future accretion lands as a "vested right" that is part of his "aleatory contract with nature."[172] The logic is that when accretion lands attach to a landholder's property, this landholder (and *not* the landholder from whom the accretion lands have detached) is considered to be in a better position than anyone else to exploit the land—and thus, via his *aleatory contract with nature*, is made the righteous owner of these accretion lands. The law of accretion thus engages the natural whims of geography as a vehicle to produce productive propertied control of land. As scholars of racial capitalism have noted, ideologies of productivity and improvement embody one of the driving logics of settler colonialism, imperialism, and racial capitalism.[173] In this way, it turns out, the law of accretion works operates according to established colonial ideologies of productivity that have and continue to underwrite and rationalize the displacement and dispossession of Indigeneity and racialized difference service of settler colonial and racist capitalism ventures. In El Paso, the law of accretion and white settler colonialism worked in tandem to justify the taking of El Chamizal—land deemed "empty" or improperly settled—and

[172] Walsh, "The Federal Common Law of Accretion," 182.

[173] Byrd et al, *Colonial Racial Capitalism*.

the giving of this land to Anglo American settlers who could "improve" it or leverage its geographic location in the name of capitalism.

Although Anglo Americans arriving to El Paso would leverage the law of accretion in their favor, the discrete principles of accretion and avulsion as defined by Cushing's opinion—and later ratified by international treaty in 1884—would ultimately prove unworkable in its application to the Río Grande through El Chamizal.[174] This was largely because the law of accretion is based on precedents from Western Europe, the eastern United States, and rivers in humid regions of the world where the classical, distinct definitions for accretion and avulsion often apply. Mills himself alluded to this reality in his memoir when he described the Río Grande's meanders through El Paso as "abnormal." At El Chamizal, a combination of the river slowing down in the lower valley and depositing sediment over centuries had built up an extensive alluvial plain over which the river moved outside the neat definitions of accretion and avulsion. Instead, the river's meanderings were often a complex combination of abandoned avulsions, erosions, and accretions at rates that were frequently rapid, imperceptible, and indistinguishable.[175] But Cushing's opinion did not account for such intermediate, ambiguous, and intertwined processes, and the United States dared not publicly admit that the Río Grande defied the law of accretion. To do so was to admit the unacceptable: that the Río Grande was not a passive, lifeless heap of mass that would inevitably conform to the geopolitical border.

The law of accretion's fraught and messy application to the Río Grande through El Chamizal would ultimately become unspeakable. Instead, Anglo American settlers in the region would insist that the river had unequivocally moved via accretion and therefore that El Chamizal was the legitimate possession of the United States. Although the Treaty of Guadalupe Hidalgo

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[174] Rebert, *La Gran Línea*, 191.
[175] Muller, *Restless River*.

purportedly protected Mexican property rights, regardless of citizenship status, for former Mexican nationals who found themselves north of the new U.S.-Mexico boundary in 1848, these protections were ultimately stricken from the version of the treaty ratified by the U.S. Senate.[176] The law of accretion as it was applied to El Chamizal only accentuated these vulnerabilities. The law, in other words, proved to be one of the many "built-in-imperfections" of the U.S.-Mexico boundary.[177]

Indeed, for Anglo Americans arriving to El Paso, the unspoken implication of Cushing's opinion was heard loud and clear: that the U.S.-Mexico boundary was not fixed in place as the 1848 Treaty outlined, but rather could be redrawn according to their *aleatory contract with nature*. Whether El Paso's early Anglo American settlers took advantage of this legal loophole knowingly at the time of El Paso's settlement on El Chamizal or only later came to learn of the law's advantages to their propertied control of space north of the river is difficult to say. Others, however, appear to be more convinced. The "erratic change on the part of the [river's] stream has had the result, improperly speaking, of putting a part of Mexico over into the United States," White argues in *Out of the Desert*, "and has given to those two heretofore meaningless and almost useless words, 'erosion' and 'evulsion,' a deep and potent technical significance which has been very profitably taken advantage of by a good many members of the legal profession."[178] In any case, what is undeniable is that the law of accretion afforded Anglo American settlers and their lawyers the legal infrastructure to rationalize their legitimate possession El Chamizal.

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[176] Article X of the Treaty of Guadalupe Hidalgo, which stipulated that Mexican land grants north of the newly established boundary would be honored and protected, was ultimately removed from the settlement. See: Treaty of Guadalupe Hidalgo, Articles VIII, IX, and X, Exchange copy, February 2, 1848, RG 11, USNA.

[177] Martinez, *Troublesome Border*, 9.

[178] White, *Out of the Desert*, 56.

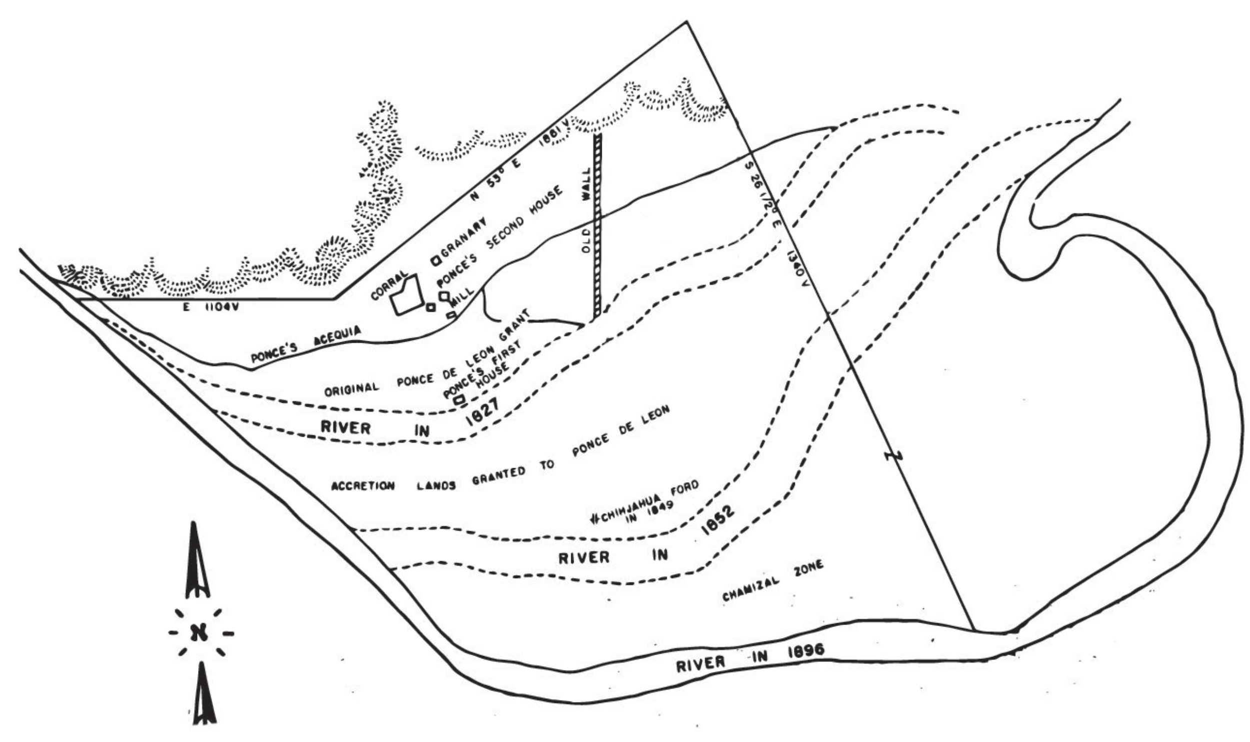

Figure 15: Map showing shifting boundaries and location of 1827 Ponce de Leon Land Grant, including the accretion lands and "Chamizal Zone" added to the property via the law of accretion. Source: J.J. Bowden's *Spanish and Mexican Land Grants in the Chihuahuan Acquisition* (1971).

The law of accretion and its application to the Rio Grande through El Chamizal is at the core of El Paso's historical and geographic origin. This historical fact, however, remains largely unacknowledged. Instead, so often do historians credit the 1827 Juan Maria Ponce de Leon Land Grant as El Paso's origin-story or narrate the arrival of railroads in the 1880s as El Paso's real kickoff, that historians often underestimate or completely overlook the relevance and the complexity of the law of accretion and El Chamizal in the making of El Paso and regional power relations more broadly. The historical literature on El Paso often begins with the Ponce de Leon Land Grant because it would later become the city's original townsite and because Ponce de Leon's ranch house

once stood where the Anson Mills building in downtown El Paso stands today. As the city's original townsite, the boundaries of the Ponce de Leon Grant include El Paso's present-day business district. As such, "[t]he growth and expansion of this metropolitan city is intimately related to the development and improvement of the Ponce de Leon Grant."[179] Even before the city took the name "El Paso," early Anglo American settlers to the region called this place "Franklin or "Smithville," which were references to the names of individuals who had owned the land grant when Ponce de Leon sold it after the U.S.-Mexico War.[180]

Although the Ponce de Leon Land Grant is typically separated from El Chamizal in the historical literature, they are in fact braided together so tightly that you cannot untwist them. In J.J. Bowden's 1971 book *Spanish and Mexican Land Grants in the Chihuahuan Acquisition*, a map of the Ponce de Leon Grant labels the southern third of this property as "Chamizal Zone." Like most historical accounts on the Ponce de Leon Grant, how this land grant came to include El Chamizal goes unsaid. But as Bowden's analysis indicates, it had to with the meandering Río Grande and the law of accretion. At its founding in 1827, the Ponce de Leon Grant was a 215-acre property directly north of the Río Grande in the Mexican city of Paso del Norte.[181] In 1830, however, a flood in the river washed away Ponce de Leon's adobe house and shifted 200-acres previously south of the river north. Once the flood waters subsided, Ponce de Leon first built a new home where the Anson Mills building stands today and then sought compensation for the flood damage to this property by

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179 Bowden, "Spanish and Mexican Land Grants in the Chihuahuan Acquisition," 104.

180 Oscar J. Martinez, *Latinx El Paso: Odyssey of a Mexican American/Hispanic Community* (El Paso: Trego-Hills Publications, 2021), 11.

181 John G. Johnson, "Ponce de León Land Grant," Texas State Historical Association," https://www.tshaonline.org/handbook/entries/ponce-de-leon-land-grant; J. J. Bowden, *The Ponce de León Land Grant* (Southwestern Studies Monograph No. 24, El Paso: Texas Western Press, 1969).

petitioning the Ayuntaminento of Paso del Norte for additional land.[182] The Ayuntaminento appointed a committee to investigate the merits of Ponce de Leon's request and based on the findings of this report, the Ayuntamineto granted Ponce de León the accretion lands lying north of the Rio Grande.[183] This nearly doubled Ponce de Leon's land holding. Thirty years later, in 1859, when Anson Mills surveyed the Ponce de Leon Grant as an American settlement in his capacity as El Paso's Deputy Surveyor, his map showed an additional 38 acre increase to the Ponce de Leon Land Grant by what Mills described as accretion lands.[184] In 1871, Robert Campbell, a businessman from St. Louis, acquired some of this land when he purchased 3/4 interest in the Ponce de Leon Grant. An 1881 advertisement for the Campbell Addition declared, "It embraces much of the finest and most desirable portion of the city."[185] In 1887, the State of Texas appears to have applied the law of accretion to add an additional 200-acres to the Ponce de Leon Grant after Campbell's Campbell Real Estate Company petitioned to develop 600 acres of the Ponce de Leon Grant into the Campbell Addition to the City of El Paso.[186] That the Ponce de Leon Land Grant came to include parts of El Chamizal through the law of accretion is therefore a historical fact that has largely gone unspoken in the canon of El Paso history.

If historians of El Paso recognize at least in part that the Ponce de Leon Grant included El Chamizal, then the question becomes why the canonized historical record omits this relationship—

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182 Bowden, *Spanish and Mexican Land Grants,* 105; "Lands in Dispute. The Campbell Real Estate Company Et Als. vs. Mexican Claimants," Chamizal Title Company Papers MS978: Box 8, Series 3, Folder 72, Arizona Historical Society, Tucson, Arizona; Bowden, *The Ponce de León Land Grant*; "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of "El Chamizal," Republic of Mexico Secretary of Foreign Relations, Library of Congress, 14.

183 Bowden, *Spanish and Mexican Land Grants,* 105.

184 "Terms of Submission," 139.

185 "The Campbell Addition," *El Paso Times*, June 10, 1881.

186 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande," 9, 14.

and whose needs this negation serves. Bowden himself participated in the erasure of this relationship between the Ponce de Leon Land Grant and El Chamizal when he omitted any mention of El Chamizal from his write-up on this land grant. Privately, however, he was more forthcoming with this information. "As soon as I finish my research on the Ponce de Leon Grant," he wrote in 1964 to an associate interested in his forthcoming book, "which embraces the Chamizal zone, I would be happy to send you a copy for your information."[187] If historians of the borderlands like Bowden agree that the Ponce de Leon Land Grant is this city's origin-story, then so too is the meandering Río Grande, the law accretion, and El Chamizal.

"I protested repeatedly the unceremonious and violent manner in which my property was taken from me:" El Chamizal & The Arrivals of Railroads in El Paso

The intertwined relationship between El Paso and El Chamizal has been further obscured by historians when they omits the story of the 1818 Chamizal Land Grant—which was zoned into the City of El Paso as its First Ward in 1887—from El Paso history. When the Spanish Crown granted the Chamizal Land Grant, it did so as a communal *edjio* to four Spanish citizens in Paso del Norte—Felix Miranda, Ursula Miranda, Jose Antonio Apodaca, and Ricardo Brusuelas—who would work the farmlands until 1827 when they sold the property to another Paso del Norte resident named Lorenzo del Barrio. [188] In 1852, when the U.S.-Mexico boundary was established through this region, the Chamizal Land Grant was south of river. However, somewhere along the way floods and southward shifts in the river together placed the property north of the river. In 1866, after Lorenzo's

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187 Eugene Semmes Ives Collection, MS 1381: Box 7, Folder 56, Arizona Historical Society, Tucson, Arizona.

188 Jorge A. Vargas, "El Caso del Chamizal: Sus Peculiaridades Juridicas," (Dissertation: Universidad Nacional Autonoma de Mexico Facultad de Derecho y Cienas Sociales, Mexcio D.F., 1963): 38; "Papers Trace El Chamizal Back to 1818," *El Paso Herald-Post*, October 27, 1967; Eugene Semmes Ives Collection, MS 1381: Box 7, Folder 55, Arizona Historical Society, Tucson, Arizona.

Figure 16 and 17: Photos of the Aitchison, Topeka and Santa Fe Railway roundhouse and freight house in El Paso, Texas. These structures were built in 1881 within the Chamizal Land Grant. Photos taken in 1931.
Source: Kansas Historical Society.

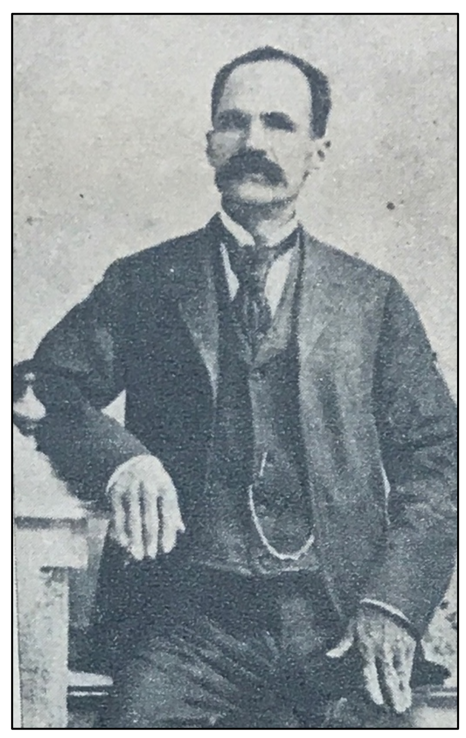

Figure 18: Photo of Pedro Ignacio Garcia del Barrio, owner of the 1818 Chamizal Land Grant. Source: Chamizal National Memorial Archives.

death, his grandson, Pedro Ignacio Garcia del Barrio inherited the land grant. The Garcia del Barrio family would maintain possession of the Chamizal Land Grant for more than 50 years until the arrival railroads to El Paso jumpstarted widespread dispossession in Partido Chamizal.

In the late 1860s, Pedro Garcia del Barrio would begin organizing with Partido Chamizal landowners whose properties had ended up north of river. When Mexican President Benito Juárez came to Paso del Norte in 1865 after fleeing from French occupation of Mexico's capital, Garcia del Barrio even arranged a meeting between D.C. regarding the matter; but because no branch of the U.S. government existed at that time to explicitly deal with international boundary disputes, nothing more than an acknowledgement of the need to clarify the definition of the international boundary came of this letter.[189] Later, in 1895, Garcia del Barrio's efforts to defend his property would be taken up by the International Water and Boundary Commission as part of "Chamizal case no.4"—the first international legal proceeding related to the Chamizal Dispute.

For reasons that are not entirely clear, however, but which appear to be for sake of narrative simplicity and result in further erasing the Chamizal Dispute from the canon of El Paso history, Ricardo Brusuelas is often credited for developing the prosperous ranch that became El Paso's First

[189] Garcia, "The Legacy," 170.

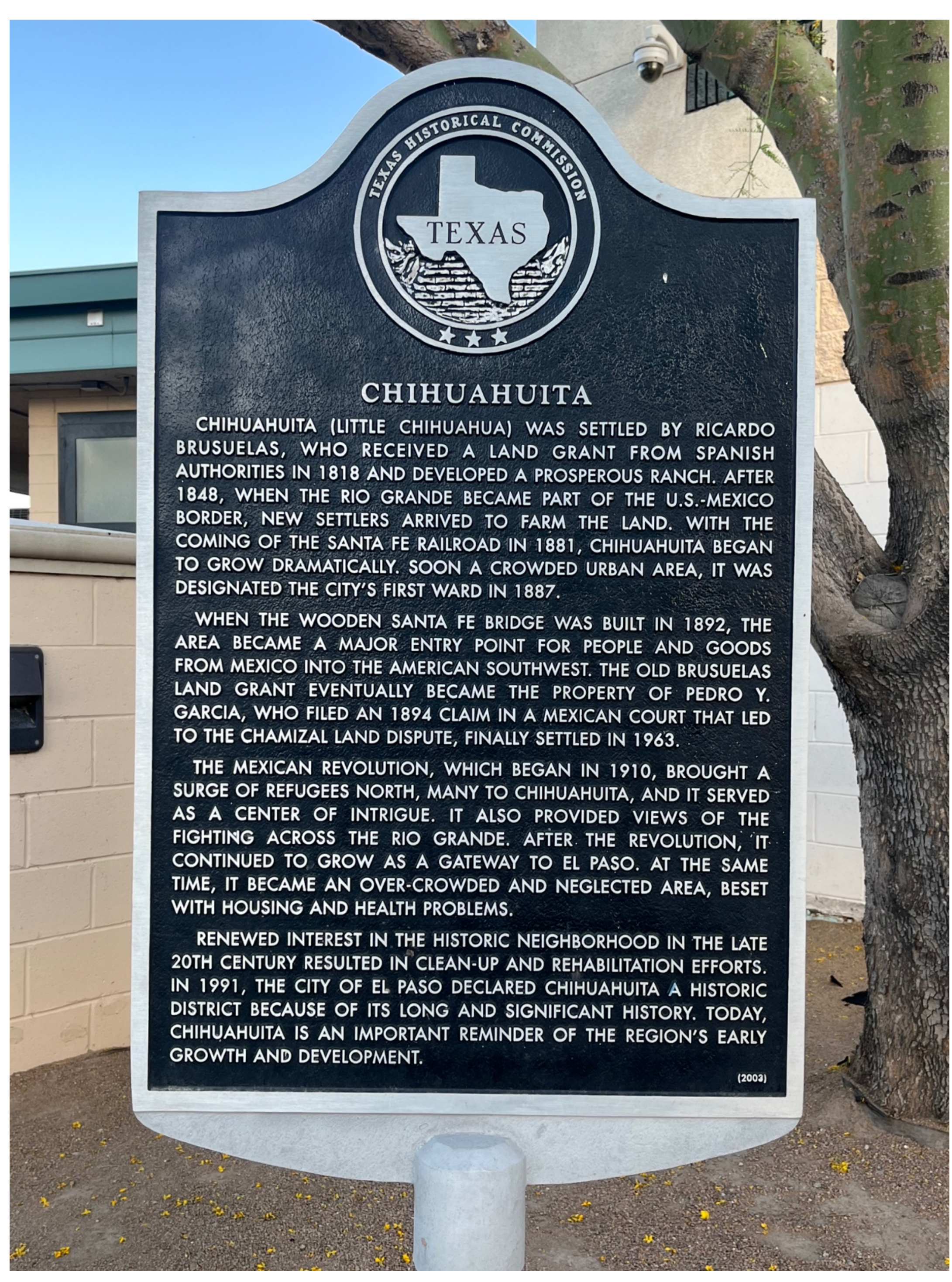

Figure 19: Historical marker in El Paso, Texas, commemorating the history of Chihuahuita. Marker can be found outside Santa Fe International Bridge. Photo taken by Alana de Hinojosa.

Ward.[190] That Brusuelas is most often associated with the First Ward's origin-story when he and his co-owners operated this ejido ranch for less than ten years warrants our attention because it is a common historical citation that marginalizes the Garcia del Barrio family from the First Ward's history and, in turn, actively undermines the First Ward's connection to the Chamizal Dispute.

Even once the Chamizal Land Grant ended up north of the river, Garcia del Barrio continued to tend to his property and his four tenants worked the farmlands. On June 11, 1881, however, the Aitchison, Topeka, and Santa Fe Railroad (AT&SF) arrived in El Paso and began their construction through the Chamizal Grant. Their construction did not go unchallenged. "I protested repeatedly the unceremonious and violent manner in which my property was taken from me, and which threated personal violence to me in case of resistance," Garcia del Barrio later said of the insistent.[191] Railroad representatives fielded Garcia del Barrio's protests by arguing that the area was open for American settlement under the law of accretion.[192] A lawyer himself, however, and as someone who had been in Paso del Norte to witness the shifts in the Río Grande, Garcia del Barrio was convinced that the law of accretion did not apply to his property. From his perspective, the river had not moved gradually via accretion but had moved violently via avulsion. He therefore refused to accept that his property belonged to the United States. "That those then engaged in constructing said railroad forcefully entered upon said land, tearing down the fences and houses and taking possession of the same over my objection and protest," Garcia del Barrio recounted, "claiming that the land belonged to the United States and constructed and built the rail road track across and over

[190] "Chihuahuita Historic District," *Digie*, El Paso Museum of History, 29 October 2014; Leon Metz, *El Paso: Guided Through Time* (El Paso: Mangan Books, 1999); Garcia, "The Legacy of Captain Alonso Garcia I.," 166; Vargas, "El Caso del Chamizal."

[191] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 125.

[192] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal," 9.

said land, destroying the crops, fruit trees, houses, etc., as well as taking the land."[193] When Garcia del Barrio asked the Ayuntamineto of the City of Paso del Norte to intervene on his behalf, the Ayuntamineto agreed and issued a letter on June 13, 1881 that condemned the activities of the AT&SF by name. In that letter, the Ayuntamineto also demanded clarification on the international boundary's location.[194]

With expectations that El Paso would soon become transnational railway capitalist haven, stakeholders in the AT&SF had little incentive to halt their operations and the Ayuntamineto's letter did little to sway and them otherwise. Indeed, multiple railways had already arrived or were on their way to El Paso "with a feverish haste that put the name of [the] little town on the lips of men in all parts of the United States."[195] Eager to complete their construction and stake their claim in El Paso's burgeoning transnational commerce, where the Garcia del Barrio's ranch house once stood the Santa Fe Round House was built in its place. Although much of his property had been taken from him, Garcia del Barrio continued to cross the river into El Paso to tend to what was left of his crops. Eventually, however, Anglo men were there to greet him and drive him off by gunpoint.[196] "I was compelled," Garcia del Barrio later said of these men, "through fear of personal violence, to abandon the property to those who now hold it."[197]

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193 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of "El Chamizal," Republic of Mexico Secretary of Foreign Relations, Library of Congress, 124.

194 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 127.

195 White, Out of the Desert, 124.

196 Garcia, "The Legacy," 167.

197 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 125; Garcia, "The Legacy," 166.

Meanwhile, Anglo American land speculators who had either anticipated or timed their business plans with the railroad's arrival began imposing a new urban blueprint atop Partido Chamizal's ranch and agricultural community. It didn't matter to these land speculators that evidence of Partido Chamizal was all around them: the district's elaborate orchards and vineyards, the farms and their livestock, the *patrón* and *peon* houses, the sophisticated *acequias* that watered the fields, let alone the more than 700 Mexican nationals who lived in the district. Nor did it matter that Paso del Norte publicly claimed jurisdiction over the district.[198] What mattered was marking, mapping, and privatizing the area as part of El Paso. And indeed they did so by surveying streets, alleys, and lots and selling these as part of three residential subdivisions to the City of El Paso: the Campbell Addition settled in 1871 by Robert Campbell and his St. Louis-based Campbell Real Estate Company, the Cotton Addition settled by Frank B. Cotton in 1880 and 1881, and the Magoffin Addition settled in 1882 by Joseph Magoffin.[199] Like all colonial projects, renaming Partido Chamizal into the Campbell, Magoffin, and Cotton Additions "functioned as a routine mechanism for possession, in which a new cultural presence was imprinted onto the land to both confirm and create a space upon which colonization could occur."[200]

Colonization meant not only taking possession of this land as part of the United States, but turning it into private property readily available for production. A series of *El Paso Times* advertisements published in 1881 announced as much. "Any kind of tree or vegetable which is adapted to this climate can be grown here, as the soil is very rich and generally responds to pillage,"

[198] Only until 1884, nearly thirty years after Cushing's 1856 opinion, did Mexico formally agree to the law of accretion via treaty with the United States.

[199] "Magoffin Historic District," United States Department of the Interior: National Park Service: National Register of Historic Places Registration Form, August 26, 2016.

[200] Craib, *Cartographic Mexico*, 45.

announced the advertisement for the Cotton Addition in.[201] "The present Magoffin Addition is regarded as one of the finest bodies of land yet unoccupied by the present city buildings," declared another advertisement published that same year.[202] "There is not a more picturesque body of land in the valley of the Río Grande," this advertisement continued. "It is covered with beautiful natural groves, the native grasses of the country, and marked by acequias from the Rio Grande."[203] In truth, these acequias had been built to water the farmlands of Partido Chamizal well before El Paso, Texas was even a place on the map. Renaming Partido Chamizal into these three subdivisions was thick with omissions and erasures. As these land speculators saw it, however, their right to possess and exploit the land for profit was born from their race and wealth—a fundamental sense of righteous belonging in the world, wherever that might be. *Besides,* they said to one another, *even if Mexicanos did own El Chamizal, everyone knew that Mexicans and Mexican culture were rooted in the past, that they were incapable of meaningfully and productively working the land for profit, and that their backwardness would irreparably thwart Anglo American progress in the region.*[204]

The El Paso Times may have lauded these three additions for their strategic and ideal business potentials, but each advertisement was also fraught with anxiety over El Chamizal's interference with the city's capitalist vision. Although "El Chamizal" was never written into the text of these advertisements themselves, El Chamizal was ever-present. "The title to this land is perfect," reads the ad on the Magoffin Addition, "derived as it is from the sovereignty of the soil."[205] "The title to

[201] "Cotton's Addition," *El Paso Times*, June 10, 1881.

[202] "Magoffin's Addition," *El Paso Times*, June 10, 1881.

[203] Ibd.

[204] Arnoldo de Leon, *They Called Them Greasers: Anglo Attitudes toward Mexicans in Texas, 1821-1900* (Austin: University of Texas Press, 1983).

[205] "Magoffin's Addition," *El Paso Times*, June 10, 1881.

this property has never been and cannot be questioned," reads the blurb on the Cotton Addition.[206] Despite their best efforts to wholly deny El Chamizal's presence, it was all around them. Indeed, deemed by Texans and North Americans to be part of their city of El Paso, Tex., and by Mexicans to be part of Paso del Norte, by the end of 19th century this contested zone was characterized by multiple, contested political jurisdictions, inconsistent and overlapping place-names, and highly contextualized and distinct systems of tenure and property.

It is telling, then, that many of the enterprising Americans who came to own property within El Chamizal have been memorialized as "civic builders" with "far seeing minds"—men who, as the *El Paso Times* put it in 1910, "let this city out the wilderness of mesquite and greasewood into an era of prosperous growth." The article was headlined, "Col. B.F. Hammett Of Type of Men Who Make Great Cities." It was on published on February 19 as a memorial to B.F. Hammett—a former El Paso Mayor and president of the Campbell Real Estate Company—for "working against great odds" to make El Paso into a great city.[207] The report also cited several other men—including Robert Campbell, Albert Marshall (A.M.) Loomis, and Alfred Porter (A.P.) Coles—for helping in this colonial endeavor. All three men were deeply entrenched in the Chamizal Dispute. A real estate agent, Coles had sold substantial property in the Campbell Addition. And Loomis, who owned substantial property in the Campbell Addition, would become extremely invested in protecting his properties—an investment that went part in parcel with making El Paso into the great city heralded by the *Times*. Of course, that Loomis and Hammett owned property within internationally contested territory with Mexico goes unsaid. Instead, the report champions the two men for having "worked elbow to elbow" for the growth of El Paso. "The results of their efforts," declared the paper, "being apparent in very corner of the present city." To memorialize their efforts, the City of El Paso would

206 "Cotton's Addition," *El Paso Times*, June 10, 1881.

207 "Col. B.F. Hammett OF Type of Men Who Make Great Cities," *El Paso Times*, February 19, 1910.

sprinkle the names of these men throughout the city's southside. Not far from Hammett Street is Coles Street, their proximity likely meant to memorialize their close working relationship. Hills Street, which is also walking distance from Hammett Street, is named after W.S. Hills who was trustee of the Campbell Real Estate Company. And then, of course, there is Campbell Street, Magoffin Avenue, and Cotton Street—each a major thoroughfare in El Paso's southside. Notably, each of these streets fall within El Chamizal's contested terrain.

A Capitalist Revolution & the Law of Accretion

More than a symptom of westward expansion's lust for land accumulation, the arrival of Anglo American businessmen to El Paso was in anticipation for this region's expected economic boom. America's capitalist elite understood what the arrival of the Aitchison—let alone the ensuing arrival of the Southern Pacific, the Texas and Pacific, and Galveston, Harrisburg, and San Antonio, and Mexican Central railroads—would mean for this desert town. El Paso would not only become "the natural pass" of the four directions, but the Mexican Central would also enable the arrival of cheap and exploitable Mexican laborers.[208] Much to these speculators delight, 1880 to 1920 would ultimately prove to be one of El Paso's greatest economic growths.[209] Owing to its geographic and border location, El Paso during this time "surged from an obscure desert town to an 'instant city'" with a thriving railroad, smelting, ranching, and commercial center that was of both national and international importance because it linked the southwestern region with the rest of the United States as well as with Mexico.[210] "The penetration of the railroads into the border desert area in the early

[208] Garcia, *Desert Immigrants*, 14.

[209] Garcia, *Desert Immigrants*, 2.

[210] Garcia, Desert Immigrants, 2.

1880s made this possible" and in return thousands of Americans including merchants, miners, lawyers, and businessmen began arriving to El Paso with hopes to stake their claim to this economic boom.[211] Like elsewhere along the borderlands, as these individuals arrived in El Paso in the late nineteenth century, "they incorporated the border into a landscape of property, trade, and towns."[212] By the early twentieth century, "the borderlands had become a point of connection and community in the midst of an emerging capitalist economy and the center of a transborder landscape of property and profits."[213] In short, the borderlands experienced a capitalist revolution.

In El Paso, El Chamizal would take the center of this revolution. While Mexicans and Mexican immigrants made up half of the city's population in 1880, Anglo American newcomers quickly established ownership of the local economy and control of the political system.[214] And as Partido Chamizal residents were forcibly evicted and dispossessed of their property, displacement anchored Anglo American property relations, rights, and ultimately power by gradually securing Anglo American whiteness with landed property and naturalizing Mexicanness with landlessness, placelessness, and exploitability.[215] The structures of white settler colonialism unfolding within Partido Chamizal were thus inescapably intertwined with racial capitalism, as dispossessive regimes of accumulation through differentiation exploit and expropriate both labor and land.[216]

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211 In 1880, the population in El Paso is 736 with 50% beings Hispanic. By 1890 the population is 10,388 with 50% Hispanic. In 1920 it is 77,560 with 51% Hispanic. See: Martinez, *Latinx El Paso,* xvii.

212 Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton and Oxnard: Princeton University Press, 2011), 4.

213 St. John, *Line in the Sand*, 64.

214 Martinez, *Latinx El Paso*, xvi.

215 For more on dispossession and power see: Robert Nichols, *Theft is Property: Dispossession and Critical Theory* (Durham and London: Duke University Press, 2020).

216 For more on the relationship between settler colonialism and racial capitalism, See: Byrd et al., *Colonial Racial Capitalism*, 4-5.

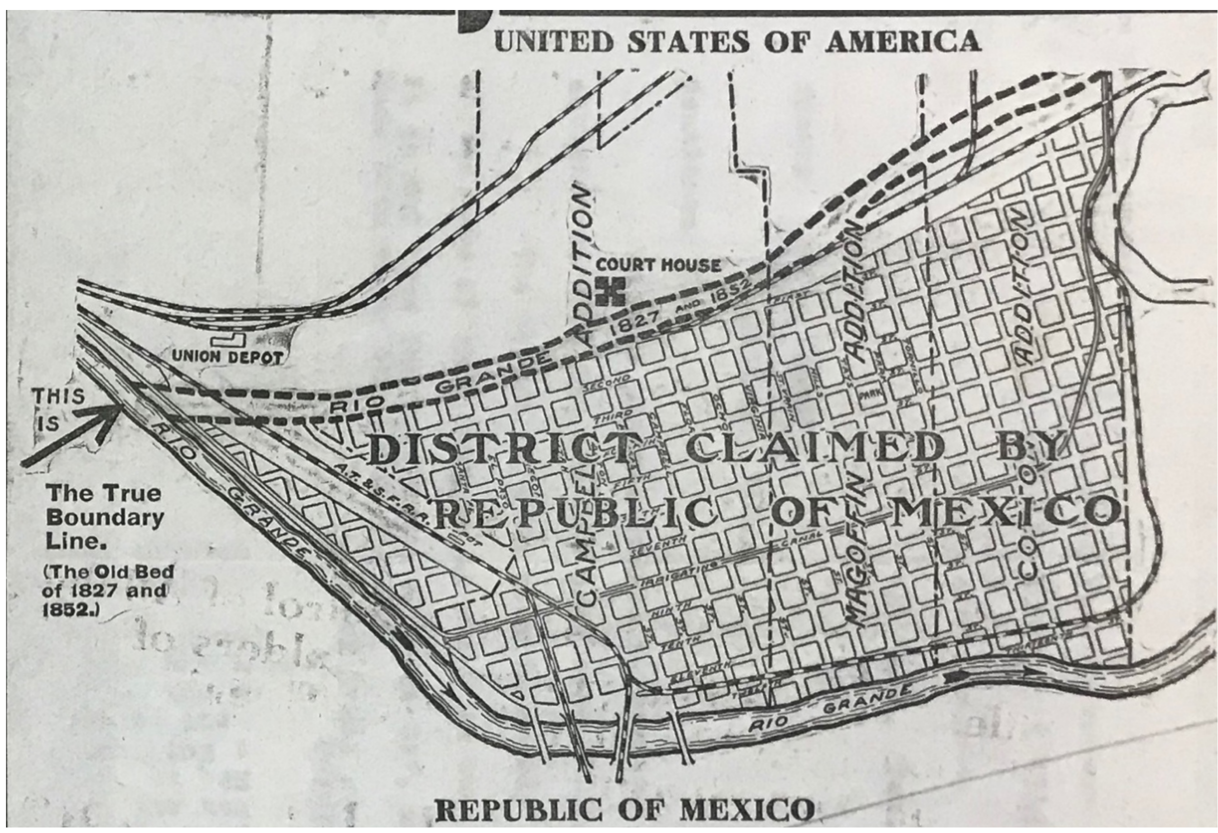

Figure 20: Map of Partido Chamizal boundaries.
Source: Chamizal Title Company Papers, Arizona Historical Society.

Historians have rightly noted that this economic boom would not have been possible without the availability of cheap Mexican labor; but they have overlooked how this boom would not have been possible without Anglo American theft of El Chamizal through their application of the law of accretion. Of course, it didn't matter to these land speculators that Cushing's opinion did not have the status of a formal inter-governmental agreement.[217] What mattered was that Cushing's opinion offered them the discursive framework and legal infrastructure through which to narrate,

[217] Only until 1884, nearly thirty years after Cushing's 1856 opinion, did Mexico formally agree to the law of accretion via treaty with the United States.

Figure 21: Map of El Chamizal showing the Cotton, Magoffin, and Campbell Additions to the City of El Paso. Source: Chamizal Title Company Papers, Arizona Historical Society.

rationalize, and assert their legitimate settlement and exploitation of El Chamizal for capital gain. In fact, when the Campbell Real Estate Company began zoning parts of the Chamizal Land Grant into the Campbell Addition, the company insisted that the law of accretion rendered their settlement of the area legal, arguing that Mexican titles to the land had been "annulled and defeated by a change in the channel of the Rio Grande."[218] Landowners and residents in Partido Chamizal refused this logic and publicly declared so. "Such possession and disposition by said Campbell Real Estate Company of [my] property was without title, right, or permission acquired from me," Garcia del Barrio

[218] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 9.

proclaimed in a 1905 affidavit, "and said land is now being held, claimed, and used by persons who claim to have purchased the same of said Campbell Real Estate Company."[219] As I show in the following section, El Paso's application of the law of accretion to rationalize its American settlement did not go unchallenged.

Chamizal Case No. 4: The Great Floods & the Accretion/Avulsion Puzzle

While the nascent settler community of Anglo El Paso had used the law of accretion to assert their legitimate possession of settling El Chamizal, their application of this law was highly debatable, fraught, and challenged by the Mexicanos who claimed to have witnessed the great floods of the 1860s that moved this land north of the river. In almost every instance, Paso del Norte residents like Pedro Garcia del Barrio insisted that the river had moved suddenly via avulsion—making El Chamizal the rightful property of the Mexico. Only after years of organized protest, however, when the United States and Mexico formally established the International Boundary Commission (IBC) in 1889 to settle international land and boundary disputes, would Garcia del Barrio submit his first official petition in 1894 against the United States. In this petition, Garcia del Barrio explained that his grandfather, Lorenzo, had maintained peaceful possession of the Chamizal Grant until his death in 1865.[220] It was only after an "abrupt and sudden change" in the river in 1873, he continued, that the property was transferred north of the river.[221] Thereafter, "a few North Americans, who supposing this land to belong to the United States of North America, pretended to come into possession of the same."[222] Of course, it is difficult to establish if Gracia del Barrio

[219] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 124.

[220] Victor Guzman Papers, Chamizal National Memorial Archives, El Paso, Texas.

[221] Guzman Papers, Chamizal National Memorial Archives.
[222] Guzman Papers, Chamizal National Memorial Archives.

himself was leveraging the law of accretion to narrate his own settler legitimacy and possession of his property. But what is unmistakable, is that he witnessed these great floods—which was more than many Anglo Americans in the region could say due to having left the city to fight in the Civil War. It would take another five years since Garcia del Barrio submitted his petition before the would review Garcia del Barrio's case and another two years for the IBC to officially accept the case. As the fourth case taken up by the IBC, the proceedings were referred to as "Chamizal case no. 4."

At first, Anson Mills, the U.S. IBC Commissioner, rejected the outline of events summarized in Garcia del Barrio's letter. Instead, Mills argued that since 1852 "the United States held undisputed authority" over the contested land because "no claim was ever officially made or asserted to any part of the land in dispute" until Garcia del Barrio's 1894 letter.[223] These facts, Mills explained, were "of such public notoriety" that he had "not considered it necessary to adduce proof of them."[224] This was to argue, in other words, that despite record of Garcia del Barrio writing letters, organizing meetings, and receiving the written support of the Ayuntamiento of Paso del Norte well before 1894, this record of protest was "unofficial"—and therefore inadmissible evidence—because it took place prior the IBC's official acceptance of Chamizal case no. 4. Only after weeks of debate, did Mills finally concede on this point and agree with his Mexican counterpart, Javier Osorno, that the issue of Chamizal case no. 4 was not simply the case of Garcia del Barrio claiming a small parcel of private property. Rather, the issue at hand was an international land and boundary dispute in which Mexico was claiming on behalf of Garcia del Barrio hundreds of acres within what Mexico called Partido Chamizal and which Anglo Americans called South El Paso.

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[223] "Terms of Submission," 184.

[224] "Terms of submission," 184.

But even once Mills and Osorno agreed that Chamizal case no. 4 involved a much larger swath of land, the question of El Chamizal's boundaries—where it began and where it ended—unraveled before them. When Mills and Osorno consulted Emory and Salazar's Maps No. 29 to resolve answer this question, "there was at once discovered a material discrepancy between the two [maps] and this unfortunate at the most important point with reference to the subject of [El Chamizal]."[225] To Mills and Osorno's dismay, Maps No. 29 differed so plainly and to such a degree that they agreed the maps in no way clarified the location of the 1852 channel. "It then appearing to both Commissioners that there were so many embarrassing questions surrounding the immediate consideration of this case," reads a summary of the case, that Mills and Osorno decided that they would need to resurvey and resecure the sanctify of 1852 channel location.[226] As El Paso's former deputy surveyor, Mills agreed to do the resurvey and placed it along Seventh Street in Segundo Barrio.[227] When he finished, Mills claimed to have finally mapped the river's 1852 location in its proper place.[228] The Mexican government accepted this resurvey, but local Mexicanos were distrustful of Mill's resurvey—especially after reports emerged showing Mills and his brother, W.W. Mills, owned and had sold property within El Chamizal. As one of these reports claimed, in 1887, Anson Mills had conveyed and warranted titles in the disputed area, and being liable on this warranty was an interested party in the Chamizal Dispute.[229] These allegations against Mills only

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225 "Terms of submission," 109.

226 "Terms of Submission," 110.

227 "Terms of Submission," 110; Chamizal Title Company Papers, 1733-1908, MS 978, Arizona Historical Society, Tucson, Arizona.

228 "Terms of submission," 115.

229 Lawyers representing Mexican claimants to El Chamizal argued that the accuracy of Mills' resurvey was highly debatable and was legal grounds for dispute. See: "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 37-39; Chamizal Title Company Papers, MS978, box 1, series 1, folder 8, 9.

intensified as Mills continued to insist in his capacity as the U.S. IBC Commissioner that only a portion of the disputed area had been south of the 1852 boundary.

Eventually, however, Mills conceded and said he was "ready and willing to admit on the part of his government" that at the time of the establishment of the boundary in 1852 El Chamizal "was wholly within the territory and jurisdiction of Mexico."[230] Having finally agreed on this point, Mills and Osorno set out to determine whether the Río Grande had moved from its 1852 location by gradual accretion or sudden avulsion. Answering this question hinged on an interpretation of the law of accretion and the 1884 Treaty. But because both Mills and Osorno argued the law of accretion rendered El Chamizal their own—Mills arguing the river had moved gradually and Osorno arguing it had moved suddenly—the 1884 treaty did little to clarify the issue of El Chamizal. Consequently, Mills and Osorno began soliciting testimonies from "the most trustworthy of the older inhabitants on each side" of the boundary with the hope that these witnesses would clarify whether the river had moved by accretion or avulsion.[231]

To the IBC's frustration, however, the witnesses called to testify on *when* and *how* the Río Grande moved across El Chamizal did little to resolve these questions. Not only did the witnesses describe multiple extraordinary floods in the 1860s that each moved Partido Chamizal north of the Río Grande, but they also arguably described *both* accretion and avulsion shifts at El Chamizal. They did so, for instance, when they said that "the violent changes of the river" at times moved the Río Grande "considerably" south (adjectives and descriptions that correlate with definitions of avulsion) and at other times "imperceptibly" by "wash[ing] away the land" (adjectives that typically correlate

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[230] "Terms of submission," 107-8.

[231] In his 1918 memoir, My Story, Mills describes these witnesses as "the most trustworthy of the older inhabitants on each side" of the boundary. See: Mills, *My Story*, 292.

with accretion).[232] "The best illustration I can give," testified a man named Samuel Schutz, a German immigrant and resident of El Paso summoned by Mills, "is to consider a lot of laborers working on a sandbank and undermining by picks and shovels, etc, enough gravel or sand to make the upper bank too heavy, and give away and fall into the river."[233] As would be increasingly apparent, the floods of the 1860s and the shifts in the river that followed did not lend themselves to the neat definitions of accretion and avulsion as outlined by the law of accretion.

Although floods in the Río Grande that often altogether deluged Partido Chamizal were seasonal expectations, the testimonies collected by the IBC suggest that the great floods of the 1860s were altogether distinct from those that had come before. In 1862, for instance, the river flooded for nearly four consecutive months.[234] So overwhelming was this flooding that Partido Chamizal residents described the banks of the river as folding into themselves and rapidly wearing away at the

[232] Those seven witnesses were Jesus Serna, Ynocente Ochoa, Esperidion Provencio, José M. Flores, Samuel Schutz, Joseph Magoffin, and Mariano Samaniego. In his memoir, W.W. Mills (brother to Anson Mills and one of El Paso's earliest settlers) identified Samaniego, Ochoa, and Flores as among Paso del Norte's most prominent citizens. Samaniego (summoned by Osorno) was born in Bavispe, Sonora and came to Paso del Norte in 1838. He later twice served as the Governor of the state of Chihuahua. Ochoa (summoned by Osorno) was born in Adalma, Chihuahua and came to Paso del Norte in 1849. Historians of the region of often identify him as the wealthiest man in Paso del Norte for his time. Flores (summoned by Mills) was born in San Antonio, Texas, and came to Paso del Norte in 1852. Flores was related by marriage to James W. Magoffin. See: "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal," 82, 89-93; "Terms of Submission," 117-138; W.W Mills, *Forty Years at El Paso, 1858-1898* (El Paso, Carl Hertzog Publisher, 1962), 13, 180, 186. For more on the Samaniego family, see Ernesto Chavez's forthcoming book, *Body and Soul: The Closeted Performance of Ramón Novarro.*

[233] Samuel Schutz was a Jewish man born in Wunnenberg, Westphalia, in 1828. After arriving to the United States in 1848, he came to Paso del Norte in 1854 and began merchandising. He is credited by historians of the region as being instrumental to bringing the electric streetcar line in El Paso. He was also uncle to Solomon C. Schutz, who was elected El Paso Mayor in 1880. For more on Schutz testimony, see: "Terms of submission," 124. For more on Schutz's life, see: Mills, *Forty Years at El Paso*, 189; Arthur H. Leibson, "Schutz, Solomon C.," *Handbook of Texas Online*, accessed May 10, 2023, https://www.tshaonline.org/handbook/entries/schutz-solomon-c.

[234] In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 68.

Río Grande.[235] How long it took for the water to subside is unclear; but when it did, testified one Mexican witness named Esperidion Provencio, "[t]here was nothing left between where the river settled in its new channel at Fifth Street and the old channel it had run in before."[236] So dramatic was this change, that some witnesses suggested it could not be experienced as anything other than a violent change to the landscape and urban blueprint.

But even the flood of 1862 did not compare with the two floods that would soon follow. It was these subsequent floods sometime between 1864 and 1865 that carried the town away, eroding the riverbank at a rate of fifty to one hundred yards a night.[237] "There were instances in which people living in houses a distant fifty yards from the bank, on one evening, had to fly in the morning from the place on account of the encroachments of the river," testified Mariano Samaniego, a prominent Paso de Norte resident and relative to Garcia del Barrio. [238] "It carried away forests without giving time to the people to cut the trees down." Some residents fled. Others stood on the edge of their city watching the buildings and farmlands fall out from under them. "People would be standing on the banks watching a piece go down," testified Provencio, who grew up in Partido Chamizal and was 17 years old in 1865, "and somebody would call 'look out! There is more going to fall!' and they would have to jump to keep from falling into the river." [239] This was the flood, another resident testified, that ran "with such violence" and with "such force that the noise of the banks

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235 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal," 71.

236 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal," 71, 80.

237 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal," 75.

238 Ibd.

239 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 82.

falling seemed like the boom of canon, and it was frightful."[240] It was hard for the witnesses to say when flooding subsided. But once it did, they seemed to all agree, the river settled another seven blocks south along 12th and 13th Streets.[241]

In their cross examinations, Mills and Osorno focused on clarifying *when* and *how* the *most significant* shift in the river took place. As before, answers to these follow-up questions were rarely clear cut. Moreover, although the court records suggests that the floods of 1862 and 1865 were both monumental in moving the river south, many of the witnesses said it was the flood of 1864 that most dramatically shifted the landscape. "The largest change was violent as I have already stated and took place in 1864," testified Ynocente Ochoa, who owned property in Partido Chamizal and was summoned to testify by Osorno.[242] When Mills and Osorno asked if this 1864 change was slow or violent, witnesses insisted the distinction was confusing. "As I said before it was sometimes slow and sometimes violent," replied Ochoa.[243] Another witnesses concurred. "I cannot appreciate what is meant by slow or violent," explained Provencio, "but sometimes as much as fifty yards would be washed away at certain points in a day."[244] With these testimonies being of little help, Mills and Osorno continued to debate amongst themselves the definitions of accretion and avulsion.

What made these debates even more contentious was the timing at which the great floods had taken place, and the implications this timing had on both the United States and Mexico's

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240 "Terms of submission," 118.

241 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 68, 70.

242 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 91.

243 "Terms of submission," 118.

244 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 81.

vigilance over the borderlands. In 1861, with the beginning of the U.S. Civil War (1861-1865), "the United States' tenuous grasp on the borderlands slipped even further" as the state preoccupied itself with war and solicited frontier men from the borderlands to join the Union.[245] Many El Paso residents, among them Mills and Schutz, thus left the city to fight in this war. Paling in population when compared to Paso del Norte, the city of El Paso would not exceed a population of 100 to 200 until as late as the 1870s—and this number was even fewer during the Civil War.[246] "The town [of El Paso] was of no importance," explained the conservative newspaper, *The Washington Star*, predicting that "the arbitrators who are to settle the dispute will have to depend on Mexican testimony."[247]

There were so few Americans in El Paso and the surrounding area during the Civil War that often the bulk of the 1860s—the years in which the great floods took place—are omitted entirely from historical texts on El Paso.[248] In his canonical text, *Out of the Desert*, Owen White traces El Paso history up to 1861 and then resumes his analysis in 1869. The reason being, he suggests, because "in the eight years which had elapsed from 1861 to 1869 El Paso had made practically no growth at all."[249] The implication here is simple: with the Anglo American presence largely gone from the area, nothing of significance (including the great floods that would eventually ensnarled El Paso-Cd

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245 St. John, *Line in the Sand*, 54.

246 Populations estimates for Paso del Norte range from 10,000 to 13,000 in the 1840s through the 1860s. See: Mark Cioc-Ortega, "First Impressions: Anglo Travelers and the Origins of El Paso, Texas, 1846–1852," *Journal of Texas Archeology and History* 2.4 (2015): 58–72; David Dorado Romo, *Ringside Seat to a Revolution: An Underground Cultural History of El Paso and Juarez*, 1893–1923 (El Paso: Cinto Puntos Press, 2005); Mills, *My Story*.

247"Caprices of Rio Grande Make Work for Diplomats," *The Washington Star*, nd, EUA-172-5, Embajada de Mexico en los Estados Unidos (Mexican Embassy in the United States, hereafter EMUS), Archivo Historico de la Secretar ıa de Relaciones Exteriores, Mexico City, Mexico (Historical Archive of the Secretariat of Foreign Relations, hereafter SRE).

248 In *Out of the Desert*, Owen White writes that between 18961-1869 "there were fewer Americans in the town and the surrounding territory than there had been before the war." See: White, *Out of the Desert*, 72.

249 Ibd.

Juárez politics) happened in the region. The timing of these floods was similarly inconvenient for the state of Mexico. While Americans were distracted with the Civil War, Mexico was preoccupied with its own war. In 1862, French troops invaded Mexico City and installed their own puppet emperor of Mexico. Mexico's President, Benito Juárez, was forced to evacuate the capital and retreat to Paso del Norte to live in exile. As a result of the war, northern Mexican settlements like Paso del Norte were left to their own defenses until French troops withdrew in 1867. It was not insignificant, then, that the great floods that became the center of Chamizal case no.4 took place during a time of profound political distraction for both Mexico and the U.S.

Although it likely deeply trouble Mills that he had not been present in the region to witness the great floods of the 1860s himself, the more complicated truth was that the processes that governed the Río Grande at El Chamizal defied neat definitions of accretion and avulsion. Even trained engineers later hired to study the Río Grande through the two cities were taken aback by the river's character. "The river's work of altering its bed to suit the necessities of the moment is never ending," reported one U.S. engineer. "I have been unable to learn whether this movement has been continuous throughout the thirty years, or whether it has been intermittent."[250] Even so, Mills and Osorno dared not admit that the river refused to abide by their rules of accretion and avulsion, that it refused to be pinned down in some neat, orderly way, that it remained outside their knowing. As representatives of their respective settler states, Mills and Osorno refused to admit the river was not some passive thing that would easily submit to their expectations and definitions.

Instead, Mills and Osorno each relentlessly insisted that the law of accretion rendered El Chamizal the possession of their respective states. In any case, however, arguing for their respective state's legitimate possession of El Chamizal was challenging. Likely aware of the challenge, Mills

250 "Terms of submission," 141.

initially said "he did not feel authorized to admit the proffered testimony as proper evidence in the case according to the [1884] Treaty."[251] Somewhere along the way, however, the court record suggests that Mills became convinced he could successfully leverage these testimonies in the United States' favor. Even though witnesses had used the word "violent" to describe sudden changes in the river, Mills discounted these descriptions of an avulsion change. He did so largely by emphasizing the instances in which witnesses used the word "gradual" to describe their experience of the river's shifts.[252] "I relied throughout on the plain common-sense of the English of Articles I and II of the Treaty of November 12th 1884," Mills wrote in 1896 to the U.S. Secretary of State, "the documentary evidence produced and the truthful and conflicting testimony of the seven witnesses examined, a majority of whom were Mexican citizens and four of whom unconscious of its significance in the Treaty, used the word gradual as descriptive of the river's movements."[253] As such, Mills concluded, "No amount of special pleading can distort any of this evidence from their truthful significance and just interpretation of the case."[254] As he had always done, Mills could not—would not—publicly imagine the river *not* moving in the U.S.'s favor. Osorno, on the other hand, was convinced the river had changed its path by avulsion. "Who, unless blinded," Osorno argued, "can sustain any longer

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251 "Terms of submission," 107.

252 Mills' position here was notably different from how he had engaged the Río Grande's creation of bancos elsewhere along the international boundary. In his 1918 memoir, *My Story*, Mills suggests that the river's meandering and creation of bancos both north and south of El Chamizal were the result of a combination of both accretion and avulsion shifts. The river, he writes, was "constantly changing by erosion and deposit." "Generally, this change took place slowly," Mills continues, "by erosion and deposit of matter entirely in suspicion; but frequently hundreds of acres would be passed in a single day by a cut-off in a bend of one channel, and sometimes the bed would suddenly change from one firm bank to the other, a distance of perhaps 20 miles in length and 6 miles in width." These remarks suggest that while Mills was able to recognize in his capacity as U.S. IBC Commissioner how the river's movements were a tightly tangled process of both accretion and avulsion, he nonetheless refused to apply this understanding to the river at El Chamizal. For more see: Mills, *My Story*, 265, 282.

253 "Terms of submission," 101.

254 "Terms of submission," 101.

that a river so inconstant as the Bravo does its work of destruction step by step and degree by degree" as the term accretion implied?[255] Surely, he added, any reasonable person would agree that the "tremendous, destructive power" of this river's meanderings—while at times *characterized* by erosion—could only be *experienced* as avulsion.[256] Mills rejected this interpretation, arguing that the law of accretion only allowed for the river's meanderings to be one of two distinct classes: either accretion or avulsion. "Any other unspecified change, as is implied in the major proposition of the syllogism of the Mexican Commissioner," Mills contended at the time, "we have no authority to consider, but that our respective conclusion must be in favor of one or the other, as specifically stated in the [1884] Treaty."[257]

Far more than demonstrating whether the river had moved by accretion or avulsion, the IBC testimonies and cross examinations illuminate how both Mexicanos and Anglo Americans anxiously confronted El Chamizal's territorial ambiguities and the river's improvised terrain by trying to discipline the land according to their distinct settler spatialities. Often they did so by attempting to modify the built environment through the construction of dams and levees as means to stabilize the boundary and protect their properties.[258] In one affidavit, a man named Price Cooper explained that following the 1862 flood, El Paso's Town Marshall Captain Albert H. French "put in a dam to prevent the river from returning to its old channel of 1853."[259] According to another witness,

255 "Terms of submission," 191.

256 "Terms of submission," 191.

257 "Terms of submission," 211.

258 For more on how residents in this region engaged the built environment and reshaped the natural landscape at this time, see: Sarah Sears, "Beyond the River's Violence: Reconsidering the Chamizal Dispute, Diplomatic History, 00.0 (2023): 1-27.

259 Historians often credit Price Cooper with being the earliest Anglo American settler to the El Paso-Cd. Juárez region. Although some accounts say he arrived in the region sometime in the 1820s, Cooper himself said in his 1896 affidavit to the IBC that he came to El Paso in 1842 when Texas was still part of Mexico. This date, however, may be a typo in the written affidavit, as other accounts say he arrived in El Paso in 1824.

Samaniego, this damn had been strategically placed in such a way to take advantage of the law of accretion by "throwing the current more to the Mexican side, because he had land on the other side which would be increased."[260] "His main reason [for constructing the dam] was to do harm to the Mexican bank," Samaniego explained.[261] Paso del Norte residents responded in turn, explained Cooper, by digging their own channel "with the object of changing the river to its old place." However, Captain French's dam farther up prevented the river from running into the channel constructed by Mexicanos.[262] These testimonies not only reveal "locally generated solutions" to the Chamizal Dispute, but also "expose a history of claimants' attempts to mitigate flooding and modify the riverbanks to preserve their homes, properties, businesses, and livelihoods, showing that they understood the transnational stakes of the river's unfettered movement."[263] When Mills pointed to the channel constructed by Mexicanos as evidence for Mexican interference in the Chamizal Dispute, Osorno suggested that perhaps Mexico possessed the right to "re-establish the bed of the river in the state it held when the united commissioners surveyed the [1852] line of boundary."[264] In this way, the IBC testimonies and official responses from Mills and Osorno tell a story where

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Cooper was born in Pennsylvania in either 1807, 1810, or 1812. In El Paso, he worked as a wagon boss, stage driver, farmer, and contractor. Albert H. French, a Union Captain in the 1st California Cavalry during the Civil War, came to El Paso in 1864. He would become friend and business associate of W.W. Mills, a wealthy landowner in the city, and by the 1870s was a member of the State Police. For more on Cooper's affidavit, see: "Terms of submission," 158. For more on Cooper's life, see: Mills, *Forty Years at El Paso*, 176; Cleofas Calleros and Joe Parrish, "Has Daughter of El Paso's First Settler Been Found?" *El Paso Times*, January 17, 1965. For more on Albert H. French, see: Mills, *Forty Years at El Paso,* 180.

[260] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" Republic of Mexico Secretary of Foreign Relations, Library of Congress, 78.

[261] Ibd.

[262] "Terms of submission," 159.

[263] Sears, Beyond the River's Violence," 9, 8.

[264] "Terms of submission," 142.

Mexico and United States and their accompanying settler subjects struggled with and against one another to put the river "in its proper place"—be it the 1852 demarcation as argued by Mexico or a channel further south as argued by the United States.

The IBC is a site where we can see and trace how these two setter states were jockeying and floundering over whose settler claims to place and territory is more legitimate. To their frustration, this land offered neither one of them this legitimacy and satisfaction. While both Mills and Osorno maintained their positions on the matter, what went unsaid were the larger implications of acknowledging the law of accretion's applicablity at El Chamizal. Only later in his 1918 memoir did Mills hint at these implications. If the change at El Chamizal had *not* been slow and gradual as defined by the law of accretion, he explained, "there will never be such a one found in all the 800 miles where the Rio Grande, with alluvial banks, constitutes the boundary."[265] And if this was true, not only would "the object of the treaty will be lost to governments, as it will be meaningless and useless," but also that:

> the boundary will perforce be through all these 800 miles continually that laid down in 1852, having literally no points in common with the river, and to restore and establish this boundary will be the incessant work of large parties for years, entailing hundreds of thousands of dollars in expense to each government and uniformly dividing the lands between the nations and individual owners. That are now, under the suppositions tha for the past forty years the changes have been gradual, and the river accepted generally as the boundary, under the same authority and ownership; for it must be remembered that the river in the alluvial lands, which constitutes 800 miles, has nowhere today the same location it had in 1853.[266]

If, in other words, they agreed that the law of accretion was useless, then the entirety of the Texas-Mexico boundary and propertied claims along that boundary would have been

[265] Mills, *My Story*, 293.

[266] Ibd.

put into question. Ultimately unable—or unwilling—to come to an agreement, Osorno and Mills tabled the case until a later date.

In later years, Mills would trivialize and mask the implication of his disagreement with Osorno. "Commissioner Osorno and I disagreed on the proper construction of the words 'slow and gradual, erosion and deposit of alluvium,'" he wrote, "rather than on matters of fact."[267] This remark, though seemingly objective in its historical posture, illuminates how language and cartographic knowledge are in fact often deeply subjective and have very real consequences. His posture, however, also identifies another attempt to to conceal and deny the unspeakable: that the Río Grande and El Chamizal remained unknowable in ways that were self-determined and that both the cities of El Paso and Cd. Juárez were inescapably wrapped up in this persistent mystery.

Violence & Self-Making in El Paso: Communal Scenes of Mexican Dispossession

When historians of El Paso omit El Chamizal from El Paso's origin-story, they are not simply ommitting the relevance and complexity of this terrain in the making this American city. More than this, they are omitting the coordinated violence carried out by Anglo El Pasoans toward Partido Chamizal residents in the name of land accumulation and racial terror. As one Pablo Gumesindo Tellez remembered of the great floods of the 1860s, "when the water dried, many returned to their properties but the Americans chased them away, treated them very badly, so they didn't' return out of fear."[268] As I will show, then, when historians of this city trivialize El Chamizal, in other words, they are trivializing the role of racial violence in establishing Anglo American propertied control of space north of the river and this region's broader socio-racial power relations.

[267] Mills, *My Story*, 294.

[268] Translated from Spanish. Chamizal Title Company Papers, MS978, box 7, folder 65.

At the very same time that Mills and Osorno were meeting to debate Chamizal case no.4, Anglo Americans in this nascent settler city had already come to their own solution to this territory conflict. By this point in time these men had learned that simply denying Partido Chamizal's presence and imposing a new urban blueprint atop it were not enough to perpetuate the colonial project that is El Paso, Texas. It was not enough because Partido Chamizal and its Mexican claimants refused to go away. Indeed, despite what Anglo El Paso perceived to be the totality of their spatial control, the remnants of Partido Chamizal across the landscape punctured their propertied control of space north of the river. Anglo Americans responded through the coupling of denial and racial violence.

In the beginning, it was only the threat of violence; but it was ever-present and a social fact felt everywhere. It was palatable, hanging in the air, a reminder that the city was constantly on the verge of violence. In an 1896 letter, even Mills acknowledged this racial hostility's presence and its potential to turn violent. "So far I have been able to persuade [American claimants] not to enforce their writs, hoping that the Commission would arrive at an agreement," Mills wrote to the U.S. Secretary of State concerning a series of writs of ejectment issued to Partido Chamizal residents by local courts. "But now as soon as it shall become known that [the Commission has] disagreed," he continued, "no doubt the United States holders will demand of the courts the enforcement of the writs of ejectment, and if the Mexicans should resist, there may be bloodshed."[269] As is always true of white settler colonialism, the widespread dispossession that eventually took hold of Partido Chamizal involved "a complicated gesture of simultaneously avowing and disavowing the rule of law, that is, of squaring their reliance on extralegal violence as constitutive to their founding and continued expansion with their self-image as distinctly free societies governed by the rule of law."[270]

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[269] "Terms of Submission," 102-103.

[270] Nichols, *Theft is Property,* 38.

Soon, violent legal and extralegal evictions of Partido Chamizal claimants came to define daily life for Mexicanos in the district, and by the 1890s were rampant. Word spread among Partido Chamizal residents that armed Anglo American men were arriving in the dark hours of morning to tear down their homes. They were coming, neighbors told one another, with legal papers in their pockets and sledgehammers in their hands. When they came for you with the law and batons in their hands, if you refused to voluntarily leave, violence was the only sure thing to transpire. They didn't care if you refused; in fact, it stoked their appetite for violence. Like elsewhere in state of Texas at the turn of the twentieth century, the violent spectacle of Mexican eviction and displacement inscribed onto the landscape a new racial hierarchy.[271] In El Paso, these violent spectacles relegated Partido Chamizal's mostly elite class of Mexican "Spanish" land grant families into a racial and class category inferior/Other to Anglo Americans.[272] To this end, these scenes of subjugation not only transformed Partido Chamizal into the Anglo American dominated city of El Paso, but also rooted in the exclusion of Partido Chamizal's mostly elite Mexican landowners from their previous claim to whiteness and landed property.[273]

Enacting the Campbell, Magoffin, and Cotton Additions atop Partido Chamizal was not an effortless endeavor taking place across a vacant landscape or hinterland as some historical texts suggest. Rather, enacting these subdivisions was a coordinated crime among Anglo El Pasoans that

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[271] For more on racial violence toward Mexicans in 20-century Texas, see: Muñoz-Martinez, *The Injustice Never Leaves You*.
[272] For more on the interconnectedness between dispossession and race-making in early Texas history, see: David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1987).

[273] For these landholding, mostly elite Mexican citizens in Partido Chamizal, dispossession had to do with their own racial claims to Spanish whiteness and the Mexican state's settler colonial claims of possession and legitimacy upon the land—which was similarly rooted in landed property and the desecration of Apache, Manso, and Suma claims to this region.

took place in the well-established Mexican district of Partido Chamizal.[274] This crime was a highly organized, communal endeavor that relied on a complex web of Anglo American stakeholders, their allies, violence, and the law. Indeed, involving both extralegal violence and the law, the violent dispossessed that ensued are remarkable example of how the settler state posits itself "as the legitimate source of law, while acknowledging, even fostering, the extralegal mechanisms to make this possible."[275]

One morning, for instance, Partido Chamizal resident Santiago Alvarado received a notice in the mail stating that the Campbell Real Estate Company had filed a suit to dispossess him of his property in the Campbell Addition. Alvarado had grown up in Partido Chamizal and had inherited his father's 1834 Mexican property in the district. To his confusion, then, the letter explained not only that his Mexican title to the property was invalid, but that the property was the legal possession of A.M. Loomis.[276] Consequently, Alvarado had two options: First, to pay a bond of $2,400 to temporarily stave-off his removal until a court determined otherwise; or two, immediately vacate the premises. "I was not, and am not, a man of wealth," Alvarado recalled nearly a decade later, "and consequently was unable to give the large bond that was required of me in order to retain possession

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[274] In 2019, Nestor Valencia gave a presentation, entitled "El Chamizal and El Segundo Barrio," at the Chamizal National Memorial to celebrate National Hispanic Heritage Month. As part of that presentation, Valenica began by saying: "Fifty-five years ago, the land that we are on was really nothing but a vacant piece of land." Not only is this statement factually incorrect, but it also reifies colonial narratives of terra nullius that this region was a hinterlands free for the taking for Euro-Anglo colonists who could settle and exploit the land. I was present for Valencia's presentation and have a personal video recording of this presentation.

[275] Nichols, *Theft is Property,* 38.

[276] In a recent interview, El Paso historian Fred Morales identified Santiago Alvarado as Segundo Barrio's first settler after receiving a Mexican land grant in the area in 1834. Though I disagree with Morales here, his research on Alvarado is noteworthy. See: Natassia Bonyanpour, "More than a century old, many still call El Segundo Barrio home," *NewspaperTree*, March 12, 2016: https://web.archive.org/web/20160312081859/http://newspapertree.com/articles/2013/11/15/more-than-a-century-old-many-still-call-el-segundo-barrio-home

of my property."[277] The consequences for this "defiance" were severe. It was pouring rain that early morning in 1897 when two men hired by A.M Loomis came for Alvarado and his family.[278] After first tearing down the property fence, they tore down the front door and entered the house. Alvarado and his family were still sleeping, but the men did not care. They grabbed Santiago and then his wife and children from their beds. They dragged them out the broken front door and into the street. The muddy water in the unpaved streets pooled around the half-dressed family. And as the family stood there watching these men destroy what was left of their home, Santiago's wife wept. Drenched, she held a shivering child—their dear baby Marcelino—in her arms. Santiago begged the men to stop; but his cries only egged the men on. "Without avail I protested against being put out in the street with my family at such a time and in the severe weather especially as one of my children was very sick," Santiago later said of that night, referring to his son Marcelino.[279] "[M]y protest availed me nothing." The loss of their home could not have been more devasting until the unfathomable happened: Their baby boy, Marcelino, died soon after from pneumonia. Santiago blamed himself for the boy's death. "As a result of the exposure to the severe weather, in its condition, my child shortly thereafter died," Santiago explained, "and its death is attributable to the fact that I was compelled to expose him to the severe weather that existed at that time." Violent scenes of Mexican dispossession like this became the means through which Anglo El Paso enacted the myth of regeneration through violence by violently constructing their legitimacy and right to the land by any means they saw fit.

277 Chamizal Title Company Papers, MS978, box 7, series 2, folder 56.

278 Fred Morales, "Chronology of the Segundo Barrio Volume 1: 1800-1920," 24.

279 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 110-111.

Through these acts of violence Anglo El Pasoans announced not only their racial dominance, but they also the racialized boundaries for who belonged in El Paso and who did not. Some Partido Chamizal residents chose to abandon their properties altogether rather than come to face to face with the hostility that had so devasted the Alvarado family. Others, however, decided to defend their homes and prepare as best they could for when violence arrived at their doorstep.

Silverio Varela and his brother Francisco, for instance, had grown up in Partido Chamizal and decided that they would not run from the men who would bound to come for their property. So much of their surroundings had changed since they were boys tending to their father's farmlands in Partido Chamizal. Even their address had changed, the name of the street having gone from their childhood Camino Nacional to Stanton Street. Although so much was different, the Varela brothers could not imagine leaving—especially not after only having just recently returned home. Like many Partido Chamizal residents, the Varela family had been forced to abandon their property during the great floods of the 1860s, "as were all those living in that part of the district of El Chamizal that now lies on the northern side of the Rio Grande," Silverio later explained.[280] Only years later, in 1889, did the brothers returned to reclaim the family homestead for their own growing families. But when Silverio and Francisco arrived to what used to be the family plot, they found that parts of the property were occupied by individuals claiming possession under the Campbell Real Estate

[280] Silverio Varela only refers to this man by his last name, therefore obscuring Conklin's identity. According to local newspaper reports from this time, however, there were two prominent Conklins living in El Paso at this time: William Conklin and Thomas H. Conklin. According to El Paso County public records, Thomas H. Conklin purchased properties in the Campbell Addition in 1881 and 1882 as well as property in the Magoffin Addition in 1884. For more on Silverio's affidavit, see: "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 71, 116-118. For more on Thomas H. Conklin's properties, see: The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1881), Book 0001, p. 0583; The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1882), Book 004A, p. 0057; The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1884), Book 0005, 0304.

Company. In turn, the brothers decided to build a home in an unoccupied area of their family plot. There, they lived until 1902 until an Anglo American man came to their doorstep.

Referring to the man only by his last name, Conklin, in a 1905 affidavit Silverio said the man claimed to have purchased from the Campbell Real Estate Company the land upon which the Valera brothers had built their new home. He had only just arrived, but almost immediately Conklin began tearing down the Varela fence. Soon, another man joined him and—as if in coordinated scheme—yet another man named Dix. Together, the three men broke through the property fence and tore away at the Valera house. Silverio protested and left to find an attorney to who could help him. "[I]n the meantime," Silverio recalled, "my brother and his wife arrived on the scene and in an altercation resulting in their protesting against Dix's forceful invasion of our possessions and destruction of our property, Dix made a violent assault on both my brother and my brother's wife, knocked them both down and beat them with a club." [281] When Silverio returned, he too was beaten bloody. "My brother, his wife, and myself were all painfully and seriously hurt and wounded by Dix."[282] The scene was so disturbing that one Paso del Norte resident later said that the brothers were "trampled and even jailed by the Americans in defense of their lands."[283] In some cases, the witnesses explained, "the Americans flogged them [Partido Chamizal claimants], but afterwards they allowed them to reside there, but not possess their properties."[284] Such public scenes of violence and

[281] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 117.

[282] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 117.

[283] Testimony of Pablo Gumesindo Tellez. Translated from Spanish. Chamizal Title Company Papers, MS978, box 7, folder 65.

[284] Ibd.

dispossession were crucial to announcing the supposed end to—or rather, Anglo El Paso's refusal of—Partido Chamizal.

Communal scenes of Anglo American violence toward Partido Chamizal claimants required constant, coordinated vigilance by its perpetrators—so much so that these scenes were made known to Anglo El Paso in advance to their unfolding. One El Pasoan, Edward J. Hogan, recalled in a 1905 affidavit watching armed members of Sorensen & Morgan, a leading contractor firm in El Paso, raid the home of a Mexican tenant in El Chamizal whose landlord held Mexican title to the property.[285] Hogan, who worked in the area, said he had been made aware of Sorensen & Morgan's plans to raid the home several days in advance. "At an early hour in the morning and about the date when I had been told an attempt would be made to take forcible possession of the property, I saw an American named Morgan, a member of the firm Sorenson and Morgan, contractors of El Paso, Texas, go into the said tract of land," Hogan explained, adding, "Morgan came to the place in a wagon and was armed with a gun."[286] "I know that the firm of Sorenson & Morgan took possession of a part of the property," he continued, "and have since remained and are still in possession thereof."[287] Although it is difficult to confirm how often Anglo Americans were called upon as bystanders for scenes of Mexican dispossession, Hogan's testimony does tell us that witness to these spectacles were crucial in establishing a new racial-spatial order and hierarchy in El Paso.

Whether it was through the act of witnessing these scenes of subjugation or actively participating in them, Anglo El Pasoans persuaded themselves of their legitimacy over El Chamizal

[285] Chamizal Title Company Papers, MS978, box 7, series 2, folder 63.

[286] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 105.

[287] "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 105.

Figure 22: Map showing El Chamizal and unknown location for the 1864 Río Grande channel location. Source: Cleofas Calleros Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

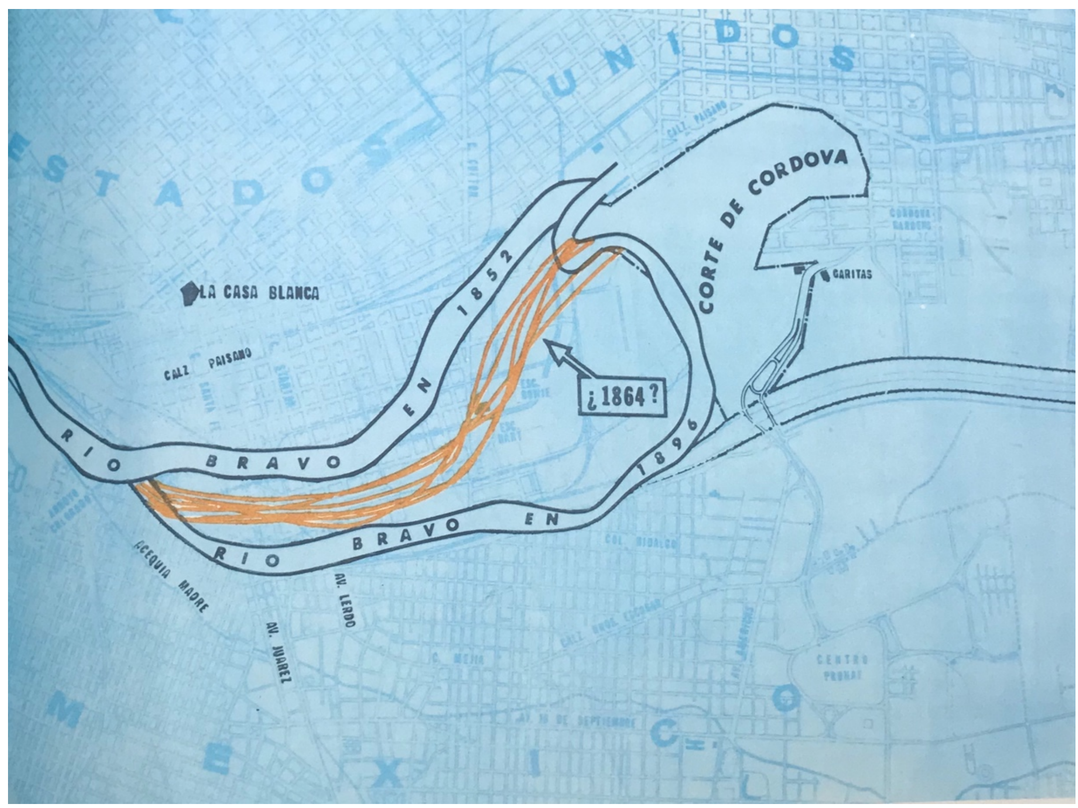

Figure 23: Mexican map showing the unknown location of the 1864 river channel across El Chamizal. Source: *El Chamizal, solución complete: album gráfico* by M. Quesada Brandi.

by gradually replacing Partido Chamizal with their own invented colony. Perhaps more importantly, however, these communal acts of violence locate the coalescence of Anglo American settler subjectivity in El Paso. Indeed, denying Partido Chamizal while simultaneously carrying out extralegal violence toward the district's residents is indicative of Anglo El Paso's active psychic and material destruction/disposal of this place and its people. In fact, this coupling of denial and violence illuminates how "colonial violence [is] a project into which settlers are repeatedly interpellated" in order to come into their own personhood.[288]

Racial violence toward Partido Chamizal residents may have taken hold of the city, but local newspapers did not report on this violence. The absence of such reports is of course indicative of how the official record and its archive is anchored in deliberate erasures. Reports on racial violence may have been far and few between in El Paso, but the supposed disappearing of El Chamizal was not. In a 1910 article headlined, "Only A Death In 'Ciudad Chamizal—Just One More Poor Old Mexican Man Wasting Away," the *El Paso-Herald* reporter described "Ciudad Chamizal" as a place and a people who were wasting away along the margins of El Paso. Located "at the far end of nowhere," Turner explains, it's a surprise anyone knows how to get there. "Far below Chihuahuita, across wastes of rubbish and sand, close by the muddy, slothful river, is Ciudad Chamizal," the report begins. "It is so called in jest, for only a dozen windworn adobe shacks compose the little 'city' in this disputed zone, where only the poorest of the poor attempt to live." A kind of preemptive obituary, the report focuses on a Mexican man named Ramon Soto, a "laborer" who is on his deathbed surrounded by his six motherless children. Of course, the report is ultimately less about Soto than it is about him as a remnant of Mexican filth and the bygone place of El Chamizal. Cast as extensions of Partido Chamizal's backward, wind worn shacks that will eventually succumb

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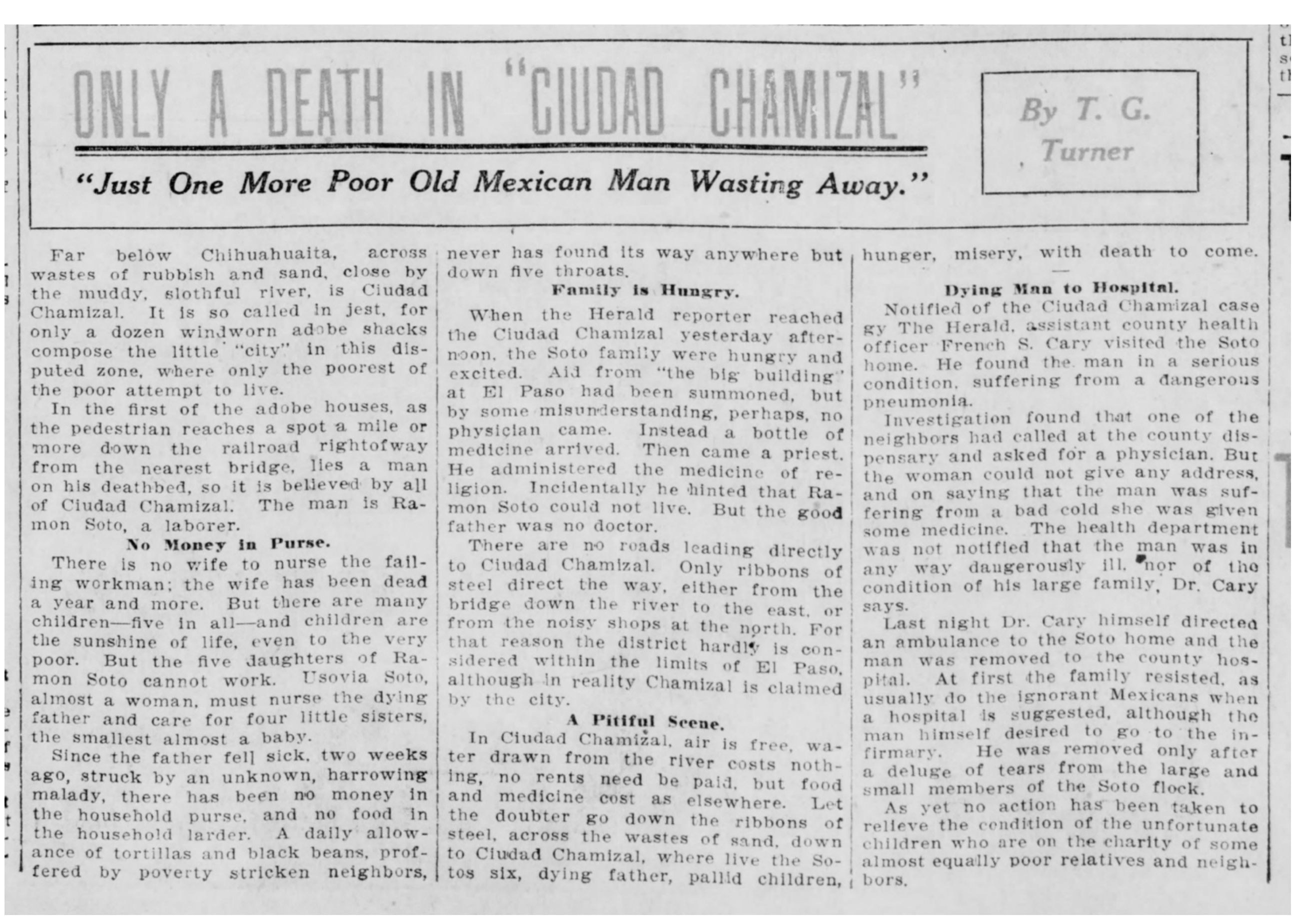
288 Sherene Razack, *Dying from Improvement: Inquest and Inquiries into Indigenosu Deaths in Custody*, (Toronto, Buffalo, London: University of Toronto Press, 2015).



ONLY A DEATH IN "CIUDAD CHAMIZAL"

By T. G. Turner

"Just One More Poor Old Mexican Man Wasting Away."

Far below Chihuahuaita, across wastes of rubbish and sand, close by the muddy, slothful river, is Ciudad Chamizal. It is so called in jest, for only a dozen windworn adobe shacks compose the little "city" in this disputed zone, where only the poorest of the poor attempt to live.

In the first of the adobe houses, as the pedestrian reaches a spot a mile or more down the railroad rightofway from the nearest bridge, lies a man on his deathbed, so it is believed by all of Ciudad Chamizal. The man is Ramon Soto, a laborer.

No Money in Purse.

There is no wife to nurse the failing workman; the wife has been dead a year and more. But there are many children—five in all—and children are the sunshine of life, even to the very poor. But the five daughters of Ramon Soto cannot work. Usovia Soto, almost a woman, must nurse the dying father and care for four little sisters, the smallest almost a baby.

Since the father fell sick, two weeks ago, struck by an unknown, harrowing malady, there has been no money in the household purse, and no food in the household larder. A daily allowance of tortillas and black beans, proffered by poverty stricken neighbors, never has found its way anywhere but down five throats.

Family is Hungry.

When the Herald reporter reached the Ciudad Chamizal yesterday afternoon, the Soto family were hungry and excited. Aid from "the big building" at El Paso had been summoned, but by some misunderstanding, perhaps, no physician came. Instead a bottle of medicine arrived. Then came a priest. He administered the medicine of religion. Incidentally he hinted that Ramon Soto could not live. But the good father was no doctor.

There are no roads leading directly to Ciudad Chamizal. Only ribbons of steel direct the way, either from the bridge down the river to the east, or from the noisy shops at the north. For that reason the district hardly is considered within the limits of El Paso, although in reality Chamizal is claimed by the city.

A Pitiful Scene.

In Ciudad Chamizal, air is free, water drawn from the river costs nothing, no rents need be paid, but food and medicine cost as elsewhere. Let the doubter go down the ribbons of steel, across the wastes of sand, down to Ciudad Chamizal, where live the Sotos six, dying father, pallid children, hunger, misery, with death to come.

—

Dying Man to Hospital.

Notified of the Ciudad Chamizal case gy The Herald, assistant county health officer French S. Cary visited the Soto home. He found the man in a serious condition, suffering from a dangerous pneumonia.

Investigation found that one of the neighbors had called at the county dispensary and asked for a physician. But the woman could not give any address, and on saying that the man was suffering from a bad cold she was given some medicine. The health department was not notified that the man was in any way dangerously ill, nor of the condition of his large family, Dr. Cary says.

Last night Dr. Cary himself directed an ambulance to the Soto home and the man was removed to the county hospital. At first the family resisted, as usually do the ignorant Mexicans when a hospital is suggested, although the man himself desired to go to the infirmary. He was removed only after a deluge of tears from the large and small members of the Soto flock.

As yet no action has been taken to relieve the condition of the unfortunate children who are on the charity of some almost equally poor relatives and neighbors.

Figure 24: Newspaper article, "Only a death in 'Ciudad Chamizal." Source: *El Paso Herald,* March 18, 1910.

to the wheel of progress, Soto and his family are pawns in the reporter's story that El Chamizal is on the brink of disappearing. As Turner describes it, Ciudad Chamizal is so obscure—already being swallowed up by the convergence of trains that cross it—that it is nearly gone. "There are no roads leading directly to Ciudad Chamizal," he continues. "Only ribbons of steel direct the way […] For that reason the district hardly is considered within the limits of El Paso, although in reality Chamizal is claimed by the city." The coordinated crimes of Mexican dispossession that swept across Partido Chamizal cannot be divorced from the uneven development and racial structural neglect that produced "Ciudad Chamizal."

The transformation of Partido Chamizal from a sophisticated ranch community of *ejido* and private landholders and farmers to Turner's rendition of "Ciudad Chamizal" and the Mexican "slums" of El Paso's First and Second Wards is rooted in these violent spectacles and their destruction of Partido Chamizal.[289]

The 1911 International Arbitration Tribunal

When an international arbitration tribunal tasked with picking up Chamizal case no. 4 where Mills and Osorno left off began its deliberations in 1910, Anglo El Paso had already carried out their coordinated crime to violently transform Partido Chamizal into the disempowered First and Second Wards of El Paso. Yet, from the perspective of the tribunal, the question of who held sovereignty over El Chamizal had yet to be determined. To help mitigate some of the issues that Mills and Osorno confronted, a Canadian judge named Eugene Lafleur was added to the IBC to act as the tie-breaking vote should Mills and Osorno continue to disagree.[290] On June 16, 1911, the tribunal issued its official ruling. That is, that the Río Grande had moved by "rapid erosion" in 1864 and

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[289] In his book *Desert Immigrants*, Mario Garcia discusses the substandard housing, uneven infrastructure, and sanitation issues of Chihuahuita that marked the area as a Mexican slum. See: Mario, Garcia, *Desert Immigrants,* 143.

[290] The international arbitration tribunal picked up deliberations where Mills and Osorno had left off in 1896 and the case eventually cumulated around six questions: (1) *Was the boundary line established by the 1848 and 1853 Treaties along the Rio Grande fixed and invariable?* On this issue, the Lafluer voted "no" with US IBC Commissioner Anson Mills. Fernando Beltra y Puga, the Mexico IBC Commissioner, voted yes. (2) *Had the United States acquired title to the Chamizal through uncontested possession and usage?* All three Commissioners voted "no." (3) *Did the Treaty of 1884 apply to all changes in the Río Grande—even those before 1884?* The Canadian Commissioner voted "yes" with the United States. Mexico voted "no." (4) *Was the entire Chamizal Zone formed by accretion within the meaning of the 1884 Treaty?* On this question, the Canadian Commissioner voted "no" with Mexico. The United States voted "yes." (5) *Was the formation of the Chamizal Zone up to 1864 due to accretion?* On this issue, the Canadian voted "yes" with Mexico. Mills declined to vote, arguing that the tribunal was not empowered to divide the tract between the two countries. (6) *Was the whole erosion which occurred in 1864 and after that date slow and gradual?* To this question, both the Canadian and Mexican Commissioners voted "no." Mills declined to vote for the same principal reason as before, adding that locating the 1864 channel was also close to impossible. See: "The Chamizal Settlement," Department of State, Washington D.C., July 1963.

EL PASO HERALD-POST

LOST RIVER BED IS INTERNATIONAL MYSTERY

U.S.-Mexico Land Dispute Settlement Hinges On Finding 1864 Rio Grande Channel

Somewhere in El Paso between Sixth street and the Rio Grande is a lost river.

It is the old bed of the Rio Grande, suddenly abandoned in 1864. Its location has been an international mystery for more than 60 years.

If the old river bed could be definitely located the famous Chamizal zone case could be speedily settled.

And if a settlement were reached in the Chamizal case, which is a dispute between the United States and Mexico over a slice of south El Paso, the geography of El Paso might be revised.

The U. S. immigration station at the Santa Fe bridge would be moved north a few blocks. It would be located just north of the middle of the 1864 river bed—wherever that is.

And contrary to more general belief. Mexico does not claim all the Chamizal zone, but only that part of the zone south of the 1864 river bed.

The zone itself is bounded on the north by Sixth street. The zone boundary line enters the U. S. on the west at the Rio Grande two blocks directly south of the old plant of the El Paso Gas Company. Running along Sixth, the zone boundary joins the present international boundary on the east near Cordova island, directly south of the International Brick Co. plant.

The zone covers 600 acres. Property therein is assessed at about $3,000,000.

The northern boundary of the zone is the Rio Grande's 1852 channel.

After 1852 the Rio Grande began moving southward—slowly. But in 1864 the river moved south quickly and violently, due to a flood.

Why the Dispute

If the Rio Grande had moved slowly all the time, changing its bed gradually, there would have been no dispute. But treaties provide that the old river bed shall be the boundary, when the river jumps out of it suddenly.

In 1910, Eugene LaFleur, Canadian arbitrator, said in effect:

"All that territory over which the Rio Grande moved slowly since 1852 is American territory; and all that territory over which the Rio Grande moved quickly and violently is Mexican territory."

Evidence proved that the Rio Grande began to move quickly and violently in 1864.

Thus, the 1864 river bed is the boundary. Very simple.

The only difficulty is that so far nobody has been able to establish definitely where the 1864 river bed is!

U. S. Balked at Decision

The United States refused to accept the LaFleur award to Mexico in 1910, contending that the 1864 channel designated by LaFleur as the proper boundary could not be found.

Ambassador Clark was near an agreement with the Mexican government in 1932, but a change of officials upset the negotiations.

In April of last year reports of a possible settlement arose when Foreign Secretary Eduardo Hay came north to study boundary problems.

Hope for settlement of the problem was revived in March of this year when the Chamizal was considered at a conference in Washington. The conference was attended by L. M. Lawson, international boundary commissioner, and Joaquin Pedrero Cordova, commissioner, and Gustavo P. Serrano, water commissioner, of the Mexican section.

One informal suggestion has been that the United States exchange San Elizario Island for the Chamizal zone.

Figure 25: 1939 report on unknown location of the 1864 Río Grande channel location between El Paso and Cd. Juarez. Source: *El Paso Herald Post,* July 17, 1938.

therefore was to be treated as an avulsion shift.[291] By this logic—and despite fraught and cursory documentation for the 1864 channel location—the tribunal declared that all land all land north of this 1864 channel was U.S. territory and that the land south of this channel was to be returned to Mexico as El Chamizal.[292]

The ruling merited the front page of *The El Paso Morning News* on June 16, 1911. Cast as "the decision that failed to decide," the newspaper chastised the tribunal for having "no idea how such a boundary could be located and did not know of any person who did know."[293] It was on these

[291] It is difficult to say how exactly the tribunal decided that the 1864 shift was the most significant change in the river given witnesses described at three great floods in the 1860s that dramatically transferred Partido Chamizal north of the Río Grande. The decision, however, appears to be for the sake of narrative simplicity and reifying the integrity of the law of accretion. See: "Chamizal Arbitration Court Announces Its Decision," *El Paso Morning Times*, June 16, 1911.

[292] "Reports of International Arbitral Awards / Recueil Des Sentences Arbitrales," The Chamizal Case (Mexico, United States) June 15, 1911. United Nations, 2006: www.internationalwaterlaw.org/cases/Chamizal_Arbitration.pdf

[293] "Chamizal Arbitration Court Announces Its Decision," *El Paso Morning Times*, June 16, 1911.

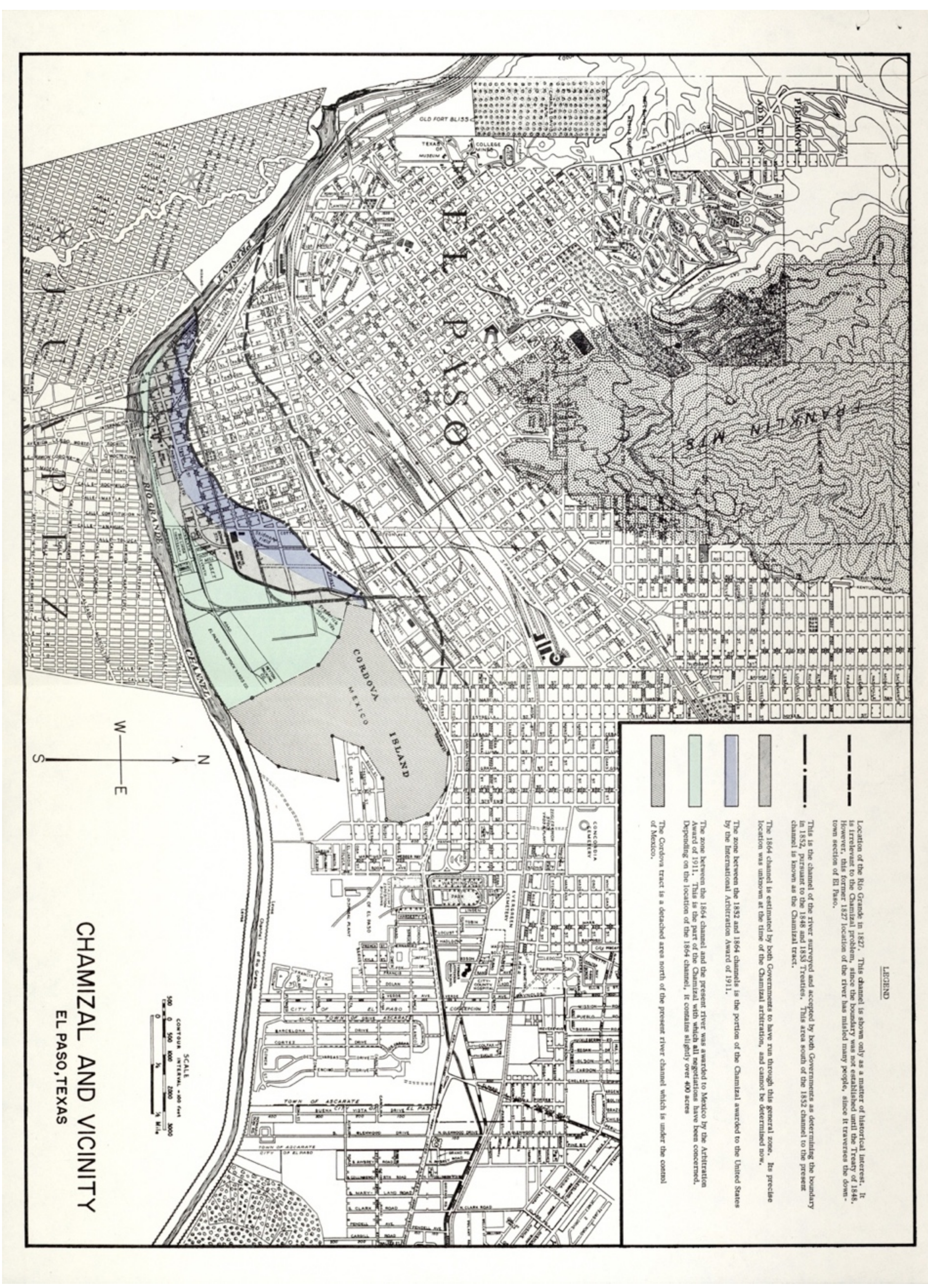

Figure 26: Map showing El Chamizal territory included (green) and not included (blue) as part of the Chamizal Treaty. Source: Cleofas Calleros Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

grounds that Mills, who had previously agreed to accept whatever decision was issued by the tribunal, refused to the final ruling. In his dissent, Mills argued that the 1864 channel was impossible to locate and that, in any case, "rapid erosion" was an unacceptable category under the law of accretion. Anglo El Paso applauded Mills' refusal. Mexicans, however, regarded it as evidence of his unwillingness to negotiate in good faith on matters that did not meet U.S. interests. Even a nineteen-year-old Cleofas Calleros, who was present at the 1911 arbitration, was disappointed. "I was present during the 1911 hearings, and in my judgment as a young law student, it seemed to me that 'Moral justice took a bad beating,'" Calleros recalled more than 50 years later.[294] Ultimately, Mills' refusal to accept the 1911 Arbitration Tribunal's decision would leave Mexico to unrequitedly demand the return of El Chamizal.

The in years that would follow, the mystery of the 1864 river channel location continued to haunt the El Paso-Cd. Juárez borderlands until President John F. Kennedy announced on July 18, 1963 that he would be the one to finally put the ghost of El Chamizal to rest. He would do so, he declared that fateful day, by approving a memorandum that proposed to resolve the dispute "by giving effect in today's circumstances to the 1911 international arbitration award."[295] Perhaps unbeknownst to him, this declaration hinged on agreeing on and mapping what had previously been impossible: the location of the 1864 Río Grande channel. Nonetheless, for the settlement to proceed, a newly agreed upon, streamlined, and in no way certain location for the 1864 channel was mapped and solidified in place through a concrete canal. In turn, this redrawn boundary determined the acreage ceded to Mexico. The United States would receive 193 acres of Mexican territory in

[294] Calleros Papers, MS231, box 32, folder 14.

[295] Lamborn and Memme, *Statecraft, Domestic Politics, and Foreign Policy Making,* 62.

exchange for 630 acres returned to Mexico as "El Chamizal."[296] Not at any point were Partido Chamizal claims considered in the negotiation of these acres or the writing of the Chamizal Treaty. Nor were the Tigua People, who had their own stake in this conflict, consulted.[297] Ultimately, only a sliver of the original El Chamizal included in the 630-acres ceded to Mexico.

In private, U.S. federal authorities were rather candid about this sliver of El Chamizal. In a 1964 letter to an American attorney inquiring about the rights of the original Mexican claimants, counsel for the IWBC spoke plainly: ""The Federal Government is not acquiring all the land involved in the original Chamizal dispute."[298] In that latter, the official explained that even if the land promised to Mexico involved all or portions of the original El Chamizal, the IWBC did not have provision for the recognition of the rights of the original Mexican claimants but only those "in conformity with United States laws" and those of Texas. "The laws of Texas where the State's jurisdiction has thus applied to the land does, not of course, recognize Mexican titles," the letter continues, "but determination of valid property title, of which there can only be one, is made solely in accordance with the laws of Texas."[299] Partido Chamizal claimants, in other words, were illegitimate landholders because their property titles stemmed from Spanish and Mexican property titles. "It has always been the view of the Government of the United States," reads another letter from an official in the Office of Mexican Affairs, "that only those owning legal title to the land in

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[296] To return this territory, the U.S. federal government purchased every square foot of land promised to Cd. Juárez and then—without admitting illegal prior ownership—ceded that land to the state of Mexico. See: Robert L. Vargas, "Abrazao at the Border: El Chamizal Returns to Mexico," *Southwest Review* 51.4 (1966): 390-398.

[297] The Tigua People received federal tribal recognition under President Lyndon B. Johnson in 1968.

[298] Eugene Semmes Ives Collection, MS 1381: Box 7, Folder 56, Arizona Historical Society, Tucson, Arizona.

[299] Eugene Semmes Ives Collection, MS 1381: Box 7, Folder 56, Arizona Historical Society, Tucson, Arizona.

accordance with the laws of Texas have any legal interest in the land."[300] Without outright so, these officials were essentially arguing that Mexico should be glad that any land was returned at all.

Though the return of these 630 acres was publicly celebrated as the settlement's great triumph, its unspoken achievement was the declaration of the 1864 channel in a now knowable and fixed place. This, in turn, allowed both the United States and Mexico to insist the fundamental conundrum of the Chamizal dispute had been wholly resolved and that the terms of the settlement merely reconfigured El Paso and Cd. Juárez to how they had been in 1864. [301] "Neither country lost or gained anything in the settlement," insisted David Herrera, Mexico's international boundary commissioner at the time of the settlement. "The boundary merely reverted to where it had been before the Rio Grande changed its course during the 1864 floods."[302] This version of the Chamizal story was central to US and Mexican state narratives that not only inscribed reason, linearity, and settler domination onto this terrain, but which "devise[d] formulas to repress the unthinkable and to bring it back within the realm of accepted discourse."[303]

Challenging the Official Definition for El Chamizal

Despite what the official record might suggest, the official 630-acre definition for El Chamizal required constant repetition to dress it in any semblance of legitimacy. To Segundo Barrio

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[300] Eugene Semmes Ives Collection, MS 1381: Box 7, Folder 56, Arizona Historical Society, Tucson, Arizona.

[301] Though the Chamizal Treaty was not formally settled according to the law of accretion and the 1884 Treaty, a Mexican treatise published in 2015 argued that avulsion was the basis for the settlement. This treatise not only contextualizes the settlement within the shared discourse concerning other boundary adjudications along the U.S.-Mexico border, but also reinscribes a misguided colonial insistence that the river's meanderings can only fall under one of two categories. See: José De Jesús Uribe, Et. Al, *Derecho Romano* (2015).

[302] Charles Hillinger, "Park Blossom in Once-Disputed Area," *Los Angeles Times*, September 15, 1974.

[303] Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon, 1995), 72.

resident Francisco Ortiz, whose property was condemned by the settlement, El Chamizal was not as the treaty said—and therefore was grounds for defiance. "I, Francisco Ortiz, property owner at 1220 South Stanton Street, on the disputed land of the Chamizal, oppose the Chamizal pact," Ortiz begins his 1963 letter to the *El Paso Herald-Post*.[304] In this letter, Ortiz confirms that in all its purported precision and authority, the official definition for El Chamizal falls apart alongside the memories of Segundo Barrio residents who have lived, engaged, and struggled with El Chamizal's riddled boundaries for decades, if not a lifetime. "They don't know what the Chamizal territory is, but I do," writes Ortiz, referring to the presidents of the United States and Mexico, "because I am an old timer here in El Paso. I am going on 80 years of age."

Ortiz insists that had the presidents been old timers like him they would know "that the Chamizal does not start at 8th Street" as the settlement claimed. Instead, he explains, they would know that El Chamizal is a much larger swatch of land. They would know, he continued, that in the beginning El Chamizal began at the hem of the former El Toro Portland Cement (at the intersection of today's Paisano Drive and Executive Boulevard), that it continued south no further than San Antonio Street, and no further east than Santa Fe Street, before it cut back up toward the cement factory.[305] They would also know, he added, that it was only later, as the Río Grande moved south, that El Chamizal became even larger. In other words, ff the presidents were old timers in El Paso like Ortiz, they would have been witnesses to this history and would know as Ortiz knows that half of the businesses in downtown El Paso are located in El Chamizal. "Why then should property owners from Eighth street south be affected by the treaty and the property owners north of Eighth street not be affected?" Ortiz asked. "I cannot understand," he expressed with frustration, "because

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304 Francisco Ortiz, "Thinking Out Loud: Chamizal Land Owner Protests," *El Paso Herald-Post*, August 9, 1963.

305 Francisco Ortiz, "Thinking Out Loud: Chamizal Land Owner Protests," *El Paso Herald-Post*, August 9, 1963.

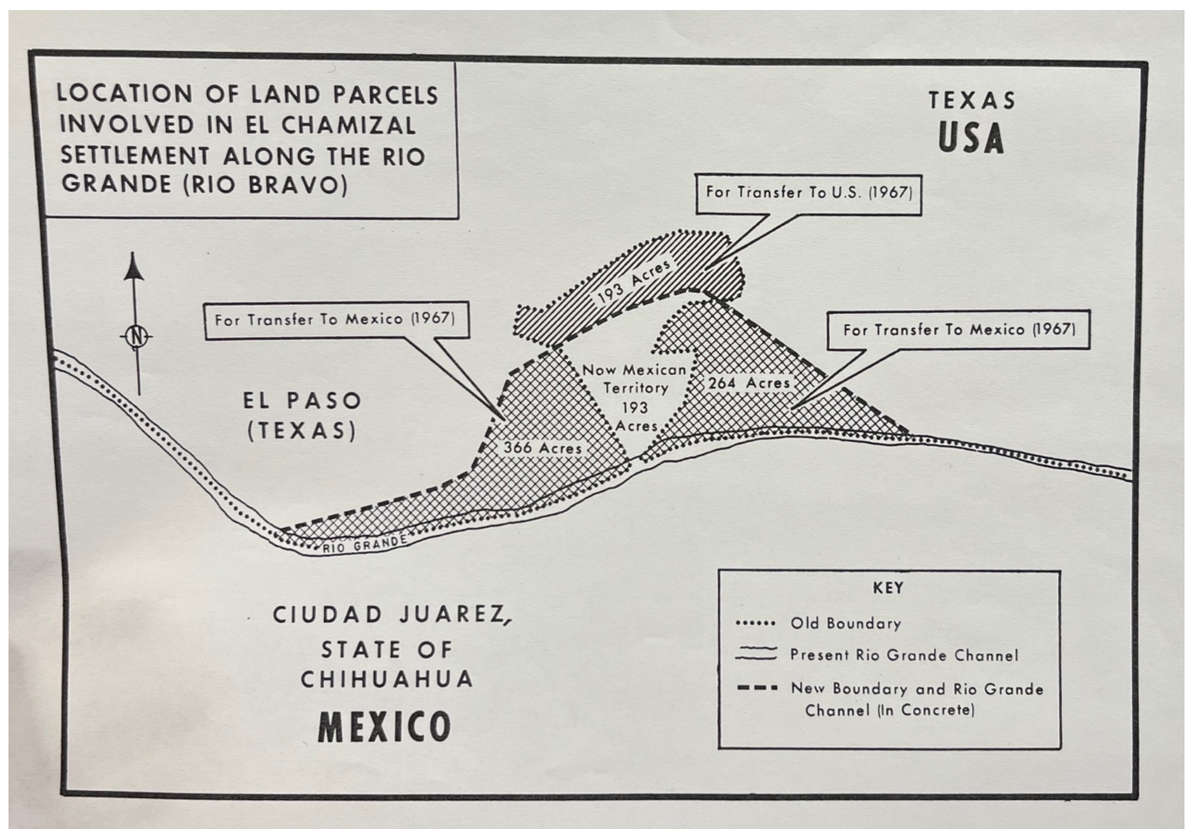

Figure 27: Map showing location of land parcels involved in Chamizal Treaty
Source: El Paso Border Patrol Museum Archives.

from the Rio Grande to San Antonio Street is Chamizal, as sure as daylight." Ortiz's anger and irritation rings throughout his letter—as does his long memory in South El Paso, which also announces the unspeakable. That is, that the official Chamizal story is fragile and susceptible to moments of fraying and unraveling—moments that underscore El Chamizal not as something wholly known and identified, but obscure and contested still, not as something expelled from El Paso, but firmly within the city's boundaries, and not as a passive place, but a subversive site of struggle. "I advise property owners in Chamizal not to move one inch," Ortiz adds, before

concluding, "I want all property owners to stick to what I say. If they do not stick with me, we will suffer the consequences."

Cleofas Calleros, who had already played a significant role behind closed doors in helping to secure the settlement's definition for El Chamizal, likely anticipated such resistance. As a consistent, authoritative voice in debates involving El Chamizal, he understood the assignment before him: that putting the ghost of El Chamizal to rest would require convincing fronterizos in the El Paso-Cd. Juárez borderlands that El Chamizal was indeed as the settlement defined it. These were likely Calleros' motivations when he set out to write "¿El Chamizal—Qué Es?" When he finished, he knew exactly who to send it to: the U.S. IWBC Commissioner Joseph F. Friedkin. Within a week's time, Friedkin had read "¿El Chamizal—¿Qué Es?" and replied to Calleros with utmost gratitude. "I am most appreciative of your thoughtful letter of March 20, 1963, with which you kindly sent five copies of your 'El Chamizal, Qué Es?'" Friedkin wrote on March 27, 1963.[306] "This booklet will, I am sure, prove most useful in giving a better historical perspective on a matter which, as you well know, has often been distorted." Less than week later, Friedkin wrote to Calleros again, this time to inform Calleros that he had sent extra copies of the pamphlet to the U.S. Department of State, "as I know they will be glad to have them." "Once again," Freidkin wrote, "I feel that you are performing a splendid service by your efforts to promote a more objective understanding by the public of this long-standing problem."

Within a matter of months, Calleros would become the federal government's unofficial lobbyist on all matters involving El Chamizal. In the month of May alone, Calleros distributed 150 copies of "El Chamizal—¿Qué Es?" and wrote to Friedkin informing him of the matter. "As the date of announcement [for the settlement] nears," Calleros wrote, "let me assure you that I have

[306] Calleros Papers, MS213, box 32, folder 13.

been flooded with all kinds of inquiries and suggestions."[307] During this time, Calleros also began going door to door to convince Segundo Barrio residents to support the Chamizal Treaty. When residents wrote to him with their concerns, he promised that if they went along with the Chamizal Treaty, the government would take care of them. "May I assure you that everything is being done to protect all individuals affected by this settlement," Calleros wrote to one resident, "and may you have all the confidence as being treated fairly in your individual problem."[308] As a result of these conversations, Calleros began collecting letters of support from residents—many of whom lived within El Chamizal but outside the condemned 630 acres—and sent these letters to Friedkin as evidence for public approval of the settlement.[309] Calleros' involvement in the Chamizal Treaty was nothing short of instrumental.

By July of that year, the terms of the Chamizal Treaty was approved, and Calleros began addressing his letters to Friedkin with "My dear Joe"—which Friedkin reciprocated.[310] "My dear Cleo," begins a handwritten note from Friedkin to Calleros across a telegram announcing the Chamizal Treaty. "I want you to know that a major point of this successful endeavor was and is due to your own personal unselfish efforts to effect what is right and good for both countries."[311] Friedkin would send many notes of gratitude to Calleros; but he was not the only federal official to do so. "I owe you a great debt of gratitude for the advice and morale support which you gave to this Embassy," reads a 1963 letter to Calleros from Thomas C. Mann, the U.S. Ambassador to Mexico

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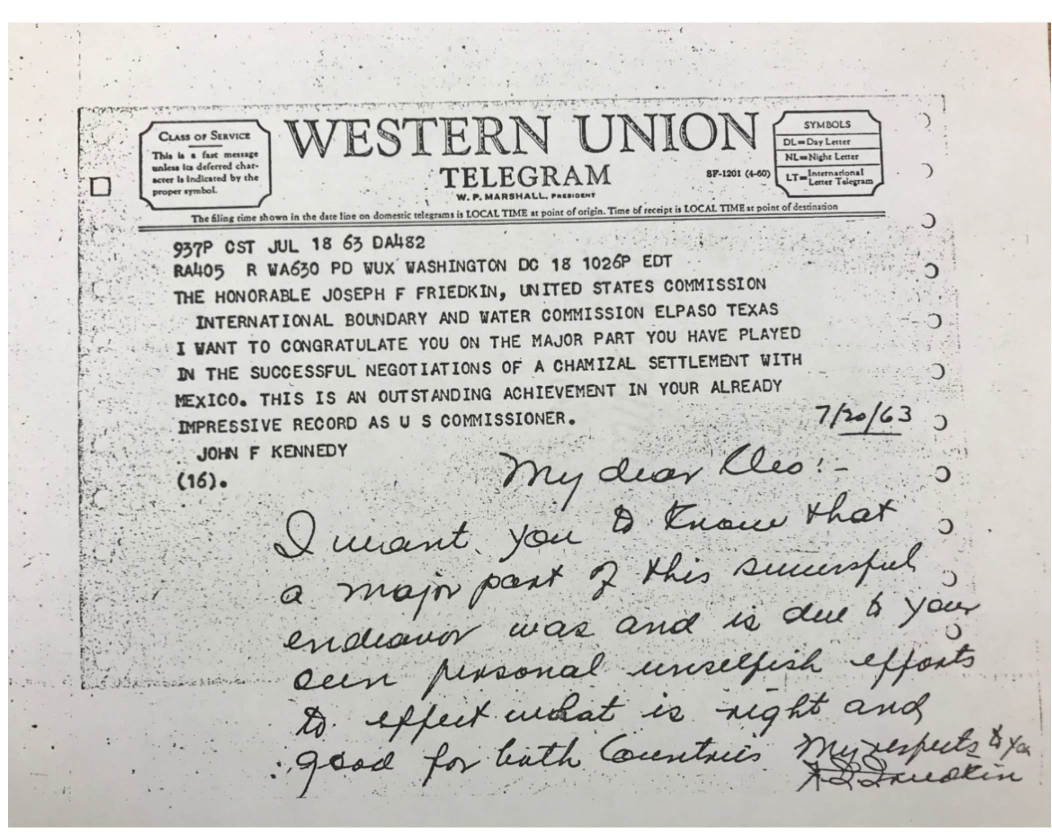
[307] Calleros Papers, MS213, box 32, folder 14.

[308] Calleros Papers, MS231, box 33, folder 1.

[309] Cleofas Calleros, "The Agreement: Opinions and Discussions, June 1962-May 1963, Vol 1," El Paso Historical Society, El Paso, Texas; Calleros Papers, MS231, box 32, folder 13.

[310] Calleros Papers, MS231, box 32, folder 13.

[311] Calleros Papers, MS231, box 32, folder 13.


CLASS OF SERVICE
This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION
TELEGRAM
W. P. MARSHALL, PRESIDENT

SYMBOLS
DL=Day Letter
NL=Night Letter
LT=International Letter Telegram

SF-1201 (4-60)

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

937P CST JUL 18 63 DA482
RA405 R WA630 PD WUX WASHINGTON DC 18 1026P EDT
THE HONORABLE JOSEPH F FRIEDKIN, UNITED STATES COMMISSION
INTERNATIONAL BOUNDARY AND WATER COMMISSION ELPASO TEXAS
I WANT TO CONGRATULATE YOU ON THE MAJOR PART YOU HAVE PLAYED
IN THE SUCCESSFUL NEGOTIATIONS OF A CHAMIZAL SETTLEMENT WITH
MEXICO. THIS IS AN OUTSTANDING ACHIEVEMENT IN YOUR ALREADY
IMPRESSIVE RECORD AS U S COMMISSIONER.
JOHN F KENNEDY
(16).

7/20/63
My dear Cleo:-
I want you to know that
a major part of this successful
endeavor was and is due to your
own personal unselfish efforts
to effect what is right and
good for both Countries. My respects to you
J. F. Friedkin

Figure 28: Handwritten note from Joseph F. Friedkin to Cleofas Calleros atop a telegram from President John F. Kenney. Source: Cleofas Calleros Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

and one of the treaty's chief negotiators. "I know you must feel a sense of satisfaction," Mann continued, "for having participated in the discussions which led up to the recommendations which have been approved by the Presidents."[312] Both Friedkin and Mann seemed to also be assuring Calleros that if his contributions to settling the Chamizal dispute had gone overlooked by the public, they had not. Indeed, it was as if they were trying to say: *You, Calleros, are the unsung hero of the Chamizal Treaty.* To which Calleros gladly replied: "It has been a distinct pleasure to have had a part

[312] Calleros Papers, MS231, box 32, folder 13.

in 'molding' some opinions, for it has been, since 1902, that I have had or formed some part of the Chamizal."[313]

Demystifying the Promise of Progress

Molding El Chamizal to fit the needs of the Chamizal Treaty, however, did not usher in the kind of progress for Segundo Barrio that Calleros had advocated and promised. Segundo Barrio property titles—ratified overnight by the settlement—did little to alter the pattern of uneven development that the city and many landlords practiced toward this neighborhood. Instead, uneven development in the Second Ward accelerated as landlords realized that if they could vacate their tenements and properties they could sell or lease the land to commercial developers and investors now interested in the unclouded area. "This led to stagnant investment in residential properties," writes the El Paso journalist Martin Paredes, and "the more substandard they became, the easier it was to bring the power of the government to displace those living there."[314] Meanwhile, a series of urban planning initiatives with the explicit goal of modernizing the city of El Paso were passed alongside the Chamizal Treaty. Known as El Paso Mayor Judson Williams' Four Point Program, these urban planning initiatives drastically reconfigured South El Paso's urban blueprint in ways that invited more uneven development. One of these initiatives, was the Cesar Chavez Border Highway. Today it is known by locals as the "Chamizal Freeway," and runs directly through where some of the homes condemned by the treaty once stood.[315] Like all urban renewal projects, official messaging framed the destruction of these homes and entire neighborhoods as the price for progress.

[313] Calleros Papers, MS231, box 33, folder 1.

[314] Martin Paredes, "Segundo Barrio: Decades of Gentrification," *El Paso News*, January 19, 2022.

[315] "Six-Lane Highway Due in Chamizal," *El Paso Herald-Post*, October 22, 1963; "Chamizal Highway Approved," *El Paso Herald-Post*, September 4, 1965; Naveena Sadasivam, "Alleging 'Environmental Racism,' El Paso Activists File Civil Rights Complaint Against School District," *Texas Observer*, April 3, 2018:

Though there were immediate signs that the Chamizal Treaty was never designed to benefit South El Paso residents nor lift the southside out of its stigmatized lower rank within the city's social geography, Calleros' vision for success in the Second Ward was unwavering. He was convinced that if he played his part in eliminating El Chamizal by working within the liberal agenda of slum clearance and urban renewal, through conventional methods of struggle, and alongside established political leaders, that he would combat his primary concerns of discrimination, poverty, and slums in South El Paso. Even as the signs suggested otherwise, Calleros remained certain that this liberal agenda was South El Paso's ticket out of these indignities. He said as much in a 1967 letter to his friend and El Paso Mayor Robert Ewing Thomason, in which Calleros mulled over the Chamizal Treaty and what was to become of his legacy. "We are both getting old, new ideas have come into the picture; sociologists are taking over, what will become of our Slums, only time will tell," Calleros wrote to Thomason, before concluding, "I have a list of more than 30 slum tenements that you and I recommend for complete condemnation and destructions. Every one of them still standing with one or two exceptions which were forced to be torn down on account of the Chamizal settlement."[316] Calleros may have felt there was still far more work to be done in the Second Ward, but he took pleasure in what he saw at the small wins of the Chamizal Treaty's crusade against injustice. He would revel in these wins until his death, in 1973, at the age of seventy-seven.

Conclusion

www.texasobserver.org/alleging-environmental-racism-el-paso-activists-file-civil-rights-complaint-against-school-district/

[316] Calleros Papers, "Slums," Southwest Vertical Files, El Paso Public Library.

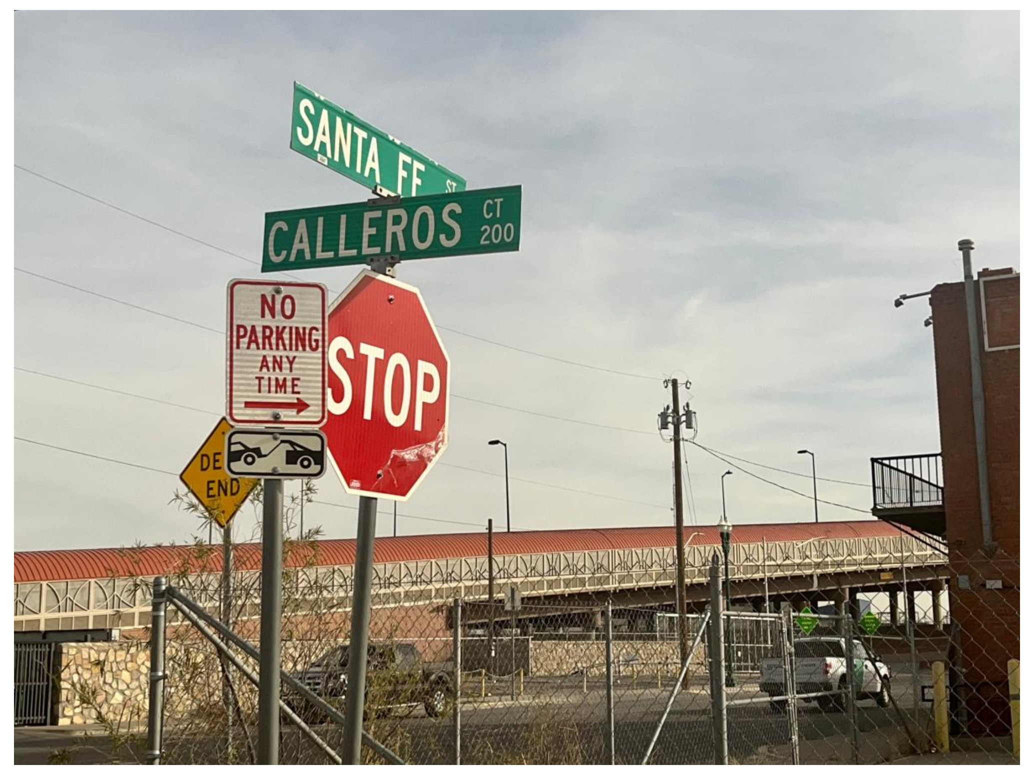


Figure 29: Intersection of Calleros Court and Santa Fe Street in Chihuahuita, El Paso. The Santa Fe International Bridge is seen in the background. Photo by Alana de Hinojosa.

Contrary to what the United States and Mexico—or Calleros for that matter—would like us to believe, El Chamizal is not the clear-cut and closed story of progress or a neat 630 acres returned to Mexico. Rather, El Chamizal is a much larger, unfinished, and unresolved place of struggle where we can see and site not only El Paso's legacy of erasure, denial, and ongoing uneven development, but also how the ghost of El Chamizal continues to shape socio-spatial relations in this city—and not in some neat, orderly, or contained way. Who knows what Calleros would say about El Chamizal if he were still alive today. But one thing is certain: There is and has never been an easy, neat, or single answer to the question, *What is El Chamizal?* Because El Chamizal is a remarkably varied, particular, elusive, and self-determined place that exists along various—but always equally as real—lived, imagined, disbelieved, and unspeakable localities in the El Paso-Cd. Juárez borderlands.

You can find El Chamizal beneath the Santa Fe International Bridge where Calleros and his mother crossed the Río Grande into El Paso. You can find it at the intersection of Calleros Court and Santa Fe Street in Chihuahuita—a street intersection likely erected to memorialize Calleros's Chamizal crossing into the United States. You can find El Chamizal at the Santa Fe Freight House where Pedro Ignacio Garcia del Barrio's farmhouse once stood. You'll find it at Sacred Heart Church and everywhere in Segundo Barrio that was once known by its former name, Partido Chamizal. You can find it in downtown El Paso, along Calle Mejía in downtown Cd. Juárez, and through the 630 acres south of the border that make up today's Parque Chamizal. Perhaps, then, Nestor Valencia's parents weren't so terribly mistaken when they told their children "everything is El Chamizal."

There is, however, an anxiety toward this *everything* on the part of those who insist the Chamizal Treaty wholly resolved the Chamizal dispute. It is an anxiety that cannot bear to be found out—that is hostile to the discovery of El Paso's coordinated scheme of erasure, violence, and denial—and which ultimately refuses to confront the fact that the Chamizal Dispute remains the unfinished story and failed colonial endeavor to eliminate the ghost of El Chamizal. The historical geography and legacy of colonial El Paso is predicated on a cultivated culture of erasure and denial toward El Chamizal. Both are rooted in the violent destruction of Partido Chamizal, a colonial refusal to open El Paso to the mystery of El Chamizal, a consistent removal of El Chamizal from the canon of El Paso history, as well as the bending of El Chamizal's complex geography to fit the needs of the 1964 settlement that demanded a coherent 630-acre tract of land that could be disciplined and expelled from the U.S. nation. It is in this landscape of erasure and denial that El Paso, Texas, emerges.

WHEN WE LEARN

El Paso, what am I to do
with the map of el Río Grande
laughing across your face,
its angry mouth eating me
as if it misses me.

Tell me, what am I to do,
with those shrewd lips you use for lying,
for flooding & remembering,
for forgetting,
for narrating a world where you
& your sense of time are inevitable—
lips filling in crescent moons
for coyotes of habit,
such familiar lips you use for fiction
& maps,
those double-dealing things
that abide by a different sight
where evil
I am learning
only travels in straight lines.

Beloved, what am I to do now,
with those lips: its/your luminous song,
wood flute of willows recalling
— another you, another me, making our ways —
long memories of creosote
& cottonwood,
El Paso del Norte y los atravesados
heavy inside us.

&
what are we to do,
mi querido El Paso
when we learn we have been this night before
and that it all falls
always, on the body.

CHAPTER 2

"El Chamizal is Ours Forever:" Rumor, Time, & Law in El Paso's Settler Society

This chapter expands on the previous chapter's analysis on the law of accretion, by tracing the web of spatial, temporal, and legal power relations that produced El Paso, Texas' seemingly legitimate possession of stolen Mexican territory known as "El Chamizal." As chapter one established, the land returned to Mexico by the Chamizal Treaty includes only a sliver of the original contested territory. El Chamizal therefore remains a stolen tract of land nestled within the heart of El Paso. In this chapter, I argue that El Chamizal's ongoing theft is not than a finite or complete project. Rather, the process hinges on a complicated, fragile web of spatial, temporal, and legal practices of concealment and denial anchored to a colonial rumor. This rumor, as I will show, refuses to open this region to the mystery and wonder of the meandering Río Grande at El Chamizal.

Earlier, I argued that the Río Grande not only produced the Chamizal Dispute, but more importantly in the process refused and unsettled various ideological and geographic projects required to enact and anchor both the United States and Mexico as settler possessions. While the Río Grande did so most pointedly by disrupting the fixity of the U.S.-Mexico boundary, it moreover denaturalized grammars and sensibilities that naturalize and tighten the grip of white settler possession, its racist underpinnings, and the myth of Indigenous disappearance and subaltern placelessness. This river's wayward quality, in other words, is an extension of this land's "unwritten, unseen history of resistance" refusing and rebelling against the supposed permanence of white

settler colonial processes and structures.[317] Indeed, it is *this* land's pedagogic and haunting endeavor relentlessly reminding settler society of its unjust past/present as well as its fragility and impermanence.

In what follows, I build on these earlier arguments by tracing a twofold dynamic: (1) How the mystery of *how* (accretion/avulsion) the Río Grande moved across this landscape ruptured Anglo American possession to El Chamizal, and (2) How the nascent American settler society of Anglo El Paso attempted to resecure their possession by concealing/denying this mystery through the coupling of rumor and law. To demonstrate this dynamic, in this chapter I focus on the Chamizal Dispute as it was unfolding between 1856 to 1911. During this time, this conflict is entrenched in a single question: Did the Río Grande between El Paso and Cd. Juárez move *gradually* and *imperceptibly* from its surveyed boundary location through erosion—a process environmental scientists and engineers call accretion—or did it move *suddenly* and *abruptly* through a process called avulsion? The distinction here (gradual accretion v. sudden avulsion) was of utmost importance and is known as the law of accretion: an international legal principle that stipulates that if a river-boundary moves gradually (accretion) the boundary moves *with* the river; however, if the river-boundary moves suddenly (avulsion) the boundary *remains* at its surveyed location. At face value, this seems a simple enough question. Yet, as the previous chapter explored, ever since the law's first application to the Río Grande in 1856, American and Mexican authorities have *never* been able to definitively determine whether an accretion or avulsion shift transferred El Chamizal north of the Río Grande.

I contend, then, that the relentless unruly mystery of *how* the Río Grande moved across this landscape so haunted the Anglo American propertied control of colonial capitalist space in this

[317] Simpson, "Land as Pedagogy," 20.

region that it required categorical concealment and denial through the only way possible: rumor. To enact and secure this rumor and its concealments, however, required answering the question that had long haunted Anglo El Paso. That is, how could they discipline the unruly Río Grande into a coherent, intelligible unit in service of naturalizing Anglo American possession of El Chamizal? Just as all settler societies have their founding myths that lend credence to power, Anglo El Paso answered this question and summoned the categorical concealment/denial of the accretion/avulsion mystery through a collectively authored, unsubstantiated rumor. As outlined in the text of the 1911 Arbitration Tribunal, this rumor insisted that the United States had claimed and exercised "an *undisturbed*, *uninterrupted*, and *unchallenged* possession of the disputed territory *since the treaty of 1848*."[318] As this rumor told it, this undisputed possession was the result of an *1848 accretion* southward shift that legally rendered El Chamizal U.S. territory via the law of accretion.

It didn't matter that there was no evidence for this 1848 accretion southward shift. What mattered was that this rumor did away with the mystery of the Río Grande by narrating a world where El Chamizal was the legitimate and lawful possession of the United States. So seductive was this rumor that by the turn of the nineteenth century, Anglo American lawyers in El Paso would repeat it in their legal arguments, judges would accept it as evidence in courts of law, and well into the twentieth century historians and scholars of international river-boundaries would repeat this rumor in their scholarship. Even a child writing to the 1953 issue of the *Junior Historian* repeated this rumor. "During the course of its *gradual* formation," begins Dolores Irene Zapata in her report on the Chamizal Dispute, "the Chamizal tract has *always* been a part of the growing town of El Paso,

[318] Emphasis added by the author. See: "Reports of International Arbitral Awards / Recueil des Sentences Arbitrales," The Chamizal Case (Mexico, United States), June 15, 1911, United Nations, 2006, www.internationalwaterlaw.org/cases/Chamizal_Arbitration.pdf.

Texas."[319] As such, she continues, "[t]he United States and the state of Texas have *always* exercised jurisdiction over the tract."[320] By the 1960s, this rumor would become so entrenched in El Paso that any suggestion of its fabrication stirred up a complicated, unspeakable mix of confusion, hostility, and fury. "[B]y the Treaty of 1848, El Chamizal is ours forever," wrote one El Pasoan in 1963 to the *El Paso Times* following news of the proposed Chamizal Treaty, adding, "El Chamizal is ours, if not where is the proof?"[321]

For all its influence in the region, the mystery of the Río Grande is credited with nothing in the existing literature on the El Paso-Cd. Juárez borderlands; it remains a trivial terrain void of any significance, a nobody destined to be a minor character and backdrop in history books. But by engaging Anglo El Paso's rumor for what it is—a nervous, precarious colonial story couched in nonnormative evidence and time's knotted relationship with the law—this chapter uncovers how the colonial project that is El Paso hinges on obscuring the theft El Chamizal and the mystery of the Rio Grande by any means necessary. This chapter therefore demands an understanding of how the accretion/avulsion mystery shaped understandings and narratives of time in this city. Int turn, I argue how Anglo El Paso's differential and culturally specific ways of conceptualizing time merged within racist capitalist ventures in this city.

These arguments unfold in five parts. First, I draw on archival sources to trace the seeds of Anglo El Paso's rumor. In turn, I demonstrate how the historical geography of El Paso is entrenched in a colonial capitalist scheme that necessitates accretion shifts in the river while denying the credibility of accounts that suggest otherwise. Next, I examine the "mode of rationalization" that

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319 Emphasis added by the author. Dolorez Irene Zapata, "El Pasoans Without A Country," *The Junior Historian*, 13.4 (1953): 4.

320 Emphasis added by the author. Ibd.

321 Ralph Hamilton, "Believe Rio Grande Occupies 1848 Channel," *El Paso Times*, 1963.

enabled multiple renditions for this rumor to spread unchecked.[322] Thereafter, I examine legal documents, briefings, and affidavits to show how one 1903 lawsuit wed settler time and the law to codify Anglo El Paso's rumor into a legal truth that regulates the Chamizal Dispute to a bygone past. In turn, I demonstrate how this 1903 lawsuit set a devastating legal precedent from which Anglo El Paso's capitalist class could continue to leverage the law of accretion as means to exploit the land and perpetuate legal and extralegal violences needed to maintain Anglo American propertied control of space.

Mystery, Hostility, & the Law of Accretion: The Seeds of Anglo El Paso's Rumor

Where exactly the rumor of the United States' undisturbed, unchallenged, and uninterrupted possession of El Chamizal since 1848 originated is difficult to say. But as the historian Manu Karuka has argued, in an analysis of rumors, questions of their origins are often irrelevant. Rather, he insists, what is relevant and instructive about colonizer rumors is what they may conceal and obscure, their repetition and transformation over time, their social reproduction of local knowledge and meaning, and the consequences of these processes in the maintenance of unequal power relations and historical narratives that naturalize these relations and obscurations. In El Paso, however, it was the very presence of obscurity—indeed, the accretion/avulsion puzzle of how the Río Grande moved across this landscape—that motivated Anglo El Paso to concoct their rumor in the first place.

While this rumor certainly falls within this era's larger myth of Manifest Destiny, the profoundly uncertain context in which this unverifiable narrative emerged specifically classifies this story as rumor. Though historians and psychologists of hearsay agree that rumors originate across varying contexts and causes, they all insist that rumors have one consistent characteristic: "the seeds

[322] Moreton-Robinson, *The White Possessive*, xii.

of rumor are planted when the evidence pertaining to an important topic is ambiguous."[323] When such ambiguity and uncertainty goes unresolved for too long, when the status quo and existing expectations about the world are violated as a result of ambiguity, experts tell us that there is often an increasing anxiety and desire to stabilize the situation through what seems like the only way possible: rumor. "Rumors take shape," writes the sociologist Tamotsu Shibutani, "as individuals entertain and pass on reports that enable them to give vent to anxieties or hostilities they are otherwise reluctant to acknowledge."[324] To be sure, for Anglo Americans there was something decidedly unsettling about the accretion/avulsion mystery that made it impossible to determine where exactly El Chamizal began and ended. Anglo El Paso's rumor emerged and flourished within this ambiguous and uncertain situation. Constructed around unauthenticated information (information, in other words, that is neither substantiated nor refuted), this rumor not only fits the established criteria for the genre, but also illuminates how rumor often flourishes where white supremacy necessitates nonnormative, unverifiable evidence to maintain the power of whiteness and its attendant status quo.[325]

At this time, the American frontier had already been well established as a "wild" region in need of Anglo American control, and the fugitive Río Grande and its equally evasive El Chamizal only confirmed this wildness—this abstruse terrain beyond Western access, vision, and control. They were right, they told themselves, to fear this land. More than regarding this terrain with bewilderment, then, it was deeply unsettling for Anglo Americans that this river's opacity willfully

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[323] Ralph L. Rosnow and Gary Alan Fine, *Rumor and Gossip: The Social Psychology of Hearsay* (New York: Elsevier Scientific Publishing Company, Inc, 1976), 28.

[324] Tamotsu Shibutani, *Improvised News: A Sociological Study of Rumor* (Indianapolis and New York: The Bobbs-Merril Company, Inc., 1966), 6.

[325] Anjan Ghosh, "The Role of Rumour in History Writing," *History Compass* 6.5 (2008): 1236.

disobeyed the Enlightenment command that everything can and must be knowable and within White possession. Ignoring this mystery was out of the question, as expectations and assumptions for Anglo El Paso's legitimacy and propertied control of space north of the Río Grande went awry in its presence. Motivated by their desire for power and a quest for clarification and closure to this puzzle, a loosely bound collectivity of Anglo American settlers carefully constructed a sanctioned solution to their problem: that unequivocal 1848 accretion southward shift in the river that rendered El Chamizal U.S. territory via the law of accretion.

Like all hearsay, this rumor developed as a collective enterprise amongst powerful men tasked with responding to El Chamizal's mystery by pooling their intellectual resources to orient themselves out of ambiguity. In this way, rumors are not only "a vehicle for group problem solving" or the answer to ambiguity that allows humans to cope with the uncertainties in life, but perhaps more importantly "an aid to individuals or groups to gain functional ends."[326] The engineered end of Anglo El Paso's rumor (that is, that El Chamizal was U.S. territory via the law of accretion) thus justified the means (nonnormative, questionable evidence for this possession). It therefore mattered not at all that historical records could neither wholly confirm nor deny the "facts" of this rumor. In fact, it was this unverifiable quality coupled with the law of accretion that gave this rumor its seductive power and credence as it passed from person to person at a speed dependent on Anglo El Paso's growing anxiety toward the mystery of the Río Grande.

Settler Time & The Prose of Countersovereignty

The profound repetition of this rumor against a historical record that confirms the legitimacy of the Chamizal Dispute illuminates what Karuka has defined as "the prose of

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[326] Rosnow and Fine, *Rumor and Gossip*, 11, 12.

countersovereignty."[327] That is, settlers' anxious and fragile narratives and claims to power and land that not only require constant repetition and violence to dress them in any semblance of legitimacy, but which also often fray and unravel thus "underscoring institutions and ideas [sic] of the United States as not native, but alien; not natural, but produced through colonialism."[328] What seemed to lend this rumor its credence, however, was its temporal anchor of 1848. It was no coincidence that this rumor hinged on an event: the same year the Treaty of Guadalupe Hidalgo declared the Río Grande the U.S.-Mexico boundary and the new frontier of the United States. Rather, this temporal focal point is emblematic of what scholars have referred to as "settler time:" a particular way of narrating, conceptualizing, and experiencing the unfolding of time and space as beginning with white settler possession and thus normalizing white settler presence, privilege, and power as timeless.[329] The philosopher Charles Mills has referred to this frame of reference as "the White temporal imaginary" wherein "the White settler state 'sets the historical chronometer' at zero, to signal that before its arrival, no history has taken place, no real passage of time, since a time in which no [White] history passes is a time that has not really itself passed."[330] By employing time in this way, Anglo El Paso not only produced their legal possession of El Chamizal by authoring an 1848 accretion southward shift, but they also shored up a specific time-space (1848/El Chamizal) that could not be conceived by Anglo Americans as anything other than in service to Anglo-American Whiteness.

[327] Karuka, *Empire's Tracks*, xii, 13.

[328] Karuka, *Empire's Tracks:,* xii, 13.

[329] Mark Rifkin, *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination* (Durham and London: Duke University Press, 2017).

[330] Charles Mills, "White Time: The Chronic Injustice of Ideal Theory," *Du Bois Review* 11(2014); 29, 31.

This rumor therefore illuminates that Indigenous peoples and scholars have long argued: that white settler colonialism is more than just a problem/structure of space and territory. Rather, it also includes "narrative confrontations with multiple temporalities."[331] "These temporalities," argues the literary scholar Melissa Gniadek, "emerge from pasts of a place as they are encountered in a present moment, as well as within historical narratives crafted as settlers work to claim belonging that is simultaneously never belonging." From such a perspective, Anglo American settlers concocted a temporality from which they could conceal the mystery of the Río Grande and, in turn, claim legitimate possession of and belonging within El Chamizal. But this belonging is a never belonging that Anglo El Pasoans are deeply hostile to discovery.

Anglo El Pasoans made certain hostile and temporal claims about its sovereignty and legitimacy to El Chamizal because the city of El Paso is founded on acts of overlapping dispossession whose legality is questionable at best. Although Karuka speaks of the prose of countersovereingty as a direct response to Indigenous presence and sovereignty, I extend his line of thinking by considering how Anglo El Paso is itself a formation of counter sovereignty in response to overlapping Indigenous and Mexican sovereignties over El Chamizal. Of course, El Chamizal's Mexicano claimants were themselves settlers who had stolen El Chamizal (and the rest of the region) from the Manso, Suma, Apache, and Tigua peoples. The racial logics of the United States, however, quickly relegated the mixed-race *mestizo* Mexican—including elite "Spanish" families like those who owned property in Partido Chamizal—into a racially inferior and landless category that was "other" to Anglo Americans. In this way, Anglo El Paso's rumor was a countersovereignty response to Mexican presence—one that not only necessitated Mexican subjugation and dispossession (or the "racial adjustment") within El Chamizal, but which perpetuated these racial logics and the

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331 Meslissa Gniadek, "The Times of Settler Colonialism," *Lateral* 6.1 (2007).

naturalization of capitalist inequalities and the violence that maintain these uneven relations.[332] These naturalizations required a great deal of labor to maintain as they operate through fragile modes of power produced via colonialism and violence. So too did Anglo El Paso's rumor operate. In turn, it required constant repetition to dress it in any semblance of legitimacy. But even when it was repeated in the form of a question, its repetition gave it credence. "Had the river's change been by avulsion would [El Chamizal] not necessarily have been awarded to Mexico?" debated one Anglo El Pasoan to another in a 1908.[333]

Stubbornly Persistent—Even in Face of Contradictory Evidence

In the beginning, Anglo El Paso's spread within the private spheres of Anglo American life in this city. At dinner parties this rumor was likely the conversation piece of choice. It was like any other stolen artifact sitting in a place of honor on the mantle; it had been placed there as the comfortable, reliable story from which Anglo El Pasoans could collectively narrate their inevitability and laugh in agreement amongst themselves about a river that had moved in their favor "like an act of God."[334] Although rumor is commonly understood only as oral transmission, the dissemination of Anglo El Paso's rumor also took place in correspondence to colleagues, family, and business associates. It was in these private places of Anglo American knowledge—insulated from critique—

[332] de Leon, *They Called Them Greasers*, 13; For more on the intersections of settler colonialism, racial capitalism, and imperialism, see: Byrd et al., *Colonial Racial Capitalism*.

[333] Chamizal Title Company Papers, MS978, box 1 Series 1, folder 8.

[334] Those in favor of the United States' claim to El Chamizal often argued that the Río Grande had moved southward into Mexico "by an act of God." Even when the Chamizal Treaty was announced, El Pasoans argued this logic. In 1963, one El Pasoan named Ray Denny wrote a letter to the editor of the El Paso Herald-Post in which he claimed, "El Chamizal is U.S.A. The river changed by an act of God." See: Ray Denny, "He Wants No Part of Chamizal Plan," *El Paso Herald-Post*, February 26, 1963.

that this rumor's acceptance and repetition were guaranteed; it was here in this intimate, local scale that it festered.

It mattered little that those who repeated this rumor often knew it to be untrue. "There is not a real estate man in this town," wrote an Anglo American lawyer named Brewster Cameron to his brother in 1906, "who does not know that these poor, friendless Mexicans, who have been driven off their property, hold the true title to this land."[335] Nor did it matter to Anglo El Paso that both American and Mexican federal authorities would repeatedly debunk their rumor. Indeed, just as rumors "remain [sic] stubbornly persistent even in the face of contradictory evidence," believing in this rumor and knowing it to be false do not contradict one another.[336] In these instances, "[i]t is therefore necessary to distinguish between the problem of accuracy and that of credibility," argues Shibutani. "Truth and falsity are attributes of propositions; conviction and skepticism are attributes of a man's judgement. Men act on the basis of their beliefs, which are not necessarily demonstrated truths."[337] For the Anglo El Pasoans who were acting on their belief and fundamental sense of righteous access to land wherever that may be, it didn't matter their rumor had been debunked and exposed for what it was. What mattered to them was simple: this rumor not only explained away the mystery of the Río Grande, but it leverage the legal realm to narrate a world where Anglo American possession and financial exploitation of El Chamizal were legal, natural, and inevitable.

This rumor became so entrenched that in 1895 when the IBC took up Chamizal case no. 4, U.S. IBC Commissioner, Anson Mills, publicly doubted whether El Chamizal was south of the Río Grande when the river was surveyed in 1852. Only later, after much debate and insistent demands to

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335 Chamizal Title Company Papers, 1733-1908, MS978, box 1, series 1, folder 1, Arizona Historical Society, Tucson.

336 Rosnow and Fine, *Rumor and Gossip*, 13.

337 Shibutani, *Improvised News,* 7.

review official records did Mills finally agree that he was "willing to admit on the part of his government" that El Chamizal "was wholly within the territory and jurisdiction of Mexico" at the time of the boundary's establishment in 1852.[338] From here, he pivoted and argued that "the United States held undisputed authority" over El Chamizal from 1852 to 1894 (when the IBC officially reviewed Garcia del Barrio's petition/letter).[339] Although not a perfect match with Anglo El Paso's rumor, this statement's affinities with their rumor is noteworthy.

By the turn of the twentieth century, it had become an unspoken agreement among Anglo El Pasoans that to claim membership in this community was to claim participation as both audience and co-author of Anglo El Paso's rumor. If we understand, as the historian Michel-Rolph Trouillo has argued, that "human beings participate in history both as actors and as narrators," we can follow how this unspoken agreement among Anglo El Paosans became a site where history produced.[340] In listening to *and* repeating this rumor, Anglo El Pasoans were not simply acting as independent entities in its dissemination, but as collaborative participants in a larger set of transactions intent on naturalizing this rumor as fact. And with each repetition, Anglo El Pasoans masked this rumor as truth and history—a transformation that experts of hearsay warn is prevalent when ambiguity is persistent. Some rumors, they insist, can "become so deeply enmeshed in the web of recorded history that they cannot be easily excised."[341] In fact, "[s]ome rumors never die, but become part of the folklore and established belief structure."[342]

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338 "Terms of Submission," 107-108.

339 "Terms of Submission," 184.

340 Trouillot, *Silencing the Past*, 2.

341 Rosnow and Fine, *Rumor and Gossip*, 43.

342 Rosnow and Fine, *Rumor and Gossip*, 5.

The transformation of rumor into history is especially predictable, however, when ambiguity emerges within a context of hostile racial relations and a fragile power structure that depends on particular rumors/narratives to confirm the necessity of uneven racial relations. Simply by holding racist beliefs, explains Terry Ann Knopf in her book *Rumors, Race, and Riots*, "each race is automatically predisposed to accept certain rumors—unverified reports, exaggerated stories and other distortions of reality—about the other race" and sometimes even their own racial group.[343] In these contexts, "[w]e are convinced that the belief is rooted in objective reality […] and thus that the rumor, too, is rooted in objective reality."[344] To this end, race-related rumors like Anglo El Paso's are functionally tied to social conflict and racist belief systems: they not only materialize, confirm, and intensify race-based hostility and conflict, but generate a "common culture" wherein rumor is readily and easily accepted as truth. This context gives "race-related rumors" their full force and meaning: a racially-driven anxiety about the state of the social order that becomes so intense it suspends reality in order to resecure the racial hierarchy.[345] Indeed, more than working to conceal the Río Grande's mystery, Anglo El Paso's rumor tried to resolve Anglo Americans' race-based feelings of anxiety, fear, and hostility towards Partido Chamizal's Mexican claimants. It attempted to do so by "confirming" Anglo American dominance and propertied control of territory north of the river through the only way possible: rumor. Renaming Partido Chamizal in to the Campbell, Magoffin, and Cotton Additions to the City of El Paso seemingly closed the gap between this race-related rumor and its embodiment as "fact."

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[343] Terry Ann Knopf, *Rumors, Race, and Riots* (New Brunswick, Transaction Books, 1975), 154.

[344] Knoft, *Rumors, Race, and Riots*, 158-59.

[345] Knopf, *Rumors, Race, and Riots*.

Layered Fictions & the Mode of Rationalization

As if often the case with rumors, there were layered fictions to Anglo El Paso's. The co-authors of this rumor were rarely pressed for an explanation for how they knew the United States had claimed and exercised an undisturbed possession of El Chamizal since 1848. But, when they were asked to explain themselves, sometimes as many as three distinct renditions for this rumor were volunteered. In each case little evidence, however, was offered to substantiate these varied renditions. The first rendition is already familiar to readers of this chapter and told of an 1848 accretion southward shift in the river. The second rendition insisted that El Chamizal had always been north of the 1848 river channel and that the Río Grande *never* meandered from this location.[346] For those who perhaps felt it was foolish to deny the river's meanderings, a third rendition was given. This third version also insisted El Chamizal had always been north of the river, but it also explained how the river had moved from its 1848 location only to eventually return to this demarcation. When asked for explanation, sometimes each version of Anglo El Paso's rumor were all entertained simultaneously as possibilities. This concurrent repetition of these renditions did not immobilize its Anglo El Paso because each version served the same engineered end: displacing the possibility of El Paso's illegitimate possession of El Chamizal.

We can see, then, how Anglo El Paso's anxiety over their control of El Chamizal was so intense that the nervous repetition of contradictory claims was both necessary and rational. This "mode of rationalization"—where hegemonic power concedes nothing—illuminates this nascent settler society's insistent investment in reaffirming and reproducing the settler nation-state's ownership, control, and dominance over Indigenous lands at all costs.[347] Indeed, there was no

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[346] Ralph Hamilton, "Believes Rio Grande Occupies 1848 Channel." *El Paso Times*, 1963.

[347] Moreton-Robinson, *The White Possessive*, xii.

reasoning with those who offered up any one—or all—of these fictitious renditions. Nor was there any use in pointing out how rather than clarifying the issue of El Chamizal, these various versions illuminated that we do know with any certainty how the river moved. There was no sense in arguing with those who believed in Anglo El Paso's rumor because their sense of power, place, and belonging depended on this shapeshifting rumor. Membership in this community was contingent on its repetition and defending its legitimacy at all costs.[348]

Eventually, Anglo El Pasoans doubled down on their rumor by insisting not only that the river's *natural instincts* were to move in favor of Anglo American property, but were in fact to *create* U.S. property. The suggestion was so seductive that it seeped into the collective consciousness of Anglo El Paso. "The river was trying to work into Mexico all the time," James Wiley Magoffin explained in court in 1895. "Its natural course is that way."[349] Years earlier, when the Campbell Real Estate Company began seizing and surveying land within Partido Chamizal, the company countered *Mexicano* protests by insisting its operations were by lawful on the grounds that Mexican titles had been "annulled and defeated by a change in the channel of the Rio Grande" and that, in turn, "American title has been created through changes occurring in such channel since the date of the Treaty of Guadalupe Hidalgo."[350] Only through rumor could Anglo El Pasoans bring the unthinkable—that is, a river that remained outside their control and knowing—back into the realm

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348 Nor was it worth clarifying that only the river's 1852 surveyed demarcation—and not wherever the river may have been in 1848—legally marked the U.S.-Mexico boundary. Although it was a common assumption that the 1848 and 1852 channel locations were interchangeable, there is no evidence to confirm this is true. See: Chamizal Title Company Papers MS978: Box 1, Series 1, Folder 8, Arizona Historical Society, Tucson, Arizona.

349 "Terms of Submission," 126.

350 "In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of "El Chamizal," Republic of Mexico Secretary of Foreign Relations, Library of Congress, 9.

of the acceptable: a world where the Río Grande, as a colonized subject, always and naturally moved according to their colonial capitalist needs and interests.

The repetition of this rumor, however, was not enough to fully solidify it into fact nor for El Paso's colonial scheme of land accumulation to wholly perpetuate itself. Rather, the very nature of this rumor inescapably left loose threads in its desperate attempt to relegate the Chamizal Dispute safely to the past.[351]

The Warder Claims

Somewhere along the way, a California businessman named William Jasper "W.J" Warder caught word of these loose threads and decided to make the Chamizal Dispute his next big business venture. How exactly Warder, a 60-something-year-old widower born in Kentucky who made his wealth from mining gold in California and using that gold to purchase farmlands in the California town of Stanislaus, learned of the Chamizal Dispute is impossible to say. But, when he did sometime in 1895, the historical records suggest that he packed up his belongings and began the nearly 1,000-mile trek to El Paso, Texas. What exactly convinced Warder that the Anglo American claimants to El Chamizal were in fraudulent possession, is also difficult to say. But what is clear from Warder's paper trail is that Warder came to believe that whoever held the Mexican titles to El Chamizal would ultimately control the land. How no one else seemed to see to his economic opportunity likely confounded Warder, but he was glad for it as he hoped to make his fortune off El Chamizal. Although mining gold in California had made him a rich man, he was by no means considered a big wheel by the capitalist class of the American West. Driven by his ambition to become this big wheel and encouraged by the era's element of mission and manifest destiny, Warder convinced himself that

351 Karuka, *Empire's Tracks*, 18.

if owned El Chamizal in the heart of the booming railroad town of El Paso, not only would it make him a far richer man, but it would elevate him into the top tier ranks of the American West's elite capitalist class.

By 1895, when Warder arrived in El Paso, the city's population had mushroomed from 736 in 1880 to more than 10,000. Four railroads had already established connections in the city and another known as the White Oaks Route was already in the works. *The Modern Traveler*, a railway journal in Chicago, described El Paso as having one of the most favorable commercial locations in the United States. "Four gigantic railroads from four major cities," the journal announced, "at four points of the compass enter the city of El Paso like the four spoke of a great wheel converging to the hub."[352] In short, the city was booming with economic growth—and the inequalities and exploitation required to sustain that growth were everywhere. El Chamizal was at the center of this great wheel of exploitation. From a real estate perspective, then, Warder must have understood that if he owned the legitimate property titles to the land within El Chamizal, he would be in the best position to profit from El Paso's booming economy. To execute this plan, Warder needed first to convince Partido Chamizal claimants that their only shot at protecting their properties was to sell their Mexican titles to him.

Warder's timing could not have been more ideal for his plans. By the time Warder began approaching Partido Chamizal claimants, many had already absolved themselves of the prospect of defending their properties. For many, their homes had already been taken or destroyed and their farmlands rezoned into the Campbell, Magoffin, and Cotton Additions. Even those who still maintained a semblance of property possession knew that eviction and the racial violence of this

[352] Quoted in Garcia, *Desert Immigrants*, 16-17.

FOR SALE—Either of the three tracts of land known respectively as Campbell, Magoffin and Cotton additions to the city of El Paso.. Apply to the undersigned, agent of the Mexican owners, at the office of Good & Stevenson.

W J. WARDER.

Figure 30: For sale newspaper advertisement issued by W. J. Warder. Source: Chamizal Title Company Papers, Arizona Historical Society.

Warning.

This is to warn all persons from buying land south of the Rio Grande river as it ran in A. D. 1852 and 1853, and north of the present river, which is yet in dispute between the governments of Mexico and the United States, a part of which land B. F. Hammett, manager of the Campbell Real Estate company in El Paso, Texas, and A. M. Loomis and other real estate agents are offering for sale. They do not own or control any part of this property. They have no valid title. This property is owned by certain Mexicans and others, who have Mexican titles to the same, and I am agent for the property.

W. J. WARDER.

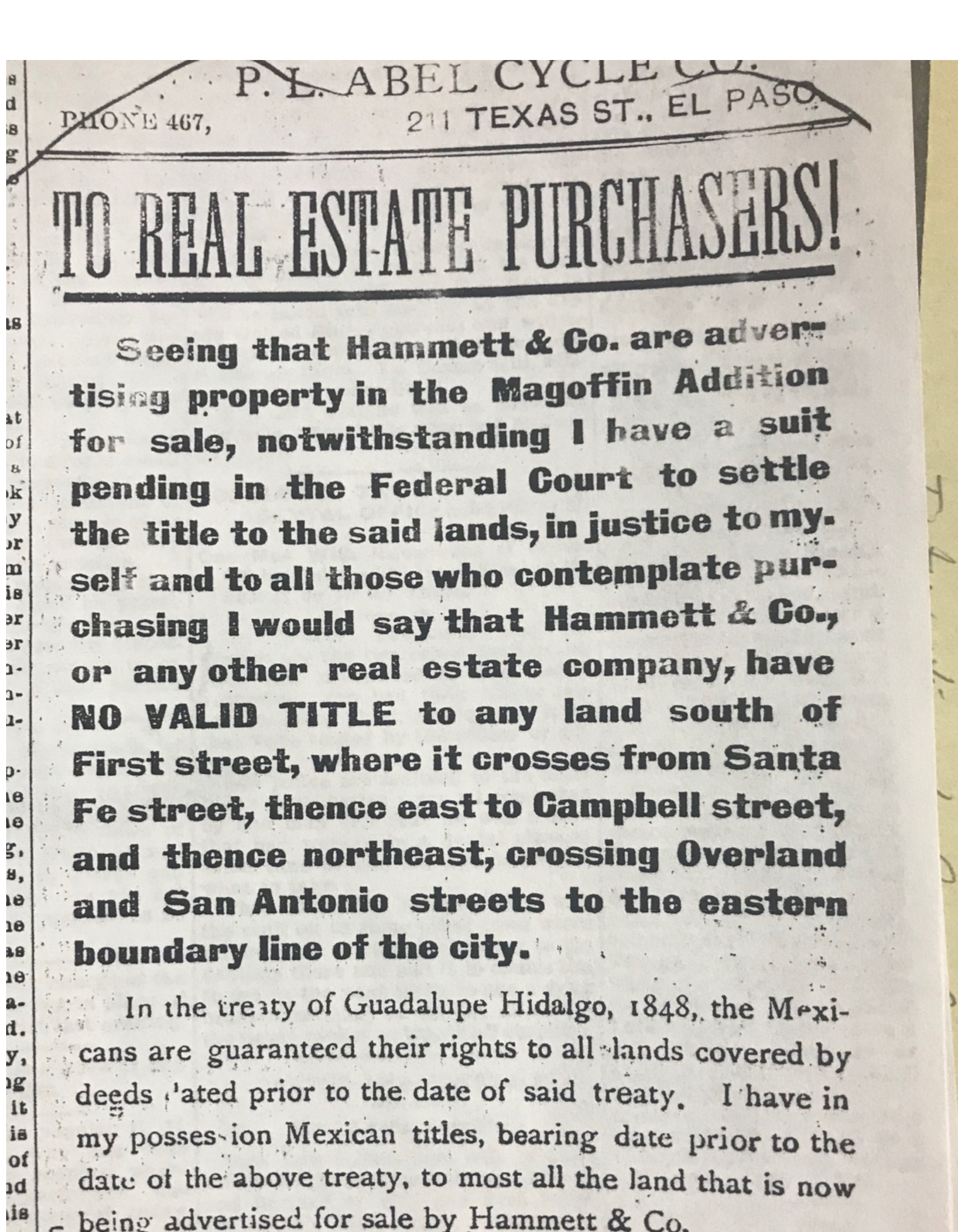
Figure 31: "Warning" issued by W.J. Warder in *El Paso Daily Times* September 1, 1898. Source: Chamizal Title Company Papers, Arizona Historical Society.

eviction was just around the corner. Besides, with their livelihoods stripped from them, some said they could no longer sustain the expense of a lawyer to defend their claims. Others, who perhaps felt they could afford a lawyer for the time being, doubted they could wait out the extensive time it would likely take to re-establish their titles in court. Indeed, it was under these circumstances that Julio Provencio had sold his property title to his neighbor Santiago Alvarado. "I find myself in a sad plight," Provencio wrote in 1885 transfer of deed, "on account of poverty and being now quite old, for the reason and with the full consent of my wife, and for other reasons I do not desire to state, as a last resort I affirm the contract of purpose and sale with said Sr. [Santiago] Alvarado, and I transfer said land to him for the sum of one hundred dollars."[353] In making such claims, Partido Chamizal claimants like Provencio identified how racism *takes time* and how the inequalities of White time "produce unequal temporal access to institutions, services, resources, power, and knowledge."[354]

By the time Warder began negotiations with Partido Chamizal claimants, then, many were in no position to negotiate with him and sold their titles by signing their name on the dotted line. In the cases where Partido Chamizal claimants refused to sell their titles, Warder convinced them to enter into a business arrangement wherein he would represent them as their legal agent for the recovery of their properties. In these contractual agreements, Warder promised to undertake and bear all the expenses that would be necessary in order to do just this—particularly by establishing

[353] Chamizal Title Company Papers, MS978: Box 1, Series 2, Folder 17, Arizona Historical Society, Tucson, Arizona.

[354] Mills, "White Time," 27; Michale Handard quoted in Mills, "White Time," 28.



P. L. ABEL CYCLE CO.
PHONE 467, 211 TEXAS ST., EL PASO

TO REAL ESTATE PURCHASERS!

Seeing that Hammett & Co. are advertising property in the Magoffin Addition for sale, notwithstanding I have a suit pending in the Federal Court to settle the title to the said lands, in justice to myself and to all those who contemplate purchasing I would say that Hammett & Co., or any other real estate company, have NO VALID TITLE to any land south of First street, where it crosses from Santa Fe street, thence east to Campbell street, and thence northeast, crossing Overland and San Antonio streets to the eastern boundary line of the city.

In the treaty of Guadalupe Hidalgo, 1848, the Mexicans are guaranteed their rights to all lands covered by deeds dated prior to the date of said treaty. I have in my possession Mexican titles, bearing date prior to the date of the above treaty, to most all the land that is now being advertised for sale by Hammett & Co.

W. J. WARDER,
Agent for the Mexican Owners.

Figure 32: Newspaper advertisement publicizing W.J. Warder's possession of Mexican titles to El Chamizal, including those within the Magoffin Addition. Source: Chamizal Title Company Papers, Arizona Historical Society.

the legitimacy of their Mexican titles through the U.S. legal system. He would bear these expenses, however, only if agreed to give him one-third to one-half of the property in return for his services.[355] As Warder began steadily collecting these Mexican titles and accumulating Partido Chamizal clients, within a matter of months, these arrangements would become known in city of El Paso as "the Warder claims."

The promise of Warder's plan, however, rested on debunking the rumor of the United States' undisputed and uninterrupted possession of El Chamizal since an 1848. To do so, Warder planned to take the American claimants to court and introduce to the jury witnesses who could testify to the avulsive character of the river's meanderings. The plan seemed fool proof, and with these testimonies submitted before a judge, the whole structure of Anglo El Paso's rumor would lay in pieces before them. "[S]uch testimony would establish unquestionably the fact that the changes wrought in the channel of the Rio Grande had been such as did not work a change in the International Boundary," Warder once explained of his plan, "and therefore that the boundary remained where it had been previously located [in 1852] by Messrs. Emory and Salazar, which location was far north of the present channel."[356] And here was when Warder's business scheme would come into full fruition. Indeed, if his plan went accordingly, Warder was convinced that the Anglo American claimants to El Chamizal would have no choice but to buy the Mexican titles in his possession in order to resecure their property.[357] Like the Los Angeles urban planners who leveraged

[355] Should he fail, their contracts were "to be of no effect whatever in the event the title to said land claimed by the payees and by them conveyed to me as aforesaid is found to be invalid and not the superior and better title to said property." See: Arizona Historical Society MS 131: John Henry Campbell MS131: Box 4, series 7, folder 45, Arizona Historical Society, Tucson, Arizona; Chamizal Title Company Papers, MS978: Box 1, series 1, folder 9.

[356] "In the Matter of the Claim of certain Mexican Citizens," 100.

[357] "In the Matter of the Claim of certain Mexican Citizens," 99.

the cartographic memory of Mexicans to map out and control the Los Angeles River, Warder's plan rested on successfully underscoring the experiential, place-based memories of Mexicanos in the El Paso-Cd. Juárez borderlands as means to disprove Anglo El Paso's rumor and then sell the Mexican titles to American claimants. The ultimate goal of Warder's plan, in other words, involved reinscribing and refortifying Anglo American possession to El Chamizal through the cartographic memory of Partido Chamizal claimants.

Within a matter of five years, Warder would acquire 200 Mexican property deeds to about 1,500 acres of land south of First Street (where the Río Grande ran in 1852) and within El Chamizal's contested terrain.[358] The Warder Claims thus caused a great deal of distress and anxiety among the Anglo Americans who had purchased land in the south part of the city.[359] Word spread quickly that a California businessman had come to city with plans to not only take ownership of everything south of First Street, but who also intended to make fools of them all defending the Mexican titles to El Chamizal. Warder, of course, stoked these fears and anxieties himself in newspaper notice titled "Warning" that called out B.F. Hammett and A.M. Loomis by name. "This is to warn all persons from buying land south of the Rio Grande river as it ran in 1852 and 1853, and north of the present river," the notice began, "which is yet in dispute between the governments of Mexico and the United States, a part of which land B.F. Hammett, manager of the Campbell Real Estate company in El Paso, Texas, and A.M. Loomis and other real estate agents are offering for sale." "They do not own or control any part of this property," the notice continues. "They have no valid title. This property is owned by certain Mexicans and others who have Mexican titles to the

[358] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

[359] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 72.

same, and I am agent for the property." To say Warder was a nuisance to the city of El Paso was an understatement, as he repeatedly and publicly challenged Anglo El Paso's capitalist class.

Anglo El Paso responded in turn by branding Warder as "the crazy trader and farmer" and "somewhat unbalanced" man who, as the newspapers put it, was so mentally unhinged that he was "attempting to jump land not owned by him or his clients."[360] Misrepresenting and discrediting Warder's character really took off, however, once the local pressed began accusing him of holding back the city from moving forward in time, from progress, and from realizing its full potential. In fact, some reporters argued that the Warder Claims had so "very materially retarded [the city's] growth and brought discredit upon all titles" in the southside that the development, expansion, and improvement of the town had been delayed and in other instances ceased to exist.[361] As another reporter put it, Warder's actions were deeply "unfortunate for El Paso" and "doing immense harm."[362] As an extension of El Chamizal's wayward and backward terrain, Warder was ultimately cast as a unhinged man obsessed with a troublesome, bygone past.

Publicly discrediting the Warder Claims would consume the city. Press reports from this time reflect this obsession and frustration. In those reports, however, the focus was always Warder's harm to El Paso and its enterprising pioneers. Rarely was Warder ever quoted himself in these reports nor were the names of Warder's many Mexicano clients commonly listed. Even more rare to see in print, however, was the name of his clients' home: *Partido Chamizal*. The absence of "Partido Chamizal" from the written newspaper record is striking, as if El Paso newspapers dared not speak its name. Perhaps they understood that to write down—let alone publish—"Partido Chamizal" was

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360 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 72.

361 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 72.

362 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

to acknowledge the Mexican district had indeed been a place with its own peopled history and story that well predated El Paso, Texas. To call the district by its name, in other words, was to open the possibility that Partido Chamizal had not been some empty piece of land free for the taking, as dominant narratives of Manifest Destiny had Anglo Americans believe. Rather than open up this possibility, El Paso newspapers reported on the Warder Claims by referring to this place by its American names: the Magoffin, Cotton, or Campbell Additions. Only or a rare occasion did reporters even describe this place as "the disputed tract." Often it was only "the so-called disputed tract." In the beginning, perhaps blaming Warder for "ruining" the city may have satisfied Anglo El Paso's growing hostility and anxiety toward the Warder Claims. Ultimately, however, it was not enough to rid themselves of this anxiety and El Chamizal.

To Anglo El Paso's horror, on August 7, 1900, Warder filed in the United States Circuit Court for the Western District of Texas at El Paso a trespass to try title action against the Campbell Real Estate Company and several Anglo American claimants, including A.M. Loomis, who had purchased lots in the Campbell addition.[363] The lawsuit was particularly infuriating for B.F. Hammett, who was not only President of the Campbell Real Estate Company but also running a campaign to become mayor of El Paso. Hammett responded by putting into motion his own scheme to undermine Warder. Like the violent scenes of Mexican dispossession across Partido Chamizal, Hammett's scheme would solicit his Anglo American friends and associates in a coordinated plot.

Indeed, Hammett's economic and political influence in the region cannot be divorced from nor underestimated in the series of legal lawsuits that were soon to plague Warder and his Partido

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[363] Loomis' property within El Chamizal was bounded by Kansas Street, Stanton, the old Franklin canal, and the Río Grande. See: "Warder Loses His Fight," *El Paso Herald-Post*, April 14, 1905; Eugene Semmes Ives Collection, MS 1381: Box 7, Folder 55, Arizona Historical Society, Tucson, Arizona; Chamizal Title Company Papers, Box 8, Series 3, Folder 68.

Chamizal clients. The first of these lawsuits, filed in 1901 by A.M. Loomis himself, was a trespass to try title suit against Warder that accused him of illegally leasing Loomis' property. Warder was eventually indicted for perjury in the case and ordered to pay a fine.[364] In another lawsuit, a Partido Chamizal claimant and client to Warder was taken to court for having used "abusive language" when a group of men arrived to his home and forcibly evicted him.[365] In 1902, Warder was again arrested, taken jail, and charged for knowingly violating the law when he entered one of Loomis' properties to "removed rock and sand without their knowledge." Released from jail on a $250 bond, Warder publicly accused Loomis and his associates of "conspir[ing] together" to secure his arrest and humiliation.[366] In an article headlined "Sensational Petition Filed," the *El Paso Times* reported that Warder had sued Loomis for false arrest and $25,000 in damages to his reputation. As the report put it: "He deeds that the humiliation occasioned by being placed in custody and incarcerated in jail damaged his business standing in the community, so it was almost impossible for him to gain a livelihood."[367] Years later, a new team of lawyers representing Partido Chamizal claimants described these lawsuits as a coordinated conspiracy to undermine Warder and the Warder Claims. "Mr. W.J. Warder, who represents the Mexican claimants, has been persecuted, maligned, and subjected to treatment almost impossible to comprehend in this age when law and justice are commonly understood to be supreme," reads a pamphlet produced by this legal team.[368] "[T]he gentlemen

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[364] Santiago Alvarado, who appears to have been working alongside Warder at this time, was also named in the case as the alleged witness to the illegal lease. Alvarado was also indicted for perjury and ordered to pay a fine.

[365] The tenant was ultimately excused from the charge on account of unsatisfactory evidence, "[t]he attorney for the prosecution relied almost entirely on prejudice," legal briefing prepared on Warder's behalf summarized, adding, "The whole tenor of the trial was that he being a tenant of Warder's, he was therefore deserving of conviction." See: Chamizal Title Company Papers, Box 8, Series 3, Folder 72.

[366] "Sensational Petition Filed," *El Paso Times*, May 18, 1902.

[367] Sensational Petition Filed," *El Paso Times*, May 18, 1902.

[368] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 72.

composing the Campbell Real Estate Company," the pamphlet continues, "have from the beginning relied upon those who purchased from them for co-operation in throwing as much difficulty as possible in the way of Mr. Warder and his clients and by a multitude of pretended owners make a series of complications which they hoped would be impossible to unravel."[369] While this series of complications certainly stalled Warder's plan, it was not enough to wholly rid Anglo El Paso of El Chamizal's troublesome terrain.

A Codified Truth

Petty lawsuits like those initiated by B.F. Hammett and A.M. Loomis were not enough for Anglo El Paso's colonial scheme of land accumulation to perpetuate itself. To have any semblance of a chance, their scheme needed the backing and blessing of the law in far more explicit terms. In 1902, the promise of this legal endorsement came when a U.S. lower circuit court judge for the Western District of Texas, Thomas Sheldon Maxey, presided over the W.J. Warder v. Laura M. Loomis et al lawsuit. The defendant in the case, Laura M. Loomis, was the daughter and heir of A.M. Loomis. When the lawsuit convened in 1902, Warder took to the stand as his own legal representative, aruging that El Chamizal was the rightful territory of Mexico. To back up this claim, he introduced Partido Chamizal property deeds evidencing that the Mexican titles to his clients' properties could be traced as far back as 1817 from seller to buyer.[370] Warder knew, however, that

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[369] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 72.

[370] After Warder introduced these titles, lawyers representing Loomis demanded that Warder prove the deeds had been issued by either the Mexican or Spanish government. In turn, Warder proceeded with testimony that spoke to how official archival materials, including original property deeds issued by the Mexican and Spanish governments, were destroyed in 1847 by American troops in Cd. Juárez during the U.S.-Mexico War. See: "Warder Case is Well Under Way in Federal Court," *El Paso Herald*, April 8, 1903; Ives Papers MS1381, box 7, folder 55; Chamizal Title Company Papers MS 978, box 8, series 3, folder 72.

this paper trail alone would neither convince the jury nor legitimize his clients' titles; rather, he knew that these titles would only be considered legitimate if he could prove the Río Grande had shifted by avulsion. To prove this avulsion shift in court, he planned to present testimony from those who witnessed the great floods of the 1860s. With these testimonies, he was certain the whole structure of Anglo El Paso's rumor would unravel before them.

But before Warder could introduce the witnesses or their written affidavits to the court, Loomis' lawyer, Millard Patterson, requested that the lawsuit be thrown out.[371] In that request, Pattern argued that was that if Partido Chamizal claimants *did indeed* have rights to the land because of an avulsion shift, it *necessarily followed* that El Chamizal would be Mexican territory and thereby "the court was without jurisdiction over the land in question."[372] Judge Maxey agreed with this logic and dismissed the case—the significance of which was not lost on Anglo El Paso. On face value, of course, Maxey's dismissal for lack of legal jurisdiction acknowledged Mexico's claim to El Chamizal. At the same time, however, by dismissing the case for lack of jurisdiction, Maxey's ruling not only dismissed the Warder v. Loomis lawsuit but simultaneously nullified the other pending lawsuits involving El Chamizal. In turn, his ruling promised—at least for the time being—to maintain the status quo and Anglo El Paso's possession of this land. "The most important decision in a land suit ever rendered in the southwest was given yesterday afternoon by Judge Maxey," reported the *El Paso Times* on November 12, 1902. "The decision […] affects the status of seven other suits instituted by the same plaintiff, and which involves the title of hundreds of thousands of dollars worth of property in the southern part of the city." In this twisted circular logic, Anglo El Paso was celebrated

371 "Courts Have No Jurisdiction in Warder Cases and it May Become International Question," *El Paso Herald-Post*, November 12, 1902; In a 1905 article, the *Herald-Post* named Millard as Loomis' lawyer, See: "Loses His Fight," *El Paso Herald*, April 14, 1905.

372 "Courts Have No Jurisdiction in Warder Cases and it May Become International Question," *El Paso Herald-Post*, November 12, 1902.

Maxey's ruling—despite his recognition of Mexico's claim—because it maintained the status quo. His ruling did so, in large part, by identifying/leveraging El Chamizal as a place at the edge or outside the bounds of U.S. jurisdiction—an identification that matches scripts of the U.S. frontier as lawless.

In a stunning turn of events, however, Maxey reversed his decision in April 1903 and reopened the case.[373] Eager to finally present his argument for an avulsion shift, Warder had eleven men—eight Mexicanos and one Anglo El Pasoan—testify to the character of the Río Grande's meanderings during the floods of the 1860s. As the testimonies had been during the IBC's 1896 deliberations on Chamizal case no. 4, the witnesses introduced by Warder (many of whom were the same men who testified to the IBC) did not resolve the question of accretion or avulsion. As before, none neatly prescribed to the legal definitions for accretion/avulsion. Even so, the significance of their witness accounts likely did not go unnoticed, as together they unequivocally spoke to *experiencing* multiple sudden and violent southward shifts in the Río Grande. The legal threat these testimonies posed to the Loomis heirs and the rest of Anglo El Paso was not lost on those who understood the implications of the lawsuit being called in Warder's favor—and what this potential ruling would mean in terms of legal precedent. In turn, the Warder v. Loomis lawsuit had become something of an obsession. "The case is occupying the attention of many attorneys and many of them are in the court room watching its progress," reported the *El Paso Herald Post* on April 8, 1903.[374] One of these attorneys told the reporter that he was interested in the case because it "contains [sic] many fine points of law that will be decided for the first time." So much legal

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373 It is unclear what exactly changed Maxey's mind. The closest insight we have is a report in the *El Paso Herald Post* explaining that "after taking the matter under advisement [Maxey] decided that he did have jurisdiction in the premises and so announced to the attorneys." See: "Warder Case is Well Under Way in Federal Court," *El Paso Herald-Post*, April 8, 1903.

374 "Warder Case is Well Under Way in Federal Court," *El Paso Herald Post*, April 8, 1903.

precedent was at stake in this lawsuit, and Anglo El Paso was all too aware of what a ruling in Warder's favor could men for their propertied control of space within El Chamizal.

But before the testimonies were submitted to the jury and without the introduction or presentation of any testimony whatsoever attempting to prove the river had moved by accretion, Loomis' legal team motioned that the testimonies be stricken from the record on the grounds that they were trivial to the case. Drawing on Anglo El Paso's rumor, the motion read:

> And the Court is asked to strike out all evidence introduced by plaintiff respecting a change or changes in the Rio Grande by avulsion, and all evidence to show that the land in controversy has not been placed upon the north side of the river by accretion, and all evidence tending to show any title under the Government of Mexico to the property, *because the admitted facts and the evidence show that the United States Government and Texas are, and for many years have been, exercising jurisdiction, civil and political, over the property, and that the United States Government claims, and for many years has claimed, that said property is in the United States, and by its claim has for the purposes of this case established the fact that the changes in the river by which the land was thrown upon the north side of the river were by accretion and not by avulsion.*[375]

This motion argues, in other words, that the testimonies introduced Warder are irrelevant because the United States' present and well-established (albeit less than 50 years) possession of El Chamizal *is evidence enough* to prove the river had moved by accretion and therefore is the legal territory of the United States. In this way, this motion made sense of that which could not be proven (accretion v. avulsion) by drawing on El Paso's present possession of El Chamizal as evidence/confirmation of an accretion shift. If we pay attention to the underlying logic of this motion, the implicit argument is also that there is no past to the United States' possession of El Chamizal—and that there need not be any evidence to prove how this present possession came to be.

Despite this motion being based in absolutely no evidence, Judge Maxey considered the motion and even asked Warder to respond to it logic. Indeed, when Warder asked whether he

[375] Emphasis added by author. See: In the Matter of the Claim of certain Mexican Citizens to Lands on the Rio Grande known by the name of District of 'El Chamizal,'" 29.

agreed that the United States exercised jurisdiction over the land in question, Warder replied "yes," explaining that the lawsuit could only be valid if the United States held this jurisdiction over the land.[376] Maxey, however, heard only what he wanted to hear from Warder's response: that even the defendant believed the United States to hold jurisdiction over the land in question—and that, as Loomis' legal had argued, if this was true then the land was accretion land and legitimate U.S. territory. What followed would become a defining moment in the Chamizal Dispute for years to come. On April 8, 1903, Maxey approved the motion submitted by Loomis' legal team. "The grounds on which Judge Maxey took this action," reported the *El Paso Herald-Post*, "were that the plaintiff admitted that the United States had assumed to exercise jurisdiction over the land in question and this being the case, it could only do so if the land was acquired by accretion, in which case it belongs the United States."[377] Put another way, the basis for Maxey's decision was the argument that because the U.S. government was presently asserting political as well as civil jurisdiction over El Chamizal, U.S. jurisdiction "*must* be *presumed* by the Court to be rightfully exercised, and that the only way in which said jurisdiction could be rightfully exercised would be by reason of accretion."[378] Based on unverifiable information, this ruling ultimately accepted rumor as evidence in a court of law.

In accepting rumor as evidence, Maxey legally struck from the court record the testimonies introduced by Warder and forbid the jury from considering these testimonies in their deliberations. More than literally erasing these testimonies from the record, Maxey's ruling denied Partido Chamizal claimants the right to at least try to prove in front of a jury that the river had changed by

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376 "Warder Case is Well Under Way in Federal Court," *El Paso Herald Post*, April 8, 1903.

377 "Warder Case is Well Under Way in Federal Court," *El Paso Herald Post*, April 8, 1903.

378 Chamizal Title Company Papers MS978, box 1 series 1, folder 9.

avulsion. This denial "rested upon the single proposition that inasmuch as the United States, State, Country, and City Governments were in possession and exercising civil and political control and jurisdiction over the property, the Courts of the United States were *compelled to presumed absolutely* that the river had changed by accretion and not by avulsion and that the Court and Judge *were precluded by such presumption from hearing or considering or permitting the jury to hear and consider any testimony whatever that would tend to show or demonstrate that the river changed its channel by avulsion*."[379] For Partido Chamizal claimants who were denied this right, Maxey's decision was impossible to reconcile. How a judge could unilaterally determine their witness accounts irrelevant and outright trivial to the case was unthinkable to them.

And yet, it had been done; and in that very moment, Anglo El Paso's rumor had become not only legal evidence or a codified truth, but a site where History was produced. Indeed, as Trouillot has argued, "the power to decided what is trivial—and annoying—is also part of the power to decide how 'what happened' becomes 'that which is said to have happened.'"[380] This form of silencing the past—one that "forbids describing what happened from the point of view of the people who saw it happen or to whom it happened"—is an archival power wherein whatever becomes history and fact "does so with its own inborn absences, specific to its production."[381] When Maxey accepted the motion of Loomis' legal team, he was engaging with this form of silencing the past. Maxey's decision not only produced through the law a historical narrative where the Río Grande moved by accretion, but in turn a historical narrative wherein there is a neat, rational, and legal sequence to Anglo El Paso's possession of El Chamizal. In effect, then, Maxey's decision

[379] Chamizal Title Company Papers MS978, box 1 series 1, folder 9 (emphasis added).

[380] Trouillot, *Silencing the Past*, 115.

[381] Trouillot, *Silencing the Past*, 116, 49.

perpetuated through the law a worldview where Anglo American hegemony and propertied possession is natural and taken for granted, where this worldview wins over facts, and where any alternative worldview remained in the realm of the trivial.

If Maxey had any qualms with his decision to accept Loomis' motion, if he debated the legal standing and integrity of this ruling, he did not publicly show it. In fact, later Maxey told local newspapers that he "was satisfied that the plaintiff [Warder] had no case" and therefore "calling in the jury instructing [them] to bring the verdict for the defendants" was the only sensible next step.[382] And on April 16 of 1903, the jury did as Maxey had instructed them and ruled in favor of Loomis.

"Of Another Time"

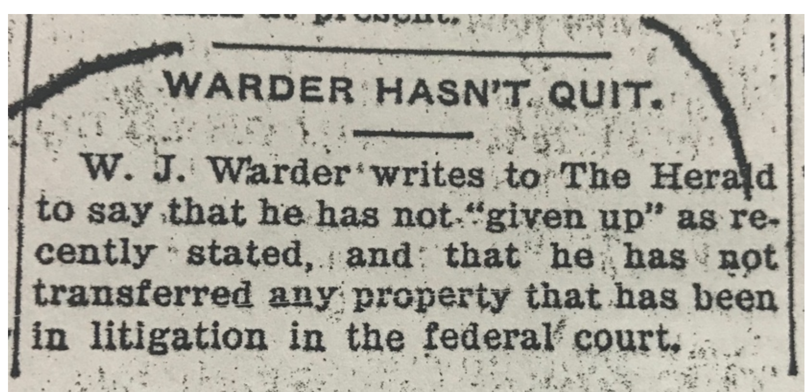
Of the many insights this lawsuit has to offer us, perhaps most instructive is how this lawsuit illuminates aspects of how power, racial capitalism, and the law work in tandem. Rumor in this context became law, which not only reciprocally upheld a White temporal-spatial imaginary where any challenge or rupture to Anglo White possession is absurd, unintelligible, and unthinkable, but also became a legal precedent to which future judges and lawyers could ground their arguments in favor of Anglo American possession. Maxey's decision thus shows how the specific details of this case (that is, how the river moved across this landscape) were rendered irrelevant in a court of law when compared to the danger of Anglo El Paso's illegal possession of El Chamizal and the implications of this illegality. Secondly, the ruling suggests that Anglo El Paso's rumor so structured social affect and social cognition among Anglo Americans this city, that time and space could not be conceived as anything other than in service to Anglo-American whiteness—even within legal realm. Indeed, it tells us that this rumor had become so lodged in the socio-mental geography of El Paso

[382] "Warder Case is Decided for Defendants," *El Paso Herald-Post*, April 1, 1903.

that its codification was reasonable, logical, and legally sound. By accepting rumor as evidence in his court, Maxey became a co-author to this rumor with his own investment in concealing the mystery of the Río Grande. Yielding his power as a judge, Maxey engaged in this concealment by reaffirming rumor and a legal racial regime of property founded on the idea that Anglo American possession is always legitimate and timeless. This was only possible by producing and upholding "a specifically legal narrative time-space of perpetuity" wherein El Chamizal—contrary to all evidence—has always been the possession of the United States.[383]

The Warder v. Loomis lawsuit illuminates most pointedly law's knotted relationship with time. Indeed, it shows us how colonial legal temporal techniques co-produce a vast set of legible and illegible temporalities in service of racialized dispossession.By accepting Loomis' motion, Maxey ruled that the wayward Río Grande does not so much exist within the flow of (Anglo-White) time but punctures through it as an anomaly from a bygone era. From this perspective, this river is of "another time:" a backward, irrelevant, and incoherent temporal frame of reference that is "outside" of modern time—and which therefore needs not be considered at all. Notably, this "irrelevant" temporal frame of reference is also that which unsettles Anglo-American settler claims to El Chamizal (then and now) by raising unpalatable, unwelcome questions about *how* Anglo Americans came into their possession of El Chamizal. By striking out these testimonies, Maxey employed the law not simply to negate these questions or foreclose a time-space wherein the Río Grande did *not* act in favor of Anglo American possession, but also to produce a time-space of belonging and unwavering propertied possession for Anglo American settlers in El Paso. His decision demonstrates "how state law not only relies upon and produces temporalities" to discipline deviance

383 Genevieve Renard Painter, "Give Us His Name": Time, Law, and Language in a Settler Colony," in *Law and Time* edited by Sian M. Beynon-Jones and Emily Grabham (New York: Routledge, 2019), 109.


WARDER HASN'T QUIT.

W. J. Warder writes to The Herald to say that he has not "given up" as recently stated, and that he has not transferred any property that has been in litigation in the federal court.

Figure 33: Newspaper notification publicizing Warder's insistence that has not given up despite claims to the contrary. Source: Chamizal Title Company, Arizona Historical Society

(the Río Grande, El Chamizal, and Partido Chamizal claimants) into disappearance ("striking-out"), or how "the law is buffeted by times that exceed its control," but also how rumor was deployed by legal professionals to conceal the Río Grande's breach to Anglo El Paso's time-space.[384]

More difficult to discern, however, is how white possessive logics demand flexibility—sometimes in overtly absurd and feigned ways—in the legal rationales it employs to conceal these ruptures.[385] For example, Maxey's initial decision in the Warder v. Loomis case declared that El Chamizal—as Mexican territory—was outside the bounds of U.S. jurisdiction. Ironically enough, his decision to throw out the case on lack of jurisdiction offered to temporarily maintain Anglo El Paso's possession of El Chamizal. Later, however, Maxey reversed this decision, arguing that his court *did* have jurisdiction over El Chamizal because El Chamizal *is* U.S. territory by virtue of the law of accretion. Notably, the ultimate outcome of the case conveniently works within the law of accretion while simultaneously rejecting testimony that—via this law's very logic—opens the possibility that U.S. possession of El Chamizal is illegitimate. This outcome, however, was only

384 Renard Painter, "Give Us His Name," 114.

385 Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham and London: Duke University Press, 2019).

possible by utilizing rumor to classify Partido Chamizal claimants and the Río Grande as fundamentally non-historical: as illegible actors from a past and present that are and remain incoherent in his court of law.

Rumor as Legal Precedent

This coordinated effort to delegitimize and relegate the Chamizal Dispute safely to the past eventually extended beyond the city of El Paso when the U.S. circuit court of appeals in New Orleans affirmed Maxey's decision. In the wake of this decision, there was speculation and reports of Warder having finally given up his claim to El Chamizal. Warder, however, openly countered these reports by writing to *El Paso Herald-Post* with his intention to appeal the New Orleans courts' decision. The Paper in turn published a small notice titled "Warder Hasn't Quit." Of course, Warder's relentless determination and the ongoing litigation infuriated Anglo El Paso. Not only did Warder refused to go away, but the Warder Claims—despite their luck in the U.S. legal system—had already deeply frustrated real estate dealings in the southern part of the city. The lawsuits were such "a distributing element in values and transactions," whined the *El Paso Herald* in 1905, that "[t]he litigation has retarded the growth of that section and has held up real estate deals of importance."[386] To Anglo El Paso's delight, this litigation ended when Warder's appeal reached the U.S. Supreme Court in April of 1905.

That month, the nation's highest court preserved Anglo American possession of El Chamizal by ruling (like Judge Maxey had first done) that the Supreme Court lacked jurisdiction in the Warder v. Loomis lawsuit because the issue was an international dispute and therefore needed to be taken up by an international arbitration. The Supreme Court's ruling warranted the front page of

[386] "Warder Loses His Fight," *El Paso Herald*, April 14, 1905.

the *El Paso Herald* on April 14, 1905. Headlined "Warder Loses His Fight," the reporter described the lawsuit as "one of the most sensational land suits ever taken up in El Paso."[387] "Among the real estate men and property owners of the lower section of the city," the reporter explained, "there is great rejoicing today over the decision of the court." Although the Supreme Court had not wholly put an end to the Chamizal Dispute, ruling instead that an international arbitration was the only body of law that could do so, Anglo El Paso celebrated because once again the legal system had protected their possession of El Chamizal. Indeed, as we can see across the lawsuits involving El Chamizal, lawyers and judges across the United States deployed an insatiable, circular legal logic—at times declaring El Chamizal within the fold of U.S. legal jurisdiction and at other times outside it—that conveniently manipulated the law to maintain Anglo El Paso's possession of this contested territory. This was possible only by simultaneously disavowing and recognizing El Chamizal as a "zone of legal anomaly" produced by conditions of contested and multiple legal authorities, and then leveraging this legal anomaly to maintain the United States' possession of El Chamizal.[388]

Because the Supreme Court had recommended an international arbitration take up the Chamizal Dispute, the maintenance of Anglo El Paso's possession of El Chamizal was potentially only temporary. In a move that reveals the *Herald's* own anxiety to put lay the ghost of El Chamizal, however, the paper announced that the Supreme Court's ruling had finally ended the conflict. The article's subhead, "Title to the Entire Southern Portion of the City is Now Clear and Without a Shadow Upon It," said as much.[389] This, of course, was unequivocally incorrect. But the Herald and the rest of Anglo El Paso didn't care if this grandiose claim was wrong. What mattered was that the

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[387] Warder Loses His Fight," *El Paso Herald*, April 14, 1905.

[388] Lauren Benton quoted in Felicity Amaya Schaeffer, *Unsettled Borders: The Militarized Science of Surveillance on Sacred Indigenous Land* (Durham and London: Duke University Press, 2022), 56.

[389] "Warder Loses His Fight," *El Paso Herald*, April 14, 1905.

Supreme Court's passive support to their claim maintained the status quo in the region. "Now that the Warder claim is settled forever," declared the *El Paso Herald Post*, "there is no longer any question as to the title to the property and the sale of lots can proceed and values are expected to increase considerably."

Of all the many powerful man who were celebrating the Supreme Court's decision, they all agreed that the ruling would usher in the city's next big economic book. B.F. Hammett, for instance, was quoted in the *El Paso Herald* describing the court's decision as "the greatest thing that could happen to the city at present." J. Arthur Eddy, another prominent Anglo American real estate developer in El Paso, called the Supreme Court's ruling "a Godsend" that would "boom" land values and real estate business. Even the former secretary to the IBC secretary, a man named J.A. Harper, publicly shared Eddy's excitement.[390] "Now watch real estate values increase and take on new life in the lower end of the city," Harper told the newspaper. In the wake this decision, Horace B. Stevens, one of El Paso's local real estate giants, said he planned to move forward with pending real estate proposals to build warehouses and factories in the area. "It is a good thing for the whole community," Stevens was quoted saying, whose response, like those of his associates, underscores the interdependency between racial capitalism and settler colonial project.

Indeed, when Eddy described the Supreme' Court's ruling as a "boom" or when Stevens said this boom would benefit "the whole community," they were not only working within a racist capitalist agenda wherein "community" constituted only those who stood to economically benefit from transforming the once-thriving Mexican controlled borough of Partido Chamizal into an industrialized subsection of the city. Instead, they were speaking to how "dispossession and the

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[390] J.A. Eddy was part of the exclusive "Toltec Club" of El Paso's elite and real estate developers. See: "Elaborate Toltec Club Society's Gathering Place in Early Days," *El Paso Times*, June 22, 1952; Warder Loses His Fight," *El Paso Herald*, April 14, 1905.

silent compulsion of the market coexist and, in fact, are complementary."[391] "Rather than a temporal anchor for capitalism, "accumulation by dispossession serves as a spatial form prior to capitalist incorporation that is the fodder for imperialist expansion."[392] While the long-awaited warehouses and factories would not only cushion their pocket books and contribute to the material destruction of Partido Chamizal, but would they would in turn lay the groundwork for the socio-spatial production of Segundo Barrio and its vulnerable, working-class Mexican-immigrant labor force.

In the wake of the Supreme Court's decision, Hammett and his business associates took this opportunity to peddle their own narrative that they had never once feared El Chamizal would be taken from them. "The owners of the property contested by Warder," reported the *El Paso Herald*, "never had any fear that he would win his case, and have been confident all the time of ultimately winning." "I have been satisfied all along that Mr. Warder had no claim to the property," added J.A. Harper. Throughout this report we can see how Anglo El Pasoans like Harper had to constantly tell themselves and the larger settler community to which they were a part of that they were never worried about their claim to El Paso southside. *Besides,* they told themselves*, everybody knew the United States had claimed and exercised and undisturbed possession of El Chamizal since 1848*.

To Anglo El Paso's delight, when a separate lawsuit involving land in El Chamizal, came up a six months later, their rumor was again used as evidence in a court of law. The lawsuit, Warder et al. v Cotton, was filed by Frank B. Cotton's trustee, Walter B. Grant, against Warder for illegally leasing land under Mexican title in the southern portion of the Cotton Addition. Local reports had denounced Warder's actions, particularly when 75 Mexican tenants began moving onto the property. The judge in the case, Charles Swayne, had come to El Paso from Florida in October of 1905 to

391 Byrd et al, *Colonial Racial Capitalism*, 67.

392 Byrd et al, *Colonial Racial Capitalism*, 67.

temporarily take the place of Judge Maxey. Although Swayne arrived in the city on the heels of an impeachment scandal, the *El Paso Herald* described him as "a jurist of ability" and applauded him on his first day in court on October 9 for "deliver[ing] a charge to the jury on the sacredness of an oath and good citizenship."[393] One of those jury members was none other than Horace B. Stevens, who had been selected to serve as the jury foreman during the duration of the court's term.[394] Perhaps, then, it came as little surprise that Swayne ultimately ruled in favor of Cotton. In an October 14 article headlined, "Is Again Defeated: W.J. Warder Loses Another Contention," the *El Paso Times* reported that Swayne had instructed the jury to submit a verdict in favor of Cotton because "the United States had exercised authority over the land for a number of years that the defendants were estopped from setting up any adverse claims."[395] Drawing on what appears to be legal precedent from Judge Maxey's ruling , Swayne argued that he and the jury were unobligated to hear testimony from Warder on an avulsion shift in the Río Grande.[396] As such, explained the *El Paso Times*, "Judge Swayne refused to permit the introduction of testimony on this point."[397] Swayne's decision not only greenlighted the displacement of the 75 Mexicans living on the Cotton Addition, but in turn further solidified Anglo El Paso's rumor as credible evidence and irrefutable history. The implication of which was devastating for the Warder claims. Soon after his ruling, Swayne unilaterally dismissed all pending Warder cases on the docket.[398] Now a well-established codified truth and legal precedent,

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[393] "Duty of Citizen Discussed by Judge Swayne," *El Paso Herald*, October 9, 1905.

[394] Ibd.

[395] "Is Again Defeated," *El Paso Times*, October 14, 1905.

[396] Ibd.

[397] Ibd.

[398] "Warder Cases Thrown Out of Federal Court," *El Paso Herald*, October 11, 1905.

Anglo El Paso's rumor locates how the making of racial capitalism and property is premised on the disposability of subject populations and accomplished through the law.

The Chamizal Title Company

It is unclear exactly when Warder ran out of money, but sometime in 1905 he began notifying his clients that because of the endless lawsuits and their disappointing setbacks he had burned through his entire fortune and could no longer finance defending their claims.[399] What happened between then and when the Chamizal Title Company (CTC) of New York was established in 1905 to syndicate the Mexican titles to El Chamizal is difficult to say. But that year the newly established Chamizal Title Company paid Warder $100,000 to purchase of the Mexican titles he had accumulated, which totaled an estimated ninety to 100 precent of the Mexican titles to El Chamizal. On February 25, 1907, Warder conveyed all his rights, titles, and interests to these properties to the company's president and trustee: an Arizona businessman named Brewster Cameron who held CTC offices in both Tucson and El Paso. How Cameron, the fifty-three-year-old son of an affluent Tucson cattle family caught word of Warder's unfinished business in El Paso is also difficult to say. But like Warder himself, Cameron saw the Chamizal Dispute his opportunity to build his family's empire and make a name for himself in the American frontier. Years later, El Pasoans would remember Cameron as one of many the "Yankee slickers [who] got mixed-up in our border affairs."[400]

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399 Chamizal Title Company Papers MS978: Box 1, Series 1, Folder 9.

400 In a 1962 news story on the Chamizal Treaty broadcasted on KTSM, news broadcaster Conrey Bryson gave an overview of the events leading up to the settlement in which he suggested that the Chamizal Dispute "might have been amicably settled, or even forgotten, eventually" if it had not been for the "Yankee-slickers" of the Chamizal Title Company and Chamizal Land Company. See: "Everyday Events," *El Paso Times*, June 17, 1962.

The arrival of the CTC to the El Paso-Cd. Juárez borderlands signals an important moment in this conflict's trajectory wherein we can see and site the colonial capitalist frontier intimacies between the lone star state and the state of Arizona. As CTC President, Cameron's goal differed little from that of Warder's. As Warder had once hoped to do, Cameron's aim was not really to protect Mexican titles or righteously defend Mexican claimants. Rather, the goal was economic exploitation: exploitation of desperate, dispossessed, and in some instances battered Partido Chamizal claimants; exploitation of their Mexican racialization determined their chances at protecting their properties in the U.S. legal system; in truth, Cameron's plan rested on the exploitation of El Chamizal's economically viable location for his own gain. Cameron said as much in a letter to a prospective client, in which he explained that the Chamizal Title Company would "afford those who had invested their money in the defective, and in our opinion void, American title an opportunity to protect their investments by acquiring the Mexican title at a moderate cost, but a price at which this Company felt it could afford to sell."[401] Cameron also announced his intentions in a locally distributed pamphlet, entitled "The El Paso Real Estate Guide," that was addressed to the city's real estate agents. "It is to the purpose of the Chamizal Title Company to co-operate with real estate men," read the pamphlet, "to help clear up all [Chamizal] titles, not only because it will promote the city's' welfare, but because it will put thousands of dollars in your pockets."[402] As with Warder, the Chamizal Title Company ultimately sought to win the legitimacy of the Mexican titles to El Chamizal in the company's possession in order to sell those titles to Anglo American claimants at a steep profit.

The Chamizal Title Company and its El Paso Real Estate Guide would outright stoke Anglo El Paso's already heightened and hostile anxieties about the Chamizal Dispute. The pamphlet would

[401] Chamizal Title Company Papers MS978: Box 1, Series 1, Folder 6.
[402] Chamizal Title Company Papers, MS978: Box 1, Series 1, Folder 8.

Figure 34: Chamizal Title Company newspaper advertisement published in El Paso Herald on March 7, 1907. Source: Chamizal Title Company, Arizona Historical Society.

cause such "a great deal of excitement" in the city, that the Chamizal Title Company printed extra copies of the El Paso Real Estate Guide to keep up with demand.[403] Soon enough, local newspapers began publishing advertisements notifying the public of the clouded American titles to Partido Chamizal and the Mexican titles now available for purchase through the Chamizal Title Company.[404] "Ours is strictly a campaign of education," Cameron explained, "and the few newspapers ads published thus far have done a world of good in teaching the investing public that justness of the

[403] Chamizal Title Company Papers, MS978: Box 8, Series 3, Folder 68.

[404] Eugene Semmes Ives Collection, MS 1381: Box 7, Folder 55.

Mexican claims and the value of the Mexican title."[405] "If you own property in Southern El Paso, or if you loan any money on your property," read one of these advertisements, "you simply cannot afford to miss the facts presented in this last issue of the Guide."[406] When the federal governments of Mexico and United States announced that momentum had picked up with their plans to organize an international arbitration tribunal, the Chamizal Title Company issued another wave of notices and advertisements calling on Americans to secure their faulty titles. "The only way possible way to be secure, in advance of a settlement of the boundary, is to own both [Mexican and American] titles," Cameron wrote in a letter published to *El Paso Herald Post*. "Then, no matter which way the commission finally decides, your interests will not be affected."[407]

Although the Chamizal Title Company's business model largely mirrored Warder's, the company notably diverged from Warder's plan when the company began buying Mexican titles to lands south of the 1827 Rio Grande channel location, and selling these titles to American claimants who wished to protect their properties emanating under the patent issued to Juan Maria Ponce de Leon.[408] The company's chief lawyer, Seymour Thurmond, explained the company's logic: Because "the testimony of all disinterested persons from whom I have ever been able to secure any information is to the effect that the Rio Grande never at any time changed its channel by accretion but that all of its changed have been by avulsion," he wrote in 1907, "and if this is true, then the land has not accreted to the Ponce de Leon two caballerias and consequently remains the property of those claiming it under

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405 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 7.

406 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

407 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

408 Chamizal Title Company Papers, MS978: Box 1, Series 1, folder 8.

Mexico."[409] As such, Thurmond argued, the Treaty of 1848 and the Survey of 1852 did not "affect the rights of Mexicans and their descendants and heirs to claim and improperly been absorbed into the Ponce de Leon Land Grant.[410] Some Anglo El Pasoans, who were made privy to this facet of the company's plan, did not hesitate to share their approval. "I do not think the great benefit to the Company you are trustee for can hardly be overestimated in such an

BIG BOOM PREDICTED for Southern El Paso

Real estate men, bankers and business men generally, predict that a new era has dawned for Southern El Paso.

The claims of Mexican citizens have at last been relinquished to the Chamizal Title Company and holders of lots in Southern El Paso can now secure the original Mexican titles at merely nominal cost.

This Company holds power of attorney from the various Mexican claimants and is authorized to deliver quit-claims.

MEXICAN CLAIMANTS AGREE TO TERMS

This new arrangement is the consummation of years of effort by Mr. W. J. Warder and removes the last barrier to a complete solution of the title question in Southern El Paso.

A number of property holders in what is known as the "disputed district" have already purchased the Mexican titles and others are negotiating. The whole city has awakened to the importance of having the title question settled once and forever.

The part of El Paso claimed by Mexico is the logical business district of the city. The only thing that has held it back is the timidity of capital where questionable titles are concerned.

Now that the way is open for holders of lots in this "disputed district" to perfect their titles by purchasing outright quit-claims from the direct descendants of the original Mexican owners of the land, on equitable terms, it is confidently expected that many fine business structures will soon go up and that the value of lots will double.

Owners of lots in Southern El Paso should call at our office and get the full details of the plan under which the Mexican titles are offered for sale.

We have published some important and very interesting literature fully explaining the basis of Mexico's claims to the Southern part of this city. Better call for a copy and get the facts.

CHAMIZAL TITLE COMPANY
Rooms 324-5-6 Guaranty Trust Building, EL PASO, TEX.

Figure 35: Chamizal Title Company advertisement. Source*: El Paso Herald Post* March 30, 1907.

undertaking of magnitude and of so great public interest," wrote a real estate agent commissioned to evaluate the company's business model to Cameron in 1907.[411] From this man's perspective, property values within El Chamizal would surely double and lands surrounding the area would triple at least. "I believe that the successful launching of the enterprise would mean at least $100,000 increased value to the Warder claimants," the agent summarized, "not only from a real estate standpoint but from the moral effect." [412] From his professional perspective, the company not only

409 Chamizal Title Company Papers MS978: Box 1, series 1, folder 8.

410 Chamizal Title Company Papers MS978: Box 1, series 1, folder 8.

411 Chamizal Title Company Papers MS978: Box 1, series 1, folder 13.

412 Chamizal Title Company Papers MS978: Box 1, series 1, folder 13.

Have You a Perfect Title to that Lot?

Do you hold any property in that portion of El Paso lying between the County Court House, on East Overland street, and the river? Do you know that Mexico claims this portion of El Paso?

And that these lands are covered by underlying Mexican titles that go right back to the sovereignty of the soil? Do you own the Mexican title to that lot? Are you protected?

Do you know that the patent issued by the State of Texas to the Campbell Real Estate Company left the question of actual ownership open? There is a clause in it that protects the Mexican claimants.

A copy of this patent is published in the March issue of the El Paso Real Estate Guide. Have you read it?

Perfect your title while you can. "The man who puts off generally gets put off."

READ THE MARCH ISSUE

of the El Paso Real Estate Guide. It contains a second brilliant discussion of the question of real estate titles, by Mr. S. A. Conner, a former newspaperman of this city.

Read the unanswerable argument of Mexico's Commissioner on the International Boundary Commission. Senor Don F. Javier Osorno clearly states why Mexico claims these lands for herself and her citizens.

Read Mr. Cameron's reply to the letter of a local property owner, on the title question.

Read the articles, "A Vital Question," "Protect Your Property," and "Perfect Your Title."

Read why a certain El Pasoan would not buy the Campbell Real Estate Company's title.

See the map of the underlying Mexican titles which cover every inch of the tract in dispute.

If you own property in Southern El Paso, or if you loan any money on real estate in that district, or if you want to borrow money on your property, you simply can not afford to miss the facts presented in this last issue of the Guide.

A perfect title adds value to your holdings.

Investigate. Get the real facts regarding this controversy, by reading

The El Paso Real Estate Guide

For sale at Ward's Drug Store, 109 San Antonio St., El Paso, Tex.

Figure 36: Chamizal Title Company advertisement for the El Paso Real Estate Guide. Source: Chamizal Title Company Papers, Arizona Historical Society.

stood to soar in profits, but was also doing the city of El Paso a great service by resecuring the American titles to El Chamizal and opening the area to the fruits of capitalism. Indeed, in 1908 when the company it held the Mexican titles to nearly all of the land south of the 1827 boundary demarcation, (including the additions of Santa Fe, Campbell, and Magoffin as well as the southern half of Frank B. Cotton's estate) the company estimated its value at $2.5 million.[413] "Here are 1,500 acres of as valuable land as there is in the city of El Paso," Cameron wrote to his business associates.[414] Divided into 25,000 shares, the company made each of its share available for purchase at $100.

There was, however, a great deal more to the Chamizal Title Company's business plan than what was publicly let on. In correspondence with his legal team and business associates, Cameron described an elaborate plan in which he would use the Chamizal Title Company's proceeds to purchase Mexico's Cordova Island and together develop this land and El Chamizal into an El Paso residential subdivision.[415] This plan's success, however, rested on Cordova Island—which was uncontested Mexican territory—becoming U.S. territory. For reasons that are unclear, CTC company records suggest that Cameron and his CTC associates believed that United States would eventually absorb Cordova Island once the international boundary's location was officially determined through arbitration. In 1907 letter on the matter, the company's lawyer, Seymour Thurmond, explained that "said such lands are of such great immediate prospective value, by reason of the fact that they will come under the domination of the United States as soon as the true international boundary between the two countries at El Paso is settled, which will probably be

413 Chamizal Title Company Papers MS978: Box 1, series 1, folder 11, 8.

414 Chamizal Title Company Papers MS978: Box 1, series 1, folder 7.

415 Chamizal Title Company Papers MS978: Box 1, series 1, folder 2, 11.

within a year."[416] The company's objective, then, was to "sell the entire tract out for City additions at large prices immediately upon the decision being reached by the new arbitrational tribunal."[417] The CTC's larger business plan, in other words, was not simply to convince American claimants to purchase the Mexican titles to El Chamizal as means to protect their propertied possession. More than this, the Chamizal Title Company hoped to convince the larger public to purchase stock in the company and then use these proceeds to acquire Cordova Island either by purchase or the re-establishment of the international boundary.

This elaborate capitalist scheme had not been part of Cameron's original business model, but something his friend, Levi H. Manning, had convinced him to undertake. Manning, who was then Mayor of Tucson, the former Surveyor-General of Arizona, and a prominent Tucson real estate developer, wanted a piece of this pie himself. Sometime in 1907, Manning had caught word of the Chamizal Dispute and immediately thereafter set his sight on El Paso as his next big business opportunity. When Manning consulted his two business associates, Epes Randolph, the president of the Arizona Eastern Railroad, and Eugene Ives, a prominent Tucson lawyer and counsel to the Southern Pacific Railroad, they three men agreed that the Chamizal Dispute might very well likely be their next big enterprise.[418] "Chamizal was one financial venture that always evoked a lot of interest," a colleague of the men told a reporter for the *Tucson Citizen* in 1964, adding, "They directed tremendous energy into what they believed would be a sound and profitable business. After all, El Paso was a growing city with valuable land […and] [t]he Chamizal enterprise typified their adventuresome spirit."[419] Eager to stake their own claim to El Chamizal, Manning wrote to

[416] Chamizal Title Company Papers MS978: Box 1, series 1, folder 1.

[417] Chamizal Title Company Papers MS978: Box 1, series 1, folder 1.

[418] Sally Wright, "Ramblin' River's Rendezvous with Pioneer Tucsonians," *Tucson Citizen*, June 6, 1964.

[419] Ibd.

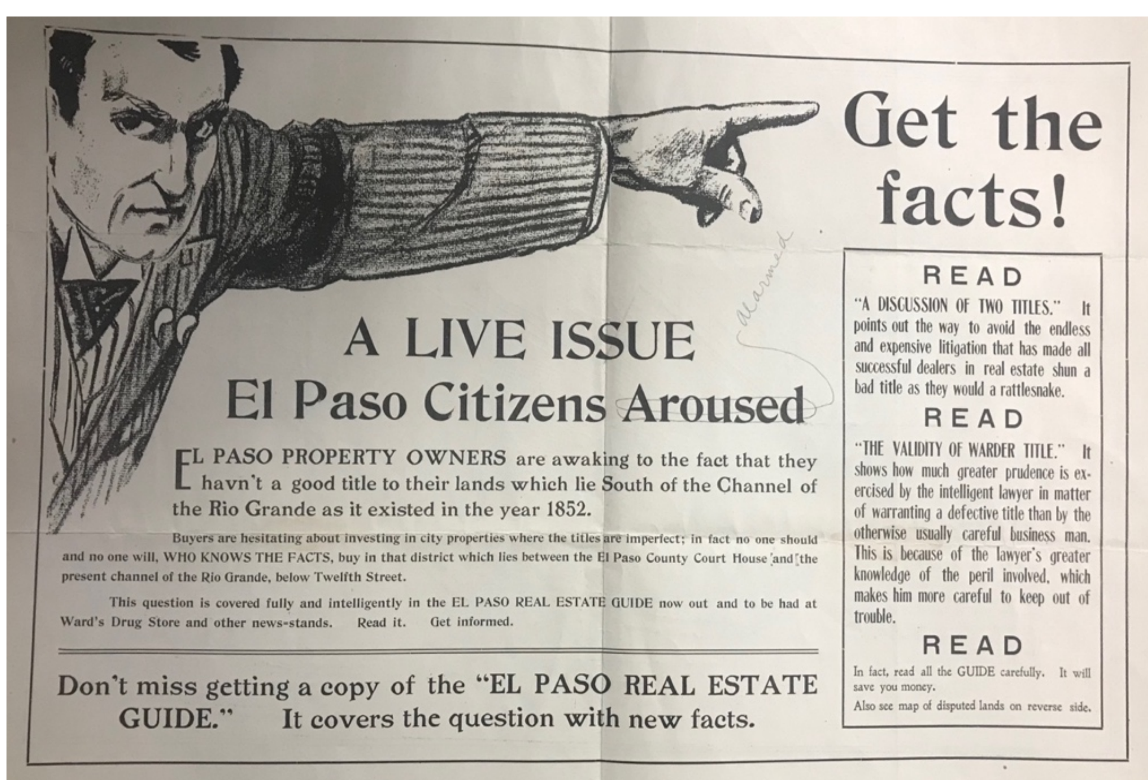

Figure 37: Chamizal Title Company advertisement for El Paso Real Estate Guide. Source: Chamizal Title Company Papers, Arizona Historical Society.

Cameron with a proposition: if the Chamizal Title Company acquired the titles to both El Chamizal and Cordova Island and won their legitimacy in court, Manning would offer Cameron $500 a lot or $2,500 an acre to develop, survey, plant, and otherwise prepare the area into "a beautiful and select residence addition."[420] "In other words," Cameron summarized of this business development in a letter to his colleague, "the plan will be to plat out and dedicate it as an addition to the City, the landscape and platting to be done in the same artistic manner that Mr. H.E. Huntington has platted

420 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 2.

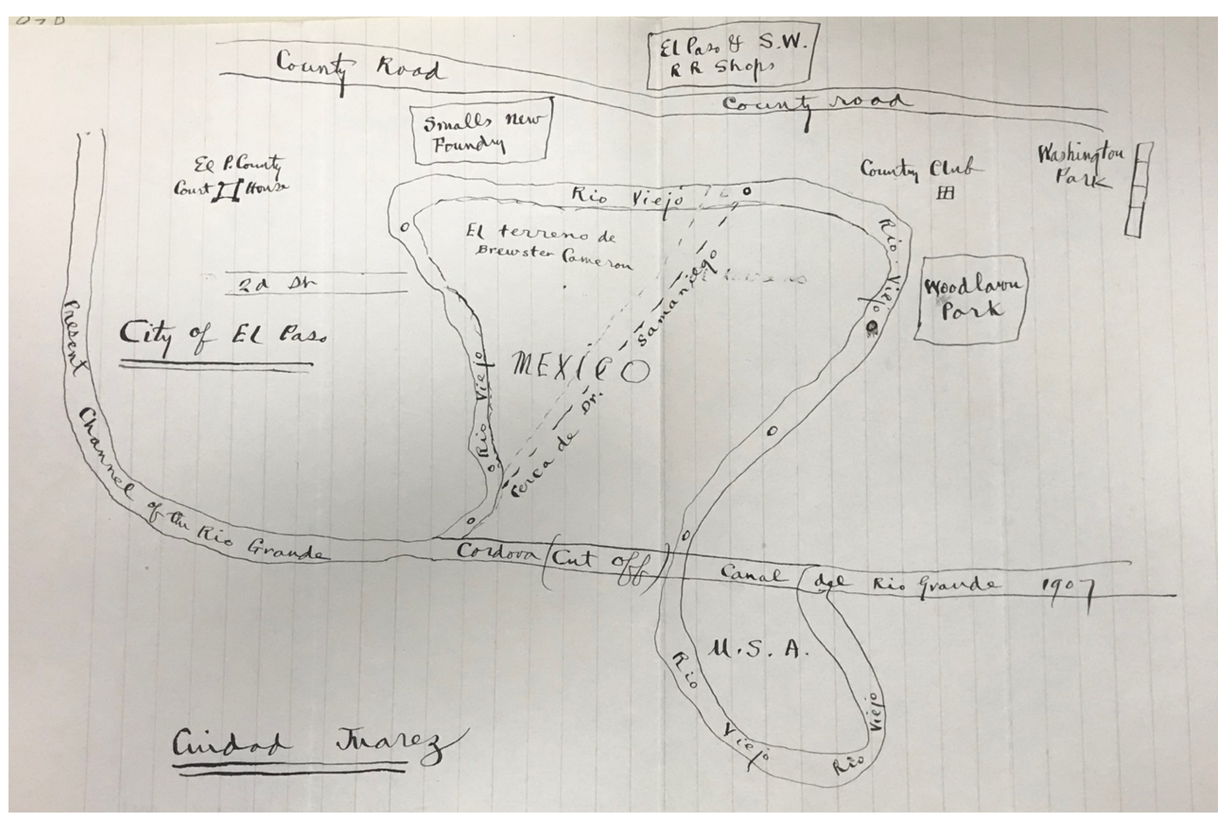

Figure 38: Hand drawn map of Cordova Island. The western portion (labeled "El terreno de Brewster Cameron") shows island lands in Cameron's possession.
Source: Chamizal Title Company Papers, Arizona Historical Society.

the Coast cities of California near Los Angeles."[421] "The great value of these lands," Cameron continued, "will depend upon the whole body being handled together." Together, then, the CTC was preparing to dispossess Mexico of El Chamizal while simultaneously develop Cordova Island into a thriving subdivision fit for Anglo El Paso's elite. By November of 1907, company records show that 14 Mexicano property owners sold their Mexican titles to 118 acres within the western portion of Cordova Island.[422]

421 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 2.

422 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 1.

Before embarking on this venture, however, the Chamizal Title Company wrote to the Mexican government asking for the state's permission to acquire the Mexican titles to Cordova Island. In a letter to Mexico's Secretary of Development, the CTC's legal counsel explained Cameron's intentions, assuring that Cameron "desires, in good faith, to acquire, own, and possess said lands" according to the Mexican Constitution.[423] In no way, the letter continued, did Cameron have an "ulterior or inimical motive or purpose as against the Mexican Government" in this request.[424] All Cameron hoped was to "acquire said property in the same manner and form and under the same restrictions as the same might be acquired by petitioner, were he a citizen of Mexico."[425] For reasons that are not clear, the government of Mexico appears to have approved this request.

Although members of El Paso's elite capitalist class would publicly dismiss the CTC, it was difficult to ignore, let along trivialize, the effect the company was having on their capitalist ventures. The first sign of these effects came in 1906 when some local El Paso title companies began refusing to certify properties within El Chamizal.[426] In turn, local attorneys began increasingly advising their clients to protect their properties in the southside by acquiring *both* the Mexican and American titles.[427] The CTC would cause such a commotion El Paso that Americans began posting their own flyers advertising their interest in the Mexican titles. To Cameron, these developments were evidence enough to suggest the promise of the company's scheme. "In the past twelve months there has been

[423] Chamizal Title Company Papers, MS978: Box 7, series 2, folder 61.

[424] Chamizal Title Company Papers, MS978: Box 7, series 2, folder 61.

[425] Chamizal Title Company Papers, MS978: Box 7, series 2, folder 61.

[426] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 1.

[427] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 1.

more hard work done in this matter, in my opinion than was done in all the proceeding years," Cameron wrote to an associate in 1906, "and while we have a great deal of work equally as hard ahead of us, we feel very hopeful of the result and are encouraged to energetically push the enterprise."[428] While Anglo El Paso continued to dismiss these developments, more promising developments for the CTC were soon to follow. When Cameron was giddy with excitement in 1906 when he received word from an Anglo American claimant that he wanted to purchase the Mexican titles to the some 50 lots she owned in the Chamizal Zone. "It really begins to look as if we shall do some good business in the near future," Cameron wrote to his brother in 1906.[429] "She says her rents should be double what they are," Cameron wrote, "but that her tenants are threatening not to pay at all (they having already reduced rents 50% over last year's prices) on the ground that she does not own the true title."[430] "So it is obvious," Cameron continued, "that our quiet work with the Mexican government is bearing its fruit."

To Anglo El Paso's frustration, Cameron's scheme continued to show promising signs. Not only were the Warder claims a constant topic of conversation among El Pasoan, but real estate sales in the area plummeted.[431] "No sales of any kind have been made in the disputed area for some time," Cameron reported on January 7, 1907.[432] "Which seems to show that investors are afraid to risk their money in that tract of land without having Mexican title also." These developments caused

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[428] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 1.

[429] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 1.

[430] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 1.

[431] In a 1908 column published in the *El Paso Times*, a W.B. Merchant wrote that "a large number of citizens who are not familiar with the facts have been mislead by the literature of the Chamizal Title Company and it is surprising to me to find that a large number of people of El Paso are of the opinion that the Warder-Chamizal Title company people have some right to the property in question." See: "Public Opinion: Correcting A Wrong," *El Paso Times*, April 24, 1908.

[432] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 7.

such a stir, that W.B. Merchant (the counsel to Frank B. Cotton's estate) wrote a letter to the *El Paso Times* demanding that the newspaper cease the distribution of Chamizal Title Company advertisements. Foregrounding his demand with descriptions of El Chamizal as "accretion land" with "pretended Mexican titles," Merchant accused local newspapers for contributing to property depreciations in South El Paso.[433] He argued that newspapers could right this wrong, however, by denouncing the Warder claims in print as a sham. "[I]t is the duty of the newspapers," his letter reads, "in the interest of justice to innocent holders and owners of property, to publicly state the facts in order to restore confidence and values of property on the south side." These "facts," of course, hinged on the assumption that El Chamizal was accretion land. When confronted with their anxious precarity, Anglo Americans like Merchant consistently drew on Anglo El Paso's rumor to narrate their sense of innocence, lawfulness, and legitimacy.

Meanwhile, the CTC continued to distribute new editions of the El Paso Real Estate Guide, fanning the flame of Anglo El Paso's anxiety. El Paso Mayor Joseph Magoffin, who perhaps felt he was no longer able to ignore or downplay these developments, wrote Anson Mills to ask him for his opinion on the matter and included a copy the El Paso Real Estate Guide. Before respond to Magoffin, Mills wrote to his associate and El Paso real estate giant, Horace B. Stevens. "In my opinion this is simply a reassertion of Warder's claim," Mills wrote to Stevens after reading the pamphlet, "which I never thought had any foundation, although the Commission was not empowered to settle titles to land, but simply locate the boundary."[434] Though Mills seemed to be reassuring this Stevens that any anxieties toward these developments were ultimately unfounded, he

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433 In his letter, Merchant claimed that the Chamizal Title Company "has cost the people owning property on the southside by depreciation in values no less than $500,000." See: "Public Opinion: Correcting A Wrong," *El Paso Times*, April 24, 1908.

434 Horace B. Stevens Papers, MS153: Box 82, folder "1902-1909," C. L. Sonnichsen Special Collections Dept., University of Texas at El Paso Library.

did not go so far to outright dismiss the Chamizal Title Company. "I see they propose to issue another copy [of the El Paso Real Estate Guide] on the first of December, giving maps," reads his letter. "I would be obliged if you would procure me a copy and send it to me."

Perhaps one of the most startling issues, however, of the El Paso Real Estate guide had already graced the city when the September 1906 issue declared that Mills should be disqualified to serve on the forthcoming tribunal on account of his compromised position in settling the dispute. In that issue, counsel to the CTC announced that they had evidence that showed not only that Mills had conveyed land within El Chamizal and warranted title to these properties, but also that Mills' brother, W.W. Mills, had also owned and sold land within the disputed zone since 1882.[435] Although Anson Mills denied the accusations, arguing that the land he had conveyed and warranted had been north of the 1852 channel location, there was no denying his brother's stake in the Chamizal Dispute nor that of Anson's many close business associates.[436] "That it being true that general Mills has been connected with the history of El Paso for many years and his friends here are numbered among many of the best known people of the city," reads a letter from the CTC's legal team, "it is not probable that general Mills, being human like the rest of us, can be entirely free from the natural and undeniable prejudice that exists in El Paso against the Mexican claim to the El Chamizal lands, and therefore it is not probable that general Mills action and judgement, however honestly included,

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435 "In the Matter of the Claim of Certain Mexican Citizens," 38-39; "Charges Will Not Hold Good," *El Paso Herald-Post*, November 25, 1907.

436 In a letter to Horace B. Stevens, Mills dismisses the Chamizal Title Company's claims that he is compromised to serve on the tribunal arbitration on account of him having conveyed and warranted title to land within El Chamizal. In that letter, Mills has just finished reviewing the September 1906 issue of the El Paso Real Estate Guide. He writes: "I notice on page 3, last column, it is stated that it ought to have occurred to me that I was disqualified to act by reason of my having given a warranty deed to Lot 6, block 101, to Alton and Haston on May 17, 1887. Now the fact is, as I remember, that I never gave a warranty to anyone in El Paso. Then again, block 101 is three blocks north of the boundary line claimed by the Mexican commissioner; that is, they claimed nothing north of the boundary line as established by Emory and Salazar in 1852." See: Horace B. Stevens Papers MS153, Box 82, folder "1902-1909."

would not be influenced in some degree by the local prejudice which doubles honestly exists in the minds of his many warm and close personal friends among El Paso's influential and substantial citizens."[437] It was on these grounds that the CTC moreover argued that the 1852 boundary location as surveyed by Mills in 1896 (as part of the IBC Chamizal case no. 4 proceedings) was fraught with conflicts of interest and could not be trusted for precision or accuracy. The issue at hand, in other words, was the true location of the 1852 international boundary. "The question has always been," counsel to the CTC summarized in a letter, "and is yet so far as I know, or so far as the Chamizal Title Co. or anyone connected therewith knowns—Where is the abandoned channel of the river of 1852?"[438] In more ways than one, the Chamizal Title Company repeatedly unsettled the Anglo-White propertied control of space in El Paso by disrupting the region's geographic knowability.

"To Fight Chamizal Title Company and Its Methods"

Cameron understood that if the CTC's grand capitalist vision was to come to fruition, he would need, as Thurmond once put it to him, Anglo El Paso's "friendship and co-operation."[439] Fostering goodwill would difficult, however, as hostility toward the company mounted and organized opposition to vent these hostilities acquired funds to take action. Indeed, in 1907, a group of Anglo American claimants began organizing what they called a "Title Protective League" to defend Anglo American titles to El Chamizal.[440] Described in local newspapers as "a popular

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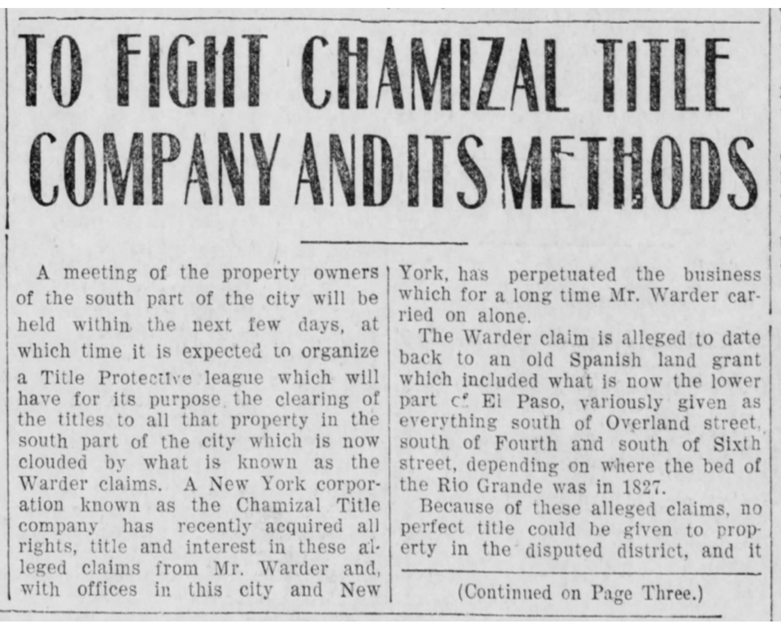
437 "Charges Will Not Hold Good," *El Paso Herald Post*, November 25, 1907.

438 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 8.
439 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 11.

440 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.



TO FIGHT CHAMIZAL TITLE COMPANY AND ITS METHODS

A meeting of the property owners of the south part of the city will be held within the next few days, at which time it is expected to organize a Title Protective league which will have for its purpose the clearing of the titles to all that property in the south part of the city which is now clouded by what is known as the Warder claims. A New York corporation known as the Chamizal Title company has recently acquired all rights, title and interest in these alleged claims from Mr. Warder and, with offices in this city and New York, has perpetuated the business which for a long time Mr. Warder carried on alone.

The Warder claim is alleged to date back to an old Spanish land grant which included what is now the lower part of El Paso, variously given as everything south of Overland street, south of Fourth and south of Sixth street, depending on where the bed of the Rio Grande was in 1827.

Because of these alleged claims, no perfect title could be given to property in the disputed district, and it

(Continued on Page Three.)

Figure 39: Report on Title Protective League to combat the Chamizal Title Company. Source: *El Paso Herald* September 7, 1907

movement," the group's goal was to raise legal funds and solicit individuals to "join the concerted action to determine finally what is commonly designated as the 'Warder claim.'"[441] "Prominent counsel will be employed and a hard fight made," explained the *El Paso Herald* in an article headlined "To Fight Chamizal Title Company and Its Methods."[442] The group, which was composed of more than 500 members, each with "capital in plenty to fight these claims," had reached three-fourths of their fundraising goal by September 1907.

When Cameron heard of the Title Protective League, he wrote to the *El Paso Herald*, suggesting that that the irony of the situation was comical. "My appeal to the real estate agents [of El Paso]," Cameron's letter began, "was based on the same argument now advanced on behalf of the

441 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

442 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

Title Protective League, namely that this dispute as to titles [to El Chamizal] has kept back the prosperity and has been a menace to the entire southern portion of the city."[443] Given both the CTC and the Title Protective League had the same goal, Cameron explained, why were they fighting one another instead of working together? "If those behind this new movement desire to make an honest effort to bring about a speedy settlement on its merits of the controversy between the two governments," he continued, "and to clear up the disputed title to these lands, and thereby contribute to the prosperity of the city, the Chamizal Title Company is ready and willing to lend them every assistance in its power." While Cameron may have had a point, the Title Protective League didn't care that the CTC's business model ultimately rested on resecuring Anglo American property rights to El Chamizal.

What mattered to the league—and infuriated them—was that the company planned to get rich by forcing Anglo El Paso to publicly acknowledge that El Chamizal had indeed been stolen from Mexico—and in turn that the story of an 1848 accretion shift in the river was nothing but a baseless rumor. Their fury was only aggravated by the fact that the CTC had already by 1907 acquired thousands of dollars from Anglo Americans who bought in to the company's claims. The CTC was not only making fools of them all, they declared, but had become "a menace to the development of the city, and [we] the property owners have grown heartily tired of it." They were determined to rid themselves and the city of the CTC and El Chamizal. "What methods will be adopted I can not say," one member of the Title Protective League told the *El Paso Herald*, "but the determination is strong to do away with this scheme." First, they would "put this scheme out of business" and secondly "do away" the Warder claims.[444] "We have fought it in the courts, even

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[443] "Letters to The Herald," *El Paso Herald Post*, September 8, 1907.

[444] "To Fight Chamizal Title Company and Its Methods," *El Paso Herald-Post*, September 7, 1907. See also: Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

carrying it to the supreme court of the United States, and have beaten it at every turn," he continued, "but it always shows up in some other form." Indeed, the *Herald* summarized, despite all their collective efforts, "the Warder claims still bob up."[445] Each time Anglo El Paso thought they had finally resolved themselves of the Chamizal Dispute, El Chamizal returned—haunting Anglo El Paso by tirelessly refusing to go away.

Cameron had never been naïve about the hostile conditions he had inherited from Warder. Rather, Cameron understood from the beginning that by picking up where Warder left off, he had inherited "the bitter enmity of the local American claimants" and that he would be "bitterly criticized by the Americans for thus publicly attacking the American claim of title."[446] Even so, Cameron was genuinely shocked by Anglo El Paso's rumor and other baseless, misguided arguments his American peers concocted in response to the Chamizal Dispute. When local newspapers, for instance, began publishing statements from the Title Protective League that argued that the CTC had no legal footing because the Supreme Court had already settled the Chamizal Dispute, Cameron was confused how this argument held up among the league's members. He said as much in a letter published to the *El Paso Herald* in which Cameron suggested league was completely out of touch with reality. In that letter, Cameron explained that neither the Chamizal Dispute nor the international boundary through El Paso and Cd. Juárez were settled questions—despite how often Anglo El Paso insisted or wanted them to be so. "Does any sensible person for one moment," he continued, "believe that this New York corporation (the Chamizal Title Company) would have taken over these Mexican titles if its attorneys had found that the question had already been settled adversely to the Mexican claimants, either by the boundary commission or the U.S. supreme court?"

445 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

446 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 9.

"Even a child," he added, "would know that if the dispute had been settled in favor of the American or Texas title, then Mr. Warder would have had nothing to sell."[447] Given all this, Cameron argued the league was destined for failure. "It is needless to say," he concluded his letter to the *Herald*, "that such a movement cannot be initiated satisfactorily and carried to a successful issue by any misrepresentation of the exact facts."[448] Of course, from the perspective of the league, the "facts" showed otherwise.

Anglo El Paso's Collective Conspiracy

If the Title Protective League had any real chance of putting the Chamizal Title Company out of business, they knew they would have to put out all the stops and solicit all of Anglo El Paso to play along. One day, for instance, the post office suddenly stopped delivering mail to the CTC's downtown office in the Guaranty Trust Building. Cameron, who became aware of the development when calls began coming in from confused business associates who had received "Address not found" notices in the mail, scrambled to the resolve issue. Meanwhile, the *El Paso Herald* suddenly refused to print the company's ads in their paper. Cameron wrote to the paper's editor, James A. Smith, asking for an explanation, but his request was ignored.

If it was not already obvious to Cameron, there was no denying anymore that Anglo El Paso was working together to strangle the company out of business. Soon, it was one blockage after another. In March 1907, workers hired by the Frank B. Cotton Estate began assembling a wire fence around the southern portion of the Cotton estate and hanging notices warning trespassers to stay off the land. "This property is under the jurisdiction of the United States. No trespassing," read the

447 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

448 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

notice in Spanish. In downtown El Paso, when Horace B. Stevens found flyers for the CTC across the Mills Building, he made a scene by frantically tearing them down and throwing the notices out into the street. Immediately afterwards Stevens wrote to Cameron warning him to cease any postings on the Mills Building. "These notices relate to what is known as the 'Warder Claims' in the southern part of the city and this is to notify you to at once to desist from putting any further notices on this or any other building," Stevens wrote to Cameron April 1, 1907. "If this practice is persisted in, I shall be compelled to invoke the law."[449] Anglo El Paso's coordinated endeavor to put the Chamizal Title Company out of business illuminates just how many stakeholders were intimately involved and invested in this conspiracy.

Perhaps more importantly, however, is how this coordinated endeavor exposes Anglo El Paso's mounting anxiety and their hostility to their own discovery. Shortly after the Mills Building incident, for instance, Stevens called in a favor with his friend James A. Smith—who was not only the owner of the *El Paso Herald*, but who in February been sworn in to his second term as the city's postmaster. In a letter dated April 4, 1907, Stevens wrote to Smith "concerning the receipt through the El Paso Post Office, by me, of literature issue by Brewster Cameron, Trustee of the Chamizal Title Company." According to Stevens, this literature was not simply an offense to the city, but constituted fraud. As Stevens saw it, the company's circulars incorrectly claimed that El Chamizal involved territory between the Río Grande's former 1827 channel and present 1907 location. More than this, however, was the company's even more egregious claim that the 1852 channel location was not along Seventh Street as widely accepted, but six blocks north along First Street. Given these outrageous lies, Stevens motioned to Smith, "you [should] take up the matter up with the proper authorities, requesting that a fraud order be used against them for the further use of the United

[449] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 6.

States mail." If the urgency of Stevens' request was not immediately communicated to Smith, Stevens made sure to convey the weight of his request. "I would further state that the people representing the Chamizal Title Company are daily obtaining from poor ignorant people considerate sums of money for quit-claim deeds, purporting to be titles from Mexican citizens claiming titles under the Republic of Mexico," Stevens wrote, before concluding, "Therefore to my mind there seems a necessity for the Government to take action which will, if possible, prevent further black mail by the Chamizal Title Company."

It was only a matter days before Smith took up Stevens' call to action. First, and in his capacity as editor of the *El Paso Herald*, Smith greenlit a series of letters published in the paper declaring the Chamizal Title Company had "fraudulently misled the public"[450] and engaged in an "a scheme to defraud" Americans by spreading "numerous faults and misleading statements […] regarding the extent of the area claimed by the Mexican government."[451] Following these notices, Smith decided to confront Cameron himself. In what was nothing more than a desperate attempt to stifle the Chamizal Title Company, Smith showed up unannounced to Cameron's downtown office and presented him with an ultimatum: If Cameron did not publicly accept the "Seventh Street Line" for the 1852 boundary, revise all CTC maps to reflect this boundary, and renounce his efforts as trustee, Smith would have no choice but to recommend to the U.S. postmaster general that a fraud order be issued against Cameron and the CTC.[452] Cameron refused Smith's terms, arguing that the location of the 1852 was at the crux of the Chamizal Dispute and to accept the "Seventh Street line" would be detriment to his Mexican clients. "This preferred concession has been positively and

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450 "The Mexican Title and the Cotton Addition," *El Paso Times*, October 24, 1907.

451 Chamizal Title Company Papers, MS978: Box 1, series 1, folder 8.

452 Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

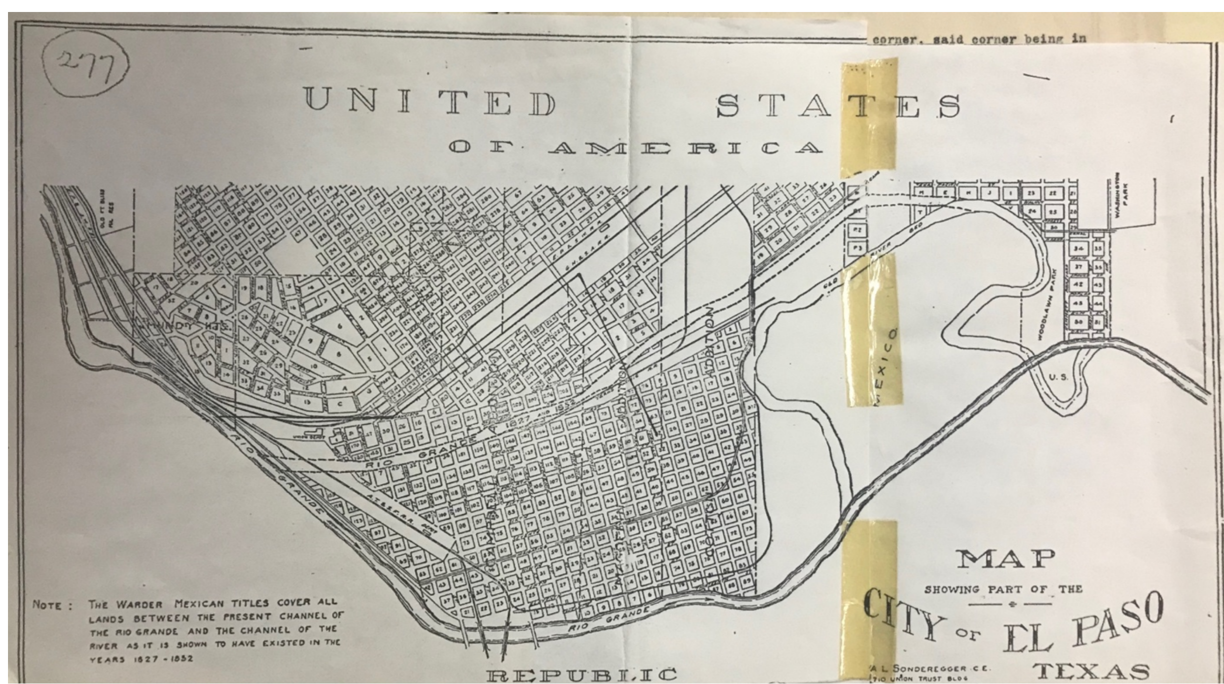

Figure 40: Map produced by the Chamizal Title Company showing the boundaries of the Warder Claims. As the "Note" in the bottom left-hand corner says, the Warder Claims consists of all lands between the present river channel and 1827-1852 channel location. According to this map, the 1827 and 1852 location are the same. Source: Chamizal Title Company Papers, Arizona Historical Society.

repeatedly refused by the Chamizal Title Company," Cameron later summarized of this exchange.[453] "I stated to the postmaster that as the location of the river of 1852 was the material point at issue between the respective claimants to the land in dispute, his demand amounted to a demand that the Mexican claimants should surrender their right to a large part of the land involved. I therefore refused."[454] To Cameron, however, Smith's threat of fraud was even more egregious, arguing that "[t]he outrageous wrong of the threatened fraud order against me as the representative of the Mexican claimants is all the more grievous because of the fact that the lands in controversy were

[453] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

[454] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

originally taken from the Mexican claimants and brought under the jurisdiction of the United States by methods employing more of intimidation and force than justice."[455] Of course, Cameron's refusal to accept Smith's terms only made Anglo El Paso's anxiety all the more palpable—so much so that Cameron himself noted that the city's elite "seem so anxious" to have the company concede.[456] This mounting anxiety in turn magnified Anglo El Paso's denial toward El Chamizal. This denial was so intense that even J.A. Harper, who had served as secretary to the U.S. office of the IBC, was quoted an in 1907 El Paso Times story insisting the El Chamizal was accretion land. "Every bit of testimony taken [from the IBC Chamizal case no.4 hearings]," he said, "showed that the river had changed its course by erosion and not by avulsion."[457]

The year of 1907 would ultimately prove to be a particularly unsettling year for Anglo El Paso. In April, a telegram from the U.S. Solicitor General for the U.S. Department of Justice, Henry Martin Hoyt Jr., arrived in El Paso and was delivered to none other than Judge Maxey. On that telegram was the direct order to desist from processing writs of sequestration within El Chamizal because the question of El Chamizal had yet to be officially determined and "it is not, therefore, within the jurisdiction of the [local] courts."[458] The telegram caused quite a stir—the least of which was Maxey's pause on pending writs of sequestration. Millard Patterson, a local attorney who was present in the district court when Maxey read telegram aloud, was so upset that he wrote a lengthy letter to the *El Paso Herald,* entitled "The Constitution Must Follow the Flag," that questioned the order's legal validity. "[W]hen I heard that telegram read it not only shocked me, but I almost wept

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[455] Chamizal Title Company Papers, MS978: Box 1, series 1, folder 8.

[456] In a letter, Cameron described Anglo American claimants as "seem so anxious" to have the Chamizal Title Company concede. See: Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

[457] "Charges Will Not Hold Good," *El Paso Herald-Post*, November 25, 1907.

[458] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

for shame," Patterson wrote, adding, "in my judgement, [the telegram] contains one of the most astounding orders that has ever emanated from any official at the seat of the government since the unhappy days of reconstruction."[459] Patterson moreover argued that Hoyt's order was not only likely a violation of the U.S. Constitution, but was so preposterous that "[t]he attorney general's office has evidently been misled as to the matter of the 'jurisdiction of the courts." Drawing on the rumor that had come to define Anglo El Paso's right to El Chamizal, Patterson declared that El Paso's 40-year possession of the contested land ensured that it fell within the city's civil, political, and legal jurisdiction. As such, "I say that the federal courts must take jurisdiction over the property as a matter of necessity, if the constitution means anything; and the attorney general's office is, under the constitution and our system of government, powerless to interfere." As Maxey and others had done, Pattern built this argument on a rumor designed to narrate a familiar worldview wherein Anglo American hegemony and propertied control of space was inescapably legal.

While the bulk of Patterson's letter rests on Anglo El Paso's rumor, at one point in the letter Patterson pivots, suggesting instead that no matter who really owned El Chamizal, returning this land to Mexico was unthinkable. "But why should we annoy ourselves with such a question as this?" Patterson asked, referring to the prospect of ceding El Chamizal. "Does any man with mind enough to take care of himself suppose that the southern part of this city, with its 5,000 people, residences and business houses, railroad lines, street railroads, and government establishments, will ever be turned over to Mexico? Would any man who has any regard for this country, whose blessings he enjoys, even intimate such a thing as a possibility?" Whether Anglo El Paso's rumor was true or not ultimately mattered little because, at the end of the day, Anglo El Paso had lodged such a return into the realm of the unfeasible, illogical, and impossible.

[459] Chamizal Title Company Papers, MS978: Box 8, series 3, folder 68.

While Patterson meant to bolster Anglo El Paso's claim, for those who were really paying attention, his letter only showcased the city's fragile and anxious claims to power. "The loud cry that Mr. Millard Patterson made in his dissertation, 'The Constitution Must Follow the Flag,' shows that he was badly hit by the decision of Maxey," read a notice published by the CTC and titled, "Somebody's in the Soup," which openly mocked the length of Patternson's letter.[460] "But seriously, could Patterson do a greater service to the claimants under the Mexican title than by thus assailing [Hoyt's] position?"

But if Patterson's letter put wind in the sails of the Chamizal Title Company, it didn't last long. After a long series of appeals, when Warder et al v. Cotton lawsuit arrived to the U.S. Supreme Court in the fall of 1907, the court ruled once again that it lacked jurisdiction in the suit and recommended arbitration of the Chamizal Dispute through an international court.[461] The decision in no way settled the Chamizal Dispute, but it did maintain the conflict's status quo—a legal maneuver that could be spun in favor of Anglo American claimants. Indeed, W.B. Merchant, declared the ruling made the U.S. titles to the Cotton Addition "perfectly safe" and insisted that, "ask any reputable lawyer in El Paso about the Warder Mexican claims and he will tell you that they are worthless."[462] In an article headlined "Supreme Court Disposes of the Warder Claims, the *El Paso Herald* also celebrated the Supreme Court's decision, arguing that the ruling not only left the lower courts' rulings in favor of Cotton "in full force and effect," but also legitimized the Cotton Estate as accretion land."[463] The *Herald* was also particularly quick to note the economic implications of the

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460 "Somebody's in the Soup," *El Paso Times*, April 11, 1907

461 Eugene Semmes Ives Collection, MS 1381: Box 7, folder 55; Chamizal Title Company Papers MS978: Box 1, Series 1, folder 6.

462 Chamizal Title Company Papers, MS978: box 8, folder 68.

463 "Gen. Anson Mills in Boundary Case," *El Paso Times*, November 24, 1907; "Supreme Court Disposes of the Warder Claims," *El Paso Herald*, September 19, 1907.

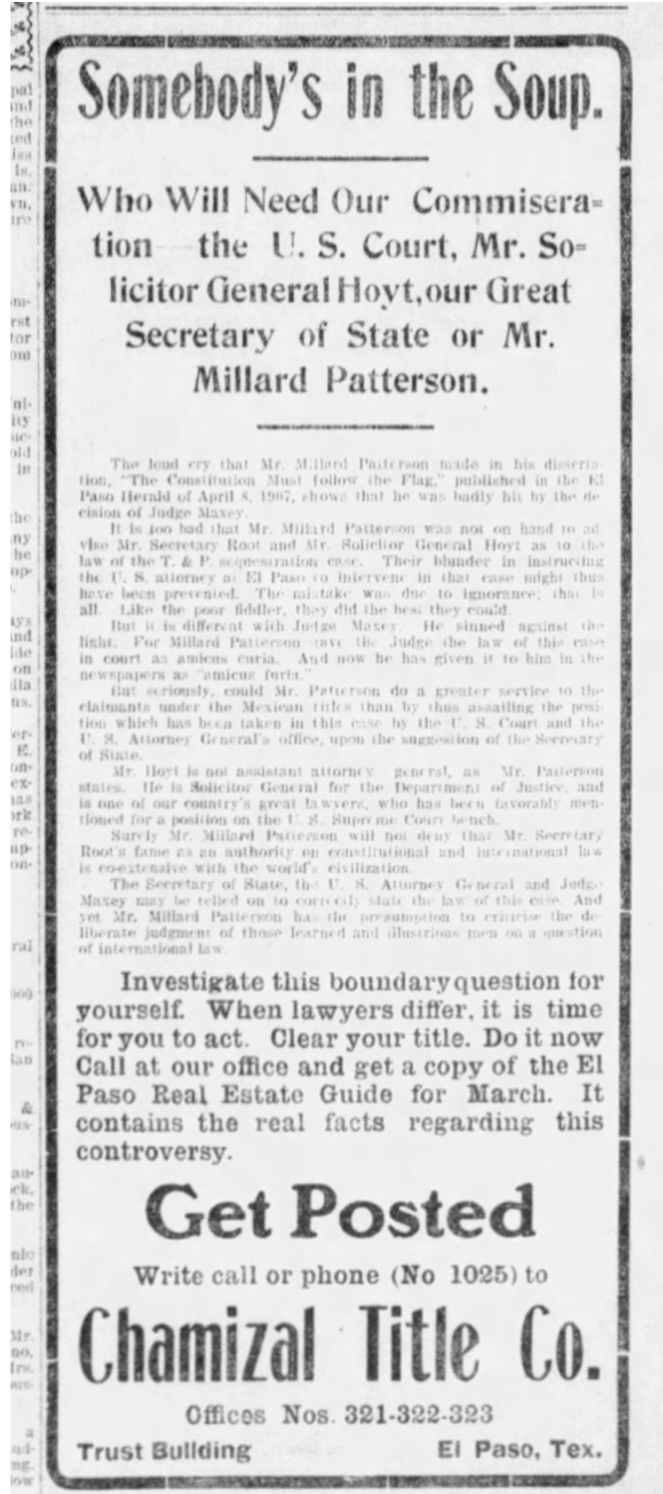
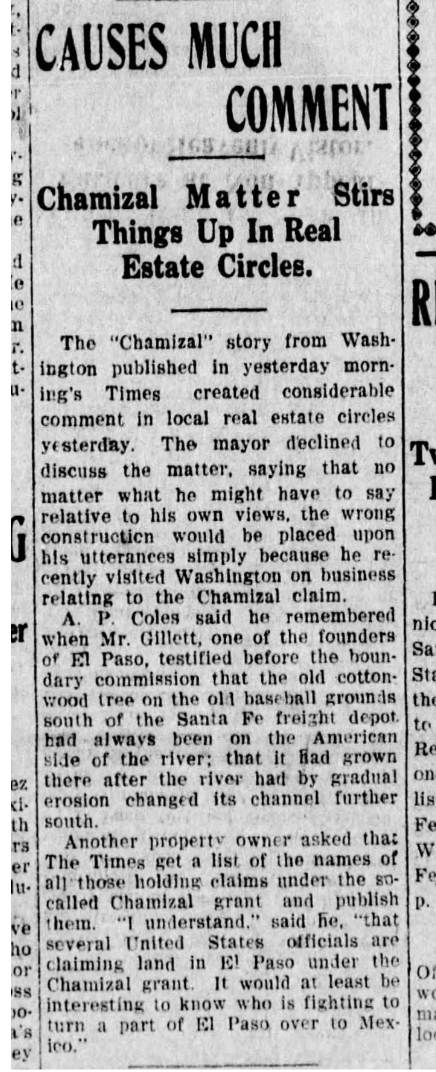


Figure 41: Chamizal Title Company newspaper advertisement "Somebody's in the Soup."
Source: *El Paso Times* April 11, 1907

Supreme Court's decision, describing it has having "come at a most opportune time, for it will have a tendency to stimulate investment in realty."

In what perhaps was an act of defiance to this ruling, in December 1907 dozens of Mexicans claiming to be tenants of Warder built more than 200 adobe cabins within the southern portion Cotton Addition.[464] Although on a federal level Mexico and the United States had formally agreed that courts of neither country were authorized to pass judgment on titles to El Chamizal derived from either government, the Cotton Estate filed a suit to remove these cabins and "trespassers." A Texas Ranger named John Ford was also hired by the estate to patrol the Cotton Addition on horseback. In April 1908, the judge in this new lawsuit ruled in favor of Cotton and ordered the protesters removed and their "adobe and willow riprap shacks" demolished.[465] Merchant again applauded the decision, arguing that Cotton had purchased the land "before any question of the boundary was ever suggested"



CAUSES MUCH COMMENT

Chamizal Matter Stirs Things Up In Real Estate Circles.

The "Chamizal" story from Washington published in yesterday morning's Times created considerable comment in local real estate circles yesterday. The mayor declined to discuss the matter, saying that no matter what he might have to say relative to his own views, the wrong construction would be placed upon his utterances simply because he recently visited Washington on business relating to the Chamizal claim.

A. P. Coles said he remembered when Mr. Gillett, one of the founders of El Paso, testified before the boundary commission that the old cottonwood tree on the old baseball grounds south of the Santa Fe freight depot had always been on the American side of the river; that it had grown there after the river had by gradual erosion changed its channel further south.

Another property owner asked that The Times get a list of the names of all those holding claims under the so-called Chamizal grant and publish them. "I understand," said he, "that several United States officials are claiming land in El Paso under the Chamizal grant. It would at least be interesting to know who is fighting to turn a part of El Paso over to Mexico."

Figure 42: Report on Chamizal Dispute "stirring thing up" in real estate. Source: *El Paso Times* April 19, 1910

464 Metz, *El Paso Chronicles*, 155.

465 "Judge Goggin Orders Mexican Squatters Off Cotton Addition," *El Paso Herald-Post*, April 22, 1908; "UTEP's Cotton Estate Dates Bac to 1881," *El Paso Times*, May 12, 1969.

and that “it would be a great injury to cause innocent purchasers to suffer loss at this late day.”[466] “Both the law and facts are in favor of the location of the boundary where the Rio Grande now runs,” he continued, “and such will be the decision of the arbitrators when they act on it.”[467] Evictions from the Cotton Addition appear not to have come easily, however, and took until 1914 before the protestors were completed removed. Meanwhile, Mexican authorities of the IBC wrote their American counterparts repeatedly, demanding they “stop such rigorous judicial proceedings liable to create considerable excitement.”[468] Telegrams from the U.S. Department of State and Department of Justice were eventually dispatched to El Paso authorities with instructions to stop evictions until the pending tribunal committee could determine El Chamizal’s sovereignty. Even so, evictions proceedings in the Cotton Addition persisted.[469] This ongoing displacement of Partido Chamizal claimants represented the validity of Anglo El Paso’s rumor by enacting it in space. In 1910, El Paso city officials contributed to this rumor’s spatial naturalization when they proposed to build a garbage and waste treatment plant within El Chamizal. When Mexico heard of the proposal, officials wrote Washington D.C. asking that the proposal not proceed for the time being, arguing not only that “the erection of the plant during the present year is not urgent as there is a provisional

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466 Ibd.

467 Ibd.

468 General Records of the Department of State, 1763 - 2002 (RG59), Records Relating to the Chamizal Dispute with Mexico, 1947 - 1963 (A1 5145) of United States, Box 1 “Chamizal 1956,” National Archives and Records—Fort Worth.

469 In an *El Paso Times* article headlined, “Moving Day for These Chamizal Squatters,” the reporter described notices posted on front doors and fences instructing the Mexicans living there to present official documentation of their land title to the U.S. International Boundary Commission. See; “Moving Day for These Chamizal Squatters,” *El Paso Times*, July 20, 1910

[plant] that is sufficient to guard against impairment of public health," but also that waste plant "would complicate the situation and prejudice Mexico's interest in El Chamizal."[470]

In the years leading up to the International Arbitration Tribunal, Anglo El Paso took great pains in rendering their rumor the *only* rendition of the Chamizal Dispute. As before, this culture of deliberate concealment toward El Chamizal was repeatedly reestablished through the law, urban planning, and the relentless telling of lies and rumor. In a column published on March 18, 1910, the columnist repeated Anglo El Paso's rumor without so much of a hint of its pretense. "The United States has steadily had possession of and exercised jurisdiction over the territory and Mexico never laid any active claims to the land until a few years ago," read a column, adding that El Paso was not "in the least afraid of losing any of her territory […] but it is the damage that false impressions do the city that make us impatient."[471] While this may have been the official narrative among El Pasoan, the growing anxiety in the city was so palpable that even local newspapers found the tension and angst newsworthy.[472] In a 1910 article headlined "Causes Much Comment," a reporter for the *El Paso Times* described El Chamizal as "stirring things up" in the city and causing "considerable comment in local real estate circles."[473] But even as reporters acknowledged this anxiety, Anglo El Paso's rumor was leveraged to quell it. Indeed, in the same story, the reporter said that cottonwood tree south of the Santa Fe Freight House "had *always* been on the American side of the river; that it had grown there after the river had by gradual erosion changed its channel further south."[474] Anglo

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470 Chamizal Arbitration, Vol. 1: Appendix to the Case of the United States Before the International Boundary Commission, United States-Mexico; Hon. Eugene Lafleur, Presiding.

471 "The Chamizal Settlement," *El Paso Herald*, March 18, 1910.

472 "The Chamizal Settlement," *El Paso Herald*, March 18, 1910.

473 "Causes Much Comment," *El Paso Times*, April 19, 1910.

474 Ibd.

El Paso's right to possesses and exploit this land derived from this "always" and from their unshakable insistence that the river had moved by accretion.

The Ghost of El Chamizal

Despite their relentless lies and denial, to Anglo El Paso's continued frustration the accretion/avulsion puzzle continued to haunt the city, reminding them of their failed colonial endeavor to relegate the Chamizal Dispute safely to the past. In 1910, when an international arbitration tribunal finally met to debate the Chamizal Dispute, even trained engineers hired to study the Río Grande through El Chamizal were taken aback by the river's meandering character. "The river's work of altering its bed to suit the necessities of the moment is never ending," one of these engineers reported, adding, "I have been unable to learn whether this movement has been continuous throughout the thirty years, or whether it has been intermittent."[475] "It is probable," another authority commented, "that no other international boundary represents such a tangle of accretion and avulsion cases."[476] This expert testimony and others like it were deeply troubling for Anglo El Paso, as it exposed their rumor for what it was: a fabricated story that inescapably left loose threads in its twofold attempt to conceal the mystery of the Río Grande and deny the merits of the Chamizal Dispute.

Despite the implications of this expert testimony (that is, that no one could determine or confirm whether the river had shifted by accretion or avulsion) Anglo El Pasoans submitted affidavits to the tribunal repeating Anglo El Paso's rumor. In almost every instance, these men did so by leveraging a settler temporal framework that began with their own arrivals to El Paso. Of these

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[475] Terms of Submission. Proceedings in Chamizal case no.4 Diplomatic correspondence, U.S. Government Printing Office, 1911, 141.

[476] Rebert, *La Gran Línea*, 192.

men, however, the earliest had arrived in El Paso in 1873. This meant that these men had no memory of the great floods of the 1860s, and thus could speak to when or how the Río Grande had "moved" El Chamizal. Nonetheless, in their affidavits they each insisted that El Chamizal had always been the possession of the United States. One of these men, R. C. Lightbody, who served as Mayor of Paso from 1885 to 1889, began his affidavit with his own arrival to the city in 1881. "When I first came to El Paso in February of 1881," he began, "I found the United States Customs authorities and the peace officers of the United States of American and the State of Texas and of the City and County of El Paso exercising their authority and jurisdiction to the center of the Rio Grande river […] and that same practice and condition has continued uninterruptedly up the present time."[477] "To my knowledge," he continued, "no National authority or jurisdiction has ever been exercised over any portion of the Chamizal tract since my arrival in El Paso except that of the government of the United States of America, of the State of Texas, and of the City and County of El Paso, Texas."[478]

Another man, William Michele Coldwell, testified that ever since his arrival in 1873, "Mexican authorities made no attempt whatsoever to exercise authority over that tract."[479] Coldwell rationalized this claim by leveraging his own settler temporal framework. "I first came to El Paso on the 23rd day of December, 1873," Coldwell began. "From my first arrival to the country down to about 20 years ago, the authorities of the United States and of the State of Texas exercised undisputed and practically unquestioned jurisdiction over what is known as the Chamizal tract, which I never heard called by that name until after the origen of the present controversy between

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477 Chamizal (General), Southwest Collection, Border Heritage Center, El Paso Public Library.

478 Chamizal (General), Southwest Collection, Border Heritage Center, El Paso Public Library.

479 Chamizal (General), Southwest Collection, Border Heritage Center, El Paso Public Library.

the two countries [in 1895].” In this instance, Coldwell was not simply repeating Anglo El Paso’s rumor in a court of law; nor was he demonstrating his own keen awareness that the racial regime of Anglo American domination is predicated on the supposed capacity of whiteness “to master time and turn it to their own ends” and thus render any alternative temporal frame of reference incoherent or meaningless.[480] More than this, Coldwell was suggesting that El Chamizal was a Mexican fabrication designed to undermine U.S. sovereignty and dispossess Anglo El Pasoans of their legitimate property. So palatable was this rumor that it became the only version of the Chamizal story that many Anglo El Pasoans would accept as true; because if El Chamizal was a fabrication and the Chamizal Dispute illegitimate, there was no theft of land by Anglo Americans, there was no Chamizal Dispute, and there was no mysterious meandering river that refused to obey the Enlightenment logic that everything can and must be knowable and within White possession. Anglo El Pasoans like Lightbody and Coldwell would remain stubbornly insistent that the city of El Paso had always been legitimate rather than produced through colonialism and the violent negation of Partido Chamizal. In fact, they refused to accept anything that suggested El Chamizal was not rightfully their own.

This refusal was so profound that it seeped into the United States’ counter case against Mexico when the International Arbitration Tribunal began hearing arguments. Indeed, during the tribunal, lawyers for the United States argued that the country had “acquired good title by prescription to the tract in dispute, in addition to its title under treaty provisions” and “contended that the Republic of Mexico is estopped from asserting the national title over the territory known as ‘El Chamizal’ by reason of the undisturbed, uninterrupted, and unchallenged possession of said

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480 Mills, “White Time,” 31.

territory by the United States of America since the treaty of Guadalupe Hidalgo."[481] Ultimately, however, the International Arbitration Tribunal disagreed with this logic, arguing that:

> Upon the evidence adduced it is impossible to hold that the possession of El Chamizal by the United States was undisturbed, uninterrupted, and unchallenged from the date of the treaty of the creation of a competent tribunal to decide the question, the Chamizal case was first presented. On the contrary, it may be said that the physical possession taken by citizens of the United States and the political control exercised by the local and Federal Governments, have been constantly challenged and questioned by the Republic of Mexico, through its accredited diplomatic agents.[482]

The tribunal also ruled against claims of prescription on the grounds that the U.S.' possession of El Chamizal was ruled by violence. "Another characteristic of possession serving as a foundation for prescript is that it should be peaceable," reads the tribunal's final report. "It is quite clear from the circumstances related in this affidavit that however much the Mexicans have desired to take physical possession of the district, the result of any attempt to do so would have provoked scenes of violence."[483] Under these circumstances, the tribunal dismissed the United States' plea of prescription.

Shortly thereafter, in 1911, after months of debating how and when the Río Grande had "moved" El Chamizal, the International Arbitration Tribunal ruled 2-1 (the United States being the dissenting vote) that this transfer of land was the result of a "rapid erosion" shift in 1864. By this logic, the tribunal recommended that this "rapid erosion" shift be treated as *avulsion* and that all land south of the 1864 channel be returned to Mexico as El Chamizal. Though the United States had previously agreed to accept the tribunal's final decision, Mills refused the decision, arguing that the

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[481] *Reports of International Arbitral Awards*, The Chamizal Case (Mexico, United States) June 15, 1911, Volume XI, United Nations (2006), 328.

[482] *Reports of International Arbitral Awards*, The Chamizal Case (Mexico, United States) June 15, 1911, Volume XI, United Nations (2006), 328.

[483] Ibd.

1864 channel was impossible to locate and that, in any case, "rapid erosion" was an unacceptable category under the law of accretion. It was in this light that the tribunal's decision merited the front page of the *El Paso Morning News* the morning of June 16, 1911. Berated as "the decision that failed to decide," the reporter argued that the tribunal had not only acted inappropriately when it ruled that the 1864 "rapid erosion" shift should be treated as avulsion, but that the tribunal had "no idea how such a boundary could be located, and did not know of any person who did know."[484] In part, this analysis was not incorrect. The law of accretion does not account for intermediate processes such as "rapid erosion" and documentation for the river's 1864 channel was cursory at best and more often absent altogether. Mill's refusal to accept the tribunal's ruling may not have been entirely unfounded; but it also conveniently preserved U.S. possession and finance capitalism in El Chamizal. Indeed, the City of El Paso would continue to develop and exercise jurisdiction over El Chamizal for another 53 years.

Mills' refusal to accept the tribunals' ruling also emboldened the repetition of Anglo El Paso's rumor. "The tract is and has always been part of El Paso," declared the *El Paso Morning Times*. This *always* was established by the reporter by describing El Chamizal as a "body of accretion land."[485] Pride to be in this position of "always," however, was only a stand-in for Anglo El Paso's collective White fragility couched in hostility to the discovery of their illegitimacy. If Mills' refusal calmed this hostility, in the scheme of things it didn't last long. In the decades that followed, the mystery of the Río Grande undermined various racist capitalist projects in El Paso by refusing the terms of visibility imposed upon it. The unruly Río Grande and El Chamizal were intertwined fugitive landscapes—"menaces" to society and its racist capitalist agenda—that abided no

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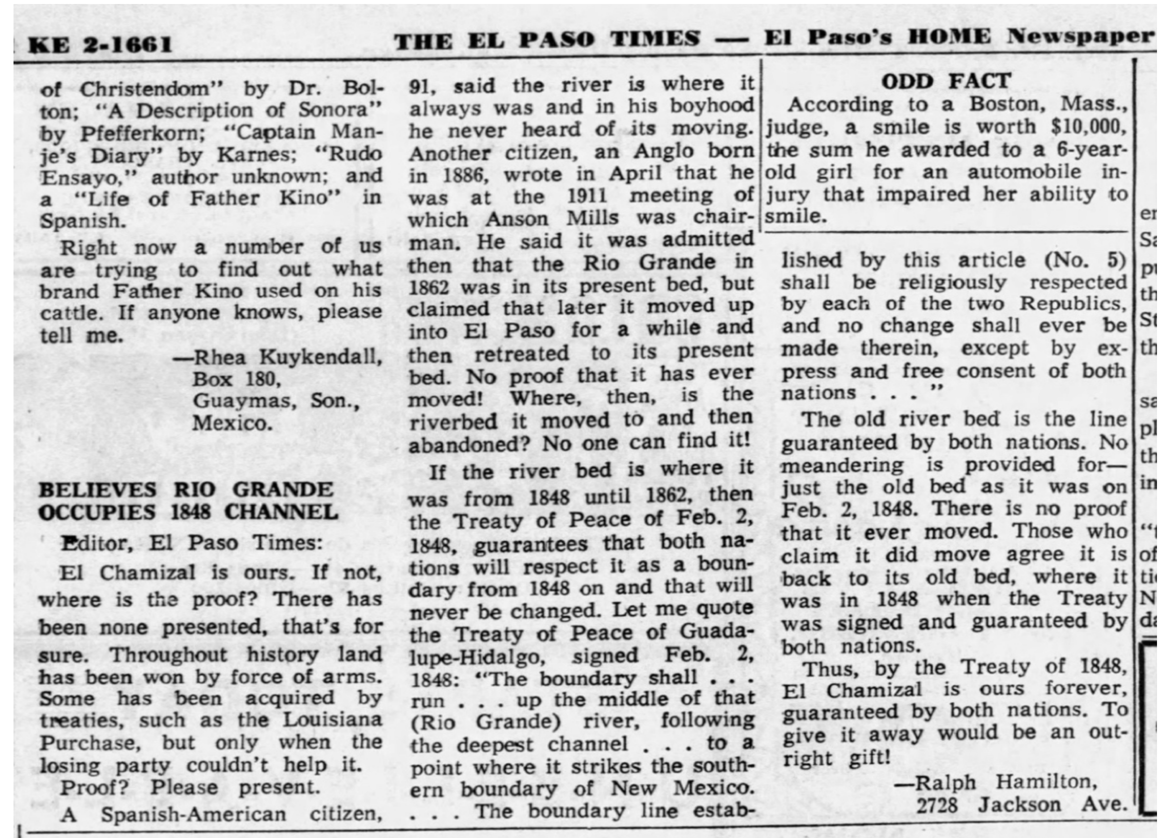
484 "Chamizal Arbitration Court Announces Its Decision," *El Paso Morning Times*, June 16, 1911.

485 "Chamizal Arbitration Court Announces Its Decision," *El Paso Morning Times*, June 16, 1911.



KE 2-1661 THE EL PASO TIMES — El Paso's HOME Newspaper

of Christendom" by Dr. Bolton; "A Description of Sonora" by Pfefferkorn; "Captain Manje's Diary" by Karnes; "Rudo Ensayo," author unknown; and a "Life of Father Kino" in Spanish.

Right now a number of us are trying to find out what brand Father Kino used on his cattle. If anyone knows, please tell me.

—Rhea Kuykendall,
Box 180,
Guaymas, Son.,
Mexico.

BELIEVES RIO GRANDE OCCUPIES 1848 CHANNEL

Editor, El Paso Times:

El Chamizal is ours. If not, where is the proof? There has been none presented, that's for sure. Throughout history land has been won by force of arms. Some has been acquired by treaties, such as the Louisiana Purchase, but only when the losing party couldn't help it.

Proof? Please present.

A Spanish-American citizen, 91, said the river is where it always was and in his boyhood he never heard of its moving. Another citizen, an Anglo born in 1886, wrote in April that he was at the 1911 meeting of which Anson Mills was chairman. He said it was admitted then that the Rio Grande in 1862 was in its present bed, but claimed that later it moved up into El Paso for a while and then retreated to its present bed. No proof that it has ever moved! Where, then, is the riverbed it moved to and then abandoned? No one can find it!

If the river bed is where it was from 1848 until 1862, then the Treaty of Peace of Feb. 2, 1848, guarantees that both nations will respect it as a boundary from 1848 on and that will never be changed. Let me quote the Treaty of Peace of Guadalupe-Hidalgo, signed Feb. 2, 1848: "The boundary shall . . . run . . . up the middle of that (Rio Grande) river, following the deepest channel . . . to a point where it strikes the southern boundary of New Mexico. . . . The boundary line established by this article (No. 5) shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by express and free consent of both nations . . . "

The old river bed is the line guaranteed by both nations. No meandering is provided for—just the old bed as it was on Feb. 2, 1848. There is no proof that it ever moved. Those who claim it did move agree it is back to its old bed, where it was in 1848 when the Treaty was signed and guaranteed by both nations.

Thus, by the Treaty of 1848, El Chamizal is ours forever, guaranteed by both nations. To give it away would be an outright gift!

—Ralph Hamilton,
2728 Jackson Ave.

ODD FACT

According to a Boston, Mass., judge, a smile is worth $10,000, the sum he awarded to a 6-year-old girl for an automobile injury that impaired her ability to smile.

Figure 43: Ralph Hamilton's letter to the editor, entitled, "Believes Rio Grande Occupies 1848 Channel." Source: *El Paso Times* May 15, 1963

authorities, that refused to go away. Only on face value, then, did Anglo El Pasoans live what seemed like a secure and serene life of dominance as a direct result of their rumor.

If Hamilton's refusal calmed hostility, in the scheme of things it didn't last long. In the years that would follow, the secret of this rumor's perjury was an ever-present, looming specter that conjured up among Anglo El Pasoans a complicated mix of fury, fear, and denial. For decades, then, the task at hand involved suppressing this mix of unspeakable hostilities and anxieties and projecting instead a façade of security and fearlessness. In 1962, however, when word of the proposed Chamizal Treaty arrived in El Paso, this mixture of unspeakable emotions was all the more difficult to conceal and contain. In a letter to the *El Paso Times*, an El Pasoan named Ralph Hamilton perhaps

unwittingly addressed this hostility and fear—though in veiled but unmistakable terms—by repeating Anglo El Paso's rumor and its fictious layers. Titled, "Believes Rio Grande Occupies 1848 Channel," Hamilton begins by announcing what he believes to be undisputable fact: "El Chamizal is ours. If not, where is the proof?" From here, he lays out the multiple renditions of Anglo El Paso's rumor, each likely the stories he himself had been told over the course of his lifetime and which he and so many others had come to regard as history. "If the river bed is where it was from 1848 to 1862," Hamilton explains, drawing on one version of this rumor, "then the Treaty of Peace of Feb. 2, 1848, guarantees that both nations will respect [the river] as a boundary from 1848 on and that will never be changed. No meandering is provided for."[486] "Those who claim it did move," he pivots, drawing on another rendition, "agree that it is back to its old bed, where it was in 1848." "Thus," concludes Hamilton, "by the Treaty of 1848, El Chamizal is ours forever." More than simply illuminating the profound repetition of this rumor well into the twentieth century, Hamilton's letter shows us how the "antiseptic face of colonial authority" in this city is only maintained through an overtly aggressive and precarious stance in which the telling of lies and rumors is core to sustaining the city's colonial order.[487] Indeed, he is showing us how power concedes nothing. In turn, Hamilton's letter illustrates how the nature of truth in a white settler society is only accepted when it is consistent with a White temporal spatial imaginary that obscures and denies the illegal, illegitimate, and violent processes that produced and maintain that society. Anglo El Paso's rumor may have offered Hamilton a safe story for his assumptions of legitimacy, innocence, and belonging; but this belonging was a never belonging to which Hamilton and others like him were hostile to discovery.

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[486] Hamilton, "Believe Rio Grande Occupies 1848 Channel."

[487] Karuka, *Empires' Tracks*, 4.

For years, El Paosans like Ralph Hamilton crafted and sustained a cultural memory and settler temporal frame of reference that denies the city's true origins in the ongoing theft of El Chamizal and the mystery of the Río Grande. This denial became core to what it meant to live in this city, as confronting the truth would require the city to fundamentally rethink its origin story and identity. There came a time, however, when this denial no longer served the needs of the U.S. federal government. Indeed, motivated by its need to pacify the Mexican state as an ally in the Cold Ward, in 1962, the United States government officially recognized that El Chamizal had indeed been stolen from Mexico and should be returned. When President Lyndon B. Johnson signed the Chamizal Treaty into law, he directly upended Anglo El Paso's rumor by officially recognizing that the 1911 International Arbitration Tribunal had been correct when it ruled the Chamizal Dispute was the result of an *avulsion shift* in 1864, and thus that El Chamizal had been illegally incorporated into the City of El Paso. In turn, Johnson announced that amends were to be made in the form of returning all land south of the 1864 channel to Cd. Juárez.[488] To accomplish this, a newly agreed upon location and in no way certain for the 1864 channel was mapped and solidified in place through a concrete canal. In turn, this concocted 1864 channel determined the redrawn boundary and the land ceded to Cd. Juárez as El Chamizal. In this redrawing of the boundary, only a sliver of the Magoffin, Campbell, and Cotton Additions were included in the acreaged returned to Mexico as El Chamizal. The settlement thus concealed the ongoing theft of El Chamizal and the still unresolved mystery of the Río Grande.

Conclusion

[488] Although the two countries have engaged in "banco" exchanges since the 1930s to straighten the U.S.-Mexico boundary, these exchanges have typically involved trades of equal or near equal acreage.

The Chamizal Treaty ultimately refused to open this region to this mystery and wonder of El Chamizal and the Río Grande's intertwined fugitive landscape. To do so would be to admit and invite the unacceptable: a wayward river whose self-determined opacity and knowledge of freedom—the wonderous, seemingly unfathomable ways of evading and subverting the seemingly impenetrable rules of settler colonialism and racial capitalism—is impossible to conceal or force into the realm of the knowable. The Chamizal Treaty and Anglo El Paso's rumor are therefore part of the same, ongoing colonial endeavor to foreclose this mystery—to render El Chamizal a hidden geography—and therefore obstruct this land's haunting geographies of refusal that denaturalize and disrupt settler colonial racial capitalist ideologies and geographic impositions of timeless White possession.

This chapter, however, has worked out how the Rio Grande's opaque past and its impenetrable present continues to haunt Anglo-White racial control of colonial space in this region. Indeed, this land refused the time-space of Anglo El Paso's rumor by repeatedly undermining the web of spatial, temporal and legal practices of concealment/denial required in the making and maintaining of this settler society. In these instances, the meandering Río Grande through El Chamizal refused concealment and denial, and in doing so not only undermined Anglo El Paso's pretense to have overcome the mystery of the Río Grande, but moreover refused their colonial racial capitalist claims of having the right to exploit El Chamizal for financial gain. In this light, it is necessary to attend to the Río Grande and El Chamizal's intertwined unruliness as a crucial site of expropriation, dispossession, and extraction in El Paso while also engaging this terrain (and land more broadly) "as the often unnamed but vital actor that is always exceeding and resisting the violence of colonial racial capitalism."[489]

[489] Byrd et al, *Colonial Racial Capitalism*, 12.

I want to conclude, by emphasizing how this chapter has turned to El Chamizal as a place that—through its very self-determined opacity, wonder, and poetics of unknowability—instructs us not simply in matters of white settler colonialism and racial capitalism's fragile pretenses to power or inevitability, but perhaps more importantly how "land as a system of reciprocal relations and obligations can teach us about living our lives in relation to one another and the natural world in nondominating and nonexploitative terms."[490] Indeed, this land's self-determined opacity has and continues to enable a poetics (a world) not ruled and determined by white settler colonialism and racial capitalism, but rather places where otherwise worlds can be and are possible.

[490] For more on the radical necessity of a poetics of unknowability, see: Eduard Glissant, *Poetics of Relation* (Ann Arbor, University of Michigan Press, 1997); Byrd et al, *Colonial Racial Capitalism*, 6.

HOW DO WE REMEMBER RUPTURE?

A child cutting her mother's hair
                              when her mother replies, "Ya se acabo todo."

          As the clay & creostoe   of desert rain, the machete
 in his hands   as he hacks down another cacti fence
while the phone rings again & again.

          A harp: the girl's fingers moving along the clothesline.

The cottonwood,   that river Bosque in Dizzyland
          their wayward laugh:
                              pachucas pinning blades & fireflies in their hair.

As a mother gathering tomatoes from the vine   as St. Ignatius' long knell
                              meets another mother sweeping the floor
                                        in their now empty house.

As she who cries, "Ay no quiero que diga que eramos cochinos."

And her husband's weeping reply: "Nadie viene por nosotos."

                    That midsummer morning   neither "help" nor "relief"
hung in their mouths.   And the boy
                                                  who later declared: "We lived there."

          There: the stench of burning saltbush & flesh.

There: the willow along the malecón that he cannot find in his mother's dreams.

                    There: to speak the word to name this loss,

                    Chamizal:
                              the risk of losing everything.

CHAPTER 3

"Their Loss Will Be El Paso's Gain:"

Place-Making Practices & Barrio Activism in El Chamizal

There is a black and white photograph taken some time in the 1950s of Maria Eugenia Trillo with her mother and two younger sisters as they stand beside the white picket fence of their Rio Linda home. Trillo's mother, for whom Trillo is named, stands at the center of this photograph. She is no more than 26 years old. Like her daughters, she is wearing a white dress in celebration of Easter Sunday. Balanced across her left hip, is the youngest of her girls: a toddler of no more than two years and whose eyes are shut to the camera. Trillo, who is perhaps six, and her younger sister stand on either side their mother looking away from the camera. Only their mother stares directly into the frame; her smile is full and optimistic. Behind them young but mature trees people street where a 1951 Chevy Deluxe is parked along 12th Street. Trillo remembers this moment and all that it represents. "I'm telling you," she tells me nearly 50 years later from across a restaurant table in Albuquerque, "it was like the American Dream to the max!" "We had the white little picket fence," she explains, "a front yard with lots of flowers, and here was the garden that Abuelo and I mostly worked on with a little vegetable garden and a big old tree." In her memory, their family home was a garden of its own.

By 1967, this home and others like it in the Rio Linda residential subdivions to the City of El Paso will no longer stand across the landscape. Such a profound erasure—of people's homes, of children's growing up worlds, and of entire areas of South El Paso—was indicative of uneven power relations in El Paso where, as Trillo later put it, "people had to know their place and stay in it." Indeed, she explains, when news of the Chamizal Treaty arrived in El Paso in 1962, Chamizal

Figure 44: Photograph of Trillo Family home in Rio Linda Addition to the City of El Paso.
Source: International Water and Boundary Commission Papers, National Archives at Forth Worth.

residents were expected to know to get out of the way.

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It is hard to say when exactly Rio Linda and the other southside barrios condemned by the Chamizal Treaty became the neighborhoods and communities their former residents remember them as. A 1940 census map represents these areas of South El Paso as undeveloped. In 1941, however, we know that a real estate developer by the name of Martinez Estate Incorporation

purchased 60 acres[491] east of Cordova Island and converted the land into the Cordova Gardens Addition to the City of El Paso. In 1946, another developer, a man named Richard F. Miller, purchased land west of Cordova Island and converted the area into Rio Linda. A 1950 census map therefore shows Rio Linda and Cordova Gardens, although Cotton Mill and El Jardin—two other subdivisions condemned by the Chamizal Treaty—are not shown on this map. Even so, these maps confirm what Chamizal residents often insist about the origins of these barrios: that they can be traced back to a postwar period when their grandfathers, fathers, and uncles returned to El Paso from World War II or the Korean War and with the support of the G.I. Bill and V.A. loans purchased property south of Paisano Drive's "Tortilla Curtain."[492] But by the cusp the 1960s, thousands of Mexican Americans had moved into these neighborhoods of the southside—areas that would, in 1964, become the Chamizal barrios.[493]

Historians would come to call this period the postwar housing boom. Suburbs and their race restrictive covenants accounted for more than half of this housing boom and would become the foundation of America's white middle class.[494] But this period of housing growth was also a time in which "millions of Mexican Americans participated in some semblance of upward mobility and were

[491] These 60-acres had been previously zoned as part of the Woodlawn Addition to the City of El Paso, which had been developed by Felix Martinez. that was part of the Woodlawn Addition. See: Fred Morales, "Cordova Island," Border Patrol Archives, El Paso, Texas.

[492] Nestor Valencia, interview by Michelle L. Gomilla, "Interview no. 840," *Institute of Oral History*, University of Texas at El Paso, 1994.

[493] While the Chamizal barrios consisted mostly of Mexican American and Mexican immigrant residents, these neighborhoods were in fact racially diverse. Interviews with Chamizal residents have confirmed that in Rio Linda alone there were several African American families as well as mixed-raced families whose members had Pilipino heritage or identified as American Indian or native to the United States and Mexico.

[494] Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1985), 632.

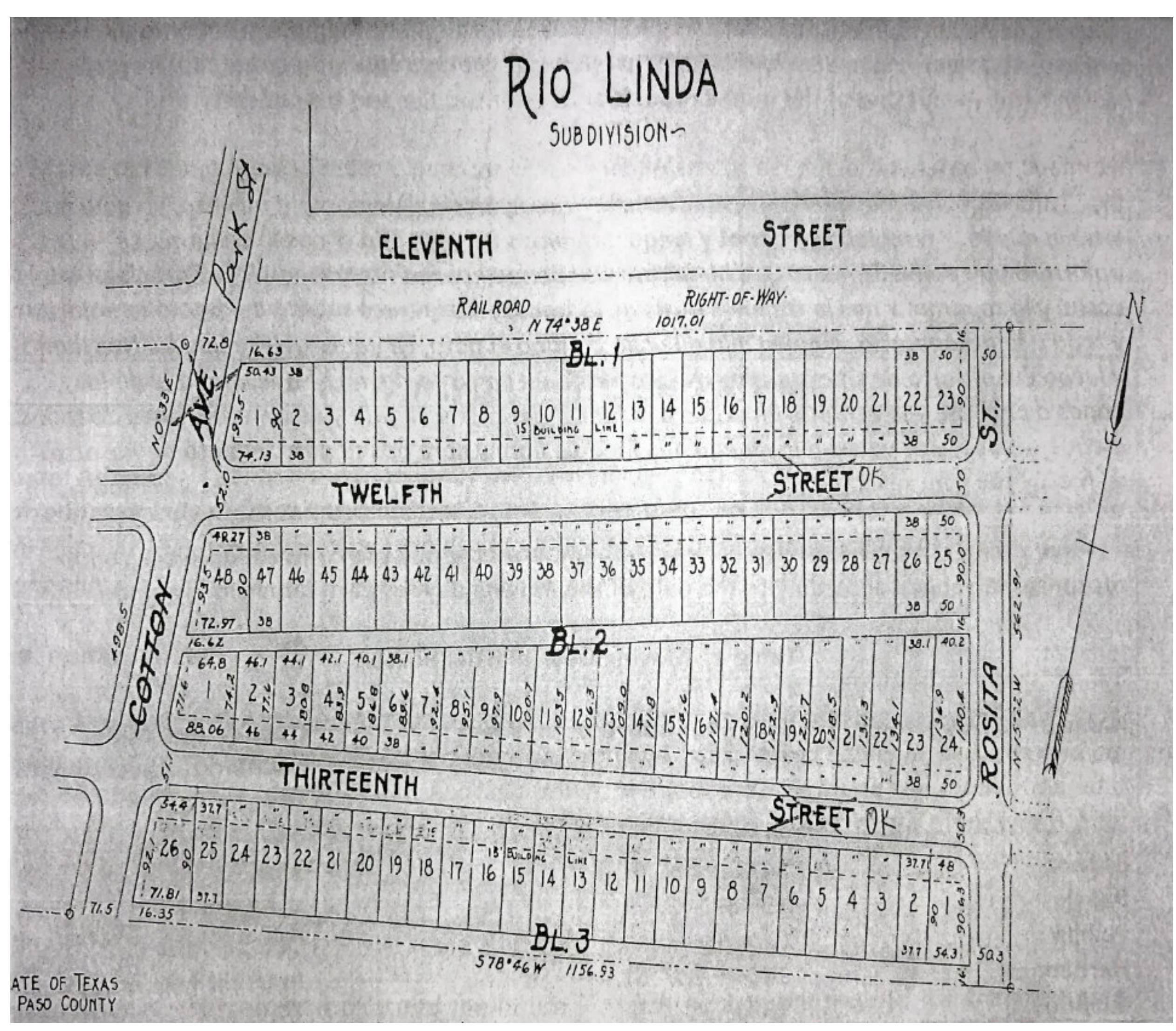

Figure 45: Street map of Rio Linda Addition to the City of El Paso.
Source: El Paso County, Chamizal National Memorial Archives.

able to leverage that position into action" primarily through homeownership.[495] "Despite being marginalized in almost every facet of society," writes the historian Jerry Gonzalez, "ethnic Mexican homeowners made both symbolic and material claims on the American Dream."[496] Indeed, for many

495 Jerry Gonzalez, *In Search of the Mexican Beverly Hills: Latino Suburbanization in Postwar Los Angeles,* (New Brunswick: Rutgers University Press, 2017), 8-9.

496 Gonzalez, *In Search of the Mexican Beverly Hills,* 11.

of the Mexican Americans who purchased property in the neighborhoods later condemned by the Chamizal Treaty, this was the first time they had come into land ownership, and the promise of having done so felt like the world was finally opening up for them.

Meanwhile, as thousands of Mexican American soldiers returned to the United States, the U.S. government publicly insisted a new era of liberalized race relations was imminent.[497] In turn, there was a growing feeling among Mexican Americans at this time that they had finally earned their rightful place in society and that they might finally be accepted as first-class citizens.[498] For many who felt this way, homeownership was "the material symbol of that arrival: the fulfillment of all that had been promised to them, and which they had long been excluded from." For instance, Trillo's father, Manuel, made his claim on the American Dream in 1951 when he purchased an empty lot at 1406 12th Street in Rio Linda for $580.[499] For Manuel, who was born in the United States but "repatriated" to Mexico during the 1930s along with many other U.S. citizens of Mexican descent, this propertied claim on the American Dream could not have been more meaningful. There, Manuel built the two bedroom and one bath house that his family would come call home for years to come—and even after their displacement. He had built the house of double brick with double footing so it would last the stand of time, and also because he had originally intended to add a

[497] David G. Gutiérrez*, Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995), 141.

[498] Ricardo Sanchez, *Canto y Grito Mi Liberacion* (New York: Anchor Books, 1973), 33.

[499] In my 2021 *American Quarterly* article, "El Río Grande as Pedagogy: The Unruly, Unresolved Terrains of the Chamizal Land Dispute," I incorrectly identified Manuel Trillo as a World War II veteran. Although Manuel intended to enlist in the U.S. military during WWII when he returned to the United States after living in Mexico, he did not actually serve. I am noting this mistake here to correct the record and offer my apology to the Trillo family for this mistake. For more information on Trillo's purchase of this Rio Linda property, see: The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1951), Vol. 01010 p. 00317.

second floor to the home. Manuel and Maria Eugenia's intention had always been to raise their children in that home and to live out his golden years there in Rio Linda.

Manuel's neighbor, Louis Rivera, had also wanted a two-story house for his family and was intent on making this dream a reality. Rivera, WWII veteran and plumber, thus made his own claim on the American Dream when he purchased a house just down the street from the Trillo family at 1515 12th Street for $5,160.[500] As Manuel built his home from the ground up, Louis began adding a second story to his home along with a small living room, a dining room, two bathrooms, a utility room, a private kitchen, and five bedrooms—one of which had a walk-in closet.[501] By any standards, it would be a sizable home by the time Louis was done with it. As with anyone who was building a home on their own, there was of course months at a time when Louis couldn't get to this to-do list. Sometimes he just didn't have the finances to buy the needed materials and sometimes it was just a matter of being short on time. His wife, Maria Ana, and his four children eventually grew accustomed to living in a partially finished house. His family's patience with him filled Louis with pride and on some days when he was up on the roof or hammering away at one of the half-finished rooms, his neighbors could hear him whistling while he worked. Louis' daughter, Angela, remembers this whistle as the unmistakable soundtrack of her father's love and labor. More than fifty years later, Angela would tear up when thinking of her father's favorite song to whistle: "He's Got the Whole World in His Hands."

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500 The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1949), Vol. 00942 p. 00125.

501 Housing additions were very common in Rio Linda. See: Feliciano Hinojosa, "Interview no. 841" interview by Michelle L. Gomilla, *Institute of Oral History*, University of Texas at El Paso, 1994; William E. Wood, "Interview no. 846" interview by Michelle L. Gomilla, *Institute of Oral History*, University of Texas at El Paso, 1994.

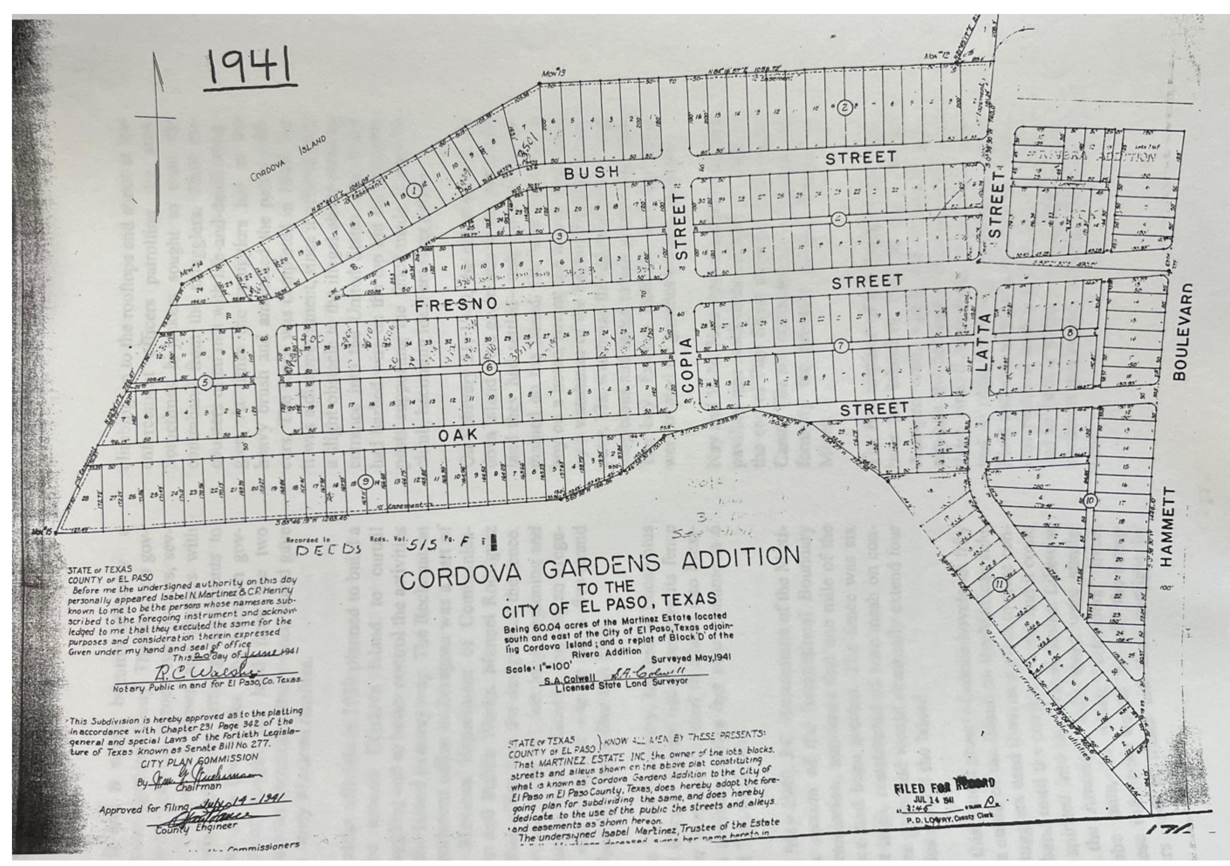

Figure 46: Street map of the Cordova Gardens Addition to the City of El Paso. Some of the street names in the addition would change by 1964. Source: "Cordova Island" by Fred Morales. El Paso Border Patrol Museum Archives.

Angela was Trillo's age and soon enough the two girls had become inseparable. As freshmen at Bowie High School, Trillo and Nuñez walked home together and sometimes when time permitted made a "detour" to the Ramos family house on East 12th Street. There, outside the Ramos living room window, the two girls sat amongst Carmela Ramos' mimosa trees and watched whatever Carmela had playing on the T.V. through the window she always left open for the cool breeze that often came off the Río Grande, which less than a block south from her home.[502] Carmela was the

502 Angie Nuñez, conversation with the author, September 2018.

wife of Pete Ramos, a WWII veteran, carpenter, and painter for the City of El Paso, who had purchased this lot in Rio Linda in 1955 for $1,610.[503] Like Manuel, Pete had built house from the ground up and painted it bright yellow. He had constructed the house with such meticulous attention to its build and character that in 1963 a *New York Times* reporter covering the Chamizal Treaty would describe it as one as of the larger and more "handsomely maintained" homes in the barrio.[504] Years later, as Trillo and Nuñez sat across from one another as women in their sixties, they would also describe the Ramos home in this way. In their memory, it was Rio Linda's grand yellow house and one of the few homes in barrio with a television. The two women laughed as they recounted how they would bunker down beneath the canopy of Carmela's mimosas—or "rain trees" as the girls had called them then because of all the pink buds flying about—and watch TV until the it was time to go home. On any given evening, as they made their way home, Trillo and Nuñez might have heard Metia Luz, the neighbor lady down the street, playing her piano after a day's worth of lessons.

Peter Ramos, the only son of Carmela and Pete and who so damn tall the kids the neighborhood joked he could shake down the stars in El Paso and give some to Cd. Juárez, remembers his Rio Linda home through the image of his mother. The image that most frequently visits him is that of Carmela watering her mimosa tree, the roses, and that cherished weeping willow that she had planted in the front yard the year they moved to Rio Linda. "We had that weeping willow in the front, and that was really nice," Peter Ramos recalled as a seventy-something-year-old man from his home in El Paso. "She had heart troubles, so she couldn't do a lot," he continued, but

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503 Peter Ramos, in conversation with the author, September 2016; The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1955), Vol. 01240 p. 00562.

504 Jack Langguth, "People Of Chamizal Unhappy To Be South of the Border," *New York Times*, July 19, 1963.

Figure 47: Ramos family home on 12th Street in Rio Linda.
Source: William E. Woods Papers, Chamizal National Memorial Archives.

she could garden and when she was finished tending to her plants "she would sit on the front porch and look out." The yard was full roses of every kind. Like many Mexicans, the rose was Carmela's favorite flower—with thrones and all—and she tended to them and all growing things in her yard with the same care and attention she had given to Peter before he had become a young man preoccupied with the things of men.

Sometimes in the afternoons, Peter would come home from Cathedral High School where he played basketball on a full scholarship to find his mother sitting on her porch with other women

from the neighborhood. He remembers now that he was always glad to find that while he and his father were away, Carmela was rarely, if ever, alone. "All the ladies around her would come sit down and talk to her and would spend most of the day talking," Peter explained, lost momentarily in the flooding of these memories. "She would sit on the front porch all day—calling to the neighborhood women who passed by, and then the ladies would come sit down and talk to her, and she would spend most of the day talking," he went on, before summarizing this memory in perhaps the only way he knew how: "I think she really enjoyed her house."[505]

These are some of Peter's earliest memories of his home in Rio Linda. He remembers that sometimes, after he finished his homework and went out back to shoot hoops in the basketball net his father had put up for him, his mother would call out to him from the kitchen window and ask Peter to walk down to the Río Grande to collect some of the wild asparagus growing along the riverbank. As Peter walked south passed 13th Street, sometimes he'd walk past the neighborhood's Avalon lady who was making her rounds. Other times, as he made his way back with the asparagus in hand, he laughed at the scene of children along 13th Street who were waiting with paper rockets in their hands for the local bus to turn the corner. By 6 o'clock, Peter's father would be arriving home from work, his clothes peopled in that day's swatch of paint colors. And only then did Carmela rise from her porch chair, bid her willow good evening, and come inside.

It was along porches like Carmela's and the jardines and salones of the neighborhood and its surrounding Segundo Barrio that so much of life was structured. Sometimes in the summer, when the heat was unbearable, Rio Linda boys would sleep out on their porches. Often this was out of necessity, as many households did not have central air-conditioning or there were simply too many family members in one home to be comfortable in the summer nights. In any case, however, these

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[505] Ramos, in conversation with the author, September 2016.

shared spaces shaped and colored everyday life in Rio Linda and centered on an appreciation of social interaction, kinship, and networks of support. Residents of Rio Linda were no different from many of her southside neighbors who were proud to be part of the broader Segundo Barrio community of mostly first- and second-generation Mexican Americans who "transformed South El Paso into a place that provided them with a sense of belonging in a city that continuously hid their presence."[506]

While Rio Linda residents considered themselves part of Segundo Barrio, residents of the Second Ward did not always agree. To them Rio Linda was a kind of "rich man's land," an isolated oasis whose working-class residents had "jaitón" or middle-class attitudes.[507] Perhaps this was so because most Rio Linda residents owned their homes, lived in nuclear households, or because many homes were made of cinderblock or brick instead of adobe. Sometimes all three were true for Rio Linda families. What was more, few Rio Linda mothers worked outside of the home, though some did work as seamstresses at the Hortex Manufacturing Company or at Farah, as clerks for downtown's JCPenney, Kress, and Woolsworth's, or only temporality in times of financial need. What was more, many of the homes in Rio Linda had two to three bedrooms, a private kitchen, indoor bathrooms, hot and cold running water, electricity, front and backyards, and paved streets and sidewalks—features that were pronouncedly otherwise from the majority of Segundo Barrio.[508]

But while Rio Linda may not have been as poor as the rest of Segundo Barrio, it was still south of Paisano Boulevard and firmly situated within the stigmatized lower ranks of El Paso's social geography. Rio Linda residents never once forgot for a moment the racism and disdain for Mexicans

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506 Sandra Enriquez, *¡El Barrio Unido Jamás Será Vencido!: Neighborhood Grassroots Activism and Community Preservation in El Paso, Texas*, (Dissertation: University of Texas, El Paso, 2016), 107.

507 Trillo, "The Code-Switching Patterns of the Rio Linda Community of El Chamizal in El Paso, Texas," 23.

508 Ibd.

that made El Paso's southside, including Segundo Barrio and Rio Linda, was it was. They understood that their place south of Paisano Boulevard and adjacent to the Rio Grande was indicative of an established relationship between Anglo El Paso and urban planning designed to keep racial otherness at bay, maintain uneven socio-spatial relations, and undervalue and exploit both the land and people who lived there.[509] As the urban historian David Diaz has noted, since the 1900s barrios in the U.S. Southwest have experienced the pinnacle consequences of this prolonged underdevelopment: lower property appreciation rates, constant urban decay, and environmental health hazards that often pushed minoritized peoples from their communities and subsequently invited additional private sector demolition of a limited housing supply. Indeed, nestled between the industrial and waste-management sectors of the city, the Chamizal barrios were walking distance from a total of 69 industrial plants.[510] There were markers of this everywhere: the train running between Rio Linda and Cotton Mill that every now and then hit a dog or even a child; the line of boxcars that sometimes were left parked between the two neighborhoods for weeks at a time and which the children climbed and played hide and go seek around as if the boxcars were a playground. There was also the mine and smelter machinery facility on 11th Street, the soft drink bottling factory, the molasses plant, the freight truck station, and the days when it rained so hard the entire neighborhood would flood because of poor street drainage.

And then, of course, there was the Peyton Packing Company, a cattle and slaughterhouse factory, that was walking distance from Rio Linda and which had been built atop an old city dump in use during from the 1800s until about 1910.[511] When family or friends came to visit Rio Linda, they

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509 Diaz, *Barrio Urbanism.*

510 "5,500 Persons Moved by U.S. From Chamizal," *El Paso Herald Post,* October 27, 1976.

511 Of the larger commercial businesses, this also included Ziegler's, ICX Trucking Company, Schwartz Chemical Co., Pacific Molasses, Rosebud Importing Company, Imperial Furniture Warehouse, Niesner's Store, and the Mine and Smelter Supply Company. See: Trillo, *The Code-switching Patterns of the Rio Linda*

were quick to the comment on the foul stench of cattle waste that hung in the air. But if you came often enough or if you lived long enough in the neighborhood, eventually you didn't notice the stench. After a slaughter, however, Río Linda would reek of dead flesh. The carcasses were stowed away in buses and carried through Rio Linda on their way out for distribution. Although there was nothing to see as the buses moved through the barrio, the stench was overwhelming. "We used to hate it when we would see the trucks heading down this way with the carcasses," Xavier Bañales recalled. "And when they passed by you had to hold your breath. You just didn't want to be there when they passed by. You would hold your breath." Likewise, residents of the Cordova Gardens and El Jardin subdivisions called their neighborhood "Barrio del Diablo" because of the sulfur stink from the city's sewage disposal plant.[512] The renowned Chicano poet Ricardo Sanchez, who grew up in Barrio del Diablo, once described this stink in a poem about his home as the "mind searing stench" of the barrio.[513] So intense was the smell that the barrio eventually took on the nickname "Disneyland" or "Dizzyland" because the stink sometimes caused dizziness. Even among the structural waste, decay, and danger that shaped daily life in South El Paso, Rio Linda and Cordova Gardens residents carved out dignified and livable places where no one expected them to.

Indeed, when Anselmo and Lydia Castañeda purchased, in 1953, two empty lots in Segundo Barrio on the corner of South Oregon and 10th Street, they too began transforming this marginal corner of the southside into a place that provided them with this sense of belonging. That year, Anselmo began building the adobe house that his four children would later describe as "the long

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Community of El Chamizal in El Paso, Texas, 13; Clark S. Knowlton Papers University of Utah Box 5 Folder 2; Rebecca T. Garrett, "Bottle Talk," *Password* 28.1 (1983): 136.

512 Raymundo Eli Rojas, "Where Devils Feat to Tread: Barrio del Diablo, Part II," *Pluma Fronteriza*, June 14, 2010: http://plumafronteriza.blogspot.com/2010/06/where-devils-fear-to-tread-barrio-del.html

513 Ricardo Sanchez, "Homing" in *Hecho en Tejas: An Anthology of Texas Mexican Literature*, edited by Dagoberto Gilb (Albuquerque: University of New Mexico Press, 2006), 158-163.

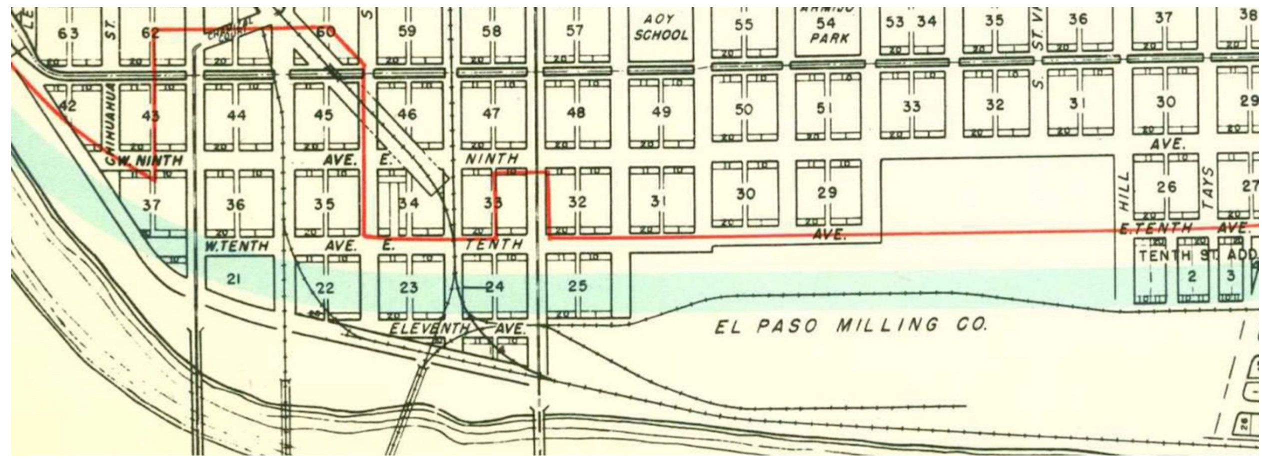

Figure 48: Map showing area of Segundo Barrio (south of red line) condemned as part of Chamizal Treaty. The Castañeda home, once located on South Oregon and 10th Street, fell within this condemned area. Source: James F. Connors Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

house on South Oregon Street."[514] The house, however, had not always been so terribly long house. But when an uncle came to El Paso and needed a roof over his head, Anselmo added an extra room onto the house by building it directly south of the property. It wasn't long before he would do so again, this time adding a room when his wife's father came to live with them. And he would do so once more when he added a large room to the south of the house to store supplies for his "La Tiendita," a small corner storefront he ran and managed off the side of Sacred Heart Church provided affordable goods for the people of Segundo Barrio.[515] By 1960, eight people lived in the Castañeda's long house on South Oregon Street, and together they made it a home.

It was Anselmo's wife, Lydia, however, who made the house stand out in the neighborhood. "My father built our house, but it my mother who made it our home," Lupe Castañeda Morrow, their eldest daughter, explained more than 50 years later. Most essential to the home's presentation

514 Lupe Castañeda Morrow, conversation with the author, September 2017.

515 "Castaneda," *El Paso Times*, November 29, 2009.

Figure 49: Castañeda sisters outside their home on South Oregon Street in Segundo Barrio. Date Unknown. Courtesy of Castañeda Family.

was a framed picture of the La Virgen de Guadalupe that Lydia had hung by the front door. When Lupe' grandfather, a welder with the Southern Pacific Railroad, began making intricate iron rod windows and doors for the house, Lupe's mother could not contain her excitement and when they were installed the family spent the afternoon painting them red. "My mother just loved what he did, and so our house was even prettier because our grandfather had a hand in it too." In the front of the house a small iron rod sign read "Las Castañedas" and it was single-handedly Lydia's most cherished possession. In retrospect, Lupe explained, their house was a testament to their effort to make something beautiful and meaningful out of this overlooked and stigmatized borough. Like many Mexican Americans across the United States at this time, homeownership for Chamizal residents was "a tangible symbol of their hard work, as well as a foundation upon which to build a future."[516]

Elvira Villa Escajeda, who would later become known as the champion of the Chamizal residents, had started planning for this future in the 1940s when she was a woman in her twenties. A skilled seamstress, Escajeda had announced to her father and mother, Jose and Manuela Villa, that she planned to leave El Paso for Los Angeles. There, she explained, she intended to work, save money, and later return El Paso to buy them a home. She would indeed do just this.

When Escajeda arrived in Los Angeles sometime in the 1940s, she found work in a coat factory on Hollywood Boulevard and soon thereafter a small apartment just a short bus ride away. There, she lived for six years and made good money. As a 101-year-old woman, she recalled her time in Los Angeles fondly and said she loved making beautiful clothes for Hollywood actors and

[516] Gonzalez, *In Search of the Mexican Beverly Hills*, 47.

Figure 50: Villa family outside their Cotton Mill home in 1956.
Courtesy of Villa Family.

actresses. She also explained that only until she knew she had saved enough money to buy her parents a house in El Paso, did she leave her life in Los Angeles behind. The year was 1951 and no sooner had she arrived back in El Paso did Elvira and her youngest brother, Gilberto, purchase a plot of land for their parents on the corner of Algodon Place in the then-newly established Cotton Mill Addition to the city of El Paso.

It was on this lot that the family built a home. "I bought the lot and built the house," Escajeda recalled from that time. "Papa was so happy," she added, "because he had always been planning to build a house, [but] he never had a chance." As Elvira and her father walked about the empty lot, imagining out loud together where they would build each room and how the furniture would be arranged, Manuel turned to his daughter and spoke from a place of regret, shame, and gratitude all at once. "Vila, I wish that I had this when you were little," he told her, "I wish that I had had this when you guys were little." Escajeda knew that her father had always dreamed of buying his own plot of land, of becoming a homeowner, and building a house for his family with own hands. She also knew, however, the constraints that had been in place for him an Mexican immigrant and working-class person. 'That's okay, Papa," Elvira replied, as they continued walking about the lot imaging their forever home together. "Now you got it." There, the Villa family would build the house that Jose and Manuela would come to call their own. As Elvira and her brothers worked alongside their father building the structure of the house itself, Manuela began tending to the garden. As she had always done, she

brought to the lot clippings she had collected from all around Segundo Barrio and began planting these clippings where she saw fit. Later, when Jose assembled a wood trellis over the entrance gate to their home, Manuela planted jasmine at its base. Somewhere along the way, Jose carved a small plaque that read "1220 Jose Villa" and hung it over the trellis.

In the years that followed, Escajeda would purchase multiple properties within El Chamizal. In 1956, she purchased a home in Cotton Mill where she and her second husband, Guillermo Lacarra, would live. In 1959 she purchased with her own funds and for her own separate estate a third property across the train tracks in Rio Linda where her older brother, Jose, had also purchased property in 1947 after returning home from World War II combat. By 1963, these properties—along with the rest of Cotton Mill, Rio Linda, Cordova Gardens, El Jardin, and the last two southerly blocks of Segundo Barrio—would be condemned for removal as part of the Chamizal Treaty. Although Rio Linda may have certainly been distinct from the rest of Segundo Barrio, it was not lost on many Rio Linda residents that, like the rest of Segundo Barrio, their neighborhood was built within El Chamizal's disputed boundaries, and that unclear property titles were just another commonality between the two barrios.

It mattered little, then, that Rio Linda in many ways belied codified narratives of slum and poverty; all that was legible to El Paso city planners and later the writers of the Chamizal Treaty was that Rio Linda was south of Paisano's Tortilla Curtain and therefore firmly within El Paso's "blighted" southside. But "they were not cardboard shakes," a local real estate agent hired by the federal government to appraise the Chamizal properties explained nearly thirty years after the Chamizal Treaty.[517] "I've always heard—being born and raised in El Paso—that how much everybody felt sorry for all those poor Mexicans in South El Paso. And when I got to appraising

[517] William E Wood, "Interview no. 846" by Michille L. Gomilla, *Institute of Oral History*, University of Texas at El Paso, 1994.

down there, I found out that there's nothing poor about the poor Mexicans in South El Paso. [Their homes] were well-built, [sic] extremely neat and well kept. Pride of ownership was extremely evident." Even so, local coverage on the Chamizal Treaty often distorted and miscast these neighborhoods as blighted places where no dignified, respectable, or meaningful place could exist. Indeed, as *Time* magazine put it, the Chamizal barrios were "ratty firetrap tenements" and a "ticket of slums." National and local newspapers would applaud the condemnation and the razing of these neighborhoods. "No one will be sorry to see these slum dwellings disappear," declared the *Los Angeles Times* in 1964 only months before the *El Paso Times* similarly announced, "Their loss will be El Paso's gain."[518]

While many Rio Linda residents had been aware of the Chamizal Dispute and its potential impact on their properties, this was not true for everyone. Escajeda, for instance, had never heard of the Chamizal Dispute when local newspapers first announced that President John F. Kenney would be the one to finally settle this long-standing conflict. Confused, she went to her father for clarity. "I came and I asked Papa when I read in the newspaper about the Chamizal," she recalled years later. "I said, 'Papa, what is Chamizal?' And he explained about the river, and I told him, 'Why didn't you tell me?' [to which he said] 'How could I have known that this land would now be given back?'" There were others like Jose who knowingly purchased property in this part of South El Paso despite the area's clouded property titles.[519] And like Jose, many of them felt the Chamizal Dispute had gone unresolved for so long that it seemed entirely unlikely that the conflict would be settled anytime soon. When the City began accepting V.A. loans in the area, residents became even more assured

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518 George Nathanson, "U.S. Moves on Cession of Chamizal: Residents Finding New Homes Before Mexico Takeover," *Los Angeles Times*, July 19, 1964; "Chamizal Settlement, Freeway Bring Gigantic EP Facelifting," *El Paso Times*, September 25, 1964.

519 Maria Eugenia Trillo, in conversation with the author, September 2016.

that buying property in this area was a sound investment. "What made my parents and everyone else feel somewhat secure about buying land there," Trillo explained, "was the fact that the American government built those homes for the G.I.s and sold the houses to them knowing that it was contested land."[520] Years later, Rio Linda and Cotton Mill residents would argue amongst themselves, insisting that they had not been fools when they made their claims on the American Dream by purchasing property in these neighbors. Afterall, they reminded one another, the city of El Paso had licensed the subdivision and the American government had approved their VA loans.

But, others said, if they indeed had been fools to buy property within El Chamizal's contested terrain, surely their government would take care of them. "I told my father, 'Don't worry,'" Escajeda recalled of this painful exchange with her father. "The government will do right by us," she insisted. "We'll get paid and we'll get out and we'll find a home in some other place."[521]

Growing-up Worlds

It was not a coincidence that Carmela's willow had taken so well to El Paso's high desert climate and grown strong and steady in her front yard. With the Río Grande just one block south of the Ramos house, this strength was nearly guaranteed. In fact, it was because Rio Linda and the rest of the southside had been built atop the Río Grande's natural floodplain that ensured this willow's and growing thins in this part of the city their strength and happiness. Frankly, the river's historic floodplain was why everything planted in the southside grew so feverishly. Everyone in this part of the city knew that South El Paso had such fertile ground that it would take the seeds and pits thrown out kitchen windows or dropped along the sidewalk and grow tall and strong trees full of

520 Trillo, 2016.
521 "Vila," (2011; El Paso: Vantage Point Visual Studios, Inc.).

peaches, apricots, plums, and apples.[522]

Cottonwoods took particularly well and on days with a breeze would scatter the streets with so much pollen that it was easy to mistake the pollination for snowflakes falling. In Cordova Gardens, these snows were especially romantic because nearly all of the loose cotton came from a beloved cottonwood walking distance from the neighborhood and located along the Río Grande's northern bank. Although at one time this area of the Río Grande had been peopled by many cottonwoods, this particular tree had become something of a landmark for in Cordova Gardens and El Jardin. Known as "El Bosque" because of its secluded and shaded offerings, the cottonwood had become something of a haven in the 1940s and 50s for the pachucos and pachucas of Barrio del Diablo. There, beneath the cottonwood, they forgot momentarily the racism and disdain for Mexicans that colored so much of their lives in El Paso. Although perhaps insignificant and overlooked by those not from Barrio del Diablo, El Bosque was where enacted their own world. To them, El Bosque was something of a sacred place—albeit on the margins of both the city and the United States. There, they sat into the evening and enjoyed themselves singing songs, dancing, and listening to music well into the night.

Small children not yet old enough to be invited to these gatherings would sometimes peek through the thick shrubbery to admire these rebellious, beautiful men and women who were proud to be Mexicans from the southside. They wore this pride in the way they dressed in zoot suits, in the way the women pinned flowers and knives in their hair, in the way they spoke caló, and the way they kissed one another and danced by the river. They were, in the eyes of these young boys and girls, men and women with a semblance of power within a world built on Mexican American disempowerment. But there, under the canopy of El Bosque, the pachucos and pachucas seemed

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522 Lucy Fisher-West, *Child of Many Rivers: Journeys to and from the Rio Grande* (Lubbock: Texas Tech University Press, 2005), 96.

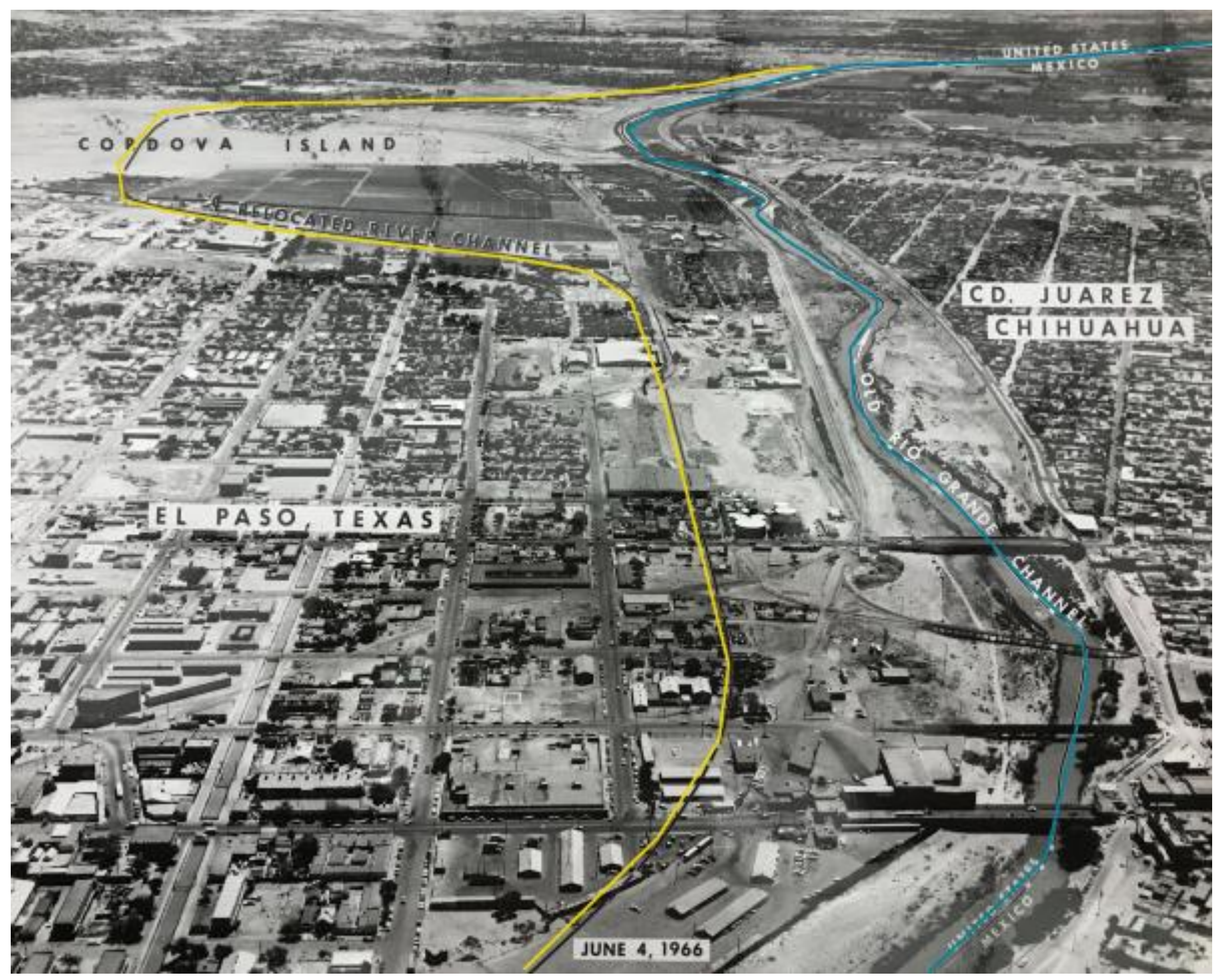

Figure 51: 1966 aerial view of Rio Grande through El Paso and Cd. Juarez. Yellow line shows location of proposed redrawn boundary as part of Chamizal Treaty. Blue line shows the Rio Grande's natural riverbed. The condemned acreage fell between these yellow and blue lines. Source: IWBC Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

fearless. When one of the pachucos would kiss his "guisa" or girlfriend, the children fall into a fit of hushed giggles, trying their best not to give away their hiding spot. But the pachucos and pachucas always knew the children were there; and they didn't mind. Perhaps they were proud to have an audience, proud to show los chamacos pachucos in love. Such scenes of Mexican American joy and pachuco empowerment permeated El Paso's southside, and somewhere along the way the city took on nickname "El Chuco." As dusk began to settle and night to close-in on them, the children would

abandoned their lookout spot and make their way home. El Bosque was nothing short of their growing-up world.

For the children of Rio Linda to the west of Barrio del Diablo, evening was also alive with possibility. When dusk arrived, the children knew they had only a short amount of time before their mothers called them home. In that time, some of the younger girls and boys would challenge one another to who could catch the most fireflies that gathered by the river. Other times, they focused their attention on the neighborhood's tiny green frogs. Sometimes these small creatures were too slow when compared to their quick feet and hands, and whoever caught the most of these frogs was declared the winner.

Meanwhile, slightly older boys in Rio Linda gathered beneath a light pole on the middle of 12th Avenue to tell ghost stories or play "oscondidas" or hide-in-seek. Sometimes they met under that light to plan out the next day's baseball game at the KCET field up the street. They had their established teams: the boys who lived on 12th always played together, just as those who lived on 13th and Park and Park stuck together. Los de la Doce. Los de La Trece. Los de la Park. Years later, they would describe these small cliques as the Rio Linda boy gangs. And it was there underneath the streetlight on 12th Avenue that the boys were allowed to be children. That light pole was the center of their world, a place of growing up.

For the parents of some of these children, however, no matter how far they had come economically as property owners in Rio Linda, no matter how handsomely maintained their homes might be or how much the houses themselves mirrored the American Dream with their white picket fences and running water, the stigma and shame of living south of Paisano was unescapable. Xavier's mother, Consuelo Bañales, for instance, had always wanted something more than living in Rio

Linda.[523] She had communicated as much to her children all without uttering the words. The family's Cadillac car represented this desire and dream. As Xavier would later described it, his mother wanted something different from being lumped together with the deprivation and structural indifference that shaped Segundo Barrio into the supposedly unsightly and uncultured place that Anglo El Pasoan north of Paisano Drive imagined it to be. Of course, Consuelo also knew the southside to be so much more: a place brimming with life and story. Indeed, the southside would be the root and foundation from which her children would go on to become doctors, civic leaders, lawyers, and judges. But as a resident of Rio Linda, she was convinced that one day they would be in a position where they could leave the southside. And when they did, they would not look back on Rio Linda bitterly or with disdain, but fondly and with gratitude and pride. Consuelo could not have known it then, but the Chamizal Treaty would leave no place for them to look back to.

Producing the Chamizal Barrios

While the children of the Chamizal barrios often remember their former neighbors as places full of life and possibility, as neighborhood in the southside the city they were also were marked by structural neglect and abandonment. Perhaps it was because the City of El Paso built Rio Linda on stolen land that the city initially refused to pave streets in the neighborhood, establish sewer service, a bus line, or add the neighborhood to the Post Office's delivery route. Perhaps the City of El Paso neglected these services to Rio Linda because it was built on stolen territory; it is more likely, however, that racist urban planning and social policies were at the roots of this neglect.

More than an inconvenience or the lack of luxury, the absence of these services and amenities were humiliating testaments to Rio Linda's stigmatized and racialized lower rank in El

[523] J. Xavier Bañales, in conversation with the author, 2019.

Paso's social geography. During the summer monsoon rains, for instance, the unpaved streets in Rio Linda flooded so badly that residents had to walk through blocks of puddles just to get to and from work.[524] These floods, however, were the least of these humiliations. In 1948, just two years after Rio Linda was added to the city of El Paso, septic tanks installed by the developer were overflowing, toilets were stopped up, and residents feared that the neighborhood was on the brink of a health epidemic. [525] "The septic tanks installed by the developers of the neighborhood are supposed to be good for one year and that year has expired," reported the *El Paso Herald-Post* in 1948.[526] "Rio Linda homeowners petitioned the city council to extend sewer lines to the neighborhood," the report continued, but "[p]etitioners say they can't get action." Instead, the *Herald* reported, city officials told petitioners that if each household in Rio Linda had fewer family members the septic tanks would have lasted longer. Had city officials regarded their Rio Linda constituents with any sense of care and responsibility, perhaps they would have anticipated and addressed the issue of sewage and plumbing in Rio Linda well before toilets began clogging up. However, instead of addressing the problem by installing a sewage system, city officials explained that because Rio Linda was built on an old Río Grande riverbed, the land was lower than the nearest sewer lines and a pump would need to be installed to resolve the problem. "As a temporary measure," the *El Paso Herald-Post* reported, a city employee "suggested digging a seepage pit, which he said would increase capacity of existing facilities."

Civic neglect and indifference toward El Paso's southside like what we see here was nothing new. In the 1910s, the lack of sewer systems, irregular trash collection, and civic neglect resulted in

524 Rudy Ramirez, "El Pasoan Recalls Chamizal Years," *El Paso Herald-Post*, December 8, 1967.

525 Rudy Ramirez, "El Pasoan Recalls Chamizal Years," *El Paso Herald-Post*, December 8, 1967.

526 "Rio Lindo Group Renews Plea for Sewer Service," *El Paso Herald-Post*, May 20, 1948.

high rates of tuberculosis and other communicable diseases in South El Paso. Regard for the sick and those living within this civic abandonment and neglect was almost nonexistent. Instead, to most Anglo El Pasoans, the structural decay, illness, and "filth" of the southside were "proof" that the barrio was inherently inferior to its Anglo American counterpart north of Paisano Boulevard. What we see if we pay attention, then, is that the margin is not simply or always geographic, but rather, as Iris Marion reminds us, the margin is about processes of *marginalization*: the exclusion, refusal, and denial of particular groups from safe, secure, and dignified livelihoods.[527]

Despite the City of El Paso's racist structural disregard for Rio Linda, its working-class families often challenged this disregard by demanding the city invest in their communities where no one expected them to. When Libby Patino moved to Rio Linda in 1946, she refused to accept the city's indifference and began meeting with city officials to demand the City of El Paso provide her and neighbors with basic amenities and services. During her lunch hour at the JC Penny in downtown El Paso, Patino began going the City County Building to discuss the unpaved streets and flooding. Once had made some headway there, she began visiting the Post Office and after several appointments convinced the manger that service to Rio Linda was not a waste of time. Though he had been difficult to persuade, Patino eventually convinced him that although the neighborhood was small, it was growing quickly and in no time at all would have hundreds of residents who needed their mail delivered to them. Once she secured mail delivery, she focused on the issue of busing. "We made arrangements with the bus company for the buses to drive us closer to our homes," Patino recalled in 1967 of her neighborhood activism. "The place looked better after everything was installed and after the streets were paved," she said. Patino's story illuminates very real instances of human life encountering and countering the mechanisms of racial capitalism that insists no

[527] Iris Marion Young, *Justice and the Politics of Difference*, (Princeton: Princeton University Press, 2011), 9.

Figure 52: Photograph of Libby Patino. Source: *El Paso Herald-Post* December 8, 1967.

valuable—much less meaningful—life and place was (or could be) possible in the Chamizal barrios. These place-making practices on the part of Libby and her Chamizal neighbors demonstrate how "the culture of el barrio is at the center of re-creating a socio-cultural enclave within that hostile, repressive capital-state relationships structed to extract labor and rent" from minoritized peoples and their neighborhoods.[528]

While the southside barrios later condemned by the Chamizal Treaty were located along the margins of El Paso, but they were not peripheral to its center. Their proximity to both downtown

[528] Diaz, *Barrio Urbanism*, 15

Cd. Juárez and downtown El Paso, complete with bus routes that allowed affordable access to all parts of the city, promised Chamizal residents better employment opportunities and convenient access to resources, social gatherings, and family across the border in Cd. Juárez. In his discussion on the making of slums, David Theo Goldberg distinguishes between the social marginality of barrio communities and their geographic location. He clarifies that the slum's "periphrastic space is not physically marginal to the urban centre, but, quite to the contrary, is usually central, promoting a constant surveillance of its inhabitants and conditions."[529] Put another way, while the barrio and its space of racial marginality may be kept at bay from the "moral geography" of Whiteness, the barrio and slum are also spatially organized in close proximity to Whiteness so as to relationally define Whiteness and those who are afforded its privileges. Racially marginal spaces like barrios, ghettos, and "slums" have thus historically and presently assumed a structural and central role in the production and reproduction of both cities and Whiteness itself.[530]

Just as it took racism to produce the under maintained urban amenities of Rio Linda, in Cordova Gardens essential infrastructures such as regular trash collection, paved streets, street lighting, and sewage systems were also absent. Even after Cordova Gardens residents wrote letters in 1955 to their city officials asking for these amenities to be installed, the city refused to do so on the grounds that the estimated $70,000 project, if completed, would not be paid in full by the residents.[531] "There's no use in putting in a sewer when they can't pay for it," Harlan Hugg, the Board Manager of the City-Council Health Unit, was quoted in the *El Paso Herald* when he was

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529 Jennifer J. Nelson, "The Space of Africville: Creating, Regulation, and Remembering the Urban 'Slum,' in *Unmapping a White Settler Society*, edited by Sherene Razack, (Toronto: Between the Lines, 2004), 220.

530 David Diaz makes this point in this book *Barrio Urbanism*, in which he focuses on the barrio's production and reproduction of space throughout the Southwest. David R. Diaz, *Barrio Urbanism: Chicanos, Planning, and American Cities* (New York: Routledge, 2005), 18.

531 "Citizens Entitled to Service," *El Paso Herald-Post*, May 24, 1955.

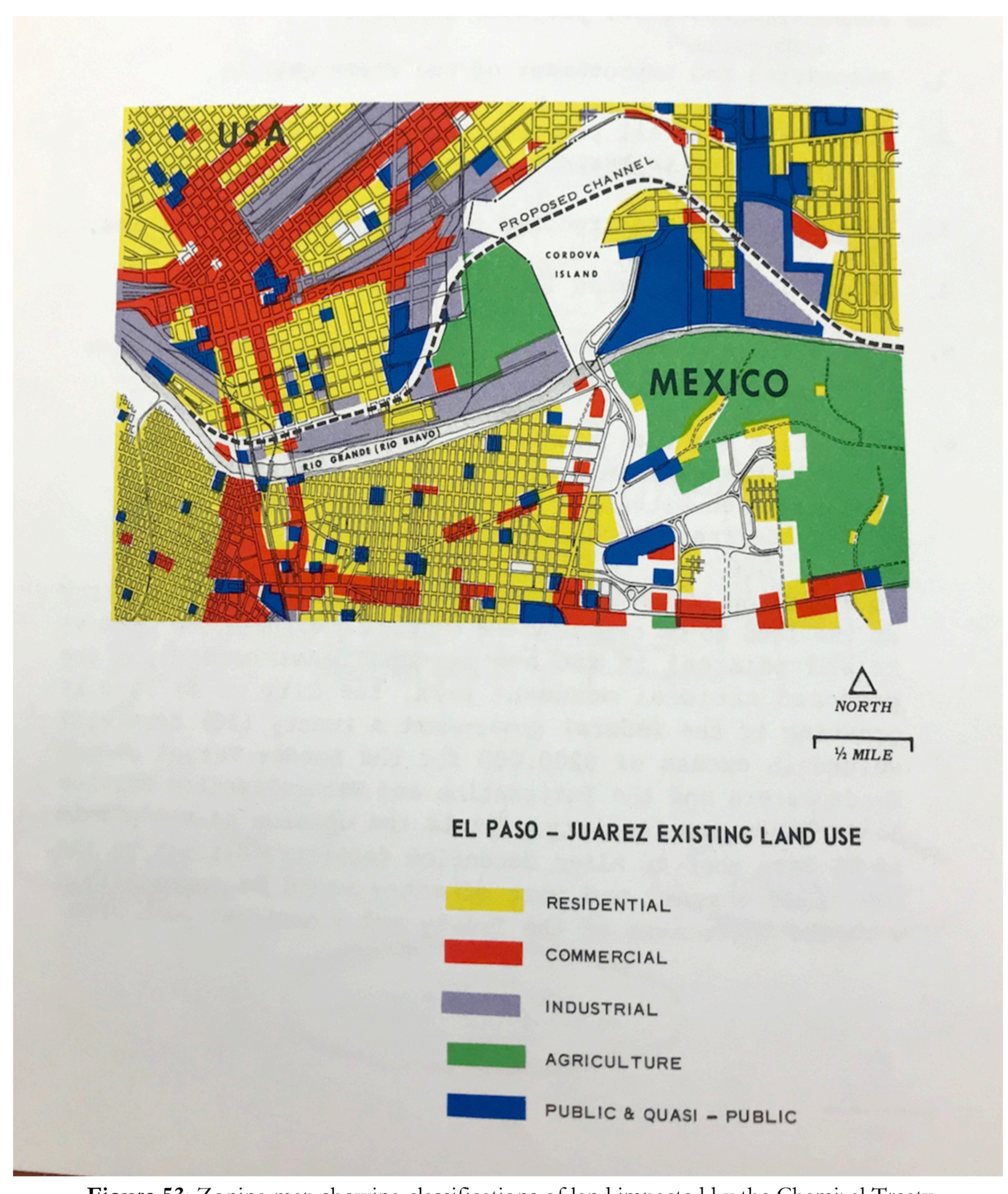

Figure 53: Zoning map showing classifications of land impacted by the Chamizal Treaty. Source: Chamizal Collection, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

asked to explain why members of the Public Service Board recommended that Cordova Gardens residents to install a series of septic tanks instead.[532] To Cordova Gardens resident, the city's refusal to install a sewage system in the neighborhood was just another instance of their racist disregard for the southside. "Cordova Gardens could very well be called the Forgotten Land," Cecilia Jimenez, a resident of Cordova Gardens, told reporters in 1957 when she was asked to comment on the continued absence of this basic amenity.[533] Only two years later, would the City of El Paso announce it would finally install sewage facilities—though residents later testified that this would never happen.[534] Denying Cordova Gardens this essential service—one that would have facilitated health and community development—secured uneven development in the community. In turn, the City of El Paso deliberately manufactured the "slum" of Barrio del Diablo.

Ricardo Sanchez was proud to have grown up in Barrio del Diablo and always identified this barrio as his home in the inner folds of his books and author biographies. But Sanchez also refused to romanticize Barrio del Diablo and what he later described as "the horrors of that existence": that is, the neglect and abandonment in seemingly every facet of their lives, the way El Paso naturalized their poverty, how it thrived on their cries for help, and how the world around them only ever answered with "the closing of all doors."[535] As he became known for his outspoken poetry throughout the U.S. Southwest, Sanchez ignited a generation of Chicana and Chicano writers with his stories of growing up in El Paso's "tragic yet magic valley" and of Barrio del Diablo and his years

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532 "Water Board Proposes Septic Tanks in Area," *El Paso Herald-Post*, June 14, 1955.

533 "Charges City Ignores Needs of Cordova Gardens," *El Paso Herald-Post*, Feb. 27, 1957.

534 Levine, in conversation with the author, August 24, 2017.

535 Miguel R. Lopez, *Chicano Timespace: The Poetry and Politics of Ricardo Sanchez* (College Station: Texas A&M University Press, 2001), 12; Sanchez, *Canto y Grito Mi Liberacion*, 81.

there "spent in the unknowing of why [he] hurt."[536] Later, Sanchez named this hurt in his debut book, *Canto y Grito Mi Liberación*, when he wrote that, "on every hand there is the dominant force of racism tying to obliviate la raza." In his writing, Sanchez was hopeful his voice would survive this destruction, that it would persist amidst White men's will to build their world on the ruins of his people's past.

Barrio del Diablo had been Sanchez's growing-up-world and by the time he 30 years old, it would be demolished. If Ricardo Sanchez, who in 1967 was serving a twelve-year sentence for armed robbery in the Texas Department of Corrections, knew that his childhood home on Oak Avenue in Barrio del Diablo was in the midst of demolition, we cannot say.[537] Perhaps though, those who knew Sanchez would tell us that he would have expected nothing less from "the brunt and whip of this mad dog-society" that offered him "no escape, just constant conflict."[538]

Everyday Violence

The spatial organizations of the Chamizal barrios with El Paso's social geography demonstrate how the establishment and containment of racialized communities is necessary to maintaining the racial boundaries and spatial entitlements of whiteness.[539] Indeed, as Lipsitz has argued, it tell us that "race is produced by space, [and] that it takes places for racism to take place." Perhaps one of the most blatant markers of this racism and its reflection in the southside's built environment was the

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[536] Sanchez, *Canto y Grito Mi Liberacion*, 25, 125

[537] See: Ricardo Sanchez, "Homing," in *Hecho en tejas*, 158-163; B.V. Olguín, "Declamatory Pinto Poetry: The Masculinist Poetics and Materialist Politics of Ricardo Sánchez's Poesía de Chingazos" in *La Pinta: Chicana/o Prisoner Literature, Culture, and Politics* (Austin: University of Texas Press, 2010), 99.

[538] Quoted in Lopez, *Chicano Timespace,* 20; Quoted in Olguín, "Declamatory Pinto Poetry," 98.

[539] Lipsitz, *How Racism Takes Place*, 5, 29.

red brick building locally known as "Camp Chigas," which housed the Border Patrol headquarters until 1954 and served as an immigrant inspection facility until it was condemned as part of the Chamizal Treaty.[540] Located on what was once the corner of 11th Street and South Stanton Street, the building was also directly south of the Castañeda home. The only thing between the Castañeda home and Camp Chinga was a small frontage road that the Border Patrol used to police the U.S.-Mexico border, which was only a stone's throw away.

For reasons Lupe still struggles to articulate, but which she says likely had to do with her father's own precarious racial position, somewhere along the way Angelo gave the Border Patrol permission to use the most southern portion of his property as a parking lot. The agents thanked Angelo for this gesture of goodwill in simple ways like the wave of their hands as they came and went at all hours of the day and night. Though Angelo practiced a careful albeit respectful exchange with these agents, he gave his children strict instructions not to return the agents' gaze or to go anywhere near the Border Border facility. "You say nothing," he once told Lupe and her sisters, "if they come asking if you've seen anyone cross the river or run passed you." Angelo never explained these restrictions, and his children knew not to require an explanation from their father. Perhaps Lupe and her sisters could not have given this intuition a name then, but even as small girls they could feel the daily violence that characterized life a stone's throw away from the border—and Camp Chigas announced this violence.

Lupe and her sisters may have intuitively known that the red brick building was an unkind place, but it was their older brother, Manuel, who confirmed its vileness. As a boy, Manuel had more

[540] There are conflicting accounts on why this Border Patrol headquarters was colloquially known as "Camp Chiga." According to records at the El Paso Border Patrol Museum, the headquarters was named after Sgt. Peter Chigas who was shot, in 1919, while patrolling the U.S.-Mexico border. Other accounts that I have heard from El Pasoan, however, have speculated that because of the profound racial violence that took place in the building, the headquarters came to be known among Mexicans in the region as "Camp Chingas" after the Mexican word "chingar," which is a vulgar word that, in this context, rough translates to "fuck over" or "screw."

liberty than his sisters to move about Segundo Barrio and one day he found himself climbing the fence of Camp Chigas to get a better look inside. It was the 1950s, during the peak of the Bracero Program, and when Manuel saw what the immigration officers were doing to the Braceros as they processed them into the United States, he couldn't keep the horrors to himself. He ran home and, once he confirmed his father was still at work, he insisted his sisters come take a look themselves. To this day, the horrors are forever ingrained in Lupe's memory. "You saw the walls splattered with blood," Lupe recalled from that day, "and I remember they would spray them with Deet, pump them with chemicals. The Border Patrol was very cruel to those men."

By the 1950s, Mexicans had already been established by El Paso's Anglo population to be dirty, destitute, and—without any meaningful evidence—silent carriers of typhus, smallpox, and the bubonic plague. Thirty years earlier, in 1916, the City of El Paso responded to these reports by remodeling Camp Chigas into an immigration service disinfection plant to inspect, vaccinate, clean, and disinfect Mexican arrivals with chemical pesticides.[541] Inside Camp Chigas there were rooms for showers, rooms for chemical disinfections, and a gas room where the clothes of border-crossers were steamed, fumigated, and sterilized. "Only after being cleansed—and, in turn, racialized," argues historian Alexandra Minna Stern, "were Mexicans allowed to cross the threshold from diseased body to desired laborer."[542] The plant's disinfection procedures would gain legitimacy in 1917 when leading U.S. medical scientists and eugenicists published the *Manual for the Physical Inspection of Aliens*, which outlined the "classes of aliens that shall be excluded from admission into the United States."[543] Among the official categories of persons included were: imbeciles, idiots, homosexuals, vagrants, prostitutes, chronic alcoholics, contract laborers, and those who were "afflicted with

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[541] Stern, "Buildings, Boundaries, and Blood," 41.

[542] Stern, "Buildings, Boundaries, and Blood," 73.

[543] Romo, *Ringside Seat to a Revolution*, 229. See also: Stern, "Buildings, Boundaries, and Blood," 46.

loathsome or dangerous contagious diseases." While by the 1920s many of these biologized techniques of social differentiation had been shut down, historians have suggested that this may have only been partially so or only officially speaking. What Lupe and her siblings witnessed as they looked over the wall separating their home from Camp Chigas may confirm this suspicion.

When Lupe saw what she saw that day, she immediately understood why her father had forbade his children from coming here—and why he had refused to explain why. How do you explain the constant violence the United States require to know themselves? How do you find the words for naming a world battered by violence simply so white people can become and stay human? Angelo may have tried to conceal this everyday racial violence from his children, to mask at least in part the brutality baked into even the most mundane instances of their lives there on South Oregon Street: his wife and children posing for a photograph with Camp Chingas as the backdrop; Lupe and her sister Margaret playing tag at dusk as a man wades across the river and runs into Segundo Barrio; or the seemingly innocent, uncomplicated way Border Patrol agents waved to Angelo and his children as they parked their vehicles on his property. Living south of Paisano and so close to the U.S.-Mexico boundary, you learned the very space around you— the river, the bridge spanning accross the river, the adobe houses, the tenements, the partly paved streets, and the redbrick building, among so many other things—produced whiteness and its racial counterpart through both striking and quotidian violences. To live a stone's throw away from the border meant to know that race is produced by both space and borders, that it takes places for racism to take on its meaning, to become palpable across the flesh.[544]

Angelo and Lydia had built a home—a world—for their four children there on South Oregon Street, and they were proud to have been part of the Segundo Barrio community that had made

[544] Lipsitz, *How Racism Takes Place*, 5.

South El Paso into a place where they could seguir adelante and pursue their American Dreams. Even so, living in Segundo Barrio was difficult when the backdrop of your family photographs was the building where people who look and speak like you are humiliated and interrogated everyday.

Countering a White Spatial Imaginary

If racism's full force and meaning—brutality, exploitation, marginalization, neglect, stigma, and poverty—permeated life in El Paso's southside barrios, if moving though these violences was a learned practice, it did not wholly define how Chamizal residents lived their lives or how they would remember their homes. Racism and violence colored their worlds, but together southside residents enacted places and neighborhoods grounded on a sense of community, belonging, and pride in being Americans of Mexican descent. Sure, "it was hard growing up in Rio Linda, but it was also liberating," Trillo explained as she described her family's white picket fence home that her father had built himself. "It was a very exciting time," Trillo insisted, adding, "[i]t was the fifties and sixties and for my parents [buying property in Rio Linda] was the achievement of the American Dream."[545]

Chamizal residents may have demonstrated a kind of boot-strap mentality when recalling the place-making practices of their former neighborhoods, but they also described working-class and blue-collar sensibilities that were pointedly discrete from the "white spatial imaginary" that is organized according to capitalism's isolationist logic. In the evening, women invited their neighbors to gather in the shade of their porches and pass the warm day. And because so many residents had extended family in the southside, it was common for residents to frequently stop by and check in on one another. Carmela Ramos' sister, for instance, lived down the street in Rio Linda and would

[545] Trillo, in conversation with the author, 2016.

often stop to see Carmela on her way to Cd. Juárez's Mercado Cuahtémoc. Often she did so to ask if Carmela if she needed any groceries.

It was a good thing public transportation to downtown El Paso and Cd. Juárez were available within walking distance, as many women in the Chamizal barrios did not drive—although there was hardly a need to. Not only did Rio Lind have multiples corner stores owned and operated by Chamizal residents who were generous with credit, but Mercado Cuahtémoc was just across the Santa Fe International Bridge and Rio Linda residents would walk there. Although this market was a bit further for residents of Cordova Gardens and El Jardin, it was still easy to get there without a vehicle. All it required was a short distance to the No. 10 Paisano bus to downtown El Paso where residents grabbed the international trolley into Cd. Juárez, which took riders walking distance to Mercado Cuahtémoc. When boarding the trolley back to El Paso, often times the Juan Gabriel, the beloved Mexican singer who would have been no older than fourteen-years-old at this time, would ride the trolley back and forth across the river singing Mexican baleros for spare change.

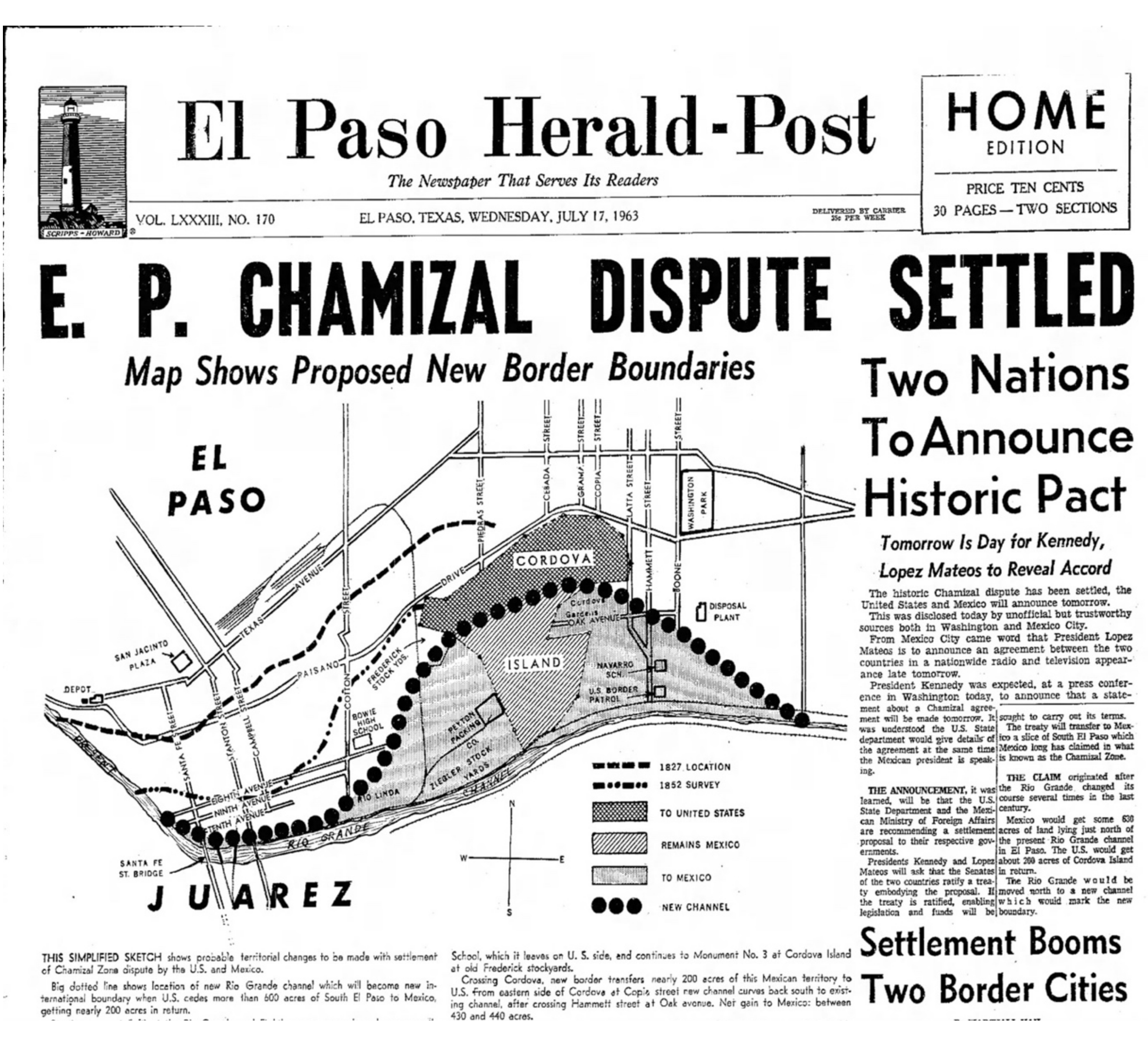
In the evenings, as women arrived back to Rio Linda, they might have looked for their neighbor Solomón, known lovingly as "el barracho del barrio," and who at this time would likely on his way to the bars in Cd. Juárez. In the morning, Solomón would often make his way back to Rio Linda shirtless and stroll through the homes asking his neighbors for breakfast. At the first house, someone might give him what they could: an egg or jalapeño. At the next house, they would hand him an onion or chile. "By the time he got around to my mom," Peter Ramos recalled, "he had most of what he needed, and my mom would say, 'I'll give you a couple of tortillas' and he'd reply, "Ah, that's just fine."' In this way, Rio Linda residents enacted a community characterized by a material investment in their neighbors, tightknit and transnational networks of support, and a working-class mentality grounded in mutual aid.

If, in Rio Linda, the morning was characterized by Solomón's arrival, the night was defined by the whistle of the Payton Packing freight train that, like clock-work, always came rumbling through the neighborhood from the west at exactly 8:15 p.m. It was such a consistent figure in and soundtrack to their daily lives that Rio Linda residents found they kept time by the coming and going of this train and its song. "My mom, she could feel the trains coming," Trillo recounted, laughing to herself, "and as it was coming she would shout, 'Andale! Vamanos a domir!'" Shortly after, once Trillo and her siblings were settled in their beds, the train would come rushing back through the neighborhood again, this time from the east. Its whistle filled the night's silence. As the train went further west and into Segundo Barrio, Rio Linda was so quiet that from her bedroom Angie Rivera remembers being able to make out the river lapping against its banks.

Urban planners have long landscaped seemingly neutral racial boundaries such as rivers, roads, freeways, and railroads into both rural and urban blueprints with the goal of dividing and dislocating non-white and working-class communities from their white and middle to upper class counterparts.[546] But if to Anglo El Paso the train tracks both north and south of Rio Linda marked the barrio as a particularly marginal and insignificant place of difference, to Angie and the rest of the Rio Linda children, the train tracks shut off their barrio from rest of El Paso and Segundo Barrio. In fact, it made Rio Linda into a place—a world—entirely of its own making. "All the other houses north of the train tracks were another life," explained Angie more than 50 years after she and her family were displaced from Rio Linda.[547] "The noise north of the tracks—all that belonged to them," she continued, adding, "[a]fter the train tracks, it was just us." "It was just us there," she went on about her growing-up-world. "And I would think, 'This is forever.' The freedom. The friends. The

546 Diaz, *Barrio Urbanism*, 35.

547 Nuñez, in conversation with the author, 2018.



El Paso Herald-Post

The Newspaper That Serves Its Readers

VOL. LXXXIII, NO. 170 EL PASO, TEXAS, WEDNESDAY, JULY 17, 1963

HOME EDITION

PRICE TEN CENTS

30 PAGES — TWO SECTIONS

E. P. CHAMIZAL DISPUTE SETTLED

Map Shows Proposed New Border Boundaries

THIS SIMPLIFIED SKETCH shows probable territorial changes to be made with settlement of Chamizal Zone dispute by the U.S. and Mexico.

Big dotted line shows location of new Rio Grande channel which will become new international boundary when U.S. cedes more than 600 acres of South El Paso to Mexico, getting nearly 200 acres in return.

School, which it leaves on U. S. side, and continues to Monument No. 3 at Cordova Island at old Frederick stockyards.

Crossing Cordova, new border transfers nearly 200 acres of this Mexican territory to U.S. From eastern side of Cordova at Copia street new channel curves back south to existing channel, after crossing Hammett street at Oak avenue. Net gain to Mexico: between 430 and 440 acres.

Two Nations To Announce Historic Pact

Tomorrow Is Day for Kennedy, Lopez Mateos to Reveal Accord

The historic Chamizal dispute has been settled, the United States and Mexico will announce tomorrow.

This was disclosed today by unofficial but trustworthy sources both in Washington and Mexico City.

From Mexico City came word that President Lopez Mateos is to announce an agreement between the two countries in a nationwide radio and television appearance late tomorrow.

President Kennedy was expected, at a press conference in Washington today, to announce that a statement about a Chamizal agreement will be made tomorrow. It was understood the U.S. State department would give details of the agreement at the same time the Mexican president is speaking.

THE ANNOUNCEMENT, it was learned, will be that the U.S. State Department and the Mexican Ministry of Foreign Affairs are recommending a settlement proposal to their respective governments.

Presidents Kennedy and Lopez Mateos will ask that the Senates of the two countries ratify a treaty embodying the proposal. If the treaty is ratified, enabling legislation and funds will be sought to carry out its terms.

The treaty will transfer to Mexico a slice of South El Paso which Mexico long has claimed in what is known as the Chamizal Zone.

THE CLAIM originated after the Rio Grande changed its course several times in the last century.

Mexico would get some 630 acres of land lying just north of the present Rio Grande channel in El Paso. The U.S. would get about 200 acres of Cordova Island in return.

The Rio Grande would be moved north to a new channel which would mark the new boundary.

Settlement Booms Two Border Cities

Figure 54: Front page of *El Paso Herald Post* announcing end of the Chamizal Dispute. Source: *El Paso Herald-Post* July 17, 1963

calmness. The no-worry kind of stuff. And I would say, 'Whatever comes in the future—When I'm ready to leave my freedom, I'm going that way.'"

The Chamizal Treaty Arrives

That future came sooner than Rivera could have ever anticipated. In 1962, while Mexico celebrated the announcement of the Chamizal Treaty, Chamizal residents prepared for the uncertainty of what was to come. "We

didn't want to know," recalled Nuñez, who was 15-years-old when she and her family were ultimately displaced from Rio Linda. "Whatever they were saying about the Chamizal, even if we believed it was going to happen…it never did for such a long time that the thought of losing our homes became a callous."[548] But when residents received front-page news in 1963 that negotiations for the Chamizal Treaty had been finalized and displacement proceedings would inevitably follow, "everything started happening," said Nuñez. When Trillo's father arrived home from work that day, he had the newspaper in his hand. "No, no lo puedan hacer!" he shouted. "Quien me lo va a quitar?! Quien?! A ver! A ver! Ven y la quita! A ver! A ver!"

Down the street, Guadalupe Carrasco and her husband, Ernesto, were sitting at the kitchen table reading the same newspaper. They, too, were devasted. The report projected that the settlement was likely be finalized in the coming year and ratified by 1964—the same year Guadalupe and Ernesto were scheduled to pay off the mortgage on their home. Speculation spread across the southside that the government might absorb mortgages with the acquisition of condemned homes; but this turned out only to be a rumor that residents told on another to make sense of the uncertainly. Federal officials were quick to dispel this rumor, clarifying that that residents who owed money on their homes would be obligated to continue their mortgage payments on time and in full without government assistance. [549] When Guadalupe and Ernesto heard this news, it was difficult for them to put into words how much time they would need—or if—they would be able to recover from this setback. "We were happy here," Guadalupe later told the *New York Times*. "Now we'll have to start all over again."[550] "Even if they pay us for our homes, what are we going to do?" the wife of

[548] Emphasis added by the author. Nuñez, in conversation with the author, 2018.

[549] "U.S. to Pay Chamizal Moving Costs," *El Paso Herald-Post*, October 23, 1963.

[550] Jack Langguth, "People of Chamizal Unhappy to be South of the Border: Reluctantly Make Plans for Relocation, *New York Times*, July 19, 1963.

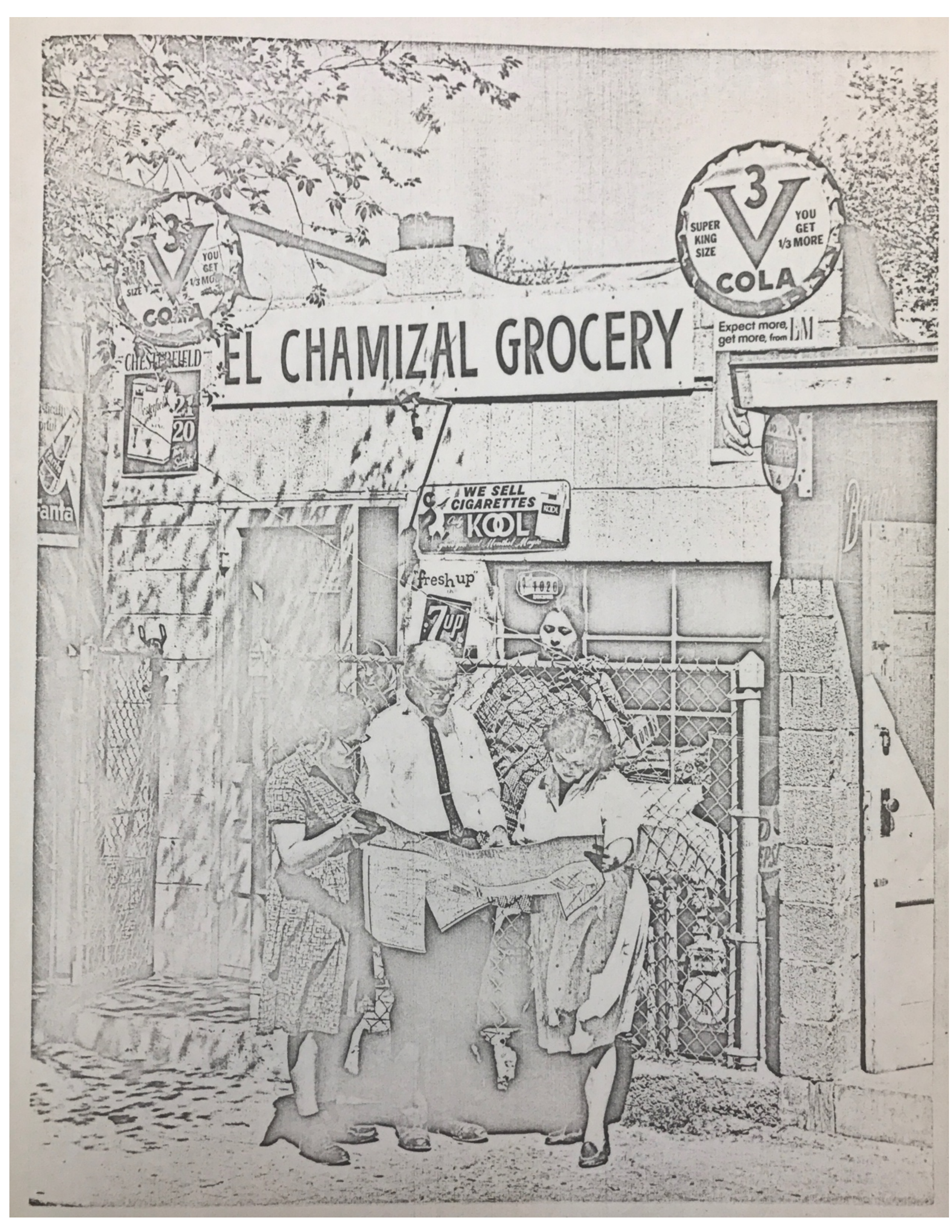


Figure 55: Chamizal residents read about the Chamizal Treaty outside El Chamizal Grocery. Source: Cleofas Calleros Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

Alredo J. Flores told the *El Paso-Herald Post* in 1963, adding, "We have seven children in our family. We want to stay right where we are."[551] "[I]f they are going to cut us out of the United States and put us in Mexico, we will not stand for it," another resident told the reporter, adding, "We are not going to live in Mexico. We are American citizens."[552]

As treaty negotiations began to unfold, however, even their citizenship was put into question. Local and national newspapers covering the settlement not only described Chamizal residents as "squatters" on Mexican territory, but also speculated on the illegality of their U.S. citizenship. As anxiety grew in response to these public speculations, rumors began to spread that suggested regardless of their citizenship, once the Chamizal Treaty was finalized Chamizal residents would have to choose between abandoning their homes and remaining in the United States or retaining their houses and "returning" to Mexico.[553] Federal representatives were quick to dismiss these reports; but the rumor deeply unsettled Chamizal residents who understood that this rumor were not entirely far-fetched but entrenched in historical precedent. Afterall, when the U.S.-Mexico War ended in 1848, Mexican citizens living in the Mexican north were given the option of either staying in their homes and becoming Americans or abandoning these homes and migrating south to Mexico.[554] No matter how one put it or insisted otherwise, history was repeating itself right before their very eyes.

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[551] "Some Chamizal Residents Disapprove Settlement Plan," *El Paso Herald-Post*, July 18, 1963.

[552] "Some Chamizal Residents Disapprove Settlement Plan," *El Paso Herald-Post*, July 18, 1963.

[553] In a 1963 article headlined, "Texas Due to Return 450 Acres to Mexico," the *Los Angeles Times* reporter Ruben Salazar (and beloved martyr of the Chicano Movement) evoked this rumor on his report on the Chamizal Treaty. He did so when he wrote that the "Texans, unless they decide to become Mexican citizens, would have to be compensated for their property by the federal government and relocated in the United States." See: Ruben Salazar, "Texas Due to Return 450 Acres to Mexico," *Los Angeles Times*, March 13, 1963. For more on this rumor see also: Trillo, *The Code-switching Patterns of the Rio Linda Community of El Chamizal in El Paso*, 14, 139.

[554] Trillo, *The Code-switching Patterns of the Rio Linda Community of El Chamizal in El Paso, Texas,* 14.

In truth, this rumor also evoked a long history of Mexican-origin people rendered perpetual foreigners in the United States.[555] Perhaps, then, Chamizal residents understood that despite their contributions to the United States and their claims to the American Dream, this country had always denied them a lasting claim to their homes and communities. In private they therefore asked themselves if they had been fools to believe that they had staked a lasting claim to their homes. *Should they have known better than to believe that their veteran status would protect them? Or that, just because they were property owners with good blue-collar jobs, the government would not still see them as a disposable class of people whose homes and communities were always expendable to the wheels of what white folks called progress?* In the beginning, these were the kinds of questions that Chamizal parents asked one another—but only once the children were put to bed. Answers to these questions, however, were often too painful to answer and eventually they stopped tormenting one another with such inquiries.

At night, after Trillo's mother and father had tucked her and her sibling into bed, Trillo remembers listening though her bedroom wall to her mother and father talking in whispers about the Chamizal Treaty. In the morning, when she and the other Rio Linda children made their way to Hart Elementary School or Bowie High School, they tried to piece together what they could from their parents' whispered night conversations. Whatever they couldn't make sense of they resolved themselves to the uncertainly, as they knew they couldn't ask their parents to explain or clarify. As children, they understood that there were certain subjects suitable for children and others for adults. "And [the Chamizal] was definitely an adulto thing," recounted Felipe Peralta, who was fifteen-years-old at this time. Soon enough, however, strange White men dressed in pressed shirts and pants began walking the streets of Rio Lind and rest of the condemned Chamizal barrios, taking photographs of the houses, measuring the property lines, the lengths from the street to the sidewalk

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[555] Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton and Oxford: Princeton University Press, 2004).

to the house, and writing all these things down on large yellow notepads. Sometimes in the afternoon, as the children made their way back home school, these strange men had the audacity to ask the children to speak to their parents about adulto things: their annual income, the property value, or whether they paid their taxes.

When one of these strange men, for instance, knocked on the front door of the Trillo home and asked to speak with the head of the household, Maria Eugenia did what was expected and needed from her as the eldest daughter of Spanish-speaking Mexican immigrants: she translated this man's English into Spanish as best she could. At fifteen years of age, she had learned that translating did not simply mean deciphering white men's language, but rather that it required her to translate their world: the United States of America, its logics and habits, and its culture of manipulation and exploitation that were at the base of what this country calls the American Dream. This world and the challenges of translating it were likely on her mind that day when these men came to her family homoe, and it did not ease her nerves that they asked questions that even she knew were inappropriate from them to ask: *Do you own your home? How much is the mortgage? How much do make a year?* "Quieren saber cuanto gana al año," Trillo translated to her father, who stood beside her with his hands in his pocket. "Diles que les importa?" Manuel spat back. Trillo blushed, unsure of how to translate her father's words, *What's it to you?* "He's not sure," Trillo told the men after a moment. But these men were shameless and pressed the issue, offering up a series of numbers for her father to choose from. Frustrated, Manuel told them he made $6,000 a year, though Trillo says she could tell he was only picking a number so they would leave. "We were being bombarded," Trillo later said of that day. "Bombarded by people coming to the door, total strangers, telling my parents they were going to lose their home, and my parents were not digesting it. They thought they could still fight it."

Chamizal Barrio Activism

While most records from this time note that Chamizal neighborhood mobilization was led by men living outside the condemned barrios, fleeting archival notations and oral histories with Chamizal residents indicate that long-standing women residents not only spearheaded their community's organization, but also held meetings inside their Chamizal homes, collected resident signatures for petitions sent to Washington D.C., and typed letters addressed to government representatives.[556] Elvira Villa Escjaeda was one of these women. Her vision—both its possibilities and limitations—for protecting her community must be firmly situated within a genealogy of U.S. barrio activism, not only because she mobilized Chamizal residents on the brink of what would soon be known nation-wide as the Chicano Movement, but because in doing so she enacted a gendered site of agency and intervention against Mexican American displacement. This intervention would take the name of the Chamizal Civic Association and cannot be separated from the Río Grande's geographies of refusal that underwrite El Chamizal's unruly terrain of struggle.

From the very beginning, Escajeda refused the inevitability of her community's displacement as part of the Chamizal Treaty. She countered local reports that claimed Chamizal residents "will be glad to do their part" or that they "appear unemotional about what may come" because "what will be will be."[557] In August of 1962, two months after President Kennedy and President Lopez Mateos met to discuss settling the Chamizal land dispute, Escajeda wrote a letter to the editor of the *El Paso Times* arguing that El Chamizal should not be returned to Mexico but rather should be seen and

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[556] Other women who held key positions in the Chamizal Civic Organization include Agustina Hernandez, Ernestine Busch, and Soledad Loys. The dominant conclusion that men lead barrio resistance is likely based on their elected positions within the organization. See: "Chamizal Protest Placed in County Minutes," *El Paso Heradl-Post*, December 9, 1963; Valentín Hernández and Agustina Hernández, interview by Consuelo Pequeño, "Interview no. 840," *Institute of Oral History*, University of Texas at El Paso, 1994.

[557] "Speaking the Public Mind: Discusses Problems in Chamizal Zone," *El Paso Times*, August 3, 1962; Robert E. Ford, "El Rio Grande Went On 'Binge' in 1863," *El Paso Times*, September 2, 1962.

protected as a memorial to the Chamizal residents who fought in World War II, the Korean War, and who were still abroad fighting in Vietnam. "We are trying to build a memorial for our war dead, that we may remember and never forget," she begins her letter:

> Some of them were lucky and made it back to the States they love and where they were born. Land in the Chamizal was sold to a lot of them, that they might start a normal life. Even with wages as low as they are in El Paso, they were able to build their homes. They are older and not often remembered but they have their security and pay their taxes.
>
> Now we hear this land is to be given away, that they will be paid, but can they buy another home with what they will get? I doubt it.
>
> I speak for one veteran, and I know there are many here. Let's remember this living, also, and let this Chamizal be their memorial. They paid for this land after World War II.
>
> We want to stay Texans, although we may be of Mexican-Spanish descent. I, too, am a property owner, born here in the Chamizal, and proud of being a citizen of the United States soil.
>
> The veteran of who I speak is my brother.
>
> — Elvira Lacarra, 1232 Algodon Place[558]

When Escajeda underscored her brother and neighbors' military service, she was making masculinist and militaristic claims on American citizenship that historians of this postwar period have described as Mexican Americans' diminished tolerance of second-class citizenship and their "growing willingness to resort to public protest" as a result of Mexican American war experiences.[559] These politics certainly shaped Escajeda's response to the Treaty; but they were not the only politic informing her strategy. In writing her letter to the *Times*, Escajeda demonstrated the beginnings of her pedagogy of refusal emerging within and from El Chamizal's unruly terrain.

A month later, Escajeda was reading her local newspaper when she suddenly became furious by what she was reading: Thomas Mann, the U.S. Ambassador to Mexico who had come to El Paso to meet with constituents regarding the proposed settlement, had met with local business leaders

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558 "Speaking the Public Mind: Discusses Problems in Chamizal Zone," *El Paso Times*, August 3, 1962;
559 Lorena Oropeza, *¡Raza Sí! ¡Guerra No! Chicano Protest and Patriotism during the Viet Nam War Era*, (Berkeley: University of California Press, 2005), 37.

AMBASSADOR MANN, left center, with glasses, speaks to Chamizal residents.

Chamizal 'Little People' Ask for 'Just Treatment'

By MARSHALL HAIL

The "little people" who live in the Chamizal Zone today told Ambassador Thomas C. Mann they oppose ceding the disputed area to Mexico unless they themselves are justly treated.

Nearly 200 residents of the zone besieged the U. S. envoy to Mexico with arguments and questions and ended up by asking him to take a vote among the more than 3500 Chamizal residents to get their real sentiment.

A petition asking that the plebiscite be held was presented by Mrs. Elvira Lacarra of 1232 Algodon place, leader of a group that brought about today's meeting with the ambassador.

Ambassador Mann, who has been sounding El Paso sentiment on a plan to swap South El Paso land for Mexican land and end the historic Chamizal controversy, answered a multitude of questions, speaking in Spanish. In turn he received varying view-

(Continued on Page A-8, Col. 4)

'Act of War' Says McCormack

United Press International

WASHINGTON, Feb. 21. — Speaker John W. McCormack today termed the MIG rocket firing on an American shrimp boat "an act of aggression." He said "strong measures" should be taken to avert any similar actions in the future.

"Such actions as this cannot be tolerated," the veteran Massachusetts Democrat told newsmen.

McCormack's reaction was

Figure 56: Report on Chamizal resident activism in response to Chamizal Treaty. Source: *El Paso Herald-Post* February 21, 1963.

and obtained support from the directors of the El Paso Chamber of Commerce to proceed with the settlement; in turn, Mayor Williams had declared that 100 percent of El Paso approved of the Treaty—thereby leading Mann to announce his return to Washington D.C. [560] Escajeda fumed: Mann and Williams had done all of this without once visiting or contacting the affected communities. Cleofas Calleros, a prominent Mexican American historian who grew up in Segundo Barrio and who had become somewhat of mouthpiece for South El Paso as whole, was also quoted

[560] "Vila," (2011; El Paso: Vantage Point Visual Studios, Inc.).

in the article saying he did not know of a single dissenting opinion, adding that "if Mexico accepts, it will be a grand thing." Worse still, Escajeda realized, the federal government had announced that condemned properties would not be evaluated at fair-market value but at tax value, which is typically a far lower assessment. The following day, then, Escajeda left early from her job at the Hicks-Ponder Manufacturing Company and made her way to the Hotel Paso del Norte where Mann was holding meetings with; but he refused to see her. Determined, Escajeda called the *El Paso Herald-Post.* When a woman answered the phone, Elvira calmly but firmly introduced herself: "I am one of the Chamizal, and I want to talk to a reporter."[561] "Thank goodness somebody spoke," the woman on the phone replied.

When the *Herald Post* reporter Marshall Hail arrived at the hotel, Elvira gave him her statement: she not only refused the Mayor's giddy declaration that one hundred precent of El Paso approved of the settlement, but she also criticized his lack of concern and outreach to Chamizal residents. Only then, as Hail frantically wrote down everything Escajeda was telling him, did Ambassador Mann finally walked out of his meeting and introduce himself to Escajeda. "What is going to happen to us?" she pointedly asked him after introducing herself. "In the paper it has said that you are planning to pay us tax value," she told him, "And *that's* not going to happen." As Escajeda explained why her community would not accept a tax value appraisal, she evoked legacies of displacement that have been the basis for marginalization and disempowerment, and insisted that she and her neighbors would not bend to the will of the state that demanded their easy removal:

> If you pay us the tax value we will not be able to buy a home. We have humble homes but they belong to us. I mean that's an insult to me and to all of us because whatever we have is not much according to your eyes but to us its our future. I planned my future and you're destroying my future. You're destroying my father's future, my brother's future, my neighbor's! You're throwing us out into the cold, giving us something to go and buy a house and then end up in debt and lose it. So were not gonna accept that, and were gonna fight.

[561] "Vila," (2011; El Paso: Vantage Point Visual Studios, Inc.).

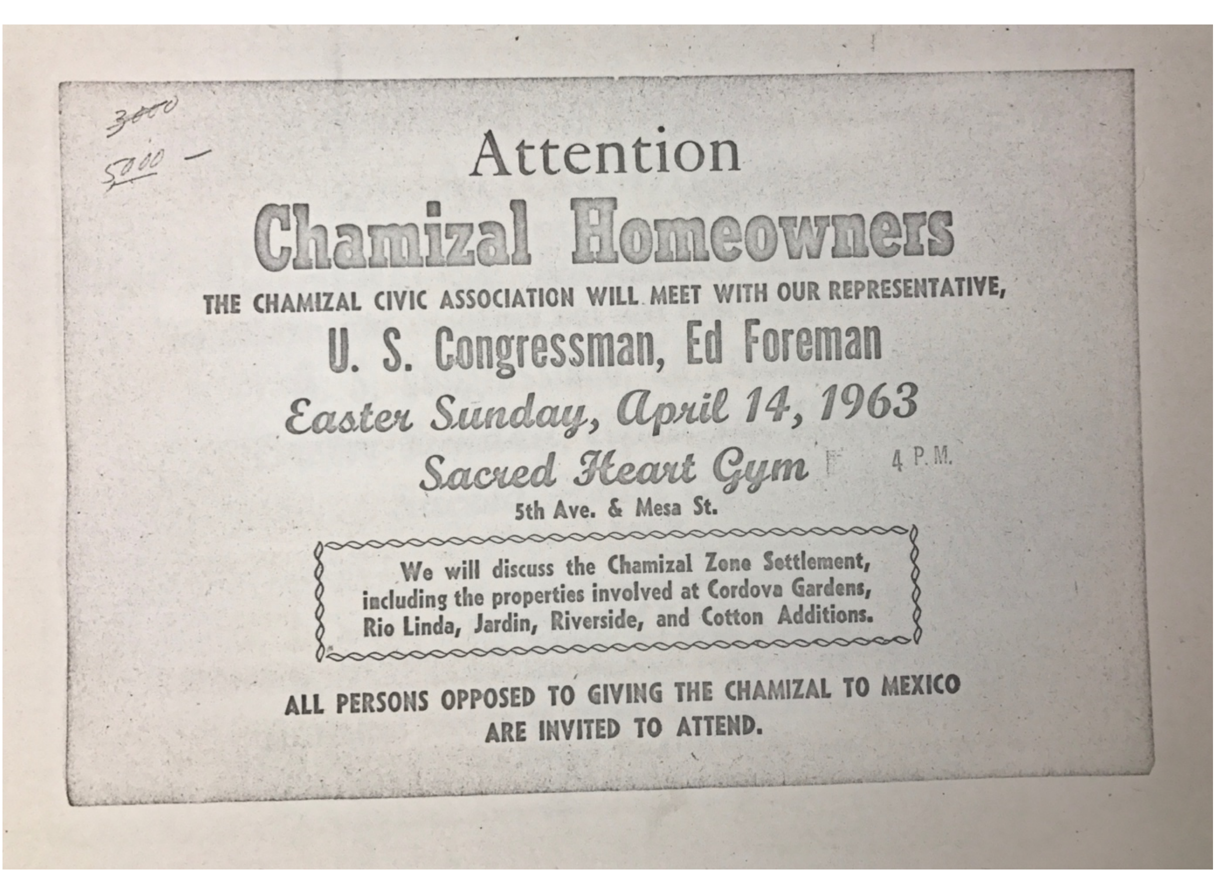

Figure 57: Flyer advertising a Chamizal Civic Association meeting. Source: Cleofas Calleros Papers, C.L.Sonnichsen Special Collections Department, The University of Texas at El Paso Library.

By 1963, Mann and other politicians were meeting regularly with Escajeda and the Chamizal Civic Association—an advocacy group organized by Escajeda and made up of Chamizal residents and their allies and who met regularly in a school room of Sacred Heart Church.[562] There, they began drafting their demands: treaty negotiation transparency, resident inclusion in treaty decisions, and that details of the redrawn boundary and who would be impacted be made clear well before ratification. In making their demands known to those who assumed their obliging removal like

[562] Oscar B. White, interview by Michelle L. Gomilla, "Interview no. 845," Institute of Oral History, University of Texas at El Paso, 1994.

Mayor Williams and Ambassador Mann, the Association enacted a pedagogy of refusal that rejected the logics of white possession that insist on the inevitably and ease of subaltern placelessness.

As Escajeda's 1962 letter to the *El Paso Times* foreshadowed, however, the Association would simultaneously work within white possessive logics by solidifying their strategy around the fraught, ideological scripts of recognition that were available to them: principally, their participation in U.S. wars abroad and U.S. citizenship.[563] In one of their earliest campaigns, for instance, the Association asked residents to fly the U.S. flag outside their homes until the settlement was ratified. "What better way is there to show we are good Americans?" Escajeda told the *El Paso Herald-Post* in 1963.[564] If defining and asserting themselves as good Americans was the strategy Escajeda believed to be the most effective, there is no way to know if she felt secure in this strategy or if she questioned whether she and the Association knew what was best. What we do know, however, is that emphasizing one's Americanness and productivity was a strategy widely accepted in the early years of this postwar period, and that the Association continued to build on this sentiment of practicing good citizenship.[565]

Although their sense of practicing good citizenship was not entirely based in their collective feelings of national sacrifice as a largely veteran community, it certainly had a lot to do with it. Not only were many Chamizal residents WWII and Korean War veterans, but at the time of the Chamizal Treaty many of the neighborhood's young men—boys really—were fighting abroad in

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[563] I am borrowing from Natalia Molina's use of "racial scripts," by which she means how narratives about racial groups are recycled and applied to other racial groups with equal, if not increased, vigor. Similarly, scripts of U.S. national belonging are also recycled by those who have been historically excluded. See: Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2014), 7.

[564] "Foreman Aids Chamizal People," *El Paso Herald-Post*, April 15, 1963.

[565] Oropeza, *¡Raza Sí!, 18.*

Vietnam.[566] Like elsewhere in the United States at this time, there was strong sentiment against the Vietnam War among Chamizal residents. But there was also such a strong sense of patriotism and pride to be military families that many residents flew the U.S. flag outside front doors. In an April 1963 letter addressed from Escajeda's home, the Association emphasized these feelings of national sacrifice as a military community:

> When the U.S. was at war the sons of the Chamizal answered the call to fight and die for the Chamizal as well as for Washington, and they will fight and die again if called.
>
> As sovereign citizens of the United States of America, who for the first time in history are being told that we must sacrifice our homes for the national welfare, we feel that the nation as a whole should assume the responsibility of sharing this sacrifice for our national prestige.[567]

That same month, however, the U.S. Senate and House of Representatives passed the Chamizal Convention Act—thereby ratifying the terms of the Chamizal Treaty. The association in turn revised their demands along four points: 1) that federal government ensure relocated residents have their property evaluated at fair-market value, 2) that residents be given replacement of their property in an area acceptable to them, 3) that no one end up with more debt than they already had, and 4) that residents have all moving costs covered.[568] In the meantime, Association members committed not to sell their properties until each homeowner was offered fair compensation for their

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[566] In a transcript of 1968 Senate hearing, the Texas Senator Ralph Yarborough is quoted saying: "That was low cost housing in the Chamizal area before the settlement of the dispute and I personally went down and observed this housing. A number of them were brick houses built for veterans of World War II and while it was low cost housing it was substantial and nice housing." See: "Availability and Usefulness of Federal Programs and Services to Elderly Mexican-Americans," *Hearing before the Special Committee on Aging United States Senate 19th Congress Second Session*, 113; George Tatanson, "U.S. Moves on Cession of Chamizal: Residents Finding New Homes Before Mexico Takeover," *Los Angeles Times*, July 19, 1964; Nestor Valencia, interview by Michelle L. Gomilla, "Interview no. 840," *Institute of Oral History*, University of Texas at El Paso, 1994.

[567] James Connor Papers MS143: Folder 6, C. L. Sonnichsen Special Collections Dept., The University of Texas at El Paso Library.

[568] James Connor Papers MS143: Folder 6, C. L. Sonnichsen Special Collections Dept., The University of Texas at El Paso Library.

homes. Until then, they agreed, they would continue to voice their dissent and disappointment. "El Chamizal is not a fight we on the Southside picked, it was forced upon us," wrote Raquel Contreras, a resident of Rio Linda, in a 1963 letter to the *El Paso Herald-Post*. "We have not had our say concerning the Chamizal. We are little people, and little people are seldom heard or acknowledged."[569]

In the aftermath of their revised demands, the Association began soliciting letters of dissent from Chamizal residents and going door to door to collect these letters. When residents expressed interest in submitting a letter but also hesitation either because of fear of retaliation or shame that they did not know how to write, Association member Soledad Loya met with these residents and handwrote their statements. She would make these visits throughout the southside and was so deeply committed to the endeavor that when a man she didn't recognize began following her as she made her rounds, she refused the urge to succumb to her fear and continued with her duty. Later, she reported the instance to the Chamizal Civic Association and then continued with her visits. She refused to be deterred and by August of 1963, Loya had collected 36 letters and more were on the way. Even with these letters, however, the Association struggled to convince other residents to submit statements. "The people are afraid to express themselves," reads a typed letter from Ernestine Busch, secretary of the Chamizal Civic Association, to Texas Senator John Tower.[570] "[T]hey are self consciousness about their broken English, and they find it difficult to believe that a United States Senator would pay any attention to them." In some cases, Busch explained, "they do not know that protest of any kind is possible." More than anything, Chamizal residents were scared. "If they do not write or speak their thoughts it is because they have been made to feel that cold

[569] David Contreras, "Chamizal Citizens Oppose the Plan," *El Paso Herald-Post,* March 6, 1963.

[570] Texas Senator John Tower, a Republican, as the only U.S. senator to vote against the Chamizal Treaty when it went up for a vote in 1964. For more on letters from Chamizal residents, see: James Connor Papers MS143: Folder 6, C. L. Sonnichsen Special Collections Dept., The University of Texas at El Paso Library.

El Paso Tex 1º de Octubre 1963

La Casa Blanca
Washington D.C.

Honorable Sr Ed Foreman

Incluyo estas Umildes lineas Unicamen
te para suplicar á Vd. por estar en Sosobra
tocante al Chamisal sin Saber si nos tocara
el desocupar nuestras umildes Casas yo estoy rra
dicada desde 1911 por lo cual con bastante Sacri
ficio la icimos y ahora que mi Esposo fallecio el
año pasado me quede Sin amparo sola no ten
go hijos ni Padres ni hermanos solamente Dios
y mi proteccion de parte del Estado para mal vi
vir mi edad 83 años para andar navegando;

Espero sean oidos nuestras Suplicas no
es conveniente nos quiten nuestras Casas que con
Sacrificio la parte Sur El Paso,

Me dispensara lo mal dictado y escrito

Atentamente S Sra

436½ Charles Rd
El Paso, Tex.

Blasa G. Aparicio

Figure 58: Letter to the White House from Blasa G. Aparicio
Source: James F. Connors Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

hand of fear," wrote Busch in that same letter. "They are afraid that if they protest they will lose pensions, Social Security, jobs, or even property. In all cases this has been the biggest [obstacle], and it isn't funny or fanciful." Despite these obstacles, the Association ultimately empowered many Chamizal residents to speak back to power—even when it was painful to repeatedly plea or emphasize their sacrifices. In a handwritten letter dated October 18, 1963, and addressed to "La Casa Blanca," eighty-three-year-old Blasa G. Aparicio asked that her pleas be heard.[571] "I include these humble lines only to supplicate you regarding El Chamizal without knowing if we will be selected to vacate our houses," begins Aparacio, who had lived at 435 ½ Charles Road in Chihuahuahuita since 1911.[572] "Since my husband died last year I am left without protection I am alone I have no children no parents nor siblings only God and the protection of the State." Should she be displaced from her home, she explained, she would find herself out on the streets. "To live wandering at my age of 83 would be a poor life," she concluded, before signing off. "I hope my pleas are heard."

Two months later, the Chamizal Treaty had fully evolved from the private sphere of adult conversation to the realm of children. Indeed, in a handwritten letter addressed to Senator Tower inscribed across wide-ruled paper, an even-year-old girl named Bertha Isela Chavez explains that she is writing on behalf of her Chamizal parents. "I am writing this letter for my mother and father we live in the Chamizal," she explains, before adding that her parents will not be able to acquire a second mortgage when they are displaced by the Chamizal Treaty. "My father is 54 years old and my mother is 61 years old. They are too old to start another debt," she writes. "The income is small, and

[571] James Connor Papers MS143: Folder 6, C. L. Sonnichsen Special Collections Dept., The University of Texas at El Paso Library.

[572] 435 Charles Road in Chihuahuita was not ultimately included in the Chamizal Treaty and Aparacio was not displaced from her home. That said, the northern portion of Charles Road was included in the settlement and residents who lived on this part of the street were displaced.

Acc 350
66-7

1305 Rusk
El Paso, Texas
December 8, 1963

Senator John Tower
Senate office bldg.
Washington 25, D.C.

Honorable Sir:

My name is Bertha Isela Chavez and I am 11 years old I am writting this letter for my mother and father we live in the Chamizal. My father is 54 years old and my mother is 61 years old.
They are to old to start another debt. The income is small and the house payment now is all we can pay after our living and my school expenses.

Respectfully, Bertha
Isela Chavez.

Figure 59: Letter from Bertha Isela Chavez to Texas Senator John Tower.
Source: James F. Connors Papers, C.L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

the house payment now is all we can pay after our living and my school expenses," she continues, before signing off, "Respectfully, Bertha Isela Chavez."[573]

Lupe Castañeda wasn't much older than Bertha when she too wrote a letter about the Chamizal Treaty to her older brother, Manuel, who was abroad fighting in Vietnam.[574] In that letter, Lupe explained that the family home on South Oregon Street had been condemned and that the amount the government had offered to their parents for the property wasn't enough. *Manuel, if you could write a letter*, Lupe pleaded to her brother, *to Texas Congressman Richard White, you can tell him that our parents aren't getting enough money for the house and that we need his help. Tell him you are a solider,* Lupe directed. *Tell him our family has always voted Democrat, that we voted for him, and tell him we need his help.* Manuel, who had enlisted in the U.S. Marine Corps in 1964 when he was 19 years old, had been dispatched to Vietnam before news of the Chamizal Treaty had even arrived in El Paso.[575] When he read his sister's letter from his bunker in Vietnman, he was shocked and confused. *What did Lupe mean that their home had been condemned by the government, and what did she mean when she said the home would be taken from them?* Even with these difficult questions left unclarified, he did as his sister had instructed and the wrote the letter. In that letter, Manuel also told his congressman that it was particularly painful for him to hear of his family's struggles while he himself was also experiencing so much harassment from his fellow soldiers because of his race. *Please help my family*, he wrote to Congressman White. *We may be poor and Brown, but please help us as you would any military family.*

Urban Renewal Logics & Shifting Barrio Strategies

[573] James Connor Papers MS143: Folder 7.

[574] Manuel Castañeda, in conversation with the author, 2017.

[575] "Our Men in Service," *El Paso Times*, September 10, 1965.

When President John F. Kenney announced that he would be the one to finally put the ghost of El Chamizal to rest, he was responding to Cold War pressures to foster goodwill abroad as well as a growing anxiety in the United States over Fidel Castro's communist influence in Mexico.[576] In 1963, when a U.S. Texas representative returned from a trip to Mexico with stories of Mexican communists distributing photographs of El Chamizal and calling for the state of Mexico to abandon its ties to the imperialist United States, American politicians quickly pivoted to consider the return of El Chamizal as "nullifying the descriptions of capitalist imperialists Communists in Mexico like to spread about the United States."[577] Cold War politics certainly motivated the timing of the Chamizal Treaty, but to understand this timing only within this frame of reference is to overlook how both American and Mexican politicians approached the Chamizal Treaty as an unique opportunity to reconfigure the U.S.-Mexico borderlands urbanscape in capitalism's image.[578]

In 1956, before the Cold War dominated global politics, the U.S. federal government allocated federal funds to state governments through the Federal-Aid Highway Act to purchase properties and build a national interstate system.[579] Historians would come to identify this period of the 1950s as the point in which urban renewal logics sunk their teeth into U.S. policy. These logics would shape U.S. policy for years to come and would largely define urban life throughout the 1960s through the construction of freeways and highways at the expense of non-White, working-class communities across the United States. Indeed, while the U.S. federal government prepared for the

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576 Trillo, *The Code-switching Patterns of the Rio Linda Community of El Chamizal in El Paso*, 14.

577 Kramer, "A Border Crosses,"; "Chamizal Settlement Hurts Reds," *El Paso Times*, February 28, 1964.

578 Alberto Wilson, Chapter 2 of: "Pan American Cities: Sunbelt Development and Mexican Community Formation in El Paso and Cd. Juarez, 1945-1994." Dissertation.

579 Richard F. Weingroff, "Federal-Aid Highway Act of 1956: Creating the Interstate System," *Public Roads*, 60, no. 1 (Summer 1996), 1.

evacuation of the Chamizal residents, El Paso Mayor Judson Williams seized this opportunity to simultaneously prepare his administration to push through his "Four Point Program:" a border redevelopment project with a series of urban planning initiatives tied to the Chamizal Treaty with the explicit goal of modernizing the city of El Paso.[580] Proponents of the project argued that the Chamizal Treaty presented an unprecedented opportunity to not only clean up the barrio, but also put El Paso back on the economic map.[581] One of those initiatives was the Cesar Chavez Border Highway, which was designed to facilitate commerce from and across Cd. Juárez and El Paso's agricultural valley downriver. So closely associated were the Chamizal Treaty and Cesar Chavez Border Highway that many preliminary government reports reference the proposed highway as the "Chamizal Memorial Highway"—though it would not officially take on this name.[582]

Chamizal Highway Approved

Memorial Park on Border Included; President Sees No Delay in Plans

United Press International

JOHNSON CITY, Sept. 4.—President Johnson today announced that the Federal Government will provide $14 million for highway construction and a civic center for the city of El Paso as part of the Chamizal treaty land exchange with Mexico.

Under the U.S.-Mexican treaty of Jan. 14, 1964, the City of El Paso ceded to Mexico a strip of land which had been the center of a border dispute for many years.

Mexico in return granted certain lands to the U.S. as part of the agreement. Under the treaty a section from the Rio Grande is to be relocated, and the U.S. Government already has allocated $44.9 million for that work.

IN WORKING out the treaty El Paso city officials were promised certain concessions, and today's $14.5 million program will go toward fulfilling those promises.

The program announced by President Johnson today calls for the construction of a four-lane, limited access Chamizal Memorial Highway costing $12 million. The highway will run along the Rio Grande from downtown El Paso to a point 12 miles eastward.

ALSO provided under the program will be a $2.2 million, 40-acre Chamizal memorial park with an auditorium, a reflection pool and a monument.

Funds for the highway and civic center are included in the new budget to be submitted to Congress for 1966. Congress already has appropriated $325,000 to relocate and enlarge an irrigation canal adjacent to the new river channel.

"I am confident that this complementary program will proceed without delay," the President said. "I congratulate the many people who have worked very hard to bring it to fruition."

Figure 60: *El Paso Herald Post* announces approval of Chamizal Highway as part of Chamizal Treaty. Source: El Paso Herald-Post, September 4, 1965.

580 "Mayor Holds Talks on Chamizal Plans," *El Paso Herald-Post*, Dec. 27, 1963.

581 Chamizal resident Maria Soccorro Acuña said this was her recollection of the discourse around the Chamizal Treaty. Maria Soccorro Acunã, in conversation with the author, August 2016.

582 "Federal Funds For Highway Allocated," *El Paso Herald-Post*, January 29, 1968.

Early on, El Paso Mayor Judson Williams argued the Cesar Chavez Border Highway as essential to the treaty's success. In a 1960 letter from Williams and addressed to Texas Congressman Richard C. White, Williams expressed his "deep concern" after learning Congress had not yet approved measures to provide a border highway as part of settling the Chamizal Dispute.[583] In his letter, Williams argued that Congress might miss this crucial moment to "greatly improve the unattractive United States frontier facing Mexico," but that "[t]his proposed highway is not sugar coating on the settlement but has been a part of every discussion held since the summer of 1962, when Ambassador Thomas C. Mann and U.S. Commissioner J.F. Friedkin first approached the officials and other civic leaders of the City of El Paso in an effort to work out a solution to the Chamizal dispute."[584] For Williams, only the construction of the Border Highway would ensure the well-being of El Paso and the project was ultimately included in the settlement. Today, however, the highway is known by locals as the "Chamizal Freeway." It runs directly through where Chamizal homes in Cordova Gardens and Cotton Mill once stood.

As the historian Alberto Wilson has argued, William's urban planning vision for El Paso was likely motivated by the changes Williams saw unfolding south of the border in Cd. Juárez. [585] These changes were the result of the Mexican policy known as "ProNaf" or the National Border Program, which was designed to "clean up" the Mexican border, promote tourism, and usher in "the redemption of the border market" along the southern side of the U.S.-Mexico borderlands.[586]

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583 Jonathan Cunningham Papers, MS287: C. L. Sonnichsen Special Collections Dept., University of Texas at El Paso Library.

584 Ibd.

585 Wilson, Chapter 2 of: "Pan American Cities: Sunbelt Development and Mexican Community Formation in El Paso and Cd. Juarez, 1945-1994." Dissertation. 2019.

586 Ruben Salazar, "Mexico in New Phase on Border," *Los Angeles Times*, November 17, 1966.

Cloaked in language of progress and modernization like U.S. urban renewal policies, ProNaf policies would ultimately claim to transform the Cd. Juárez into a modern commercial and cultural center that not only rivaled El Paso's downtown district, but which by comparison, made the El Paso side of the border "look shabby."[587] These changes to Cd. Juárez coincided with—and were made in part possible by—the Chamizal Treaty, whose reconfiguration of the El Paso-Cd. Juárez borderlands significantly contributed to ProNaf's vision and goals. Indeed, as American politicians deliberated how they would leverage the Chamizal Treaty to meet their needs and desires, Mexican politicians in Cd. Juárez discussed how the settlement lent credence to inter-American unity and cooperation that ProNaf policies could exploit to sell their "new Cd. Juárez" to the world. Central to this "new Cd. Juárez" would be developing the land ceded to Mexico as a public park and "tourist resort" where visitors could celebrate the Chamizal Treaty and Mexican history and culture.

In what followed, the Chamizal Treaty ushered in international trade, commerce, and tourism on both sides of the El Paso-Cd. Juárez border—changes that were deeply entangled in the logics of urban renewal.[588] There was, of course, already precedent for this development. In 1960, a coalition of urban planners, architects, and engineers from both sides of the border signed "The Charter of El Paso," a transnational urban development plan wherein they agreed to work together to resolve shared border problems and move their cities toward "orderly growth and expansion."[589] As this group of professionals saw it, El Chamizal and Cordova Island were two of these shared border problems, and both needed to be dealt with. In this light, Wilson argues that we can see how

[587] Ruben Salazar, "Mexico in New Phase on Border," *Los Angeles Times*, November 17, 1966.

[588] For more on the impacts of urban renewal in South El Paso see: Miguel Juarez, "From Buffalo Soldiers to Redlined Communities: African American Community Building in El Paso's Lincoln Park Neighborhood," *American Studies*, 58:3 (2019): 107-124.

[589] Marquez, *Power and Politics in a Chicano Barrio,* 91; "Speaker Named for Dinner Meet," *El Paso Herald-Post*, February 2, 1961.

the Chamizal Treaty likely emerged from this longer historical context and was thus not simply designed to resolve the issue of El Chamizal. Rather, the settlement was meant to absolve the El Paso-Cd. Juárez borderlands of two troublesome tracts of land: El Chamizal and Cordova Island. Had the Chamizal Treaty fallen through, Wilson argues, it is possible that ProNaf would not have opened Cd. Juárez to industrialization and later the arrival of the maquiladora industry in the 1990s.[590] As before, El Chamizal was ultimately exploited by regional elites in the 1960s as their opportunity to build and perpetuate frontier capitalism. The Chamizal Treaty contributed to this transnational scheme by eliminating this region's territorial conundrums (El Chamizal and Cordova Island) as the means to usher in a new era of cross-border capitalism.

With the issues of El Chamizal and Cordova Island seemingly resolved, El Paso city leaders were hellbent on urban renewal policies that would now, as they put it, enjoy the blessing of U.S. good-neighborliness. When elite El Paso businessmen caught word of the potential setbacks on the Cesar Chavez Border Highway, they wrote letters to their elected representatives arguing that if the highway was not built, the Chamizal Treaty would be a scar on the community. "[W]e feel very definitely that anything less than full completion of this program would leave a scar on our Community, State, and Nation which would be long in healing," wrote the President of the Southwest National Bank, Joseph F. Irvin, in 1964 to President Johnson. "Properly expediated and coordinated as a unified project, it would long be an outstanding accomplishment and landmark in one of our greatest peaceful settlements of an International Boundary Dispute."[591] Private and public discourse on the settlement's potential impact on the borderlands quickly evolved to include

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[590] Wilson, Chapter 2 of: "Pan American Cities: Sunbelt Development and Mexican Community Formation in El Paso and Cd. Juarez, 1945-1994." Dissertation.

[591] White House Confidential Files, Executive F0 3-1, box 21, Lyndon B. Johnson Presidential Library, Austin, Texas.

An Editorial

Chamizal Pact Opens Door To Progress

Announcement, due today, of settlement of the long-standing Chamizal dispute, opens the door to a great new era of development for El Paso.

The settlement, of course, will not be truly a settlement until it is ratified by the proper bodies of both the United States and Mexican governments. Even after that, some years will pass before the job of relocating the Rio Grande, spanning it with new bridges, and constructing the highways and parkways on its banks will be completed.

STILL TO BE worked out, too, are the detailed plans for payment to property owners in the affected zone.

All of this is going to take time, and no one expects an immediate transformation of the appearance of the Chamizal along the new line of demarcation.

But with the signing of the treaty the cloud that has hung over that portion of the Chamizal lying north of the new boundary will be lifted. The technicalities that will occupy the attention of the two governments in working out the fine points of their agreement need not apply to that part of South El Paso which once was disputed territory, but now will be so no longer.

Therefore, now is the time to look at the area and to decide what its future will be.

MUCH OF IT is what is politely described as "blighted." This is understandable. When every property deed carries a notation that the title is subject to challenge, who wants to risk expensive investments in the area?

With clouded titles cleared, this area now is free to develop naturally and, we hope, beneficially.

The location of new bridges across the Rio will, of course, necessitate the city examining this area sharply for the best means of access and of traffic control. It may want to consider development of new parks. It must also debate what's to be done with that section of Cordova Island that will become a part of El Paso.

To this end, Mayor Judson Williams has asked the executive committee of the Citizens Advisory Council to study the situation and come up with recommendations. The request is a sound one, but obviously the job requires the attention of the professionals, too—the heads of city departments, and the City Planning Department. The latter, particularly, should be prepared to offer advice on the best method of serving the city's interests.

BUT THE city's part in the picture is not all-embracing. Private interests are free now to consider the area for commercial or better residential use. No longer need they fear to risk capital in the area. Whether they will take advantage of the changed situation we cannot say, but it is our earnest hope that they will.

Mexico, on its side of the new channel, plans new and attractive construction on the cleared land of the Chamizal. Granting that the U.S. side will feature a highway and narrow parkway, what else will our southern border offer? Will the worst part of El Paso butt up against the best part of Juarez, providing our visitors—and the home folks, too—with the sorriest sort of picture of American enterprise?

We hope not.

El Paso is a growing city—perhaps not growing at the same speedy rate as we've seen in the immediate past, but growing, nevertheless. A population of 500,000 is anticipated by 1980. A trickle of new industries already has begun to find its way here. Others will follow.

WE HOPE that this new growth will not merely be added onto the fringes of the old, leaving what already is blighted to become more so, leaving an area of rot which will spread unless it is attacked.

In past comments on this decaying area of our city, we have expressed the hope that private enterprise will find the way to cure it. Settlement of the Chamizal dispute now removes one obstacle in the way of realizing that hope. The end of the dispute opens the door to progress.

Figure 61: Editorial pushing Chamizal Treaty as road to progress for El Paso.
Source: *El Paso Herald-Post,* July 18, 1963.

language of modernization, progress, and an economic boom. "What can be planned to make the settlement a boom for the city rather than a burden on it will depend on many factors and ultimately on the will of the Congress," wrote one El Pasoan in 1963 only months before the *El Paso Herald-Post* announced "Chamizal Project to Bring 'Big Things' to E.P. Border." When some expressed concerns over the settlement's impact on tax revenue loss in the southside, others were quick to correct such perspectives. "In the long run the city will profit greatly from settling of this these disputes," one tax collector reassured the readers of the *El Paso Herald-Post*.[592] "If the persons affected by the treaty relocate in the city we will gain more taxes out of them than we will lose." Any loss, in other words, would only be temporary: "We are in for a boom."

As elite capitalist elites debated the arrival of the treaty's economic boom to El Paso, the Chamizal Civic Association was not aloof to this discourse. The Association and those it represented understood their displacement had been dictated and necessitated. They understood, in other words,

[592] "Chamizal Tax Losses Under Study," *El Paso Herald-Post*, January 13, 1964.

Chamizal Project to Bring 'Big Things' to E.P. Border

PLEASED BY TREATY—Mr. and Mrs. Arthur Armendariz, with two-year-old daughter Corina, smiled after reading headlines in Herald-Post about Senate ratification of Chamizal treaty. They favor settlement of dispute with Mexico even though they will have to move from area, where they have resided 13 years. Their home is at 1013 South Boone street.

Figure 62: Photograph of Chamizal residents holding newspaper announcing news of the Chamizal Treaty.
Source: *El Paso Herald-Post*, December 18, 1963

that the needs of the U.S. and Mexican states required them to be organized along a new, uneven geography in order to secure El Paso and Cd. Juárez as cities of the future. "It seems only that those who hope to possibly gain a better business position and the planners for the so called beautification plan," wrote the Association's public relations agent, "at the expense of the rights of the people to enjoy the rights of property and the pursuit of happiness."[593] In a handwritten letter dated September 23, 1963, and addressed to President Kennedy, 61-year-old Josefina Chavez identifies these urban renewal logics and their foundations in white settler colonialism when she argues against

[593] James Connor Papers MS143: Folder 6..

the settlement "not only for the moral and physical sufferings of the people who will have to abandon their homes, but also for the terrible consequences the return of El Chamizal will bring":

> Once El Chamizal is returned, businessmen will not rest until they have obtained all of South El Paso. This is to say that those of us who live there will have to abandon our homes […] This is to say that we will be without land and most importantly without our beloved neighbors. […] The businessmen call all of this Progress and Community Improvement. […] This is not progress [or] the improvement of the people, but the improvement of businessmen's pockets.[594]

Chavez's letter confirms that residents had a keen and sophisticated grasp of the role of their displacement in larger uneven processes, and that they refused to succumb to these processes passively.

Indeed, on December 9, 1963, the County Commissioner's Court of El Paso entered into the record a letter written by the Association. This letter demonstrated that Chamizal residents saw similarities between their displacement and urban renewal events taking place across the country.[595] The letter included an article from *Reader's Digest*, "Bulldozers at Your Door," that criticized the government's use of eminent domain to push through highway construction and urban renewal. In citing this article, the Association argued that legislative changes to present and future condemnation laws should be formalized to meaningfully accommodate the myriad losses of displacement. These changes, the Association insisted, "should be made applicable to all cases where private property is taken for public use, because otherwise we may find ourselves in the path of other planning, and some of us have already been affected by construction on Doniphan Drive and Paisano Drive, so we know what can happen." Accounts like these illuminate the Chamizal barrios as a terrain of struggle wherein residents identified and denounced the logics of colonial racial capitalism.

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[594] Ibd, Folder 7.

[595] "No. 33, Chamizal Civic Association Present Appeal to Court," Commissioner's Court Meeting Minutes, December 9, 1963, El Paso, Texas.

El Paso, Texas
Sept. 23, 1963

Sr. Presidente John F. Kennedy
La Casa Blanca
Washington, D. C.

Respetable Señor Presidente:
Mucha parte de mi vida la he vivido en Sur El Paso y he llegado a amar este lugar de la Ciudad.
Soy una de las personas que se oponen Rotundamente a la entrega de El Chamizal tanto por los sufrimientos morales y fisicos de las personas que por ello tendran que abandonar sus hogares como por las terribles consecuencias que traera la entrega del Chamizal.
Una vez entregado El Chamizal los hombres de Negocios no descansaran hasta haber obtenido toda la parte de Sud El Paso. Esto quiere decir que los que en ella vivimos tendremos que salir dejando nuestros hogares bien sea que rentemos o que seamos propietarios.
Quiere decir que seremos desterrados hasta de lo mas querido como son nuestros vecinos, nuestras Amistades, nuestras Tradiciones y por remate y lo mas terrible nuestros Templos que con bastantes sacrificios hemos ayudado a Construir. Todo esto lo llaman los hombres de Negocios Progreso Y Bienestar Del Pueblo. Esto no es progreso esto es atropellar los derechos humanos y divinos de los pobres y humildes.
Esto no es bienestar del Pueblo, esto es bienestar de los bolsillos de los Grandes Comerciantes.

Apelemos al Gobierno de los Estados Unidos para que nos proteja, como es la obligacion del Gobierno, contra los que nos quieren despojar de nuestros hogares y de nuestros Templos, nuestras Escuelas, de nuestros amables comerciantes en pequeño, de nuestras Amistades de nuestros vecinos.

Atentamente,
Gregorio Chavez
Josefina Chavez
472 Charles Rd.

Figure 63: Letter addressed to President Kennedy from Josefina Chavez. Source: James Connor Papers, C.L. Sonnichesen Special Collections Department, the University of Texas at El Paso Library.

By December 1963, the Chamizal Civic Association no longer outright rejected the Chamizal Treaty; instead, they sought to make the injustices of their displacement legible to the U.S. state by *turning toward* grammars of white possessive logics that argued for the sanctity of property and homeownership.[596]

Every new treaty development, however, buckled down on the settlement's racist capitalist agenda and its refusal to make room for Chamizal residents. When news came out that the northern half of Cordova Island would be ceded to the United States as part of the Chamizal Treaty and used for the construction of a new Bowie High School and national monument to the settlement, the Chamizal Civic Association quickly responded by proposing the land be used for an elaborate multi-purpose housing development dedicated to supporting the needs of Chamizal residents.[597] In a letter dated February 23, 1964, and submitted to the House Foreign Affairs Committee that same month, the Association asked that Chamizal residents be able to exchange their properties for those in this proposed housing development, that they be allowed to do so by transferring their mortgages. The Association also proposed that floor plans from their previous Chamizal homes be replicated and that "the people should be allowed to take cuttings or plantings from their present homes for use in the new area." The structures, the letter continued, should be built of adobe for its natural and cost-effective heating and cooling qualities. Moreover, the development would ideally be built only by El Paso residents and constructed in "Spanish, adobe, or frontier style to accentuate and preserve a good example of frontier and pre-Anglo culture both for the culture itself and for the benefit of tourists from other parts of the Nation." Situated amongst the housing would be a community center, a museum on the history of the American frontier, and commercial businesses. "'Florida

596 It is difficult to establish when this shift in strategy first took place or if there is a clear connection between this shift and the Treaty's finalized terms for residential relocation.

597 MS042 IWBC Papers MS042: Acc 587, Item #37, C. L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

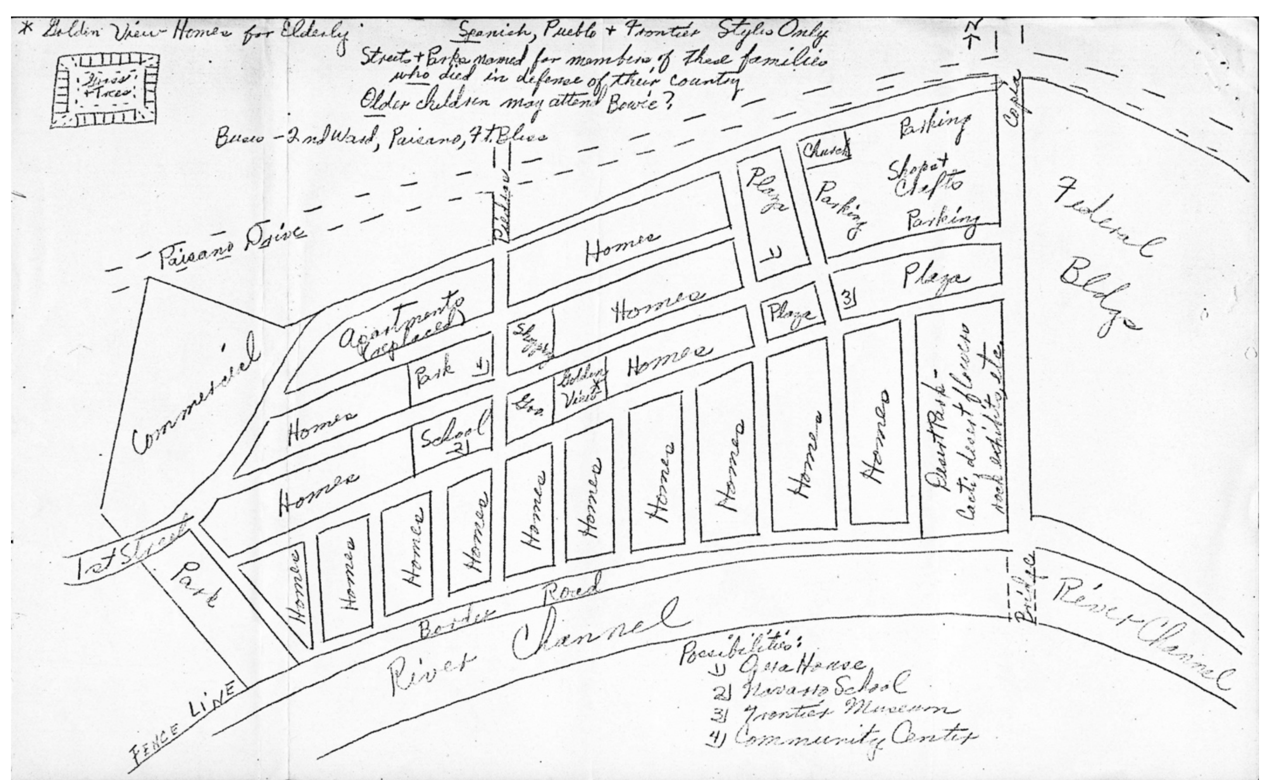

Figure 64: Drawing of "Florida Dolores" proposal by the Chamizal Civic Association for northern portion of Cordova Island. Source: James F. Connor Papers, C.L. Sonnichesen Special Collections Department, the University of Texas at El Paso Library

Dolores is a suggested name for the area," reads the letter. "If the people are given just consideration, their sorrow will bring forth bloom." If the government failed to take their suggestions seriously, the Association implied, then both Chamizal residents and the city of El Paso would be irreparably harmed. The housing development would never be seriously considered.

In the months ahead, Chamizal residents would continue to organize against the Chamizal Treaty and what they saw as injustices of their forced displacement. On February 23, 1965, the *El Paso Herald-Post* ran a front-page story headlined, "Chamizal Payments Called Unfair."[598] In the

598 "Chamizal Payments Called Unfair," *El Paso Herald-Post*, February 23, 1965.

article, the president of the Chamizal Civic Association, Oscar B. White, told reporters that Cordova Gardens residents felt the offers on their homes were unfair and that a "strong feeling of distrust" was growing amongst the community.[599] That same year, 75 Chamizal residents gathered in the streets of South El Paso carrying signs that read, "Are you being fair?" and "We want better land values."[600] One man, Manuel Rosales, who had refused the government's offer of $7,200 for his Cordova Gardens property is quoted by a local reporter: "The people in my neighborhood have been told that you can't fight the government. I don't know why appraisers are telling the homeowners not to see lawyers. What are they afraid of?" he asks, before concluding, "Injustices are being committed."[601] This growing feeling of distrust likely had much to do with an initial round of residential appraisals that consisted of little to no variation (all around $5,000) despite visible and significant differences in maintenance, square footage, and property plot size.[602]

That residents were often intimated, harassed, and deceived by government officials only contributed to these feelings of distrust. When the Chamizal Civic Association called the local power company, for example, asking why the power had been shut-off in the condemned neighborhoods, they were told that city representatives had ordered the outage because these neighborhoods had already been acquired by the federal government.[603] Poor communication and deception from property appraisers also deeply defined relations between the Chamizal barrios and

599 "Complaints sent to Yarborough," *El Paso Herald-Post*, February 23, 1965.

600 "Residents Air Chamizal Complaints," *El Paso Herald-Post*, January 18, 1965.

601 "Says Chamizal Payments Low," *El Paso Herald-Post*, January 16, 1965.

602 Ana Parra, interview by Consuela Pequeño, "Interview no.843," Institute of Oral History, University of Texas at El Paso, 1994. Valentín Hernandez and Agustina Hernandez, interview by Consuelo Pequeño, "Interview no.840," Institute of Oral History, University of Texas at El Paso, 1994.

603 White, interview by Michelle L. Gomilla, 1994.

the U.S. government. Not only did appraisers hired by the federal government repeatedly advise Chamizal homeowners not to solicit lawyers, but when one Chamizal resident objected to the government's $9,850 offer, the appraiser told him that, "the government is not interested in your family problems" and that if he did not sign "your property will be condemned and torn down whether you move or not."[604] Another homeowner reported that the appraiser assigned to her home had told her the "government will spend $100 from having to pay you $10." In what was perhaps one of the most unsettling cases, a negotiator representing the federal government outright deceived Cordova Gardens homeowner, Antonio Seriana, when the negotiator and their Spanish interpreter asked Seriana to a sign contract without explaining that the document would sign over his home to the government.[605] Seriana, learning only later that he had unknowingly sold his property, took the U.S. to court on the grounds that he had been misled and taken advantage of because he could not read English.[606]

Although it is difficult to quantify the impact of the Chamizal Civic Association on the settlement's finalized policies for displacement proceedings, Chamizal residents did eventually achieve some semblance of dignity when it came to leaving their homes. The federal government, for instance, agreed to finance all moving costs, reimburse owners and tenants for losses and damages incurred, as well as reevaluate the value of Chamizal properties at fair-market-value.[607] But

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[604] The two local appraisers were William E. Wood and the Robin E. Washington. Hinojosa, interview by Michelle L. Gomilla, 1994; Marshall Hail, "'Little People' Ask for 'Just Treatment,'" *El Paso Herald-Post,* February 21, 1963; "Says Chamizal Complaints Heard," *El Paso Herald-Post*, February 25, 1965; "Complaints sent to Yarborough," *El Paso Herald-Post*, February 23, 1965.

[605] He later told newspapers that he had signed the document because he had no reason to think the document was any different from the others the IWBC mailed or left at his home. See: Marshall Hail, "Chamizal Owner Plans Price Suit," *El Paso Herald-Post*, March 12, 1963.

[606] Marshall Hail, "Chamizal Owner Plans Price Suit," *El Paso Herald-Post*, March 12, 1963.

[607] Ellwyn R. Stoddard, "The Role of Social Factors in the Successful Adjustment of Mexican-American Families to Forced Housing Location: A Final Report of the Chamizal Relocation Research Project, El Paso,

if fair-market appraisals (an average of $8,000) felt like a win, it quickly became apparent that such appraisals would not always garner the property values residents felt were merited or needed in order to find comparable housing and thrive post-removal.[608] Carlos Quinones, who had lived in his Rio Linda home for 17 years and raised his children there, hired a private lawyer after the government offered him roughly $8,100 for his home — compared to the $11-12,000 evaluated by independent appraisers hired by Quinones' lawyer.[609] "I cannot find a comparable house for the price I have been offered," another resident, who was told he would be given $5,500 for his Cordova Gardens home, told reporters in 1965. "And since I am on an old age pension, it is impossible for me to assume any kind of mortgage."[610] Though Quinones legally contested the government's initial offer along with 25 others, he eventually agreed to an $8,100 offer after a U.S. District Court sided with the government's assessment. Local and federal representatives would insist for years to come that Chamizal residents were "more than compensated" given their properties were evaluated at fair-market value and, in some cases, requests for additional compensation were approved.[611]

Even once property buy-outs and displacement proceedings were well under way, however, Chamizal residents *turned away* from and denied the U.S. federal government any easy or comfortable removal of their communities—so much so that four years after the settlement's ratification the

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Texas," *Department of Planning Research and Development Community Renewal Program*, 1970: 53; White, *Institute of Oral History*; Hail, "Little People Ask Fair Deal On Chamizal."

608 James F. Connor Papers MS143: Folder 6, C. L. Sonnichsen Special Collections Department, University of Texas at El Paso Library.

609 "Chamizal Transfer Touchy," *Associated Press*, July 17, 1996.

610 "Complaints Sent to Yarborough," *El Paso Herald-Post*, February 23, 1965.

611 In his interview for the Chamizal Oral History Project, Nestor Valencia explained that, "We felt as a team, more than anything else, that this was not your ordinary highway relocation. This was not your ordinary fire department station relocation and that, through eminent domain, these people were being uprooted from their neighborhood and that they should be more than compensated." See Valencia, interview by Michelle L. Gomilla, 1994.

Chamizal barrios had yet to be fully evacuated. On September 1, 1967, a federal report announced land acquisitions and relocations were nearly complete aside from 15 homes whose owners refused to vacate and thus had been acquired through eminent domain and remained for court determination.[612] It would take excessive force to evict these outlying residents. One of these residents, Florentino Pacheco, became the most notorious in El Paso. Dubbed the lonely "holdout" by the *El Paso Times*, Pacheco not only refused the federal government's offer of $8,200 on his Cotton Mill home, but he moreover refused to vacate his property—which, like other Cotton Mill residences, stood in the path of the proposed river canal.[613] Though demolitions of Cotton Mill residences had begun in April of 1966, Pachecho refused to sell or vacate his home at 1214 Algodon Place, and remained there for months with his mother and sister. His refusal to leave his home spoke to a broader refusal to accept the state's insistence that no valuable much less meaningful life and place was present. By July 1966, the federal government was granted a court-ordered warrant to enter Pacheco's home, pack up his belongings, and move him into a temporary home in Rio Linda held by the IWBC. Pacheco was allowed to stay in this house rent-free until a federal court made its decision on the fair-market value of his property. The *El Paso Times* diligently covered Pacheco's case. Photographs published in the *Times* showed Pacheco's home amongst the ruins of his former neighborhood while movers haul his belongings into a truck. When Pacheco was ultimately moved from Rio Linda, the newspaper noted Pacheco's refusal to comment. "I do not want any more publicity," Pacheco told reporters.

A Profound Era of Displacement

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[612] Knowlton Papers: Box 5, Folder 2.

[613] Tom Bryan, "Channel 'Holdout' Moves Out," *El Paso Times*, July 17, 1966; Hugh Morgan, "Chamizal Resident Lonely," *El Paso Times*, April 22, 1966.

It is telling that Chamizal residents were displaced amid the U.S.' most pronounced decade of highway construction through urban renewal and seizure of properties through eminent domain.[614] Between 1955 and 1966, urban renewal projects displaced more than 300,000 people, the burden falling disproportionately on people of color.[615] In 1967, the total of those displaced climbed to 400,000, of which only 11,000 residential units were replaced through public housing.[616] Urban renewal demolitions and the scenes of families being forced from their homes left an imprint in all urban life in the United States. Cities were entirely reconfigured to accommodate for an ever-changing uneven social to meet white racial capitalism's needs and desires. Photographs of homes shattered and the district razed to the ground were published during its months of demolition. In Los Angeles, the story of Chavez Ravine, a working-class and Mexican-American community in Los Angeles displaced through eminent domain in 1954 to make room for today's Dodger Stadium has become part of the city's lore. Photographs of Abrana Archiga's eviction, where four Los Angeles police officers carried her by her arms and legs out her front door and dropped her on the ground as bulldozers demolished her Chavez Ravine home, are now the canon images for urban renewal's causalities and have been instrumental in telling the counterstory of Chavez Ravine. [617] There are no such photographs of the Chamizal neighborhoods, however, nor images of Chamizal residents

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[614] Eric Avila, *Folklore of the Freeway: Race and Revolt in the Modernist City*, (Minneapolis and London: University of Minnesota, 2014), 3.

[615] Digital Scholarship Lab, "Renewing Inequality: Family Displacements through Urban Renewal, 1950-1966," *American Panorama*, edited by Robert K. Nelson and Edward L. Ayers, accessed April 21, 2023, https://dsl.richmond.edu/panorama/renewal/#view=0/0/1&viz=scatterplot&text=sources

[616] Gonzalez, *In Search of the Mexican Beverly Hills*, 105.

[617] Janice Llamoca, "Remembering The Lost Communities Buried Under Center Field," *National Public Radio*, October 31, 2017: https://www.npr.org/sections/codeswitch/2017/10/31/561246946/remembering-the-communities-buried-under-center-field; Eric Avila, "Revisting the Chavez Ravine: Baseball, Urban Renewal, and the Gendered Civic Culture of Postwar Los Angeles," in *Velvet Barrios: Popular Culture and Chicana/o Sexualities* edited by Alicia Gaspar de Alba, (New York: Palgrave Macmillan, 2003), 128.

forced from their homes. However, because of the witness account of William E. Wood, we do know that similar scenes took place across the Chamizal Barrios. An eerie echo of Arechiga's eviction just 10 years earlier, in 1944 Wood recounted in an oral history projected conducted by the University of Texas at El Paso how federal deputies in El Paso evicted a woman from her Chamizal home by carrying her out of her Chamizal home. The woman had refused to vacate, Wood explained, "and the day when it came to move, the United States Marshals picked her up bodily and put her in a car and drove her off, put her money into trust in the United States District Court, and put her furniture in storage and she was paid off."[618] Soon thereafter, preparations for the construction of the concrete canal commenced. "Men and machines are leveling unsightly tenements, business structures, and rows of small dwellings" reported the *Associated Press* in 1966.[619]

The Chamizal Treaty and the engineers hired to build the canal that would streamline the Río Grande along the treaty's redrawn boundary sought a more total and year-round control over the river. They sought, in other words, to enact a more "productive" geography and their very own river of empire. The effects of that control would shape the binational economy of the El Paso-Cd. Juárez borderlands and life between these two cities; and by 1970, when construction for both the canal and Border Highway had finished, were responsible for a host of changes: the wild asparagus that Peter remembers harvesting for his mother along the riverbank was gone, as were the fireflies, frogs, and otter, as well as the greatest of the cottonwoods. The entire river was drained and its water redirected through the treaty's concrete, the area became devoid of the animals and plants that had once been common. In their place was now a concrete jungle of highway and canal that would

618 Wood, "Interview No. 846" by Michelle L. Gomilla, *Institute of Oral History*, University of Texas at El Paso, 1994.

619 "Chamizal Transfer Touchy," *Associated Press*, July 17, 1966.

bring with them environmental decay and pollution. The Chamizal Treaty was perhaps one of the greatest agents of environmental change in this region during the 20th century.

These changes to the land were in were in every sense an unmistakable, material erasure. The deliberate destructions of an already limited housing supply, as well as of minoritized peoples' neighborhoods, homes, shops, and social gathering locations such as bars and parks, "goes hand in hand with imperialism, violence, and economic, racial, and ethnic terror," writes McKittrick in her work Black place-making and the state's attempts to eliminate such places. "While place annihilation certainly differs according to time and place, the devastation, so clearly pointed to in the term urbicide—the deliberate killing of the city—brings into sharp focus how violence functions to render specific human lives, and thus their communities, a waste."[620] The costs of which are consistent: the rupture of existing resources and cultures of community and the dispossession of assets and wealth—however modest—that leads to further marginalization and longstanding material, emotional, and corporeal consequences. "I went through the system, the process of eminent domain, of being brutalized, the way it tore up the fiber of my family structure," explained Michael Patino, who was a boy when he and his family were displaced from Cordova Gardens by the construction of the Border Highway.[621] The Chamizal Treaty "was the first sign of chaos," he said, shattering any sense of security his family once had. Worse still, Patino recalled, they "hatched up the Rio Grande up too, and scarred it again and again, and tried to move it through another direction. That river has a lot of scars. I see it as a big, big *cicatriz*: that big canal running along its face." It took excessive force—miles of concrete—to redirect the Río Grande in "its proper place" and thereafter pursue the U.S. state's racist capitalist drive.

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[620] Katherine McKittrick, "On plantations, prisons, and a black sense of place," *Social & Cultural Geography*, 12:8 (2011): 952.

[621] Michael Patino, in conversation with the author, January 2017.

Even more telling of the Chamizal Treaty's place in urban renewal, however, is the discrepancy between the official number of displaced peoples and how many residents were in fact displaced. Indeed, although the U.S. federally-reported number of 5,600 displaced by the Chamizal Treaty is widely accepted, it is at best a conservative estimate, and at worst outright misleading given an additional 56 acres in South El Paso were seized to make room for Williams' Four Point Program.[622] And yet, despite the Treaty so clearly falling within urban renewal's playbook, this international land and boundary settlement did not meet the legal definitions of urban renewal, which, among other criteria, cannot involve properties with clouded titles. Consequently, the thousands of South El Paso residents displaced by the Chamizal Treaty and its attendant urban redevelopment plans were not included in the U.S. federal government's quarterly reports on the characteristics of urban renewal issued between 1955 and 1966. In this way, their stories of forced displacement are removed—concealed—from the federal data on this subject.

Included in the 56 acres condemned the Border Highway was the family home of the Chicano poet Ricardo Sanchez, who had grown up on Oak Avenue in the El Jardin Addition. When the writers of the Chamizal Treaty redrew the international boundary between El Paso and Cd. Juarez, this line went right through the Sanchez property. In 1966, a small portion of this property that ended up south of the redrawn international boundary was purchased by the U.S federal government for $750 and ceded to Mexico as part of the Chamizal Treaty.[623] Four years later, the rest of the Sanchez property that fell north of the boundary was purchased for $8,200 by the Texas State Highway Commission, which had "deemed [the property] necessary for the purposes of facilitating the construction, maintenance and operation of the Controlled Access Highways."[624]

[622] Knowlton Papers: box 5 folder 2.

[623] The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1966), 99430.

[624] The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1970), 43852.

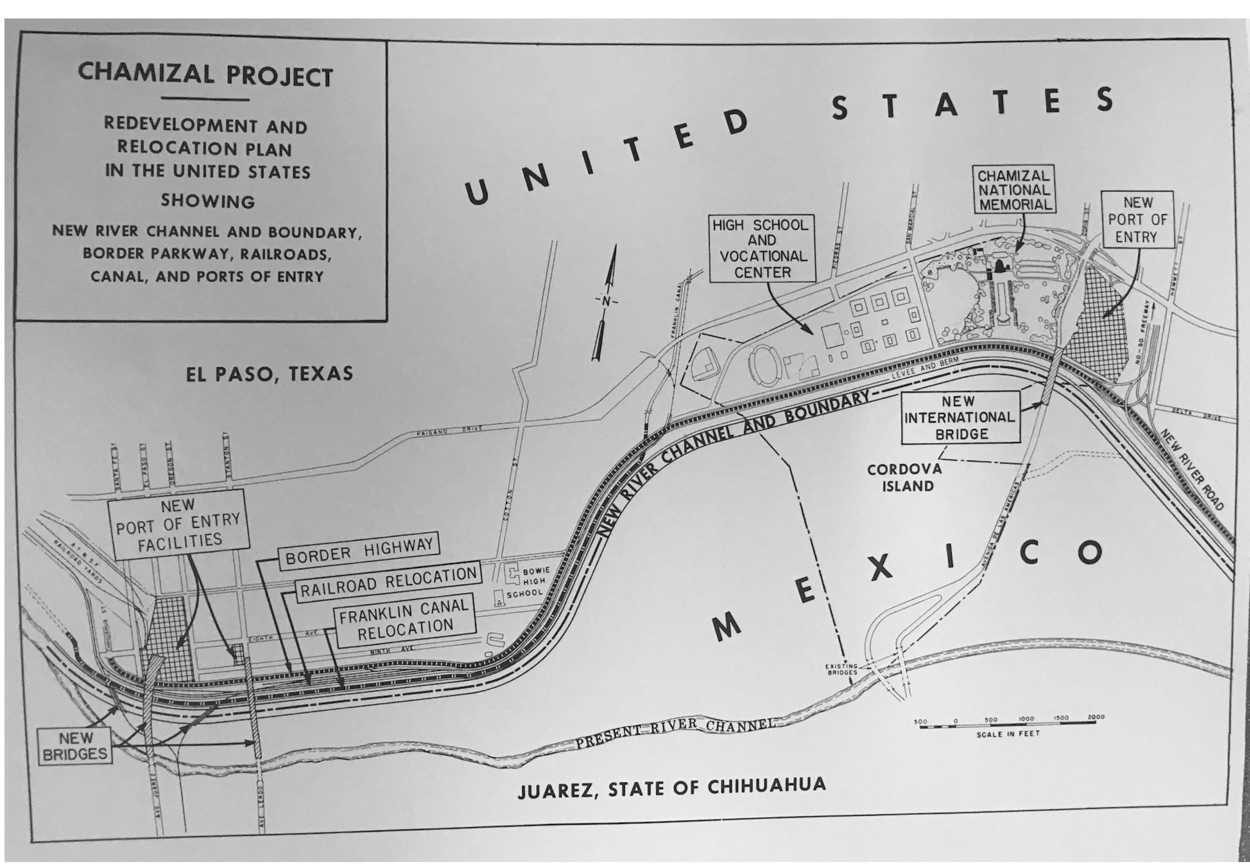

Figure 68: Map of Chamizal Project redevelopment plan. Map shows location of the proposed Border Highway, new Ports of Entry, and relocated Río Grande and Franklin Canal. Source: Frank Ortiz Papers, Chamizal National Memorial Archives.

Construction of the Border Highway coincided with an era of extensive highway construction in El Paso. In 1963, during settlement negotiations, the U.S. 54 Patriot Freeway was added to the El Paso freeway plan and proposed for construction through the Cordova Gardens barrio. Construction would in the early 1970s. As Susannah Aquilina has argued, the Chamizal Treaty thus ushered in a devasting era of displacement through eminent domain in South El Paso in the name of highway and freeway construction.[625] These forces, she explains, even displaced Manuel Acosta, the renowned and beloved El Paso painter, from his family home and art studio on the corner of what

[625] Susannah Estelle Aquilina, *Art, Culture Making, and Representation as Resistance in the Life of Manuel Gregorio Acosta,* Dissertation: University of Texas at El Paso, 2016: 69.

used to be South Hammett and Finley. There, Acosta painted some of his most famous scenes of South El Paso: the portrait of a boy in a large yellow sombrero, standing shirtless by the river that was titled "Young Man by the Rio Grande"; another titled, "El Sombrero Verde," which depicted an mariachi singer in a green sombrero and a shot of purple liquid in his hand; and the portraits of his neighbors, Doña Josefa, Doña Justa Abuela, and Doña Maria Caldera.[626] Today, these paintings are considered to be some of El Paso's most distinguished art; yet, where Acosta stood painting these works of art is now buried underneath the city's "Spaghetti Bowl" where a series of highway interchanges meet and collide. These stories thus confirm not only how deeply interlocked the Chamizal Treaty was with urban renewal logics, but also how the settlement worked within an established tradition of displacing and reorganizing minoritized peoples in favor of more "productive" geographies.[627]

For those who had to financially gain from the settlement's urban reconfiguration, the Chamizal Treaty would continue to perpetuate white settler colonialism and racial capitalism's constant reorganization of uneven geographies. Indeed, with thousands predicted to be displaced and in need of homes, an El Paso real estate developer named Mickey Schwartz seized what he saw as a profitable opportunity, and in 1964 began construction of the multi-million-dollar and FHA-approved Hidden Valley residential subdivision.[628] In an article headlined "Real Estate Development

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[626] Manuel Acosta, *El Sombrero Verde/The Green Hat*, 1955, oil on canvas, Bill and Mary Cheek Collection; Manuel Acosta, *El jorongo rojo/The Red Pancho*, oil on canvas, El Paso Museum of Art, Texas; Manuel Acosta, *Doña Josefa*, oil on canvas, El Paso Museum of Art, Texas; Manuel Acosta, *Doña Justa Abuela/Grandma Justa*, 1948, oil on canvas, Hal Marcus Collection; Manuel Acosta, *Doña Maria Caldera*, 1967, oil on canvas, El Paso Museum of Art, Texas.

[627] Avila, *Folklore of the Freeway*,, 3.

[628] Mickey Schwartz of the Schwartz Construction Company announced in December 1964 that families with moderate incomes should be ready to move into his Hidden Valley subdivision by March of the following year. See: "Real Estate Development Keyed to Chamizal Residents," *El Paso Herald-Post*, December 4, 1964; Stoddard, "The Adjustment of Mexican American Barrio Families," 756.

Keyed to Chamizal Residents," Joseph Friedkin applauded Schwartz for his business wit, suggesting that Hidden Valley "will go a long way towards making the outcome of the Chamizal settlement an improvement for the people displaced from that area."[629] Ultimately, more than half of the homeowner Chamizal families relocated within five miles from Hidden Valley.[630] Although Hidden Valley was designed with the Chamizal diaspora specifically in mind, the development's single-family residences targeted families with moderate income and ranged from $7,000 to $14,000—which often far exceeded what Chamizal residents were offered for their former Chamizal homes. Plans for the development situated the 380-home development in the Lower Valley, five-miles east of the Chamizal area, and next to Ascarate Park. Predictably, the development was also situated south of the newly established 1-10 freeway—thus comfortably within the boundaries of El Paso's racial geography. By the 1980s, El Paso urban planners would credit the growth of El Paso's Lower Valley to "the Chamizal exodus."[631]

"Everything was hush, hush"

The materiality of forced displacement, however, in both its tangible and ephemeral ways, was often illegible to local and federal officials who would later quantify the "success" of the Chamizal Relocation Project through monetary models, and who often concluded that residents benefitted from their displacement because "they have better homes than they did before."[632] "Like the saying

[629] Mickey Schwartz of the Schwartz Construction Company announced in December 1964 that families with moderate incomes should be ready to move into his Hidden Valley subdivision by March of the following year. See: "Real Estate Development Keyed to Chamizal Residents," *El Paso Herald-Post*, December 4, 1964; Stoddard, "The Adjustment of Mexican American Barrio Families," 756.

[630] Ellwyn R. Stoddard, "The Adjustment of Mexican American Barrio Families to Forced Housing Relocation," *Social Science Quarterly* 53.4 (1973): 756.

[631] "Chamizal exodus began valley's population boom," *El Paso Times*, December 15, 1985.

[632] "Chamizal's 'Displaced Persons' Think Compensation Inadequate," *The Amarillo Globe-Times*, July 22, 1965.

goes, there's nothing bad that doesn't then bring good," explained Ana Parra, a former Rio Linda resident, nearly 30 years after her displacement.[633] "For us, we were better off here than there, we ended up better," she continued. "But at first, they [Chamizal residents] didn't agree, they didn't want to leave, we didn't want to. They told us they would pay us for all our losses, but it wasn't like that. They only sent the truck so we could leave." Even today, Felipe Peralta finds himself torn on the question of whether he and his family turned out better or worse. "In our case…I don't know if I can say it was a great success," he began. "We got a bigger house; but we moved into a neighborhood where we didn't know anybody. But it did provide other opportunities."[634] But even if his family had indeed been better off, even if those new opportunities had been a positive motivating force within their lives, the fact of their force removal left an unmistakable impression on Felipe: that is, that he and his family and their community were disposable to the needs of the state. "In my case," he explained, "it [displacement] was just another stage in your life where that's when you were a kid and now you are getting into adulthood and you are going to have to deal with it now." The Chamizal Treaty "was part of growing up," concurred Manuel Castañeda explained. "The future came sooner than I expected," explained Angie Nuñez. "And we had to move on. So, we didn't talk about it. You didn't say anything about it. It was complete silence."

In the months leading up to displacement, a strange quietness took hold of the Chamizal barrios: a silence associated with the pain and fury of losing your home and having no recourse to defend. Anger turned to shame. Defiance to obedience. What had once what caused fathers to shout out hypotheticals about what they would do when the government arrived for them, became the unspeakable. It was as if there was no language for what was to come, what was already coming,

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633 Ana Parra, "Interview No. 843" by Consuelo Pequño, *Institute of Oral History*, University of Texas at El Paso, 1994.

634 Felipe Peralta, in conversation with the author, 2019.

what had already arrived. No one spoke of their ensuing departure. No one spoke of their exhaustion and grief sifting through their belongings and deciding what they would take with them and what they would leave behind. They said nothing of the changes happening all around them: that employees of the International Water and Boundary Commission began assembling a line of white flags through their barrios, cutting across property lines and streets to demarcate what would soon be the new streamlined boundary between the U.S. and Mexico.[635] They said nothing when local businessmen who toured their neighborhoods and the proposed boundary line with IWBC officials as their guides. And they said nothing when yellow tape was strung around the evacuated homes of their neighbors or when a security fence was built around the barrio in preparation for bulldozing. "Everything was hush, hush," recalled Peralta as a man in his seventites. Without language to name what was happening all around them, there was a gaping silence. And in the silence was the pain, destruction, and shame. "I would have liked to see us get together, even just for a party," Peralta said when asked what he wished they could have done different. "To say, 'okay, ya nos vamos a ir," he continued, "give us your address in case you know where you're going."' But there was none of this, he said. No exchange of information. No goodbye. Instead, residents were given a due date and told to be gone. "I remember saying, 'I'll call you,"' Nuñez recalled. "And that was that."[636]

No one knows who was the first to leave, although one of the earliest references is a July 22, 1965 an article that reported 250 Chamizal residents had already moved into new homes.[637] Today,

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[635] Marshall Hail, "Boundary Chief Lifts Chamizal," *El Paso Herald-Post*, October 26, 1966.

[636] Nuñez, in conversation with the author, 2018.

[637] "Chamizal 'Displaced Persons' Think Compensation Inadequate," *The Amarillo Globe-Times*, July 22, 1965.

Section B
Thursday, July 15, 1965 Page B-1

El Paso Herald-Post

Editorial
Women's News

250 El Pasoans Sell Homes, Move Out

Families Leave Chamizal; Some Happy, Some Sad

U.S. PAID Joaquin Isaac $4000 for his old Chamizal property at 3429 Delta drive, left. He stands in front of his new home at 186 Polo Inn road, right, which he purchased for $4750 and is "muy contento."

JOSE GONZALEZ sold attractive residence at 3508 Laredo avenue, left, to U.S. for $8850. He bought duplex, right, and another small structure at 7202 North Loop road for $9000. He lives in one unit and rents the other.

GOVERNMENT BOUGHT house at 4016 Tucson court, left, from Mr. and Mrs. Miguel Luna for $8250. They then bought home at 328 Pecos street, right, for $7500. Mrs. Luna misses old friends in Chamizal.

By MARSHALL HAIL

"Adios, Chamizal."

Some say it with satisfaction, some with regret, and a few with tears.

So far 250 families, out of nearly 800 who live there, have sold their homes to the U.S. Government and have moved, or are preparing to move, to new homes in El Paso. When all families are out, the 630-acre strip of South El Paso will be transferred to Mexico in settlement of an ancient boundary dispute.

HOW FARE the uprooted Chamizalians?

The Herald-Post asked some of them.

Joaquin Isaac was offered $3050 for his little casita at 3429 Delta drive in Cordova Gardens. He asked extra compensation and was awarded $950 making a total of $4000. He bought a new place at 186 Polo Inn road, west of Ascarate Park, for $4750.

"I'm very happy about it," said Mr. Isaac, who works at the Phelps Dodge refinery. "I think they paid me enough for my old property. I have no complaints. I like my new place. My wife's folks, who also lived in Chamizal, bought a new place next door to ours."

OF THOSE INTERVIEWED, Mr. Isaac was the only one who thought he had been paid eniugh for his old house by the Government.

Mr. and Mrs. Miguel Luna lived at 4016 Tucson court in El Jardin addition. They got $8250 for their house. They bought another house, about the same size, at 328 Pecos street for $7500 in Parkdale east of Ascarate Park.

Mrs. Luna said she and her family, numbering 11, have accepted the situation because they knew they had to move, but were not fully satisfied. "We expected to get more money for our old house," she said.

"Our old house was brick and this one is cinder block. It's farther away from things and transportation costs more. I get homesick for the old place. I miss my friends. Our nearest friend now lives on Huerta street several blocks away."

JOSE GONZALEZ sold his old house at 3508 Laredo avenue to Uncle Sam for $8850, and bought a duplex apartment house at 7202 North Loop road for $9000. He and his wife live in one apartment and rent the other.

"I didn't get enough for my old house. But on the whole I'm satisfied. I run a service station at Tigua, and we now live a short distance from where I work. That's a big advantage.

"As for missing old friends," said Mr. Gonzalez wryly. "I didn't have many. You have friends only as long as you extend credit."

JAMES SEWELL, in charge of real estate operations in the acquisition program of the International Boundary and Water Commission, said, "I believe all of those who have moved from Chamizal have bettered themselves. They have better homes than they had before." His office assists Chamizal residents in finding and purchasing new homes.

Under the special law for the Chamizal project, property owners can file claims for extra compensation above the fair market value, if they feel they cannot find a comparable new home at the price offered by the Government. A board of examiners made up of local businessmen acts on these claims.

Most of those who have moved have found houses in the south part of town not too far from Chamizal. But others have scattered to the north and east sections of town.

One tendency among a few of the ex-Chamizal residents causes some concern. They have taken their Government money and splurged on new and better houses costing up to $15,000. With relatively low incomes, it's a question whether they can keep up their mortgage payments.

Figure 69: 1965 *El Paso Herald-Post* front page story, headlined, "Families Leave Chamizal; Some Happy, Some Sad" on relocation of Chamizal residents. Source: Southwest Vertical Files, El Paso Public Library.

Chamizal residents will tell you that the days leading up to their departure are a blur, a memory deliberately unfocused as a means of mitigating the duress of loss. As Rivera explained in 2018, it was easier to put these painful finals days behind her if she did not remember. When the Castañeda siblings tried, in 2017, to remember their last day on South Oregon Street, they each recalled their mother. She had been totally distraught, they explained, because she couldn't take the red iron wrought that adorned their home. "She tried to salvage some of it," Lupe said of that day, "not somuch to get a profit out of it, but because our grandfather made them for her, for us."[638] But the house had already been sold as is to the government, and residents were forbidden from taking any structural elements. "She tried to take some of the iron rod down," Lupe explained, "but somebody

[638] Lupe Castañeda, in conversation with the author, 2017.

reported us to the authorities; so, she had to leave them behind." Like the iron wrought decorating the Castañeda house, so many mundane and precious things were left behind. The sidewalks speckled with half-filled boxes, suitcases, a wooden chair, and one family's cat and dog howling in hunger from the backyard. Their departure was as good as fire, and it would be years before they realized the full extent of their loss.

What had been left behind could not be fully accounted for; but when asked, Chamizal residents tried. "I was losing our Disneyland: our water, our river to go play in, places to play, the Peyton," Peralta began. "We were losing something very physical. Something very important in our lives."[639] More than his home and his community, more than the river and the fireflies, Peralta said the Chamizal Treaty had taken something even more precious: his childhood sweetheart. Her name had been Judy. She had lived three doors down from the Peralta household. "I thought I was gonna marry her," he explained. But everything was so cloaked in silence that he never even got the chance to find out where Judy and her family were relocating. "That's one of my biggest regrets," he concluded, "We didn't even say goodbye. Not even to the girl that I was gonna marry."

Delores Saldaña, who grew up in El Jardin, remembers this painful period of her family's life mostly through the image of her father because of how profound their displacement had changed him. She remembers still his anger when he learned both the family home and corner store, Veloz Grocery, would be taken from them. "Because my dad had been in the service, he wasn't afraid to stand up the gabachos," Delores explained about her father, who had served in World War II.[640] Saldaña remembers her father a brave man, someone who knew his rights and who was not afraid to announce them. But in the days and weeks after news of the Chamizal Treaty arrived to her family's home, something in her father changed: his anger faded and in its place a kind of hurt

[639] Peralta, 2019.

[640] Delores Saldaña, in conversation with the author, May 2019.

submissiveness consolidated. Suddenly, instead of insisting that they stay in their home and fight for their rights, he began to argue it would be good for his family to leave El Jardin. Perhaps, she remembers him saying, it would be good to leave the barrio—especially now that Saldaña's brother, Tony, had developed a strong Chicano accent. Their father hated his son's accent and had scolded him repeatedly for having it, arguing that it would never do him any good. "You can't have that," Saldaña recalls her father saying to her brother, "If you have an accent it identifies you." But even if her father blamed el barrio for Tony's accent, it was hard to reconcile her father's sudden change in perspective regarding their forced departure. It just didn't seem right that he began to encourage their leaving and to do so so willingly surprised her. Saldaña wouldn't make full sense of her father's changed behavior until years later when she became a mother. Because, she explained, when it's your life and the lives of those you love, your convictions leave you. "You remember that you have a family, and that you can't really be all that brave after all," she said.

Years later his family's removal from Rio Linda, J. Manuel Bañales wrote an article for *El Poder de la Luz* in 1975 about the consequences of this displacement.[641] Headlined, "We remember—El Barrio," Bañales argued that "in the barrio, there was warmth, there was belonging, there was a sense of family. One felt a deep attachment to it regardless of the conditions under which he may have lived. Leaving was almost next to impossible, as it was for us, and under extenuating circumstances."[642] Indeed, as each household left, the world around them seemed to shrink and grow hollow. "So hollow," Trillo remembered of those final days, "the footsteps, the noises, you heard echoes, like there was a nothingness, like they erased everything" except the abandoned dog howling for its owner.[643] In truth, everybody left things in the rush of moving. Some things simply

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641 J. Manuel Bañales, "We remember—El Barrio," *El Poder de la Luz* 1.1 (1975): 11.

642 Ibd.

643 Trillo, 2016.

had to left behind. Other things were left knowingly—some by mistake like the suitcase full of family photographs that Trillo said her aunt had carried with her from house to house all her life. But there on 12th Street, Trillo's aunt he had forgotten the suitcase in the din of their departure.

While silence may color these memories of leaving, in truth, their departures were anything but quiet. Trillo remembers, for instance, she and her siblings walking past their father, who stood in the archway of the front door calling out to their mother who was still inside sweeping the floor of their empty house. "¡Andale!" Manuel shouted, "¡Ya ciera esa puerta! ¡Nadie va!" *Hurry. Shut the door. No one is coming.* And her mother, still sweeping, replied: "Ay, no quiero que diga que eramos cochinos."[644] Even in their leaving, racism permeated their worlds: it told them that only place for a grandfather's painstaking ironwork was in the path a bulldozer; and it told them no matter how much they swept the floor, they could not escape racist perceptions of South El Paso's filth.

Homing

While leaving was painful, for other Chamizal residents it was returning to the southside that was impossible to reconcile. When Manuel Castañeda, who had been in combat in Vietnman during all these years, was finally sent home to El Paso, his family had told him to come to Sunset Heights where the family had relocated. But when finally set foot back in El Chuco, he went straight to Segundo Barrio and walked toward the river on South Oregon Street as he had since he was a boy. "But when I got home, I came to a place that is real quiet: the barrio was not there," Castañeda explained, struggling to find the words to name the loss of his neighborhood and family home. "My father had built our house with his own hands," he found himself repeating, only to add, "*That* was

[644] Trillo, 2016.

what hurt."[645] Ricardo Sanchez had also been away from El Paso during settlement years, serving time for armed robbery in California's Soledad Prison. When he was released in 1969, he made his way came back to El Paso sometime in 1970 he found his family's Cordova Gardens home on Oak Avenue in pieces.[646] As it turned out, the state of Mexico had invited Jaurenses to purchase parts of condemned Chamizal properties like the Sanchez home, including doors and their frames, windows and their sills, and fences or iron rods.[647] Juarenes therefore salvaged what they could from these homes and added them to their own elsewhere in Cd. Juárez. When Sanchez arrived to what had once been his family home, only the doorframe to his mother's kitchen stood in its place. He watched from afar that day as Juarenses searched through the rubble of what had once been Barrio del Diablo for still useful things. He watched, he later recounted in a 1971 poem titled "Homing," "through tears of recollection/a barrio dead, gone into time's shards."[648] He watched "them take that still remaining doorframe/from what used to the be the doorway to our kitchen/but my soul/and severed forever/my linkage to my barrio." And fury filled him, a "bloody anger coursing their my veins," giving shape to the poem's lament "that barrios must make way for progress." This anger and its attendant pain is what colors this poem's refrain "homing" and the language Sanchez's uses to describe "being home again to el paso, but no longer to my barrio:"

> homing as i see skeletal remains
> of that home that saw me grow
> at 3920 Oak, later Avenida de las Americas,
> now just a dead hulk
> where only voices of the past

645 Manuel Castañeda, in conversation wih the author, 2017.

646 Sanchez, "Homing," 158-163.

647 In some cases, however, condemned Chamizal homes were not picked apart and taken in pieces to other homes in Cd. Juárez but were sold to Juarenses intact. In fact, some home were were sold as is and delivered on trailers elsewhere in Cd. Juárez. See: Juárez, *Chamizal*, 126.

648 Sanchez, "Homing," 158-163.

can find refuge
if you listen closely—and carnal,
I think even la Llorona
used to live in el diablo
over by the algodonales del ayer
there by the river as it cuts/flows
through sand and cactus
when we used to slip over or under the fence
surrounding Isla de Cordova, thank chunk of land
that Mexico used to own, now traded in
as part of the chamizal pact[649]

There, along "the crumbling ruins of el Diablo," the past became a living thing for Sanchez: the home his father built on Oak Avenue in 1945 when Sanchez was four-years-old; the cinderblock fences where his older brothers Sefy and Pete played their guitars and sang into the evening with a box of Mitchell's Beer at arm's length; the watermelons and cantaloups growing in Cordova Island; on the other side of the sagging fence that Diablo boys slipped though at night to drink and dance.

Chamizal Hauntings

The Chamizal Treaty may not have started out as an urban renewal initiative, nor was it ever legally legible as one; but it certainly looked and functioned as one—and these realities were not lost of those who were paying attention. In his 1970 sociological report on the Chamizal Relocation Project and residents' adjustment to relocation, retired University of Texas at El Paso professor and sociologist Elwyn R. Stoddard gestured to the Chamizal Treaty's underlying urban renewal logics. He did so in the study's first sentence: "Mass housing relocation is a by-product of urban renewal, highway construction, model cities, public housing or slum clearance."[650] This is a telling

[649] Sanchez, "Homing," 158-163.

[650] Ellwyn R. Stoddard, "The Adjustment of Mexican American Barrio Families to Forced Housing Relocation," *Social Science Quarterly* 53.4 (1973): 749.

introductory sentence, especially for a scholar whose discipline does not tolerate such subjective suggestions. But Stoddard saw how Chamizal residents were struggling post-relocation, and he tried to understand and contextualize these struggles within the language and methodology of sociology that was at his disposal. Drawing on a study group of 1,155 Chamizal residents and a sample of 40 homeowners and 40 renters who he personally interviewed, Stoddard's study asked questions about dislocation that were unusual for his discipline: *What if we were to focus on that which has not been attended to when studying housing relocation? That is, what if we were study "the images, evaluations, and fears of the people relocated"?*[651] *And if we do so,* he asked, *does the literature on relocation and its "objectively-contrived variables" hold true?* Ultimately, Stoddard found that interviews with Chamizal residents largely aligned with these objectively contrived variables. As the sociological literature had predicted, racial/ethnic considerations and class differences as well as the spatial distance to community facilities (schools, churches, etc.) were crucial to relocation adjustment. The literature had also predicted that displaced peoples who found themselves farther away from their places of work and without a vehicle to get there would eventually acquire new financial pressures, including needing to buy a car, and this was not always associated with successful relocation. This proved true for Chamizal residents as well.

But Stoddard also found what the literature had not predicted. For instance, residents' repeatedly described the consequences of having lost their "mini neighborhood" or Stoddard defined as "a fealty network of 5-7 families locked together in a highly integrated network of reciprocal visiting patterns."[652] Stoddard found that the consequences of this loss were so significant to the well-being of Chamizal residents that in the study's findings section, he recommended that future relocation efforts should first identify these "mini-neighborhood cliques," classifying them as

[651] Stoddard, "The Adjustment of Mexican American Barrio Families," 751.

[652] Stoddard, "The Adjustment of Mexican American Barrio Families," 758.

a distinct and valuable social structure, and ultimately relocate them as a single unit. "Of major concern to [Chamizal residents] was the preservation of those social relationship which existed in the barrio," he wrote.[653] Though Stoddard notes that there were "successful" cases of relocation, he also insisted that forced relocation had scattered families and communities and fragmented their kinships and complex networks of connection and support. Relocated individuals, he found, often became depressed and isolated and suffered psychological hardships. "Mass migration was further complicated by cultural and language differences," Stoddard explains, "in addition to ethnic and social class variations." Ultimately, he argued, "Those residing within the disputed territory were abruptly uprooted and forcibly relocated, a traumatic episode for them which greatly altered the normal routine of their lives."[654]

When Peter Ramos speaks of the Chamizal Dispute and his formative years in Rio Linda, he repeatedly describes his mother: Carmela sitting on that front porch beside the weeping willow, waving to the neighborhood women who passed by, calling them over with a gesture of her hand, the lot of them sitting there for what seemed to him like hours. His mother was happy then. But then, this suddenly and abruptly stopped. His father accepted the federal government's offer of $13,000 for their home on East 12th Street, and on August 26, 1965 the title transfer was complete.[655] It wasn't long until they moved into their new home in Cielo Vista Park, a neighborhood north Paisano Boulevard and the I-10 Highway—two crucial markers of race and class in El Paso. But because most Cielo Vista Park residents in the 1960s did not speak Spanish, and because Carmela did not speak English, Carmela

653 Stoddard, "The Adjustment of Mexican American Barrio Families," 759.

654 Stoddard, "The Role of Social Factors in the Successful Adjustment of Mexican-American Families to Forced Housing Location," iv.

655 The State of Texas County of El Paso, "Warranty Deed" (El Paso, 1965), Book 0087, Page 0304.

spent her afternoons sitting alone on her new porch. [656] If she complained about this solitude to her husband and son, Peter doesn't recall. But she continued as she always had done. Even if she was alone, even if there were no neighbors to pass the afternoon with, or to wave to or exchange pleasantries as they went on their way to the corner store, Carmela continued sitting on her new porch—there was only so much she was willing to concede to the northside. But there was no denying she was a different woman than she had been in Rio Linda. Something had shifted in her. Two months after leaving Rio Linda, on a Sunday in November of 1965, Carmela passed away.[657] She was 53 years old. Her obituary revealingly named her residence as 1413 E. 12th Street in Rio Linda, thereby declaring the persistent presence of this place despite its demolition. "That still sticks with me," said Ramos as a 78-year-old man. "Would my mom have lived a little bit longer if we had stayed in the Chamizal?"[658]

The same year of Carmela's passing, El Paso was awarded a $150,766 federal grant to conduct a study on the impact of the Chamizal Treaty.[659] Six general areas were evaluated: tourism and trade potential, retail and commercial concerns, office inventory, industrial and wholesaling development, residential housing, and the Chamizal relocation program. A series of recommendations and conclusions would be made regarding these six areas of interest, though the report said very little of the displaced. While "Chamizal area families were displaying a strong preference to relocate near their former places of residence," the report read, a five percent vacancy rate in El Paso "permitted the relocation program to move forward successfully." Whoever it was that conducted this study, they didn't pretend to care about the families and individuals displaced by the Chamizal Treaty. No one expected them to.

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[656] Ramos, 2016.

[657] "Ramos," *El Paso Times*, November 23, 1965.

[658] Ramos, 2016.

[659] Marquez, *Power and Politics in a Chicano Barrio*, 93-94.

Many of those who were displaced by the Chamizal Treaty never really spoke of it again—neither amongst themselves nor to their children, who were left to make sense of their displacement on their own terms. And years later, when grandchildren were born, no one sat them down to tell them about their bygone homes in El Chamizal, why they left and how, and the repercussions of their forced departure. They had no desire to relive what they left, much less what had been taken from them, what had been cleared from the landscape itself, and how this new geography along the U.S.-Mexico betrayed their lived experiences. They saw no point in explaining the materiality of these erasures—that erasure is not a metaphor just as it is always an incomplete thing, the object of elimination persistently emerging from under supposed wholly obliteration. No one wanted to admit the effects of this loss and its enduring presence. But most of all they did not want to explain their silence—why silence had seemed the only thing that might protect them from remembering. When asked about the Chamizal Treaty, some spoke of the many ways the meandering Rio Grande shaped the city of El Paso, but they rarely went so far to speak of the river's hand in their own lives. Others explained that they never told the story of their displacement because they had been waiting for their children and later their grandchildren to ask, *what is El Chamizal?* But by this point in time, with the river canalized, El Chamizal had lost much of its storied significance and therefore no one knew to ask. In the aftermath of their displacement, others promised themselves they would never to go to the Chamizal National Memorial, and they never did. Others, like Peralta, committed to attending events at the memorial only to announce their presence and challenge the comfortable story that the Chamizal Treaty had been a great success. "We lost something very physical," Peralta explained. "Something very important in our lives." And though they worked through this loss with silence, "it

didn't help any," Nunez argued, "because El Chamizal is still there and we're talking about it now; it was not erased."[660]

"A Borderlands Beacon"

The Chamizal Zone was officially ceded to and became incorporated into the Republic of Mexico on October 28, 1967. Today remnants the natural Río Grande riverbed—now south of the boundary—permeate east Cd. Juárez. Initially, Mexican urban planners proposed converting the dry riverbed into a paved boulevard—although these plans would not come to fruition. [661] Instead, today portions of the riverbed are used as parking lots and unofficial dumping sites. Adjacent to this riverbed is Parque Chamizal, a public park made up of the 630-acres returned to Mexico as El Chamizal. At the park's 1967 grand opening, Presidents Johnson and Gustavo Díaz Ordaz planted a "friendship tree" to commemorate the settlement and their making of a submissive, legible terrain in service of both country's needs.[662]

On the northern side of the border, directly across from Parque Chamizal, is the Chamizal National Memorial, which provides a flattened historical narrative that commemorates the Chamizal Treaty as an example of friendship, goodwill, and progress between the United States and Mexico.[663] Opened in 1973 as a national park to honor the Chamizal Treaty, "wild rivers and reasonable men,"

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[660] Nuñez, in conversation with the author, 2018.

[661] "Cd. Juárez Links Chamizal in Future Plans," *El Paso Herald-Post*, February 26, 1963.

[662] "'Friendship Tree' To Be Planted In Chamizal Rite," *El Paso Herald-Post*, October 27, 1967.

[663] I am referencing the Memorial visitor center exhibit as it was between 2016-2019. In July 2021, the Memorial opened a renovated visitor center to the public. While the renovated exhibit emphasizes narratives of friendship and goodwill between the United States and Mexico, it now includes a more meaningful acknowledgement of the displaced Chamizal residents as well as their experiences, perspectives, and voices. The new exhibit also importantly includes perspectives from the Tigua/Ysleta del Sur Pueblo about the Río Grande.

the memorial is moreover founded on scripts of the frontier that tie indigeneity to a savage wilderness and whiteness to rationality.[664] Though the Chamizal residents are briefly mentioned, there is no mention of the residents' struggle and activism to receive fair property compensation; no mention of the government's dissemination of wrong or confusing information regarding residents' rights in settlement proceedings; no mention of the misleading Spanish translations some residents received during property sale negotiations; nor is there any reference to the widespread harassment residents received if they prolonged buyout negotiations or outright refused to accept the government's offer on their properties.[665] The Chamizal Memorial, then, is a place where we can both "see" and "site" who has been removed according to settler logics that reproduce the inevitability of subaltern placelessness and erasure while securing white settler innocence, dominance, and emplacement.

These narratives remind us that stories of colonial conquest that consistently reframe subaltern displacement as "progress" require not only a great deal of labor to maintain, but also ongoing modes of erasure. In his 2012 article "Chamizal Blues," historian Jefferey M. Schulze perpetuates these codified and entwined stories of erasure and progress when he argues that Chamizal residents benefited from their forced relocation because they "had been ill-suited to life in the Chamizal in the first place and found in their new neighborhoods freedom from the informal, often 'stifling' lower-class norms within El Chamizal."[666] But perhaps most telling is when Schulze cites the testimony of Chamizal resident Juventino Felipe Orozco, who emotionally describes the evacuation of Cotton Mill and the hyper police presence and control of movement in and out of this barrio. "They would

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[664] Rohter, "A Liquid Border," 1987.

[665] White, interview by Michelle L. Gomilla, 1994; "Chamizal Homeowners Groups To Go To Capital," *El Paso Times*, August 12, 1965.

[666] Schulze, "The Chamizal Blues," 318.

stop you," Orozco recounted of the police, "and we would have to prove all the time that we lived there."[667] "There," Schulze summarizes Orozco's testimony, "was the Chamizal, and the Chamizal was no more." When Schulze suggests that *the Chamizal was no more,* he replicates national coverage that emphasized that the Chamizal barrios and the unruly Río Grande were "no longer detectable."[668] In doing so, he inescapably reaffirms contemporary settler colonial sensibilities that insist subaltern and otherwise geographies can be utterly obliterated without trace or consequence.

Chamizal residents, however, disagree. They argue that consequences persist, that traces remain, and that efforts to silence the Chamizal story have failed. "I don't think the silence helped any because El Chamizal is still there," Nuñez explained as a woman of 69 years from her El Paso home. "We're still talking about it now. It was not erased."[669] To those displaced, the Chamizal story is not a historical event; it is an unfinished story and the failed endeavor of settler colonial processes to wholly erase El Chamizal's unruly terrain of struggle.

Conclusion

While the Chamizal story is a distinct history with discrete teachings, it is not exceptional. For one, it is a story like so many that illuminate how minoritized people made dignified places for themselves where they were not supposed to turn out well. It is the familiar story of the deliberate but incomplete destruction of these dignified places and the devasting consequences of forced displacement. Perhaps more importantly, however, is how the Chamizal story also illuminates how minoritized peoples worked together to not only challenge the terms of their force removal by

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[667] Ibd, 319.

[668] "Suburb Moving," *Los Angeles Times.*

[669] Nuñez, in conversation with the author, 2018.

demanding a seat at the negotiation table, but also how they forced the state to recognize (at least in part) their communities as valuable places dense with history and meaning—and worth defending. "If it hadn't been for a lot of people like me who got up and got into the shuffle, everything would have been different," Escajeda explained to me as a 101-year-old woman from her home in Northeast El Paso:

> Because we were fighting for our homes That's what we had: our homes. And they were sold to us when they used to call that 'Chamizal.' But it was Texas. It wasn't Mexico. It wasn't the Juarez. But Juarez was claiming it. So we had to fight. Nos ha pagado por nuestra tierra. We had paid for the land. Ya ha hecho una casa alli. Mis hermanos hicierons casas alli. Todos hicieron casas alli. Ya estaba lista para merterme. I had to tell them that they had to face the facts: that at our age we were getting into those kind of passages of our life where we belong, and they cannot keep us out! Because that's destiny. That's part of growing. Part of getting yourself to where you belong. And this Chamizal was a place…a blessing in our life were where belonged. Because you see…we built…I say built because we did build the houses there. I would get up on the roof and put the roofing paper and everything. Like everybody else. I was working for a home. And then they come and want to take it away. So we could not let that go by even though we are Mexican.[670]

Through their women-led barrio activism, Escajeda and her neighbors announced to El Paso and the U.S. federal government that they would not go passively—and that they would continue to build worlds worth defending. In this way, the Chamizal story is also a painful story of how minoritized peoples have endured uneven development in ways that both shape their senses of place and belonging without letting these injustices wholly define them. "Perhaps this resilience to the traumatic effects of being dislocated and dismembered as community is a testimony to the determination of the people of Río Linda," Maria Eugnia Trillo suggested in a 2020 essay she wrote on the Chamizal Dispute.[671] "Perhaps," she continued, "it was the fact that prior to being dislocated we did thrive as an extended family unit."

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[670] Elvira Villa Escajeda, in conversation with the author, November 2021.

[671] Maria Eugenia Trillo, "Río Linda…a community of the Chamizal—forever," *El Paso News*, September 12, 2020: https://elpasonews.org/2020/09/12/rio-lindaa-community-of-the-chamizal-forever/amp/

This history is also an instructive story where the efforts of those who struggled to assert durable scripts against this destruction did not outright fail; but the Chamizal Civic Association's strategy was also constrained by participatory possessive logics and scripts of colonial recognition that have always been tied to the exclusion of and contempt for non-white peoples. It was a strategy that both refused and inescapably reinscribed white possession. The Chamizal story, then, is entwined with unruly, strategic, meaningful, and sometimes conflicting languages, acts, expressions, and experiences that remind us, as Tiffany Lethabo King has argued, the "endeavor to survive under conditions of conquest is never clean."[672] I call attention to these underlying implications not simply to demonstrate the impossible location of racialized non-white subjects in a white settler colonial imaginary, or how living under conditions of conquest "our conversations are almost never structured outside logics of white supremacist thinking."[673] Rather, I do so to situate the Association's strategy alongside the pedagogies of the Río Grande and therefore emphasize how their pairing clarifies the transformative potential of *turning away* from white possessive logics that do not—and cannot—transform the conceptual underpinnings of white settler colonialism.

The Río Grande intervened in the geographic knowability of multiple and supposedly secure white settler colonialities by disrupting and haunting settler colonial borders, multiple constructs of property and settler emplacement, racial capitalism, exclusionary citizenship, and white possessive logics more broadly. In turning away from these differential and shared colonial projects, the river *turns toward* an otherwise geography: unruly spaces other than what we may know, reference, or expect, but which are already present and underwritten by the river's pedagogic, haunting, decolonial

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[672] Tiffany Lethabo King, *The Black Shoals: Offshore Formation of Black and Native Studies*, (Durham and London: Duke University Press, 2019), xi.

[673] Eve Tuck, "A Conversation Between Eve Tuck and Rinaldo Walcott," *The Henceforward*, podcast audio, May 17, 2017.

endeavor (not merely resistance) to denaturalize settler spatialities. The Chamizal story, in other words, is a haunted story wherein the river's pedagogy is critical to larger decolonizing processes because it illuminates "there already exists a terrain through which different stories and geographic knowledges can be and are told."[674] Land *is* an instructive source of insight; and this story's unruly geography of scars encourages us to fight for the clarity that we already have the capacity and power to change the cartographic rules of settler colonialism and that an otherwise present does not mean participation in or full integration into the settler nation-state. Rather, it entails committing to a pedagogy of refusal that turns away from settler sovereignty and the lure of colonial recognition.

Perhaps, then, this river's unruliness—its refusal to stop—is why several years after Ramos' displacement, he unexpectedly found himself in Parque Chamizal standing beside his mother's weeping willow:

> I used to hangout in Juárez quite a bit…and I remember one time just out of curiosity they had a road...they called it the Malecón back in those days...and we drove down there. I was with some friends of mine and....I said..."You know I think we're about the area where I used to live." And then I saw that there was a park. It was called Parque Chamizal. So, we went in and I spent quite a bit of time wandering up and down. And I got to the point where I could…you know..."This is where my house used to be." That weeping willow was still there.[675]

Ramos being pulled to his mother's tree is a haunting land-body tethered-ness; it reminds us violence inflicted on land is often directly connected to the body (and vice versa) and that displacement is directly experienced as both spatial and corporeal.[676] To be sure, it is a land-body tethered-ness where the seemingly unintelligible or supposedly erased (El Chamizal, Carmela's weeping willow, the Chamizal barrios, the unruly Río Grande, phantom limbs, scarred landscapes,

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[674] McKittrick, *Demonic Grounds,* x.

[675] Ramos, in conversation with the author, 2016.

[676] "Violence on the Land, Violence on our Bodies: Building an Indigenous Response to Environmental Violence (Native Youth Sexual Health Network and Women's Earth Alliance, 2016), 1-44.

and this region's unjust past) intervenes in the world's knowability by producing space—el Chamizal—other than what we may know, reference, or expect in the present. And *this* is the thing: Ramos being pulled to El Chamizal is this land's haunting politic demanding we *turn toward* its unruly, scarred site of memory that teaches what it has always offered: that colonial spatialities are neither natural, permanent, complete, or without consequence; that space is malleable and perpetually unfinished; and that different spatialities to white settler colonialism are not only possible, but they already exist.

THE WILLOW

for Peter and Carmela Ramos

Somewhere along the Juárez road,
Javier Solís played on the car radio
& Peter thought of his mother
who had sometimes joked that he was so damn tall
he could shake down the stars in El Paso
& give some to Juarez.
Peter laughed to himself & slowly
the road became Calle Malecón
& dusk an old night,
the language of which begins in the wind:

His mother planting a weeping willow
in what used to be the yard of their Rio Linda home.
Her words: *you will grow here.*
Her hands two full fronds
against this wind's silhouette,
its shadow & nothing more
arriving softly, now, from across the river.
Peter laughed again as he slowed the car
& wondered if the bolero was the best thing to ever happen to music.
And there, in this landscape of longing,
along what is left of el río bravo,
demolished homes & banks of the tallest tule
only Peter remembers,
Peter dressed himself in this old night
& ran through the streets of Rio Linda again,
across the train tracks, past Los Alamos
Grocery store, his body a river
meandering through the moonlight
swinging open,
a blue screen door
between this life & another,
this Chamizal & his mother's voice
unfolding across his face.

And only then,
as he arrived to that old willow
veiled with the life of bright & small things,
only till he reached for them & cupped
this other light in night of his hands,
did he know there is no mistaking home. It is home.

CONCLUSION

Remembering El Chamizal: Reckoning with the Afterlives of the Chamizal Treaty

They placed the final glass panel of the mural crowning the new Chamizal Community Center in El Paso's Barrio Chamizal on December 21. As night fell over the building, they flipped a switch and illuminated the 1,720 square feet of glass that make up the mural installation, *Blurred Boundaries,* depicting images of the century-long Chamizal land dispute and the 1964 treaty for which Barrio Chamizal in South Central El Paso derives its name. The glowing installation is based on a mural by local artist Jesus "Cimi" Alvarado and was commissioned by the City of El Paso as part of the 2012 Quality of Life bond program to represent the history of Barrio Chamizal—a community that is more than 97 percent Hispanic and whose story and struggles are entrenched in the Chamizal Dispute.[677] "The artwork highlights the rich history of the Chamizal neighborhood," explains the El Paso Museum and Cultural Affairs Department Instagram that features a photo of this glowing mural, "including as the setting for resolution of US-Mexico disputes during the last century during the Kennedy and Johnson administrations."

After seven years of researching this landmark dispute, however, I can't help but look at *Blurred Boundaries* and see the same dominant narrative about the Chamizal Dispute that was established more than 50 years ago. This dominant narrative—like all official stories and state-sponsored myths—is a version of this history that not only centers the faces and the words of white men and politicians, but which also insists no loose ends were left behind in the settling of this conflict. Yet, as is often the case with government actions of this magnitude, the official story

[677] Martha Pskowski, "'Neighborhood is treated is a dumping ground,'" *El Paso Times*, January 30, 2022.

Figure 70: "Blurred Boundaries" by the El Paso artist Jesus "Cimi" Alvarado is the public art component for the City of El Paso's Chamizal Community Center.
Source: City of El Paso Public Art Program.

branded in the history books is nothing more than a carefully constructed narrative that hinges on the erasure, omission, and exploitation of minoritized peoples, their communities, and places.

Unintentional as it may be, *Blurred Boundaries* is a reflection of this narrative that not only diminishes the political significance of the ever-shifting Río Grande that caused these blurred boundaries to begin with, but which also elides the still open wound of forcibly streamlining the Río Grande "in its proper place," of displacing 5,600 residents from their homes, and the Chamizal Treaty's lasting, haunting consequences of drastically reconfiguring the urban landscape to meet the needs of the capitalist state.

Instead, at the center of the mural are images of the original boundary monuments through the Río Grande, which represent the making of the US-Mexico border after the 1848 Treaty of Guadalupe Hidalgo. Featured prominently is President John F. Kennedy, who initiated the historic 1964 Chamizal Treaty that returned land to Mexico for the first and only time in US history by redrawing the boundary between El Paso and Cd. Juárez and fixing the Río Grande through a concrete canal along this redrawn border. Next to Kennedy, images of his successor President Lyndon B. Johnson and then Mexican President Adolfo Lopez-Mateos shake hands after their signing of this treaty.

If you look closely, tucked behind Johnson is a *Mujer Obrera* rally against NAFTA, along with just barely discernable images along the mural's upper margins of seamstresses who worked in Barrio Chamizal's Levi Factory where the Chamizal Community Center stands today. The once prolific "Chamizo," a yellow flowered saltbush that is the namesake for the contested tract of land known as *El Chamizal*, adorns the mural throughout.

Missing from the mural, however, are prominent Chamizal women and activist leaders like Elvira Villa Escajeda, who challenged the Chamizal Treaty by organizing the Chamizal Civic Association and combat the terms of their displacement, and the Chicana mothers and women of Barrio Chamizal who are currently organizing against uneven development and environmental racism in their borough that are directly connected to the Chamizal Treaty and its uneven urban planning consequences.

In my talks with the muralist in preparation for this piece, Alvarado expressed his frustration about how research on Escajeda and the residents impacted by the treaty is largely unavailable, incomprehensive, or inaccessible—three factors that made his conceptualization of *Blurred Boundaries* challenging and which, he suggested, led to the omission of the stories most necessary to

unsettling the dominant narrative. "It was really hard to get help here, to know more of the stories because it's not documented," he told me by phone.

I am sensitive to Alvarado's frustration about the challenges and pitfalls of working within a historical record that largely reflects a dominant narrative because I know firsthand what it means to work within—and against—this one. As someone who has spent last seven years studying this history, and I can tell you this official story is overwhelmingly prolific. I can tell you that if you aren't deliberately, painstakingly looking for another Chamizal story—a different perspective on this conflict—you likely won't find it. I can tell you that the burial and denial of this other story from the historical record is so profound, so far-reaching that would be unusual for any representation of this history to be anything lesser than its official rendition.

It's precisely because this story is so far-reaching that I met with Alvarado in February 2018 to show him images of Escajeda and advocate for the inclusion of the Chamizal Civic Association in his mural. Even so, he neglected to include her in his initial mockup of the mural that was later approved by committee. "Erasing her story was not my intention," he explained, "[But] there was no follow through on my part on that…We do need these stories…I actually do feel bad that we missed that story."

It's important to remember that *Blurred Boundaries* is not the source of this erasure. If anything, it succeeds at accurately portraying a dominant narrative and historical record that insists Escajeda and Chamizal women like her are minor characters in this history. But this is far from the truth.

Because of Escajeda's activism, residents received fair-market value for their properties rather than the federal government's initial tax value offer. She was later awarded a medal by President Johnson and a special commendation from President López Mateos for her involvement in helping to settle the treaty more equitably. But like the 1954 displacement of residents from

Chavez Ravine in Los Angeles, the Chamizal treaty's displacement of 5,600 residents through eminent domain nevertheless had longstanding consequences that continue to shape (and haunt) power and racial relations in El Paso.

With the removal of Chamizal residents, the stage was set for reshaping South El Paso's urban blueprint in ways that would usher in the uneven development that Barrio Chamizal contends with today. One of the urban planning initiatives tied to the settlement was the Cesar Chavez Border Highway. Today it is known by locals as the "Chamizal Freeway" and runs directly through where some of the Chamizal barrios once stood and to the south of Barrio Chamizal. Additionally, The Bridge of the Americas (otherwise known as Cordova Bridge or the Free Bridge) that was built in 1967 was also passed as part of the Chamizal Treaty. As international trade through El Paso grew during the later half of the 20th century, I-10, Route-54, and the I-10 connector gradually encroached and surrounded El Paso's southside. From 1965 to 1975, as thousands were displaced to clear the land returned to Mexico as El Chamizal and as thousands more were displaced from their homes to make way for the Border Highway, the population went from more than 25,000 to about 8,000.[678]

Two years before the Border Highway's completion, a local county judge predicted the prevalence of today's uneven development in South El Paso when he emphasized to a Senate Special Committee on Aging that the post-Chamizal Treaty landscape would present a crucial opportunity for the federal government to implement housing for elderly Mexican Americans.[679] In this hearing, County Judge Colbert Coldwell pleaded to the Texas Senator Ralph Yarborough to

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[678] James W. Lamare, "An Evaluation of the Tenement Eradication Program of the City of El Paso, (El Paso, TX: Department of Planning and Research, December 1974)," Chicano Vertical Files, C.L. Sonnischen Special Collections, The University of Texas at El Paso Library.

[679] "Availability and Usefulness of Federal Programs and Services to Elderly Mexican-Americans," *Hearing before the Special Committee on Aging United States Senate 19th Congress Second Session*, 112-113.

Figure 66: Pamphlet on Familas Unidas activism against environmental racism in Barrio Chamizal. Source: Familias Unidas del Chamizal

secure affordable housing for South El Paso's Mexican American elderly community within the 193-acres of Cordova Island that would soon be transferred to El Paso. "South El Paso, where many, many of our elderly Mexican-Americans lives, is turning into a manufacturing area," Coldwell explained before suggesting, "it would be a shame if we had factories around the [Chamizal National Memorial]" given this area was close to both private and county hospitals, as well as state and county welfare centers. Yarborough agreed to follow-up on Coldwell's suggestion, though commercial zoning and the scarcity of affordable housing in this area of South El Paso persisted.

The Chamizal treaty therefore falls within an established tradition in El Paso of displacing minority people in favor of more "productive" infrastructures, the costs of which are: the dismantling of networks of support, decreased political power due to population loss, and the dispossession of assets and wealth, however modest, that leads to further marginalization and uneven development.

Some of these vicissitudes are currently being confronted by a new generation of Chamizal residents in a new Barrio Chamizal and their neighborhood association, Familias Unidas del Barrio Chamizal, also led by women. These southside residents refer to their neighborhood as "Barrio Chamizal" not only because of their proximity to the Chamizal National Memorial, but moreover because they insist that the ongoing commercial zoning, industrialization, and depopulation of South Central El Paso are the ongoing consequences of the Chamizal Treaty's underlying urban renewal initiatives. Just like the Chamizal families before them, they too are being pushed out of their very own "Barrio Chamizal."

For more than a decade, the women and mothers leading Barrio Chamizal, a mostly Mexican immigrant and Mexican American working-class neighborhood, have argued that the uneven development that structures their barrio and their lives is the consequence of a coerced population loss and a longstanding pattern of structural neglect, abandonment, and indifference

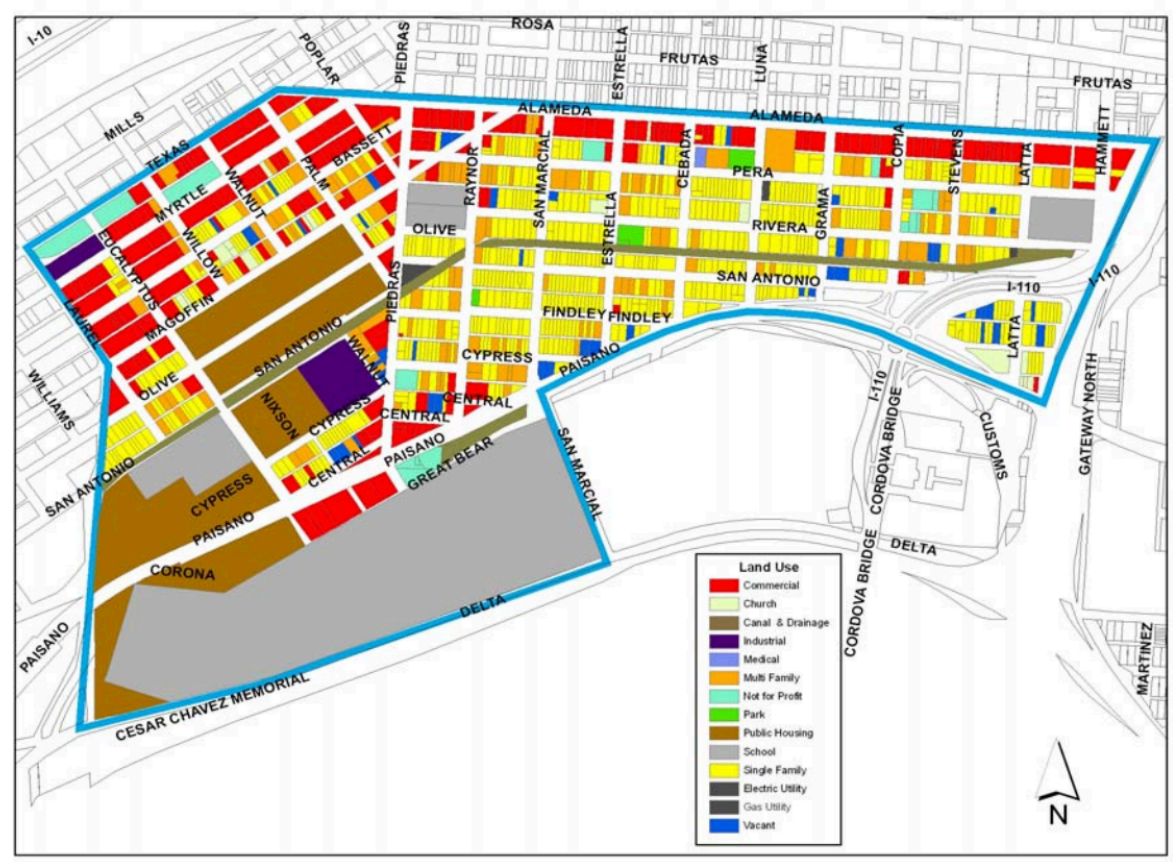

Figure 72: Map of Barrio Chamizal boundaries and zoning/land use.
Source: Chamizal Neighborhood Revitalization Strategy, City of El Paso.

toward South El Paso.[680] Indeed, like the Chamizal barrios before them, today Barrio Chamizal nestled between industrial zones and surrounded by factories and industrial waste. This includes a school bus depot, a recycling plant, and a railroad fueling station. "Our barrio was built to accommodate the needs of these factories and once NAFTA came in they were gone," Hilda Villegas, president of Familias Unidas, told me in 2016. "There was really never an intent by the city

[680] Neveena Sadasivam, "El Paso School Consolidation Exposes More Kids to Lead and Other Hazards, Parents Say," *Texas Observer*, February 13, 2019: https://www.texasobserver.org/el-paso-school-consolidation-exposes-more-kids-to-lead-and-other-hazards-parents-say/

to invest in the development of our communities [and] the highways that they are creating through our communities indicate that they do not want us here."

Familias Unidas has denounced this pattern of uneven development and have enacted their own pedagogies of refusal that emerge with and from El Chamizal's unruly terrain of struggle. "Familias Unidas was born to be able to provide the tools to the community to be able to at least organize itself and to be to defend itself," explained Villegas in 2019. "Under Familias Unidas we identified certain areas that we needed to address, that we needed to fight."[681] In the last five years alone, Familas Unidas condemned the city's recent establishment of a bus depot adjacent Bowie High School amid protests from residents that the area should be used in a way to serves the well-being of the local community.

They called out city proposals to close Beall Elementary School[682] and inaction on the part of the city toward documented issues of profound environmental racism. "Our neighborhood is treated like a dumping ground," Villegas told the *El Paso Times* in 2022.[683] Familias Unidas responded by organizing "toxic tours" to raise awareness about their disproportionate exposure to hazardous pollutants emitted by the South Central El Paso's industrial facilities and the hundreds of maquiladora semi-trucks driving through their neighborhood and local high school, Bowie High School, toward the international Cordova Bridge into Mexico.[684] Omitting ozone precursor, PM, and nitrogen dioxide, these diesel trucks lining up to cross Cordova Bridge are some of the worst

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681 Hilda Villegas, "Interview No.1683" by Yolanda Chávez Leyva, *Institute of Oral History*, University of Texas at El Paso, 2019.

682 Susie Aquilina, "Beto O'Rourke Built His Career on Driving Out Low-Income Mexican Communities," *Truthout*, August 28, 2019: https://truthout.org/articles/beto-orourke-built-his-career-on-driving-out-low-income-mexican-communities/

683 Martha Pskwski, "'Neighborhood is treated like a dumping ground," *El Paso Times*, January 30, 2022.

684 Familias Unidas del Chamizal, in conversation with the author, (2016).

offenders for air pollution in this region of the borderlands.[685] Recently, Familias Unidas successfully campaigned to have tucks re-routed away from Bowie High School. In the aftermath of this win—and to their dismay—the El Paso Independent School District built a bus depot and fueling station, known as the Delta Operations Center, next to Bowie. "Out of all places, they decided to put it in this community that's already been suffering greatly," Villegas told the *El Paso Times*.

The organization, however, has continued to insist that the City of El Paso break with this pattern of uneven development and instead invest in their neighborhood and livelihoods. This activism is why the Chamizal Community Center—complete with a gym, playground, bilingual library, and computer room—exists today in Barrio Chamizal. Currently, they are calling on the El Paso school district to convert their bus fleet to electric to reduce the fleet's environmental impact on their community. Like Elvira and Libby Patino, the women of Familias Unidas have defended their community members and demanded investment from the City of El Paso when no one expected them to. They do not take "no" for answer when it comes to securing services and basic amenities for her community.

The governments of the United States and Mexico may believe that the Chamizal Treaty finally ended the Chamizal Dispute by landscaping El Chamizal's troublesome terrain out of the U.S. nation. But this, too, is a dominant narrative meant to distract us from El Chamizal's persistent presence in the form of Barrio Chamizal. By naming themselves "Barrio Chamizal," these residents are not only situating themselves within the Chamizal Dispute's legacy of displacement, but they are showing us what settler colonialism's and racial capitalism's ongoing spatial project looks like on the ground—and how minoritized peoples have and continue to challenge these processes. Like the Chamizal residents of the 1960s, the activism of Barrio Chamizal illuminates that El Chamizal is not

[685] Martha Pskwski, "'Neighborhood is treated like a dumping ground," *El Paso Times*, January 30, 2022.

a reconciled conflict, but rather an unfinished, contested, and gendered site of struggle imbued with challenges and alternatives to the status quo.

None of this history, however, is represented in *Blurred Boundaries*.

If this mural is to reflect the communities it aims to represent, it cannot omit this multigenerational history of women-led Chamizal activism, the lasting consequences of the 1964 treaty*,* nor for that matter the Chicano Movement's *dicho* —"We didn't cross the border, the border crossed us—that so clearly applies to this history.

Their absence in lieu of safe, commodified images is regrettable, especially given the limited images of women in *Blurred Boundaries* are anonymous or relegated to the background. The inescapable implication is that the diplomats and politicians who have shaped this region of borderlands since 1848 with little regard for the land and those who live there are more emblematic of its history than the Chamizal women and residents who demanded and continue to demand a seat at the table.

"Blurred Boundaries" reminds us how dominant narratives that require ongoing modes of erasure can so become so profound and so far-reaching that imagining anything to the contrary becomes seemingly unworkable given the constraints and grip this dominant narrative has on the historical record. But this is not to say that telling this other—counter—version of the Chamizal story is impossible, unmanageable, or unrealistic. It is to say that it the official Chamizal story has been so lodged within the historical literature and El Paso's social imaginary that the insights of this story have been kept from view. This concealment is entrenched in an ongoing colonial endeavor to foreclose the lessons of El Chamizal and the Río Grande's unruly terrain—to render this place, site, and land a hidden geography—and therefore obstruct what this land and its nonwhite racialized stakeholders make possible: geographies of refusal that denaturalize settler colonial racial capitalist ideologies. But the Chamizal Treaty did not wholly eliminate this terrain of struggle nor the stories

of Chamizal residents. El Chamizal is not a wholly subdued, concealed landscape—just as the Chamizal residents insist that the razing of their barrios does not signify a wholly eliminated or absented place.

EPILOGUE

To those of us who love it, the river is not merely a boundary
with Mexico it's a living thing. And to those of us who carry it in our
veins, it is the story of our lives. The river haunts me.

— Beatriz Terrazas, "The River That Runs Through Me"

This study has sought to reinsert and make legible El Chamizal's contested and invisibilized stories with the goal of remembering and recovering some of the Chamizal spaces and places lost, struggled for, and defended. By inserting the Chamizal spaces, places, and stories that are typically left out, this study works toward empowering and emancipating multiple generations of Chamizal residents from the localized and national forms of oppression that have and continue to trivialize, erase, and silence their Chamizal stories. In turn, this study seeks to subvert and denaturalize dominant cartographic and historical representations of this conflict that not only insist the Chamizal Treaty wholly expelled El Chamizal from El Paso, but which also suggest El Chamizal was and is trivial to the making of the El Paso-Cd. Juárez borderlands. To the contrary, El Chamizal and El Paso are braided together so tightly that you cannot untwist them.

I want to return, then, to the Río Grande's haunting pedagogies of refusal. This river's meanderings illuminate land's decolonial endeavor (not merely resistance) to undermine white possessive logics. Land is an instructive source of insight; and the meandering Río Grande encourage us to fight for the clarity that we already have the capacity and power to change the cartographic rules of white settler colonialism. And if we engage El Chamizal in this way— if we understand it as a crucial site of dispossession, expropriation, and extraction *as well as* refusal,

haunting, and life—then we begin to uncover how *this* land is the often unnamed but vital actor that is always exceeding and resisting the settler colonial imposition that is El Paso, the U.S.-Mexico boundary, and various overlapping projects of racial capitalism. For these very reasons, the Chamizal story is one of the U.S. state's best-kept secrets, as the story of an unwieldy river-border cannot—indeed, must not—exist in a world built on the supposed inevitability, ease, and permanence of colonial spatialities.

Indeed, when the writers of the Chamizal Treaty proposed to streamline the Río Grande through a concrete canal, they sought not only to lay the ghost of El Chamizal, but to foreclose any imagining of this river's unruliness and render this terrain a hidden geography. This foreclosure and erasure was part of a longstanding colonial endeavor and fantasy to eliminate this fugitive landscape. Indeed, Anson Mills, who perhaps was the Río Grande's earliest Anglo American foe, declared more than a hundred years ago that it was inevitable that the Río Grande at El Chamizal be filled in. "That the bed of the river will eventually be filled, of course, is only a matter of time," he wrote in his 1918 memoir, "but whether in fifteen or hundred and fifty years can only be ascertained by prolonged, actual measurement."[686] The canal between El Paso and Cd. Juarez therefore locates that which the white settler state must (and has long sought to) conceal, suppress, and deny. But this concealment is neither natural nor permanent, but rather names and locates where racial-geographic differentiation and violence occur in racist capitalist conquest.

For those like Mills, the canal that chokes the Río Grande between these two border cities marks their dominance like a scar across this landscape. For others, however, this scar marks both heartbreak and a relentless faith that the river will do as it has always done: be the vessel of life, witness, and refusal that carries our stories toward another world. Because the river's canalization

[686] Mills, *My Story*, 272.

does not signify a wholly subdued, concealed, or obstructed landscape—just as the Chamizal residents insist that the razing of their barrios does not signify a wholly eliminated or absented place. Rather, the canal locates a long history of settler anxiety, fear, and hostility towards this land's fugitive and haunting landscape of refusal and possibility.

Indeed, this canal locates a storied and corporeal terrain through which different stories and geographic knowledges not only about conquest, power, and rebellion in this region can be and are told, but also haunting insights about how we want to live and how we have yet to live. "To those of us who love it, the river is not merely a boundary with Mexico it's a living thing," explains the El Pasoan journalist, Beatriz Terrazas, in her 2009 essay "The River That Runs Through Me."[687] "And to those of us who carry it in our veins, it is the story of our lives. The river haunts me." Terrazas is haunted by the broken and scarred landscape that is the U.S.-Mexico borderlands, the militarized border fence, the violent processes of race-making and exclusion that define this boundary. She is haunted by the overlapping colonialities that collide in the borderlands, that house La Llorona's wail and the ghosts that beckon for us to listen. "I see [the river] and hear it calling my name as only a loved one can," Terrazas continues.[688] The Río Grande is constantly speaking back to us. Indeed, as Maria Eugenia once explained to reporter, this land is a great witness running through us whose speakability reminds us that the river cannot be beaten into total submission because "[t]here's only so much control a man can do on a river." Sooner or later," Trillo explained, "I personally think that river is going to do what Mother Nature taught it to do—to move."[689] The task at hand is for us to

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[687] Beatriz Terrazas, "The River that Runs Through Me," *Literary El Paso*, edited by Maria Hatfield Daudistel (Fort Worth: TCU Press, 2009): 544.

[688] Ibd.

[689] In the *National Public Radio* article in which this quote is taken, Maria Eugenia Trillo is quoted as saying "gonna do" instead of "going to do." After speaking with Maria Eugenia, I decided to edit the vernacular phrase "gonna do" to "going to do" because Trillo did not feel she had been quoted correctly. For more on this article, see: "50 Years Ago, A Fluid Border Made the U.S. 1 Square Mile Smaller," *National Public Radio*

open ourselves to this fugitive terrain of struggle—to its refusals, hauntings, and possibilities—as a means to work a toward different, more just world. Even now, this unruly site of memory refuses oblivion because "the haunting is the resolution, it is not what needs to be resolved."[690]

(September 25, 2014): https://www.npr.org/2014/09/25/350885341/50-years-ago-a-fluid-border-made-the-u-s-1-square-mile-smaller

[690] Tuck and Ree, "A Glossary," 642.

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