

Exhibit 184

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

v.

**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

Confrontation and Conflict from: Lawrence Clark Powell, *Arizona, A Bicentennial History*, W.W. Norton & Company, Inc. (New York) and American Association for State and Local History (Nashville).

This attestation is made on August 14, 1998.

Attest: Coolidge Lerdahl

Marilyn Ann West

Witness to source and above signature

D. A. West

Witness to above signatures

Arizona

A Bicentennial History

Lawrence Clark Powell

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Confrontation and
Conflict

NOT long after the United States had won its independence from England, the westward movement began to gather force. Jefferson perceived its inevitability, and by the Louisiana Purchase he removed the French obstacle. He also sent Lewis and Clark on their way to the Northwest, leading to the eventual elimination of the British and Russians from that rainy coast.

The second greatest territorial expansionist was President James K. Polk, whose term of office was from 1845 to 1849. Like Jefferson he personified the doctrine of Manifest Destiny—to possess the continent “from sea to shining sea.”

Polk's hope was to acquire the Southwest from Texas to California by diplomatic negotiation with Mexico. This was not to be. Mexico's victory over Spain had inflated her national ego, and she regarded herself as invincible. On paper her army was superior to ours in numbers, training, and equipment. France was thought (wrongly, it proved) to be a ready ally.

The war with Mexico came in May 1846, precipitated by our annexation of the Republic of Texas and a subsequent Mexican attack across the Río Grande. By August it was all over. Civil strife throughout Mexico prevented any concerted war effort. Yet ours was not a bloodless victory. Several savage battles

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were fought deep in Mexican territory. Many young lives, Mexican and American, were lost.

Although the settlement two years later by the Treaty of Guadalupe Hidalgo included Arizona north of the Gila as part of the ceded territory, the war itself had no effect in Arizona. What was there to be affected in that raw land? Aside from the Indians, the population numbered a mere 600, mostly Mexicans. Tucson was a miserable presidio, garrisoned by a few ragged troops who lived in fear of the Apaches, the real rulers of the land. Once the beaver were trapped out, the Americans had no desire for Arizona above or below the Gila. Mining, livestock, lumbering, agriculture, were yet unknown. Kino's missions along the Santa Cruz and down into Sonora were long since secularized and fallen into ruin. San Xavier del Bac was used as a cattle barn and granary. The Franciscans had gone. The land was either too hot and dry or too snowy and cold. There were no roads to link it with the United States other than the Gila Trail, made known by Pattie's sensational narrative. Neither country was concerned either to invade or defend Arizona. It lay beyond the pale, untouched and unconcerned by the war, its future veiled. California was the prize, and New Mexico lay on the way to the coast. It already numbered 30,000 inhabitants dominantly Hispano-Indian as against Arizona's few non-Indian settlers.

And yet the future of Arizona was determined by the war even before it ended in the victorious annexation. It began with President Polk's dispatch of Colonel Stephen W. Kearny and his Army of the West to hasten overland and seize both New Mexico and California. The British and the Russians were believed hovering off the coast, ready to land and claim.

New Mexico fell without a shot being fired when Governor Armijo decided the better part of valor was to yield to Kearny. The American leader then split the Army of the West into four parts. One remained at Santa Fe to consolidate its hold on the country. Another proceeded to Mexico to join up with General Zachary Taylor's forces. A third was led by Kearny posthaste

to California. The fourth, a battalion of Mormon volunteers recruited for President Polk by Brigham Young in exchange for their pay going into the meager church coffers, was placed under Kearny's ablest officer, Lieutenant-Colonel Philip St. George Cooke, and ordered to establish a southern wagon road to California.

This route was the Gila Trail. Arizona's destiny emerged from its blazing. The discovery of gold in California two years later led to the greatest overland rush of all time as thousands of argonauts stamped over this and the northern trails to the diggings. A more southerly route was followed by Cooke in order to avoid the rocky canyon of the upper Gila, down which the first trappers had come.

The crossing by Cooke and his motley Mormons with wagons and animals was an heroic achievement. Kearny's was also a great feat although on a lesser scale, as he was persuaded by Kit Carson to leave his wagons behind. With a strike force stripped to a hundred picked dragoons and mule-drawn cannon, Kearny made it down the upper Gila over a route unsuited to even the four-wheel-drive vehicles of today. He was accompanied by Lieutenant William H. Emory of the army's Topographical Engineers Corps, whose subsequent report is a remarkable document.

Cooke's scouts, including Pauline Weaver and Baptiste Charbonneau, were mountain men who had been over the route only on horseback, and only one of whom, Antoine Leroux, remained sober. Their problem was the ancient one of the Southwest: water. The four hundred men and their mules, and the cattle and sheep that were driven along for food, required a large daily ration of water. Where was it to be found? No one knew for sure. There were no accurate maps. They had to scout ahead and aside and even to dig for it.

And there was no road, no road at all over which the men and wagons could travel with any uniform speed. We have only to look at the land today as the highway carries us smoothly over it. Hills have been blasted through, arroyos filled, and all made

easy. Even the Romans, greatest of road builders until the Age of the Bulldozer, never equaled our transcontinentals.

With pick and shovel, ropes, muscle and sweat, the Cooke caravan dug and tugged and cursed its way west. Its achievement resembled Anza's, three-quarters of a century earlier. Yet Cooke did not exert the discipline that made Anza such a strong leader. His Mormon volunteers were reluctant soldiers, several times on the verge of mutiny and prone to break their vow of abstinence from alcohol. At one point Cooke was forced to order them to unload their muskets.

As a professional soldier he managed to rule the rough band and hold them on course. Coming down the Río Grande when he realized that they were heading into Chihuahua, he rose in the saddle and called a halt. "This is not my course," he roared. "I was ordered to California," and with a mighty oath, "I will go there or die in the attempt." Turning to the bugler he ordered him to blow the right. Whereupon the battalion wheeled west "through a wilderness where nothing but savages and wild beasts are found," Cooke reported, "or deserts where, for want of water, there is no living creature."¹

After crossing Coronado's trail of three centuries earlier along the San Pedro, Cooke learned that the Mexicans still occupied the presidio of Tucson, as they were to do for another ten years. After a token show of resistance, they did as Armijo had done at Santa Fe and let the Americans take possession. The few civilians shared their flour and meal, fruit and tobacco. Tucson reminded Cooke of Santa Fe. The ruinous Mission San Xavier del Bac could be seen across the plain, even though it was not until our time that its walls and towers were given their dazzling whitewash.

After a brief rest Cooke rallied his command and down the Santa Cruz they went, men, mules, wagons, and livestock, bound anew for Californy. Upon reaching the Gila they found

1. Ralph P. Bieber, editor, *Exploring Southwest Trails* (Glendale, Cal.: A. H. Clark, 1938), p. 108.

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the Pima villages friendly. "I rode up to a group of girls," Cooke wrote in his journal, "naked above the hips. It was a gladdening sight. One little girl excited much interest with me. She was so joyous that she seemed very innocent and pretty. I could not resist tying a red silk handkerchief on her head for a turban."²

The gold seekers who came in the wake of Kearny and Cooke also found these Pima villagers ready to trade foodstuffs for implements. They were given to stealing, however, with especial fondness for unguarded mules.

Down the Gila the battalion marched to the Colorado, and here, in addition to an eye for nubility, Cooke showed a sense of humor. In the dead of winter the mile-wide river was fringed with thin ice. When one boatload of the Mormons was having trouble poling its way across and began to drift downstream, Cooke, who was on the west bank, mounted his horse, waved his hat in farewell, and shouted, "Goodbye, gentlemen, when you get to the Gulf of California, give my respects to the folks."³

Then came the dunes, the desert, and the mountains where one narrow, rocky pass proved so impervious to pick, shovel, and axe that the wagons had to be taken apart and carried through in pieces.

Cooke reached San Diego on January 29, 1847, after four months en route. California was already in American hands, although it had cost Kearny eighteen of his dragoons, lanced to death by the Mexican Californios at San Pasqual.

Cooke was unimpressed by the country through which his men and wagons had passed. The roadway that his orders commanded him to build was what mattered. He had extended the Santa Fe Trail by more than a thousand miles. Although first called Cooke's Wagon Road, the route came to be known as the Gila Trail. "Marching half naked and half fed, and living upon

2. Bieher, *Exploring Southwest Trails*, p. 170.

3. Odie B. Faulk, *Destiny Road* (New York: Oxford University Press, 1973), p. 26.

wild animals," Cooke concluded his report to Kearny, "we have discovered and made a road of great value to our country." ⁴ He was right. To this day it remains one of the main routes to California.

Although a native Virginian, Cooke remained loyal to the Union and served out a long, honorable career in the army, dying in 1895 at the age of 85. Today in Salt Lake City one of the few Gentiles to be honored by a statue is Philip St. George Cooke, leader of the Mormon Battalion.

Because the Treaty of Guadalupe Hidalgo used a faulty map to establish the boundary between the United States and Mexico, a strategic strip, including that stretch of Cooke's Wagon Road between Mesilla and Tucson, was disputed by the United States and Mexico. The planners of the railroad west saw it as vital for their route.

When the Gadsden settlement proposed that the line be moved south to where it would have been if the Disturnell map had been accurate, loud was the outcry in Congress against paying Mexico \$15,000,000 for a worthless piece of scrubby desert. One senator even said that if he were acting as a private citizen he was confident that Mexico would sell him the strip for \$6,000. Compromise was reached on a price of \$10,000,000, and in 1854 the boundary was redrawn as it is today except for adjustments made by the shifting beds of the Río Grande and the Colorado.

Again because of its remoteness and general undesirability Arizona was untouched by the Civil War. Although it was first seized by the Confederates, and its scant population centered in Tucson was predominantly "Secesh," Arizona soon fell to the Union forces from New Mexico and California. A few skirmishes were all that it took. Since 1850 Arizona had been a part of the Territory of New Mexico. In 1863 President Lincoln

4. Odie B. Faulk, *Arizona, A Short History* (Norman, University of Oklahoma Press, 1970), p. 64.

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signed a Congressional act establishing a separate territory, which it remained until 1912 when it became the forty-eighth state.

The rising tide of Manifest Destiny, set in motion by the Confederates, who saw Arizona as the road to a Pacific port for what they anticipated would be a permanent and coexistent Confederate States of America, flowed on through in the debacle of Confederate hopes.

Only the Indians remained antagonistic. They fought long and hard to hold their land and feed their gnawing bellies. If it had not been for the Gold Rush and the subsequent opening of southern Arizona by traffic over the Gila Trail, the Apaches would have kept their hunting grounds and raiding routes for a longer time. Mining, cattle raising, ranching, and trading saw the land grow ever more populous and yield richer booty to their raiding. The Apaches found that it took less time and effort to loot the nearby Gringos than the more distant Mexicanos. Inevitably the United States Army was called upon to protect the American settlers. It took the army longer than a generation to subdue the Apaches.

There were few heroes on either side. Today the Apache chieftains are enshrined in the pantheon of folklore more by fiction, movies, and TV than by history. They include Mangas Coloradas, the Mimbrenño Apache whose lands lay in New Mexico up near the headwaters of the Gila. There the copper deposits at Santa Rita del Cobre bred conflict between his people and the miners. Mangas's years on the warpath began when he was flogged by the miners at Piños Altos, although this is disputed by some historians. His death was the result of treachery.

Mangas's peer was Cochise, the Arizona Chiricahua Apache whose desert land lay athwart the Gila Trail. Another act of treachery triggered Cochise on the warpath, although raiding was the traditional Apache way. They were not farmers, gatherers, or hunters of the meager game. The Apaches were professional, incomparable raiders.

And so blood flowed for several decades. As Apache hopes

waned, the lesser chieftains Victorio and Geronimo grew more desperate, cruel, and wily, fighting and running to the end, which came in the 1880s when the last of the Apache warriors were shipped to Alabama and Florida.

Best known of the army leaders was General George Crook, who respected his foe and fought him with honor. No spit-and-polish brass hat, Crook wore a duster over his uniform and rode hell-for-leather. In *Vanished Arizona* we glimpse him in these words of Martha Summerhayes: "One day a party of horsemen tore past us at a gallop. Some of them raised their hats to us as they rushed past, and our officers recognized General Crook, but we could not, in the cloud of dust, distinguish officers from scouts. All wore the flannel shirt, handkerchief tied about the neck, and broad campaign hat."⁵

Those Apaches who left the warpath rather than die were settled on the reservations of San Carlos, along the middle Gila where Coronado had crossed, and of Fort Apache, higher in the White Mountains above the Mogollon Rim.

Apache Agent John P. Clum is another of the few Americans of the period who rank with General Crook as effective in dealing with the Apaches. Although his charges had given up the fight, it took little to break them out again on the warpath. Clum has also entered history as the founding editor of the *Tombstone Epitaph* and by his provocative journalism became the impresario of the gunsmoke and bloodshed of Tombstone.

Today the San Carlos Apaches are not a happy lot. The tribe is split into factions fighting over money. Alcohol is their poison. Wickiups bearing TV antennae are a common sight, as well as women in brilliant garments bending over washing machines. University researchers have encouraged the Apaches to harvest the wild jojoba bushes for their oil-rich seeds. The Whiteriver Apaches are better off with resources of tall timber and tourist concessions for hunting, fishing, and camping. Fort Apache itself, now an Indian school, remains much as it was

5. Summerhayes, *Vanished Arizona*, p. 54.

when the Summerhayeses were posted there and Martha bore her first child under primitive conditions.

Confrontation and conflict were also the lot of Arizona's largest tribe, the Navajo, whose lands spread over the northern plateau. Before the Spaniards introduced livestock, the Navajos were gatherers and raiders. With the coming of the Americans under Kearny, the long-suffering *puebloños* of the Río Grande were promised protection from their predatory neighbors. There were punitive expeditions into Navajoland.

When the Civil War distracted the army, the Navajos increased their raids. As a result Colonel Christopher Carson, better known as Kit, was ordered in 1863 to subdue them by destroying their crops and livestock. Thus in March of 1864 began the Long Walk of their deportation. Destination was Fort Sumner southeast of Santa Fe where a band of Mescalero Apaches was restrained. Only children and cripples were allowed to ride in the wagons. All the rest, eventually eight thousand of them, trudged the three hundred weary miles, accompanied by their sheep and goats and horses. There are few more despairing chapters in our history. Only the most defiant and hardy succeeded in hiding out, holed up like foxes in the depths of the Grand Canyon and the San Juan and on the Black Mesa and Navajo Mountain.

Their exile endured for four years while these proud Navajos, who called themselves *Diné*, "The People," languished in captivity, penned on a barren military post in that monotonous part of New Mexico. There they were ravaged by smallpox in an epidemic that killed more than two thousand. They stubbornly refused to build dwellings other than their traditional hogans.

When strong protests finally availed in Washington and the Navajos were allowed to return to their homeland, their societal equilibrium had been destroyed. With token help from the government in the form of livestock and seed, they began to rebuild their way of life, concentrating on a pastoral existence, since the U.S. Army's strength precluded their former raids into the valley of the Río Grande.