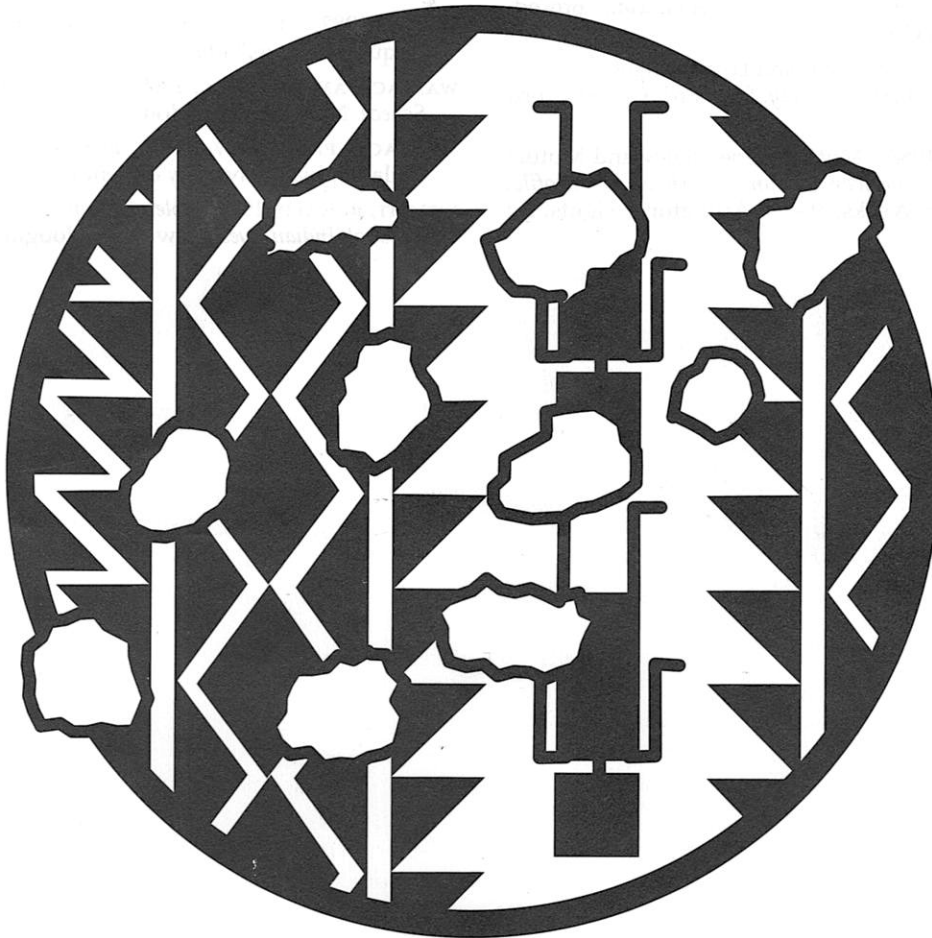


GREED AND GENOCIDE

CALIFORNIA INDIANS AND THE GOLD RUSH



During the Gold Rush. Mission Indian basket with the Indians upside down. Gold nuggets placed above the basket symbolizes that gold is more important than the lives of Native people. The nuggets also symbolically create holes in the basket, further attempting to erode the Native people.



One of the last human hunts of civilization, and the basest and most brutal of them all.

—H. H. Bancroft, *History of California*

On January 24, 1848, gold was discovered on the South Fork of the American River at Coloma in California. One hundred and fifty years later, during 1998 and 1999, the State of California observed the sesquicentennial of the Gold Rush. The anniversary, however, was no cause for celebration among Californian Indians. The Spanish mission system, the seizure of California from Mexico by the United States, the influx of thousands of Anglo Forty-niners, and California statehood, all had disastrous consequences for the Indigenous peoples. In this chapter we reexamine this nineteenth century holocaust by documenting the labor exploitation, massacres, sexual assaults, treaty treachery, peonage and slavery, and environmental degradation that led to a precipitous decline of the Native population, and forced Indian identity and culture underground for a hundred years.

CHAPTER OVERVIEW: DEPOPULATION AS GENOCIDE

We begin with the story of California Indians as they were before European entry into the region. Then we describe their experience as conquered peoples under the domination of first the Spaniards, then the Mexicans, and finally the Anglo-Americans that led to their near extinction by the year 1900. The 1849 Gold Rush and the tragic events that followed are an important part of our story, because this is when the extreme genocidal abuses of the Indians occurred. As part of our discourse we also suggest analytical concepts that might assist one in making sense out of this history of oppression. Toward the end of the chapter, we return to a discussion of these concepts to see whether they can indeed explain the depredations against the Native peoples that we have documented. In the last few decades, the Indian peoples of California have been making a remarkable recovery from the tragic days of the Gold Rush. We end the chapter with their story.

The Spanish period of contact introduced a system of religious missions that began in 1769 and

ended in 1821. Spanish policy was to convert the Indians to Christianity and to use Indian labor to further Spanish economic aims. The chain of twenty-one Franciscan missions that was established never expanded beyond a narrow section of the California coast, from San Francisco in the north to San Diego in the south. Nevertheless, although limited in its geographic scope, the harsh conditions of mission life resulted in the disintegration of most coastal Indian societies and a significant decline in their population. The Mexican period began in 1821 with the successful revolt by colonial Mexico against Spain, and the subsequent French invasion under Emperor Maximilian. It lasted until 1846 when the Americans were victorious at the end of the Mexican-American War. It was a time of confusion and disarray for the Indians, and it led to further depopulation. The American period commenced with the U.S. defeat of Mexico and the 1846 revolt by the *Americanos* in California. The discovery of gold in 1849, and the rush of miners and settlers that followed the discovery, completely overwhelmed the Native nations. A virulent racism was spawned in the quest for riches, and a holocaust of the California Indians was ensured.

In each of these periods of history we examine the motives, activities, and policies of the non-Indian conquerors of California's Native inhabitants. Special attention is given to the 1849 Gold Rush and the several decades that followed, because this period of California history was the most destructive of the Indians. Unlike other Indians in the Far West, Native Californians often lived and worked with Whites in the early conquest period. This was especially the case during the Spanish and Mexican periods before 1850. The Gold Rush fundamentally changed this relationship when California became marked by a precipitous Indian population decline, unique in U.S. frontier history. The decline in the Indian population of California between the years of 1770 and 1880 is represented in the following graph.

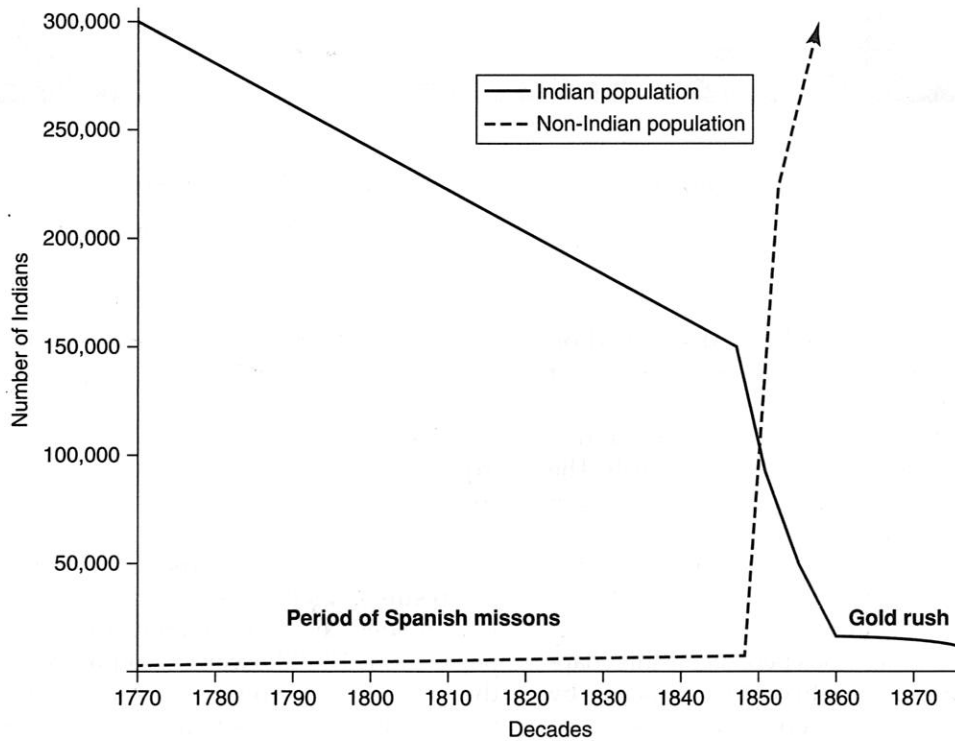


Figure 3.1 Indian and Non-Indian Population Change in California, 1770–1880.

From the graph in Figure 3.1, we see that although the Indian population went into a significant decline during both the Spanish and Mexican periods of history, it was the Anglo period, beginning with the Gold Rush, when the Native population declined almost to the point of extinction; at the same time, the non-Indian population rose dramatically. Sherburne Cook (1978, 91), an expert on California Indian demography, found that between 1770 and 1900, “the Native population experienced a fall from 310,000 to approximately 20,000, a decline of over 90 percent of the original number.” The Gold Rush, far from building an independent and wealthy California under U.S. sovereignty, ushered in a period of greed and genocide that decimated the Indigenous inhabitants. The Indian population declined by an incredible 100,000 persons within a decade after the Gold Rush.

In the following pages we document the details of this great depopulation for each of the three historic periods. We also examine the question of whether the drastic population decline corroborates the charge of genocide (the annihilation of a race or ethnic group) that is made by contemporary California Indians and

their allies. (See Costo and Costo 1987; Eargle 1992; and Project Underground 1998.)

ANALYTICAL AND THEORETICAL CONCEPTS

Although it is important to tell the story of the destruction of California’s Indian societies and the rapid depopulation that took place, it is even more important to understand how and why it occurred. This is the difference between description and explanation. We therefore look for analytical concepts or theories which might explain the events described in this chapter. We suggest that the genocide definition as formulated by the United Nations, and the *wilding* theory, developed by sociologist Charles Derber, could be helpful in this regard.

Genocide

In terms of world history, genocide is a modern word for an old crime. The Genocide Convention of the United Nations outlaws the committing of certain acts with intent to destroy, wholly or in part, a national, ethnic, racial, or religious group. But what many people fail to realize is that the scope of the Convention is much

broader than forbidding the actual killing of such groups. The Convention also includes as genocide "the acts of causing serious bodily or mental harm; deliberate infliction of conditions of life 'calculated to bring about' physical destruction; imposing measures to prevent birth and, finally, forcibly transferring children of one group to another group" (United Nations n.d., 2). Furthermore, the definition includes not only the committing of such acts as punishable, but also conspiracy to commit genocide, direct and public incitement, attempt to commit, and complicity. The Convention further specifies that such acts are genocide whether they are committed in a time of peace or in a time of war.

The Convention on the Prevention and Punishment of the Crime of Genocide was unanimously adopted by the U.N. General Assembly on December 9, 1948, following World War II. It became international law in recognition of the crimes against humanity committed by Nazi Germany, which had adopted a program to systematically annihilate millions of people because of their religion or ethnic origin. The Nuremberg trials of Nazi war criminals, and the ensuing genocide convention, became the legal instruments of world opinion to officially declare: "Never again!"

Those nations ratifying the Genocide Convention are obligated under international law "to prevent and to punish" those guilty of genocide. Ninety-seven nations have ratified the Convention, most of them within a few years of its passage, but it was not ratified by the U.S. Senate until 1985, after almost thirty-six years of delay and intermittent debate. A *New York Times* article of October 15, 1988 reported that "some conservatives in Congress had opposed the treaty on the grounds that its definition of genocide might encourage American Indians to sue the United States Government for their suffering earlier in the nation's history and also that it might result in unsubstantiated charges being brought against the United States by present-day adversaries" (Molotsky 1988). It would have opened the United States to the charge of genocide at a time when it was criticizing the human rights record of the former Soviet Union during the Cold War. Once having ratified the Convention, the U.S. criminal code now includes penalties for genocide. "The maximum penalties are a \$1 million fine and 20 years in prison for trying to cause bodily harm, attempting to cause permanent mental impairment through torture or drugs, trying to destroy a group, or trying to prevent births by members of a group" (Molotsky 1988).

Whereas genocide means to kill or to commit physical harm to a national, ethnic, racial, or religious group, the concept of ethnocide (cultural genocide) is defined

as the willful destruction of a people's culture or way of life. Unlike the charge of genocide, it is seldom condemned, let alone banned under international law. "On the contrary, it is normally advocated as an appropriate policy. . . . Indigenous peoples are normally looked down upon as 'backward,' so it is presumed that their ways must be changed and their cultures destroyed, partly in order to civilize them and partly to enable them to coexist with others in the modern world" (Maybury-Lewis 1977, 9). As we discuss in this chapter, the religious mission system of the Spanish, and the so-called domestication policy under American occupation following the Gold Rush, with its forced relocation policy, reservation system, and federal Indian boarding school program, can all be construed as examples of ethnocide against the Indians of California.

Wilding

It is not enough to solely describe the individual and collective acts of genocide and ethnocide in California. One needs to understand why such acts occurred in the first place. We therefore offer a theoretical formulation that can explain the structural conditions or underlying causes of Indigenous *ethnic cleansing*. A formulation that may have relevance is sociologist Charles Derber's *wilding* theory, which draws on the theoretical contributions of classical theorists Emile Durkheim and Karl Marx (Derber 1996). Derber has coined the term *wilding* to connote senseless violence and greed with no feelings of remorse or moral responsibility for others. Wilding is defined as rugged individualism run amok.

In his book, *The Wilding of America* (Derber 2002), Derber applies this concept to contemporary society in the United States by describing several kinds of wilders. Wilding includes not only individual wilders who murder for money, and senseless killings without conscience, but also business and corporate wilders like Michael Milken (the "junk bond king"), those responsible for the savings and loan crisis of the 1980s, and politicians who are "bought" with special interest money. A contemporary example of economic wilding is the series of unethical actions by major financial banks and institutions that led to the 2008 collapse of the U.S. economy and ushered in the Great Recession. Some critics would also consider the disregard of international law, the breaking of current environmental and arms control treaties, and the declaration of preemptive war and unilateralism by the George W. Bush administration as examples of political wilding. Last, social wilding occurs when the major institutions of society manifest

the characteristics of wilding and it becomes endemic to the entire society.

Derber contends that today we have a national crisis in the United States of violence and greed on both the individual and the national levels of society. Yet wilding is not an entirely new phenomenon on the American scene; it has occurred at other times in U.S. history. The California Gold Rush is a case in point. Wilding completely dominated the economic processes stemming from the Gold Rush, and it also affected the system of California State government, as witnessed by the draconian laws that were passed to indenture and disenfranchise the Native Indians. Wilding also affected the federal government's bad faith treaty negotiations and relocation and reservation policies. In fact, wilding, as Derber defines it, has been the dominant socioeconomic process of the American Indian frontier throughout the history of U.S. expansionism.

We will return to the genocide formulation and Derber's wilding theory at the end of the chapter, but first, in the following pages, we examine these processes in their historical context by describing four different stages of the California Indian experience. Native California as it existed before European entry into the region is our baseline. This is followed by the Spanish mission system period of history; the Mexican period of control; and the Anglo-American period until about 1900. The 1849 Gold Rush and its destructive impact on Native people is the main focus of the American period.

NATIVE CALIFORNIA BEFORE EUROPEANS

Malcolm Margolin, the editor of *News from Native California* magazine, has beautifully described the great diversity of the Indigenous life and environment present in the California region before Europeans came,

Picture a typical spring afternoon in California 250 years ago. On the prairies of the northeastern part of the state a man, hiding behind a clump of sagebrush, waves a scrap of deerskin in the air, trying to rouse the curiosity of a herd of grazing antelope and draw them within range of his bow and arrow. Along the Klamath River a boy crawls through the circular doorway of a large plank house and walks downstream to watch his father and uncles fish for salmon beneath the redwoods. In the Central Valley a group of women, strings of wild flowers in their hair, wade out into the deep sea of rippling grass to gather roots. As they push forward, herds of elk scatter before them. In San Francisco Bay, two men paddle a rush boat through the quiet channels of a salt water marsh. East of Sierra, families—eager for change and weighed down

with burden baskets—leave their winter homes in the desert and trek through the pine forests toward thawing mountain lakes and the promise of good fishing. At the edge of the Mohave Desert, men and women plant corn, bean, and pumpkin seeds in the warm, fertile mud of the Colorado River. (Margolin 1982, 34)

The great diversity of the Indigenous peoples of California is illustrated by their aboriginal population of more than three hundred thousand persons, and by their speaking between sixty-four and eighty mutually unintelligible languages (comprising numerous dialects) as dissimilar as English is to Chinese, and representing seven major linguistic families.

The Coast Range and the Sierra Nevada mountain range run through California from north to south. Between the two mountain systems lay fertile valleys in which the majority of the Native peoples lived. The region held an Indigenous population larger than that in any other region of the United States, in large part due to the mild climate and abundance of wild foods, mainly nuts, seeds, and grasses, as well as fish and game.

Native Californians belonged to over five hundred independent tribal groups, small nations, as it were. Their racial and cultural diversity is matched by only several other multiethnic regions of the world, places as distant as the Caucasus, West Africa, New Guinea, upper Burma, Thailand, and southwestern China. While the Yuman people of southern California and the Modocs in the north were warrior nations, those groups in the central part of the region worked and cooperated in peace. The central valley and adjacent country included the Nisenan, Maidu, Konkow, Miwok, and Yokut. The northwestern area included the Tolowa, Yurok, Karok, Hupa, Shasta, Chimariko, Whilkut, and others who lived in the Klamath and Cascade mountains and on the adjacent coast. Their villages (later called *rancherias* in California) held from 30 to as many as 1,000 people, although 250 was about the average (Hurtado 1988a, 15). The 8,000 Pomo, for example, were divided into thirty-four village communities, and the 3,000 Achumawi were divided into eleven. Each group was united by kinship and marriage, religious ceremonies and beliefs, and economic and trade ties.

Ecological and Ethnographic Regions

Aboriginal California can be divided into three main ecological regions that affected the cultures developed by Native peoples who inhabited them. The northwestern region is cooler overall than the rest of California, with a rocky coast and swift rivers

rushing down into the valleys from the adjacent mountains, with plentiful rainfall. Sequoias, ponderosa pine, and Douglas fir are found in the high valleys and mountains. The northern area also has many mountain peaks, with Mount Lassen and Mount Shasta still active volcanoes. Both mountains were held sacred by the Native peoples, as they are even today. The mountains and forests contained abundant bear, coyote, deer, wildcat, and wolverine, and before Europeans entered the scene, there were also bighorn mountain sheep and wapiti. Fish, especially salmon and sturgeon in the many rivers, and shellfish along the coast, provided a rich source of food. Languages of the Hokan language family were found mainly in northern California.

Central California includes the central valley, the Sierra foothills, the coast ranges and valleys, the central coast and San Francisco Bay. It is a land of contrast and diversity, "inland lakes and ponds nestled among foothills, spectacular mountains with cascading rivers and streams, broad lush valleys, and coasts rich in shellfish. The variety of plants provided the California basketmakers with a wide selection of fibers, and the especially abundant oaks supplied acorns and hardwood. Fish and game were plentiful" (Garbino and Sasso 1994, 185). Overall the temperature is mild, although it can be hot in the central valley in the summertime. Food was plentiful throughout the entire year, with acorns and seeds as the staple part of the diet. The Penutian language family predominated among the many tongues and dialects spoken.

The third region is southern California. Here the land is dry and the mountains less timbered. There are also fewer rivers, and the climate varies from warm to hot in both summer and winter. Rainfall is scant, and before European entry into the region, the native plants were entirely desert vegetation, such as chaparral, mesquite, and sagebrush, with some oak. Wildlife included the pronghorn antelope, squirrel, rabbit, and kangaroo rat. Shellfish was an important food source along the coast. Acorns and seeds were also food staples throughout the region. Basket-making was an important enterprise. The Shoshonean language family was dominant.

An ethnography is a description of an ethnic group or people. The following section contains an ethnographic example for each of the three California regions described above.

Northern Ethnographic Region

An example of the peoples inhabiting the northern region are the Yurok who lived in the lower Klamath River Valley. (See Garibino and Sasso 1994, 190-7;

Pilling 1978, 137-54.) They shared many cultural items with their neighbors, the Karok and Hupa located upstream, and all three groups exhibited cultural influences from the Northwest Coast Indian societies located further north. The Yurok originally numbered about 2,500 linguistically and culturally affiliated persons, who identified primarily as village residents rather than as tribal members. Their fifty or more year-round villages were built along riverbanks, the mouth of rivers, or along the seacoast. "A typical village consisted of six or seven redwood plank houses—smaller and less elaborate than the Northwest Coast houses—and one wooden sweathouse for the men, which also served as their clubhouse and alternate sleeping quarters" (Garbarino and Sasso 1994, 191). The kinship descent group was named after the house site, and spoken of as a family. The house (family) owned the use rights to certain lands, houses, and regalia.

Salmon and acorns, supplemented with deer, seeds, bulbs, and mussels, comprised the Yurok diet. The river, and the sustenance it provided, was the heart of Yurok cultural life. In fact, California before the White man came has been described as a virtual cornucopia of foods. Woodworking and basket weaving were prized skills. The Yurok had no chiefs or priests, but wealth was very important and measured in terms of dentalia, sea shells used as a medium of exchange and trade. To be wealthy meant the ownership of good fishing and hunting lands that could be leased out, and the ability to pay a goodly price (*bridewealth*) for wives. Even so, few men were able to obtain such wealth. The possession of heirlooms, such as obsidian blades or an albino deerskin, and the ability to sponsor a dance ceremonial, were the essential characteristics of a Yurok aristocrat. In addition, the aristocrat, *peyerk* or "real man," had to undergo special training that included a vision quest. There were also female doctors (healers), or "real women" who received their powers from the ancestors in dreams. These specialists comprised about 5 to 10 percent of the Yurok population.

A key part of spiritual life was world renewal, or Fixing the World. When the world or universe was disturbed or became unbalanced, it actually tipped (an earthquake?), and sea animals such as whales came up the rivers. World renewal consisted of a cycle of about a dozen religious ceremonies performed each year to maintain this balance and stave off evil. The Brush Dance, Jumping Dance, and the White Deerskin Dance were an important part of these ceremonies. "All these ceremonial cycles were

meant to keep the world in order and running properly for another season and to ensure abundant food and prevent disaster" (Garbarino and Sasso 1994, 195). For the most part, these ceremonies continue to be performed today.

Central Ethnographic Region

The Patwin were typical of the central region. (See Johnson 1978, 350–60; and Kehoe 1992, 404–7). They lived along the Sacramento River and in the nearby hills. Villages held several hundred people who resided in semisubterranean earth lodges. Each locality had a village dance house, also semisubterranean but larger than the other houses. Bark-covered *wickiups* (conical-shaped structures) were used as temporary shelters when hunting or gathering away from the village.

A village chief was selected from a noble family and had the responsibility of overseeing village activities, such as gathering food, trade, and ceremonial dances. A son or brother of a deceased chief was usually chosen as the new chief, but the selection could also be a capable daughter. Other political specialists included a messenger, a council of elders, and a village doctor or medicine man. The Patwin were a ranked society: there were a number of social strata based on social prestige and status (but not on wealth gained by exploiting the labor of others). These social categories included the chief and his noble lineage; craft specialists, such as doctors, traders, or highly successful hunters; common people; "slaves" (who were actually young war captives); "no-account" persons without family ties; and transvestites (men who lived as women). Of all the craft specialties, basketry was the most highly prized (and remains so today among California Indian tribes). Each village was sovereign and had its own distinct territory. Oak groves were village property and an important source for acorns, a food staple. Religious ceremonies and dances with spirit impersonators were central to Patwin collective consciousness and social integration, as it was also for other Central Californian peoples. In addition to these spirit dances, called *Kuksu* rituals, there were also social dances, special dances such as when a girl becomes a woman (first menses), and a dance associated with gambling games.

Southern Ethnographic Region

The Cahuilla lived in the central portion of the southern California desert (see Bean 1978, and Oswalt 1999). It is estimated that their population

ranged between 6,000 and 10,000 when first contacted by the Spaniards and Franciscan Catholic missionaries in the late 1700s. Their villages, located in canyons and on alluvial plains, probably numbered between 150 to 300 persons each, and represented as many as eighty lineages and their respective patrilineal clans (descent traced through the male line). Village land was owned by the lineage, while other lands were divided into tracts controlled by clans, families, and individuals. Buildings ranged from brush shelters to dome-shaped or rectangular houses, fifteen to twenty feet long. The largest house in a Cahuilla village was usually that of the chief, located near a good water source. Close by would be a ceremonial "big house." Other special structures include a communal sweathouse for men and several granaries.

In addition to acorns, a major food source for the Cahuilla was the mesquite bean, with the mesquite groves controlled by the patrilineal clans. Corn, beans, and squash were also raised, with over two hundred plants utilized for medicinal cures. Plant foods were supplemented by hunting, especially rabbits and other small game. The Cahuilla were skilled in both basketry and pottery making.

Social organization featured the division of society into two nonpolitical units or moieties, the Wildcats and the Coyotes. These regulated marriage through exogamy (having to marry outside one's moiety). Social statuses included the hereditary office of the *net* or clan chief. He, in turn, was assisted in his political and ceremonial duties by the *paha*. Another important office was that of the ceremonial talker and singer. The most revered (and feared) persons were the shamans. Shamans were an elite group in Cahuilla society who, together with the *net* and the *paha*, gave important leadership, especially during epidemics and disasters.

The Indian Heritage of California

Without formal laws, courts, or prisons, the world of California Indians was nonetheless well regulated by custom and reinforced by ethical precepts and sanctions. The description of this world as depicted for the Indian peoples of northwestern California by Indian historian Jack Norton is generally representative for the entire region,

Their daily lives began and ended with songs that were generally prayers. In the intervals between, they were urged, internally and externally, to "keep a good heart,"

"do not think badly of people," "be kind and respectful of the old." "Always," they said, "go up and talk with the elders, say hello, for when you walk away, the old person will say, 'ah, what a fine young man, I hope he lives to be as old as I.'" These urgings and blessings were reinforced by words, rituals, laws and customs during the important religious observances, and in hundreds of stories, gestures, and indirect statements that filled their lives. Proper manners, good breeding, and graciousness were the collective goals. (Norton 1979, 27–28)

The California Indian heritage is, indeed, a rich one. Among the many components of this heritage is that of conservation and environmentalism. The Native peoples *lived lightly on the land*, meaning that both plant and animal foods were respected. They did not overhunt or over-gather. Furthermore, all parts of animal game products were utilized; nothing was ever wasted. For example, not only was "rabbit meat eaten or dried into jerky, the skins were used to weave warm blankets and cloaks, and (as with other small animals) the bones were sometimes crushed into a powder with a mortar and pestle and eaten along with the pounded meat and often much of the viscera" (Margolin 1997/98, 4). Deer hides were made into the sacred Jump Dance and Deerskin Dance regalia, sinews were used as thread, and elk horns were converted into tools, money purses, and spoons. People were considered as part of nature, one of a number of cooperating beings who shared in the workings of the universe. Lowell Bean, a specialist on the Cahuilla, reports that, "a collector never picked all the edible part of a plant; all the seed were not gathered—something was always left over. A protectiveness toward other forms of life was represented by this action" (quoted in Margolin 1997/98, 11).

Today, a controversy exists regarding the function of forest fires, whether our modern institutions should practice fire suppression or let the forest clean itself of brush and tinder. It is instructive, therefore, to learn that the California Natives used fire as a form of range management, and fire ecology was utilized on grassland, woodland, chaparral, and coniferous forest lands. Typical times for burning were from July to October after the seed harvest. "In southern and central California, Indians burned off valley and foothill districts to thin out thicket and to sow, scattering broadcast, grasses from which they would later gather the seed; to promote the growth of clover, which they ate in spring as salad;

and to promote browse for the deer they hunted" (Kehoe 1992, 403).

Interestingly, mining technology was utilized long before the invasion by the Anglo-American miners during the Gold Rush; over one hundred small mines and quarries worked by Native Californians have been identified. Quarrying was common for soapstone, obsidian, salt, and chalk, but never gold. Trade contacts were especially important with the horticultural Indian farmers of the Southwest. Trade routes with the Southwest brought cotton blankets, turquoise, and a little pottery that reached California villages as far up the coast as San Francisco Bay.

THE SPANISH PERIOD (1769–1821)

When the first Spanish explorers first encountered the Native people of California in the early sixteenth century "they universally characterized Indians as shy and friendly people providing travelers with water, food, and hospitality whenever asked" (Castillo 1978b, 101). Spain regarded the Indians as subjects of the Crown but also as human beings with souls capable of receiving Christianity. Twenty-one religious missions were then established in *Alta* (Upper) California, starting in 1774 with Mission San Diego and ending with San Juan Bautista in 1797. (See Figure 3.2.) The mission system, a coercive institution, was a form of the Spanish *reduccion* or *congregacion* in which the Indigenous peoples were forcibly gathered from their Native villages into one central site where they could be more easily controlled by armed Spaniards and the Franciscan priests.

In addition to the chain of twenty-one Franciscan missions, the Spaniards also founded *pueblos* or civilian towns, some of which were associated with military garrisons called *presidios*; and *ranchos* (cattle ranches) separate from the missions. The *pueblos*, such as Los Angeles and San Jose, consisted of Spanish settlers, most of whom were retired soldiers, who utilized "Indian labor on a sharecropping or board-and-room basis" (Forbes 1982, 42). The *presidios* or forts served as centers of military control but also depended on Indian labor. The Royal Presidio of San Diego in the 1770s illustrates the typical function of this Spanish institution. It consisted of a stockade with two bronze cannons; one pointing out to sea to protect Spanish interests from rival European powers, and the other pointed at an adjacent Indian village. "Eventually

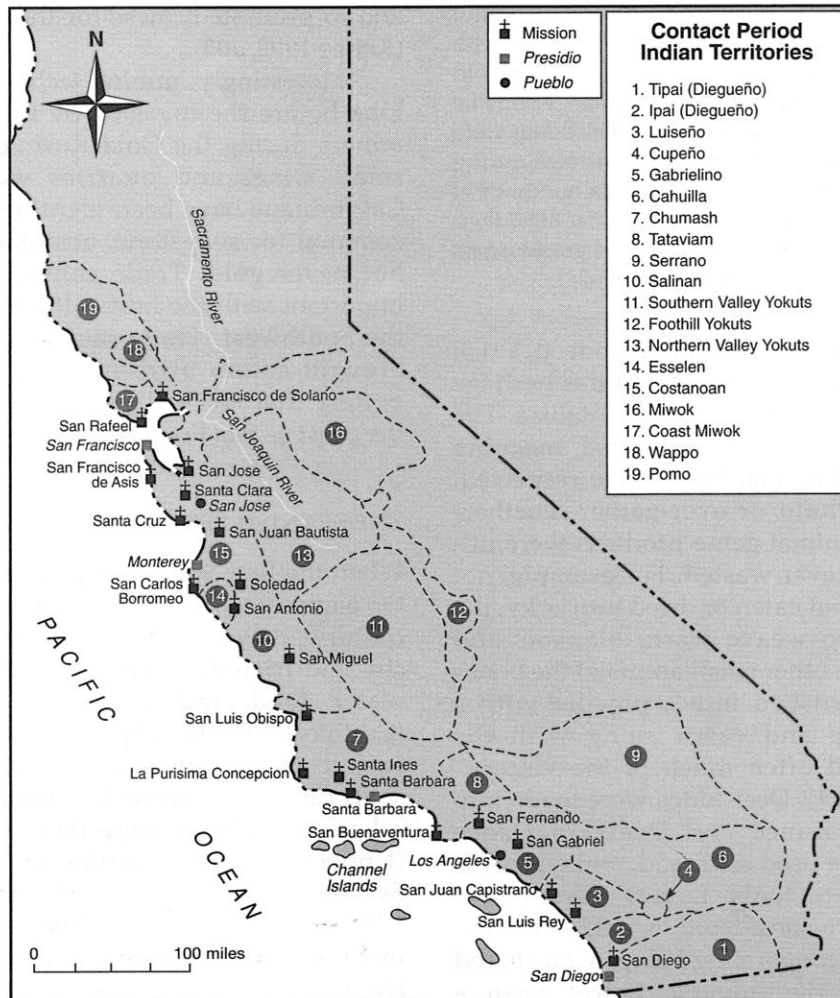


Figure 3.2 California Missions.

the fort protected four major missions and three *asistencias* [Mission auxiliaries] covering a distance of 125 miles to the North" (Schuyler 1978, 74).

The *rancho* as an economic institution underwent a disturbing evolutionary development during the Spanish period. By the 1830s, many observers were describing Indian labor relations in California as serfdom or vassalage, and comparing it to Southern slavery.

Beginning in the 1780s, soldiers and settlers were allowed to graze stock and raise crops in the countryside, using Indian labor entirely. Gradually, these grants of land became more formal; but . . . title to the land always was retained by the Crown, Indian village rights were never quieted by a *rancho* grant, and the ranch owners almost always lived most of the year in town,

leaving his stock and crops in the hands of the Indians working on a sharecropping basis. Gradually, especially after the 1830s, the Indians became serfs, and an economy similar to that of the Deep South of the late nineteenth century developed. (Forbes 1982, 42)

The only other major European presence was at Fort Ross, located ninety miles north of San Francisco Bay. It was an enterprise of Russian mercantile (trade) interests, the Russian American Fur Company, and became a tricultural community of Russian administrators, Aleut fur hunters, and local Pomo Indians utilized as laborers and agriculturalists. There were also some early French fur trapper expeditions in the interior, but it was the Spanish mission system that dominated Indian-European relations in California for the first 150 years.

By 1805, there were twenty thousand neophytes (Indian converts to Christianity) in the Spanish missions. Although Indian persons were recognized as human beings with souls and certain limited rights, Spanish laws nevertheless permitted armed Spaniards to round up the peaceful coastal Indians and impress them into a system of peonage. The Indian lands seized were then held in trust by the Spanish crown under the *encomienda* system with the Indians used as virtual serfs. The *encomienda* was a quasi-feudal arrangement whereby a Spanish "trustee" (Forbes 1982) could collect tribute and free labor from a number of Indians living in a stipulated number of villages, while presumably offering protection and Christian indoctrination. Spanish policy was not to annihilate the Native population as occurred later during the Gold Rush, but rather to absorb it as a labor force for Spanish ranches and the agriculturally-based missions. California became, in effect, a Spanish military colony. "The missions . . . were indeed royal governmental institutions, erected on land belonging ultimately (according to the Spanish viewpoint) to the Crown, although reserved to the Natives with the missionaries as trustees" (Forbes 1982, 39).

Forbes, a historian, describes the evolution of the mission system from its somewhat benign beginnings into an institution of brutal oppression,

In the early years Natives were ordinarily recruited by the offer of "free" meals and gifts. . . . Subsequently, a standard device was to baptize young children in their home villages and then to require them, as "converts," to enter the mission at ages 5 to 7. Normally the child's mother followed to be with the child and the father followed to be with the wife. By the 1790s, however, the reputation of the missions as places where Indians were "unfree," and as "deathtraps," made it necessary for the missionaries to resort to outright force. . . . Spanish military expeditions brought back *gentiles* (unconverted Indians) as well as *cimarrones* (runaways). Another common variant was to bribe or frighten a village leader into supplying quotas of converts. (Forbes 1982, 40)

Mission life was brutal and harsh. Indian neophytes constructed the mission buildings, herded the cattle, worked the fields, and waited on the mission priests. Men and women were segregated, with the men confined to coffinlike rooms with barely enough space in which to lie down, and the women and girls from the age of seven were housed in bare dormitories called nunneries. Indian marriage and divorce customs were suppressed along with all aspects of Native religion. Anglo-borne diseases

easily ravaged the concentrated mission populations. Malnutrition was a persistent problem because mission food was of inferior quality compared to Native diets. Diarrhea was a continual problem for all the missions, in part because the Franciscans often fed the neophytes milk, and Indian genetic makeup lacks the necessary enzyme to digest milk after the age of four or five. Poor sanitation was another cause of diarrhea.

Historical archaeology has discovered the remains of Indian children whose skeletons are deformed, probably from the burden of carrying heavy adobe bricks used in mission building construction. Labor was unpaid, and the neophytes were punished by their religious keepers, the Franciscans, for the smallest infractions. Those Indians who ran away (termed fugitivism), or who resisted, were severely punished if not killed. Typical punishments included whipping with a barbed lash (for both men and women), solitary confinement, mutilation, use of stocks and hobbles, branding, and even execution (Forbes 1982, 39).

The eminent historian, H. H. Bancroft, reported in *History of California, 1884-1890* (see Costo and Costo 1987), on the violence of the Spanish mission system. One account in 1799 by a Franciscan, Antonio de la Concepcion Horra, accused his fellow Spaniards of brutality in the treatment of the Indians. "The treatment shown to the Indians is the most cruel I have ever read in history. For the slightest things they receive heavy floggings, are shackled, and put in the stocks, and treated with so much cruelty that they are kept whole days without a drink of water" (quoted in Costo and Costo 1987, 69). Costo and Costo (1987, 55) report that a Franciscan priest, Fr. Luis Jayne, of Mission San Diego complained in 1772 to his superiors about the brutality of Spanish soldiers who rape Indian women and destroy Indian fields. Fr. Jayme presented evidence of soldiers gang-raping Indian women. In one incident a blind woman was beaten and carried screaming into the woods to be raped.

The Indians were so afraid of these soldiers and tried so hard to protect their wives and daughters, that they leave their huts and crops which they gather from the lands around their villages, and go to the woods and experience hunger. They do this so that the soldiers will not rape their women as they have already done so many times in the past. (Costo and Costo 1987, 53)

The problem of rape appears to have been endemic, yet mission officials took little notice of it.

The same Fr. Jayme was later killed in an Indian revolt at San Diego in 1772.

Because stories of the brutal treatment in the missions spread to unconverted tribes, the mission fathers had to rely on the Spanish military to bring in new Indian neophytes. *Presidios* were established in San Diego, Santa Barbara, Monterey, and San Francisco by 1800. Spanish soldiers were also stationed at the missions. Military control was not the only purpose of the *presidio*, however. They "also served as areas where Native labor was exploited and Indian women were forced to entertain Spanish soldiers" (Castillo 1978b, 102).

The invading ruling class of Spanish colonizers was always small in numbers. Initially, the entire coastal strip of California was controlled by a little more than one hundred persons. Even by 1845, on the eve of the Anglo-American Gold Rush, the *gente de razon* (Spanish-speaking persons) never numbered more than four thousand, as against an Indian population of one hundred thousand. "By about 1800, the neophytes were providing much of the support for the Spanish clergy and army, including, especially, food. After 1811 they literally provided the entire support for the province" (Forbes 1982, 41). Although the Spanish encouraged racial mixture, the net effect upon the enslaved coastal Indian populations was the disintegration of Indigenous culture, language, and community. There was also a deep sense of loss and psychological depression.

Disease also ravished the mission Native population. There were several major epidemics during the period of Spanish occupation that included a respiratory epidemic in 1777 at Mission Santa Clara, a pneumonia and diphtheria epidemic in 1802 that raged from Mission San Carlos along the coast to San Luis Obispo, and a measles epidemic in 1806 from San Francisco down to Santa Barbara. Almost 1,600 died in the measles epidemic, and in some missions, children under ten years were almost entirely wiped out. The epidemics also spread inland into the surrounding foothills, as among the Yokuts and Miwok of San Joaquin Valley. "About 45 percent of the population decline during Spanish occupation was the direct result of introduced diseases and sickness" (Castillo 1978b, 104). As a result, by the 1800s, deaths outnumbered births in the missions. Of the more than fifty thousand baptized, most had died, a mortality rate of nearly 70 percent.

The Native population declined by half, from over 300,000 to 150,000 Indians before the Gold Rush began in 1849. The Spanish mission system, far from being the benign, Catholic good work by Franciscan

monks as is so often described in church literature, was in reality harsh, cruel, and genocidal.

Missionization often met with fierce Native resistance. The Quechans along the Colorado River mounted a revolt in 1781 that was ultimately successful. Then in 1785 the Tongva attempted to destroy San Gabriel Mission. Uprisings against the missions around San Francisco Bay took place from 1820 through the 1830s, led by Native leaders Yozcolo, Estanislao, Marin, and Quintin.

Forbes (1982, 46) reports that "Sporadic resistance also occurred at San Juan Bautista . . . Mission Santa Clara, and elsewhere during the 1790s and early 1800s, but it was generally put down with ease. More serious, because difficult to combat, were neophyte efforts at poisoning or murdering the Franciscans." "Four padres were poisoned at Mission San Miguel, one of whom died in 1801. In 1811, a San Diego neophyte killed a padre with poison. The next year, Indians at Mission Santa Cruz smothered and castrated a padre. . . . In 1836, southern California Cahuilla Indians kidnapped the padre at Mission San Gabriel and horsewhipped him, as so many of their tribesmen had been whipped" (Castillo 1994, 326).

Among the most noteworthy of the revolts against Spanish colonization was the 1824 revolt at Missions La Purisima and Santa Barbara.

The reason for the revolt was ill treatment and forced labor imposed by the soldiers and priests, . . . but the immediate cause was a fight that broke out at the flogging of a La Purisima neophyte at Santa Ynez in February. Apparently no one was killed but a large part of the mission buildings was destroyed by fire. That same afternoon as many as 2,000 Indian attacked and captured Mission La Purisima. Soon they were bolstered by reinforcements from Santa Ynez and San Fernando. . . . Meanwhile the news of the uprising . . . reached Santa Barbara. Upon its receipt the neophytes armed themselves. . . . After some futile negotiation with the priests, the neophytes were attacked by the soldiers. A battle of several hours ensued throughout the mission; finally the soldiers withdrew to the *presidio*. The neophytes then sacked the mission and retreated to the back country. . . . A month passed during which the Spanish authorities were able neither to persuade the Santa Barbara Indians to return nor to recapture La Purisima Mission. (Castillo 1978b, 103)

Later, when the Spaniards returned to attack the Indian defenders at La Purisima with hundreds of armed men and four-pounder guns, the neophytes resisted strongly, the battle raging all morning until a cease-fire was negotiated with the assistance of the priests. Many neophytes from San Fernando then

joined the rebels at Santa Barbara, and those at San Buenaventura and San Gabriel also showed signs of revolt. At the end of May a truce was negotiated, but as many as four hundred neophytes refused to return. Seven of the La Purisima rebels were executed by the Spaniards, and four leaders of the revolt were sentenced to ten years of chain-gang labor, although two eventually escaped.

Besides outright revolts there were also mass escapes, such as the one in 1795 in which over two hundred Costanoan Indians fled Mission Dolores. "Runaways became so numerous in the early 1800s that, on occasion, large sweeps were made through the Central Valley by troops looking for them; and smaller squads of soldiers were constantly out" (Forbes 1982, 47). Unfortunately, Spanish soldiers were sometimes aided by yet other Indians in capturing the runaways. Nevertheless, the runaway neophytes "introduced Spanish horses, weapons, and military tactics to the unconverted interior tribes and convinced them to stiffen their own efforts at resistance to missionization" (Castillo 1978b, 102). There was also nonviolent resistance, including the practice of abortion, and the infanticide of "children born out of forced concubinage of Indian women by priests and soldiers" (Castillo 1978b, 104).

After sixty-five years of Spanish rule the missions were abandoned in 1834 after Mexico achieved its independence from Spain. The Mission Indians were then left with little economic opportunities to sustain themselves, their populations decimated, and their aboriginal social systems and cultures all but destroyed.

THE MEXICAN-INDIAN PERIOD (1821-46)

As a result of the successful revolt against Spain, Mexico inherited an over extended colonial empire that embraced much of the Southwest in present-day United States, including Alta (Upper) California. In California, however, the young Republic of Mexico took control of only a narrow coastal region, populated by a small population of *Hispanos* (Spanish subjects of whatever race) and the more numerous Indian neophytes who occupied the missions, *presidios*, and civilian pueblos. The vast interior of California remained for a time under the control of free Indian nations.

After the revolution, the 1824 Mexican Constitution formally secularized the mission system. It made the Indians citizens of the new republic and, at least in theory, turned over mission property to them. Yet, in practice, actual Mexican policy towards the Indians

was essentially the same as that of the Spanish. Neither Spain nor Mexico acknowledged Indian ownership of the land, but only the right of occupancy. In spite of an earlier 1821 Act passed by the Mexican government "that guaranteed citizenship . . . and protection of their person and property, Indian neophytes and gentiles alike were seized for forced labor and their property confiscated" (Castillo 1978b, 114-15). In fact, Franciscan resistance and the general political turmoil of the period forestalled secularization until 1833. As late as 1836 the Franciscans continued to mount military campaigns to seize new potential neophytes from the interior for labor at the missions.

It was a time of confusion and disarray for the Indian neophytes. Many lost the promised mission lands to non-Indians. As a result, some of the emancipated neophytes hired themselves out as farm laborers and servants. Others were left at the mercy of the *pueblos* where they were exploited as domestics, plied with alcohol, and left for a life of poverty and debauchery. Others fled to the interior to join traditional Indian communities that were still intact. Some of the former neophytes revolted, as in the Santa Ynez revolt of 1824. Those employed on the *ranchos* became victims of the hacienda system of peonage, bordering on slavery. "By 1840 there were a dozen of these feudal establishments, each with 20 to several hundred Indians, in all perhaps as many as 4,000" (Castillo 1978b, 105).

The *ranchos* system, which was carved out of mission lands, accelerated after the legal secularization of the missions in 1834. Many Indians were absorbed into the new *ranchos* as *vaqueros* (cowboys), or as servants. Instead of dividing the land and property between the fifteen thousand surviving neophytes and the clergy, as was originally planned, the Mexican authorities appropriated most of the mission resources for themselves and their relatives. "The entire economy of the Mexican colony now shifted to the large landed estates of wealthy Mexicans" (Castillo 1978b, 105). The Sepulveda Rancho is an example that symbolizes the *ranchos* era in southern California. Jose Andres Sepulveda received a huge private estate out of the holdings of the San Capistrano mission in 1837. After Mexican independence and the secularization of the missions, men like Salvador Vallejo, another prosperous landowner, hoped that the former mission Indians would become townsmen and the missions local parishes. Yet, this view did not stop him from becoming wealthy and powerful by enslaving California Natives in order to expand and work his private estate. Sherburne Cook reports that, in 1834,

Vallejo killed over two hundred Wappo Indians and captured three hundred others for his estate (cited in Castillo 1978b, 106).

By the early 1820s, virtually all of the coastal Indians were living in the missions or on the *ranchos*, and the Native villages in the interior valleys were becoming depopulated. The non-Christianized Native peoples of the interior then experienced brutality and violence at the hands of the Mexican colonists, who sought to protect and expand the *ranchero* economy. An example of this brutality is the expedition of Jose Maria Amador in 1837. The Amador party invited the Indians, both Christian and non-Christian, to a feast, but as soon as the Indians approached they were surrounded and tied up. Amador later reported,

[W]e separated 100 Christians. At every half mile or mile we put six of them on their knees to say their prayers, making them understand that they were about to die. Each one was shot with four arrows, two in front and two in the back. Those who refused to die immediately were killed with spears. . . . The Ensign told me to do whatever I thought best (with the others). I answered that I thought all the prisoners should be shot, having previously made Christians of them. They should be told they were going to die and they should be asked if they wanted to be made Christians. . . . We baptized all the Indians and afterwards they were shot in the back. At the first volley 70 fell dead. I doubled the charge for the 30 who remained and they all fell. (Cook 1962, 197-98)

The Indians in the interior did not remain passive but fought back against the depredations of the Mexican *rancheros*. Yozcolo, a former neophyte at Mission Santa Clara, conducted many stock raids during the 1830s before he was finally defeated and killed. "In the central valley the Indian offensive reached a peak in 1845 and then rapidly decreased due to rear attacks suffered from American colonists filling the valley. In the south from 1841 to 1848 warfare became much more intensified" (Castillo 1978b, 106). As much as 6 percent of the Native population decline during the Mexican period can be attributed to warfare casualties.

European-introduced diseases caused most of the deaths among the Indians during the period of Mexican rule. Venereal disease, measles, pneumonia, diphtheria, and other respiratory ailments ravaged the indigenous population until 1827. Smallpox appeared in 1833, along with scarlet fever, cholera, and tuberculosis. The pandemic of 1833 killed an estimated 4,500 Indians, and a smallpox outbreak

killed several thousand more. It is estimated that for northern California alone, 11,500 Indians died between 1830 and 1848 from European diseases to which they had no natural immunity. If disease and warfare are taken together, the Mexican period may have been even more destructive than the Spanish period. As a result, by the time of the Anglo-American invasion from 1845 to 1847, there were only about 6,000 ex-mission Indians still residing along the coast, along with 7,000 predominantly Indian-Mexicans. There were also about 700 Europeans, and more than 100,000 Natives remaining in interior California (Forbes 1982, 67).

THE EARLY AMERICAN PERIOD (1846-1900)

The American period in California Indian history commenced with the U.S. declaration of war against Mexico and the Bear Flag revolt by the *Americanos*, the California Battalion, in 1846. It is, of course, longer in duration than either the Spanish or Mexican periods. It is represented by a number of stages, each of which had a somewhat different impact on the Indian peoples, leading to their drastic population decline. The topics examined include the 1849 and early 1850s Gold Rush, the roles of the miners and the military, the part played by disease and starvation, the impact of the unratified treaties on Indigenous sovereignty, the social effects of indenture and slavery, and the deleterious effects of forced relocation and the early reservation system.

Beginning with Jedediah Strong Smith in 1826, Anglo-American fur traders began penetrating California. Britons, French Canadians, and *Hispanos* from New Mexico also entered the Far West and California during this early period. Once an isolated Indian country relatively untouched by the Spanish mission system, the California interior rapidly became part of the international fur trade. Spanish, British, Russian, and American ships also stopped along the northern coast of California after the 1770s for furs and trade. The fur trade also brought malaria and other infectious diseases, which further decimated local Native populations.

Just before the war with Mexico, John A. Sutter established the settlement of New Helvetia (Sacramento) in the Sacramento Valley. "New Helvetia was a large-scale plantation-type enterprise buttressed with coerced Native labor and suffused with violence" (Hurtado 1988b, 35). Sutter and the other Anglo ranchers absolutely depended on Indian labor, but their labor needs weakened the viability of

the surrounding Indian communities and made the Anglo ranches vulnerable to attack by starving Indian livestock raiders. In the beginning, Indian labor was plentiful; the Indians worked cheaply, and they could easily be controlled with corporal punishment. White labor, on the other hand, was scarce and expensive.

Indian women were often abused by Sutter, his captains, and the Anglo-American settlers. Sutter's overseer, Heinrich Lienhard, claimed that there was a special room next to Sutter's chambers where a "large number of Indian girls . . . were constantly at his beck and call," and that "Sutter has sexual relations with girls as young as ten" (Hurtado 1988a, 63).

The Mexican war that lasted from 1845 to 1848 ensured the virtual seizure of Alta California from the Republic of Mexico by the United States. As a result of the war, the young Republic of Mexico lost half of its territory, 525,000 square miles, to the United States. The lost territory included California, Nevada, Utah, most of Arizona and New Mexico, and parts of Colorado and Wyoming, for which the U.S. paid Mexico \$15 million. Texas, one of the main causes of the war, was annexed in 1845. The war with Mexico, and the Bear Flag Revolt by American settlers in California that followed, brought momentous changes to the Native peoples.

The Gold Discovery

46 On January 24, 1848, gold was discovered on the South Fork of the American River at Coloma when John Sutter was constructing a sawmill. As word of the discovery went out, *Californios* (former Mexican citizens) and more recently arrived settlers flocked to the hills to wash the sands and gravels of Mother Lode streams and rivers. Two months after the discovery, Alta California, along with Arizona and New Mexico, was transferred from Mexico to the United States under the Treaty of Guadalupe Hidalgo. *Baja* or Lower California was retained by the Mexican Republic. Neither country was aware at the time of the full significance of the gold discovery when the treaty was ratified. By the end of the year, however, President James K. Polk verified the gold discovery in his State of the Union address, and a display of California gold was exhibited in Washington, DC. The stage was now set for the Gold Rush of 1849. A pastoral California, with its Indian population, Spanish missions, and Mexican *ranchos*, was quickly overrun by an invasion of gold seekers from throughout the world, the Forty-niners.

The Treaty of Guadalupe Hidalgo guaranteed the Spanish *Californios* the right to retain their

Mexican citizenship, or to become U.S. citizens. Because Indians were considered citizens under the 1824 Mexican Constitution, they theoretically also acquired U.S. citizenship. This legality was totally ignored, however, by the Anglo military administration in California. The 1849 California State Constitution (the Constitutional Convention being dominated by miners) prohibited Indians from voting. A disregard for Indian rights was officially affirmed by Governor Peter H. Burnett in his annual message of January, 1851, when he said that "a war of extermination will continue to be waged between the races until the Indian race become[s] extinct."

Native people could not bear arms, vote, or have a fair trial, or even testify against a White person. In a prizewinning book, *Indian Survival On the California Frontier*, Hurtado (1988a, 98) reports that, "During the first years of the Gold Rush, California Indians were governed only by the regulations of military governors, who did not attempt to extend citizenship rights to them but treated Native people as a distinct class, useful as laborers and dangerous as raiders. . . . The dual concerns of non-Indian landholders—regulating the Indian labor force and controlling livestock raiding—became the principal aims that shaped early United States Indian policy in this region."

Under the Treaty of Guadalupe Hidalgo the United States was supposed to recognize two kinds of Indigenous property rights, traditional *ranchos* rights, and open land where Indian title was still intact, including Indian villages and the abandoned missions. Yet, the American authorities immediately violated the treaty with Mexico after taking over California. A land commission was set up in 1851 to decide all cases of lands claimed by Mission Indians under provisions of the Treaty of Guadalupe Hidalgo. Indians were not told of this, so none of them appeared to protest; all of the lands were made public domain and were either opened to settlement or kept by the government. The Indians with traditional rights under aboriginal title lost in several court decisions (probably unconstitutional), which ruled that the Indians were trespassers on the public domain of the United States. The federal government failed to intervene although the state's action was patently illegal under the U.S. Constitution. Instead, both the state and federal governments set about acquiring as much land as possible at the expense of the Indians.

A hard line was also taken against the *ranchos* owners of the Spanish land grants, including those whose owners were Indian. These landowners were required to take their deeds and titles to San

Francisco for hearings in order to legally prove title. Many subsequently lost their lands to Anglo speculators and attorneys. By these and similar means, entire Indian communities were destroyed with no recourse in the American courts of justice.

In order to mobilize the dispossessed Indian labor force, the U.S. military government in California decreed that "Indians who did not work for ranchers, or who did not have an official passport, could expect to be tried and punished. Worse, an Indian might be shot on the pretext that he was a horse thief" (Hurtado 1988a, 95). When an epidemic of measles broke out in the Sacramento Valley in the summer of 1847, John Sutter was allowed to replace his dead and dying workforce by using armed force to compel so-called wild Indians to work his ranch. To sum up, Indian-White labor relations in the interior during this transition period produced many of the same dire consequences that Indians had faced under Mexican rule in California, namely, depopulation, labor exploitation, and the weakening of tribal bonds on individuals, but at least the Mexican government and the Franciscans expressed an interest in the Indians' spiritual welfare, albeit within the parameters of Catholic dogma.

The discovery of gold at Sutter's half-finished sawmill on the American River in 1848 ushered in a period of extreme abuse of the Indians, leading to an even more rapid population decline than before. Ironically, it was Maidu Indian workers who helped John Marshall discover gold in the Mother Lode when he was building the mill for Sutter. By the end of that summer, four thousand miners, half of them Indian, were prospecting for gold. Thus, at the beginning of the Gold Rush, Indian labor was used to mine the precious metal. This atmosphere of tolerance lasted no more than a year, however. In the spring of 1849, some Oregon miners were involved in the rape of Maidu women. When Maidu men intervened to stop the outrage, the miners drew their revolvers and shot down three of them (Hittell 1897, 77).

Before the gold discovery Indians outnumbered Whites by nearly ten to one, but by the early 1850s, Whites had come to outnumber Indians by perhaps two to one. Gold fever resulted in tens of thousands of immigrants, young single men, flocking to the California gold fields, hoping to strike it rich and then return to their homes in the East, wealthy. Insatiable greed dominated this non-Indian immigrant population, and unbridled individualism marked the new California society. As a result, the White population steadily rose to more than two hundred thousand,

while the Indian population went into precipitous decline, reaching a nadir of twenty-three thousand by 1880, about 15 percent of its 1848 population.

The Forty-niners were mainly Anglo-Americans, although there were also Mexicans, South Americans, and even Europeans among their number. All, however, were motivated to obtain gold rather than acquire land as settlers. Mexico had valued Indian labor in the missions and on the ranchos, and had therefore attempted to incorporate Native people into the Alta California economy. Not so the Americans. Many Anglo-Americans who came to California after 1848 viewed the Indian people as worthless, and they were appalled by the Mexican custom of sanctioned miscegenation (interracial sexual unions). Many were imbued with a frontier mentality that taught them to despise Native peoples as subhuman *diggers*. California Indians used digging sticks to harvest roots and other food sources from the soil, hence the name, *digger*, which became a pejorative.

In 1848 the richest gold-bearing regions of California contained the largest concentrations of Native people. The immigrant gold hunters therefore ventured directly into Indian territory, areas which had previously been independent of non-Indian control. By 1852, over \$300 million in gold had been extracted from Indian lands, and many millions more remained, over \$1.5 billion dollars worth altogether (Bailin 1971, Introduction). There were three major gold mining regions, the central, southern, and northwestern mines. (See Figure 3.3)

At first, a number of Indians were employed as miners or else mined independently. Sutter, for example, began losing his ranching labor force at New Helvetia when some Indians caught the gold fever. Some Indians were at first able to enter the trade system by bargaining their gold for trade goods. Soon, the traders countered by inventing the *digger ounce*, a lead slug that dishonestly outweighed the legitimate weights used to measure the gold brought in by White miners. By this means the Indian miners were cheated out of their hard-earned profits.

In the southern district, Miwok Indians at first washed gold on Weber Creek. The men dug and gave the mud to the children who, in turn, carried it in baskets to the women who lined up on the stream and washed the gold in grass baskets. Soon, however, White miners began driving Native workers out of the central region labor force. "Free White workers vehemently and brutally objected to competition from cheap Indian labor, mostly controlled by California's *ranchero* class" (Hurtado 1988a, 107). Indian laborers

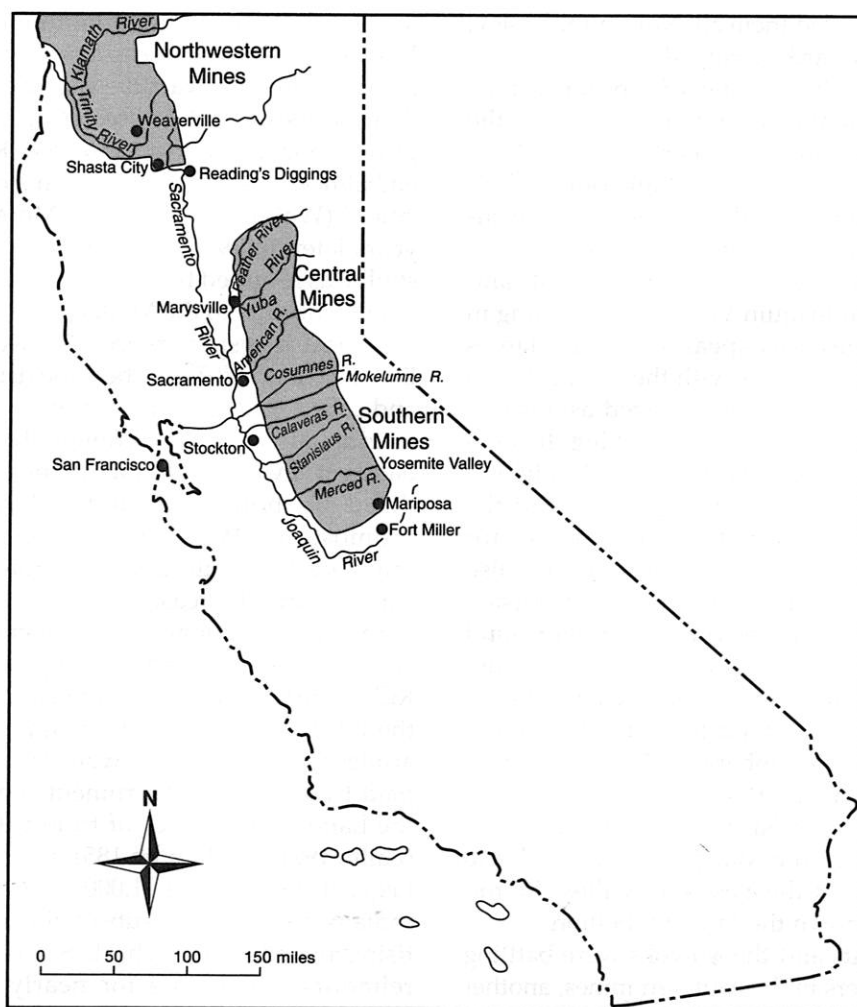


Figure 3.3 California mining regions in the 1850s.

were pushed into the worse jobs or occasionally permitted to work the mine tailings. "To feed their families, some prostituted themselves, while others scavenged through dumps and slaughter pens for the leavings of White miners" (Hurtado 1988a, 108).

Savage Miners and the Military

The Forty-niner Gold Rush initiated a rapid depopulation of California's Native peoples that scarcely diminished in intensity until the end of the nineteenth century. The Indian people were cheated, debauched by liquor and White demands for sex, starved, rounded up and herded on brutal forced marches to small reservations (virtual concentration camps), enslaved in debt peonage, brutally murdered and massacred, and denied civil rights and equal justice before the courts and institutions of Anglo California. Forbes (1982, 69), a historian, writes that "the United

States possesses many sordid chapters in its history, but perhaps none is more sordid than that relating to the conquest of California, typified as it is by great brutality and callousness and what closely approaches genocide." Indian historian Jack Norton (1979, 32) reports that in northwestern California, the immigrants shot Indians on sight, often as they were fishing or gathering food, or even as they were seeking to protect their wives and daughters from kidnap and rape. Indian homes were burned and the occupants trapped by settler gunfire. Entire families were trapped and shot in the ravines and caves surrounding their places of habitation. Babies had their heads smashed against trees and rocks. In detailing the massacre of the Yahi, Theodora Kroeber (1969, 84-85) reported that more than thirty Yahi including young children and babies were cornered in a cave at Mill Creek. "They were helpless against the four armed

men who forthwith killed them all. Norman Kingsley, as he explained afterwards, changed guns during the slaughter, exchanging his 50-caliber Spencer rifle for a 38-caliber Smith and Wesson revolver, because the rifle 'tore them up so bad,' particularly the babies."

While Sutter was cheating Indians out of their gold-productive lands, and the traders were cheating Indian gold miners with the digger ounce, the Gold Rush came to the lands of the Miwok and Yokut peoples in San Joaquin Valley. Gold mining in these southern mines was spearheaded by James D. Savage, who made treaties with the Yokuts in the winter of 1849. Sometimes characterized as a friend of the Indians because of his treaty-making, he nevertheless didn't hesitate to charge the local Indians a pound of gold for a pound of sugar and sold the beef, given to him by the federal government for distribution to the tribes, for his own profit. He also gambled away the gold that Indian miners entrusted to him for sale in San Francisco. (Project Underground 1998, 3) The miners who followed Savage were not interested in negotiating treaties or paying the local Indians for gold found in their territory. This led to the Mariposa War in December of 1850, when warriors under Chief Tenaya attacked prospectors and burned the trading posts. Savage, in turn, led a force of state militia, called the Mariposa Battalion, into the Sierra Nevada and the Yosemite Valley the following year to put down the Indian rebellion.

While the Yokuts and the Miwoks were battling Savage and the miners in the southern mines, another gold discovery unfolded in northwest California. The incoming miners, spearheaded by Perison Reading, soon overran the local Indian communities, often massacring the inhabitants. Some Indian peoples like the Modocs fought back until they, too, were forcibly overcome and driven to reservations as conquered peoples.

In the early 1870s, the Modocs, led by Kentipoos, also known as Captain Jack, abandoned the Klamath Reservation in Oregon and returned to their ancestral homeland in northern California where they hoped the federal government would give them their own reservation in which to live in peace. In November 1872, when the Army tried to forcibly return the Modocs to reservation confinement in Oregon, Kentipoos and his people fled to the natural fortress of what is now Lava Beds State Park. There, the 150 Modoc warriors and their families successfully held off over 3,000 troops of the U.S. Army for nearly a year. The Modoc resistance fighters lost only one warrior in a series of skirmishes, but the Army lost sixty officers and men, including a general. Eventually,

torn by dissension and without food and water, the Modoc resisters were captured and hanged. "After the execution, the warriors were decapitated and had their heads sent off for 'scientific investigation', and grave robbers later disinterred Kentipoos' body, embalmed it, and displayed it in a carnival in eastern cities" (Waldman 1985, 132). More than a hundred years later, in 1984, after many protests, Kentipoos' skull was returned by the U.S. government's Smithsonian Institution to the Modocs for sanctified reburial.

Local newspapers in northwestern California, like the *Humboldt Times*, beat the drums of Indian war and called for the formation of a volunteer militia to exterminate what were commonly termed "skulking bands of savages." Militia expenses were often subsidized by both state and federal governments. "Almost any White man could raise a volunteer army, outfit it with guns, ammunition, horses, and supplies, and be reasonably sure that the state government would honor its vouchers" (Castillo 1978b, 108). "Volunteer groups grew up, such as the Klamath Rifles, the Salmon Guard, the Union Volunteers, and the Pitt River Rangers. They appeared to be private armies; but, in actuality, were called out, armed, and paid by the State Government. Volunteers received the handsome salaries of from \$10 to \$15 per day" (Bailin 1971, 17). In both 1851 and 1852 the California Legislature paid over \$1,000,000 to those who hunted Indians, thus directly subsidizing the so-called chas-tising expeditions. "The U.S. Congress eventually reimbursed the state for nearly all of the bonds issued" (Castillo 1978b, 108).

Between 1848 and 1860 there were at least 4,267 Indian deaths attributed to the military, or about 12 percent of the Indian population at the time. Ironically, it was the gold stolen from Indian lands that paid for the ensuing genocide. Towns offered bounties on Indians ranging from "five dollars for every severed head in Shasta in 1855 to twenty-five cents for a scalp in Honey Lake in 1863" (Project Underground 1998, 5). Flagrant acts of cruelty were many, "Doctor Merriam stated in his testimony before a Congressional Committee that 'On the Klamath and Salmon Rivers, the giant miner's hose nozzles were aimed at Indian villages, dumping houses into the canyons below.' A Mr. Lockhart reported that before leaving Pitt River, 'he had mixed a considerable quantity of strychnine with flour, and placed it where it could be found and consumed by the starving Indians'" (Bailin 1971, 12).

In response to starving Indians who raided settler cattle from time to time, racist reports and

editorials appeared in area newspapers. The following excerpt is from a letter to the editor in the *Alta California*, May 21, 1852,

Your correspondent also labors under a mistake representing the late killing of some 40 Indians at the Upper Crossing as occurring in a "fight." It was a cold-blooded unprovoked massacre. An Indian, sometime in the early part of March, had been shot by a White man at Happy Camp. The Indians on the rivers above were exasperated, and perhaps threatened retaliation. At all events, some miners were alarmed, raided a party, surrounded the Rancheria at the Ferry, and killed every man and some women; then proceeding up the river two miles, surrounded another village and killed every man but one, who escaped wounded, making a total of some 30 or 40 killed. All accounts agree in stating that the attack was wholly unlooked for by the Indians, who from the date of the treaty at Scott's Valley in November, had been perfectly quiet and inoffensive. The facts are given on the authority of the Special Indian Agent in that neighborhood, who investigated the sad affair. . . . It is quite too common for letter writers and editors in California to represent every difficulty which occurs on the frontier, as an aggression or outrage on the part of the Indians, and in justifying the most severe punishment, even their downright butchery.

In 1853 the *Yreka Herald* newspaper called on the government "to carry on a war of extermination until the last redskin of these tribes has been killed. Extermination is no longer a question of time—the time has arrived, the work has commenced and let the first man that says treaty or peace be regarded as a traitor" (Project Underground 1998, 5). A newspaper report in the *Petaluma Journal* of April 15, 1857, recounted how three or four hundred "'bucks, squaws, and children' had been killed by Whites for running off stock. Most of the women were removed to Round Valley [reservation] but the 'bucks are safely disposed of'" (Bailin 1971, 5). Another report, this time in the *Redding Courier* of September 17, 1859, recounted in great detail the formation of a company of nineteen Whites who had hunted down Pitt River Indians, killing twenty-two warriors, and forty "squaws" and children. The news article went on to say that "the citizens of Pitt River Valley are determined to keep the company in the field until the Indians are wiped out" (Bailin 1971, 5).

Ten years later, the following headlines in the *Eureka Humboldt Times* virtually rationalized the continuing genocide (Norton 1987, 122–23),

- "Let the Indians understand that they as tribes will be held responsible for crimes and no special pain will be taken to find the individual perpetrators.

Any ten will be taken and hung if the guilty are not brought forward." (April 9, 1862)

- "Good Haul of Diggers: Band Exterminated." (January 17, 1863)
- "Good Haul of Diggers: One White Man Killed—Thirty-eight Bucks Killed, Forty Squaws and Children Taken." (April 11, 1863)

The racist sentiments expressed in the newspaper editorials mirrored those of local Whites who wanted to clear the potentially rich agricultural and grazing lands, and gold-bearing deposits of the resident Indian populations. Massacres like the Bloody Island massacre of 125 Clear Lake Pomos in 1849 were the result.

In 1847, Andrew Kelsey and a man known only as Stone purchased a herd of cattle from Salvador Vallejo with the right to pasture the stock at Clear Lake, located in the coastal range north of San Francisco. To run their ranch they employed local Pomo Indians who had worked for Vallejo. Kelsey and Stone imposed harsh discipline on their Indian workers, whipped them for sport, starved their laborers, and even appropriated the wife of their head Indian *vaquero* for themselves. Clear Lake tribal historian William Benson reported in his diaries, "From severe whippings four died. A nephew of an Indian lady who was forced to live with Stone (as his whore) was shot to death by Stone. When a father or mother of a young girl was asked to bring the girl to the house [for sex] by Stone or Kelsey, if this order was not obeyed, he or she would be hung up by the hands and whipped" (quoted in Project Underground 1998, 11).

Another eyewitness account is the testimony of Thomas Knight, The Kelseys would sometimes go out and get 50, 60 or a hundred of these Indians, and bring them to their place, and make them work for them. They treated them badly, and did not feed them well. . . . The Indians were kept so short of food that they occasionally took a bullock and killed it themselves. On such occasions, if the Kelseys failed to discover the special offenders, they would take any Indian they might suspect, or perhaps one at random and hang him up by the thumbs, so that his toes just touched the floor, in an adobe house they had on the premises, and keep him there two or three days, sometimes with nothing to eat. . . . Sometimes they would kill an Indian outright on the spot for some small offence. In driving them to their place they would shoot any of the old or infirm ones by the wayside.

At the time of the Red Bluff excitement, the Kelseys went up into the Clear Lake region, and got some 80 Indians, and drove them down to Red Bluff to work the valuable mines that were supposed to be there. On getting them there, a long distance from their homes, it was

ascertained that the mines were a sell [worthless], and there was not gold there. The Kelseys then and there abandoned these Indians, who were in a hostile country, with nothing to eat, and they were killed and starved, and finally only some eight or ten of them ever got back to their homes. In revenge they murdered Andy Kelsey, who was in the Clear Lake country, tending a large herd of cattle the brothers had there. (Heizer 1974, 246–47)

To avenge the deaths of Stone and Kelsey the U.S. Army and White volunteers attacked the Clear Lake Pomos in 1850, killing over one hundred of them in a most barbaric manner. This is known as the Bloody Island Massacre. Thomas Knight's account continues: "The two other Kelseys also killed a good many. They were arrested for their inhuman treatment of the Indians, many of those massacred being old or infirm and had never made any trouble, but through some flaw in the law or informality they escaped punishment" (Heizer 1974, 247).

Another brutal massacre occurred on Indian Island (also known as Gunther Island), which is



"Protecting the settlers." Massacre of the Nome Cult Valley Indians during winter of 1858–59.

located just off the Eureka city shoreline, On February 26, 1860, when the peaceful Wiyot people were holding their annual religious ceremonies during the night, they were attacked as they slept by White men who slaughtered them with axes. A Major G. J. Raines, in a report of the massacre to the Assistant Adjutant General of the Army, gave the following account,

I have just been to Indian Island, the home of a band of friendly Indians between Eureka and Uniontown, where I beheld a scene of atrocity and horror unparalleled not only in our own Country, but even in history, for it was done by men self acting and without necessity, color of law, or authority—the murder of little innocent babes and women, from the breast to maturity, barbarously . . . perpetrated by men who act in defiance of and probably in revenge upon the Governor of the State for not sending them arms and having them mustered in as a Volunteer Company for the murder of Indians by wholesale, goaded also by Legislative acts of inquiry into such matters. At any rate such is the opinion of the better class of community as related to me this Sunday morning. I was informed by these men, Volunteers, calling themselves such from Eel River, had employed the earlier part of the day in murdering all the women and children of the above Island and I repaired to the place, but the villains — some five in number had gone—and midst the bitter grief of parents and fathers—many of whom had returned—I beheld a spectacle of horror of unexampled description—babes, with brains oozing out of their skulls, cut and hacked with axes, and squaws exhibiting the most frightful wounds in death which imagination can paint—and this done . . . without cause, otherwise, as far as I can learn, as I have not heard of any of them losing life or cattle by the Indians. Certainly of these Indians, for they lived on an Island and nobody accused them. (Heizer 1974, 259–60)

Major Raines then describes the murdered Indians as he found them in each lodge, the total number being one man, seventeen women, and eleven children. In addition to these dead he reported that eighteen women and an unknown number of children had been carried away by their relatives for burial before his arrival. Another eyewitness described the scene in this way, "Blood stood in pools on all sides; the walls of the huts were stained and the grass colored red. Lying around were dead bodies of both sexes and all ages from the old man to the infant at the breast. Some had their heads split in twain by axes, others beaten into jelly with clubs, others pierced or cut to pieces with bowie knives. Some struck down as they mired [in the water]; others had almost reached the water when overtaken and butchered" (quoted in Norton 1979, 82).

It was later learned that the Indian Island massacre was part of a well-coordinated and premeditated plan by some White farmers and stockmen to exterminate the region's resident Indian population, because that same night three other massacres took place simultaneously, two at the south spit of Humboldt Bay, and the other at the mouth of the Eel River. "One man who had sat on the previous grand jury at Eureka boasted of killing 60 infants with his hatchet at the different 'slaughter grounds'" (Bailin 1971, 5). The total deaths numbered 188 Indians, mostly women and children. The White perpetrators of these barbaric massacres were never brought to justice, and although individual military officers at times spoke out against the depredations, the U.S. Army as an institution backed the interests of the White settlers.

Disease and Starvation

Throughout most of California, the casualties resulting from disease epidemics greatly exceeded those from massacres. "In 1853, five hundred died in Nevada City of smallpox and typhoid. Eight hundred Maidu died of influenza and tuberculosis in the same year" (Bailin 1971, 6). The most common diseases were measles, pneumonia, smallpox, tuberculosis, and venereal disease. Syphilis infected approximately 20 percent of California's Indians, and gonorrhea may have been 100 percent. Venereal disease was contracted mainly from White men who abducted and raped Indian women. *The New York Century* of May 1860, reported that "intercourse of Whites with Clear Lake Indians . . . had laid the foundation for the ultimate extermination of the race by disease . . . of 500-600 'squaws' from ten years old upwards" (quoted in Bailin 1971, 7).

Malnutrition played a tragic role in paving the way for death from disease. The destruction of Native foods sources, either as the indirect effect of gold mining, or as outright theft, contributed to Indian susceptibility to communicable disease. A Special Agent, testifying before a committee of the 66th Congress, gave the following information,

The first effect of the occupation of the land by the miners was the muddying of the streams by the mining operations and the killing or frightening away of the game, thus cutting off the Indians' fish and game supply. The mining population soon needed gardens, and about the only land suitable was that where the edible roots grew. The stock industry followed very soon, and even the oak trees were fenced in and forbidden to the Indians, as the acorns were needed for hogs. Later the era of wheat came and arable lands passed into private

ownership. The Indians were thus reduced from a state of comparative comfort to one of destitution. (quoted in Bailin 1971, 7-8)

There were also Whites who actively sought out Indian food stores in order to destroy them. On the Trinity River, a principal river for salmon, an Indian food staple, White men took over the entire river. When Indian people attempted to come back for fish upon which they had depended since time immemorial, they were usually shot.

From time to time, Congress authorized purchases of cattle and flour for distribution to the Indians, but more often than not, most of these purchases failed to reach the Indians for whom they were intended. "The system of accountability was such that no voucher was understood to mean what it expressed on its face—500 beef did not mean 500 purchased and delivered but 500 bought, and perhaps 100 delivered and 400 resold . . . private contractors were charging three times the going rate for cattle and delivering it in pieces, not on the hoof, if it was delivered at all. The result—hunger and death all over California" (Bailin 1971, 9).

Sherburne Cook (1978, 93) reports that the years 1845 to 1855 saw a Native population decline from approximately 150,000 to 50,000, or about 66 percent. "This desolation was accomplished by a ruthless flood of miners and farmers who annihilated the Natives without mercy or compensation. The direct causes of death were disease, the bullet, exposure, and acute starvation. The more remote causes were insane passion for gold, abiding hatred for the Red man, and complete lack of any legal control" (Cook 1978, 93).

The mentality that fueled the genocide of the nineteenth century continued into the early twentieth century. Ishi, a Yahi Indian, wandered out of the hills of Tehana County in 1911 as the last surviving member of his tribe. Vigilantes had undertaken raids of extermination against the Yahi and other Indian tribes.

These deadly raids reduced the Yahi to the handful remaining in Ishi's small band. These few individuals then attempted to hide themselves in the most isolated and rugged reaches of the Mill and Deer Creek valleys of northern California for the next thirty years, raiding mountain cabins for food and crawling under the dense thickets so as not to create any visible trace of their existence. These harsh conditions of life persisted until 1908 when Ishi, alone and emaciated, allowed himself finally to be taken by those from whom he had hidden for so long. (Meyer 1982, 106)

Ishi's story, made famous by Theodora Kroeber, is recounted in *Ishi In Two Worlds*. Ishi, a survivor of genocide, became the living embodiment of a traditional Indian for anthropologists to study (Kroeber 1976). Housed in the anthropology museum, located at that time in San Francisco, he gave demonstrations in flint-knapping and other Yahi skills before succumbing to tuberculosis and dying in 1916. At his request, Ishi's body was cremated, but not before his scientific so-called friends performed an autopsy on the man known as "the last wild Indian" to see what made him different as a so-called primitive man. The idea of an autopsy was abhorrent to Ishi, as the scientists well knew, indeed, sacrilegious in Yahi spiritual beliefs, as it is in many Indigenous and world cultures.

To make matters worse, only in the last few years was it learned that his brain was removed at the time of the autopsy and shipped off to the Smithsonian Institution for "scientific study" (see Hinton 1999, 4–9). Ishi's brain rested, forgotten, on a shelf in a jar of formaldehyde for eighty-three years. At first the Smithsonian declined to return Ishi's brain. Finally, after two years and much public pressure, a petition by the Butte County Native American Cultural Committee on behalf of all California Native Americans was granted, and the Smithsonian agreed in March of 1999 to repatriate Ishi's brain by sending it home for sanctified burial with his other remains. This episode indicates the depth of the inhumanity of the dominant society toward Native peoples, and that it is institutional in scope, having penetrated the nation's highest scientific institution.

The "Lost" Treaties

The Indigenous peoples of California lost their homeland not only through acts of outright genocide and the scourge of disease, but also by what is known as *domestication policy*. The aim of this policy was to integrate Indians into White society as a brown-skin underclass that included the appropriation of the Indians' land base. The only legal means by which the federal government can acquire Indian lands held under aboriginal title are either by an act of war, or by a treaty of cession or sale. None of these means of acquiring Native lands took place in California. More than 70 percent of Native California was seized by the federal government in 1853 without just compensation as provided under the U.S. Constitution.

In 1851–52 President Fillmore sent three U.S. Indian Commissioners to negotiate eighteen treaties with the majority of California's Indian peoples.

The U.S. Constitution stipulates that only the federal government, and not the states, can make treaties with the Indian nations. Under the terms of the treaties negotiated in California, the Indians reluctantly agreed to surrender their land claims, and the federal government agreed, in turn, to provide some 8.5 million acres of good lands, reservations plus certain goods and services (see Figure 3.4).

The commissioners negotiated the first two treaties on the Mariposa and San Joaquin rivers, while state volunteers fought the Mariposa Indian war, driving refugees into the arms of the commissioners. Models for subsequent negotiations, the first treaties set aside a large tract of land—as much as several hundred square miles—for the Indians and bound the federal government to provide teachers and farmers for Native people. For two years after ratification, the United States was also supposed to give the Indians thousands of beef and dairy cattle, and brood stock for horses, in addition to flour, cloth, thread, needles, various tools, and clothing. . . . In return, the Indian signatories relinquished their claim to any other lands and acknowledged the sovereignty of the United States. (Hurtado 1988a, 130)

It was the era of the Gold Rush, however, and the greed for gold and California's rich lands motivated the state legislature to pressure the U.S. Senate not to ratify the treaties. Members of the California State Legislature protested that "rich and inexhaustible veins of gold-bearing quartz, . . . have, in the wisdom of these Indian Agents, been considered eligible locations for the untutored tribes of the wilderness, and have accordingly been set apart for that purpose, and the energetic and zealous miner has been rudely ordered by these agents to abandon their claims and obey the limits of the reservations" (quoted in AFSC n.d., 6). The senators argued that the state would lose taxes on the proposed reservation lands worth more than \$100 million, but the Commissioners replied it was the poorest land available, and some worth nothing.

The treaties were then conveniently "lost" in the Senate archives, and not discovered until 1905. Because the treaties were never ratified, the Indians were forced to give up virtually all of the promised lands and settle for temporary *rancherías* and farms, a mere fraction of the original 8.5 million acres negotiated in good faith with the treaty commissioners. As Hurtado (1988b, 36) explains,

Then the government established a series of temporary reserves that were supposed to be supported with the

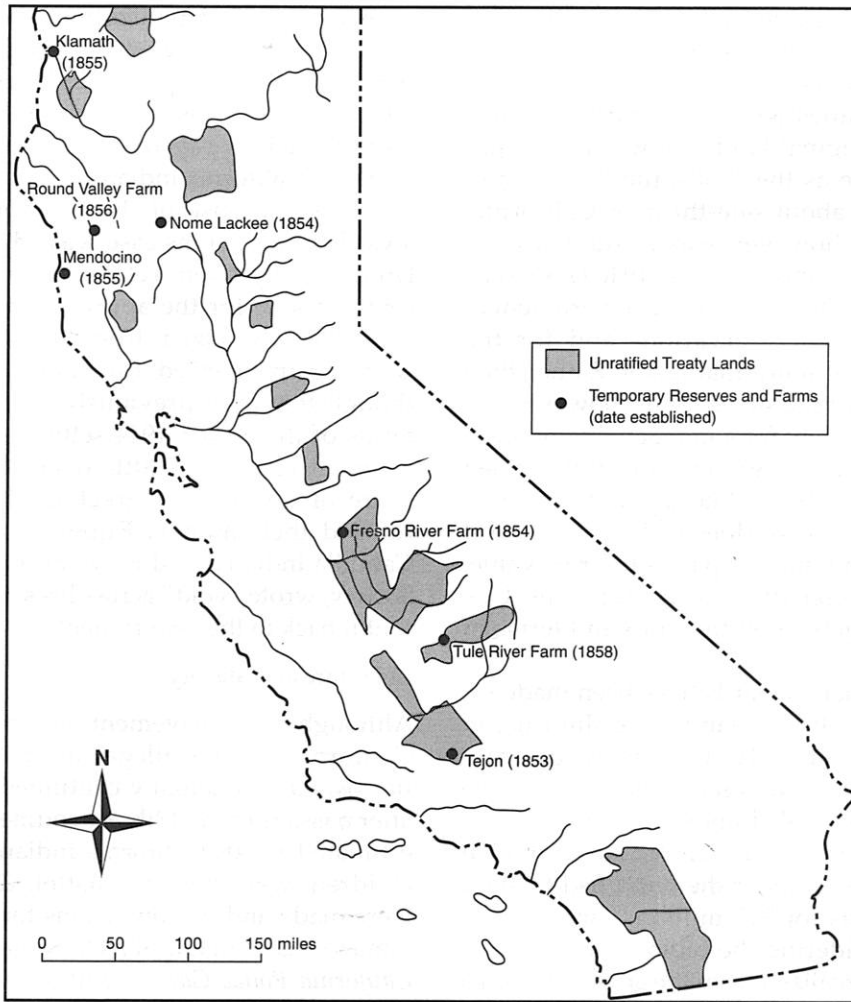


Figure 3.4 Unratified treaty lands, temporary reserves and farms, 1851–60.

crops grown by the Indian inmates. When White settlers needed the reserves, the government would move the Indians to a new location. The temporary reserves failed because Congress did not appropriate enough money to support them, much less provide relief for the tens of thousands of non-reservation Indians who needed assistance in the 1850s. Finally the system was abandoned in favor of reservations established by Presidential order.

Thus Indian lands were criminally diminished from over 70 million acres in 1853, to about 450,000 acres held in trust by the government by the 1970s.

After the eighteen treaties were lost, some California officials proposed shipping the Indians to other states, to eastern Sierra, or to Santa Catalina and other coastal islands. Although Congress vetoed these plans, Native oral historians tell of their people

being shipped to Alcatraz and Goat Island (now Treasure Island), and being dumped into the ocean near San Francisco (*Sacramento Bee* 1997).

The 1887 Dawes (Allotment) Act further reduced California Indian land holdings. Under this Act, tribally owned land was broken up into individual allotments and the supposed surplus released to White ownership. Sixty or so small, scattered plots of land, *rancherias*, were eventually established between 1905 and 1932 on which members of different tribes were mixed together. Then, under the Rancheria Act of 1958 (which applies only to California and was amended in 1964), about thirty-six of these *rancherias* representing over 1,500 Indians were summarily terminated from federal status. This made these former *rancheria* Indian communities vulnerable to an inability to pay taxes and to a lack of protection from fraud

by non-Indians, and it required them to relinquish vitally needed services formerly provided by the Bureau of Indian Affairs.

Because the treaties were never ratified, much of California's aboriginal land title was never quieted legally. As late as the 1960s, the Indians still technically owned about one-third of California. Their only redress, however, was through a Congressional Act of 1928 and, later, the 1946 U.S. Court of Indian Claims for the failure of the government to provide the promised reservations and for the illegal taking of their aboriginal lands. Rather than give back a portion of the stolen lands, however, the 1946 law provided solely for a monetary compensation, and at a fraction of the true value of the stolen lands. This kind of justice is like saying that a thief who steals your property doesn't have to give it back and can, instead, merely pay you for its value. Furthermore, the thief (in this instance, the U.S. government) even gets to set the price and terms of the compensation.

Although two claim awards have been made for the illegal taking of Indian lands in California, in 1944 and 1964 respectively, both were patently unfair. The 1944 award was made pursuant to the 1928 Act and a lawsuit filed under it in 1929. It provided for payment of \$1.25 per acre for the 8.5 million acres of land promised under the unratified treaties. The total award was for \$17 million, hardly a just compensation considering the billions of dollars in gold and resources realized from the stolen lands. To add insult to injury, the government deducted \$12 million from the final award as offsets—the goods and services which the federal government claimed to have provided to the Indians—leaving a final award of about \$5 million, or \$150 per capita. This meant that California Indians paid for all government operations, whether beneficial to them or not, until the 1930s out of this award. Yet the government had made a handsome profit when the disputed lands were originally sold from \$2 to \$4 per acre to private parties, while compensating the Indians at only \$1.75 per acre.

The offsets deducted from the 1944 Indian award included the cost of building and running Sherman Institute, a federal government boarding school in southern California. Boarding schools were set up by the Bureau of Indian Affairs ostensibly to Americanize Native peoples, but in reality to break the ties of Indian children to their traditional cultures, families, and communities; the slogan was "Kill the Indian, save the man." They were run military style

with forced Christianization and the banning of Indian languages, customs, and religion. Indian people, for the most part, hated them. Yet a few years after the award was made, and the Indian claimants were forced to pay for Sherman, the facility was closed to California Indians.

Later, because of the inadequacy of the 1944 award, a new claims case was entered for yet other lands illegally taken. Yet the 1964 award paid only 47 cents an acre for the approximately 65 million net acres illegally seized. Ironically, California Indians were again charged for Sherman Institute even though they had previously paid for it under the terms of the earlier 1944 settlement. An individual claimant received a little over \$800 for his or her share of California's great wealth. Some Indians refused their money. Rupert Costo, a prominent Cahuilla Indian and director of the Indian Historical Society, wrote "void" across his settlement check and sent it back to the government.

Indenture and Slavery

Although the enslavement of African Americans in California became illegal in 1849, Indian slavery flourished and actually continued for several years after passage of the 13th Amendment. "Until 1867, an estimated 10,000 California Indians, including 4,000 children, were held as chattel. Only three arrests were made and no convictions for these and similar crimes" (Eargle 1992, 37). On September 26, 1865, the *California Police Gazette* editorialized "that slavery exists in California in precisely the same condition that it did until lately in the Southern states. There the blacks were slaves; here in almost every county Indians are unlawfully held as chattels" (quoted in Project Underground 1998, 8).

Before the Gold Rush and the influx of the miners and settlers, cheap Indian labor was in demand. In their lust for gold and ranch workers the White immigrants first hired Indian workers, and then raided local Native villages for their labor demands. But even after Indian labor was excluded from the mines, this practice of virtual slave labor continued, especially for young women and children. "An estimated 4,000 children were bought and sold. Newspaper accounts of the time noted that while young boys sold for 60 dollars or so, young women could sell for as much as 200 dollars" (Project Underground 1998, 8). In some instances, entire tribes were captured, carried into the White settlements, and sold, according to Thomas Henley, superintendent of Indian Affairs for California in 1863. An editorial

in the *Marysville Appeal*, December 6, 1861 describes this practice,

But it is from these mountain tribes that white settlers draw their supplies of kidnapped children, educated as servants, and women for purposes of labor and lust. . . . It is notorious that there are parties in the northern counties of this state, whose sole occupation has been to steal young children and squaws from the poor Diggers . . . and dispose of them at handsome prices to the settlers, who, being in the majority of cases unmarried but . . . willingly pay 50 or 60 dollars for a young digger to cook and wait upon them, or 100 dollars for a likely young girl. (Sherburne Cook, quoted in Castillo 1978b, 109)

In March of 1850 Senator John Bidwell introduced a bill to the first California State Legislature which mandated that Indian crimes, punishments, and rights were to be adjudicated by justices of the peace in ten Indian districts. The bill would have given limited Indian suffrage, but this was too much for the racist-minded legislature. Instead, a different law, an Act for the Government and Protection of the Indians, was enacted on April 22, 1850. This law, despite its lofty sounding title, while including many features of the Bidwell bill, omitted provisions for Indian justices of the peace and Indian suffrage. This 1850 indenture law introduced virtual Indian slavery, because it ordered that "any Indian, on the word of a White man, could be declared a legal vagrant, thrown in jail, and have his labor sold at auction for up to four months with no pay" (Castillo 1978b, 108). The Act also allowed Indian children to be indentured with the consent of their parents, or if they were orphans.

The law virtually compelled Indians to work because any Indian found "loitering or strolling about" was subject to arrest on the complaint of any White citizen, whereupon the court was required within twenty-four hours to hire out arrestees to the highest bidder for up to four months. . . . For Indians unable to pay fines, "any White person" could pay the fine or give bond for the Native, then compel him to work for a specified period. Indians would complain to a justice of ill-treatment, "but in no case" could "a White man be convicted of any offense upon the testimony of an Indian." (Hurtado, 1988a, 130)

The Indians who escaped indenture servitude more often than not would end up on reservations that hardly offered a better future. There was no legal redress of grievances under the 1850 law, because Indians were not permitted to testify against Whites.

Commissioner of Indian Affairs William P. Code reported in 1861 that indenturing was just another name for enslavement. The *Humboldt Times* recounted in the same year that a former Indian agent "had gotten eighty Natives apprenticed to him to work the Washoe mines," and the *Marysville Appeal* reported that some White men had persuaded the Tehama County judge to indenture to them "all the most valuable Indians" on the Nome Lackee Reservation (Bailin 1971, 10). Raids to secure Indian slaves became commonplace in some parts of California.

One of the worst practices was the kidnapping of children. The indenture law provided the motive for making Indian children orphans, by killing the parents so that the children could be indentured. Letters from California Army personnel attest to the practice of kidnapping and selling Indian children as a lucrative practice. In a letter dated January 12, 1862, Colonel Francis J. Lippitt reported to the Humboldt military district the following testimony, "Individuals and parties are, moreover, constantly engaged in kidnapping Indian children, frequently attacking the *rancherias*, and killing the parents for no other purpose. This is said to be a very lucrative business, the kidnapped children bringing good prices, in some instances . . . hundreds of dollars apiece" (Heizer and Almquist 1971, 43). Another report, in 1861, noted "that Indians were sold for \$37.50 apiece and that one of the traders made \$15,000 in the last season's business" (Heizer and Almquist 1971, 43).

As early as 1854 the *Alta California* reported that abducting Indian children had become a common practice. "Nearly all the children belonging to some of the Indian tribes in the Northern part of the state have been stolen. They are taken to the southern part of the state and there sold" (Bailin 1971, 11). The *Sacramento Union* editorialized in 1862 that "there is a class of 'pestilent' whites who systematically killed adults to get their children to sell" (Cook 1976, 313). Heizer and Almquist (1971) also report that California newspapers, the office of Indian Affairs, and other independent observers cited evidence that organized bands of Indian kidnappers, acting independently or following troops on the Indian campaigns, would collect the women and children after a village attack, and that this was one of the main causes of the so-called Indian wars in the late 1850s and early 1860s.

Child kidnapping and Indian slavery continued for fifteen years until 1867 when it was legally overturned in order to comply with the Thirteenth Amendment of the U.S. Constitution abolishing slavery and involuntary servitude. By the end of

the Gold Rush there began a general decline in the demand for Indian labor. The valley ranches began to break up, and the labor market was soon flooded with Whites, leaving only subsistence labor and domestic work available to the Indians.

Forced Relocation and Reservations

The so-called humane alternative to extermination was the policy of domestication. This involved rounding up Indian survivors of the Gold Rush, or those occupying homelands and territories desired by the White settlers, and sending them on forced marches to relocation centers, euphemistically called reservations. Not many of these reservations were ever established in California despite the large Native population, because of the unratified treaties. Eventually, five small reservations were created and later added to by additions or extensions. The Hoopa Reservation in northwest California is the largest that was established; Round Valley, just north of San Francisco in Mendocino County, is another. These population relocation centers were an integral part of a policy of ethnic cleansing. Norton (1979, 74) points out that the newly created Klamath Reservation became a virtual concentration camp for the coastal Indians of Northern California, when the Wiyot, Whilkut, Sinkyone, and Chilula Indians of Humboldt County were driven into internment during the years of 1856 to 1861, only to suffer from rotten food, administrative graft and corruption, its hanging tree, and the total brutalization of the Indians. Many hundreds died as a result of the ethnic cleansing operations by the military, because if the Indian refugees did not die or were killed along the way, they found no provisions, houses, or other facilities once they reached their destinations and consequently became victims of disease and starvation.

Brutal atrocities were committed during these death marches. A Mr. Johnson, testifying before a Senate Committee on Indian Affairs of the 75th Congress, described a typical removal operation. Referring to a Paiute woman sitting near him he stated, "Her people were driven by soldiers and officers through the passes of the mountains to the east side without food or water, and when a woman could not carry her children, they were torn from her back and thrown under the bushes. They left their little babies behind . . . but the soldiers came along and speared them, shot them and abused them" (quoted in Bailin 1971, 14).

In 1863, soldiers marched 461 Pomo, Maidu, Konkow, Miwok, Wintu, Wailaki, and Achumawi one hundred miles from Chico to the Round Valley Reservation. Only 277 survived this Trail of Tears.

"Men were shot who tried to escape. The sick, the old, or women with children were speared if they could not keep up, bayonets being used to conserve ammunition. Babies were also killed" (quoted in Project Underground 1998, 10).

At the same time, the organization of *volunteer companies* was encouraged to hasten the policy of Indian removal by attacking Indian villages. "The *Humboldt Times*, the Eureka newspaper, advised 'all classes of our people' to take extra legal steps against the Indians . . . until official 'removal or extermination' could be 'matured'" (Norton 1979, 77). In northwestern California, these volunteers adopted romantic names such as the Humboldt Home Guard, the Hydewille Dragoons, and the Eel River Minutemen.

Once on the reservations, the relocated Indians faced starvation at the hands of crooked Indian agents, who sold government issue cattle intended to feed the Indians and pocketed the proceeds for themselves. One enterprising agent ripped in half the blankets issued to distribute to the Indians and sold the other half for himself. Food fraud was commonplace. Testimony from Joel H. Brooks, an employee of J. Savage, revealed the following admission: Savage received 1,900 head of cattle from local Indian agents in the Lower San Joaquin Valley and was supposed to distribute them to local Indians. Instead, the employee was ordered to "take receipts for double the number actually delivered on the San Joaquin and Kings River, to deliver one-third less than were receipted for to the Indians on the Fresno. He also had orders to sell all the Indian-issued beef he could to miners. He was also instructed to destroy Savage's orders as soon as he read them" (Heizer and Almquist 1971, 83-85).

At Round Valley, the Indians had to survive on only three ears of corn per day; the agent refused to issue beef if he could help it. Another group forced into resettlement were the Yokuts, who were driven to the Fresno Reservation, their villages burned behind them.

In 1872 and 1873, members of the Pit River people in northern California were rounded up like rabbits in a rabbit drive, some sent to the Klamath Reservation in California, others to Round Valley, and still others herded onto a ship where they were promised transportation to a new land away from White men with guns and away from so-called civilization. According to a report by the Pit River Nation (quoted in Heizer and Almquist 1971), the government's plan was to "dispose" of the human cargo in the ocean. The plan worked in almost every instance, with only the strongest making it to shore. These were not the only "shipments" from northern California. Heizer and

Almquist (1971, 29) also report that "in some places the removal of Indians was encouraged by paying bounty hunters for Indian scalps." The *Marysville Weekly Express* reported in April 16, 1859 that "a new plan has been adopted by our neighbors . . . to chastise the Indians for their many depredations. . . . Some men are hired to hunt them, who are recompensed by receiving so much for each scalp, or some other satisfactory evidence that they have been killed. The money has been made up by subscription" (Heizer and Almquist 1971, 29).

Later, in an effort to destroy the Indian family and Indian language and culture, children as young as six years of age were taken from their parents and sent off to federal and mission boarding schools. The schools were run military style with harsh discipline; the children were forbidden to speak their Native language and were severely punished for the least infraction. Christian church attendance was compulsory on Sunday. They were also farmed out to White Christian families for unpaid labor during summer and vacation periods under the guise of civilizing the heathen.

Today, the forcible separation of children from their parents would probably be proscribed by the United Nations 1946 Genocide Convention. "Deliberate massacres, slavery, child prostitution, racism, a system of reservations that starved people to death, made survival of the first peoples of California almost impossible. That any survived is a testimony to their courage and strength as peoples" (Project Underground 1998, 10).

THEORY AND ANALYSIS

In this section we reexamine the analytical concepts that were introduced earlier. First, we consider the charge of genocide against the backdrop of the tremendous decline in the Native population that took place under Spanish and Mexican hegemony, and an even greater decline beginning with the Gold Rush and U.S. domination in the last half of the nineteenth century.

Precipitous Population Decline

The U.S. Secretary of the Interior in his 1937 testimony before a Congressional committee declared that "through starvation and through actual massacre, the population of the Indians in California was cut down to the minimum figure of 20,000. . . . The worlds annals contain few comparable instances of swift depopulation—practically, of racial massacre—at the hands of a conquering race" (quoted in Bailin 1971, 1).

The demographer Cook (1978, 92–93) divides the drastic decline in the Native Indian population into three major stages. The first stage took place from 1769 to 1834 during the Spanish period under the mission system. The major cause of the decline was disease. Cook reports that "within the mission communities, introduced European pathogens were responsible for crude death rates reaching nearly 100 per 1,000 adults and 150 per children" (Cook 1978, 92). It is estimated that the Indian population lost sixty-five thousand people. A valley river traveler wrote in 1833, "From the head of the Sacramento [River] to the great bend and slough of the San Joaquin we did not see more than six or eight live Indians, while large numbers of their skulls and dead bodies were to be seen under almost every shade tree near water, where the uninhabited and deserted villages had been converted into grave yards" (Cook 1976, 212).

The second stage in Cook's analysis extends from the end of the mission system in 1834 to the Mexican War with the United States in 1845. The two demographic processes responsible for population decline during this state were disease and "the opening up of the land to White settlement" (Norton 1987). Two devastating disease epidemics, malaria and smallpox, ravished the Indigenous population in the 1830s. Syphilis was also a factor. Entire village populations were exterminated, and about sixty thousand Indians in all perished from these epidemics.

There were around four thousand Spaniards and Mexicans in California just prior to the Gold Rush, together with an increasing number of White Americans. In the mission areas the Indians' land had been taken over for stock raising and agriculture. In the interior valleys, large land grants were made to White entrepreneurs like John Sutter, John Bidwell, James D. Savage, and George C. Yount. These economic empires destroyed much of the Native subsistence base and forced the Native populations into virtual peonage. Tens of thousands of Indians perished as the result of endemic disease, armed conflict, and the destruction of Native food supplies.

The third, and worst stage took place between 1845 and 1855 during the Anglo-American period of the Gold Rush. This stage witnessed the decline of the Indian population from approximately 150,000 to 50,000. The causes for this rapid decline were described earlier and clearly fall under the definition of genocide. The United Nations defines genocide as the committing of acts with intent to destroy, wholly or in part, a national, ethnic, racial

or religious group. In California, these acts were institutional in scope. The sheer scale and enormity of these crimes cannot be blamed on a few White rascals residing on the boundaries of the frontier. Anglo society as a whole in California was guilty of inhumanity as evidenced by the fact that legal rights and protection were denied the Indians well into the 1880s after the initial period of the Gold Rush (Norton 1987, 116).

Following the Gold Rush there was a continuing decline in the Indian population until, by 1900, the U.S. Census reported only 15,377 California Indians remaining. Some authorities believe that this figure for the Indian nadir is too low, but "there is little room for doubt that the minimum level in the population . . . was reached in the decades between 1880 and 1900" (Cook 1978, 93). Since then, the population has begun to slowly recover. The 1928 Roll found almost twenty-two thousand California Indians. Today, California is the most populous Indian state, but this fact is explained as mainly due to the immigration of Indians from other states into the urban areas of Los Angeles-Long Beach, and the San Francisco Bay Area.

Environmental Degradation

An important factor in the precipitous population decline of Native Californians during the American period was the destruction of the environment. Gold mining and White settlement seriously affected the environment upon which the Native population depended for food and livelihood. Mining operations destroyed Native fish dams, polluted salmon streams, and frightened away the wild game.

Plow agriculture prevented communal hunts for rabbit and deer. "Domestic animals changed the plant ecology as the original seed-food grass disappeared and was replaced by European grasses and weeds. Over-grazing brought a period of accelerated erosion and lessened surface water availability. Antelope and bear disappeared; mountain sheep and mountain lion have become almost extinct; deer were reduced in range and numbers. Access to coastal food was reduced" (Shipek 1978, 610). The fences built by White settlers prevented Indian women from access to oak groves for gathering acorns.

The destruction of Native food sources directly contributed to malnutrition and paved the way not only for starvation, but also for susceptibility to foreign diseases. It also fostered stock raiding by starving Natives, and the retaliation by the military and angry Whites upon innocent villages.

Although the environmental destruction and ensuing population decline of the California Indians occurred 150 years ago, gold fever continues to leave a deadly legacy of mercury poison from mining. "And in recent years, another new technology—the use of cyanide to extract gold—has sparked a new Gold Rush by multinational corporations such as Homestake of California, which is digging up the traditional lands of the Pomo in Clear Lake" (Project Underground 1968, 1). The contemporary descendants of California Indians who survived the Forty-niner Gold Rush live on toxic lands and fish in toxic waters. The Pomo Band of Indians at Clear Lake are fighting the Sulphur Banks Mercury Mine that borders their community. Fish are contaminated and the traditional Indian fishery has been ruined. Seventy-five of the tribe's 150 members live at Clear Lake.

Was It Genocide?

Was the near extermination of the California Indians genocide? A number of scholars and California Indians say it was. Certainly the wanton killing, massacres, and slavery that took place during the Anglo period initiated by the Gold Rush was genocidal. In northwestern California especially, as historian Jack Norton (1979) documents, the incidences of genocide were so blatant and hideous that any fair-minded American would weep at the inhumanities inflicted upon the Indigenous peoples who inhabited the lands of California since time immemorial.

Yet, there are also those who indict the earlier Spanish mission system as well. Native American studies professor and artist, Frank Lapena (Nomtipom Wintu) writes,

The founders of the California missions were not concerned with the traditions, religions, or accomplishments of the Native populations; quite the contrary. Like all colonizers, they were interested primarily in land. Their concern for the Indians was limited to their souls, not their lives; the Church enslaved its converts and was merciless to those who deserted the missions. The Church would have us believe "Indians" were without religion. But in fact when confronted with the sacred activity of the California Indians, the Church tried to destroy it by converting or killing off its practitioners. The justification was that the Indians were animistic pagan savages. (Lapena 1997/98, 17)

In 1987, Rupert Costo (Cahuilla) and Jeanette Henry Costo, founders of the Indian Historical Society and publishers of the journal *The Indian Historian*,



Savages.

brought out a collective work entitled *The Missions of California: A Legacy of Genocide*. The book contains articles by scholars and Indian elders, and resolutions by tribal councils, who charge the Spanish mission system with genocide. An informative part of the Costo book is the section summarizing the United Nations Convention on Genocide in the context of California Spanish mission history (Costo and Costo 1987, 126–29).

The architect of the Franciscan mission system was Fr. Junipero Serra (1713–84), who has become a symbol of eighteenth century feudal forced labor and California Indian abuse. Yet, the Roman Catholic Church has long sought to have him declared a saint. Fr. P. Michael Galvan, writing in the Costos' book, explains that the veneration of the saints is an important element of Roman Catholic theology (Costo and Costo 1987). Through the saints, the Church encourages and supports the faithful in their attempt to live out the gospel as Roman Catholics understand it. The saints are church role models whose faith and life the faithful are called upon to emulate. But should Serra, given the historical record of the California mission system, qualify as a Roman Catholic saint?

The Church's efforts to sanctify Serra became especially vigorous in the early 1980s, only to be followed by widespread Indian protests. The descendants

of the Mission Indians of California, although predominantly Roman Catholic, nevertheless found the Vatican project reprehensible in light of the genocidal history of the mission system. The Costos (1987, 189) found that the great majority of the Indian people in California, who know their ancestry and the family stories, what really happened to their people, do not believe Serra is worthy of beautification, or of canonization. The pattern of genocide commenced in California with the mission system, then the exploitative Mexican period, and continued with the American Gold Rush.

California Indians contend that an attempt by the Vatican to canonize Fr. Junipero Serra would serve only to legitimize the Spanish mission system as a saintly institution doing God's work. As can be seen from the facts described in this chapter, this is untrue and represents a gross distortion of the historical record.

Wilding Theory Revisited

How does one explain the virulent racism, in short, the genocide, that was practiced against the Native peoples of California? How can the hierarchy of the Roman Catholic Church justify the oppression of the Indian neophytes under the Spanish mission system?

On what grounds can one rationalize the actions of the Anglo miners and settlers in raping, killing, and enslaving Indians? Or kidnapping children? How could the American founding fathers of California so easily and without conscience deprive Native Americans of citizenship and civil rights? How could federal authorities negotiate Indian treaties supposedly in good faith and then fail to ratify the agreements, hiding them away for decades? Of course, some would contend that these evils occurred in other places and at other times in the history of U.S. westward expansion, but the scale and rapidity by which they occurred in California is without precedent in the history of Indian relations. If one eliminates the obviously fallacious idea that locates causality in the biology or psychological makeup of the non-Indian, then one must attribute the California genocide to historical events and structural causes. Thus, we return to Derber's wilding theory.

What all wilders have in common, says Derber, is a sociopathic personality as a result of being oversocialized in the American Dream. Functionalist theory in sociology contends that deviance is the result of people not becoming sufficiently socialized into the norms and values of society. The major goal of capitalism, however, is material acquisition, and it, in turn, is equated with success in achieving the American Dream. Rather than wilding as a result of not being socialized, wilders are oversocialized in the goal of material success and rugged individualism to achieve it. Derber explains, "A sociopathic society is one . . . marked by the collapse of moral order resulting from the breakdown of community and the failure of institutions. . . . In such a society, the national character type tends towards sociopathy" (Derber 1996, 24–25).

Emil Durkheim, the early French sociologist, feared that the rise of modern industrialism would lead to the breakdown of traditional social solidarity and the weakening of community bonds. Derber, however, contends that Durkheim lacked the politico-economic analysis to explain why wilding is so "startling pervasive among American ruling elites and trickles down to the population at large" (Derber 1996, 16). It is Karl Marx who provides this part of the analysis: "In capitalism, as Marx conceives it, wilding is less a failure of socialization than an expression of society's central norms. To turn a profit, even the most humane capitalist employer commodifies and exploits employees, playing by market rules of competition and profit-maximization to buy and sell their labor power as cheaply as possible" (quoted in Derber

1996, 16). Although capitalism does not inevitably destroy community and social values, Derber believes that rugged individualism in the United States has merged with free market capitalism and the global economy to cause a wilding epidemic. The dream of unlimited wealth and glamour for the rich and powerful opens up endless fantasies and opportunities. This can lead to deviance due to socially prescribed anomie and wilding among elites based on unlimited possibilities of exploitation.

Derber also contends that wilding (individualism run amok) has taken place in earlier periods of U.S. history, only to be followed by periods of correction.

The Robber Baron era of the 1880s and 1890s, an age of spectacular economic and political wilding, was followed by the Progressive Era of the early 20th century, in which moral forces reasserted themselves. The individualistic license of the 1920s, another era of economic and political wilding epitomized by the Teapot Dome scandal, yielded to the New Deal era of the 1930s and 1940s, when America responded to the Great Depression with remarkable moral and community spirit. The moral idealism of a new generation of youth in the 1960s was followed by the explosion of political, economic, and social wilding in the current era. (Derber 1996, 14)

We suggest that that the Forty-niner Gold Rush in California was one of these periods of social and economic wilding. The lust for wealth in the gold craze became overwhelming, so much so that for many ordinary Anglo-Americans, including those in authority, the usual civility, adherence to law, and moral standards of conduct were tragically set aside. The sociopathic personality came to characterize members of the dominant society and its institutions in California, and the dispossessed Native peoples became its victims. Of course, the Chinese, Blacks, Mexicans, even the Irish, also became the objects of Anglo-American chauvinism and discrimination in early California, but the Native Indians, as we have seen in this chapter, clearly received the brunt of it (see Heizer and Almquist 1971). Their oppression was structural, rising to the level of genocide.

STRUGGLE AND RENAISSANCE

For the next hundred years after the Gold Rush, Indian culture and identity were suppressed or went underground. For many years, it was dangerous to be an Indian in California. Besides homicide, prejudice was commonplace, and structural discrimination by

White institutions, especially the legal and educational systems, actively sought to suppress Native culture, language, and traditions. This continued into the twentieth century. There was a spate of racially motivated murders of Indians in the state as recently as the early 1970s, and one could still find signs that read "Indians and dogs, keep out." Until 1934, Indian religion in the United States was officially banned by federal policy, and Native people could be jailed and fined for practicing religious ceremonies. Miscegenation laws forbidding interracial marriage were still on the books in California until 1948, even though some of California's legally defined Indians were as little as one-sixty-fourth Indian. Many Indian people remained de facto segregated in their own *rancheria* communities and lived in poverty. This state of affairs lasted until World War II.

Despite long-standing religious oppression, the Indians of California have continually sought to preserve their spiritual traditions and ceremonies. In the latter part of the nineteenth century, the Ghost Dance religious revitalization movement swept into California from Nevada. Lasting from 1869 to 1875, it gave hope to the powerless by prophesizing that the White world would disappear and the Indian world, including the dead ancestors, would return. The new rituals at first attracted large numbers of Native peoples to dances held in the semisubterranean earth lodges where their traditional religious rituals had formerly been held. When the predicted disaster failed to occur, the Ghost Dance died out except in the area where the Kuksu religion had been practiced. One variation of the Ghost Dance, the Earth Lodge religion, spread throughout northern and central California. The most lasting ritualistic innovation to occur was the Dreamer or Bole-Maru religion. A new Ghost Dance in 1890, initiated by Wovoka, a Paiute medicine man, had relatively little effect in California. In the 1920s, the Indian Shaker Church reached northwestern California.

Traditional ceremonies continued to be observed in some Native communities, but they were generally concealed from Whites. Today, by contrast, the Hupa openly celebrate their White Deerskin Dance, the Modoc and the Miwuk dance in their Round Houses, and the Chumash sponsor their Big Head dancers, even inviting non-Indians to attend some of their ceremonies.

Secular movements among California Indians did not take place until the beginning of the twentieth century. Indian issues included land acquisition and civil rights. Two early Indian beneficial associations active in California were the Indian Rights

Association and the Sequoia League. The League, active until 1911, sought legal protection and emergency assistance for several southern California tribes. Other Indian rights organizations included the Northern California Indian Association, and the Society of Northern California Indians. In the early 1920s the powerful Mission Indian Association arose in southern California. Throughout the next decade it "organized considerable opposition to allotment of reservation lands and promoted participation of women in tribal councils" (Castillo 1978, 715). Some political groups emerged over the issue of redressing the unratified treaties and illegal seizure of Indian lands. Chief among these was the California Indian Brotherhood. A number of White welfare groups, like the Federated Women's Clubs, also joined in this effort. As a result of growing Native political pressure, Congress passed the Jurisdictional Act of 1928 which allowed California Indians to sue the government for redress of land claims. A facsimile of the hated stereotype of digger Indian was burned in effigy about the same time, signaling an end to this derogatory and demeaning stereotype. The 1930s Depression and World War II interrupted these political developments.

After the war, California Indians were greatly disappointed by the outcome of their land claims under the Jurisdictional Act, the Indian plaintiffs received a paltry \$5,024,842 after offsets, hardly a fair price for supposedly selling California to the White man. The passage of the Indian Claims Act in 1964 then laid the basis for a second California claims settlement. Starting in the early 1950s, however, the federal government launched its regressive termination and relocation programs. Many California tribes were abolished, their federal status as legal Indians unilaterally ended, and their land protection and government services revoked. Furthermore, the relocation program pressured thousands of Indians from other states to move to California's cities to compete for jobs and services. Paradoxically, the new urban immigrants contributed significantly to the emergence of a sense of Indian pride and solidarity that sparked the New Indian or Red Power Movement of the 1960s and 1970s. Indian community centers, such as the Intertribal Friendship House of Oakland, were formed throughout California's cities.

As a consequence of the unfair land claims settlement and other emergent problems, and also because of the emerging Red Power Movement, New Indian organizations arose in California. The American Indian Historical Society was founded in 1964 by

Cahuilla tribal chairperson, Rupert Costo. It published the important journal, the *Indian Historian*, and a monthly newspaper, *Wassaja*, until the late 1970s. Other important organizations included the California Indian Education Association, founded in 1967, the Inter-tribal Council of California in 1968, and the California Rural Indian Health Board in 1969. Also in 1969, a political uprising among Indian college students led to the occupation of Alcatraz Island in San Francisco Bay. This protest occupation, which was joined by many California Indian young people, elders, and leaders, lasted for eighteen months and drew international attention to a broad spectrum of Indian issues, especially education.

Alcatraz sparked other Indian land occupations around the country, in Washington State, New York, Minnesota, and South Dakota. A notable land occupation in California was by the Pitt River Nation in 1971, which confronted police and endured mass arrests in an attempt to reclaim their traditional lands from Pacific Gas and Electric Corporation. The Pomo occupied an abandoned national defense radio listening station in Sonoma County that resulted in the founding of *Ya-Ka-Ama* (our land). Starting with Indian student demonstrations at San Francisco State University, the University of California at Berkeley, and the University of California, Los Angeles in 1969–70, Native American Studies programs were established in colleges and universities throughout the state. Protests in 1971 at an abandoned Army base near Davis, California, led to the founding of D-Q University which became an Indian tribal community college. In response to these and other protests, the governor of California established the Native American Heritage Commission in 1978. It had the responsibility of monitoring Indian human remains that are uncovered during construction projects, and to pressure universities and state agencies to repatriate Indian remains and associated grave goods to their respective tribes.

Indian political activists from California participated in many of the protest activities of the Red Power Movement that began sweeping the United States in the 1960s and 1970s, the American Indian Movement (AIM) founded in 1968; the 1972 Trail of Broken Treaties and the Bureau of Indian Affairs headquarters takeover; the 1973 Wounded Knee occupation; the International Indian Treaty Council founded in 1974; and the Longest Walk in 1978. In California, young Indians, both those native to the state and other newer immigrants to Los Angeles-Long

Beach and the San Francisco Bay area, mobilized in a range of political actions and protests.

In the early 1970s there was a string of racial killings and racially motivated arrests of California Indians. Hooty Croy, Isidro Galley, and Bear Lincoln were unfairly targeted by the criminal justice system. Robert Hahn, a California Highway patrolman, shot and killed William Smith, an unarmed Indian lumberjack. Yet, Hahn was charged only with involuntary manslaughter and released on his own recognizance. Robert Marmon shot and killed unarmed Michael Ferris. Even though Ferris was shot in the back, Marmon, who is White, was charged only with involuntary manslaughter and released on his own recognizance. In contrast, Constancio "Tino" Deocampo, a Miwok and father of five children, had no prior arrests. Yet, when a White man was killed at the Tuolumne Acorn Festival, the alleged murderer identified by witnesses was later released and Deocampo was then charged with first degree murder. No weapon was found, no motive established, and the Grand Jury refused to indict. Even so, the local district attorney continued to harass Deocampo.

The worst racial killing occurred in Santa Rosa, just north of San Francisco. This was the murder of Richard Oakes (Mohawk) by a YMCA caretaker, Michael O. Morgan, on September 20, 1972. Although trial testimony indicated premeditated murder, Morgan was charged with involuntary manslaughter and later acquitted. Oakes, a student leader of the Alcatraz occupation, was married to a Pomo woman and living on the Kashaya Rancheria which borders the YMCA camp. The land on which the camp is located, as well as other so-called valuable real estate in the Santa Rosa area, was once part of the Coastal Pomo domain. Preceding the shooting, there had been a dispute about Indian hunting rights and a long-standing history of animosity towards local Indian people and racist remarks on the part of the caretaker.

Other protest actions included the "G-O" or GO Road Case in northern California. The U.S. Forest Service wanted to complete a five-mile section of a 55-mile long paved road through the Six Rivers National Forest to promote recreational use. The plan was opposed by Yurok, Karuk, and Tolowa Indian people since the road completion represented an impermissible intrusion into the sacred *high country*, the center of their spiritual and ceremonial universe.

Whereas the 1960s and 1970s witnessed the reemergence of Indian pride and political protest, the 1980s and 1990s became a renaissance for Indian culture and

traditions. Heyday Books began publishing *News from Native California*, an outstanding quarterly magazine, in 1988. The revivals of other traditions and crafts are frequently featured in the pages of the magazine. Even earlier, in 1964, the first tribally controlled museum, the Malki Museum, was established on the Morongo Indian Reservation. A California Indian Conference, which includes papers and presentations from both academics and traditional Indian people, has been held annually since 1986. The California Indian Basketweavers Association (CIBA) was founded in June of 1991. Initially supported by the National Endowment for the Arts, it sponsors gatherings of weavers in a revival of an important craft tradition.

Biennial language conferences, called Circle of Voices, began in 1992. The Advocates for Indigenous California Language Survival was organized and remains quite active. Its charter is to foster the restoration and revival of Indigenous California languages. Since its inception in 1993, the Master Apprentice Language Learning Program (MALLP or MAP) has helped produce new speakers of over fifteen of the fifty original but endangered California Indian languages.

Beginning in 1981, the Committee for Traditional Indian Health has held annual conferences, most recently at Chau'se, Indian Grinding Rock State Historic Park, in cooperation with the Sierra Tribal Council and the California Rural Indian Health Board. There has been an active program to disseminate knowledge

of traditional medicine and healing practices, to provide information on nutrition, and to encourage the use of traditional foods and of diets necessary to maintain good health.

California Indian artists have received prominence and recognition. The Cahuilla Dancers and Singers, the Intertribal Pomo Dancers and Singers, and many other ritual dance groups not only take part in traditional ceremonies, but they are also educating the non-Indian public by performing for local schools and community organizations. There has been a revival of important ceremonies like the Maidu *Weda* or Bear Dance, or Big Time, and other ceremonies that the Mountain Miwok sponsor at Grinding Rock State Historic Park (Chau'se). California Indians also participate in the numerous intertribal pow-wows that take place throughout the state. The oral tradition has returned with a new appreciation of Native storytellers. California Indian scholars are conducting significant research, and writing books and screenplays.

Today, California has 109 federally recognized tribes and 89 non-federally recognized tribes. The state has the second largest number of federally recognized tribes and the largest Indigenous population in the United States. There have been important political and economic gains. Native tribes, long thought to have disappeared or become extinct, have reemerged and, along with other unrecognized or terminated tribes, are today seeking official recognition. These include



California Indian dancer.

the Gabrieleno/Tongva Nation of the Los Angeles Basin, and the Ohlone of the San Francisco East Bay.

The Indian Gaming Act of 1988 provided the basis for the “new buffalo”—Indian casinos—to come to Indian Country. By 1997, California tribes alone were generating \$1.5 billion in gaming revenue. Casino profits are underwriting tribal housing, providing employment and income to poor families, founding other economic enterprises, providing college scholarships for tribal youth, and giving free health care and other needed services to their respective tribal nations.

A growing number of California Indian communities are on the way to economic self-sufficiency, although there are still others for whom commercial gaming is not a viable option. Clearly, as the balance of power between Indians and Whites has shifted, ethnocide and wilding have lessened in California. Those tribes without casinos have less political and

economic clout to deal with non-Indian people and their institutions than do the gaming tribes. Unfortunately, there has been a backlash in some quarters against the new casinos; unfounded charges are made that the casinos are under the control of criminal syndicates, or that crime and alcoholism rates increase as a result of gambling. Many non-Indians are appreciative of the new job opportunities and the fact that the Indian gaming tribes are making generous charitable contributions from their casino profits to fund community betterment programs in surrounding White towns. Yet, gaming is no panacea for California Indians. In a sense it represents a distorted economy. Will profits from the new buffalo be used wisely? Or will the contagion of economic wilding spread to Indian Country and impede the cultural renaissance that has taken place? Only time will tell.



CHAPTER REVIEW

DISCUSSION QUESTIONS

1. What are the three main ecological or ethnographical regions of California and the names of some of the Indian nations that inhabit them?
2. Describe the California mission system, and the Spanish and Mexican impact on the Native peoples.
3. What are some of the laws, institutions, and practices that led to the depopulation of the Indians during the early Anglo-American occupation period of California?
4. Who is Ishi, and how does his story relate to the depopulation of California's Indians?
5. Define genocide as the concept is applied to international law. What evidence does the chapter supply that would support the charge that the Indians of California have been the victims of genocide?
6. Explain how wilding theory might explain the genocide of the California Indians.
7. What are some of the recent developments that signal the reemergence of California Indian identity and cultural revitalization?

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