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UNIVERSITY OF CALIFORNIA
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Strategies for Survival:
Indian Transitions in the Mountains of San Diego County, 1846 – 1907

A Dissertation submitted in partial satisfaction
of the requirements for the degree of

Doctor of Philosophy

in

History

by

Dana Ruth Hicks Dunn

June 2013

Dissertation Committee:
Dr. Clifford Trafzer, Chairperson
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The Dissertation of Dana Ruth Hicks Dunn is approved:

Committee Chairperson

University of California, Riverside

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This Dissertation is dedicated to:

Hokoyel Mattaweer
(Cinon Duro),

The People of Nipiguay and the Padre Dam,

and
in memory of my loving daughter

Rachel Rooney
(1985 – 2010)

ABSTRACT OF THE DISSERTATION

Strategies for Survival:
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by

Dana Ruth Hicks Dunn

Doctor of Philosophy, Graduate Program in History
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Dr. Clifford Trafzer, Chairperson

Survival Strategies were chosen by Indians in the mountains of northern San Diego County from 1846 to 1907 according to their personal, individual transition situation and needs of their families, tribes and clans. These choices were complex and varied from clan to clan and village to village. Americans arrived and permanently settled in San Diego, California in 1846 during the Mexican War. By 1850 California had become a part of the United States. In 1848, gold was discovered in northern California and American Easterners received word of free, rich lands to the west. Luiseño, Iipay, Diegueño and Cupeño Indians adhered to their wisest choices in survival strategies according to the abrupt and immense changes that were overcoming them such as the organization of American law that affected them profoundly, American thievery of Indian land and resources, forced removals of villages and the establishment of reservations. Indian lives would never be the same. As Americans continued to flood onto Indian lands, Indians came under more and more pressure. During this time period, Indians

responded with many strategies for survival from diplomacy to revolt, always choosing what was best for their families and the coherence of their socio-cultural foundations. These strategies carried and reflected the thread of ancient Indian culture, as the Luiseño, Diegueño, Iipay and Cupeño used their traditional cultural manners, traditions, oral law and customs to balance and correct the traumatic experiences raining down on them as they adapted to loss of land and resources. Luiseño, Diegueño, Iipay and Cupeño succeeded in their survival and are still alive and thriving today in the mountains of northern San Diego County. Some of their socio-cultural structure is not being utilized today, at the turn of the twenty-first century, as they have adapted to the American wave of colonization. However, they have succeeded in living wisely in two worlds and still keep Indian identity intact.

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Chapter 1:

The Arrival of America: Transitioning Once Again

By 1846, when the war between the United States and Mexico reached Indian populations in the mountains and valleys of northern San Diego County, Indians had already experienced two major transitions. The first was the arrival of the Spanish padres and soldiers in 1769. The second included both the transition that Indians and Californios brought to California after Mexico's independence from Spain in 1821 and the secularization of the missions that followed around 1834. All of these situations required specialized survival strategies. The next and most injurious transition was the arrival of the Americans, which has still not seen its end. Indians today are still in survival mode. In 1846 Indians in the valleys of Warner Springs, Santa Ysabel, and San Pascual became involved in historic events that occurred in and around their villages from December 3 to December 6. These indelible events include the entry of American troops into California and the Battle of San Pascual.¹ Many changes came to Indians that lived in the mountains of northern San Diego County after the Americans arrived. The Garra Revolt would also become an event that separated allegiances between Indians as well as Indians and Californios, and Indians and Americans. These challenges forced varied survival strategy decisions throughout the area. Indians found themselves in decision-making positions concerning strategies to deal with these new invading Americans and to keep balance within Indian communities.

In order to gain control of California at the commencement of the Mexican-American war, the United States sent Colonel Stephen Watts Kearny with Kit Carson and Companies C and K of the First Dragoons on the trail from Santa Fe, New Mexico, to California. Their orders were to assist in overthrowing the Californios under the leadership of the Mexican government and to take control of California. The heavily traveled trail, which the American troops took into California, was until an old route between the pueblo of Los Angeles and Sonora.² The trail led through Cupeño territory near the Indian village of Cupa, presently in north eastern San Diego County. This portion of the territory, once known as Agua Caliente because of its hot springs, was renamed Warner Springs in 1844 after John Warner, the American owner, was granted Mexican citizenship. He had received the land from Governor Pio Pico. At the Cupeño village site of Cupa, at the headwaters of the San Luis Rey River, Warner's land included the hot springs where locals from San Diego city and southern California came for health cures. Warner had also added a trading post. The Cupeño, whose village site had been there from c.500 - 1000 CE, became laborers and cowboys for Warner.³ According to the diary of Dr. John S. Griffin, the surgeon traveling with Kearny:

¹ Lt. Col. W.H. Emory, *Notes of a Military Reconnaissance, From Fort Leavenworth, in Missouri, to San Diego, in California, Including part of the Arkansas, Del Norte, and Gila Rivers* (Washington: Wendell and Van Benthuysen, Printers, 1848, reprint), 108.

² Neal Harlow, *California Conquered: The Annexation of a Mexican Province, 1846-1850* (Berkeley: University of California Press, 1892), 179.

³ This date is generally agreed upon by archaeologists today as the time frame when the Shoshone's came into California. These include the Cupeño, Cahuilla, Tongva, Acagchemem, and Luiseño. This theory is called the "Shoshonean Wedge" authored by Alfred Kroeber. See Alfred Kroeber. *Handbook of the Indians of California*. (New York: Dover Publications, 1976), 578. Also, taken from a publication at Warner Springs Ranch hotel: "In 1795 Father Juan Mariner explored the valley and named it Valle de San Jose. The hot mineral spring was called Agua Caliente by Spanish explorers. In the 1830's records indicate a chapel was built by missionaries. After Mexico's independence from Spain, Silvestre de la Portilla and Jose Antonio Pico received land grants for the valley. Indian uprisings caused these grants to be abandoned." 2008.

Warner has a small band of Indians about him, he uses these people for herdsmen and I suppose as servants generally; they are fine, large, healthy looking fellows, and speak well for the salubrity of the climate. We also obtained some water melons from the Indians, they are of good size, as to the flavor I cannot speak, as I have not eaten of them yet.⁴

Later, Griffin continued describing Indian labor at the ranch:

I saw some of the wheat produced on this Ranch, it was large grained, white and the bald headed, or beardless wheat. We were told the produce was very great. The man who had charge of the farm said he would sow 35 bushels, and expected to reap 1000, rather a large product I should suppose. Their mode of thrashing is rather primitive. We wanted some flour. The man in charge therefore put all hands to work thrashing out. They rub the heads of wheat between the palms of their hands and winnow it by letting it fall and blowing the chaff away with their breath and the wind. They grind between two stones, by hand. The quality of the ground is quite good, black but rather sandy.⁵

During the late Mexican period, Cupeño Indians at Warner Springs were largely laborers on their own lands. This was one of the main survival strategies for Indians in this area during the Mexican period. In order to survive, the Cupeño, and other Indians of southern California, went to work. Indians stayed on the ranchos after the new Mexican government gave the ranchos to Mexican citizens. In this way, Indians remained on their traditional village sites. In the case of John Warner's rancho, Warner either required them to work or the Indians started resourceful business collaborations with him regarding the spring and the village site. Non-Indians had trouble competing with Cupeño, who were good cowboys and cattlemen and owned their own cattle.⁶

However, in a comment about the Indians at Warner's ranch, William Emory, a

⁴ George Walcott Ames Jr. and John S. Griffin, "A Doctor Comes to California: The Diary of John S. Griffin, Assistant Surgeon with Kearny's Dragoons, 1846-47," *California Historical Society Quarterly* 21 (Dec. 1942): 333-334.

⁵ Ibid.

⁶ Personal communication, anonymous Cupeño man, January 4, 2009.

topographical engineer with Kearny, stated that Indians were not being treated well by the ranch owner:

Around, were the thatched huts of the more than half naked Indians, who are held in a sort of serfdom by the master of the Rancheria. I visited one or two of these huts, and found the inmates living in great poverty. The thermometer was at 30°, they had no fires, and no coverings but sheepskins. They told me, that when they were under the charge of the missions they were all comfortable and happy, but since the good priests have been removed, and the missions placed in the hands of the people of the country, they had been ill-treated. This change took place in 1836, and many of the missions passed into the hands of men and their connexions who had effected the change.⁷

Emory continued to describe the hot springs and how the Indians had made pools for bathing. They sat around the springs, immersing themselves as required to keep warm during the cold winter months.⁸ California Indian culture was, no doubt, foreign to Emory. However, his assessment of Indian living conditions at Warner's ranch and the fact that he spoke to Indian people confirms the mistreatment and negligence of the people of the village by Warner. This mistreatment affected Indian survival strategy choices to side with the Americans as the Americans took a foothold to overthrow the Mexican government.

Kearny and Carson, who had experience with other Indians in their work on the frontier, knew that they should try to win over local Indians to their side as quickly as possible. Americans needed allies, especially in California, where they were a minority and about to fight for their lives against the Californios, who were adamant about keeping their lands and homes. Under Mexican rule, Indians had the same alliance strategies in

⁷ Emory, *Notes of a Military Reconnaissance*, 105-106.

⁸ *Ibid.*, 106.

mind. In the following reminiscence of Carolina Nolasquez, a Cupeño, Kearny and the headman of Cupa were clearly trying to start a reciprocal, friendly relationship:

My friend used to tell me stories of long ago, when the first white man came, he came into this land. He came to stop there at Cupa. He asked that chief if he could stay. There the chief showed him Turtle's House, there where the water was clear and cold. And it is said those soldiers were hungry. And the chief was a cattleman. And then the women ground wheat, they made pinole, some thus just ground it raw, they made bread. And they gave it to those white people. And the old woman, my friend, was a worker, she beat all those other girls, her friends, she ground a lot. She had no clothes on, she wore a skirt of willow fiber that came to her knees. And the chief General Kearny gave her his jacket that he wore on top. And then they passed on to San Diego. And my friend's husband brought them, he showed them the road. They did not know the way. And then she wore that jacket on top. And it had no buttons. When the wind blew, it pulled apart. And the people said, 'A buzzard is coming, a buzzard, a buzzard.' She paid no attention.⁹

Not only did Kearny and his men befriend the Indians, they also hired them as scouts, interpreters and guides. Indians used Americans and this employment as another form of survival. Noted from these quotes, Indian strategy included befriending the newcomers. Indian headman showed the Americans around the village, and one Indian went down to the road to show them how to get onto the thoroughfare to San Diego via Santa Ysabel. During these exchanges, the Cupeño had the time to speak to the Americans. The Indians likely found out that the Americans had come to take over the land from the Californios, so the Indians were in a position to decide what sort of alliance they wanted to create if the Americans took over California. This early activity shows the Cupeño's interest in using political and economic strategies to make alliances with

⁹ Jane H. Hill and Rosinda Nolasquez, ed. *Mulu'wetam: The First People, Cupeño Culture, Mythology, and Cupeño Language Dictionary*, (Banning: Malki Museum Press, 2005), 53-55.

Americans. This would benefit the village in case Americans took over and would give them some bargaining power later, if required. The Cupeño wisely acted as diplomats.

Kearny's army also stayed at Santa Ysabel, a neighboring Iipay town about fifteen miles south of Warner's ranch.¹⁰ Kearny and his men camped at the residence of rancher Edward Stokes, a well-dressed English ex-sailor. Stokes immediately declared his neutrality about the ensuing war but welcomed the Americans to stay on his property. Through his father-in-law, Jose Joaquin Ortega, former administrator of the San Diego Mission and in-law to the Pico family, Stokes held the ranch titles to the Santa Ysabel and Santa Maria (Ramona area) ranchos. Though he claimed his neutrality, Stokes agreed to carry a message to Commodore Robert F. Stockton in San Diego, where he was going the next day, to tell Stockton that his troops had arrived in California. Santa Ysabel housed an *assistencia* of the San Diego Mission. Spanish priest, Father Fernando Martin, established the *assistencia* in 1818 for Spain.¹¹ Spanish missionary strategy established mission ranches where there would be plenty of Indian labor for the cattle industry. The Santa Ysabel area had many people and many surrounding villages.

By the time Kearny's army came through Santa Ysabel in 1846, Stokes had turned the *assistencia* into a residence. The following is an eyewitness account of Emory's experience there:

We were drenched to the skin, and looked forward with some pleasure to the idea of once more entering a house, with a blazing fire and plenty to

¹⁰ Emory. *Notes of a Military Reconnaissance*, 107. The people of the Santa Ysabel culture area were Iipay, a different language family and culture from the Cupeño and Luiseño. Iipay language and culture is from the Hokan family. Santa Ysabel has always been a highly populated Indian town. Today a reservation is established there.

¹¹ From plaques at the Santa Ysabel *assistencia*: The first church structure was built in 1822. It is no longer standing. The current structure was dedicated in 1924.

eat and drink. In the last two items we were entirely satisfied, but sadly disappointed in finding no fire, the only chimney about the Rancheria being in the kitchen. The dragoons took the dinner intended for the officers, and we were obliged to stand, cracking our heels in the cold damp chapel, now converted into a hall, for two hours, before the Signor, or rather Sailor Bill, could cook another dinner. The appearance of desolation which the Rancheria presents is little calculated to impress us with favorable notions of the agricultural resources of this part of California. The land in the narrow valleys is good, but surrounded everywhere by high barren mountains, and where the land is good, the seasons are too dry for men to attempt cultivation without facilities for irrigation. December 5 - A cold rainy day, and the naked Indians of the Rancheria gathered around our fires.¹²

Emory described the collective experience of the troops who were weary after traveling on foot from Santa Fe. Dr. Griffin gave another account:

I believe this was an old mission called St. Isabelle. We found the buildings here much better than at Warners, everything presenting a much neater appearance, the work no doubt of the priests, as usual the Indian village was near the house, these Rancheroes seem to live in feudal style each man has his band of Indian dependents, who are completely subject to his authority. Warners Major Domo told us he could raise 300 fighting men in a few hours. These Indians are peaceable in their nature, their chief made a speech to the Gen. last evening in which he declared his wish not to engage in the war in any manner, but that he was perfectly willing to go to work. Of course this is what the Gen. advised them to do, to keep at peace and work hard, and they would be well treated. They are certainly in a most miserable condition, worse by far than worst treated slaves in the United States. They seem to live off the offal of the ranches principally.¹³

Emory and Griffin were visiting Santa Ysabel in the wintertime on a rainy day.

The landscape would not have looked like it would in the spring and autumn. The Santa Ysabel valley is a high elevation valley at 2989 feet above sea level, so the winters are very cold with rain and snow. These men had also not seen California Indian culture or met the Indian people before this date, so the reader must take into account that this was a

¹² Emory, *Notes of a Military Reconnaissance*, 107.

¹³ Ames and Griffin, "A Doctor Comes to California," 334.

very slow, cold and rainy day without much activity. In 1839, soon after mission secularization in 1834, Padre Vicente Pascual Olivas gave a more lively description of Santa Ysabel in a letter replying to Jose Joaquin Ortega's request to acquire the rancho:

The Indians of the said Mission have their planting of wheat, barley, corn beans, peas and other plants for their sustenance, and two vineyards, with their gardens, their horse stock; and in summer their lands occupied with sheep. And if the government should grant this land to the petitioner to what point will it banish the Indians, now 580 souls? The law says the native possessors of the soil are its true owners. *Melior est conditione possidentis*. This is all the report I can make on this subject.

Mission of San Diego, May 7th, 1839.¹⁴

Ortega eventually acquired the Santa Ysabel rancho, so the Mission father's suspicion was correct. By 1846, the Indians lived as serfs of Californio rancheros and the owner of the ranch in a much different scenario than the previous mission priests had arranged. In spite of the degraded situation for Indians during the Mexican period, Santa Ysabel Indians had chosen the survival strategy to stay in their villages and work for the ranch. Indian men had become cowboys and Indian women worked as cooks and laundresses for the rancheros.

In 1846, the Americans went through the area warring with the Californios and threatening to change the Indian way of life again. At this particular juncture, the Indian headman at Santa Ysabel created a survival strategy for his people. He spoke directly to Colonel Kearny in a one-on-one exchange as leader to leader and stated that the Indian people wanted no part in the fighting, but that they would be willing to have any residual work that might come from the war. Griffin noted the Indian's peaceable nature, but he also said that they served like slaves to the rancheros. Unlike Warner's Californio ranch,

Ortega was a prior mission administrator who may have been using Spanish administrative tactics, which involved treating Indian people intolerably. The headman's survival strategy for his people, therefore, was a stable one from which they benefited and profited from the war but remained amicable to both sides. Even though, as Warner's Major Domo stated, 300 fighting men could be assembled, the headman chose a safer, more intellectually diplomatic and politically savvy choice. He was thinking about the future of his people.

Griffin wrote that Kearney told the headman that if the Indians kept the peace and worked hard, Americans would ally with them and make sure they lived in peace. A legend among the Indian people of Santa Ysabel, even today, relates that Colonel Kearny promised that their lands and their people would be preserved and protected if they worked with Americans.¹⁵ Indian people today relate that Kearny did not fulfill this promise given as a representative of the United States. Indians communicate that they kept their lands they are currently living on only after much bloodshed and toil by the Indian people themselves who fought for their sovereign rights and not through any outside help.¹⁶ In 1846, no one knew what might happen with the major war that was looming on the horizon. Both the Cupeño and Lipay utilized other survival strategies beside those already mentioned. Indians relied on family and clan bonds to hold their communities together, and they worked together in cohesive family groups for the betterment of the whole Indian community. Native Americans of northern San Diego used activism and adaptability with the determination to live in three different worlds:

¹⁴ Arthur Woodward, "Lances at San Pascual," *California Historical Society Quarterly* 26 (Mar. 1947): 26.

¹⁵ Personal communication, anonymous Diegueño man, 2007.

their own Indian world, the Californio world, and finally the new incoming American world. Indians successfully in adopted survival strategies to be able to juggle all three and remain intact. In the mid-nineteenth century, during the war with Mexico, Cupeño and Iipay faced the arrival of Americans from the east. From this point, everything changed. Indians had to make future survival decisions and choose their strategies as a new wave of people approached to take over their land and resources. Indians had to act quickly, however they succeeded in their long-term goal of survival.

Other Indians in San Diego County did not necessarily desire friendly relationships with the Americans. Instead they nurtured old Californio relationships. This survival strategy was a choice made by one Indian leader in particular, Alejo, as Americans under Kearney rapidly approached the area. Antonio Coronel, a Californio leader, explained in his reminiscences as an old man about his experience with Alejo, a leader of a village near Aguanga. Aguanga was a large Indian town situated on the main road linking Los Angeles and Sonora, which passed through Cupa and the Warner Springs area. Aguanga lay on a hub of this main thoroughfare as the road turned to the east and headed over the badlands into the desert toward what is today Palm Springs, approximately twenty miles north of Warner Springs.

Coronel's family lineage in Los Angeles went back to 1834 when his family came from Mexico as part of the Híjar-Padrés Colony to help in the secularization of the missions. In 1838, Coronel had become Assistant Secretary of Tribunals for the City of Los Angeles, and in 1843, he became Justice of the Peace (Mayor). Coronel was active

¹⁶ Ibid.

in the fight against the Americans in Los Angeles during the war and had many Native American friends and allies in northern San Diego County.

Coronel had traveled the road to Sonora, via the Yuma crossing, many times because it was the major road used to connect the Californio administration in Los Angeles to the Mexican administration in Mexico City. He well knew Indians in the towns along the route. During the war against the Americans, civil governor and military commander, José María Flores, sent Coronel on a mission to carry letters and the captured American flag from Los Angeles to Mexico. Coronel started his trip in Los Angeles, where he acquired more weapons and men. However, Coronel decided not complete the trip. Instead, he sent his Sonoran servant, Felipe Castillo, to continue to Mexico with the documents and the flag. Coronel turned back to California at the Colorado River due to pending threats of his death by Americans on the other side of the River. He returned to a central point between San Felipe, an Indian village near Warner Springs, and Aguanga in case Commander Flores wanted to send American prisoners to Mexico. Coronel stated, “So I stayed. But I knew the Indians well, and I saw they were getting restless, wanting to go over to the Americans.”¹⁷

Coronel sent out scouts to watch Kearny’s army approaching. While at Aguanga, eating some food and drying out his wet clothes, Coronel sat by the fire as American troops approached. Wearing short sleeves and no footwear, Coronel climbed into a cottonwood tree to hide. The Americans, led by Lieutenant John Wynn Davidson and Kit Carson, arrested everyone in Coronel’s company and took all of the horses, mules,

¹⁷ Doyce B. Nunis, Jr., ed. *Tales of Mexican California, Antonio Coronel* (Santa Barbara: Bellerophon Books, 1994), 42.

weapons, and Coronel's saddlebags and papers.¹⁸ Coronel had also been traveling with two Indians as servants, whom the Americans captured during this incident as prisoners of war. While hiding in the tree, Coronel overheard the Americans saying that they were going to a nearby village headed by an Indian leader named Andrés. Therefore, he thought that the Americans planned to muster local Indians to hunt him down, since the Americans knew about Coronel and his mission. After the Americans rode away, Coronel left the area on foot in the cold.

Barely clothed, Coronel arrived early the next morning at another village led by Alejo.¹⁹ Startled at first, Alejo jumped up ready to fight until Coronel calmed him and they spoke privately. Coronel asked Alejo for a horse, but Alejo replied that he did not have a horse and had no way to procure one. He told Coronel that he must leave the village at once, because other tribal members had seen him and were on their way to tell the Americans that he was there. Alejo also told Coronel that, "He might be in trouble himself, because all the tribes in the area were up in arms on the American side."²⁰ As they talked, they heard the Americans approaching. Alejo told Coronel to hide inside a large barrel. When the Americans approached Alejo, he denied seeing Coronel. The Americans instructed Alejo to detain Coronel if he came into the village. Coronel recalls, "When out of sight, Alejo brought me a blanket, a palm hat and a pair of leather sandals, which I put on. He insisted that I leave at once, promising to lead me to safety high in the sierra of Palos where the Indians were gathering acorns and other food supplies. There

¹⁸ Emory, *Notes of a Military Reconnaissance*, 106. These are possibly the horses and mules that were later used by the Americans at the Battle of San Pasqual. Milo Milton Quaipe, ed. *Kit Carson's Autobiography*, (Lincoln: University of Nebraska Press, 1966), 112.

¹⁹ Nunis, *Tales of Mexican California*, 43.

might be a horse or two there.”²¹ Alejo accompanied Coronel up the mountain where local Indians were gathering and preparing food:

When we reached the top of the sierra, at about four in the afternoon, we found women and old men busy with their harvest. When they recognized me, they greeted me affectionately and fed me atole soup made of acorns. But what I most appreciated was an old woman unwrapping my feet and washing them with an infusion of herbs. All pain was gone immediately, and my feet have been tougher ever since.²²

Indians in the mountains, possibly Luiseño, gave Coronel a horse and “an Indian at my disposal to take a message to Don Andrés Pico at San Pasqual.”²³ From the mountains, Indians assisted Coronel at stage stops on his way back to the pueblo of Los Angeles. These included Temecula, where he changed his tired horses for well-rested horses. Coronel and his family used Indian servants to run messages to Los Angeles. He named Victoriano as one Indian in particular.²⁴

Alejo and the Indian people on the mountain chose a completely different survival strategy than those used by other Indians in places such as Warner Springs and Santa Ysabel. These possible Luiseño actively helped a Californio leader escape the American forces and assisted the Californio in warning Californio forces at San Pasqual that the Americans were approaching. Indians at Aguanga and in the mountains did this at the risk of causing friction with other Indians in the vicinity. Coronel stated that he had known these Indian people previously. Stage stops existed along this well-traveled road,

²⁰ Ibid.

²¹ Ibid, 44. Palos could be the mountain of Palomar, which was the major food gathering area for the surrounding villages in that area. The Luiseño, the people on the south side of Palomar, called the mountain “Paauw.” See Catherine M. Wood, *Palomar: From Teepee to Telescope* (San Diego: Catherine M. Wood, 2004), 9.

²² Nunis, *Tales of Mexican California*, 43.

²³ Ibid, 45.

²⁴ Ibid, 50.

and the Indian people in the area had already begun relationships, perhaps even friendships, with the Californios, exemplified in the warm welcome that Indians in the mountains gave to Coronel. These Indians chose to remain friendly to foreigners who had already been in the area for many years. They chose to support their relationship that they had already spent much time cultivating. They made their choices depending on what they knew from their current standpoint: not knowing who would win the war and what would happen after the war ended. They chose this strategy, believing it would keep their families safe and protected in this time of upheaval.

Today we know that Coronel went on, even after the Americans took over, to continue to be a leader. He served as the first Los Angeles County Assessor from 1850 to 1856. In 1852, he started the first school in Los Angeles. In 1853, he became Mayor of Los Angeles and was a City Councilman from 1854 to 1867. Between 1867 and 1871, he served as California State Treasurer. In the 1880s, when Helen Hunt Jackson and Abbott Kinney were in the area writing their report on the condition of Indians for the government, Coronel assisted them with local knowledge of Indians and their culture. Jackson became a close associate of Coronel and his wife, later visiting them in their home in Los Angeles. The couple was instrumental in helping Jackson with information for her novel *Ramona*.²⁵ Coronel also kept his friendship with the local Indian population, assisting them with legal matters in the years to come. This example illustrates that appearances can be illusory at the time of making decisions and during periods of trauma and upheaval. One could have assumed that Coronel was on the losing

²⁵ Carlyle Channing Davis and William A. Alderson, *The True Story of "Ramona," Its Facts and Fictions, Inspiration and Purpose* (New York: Dodge Publishing Company, 1914).

end of the fight at the time. However, Indians still supported him. This Indian survival strategy worked because of the reciprocal bond that existed between Coronel and the local Indian population as Coronel became instrumental in advising the Indians and fighting for Indian rights in the region.

The Indian messenger Coronel had sent from the mountains to warn the Californios that the Americans were nearby, took the message to Andreas Pico, who was camped with his Californio forces in the valley of San Pasqual. The message arrived the evening before the Americans rode into San Pasqual to begin the now famous Battle of San Pasqual. Andreas Pico, reportedly, did not believe the report, resulting in the unpreparedness of his men when the Americans attacked. At Santa Ysabel, American forces planned to march to San Diego. On their way to San Diego, passing through the Santa Maria Rancho, today's Ramona area north east of present day San Diego, they became engaged in the battle at San Pasqual. American forces, led by Colonel Kearny, were beaten by the Californios led by Andrés Pico.

Before the battle began at San Pasqual, the Californios prepared for oncoming Americans approaching from the south. The Californios, quartered at the San Luis Rey Mission, sent a contingent to camp at the San Pasqual Valley and intercepted American troops reported to be coming from San Diego. According to Kit Carson, Andrés Pico and the Californios camped inside the Indian village at San Pasqual:

When we had arrived within ten or fifteen miles of their camp, General Kearny sent Lieutenant Hammond ahead with three or four dragoons to examine their position. The party was accidentally discovered, but not before they saw the encampment, which was in an Indian village. They

returned to us with the information they had gained, and General Kearny determined to attack the Californians immediately.²⁶

Elizabeth Judson Roberts recorded an account of the events of the battle in 1917.²⁷ This narrative, by an Indian woman named Felicita LaChappa, gives an eyewitness account of the clash between the two oncoming, opposing forces consisting of the Americans and the Californios.²⁸ Felicita was the daughter of the headman of the San Pasqual village, whose name was Jose Panto. Panto was a great leader whose story emerges in the following text. Felicita's inside perspective, from Indian eyes and the viewpoint of the village, is an unusual account and facilitates understanding of what occurred in the Indian experience from a woman's point of view. Though romanticized, which was a popular way of writing at the time, the reader can still glean the core observation necessary to fill in some information from an Indian standpoint:

There were days when the Mexican soldiers rode through San Pasqual on their beautiful horses. They came from the Presidio at San Diego and carried swords and lances. At sight of them the women and children ran to hide in the brush and rocks of the hills, for these men counted our lives of little worth, and we feared them. At last there came a day when a great company of these soldier men came riding up the valley. We seized our baskets and ollas of food and ran to the hills as before to wait until they passed, but they did not pass. When they reached our village they stopped, took the saddles from their horses, then tied them to our corrals. They fed them from our little stacks of hay, for the time of harvest was past and winter was near. They entered our empty huts, where they kindled fires and cooked food. They killed our cattle, and we could do nothing.²⁹

²⁶ Quaife, ed. *Kit Carson's Autobiography*, 111.

²⁷ Elizabeth Judson Roberts, *Indian Stories of the Southwest* (San Francisco: Harr Wagner Publishing Co., 1917), 221-228.

²⁸ Mary Rockwood Peet, *San Pasqual, A Crack in the Hills* (Ramona: Ballena Press, 1973), 89.

²⁹ Elizabeth Judson Roberts, *Indian Stories of the Southwest* (San Francisco: Harr Wagner Publishing Co., 1917), 222.

Californio forces did not regard Indians highly. Californio soldiers came into the village at San Pasqual and helped themselves to shelter and food, pushing women and children out of their own homes. Felicita went on to say that her father, Panto, met with the men of the village and with Andrés Pico. Pico told Panto that the Indians could use the homes that were unused by his soldiers. Indian people huddled together with many families in one home because it was cold and raining. “They took some of our huts and we crowded into those that were left for it was winter time.”³⁰ As the battle began to rage, Felicita explained how “the Indians fled in fear to the mountains on the north side of the Valley from where they looked down and watched the battle. All day long they fought. We saw some Americans killed and knew they were in a bad way.”³¹ After Felicita learned who the Americans were and that they had come to take over the Californios, she related that the Mexicans had not been good to Indians. She hoped the Americans would beat them. In Felicita’s remembrance, the battle finally stopped, and the Indians slowly came back down from the hills. Later that day, she went to the river to gather water and found an American lying in the brush badly wounded from a Californio lance. She applied indigenous medicines to his wound, bandaged him, and went to her father to tell him what she had found. She stated that Panto went to the Americans and told them where the wounded man was. Indians helped to make a litter for the wounded. She also noted that the village had a hard winter that year because the Californios had eaten much of their winter stores.³²

³⁰ Peet, *San Pasqual*, 90.

³¹ Ibid.

³² Roberts, *Indian Stories of the Southwest*, 222-228.

This rendition of the story by an Indian woman relates the hardship that Felicita and those like her had endured over many, many years. Felicita showed that the women of the area had been used to abuses by foreign men. Indian women at San Pasqual immediately reacted to the arrival of the Californios by running away into the hills to hide. This was also a usual practice during the early periods of contact with the Spanish. Spanish soldiers routinely raped and abused Indian women, so the women learned to run and hide at the appearance of foreigners. Felicita did not say if she felt the same way about the American men arriving in the region, but we can expect that any non-Indian would provoke this response in an Indian woman because of past experience and fear. Hiding was a common survival strategy for women. Though burdensome for Indian women, the strategy may have worked some of the time. Felicita did not specify if the whole village, including the men, ran into the hills during the battle.

Felicita's father, Panto, was a strong leader. Some eyewitnesses have referred to him as an unconverted Indian.³³ However, his name appeared in the baptismal records at the asistencia in Santa Ysabel, showing the priest baptized him on January 11, 1817 at the age of fourteen as Pedro José Panto. His native name was Escarcar, and he came from the village of Matamo.³⁴ He led the prosperous village at San Pasqual for over thirty years and was a diplomat, political strategist and activist for Indian rights. In 1835 during the secularization of the missions, the pueblo at San Pasqual was established with eighty-one Diegueño neophytes, from the Mission of San Diego de Alcalá.³⁵ Among

³³ Glenn J. Farris, "Jose Panto: Captain of the Indian Pueblo of San Pascual, San Diego County," *Journal of California and Great Basin Anthropology* 16(2) (1994): 151.

³⁴ Early California Population Project. <http://www.huntington.org/Information/ECPPmain.htm>

³⁵ Farris, "Jose Panto: Captain of the Indian Pueblo of San Pascual, San Diego County," 151.

them were people with vocations learned at the missions such as alcaldes, vaqueros, muleteers, carpenters, blacksmiths, weavers, charcoal makers, millers, wool carders, farmers, plowmen, leather workers, and cheese makers. Panto's daughter, Felicita, remembers the neophytes coming into the valley:

At this time the tule huts of our village stood thick on either side of the river, for the Mission at San Diego was no longer prosperous, and many Indians had come to our valley from that place.³⁶

From Felicita's recollection, one could assume that she and her family were not members of the planted pueblo from the mission, but were already living at San Pasqual when the neophytes arrived. Panto's birth village, Matamo, was located further south, near El Cajon. Matamo was one of the villages involved in the successful revolt and burning of the San Diego Mission in 1775.³⁷ Sources do not state how Panto ended up at the valley of San Pasqual as the headman of the village there. However, he did lead the people until his death in 1874. Felicita described him as a "quis-see-i (spirit-taught) man, so could read the thoughts of others."³⁸ On Panto's death, a newspaper article described him:

On Monday last, at San Pasqual, Panto, the venerable chief of that village, was thrown from a horse and died instantly. The old settlers of Southern California will remember him for his polite manners and good character. Under the Mexican rule he always had the confidence of the authorities, and was often called upon to aid them in pursuit of malefactors. He commanded at San Pascual at the time of the battle of Gen. Kearny with the native Californians. He then had considerable property in cattle and horses, and loaned Commodore Stockton a number of oxen and horses when the latter started on his march to Los Angeles. Panto was never remunerated by the Government for these animals. His land at San Pascual

³⁶ Roberts, *Indian Stories of the Southwest*, 221.

³⁷ Richard Carrico, *Strangers in a Stolen Land, Indians of San Diego County from Prehistory to the New Deal*, (San Diego: Sunbelt Publications, 2008), 34, 119.

³⁸ Roberts, *Indian Stories of the Southwest*, 105.

has always been respected – and in fact did constitute a regularly organized Pueblo – until within the past year or so. Now, that Panto, who governed his people so well, is gone, it is believed they will not linger long upon their own planting grounds.³⁹

American authorities respected Panto and fellow community members also trusted him. Women alone on neighboring ranchos often called for Panto's help if they were afraid. Panto was known as an excellent businessman by the people in surrounding towns. He looked to the interests of his villages and their economic prosperity. He dealt in cattle, horses, and mares and also hired out men of his village for labor.⁴⁰

In 1845, just one year prior to the Battle of San Pasqual, Governor Pio Pico described the village at San Pasqual in a letter to Bonifacio Lopez who wanted the land for himself as a grant:

This settlement comprises sixty-one Christian souls, and forty-four unconverted Indians, with dwellings after their manner, huts of tule forming a kind of irregular Plazuela (a small square), the police thereof is under the care of an alcalde of the Christian residents appointed by the First Alcalde's Court of this place, and of the unconverted Captain Panto. All the plain formed by the arroyo is occupied by their summer gardens, agreeably to the partition of lands made to them upon the foundation thereof, and the remaining portion of the Cañada is sowed in those years that the arroyo (Santa Ysabel Creek) runs, with wheat; this is observed by the signs of the water marks in the ditches; Also the space that remains as far as the boundary of San Bernardino where they sow corn and beans. They brought before me 42 head of meat cattle, 52 horses, without including those that have been taken further up to work, ten head of smaller animals, 25 cows bearing their young, on halves during five years and 120 sheep in halves during those years, in charge of the Captain Panto.⁴¹

Panto was a significant leader of the Diegueno neophytes and the Lipay, who organized and looked after his people as evidenced in this description of his successful

³⁹ "Death of a Noted Indian Chief," *Los Angeles Herald*, May 10, 1874.

⁴⁰ Farris. "Jose Panto," 154.

and thriving village. He was also a hard disciplinarian and was active in hunting down and punishing outsiders who mistreated anyone in his village or any of his allies.⁴²

Felicita, his daughter, described some of his actions during the Battle of San Pasqual in her reminiscences:

That afternoon Pontho, my father, called his men together and asked them if they wished to help the Americanos in their trouble. The men said they did. When darkness was near Pontho sent a messenger to the Mexican chief telling him to trouble the Americans no more that night else the Indians would help the Americans. And the Mexican chief heeded the message and the Americans were left to bury their dead and to rest because of my father's message. The Americanos do not know of this but my people know of it.⁴³

Panto was an expert at using many kinds of survival strategies to protect his village. He was also a diplomat, a political strategist, and was adaptable, with a determination to live in three different worlds: those of the Indian, the Mexican, and the American. He showed adaptability and political prowess as he allowed the Californios to stay at his village. He may not have liked it, but he compromised and collaborated in order that the people of his village would survive. Later, after the battle, in dealing with the Americans, he also used political and diplomatic strategies. He did not choose sides but remained neutral, choosing his battles wisely and hoping that his decisions would bring health and a prosperous economic future for his people. He put himself in between the Californios and the Americans, vying for both and balancing his chances for future success, not knowing what the future would hold. He gave aid to both the Californios by letting them camp at his village, and to the Americans by threatening Pico that the

⁴¹ Ibid., 153.

⁴² Ibid, 152, 153.

⁴³ Peet, *San Pasqual*, 90.

Indians would join with the Americans if they did not let the Americans go. He also aided the Americans with their wounded after the battle. As the Americans ventured further south, they camped out on Mule Hill and found themselves trapped and surrounded by Californios. Panto sent help to the Americans by sending an Indian envoy to get word to Commodore Stockton in San Diego.

An Indian from San Pascual reached the hill, and no person in the command being able to talk to him, except Kit Carson, in Spanish. This Indian guided Lt. Beale and Carson that night, from the hill, to San Diego. They passed through a strong guard of Mexicans right on the road, by the Indian directing them what way to take.⁴⁴

Panto was an assertive leader, not a docile one. He did not wait to be used or beaten. He made intelligent plans and chose his survival strategies well. In chapter 4, discussion will ensue on the eventual demise of the San Pasqual Indian village in the valley of San Pasqual and the tribe's relocation.

Shortly after the Battle at San Pasqual, an important event occurred. The event has been called the Pauma Massacre by Millard F. Hudson, early twentieth century San Diego County Clerk, member of the Pioneer Society of San Diego and writer/board member for the Southern California Historical Society Quarterly. Horace Parker, a Temecula local historian, also characterized the event as a massacre.⁴⁵ The Pauma Massacre event began in the Pauma Valley, which is Luiseño territory. This dissertation has already stated that the time of the Californios was a time of repression for Indians. Emory noted the poverty and servitude of the people at Warner Springs and Santa

⁴⁴ William B. Dunne, "Notes on the Battle of San Pascual," Bancroft Library, University of California, Berkeley, n.d., 60.

Ysabel. The Californios, under the direction of Andreas Pico, pushed the people of San Pasqual from their homes and into the nearby hillsides so that the Californio Lancers could use their village site as a military base. In discussing the Luiseño of the Pauma Valley, Hudson states:

These Indians were nominally friendly, but were still unruly and gave those who took up land among them a great deal of trouble. They were what were known as the hill, or non-mission Indians; and although the friars used to send out bands of soldiers to “round them up” and bring them in to the missions by force, they never became entirely reconciled to the process and continued, to the last, to break away at the first opportunity and resume their wild life. In fact, neither the missionaries nor the Mexican soldiers ever succeeded in entirely subduing them; and from their frequent skirmishes with the latter, they came to regard them as hereditary foes.⁴⁶

This description of the Luiseño Indians in the Pauma Valley demonstrates that Indians lived in the mountains, far away from the missions and pueblos and were living their lives in a continuum. Indian survival strategies did as little as possible to appease the foreign governments that had come through as they continued living their usual way of life, as Indians. They also succeeded in changing their strategies to include using foreigners for their best advantage. Richard Griswold del Castillo stated that Luiseños and Cupeños took advantage of the war time confusion in 1846, and weakened defenses of the Californio ranchos by raiding their stock.⁴⁷ Clearly, many Indians were not in league with the Californios, even before the Americans arrived. This highlights an additional survival strategy found in the Pauma Massacre event below. Indians chose to

⁴⁵ Horace Parker, *The Historic Valley of Temecula: The Temecula Massacre* (Temecula: Paisano Press, 1971); Millard F. Hudson, “The Pauma Massacre,” *The Historical Society of Southern California Quarterly* 7 (1906).

⁴⁶ Hudson, “The Pauma Massacre,” 13.

survive and determine their strategies wisely. Indians did not need to comply with either the Californios or the Americans. In some instances, they stood on their own strength to advance their own initiatives, not collaborating with either the Californios or the Americans, but holding their own sovereign ground.

Modern authors and past newspaper editors of the 1840s labeled the following incident the Pauma Massacre. This label is incorrect. Horace Parker noted, “The killing of the Californians at the Agua Caliente on the Warner’s ranch is now known as the Pauma Massacre. It seems to have been a frontier rule that when only whites were involved in a conflict it was called a battle; but when Indians were involved it became a massacre.”⁴⁸ In addition, deaths did not occur in Pauma Valley, though the campaign began there. To counteract these two misnomers, this dissertation will call this incident The Luiseño/Cupeño Campaign of 1846. More than two sides fought in the Mexican-American War fighting for land and resources. In addition to the Americans and the Californios, Indian strategic battles must also be included in history as having their own modes of operation, tactics, and plans. The Luiseño/Cupeño Campaign of 1846 occurred over many tribal areas. It included the Luiseño and the Cupeño, and involved decisions by multiple Indian leaders. The deaths took place closer to Warner Springs, not Pauma Valley. This new label, therefore, is a more accurate description of the event.

Under the Mexican government, the owners of the Pauma Rancho in Pauma Valley were José Antonio Serrano, José Aguilar, and an unnamed brother of Aguilar. Governor Manuel Micheltoarena had granted the land in 1843. Juan Maria Osuna and

⁴⁷ Richard Griswold del Castillo, “The U.S.-Mexican War in San Diego, 1846-1847,” *The Journal of San Diego History*, 49 (2003): 13.

Bonifacio Lopez (who had been looking to purchase the valley of San Pasqual, see above) also grazed cattle, sheep, and horses on the rancho, storing them there to keep them safely away from the Americans as possible spoils of war.⁴⁹ Pauma Valley lies approximately twenty-five miles north of the San Pasqual Valley, where the Battle of San Pasqual took place. After the battle, Serrano and eleven Californios, who also fought at the battle, headed for the Serrano ranch in Pauma Valley trying to stay away from the Americans, who were imprisoning Californios in San Diego. On the way, the Californios stole a herd of horses that belonged to local Luiseño. John S. Griffin stated in his diary, “these fellows [the Californios] had first attacked the Indians, taken their cattle and horses and killed some five or six Indians.”⁵⁰ According to Hudson, “These [Mexican] rangers foraged off the country as they went, and took some horses and other property which the Pauma Indians claimed as their own.”⁵¹ What transpired at this juncture or what the social and emotional climate was in the Pauma Valley is not known. That the Californios might have stolen Luiseño horses to aid them in the battle is conjecture, according to these authors, and why they would have killed Luiseño in the skirmish to attain the horses is unknown. The Serrano/Aguilar grant at Pauma Valley had only been in place for three years. During this time, animosity from the Indians in Pauma Valley

⁴⁸ Parker, *The Historic Valley of Temecula*, 10.

⁴⁹ Benjamin Hayes, “Pioneer Notes from the Diaries of Judge Benjamin Hayes, 1849-1875: Chapter VIII, Later San Diego Notes, Massacre of Pauma,” American Memory, Library of Congress. [http://memory.loc.gov/cgi-bin/query/r?ammem/calbk:@field\(DOCID+@lit\(calbk026div11\)\)](http://memory.loc.gov/cgi-bin/query/r?ammem/calbk:@field(DOCID+@lit(calbk026div11)))

⁵⁰ George Walcott Ames Jr. and John S. Griffin, “A Doctor Comes to California: The Diary of John S. Griffin, Assistant Surgeon with Kearny’s Dragoons, 1846-47,” *California Historical Society Quarterly* 21 (Dec. 1942): 341.

⁵¹ Hudson, “The Pauma Massacre,” 16.

must have grown from having the Californios on their land and taking over their resources.⁵²

On their arrival into the Pauma Valley, Serrano took the eleven Californios to his adobe, which was a mile and a half from the Indian village. While at his adobe, Serrano overheard two Luiseño women talking about the campaign. Serrano understood the Luiseño language. On hearing that the Luiseño might retaliate, Serrano told the other men and warned them to be alert. He thought that things would be stable, since he had a working relationship with the Luiseño and held a personal friendship with Manuelito Cota, one of the leaders in the area.⁵³ Serrano and two other men left the Valley and traveled further up the road to the west, past the Pauma Village, and on to Pala because his wife and family were staying there. That night a group of Luiseño approached the Serrano adobe where the eleven Californios were staying. These Californios included Manuel Serrano (brother of José Antonio Serrano), their brother-in-law Ramon Aguilar, Santos Alipás, Francisco Basualdo, José María Alvarado, Dominguito, Santiago Osuna, José Lopez, Estaquio Ruiz, Juan de la Cruz, and a New Mexican of unknown name.⁵⁴

The Californios considered Cota a friend, so when Cota knocked on the door, the Californios admitted him. The group of Luiseños with him forced their way into the

⁵² Parker, "The Temecula Massacre," 10, 11.

⁵³ Manuelito Cota was the son of a Pala woman, Maria Concepción. His father was José Manuel Cota, a married (razón) soldier at the San Gabriel Mission. His grandfather was Guillermo Cota, a soldier of the Santa Barbara Presidio. According to anthropologist John Johnson, in Carrico's book, Manuelito Cota lived at the San Gabriel Mission. During the time of the campaign, he resided near the Pauma Rancho and was looking to purchase lands near Pala. See Richard Carrico. *Strangers in a Stolen Land*, 123; The Early California Population Project, Huntington Library, <http://www.huntington.org/Information/ECPPmain.htm>

⁵⁴ Hudson, "The Pauma Massacre," 17.

adobe, captured the Californios, bound them, and took them to Potrero for the night.⁵⁵ Actions of the Luiseño leadership during this event showed the sovereign law that was active in the mountains of San Diego County. Ancient, traditional Indian survival strategies were still in effect and evident during the early American period, before American law began to influence hereditary leadership and ancient Indian law and justice. The next morning the Luiseño men and captured Californios proceeded to Cupa to decide how justice should be served.⁵⁶ Apparently, this trek through the villages on the trip to Cupa from the Pauma Valley gave Cota and his men the opportunity to “exhibit them to their neighbors and give them an opportunity to participate in the ceremonies; and second, to hold a council as to what should be done with them.”⁵⁷ At Cupa, Luiseño and Cupeño leaders came together, as well as other leaders, including Cahuillas from Los Coyotes, to discuss what ramifications the prisoners would endure for stealing Luiseño horses and killing Luiseño men. Two non-Indians, Yguera, a Mexican, and William Marshall, an American, both married to Cupeño women, were also there and gave their advice. The council of Indians decided to sentence the Californios to death.⁵⁸ Since a group of hereditary Indian leaders made this decision in an official council, the Californio prisoners likely had broken traditional oral Indian law, and their executions were the lawful outcome for their crimes in these Indian countries.

⁵⁵ Potrero could be near the village of Cuca, farther up the mountain of Palomar and on the way to Cupa (Warner Springs). “Cuca” and “Potrero” were used interchangeably during the early reservation years, which began in 1875. The Potrero reservation established in 1875 consisted of today’s Rincon and La Jolla reservations.

⁵⁶ Cupa was the village at the hot spring at Warner Springs.

⁵⁷ Hudson, “The Pauma Massacre,” 18.

⁵⁸ *Ibid.*

Indians used ancient legal survival strategies inherent in Luiseño oral law, in this instance, handed down from the days before foreigners of non-Indian heritage invaded the Luiseño landscape. This group of Indian leaders from the village of Pauma followed what their ancient native law and wisdom advised them to do. They took the perpetrators to a council of hereditary leaders from all of the nearby autonomous villages that were affected by the crime, and there they let the wisest of council debate and come to a cooperative conclusion. This instance shows the continuum of Indian culture, and glimpses Indian society as the Americans were looming on the scene and entering California. The Luiseño and Cupeño acted out of their ancient cultural patterns, laws and traditions that had always kept reason and order in their lives in the past. They were, naturally, leading and protecting the people as they had always done, using their strength, power and wisdom to keep law and order. This, after all, was their land. The Spanish, Mexicans, and Americans were only visitors in their eyes. They were not conquered and would continue as they always had.

After the Mexican-American War ended in 1848 and California became a state in 1850, the condition of Indian society in San Diego began to take a turn for the worse. San Diego, in 1850, was a tempestuous place of uncertainty for Indian people. Indians lived on lands coveted by incoming Americans moving west who were looking for land and opportunity and a place to gain economically and politically. Americans, violently and sometimes fatally, pushed Indians off their lands and away from their food and water sources, resulting in poverty and fear. According to Albert Hurtado, labor structures were also in a state of flux as American ideals and laws replaced those of the mixed

Californios.⁵⁹ Indians, because of these changes, used many types of survival strategies to keep their lives in order and protect their families.

After California became a state in 1850, the newly formed state government began to enact state laws. The new laws did not afford California Indians any means of defending themselves. Because of the lack of representation, Indians created other means for survival. The year 1850 signaled significant changes in the relationship between Indians and non-Indians, changes that have altered Indian life ever since. The new California legislature enacted new laws that discriminated against California Indians, for the new lands of California, and beginning in 1850 official expeditions against Indians began. An order from the governor called for the militia to execute laws of the state to suppress insurrections and repel invasions and to punish the attacks of the Indians on the frontier. On April 23, 1850, the state of California sent out the Gila Expedition to protect the area that encompassed the lands from Yuma to San Diego and the emigrant road that traversed it.⁶⁰ One hundred men from San Diego and Los Angeles comprised the California Volunteers under the direction of the Governor Burnett and General Joseph G. Morehead to punish the Quechans at the Colorado River, bring them to terms, protecting emigrants on the Gila Trail on their way to California.⁶¹ Quechan people were the object of this expedition. These new laws and new threat toward Indians may have been a precursor to the Garra Revolt that was to follow in 1851. Some scholars believe that Antonio Garra was Quechan from the region of Yuma, though other scholars have

⁵⁹ Albert L. Hurtado, *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988).

⁶⁰ Clifford E. Trafzer, *The Yuma Crossing: A Short History* (Yuma: Yuma County Historical Society, 1974), 10.

denounced this notion.⁶² B.D. Wilson, in his report of the Indians in southern California in 1852, stated that Garra was from Yuma:

The last chief (proper) of Agua Caliente, named Antonio Garra, is said to have been a Yuma by birth, educated at the Mission of San Luis Rey, for he could read and write. His appearance was not that of a Yuma, but there would be nothing strange in finding him 'a man of power' among the Cahuillas or San Luiseños.⁶³

A newspaper article from the *Daily Alta California* in December 1851, contemporary to Garra, stated:

Antonio Garru is by birth a Yumah, but was received at an early age into the Mission San Luis Rey, where he was educated to read and write. He married one of the San Luis Rey Indians, and was made a captain of that tribe. During the Mexican war, he sided with the Americans, and most barbarously murdered eleven Californians, who went to the Agua Caliente for the purpose of remaining neutral. His recent murders, so far as have been ascertained, have been confined to Americans (with the exception of one Sonoran,) and are twelve in number. The Cahuillas have never been friendly with Garru's tribe. In the year 1846 they killed 35 of his warriors, through a stratagem very nearly resembling the one by means of which Juan Antonio made Garru prisoner.⁶⁴

Interestingly, the newspaper placed Garra as one of the Indian participants of the Luiseño/Cupeño Campaign of 1846. It also stated that Garra was made a Captain of a tribe, though it did not mention which tribe and did not designate an area. It also did not state who conferred the title of Captain on Garra. If Spanish, Californio or American leadership endowed the title, then the title may not have been hereditary. This may have had effect during the Garra uprising on other hereditary leaders in the mountains and their

⁶¹ Kimberly Johnston-Dodds, *Early California Laws and Policies Related to California Indians*, (Sacramento: California Research Bureau, Sept. 2002); Trafzer, *The Yuma Crossing*, 10.

⁶² Carrico, *Strangers in a Stolen Land*, 59; George Harwood Phillips, *Chiefs and Challengers; Indian Resistance and Cooperation in Southern California* (Berkeley: University of California Press, 1975), 61.

⁶³ John Walton Caughey, ed. *The Indians of Southern California in 1852: The B.D. Wilson Report and a Selection of Contemporary Comment*, (Lincoln: University of Nebraska Press, 1995), 7-8.

decision not to follow him. Much of what transpired during Garra's life is unknown. Phillips stated, "At an early age he had been taken to Mission San Luis Rey where he learned to read and write Spanish, married a mission woman and became an official."⁶⁵ If Garra was born a Quechan, the Gila Expedition could have been one of the reasons that Garra planned his revolt, because his homelands were under attack. If there was no official reason, the expedition may have exacerbated the situation. During the Mexican period, as we have observed, the heavily traveled road that passed through Cupa was the main pass from California to Sonora, through Yuma. These connections are too coincidental to prevent consideration that Garra may not have been a Luiseño or a Cupeño.⁶⁶ Wherever Garra had come from originally, he was, in 1851, a prominent member of the Indian community in the mountains of San Diego County. Garra made the survival choice to react with violence to violence in reaction to injustice.

In 1850, the California state senate and assembly passed the "Act for Government and Protection of Indians," which set Indians under order of American law and the jurisdiction of the Justice of the Peace. This meant that the Americans were beginning to usurp ancient hereditary leadership long held in the Indian world. American law forced Indians into positions of governance, which challenged Indian law and sovereignty. Garra's uprising was a complex event. Many theories exist concerning its origin. Indian anger from new taxes placed on Indian ranchers by Agostin Haraszthy, the first county

⁶⁴ "Antonio Garra, The Rebel Chief," *Daily Alta California*, Vol. 2, No. 372, December 19, 1851.

⁶⁵ Phillips, *Chiefs and Challengers*, 61.

⁶⁶ Also note that there are two towns that are at least twenty-five miles from Yuma, Arizona; San Luis, Arizona and San Luis Rio Colorado which fall on either side of the Mexican-American border today. Garra could have come from one of these towns. To find the birthplace of Antonio Garra is not the focus of this dissertation, which will leave the question for a future study.

sheriff in San Diego, may not have been the only reason for revolt, as previous scholars and Garra himself have claimed.⁶⁷ The complaints were much more serious and extensive. Indians following Garra wanted to fight militarily for their ancient rights to their livelihood, lands, water, other resources and their sovereignty. They must have felt at the time that this planned revolt was a necessary and wise survival reaction to the changes and violence that were threatening Indian lives. Not all Indians in San Diego County supported Antonio Garra and his planned revolt, which showed the many varied strategies chosen and the many striations in Indian society.

According to the new American laws, Cupeños and Luiseños were “Mission Indians” or “Christianized Indians” and residents of San Diego County, thereby liable to pay county taxes. In 1850, the Indian rancherias of Temecula, Pala, Portrero, La Jolla, and Pauma sent in a total of nineteen head of cattle to help pay the tax that Haraszthy demanded. In 1851, the taxes were due again but according to Phillips, General Joshua Bean advised the Indian leaders not to pay.⁶⁸ Haraszthy challenged the Indian leaders to acquiesce, and the leaders sent their cattle to San Diego for payment. Apparently, the payment was not enough, and Haraszthy required more.⁶⁹ At that point, the Garra Revolt began to escalate. However, the hereditary leaders showed their concerted efforts by paying the taxes. They, as well as the leaders at San Pascual and Santa Ysabel, also continued to support the Americans, even though Garra invited the leaders to revolt.⁷⁰

⁶⁷ Carrico, *Strangers in a Stolen Land*, 59; Phillips, *Chiefs and Challengers*, 61; “Confession of Antonio Garra,” *Daily Alta California*, January 1, 1852. “Arrival of the Sea Bird. Later from San Diego,” *Daily Alta California*, Vol. 2, No. 371. December 18, 1851.

⁶⁸ Phillips, *Chiefs and Challengers*, 68.

⁶⁹ *Ibid*, 67-68.

⁷⁰ *Ibid*, 76, 80.

Garra's son wrote to Manuelito Cota of the Luiseños, requesting that he bring his people to the canyon and join in the struggle against the Americans. Cota replied that he would have no part in the uprising, and most Luiseno leaders immediately expressed their loyalty to the Americans. For example, in a letter to officials in San Diego, Pablo Apis, leader of the Indians at Temecula, states that 'we will mix in nothing; always obedient to the laws of the government.' Dominigo, captain of the Luisenos at San Luis Rey, received word from the San Diego authorities to remain where he was until called upon for assistance. Domingo wrote to Cota stating that he was ready to take the field with all his people and those from Las Flores and Santa Margarita in support of the Americans.⁷¹

Sharp divisions existed among individual Indian leaders in choosing survival strategies. The divisions occurred between the hereditary leaders of the independent villages and Garra and his followers. As we shall see, Cahuilla leader Juan Antonio opposed the revolt. Strategies of cooperation and collaboration on the part of the hereditary leadership could have been used because they knew of a promised treaty with the Americans that was about to come to fruition in the near future. These hereditary leaders chose to make legal agreements with the foreign Americans, so they could keep their lands, livelihoods, resources, and their families safe. Garra's strategy consisted of revolting and killing Americans in southern California. Garra would then take back the land that he considered Indian land. Hereditary headmen, in comparison, must have seen some profit and future in working with the Americans instead of revolting. Southern California Indians, once again, showed that they were intelligent and civilized by reacting in an honorable manner when confronted with the terrifying changes that were looming on the horizon. Angered by taxes and the impending American laws, hereditary Indian leaders also felt the neglect of the federal government pertaining to previous promises.

⁷¹ Ibid, 80.

Colonel Kearny had passed through the Warner Springs, Santa Ysabel, and San Pasqual areas in 1846, promising Indians that if they backed the Americans during the Mexican-American War, they would receive treaties with the American government in the future.

Kearny's promises did not come to fruition. In 1852, Indian leaders signed the Treaty of Temecula and the Treaty of Santa Ysabel. However, the United States Senate did not ratify the treaties, thus betraying the Indian people, and never telling the Indians the Senate had not ratified the treaties, which the Indians had made in good faith.

Chapter 3 will discuss these treaties in more detail. Helen Hunt Jackson noted in her *Report on the Condition and Needs of the Mission Indians of California*:

The aged Captain of the Aqua Caliente Indians still preserves a paper giving a memorandum of the setting off of this reservation....He also treasures several other equally worthless papers – a certificate from a San Diego judge that the Indians are entitled to their lands; a memorandum of a promise from General Kearney, who assured them that in consideration of their friendliness and assistance to him they should retain their homes without molestation, 'although the whole State should fill with white men.' It is not to be wondered at that these Aqua Caliente Indians find it difficult to-day to put any faith in white men's promises.⁷²

After California became a state, United States Commissioner George Barbour had also failed to meet with Indian leaders to conduct a promised treaty.⁷³ Indians in San Diego heard that northern California Indians were receiving help from the government and felt southern California people should receive the same treatment. Hereditary Indian leaders' strategy may have considered these former promises and perhaps used as leverage the enticement for the Americans to sign the treaties if they did not revolt with Garra. Perhaps the Americans would come through with their promises. The signing of

⁷² Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with some of the Indian Tribes* (Norman: University of Oklahoma Press, 1994), 486.

the treaties of Santa Ysabel and Temecula by Indian leaders occurred at the time of the Garra apprehension and execution. Looking at the dichotomy of these two survival strategies, reasons for Antonio Garra's plan for revolt encompassed an array of complaints reflecting a rejection of American policy and American presence. Other strategies of cooperation and collaboration, by the hereditary leaders, also encompassed an array of complaints reflecting a rejection of American policy. However, theirs was one of diplomacy instead of war. Garra's revolt did not succeed. However, since 1852 he has become a symbol of resistance and patriotism. While signing the treaties did not succeed either, the intention and well thought out strategy by hereditary leaders to agree with treaties was illustrious and noble on their part. The trial and execution of Antonio Garra took place in Old Town San Diego, as presented below.

The incident of the Garra Revolt, as it is known, demonstrates a survival strategy reflective of the feeling of a total lack of control by Garra and his Indian followers. Revolt is a reaction of sheer desperation and the feeling that there would be nothing left to gain if revolt did not occur because of loss of power. During this time, Indians all over northern San Diego County were having problems with the new American settlers squatting on Indian lands. William Marshall, who was involved in the Luiseño/Cupeño Campaign of 1846, was also a contributor to Garra's planned revolt. Smythe claimed that Marshall was the one who put suggestions in Garra's head to gather the Indians from miles around to push the Americans out of the country, though Marshall claimed his

⁷³ Phillips, *Chiefs and Challengers*, 117.

innocence at his execution.⁷⁴ As stated above, Marshall was the manager at Warner's ranch, and Garra was the alleged headman of the Cupeños. Early glimpses of the Garra revolt began at Warner's ranch, just a few miles from the hot springs and the village of Cupa. An Indian woman, who was friendly with Mrs. Warner, warned her of a pending attack, ravaging the ranch first.

Upon hearing this news, Warner sent his wife and family to San Diego and began to prepare the ranch for the pending attack. Warner stayed at the ranch with some of his men. On the first night, the revolt did not come to the ranch but Indians killed four American visitors at the hot springs nearby. The four men killed at Warner's Ranch were visiting the springs for health reasons. They included Levi Slack (E. W. Morse's partner), Joseph Manning, Ridgley, and Fiddler.⁷⁵ The next morning, a group of approximately one hundred Indians, armed with bows and arrows, woke Warner and began to attack. The Indians killed one of Warner's ranchmen. In return, Warner and his men shot and killed two Indians. Warner escaped unharmed, and went to San Jose Rancho with one Indian boy servant.⁷⁶ He then gathered some rancheros to go back to the ranch to gather his stock and try to save them. The plan was futile, however. Warner returned too late. The Indians had plundered the ranch. Warner retreated to San Diego where authorities took action. Residents met and proclaimed martial law and gathered a group of men to stop the revolt. Major G.B. Fitzgerald led the volunteers into the backcountry to stop the

⁷⁴ William E. Smythe, *History of San Diego, 1542 – 1908*, San Diego History Center. <http://www.sandiegohistory.org/books/smythe/index.htm>; "Later from San Diego," *Daily Alta California*, December 18, 1851.

⁷⁵ *San Diego Herald*, November 27, 1851.

⁷⁶ Donald H. Harrison, *Luis Rose: San Diego's First Jewish Settler and Entrepreneur* (San Diego: Sunbelt Publications, 2005), 68.

attacks. Volunteers consisted of Major G. B. Fitzgerald, Captain Cave J. Coutts, Agostin Haraszthy third-in-command, Lewis A. Franklin quartermaster, Jack Hinton second sergeant, Philip Crosthwaite third sergeant, George P. Tebbetts ensign, Robert D. Israel first sergeant, Henry Clayton fourth sergeant, and Luis Rose.⁷⁷ The volunteers made their way to Warner Springs by way of San Pasqual and Santa Ysabel. They met no Indians along the way. Luiseño, Cupeño and Iipay had abandoned their villages.⁷⁸ This might suggest that all of the Indians in these villages backed Garra and that they traveled into the interior to further plan the revolt, or it could also show that the people fled and went into hiding because they were afraid that the Americans would retaliate against any Indian they came upon. Volunteers arrived at Cupa on December 2, 1851 and, finding no one there, set the village on fire.⁷⁹ In San Diego, sentinels guarded the town, and Americans came in from around the countryside for protection. The Indians of Temecula, under Pablo Apis, refused to join Garra and traveled into San Diego for protection.

A gentleman direct from San Luis Rey, informs us that the Indian residents of Temecala, a village situated at the base of the mountains, twenty-five miles east of the Mission of San Luis, and on the emigrant road leading from Warner's to Los Angeles, are moving their families and stock to this city; their chief, Pablo, having declined to join Antonio in his foray against the whites. Pablo is an educated Indian, the owner of a fine rancho and large herds of cattle. He may be expected here this evening.⁸⁰

Clearly, Luiseño, Cupeño and Iipay used many survival strategies in San Diego County during the 1850s. Garra and his followers revolted. The hereditary leaders of

⁷⁷ Ibid.

⁷⁸ Clarence Allen McGrew, *City of San Diego and San Diego County, The Birthplace of California*, (New York: The American Historical Society, 1922) 71-74.

⁷⁹ Harrison, *Luis Rose*, 68.

San Pasqual, Santa Ysabel, and Temecula affirmed their allegiance to the Americans, refusing to revolt with Garra. Many of the people of the villages took their belongings and fled into hiding, completely removing themselves from any activity or notion of allegiance. This event showed a concerted effort on the part of many groups and villages of Indian people and the extensive communication network that was in place. Each of these strategies reflects the need for each of these families and villages to make decisions according to what scenario would best benefit their individual survival.

No Justice of the Peace sat in office during this period. The people of the town of San Diego ushered in martial law because of fear of an Indian revolt. Martial law stood in place of the justice system and was the authority in this matter.⁸¹ In this case, the death of Indian leaders was the punishment and a way to bring a people to their knees. In the meantime, William Marshall was in jail in the town of San Diego, along with a few others. After a short court hearing, Marshall was court marshaled and sentenced to death. The court decided to hang Marshall and another Indian named Juan Berus or Verdugo. The two men stood on a cart with the hangman's noose around their necks. Authorities pulled away the cart, leaving the accused Marshall and Berus to dangle from a tree. This took place near the chapel in Old Town San Diego.⁸² Authorities buried Marshall at the El Campo Santo in Old Town.

⁸⁰ "Alarm of the Mission Indians," *Daily Alta California*, December 4, 1851.

⁸¹ "Important from the South: The Indians Rising – Attack on Warner's Rancho! – Departure of the Volunteers," *Daily Alta California*, December 3, 1851 and "Further Particulars of the Indian War in the South," *Daily Alta California*, December 14, 1851.

⁸² Leland E. Bibb, "William Marshall, "The Wickedest Man in California," *Journal of San Diego History* 22 (1976). <http://www.sandiegohistory.org/journal/76winter/marshall.htm>, 13.

Juan Antonio, a Cahuilla leader who was friendly to Californios and Americans, eventually captured Antonio Garra. Garra had come out of the mountains to speak with Juan Antonio about joining forces, but Juan Antonio's men captured Garra instead and turned him over to authorities in Los Angeles. Before the American army took Garra to San Diego, they held him prisoner in Corona. There he gave his statement to Captain Lovell, General Bean, Colonel Williams, Myron Norton and W.H. Rand. Garra admitted his participation in the resistance, stated that others were involved as well and that he had been only a part of the force and planning involved. The Daily Alta California printed Garra's admission:

I am a St. Louis Rey Indian; was baptized in Mission St. Louis Rey, and from my earliest recollection have been connected with the St. Louis Indians. Have had authority over only a portion of the St. Louis Indians; never had any connection with the Cahuillas. Was appointed by Gen. Kearny, U.S. Army, commander-in-chief of the St. Louis Indians, in the year 1847. Capt. Chapulgas and Capt. Vincente, Cahuillas, came to my Rancheria and insisted on my going immediately to take command of the people, and Juan Largo, (Hon. J.J. Warner,) told me that the Americans would come in a few days and kill all the Indians. I excused myself to them by saying that I was sick, and the responsibility would all fall upon me. My people, in company with a party of Cahuillas, from Los Coyotes, started on Saturday, Nov. 23d, to rob Juan Largo's rancho. I stayed at home. They robbed the rancho of all the cattle, and killed three Americans; three of my people were also killed by Juan Largo. The Sonoran boy who was in the employ of Warner, is now held a prisoner by my people, at Los Coyotes. The two men named Bill Marshall and Juan Verde, *had nothing to do with the transaction*. I concealed them on the purpose to keep them from the knowledge of it. Neither have those men taken any part in the hostilities practiced towards the Americans. They were entirely ignorant of what has been done. I was advised by Joaquin Ortego and Jose Antonio Estudillo to take up arms against the Americans. They advised me secretly, that if I could effect a juncture with the other Indian tribes of California, and commence an attack upon all the Americans wherever we could find them, that the Californians would join with us, and help in driving the Americans from the country. They advised me to this course that I might revenge myself for the payment of taxes,

which has been demanded of the Indian tribes. The Indians think the collection of taxes from them a very unjust measure. This advice was given me by Juan Ortego, in his (Ortego's) rancho. No other person was present at the time. I afterwards saw Antonio Estudillo, who advised me to the same effect, assuring me of the co-operation of the Californians, throughout the country. My men under arms have never exceeded 30 or 40 at any one time. I myself have had no communication with any other tribes than the Yumas and Cahuillas. The former agreed to join with me, but they subsequently refused. I only know of the readiness of the other tribes to combine and kill the Americans, from what Ortego told me. The reason that the Yumas did not stick to their contract was, because of a quarrel about the division of the sheep which we had taken conjointly from the five Americans whom we killed. In the affair with the men with the sheep, ten of my men were killed by the Americans. The party with the sheep were killed this side the Colorado. I know of no murders committed by my people other than those of the men with the sheep, and those at Agua Caliente. Know nothing about the killing of the ferrymen.⁸³

Soldiers took Garra to San Diego, where the military tried and convicted him, sentencing him to death. Authorities stood Garra in front of his grave and shot him to death by firing squad.

A Court Martial was convened on the morning of the 9th, consisting of Maj. Gen. Bean; Myron Norton, Act. Asst. Adj. Gen.; Santiago E. Aguello, Aid de-Camp; George B. Fitzgerald, Capt. Los Angeles Rangers; George F. Hooper, and Thomas Tillghman, Lieuts. Fitzgerald Volunteers, was appointed Judge Advocate, and Maj. J. McKinstry, U.S.A., at the request of the Court, acted a counsel for the prisoner. Hon. J.J. Warner was appointed Interpreter to the Court. After a patient investigation of nearly two days, the prisoner was found guilty of levying war against the Government, of murder and robbery, and was sentenced to be shot yesterday afternoon at sun-down, which sentence was carried into effect. A detachment of twelve men under command of Capt. Fitzgerald, escorted the prisoner to the place of execution and burial. After a short exhortation from the Padre, the prisoner in a firm tone said he was willing to ask pardon of all present, "if they would pardon him." As soon as the priest left his side, he was blindfolded and made to kneel beside his grave. When the word was given to fire, he fell, completely riddled with balls and died instantly. No man could have met his fate in a more grave and dignified manner than did Antonio Garra. I could not but feel a sort of sympathy for

⁸³ "Confession of Antonio Garra," *Daily Alta California*, Vol. 3, No. 2, January 3, 1852.

him, notwithstanding his crimes, since for the last month, while he has been a prisoner, I have been obliged to eat, drink, and sleep with him at times. I shall start in a few days for Los Angeles. Adios, Gordito.⁸⁴

Garra's survival strategy was to fight, to pay back violence for violence, to rain fear on the American enemy and to force them to leave Indian lands or die.

Unfortunately for Garra and his supporters, the strategy did not work. The American forces were the stronger of the two forces, and Garra did not have the backing of other strategic Indian groups in the area to see his plan to completion.

The survival strategy of revolt and physical force had worked for a time under the leadership of Antonio Garra, by using fear to try to control the American population. In contrast, Indian men, women, and children in northern San Diego County fled their homes and went into the mountains and backcountry. Sentinels and marshal law protected all of the frightened Americans and the Indians of Temecula within the boundaries of the main town. This fear spread over vast areas. Because of the threats, the San Diego infantry went to Yuma to relieve the garrison.

Before the capture of Garra, Fitzgerald's Volunteers reacted to the revolt. It was because of the Volunteers that Garra and his supporters began to lose the fight. Beside the capture of Garra, Marshall and Berus, there was another event that took place in the eastern mountains. Volunteers entered Los Coyotes where Garra had staged his revolt. Los Coyotes is located in the far north eastern San Diego mountain/desert range. While combing the mountains looking for Garra and his supporters, the Fitzgerald Volunteers captured and executed four Indian leaders thought to be part of the revolt. The execution

⁸⁴ "Our San Diego Correspondence," *Daily Alta California*, Vol. 3, No. 4, January 15, 1852.

took place at Coyote Canyon, on the desert side of the mountain range. These four men were Francisco Mocate chief of the San Ysidro, Luis Indian alcalde of Agua Caliente, Jacobo or Ono-Sil (Parker cites his name as Aui-sit), and Juan Bautista or Coton.⁸⁵ Of this event, Parker provided a detailed story.⁸⁶ He stated that a battle took place, before the execution of these four leaders, between Major Samuel Peter Heintzelman and the Fitzgerald Volunteers, and the Indians in Coyote Canyon. The Indians were thought to be of Cahuilla and Quechan origin, however it is unsure if other Indian groups were involved as well. The battle occurred in Coyote Canyon, near today's Los Coyotes Reservation and the execution occurred near the old village burial ground near Santa Catarina Spring.⁸⁷ The list of executed Indians, above, is only a brief list of Indians killed in the overall event. After the initial battle, where a number of Garra's followers were killed, Heintzelman and his men rounded up the four leaders, Mocate, Luis, Jacobo and Coton. The Fitzgerald Volunteers brought them to the graveyard at Santa Catarina Spring. They forced the local villages to watch the execution. The four leaders dug their own graves, and then a firing squad of twenty soldiers shot them into the graves.⁸⁸ This was a grizzly incident that may have had far reaching effects in survival strategy decisions by hereditary leaders all over southern California.

Shortly after the capture and death of Garra and the battle and executions in Coyote Canyon, Indian leaders acquiesced, choosing the survival strategy of signing

⁸⁵ George Harwood Phillips, *Chiefs and Challengers, Indian Resistance and Cooperation in Southern California* (Berkeley: University of California Press, 1975), 100; Horace Parker. *The Historic Valley of Temecula, The Treaty of Temecula* (Temecula: Paisano Press, 1987) 7.

⁸⁶ *Ibid.*

treaties in Temecula and Santa Ysabel just a few months after the killings. The United States commissioner that oversaw the treaties was O.M. Wozencraft. Parker stated the possibility that Wozencraft was present at the execution in Coyote Canyon.⁸⁹ If Wozencraft was present at the execution and took part in the atrocities, it may have swayed Indian leaders to sign the treaties in fear. The possibility will be discussed further in Chapter 3. According to the newly created 1850 “Act for the Government and Protection of Indians,” the state may have considered this execution lawful.⁹⁰ It stated in Section 13 that the Justice of the Peace had the charge of letting the leaders in the villages know the laws pertaining to them and that if they disobeyed the law, the Justice had the right to “instruct the Indians in their neighborhood in the laws which related to them. Any tribes or villages refusing or neglecting to obey the laws could be ‘reasonably chastised.’”⁹¹ It also stated that if American authorities could not find the perpetrator of a crime, the leader of the village could be chastised instead. New American laws will be further discussed in Chapter 2. American justice was meted out in this case, according to American law. This was only the beginning of massive changes in the ways that Indians would need to create new strategies for survival.

Indian leaders who refused to revolt but instead chose to await the rumored treaties gained from their strategies and survival decisions, at least for a time. In the end, they remained alive and on their lands and were not executed at the hands of the

⁸⁷ Joan Schneider, “Archaeological Testing at the “Garra Site” (CA-SDI-2319/H) in Coyote Canyon Anza-Borrego Desert State Park, California,” Report on file at the Begole Archaeological Research Center, Colorado Desert District, California State Parks, Borrego Springs, 2005.

⁸⁸ Ibid.

⁸⁹ Parker, *The Historic Valley of Temecula*, 7.

⁹⁰ Johnston-Dodds, *Early California Laws and Policies*, 6.

Americans. They bought time and awaited diplomatic agreements to keep their families safe and hold on to their land and resources. In the meantime, they were also procreating and continuing to live their lives with their culture intact.

⁹¹ Ibid, 6.

Chapter 2:

Strange Ways: Transitions with Oral Sovereignty and Written Law

This chapter discusses how Indians employed various survival strategies after the implementation of laws enacted in 1850 by the new California government at the beginning of the American period in California. The discussion will begin by looking more deeply into Indian socio-cultural framework, leadership and governmental structures. The new American laws affected Indians in the mountains of northern San Diego County, which impelled them to choose survival strategies and incorporate them into their daily lives. The early period of American encroachment onto Indian land and entanglement in Indian lives and communities profoundly affected Indian livelihood and leadership roles. Indians experienced change, loss, ruin and depredation more exhaustively and extensively than the clashes the preceding Spanish and Mexican governments produced. Americans were interested in amalgamating Indians into the structure of the new state to make them useful for their own ends while insuring that Indians had no rights to land, resources or liberty and no means to fight back militarily, politically or legally. Americans entrenched and did their best to conquer and replace any foreign influences that had come before them. This included oral Indian hereditary leadership structures and oral ceremonial instruction that benefited individuals and clans.

Indians feared the strong-arm of American law, which sought to devastate ancient cultural construction, especially near American towns. Initial laws, put in place by the new California government also strove to segregate and displace Indian populations, distancing Indians from American cities and off any lands that might contain mineral

wealth or the opportunity to gain wealth through trade and commerce. Americans particularly protected San Diego's downtown areas and surrounding bays. This chapter will look at six laws that contributed to a long and devastatingly traumatic experience for Indian social structures and land occupancy that caused individual Indians to fight for the lives of their families and communities and to retain their way of life. These laws included: 1) in 1850 the Act for the Government and Protection of Indians, 2) in 1855 the Act to Punish Vagrants, Vagabonds and Dangerous and Suspicious Persons, 3) in 1850 the Act Concerning Volunteer or Independent Companies, 4) the Act Concerning the Organization of the Militia, 5) in 1858 the Act to Provide for Binding Minors as Apprentices, Clerks and Servants and 6) in 1891 the Act for the Relief of Mission Indians. Americans did not want Indians as part of their empire and were not willing to extend any type of power to them. This was war. A war raged by Americans and driven by the ideology of Manifest Destiny, which propagated selfishness, neglect, bigotry, racism, disrespect, displacement, hatred, threats of death and empty words printed on paper. American spoils of the war amassed land, ports, resources and mineral wealth. Americans also gained beautiful places of sunshine, mountains and beaches in which to gain more wealth through many contrivances in the future such as ranching, industry and tourism. Indian survival mechanisms that resulted from the new laws being enacted included revolt and resistance, using political strategies, concurrence with treaties, collaboration, cooperation, utilizing intellectual and legal defiance and ancient traditional strategies such as silence. As already discussed in Chapter 1, the Garra Revolt demonstrated the survival strategy of revolt and resistance, which was unsuccessful for

Antonio Garra and others involved in the affair. Chapter 3 will discuss, more in-depth, the Indian strategy of agreement to treaties with the American government.

Hereditary Indian leaders used many avenues of survival that included a kaleidoscope of efforts. Indians continued hereditary strategies and created new strategies because of unfamiliar distress and obstruction that Americans placed on the Indian population. Spanish, Mexican and American conquistadors did not recognize Indian laws that were already in place at the time of their arrival on Indian land. Because of their own backgrounds, they could only comprehend elements of written law, which included thrones of judgment, as they had in their own kingdoms. Because the structure of Indian kingdoms in San Diego County was more subtle and not as visible to Americans, Europeans and Californios, they deemed that Indian structures were backward and savage, if they even recognized them at all. It was not until the appearance of anthropologists in southern California in the late nineteenth and early twentieth centuries that Americans tried to grasp and understand the damage perpetrated against Indian socio-cultural structures by European and American powers. Indian structures were vastly more sound, significant and complex than early invaders realized, thus the longevity of Indian culture and its survival went unsuspected. Some early anthropologists labeled California Indians as savages. These anthropologists had not completely understood the concept of cultural relativism first defined by Franz Boas in 1887 or the consideration of ethnocentrism.⁹² In 1923, Alfred Kroeber, described

⁹² *Cultural relativism* is the idea that one must suspend judgment on other peoples' practices in order to understand them in their own cultural terms. *Ethnocentrism* is the belief that one's own culture is superior to all others. William A. Haviland. *Cultural Anthropology*. (Orlando: Harcourt Brace College Publishers, 1996), 49-50.

California Indians as “savages,” and “uncivilized tribes” who were “a remote and unimportant people.”⁹³ Anthropologists and historians who came after Kroeber used his work as the academic canon, under those constraints and prejudices they read and used his findings. As time went on, scholars began to dig deeper into the culture inherent in Indian communities.⁹⁴ The complexity of Indian socio-cultural structures and the survival strategies that accompanied them became more apparent as observations continued.

Beyond the non-Indian world of anthropologists, Indian people had always known the richness and depth of their own cultures. Significant segments of Indian culture still survive today in the mountains of San Diego County, purposefully away from the eyes and ears of non-Indians.⁹⁵ Indians continue to use silence as a very important survival strategy, embedded into their culture and way of being. Silence was an ancient survival strategy that Indian people in San Diego County practiced. Raymond White noted, in his article on Luiseño religion when analyzing early and late debates on Luiseño separation of religion and government:

That both the early and late studies of the Luiseño agree with a general reconstructable pattern is not immediately obvious. This lack is brought about through two basic characteristics of Luiseño religion: intricacy of religious structure, and secrecy. This is not to imply that in all instances secrecy results from a deliberate conspiracy of silence or misdirection, although it cannot be claimed that the Indians have not taken full advantage of the confusion existing upon the part of their protagonists. The secrecy issues from causes far deeper than any superficial evasions. It lies in the nature of the religious concepts, and the inadequate vehicles of “translation” conventionally used to convey Luiseño thought into English or Spanish. Fuller understanding has become possible only since the

⁹³ Alfred Kroeber, *Handbook of the Indians of California* (New York: Dover Publications, 1976), v.

⁹⁴ Examples are Robert F. Heizer, T.T. Waterman, Philip Stedman Sparkman and William Duncan Strong.

⁹⁵ Personal communication, 2002 – 2013.

imminent extinction of his religious organization motivated religious chief (not) Rejinaldo Pachito to make his knowledge a matter of history. The Luiseño community as a whole by no means unanimously approves his decision, but the rank-ordering system of the society is such that those who disapprove have no veto power.⁹⁶

White articulated that secrecy was a distinctive part of religious structure in the Luiseño world. He expressed his understanding that Rejinaldo Pachito broke a secrecy pact with his clan and gave the information to White in spite of what the rest of the Luiseño community thought. White understood that there were deeper non-superficial issues involved and tried to penetrate the superficial surface to the deeper meaning of the survival strategy and leadership attribute of being silent. White predominately used the word “secrecy,” and not “silence” to describe the phenomenon. Silence, and a respect for the unspoken, was inscribed into Indian social hierarchy and spiritual practices as a survival mechanism and was one of the most successful survival strategies used. Silence was a strategy tool that was so subtle that non-Indians usually overlooked or misunderstood it. Non-Indians, unreceptive of the silence as outsiders, labeled it secretiveness. White also assumed that the religious organization Pachito belonged to was going extinct. Since White looked on the Luiseño system of spirituality and governance as an organized religion by understanding only what he heard and saw firsthand, his observations may have been correct.

Pachito’s local group support may have been collapsing, however, the spiritual world of the Luiseño could not have been going extinct because it is an inherent part of

⁹⁶ Raymond White, “Religion and Its Role Among the Luiseño,” in *Native Californians: A Theoretical Retrospective*, ed. Lowell John Bean and Thomas C. Blackburn (Menlo Park: Ballena Press, 1976), 356.

Luißeño culture and cannot be separated or removed from the people themselves. The people did not go extinct and so neither did their spirituality.

Spirituality was a core component in the culture, entwined with and inseparable from other components such as governance and daily life. White's article was introspective and a scholarly gem, however, he became the victim of the world of Luißeño silence. The etic view of the anthropologist or historian could not comprehend the viable spiritual elements that existed within the nature of the incommunicable.

Discussed below, Indians educated their children with oral and ceremonial instruction. Included in this instruction was the silence inherent in the natural world and their relationship to it. A system of silence served as a bedrock foundation in the southern California Indian worldview as it quietly winded its way through Indian belief structure and ceremonial oral traditions as well as everyday life. Indian culture survives today in the mountains of San Diego County because Indians did not share many incidents, thoughts or decisions with outsiders. Indians kept these circumstances to themselves in silence thereby protecting the culture from outside influences. Early scholars believed Indian culture was doomed to extinction, because they were looking in from the outside and did not understand the profound, embedded, eternal connections between the silence and the Indian. Indians knew that they could not be separated from the spiritual silence, whether as an individual or as a group. Silence acted as a guide for and by leaders and made their communities tenacious. As this dissertation progresses and in the chapter below, the subtle presence of silence will become apparent as it works as a

backdrop in the background of Indian consciousness as reflected in their culture as a survival mechanism.

Southern California's earliest ethnographer of Indian culture was not an American anthropologist. He was a Spanish priest by the name of Father Geronimo Boscana. Boscana was the first European to write about the southern California Indian survival mechanism of silence. Boscana arrived at Mission San Luis Rey in 1811 and then moved to Mission San Juan Capistrano in 1814. While at Capistrano, he penned his observations of Indian activity that was going on around him.⁹⁷ Although Boscana misunderstood much of what he viewed, he was truly intrigued and opened to the truth in what he was scrutinizing. Sometimes he became frustrated because he did not understand why Indians were behaving in a particular way.

By gifts, endearments, and kindness, I elicited from them their secrets with their explanations, and by witnessing the ceremonies which they performed I learned by degrees their mysteries. Thus, by devoting a portion of the nights to profound meditation, and comparing their actions with their disclosures, I was enabled after a long time to acquire a knowledge of their religion. There are yet many things I do not understand because they have not been disclosed to me with that clearness that I could wish, but always so confusedly that I was unable to penetrate their meaning.⁹⁸

Boscana's main purpose in his observations of the "heathens" was to use the information in order that the mission fathers would be able to point out errors of faith to

⁹⁷ Even though Boscana was examining the Acagchemem people north of San Diego County, we may still use his observations in the study of early Luiseño, Cupeño and Iipay cultures in the mountains of San Diego. The activities Indian people were engaged in at Capistrano were passed on, over the landscape, to the mountain people, who were closely related cultural groups. A.L. Kroeber. *Handbook of the Indians of California*, (New York: Dover Publications, 1976), 712 – 713.

⁹⁸ Fr. Gerónimo Boscana. *Classics in California Anthropology, Chinigchinich, A Revised and Annotated Version of Alfred Robinson's Translation of Father Gerónimo Boscana's Historical Account of the Belief, Usages, Customs and Extravagancies of the Indians of this Mission of San Juan Capistrano Called the Acagchemem Tribe*, (Banning: Malki Museum Press, 2005), 18.

Indians and set them on the right path regarding Spanish religion.⁹⁹ Indian leaders must have ascertained Boscana's intentions, because they invoked the survival strategy of silence with him. Boscana also observed the ancient hierarchical leadership framework, right from the beginning, on which the legitimate and sovereign administration of covenant and justice stood. Native American leaders were bound to the office of silence on many fronts.

It is difficult, I confess, if unacquainted with their language to penetrate their secrets as they do not all understand the significance of their usages and customs, this knowledge being confined to the chiefs of their tribes, and the old men who officiate as priests. When they reveal anything to their children, it is only to such as they intend to rear for their successors, and these are enjoined to keep fast the secrets, and not communicate them to anyone.¹⁰⁰

Because Boscana did not understand the silence or the activity that he observed, he also assumed that the assembly of Indians, as a community, did not understand what they were achieving themselves. This is an example of Indians using the survival mechanism of silence. Leadership family lineages kept primal cultural truths among the lineage so that the family remained a legitimate, sovereign power upon which the clan hierarchies were established. Constance DuBois wrote in 1905 about an Iipay lineage at Mesa Grande and the cultural silence that she experienced in connection with them.

My friend, the old chief of the Diegueños, Cinon Duro (Indian name Ho-ko-yél Mut-a-weér) has told me some of these sacredly guarded myths; but his wrath fell upon his brother Antonio because he, without permission, had related to me the story of Cuy-a-ho-márr, which I published in the *Journal of American Folk-lore* under the title "The Story of Chaup." Each son of the old chief Quum-ech-loup had his own story with its accompanying songs. Cinon, the eldest, and successor in the chieftainship, had the religious myths, the story of creation, the death of

⁹⁹ Ibid, 17.

¹⁰⁰ Ibid.

the god Tuchaipa, etc., together with all the knowledge pertaining to the conduct of the various religious festivals, a primitive but elaborate ritual full of exact detail. Antonio's story was that of Cuy-a-ho-márr; and the three other brothers, now dead, had each his story, lost at his death, and existing only as a stray fragments in the memories of the hearers.¹⁰¹

DuBois encountered the embedded silence in Iipay culture. She witnessed what hereditary leadership fathers in indigenous lineages instructed their children to carry out.

The agency of hereditary leadership was a combination of spirituality and governance. Leaders not only conducted and administered ceremonial life, but also implemented knowledge and wisdom from their fathers to supervise and administrate law and justice through education of the clan in ceremonies. William Duncan Strong summed up previous findings from earlier anthropologists about Luiseño clan and tribal structure:

According to Sparkman the Luiseño bands or clans inhabited separate villages and were independent of each other. They had no powerful chiefs but the religious chief of each clan possessed the most influence, all matters pertaining to religion being under his control. The office was hereditary but failing competent successors it might pass out of the direct line of descent. Women were occasionally allowed to hold this office. The office of chief of the rabbit hunt was hereditary, and the medicine man (shaman) presumably had some governmental power. Each band (or clan) had its allotted territories, which were occasionally subdivided between the different families composing the band. These clan territories were jealously guarded and trespassing often led to quarrels. DuBois mentions the clans and speaks of the chiefs being associated with ceremonial objects, but her main concern seems to be with the parties. Gifford deals at some length with the clans, which he considers as male lineages, a point brought out more strongly in a later publication. He notes that certain of these clans have hereditary leaders, but that many of them do not and are often grouped into religious parties. He rightly distinguishes between the

¹⁰¹ Constance Goddard DuBois, "Religious Ceremonies and Myths of the Mission Indians," in *Listening to the Raven: The Southern California Ethnography of Constance Goddard DuBois*, ed. Don Laylander (Salinas: Coyote Press, 2004), 87.

clans into which a person is born and the parties which may be joined at will.¹⁰²

Hereditary knowledge structures were strong, powerful and successful. A subtle way they kept levels of authoritative power was through silence, thereby protecting their lineage and their people from outsiders. Leaders usually showed silence to other members of the tribe who were not in leadership lineages, which secured the survival of authority in administration of rules for select leadership families and conceded the prestige of sovereignty to remain intact, secure and continuous. This behavior circumscribed and protected the survival of the clan itself. A select few were educated about leadership of the people through oral traditions and ceremony. Leaders educated their lineage in secret. The people in the clan held indoctrinated kinship individuals in high esteem as leaders, judges and decision-makers in many areas of tribal life.¹⁰³ Clans honored leadership families that followed a bloodline and that non-leadership families acknowledged as authority. Heads of leadership families taught their children how to hold positions of authority and how to execute matters of governance and oversee major decisions for the tribe. Leadership families from other geographical areas also acknowledged neighboring leaders, whether they were in alliance with them or not.¹⁰⁴ This manner of leadership was similar to the way kingships of Europe functioned and how they built cohesive social structure as well. Elder tribal leaders educated the next generation according to the budding leader's own individual gifts. Discussed below is

¹⁰² William Duncan Strong, *Aboriginal Society in Southern California* (Banning: Malki Museum Press, 1987), 278-279.

¹⁰³ Example chapter 1: Jose Pedro Panto's leadership at the village of San Pasqual.

the acting power of these lineal families, which included governing and guiding people in their geographical locality, and knowledge of hereditary ceremonies. Unlike the incoming American culture in 1846, Indians did not separate the concepts of tribal governance and spiritual life. They perceived the two as one. Boscana gives more insight into this aspect of Native American cultures of southern California:

A veil is cast over all their religious observances and the mystery with which they are performed seems to perpetuate respect for them and preserve an ascendancy over the people. This is the reason that the dance ceremonies in their grand feasts (which are properly exercises of religion) cannot be understood. They have never had the use of writings, letters, or characters of any description. All their knowledge is from tradition, which they preserve in songs for their dances, and these are introduced by the chief at their festivities in a language distinct from that in common use.¹⁰⁵

Boscana observed that there was a leader, which he called a “chief,” that conducted and was in control of the festivities and governed the people. The leader gained knowledge and power from oral traditions passed down to him. Indian song, dance and ceremony preserved oral heritage and memory. Oral sovereignty had been a time-honored stratagem that maintained a resolute civilization. As foreigners poured onto Indian land, ceremonies continued and oral sovereignty still reigned in the mountains of San Diego County.

Tradition connected to ceremony played an extensive role in the structure of Indian sovereignty and survival among the Luiseño, Cupeño and Iipay in the mountains

¹⁰⁴ Example chapter 1: In the Luiseno/Cupeno Campaign of 1846, the men of Pauma took the perpetrators through the villages to have the leaders in surrounding villages give their advice and then convened a meeting with leaders at Santa Ysabel to make the final decision.

¹⁰⁵ Boscana, *Chinigchinich*, 17.

of San Diego County.¹⁰⁶ Through ceremony, leaders instructed the people on how to live in the community cohesively. Two of those ceremonies were the girls and boys puberty recognition ceremonies. Applied here, these ceremonies accomplished a main two-fold goal. The leaders organized and administered to the clans, who recognized boys and girls that had come to a certain maturity as viable members of the group, able to participate in the survival of the whole community. Secondly, the maturing young people were officially educated on how to behave individually as well as how to behave as members of the community in order that the individual would live a successful life and the clan would thrive. This expected behavior evolved over the centuries as a sustainable way for the clan to live their lives. Leaders and elders informed the children that if they did not adhere to the rules and laws of the clan, punishments would come to them from the natural world.

Boscana wrote about ceremonies connected to a deity and lawgiver that Indians at Capistrano called Changichnish.¹⁰⁷ It is believed by Gabrielino/Tongva Indians today, that Changichnish was from the village of Puvungna in Long Beach. Changichnish was a prophet, a god and a lawgiver who informed the people of southern California how to live, survive and thrive. His teachings became the foundation of Indian socio-cultural structure. Strong noted, “Among the eastern Luiseño, Chungichnish seems to have been

¹⁰⁶ Ceremonies described here are generalized regarding the many clans in the mountain area. Clan and tribal ceremonies may have differed slightly in some form from village to village, but the mannerisms and differences are minimal.

¹⁰⁷ Boscana, *Chinigchinich*, 29, 38. This term is spelled in a number of different ways according to different anthropologists. Use of Philip Stedman Sparkman’s spelling of Changichnish is appropriate for this dissertation, as Sparkman lived among the Luiseño on the Rincon reservation in the mountains and heard the people say the word. He also worked with the Luiseño language. The spelling he used was according to the way he heard it spoken with the local accent of Indians in the mountains of San Diego

a dangerous spirit rather than a great deity.”¹⁰⁸ As discussed below, Changichnish taught that there were animal avengers who would physically punish individuals if they did not adhere to the instructions given. Leaders instructed boys and girls during the ceremonies to this effect using sand paintings as illustrations. Evidence shows that the girl’s ceremony, however, “is totally free from Chungichnish coloring, and must be regarded as belonging to an older stratum of religion, although not necessarily an originally Diegueño one, since the Diegueño elements of the rite recur among the Luiseño plus Chungichnish additions.”¹⁰⁹ Changichnish inspired beliefs may have originated around the time of the arrival of the Spanish as a survival mechanism against the Spanish incursion. The girl’s ceremony is much older, “ubiquitous in the area, and presumably of great antiquity.”¹¹⁰

On the arrival of the Americans both of these ceremonies were intact. The ceremonies instilled the importance of the individual and their role in application to the survival of the larger civilization as a whole. These two oral traditions were among a combination of ceremonies that embodied the foundation of the organization of clan government and served as survival education for the clan. Through these ceremonies and through watching their elders, children learned how to live happy and fulfilling lives and to enact the role of survival for generations to come.

Clan leaders oversaw organization and application of the ceremonies. For the girl’s ceremony, initially the father of the girl approached the leader of a neighboring clan concerning holding a ceremony for his daughter. The leader, in turn, arranged the

County. Philip Stedman Sparkman. “The Culture of the Luiseño Indians,” *American Archaeology and Ethnology*, (Berkeley: University Press, 1908), 218.

¹⁰⁸ Strong, *Aboriginal Society*, 314.

¹⁰⁹ Kroeber, *Handbook of the Indians of California*, 714.

gathering.¹¹¹ Because marriage was exogamous, clans maintained positive relationships with neighboring clans that had traditionally been compatible for the purpose of congenial marriages. The leaders controlled these ceremonies and conjoining of clans for maximum survival as a strategy.¹¹² The girl's ceremony entailed lying in pits lined with warm stones for three days. Their clan and neighboring communities supported the girls in an exchange of gifts, which occurred on the part of the girl's family. During this ceremony, relatives instructed the girls and reminded them how best to live their lives according to oral tradition and the expectations of the clans for maximum survival of the tribes. Yēla Wassuk of La Jolla recalled her experience during her ceremony when older female relatives gave the girls advice.

All the men sang (nūkwanic) and the older female relatives of the girls gave them advice, holding the initiates by the head as they did so. Yēla remembered being told, 'Listen! Hear well! Hold back your head and look me in the face. Treat the old people well, feed them, care for them. If your face and eyes are dirty, wash them. If those of the old people are, wash them. Bring up your children well. Do not run around, but marry in the right way. Then 'to open their ears' the puhmutcvī and all the people grunt, 'he-e-ri-th e,' twice. Then they grunt a third time, and the puhmutevī gives each girl a drink of tobacco and water from a clay vessel, called peclīmul.¹¹³

Lying in a warming pit was also a direction given to the girls for future health care for themselves and their children during the instruction ceremony.

You will drink hot water when you menstruate, and when you are pregnant you will drink bitter medicine. This will cause you to have your

¹¹⁰ Strong, *Aboriginal Society*, 323.

¹¹¹ Constance Goddard DuBois, "The Religion of the Luiseño Indians of Southern California," in *American Archaeology and Ethnology*, (Berkeley: The University Press, 1908), 93.

¹¹² Strong, *Aboriginal Society*, 297.

¹¹³ Strong, *Aboriginal Society*, 297- 298. Strong recorded this account sometime before or around the mid-1920s as noted in the forward to this book by Ralph L. Beals. Strong noted that the last girl's ceremony had been held forty years before he spoke to Wassuk. If we use 1925 as the latest date that he could have acquired this information from Wassuk, then, the last girl's ceremony at La Jolla was around 1885.

child quickly, as your inside will be clean. And you will roast yourself at the fire (after childbirth), and then your son or daughter will grow up quickly, and sickness will not approach you. But if you are heedless you will not bear your child quickly, and people will speak of your heedlessness.¹¹⁴

Men and women taught girls through oral traditions with songs and dances while the girls were lying in the warming pits. DuBois reported, “At night the men dance around the place where the girl is, singing the ashish songs to the accompaniment of the ringing stones. In the day time the women dance and sing songs different from those of the men.”¹¹⁵ This part of the ceremony lasted three days. After the ceremony of the warm stones ended, the wife of the clan leader painted the faces of the girls. The clan leader then created a sand painting that represented and encompassed the Indian worldview around which the major instruction of the girls took place.¹¹⁶ Sparkman observed that the girls were “cautioned against being stingy, against dissembling, and against looking sidewise. She was also told not to eat jackrabbit or venison.”¹¹⁷ DuBois remarked, “They were talked to by their relatives and advised to be good and to give water and food to people.”¹¹⁸ Kroeber gave an example of a full lecture, which included education on the above as well as an amassment of directions. While using the sand painting as an illustrated guide, the hereditary leader pointed to various parts of the painting, at the same time educating the girls about the sky, the people, the world and the avengers. The girls listened to all instruction from older men, women and leaders in silence. Individual girls silently ingested the teaching, which created her own identity

¹¹⁴ Kroeber, *Handbook of the Indians of California*, 685.

¹¹⁵ DuBois, “The Religion of the Luiseño Indians,” 95.

¹¹⁶ *Ibid.*, 87-91.

¹¹⁷ Sparkman, “The Culture of the Luiseño Indians,” 225.

and connected her to the collective identity of the clan. Coherent clan identity created a protective survival shield against outsiders and through this and other ceremonies, the people resisted cultural change, assimilation, and Christianity. This ceremony became a survival technique effectively used by Native Americans of San Diego County. Native American leaders urged the girls to listen and learn because their clan and tribal identity emerged from these teachings.

See, these are alive; these will think well of you if you believe; and if you do not believe, they are going to kill you;...you must not look sideways, must not receive a person in your house with anger; it is not proper...Your elder relatives you must think well of; you will also welcome your daughter-in-law and your brothers-in-law when they arrive at your house. Pay heed to this speech, and at some future time you will go to their house, and they are going to welcome you politely at their house. Do not rob food of overnight; if you have a child it will make him costive; it is also going to make your stomach swell; your eyes are also going to granulate. Pay attention to this speech;...and as your son or daughter will grow up, you will bathe in water, and your hair will grow long, and you will not feel cold, and you will be fat, if you bathe in water. And after the adolescence rite you will not scratch yourself with your hands; you will scratch yourself with a stick; your body will have pimples if you scratch yourself with your hands. Do not neglect to paint yourself, and people will see, and you will grow old, if you pay attention to this speech, and you will see your sons and daughters. See these old men and women; these are those who paid attention to this counsel, which is of the grown-up people, and they have already reached old age. Do not forget this that I am telling you; pay heed to this speech, and when you are old like these old people, you will counsel your sons and daughters in like manner, and you will die old. And your spirit will rise northwards to the sky, like the stars, moon, and sun. Perhaps they will speak of you and will blow (three times) and (thereby) cause to rise your spirit and soul to the sky.¹¹⁹

Survival strategies entrusted to women ensured that the clans would flourish. They were to be kind to their relatives and strangers, and were to be moderate in food consumption leaving the best foods for the weaker elders and the stronger hunters.

¹¹⁸ DuBois, "The Religion of the Luiseño Indians," 174.

Leaders expected women to be clean and industrious and care for their children, families and clan relatives. Elderly people were to be especially cared for. Clans did not offer respect to women who were busybodies and women who did not take their social roles seriously, which would weaken the group. These rules for women ensured the stability of the clans and respect from outside clans. This ceremony showed how daily life, spirituality, oral sovereignty and governance were inseparable, intertwining parts of the cultural mores of the clans and that leadership families were in control of the oral traditions and ceremonies that governed the people. Women served as a foundation of tribal and clan stability and survival.

After the warming stones and the sand painting portions of the ceremony, a footrace took place between the girls. On reaching the end of the race, as the ceremony continued, the clan leader's wife painted the girls faces red, black and white. Using the paint from their faces, the girls painted murals consisting of a collection of lines on huge boulders, which were essential to the ending of the ceremony. "The face of the girl is painted each month in a different design, and corresponding marks are made upon the rock. This is done for four months, after which she may paint her face as she chooses."¹²⁰ Over the following months and weeks, the girl's diets were restricted. Individual girls could choose to continue the fast for two or three years according to the girl's wishes.¹²¹ Anthropologists are curiously silent on the meanings behind face and boulder painting, fasting and the deeper meanings behind the songs. The silence from anthropologists reflects the silence they received from Indians themselves. These silences strengthened

¹¹⁹ Kroeber, *Handbook of the Indians of California*, 685.

¹²⁰ DuBois, "The Religion of the Luiseño Indians," 174.

and preserved the culture within the people as survival of deeper cultural life and the continuity of the clans continued.

The boy's ceremony was a complex affair that also engaged the whole clan and lasted for many days. The Indians continued to conduct this ceremony in the face of assimilation, which served as a means of survival. Anthropologists sometimes labeled the boy's ceremony, the "toloache" ceremony. Toloache, a causative hallucinatory agent used in the ceremony, is the Spanish word for the plant named "jimsonweed" in English or "datura" in Latin. Luiseños used the word "mani." Kroeber's endeavor to understand the definition of the word mani, as Luiseño applied it to the plant and to the unspoken, sacred operative principle in the ceremony, is inconclusive.¹²² White agreed,

These difficulties of translation are also found in the everyday spoken language, and make "translation" of terms by informants very precarious. The word "knowledge" is an example. It actually refers to ayelkwi, a mana-like power, the manifestations of which are only sometimes expressed as knowledge.¹²³

This statement by Dr. White offers an example of how silence from Indians on deeper issues of the culture kept others out of the inner circle of knowledge and protected the clans from outside interference. Kroeber did designate, however, that Luiseño used the word "mani," in general, as a term to designate the ceremony used in the boy's coming-of-age observance in connection with the hallucinogenic concoction. Fathers of the boys initiated this ceremony in a similar way to the girl's ceremony, except that the father of the boy alerted his own clan leader that his son was ready for the ceremony. The ceremony took place "every few years, as the old men might decide that there was a

¹²¹ Ibid.

¹²² Kroeber, *Handbook of the Indians of California*, 668-669.

sufficient crop of boys. Nor did anyone drink toloache twice.”¹²⁴ This conventionally happened when the boy was between the ages of sixteen and twenty and before the boy was married. This ceremony, unlike the girl’s ceremony, was “strictly a clan affair.”¹²⁵ The clan administered and conducted all food and ceremony preparation under the privacy of the home clan. The clans organizing the ceremony sometimes invited outside reciprocal intermarriage clans to attend and have their boys participate in the ceremony collectively. In addition, “Any man who may have escaped initiation in his youth, or alien resident, is given the drug with the youngsters.”¹²⁶

This statement, by Kroeber, revealed that clan leaders invited all men and boys under the geographic jurisdiction of the clan leader, whether a genealogical part of the clan or not, to embrace the ceremony and join in as a welcome part of the body. According to this information, the clan adopted alien residents and accepted them into the clan, which ensured that all men in the vicinity of the village were allied. Because all men living in the area surrounding the clan became amalgamated with a ceremonial bond, it eliminated the offence of having outsiders nearby and contributed to survival of the clan. Specialists who intimately knew the toloache plant, which could be deadly if administered incorrectly, conducted this ceremony. Leaders with ceremonial knowledge passed down from their fathers, led the ceremony, which lasted for many days. Relatives watched over the boys who drank the concoction and guided them through their ordeal. During the process, mani revealed each boy’s individual knowledge-power. The boy

¹²³ White, “Religion and Its Role,” 360.

¹²⁴ Kroeber, *Handbook of the Indians of California*, 669.

¹²⁵ Strong, *Aboriginal Society*, 309.

¹²⁶ Kroeber, *Handbook of the Indians of California*, 668.

was educated on how to access it and use it in his life.¹²⁷ This ceremony produced the creation of men out of boys and welcomed them into the clan as viable members for survival of the whole and provided knowledge to pass down through the generations for cultural continuance.¹²⁸

Silence held an essential function in this valuable, personalized sacrament. It created a foundational infrastructure on which the survival of the clans depended, the safety of individuals and families relied, and upon which tribal structures were built. Boys, who ceremonially became men, found their knowledge-power in this ceremony, which came from mani. White concurred and expanded the concept,

Ayelkwi, “knowledge-power,” and the consequences of its misuse among the immediate population is partly responsible for the “dread and fear” of spreading understanding. The potential use of ayelkwi by someone from an enemy Rancheria made its public sharing unthinkable; and these features combined to make the secrecy, from which Boscana and others have suffered, more a consequence of circumstances than a directed conspiratorial affair.¹²⁹

Men did not offer discussion to anthropologists on what the boys personally experienced in the ceremony and how it profoundly affected their spirituality and their outlook on daily life and its governance. Ownership of sacred knowledge and power acquired in the ceremony incorporated the survival strategy of silence out of fear of the avengers of Changichnish, in order to protect the clan from outside hostility, and out of individual pride and honor for the self and for the clan as a whole. Knowledge-power kept silent produced respect, strength, honor, unselfish care for the clan, maturity of the

¹²⁷ Ibid, 670.

¹²⁸ For extensive discussion on the elaborate and complex toloache ceremony and related information see DuBois, “The Religion of the Luiseño Indians,” 77-93; Strong, *Aboriginal Society*, 309-317 and Kroeber, *Handbook of the Indians of California*, 668-719.

individual, and created trust that the silent Changichnish-power-breath (mani) would judge people and situations and do the work of avenging. Clans use silence today in the mountains of San Diego County. It is disrespectful to try to make another person un-silent about personal knowledge, experience or power.¹³⁰ Indian men had to guard the knowledge-power that mani gave against outsiders because the knowledge and power they obtained was for individual, clan and family usage only. Knowledge and power were in the experience of the man himself. He used it, in silence, for the benefit of the clan and its survival.

After leaders performed the ceremony and the boys accomplished it, the boys danced in all ceremonies as men of the clan.¹³¹ Even though anthropologists did not receive all understanding of the information from the men, they did attend some of the ceremonies and recorded the oral traditions they heard repeated. Oral instruction and education of the boys for survival of the clans included warnings “to be good, to marry, not to run loose, and especially not to marry any relative.”¹³² Kroeber gave an account of the boy’s instruction during the ceremony. Ceremonial leaders used sand painting, as in the girl’s ceremony as an instruction graphic tied to the sacred. Older men gave instructions to the boys, just as the women gave to the girls. Specific instruction for boys included more threats from the avengers than the instructions for the girls. Kroeber recorded the instructions given to the boys during the sand painting part of the ceremony:

See these, these are alive, this is bear-mountain lion; these are going to catch you if you are not good and do not respect your elder relatives and

¹²⁹ White, “Religion and Its Role,” 361.

¹³⁰ Personal communication, 2002-2013.

¹³¹ Strong, *Aboriginal Society*, 315.

¹³² *Ibid*, 311.

grown-up people. And if you do not believe, these are going to kill you; but if you do believe, everybody is going to see your goodness and you then will kill bear-mountain lion. And you will gain fame and be praised, and your name will be heard everywhere. See this, this is the raven, who will shoot you with bow and arrow if you do not put out your winnowing basket. Harken, do not be a dissembler, do not be heedless, do not eat food of overnight (i.e., do not secretly eat food left after the last meal of the day). Also you will not get angry when you eat, nor must you be angry with your elder relations. The earth hears you, the sky and wood mountain see you. If you will believe this you will grow old. And you will see your sons and daughters, and you will counsel them in this manner, when you reach your old age. And if when hunting you should kill a hare or rabbit or deer, and an old man should ask you for it, you will hand it to him at once. Do not be angry when you give it, and do not throw it to him. And when he goes home he will praise you, and you will kill many, and you will be able to shoot straight with the bow. When you die your spirit will rise to the sky and people will blow (three times) and will make rise your spirit. And everywhere it will be heard that you have died. And you will drink bitter medicine, and will vomit, and your inside will be clean, and illness will pass you by, and you will grow old, if you heed this speech. This is what the people of long ago used to talk, that they used to counsel their sons and daughters. In this manner you will counsel your sons and daughters. This is the breaker; this will kill you. Heed this speech and you will grow old. And they will say of you: He grew old because he heeded what he was told. And when you die you will be spoken of as those of the sky, like the stars. Those it is said were people, who went to the sky and escaped death. And like those will rise your soul (towish).¹³³

Men especially warned the boys about the avengers and how to keep from punishments by them. It was honorable for a person to grow old and to teach their children like their parents had taught them. Upon death, it was a sign of an honorable life that was lived for the good of the clan if others spoke well of the individual and helped them leave the earth through song and ceremony and the breath. As with the girls, ceremonial leaders instructed the boys on how to treat relatives and how to live a healthy life. These laws were the survival strategies that the people in the mountains of San

¹³³ Kroeber, *Handbook of the Indians of California*, 684.

Diego County practiced for generations before Europeans entered the landscape and were still being used, at least, through the end of the nineteenth century. Other song and dance traditions were also used such as the “War Dance” and the Eagle Dance, which will be discussed in Chapter 5 that also contributed to the sustainability of hierarchical, spiritual and political structures. Ceremonial law established the social, spiritual and political structure for the clans. Ceremonial leaders laid down these laws within the clan system under hereditary leadership according to geographical region.

All of the people, men and women, were expected to fulfill their own individual responsibilities so that the society would remain safe and cohesive. Since the laws were given in this format, within the privacy of geographical clans, Europeans coming into the area were not privy to the ceremonies. They only understood what they saw as outsiders looking in at a very private and silent culture. Americans did not comprehend and were not concerned that Indians had their own laws and kingships. Later, when Americans came in to organize treaties and set up their own leadership structure, they disregarded the already existing Indian structures forcing their own and causing complex Indian socio-cultural structures to bend and fracture. Discussed below is an example of such stresses between Oligario Calac, hereditary leader, and Manuelito Cota, a leader Americans selected and kept in office, in spite of traditional leadership. In comparison to the oral sovereignty discussed above, this dissertation will a look at six American written laws that affected Indians along with survival strategies that Indians chose to follow in the face of the new laws.

In 1850, the state of California enacted An Act for the Government and Protection of Indians, which provided the first law written and passed by the California Assembly, Senate and Governor addressing Indian concerns throughout the state.¹³⁴ In 1849, six months before signing the Act, the California Constitutional Convention had met to write California's first constitution. There was debate by the Convention over whether Indians would have the right to vote as they had done under the previous Mexican administration. The majority of the Convention was against the idea of Indian suffrage and won the argument, denying Indians voting rights. Indians did not receive the right to vote until the Citizenship Act of 1924.¹³⁵ The decision in 1849 set in motion many difficulties that would lay ahead for Indian individuals and families as they struggled to survive in their own indigenous homeland. American California denied Indians rights to protections and viability as more and more Americans and intruders from all over the world continued to pour into the state. American leaders of California thought that the new 1850 Act for the Government and Protection of Indians would suffice, but for Indians it was only the beginning of another conflict.

The Act of 1850 consisted of twenty sections and covered new laws that would rule over Indians using Justices of the Peace concerning land occupancy, ownership of Indian children, fines, management of the land and Indian labor. Section one stated, "Justices of the Peace shall have jurisdiction in all cases of complaints by, for or against Indians, in their respective townships in this State."¹³⁶ This single sentence, if fulfilled, meant the obliteration of all hereditary Indian leadership, administration and sovereignty

¹³⁴ 1850 Cal. Stat. ch.99 § 14

¹³⁵ 1850 Cal. Stat. ch.99 § 14 and Johnston-Dodd, *Early California Laws and Policies*, 3.

including ancient political and legal structures in the Indian world. Justices of the Peace in every city, according to the new California government, controlled all jurisdiction of any Indian village, town or ranch in their area. In effect, Justices were to hold the new kingship over Indian clans and families, settling any disputes between themselves or non-Indians, pushing aside ancient social structures to administrate American laws and policies within Indian households and clans. The State instructed hereditary Indian leaders to be responsible to the Justice in their area and obey him. Section six also reiterated, “Complaints may be made to a Justice of the Peace, by white persons or Indians.”¹³⁷

Section six stated that Indian testimony against an American would not have force power to convict the American of any offence. This section reinforced section one and affirmed the decision that ancient Indian law and justice would have no power over American law and Indians would not enjoy liberty or authority regarding American law. In effect, Indians were required to abide by the law but the State did not grant viable citizenship or rights to Indians under California law. Section 9 entrenched the foregoing statements more deeply with the concept that Indian leaders would no longer have control over jurisdiction of their own people. It stated,

It shall be the duty of the Justices of the Peace, in their respective townships...to instruct the Indians in their neighborhood in the laws which relate to them, giving such advice as they may deem necessary and proper; and if any tribe or village of Indians refuse or neglect to obey the laws, the Justice of the Peace may punish the guilty chiefs or principal men by reprimand or fine, or otherwise reasonably chastise them.¹³⁸

¹³⁶ 1850 Cal. Stat. ch.99 § 14

¹³⁷ Ibid.

¹³⁸ Ibid.

Section 9 of the law demanded that hereditary leaders not only lose their power to administer justice to their people as they always had, but additionally the leader could be punished if any of his people broke American law. Right from the beginning of the first law enacted, we see the paternalistic attitude of non-Indians of California in respect to Indians. This first law treated wise Indians in leadership families as if they were children with no ability to govern and no discernment in decision-making. Americans wanted complete control over and obedience from Indian monarchs and their people. In addition, section thirteen required “the chiefs and influential men of any village to apprehend and bring before them or him any Indian charged or suspected of an offence.”¹³⁹ If Indian leaders followed this command, it would require the complete surrender of their ancestral kingship over their people and the Indian leader would be required to hand over his own people to foreign powers in his own country to be tried by foreign law. If the leader did not comply, the leader would take the punishment instead of the alleged perpetrator in his family, clan or geographic area. The Justices of the Peace held the responsibility of instructing Indian leaders in their area about the law and the American authorities expected Indian leaders to uphold these laws within their clans and in their ranches and towns. These new laws were foreign and peculiar to Indian people and fundamentally differed from oral law handed down to them by their ancestors over many centuries.

Section 11 defined further processes if an Indian should incite unlawful offences toward an American. The law instructed the American citizen not to take the law into their own hands but should “take the Indian before a Justice of the Peace, and on

¹³⁹ Ibid.

conviction, the Indian shall be punished according to the provisions of this Act.”¹⁴⁰

Section twelve allowed a jury to try Indians; however the jury was composed of American citizens and therefore would not likely favor the Indian charged of the crime. This Act of 1850 marked the beginning of organizing an assimilation process in California by the American government. Crushing hereditary leadership was only the first step.

Section 2 discussed Indian land and allowed Indians to remain in their villages and on their lands even if an American owned the land. It stated, “Persons and proprietors of land on which Indians are residing, shall permit such Indians peaceably to reside on such lands, unmolested in the pursuit of their usual avocations for the maintenance of themselves and their families.”¹⁴¹ The law instructed the landowner to apply to the Justice of the Peace who would protect Indian interest. It was promised that Indians would not “be forced to abandon their homes or villages where they have resided for a number of years; and either party feeling themselves aggrieved, can appeal to the County Court from the decision of the Justice.”¹⁴² From that juncture, Indian land would be recorded with the court and Indians would be allowed to remain in their homes “until otherwise provided for.”¹⁴³ This ending statement showed that, from the very beginning in 1850, loopholes were placed into the law, which permitted American Justices to move or remove Indians from their homes and lands at any time in the future.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

In sections 5, 7, 14 and 20 of the Act of 1850, the administration created laws regarding Indian labor. In section 5, if an American wished to hire an Indian for labor he was required to file a contract with the Justice of the Peace. The Act stated that the contract would not be obligatory for the Indian and that the American would not require the Indian to leave the geographic area or work against his will. This law protected Indians in some respect as the wheels of American government began to turn, however it would set Indians apart from Americans as a lower class and allow the government to track and count them. These laws took away inherent rights of freedom of movement for Indians, as will be discussed regarding section 20, which concerned loitering and traveling freely across the landscape. These sections laid the groundwork for the Justice of the Peace to confine Indians to certain areas and disallow mobility in their own country. Carrico explained further problems with these new labor laws: “Ostensibly, this law provided native Californians a chance to gain experience and trade skills. In application, this law served as a means to legally bind Indians to contracts that they seldom desired or understood.”¹⁴⁴ In discussing the Act of 1850, Trafzer and Hyer agree with Carrico and define the analysis further:

Other elements sought to force Indians to work for whites. For example, Section 5 permitted white employers and Native American employees to enter into labor contracts. Indians, however, frequently did not understand the details of these agreements and remained in a state of perpetual servitude.¹⁴⁵

¹⁴⁴ Carrico, *Strangers in a Stolen Land*, 55.

¹⁴⁵ Clifford E. Trafzer and Joel R. Hyer, *Exterminate Them: Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* (East Lansing: Michigan State University Press, 1999), 20.

Americans implemented these new labor laws with intentions of creating an empire in San Diego using Indian labor as their workforce. The American ideal for acquiring Indian labor was not dissimilar from the Spanish intention one hundred and eighty years earlier when the Spanish enslaved the ancestors of those Indians in San Diego County and used them as an indigenous workforce to build their empire.

American law ran contrary to natural Indian labor culture and the lifestyle and worldview that San Diego Indians held. Survival strategies for this form of mutually contracted labor involved collaboration on the part of Indians and agreement to honor the obligation regarding the bargain assented. In the early 1850s, Americans and Indians of San Diego County were virtual strangers who did not understand the other's civilization or how each one had evolved to create their individual societies. The clash came when those strangers from different parts of the world with different worldviews entered into contracts for labor and intended to inhabit the same region. Americans took a paternalistic stance toward Indians and their intention was to conquer and exploit Indians in order to build their empire. Indians, though in their own ancestral country, tried to acquiesce by strategizing ways of survival using concurrence, collaboration and cooperation by entering into the contracts overseen by the Justice of the Peace. Looking at these two ways of being, one can begin to see and understand the calm, patient and time-honored approach to survival that many Native Americans traditionally used in their dealings with America.

Not all Indians in San Diego County were in the position to enter into contractual agreements for labor. In contrast to Indians living near the city, many Indians lived in the

mountains far away from the cities and they stayed on their own land to labor on their own ranches. In 1883, Helen Hunt Jackson and Abbot Kinney wrote on the condition of the Mission Indians of California:

Travellers in Southern California, who have formed their impressions of the Mission Indians from these wretched wayside creatures, would be greatly surprised at the sight of some of the Indian villages in the mountain valleys, where, freer from the contaminating influence of the white race, are industrious, peaceable communities, cultivating ground, keeping stock, carrying on their own simple manufactures of pottery, mats, baskets, &c., and making their living, - a very poor living, it is true; but they are independent and self respecting in it, and ask nothing at the hands of the United States Government now, except that it will protect them in the ownership of their land, - lands which, in many instances, have been in continuous occupation and cultivation by their ancestors for over one hundred years.¹⁴⁶

Indian Country and American California were two distinctive societies that inhabited the same landscape among conflicting peoples living in incongruous cultural spaces as foreigners to each other.¹⁴⁷

Other Indians in the mountains, including Luiseño, Iipay, Cupeño, Kamia, Diegueño, Kumeyaay, Kamia and Kwaaymii kept away from the cities and worked closer to their homes. Herbert Crouch, in his reminiscences covering his residence in San Diego County from 1869 – 1915, described his relationships with a few Indians that worked for

¹⁴⁶ Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (Norman: University of Oklahoma Press, 1995), 459.

¹⁴⁷ "Indian Country" is a term used across the United States today by Native Americans to describe themselves. Americans consider Indian life-ways to be a subculture in the United States. Indians feel they are sometimes misunderstood and ignored by Americans and the United States government. In their view, Indian Country is populated by indigenous people, with ancestry dating before the arrival of Europeans, all with similar cultural attributes still intact after various periods of genocide by the United States government. These groups are still struggling in survival mode. They enjoy a cohesive, personal bonding across the continent due to similar experiences with personal and tribal trauma produced by foreign intrusions. These affections are also extended to other indigenous groups around the world that have experienced similar cultural trauma and loss. Identity was developed from having common enemies and was labeled "Indian Country."

him. Crouch was a homesteader in the San Luis Rey area and made the majority of his living in the cattle and sheep business. The following is his recollection and experience with individual Indians that he came to know on a personal level. Crouch's testimony gave insight into real life, trauma and the work environment that many Indians in San Diego County experienced and endured during the middle to late the 19th century. Crouch's memoir elucidates the memory of Indians he knew personally and the unique and humble survival strategies they chose. The following reminiscence shows Indian survival strategies on the American frontier.

To the American, southern California was the frontier but to the Indian southern California was their homeland.

Juan Gregorno Doro. Juan commenced to work for me in the Summer of 1874, shepherding on the Agua Calianta for a time. Then he came back in the Summer of 1875, and after that he worked continually for me until May 1904, except one Winter he went to the Tia Juanna with Chihoeell & Campbell. Juan was a good faithful hand to me until after he lost his wife & two children. Until then he never drank, but after he lost them, he took to drinking & became less & less trustworthy all the time. He had a Wife & two little girls, the Wife & one child died, & the other child was sent to the Sister's School in the old San Diego Mission & died about two years later. I got a letter from the Sisters to say she was dead. He & Juan Peters were ploughing down in the Eighty Acres, & I took the letter down there & read it to him, he did not seem to take any notice of it, never said a word but walked off over the Hill where his home was. Afterwards I said to Juan Peters "Juan did not take much notice of his little girl's death." Peters said "Yes, he did, when you left, he unhitched his horses & tied them up & went over & lay in a Baranea, & cried the whole afternoon. Juan was one of the few Indians I have had who were kind to animals, & always fond of children. From that time he took up with the Indians at the Rancheria & gradually went from bad to worse. There was nothing he could not do on a Ranch, good at carpentering, fencing, with cattle, you could not put him out of his place. Juan & Miguel were a great standby all through the hard times of the Winter, he worked along until 1904 & in May he left, & never came back to work for me. I was so thankful he left of his own accord especially as his usefulness to me was over, but I have always helped him

when he needed it & came & asked me. He married Beriantos, the Indian Captain's daughter, & has a large family now, he lived a long time in old Benantos' house at the Rancheria until the Somer's Ranch was sold then the Indians had to move. I went & got Summers to allow seventy dollars for the house and I bought a lot from Smith in San Luis Rey in 1912 near his Store, & put up a house & he is living there still, & works a good deal for B.J. Libby & others. I felt pleased to help him, to make a home, & think it was the best thing I did. I still own it, so he cannot sell it, or have it taken away from him.

Miguel Salgado. Old Pedro Salgado, Miguel's Father began working for me in 1869, & worked off & on till he died in the early nineties, always took the Lawburg flock in lambing time, & on the 15th of January 1879, he brought his boy Miguel with him to look after a small band of Ewes & lambs, but he has worked for me at times, ever since up to the present time 1917: sometimes for years & once or twice I laid him off, but he always came back, he was not so easy to get on with as Juan but I taught him how to do nearly everything, he was a good Carpenter & an expert Ferrier just knew the way I wanted everything done, so was very useful to me, & is now at times, always comes when I want him, & comes & borrows a little money, but always pays it back if I have no work for him. He is a very independent kind of a man & is a good Hunter & shot. One dry year in the Mountains, the Jack-rabbits were running along the rows of citrons, & nipping them off as fast as they came up, & I saw I was going to lose my crop. I told Miguel to take old Dexter & go cultivating the citrons & other things by the river. I gave him the gun & ammunition & told him, to ride round, one hour in the morning & one hour in the evening & kill all the jack rabbits he could, & I would give him a bit apiece for every pair of ears. The first night he brought sixty pair, & during the time he was cultivating there, he brought one hundred & ten, I saved my citrons, sold one hundred loads for \$1.00 a load, brought 156 home for the hogs & milk cows, & had a lot left for the cattle & horses in the fields besides, so I saved the day.

Joquin. He was another of my good Indians belonging to Capitan grande Indians. He shepherded my wethers at the Valentine Rancheria on the Laguna Mountains, during the Summer for fifteen years, he was an honest good Indian & gained my confidence, he never thought of leaving me till I sold my sheep & had no more shepherding for him, for he would do nothing else.

Manuel. Manuel, belonging to the Cuyoupipe Indians on the Laguna worked, shepherding for me, both on the Coast & Mountains. For a long time he was slippery & had to be watched, but all right when you knew

him as I did, because when you know an Indian steals, & catch him at it he soon gets honest.

An Employer, to be successful with his hands, needs to know & study human nature, no matter what class the employee belongs to, & always give way to their weaknesses & ways, especially if they belong to a different race, consider their ways & superstitions. In my career with the Indians, I found you could never gain their affections, but some respect. We found the Indian girls just the same. An Indian Rancheria in the Mountains paid a hundred dollars to get some Americans off their land. I went over a little while after to work on a corral near there, & put my horses in one of their fields for a few hours when I went to take them out in the evening, they made me pay fifty cents apiece for them. I paid it & got them afterwards, when they came & worked & put their horses in my pasture I charged them the same.¹⁴⁸

These examples demonstrate Indians laboring for Americans in the mountains and valleys away from the cities. Indian relationships with ranchers were sometimes more amicable than the relationships they had with Americans in the cities. Indians worked as vaqueros and moved around the landscape with the herds and flocks according to the time of year. In some respects, this kind of life could be considered as fairly free because, although the Indian was surviving in the American West by utilizing American labor opportunities, he was still living on his own hereditary lands and was in contact with families and relatives in Indian towns, villages and ranches as he roamed the landscape. Some Indians and Americans became friends, while many Indians kept their distance and still did not trust American intentions. In some cases, Indians invoked silence and distance from Americans as strategies because of distrust that had been learned since the arrival of the Spanish in 1769. Overall, however, these were collaborative and cooperative survival strategies. B.D. Wilson, Mayor of Los Angeles in 1851 and later

Sub-Agent for the Bureau of Indian Affairs, wrote from an American point of view from Los Angeles in his report in 1852:

They are inferior only to the American in bodily strength, and might soon rank with the best Californian and Sonoranian in all the arts necessary to their physical comfort. They teach the American, even, how to make an adobe (sun dried brick), mix the lodo (mud mortar), put on the brea (pitch) for roof – all these, recondite arts to the new beginner, yet very important to be known, when there are no other building materials. They understand the mysteries of irrigation, the planting season, and the harvest. Poor unfortunates! they seldom have farms of their own to till, or a dwelling to shelter them from the rain! Such is the laborer and servant, of no matter what nation. A spendthrift, but willing to work, if paid; never a beggar, save when old age or infirmity has overtaken him; humble, without servility; skilled in a great many useful things; yet full of vices, I am afraid, because he has so few encouragements to virtue. He always adheres to the truth, cost what it may; still, many are petty thieves. The women have not forgotten their needlework, as may be noticed at any time; they dress in the common Spanish style of this country, and always make their own garments. Like the men, they are much addicted to intemperance; hearty, good humored creatures, yet with a great aversion to regular work. I refer to those about the towns. As a general thing, the women are quick to learn the various household duties. There are striking examples of Indian women, married to foreigners and native Californians, exemplary wives and mothers.¹⁴⁹

The example above gives the viewpoint from another American within the American system looking out into the world of Indians. Wilson viewed Indians as good workers with unpleasant vices, but as one reads his description of Indian people and their behavior, one can see that the ancient culture was strong and they still lived their lives according to their way of being and in their own, slower, cadence. Indians collaborated and compromised in labor situations as needed and did not consider the American labor

¹⁴⁸ Herbert Crouch, *Reminiscences of Herbert Crouch 1869-1915* (San Diego: San Diego Public Library, 1943), 96-100.

¹⁴⁹ B.D. Wilson, Edited by John Walton Caughey, *The Indians of Southern California in 1852* (Lincoln: University of Nebraska Press, 1995), 23.

structure to be the sole societal conformation to be adhered to. Wilson revealed that the cohesive clan mentality was still intact:

The best of them, much as they have mixed with the whites, or may know of labor and property, yet love to visit and revisit the Rancherias. Tradition preserves a remembrance of things they delight to tell of; Christianity has been far from extinguishing their ancient superstitions and customs. Let a “Christian” set his mind upon seeing his parientes (relations) at Temecula or San Gorgonio, no friendship, nor work undone, nor reasonable sum of money, will keep him with you.¹⁵⁰

These observations in 1852 from Wilson show that Indians did not lose their culture or way of life to completely immerse themselves in American culture and society. They used forms of labor for their own ends and under their own power, control and pleasure as needed for survival and for industry within the new American wave of colonization.

Section 14 of the law of 1850 contained instruction that enabled Americans to use Indians for labor after an Indian had committed a crime to pay off his fine placed on him by the Court:

When an Indian is convicted of an offence before a Justice of the Peace, punishable by fine, any white man may, by consent of the justice, give bond for said Indian, conditioned for the payment of said fine and costs, and in such case the Indian shall be compelled to work for the person so bailing, until he has discharged or cancelled the fine assessed against him: Provided; the person bailing shall treat the Indian humanely, and feed and clothe him properly; the allowance given for such labor shall be fixed by the Court, when the bond is taken.¹⁵¹

If an Indian breached American law, this section allowed an American to hire an Indian to work off the fine that the Court placed on the Indian because of his crime. The Indian was not free to make an argument in the matter. It was up to the Court to decide

how much the fine would be and to whom the Indian would be given over to as a source of labor to work off his fines. The Court placed the payment given for the Indian in a special Indian fund to be manipulated by the local authorities as needed for Indian issues.¹⁵² Historians generally label this type of bondage as indentured servitude and not slavery as was shown to Africans in the eastern part of the United States.¹⁵³ The difference between the two is that Indians paid off their fines to the court by exchanging labor instead of dollars as compared to African slaves forcibly stolen by slave traders and made to labor against their will as explicit prisoners. The American paying the fees in exchange for the Indian's labor was required by the San Diego courts to provide food, clothing, and shelter, and to treat the Indian humanely. In spite of these requirements, the Indian was still bound by the City to a contract that he had not agreed on by those who wanted to keep Indians in a state of servitude and usefulness. Once in this situation, it was difficult for San Diego Indians to become free of captivity because the one who contracted the Indian did not pay him in dollars and the Indian found it difficult to exchange his way out of the situation. In this new American world in California Indians found that money became a necessity for survival and a means to empowerment, thus monetary exchange was not considered by Americans as a wise form of payment to give to an Indian. American conquistadors thought of Indians as spoils of war and depriving Indians of monetary exchange was one form of subjugation. Indian labor was a highly valued resource by Americans and they proudly implemented the hierarchical

¹⁵⁰ Ibid, 27.

¹⁵¹ 1850 Cal. Stat. ch.99 § 14

¹⁵² Ibid, Section 8, 18, 20.

¹⁵³ Carrico, *Strangers in a Stolen Land*, 55.

stratigraphy that they created with it. Indians, therefore, did not have cash to pay their fines. This kept Indians who had broken the law in a cycle of servitude as Californian towns and cities became more and more powerful and took over all modes of exchange regarding monetary survival. There was no positive survival strategy possible for those Indians who found themselves caught up in the tenacious grip of human rights violators. “Human trafficking” is the label used today for this form of slavery.¹⁵⁴ Whichever term scholars choose today to describe what Indians in San Diego and all over California endured, human trafficking and indentured labor were forms of enslavement because they put to use humans taken against their will and held prisoner by their exploiters.

Section 20 determined ways in which authorities could arrest an Indian arriving in a town or city and force them into labor. The newly created law placed many Indians in jail, which subsequently led to Americans contracting with the Court to bond Indians as laborers. Indians found themselves suddenly caught up in the cyclical horror of human trafficking. Section twenty begins with a basic premise that would enable authorities to capture Indians and force them into labor.

Any Indian able to work and support himself in some honest calling, not having wherewithal to maintain himself, who shall be found loitering and strolling about, or frequenting public places where liquors are sold, begging, or leading an immoral or profligate course of life, shall be liable to be arrested on the complaint of any reasonable citizen of the county, brought before the Justice of the Peace of the proper county, Mayor or Recorder of any incorporated town or city.¹⁵⁵

¹⁵⁴ United Nations Office on Drugs and Crime. *United Nations Convention Against Transnational Organized Crime and the Protocols Thereto*, “Annex II, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,” Section 1, Article 3. New York, 2004.

¹⁵⁵ 1850 Cal. Stat. ch.99 § 14

According to Section 20, authorities did not allow Indians to walk freely in cities or towns. Indians were required by the Justice of the Peace to be employed and engaged in some type of work or they would be arrested as vagrants. Lillian Whaley recalled memories from her life in Old Town San Diego from c.1860 through 1953. These are some of her early memories of scenes in the plaza and life inside a residence in Old Town which depicted Indians who were employed and living in and around the city:

Then there were Indians and squaws with ollas poised on their heads filled with water from positas in the river bed, barrels sunk deep in the sand; squaws, erect and stately bearing on their heads, clothes in great, bundles or in wide flaring baskets, which they had washed in the river;...in loose calico skirt and waist, with long, matted black hair, carrying papooses seated at their backs in shawls or nets tied around the waist, their bare feet and legs stretching over the squaw's hips and sticking out in front;...A long table extended down the center, over which hung a square frame covered with cloth, a sort of 'shoo-fly' arrangement which was kept in slow-yet constant motion by an Indian servant who pulled the rope attached to it. Indians served the savory dishes who are pronounced 'hard to beat' by those who have learned to like Spanish cooking.¹⁵⁶

Indian women worked in the residences and help with businesses in old town as maids, cooks and servants as a strategy for survival. There were Indian villages close to Old Town, where they would retire home to at night or they would stay in the residence full time. The use of Indian women for household labor was a common practice for American and Californio families in the towns. Indian women engaged in such work were free to move around in the town because they were actively employed. Any Indian that was not employed in this manner was subject to arrest if seen walking through the streets. The effect of this law pushed Indians out of American areas of business and residence and into the mountains and valleys where Americans were not living. As the

cities grew, Indians were forced further and further away from their original village areas.

Helen Hunt Jackson and Abbot Kinney observed in 1883:

From tract after tract of such lands they have been driven out, year by year, by the white settlers of the country, until they can retreat no farther; some of their villages being literally in the last tillable spot on the desert's edge or in mountain fastnesses. Yet there are in Southern California to-day many fertile valleys, which only thirty years ago were like garden spots with these same Indians' wheat-fields, orchards, and vineyards. Now, there is left in these valleys no trace of the Indians' occupation, except the ruins of their adobe houses; in some instances these houses, still standing, are occupied by the robber whites who drove them out.¹⁵⁷

All around the city of San Diego and its outskirts, there were Indian villages that had been there before Europeans arrived.¹⁵⁸ Indians chose these places because they were the most favorable areas for residing and contained food and water resources. These village areas were strategically placed according to ancient survival strategies that Indians used prior to European invasions. Indian residents of these villages were accustomed to moving about freely on their own lands and between villages. When Europeans arrived, they typically placed their towns next to Indian villages because of the abundant resources that Indians had already discovered there. From an Indian point of view, European intruders placed cities, towns and ranches in the center of Indian thoroughfares often obstructing and obliterating their survival resources. The Indian survival strategy to combat this intrusion was to either collaborate and cooperate by laboring in town for Americans or by fleeing and moving away from American areas to

¹⁵⁶ C. Lillian Whaley *California's Oldest Town* (The Whaley House: San Diego), 16-18.

¹⁵⁷ Jackson, *A Century of Dishonor*, 459.

¹⁵⁸ Carrico, *Strangers in a Stolen Land*, 12 – 28. There were many villages of all sizes, especially near the bay and on watercourses. Some of these were Nipiguay near today's San Diego Mission, Cosoy at the Presidio site, Florida Canyon in today's Balboa Park and numerous large sites around Pacific Beach. See site records at the South Central Coastal Information Center.

establish their own ranches or work on American ranches. Americans created laws of this type to erect invisible walls around American settlements to keep Indians out.

Section 20 was strangely deficient in defining “loitering,” “strolling” and “leading an immoral or profligate course of life.” The definitions were left up to any American citizen who chose to accuse any Indian of vagrancy. This law also disallowed Indians to hover around places where alcohol was served and were not allowed to “beg.”

Interpretation of the law was subjective at first and left up to the individual American citizen. If any American complained about any of these actions by an Indian, authorities arrested the Indian, placed him in jail and brought him before the Justice of the Peace. The Justice decided, after hearing the testimony of the citizen, if the Indian would be charged with vagrancy. If charged, the Indian was either jailed or was hired out for labor.

Section 20 continued,

If said Justice, mayor or Recorder shall be satisfied that he is a vagrant, as above set forth, he shall make out a warrant under his hand and seal, authorizing and requiring the officer having him in charge or custody, to hire out such vagrant within twenty-four hours to the highest bidder, by public notice given as he shall direct, for the highest price that can be had, for any term not exceeding four months.¹⁵⁹

The law then conceded that the Indian could be placed up for auction and would have to labor for an American citizen for not more than four months. In this way, the Indian was only in jail for one day, thus lessening the cost of keep, and was then under the control of a citizen of the County for up to four months. Section 20 allocated the remittance in exchange for Indian labor go into the Indian fund, which was held by the County Treasury. If the Indian arrested had a family, the family was cared for from this

fund while the Indian was working off their debt. This section also allowed an Indian to put up a bond with good security on the condition that he would conduct himself with good behavior and gain some type of employment for the following twelve months. The real outcome of this action was that the Justice of the Peace used this method of settlement hoping that it would acculturate Indians and make them useful in a manner that was less violent than the decision to auction Indians off to the highest bidder. This was a survival strategy that some Indians may have chosen. It would have meant that they integrate their Indian way of life and assimilate into the American way of commerce. The choices for contrasting Indian survival strategies were complicated. There were as many survival decisions as there were Indians. Individual Indians had the means to collaborate and cooperate with the new American California or to leave and continue their lives away from the cities. Not all Indian survival strategy decisions were made in a tribal or clan context.

In 1855 the state established another law, which also related to vagrancy. The Act to Punish Vagrants, Vagabonds and Dangerous and Suspicious Persons pertained to any vagrant as well as “all persons except Digger Indians” and “all persons who are commonly known as ‘Greasers’ or the issue of Spanish and Indian blood.”¹⁶⁰ It did not define the identity of a “Digger Indian,” which this law did not include, however mixed blood Indian and Spanish individuals who were “armed and are not known to be peaceable and quiet persons, who can give no good account of themselves” fell under this

¹⁵⁹ 1850 Cal. Stat. ch.99 § 14

¹⁶⁰ *The Statutes of California, Passed at The Sixth Session of the Legislature Begun on the First Day of January, One Thousand Eight Hundred and Fifty-Five, and Ended on the Seventh Day of May, One*

law.¹⁶¹ There may have been some Indians in San Diego County that would have fallen under this category. This law is helpful in defining what a vagrant was considered to be.

Who have no visible means of living, who in ten days do not seek employment, nor labor when employment is offered to them, all healthy beggars, who travel with written statements to their misfortunes, all persons who roam about from place to place without any lawful business, all lewd and dissolute persons who live in and about houses of ill-fame; all common prostitutes and common drunkards may be committed to jail and sentenced to hard labor for such time as the Court, before whom they are convicted shall think proper, not exceeding ninety days.¹⁶²

This law of 1855 concerned any person whose behavior fell under these precepts, which included American citizens. Between these two laws there was a double standard. Indians, who fell under the Act of 1850 were treated more harshly than the rest of the population. This law did not arrange for servitude by labor to monetarily pay for their crimes. This law placed the Board of Supervisors in charge of finding employment for the vagabond. The Board could conclude at any time that the employment situation could end as long as the vagrant paid the remaining portion of the fines and other expenses. They could also offer collateral in the amount of five hundred dollars to ensure future good behavior. In comparing this law with the law of 1850 that pertained to Indians, it is clear that Indians were treated more severely than the American or Californio and intentionally placed them into a cycle of servitude. The Act of 1855 was amended in 1863 to exclude Indians. However, the Act of 1850 remained in effect until 1937.¹⁶³

Thousand Eight Hundred and Fifty Five, at the City of Sacramento. (Sacramento: B.B. Redding, State Printer, 1855), 240.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Johnston-Dodds, *Early California Laws and Policies Related to California Indians*, 14.

Returning to Sections 3 and 4 of the Act of 1850, it examined the use of Indian children as sources of labor. Individual Indians practiced bonding their children to non-Indians for labor. One can assume that the action of letting children out for hire was for the survival of the child and of the family. To protect the child from unwanted bondage against the will of the family, the parents, family member or family friend and the owner of the child had to appear before the Justice of the Peace. The Justice did not consult the authority of the hereditary leader of the tribe or clan therefore may have been usurping traditional Indian oral sovereignty. Americans consistently tried to evade Indian hereditary leadership authority and replace it with American governmental authority. This early behavior sought to assimilate and acculturate Indians into the American way of governance. These sections decided that female children could be indentured to the age of fifteen and males to the age of eighteen. The owner of the child had to clothe and feed the child and treat them humanely. In return, the owner received any benefits that the child would earn. If the owner did not adhere to these rules, the Justice placed a fine on the owner or took the child and placed them with another owner.¹⁶⁴

Eight years later, on April 10, 1858, the state passed the Act to Provide for Binding Minors as Apprentices, Clerks and Servants. This Act of 1858 did not apply to Indians with one-half blood or more.

Nothing in this Act shall concern, or in any manner affect, or relate to Indians; and every person having one half or more of Indian blood shall be deemed an Indian, within the provisions of this Act.¹⁶⁵

¹⁶⁴ 1850 Cal. Stat. ch.99 § 14

¹⁶⁵ Langley, Henry G. and Samuel A. Morrison, *The State Register and Yearbook of Facts: for the year 1859* (San Francisco: Langley and Morrison, 1859), 209.

Full blood Indians, those with one parent that was Indian and one that was non-Indian or any other mixtures that added up to one-half or more could not take advantage of this law. There may have been a considerable number of Indians with less than one-half blood in southern California as Indians had been through two consecutive colonizations, the Spanish and the Mexican, and engaged in producing children in each of those eras. Indians with one-half blood or less would most likely have been living nearer the coast and the cities. This Act concerned a male of twenty-one years or less and a female of eighteen years or less who were inclined to be hired as an apprentice, clerk or servant.

Every minor, male or female, with the consent of the persons or officers, hereinafter mentioned, may, of his or her own free will, bind himself or herself in writing, to serve as clerk, apprentice, or servant, in any profession, trade or employment.¹⁶⁶

The Act regarded minors who, of their own free will with consent from parents or guardians, accept indenture in order to learn a trade or work for their livelihood. If there were no parents alive or able, the Justice of the Peace, Probate Judge or County Supervisor made the decision.

Unlike the Act of 1850 that governed Indians, the Act of 1858 gave concessions for runaways or those not wanting to be indentured any longer. The Act of 1850 for Indians did not include any provisions for questioning or reasoning by the Indian if they wanted out of the contract. The Act of 1858 allocated that the runaway indenture would be held in jail or place of constraint for not more than one month. At that time, the contract could be annulled under certain circumstances. This provision was not available

for Indians with one-half blood or more. Once indentured, there was no way out of the contract until they reached the age of agreement. The Act of 1858 also appropriated that the person binding the indenture was accountable to send the indenture to school for three months out of every year or teach them how to read, write and decipher arithmetic. This was another way to acculturate Indians. It was also compulsory that the person binding the minor was liable to report income from the child's labor.

In contrast to the Act of 1850 for Indians, schooling or reporting of income was not required by the person who bound the child. Indian children who were indentured and were of one-half blood or more did not receive any of the allowances that non-Indians received under these Acts. The Act of 1850, in contradistinction, did not allow for the free will of the Indian in agreement to the indenture as did the Act of 1858, where the child indentured themselves by signature in agreement to the contract.¹⁶⁷ Survival strategies for Indian children who found themselves indentured was to try to finish their time of servitude and then either assimilate into the American world or to go back to their original clan to live out their days in the traditional manner of their heritage.

The Act of 1850 also had a provision for legal whipping of Indians. The main crime punishable by whipping was for thievery. In addition, the law gave direction as to how the whipping might proceed. Sections 17 and 18 were worded as follows:

An Indian convicted of stealing horses, mules, cattle, or any valuable thing, shall be subject to receive any number of lashes not exceeding twenty-five, or shall be subject to a fine not exceeding two hundred dollars, at the discretion of the Court or jury. When an Indian is sentenced to be whipped, the Justice may appoint a white man, or an Indian at his

¹⁶⁶ Ibid, 208-209.

¹⁶⁷ Ibid.

discretion, to execute the sentence in his presence, and shall not permit unnecessary cruelty in the execution of the sentence.¹⁶⁸

Traditionally, Indian leaders were the judges for their clans and they decided how an individual should be punished in case of a breach of oral law and traditional heritage. As stated in the discussion above, Indian law was communicated to the clan by way of oral instruction and local ceremony. Thus, the local clan leader had jurisdiction over those in his aggregation. The clan, in turn, was aware of possible public punishments and which behaviors might generate such chastisement. After the implementation of the 1850 Act, American leaders stepped in and began to dictate punishments for Indians that were traditionally held by hereditary Indian leaders. This new action initiated the breaking down of authority that hereditary leaders held, especially near American cities, towns and ranches. Sections 17 and 18 allowed for an Indian to do the whipping, however it was the American Judge that decided on the Indian's fate, not the hereditary Indian leader and the decision as to who inflicted the discipline was also American. Lillian Whaley remembered an event that occurred in the plaza at Old Town in 1882:

I remember seeing an Indian tied face downward to the cannon and severely flogged with a riata in the hands of another Indian who swung the coarse, hairy rope around his head before bringing it down upon the body of the culprit. He had been condemned to the flogging for some grave offense, probably horse stealing.¹⁶⁹

¹⁶⁸ 1850 Cal. Stat. ch.99 § 14

¹⁶⁹ C. Lillian Whaley, *California's Oldest Town*, 14. It is important to note here that Whaley probably did not differentiate between the local Indian lineages and the Indian people who came from Lower California over a few generations and were living in San Diego. This complication must be considered when reading early accounts from this period in San Diego history. Thus, this incident could have been an indigenous person from Lower California whipping a local Indian, or any manner of combinations between the two. In general, however, most Americans referred to indigenous people from Lower California as "Californians." People designated in this category were most likely present in California at the arrival of the Americans, therefore considered themselves to be "Californios," which were in a different class from Indians.

The manner in which authorities carried out the Act of 1850, in reality, in the fields, ranches and towns varied. Wilson noted in 1852 from his seat at the pueblo in Los Angeles:

The present chiefs, in general, understand their affairs very well, and appear to be keenly alive to the good of their people. They often come to the towns – to this city, at any rate – and inflict some punishment in particular cases, the merits of which are left to be “best known to themselves.” They exercise a sort of patriarchal supervision over the domesticated, as well as the wilder classes of the nation. I do not wish to convey the idea that they have any regular government, or system of law, or rational grades of punishment, much less that they indulge in very refined distinctions as to guilt. Murder and witchcraft (when it results fatally!) are punished with death. And it is probably, if the local authorities here should ask it, as a favor, the chiefs would shoot, hang, or bury alive (for this they do sometimes) any notorious horse-thief or cattle-stealer.¹⁷⁰

This example showed how hereditary leadership was still in effect in southern California in 1852 and Indian people still responded to the discipline of their hereditary leaders. This is only one example of how collaboration between American judges and Indian leaders may have occurred.

Another very different case occurred at a ranch in northern San Diego County near Mission San Luis Rey. The Guajome Ranch, under the ownership of the Coutts family, was a working cattle ranch with considerable political power. The name “Guajome” comes from the Luiseño word “wakhavumi” meaning “place of the frogs.”¹⁷¹ It consisted of 2,219 acres and was considered by mission padres to be part of the Mission San Luis Rey land holdings during the Spanish period.¹⁷² After mission

¹⁷⁰ Wilson, *The Indians of Southern California*, 29.

¹⁷¹ Lynne Newell Christenson and Ellen L. Sweet, *Ranchos of San Diego County* (Chicago: Arcadia Publishing, 2008), 23.

¹⁷² Office of Historic Preservation, California Department of Parks and Recreation. *California Historical Landmarks*, (Sacramento: State of California – The Resources Agency, 1990), 195.

secularization, in 1845, the land was granted to Andrés and José Manuel who were Luiseño Indians.¹⁷³ The Manuel brothers sold the holdings to Abel Stearns in 1851 and Stearns, in turn, gave the land as a wedding present to Cave Johnson Coutts and his new wife Ysidora Bandini of the powerful Bandini family in San Diego. Coutts was the owner of the ranch from 1851 until his death in 1874. A graduate of West Point, member of the First Dragoons, and elected as a representative to the California Constitutional Convention, in 1853 Coutts was also appointed Indian Sub-Agent in southern California by the Bureau of Indian Affairs. He utilized Indian labor on his ranch to improve the property. On his death in 1874, the ranch reverted to his son, Cave Coutts Jr. Coutts proceeded to show his authority over the Indians under his care in a most violent way using his family's political power and his abuse of the law. During Cout's time, there was an amendment made to the Act of 1850. On April 18, 1860, the amended Act made changes to the ages in which Indians could be indentured.

Such children as are under fourteen years of age, if males, until they attain the age of twenty-five years; if females, until they attain the age of twenty-one years; such as are over fourteen and under twenty years of age, if males, until they attain the age of thirty years; if females, until they attain the age of twenty-five years; and such Indians as may over the age of twenty years, then next following the date of such indentures, for and during the term of ten years, at the discretion of such Judge; such Indians as may be indentured under provision of this section, shall be deemed within such provisions of this act, as are applicable to minor Indians.¹⁷⁴

The amended Act of 1850 maximized the ages in which Indians could be indentured, thus the cycle of unpaid labor and the inability to recover from the succession of labor year after year became even more unbearable for many Indians. Michael

¹⁷³ Leland Fetzer *San Diego County Place Names A to Z* (San Diego: Sunbelt Publications, 2005), 58.

¹⁷⁴ Original Bill File, Chapter 231, 1860, Secretary of State, California State Archives.

Magliari, in his well-written article on Coutts and his labor system, points out the historically intricate reasoning behind some of the new amendments.

Introduced by assemblyman Jonathan T. “Juan Jose” Warner, a wealthy ranchero from Southern California, the amended version of Section 3 transformed the custodial arrangement for Indian minors into a system of indentured servitude that, under the guise of “apprenticeship,” included not only Native American children but also adult Indians . . . Transferring supervisory powers to county and district judges rather than local justices of the peace, the revised statute now required that employers train their Indian charges as apprentices “to trades, husbandry, or other employments.” In the case of apprenticed minors, indentures could not be obtained by employers without the actual presence of ‘the parents or friends of the child’ in court. Instead, employers had only to convince the courts that they already had obtained ‘the consent of such parents or person or persons having the care or charge’ of the child. This significant weakening of the original consent language permitted whites who somehow had Indian children in their possession to present themselves before the courts as legal guardians with the right to indenture their charges either to themselves or to others, usually for a price.¹⁷⁵

For many Indians, the only way to survive and break free was to run home to their families in the mountains and away from American owned ranches and businesses.

Coutts was an especially violent taskmaster and beat Indians that were supposed to be under his care. He also required them to purchase goods such as clothing and daily supplies from his store on credit in exchange for labor. In that way he kept Indians under his system of slavery because they could not work enough to pay back the expenses that they incurred at his store for their daily needs. Magliari reveals a story of one man who tried to escape the clutches of Coutts’ system.

Indians attempting to escape the harsh discipline of the rancheros found little sympathy from most white authorities. The unfortunate Cornelio Colondrino discovered this for himself in December 1862 when he appealed to federal Indian subagent Alexander Godey for protection from

¹⁷⁵ Michael Magliari, “Free Soil, Unfree Labor: Cave Johnson Coutts and the Binding of Indian Workers in California, 1850 – 1867,” *The Pacific Historical Review* 73(Aug. 2004): 354.

Couts. During his six-month stint at Guajome, Colondrino had managed to arouse Cout's ire with his frequent absences and a mounting debt that exceeded \$73 when he decided to run away. Fearing for his safety, Colondrino fled directly to Temecula where he presented Godey 'with a long story.' Colondrino told Godey that Cout 'had whipped him at three different times, and shot once at his head with a pistol, for bad behavior, when he was drunk.' Godey was not moved, however, especially after Colondrino admitted that he owed Cout \$12. Although he disputed the higher figure claimed by Cout, Colondrino's acknowledgment of an outstanding debt cost him his liberty. As he subsequently informed Cout, Godey ordered Colondrino back to Guajome 'to work for you until the last cent of it (the debt) was paid, and when that is done, I wish you to give him 25 lashes as a receipt.' No longer willing to employ him, however, Cout simply had Colondrino 'Brot back – whip'd and disch'd.'¹⁷⁶

The survival strategy for Indians who found themselves in these situations was usually to flee as runaways and hide. There was no way out of the vicious cycle of indenture under Cout. Cout sent men out after the runaways and when caught, beat them severely. Cout was eventually reprimanded for his conduct.¹⁷⁷

The Cout story is just one example of how life on the San Diego frontier may have been misappropriated in the case of Indian labor. Sometimes the Indian's only accession for survival would be to live as a fugitive. In Cout's case, his treatment of Indians was not too dissimilar to the slavery of the mission system under the Spanish padres.¹⁷⁸ Examples of the variety of Indian labor and experiences with Americans have been shown. Herbert Crouch's reminiscence and his friendliness with Indians in his employ contrasts considerably with the stories of Cout and the violent way he treated the Indians who worked for him. Survival strategies on ranches in the valleys and mountains differed from person to person and family to family according to their own individual

¹⁷⁶ Magliari, "Free Soil, Unfree Labor," 374-375.

¹⁷⁷ *Ibid.*, 377.

situations. Survival strategies for Indian leadership and the survival of traditional oral law also continued to be affected and opposed. As will be shown below, Americans in government tried to aggressively accost Indian hereditary leadership structures as a means to control Indian labor and overtake Indian sovereignty leaving clans scattered, battling each other and with no power to stand up and fight for their own survival. An underlying intention of the Act of 1850 was to use Indians as a free labor force and/or assimilate them into the American culture. Either way it was a plan for Indians to eventually disappear or be exterminated, whether through physical expiration or through becoming invisible by forgetting their native past and adopting the American way of life. Chapter 4 will discuss how setting up the reservation system in 1875 was a survival strategy that redeemed Indian ways of being.

The last section in this discussion pertaining to the Act of 1850 is section 10, which forbade setting fires on the landscape.

If any person or persons shall set the prairie on fire, or refuse to use proper exertions to extinguish the fire when the prairies are burning, such persons shall be subject to fine or punishment, as Court may adjudge proper.¹⁷⁹

Section 10 did not specify a definite punishment for the newly constituted crime, therefore it could be administered however it pleased the court. Two issues that Americans, especially, addressed in this Act were setting the prairie on fire and cattle stealing. These two actions directly affected the livelihood of American ranchers. Burning as a food management technique destroyed the grasses that American sheep and cattle needed for grazing. Halting the method of burning was a form of genocide enacted

¹⁷⁸ Tony and Pete Savala, "Mission Slavery," in *The Missions of California: a Legacy of Genocide*, ed. Rupert Costo and Jeannette Henry Costo (San Francisco: The Indian Historian Press, 1987), 145 – 146.

toward Indians. It directly affected Indian livelihood and upset the biological balance of the clan system and the balance of the ecological system in southern California. In an oral history and hands-on experience project between California State University San Marcos and the San Luis Rey Band of Mission Indians, Kristie Orosco discussed her findings:

According to the stories, these routines were set up centuries ago to establish an orderly process to the practice of harvesting and hunting. Bands of Indians harvested in a general area for each resource and within that general area individual clans had particular areas that were their primary harvesting areas. If an individual clan's area did not produce enough for that clan, other clans within the band were generous with their harvest. There has never been an account of people starving. The stories tell of misfortune for people or clans that are not generous. With this social system people care for their areas in a sustainable manner. Each clan has a responsibility to future generations to keep their areas in a positive balance so it will be plentiful for the future. There are many stories and songs that are passed down from centuries ago that teach us how to do this.¹⁸⁰

The new law encumbered Indians to find new survival strategies that produced needed plant resources and food procurement. Hurtado stated:

Understandably, white ranchers wanted to stop livestock theft and wildfires, yet the law may have inadvertently encouraged rustling. The prohibition of burning compelled Indians to forgo a resource management strategy that enhanced the productivity of the environment. Indians, forced onto small tracts of land, were not permitted to use their meager resources in the most productive ways they knew. Thus, they had to work, steal, or starve.¹⁸¹

Trafzer and Hyer agreed:

¹⁷⁹ 1850 Cal. Stat. ch.99 § 14.

¹⁸⁰ Kristie Orosco, "Land Management," in *A Beginning: A Collaborative Ethnobotany Project Between the San Luis Rey Band of Mission Indians and Students of Cal State San Marcos* (San Marcos: California State University San Marcos, 2001) 21, 22.

¹⁸¹ Hurtado, *Indian Survival on the California Frontier*, 131

For years, indigenous inhabitants of California had set fire to their grasslands in order to draw game into canyons and other areas where Native American hunters could kill them. Burning the grass encouraged plant growth as well and was a form of range management. Without the ability to start range fires, the food supply for native peoples declined rapidly causing starvation.¹⁸²

For generations Indians had set fire to acres or plots of land in order to control food production. Plants were the main resource, not only for food, but for clothing, housing, fuel, basket making and medicine production. Setting fire to fields where seed production was being managed for sustenance enabled and encouraged new plant growth. Burning also controlled parasites and maintained the larger production system and cycles for consumption and use of both plants and animals.

The most powerful, effective, and widely employed tool in the native repertoire for directly manipulating the environment was undoubtedly fire. Indigenous groups used fire for a variety of purposes, including creating and sustaining vegetational mosaics with numerous ecotones beneficial to animal life; controlling plant diseases and insect infestation; increasing the frequency and range of useful plant species; eliciting desirable plant growth characteristics; minimizing the severity and number of uncontrolled wildfires; and facilitating hunting by the reduction of undergrowth.¹⁸³

Fire management was a consistent system of survival for Indians and they were experts at ecological balance and subsistence through its use. Spanish explorers who arrived off the coast of southern California in 1542 noted abundant smoke in the skies and documented fires that they viewed from their ships. Juan Rodriguez Cabrillo named what is today San Pedro Bay, the Bahía de los Fumos, which means the Bay of Smoke. He commented in his logs that there were thick clouds of smoke because of burning

¹⁸² Trafzer and Hyer, *Exterminate Them!* 20.

chaparral.¹⁸⁴ As he and his men traveled north up the coast from San Diego County, they witnessed the same activity. Condensed accounts of the voyage obtained through interviews with the survivors of the expedition stated:

On the following Tuesday, on the third of October, they left this port of San Miguel, and on Wednesday, Thursday and Friday traveled their course about eighteen leagues on the coast along which they saw many valleys and plains, and many clouds of smoke, and further inland mountain ranges.¹⁸⁵

In 1769, the first European overland expedition from San Diego to Monterey, the Gaspar Portola expedition, remarked that they saw many areas where “the grass had been burned to facilitate the capture of rabbits.”¹⁸⁶ An excellent chapter in *Before the Wilderness* by Jan Timbrook, John R. Johnson and David D. Earle regarding “Vegetation Burning by the Chumash” detailed early Spanish encounters with plant burning by Indians.¹⁸⁷ The chapter quotes Rivera Y Moncada’s diary from 1776:

I have experienced great drought [here], therefore some of the springs along the road I have passed [are] dry; this is something that has not happened to me since I entered these lands, and in the countryside [there has been] extreme need of pasture for the animals which in some areas has caused me difficulty in staying overnight and in stopping at midday, due to the horses and mules not having grass, all occasioned by the great fires of the gentiles, who, not having to care for more than their own bellies, burn the fields as soon as they gather up the seeds, and that [burning] is

¹⁸³ Thomas Blackburn and Kat Anderson, “Introduction: Managing the Domesticated Environment,” in *Before the Wilderness, Environmental Management by Native Californians*, ed. Thomas C. Blackburn and Kat Anderson (Menlo Park: Ballena Press, 1993), 19.

¹⁸⁴ Harry Kelsey, *Juan Rodriguez Cabrillo* (San Marino: Huntington Library, 1998), 145.

¹⁸⁵ Cabrillo National Monument Foundation, *An Account of the Voyage of Juan Rodriguez Cabrillo* (San Diego: Cabrillo National Monument Foundation, 1999), 65.

¹⁸⁶ Herbert H. Bancroft. *History of California, Vol. 1, 1542-1800*, (Santa Barbara: Wallace Heberd, 1963), 144-145.

¹⁸⁷ Jan Timbrook, John R. Johnson and David Earle, “Vegetation Burning by the Chumash,” in *Before the Wilderness, Environmental Management by Native Californians*, ed. Thomas C. Blackburn and Kat Anderson (Menlo Park: Ballena Press, 1993), 117-149.

universal, although on some occasions it happens that it may be greater or less, according to the winds or calm.¹⁸⁸

Clearly, Moncada did not understand that Indians burned the land so that plant life flourished and they would be able to fill their bellies in the future. Like the Americans, the Spanish missions banned burning of the land, which extended to Christianized and non-Christianized Indians. A punishment was enacted by the Spanish priests and soldiers if the order was ignored.¹⁸⁹ By the time Americans arrived, Indians on the coast already had a taste of colonial punishments for managing the landscape in this manner. Burning the chaparral, prairies, and areas of cultivation was an integral part of Indian survival and a way of living that was in harmony with ecological and human balances. American intervention blocked Indians from managing the landscape, which created devastating effects for Indians. Plants were a fundamental and foundational part of their world. They understood the attributes and personalities of each plant and knew which ones were good for food, basketry, housing and medicine.

Leadership roles involved in spiritual and governmental structures relied on plants as well. The jimson weed plant, as well as other plants, were used in ceremonies as an indiscriminate part of the socio-cultural structure to bring children through the period of adolescence and into maturity, adulthood and leadership. The disallowance of land management by fire was only one small part of the Act of 1850, however, it created enormous waves of genocidal effects on Indian populations in southern California. Survival strategies were to flee to the mountains and valleys far away from American

¹⁸⁸ Ibid, 126-127.

¹⁸⁹ Ibid, 130-131.

towns where they could find ways to manage the land as they always done or to acculturate into the European system by ranching and agriculture. By the time anthropologists had come to study native society in the late nineteenth century, burning of the landscape had almost stopped.

When elders today are asked why the rich resource base and fertile landscape that they remember as having existed in the past has changed so drastically, they are apt to respond by saying simply, “No one is gathering anymore.” The idea that human use ensures an abundance of plant and animal life appears to have been an ancient one in the minds of native peoples.¹⁹⁰

As Indians were pushed away from the coast by intruding Americans, and some settled permanently on reservations beginning in 1875, they had to utilize European methods of food production by agriculture, farming and ranching because they were no longer permitted to utilize the land and move around on it in their own way. Plant gathering continues today, however, Indians still have problems with extinct plants, availability of other plants due to industrial and residential encroachment and accessibility to areas where native plants are growing.¹⁹¹

In 1850, the United States admitted California as a new state with new laws and conventions. Authorities in the state had to find ways of implementing laws. Because the state was young, it required help from its citizens to control a somewhat unruly population. Californios were still living in the state as well as its original Indian inhabitants. Not all residents were in accord with the newly organized American state. Two more main Acts were created in 1850, with subsequent amendments over the

¹⁹⁰ Thomas Blackburn and Kat Anderson, “Introduction: Managing the Domesticated Environment,” in *Before the Wilderness*, 19.

¹⁹¹ Personal communication, 2002-2013.

decade, which had some influence on Indians. Those laws were the Act Concerning Volunteer or Independent Companies and the Act Concerning Organization of the Militia.¹⁹² These two laws were put into effect in San Diego County during the Garra incident, which was discussed in Chapter 1. The Fitzgerald Volunteers organized under these Acts with the blessing of the governor and newly constructed California government. The Acts were not only aimed against Indian hostility movements, but were also put in place to apprehend gangs of robbers and other outlaws. The Acts allotted for payment to volunteers as rangers, guidelines and rules for setting up a contingent and the placement of authority on the militia. The Acts paid particular attention to volunteer militia relief and compensation and how men in the companies would be paid. The main premise of the Act Concerning Volunteer or Independent Companies was as follows:

An Act authorizing the governor to call out troops to defend our frontier, and providing for their pay and compensation.¹⁹³

This Act was the first of its kind in California to help organize expeditions against Indians who were considered hostile toward non-Indian residents. This Act allowed “the governor to call into service a mounted volunteer company under the provisions of the militia law of 1855.”¹⁹⁴ The volunteers were paid through taxing one cent on every one hundred dollars of taxable property in the State.¹⁹⁵ In essence, American landowners living on lands previously inhabited by Indians were compensating military volunteers to protect those lands from any backlash from Indians. Some Indians, who had been

¹⁹² Theodore H. Hittel, *The General Laws of the State of California, from 1850 to 1864, Volume 1* (San Francisco: H.H. Bancroft and Co., 1870).

¹⁹³ *Ibid.*, 657.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*, 662.

stripped of their lands or had other complaints, used the survival strategy of retaliating by resisting. Article VII of the Constitution of the State of California, in 1849, set the postulate for the establishment of a militia.

Sec. 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

Sec. 2. Officers of the militia shall be elected, or appointed, in such a manner as the Legislature shall from time to time direct, and shall be commissioned by the governor.

Sec. 3. The governor shall have power to call forth the militia, to execute the laws of the State, to suppress insurrections, and repel invasions.¹⁹⁶

As shown here, before California became a state in 1850 its law supplied an opportunity to stop Indians from rebellion of the new state and its inhabitants by using brute military force. The extensive 1850 Act Concerning the Organization of the Militia expounded and clarified the composition of every aspect of the law concerning volunteer militia even further.¹⁹⁷ It was under these Acts and laws that the Fitzgerald Volunteers were organized and authorized to apprehend Antonio Garra and anyone involved in the revolt. Americans found it relatively simple to organize a militia group, which consisted of aligning any residents who were supportive of the workforce.

Whenever a sufficient number of persons, by the provisions of this act, residents of any county of this State, subject to military duty, shall subscribe to a call for the organization of a volunteer company, the county judge of said county, upon due application of the persons who have subscribed, as above, shall appoint some suitable person, resident of the county, to open a book, in which he shall enter the names of the persons so volunteering, and shall fix a time and place of meeting for the purpose of organization, by giving ten days' notice thereof, by publication in some newspaper, or by posting notices in at least three public places in the county.¹⁹⁸

¹⁹⁶ California Secretary of State. <http://www.sos.ca.gov/archives/collections/1849/full-text.htm> .

¹⁹⁷ Hittel, *The General Laws of the State of California*, 667-683.

¹⁹⁸ *Ibid.*, 669-670.

This type of volunteer organization, in the case of the Coyote Canyon massacre, was comparable to a legalized group of vigilantes or lynch mob. The Fitzgerald Volunteers and the people of the town of San Diego lived in fear of attack and simply put together a group of townsmen to ride out and attack anyone they felt were involved in the violations. They organized military pressure, issued legal decisions on site and issued violence by murder and burning Indian villages in retaliation of verbal Indian threats that had been given to them. The Fitzgerald Volunteers ended the Garra incident with a volunteer militia organization such as this, which was granted authority, regulated by the State and was under the order of the governor. Because of extensive ancient oral communication networks, Indians all over San Diego must have known what had transpired with the massacres at Coyote Canyon and the deaths of Garra, Marshall and others in Old Town San Diego. These incidents may have left their marks and instituted some form of fear and apprehension on the part of Indians. Viewing this militia strong-arm tactic may have pushed Indians to decide to sign the treaties in San Diego County in 1852. Americans were becoming more violent and more intrusive. Indian survival strategies in the face of such violence acquiesced into cooperation and collaboration, using political strategies by concurrence with treaties or acculturating and assimilating into towns and cities through labor in households and on ranches. Essentially, Indians chose to use traditional oral methods of survival over generation of physical violence.

The treaties that took place at Santa Ysabel and Temecula in 1852 did not come to fruition. The United States Senate did not ratify the treaties, thus they became moot and the United States representatives failed to inform tribal leaders that they had no legal

relationship with the United States. In addition, the California State government and much of the American population were against the treaties, mostly because the lands that were going to be set aside contained vast mineral wealth. The massive movement, agency and demonstration of non-violent cooperation by hereditary Indian leaders, by traveling long distances and gathering together to sign the treaties, was a significant act. It unveiled an immense window into traditional Indian methods of survival and showed how they proceeded with peace accords between warring groups of people, which must have been successful for them in the past. Survival strategies used in the case of the treaty signing included acceptance of written agreements, concurrence, compliance, accepting aid, and a hefty dose of compromise. The treaties of 1852 in Temecula and Santa Ysabel will be discussed and expounded below, in Chapter 3.

During the presidency of Ulysses S. Grant, the relationship of the American government toward Indians living west of the Mississippi, across the Rockies and into the California frontier was in a state of disruption and despair. In 1868, a report was given to the President by the Indian Peace Commission informing him of the state of affairs and offering solutions to the problems that had been created concerning Indians over the decades. Indians in these areas had their fill of broken treaties, murder, burning of villages and many tribes were revolting with all-out war. The American government was coming to the end of its ideological rope of utilizing Indian extermination or pushing Indians further west to rid the frontier of its “Indian problem” as they continued in their quest for westward expansion, railroad extension and mining for riches with the influx of more and more people moving west.

Aside from extermination, this is the only alternative now left us. We must take the savage as we find him, or rather as we have made him. We have spent 200 years in creating the present state of things. If we can civilize in 25 years, it will be a vast improvement on the operations of the past.¹⁹⁹

Indians had not only lost their lands, friends and family, they had lost their subsistence strategies involving food and animals, such as the growing extinction of the buffalo. Americans worshipped Manifest Destiny and the emigrant trails made their way to the Pacific Ocean. California had become an official state and the ocean provided a physical barrier adverse to pushing Indians further and further west. Some Indians across these vast spaces were farming and had homes and livelihoods, some were living on reserves only to be pushed off of their lands over and over again as more and more European settlers pushed further and further west.

The Commission's report alluded to their periodic humanitarian concern, however, the belief in colonization and conquest was a factor too strong to override.

If the lands of the white man are taken, civilization justifies him in resisting the invader. Civilization does more than this: it brands him as a coward and a slave if he submits to the wrong. Here civilization made its contract and guaranteed the rights of the weaker party. It did not stand by the guarantee. The treaty was broken, but not the savage. If the savage resists, civilization, with the ten commandments in one hand and the sword in the other, demands his immediate extermination. We do not contest the ever-ready argument that civilization must not be arrested in its progress by a handful of savages. We earnestly desire the speedy settlement of all our territories. None are more anxious than we to see their agricultural and mineral wealth developed by an industrious, thrifty, and enlightened population. And we fully recognize the fact that the Indian must not stand in the way of this result. We would only be understood as doubting the purity and genuineness of that civilization which reaches its ends by falsehood and violence, and dispenses blessings that spring from

¹⁹⁹ "Report to the President by the Indian Peace Commission, January 7, 1868," in *Executive Documents Printed by Order of The House of Representatives During the Second Session of the Fortieth Congress, 1867 – '68*, (Washington: Government Printing Office, 1868) 97.

violated rights. These Indians saw their former homes and hunting grounds overrun by a greedy population, thirsting for gold. They saw their game driven east to the plains, and soon found themselves the objects of jealousy and hatred. They too must go. The presence of the injured is too often painful to the wrongdoer, and innocence offensive to the eyes of guilt. It now became apparent that what had been taken by force must be retained by the ravisher, and nothing was left for the Indian but to ratify a treaty consecrating the act.²⁰⁰

Broken treaties and unsympathetic European expansion created an extremely malevolent environment and a series of bloody wars. The United States government began to look for solutions to deal with “hostile” Indians so that the European-American diaspora and the building of the west could continue unaverted.

Life for the Indian had become desperate. His people were decreasing rapidly from disease, intemperance, war and starvation. The policy of the Federal government had not kept up with changing conditions, for it would soon be impossible to remove the tribes beyond the limits of frontier settlement. The intrusion of white men was breaking down their self-government. Intercourse laws of the United States proved inadequate on the borders of the reserves. The Indian was caught as if in the jaws of a huge vice which pressed upon him from the Pacific region as it did from the prairie plains of the Middle West. Squeezed by the more stable and respectable elements of white society bearing down from opposite directions and robbed, harassed, and confounded by fugitive fragments in their van, the destruction of the cultures of the last great tribes in the mountains and on the plains required nearly three decades.²⁰¹

The American government created the Indian Peace Commission, who presented a report to President Grant on January 7, 1868. The report discussed the history of incidents leading up to the issues that were at hand. They were concerned mostly with the contention of Indian hostility and outlined a program in which to bring the situation under control. An initial committee of Christian Friends of the Indian met with Grant to

²⁰⁰ Ibid.

²⁰¹ Henry E. Fritz, “The Making of Grant’s Peace Policy,” in *Chronicles of Oklahoma*, Vol. 37 (Stillwater: Oklahoma Historical Society, 1959), 411.

offer the suggestion of having Christian groups in the role of Indian agents, as previous military and governmental agents had proven themselves violent and corrupt. These reports and meetings cumulated into a working policy. Lowrie Tatum, a contemporary of Grant, recalled the events in the making of what we call today, Grant's Peace Policy.

After the election of General Grant he was waited on by a committee of Friends, representing all of the Yearly Meetings of Orthodox Friends in the United States, who suggested to him to take into consideration the propriety of appointing religious men for Indian agents, who would secure religious employees so far as practicable, which they thought would have a better effect on the Indians than was sometimes seen in Indian agencies. After listening to them with great interest he replied, "Gentlemen, your advice is good. I accept it. Now give me the names of some Friends for Indian agents and I will appoint them. If you can make Quakers out of the Indians it will take the fight out of them. Let us have peace." The memorable words, "Let us have peace," will in time to come cast a halo of glory over his character.²⁰²

The Commission directed the main premise of the policy, which was to stop the wars, find a way to bring safety to the frontier and to civilize the Indians.

The undersigned, commissioners appointed under the act of Congress approved July 20, 1867, 'to establish peace with certain hostile Indian tribes,' were authorized by said act to call together the chiefs and headmen of such bands of Indians as were then waging war, for the purpose of ascertaining their reasons for hostility, and, if thought advisable, to make treaties with them, having in view the following objects, viz:

- 1st. To remove, if possible, the causes of war.
- 2d. To secure, as far as practicable, our frontier settlements and the safe building of our railroads looking to the Pacific; and
- 3d. To suggest or inaugurate some plan for the civilization of the Indians.²⁰³

The new policy suggested by the Commission placed Christian groups in charge of geographic areas and set in place individuals of their choosing as Indian Agents. From

²⁰² Lowrie Tatum, *Our Red Brothers and the Peace Policy of President Ulysses S. Grant* (Philadelphia: John C. Winston & Co., 1899), xxv.

²⁰³ "Report to the President by the Indian Peace Commission," in *Executive Documents*, 97.

the American viewpoint, treaties were considered outdated and aimless. Lands of the west that Americans were willing to lose to the Indians were becoming more and more scarce and Indians continued to refuse to accept the invasions of the Americans and become acculturated. In place of treaties, ideas developing the Indian reservation system grew stronger. The main premise of Grant's new policy was to civilize the Indian, or to acculturate and assimilate them. Keeping Indians under the protective eye of the government, disallowing them to move around freely on the landscape, and educating Indian children to be useful to American interests played a heavy role in the policy. Grant's policy for peace laid down instruction for Indian boarding schools run by Christian agencies, methods for turning Indians into farmers so they would have no need to leave their reservations and homesteads for hunting and gathering and means with which to obliterate the tribe/clan and create individual Indians.

The following was the blueprint for the framework of Grant's policy to "civilize" Indians.

For each district let a territorial government be established, with powers adapted to the ends designed. The governor should be a man of unquestioned integrity and purity of character; he should be paid such salary as to place him above temptation; such police or military force should be authorized as would enable him to command respect and keep the peace; agriculture and manufactures should be introduced among them as rapidly as possible; schools should be established which children should be required to attend; their barbarous dialects should be blotted out and the English language substituted. Congress may from time to time establish courts and other institutions of government suited to the condition of the people. At first it may be a strong military government; let it be so if thought proper, and left offenders be tried by military law until civil courts would answer a better purpose. Let farmers and mechanics, millers and engineers be employed and sent among them for purposes of instruction;

then let us invited our benevolent societies and missionary associations to this field of philanthropy nearer home. The object of greatest solicitude should be to break down the prejudices of tribe among the Indians; to blot out the boundary lines which divide them into distinct nations, and fuse them into one homogeneous mass. Uniformity of language will do this -- nothing else will. As this work advances each head of a family should be encouraged to select and improve a homestead. Let the women be taught to weave, to sew, and to knit. Let polygamy be punished. Encourage the building of dwellings, and the gathering there of those comforts which endear the home.

The annuities should consist exclusively of domestic animals, agricultural and mechanical implements, clothing, and such subsistence only as is absolutely necessary to support them in the earliest stages of the enterprise. Money annuities, here and elsewhere, should be abolished forever. These more than anything else have corrupted the Indian service, and brought into disgrace officials connected with it. In the course of a few years the clothing and provision annuities also may be dispensed with. Mechanics and artisans will spring up among them, and the whole organization, under the management of a few honest men, will become self-sustaining.²⁰⁴

As the years passed and the government began to implement Indian policy in California, the methods above were already in practice in the east. These policies were put into place in San Diego County much later. Beginning in 1875, the first reservations were established. The 1852 treaties were forgotten and the new system of reservation banishment became the new genocidal mechanism for the Indian people and for their society and culture. Chapter 4, below, will expound on the creation of the reservation system in the mountains of San Diego County and the survival strategies that accompanied the acceptance or the non-acceptance of the system by individual Indians and families.

²⁰⁴ Ibid.

The Mission Indian Relief Act of 1891 is the last Act, in this discussion, that had an effect on the Indians of San Diego County.²⁰⁵ Americans labeled Indians in southern California “Mission Indians” because they considered that priests assimilated California Indians into the catholic mission system, even though many lived outside any influence by the priests. The name also connoted a comparison with Indians of the plains and areas immediately to the east of California during the late nineteenth century. When Americans arrived in California, they noticed the differences between California Indians, who were more docile in the eyes of Americans, and plains Indians, who they saw as more war-like. Americans produced and applied the misnomer, “Mission Indian” to all Indians in California and especially in southern California, thus separating types of Indians in their own experience.

The Act of 1891 was a product of the research and efforts gathered by the authors of the *Report on the Condition and Needs of the Mission Indians of California, Made by Special Agents Helen Hunt Jackson and Abbot Kinney, to the Commissioner of Indian Affairs*.²⁰⁶ Jackson and Kinney filed the report on July 13, 1883, eight years after the American government established the first reservations in southern California. In this report, the authors discussed the poor living conditions of Indians in southern California and offered suggestions on how to help them. The authors were humanitarians as well as special agents to the Commissioner. Their suggested cure for the plight of San Diego Indians was Indian assimilation into American culture. The authors were in support of the reservation system, Indians as farmers and American education of Indian children. In

²⁰⁵ Mission Indian Relief Act of 1891 (MIRA), ch. 65, 26 Stat. 712.

their report, Jackson and Kinney describe the living conditions of the Indians they met in their travels around southern California from an American perspective. After listing tribes and their approximate census numbers, the authors wrote:

This estimate probably falls considerably short of the real numbers, as there are no doubt in hiding, so to speak, in remote and inaccessible spots, many individuals, families, or even villages, that have never been counted. These Indians are living for the most part in small and isolated villages; some on reservations set apart for them by Executive order; some on Government land not reserved, and some upon lands included within the boundaries of confirmed Mexican grants.²⁰⁷

Jackson and Kinney's report gave an inside look at living conditions in 1883 in the mountain and desert regions of San Diego County. Some reservations had been established at the time of Jackson and Kinney's visits, however many Indians were being pushed off of their lands and were trying to find ways to survive away from their traditional food procurement areas and water resources. These places were locations they had lived for many generations. They were not only pushed away from their practical resources, but also had to leave their places of memory and their ancestral gravesites behind. Some moved higher in elevation, being pushed eastward, away from the coasts where American cities were becoming larger and more populated. Higher elevations meant that their winter home sites and their resources were not accessible and they were forced to live in their summer village sites, which were cold in the wintertime. This also meant that the food that they were used to obtaining on the lower elevations where winter village areas were was not attainable because Euro-American squatters were quickly moving in to those areas and pushing Indians out.

²⁰⁶ Jackson, *A Century of Dishonor*, (Norman: University of Oklahoma Press, 1995), 458.

²⁰⁷ Ibid.

Indian survival strategies during this period of transition, from free roam of the landscape to the reservation system, was to scatter into the mountains to the east deeper and deeper, looking for places to live and survive the massive changes that Americans had brought to their shores and valleys to the west. The plea of Jackson and Kinney, on behalf of Indians, was for the American government to re-survey the reservations that already existed, to set up new reservations for those who were wandering with no homeland and to educate Indian children under American standards. Jackson and Kinney felt that this was a positive survival strategy for Indians to utilize. They composed ten incisive recommendations on how to solve the problems that Indians were facing. The first suggestion was to determine, resurvey, round out and distinctly mark the reservations already existing because squatters had been coming onto reservation land and shaving off pieces for themselves. The second was to remove all white settlers that were living on reservation lands. The third was concerning villages that were on grant lands with two suggested courses of action: one was to remove the Indians and make provisions for them on other land or to “uphold and defend their right to remain where they are.”²⁰⁸ The fourth suggestion stated that the reservations already set up by Executive Order be patented in trust by the government to the tribes occupying them for a twenty-five year period. Jackson and Kinney felt that simply ordering a reservation to be set up by Executive Order was not a secure enough situation for Indians. They stated if anyone wanted to procure any part of the reservation land that had been set up in that way, it was only a matter of influence and time for it to be given over to them.

²⁰⁸ Ibid, 466.

The fifth suggestion was to establish more schools. They proposed that two schools, one at Rincon and one at Santa Ysabel, be established. They further recommended that a boarding or industrial school be established in southern California. Jackson and Kinney's sixth recommendation was that the government hire men to make rounds throughout the year to ensure Indian safety from squatters, violence and intrusions. Number seven suggested that a lawyer or law firm be appointed to Indians as a special United States attorney to look after the interests of the tribes, since Indians were not allowed citizenship and held no rights in the courtroom. The eighth recommendation was for adequate distribution of agricultural equipment. The ninth was to provide, under the Mission Indian agency, a small fund for food and clothing for the elderly and ill, since "the Mission Indians as a class do not beg."²⁰⁹ The tenth recommendation suggested "two purchases of land, one positively, the other contingently. The first is the Pauma Ranch, now owned by Bishop Mora, of Los Angeles."²¹⁰ The second recommended purchase was the Santa Ysabel ranch. They advised that all Indians in the area be moved into these two pieces of land, creating reservations for Indian protection. Looking at these ten recommendations, one can perceive the difficulties Indians were having. Indians were running out of places to go as non-Indians continued to pour into the County and force themselves onto the landscape, stealing from Indians water and other survival resources.

Along with loss of land, and intimately connected to it, was the loss of resources for food, clothing, housing, medicines and plant material for many other uses. Plants were at the core of Indian life. Indians used plants, not only for sustenance, but also for

²⁰⁹ Ibid, 472.

²¹⁰ Ibid, 479.

every kind of utilitarian purpose from baskets to dwellings. The loss of plant accessibility was devastating to Indians of southern California. There was no survival strategy available to overcome the loss because once they were forced to leave an area where certain needed plants were growing, there was no other place to procure those plants. Indians used whatever plants they could secure after being removed repeatedly from their homes. The plants they could not appropriate were lost to the culture and many eventually went extinct because of encroaching development and because the plants were not being nurtured, cultivated and used by Indians any longer. Jackson and Kinney related an experience they had in their travels around Indian southern California with a man living at Agua Caliente. Indians in this area had been farming because of the Spanish mission influence in the area. Jackson and Kinney illustrated some of the confusion that must have been going on with Indian people that were farming in respect to ownership of land and resources.

They agree among themselves to respect each other's right of occupancy; and man's right to a field this year depending on his having cultivated it last year, and so on. It seems not to occur to these Indians that land is a thing to be quarreled over. In the village of Agua Caliente, one of the most intelligent of the young men was so anxious to show us his fields that we went with him a little distance outside the village limits to see them. He had some eight acres in grain, vine and fruit trees. Pointing first in one direction, then in another, he indicated the places where his ground joined other men's ground. There was no line of demarcation whatever, except it chanced to be a difference of crops. We said to him, 'Alessandro, how do you know which is your land and which is theirs?' He seemed perplexed, and replied, 'This was my mother's land. We have always had it.' 'But,' we persisted, 'suppose one of these other men should want more land and should take a piece of yours?' 'He couldn't,' was all the reply we could get from Alessandro, and it was plain that he was greatly puzzled by the

suggestion of the possibility of neighbors trespassing on each other's cultivated fields.²¹¹

Jackson and Kinney were concerned that Indians who had land would lose what little land they had left and Indians with no land at all would not obtain any in the future. They were also troubled about the survival continuance of Indians living, in collaboration or in contention, with the American world that was so quickly surrounding them and violently dismissing Indians from their American dream of the future for California.

Jackson and Kinney submitted the *Report on the Conditions* in 1883, but it was not until after the death of Helen Hunt Jackson in 1885 that action was taken in the matters addressed in the Report. In 1888 a report was submitted by J.D.C Atkins, Commissioner, to O.H. Platt, United States Senator. The Atkins report included the Jackson and Kinney report plus additional comments and census information on the Indians of southern California. Atkins' opening comments illuminated his perspective on past treatment and current conditions of Indians extending from the Spanish invasion in San Diego in 1769 to 1888 when he wrote the following:

The history of the Mission Indians for a century may be written in four words: conversion, civilization, neglect, outrage. The conversion and civilization were the work of the mission fathers previous to our acquisition of California; the neglect and outrage have been mainly our own. Justice and humanity alike demand the immediate action of government to preserve for their occupation the fragments of land not already taken from them.²¹²

The combination of research from the Atkins Report, the Smiley Commission and the Jackson/Kinney Report led to the implementation of the 1891 Act for the Relief of

²¹¹ Ibid, 467-468.

²¹² 50th Congress, 1st Session, Senate Report No. 74, January 23, 1888.

Mission Indians in the State of California.²¹³ This Act provided for additional reservations to be established. At the time of the establishment of additional reservations, these reports noted that Indians in San Diego County were struggling with basic survival. They were in need of land to reside on and food to sustain their families, since many had been cut off from much of their food resources. The Act of 1891 made an effort to help in these respects, from the American standpoint. For displaced Indians, choosing to live on a reservation was one survival strategy that was adopted frequently. The other strategy was to assimilate into American cities and towns, taking on American labor strategies and assimilating into the American system. It is also possible that Indians fled to other parts of the state or neighboring states. Once additional reservations were set up, it created spaces on the landscape for displaced Indians to settle with some sense of ownership and a way to fight intruding squatters. Chapter 4 will discuss the creation of reservations more in depth and will also look at the Smiley Commission report.

The Act of 1891 consisted of eight sections. Section 2 suggested that land Indians were already living on should be considered as reservation areas first. In the case of Indians living on lands already granted by the government to non-Indians, the Act directed Commissioners to determine if there were vacant public lands nearby. The Commissioners then removed the Indians from their homes and took them to local vacant lands where a reservation was subsequently established. The Commission was in charge of hiring competent surveyors to map out reservation lands. Section 3 ordered a patent on the lands to each Band of Indians for a period of twenty-five years. However, the

²¹³ *An Act for the relief of the Mission Indians in the State of California, Statutes at Large* 26, 712-14.

underlying goal of the government was to make individual Indians independent of their Bands. They wanted to break apart the traditional social structure of Indian life that had been successful generation after generation. Section 4 dictated:

That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall, in the opinion of the Secretary of the Interior, be so advanced in civilization as to be capable of owning and managing land in severalty, the Secretary of the Interior may cause allotments to be made to such Indians as follows: To each head of family not more than six hundred and forty acres nor less than one hundred and sixty acres of pasture and grazing land, and in addition thereto not exceeding twenty acres, as he shall deem for the best interest of the allottee, of arable land in some suitable locality; to each single person over twenty-one years of age not less than eighty nor more than six hundred and forty acres of pasture or grazing land and not exceeding ten acres of such arable land.²¹⁴

Individual Indians became independent, apart from the clan, and created an avalanche of crumbling Indian culture because the traditional group mentality of Indian culture was its crux or core of its strength. To divide and conquer was a political and military strategy used by the government and was a subtle form of warfare. If the Commissioners could move the Indians to fight amongst themselves, separate loyalties, independently farm their land and create boundaries, independently search for jobs and turn their back on the clan system with its cohesive nature, the government would be able to quickly turn Indians into people who were helpful to their own strategy and have Indians as a much needed labor force in southern California. It was in the Commissioner's interest to keep Indians quiet and assimilate them into the larger American system. This introduction of the allotment system brought in a new era of Amero-Indian social structure.

That these patents, when issued, shall override the patent authorized to be issued to the band or village as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in each of the village patents.²¹⁵

The allotment system, as well as the labor system, was the beginning of Americanization and separation of the individual from the clan. It was a slow, subtle process and easily occurred without notice of the damage it was capable of causing to Indian social structures. Indians used the survival strategy of accepting the allotment system using written agreements, concurrence and compliance. Some Indians accepted the allotment system, which designated individual plots of land for individuals and families, separate from general tribal lands. Through acceptance of the allotment system, Indians began to conform to an American way of life.

Section 6 directed the Attorney General of the United States, as directed by the Secretary of the Interior, to look after Indian rights that were given under previous grants from the Mexican government and the order from the previous 1850 Act for Relief of Mission Indians. The Secretary of the Interior was responsible for protecting the legal rights of Indians.

Most of the attention given in the Act of 1891 pertained to land. This alone communicated the atmosphere surrounding Indian issues of the time. Even though the Act arranged for Indians to live on small portions of the landscape, measures were set into place to make sure that the United States government kept control over land usage. The United States considered reservation lands as government land and only patented to

²¹⁴ Ibid.

²¹⁵ Ibid.

Indians for a period of twenty-five years. Section 8 allowed for future easements on tribal lands.

The Secretary of the Interior may authorize any citizen of the United States, firm, or corporation to construct a flume, ditch, canal, pipe, or other appliances for conveyance of water over, across, or through such reservation for agricultural, manufacturing, or other purposes, upon condition that the Indians owning or occupying such reservation or reservations shall, at all times during such ownership or occupation, be supplied with sufficient quantity of water for irrigating and domestic purposes upon such terms as shall be prescribed in writing by the Secretary of the Interior, and upon such other terms as he may prescribe, and may grant a right of way for rail or other roads through such reservation.²¹⁶

Section 8 further directed that the individual or corporation had to give bond to the United States in order to invade Indian land according to their business propositions. If a railroad company wanted to lay track on tribal land, they were not to exceed a distance of ten miles. In these decisions, the groundwork was laid for the United States to be in total control of the landscape. Though section 8 made this decree, it further allowed individual Indians, tribes or bands the right to contract with these companies for usage of their lands. However, the contract had to be approved by the Secretary of the Interior, “under such conditions as he may see fit to impose,” for it to be valid.²¹⁷ The arrogance of the government via the Commissioners and the Secretary of the Interior regarding Indians became clear in the Act of 1891. The United States government was beginning to place Indians in the situation of being wards of the government, therefore treated as children. Reservations served as a space to protect Indians in the beginning, but quickly became places of restriction. Indians could not move about the landscape as

²¹⁶ Ibid.

²¹⁷ Ibid.

they pleased and any decisions they made for their own welfare, land, society and resources had to be approved by the government. Indians did not make these laws and yet were required to abide by them, even though they were not citizens of the country through which the laws were invoked. For Indians, as the landscape shrunk and they were displaced more and more into smaller and smaller areas, they had to choose which survival strategies would be best for their families.

In conclusion, the following example of two Indian men, Oligario Calac and Manuelito Cota, who embodied the two dichotomous systems of oral sovereignty and written law illustrates two individual choices of survival strategies. American authorities chose Cota for the leadership position to rule over the Luiseño and Diegueño. Cota did not qualify as a hereditary leader. His power was enacted through American, written law. In contrast, Calac was from a long and ancient line of hereditary leaders. His ancestors taught him the ways of leadership beginning in childhood and he lived and breathed his hereditary title as an integral part of his life's purpose as a Sovereign. He knew his people intimately and lived among them all of his life. For the most part, the Indian people backed Calac and shunned Cota.

Cave Coutts saw Cota as pro-American and someone whom he could work with and govern. In 1853, he appointed Cota as leader over all of the Indians of southern California, dismissing the authority of hereditary leaders. Some scholars state that Cota was not from the immediate area where he resided near Pala and did not possess a

hereditary leadership lineage from a local Indian tribe.²¹⁸ If this information is correct, the impending arguments between hereditary leaders in the area and Cota would be understandable, since local Indians would have wanted someone from a hereditary leadership family to be their Captain or General. Cota proved to be just what Coutts needed. Cota willingly accepted the role of leadership, settled in the midst of Indian lands in the northern mountains of San Diego County and utilized Indian labor to help the Americans build their empire. Cota built an adobe home at Agua Tibia, which lies between the Pala and Pauma Reservations today.

Coutts thus sought to use his powers as subagent, justice of the peace, and judge of the plains to position himself as the primary medium linking the

²¹⁸ Cota's family lineage is somewhat questioned among scholars. In "Chiefs and Challengers," Phillips did not distinguish Cota's origin but did write that Cota's influence before being appointed leader by Coutts was not known. Carrico stated in his article "San Diego Indians and the Federal Government Years of Neglect, 1850 – 1865" that Cota was a Luiseño, however in his article "The Struggle for Native American Self-Determination in San Diego County," in *The Journal of California and Great Basin Anthropology* 2(2)(1980): 203 he stated that Cota "did not come from a respected or influential clan, was apparently not a member of the Luiseño tribe over which he assumed power and position." In his book, "Strangers in a Stolen Land," 99, Carrico stated that Cota was a "local Luiseño leader." Magliari stated that Cota was of mestizo lineage mixed with Spanish and Diegueño, but settled among the Luiseño. Research done for this dissertation in the Huntington Library's Early California Population Project reveals lineages with the Cota surname throughout southern California. There is one listed that could possibly be the Manuel Cota in discussion. The entry is for Manuel Antonio Cota, baptized at the Los Angeles Mission on October 8, 1837 at the age of three days old. He was listed as a Razon. The person in this entry has the possible age range of the Manuel Cota in discussion here. His father was Jose Manuel Maria Cota, a soldier from the San Gabriel Mission, baptized at the San Gabriel Mission on January 1, 1796 at the age of one day old. His was designated as Razon. The origin of Manuel Cota was listed as the Pueblo of Los Angeles. He was buried on September 15, 1840 at a place unknown. His mother is listed as Maria Barbara del Carmen with the maiden name of Machado. She was baptized at Mission San Gabriel on August 25, 1799 at the age of one day old. She was designated as Razon. Her origin was listed as "la canal," which translates to "the channel." It may be possible that her lineage was from the Channel Islands off the coast of California and therefore Indian, or the origin could also point to a place in Mexico called La Canal about 100 miles from Mexico City. This line could also be of aboriginal lineage. His paternal grandfather was Guillermo Cota, and was a soldier at the Santa Barbara Presidio and his paternal grandmother was Maria Manuella from the San Gabriel Mission, with the maiden name Lisalda. His maternal grandfather was Manuel Machado; also a soldier at the Santa Barbara Presidio and his maternal grandmother was Maria Valenzuela. There was no other information listed on Maria Valenzuela. In conclusion, the research on Cota's lineage is inconclusive. It cannot be proven at this writing if the Manuel Cota in the baptismal records is the Manuel Cota in this discussion. If it is, he could have had indigenous Channel Island and Spanish mixed blood through his mother. Scholarly research thus far is also confusing and inconclusive. Further caution and research must be taken on this issue before stating an absolute fact as to Cota's origin and family lineage.

rancheros and their Indian workers. This approach required not only the support of the rancheros but the cooperation of tribal authorities as well. It was therefore essential that Coutts gain as much control as possible over the selection of village captains and alcaldes. Consequently, the single most important achievement of his three-year subagency was his successful promotion of the controversial Manuel Cota as captain-general of the Luiseño. A mestizo of Spanish and Diegueño parentage, Cota settled among the Luiseño at Pala where he built an adobe home and established himself as a farmer and stock raiser. By 1870 he would have sixty acres under cultivation, along with a herd of thirty horses and a flock of sixty sheep. Although he operated on a much smaller scale than Coutts, Cota's own need for workers made him a willing collaborator with rancheros who employed his services as an Indian labor recruiter and contractor. It was in this capacity that Cota first began working closely with Coutts, who in May 1854 secured seventeen Luiseño diaries "from Manuelito" to help build his grand hacienda.²¹⁹

San Diego's American population sided with Cota, having supported them during the Mexican-American war. Cota became a favored leader over the local Indians in support of American causes. In November 1853, the *Daily Alta California* reported on a project where Cota had supplied Indian labor in Mission Valley.

The river improvement has been prosecuted with great rapidity and energy, the intention of Lieut. Derby, being to finish the principal portion of the work before the rainy season sets in. there seems to be no doubt that this will be accomplished, and that the river will be effectually turned into its old channel, and its waters flow in future to their proper and ancient destination, the False Bay, north of Point Loma, instead of into our unfortunate harbor. The employment of a hundred Indians on a work of this kind is rather a novelty, but the project has been remarkably successful, this class of operatives exhibiting much industry and sobriety, and are held in due subjection and control by their chief, Manuel Cota, an Indian of great intelligence and influence.²²⁰

Coutts backed Cota fully and in addition to the regular duties assigned to him to oversee the local villages and report back to Coutts, he was also put in charge of criminal

²¹⁹ Magliari, "Free Soil, Unfree Labor," 378.

²²⁰ *Daily Alta California*, November 2, 1853.

cases. As shown above, Couto was harsh in his punishment toward Indians and Cota followed in his footsteps.

Meanwhile, he and his rancharo neighbors secured access to a ready supply of Indian labor, as did Cota and his followers, who benefited from Couto's desire to maintain order by ensuring that no Indian remain idle or unsupervised. Those who did not labor on the ranchos had to find employment in the villages. As Couto explained his policy, 'The Captains and Alcaldes of the different Rancherias have orders to make their Indians work; those who do not, to bind them to some Indian of his Rancheria who does, and give a part of his crop.'²²¹

The system of labor during this period, that Cota endorsed, advocated and acted on, harkened back to a similar system of labor during the Spanish Mission period when local Indians were required to work for the Spanish empire. If Cota was of local Indian heritage, he was using his own people to increase his personal wealth, power and control in the new world of American law and society. Olegario Calac had a definite dislike, even hatred, for what Cota was doing. In an interview Calac held with the San Diego Weekly Union in 1871, Carrico reported,

Olegario pointed out that the Luiseño people were definitely against Manuel Cota, that Cota was not entitled to chieftainship because he was not a Luiseño clan member and that Superintendent Whiting had denied Olegario's people the right to determine their own leadership. The dejected leader closed the interview by informing the editor that Whiting had appointed a relation of Cota as chief and that he was becoming unpopular because he was dividing Luiseño tribal land among his family members.²²²

Cota's survival strategy was to assimilate completely into the American system of governance, which used written law as its precedent and authority. He willingly became subject to those Americans who held power under American law. This American system

²²¹ Magliari, "Free Soil, Unfree Labor," 380.

²²² Carrico, "The Struggle for Native American Self-Determination," 208.

of power was a foreign social construction to Indian people in the mountains of northern San Diego County. Their ancient survival strategies had evolved from a distinctive, contrasting course and did not concur with the American written system of law, courts and judges. Instead, it relied on hereditary leadership and the sovereignty of the clan's ancient oral teachings and traditions.

Olegario Calac was one of those leaders in a hereditary leadership family line. The Calac family lineage was very old, older than many of the families in the area. Constance Goddard DuBois, an ethnographer who came to San Diego during the early twentieth century, recorded this information about the Calac family:

Some chiefs did not have many ceremonial objects, and did not perform any ceremonies; but to José's uncle descended the hereditary performance of Mani, the toloache ceremony. In earliest times the family name was Naxyum. Now they are called Calac. When they scattered from Temecula, the Naxyum family brought their tamyush, toloache bowls, with them and the other families did not bring any, or not many; and they brought the fire songs to put out the fire in the toloache ceremony; and they brought an eagle with them; and as they came along they put him in one of the cañons, and he is still there. They used to catch the young ones in this place for the ceremony. The Naxyum were a big family of brothers. They were all related. After they had found there was to be death, at the death of Ouiot, the Naxyum took the tamyush, while others did not take anything. They would sing the songs of Munival to tell how they traveled from Temecula to Rincon, where they now live as Calacs.²²³

Olegario was a descendant of this legacy of leaders. The hereditary knowledge was passed down in the traditional way and each child in the hereditary leadership line was taught according to their own levels of power. As discussed above, knowledge and Power were attributes that a person, animal or plant was born with, according to the Luiseño. One could not learn to have certain types of power. The power had to be

something that was natural to the person's reality. Raymond White took his information from the ethnographies of Kroeber and Harrington:

The idea of ayelkwi is not greatly different from that of mana, orenda, Manitou. The Luiseño render this concept into English with the term "knowledge," although "knowledge-power" would approach it more closely. It is omnipresent, imperishable, and immutable. It is not corporeal, but is somehow involved in the nature of all things. Every detail of existence and event in nature, past, present or future, corresponds to an expression of ayelkwi in some form. It is present in the animate and inanimate, in spirit and secular being, in ceremony and habitual act. Ayelkwi is causal, and establishes both a firm basis for precedent and a reason for the unexpected. In the one sense it provides the forms and meanings of social organization, and in the other a rationale for the unpredictable. It is seen or otherwise apprehended in all natural phenomena as well as in human personality and behavior. It may "flow" with or without diminution from one character or event to another. There is an infinity of types of ayelkwi. Above all, it is dangerous and difficult to manage....From all this it becomes clear that not only are there many kinds of ayelkwi, but that individuals differ from one another by virtue of this fact. Apparently there are quantitative and qualitative differences in the forms of "innate" ayelkwi involved. This distinguishes pulum [leaders, sovereigns] from the common "people," no matter what the "species."²²⁴

The Indian people in the area clearly understood this ancient way of choosing leaders and so when it came time to choose a leader, they chose Calac over Cota. The people even went so far as to vote for their leader American style so that the Americans would listen to their opinion.

Once back in his homeland, Olegario, with the support of several sub-chiefs, assumed the role of political leader. This ascendancy to power placed him at odds with the white-appointed leader, Manuel Cota and with officials of the Office of Indian Affairs. As a result of village elections, Cota was disposed by his people and replaced by Olegario in an attempt to halt the tide of white intrusion on to their native lands. In an unprecedented action, Olegario was elected the leader, not just of Pauma,

²²³ DuBois, "The Religion of the Luiseño Indians," 161.

²²⁴ White, "Religion and It's Role," 367 – 369.

but of the twelve principal Luiseño villages of northern San Diego County.²²⁵

The people knew that Cota was not of the leadership lineage and did not possess the power or knowledge that the position required. They did not follow Cota because of this and the Americans did not understand the ways and reasons that Indians followed the leaders that they did. The survival strategy in this case required that the Indian people adapt to the American way of voting in a leader, however, they voted in their traditional leader from the hereditary leadership family in the area. They concurred and complied in this case, but did not compromise. Manuelito Cota had his own survival strategies in mind by siding with Americans and putting his immediate family before the larger Indian collective. Olegario Calac used his hereditary sovereignty to lead his people. He also educated himself on the politics of the Americans so that he could protect his people from land loss and starvation.

²²⁵ Carrico, *Strangers in a Stolen Land*, 120-121.

Chapter 3:

Diplomatic Leadership: The Treaties of Temecula and Santa Ysabel

In the wake of the Garra Revolt against California and American rule, the federal government formed treaties with Indians in the mountains of San Diego County. The American government hired special Indian commissioners to create treaty arrangements throughout the state of California. The agents began in northern California and worked their way southward, ending in San Diego County. The Temecula and Santa Ysabel treaties were the final treaties negotiated out of eighteen total treaties in California. Indian leaders in San Diego signed treaties with the government respectively at Temecula on January 5 and Santa Ysabel on January 7, 1852 in complete trust and faith that the United States would carry out the agreements.²²⁶ Hereditary Indian leaders from all over southern California came to Temecula and Santa Ysabel in a collective effort to negotiate a diplomatic agreement with the United States about the future of their tribes, clans and families. These treaties promised to set boundaries for two separate reservations, one for the signers of the Temecula treaty and one for the signers of the Santa Ysabel treaty. During the early years of California statehood, accompanied by mass hysteria from the gold strikes, it was a stressful time for Indians throughout the state.

The new California Constitution gave the governor power to send out bloody expeditions against Indians, as discussed in chapter 2. In this process, volunteer soldiers burned Indian villages to the ground and murdered Native Americans committing

²²⁶ University of Wisconsin Library, http://digital.library.wisc.edu/1711.dl/History.IndianTreatiesMicro_282,290.

genocide. The state legalized vigilante militia groups to keep Indians fearful and to deter them from blocking Americans from desired mineral sources and from dispelling the new American wave of conquistadors. Indians fought to stay on their homelands, the lands of their ancestors. However, the time had come to realize that Americans and foreigners planned to take over the state. Indian leaders had to make decisions on behalf of their clans respecting how to preserve their families and keep them safe while also asserting Indian strategies for survival and to ensure self-actualized agency in future endeavors where land and cultural sustainability were concerned. Some Indian leaders decided to employ diplomatic means with the United States that would provide solutions to the problems they were facing. This Indian strategy for survival accommodated signing legal treaty agreements. The action involved a great deal of dignity, patience and wisdom as well as a mass movement of leaders to the two meeting places signifying the concurrence, compliance, cooperation, compromise and collaboration of Indian leadership with the United States government. Indian leaders agreed to travel to Temecula and Santa Ysabel to negotiate their stance on the peace accords.

These actions showed strong Indian leadership with the ability to act in a diplomatic and legal fashion using a strong arm of decision making on behalf of Indian people in the southern regions of the state. Indians persevered, responded and executed negotiations, which culminated in signing and keeping agreements with the United States. Indians made these treaties in good faith with the United States on their own lands even after Americans had committed theft, kidnapping and murder. Later, after all of the efforts on the part of Indian leaders and United States commissioners, the United

States Senate abrogated the agreements made by their own agents' promises and did not ratify the treaties when brought before the Senate in Washington, D.C., on July 8, 1852.

The Senate rejected each of the eighteen treaties with a simple statement representative of this one written to nullify the Temecula treaty:

Resolved, that the Senate do not advise and consent to the ratification of the Treaty of peace and friendship made and concluded at the Village of Temecula, California, between the United States Indian Agent, O.M. Wozencraft, of the one part, and the Captains and Headmen of the following nations, viz: The nation of San Luis Rey Indians, the Kah-we-as, and the tribe of Co-com-cah-ras.²²⁷

In many documents surrounding the treaties, the commissioners designated Indian leaders with the titles of "Captains and Headmen." They used these two terms to describe two distinctive types of Indian leaders. The terms differentiated American appointed Indian leaders or "Captains" as opposed to hereditary leaders or "Headmen." Both types of leaders were instrumental in signing the treaties. Each of these types of leaders created their own survival strategies according to their own positions and situations with the government and with Indian people. Ultimately affecting all concerned, the United States government pronounced the agreements between Indian leaders and the commissioners invalid, as the eastern states advanced toward a bloody Civil War. The federal government essentially ignored California Indians for the next two decades.

In 1850, the United States government hired three Indian commissioners to travel to California to negotiate treaties with the Indians of the state under the Department of the Interior. The agents were Redick McKee, George W. Barbour and Dr. Oliver M.

Wozencraft. After problems appropriating funds for the agents to accomplish the task, Interior Secretary, A.H.H. Stuart, named the men Special Treaty commissioners and gave them a salary of \$8.00 per diem.²²⁸ The department did not empower the commissioners to put official treaties into place or to engage in official marking of Indian lands as reservations. Misunderstandings between officials of the the United States government officials in Washington, D.C., and the commissioners in California, accompanied by lack of support from the California government and residents, produced the non-ratification of the treaties later that year. On May 14, 1852, after the treaties were signed by Indian leaders in Temecula and Santa Ysabel, commissioner of Indian Affairs Luke Lea wrote a letter Stuart regarding the California agent's misappropriation of power:

Those entrusted with their management have had to contend with manifold embarrassments and difficulties. That they have made mistakes or fallen into errors is by no means a matter of surprise; it would be strange if they had not. Their conduct in some respects has been improper; I allude particularly to their making contracts for fulfilling treaties in advance of their ratification. In this they certainly acted without authority, but it is equally certain that they did not act without precedent. How far precedent and the pressure of the circumstances by which they were surrounded should excuse their unauthorized proceedings it is difficult, without more perfect information than I possess, to determine; nor is it material to the present inquiry, as the merits of the treaties cannot be affected by the subsequent action of the agents by whom they were negotiated.²²⁹

The commissioners made their own decisions to move beyond their intended assignment, which was to engage in talks with Indian leaders and to assuage a potentially volatile warlike environment. Carrico stated:

Realizing that they had very little to offer the Indians, on February 17, 1851, the commissioners wrote to Luke Lea, Commissioner of Indian

²²⁷ Ibid, 281, 288.

²²⁸ Carrico, *Strangers in a Stolen Land*, 90.

²²⁹ University of Wisconsin Library, <http://digital.library.wisc.edu/1711.dl/History.IndianTreatiesMicro>. 31.

Affairs, inquiring into the matter of Indian land rights recognition hoping to receive permission to grant Indians specific lands. The letter, although well intended, was largely a moot and empty gesture. Without waiting for a reply, which was never to come, the men began signing treaties with the Indians of the Tuolumne region on March 19, 1851, without any authority to cede land or to make monetary commitments.²³⁰

The Bureau of Indian Affairs laid blame on the California Indian agents for overstepping their orders and making treaties they were not directed to make. These treaties, which would have set aside land as Indian reserve land, continued throughout the state with eighteen Indian conglomerates. Indian leaders in southern California did not know that the commissioners they created agreements with did not have legitimate permission to arrange finalized treaty and reservation decisions. If they had known, Indian survival strategies may have taken on alternate attributes.

By 1852, Indians had seen the worst in what Euro-American intruders had to offer as adjoining residents. American squatters and multitudes of newcomers poured into the country looking for land titles. Indians experienced hostile vigilante groups and expeditions against them. The murders that transpired at Los Coyotes by the Fitzgerald Volunteers during the Garra event, discussed in Chapter 1, one example of the terrors Indians encountered. The results of the Garra incident and accompanying massacre influenced Indian leaders as they chose to sign the treaties as a survival strategy. Wozencraft reported in his address at the state capitol on February 5, 1852 that the act of signing the treaties brought a peaceful environment to what had become a very violent situation:

²³⁰ Carrico, *Strangers in a Stolen Land*, 90.

In connection with this subject, I would state, from facts elicited when on the ground among the Indians in the south, who had assumed a hostile attitude, I am satisfied in the correctness of the policy that we are pursuing towards the Indians of the country, as well as the advantages attending it. I there learned that a combination of Indian forces would have been perfected, in all probability, sufficient to have been successful in carrying out their design of exterminating and driving the Americans out of the country, had not treaties been made with a portion of them. And I learned in addition that one principal cause of the war was, that we had not recognized their rights to live, and had not complied with promises long since made.²³¹

Wozencraft calmed the violent storm that was raging by meeting with Indian leaders and agreeing to the terms in the peace accords. However, Wozencraft may have physically threatened Indian leaders with more massacres if they refused to sign the treaties. In Wozencraft's own words:

In as few words as possible, I will explain the course pursued and policy adopted towards our Indians by me. In the first place, to establish and secure amicable relationship between the whites and the Indians. When the Indians were found in a hostile attitude I attempted to chastise before talking to them. Then to show them the advantages of peace, and their inevitable extinction if they continued to be at war, caused them to move down from out of their mountain fastnesses and locate in the foot-hills, thus having the miners between them and their former formidable locations, leaving the country free of danger for the prospecting miners.²³²

Wozencraft did not describe what form of chastisement he used, whether verbal only or mixed with physical abuse, however, he did threaten Indian lives by telling them they would be exterminated if they did not comply. His purpose and preliminary tactic was to frighten and intimidate Indians enough to bring them down out of the mountains and remove them from the mining areas. In addition, local Indians knew that Wozencraft was present at the Coyote Canyon massacre and played a part in its bloody end. Capt 2nd

²³¹ *The Daily Union*. February 5, 1852.

²³² *Ibid*.

Infantry, Bt. Major Samuel Peter Heintzelman told of Wozencraft's presence at the Coyote Canyon massacre in a letter to Capt. F. Steele, A.A.A.G.:

Captain: I have the honor to report that the command returned on the 4th from the recent expedition against the Indians, having been entirely successful. Dr. Wozencraft remained back, and had meetings of the principal chiefs and head men of the various tribes Temecula and Santa Isabel. He got to New San Diego last evening. I have seen him, and he informs me that the treaties he has made are entirely satisfactory. The difficulties with these Indians may now be considered as entirely at an end.²³³

Heintzelman did not describe Wozencraft's role in the massacre, but his physical presence and approval of the acts were apparent to local Indian people. He left no room for question, as he immediately ordered local Indian leaders to meet and agree to the treaties while the terror of the massacre was still fresh in the minds of Indian leaders. Wozencraft may not have pulled the trigger, but his proverbial hands were covered in Indian blood. In Wozencraft's view, this association would only help him in his strategy to terrorize Indian leaders into signing. This fact must have influenced local Indian leaders and may have swayed them to sign for fear that the same kind of carnage might happen in their villages. Wozencraft handed Indian leaders a very harsh ultimatum.

Americans murdered and threatened Indians in their own homeland. American settlers slowly pushed Indians off their traditional village lands and away from needed food resources. Indian leaders conceived new survival strategies, which began to mature and emerge. Many Indian men and women had already incorporated the American way of life into their own aboriginal lives by working in American homes and on American ranches. Americans acquired rancho lands that resulted in pushing Indian groups into the

mountains and permanently onto their summer home sites. These Luiseño and Iipay village sites were away from American towns and the coastal regions, but close enough to American ranches for labor. Indian leaders chose the survival strategy to sign the treaties at Temecula and Santa Ysabel as a needed step in securing peace and creating a safe sanctuary for their clans, families and tribes. They agreed to formal written agreements, which was an American process and procedure for two warring factions to come to peace arrangements. Indians employed survival strategies similar to this before Americans arrived. Chapter 2 discussed how clans made reciprocal oral agreements with neighboring clans to keep peace and balance in the region. Indian leaders would have understood oral agreements as a natural way to come to terms with neighbors, even outsiders, to keep their lands and families safe. Written agreements were something new. Agreements with outsiders before the arrival of America were in the oral tradition. When Indian leaders placed their mark on American treaty documents to show they agreed with the peace arrangement, the actions that preceded the signing were in the method of oral agreements. Making a mark, or an “x,” on a treaty was for the benefit of the Americans and their legal, written methods. Coming to oral agreements with Americans before signing was the pact that held the peace for Indians. The American delegation and the American government in Washington, D.C., broke this oral pact with Indian leaders.

Some Indian leaders in villages in southern California chose either not to attend the treaty signings. Others, the commissioners had not invited. Many villages in southern California are not found in the treaty agreements. This illustrated contrasting

²³³ *Daily Alta California*. January 24, 1852.

viewpoints on survival strategy decisions among the many varied Indian groups in the area. They each held their own complex, individual opinions as to the best strategies for their family's survival. Some hereditary leaders may have chosen not to sign. Carrico noted missing villages on the Santa Ysabel treaty that should have had dignitaries from lower San Diego tribes:

The twenty-two Kumeyaay (Iipay/Tipai) leaders at Santa Ysabel represented twenty-one rancherías, probably less than one half of the occupied Kumeyaay settlements north of Baja California. Representation from several prominent villages was noticeably absent. In this sense, the treaty was seriously flawed and essentially disenfranchised thousands of local Indians.²³⁴

Carrico's argument, however, did not take into account that perhaps there were some Indian leaders who did not agree with the treaty arrangements and therefore did not want to sign. The absence of some villages assumes that the commissioners intentionally excluded some tribes if they were not a threat to the general plan for American conquest or the commissioners had other reasons not to make alliances with them. Wozencraft explained:

Those Indians in the valleys I permit to remain, where both parties are willing; and have placed the subject before the Indian Bureau, in order to secure to those Indians living on grants of lands the same privilege that was allowed them by the Mexican Government, that it – to remain unmolested where they may be located, for in this way they can be, and are made very useful.²³⁵

The government was only concerned about those Indians who could pose or were posing problems for American advancement in California. Other Indians who were willingly accommodating and an active part of the labor force were not included in the

²³⁴ Carrico, *Strangers in a Stolen Land*, 91.

²³⁵ *The Daily Union*. February 5, 1852.

treaties because they were not a threat and were already fulfilling the government's wishes.

Anthropologists and historians have noted other discrepancies in past literature. They felt that there may have been some Indian leaders that signed the treaties, but did not have authority to do so. In the early 1970s, anthropologist Robert F. Heizer and historian Harry Kelsey stated that some Indian leaders who signed for various villages might not have had the authority to make the agreements for everyone in the village.

Carrico examined Heizer's conclusions:

In separate analyses of the treaties, historian Harry Kelsey and anthropologist Robert F. Heizer have stressed the fact that in some cases small bands or even extended families were assumed to represent tribes, thus becoming signatories to treaties which they were not authorized to sign and which the commissioners were not authorized to present. Heizer concluded that 'Taken all together one cannot imagine a more poorly conceived more inaccurate, less informed, and less democratic process than the making of the 18 treaties in 1851-52 with the California Indians. It was a farce from beginning to end.'²³⁶

Carrico concluded in his very informative book *Strangers in a Stolen Land*:

The tribal leaders who participated in the 1852 treaty negotiations at Temecula and Santa Ysabel may have represented their tribes as a whole but probably did not have the authority of even their own village to sign away lands or to obligate their people. In the historical context of the times, however, and with the changing role of leaders in the American period, the leaders exercised their power in good faith.²³⁷

Indian people lived in villages scattered over the vast acreage of southern California. Some lived in large, visible villages, and some smaller family units lived in obscure foothills, mountains and valleys. The cultural, social and physical human landscape had been constantly moving and changing. The American government was

looking for a few Indian leaders to make easy, uncomplicated decisions for all Indians and to come to legal agreements so they could sweep any Indians that did not conform to American culture, belief and policy out of their way or to make them useful. The Indian commissioners did not know local hereditary Indian leaders of clans intimately and thus might have made the agreements with some leaders in which their clan did not authorize to speak for the whole group. Wozencraft's agenda was to secure the area from violence on the part of Indians and to defend and stabilize the region. Americans and Indians were threatening each other. Americans were also threatening to move Indians out of the state or exterminate them, which is discussed below. Wozencraft chose to quickly sign treaties with the most available local Indians he could find, preferably choosing those already friendly with American authorities. He must have deduced that his tactic would move in a timely manner and would appease the general population, stop Indian revolt and answer to Washington.

In the 1850s, the atmosphere regarding Indian issues in California was volatile. American residents held various opinions about how to handle Indians that lived near their residences and near valued mineral resources that they, as new inhabitants, had claimed. Parker stated in his very short, but forthcoming book:

In 1850 there were more Indians about than Anglos and Mexicans and for one reason or another they posed a problem, real or imagined, to the gold miners and early settlers. On one side was a minority group of Anglos sincerely concerned with the betterment and integration of the California Indians while another group demanded their elimination either by actual liquidation or penning them up on reservations.²³⁸

²³⁶ Carrico, "San Diego Indians and the Federal Government," 3.

²³⁷ Carrico, *Strangers in a Stolen Land*, 93.

²³⁸ Parker, *The Historic Valley of Temecula*, 4.

These American attitudes must have influenced Indian leadership decision-making regarding survival strategies. American opinion could have persuaded Indian leaders that the most promising way to protect their clans was to sign agreements to set aside dedicated lands before the land options were gone. Once the commissioners concluded the treaty signings, Californian opinion about Indian land became even more apparent as this newspaper article, only one month after the treaty signings, showed:

The seekers for political popularity are waging an ardent war against the action of the Indian Commissioners in selecting reservations for the Indians with whom they have treated. Those restless politicians who are always brim-full of patriotism, have discovered that the reservations of the Indian Commissioners are most useless and wanton invasions of the 'rights of the people,' and that the white man has been shamefully wronged to the advantage of the 'miserable redskin.'²³⁹

Some American citizens wanted Indians removed eastward, into the interior deserts of California or Utah. Discussion and discontent was under rampant analysis by California's residents and journalists throughout the state. A newspaper article in the *Weekly Alta California* gave an overview of the examinations, exchanges and disputes that were ensuing.

One of the most pretentious requests of those who say most upon this subject is, that the Indians shall be removed from California. They do not propose to take them to Oregon, for Oregon has Indians enough already. They cannot take them to the banks of the Colorado or Gila, for there also are already too many. The plan promulgated therefore is, to remove them east of the Sierra Nevada. This scheme is broached with the greatest confidence; and the Commissioners are censured severely for their want of penetration in not having recommended and pursued such course in the beginning...But it is now said that the present plan of disposing of the Indians is calculated to injure the State materially, by appropriating a valuable portion of the public domain to a thriftless race, who will be fixed like a perpetual moral ulcer in the midst of the whites; and it is

²³⁹ *Weekly Alta California*. February 14, 1852.

recommended that the Indians be removed beyond the borders of the State. We do not put faith in the recommendation. In the first place, it is hardly possible that the Indians can ever be prevailed upon to emigrate from California. 2d, It does not appear that the country to which it is proposed to drive them will support them. 3d, It will cost the U.S. a very large amount to transport them hence; and 4th, The government will be burdened with their support in their new home. It may be that these objections are of little moment; but all our experience and reading confirms us in the position, that it is almost morally impossible to remove the Indians to the poor and unproductive country upon the other side of the mountains; and were all objections overcome and the emigration once effected, we very much doubt if they could be kept there.²⁴⁰

While some American residents suggested removal, others were content with complete extermination of the Indian population. Hurtado quoted Governor Burnett about his policy on extermination:

As was so often the case, the effects of white forays against Indians were not what state officials had intended. Instead of suppressing Indian livestock theft, they drove native people farther into the mountains and made them more dependent on raiding for subsistence. Whites retaliated with more military campaigns, thus creating a vicious cycle of violence. In his 1851 message to the legislature, Governor Burnett explained that ‘the white man, to whom time is money, and who labors hard all day to create the comforts of life, cannot sit up all night to watch his property;...after being robbed a few times he becomes desperate, and resolves upon a war of extermination.’ There could be only one result, Burnett believed: ‘A war of extermination will continue to be waged between the races until the Indian race becomes extinct.’²⁴¹

One newspaper commentator from the *Daily Alta California*, who simply signed his or her name “Shasta,” suggested that only two solutions were available. Either Indians would be educated and assimilated or they would be gladly exterminated.

Apart from the chance of making political capital, I think, Messrs. Editors, you will agree with me, that it is a matter of very little consequence, at least at present, and will remain so while nineteenth-twentieth of the lands in the State are lying idle, unoccupied, and to

²⁴⁰ Ibid.

²⁴¹ Hurtado, *Indian Survival on the California Frontier*, 134-135.

agriculture useless. Some of our *very wise aspirants for office*, I understand, are afraid that we shall not have land enough – that our laboring population will be redundant, and that all the Indians should forthwith be removed without the limits of the State, and settled on the arid plains of Utah. Let me tell you, gentlemen, the Indians of California can never be removed into another State or Territory remote from the sea coast. You have but one choice – KILL, MURDER, EXTERMINATE, OR DOMESTICATE and IMPROVE THEM.²⁴²

Still other American settlers were interested in how to keep Indians close and make them useful. Wozencraft referred to Indian usefulness in the address he gave at the state Capitol on January 30, 1852, just over two weeks after Indian leaders signed the treaties:

But look for a moment at the influence exercised over the Pacific Indians by the Padres, when thousands and thousands were controlled and made subservient and useful by the humane policy. But look abroad over the State, and view the many remaining evidences of the vast amount of labor performed by them. And all of this was done simply that they might please their rulers. But look at the controlling influence of our American pioneers in this State, where one man has subjugated and controlled thousands by the same salutary policy. And now look and see to what extremity we are driven by the aggressive acts of those claiming to be civilized beings. And this is but a foretaste – a dim foreshadowing – of the future, if the same reckless and inhuman course is to be pursued towards these Indians. If I speak feelingly, I claim to speak knowingly, and here assert, without fear of successful contradiction that the true policy which should be pursued towards the Indians of this country is to control, govern, and make them useful among us, and not drive them from us, spending our lives and treasures in pursuing and destroying them. Their nationality must through necessity be destroyed, but we would do well to preserve their individual existence.²⁴³

Wozencraft was of the opinion that to remove or to exterminate was not the answer because both would require valuable time and money.

The policy of repelling and driving the Indians from us, has, and ever will prove fruitful of mischief. It but gives a respite, a temporary calm – soon

²⁴² *Daily Alta California*. February 24, 1852.

²⁴³ *The Daily Union*. February 2, 1852.

to give birth to the full grown storm, which too frequently terminates in a deluge of blood. The laws of nature are harmonious and attractive. We, her children, would do well to act in conformity thereto. What do we gain, I would ask, by the annihilation of our red brother? Is he in our way? Have we not sufficient room? As an inferior creature in the scale of organization, can we not control him and make him subservient to our wishes, and at the same time materially improve his condition?²⁴⁴

He suggested that Indians stay in the vicinity where they already were, become subjugated, corralled on reserves and become “useful,” or become the labor force for American California. To do this, he stated that Indian culture and sovereignty had to be destroyed.

Indian reasoning for treaty signing as a survival strategy was understandable. Their lives were being threatened by military expeditions and by incoming Americans purchasing village land that the government had placed into the public domain, pushing them off their lands. Indians were being pushed further and further into distant valleys and mountains. City authorities did not allow Indians near the cities unless they were employed there. They were quickly losing their water, food and subsistence resources because of increased farming and ranching. Starvation was looming on the horizon. The American populace was threatening to remove them to another state and still others were threatening to exterminate them. The commissioner representing the United States was threatening them with annihilation if they tried to fight against the peace accord. Indian leaders had to come up with some crucial strategies for survival. The choice to run away to other areas was not an option because California was the last place for Indians to move to. They could not go west to out run the incoming Americans and they could not move

²⁴⁴ Ibid.

eastward because neighboring Indians had the same problems as Indians were having near the coast. Some went onto ranches and into American homes to work for a living. However, the bulk of Indian people in northern San Diego County were still living together in their cohesive clans in the mountains. They wanted to stay on their lands and fight for what was rightfully theirs. So, they decided to do what they had traditionally done with other neighbors in the past, which was to come to an oral agreement of compromise and live according to the promises made. Staying on their traditional summer lands would have been a good compromise, since all other lands from the foothills to the sea had been overrun with Americans and foreigners. Those places had become dangerous for Indian families to dwell on. In the mountains, they still had their history, their family roots, their traditional places and memories. The decision to agree on lands and other amendments in the treaties must have been a viable and beneficial decision on the part of the Indian leaders who signed the documents.

The treaties of Temecula and Santa Ysabel were relatively similar in wording. The only differences were the allotments for gifts and for land markers. The introduction to the treaties began with a statement of identification of the parties involved in the agreement. The Temecula treaty opened as follows:

A Treaty of Peace and Friendship, made and concluded at the village of Temecula California between the United States Indian Agent O.M. Wozencraft of the one part and the Captains and Head Men of the following Nations, viz: The nation of San Luis Rey Indians, the Kah-wé-as, and the Tribe of Cacóm-cah-ras.²⁴⁵

²⁴⁵University of Wisconsin Library, <http://digital.library.wisc.edu/1711.dl/History.IndianTreatiesMicro>. 283.

The treaty made at Santa Ysabel was worded identically except for the place being listed as “Santa Ysabel California” and the final sentence, which read: “the Nation of Dieguinos Indians.”²⁴⁶ In combination, these two treaties, ideally and ignorantly, tried to encompass and include all Indian people in southern California. Today, these tribes are the Luiseño, Cahuilla, Serrano and Diegueño.²⁴⁷ The Cacóm-cah-ras listed in the Temecula treaty were the same as the Serrano today.²⁴⁸

Article 1 is a very important statement because it would have deprived Indians of their legal sovereignty. This acknowledgement and concession by Indian leaders was a very serious compromise. It meant that they would be stripped of their power over the land and would give homage to the United States as their sovereign. Article 1 read:

The several Nations above-mentioned do acknowledge the United States to be the sole and absolute Sovereigns of all the soil and territory ceded to them by a Treaty of Peace made between them and the Republic of Mexico.²⁴⁹

The treaty between the United States and Mexico referred to the Treaty of Guadalupe Hidalgo signed on February 2, 1848. The treaty manifested the peace agreement that finally concluded the Mexican American War and ceded California land to the United States.²⁵⁰ Commissioners placed this statement into the 1852 California Indian treaties to eradicate and obliterate any rights that California Indians could have claimed under the Guadalupe Hidalgo agreement. The treaties of Temecula and Santa

²⁴⁶ Ibid, 290.

²⁴⁷ Some groups that may be considered as Diegueño by some references are self proclaimed by other names such as, Kumeyaay and Iipay. These groups are all considered Diegueño under this treaty.

²⁴⁸ Ibid, 286.

²⁴⁹ Ibid, 283, 290.

²⁵⁰ The Avalon Project, Yale University. http://avalon.law.yale.edu/19th_century/guadhida.asp. The original Treaty of Guadalupe Hidalgo is archived at the Library of Congress and is in the Spanish and English languages.

Ysabel would have legally abolished Indian rights to claim sovereign land. The commissioners maliciously countermanded the United States' own agreement with Mexico, placing a most decisive suppression of Indian land rights in the opening lines of the California treaties.

In Article 11 of the Treaty of Guadalupe Hidalgo, the United States promised Mexico that they would not remove Indians from village sites and would leave them in unobstructed peace:

And, finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for its being settled by citizens of the United States; but, on the contrary, special cares shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.²⁵¹

It was because of this legal statement included in the Treaty of Guadalupe Hidalgo that the California Indian treaties began with the pronouncement that the United States would be sovereign over all soil. The United States signed the agreement with Mexico promising they would not remove Indians from their homes. The California Indian treaties, if ratified, would have broken the treaty made with Mexico, which allowed the United States free reign over Indians and their lands. It would have allowed removing Indians from their homes at the pleasure of the United States. Indian signatures on the new treaties would have given permission to countermand the previous treaty between the United States and Mexico. It is doubtful that Indian leaders knew anything about the Treaty of Guadalupe Hidalgo and were not aware of the previous agreement.

²⁵¹ Ibid.

Article 2 would have placed Indians under the authority of the United States government and required that Indians promise a peaceful relationship would develop between themselves, American settlers, and other Indians. The imperative to live in peace with other Indians revealed a concern on the part of the government that distinctive tribes living on the same reservation lands might create some disagreements and disputes in the future. There may also have been concern for warring factions between geographical areas. The commissioners seriously cogitated with the wording in these treaties and premeditated on the consequences considerably before going out to confront the tribes. The treaties required that Indians would conform to the wishes of the government and would be subservient to it and that these promises would not disintegrate over time.

The said Nations of Indians acknowledge themselves jointly and severally under the exclusive jurisdiction, authority, and protection of the United States and hereby bind themselves hereafter to refrain from the commission of all acts of hostility and aggression towards the Government or citizens thereof, and to live on terms of peace and friendship among themselves, and with all other Indian tribes which are now or may come under the protection of the United States, and furthermore bind themselves to conform to and be governed by the laws and regulations of the Indian Bureau made and provided therefore by the Congress of the United States.²⁵²

Indian leaders signed the treaties at Temecula and Santa Ysabel that would have placed all Indians in southern California in an obeisant relationship with the United States. Under the treaties of 1852, Indians would have given up their right to their own legal sovereignty under the United States and would have been under the sole dictatorship of the Indian Bureau. Indians would also have been judged and held

accountable under laws of the United States, even though the government would not allow Indians to become citizens. For Indian leaders to sign this agreement, they must have been desperate to find a way to save their clans from starvation, socio-cultural deterioration and physical degradation. Signing the treaties showed that Indian leaders wanted to trust the United States commissioners and believed that agreeing to the treaties would ensure their families a protected and peaceful solution for the troubles they had been encountering. Choosing to accept this ultimatum from the United States government as a survival strategy showed the distress that the tribes were undergoing in order to keep their families safe.

Article 3 of the treaties of 1852 designated the land that would be marked as Indian reservation land. Each of the two treaties allocated acreage for each of the two groups. If these treaties had been fulfilled, Indian land would have encompassed an exceedingly large area compared to the reservation lands that were ultimately set up in the years to come. Chapter 4 will discuss the creation of reservations in San Diego County during the late eighteenth and early nineteenth centuries. Article 3, in addition to the designation of land boundaries, would have taken away any Indian rights to mineral wealth on the land that was mapped out for the reservations. Wozencraft assured American Californians in his address at the Capitol that Indians would not have control over or benefit from any of the mineral assets contained in the State:

Two reservations have been made by me since that time, however, in the southern part of the State. They are located, I believe, in San Diego county, and not unlike a saddle on a poor, raw-boned horse, being pretty accurately fitted on the back of the Sierra Nevada; the skirt, however, is

²⁵² University of Wisconsin Library, <http://digital.library.wisc.edu/1711.dl/History.IndianTreatiesMicro>. 283, 290.

slightly inclined to the western flank; which, if the Hon. S.T. Warner finds bearable, and not too ticklish, I presume there will be no one else to complain, as I took the precaution to reserve to ourselves all the minerals that may be therein. I do not know how many acres of land I have squandered here, and fear that it never will be known until mountain goats learn surveying.²⁵³

Each of the treaties began with the following text and then proceeded to delineate the physical borders of what almost became Indian land for each of the two groups:

To promote the settlement and improvement of said Nations it is hereby stipulated and agreed that the following District of Country in the State of California shall be and is hereby set apart forever for the sole use and occupancy of the aforesaid Nations of Indians, still reserving to the Government of the United States all minerals found thereon – To wit,²⁵⁴

The treaty signed at Temecula continued with its border designation for Indian lands on behalf of the Luiseño, Cahuilla and Serrano. These groups would have all lived collectively on the land assigned.

Commencing at the South West corner of the San Jacinto Grant and running along the Southern and Eastern line of the same to the San Gorgonio Grant, thence running along the Southern and Eastern line of the same to the Northeastern corner thereof, thence due East to the Eastern base of the Sierra Nevada Mountain, thence on a Southerly straight line in the general direction of the base of said mountains to a point due East of the Northeastern corner of the Grant of San José del Valle, thence due West to said corner, thence along the Northeastern line of the same to the Northwestern corner, thence on a direct line to the Southeastern corner of the Grant of Temecula, thence running round the said grant, including it, by West, North, and East to its Northeastern corner, and from thence on a straight line to the place of beginning.²⁵⁵

These boundaries gave all of the land from Warner Springs in the south, butting up against the lands given to the Diegueño in the Santa Ysabel Treaty in the south, then

²⁵³ *The Daily Union*. February 2, 1852.

²⁵⁴ University of Wisconsin Library, <http://digital.library.wisc.edu/1711.dl/History.IndianTreatiesMicro>. 283, 290-291.

²⁵⁵ *Ibid.*

north along the foothills of Palomar Mountain to Temecula. The reservation boundary included the Temecula grant, then lands situated east to present day Hemet and San Jacinto. From there the boundary crossed over the mountains to San Geronimo, located north of present-day Banning, and then south along the eastern foothills of the Santa Rosa Mountains. It then crossed westward again ending at Warner Springs. This area contained extremely mountainous land and desert foothills with some scattered valleys.

The Santa Ysabel treaty designated the following land boundaries for the Diegueno:

Commencing on the Southern line of the State at the Eastern base of the Sierra Nevada Mountain and on the Desert and running along the base Northerly to the Southeastern corner of the Reservation set apart for the Kah-we-as, San Luis, & Co-com-cah-ra Nations of Indians, thence following the Southern lines of the same to the Northwestern corner of the Grant of San José dell Valle, thence following the Rancharia thereof by South and East to the Southeastern Corner of it, thence on a right line to the Northwestern corner of the San Felipe Grant, thence on the Western line of the Same to the Southwestern corner thereof, thence Southerly to the Southern line of the States at a point twenty miles from the place of beginning, thence along said Southern line to the place of beginning.²⁵⁶

Boundaries for the Diegueño ran from the border with Mexico, to the east of Cuyamaca and Julian, not including them most likely because of the mineral resources they held, and ran north along the eastern mountain range to meet with the southern portion of the lands allotted in the Temecula treaty at Warner Springs. It then turned east to the desert foothills and south along the same until it reached the border with Mexico. This area was mountainous and mostly desert.

²⁵⁶ Ibid.

Article 3 of the Temecula and Santa Ysabel treaties continued and described the extent of government assistance that would be exerted in each of the treaties:

To have and to hold the said District of Country for the sole use and occupancy of said Indian Nations forever, Provided that there is reserved to the Government of the United States the right of way over any portion of said Territory, and the right to establish and maintain any Military Post, or Posts, Public Buildings, School Houses, Houses for Agents, Teachers and School purposes, and such others as it may deem necessary for its uses or the protection of the Indians. The said Nations and their tribes and each of them hereby engage that they will never claim any other lands within the boundaries of the United States nor ever disturb the people of the United States in the free use and enjoyment thereof - -²⁵⁷

The two newly contrived Indian reservations would have belonged to Indians “forever.” The stipulation, however, on the part of the United States declared that they would be empowered to enter Indian lands and conduct any business whether Indian related or not. In these statements, it became clear that the commissioners had already decided that the process of complete assimilation of Indians into an American socio-cultural role would be imminent. They made provisions for education of Indian children and control of the land by agents of the government. The government was intending to continually inspect and observe Indians so they could be controlled, dominated and manipulated, erasing all signs of their Indian-ness until they disappeared into the American landscape. This was a new way of imposing genocide. It was not a genocide of killing with guns, but genocide of Indian-ness. “Forever” to the commissioners was not a long time. They planned to erase Indians from the landscape, which could occur over one or two generations. The agreement also forced Indians to swear they would

²⁵⁷ Ibid.

never claim any other lands outside of the spaces designated as their own or ever retaliate against an American while Americans freely lived on Indian ancestral lands.

Article 4 of the Temecula and Santa Ysabel treaties allotted provisions to Indian groups to help in the process of removing themselves from current villages and onto the newly created reservations. The provisions would be provided within the course of two years. These provisions were the following for the Temecula agreement:

(2500) Two Thousand Five Hundred Heads of Beef cattle to average in weight (500) pounds, (350) Three Hundred & Fifty Sacks of Flour of (100) One Hundred pounds each.²⁵⁸

The Diegueño received less, since the collective group was smaller:

(1800) One Thousand Eight Hundred Heads of Beef Cattle to average in weight (500) Five Hundred Pounds, (350) Three Hundred and Fifty Sacks of Flour of (100) One Hundred Pounds each.²⁵⁹

Article 5 continued with a list of provisions that the commissioners felt would entice Indians to Americanize their way of life. Complete assimilation of Indians was the goal.

As early as convenient after the ratification of this Treaty by the President and Senate, in consideration of the premises and with a sincere desire to encourage said Nations in acquiring the Arts and habits of civilized life, The United States will also furnish them the following articles to be divided among them by the Agent according to their respective numbers and wants during each of the two years succeeding the said ratification, viz;²⁶⁰

Under the Temecula Treaty:

(1) One pair of strong pantaloons and (1) one red flannel shirt for each man and boy, (1) one linsey gown for each woman and girl, (7000) Seven Thousand Yards of Calico, (1700) Seventeen Hundred Yards of Brown

²⁵⁸ Ibid, 284.

²⁵⁹ Ibid, 292.

²⁶⁰ Ibid, 284-285,

Shirting, (70) Seventy Pounds of Scotch Thread, (4) Four Dozen pair of scissors, (14) Fourteen dozen thimbles, (5000) Five Thousand Needles, (1) One 2 ½ point Mackinaw Blanket for each man and woman over fifteen years of age, (7000) Seven Thousand Pounds of Iron and (6000) Six Thousand Pounds of Steel; and in like manner in the first year for the permanent use of the said Tribes and as their joint property, viz; (130) One Hundred & Thirty Brood Mares and (7) Seven Stallions, (600) Six Hundred Young Cows & (36) Thirty Six Bulls, (20) Twenty Yoke of Working Oxen with Yokes and Chains, (20) Twenty Work Mules or Horses, (42) Forty Two Ploughs assorted sizes, (340) Three Hundred & Forty Corn Hoes, (140) One Hundred & Forty Spades and (20) Twenty Grindstones.²⁶¹

Numbers of items for the Santa Ysabel Treaty were:

(1) One pair of strong pantaloons and (1) one red flannel shirt for each man and boy, (1) one linsey gown for each woman and girl, (5500) Five Thousand Five Hundred Yards of Calico, (3000) Three Thousand Yards of Brown Shirting, (60) Sixty Pounds of Scotch Thread, (4) Four Dozen pair of scissors, (14) Fourteen dozen thimbles, (5000) Five Thousand Needles, (1) One 2 ½ point Mackinaw Blanket for each man and woman over fifteen years of age, (6000) Six Thousand Pounds of Iron and (5500) Five Thousand Five Hundred Pounds of Steel; and in like manner in the first year for the permanent use of the said Tribes and as their joint property, viz; (120) One Hundred & Twenty Brood Mares and (6) Six Stallions, (500) Five Hundred Young Cows and (30) Thirty Bulls, (15) Fifteen Yoke of Working Oxen with Yokes and Chains, (16) Sixteen Work Mules or Horses, (32) Thirty Two Ploughs assorted sizes, (300) Three Hundred Corn Hoes, (120) One Hundred & Twenty Spades and (16) Sixteen Grindstones.²⁶²

The stock enumerated above and the product thereof and no part or portion thereof shall be killed, exchanged, sold or otherwise parted with without the consent and direction of the Agent.²⁶³

Clearly, an analysis of this list of provisions indicated the commissioners wanted Indians to dress like Americans. The supplies consisted of enough food and the ability to clothe them for basic sustainability in a new homeland for a short period of time. There

²⁶¹ Ibid, 285.

²⁶² Ibid, 292-293.

²⁶³ Ibid, 285, 293.

were no arrangements for housing. The commissioners expected to send these groups of Indians, some of them foreign to the landscape because they lived miles away in the western coastal regions, into a new area in the eastern mountains and in a new wilderness for some, armed with horses, beef, flour, fabric and tools. This American mentality was reminiscent of the pioneers that came across the great divide with their wagons packed with supplies to start their new life, searching for their dreams in the gold fields of California. It was a different scenario for Indians however. Their dreams were being crushed. Many were being forced to leave their homes and the lands that their families had inhabited for generations in the coastal regions and in the valleys that had been surrounded by American cities. They were leaving behind their plant resources, their burial grounds and their places of memory.

Choosing this survival strategy must have been heartbreaking for the leaders of many of these groups. But leaders chose the strategy and behaved in a diplomatic manner, traveling to the sites of the signings and engaging in a collaborative effort with the commissioners. Fellow Indian leaders found a way to create a course of action and to buy time for the physical survival of all Indians in San Diego County to renew itself. Physical survival, possible starvation and the happiness of the clans must have been foremost thoughts on the part of these leaders. Indians were in a terrible state of bodily peril and danger to their health and well-being. They were attacked on all sides, whether from land loss, loss of resources, or the separation of family members and weakening of the clan unit because of movement closer to the cities for work. This strategy must have been the best one available to Indian leaders at the time. They wanted what was best for

their clans and to find a way for them to not only survive, but to thrive. Some may have seen the only way to accomplish a thriving community was to go along with the commissioner's plan. Some may have been anxious to have their children learn in the American way, while some may not have appeared at the signings at all, but preferred to stay and fight on their own lands and not move onto these reservations and remain under the Agent's thumbs. Some chose to stay near the cities and on American ranches to work, completely assimilating into the American landscape. Each Indian family decided their own fate in the face of these very difficult times.

Article 6 of the Temecula and Santa Ysabel treaties addressed the intentional assimilation of Indians. This was not an assimilation to make Indians equal with Americans. The assimilation process was intended to make Indian-ness disappear and make Indians useful to the new American rulers.

The United States will also employ and settle among said Nations at or near their Towns and Settlements, One practical farmer, who shall superintend all agricultural operations with two Assistants, men of practical knowledge and industrious habits, One Carpenter, one Wheelwright, One Blacksmith, One principal School Teacher, and as many Assistant Teachers as the President may deem proper to instruct said Nations in reading, writing, etc. & in the domestic arts upon the manual labor system. All the above-named Workmen and Teachers to be maintained and paid by the United States for the term of (5) Five Years, and as long thereafter as the President shall deem advisable. The United States will also erect suitable School Houses, Shops and Dwellings for the accommodation of the School Teachers, Mechanics, Agriculturalists, and Assistants above specified and for the protection of the public property.²⁶⁴

Specialists from many different fields reportedly organized and brought onto Indian lands to live beside Indians and teach them how to live like Americans. The

²⁶⁴ Ibid, 285-286, 293-294.

specialists listed showed the commissioner's intentions, on behalf of the United States government, regarding expectations of what Indians were to become. Employment extended to farmers, a carpenter, a wheelwright, a blacksmith and school teachers. This list reflects the basic skill set that the government wanted Indians to achieve. These were all menial labor-based jobs that would have enhanced the labor base for southern California Americans. In addition, the school teachers were to teach reading, writing and the domestic arts. For males, it would be expected that the clans would learn to labor as farmers, carpenters, wheelwrights and blacksmiths. The women were to learn skills of the domestic industry. All children, whether male or female would learn how to read and write in English thus making them more appealing as valuable laborers for American California. Replacement of English for Indian languages was also a main proponent for removing Indian-ness from the child. Wozencraft summed up his intentions for the treaties and his attitude behind his actions:

We agree to supply them with seeds and agricultural implements, all to be under the charge and control of suitable persons; some brood stock, and about one feed of beef per week, which is to continue for two years. I presume that those who entertain the best of feelings for this interesting race, will not be alarmed for the effects of an over meat diet with them. Some clothing is given them, and then they are told – You are now required to work, if you wish to live. Our old saying is here put in practice – “Root, hog, or die.”²⁶⁵

Indian leaders signed the treaties of 1852 all over the state of California. They all agreed to the specifications in them. Leaders saw that the American way of life was going to affect them and so they decided that to learn these new ways while remaining Indian was the wise thing to do. With these agreements, they would have secured land

and would have learned American skills in case they needed to leave the reservation to work. They felt that the children, also, needed to learn how to live beside American culture. The children would need to learn how to be the diplomats for the tribes in the future. Learning to read, write and speak English would have been useful therefore necessary to adapt to these new ways. Indian children began to learn how to live in two worlds.

Between the two treaties, fifty hereditary leaders came from all over southern California to sign the agreements. Twenty-two signed the treaty at Santa Ysabel and twenty-eight signed at Temecula. All of the leaders under the Santa Ysabel treaty were Diegueño. The Temecula treaty included three distinct groups of people determined, loosely, by their languages. The Luiseño sent fifteen leaders, the Cahuilla sent twelve and the Serrano sent one. Some of these leaders were mentioned in other historical records, such as newspapers and reminiscences as they rubbed shoulders and were visible to the general American population and its authority figures.

One of the leaders who signed the Santa Ysabel treaty was Panto of San Pasqual, who has already been examined in chapter 1.²⁶⁶ Panto signed his mark on the treaty of Santa Ysabel. He was a friend of the Americans and so it would not be difficult to understand why he signed the treaty. However, if the United States Senate had enforced the treaty, Panto and his people would have had to leave the valley of San Pasqual and relocate into the mountainous regions of the designated reservation. They would have had to uproot and start a new village, leaving their burial grounds, memory places and

²⁶⁵ *The Daily Union*. February 2, 1852.

food resources behind. Panto must have felt this was the best decision to make on account of the many Americans beginning to take over the beautiful valley that was at one time determined, by the San Diego Mission fathers, would belong to Panto's tribe. Panto was a strong leader and determined that making this agreement with the United States would be the best thing to do for all. Panto was later appointed Captain General of the Diegueño by American authorities, although he was already a leader at San Pasqual and highly regarded by Indians as well as neighboring Americans. Panto was a supporter of American causes beginning at the Battle of San Pasqual when Americans first entered southern California.

Leaders from both of the southern California missions of San Diego and San Luis Rey also signed their respective treaties. Leandro of Mission San Diego and Pedro "Ka-wa-wish" of the San Luis Rey Mission signed their respective treaties.²⁶⁷ Each of these leaders must have been in a diplomatic relationship with American leaders and felt that the treaty would be the best thing for their people. Each of these communities of Indians would have had to move onto the reservation, far away from their village sites. The weather would also have been a strange change of living environment for them because the Missions, the places they were accustomed to, were close to the coast. Mountainous regions would have been an added hardship for them. There were a few other coastal villages whose leaders also signed the contract such as; Cisto "Go-no-nish" of Las Flores, Bicente "Poo-clow" of Buena Vista and Tadeo of San Dieguito.²⁶⁸ These villages,

²⁶⁶ University of Wisconsin Library, <http://digital.library.wisc.edu/1711.dl/History.IndianTreatiesMicro>. 294. Panto's name is spelled "Pantho" on the treaty.

²⁶⁷ Ibid, 286, 294.

²⁶⁸ Ibid.

because they were near the coast, were experiencing the stresses and anguish of foreign encroachment more harshly than the Indians already living in the mountains as more and more Americans purchased land, squatted on and near village lands, re-navigated water resources and allowed their animals to destroy Indian food resources. Hereditary leaders of these coastal villages made the best survival strategy decisions they could to provide for and protect the families under their care.

Lazaro of Santa Ysabel signed the Santa Ysabel treaty. He played a part in the calamitous affair involving Antonio Garra and the attack on Warner Springs. Lazaro knew about the impending attack and warned Warner that Garra and his men were planning the aggression.²⁶⁹ Lazaro's warning allowed Warner to remove his family and servants to a safe place and gave Warner time to prepare. In July of 1852, Lazaro also offered to help American authorities capture a Kamia Indian, Geronimo, who was planning an attack on Americans in San Diego. Lazaro received permission from Captain Magruder, stationed at Mission San Diego, to do so. Magruder also offered Lazaro a reward for the Kamia leader's capture.²⁷⁰ These two examples show that Lazaro was supportive of Americans and worked with them on the military front. It is not surprising that a man willing to put himself and his village on the line would sign a treaty with the United States. Lazaro's survival strategy was to diplomatically encourage and support an Indian relationship with Americans. Lazaro was from Santa Ysabel and was used to working with foreign powers because of the Spanish *assistencia* at Santa Ysabel and the following Mexican era rancho that took over and influenced his homelands. Santa

²⁶⁹ Philips, *Chiefs and Challengers*, 79.

²⁷⁰ *Ibid*, 136.

Ysabel housed an *assistencia* of the San Diego Mission and was a busy place on a highly traveled road where many non-Indians were welcomed. Lazaro and his village were used to working diplomatically with foreigners, having worked with the Spanish and with the Mexican residents, and had a good feel for the best survival strategies for the village.

Tomás of Santa Ysabel also signed the treaty. Tomás was mentioned on occasion in the historic record in San Diego. He was a visible Indian in public often working closely with American authorities. In December of 1852, the *Daily Alta California* reported on his movements:

Among the passengers by this steamer is the celebrated chieftain, Señor Don Tomas, principal Captain of the Diguenos Indians. He visits this city for the purpose of paying his respects to Gen. Hitchcock and Mr. Beale, the Indian Agent.²⁷¹

In a similar way to that of Manuelito Cota, the Luiseño appointment as Captain General, Tomás was the American appointed leader of the Diegueños. In February of 1854, after signing the treaty, Tomás was appointed Captain General by Superintendent of Indian Affairs Edward Fitzgerald Beale and was ordered to “consult the commanding officer in San Diego if he had any problems.”²⁷² Panto, leader of the Indians at San Pasqual, disagreed with Tomás’ appointment and complained about his lack of leadership abilities. Local Indians did not want Tomás as their leader and demanded that the Americans appoint Panto instead. Carrico revealed his findings about Tomás and Panto:

As Coutts was beginning his tenure as agent, Superintendent Edward F. Beale alienated many San Diego native Americans by reappointing an unpopular and unrespected Indian *alcalde*. Beale’s reappointment of the aged chieftain, Tomas, met with great disfavor among the Mesa Grande Indians. The Indians petitioned Cave Coutts to seek the removal of Tomas

²⁷¹ *Daily Alta California*, December 6, 1852.

²⁷² Philips, *Chiefs and Challengers*, 137.

and place the more respected and dynamic Panto in his place. Tomas had lost a great deal of respect when he was publicly flogged for stealing. The conflict between the deposed Tomas and his successor, Panto, is noteworthy. In later years Indian agents and superintendents often pursued an opposite line in removing *alcaldes* whom they found personally displeasing and appointing Indians whom they favored, without consulting with tribal leaders. Although a degree of selfdetermination was allowable in 1854, it was a concept which fell upon hard times in the ensuing years.²⁷³

American authorities had whipped Tomás for stealing, which made Indians lose respect for him.

In March 1854 the *Herald* reported that Tomás was having problems governing his people and suggested that it had been a mistake to appoint him captain general of the Diegueños. The county sheriff had publicly whipped him for stealing, and as a consequence he had lost the respect of his people. White residents in the area called upon Cave Coutts to extend his jurisdiction over the Diegueños and to remove Tomás and appoint Panto in his place. When Superintendent Beale arrived in San Diego in April or May, major McKinstry prevailed upon him to keep Tomás while Coutts and others sought his removal. Tomás was replaced by Panto, but he continued to act as if he were still captain general. On one occasion he told Panto that he was still the chief because he had received his commission from the “General of the United States.” Apparently, Tomás continued to get instructions and encouragement from the military in San Diego.²⁷⁴

In 1853, Tomás worked alongside Manuelito Cota by overseeing and helping Americans find Indian labor for the San Diego river project in Mission Valley according to the Daily Alta California.

The Indians at work on the river behave well, and shovel with great ardor, *con amore*. There are at present 47 at work under the control of Mr. Conroy and Charles Gage, overseers, and their own chiefs, Manuelito and old Tomaso. Tents have been pitched for them, and with an unlimited supply of beans, and the flesh of bulls, (a burnt offering that they do not despise,) they are as happy as circumstances will admit, and “doing as well as could be expected.”²⁷⁵

²⁷³ Carrico, “San Diego Indians and the Federal Government Years of Neglect,” 6.

²⁷⁴ *Ibid*, 138.

²⁷⁵ *Daily Alta California*. October 9, 1853.

As mentioned above, Lazaro had permission to capture the Kamia leader Geronimo, but Tomás eventually made the arrest. Tomás conducted his own, American style, trial for Geronimo. George Philips discussed the situation in his book *Chiefs and Challengers* and quoted a newspaper article from the Alta California from September of 1852:

Tomás, who may have witnessed one of the military tribunals that had convicted Garra and his allies, immediately convened a trial of his own. At the proceedings, he told Gerónimo that ‘when the Americans under General Kearny took possession of this country, routing our cowardly oppressors, you as a big Captain of your tribe swore to be their friend. I and my people did the same, and we aided the Americans in the war; we are and ever have been their friends. You are a liar – have not kept your word, and sided Antonio Garra last winter in the war against the Americans. You helped to kill the sheepmen on the desert; you are continually stealing from the Americans... Geronimo you are to be shot, and I shall scalp you and cut off one of your ears to send to San Diego.’ Geronimo admitted that he had come to continue the war against the Americans but claimed that he had only nine men with him. The Kamia chief was then led out and shot. Tomás, attended by a bodyguard armed with lances, took the scalp and one ear of Gerónimo to San Diego where he paid his respects to the principal officials. When he had departed for Santa Isabel, Tomás was convinced that he had performed a great service to the American cause.²⁷⁶

Tomás was a great proponent for the American presence in southern California. He fought for them and alongside them, he helped Americans find an Indian manual labor force and he fought against other Indians in the region that wanted to rebel against the Americans.

It is questionable whether Tomás was a hereditary leader. American authorities recognized and appointed him leader of all Diegueños. However, Indian people did not

²⁷⁶ Philips, *Chiefs and Challengers*, 137.

support him. This is reminiscent of the story of Manuelito Cota discussed in Chapter 2. Tomás did sign the Santa Ysabel treaty, but Lazaro signed for Santa Ysabel as well. This is the only incident in the two southern California treaties where two men signed for the same village. It could be that Lazaro was the hereditary leader at Santa Ysabel, but the Americans were about to recognize Tomás as Captain General of all the Diegueños and so they let him sign the treaty as well. Whatever the case may have been, Tomás' survival strategy only considered his personal ambition and did not speak for the Indian people at Santa Ysabel or in greater San Diego. Tomás' story is an example of the many varied strategies chosen by numerous Indian people for their own special needs. Some were leaders of their people, looking out for their greater interest, and some were interested in only their own personal wealth, power and comfort.

José Noca signed the Temecula Treaty as the leader at Agua Caliente or Warner Springs. The historical record mentions Noca because of his involvement with the Garra incident. He was present at the murders of the Americans at the hot springs by the hands of Garra supporters. The Fitzgerald Volunteers sent a contingent to apprehend Noca along with William Marshall, Juan Verdugo and Santos for their suspected involvement in the deaths of the three Americans at Warner Springs:

The following day they pushed on to Santa María where word was received that Bill Marshall, Juan Verdugo, and José Noca had arrived at Santa Isabel. Fitzgerald suspected the three of being implicated in the outbreak and sent Agostin Haraszthy and a small party of Americans and Californios back to Santa Isabel where the three men and Santos, Warner's servant, were arrested without incident. The prisoners were locked in the city jail to await trial when the volunteers returned to San Diego on December 9, 1851.²⁷⁷

²⁷⁷ Ibid, 89.

Marshall was married to the daughter of Noca, a Cupeño woman. Philips reported that in 1846 when the Americans were coming through southern California to wage war against the Californios, and J.J. Warner was in San Diego as a prisoner of war. Marshall was in charge of the rancho at Warner Springs:

When the command arrived, Warner, suspected of having Californian sympathies, was a prisoner of the American occupying forces in San Diego. In charge of the rancho was Bill Marshall who in 1844 had jumped ship in San Diego. Described as ‘a small man with regular and rather agreeable features and a head indicating...great determination,’ Marshall had moved into the valley in 1846 and married the daughter of José Noca, a Cupeño Indian. He set up a store a Kupa and kept it well stocked with goods from San Francisco.²⁷⁸

Noca actually saved Marshall’s life during the Garra Revolt at the hot springs by pleading with the local Indians not to kill Marshall because he was not Indian.

When called as a witness, José Noca stated that he had returned to Kupa four days before the murders and knew nothing about the Indians’ plans until he was taken prisoner. At the canyon he saw Juan Bautista, Chapuli, Panito and Antonio Garra but did not know if the Cupeño chief had participated in the attack on Warner’s rancho. Noca said that Bill Marshall had expected to be killed along with the other Americans.²⁷⁹

The Volunteers took Noca and Marshall to the San Diego jail to await trial. Noca gave testimony numerous times and was a primary witness during the trials that were held for Indians suspected in having a part in the uprising.²⁸⁰ Apparently, Noca pleaded for the lives of the three Americans that were murdered by Garra’s men at the hot springs:

When cross-examined, Verdugo stated that he had heard Marshall issue the order for the murder of Joe Manning but did not know who was

²⁷⁸ Ibid, 61

²⁷⁹ Ibid, 96.

²⁸⁰ Ibid, 97-100.

responsible for the killing of the other three Americans. He said that José Noca had pleaded with the Indians not to injure the invalids.²⁸¹

American authorities in San Diego hung Marshall and Verdugo. Santos received lashes. However, the courts released Noca with only a scolding and sent him back to Warner Springs as the designated Captain of the Indians there.

On Sunday morning it was announced to the people of San Diego that Bill Marshall and Juan Verdugo would be executed at two o'clock that afternoon. Santos was given twenty-five lashes on the bare back for giving false testimony. The *San Diego Herald* reports that 'the poor devil stood the flogging like a Christian, and when he had received his compliment, shrugged his shoulders, muttering 'that it hurt some,' but he was glad to get off so.' José Noca was severely reprimanded but was sent back to his village as designated chief of the Cupeños. He was to exert all his resources to bring in those rebel Indians still at large and in turn would receive the support of all the white authorities.²⁸²

Noca's testimony during the trials proved, to the Americans, to be honest in his portrayal of the events of the revolt. The Americans appointed him as their choice to be a leader at Warner Springs. The Warner Springs area was a hub of activity, and a hotbed for Indian resistance, in southern California. It would have been important for the Americans to have a designated Indian leader that they could trust to vie on their side in any situations that might arise in the future. It is not known whether Noca had a following of Indian people or whether local Indians accepted him as a leader. Noca signed the treaty at Temecula as José Noca "Cháng-gah-láng-ish of Agua Caliente.

There were two Indians worth noting that were considered leaders by Americans, but did not sign the treaties. They were Manuelito Cota and Pablo Apis. Survival

²⁸¹ Ibid, 97.

²⁸² Ibid, 99.

strategies differed for every individual and these two leaders chose not to enter into the treaty agreement with the United States. Each had their own reasons.

Pablo Apis had been baptized at the San Luis Rey Mission on June 15, 1798 by Father Antonio Peyri at the age of six and was from the village of Ojauminga.²⁸³ Priests raised him in the Mission and became the Mission's alcalde as an adult. At the secularization of the Missions in 1834, Father José Maria Zalvidea granted Apis the Little Temecula Rancho "as a reward for his service to the Mission," and Governor Pio Pico later confirmed the grant in 1845.²⁸⁴ Apis' land grant incorporated the Indian village at Temecula. Apis developed the land and lived on it successfully. He had a vineyard and orchards and he farmed and raised beef. He had created a water system for rancho use. His abode was also on a main thoroughfare that was heavily traveled between Los Angeles and the Colorado River.²⁸⁵ He used the opportunity to sell food to passing travelers. The second adobe he built was the location of the Temecula treaty signing which was located just south east of today's Wolf Store site. Wozencraft must have known and trusted Apis as a past supporter of American policy because he chose Apis' home as the meeting place for the signing. The Luiseño and Cahuilla did not get along well. Apis may have been friendly to both, and since he was from the Mission and had been educated in military and diplomatic strategy as an alcalde, Wozencraft may have relied on Apis' expertise and experience. Apis had a history of supporting the Americans. He refused to back Garra's revolt and he had been involved in some

²⁸³ The Early California Population Project, The Huntington Library, Art Collections and Botanical Gardens. <http://www.huntington.org/information/ecppmain.htm>

²⁸⁴ Leland E. Bibb, "Pablo Apis and Temecula," *The Journal of San Diego History* 37 (Fall 1991). <http://www.sandiegohistory.org/journal/91fall/temecula.htm>

arguments with the Mexican authorities before the American takeover about poor treatment of Indians at the Mission.²⁸⁶

When the Garra uprising began, he went with Indians from the village of Temecula to the San Luis Rey Mission until the violence was over.²⁸⁷ Apis' name is not listed on the treaty that was signed at Temecula in his own adobe. The reason for this could be that he was already a land owner and felt he did not need to sign a treaty for rights and land because he had already been granted land by the Mission Father and the governor of Mexican California. The Treaty of Guadalupe Hidalgo was supposed to protect Mexican era rancho owners when the exchange of land occurred with the United States. Apis had already been exercising his survival strategy by assimilating into Mission life and so, as a fully assimilated Indian, he would not have benefited from the education and training in labor trades because he had already gone through that process. Zalvidea rewarded Apis for his work as an alcalde and as a fully assimilated Mission Indian and he intended to keep his inheritance. During this time, those who owned ranchos under the Mexican government had to prove to the new American government that they had legitimately been granted the land they were claiming or it would be taken away and placed into the public domain for Americans to acquire. Apis filed a land claim on November 1, 1852, just ten months after the Temecula treaty was signed.²⁸⁸

²⁸⁵ Ibid.

²⁸⁶ Zephyrin Engelhardt., *San Luis Rey: The King of the Missions* (San Francisco: The James H. Barry Company, 1921), 103.

²⁸⁷ Leland E. Bibb, "Pablo Apis and Temecula," *The Journal of San Diego History* 37 (Fall 1991). <http://www.sandiegohistory.org/journal/91fall/temecula.htm>

²⁸⁸ *Daily Alta California*. November 30, 1852.

Unfortunately, on November 15, 1853, Apis' claim was rejected.²⁸⁹ Apis lost his rancho and all of the Indians who were living there eventually lost their homes, as will be discussed in Chapter 4. Apis died c.1853/54.²⁹⁰ During the last year of Apis life, Coutts appointed Manuelito Cota as Captain General of the Luiseño.

Though Manuelito Cota was appointed Captain General of the Luiseño by Cave Coutts, he did not sign the treaty of Temecula. Like Apis, Cota was already friendly with the Americans. As discussed above, local Indians did not view Cota as a hereditary leader and did not follow him. It is possible that the commissioner did not ask him to sign because he was not full blood Indian. His father was a Spanish soldier at the San Gabriel Mission and his mother may not have been full blood either. Americans may not have held Cota in the same category as the full blood Indians that were signing the treaties. Cota's survival strategy was to side with Cave Coutts and to rule as a Luiseño leader through appointment by the Americans and not by the Luiseño themselves, since the Indian people did not see him as a leader in that capacity.

In conclusion, the diverse landscape of Indian personalities, culture, clans, tribes, authorities, allied entities, personal agendas and loyalties were vast in southern California and the differences were widespread. Every treaty signer had their reason and their strategy for survival, which included the diplomatic choice of oral and written agreements with the United States. Some Indian leaders in San Diego County were not present and did not sign the treaties. Some signed the agreements, but remained silent in the historical record. Some were hereditary leaders and some were appointed by the

²⁸⁹ *Daily Alta California*. November 16, 1853.

²⁹⁰ Bibb, "Pablo Apis and Temecula," <http://www.sandiegohistory.org/journal/91fall/temecula.htm>

United States to lead. All Indian leaders used their own agency to make their own decisions on what would be best for their clans and themselves. Ultimately, the United States Senate crushed the treaties before Indians could see any evolution in the protection and education that Wozencraft promised. However, Indian leaders kept their oath and their part of the oral pact.

Chapter 4:

People in Motion: Removals and the Reservation System

Two decades after the Treaties of Temecula and Santa Ysabel between San Diego Indian leaders and the United States government, developments began to stir as American encroachment loomed closer and closer to Indian village areas. Without ratification, Indians continued on the downward spiral losing their lands and resources to Americans who quickly bought up lands and to squatters. Indians did not acquire title to their lands on paper. The treaties did not establish or recognize any form of land ownership for Indians. Americans quickly purchased lands that had belonged to Indian families for generations. Discussed below, this predicament left Indians without homes or in danger of eviction. In 1853, the government established the first Indian reservation at Fort Tejón, California, under the supervision of Edward Fitzgerald Beale. From 1870 to 1903, Beale worked actively to establish some form of reservation system in San Diego County. Initially, he proposed to remove all Indians in southern California to one large, two parcel, reservation in the San Pasqual and Pauma Valleys. As explained below, this was a short-lived proposition, and the government looked for other ways to corral Indians onto specified lands with a number of agendas in mind. Boundaries established for reservations would provide for protection for Indians from squatters. Placing Indians on reserve lands separated from American citizens made it easier for the government to implement a process of assimilation as well as execute the agenda for

some local Americans to keep Indians close by for use as a labor force. Indians experienced stress and anxiety during the process of uprooting from their ancestral hereditary village areas. As described below, these events occurred in many villages of the vast backcountry of San Diego County. The Indian Bureau and special committees, under the direction of the President of the United States, decided where reservation lands would be located. In 1903, the government removed Indians in villages near Warner Springs, Lake Henshaw and Santa Ysabel and placed the people onto other land far away from their original holdings. In many instances, Indians scattered and relocated individually and independently to nearby villages with family and friends. Legal entanglements were involved in the removals at Warner Springs, Temecula and San Pasqual and Indians were forced to leave their homelands in sorrow and in anger.

In 1875, under the direction of President Ulysses S. Grant, the government established nine reservations in southern California. In 1876, eight more reservations were added and the boundary lines that had originally been established in 1875 were surveyed again under the direction of the federal government. Discussed below, Subsequent Executive Orders continued to amend original land boundaries and add new reservations after Helen Hunt Jackson and Albert Kinney wrote their report on the conditions of the Indians in San Diego, and after the Atkins report and the 1891 Smiley Commission investigations. Some reservations received additional land that encompassed original home sites left out of the 1875 boundaries, and as surveyors measured the landscape again, the government forced American squatters to remove themselves from the properties.

This chapter reveals that, in spite of broken hearts and the massive displacement of hundreds of Indians, their survival strategies continued. Some fled and scattered, some cooperated and removed to other lands, some fought and threatened revolt and some utilized legal means by hiring attorneys in the fight to keep their lands. Through all of the movement and families torn from their homes, Indians in the mountains of San Diego County survived. They not only survived physically, but their culture also remained intact as they continued their dances, ceremonies, songs and fiestas.

The evolution of the reservation system in southern California began with the first reservation in California at Ft. Tejón in Los Angeles County, established in 1853. The treaties of 1852 did not pass ratification in Washington, D.C., Indians continued in their fight for survival in the face of intruding Americans encroaching on their lands and resources and disrupting their established economic structure. In an attempt to find a solution, the government placed Edward Fitzgerald Beale, superintendent of Indian Affairs in California, in charge of the implementation of his own ideas for an Indian reserve. Beale had been against the treaties in 1852. He thought that Indians were not civilized enough to be able to create their own Americanized communities on their own by handing them agricultural implements and schooling Indian children. He proposed removing Indians from their villages all over the state and planting them together onto one or several central military reserves where Indians would labor and support the reserve. He was successful in moving several villagers to the Ft. Tejón area. There, he implemented his plan and oversaw the reserve using enforcement of military discipline of

Indians to keep them under control. Free Indian labor was the main support for the presidio-like and mission-reminiscent environment.

In return for their labor, Beale issued Indians food and gave them protection by the government as long as they stayed on the reserve. Each family unit acquired allotted land and were required to care for their own families from the fruits of that land, which reflected a continuance of their traditional way of survival by caring for and nurturing family. Beale built the foundational premise for his military reserve for Indians on the same premise as the Spanish mission system, which Beale emulated. Beale wrote in a letter to Commissioner of Indian Affairs, Luke Lea, in 1852:

To those who would oppose the argument of want of intelligence and ability of the Indians for useful labor, I would direct their attention to every great national work of Spanish enterprise, on the whole continent of America. Not a city, a cathedral, or a fortification, but furnishes a proof that Indian labor, directed by white intelligence, may be made as effective as that of any other purely laboring class....It is this system modified, and adapted to the present time, which I propose for your consideration; nor can I conceive of any other which would preserve this unfortunate people from total extinction, and our government from everlasting disgrace.²⁹¹

Beale's innovation and ideas proved to be less than satisfactory. The plans and his dreams were short-lived. John Walton Caughey wrote in his introduction to Benjamin Davis Wilson's report:

Returning to California, Beale set to work in the early fall of 1853 to get the pilot reservation established. He and Wilson held several parleys with the Indians of the Tejon Pass region. Not all were persuaded to adopt reservation life, but others were brought from as far away as the Mother Lode region, and by the following February Beale could report 2,500 Indians in the mission-like community over which he presided. They had planted 2,000 acres in wheat, 500 in barley, and 150 in corn, and were at work on ditches to irrigate and enclose their fields. The first crop was

²⁹¹ George Harwood Phillips, *Bringing Them Under Subjection: California's Tejon Indian Reservation and Beyond, 1852 – 1864* (Lincoln: University of Nebraska Press, 2004), 87.

reported at 42,000 bushels of wheat and 10,000 of barley. According to Beale's glowing description, the Tejon, or Sebastian, reservation was such a success that other groups of Indians were eager to move in and enjoy the same privileges. He hoped to enlarge the Tejon and to develop other sites. In the summer of 1854, however, Beale was suddenly removed from office. There were charges that his financial accounts were not in order and insinuations, subsequently disproved, that he had been guilty of peculations.²⁹²

The precedence of a military reserve to hold Indians was established as a successful strategy for Indians or Americans. The concept became outdated. Subsequent approaches to the Indian reservation scheme were not militarily based systems, though they were systems that incorporated the agenda of the United States for complete assimilation of Indians and cultural genocide.

Through new ideas established in Grant's peace policy, in 1870 President Ulysses S. Grant approved an Executive Order to establish the first Executive Order Indian reservation in the San Pasqual and Pala valleys for a reservation to house all Indians in the southern California region. In the 1870s, Indians lived in their ancient village sites on these lands. American, as well as Indian, residents complained about the proposed reservation site. The Indians already living in these valleys did not want more Indians crowding into the valleys. Dr. Florence Shippek wrote:

Many Southern California Indians opposed this reservation scheme because they did not want to leave their own homes and farms. Those at San Pasqual and Pala objected to being overwhelmed by the large numbers of other Indians who would be pushed into their small farming villages and valleys. All objected to northern California Indians being moved to Southern California. The reservation plan was promoted by the rancho grant owners, who wanted to get Indian villages off the grants but who wanted Indians nearby as a labor force when needed. It was promoted by settlers who wanted the land of non-rancho grant Indian villages that

²⁹² Caughey, *The Indians of Southern California*, xxxix – xl.

were not included in this reservation. It was also promoted by people with a genuine sympathy for, and a desire to ameliorate the plight of, Indian farmers being evicted from the isolated villages. These sympathizers felt that a combined reservation would provide a safe haven for Indians.²⁹³

Americans opposed reservations in the San Pasqual and Pala areas because of mineral wealth on the lands and the fact that the valleys were rich areas for farming and ranching. Americans wanted these valleys incorporated into the public domain so they could purchase them. Local Indians were also against moving onto lands that were not in their hereditary lineage. The *Daily Alta California* reported:

San Pascual and Pala are two little settlements in valleys of San Diego county, about twenty miles from each other, sixty miles from the county seat and forty miles from the sea. They have been designated by the President of the United States as centres of tracts to be reserved for the Mission Indians. Each tract will have an area of 10,000 acres or more, and the two are to form one reservation, even if they do not touch. Most of the inhabitants are now Indians, who desire to be protected in their ancient possessions against trespassing white men, and the Government is about to give them that protection after a long delay. It is the hope of General McIntosh to get the reservations in working order, with a superintendent, physician and teachers, before the end of this year.²⁹⁴

On January 31, 1870, President Grant signed the Executive Order creating the San Pasqual and Pala Valley reservation. The following is the letter that accompanied the papers presented to President Grant on January 27, 1870:

Mission Indian Reserves. In the Mission Tule Agency; twenty-two reserves; occupied by the Diegenes, Kawia, San Luis Rey, Serranos, and Temecula tribes; area, 282 square miles; established by Executive orders. To the President: The accompanying papers are respectfully submitted to the President, with the request that the following lands in California be set apart as reservations for the Mission Indians, in the southern portion of that State, being the San Pasqual and Pala Valleys, and recommended by the Commissioner of Indian Affairs, viz: townships 12 and 13 south, of

²⁹³ Florence Shippek, *Pushed Into The Rocks: Southern California Indian Land Tenure, 1769 – 1986* (Lincoln: University of Nebraska Press, 1986), 35.

²⁹⁴ "Editorial Notes," *Daily Alta California*, April 9, 1870.

ranges 1 east and 1 west, of the San Bernardino meridian, and township 9 south, of ranges 1 and 2 west, of the San Bernardino meridian. With great respect, your obedient servant, J.D. Cox, Secretary.²⁹⁵

The following accompanied President Grant's signed approval:

January 31, 1870. Let the lands designated in the foregoing letter of the Secretary of the Interior be set apart as reservations for Indian purposes, as therein recommended. U.S. Grant.²⁹⁶

The government designed the new reserve and organized it with many of the core ideas that were in the treaties of 1852. According to Carrico:

Superintendent McIntosh found that land was available in the Pala and San Pasqual region and that a reservation could be successfully established. McIntosh estimated that a total appropriation of \$28,160 would be necessary to establish the reservation, including \$15,000 for cattle, clothing, food, teams of animals, and farming implements. Realizing that Indians would need training, education and medical attention, McIntosh also requested funds for a physician, a blacksmith, a miller, an agent, two teachers, and two farmers. After almost twenty years of effort, two reservations were finally approved for San Diego County.²⁹⁷

Plans for the San Pasqual and Pala reservation reflected shadows of the proposals in the treaties of 1852. The government offered clothing and food to begin the operation. Thereafter, there would have been Americans on site from a variety of trades to instruct Indians in how to labor and live in the American fashion and culture. The government would have provided schoolteachers to help in the assimilation of the children and a physician would be nearby so Indians would be discouraged from procuring their own plant medicines. Instead, Indians would begin to rely on medical establishments of the American culture. These are examples of the subtle ways of cultural genocide.

²⁹⁵ Oklahoma State University Library. Indian Affairs: Laws and Treaties. Compiled and Edited by Charles J. Kappler. <http://digital.library.okstate.edu/Kappler/Vol1/Images/v1p0819.jpg>

²⁹⁶ Ibid.

²⁹⁷ Carrico, *Strangers in a Stolen Land*, 109.

The government gave initial instructions to establish the headquarters of the agency at San Pasqual. The following is an excerpt from a report written on July 13 to E.S. Parker, Commissioner of Indian Affairs by J.B. McIntosh, Late Commissioner of Indian Affairs. McIntosh gave orders to Lieutenant A.P. Greene, United States Army, who was the Special Agent for San Diego Indians at the new headquarters:

Your first step will be to warn all persons located on these reservations to make immediate preparations for removing from these lands. This will be done by you by issuing written or printed notices to that effect, and having the same posted in different places throughout the valleys. You will also forbid any other settlers from locating on these lands, or any settler making additional improvements, in case he is at present located thereon. In performing this duty you will be expected to use moderation and good judgement, so as not to become embroiled in any difficulties with the settlers. You will also, by such means as will appear most suitable to you, inform the Mission Indians of the action of the Government in setting apart these lands for reservations for them, and at the same time invite and endeavor to have them move at once upon them.²⁹⁸

The government initially established the reserve with firm plans and instructions ordered by President Grant. As the surrounding American and Indian communities began to learn of the plans, they immediately started protests against it.

An Indian agency was established at San Pasqual, headed by Indian agent 1st Lt. Augustus P. Greene. One of Greene's first acts was to post signs and make public announcements identifying designated lands in the valleys as Indian Reservation land. Public notices and the signs read, 'Therefore all persons are hereby forbidden to make any improvements, and warned to made immediate preparations for removing from these lands, and all persons are forbidden to settle in the respective Townships, indicated as reserved for Indian purpose.' Response of white settlers to the establishment of Indian reservations on arable land was immediate and vociferous. Upon learning of the reservations nearby settlers had hired a local lawyer and real estate agent, Charles P. Taggart, who until January 1870 was part owner of the influential *San Diego Union*, to present their case for rejection of the reservation plan. A condition of the contract with

²⁹⁸ E.S. Parker, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington: Government Printing Office, 1870), 72.

Taggart was that he was to be paid \$500 only if he were successful as having the order revoked.²⁹⁹

Most Americans in San Diego County opposed the reservation from the start, especially in the valley of San Pasqual, where many Americans had already bought land or had squatted. They wanted total control of the valleys and removal of all Native Americans. Both of the valleys were pristine with water resources. Mineral wealth was possible and the soil was perfect for farming and ranching. A rumor circulated that the railroad wanted to approach California through the valley. Therefore, the valley became too precious a space to allow Indians to remain on ancestral lands and remain in control. Indians also opposed the reserve. Greene mistakenly told Indians in the surrounding mountains and valleys that it was compulsory for them to move onto the reservation, by order of the government. This notion was the reason Indians began to question the concept. Local Americans also started rumors among Indians so they would not want to cooperate and move onto the precious land:

The effect of his action was injurious to the object sought to be attained, and particularly so at that time, as the settlers who were indisposed to move from the lands thus set apart used it as an auxiliary to inflame the Indians to prevent them from complying with the wishes of the Government. It was represented to them that if they moved from the homes they at present occupied to the reservation that they would lose their old homes, and, in time, the settlers would get the reservation order set aside, and they would then be obliged to leave and seek new homes elsewhere. The most extravagant stories were told to these credulous people. Upon my last visit to them one of them gravely told me that it was reported I wanted to get them all on the reservation, and then I intended to bring the Yuma Indians there to kill them.³⁰⁰

²⁹⁹ Carrico, *Strangers in a Stolen Land*, 109 – 110.

³⁰⁰ E.S. Parker, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior*. 72.

Because of the loud voices of consternation, within a year of the original Executive Order, dignitaries signed a second order revoking the first order to establish the reservation. The following is a letter and endorsement from Indian Commissioner Parker, Secretary of the Interior Delano:

Department of the Interior, Office of Indian Affairs, Washington, D.C., February 13, 1871. Sir: I have the honor to call your attention to a report from this office dated January 15, 1871, in which was inclosed a letter from J.B. McIntosh, Brevet Major-General U.S. Army, and superintendent of Indian affairs for California, dated December 27, 1869, and report of Lieut.A.P. Greene, U.S. Army, agent for Mission Indians in southern California, dated Los Angeles, Cal., December 16, 1869, recommending that San Pasqual and Pala Valleys in Southern California be set apart as reservations for the Mission Indians in said State. In my report above referred to I recommend that the following described lands should be set apart for said reservations, viz: Townships 12 and 13 south, of ranges 1 east and 1 west, and township 9 south, of ranges 1 and 2 west, of the San Bernardino meridian, California. My recommendation meeting with the approval of the Secretary of the Interior was forwarded to the President, who, on the 31st of January, 1870, ordered that the above-designated lands should be set apart as reservations for Indian purposes. It appears from the papers transmitted herewith that the citizens of San Diego County protest against the order of the President setting apart said lands for Indian reservations; that the Indians are unanimously opposed to going on said reservations; that citizens have made valuable improvements thereon, and that there are but few Indians on the lands set apart as aforesaid; that recent gold discoveries have attracted a large immigration thither, and the opinion of the press, together with other evidence, would indicate that it would be for the best interests and welfare of the Indians, as well as others, that the order of the President setting apart said lands for Indian purposes should be recinded. In view of these facts, I would therefore respectfully recommend that the order of the President be revoked, and that the aforesaid reservations be again restored to the public domain. Very respectfully, your obedient servant, E.S. Parker, Commissioner. Hon. C. Delano, Secretary of the Interior.³⁰¹

President Grant approved the second Executive Order on February 17, 1871. The government placed the San Pasqual and Pala Valley lands in the public domain and

Americans began to purchase the lands and move into the area, establishing farms and ranches and looking for mineral wealth. Indian life became more and more difficult and stressful because of lack of citizen rights and the social Darwinist attitudes of the population. Dr. Tanis Thorne noted a change in the San Pasqual Valley in her article on Indian Agent S.S. Lawson:

They had adobe homes, orchards, vineyards, improved properties, cattle and horses, and lived with some dignity before the 1870s and the advance of homesteaders who could find no other land on the public domain than that of vulnerable Indians to claim.³⁰²

Indians at the San Pasqual village were harassed and Americans encroached further and further onto their village areas. Helen Hunt Jackson and Abbot Kinney wrote in their 1883 report:

The whole valley in which this village lay was at one time set off by Executive order as a reservation, but by the efforts of designing men the order was speedily revoked; and no sooner had this been done than the process of dispossessing the Indians began. There is now on the site of that old Indian pueblo, a white settlement numbering 35 voters. The Indians are all gone, - some to other villages; some living nearby in canons and nooks in the hills, from which, on the occasional visits of the priest, they gather and hold services in the half-ruined adobe chapel built by them in the days of their prosperity.³⁰³

Indian survival strategies, in the case of the 1870 reservation fiasco, were assertive and intelligent. They hired an attorney, affiliated with the local media, and raised their voices in a non-violent manner. They loudly professed their needs and won the battle. This was also largely because of the American citizens in the area who were

³⁰¹ Oklahoma State University Library, Indian Affairs: Laws and Treaties. Compiled and Edited by Charles J. Kappler. <http://digital.library.okstate.edu/Kappler/Vol1/Images/v1p0819.jpg>

³⁰² Tanis Thorne, "The Mixed Legacy of Mission Indian Agent S.S. Lawson, 1878 – 1883," *Journal of California and Great Basin Anthropology* 25 (2) (2005): 166.

³⁰³ Jackson and Kinney, *A Century of Dishonor*, "On the Condition and Needs of the Mission Indians," 460.

also protesting the reservation sites, however. Nevertheless, Indian determination used legal defiance in the face of the federal government and showed their dexterity and their capable, proficient ability to stand up for themselves. Indians proved that they were not docile Mission Indians who let foreign governments maltreat them, as newspaper articles and Indian agents had described them in the past. Indians in northern San Diego County showed a successful survival strategy by raising their collective voices and using the foreign American form of legal battle, which Washington, D.C., recognized.

By 1875, the question of Indian welfare had only grown stronger. Special Indian Commissioner to the Mission Indians, Charles A. Wetmore, wrote a report dated January 9, 1875. The government used ideas and information in Wetmore's report as the foundation for relieving the troubles in southern California between incoming Americans wanting to own land and Indians pushed off their original village sites. Wetmore came to San Diego in 1868 for a brief time and worked in the community as a lawyer in real estate affairs. During his partnership with Solon P.S. Sanborn, he was successful in fighting against real estate agents in alliance with squatters who were seizing property of absent owners and trying to defeat their titles. Wetmore was born in Maine and raised in San Francisco. He graduated from Oakland College School and the College of California, which later became the University of California at Berkeley. At twelve years old, he started the first juvenile newspaper in the western United States titled the *Young Californian*. After graduation, he wrote for the *Alta California*. After his work with the government as an Indian agent, he became the "Father of the California Wine Industry"

with his major vineyard in Livermore, in Napa Valley.³⁰⁴ Later he was instrumental in the early vineyards in Escondido.³⁰⁵

Wetmore was a proponent of continuing the work the Spanish Mission priests had started. His report and advice reflected a concern for Indian welfare and outlined a solution to problems by keeping Indians close to ranches where they could successfully be used for San Diego's labor force. He was disgusted with treatment that Indians had received at the hands of Americans and by the lack of help of the government.

Identifying and establishing Indian rights was one of his suggestions that would lead to solutions. He wrote in his report:

They had the advantage of a fixed policy on the part of the missionaries, and a fixed purpose, unaffected by change in office of the missionaries in charge; but their reservations of land, which were the foundation of their prosperity and progress, were subject to change, restoration to the public domain and its sale by the Government, just as the reservations of to-day in the United States are the subject of executive order. It was true then, as it is undeniably now, that whenever a white desires to own anything, especially land, which is in possession of an Indian, if it is within the power of Government to take away the possessions of the Indian and give them to the importunate white applicant, some pretext will be found it excuse the wrong, which is almost invariably perpetrated. The weakness in the system, then, was in the failure of the missionaries to secure vested rights for the Indians, who exchanged for such rights as they did receive the occupation and use of the whole country. Indians, then, as now, received limited possessions under subjection as an exchange for their wide hunting-grounds, with a promise of protection, instruction, and the benefits of civilization but those rights were not secured to them in fee, and the result was, as is now too often the case, when their lands became valuable and coveted by whites, they were speedily made paupers and vagrants to accommodate the white brother, whose laws had been promised for their protection and improvement. The Indians have been

³⁰⁴ Bryersantís News. September 10, 2011. <http://wineblog.bryersantis.com/2011/09/10/charles-wetmore-father-of-the-california-wine-industry/>

³⁰⁵ Theodore S. Van Dyke, Biography of Charles A. Wetmore. San Diego-San Francisco-Alameda County CA Archives Biographies. Rootsweb.ancestry.com.

forced by superior power to trade their patrimony and their liberties for civilized bubbles, blown by the breath of political insincerity, trading by compulsion from bad to worse, until they have, as the Mission Indians in California, simply the right to beg. They beg bread of their white neighbors on whose lands they are trespassers, on the roads where they are vagrants, and in the jails, which are their only asylums. They have begged in vain for legal rights. Their right of petition to Congress has been ignored.³⁰⁶

According to Wetmore, Indian leaders that he discussed the situation with agreed to the reservation principle. He stated that Indians wanted assurance of stable land bases for their homes to secure their livelihood. They also wanted Americans to treat them humanely and with respect, as they would any other human being. Indians wanted the freedom to live their own lives within the dictates of their culture on their own lands. Wetmore quoted Father Verdagner from a report concerning the desert Indians and stated that it was “in a manner that would be equally applicable to the Mission Indians:”

Let all this be explained, and I am certain that the, Government will listen to your lordship, will give to the Indians land enough to support themselves, and I will help your lordship establish schools for them. I say I am certain of this, because by this plan the Government will not be compelled to expend one-half of what it now costs to keep up agencies and reservations. I was talking some time ago with one of the chiefs, and he said ‘the whites complain to me that my men steal and do many other bad things. Well, I suppose they do; but who is more to blame than the whites themselves? They have stolen all our land from us, and we have nothing to support ourselves with. Let the Government secure to us the lands we now have, give some to those who have none; then my Indians will not steal; then I will be responsible for their acts, and I know the whites will have nothing to complain of.’ Would to God the Government would understand them, and put the Indians under our control. In a few years they would be entirely different people; they would be able to support themselves; they would be good Christians, and even they could be made good citizens, and an honor to the Government.³⁰⁷

³⁰⁶ Charles A. Wetmore, Report of Charles A. Wetmore, Special U.S. Commissioner of Mission Indians of Southern California (Washington: Government Printing Office 1875), 2.

³⁰⁷ Ibid, 6.

Wetmore was a proponent for finding positive, professional solutions to the problems of Indian land and welfare. He had more concern for Indians than most government agents that came before him. However, his agenda mirrored the motivation of the country as a whole and his overall opinion of Indians and their aptitude still fell short of the reality of Indian intelligence and capability.

Investigation has shown to me that there are three classes of difficulties that must be provided against by judicious laws, if it is the intention of the Government and Congress to deal justly with the Indians and to protect American citizens from the evils which now surround them, which are the effects of contact with a vagabond class, whose vagabondage may be laid at the door of the Government. In order to make these Indians occupy positions of usefulness in a white community with out conflict of rights and to divest them of the character of public nuisances, it will be necessary – First. To adjust and *determine* the rights of Indians on public lands, with due regard to the claims of white settlers, who have been invited by law to seek homes in the same localities. Second. To settle the conflict between owners of private land-claims and Indians occupying the same. Third. To prevent, as far as possible, vagrancy, with its attendant evils, prostitution, drunkenness, &c.³⁰⁸

Wetmore followed these main concepts with twelve ideas on how to organize, correct and implement solutions. As seen below, his influence by the common understandings of the day reflect social Darwinism. He underscored the belief that Indians were savages and therefore would succumb under more advanced and civilized American culture and would become extinct in a very short time either by non-compliance or by assimilation. The government followed and advanced the following ideas by Wetmore, setting the precedent for the foundation and establishment of the future reservations in southern California.

³⁰⁸ Ibid, 8.

In attempting to report fairly concerning these evils, and to suggest proper methods for overcoming them, I have kept foremost in my mind several fixed ideas:

First. That intercourse on equal terms between whites and Indians invariably results in the degradation of the latter.

Second. That Indians in their present savage or semi-civilized condition are not competent to compete with the superior intelligence and force of the whites. In all cases where they attempt to do so, on equal terms, the Indians become the victims of the vices of the whites and the easy prey of the unscrupulous trader and speculator.

Third. That, even if it be true that civilization will ultimately exterminate the Indian race when it comes in contact with the Anglo-Saxon merciless rule of progress and life, "root, hog, or die," yet it is the duty of the Government to protect all human beings within its power in their rights, and to determine those rights; and if any class of those beings are shown by nature to be incompetent to live under the high-pressure laws of advanced civilization, it is the duty of the Government to pass special laws under the operation of which an *opportunity* to grow into civilized life may be given them, at least to protect them humanely from the consequence of their own weakness.

Fourth. That it is peculiarly the duty of our Government to pass special laws for the protection of Indians, who are forced to receive civilization among them, even though special laws for other classes be objected to.

Fifth. That any attempt at the present time, except in special instances, to extend, unqualifiedly, rights or even privileges of citizenship to Indians, will necessarily result in evil to them, through the competition of forces for which they are not prepared.

Sixth. That Indians must be treated as wards of the Government, and in consequence thereof the Government must be the guardian or trustee of all their rights, or establish such trusteeship for them.

Seventh. That their rights as wards must be determined and *vested* in their trustee, beyond the reach of political control and the effects of political changes.

Eighth. That until it be shown that Indians are increasing in numbers, it is unnecessary to reserve or establish rights for their use in excess of the demands of their present numbers. Reservations of land, sufficient to

provide for their actual occupation, will answer all politic purposes. Experience shows that larger reservations always invite encroachments with impunity by the whites.

Ninth. That the ordinary punishments for Indian misdemeanors and crimes, as applied under general laws now in force, are not effectual against their commission or repetition. Except within the limited operation of their own laws and customs, Indians only exceptionally appear to have any shame or regard for reputation, the two great conservators of good morals and public peace. Indians need a more rigid and effective system to compel or induce obedience to law.

Tenth. That when Indians and whites mingle in their occupations and life, the interests of the whites are equally involved with those of the Indians in any plan for the assistance or government of the former, and the interests of both should be considered together.

Eleventh. That prostitution of Indian women is the invariable result of unrestricted intercourse between Indians and whites, and the sole great cause of the extermination of Indian tribes by the advance of civilization, ardent spirits sometimes being the means to such debauchery used by whites, and generally being the object coveted, for which the women prostitute themselves, and are suffered to do so by the Indian men, who covet a share of the ill-gotten poisons.

Twelfth. That the sale of ardent spirits to Indians cannot practically and effectively be prevented by laws forbidding or punishing the sale thereof. In the streets of San Diego and other towns I have visited, it is common to see Indians coming and going with bottles of whisky, and yet no white jury will convict a white trader. Even if the sale could be stopped at the stores, there are a thousand ways to smuggle the contraband article among the Indians. The only remedy is to punish the Indian for drunkenness, not by confinement in jail, but by compulsory work.³⁰⁹

After penning this draft of ideas, after taking a tour of the San Diego area, Wetmore called a meeting of city, county, state and federal officers to gain approval and advice on what he had written. The contingent of officers, and local newspapers, agreed with Wetmore on every point and the conception was set in place for an outline to govern

³⁰⁹ Ibid.

San Diego's first reservations. After land surveys took place and the government decided on reservation boundaries, President U.S. Grant signed into existence the earliest reservations by Executive Order on December 27, 1875. The first reservations in San Diego County were composed of Portrero, Agua Caliente (Warner Springs area), Capitan Grande, Santa Ysabel (which included Mesa Grande), Pala, Sycuan, Inaja and Cosmit. The Portrero reservation included today's reservations of Rincon and La Jolla. After initial reservation boundaries were set, the government returned later and amended boundary lines to include land that surveyors had incorrectly determined. Post 1875 Executive Orders also created additional reservations.

The year 1875 was the beginning of an era in northern San Diego County of Indian displacement and contention over boundary lines. The first incident occurred in September. Between the compiling of Wetmore's report in January and the official Executive Order for reservations passed in December, San Diego officials removed the Luiseño village on the Little Temecula Grant. The 1875 removal had its birth with events that occurred in 1855. This newspaper article was written at the end of 1875:

The Temecula Rancho was confirmed to Louis Viques in 1855, but the Indians were not disturbed, and continued to live there until last Summer, probably not anticipating that they would ever be disturbed. But a judgment was recovered in this city two years ago for dispossessing them, who at the time were living away from their homes, and entirely ignorant of the action against them. But, last August, a writ of ejectment was obtained, and for satisfaction of the costs, under which the Indians were not only ejected but their poor little personal property seized. So the Indians were deprived not only of their homes and their crops, but what little they had besides.³¹⁰

³¹⁰“The Temecula Indians,” *Daily Alta California*, December 8, 1875.

The incident of the Temecula removal provides an introspective look into the inner workings of survival strategies by Indians in Temecula and their chosen leader Olegario Calac during this harsh time of land surveys and ejection. On October 4, 1875, the *Daily Alta California* gave an overview of the history of the conflict.

In May, 1873, the ranchos Pauba and Temecula were purchased by Messrs. Sanjuro, Murietta and Pujol, who intended to stock the lands with sheep and enter largely into the production of wool. The charge of the property and the general management of the business was placed in the hands of Mr. Murietta, who has since resided at Temecula. In the latter part of May the proprietors applied to the Sheriff of this county to send a Deputy to the Indians, about 100 in number, who had long occupied the choicest portions of the Temecula rancho, to give them legal notice that the fee simple ownership vested in the purchasers of the grant, these Indians having, from long usage, become impressed with the belief that the land was theirs by prescriptive right. Upon the Indians, who were clearly informed of the late purchase of the property by Messrs. Sanjuro, Murietta and Pujol, and it was distinctly stated that the object of the owners was that the title should be legally recognized, they having no desire to drive out the Indians and take their property. No attention was, however, paid to this notification by the Indians, and a suit in ejectment became necessary to protect the rights of the purchasers of the property. The owners of the rancho have constantly treated the Indians with the utmost kindness and forbearance, and have given them all the time they have asked to make ready to depart, but they have been badly advised by designing men, an ignorantly counseled by Government agents, and have finally remained on the premises in the belief that they could not legally be removed. On the 9th of September instant, Sheriff Hunsaker proceeded to Temecula and served papers in ejectment upon all the male Indians that were then on the rancho, and on the 10th he visited Olegario, the head chief, and also served a notice upon him. The Indians were given until the 20th instant to remove their property beyond the lines of the rancho.³¹¹

The 20th of September soon came and Sheriff Hunsaker returned to Temecula and forcibly removed Indians from their homes. The Indians asked for

a little more time, as Calac had gone to Los Angeles to meet with a lawyer about the case and had not returned. Hunsaker refused and removed three families. He agreed to let a fourth family stay until 8:00 the next morning. One of the owners of the land, Murietta, made an offer to families who were distraught about the removal.

Mr. Murietta told the Indians, before beginning to dispossess them, that any of them who chose to recognize his title by signing a lease could remain on the premises for forty days, so as to have ample time to take off their crops, move off their houses and all their property. Seven of the families signed the lease and remained for the time specified. The rest, about two-thirds of the whole number, declined to avail themselves this offer, and were ejected.³¹²

Murietta wanted Indians to sign the lease so that he would have documentation in his favor that Indians looked to him as the legal landowner. The leases, in a court of law, would prove that Indians did not view the lands as their own, but Murietta owned the lands, thus having to lease from him.

In our interview with Captain Jose Antonio, he stated briefly that he had delivered up the lands claimed, under protest, and that he had advised his men not to accept or sign a forty-days' lease which was offered to them of the lands which they occupied, as it would be virtually conceding the claimants' rights to lands which they (the Indians) in law and justice owned. It is true two or three signed the forty-days' lease, but all the others moved away and gave up their lands under protest, and are now, as before stated, very peaceably building huts on the foothills to live in until the matter is decided at Washington.³¹³

³¹¹ "The History of the Grant Controversy, The Impotency of the Government," *Daily Alta California*, October 4, 1875.

³¹² *Ibid.*

³¹³ "The Temecula Indians, They Propose to Await the Decision of the Washington Authorities," *Sacramento Daily Union*, October 23, 1875.

In two days, the dispossession was completed. Hunsaker and his men removed Indians and their livestock over the boundary line of the ranch to the west. One journalist injected his emotions in an article on December 8, 1875:

It seems that our white people generally entertain fully the idea that the Indians have no rights which the white man is bound to respect. It seems cruel that these and other Indians, who are disposed to be peaceable and self-supporting, should be ruthlessly turned out of their poor homes, robbed of their crops, their poor little trifles of personal property seized and confiscated, and they turned out to starve like cattle in a desert. If there were anything in this world like curses inflicted for vile deeds done, they who have despoiled and abused the peaceable and helpless Indians, would justly suffer.³¹⁴

Some newspapers reported that Indians moved quietly. Other newspaper articles, over the next few weeks, reported that there were troubles looming with threatened violence from the Temecula Indian leadership. The *Sacramento Daily Union* gave this unsympathetic report on October 8, 1875:

Sheriff Hunsaker returned from Temecula late last night. He reports that the Indians had dispersed when he arrived there Monday, and now all is quiet; but that the Indians had been insolent and were yet very uncommunicative. Olegarrio made a speech to them, advising them to go back on the ranch and fight till they died, but they listened to the advice of others and went off to their camp. It is thought that if Olegarrio was disposed of in some war, there would be no further trouble.³¹⁵

As discussed in Chapter 2, the Calac family had its ancient roots in Temecula. Over many years, they moved around the landscape. Olegario Calac made his home at Rincon, approximately eighteen miles southeast of Temecula. The Calac family was a hereditary leadership family supported by the Luiseño in the mountains. Many newspaper reports blamed Calac and other leaders for uprisings and any trouble that

³¹⁴ "The Temecula Indians," *Daily Alta California*, December 8, 1875.

³¹⁵ "From San Diego – End of the Indian war," *Sacramento Daily Union*, October 8, 1875.

transpired. Some newspaper reports claimed that the Temecula Indians were about to revolt. The stories were created by Americans who wanted Indians to appear threatening so they would lose any support from the public. The following whimsically sarcastic article from the *Sacramento Daily Union* acknowledges the deception in the reports:

I have taken the following notes of a twelve days' trip among the Indians, of whom it is expected that at any day they will strike a blow a la Modoc. I started from here on the 5th instant in company with G. Campusano, and reached Temecula, the supposed scene of the gathering of the braves, on the 8th. There should have been mixing up of the war paint and digging up the tomahawk and scalping knife, ready to bury the same in the cranium of ye poor whites. The preparations for war, as we saw them, consisted mainly of families of Indians moving to the foothills, toward Vallecito, with their sheep, chickens, etc., and building huts with an energy that would put to shame some of the civilized people of our own era. The main weapons with which they were armed consisted of an ax and an ox cart. On our arrival we found that there was something 'rotten in Denmark,' as we discovered a group of some twelve or thirteen Indians in front of a certain store, all drunk and on inquiry found that liquor was sold to them with perfect impunity, and hence come the rumors of war.³¹⁶

The reports of rumors of war came from the inception of many Americans who wanted Indians to disappear and did not like Calac because he fought fiercely for his people and was a dedicated, intelligent and protective leader. Calac created survival strategies and used every resource to defend the people. The survival strategies he utilized for his people included hiring lawyers and bravely arguing for justice. He stood his ground to make sure the people's voices were heard and they were being justly treated. The following newspaper article is one example of the hatred shown for Calac and the ignorance of the people in 1875 toward non-American cultures:

³¹⁶ "The Temecula Indians, They Proposed to Await the Decision for the Washington Authorities," *Sacramento Daily Union*, October 23, 1875.

On the Temecula Rancho, at the Pala Mission and at the Potrero and vicinity, have been for a long time divided by rival claimants for the chieftainship. There is a feud between José Antonio, a prosperous and thrifty half-breed, who cultivates a fertile farm, and inclines to civilized life, and Olegario, who is still full of the savage instinct, and retires as much as possible from the neighborhood of the white man. This Olegario was distinguished by the presence of an Indian Commission in his camp two years ago, at which time he treated his visitors to an exhibition of Indian dances and other savage customs. This same fellow, who has kept the Indians in a broil over his claims to the Chieftainship, has made it a common practice to visit Los Angeles for legal advice. In Los Angeles he could find comfort for his ambition. The farce of it all was that while he was advised that his Indians were all American citizens, entitled to all the privileges of citizenship, yet the main effort of his life is a keeping up of Indian tribal relations and in exercising a power over his band contrary to the law of the land.³¹⁷

As time passed, newspapers revealed that the reports of outbreak and violence on the part of Indians were a fabrication.

The utter fraudulency of the pretenses made concerning the alleged truculent intentions of the Temecula Indians can no longer be concealed. It is apparent that from the first these poor creatures have never had a thought of retaliating upon the white people. The sharp outcries and well-feigned alarms of such papers as the *San Diego Union* now appear simply ridiculous in the light of the events. All that the Record Union has said in this connection is more than justified by facts, and the position of those who have been playing for a sham Indian war is not the most creditable. It is clear that the demand for troops made upon General Schofield was not even momentarily justified/ that the conduct of the Indians (Olegario included) has been peaceable and temperate throughout; and the just presumption is that the phenomena which have puzzled the public lately originated in one of those nicely-plotted little jobs which are so often undertaken by unscrupulous persons under the specious pretense of some public necessity...The public are somewhat curious to know how it comes to pass that honest journals should have gone out of their way to support a patent humbug like the Temecula Indian scare, and why they should have persisted in representing an innocent and peaceable tribe as about to take the war-path.³¹⁸

³¹⁷ "Olegario's Revolt, The Cause of the Recent Indian Scare in San Diego County. The Indians Incited to Resist the Government," *Daily Alta California*, October 9, 1875.

³¹⁸ "The Temecula Indians," *Sacramento Daily Union*, October 26, 1875.

Because Calac was a strong hereditary leader and all of the Indian people followed him, the Americans were against him and wanted to appoint their own choice for leadership in his place. Olegario lead his people with his own intelligent, carefully thought out and crafted survival strategies. One journalist in Los Angeles commented on Olegario's visit to the city with other Indian leaders in October 1875:

Olegario, the principal Chief of the Temecula Indians, and a large delegation of the Temeculas are in the city. With Olegario are Jose Antonio, second chief of the tribe, Vicente, Alcalde, and Georiaco, one of the Commissioners. They all seem intelligent men of unusual degree for Indians. Olegario says they have occupied the lands of the Temecula since the first Indian was born; they have been born there, and their ancestors' graves are there for centuries before. Marriages and deaths have taken place for many hundred years. They have cast away the old Pagan religion, have been converted by Jesuit Missionaries, have had marriage christenings and funeral services for ages, and unexpectedly they are thrown out of their houses and fields to satisfy a designing speculator. They were dispossessed by the sheriff of San Diego county on a claim of a holder of a United States patent. They have no recourse but to flee to the mountains. They left their houses, their cultivated fields and fenced pastures. Two hundred souls of the Temecula band were forced to become vagabonds on the face of the earth. They say they have no intention to revolt or to make trouble, their only desire being to be at peace with the whites and make their living by agriculture. Their women and children are now in a starving condition, and men are compelled to flee to the Sierras for support during winter. They came here to see if the Government cannot help them. They have never received blankets, annuities nor agricultural implements, but have made their bread by the sweat of their brow. They have never made any threats, but white men of San Diego county have given out that impression for the purpose of robbing them of their land, and to prevent the public from sympathizing with them. From what we can learn, it is an attempt to drive them from Temecula, and force them to go to Pala, where there is no water and no chance to make a living.³¹⁹

Though too late for the village at Temecula, after Whitmore took his report to Congress in Washington, D.C., the government sent out surveyors to identify the

boundaries of villages already inhabiting the places where the government would establish reservations. Once determined, the government removed those lands from the public domain.

This plan would obviate the necessity of reserving more lands than were necessary, and would prevent retarding the progress of white settlers. In many cases it was found that the ranch holders were willing to settle the Indians in their accustomed homes by selling to the Government the patches actually occupied. For others, not so conveniently accommodated, further provision by removal of purchased ground could be made. To do this economically an active survey was needed and was in progress last Summer.³²⁰

Unfortunately, the timing for the Indians at Temecula to utilize the survey process and keep their village site in tact was too late, since the court had ordered their removal before the surveying and the new Executive Order was in place. However, the process of setting boundaries allowed Calac to help the remaining villages keep some of their lands by going to a lawyer for help or using his own ingenuity and intelligence in legal matters. On July 14, 1875, James Parene, Deputy County Surveyor, was working on the surveying project and encountered Calac. Parene stated in a letter to W.G. Wheeler, County Surveyor:

In compliance with your instructions and authorization I went to Pauma for the purpose of commencing the survey of lands occupied by Indians in this county. At San Luis Rey, on the way out, I was informed that the Indians under Olegario were not going to allow any surveys to be made except such as would be sanctioned by themselves, and to include such lands as they thought they were entitled to. I went to Olegario's camp at the Rincon in Pauma Valley, stated to him what my instructions were, and that they were orders from the Department at Washington. He said that he would allow no survey to be made by any one of the rancherías occupied by his people, without first calling them together, explaining the matter to them and having their consent and permission. I waited for them two

³¹⁹ "The Temecula Indian Complaint," *Sacramento Daily Union*, October 18, 1875.

³²⁰ Ibid.

weeks. On Sunday, the 12th instant, attended their meeting, which was held at the Rancheria Rincon, about eighty Indians being present, and representing eleven or twelve Rancherias. I explained to them personally what my instructions were, and were it not for Olegario am satisfied could have proceeded without any trouble. But he, acting (as I am informed) through the advice of a lawyer named Wilson, in Los Angeles, has some very exaggerated ideas as to the rights of the Indians; told them that the Government, instead of giving them any lands, was only going to limit them to their little garden patches and take all their other lands away. His version of the business is that the Indians were formerly owners of all the country in a general circle from Santa Margarita and Los Flores to Temecula, Santa Ysabel and San Pasqual, and any survey that was not made with a view to giving them those lands would not be permitted. No violence was offered and the conference was quiet and orderly in every respect, but there was an evident determination on the part of 'Olegario' to impede the progress of any steps that did not meet with his consent and approval.³²¹

The surveyor did not continue until the Department gave him advice on how to proceed. Calac was instrumental in setting aside as much land as possible for the Luiseño. His strong will, determination and demand for respect received attention from Americans who were there to sort out the land situation. In November 1875, Calac traveled to Washington, D.C., to meet with President Grant about Luiseño land issues.

The President has had an interview with Olegario, the Chief of the Temecula Indians, and assures him that he will give them temporary relief and recommend their case to Congress.³²²

Calac's lack of fear and natural leadership abilities gained Indians in the mountains of San Diego County lands that would probably have been much smaller if he had not been in place to fight for Indian rights and heritage.

Probably the best thing that could have been done was to send Olegario, the chief of the Temecula Indians, to Washington, to relate the wrongs of his people at the headquarters of the Government. He has now had

³²¹ "Olegario's Revolt, The Cause of the Recent Indian Scare in San Diego County," *Daily Alta California*, October 9, 1875.

³²² "News of the Morning," *Sacramento Daily Union*, November 17, 1875.

interviews with the Secretary of the Interior and the President, and it may be regarded as highly probable that some genuine sympathy will be expended in getting Congress to do justice to these unfortunates.³²³

Olegario Calac proved himself a noble, dedicated and courageous leader of the Luiseño. His survival strategies, wisdom, strength of character and tenacity illustrated what Indians expected and received from a hereditary leader. The Calac leadership role was passed down over many generations through his family's kingship lineage. His father and all of the fathers that preceded him passed down the abilities and knowledge of how to manage the country. The land that Calac spared for Indian habitation is still used today and has played a role in the preservation of Luiseño culture. Without the land base, that Calac fought for, Indians would have lost the cohesion needed to continue the language, songs, stories, traditions and their treasured way of life.

Even though the first reservations were set up in 1875, there were still problems with Indians being ejected and losing their homes. The people of the village at San Pasqual were finally completely removed from their lands in 1878 by San Diego County authorities.³²⁴ Because of the death of their leader, Panto, in 1874, Indians in the valley were without a strong advocate to fight for them. Their jurisdiction did not fall under Olegario Calac, even though they were in a neighboring valley to many Luiseño. As already stated, many of the Indians in the San Pasqual Valley were of Diegueño lineage. Their pueblo was established there by Mission Fathers in San Diego and Indians were brought to the valley for that purpose. When the land in the valley was sold in 1875, the people there were without a land base.

³²³ "The Temeculas at Washington," *Sacramento Daily Union*, November 19, 1875.

³²⁴ Official history of the San Pasqual Tribe, <http://www.sanpasqualtribe.com/>

Some trouble is anticipated with the San Pasqual Indians owing to the fact that a patent has been issued by the Government to other parties for the land upon which they are located. Of course it will be impossible to apportion to them the amount of land ordered by the Government where they are now situated, and it is conceived that there will be a good deal of dissatisfaction when the attempt is made to remove them.³²⁵

Their survival strategy was to flee into the surrounding canyons and local areas sometimes moving in with friends and family. Many went to Mesa Grande and La Jolla, which was near their summer home. They knew the Indians there and many intermarried.³²⁶

The government established additional reservations over the next thirty-seven years. San Pasqual finally received designated lands in 1910. The Temecula people established their reservation, Pechanga, in 1882 under President Chester A. Arthur. Los Coyotes reservation was established in 1889. The Pauma-Yuima reservation was established in 1891, as was the Cuyapaipe or Long Canyon reservation, the Manzanita reservation and the La Posta reservation. The Campo and Laguna reservations were added in 1893.

As shown in chapter 2, the Jackson and Kinney report and the Atkins report fueled the flames for action concerning southern California Indians and the lands that were quickly being swallowed up by Americans, which were leaving Indians out in the cold, anxious and angry. The Smiley report was written, after a special commission, sent by Congress to southern California, toured the area and came to conclusions on what they felt should be done in the case of landless or threatened Indians. In 1889, Congress

³²⁵ "San Diego Items," *Los Angeles Herald*, July 13, 1875.

³²⁶ Official history of the San Pasqual Tribe. <http://www.sanpasqualtribe.com/>

created a commission of three men for selecting reservations for southern California Indians. Albert K. Smiley's background was in education. He had proven himself worthy of the post with a vast history as an activist with Indian and African American rights. He was involved as a leader of the Lake Mohonk Indian Conference, which was responsible for reforms in the treatment of Indians. The President created a board of Indian Commissioners of ten men from various religious philanthropic backgrounds to inspect and remove corrupt practices formerly utilized by the Indian Bureau. Smiley was one of those ten men whose interest was to bring peaceful solutions to Indian affairs. The Secretary of the Interior appointed Smiley the chairperson for the southern California Commission to look into Indian land issues. Since Smiley was an educator, he also made note in his diary of Indian schools and schoolteachers.

The Commission to California consisted of three men who were Albert K. Smiley, Joseph B. Moore and Charles C. Painter. Their assignment was to investigate and suggest solutions to problems with Indian reservation boundary lines and with possible additional reservations or removals. They completed the report on December 7, 1891. The introduction in the report gives an overview of the Commission's intentions and goals.

As soon after their appointment as possible, all the members of the Commission went to California and proceeded to make themselves as familiar with the condition of the Indians and their reservations as possible. To do this they were compelled to travel over many miles of mountain roads and to give many surveys made. We have found a good many difficulties in the way of a satisfactory solution of the questions submitted to us: white men, in many instances, had encroached upon the Indian lands – especially upon those within the lines of Spanish grants, the Southern Pacific Railroad Company claimed to own the odd sections of land within the reservations near the line of its railroad, settlers had moved

on to these railroad lands and made improvements and developed water rights. [illegible] of them had been ejected by the military and [illegible] suits against the government or against the officers [illegible]. We have attempted to adjust all differences, and in some cases have succeeded, as will appear more in detail in our recommendation in regard to individual reservations. It is our judgment that if our recommendations are adopted it will result in a reasonably comfortable and adequate home for every Mission Indian who cares to avail himself of the provisions made for him on these reservations. At those reservations where we think it wise to allot the lands at an early date in severalty, we have so recommended. As to the reservations where we do not so recommend, we did not think it best as yet to allot the lands to individuals. In Southern California the water supply is an important matter. Its use can be greatly economized by the adoption of method and system in the laying out and the construction of the reservoirs and irrigating ditches. The Indians are good ditchers and have great skill in the building of irrigating ditches, but they do not possess the technical knowledge that will enable them to plan a system of irrigation that shall provide for an economical use of water by so many families as will need it on some of the reservations proposed by us, and so we recommend that there be employed a competent water engineer to plan systems of irrigation for them in such localities we shall mention more in detail hereafter. After pursuing the work of the Commission for about eight weeks, Messrs. Smiley and Moore were compelled to go East and were granted leave of absence for that purpose. Mr. Painter has remained in California continuously causing surveys to be made and getting such information in detail as he could get. Mr. Moore returned in October and Mr. Smiley early in November, and all the members of the Commission since their return have spent all their time in the work of the Commission. We recommend that there be set apart for the Mission Indians of California the following reservations:³²⁷

In the mountains of northern San Diego County, Smiley traversed the established reservations and viewed possible future reservation sites. He suggested future removals for some villages, boundary changes for others and removal of American squatters for still others. Indian survival strategies are apparent within the text of Smiley's report. Smiley conversed with Indians on their lands and listened to their comments and grievances. Village leaders voiced their opinions and their needs. They remarked on

³²⁷ Smiley Commission Report, Heritage Room Archives, Smiley Library.

their objections and demanded their rights to stay on their hereditary lands. Smiley's diary gave additional behind-the-scenes commentary, which supplemented his report. His travels took him from Santa Ysabel to Pechanga and to Pala. From there he visited Pauma, Rincon and La Jolla. At Santa Ysabel he found a distressed group of Indians and made recommendations. Smiley's diary revealed what he experienced there:

Visited the Indian village of Santa Ysabel – found a large and interesting band of Indians. Talked with chief and captain. Found they were not allowed for the past few years to cultivate any land – although the fine Rincon near the village was their home for an indefinite period. The former proprietor allowed the Indians to cultivate the land. The proprietors are evidently trying to freeze out the Indians. They seemed both a nice people and ought to hold their lands. Four women were worshiping in the chapel. Took four pictures of chapel and the men and women grouped in front. The two both came from San Diego.³²⁸

Indians at Santa Ysabel had problems with new and changing ownership in the area around their hereditary village. Former owners protected them so they could continue with their way of life in farming and ranching. Subsequent Americans moving into the area did not have concerns for Indian rights. They were only concerned with their own rights to the detriment of others. Smiley's recommendation for the Santa Ysabel area Indians was to create a reservation and allow them the necessary land to continue their daily subsistence practices. The Smiley report relates:

We recommend that a reservation be established called Santa Ysabel embracing the following lands... There is much worthless mountain land on this Reservation, but the line can not be run over these mountains without great expense. These Indians have some cattle, and a considerable part of their industry is grazing. They have an abundant supply of water and of arable land, not only for their own needs, but also for perhaps fifty Indians more, if it shall be necessary to put them there. We believe it will become necessary to make homes for Indians who are now scattered about

³²⁸ A.K. Smiley Diary, 1891, Mission Indian Commission, Heritage Room Archives, Smiley Library.

in the mountains and valleys without homes and also for Indians who may be dispossessed by litigation, pending or threatened, and for these reasons we recommend that this reservation be set apart not only for the Indians now on it, but also for such Mission Indians as it may be advisable to put there hereafter. We think it would be wise to have a water plan a system of ditches for irrigation purposes. The Indians could do the work. Some of the Indians on the Santa Ysabel Ranch have already been driven off, others are threatened with litigation. This would naturally be the place for them to go if they are required to get new homes. A settler by the name of C. Paine has settled on this Reservation. We recommend that the Agent be instructed to get him off.³²⁹

Indian survival strategies in the Santa Ysabel area differed from person to person.

Some scattered to other areas when confronted by Americans taking lands. Some landowners threatened them with litigation. Since Indians did not have rights as citizens, the outcome of court action would be detrimental to them keeping their village land.

There were many independent small villages in the area. Smiley suggested future removals of those Indians onto the newly created Santa Ysabel reservation. There was also a recommendation by Smiley to remove Americans who had moved onto on tribal lands. Smiley tried to be an efficient judge in these land matters and tried to vie for doing the right thing. In the end, his official duty was to accommodate Indian needs and assure them of rights of previous land ownership. In some instances, he recommended removal and in others, he recommended establishment of a new reservation. Smiley's next diary entry was in the Pechanga, Pala and Rincon areas. At Pechanga, he conversed with the schoolteacher.

Descended the mountain to the Temecula Valley then to Pechanga reservation when we visited the Indian school took lunch at the school with Mrs. M.J. Platt the teacher. China cups. Niece of teacher was Clara Pierson an interesting [illegible] girl learning to be an Indian teacher.

³²⁹ Smiley Report.

Scholars sang nicely for us. Then drove to Pala where I got [illegible]. saw the old mission somewhat in [illegible] – there to Rincon when we stopped at the Sammons who with her daughter live very pleasantly near the Indians. The Sammons family are good friends of [illegible].³³⁰

The Pechanga Reservation, in Temecula, was established in 1882. Some of the Indians living at Pechanga were Indians that had been previously removed from the village in Temecula, as discussed above. In the official report, Smiley wrote:

Owing to an almost entire lack of water, the land is suitable only for dry farming, and can be utilized alone for such grains as barley and wheat, which are made by the winter rains. The Indians, being unwilling to remove, the Commission recommends the setting apart of these sections as a permanent Reservation for them, believing that, with such crops as they will be able to raise, and the wages they can earn as laborers on the adjoining ranches, they can make a comfortable living. The little water they have has its rise on Section thirty-six, one hundred and sixty acres of which ought to be added to the selection the Commission has made. The former Agency Clerk and Physician, Dr. Ferree, purchased this land from the State that it might be held for this purpose, and is willing to sell it to the government for what it cost him, including taxes and interest, and the Commission recommends that it be purchased and added to the Reservation. There are at this place, about one hundred and sixty Indians, being a remnant of those who were ejected from the Temecula Valley some years ago. The Commission recommends that the government pipe the water from the above mentioned quarter sections to the school-house, and to a central point of the village, under the supervision of the Indian Agent, at an estimated cost of Two Thousand Dollars.³³¹

The Luiseño Indians at Temecula had waited seven years after some of them were removed from their village. 1891 brought the families on Pechanga more land and a promise from the government to bring water onto the reservation. Survival strategies for the Pechanga people had been to continue working on local ranches and to continue in voicing their opinions and grievances to Indian agents. They told Smiley that they

³³⁰ Smiley Diary.

³³¹ Smiley report.

refused removal. This time, the government heard their voice and Smiley recommended the purchase of more lands to keep the removal from happening. From Temecula, Smiley went south, down the canyon to Pala and then across Pauma Valley to Rincon. On a later visit to Pala, Smiley noted a discussion with Indians there in his diary: “Visiting the two small reservations at Pala and talking with Indians. They want more land have only 160 acres 11 families.”³³² Smiley’s recommendation for Pala was to purchase more land and perhaps begin allotting lands to Indians.

This land is nearly all arable land and has been occupied by the Indians for a long time. They have on these lands quite comfortable houses. The Indians are not willing to leave and there are no other government lands in this vicinity that we can recommend to be set apart for their use or we should be glad to have the reservation larger. We think the lands at Pala ought to be allotted, and the surplus Indians for whom there is not land, induced to go to some of the other reservations. There are about sixty Indians here.³³³

Smiley suggested allotments for the Pala people. There was not enough land for all of the Indians living there in 1891, and therefore he also recommended removal of those who would not take allotments. Allotting land to Indians was a form of assimilation, as it was a primary format to remove Indians from the community of the tribe to having individual plots of land. The Dawes Act was created to reform Indians in regard to allotments.

Under the guise of reform the Dawes Act, known as the Allotment Act of 1887, was yet another attempt to Americanize the Indians and speed up the process of detribalization. The focus of the law was to encourage Indians to claim for themselves and their families, lands previously held by the tribes. Individuals and tribes voting for allotment of lands were given a specified amount of land to be held in stewardship by the federal government for twenty five years after which time the person named in the

³³² Ibid.

³³³ Ibid.

allotment would receive the land fee simple. To induce Indians to vote for allotment, the elusive carrot for United States citizenship was dangled in front of them, the stick of cutting off federal funds and pressures to take over tribal lands hovered in the near background.³³⁴

Allotments made families begin to separate and differentiate from each other, thus breaking up the traditional ancient and cohesive tribal survival structure. Later, in 1903, the government removed Indians from the Warner Springs and surrounding area to Pala, creating a larger reservation, discussed below.

Next, Smiley traversed the Pauma Valley. Sixteen Indian families were living on part of a grant owned by Bishop Francis Mora of Los Angeles.

On what is now called the Pauma Ranch there is one rancheria occupied by one Indian family, one occupied by two Indian families and one occupied by about twelve Indian families, numbering in all, about eighty Indians. These Rancherias have been occupied by Indians since before the treaty Guadalupe Hidalgo. The extent of the occupancy is disputed. The original grant excepted these holdings, according to the translation found in the records and accepted by the present owner, Bishop Francis Mora of Los Angeles. The excepted lands were those occupied by Indians when the grant was made. To determine his legal rights, and to get the Indians off lands occupied by them, Bishop Mora had commenced suits against them, in which suits Mr. Lewis, as Special Assistant United States Attorney for Mission Indians, appeared as their attorney. While we think the suits must fail in part, it is probably the Indians are now occupying more lands than can be shown to have been in the possession of Mission Indians at the time of the making of the Grant. Acting under the act creating this Commission, requiring us to define the boundaries of lands held by the Indians within a confirmed private grant, we have caused these holdings to be surveyed. We also entered into negotiations with Bishop Mora, and it is agreed between us, that the occupancy of the lands within said grant, by the Indians, is of two hundred and fifty (250) acres, a detailed description of which is contained in a contract which is also a quit-claim deed made between the said Bishop Mora and your Commissioners, herewith transmitted and marked Exhibit F. Bishop Mora by this instrument grants to the United States an interest in certain lands during the life of Francisco Maja and his wife, also water rights for all of said Indians. For the details

³³⁴ Carrico, *Strangers in a Stolen Land*, 150.

of the agreement see contract made between the Bishop and your Commissioners transmitted herewith. As it seems to be agreed, that while the possessory rights to these excepted lands are in the Indians, the fee is in the United States. We recommend that the lands described in said contract, be set aside as a reservation to be called Pauma; and it is particularly described as follows...The Indians on these lands are bright, capable men, ready for individual allotment, which we recommend be made at once. The land is all arable, and wither has been or can be, put under water.³³⁵

On Smiley's arrival to Pauma, Mora was in the process of filing suits against the Indians for occupation of land. Smiley made an agreement with Mora, which allowed the Indians to remain on a 250 acre portion and created the Pauma reservation. Smiley noted that Indians at Pauma were intelligent and capable of supporting themselves in the American fashion, therefore recommended allotments here as well.

Smiley's next stop was Rincon and La Jolla. An executive order reservation was made in 1875 of these two areas, which also included Yapiche, as one large reservation called Portrero. Smiley divided the Portrero reservation into two reservations. One was Rincon and the other was La Jolla. La Jolla consisted of La Jolla and Yapiche. Smiley wrote in his diary:

Visited the Indian school at Rincon. 17 pupils. Miss Ora Sammons teacher took her with us to La Piche and La Jolla after first driving the Rincon Ind Reserv. Climbed eight miles to the La Jolla School where we visited Miss Flora Golsh; school. She is an Austrian (40) – pupils read – spelled and [illegible]. Afterwards we lunched with her and all drove to high hill overlooking La Jolla in a deep valley. The whole region is quite picturesque.³³⁶

At Rincon, the survival strategy that the people had adapted to was in farming and ranching. This was the home of Olegario Calac, who died in 1877. It was a strong

³³⁵ Smiley report.

community with continued cultural continuity. The Calac family, and others, continued with ancient ceremonies.³³⁷ There was a water supply there from the San Luis Rey River. Because of their organized and hard-working manner, Smiley recommended allotments for the people at Rincon.

The village of Rincon comprises about one hundred and fifty Indians. There is a very good school here and the children are making commendable progress. We recommend that there be set aside the following lands as a reservation to be called Rincon....Nearly all these lands are arable and well watered. Some of the Indians are farming successfully and we think it would be wise to allot to individuals the lands on this reservation. In our judgment the lands allotted should not be in regular shapes but should be allotted with reference to getting a supply of water, and with reference to the buildings and improvements already made.³³⁸

Smiley ventured up the mountains and found a more complicated Indian landscape as there were a few villages over a wide and varied terrain. The report described Smiley's experience on La Jolla and Yapiche:

This Commission suggests that in their judgment it is not advisable to create separate reservations for La Jolla and La Piche villages, though there have been some indications of a desire, on the part of the Indian Department, to have it done. There are about forty Indians in the village of La Piche; there are about one hundred and forty in the village of La Jolla. It is difficult to tell where one village ends and the other begins. The children from both villages attend the same school. It is not desirable or practical to maintain more than one school. There is already jealousy between the people of the two villages. Room should be made on this reservation for Mission Indians who are inadequately provided for at other places. Many of the Indians are now ready for individual allotment. To attempt to establish two reservations will increase the jealousy of these Indians and greatly complicate the allotment of lands and the providing for worthy Mission Indians who need homes here. We therefore recommend

³³⁶ Smiley diary.

³³⁷ Philip Stedman Sparkman, "The Culture of the Luiseño Indians;" Eleanor Beemer. *My Luiseño Neighbors, Excerpts From a Journal Kept in Pauma Valley Northern San Diego County, 1934 – 1974*, (Ramona: Acoma Books, 1980).

³³⁸ Smiley report.

that there be set aside, for the use of the Mission Indians in the villages of La Piche and La Jolla, and for such other Mission Indians as it may be expedient to place upon said reservation, the following land to be called the Potrero...There are many evidences of prosperity and thrift upon the part of these people, and they have an opportunity here to make for themselves most excellent homes. They have an abundance of water, and also of arable land, for their reasonable needs, and also for a considerable addition to their numbers. There is also much good grazing land. The reservation, upon nearly all sides, runs back to and takes in considerable mountain land worthless for any purpose except to prevent encroachments by others upon it.³³⁹

The Potrero Reservation was established at this time, minus the previous land, which Smiley set aside as Rincon. Today the Potrero reservation is named the La Jolla reservation. Smiley's comments on the two factions or villages can be seen today. Tribal members understand a separation on the reservation as the people from the east-side and the people on the west-side. What Smiley did not understand was that the American government could not remove the deep set and embedded culture and tribal ties that the people of the mountains had always had. It was enmeshed in their daily ways of living and is still visible today. Survival strategies for the mountain people were much like those at Rincon and most other Indian lands. They subsisted by farming and ranching and by seasonal work on neighboring ranches. The Potrero people enjoyed keeping their hereditary homelands and staying near their food and living resources. The difference was that they could no longer move across the vast landscape of southern California as they had always done. This mountain home was very cold in the wintertime. Since they were no longer able to move across the landscape, they had to learn to adjust to the plants and mountain weather on a year around basis. Reservation boundaries confined them to

³³⁹ Ibid.

what seemed to be a sort of prison. However, they did survive and still survive. Because of their isolation, the culture thrived away from the eyes of the American public.

Anthropologists, such as Constance Goddard DuBois and students of Alfred Kroeber came to study the people here and on the neighboring reservations for what they viewed as a glance backward in time. The ability to keep the ceremonies, ways of living and the language cohesive created opportunity for the people to continue in their collective culture and remain strong in their ancient survival strategies.

Smiley also visited the valley of San Pasqual. San Pasqual, like Warner Springs and Santa Ysabel, was an area of influx of people from all walks of life due to high traffic on the nearby roads and thoroughfares. The valley was also a beautiful, fertile valley with an easily accessed water resource and was highly valued by incoming Americans. Indians in the village had been a part of many foreign movements, as discussed in previous chapters, including an Indian pueblo established by Mission San Diego in the Mexican Period and involvement in the Battle of San Pasqual between the Californios and the Americans. After the war, Panto, the leader of the village, supported American and Indian interests. The Smiley report described the situation in the San Pasqual valley in 1891:

These were cruelly and wrongfully driven from the San Pasqual Valley a few years since; their land there, though granted to them by the Mexican Government, having been patented by the United States, to white men. The difficulties attending an attempt to unsettle the lands thus held, are so great the Commission hesitates to recommend an effort to restore these people to their rights; a surveyor was therefore instructed to find on what descriptions of land they are living, and it accords both with the views of the Commissioners and the wishes of the Indians, that these should be entered as Homesteads, under the special provisions of the Homestead Law for Indians. The Township has not been officially surveyed but the

survey made for the Commission by E.L. Dorn, a careful and competent surveyor, located them on...The Commission recommends that until such time as these lands have been officially surveyed, they be held in reserve for these Indians, and then the opportunity be given for them to enter homesteads. There is a sufficiency of arable land for their support, with very little water, but the character of the soil is such that fairly good crops of corn and other grains are made without irrigation. These Indians seem to be fairly industrious, and, under the circumstances, hopefully progressive.³⁴⁰

Because Mexican government granted the pueblo lands to the San Pasqual Indians, the Commission concluded that the government should honor Indian land rights under the Treaty of Guadalupe Hidalgo. Smiley suggested that Indians should be able to file for homesteads, since they had been living there as farmers and ranchers for decades under a previous grant. Smiley had land nearby surveyed for the people of the San Pasqual valley, however, the surveyor mapped out land that was unfamiliar to Indians and was canyon land, useless for farming, ranching and subsistence. Indians would not be able to survive without their strategies of farming and ranching as they had done in their beautiful, watered valley of San Pasqual. San Pasqual did not receive their reservation until 1910. When they did receive the executive ordered reservation, it did not include original lands in the valley.³⁴¹

Smiley also visited villages in the Warner Springs area. These village sites presented many problems, as they were often located on land already granted to Americans.

Your Commissioners have caused the holdings on Warner's Ranch at Santa Ysabel Ranch and also at Santa Felipe to be surveyed. The Indians desire to remain where they are; we have been unable to arrange a settlement with the ranch owners. We recommend that Mr. F.D. Lewis,

³⁴⁰ Ibid.

³⁴¹ Carrico, *Strangers in a Stolen Land*, 163 – 164.

Special Counsel of the Indians, be instructed to defend the rights of the Indians in case legal steps are taken to remove them, and also to recover the rights of those wrongfully removed from the Santa Ysabel Ranch.³⁴²

Indians voiced their concerns and refused to leave their lands, utilizing a strong agenda and their own agency as survival strategy around Warner's Ranch, Santa Ysabel and San Felipe. Because of their refusal to leave, Smiley made provisions in the report for legal support in case there were problems in the future. Smiley also stated that Indians had rights. This was a new and innovative manner for an official of the American government to view Indian issues in southern California. Not since Helen Hunt Jackson and Abbot Kinney's report had agents or government officials made decisions that would protect Indians. Smiley was helpful in advancing Indian agency in the area by initially defining and stating that Indians held rights. The Smiley report commented, specifically, on the San Felipe Ranch:

Formally, there were two quite large Rancherias within the grant, and it has been claimed by the owners, and tacitly admitted by the friends of the Indians, and various officials in charge of them, that they came on to the grant subsequent to the time it was made. Acting on this assumption, the owners ejected the Indians from one of these Rancherias some years since, and demolished their houses. Those in the other Rancheria have held on to their homes, and in part of the lands they have been using, and there are now on the Grant about one dozen houses and seventy Indians. They are attached to their homes, and for the present utterly refuse to consider the question of removal to some other place. The Commission had testimony which led it to believe, that these Indians were on the land long before the grant was made, and that, had the owners of the grant resorted to the courts for a writ of ejectment, the Indians would not have been removed. We therefore can only report the situation, and ask that if an attempt is made to eject them, Mr. Lewis, United States Counsel for the Mission Indians, be instructed to protect their rights; and, in case of failure, to maintain their rights in the courts, they be given a home at Capitan Grande, Agua Caliente, or Morongo, where, in view of such

³⁴² Smiley report.

contingencies, we have set apart a surplus of lands above the needs of those now living on these proposed Reservations. The lands now occupied by these Indians are insufficient for their use, but serve to furnish them gardens and orchards, while the men earn the chief support for their families elsewhere.³⁴³

Smiley made sure in the provisions that Indians would have legal counsel, but could not secure Indians from future removals by the courts since their villages were on lands already granted to Americans. His suggestion was to remove Indians to other areas where reservations were already established. Grant owners had already violently removed Indians in some areas. Once Indians left their homes, they scattered to nearby areas and did not want to move again. Neighboring Indians must have been witness to the misfortune that bordering villages were experiencing and did not want the same thing to happen to them. They were adamant about staying on their hereditary land and refused to move onto nearby reservations. This strategy worked for a time. However, like the village at Temecula, the time was approaching when the new grant owners would win in the courts and force Indians to leave their land.

The President passed the Executive Order in December 1891 actualizing the Smiley Report. Congress trusted Smiley's advice and direction. The President approved everything written in the report without question except for any future lawsuits that might occur from American grant owners. The final decree read:

Executive mansion. December 29, 1891. The report of the Mission Indian Commission, appointed under the act of January 12, 1891 (26 Stat. 712), is

³⁴³ Ibid.

hereby approved, except so much thereof as relates to the purchase of lands from and exchange of lands with private individuals, which is also approved subject to the condition that Congress shall authorize the same. All of the lands mentioned in said report are hereby withdrawn from settlement and entry until patents shall have issued for said selected reservations, and until the recommendations of said Commission shall be fully executed, and, by the proclamation of the President of the United States, the land or any part thereof shall be restored to the public domain.³⁴⁴

Indian survival strategies around the time of the Smiley Report in non reservation areas were to either fight for rights to stay on traditional village sites by administering verbal agency or to flee if the grant owner forcibly removed the village inhabitants with violence. These strategies were short-lived and over the next two decades, Indians were either living on official reservations or had assimilated into American cities and towns.

The last official village removals in the mountains of northern San Diego County occurred around the area of Warner Springs and Santa Ysabel in 1903. The landowners won the battle to have Indians on their lands forcibly taken away.

The Cupa Indians appealed this adverse decision to the United States Supreme Court, which in 1901 decided in favor of the grantees (*Barker v. Harvey*, 181 U.S. 481). The Supreme Court based its decision against the Indians on the grounds that they had not presented their claims to the federal land commission, as required of all persons claiming title from Mexico according to the act that created that commission. However, it was not the Indians but the land commission that had not carried out the requirements of the law.³⁴⁵

The court decided that since Indians did not come forward, as required of all potential landowners after the American take-over from Mexico to prove ownership, Indians did not legally own their villages. The Cupeños, however, exercised their agency

³⁴⁴ Ibid.

³⁴⁵ Shipek, *Pushed into the Rocks*, 42.

and had productive survival strategies in place to hold on to their land. They used the American law system to fight for their lands and even took their case as far as the Supreme Court. Unfortunately, the Indian's lawsuit lost and the government forced them to leave their homes, memory places, fields and improvements. The government appointed an unpaid Commission, which also included Indians, to find lands that would be suitable for a new home site for the Indians, which consisted of a variety of villages.

After more than five years of legal maneuvering and trial, the Cupeños of Cupa formally faced eviction from their homelands. The Warners ranch Indian Commission appointed by President Theodore Roosevelt, was headed up by Lummis and included two influential Cupeño leaders, Salvador Nolasquez and Ambrosia Ortega. Charles L. Partridge served as the legal adviser and became actively involved in evaluation of the various lands recommended for resettlement of the Cupeños.³⁴⁶

The village of Cupa was only one of the villages threatened, but its removal set the precedence for a number of other villages to lose their homes too. Constance DuBois and Edward Davis were in the area and made note of the complexity involved and the hundreds of Indians whose lives were about to be turned upside down. DuBois described the situation from her perspective:

Included in the suit with the Hot Springs Indians were four little settlements on the borders of Warner's ranch who were most unjustly made parties to the suit, though the public has hardly heard of them. Puerta de la Cruz, Puerta Chiquita, San José and Mataguaya are tiny villages where the Indians have lived for years on land which the ranch has not swallowed up together with the Hot Springs tract. This is also another Indian village where the people are living with the sword of eviction suspended over their heads. San Felipe (or La Ciénega, as the Indians call it) is a poor little reservation lying on the foothills of Volcan mountain, on the Eastern side looking towards the desert. The land around is like the desert except where the fertile valley opens out where the Indians used to live, now of course owned by a white man and called San

³⁴⁶ Carrico, *Strangers in a Stolen Land*, 157.

Felipe ranch. The limited tract to which the Indians have retreated is a bog, where the precious water wastes itself in a clay soil where nothing but a rank willow growth can flourish, except where perhaps four acres better situated yield a little grain. But even this poor refuge, the destitute village with its few pitiful acres, has been coveted by the white man, with whom to covet is to acquire, where Indian land is concerned. In the early days before the Government threw any legal right about these Indians, the white man would simply secure a patent over their heads, and riding up with his musket order them off. Now a pretense of law is complied with, but the Indians can not defend their cases. Their friends are not always appealed to in time to assist them, and with the Hot Springs case for precedent there is little hope for Indians at law. So now they must move off. The ranch owners have already ordered them to leave, but where can they go?³⁴⁷

Shipek listed other, smaller, villages that were also affected by the decision:

All of the grant owners who had previously agreed to abide by the decision in the Warner's Rancho case were now able to evict the remaining Indian villages – Santa Ysabel, Cupa, Mataguay, San Felipe, Puerta La Cruz, San Jose, Tawhee, Puerta Noria and Cuca.³⁴⁸

The scene was a mass movement and disruption to Indians in these villages and affected all Indians in the area. Most local Indians were related in some way, whether through marriage or through friendship. The massive removals must have touched every single Indian in the backcountry of San Diego in some way. When Jackson was in the area, in 1882, she described the villages near the Ranch:

The other Indian villages on Warner's Ranch do not demand separate description, consisting of not more than half a dozen houses each, and numbering only from fifteen to thirty Indians. Each village, however, has its own captain, and its cultivated fields, orchards, &c., to which the Indians are profoundly attached, and from which it would be very hard to induce them to move, spite of their poverty, and the difficulty of making a living, as they are now placed.³⁴⁹

³⁴⁷ Constance Goddard DuBois, "The Mission Indian Exiles," *Land of Sunshine* 15 (1901): 248.

³⁴⁸ Shipek, *Pushed into the Rocks*, 42 - 43.

³⁴⁹ Jackson, *A Century of Dishonor*, 487.

Jackson foresaw the problem of ranchers and landowners in the area and that at some future date, Indians might have to leave their villages.

The commission to find suitable land for all of these villages looked at a number of places around the southland. They finally settled on the Pala area, where there was already an established reservation and asistencia.

William Collier of this city, special attorney for the Mission Indians, has passed on the abstract of title of the lands purchased in San Diego county for the Warner's Ranch Indians and has forwarded them to the interior department with his approval. As soon as the completed abstract reaches the government, payment for the lands will be made. The lands purchased are around the old Pala mission with its unique monument, from which is heard the mission bells. The tracts comprise 3438 acres, and was purchased from fifteen separate owners for \$46,230. Of the lands, 2028 acres are tillable and the 733 acres irrigable. There are thirty houses and barns on the tract, and at the time of the examination by the commission 316 acres were being irrigated. The water appurtenant to the land measured on June 18, 1902, 132.92-100 inches, and since then has largely increased. In addition to the above land the government has given orders to withdraw from entry about ten thousand acres of land continuous to the Pala purchase. This tract will be used for an auxiliary reservation. The lands in question are very rich being bottoms along the San Luis Rey river. They produce large crops of corn, grain, vegetables and melons. It is believed by those who best understand the temper of the Warner Ranch Indians that they will offer no further opposition to the new homes selected for them by the government.³⁵⁰

Though the commission worked hard to choose the land for removal and believed it to be the best choice, Indians were adamant about staying in their villages and fighting for their homes and their livelihood. For the San Felipe Indians, the survival strategy was to fight, physically if needed. Edward Davis, living at nearby Mesa Grande, was privy to the removal at San Felipe. He wrote about the harrowing story in one of his notebooks:

³⁵⁰ "New Home For Indians, lands contiguous to old Pala mission," *Los Angeles Herald*, February 9, 1903.

A few months ago the Cupa or Agua Caliente Indians, together with the Indians from the neighboring villages of Warners Ranch, of Puerta La Cruz, La Puerta Cruz, Mataguay, San Jose, were transferred to their new home at Pala, framing the first chapter in this essay, though sad and painful duty. This seemed and last chapter in the removals took place on the 11th day of Sept. in Rancho San Felipe where the Diegueño Indians of the Cienega Rancheria called in their mother tongue, The [illegible] were loaded into the waiting freight wagons, though not without protest, and started on their long journey. The village consisted of ten or a dozen houses situated on a ranch of the foothills... Secure work outside. These people have been in daily terror of being removed ever since the Cupeños were taken away, so when the Agent called at the Rancheria on Aug. 31st and told them he would return in a few days with teams to transfer them to their new homes and to be prepared, they were very sad and sorrow stricken... The Capitan, Anaseto, in his desperation and despair started for San Bernardino to consult a lawyer, the last apparent resource of these poor harried people. On his return he overtook the agent and his 18 teams at their camp at Oak Grove. The capitan immediately presented some sort of a legal document to the agt. Which presumably came from the lawyer... Was asked not to remove the Inds yet pending some proceedings. Not the slightest attention was paid to the capitan and the captain was detained as hostage in the hands of the Ind. Policemen, accompanying the agt. Salvador Duro, of Mesa Grande, Will Pablo of Banning and Martin of San Jacinto... on the morning of Friday Sept. 4, the long line of teams crossed over the willow flat and wound up the hills among the houses. A junta was immediately called in one of the houses to talk and tell them about the removal and what was required of them, to go peaceably... that they flatly refused to stir, said they did not intend to move and never had intended going and would die first. After about three hours of persuasion... patience ceased to be a virtue and the agent [illegible] smashing in the locked door of the Captain's house with an axe and ordered all the contents removed and loaded immediately on the waiting wagons. As soon as the junta was adjourned six or eight of the woman ran to their houses, grabbed a few blankets and utensils and made for the brush in a futile foolish attempt to escape. The Indian policemen soon rounded these up and herded them back. No further resistance or trouble was experienced and the loading and evacuation proceeded peaceably and expediently. Once the Indians found out that the agent meant business and was ready to employ force, they meekly gave up and rendered all the assistance on their part. Beds, blankets, old chairs, boxes and cooking utensils were loaded in together with baskets, ollas, mortars, manos,

matate...Doors and casings and window frames and sometimes roofs were loaded on the wagons together with dogs, cats, chickens and goats. Absolutely everything useful or ornamental...The first night camp was made at Mrs. Page's and rations promised for this purpose were distributed among the different Ind families. The next day the long stretch of Warner ranch was crossed and at night camp was pitched at Oak Grove. Temecula was reached the third night and from next day the team hauled into Pala. A short time was given the Indians in which to select a camp site and then the unloading. It was not long before all the pitiful possessions of the Ne – nelsch Indians were scattered over half an acre of ground and the work of pitching tents began. Several tents were put up by night, that part of the work was not completed before the next day. Their camp is [illegible] mile from [illegible] them that of the Caliente Indians along the bank of the river. The San Felipe Inds belong to an entirely different stock from the Cupeños. The latter speaking a language allied to the Luiseños from the great shoshonean stock while the San Felipe speak the Diegueño language a subdivision of the Yuman stock. This is probably the reason why they chose a separate camping ground. In this last removal were included 15 Families consisting of 35 persons and included one of the oldest Indian women in Southern California. Her name is Rosalia said by the Indians to be 130 to 140 years old. Fifteen others were included in the removal that were absent at school or work at the time.³⁵¹

The survival instinct for the Indians at San Felipe was to fight and refuse to move. Their Captain also went to speak to a lawyer and had in his possession a document that he hoped would postpone the removal. The soldiers violently opposed his efforts. Some Indians even started into the mountains, perhaps thinking about walking to other villages where family or friends would take them in. Sadly, at this point in the eviction process, Indians had no choice but to leave their homes. The agents would take them peacefully or by force. After hours of deliberation, trying a strategy to talk to the agents, the Indian strategy to fight was overcome with a painful surrender and an acceptance that life, as they had known it, was about to change. The San Felipe Indians moved to Pala and made

³⁵¹ Davis, "Student Notebook."

the best of their situation with new survival strategies to survive in a new location by continuing to farm and labor on local ranches. They eventually made a home at Pala. As Americans overran their homeland, they started building new memories in a new home and continued living within their cultural constructs as they always had.

Chapter 5:

Whispers in the Wind: Celebrating Survival and Preserving the Past

By the late nineteenth and opening of the twentieth centuries, physical survival for Indians remained unstable. Non-Indians had taken most former Indian lands and compromised the traditional economies of the Iipay, Luiseño, Diegueño and Cupeño. Indians on reservations either farmed, ranched and utilized local plants and animals for subsistence or worked on American ranches and in the cities. Cultural continuity remained strong in the mountains of northern San Diego County. Though some ceremonies began to disappear, the language, basket culture, song cycles, communal gathering, healing, ceremony, morals in child raising, daily living and family life remained culturally strong. American scholars, activists and anthropologists generally believed the strong possibility that Indians and Indian culture would disappear over the next decade or two. Anthropologists mounted their own personal effort to take on the task of “salvaging” what they felt was left of Native American material, linguistic and ethnographic culture. Activists and humanitarians embarked on a mission to bring attention to Indians in distress, while rescuing them by assimilating them into American society. Helen Hunt Jackson, Edward Harvey Davis and Constance Goddard DuBois were among scholars working with Native Americans of southern California. Concern over future loss of Indian culture caused anthropologists and collectors to place mass amounts of material culture and ethnography in museums around the country.

Anthropologists commenced scholarly preservation of Indian antiquity, sure that Indians were becoming extinct.

Individual Indians cooperated with scholars on a number of levels. Many Indians worked with anthropologists in an effort to preserve their culture, but many refused to become involved, preferring to remain silent. Despite the activity of the occasional anthropologist on the reservation, daily Indian life occurred in the usual customary fashion. Activists supported Indian survival issues with forms of assistance to Indian livelihood for sustenance such as the sale of baskets and other Indian handcrafts. The allegation that Indians were vanishing along with the vanishing frontier created additional attention to cultural survival, where physical survival had been the main concern in the past. Americans labeled Indian centenarians as the last of a dying people and began to perceive the noble savage in a romanticized light. These intermittent American salvage efforts by anthropologists, humanitarians and activists contributed to the survival of Indian culture for future generations. At the turn of the twentieth century however, the mountains of San Diego County were full of Indian people still living lives with their culture intact. In 1892, Indians came down from the mountains to the first Cabrillo Celebration at San Diego Bay in the city of San Diego. They dressed in traditional clothing, painted their bodies, conducted their dances, played games of sport and exhibited their pride as a surviving people.

Helen Hunt Jackson was the first American activist who purposefully came to California to observe Indian survival and was successful in shedding light on the

dilapidated life Indians were living.³⁵² Ultimately, her method of enlightening the public on Indian hardship was through a romanticized, fictional novel titled *Ramona* in 1884.³⁵³ Before Jackson wrote her novel, she came to California to conduct research on Indian living conditions. She toured the countryside and spoke to many Indians in various states of survival and endurance. Jackson used actual Indian experiences and authentic Indian personalities as templates for her characters and storyline in *Ramona*. In addition to *Ramona*, she used those observations and stories in writing the authoritative “Report on the Condition and Needs of the Mission Indians of California” created by Jackson and Abbot Kinney as special agents for the Commissioner of Indian Affairs, as discussed in Chapter 2.³⁵⁴

Jackson prepared and wrote the “Report on the Condition and Needs of the Mission Indians of California” from 1882 to 1883. She compiled the information along with fellow researcher Abbot Kinney. They accomplished extensive archival research in San Diego, San Francisco and Los Angeles speaking to many authorities about the living conditions that the Indians of southern California were experiencing. To their credit, they also traveled the countryside and mountainous areas in San Diego County to speak to Indian people themselves. This contributed greatly to the report, and introduced Jackson to the intimate reality of Indian suffering, which made her involvement become more personal and humanitarian. Jackson and Kinney’s work visually revealed survival strategies that Indians had been using in their towns, villages and homes.

³⁵² Valerie Sherer Mathes, *Helen Hunt Jackson and Her Indians Reform Legacy* (Norman: University of Oklahoma Press, 1997).

³⁵³ Helen Hunt Jackson, *Ramona* (New York: Signet Classic, 1988).

Conducting research for her report and for her infamous and now classic novel *Ramona*, Jackson traveled among many Indian people, spoke to them, saw their plight firsthand, and heard the stories with her own ears and studied the cultures of the Luiseño, Diegueño, Cupeño and surrounding tribes of southern California. In the report, she and Kinney examined the differences between Indians living in the city and Indians living in remote parts of the county. In their commentary, they demonstrated that they had personal knowledge of Indian people and places:

Travelers in Southern California, who have formed their impressions of the Mission Indians from these wretched wayside creatures, would be greatly surprised at the sight of some of the Indian villages in the mountain valleys, where, freer from the contaminating influence of the white race, are industrious, peaceable communities, cultivating ground, keeping stock, carrying on their own simple manufactures of pottery, mats, baskets, &c., and making their living, -a very poor living, it is true; but they are independent and self respecting in it, and ask nothing at the hands of the United States Government now, except that it will protect them in the ownership of their lands, - lands which, in many instances, have been in continuous occupation and cultivation by their ancestors for over one hundred years.³⁵⁵

Jackson observed how Indians were living and the troubles they had concerning physical survival, but she also recognized their rich humanity and unbroken spirit. These truths reflect the portrayal of the merits and fortitude of Indian people that Jackson perceived and wrote about in her novel. During the late 1880s when Jackson was visiting villages, though poor, Indians were working their lands, creating ways to make a living and were enjoying peaceable family lives. Physical survival strategies of acculturation

³⁵⁴ Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (Norman: University of Oklahoma Press, 1994), 458.

³⁵⁵ Jackson, "Report on the Conditions and Needs of the Mission Indians" *A Century of Dishonor*, 459.

by farming, ranching and working in handcrafts were generally working. Indians also continued with ancient cultural methods of survival, such as plant procurement for food, housing and utilitarian uses. Acorn and berry harvesting was maintained, as well as plant acquisition for many uses in daily life.³⁵⁶ Indians appropriated American ways of living if it helped them prosper. They synthesized foreign methods with their own methods, which produced a successful balance and strategy for survival.

Jackson's novel, *Ramona*, and the "Report on the Condition and Needs of the Mission Indians in California," in confluence with one another, reveal the association between her fictional representations and the truth of what she experienced. Jackson applied her exposure to tribes and research from the report into writing her novel.

Because of traveling the countryside her influences revealed the language of the cultural landscape and geography of southern California with great preciseness. She discovered first-hand, how long it took to travel from place to place. She learned the rocky places, the roads, the major ranches and watercourses. She correctly situated her characters on the road traveling from place to place. The main character in her novel, Ramona the half Indian and half Scottish girl, was from Mission San Gabriel.³⁵⁷ She grew up in Ventura on a rancho and followed the Catholic faith of the missions. The priests and Christian influences at the missions of Santa Barbara and Ventura affected her early life. The character of Alessandro, her husband, was from Temecula.³⁵⁸ He worked as a ranch hand and sheep shearer, traveling from ranch to ranch for seasonal work, which was one of the

³⁵⁶ Personal communication, 2002-2013. Clans today still use their gathering areas and are sensitive to which areas belong to which clans.

³⁵⁷ Jackson, *Ramona*, 24-29.

³⁵⁸ *Ibid*, 47.

survival strategies Indian men used. Jackson correctly identified Temecula as being close to Mission San Luis Rey. From this setting, Jackson identified Ramona as Gabrieleño and Alessandro as Luiseño. The couple traveled through the passes, valleys and roads of southern California from Ventura with adventures at Temecula, San Diego and the San Pasqual Valley. The novel ends with the couple living among the Cahuilla on the edge of the desert. Only a person who had been to those places and met the people living there could have written a novel so precise in its geography and knowledge of the population.

In the report Jackson wrote:

Setting aside all question of their claim as a matter of atonement for injustice done, they are deserving of help on their own merits. No one can visit their settlements, such as Aqua Caliente, Saboba, Cahuilla Valley, Santa Ysabel, without having a sentiment of respect and profound sympathy for men who, friendless, poor, without protection from the law, have still continued to work, planting, fencing, irrigating, building houses on lands from which long experience has taught them that the white man can drive them off any day he chooses.³⁵⁹

In their report, Jackson and Kinney described the reality of Indian life as they traveled from community to community. They witnessed how Indians were laboring and caring for their own land. Their comments about removal reflect Indian uncertainty and mistrust of American promises and show that Indians were in distress and worried that they might have to move off their lands again due to American encroachment. The fear of displacement was always on the minds of Indian people. Personal insights by non-Indians, such as this one, into the Indian psyche during the early reservation period in the

³⁵⁹ Jackson, "Report on the Conditions and Needs of the Mission Indians," 463.

1880s were rare. Kinney and Jackson's observations were a trustworthy source for viewing obscure villages and their activity in the mountains. Discussion on Indian labor systems in various villages was a major theme throughout the report because the general population of California was complaining that Indians were lazy and a drain on the system.

Jackson tried, in both of her writings, to dispel this myth by repeatedly showing the industriousness of the Indian villages. In the report, they point out many villages that were productive. They were especially impressed with the farming methods and the massive fields that Indians plowed and planted. The following is what they observed when visiting Santa Ysabel:

There are one hundred and seventy-one Indians in this village. They are very poor. Many of their houses are of tule or brush, their clothes were scanty and ragged, some of the older men wearing but a single garment. That they had not been idle their big wheat field proved; between three and four hundred acres fenced and the wheat well up.³⁶⁰

Indians were farming on their own village lands for subsistence. The holder of the ranch's grant at the time, José Ortego, made sure that outsiders or other ranchers leasing his land did not disturb the Indian village at Santa Ysabel.³⁶¹ Though Indians were conducting farming practices, traditional food procurement practices were still being utilized.

They also made the women bring out all the children and arrange them in rows, to show that they had enough for a school, repeating over and over that they had many more, but they were all out digging wild roots and vegetables.³⁶²

³⁶⁰ Jackson, "Report of the Conditions of the Mission Indians," 493.

³⁶¹ Ibid, 492.

³⁶² Ibid, 493.

Jackson and Kinney were in favor of assimilation of Indians and advocated to have Indian children educated. The focus in their report was to this effect. Jackson's report showed her ability to write in a scholarly manner. At the same time, she was also an activist and a humanitarian. She was not just writing a report for Indian Affairs, she was also calling to "civilize" and assimilate Indians. Jackson and Kinney's visit to the Rincon Reservation made the following impressions on them:

The Rincon Reservation is better, being at the head of the valley, directly on the river, walled in to the south by high mountains. It is, as its name signifies, in a corner. Here is a village of nearly two hundred Indians; their fields are fenced, well irrigated, and under good cultivation in grains and vegetables. They have stock – cattle, horses, and sheep. As we drove into the village, an Indian boy was on hand with his hoe to instantly repair the break in the embankment of the ditches across which we were obliged to drive. These Indians have been reported to us as being antagonistic and troublesome, having refused to have a Government school established there. Upon inquiry of them we found that the latter fact was true. They said they wanted a title to their lands, and till they had that they did not wish to accept anything from the Government; that the agent had promised it to them again and again, but that they had now lost faith in ever getting it. The captain said: "The commissioners come one day and tell us we won the lands and fields; the next day comes somebody and measures, and then we are out of our houses and fields, and have to live like dogs."³⁶³

This observation illustrated how Indians were using many survival strategies. At Rincon, they were farming and ranching, but they were standing up for their rights and expecting the government to follow through on their promises. They fought back by not allowing the government to establish a school on the reservation until they had title to their lands secured on paper. Southern California Indians were not docile. They fought for what was best for their clans. In this example, they used their knowledge and acculturated into the American system, but always kept their best interests as the goal. It

is not mutually exclusive that acculturation meant the original culture disappeared. Indians were adept at using the American system when needed, but still lived in the ancient traditional world.

Helen Hunt Jackson's determined efforts to help struggling Indians, placed a magnifying glass to the conditions of Indians in southern California during a time of cultural and physical anguish as the government corralled Indians onto reservations and evicted them from traditional lands. Children were beginning forced education in the American system where the teachers disallowed them to speak their language. Jackson tried to help with Indian survival by educating the public about Indian persecution and exposed Indians as human beings in need of support. Indian survival strategies evident in Jackson's writings showed that Indians were using legal defiance and were successful in adapting and collaborating with American authorities. She showed their distress in trying times, but unveiled Indian resilience and their strength as fighters for their own causes. This inner strength contributed to Indian survival. Though Jackson stood for Indian assimilation and education, she reported about Indians living in an intermediary state still adhering to their culture, but successfully surviving in that state as long as the United States government kept the promises they made. For Jackson, partial assimilation was not enough. She was an advocate of total Indian immersion in American culture, thus eventual cultural extinction.³⁶⁴

At the turn of the twentieth century, Anthropologists were frantically out in the field recording ethnographies and collecting Indian artifacts trying to salvage any cultural

³⁶³ Ibid, 502.

³⁶⁴ Ibid, 475 – 478.

information they could find, believing that Indians were becoming extinct. Edward Harvey Davis was an amateur anthropologist in the mountains of San Diego County. He was born in New York and moved to San Diego in 1885 hoping that the climate would cure his Bright's disease. He lived in San Diego with his wife and four children. Davis was a rancher, a fruit grower, a cartographer and a draftsman. He created maps of the San Diego area and its properties, surveyed the route for the water flume and was the drafter in 1887 for the Hotel del Coronado.³⁶⁵ In 1902, he served as San Diego County Assessor and in 1903 as County Justice of the Peace.³⁶⁶ On his own personal time, he traveled throughout the southwest, California and Mexico collecting artifacts and meeting indigenous people. During his travels, he produced ethnological material such as photographs, drawings and journals.³⁶⁷ Davis was an artist and musician throughout his life beginning as a watercolor painter as a child and played the violin. As an ethnographer, his artistic skills were convenient as he had the ability to capture images of artifacts and various cultural materials while writing his journals and artifact catalogs. In his early years, he was a journalist for the *New York Daily*.³⁶⁸

Davis was an official collector for the Museum of the American Indian, Heye Foundation, which was later titled the Smithsonian Institution.³⁶⁹ The museum purchased his ethnological and archaeological items that he had traded for or bought directly from indigenous people. He was a friend of Indians and a proponent of salvage anthropology

³⁶⁵ Edward H. Davis, "The Pursuits of a Museum Collector," *Touring Topics* (October 1931), 16-17.

³⁶⁶ Theodore Fuller, "San Diego Biographies: Edward Harvey Davis (1862-1951)," *San Diego Originals*, (San Diego: California Profiles Publications, 1987).

³⁶⁷ Edward Harvey Davis Papers and Collections are located at the San Diego History Center Research Library, Cornell University, The Smithsonian Institution and the Hoover Institution.

working to retrieve anything he could from their vanishing culture. Anthropologists believed that ancient cultural traditions were dying and felt a responsibility to try to record them before they were gone and forgotten. They felt this information would die along with the oldest members of the communities whom they viewed as the only ones left that remembered the ancient past. Anthropologists also believed that elderly Indians would not pass the information down to their children. Informants, Indian's that anthropologists worked with, had knowledge of the old ways and some of them agreed to record some of their stories, songs and ceremonies. Davis was concerned for the preservation of the material culture and began collecting.

Every object of Indian culture fascinated me, and I began collecting things. I began to realize, too, that if any serious museum collecting were to be done, it would have to be done soon. The missionaries had come in among the Indians – bringing the gospel and all the white man's diseases against which the Indians had no immunity. They were dying off like flies at the approach of winter, with smallpox, influenza, tuberculosis, measles, syphilis, and other scourges. Five-gallon oil tins were beginning to take the place of the Indian olla. Firearms had begun to oust the bows, arrows, and other primitive implements. Blue jeans and cloth shirts had already taken the place of the breech clout and kilt. I convinced myself that if the evidences of Indian culture were to be preserved for history, educational, and museum purposes, the collection would have to be started while there was still something left to collect. I began gathering up mortars and metates, bows, arrows, stone implements, domestic articles, and every available specimen of Indian arts and crafts. I filled all the available floor space, nooks and corners of my house, and when the house overflowed I began filling up the small adobe that I built to harbor things for which I could no longer find storage space.³⁷⁰

Davis collected all of the cultural materials that he could and stowed them away in his home for safekeeping until he could sell them to a museum. Davis and his family

³⁶⁸ Daisy Edith Kessler, "El Capitan Blanco: The White Chief of the Mesa Grandes," *Southern Workman* 38 (January through December, 1909), 667.

³⁶⁹ These collections are part of the Smithsonian National Museum of the American Indian.

made their home on Mesa Grande, just down the road from reservation lands. He owned Powam Lodge, which sat on three hundred and twenty acres, and frequently entertained his guests there by asking local Indians from Mesa Grande to come and spend time with them, teaching them about their culture.³⁷¹ In 1915, the Heye Foundation purchased a large amount of Davis' local collections.

In due time the adobe house was filled completely, and I had a collection that I valued at \$6000. I had a great deal of money invested in it, but discovered that the collection had no tangible value until I had compiled a catalog with the known history of every article. In 1915 a man came up to Mesa Grande representing himself as an agent for the Museum of the American Indian, Heye Foundation, in New York. He had heard of my collection, and came to bargain for the purchase of it. I sold the entire collection, excepting the mortars and metates.³⁷²

Davis traveled throughout California, the southwest and deeply into Mexico to trade and visit with indigenous people.

During the years that I've been collecting among the Indians I have gathered specimens sufficient to fill one entire floor, representing approximately 12,000 square feet of floor space, in the Museum of The American Indian. This collection has been made from the following tribes: Modoc, Klamath, Piute, Yuma, Cocopah, Chemehuevi, Mojave, Hualapai, Pima, Papago, San Carlos Apache, Tonto Apache, Fort Apache, Apache, Yavapai, Pueblo, Navajo, Seri, Yaqui, Southern Pima, Mayo, Huichol, Cora, Maricopa, Paipai, and Kilewa. In traveling among them I have journeyed tens of thousands of miles with wagons, pack animals, boats, trains, motor trucks, automobiles, and afoot.³⁷³

These collections are available today at the National Museum of the American Indian for tribal descendants and researchers to view. Like any collector of family heritage and heirlooms, Davis collected family information, though he felt that Indians

³⁷⁰ Davis, "The Pursuits of a Museum Collector,"17.

³⁷¹ Davis, "The Pursuits of a Museum Collector,"18. "Powam" is the Iipay translation for "Place of Rest."

³⁷² Ibid, 17.

³⁷³ Ibid, 18.

were a vanishing people and so did not collect for the benefit of the progeny of the Indians he was working with.

Davis became close with the Indians at Mesa Grande. Hereditary leaders allowed him to be active in ceremonial activities. He claimed that leaders named him the “White Man Chief” or “El Capitan Blanco” or “In-pi-milchis” in a ceremony.³⁷⁴ His notebooks are full of eyewitness accounts of Indian funerals, ceremonies and discussions with leaders on many topics.³⁷⁵ His notes affirmed the rich cultural practices that were still very much a part of Indian life at the century’s turn. Out of the many ceremonies being observed and implemented was the eagle ceremony. Hereditary leaders applied this sacred practice at the one-year anniversary of an eagle dancer’s death. During the dance, men of knowledge ceremoniously killed the eagle. This was a great honor in memory of the dancer and sent “messages of respect” to the deceased leader.³⁷⁶ Only certain leaders with special knowledge cared for and raised eagles in preparation for the ceremony.

Eagle nests were the private property of each clan.

From time immemorial, This is well known to the Indians of the neighborhood who used to visit the place to secure eagle vulture plumes for their ceremonial feathers. The eagle vultures are held sacred by the Indians and each clan or family owns its individual eagle nest, which may be miles and miles away from their place of residence. This ownership of eagle nests is an heirloom an [illegible] that has been handed down from father to son for generations and is respected by all the Indians.³⁷⁷

³⁷⁴ Kessler, “El Capitan Blanco: The White Chief of the Mesa Grandes,” 665.

³⁷⁵ Notebooks of Edward Harvey Davis, San Diego History Center Research Library.

³⁷⁶ T. T. Waterman, “Religious Practices of the Diegueño Indians,” *American Archaeology and Ethnology* 8(6) (1910): 315.

³⁷⁷ Edward Harvey Davis Notebooks, “Student Notebook,” San Diego History Center Research Library (1902) 18.

Davis went on to describe the care of the eagles and how caregivers used them for ceremonial feathers and to assist them in the eagle ceremony. This journal entry, in 1902, disclosed evidence that Indians were still keeping their traditional, ancient rites while acculturating with the American culture simultaneously. Davis' contribution to Indian survival was not only concerned with physical and cultural livelihood. He was concerned with the preservation of the material and ethnographic culture as well. He studied Indian cultures and had a genuine anthropologist's heart for their preservation, concerned that these materials and histories would vanish forever. Unlike many of his contemporaries, Davis was involved personally with his subject matter. He lived next to the reservation at Mesa Grande and became involved in Indian lives on an intimate level.

Anthropologists of this period claimed that they were the saviors of Indian culture. Many, like Constance Goddard DuBois below, claimed that anthropologists were the guardians, protectors and defenders of the Indian past. Anthropologists felt that Indian culture would be lost to the past if they did not preserve it immediately.³⁷⁸ Indians shared information with many ethnographers, though some shared more than others. Much of the information anthropologists wanted to acquire was of a sensitive nature and was not appropriate for leaders to reveal. Leaders handed down the information only to those descendants having the proper hereditary lineage as illustrated in Chapter 2. Indian people were acutely aware that the old ways were appearing to dissipate. Indian children attended reservation and boarding schools and began to take on the appearance of Americans more and more. With the assimilation and acculturation of the children, the

³⁷⁸ Constance Goddard DuBois, "Diegueño Mythology and Religion: The Story of Creation," *Southern Workman* (33) (1904): 100.

old ways began to fade. Anthropologists' work collecting material culture, photographs from the period, language study, recordings and ethnographies assist today's Indian people who recount and investigate their rich heritage. At the turn of the twentieth century, Indians assisted anthropologists by collaborating in the salvage and survival of their heritage for future generations. This was a successful strategy for material and ethnographic survival.

Constance Goddard DuBois was an amateur ethnographer that came to southern California to salvage Indian heritage. She was particularly interested in Indian myth and ceremony. DuBois became fond of a very old and honored hereditary leader by the name of Cinon Duro, or Hokoyel Mattaweer, and worked extensively with him at his home on Mesa Grande.³⁷⁹ By the time DuBois came to California, around 1897, Mattaweer and those in his age group were the oldest people living on the reservations in the area. She spent three summers in the mountains of San Diego County recording ethnographic material from Mattaweer and others.

DuBois was born in Zanesville, Ohio, in the late 1850s. She was educated at the Putnam Female Seminary in Zanesville and for a time at the Women's Medical College of New York Infirmary where she studied urine analysis. During the time of her summer visits to California from 1897 to 1907, she was residing in Waterbury, Connecticut.³⁸⁰ She never married, however she resided with Dr. Caroline Conkey for several decades. There has been some speculation by scholars that she and Conkey may have been in a

³⁷⁹ The clan name, Mattaweer, is found in many references with a variety of spellings. This spelling was chosen because it is spelled this way on Cinon Mattaweer's headstone.

lesbian relationship.³⁸¹ In addition to DuBois' professional career, she was also a botanist and wrote short stories and novels. She headed the Waterbury Indian Association and participated in philanthropic work with the Indian Industries League and the Sybil Carter Indian Lace Association. DuBois obtained handwork from southern California Indian lace makers and basket weavers, and she sold their work in the East to help provide extra income for poor indigenous families to help in their survival strategies.³⁸² Indian women worked with DuBois in a collaborative effort. The monies made from this venture came back to the reservations to pay the artisans. Out of these funds, DuBois also coordinated monthly endowment payments for the elderly at Mesa Grande and Campo. At Mesa Grande, she worked closely with a schoolteacher named Mary Watkins who procured baskets and lace and administered disbursements of funds from the sales of the items. Watkins was also involved in ethnographic interviews with Indians for DuBois. Watkins sent her research to DuBois by mail.³⁸³ DuBois was also vocal within political circles in the east and worked with the Indian Rights Association.

DuBois' approach in her novel writing was similar to the techniques of Helen Hunt Jackson. In 1900, she dedicated one of her novels, *A Soul in Bronze*, to the work of Jackson.

To the memory of Helen Hunt Jackson, whose warm heart and enlightened sympathy made her the friend of the Indian, this book is dedicated, with enduring admiration.³⁸⁴

³⁸⁰ Don Laylander, *Listening to the Raven: The Southern California Ethnography of Constance Goddard DuBois* (Salinas: Coyote Press, 2004), 14-20.

³⁸¹ Laylander, *Listening to the Raven*, 14.

³⁸² *Ibid*, 14-20.

³⁸³ Constance Goddard DuBois Papers, Cornell University, Reel #6.

³⁸⁴ Constance Goddard DuBois, *A Soul in Bronze* (New York: Herbert S. Stone and Company, 1900), introductory pages.

Though DuBois wrote in the romanticized style of the day for her novels, she also wrote with scholarly methods for her ethnographic publications. Her article *Condition of the Mission Indians of Southern California* was about the trials and suffering of Indigenous people in southern California and their physical condition, just as Jackson and Kinney had accomplished twenty years before.³⁸⁵ Other publications as an activist were *The Mission Indian Exiles*, *How to Help the Mission Indians*, *Paths of Hope for the Mission Indians* and *The Exiles of San Felipe*.³⁸⁶ These humanitarian publications outlined the injustices Indians were enduring in southern California and pleaded with readers to help by supporting indigenous arts and petitioning the government for assistance on the behalf of Indians. Many of DuBois' publications engaged with dialog in an effort to help Indians in southern California who were in need of assistance because of land and water loss, encroachment from squatters, violence from hostile neighbors, starvation and general poor living conditions. She also became involved with the Department of the Interior as a voice to ensure that Indians removed forcibly from their lands received the best and most arable lands possible. She became a larger voice for Indians of southern California, which reached the ears of the population in the east and garnered some support.³⁸⁷

DuBois' efforts to help Indians on a practical level were beneficial and her work as a professional ethnographer has endured and benefited the descendants of those she

³⁸⁵ Constance Goddard DuBois, *The Condition of the Mission Indians of Southern California* (Philadelphia: Office of the Indian Rights Association, 1901).

³⁸⁶ Constance Goddard DuBois, "The Mission Indian Exiles," *Land of Sunshine* 15 (1901): 248-252; "How to Help the Mission Indians," *Southern Workman* 30 (1901): 673-676; "Paths of Hope for the Mission Indians," *Southern Workman* 32 (1903): 214-219; "The Exiles of San Felipe," *Southern Workman* 32 (1903): 607-610.

studied. She worked with Alfred Kroeber, one of the most noted anthropologists in California in the late nineteenth and early twentieth centuries. Kroeber stated in one of his letters to DuBois that he did not always agree with her work:

I return your Chaup myth, also Mrs. Watkins' Luiseño myth. As I have told you, I should not altogether agree with the views suggested in some of your notes. I do not regard the explanation of myths so simple a matter as Brinton and other light-myth interpreters make it. Your demise of the Mission Indians from the charge of being degraded strikes me as hardly necessary if your paper is intended for a scientific audience, for anthropologists do not consider the lowest races unfit subjects for investigation. Personally I regard the primitiveness of the California Indians as a reason why they are interesting. These matters of personal opinion, however, do not affect the merit of your paper. I consider your material excellent and very valuable, and hope that it may be published soon and in strictly scientific form. If I can say anything for you to Mr. Chamberlain, I shall be glad to do so.³⁸⁸

In spite of differing opinions, Kroeber saw the importance of her work and agreed to endorse her. Because of Kroeber, DuBois' work was published in anthropological journals. She was especially interested in Indian myth and set out to record stories and songs in the mountains of San Diego County. Mattaweer and others sat with her on many occasions as she wrote down their stories. She also attended ceremonies and wrote about her observations.

As shown below, DuBois was a product of her time, her culture and her beliefs. It is evident in all of her articles that she believed Indians should be educated and assimilated. She supported the work of assimilation because she believed, as all anthropologists of the day believed, that the aboriginal world was dying and that the American way of life would prevail. She thought Indians should acquire the practical

³⁸⁷ Laylander, *Listening to the Raven*, 13-20.

skills and knowledge needed for survival in the new world that had arrived. She agreed with the acculturation that the Spanish Mission system brought, and stood behind reservation schooling and Christian religious instruction. DuBois was a strong, independent woman who was interested in receiving academic acclaim from her ethnographic work and attention from her humanitarian work. When discerning her relationship and study of Mattaweer, DuBois' convictions are pronounced. Her ideology dictated that she and her fellow anthropologists were the only hope for the survival and preservation of ancient knowledge in southern California. Her intention was not to pass the knowledge on to descendants of the people she was recording, however. She intended that any knowledge she recorded would pass on to the academy for study and interpretation. She was a stranger and an outsider in the lands of the Iipay, Diegueño and Luiseño. She did not understand the strength and fortitude of Indians in the face of adversity. She did not believe that these people were strong enough to continue under the fists of the American government and the American public. It is under these considerations that DuBois and most ethnographers of the late nineteenth and early twentieth centuries should be understood. DuBois' work is an etic viewpoint from a compassionate nineteenth century woman from eastern upper class America who was trying to help her fellow human beings in their strategies to survive. The following is a look at Mattaweer and the survival of his culture through the eyes of Constance DuBois.

Mattaweer's relationship with DuBois was an unusual one for an Indian and an anthropologist. DuBois was an ethnographer who was interested in recording songs,

³⁸⁸ The Papers of Constance Goddard DuBois, Cornell University, Reel #1, frames 541/542.

stories and ceremony to help in the survival and preservation of Indian culture.

According to DuBois, she and Mattaweer developed a close personal friendship and relationship as they worked together and she became emotionally attached to him. She mentioned him often in her articles with terms of endearment. Many of her articles and many of her letters to Mary Watkins refer to him with such sentiment as “my friend” or “my dear Cinon.”³⁸⁹ DuBois came to know and care for Mattaweer during her summer visits to southern California, however, that did not stop Mattaweer from keeping sacred information from her. She remarked that it took time for Mattaweer to gain trust in her.

When he first told me the Diegueño myth, he did it with one of the mental reservations for which it is necessary to allow, but which I did not suspect at the time. The story is sacred in every detail, but there is an introduction to it, which is sacrosanct. Two added years for the test of my worthiness, a new realization of the uncertainty of life, the desire that, according to my promise, the white man’s learning should perpetuate his precious traditions, all combined to unlock his lips.³⁹⁰

Du Bois claimed that Mattaweer told her the stories because he also felt that the culture was dying and needed preservation. Gaining trust from Mattaweer took an added two years of companionship for him to trust her. She stated that she had to show her worthiness and come to a new understanding of the realities of life in order for him to continue with her. Mattaweer acquiesced to the preservation project with DuBois, therefore he must have understood the need for survival of the culture through means of written and recorded data. His personal survival strategy for cultural knowledge was a trusted collaboration with a person who represented the masses of Americans who were effectively trying to wipe the culture away. Ironically, DuBois, in her cultural and

³⁸⁹ Constance Goddard Du Bois, “Religious Ceremonies and Myths of the Mission Indians,” *American Anthropologist* 7 (1905): 620-629; Papers of Constance Goddard Du Bois. Reel #6, frame 190.

ideological blindness, did not understand that the action of assimilation of Indians, which she supported, was what was causing her frantic preservation of the dying culture. It is uncertain why Mattaweer chose to cooperate with and assist DuBois to the extent that he did, but he consecrated this survival strategy for passing down and preserving information.

DuBois was at Mattaweer's side when he was dying. He took his final breath on September 17, 1906.³⁹¹ Her diary recounted the accident that had caused his death and she wrote about the days and nights she spent with him and how she helped the family during his impending passing.³⁹² Her reminiscence is full of sentiment and compassion for her friend, Mattaweer, as she willingly sat by his side and comforted him during his death ordeal. The emotional relationship that DuBois had for Mattaweer, Indian people in general and the survival of Indian stories and songs was authentic and committed.

Newspapers and anthropologists labeled Mattaweer the last chief of Mesa Grande.³⁹³ From the American standpoint, he stood as an icon of the "Vanishing Indian" for San Diego County. For Americans, this meant that he would not pass down the knowledge he held and all Indian culture would stop with him. However, Mattaweer utilized his traditional and ancient survival strategy as he was dying so that his clan's hereditary leadership would officially continue. He showed his strength as a leader even during his physical pain. After his fatal fall from a horse cart, he called all of the people of his clan at Mesa Grande together and addressed them. DuBois called the address

³⁹⁰ DuBois, "Diegueño Mythology and Religion: The Story of Creation," 100-102.

³⁹¹ "Last Chief of Mesa Grande Indians Dies: Carries With Him to Grave Traditions of Centuries, Including, 'Story of Creation' Can Have No Successor." *San Diego Union Tribune*, September 20, 1906.

³⁹² Constance Goddard DuBois Papers, Cornell University, Reel #6.

“touching.”³⁹⁴ The people of his clan must have been very distraught at the sight of their wise, old leader so damaged. This was a fearful time for the people of Mesa Grande due to land loss and assimilation practices of the American government. Mattaweer’s address was probably one of comfort and guidance for the people. He called everyone together so that they all knew his wishes. DuBois stated in her diary’s description of the event that Mattaweer gave his feathers to his brother Antonio, who was next in line for the hereditary leadership role.³⁹⁵ This attests that Mattaweer expected his brother would continue as leader after his death. In front of all of the people he passed his leadership over to his brother, who was next in line in the hereditary chain. He did not bury his feathers with him and he did not give them to anthropologists to place in a museum. He gave his feathers to the one who would carry on the traditions and aid in the clan’s survival. This activity was a ceremonial passing down of hereditary title of leadership.

Although DuBois did not realize it, this was in direct contradiction to her comments when she stated that Mattaweer felt he was the last and had to pass all information on to her for protection from vanishing.³⁹⁶ This act also contradicted the newspaper report that Mattaweer was “the last hereditary leader of Mesa Grande.”³⁹⁷ Indians in the mountains of San Diego County were living their cultural as they always had in 1906 and the culture was surviving at that time. Mattaweer passed his hereditary title on in front of all of the people. The people knew who their hereditary leaders were. They were not the ones chosen by the Bureau of Indian Affairs. They kept their

³⁹³ “Last Chief of Mesa Grande Indians Dies.” *San Diego Union Tribune*.

³⁹⁴ Constance Goddard DuBois Papers, Cornell University, Reel #6.

³⁹⁵ Ibid.

³⁹⁶ DuBois, “Diegueño Mythology and Religion: The Story of Creation,” 100.

traditions silently away from the eyes and ears of the American public. The experience of Indian life was not the world that Americans or anthropologists viewed, although they tried to study and examine it. They were two contrasting cultures looking in at one another seeing two different truths based on their own belief systems and ideologies. DuBois and Mattaweer found common ground and a common goal, which was to find a strategy for cultural survival and preservation. In the process, they exchanged visions of their vastly different worlds.

In reality, Americans considered Cinon Duro or Hokoyel Mattaweer to be “the last hereditary chief of Mesa Grande,” and would be the last glimpse that could be taken of the vanishing American of San Diego County.³⁹⁸ Newspapers reported it again at the one-year anniversary of his death, which people from all over the city of San Diego and beyond attended. Anthropologists came with their recording equipment to rescue these last ceremonies from oblivion. The newspapers and anthropologists freely used the term “the last,” because they truly believed that the Indian people and their pasts would be wiped out, erased and forgotten. They postulated that the new American culture would take the place of ancient Indian culture because the evolution of the human races was a matter of scientific fact, and Indian people were clearly a primitive society. Lewis Henry Morgan, an anthropologist in 1877, wrote *Ancient Society*.³⁹⁹ The book transformed the field of anthropology. His precepts were still overpowering in 1892 at the time of the Cabrillo Celebration and in 1907 at the time of Mattaweer’s death anniversary.

³⁹⁷ “Last Chief of Mesa Grande Indians Dies.” *San Diego Union Tribune*.

³⁹⁸ *Ibid*.

³⁹⁹ Lewis Henry Morgan, *Ancient Society* (Charles H. Kerr and Company: Chicago, 1877).

This knowledge changes materially the views which have prevailed respecting the relations of savages to barbarians, and of barbarians to civilized men. It can now be asserted upon convincing evidence that savagery preceded barbarism in all the tribes of mankind, as barbarism is known to have preceded civilization. The history of the human race is one in source, one in experience, one in progress...It follows that the history and experience of the American Indian tribes represent, more or less nearly, the history and experience of our own remote ancestors when in corresponding conditions...Moreover, while fossil remains buried in the earth will keep for the future student, the remains of Indian arts, languages and institutions will not. They are perishing daily, and have been perishing for upwards of three centuries. The ethnic life of the Indian tribes is declining under the influence of American civilization, their arts and languages are disappearing, and their institutions are dissolving. After a few more years, facts that may now be gathered with ease will become impossible of discovery. These circumstances appeal strongly to Americans to enter this great field and gather its abundant harvest.⁴⁰⁰

Because of these comments, anthropologists and the American public began to collect Indian ethnography, art and artifacts concluding that Indians would become extinct. Anthropologists applied the new social Darwinism and the survival of the fittest determining that ancient cultures simply could not survive in the face of newly evolved and more civilized cultures such as the Euro-American culture.

In 1907, the Bureau of Indian Affairs gave the people of Mesa Grande special permission to perform their Eagle Dance in memory of Mattaweer. The Bureau had banned ceremonies as a mechanism of assimilation. Charles Russell Quinn wrote in his book *Mesa Grande Country*:

Upon the death of old Cinon Duro, the last of the heredity chiefs of the Mesa Grande Indians, the Federal Bureau of Indian Affairs gave the Mesa Grande Indians special permission to perform their traditional 'Eagle Dance' one last time. This was in 1907. It has never been performed since.

⁴⁰⁰ Ibid, vi -viii.

For the first and last time the public was allowed to witness this death dance.⁴⁰¹

According to Quinn, Indians never conducted the eagle dance again. Though Quinn lived in the area surrounding the Mesa Grande Indians, he was not a part of the culture or the community of Indians therefore he was not privy to the ceremonies that Indians performed over the succeeding years. An Elder and descendant of the Wacheño and LaChappa clans from Mesa Grande, born in September 1912, stated she witnessed the Tatahuilla, or the Eagle Dance, at Mesa Grande when she was a young girl growing up on the reservation. She described the dancers with eagle feather skirts dancing in a powerful and vigorous manner. The dancers jumped up in the air and twirled around. The feathers on the skirts would lift and fly in the wind.⁴⁰² Although the government had passed restrictions forbidding Indian people from practicing their ceremonies and dances, Indians still kept on with ceremonies away from the eyes of authorities in silence. Their survival strategy of silence and continuance with daily life, appearing invisible to non-Indians, was successful for the continuance of the dances, songs and ceremonies.

Descendants of Mattaweer revere him today, one hundred years after his death, as a respected ancestor of their past who held a leadership position and also for his vast knowledge of ceremony. In regard to the remnants of the memory of his life, it has been largely summed up by photographs and interviews which have been left behind by DuBois. His memory also lives in the photographs taken by Davis. Mattaweer is still being labeled the last hereditary leader of his people in San Diego County, even though

⁴⁰¹ Charles Russell Quinn, *Mesa Grande Country* (Elena Quinn: Downey, 1962), 25.

⁴⁰² Personal communication, anonymous Iipay woman from Mesa Grande, Los Coyotes Reservation, August 17, 2008.

his descendants are still in places of leadership in Indian communities all over San Diego. Mattaweer's name is synonymous with the phrase "the last," however he fought with active survival strategies for the culture and hereditary lineage to continue. He lived the end of his life in the mountains of northeast San Diego County in the Indigenous town called Yangi'wana or Mesa Grande.⁴⁰³

Duro's name translated into the Spanish language is Cinon Duro. Duro's name in Iipay-AA, his original language, is Mattaweer or Matewir, which translates "hard earth."⁴⁰⁴ According to one of Mattaweer's descendants, Mattaweer means "hard," like a hard or tough person.⁴⁰⁵ Hokoyel Mattaweer endured foreign powers, led his people and passed down his culture through hereditary lineage and through American scholars. He was born c.1814-1816, living through three periods of foreign hegemony, which were the Spanish, the Mexican and the American.⁴⁰⁶ He lived his final years in his adobe house which was located in Black Canyon at Mesa Grande.⁴⁰⁷ This home was the traditional summer home of his family. Situated in a lush oak and pine forest, Mesa Grande ranged from 2000 to 4000 feet in elevation. It was mountainous with both rugged terrain and with many flat, grassy areas suitable for living.

⁴⁰³ Phillip Stedman Sparkman, *The Culture of the Luiseño Indians*, University of California Publications in American Archaeology and Ethnology 8 (August 1908), 192.

⁴⁰⁴ Ted Couro and Christina Hutcheson, *Dictionary of Mesa Grande Diegueño* (Banning: Malki Museum Press, 1973), 32. Couro and Hutcheson spell it "Matewir." There are a number of spellings for the Iipay name. Duro's headstone at St. Dominic's Chapel on the Mesa Grande Reservation is engraved as "Mattaweer." Constance Du Bois uses "Mutawir."

⁴⁰⁵ Anonymous descendant of Mattaweer stated that in the old days, the people were pretty tough, and one had to be principled and strict in order to lead a People. Personal Communication, 2004.

⁴⁰⁶ National Archives, Laguna Niguel, Indian Census records.

⁴⁰⁷ San Diego Historical Society, Photograph Album: "Photographs Mesa Grande Indians, Taken during the death dance of 'Cinon Duro' the last Indian Chief of the Mesa Grande Tribe, November 4th, 1906, C.J. Jessup."

There was abundant water and a peaceful place where a weary city person would find rest away from the hustle-and-bustle of the crowds. In the wintertime, in the old days before government evictions, the Indian people of Mesa Grande moved down the mountain to their village of Pamu where they enjoyed a more temperate climate during the cold, harsh winters in the mountains.⁴⁰⁸ Pamu was located in today's town of Ramona at the outlet of Black Canyon situated along a riverbed in the quiet canyons among a forest of oak groves. Black Canyon road ran along a steep canyon ledge, which led from the high lands of Mesa Grande to the lower elevations of grassy pastures at Pamu. It was a long and winding dirt road with a river running down at the canyon depths.⁴⁰⁹ This was one of the archaic paths in the ancient maze of pathways of commerce that connected the two village sites, neighboring villages, gathering places and sacred areas in southern California. Indians used the roads for many generations for social, economic, political and cultural purposes.

The Mattaweer clan represented and symbolized Indian survival over centuries. In the early days of the Spanish invasion, the village of Pamu was a staging area for a revolt against the Spanish Mission in San Diego in 1778.⁴¹⁰ The Mattaweer family was involved in the planned revolt against the Spanish. Aaran Mattaweer was a leader in the

⁴⁰⁸ Constance Goddard DuBois, "Mission-Indian Religion: A Myth in the Making," *Southern Workman* 33 (1904): 353.

⁴⁰⁹ Field trip with Mattaweer descendant, February 12, 2006.

⁴¹⁰ Hubert Howe Bancroft, *The Works of Hubert Howe Bancroft, Volume XVIII. History of California Vol I. 1542-1800* (San Francisco: A.L. Bancroft & Company, 1884), 315 – 316; F. Zephyrin Englehardt, O.F.M. *San Diego Mission*, (San Francisco: The James H. Barry Company, 1920), 96.

village at the time, and spoke out against the Spanish soldier's and priest's threats, beatings, rapes, forced labor and captivity.⁴¹¹

In March it was reported that the people of Pamó, one of the San Diego rancherías, were making arrows to be used against the Spaniards, counting on the aid of three neighboring bands and of one across the sierra, and having already murdered a San Juan Indian. Ortega sent a message of warning and Aaraan sent back a challenge to the soldiers to come and be slain. Carrillo's services were again called into requisition and he was sent with eight soldiers to chastise this insolence, capture the chiefs, and to give thirty or forty lashes each to such warriors as might seem to need them. In carrying out his orders the sergeant surprised the foe at Pamó, killed two of the number, and burned a few who refused to come out of the hut in which they had taken refuge. The rest surrendered and took their flogging, while the four chieftains were bound and carried to San Diego. Captured in this battle were eighty bows, fifteen hundred arrows, and a large number of clubs. The four chiefs, Aachil, Aalcuirin, Aaraan, and Taguagui were tried on April 6th, convicted of having plotted to kill Christians in spite of the mercy shown them in the king's name for past offences, and condemned to death by Ortega, though that officer had no right to inflict the death penalty, even on an Indian, without the governor's approval.⁴¹²

Aaraan Mattaweer was one of four leaders taken to the presidio in San Diego after watching his village burn and his people killed and beaten. The Spanish took him to either Monterey or to another far away land, away from his people.⁴¹³ Hokoyel Mattaweer's parents, grandparents, aunts, uncles and cousins were likely candidates of Spanish atrocities, disease and murder. Indian oral history passed down the knowledge of events about the Spanish Mission genocide. Descendants remember those events

⁴¹¹ Mooney-Lettieri and Associates for the San Diego County Water Authority, "Pamo Reservoir Project Final Environmental Impact Report and Environmental Assessment, Volume III," (1984) 143 – 144.

⁴¹² Bancroft, *The Works of Hubert Howe Bancroft, Volume XVIII. History of California Vol I. 1542-1800*, (Santa Barbara: Wallace Heberd, 1963), 315 – 316.

⁴¹³ Herbert Eugene Bolton, *Historical Memoirs of New California by Fray Francisco Palou, O.F.M., Volume 4* (New York: Russell & Russell, 1966), 315-316.

today.⁴¹⁴ Even though Hokoyel Mattaweer was born about thirty-six years after the unsuccessful revolt, he must have had knowledge of this horrific affair since family members experienced it. Knowledge of the occurrence must have affected him in a very personal and profound way. Spanish priests and soldiers enacted genocide on Mattaweer lands, which involved the Mattaweer clan. This left deep marks in the family's memory and in the motion of their changing way of life. These changes, however, did not take away the deep cultural knowledge of Mattaweer's spiritual life or his ancient cultural connections. His community still survived and thrived in their mountain home of Yangi'wana. The 1778 planned revolt identifying the Mattaweer clan signified that Hokoyel Mattaweer was in the lineage of an ancient leadership family that was active during the time of the Spanish presence in San Diego.⁴¹⁵ This was a hereditary lineage of kingship status in San Diego County.

The Mattaweer clan had used many survival strategies, which included revolt and resistance. Hokoyel Mattaweer lived through three foreign intrusions of Spanish, Mexican and American powers and each one required its own survival strategies. At the end of his life, Mattaweer could not live in his home village of Pamu because of American intrusion and entrenchment. He lived his last days entirely in his summer village at Black Canyon on Mesa Grande. His survival strategy there continued with his ancient cultural heritage and he lived his life as he always had which included continuing ceremonies and handing down knowledge to the youth of his clan. His work with

⁴¹⁴ Jeannette and Rupert Costo, Ed. *Missions of California; A Legacy of Genocide* (Indian Historian Press; San Francisco, 1987).

⁴¹⁵ Mooney-Lettieri and Associates, "Pamo Reservoir Project Final Environmental Impact Report and Environmental Assessment," 144.

DuBois was a strategy to keep knowledge of his culture alive, though it was not the primary one. Mattaweer did not give all of his knowledge to DuBois, simply because she was not eligible, just as Boscana was not. She was not in the hereditary lineage to receive information nor did she have the proper knowledge-power to warrant his passing information on to her. His silence was a strategy for his culture's survival. He passed down the information to those in his clan that were eligible in the silence of the ancient system of hereditary lineage. The survival strategies of the ancient Iipay were embedded into their stories and songs. Handing them down within his lineage was an act of survival for Mattaweer and the future of his people. As a reflection, in 1892, Mattaweer attended the Cabrillo Celebration at the San Diego Bay where he and all the mountain people of San Diego County celebrated the survival of their physical and cultural life.

In 1892, the first Cabrillo Celebration took place in San Diego commemorating the arrival of Juan Rodriguez Cabrillo in 1542. The importance of the San Diego Bay to Indian people in the area was profound. Mattaweer mentioned Pamu and the San Diego Bay in the creation story that he related to DuBois in 1906.⁴¹⁶ In the story, he told of Tuchaipai's (Creator's) path to the ocean. The story apprised Tuchaipai's appearance from the east and related cultural events and instruction that were the foundation of Indian worldviews in this area. In the creation story, Tuchaipai, on his way to the west, passed through Pamu making his way down to the coast and disappeared into the horizon at the San Diego Bay. This is the same path that all Iipay take after death, as their songs attest.⁴¹⁷ The creation story was one of the most important Iipay stories. Men of

⁴¹⁶ DuBois, "Diegueño Mythology and Religion: The Story of Creation," 100.

⁴¹⁷ Personal communication, anonymous Iipay man from the Mattaweer clan, 2005.

knowledge-power told it in song and chant form, teaching Iipay many things about life. It taught them how to survive, where they came from, where they were going, how to go about their lives, what their truths were and it passed ancient wisdom down through the generations. In the creation story, Tuchaipai gave knowledge about the Eagle Dance. The eagle ceremony was performed only after the passing of a leader, and the knowledge of how to accomplish it was only given to men of knowledge-power.

Indian stories, ceremonies and dances were at the heart of Iipay culture of which Mattaweer was a keeper. He was also an Eagle Dancer and possessed all knowledge and power to carry out the purposes of his station. His knowledge was handed down to him in song and practice by his father and directly from Tuchaipai. It is the tradition among Iipay for a father to pass down his knowledge to his son, as long as the father felt that the son was worthy of the information. Mattaweer was a *kwaipai*, or a person in charge of ceremonial matters and a dance leader.⁴¹⁸ He received his instruction from his father, Quumechloup, a leader before Mattaweer became leader. According to DuBois:

My friend, the old chief of the Diegueños, Cinon Duro (Indian name Ho-ko-yél Mut-a-weér) has told me some of these sacredly guarded myths; but his wrath fell upon his brother Antonio because he, without permission, had related to me the story of *Cuy-a-ho-márr*, which I published in the *Journal of American Folklore* under the title "The Story of Chaup." Each son of the old Chief Quum-ech-loup had his own story with its accompanying songs. Cinon, the eldest, and successor in the chieftainship, had the religious myths, the story of creation, the death of the god Tuchaipa, etc., together with all the knowledge pertaining to the conduct of the various religious festivals, a primitive but elaborate ritual full of exact detail.⁴¹⁹

⁴¹⁸ Kroeber, *Handbook of the Indians of California*, 713; Mattaweer headstone, St. Anthony's Chapel, Mesa Grande Reservation.

⁴¹⁹ DuBois, "Religious Ceremonies and Myths of the Mission Indians," 620.

Quumechloup taught his son the old songs and stories. Some of the stories were given to Mattaweer and some to his four younger brothers.⁴²⁰ Mattaweer was very respectful of his father. He did not speak his name often, but when he did it was “with greatest reverence in a half-whisper, since the names of the dead are spoken with reluctance.”⁴²¹ He did not tell DuBois where his father gained his knowledge, but stated that Tuchaipai gifts all spiritual knowledge directly. Mattaweer and his brothers learned the ways of their ancestors from their father as in previous generations. In every culture around the world, before the advent of writing, documenting and the distractions of television and radio, direct oral tradition was the way humans passed down information, history and ceremony from generation to generation. According to a member of the Mattaweer clan, in Mattaweer’s time life was quiet and slow and there was time for listening to Tuchaipai and the surrounding landscape. People were more in tune to their own inner voices. Young people learned oral traditions in a reverent manner. Older men and women taught culture repetitiously and made sure that the youth learned correct information so the culture was not passed down with flaws. Oral learning was not something that was taken lightly, but was the source of cultural traditional learning and spiritual renewal. Iipay relied upon the correctness of their oral teachings, songs and stories which were considered as the reliable source for information and survival.⁴²²

⁴²⁰ Ibid.

⁴²¹ Constance Goddard DuBois, “Ceremonies and Traditions of the Diegueño Indians,” *Journal of American Folklore* 21 (1908), 228-236.

⁴²² Personal communication, Mattaweer clan member, December, 2005.

During Mattaweer's old age a government school was set up on the Mesa Grande Reservation.⁴²³ The government schoolteacher's assimilation practices did not allow young children to speak their language or practice their ancient ways. Older children were sent off to boarding schools. On the children's return home, elders found that ties to cultural values were beginning to be severed because the children were being forcibly disconnected. In addition, the Bureau of Indian Affairs ordered that they would help choose tribal leaders. American style elections were conducted to choose the next tribal leaders.⁴²⁴ However, Mattaweer and the people at Mesa Grande were still keeping their ways and still revering and listening to their traditional leaders. Leaders still tried to pass down their culture through the children, in spite of the assimilation policies of the United States government. Indian culture was embedded in the memory, upbringing and landscape of the people.

Indians in San Diego, at the time of the Cabrillo Celebration in 1892, were living in their own communities that were thriving with cultural richness. Outside forces of government and the American public were continually trying to rid the landscape of Indians for personal profits in land, minerals and water. Indian children attended boarding schools, which erased their cultural memory and implanted the new American way. Those attending the Cabrillo Celebration viewed Indian participation in a number of ways. To tourists visiting the city of San Diego and to its inhabitants Indians were viewed as a vanishing people and Indian exhibition at the Celebration was an advantage for the public to take a final glimpse of a dying culture. To the clergy it was a chance to

⁴²³ Constance Goddard DuBois Papers, Cornell University, Reel #6.

⁴²⁴ Carrico, *Strangers in a Stolen Land*, 70-71.

advertise their successful assimilation programs at the local boarding school. To Indians, participation in the celebration gave them an opportunity to go down to the San Diego Bay, a sacred place from where they had been banished. They would also be free to live their culture out in the open with dances, ceremony and games and brandish their survival. By 1892, either new landowners in San Diego had pushed Indians out of the more populous areas or the government had moved them onto reservations. As discussed in Chapter 4, five years later numerous Indian towns around Lake Henshaw and Santa Ysabel were forcibly removed from their homes and lands because their land and water was wanted for the city and incoming Americans.⁴²⁵ Individuals and families also scattered in many directions to live among relatives.⁴²⁶ City authorities had warned the leader at the village of El Capitan, thirty miles east, not to let his people enter the city calling them “thieving Indians.”⁴²⁷ As mentioned above, the San Diego Bay was a place of spiritual importance to the Iipay and Diegueño and is mentioned in their ancient stories.⁴²⁸ The Celebration gave Indian people the opportunity to return to their sacred space at the bay to dance, sing and commune with each other.

The city of San Diego in 1892 had begun to boom again after a recent recession. The first boom came after Alonzo Horton had acquired the property that became New Town San Diego in 1867. Horton nurtured it into a healthy city by the 1870s and 1880s. Recovering from heavy flooding and an economic depression in San Diego, 1891 saw the

⁴²⁵ Cupa Cultural Center, Pala Reservation, 2004.

⁴²⁶ Delphina Cuero, *Delphina Cuero: Her Autobiography, An Account of Her Last Years, and Her Ethnobotanic Contributions* (Ballena Press: Banning, 1991).

⁴²⁷ Richard F. Pourade, “The Glory Years,” *The History of San Diego* (Copley Newspaper Company: San Diego, 1977), <http://sandiegohistory.org/books/pourade/glory/glorychapter7.htm>; The village of El Capitan

failure of the California National Bank, which affected the entire city.⁴²⁹ The following year several other banks failed, leaving the city in a state of gloom.

Some entrepreneurs in San Diego still prospered, however. The Carleton Opera Company opened the Fisher Opera House. John C. Fisher was a wealthy businessperson who was invested in the success of the second of San Diego's booms. One of his enterprises brought an electric rail system to the city. He, with other investors, built the San Diego Railway Company.⁴³⁰ During the Cabrillo Celebration, Fisher paid to erect an enormous arch over the parade route at Fourth Street. The arch was lit by electric lighting and decorated with Spanish, Mexican and American coats of arms and an image of Cabrillo.⁴³¹ There were other modern developments in the city of San Diego such as the flume in the east county and the new Santa Fe railroad station. Main concerns for the city leaders and entrepreneurs at this time were to bring water into their businesses and homes and to connect to the north and east by the railroad and ocean shipping. Gold had been discovered in the nearby Cuyamaca Mountains to the east in a town called Julian.⁴³² Because of these ventures, the city welcomed new people and new bustling businesses into the area.

is now under water. A dam was placed there in the 1930s. The village separated into two groups. Today the people of El Capitan are living on the reservations of Barona and Viejas.

⁴²⁸ DuBois, "Diegueño Mythology and Religion: The Story of Creation," 100.

⁴²⁹ William E. Smythe, "Banks and Banking." *History of San Diego, 1542-1908* (Smythe: San Diego, 1908), <http://search.blossom.com/geturl?&o=0p&i207&KEY=california+national+bank&URL=http://www.sandiegohistory.org/books/smythe/6-8.htm>

⁴³⁰Gina Holle, "Transit in San Diego: ASCE Anniversary Project," *The Journal of San Diego History* 48 (Winter 2002).

⁴³¹ *The San Diegan*. September 23, 1892.

⁴³² Cuyamaca is the English word for the Diegueño "Cu'yamic" which means "The rain or clouds yonder or behind the mountain." Hero Eugene Rensch, "Cullamác, Alias Del Capitan Grande," *Journal of San Diego History*, 2 (1956); Richard W. Crawford, *Stranger than Fiction: Vignettes of San Diego History* (San Diego: San Diego Historical Society, 1995), 54 – 56.

Elisha S. Babcock, another entrepreneur, had erected the new and fascinating Hotel del Coronado on the beautiful white sand beach at Coronado Island and was entertaining in style.⁴³³ Babcock was the mastermind behind the Hotel del Coronado built during the boom in San Diego in 1888. He was also the owner of the Coronado Railroad Company, whose line ran from downtown San Diego and up the Silver Strand to Coronado Island. On his line the ultra-rich came to visit his hotel in their private railroad cars instead of coming across the ferry, which was also his enterprise. His railroad line was also used to bring in supplies to the island.⁴³⁴ Babcock was a very prosperous businessperson investing in water enterprises, which included the flume built in the east county. He played a large role in the preparations and planning of the Cabrillo Celebration. Not only did he offer to contribute one-tenth of the expenses to bring local Indian people down from the reservations in the mountains to participate, but his hotel became a major participant for elite banquets, elegant parties and celebrations during the festivities.⁴³⁵ Babcock attractively decorated the hotel with arches of palm and evergreens and every evening it was brilliantly illuminated.⁴³⁶ In spite of these wealthy few individuals, out-of-town money was still needed to bring the city back to the level of prosperity they had during the boom period of the 1880s under Horton. These men were examples of city dwellers that were not only interested in recuperation, but wanted to

⁴³³ Pourade, "The Glory Years," <http://sandiegohistory.org/books/pourade/glory/glorychapter7.htm>.

⁴³⁴ Burke Ormsby. "The Lady Who Lives By The Sea: The Story of Hotel del Coronado," *Journal of San Diego History* 12 (1966).

⁴³⁵ Sally Bullard Thornton, "San Diego's First Cabrillo Celebration, 1892," *The Journal of San Diego History* 30 (1984); *Los Angeles Times*. September 18, 1892.

⁴³⁶ *Los Angeles Herald*. September 21, 1892.

become ultra-wealthy in a world of progress and modernity according to the promise of the American utopian vision.

The original idea for the Celebration came from Walter Gifford Smith, author and editor of *The Sun*, a local newspaper. Smith suggested to the leaders at City Hall that there should be a citywide festival to bring people into San Diego, building up the area for business, tourism and immigration.⁴³⁷ The 350th anniversary of Juan Rodriguez Cabrillo's arrival at San Diego Bay was chosen for the festival's theme to celebrate the city's proud past as the birthplace of Alta California. The mayor of the city, Mathew Sherman, set plans in motion. A committee was appointed and a collection of leaders were assembled to put together the massive Celebration festivities.⁴³⁸ Cabrillo had landed on Pt. Loma on September 28, 1542, and so the City set the same date to begin the three-day celebration. Fundraising started and official invitations were sent out to everyone including the President of the United States, Benjamin Harrison, the Governor of California Henry H. Markham and prominent San Diego leaders in the community and in the military.⁴³⁹ City leaders also invited dignitaries from neighboring Mexico.⁴⁴⁰

In this unraveling story, interesting community connections emerge. During the building of the Hotel Del Coronado, Elisha Babcock met Edward Davis who was a draftsman on the project. As described above, Davis was also an amateur ethnographer who lived at Mesa Grande and held friendships with Indians there. It is possible that

⁴³⁷William E. Smythe, "Local Annals After the Boom," (Smythe: San Diego, 1908), <http://search.blossom.com/geturl?&o=0p&i207&KEY=smith+cabrillo&URL=http://www.sandiegohistory.org/books/smythe/5-1.htm>

⁴³⁸ *The Sun*. July 18, 1892.

⁴³⁹ Thornton, "San Diego's First Cabrillo Celebration, 1892."

⁴⁴⁰ *The Seaport News*. October 1, 1892.

Babcock and Davis may have discussed the upcoming Celebration and what it could entail for the hotel and the city. Together, they may have originated the idea of bringing Indians down from the mountains for the festival, since Babcock paid for some of the Indian's travel expenses.

The end of the nineteenth century was a time in the country's history when the general Euro-American populace was contemplating the vanishing west and beginning to envisage that they had finally conquered the continent from sea to shining sea. The year after the Celebration, in 1893, the infamous Chicago World's Fair began. The purpose of the Chicago fair was to show the great strength and progress of America. Organizers aspired to affirm the eternal meaningful universe and gave fairgoers faith in American institutions and social organization. It evoked the question of the ultimate destiny of humankind and called for shared experience of American community. The Fair defined the collective identity of Americans and placed the world in a comfortable, ordered state.⁴⁴¹ Frederick Jackson Turner read his historic paper, *The Frontier in American History*, at the fair.⁴⁴² His thesis proclaimed that Americans had reached the end of the frontier and there were no other spaces to conquer. Organizers maximized order and organization and emulated the themes of progress, evolution and civilization. Anthropologists categorized everything from plants to human beings in their scheme of hegemony. Visions of utopia were based on economic growth, racial dominance and progress.⁴⁴³ Indian children across the country were being forcibly assimilated in

⁴⁴¹Robert W. Rydell, *All the World's a Fair* (University of Chicago Press: Chicago, 1984), 4-7.

⁴⁴²Frederick Jackson Turner, *The Frontier in American History* (Henry Holt and Company: New York, 1921).

⁴⁴³Rydell, *All the World's a Fair*, 8.

boarding schools and reservation schools so that they could live peacefully alongside Americans and so they too could become dissolved in the great, sweeping dream of utopia and perfection, vanishing into the mists of their past noble and savage images. The San Diego Cabrillo Celebration followed these paradigms. In the eyes of City leaders, Indians were placed on display to show San Diego's impending vanishing past in contrast to the modern technologies of the modern San Diego that was coming of age. But for Indians, their presence as the ancient people of San Diego celebrated their colorful survival.

Advertising preparations began. Promotional materials were dropped by a bomb-like invention that burst over Redondo Beach.⁴⁴⁴ The Santa Fe Railroad passed out brochures from Portland, Oregon to San Diego and posters displayed all over the City.⁴⁴⁵ Father Antonio Ubach, the Catholic priest assigned to Indian villages and reservations, invited village Captains to the Celebration during his visits to the mountains. The leaders he spoke to included Hokoyel Mattaweer of Mesa Grande, Antonio La Chapa of Mesa Grande, Narcison of Mesa Grande, Jose Manuel of Santa Ysabel, José Pachito a Luiseño, Pedro Pablo a Luiseño, Mateo Pia of Pechanga, and Vincente of Temecula.⁴⁴⁶ City leaders made an agreement with Indians to come into the City. Indians participated in the Celebration in return for their food, expenses and a safe place to stay during the time of the festivities. Their transportation into the city was included. Luiseño were slated to arrive by train from Oceanside and Diegueño from Foster Station in Lakeside. It was

⁴⁴⁴ *The San Diego Union*. September 16, 1892.

⁴⁴⁵ *The San Diegan*. September 15, 1892.

⁴⁴⁶ Smythe, "Local Annals After the Boom." *The History of San Diego, 1542-1908*; Thornton, "San Diego's First Cabrillo Celebration, 1892."

reported by newspapers that the Luiseño decided not to use the railroad cars being offered from Oceanside because they preferred to walk.⁴⁴⁷

The day finally came. On September 25th Luiseño and Diegueño left their homes in the mountains and arrived at the train stations in Oceanside and Lakeside. From there they took the train into the city. Ubach was responsible to the City for their conduct during their visit. They arrived at 4th and A streets where there was a 200 x 300 foot enclosure surrounded by a wooden fence that became their living quarters, and a dance ground and game area 125 feet in diameter.⁴⁴⁸ They were given daily provisions of flour, beef and other foods and they prepared their meals in the vacant lot where they stayed for the duration of the festivities. They utilized tule from nearby Mission Valley to build temporary huts to live in.⁴⁴⁹ Indian living conditions during the Celebration was in stark contrast to the general public's experiences in the same city. Visitors stayed in elaborate hotels and attended rich banquets and attractions. Indians were considered one of those attractions.

Finally, the morning of the 28th came, and the Luiseño and Diegueño began their preparations. They painted their bodies, the men put on their eagle skirts, owl feather headdresses and other appropriate clothing. The women were dressed in loose fitting calico skirts and blouses. Some wore wreath-type headwear made of the tules gathered from Mission Valley.⁴⁵⁰ The group made their way down to the Broadway pier at the

⁴⁴⁷ *The Sun*. September 19, 1892.

⁴⁴⁸ *The Sun*. September 16, 1892.

⁴⁴⁹ Thornton, "San Diego's First Cabrillo Celebration, 1892."

⁴⁵⁰ Photograph Collection, San Diego History Center Research Library.

bay. There were ten thousand visitors in San Diego for the event.⁴⁵¹ All of the hotels were full and residents were asked to open their homes to the people who could not find lodging.⁴⁵² The bay was crowded with tourists. The City had been preparing for the parade and the reenactment of the landing of Cabrillo. Celebration teams created huge arches that decorated the parade route and many groups came together with their floats and other preparations.

Numerous ships anchored on San Diego Bay, most from the Navy by special invitation. At 11:00 a.m., Ubach and the Indian contingent moved onto the beach and up to the water's edge. In the distance the anxious crowd, city officials, Indians and Ubach saw a Chinese junk that had been transformed into the San Salvador, Cabrillo's infamous ship. A Portuguese fisherman, who represented Cabrillo, was in the ship with other sailors dressed in the style of the romanticized Spanish explorers. They wore black velvet knee pants and Spanish hats with white plumes. They stepped from the makeshift frigate into rowboats and paddled to shore with the crowd looking on.⁴⁵³ When they reached the shore, the acting Cabrillo kneeled and planted his flag in the name of King Charles V of Spain. Greeting him were Mateo Pia of Pechanga, Pedro Pablo of Pauma, Vicente of Temecula, Jose Manuel of Santa Ysabel and Hokoyel and Narcison Mattaweer of Mesa Grande along with the rest of the Indian representatives.⁴⁵⁴ *The Sun* reported that the Indian leaders kneeled before the acting Cabrillo and kissed the ground. This

⁴⁵¹ *The Sun*, September 28, 1892.

⁴⁵² *The Sun*, September 21, 1892; *The San Diego Union*, September 23, 1892.

⁴⁵³ *The Sun*, September 28, 1892.

⁴⁵⁴ *Ibid.*

romanticized re-creation of Cabrillo's arrival at the San Diego Bay initiated the commencement of the three days of celebration.

This portrayal, as we know today, is a romanticized version of Cabrillo's visit. First contact at San Diego Bay was not so amicable. Cabrillo and his men arrived at the head of the San Diego Bay on September 28, 1542. On arrival they named the bay San Miguel because the next day was the feast of Saint Michael. The ships rested at the mouth of the bay near Ballast Point on the inner shore of Point Loma.⁴⁵⁵ There were many villages on the Point because of the abundant resources there.⁴⁵⁶ Some of Cabrillo's men went onshore and tried to approach a group of Indians who promptly ran away. Three Indians came near and Cabrillo's men gave them gifts. That evening the men went on shore again to let out their nets to fish and some Indians attacked them with arrows, wounding three Spaniards. The next morning another party rowed a boat into the bay, sounding for depth of water and they came upon two children on the beach. They captured the children and brought them back to the ships. Communication was not successful and the Commander gave them some shirts and sent them back home. The next morning, three adult Indians came out to the ships and communicated with the men. Their hand gestures and body and language disclosed to the sailors that they had heard about other Spanish men east of there that were riding horses and killing many Indians with spears and weapons. For that reason, Indians initially ran away on Cabrillo's first approach to shore and attacked when they began fishing with their nets. Indian survival strategies at first contact included a number of options. The first group chose to flee and

⁴⁵⁵ Cabrillo National Monument Museum, 2004.

tell the others, then Indian men came out to fight and defend their territory. Finally, a contingent went out to communicate diplomatically to find out what Cabrillo's intentions were. Cabrillo and his ships left the San Diego Bay on the first day of October.⁴⁵⁷ Indians were wise to be cautious of Cabrillo, his men and his ships. Cabrillo earned his prominence and notoriety as a crossbowman during the attack on the Aztecs under Cortés. He then helped conquer Guatemala. He was educated and a wealthy landowner.⁴⁵⁸ Cabrillo was a powerful and deadly man, not at all what was represented at the celebration of his arrival three hundred and fifty years later.

After the reenactment at the water's edge, the group of Indians walked up the road to the beginning of the parade route and then walked as participants in the parade up to the dance ground. The men were dressed in black and white calico and most wore feathered headwear. Some were bare to the waist and painted with black, white and red paints. The women were in bright calico trimmed heavily with ribbons. They wore head adornments of grain stalks, ferns, leaves and mountain roses.⁴⁵⁹ Officials and Indian headmen lead the parade with Luiseños on one side of the street and Diegueños on the other. The women followed behind the men. At the back of the procession, Indian boarding school children in their modern American clothing and hair styles followed.⁴⁶⁰ The school children represented the assimilation process at work and the success of Ubach's Indian industrial school. The contrast was pronounced as the image of the

⁴⁵⁶ Archaeological site maps of Point Loma. Southern California Information Center in San Diego, June 2007.

⁴⁵⁷ Harry Kelsey, *Juan Rodríguez Cabrillo* (Huntington Library: San Marino, 1998), 143 – 144.

⁴⁵⁸ *Cabrillo National Monument* pamphlet, National Park Service. U.S. Department of the Interior. 2007.

⁴⁵⁹ *The Sun*. September 28, 1892.

vanishing Indian primitives of San Diego went first, followed by the promise of American utopia represented by the school children. For Indians, it showed pride in the fact that they were a surviving people and were able to successfully live in two worlds at the same time.

After the parade ended, Indians went back to their living area and made further preparations for the coming festivities. *The Sun* described Indian preparation and organization:

The preparation involved covering their bodies and faces with ninety-nine colored clays. After the task was completed, war paint was prepared and applied by the women. To achieve the right consistency for the paint mixture, the women chewed one or two colors, then spit the combination on the designated area of the man's body. In the final step, they proceeded to fashion the paint decoration in stripes and geometrical patterns. The men wore headdresses made of tule, horsehair, fur, snake skins, feathers and bird wings. They carried rattle snake rattles, crude weapons and bows and arrows. The women dotted their faces with the paint concoction and wore brilliant ribbons.⁴⁶¹

Festivities lasted for two days. They participated in and exhibited their ancient dancing, singing and games. There was a rope placed around the dance circle to keep spectators clear of the dancers as they crowded in to watch what they had heard was a dying culture. Another local newspaper, *The Seaport News*, described the ceremonial dances and songs:

While one man kept time with rattles contained in large pot-like instruments, the colorful warriors moved slowly, shoulder to shoulder, around the circle in the center of the stockade. Their chanting with a range of about three notes was slow and continuous. From time to time the

⁴⁶⁰ Letter from Ubach to Morgan. October 4, 1892, San Diego Historical Society Research Library, File: "Fr. Ubach A.D."

musician let out a loud ‘ugh!’ which prompted an Indian ‘yell’ from the entire tribe. Then a heavily painted and feathered, agile brave would whirl around the center of the ring. Generally speaking, the Luiseño men and women were larger and had finer features than the Diegueños. Luiseño men also had the appearance of being fine athletes.⁴⁶²

At the end of three days the Indians went home. Ubach wrote a letter to T.J. Morgan, the Commissioner of Indian Affairs, about the outcome of the festivities.⁴⁶³ He reported that “his” Indians were under their best behavior, and there were no problems. However, he had been stressed during the whole event because he was worried that some of the local community members might try to contact the Indians and sell them liquor or entice them with some other “vice.” He stayed at his home, one block from the dance ground, and watched the Indians closely. He stated that he was glad that it was over and the Indians were home safely. If asked to do it again he said would not because the responsibility was too large.

Indian culture survived in the mountain villages into the twentieth century and beyond. As time passed and the children were sent off to boarding schools, the culture began to wane and many of the ancient stories, songs and ceremonies began to disappear. Anthropologists recorded as much of the culture as they could, fearing that it would all be lost. Today, descendants of these Indians have the opportunity to visit museums and archives to view and enjoy the memory of their ancestral past. The history that is housed in museums, adds to the knowledge and memory that Indians still hold today as it has been passed down over many generations. The 1892 Cabrillo Celebration reflected the

⁴⁶¹ The Sun. September 28, 1892.

⁴⁶² *The Seaport News*. October 1, 1892.

⁴⁶³ Letter from Ubach to Morgan.

rich culture that was alive in the mountains away from the eyes of the public. The overall survival strategy for cultural memory was to successfully live in two worlds, acculturating as needed but still adhering to their ancient heritage. Through legal defiance, fortitude, cooperation, collaboration, acculturation and silently handing down culture through family lineages, Indians in the mountains of San Diego County survived courageously.

Conclusion

The Luiseño, Diegueño, Lipay and Cupeño, who reside in the mountains of northern San Diego County have continued in their physical and cultural survival to this day. They will survive into the future, which they are currently sustaining for their families and the generations to come using current survival strategies imbedded in the roots of their past through economic development and cultural continuity.

All of the tribes in the mountains engage in economic development and exercise their sovereign rights for a stable and rich life. A number of tribes manage casinos. One tribe, the La Jolla Band of Luiseño Indians on Palomar Mountain do not have a casino. They manage their own campground, convenience store and gas station. The campground was established in the 1930s, long before the idea of gaming came into being, thus showing innovative ideas used for survival. Many of the casinos started as bingo halls and progressed into full-fledged Vegas-style establishments. The Indian gaming industry stems from traditional Indian culture since gambling games, such as Peon, were played over many generations and handed down. Indian gaming was created as a survival strategy from their cultural traditions. Other economic development includes a skate park and avocado orchards by the Pala Band of Mission Indians and hotels by the Pechanga Band of Luiseño Indians and the San Pasqual Band of Diegueño Mission Indians of California. Of the reservations mentioned in this dissertation the La Jolla and Mesa Grande Indians are the only ones who do not operate a gaming business. The wealth that gaming has brought to some tribes gives the opportunity to give quality

care for the needs of their families, such as elder care, better medical and dental care and the establishment of fire stations on the reservations. In addition, most tribes provide the children with their own schools, where they are immersed in their local languages and cultures. Many also have dedicated cultural centers, museums and archives in which they educate tribal members and interested outside scholars and members of the public about their culture and history.

Though the Luiseño, Diegueño, Iipay and Cupeño have lived through a devastating one hundred and sixty seven years since Americans arrived on their lands, they have chosen survival strategies that have brought them to where they are today. Because of wise leaders who chose their strategies carefully, tenacity, faith in themselves and love for their families, they continue to survive into the twenty-first century and will survive in the centuries to come.

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