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California's Yuki Indians: Defining Genocide in Native American History

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CALIFORNIA'S YUKI INDIANS: DEFINING GENOCIDE IN NATIVE AMERICAN HISTORY

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This article summarizes the heretofore incomplete and disputed assessment of the Yuki genocide, narrates the cataclysm, reevaluates state and federal culpability, and explains how this catastrophe constituted genocide under the 1948 United Nations Genocide Convention. Finally, the article explores how other case studies and the convention may inform future research on genocide in California and the United States in general.

“Accounts are daily coming in from the counties on the Coast Range, of sickening atrocities and wholesale slaughters of great numbers of defenseless Indians . . . For an evil of this magnitude, someone is responsible. Either our government, or our citizens, or both, are to blame.”¹

California Legislature, 1860

ON 14 MAY 1854, SIX MISSOURIAN EXPLORERS crested a steep ridge, some 150 miles north of San Francisco. After days of hard travel through mountainous, broken terrain, they encountered a stunning sight. Spread below them was 25,000 acres of lush, flat land. The next day, the six horsemen descended to the floor of what is now known as Round Valley, in northern Mendocino County. According to Frank Asbill, son of one of the six, “they had not gone far when the tall, waving, wild oats began to wiggle in a thousand different places all at the same time.” The group’s leader, Pierce Asbill, then called out: “We’ve come a long way from Missouri to locate this place . . . an’ be damned if wigglin’ grass ‘ull keep us away! Git a—hold of yer weapons—we’uns are goin’ in!”

Reaching a creek bed, the six horsemen reportedly encountered three thousand Yuki Indians. “A war hoop went up from the Missourians [who] just lay over the horse[s]’

BENJAMIN MADLEY, a doctoral candidate in history at Yale, thanks William Bauer, John Faragher, Albert Hurtado, Adam Jones, Ben Kiernan, Timothy Macholz, George Miles, Jeffrey Ostler, Sarah Philips, and Laura Roe.

¹ California Legislature, *Majority and Minority Reports of the Special Joint Committee on the Mendocino War* (Sacramento, 1860), 4, Bancroft Library, Berkeley, California (hereafter MMR).

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neck[s] and shot . . . They just rode them down . . . It was not difficult to get an Indian with every shot . . . When the shootin' was over, thirty-two dead and dying [Yuki] lay scattered." By the end of the day perhaps forty Indians were dead.² The massacre was a prelude to an American genocide.

Like many California Indians, the Yuki suffered a cataclysmic population decline under United States rule. Between 1854 and 1864, settlement policies, murders, abductions, massacres, rape-induced venereal diseases, and willful neglect at Round Valley Reservation reduced them from perhaps 20,000 to several hundred. Despite decades of discussion over who or what was responsible, no consensus exists on state and federal decision-makers' roles or whether or not the catastrophe constituted genocide. This article summarizes the heretofore incomplete and disputed assessment of the Yuki genocide, narrates the cataclysm, reevaluates state and federal culpability, and explains how this catastrophe constituted genocide under the 1948 United Nations Genocide Convention. Finally, the article explores how other case studies and the convention may inform future research on genocide in California and in the United States in general.

Scholarship on California Indian population decline under United States rule frames the discussion of the Yuki catastrophe. Between 1846 and 1865, California's Indian population plunged from perhaps 150,000 to "somewhere near 25,000 or 30,000," and in 1890, H. H. Bancroft described it as "one of the last human hunts of civilization, and the basest and most brutal of them all." Later, Nazi mass-murder redefined the terms of such discussions. In 1944, Raphaël Lemkin minted a new word for an ancient crime. He combined the Greek *genos*, [race] with the Latin *cide*, [killing] to define "genocide" as any attempt to physically or culturally annihilate an ethnic, religious, or political group. Then, in 1948, the United Nations Genocide Convention defined genocide as:

Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

The convention thus provides a clear, internationally recognized rubric for evaluating instances of genocide, including historical cases not subject to legal jurisdiction. First,

² For Asbill quotation, see Frank Asbill and Argle Shawley, *The Last of the West* (New York, 1975), 18, 19. For death toll of 40 Indians, see Lyman Palmer, *History of Mendocino* (San Francisco, 1880), 459, 595, 596, Beinecke Library, New Haven, Connecticut (hereafter BLNH). Online version also available.

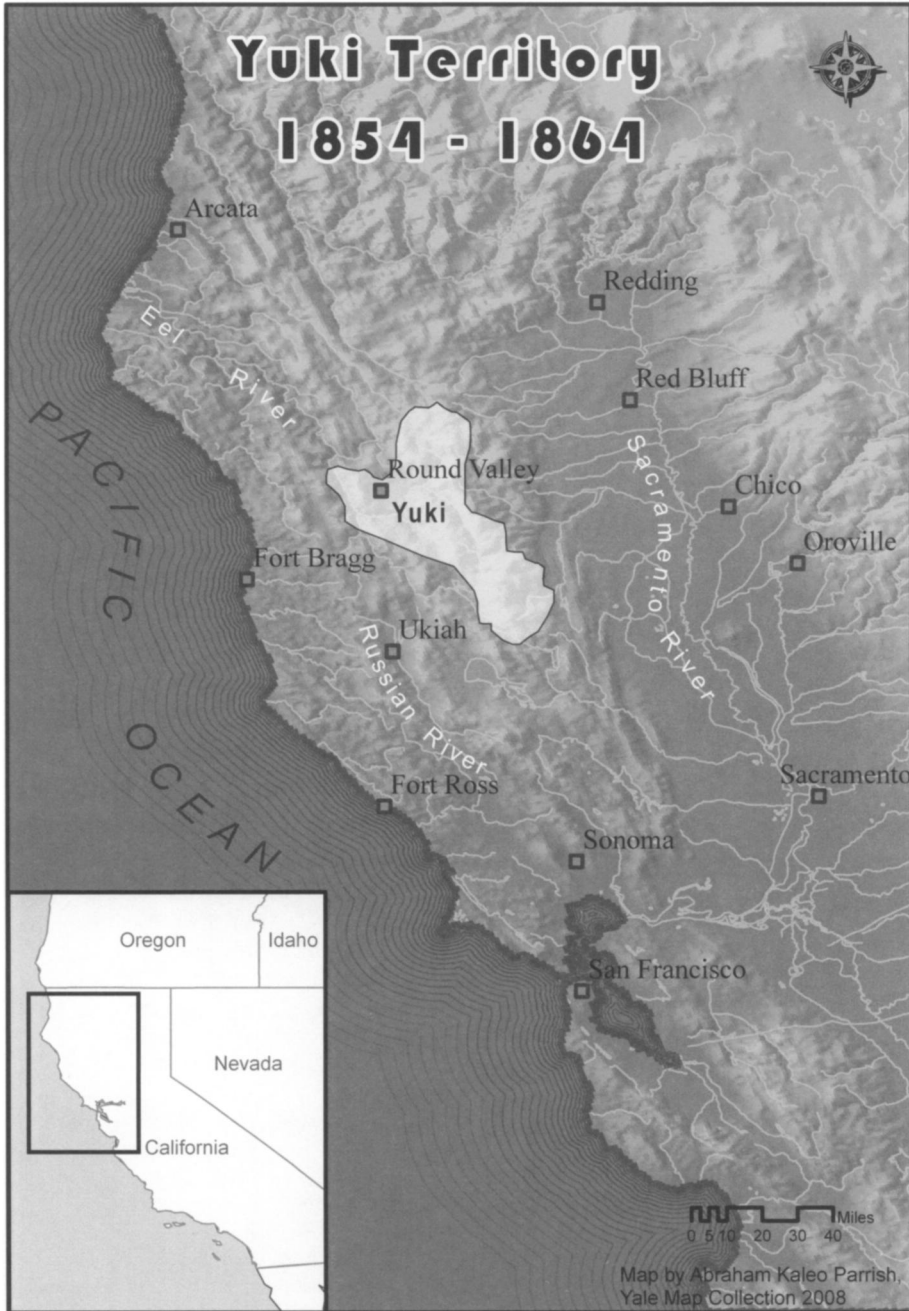


Figure 1. Yuki Territory, 1854–1864. 2008, courtesy Abraham Kaleo Parrish, Head Yale Map Collection, New Haven, Connecticut.

perpetrators must evince "intent to destroy." Second, perpetrators must commit at least one of the five genocidal acts against "a national, ethnical, racial or religious group."³

In United States criminal law, "intent" is present where an act is intentional, not accidental. The international crime of genocide involves more, comprising "acts committed with intent to destroy" a group "as such." International criminal lawyers call this "specific intent," meaning destruction must be consciously desired, or purposeful. Yet "specific intent" does not require a specific "motive," a term absent from the convention. Genocide can be committed even without a motive like racial hatred. The motive behind genocidal acts need not be an explicit desire to destroy a group; it may be, but the motive can also be military, economic, or territorial. The United Nations Genocide Convention does not mention motive. Thus, if the action was deliberate, and the group's partial or total destruction a desired outcome, the motive behind that intent is irrelevant.

Twenty-nine years after the formulation of the new international legal treaty, scholars began reexamining California's colonization by the United States. In 1977, William Coffey wrote a brief article, "Genocide among the California Indians." Two years later, in a 1979 monograph, Jack Norton argued that certain northwestern California Indians had suffered genocide. Then, during the 1980s, James Rawls argued that some "whites . . . advocated and carried out a program of genocide that was popularly called 'extermination,'" while Russell Thornton wrote that "the documented examples of genocide are too numerous to mention," and Albert Hurtado described an "atmosphere of impending genocide" in gold rush California. In the 1990s, Richard White, David Rich Lewis, Laurence Hauptman, Clifford Trafzer, and Joel Hyer all mentioned genocide in California. By 2000, Robert Hine and John Faragher concluded, "It was the clearest case of genocide in the history of the American frontier."⁴

Despite the work of these scholars, too little has been written about California genocide at the tribal level, and only Norton and Hauptman have attempted to apply

³ Sherburne Cook, *The Population of California Indians, 1769–1970* (Berkeley, 1976), 44, xv, 53; H.H. Bancroft, *The Works of Hubert Howe Bancroft* (San Francisco, 1890), 24:474; Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC, 1944), xi–xii; United Nations, *Convention on the Prevention and Punishment of the Crime of Genocide*, 280, Yale Law Library, New Haven, Connecticut.

⁴ William E. Coffey, "Genocide among the California Indians," *Indian Historian* 10 (Spring 1977): 8–15; Jack Norton, *When Our Worlds Cried: Genocide in Northwestern California* (San Francisco, 1979); James Rawls, *Indians of California: the Changing Image* (Norman, 1984), 171; Albert Hurtado, *Indian Survival on the California Frontier* (New Haven, 1988), 135; Richard White, "Morality and Mortality," *New Republic* 208, 18 January 1993, 35; David Rich Lewis, *Neither Wolf Nor Dog: American Indians, Environment, and Agrarian Change* (New York, 1994), 84; Laurence Hauptman, *Tribes & Tribulations: Misconceptions About American Indians and their Histories* (Albuquerque, 1995), 5; Clifford Trafzer and Joel Hyer, eds., *Exterminate Them! Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* (East Lansing, 1999), 1; Robert Hine and John Faragher, *The American West: A New Interpretive History* (New Haven, 2000), 249.

the Genocide Convention. With the exception of Thornton, most scholars have largely avoided in-depth analysis of genocides suffered by particular tribes. Thornton blazed a trail by bringing brief case studies into his argument, yet there remains a need for more detailed studies providing the data that permits an assessment of the causes, frequency, and variability of genocide in California. These questions call for meticulous analysis, using the internationally recognized Genocide Convention, because the stakes are so high.

Cases of genocide in California raise major historical quandries. Should scholars reevaluate the assumption that indirect effects of white settlement (like disease), rather than deliberate actions, like murder, were the leading cause of death in Indian-white encounters? Was United States rule in California founded on genocide? And, even if this is true only in part, what does this mean to our understanding of national character?

Cases of genocide in California also raise important political questions. Should tribal government officials seek formal apologies or monetary reparations from government officials? And, how should state and federal decision-makers respond? These questions are important and explosive in every potential case of genocide in California. The Yuki genocide—as one of the largest instances of California Indian population decline under United States rule—is one case in need of rigorous reevaluation.

Four authors pioneered Yuki genocide scholarship. Gary Garrett's 1969 master's thesis outlined a four-year-long "genocide." A decade later, Virginia Miller chronicled a longer "genocide," but concluded that "the cause was . . . two entirely opposing ways of life and value systems . . . vying for the same territory which each would exploit in a different way. The two ways of life were incompatible, and so one or the other had to go." In 1981, Lynwood Carranco and Estle Beard provided more detail. They blamed "impatient settlers" for "genocide," but largely exonerated the "Congress and California State Legislature," which they considered "in a dilemma"; for while "not unaware of the Indian's rights" they still "attempted to be fair." Like Miller, these authors failed to emphasize state and federal decision-makers' agency, ultimately concluding: "The Indian was forced to make way for the march of empire." Explaining genocide as the product of such general factors as the march of empire fails to grapple with the specific variables of human agency and decision-making that vary from case to case. This article first attempts to identify these factors in the Yuki case.⁵

Others have also explored Yuki history or that of their Northern California home, Round Valley, but do not frame the catastrophe as genocide. In his 2005 *Killing for Land in Early California: Indian Blood at Round Valley, 1856–1863*, Frank Baumgardner claimed that while "the genocide process" applied to one series of killings near Round Valley and that one man "committed genocide," ultimately the catastrophe was more a case

⁵ Gary Garrett, "The Destruction of the Indian in Mendocino County, 1856–1860," (master's thesis, Sacramento State College, 1969), 52; Virginia Miller, *Ukomno'm: The Yuki Indians of Northern California* (Socorro, NM, 1979), 99; Lynwood Carranco and Estle Beard, *Genocide and Vendetta: The Round Valley Wars of Northern California* (Norman, 1981), 156.

of “conflict” than genocide. Who or what then was responsible for the Yuki cataclysm? Local, state, and federal decision-makers’ roles, as well as the genocide question itself, remain to be completely examined. That is the second aim of this article.⁶

When Anglo-Americans arrived, Yuki inhabited a “400 to 900 square mile” area. Some populated surrounding mountains, but most lived in Round Valley. They called themselves “Ukomno’m,” or “valley people.” Amidst grasses and clover, they constructed permanent conical bark and animal-skin houses. Along the Eel River’s branches, they built community halls thirty to forty feet in diameter, with access to water for cooling swims following dances, ceremonies, gaming, and gatherings. Able to take shelter in their dwellings and halls, most wore light clothing and rarely donned footwear. Ridges and summits formed an elliptical ring around the valley, creating a sanctuary the Yuki defended in wartime, and from which they traded during peacetime. Economic cornucopia and strategic redoubt, Round Valley nurtured them for centuries. Beginning in 1854, however, this refuge became a place of death. Protective peaks turned to prison walls, pleasant meadows to burial grounds.⁷

Round Valley’s bounty supported 6,000 to 20,000 Yuki.⁸ In 1854, explorers estimated 20,000 in and around the valley, based on “numerous camp fires dotting it in every direction.” A colonizer later wrote that when, “the first Settlers came to Round Valley . . . they estimated the number of Indians in the valley, to be 3000, and . . . within a radius of ten miles, more than 10,000.” In 1856, well after whites arrived, Indian Agent Simon Storms estimated “at least” 5,000 Indians inhabiting the area. Yet by 1864, California Indian Affairs Superintendent Austin Wiley counted just 85 men and 215 Yuki women at Round Valley.⁹

⁶ Frank Baumgardner, *Killing for Land in Early California: Indian Blood at Round Valley, 1856–1863* (New York, 2005), 116, 122, 264.

⁷ Russell Thornton, *American Indian Holocaust and Survival: A Population History since 1492* (Norman, 1990), 201. On page 203 of the same work Thornton wrote that 225 of 500 known Yuki “village sites . . . are in Round Valley.” Rena Lynn, *The Story of the Stolen Valley* (Willits, CA, 1977), 4; A.G. Tassin, “Chronicles of Camp Wright, Part I,” *Overland Monthly* 10, July 1887, 25, BLNH; George Foster, *A Summary of Yuki Culture* (Berkeley, 1944), 176; Stephen Powers, *Tribes of California* (Washington, DC, 1877), 128; Sharon Malinowski, et al., eds., *Gale Encyclopedia of Native American Tribes* (Detroit, 1998), 4:239.

⁸ A.L. Kroeber concluded: “2,000 is perhaps the most conservative estimate.” See Kroeber, *Handbook of the Indians of California* (Washington, DC, 1925), 168. Sherburne Cook estimated 6,880 in *The Aboriginal Population of the North Coast of California* (Berkeley, 1956), 108, 127. Thornton suggested, “6,000 [to] 12,000 appears reasonable, though perhaps conservative.” See Thornton, *American Indian Holocaust and Survival*, 203.

⁹ Tassin, “Chronicles of Camp Wright,” 25; Elijah Potter, “Elijah Renshaw Potter Reminiscences,” BANC MSS C-D 5136:2, Bancroft Library, Berkeley, California (hereafter BLB), p. 1; Simmon Storms to Tho. Henley, 20 June 1856, Letters Received, Records of the Office of Indian Affairs, 1824–1881, RG 75, M234, reel 35:475, National Archives, Washington, DC (hereafter M234); Austin Wiley, “Report of Indians on the Reservations within the California Superintendency, September 1 1864,” Office of Indian Affairs, *Report of the Commissioner of Indian Affairs for the Year 1864* (Washington, DC, 1865), 119, Mudd Library, New Haven, Connecticut (hereafter MLNH).

Disease is widely considered a leading cause of California Indian population decline under United States rule. In 1943, Sherburne Cook argued that “60 per cent of the decline may be attributed to” disease, while dislocation, starvation, and homicide, roughly in that order, also contributed to the decline. Cook’s argument was republished in an influential, posthumous, 1976 essay collection, and reworked in a posthumous 1978 article that posited: “the direct causes of death were disease, the bullet, exposure, and acute starvation,” without specifying any causal hierarchy. In 1988, Albert Hurtado offered a similar interpretation: “disease, starvation, homicide, and a declining birthrate for native people took a heavy toll.” Yet, exceptions to this pattern exist. The Yuki population decline, at least, challenges Cook’s long-standing thesis. Apart from venereal disease, which likely decreased reproduction through sterility and fetal death, there is no evidence of lethal “Old World” epidemics among the Yuki between 1854 and 1864. So, what killed them?¹⁰

The Yuki catastrophe was prefigured by the events of 1847–1853. On 13 January 1847, the United States took possession of California from Mexico. One year later, James Marshall’s gold strike triggered mass immigration. Before the gold rush, there were only 13,000 non-Indians in California. The 1860 census-takers counted 362,196. These hundreds of thousands came primarily in search of wealth. However, in seeking to eat, dress, acquire labor, and satisfy their sexual desires, immigrants placed immense pressure on California Indians. These demands triggered an explosion of immigrant agriculture, hunting, and slave-raiding. When the shock waves reached Round Valley, the impact was devastating.¹¹

California’s new leaders magnified that impact. In 1851, California’s first civilian United States governor, Peter Burnett, declared: “that a war of extermination will continue to be waged . . . until the Indian race becomes extinct, must be expected,” and warned that what he called “the inevitable destiny of the race is beyond the power or wisdom of man to avert.” Succeeding Burnett, Governor John McDougal sent Militia Colonel J. Neely Johnson (who later served as governor himself) to meet with federal Indian treaty negotiators. Johnson “promised” them that if negotiations “were unsuccessful he would then make war upon [the Indians], which must of necessity be one

¹⁰ Sherburne Cook, “The American Invasion,” *Ibero-Americana* 23 (April 1943): 1–94; Sherburne Cook, *The Conflict between the California Indian and White Civilization* (Berkeley, 1976), 253–348; Sherburne Cook, “Historical Demography” in *Handbook of North American Indians*, ed. Robert Heizer (Washington, DC, 1978), 8:93; Hurtado, *Indian Survival on the California Frontier*, 1. When Storms first visited Round Valley in June 1856, he “did not see a sick Indian or one afflicted with the venereal.” See Storms to Henley, 20 June 1856, 475. By August 1858, he reported: “about 1/5 . . . are now diseased.” See Examination of S.P. Storms, 11 August 1858, reel 36:301, M234.

¹¹ Malcolm Rohrbough, *Days of Gold: The California Gold Rush and the American Nation* (Berkeley, 1998), 8 and Joseph Kennedy, *Population of the United States in 1860* (Washington, DC, 1864), 28, MLNH.

of extermination to many of the tribes.”¹² Such open talk of extermination was then common among Anglo-Californians.

Congress, meanwhile, made California Indians particularly vulnerable to immigration’s blast. In 1851 and 1852, federal agents signed eighteen treaties with 119 California tribes allocating them 7,488,000 acres. However, under pressure from Anglo-Californians, United States senators repudiated these treaties. Instead, on 3 March 1853, Congress authorized “five military reservations not exceeding 25,000 acres each” and conferred no legal recognition or land titles. The results were fourfold. First, no reservations were patented and jurisdiction over them was left uncertain. Second, California Indians did not become explicit federal wards. Third, because jurisdiction remained uncertain, confusion and conflict between and among state and federal authorities prevailed. Finally, Pacific Department commander Major General John Wool’s 1857 interpretation of California reservations’ legal status denied them full army protection: “Until these reservations are . . . perfected the United States troops . . . have no right to . . . exclude the Whites from entering and occupying the reserves, or even prevent their taking from them Indians, squaws and children. In all such cases, until the jurisdiction of the State is ceded to the United States the civil authority should be invoked to correct the evil.”¹³

The Yuki catastrophe unfolded in four phases. Settlers initiated the first with incursions in 1854 and 1855, and then with settlement in 1856, struggling with the Yuki for control of natural resources and kidnapping and enslaving Yuki women and children. To retaliate, and to eat, Yuki sometimes killed white-owned livestock. Settlers then attacked Yuki. In 1856, federal authorities created what would become Round Valley Indian Reservation to separate the Yuki and other Indians from settlers and to provide for their survival. This was largely unsuccessful, and Yuki initiated the second phase by killing several whites in 1857. From that time on, settlers launched more frequent and deadly attacks. In 1859, Governor John Weller inaugurated a third phase by deploying paid militiamen. Finally, federal authorities oversaw the fourth phase on Round Valley Reservation. The following sections consider each phase in turn.

During the catastrophe’s first phase, settlers established destructive behavior patterns, supported by state policies and federal authorities. Mountain men and settlers attacked Yuki, abducted women and children, and crippled the Yuki economy. These acts generated Yuki resistance, and occasional retaliation, that, in turn, escalated the frequency and violence of white attacks.

Following the massacre of 15 May 1854, described earlier, most of the Missourians continued north. However, three remained in the region to hunt. One of them, Pierce

¹² California State Legislature, *Journals of the Legislature of the State of California at its Second Session* (San José, 1851), 15, BLB and G. Barbour to Luke Lea, 17 February 1851, reel 32:106, M234.

¹³ Major General John Wool to U.S. Senators D.C. Broderick and Wm. Gwin, 28 January 1857, 2, 4, Interior Department Appointment Papers, Held-Poage Library, Ukiah, California.

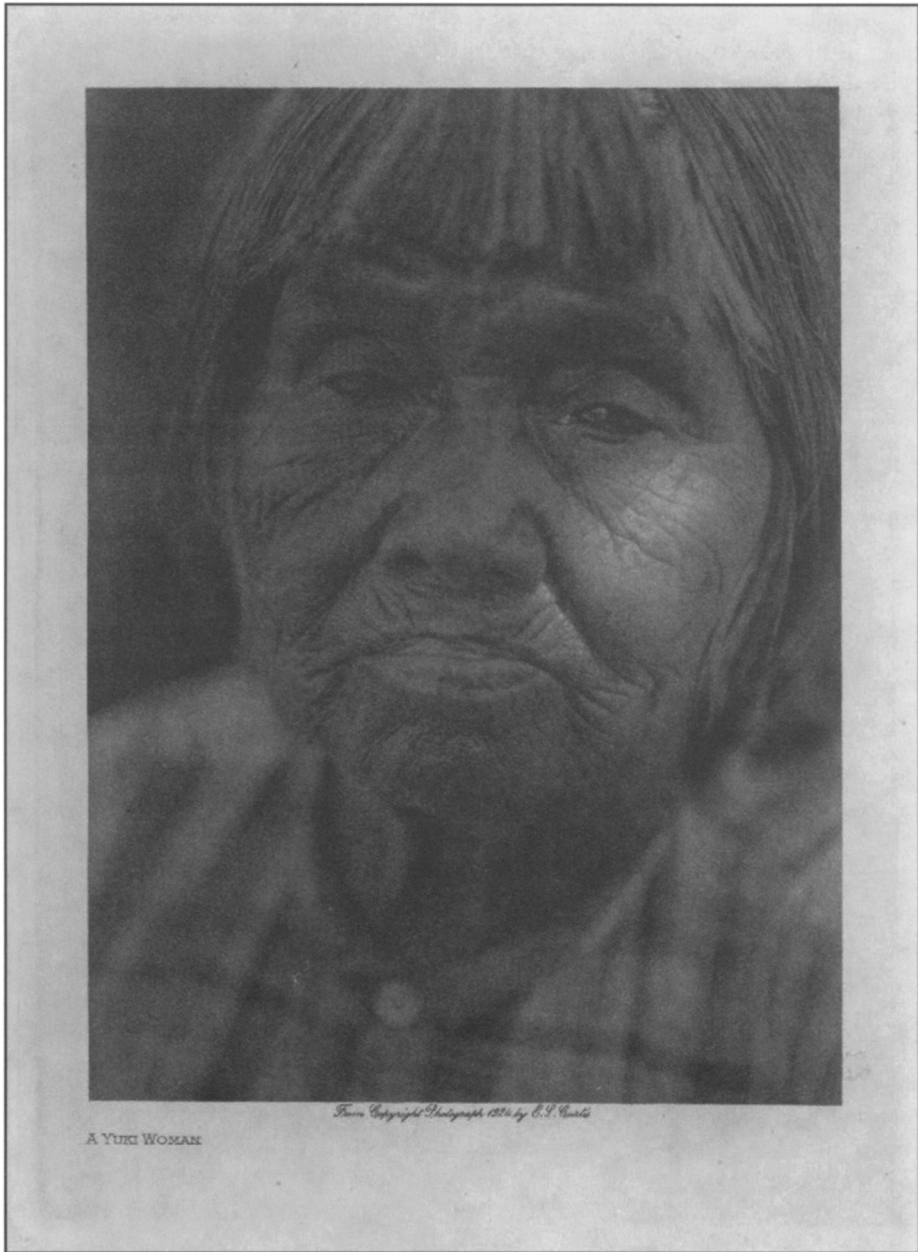


Figure 2. Edward S. Curtis, "A Yuki Woman" photograph, in *The North American Indian*, vol. 14 (Norwood, MA, 1924), 23, plate. Courtesy of the Beinecke Library, New Haven, Connecticut.

Asbill, left the mountains in the spring of 1855 to sell 1,000 pounds of buckskin in the Sacramento River Valley. En route, Asbill encountered a Mexican cowboy, who asked him, according to Asbill's son:

"You got plenty women over there?"

"Plenty of wild, naked squaw," agreed the Missourian.

"I pay three good young horses for one good young squaw. No want old one!"

"How many you take?" parried Pierce.

"I take all you bring."

Asbill then procured guns, a hunting dog, a dozen dog chains, and padlocks before returning to his companions in the mountains. In the summer of 1855, the men departed with 1,500 pounds of buckskin and at least thirty-five Yuki women and girls. After fifteen months, six whites had killed or kidnapped between sixty-seven and seventy-five Yuki.¹⁴

Abduction played a major role in Yuki population decline. From 1850 until 1863, California Indians could legally be taken and forced to become unpaid servants. Confronting a labor shortage, on 22 April 1850, legislators passed an "Act for the Government and Protection of Indians," which legalized white custody of Indian minors and Indian prisoner leasing. Under the act, children could, with consent of "friends or parents," be held and worked without pay until age fifteen (for females) or eighteen (for males). The act also empowered whites to arrest Indian adults "found loitering and strolling about," or "begging, or leading an immoral or profligate course of life." When a court received a "complaint" along these lines, court officers were required to capture and lease "such vagrant within twenty-four hours to the best bidder." Successful bidders could then hold and work their prisoners for up to four months without compensation. "Any white person" could also lease labor by visiting a jailhouse and paying "the fine and costs" for any "Indian convicted of an offence . . . punishable by fine." Because few Indians had access to sufficient funds, jails became low-cost labor suppliers. Finally, while the act stipulated that "forcibly convey[ing] any Indian from his home, or compell[ing] him to work" was punishable by a fine of "not less than fifty dollars," it also read, "in no case shall a white man be convicted of any offence upon the testimony of an Indian, or Indians," and that Indian testimony against a white could be rejected by "the court or jury after hearing the complaint of an Indian." Indians could thus be forced into unpaid work on trumped-up charges.¹⁵

¹⁴ Asbill and Shawley, *Last of the West*, 19, 31, 34–5, 43. The Missourians were paid three horses per woman. According to Asbill, they received 105 horses in September 1855. See page 43.

¹⁵ California State Legislature, *Statutes of California, Passed at the First Session of the Legislature* (San José, 1850), 408–10, California State Library, Sacramento, California (hereafter CSL).

The 1850 act opened the door to abduction and involuntary servitude. In 1852, the first California Indian Affairs superintendent wrote to the United States Indian Affairs commissioner to protest the “new mode of oppression to the Indians, of catching them like cattle and making them work, and turning them out to starve and die when the work-season is over.” Two years later, California legislators passed an “Act to Prevent the Sale of Fire-arms and Ammunition to Indians,” limiting Indians’ ability to protect themselves from slave raiders. By 1856, Indian Agent E. A. Stevenson reported from Mendocino County on a “system of slavery” in which whites “seem to have adopted the principle that they (the Indians) belong to them as much as an African slave does to his master.” That same year, California Indian Affairs superintendent Thomas Henley reported to the United States Indian Affairs commissioner: “hundreds of Indians have been stolen and carried into the settlements and sold; in some instances entire tribes were taken en masse.”¹⁶

Despite evidence that the 1850 act supported abduction and involuntary servitude, it remained in effect until fewer than 600 Yuki remained alive. In 1860, legislators even extended the act to legalize “indenture” of “any Indian or Indians, whether children or grown persons,” including “prisoners of war.” The age of majority for males was raised from eighteen to twenty-five, and for females from fifteen to twenty-one. Those indentured “over fourteen and under twenty years of age, if males” could now be held “until they attained the age of thirty years; if females, until they attain[ed] the age of twenty-five years.” Finally, legislators legalized indenturing minors without even the presence in the court of their “parents” or “persons having care or charge.” Thus, legislators lowered barriers to the acquisition of involuntary servants and expanded the terms of custodianship and indenture, which by their violence, and separation of men and women during peak reproductive years, accelerated Yuki population decline.¹⁷ Whites kidnapped and enslaved some 10,000 California Indians between 1850 and 1863. Of these, 3,000–5,000 were children. An 1854 *San Francisco Alta California* article reported, “ABDUCTING INDIAN CHILDREN . . . has become quite common. Nearly all the children belonging to some of the Indian tribes in the northern part of the State, have been stolen.” Yet federal authorities declined to intervene. The Franklin Pierce presidential administration received numerous slave trade reports but took no action. In 1855, then Secretary of War Jefferson Davis explicitly refused Superintendent

¹⁶ California Superintendent of Indian Affairs Beale to Commissioner of Indian Affairs Lea, 30 September 1852, 32nd Cong., 2nd sess., 1853, S. Doc. 57, serial 665, 9; Theodore Hittell, *The General Laws of the State of California, from 1850–1861* (San Francisco, 1865), 532; E. Stevenson to Thomas Henley, 31 July 1856, Office of Indian Affairs, *Report of the Commissioner of Indian Affairs, Accompanying the Annual Report of the Secretary of the Interior, for the Year 1856* (Washington, DC, 1857), 251, MLNH; Henley quoted in Robert Heizer, *The Destruction of California Indians: A Collection of Documents from the Period 1847–1865* (Santa Barbara, 1974), 233.

¹⁷ California State Legislature, *The Statutes of California, Passed at the Eleventh Session of the Legislature, 1860* (Sacramento, 1860), 196–7, CSL.

Henley's request for troops to arrest California slave raiders, replying that this was "the appropriate duty of the civil officers [and/or] the *posse comitatus*."¹⁸

Kidnapping shattered many Yuki families. When Indian Agent Storms visited a Yuki encampment in 1856, he reported, "a number of squaws and children taken away by white men." Yuki men "said they would all work at anything I wanted them to, if I would only protect their squaws and children." A year later, Indian Agent Vincent Geiger reported from Round Valley: "the Indians . . . have very few children—most of them doubtless having been stolen and sold." By 1860, settler William Frazier stated, "among these hostile tribes which we attacked, we found no children, and I believe there has been a practice of abducting the children from them by some white men, and for the purpose of pecuniary profit." The pattern continued. Superintendent Hanson reported to Washington in 1862, "unprincipled white men [in Round Valley] at every opportunity make merchandise of [Indian] children and wives of their squaws." Little evidence of Yuki reactions to these kidnappings exists, but the seizure of Yuki children almost certainly precipitated conflict.¹⁹

Settlers' impact on the Yuki economy also exacerbated discord. For instance, by killing several hundred deer for their 2,500 pounds of deerskin in 1855 and 1856, Asbill and his companions threatened Yuki subsistence. Local venison was critical to Yuki survival, especially during winter. Ranching posed even greater threats. In 1856, Superintendent Henley visited Round Valley and proclaimed it "the best grazing ground in the State." He then established Round Valley Reservation and his own cattle ranch, where he eventually settled. In 1857, Charles Bourne drove "about five hundred cattle . . . into the valley" and George White brought in 700 more while the reservation grazed 381 cattle, horses, and mules. Stock grazing destroyed traditional Yuki food sources while denying them access to what remained. The Yuki depended on hunting, fishing, and gathering, but settlers coveted the meadows where these Yuki staples thrived. One settler, John Burgess, described "a [white] man driving squaws from a clover field inside

¹⁸ Heizer, *The Destruction of California Indians*, 219. Cook estimated that between 1852 and 1867, 3,000 to 4,000 "children were stolen." See Cook, "The American Invasion," 61. Edward Castillo claimed "well over 4,000" children were kidnapped and enslaved. See Castillo, "The Impact of Euro-American Exploration and Settlement," in *Handbook of North American Indians*, ed. Heizer, 8:109. *San Francisco Alta California*, 2 October 1854, 2, Doe Library, Berkeley, California (hereafter *Alta California*) and Davis quoted in Heizer, *The Destruction of California Indians*, 235.

¹⁹ Storms to Henley, 20 June 1856, reel 35:475, 474, M234; Vincent Geiger to Tho. Henley, 24 September 1857, reel 35:1281, M234 (hereafter Geiger to Henley, 24 September 1857); William Frazier deposition, 22 February 1860, 15, MMR; Geo. Hanson to Wm. Dole, 10 October 1862, Office of Indian Affairs, *Report of the Commissioner of Indian Affairs, for the Year 1862* (Washington, DC, 1863), 311, MLNH.

the reservation; they were picking clover or digging roots; he said he would be damned if he would allow them to dig roots or pick clover, as he wanted it for hay.”²⁰

Federal warehousing of other California Indians at Round Valley intensified pressure on Yuki food sources. According to William Bauer, “between June 1856 and September 1857, Storms brought about 200 Nisenans and Atsugewis” to the reservation. Then, in the late 1850s and early 1860s, Konkow, Nomlaki, Maidu, Wailaki, Lassik, Cahto, and Achumawi arrived. These refugees all needed food, and, because reservation rations were inadequate, they too depleted remaining traditional Yuki food sources.²¹

Some Yuki began eating settlers’ livestock, killing animals or eating those found dead. Certain settlers responded with lethal force. Benjamin Arthur testified in 1856: “the Indians were killing stock, and the whites were killing Indians.” John Burgess added, “for every beef that has been killed by them ten or fifteen Indians have been killed.” As the California legislature’s 1860 Majority Report on the “Mendocino War” put it, “from the imperious and pressing demands of hunger, [the Yuki] kills the stock of the settler as a means of subsistence, and in consequence thereof, a war is waged against the Indian.”²²

Settlers organized punitive expeditions in response to livestock raids. Farmer John Lawson explained, “I lost twenty hogs; I found the meat in the rancheria. We went after the Indians; we shot three; the balance, five in number, were tried at the reservation, found guilty, and hanged . . . it is the common practice when the Indians kill stock to pursue them and kill them.” Settler Dryden Lacock testified that in 1856:

. . . the first expedition by the whites against the Indians was made, and have continued ever since; these expeditions were formed by gathering together a few white men whenever the Indians committed depredations on their stock; there were so many of these expeditions that I cannot recollect the number . . . we would kill, on average, fifty or sixty Indians on a trip . . . frequently we would have to turn out two or three times a week.

Benjamin Arthur estimated that, during the winter of 1856–1857, “settlers killed about seventy-five Indians.” A 15 April 1857 *Petaluma (California) Journal* article reported:

²⁰ Ths Henley to Geo. Maypenny, 21 July 1856, reel 35:479–80, M234; Palmer, *History of Mendocino*, 608; Simmon Storms to G. Bailey, 14 August 1858, Office of Indian Affairs, *Report of the Commissioner of Indian Affairs, Accompanying the Annual Report of the Secretary of the Interior, for the Year 1858* (Washington, DC, 1858), 307, MLNH (hereafter *Report of the Commissioner*, 1858); John Burgess deposition, 28 February 1860, 26, MMR.

²¹ William Bauer, “Agricultural Labor, Race, and Indian Policy on the Round Valley Reservation, 1850–1941” (Ph.D. diss., University of Oklahoma, 2003), 35.

²² George Jeffress stated, “I have known the Indians . . . to . . . ask permission to remove the carcasses to . . . eat.” See Jeffress deposition, 28 February 1860, 64, MMR. Benjamin Arthur deposition, 28 February 1860, 51, MMR; Burgess deposition, MMR, 24; California State Legislature, 3, MMR.

“within the past three weeks, from 300 to 400 bucks, squaws and children have been killed by [Round Valley] whites.” These killings initiated a campaign that soon embraced even more ominous designs.²³

In late 1857, Yuki resistance intensified to include killing whites. In reaction, some settlers’ intentions and actions escalated dramatically. Thus began the second phase of the Yuki catastrophe, which lasted from 1857 to 1859. No longer driven merely to punish disproportionately, some settlers began articulating annihilationist aims. They organized larger, more frequent, forays, killing more and more Yuki during each sortie.

On 24 September 1857, Agent Geiger reported to Henley that the Yuki had, for the first time, murdered whites. Henley visited Round Valley and predicted that conflict would “of course continue until the force of the whites is sufficient to overwhelm the Indians and exterminate them or drive them to the Reservation.” He then requested, “a small detachment of dragoons [to] preserve peace” and “save many valuable lives.” Federal authorities, however, provided no troops. Round Valley’s twenty-six whites—amidst thousands of Indians—maintained a defensive posture.²⁴

In early 1858, William Mantle was fording a swollen stream alongside his horse. Swimming through the cold torrent, he was ambushed, “shot by the . . . Yuca [sic] Indians.” The response was swift and severe. Farmer Isaac Shanon testified that he and others “went out and killed 14 Indians.” Reprisals continued. In June, reservation agents intercepted Sacramento Valley whites bent on attacking Yuki. The agents reported urging restraint, but either could not or would not protect those they were employed to defend; the vigilantes, in cooperation with local settlers, killed 4 more Yuki. By November, Yuki were fleeing “to the mountains.” Even there they were not safe. Storms reported that on 22 November, “settlers went out . . . in the mountains and killed nine” Indians.²⁵

Some whites described these attacks as part of an “Indian War.” If it was war, it was grossly asymmetrical. By 25 February 1860, Yuki had killed a total of perhaps 9 whites. In that year, 5 whites testified that they knew of no Yuki attacks on whites, and/or did not consider Yuki hostile. When mounted whites firing rifles and revolvers attacked

²³ John Lawson deposition, 27 February 1860, 68, MMR and Dryden Lacock deposition, 25 February 1860, 49, MMR. According to the *Indian War Papers*, Lacock testified: “we could kill, on an average, 15 or 20 Indians on a trip.” See Lacock deposition, 25 February 1860, California Adjutant General’s Office, *Military Department, Adjutant General, Indian War Papers*, F3753:441, California State Archives, Sacramento, California (hereafter *IWP*). Arthur deposition, 51, MMR and *Petaluma (California) Journal*, 15 April 1857, quoted in Robert Heizer, *They Were Only Diggers: A Collection of Articles from California Newspapers, 1851–1866, on Indian and White Relations* (Ramona, California, 1974), 47–8.

²⁴ Geiger to Henley, 24 September 1857, reel 35:1281, M234; Thos. Henley to J. Denver, 27 October 1857, reel 35:1328, M234; Palmer, *History of Mendocino*, 459–60.

²⁵ Charles Eberle deposition, 22 February 1860, 35, MMR; Isaac Shanon deposition, 28 February 1860, 72, MMR; Thos. Henley to Chas Mix, 19 June 1858, reel 36:814–5, M234; S. Storms to T. Henley, 23 November 1858, reel 36:987, M234.

villages, Yuki warriors—legally prohibited from owning firearms—fought on foot with bows and arrows. The firepower disparity produced only a handful of white casualties and some settlers exploited their advantage to the fullest. Yuki attacks on livestock and settlers were treated as acts of war, and all Yuki, regardless of age or gender, as military targets in a war of extermination.²⁶

Depositions taken during the state legislature's 1860 investigation into this violence reveal some settlers' annihilationist intent. According to settler William Scott, vigilante leader H. L. Hall:

commenced killing all the Indians [he and his associates] could find in the mountains; when Hall met Indians he would kill them. I heard Mr. Hall say that he did not want any man to go with him to hunt Indians, who would not kill all he could find, because a knit [sic] would make a louse. Mr. Hall said he had run Indians out of their rancherias and put strychnine in their baskets of soup, or what they had to eat.

Army Lieutenant Edward Dillon, stationed in Round Valley, wrote: "The monster Hall," with help, "well nigh depopulated a country, which but a short time since swarmed with Indians." Hall, who managed the neighboring Eden Valley ranch of former California Supreme Court Chief Justice and Attorney General Serranus Hastings, himself testified that, on one occasion: "all the squaws were killed because they refused to go further. We took one boy into the valley, and the infants were put out of their misery, and a girl ten years of age was killed for stubbornness." Nor was Hall the only exterminationist. Scott testified that a Mr. Robertson planned to "kill off the old Indians and get the young ones . . . he meant to kill all the Indians on their side of the river."²⁷

Bystanders described, and sometimes protested, both annihilationist intentions and increasingly organized killing sprees. On 29 September 1858, Special Treasury agent J. Ross Browne reported, "A war of extermination has been declared against the . . . Eel River [Yuki] . . . Indians. Some twenty or thirty armed men are said to have been busily occupied during several months past in killing Indians." Browne later wrote:

At [Round Valley], during the winter of 1858-'59, more than a hundred and fifty peaceable Indians, including women and children, were cruelly slaughtered by the whites who had settled there under official authority . . . Armed parties went into the rancherias in open day, when no evil was apprehended, and shot the Indians down—weak, harmless, and defenseless as they were—without distinction of age or sex; shot down women with sucking babes at their breasts; killed or crippled the naked children that were running about.

²⁶ Lacock testified: "nine white men . . . have been killed in this vicinity," by Indians. See Lacock deposition, 49, MMR. See also, 15, 19, 24, 27, 60, MMR.

²⁷ William Scott deposition, 2 March 1860, 22, MMR; Dillon quoted in Heizer, *The Destruction of California Indians*, 296; Carranco and Beard, *Genocide and Vendetta*, 84; Hall deposition, 42, MMR; Scott deposition, 22, MMR.

A January 1859 *San Francisco Alta California* article added:

There is no argument that can be offered that will excuse, or even palliate, the horrid barbarities that are practiced upon these miserable red men . . . The slaughter of *one hundred and seventy Indians*, in the locality of Round Valley, since November last, requires not only an explanation, but if, as we suspect, the whites themselves have been the aggressors, then punishment should follow.²⁸

To stop the killing, the Sixth Infantry deployed seventeen dragoons to Round Valley in January 1859. Soon, however, the dragoons discovered that neither state nor federal authorities supported their peacekeeping mission. In February, commanding officer Lieutenant Dillon arrested a settler for beating a reservation Indian with a club. The news spread, and twenty-five angry settlers soon confronted Dillon. Surrounding his house, they threatened violence if the accused was not released by the following morning. Dillon stood his ground for two days. Then, mysteriously, his prisoner escaped. However, the incident did not go unreported. Superintendent Henley complained to Washington that the army was overstepping its authority. Army command in San Francisco then ordered Dillon to avoid confronting or incarcerating whites. Thus, despite deploying a substantial military force, commanders severely limited Dillon's ability to protect Round Valley Indians.²⁹

Supreme Court Chief Justice John Marshall had ruled, in 1831, that Indian tribes constitute "domestic dependent nations" and that because of their lack of sovereignty rights, "their relation to the United States resembles that of a ward to his guardian." Yet, in Round Valley, federal decision-makers repeatedly issued directives circumscribing local officials' ability to protect their wards or punish settlers' crimes against them.³⁰

Massacres continued through the spring and summer of 1859. On 1 May, Major Edward Johnson, commanding the military district including Round Valley, reported to his commanding general: "The whites have waged a relentless war of extermination against the Yukas . . . They have ruthlessly massacred men, women, and children . . . some six hundred have been killed within the last year." He continued, "I have endeavored to put a stop to the aggressions of the whites against the Indians, but without effect." Denied freedom to confront or arrest settlers, soldiers had little ability to protect Indians in and around Round Valley.³¹

²⁸ J. Ross Browne, Special Agent's Report, 29 September 1858, reel 36:436, M234; J. Ross Browne, "The Coast Rangers of California," *Harper's New Monthly Magazine* 23, August 1861, 312, BLNH; *Alta California*, 20 January 1859, 2. Emphasis in original.

²⁹ Baumgardner, *Killing for Land in Early California*, 90; William Strobridge, *Regulars in the Redwoods: The U.S. Army in Northern California, 1852-1861* (Spokane, 1994), 184-5; Dillon deposition, 59, MMR.

³⁰ Marshall quoted in Richard Peters, *The Case of The Cherokee Nation against The State of Georgia* (Philadelphia, 1831), 161, BLNH.

³¹ Johnson quoted in Tassin, "Chronicles of Camp Wright," 27.

After receiving Round Valley settlers' petition requesting military support against the Yuki, delivered by the powerful landowner and former Supreme Court Chief Justice Hastings, Governor Weller commissioned an army investigation. Johnson reported to Weller on 1 May 1859: "The Yukas have not been, for the last two years, nor are they now, at open war with the whites; But the whites have waged a relentless war of extermination against the Yukas." Johnson emphasized that whites were not being assaulted "on sight," as some suggested, concluding, "the Indians, and not the whites, need protection." Weller then contacted Pacific Department commander General W. S. Clark and requested that additional soldiers be deployed to the area. Clark declined. Weller then commissioned state militia captain F. F. Flint to investigate. Flint contradicted Johnson and recommended organizing volunteers to fight, rather than protect, the Yuki.³²

While Weller considered his options, settler Walter S. Jarboe formed "The Eel River Rangers." Jarboe recruited 17 men to hunt Indians, promising them payment from the state or, if Sacramento failed to pay, from the scheme's wealthy mastermind, Judge Hastings. Jarboe assumed command on 11 July 1859. Johnson reported that by 21 August, Jarboe's "Rangers" had killed at least 64 more Yuki. Johnson concluded: "I believe it to be the Settled determination of many of the inhabitants to exterminate the Indians." Johnson also alerted Weller, on 21 August, that Jarboe and his cronies had recently murdered dozens of men, women, and children. However, rather than condemn Jarboe, Weller accepted some settlers' assessments and rewarded him. On 6 September 1859, the governor commissioned Jarboe as a California militia officer, hiring him and his "Rangers" to kill or capture Yuki outside the reservation. Thus began the third phase of the Yuki catastrophe, which lasted from 1859 to 1860.³³



Figure 3. S. Selleck, "John B. Weller" ambrotype, in *Hutchings' California Magazine* 2 (March 1858), 386. Courtesy of the Beinecke Library, New Haven, Connecticut.

³² S.C. Hastings deposition, 13 March 1860, 30, MMR; Johnson quoted in William Secrest, *When the Great Spirit Died: The Destruction of the California Indians, 1850–1860* (Sanger, CA, 2003), 298; Garrett, "The Destruction of the Indian in Mendocino County," 65.

³³ Garrett, "The Destruction of the Indian in Mendocino County," 65; Edward Johnson to W. Mackall, 21 August 1859, F3753:378, IWP; Letter summarized in Garrett, "The Destruction of the Indian in Mendocino County," 66; Secrest, *When the Great Spirit Died*, 300.



Figure 4. J. Ross Browne, "Protecting the Settlers" drawing, in *Harper's New Monthly Magazine* 23 (August 1861), 313. Courtesy of the Beinecke Library, New Haven, Connecticut.

During this new phase of state-sponsored killing, federal decision-makers failed to challenge California's Yuki policy or to allow local federal officials to protect Indians, even as Indian Affairs officers and soldiers issued further warnings and objections. On 4 September 1859, California Indian Affairs superintendent McDuffie warned United States Indian Affairs commissioner Greenwood that: "in [R]ound Valley and its vicinity . . . the killing of Indians is a daily occurrence." He continued: "if some means be not speedily devised, by which the unauthorized expeditions that are constantly out in search of them can be restrained, they will soon be exterminated." On 18 October, after visiting Round Valley, Agent Browne reported to Greenwood that Jarboe "has been engaged for some months past in a cruel and relentless pursuit of the Indians in this vicinity, slaughtering miscellaneous all with whom he comes in contact, without regard to age or sex." Four days later, Johnson warned his commanding general that Jarboe's men "are slaughtering indiscriminately all the Indians they meet; men, women and children are killed by them." Johnson also wrote to the department adjutant to protest Weller's role:

"Can not the Executive of this state be induced to stay the hands of this Jarboe and his assassins?" Thus, although aware of the slaughter, neither army nor Indian Office leaders intervened. Without new directives, local soldiers and Indian Office officials had little power to deter or punish whites.³⁴

On 24 January 1860, outgoing governor Weller disbanded the "Rangers." Jarboe then reported to the new governor, John Downey: "from [September 20] to the 24th of January, I fought them 23 times, killed 283 Warriors, the number of wounded was not known, took 292 prisoners, sent them to the Reservation." Jarboe then billed California

³⁴ California Superintendent of Indian Affairs J.Y. McDuffie to Commissioner of Indian Affairs A.B. Greenwood, 4 September 1859, 36th Cong., 1st sess., 1860, S. Exec. Doc. 46, serial 1033, 10; J. Ross Browne to A. Greenwood, 18 October 1859, reel 37:69, M234; Tassin, "Chronicles of Camp Wright," 30; Strobridge, *Regulars in the Redwoods*, 189.

\$11,143 for services rendered. Jarboe's claim that he killed only "Warriors" was dubious. He and his "Rangers" were notorious for murdering women and children. There is no reason to dismiss Browne's and Johnson's reports that Jarboe targeted every Yuki, regardless of age or gender. Jarboe's report was likely designed to conceal the slaughter of civilians. However, he boasted, according to H. H. Buckles, that, "his company had killed more Indians than any other expedition that ever had been before ordered out in this state."³⁵

In commissioning and supporting Jarboe's "Rangers" over more than four months of killing, Weller had likely understood that Jarboe was waging an annihilation campaign. Indeed, Weller twice voiced this concern. In two letters, he admonished Jarboe first not to wage "indiscriminate warfare against the whole tribe," and then, "not to suffer a war of extermination against a whole tribe." Yet Weller hired Jarboe knowing, through Johnson, of his bloody record, and still kept him on. Garrett observed, "Notwithstanding Governor Weller's hypocritical puling about deploring the death of Indian women and children, he was more aware of Jarboe's activities than almost anyone in the state." Weller's September and October 1859 letters may have been political insurance against future criticism. Beyond these words, Weller never curbed Jarboe, despite reports of his massacres. Finally, Jarboe himself was candid regarding his aims. In an official 3 December 1859 report to Weller, Jarboe wrote: "however cruel it may be . . . nothing short of extermination will suffice to rid the Country of them [the Yuki]." It took Weller nearly two more months to disband the "Rangers," and then only as he was leaving office.³⁶

In February 1860, the *San Francisco Evening Bulletin* criticized Jarboe's actions as "deliberate, cowardly, brutal massacre of defenseless men, women, and children." A *San Francisco Herald* writer then attacked the government campaign with biting wit:

We . . . propose to the Legislature to create the office of Indian Butcher, with a princely salary, and confer it upon the man who has killed most Indians in a given time, provided it be satisfactorily shown that the Indians were unarmed at the time, and the greater portion of them were squaws and papooses.

Despite such criticism, California legislators continued state support for Jarboe's slaughter. On 12 April 1860, legislators duly appropriated \$9,347.39 for "payment of the indebtedness incurred by the expedition against the Indians in the county of

³⁵ W. Jarboe to John Downey, 18 February 1860, F3753:432, IWP; *San Francisco Evening Bulletin*, 24 February 1860, 2, Doe Library, Berkeley, California (hereafter DLB); H.H. Buckles deposition, 23 February 1860, 29, MMR.

³⁶ John Weller to W. Jarboe, 8 September 1859, F3753:382, IWP; John Weller to W. Jarboe, 23 October 1859, F3753:399, IWP; W. Jarboe to John Weller, 3 December 1859, F3753:401, IWP; Garrett, "The Destruction of the Indian in Mendocino County," 69.

Mendocino, organized under the command of Captain W. S. Jarboe." State legislators thus directly sanctioned Jarboe's mass killings, after the fact.³⁷

Yet the payment was unsurprising. For years, both state and federal legislators had supported California state militia operations against Indians. Between 1851 and 1860, California legislators appropriated over \$1,500,000 for militia campaigns, and in 1854, Congress allocated \$924,295.65 to reimburse California for these expenses. Then, on 15 April 1861, Congress appropriated an additional \$400,000 "to defray the expenses incurred by the State of California in the suppression of Indian hostilities" that had occurred in 1854, 1855, 1856, 1858, and also in 1859, the year during which most of Jarboe's militia campaign took place. United States congressmen thus indirectly sanctioned Jarboe's operations, *ex post facto*.³⁸

Still, some state legislators criticized the so-called "Mendocino War." The 1860 Majority Report proclaimed: "We are unwilling to attempt to dignify, by the term 'war,' a slaughter of beings, who at least possess the human form, and who make no resistance, and make no attacks." The report asked, "Shall the Indians be exterminated, or shall they be protected?" Despite such censure and warning, destructive government policies continued, now with direct federal as well as state responsibility.³⁹

The fourth and final phase of the Yuki catastrophe took place largely on the Round Valley Reservation, from 1860 to 1864. After Jarboe's campaign, most surviving Yuki were incarcerated on the reservation in prison-like conditions. Rival Indian peoples became side-by-side inmates, likely resulting in moments of intertribal violence, while escapees were pursued and captured by soldiers, sometimes with violent results. In 1858, Agent Storms had reported "about three thousand . . . Yukas" in Round Valley, including "two thousand . . . at the station." In 1861, the *Mendocino Herald* editor visited and estimated, "perhaps five or six hundred." By 1864, despite intervening roundups, officials counted just 300 Yuki at Round Valley. Local, state, and federal policies all contributed to this population loss by institutionalizing malnutrition and by failing to protect the Yuki as settlers devastated them through abduction, rape-induced venereal disease, and outright mass murder.⁴⁰

³⁷ *San Francisco Evening Bulletin*, 24 February 1860, 2; *San Francisco Herald*, 3 March 1860, 2, DLB; California Legislature, *Statutes of California, Eleventh Session*, 173.

³⁸ Bancroft, *The Works of Hubert Howe Bancroft*, 24:456–7 and House Miscellaneous Document 44, 36th Cong., 2nd sess. 1861, serial 1103, 24.

³⁹ California Legislature, 6, MMR.

⁴⁰ *Red Bluff (California) Beacon*, 9 October 1862, 2, CSL (hereafter *Red Bluff Beacon*); Todd Benson, "The Consequences of Reservation Life: Native Californians on the Round Valley Reservation, 1871–1884," *Pacific Historical Review* 60 (May 1991): 234; Storms to Bailey, 14 August 1858, Office of Indian Affairs, *Report of the Commissioner, 1858*, 307; *Mendocino Herald*, 8 February 1861, 2, Held-Poage Library, Ukiah, California (hereafter *Mendocino Herald*, 8 February 1861); Office of Indian Affairs, *Report of the Commissioner, 1864*, 119.

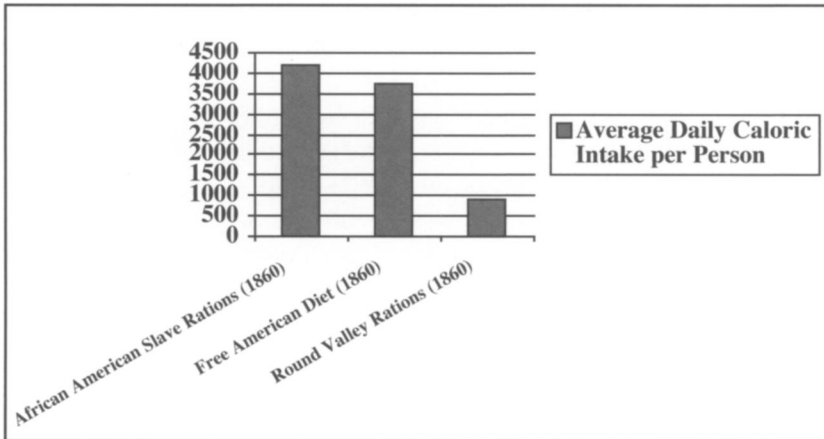


Figure 5. Comparative daily rations graph. Graph created by Laura Roe.

Some reservation officials and settlers utilized reservation Indians as unpaid laborers with lethal results. According to the settler Arthur,

about three hundred died on the reservation [during the winter of 1856–1857], from the effects of packing them through the mountains in the snow and mud . . . They were worked naked, with the exception of deer skin around their shoulders—some few had pantaloons and coats on; they usually packed fifty pounds, if able . . .

Others, too, likely died from overwork, supervised and mandated by Indian Affairs employees, but unsupported by adequate nutrition.⁴¹

Like other Round Valley Reservation Indians, Yuki suffered from malnutrition, if not outright starvation. In 1860, when most people were far less sedentary than they are today, the average African American slave in the United States received 4,185 calories daily, while the average free citizen consumed 3,741. By contrast, officials routinely provided 480–910 calories per day to working Round Valley Indians: six or seven ears of corn or sometimes 2,070–2,415 calories in the form of: “potatoes . . . about six or seven pounds per day.” By 1862, daily rations fell to “two to three ears of corn to each Indian big or little,” or 160 to 390 calories per person per day.⁴²

⁴¹ Arthur deposition, 51, MMR.

⁴² Robert Fogel and Stanley Engerman, *Time on the Cross: The Economics of American Negro Slavery* (Boston, 1974), 112; William Hildreth deposition, 24 February 1860 and George Rees deposition, 27 February 1860, 33 and 17 respectively, MMR; Capt. C.D. Douglas, quoted in Baumgardner, *Killing for Land in Early California*, 242. A medium ear of cooked corn contains approximately 80 to 130 calories; a pound of boiled potatoes contains approximately 345. See Audrey H. Ensminger, et al., *Foods & Nutrition Encyclopedia* (Boca Raton, 1994), 1:489, 972, 980.

Further diminishing these inadequate rations, those who did not work were infrequently fed, or relied on working friends or family members sharing their meager rations, thus further reducing the caloric total consumed by these benefactors. Although settler Burgess claimed, in 1860: "those who do not work are fed 2 or 3 times a week and the sick are fed every day," another settler, Charles Bourne, testified: "no food or rations are, to the best of my knowledge, issued to those who do not work." Reservation employee William Hildreth agreed: "Indians that worked were fed, and those that did not, were not fed." By 1862, some were starving. On 9 October, the *Red Bluff Beacon* reported Indians, "in starving condition," fleeing "in the hope of escaping death by starvation." In December, reservation employee J. M. Robinson testified: "*There is nothing for them to eat.*" James McHenry also testified that Indians "said they had nothing to eat here." Despite such evidence, federal decision-makers failed to revise the policies causing these conditions.⁴³

Yuki who survived did so by hunting, gathering, or working for whites. According to Bauer, some "Yuki . . . hunted for deer in the mountains [and] harvested acorns." However, because traditional food sources were dwindling, some probably worked for whites, like other Round Valley Reservation Indians. Others killed and ate white-owned stock and, in so remedying their "condition bordering on starvation," faced murder. Rancher D. M. Dohrman explained: "I talked with the chief, Capt. George, and he said . . . he had nothing to eat . . . he said if he stole cattle to live on, he would very likely be shot." The reservation possessed hundreds of cattle, but Hildreth testified: "Yuca . . . were allowed no meat."⁴⁴

Officials' and settlers' greed further reduced inadequate rations. From the outset, Superintendent Henley embezzled money allocated for rations. In 1857, one of his employees brought charges against him for "mismanagement of government funds" and on 3 June 1859, Henley was fired. In a separate 1860 investigation, state legislators charged Henley's subordinate, Storms, with misusing government material and Indian labor at Round Valley. Browne wrote that during Henley's tenure, "immense numbers of Indians were fed and clothed—on paper," but in fact, "a very large amount of money was annually expended in feeding white men and starving Indians," so that "every year numbers of [Indians] perished from . . . absolute starvation." Henley further depleted rations by allowing whites to graze their stock on reservation land, destroying traditionally gathered plant foods and crops that Indians were raising to feed themselves. The

⁴³ Burgess deposition, 28 July 1860, F3753:469, IWP; Charles Bourne deposition, 27 February 1860, 20, MMR; Hildreth deposition, 33, MMR; *Red Bluff Beacon*, 9 October 1862, 2; J.M. Robinson testimony, 18 December 1862, in *Martial Law in Round Valley* (Ukiah City, CA, 1863), 12, BLB. Emphasis in original. James McHenry testimony, 19 December 1862 in *Martial Law in Round Valley*, 24.

⁴⁴ William Bauer, "'We Were All Migrant Workers Here': Round Valley Indian Labor in Northern California, 1850–1929," *Western Historical Quarterly* 37 (Spring 2006): 49, 50; *Mendocino Herald*, 18 January 1861, 2; D.M. Dohrman testimony, 19 December 1862, in *Martial Law in Round Valley*, 17; Hildreth deposition, 33, MMR.

practice continued well after Henley left his post to become a Round Valley rancher. Superintending Agent Hanson reported in 1861 that “[t]he stock of the whites overrun the valley,” and the next year reported that “settlers destroyed nearly everything raised on the reservation by throwing down our fences.”⁴⁵

Settlers also shot reservation Indians, including Yuki. Ordered not to arrest whites, and hobbled by California’s “Act for the Government and Protection of Indians,” soldiers had little ability to deter violent whites. After describing white-on-Indian reservation murders and a rape, Dillon reported that settlers “will not testify against each other, and in most cases of this nature, Indians are the only witnesses.” When Dillon’s platoon withdrew in early 1860, matters deteriorated further. About this time, many settlers admitted under oath to homicide and mass murder. Nearby Long Valley settler Jackson Farley’s admission that he and fellow vigilantes had “killed one hundred and fifty or two hundred Indians” was unusual only in scale. Without the presence of Dillon’s platoon, killings accelerated. On 16 July 1861 Hanson reported reservation Indians “being hunted down like wild beasts and killed.”⁴⁶

By 1862, the situation was desperate. Johnson explained that Indians “had always been told by the white men, ‘Come on the reservation; we do not want to kill you,’ but that they had been invariably deceived and killed.” In September, 500 Konkow and Atsugewi fled. In October, General Wright declared martial law in Round Valley. In December, soldiers returned to enforce it, and they seem to have reduced the killing.⁴⁷

Evidence, however, presents unflattering portraits of some federal employees’ attitudes toward Indians. Ten weeks after being fired, former superintendent Henley led the massacre of 11 Indians near Round Valley. Documents do not indicate his ordering or participating in massacres while superintendent, but his willingness to do so soon afterwards suggests that, as superintendent, he had little regard for those he was employed to protect. Others massacred Yuki while federal employees. In 1863, after a settler was found hacked to death, fifteen soldiers joined settlers and set off into the mountains. Encountering 8 Yuki, the posse murdered all 6 of the men, and took the

⁴⁵ Carranco and Beard, *Genocide and Vendetta*, 69–73; Pat Jones, “Simmon Peña Storms—Right Man, Wrong Time,” *Californians* 6 (November/December 1988): 37; Browne, “The Coast Rangers of California,” 310, 311; Geo. Hanson to William Dole, 15 July 1861, *Report of the Commissioner of Indian Affairs, Accompanying the Annual Report of the Secretary of the Interior, for the Year 1861* (Washington, DC, 1861), 148, MLNH; Hanson to Dole, 10 October 1862, Office of Indian Affairs, *Report of the Commissioner, 1862*, 311.

⁴⁶ Dillon quoted in Heizer, *The Destruction of California Indians*, 296; Baumgardner, *Killing for Land in Early California*, 165; Jackson Farley deposition, 26 February 1860, 74, MMR; Hanson to Dole, 15 July 1861, Office of Indian Affairs, *Report of the Commissioner, 1861*, 150.

⁴⁷ Johnson, quoted in Tassin, “Chronicles of Camp Wright,” 29; Bauer, “Agricultural Labor, Race, and Indian Policy on the Round Valley Reservation, 1850–1941,” 48; Heizer, *The Destruction of California Indians*, 167; Baumgardner, *Killing for Land in Early California*, 230.

2 women back to the reservation. Later, other soldiers killed 4 more Yuki. Another 5, found in hiding, were summarily hanged.⁴⁸

Despite such killings, available sources document no explicit exterminatory intent on the part of local or national federal authorities. However, Round Valley was “*the worst managed place or concern I ever saw!*” according to reservation employee J. M. Robinson. After years of well-documented catastrophic population decline, officials consciously maintained policies that in fact nearly exterminated their wards.⁴⁹

The reservation Yuki decline was hardly inevitable. Correctives might have saved many lives. Following repeated suggestions from Indian Affairs officials, federal authorities could have removed whites from Round Valley, using some of the \$25,000 Congress had appropriated in 1854 for evicting and compensating whites from California reservations. Indeed, “the Secretary of the Interior had proclaimed the entire valley a reservation in 1858.” Yet settlers were never removed nor colonization prohibited. Federal authorities might also have instructed the army to protect reservation Indians. Or, they might have fed their malnourished wards some of the reservation’s hundreds of cattle (about 600 in 1862). Federal authorities took none of these steps.⁵⁰

Four factors explain federal reluctance to reshape Yuki policy. First, from the reservation’s 1856 foundation until Abraham Lincoln’s 1861 inauguration, Democrats Franklin Pierce and James Buchanan occupied the White House. As proslavery states’-rights advocates, neither interfered with California’s Indian policies. Second, Congress inadequately funded the California reservations, even after receiving Special Agent Goddard Bailey’s scathing 1858 report. He found California reservations “a lamentable failure”:

At present the reservations are simply government alms-houses, where an inconsiderable number of Indians are insufficiently fed and scantily clothed, at an expense wholly disproportionate to the benefit conferred.

Despite Bailey’s report, Congress actually slashed California reservations appropriations to \$50,000, contributing to further inadequate reservation rations. Merchant James Tobin testified: “In consequence of the heads of the Indian Department, at Washington, having curtailed the amount of the appropriation, for Indian purposes, it has been impossible to feed the Indians in [Round Valley].” Third, the Civil War stretched military and financial resources thin and Lincoln’s administration devoted

⁴⁸ Johnson to Mackall, 21 August 1859, F3753:378, IWP and Lynn, *The Story of the Stolen Valley*, 19.

⁴⁹ Robinson testimony, 18 December 1862, in *Martial Law in Round Valley*, 12. Emphasis in original.

⁵⁰ Francis Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln, 1984), 1:389–90; Miller, *Ukomno’m*, 55; Green Short testimony, 19 December 1862 in *Martial Law in Round Valley*, 22.

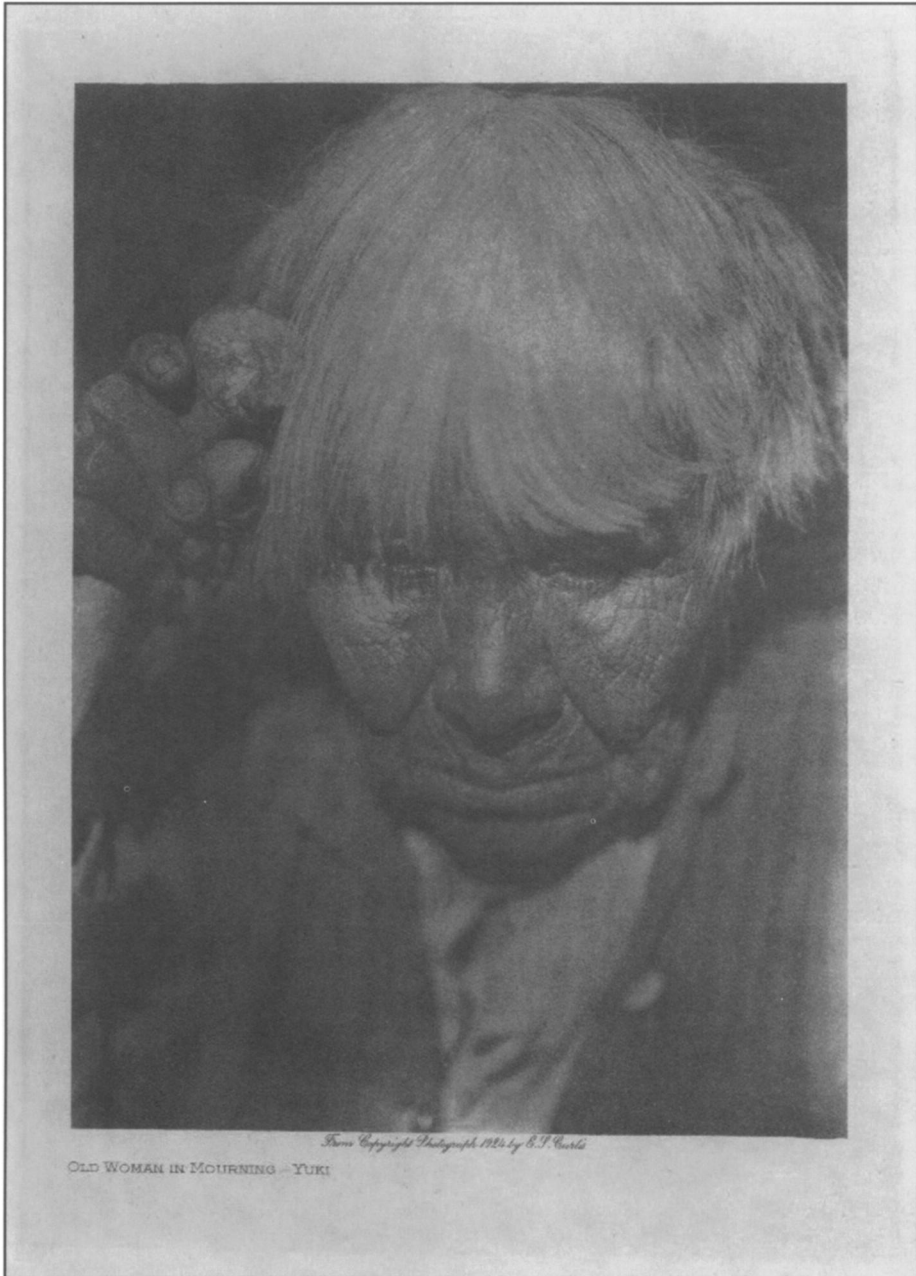


Figure 6. Edward S. Curtis, "Old Woman in Mourning-Yuki" photograph, in *The North American Indian*, vol. 14 (Norwood, MA, 1924), 21, plate. Courtesy of the Beinecke Library, New Haven, Connecticut.

little of either to feeding or protecting the Yuki.⁵¹ Finally, and perhaps most importantly, the preservation of Indian lives was simply not a very high priority among most officials in Washington, D. C. between 1854 and 1864.

Reservation Yuki lived as compulsory federal wards, yet federal officials repeatedly failed to provide for their survival. The result was mass death. Nevertheless, the Yuki were not totally annihilated. Yuki still live in Round Valley and beyond, their survival a testament to their forebearers' tenacious resistance and intelligent survival strategies against great odds. Twenty-first-century Yuki are the descendents of those who survived genocide.

Federal and state policies, in combination with local whites' actions, almost annihilated the Yuki. From 1854 to 1864, settlement policies, murders, abductions, massacres, rape-induced venereal diseases, and willful official neglect at Round Valley Reservation reduced them by at least 90 percent. (See Figure 7.)⁵²

The Yuki catastrophe fits the two-part legal definition set forth in the United Nations Genocide Convention. First, multiple perpetrators articulated, in word and deed, their "intent to destroy, in whole or in part, a national, ethnical, racial [or] religious group, as such." Second, at various times a range of perpetrators committed all five acts of genocide listed in the convention. "Killing" included murders and massacres. Rapes and beatings amounted to "causing serious bodily harm" on the basis of group identity. Reservation employees and Washington officials had ample evidence of both Indian malnutrition and settler violence on the reservation, but took little corrective action. By setting and staying this course despite years of severe population decline, some of these officials seem to have been "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." Further, because the imposed conditions of malnutrition and overwork predictably lowered Indian fertility while increasing miscarriages and stillbirths, federal decision-makers also appear guilty of "imposing measures intended to prevent births within the group." Finally, various state officials, slave raiders, and federal officials were all involved in "forcibly transferring children of the group to another group." State legislators legalized abduction and indenture of Indian minors; slavers exploited indenture laws; and federal officials prevented army intervention to protect their legal wards. Sufficient evidence exists to

⁵¹ G. Bailey to Charles Mix, 4 November 1858, Office of Indian Affairs, *Report of the Commissioner, 1858*, 298; Prucha, *The Great Father*, 390; James Tobin deposition, undated, 1860, 54, MMR.

⁵² For 1854, see Cook, *Aboriginal Population of the North Coast of California*, 108, 127; Thornton, *American Indian Holocaust and Survival*, 203; Tassin, "Chronicles of Camp Wright," 25. For 1856, Storms to Henley, 20 June 1856, M234. For 1858, Thornton, *American Indian Holocaust and Survival*, 203 and Storms to Bailey, 14 August 1858, Office of Indian Affairs, *Report of the Commissioner, 1858*, 307. For 1861, *Mendocino Herald*, 8 February 1861. For 1864, Austin Wiley to Wm. Dole, 12 April 1864, Office of Indian Affairs, *Report of the Commissioner, 1864*, 119; Virginia Miller, "Whatever Happened to the Yuki?" *Indian Historian* 8 (Fall 1975): 10; Miller, *Ukomno'm*, 97, 99.

YEAR	ESTIMATED TOTAL YUKI POPULATION
1854	6,000-20,000
1856	5,000+
1858	2,300-3,000+
1861	500-600+
1864	300-600

Figure 7. Yuki population decline chart, 1854–1864. Table created by Laura Roe.

designate the Yuki case genocide, according to the United Nations definition. There are, however, complicating factors relating to proof of intent, the federal government's role, and that of non-state actors as agents of genocide.⁵³

One intellectual legacy of the Nazi Holocaust, “for many, the paradigm case of genocide,” is an assumption that “intent to destroy” must be embodied in a national leader like Hitler, or articulated in an official written plan like the 1942 Wannsee Conference Protocol. Through that lens, designating the Yuki catastrophe genocide is problematic. Governor Burnett articulated intent to destroy all California Indians, but primary sources document no state or federal leader articulating any plan to “destroy” the Yuki. From this evidence, one could mistakenly conclude that state and federal officials were innocent of genocide in this case. However, international case law does not require prosecutors to produce a written statement of intent in order to convict a party of genocide. In 1998, the International Criminal Tribunal for Rwanda ruled Jean-Paul Akayesu guilty of genocide and “culpable because he knew or should have known that the act committed would destroy, in whole or in part, a group.”⁵⁴

Governor Weller's administration highlights the state of California's genocidal intent. When Weller directly involved himself in the Yuki genocide by hiring Jarboe, he covered himself in writing, and issued no explicit statement of genocidal intent. However, intent can be inferred from Weller's decisions and actions. First, Weller hired

⁵³ Some Australian authorities have deemed systematic child kidnapping genocide See National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families, *Bringing Them Home: Report of the National Inquiry into the separation of Aboriginal and Torres Strait Islander Children from their Families* (Sydney, 1997).

⁵⁴ Bruce Wilshire, *GET 'EM ALL! KILL 'EM! Genocide, Terrorism, Righteous Communities* (Lanham, MD, 2006), 18 and International Criminal Tribunal for Rwanda, quoted in William Schabas, *Genocide in International Law: The Crime of Crimes* (New York, 2000), 212.

Jarboe despite warnings that Jarboe was a mass-murderer. Second, Weller retained Jarboe despite reports of continuing massacres. Finally, he kept Jarboe on until the end of his administration, months after Jarboe had explained his plan to “exterminate.” Likewise, state legislators never explicitly called for Yuki extermination, but emphatically approved genocide *ex post facto*, by paying Jarboe and his “Rangers” for their killings.

High-ranking federal officials also expressed intent in deeds rather than words. No document records that any federal policy-maker suggested annihilating the Yuki. Nonetheless, they were culpable because they knew their acts would result in the destruction of many Yuki. In the face of repeated warnings that these acts would have dire consequences, they commanded soldiers not to intervene to protect their legal wards, refused to punish soldiers who killed Yuki, and chose not to provide adequate food to reservation Yuki when it was well within their power and responsibility to do so. Finally, the United States Congress indirectly approved Jarboe’s Yuki-killing campaign, after the fact, by helping California pay for it.

Policy conflicts did break out. Members of the Indian Affairs Office, army, and Interior Department disputed Yuki policy. Agent Browne pleaded for changes. Major Johnson advocated for Yuki welfare. Interior Secretary McClelland repeatedly tried to stop California slave raiding, and sought to make all of Round Valley a reservation. Still, an Anti-Indian Congress, two Democratic presidents, and leaders like Jefferson Davis won the day. The result was genocide. Reservation administrators failed to adequately feed Yuki inmates. Soldiers sometimes participated in massacres. Washington officials declined to order local administrators to provide the Yuki adequate sustenance, and refused to allow the local army garrison to protect its Yuki wards.

Another Holocaust legacy is the assumption that genocide perpetrators must be state actors. Ultimately, however, genocide is the work of individuals who kill, kidnap, and otherwise act to destroy a specific group. There is no requirement that perpetrators be state leaders or employees. In the Yuki case, settlers were the primary agents. However they could not have nearly exterminated the Yuki without Sacramento’s support and Washington’s acquiescence. Settlers’ freedom of action was made possible by California laws and policies, and federal unwillingness to protect Indians. Had there been no legal framework for kidnapping Yuki children, or had federal officials ordered the Round Valley garrison to protect the Yuki, elements of the genocide could have been eliminated. In the end, whoever the direct agents, genocide rarely takes place without government collusion.

To conclude, this article has demonstrated six key variables of the Yuki genocide. First, vigilantes—rather than state employees—carried out most of the killing, kidnapping, and violence. Second, state and federal decision-makers enabled these acts. Third, the violence was almost entirely one-sided. Fourth, large numbers of Yuki died due to willful neglect under federal custody. Fifth, this catastrophe fits the Genocide Convention definition. Finally, the Yuki case challenges Cook’s long-standing supposition that disease was the leading cause of death among California Indians under United

States rule. These findings expand upon the scholarship of Garrett, Miller, Carranco, Beard, and others, but also have potential statewide and national implications. It remains to be seen whether the Yuki combination of variables, at these specific intensities, were replicated in other contemporary California Indian population declines or in other American Indian demographic cataclysms under United States rule.

The question of genocide in United States history remains an important subject, given that the stakes include the nature of white settlement in America, triumphal and exceptionalist interpretations of United States history, and questions of apology, reparations, and national character. Yet despite these high stakes, the question is, to quote Dirk Moses, “taboo” for “most American public leaders and intellectuals,” despite the fact that international genocide scholars have mentioned it repeatedly. The taboo is, in part, the result of how prior scholarship on the subject has been received. In 1992, David Stannard argued that all Native Americans were victims of disease and genocide: “From almost the instant of first human contact between Europe and the Americas firestorms of microbial pestilence *and* purposeful genocide began laying waste the American natives.” Five years later, Ward Churchill asserted that genocide began with invasion and continues today through “genocidal . . . Internal Colonialism.” Stannard and Churchill did break new ground, but their blanket assessments were criticized as imprecise and inadequately substantiated by evidence recognizing the variety of American Indian experiences under United States rule.⁵⁵

Critics of the view that American Indians suffered genocide under United States rule have also issued blanket statements. In 1994, Steven Katz argued: “the depopulation of the New World, for all its terror and death, was largely an *unintended* tragedy . . . Nature, not malice, was the main cause of the massive, incomprehensible devastation.” A decade later, William Rubinstein contended: “American policy towards the Indians . . . never actually encompassed genocide.” Guenter Lewy then claimed, “Genocide was never American policy, nor was it the result of policy . . . the sad fate of America’s Indians represents not a crime but a tragedy.”⁵⁶

⁵⁵ A. Dirk Moses, “Conceptual blockages and definitional dilemmas in the ‘racial century’: genocides of indigenous peoples and the Holocaust,” *Patterns of Prejudice* 36 (October 2002): 16n52, 16, 17; For genocide scholars on genocide in the United States see Gérard Prunier, *The Rwanda Crisis: A History of Genocide* (New York, 1997), xii, 238; Moses, “Conceptual blockages,” 16; Robert Gellately and Ben Kiernan, “The Study of Mass Murder and Genocide,” in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan (New York, 2003), 22–4; David Stannard, *American Holocaust: The Conquest of the New World* (New York, 1992), xii. Emphasis in original; Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco, 1997), 290.

⁵⁶ Steven T. Katz, *The Holocaust in Historical Context: The Holocaust and Mass Death before the Modern Age* (New York, 1994), 20. Emphasis in original; William D. Rubinstein, *Genocide: A History* (Harlow, UK, 2004), 53; Guenter Lewy, “Were American Indians the Victims of Genocide?” <http://hnn.us/articles/7302.html> (accessed 2 January 2005).

Statements about genocide in the United States are often muddled by tendencies to lump together all Indians' histories. As Hurtado wrote of California Indians, "generalization is difficult." Disease is a case in point. For some tribes, disease may have been the leading cause of death under United States rule, but not for others. Each tribe deserves detailed investigation because their experiences and death rates may have varied markedly. Indian population declines under United States rule took place over a vast area and spanned centuries. State and federal policy-making personnel changed, as did their government's Indian policies. Moreover, hundreds of tribes were involved; their resistance and accommodation strategies varied, and changed over time. The details revealed by the Yuki case suggest that there remains a need for more local studies to provide the data that permits an assessment of genocide's occurrence, variability, and frequency, or absence, in California and in the United States as a whole.⁵⁷

The variables present in the Yuki genocide may or may not recur in the same combination, or at the same intensities, in the histories of any or all other California Indian groups, or in the histories of other Indian peoples elsewhere in the United States. In other cases, disease may have been the overwhelming source of mortalities. Other tribes may have experienced reservations, within and beyond California, differently. Both state and federal decision-makers may not have been complicit in every case and other Indian peoples may have employed different survival and resistance strategies, for example fleeing contact zones or killing larger numbers of whites than the Yuki did. Finally, it is possible that in other cases, fewer or no genocidal crimes were committed and that the causes and rates of death differed. We do not yet know. However, this article has presented a workable methodology for examining potential cases of genocide.

The United Nations Genocide Convention provides historians with a systematic legal definition and, as this article has suggested, scholars should rigorously consider every potential case in those terms; as importantly, we should consider each on a case-by-case basis, not just in California, but nationwide—to create a scholarly precision in our use of this politically charged term—and to seriously consider the balance between variables like disease and the five categories of genocidal crimes described in the convention. Thus, without claiming the universality of the Yuki case, this article points the field toward clear and consistent definitional standards.

American Indian tribes experienced and reacted to United States rule in varied ways. Rigorously examining this range of cases, using the Genocide Convention (a standardized, internationally recognized rubric) to evaluate both genocidal intent and genocidal acts will help to move discussion of genocide in California and the United States toward clarity. Unbraiding each tribe's story from the tapestry of American Indian history, and bringing each into sharper relief, will create a clearer, more vivid portrait of American Indian experiences, and of United States history as a whole. Such investigations may be painful, but they will help both Indian and non-Indian Americans make sense of our past and our selves.

⁵⁷ Hurtado, *Indian Survival on the California Frontier*, 7.