HJSR

Humboldt Journal of Social Relations

Special Issue 42: California Indian Genocide and Healing

Co-Editors
Kayla Begay, Ph.D.
Kerri J. Malloy

Co-Managing Editors
Forrest Moore
Casey McCullough

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Humboldt State University Press

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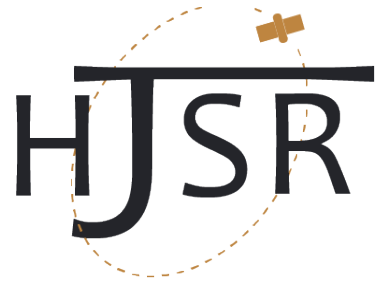

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Introduction

The inspiration for this issue of the Humboldt Journal of Social Relations came from work on research projects in the Spring of 2019, and the realization that forty years had passed since the 1979 publication of When Our Worlds Cried: Genocide in Northwestern Calfiornia by Jack Norton. This seminal work was the first to focus in on a regional study of genocide in California and to employ the use of the 1948 United Nations Convention of the Prevention and Punishment of the Crime of Genocide to analyze the atrocities experienced by Indigenous people in Northwestern California. At a time not as safe as now to remind the state of its crimes, Norton laid a foundation for future research by historians, sociologists, anthropologists, linguists, and Native American studies scholars to develop a body of work focused on the Indigenous viewpoint that reinterrogated the history of settlement, development of the state and the resulting societal divides.

In this issue established, emerging and aspiring scholars have come together to interrogate a history and society that laid the groundwork for societal divisions which have given rise to the local, regional and national protests, actions and conversations on racial and social justice that are taking place at time of this writing. The work of each of the authors represented here could stand on its own. When combined with the perspectives and understanding presented in the companion articles a composite of the approaches to the state of Genocide and Native American Studies in the context of the California emerges. What is presented within these pages should be regarded as a snapshot in time of the thinking and scholarly approaches to be expanded upon to build a comprehensive literature of what took place in the state at the regional and tribal level.

The scope of methods, topics and use of the definition of genocide in this issue encompass the theoretical and practical application in the humanities and social sciences. Together, the editorial team decided to provide the opportunity for students at Humboldt State University to submit articles on the topic. These articles represent a new generation of aspiring scholars in the fields of Genocide and Native American Studies. Our goal was to demonstrate that the scholarship in this subject area has room for growth, new approaches to interrogation, and can serve as inspiration for those who are in the early stages of their academic careers.

Jack Norton examines the history of California, the intended destruction and decimation of native cultures, and the lasting legacy of contact on aboriginal lifeways and tradition, as well as the recent resurgence of native traditions and culture is addressed to suggest that the health and healing of native communities lies in reconciling the past to make passage into the future. Kaitlin Reed interogates the recent attention on the California Indian

genocide to understand the interconnections between settler colonialism, genocide and ecocide, focusing on land dispossession and environmental destruction and what that means for California Indians today.

Vanessa Esquivido and Brittani Orona examine the complicated history of tribes in California and their fight for the repatriation of their ancestors and cultural items from universities and Anthropology departments through application of the Native American Graves Protection, Repatriation Act and California Native American Graves Protection and Repatriation Act and the United Nation Declaration of Rights for Indigenous Peoples. Charles Flowerday and Robert Hitchcock focus on Ishi as representation of sentimental folk reductionism and how his life can be employed as a teaching tool for the California Indian Genocide. Gavin Rawley, a 2019 Charles R. Barnum History Award winner at Humboldt State University, exams the current state of the debate of historians and the American public over whether or not the crimes that have been committed against Native Americans in the United States constitute genocide through an analysis of Humboldt County, California.

Joshua Overington provides an account of his personal experience researching the lasting effects of the 1860 Indian Island Massacre, the way the story is told and the reparations are being made today. Elizabeth McClure presents a detailed analysis of Lucy Thompson (Yurok) whose 1916 book To the American Indian: Reminiscences of a Yurok Woman served as way to preserve her people's stories, bring attention to the violence towards indigenous Californians and to promote the continued stewardship of the Klamath River.

With the start of the academic year in the Fall of 2019, there was a clear road map for the editing and production of this volume. That well thought out and comprehensive plan quickly morphed into a fluid management of events beyond the control of the editorial team. Located in extreme northern California, Humboldt State University and many of the authors were impacted by two Public Safety Power Shutoffs that taxed laptop and mobile batteries to meet deadlines that were inevitably extended. Spring 2020 was going to be smoother, production and editorial deadlines were going to be met for a May publication date. Good intentions and planning quickly gave way to moving to a totally virtual production process, at the same time as moving classes online and the reality that COVID-19 would change our day-to-day normal. The authors and editorial team held strong, making the best of the situation and adjusting to the constant flux in circumstances that accompany a pandemic. With perseverance, a healthy sense of humor, understanding, and teamwork, the journal came together.

Peer-Reviewed Articles

HJSR

"To destroy in whole or in part": Remembering Our Past to Secure Our Future

Jack Norton

Abstract

This essay proposes that the history of California includes the intended destruction and decimation of native cultures, including their forced removal, illegal land acquisition, slavery, separation of families, and outright murder enacted by the private citizenry and governmental agencies during European contact can be defined as genocide as outlined by the United Nations Geneva Convention, 1948. The lasting legacy of contact on aboriginal lifeways and tradition, as well as the recent resurgence of native traditions and culture is addressed to suggest that the health and healing of native communities lies in reconciling the past to make passage into the future.

Introduction

Each summer I return to northern California, to the land of the Hupa, Yurok, and Karuk. I return to pray and dance within the centers of our world. I join my cousins, my sons, my grandchildren, nephews and friends, to sing and dance once again upon the grounds cleansed and purified by spiritual energy eons ago. It is a time of renewal, to be amongst the energy of creation, to be re-created, born anew, and cleansed of a year's accumulation of stress, anxieties, and distorted information, negative thoughts, or projections onto others for what we have failed to become. For ten days my wife and I stand within the radiance of ancestral memory as we visit, eat, and enjoy the company of those we have missed throughout the year. Yet, within this aura of renewal, I often feel a tinge of sadness and concern—for how many of our youth and even some adults know the true meaning and purpose, as well as essence of these prayers in motion?

How many understand the teachings of the spiritual leaders and dance makers? Or instill these teachings into their daily lives? How much has been lost? Does the current generation know how much was taken from their ancestors? Did their elders tell them of the day when those from other faiths, stood in front of the dancers and shouted at the people, to stop this paganism? Or told that if they did not go home the superintendent would arrest them? Many of the men and women of my age had parents that were sent away to Indian boarding schools. My father was sent to Phoenix Indian Industrial Boarding School in 1912, and then to Haskell Institute in Lawrence, Kansas. He did not return home until 1942. His father, my grandfather, Sherman Norton, was threatened by the superintendent with forced removal from the reservation for writing numerous letters to the BIA complaining about the unfair treatment and unequal wages paid to In-

dian employees. These harsh realities of contact between settlers and governmental officials and the indigenous peoples of California has left a lasting imprint, on those alive today.

Traditional Native Life Ways

Yet, prior to contact with Europeans, the Native peoples of northwestern California thrived on vast salmon runs and numerous shellfish and sea mammals. In the mountains the Native peoples gathered acorns and hunted deer and elk. Food was abundant and time was given to developing rich religious ceremonies, proper modes of conduct, as well as superior artistry in basket designs, bow-making, and boat construction to produce incredible creative expressions found in their religious regalia and ceremonial practices that celebrated the vitality and beauty of a meaningful life.

Like all Native peoples of North America, California Native nations developed various forms of governance long before Europeans arrived. Their physical and social needs, as well as religious and emotional expressions, were supported and controlled by agreed upon formulations of laws. Membership in the group was defined by recognized boundaries, acceptance and practice of a common language, established customs and values and a shared history. These factors describe nation groups throughout the world. Pejorative labels such as "savage," "heathen" or "uncivilized" are value laden terms projected by a self-serving critic, yet without these appellations and their acceptance, the name callers stand exposed to the world. Hence, the Indian nations of North America were not uncivilized nor were the nation groups or tribes in California uncivilized. The term "civilized" is derived from the word "civil" which means a group of people or citizens composing a social community. The social groups in northwestern California, for example, were the Hupa, Yurok, Karuk, Wiyot, and Tolowa nations who lived side by side for hundreds of years without a war of attrition despite the fact each possessed distinctive languages, mores, and customs. However, there was a shared philosophy among the northwestern tribal nations that was perhaps characteristic of many if not all Indians of North America. This characteristic is the belief that all things possessed a spirit and cognition or awareness, including trees, animals, streams, and trails.

Tribal Nationhood and Leadership

In northwestern California, leadership was provided by men who had gained respect by listening to others and relating fair and equitable council or decisions within the decorum of the group. These leaders or headmen also demonstrated their spiritual achievements by gathering sacred items and regalia such as albino deer hides, red-headed woodpecker scalps, and large fluted obsidian blades. These objects along with others were recognized within an energized universal system. Thus, with the accompaniment of ceremonial songs and prayers, these energies helped renew the world from accumulative patterns of death and decay. Individuals who understood and assumed such metaphysical and ontological processes were

esteemed by the group. Hence, leaders were often "dance makers" as well as wise men who sought to keep balance in all things; social, political, economic, and religious. Each village identified a spokesperson and they, in conjunction with the headmen, often formed councils to adjudicate transgressions or to plan future events.

In addition, each group developed a careful and well-defined schedule of exchange or payments using valuable items to compensate the victim for any potential disruption, affront or loss such as theft, trespass, adultery or death of a loved one. The council negotiated the exchange and payments to be made. During the ceremonial cycle, the individual, community and universe would thus be renewed and balanced through a process of agreed upon restitution and reconciliation.

The tribal nations of California lived, and many still do, in nationhood status. That is, they have recognized boundaries usually defined by rivers, mountain ridges, and historical villages. In addition, they have a common language and an agreed upon cosmology that defines their existence through mythos and ritual as well as a shared history. These qualities are recognized by nations throughout the world as criteria for statehood. International law is based upon this reality. Sovereignty is not granted by another. It is held intrinsically by the identified aboriginal nation. For example, the Hupa people in northwestern California have no migration story from a distant land to their beautiful valley home. They tell of the time when Yimantuwinyai, a spiritual being, created mountains, rivers, trees, animals--all the things of this world. When he was done, he looked back and saw that it was good. "Soon," he said, "the Indian people will be here, I see their mist, I see their smoke on the mountains." (Socktish 1976.) Within this gift from an immortal force the people lived in harmony and sought balance between human needs and the integrity of their environment. The Hupa people killed deer and other animals for food and held a ceremony for ten days every year that atoned and renewed the energy of life. Salmon, as a sacred food source, were taken when the Trinity River was blocked by a fish-dam but only for 10 days. The dam was then dismantled after prayers given by the spiritual leader and the released salmon continued their journey upstream to other tribes.

A World Turned Upside Down

This responsibility and respect given to others was characteristic of California Indian nations and did not lead to aggressive warfare. The Hupa, Yurok, Karuk, Wiyot, and Tolowa peoples lived side by side for thousands of years. Yet there was never a war of attrition. Never did the Yurok march upon the Karuk to make the world safe for "Yurokism." There was no need to be envious or fearful of others because all were secure and potentially whole in the bounty of their world. Given this minimal overview of some of the tribes in northwestern California one can begin to comprehend the terror and bewilderment that these Native peoples suffered when attacked by unfeeling and disconnected miners and settlers. It was a time when many may have felt that the world turned upside down, or it was the end of the Indian people. No longer did the sanctity of property apply. No longer could the

world be put in balance. How could one make sense of the world when at the Yurok village of Kepel, for instance, the following was recorded by Lt. C. H. Rundell in 1857:

> I have the honor to report everything as usual in this section. On the night of the 19th February two men (one named Lewis commonly called 'Squire' and the other Lawson, generally known as 'Texas') came to an Indian ranch (Wasch) about a mile above this camp on the opposite side of the river. They commenced abusing the Indian squaws (sic) and one squaw, while endeavoring to protect her daughter, was stabbed by Lewis very severely in the back and shoulder, he also stabbed the father of the girl twice in the arm. They then seized two other squaws whom they forced to remain with them all night. On the 22nd, the two men Lewis and Lawson came to this camp, but not meeting with a favorable reception they left and went back up the river. On the way they stopped at the same ranch, but the Indians had seen them in time, and the squaws ran to the hills. The man Lewis, enraged at the escape of the squaws, seized a club and without provocation, attacked and brutally beat an Indian boy named Tom, so that it is doubtful he will recover (Heizer 1974:91-92).

Earlier, in 1853, Special Indian Agent Stevenson stationed near the gold fields of El Dorado and Placer counties noted that:

> It is a frequent occurrence to find white men living with Indian women and because the Indians dare to remonstrate against this course of conduct, they are frequently subject to the worse and most brutal treatment. An occurrence of this kind took place last month near Buckeye Flat in the County. Two miners had seduced a couple of squaws (sic) and were living with them or keeping them as prostitutes. The Indians went to the cabin and demanded their women, when they were fired upon by the miners which resulted in the immediate death of one and dangerously wounding another, and yet there was nothing but Indian evidence that could be obtained to punish these villains, and as the Indian's evidence is not allowed against any white man in this State, they could not be convicted. (Heizer 1974:14).

There were at least 250,000 miners and settlers in California by 1852. There were 2000 on the Trinity River by Big Bar and nearby Weaverville and at Hayfork. Many Native peoples, faced with starvation, harassment, fear and anxiety fled to the hills or mountains to hide, still others attacked settler livestock to feed their families. Indian people, as all human beings, had the fundamental right to protect and provide for their families as best they could. History would prove, however that these basic human rights were consistently and, in many cases, collectively denied. The miners, tore up and diverted the streams, turning them into mud. By May of 1850, the devastating ecological consequences of mining was observed by Special Agent E. A. Stevenson, who noted that "the rivers or tribu-

taries of the Sacramento formerly were clear as crystal and abounded with the finest salmon and other fish. But the miners have turned the streams from their beds and conveyed the water to the dry diggins and after being used until it is so thick with mud that it will scarcely run" (Heizer 1974:16). Thousands of salmon, a vital natural resource, had been killed. In addition, cattle and hogs introduced by the settlers destroyed prairie lands where deer and elk grazed, as well as consuming the acorns that had sustained the Indian populations for centuries. Indian men were often shot on site, while fishing; or as one miner bragged "just to try out his rifle" (Norton 1979:50).

Though few Americans were in California before the overwhelming invasion of miners occurred in late 1848 and 1849, many of these would-be miners came from all over the world; Russia, Mexico, Hawaii, Australia and thousands came from China. The vast majority were Anglo-Americans who left their families, homes, and loved ones and frantically rushed to the gold fields. Many were escaping debts. Others were criminals. Most were average Americans looking for riches. Once these miners were isolated among rugged mountains far from civilization, many became pathological, senseless beings driven by greed. If they did not commit brutality upon others, they often stood by or were complicit in their support of violence. This bleak record of human behavior demonstrates absolute evidence of murder, hatred, racism, rape, enslavement and rampant horror unleashed upon the Native populace that can only be called genocide. Those individuals consumed by an obsession for wealth and the society that supported them ideologically, cannot claim they were fighting a war against a unified enemy because there was never an official declaration of war against the Native peoples.

Nor could they claim self-protection because inevitably it was the miners and settlers who initiated the first aggressive acts. It is inconceivable that crimes against humanity were often perpetrated in this atmosphere of greed and a distortion of superiority by white, Christianized, democratic individuals. Yet, historically, the record clearly documents violent attacks against California Indian people that occurred at the hands of white citizens, often without warning or provocation. Several violent attacks occurred in northern California, when tribal peoples were observing religious ceremonies and praying that the world would be in balance. They were brutally attacked and butchered by local citizens.

For example, this occurred in the fall of 1853 after the Tolowa people had stored their food for the coming winter. They gathered at the village of Yontoket near the mouth of the Smith River, to pray around the world. They considered Yontoket to be the center-of-the-world, that is, a place where the energies of heaven and earth meet and where prayers, through song and ritual, revitalized all life. Meanwhile, citizens from Crescent City formed a killing squad and ringed the sacred village ready to murder men, women and children. A Tolowa man tells the story with deep sadness, years later:

> The whites attacked and the bullets were everywhere. Over 450 of our people were murdered or lay dying on the ground. Then the white men built a huge fire and threw in our sacred ceremonial dresses, the rega-

> lia, and our feathers, and the flames grew higher. Then they threw in the babies, many of them were still alive. Some tied weights around the necks of the dead and threw them into the nearby water. Two men escaped. They had been in the sacred sweathouse and crept down to the water's edge and hid under the lily pads, breathing through the reeds. The next morning, they found the water red with blood of their people. (Norton 1979:54-56).

Tragically, western anthropologists, ethnographers and historians have a long record of purposely nullifying and negating the suffering of other cultures. Whether to do so is an attempt to claim an unbiased and scientific approach or to appropriate the voice of the victim for their own use, cannot be sufficiently answered here. Nevertheless, an emotionally dissociated account of the Yontoket massacre is given by A. J. Bledsoe's *History of Del Norte County* (1881):

> After the punishment of the Indians at Battery Point, a large number of the Survivors [were] removed to a Rancheria near the mouth of the Smith River, known as the Yontoket Ranch. But the feeling in Crescent City against them was too intense to subside without further punishment being administered. A company was formed and procuring a guide who had some knowledge of the country, they with difficulty, made their way through the forests, and arriving at a point near the ranch, prepared for the attack on the Indians. Of the manner in which the attack was made, no authentic information can be obtained. It is well known, however that the fight ended in a disastrous defeat to the savages, a large number being killed, while the whites escaped with little or no loss (p. 19-20).

Bledsoe's indifference to the suffering of the Tolowa people is clearly noted. Yet, the Yontoket massacre is but one of many ruthless and unfeeling attacks by the California citizenry upon unsuspecting families, villages, and tribes.

Crimes Against Humanity

Perhaps the earliest recorded interaction between white miners and Indian people occurred after gold was discovered in January 1848, at Coloma on the south fork of the American River. There had been a concerted effort to keep the news of the gold strike a secret, however, by March 1849, there were hundreds of miners camped along Weber Creek. A miner raped a Maidu woman. When her family approached the mining camp to investigate the crime, they were shot. Other racist and paranoid miners attacked a nearby Indian village and murdered twelve people. The miners then kidnapped seven or eight Indian men and took them to Coloma. Once there, the miners debated whether to hang or shoot the Indian men. Finally, in a display of the miner's sadism, they told the Indian men to run while the miners shot them in the back (Trafzer 1999:17). Ignorance and paranoia soon became a stimulus for murder. In April of 1852, Redick McKee wrote to then Governor Bigler that miners had killed many Indian men and women as a precaution against anticipated retaliation for the shooting of one of their

young Indian men by a miner named Irvin R. Tompkins. McKee's letter refers to the "murder almost in cold blood of some thirty or forty Indians" by miners from Happy Camp. "In all the frontier settlements," he states, "there are many men from Missouri, Oregon, and Texas, etc. who value the life of an Indian just as they do of a coyote or a wolf and embrace every occasion to shoot down" (Heizer and Almquist 1971:28).

Time, however, had not mitigated the actions of the miners. Another attack occurred involving a white man and an Indian woman that resulted in the "war" between the Karuk people and the miners. The *Humboldt Times*, December 1854, issue describes the circumstances. An Indian boy had been killed while protecting a woman, apparently his mother, from rape by a white man. The murderer had left the area, but in the meantime the Indians had retaliated by killing an ox that they believed belonged to him. Later, after learning that he had sold it, the Indians offered to pay the present owner the value of the steer. However, he refused the offer and the miners reacted by attempting to take all the guns from the nearby villages. When the miners met resistance, they attempted to burn the houses containing the Indian's winter provisions. The article ends by rationalizing the miner's paranoia and the resulting murders by suggesting that for "future protection, the miners should form themselves into a body as regulators and swing every man convicted of selling arms or ammunition to an Indian" (*Humboldt Times,* January 20, 1855).

The Slavery of Native Peoples

Troops repeatedly called to protect the settlers often had to use force against the citizen settlers to protect the Indians. The *Humboldt Times* reported such an instance on February 3, 1855:

> At the beginning of hostilities, Captain Judah went with 26 men to the Klamath. There the Weitspeck (sic) and other Indians surrendered their arms, but the miners gathered together and wanted to immediately start a general massacre of all Indians--friendly or otherwise--they could find and hunt down. Captain Judah succeeded in temporarily keeping the whites in check but needs reinforcement to handle the whites (Heizer and Almqiust 1971:33).

On April 22, 1850, the California legislature had passed "An Act for the Government and Protection of Indians," a law that can only be called a slave act. The law created a mechanism whereby Indians of all ages could be indentured or apprenticed by the court to any white citizen for a fee of $2.00. The average terms of servitude was 16 years, although a longer term of 25 years was not uncommon. Section 6 of the law stated, "complaints may be made before a Justice of the Peace, by white persons or Indians; but in no case shall a white man be convicted of any offence upon the testimony of an Indian" (Heizer and Almquist 1971:213). Thus, the Indian person and labor was secured without the large capital outlay of Negro slavery in the South.

Furthermore, on April 18, 1860, the law was amended to suit any miner turned settler or capitalistic entrepreneur as the gold played out. Section 3 states:

> County and District Judges in the respective counties of this State, shall, by virtue of this act, have full power and authority, at the instance and request of any person having or hereafter obtaining any Indian child or children, male or female, under the age of fifteen years, from the parents or person or persons having the care or charge of such child or children, with the consent of such parents or person or persons having the care or charge of any such child or children, or at the instance and request of any person desirous of obtaining any Indian or Indians, whether children or grown personals, that may be held as prisoners of war, or at the instance and request of any person desirous of obtaining any vagrant Indian or Indians, as have no settled habitation or means of livelihood, and have not placed themselves under the protection of any white person,... shall appear proper (Heizer and Almquist 1971:216).

Any person or persons "desirous of obtaining any Indian or Indians" child or not, had a legal right to own human beings as property. The law then legalized murderous individuals. In many cases sanctified killing units, acquired children by either imprisoning or killing the parents who in some cases were being held against their will as prisoners under the misnomer of war. According to a letter written to his superiors in Washington, from G. M. Hanson, Superintendent of Indian Affairs in 1860:

> In the month of October last, I apprehended three kidnappers, about 14 miles from the city of Marysville, who had nine Indian children, from three to ten years of age, which they had taken from Eel River in Humboldt County. One of the three was discharged on a writ of habeas corpus, upon the testimony of the other two, who state that 'he was not interested in the matter of taking children:' after his discharge the two made an effort to get clear by introducing the third one as a witness, who testified that 'it was an act of charity on the part of the two to hunt up the children and then provide homes for them, because their parents had been killed, and the children would have perished with hunger.' My counsel inquired how he knew their parents had been killed. 'Because,' he said, 'I killed some of them myself' (Document 63 1863:315).

Nor were the Indian people safe upon the few Federal Reservations established by 1855 in California. An article from a San Francisco newspaper in 1856 relates:

> Some of the agents, nearly all of the employees, we are informed, of one of these reservations at least, are daily and nightly engaged in kidnapping the younger portion of the females for the vilest of purposes. The wives and daughters of the defenseless Diggers (sic) are prostituted before the very eyes of their husbands and fathers, they dare not resent the insult, or even complain of the hideous outrage (*San Francisco Bulletin*, September 13, 1856).

In total, it is estimated that at least 10,000

California Indians were indentured between 1850 and 1863 in the northern counties alone. As a result, the kidnapping and abuse of thousands of Native women and children became common place because Indian testimony was disallowed against white settlers. Predictably, the European community, turned American settler, benefited from the law. Native Californians continued to suffer ruthless assaults upon their integrity, life ways, and families. Pitelka (1994) stated that "the abduction and sale of Indians, especially women and children became a lucrative business from 1852 to 1867. Most of the Indians seized came from Mendocino and other remote northern counties, but their captors sold them all over the state" (p. 30).

In addition to survivor accounts, it was documented within the U.S. Senate Annual Report of the Commissioner of Indian Affairs in 1861, that the United States troops were responsible for genocidal acts in conjunction with the abduction of innocent children:

> A company of United States troops, attended by a considerable volunteer force, has been pursuing the poor creatures… The kidnappers follow at the heels of the soldiers to seize the children when their parents are murdered to sell them to the best advantage (Pitelka 1994:31).

Such brazen and indecent behavior outraged the Native populations as well as making them afraid of whites because how they suffered at the hands of many settlers. Kidnapping of women and children was a direct affront to the familial life ways, hence the very survival of Native people (Rivers-Norton 2014). Though all Native life was in danger, Hurtado (1988) confirms that "women's chances for survival were measurably worse." Brutal assaults, deadly diseases, and general privation killed women and left their communities' reproductive potential in doubt" (p. 188). Thus, the patterns of genocide by a democratic and Christian nation were established. The white invaders were often whipped into a frenzy of gold fever and racist intolerance. Few considered the very basic right of protection of one's family, loved ones, community or nation from others. In their vulgarity they could only apply these realities to themselves. Those persons motivated by greed and racist agendas, including local county and district judges as well as Indian agents, interpreted and implemented the law to serve their own genocidal purposes.

"Indian Wars" as Genocidal Intent

Years later, two University of California, Berkeley historians, Robert Heizer and A. J. Almquist, wrote that:

> California newspaper officials in the office of Indian Affairs and other observers cited the organized bands of Indian kidnappers operated independently, or followed troops on Indian campaigns and collected women and children after an attack on a village, as one of the main causes of the "Indian wars" which were common in the late 1850s and early 1860s. (Heizer and Almquist 1971:44).

The authors put in quotes the term "Indian wars" because no war had been

officially declared by the United States Congress against California Native peoples. Yet, the intent to destroy in whole or in part, was clearly orchestrated by the white citizenry, a necessary condition for a charge of genocide to be made, according to the Geneva Convention, as will be later discussed.

These conditions had established the background for the horrendous Hayfork Massacre (Bridge Gulch Massacre) in Trinity County, May 18, 1852. Terrorized, murdered, and often hungry, the Wintun struck back. They took five cattle belonging to "Colonel" John Anderson and Anderson was killed. By the time Anderson's body reached the town of Weaverville, a gang of seventy volunteers had been organized. The merchants and many others freely furnished food, blankets, and supplies to outfit these killers. Under the leadership of the local sheriff they set upon the track. A Wintun camp was located in the evening near present day Natural Bridge. That night, as the unsuspecting families lay down to sleep, they were ringed by desperate men lying in cover with rifles cradled in their arms. At daylight the signal was given. One hundred and fifty-three men, women, and children were slaughtered without provocation. They were given no chance. Yet, paid with their lives for five cattle and for the death of one man who had intruded into their natural and secure world. No burial followed. Their bodies were left to rot, their bones lay scattered and bleaching under the sun.

The Wintun account of the massacre is recorded by Grace McKibben, perhaps the last full-blooded Wintun in the Hayfork area. She states that her uncle, Bob Tewis, a survivor of the massacre, told her that:

> Young warriors who were guilty of the murder of Colonel Anderson passed by Bridge Gulch fleeing on up Hayfork Creek in the night. The large band camped in the Gulch were mainly women and children and were apparently unaware of danger as the men were away hunting… Apparently the raiders who stole the cattle and killed Anderson escaped punishment (McKibben 1998).

The brutal massacre had occurred so suddenly that there had been no time, no period of grace, for the 153 human beings who had died there. These, men, women, and children had awakened for an instant of complete terror before feeling the tearing pain of bullets, or seeing ghastly, bottomless wounds of their loved ones, their life-long friends, and their tribesmen. Havoc, screams, tears, cries for help, were mixed and muted by the sharp deadly crack of rifles, and bitter curses from hate-filled mouths. There had been no time to hold the dying ones' hand to ease their journey. No time for simple acts of love, of wiping the brow or sitting quietly beside them. There was so little time to reflect upon one's meaning in life or a purpose for which one is given. There was no time to review those things of a life of deeds that ease the transition from the material and manifested world to the spiritual. There was no time for remembrances, no memories; no time to hand down articles of heritage of a fine woman or a good man. There was not even time to decide upon the acceptance of death.

The tragedy of the Hayfork Massacre is terrible within its own narrative however, the greater horror lies in the fact

that its pathology was repeated in California history. Inhuman patterns of murder, maiming, dismemberment, rape, enslavement, and kidnapping were inflicted against the Native peoples. Hundreds of massacres occurred throughout California. At least, 93% over-all of California Indians died during and after the Gold Rush era. Entire Indian nations were destroyed. For example, where are the Chimariko? Gone. The Yuki? Gone. Where are the Mattole and Sinkyone? Gone. The common thread that tied all these horrific crimes against humanity together were the vigilante and volunteer killing units made up of white citizens. These citizens formed well supplied and compensated squads to go out and murder California Indians. It has been estimated that "the United States Government reimbursed the state of California $924,259.00 [nearly a million dollars] for this sort of semi-pro Indian killing units between 1850 and 1859" (Brandon 1961:282). They often gave themselves names such as the "Humboldt Home Guards," Hydesville Dragoons," "Eel River Minutemen," or the "Mariposa Battalion" (Norton 1979). Their intention, under the guise of "war," was to annihilate California Indian people and steal their lands. A northern California newspaper stated that:

> Upon the completion of the Indian War, and the consequent disbanding of the volunteer corps, we learn that it is the intention of many who have been engaged in the service, to locate upon the territory reclaimed from aboriginal occupancy. We hope they will do so; and we emphatically say that those should have due preference in the selection of homes (*Northern Californian*, March 23, 1859).

Nazi Germany as Parallel History

A parallel history can be found in the formation of Nazi Germany's Einsatzgruppen in the early years of World War II. The atrocities committed have been described as Hitler's "Hidden Holocaust" and they were particularly operational in Eastern Europe. For example, in 1942 citizens of Estonia, Latvia, Lithuania, and the Ukraine joined these specialized killing units, often constituting 60% of the personnel. They began murdering the Jewish population by forcing the men to the edge of a prepared pit and shooting them at close range. Then women and children were similarly executed until the grave was filled and covered over. The citizens were then free to steal the belongings, property, and the homes of their victims.[1] The destruction of California Indians varied in the north, central and

1. See the works of F. Chalk and K. Jonassohn, 1990, *The History and Sociology of Genocide: Analyses and Case Studies*. New Haven, CT: Yale University Press, W. Churchill, 1994, *Indians Are Us? Culture and Genocide in Native North America*, Common Courage Press, Monroe, MA, D. E. Stannard, 1992, *American Holocaust*, Oxford University Press, NY, and E. Staub, 1992, *The Roots of Evil: The Origins of Genocide and Other Group Violence*, Cambridge University Press, NY, for a cross case comparison

southern sections of the state. However, in the north, entire tribes were exterminated or reduced by at least 98% of the aboriginal population. For example, the *Humboldt Times*, January 17, 1863, ran the Headline: "Good Haul of Diggers--Band Exterminated."

> Later, the paper also editorialized: The Indian must be exterminated or removed… This may not be the most Christian-like attitude, but it is the most practical (*Humboldt Times,* May 1863).

Earlier, the newspaper *Yreka Herald* made its position unequivocally clear:

> Now that general hostilities against the Indians have commenced, we hope that the government will render such aid as will enable the citizens of the north to carry on a war of extermination until the last Redskin of these tribes has been killed. Extermination is no longer a question of time--the time has arrived, the work has commenced, and let the first man that says treaty or peace be regarded as a traitor (August 7, 1853).

The historian H. Dobyns placed the total death rate of California Indians at 94% of the original population of nearly 1.5 million people using the recognized calculation of 14 people per square kilometer for highly populated areas. California has long been recognized as supporting one of the highest Indian population densities in North America (Dobyns 1976). The historical records of early European expeditions, such as those by Juan Rodriguez Cabrillo in 1542, and Sir Francis Drake in 1579, noted large populations along the coast. Later visitors to the Spanish Missions as well as the missionaries themselves noticed many Native villages in the area. This larger population figure replaces the extreme conservatism of early ethnographers and anthropologists who estimated a population of 300,000. When the U. S. Census was taken in 1900 only 16,000 Indian people had survived. There were 5,000 counted on the reservations while nearly 11,000 endured in their original homelands or were abandoned and dislocated in cities. By 1906, congressional investigations revealed overwhelming poor health conditions in the California Native populations due to near starvation, poverty and diseases such as tuberculosis and trachoma. Congress appropriated $100,000 to provide adequate water to rectify some of the most blatant injustices (Castillo 1998:118).

Manifest Destiny as Land Acquisition

Acquiring lands illegally from Native Californians was also a common and pervasive pattern. It was further presupposed that the original inhabitants, for their own good, were to be removed, and if not removed, exterminated. This approach was the inevitable consequence of the distorted theory of a "master race" over all others. Political harangues and editorial statements were not then perceived as public incitements to commit genocide but the articulation

between acts of genocide in Nazi Germany and the Americas.

of the common will encouraged to carry out justice under the guise of Manifest Destiny. On November 11, 1848, for instance, an issue of *The Californian* declared, "We desire only a white population in California; the Indians among us, as far as we have seen, are more of a nuisance than a benefit to the country. We would like to get rid of them" (Hoopes 1966:5). However, the intent of governmental policies continued in the assimilation and domestication efforts to inflict physical and lasting mental anguish upon the Indian people. Domestication programs were enhanced and continued by propaganda and public incitement to encourage fraudulent schemes that divested Indians of their resources and lands.

These patterns of tyranny did not lessen after the California Territory became a state. In fact, examples of intent to remove or exterminate, as well as descriptions of the crimes themselves, shout from the official correspondence between civil and military authorities and from the instruments of public incitement—the local newspapers. The official governmental sentiment, however, was clearly articulated by Governor John Bigler in April 1852 in a correspondence with General Ethan A. Hitchcock, Commander of the Pacific Division, that federal troops were obliged by the U. S. Constitution to protect its citizenry from "merciless savages." The "savages," the Governor wrote possess the "ferocity worthy of cannibals of the South Sea and they cherish an instinctive hatred toward the white race. If governmental aid was not forthcoming, then "the people of California would use their State Militia" (Heizer and Almquist 1971:207-209).

We Charge Genocide

How can the deaths of thousands of innocent lives suffered at the hands of an unfeeling populace, be justified as anything less than murderous acts perpetrated upon California Indians with genocidal intent? Until recently it was never seriously proposed that the American society could also become an instrument of brutality. It is asserted that most Americans would actively and vigorously deny any wrong- doing in the historical and present record. Their vehemence is particularly offensive, both as a cause and as an effect, in contemporary political charades of seeking authority and legitimacy. Perhaps this would be an opportune moment to note individual responses to what has been stated thus far, not only as a case in point, but also to more carefully consider what is to follow. More than likely, the ire of some Americans has been raised. Some, perhaps, have already neatly labeled this writing as that of the "rhetoric of rebellion," the very act of allowing a radical a gratuitous forum, that demonstrates the strength and tolerance of the democratic faith. This can be rejected.

Certainly, it may be offensive to use the word genocide in relation to the United States or to democracy. The word genocide and its attendant imagery are too incongruent for the democratic faithful. Often, the charge of genocide is not taken seriously and is dismissed out-of-hand. Yet, this is precisely the point. Irrational dismissal of perceived impropriety is arbitrariness. And depending upon the will to power, arbitrariness has often resulted in terror. Therefore, it may be of benefit to look at some aspects of the American record to determine whether words such

as brutality, terror, tyranny, cruelty and genocide have standing. Thus, it is beneficial to agree upon a working definition of the word genocide. Fortunately, a definition has been proposed, accepted and applied by 82 nations throughout the world. The United Nations by the *Geneva Convention on the Prevention and Punishment of the Crime of Genocide*, in 1948, presented for the world to consider the following (under Article II of the Convention Compact).

"In the present Convention, genocide means any of the following 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). Forcefully transferring children of the group to another group.

Further, Article III indicates that the following acts shall be punishable:

a). Genocide;
b). Conspiracy to Commit genocide;
c). Direct and public incitement to commit genocide;
d). Attempt to commit genocide;
e). Complicity in genocide" (United Nations Pamphlet, 1948:6-7).

When the term genocide is directed towards the American experiment, however, little credence is given to the charge. Yet, the sad litany of offenses that exist in the historical record, a small sampling of which has been given in this essay, and as lived by thousands of Native peoples throughout California and the United States, clarifies the issue. Though authors such as Gary Clayton Anderson, resist the use of the term genocide as established by the Geneva Convention, a growing number of Native and non-Native scholars, have embraced the definition for its explanatory power.[2] The United States Government and its people, in one form or another, for these past 200 years have practiced genocide as defined by the Geneva Convention. It should be obvious that a people cannot be systematically attacked, demeaned. Their lives and history destroyed or distorted, their suffering negated or rationalized; their rights, needs, and present lives and lifeways ridiculed unless it is a result of a deliberate policy to commit genocide as conducted by the state in whole or in part and those who control it. It is little wonder that the survivors of such brutality and fraud, might feel trepidation about what the future may bring for the Native nations of California and the broader United States.

Sadly, the American genocide against Native Americans in this country, unlike the Jewish Holocaust, has not been officially acknowledged by the federal government, and those responsible for the death and destruction have not been held accountable, though strides have been made to apologize for the atrocities committed. The fact remains, however,

2. See the seminal scholarship of J. Norton, C. Trafzer, B. Madley, and B. Lindsay.

that apologies alone do not address the magnitude of the death and destruction caused. It is this author's contention that an apology does not go far enough to allow any real healing for the orchestrated intent to destroy in whole or in part Native cultures of the Americas. More often than not, the Native legacy of trauma is still romanticized through glorious celebrations of European and American colonization. Western dominance as myth is directly linked to the demise of Native cultures. This collective myth is exalted under the banner of Manifest Destiny; in assertions of national pride and patriotism, that hide or distort the price expansionism cost Native people. Hence, it can be easily asserted that Americans and Europeans alike, do not comprehend or accept their own potential complicity in the genocidal death and destruction of Native American life ways. Rather, the death of millions of innocent people is described as inevitable or necessary for our macabre compulsion to acquire and possess limitless physical space, an all too familiar concept of spatial superiority later echoed in the Nazi doctrine of *lebensraumpolitik* or living space.

The Native people, it is argued, were heathens, incapable of utilizing the vast stretches of American soil, even though it was their ancestors who had dwelled upon aboriginal lands for eons in relative balance and environmental stewardship. Despite this, or perhaps because of it, Native people were required to yield to European interests—to the rightful and the just owners of the earth—whose ancestors had, in many instances, severely depleted the natural resources within their own European homelands and needed to seize the new world in order to survive.

Impact on Native Peoples

The historical and contemporary impact of genocide on Native cultures is tragic. Patterns of inter-generational dysfunction within Native families have damaged the resolve of many to recover or adhere to traditional values and belief systems. Alcoholism and drug use abound as does poverty, malnutrition and unresolved grief. In addition, re-traumatization often occurs when Native people witness the disrespectful and misguided perceptions exhibited by a seemingly insensitive and ignorant mainstream society regarding its own history. However, the future of California Native identity is being reaffirmed through the assertion of tribal sovereignty and traditional life ways and the renewal of ceremonies and rituals. The determination, beauty, and will of aboriginal ancestors, as well as of those Native people alive today, teaches us all about the tenacity and tenderness of the Native spirit--a spirit that cannot be destroyed, one that is currently reinventing itself through life affirming actions that promise to celebrate and revitalize each of us in the 21st century.

Sacred regalia is returning to its rightful owners, ceremonies are resurfacing to reenact the very moment of creation after years of sorrow and suppression, and the identity and integrity of Native communities are continually being reborn in the light of a precious remembrance of those lives lost to the historical onslaught of Indo-European racism and rage. Every other autumn, the Hupa people still hold their White Deer Skin Dance and Jump Dance ceremonies at Takimildin, the center of their beau-

tiful and secure world. About 60 miles away up the Klamath River, the Karuk will dance with prayers for all things near their own center of spiritual purpose and pride, as do the Yurok, Wiyot, and Tolowa peoples. We will secure our future and our children's future because we will not forget the strength, bravery, and dedication of our ancestors. We shall not forget the purpose of our ceremonies to honor all life and all things. With the knowledge and commitment of young scholars and the leadership of dedicated people, we will live a meaningful life with dignity and purpose.

Every society has a code of ethics that defines and emphasizes their responsibility to others. It is only when individuals distort, narrow, or set aside these moral obligations do inhuman acts such as genocide find its way into human history. In the future, the history of California may be corrected so that justice and reconciliation can offer us new insights into human behavior in order to live more graciously upon this land.

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HJSR

We Are a Part of the Land and the Land Is Us: Settler Colonialism, Genocide & Healing in California

Dr. Kaitlin Reed

Abstract

This essay proposes that the history of California includes the intended destruction and decimation of native cultures, including their forced removal, illegal land acquisition, slavery, separation of families, and outright murder enacted by the private citizenry and governmental agencies during European contact can be defined as genocide as outlined by the United Nations Geneva Convention, 1948. The lasting legacy of contact on aboriginal lifeways and tradition, as well as the recent resurgence of native traditions and culture is addressed to suggest that the health and healing of native communities lies in reconciling the past to make passage into the future.

Introduction

In 1979, Hupa and Cherokee scholar Jack Norton lamented over both the consequences and unfinished business of the California Indian genocide. While the state sanctioned killing of California Indians occurred well over a century ago, the impacts of that violence continue to be felt in Indian Country. Norton (1979) writes:

> In two hundred years of brutal occupation they have *repeatedly committed genocide in one form or another.* Its patterns, its pervasiveness, its massive conspiracy is so common and well understood that its horror is diffused. It is so embedded in clichés of white manifest destiny, that the magnitude of the crime is transformed into inevitability or high moral principles… The American citizens have inherited the patterns, the scheme and the *business of making America great.* And to accomplish this task, the policies of two hundred years of white supremacy and destiny have been embraced and accepted by society (125, emphasis added).

The genocide that founded California is erased from state curricula and the consciousness of its settlers. However, Norton understands genocide, much like settler colonialism, as a process that is often ongoing and that can take many forms. The building of the American nation-state and the State of California were fundamentally dependent upon violence against Indigenous people -- and continue to be so. In other words, the United States was born out of genocide. The 'business of making America' great, as Norton phrases it in 1979, was a business of Indian killing and the plunder of natural resources justified by white supremacy and manifest destiny.

Thirty-seven years later, in 2016, the Trump administration came into power -- relying on the campaign slogan *"Make America Great Again*." Embodying American exceptionalism, this slogan perpetuates an American mythology predicated on the ideological construction of the United States as morally righteous and divinely ordained. This narrative also erases the violence required to create the United States -- and the ongoing structural violence of U.S. occupation on stolen Indigenous land. Historian Ned Blackhawk (Western Shoshone) argues, in his award-winning book *Violence Over the Land*, that American exploration and conquest required violence to organize economies and settlements. This is because "people do not hand over their land, resources, children, and futures without a fight, and that fight is met with violence" (Dunbar-Ortiz 2014:8). This violence must then be institutionalized to maintain systems of domination over Indigenous peoples. In other words, "violence and American nationhood, in short, progressed hand in hand" (Blackhawk 2006:9). The United States, as we know it today, would not exist without genocidal measure inflicted upon Indigenous peoples and the expropriation of Indigenous lands; indeed, what Norton points out – and Trump misses completely – is that the construction of America's 'greatness' rests on racial capitalism, land theft, and settler colonial violence.

This essay seeks to understand the interconnections between settler colonialism and genocide – with an explicit focus on land dispossession and environmental destruction -- and what that means for California Indians today. Settler colonialism is a historical and ongoing structure of Indigenous land dispossession. Scholars have varied viewpoints on the relationship between settler colonialism and genocide. Historian Roxanne Dunbar-Ortiz (2014) argues settler colonialism is "inherently genocidal" because it is predicated on the elimination of Native peoples (p. 9). Patrick Wolfe (2006), however, argues settler colonialism is "not invariably genocidal" as elimination can occur without constituting genocide (p. 387). While we cannot conflate these terms, I argue settler colonialism produces what Tony Barta calls "relations of genocide" (2000). Specifically, I understand these "relations of genocide" as settler colonial orientations to land and environmental destruction. Throughout my analysis, I suggest that the kinship-oriented relationships to land held by Indigenous peoples, as well as the theorization of land within Indigenous Studies, works to complicate and expand contemporary notions of genocide.

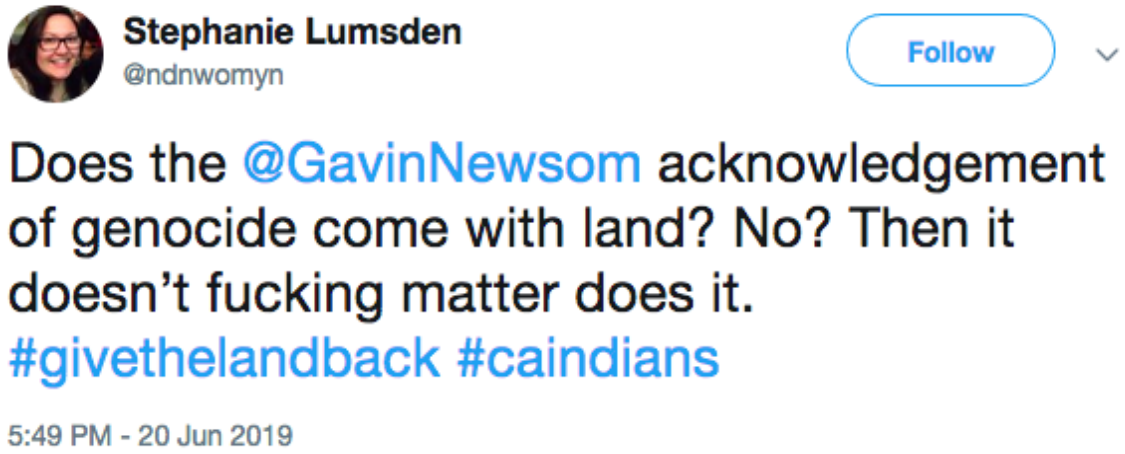
The State of California epitomizes settler colonial genocide as its very existence emanated from the genocide of Native peoples. And recently -- on June 18, 2019 -- California Governor Gavin Newsom acknowledged and apologized for the genocide against California Indians. Specifically, he stated: "It's called a genocide. That's what it was. A genocide. [There's] no other way to describe it and that's the way it needs to be described in the history books. And so I'm here to say the following: I'm sorry on behalf of the state of California" (Luna 2019). While this is certainly an improvement over the American exceptionalist rhetoric of the Trump administration -- especially considering that the United States Federal Government has never

acknowledged genocide against Native Americans in any form (Gilio-Whitaker 2019) -- acknowledgements and apologies must come with action. In line with Gilio-Whitaker's critique of acknowledgement, Hupa scholar Stephanie Lumsden tweeted the following shortly after Newsome's acknowledgement of genocide.

With humor and wit, Lumsden articulates a connection between the historic land dispossession of California Indians, genocide and the ongoing project of settler colonialism. Contemporary inequalities experienced by California Indians -- and, indeed, Native peoples throughout Turtle Island -- can all be traced back to land and the dispossession thereof. Or, as Hupa scholar Brittani Orona phrases in the short documentary *History of Native California*: "we are a part of the land and the land is us." Indigenous studies scholar and political ecologist Clint Carroll (2015) argues that all contemporary social, political, economic issues in Indian Country "come back to the issue of land and the degree of our connection to it" (p. 12). The theft of Native lands continues to be justified through the legal fiction of the Discovery Doctrine and ideological constructions of Manifest Destiny. The destruction of Native lands continues in the name of capitalistic resource extraction and economic development. The ongoing project of settler colonialism -- aimed at the dispossession of Indigenous lands and erasure of Indigenous people -- is founded on genocide.

This article is organized into three key sections. The first section examines the consistent denial of the California Indian genocide by both historians and the broader American public. The second section provides a brief historical narrative of the California Indian genocide for the potentially unfamiliar reader. This section does not set out to *prove* that a genocide did occur, as this has already been rigorously documented by numerous scholars. The third section makes a significant departure and explores the theoretical underpinnings of settler colonialism and genocide. Here I explore the notion that healing from the California Indian genocide requires both land

Figure 1



reparations and ecological restoration. Put simply, we must call for decolonization. Decolonization, as Tuck and Yang (2012) argue, is not a metaphor, nor does it have a synonym; decolonization "in the settler colonial context must involve the repatriation of land… that is, *all* of the land, and not just symbolically" (p. 7). And thus, one cannot talk about healing without talking about land; that connection is deeply rooted. To heal from the genocide, California Indian communities need land reparations. That isn't to say that communities without land bases are incapable of healing from the traumas of settler colonial genocide, but rather that the theft of land was an important component of genocide and therefore the restitution of lands must be an important component of healing from genocide. And thus, I argue, to heal a people from genocide, you also need to heal the land -- because we are a part of the land and the land is us.

Denial of the California Indian Genocide: "Yes There Was, It Was Genocide"

In this pithy blog post title by Dr. Cutcha Risling Baldy, a Hupa, Yurok, and Karuk scholar as well as the Department Chair of Native American Studies at Humboldt State University, she humorously preempted the widespread denial -- by students and historians alike -- of the California Indian genocide. In this post, Risling Baldy discusses the skepticism she faces by students when they finally learn that a genocide occurred in California and that the very formation of the state is tied to this genocide. And yet, even professors of history deny that such a genocide occurred. When Maidu/Navajo student Chiitaanibah Johnson spoke up in a history course with Maury Wiseman, a history professor at CSU Sacramento, to argue that a genocide occurred in California, Wiseman allegedly claimed that genocide was not an appropriate word to describe what happened in California because Native people primarily died of disease.[1] Historians cling to this narrative, referred to by historian Roxanne Dunbar-Ortiz (2014) as a terminal narrative. "Commonly referred to as the most extreme demographic disaster -- framed as natural -- in human history, it was rarely called genocide until the rise of Indigenous movements in the mid-twentieth century forged questions" (p. 40). By attributing Native American demise to disease, scholars avoid culpability and reinforce the notion that Native Americans are biologically inferior -- simply not meant to survive into the age of modernity.

Historians -- and the broader American public -- simultaneously mitigate and espouse the violence that occurred to Indigenous peoples. James Fenelon and Clifford Trafzer (2014) provide six key reasons why historians -- and American citizenry -- deny, dismiss, or distort genocide against California Indians (and Native Americans broadly):

1. While it is technically true that many California Indians did, in fact, die of disease, Wiseman's argument severely simplifies the complexity of genocide. If one is sick during a genocidal event, one does not stop to care for themselves. You hide, you run, you pray. The question is more complicated than "did you die of the flu?" (Risling Baldy).

(a) the difficult analysis of genocide in California because of the *lack of precedent*;
(b) *general denial* among scholars, historians, and sociopolitical forces;
(c) an inability to establishing *intentionality* (critical to proving genocide);
(d) Inapplicability of *contemporary models*;
(e) Lack of temporal sequencing between *systems* (e.g., missions to U.S. Indian policy);
(f) Failure to *take responsibility* by descendants and *beneficiaries of genocidal policies* (similar to throughout the United States generally) (p. 13).

Fenelon and Trafzer provide detailed analysis of all six reasons that historians refute the reality of the California Indian genocide despite extensive historical documentation. Rather than reiterating that analysis here, I would suggest that there remains an underlying thematic connector between these points of disagreement. The California Indian Genocide was essential to the creation of California as both state and contemporary property ownership configurations (as well as water and other natural resources). The centrality of genocide to the settler's way of life is a daunting epistemic realization.

The justification and rationalization of the genocide in California, committed by settlers, is perpetuated to this day. It is found in its absence: absence from school curricula, absence from tourist leaflets, absence from thought. However, within my experiences as an educator within the university structure, students are hungry for this information. Even students that are not enrolled in my courses seek me out to obtain historically accurate information about the history of California. While drafting this article at a cafe, a student approached me to share that one of her professors also denied that a genocide took place in California and, much like Maury Wiseman, claimed that we had merely died of disease. California Indians are screaming out the truth, but "the collective silence on this genocide is so loud" (Risling Baldy 2015).

My task at hand is not to prove that a genocide occurred in California as it has been rigorously documented by many. Two recent published texts include Brendan Lindsay's (2012) *Murder State: California's Native American Genocide, 1846-1873* and Benjamin Madley's (2016) *An American Genocide: The United States and the California Indian Catastrophe*. Each text provides detailed historical accounts of genocide and explicitly analyzes them within the context of the UN Genocide Convention definition. While these lauded texts are rife with historical evidence, California Indian scholars are challenging historical representations of genocide in California. Hupa scholar Stephanie Lumsden, for example, makes a very important methodological critique of Madley's *An American Genocide*. Lumsden argues that "Madley is methodologically upholding a settler narrative of disavowal that locates genocide exclusively in the past" (Lumsden 2018:3). The Freudian concept of disavowal is characterized by "simultaneous acknowledgement and denial" that "allows [for] the rejection of some perception of reality because, if accepted as real, that perception would threaten the integrity of an existing worldview"

(Madsen 2012:xi). The slavery and genocide of California Indians challenges ideologies of terra nullius and manifest destiny and, indeed, the very legitimacy of the liberal democratic settler state. While scholars are now beginning to address the historical evidence of the California Indian genocide, within their scholarship it remains a purely historical phenomenon. Similar to how settler colonialism is often perceived as an event that is over now, genocide is temporally bounded by historians. Lumsden, however, stresses that:

> What must be remembered then, is that the genocide enacted by the settler state against California Indian peoples continues to frame the material conditions of our lives and that the disavowal of that relationship is necessarily incomplete… By locating California Indian genocide in a fixed moment in time Madley, intentionally or not, limits how we might understand the logics of elimination as they are deployed by the state in the contemporary moment. (Lumsden 2018:11-12)

Native peoples in California continue to live with the impacts of genocide. Lumsden's (2016) scholarship demonstrates the ways in which the incarceration of Native peoples continues the work of settler colonialism by displacing Indigenous jurisprudences, physically removing Native peoples from their land, and "much like the early practices of genocide in California, it keeps Native people from reproducing Indian identity, culture, land, and children" (p. 33). I argue throughout this essay that this is also done through the continued dispossession and contamination of Indigenous lands.

Works such as Hupa/Cherokee scholar Jack Norton's (1979) text *When Our Worlds Cried: Genocide in Northwestern California*, in contrast to works such as Madley's, center Indigenous experience and conceptualize genocide as a pattern of violence -- rather than a phenomenon temporally bound in the past. Moreover, Norton has been writing about genocide in California well before it became trendy and thus his text significantly predates contemporary historical scholarship on the California Indian genocide. Norton is the first scholar to use the UN Genocide Convention definition to frame his evidence of the California Indian genocide. California Indian scholars are still relying on this text. In a Spring 2017 issue of News from Native California, Hupa scholar Brittani Orona reviewed the book. She reflects on the importance of finding this text as a young historian and how it helped guide her through college and eventually her doctoral work in Native American Studies. Orona (2017) writes:

> The impact of Jack Norton's work, however, has stayed with me well into my academic career. I continually reach for the book to better understand how we survived the unspeakable violence that nearly destroyed our worlds. I marvel at what my ancestors survived under such intense hatred and evil… We survived and we must, as Norton asserts, continue to carefully discern every act of violence and to bear witness to the truth of that violence (p. 33-34).

Like Orona, I also found power and motivation within this text. Additionally,

Norton helped shape my scholarship during my formative years of graduate school and encouraged me to make ideological connections between settler violence against Indigenous bodies and settler violence against Indigenous lands, and recognize the ways in which this violence is continually reproduced today.

The California Indian Genocide: Brief Historical Narrative

California Indians experienced three distinct waves of genocide. Spanish missionization, the first wave of California genocide, lasted from 1769-1820. The second wave ranged from 1821 to 1845, between the end of the missionization period and the Mexican-American War. The third and final wave of California genocide coincided with the Gold Rush; this genocide lasted from 1846-1873 (Tolley 2006). It is estimated that the death toll of California Indians between 1770 and 1900 was over 90% of the population – decreasing from 310,000 to less than 20,000 (Cook 1978). Some California Indian scholars suggest this figure was significantly higher than 310,000 and may have been closer to one million.

The Spanish Catholic missionization of California lasted from 1769 to 1820. Spanish priests summoned soldiers to round up California natives to construct adobe brick missions under slave-like conditions; many were forced to reside within mission walls and practice Spanish Catholicism. Deborah Miranda (2013), in her tribal memoir *Bad Indians*, defines Missions: "Massive Conversion Factory centered around a furnace constructed of flesh, bones, blood, grief, and pristine land and watersheds, and dependent on a continuing fresh supply of human beings, specifically Indian, which were in increasingly short supply" (p. 16). Resistance, however, loomed large. California Indians continued to practice their ceremonies under the guise of Christianity and some Tribes, such as the Kumeyaay, destroyed the mission altogether. During the second wave, from the end of missionization to the start of the Mexican-American War, trading and ranching increased throughout the region; as a result, many California Indians were sold into slavery to be exploited for their labor and diseases began to ravage Native communities (Reséndez 2016; Tolley 2006). While slavery and disease certainly had negative impacts for Indigenous California, Forbes argues that "generally speaking, the Spanish and Mexican period had very little overall cultural impact upon Indian people aside from the great population reduction" (Forbes 1971:239). This speaks to both the resiliency of California Indians, but also the extreme measures taken by the United States Federal Government and the State of California to eradicate California Indians and solve the Indian Problem.

The infamous California Gold Rush – celebrated as a feat of American ingenuity and perseverance – resulted in the destruction of Native California communities and environments. "The Gold Rush was an instrumental event in the economic history of California, setting the tone, mind-set, fervor, and conditions for the exploitation of other resources and the mistreatment of minorities" (Anderson 2005:91). The Gold Rush marks a legacy of American colonialism that relegates Indigenous lands and bodies as wastelands

while simultaneously glorifying a constructed 'California Story' – a narrative of nineteenth century California history as a heroic tale of how the West was won.

> Violence against peaceable Indians was to be deplored – so went the emerging California Story – but as an inferior civilization stuck in the past they were destined to extinction anyway… This revisionist view of the past quickly became incorporated into the teaching of history in schools and museums, the commemoration of significant events and people, and the development of the state's cultural identity in magazines, travelogues, adventure stories, and public gatherings. (Platt 2011:57)

This story rationalized "Settler colonialism, exculpated white Americans for nineteenth- and twentieth-century violence, and erased Indigenous People from the historical and contemporary scene" (Bauer Jr. 2016:5). From classrooms to State Senate meetings, the California Story continues to endure.

In response to such widespread historical amnesia, California Indians continue to tell their stories and produce educational materials that counteract public curricula predicated on lies. In reality, the Gold Rush resulted in "massacres, slavery, and the environmental raping of the land" (Lowry et al., 1999:1). And, of course, Jack Norton's work continues to be a foundational text on the California Indian genocide. He argues that Northwestern California represents

> … relatively small geographical area is a microcosm of the brutal savagery of the white anglo-saxon transient, who came to rape a land and a people. Those shibboleths of *inevitable conflict*, the *greatest good for the greatest number*, and *the destiny of the white man*, are the ramblings of a violent national attitude that brought death, destruction and dishonor upon the western hemisphere. (Norton 1979:xi)

Norton recounts numerous massacres replete with gruesome detail. He argues that gold and greed is what "ignited the brutality, savagery, and filthiness of those early white men" (Norton 1979:38). Contemporary scholars, such as Benjamin Madley and Brendan Lindsay, have built upon the work of Norton and others (Heizer 1974; Norton 1979; Trafzer and Hyer 1999). Lindsay focuses on the ways in which the California Indian genocide was fueled by preexisting racism, facilitated through democratic procedure, and advertised through media (Lindsay 2012). Madley's work constitutes year-by-year recounting of the California Indian genocide; he analyzes the state and federal decision-makers, the organization and funding of the genocide campaign, and the roles of vigilantes, volunteer state militiamen, and US soldiers (Madley 2016).

The formation of the State of California was predicated on violence and founded through genocide. One of the very first laws passed by the nascent legislature was the 1850 Act for the Governance and Protection of the Indians. Unfortunately, this law did neither. First and foremost, this act stripped California Indians of legal rights, including the ability to testify against a white person in court ("An Act for the Government

and Protection of Indians," 1850). Furthermore, this act "facilitated removing California Indians from their traditional lands, separating at least a generation of children and adults from their families, languages, and cultures (1850-1865), and indenturing Indian children and adults to Whites" (Johnston-Dodds 2002:5). Norton argues that this law amounted to slavery (Norton 1979:44). Included in Norton's book is an excerpt from a letter written by G.M. Hanson in 1861; in the letter a man testifies to Hanson regarding the kidnapping of two Indian children.

> [The man] who testified [said] that "it was an act of charity on the part of the two to hunt up the children and then provide homes for them, because their parents had been killed, and the children would have perished with hunger." My counsel inquired how he knew their parents had been killed? "Because," he said, "I killed some of them myself." (Norton 1979:49)

While this law certainly constituted slavery, it also paved the way to state-sponsored genocide. "California's systems of Indian servitude – directly linked to murderous kidnapping raids and massacres, the forcible removal of children from their tribes, and frequently lethal working conditions – would become a major component of California genocide" (Madley 2016:161). Following the passage of the 1850 Act, California Congress passed legislation creating two militias – one voluntary and one compulsory – to exterminate California Indians; these genocidal campaigns were funded by both the State of California and the USFG (Madley 2016:174-175). The death toll of California Indians from American colonization was the most extreme; between 1846 and 1870 the California Indian population plunged from 150,000 to less than 30,000 (Cook 1978; Madley 2016; Tolley 2006).

In the following two years, 1851 and 1852, U.S. Indian Commissioners negotiated 18 treaties with California Indian tribes, reserving 11,700 square miles (7.5 million acres) of land – roughly 7.5% of the State of California (Johnston-Dodds 2002). The President submitted the treaties to the U.S. Senate on June 1, 1852, but the legislature was determined that the golden paradise of California not be left to Indian hands. The treaties were rejected by the U.S. Senate during a secret session and the documents were placed under an injunction of secrecy. The 18 treaties were not revealed to the public – or even the respective tribal nations – until January 18, 1905, after the injunction of secrecy was removed (Johnston-Dodds 2002). Many California Indian tribes were never informed that the treaties had not been ratified and were forced to renegotiate treaties, leaving them with much smaller land bases (Secrest 2003). And many tribes never received land bases or federal recognition (Tolley 2006). This is the process through which Indigenous peoples were dispossessed from their ancestral territories. This era of California Indian history is characterized by the systematic eradication of Indian rights to lands and waters.

The genocide of California Indians and the appropriation of lands (via unratified treaties and outright theft) are linked in intent and harm. As a project, settler colonialism must simultaneously rid the land of the Indigenous

population to acquire new lands. The large-scale eradication of Native peoples -- while simultaneously refusing to ratify treaty negotiations -- both meet the goals of settler colonialism. Moreover, for those who managed to survive the historical era of direct mass killing continued to struggle to survive because of a lack of a land base. And in addition to land theft, many lands throughout California have been targeted for natural resource extraction, development, or have experienced environmental destruction in one capacity or another. Therefore, we must understand both mass killing and land theft as central to the genocide of California Indians and the ongoing project of settler colonialism. This essay now turns to a theoretical discussion of the relationships between settler colonialism and genocide, with an explicit focus on land.

It All Comes Back to Land: Relationships Between Settler Colonialism and Genocide

Yurok elders say that as long as the River is sick, Yurok people will never be healthy. All that sustains us comes from, or depends upon, the River. We exist in a reciprocal relationship with the River and the health of Yurok people is fundamentally tied to the vitality of salmon and the Klamath River. But, over a century of neglectful and abusive behaviors that has disregarded the River's wellbeing has led to contamination and injury. From deadly dams to clear cutting forest to massive agricultural diversions, drastic declines in water quantity/quality have reduced salmon runs on the Klamath River by as much as 95% (May et al. 2014). And, in 2002, tragedy struck when Yurok people witnessed the largest fish kill in American history. In 2002, over 70,000 salmon died along the lower Klamath River. This was genocide. We often only use the word genocide for people, but within Yurok epistemology salmon are also people, understood as relatives or ancestors. To us, the fish kill was genocide. Nor is this an isolated event. Tasha Hubbard (2014) argues the strategic and systematic slaughter of buffalo constitutes an act of genocide; "in other words, destroy the buffalo, and one destroys the foundation of Plains Indigenous collectivity and their very lives" (p. 294). Nick Estes (2019) argues that it took settlers nearly a century to exterminate the estimated 25 to 30 million buffalo, "forcing the survivors of the holocaust, much like their human kin, west of the Mississippi River" (p. 78). Violence against Indigenous bodies has been paralleled as violence against the natural world and non-human kin. And thus, attempts to destroy buffalo are attempts to destroy buffalo people; and attempts to destroy salmon are an attempt to destroy salmon people. Given the reciprocal and familial relationships that Native peoples have formed with their places and non-human kin, the severing of these relationships represents profound cosmological and epistemic violence (Tuck & Yang 2012). To heal from settler colonial and genocidal violence in California, therefore, it is crucial to center and prioritize land return (decolonization) and ecological restoration. Violence against the land is violence against Indigenous peoples – because we are the land, and the land is us. By healing the land, we heal ourselves.

All Indigenous political struggles always come back to the issue of land.

And, by land, I am not referring to the settler compartmentalization of land as composed of top soil, subsoil and bedrock; rather, land throughout this essay refers to the entire biosphere that Native peoples maintain relationships with, including land, air, water, etc. Contemporary problems that Native American communities face, such as higher rates of disease, poverty, violence, suicide, drug abuse, and language loss among others, "are all political problems when viewed within the context of settler colonialism… The root causes of these problems are all found in the political economy of settler colonialism, which is inextricably linked to the exploitation of indigenous lands" (Carroll 2015:12). Meaning, the various social, political, economic, and environmental threats facing Indian County are not the problem, but merely symptoms of a structure of oppression designed to eliminate Native people. This structure is called settler colonialism.

Settler colonialism is a form of colonialism wherein settlers create a new home for themselves on land apart from their homeland. This form of colonialism differs from traditional extractive forms of colonialism wherein the colonial power seeks to extract natural resources and human bodies for wealth accumulation and labor (e.g. Berlin Conference); within settler colonialism, the imposing settler state insists upon "settler sovereignty over all things in their new domain" thereby legalizing settler colonial institutions while simultaneously criminalizing Indigenous ecological practices and relations to land (Tuck and Yang 2012:5). The primary goal, then, is to expropriate Indigenous territories and replace Indigenous peoples with settlers. To do so, settlers are "discursively constituted as superior and thus more deserving over these contested lands and resources" through ideological justifications and legal fictions such as terra nullius, manifest destiny, and the Doctrine of Discovery (Saranillio 2015:284). But this process is never fully complete. Anthropologist Patrick Wolfe (2006) argues settler colonialism is not an event that occurred in the past and is over now; rather, settler colonialism is a structure that must be continually perpetuated and reproduced.[2] And thus, settler colonialism is fundamentally about the elimination Indigenous populations to replace them (Wolfe 2006) – to then reproduce settler colonial structures and populations (Arvin 2013).

Numerous scholars have written about the inherently violent nature of settler colonialism. Yet, despite its emphasis on elimination, Wolfe argues that settler colonialism is "inherently eliminatory but not invariably genocidal" (2006:387). Published in the *Journal of Genocide Research*, Wolfe's often-cited essay explores the relationship between genocide and the settler colonial tendency he names the logic of extermination. The logic of extermination refers to the "summary liquidation of Indigenous peoples" and the "dissolution of native societies" (p. 388). This is accomplished

2. The example I give to my students is that every morning that I wake up and the deed to Yurok ancestral territory belongs to Green Diamond Timber Company or the Redwood National Park, settler colonial land dispossession is reproduced.

through myriad strategies including land dispossession, miscegenation, child abduction, religious conversion, and of course, mass killing. While Wolfe concedes there are commonalities between settler colonialism and genocide, namely the "organizing grammar of race" (p. 387), he argues that they must not be conflated. His rationale is that, first, the elimination of Native peoples can occur without genocide and, second, genocides have occurred in the absence of settler colonialism.

The relationship between settler colonialism and genocide is contentious within Indigenous and genocide studies discourse. While relying on Wolfe's articulation of settler colonialism as a structure, many Native scholars have differed with Wolfe, specifically regarding the relationship between settler colonialism and genocide. For example, historian Roxanne Dunbar-Ortiz (2014), argues that, from its beginnings [Euro-American settler colonialism has had] genocidal tendency[ies]" and as a structure, settler colonialism is "inherently genocidal in terms of the genocide convention" (p. 8-9). Gilio-Whitaker and Robles (2019) argue that the settler colonial logic of elimination is "fundamentally genocidal because it seeks to wipe away every trace of the original inhabitants and replace them with invading populations". But for Wolfe, the process of elimination can occur without constituting genocide.

How to draw the boundaries of what and what does not constitute genocide has been a critical point of contention within genocide studies discourse. Coined by a prosecutor for the Polish Republic named Raphaël Lemkin in the mid-twentieth century, the term *genocide*, combines *genos*, the Greek word for tribe or race, and *cide*, Latin for killing (Short 2016). Lemkin is credited for the impetus of the United Nations' 1948 Convention on the Prevention and Punishment of the Crime of Genocide, also referred to as the Genocide Convention. However, in his book *Redefining Genocide: Settler Colonialism, Social Death, and Ecocide*, sociologist Damien Short argues that legal definitions of genocide – and genocide studies scholars --conveniently ignore Lemkin's links between genocide and colonization and his articulations of "genocide's inherently colonial character" (Short 2016:3). Of course, this should not be surprising as it is nation-states themselves responsible for crafting, and subsequently approving the Genocide Convention. Nation-states that acquired their wealth through colonization are unlikely to articulate colonization, and specifically settler colonialism, as a mode of genocide.[3] However, what is key to point out is that even the very initial theorizing of the concept of genocide has always articulated intrinsic relationships between it and colonization. I suggest that this is uniquely magnified in the context of settler colonialism namely because of the necessity for settler land acquisition and the elimination of Native populations. This is especially true in California as previous westward removal policies employed by the federal government became futile when they reached the coast. Therefore,

3. Four major settler states -- including the United States, Canada, Australia, and New Zealand -- did not initially sign the UN Declaration of the Rights of Indigenous People in 2007.

it is critical that historical processes of colonization and contemporary modes of settler colonial reproduction figure into our analysis and understanding of what constitutes genocide, and even more importantly, how to heal from it.

There must be a new conception of genocide. Writing about the experiences of Indigenous Australians, Genocide Studies scholar Tony Barta (2000) argues this new conception must embrace what he refers to as "relations of genocide." He uses this concept to describe a society whose very existence and perpetuation necessarily results in "remorseless pressures of destruction [on a whole race, that is] inherent in the very nature of the society" (p. 240). Because the United States required stolen land merely to exist, genocidal relationships with Indigenous people is an inherent characteristic of the settler state. Moreover, Barta's conception of genocidal relations "removes from the word the emphasis on policy and intention which brought it into being" (p. 238). Many genocide studies scholars conflate intent with motive and thus "require that groups be intentionally targeted *because of who they are* and not for any other reason such as economic gain" (Short 2016:16). Within the context of settler colonialism, the logic of extermination is merely driven by desire for land acquisition and thus, in this line of argumentation, settler colonialism is not inherently genocidal – as it lacks the clear intent to eliminate a group of people. And this is where the disconnection between genocide and settler colonialism occurs, for Patrick Wolfe at least. However, this is problematic because, as Short points out, "the primary driver of colonial genocide is an expansionist economic system, which rationally requires more and more territory to control and exploit" (Short 2016:24-25). The result of which has been direct physical killing of California Indians, but also land appropriation and the removal of California Indians from their traditional homelands and thereby separating them from their non-human relations, sacred sites, and cultural practices. Rather than spend intellectual energy to disprove the reality of the California Indian genocide on a definitional technicality -- which is arguably not a worthwhile academic endeavor nor does it contribute to the larger project of healing from the settler colonial violence that took place here -- Barta suggests we seek to understand the ways in which genocidal violence, or the repercussions thereof, continue to play out in our society. Barta's recognition of the ways in which genocide continues to shape the present is responsive to Lumsden's critique of methodologically relegating genocide in the past. By interrogating the produced relations of genocide, we can recognize the ways in which logics of extermination are perpetuated and reproduced.

Settler colonial land dispossession and settler colonial relationships to land facilitate what Barta refers to as "relations of genocide." Settler society is constructed on top of Indigenous societies; or, as Potawatomi scholar Kyle Powys Whyte (2016) puts it: "settler ecologies have to be inscribed into indigenous ecologies" (p. 171). Therefore, we must understand the continued separation of Indigenous peoples from their ancestral homelands and environmental destruction as a perpetuation of profound violence. In light of Barta's critique of intentionality as a critical component of what constitutes genocide, Short (2016) suggests that

"if we take the *genos* in genocide to be a social figuration which forms a comprehensive culture… then *genocide is the forcible breaking down of such relationships* – the destruction of the social figuration" (p. 36). While numerous scholars have examined the ways in which settler colonial dispossession works to break down relationships between Indigenous peoples and in that way constitutes genocide, these lines of analysis operate within a Western worldview that ideologically separates human beings from nature in the construction of social relationships. This human-centric epistemology does not consider other species, or relations, nor the agency of the natural world. How is our notion of genocide -- or the forcible breaking down of relationships -- altered when our position of analysis considers a kinship-oriented relationship to and with land?

Within Indigenous worldviews, Earth is universally understood as a living entity and all creation is related. As many Indigenous communities and Native American Studies scholars have argued, Native communities maintain complex and dynamic relationships to their land bases. Our creation stories tie us to the places we originated. Our languages emerged from our homelands. Our lands and waters provide our material and spiritual needs, but are fully integrated members of our communities, serving critical roles such as grocer, educator, pharmacist, counselor, and friend. And perhaps most importantly, within Indigenous epistemologies, land possesses agency. It is not a commodity that can be bought, sold, or owned by human beings.[4] Indeed, land holds both metaphorical and material power for Native peoples because it provides the basis for physical existence, but also identity and spirituality; thus, "the importance of land stretches far beyond its role as the space on which human activity takes place; for Natives it is a significant source of literal and figurative power…Within Native studies, land has been theorized as the living entity that enables indigenous life" (Nohelani et. al 2015:59). And if land enables Indigenous life, the dispossession or contamination of those lands threatens Indigenous life.

For Indigenous peoples, environmental injustice began with the invasion and colonization of our lands. Not only must Indigenous environmental justice struggles be analytically framed by colonization, settler colonialism *itself*, as a structure, constitutes an environmental injustice (Whyte 2016). Contrary to Indigenous relationships to land ensconced in relationship and reciprocity, settler colonial ecology compartmentalizes and controls land through the construction of property. Land, then, is transformed into a non-living object to be utilized for human consumptive purposes and wealth accumulation. Humans, within this socioecological context, are devoid of familial relationships with land or non-human kin. Moreover, familial relationships to land built on rec-

4. For example, in Kanaka Maoli (Native Hawaiian) language, the word for land, *ko'u 'āina*, the "o" is a possessive that indicates inherent status and it is also found in the word for my body (*ko'u kino*) and my parents (*ko'u mākua*); thus, within Kanaka Maoli epistemology one cannot own land, like one cannot own their parents or body parts – it is an inherent part of one's existence (Trask 1993).

iprocity and mutual respect are marked as "pre-modern and backward. Made savage" (Tuck and Yang 2012:5). Native relationships to land are demarcated as uncivilized/pagan, as well as wasteful because they were not fueled by profit. Settler depictions of Native relationships to land are then employed by settlers to justify the dispossession and appropriation of those same lands. Unsurprisingly, then, Native lands are also targeted for environmental destruction necessary to maintain settler lifestyles, serving as what Voyles (2015) terms sacrifice zones, "or landscapes of extraction [that] allow industrial modernity to continue to grow and make profits" (p. 10). Uranium mining, nuclear testing, and toxic waste storage are all disproportionately sited on Native lands, to name but a few (LaDuke 1999). Dina Gilio-Whitaker (Colville Confederated Tribes), argues that "the origin of environmental injustice for Indigenous peoples is dispossession of land in all its forms" and thus settler colonialism must be understood as a "genocidal structure that systematically erases Indigenous peoples' relationships and responsibilities to their ancestral places" (Gilio-Whitaker 2019:36). In addition to settler colonial land dispossession, we must also understand the institutionalization of colonial relationships to land via a private property regime *and* the ongoing environmental injustices experienced by Native peoples as relations of genocide.

Such injustices include the contamination of our ecosystems. Tlingit scholar Anne Spice (2018) argues "colonization is the foundation of environmental decline." Specifically, Spice uses the example of environmental toxins found in our lands, waters, and bodies to illustrate her connection between environmental spoliation and settler colonialism. Firstly, Spice points out that often the discourse around 'toxics' -- stemming from the Greek word for bow and arrow -- in the environment lacks intentionality or agency. They just happen to be there. How convenient, given the given the emphasis on intent in the definition of genocide. Instead, Spice encourages us to rethink this passive understanding of toxics.

> Toxicity is violence. More specifically, it is settler colonial violence. Toxicity and the invasive infrastructures it spills from separates us from the land by damaging our relations to it. If our lands are toxic, the more we engage in our cultural practices, the more we risk harming our bodies. Toxicity turns our relations against us. It kills us through connection. It eliminates us as Indigenous peoples by making Indigenous practices dangerous. Don't eat the fish, don't drink the water, don't gather the berries. It does the work of settler colonialism by destroying to replace. Our ways of sustaining ourselves, our local economies, our food provision, our medicine, are cleared for the expansion of an economy based primarily on oil and gas. Here, the pipeline spills and toxic emissions, while perhaps "accidents," are not without direction or intent. Trace the poison arrow back through its flight path, to the archer. Who is holding the bow? (Spice 2018).

And who is left with arrow wounds? Gone are the days of child abduction and violent boarding school educations, but deterrents from practicing our cultures

remain. Basket weavers risk the ingestion of poisons as they run strands of grasses through their mouths. As we gather materials in our forests, we must wonder when the last time the United States Forest Service sprayed atrazine from above. We watch the algae swell -- fed by myriad pesticides and herbicides -- and choke once clear rivers.

And yet, there seems to be a reluctance to use the term genocide to describe the type of ecological and cosmological violence Indigenous peoples experience in the present. As Short (2016) argues in his book, when indigenous people "invoke the term genocide to describe their present-day experiences it is often derided. And yet… [their] use of the concept is often more accurate and precise than that espoused by many scholars" (p. 6). Ecological violence lacks the intent so crucial to substantiating a claim of genocide. Brook (1998) argues "[environmental] genocide is not (usually) the result of a systematic plan with malicious intent to exterminate Native Americans, it is the consequence of activities that are often carried out on and near the reservations with reckless disregard for the lives of Native Americans" (p. 105-106). However, I urge us to entertain Spice's criticism of the lack of agency and intentionality associated with environmental destruction and ask who is holding the bow. Who benefits from environmental spoliation and who suffers the consequences? By differentiating environmental violence as non-genocidal, we limit our ability to understand the ways in which relations of genocide continue into the present.

Some scholars maintain this differentiation by describing the ecological violence experienced by Indigenous peoples as ecocide, rather than genocide. The distinction between genocide and ecocide stems from a worldview that ideologically separates human beings from nature, failing to recognize the interconnection and interdependency between people and ecosystems. In reality, we are a part of the land and the land is us. Moreover, the concept of ecocide is rife with historical baggage and limitations that, in my view, prevent it from fully articulating present-day Indigenous experiences. Coined by Professor Arthur W. Galston in 1970 to condemn the environmental destruction of Operation Ranch Hand during the Vietnam War, ecocide was originally intended to describe wartime situations wherein the environment was specifically targeted as victim. Use of the term has broadened since entering popular lexicon, and is now used to describe a large variety of environmental problems, including critiques of settler colonial land dispossession and destruction of Indigenous cultures. But, unlike genocide, ecocide is not recognized as an international crime and, therefore, creating a distinction between genocide and ecocide is of little use to Indigenous peoples. Moreover, such a distinction is nonsensical for Indigenous peoples because environmental destruction directly translates to our own destruction. It is "*genocide through geocide*, that is, a killing of the people through a killing of the Earth" (Brook 1998:111). For California Indians, the destruction of our non-human relatives or our ancestral territories constitutes genocide. Both concepts of genocide and ecocide stem from a settler colonial worldview that ideologically separates humans from nature. While understanding the vary-

ing methods or modes of genocide are significant in explaining our experiences to settler populations and sympathetic academics, when everything is taken into consideration the primary task at hand remains healing from what occurred here.

Both people and the land must heal from genocide. The land -- and trees, and rivers, and rocks -- were witness to the genocide that occurred here. The land experienced great violence during the California genocide. The environmental destruction endured during the Gold Rush in California has left long lasting impacts that continue to impact Native peoples today. To begin healing from the genocide that tried to destroy our lands and our peoples, we must engage in community environmental restoration. This is not to devalue other critical methods of healing -- such as language revitalization, cultural restoration, and mental health treatments to address what Anishinaabe scholar Lawrence Gross (2003) refers to the "post-apocalypse stress syndrome" (p. 128). Rather, I suggest that by engaging with community-centered environmental restoration projects, we can restore relationships with each other and with our environments. If we understand genocide as the forcible breaking down of relationships, healing from genocide necessitates the rebuilding and strengthening of relationships Indigenous peoples have had with the natural world since the beginning of time. For example, Fox et. al (2017) demonstrate how river restoration "has the potential to not only restore ecosystem processes and services, but to repair and transform human relationships with rivers" (p. 521). Again, I am reminded that if our river is sick, our people will never be healthy. The process of working together to rectify historical wrongs can have transformative powers.

However, often when we discuss how we will heal from the California Indian genocide, the onus is often placed on Native peoples -- as if we are the only people that must heal from the genocide that took place here. Madley (2016) argues that "the question of genocide in California under US rule also poses explosive political, economic, educational, and psychological questions for all US citizens. Acknowledgement and reparations are central issues" (p. 9). While the wellbeing of Native communities must be prioritized, to be sure, it is important to point out that, much like the descendants of genocide survivors, the beneficiaries of that genocide, and specifically descendants of the perpetrators, also hold historical traumas that they must work through, process, and heal from. Unfortunately, there remains pervasive denial of the California Indian genocide and many historians are unable to come to terms with this reality. And while I agree with Madley that the California Indian genocide poses critical questions for all citizens, acknowledgement of what occurred does not aid in the healing process -- as settlers continue to benefit from the California Indian genocide. The acknowledgement of genocide is akin to the now in-vogue land acknowledgements offered by universities and other institutions. A land acknowledgement is a political statement that encourages non-Native people to recognize that they are on Indigenous lands, often said before events or gatherings. Anishinaabe scholar Hayden King, who wrote the land acknowledgement at Ryerson University,

says he now regrets writing it because it "effectively excuses [non-Natives] and offers them an alibi for doing the hard work of learning about their neighbors and learning about the treaties of the territory and learning about those nations that should have jurisdiction" (CBC Radio 2019). Often land acknowledgements problematically thank the original stewards, despite not having permission, and use past tense verbs to describe Native people's relationship to that place, despite it being ongoing. Much like Hupa scholar Stephanie Lumsden's critique of California Governor Newsom's acknowledgement of the California Indian genocide, if it doesn't compel one to do anything about it -- like return *stolen* land -- it doesn't do anything for Native people.

On June 18, 2019 – the day he formally apologized to Native Americans on behalf of the State of California – Governor Gavin Newsom issued Executive Order N-15-19 which, in addition to documenting his formal apology, requires the Governor's Tribal Advisor to establish a "Truth and Healing Council." To be composed of California tribal representatives and/or delegates, the purpose of the Council is "to provide Native Americans a platform to clarify the historical record and work collaboratively with the state to begin the healing process" (State of California 2020). While I remain hopeful that this Council will serve useful to tribal communities in some capacity, my frustration with the settler state persists. The genocide against California Indians is not "Native history" – it is California's history. The State already has access to these historical records because the State compiled them in 2002 (Johnston-Dodds). Moreover, California Indians have been clarifying the historical record for a very long time. Jack Norton's seminal text *When Our World Cried: Genocide in Northwestern California* was published over forty years ago. Even white historians have put our truth in books and used the violence perpetuated against California Indians to sell more copies and secure tenure for themselves. The truth is widely available – but what is the State of California going to do with our truth?

I implore the Truth and Healing Council to advocate for land return and ecological restoration. The dispossession and destruction of our lands was central to the California Indian genocide; therefore, the return and restoration must play a central role in healing from that same genocide. Powerful examples of healing are occurring with California[5] through-

5. In a report compiled by Dr. Cutcha Risling Baldy and Carrie Tully (2019) to advocate that Humboldt State University return the Jacoby Creek Forest to the Wiyot Tribe, they outline numerous examples of land repatriations in California, including: the Tásmam Koyom (or Humbug Valley, CA) to the Maidu Summit, Blue Creek (in Klamath, CA) to the Yurok Tribe, Sogorea Te' Land Trust (in Oakland, CA) to the Ohlone Tribe, Kuuchamaa Mountain and Ah-Ha Kwe-Ah-Mac' village (in Tecate, CA) to the Kumeyaay-Diegueño Land Conservancy, and Old Woman Mountains (in San Bernardino) to the Twenty-Nine Palms Band of Mission Indians.

out Indian Country.[6] The return of stolen land is possible. Healing is possible.

> Returning stolen land to Indigenous peoples is a growing movement with not only international and national examples, but a very important and groundbreaking local example in the recent return of 200 acres of Tuluwat Island (sometimes referred to as "Indian Island") to the Wiyot Tribe in October 2019. The movements for decolonization in education, research and policy must necessarily include the return of land to Indigenous peoples. (Risling Baldy and Tully 2019:7)

On October 21, 2019 the City of Eureka returned Tuluwat Island -- a site of both world renewal and genocidal violence -- to the Wiyot Tribe in northwestern California. This is "the first time in the history of our nation that a local municipality has voluntarily given back Native land absent an accompanying sale, lawsuit, or court order" (Greenson 2019). A ceremony was held to celebrate the return. Tribal leaders and city officials called for "more collaboration, more community-building, more healing, and more returning land" (Risling Baldy and Tully 2019:12). Let this beautiful example give us momentum and propel us into a decolonized future.

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6. Across the nation, more land is being returned across the nation -- by universities, missions, governments, non-profits, and even individuals (Risling Baldy & Tully 2019). Two notable entities include Brown University and the Jesuit St. Francis Mission. The State of Oregon passed the Western Oregon Tribal Fairness Act in 2018 to return 17,000 acres to the Cow Creek Band of Umpqua Indians and 15,000 acres to the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. And, despite a financial loss by the transaction, a plumber in Colorado named Rich Synder, returned his land to the Ute Tribe because it was right.

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HJSR

Continued Disembodiment: NAGPRA, CAL NAGPRA, and Recognition

Brittani Orona and Vanessa Esquivido

Abstract

Tribes in California have a long and complicated history fighting for the repatriation of their ancestors and cultural items from institutions, more specifically universities and Anthropology departments. With the passing of the Native American Graves Protection and Repatriation Act (NAGPRA) (1990), Cal NAGPRA (2001), and the United Nation Declaration of Rights for Indigenous Peoples (UNDRIP) (2007), many Tribes continue to ask the question, why are basic human rights not afforded to them? These policies, created out of Indigenous human rights initiatives, are a façade that hinders full repatriation efforts. The university is an appendage of the settler state and reproduces epistemological violence by continuing to mark California Indians as white possessions (Morton-Robinson 2015). Tribes continue to advocate for their ancestors' return home from these universities, repositories, museums, despite the inadequacies of repatriation laws. Repatriation laws, while sometimes useful in returning Native ancestors to back tribes, are limited in scope and fail to satisfy basic human rights for Indigenous people.

Introduction

The legacy of archaeology, anthropology, and repatriation loom large within the California landscape. After all, UC Berkeley is where Alfred Kroeber, the famed and acclaimed anthropologist of settler-colonial California began his Anthropology program in earnest with the assistance of Phoebe Hearst, benefactor of UC Berkeley and under the mentorship of Franz Boas, "the Father of American Anthropology." There is much debate within anthropological and California Indian circles about Ishi, the Yahi man who Kroeber is most closely associated with, and the ethics about his treatment both in life and after death. It is difficult to ever fully know what Ishi felt about these interactions and without him here or any true record of his feelings, it is unethical to suppose his attitudes of his new surroundings. At a time when World's Fair Exhibitions captured national and international imagination, Ishi was struggling to survive after the destruction of his people, the Yahi along with other Native American people and their assimilation to the white man's wilderness.

Ishi's story has been told and retold many times. Ishi was the "last of his people" after a massacre of his tribe by white settlers and the death of his family while hiding near Deer Creek, in what is now known as the Ishi Wilderness in Lassen Na-

tional Forest. He, out of desperation, traveled to Oroville, CA, and after was claimed by Alfred Kroeber to study and exploit for professional gain. During this time white onlookers held competing views of Native Americans, before and after Ishi traveled to Oroville. There remained the genocidal attitudes of Indian hunters as well as the anxieties of white onlookers who were horrified that Indian death, as embodied by Ishi's struggle, destroyed their romanticized view of Native Americans fading into the sunset. This horror in "polite society" did not translate to the ethical treatment of Ishi's remains after his death nor ethical treatment in life. Ishi spent his remaining years as a living museum exhibit at a UC Berkeley building in San Francisco under the eye of Alfred Kroeber and his anthropological team.

One of the most famous cases of repatriation is that of Ishi's brain. It is well known to California Indian people working in NAGPRA/repatriation spaces and it is an example of the continuation of violence toward California Indian people after our deaths. After Ishi's death in Berkeley, those who cared for Ishi in his later life and, knowing the custom of the Yahi to keep the body intact after death, sent his brain to the Smithsonian Institution in 1917. This act defied all proper mortuary customs for the Yahi. The brain was lost by the Smithsonian until it was found in 1999 after Art Angle (Konkow Maidu) as well as representatives from Pit River and Redding Rancheria, launched a search for his remains. Ultimately, his brain was returned to the Redding Rancheria and Pit River tribes who were determined by the Smithsonian Institution as being Ishi's most likely descendants–this repatriation included both federally and non-federally recognized tribes in collaboration with each other. The tribes jointly reburied Ishi in a place where he could no longer be disturbed; far from the shelves of the Smithsonian Institution or any other research repository (Curtius 1999). He was allowed to finally rest. The same cannot be said for many ancestors who remain in research centers, universities, and museums.

William Bauer, Jr. (Round Valley Indian Tribes), details the role that Kroeber's benevolent violence and research have wrought to California Indian people to the present (2014). Kroeber's relationship with Ishi was not physically violent but it was also not benign. Kroeber's anthropological research depicted California Indians as primitive, echoing the racialist ideas of the nineteenth century. Kroeber created essentialist categories about California Indian identity that denied Ishi and other Native people's modernity (Bauer 2014). This legacy has continued into the narratives of California Indian people today. In many spaces, even those well-intentioned spaces of social and environmental justice, we have "disappeared" and continue to be relegated to a past that we did not design nor ask for. We remain the primitive Indians, to more than we care to admit, who can only be found within the archeological record, in museums, in exhibits in remote visitor centers, and in brief mentions on interpretive plaques.

Neil G. W. Curtis in "Universal museums, museum objects and repatriation" writes how "...archaeology and anthropology are the outcomes of colonialism" (Curtis 2006:##). To many we

are "researchable"; our bones are the bones that must be radiocarbon dated for the good of humanity, for the good of all, making the California Indian into a tangible white possession. Challenging this assumption is of utmost importance for California Indians in attempting to repatriate our ancestors and other objects held in museum facilities. We are not merely research subjects nor should we resign ourselves to that. We are still arguing about who gets their ancestors back, using antiquated settler notions of Indian identity–detailed further in this article. This is why it is fundamentally important that Indian people become the deciders of their own fate and outcomes–a point made by many Indigenous scholars, but never taken into full consideration within settler-colonial law.

Many California Native ancestors and cultural items reside in non-Native repositories, museums, universities, private collections, etc. across the United States today. Native communities are often left with few resources when fighting for repatriation, with the exception of the 1990 Native American Graves Protection and Repatriation Act (NAGPRA) and 2001 California NAGPRA (Cal NAGPRA). Yet, NAGPRA is reaching its 30th anniversary and continues to be critiqued by Natives scholars for its endless flaws, lack of legal teeth, and loopholes which often ends in devastating outcomes for Native communities (Hemenway 2010). In fact, CalNAGPRA has never been fully implemented. This article looks beyond the façade of NAGPRA as a well-intentioned law, but in essence made by the settler state as weak which in turn benefits them and allows for continued structural violence to take place. The settler state's Native American osteological collections reproduce a physical archive of Native bodies. This archive is not only grotesque, through Native Americans constant repatriation efforts, but allows this consistent accessibility to Native bodies. By continuing to use and keep Native bodies, it reproduces settler epistemological narrative of Manifest Destiny. We want to go further and problematize these issues of possession and authority, and ask to what degree are Native people granted basic human rights, self-determination over ethical codes for the treatment of their deceased, and the ability to practice our culture when so much of our cultural "artifacts" are not in our possession? (Lumsend 2016). Centering the article on California, weaves together the egregious ways the settler state is formed in a place that is home to over 200 federally and non-federally recognized Tribes and their experiences with the NAGPRA and the CalNAGPRA (Echo-Hawk 2016).

UNDRIP and Geneva Convention

The most comprehensive overview of Indigenous human rights, as it relates to policy and international development, is found in the United Nations Declaration on the Rights of Indigenous People (UNDRIP). UNDRIP draws from existing international human rights laws. The UNDRIP is not a treaty but rather a strong "authoritative" statement that reaffirms the human rights of Indigenous people through an international lens (Echo-Hawk 2016). Indigenous scholar, Walter Echo-Hawk, writes that human rights are "as American as Apple Pie" and speaks to the "home grown language that Americans are familiar

with." He argues that because Americans understand the basic tenets of human rights, they would readily support UNDRIP as a way to reframe the American legal system to support Indigenous human rights. However, human rights within the contexts he explains, the Bill of Rights and the American Revolution, were largely to the benefit of a white, male, landowning population not the Indigenous, Black, or Brown population (Echo-Hawk 2016). Familiar narratives of justice and equality under settler colonial laws and declarations are used to continuously subjugate Black and Brown bodies in the name of "justice."

Although this has been defined by the United Nations as a solution and strategy for tribes to uplift their rights–the success of such reaffirmations in the U.S. legal setting, not to mention other western nations, is suspect. Ultimately, while a strong policy statement UNDRIP is not enforceable under international law. Which begs the question, what is the overarching goal of unfunded mandates internationally, nationally, and locally and how do we, as Indigenous people, move beyond this within repatriation cases?

A significant component of UNDRIP is Article 12. Article 12 details the rights of Indigenous people through the access and repatriation of ceremonial objects and human remains as detailed below:

> Article 12:
> 1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
> 2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned (United Nations 2011).

Like many unenforceable mandates this definition is left vague and the process to which "States shall seek to enable access" is unclear. To place the onus of ethical treatment of sacred objects, ancestral remains, as well as items of cultural patrimony within different settler colonial states is unreliable. The collection and continued care of those objects and ancestors have long been done without the input of tribal nations and communities throughout California.

Hupa scholar, Jack Norton argues that the violent treatment of Native Americans is in keeping with the definitions of genocide and ethnocide in the United Nation's Treaty on the Geneva Convention for the Prevention and Punishment of the Crime of Genocide. Norton asserts that under the Treaty crimes such as ethnocide, defined as the "purposeful and willful intent to destroy in whole or in part, a social, ethnical, cultural group by means of murder, propaganda, imposing harsh socio-economic-medical conditions, and transferring children outside of their culture" are punishable by international law (Norton 1979). Similar to Echo-Hawk's argument, Norton insists that Indian people should call upon international law to pursue justice within the United States and gain reparations

for the violence that has continued into the present day. The UNs Definitions of Genocide and Ethnocide could certainly be applied to the treatment of California Indian ancestral remains and items still held in trust by various museums and research centers throughout the state, nationally, and internationally. Genocide is not something relegated to the past, it is a systematic and continuous act that is inflicted on California Indian and other Indigenous people to this day.

The wholescale removal and research of Indian people to museums and research centers was done without consent and is a form of continued genocide. Jack Norton, in writing about the violence that Indian tribes of Northwestern California endured was one of the first scholars to pull in international human rights laws as a means to find justice within the United States. UNDRIP and the Geneva Convention should be used to highlight the fundamental cultural rights of Indigenous people that the U.S. government continually ignores. As Norton puts it, "There is no statute of limitations in the crime of genocide. Just as there is no statute of limitations in the crime of murder. The guilty must stand trial before the court of justice, one way or another" (Norton 1979:107). The fundamental questions remain, however, can international law such as UNDRIP and the Genocide Conference be used to successfully return ancestors, sacred objects, unassociated/associated funerary objects, and objects of cultural patrimony?

NAGPRA

"'No act was regarded as more degraded or spiritually dangerous to all…than insulting the dead' - Julian Lang (Karuk)" (Platt 2011:85).

The Native American Graves Protection and Repatriation Act is a federal law intended to mandate repatriation of ancestors and culturally sacred objects back to federally recognized Native American Tribes and Native Hawaiian organizations (1990:101-601). NAGPRA, in a nutshell; only applies to federally funded institutions, leaving many private establishments to continue to house and possess Native items. The law allowed for institutions to inventory their collections and publish their findings to the national NAGPRA office, housed under the National Park Service (Cooper 2008). Following the announced inventories by federally funded institutions, Tribes could then access and request their ancestors or items that fall within the intricacies of the law for repatriation. As stated above, "NAGPRA is, first and foremost, human rights legislation. it is designed to address the flagrant violation of the 'civil rights of America's first citizens" (Trope and Echo-Hawk 2000:139). Much of this rhetoric is from centuries of disregard of Native lives and their deceased by white settlers. Below is one story to preface the passing of national NAGPRA.

Prior to the NAGPRA passing, the rights of the deceased were few and far in-between especially for Native Tribes. Tony Platt, American academic, writes in Grave Matters Excavating California's Buried Past, "[b]beginning in 1854, California enacted legislation to 'protect the bodies of deceased persons,' making it a crime to 'disinter, mutilate or remove the body of any deceased person,' but Native bodies were in practice exempt from

protection of law" (2011:86). Yet, Native graves continued to be looted and left largely unprotected as "[s]ite looters have a variety of procedures and imagined justifications. They often attempt to achieve legitimacy..." (Mihesuah 2000:65). Walter Echo-Hawk, Pawnee scholar and author of In The Courts of The Conqueror, describes Wana the Bear v. Community Construction (1982) court case as one of the ten worst ever decided. Echo-Hawk explains how the Miwok Indians of central California, were forcibly removed from present day Stockton, California "...as miners systematically drove the Miwok Indians from their lands between 1850 and 1870, forcing them to leave their burial grounds behind" (2012:237). Over one hundred years later in 1979 a housing project was approved through the Stockton City Council for a final subdivision (p. 237-238). The residential housing tract began building and unearthed "well known graves" of 200 Miwok in the process. Wana the Bear, Miwok, claimed that California's law (1854) determined a cemetery is constituted by six or more people buried in one area. Yet, a huge human right violation the California Court of Appeals unfortunately "...held that the Miwok burial ground is not a cemetery under California Statutes since it was not used continuously as a graveyard without interruption for five years" (Echo-Hawk 2012:237). In the discussion of the lawsuit detailed how, "[t]he central issue in this case is whether the burial ground achieved a protectable status as a public cemetery under the 1872 cemetery law by virtue of its prior status as a public graveyard. We hold that it did not" (Wana the Bear v. Community Construction) The Miwok, experienced brutal genocide from the city and state, forced removal, land theft, disenfranchisement, seen as "vanished" by the court (not using the cemetery consistently) and powerless over their ancestors fate of being post mortally unearthed for white housing. These settler laws and policies continue to reinforce themselves, in this case Native bodies were removed for development for white residents. NAGPRA is passed eight years after Wana the Bear v Community Construction. Acquainted to Native activism.[1]

NAGPRA's 30-year journey holds many successes for Tribes with repatriation and in some cases positive relationships with departments and staff. Edward M. Luby, and Melissa K. Nelson wrote, "More than one mask: The context of NAGPRA for museums and Tribes," how "…many museums and tribes only began to interact once NAGPRA consultation was mandated. As a consequence, for some museums and tribes, NAGPRA has truly been a transformative experience, though certainly not all of it has been positive" (Luby and Nelson, 2008:##). But there remain profound loopholes that unfortunately seem to keep Tribes constantly spinning their wheels. Some of these loopholes include; no clear definition of the term "consultation" within the law. This leaves many miscommunications and missed oppor-

1. There is an abundance of literature that discusses NAGPRA and its history in detail. This article only captures a small piece of this history. See Devon Mihesuah, James Riding In, Walter Echo-Hawk, to name a few who write extensively on the NAGPRA.

tunities between Tribes and institutions. The term "Culturally Unidentifiable Human Remains" (CUHRs) is applied to signify the remains or items can not be identified for repatriation, thus allowing the institution ownership. The CUHR issue is centered in power, who gets to make the final determination who is- and who is not- CUHR. Oftentimes, it is not the Tribes making those decisions. There are many cultural items in foreign countries' museums. To bring it back to a very familiar loophole within the NAGPRA, is the idea of Tribal recognition. The NAGPRA only applies to recognized Tribes, thus leaving approximately 85 non-federally recognized tribes in California not able to access the law (Office of Federal Acknowledgement). There is always the issue of funding, time, and organization on both Tribal and institutions to figure out logistics. For example, where to rebury remains so they will not be re-disturbed, does the Tribe have land and access to bury, are the remains contaminated (often time sprayed with chemicals for preservation) meaning they can not go into the ground. There are grants offered through National NAGPRA, but the burden is on the Tribes to apply. One issue that is out of the scope of the NAGPRA, but one worth mentioning as it applies to the colonization of California Indians, is the confiscation of Indigenous remains and cultural items by foreign countries such as Spain, Mexico, and Russia prior to the United States formation. This is not an exhaustive list of loopholes but pointing to some of these weaknesses within the law demonstrates the way California Native Tribes can easily be "left" out of the conversations or continuing to fight for their ancestors. Native people should possess the power of their deceased, a basic human right.

Cal NAGPRA

Cal NAGPRA or Assembly Bill (978) is an attempt by the state of California to close some of the loopholes left by federal NAGPRA namely, the exclusion of non-federally recognized tribes in the repatriation process. While repatriation laws are touted as the ideal way of gaining ancestral remains, items of cultural patrimony, sacred objects, and associated/unassociated funerary objects back to tribal communities, it is increasingly important to assert the inherent rights that California Indian tribes have over items that were collected through dubious circumstances and genocidal acts of violence. The act of collecting itself is a manifestation of violence. Most, if not all, archaeological digs and expeditions were done without the expressed consent of California Indian tribes or tribal representatives. When this is the legacy of many collections in federally and state-funded museums, it is difficult for those spaces to continue holding, or justifying that hold of, our people and objects without our knowledge or consent.

Cal NAGPRA was signed into law in 2001 and reads almost exactly like the federal NAGPRA regulation, with the exception of "state-funding" replacing "federal-funding," in legislative text. While there is scant information on the original development of the law, there are a few details regarding its creation which are generally known. Then Senator Darryl Steinberg, currently Mayor of Sacramento, sponsored the bill (AB 978) with several California Indian tribes in the hopes of closing the federal NAG-

PRA loophole that excluded non-federally recognized tribes in that process (AB 978 2001). The law remained dormant for seventeen years until 2018, then Governor Edmund G. Brown signed Assembly Bill (AB) 2836 sponsored by Todd Gloria (D)-San Diego, a member of the Tlingit Haida Indian Tribes of Alaska, that required the University of California to develop a systemwide repatriation oversight committee, greater consultation with the California Native American Heritage Commission (NAHC) regarding repatriation, and two audits (2019 and 2021) to review NAGPRA/CalNAGPRA compliance within the UC system (AB 2836 2018). Another bill, AB 1662 sponsored by James Ramos (D) of Serrano/Cahuilla tribes and Gloria, signed into law by Governor Gavin Newsom, included further provisions to the systemwide repatriation oversight committee that required three members be from California federally recognized tribes and one from a non-federally recognized tribe (AB 1662 2019).

Finally, in 2019 AB 275, another CalNAGPRA amendment bill was proposed by Assembly member Ramos, used the definition of non-federally recognized tribes that was included in AB 978, the original CalNAGPRA legislation to determine non-federal status in California. The AB 275 legislative update included a narrow definition of non-federally recognized tribes that was in direct opposition to existing law, AB 52 (2014), that requires consultation with both federally and non-federally recognized tribes in the California Environmental Quality Act (CEQA) process and SB 18 (2004) that requires tribal consultation in the CEQA General Plan Update process. The new (old) non-federally recognized tribal definition in AB 275 included the following language: The act defines "California Indian tribe" as a tribe that either meets the federal definition of Indian tribe or that is indigenous to California and is not recognized by the federal government, is listed on the Bureau of Indian Affairs (BIA) Branch Acknowledgment and Research petitioner list, and is determined by the commission to be a tribe that is eligible to participate in the repatriation process under the act (AB 275 2019).

This effectively meant that only four tribes would be included on the non-federally recognized tribal lists under the existing CalNAGPRA definition. This was because only four non-federally recognized tribes in California were seeking federal recognition through the BIA process. After massive pushback from non-federally recognized tribes including the Winnemem Wintu, Ramos pulled the bill from legislative consideration. The original CalNAGPRA (2001) legislation is still in effect along with the older definition of non-federally recognized tribes. This effectively creates two separate definitions in existing law through later passage of AB 52 (2014) and SB 18 (2004).

CalNAGPRA is an Indigenous human rights law with little to no funding behind it. As defined in AB 2836, the "United Nations Declaration on the Rights of Indigenous Peoples recognizes the right of Indigenous peoples to the repatriation of their human remains, and recognizes that states shall seek to enable the access or repatriation of ceremonial objects and human remains through fair, transparent, and effective mechanisms developed in conjunction with the Indigenous peoples concerned." The inclusion of repatriation

definitions from the UN Declaration on the Rights of Indigenous People, considered a human rights doctrine with a focus on Indigenous people globally, in AB 2836 supports CalNAGPRA as a human rights law. Unfortunately, without funding attached to CalNAGPRA maintaining compliance with the law is increasingly difficult for NAGPRA/CalNAGPRA practitioners. Funding for NAGPRA/CalNAGPRA programs often come from administrative core budgets, if available and advocated for by leadership, NAGPRA grants, or granting processes through tribal governments and councils. There is no direct funding for NAGPRA/CalNAGPRA programmatic functions across institutions as provided by the legislation.

There are no defined processes associated with CalNAGPRA, despite being active and in California statute for nineteen years. The California Native American Heritage Commission (NAHC) is currently working to change that through consultation efforts with California Indian Tribes and a wholescale overall of the University of California (UC) NAGPRA and Repatriation Policies. In June 2020, the California State Auditor released an independent report as required by AB 2862, that highlighted the inadequacies of NAGPRA/CalNAGPRA implementation in the UC system and through the NAHC (Auditor of the State of California 2020). In particular, the audit highlighted the continued disjointed nature of NAGPRA/CalNAGPRA compliance between the UCs; there is no standardized process for repatriation between the campuses creating unnecessary confusion for tribes. It also highlighted the competing definitions of non-federally recognized tribes in CalNAGPRA (2001), SB 18 (2004), and AB 52 (2014). Additionally, NAHC has not according to the audit, developed a viable list of both federally and non-federally recognized tribes eligible for repatriation–most likely due to the state inconsistencies over non-federally recognized tribal status. Ultimately, the audit was meant to highlight the discrepancy in the implementation of NAGPRA/CalNAGPRA that has been ongoing for decades due to lack of funding, unclear processes, and inadequate communications with tribes. The original law was long considered dormant by those who were paying attention to it. More recently there has been a call to revitalize and create viable funding mechanisms and regulations for the law as well as address issues surrounding the definition of non-federally recognized tribes ("California Indian Tribe" 2019).

Most sources on Cal NAGPRA define it as a "well-intentioned" law with few financial resources attached to it making compliance difficult. As Hupa scholar, Stephanie Lumsden notes: "Well-meaning things are often cloaked in White Supremacy" (Heidegger 2018). Expectation that unfunded mandates, such as federal NAGPRA and Cal NAGPRA, should fulfill their intended purpose with little to financial, or tribal support directly negates the "good-intentions" of the laws. These human rights laws without adequate regulation or funding mechanisms often fade from public view and breed distrust within tribal communities. Rather than looking to laws and regulations to define Indigenous people's human rights in California and beyond, it is fundamentally important for California Indian people to assert their inherent sovereignty and self-determination. Human rights, as a field and subject, has

long been the subject of policy, legislation, and state processes; often depending on these structures to provide justice to marginalized people. Human Rights as a whole is defined by neoliberal political institutions and is inadequate in addressing the scope of California Indian worldview.

California Indian cultures have long held the concepts of reciprocity, restorative justice, and equity within their traditional structures. Practicing inherent sovereignty and self-determination means both asserting tribal rights through settler laws as a necessity to returning ancestors home as well as maintaining traditional governing structures of reciprocity. Tribes supporting each other in seeking the return of ancestral remains and cultural items through a process of cooperation and coalition building is a necessity in navigating the complexities of CalNAGPRA/NAGPRA. We are still arguing about who gets their ancestors back, using antiquated notions of Indian identity, ill defined by state laws–as evidenced by competing definitions of tribal status in both federal and state law. This is why it is fundamentally important that Indian people become the deciders of their own fate and outcomes–a point made by many Indigenous scholars, but never taken into full consideration within settler-colonial law.

Structural Violence

The construction of the University of California (UC) system began in 1855 through the inequitable Morrill Act 1862, allowing for public lands to be sold in the idea of opening a college for agriculture and mechanical arts, now known as land grant colleges (Committee on the Future of the Colleges of Agriculture in the Land Grant University System 1995). UC Berkeley, being the first of the UC System that obtained land through this act, soon opened its doors in 1869. 150 years later, the UC system now encompasses ten campuses. Yet, the UC System as a whole continues to ignore the way land was acquired through the genocide of California Indians, and how this system still holds possession of countless Native American remains and cultural items. It is not a coincidence that UC Berkeley, being the first university, is known as one of the largest offenders of collecting with zero repatriation to Tribes. Currently, from the last updated enrollment records, shows how the American Indian population within all of the UC System was approximately .6% of the entire student population (Fall Enrollment At a Glance 2020). If Native peoples are not present in these research focused institutions, the same institutions that are built atop of Native removal, genocide, and build (often white heteronormative male) careers atop these practices to erase Natives from this land is structural and systematic violence.

Structural violence defined Johan Galtung (Norwegian sociologist) in many ways throughout his article but this definition directly points to the violence we see here in the university upon Native individuals, "Personal violence is meaningful as a threat, a demonstration even when nobody is hit, and structural violence is also meaningful as a blueprint, as an abstract form without social life used to threaten people into subordination" (1969:172). The literal possession of Native remains and items for the purpose of academic research (often with-

out consent from their descendants), is structural violence and a remaining blueprint from the original university's construction. This violence is also an appendage of the university under the settler state (which supports each other) and is predicated on privileging certain knowledge over others. For example, when the belief or study, can only discover new information or unlock past evidence through destructive DNA assessments, proves to be a violent act and a reinforcement of settler epistemologies. Like Kim TallBear (Sisseton Wahpeton Oyate) scholar writes in "Genomic Articulations of Indigeneity,"

> The scientific cosmology -or world view at work- of one global human history and set of migrations contrast with a view of time bifurcated into a colonial 'before-and-after' that structures [I]ndigenous peoples' views of history. When genome scientists make claims to indigenous biological resources according to their own continuous, global worldview, this challenge [I] ndigenous peoples' own anticolonial, anti-assimilationist views and their efforts to control their biological and other resources (TallBear 2015:134).

TallBear gives a wonderful example of these competing claims of cosmologies, and how scientific cosmology reinforces the settler state, therefore by design disregarding Native cosmologies.

Another example of structural violence from land grant universities, is the case of White v. University of California. To briefly cover the case, on December 3, 2013, three white anthropologists fought to keep two La Jolla ancestors within the UC repositories for research after they were unearthed during an excavation of the Chancellor's residence at the University of California, San Diego.[2] The Plaintiffs (White, Schoeninger, and Bettinger) opposed the repatriation of the La Jolla ancestors back to the tribe claiming "…declaration that the remains were not 'Native American' within the meaning of NAGPRA" and how "…the panel held that NAGPRA does not abrogate tribal sovereign immunity because Congress did not unequivocally express that purpose" (2013). This already speaks to many layers this article has already laid out, white possessive logics of dispossession of land for a University, excavation for construction, allowing the removal of La Jolla ancestors from their burial site, and fighting against returning them. This case exploded and unveiled the institutionalized racism and violence, who stood with Native repatriation and who did not. The U.S. Court of Appeals, Ninth Circuit decided in 2014 that, "[w] e conclude that NAGPRA does not abrogate tribal sovereign immunity and that the affected tribes and their representatives were indispensable parties. Therefore, we affirm the district court's judgment" (White V. University of California 2013). Allowing of repatriation

2. Within this case, we see the already egregious structural violence in building a physical structure over La Jolla land and graves, for a university, and for the icing on the cake, the literal structure is for residence of a chancellor.

happened in this case but oftentimes it does not, as stated in the introduction, the egregious case of Ishi.

Making California Indian a White Possession

Why do Natives remain so powerless over their deceased? We do not see Native peoples possessing white bodies in collections to be studied and displayed. Basic human rights are not always given in a settler nation, this is purposeful. But where does this power live, within heteronormative white men who continue to benefit from structural violence. Aileen Morton-Robinson, Indigenous feminist scholar, theoretical framework of The White Possessive critically examines how patriarchal white sovereignty is formed and maintained in Australia, although can easily be applied to the United States. Morton-Robinson defines "[p]atriarchal white sovereignty [as] a regime of power that derives from the illegal act of possession…." and discusses how this illegal act of possession is performative through a generative, "... sense of belonging and ownership produced by a possessive logic action" (Morton-Robinson 2015:34-35). Manufacturing white possessive logics as given and rationalized, becomes the foundation of a settler state. It is through these regimes of power; federal, state, county, which create policies and laws that protects, enforces, and re-affirms the philosophies of belonging and ownership through actions of imputative removal of California Indian peoples.[3] For example, by "…staking possession to Indigenous lands, white male bodies were taking control and ownership of the environments they encountered by mapping land and naming places, which is an integral part of the colonizing process" (Morton-Robinson 2015:34-35, 191). We see this procedure executed in California; construction laws and policies ensuring Indigenous dispossession of land by white men for the state is doing the same labor in nation making overall.[4] Gendering this project is rooted in patriarchy and white supremacy which the United States is built on. By removing the Indigenous peoples (liv-

3. Throughout this article, the authors will go back and forth on the terminology of Native American, Indian, American Indian, and Indigenous. All hold very politically different meanings. When we discuss the broader inclusion of Tribes the use of Native American is used, but when talking about Tribes in California, we will utilize California Indian due to the political grouping under federal law and policy in previous groupings. There is however a re-appropriation of "California Indian" that brings back the power in saying these numerous Tribes survived genocide here in this state, now called California.

4. Laws such as Section of Chapter 133- Act for the Government and Protection of Indians (legalizing California Indian slavery), April 22 1850, Anti-Vagrancy Act in 1855 (allowing the state to arrest "Vagrant Spanish and people with Indian blood) and Foreign Miners Tax Act (taxing foreign miners such as Chinese and Latinx). These acts all work cohesively to oppress non-white people within the state of California.

ing and deceased), taking ownership of land, renaming places, making their own narrative of this experience by silencing Indigenous voices and legalizing each effort is what Moron-Robinson asserts as "the white possessive."

Cutcha Risling Baldy (Hupa, Yurok, Karuk scholar) We are Dancing For You writes about the formation of the Anthropology department and salvage ethnography methods used at the University of California, Berkeley in 1901 (Norton 1997; Mihesuah and Hinsley 2000:45; History of the Department of Anthropology at Berkeley). The use of patriarchal white sovereignty and possessive logic is affirmed and made utterly clear, by the anthropology department's founder, Alfred Kroeber. Kroeber was the director of the Anthropology museum for 38 years and amassed a largely grotesque collection of California Indian remains and sacred items. This now infamous collection was built through the department's endeavors by archaeologist, ethnographers, private collectors and philanthropists such as Phoebe Hearst, and donations by amateurs and hobbyists. The Anthropology department's ties to patriarchal white sovereignty, "…Kroeber believed that after contact with white European settlers, Native peoples and their cultures had become fragmented…" that his voice became "…often see the western male perspective as the best informed and most trusted voice in anthropological discourse" (Risling Baldy 2018:74-75). California Indians continue to witness limitless performative acts by patriarchal white sovereignty and possessive logics, justifying the dispossession of Indigenous authority over their knowledge (epistemological and ontological), bodies, deceased, land, even recognition. Creating California as a white possession, can be explained in the following account of the Wiyot Tribe, Tuluwat, and UC Berkeley.

Wiyot territory is located on the coast of Northern California (Wiyot Tribe). Tuluwat is an island in Humboldt Bay and a significant ceremonial place of the Wiyot Tribe. In 1855, only six years after the discovery of gold in Northern California, the Wiyot Tribe and many surrounding Tribes, were rounded up by white settlers onto the Klamath reservation (Norton 1997:74). In 1860, the Wiyot Tribe conducted their world renewal ceremony, a sacred ceremony that rebalances the world which undoubtedly seemed very necessary during this tumultuous time.[5] During the renewal ceremony, white settlers came onto Tuluwat and brutally massacred many of the Wiyot people, only leaving a few survivors. This unspeakable act is the first wave in physically using violence to remove Indian people from the land. Soon thereafter, the forced removal of the remaining Wiyot from the area, to surrounding reservations. The removal of Indian bodies led to Tuluwat being stolen by white settlers and renamed as "Indian Island." The land was later sold to the City of Eureka in 1950 (Active NorCal). But before Tuluwat was sold to the city, and in 1923 the dentist of Eureka H.H. Stuart (1855-1976), decided he would aid in making the island void of Indians completely. Stuart "...secured a lease from a private landowner on In-

5. This is taking place during the crux of Native massacres in California.

dian Island [Tuluwat] and became the legal occupant of the Wiyot site. 'I had no trouble getting permission to dig in it,' he later recalled. During his extensive excavations on the island...Stuart dug up 382 graves" (Platt 2011:93). Only 63 years removed from the massacre on Tuluwat, the Wiyot dead were desecrated and unearthed by a hobbyist dentist. Making the land a white possession here is obvious but to make our Native ancestors into an archive, possessed by non-Native institutions is part of settler colonialism.

Through settler conceptions of Native people as extensions of the land, Andrea Smith, American academic, writes how "…Native peoples have become marked as inherently violable through a process of sexual colonization. By extension, their [Native] lands and territories have become marked as violable as well" (2015: 55). Natives become dehumanized objects and made into white possessions through the settler state's creation. This theft is a performative use of power and a recurring act. Often enacted with impunity because creating and reinforcing a white male narrative of belonging included taking land, removing Native bodies, holding power over the narrative of this encounter, thus creating a white possession. Through this process, simultaneously reinforces the idea that Indians are no longer "around" and the stereotype of vanished is continued.

The Wiyot have yet to see justice in the way of repatriation from UC Berkeley. But because of activism and fighting for their sacred sites and homelands, Tuluwat was repatriated back to the Wiyot in 2019, over 160 years since it was stolen. We know that making California a white possession was a goal for land theft, career building in academic settings, further relieving settler guilt through false narratives of erasure, but because of Native resilience, that will never happen. "It wasn't about what had happened there [massacre at Tuluwat] but what would happen there...I know that our ancestors knew that one day this day would come" said Cutcha Risling Baldy in a speech at the ceremony for the return of Tuluwat (Greenson 2019). Native futurity is powerful, what to come for Wiyot and Tribes in California is powerful. The Wiyot requested its return in the 1970s and was met with laughter at the time, but it was those relatives who could see the future, no matter how grim. But here is the point, Native peoples are resilient, and we are coming for repatriation of our land, ancestors, and cultural items.

Conclusion

Settler-colonialism in California works to erase and deter California Indian tribes, both federally and non-federally recognized, to engage fully within the repatriation process. Whether through the archiving of California Indian bodies in research centers or by false standards of tribal membership, settler colonialism works from the past to the present, to erase through genocidal practice, Native people off the landscape. Memorialization of dead Indians, in these ways that settlers can readily access Native peoples' bodies is an act of genocide. The way structural violence continues to allow Native Americans to be researched, studied, while in turn erased and marginalized resumes to this day.

Jack Norton uses many examples of settlers terrorizing Native people through physical, mental, and spiritual

violence. Through this disruption and complete devastation, Native people survived–we lived. Now the ancestors of those survivors fight for the repatriation of those ancestors who lived and died during and before colonization. We see this struggle as exhausting, continued, but necessary for our cultural survival.

Human rights considerations are often ignored in literature concerning NAGPRA and repatriation law rather choosing to focus on the lack of sources available on NAGPRA in action and the need to continue research on NAGPRA collections from settler scholars/researcher's perspectives. A recent letter from the Society for American Archaeology (SAA), highlights continued settler control over Native bodies, objects, and items kept in museums or in archeological sites. The letter was sent out to SAA members condemning the UC's approach to NAGPRA/CalNAPGRA arguing that the SAA has long been involved in repatriation efforts and are sympathetic to tribal concerns but "nevertheless, the UC document describes a process wherein repatriation is the only goal, with all other potential objectives merely footnoted….Putting the entirety of California's cultural and natural heritage in the hands of a politically appointed UC committee is unwarranted, may completely eliminate the study of California prehistory at the UC and may even eliminate teaching and instruction on California's rich cultural and natural past" (Barton and Hale 2020). The mention of the UC Committee is important to note here because the committee will include at least four California Indian members. While the letter was widely condemned by California Tribal Preservation Officers and later retracted by the SAA itself, the overarching and continued theme of settler control is evident.

This marks a fundamental issue in narratives that discuss repatriation law. While many researchers write about the practicality, or outright contempt, of such mandates and regulation to include tribes in the repatriation process–very few uplift Indigenous perspectives of these laws or the practicality of them from a tribal view. This is especially important in California with its long history of genocidal violence, murder, and removal–as well as limited Indigenous considerations in repatriation standards. This is because few Native people are involved with the development, implementation, and regulation of the law. What are the practicalities of creating law when limited resources are given to them by federal, state and local officials? There is both the baseline theory as well as the actual mechanisms of decolonizing repatriation that must be considered by all who are involved in repatriation–non-Native and Native alike.

Below is a list of a few suggestions for California Indian people looking to engage in the NAGPRA/CalNAGPRA process–this list is not exhaustive nor decolonial– but a necessary first start toward working with museum institutions to get our ancestors back:

1. Regional collaborations between local tribes (both federally and non-federally recognized) to make repatriation requests to different institutions who hold your tribes' collections;
2. Request all inventories of NAGPRA/CalNAGPRA collections within different repositories. If no

inventories have been completed, request to do so and to be a deciding partner in the process;
3. Request the creation of a Native Advisory Board within Institutions to be a part of the decision-making process if none are in place–many state and federal agencies do this already;
4. Ensure that institutions have NAGPRA/CalNAGPRA policies and procedures that recognize the importance of California Indian oral history, traditions, culture, etc. at the same level of colonial sources of knowledge.
5. Request the history of each collection, if collections have been separated or loaned, who has researched collections (have academic papers been produced, etc.) and for what purpose;
6. Place holds on the ability to research your tribes' ancestors, sacred objects, objects of cultural patrimony within the institutions;
7. No research should be done on NAGPRA/CalNAGPRA collections without the expressed consent of tribes.

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HJSR

Ishi and the California Indian Genocide as Developmental Mass Violence

Robert K. Hitchcock and Charles Flowerday

Abstract

Ishi represents a form of sentimental folk reductionism. But he can be a teaching tool for the California Indian Genocide, John Sutter also. His mill was where gold was discovered – setting off a frenzied settlement in which Indians were legally enslaved and slaughtered, finally ending a decade after the Emancipation Proclamation. They had already experienced wholesale devastation under Spanish and Mexican colonization. The mission system itself was inhumane and genocidal. It codified enslavement and trafficking of Indians as economically useful and morally purposeful. Mexican administration paid lip service to Indian emancipation but exploited them ruthlessly as peons. The California genocide typifies an expanded understanding of genocide and how it operates in a developmental paradigm. We then turn to a related model of the indigenous experience. Using developmental genocide in a gangland "democracy" and Andrew Woolford's *ontologies of destruction*, a 500-year wholesale assault, we champion genocide as generic while including specific modes *mediated* by economic or civil destruction and challenging the *unmediated* model – direct mass killing – as the archetypical form. Allied with this, a model mediated by civil war also helps explain genocide in the Americas, including California. Genocide of native peoples operates through a cultural and moral reductionism that allows them to be manipulated (and destroyed) as objects. There are both biological and cultural aspects to this deadly dehumanization.

Introduction

When a lone California Indian was found in the corral of a slaughterhouse near Oroville, California on August 29th, 1911, it came as a huge surprise to those who found him and to the sheriff and deputies who took him into custody and put him in jail. He quickly became the object of interest to townspeople for miles around, some of whom could well have been involved in the destruction of the man's relatives and ancestors. The story of his 'discovery' reached the newspapers in San Francisco, and was read by two University of California anthropologists, Alfred Kroeber, and T.T. Waterman, who arranged to meet the man and take him into their care. Waterman arrived in Oroville on 31 August 1911 and attempted to communicate with the man, who came to be known as Ishi (the Yana word for 'man'). A quiet and unassuming individual, Ishi never told anyone his real name.

Eventually, it was established that the man was a Yahi, a group of California Indians who were believed at the time to be extinct. The Yahi were a part of a larger grouping of Yana Indians. The Yana in the 19th century were hunters and gatherers and fishers who resided in the forests, canyons, and highlands of north-central California. There original territory covered some 6,000 km^2 (2,300 mi^2), approximately 48 km wide and 112 km long, roughly the size of Delaware. Yana land stretched from Deer and Mill Creeks near Oroville north to the central Sierra Nevada Mountains on the eastern border of the Sacramento River valley (for maps of this area, see Waterman 1918:40; T. Kroeber 1961:25; Madley 2013:16). The Yahi lived in the southern portion of the Yana range, the other Yana being divided into southern, central (known to themselves as *Gatai*) and northern (who referred to themselves as *Garii*) (Sapir 1910; Waterman 1918; Kroeber 1925; Johnson 1978). The Yana inhabited regions between the Feather and Pit Rivers in what are now Shasta and Tehama counties in northern California, while the Yahi were also found in what is now Butte County. The Yana and Yahi spoke a Hokan language which differed from some of their neighboring groups with whom they interacted through trade and exchange (Sapir and Swadesh 1960; A. Kroeber 1925; Heizer and T. Kroeber 1979:2).

In this paper we focus specifically on the Yahi, who were subjected to massacres by vigilantes and settlers between 1848 and 1871 which led to near extinction of the group. The Yahi, also known as the Mill Creek Indians (Kroeber 1972), endured repeated attacks aimed at extermination of the group as a whole. In some cases, children were taken as captives. Ishi, for his part, was clearly a genocide survivor, living virtually alone after a group of surveyors found his hiding place in November 1908. He was with a small group of four people including his mother, who died soon afterwards. His sister and an elderly man Ishi were also with were never seen again; only Ishi was able to get away (Kroeber 1961:110-114). Ishi remained on his own from 1908 until he arrived in the slaughterhouse corral in August 1911.

The Yahi/Yana population, which may have numbered as many as 3,000 in the early 1800s, declined precipitously, in the case of the Yahi, to about 12 individuals in 1872. Madley (2013:46-47, Table 1) estimates that between 800 and 915 Yana and Yahi were killed between 1850 and 1871, while only two immigrants or settlers lost their lives in the conflicts. We discuss the conflicts and other issues that affected the well-being of the Yahi in the sections that follow. We also address the processes affecting the Yahi and Yana in the 20th and 21st centuries.

Ishi and the Yahi

Ishi himself has been the subject of numerous biographies, books, conferences, films, and opinion pieces (A. Kroeber 1912; T. Kroeber 1961; Heizer and Kroeber 1979; Burrill 1990, 2001, 2014; Riffe 1992, 1998; Bergin and Collins 2000; Kroeber and Kroeber 2003; Starn 2004, Vizenor 2001; Day 2016). There are formal discussions of Ishi that are open to the public which are held regularly in Oroville, California, the most recent of which was on 2 November 2019 (www.ishifacts.com, accessed 24 June 2020;

Richard Burrill, personal communication, 2020). Sometimes incorrectly termed 'the last wild Indian' Ishi definitely became an icon and an important symbol of beleaguered indigeneity in the brief time between coming to public attention in 1911 and his death on 25 March 1916.

It is important to note that Ishi was both a victim and a survivor of genocidal massacres aimed at the destruction of his people on the basis of who they were. He was born in 1854[1] and raised as a hunter-gatherer, living on wild natural resources. For much of his life, he was essentially on the run and in hiding along with his mother, Yè tschulti, and other relatives and friends who had survived the Three Knolls Massacre in 1865. Together, they might have numbered between 30 and 45 individuals (T. Kroeber 1961:239). Ishi and his relatives and friends survived in part by avoiding conflict as much as possible with the settlers, ranchers, and others who came into or resided in Yahi land.

He and his campmates did not engage in the theft of livestock or directly confront white residents of the Deer Creek and Mount Lassen areas, preferring instead to hide away in the steep canyons in the region. There is evidence, both oral and archaeological, that the Yahi sometimes visited remote cabins and procured items such as clothing, metal tools, nails, and other items for their use, which they kept in their camps (Waterman 1918; Johnson 2003). Other Yahi, however, were known to have been involved in livestock theft and attacks on other tribes and a few settlers (T. Kroeber 1961:60-61).

While not the focus of this paper, Ishi had extensive dealings with anthropologists, linguists, museum workers, and medical personnel. Many of these interactions could be construed as positive. He lived in the museum of the University of California, then in San Francisco. He became good friends with Thomas Talbot Waterman, Alfred Louis Kroeber, Edward W. Gifford, and Saxton T. Pope (T. Kroeber 1961:148-154). He also became a good friend of Juan Dolores, a Papago Indian with whom he shared quarters in the museum (156-160). He had many other dealings with university staff and members of the public. He went shopping, usually on his own, on Seventh Avenue, between Golden Gate Park and Judah Street, where he became friendly with many of the shopkeepers and merchants (162-164). He enjoyed teaching people some of his skills, such as archery, arrow-making and the manufacture of arrowheads. He showed Saxton Pope how he used bows and arrows to in Golden Gate Park. In May 1914 he was part of a 14-day expedition to his home territory of Deer Creek, which included his two anthropologist friends, Saxton Pope and his son, and a Mr. Apperson, a local resident of the area. In many ways, it was a difficult trip for Ishi to make, in part because he viewed it as a return to 'the land of the dead' (206, 208-217).

From a contemporary perspective, Ishi can be seen in some ways as having been exploited for his knowledge and experience. He became a ward of the government and of the University of California. When offered the chance to

1. Some authors have his birth date as 1860 or 1861

return to Deer Creek or to a reservation where he could be with other Indians, however, he told the Indian Agent G.E. Kelsey, that he wanted to remain where he was at the museum with his friends (T. Kroeber 1961:217-218). After his death, Ishi's body was subjected to an autopsy against his wishes, and his brain was removed, later to be sent to the Smithsonian Institution in Washington, DC. This led to enormous controversy that engulfed the Anthropology Department at the University of California at Berkeley and raised serious questions about the ethics of treatment of Indigenous people (Scheper-Hughes 2001, 2003; Starn 2004). Ishi has been commemorated in numerous ways, including the naming of a wilderness area after him, the Ishi Wilderness, a 41,339-acre (167 km^2) area in Lassen National Forest in northern California. There are at least two monuments honoring Ishi, one of them on the Oro Quincy Highway in Oroville, and the other above Black Rock on a ridge separating Deer Creek and Mill Creek in a spot called 'the Narrows.'

Genocide of the Yahi and Yana

The application of the term genocide to what happened to California Indians has not been without controversy. In the 19th century, the term genocide was not used; instead, the term extermination was employed. As Cahuilia-Luiseno author Edward D. Castillo noted in his *Short Overview of California Indian History*, posted on the State of California Native American Heritage Commission website (www.mahc.ca.gov, accessed 5 June 2020), the first California Governor, Phillip Burnett, in his address to the new legislature, argued, "That a war of extermination will continue to be waged between the races, until the Indian race becomes extinct' (Burnett 1851:15; Castillo 2010:15). An idea behind Governor Burnett's speech was to transform what in essence were vigilantes into state-sponsored 'ranger-militiamen' (Madley 2016:187). On 7 August 1853, the *Yreka Mountain Herald* called for state-sponsored total annihilation of all northern California Indians (Madley 2016:221). The same newspaper said later that month, 'Let extermination be our motto" *Yreka Mountain Herald* 27 August 1853).

It was clear that the sentiment among white residents of northern California was extermination with what later was to be termed 'genocidal intent' (Madley 2016:236). 'Indian hunting' became a common practice of numerous white communities. As was pointed out by some military commanders (e.g. Captain Henry M. Judah), this was not war but an effort to destroy entire Indian communities (Madley 2016:237-238). Much of the killing was done by state-sponsored militias who were well-armed and unwilling to negotiate with the Indians with whom they came in contact. In some cases, the military provided arms to volunteer companies who then went out and killed hundreds of northern California Indians.

Prior to the Gold Rush that began with the discovery of gold by James W. Marshall at Sutter's Mill on 24 January 1848, the U.S. military had been involved in the purposeful destruction of California Indians, including Yana and Wintu. This was seen in in the case of the actions of Colonel John C. Frémont and his scout Kit Carson and their men who

destroyed a village on the Sacramento River with artillery and rifle fire and then rushed into the village with sabers, pistols, axes and butcher knives. Indians who tried to escape were cut down by mounted soldiers with tomahawks. Estimates of victims ranged from 150 to over 700, with perhaps 300 killed in the pursuit. The Sacramento River military massacre foreshadowed 'what would become a common rationalization for such atrocities, the notion of pedagogic killing' (Madley 2016:48). The idea behind this concept was, according to Thomas E. Breckenridge, a member of the expedition writing at the time, that killing Indigenous Californians would teach survivors not to challenge whites (Breckenridge 1846). The Frémont Expedition set the pattern for the Anglo-American approach to California Indians, which involved either killing them or removing them, placing them on reservations or rancherias where they could be controlled. This approach differed from that pursued by Mexico in the mission system in California, which was built in part on the exploitation of Indian labor but was aimed more at conversion and exploitation than it was on the purposeful destruction of California Indians (Castillo 2010).

Genocides of Indigenous people in the 19th, 20th, and 21st centuries occurred in a number of different contexts (Jones 2006:67-94; Kiernan 2007; Hitchcock and Koperski 2008; Rensink 2009, 2011; Ostler 2020). These contexts range from ones in which there is competition over land and natural resources to multiethnic settings with socioeconomic stratification, power differentials, and pronounced differences among the various groups. In the past, including in California in the 19th century, a significant proportion of the genocides of Indigenous peoples occurred during the course of colonial and settler expansion into frontier zones.

The term genocide refers first of all to purposeful physical destruction of a defined group. Fein (1990:24) sees genocide as "sustained purposeful action by a perpetrator to physically destroy a collectivity and social reproduction of group members." She also says that these actions are carried out regardless of the surrender or lack of threat offered by the victims. A key aspect in many of the definitions of genocide is intent (Jones 2006:20-22, 353). It is important to note that genocide is by no means a simple or unified phenomenon. Genocide frequently, but not always, involves systematic efforts to destroy collectivities, many of which are minorities.

From a critical review of the rapidly growing literature on Indigenous peoples' genocides most writers use a fairly broad definition of the concept of genocide. While some analysts see genocide as a set of acts committed with the intent to destroy groups in whole or in part, as defined by the *United Nations Convention on the Prevention and Punishment of the Crime of Genocide* (United Nations 1951) others extend the concept to include such actions as intentional prevention of ethnic groups from practicing their traditional customs, forced resettlement; denial of access to food relief, health assistance, and development funds, and purposeful destruction of the habitats utilized by Indigenous peoples, sometimes termed ecocide (Clavero 2008; Crook and Short 2014).

The United Nations' *Convention on*

the Prevention and Punishment of the Crime of Genocide (Article II) defines genocide as follows:

In the present Convention: genocide means any of the following 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 indeed to prevent birth within the group;
(e) Forcibly transferring children of the group to another group (United Nations 1951).

In California, miners, ranchers, farmers, and business people who entered from outside of the state, especially after 1848, engaged in all of the acts that were outlined in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (United Nations 1951). The primary strategy that was employed was physical destruction, often at the hands of volunteers and militias. Madley (2016) estimates that California's Indian population declined from some 150,000 to 30,000 between 1846 and 1870 (p. 3). The genocidal processes included outright massacres and murders, removals of people from their ancestral homelands and confinement to small reservations, where substantial numbers died of disease and starvation, and the taking of children away from their families, some of whom were used as slaves. Rape and the spread of sexually transmitted diseases (STDs) among native women caused both severe physical and psychological trauma and affected female reproduction.

Behind these horrific acts was an intense racial hatred, what today is termed 'systematic racism.' Crimes against Indians were carried out with impunity; there were rarely efforts to fine or jail perpetrators for their actions. Two significant works on California Indian genocide came out in the 21st century, Brendan Lindsay's *Murder State*: *California's Native American Genocide 1846-1873* (2012) and Benjamin Madley's *An American Genocide: The United States and the California Indian Catastrophe, 1846 to 1873* (2016). Lindsay (2012) and Madley (2016) both see the motivations for the killings as pre-existing racism and fear of 'the other,' exacerbated by the complicity of the state not only in allowing genocidal acts but in rewarding them in some cases. Also important was the not-so-benign neglect of the media, faith-based institutions, and members of the public in failing to call into question more vocally the genocidal acts and misbehavior of fellow Californians. There were exceptions, of course, such as the editorial opinions of the *Daily Alta California* newspaper on 11 March 1850, which argued 'We hope and trust that the U.S. troops in California will prevent further violence' (Madley 2016:125-127).

The California Indian Genocide remained unclassified as a genocide until the comprehensive scope of the mass violence came to the fore (Lindsay 2012; Madley 2016). Fenelon and Trafzer (2014:13) explain it as follows:

> Like other colonizers, the United States sought total domination of Native Americans, and federal and state officials allowed pioneers to murder, rape, kidnap, steal, and destroy Native Americans, creating systems for *superordinating* settlers, militia soldiers, and government officials to *subordinate* Indians, thereby developing caste-like social systems fully *alienating* Indigenes, usually on their own lands (p. 13, emphasis in original).

They go on to say, 'These rationalizations provided the basis for the denial, dismissal, and distortion of genocide in America, most specifically in California, because of six major reasons:

(a) the difficult analysis of genocide in California because of the *lack of precedent*;
(b) *general denial* among scholars, historians, and sociopolitical forces;
(c) an inability to establish *intentionality* (critical to proving genocide);
(d) inapplicability of *contemporary models*;
(e) lack of temporal sequencing between systems (e.g., missions to U.S. Indian policy); and
(f) failure to take responsibility by descendants and beneficiaries of genocidal policies (similar to throughout the United States generally) (p. 13, emphasis original).

Clearly, the California Indian genocides stand out, in part because of their complexity and because of their scope.

Chalk and Jonassohn (1990) classify genocides according to the motives behind them. They distinguish four types of genocide: (1) to eliminate a real or potential threat, (2) to spread terror among real or potential enemies, (3) to acquire economic wealth, and (4) to implement a belief, theory, or ideology (p. 29-32). In California, it can be argued, all four motives were behind the actions of the perpetrators. Vigilante violence was sometimes done in reprisal for actions taken by Indians such as the murder of their employers, as occurred, for example in the case of two ranchers who had Indian slaves and workers on their ranch who they mistreated in numerous ways, Charles Stone and Andrew Kelsey, near Clear Lake, California in December 1849. Vigilante groups were formed to seek out those responsible, but they ended up killing hundreds of Pomo and Wappo men, women and children (Madley 2016:114-116). The actions were aimed at eliminating opponents and at terrorizing the Indians into subservience (see Chalk and Jonassohn 1990:29, 36-37; Madley 2016:120-127). Even if they did not wipe out entire groups, the killing of expert hunter-gatherers removed much needed labor in Indian groups, who were both loved ones and family members, contributing to subsistence procurement difficulties and starvation (Madley 2016:125).

Smith (1987) sees genocide as an aspect of (1) war, and (2) development, and he notes that in the past it appeared in a variety of contexts, including conquest, religious persecution, and colonial domination (p. 23-25). Smith distinguishes five different types of genocide, one of which he also calls utilitarian genocide. This kind of

genocide, according to Smith occurred especially in the sixteenth- to nineteenth-century period when colonial societies came in contact with :ndigenous peoples in the Americas, Australia, Tasmania, and Africa (1987:23). Genocides were perpetrated, as Smith puts it, "out of cold calculation of gain, and, in some cases, as sadistic pleasure" (1987:23). The basic objectives of 19th century genocides of Indigenous peoples were, according to Smith, Indian land, resources, and labor (1987:25). In Smith's view, genocidal actions against Indigenous peoples are not simply accidental or unpremeditated events but are acts done purposely to achieve economic objectives.

An equivalent category to the utilitarian genocide discussed by Smith (1987) and that of genocide aimed at acquiring economic wealth suggested by Chalk and Jonassohn (1990:29) is what Fein (1984:8-9) refers to as developmental genocide. This kind of genocide generally is preceded by the movement of individuals, governmental organizations and bureaucratic institutions into frontier zones where Indigenous groups resided and earned their livelihoods. Admittedly, there was significant variation in the ways in which encroaching individuals and agencies dealt with resident groups. In some cases, the outsiders attempted to negotiate with local people; in other cases, they took their land and resources away from them without their permission; and in still other cases they tried to annihilate them (Fein 1984:8). Resident Indians, for their part, responded in a variety of ways: some of them actively resisted the incursions, others sought to negotiate, and still others retreated into remote, inaccessible areas. Most importantly, California Indians adapted and endured in the face of colonial violence and settler encroachment.

The California Gold Rush between January 1848 and 1864 brought some 300,000 people from all over the world into northern California (Rawls 1976; Johnson 1978:362; Shaler 2020). The presence of large numbers of outsiders led to greater conflicts over resources and the expansion of tensions between immigrants and Indigenous people. Miners, with little experience in dealing with Indigenous people, pushed for removals or extermination. Some of them, however, depended on Indian labor in the gold fields and for supplying them with food such as deer, acorns, and salmon. Population pressure on the northern California resource base exacerbated the difficulties of Indigenous people in sustaining themselves economically (Madley 2016:70-71, 100). Placer mining activities resulted in environmental impacts ranging from toxins such as mercury in streams and rivers to the sedimentation of water courses that in the past had supported sizable populations of fish and other resources (Madley 2013:21). Oral histories of northern California Indians contain stories about immigrants purposely destroying oak trees in order to reduce the availability of acorns, a staple food of many northern and central California Indigenous people (Hitchcock). Purposeful destruction of high-value Indian resources, combined with the fouling of streams, rivers, and lakes with toxins from mining activities, can be seen as ecocide.

There are at least four types of data on genocides of California Indians: (1) reports and admissions of perpetrators, (2) bystander or observer reports, some of them documented in media sources, (3)

testimonies of victims and oral histories, and (4) forensic evidence (Madley 2016:10). All four of these types of data were employed in the following analysis of genocides, massacres, mass killings, and murders of Yana and Yahi. Yana and Yahi customs are such that names of the dead are not used, and there are few, if any, formal records of Yana and Yahi memories of how they were treated. Nevertheless, it is possible to provide a tabular record of some of the genocides and human rights violations against northern and central California Indians (see Table 1).

Several observations can be made about this table. First, the perpetrators of the violence against central California Indians ranged from individual settlers, ranchers, and miners to self-appointed vigilante groups and the U.S. military. Particularly disturbing were the vigilantes who carried out killings, torture, and kidnappings of Indian adults and children. The California state legislature provided financial and moral support to "Indian-hunting campaigns," especially after 1851 (Madley 2013:20-21). The legislature also underwrote the costs of weapons

Table 1. Genocidal Massacres of Native Californians

Location	**Date**	**Victims**	**Perpetrators**	**Reference(s)**
Sacramento River, California	March 1846	Wintun and Yana	U.S. Military unit under Colonel John C. Frémont	Breckenridge (1846); Lindsay (2012:94-95); Madley (2016:45-48, 363)
Sutter's Mill, California	March 1849	Nisenan. Miwok	Settlers and militias	Madley (2016:428)
Clear Lake Island, California	15 May 1850	Pomo	Settlers and ranchers; U.S. Army unit	Lindsay (2012:248); Garsha (2015); Madley (2016:40, 228-243, 431)

Bridge Gulch, California	23 April 1852	Wintu	settlers	Madley (2016:206-207)
Yontocket Ranch, California	Spring 1853	Wiyot	Settlers, miners and a 33-man company	Norton (1979:54-56)
Round Valley, California	1856 – 1859 (battles and shootings)	Yuki	Settlers, vigilantes, and mercenaries	Carranco and Estle (1998); Baumgardner (2006); Madley (2008, 2016:256-266)
Eureka, California	26 February 1860	Tolowa	Settlers and townspeople	Madley (2016:209, 220-224, 231-232)
Three Knolls, Mill Creek, California	August 13-14, 1865	Yahi	Settlers	Anderson (1909:71-81); T. Kroeber (1961:79-82); Madley (2013)
Dry Creek	Early 1866	Yahi	Settlers	Waterman (1918:39); T. Kroeber (1961:82-88);
Kingsley Cave, Mill Creek Headwaters	April 1871	Yahi/Yana	Settlers	Waterman (1918:71) ; Riffe (1992)

For additional information on the treatment of California Indians, see Madley (2016:363-550, Appendices 1-7)

and ammunition for militias (Madley 2016:199-200). Immigrants who passed through the Mount Lassen area began killing Yana in 1848. The attacks and massacres picked up in the mid-1850s, some of them recorded by Indigenous authors including Byron Nelson (1978), Jack Norton (1979) and Edward Castillo (2010). The Yahi and Yana sought refuge in the highlands and canyonlands of northern and central California, and their remoteness provided them with a degree of protection, at least until the numbers of settlers, ranchers, and farmers expanded in the mid-1860s. As noted earlier, the Yana and Yahi preferred to avoid conflicts with other groups, so attacks on settlers and livestock thefts relatively uncommon. This did not mean that the perpetrators of the massacres (e.g. Anderson 1909) did not use retaliation as a justification for their actions.

Developmental Genocide

What transpired with the Yana and Yahi can be seen as a concrete example of mass developmental genocide. Campaigns against the Yana and Yahi were both state- sanctioned and carried out by vigilantes who had no connection whatsoever with the state. The expeditions undertaken against the Yana and Yahi were aimed at both extermination and forced removals to reservations and rancherias, one example being the Round Valley Reservation in Mendocino County. High mortality rates occurred both during forced marches to reservations and during the occupation of the areas set aside for Indians, some due to stress, starvation, and disease (Madley 2013:31, 2016:257-261). In terms of extermination efforts, there was a difference between the U.S. Army and the vigilantes: the army tended to kill smaller numbers of Indians and take more captives, while the vigilantes, militias, and civilians tended to 'be more genocidal: shooting, beheading, burning, enslaving, and scalping most of those Indians they attacked' (Madley 2016:224). The *Yreka Mountain Herald* argued on 26 December 1853, "We can never rest in security until the redskins are treated like the other beasts of the forests." Dehumanization, decimation, and denigration were the order of the day in the 1850s. Indians were shot down without provocation and their bodies mutilated by the vigilantes. Indian property was confiscated and kept by the perpetrators of the massacres.

Militia General William L. Kibbe's units carried out the Pit River Militia Expedition from July to December 1859, claiming that they had killed well over 200 people and had captured 1,200. Some of them were Yana, who the media, including the *New York Times* on 16 December 1859 declared were 'nearly exterminated' (Madley 2016:271-276). The actions of militias and military units and individual volunteers were decried by such organizations as the Northern California Indian Association (Lindsay 2012:349) and by the media in many of the towns in northern California.

Things began to change during the Civil War from 1861 to 1865, with a reduction in funds and weapons for the U.S. Army and vigilantes, and rising public consciousness about the mistreatment of Indians, which led to more frequent criticism of what was happening in northern California. Two California state senators asked, 'Shall

the Indians be exterminated, or shall they be protected' (Madley 2016:284). During the Civil War there began to be more intense scrutiny and criticism of what was happening with California Indians, particularly their enslavement and confinement to poorly managed reservations and rancheria, which saw widespread starvation and high disease rates in California in 1862 and 1863. Yana in northern California retreated further into the mountains but prepared themselves for a defensive guerilla operation to protect themselves from the vigilantes. In fact, there were few, if any, attacks on settlers but the vigilante attacks intensified in 1865-66, including the Three Knolls massacre which took the lives of many of Ishi's kinsfolk and led to his disappearance into the remote areas of Deer and Mill Creek.

It is important to note that during this period there were some efforts by ranchers and farmers to protect Yana workers from the vigilantes (Madley 2016:325-326). One of the last massacres of Yana occurred in 1871 at Kingsley Cave near the headwaters of Mill Creek. After that, there were only sporadic reports of Yana by settlers and ranchers until the 20th century, when Ishi and his family were found by surveyors in 1908 at their hideout known as Grizzly Bear's Hiding Place.

Conclusions

The Yana, like other California Indians whose numbers had been reduced substantially by violence from as many as 3,000 people prior to 1847 (T. Kroeber 1961:15) to as few as 30 in 1885 (Waterman 1918:40), have shown enormous resilience in the face of severe adversity. Rejecting the discourses on extinction (see Brantlinger 2003), they worked closely with other northern California Indians, including Wintu and Achomawi (Pit River Indians) in promoting a social, cultural, political, and economic resurgence that is nearly unmatched in Indian Country. In 1923 the Yana joined the Wintu and Achomawi on Redding Rancheria where they engaged in a variety of activities aimed at promoting the well-being of the three peoples. The federal government terminated the Redding Rancheria in 1959 during the era when it was seeking to reduce the number of Indian groups who were recognized, and therefore in a position to receive Department of the Interior, Bureau of Indian Affairs, and Indian Health Service support. The assets of the Redding Rancheria were sold, but the three tribes retained some of the land where they lived through individuals who had purchased or been allocated plots by the government in the past. The early 1980s were taken up with regaining federal recognition, which the three tribes managed to do in 1985 after a complex set of legal and other actions. Once they got federal recognition again, the Wintu, Pit River, and Yana went about formulating a constitution, which was completed in 1989. They set up the Redding Rancheria Economic Development Corporation in 1993. Redding Rancheria is recognized as a national leader in the development of its people in their traditional homelands. They have built up a successful business operation. The Rancheria invests heavily in economic development, education, health services, water, roads, and community support programs including mother tongue language programs in the schools.

Redding Rancheria's Win-River Resort and Casino is highly successful and is known for its positive, supportive management, excellent working conditions, and well-paid staff. The Redding Rancheria is a major contributor to Shasta County's economic growth through regular payment of property and other taxes and distributions of benefits from the business operations. The casino is the largest employer in the county. Working relations with Redding, the closest city, are excellent and are reminiscent of the Fox-Mesquaki relations with nearby Tama, Iowa. A superb video was made of the efforts of the Wintu, Pit River, and Yana in 2013. Titled "With the Strength of our Ancestors – the Story of Redding Rancheria," it is on the Redding Rancheria website (Redding Rancheria).

Development, which is often seen by Indigenous peoples as problematic because it is usually aimed at modernization, assimilation, and economic but not social growth, is now seen by the Yana, who number some 200 on Redding Rancheria, as something that is positive. The mass developmental violence that they had faced in the 19th century is definitely remembered but not discussed openly with outsiders by the Yana. They have endured and maintained their customs, beliefs, and cultural traditions. While Ishi was described as 'the last Yahi' and evidence of tribal extinction, Ishi, his father, Yètati, who died in 1857, his mother, Yè tschulti, who died in 1908, and Ishi, who died in 2011, had relatives and friends who survived the massacres and who told their stories to about what they experienced to Yana and Pulga Maidu and white Californians in the 20th and 21st centuries.

It is no longer possible to deny the California Indian genocide, especially when there is so much detailed documentation of what occurred. On June 18, 2019 Governor of California Gavin Newsom issued a formal apology to the Indian peoples of California, calling what happened to them a genocide (Cowan 2019). In the process, he called for the creation of a Truth and Healing Council aimed at reporting on the historical relationships between the state and its Indigenous people. The 200,000 Californian Indians and their neighbors and friends all look forward to the day when native people's rights are on an equal footing with those of all people.

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HJSR

Defining Genocide in Northwestern California: The Devastation of Humboldt and Del Norte County's Indigenous Peoples

Gavin Rowley

Abstract

In recent years, historians and the American public have increasingly debated whether or not the crimes that have been committed against Native Americans in the United States constitute genocide. Although the Humboldt and Del Norte region was conquered by Euro-Americans later than the rest of the US, genocidal crimes were prevalent within the counties of Humboldt and Del Norte in Northwestern California. The genocide committed against the Indigenous Peoples there were carried out by vigilante groups with the support of the California state government as well as the US federal government. I argue not only that genocide, as defined by the UN, was committed against Native Americans in these counties, but also that genocide has had a lasting effect on the Native Americans in the area through continued oppression. These groups include the Tolowa, Wiyot, Yurok, Karuk, and Hupa.

Introduction

In recent years, historians and the American public have increasingly debated whether or not the crimes that have been committed against Native Americans in the United States constitute genocide. According to the United Nations (1948), genocide is defined as:

> any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group.

All of these crimes (and more) were committed to some degree against Native Americans across the United States between the seventeenth and nineteenth centuries. Although the Humboldt and Del Norte region was conquered by Euro-Americans later than the rest of the US, genocidal crimes were prevalent within the counties of

Humboldt and Del Norte in Northwestern California. The genocide committed against the Indigenous Peoples of Northwestern California was carried out by vigilante groups with the support of the California state government as well as the US federal government. Not only was genocide, as defined by the UN, committed against Native Americans in these counties, but that genocide also has had a lasting effect on Native Americans in the area through continued cultural genocide. These groups include the Tolowa, Wiyot, Yurok, Karuk, and Hupa. The term "Indian" is used in this work to refer all Indigenous people in the Humboldt Bay area in late 1800's. The decision to use this term is based on its legal definition in United States as defined in 25 U.S. Code § 2201. I have included all of the names of the tribes that I know were involved in certain atrocities, but with other accounts the most specific term used is Native American or Indigenous Peoples. Genocide was perpetrated against Native Americans of the region through vigilante as well as institutionalized violence. The Euro-American hatred for Native Americans was evident in the region, leading to the genocide of the Indigenous tribes. The California State and Federal government contributed directly to the genocide of Native Americans through legislation that enabled crimes to be committed against Native Americans with no legal repercussions. While all of the acts of genocide in the UN definition were committed against Natives during the mid to late nineteenth century, there were also other events that continued into the twentieth century that could be considered cultural genocide such as boarding schools and desecration of land. However, historians still argue that Native American genocide did not occur anywhere in the US.

Those who argue that genocide was not committed against Native Americans rely heavily on the fact that disease killed more Native Americans than any traditional form of genocide (Madley 2016). This argument led some historians to conclude that the collapse of America's Indigenous population cannot be defined as a genocide. Some historians believe that disease could not be effectively controlled as a weapon prior to World War I, which led to the belief that it could not have possibly been used to commit genocide against Native Americans. Despite the fact that this is still being debated among historians, there is a plethora of evidence to suggest that the acts committed in the far reaches of the Northwestern California were in fact acts of genocide (Madley 2016).

There are several reasons why some of their deaths may have not been avoidable, including Native Americans' lack of immunity and the highly contagious characteristics of the diseases. Nevertheless, there are numerous accounts of Indigenous people being inoculated with deadly diseases with the intent to kill them. Although it is true that diseases (especially smallpox) were by far the primary killer of Native Americans during the nineteenth century, it does not negate the fact that disease was often spread with the purpose of killing Indigenous peoples (Jones 2017). While disease (both incidentally and intentionally inflicted) was the main reason for Native American deaths, they were still subjected to many other genocidal acts, namely massacres, enslavement, and relocation.

Unfortunately, most of the accounts of the massacres are from the Euro-American perspective, which makes them biased. In addition, they often failed to identify which tribes they attacked. While this is unfortunate, knowing the tribe that was attacked is not necessary for deciding whether genocide was committed against Natives Americans in the region.

Disease alone cannot explain the genocide of Native Americans in the region. There was also an anti–Native American ideology that fueled the government-sanctioned massacres of Indigenous people and culture. There are two theories, supported by Benjamin Madley and Adam Jones respectively, that explain how Euro-Americans excused the genocide of Native Americans: racial-eliminationist ideology and legal utilitarian justification. Racial-eliminationist ideology was a belief that Euro-Americans would naturally develop and take over the lands of the Indigenous Peoples because they were not as technologically advanced or "civilized." Euro-Americans believed that Native Americans could only benefit from being conquered and taught the "proper" way to live. This led people of the time to believe that Euro-Americans were justified in taking whatever they wanted from Native Americans, even if it meant killing them in the process. In 1851, California Governor Peter Burnett stated that "[A] war of extermination will continue to be waged . . . until the Indian race becomes extinct . . . The inevitable destiny of the race is beyond the power or wisdom of man to avert" (Madley 2012:174). Euro-Americans believed that the extinction of Native Americans was inevitable, and they thought of them as non-humans, which is illustrated by the use of the term "exterminate," since the word is most often used to discuss vermin. Natives were seen as subhuman by Euro-Americans, which was one of their justifications, or rather excuses, to steal land and enslave women and children with impunity. This mentality also made Native American deaths seem inconsequential to the Euro-Americans (Raphael and House 2011).

In addition to racial-eliminationist ideology, legal utilitarian justification was a claim that Indigenous people did not use their land properly and that European encroachment was justified because of Native Americans' "failure" to exploit their ancestral lands. This theory relates to the legal term vacuum domicilium, which means "empty dwelling" (Jones 2017). This term suggested that, because Native Americans had not used the land in the way that Euro-Americans saw fit, they had no right to own or continue occupying their ancestral lands. In the capitalist minds of Euro-Americans during the nineteenth century, they could not understand why a person would not want to use their land to make money. As a result, if a person was not using their land for crops, cattle, or mining, it was seen as a waste of valuable resources. Both of these theories gave Euro-Americans the excuse they needed in order to begin the genocide of Native Americans.

These theories of justification for Native American genocide were demonstrated in the way that Euro-Americans treated the Indigenous Peoples. Relations between the Euro-Americans and the Indigenous population of Northwestern California became increasingly hostile as they began to interact. Native Amer-

icans did not trust the American settlers because of the Natives' displacement that was caused by unfulfilled promises by Euro-American leaders like Colonel Redick McKee who was sent from the East to negotiate with the Native tribes on behalf of the California and US governments (Hoopes 1971). Starvation as a result of their displacement forced Natives to steal from Euro-Americans in order to survive. In addition, according to Native Americans, the new strangers who arrived in their land were outside the law and had no rights as far as the Indigenous Peoples were concerned (Raphael and House 2011). In Native American culture, property rights were highly respected, but only when it was the property of another Native American. This meant that some Native Americans felt it was permissible to steal from people who were not indigenous to the area, especially those that were causing their genocide (Raphael and House 2011).

Euro-Americans viewed Native Americans as pests encroaching on their newfound land rather than people who had been there for centuries before them. This, and their superior weapons, made it easy for Euro-Americans to steal land from the Indigenous Peoples. The lack of supplies gave the Indigenous tribes motivation to steal from Euro-Americans. Theft gave Euro-Americans a motive to kill Native Americans, which caused Native Americans to kill more Euro-Americans in acts of vengeance (Madley 2017). Euro-American negative attitudes towards Native Americans can be easily seen in an issue of the Humboldt Times from March 1860. The author complained of Native Americans stealing food to survive and stated: "Unless the government will provide for the Indians, the settlers must exterminate them" (Humboldt Times March 3, 1860). This explicitly says what Euro-Americans' intentions were at the time: genocide. This perpetual cycle of pedagogic killing was one that the Indigenous Peoples of Humboldt and Del Norte Counties had no hope of winning, as the Euro-American had superior weapons and supply systems. Hatred towards the local tribes and the fact that Native Americans had to steal food and supplies from Euro-Americans to survive combined to create what Benjamin Madley termed "pedagogic killing" which was then used as an instrument of Native American genocide (Madley 2017).

Pedagogic killing was what Euro-Americans did in order to "teach" Natives that they should not damage or take anything that a Euro-American settler owned, even if it was on Native American land or done in retaliation to Euro-American crime. An early example of this can be seen in 1852. In a letter addressed to their "Fellow Citizens and the People of Union Town and Humboldt Bay," citizens of Humboldt County, B.F. Jameson, T.D. Felt, and Kennerly Dobyns wrote, "The Indians have murdered two of our citizens, under circumstances truly horrible, and at a meeting of the citizens of the valley it was unanimously agreed to commence war upon them immediately." They promptly went on to kill more than twenty Native Americans, none of whom were suspects in the murder of the two Euro-American citizens of Humboldt County (Hoopes 1971:55). Euro-Americans used any excuse to attempt to exterminate Native Americans from land that they were eager to exploit. The theories of justification for the genocide of Native Americans (racial-elim-

inationist ideology, legal utilitarian justification, and pedagogic killing) coupled with the belief that uncontrollable disease caused the massive amounts of death, has led some historians to argue that the extermination of Native Americans in the United States was an inevitable fact of Manifest Destiny. In reality, massacres, enslavement, and relocation all contributed to the genocide of Native Americans in the region combined with disease. The hatred that the Euro-Americans felt towards Natives combined with the theories of racial-eliminationist ideology, legal utilitarian justification, and the theory of pedagogic killing explain how Euro-Americans excused the genocide of Natives. This further contributed to the common American belief in Manifest Destiny, or the inevitable conquering of Americas' Native American populations.

Attempts at Relocation and Euro-American Hatred

The prejudice of Euro-Americans towards Native Americans led them to attempt to solve the perceived "Indian Problem" in the region, first through relocation by the federal government, later through military intervention that was intended to keep the two groups at peace. Both of these attempts were thwarted by the local population's disdain for Native American tribes of the area. When Euro-American settlers first arrived in Humboldt County, there was little opposition from the Native Americans. The Native Americans were open to trade since the new settlers had goods that they had never seen before. Despite the relatively warm welcome from the Native Americans, prejudice led Euro-Americans to commit heinous crimes (Coy 1929).

Hostilities began soon after the Euro-American settlers arrived. In mid-May 1850, the schooner Eclipse got stuck on the sandbar in Humboldt Bay. A few Euro-Americans stripped the ship of anything valuable, and two Native Americans followed, taking some leftover sails and ropes. This triggered the Eclipse Captain Harry La Motte to go and search for the stolen property with a group of men. The group of men burned an entire Wiyot village and murdered two Wiyot boys because of the "theft" of items that they had originally considered useless. In retaliation, a group of Natives killed two Euro-Americans at Eel River (Rhode 2008). This began the cycle of pedagogic violence against Native Americans that became characteristic of California, especially Humboldt and Del Norte County, during the nineteenth century; however, before the killing fully commenced, attempts were made to resettle the Indigenous Peoples of Northwestern California away from the newly arrived Euro-Americans with Redick McKee's expedition of 1851.

McKee was a Colonel in the US military and one of the United States Indian agents in California. As an Indian agent, he was charged "to maintain peace, to distribute presents, and to reclaim ex-neophytes." In this instance, ex-neophyte refers to Native Americans who had been "converted" to the Euro-American way of living and had since returned to the Native community. Upon seeing the conditions for Native Americans in the lower Eel River Valley, he attempted to create a reservation for them and set aside land on the south side of the Eel River. He then made a treaty with

the Native Americans, granting them a portion of the Eel River Valley for themselves (Coy 1929). McKee saw this as a great victory, but when the US Senate met to ratify the treaties, they were rejected, and despite McKee's promise, no reservations were made.

Instead, when McKee proposed the reservations to Congress, they responded with the Act of 30 August 1852, which formally rejected the eighteen treaties and appropriated $100,000 for "the preservation of peace with those Indians who have been dispossessed of their lands in California, until permanent [areas] be made for their future settlement" (Hoopes 1971:51). The fact that the reservations had not been granted to the Natives was never explained to them, which caused the Natives to believe that they would have protection and their own land. In reality, Native Americans of the region were in a situation that worsened over time due to aggressive Euro-American settlers. These settlers did not set aside land for reservations since they wanted all of the land to themselves and saw Native Americans as pests that "wasted" valuable land and resources. By not setting aside land, Euro-Americans ensured the pedagogic cycle would be continued because there was no land that Native Americans were safe to live on without the fear of Euro-American encroachment.

There were other efforts to solve the perceived "Indian Problem" of the Humboldt Bay region after McKee's attempts to relocate the region's Native Americans. Instead of moving Natives to their own settlement where they would be separated from Euro-Americans, the US government decided to appoint troops to the region to keep peace between the two groups. Fort Humboldt was established on 30 January 1853 by the United States Army (Raphael and House 2011). The fort was intended to protect Euro-Americans as well as Native Americans from each other, but had little success in keeping the two at peace. The hatred that the newly arrived settlers in Humboldt County had for the Native people was the main reason for the establishment of Fort Humboldt.

After the fort was established, the hatred for Native Americans was evident. After receiving reports of 130 whites being killed and $240,000 worth of property destroyed, Governor John Bigler decided to send troops to set up the military fort in Bucksport. Colonel McKee sent a contradicting report to Governor Bigler, stating that the Euro-American settlers were actually the problem in Humboldt, not the Native Americans, and urged prosecution of the offenders (Coy 1929). The fact that Governor Bigler did not listen to McKee and pursue prosecution of these criminal Euro-Americans reflects how Native Americans were viewed by the majority of locals in Humboldt and Del Norte region. Euro-Americans were not punished for crimes committed against Native Americans, while Natives were massacred for simply being in Euro-American communities' general area.

In a report to Governor Bigler, General Ethan A. Hitchcock wrote, "such a post would be most favorable for holding in check not only Natives, but the whites who are so ready to create disturbances on the slightest provocation" (Hoopes 1971:54). Another example of how settlers in the region perceived the local Indigenous Peoples can be seen in the San Franciscan Bulletin on 18 June

1860. It stated that "Even the record of Spanish butcheries in Mexico and Peru has [seen] nothing so diabolical. Humboldt County has been the scene of a great portion of these outrages" (Hyer and Trafzer 1999:129). Settlers of the region hated the Native Americans, and it was well known even outside of Humboldt and Del Norte County. Around the same time, another article located in the Humboldt Times, discussed events in Palestine and compared them to Native Americans. In this article it stated that "The country is in possession of the Arabs, who, in the point of civilization, are but a small remove above the wild Indians of this continent" (Humboldt Times September 16, 1854). Even though the Indigenous peoples had been there a great deal longer than the American settlers, they were seen as foreign and used as a means for comparison to people that Euro-Americans saw as backward and uncivilized.

Humboldt County's residents' attitudes are further demonstrated in the Humboldt Times when the murder of Euro-American Arthur Wigmore was discussed. After a Native named Billy allegedly killed Wigmore and threw his body into the slough on the Eel River, locals demanded that the soldiers at Fort Humboldt act. This led to Captain Henry M. Judah's guiding a group of ten privates to search for Wigmore's murderer. When they found the two Natives they believed to be responsible, they were given orders that reflected how they were supposed to deal with issues that pertained to Native Americans. The orders stated that "US troops must prevent acts of hostility if possible and when necessary chastise the Indian tribes guilty of committing them. However, when murder has been committed it was for the civil authorities to confine and punish the authors" (Hoopes 1971:110). The leaders of Humboldt and Del Norte Counties wanted Native Americans exterminated, while the military had been ordered to protect both groups. This meant that allowing civilian authorities to decide Native American punishment was typically resolved harshly due to Euro-American prejudice towards Natives. While the outcome of Wigmore's murder case was the release of the two Native Americans responsible, it was not like this with most cases in the region due to the Euro-American attitudes towards Native populations.

Legislation Legalizing Genocide

As a result of these ideologies, laws were passed that encouraged the formation of militias and thus the killing of Native Americans on such a scale that could be considered genocide. Euro-Americans in the US passed laws forming vigilante groups in an attempt to end this pedagogic cycle by systematically murdering Native Americans of the region. Beginning in 1850, many state and federal laws were passed that gave impunity to persecutors of genocide. These laws allowed impunity from legal consequences, prohibited Euro-Americans from helping Native Americans, and allowed for financial gain by joining militias that would help to commit genocide against Native Americans of the region.

One such law was the "Act Concerning the Organization of the Militia," which called for a permanent militia of all free, white, and able-bodied citizens. This gave rise to vigilante groups that would devastate Native American pop-

ulations in Humboldt and Del Norte County (Childs and Swaine 1792). It began the period of state-sponsored militias, making the massacre of Native Americans in California funded by the state government. While there was no direct money provided to militias in this piece of legislation, they did provide weapons, supplies, and training as well as benefits to any militiaman injured in the fighting of Native Americans. One reason that this was a popular position to apply for was that militiamen were paid relatively well. Privates were paid five dollars a day and, for comparison, miners in the Central and Southern Mines of 1851 were paid between three to eight dollars, typically. $5 in 1850 is equal to $157 in 2018, when adjusted for inflation (Madley 2017).

Laws that were passed made the militia men's work more lucrative, which caused more people to join the militia and fuel the genocide. On 3 March 1855, Congress approved the 1855 State Militia Act, which provided militiamen who had served for at least fourteen days with 160 acres of land (Madley 2017). Congress also passed a law that increased the salary of the militia's adjutant and quartermaster, allowed for militias to be armed more extensively, exempted militiamen from jury duty, mandated regular drill exercises, and required all Euro-American men not in the militia to pay an annual twenty-five cent tax to fund the militia (Madley 2017). A year later, the 1856 Militia Act doubled the militia tax to fifty cents annually for non-serving males and provided a militia manual on training and tactics to all militia officers (Madley 2017). These laws made militias into more professional and lethal units by furnishing them with a greater quantity of superior weapons and training them on tactics while also punishing men who did not join militias with a tax.

At the same time, legislation was passed that made Natives unable to defend themselves, which allowed Euro-Americans to more easily commit genocide. One such law, "An Act for the Government and Protection of Indians," was passed on 22 April 1850. This allowed any Euro-American to apply to a Justice of the Peace for the removal of Native Americans from their land. Any Euro-American could also apply for a Native American child to be an indentured servant until they came of age. "Coming of age" was 18 for males and 15 for females. This legislation falls under the United Nations definition of genocide because it is an example of forcibly removing a child from one group to force assimilation into Euro-American society. Relocation also contributed to the loss of culture because it interrupted families and stopped the traditional ways that Native Americans taught their children (Cultural Genocide).

There were also laws that exploited Native Americans of the area which made it easy for Euro-Americans to commit genocide. Any Native American found loitering, going to places that sold alcohol, begging, or doing anything that "lead to an immoral or profligate course of life" could be brought before a justice of the peace and ruled a vagrant, who could then be hired out to the highest bidder (Madley 2017:159). It also allowed a justice of the peace exclusive jurisdiction over any matters dealing with Native Americans. Another law was later passed that prohibited Natives, blacks, and mulattos from tes-

tifying in court against a white person, ensuring that Euro-Americans would never be found guilty of any wrong doings (Act of 1850). This guaranteed that Euro-Americans would be able to legally massacre Native Americans because the majority of people in the area had a racial ideology and would not testify in favor of a Native American.

Other Californian legislation that was passed further deprived Natives of the means to protect themselves and allowed genocide to take place. One such law was called the "Act to Prevent the Sale of Firearms and Ammunition to Indians" and was passed on 24 March 1854. It made the sale of firearms and ammunition to Native Americans illegal and punishable by a fine of $25 to $500 and/or a jail sentence from one to six months. (Madley 2017). This law ensured that Native Americans would have much inferior weapons compared to Euro-Americans, ensuring white dominance of the area. The act also punished anyone selling Native Americans weapons, guaranteeing that anyone sympathetic to the plight of Native Americans could be punished for attempting to make the fight fair.

The cumulative effect of these laws and legislation was that they made it legal for Euro-Americans to enslave, kill, and commit crimes against Native Americans. The Indian Commissioner Edward P. Smith rationalizes not making Native Americans citizens of the US in 1874. He stated: "No amount of appropriations and no governmental machinery can do much toward lifting an ignorant and degraded people, except as it works through the willing hands of men" (Prucha 2000:144). This was written after the massacres had mostly ceased in the region, yet it suggests that Euro-Americans believed that Native Americans could not become citizens because they were too "ignorant and degraded" to be worthy of citizenship as a result of their perceived inhumanity in the eyes of the settlers. This is important because it was an attempt to justify the fact that Native Americans did not have basic rights under the US Constitution. According to the Euro-Americans of the time, Native Americans had not earned their citizenship and were denied citizenship as a result. Though these are all typical examples of genocide, there are other aspects of the UN's definition of genocide that also apply to this situation. While they are not the most common examples that come to mind when first thinking of the term genocide, other crimes such as relocation, forced assimilation, and desecration of land were committed against Native Americans that were just as devastating to them as the laws that legalized their deaths.

The Devastation of Native American Tribes in Humboldt and Del Norte County: Massacres and Reservations

One of these other cases was the "Red Cap War." This so-called war was fought between Euro-American settlers of Klamath and Humboldt and the Native tribes of Karuk, Hupa, and Yurok. This was provoked by a Euro-American man who attempted to rape a Karuk woman and wounded a Karuk man severely on 10 December 1854. In retaliation, the Karuk killed what they thought was the rapist's bull, but he had actually sold the bull to another person. The Karuk offered compensation for their

mistake, but the man refused, and Euro-Americans used this act of retaliation as their excuse for an attack on the local Indigenous population. By the end of this "war," eight Euro-American men had been killed, while 70 to 80 Native Americans had been massacred, which caused the Native Americans to retreat into the mountains while vigilantes were "hunting them down like deer" (Madley 2017:235-6). The massacre was eventually stopped by Captain Judah, which proved the army had the power to stop genocide, but they often chose not to. These types of events occurred frequently and normalized such genocidal actions within the region as well.

Another such massacre was the Yontocket Massacre, also known as the Burnt Ranch Massacre, which occurred in the Spring of 1853. It resulted in the deaths of over 450 members of the Tolowa tribe. The culprits threw babies into fires, along with ceremonial regalia and other items. This is an act of genocide and cultural genocide because the Euro-Americans not only killed a significant majority of the Tolowa people, they also destroyed any sign of their culture by burning ceremonial items (Madley 2012). While this was a horrible event that destroyed much of the Tolowa people and their culture, it was just one in a long line of genocidal massacres.

With the introduction of state sponsorship on expeditions to massacre Native Americans in 1854 made possible by the "Act for the Suppression of Indians," the Klamath Mounted and the Coast Rangers in Del Norte County were created and added as California State Militia Cavalry units (California Militia and National Guard Unit Histories 2016). Not only did Euro-Americans massacre the Tolowa, it was paid for by state with the "Act for the Suppression of Indians," which appropriated $5,000 for campaigns to kill Native Americans (Madley 2012). At a similar time, the Tolowa tribe was gathering at a place called Etchulet to perform a sacred ceremony. The Coast and Klamath Mounted Rangers surrounded the ceremony and preceded to massacre 30 to 65 of the Tolowa tribe. The Tolowa only had three guns with them, and anyone who ran from the rangers was hunted down (Madley 2012). This is yet another genocidal act under the UN definition, and it was paid for by the state of California, which was supposed to be protecting both groups—at least, according to the military's orders. Residents of Smith River Valley supported the Etchulet massacre. The Herald attempted to justify the act, stating:

> [T]he descent upon the Lagoon Ranch [Etchulet] happened to prove fatal to the very worst class of Indians. It would be unjust to blame the companies for acts of cruelty, reported to have been perpetrated by individuals, without giving them credit for their readiness in lending assistance to the settlers when the safety of the latter was considered to be in imminent danger (Madley 2012:183).

Since Etchulet was near Smith River, Euro-Americans thought that because there was a Native American tribe within the Smith River Valley's community's general vicinity, the massacring of 30 to 65 people was justified. Obviously not all Euro-Americans in the area condoned the violence against Native

Americans, but enough supported it that none of the perpetrators were punished.

Another one of the worst massacres in Humboldt County history took place on 26 February 1860. Located on Indian Island, where the Wiyot gathered for their sacred ceremonies, the tribe was sleeping. Early the next morning, a group of men rowed out to Indian Island on Humboldt Bay, where they proceeded to slaughter any person they could find using knives, hatchets, and axes. The only documented first-hand account of the massacre was written by Mrs. Jane Sam, a local Native woman who survived the massacre. She recounted the events of that day:

> Men went in all the houses and blocked the doors so Indian could not get out… They took everything in the houses that belonged to the Indians Bead, and other things. All women and children killed because they could not get away. A few men got out safe (Rhode 2014:1).

Not only did the perpetrators of the massacre kill defenseless and unsuspecting people, they also stole from them. Other reports stated that the victims were mostly women and children, and the Humboldt Times justified the act as necessary for the protection of citizens and even stated,

> If in defense of your property and your all, it becomes necessary to break up these hiding places of your mountain enemies, so be it; but for heaven sake, in doing this, do not forget to which race you belong (Humboldt Times March 3,1860).

Two other massacres were committed on the Eel River and at South Beach on the same day. All three vigilante attacks killed approximately 150 Native Americans (Humboldt Times March 3, 1860).

Vigilantes were responsible for these massacres, but the introduction of Federal troops would increase the amount of destruction done to Native Americans of the region. While vigilante groups were responsible for most of the massacres prior to the Civil War, once the war began on 12 April 1861, regular soldiers in California were withdrawn to help fight the Confederates to the East. This influenced Secretary of War Simon Cameron to telegraph California Governor Downey and request that he enroll infantry and cavalry units to form the California Volunteers. These men agreed to join the US Army for three years, and by the end of the war, 15,725 men had enlisted (Madley 2017:299). This group, combined with vigilantes, devastated Native American population of Humboldt County more effectively than ever before as a result of being federally supplied, trained, and funded. Colonel Francis J. Lippitt was put in command of these troops. Colonel Lippit ordered the preservation of Native American lives upon threat of death and disapproved of vigilante groups. He also commanded that they were "not to make war upon the Indians but bring them in and place them permanently on some reservation where they can be protected without bloodshed whenever it is possible" (Madley 2017:301).

While not as extreme as earlier massacres, reservations could still be considered genocidal due to the horrible conditions that Native Americans were sent to live in. For example, when discussing

the Smith River Reservation in Northern California, the Humboldt Times said "no attempt has ever been made by officers in charge . . . to look after, or care for any [Indians]" (July 17, 1858:2 and October 2, 1858:2.) Native Americans at Smith River were not given blankets, clothes, or tools and suffered from measles, diarrhea, and other epidemics (Madley 2012:186-7). Jane Sam, the survivor of the Indian Island Massacre, was also sent to the Smith River Reservation. She described how she and other Native Americans were treated there:

> Not treated well on Res no shoes hat no clothes for children . . . nothing was given to those that worked no pay. Men folks that go out to hunt grub for a living, gets jailed whipped with black snake, women and children same just for trying to get something to eat. This is why Indians could not get along on Res—not treated right. I run away every chance I could get. Indians get sick on Res (Rhode 2014:2)

Life on the reservation was horrible and resulted in the deaths of many Native Americans from disease. Euro-Americans of the time did not see them as human and did not recognize any of their fundamental human rights, so they treated them as such by forbidding them to hunt and not providing them with an adequate amount of food. This constitutes genocide because it is the act of placing the "conditions of life" on a group. This means that they were not provided with adequate food, water, or shelter to survive. Additionally, this account suggested that some Native Americans were being kept as slaves since they were forced to do work without pay. While Lippitt was one of the few people in California who did not advocate for the blatant murder of Native Americans, it only lasted a short time. On 7 April 1861, US Army General Wright ordered Lippitt "to make a clean sweep" (Madley 2017:301). Along with this order, the Humboldt Times condemned Lippitt's policies, which persuaded him to take a new approach (Hoopes 1971:125).

According to Lippitt, these peaceful tactics of capture would no longer suffice, and he intended to teach "these ignorant savages the folly of such conduct but by inflicting on them a terrible punishment" (U.S. War Department 1894). By July 1862, the army had taken over 800 prisoners and placed them in a corral located inside Fort Humboldt. The conditions were horrible and resulted in a high mortality rate, which forced Lippitt to move the Native Americans to a peninsula across the bay from Bucksport (Hoopes 1971:126). The Humboldt Times reported that it would be sufficient to hold any number needed: "These Indians are better managed, and with them a better system of control has been inaugurated than any we have ever witnessed on a reservation" (September 6, 1862). The Native Americans were then moved to the Smith River reservation. This upset people in Humboldt County because it was easy to escape from and resume the fight against Euro-Americans, and about half of them did (Humboldt Times October 4, 1862). After this, vigilante groups formed and began to "help" the army by attacking and killing as many Native Americans as they could find. Lippitt found their tactics barbaric, but the community supported them. The public view was that the military pres-

ence in Humboldt was unnecessary because of the feeling that the militias were sufficient protection. This influenced the removal of troops from Fort Humboldt, but it was not the only reason (Hoopes 1971:128).

According to Colonel Lippitt, the newly formed militia group called the Mountaineer Battalion was undisciplined and should not be mixed with his Humboldt Volunteers, and the Humboldt Volunteers withdrew from Humboldt County in order to avoid association (Lippitt 1892:188). Once Lippitt departed, his tactics of capture and "protect" left with him. On 13 July 1862, the Humboldt Military District was given to the commander of the Mountaineer Battalion, S.W. Whipple, who was also a newspaper owner and editor with a pro-extermination ideology (Hoopes 1971:130). For the remainder of the Civil War, Whipple and his Mountaineers entered the wilderness and killed Natives indiscriminately until he met the Hupa Tribe and was bested in battle, which lead to his replacement (Hoopes 1971:130).

Whipple was replaced by H.M. Black on 17 February 1864, and Natives were devastated by his tactics, which were reportedly "zealous and indefatigable" (Wright 1892:247). His success lead to the near end of hostilities by the summer of 1864. When Black was sent east to teach at West Point, Whipple was appointed once again to command the Mountaineers. Whipple continued to use the same energetic tactics that Black was known for, and the "wars" between the Euro-Americans and the Native Americans would not come to a total stop until the Hupa Treaty was signed in August of 1864 (Hoopes 1971:132). While some small skirmishes still occurred after the signing, it is still considered the end of the Indian Wars in Humboldt and Del Norte County, and the end of the American Civil War soon followed. All these events directly contributed to the genocide of Natives in the region because massacring and "inflicting conditions of life" are included under the UN definition. What is equally important is that these acts normalized the destruction of Native Americans culture which carried on after the blatant massacring had come to an end.

Lasting Effects of Genocide in Humboldt and Del Norte County

Unfortunately, the end of the slaughter did not mean the end of unequal treatment for the Indigenous peoples of Northwestern California. Although the massacres had stopped by the twentieth century, there was continued cultural genocide. One example of this were the attempts to force Native Americans to assimilate into Euro-American culture even before they were granted citizenship in 1924 (National Archives and Records Administration 1924). Forced assimilation can be considered genocidal because it involves forcing the children of a group to be raised separate from their family unit. This resulted in a loss of culture, but also an inability for Native Americans to replenish their numbers because of the separation from their tribes. One of the most invasive forms of forced assimilation, and the most common in the US, was boarding schools. By forcefully removing children from their homes and forcing them to assimilate in Euro-American society, it stripped Na-

tive Americans of their cultural identity and resulted in cultural genocide.

A document from 1889 on the "Supplemental Report on Indian Education" stated why Euro-Americans felt the need to force Native Americans into these boarding schools. It said, "[T]he Indians are far below the whites of this country in their general intelligence and mode of living . . . Education is the medium through which the rising generation of Indians are to be brought into fraternal and harmonious relationship with their white fellow-citizens" (Prucha 2000:176-7). The troubling aspect of this statement is that it fails to acknowledge the Native American perspective of whether or not they wanted to live in the Euro-American style. Most of the Indigenous Peoples of the area wanted to continue living in their traditional way, and the introduction of the boarding school system interrupted families and stopped the passing of culture and language from one generation to the next, which was an act of violence against Natives as Euro-Americans destroyed their cultures.

William A. Jones in the "Annual Report of the Commissioner of Indian Affairs" in 1901 explains a Euro-American perspective on why Native Americans had a problem with Euro-Americans forcing their children into boarding schools. It stated:

> Here [the Native American] remains until his education is finished, when he is returned to his home-- which by contrast [to the boarding school] must seem squalid indeed—to the parents to whom his education must make it difficult to honor, and left to make his way against the ignorance and bigotry of his tribe. Is it any wonder that he fails? Is it a surprise if he lapses into barbarism? Not having earned his education, it is not appreciated (Prucha 2000:198-9).

In this instance, Indian Commissioner Jones blamed Native Americans' failure to assimilate on the fact that they did not appreciate the education that had been provided to them for "free." These boarding schools were free in the traditional sense but stripped Native Americans of their traditional cultures by removing them from the only place in which they could learn about it: their family homes. Each tribe had unique cultures, languages, and customs, meaning that a Native American could only learn about their traditions through tribal relations. By interrupting these families and forcing them to abandon their culture and customs they created an education system that completely devalued and ignored Native tribal traditions and practices while placing Euro-American traditions at the center of "civilized living." Euro-Americans assumed that Native American children did not receive any real education at home, which dismissed Indigenous People's ancestral ways of teaching and learning that is an important part to all Native American societies (Alvarez 2014:144). Native Americans resisted assimilation because they were trying to preserve their own traditional ways of living in the face of overwhelming pressure to abandon them.

Examples of these boarding schools were found in multiple different locations throughout Northwestern California and the US. There was the Chemawa Indian Boarding school, the Hupa Boarding school, and the Sherman Institution within this particular region

(Lowry 2014). Oral histories by members of the Yurok, Karuk, Hupa, Wiyot, and Tolowa discussed the Indian boarding schools they attended. These oral histories were all recorded in the early 2000s and the people interviewed were all born between 1920-1940. While their age may have caused them to forget some details of the events they were recounting, this is still a valuable source because it is the only way to gain an indigenous perspective on the topic of boarding schools, especially in Northwestern California. Frank Richards of the Tolowa tribe reported that schools were either classified as "Indian" or "Caucasian" until the 1940s (Richards and Lopez, interviewed by Lowry, May 4, 2001). This segregation suggests that Euro-Americans felt the same racial superiority that was obvious and normalized when they were attempting to exterminate Native Americans through massacres and so-called wars. The only difference is that Euro-Americans were now destroying Native American culture and tradition rather than killing them directly.

The way Indigenous children were taught was also different than Euro-American children. Boarding schools taught Native children how to read and write, but they mostly focused on teaching trades like carpentry, housekeeping, and farming. This implies that Euro-Americans did not believe Native Americans were as intellectual as Euro-Americans because they refused to teach Native American children the same way as Euro-American children. Almost every interview that touched on the topic of boarding schools reported that Indigenous children were never taught about the history of Native Americans in California. Native American children sent to boarding schools were forbidden and punished for speaking in their own language, which had the longest lasting effects of the near extinction of their traditional languages. Multiple accounts recounted being punished for speaking their Native language. One account even said that they were given extra work as a punishment for speaking their Native tongue (Nicholson and Bacon, interviewed by Lowry, March 23, 2000).

It is easy to see how this could be traumatizing for a child. They were stripped of everything they knew and forced to live in a way that was completely different than how they were raised. Evelina Hoffman reported that she was denied contact with her family while at the Hoopa Boarding school during the 1930s. As a result, she said the matron of the school felt like her mother (Hoffman and Van pelt, interviewed by Lowry, December 16, 1999). This is a prime example of an interrupted family and a cultural genocidal act as a result. Typically, the younger years of a child's life are important for establishing a sense of self. When the child was taken away from their family and forced to live as a Euro-American, it made it exceedingly difficult, if not impossible, to learn and continue their traditional customs.

Many of the oral histories gave accounts of running away from their school in order to avoid assimilation. Most of the people interviewed said they were not forced to go to boarding school by Euro-Americans and their experiences were not always negative (Richards and Lopez, interviewed by Lowry, May 4, 2001). However, boarding schools was one of the few options available if a Native American wanted to gain an education and attending boarding

school stripped children of their culture and traditions by moving them away from their family. After the fact, boarding schools have come to be seen as unsuccessful and even cruel, with the Canadian government apologizing to the Indigenous Peoples of Canada in 2008 for forcing them to attend such schools because it fits within the UN's definition of genocide (Alvarez 2014:154). While the United States has not made a similar declaration, these schools still had negative effects on Native American populations in the US.

In addition, this new generation was also unable to be integrated back into their traditional cultures because they no longer fit into their home communities due to their loss of language, traditions, and customs (Alvarez 2014:155). Forced assimilation created a generation of Native Americans that were unable to integrate into Euro-American society because of the prejudice and negative stereotypes that existed. Alex Alvarez, a genocide specialist at Northern Arizona University, comments on what these acts did to Native American people by saying that "Destroy[ing] the bonds that unite a people as a people . . . effectively destroy[s] that population" (Alvarez 2014:156). Unfortunately, even though boarding schools had been ended, damage to Native American heritage and culture continued to be inflicted on these communities after forced assimilation.

Another example of cultural genocide is traditional Native American lands being desecrated in Northwestern California. The Klamath River is considered sacred by some of the Indigenous People of Northwestern California, especially the Yurok, and fishing was an important way to sustain themselves and a staple of their diet (Hoffman and Van pelt, interviewed by Lowry, December 16, 1999). However, this did not stop Euro-Americans from restricting Native American access to this highly valuable resource. When Euro-Americans wanted to exploit the salmon rushing up the Klamath River, they opened canneries and allowed the Indigenous people to work for them by netting and canning salmon. When an energy company built a dam and restricted the amount of salmon that could go upriver, the canneries blamed the salmon shortage on the Native Americans. This resulted in the government banning Yuroks from fishing in 1933, even on reservations. Commercial and tourist fishing continued, but it was made illegal for Native Americans to fish from their sacred river. In 1969 Raymond Mattz, a local Native Yurok, was arrested for gillnet fishing and told to pay a fine of one dollar so that they could release him. He refused in order to fight for Native American fishing rights. The case ended up going all the way to the United States Supreme Court, and after seven years the Yurok were granted access to their sacred river, the Klamath (Kohler 2009). The Yurok were denied access to their sacred river for over 70 years; however, the Wiyot had lands stolen from them for much longer.

One recent example of Euro-Americans exploiting traditionally Native American land is when the government decided to build a highway that was over a sacred Native American site. This road became known as the G-O Road because it stretched from Gasquet to Orleans. In 1988 Lyng v. Northwest Indian Cemetery Protective Association (NICPA) the Forest Service argued that the "completion of the road was very

significant to the development of timber and recreational resources in the area." Marilyn Miles counterargument for NICPA was that, "these practices go to the very core of the religion for a substantially large number of people, and if they cannot be conducted, if they have that same type of belief, but you physically would be terminating this particular religion for these people by allowing the government to act out in a very public way" (Risling Baldy 2018:19-21, 24). The Supreme Court sided with the Forest Service and upheld the decision to build the road from Gasquet to Orleans, which desecrated sacred Native American land. This shows some of the injustice that continues to plague the Indigenous peoples of Northwestern California deep into the twenty-first century. Besides injustices like taking land from Indigenous peoples, Euro-Americans have also stolen pieces of Native American culture. Euro-Americans have been stealing "wagon fulls" of religious regalia after massacring Native Americans since the nineteenth century (McCovey, interviewed by Lowry, March 16, 2000). However, Euro-Americans were using archaeology as an excuse to rob Native American gravesites up until the 1980s. One man of the Yurok tribe, named Walt Lara Sr., reported witnessing Euro-Americans robbing graves at the village of Chapek an astounding 15 times during his lifetime. Lara also specifically called for the returns of otter skins that were used for ceremonial purposes (Lara, interviewed by Lowry, March 22, 2000). Other stolen items include ceremonial regalia, baskets, and even human remains. Members of the Yurok tribe are still attempting to take back some of their stolen items from museums (Nicholson and Bacon, interviewed by Lowry, March 23, 2000). Imagine that events such as these had happened in a Christian burial ground during the twentieth century. There would surely be a huge public outrage, yet there is little support for Native American tribes to recover their stolen items. This is an example of cultural genocide that has carried over into the twenty first century.

Conclusion

The Indigenous peoples of Humboldt and Del Norte County were subjected to genocide as defined by the United Nations when Euro-Americans arrived in California in the mid-nineteenth century. State and Federal legislation made the massacres not only possible, but they ensured that there would be no negative legal consequences for the perpetrators of the genocide. The California State and US Federal government contributed directly to the genocide of Native Americans in Humboldt and Del Norte Counties. This genocide has had lasting effects on the Indigenous communities through historical trauma and cultural genocide that continued even after the massacring had come to an end through the theft of their ceremonial land and items. Euro-Americans did not just kill, rape, enslave, and starve Natives—they completely destroyed their culture and their chances of ever regaining their traditional customs by killing most of the Native Americans within the region.

In most cases, Euro-Americans refuse to acknowledge that genocide took place and refuse to give back traditional lands and items as a result. One example of Euro-Americans stealing the Indigenous peoples land in Humboldt

County is the fact that Indian Island, one traditional home of the Wiyot people, has yet to be returned to the Wiyot tribe. Because of this tragedy, the Wiyot people have not done their traditional dances since the massacre (Carlson, interviewed by Lowry, July 27, 2000). This will hopefully be changing due to the unanimous decision by the Eureka City Council to transfer the island back to the Wiyot tribe (Santos 2018). This shows yet another example of Native Americans in general in Northwestern California being stripped of their culture through violence, but fortunately it is finally being returned in part to at least one tribe, though it is hardly adequate compensation for the suffering the Wiyot have had to endure and the aspects of their culture that remain permanently lost to them.

It is important to note that while Native Americans are usually viewed as part of the past, they are still an important community that exist today and are still facing the consequences of this continued oppression through cultural genocide (Malloy 2019). Historians will certainly continue to debate over whether or not genocide was committed against Native Americans across the US in general, but this research will help to prove that genocide was in fact committed against the Indigenous Peoples of Northwestern California and hopefully encourages understanding and compassion for those who still suffer from this genocide.

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About the Author

Gavin Rowley was born in Humboldt County and grew up in McKinleyville. He attended Humboldt State University and majored in History with a minor in Philosophy. He was a history tutor for his final semester at HSU. He received the 2019 Barnum award for best paper written on local (Humboldt County) history, which is a variation of the paper published in this journal.

Undergraduate Articles

HJSR

"Light is the normal course of events, darkness is only a temporary interruption": Lessons from Lucy Thompson

by Elizabeth McClure

Abstract:

Che-Na-Wah Weitch-Ah-Wah Lucy Thompson (1856–1932), a Yurok medicine woman, was born in Pecwan on the Klamath River in California. She is one of the first Native American women authors known for her book To the American Indian: Reminiscences of a Yurok Woman (1916). Written in Wiyot territory, in what is now Myrtletown, just outside the city limits of the City of Eureka. Her purpose was to preserve her people's stories, and to tell the truth about the historical genocidal targeting Indigenous Californians. She also expressed concern for the continued stewardship of Klamath River. Lucy used her skills as a storyteller and writer to counter the false histories created by settler histories, to reclaim narratives, and portray resiliency through difficult times.

There lies a house between the waterfront of Humboldt Bay and old Arcata Road, across the marshes of Highway 101 in what is known today as Myrtletown. This house and land once was the home to a very strong and powerful Yurok medicine woman who battled against the darkness she was born into to bring light back into the world. Today the homes and lands are owned by a very affluent local corporate entity and land owner of several properties across Humboldt County. I will refer to him as Z for his benefit and consideration. My husband and I lived within one of Z's properties, one of the most familiar and intimate Z had among any property he held power over. The Myrtle Avenue home was acquired by Z's grandparents in the 1930s. Z's father and himself were raised within that home that we later lived in for 3 years. Despite months of research, I have not been able to pinpoint how the land was acquired. Our time in this home however reaffirmed for me a notion that the consequences of genocide permutate worlds and are still very real.

Before we had moved into the Myrtle Avenue home, not a single soul had entered it for nearly a decade prior. Later on I found out who the previous owners were from the late 19th to early 20th century. Milton and Lucy Thompson had lived within the Myrtle Avenue home when Lucy wrote her book *To the American Indian*, published in 1916. In the book, Lucy expresses that her intention in writing was to shed light and share parts of her people's cultural and traditional ways of being in hopes that the white settler population would grow to understand and see Indian people as human. Much of the mistreatment of local tribes began with settler invasion in the late

1840s. Lucy is remembered today for her resiliency and bravery to tell the stories of the area's Native peoples beyond the stereotypes and bigotries of her time. I however, hold an intuition that she may have fallen victim to the racism and violent oppression that still presses our communities today. In this paper, I will discuss settler colonialism and genocide through the lens of Lucy Thompson's stories. Notable is Lucy's teaching on how darkness is only a temporary interruption, for it is critical and vital to draw attention to the strength and resiliency of local tribal nations to persevere, as well as their efforts to balance and heal not just their communities, but the region and all its communities.

Lucy Thompson's story and life holds significant historical and cultural connections for Yurok people, and offers an in-depth understanding of Humboldt's non-Indian communities as well. Lucy's *To the American Indian: Reminiscences of a Yurok Woman* was the first book published by a member of the Yurok Tribe, making Lucy Thompson the first California Native American woman published author. *To the American Indian* is an autobiographical view of the intricacies of life within the Yurok Tribe at the dawn of the twentieth century, revealing her powerful assessment and concern regarding colonization. Following Euro-American invasion, the Yurok people lost over seventy percent of their, a decline precipitated by the federal government decimating Yurok land rights during and following the Gold Rush (Kroeber 1925; Cooke 1956). The Yurok Reservation lies along the lower Klamath River, extending one mile on each side of the river beginning from the Pacific Ocean to forty five miles upriver to the confluence with the Trinity River. The Klamath River and its salmon are vital for identity and culture, ceremonies, subsistence, and to maintain the connection to relatives and ancestors, a message embedded by Lucy within her stories.

Che-na-wah Watch-ah-wah Lucy Thompson was born in 1853, a pivotal point in which "the prevailing attitude among whites that all Indians should be exterminated was greatly enforced" while state and federal policies supported that "prevailing attitude" (Madley 2016:247). California legislators approved militia campaigns by providing reimbursement to militia volunteer rangers, while Congress also voted to pay for militia expeditions that ranged between 1850 to 1853. Prior to Lucy's birth, treaties made between 1851-1852 facilitated by agents such as Redick Mckee would have greatly reduced or forced tribes to relocate and abandon their ancestral homelands to move to an "Indian Reservation" in hopes of assimilation; however, the treaties were never ratified by Congress. This resulted in reservations having to be established by executive order, or acts of Congress much later. Within 130 years, California Natives were abducted from their lands, and nearly eighty percent of California Native people died, many from unprovoked massacres and diseases (Madley 2016). In 1851 when Peter Burnett, California's first governor, announced the "war of extermination will continue to be waged between the two races until the Indian race becomes extinct" (Madley 2016:201).

The same year Lucy was born, Fort Humboldt was established in 1853 within traditional Wiyot territory (California Department of Parks and Recreation

2020). Lieutenant Colonel Buchanan established the fort to "protect" settlers and miners from the Indigenous threats within the region. In reality, Fort Humboldt was used as a shipping port for timber and gold, whereby militarization intertwined with gruesome violence. Lucy speaks to the genocide of the Wiyot during this time, who she refers to as the Humboldt or Eel River tribes. She emphasized how the white settlers would forcibly move any Wiyot who resisted the taking of their lands only to relocate them to Smith River, with a second relocation to the Klamath River, and a third relocation being to the Hupa Reservation on the Trinity River. Lucy describes the resettlement as bloody and violently enforced.

By the year 1855, the settler genocidal rampage reached upriver on the Klamath River, inflicting more violence on the Yurok, Karuk, and Hupa and resulting in what is known as the Red Cap War. Eurocentric narratives describe the events as conflicts and tensions between white miners and local Natives, but the truth was that it was extreme settler violence against the tribes. Euro-American violence and dehumanization of tribes stand in contrast with historical narratives describing events as an "uprising" of Indians with Indians as aggressors. However, prior to the Red Cap War, the State legislature passed the 1854 law that prohibited any sale of firearms and ammunition to Indians. Following in 1855, white settlers invaded Orleans Bar, and held mass meetings to deliberate on how they would enforce the new law to neutralize the threat they perceived from the local "treacherous tribe" (Madley 2016:266). The Red Cap War was resistance to the violence inflicted upon Karuk, Yurok, and Hupa.

When Lucy had published her book in 1916, California's economy was booming due to growth in oil, mining, agriculture, and shipping, but with huge environmental consequences. The miners had settled upon the Klamath and Trinity Rivers, where they caused major disruption to the rivers and salmon. Settlers diverted water for their own mining exploitation and used mercury to separate the metal. When mercury is used within the water, it can form with other bacteria and become even more toxic, poisoning the ecosystem. The mercury eventually ended up within fish, and people were left with severe medical symptoms, sometimes ending with death. All of the disruptive activity polluted and interfered with the natural flow of the water, eventually taking its toll on the salmon runs so important for Yurok subsistence (Huntsinger and McCaffrey 1995). When the miners took what they came for, they left the camps with destruction of land and waters, and severe damage to plants and wildlife.

Lucy documents within her book the impacts to Yurok life and the dissolution of village communities. Regarding this, Buckley writes "Thompson can be mistaken neither for a Native everywoman, nor for a passive victim of oppression. She used her own considerable cultural expertise, intelligence, adaptability and toughness to interpret creatively and participate in a world newly dominated by white invaders...She is an extraordinary witness both to the ever deeper past and to what some have called the end of the world" (Buckley 1993:481). She admonishes the Euro-American invaders for damage they have caused to local ecosystems, and contrasts Euro-American attitudes toward natural resources with

Yurok practices that effectively maintained the region's ecological and social stability. Lucy also often wrote within a language of Christian allegory to pacify a white audience, but still stressed the importance of carrying on and keeping alive her people's oral stories and histories. As California Indian Scholar Cutcha Risling Baldy writes, "the oral tradition undeniably ties Indigenous peoples to their land through knowledge utilized as an important demonstration of living Indigenous epistemologies, while also helping decolonization, not as a metaphor but as a guiding principle built into the histories, presents and cultures" (Risling Baldy 2015:5).

In research however, I came across a document written by A.L. Kroeber titled *Yurok Indian Devil,* which referenced Lucy Thompson as an Indian Devil, a local term for someone who practices malevolent witchcraft. This reminded me of the attack on Maliseet stories told by Andrea Nicholas in *The Assault on Aboriginal Oral Traditions: Past and Present,* in that "This perversion...places it directly in the other, generally Christian sources, which have characterized the Wabanaki Great Spirit...as the Devil, and the Wabanaki shaman or person endowed with spiritual powers as 'witch'" (Nicholas 2008:14). Calling her a 'witch' are "settler moves to innocence" (Tuck and Yang 2012) which the settler colonial agenda depends on along with "the continued erasure and silencing of Indigenous epistemologies and knowledges to prevent challenges to settler colonial claims to land and history" (Risling Baldy 2015:4). Lucy however drew many parallels between cultures, perhaps to seem more human to the white settlers. Dr. Risling Baldy describes how, "Indigenous peoples are consistently asked to draw parallels between their culture and western ideas about the world in order to legitimize and utilize this knowledge within a western paradigm" (Risling Baldy 2015:5).

Five years before Lucy's *To the American Indian* was published, an Indigenous man was discovered by the corral of a slaughterhouse near Oroville, CA. Upon the discovery of the man later named "Ishi," workers called the Oroville Sheriff stating there was a "wild man" on the premises; however, when the Sheriff and his deputies came the man did not resist and allowed himself to be handcuffed and led away. Ishi was considered a foreigner within his own land, and became a living artifact within a museum. Theodora Kroeber, the famed Anthropologist A.L. Kroeber's wife later wrote about Kroeber's relationship with the "last of the Yahi '' in the book, *Ishi in Two Worlds*. Such descriptions of Ishi reveal shifting Euro-American narratives towards Indigenous peoples. While a change, these descriptions are still abusive. Anglo settlers who wanted land would describe Natives as being fierce and frightening, and descriptions of Indigenous homelands as the "wilderness" further dehumanized Natives as "savage" people who waste land. Renaming Indigenous peoples as "heathens," sought to justify murder and plunder. Lucy spoke to this within her chapter "Wild Indian," where she attempts to cope with this rhetoric. When she describes Yurok villages as being hospitable and cultivated places inhabited by civilized people, using in depth descriptions of their strict laws and moral codes, she is utilizing the anomaly of the "Wild Indian" to reinforce differences between civilized and

uncivilized behaviour, while reinforcing the Yurok village system as an exemplar of civilization.

While Euro-Americans perceived the land as a resource to use, Indigenous peoples had a caring relationship expressed within natural sustainable growth cycles and crucial social, material, and spiritual balance in relation to the land. Behind the Myrtle home is a barn and behind it is what is known by maps as an "ancient Indian trail" that connects the home to the marshes along what is now known was Highway 101. Also behind the barn, we came across old relics from what we speculated to be from the late 19th century. Z had just covered and hid away items that likely belonged to Lucy, and likely shared great meaning between Lucy and her mother. Within her book, Thompson emphasizes how invasive the whites are. Not only have the Euro-Americans committed genocide and stolen Yurok land, but they also threaten collective memories built by the Yurok community. This is shown within her chapter of *Ancient Houses* with the descriptive story of Lucy's mother visiting an old Yurok house that she had inherited, one that was considered to be a sacred place. It had been unsuitable to live in, but her mother enters the house with a specific purpose in mind: "For the past twenty years she has been breaking and pounding to pieces the stone bowls, trays, and all the ancient implants. She is endeavoring to destroy all these sacred reminiscences of the prehistoric days that they may never be ruthlessly handled and curiously gazed upon by the present white race" (Thompson 1991:184).

In *To the American Indian*, Lucy calls for the Yurok people to return to Indigenous cultural values in order to heal themselves from the losses experienced through colonialism. We must consider the history of religious suppression within Indian Country before referencing reintroduction of Yurok ceremonies to fully understand the revival processes that tribes and tribal families have confronted over the last 150 years. Native religions were suppressed as a part of federal Indian policy, and federal laws led to the break up of familial relations and customs along with religious, cultural, and governing sovereigns. One of the most impactful was the Dawes Act, whereby Native people were only allowed four years to select an allotment or Indian Agent Ambrose Hill would select one for them on the reservation. This largely broke up the village system. The Yurok were given a trust patent where the United States would hold the allotted lands in trust for twenty-five years for an individual or heirs, and after the expiration of the trust period, the Indian would receive the land in fee simple (Prucha 2000:170-173). With rising logging exploitation by white settlers after the era of mining, Congress had passed the Act of 1892 which detailed the allotment of the Klamath River Reservation. Remainder unallotted lands were in title under public domains and were vulnerable to be sold or settled upon, legislated by the Homestead Laws and the 1878 Timber and Stone Act.

"Light is the normal course of events; darkness is only a temporary interruption..." in the great dances of renewal that Lucy describes as bringing people together, and "the regalia, dancing, singing and feasting makes one feel the love of the great Creator of all things" (Thompson 1991:151). Lucy

Thompson calls for the Yurok people to return to Indigenous cultural values in order to heal themselves from the losses they experienced through colonialism. The undermining of tribal sovereignty is still a reality for tribal nations though. In 1988 for instance, the Yurok along with the Karuk and Tolowa went to the Supreme Court to protect their sacred high country from destruction by the Forest Service. The Supreme Court decision was in favor of the U.S. Forest Service running a road through holy 'high country' in the Siskiyou Mountains. Supreme Court Justice Sandra Day O'Connor in 1988 wrote that "Even if we assume (the road) will virtually destroy the Indians' ability to practice their religion...the Constitution simply does not provide a principle that could justify upholding (the Indians') legal claims" (Nabokov 1999:408). The dissenting Justice William J. Brennan stated that this reduced the Indians' religious freedom to "nothing more than the right to believe that their religion will be destroyed" (Nabokov 1999:408). But as Lucy states that "light is the normal course of events," cultural revitalization happened and is ongoing despite these events. Just a few years prior, the Yurok held their ceremonial sacred Jump Dance for the first time since 1939 for the rebalancing of the earth, and the high country was later protected through an act of Congress.

The Klamath River also holds a history of pain and ecological destruction brought by the Gold Rush and later logging. The river communities also still face the grave impacts of dams that are causing havoc upon the rivers and its tributaries. The dams affect the water quality, streamflow, wildlife, and even ceremonies. Salmon species are also facing extinction. After the first dam was built on the Klamath River in 1918, the spring Chinook salmon lost hundreds of miles of spawning habitat and the runs declined drastically. Public blame has often been put on the tribes instead however for using their traditional gill nets to fish.

The resiliency of Yurok people through genocide, assimilation, and discrimination is seen within Lucy's testimonies and it is as relevant today as in 1916. Lucy's concerns for the Yurok worldview is shown through her warnings from a century ago that the Euro-American way of life is unsustainable. *To the American Indian* continues to be of social and cultural relevance. Lucy was a skilled orator and she was a woman that exemplifies the conviction of survival. Lucy refused to be victimized or to turn a blind eye to the victimization of others, as she wrote "One influential Humboldt Indian [Wiyot] and his family was kept safely at Pecwan village by Weitch-ah-wah (my own father), and after everything was quiet on Humboldt Bay, Weitch-ah-wah brought him and his family back to their home, where he lived peaceably for many years, having died only a few years previous to this writing. Today there are not more than twenty or less Indians living, and what is left has completely lost all their old and ancient customs and teachings. Sometimes it seems hard to think of man's inhumanity, but as sure as the sun goes down, the white man will suffer for his wicked treatment of the Humboldt Indians" (Thompson 1991:220).

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About the Author

Elizabeth McClure is a recent alumni of Humboldt State University as a student of Native American Studies with the emphasis on tribal governance and leadership. She grew up in Clayton County Georgia, where she was raised by her father and grandparents (Eastern Band of Cherokee). Elizabeth was taken in by her Hanai family from Waipi'o Valley, Big Island where she also had met her husband Alex. They had worked together in sustainable food systems, such as Kalo farming, and were privileged to learn Hawaiian cultures and customs from her husband and the community. Elizabeth and her husband have been living in Eureka, California for the past seven years where they have been taken in by another Hanai family and share a strong passion in learning and being supportive towards the Indigenous communities of Humboldt County. She is currently a student in the M.L.S. Indigenous Peoples Law program with Oklahoma University College of Law, and is hopeful to apply for law school soon.

Elizabeth was inspired to dedicate this paper towards Lucy Thompson, being that Lucy had inspired her to dig deeper into the true history of the Pacific Northwest and had played an integral part in learning more about the tribal nations and the people of Humboldt County; especially in the terms of respect. Elizabeth is passionate about interweaving the historical implications of law and policy that has an impact on tribal nations and peoples, sustainable traditional food systems, and historical contexts on the impacts of land and water.

HJSR

Exploitation, Fear and Restitution: The Story of Tuluwat Today

Joshua Overington

Abstract:

Genocide continues to have everlasting effects on the it's victims across the globe. In Humboldt county one of the most harrowing atrocities was the massacre of 1860 on Tuluwat island. In 2019 the City of Eureka returned the island to the Wiyot Tribe because of Tuluwat's cultural significance to the local Native population. The following narrative details my personal experiences and research delving into the lasting effects of this mass murder, the way it's story is told now and the reparations being made today. While doing this I learned more about the island through personal testimonies, local signage and attending local events.

The land on which Humboldt State University stands is Wiyot ancestral territory, as is the coastal lands surrounding it. Prior to delving into these topics, I feel that it's imperative that I acknowledge my privilege as an individual of European descent. While this history is not my own, it is history that I have been captivated by, and carried out research on, for the last two years. I have looked into the history of the island of Tuluwat and followed its return process from the Eureka City Council. I was lucky enough to attend the return of Tuluwat to the Wiyot Tribe on October 21st and witness history being made before my very eyes. The following narrative details my personal experience delving into this history and the emotions that were brought up for me as I learned more about not just the atrocities of the past but also the hardships that the Wiyot people are still facing today. In this research I originally set out to better understand my local Native history but ended up deeply influenced by the impacts that the past is still having and a desire to share this story.

The story of Tuluwat was one that I was drawn to from the very beginning of my research into local genocide. Tuluwat is the center of the world for the Wiyot people, where they performed their world renewal ceremony since time immemorial, up until the Massacre of 1860. This was a story that I heard over and over again in my Native American Studies classes, but it was not until I found out that the land was finally being returned that it caught my attention. The eventual return of this small island outside of Eureka may seem like a miniscule victory initially, but it marks the first time in United States history that land has been returned to indigenous people without condition and without co-management status. This sparked a great interest in me because Tuluwat truly is a place of renewal, and its story is crucial for the world to hear.

In my research of Tuluwat, I observed the interpretive signage made by local

interpreter Denise Newman along the waterfront trail; this trail runs from Arcata to Eureka, and follows the waterfront around the way with one sign in particular looking out at the island. This sign is titled "Wiyot Way of Life," and is accompanied by a smaller sign with a quote from Karuk/Yurok tribal member Alme Allen "To all those that came before us, who stood strong enough for our stories to be told today." While visiting interpretive signs in the Humboldt area, I found that despite the signs being in differing locations, the inherent message remained the same. This is not necessarily an issue, and makes good sense in terms of saving money and time, considering the process by which the text must be approved by the tribal council. However, the glaring omission in all of these signs is any mention of the genocide that was inflicted on these people. I have spent the past year scouring the internet researching the atrocity of 1860 that took place on Indian Island, and found that credible sources about it are rare, and first-hand accounts even scarcer. Very little information has been recorded about this massacre in scholarly or historic documents beyond what has been done locally and what is available is widely scattered, disorganized and generally hard to find.

When I visited the interpretive trail that winds along the coast of Eureka, and made it to the stop on the Wiyot people, I really expected that there would be some form of formal recognition or apology by the city, but there wasn't. I was standing just 200 meters from the site of a mass genocide, reading a sign about the very people who had lived on Tuluwat and celebrated the renewal of the world ceremony there for time immemorial and there wasn't one word about the atrocity that had taken place on that island.

Rather, the two signs painted a peaceful picture of the Wiyot people, glossing over the generations of trauma and death with one line "The Wiyot people lived in permanent villages along waterways prior to European settlement in 1850." This completely shocked me. I couldn't fathom why anyone would actively choose to cover up the past in this way, and not to take the opportunity to educate contemporary society on the atrocities that these indigenous people had faced. I originally placed the blame on the interpreter who had made the signs, and was disappointed that she had chosen not to take this opportunity to educate people about what had happened. I reached out and interviewed her about the signs, asking why she would ever leave out something that seemed, at least to me, so critical.

Denise Newman (2019) is the project coordinator for the non-profit Redwood Community Action Agency (RCAA) which works locally in Humboldt on environmental education and interpretation projects. She has worked with the Wiyot Tribe over the past 17 years, with many different Tribal Historic Preservation Officers (THPO). As THPOs change, the cultural information can also change, when it comes to details such as tribal boundaries and the pronunciation of names. What she shared surprised me even more than the sign itself. She explained that whenever there is a proposed location for signage about the Wiyot Tribe, she reaches out to them and presents a first draft based on some site specific information, but she has found that in most cases more generalized, "way of life" information is preferred

by the Wiyot tribal council; this is due in part to fear of grave robbing, or of misuse of cultural resources. She told me that she was ready to make a somber, accurate sign, detailing the location and loss of life that took place on Indian Island, and the lasting effect that it has had on the Wiyot people up to today. She told me that this is what she had expected the Wiyot people would want for the sign at the actual location of the atrocity, but when she reached out to the Wiyot tribal council, she was told the polar opposite. They asked her to stick to generalized information about the Wiyot people, due to the fact that the island is a sacred site and they did not wish to draw extra attention to it. Respecting their wishes, she made the sign accordingly, and that is still how it stands today. The idea that providing information about the massacre has often led to grave robbing and illegal digging up of Native bodies was truly horrific to me.

To try to gain a better understanding of the perspective of the Wiyot people, I contacted Ted Hernandez (2019), the tribal chair for the Wiyot Tribe. Ted acts as a mediator during tribal council meetings and speaks on behalf of the tribe and represents them at different events. Organizations looking to create signage about the Wiyot tribe reach out to the tribe, or come in and present a draft of material that they would like to put on the signage. This draft is discussed during a tribal council meeting and experts like linguists and botanists from the tribe will go through the material to make sure that it is accurate. The final draft is approved by the council and the organization is given the go ahead to post the signage. Ted explained to me that most of the council knows the local area and all of the local sacred sites and burial grounds, so if any signs directly reference these sites, or places with artifacts, they will most likely not be approved. The tribal council values information about these sacred sites very highly and sadly, the issue of grave robbing is still prevalent today, often being carried out by homeless people hoping to find, and then sell, artifacts. The tribe goes out once a week to walk the perimeter of the island and to break up homeless camps when necessary. Ted says that someday he plans to have a new sign installed, now that the land has been fully returned, which details the process and full history of the island. He says this is crucial because it is important to share the story here so that other cities might recognize and return sacred land; returning the island is crucial for healing to begin.

I find this dilemma on the part of the Wiyot tribal council to be devastating, as it highlights a form of oppression that ripples out as an aftershock of genocide, one that is often left out and overlooked. Many people believe that genocide is simply the killing of people on a large scale, but I have learned through my research, and Native American studies classes, that it has in fact eight stages, and is far more complex. These eight steps are the defining characteristics that lead to the destruction of a people - not just their living bloodline but their human rights, livelihood and culture. These steps are: Intent, Classification, Symbolization, Dehumanization, Organization, Polarization, Preparation, Extermination, and Denial.

None of these steps completely describes the type of oppression that the Wiyot people are currently facing. Even

though they own all publicly available land on Indian Island, and have had the City publicly apologize for the wrongdoings of the past, there are still deniers, and worse those who would capitalize on the genocide of the Wiyot; those who continue to take from people who have already been stripped of everything. A possibility existed for a space that could be used for education and growth, for learning from the horrible mistakes of the past, from which to build a better future but that space has been destroyed. No longer available out of fear, the cycle of oppression continues regardless, and once again the Wiyot people must compromise to protect their inherent cultural and human rights.

In an attempt to better understand some of the ways that interpretive materials attempt to deal with sensitive issues such as genocide, I reached out to Marnin Robbins (2019), the Chief of Interpretation for our District of State Parks. He doesn't create interpretive signage himself, but is responsible for overseeing its creation. He didn't work on the Waterfront Trail because it isn't part of the State Park System, but of the signage that he does work on, about a third of it is based on cultural, rather than natural, resources. When overseeing a sign with information on Native American tribes, he is clear that consultation with tribes is paramount.

He works with the Cultural Resources Manager at State Parks to ensure that tribal voices are included, but when it came down to a topic like this, he didn't really have an answer for me. This is a trend that I have noticed in many of my interpretive classes at Humboldt State University. The four leading requirements for good interpretation are: pleasurable, organized, relevant and thematic. When I was presenting these four ideals of interpretation in my public history interpretation class, I was immediately posed with the question of "what if the information you're interpreting is not inherently pleasurable?" An example of this may be the history of slavery, or acts of genocide in our past history. This question made me think because I couldn't come up with a satisfactory answer, and it made me question whether these four categories were truly the right things that I should be striving for in my interpretation. This is an issue that is becoming increasingly apparent in the wider field of interpretation, as seen through a conference held by the National Association of Interpretations titled "Interpreting Hate" that took place last year.

As the final piece of research for this project, I attended the official land return of Tuluwat to the Wiyot Tribe. The ceremony was really inspiring, and I was astounded by just how many people crowded into the Adoni Center in Eureka. When the ceremony began Cheryl Seidner, who has been the longest standing voice in this fight for the land return, opened with a blessing, which was followed by traditional brush dancers from local tribes. The Eureka City Council was then called to order and voted on the motion to return the land, passing it unanimously. The floor was then opened for speakers and Dr. Cutcha Risling Baldy (2019), the Department Chair for Native American Studies at Humboldt State University gave a moving speech. She talked about how "[their] ancestors knew this day would come" and how "[they] are the people [their ancestors] were thinking about when they persist-

ed." She ended her speech by recounting that every time she gives a public lecture, people always come up to her afterwards, telling her how moved they are, saying that they want to help and asking what they can do. She says answers, "Give the land back. Now we know it's possible." Members of the city council spoke, as well as a representative for Congressman Huffman who stated that it "made [him] proud to be a Eurekan." The final speaker was Ted Hernandez (2019), the Wiyot tribal chair who expressed that he "felt at home," and that "[they] will continue to heal: heal this community, heal this county, and then the world." The words of the speakers left people silent, in awe and inspired, bringing a few people emotional. The official documentation of the transfer was then signed and history was made!

In my research on Tuluwat, there have been many times that I have had to stop because the firsthand accounts and imagery are so graphic and hard to read. Despite the difficult history pertaining to the island, the moment that the land was returned, I felt truly honored to be there to witness such a momentous historical moment. It gives me great hope for society, and hope that new interpretive signage can be made to share this important story with the rest of the world. It can serve as an inspiration to other towns and cities to follow Eureka's path and return sacred lands to their true owners. Although at the start of this research, I felt that there was no direct solution, I now see this as an opportunity and responsibility to document this history in a way that hasn't been done before. I still struggle to comprehend why we live in a society that doesn't allow for the stories of genocide to be shared openly without fear of repercussion. The return of the Wiyot land has made me more hopeful that the change is finally beginning, and grateful that I was lucky enough to be there to witness it.

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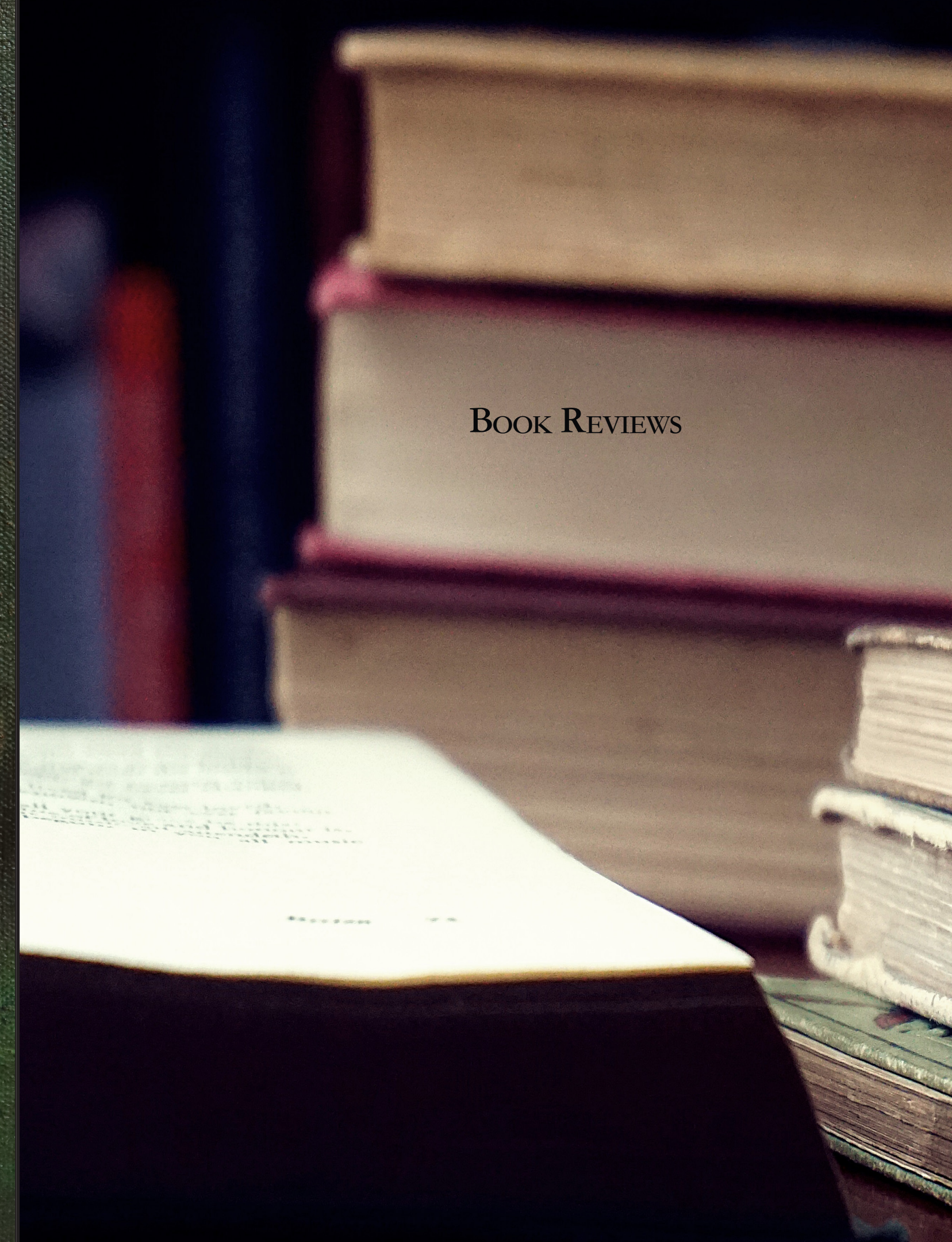
About the Author

Joshua Overington is a graduate of Humboldt State University (HSU) with a degree in environmental science. He researched alongside Kerri Malloy in the Native American Studies department with a focus on genocide along the north coast. This research was used for the NW Genocide Project and later presented during ideaFest. Joshua's emphasis at HSU was interpretation and education which he incorporated into his research by looking at representation of genocide in interpretive signage. He is continuing his education at California State University Monterey Bay in scientific illustration in the fall and hopes to incorporate his studies into his continued research.



Book Reviews

Ka'm-t'em: A Journey Toward Healing
Kishan Lara-Cooper and Walter J. Lara Sr.
Temecula, Great Oak Press, 2019
327 Pages; Price $18.95 Paperback

Reviewed by Elizabeth Jackson
Humboldt State University

Decolonization is a multi-faceted project intending to undo the harms done by colonization and the suppressing of a people's lifeways and culture. As Michael Yellow Bird explains in the forward of Ka'm-t'em, decolonization is both an idea and a concept. As an idea, it is about the reaching within ourselves beyond the memory of colonization and bringing to the forefront our Indigeneity. As a concept, it is about action and agency or taking the necessary steps to overcome past, present, and future colonization. Walt Lara, Sr. and Kishan Lara-Cooper's book *Ka'm-t'em: A Journey Toward Healing* is about the path to decolonization and the cultural renaissance of the Indigenous peoples of what is now called Northern California. It is written for everyone wanting to learn about the strategies that the Yurok, Karuk, Hupa, Wiyot, and Tolowa peoples have taken toward a holistic renewal of health, culture, and spirit. The decolonization strategies include language and cultural revitalization, resistance to continued injustices perpetrated by Euro-American society, and a renewed reassertion of Indigenous rights.

Fittingly, this book begins with Kishan Lara-Cooper telling the Yurok creation story of Ka'm-t'em. This story is about the spiritual journey of a wise woman's basket and how she gifted her spiritual wisdom to the peoples. The woman created a beautifully woven basket as a gift to the peoples and placed within it all the knowledge and treasures of the world. She then placed the basket in the water where the rivers join and allowed it to begin its journey down the river. The basket stopped at each of the villages where the peoples lived. The peoples rejoiced as they took in the wisdom and gifts within the basket and then they contributed their own prayers and knowledge and left the basket to continue its journey down the river. The basket stopped at each village along its journey collecting more knowledge along the way, until finally it floated into the Pacific Ocean where it resides still.

With this book, Walt Lara, Sr. and Kishan Lara-Cooper have intricately woven together the wisdom of many Indigenous peoples who have been instrumental in the protection and revitalization of the lifeways, cultures, ceremonies, and health of Indigenous peoples in Northern California and beyond. Ka'm-t'em is a collection of stories with chapters written by many respected Indigenous holders of traditional knowledge, educators, activists, artists, and Native youth. Included in this book are important historical lessons for all readers, but also contains an embedded message for the next generation of Indigenous lead-

ers to continue fighting for inherent rights, practicing cultural traditions and ceremonies, and to live life "in a good way," in order to heal and maintain the balance of the world.

This book's co-editors, Dr. Kishan Lara-Cooper (Yurok/Hupa/Karuk), Associate Professor and Chair of the Department of Child Development at Humboldt State University and respected spiritual leader and wisdom keeper Walter J. Lara Sr. (Yurok), have roots in Indigenous Northwestern California that go back since time immemorial. They were both born and raised traditionally, in a manner that necessitated protecting and continuing the traditions, rights, and lifeways of their culture. Dr. Kishan Lara-Cooper earned her Doctorate of Education degree from Arizona State University with an emphasis in Indian Education and a specialization in language revitalization, community-based education, and culturally-based pedagogy. She earned her Master of Arts degree in Linguistics from the University of Arizona; and her Bachelor of Arts degree in Native American Studies from Humboldt State University. Dr. Kishan Lara-Cooper is actively involved with the revitalization of the woman's coming of age ceremony, the flower dance, as well as the jump dance ceremony, which a ceremony for the continuance of humankind. Her dedication to her cultural traditions and to the decolonization of education for the benefit of future generations is profound and clear to all who know her or read her work.

Walt Lara Sr. is a revered Yurok elder and holder of traditional knowledge. Walt Lara Sr. has dedicated his life to the continuance of his culture and ceremonies. He has also been instrumental in bringing back important Yurok ceremonies to heal the Earth and the peoples. Some of these ceremonies had not been practiced for more than a century. Throughout his life, he has been a fierce advocate for the protection of the land and water, and Indigenous Earth based religion. Walt Lara Sr. co-founded the Northwest Indian Cemetery Protection Association (NICPA), a community-based organization formed to protect Indian graves from looting by grave robbers, universities, and government entities. The NICPA was key in the first repatriation of Indian remains and artifacts to the Yurok Tribe and the passage of the American Freedom of Religion Act. Walt Lara Sr. is a person whose actions and dedication have contributed immensely to the protection and revitalization of Indigenous culture, health and community in Northern California.

Ka'm-t'em: A Journey Towards Healing is written in a purposeful manner to relay wisdom about the struggle for decolonization in Indigenous Northwest California. This book demonstrates the successes of these struggles, as well as emphasizes the need to continue to resist colonization by practicing cultural traditions and fighting for Indigenous rights. The book is written in five parts. *Part One: The Weaving of the Basket: Foundations of Worldview, Epistemology, History, and Healing* contains chapters about the historic knowledge, worldview, and epistemology of Indigenous Northwest California. *Part Two: Lessons to be Learned: Testimonials of Resistance, Renewal, and Advocacy* includes chapters about the Indigenous social and environmental justice actions and movements that have occurred over the last half century in California. *Part Three: Songs to be*

Sung Again: Testimonials of Resilience and Beauty focuses on the importance of ceremony and on the strengthening and renewal of traditions that has occurred over the past several decades. *Part Four: The Basket Travels: Testimonials of Awakening and Next Steps* addresses sovereignty, education, and needed actions to further the goals of decolonization. The book ends with *Part Five: Pick Up the Basket: Testimonials from our Youth.* In this section, Indigenous youth express the wisdom they have learned from their Elders and those that came before them. These essays demonstrate the inner knowledge and strength of a generation of Indigenous youth who have grown up with traditional and ceremonial knowledge. This generation of youth are proof of the success for the struggle for decolonization and the renaissance of ceremony in Indigenous Northwestern California. They are also the key to the continuance of cultural and ceremonial work to heal the Earth, the peoples and all the energies of the world.

This book will awaken many senses and emotions within the reader. It tells of the historical injustices perpetrated upon peoples and also demonstrates the resilience and strength that has kept Indigenous peoples in California alive and thriving. It will renew a sense of responsibility to continue to fight for Indigenous rights and to pass on historical knowledge. It is also a roadmap of sorts that will convey to all readers the steps taken by Indigenous leaders in Northern California on the path to decolonization. I would recommend this book to anyone wanting to learn more about the peoples of Northern California and how they are working to strengthen and renew their culture for the health and continuance of the peoples and the planet.

About the Author

Elizabeth Jackson is of Modoc and Hupa ancestry and an enrolled member of the Klamath Tribes. She received a Bachelor of Arts in Native American Studies and a Master of Arts in Sociology from Humboldt State University. She has more than a decade of combined experience working for Tribes, the Bureau of Indian Affairs, and Indian health organizations. In the Fall, she will be starting a PhD program at the University of British Columbia where she has been awarded an Aboriginal Student Fellowship. At UBC she intends to continue researching climate change and other environmental and social justice issues impacting Indigenous communities.

Soldiers Unknown
Author: Chag Lowry and Artist: Rahsan Ekedal
Pechanga, California, Great Oak Press, 2019
119 Pages; Price $29.95 Paperback

Reviewed by Charley Reed
Humboldt State University

Soldiers Unknown is a graphic novel based on real events that tells the story of three young, Yurok men who were drafted to World War I. The graphic novel tells the story that mainstream history intentionally leaves out– the role that Native peoples had in the military while Native people weren't formally recognized as citizens of America. Another main point is how their connection to culture acted as a form of protection and source of healing for each character involved. Perhaps most importantly, this novel eloquently captures the power of storytelling.

The novel starts off from a current point in time where the great-grandson of the main character, Charley, is told from a ceremonial leader that the *plegokw,* ceremonial blinder, was made by his great-grandfather, Charley, whom he was named after. This struck conversation between the ceremonial leader and the young man, thereby signifying the significance of transferring knowledge as a form of healing and understanding through storytelling. This story, told by the ceremonial leader, then transitions into a brilliant graphic novel talking about life before the draft featuring cultural activities, such as catching salmon with traditional dip-nets, engaging in stick games and the grinding of acorns. Realistically setting the stage for showing how harmonic and joyful life was before the World War I draft. All which offer cultural teachings of ways to understand the spiritual connection of people to the natural world.

Upon the three boys' departure, this graphic novel captures the pain, agony and sacrifice endured by all from the dialogue and the incredible art by Rahsan Ekedal. Between the dialogue and art, the historical accuracy and treatment of Native peoples in this novel are painful reminders of how settler colonialism has historically treated Native peoples. However, both did a great job capturing the strength, honor and courage maintained by the three Yurok men in intense combat. A particular instance captured how instrumental the characters heritage was to them to push through and persevere through a life and death situation. As a Native person, I felt this moment to be especially powerful because it shows the audience how vital their culture and community were to them even in those deathly moments.

The artistic transition of life in combat to life returning to home was symbolic. Although the image of Charley laying on a bench in an aid station, where a Christian angel overlooked him, the following page displayed an image of a Yurok medicine woman overlooking him serving as a symbol that he found

strength in culture, not in Christianity. Which is a forceful segue into the final component of this graphic novel; adjusting to life after war.

The last segment of this novel returns to the scene of the ceremonial leader telling the story to Charley. Where there is an intense moment of frustration for Charley, when learning that the men couldn't participate in their ceremonies like they had before. Despite knowing that it was likely the thing that would heal them. The reality of tribal law, that you cannot participate in ceremonies when you have blood on your hands, is often overlooked when we talk about life after war for Yurok people. As if PTSD isn't damaging alone, the expectation to obey this law can be critical to the health and wellness of our veterans. The results of each character shed light to how hard it is to adjust and make purpose of life. However, the resilience of each character is also captured by how they did make a life for themselves by fighting for Native American Citizenship, Logging, and being a maker of regalia. These acts of resilience is what makes these stories so impactful for generations to come.

This work supports the truth about the explicit impacts of colonialism to Native people throughout the nation. This novel picks up 48 years after the Boarding School Era (1848-1870) where the grandparents of these young men personally were recovering from. These waves of social and cultural disruption sheds light on how intentional and persistent the settler society were to eradicate Indigenous ideologies. This graphic novel supports literature such as *American Indians in World War 1: At War and At home by Thomas Britton.* A piece of literature that was instrumental to Chag Lowry's historical research processes.

This novel supports local, Indigenous knowledge that have been historically passed on through oral histories. These teachings have been passed on through the act of storytelling as a teaching tool to understand the significance of culture and respect for the people who we are named after and who sacrificed their own lives for the future of our people and culture. Therefore, resulting as a form of healing simply because of the sense of validation and representation Native peoples rarely see. Most significantly, instead of it being an oral transfer of knowledge, which fundamentally limits who will be able to hear these histories, this graphic novel acts as a creative way to ensure this story is told in the medium of a published, graphic novel.

This graphic novel is based on the topic and research collected by Chag Lowry based on Native American people volunteering to fight for the United States in the "greatest military conflict ever known." From my understanding of this graphic novel, the majority of the content was collected based on personal experiences in his own life. For example, in his afterword, he stated that his two great-uncles served in World War I. These engagements inspired him to dedicate his research to the cause. The data collected by Chag Lowry in previous pieces of research titled, *"The Original Patriots: California Indian Veterans of World War Two,"* and *"The Original Patriots: California Indian Veterans of the Korean War."* The information collected by Chag Lowry from stories and photographs told by Veteran's family members inspired him

and contributed a great deal of content for this graphic novel.

The intent of this graphic novel is to tell the readers the untold story of Native American soldiers in 1917. As a Native person, this graphic novel surpasses my already existing idea of what this experience could have looked like for my people. One of the many strengths to this book is that it gave context in the *Introduction* segment that allows for the reader to be at the same level of understanding of World War 1. The way the essence of storytelling is represented in this novel resonates with the Native audience that are likely to engage with this novel the most. The implementation of the Yurok language and cultural activities is a great sign of strength and respect for the Yurok culture. Not to mention, one of the biggest strengths is the art by Rahsan Ekedal. The art is the glue to the whole story. It really brings the story to life. The facial expressions, physical body movement and actions makes this novel feel like a movie. Effectively capturing the raw intensity that words alone, couldn't adequately capture.

This conceptual framework (life before, during and after combat) made for a simple and effective framework that laid the foundation of this graphic novel. First, it began in the present time, then segue into life before the draft of 1917. The author could have easily started off when they first started training in combat, enduring the experiences of combat and life after. Which would have captured the story of the *Unknown Soldiers* regardless. However, the frame of reference to living a harmonic, spiritual lifestyle would have been overlooked. Instead, they brilliantly used the power of storytelling to set the stage. Revisiting this story was a creative way to involve the reader into the book.The use of German and Yurok during the combat part of the book use the dialogue as a way to make this story seem real. In addition to the action packed graphics that added some excitement to the reading experience. Finally, the last segment of the narrative was the life after war. I found this part of the book most meaningful. Often overlooked, life adjusting back to normal impacts each veteran differently. Their relationships to their family, their community and their culture will never be the same. The author and illustrator did a great job capturing different ways they cope with their shared trauma; advocating for their rights, managing their resources, or making regalia. This is an important part of the healing process in all facets of healing from collective trauma. Hence being a powerful way to end the narrative.

Perhaps the biggest strength to this book is the range of accessibility and reader satisfactions that this graphic novel captures. Although the malicious content from the war scenes, the fact that this is a graphic novel alone makes it accessible to children purely based on the amount of illustrations. Next, the author did a good job making sure that there is historical and local context for readers who may have no idea what the details of World War I were. In summary, this one page excerpt layed down the concept of the novel and how it was interrelated with the series of events that led up to the World War. Additionally, the eyeline of the graphic novel was clear throughout. It was clear because the dialogue was matched well with the graphic to follow. A unique part about this graphic novel is the local, state and federal his-

tories that are sprinkled throughout the entire book that captivates higher level readers' attention.

I would personally recommend this to anyone who finds art, graphic novels, Indigenous peoples history, state, federal and local history interesting. Whether you are someone who identifies as an Indigenous person, a Veteran, a peer of a Veteran, Historian, or a simply comic book fanatic, this book is a must read. For Native peoples, it gives you a greater understanding of why our elders think the way they do because they were raised by traumatized people. It can be emotional but it is a creative way to start the healing process for a lot of people. This can be true for anyone who has elders who have served. This shared experience can impact people for generations after the traumatic event such as a war. Historians would love this novel because it has a fair amount of historic details that are informative and based on real life experiences.

My overall assessment of the book is that it met the objective it intended to meet. It was exactly what the targeted audience, Native people's need to hear and to celebrate. Also the broader audience shows how impactful these stories are to so many people. I believe that is a result of a well thought out and executed project that captured the interconnectedness of culture, art, and history I believe that this graphic novel will set a precedent for other underrepresented communities that find the power of storytelling through expressions of art, history and real life experiences.

About the Author

Charley Reed is is Karuk, Hoopa and Yurok of the lower Klamath and Trinity rivers. He is an alumni of Humboldt State University with a Bachelors of Arts in Native American Studies. Currently a graduate student of the Environment and Community Masters Program, he also serves as a college peer mentor for at-promise tribal youth at Two Feathers Native American Family Services.

HJSR

What is presented within these pages should be regarded as a snapshot in time of the thinking and scholarly approaches to be expanded upon to build a comprehensive literature of what took place in the state at the regional and tribal level. The scope of methods, topics and use of the definition of genocide in this issue encompass the theoretical and practical application in the humanities and social sciences.

Special Issue 42

California Indian Geonocide and Healing

These articles represent a new generation of aspiring scholars in the fields of Genocide and Native American Studies. Our goal was to demonstrate that the scholarship in this subject area has room for growth, new approaches to interrogation, and can serve as inspiration for those who are in the early stages of their academic careers.

Humboldt State University Press publishes high-quality scholarly, intellectual, and creative works by or in support of our campus community. The press supports the HSU mission to improve the human condition and our environment by promoting understanding of social, economic, and environmental issues.

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