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SETTLER INTRUSION AND INDIAN SURVIVAL IN CALIFORNIA'S ROUND
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DEPARTMENT OF HISTORY

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To Morgan, for her continuous support and tranquil positivity.

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Abstract

Scholars currently focusing on white-Indian relations in California are involved in a polarized debate regarding genocide in the state. While this scholarship has undoubtedly brought forth new research and viewpoints on white settlers' actions in nineteenth-century California, it often strays from what actually happened to both white settlers and Indians in particular areas and instead focuses on proving that particular author's definition of genocide. This study intends to re-focus scholars on what motivated white settlers to intrude on a government-sponsored Indian reservation and how Indian slavery furthered these settlers' benefits from the reservation. The government established the Nome Cult Farm and confined Indians inside its borders, yet made no considerable effort to enforce these borders upon white intruders seeking agricultural and labor resources. White settlers not only benefitted from the agricultural resources in the Round Valley, they used unfree Indian labor to do so.

Introduction: Round Valley Historiography

The Gold Rush of 1849 created an influx of white settlers to California's Round Valley prior to California statehood. These white settlers intruded and squatted upon American Indian lands even though the Office of Indian Affairs had previously started an Indian farm in the Valley.¹ Historians have studied this violent intrusion and removal in the context of slavery, frontier violence, and more recently settler colonialism.² The original treatment of this issue was in 1895, and focused on the immense frontier violence in the Round Valley and surrounding areas. While California American Indian scholarship has since strayed from analyses of frontier violence, scholars must not dismiss it from the field as a whole. A recent trend has been to study the reasoning behind this violence, and not the actual violence itself. Historians of California Indians have shifted their focus to concepts such as genocide and race relations without examining the motivations behind white on Indian violence. In order to understand the California situation as a whole, scholars need to cover both causality and actuality, favoring neither. By examining Indian slavery and genocidal acts of violence directed towards Indians, historians can reach this goal. White intruders engaged in heightened levels of frontier violence when they ventured into the Round Valley in their search for human and natural resources. The beginnings of this story are well known.

¹ The terms "Indian" and "Native" are used interchangeably in this study. Tribal distinctions are used when the sources allow.

² For more information on settler colonialism, see Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (New York: Cassell, 1999) and Walter L. Hixson, *American Settler Colonialism: A History* (New York: Palgrave Macmillan, 2013). For a comparative study of the removal of indigenous children in the American West and Australia, see Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009). Although Jacobs' book has a later focus than this study, it is important to remember that comparative transnational history can often add clarity to ideas of U.S. exceptionalism.

Until February 2, 1848, Mexico possessed California. With the end of the Mexican-American War and the Treaty of Guadalupe Hidalgo, California became a United States Territory. The treaty gave Mexican citizens residing in the area the option to become an American citizen or leave California entirely. Only nine days before the U.S. and Mexico ratified the treaty, an Indian worker discovered gold at Sutter's Mill in California that brought an influx of white settlers into the region. While these white settlers envisioned a land rich in gold, this is not the reality they experienced. Both Mexicans and American Indians had inhabited the land, and gold was a limited natural resource. While gold was initially plentiful, the sheer number of white settlers seeking gold quickly diminished the resource. With the huge population of whites looking for work, it quickly became clear that all would not be successful in their search for quick wealth. Whites often were in conflict with California tribes, as the Indians saw the white settlers as intruders into their homelands.

On September 9, 1850, a short two years after the U.S. acquired California as a territory, it became a state. California entered the union as a free state after a lengthy debate in Congress known as the Compromise of 1850. These provisions did not keep '49ers from bringing their African slaves along with them in goldseeking. The Compromise outlawed traditional chattel slavery in California, but it did not outlaw debt peonage, indentured servitude, and other "bound labor systems."³ To get around the legal ban on chattel slavery, wealthy southern slaveholders migrating to California classified their slaves as indentured servants. In theory, the slaves chose to become indentured servants to their masters and would in turn work for the period of one year,

³ Stacey L. Smith, *Freedom's Frontier: California and the Struggle Over Unfree Labor, Emancipation, and Reconstruction* (Chapel Hill: University of North Carolina Press, 2013).

and then be set free. Despite the implied protections indentured servitude agreements, employers caught many slaves in a trap of bound labor with no legal standing. Even though these extra forms of legal African American chattel slavery existed, the demand for laborers in the budding State of California exceeded the supply. White settlers began to look elsewhere for laborers, eventually turning to the Indian populations of the state.

Due to this unique combination of settler conquest and the intense desire for cheap sustainable labor, early statehood California existed as a mostly lawless frontier. Most of the state had no law enforcement present, and in areas such as San Francisco where there was a police presence, it was ineffective in controlling vice. Quarrels in mining towns existed most often between miners themselves, while the borderlands of these towns were often the sites of clashing cultures. Miners began to diffuse outward into the lands surrounding the mining towns, displacing Indian tribes along the way, most often through the threat or reality of violence.

Before discussing historiographical trends, it is important to understand the geographical and agricultural importance of the Round Valley. The valley is located in northwestern California roughly 200 miles from San Francisco, and holds what many agree to be the best agricultural land in the state. Teresa L. Dillinger describes 1850s Round Valley as “a kind of paradise...that afforded the early inhabitants a comfortable lifestyle.”⁴ Her claim is true in the natural resource and geographical sense, yet she neglects to mention the conflicts between Yuki Indians and other tribes in the region. While the Yuki Indians who originally resided in the Round Valley did engage in

⁴ Dillinger, Teresa L, “Coping with Health Care Delivery on the Round Valley Indian Reservation” in Berry, Kate A., and Martha L. Henderson. *Geographical Identities of Ethnic America: Race, Space, and Place*. Reno: University of Nevada Press, 2002.

conflict with surrounding tribes, white intrusion offered the Yuki no protection and tribes they once warred with eventually ended up living on the same reservation. It is clear that the white intruders caused a decrease in autonomy for Yuki Indians, yet it did not result in a loss of autonomy. Many members of the Yuki tribe live on today, carrying out traditions honoring their ancestors and hosting events to remember their struggles.⁵

White goldseekers did not seek out the Round Valley for its gold resources, as they did with other places in California. Settlers “discovered” this location traveling through the countryside to and from the gold fields and pre-established Indian reservations. There were no great resources other than the rich land itself. The lush greenery and plentiful natural resources including fish and game drew the attention of government officials hoping to set up a new Indian reservation and white settlers looking for open land where they could graze their cattle. The Round Valley and the establishment of the Nome Cult Farm demonstrate the environment of a region driving settlement, rather than economic ventures doing so. While most Indian farms were set up as civilizing missions and eventually took the form of reservations, the Nome Cult Farm’s purpose was to act as an agricultural producer and mid-way point for government officials traveling to other nearby reservations.

The earliest coverage of the Round Valley provides an overview of the region. On October 21, 1895 the *San Francisco Call* newspaper published an anonymously authored article titled “The Horrible History of Round Valley” with subtitles such as “A

⁵ Each year, the Round Valley Indian Tribes (RVIT) host the Nome Cult Walk, which symbolizes the forced Indian drive which relocated the “Wailacki, Concow, Little Lake Pomo, Nomlacki, and Pit River” tribes to the Yuki inhabited Round Valley. For more information on this walk, see the RVIT website at rvit.org.

Paradise for Outlaws” and “Story of Robbery, Murder, and Intrigue Without Parallel.” The article exposed the violent nature of the Round Valley. The valley was a place where “fear of the law is absent,” which created a breeding ground for vigilantism and frontier violence. The article was critical of all whites in the area, and focused particularly on George E. White. White was one of the many settlers who took advantage of the lack of government military enforcement of reservation borders. He illegally set up a cattle farm within the Nome Cult Farm that eventually became a part of the Round Valley Indian reservation. While White’s story was slightly sensationalized in this newspaper coverage, it speaks to the types of activities carried out by white settlers in Gold Rush Era California. White Californians went beyond temporary encroachments into the valley and often settled permanently within the reservation land. These intruders took away the land’s resources from the tribes, and violently sought revenge if any Indian groups stole their cattle, tools, or other goods. Ironically, the settlers were not legally authorized to live within the Indian reservations, yet the U.S. military did nothing to remove them from the area.

Many histories of California Indian relations focus solely on the bound labor systems existing in the state. While this coverage is an extremely important component of studying Indians in California, authors often leave out other motivations for white/Indian conflict. Authors who place slavery at the forefront of studies highlight the nature of the slavery itself and often lose touch with the Indian experience in the area they are studying. Contrarily, authors who use slavery as a supporting point often fail to see Indian slavery’s larger ramifications. California Indian historiography needs a study

that goes beyond an explanation of the roots of bound labor in the state and delves into deeper understandings of the white/Indian relations perpetuating the slave trade.

William J. Bauer has been producing work on the Round Valley Reservation since his M.A. thesis in 2000.⁶ In his first book *We Were All Like Migrant Workers Here*, Bauer argues “after 1865...indigenous and removed Round Valley Indians used agricultural wage work to create and maintain community in the face of threats posed by the persistence of white squatters and the maturation of federal Indian policy.”⁷ Bauer begins his study by detailing labor relations from “Ancient California” to the formation of the Nome Cult Farm within the Round Valley. He takes issue with the claim that “the last Yuki Resistance” took place in July 1863, when a group of Yukis burned down large amounts of personal property of S.S Davis, a white rancher and landowner. Davis supposedly had ten Indian servants in his possession, which was a large motivator for the attack. Davis immediately called for military intervention, and the military promptly captured and put to death the leaders of the attack. While this uprising may have been the last organized violent attack on white squatters, it was most certainly not the last Yuki resistance. Resistance took many different shapes, and violent outbursts were only one tactic employed by the Yuki. Round Valley Indians exhibited control over their own lives through cultural practices and creating mutually beneficial intertribal agreements. Bauer’s book does an excellent job of focusing on the strength and survival of the Yukis during this time, but often loses sight of what is

⁶ William J Bauer, “Land and Life on the Round Valley Indian Reservation, 1890-1929” (M.A. Thesis: University of Oklahoma, 2000). See also William J. Bauer, “Agricultural Labor, Race, and Indian Policy on the Round Valley Reservation, 1850-1941 (Ph.D Dissertation: University of Oklahoma, 2003).

⁷ William J. Bauer, *We Were All Like Migrant Workers Here: Work, Community, and Memory On California’s Round Valley Reservation, 1850-1941* (Chapel Hill: University of North Carolina Press, 2009).

occurring outside of the reservation and within its borderlands due to the intense focus on labor relations. Understanding the roots of Indian slavery in the Round Valley can enable historians to draw more detailed conclusions regarding labor relations.

Michael Magliari's article "Free State Slavery" offers the most detailed study of bound labor on a California reservation. While his study focuses on the Sacramento Valley, it is useful in understanding the argument presented in this study due to its specificity and its time period (1850-1864). Magliari makes five distinct points regarding bound Indian labor in the Sacramento Valley:

1. "Unfree Indian labor never comprised a majority of the rural work force in Gold Rush California."
2. Women and children were the most desirable bound workers because white men wanted to recreate the idea of the small family farm in California. Due to the demographic shortage of white women, and therefore white children in the California frontier, Indian laborers were needed to fulfill domestic labor responsibilities.
3. Unfree laborers were not uniformly distributed across all labor in the state. Indian slaves were most often used in seasonal agricultural work and domestic applications.
4. While unfree laborers were "not held for life or legally classified as personal chattel like the African American slaves of the American south, most, if not all, of California's bound Indian workers labored under conditions that meet" the modern definition of slavery.
5. Regardless of the sparse nature of bound Indian labor in California, it made the successful agricultural development of the state possible.⁸

Magliari's work on the Sacramento Valley is crucial in understanding the motivations for Indian labor in California. His article provides a balance of domestic and agricultural slavery, yet this study will focus more heavily on the latter in the Round Valley. The Round Valley and the development of the Nome Cult Farm highlights the

⁸ Michael Magliari, "Free State Slavery: Bound Indian Labor and Slave Trafficking in California's Sacramento Valley, 1850-1864" *Pacific Historical Review* 81, no. 2, 155-92.

importance that bound Indian labor had on white-Indian relations and the problems that arose from the white enslavement of Indians.

Stacey L. Smith's *Freedom's Frontier* is a comprehensive study of California unfree labor during the Civil War and Reconstruction period. Her book contains details on all types of "unfree labor" in Gold Rush California, making the assertion that they were all essentially forms of slavery, even though the law did not define them as such. Smith's work does not specifically focus on the Round Valley, but does mention it when discussing "female captive raiding and trading."⁹ The admission of California as a free state created a need for cheap labor, which led white ranchers to turn to Indians. The ranchers viewed Indians as an easily obtainable labor force. In 1850, the same year the Compromise of 1850 outlawed slavery in California, the new state's government passed the "act for the Protection and Government of California Indians." The act allowed affluent whites to hold Indians as indentured servants, which in reality served as a form of de facto slavery. Whites could capture and jail California Indians for a variety of reasons, and once imprisoned, the county auctioned off the Indians' labor for the period of one year in hopes of making them "better" citizens. The white employers could extend the Indian's labor sentence if they determined that the Indian did not make significant progress in becoming a better citizen, which put some Indians into an inescapable loop of enslavement.

Freedom's Frontier does an excellent job of tracing the beginnings of Indian slave labor in California. Smith argues that once California became an American territory, U.S. government officials quickly labeled the Mexican "rancho system a

⁹ Smith, *Freedom's Frontier*, 147.

backward and undesirable form of slavery,” yet they ironically allowed for similar types of unfree labor to prevail in the mines.¹⁰ Smith’s book is crucial for understanding the beginnings of Indian slavery in California, yet does not provide information on specific reservations. This study will build Smith’s findings in search of both the beginnings of these types of slavery and the forms they took within the Round Valley.

Historians have previously published a number of studies on white attitudes towards Indians in Gold Rush California, yet their works present the material in a general sense and do not get into the detail of the conflict itself. James J. Rawls’ *Indians of California* studies white attitudes of American Indians during the nineteenth century by looking at images of California’s Native population. Rawls focuses on white attitudes towards Indians and how those attitudes shaped Indians’ “customs, practices, laws, and institutions.”¹¹ His study does an excellent job of describing the shortcomings of the reservation system in California. White settlers were very unhappy with the reservation system and many even began lobbying for the government to reinstate a Jacksonian form of Indian removal. While it is hard to imagine, some white settlers even wanted the OIA to remove California Indians even further west onto islands in the Pacific.¹²

In Rawls’ brief section on the Round Valley reservation, he discusses how this anti-Indian sentiment affected Indians’ lives on the reservation. Whites in the area despised the Indian use of the land because of the ethnocentric belief that they could

¹⁰ Smith, *Freedom’s Frontier*, 19.

¹¹ James R. Rawls, *Indians of California: The Changing Image* (Norman: University of Oklahoma Press, 1984), xiv.

¹² *Ibid.*, 168.

better utilize the natural resources in the valley. Settlers often argued that Indians would escape the reservation and would steal and kill their livestock, leading to organized attacks on suspected Indians within the reservation. These white vigilante groups went in search of the Indians responsible for these types of raids, however they would rarely take the time to determine guilt before opening fire.

Ironically, it was these white settlers who inadvertently forced Round Valley Indians to raid their cattle and resources. By closing in on all sides of the reservation and allowing their cattle to graze on the Round Valley Reservation, the settlers hindered Indians' self-sufficiency in the area. Traditional Round Valley food sources such as berries, roots, fish, and deer were necessary to sustain Indians who chose not to work on the government farm. While these resources were initially sufficient as they had been before white intrusion onto the land, white settlers and their practices quickly diminished them. White traders looking to hunt deer for their hides significantly reduced the deer population. Ranchers squatting in the Round Valley brought in livestock and swine, which destroyed plants that Indians relied on for nourishment. Not only did the settlers physically destroy the Indians' food sources, they also attacked any Indians who came anywhere close to their own land claims. While these settlers had no real legal claim to this reservation land, they were better equipped for armed conflict than their Indian counterparts.¹³

The most recent trend in California Indian historiography is the application of "genocide" to define U.S. government actions towards Indians in the state. Scholar Raphael Lemkin first coined the term "genocide" in 1944 as "the destruction of a nation

¹³ Lynwood Carranco and Estle Beard, *Genocide and Vendetta* (Norman: University of Oklahoma Press, 1981), 19-20.

and ethnic group.” His original definition of genocidal acts required only “to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves,” and that genocide rarely took the form of short-term mass killings.¹⁴ Lemkin’s definition considers any government created acts designed to destroy political or social institutions of a people as genocide. The largest issue in using genocide as a basis for studying California Indians is that authors often get lost in semantic arguments about definition of the term. There are currently twenty-two variations of genocide, all stemming from Lemkin’s definition.

In response to the new term, the United Nations held the Convention on the Prevention and Punishment of the Crime of Genocide in 1948 and determined an official legal definition of genocide. Building directly from Lemkin’s definition the Convention created an official and legally enforceable definition of genocide:

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) Forcibly transferring children of the group to another group.¹⁵

Despite relying heavily on Lemkin’s original definition of genocide, the convention’s definition does not include social or political groups as potential victims. The U.S’

¹⁴ Benjamin Madley. “California’s Yuki Indians: Defining Genocide in Native American History.” *Western Historical Quarterly* Volume 39. Issue 3 (Autumn 2008): 303-332.; Raphael Lemkin, “Genocide,” in Hinton, *Genocide*, 27.

¹⁵ Article II, 1948 United Nations Genocide Convention.

ratification of the genocide convention in November 1988 solidified that genocide was not only an academic matter, but also a key component of international law.¹⁶

Stemming from these definitions of genocide, historians have applied variations of the term to California Indian history. While the general consensus among scholars is that genocide did occur in the region, some historians argue that population decrease of Native Californians was due mostly to disease. Studies of genocide in California bring light to an important issue, but they are often contingent upon subtle nuances in authors' particular definitions of the term. While recent works focus on California from its days as a Mexican territory through the Civil War, this study will question the methodology of applying the term genocide to the state during the Gold Rush Era, 1848-1860.¹⁷

Defining Gold Rush California as genocidal is contentious due to many factors. While some scholars simply stick to the UN Convention definition of genocide, others provide their own definitions.

Lemkin's version of genocide included both the physical and cultural destruction of peoples, the latter more commonly known as ethnocide. Even though the original definition of genocide equated cultural destruction with the physical destruction of a group, scholars writing during the past two decades have focused on separating the two. More recent works tend to deal with genocide in a broad manner, often deviating from the term's official legal definition. Moving away from the U.N. convention definition, these works focus on ethnocide, or cultural genocide. Raphael Lemkin

¹⁶ For a detailed study on the United States and the 1948 U.N. Genocide Convention, see Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham: Duke University Press, 1991), 11.

¹⁷ This study defines the California Gold Rush as 1848-1860.

included ethnocide in his original work, labeling the terms synonymous.¹⁸ Lemkin also identified a cultural component to genocide in his original definition, yet did not use the term cultural genocide.¹⁹ Conflicting definitions of genocide and its many components contribute to the past and present complexity of the debate.

The atrocious violence whites enacted against northern California Indians has been lost in the debate. Historians have focused on defining the events as genocidal rather than detailing the actual events themselves. The literature has turned from methodology that focuses on Indian survival to one that focuses on the white intruders and their actions, a trend that has shifted attention away from Native Agency. The memory of White on Indian violence in California should focus on the violence itself, rather than the traditional top-down approach focused only on the actions of the white interlopers.

Much like other genocide scholarship, studies focusing on California do not accept a universal definition of genocide. Recent trends show that Lemkin's definition is a valid starting point, yet it requires more examination, and even some revisions. Defining genocide in a region where descendants of the offending party and the victim groups still exist has its repercussions in both memory and in law. Descendants of white settlers may not wish to hear of the atrocities committed by their ancestors, and American Indians do not want public memory to marginalize them. Historical memory plays a vital role in genocide studies, as close descendants of the parties involved still

¹⁸ Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Concord: Rumford Press, 1944), 79. Lemkin equates genocide to ethnocide in the first footnote of the chapter.

¹⁹ *Ibid.*, 91.

reside in the regions under study. Scholars must consider how their work will contribute to the historical memory of white-Indian relations in the United States. This study will be mindful of its possible impact on the current opinion of those located in the Round Valley, both white and Indian. Current periodicals and state educational textbooks tend to avoid high controversy such as this, so it remains the historian's job to bring these issues to light.²⁰

Albert Hurtado's *Indian Survival on the California Frontier* discusses Indians' resistance to white encroachment in California. The book details the ways that Indian groups coped with the influx of Americans into the region during the initial gold rush. The U.S. military drove California Indians off of their homelands and onto federally funded reservations. Hurtado argues that the settlers exploited Indians' labor and land, and that the settler incursion forced Indians to resort to outlawry to survive. While white settlers generally viewed Indian populations as a menace, Hurtado sees a group struggling to cope with mass white intrusion. He avoids the term genocide in his work, instead suggesting that settler colonialism led to frontier violence, and the new settler presence forced Indians to react. Hurtado's book represents a historiographical trend of the time that offered scholarship on Indians' methods of surviving the hostile environment that they lived in, in the midst of white settler violence and oppression.²¹ While this trend combatted the traditional victimization narrative, it often lost touch

²⁰ For a study on Historical Memory regarding the Modoc War in California, see Boyd Cothran, *Remembering the Modoc War: Redemptive Violence and the Making of American Innocence* (Chapel Hill: University of North Carolina Press, 2014).

²¹ Albert L. Hurtado, *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988), 125. Hurtado's book focuses on American Indians' survival rather than seeing them merely as victims in a Eurocentric world.

with the grim realities experienced by the California Indians who the OIA forced to live on and work for the reservation.

Ben Kiernan's *Blood and Soil* discusses genocide in a global context, covering imperialism, settler colonialism, and a selection of other genocides of the twentieth century. Kiernan defines genocide in the context of "cults of antiquity," "animosity towards nonagriculturists," "ethnic enmity," and "imperial and territorial conquests."²² He uses the U.N. Convention definition due to its wide acceptance in international law and its implications to victims.²³ Within the comprehensive work, Kiernan devotes just a few pages to what he defines as genocide in California's Round Valley. Kiernan's claims regarding California genocide rest on white settlers' desire to control the rich agricultural landscapes that existed on the Indian reservations, which occupied a mere 1/14th of the state's land mass.²⁴ Those settlers began by legally pushing Indians onto reservations away from gold rich areas and onto supposedly useless land. Once white settlers realized that the Round Valley was "green all the year round" and the "best grazing country in the state," they began to invade upon these lands. Intruding upon Indian lands was not a decision made by the Office of Indian Affairs agents who visited the lush land, and was not put into action through government policy. Kiernan argues that a combination of a newfound racism towards Indians and the antiquated system of Indian slavery in Mexican California's mission system led to a destitute situation for

²² Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven: Yale University Press, 2007), 3.

²³ *Ibid.*, 11. By 2007, 104 countries had ratified the U.N. Genocide Convention. Kiernan argues that despite contention among scholars, scholars must adhere to the original definition. While these States had ratified the Convention, genocide's definition is not widely accepted in scholarly work.

²⁴ *Ibid.*, 350.

California Indians in the mid-eighteenth century. Whites settling in the region had a negative view towards Indians before even interacting with them, and assumed that they needed to teach the Indians how to work agriculturally.

Kiernan cites Edward Johnson, U.S. Army Major, who observed that “whites have waged a relentless war of extermination against the Yukas [Yukis],” yet mentions nothing of his military garrison participating in the killings, nor of any orders to do so from the state or federal governments.²⁵ However, he also does not mention any measures he took in preventing this settler violence towards California Indians. Because there was not state policy calling for genocide, Kiernan’s source material proves nothing more than white-on Indian violence and the existence of sensationalized newspaper accounts. Historians can predict this obvious proof of violence in Kiernan’s section on California, as the main source he refers to is Benjamin Madley’s article on Yuki Genocide, which also uses newspaper sources to measure intent of whites in exterminating California Indians.²⁶

Madley’s 2009 dissertation brought genocide in California back to a large-scale historical discussion. He asserts that genocide was undoubtedly occurring in nineteenth-century California.²⁷ The dissertation focuses on the 1948 genocide convention’s definition, and examines California Indian policy to constitute genocide’s occurrence in the region. He examines California Indian relations through five categories: battles, mass killings, massacres, homicides, and legal executions. It is necessary to examine

²⁵ Kiernan, *Blood and Soil*, 353.

²⁶ Benjamin Madley. “California’s Yuki Indians,” 303-332.

²⁷ Benjamin Madley, “*American Genocide: The California Indian Catastrophe, 1846-73* (Doctoral Dissertation). Retrieved from ProQuest Dissertations and Theses. (3361527), 1. Yale Press is scheduled to release Benjamin Madley’s upcoming book on the subject on May 26, 2016.

Madley's categories in the context of a "larger killing pattern" rather than examining them as genocide individually.²⁸ Even when considered as such, and the original definition is withheld, one must also consider scale when evaluating genocide. Historians cannot understand the issue of large-scale genocide without first performing smaller scale studies of individual reservations. Scholars cannot apply the large concept of genocide to an entire region or state without first understanding white-Indian relations on a smaller scale in those areas. The historiography must progress from case studies, to regional studies, and eventually statewide studies. While many historians claim that genocide occurred based on scale in California, this cannot be certain without intense research into the Indian populations of individual areas that scholars can translate to the state's total Indian population.²⁹

Brendan C. Lindsay has published the most recent book on the study of American Indian Genocide in California. *Murder State* covers 1846-1873, placing the California situation in the context of American history more broadly.³⁰ While the book does focus on genocide in California, it does little to show the viewpoints of American Indians. When Lindsay discusses Indians in the book, he only does so in the context of

²⁸ Madley, "American Genocide," 20.

²⁹ The population of California Indians is highly debated in the period from 1845-1860. Some historians rely on Sherburne F. Cook's numbers, which traces population numbers from 150,000 in 1845, to 100,000 in 1850, and to 50,000 in 1855. Another report from Indian agents set the population closer to 80,000 in 1850. For more information on the suspicion surrounding Cook's numbers, see Gary Clayton Anderson, "The Stealing of A Golden Land: Ethnic Cleansing in California" in *Ethnic Cleansing and the Indian* (Norman: University of Oklahoma Press, 2014), 192-218. Also, see Gary Clayton Anderson and Laura Lee Anderson's published primary source collection: *The Army Surveys of Gold Rush California: Reports of Topographical Engineers, 1849-1851* (Norman: Arthur H. Clark Company: 2015). This study does not delve into the demographic debate, as it focuses more on settler intrusion with solid evidence, rather than determining the total California Indian population.

³⁰ Brendan C. Lindsay, *Murder State: California's Native American Genocide, 1849-1873* (Lincoln: University of Nebraska Press, 2012), 13.

whites' actions against them.³¹ Lindsay adheres to Raphael Lemkin's definition of genocide to begin his analysis, yet departs when defining how a state or civilian population coordinates genocide. Lindsay argues that genocide does not need to be state organized in order to occur. He contends that if the state fails to prevent genocidal acts carried out by its people, it is still responsible.³² The book details white populations executing genocide against Indians, despite the lack of systematic planning by the state. Americans were undoubtedly violent towards Indian populations in California and the nation, yet not all violence constituted genocide. *Murder State* provides many examples of white on Indian violence, yet the book fails to concretely justify these events as genocidal when adhering to the 1948 U.N. definition. Lindsay's book pays more attention to white actions in California than the Indian populations that he claims are the victims of genocide.

In response to the previously mentioned historians, Gary Clayton Anderson argues that relations between the US government, white settlers, and American Indians throughout the period of national expansion are best defined as a form of "ethnic cleansing." He focuses his argument around the Rome Statutes of the World Court and introduces the concepts of ethnic cleansing and crimes against humanity into the debate, rather than simply discounting genocide in North America. Anderson describes Indian Removal as a method of ethnic cleansing. Anderson also devotes an entire chapter to

³¹ William J. Bauer Jr., review of *Murder State: California's Native American Genocide, 1849-1873*, by Brendan C. Lindsay. *American Indian Culture and Research Journal* 37, no. 2 (Spring 2013): 258.

³² Lindsay, *Murder State*, 14. Lindsay bases his definition of Genocide on Article 3 of the U.N. Convention for the Prevention and Punishment of Genocide. The article states that "Complicity in Genocide" shall be punishable by law. While this is explicitly mentioned in the U.N. Convention's definition, historians cannot prove "Complicity in Genocide" in Gold Rush Era California. The government did little to protect Indians from white settlers on the California frontier.

the California situation, contesting all previous arguments about the region.³³ He argues that genocide will never become widely accepted when applied to North America “given that the conflicts with Indians hardly resemble the mass killings of millions that occurred in Europe,” and that terming these actions “Crimes Against Humanity” and “Ethnic Cleansing” more accurately describes what happened.³⁴ Anderson’s objection to defining U.S.-Indian relations as genocide has not yet significantly changed the genocide discussion, as scholars have generally accepted that genocide did occur during U.S. expansion.

Ethnic Cleansing and the Indian offers a new take on U.S. relations with American Indians, yet still depends on the definitions of the limiting term of genocide. It is necessary to move past the simple categorization of violence in American history and examine its motivations.³⁵ By advancing the historiography past single-faceted factors in westward expansion, historians can forge these processes into a representative pattern of violence in the West. Anderson’s book urges historians to move past classifying Indian-white relations in America as genocide, but offers a new definition for further argument. This significantly advances the field, and allows for Anderson to make his points. However, “ethnic cleansing” merely adds another term and definition into the debate, rather than combining previous knowledge and theory into a comprehensive understanding of North American genocide studies.

³³ Gary Clayton Anderson, “The Stealing of A Golden Land: Ethnic Cleansing in California” in *Ethnic Cleansing and the Indian* (Norman: University of Oklahoma Press, 2014), 192-218.

³⁴ *Ibid.*, 4.

³⁵ *Ibid.*, 192-218

Anderson's chapter also works on the premise that "California had no "frontier," no definable line where Indian and miner interests collided along demarcated boundaries."³⁶ While there was no fortified boundary between mining districts and Indians' lands, a California frontier undoubtedly existed. In the borderlands of mining towns and Indian reservations violent interactions between settlers and Indians were commonplace. White settlers would often move out into the California countryside as profit dried up within the mining towns, settling on California Indians' lands. Native Californians were not equipped to violently confront these white settlers and were often displaced from their homelands without the demographic and technological ability to form a formidable resistance.

The most recent published work on California American Indian genocide is Benjamin Madley's "Reexamining the American Genocide Debate," which offers different methods of examining genocide in North America.³⁷ The article provides an invaluable historiography of North American genocide, and serves as a great starting point for new scholars in the field. Regardless of the previous argument in his dissertation, Madley treats the subject as an outsider by providing a historiographical article that lacks an overt argument about genocide's existence in nineteenth-century California. Grouping Indian populations together suggests cultural hegemony, which was not present among tribes and regions. American Indians not only had intra-tribal

³⁶ Anderson, *Ethnic Cleansing and The Indian*, 207. Anderson pulls this definition from Andrew P. Morris, "'Miners Law': Informal Law in Western Mining Camps," in *Law in the Western United States*, ed. Bakken, 209-11.

³⁷ Benjamin Madley, "Reexamining the American Genocide Debate: Meaning, Historiography, and New Methods," *American Historical Review* 120 (February 2015): 107.

differences both regionally and nationally, but factionalism within their own individual groups.

Scholars cannot yet examine genocide nationally through a blanket study of Indian-White relations in the United States.³⁸ This methodology is also ineffective in California, especially when considering the Round Valley. The Yuki were the original inhabitants of the Round Valley, yet the federal government did not take this into consideration when forming the Nome Cult Farm. Rather than respecting the Yuki claim to the valley, the U.S. military removed other local Indian tribes to the valley, grouping the Indians together regardless of their tribal affiliations or intertribal strife. The tribes with members removed to the Nome Cult Farm included but were “not limited to the Concows, Pit Rivers, Nomlackis, Nisenans, Wailackis, and the Pomos.”³⁹ The Nomlacki tribe was the traditional enemy of the Yuki, yet the U.S. government failed to recognize this when lumping the two tribes into the same patch of land.⁴⁰ While historians have mentioned this fact in the historiography, it has not been adequately explored.

Scholars can become too focused on similarities in actions performed by whites towards Indian groups, often marginalizing both groups. White offenders range from wealthy policy makers to poor miners, while Indian groups also range greatly in cultural and social status within their communities. Differences within the two groups lead to

³⁸ Madley, “Reexamining the American Genocide Debate,” 107.

³⁹ Bauer, *We Were All Like Migrant Workers Here*, 2.

⁴⁰ Carranco and Beard, *Genocide and Vendetta*, 53.

completely different experiences in different regions of North America, and even different regional experiences in northern and southern California.

Despite all of Round Valley's coverage in the historiography, there are only two manuscripts that have dealt solely with the area specifically from 1849-60, with twenty-four years separating the two works. The original treatment of this issue in 1981 is Lynwood Carranco and Estle Beard's *Genocide and Vendetta: The Round Valley Wars of Northern California*.⁴¹ Carranco and Beard argue that the Gold Rush was a period of "Anglo-American genocide against the Native inhabitants of the Yolla Bolla Country" and that the whites destroyed the Indian populations in a period of less than ten years."⁴² Within the first half of the book, the authors describe the white occupation of the Round Valley from the formation of the Nome Cult Farm to its expansion to the Round Valley Reservation, detailing government and settler corruption along the way. The entire second half of *Genocide and Vendetta* focuses on individual white settlers who took advantage of Indian lands in the valley. These stories of the Asbill Brothers and George E. White reflect the detrimental nature of white intrusion into the Round Valley as the OIA formed the Nome Cult Farm in the valley. *Genocide and Vendetta* is essential to understanding the men taking advantage of the corruption on the ground in northern California. Despite its influential nature and its great narrative history, *Genocide and Vendetta* is not readily available to the public. Due to a number of legitimate and

⁴¹ Carranco and Beard, *Genocide and Vendetta*, 53.

⁴² *Ibid.*, 3.

suspected reasons, the University of Oklahoma Press pulled the book from production, making copies extremely scarce and expensive to obtain.⁴³

The most recent study of the Round Valley Reservation is Frank Baumgardner's *Killing For Land in Early California*.⁴⁴ Baumgardner's book discredits the argument that disease was the main killer in the Round Valley from 1856-63. He argues that the first few years of contact between whites and settlers were generally peaceful, yet violence soon erupted when white ranchers began to accuse Round Valley Indians of cattle thievery. Baumgardner's book does an excellent job of detailing the relations that led up to conflict in the region, however, this study will contest the fact that widespread violence developed after two years of contact—it developed much sooner.

Baumgardner's work provides a great synthesis of relationships between settlers and Indians on the reservation, yet leaves room for a more in depth study. *Killing for Land* lacks an analysis of Indian slavery and attributes many violent acts towards Indians as “direct tactics of warfare still used today.”⁴⁵

Historians covering California Indian topics have traditionally focused on frontier violence, survival, and most recently slavery and genocide. These works are all useful in providing crucial information about Indian history in the state. While all of the studies work towards proving a wide range of theses that often conflict with one

⁴³It is important to note that the University of Oklahoma Press pulled *Genocide and Vendetta* from production due to a plagiarism suit, which led to a shortage of copies of the manuscript. Some scholars in the community claim that descendants of those named for oppressing Indians in the Round Valley purchased as many copies of the books as possible to keep them out of circulation, although they have no irrefutable proof for these types of claims. There is an online movement to get a second publishing of the book in order to share its valuable story with historians and the public alike. For more information on this movement, see <http://www.genocideandvendetta.com>.

⁴⁴ Frank M. Baumgardner, *Killing for Land in Early California: Indian Blood at Round Valley, Founding the Nome Cult Indian Farm* (New York: Algora Publishing, 2005).

⁴⁵ *Ibid.*, 57.

another, they all offer a deeper understanding of white-Indian relations in Gold Rush Era California. More specifically, these studies speak to the motivations behind the violence that occurred on the frontier and the borderlands of mining towns and Indian reservations. While there are a few pre-existing studies of the Nome Cult Farm and Round Valley Reservation, these studies often focus too heavily on the current genocide studies trend in the historiography, and not heavily enough on Native agency. California Indian history needs to return to studies of Indian survival rather than Indian victimization. There is much more to learn about California Indian tribes through studying their own lives and experiences rather than their reactions to settler intrusion. Indians living in California's Round Valley were more valuable to white settlers as living slaves than they were as dead bodies. This study suggests that historians must first understand smaller scale issues and their causation before making overarching statements about an entire region or territory. By understanding the resource-based motivation for white intrusion onto the Round Valley, historians can make larger observations about relationships between whites and Indians in early statehood California.

Chapter 1: Forming the Nome Cult Farm: Federal Expectations vs. Indians' Outcomes

In 1854, the Office of Indian Affairs sought to acquire the Round Valley to provide agricultural resources for the Nome Lackee and Mendocino Indian reservations. The United States government chose the valley to establish an Indian farm due to its rich soil and the local Yuki population residing there. The OIA's idea of a government operated Indian farm was representative of Indian policy at the time, but the Round Valley would not fulfill the California government's initial vision for it. The military intervened only when settlers destroyed government property or threatened the farm's operations. When Indian agents reported white-on-Indian violence or settlers trespassing on the farm to the OIA, the OIA did not order troops to quash the violence. Despite the California government's intent of creating a functioning Indian farm to provide for the California reservation system, white settler intrusion and the state government's failure to control white squatters in the Round Valley represented a state and federal disregard of Indian welfare and created a lawless safe haven for white settlers and their business ventures.

From 1849-1852, white male settlers, predominantly, flowed into California seeking Gold as their primary source of income. The men traveling to California were often either family men seeking to make money to send to relatives back East, or single men looking to strike it rich in the gold mines for themselves. Once this initial mass influx of white male settlers began to die down and Euro-American styles of infrastructure became established, families began to move westward to settle in California. As families began moving into California, they were in need of a safe place

to stay and establish their households, as larger cities such as San Francisco had become crowded and full of vice. Because of this, white settlers began diffusing on the frontier directly surrounding these cities, and towns began diffusing outward into lands populated by American Indians.

Conflict between white settlers and California Indians quickly arose due to the whites' need for land. In order to deal with these issues, along with others across Nevada and California, President Millard Fillmore appointed Edward Beale as California's first Superintendent of Indian Affairs. Beale was an obvious choice for the position, as he was a pioneer in the Gold Rush, one time illegally crossing the Mexican border in disguise during the Mexican-American War to find and bring back evidence of gold in the region. As superintendent, Beale worked to facilitate peace treaties with Indian tribes and establish a civil means of dealing with the state's Indian population.⁴⁶ Beale decided that the best way of dealing with the white-Indian conflict would be to form Indian reservations to contain Indians within specific, government approved areas. While Beale believed that relocating Indians would come peaceably in California due to the Indians' particular intelligence in that region, this was not how things worked out.

Beale submitted his request to form reservations in California to congress, and it approved a limit of five reservations within the state. Beale immediately set up the Tejon Reservation, and began planning for other reservations in California. Beale wrote George Manypenny, the Commissioner of Indian Affairs in D.C., detailing the accomplishments and "great ingenuity" of the Indians on the Tejon Reservation. In one

⁴⁶ Charles F. Howlett, "Beale, Edward Fitzgerald" in Spencer Tucker, *The Encyclopedia of the Mexican-American War a Political, Social, and Military History* (Santa Barbara, California, ABC-CLIO, 2013), 54-55. Beale was able to do this because California Governor John Bigler appointed him as a Brigadier General in the California Militia.

instance Beale mentions a lame young Indian boy who made him a gift from a ruined saddle girth. It took the young boy three months to transform a ruined saddle girth into a pair of garters “intended as a present to [Beale], and to be used to tie the leather leggings necessary here to protect the limbs in riding through a thorny undergrowth in hunting game.”⁴⁷ Beale suggested to Manypenny that the Indians under his care were deserving and “should receive the fostering care” from the well-funded U.S. government.⁴⁸ Beale believed that the California Indians had more merit and worth than the government recognized, and they deserved relocation and government assistance rather than violent campaigns to exterminate them, as some newspapers of the time called for.

Before Beale could execute his plan to expand the reservation system, Fillmore’s term ended and President Franklin Pierce had Beale replaced. Beale’s replacement was Thomas J. Henley, who was then serving as a member of the “first state House of Representatives” at the time.⁴⁹ In a letter to the Director of the Office of Indian Affairs (OIA), Henley wrote that his predecessor Edward Beale had not been popular in the media and therefore suggested he had not done as well of a job as hoped for. Henley noted that he tried to refrain from using language “unpleasant to Mr. Beale’s feelings,” but that he felt it was responsibility to report the previous and

⁴⁷ “Annual Report of the Commissioner of Indian Affairs, 1854,” Edward F. Beale to George E. Manypenny, 508. A saddle girth is the piece of fabric on a saddle that goes under the mid-section of a horse that keeps the saddle firmly affixed to the animal.

⁴⁸ Howlett, “Beale, Edward Fitzgerald”, in Spencer Tucker, *The Encyclopedia of the Mexican-American War a Political, Social, and Military History*, 54-55.

⁴⁹ “Henley, Thomas Jefferson, 1808-1875.” Biographical Directory of the United States Congress.

unfavorable conditions of the Tejon Reservation to the OIA.⁵⁰ Henley's opinion was that while Beale had worked nobly to aid the Indians of California, he had not been able to do enough in his appointment. It seemed as though Beale would solve one problem, while many more continually arose. Henley saw this as a potential fault of Beale, though historians must consider that he was the founder of Indian reservations in California and had no regional example to follow. Despite the relative failure of California's reservations during Beale's time as superintendent, overpopulation caused the poor conditions and environmental degradation on the reservations, factors largely out of an Indian superintendent's control.

Henley quickly began forming other reservations in California. By the summer of 1856, he had reached the five-reservation limit put in place by Congress, which meant that he had exhausted all federal reservation funding allocated for California.⁵¹ The Mendocino and Nome Lackee Reservations in northern California (roughly 100 miles apart as the crow flies) began to struggle and needed additional support due to the large number of Indians who the OIA forcibly relocated to the reservation land.⁵² Henley recognized this as a prevalent issue and was unable to do anything immediately, as he had run out of federal money for forming new reservations. Rather than seeking funding to form a new reservation in northern California, Henley settled on the idea of forming an Indian Farm in the region instead. Indian farms stemmed from the idea of using Indian labor to build Catholic Spanish missions in Mexican California, since the

⁵⁰ "Annual Report of the Commissioner of Indian Affairs, 1854," Thomas J. Henley to George E. Manypenny, 513-16.

⁵¹ Baumgardner, *Killing for Land*, 42. The four reservations Henley added to California are Klamath, Mendocino, Fresno, and Nome Lackee.

⁵² *Ibid.*, 38.

Mexicans were able to exploit Indian workers through the *rancheria* system to build their missions.⁵³ California Indian officials sought to emulate the Mexican system in order to use Indian labor to provide for its reservations. Consequently, Henley sent Simmon P. Storms to explore the area between the Mendocino and Nome Lackee reservations due to his familiarity with the region and its Indian populations.⁵⁴

Storms was “formerly an Indian trader, language interpreter, and subagent at [the] Nome Lackee Reservation.” Due to his former work experience on the frontier with northern California tribes, he seemed to be the ideal man for determining the location of California’s first federally funded Indian farm. He had a history of positive relations with Indian groups, and had worked closely with the Indian population at Nome Lackee. Storms chose three other reservation employees along with “some friendly Nevada Indians”, and left the Nome Lackee Reservation. Once the party reached the Round Valley, the Indians there dispersed immediately when they saw the whites and their Indian traveling companions entering the Round Valley. The men set up camp there, and soon “about two hundred Indians came to observe them from a distance.”⁵⁵ An Indian interpreter persuaded six of them, including the head chief, to speak to Storms. After communicating with Storms, the Yuki Indians of Round Valley interacted peacefully with Storm’s party, as they determined that the group was not

⁵³ Beverly Beeton, “Teach Them to Till the Soil: An Experiment with Indian Farms, 1850-1862,” *American Indian Quarterly* 2, no. 4, 302.

⁵⁴ Simmon P. Storms has been misspelled in many current works on California History. Some of these include, but are not limited to, Brendan Lindsay’s *Murder State: California’s Native American Genocide, 1846-1873* (Lincoln: University of Nebraska Press, 2012) and George Harwood Phillips’ *Bringing Them Under Subjection: California’s Tejon Indian Reservation and Beyond, 1852-1864* (Lincoln: University of Nebraska Press, 2004). It is difficult to see why authors could make this mistake, as all Government Documents regarding Mr. Storms refer to him as Simmon, not Simon.

⁵⁵ Baumgardner, *Killing for Land*, 41.

concerned with enslaving them or seeking to steal their goods as other whites in the region were. While the positive Yuki reaction to Storms and his party seemed perfectly reasonable, the initial positivity dwindled steadily away.

Storms saw the Round Valley to be a perfect location for an Indian reservation, because the land was “heavily timbered and [had] game in abundance,” and a “great many fish” were also present.⁵⁶ Because the government could not approve another formal Indian reservation due to funding issues, Simmon P. Storms established an Indian farm in the Valley instead.⁵⁷ Only two weeks after entering the Round Valley, Storms “accordingly laid claim to the valley in the name of the government” and “christened it Nome Cult Valley.”⁵⁸ The OIA established Indian farms to produce food for the larger reservations, as OIA did not always place the larger reservations on prime agricultural land. In the case of the Nome Cult Farm, it not only provided food for Nome Lackee, it also served as a resting point for government officials traveling from the Mendocino Reservation to the Nome Lackee.⁵⁹ The farm’s dual purpose made it a

⁵⁶ Baumgardner, *Killing for Land*, 41.

⁵⁷ Baumgardner, “The Establishment of Nome Cult Farm,” in *Killing for Land*. The OIA limited Indian farms to 5,000 Acres, while Indian reservations were a minimum of 25,000 Acres.

⁵⁸ Baumgardner, 43. Also, in Beard and Carranco, 53. The name Nome Cult is a variation of “nom nokel (“west place”) or nom kewel (“west dwellings”) in the language of the Nomlacki Indians of the Upper Sacramento Valley, the traditional enemies of the Yuki.” Beard and Carranco get this information from WALTER Goldschmidt’s *Nomlacki Ethnography*, (Berkeley: University of California Publications in American Archeology and Ethnology, 1951), 314, 316, 318, and 320.

⁵⁹ Benjamin Madley. “California’s Yuki Indians,” 303-332. Madley’s article contains more detail about the high quality of land in the Round Valley, and the article places this relationship in a Genocidal context.

necessity in the region, and many government officials and Indian tribes depended on its success.⁶⁰

The OIA set up Indian farms and traditional Indian reservations as non-permanent holdings of the U.S. government, and therefore government surveying agencies did not immediately survey the land.⁶¹ The complicated land policy regarding white settlers existed due to a combination of old Mexican laws, U.S. laws, and reservation boundaries, and was near impossible to enforce. White settlers often laid claim to land directly on, or even inside the borders of reservations and farms because they had “made significant improvements” as required by law to claim property, because all unsurveyed lands that existed outside Mexican land grants were open to preemption. The United States government did not survey these reservations and farms, making it easy for white settlers to lay claim to the land. Since the government did not set clear boundaries, the military could not enforce them. In addition to the lack of legal cause to remove white squatters, the government placed no physical military force within the Round Valley until 1858.⁶²

When the OIA declared a portion of the Round Valley as an Indian farm in 1856, the Office did not immediately tell settlers to leave the area. The Office of Indian Affairs merely warned white settlers of the dangers associated with the local Indians, as they did not have the authority or military support to push the settlers out of the valley. These particular whites ignored governmental warnings about entering the Round

⁶⁰ Some Indian farms failed due to low crop yields and lack of funding, however, the Nome Cult Farm’s many purposes meant it was a necessity in the region, and could not fail regardless of the conditions on the farm.

⁶¹ William J. Bauer, *We Were All Like Migrant Workers Here*, 37.

⁶² For a more detailed study on this legal situation, see Donald J. Piscani, “Squatter Law in California, 1850-1858,” *Western Historical Quarterly* 25, no. 3 (Autumn 1994): 277-310.

Valley to gain access to its rich agricultural land and grazing grasses for their cattle and swine.⁶³ In fact, many white men affiliated with the government continued squatting and even began building their own personal ranches in the valley. George E. White, in particular, formed a ranch in the Round Valley. This ranch was very profitable for him and his partners, but it made him very unpopular among Indians and whites alike for the corrupt nature of his business ventures. White used Indian laborers, and other white Californians even accused him of stealing federal money to develop his properties in the Round Valley and surrounding areas. White was often referred to as the “King of Round Valley” due to his control over such a large portion the valley’s land. White and his partners effectively kept other American settlers from the land through outlawry and violence.⁶⁴

George E. White was born on August 17, 1832 in Lewis County, Virginia. He was a descendant of the prominent Jackson family in Virginia, which included General Stonewall Jackson. White was born on a farm and intermittently attended public schools in his home state. In April 1849, he set out to travel across the plains with a few male members of his family to start a small business to serve Gold Rushers. After arriving in Shasta County, California on September 10, 1849, his uncle passed away. White elected to stay in California with one of his brothers where he weathered the winter and

⁶³ Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven: Yale University Press, 2007), x.

⁶⁴ "The Horrible History of Round Valley: Story of Robbery, Murder and Intrigue Without Parallel: Rise of Geo. E. White: Conditions That Have Led Up to The Mendocino County Feud: A Paradise for Outlaws: Perjury to Destroy a Woman's Name--Tales Told on a Mount." *The San Francisco Call*, October 21, 1895. Accessed December 8, 2015. *The San Francisco Call* published this article that highlights the main grievances that California Indians had with George E. White and his illegally obtained ranch in 1895. It is important to note that most of the grievances the article mentions were based on crimes committed against other white settlers, not Indians. The article’s exclusion of serious crimes against Indians reflects slanted racial attitudes against them in print media during the mid-nineteenth century in California.

eventually opened up a store that spring, later abandoning the store for a freighting venture in Sacramento City. Prior to 1854, White dabbled in small business with little success, and eventually ended up venturing into the Round Valley in Mendocino County in May 1854 to prospect for gold. White spent only two days in Round Valley before he spotted a group of Indians whose mere presence scared him out of the area. Despite his initial fear of Indians, White started a ranch in the Round Valley two years later. Settlers traveling to the Round Valley in the late 1800s claimed that White's ranch was "the first land located" when one gazed upon the valley due to the large portion of the valley it occupied.⁶⁵

White soon rose to prominence in the Round Valley, eventually owning many houses and businesses, including a bar in the nearby community of Covelo. White's land ownership had grown from a small claim in the Round Valley to approximately 2,500 acres in Mendocino County, and 3,000 acres in bordering Trinity County. White amassed this large amount of land due to his hired help, which used an illegal and violent means of keeping other settlers out of Round Valley, and as well as Indians within it. White employed California Indians in a type of serfdom, and exploited the men for their manual labor and women as household servants, even taking some as wives.

Other white settlers in Round Valley did not wish to leave. Storm's observations about the fertility of the land and abundance of food resources were not new ones:

⁶⁵ Lyman L. Palmer, *History of Mendocino County: California Comprising Its Geography, Geology, Topography, Climatography, Springs and Timber. Also, Extended Sketches of Its Mills and Milling, Mines and Mining Interests; Together with a Full and Particular Record of the Mexican Grants ... and Biographical Sketches of Early and Prominent Settlers and Representative Men. Also a Historical Sketch of the State of California, in Which Is Embodied the Raising of the Bear Flag* (San Francisco: Alley, Bowen & Co., 1880), 449.

whites who failed in the gold fields had already begun settling in this region and claiming the property as their own.⁶⁶ These whites had been in conflict with Round Valley Indians while occupying the valley and they had developed an animosity towards all Indians. When the Nome Cult Farm was set up it called for the removal of white settlers from the region. Private ranchers in the valley did not wish to have “their” fertile lands taken for use by Indians, and chose not to leave the newly designated Indian farm. While the United States called for the removal of all whites from the Round Valley, this was not feasible in reality.

White settlers in the valley such as Mr. George E. White profited from the Round Valley’s abundant natural resources. Mr. White owned vast amounts of unsurveyed and therefore untaxed land in the valley, employed a band of roughnecks to protect his land and surrounding areas from other white settlement, and took advantage of Indian peoples located on the Round Valley Reservation for his undesirable tasks. George White grazed cattle on the land surrounding the reservation, making no distinction on the true border of his land or the reservation land. White’s use is a perfect example of white intrusion onto the Round Valley directly following California statehood.

White settlers and ranchers squatted in the Round Valley, disregarding the soft borders of the Nome Cult Farm. Despite the illegal status of white squatters on the Nome Cult Farm, the United States military did not respond with any type of force or show any intent to remove the settlers. The Nome Cult Farm was a government entity, and therefore was legally under the protection of the federal government. This protection was not present in reality in the Round Valley, and the only true authority

⁶⁶ Kiernan, *Blood and Soil*, 353.

came from the most powerful whites present. Despite Indian agents' requests for military aid to protect the inhabitants of the valley, they were almost always ignored. When finally acknowledged, it was due to the victimization of a white settler rather than for the welfare of the Indians under government control on the farm.

In 1854, California's Indian superintendent began reporting settler intrusion onto Indian lands to George Washington Manypenny, acting Commissioner of Indian Affairs at the time. Manypenny summarized these reports to Secretary of Interior Robert McClelland, stating that the "white population overleaps the reservations and homes of the Indians, and is beginning to inhabit the valleys and mountains beyond."⁶⁷ Manypenny based his report on multiple other reports California Indian agents sent him in 1854. While this intrusion was happening, it did not cause trouble for the government officials or other whites working on Indian lands of federal Indian reservations. In fact, Indian Agent Edward F. Beale reported that he "had no military force...and require[d] none" as he felt guarded without the presence of actual armed guards.⁶⁸ The feeling of security mentioned by Beale would not last long after Thomas J. Henley replaced him due to the large settler intrusion taking place in the valley. By 1858 the problem with white intrusion onto the Nome Cult Farm was growing. White settler's encroachments on the farm's borders were no longer short term, and they built permanent homes and buildings as their ranching operations grew in size. These ranchers took advantage of the great agricultural land, greatly hindering the Indians' resource base.

⁶⁷ "Annual Report of the Commissioner of Indian Affairs, 1854," George E. Manypenny to Robert McClelland, 211-231, 225.

⁶⁸ "Annual Report of the Commissioner of Indian Affairs, Feb. 8, 1854," Edward F. Beale to George W. Manypenny, 507.

The Yukis traditionally depended on salmon and deer meat, along with grasshoppers, nuts, and berries to nourish themselves. Private ranchers did not properly manage livestock as they introduced swine and cattle into the region. The ranchers' mismanagement led to a decline in the vital natural resources that Round Valley Indians needed to survive. This rancher mismanagement facilitated overgrazing in the valley, which made the livestock contenders with local deer populations for food sources. The cattle drove the deer further up into the mountains, which made game more difficult to hunt for the Indians. Many Indians resorted to cattle thievery due to the lack of natural resources in the region and the cattle theft caused private ranchers' campaign against Indians in the valley.⁶⁹

There was "a sufficiency of the natural products of the country for the subsistence of Indians" in the Round Valley, however the "encroachments of the whites, and the consequent destruction of their [Indians'] food by settlement of the country" complicated Indian survival in the Round Valley.⁷⁰ Until white settlement of the valley, the Yuki Indians had successfully lived off of the valley's ample supply of grasshoppers, berries, salmon, and deer. Because white rancher's actions caused the Indians' natural resource base to dwindle the tribes in the Round Valley resorted to cattle raiding and stealing.⁷¹ Ranchers and vigilante parties often outnumbered and outgunned Indians in these raids, so Indians sometimes chose to steal cattle and goods

⁶⁹ Virginia P. Miller, *Ukomno 'm: The Yuki Indians of Northern California* (Ballena Press, 1979), 49-61.

⁷⁰ "Annual Report of the Commissioner of Indian Affairs, Sept. 4, 1858," Thomas J. Henley to Charles E. Mix, 383.

⁷¹ M. Kat Anderson, "Ch. 4: Methods of Caring for the Land" in *Tending the Wild: Native American Knowledge and the Management of California's Natural Resources* (Berkeley: University of California Press, 2005), 125-154.

under the cover of darkness so that the settlers would not detect them. Indians would kill the cattle or hogs and take the meat back to their encampments for processing. When the white ranchers discovered that their livestock was gone, they automatically assumed that local Indians were to blame. These assumptions often led to revenge-seeking rancher parties setting out in pursuit of all Indians in the valley, and the parties did not always distinguish between the innocent and the guilty.

When these search parties went out to find those responsible for stealing their cattle, they did not hesitate to “convict” Indians for the crime without proof, and they certainly did not wait for largely non-existent law enforcement to arrive. If the white men discovered Indians in possession of beef or pork products, they would assume it was from their cattle and kill the Indians they deemed responsible. The ranchers’ investigations were clearly problematic, one reason being that it was often impossible to identify which cattle belonged to private ranchers versus which cattle belonged to the government farm. Often, private ranchers in the Round Valley did not brand their cattle.

During a federally sponsored trip in 1858, Special Agent John Ross Browne visited the Round Valley to record the number of Indians there. While in the Round Valley, he noticed that “the cattle in the valley ranged miscellaneously together” and that “none of the government cattle were branded with the letters U.S.”⁷² In a separate report by Indian Agent Vincent E. Geiger, Geiger wrote that “the reserve [Nome Cult Farm] was wholly unenclosed” and that “the stock of the settlers range[d] all over it.”

⁷² Special Report of Special Agent J. Ross Browne in relation to Indian Affairs in California,” to Commissioner Hon. Charles E. Mix, Sept. 4, 1858, San Francisco, Microcopy No. 234, Letters Received by the Office of Indian Affairs 1824-81, *California Superintendency, 1849-1880, 1880*, National Archives and Records Service, General Services Administration, 1958, pp. 5-8, “1094-7,” at Sierra Records of National Archives, 1000 Commodore Blvd., San Bruno, CA, as quoted in Baumgardner, *Killing for Land*, 67.

The combination of free ranging cattle and a lack of an adequate branding system made it difficult and sometimes impossible to identify livestock owners. Privately owned cattle from outside the Nome Cult Farm would roam within the farm's loose borders and form one herd with government cattle that Indians and government officials used for food on the farm. Indian workers on the farm constantly attempted to push privately owned cattle off of the Nome Cult Farm, but they were largely unsuccessful. Since the Round Valley Indians were not able to drive off the "herds that encroached upon [them], it result[ed] in the destruction of whatever crops may be sown" on the farm. Indian Agent Geiger also noticed that white ranchers did not take kindly to Indians handling their livestock, and the ranchers would often "threaten and deter Indians" who tried to drive cattle off of the farm.

As there was no military presence in the valley until late 1858, powerful white ranchers and their associates served as a form of vigilante enforcement. White vigilante groups would hunt down Indians caught stealing cattle, often not distinguishing the guilty from the innocent, as they only sought to avenge the loss of their cattle. In Geiger's letter to the Superintendent of Indian affairs, he noted that the "Indian vaqueros [Cowboys] required[d] the presence of white employes [sic] [of the reservation] to protect them" from white ranchers.⁷³

From 1856 onward, Indian Agent Thomas J. Henley continually requested military aid in the Round Valley to protect the farm and its Indian inhabitants from white settler depredations. Historian Frank Baumgardner claims that it was due to protect settler property and Indians, while others such as Robert W. Frazier claim that it

⁷³ Annual Report to the Commissioner of Indian Affairs, Aug. 31, 1859 Vincent E. Geiger to J.Y. McDuffie, 440.

was to protect the Indians from white settlers. While both of these ideas are sensible when gathered from reading correspondence from Henley and other settlers to the California state government, it was not sensible when examining what the military *actually* did in the valley. Rather than protecting the Indians as requested by Indian agents, the military only intervened when the settler population threatened government employees on the farm's property.

Henley wrote to California's senators at the time, "William ("Duke") Gwin and David C. Broderick," and asked for federal troops in northern California, specifically in the Round Valley.⁷⁴ The senators acknowledged his request, and promptly wrote to Major General John Ellis Wool requesting military aid in northern California. The General largely blamed Henley because he had done "nothing to ... perfect the reservation."⁷⁵ General Wool claimed that the federal government had not surveyed the Round Valley and therefore the reservation located there did not qualify for military intervention. If the United States military were to "interfere" with white-Indian relations in the region, it would have been an illegal intervention, as in the eyes of the federal government, it was not an official reservation because the federal government had not surveyed it. In order for General Wool's troops to legally act in the Round Valley, the sovereign state of California would have to surrender jurisdiction to the federal government. Wool claimed that:

California [was] in no sense of the word an Indian Country. It is a sovereign State, whose laws extend over all, Indians and Whites, residing within her

⁷⁴ Baumgardner, *Killing For Land*, 50.

⁷⁵ Letter #44 Maj. General John E. Wool to Sens. D.C. Broderick and Wm. Gwin," Interior Department Appointment Papers, Microcopy #732, Roll #20, California Superintendent of Indian Affairs, 1852-1862, on file at Held-Poage Library, as quoted in Baumgardner's *Killing for Land*.

borders. Before the Military of the United States can exercise, legally control or protect the Indians from the encroachments of Whites all military reservations intended for the protections of Indians should be surveyed[...]. Until these reservations are thus perfected the United States troops would have no right to control the actions of Indians, so far as forcing them to remain on the reservations or punish them for infractions of the State laws, ort [sic.] to exclude the Whites from entering and occupying the reserves, or even prevent their taking from them Indians, squaws, and children.⁷⁶

General Wool realized that California did not represent a clear-cut situation in which federal military intervention could come to the rescue of a failing reservation system that the OIA had not yet officially surveyed and sanctioned. The military was in northern California to protect settler interest, not to protect Indians on reservations. White settlers in Northern California illegally attacked Indians in the region and local OIA agents could not control the settler violence or recruit the military to put a stop to it for them.

General Wool continued to resist Senator Gwin and Broderick's request for aid on California reservations due to Henley's inadequacy in correcting Beale's design for the reservation system. Wool argued that it was illegal to use federal troops in a region with such an ambiguous legal identity. Originally, "the system of military posts set up along the Oregon and California Trails was established by Congress just to help guide Euro-American emigrants safely across the continent," and not for the protection of Indians or government sponsored Indian Affairs. The military was not posted in the Pacific Northwest to service the Office of Indian Affairs; the United States stationed it there to aid white settlers in their journey westward and to maintain settlers' safety once they arrived. The most common reason for troops dispatching from their posts would be

⁷⁶ Maj. General John E. Wool to Sens. D.C. Broderick and Wm. Gwin," Interior Department Appointment Papers.

to handle “special, very dangerous circumstances.”⁷⁷ It is important to understand that white settler need constituted these circumstances, not Indians’ needs. The military would intervene in violent conflict between settlers and Indians only when the settlers population was under serious threat.

After nearly two years of steady pleas from California’s Indian officials and agents, the U.S. military finally brought forces into northern California, specifically the Round Valley. In late December 1858, a small platoon of 69 men entered the Round Valley to establish Fort Wright. Each of the 69 men carried a standard unrifled military issue single shot rifle or carbine. The Indians located in the valley were often armed only with handcrafted weapons such as bows, arrows, and knives.⁷⁸ The military presence certainly complicated white-Indian relations in the Round Valley. It did not, however, completely redefine them. Before military intervention, the Indian population in the valley worried about conflict with local white ranchers and their enforcers. Round Valley Indians had to determine whether the military was there to protect them or oppress them further. Fort Wright and the soldiers stationed there were present to keep Indians from harassing white settlers, and to keep white settlers from harassing government property. White ranchers killed Indians who interfered with their ranching ventures without period-specific legal reason to do so, and the military did not intervene in settler-Indian conflicts. Settler and military intrusion left Round Valley Indians with the choice of starvation or to take the risk of stealing resources from the local white ranchers.

⁷⁷ Baumgardner, *Killing for Land*, 52.

⁷⁸ *Ibid.*, 194.

While white settler intrusion onto Indian reservations was not a new concept in mid nineteenth-century America, motivations differed from reservation to reservation. The Round Valley Reservation was desirable by whites mainly due to its rich agricultural land, and travelers passing through the Round Valley noted its lush, tall grasses and its plentiful streams. The Superintendent of Indian Affairs visited the valley proclaiming that it was “the best grazing country in the state.”⁷⁹ Due to the fertile nature of the soil, it made for good farmland as well as good grazing lands for cattle, swine, and sheep. Ranchers allowed their livestock to venture onto the reservation to graze in large numbers, which took a toll on the local game that Round Valley Indians relied on. In addition to overgrazing, whites also began hunting Indians’ food sources and fishing in the many rivers located in the valley.

Simmon P. Storms established the Nome Cult Farm in 1856 for federal employees to use as a mid-way point where they could rest and restock between the Mendocino and Nome Lackee Reservations, yet the farm and its borderlands quickly became used for private business and ranching ventures. Federal troops did not protect the Nome Cult Farm’s ill-defined borders, and white ranchers quickly rose to power in the valley through questionable land ownership and frontier violence. White settler interest took precedence over government protection of Indians in the valley, as the military post existed only to protect government property and the white settlers themselves. The intentions for Nome Cult Farm were to form an Indian farm to supply the other reservations in the area and serve as a mid-way point for travelers, however white settlers and their business interests held more importance to the OIA and Federal government than Indians’ well-being. Rather than a place for Indians to live and work

⁷⁹ Ben Kiernan, *Blood and Soil*, 353.

under the state government's supervision, the Round Valley represented a safe haven for white ranchers to grow their business interests on fruitful Indian lands, with no initial intervention from the federal military. Even though the military occupied a post in the valley, the federal force acted with the same purpose of the valley's lands: to serve white rancher interest rather than American Indian livelihood and sustenance in the valley.

Chapter 2: Bound Indian Labor in the Valley

Despite the existence of American Indian slavery in California prior to statehood, white settler migration to the area both amplified and expanded unfree Native labor in the newly forming state. White settlers hoped to start a prosperous new life in the West and migrated to California, passing through and settling in California Indians' homelands. The first wave of migration occurred during the early years of the Gold Rush, and consisted primarily of young white males. These males wanted to make a profit regardless of the means to the end. Just as the settlers viewed the rich agricultural lands of the Round Valley as an abundant natural resource, they viewed Native peoples the same way. White Californians, both government officials and common settlers, viewed American Indian labor as an abundant resource, ripe for the taking. Just as settlers looked to the land for its abundant natural grasses for cattle to graze upon and its clean natural water to drink, white settlers looked to the original inhabitants of the land as a part of nature and an unlimited labor source ripe for exploitation.

As the Spanish began making their way from South American into North America in the 1700's, they established Catholic missions in Alta California, which remained in operation once the region became a Mexican possession in 1821 with the Treaty of Córdoba. The Spanish established missions to convert the Native populations of California to Catholicism. Missions worked to "civilize" the American Indians in Alta California by teaching them Spanish Catholicism, culture, and agricultural practices. The missions provided shelter, food, and clothing as long to Natives who worked agriculturally and adopted Catholic principles. While this appears to be a

symbiotic relationship, most mission Indians entered the missions voluntarily, yet were often not allowed to leave.

Despite Indians' voluntary entry into the missions, many quickly developed distaste for mission life and desired to return to their traditional ways of life. Missions entrapped Natives and insisted on their adoption of Catholicism, however Natives did not often comply with the religious aspect of the missions. Oftentimes the missions treated the Native people as wards, and "some of the Indians [were] locked into their rooms at night" to prevent their escape.⁸⁰ Indians helped to construct the missions and supporting facilities, and worked the agricultural fields in them to provide food for the missionaries and for themselves. Non-Natives believed there was a reciprocal relationship present within the missions and claimed that "the scheme [Spanish mission system] would never probably have been crowned with success" without it.⁸¹

Missionaries believed that the Natives viewed their relationship with the mission as reciprocal due to their ethnocentric view of Native culture. While some Natives may have seen their relationship with missions this way, many experienced a type of loose imprisonment within the missions. Native labor was essential to the success of the Mexican missions, as missionaries saw the agricultural labor as part of the civilizing process.

In addition to Indian laborers in the missions, many self-employed Mexican ranchers also kept Native slaves on their properties. Rather than Natives voluntarily

⁸⁰ Woodrow W. Borah, "The California Mission," in *Ethnic Conflict in California History*, ed. Charles Wollenberg (Los Angeles: Tinnon-Brown Inc., 1970), 11.

⁸¹ "Annual Report to the Commissioner of Indian Affairs, 1858." G. Bailey to Charles E. Mix, November 4, 1858, 304.

entering the ranches as they did in the missions, Spanish men forcibly captured Natives and then forced them into agricultural servitude on ranches. Before Americans moved into California on a large scale “Spanish-speaking ranchers had periodically abducted [Native] adults... to augment their labor supply.”⁸² Mexican Ranchers would hire Mexican overseers to control the unfree Indian laborers, as the majority of their workforce consisted of Native slaves. Once the Gold Rush began and Mexico ceded California Territory to the United States in the Treaty of Guadalupe Hidalgo in 1848, American settlers began to observe more closely the forced Indian labor system in the missions and on privately owned ranches. Wealthy settlers on the California mining frontier soon realized their need for cheap labor to create and maintain their homes and business ventures. The settlers began to visualize the Native populations present as cheap, easily attainable labor. In an attempt to emulate Mexican use of Native labor, Californian settlers and their associates began to capture Indian adults for their own personal workforce rather than legitimately hiring employees.

From 1848 to 1850, kidnapping Natives became commonplace among white settlers on the California mining frontier. While engaging in Indian slavery was illegal in the state, no significant law enforcement measures stopped individual ranchers and vigilante groups from violently taking Indians from their villages and using them as slaves. These ranchers and vigilante groups soon began to take the Mexican practice of kidnapping Natives a bit further by kidnapping Indian children. White settlers quickly discovered that women and children were often exposed on slave capturing expeditions, and were fairly easy targets for the slave traders to overpower. The American settlers

⁸² Sherburne F. Cook, “The California Indian and Anglo-American Culture,” in *Ethnic Conflict in California History*, ed. Charles Wollenberg (Los Angeles: Tinnon-Brown, Inc., 1970), 32.

“developed the technique of kidnapping small children, [and] then sold as servants to respectable families for prices ranging from thirty to two hundred dollars.”⁸³ White Californians wanted young Native children because they were easily influenced and posed almost no physical threat. Young Native female slaves were more desirable than their male counterparts, as the females could fill more roles in the household than male slaves. Young female Native captives were in high demand for either household sexual slavery for white Californians, or for the budding international sexual slave trade.

Shortly *before* California statehood, the then-forming state’s new legislature passed the Act for the Government and Protection of Indians during its first meeting April 22, 1850.⁸⁴ Despite its title suggesting Native well-being as its primary concern, the act allowed white Californians to oppress and enslave Indian men, women, and children under the guise of indentured servitude. The most detrimental sections of the act regarding Indian labor were Section 3 and Section 20, which legalized the possession of Indian child and adult laborers, respectively. Section 3 of the act “allowed non-Indian families to claim Native American children as wards” and to “enjoy their labor until they reached adulthood.”⁸⁵ The law stated that whites had to provide proof that they obtained the child through the correct avenues, yet this did not always happen, as there was no government agency verifying legitimacy of ownership. Section 6 of the Act stated that the court could not convict a white man based on the

⁸³ Cook, *The California Indian and Anglo-American Culture*, 33.

⁸⁴ The California legislature met just before Statehood. The California legislature created laws and acts during their first meeting before they had the authority to do so because California was not a U.S. State at the time. Regardless, when California officially became a state the same members stayed in the legislature and the State upheld the laws.

⁸⁵ Smith, *Freedom’s Frontier*, 11.

word of any Indian, making it clear that Indian testimony did not carry much weight in the early California legal system.⁸⁶ The Act allowed white families to keep Indian children with the idea that the white families could raise them much better than their Native families could, yet these children often served as slaves, performing household and sometimes sexual tasks. White Californians did not condemn other settlers' families who possessed Native children, as they viewed it from the surface as a white family allowing an Indian into their home and providing a higher quality of life for the Indian child. In reality, the Native children labored inside the home and were no freer than indentured adults.

Section 20 of the Act for the Government and Protection of Indians allowed white Californians legally to obtain Native adults as laborers. White Californians could accuse any Indian of not working long or hard enough and the court would imprison the accused. It is important to consider how difficult it was for an Indian to be legitimately employed in Gold Rush California. White employers saw Indians as an inferior race, and it was easier to obtain Native slaves than to legitimately hire an Indian. White settler culture defined what was "immoral or profligate," and did not take into account traditional Native practices when determining what behavior was appropriate opposed to behavior that was punishable.⁸⁷ Native men, women, and children could not loiter about or leisurely stroll down a city alley without the possibility of imprisonment for not working or assimilating into the dominant settler culture. The law was ambiguously stated, and was seemingly designed to facilitate Native slavery in California.

⁸⁶ Act For the Government and Protection of Indians. Section 6. California State Statutes.

⁸⁷ Ibid.

Once settlers or someone in law enforcement captured Natives for being in violation of Section 20, the county worked quickly to move them into indenture, holding an auction for the Indian's labor within twenty-four hours. The quick turnaround made room for additional incoming prisoners, and it passed the responsibility of the imprisoned Indian from county jail officials to private individuals. The county did not want to get caught up in caring for Natives in this process, as officials preferred to "contract" them out. Wealthy white settlers would then bid on indentured Indians, and the court would contract out the Native's labor to the highest bidder for a term "not exceeding 4 months."⁸⁸ If the white employer determined that the Native laborer had performed insufficiently within their year of servitude, the employer could keep the Indian in servitude for an even longer period. By including Section 20, the California State Legislature singlehandedly legalized the enslavement of Native adults in the state. White settlers and landowners in California took full advantage of the act and made "profitable and easy use of Indian labor in the cultivation of their lands and in the herding of cattle."⁸⁹ It was up to the individual who purchased the Indian to measure his or her progress during their servitude. Native testimony was illegitimate and dismissible in 1850s California court and placed Native indentured servants in a perpetual system of slavery. If an indentured Indian attempted to escape, any non-Native Californian could bring the Indian back to the white employer. The employer

⁸⁸ Act For the Government and Protection of Indians. Section 20. California State Statutes.

⁸⁹ "Annual Report to the Commissioner of Indian Affairs, 1854." Thomas J. Henley to George W. Manypenny, 509. August 28, 1854.

could then the Indian person to court, where the Judge would determine a proper punishment.⁹⁰

Native slavery in early statehood California was legal only when the ranchers and families obtained Indians through the legal avenues provided by the Act for the Government and Protection of Indians. While white Californians commonly practiced the processes of Native child adoption and adult indentured servitude, they were difficult and monetarily expensive. Rather than opting out of Indian slave ownership due to startup and operating costs, many prominent white families and ranchers chose to obtain their Indian labor illegally.

Vigilante groups made a living kidnapping Indian women and children to work in the mines, ranches, and households of white Californians. The groups did not use Native labor themselves, but kidnapped Indians and sold them to other whites in California. Indian children were highly sought after, as there was little chance of a rebellion among children and Section 3 of the Act for the Government and Protection of Indians offered a legal disguise for Native child slavery. If a white citizen saw a Native child in another white person's possession, the individual often assumed that the white person obtained the Indian through legal means. Law enforcement in California focused on keeping the peace for white settlers, not for protecting Indians' interest. There was little to no enforcement when it came to Native slavery and it was most often stopped only when government officials found white men with large numbers of Indian children with the intent to sell. The government intervened only when it caught wind of

⁹⁰ Section 17 of the Act for the Government and Protection of Indians states that "when an Indian is sentenced to be whipped" for any crime, the Justice could appoint a white man, or an Indian man to administer the whipping. Choosing a Native to whip a Native as punishment added a certain humiliating element to the punishment, and white Justices used this as a form of intimidation and as a scare tactic.

wholesale cases that involved the sale of many Indian children to a single family for ill purposes.

When OIA officials observed small-scale instances of Indian kidnapping, they often did nothing. When Vincent E. Geiger, a newly-hired Nome Cult Farm official entered the Valley “on first occasion, [he] met a man with four Indian boys taking them off, and the third time [he] came onto the trail, [he] met a man taking off a girl.”⁹¹ Geiger did not mention any actions he took against the Indian kidnappers, and did not include any details of reporting these kidnappings to his superiors. Indian kidnapping was not only common in the Round Valley, it was socially accepted in California and not stopped by OIA officials. Geiger’s failure to question these illegal kidnappers is representative of a larger acceptance of Indian kidnapping in northern California and the valley as a whole.

The Round Valley became an Indian kidnapper’s paradise in the late 1850s “because the Indians were now together, which made it easier and more convenient for the slave-raiders to kid-nap them.”⁹² The federal government had already removed many local tribes to the area, and although the U.S. Military established Ft. Wright in the region, its mission protected federal interests and property, not American Indians.⁹³

White Indian kidnappers ventured into the Round Valley with relative ease, taking

⁹¹ Geiger to Henley, September 24, 1857, Mf. RG 75, Roll 35: 1281; deposition of William T. Scott taken in Cloverdale, Sonoma County, March 2, 1860, Indian War Files; deposition of Lawrence Battaile taken in Round Valley, February 28, 1860, Indian War Files. As quoted in *Genocide and Vendetta*, 61.

⁹² *Genocide and Vendetta*, 61.

⁹³ For reiteration, the tribes the government removed to the area “included, but [were] not limited to, the Concows, the Pit Rivers, the Nomlackis, the Nisenans, the Wailackis, and the Pomos.” Quoted from *We Were All Migrant Workers Here*, 3.

Native men, women, and children, and escaping the valley untouched by any type of law enforcement. Kidnapping rings found that the Round Valley had higher populations of women and children than of men, and took advantage of the gender and age imbalance. Women and children were the most sought after Indians by the kidnappers, as the kidnappers could sell them for a higher profit than men. In some instances, kidnappers rode into rancherias and killed the men to gain access to the women and children for the slave market.⁹⁴

Yet another startling motivation behind Indian slavery in the Round Valley, and in California as a whole, was what many historians have described as “forced sexual labor.”⁹⁵ While some Indian women chose to work as prostitutes in mining towns, this phenomenon did not represent the majority of interracial sexual encounters on the mining frontier. A huge gender imbalance existed among white settlers on the California frontier, and “white women were particularly scarce in northern California in the 1850s.”⁹⁶ To fulfill their sexual desires, white men would often venture into rancherias and federal reservations to rape Indian women and children.

⁹⁴ Benjamin Madley. “Unholy Traffic in Human Blood and Souls”: Systems of California Indian Servitude under U.S. Rule,” *Pacific Historical Review* 83. No. 4 (November 2014): 626-667.

⁹⁵ It is important to describe the forced sexual acts for what they often were: rape. Historians have traditionally shied away from using the term “rape,” most likely afraid of appearing presentist when examining a period where male sexual desire took precedence over female’s rejections of sexual advances. Historians such as Albert Hurtado, Clifford E. Trafzer, Joel R. Hyer, and Frank H. Baumgardner use the term rape when they discuss sexual violence, and historians must continue this trend. It is not merely a word to gather attention, it is a strong descriptor that aids the author in conveying the gravity and specific types of violence that occurred.

⁹⁶ Simmon P. Storms to Thomas J. Henley, June 22, 1856, Mf. RG 75, Roll 35: 475; Bailey to Charles E. Mix, September 18, 1858m Mf. RG 75, Roll 36: 301 as quoted in *Genocide and Vendetta*, 61.

Albert Hurtado's *Indian Survival on the California Frontier* examines "Sexual Violence and the Gold Rush."⁹⁷ He views forced sexual acts in the Gold Rush through a psychological lens, citing secondary works on the subject. Young males traveled to California and often left the "ameliorating influences of home, church, and moral society" in their home states.⁹⁸ Hurtado's section on white on Native rape focuses on young white miners and violent rape, yet leaves room for deeper research on affluent white men who married Indian women. It is important to remember that marital rape was not yet criminalized in law or in culture during this period and that wealthy white Californians often took Indian women as wives due to the demographic shortage of white women in early statehood California, often by force.

In addition to Native enslavement in the private sector, Indians also labored as slaves on federal OIA land holdings in California. While slavery in the private sector continued to grow, forced Indian labor was simultaneously occurring on the Nome Cult Farm. When the Yuki Indians in the valley originally encountered Simmon P. Storms and his men, they agreed to work in an Indian farm if Storms and the U.S. Government would protect them from kidnappers.⁹⁹ Edward A. Stevenson, another Indian agent, also commented on the Yukis in the valley. He claimed that the Round Valley Yukis did not have venereal disease as the Maidus and other removed tribes did at the time, which if true, suggests that the Yuki had not yet been large-scale victims of white raiding and

⁹⁷ "Between Two Grizzlies' Paws: Indian Women in the 1850s", Chapter 9 in *Indian Survival on the California Frontier*, 169-192. This chapter contains details on the sexual climate of the California frontier. Hurtado lightly delves into rape psychology to offer his take on why rape was so prevalent on the California frontier.

⁹⁸ Albert L. Hurtado, *Indian Survival on the California Frontier* (Yale University Press:), 183.

⁹⁹ *Genocide and Vendetta*, 53-54.

kidnapping parties.¹⁰⁰ However, only four years later in 1858, Storms mentioned that “about one-fifth [were] now diseased attended by” the reservation doctor.

While Yuki Indians may not have had direct contact with white intruders prior to Storms’ party, they were familiar with stories from other local tribes of white depredations to Indian land. In the early years of the Nome Cult Farm, Indian agents reported that all Natives who had been living on the reservation were in great health, well nourished, and learning the American way of agriculture quite well. While this may have been true at the time, the establishment of the reservation, and the forced introduction of “diseased, miserable, and wretched” newcomer Indians to the Round Valley quickly caused problems for the reservation Indians already in the valley.¹⁰¹

Indians on the federal reservation in the Round Valley quickly became too numerous for the OIA officials and their funding to support. There were only so many openings for Natives to work on the farm, and only those Indians whom the farm provided for. Working Indians were only given “six ears of corn per day—two ears in the morning, two at noon and two at night,” as reservation officials reserved all meat for themselves.¹⁰² Reservation employees did not supply food or clothing to Indians who did not work, and Non-working Indians could not sustain their traditional hunting and gathering techniques in the valley. Natives were wholly unsuccessful in obtaining meat

¹⁰⁰ Report of Agent Edward A. Stevenson to California Supt. Of Indian Affairs Thomas J. Henley, July 31, 1856, No. 103, 250 of Department of Interior, Letters received by the Office of Indian Affairs, 1824-1880, on Microfilm at Held-Poage Home and Historical Research Library, 603 W. Perkins St., Ukiah, CA as quoted in Frank Baumgardner, *Killing for Land in Early California: Indian Blood at Round Valley, Founding the Nome Cult Indian Farm* (New York: Algora Publishing, 2005), 45.

¹⁰¹ Storms to Henley, June 22, 1856, as quoted in *Genocide and Vendetta*, 61.

¹⁰² Deposition of George Rees taken in Round Valley, February 27, 1860, Indian War Files; deposition of William J. Hildreth taken at Hildreth’s ranch on the South Fork of Eel River, February 24, 1860, Indian War Files as quoted in *Genocide and Vendetta*, 68.

in traditional ways because private ranchers' cattle destroyed native grasses, which pushed the deer population out of the valley. Often times, ranchers allowed their cattle to graze on the federal Indian farm land without permission from the OIA. These ranchers would not allow Natives to gather "acorns, grains, and grass seed" from the same fields that livestock grazed in. Ranchers grazing their cattle on Indian lands forced Round Valley Indians into a tight situation between a new sedentary agricultural lifestyle they could not take part in and their traditional hunting and gathering practices that ranchers and their cattle interrupted.

Working on the Nome Cult Farm made Native Californians susceptible to unfree labor conditions. While the Indian agents at the Nome Cult Farm did not bind Indians in chains or lock them in rooms at night, Round Valley Indians were still not free to leave the reservation or their work assignments. There was no hint of reciprocity as there had been in the Mexican missions, and the OIA's attempt to emulate the mission labor model was a "lamentable failure."¹⁰³ In 1858, Indian Agent Vincent Geiger reported to the acting Commissioner of Indian Affairs that Indians who "left this place [Nome Cult Farm]" would "have to be brought back" to work the farm.¹⁰⁴ Natives living on the grounds, regardless if directly employed by the government on the farm, were also forbidden to leave the ill-defined borders of the Round Valley.¹⁰⁵ Indian agents spoke of this containment of Natives to the valley as "the only way to provide for the safe

¹⁰³ "Annual Report to the Commissioner of Indian Affairs, 1858." G. Bailey to Jas. Y. Charles E. Mix, 298. November 4, 1858.

¹⁰⁴ "Annual Report to the Commissioner of Indian Affairs, 1859." Vincent E. Geiger to Jas. Y. McDuffie, 439. August 31, 1859.

¹⁰⁵ It is important to note that while Indians chose to work for the government on the farm to provide for themselves and their families, conditions more closely resembled slavery than fair employment.

keeping of Indians” from white ranchers who had settled in the valley due to the initial protection agreement between Storms and the Yukis he encountered in 1854, yet there was an underlying motivator: the agents needed the Indians to work on the Nome Cult Farm to ensure its success in both its agricultural and assimilationist purposes.¹⁰⁶

Natives forcibly relocated to the Round Valley were from four different tribes, none of which was present in the initial interaction with white intruders into the valley. In little more than five years, the valley had become overpopulated and under-provided for by the OIA, and private white ranchers had risen to be the most influential and powerful group in the valley, even overshadowing the military’s presence.

Natives no longer received the benefits that the Yuki had initially expected.

Round Valley Indians found themselves trapped on lands defined by the government, working jobs also defined by the government. Not all Indians worked as slaves on the farm, yet all were required to stay within the reservation’s soft and insufficiently defined borders under the threat of reservation officials forcing them back to return to the farm and then punishing them. The OIA officials on the reservation controlled the resources, and they only provided these resources to Natives who worked. Reservation officials periodically re-captured Natives to live and work on the farm and most Round Valley Indians remained on the reservation because of the lack of readily available resources and violence on the surrounding frontier.

Life on the reservation presented Native peoples with the options to work, steal, or starve. If they could work for the government on the reservation, they could take their provisions and provide for their families. If they did not work on the government

¹⁰⁶ “Annual Report to the Commissioner of Indian Affairs, 1859.” Vincent E. Geiger to Jas. Y. McDuffie, August 31, 1859, 440.

farm, they attempted to apply traditional practices of hunting and gathering to a land that could no longer support it. Indians could elect to “steal” white ranchers’ cattle, yet this was thievery as defined by whites. Indians in the Round Valley viewed domesticated cattle just as they had seen deer, as food resources roaming the valley. Indians could not rely on their traditional ways of sustenance and found alternative ways to survive, as they could not take ranchers’ cattle without repercussions. Round Valley OIA officials wanted to keep the Natives on the reservation to work the farm and provide for the success of the reservation. The OIA did not force Indians to the reservation for their own protection; it was for the purposes of the Nome Cult Farm and the California reservation system as a whole.

Men such as George E. White threatened Indian survival on the farm’s borderlands. White realized that in order to control the local Indian population he would have to instill fear by seeking revenge against livestock thieves and maintaining his “large numbers of recruited men [Unfree Indian slaves].”¹⁰⁷ When a federal official accused White of mistreating Natives in the valley, White testified that he “lost some of his hogs...and went in pursuit of...the Indians who had stole them, and that [he] intended to kill them if [he] found them with stock.”¹⁰⁸ White killed Indians who stole supplies or livestock, which instilled fear in those he kept as slaves.

His method of controlling Indians is representative of other settlers’ actions in the valley. There were undoubtedly groups of Round Valley ranchers who sent parties

¹⁰⁷ “Judson Litchfield, M.D, *“Memories of Round Valley at the Turn of the [19th] Century,”* manuscript. As quoted in *Genocide and Vendetta*, 223.

¹⁰⁸ Deposition of George E. White at the Nome Cult Indian Farm, February 27, 1860, Indian War Files. As quoted in *Genocide and Vendetta*, 353.

out to kill Indians. However, these killing parties were most often seeking revenge for stolen livestock. Private ranchers valued Indians as a controlled labor force that was useless roaming free in the valley's borderlands. The settlers killed roaming Indians to protect their property, which included their unfree Indian laborers.

Natives within the farm's borders were in a similar situation on the budding reservation that they experienced on the frontier. They found themselves trapped in a confined area with little choice but to work for their own livings in a job and faced dire odds of maltreatment. Nome Cult Farm employees fought to keep Natives on the farm and surrounding reservation, yet the OIA did not provide enough personnel for the employees to do so. "When runaway Indians were pursued, the employés [sic] of the government [were] met with strenuous opposition from the whites while in the act of recapturing them." White citizens in the Round Valley and the surrounding areas wanted the Native laborers for their own personal use. OIA officials on the reservation would not allow Native peoples to live off the reservation and if an Indian could escape the reservation, malicious white settlers would likely capture and force roaming Indians into them and to exploit their bodies for forced agricultural or sexual labor. If Native women were able to escape the grim conditions of the Nome Cult Farm, ill-intentioned whites often captured them as personal household sex slaves, or sold them to others for that purpose. White settlers would often take Native women as wives to bar the government employees from bringing the Native women back to the farm.¹⁰⁹ While it is probable that some Indian women chose to marry white men to keep OIA employees from taking them back to the government farm, these Indian women used marriage to a

¹⁰⁹ "Annual Report to the Commissioner of Indian Affairs, 1859." Vincent E. Geiger to Jas. Y. McDuffie, August 31, 1859, 439.

white man as a way to live off of the reservation because their traditional ways of life were no longer applicable.

The desire for a cheap, easily obtainable labor force fueled the system of American Indian slavery in northern California. Whether it was work on a government farm such as in the Round Valley or on private mining or ranching operations in the surrounding area, it is clear that the white majority needed Indian labor to develop the California frontier. Varying degrees of forced labor left Native peoples stuck between an unfree lifestyle on the reservation, or at risk of harsher enslavement by fleeing the reservation.

Conclusion

California Indian historians are currently engaged in proving that genocide occurred, or did not occur in mid-late nineteenth century California. When historians attempt to prove the existence of a larger, seemingly indefinable concept they often lose track of regional history in California by citing primary sources from different periods and from all around the state.¹¹⁰ To better understand white-Indian relations in California it is important first to understand these relationships in specific areas of California that historians can properly research. Rather than engaging in a semantic argument on the many definitions of genocide or its existence in the state as a whole, this study offers a focused study in white-Indian relations in northern California's Round Valley from 1848-1860. By studying a specific period in a specific area, historians are able to better understand the California situation as a whole.

White settlers migrating to California trespassed into the Round Valley and eventually settled there due to the large resource base in the area. To these white settlers, the valley was a paradise for ranching and farming. Not only did white intruders see grazing grasses and plentiful streams, they also saw another potential natural resource: the original Indian inhabitants of the land. Due to this minimalistic view of American Indians, white settlers quickly endangered Indian peoples in and around the Round Valley. Round Valley Indians faced a difficult decision: to live on the reservation and hope to work for the OIA on the Nome Cult Farm, or take their chances

¹¹⁰ Genocide does have a technical legal definition according to the 1948 "Convention on the Prevention and Punishment of the Crime of Genocide," but historians have strayed from its legal definition. The main vein in the historiography is now to debate definition of the term, which strays away from American Indian concepts, describing their lives in the context of a European Term.

and flee the reservation and attempt to live a traditional lifestyle on the lands surrounding the valley.

Round Valley Indians who chose to continue living under government control on the reservation also had the option of working on the Nome Cult Farm. However, this choice was more complicated than many historians understand, as Indian agents did not adequately provide for Indians who chose to live on the farm. The OIA exploited the Indians for their labor force, just as the OIA had exploited the Round Valley's natural resources. Round Valley Indians on the farm worked long hours for little food and secondhand clothing from the OIA. Once Indians began working on the Nome Cult Farm, the farm's officials did not allow them to leave their agricultural responsibilities on the farm and Indian agents would force them back onto the reservation land. Indians became stuck in a valley that could no longer support their traditional ways of life due to settler over-use of the land's resources. Private farmers and ranchers allowed their swine and cattle to graze freely on the federal lands that the OIA set aside for Indians and the ranchers livestock quickly exhausted local grasses and berries. Indians could not gather these resources without threat from ranchers who protected the resources for their cattle to consume. The cattle consumed natural food sources at such a high rate that local deer populations left the valley to find food in the surrounding mountains, which left Round Valley Indians with a minimal source of natural foods and the inability hunt for deer in the harsh terrain that bordered the valley.

Non-working Indians in the Round Valley were also not allowed to leave the reservation and reservation officials would periodically venture into the valley's borderlands to gather Indians and force them back onto the farm. Indians who chose to

leave the reservation braved the additional challenges involved in their interactions with the white settler population. Indians on the frontier were under constant attack from a people who wanted to either enslave or “exterminate them.”¹¹¹ Indians faced a white settler population that wanted their land and their labor, and often their lives. Indian men who escaped the valley’s borderlands and made it to more heavily populated areas were able to work in the mines, and some Indian women were able to work in prostitution or other low-level positions in the mining towns. While there were undoubtedly some Indians who were able to find these types of jobs, most did not reach that point. In addition to the dangers posed by the rancher population on the reservation’s borderlands, Indians were under constant threat of OIA officials forcing them back to the reservation. Indians could not work desirable jobs in cities and mining communities, yet some of them considered these jobs as the best option available because they could not continue their traditional ways of life on the frontier due to white settler intrusion.¹¹²

Regardless of the terrible circumstances that Round Valley Indians faced in the 1850s, they were able to make the best of their situations by choosing the way that they lived their lives. While choices were not abundant or desirable, they were still choices. It is especially important to remember that inter and even intratribal differences in the

¹¹¹ Clifford E. Trafzer and Joel R. Hyer, eds., *Exterminate Them: Written Accounts of the Murder, Rape, and Slavery of Native Americans During the California Gold Rush, 1848-1868* (Lansing: Michigan State University Press, 1999).

¹¹² Maria Cristina Manzano-Munguía, ““Forced Transnationalism” among Indigenous People across Borderlands: Mexico and the United States” in Clarissa W. Confer, Andrae M. Marak, and Laura Tuennerman, eds., *Transnational Indians in the North American West* (College Station: Texas A&M University Press, 2015). Manzano-Munguía’s article focuses on the Natives’ use of their own territories often meant crossing political borderlands. She uses this model to “add flexibility” to the concept of transnationalism; see pg. 46.

Round Valley led to differing opinions on how and where to live. Despite the fact that the OIA placed Indians alongside enemy tribes in the valley, the tribes largely ignored their differences due to the larger imposing enemy in the valley. Round Valley Indians made the decisions they saw best for themselves, their families, and their tribe as a whole.

There are surely similar stories in California, and even in Utah and Nevada. The borderlands of Indian farms deserve scholarly attention. These areas represent an additional barrier to Indians escaping a unique type of forced labor in the West. Indian farms' borderlands were often undesirable, as the OIA placed the farms upon the most fertile and productive area. Indians who chose not to live on Indian farms and take part in Indian farming, or those who wanted to return to their traditional ways of life faced violence from white settlers along with the lack of their traditional natural resource base. Indian farms and their surrounding frontiers offer a valuable yet rarely considered model to examine white-Indian relations in the mid nineteenth-century across the American West.

The Round Valley is a prime example of why historians must execute more focused studies before applying larger concepts to whole areas. In the Round Valley, California Indians were more valuable to white settlers as living slaves than they were as merely dead bodies. This further complicates the genocide narrative, as many white Californians were not seeking to exterminate Indians in the state, but enslave them. While it is true that many white settlers formed vigilante parties and searched for Indians to kill on the frontier, this study points to vengeance as the primary motivator behind these murders. These racist Indian killing parties were most often seeking

retribution for stolen cattle and/or goods, and not to exterminate California Indians as a whole. These vigilante parties often elected not to kill the Indians they encountered, as capturing Indians was more profitable than killing them.

The major problem with historians applying broad concepts to history is the tendency to generalize. Historians must first understand the issues in the period in which they are studying before they can connect them to significant issues concerning white-Indian relations in California. Many prominent historians have studied the Round Valley, with each study providing a different view on why the OIA located the farm in the valley, why settlers were so violent towards Indians, and why the California and U.S. governments did not intervene systematically to protect Indians. The historiography has thus slowly shifted away from discussing the Yukis, Concows, Pit Rivers, Nomlackis, Nisenans, Wailackis, and the Pomos, and has transformed into a semantic discussion of genocide.¹¹³ Historians need to refocus the field of California Indian history and produce work that offers historical analysis based on smaller geographical studies. Scholars may never agree on the issue of genocide, and that consensus is not necessary. What is necessary, however, is a focus on what *actually* happened, and how settler populations altered American Indians' lives in California during the mid-nineteenth Century.

¹¹³ Bauer, *We Were All Like Migrant Workers Here*, 2.

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