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Introduction

Defining Genocide

Now sir I have purchased of the State of California Eden Valley with School Land Warrants. I have by the laws of this State the right of possession—I demand protection from the State. . . . I am attacked by Indians in front and the tax collector in the rear. . . . I did hope that at least our State Government could afford to investigate the grievances which I have laid before your Excellency, If thought advisable to send some Gentlemen to Eden + Round Valleys. To make such an investigation I will be happy to afford here any facilities—I may be found at Benicia.

Serranus C. Hastings to Governor John B. Weller, May 4, 1859

Judge Serranus C. Hastings was an important man in 1859, when he wrote his indignant cry for aid to the governor of California, John B. Weller. As the former first chief justice of the California State Supreme Court and the third attorney general, Hastings commanded a great deal of respect because of his office and his place as a founder of California law and order. And so on his past merits alone one could expect that the governor would take note of such a letter. But his influence did not stop there. Indeed by the time he wrote this letter, Hastings had left the bench and the prosecutor’s seat, but he arguably exercised greater public influence in pursuit of his interests in private life. As Hastings admitted in the excerpt above, he came to own all of Eden Valley, which was only part of his vast real estate holdings. He also owned hundreds of head of cattle and horses and was one of the
wealthiest men in the state, and so was influential in another way. His wealth lasted him the remainder of his life and allowed him to make an endowment to create the Hastings School of Law in San Francisco, which continues to operate and bear his name today. Hastings’s role as a jurist of the highest order and the endower of a prestigious law school are ironic distinctions given the injustices he helped perpetrate.

Despite his wealth and notoriety, Hastings is emblematic of many of his fellow migrants to antebellum California. His indignant tone and demand for due representation and protection was not unique and can be detected in numerous letters, petitions, reports, and newspaper articles written by myriad whites from the United States emigrating to and settling in California. Indeed Hastings and many others used the democratic process and the structures of republican government to call for and execute a massive genocide of “Indians” during the second half of the nineteenth century. Hastings and his fellows committed, directly and indirectly, some of the foulest depredations that men have committed against their fellow men in human history, and they did so openly and under the color of authority, legally, and in the name of freedom and democracy, with the countenance of the silent majority of the non-Indigenous population acting as interested but apathetic bystanders. In fact the landed interests of men like Hastings formed the central motive for genocide in California. The overlay of Euro-American culture, in particular its democratic institutions, made freedom, happiness, and property holding for California Indian peoples nearly an impossibility, as Euro-Americans devised a system that legally treated all Indians more like animals than people—indeed often with less respect than animals—and allowed for their legal mistreatment. Mostly this was done to achieve the goal of getting lands owned by the Indigenous peoples of California into the hands of Euro-American settlers.

It is the openly arrived at and executed genocide of Native peoples in order to secure property with which I am concerned in this study. The years 1846 to 1873 saw the creation, through the democratic processes and institutions of the people of the United States, of a culture organized around the dispossession and murder of California Indians.
This paradoxical, democratically imposed system naturalized atrocity against Indian peoples and led to their near eradication by 1900, an extinction avoided in large part by Native Americans’ own strategies of resistance and noncooperation. The history of the motives and mechanisms for the genocide of California’s Indigenous peoples, however, is one only slowly making itself part of the mainstream narratives of California and U.S. history. Compared to other topics in state and national history articles on and book-length treatments of the California genocide are a relative rarity. Yet important works do exist, and they informed my thinking on the subject.

Scholars have advanced important research on a variety of aspects of Native American history in California during the nineteenth century, including some that relates to the topic of genocide. Although I cannot cover all of them here, some mention of those most relevant to this study beyond the citations in the notes and bibliography are in order. Especially since the 1940s scholars have created a valuable body of research illuminating aspects of Native American genocide following the U.S. conquest of California. The chief pioneer in such history is undoubtedly Sherburne F. Cook. Although not a historian by training—something not uncommon among scholars of California’s Native American history—Cook nonetheless began the first serious investigations into the history of Indian-white relations in nineteenth-century California in the 1940s. His demographic study of population and loss exposed the massive death rates among California Native Americans in the period of Euro-American contact and invasion and led to obvious questions about the sources of decline. Cook shone the spotlight of inquiry on the coming of European and Euro-American settlers, soldiers, and missionaries beginning in 1769. Although elements of his work have been disputed by some later scholars, his broad conclusions regarding the negative demographic consequences of white settlement for Native American peoples in California are generally accurate. Other pioneering researchers followed Cook, including Jack D. Forbes and Robert F. Heizer, whose investigations into California’s brutal history established the patterns and direction of inquiries, in-
augurated themes to explore, and paved the way for later researchers. Jack Forbes argued that the murder and dispossession of California's Native population was driven by the popular will of white settlers. This was an influential idea for later scholars in thinking about responsibility for genocide. As I note later in this work, thousands carried out the direct, bloody genocide. Were they the only parties guilty? In *Native Americans of California and Nevada* (1969), Forbes suggested that the crime was committed not by a relative few, but rather by the white population at large as an extension of their popular will. This I too believe to be the case, a case that massive amounts of evidence bear out.

My beginning forays into these massive amounts of evidence began with the work of Robert Heizer, who documented the atrocities against Native Americans by Euro-American settlers in California in several books. In works such as *They Were Only Diggers* (1974) and *The Destruction of California Indians* (1974) he presented primary source evidence detailing the terrible history of Indian-white relations in the state, sometimes with powerful editorial remarks and sometimes without comment or interpretation. His coverage ranged from material on Indian reservations to child stealing and treaty making and breaking. Though he did not make explicit arguments about genocide and often left the reader to contextualize much of the material, his work has been of great benefit to anyone interested in studying California’s genocidal past, as has been that of Cook, Forbes, and others.

By the 1970s the work of these pioneers helped inspire a new generation of important scholarship on a variety of aspects of the California Native American experience. George Harwood Phillips’s *Chiefs and Challengers* (1975) was the first of several books he wrote over a thirty-year period, exploring themes as diverse as Native American resistance and agency, the formation of reservations in California, the attitudes and actions of Indian agents, and the consequences of non-Native presence in California for Native peoples. Phillips in particular provided the definitive research on the history of early California Indian reservations during this time, and I rely heavily on him for my understanding of the complex history of this subject.
Published the same year, Chad L. Hoopes’s *Domesticate or Exterminate* (1975) detailed the consequences of the eighteen unratified federal treaties made with California’s Native populations. Hoopes’s monograph serves as the foundation of my understanding of the treaties made with a portion of Native Americans in California and then discarded by the U.S. Senate.

In 1977 William Coffer’s essay “Genocide of the California Indians” appeared in *Indian Historian*; it represents what appears to be the first concise scholarly attempt to connect the term “genocide” to the history of Native Americans in California after Euro-American invasion. Beginning with Spanish conquest, Coffer argued, “nearly every method of extermination was attempted during the early days of Indian-white contact, with physical genocide as the goal.” Although quite brief, the essay began a scholarly conversation that has never quite faded away.

The earliest extended, detailed discussion of California Indian genocide was Jack Norton’s *When Our Worlds Cried* (1979), still one of the few books with California Indian genocide as its central topic. Norton made strong, interpretive arguments using the ubiquitous evidence of genocide extant from the nineteenth century. He employed the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide as his investigative lens, demonstrating the genocidal character of white settlers’ and miners’ activities in northwestern California lands of the Hupa people, using the Convention as an unbiased, third-party model of genocide and its defining characteristics; subsequent scholars of Native American genocide, including myself, use the Convention as our model as well. In this and later work Norton also questioned the role of democracy in these atrocities, a question I have taken to heart in the work that follows by fully developing arguments and evidence of the negative role played by democratic forms.

Not long after Norton, Estle Beard and Lynwood Carranco’s *Genocide and Vendetta* (1981) explored the so-called Indian wars of the Round Valley region of northern California. Their findings suggest that Norton’s example of the Hoopa Reservation was not a unique experience confined to the Hupa alone. In fact Beard and Carranco’s microhistory
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re-exposed perhaps the most well-documented genocide (at the time, by the perpetrators, press, and government) committed against Native Americans over an extended period of time. The archives of the state and federal government and the region yielded up hundreds of newspaper articles, claims, petitions, and other documentary evidence of genocide against the Yuki and other Native peoples around Round Valley. Indeed the evidence was voluminous to the point that Beard and Carranco could not employ it all.

Years later scholars such as Benjamin Madley and Frank H. Baumgardner continued to add depth and detail to the story of Round Valley. In his microhistory, *Killing for Land in Early California*, Baumgardner augmented the story of Round Valley with much new evidence, formerly available but not previously utilized by Beard and Carranco. Although Baumgardner is not arguing that a genocide occurred in Round Valley, his work nonetheless examines the Euro-American goal of obtaining Native American lands and helps shed light on events and ideas that, in my view, are clearly genocidal. In his 2008 essay, “California’s Yuki Indians: Defining Genocide in Native American History,” Madley used the Yuki of Round Valley as a case study of genocide. Building on the groundwork laid by Baumgardner and Carranco and Beard in assembling the narrative of events in Round Valley, and like Norton applying the UN Convention, Madley presents the events of the 1860s in Round Valley as a clear example of genocide.

James J. Rawls’s *Indians of California* (1984) looked at California Native American history over a broader spectrum of time and within the boundaries of the state of California. Rawls argued that Euro-American settlers’ changing perceptions of Indians were a reflection of their self-interested designs. He suggested that three major changes in perception took place in the nineteenth century because of the uses that settlers had for California’s Native American population. First, Euro-Americans alleged that Indians were oppressed peoples in order to make their invasion and occupation of Mexican California look like a noble endeavor to free enslaved Indians from Mexican tyranny. Second, after obtaining California by treaty with Mexico, settlers wished
to harness the labor of Indians, much as the Spanish and Mexicans had done previously, and so treated them as primitives in need of white help to organize and civilize them through labor for whites. Third, after 1870, when the demand for Native American labor evaporated, California’s Indigenous peoples became obstacles to progress who needed to be relocated to reservations or exterminated. In terms of the study at hand, Rawls helps one understand some of the changing motives within the population committing genocide over time.

Albert Hurtado too has examined several aspects of the nineteenth-century California Native American experience, most prominently the labor relations of Natives and non-Natives. His seminal work, *Indian Survival on the California Frontier* (1988), examined the survival strategies employed by California’s Native peoples of various regions confronted by white settlement. Hurtado argues that Indigenous peoples, despite inundation by settlers, adapted and survived through accommodation, assimilation, and resistance during the Spanish, Mexican, and American periods of California history—although his work focuses primarily upon American settlement, from 1846 into the 1860s. Hurtado’s work on labor relations between settlers and Native Americans was particularly valuable for me as I considered the motives behind the actions of many settlers and lawmakers in early American California.

In a style reminiscent of Heizer’s earlier efforts, Clifford Trafzer and Joel Hyer published an edited collection documenting California’s Native American genocide, *Exterminate Them!* (1999). Focusing on southern California during the era of the California Gold Rush, the book assembled many of the written accounts of atrocity openly available for public consumption in the 1850s and 1860s, offering present-day readers incontrovertible evidence of genocidal intent. Trafzer and Hyer’s book was particularly important because of its regional focus, as most work on Native American genocide has focused on the central and northern portions of the state. *Exterminate Them!* filled an important niche and also provided revealing looks into the potential resources available to a study hoping to include southern California as an integral part. It also provided a treasure trove of starting evidence for southern California,
in the same manner as Heizer’s work provided for northern California.

Scholars focused on topics other than California Indians have also played an important part in my study. The controversial scholar Ward Churchill, perhaps the best-known scholar researching Native American genocide in North America, used California for evidence and examples of genocide. Laurence Hauptman, usually identified with his work on the Iroquois, has also looked to California when considering the issue of Native American genocide. Indeed academics in a variety of fields, particularly sociology, have employed the case of California Indians in the growing field of genocide studies. Key among these are Frank Chalk, Kurt Jonassohn, Daniel Chirot, Clark McCauley, and Bruce Wilshire, whose work has been crucial to my understanding of genocide theory, especially the roles played by various parties in genocide.

The work of these scholars, as well as those cited in the notes throughout this book, are crucial to this study. Without their previous work a study of this scope and scale would truly be impossible. And it is in its scope and scale, among other reasons, that I hope this book will be of use and interest to general readers and scholars alike. I expect the book can help correct some of the historical silence heretofore prevalent in discussing genocide in California. In researching the historiography on California’s Native American genocide and topics related to it, I found no study of the genocide on a statewide scale. Similarly I found no monographs examining the way a democracy behaved in a genocidal atmosphere, whether it resisted genocidal impulses or, conversely, helped to express them. I also discovered but few works examining the role played by the average white Californian in the genocide, finding that most studies focused only on those hired or volunteering to commit the actual physical acts of murder. For these reasons I believe this study may prove useful to academics.

In mainstream U.S. history texts and courses experienced by most students in primary and secondary education, the first thirty years of California history under the aegis of the United States is often approached as only slightly tarnished by the neglect of Native Americans
and other nonwhite peoples living in the state during conquest or joining the influx of people during and after the Gold Rush. Sadly sometimes this history is covered as little more than the rip-roaring good times of gold miners or the triumphal joining of east and west via the Transcontinental Railroad. Better treatments have gone as far as to discuss the land dispossessions of Native Americans, but most works ignore the outright violence, punitive murders, rapes, and legalized slavery at the time. Given these silences, particularly outside of academia, many Americans today are hesitant to accept that our state or our nation has a genocidal past. Such claims run contrary to the narrow, often saccharine versions of U.S. or Californian history we have been taught. Given such conditioning, it is not surprising that a person without any detailed knowledge on the subject of Native American genocide would refuse to accept such a conclusion from a scholar having studied the matter for many years. Such are the pitfalls when dealing with a silenced history, problems I wish for this study to help solve by recasting part of the state and national narrative for mainstream readers.

Given these goals and circumstances, I examine the formative years of the state of California with a focus on proving that the genocidal neglect, abuse, and murder of California’s Native American population were commonly known to Euro-Americans and their various levels of government in California, which supported genocide by apathy, if not by open participation and active public support. In short, I will argue that most property-holding, adult white male U.S. citizens in California—in other words, the electorate—at the very least tacitly supported the system of atrocities attempting to circumscribe or eliminate Native Americans in the state. Thousands of white men certainly went so far as to participate directly in genocide by murdering thousands of Indian men, women, and children. But perhaps the more important story to share is that of the hundreds of thousands of white citizens who, through apathy, inaction, or tacit support, allowed the extermination to proceed directly by violence or indirectly through genocidal policies of cultural extermination and planned neglect.
I will cover a broad span of time and work within the boundaries of what became the state of California in 1850. Beginning with the invasion and settlement of California by overland settlers from the United States in the 1840s, the study will extend into the 1870s. While the 1873 end date of the title may seem a bit arbitrary, I selected this periodization to present the era when genocide was most directly physical and observable and committed mainly by the citizenry. Also by 1873, with the advent of the Modoc War in northeastern California, a grim transition of sorts had begun in earnest. In the 1870s and 1880s a shift away from direct, overt genocide to genocide perpetrated through neglect and cultural assault was in motion. The shift being a massive and complex topic on its own, here readers will find an extended conclusion and epilogue briefly providing an overview rather than engaging in a full exploration of this different incarnation of genocide, an exploration I hope to soon undertake as another project. In terms of physical location, much of California and the overland routes into it along the Santa Fe Trail and the Oregon-California Trail will be discussed. Whenever possible I have avoided including evidence that draws upon issues related to the territories nearby to California, in particular Oregon, New Mexico, Nevada, and Arizona, so as to not confuse the case.

Methodologically I employ genocide theory, especially as conceived by sociologists, and historical investigation to make a sustained case for the charge of genocide at the statewide level and at the hands of ordinary white citizens using genocide as a tool to effect a change in property ownership or to protect property already held. It is one of my purposes to ask readers to recognize the pervasiveness of hate and atrocity toward Native Americans in the history of the United States, and to recognize that even those with reservations or objections did little substantively to stop such horrors, and thus by their apathy were actually tacit supporters of genocide. It is not my intent to suggest that white settlers living in California and perpetrating genocide thought what they were doing, directly or indirectly, was wrong. In fact I would suggest that they felt much the opposite. However, they were nonetheless involved in a case of genocide by virtue of their intent and its
consequences. Indeed both the feeling of rightness and the genocidal nature of these intentions and their consequences were not unique to California in the nineteenth century.

Of course the violent interactions of settlers from the United States and Native Americans began long before the American conquest of California in 1846. For most white settlers coming to California, it began with their experiences of Indigenous peoples elsewhere in the United States. One must keep in mind, however, that these interactions were not necessarily born of the reality of firsthand experience. In many instances emigrants to California previously lived where no Indians lived any longer. They had grown up in an atmosphere of imagined Indians. They knew Indians only through the memories of parents or grandparents or other relatives, or through stories told or printed of the frontier as it had been before or currently stood. These imagined experiences of Indians were powerful. Thousands of Americans going west hated and feared Indians without ever seeing or interacting with an Indian. This hateful core value was the seed of destruction planted in California by Euro-Americans, nourished with greed and blood and brought to a stunted but satisfactory fruition for the planters by the near destruction of California’s Native peoples. This hatred and fear of Indians and greed for the lands they occupied made genocide palatable and possible. The answers as to why hold great meaning, not just historically but for our contemporary world too.

The elements of various historical genocides, according to many genocide scholars today, have much in common even across a broad spectrum of time, whether one considers an example from the nineteenth century or the twenty-first. The earliest writings specifically on genocide flowed from the pen of Raphael Lemkin in 1944. Lemkin was a Polish lawyer who had been working in the field of international law for well over a decade, with an emphasis on conflict and violence. He was the man in fact who coined the term “genocide.” He described it as a crime “old in practice” that had continued its development in the world he now lived in. In making this distinction he introduced a key point: in defining genocide he was not engaged in an imaginative
enterprise, describing some new phenomenon. Genocide had been going on for centuries, and Lemkin was only connecting a term to this horrendous crime. In creating a typology to detect, identify, and even prevent future instances of genocide, he reviewed the clearest evidence available to him.

The case at hand for Lemkin was the extermination of Jews, Gypsies, communists, and homosexuals, to name several of the groups targeted for destruction by the Nazi Third Reich. In looking into this case Lemkin was looking back at evidence and analyzing it for patterns. This is a key distinction, as many people, including some scholars, have come to identify genocide as unique to the Holocaust. Scholars calling the Holocaust unique, and the singular yardstick to measure all other cases of mass murder, would do well to remember that the term as originally intended did not hold the Holocaust to be the singular example of genocide, but rather the most immediate. Not only did Lemkin broaden his thinking about genocide beyond the Nazis, but he was careful to mention earlier examples of genocide, referring back to the Ancient world and the premodern era. Indeed Lemkin connected the process of civilization in the modern era with a move away from genocidal warfare.²⁰

Lemkin defined genocide as the mass murder of ethnic or national groups, past or present.²¹ Unfortunately, because of a contemporary wealth of evidence related to his work in connection with the aftermath of the Holocaust, conceptions of genocide that have flowed out of his initial investigations have been applied by others as specific to the Holocaust. Rather than forming an example of genocide, it has become the example or the definition of genocide, and in the process perhaps discouraged many scholars from investigating instances of possible genocide, let alone actually referring to them as genocides. Debates over a holocaust versus the Holocaust persist. As Irving Horowitz observed, a macabre debate exists as to who is worthy of the distinction of holocaust survivor in “a bizarre struggle over language [that] remains a grim reminder of how easy it is for victims to challenge each other, and how difficult it is to forge common links against victimizers.”²²
Despite this misapplication of Lemkin’s original intentions, Lemkin himself was careful to expand on the many varieties of genocide, both subtle and obvious. Lemkin carefully explained the many nuances that “the destruction of a nation or ethnic group” entailed. He made it clear that destruction need not mean physical death for all the members of a given group. Attacks on social and cultural structures, such as language and religion, or on national identity or economic vitality could be construed as genocidal as long as the end goal was the “destruction of the essential foundations of the life of national groups” for the purpose of destroying the group. For the purposes of this study, practices in California by Euro-Americans such as indentures, apprenticeships, legal marginalization, and relocation will be analyzed as genocidal practices. Clearly the goal of practices such as these was an end to Indianness by negation of group identity, replacing it with Euro-American language, customs, and culture. In other words, nineteenth-century whites from the United States controlling California intended genocide in the same manner that Lemkin codified it in his definition of genocide.

Moreover Lemkin noted that immediacy in time or space was not necessarily a key feature in attaining a genocidal goal. Genocide might be committed in a very short period of time, or it might be carried out over an extended period of time. It might be subtle, through education or political negation, or obvious, by means such as removal or mass murder. Lemkin detailed many techniques of genocide that oppressor groups might apply in order to destroy a group over time. Political, social, cultural, economic, biological, physical, religious, and moral “debasements” might all serve to destroy the sinews of group cohesiveness. This process would be aimed at either the literal destruction or complete removal of a group, or its complete sublimation into the oppressor group, or a combination of these.

A point of departure between Lemkin’s and my research—and where I differ with many other scholars writing on genocide—concerns the central coordination of genocide. Lemkin clearly envisioned
a centralized authority at the heart of the genocidal process; given the examples he chose, such as the Roman Empire and Nazi Germany, this is not surprising. Each had strong, centrally organized programs of genocide.\textsuperscript{26} In nineteenth-century California, however, one finds genocide organized from the periphery, with the general public serving as the force pushing for Indians to be exterminated.

The genocide of Native people in California was openly executed by the white population of the state. Because this definition differs from Lemkin’s and that of most other mainstream scholars of genocide, a discussion of the definition and the systematic methods of analysis that will be applied to the evidence presented here is necessary. In order to make a clear and concise argument that a genocide was perpetrated—knowingly and with the motive of obtaining land and other wealth—in the second half of the nineteenth century, I utilize the definitions and methods employed by two sets of contemporary scholars, in addition to many of the foundations set down by Lemkin.

First, the Lemkin-inspired 1948 United Nations Convention on genocide, used by the Hupa scholar Jack Norton in \textit{When Our Worlds Cried}, offers an unbiased structure to consider the evidence. The 1948 Convention takes a broadly conceived, inclusive approach to examining and defining genocide.\textsuperscript{27} Unlike Lemkin, it does not focus on a central authority and allows both states and individuals to be held accountable for the organization and commission of genocide. Adopted as Resolution 260 (III) A of the General Assembly on December 9, 1948, the Convention on the Prevention and Punishment of the Crime of Genocide consisted of a preamble and eight articles designed to codify the original condemnation of genocide as an abhorrent international crime by an earlier resolution of the United Nations in 1946.\textsuperscript{28} Following the example set by Lemkin in his recognition of genocide as a crime with a long history, the 1948 Convention opened with the admission “that at all periods of history genocide has inflicted great losses on humanity.”\textsuperscript{29} As such the General Assembly resolved to stamp out the crime by codifying its parameters into international law so that nations might cooperate to bring violators to justice or, better still, prevent future occurrences.
While many of the nineteen articles help one to establish an intellectual framework for approaching the study of a potentially genocidal conflict, some are more important than others for the purposes of this study. In particular, Articles 2, 3, and 4 are key because of their definitional clarity as to what constitutes genocide, what acts related to crimes of genocide are punishable, and who is answerable for the commission of genocide, respectively.

Article 2 established that the intent to commit genocide rather than a successful genocidal outcome was the decisive factor in determining if genocide had or had not been committed:

ART. 2. In the present [1948] 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.

This is the broadly conceived definition of genocide in its most important form. It includes not just physical genocide through murder of a group, be it some or all members, but also elements of cultural genocide, psychological genocide, and economic genocide that might also be perpetrated upon people, and as much as an actual murder contribute to the death of a culture. Many of the nuances of genocide listed above coincide with the strategies employed by Euro-Americans in California in the second half of the nineteenth century. Murder, the kidnapping of children, rape, the drop in birthrates due to malnutrition
and diseases introduced or exacerbated by Euro-Americans, and the mental and physical stress and anguish of having their homes destroyed and finding themselves hunted or forcibly relocated onto reservations all contributed to the near eradication of Native Americans in California between 1846 and 1873. Euro-Americans of the era, however, would argue that their attempts to eradicate savage Indians were legal and in self-defense, typically of property as opposed to life. And they would be right in the context of nineteenth-century local, state, and federal laws. In nineteenth-century American California, killing Indians was essentially legal, based on the unwillingness of prosecutors, lawmen, and courts to bring killers of Native Americans to justice. But as with other cases of genocide, justice should not be left in the hands of the murderers—something even Euro-Americans of the nineteenth century would have agreed with, as long it was not justice for Native Americans or other nonwhite groups being sought.

In Article 3 the General Assembly then defined the variations of genocide, again incorporating the idea that the intent to commit the act was enough to find one guilty:

**ART. 3.** The following acts shall be punishable:

(a) Genocide;
(b) Conspiracy to commit genocide;
(c) Direct and public incitement to commit genocide;
(d) Attempt to commit genocide;
(e) Complicity in genocide.

Whether one actually committed genocidal acts or intended to commit such acts, or even only aided or abetted genocide, directly or indirectly, one was considered criminal and a perpetrator of genocide. The Convention goes on to state in Article 4 that “persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.”

While the 1948 Convention is the basis for international laws con-
cerning genocide today, it is not an exercise in presentism to employ the Convention as a model in a study of genocide for a period well before its creation or, for that matter, genocide being coined as a term. As Lemkin did, one can look back to find the roots of genocide. Settlers from the United States in California, despite this temporal gap, conceived of what they called “extermination” in exactly the same way that many conceive of genocide today. Kidnapping children, creating conditions that promoted or exacerbated famine, creation of a slave labor system, commission of outright murder, and “education for extinction” were conceived of as ways of exterminating recalcitrant Indians or at least Indianness, the same as the United Nations Convention regards it as genocide today. As there is no statute of limitations on the crime of genocide, a look back is a particularly useful exercise in the legal sense of the case presented.

The work of the genocide scholars Daniel Chirot and Clark McCauley, especially their collaboration *Why Not Kill Them All?*, provides another important framework for examining the motivations of those who commit genocide or allow it to proceed unabated, as well as some of the latest scholarship in genocide studies. An important focus inspired by their research is to recognize that while any case of genocide is an atrocity born of the hatred, fears, and desires of the perpetrators and bystanders, it is often exacerbated to new levels of terror by the agency and resistance of their intended victims. This is a key to understanding the multiplicity of motives caught up in the vortex of genocide. While all men did not share Serranus Hastings’s motives of securing large property holdings, most of them shared a democratic ideology and a prejudiced view of savage Indians that let their motives coexist with his, and thus allowed the genocide to continue. Moreover as California’s Native Americans were pushed into mountainous terrain, deprived of traditional food sources, and hunted, they responded by raiding livestock and attacking settlers, miners, and emigrants to keep what little they had left. Rather than recognizing these actions as resistance to their own actions, Euro-Americans perceived them as wanton, unprovoked savagery and became that much more deter-
mined to exterminate the barbarous Indians. Chirot and McCauley’s examination of justifications for genocide is instructive in looking at the evidence related to the conflict between California Indians and American citizens.

Chirot and McCauley assign four main motives behind genocide: “convenience,” “revenge,” “simple fear,” and “fear of pollution.” By asking one’s sources how convenience, fear, or revenge figured into the actions of Americans in California, one finds their motives consistent with other perpetrators of genocide. Because I apply them in the following chapters, some background explanation of Chirot and McCauley’s categories of justification is in order.

Convenience is the most common justification for carrying out genocide. In starkest terms, killing is perceived as easier and cheaper than accommodation or compensation. The weaker group stands in the way of the ambitions of the stronger group, and genocide flows out of callous pragmatism. What is more, as the lesser group puts up a resistance to the goals of the stronger, the cost of nonviolence increases and killing is seen as even more justified. Chirot and McCauley argue that more than just a financial cost needs to be considered. The moral costs are also important. Many people will see beyond the obvious material benefits of this quick achievement of goals through violence. As such it becomes necessary to justify what one might otherwise see as immoral actions. By using the example of the Cherokee Removal, Chirot and McCauley point out that Euro-Americans assuaged their consciences by pointing to the legal decisions leading to the removal, allowing them to equate law with justice and morality, and also by referring to racial differences to claim a right of superiority in their actions. Additionally Euro-Americans claimed that the removals were acts of humanity: feckless Indians could not live long in the presence of whites, and their only hope of survival was to be relocated. The deaths attendant with the removals, then, became the cost of a correct and moral decision, and certainly a much lower cost than had whites not taken such proactive steps.

Revenge can be in part a strategy to show a lesser group the ex-
treme costs of disobedience to the stronger group’s wishes, in other words, to show them the price of resistance. It can also be associated with wounds to pride, honor, or self-image. Revenge can in fact defy considerations of cost or material benefits, and instead be ascribed to “anger at the thought of injured honor [which] becomes a primary motive in itself.” Chirot and McCauley suggest:

> When individuals feel that a wrong has been committed against them, they seek justice. Despite many efforts to separate justice from revenge, the distinction frequently gets lost. Justice easily becomes a matter of honor. And revenge pursued for reasons of honor and justice against a collective entity, be it a family, a village, a clan, a tribe, or a whole nation removes whatever moral scruples the avenger may have against massacring the supposed offenders. These offenders may have been simply defending themselves against greedy interlopers, or they may have been aggressors themselves. It no longer matters once the stronger party claims that justice is on its side.

Past wrongs or injuries too, not even suffered by the present involved parties but between them in the past, can serve as motivation in extracting revenge upon a group. In this way the actions of unrelated Native American peoples, present and past, informed the hatred of many Euro-Americans living in California.

Related to this sense of real and imagined wrongs is “simple fear,” which is fear of one’s own extermination at the hands of another, even weaker group. This can be the trigger for what Chirot and McCauley call the “genocidal impulse.” People kill without reference to combatant or noncombatant out of fear of the revenge of those not dealt with immediately. Women and children left alive might offer a threat in the future. In the story of California’s Native American genocide, women and children—even infants—were murdered, perhaps in reference to such reasoning.

Finally, a “fear of pollution” often infects stronger groups, who some-
times kill or deport groups out of fear of contamination by that group. Included in this category are perceived threats to the purity of one group by contact with another. This can be associated with ideas about race, class, or religion. Euro-Americans, including those in California, looked down upon Indians as animals, according to some a type of prehistoric aberration still present among fully developed humanity. These ideas, informed by the Social Darwinism and pseudoscience rampant in the second half of the nineteenth century, were the foundation of Euro-American thinking about relationships between whites and Indians. In California Native Americans were often treated as if they were a contagious disease, to be eradicated lest the contagion threaten whites.

These categories are not exclusive or even “mutually exclusive.” However, they do represent categorical justifications found in many examples of genocide. Whatever the category, one must also recognize the myopia of the Euro-Americans seized by the “genocidal impulse” in California. As white settlers pushed Native populations, Native Americans pushed back, fighting to maintain their lands, cultures, and sovereignty. Euro-Americans, however, described Indians as aggressors, recalcitrant savages unwilling to see the light of superior culture and religion, or as animals to be killed or run off because they were driven by instincts to commit depredations upon whites, despite the fact that many settlers and government officials understood their own complicity in bringing about the violent agency of Native peoples. This is of first importance in understanding the motivations of and roles played by bystanders during California's Native American genocide.

As the scholar Arne Vetlesen recently remarked, “The moral issues raised by genocide, taken as the illegal act *par excellence*, are not confined to the nexus of agent and victim. Those directly involved in a given instance of genocide will always form a minority, so to speak. The majority to the event will be formed by contemporary bystanders.” This idea is a common underlying principle of genocides. As Vetlesen points out, genocides are conducted typically by small groups, but with the tacit authority granted to them by the majority of their society. These bystanders are aware of the genocide and usually do nothing to
stop it. However, they may be converted into agents themselves, either for or against the victimized group, based on the events that transpire in the course of the genocide. In the genocide under study here, the events typically converted bystanders into active agents against Native Americans. Angered or frightened by Native American responses to Euro-American action, bystanders’ conversion to active genocidal agency and complicity was demonstrated by their votes, petitions, and sometimes active enrollment in murderous volunteer companies. Others, like newspaper publishers and editors, acted in more subtle ways as opinion makers and biased filters of information. At the same time a few members of the growing Euro-American population in California acted as agents in support of Native peoples, to give voice to the wrongs being committed all across the state. In particular members of the literary community, such as Helen Hunt Jackson, wrote public denouncements of the actions of Americans in California, although at a time when the greatest damage had already been done. Less vociferous but still countenancing a change in policy were newspapers published in places where Indians had effectively ceased to live, such as San Francisco and New York. In spite of these clear objections, the wealth of published accounts makes it apparent that there was a clear understanding among Euro-Americans in California that extinction was the destiny of all Indians. And judging by the overwhelming support for policies designed to bring this destiny to quick fruition, it is obvious that Euro-American bystanders lent the silent support of a democratic majority to the slaughter and neglect that devastated the Native American population. Government agents can be analyzed in a similar fashion.

Vetlesen also introduces an interesting category he calls “bystanders by formal appointment.” He cites the twentieth-century example of UN peacekeepers stationed in Bosnia, where, despite the standing UN Convention on Genocide, genocide was committed. One can discern some limited similarities to federal Indian agents and U.S. Army officers on the scene in nineteenth-century California. These Indian agents and soldiers, despite their objections to the actions of white
settlers against Indigenous peoples, acted almost as third-party observers in the conflict. Restrained by state and federal laws and, for the soldiers, orders and codes of honor, they seldom raised a hand against a countryman, despite the obvious wrongs being committed upon Native Americans supposedly under their charge. Ultimately, however, the comparison cannot hold up, because these federal officers did eventually act against Indian peoples, sometimes as violently and inhumanely as civilians did, whenever they were presented with evidence of Indian offenses against American citizens. While some agents and officers showed restraint, mainly these federal officials were called upon to do their duty to the people of the United States at the command of leaders democratically elected and empowered, and thus were complicit in genocide as well.\textsuperscript{45}

Employing the methodologies gleaned from Lemkin, the 1948 United Nations Convention, Chirot and McCauley, and others, I systematically analyze primary evidence and arrive at the conclusion that in this case, rather than a government orchestrating a population to bring about the genocide of a group, the population orchestrated a government to destroy a group. The evidence of genocidal intent seems unequivocal in the main. Those Euro-Americans in California who did not want Indians exterminated wanted them reeducated or removed. Still others wanted access or continued access to their labor. By the definitions offered by Lemkin and the United Nations, genocide was the clear intent of Euro-Americans in California. They organized around central ideas prevalent at the time: Manifest Destiny and the known savagery of Indians. Rather than an all-powerful central leader supported by a coterie of like-minded men controlling the government, one finds that individual Americans possessed of notions of democracy, ultra-individualism, and the pioneer spirit wanted to engage democracy to bring about their collective will to eliminate Native Americans as obstacles to landholding and general conceptions of wealth and security. Using petitions and letters to their representatives, votes in elections, and the long-established American tradition of militia and volunteer companies, average white citizens called for
the extermination of Indians through nearly all of the genocidal means described by Lemkin, the 1948 United Nations Convention, and Chirot and McCauley.

In very simple terms, if genocide had existed as a term in the nineteenth century, Euro-Americans might have used it as a way to describe their campaign to exterminate Indians. While few people today would want to hear that our nation’s history includes genocide, the evidence shows this as the inescapable conclusion. The California story is only one example of the Native American genocide lasting for centuries. Indeed the genocide is still ongoing if one concedes that its suppression, its silencing in mainstream U.S. history indicates complicity across time and space. While California’s is but one example of Native American genocide, the fulsome evidence of it provides a firm pathway to exploring other examples in the history of the United States and the Americas.

This study is divided into three parts. In part 1, “Imagining Genocide,” I discuss the historical and cultural foundations of Native American genocide by examining the way Euro-Americans imagined Indians, as well as the motives of emigrants from the United States to California during the era just prior to the war with Mexico and into the Gold Rush era. The ideas and aspirations of these thousands of would-be settlers and miners are key to understanding how Euro-Americans conceived of California, Native Americans, and Manifest Destiny as they arrived and commenced upon genocide. In a broad sense I seek to understand the foundational thinking of Euro-American emigrants: How did unthinkable acts, such as the purposeful murder of infants, become thinkable, thinkable in fact to people who valued freedom, had deep faith, loved their own children, and sought to make better lives for themselves and their families? How could otherwise good people commit such heinous atrocities, and indeed honor and celebrate those atrocities?

The answers lie in what the evidence makes abundantly clear. Many of the Euro-Americans flooding into California in these years came with existing fear, hatred, and racism directed at Indians. An impor-
tant piece of evidence in examining Euro-American perceptions of Native peoples and the preconceived strategies suggested for dealing with them is printed trail guides and emigrant guides, which played upon fears of Indian savagery already present in the Euro-American consciousness. Although many emigrants on the westward trails had never met a Native American person and hailed from places that had long ago exterminated or removed their local Indigenous populations, most had clear ideas of what Indians were: dangerous savages to be feared and never trusted. Trail guides advised travel in large parties bearing plentiful weapons and ammunition ready to hand. A policy of shoot first and ask questions later was typically advised, a practice that would continue among the volunteer companies that massacred Native Americans in California. Despite these latent fears and vivid warnings, according to a recent definitive study of hundreds of trail narratives, violence was actually quite rare between Euro-Americans and Native Americans on the overland trail during the 1840s and 1850s. My own research coincides with this conclusion as well.

In the more than two dozen trail narratives and diaries I examined for this study, Indian difficulties were much feared and discussed as threats to life and limb, but never encountered. It was this fear, though, that is key to our understanding of Euro-American sentiments about violence committed against Native Americans in California during the nineteenth century. Despite the lack of evidence of hostilities between emigrants and Native Americans, sensationalized accounts of Indian violence and savagery obtained by rumor or in print were vivid in the minds of many emigrants. This was apparent in their recording of fearful rumors heard along the trail. Given these rumors, emigrants were convinced by the prescriptive oral and written literature of trail and emigrant guides that it was their vigilance and strength of arms that kept Indians at bay on the trail, and not the will of Native American peoples to trade or to allow emigrants to pass unmolested. As such upon reaching California, rather than being relieved of their fears they remained woefully ignorant of the true character of the Native American civilizations whose lands they had so recently traversed.
misapprehension born of prejudice and the prescriptive literature emigrants relied upon would allow the intensity of hatred and intolerance for Indians to persist unabated upon reaching California and ready to do its bloody work.

A second fundamental element to understanding Euro-American behavior toward Native Americans is emigrants’ motives and attitudes as they set out for California. By looking at the newspaper articles, trail diaries, letters, and memoirs associated with westward expansion in this era, one can see that Euro-Americans imagined California before ever seeing it. And finding it unequal to what imagination had made it, they worked to remake California into their vision once they arrived. Whether one considers the individual musings of a Euro-American emigrant as he passed over the trail and considered the country around him—his country of birth, though he had never been there before—or the ubiquitous newspaper articles rooting for the settlement of western lands and the mining of rich gold deposits in California, the spirit of Manifest Destiny ties them all together, as if one mind had conceived almost all of them: the Euro-American mind.

Once emigrants arrived in California, convinced that their vigilance and strength of arms had brought them safely across, they found a place much different from what they had read about in the papers or heard as rumors. It was a foreign place. Indeed in 1846 it was a foreign country. But the foreign place and its peoples did not deter them. In part 2, “Perpetrating Genocide,” I explore how Euro-Americans set about making their dreams a reality by rapidly remaking the legal and governmental systems to replicate structures they had known in the East and Midwest. Paramount to understanding how this process evolved is understanding how Euro-Americans engaged democracy to order their new lives in California. The opening rounds of the genocide were democratically organized by settlers and miners. While California had a state militia, it was the legally organized, heavily armed local volunteer units that committed most of the murders needed to speed up the dispossession and destruction of California’s Native peoples. These men, often elevated to the status of local heroes, served as the
most violently effective tool of a democracy aroused against Native Americans: citizen-soldiers engaged in acts of self-interest disguised as self-preservation.

Though it may seem counterintuitive to conceive of democracy as organized for murderous purposes, it was clearly the system employed by the many roving death squads known as volunteer companies in nineteenth-century California. Each company was raised by petitioning the governor through the collection of signatures of local male voters; often these petitions were covered by letters of support from locally elected officials, such as sheriffs and mayors. Local residents signed these petitions and letters claiming the need to protect themselves and their property and asking for the legal consent of the government to “chastise” fearsome Indians threatening them. They also reminded their democratically elected representatives that their duty and loyalty lay with those who elected them. Of course Native Americans had no voice, no vote, no representatives engaged on their behalf beyond the nearly powerless federal agents assigned to handle “Indian affairs” in California. Members of volunteer companies, even those not authorized by the state, voted to elect company officers and, as described by newspapers, exemplified the best aspects of patriotism and the pioneer tradition of the United States of America. Volunteer companies set out on hundreds of such “expeditions” against what they claimed were murderous, marauding Indians. Volunteers murdered thousands of Native people, including men, women, and children. Volunteers often enslaved or removed those who survived but did not escape. After suitable “chastisement”—a euphemism of Euro-Americans that could refer to anything from outright murder to burning villages and driving the inhabitants into homeless exile to capture and imprisonment on crude reservations—or the legal expiration of their charters, companies disbanded and pressed claims for pay and other remuneration due them by state law. Similarly men suffering losses due to Native American raids on their property submitted claims for reimbursement by the state. The state paid these claims, and then pressed its own claim to the federal government to reimburse it for these Indian-related expenses.
The federal government paid the state of California millions of dollars in the 1850s alone in settlement of such claims. Such was the system engaged by everyday white settlers serving in volunteer companies and the state militia to bring about genocide, secure lands wrested from Native peoples, and obtain more land by their absence or demise.

In part 3, “Supporting Genocide,” I consider the way the organs of government and the popular press responded to the wishes of white Americans. The process of statehood and the way Euro-Americans in California imagined the role of Indians show how settlers’ motives were woven into the fabric of the political and social structures of the state. Euro-Americans created the state in such a way as to make being a Native American in California basically illegal. By using the democratic process and republican government to create a self-interested legal system that favored whites, Euro-Americans imposed laws that created injustice for unrepresented Native peoples. Perhaps believing that injustice could not be conceived by the democratic will of the majority, supposing that law always be equated with justice, Euro-Americans created a veneer of respectability in their own minds, ignoring the perspectives and interests of others. Even when they enacted laws that ostensibly afforded some protection to Native Americans, the state government, courts, and white citizenry ignored their own laws whenever and wherever these laws conflicted with their self-interests. Still worse was how elected officers of the state catered to the demands of their electorate in launching offensive operations against Native peoples, while ignoring the interests of Native Americans. Native peoples were forced to represent themselves in ways that Euro-Americans conceived to be illegal, dangerous, and uncivilized. Violent resistance by Native peoples was typically condemned by Euro-Americans as Indian savagery, never admitting their own complicity in bringing Native peoples to violent agency in order to resist genocide.

The process of the legal dehumanization of California’s Indigenous peoples through the actions of the three branches of the state government of California, and to a lesser degree of local and county government structures, was also an element of genocide. In particular legis-
ative acts instituted a system of Indian slavery. Even in cases where Native peoples escaped enslavement, laws regulating everything from fishing to labor to landholding made it difficult to make a living or even live in California. Legislators passed laws to please their constituents, often violating the Treaty of Guadalupe-Hidalgo and usually ignoring the primacy of the federal government in regulating Indian affairs in order to deliver Native American lands and resources into the hands of covetous settlers. The governors of California signed these bills into law, called for the funding of volunteer campaigns to devastate Native groups, and used their influence as commander in chief of the state militia to make sure weapons and ammunition flowed to the sites of conflict. The judiciary, far from exercising judicial review to correct inconsistencies of state laws or conflicts with federal law or the U.S. Constitution, supported actions against Native Americans by ignoring the predicament they faced under an assault that if taking place between a white and white one would otherwise call criminal. Moreover even though it was technically illegal to kill Native Americans unless in self-defense, California law did not allow nonwhite testimony against whites, typically allowing injustice to reign in cases where whites were brought to trial for crimes against Native people. Perhaps worst of all, local governments acted as something akin to governing boards of avaricious homeowners associations in response to their constituencies’ demands, as local leaders and authorities petitioned the state for arms and money to kill Indians, set scalp and head bounties, and looked the other way as their citizens kidnapped, raped, and murdered local Native people. Taken together the acts of local, regional, and state governments in California show them to be complicit in the genocide of Native American peoples.

The federal government in California also demonstrated complicity in genocide. The inaction and neglect of federal officials in California, especially of Indian agents and superintendents, helped contribute to the abuse and murder of Native peoples. Scholars have noted the lack of federal involvement in California when compared with other regions of the United States, but the U.S. government did act to fuel economic
development of the new state and to make minimal expenditures on Indian welfare. The Civil War lessened federal attention to California's Native population even further. By examining sources such as reservation reports, eyewitness testimonies, and the deceptions associated with the treaty negotiations of the early 1850s, one can observe the clear preferences given to the state and its Euro-American settlers, preferences that would both embolden local whites to commit consequence-free atrocities and open public land to white settlement at the expense of Native Americans. Reports were forwarded to Washington that presaged the extermination of Native peoples, warning that such was inevitable should policies not be changed. The response from Washington was typically to send in additional observers or agents to investigate, repeating this cycle periodically without making substantive changes to abate the disaster.

Like the state, county, and local governments, the federal government scrambled to meet the demands of voters in California. Historically the federal government had primacy in ordering relations between its citizens and Indigenous populations, but especially when one considers the physical difficulty in coming to or communicating with the state prior to 1869, the state of California exerted a great deal of autonomous control over Indian affairs. Indian agents and army officers were the most immediate representatives of the federal government, and as such were direct recipients of the demands of state officials, militia and volunteer officers, and citizens to chastise or remove bloodthirsty Indians. It fell upon these individuals to make decisions in the field, typically with little guidance or funding from Washington to support their resolutions. Federal officials in California, cut off from timely aid until the appearance of the transcontinental telegraph in the early 1860s and the transcontinental railroad in 1869, were often forced to lean toward the desires of the state rather than the national interest. In a situation complicated by the fraudulent and self-interested behavior of some of these federal agents on the scene and the neglect by officials back in Washington, Native peoples could claim almost no protection under the laws of the United States in any practical or reliable sense.
Nor could Native peoples expect much assistance or sympathy in the popular press. Rather the press fueled, reinforced, and countenanced genocide. The popular press, often called the “watchdog of democracy,” acted as a cheerleader for Native American genocide, as publishers demanded that local, state, and federal governments work to dispossess, displace, and destroy dangerous Indians. Newspaper editors and publishers did what Serranus Hastings did in his letter, publicly reminding their representatives of the protections due them as taxpayers and citizens. While some far from the scene of Indian-white conflict from time to time called for reform or moderation, much of the popular press was suborned, as the state and national governments were, to the will of white settlers in California. Indeed it was far more typical for newspapers to repeat the calls of their customers for the abuse, neglect, and destruction of Native peoples. Even calls for restraint are telling in terms of timing: such calls for mercy came after all the Native people in the paper’s vicinity had been exterminated, removed, or so devastated as not to pose a threat any longer. Newspapers published in the heart of areas where Native populations were at odds with white settlers acted in the opposite way, being the loudest proponents of murder and publishing editorials calling upon whites to “exterminate them.”

Magazine and newspaper publishers and editors, poets, artists, and authors, through the printed word and image, helped reinforce the popular perception of Indians as a savage people worthy of disdain, violent treatment, and ultimately murder. However, these perceptions were not their creations alone, but were also clear reflections of the people that consumed these publications. Beginning with the Gold Rush, California abounded with newspapers, and in view of the commercial nature of the press industry, newspaper publishers and editors of the era aimed to please their customers. Stories of Indian atrocities and depredations were reported frequently—daily in some papers—and usually without any attention to the truth or consideration of the Native American perspective. The voice of Native people was absent in the press; indeed I never found any attempt in any paper to interview or otherwise publish the views of Native Americans in the period un-
Introduction

As was the case in terms of democratic representation, being part of a nonwhite minority meant exclusion from the printed voice the press could offer. Yet these papers contain truths all the same, and by sifting through hearsay-generated stories and comparing them with eyewitness accounts, one can find kernels of truth and learn something of the reality of Native American life in California. One can also detect the similarity of attitudes toward Native Americans expressed in the press, from south to north and east to west in California: Indians were dangerous animals, and if they could not be moved, they must be killed.

When one considers the actions of the press, state and federal governments, and the citizenry as a whole, the result was the creation of an inescapable system of democratically imposed genocide that legalized and naturalized such atrocities as acceptable, commonplace occurrences, devised to fulfill the demands of the newly minted citizenry of California, only recently come from the United States. Native peoples in California became the object of the most destructive forces that a democratic system could contrive, and only barely survived through tough, extended resistance. The combination of limited appeasement, relocation, intertribal alliances and unions, and violent resistance during the period 1846–73 allowed Native Americans to occupy a shaky foothold that slipped to an alarming nadir by 1900, yet one that proved strong enough to recover its vitality in the ensuing twentieth century.