

Part IV: The Consequences of Federal and State Policies Upon the Indian Tribes of Northern California

Introduction. We just finished looking at one particular program that grew from the federal policy of allotment. Now we are going to take a case study approach. That is, we are going to examine one case that tells how some of the federal policies we have studied actually affected many of the American Indian tribes in Northern California.

In 1850, at the time our case study begins, there were somewhere between 70,000 and 150,000 Indians in the newly-created State of California. In addition to the Indians, many Mexicans lived in California because Mexico had been in control of California until 1848. Beginning with the discovery of gold in the Sierra Nevadas in 1848, many white Americans began moving into California. As more and more white Americans moved into California, it became clear that they would not be especially tolerant of the large Indian populations living in areas considered valuable for mining and agriculture. And this is where our story begins.

- I. **Treaties and Reservations in Northern California.** We begin our case study with an interesting man, Redick McKee, an Indian Agent who in August of 1851 began a 500-mile journey through Northern California.
 - A. A year earlier, McKee and two other men became California Indian Agents.
 1. Indian Agents were appointed by Congress to be the federal government's liaison with tribes.
 2. They fell under jurisdiction of the War Department - which was the federal agency empowered to deal with all Indian tribes.
 3. Consequently, it was the Indian agents who most often negotiated treaties with the tribes.
 - B. The new agents received the following instructions from the U.S. Office of Indian Affairs. ***[OVERHEAD - INSTRUCTIONS TO THE CALIFORNIA INDIAN AGENTS]***
 - C. But McKee had his own ideas about what he should accomplish in the name of the US government.
 1. McKee knew that white Californians would never allow the Indians to keep all of their ancestral land or to roam freely throughout the state. But he also recognized that the Indians had been the original owners of California and were still entitled to some of it.
 2. Thus, he felt that any federal treaties that he negotiated with California Indians should help establish reservations that would be "forever guaranteed."
 3. Additionally, McKee felt these reservations should give the Indians enough

farm and grazing land that would allow them to labor for their own well being.

- D. With these ideas in mind, McKee and his companions began their journey. In just over three months, they traveled from Sonoma Valley to Redding, meeting with Indian tribes along the way.
1. Discussion: While showing students these areas on a large map of California, ask them *what physical and natural barriers would McKee and his traveling companions have to face during their journey?*
 2. During their trip, McKee created four different reservations and negotiated five treaties with tribes along the lower Eel River Valley, Clear Lake, Scott Valley, and the *Klamath-Trinity* regions.
- E. By the end of 1851, all three of the US Indian Agents had traveled most of the state, negotiating a total of *18 treaties* that created reservations on about 7 million acres, representing 7-1/2% of California's total land.
1. Discussion: *How might the Gold Rush influence the feelings of non-Indian Californians about "giving" Indians any available land?* The mood was not generous. Whites wanted every available inch of land that could possibly be mined, or was needed to sustain the mining industry, under their control. They did not want to give up any land to the Indians.
 2. What McKee quickly discovered was that many Californians were absolutely opposed to giving "savages valuable land" - in the words from the *Sacramento Times and Transcript*. (As quoted in Ray Raphael, *Little White Father*. Eureka: Humboldt County Historical Society, 1993:108). Let's take a look at what other's had to say about the treaties that McKee negotiated. **[OVERHEAD - CALIFORNIANS REACT TO THE NEWLY-CREATED RESERVATIONS]**
- F. By early 1852, the treaties were clearly in trouble. The Governor of California, John Bigler, had pressured the US Congress not to ratify the treaties.
1. Redick tried to save the treaties from being rejected by appealing to Governor Bigler. He wrote a letter on April 5, 1852 in which he described brutalities committed by whites against the Indians - brutalities that might be avoided if the Indians had their own reservations as negotiated in the treaties.
 2. The Governor responded that the "savage enemies" were "daily guilty of committing outrages upon unoffending citizens." (Raphael, 117.) In short, he did not believe that whites had committed any brutalities but rather, that the Indians were regularly brutalizing whites.
- G. The Governor and the California legislature successfully pressured U.S. Congressmen not to address the treaties, arguing that the Indians had no legitimate right to **any portion** of the land that had once been theirs. Consequently, all 18

treaties were never voted upon by the U.S. Congress, thus making them null and void.

H. So, what happened to the California Indians after the treaties negotiated by Redick and his followers were rejected? At least three consequences should be noted.

1. California anti-Indian attitudes prevailed. A good example of such politics was passage of the *1850 Act for the Government and Protection of the Indians* and its 1860 amendments. This act, as amended, essentially allowed Indian slavery of young and adolescent children as well as young adult females.

2. Indians discovered a good reason to distrust the white newcomers to Northern California. Most had signed McKee's treaties in good faith. Rejection by the State legislature meant that McKee had lied to them. There would be no generous reservations "forever guaranteed" by a binding treaty with the US government.

2. Indians no longer had a voice in their own destiny. Instead, their future would be determined by non-Indians. So, what did the white people decide would be the future of California's Indian population?

II. **The Fate of the Indians of Northern California.** By late 1852, two avenues were established to settle the future for the State's Indian peoples. One avenue was legal, the other was **extralegal** - that is, it operated outside the boundaries of the law.

A. **Legal Avenues - Federal and State Policies.** Two legal avenues were adopted over the next decade: the federal government's creation of military reservations and the declaration of war upon uncooperative tribes; and the State of California's denial of legal rights to Indian peoples.

1. **Federal Policies.**

a. **Military Reservations.** The Office of Indian Affairs proposed the creation of a different kind of reservation for California Indians - one that was based upon the model of the *Spanish missions*.

1) **Discussion:** *How would you describe the relationship between the California Indians and the Spanish missionaries from the Catholic Church who came to California in the 1700s?* The missionaries first converted the Indians to Christianity and then quickly enslaved them. Thereafter, the missions, forts, and other public buildings were built by forced Indian labor. Once within the province of the mission, Indians were not allowed to return to their previous ways of life. It was this model - forced relocation and labor enslavement - upon which the new reservation model was based.

2) Five new military reservations were approved in March 1853. The

Congressional resolution that created the reservations made several points quite clear. [**OVERHEAD - CALIFORNIA'S RESERVATIONS**]

- 3) What this meant is that Indians from many different tribes were forced onto small reservations where they were involved in labor directed by the white reservation managers. Any hope that the Indians might create a new way of life that would be fulfilling and **self-sustaining** quickly died.
 - 4) In 1855, the first military reservation was created in Northern California. The *Klamath Reservation* was established on November 16, 1855 when President Pierce set aside 20 miles along the lower Klamath River and extending a mile from the banks of the river in each direction.
 - a) According to one local historian, the function of the Klamath Reservation was to “pacify a few troublesome Indians in the immediate area [of the river]” and to “serve as a dumping ground for displaced natives from all of Northwest California.” (Raphael, 1993:174.)
 - b) None of the tribes wanted to relocate. The Hoopa and Smith River tribes moved only after extensive threats of violence by the military and promises of kind treatment and **subsistence**.
 - c) Once removed to the new reservation, many tried to return to their native lands. However, violence was used to keep them within the confines of the reservation.
 - d) After a huge flood in 1861-62, the Indians were marched north through rain, mud, and snow to a new site along the Smith River. Within a few years, they were again transported over the mountains to the *Hoopa Reservation* which was established by treaty in 1864.
- b. Declaring War. By 1860, white settlers in Northern California were frightened by the bands of Indians who had resisted removal to reservations. These determined few were ready and willing to fight any white men who would force them to live on reservations.
- 1) Settlers continued to ask for federal troops to protect them against the Indians.
 - 2) Eventually, the soldiers at *Fort Humboldt* were enlisted in a war against the last of the “wild” Indians. Their instructions from the federal government were to capture what remained of the native populations and take them to a reservation, or kill them.

- 3) By 1870, the vast majority of the Indians who had lived in Northern California had either been forcibly removed to Indian reservations, or they had been killed. The California Indian population, which was between 70,000 and 150,000 in 1850, had shrunk to 30,000 by 1870.

2. **California's Legal Policy** involved the Denial of Legal Rights to Indians. At the same time that Indians were being forcibly resettled by the federal government onto new reservations, California was creating its first legal code which promptly denied some basic legal rights to Indians.

- a. Chapter 133 of California's code said that "in no case shall a white man be convicted of any offense upon the testimony of an Indian." (This code remained in force until the late 1880s.)

- 1) *Discussion: What does this mean?* Whites are free to commit whatever actions upon Indians as Indians cannot testify against a white person. This law was also extended to the Chinese.

- 2) *What do you think was the purpose of this law?*

- b. Local mining communities also wrote down and enforced many local codes.

- 1) For an Indian who committed a murder, the Indian's house and its inhabitants were to be destroyed. If the murderer was not specifically known, the village and inhabitants of the Indians "nearest the spot" were to be destroyed. (Raphael, 1993:176-77).

- 2) If whites committed an offense against Indians, they could only be punished "at the discretion of a jury." (Raphael, 1993: 177).

B. **Extralegal Avenues.** Whites acted illegally when they victimized Indians who were not within the confines of federal reservations and thus were not protected. Known as **vigilantes**, these men used at least two extralegal avenues: kidnapping and extermination.

1. Kidnapping. Although slavery was outlawed in the new State of California, professional slave hunters seized women and children both on and off reservations for sale to miners and brothels in the gold rush towns and to farmers in agricultural areas. While they called such action **indenturing**, the facts are that the Indians were sold for a lifestyle of slavery. (This practice did not end until passage of the Emancipation Proclamation in 1863.)

2. Extermination. Many historians and journalists have written about the common practice of "Indian killing" in Northern California. Let's examine some of the facts. **[OVERHEAD - INDIAN KILLING]**

- a. One of the most tragic of these exterminations took place on February 26,

1860 in Eureka on Indian Island.

- b. Discussion: *Does anyone know where Indian Island is?* It's a small island in Humboldt Bay currently inhabited by only a few private homes.
- c. Let's get a historical picture of Eureka, the Wiyot people, and the massacre at Indian Island which occurred almost 140 years ago.
 - 1) Eureka was founded in the spring of 1850. Miners established the city because they needed a more convenient route to the overland trail from Sacramento to the California goldfields. In time, Humboldt Bay became the busiest port between San Francisco and Portland.
 - 2) The *Wiyot* tribe was one of the smallest tribes that lived in the region before the white population arrived.
 - a) Wiyot tribal members (between 1500 and 2000 people) wove basketry skullcaps, traveled in redwood canoes, and fished for shellfish, trout, and salmon.
 - b) Their territory began at Little River, continued down the coast to Bear River, and then went inland to the first set of mountains. (Discussion: *Can someone trace this general area on the large map of California?*)
 - 3) **Indian Island** was the site of an annual rite of renewal which the Wiyot held. This seven-to-ten-day ceremonial ritual involved dancing and feasting that was meant to welcome in the new year.
- d. Your next assignment will help you learn more about the Wiyot, their people, and the event that became known as the Massacre at Indian Island. **[ASSIGNMENT #9 - MASSACRE AT INDIAN ISLAND]**

III. Part IV Summary

1. Redick McKee and his two colleagues traveled most of California throughout 1851. During this time, they negotiated a total of 18 treaties that created reservations on about 7 million acres. The three men, negotiated in good faith - that is they believed that the treaties would be honored both by the California and Federal governments and that the reservations would be "forever guaranteed."
2. When the California legislature refused to ratify the treaties, they justified their actions with their beliefs that the Indians were not entitled to any land.
3. The federal government had to create other legal avenues for dealing with the "Indian problem" in California. They decided on military reservations based upon the California missionary style of forced removal and enforced labor; and upon

declaring war on those tribes that refused to cooperate and move into reservations. The State of California used the law to place the Indian into an unequal position within the criminal justice system.

4. In addition to the legal avenues, at least two extralegal avenues were undertaken by local vigilantes in Northern California: kidnapping Indian children and women, and outright extermination.
5. The massacre at Indian Island is but one of many deliberate attempts in the mid-to-late Nineteenth Century to exterminate the Indians of Northern California.
6. Both the legal policies of elected federal and state representatives and the extra-legal actions of vigilantes helped bring about the destruction of Indian cultural and spiritual values, as well as the extermination of many peoples. The population of 1850 which ranged between 70,000 to 150,000 had dropped to about 30,000 just twenty years later. Those who survived suffered great indignities, as well as the loss of much tribal sovereignty.
7. Despite the many attempts to destroy the *Indians of Northern California*, most tribes have replenished their populations and many have been able to maintain their tribal cultural, political, economic, and spiritual traditions.