

The Missions of California:
A Legacy of Genocide

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Editors

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We promise to help correct those errors. We recognize those academics who have exhibited the arrogance of bigotry, the meanness of racism, and the ignorance of the inadequate scholar. They are located in the Appendix, where history will let them remain.

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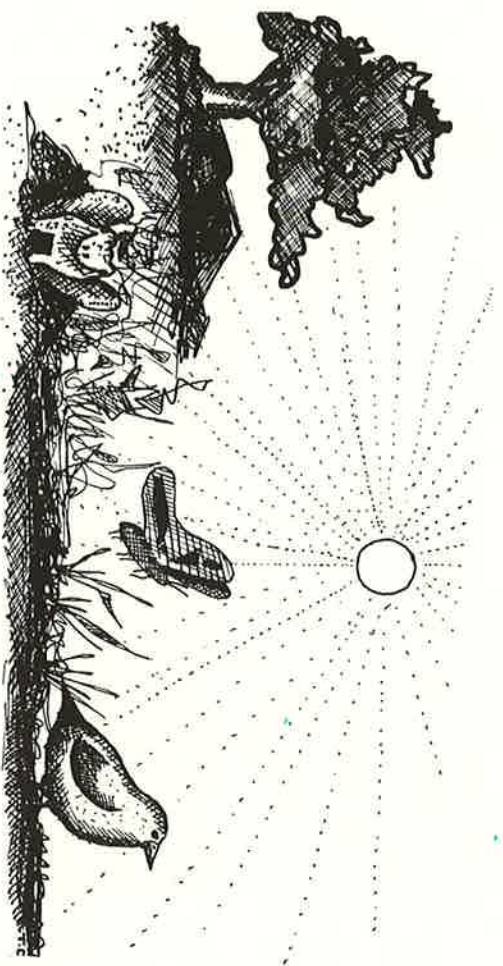
*Jeannette Henry Costo and
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Iris Engstrand, David Hornbeck, John Johnson,
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Doyce Nunis, Norman Neuerburg, and
Fr. Francis Florian Guest



Preface

For two hundred years the native people of California have borne the stigma of "Mission Indians." The names of their nations and tribes are Hupa, Kumeyaay, Cahuilla, Pauma, Malki, Cupa, or Pamó, to name a few.

But with the advent of the Spanish invasion and the introduction of the mission system, these tribes were ignored at the least, and obliterated as tribes at most. Thus, the outer habiliments of the hated mission system remained into Mexican terminology, and today exists even in the literature and legal references in American terminology.

The architect of the mission system was Fr. Junipero Serra, who has become a symbol of 18th century feudal forced labor and abuse to the Indians, and a symbol of successful foreign domination to the establishment society.

In order to install Serra as a valid, respectable holy man of the most humane objectives and conduct in his life, the Roman Catholic Church has been engaged in a project seeking to have him declared a saint.

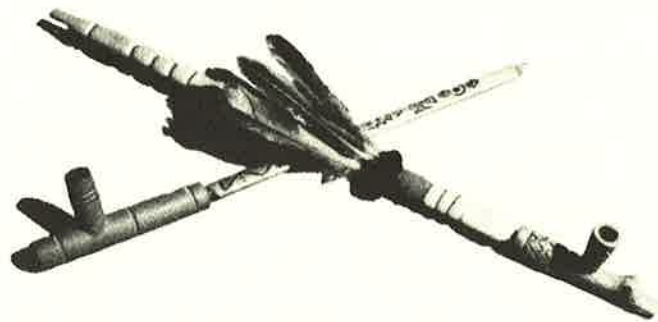
Serra's claim to saintliness rests upon his work and activities among the native people of California. To convince the Vatican of the man's humanitarian and saintly life, his supporters must prove that his conduct was at all times exemplary, a life that could be described as lifting the human beings to whom he ministered, to a condition of well being, physically and spiritually.

Thus, if it can be proved that Serra accomplished none of these good works, that he was responsible for the horrendous conditions of near slavery at the missions that he structured after the image of the Spanish Inquisition, of which he was a disciple and a commissioner, then the project to have him declared a saint, cannot be justified. [The proof of a saintly life is only the first of three steps in the sanctification process. Serra has been accorded the first step—that of Venerable.]

Vayda, Andrew

1967 Pomo Trade Feasts. In *Tribal and Peasant Economies*, pp. 494–500, edited by G. Dalton. Garden City, N.Y.: Natural History Press.

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Part Four

The Path of Genocide:

From El Camino Real to the Gold Mines of the North

Jack Norton

Although the terror and brutalization of the Indians of the North came approximately eighty years after the introduction of the infamous mission system in Southern California by Junipero Serra, our people still heard the anguished cries of suffering people. Not literally, of course, but perhaps intuitively, for we know that whenever an innocent victim is maimed or murdered, a shift in the patterns of the delicate balance between good and evil can be felt. But this is not new, or perhaps even unique, because many have noted this phenomenon. John Donne, writing in the sixteen hundreds, declared that:

No man is an Island, intire of its self, every man is a piece of the continent, a part of the main; . . . any man's death diminishes me, because I am involved in mankind; . . . therefore never send to know for whom the bell tolls; It tolls for thee.¹

And more recently, C.S. Lewis poignantly perceived that when a victim "who had committed no treachery was killed in a traitor's stead, the Table would crack and Death itself would start working backwards."²

Both Donne and Lewis offer an opportunity to reflect, at least for a moment, upon the connectedness of time, place, history and des-

tiny. And in this fleeting glimpse of a continuum where time moves forward or backwards, we all have relatedness.

It is logical, then, that tribal peoples throughout the State of California are expressing outrage at the proposed canonization of Junipero Serra. He formulated and implemented a system that demeaned and lessened the human spirit. He must be held accountable. To make this man a saint would make the living complicit in his crimes against humanity.

Serra's Culpability

These categorical statements do not necessarily spring from anger for the individual man, but more from a distress that learned individuals today can equivocate over historical documentation of his culpability. Apparently they have little understanding of precedents set by trials that followed World War II whereby the infamy of the architects of totalitarianism were exposed before the world. At Nuremberg, for example, the Reichsfuhrers, the policy makers, the military and the civilian leaders such as Goering, Donatz and Von Ribbentrop were found guilty of crimes that surpassed in magnitude the treatment of fellow human beings. Other trials throughout Germany found lesser administrations such as Rudolf Hess, the founder and commandant of Auschwitz-Birkenau, guilty, and hanged him as a criminal. Hess' wife and two children lived next to the camp and several accounts recall the well tended flower gardens and their somewhat idyllic daily lives. Although Hess on several occasions actually watched the gassing of the prisoners, no mention was made of his direct participation in the brutalization of others. Yet he wrote in his diary, "I, too, must now be destroyed, the world demands it."³

However, in the present case of Serra, additional anger rises more rapidly when one learns that the canonical process rests upon inaccurate, Eurocentric and false ethnographic material concerning the Native people of California. If the academic materials of the nineteen hundreds relating to the Northern California tribes can be said to be misleading (and they are), then certainly the writings of arrogant zealots two hundred years earlier are suspicious.

Catholicism following the discourses of St. Thomas Aquinas' Aristotelian logic had by the late seventeen hundreds become rationalized, secularized and arrogant. The tendency of nascent Eu-

ropean nations to embrace a rational world view become obvious as the manorial system expanded farm lands and land holdings. Sacred groves and places, the religious sites of antiquity, for example, were cleared and plowed under by efficient gang plows that were developed to turn over the denser layers of earth in Northern Europe.⁴ This partial process of disenchanting the immediate world not only supported social and political realities, but it also may have fit neatly into the Biblical injunction "to multiply and subdue the earth." Later, following a Baconian creed to unite technology and the growing democratization of the sciences, the Catholic Church found itself confronted with the obvious duty to administer to the worldly or secular needs of its followers. Finally, as Spain unified and began to funnel the plundered wealth of the new world into Europe, by the fifteen hundreds it claimed to represent a superior moral and material stance within Christendom. Thus, by the time the Franciscan Father Junipero Serra arrived in Southern California in 1769, Spain had already reached its zenith of world power and had declined rapidly. Yet, entrenched institutions such as the church tenaciously held to its past glories.

The Pattern of Missionization

It is within this broad pattern of worldliness and disintegrating social, political and economic influence of Spain and Catholicism, that missionization can be seen. The best theological intentions of the "kindly" Father Serra fade quickly when placed within the Western paradigm whereby rationalization leads quickly to dehumanization of objectified others. That is, theoretical postulations became an arbitrary force to explain, denote and define an ideology of exclusiveness and discriminatory datum. If reality or others could not stand the test of theorization, secular or ecclesiastical, then they became savages, superstitious factors or inferior beings.

The Franciscan period of mission rule, from 1769 to 1834, baptized 53,600 adult Indians and buried 37,000, a mortality rate of nearly 70%.⁵

Thus, a system had been implemented which carried the seeds of a dominion for greater and more efficient deaths. But this Kingdom of Darkness awaited the authorization and bureaucratization of a modern world where without "bias or scorn" policies of genocide became the norm. The modern historian Richard Rubenstein has

noted that "the Holocaust was an expression of some of the most significant political, moral, religious, and demographic tendencies of Western civilization in the twentieth century."⁶

Within this context the more detached Americans (and therefore more personally and individually brutal), inundated California by 1849. They flocked to the north, where they killed, directly or indirectly through disease, starvation, and psychological stress, at least 80,000 tribal people. They continued to arrive by the thousands and by 1850 nearly 200,000 men fell with hatred and contempt upon people who had escaped the twenty-one charnel houses along the missionary El Camino Real.

Gold and greed: these were some of the catalytic agents that ignited the savagery and filthiness of those early whitemen. They were generally illiterate, disease-ridden, lice infected and lawless murderers. The rampaging venereal diseases, tuberculosis, measles, small pox—all communicable diseases—were introduced by what some authors describe as the "very flower physically speaking, of the United States." It was the miners and settlers that destroyed or at the very least stained everything they touched. Account after account is given in letters from Indian agents, newspapers, and official war records of their brutal rapes and destruction. The following are a few examples. They are directly quoted and at length. They speak for themselves. From Camp Cape Eel, (Cappel) Klamath, California, 1857:

"I have the honor to report everything as usual in this section. On the night of the 19th February two men (one named Lewis commonly called "Squire" and other Lawson, generally known as "Texas") came to an Indian ranch (Wasch) about a mile above this camp on the opposite side of the river. They commenced abusing the Indian Squaws, and one squaw, while endeavoring to protect her daughter, was stabbed by Lewis very severely in the back and shoulder, who also stabbed the father of the girl twice in the arm. They then seized two other squaws whom they forced to remain with them all night. On the 22nd, the two men Lewis and Lawson came to this camp, but not meeting with a favorable reception they left and went back up the river. On the way they stopped at the same ranch, but the Indians had seen them in time, and the squaws ran to the hills. The man Lewis, enraged at the escape of the squaws, seized a club and without provocation, attacked and brutally beat an Indian boy named Tom, so that it is doubtful whether he will recover . . .⁷

A report from Special Indian Agent Stevenson, 1853:

... It is a frequent occurrence to find white men living with Indian women and because the Indians dare to remonstrate against this course of conduct they are frequently subject to the worse and most brutal treatment. An occurrence of this kind took place last month near Buckeye Flat, in the Country. Two miners had seduced a couple of squaws and were living with them or keeping them as prostitutes. The Indians went to the cabin and demanded their women, when they were fired upon by the miners which resulted in the immediate death of one and dangerously wounding another, and yet there was nothing but Indian evidence that could be obtained to punish any White man in this State, so they could not be convicted.⁸

An article from a San Francisco newspaper, 1856:

Some of the agents, and nearly all of the employees, we are informed, of one of these reservations at least, are daily and nightly engaged in kidnapping the younger portion of the females for the vilest of purposes. The wives and daughters of the defenseless Diggers are prostituted before the very eyes of their husbands and fathers, they dare not resent the insult, or even complain of the hideous outrage.⁹

Another article from a Sacramento newspaper, 1856:

... Near North Fork of Cottonwood, week before last, a most cowardly and barbarous murder was committed. It seems that two white barbarians went to an Indian rancheria in that neighborhood for the purpose of getting possession of an Indian girl about ten years old. This attempt at forcible possession was resisted by the mother of the child, assisted by a crippled Indian boy, the only one in the rancheria.

The resistance of this poor cripple so exasperated the villains that one of them seized him by the top of the head, while with his knife he first cut his throat and then stabbed him to the knife hilt, and to wreak his vengeance fully, turned the knife in the wound several times, then withdrawing it, again stabbed his victim, turning the knife as before, repeating the act until life was extinct. While this butchery was going on, the girl and her mother made their escape. In a few days after the friends burnt the rancheria. There is nothing but the dead body and Indian testimony to prove the above and though it is not enough, under the law, to punish the miscreants.

From the war records of Captain Judah from Red Bluff, 1858, who related the circumstances of the death of a whiteman named Makin:

... a white man was killed in June last; his name was Makin; all accounts of this man concur in representing him to have been guilty of repeated enormities against Indians, killing them upon slight provocation, and appropriating to his own use their squaws in such numbers and at such times as best suited his convenience.¹¹

Crimes Against Indians

Ironically, or more accurately tragically, if there were any suspicion that an Indian might have raped a white woman, the circumstances were entirely different. In fact, moral outrage was violently expressed at even the presumed intention on the part of the Indian. In a letter from 1st Lieut. J.G. Bonycastle at Fort Jones, he describes that a white woman has been "assaulted" by a young Indian man named Joe. He continued that "the old chief was very anxious that I should go with him to see that the woman had not been hurt, and it was with some difficulty that I could make him understand that the intention was almost culpable whether successful or not. Indeed the Indian could not see why I spoke of the offense as being of such magnitude, when their squaws are constantly run down, sometimes by men on horses and raped."¹²

The enormity of these crimes cannot be excused by placing blame upon "those few rascals" on the boundaries of the frontier. Anglo society as a whole is guilty and must begin to review the evidence of its inhumanity. For example, legal rights and protection were denied the Indians of California well into the 1880s. The California Statute, (1851, Chapter Five, Title II), summarizes "an act to Regulate the Proceedings in Civil Cases in the Court of Justice of this State" and within Section 394 of this Act it defined the persons who could not be witnesses (including those who were of unsound mind and children who were under ten years of age); included in the prohibition were "Indians, or persons having one fourth or more Indian blood in an action in which a white person was a party . . ."

Previously, a law, ironically entitled "An Act for the Government and Protection of Indians," created a condition that can only be described as slavery. The law, enacted on April 22, 1850, and later amended, established within its twenty various sections the mechanism whereby Indians of all ages could be indentured or apprenticed to any white citizen. In most cases the period of "involuntary servitude" was set by the local justice of the peace for an average

term of sixteen years, although a longer term of twenty-five years was not uncommon. Thus, the Indian's person and labor was secured without the financial investment and large capital outlay of the "peculiar institution" of southern slavery. In fact, an editorial in the Humboldt Times of February 23, 1861 happily noted:

This law works beautifully. A few days ago V.E. Geiger, formerly Indian Agent, had some eighty Indians apprehended to him and proposes to emigrate to Washoe with them as soon as he can cross the mountains. We hear of many others who are having them bound in numbers to suit. What a pity the provisions of this law are not extended to Greasers, Kanaks, and Asiatics. It would be so convenient, you know, to carry on a farm or mine when all the hard and dirty work is performed by apprentices.

While heated debates over slavery were dividing the East Coast socially and geographically, in California the citizens were sanctimoniously passing a law that abrogated the morality of civilized people. For the next fourteen years, Indian slaves were bought and sold, as men on the East Coast fought and died for the ideals of freedom that were the inalienable rights of all. Not only does society as a whole bear the burden of this ruthless denial of basic constitutional rights and humanity expressed in the Declaration of Independence, but it must also recognize and make amends for the physical and psychological genocide upon a whole race of people.

In 1971, Robert F. Heizer and Alan F. Almquist published three pages of slave records from the Eureka courthouse, revealing for the first time the names of slave owners in Humboldt County from 1860 to 1863. They wrote, "we summarize the data available to us from seventy of the one hundred fourteen Humboldt County indentures and add the possible sentimental observation that the listing here of the names of these unfortunates is their only opportunity to voice, however belatedly and from the cold legal records, their protest against their inhuman treatment by some of California's pioneers."

In the remaining paragraphs, they graphically describe the brutal aspect of the California Slave Act, although they seem to be unduly wary of the charge of sentimentality. However, in the last section they clearly and accurately determine the consequences of these records:

Ages of 110 persons ranged from two to fifty, with a concentration of 49 persons between the ages of seven and twelve. Seven are listed as "taken in war" or "prisoners of war"—this notation refers to children of ages eight, nine, ten, and eleven years of age. Four children of ages of eight, nine, ten, eleven are listed as "brought" or "given." Ten married couples were indentured, some of them with children. Three individuals seem almost too young to have been so treated—Perry, indentured in September 1860 at the age of three; George, indentured in January 1861 at the age of four; and Kitty (November 1861), also four years of age.

These individuals who were committed to a period of involuntary servitude which can only be termed slavery are, like their masters, long since dead. But that they may not have died anonymously we record here their names and ages and duration of service as ordered by either the justice of the peace or the judge. One hopes that these persons were released with the repeal of section 3 of the 1850 act, though this cannot be taken for granted in view of the fact that in November 1863, one Carrie, age seven, was indentured to Sara H. Bowles some five months after the repeal in April 1863 of the indenture law contained in section 3. Whether the little girl Sara Bowles indentured at age seven lived to gain her freedom in 1877 we will probably never know. And we will not be engaging in undue sentimentalism if we think of the problem faced by Charley and his wife Rose, indentured at ages fourteen and fifteen to Peter Hauck, when Charley was released at age twenty-five and his wife Rose at age twenty-one. We will hope that Mr. Hauck allowed the couple to leave together.

(Note: This information appears in Norton's book, *Genocide in Northwestern California*.)

And what of Peter, son of Little John and Blanch, all three of whom were indentured to Rufus F. Herrick in March 1861? Did Peter stay on as "apprentice" to Mr. Herrick for thirteen years after his father and mother had served their period of indenture? We will never know, and perhaps it is best that we do not.

We can conclude only one thing from this survey of the indenture act of 1850 and its subsequent alterations until its repeal in 1863; namely, that this was a legalized form of slavery of California Indians. No other possible construction can be made of the facts.¹³

A Functional Economy

But the records themselves are silent as to the means of appropriating Indian slaves, nor can they even begin to approximate the

horrible human suffering that occurred.

The Indians of Northern California had worked out a functional system of protecting themselves from external and internal forces which they viewed as capable of threatening them. As they lived in their abundant world, perhaps a considerable threat to social reality was the ease of life. The salmon were beyond number. Elk, deer, acorns, eels and berries were there just at the "right time" both spiritually and seasonally. No authority existed to enforce rules. No head chief decreed rules beyond the experiences of the tribe and no one really had to do anything unless it became a point of personal honor. Thus it was honor and duty that ensured calm social conditions.

Young women were honored for their beauty, but more importantly, for their decorum. Proper manners, social graces and purity were highly esteemed attributes sought in the daughters of respected families. The manner and amount of a payment of proper respect, in the form of a dowry to his mother's family, was a point of dignity and pride for a young man.

Illegitimate children were rare, yet they were born even before savage whitemen arrived. Mother and child were ostracized by the tribe and the woman brought dishonor upon her house and relatives. But the child was still able to rise to dignity and respect within the community. The traditional Yurok story of the "Inland Whale" relates this sequence as Toan, an illegitimate child, becomes the leader of his village. (Theodora Kroeber, *The Inland Whale*.)

A Society Disrupted

This enlightened social structure based on justice was disrupted by the hordes of miners and soldiers who invaded Northern California. These whites brutally raped Indian women, producing hundreds of illegitimate "half-breeds" who were rejected by both societies. Often desperate and in real human need, these people became the dupes and agents of whomever would take the time to befriend them or manipulate them.

These consequences assaulted the very fabric of Indian society. Not only were the people murdered outright, but with the disruption of social mores, tribal continuity was destroyed. To traditional Indian families, love and respect for their children had al-

ways been a part of their society. As early as 1673 the Reverend Increase Mather of Massachusetts said of the defeated King Phillip, "It must be bitter as death for him to lose his wife and only son, for the Indians are marvellously fond and affectionate toward their children."¹⁴ The natives of Northern California were not less "fond and affectionate" toward their young.

The people of the Northcoast traditionally did not physically threaten or spank their children. "They are not ours to beat," they believed, for the Creator gave life to be taken care of and in the first ten days, the baby is still a creative spirit and does not "belong" to the parents. Only afterwards is he given a name, placing him within the social structure. Later he is taught the ways of his culture. The legend of the *Inland Whale*, as told among our people explains these traditions.

Children were deeply loved and few descriptions can adequately reveal the tragic suffering brought on by the whites' abuse of Indian children. Let the whiteman speak through his newspapers, his letters, and from his official records. Let his own words tell of his crimes:

From the Humboldt Times, May 5, 1855:

Colonel Henley has been endeavoring to discover persons engaged in the nefarious trade of stealing Indians. A large number of children have been brought down and sold in the agricultural counties. They bring from \$50 to \$200 each. Such conduct has the effect of making Indians very shy of coming in the Reservations, as they think that it is a trick to deprive them of their children.

From Lt. Edward Dillon, Fort Bragg, 1861:

I have the honor to report that there are several parties of citizens now engaged in stealing or taking by force Indian children from the district in which I have been ordered to operate against the Indians. I am reliably informed that as many as forty or fifty Indian children have been taken through Long Valley within the last few months and sold both in and out of the country. The parties, I am told, at least some of them, make no secret of it, but boldly assert that they will continue to do so and that the law cannot reach them. It is pretended, I believe, that the children are purchased from their parents, but all who know the Indians can fully appreciate the value of their assertion. It is needless to say this brutal trade is calculated to

produce retaliatory depredations on the part of the Indians and exasperate them to a high degree.¹⁵

It is estimated that about ten thousand Indians may have been indentured (i.e., made slaves) or sold, between 1850 and 1863. Heizer and Almquist probably shocked their conservative academic colleagues when they boldly wrote in *The Other Californians*, that "California newspaper officials in the office of Indian Affairs and other observers cited the organized bands of Indian kidnapers who operated independently, or followed troops on Indian campaigns and collected women and children after an attack on a village, as one of the main causes of the 'Indian Wars' which were common in the late 1850s and early 1860s."¹⁶

American Genocide Follows the Franciscans

If the miners had only infected themselves, killed themselves and enslaved themselves, then perhaps, there could be some broader purpose for their being in Northern California. However, they did not remain unto themselves. They raped, they infected, they brutalized physically and psychologically and they murdered a peaceful people who had lived upon this earth for thousands of years; a people who prayed to God that the good things of life would come to all mankind. It is in this sense that the canonization of Fr. Junipero Serra can be viewed. That is, if the Franciscan padres had stayed unto themselves and perhaps, whipped the theological lags of their own order, or had starved themselves into "superior civilized" hierarchies, then the Indians of California could remain silent and aloof of the canonical process, but this is not the case. Like the later arrogant Americans, the present day Catholic Church raises its own members upon the subjection and dehumanization of others. This can not be allowed and it must be rebuked by people of conscience everywhere.

It is obvious that a people can not be consistently attacked, their history distorted, their sufferings ignored and the fact of their slavery denied recognition, unless it is the result of a deliberate and purposeful policy. The genocide that was missionization by the Spanish and the terror of manifest destiny of the Americans flows from the assumed superiority of the white race over all others.

There has been over two hundred years of war against Native people of North America, a perfect training ground for creating attitudes of aggressiveness and supposed invincibility. Predictably, it erupted against people outside the Western world. By 1900, American's inherited and formalized violence had subjected the Filipino, Puerto Rican and Cuban peoples and reduced many Latin-American countries to political and economic vassalage. The San Francisco newspaper, *Argonaut*, cried:

We do not want the Filipinos. We want the Philippines. The Islands are enormously rich, but unfortunately they are infested by Filipinos. There are many millions there and it is to be feared their extinction will be slow.

This contempt for others was not merely a characteristic of special economic interests or arrogant chauvinism. Governors, Senators and military commanders had for decades called for the removal or extermination of people who were considered to be "impediments to progress and civilization." Particularly in California, policies were officially effectuated leading to public incitement to murder and terror. The massacres, the enslavements and the forced removals were overtly sanctioned from the highest officials to the general citizenry. These crimes were often directly incited by people who held political as well as economic power within the community. For example: Governor John Bigler in April, 1852, corresponding with General Ethan A. Hitchcock, Commander of the Pacific Division, wrote that Federal Troops were obligated by the U.S. Constitution to protect its citizenry from "merciless savages." These "savages" the Governor wrote, possess the "ferocity worthy of cannibals of the South Sea and they cherish an instinctive hatred toward the white race . . ." and if governmental aid was not forthcoming, then, "the people of California would use their State Militia."¹⁷

In addition, the public was continually urged to commit genocide by the local newspaper. The *Humboldt Times*, Eureka, California, for example, ran these comments:

April 9, 1862:

let the Indians understand that they as tribes will be held respon-

sible for crimes and no special pain will be taken to find the individual perpetrators. Any ten will be taken and hung if the guilty are not brought forward.

January 17, 1863:

Headline: "Good Haul of Diggers—Band Exterminated"

April 11, 1863:

Headline: "Good Haul of Diggers—One White Man Killed—Thirty-eight Bucks Killed, Forty Squaws and Children Taken"

The May 23rd, 1863 Issue of the *Humboldt Times* editorialized, "the Indian must be exterminated or removed . . . this may not be the most christianlike attitude but it is the most practical."

The genocide practiced by the United States destroyed many Indian lives throughout this country. Its purpose, as manifested through conspiracy, direct public incitement and complicity to commit the crime, was to terrorize the native communities. But it was particularly severe in California.

Indian rights were openly denied as California courts, statutes and legislature disallowed guarantees under the constitution. Its goal was to appropriate the lands and resources of the original owners. It was assumed that if the native had no legal rights, and no guarantees of human dignity, then clearly he had no claim to hold the land.

The government of the United States, as well as the various state, country and municipal governments, have consciously developed and implemented policies resulting in genocide being consistently practiced against the native people. Genocidal manifestations were so numerous and so rationalized by institutionalized opinion and academic equivocation that any implication of conspiracy or complicity in the crime is vehemently denied or rejected out of hand. But any attempt to deny genocide merely emphasizes its historical precedents and highlights the contempt for the human spirit and life that the inheritors of Western Europe and Anglo-America have held. These values are rooted in the perverted view concerning reality. For example, it is carefully taught

that rational, mechanistic scientific methodology holds the key to human purpose and felicity; political, economic and social patterns have defined the *Good* in those terms. Thus, seldom has the intuitive and the immediate apprehensible been allowed to soften the opposing theme of man's domination and superiority.

In human relations and policies, people have been reduced to data or theoretical postulations that have little to do with morality and the dignity of life. Even those institutions that claim to foster the spirituality of the Western world, have proselytized a dogma that is intolerant of differing beliefs that posit a polytheist and phenomenological world view. Theology and theoretical speculation can intellectually please itself with monotheism but the experiencing of reality is at least polyvalent if not ambivalent.

Therefore, in this final analysis, the American people today have a clear choice. On the one hand they can support the canonization of Fr. Junipero Serra because of dogmatic and historical intransigence. While on the other hand, they can become responsible for historical injustices and begin to question those who continue to perpetuate their own values and purpose which lessen the dignity of the human condition within the continuum of time, past and present.

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The Crime of Genocide

a United Nations Convention aimed at preventing destruction of groups and at punishing those responsible.

Genocide is a modern word for an old crime. It means the deliberate destruction of national, racial, religious or ethnic groups.

History had long been a grim witness to such acts, but it remained for the twentieth century to see those acts carried out on the largest and most inhuman scale known when the Nazi Government of Germany systematically annihilated millions of people because of their religion or ethnic origin. A shocked world then rejected any contention that such crimes were the exclusive concern of the State perpetrating them, and punishment of the guilty became one of the principal war aims of the Allied nations. The charter of the International Military Tribunal at Nuremberg, approved by the Allies in 1945, recognized that war criminals were not only those who had committed crimes against peace, and violations of the laws or customs of war, but those who had carried out "crimes against humanity;" whether or not such crimes violated the domestic law of the country in which they took place.

During its first session in 1946, the United Nations General Assembly approved two resolutions. In the first, the Assembly affirmed the principles of the charter of the Nuremberg Tribunal. In the second—the basic resolution on genocide—the Assembly affirmed that genocide was a crime under international law and that those guilty of it, whoever they were and for whatever reason they committed it, were punishable. It asked for international cooperation in preventing and punishing genocide and it invited Member States to enact the necessary national legislation. In a final provision, the Assembly called for studies aimed at creating an international legal instrument to deal with the crime. That was the origin of the Convention on the Prevention and Punishment of the Crime of Genocide unanimously adopted by the Assembly on 9 December 1948.

The term "convention" in international law means an agree-

ment among sovereign nations. It is a legal compact which pledges every Contracting Party to accept certain obligations.

How the Convention Was Prepared

In 1946 the General Assembly requested the Economic and Social Council to undertake the necessary studies for drawing up a draft Convention on the crime of genocide. In 1947 the Secretary-General, at the request of the Economic and Social Council, prepared a first draft of the Convention and circulated it to Member States for comments. At that stage, the Secretary-General was assisted by a group of international law experts, among them the late Dr. Raphael Lemkin, who in 1944 had coined the term "genocide." In 1948 the Economic and Social Council appointed an ad hoc Committee of seven members to submit to it a revised draft. That the Committee did, and after a general debate, the Council decided on 26 August to transmit the draft to the General Assembly. At the Paris session of the General Assembly the draft was debated by the legal Committee and adopted by the Assembly on 9 December 1948.

The Definition of Genocide in the Convention

Genocide, the Convention declares, is the committing of certain acts with intent to destroy—wholly or in part—a national, ethnic, racial or religious group as such.

What are the acts? First, actual killing. But it is possible to destroy a group of human beings without direct physical extermination. So the Convention includes in the definition of genocide the acts of causing serious bodily or mental harm; deliberate infliction of conditions of life "calculated to bring about" physical destruction; imposing measures to prevent birth and, finally, forcibly transferring children of one group to another group. Those acts, the Convention states, constitute "genocide." In accordance with the Convention, related acts are also punishable: conspiracy to commit genocide, direct and public incitement to commit genocide, an attempt to commit the crime and complicity in its commission.

To Prevent and to Punish

The Convention first declares that genocide "whether committed in time of peace or in time of war" is a crime under international law which the contracting States "undertake to prevent and to punish."

Main principles established by the Convention are:

(1) Contracting States are bound to enact the laws needed to give effect to the provisions of the Convention, in particular to provide effective penalties.

(2) States undertake to try persons charged with those offenses in their competent national courts.

(3) Parties to the Convention agree that the acts listed shall not be considered as political crimes. Therefore, they pledge to grant extradition in accordance with their laws and treaties.

All those pledges are for national action. The Convention also envisages trial by an international penal tribunal should one be set up and should the Contracting Parties accept its jurisdiction. Furthermore, it provides that any of the contracting States may bring a charge of genocide, or of any of the related acts, before the competent organs of the United Nations and ask for appropriate action under the Charter.

If there is any dispute between one country and another on the interpretation, application or fulfillment of the Convention, the dispute must be submitted to the International Court of Justice at the request of any of the Parties.

Genocide in California

The patterns of genocide in southern California differed from that of the American Gold Rush, and the modern Holocaust of Nazis in Germany.

In southern California the genocide was practiced against the entire race—the Native people of the land. It is not possible to condone the near extinction of this people through the notion that the missionaries believed the Indians were "uncivilized," or that they were children who must be brought to the true religion of Roman Catholicism in the garb of the Spanish monarchy.

The truth is that the evidence of native culture and lifeways, of

land use and natural development of a peoples' economy were all about the Franciscans. The land itself, by all appearances, was one in which people, human beings, had cared for, nurtured, and protected its beauty for all to enjoy.

They must have known they were exterminating a race. They did know it. And it was done with utter heartlessness, with utter disregard for the human individual. It was done by trickery, by cajolery, by enticement.

It must not be repeated. Together with the victims of the Nazi genocide, we must say "Never again! Never again!"



Part Five



The Indian Testimony

In more than two hundred years of contact with an alien civilization, first the Spanish, then the Mexican, and finally the American, the true story of the Indians under Franciscan missionization has not been told. Whenever studies have been done, generally by anthropologists or historians, seldom if ever, have the Indian people themselves been consulted as to their experiences, their perceptions of mission life, or their view of what impact the mission system had and still has upon them.

In this chapter we bring the reader only a small fraction of the Indian Testimony, as they themselves experienced the impact of the mission system, what they know of the abuses, the atrocities, and the genocide that was practiced in those years, and then continued, following American invasion.

Besides the direct statements of individual Indian people, the formal resolutions of various tribes follow, the resolution of the Southern California Tribal Chairmen's Council is made available, and the rare supportive action of a nonIndian group, the Tekakwitha Conference, a group formed by clergy of the Roman Catholic Church, whose supporters are largely Indian.

In more than sixty years of research, the authors/editors have maintained close contact with Indian tribes, and inspected documents relating to the missions, including registers. Interviews have been held through the years, with many Indian people, as well as with clergy and others researching the activities of the Roman Catholic Church.

It cannot be said that those whose testimony is given in the following pages are "anti-Catholic," or filled with unreasoning hatred of Catholicism. That's long gone, and all the Native people are



trying to do is make a living, get an education, and find a way to live in both worlds. But the truth must be told. Sooner or later it will be told.

There are literally hundreds if not thousands of Indian people who would testify about the conditions in the missions, the forced labor and involuntary servitude, the captivity, the atrocities committed by the padres and the soldiers, and the horrifying destruction of a remarkable civilization, a remarkable people. Such a civilization as existed in the region now known as California could have been a beacon of light in a world nurtured by the Spanish Inquisition, by the wars between nations, the poverty of millions throughout the world, and the holocaust wrought upon indigenous peoples through history.

The type of democracy, government, use of the land, was not to be found in the European countries. The Indian world enjoyed those freedoms.

The information given in the Indian Testimony can be and has been verified many times over.

As to the destruction of racial and family identity through the forced substitution of foreign Spanish names for the native Indian names, evidence of this is to be found in the mission registers. (See Baptismal Registers, Mission San Diego de Alcalá, entry #32, 1771 as only one example.) Records of San Fernando, La Purísima, Santa Barbara, and San Gabriel have been examined. The same brutal suppression of identity is shown.

As to the abuses and atrocities practiced against Indian people, only one statement among dozens will suffice to prove this point:

"The unhappy treatment which the Franciscans give the Indians renders the Indian condition worse than slaves. The fathers aim to be independent and sovereign over the Indians and their wealth." (Governor Felipe de Neve, July 4, 1780, during the tenure of Fr. Serra.)*

As to the racial genocide practiced against the Indian people, through destruction of tribal entities, tribal ties, and tribal government and the Native traditions and religion, the Indians themselves are the best testimony. Such testimony is easily verified by an examination of the history of each mission, which contained persons from a number of tribal groups, crowded together in a mission with the sole purpose of destroying Indian identity and acquiring slave labor.

As to the loss of land, the literature is filled with such evidence, as shown in the articles preceding this chapter.

"How can you remember such things?" is usually asked of the people as they relate experiences such as follow.

Ours was an oral history, an oral literature, a poetry that was spoken, remembered, a true "Remembrance of Things Past." It has been proven by scholars who investigate such things as human memory and human oral traditions and history, that oral history is just as accurate as written history. Perhaps more so, since it is more difficult to tamper with the information passed on from generation to generation by religious persons sworn to tell the truth, and with complete accuracy to reveal the history of the people.

With one voice, *The Indian Testimony* has condemned the mission system, opposed the sanctification of its founder and architect, Fr. Junipero Serra, and denounced those, clergy and certain scholars together, who have sought to honor Serra by degrading and libelling the native Indians of California.

(*) See Edwin A. Bellhartz, *Felipe de Neve, First Governor of California*, p. 52; Frederick William Beechey, *An Account of a Visit to California*, p. 10; George Peard, *To the Pacific and Arctic with Beechey, 1925 to 1928*, p. 175; George Heinrich Langsdorff, *Narrative of the Rezanov Voyage to Nueva California in 1806*, p. 63; and Otto von Kotzebue, *A New Voyage Around the World*, p. 325.)

Torture and Punishment

Maurice Magante

I've been thinking again how our people were treated by the Catholic padres while they were building the missions. Mainly about Junipero Serra, the founder of the Catholic missions.

The subject of how the Indians were used as slaves or as a labor force to build California missions is a horror story. These historical events were told to me by my elders and my mother and my great grandmother, Conception Pachito. My mother was Bessie Valenzuela (her maiden name) and daughter of Santos Valenzuela, and my grandmother Anito (Pachito) Valenzuela.

They told me how the Indians were tortured and punished, while building these missions. Huge timber logs were cut and carried from Mt. Palomar to San Diego area, now the San Diego Mission, San Juan Capistrano Mission and San Luis Rey Mission, all within fifty to seventy miles, "as the crow flies" . . . carried on their shoulders and they couldn't sit or drop the timbers on the ground until they reached the mission grounds. If they did, they were severely whipped and punished. Many of our people died because of punishment, disease and starvation.

The Pala Mission still has the "prison cell," with iron flat bars, where our people were punished if they did something considered to be wrong or didn't do what they were told to do. Our people were taken from their villages to the mission compound as slaves. Many of our young were taken from their families and put into slavery.

Our people lost their identity and were given Spanish surnames "for the church records," they were told. That is why today many of our people have Mexican surnames and registered with the Bureau of Indian Affairs as such to identify them. So our original, beautiful names in our own language, that distinguished our family, our band, our tribe, and linked us for generations and generations through a common blood line, were taken away. We knew who we were, and we had laws that told us how to live, how to marry, treat our children, continue our culture, care for our land, and respect the rights and property of others. The Spaniards, through

the priests, destroyed all that in a flash, under the name of the Catholic Cross.

The San Gabriel Mission, which had people of many tribes dumped into it, still had the underground dungeon where the Catholic priests punished our people. We were peaceful people until they forced us into Catholicism . . . we had our own religious beliefs and doing well with our own interpretation of the "Great White Father" so called.

As a youngster and altar boy for our local Catholic church I can remember one priest who became an alcoholic. He never wanted water mixed with his "wine," as it was poured into the chalice. He ended up somewhere back east where priests are sent when they become alcoholics. I can remember when my mother would humbly put a few coins into the basket at church when it was passed around. And after church we went home and barely had enough to eat, and yet one time I had to go to the Pala rectory to see Father, but was made to wait in the foyer until he had finished his supper . . . steak, mashed potatoes, vegetables, bread and wine, all served by a white lady as his servant. I could see all this from the foyer. We had barely enough for our family to eat for our own supper.

I think, from what my elders have passed on to me about how our people were treated, and used as slaves and punished in many ways, it was a great, great injustice, and a terrible part of our history, complete genocide for our people, racial genocide, human genocide, physical genocide.

The more I think about the research you are doing on this part of our history, the more I want you to hurry up and get it done, Rupert. It has never, never been told properly. I can hardly wait to read what really happened to our people. and only you can do it without fear and with reality.

All these years it has been covered up, not talked about too much, and I bet they hope nothing would be written on how a great injustice was done for so many years, to so many thousands of people.

We look back on history and it has been a mere sixty-two years ago that Indians became citizens of this country. Indians in the military during World War II and the Korean War could not drink alcohol legally, because they were of Indian descent. When I was in the Navy and in San Francisco on liberty from my ship, I went to a bar and they told me to leave, because they didn't serve Indians

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alcohol . . . I was in my Navy uniform at the time and just got back from Korea, but that didn't make a difference.

*Maurice Magante,
Pauma Reservation, California
January 28, 1987*

Forced Labor

Catherine Mojado

My great-grandmother and my grandmother, they heard about the missions. They used to say that the Indians . . . they'd make them work so hard bringing those logs down to build all these missions, and they were really very unkind to them. They didn't treat them right like they should . . . just like slaves.

My great-grandmother had a brother that went with some of these people that were working in the missions, and he got killed, working for the missions.

We used to have a lot of adobe walls and those were built by the Indians.

My grandmother said that some Indians had to clean the beans for cooking. You know, take the little stones out and so on. Well, those people did clean the beans, and then somebody would come along and put the stones right back into the beans, so they would get punished for not doing a good job.

They did that to them for punishment for something they were supposed to have done, only the people didn't know what it was they did wrong.

"They even took our names away"

According to a Chumash man from Santa Inez reservation, who asked not to be identified, even the Indians' names were taken away from them. He said:

"How would you respond if somebody told you to change your name from what you were called to another name for no apparent reason except that probably if you were ordered to, you didn't have a choice?"

"Probably the Indians were told to pick a name for themselves. When you get baptized they give you a name, so, even if the Indians were old or young, they would baptize them and they were told they would have to have another name.

"So the Indians, who I don't believe they wanted any part of that name-giving, did it out of fear. Maybe they wanted a name that would still say they were part of Mother Earth, so they got together and they got names that had some connection with the sky or the earth.

"And so we have people by the name of *Robles*, which is the oak tree, which is strong and it has a very beautiful significance for the Indian people, so that they use the term, 'May you be as tall and strong as an oak tree.' So the oak tree was Mother Earth's child, and the Indians took that name because it was a strong name.

"Then there's the name '*Pina*.' *Pina* means pine nut. That was one of the staple foods of the Chumash. Certain seasons they'd go up in the mountains to a certain area where there were very choice pinas. And they'd go there, harvest the supply, and now the name was given to honor that pinas. He became *Pina*. He figured if he had to give up his ancestral name, his own name for centuries and centuries, why not take a name that might mean something to anyone who knows.

"And then there was the name *Romero*. There were some Spanish people who had the name *Romero*, but I doubt very much they took the name the way we had to do it. There was an herb that the Indians thought very highly of, that is the *romerio* plant. It was very good medicine. So you have the name *Romero*.

"And then you have the name *Miranda*. Mira means *look*, and anda means *walk*, and the Chumash people always told people going on long journeys in the old days, especially the children, 'Look before you walk,' in case there's danger ahead. You look first and then you take the step. So that name also has something to do with the culture of the Chumash."

This informant was an old Chumash man, interviewed on July 2nd, 1979 according to records. The interview is part of a documentary made by a group of church and professional people.



All of Us Know About Slavery at the Missions

Tony Pinto

I am now 73 years old. My grandfather and grandmother told me what happened at the missions.

All of our elders knew what happened to those who were forced to go to the missions. Everyone knew about it.

The Indians were slaves. They did all the work, and after a day's work, the priests locked them up. They were forced to cut timber for the mission. This timber came from Julian, a small town in the San Diego mountains. The timbers were carried to Mission Valley, just outside the city of San Diego.

They fed them actually as little as possible. They beat them and killed them if they were sick, or couldn't work, or didn't agree to do certain work.

They forced them to become Catholics, and there were many ways to do this. But we still practice our own religion, even though many of us are Catholic today.

They specially whipped and killed the older people. That way, they couldn't complain about the lack of food.

They talk about giving us a government, laws, civilization. We had our own government, our own territory, our own religion, and we lived well in those conditions. We had plenty of food, even in hard times when there was drought. We always put some food by in the storage bins. Those plants that gave us food we took care of, and they always were healthy and gave us good food. Anyone could harvest the food, and all of us took care of the land. We feel that the missions did not do us any good. They did a lot of harm instead.

As to making a saint of Father Junipero Serra, I am against it. Why should he be called a saint, so all Catholics would have to worship and respect him, when he was the one who founded the horrible mission system. He probably did not beat the Indians with his own hands. But he sure ordered such things, and he sure approved of it. Wasn't he a disciple of the Spanish Inquisition? And didn't those people believe in physical punishment, flogging, whipping? Didn't they say it was "good for the soul?" That's ridiculous. That such a man could be made a saint is ridiculous.

TONY PINTO is a Kumayaay Indian of San Diego area. He is tribal chairman of the Cuyapaie Reservation. This statement was made in an interview with Mr. Rupert Costo on May 11, 1987.