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LAND OF ABUNDANCE: A HISTORY OF SETTLER COLONIALISM IN SOUTHERN CALIFORNIA

Benjamin Shultz

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LAND OF ABUNDANCE: A HISTORY OF SETTLER
COLONIALISM IN SOUTHERN CALIFORNIA

A Thesis
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Social Sciences and Globalization

by
Benjamin O Shultz
June 2020

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ABSTRACT

The historical narrative produced by settler colonialism has significantly impacted relationships among individuals, groups, and institutions. This thesis focuses on the enduring narrative of settler colonialism and its connection to American Civilization. It is this process and system of American Civilization (established and reified through institutions and cultural norms) that perpetuates the oppressive impact of settler colonialism on various groups who have resided in Southern California for generations before the settlers arrived. This thesis will also demonstrate that the results of settler colonialism at the turn of the 20th century in Southern California had massive socioeconomic consequences in the region. This thesis analyzes the relationships among Native Americans, Mexicans, and poor European American settlers that were all affected by the processes of American Civilization established and reified through settler colonialism. Yet this thesis also addresses how the nature of American Civilization and the intersection between the roles of oppressed and oppressor adjusted and changed depending on the circumstances. Thus, this thesis will argue that settler colonialism under the guise of American Civilization perpetuated historical narratives that controlled and manipulated various groups throughout Southern California.

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If it were not for the help of the National Achieves at Riverside, this project would not have come to fruition. Their time and dedication in helping me search through the archives was what gave me the idea to focus on Southern California and identify the patterns of how local actions connect to the broader historical narratives. Thanks to Professor Thomas Long, who was willing to provide guidance and support as my advisor on this thesis. Thanks to Professor Teresa Velasquez and Professor Michal Kohout for serving on my committee and offering guidance, providing resources, and encouraging me to keep striving. Finally, thank you to researchers and writers such as Fredy Perlman and the New West Historians, for delving into topics that no one was writing about, and putting forward ideas that challenge the traditional narratives.

To my Mom, Dad, and Sister, for their love and dedication

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CHAPTER ONE

INTRODUCTION

By the end of the 19th century, the American westward expansion was virtually complete. The vast majority of the Western territory was occupied by those searching for the opportunities that had been promised to them based on the ideals of expansionism and exceptionalism. As settlers flooded the region, infrastructure emerged in manufacturing, transportation, and other businesses to support the success of the westward expansion. The West became a new symbol of American identity; rough and rugged individuals who were willing to take risks and make their way in uncharted territory to create a new future. The narrative of a territory untouched by humans and completely uncivilized began to emerge into the modern age was reinforced and repeated through stories and songs that captured the myths and legends. The truth to be uncovered was that this false narrative was designed to support the myths of Manifest Destiny and the Wild West and obscure and deny the reality of the native peoples who had been there for generations and their rich history in the Western Territory.

This section will focus on those narratives of control and how Native Americans were driven into social categories that fit under American Civilization. This includes the historical struggles of Native Americans under Spanish and Mexican colonization as well. From there the chapter delves into the specific groups that were affected in the region of Southern California and the

consequences they suffered. This includes individual cases as well to show how ideals of American Civilization were internalized by some. The struggle for socioeconomic survival for Native Americans under American Civilization is key.

The narratives of Indigenous peoples, Mexicans, along with poor European Americans were obscured or completely removed in favor of the romantic myth that captures and glorifies the march westward by explorers and settlers. The price of luxury and industry was the price of the livelihood of those who lived on the land for generations before the settlers arrived. It is the process of settler colonialism that drove these groups to the margins. Settler colonialism itself embodies the exploitative, racist, and sexist ambitions of the nation state under the auspices of “civilizing” the land. This was not a monolithic process; rather it was the intersectionality of many forces that exerted constant changes on the land and peoples in the West. As one example, the status of Mexicans in the U.S. which was in constant flux depending on where the borders were drawn based on treaties and negotiations among leaders who sought more land and power.

Settler colonialism was a process by which individuals took control over land that did not belong to their nation-state of origin. Over time, the settlers began to enforce their preferred way of life in this new land which causes more settlers to arrive in the area because of their shared cultures, beliefs, etc. Eventually the population of settlers grows until their settlements either dwarf the original population in terms of size or simply outnumber them. When the balance

shifts, the colonizing nation-state steps in to intervene in the name of protecting their citizens and as a result, conflicts and disputes arise with the colonizing nation most often being the ones to remain in power over the land. An example of settler colonialism in U.S. was characterized by the action taken regarding Texas before 1835. Anglos from the U.S. moved into the sparsely populated region until they outnumbered the Mexicans and Tejanos in the region. Then, with backing from the United States, the new Texas “revolted” against their oppressive Mexican rulers to form their own government which created the opportunity for Texas to be annexed by the U.S. in 1845. Thus, settler colonialism became the primary means by which the United States justified its right to exert power over the western half of North America.

With the development of settler colonialism came the spread of modernization. In the latter half of the 19th century, industrial development changed the landscape of the country in ways that allowed the United States ultimately became a world power. Through systematic investments in transportation transcended the power of the Mississippi River and accelerated the means by which colonialization occurred. The development of railroads that connected the east and west coasts, and the rapid urbanization of cities like Los Angeles and San Francisco meant the process of colonization could occur rapidly. But the most significant effect that modernization had on the west was not the infrastructure and economic growth, but the ideological conditioning it had on culture and power in the United States. If colonization was occurring, that

meant that the region had been modernized, civilized, and was progressing rapidly forward. Anything that lay outside of that belief was considered uncivilized, underdeveloped, and expendable, easily put aside in the annals of history. These factors of settler colonialism established the infrastructure that the United States had the power to dominate and control the land that ultimately became the U.S. West.

Given the tremendous size of the U.S. West, it would be too complex to cover that in its entirety in this research thesis. Therefore, the focus of this thesis will be on the region Southern California during the turn of the 20th century. In general, modernization of infrastructure was much slower in Southern California when compared to the rest of the west. Even though the entire state of California was entered into the union before the rest of the Southwest (1850), the Southern half of California took much longer to become colonized and industrialized under American Civilization. This was primarily driven by the barren landscape of the region, with vast deserts and cities that were still in the process of developing. This changed dramatically with the urbanization of Los Angeles as a city and the resources that it would extract from the San Bernardino Meridian (the region that is now present-day Southern California and a few homesteads in Arizona).

The time period of the turn of the 20th century was selected as the focus for this thesis because it was in this timeframe that the reification of the narratives of Manifest Destiny and the Wild West were complete. These two dominating narratives supported the process of westward expansion which

required the domestication and subjugation of all peoples that inhabited the region. It also changed power dynamics within the region, where Mexicans lost their status as a dominating power over Native Americans and in some cases were seen as Native Americans by their colonial conquerors. To the colonial power that is the United States, the region had been tamed through the power of the individual (embodied by the Wild West narrative) to bring to fruition the ever-growing desires of American Civilization (Manifest Destiny). Even the poor settler farmers and homesteaders within the Owen's Valley region, who had been the first representatives of the American Civilization, were discarded in favor of the new urbanites who were living manifestations of the myths and narratives that supported their conquest. That is why when stories are told of westward expansion, they are embellished and idealized through the writings of Fredrick Jackson Turner, as part of American Civilization's destiny.

Fredrick Jackson Turner was a historian who saw westward expansion and manifest destiny as a major turning point in history. With the closing of the frontier in 1890, on average every square mile of land west of the Mississippi, only contained 2 people.¹ But to Turner, this settlement represented a fundamental change in American belief and culture. No longer was the United States a clone of former European states or empires, but it was now its own unique and distinct entity. Through the divinity of Manifest Destiny, the United

¹ "1890 Census," Research our Records, National Archives, last modified February 7th, 2005, <https://www.archives.gov/research/census/1890/1890.html#statistics>.

States had broken from the old ways of European powers to become its own republic, separate and distinct. The United States had done the impossible by taming the wild landscapes of western North America and had taken the risks to prove the exceptionality of America.² It is no wonder that Turner's narrative of history was most popular at the time, and even in some places this interpretation of American exceptionalism continues to be the dominant narrative. Turner was able to take the narratives of Manifest Destiny and the Wild West and solidify them in not only the academic spheres of the times, but later in pop culture and cultural narratives. These stories and myths allow us to clearly picture the "wild west" being tamed by rugged cowboys who were pitied against the lawlessness of the open plains.

Over time, and particularly in the 1960s, there has been significant rebellion and challenges against these dominant narratives. Chicana scholars have challenged the very identity of the Southwest by demonstrating that the lands of the Southwest were not empty and wild, but held the homes, ranches, and territories of numerous Mexican farmers and explorers. Native American scholars described clearly how even before the first Spaniards arrived in so called *North America*, that there were vibrant and diverse communities of Native Americans across the continent and in the South West in particular (the Tohono O'odham, Yaqui, Hopi, and Paiute to name a few). More recently, environmental

² Frederick Jackson Turner, *The Frontier in American History*, (New York: Open Road Integrated Media, 2015).

historians reframed the perspective on the accuracy of the dominance of humans over their environments and the other animals that inhabit the region as a presumed *natural order*. The major field of study that has represented this counter narrative has been the rising New Western History. New West Historians reject the presupposed narratives of Manifest Destiny, such as the notion of virgin land being given to the American settlers through some divine promise.³ It also rejects the notion that the land was devoid of history before American settlement. New West Historians seek to reveal the history of the region through its indigenous history. This includes the narratives of Native Americans, the Spanish settlers, and the Mexican rulers and people. It seeks to unearth narratives that existed outside the scope of Turners Thesis. The thesis itself places Americans, incorrectly, at the center of the history of the west. Even when others peoples are mentioned, they are placed in a light of being savages or simply uneducated simpletons in need of the guidance of the clearly superior American Colonial Settlers. New Western Historians such as Richard White and Donald Worster have challenged the dominating narratives, by shedding light on the complex histories of the peoples that existed and continue to exist in the West.

It is from this New Western History that I wish to understand how settler colonialism led to the disenfranchisement of Native Americans, Mexicans, and

³ Thomas G. Alexander, and Clyde A. Milner, "Review of Books: *Trails: Toward a New Western History*," *Pacific Historical Review* 62, no. 2 (1993): 234.

poor settler farmers in Southern California. However, I wish to go one step further and incorporate a new dimension to this analysis. In this thesis I will also incorporate the framework of “civilization” and more specifically “American Civilization.” The construct of civilization asserts that the nation-state and its institutions, intersect with that of socioeconomic, cultural, and industrialization/modernization to dominate and control people by depriving them of their freedom. Thus, in turn creates hierarchies within society that marginalize and attacks groups that do not adhere to civilization’s goal of progress, modernization, and domination. This analysis of civilization as a dominating force was coined by Fredy Perlman who utilized Thomas Hobbes’s theory of “Leviathan” to clarify the interconnection among the power of the nation-state, modernization, cultural hegemonies, and colonial expansion.⁴

Unlike New West Historians who focus the history of the region in terms of totality (Mexican History, Native American History, etc.), this interpretation will clarify the intersectionality and flexibility among: 1) The political and military institutions of the nation-state to achieve its own goals of modernization and development; 2) How Mexicans can be considered “civilized” in some legal respects, but not in others; 3) How the desire to turn Los Angeles into a thriving city, burdened the San Bernardino region with mining and manufacturing industries; and 4) How the poor settler farmers of Owens Valley went from being beneficiaries of colonization, to becoming exploitable for the expansion of Los

⁴ Fredy Perlman, *Against His-Story, Against Leviathan*, 15.

Angeles. It is this flexibility and intersectionality that exists in the dichotomy of the “civilized and savage” dominating narrative and perpetuated further exploitation under settler colonialism in favor of the “American Civilization.”

Many of the sources that will be used in this thesis will be drawn from laws and land allotments that show the means by which this process of exploitation was carried out. While many of the more notable means of exploitation were more violent in nature, such as the genocide carried out against California Indians and the Mexican American War which took the majority of the land that was to be exploited, there were also a number of legal acts that were instituted as a means to seize control of the land. This included the Bureau of Indian Affairs and the Bureau of Land Management allocating the land that was taken to settler homesteaders and development companies, as well as sectioning Native Americans and Mexicans to lands devoid of resources. There were a number of cases in which Native Americans and Mexicans were able to maintain ownership of the land, but they paled in comparison to the amount of land that was taken and redistributed among settlers.

Many of these reports and land allotments were handled by the federal government as opposed to the state government, given the amount of federally owned land that existed within the state. This included dividing up the land between the incoming settler settlers, the Mexicans who already held land deeds, and Native American lands that were still being allocated and moved about by the BIA. While settler homesteaders and the first settlers were given a

subsequent amount of land during the early days of settlement, they lost preferential treatment once the urban areas began to grow in size and the property was seized for the purposes of mining and extraction. Thus, I will focus on Native Americans, Mexicans, and poor European American settlers, and how they suffered at the hands of settler colonialism.

That being said, while these three groups all experienced displacement and suffering at the hands of “American Civilization” this does not mean that their suffering was equal. The poor settler farmers were the forerunners of settler colonialism and even actively participated in the subjugation and extermination of Native Americans and attacks on Mexican property. The final outcome was not in their favor since once settlement had been completed, they were forced into subordinate positions. They were to bear the legal and economic side of settler colonialism, and it was nowhere near the level of discrimination that the Native Americans and Mexicans had to bear. It was a basis of class discrimination rather than racial discrimination.

Even the Mexicans did not bear the same hardships as Native Americans. Many were able to retain their immense properties and estates, though many would lose these assets through legal discrimination in the transfer of power to the United States from Mexico. In addition to this, many Mexicans were able to avoid racial discrimination because of the complexity of Spanish racial categories. For example, those who were of more European descent were considered to be part of the “civilized” class and welcomed into the U.S. while

others were characterized as being “too Indian” and thus suffered more discrimination as a result. In fact, the U.S. came to adopt a number of Mexican and Spanish laws with regards to property and water rights that had very little impact on the elite lifestyles of the Californios class that controlled many of the ranches.

The U.S. would also adopt a number of Spanish laws that continued to discriminate against Native Americans within Southern California. While the genocide of California had mostly impacted Northern Californian tribes, many of the tribes such as the Paiute, and those tribes associated with the San Manuel Band of Mission Indians suffered physical and legal abuse. Many groups were confined to allocated land within the San Bernardino Meridian with almost no access to water or other necessary resources. Even if resources were discovered, the B.I.A. would allocate the land to mining and manufacturing companies and other mining businesses, thus pushing the Natives even further into inhospitable territories. All of this was justified under the belief of racial supremacy and the dominating narratives of “American Civilization” that pushed forward modernization at the cost the lives of human life and the sustainability of the environment.

Resources and Methodology

Many documents from the National Archives in Riverside demonstrate the amount of control exerted by forces within institutions in the B.I.A. and B.L.M. as

they supported expanded urbanization and modern infrastructure. Most of these changes were made in the form of documents regarding land allotment, reports of land fertility, and court cases over land dispute and the status of ownership. These documents show how bureaucratic institutions of Americana Civilization build off the physical work done by settlers, through homesteads and farming permits, by challenging the legality of Native American claims to land. Excuses were made, where some stated that this was for the greater good of the developing cities, while others argued that it would allow for further integration of Native Americans into the growing industrial landscapes, and still others perpetuated the narrative of Native ignorance and savagery questioning their right to hold onto that land at all. Whatever excuse was asserted, the Federal Government consistently won the legal battles over property. There were lines of decent, letters written that expressed concern for the lives of Natives, Mexicans, and poor settlers, but these were few and far between since the importance of “progress” and “American Civilization” were considered to be preeminent. Therefore, progress continued and settler colonialism led the way to modernization and urbanization.

In this thesis, I will also make use of a number of secondary sources which pertain to California History and the histories of Native Americans, Mexicans, and poor settler farmer within the region of Southern California. The majority of these secondary works draw from the writings of New West Historians such as Richard White and Patricia Limerick. These authors represent the

various historical interpretations of changes in Southern California that were the result of the development of the region. Secondary sources will also provide a broader understanding of the growth of Los Angeles, particularly in the beginning of the 20th century, and the expansion of resource extraction in San Bernardino Meriden. This will show the connection to the changes in land allocation that seriously affected the marginalized groups mentioned above. In addition, the interpretations of “American Civilization”, will contribute to the overall argument of the thesis that American Civilization perpetuated the exclusion and marginalization of various groups through colonization. This process will also reflect a partial historiography regarding the changes in interpretation of westward expansion and settler colonialism.

This thesis will be divided into three sections. The first section will cover the impacts of settler colonialism on Native Americans within the region of Southern California. Primary sources from the National Archives in Riverside will demonstrate how land allocation was used as a means of removing Native Americans from the land which they legally owned to become mining and extracting resources. This will include justifications such as racial superiority and “the progress of civilization” that were used as a basis for reallocating these sources for state and federal government to contribute to the development of Los Angeles. The second section will cover the treatments of Mexicans and how they were affected by allocation. This section will emphasize the difference between the treatment of Native Americans and Mexicans based on racial and class

status. Methods such as legal action and land allotment were common for poor Mexican ranchers, but not necessarily for the higher social-economic class level Californios. Thus, racial categories might not necessarily apply in the case for many Mexican farmers, but instead focuses on class and wealth. The third section of the thesis will focus on poor settler farmers and how water laws were used against them. Despite being American citizens, and also being the first to engage in settler colonialism, they too were pushed to the margins using processes similar to the treatment of Native Americans and Mexicans. This particular argument will focus on the example of the “California Water Wars” and how the Owen’s Valley River was drained for the purpose of fostering the growth of the city of Los Angeles and not the homesteaders and farmers of Owen’s Valley. The final section will focus on how all three groups came to face the lasting repercussions of settler colonialism in California and how all three groups were negatively affected by the colonial process of American Civilization.

Ultimately, the purpose of this thesis is to understand the intersectional totality of all of these forces that negatively impacted specific groups of peoples and the environment. Despite major differences between the three, and in some cases antagonism among groups, they all were directly impacted by the outcomes of westward expansion. The fact that the dominating narratives of Manifest Destiny and the Wild West have removed these groups from the historical narratives demonstrates the power of American Civilization. The intersection of institutional, cultural, industrial, and colonizing forces represents

the total connection and intersections of these created power structures and hierarchy that dominates the Western United States under American Civilization. The process of settler colonialism created the perfect conditions for narratives of progress and development that leave behind many in favor of those in positions of power. The rugged individualism myth of westward expansion was overshadowed by the actual monolithic force of the American Civilization. Thus, in this thesis I seek to demonstrate how settler colonialism, and all its consequences, perpetuated the disenfranchisement of Native Americans, Mexicans, and poor European American farmers to achieve economic growth and modernization. That it continues to maintain these social and institutional hierarchies through dominant historical narratives that colonized all three of these groups.

CHAPTER TWO

NATIVE AMERICANS

The process of Westward Expansion from the mid-19th to the 20th century, devastated the lives and cultures of Native Americans in the peoples and environment of the American West. Many Native American peoples were pushed out of their homelands onto reservations so that American Settlers could utilize the land for their own purposes. Those who resisted were either killed or imprisoned, while their families suffered at the hands of settlers and the U.S. Federal Army. It was through this process that individual tribes and groups were placed under the umbrella title of Native American, erasing all individual identity and cultural distinctions among Native groups. The most egregious of these offenses were the Indian boarding schools that were used to force the assimilation of children into the new culture, as well as the numerous genocides committed against Native American groups across the West.

In Southern California, much like the process of westward expansion, violence was enacted against Native Americans such as the Southern Paiute peoples, Serrano peoples, and Cahuilla peoples. While genocidal tactics were being utilized by settlers and the U.S. Army in Northern California in the early and mid-19th century, these Southern California groups had been routed onto reservations within the San Bernardino Meridian by the late 19th century. This was a negotiation with Native Americans who occupied this region to prevent

further bloodshed and to ensure the survival of their peoples. What was unique for the Native Peoples in Southern California, was the legal violence that they suffered at the hands of the states and federal government.⁵ In order to further develop the land in Southern California, the United States and the State of California needed to utilize the legal means of Settler Colonialism to deprive the native peoples of their already dwindling resources, such as fertile land and water rights.⁶

In 1871, the State of California and the Federal Government issued a decree that they would no longer recognize the individual claims to land of Native Americans within the State of California.⁷ This meant that if any Native American, whether they be Paiute, Serrano, or Mojave, made a claim to land, they would need to go through the Bureau of Indian Affairs (BIA) and be represented by their reservation (e.g., San Manuel Band of Mission Indians, the Agua Caliente Indian Reservation to name a few). Because of the limited land space in these reservations, this left much of the land open for claim to settlers and other businesses, which in turn accelerated westward expansion of the American Civilization.

In the early settlement of Southern California (1840s), settlers were mainly composed of soldiers from the Mexican-American war, as well as homesteaders

⁵ Florence Connolly Shipek, *Pushed into the Rocks: Southern California Indian Land Tenure, 1769-1986* (Lincoln: University of Nebraska Press, 1988), 64.

⁶ *Ibid.*, 66.

⁷ "BIA Records: California," Record Group 75, National Archives, last modified September 19, 2017, <https://www.archives.gov/research/native-americans/bia-guide/california.html>.

and farmers. With the growth of industry and the movement of more upper-class U.S. citizens (e.g., bankers, businessmen) into the region, the ideals of progress and modernization came to Southern California in the form of the railroad and the mining industries. Since most of the upper-class citizens had settled on the coastline, the railroads began to snake their way through the San Bernardino Meridian and as a result, impinged on Native American territory. Miners also sought access to rich natural resources such as copper and iron that lay beneath the surface of the Meridian and Native territory. There was resistance at first from peoples of the Serrano and Paiute, who had the backing of the BIA that wished to keep the promises set in the early treaties of the 1890s and early 1900s. However, as coastal cities such as Los Angeles and San Diego expanded, the Native Americans lost the support of the BIA and much of the land was laid with railroad tracks and dug up by eager miners in search of valuable natural resources. Some of the larger reservations, such as the San Manuel Band of Mission Indians, managed to maintain more important parts of their lands, but smaller reservations such as the Fort Mojave Indian Reservation would lose over half of their treaties land to miners and developers within the region.

This process of removal of Natives from their land for the purpose of extracting resources from the land would continue throughout the early 1900s to the 1920s with copper and other valuable ores being extracted from the region. However, the most significant of these resources that was extracted was that of

water.⁸ Given many of the newly founded reservations had been pushed into the Mojave and Sonoran deserts, water became key to survival in these reservations. The San Manuel Reservation and the Fort Mojave Indian Reservation in particular had to fight to maintain their rights to access the limited water ways in the region. Both would have to eventually use tactics of diverting water from bigger streams in order to survive, much like what the city of Los Angeles did in diverting water from the Owen's Valley in the Eastern Sierras and the Colorado River to support its ever-growing populations. Other groups such as the Southern Paiute in the Owen's Valley region would be stifled by these water wars and new laws that affected the farmers in the region.⁹ It would ultimately require more diversion from the Colorado River in order to support these new desert communities.

Through all of these measures, legal means we used to deprive Native American groups in the region from their rights to the land. Through State and Federal laws, land was allotted on a preferential basis, favoring the first settlers that would enter the region and later the urban settles that would grow places such as San Diego and Los Angeles. This would be made relatively easy given that many Native American Groups were not recognized as U.S. Citizens. Many of the laws that were used by the United States were adopted from Spanish and Mexican laws with regards to land and water usage. These older laws

⁸Daniel McCool, *Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water* (Berkeley: University of California Press, 1987), 52.

⁹ McCool, *Command of the Waters*, 63.

represented a hierarchical structure under which Native Americans were considered the lowest rank in the society.¹⁰ They were constantly mistreated legally and given little to no rights to land allotment and water rights unless they were operating under their own sovereignty. Though this sovereignty had to be attained through Spanish Colonial rule, Mexican Colonial rule, and finally American Colonial rule.

The status of land grants would change under the Dawes Act of 1887. The act imposed the conceptualization of private property onto Native American reservations forcing them to adopt statures of individual ownerships and land rights.¹¹ However, this concept of private property was much weaker than that of the settler's rights to property ownership and thus resulted in weakening the strength of land claims by the sovereign reservations. As a result, the miners and the railroads benefited heavily from this law as now land laws could be manipulated in order to serve the functions of their goals of expansion and American Civilization. The Dawes Act was a means of expanding American Civilization's ideas of private property that could allow for exploitation and consumption of the resources and materials needed to further develop the goals of expansion. This was not an entirely one-sided source of exploitation, as some Native Americans were able to utilize laws to benefit their own needs and

¹⁰ Lisbeth Haas, *Conquests and Historical Identities in California, 1769-1936* (Berkeley: University of California Press, 1995), 115.

¹¹ "Dawes Act (1887)," Our Documents, <https://www.ourdocuments.gov/doc.php?flash=false&doc=50>.

desires.¹² However, these victories for Native land rights were few and far between, and even the victors would be lost within a generation of Native lives.

The California Alien Land Law of 1913 was another major law that affected the rights of land ownership for Native Americans in Southern California.¹³ This law states that “aliens ineligible for citizenship” would be barred from owning or leasing agricultural land. While it was primarily targeting Japanese, Chinese, and Indian immigrants, the law also affected Native Americans given the ambiguous status of Native American citizenship at the time. This, in tandem with the Dawes Act, would particularly affect the access Native Americans had to fertile land within their arid reservations. This in turn continued to prompt the influx of miners and farmers as they attempted to take over, both legally and violently, the lands that belonged to Native Americans through the establishment of the reservations. Even in the famous case for the California Alien Land Law of 1913, *California v Harada*, Native Americans were involved in the proceedings as the Harada’s had housed runaways from the Indian Boarding School in the Riverside area. Thus, the eligibility of Native Americans to own land as legal citizens was put into question and tried a number of times by the California State Government and the Federal Government.¹⁴ All of

¹² Ward Churchill, *Struggle for the Land: Native North American Resistance to Genocide, Ecocide, and Colonization*. (San Francisco: City Lights, 2002) 26.

¹³ “California Alien Land Law 1913,” <https://immigrationhistory.org/item/alien-land-laws-in-california-1913-1920/>.

¹⁴ George Harwood Phillips, *Chiefs and Challengers: Indian Resistance and Cooperation in Southern California, 1769-1906* (Norman: University of Oklahoma Press, 2014), 37.

this was done in the pursuit of finalizing westward expansion and extending full control if not complicity from Native Americans in the Southern California region.

As Native Americans were subjected to these unjust laws and regulations, some attempted to negotiate this new position of power that they found themselves in. By petitioning the BIA, some groups such as the San Manuel Band of Indians and the Morongo Band of Indians were able to hold onto their sovereignty. These two groups consist of numerous other Native groups, the Morongo Band consisting of Cahuilla and Southern Serrano and the San Manuel Band consisting of Northern Serrano, that were clustered together by federal laws in the late 1870s. While these groups had been made indistinguishable by the federal and state government, they managed to utilize their collective power to prevent further encroachment onto their reservations. The San Manuel Band of Indians would stand out in how they were able to create a local economy for themselves that would prevent further encroachment by mining corporations. In particular, the sovereign status of these reservations was upheld by the BIA given the concentration of power for these two groups. There were other instances of consolidating power that represent a form of negotiation. Even though the Serrano peoples had been separated by the two reservations, connections were maintained between the two groups that allowed for the continued sharing of culture and experiences. This kept culture and heritage alive for many of these groups despite the culture incursions of American settlers and

their own attempts to culturally assimilate the Native peoples of Southern California.

The struggle for natural resources between European American settlers and native peoples would continue until 1924, when suddenly the Indian Citizenship Act of 1924 was passed by Congress. This act declared that all Native Americans born in the United States had the legal right to American citizenship that all the settlers had held.¹⁵ The act itself was a further attempt at assimilation of Native Americans, however Native peoples of Southern California saw this as yet another means of negotiation. For the Southern Paiute, this meant that they did have natural rights to the water within the Owen's Valley, and could as legal citizens, petition the local government for recognition of these rights. Unfortunately, despite being brought into the folds of American Civilization, the damage had already been done and the Southern Paiute had to make do with what little water remained in the valley. Other tribes such as the San Manual and Morongo had more luck in negotiating the institutions of American Civilization. By utilizing their rights as private citizens, both reservations were able to consolidate a social economy that would prevent any and all other incursions that might occur from the settler settlement. In their case however, they would themselves fall privy to the myths of westward expansion and American Civilization as they would become a centralized institution whose

¹⁵ "1924 Indian Citizenship Act," Native American Citizenship, NPS, <https://www.nps.gov/jame/learn/historyculture/upload/Native-American-Citizenship-2.pdf>

primary goals would be development for their own purposes.¹⁶ In the process of negotiation, the San Manuel and Morongo reservations would continue to perpetuate the ideals of development and progress from westward expansion and American Civilization in order to preserve their lively hoods against American Civilization. Ultimately, they would lose their mobility in favor of stability.

Many Tribes would take different approaches to dealing with issues of land and water rights for their Tribes and themselves. In particular the Southern Paiute in the region of Owen's Valley would launch a number of campaigns against the government of Los Angeles for rerouting water they so desperately needed.¹⁷ They would travel all the way to Los Angeles in order to demand their rights of sovereignty and rights to the water that traveled through the Owen's Valley. Unfortunately, due to their small numbers and how much attention settler farmers from the Owen's Valley were receiving from this Water War, their pleas fell on deaf ears. Because of the disputed status of Native American citizenship, the city of Los Angeles put into question whether the Southern Paiute had any right to the water given they were not citizens.¹⁸ This mirrored other, similar, nation-wide debates over whether Native Americans should receive citizenship status. On top of this, the specter of American Civilization continued to

¹⁶ Richard White, *"It's Your Misfortune and None of My Own": A History of the American West*. (Norman: University of Oklahoma Press, 1991) 43.

¹⁷ McCool, *Command of the Waters*, 124.

¹⁸ Stacy Lynn Camp, *Materializing Inequality: The Archeology of Citizenship and Race in Early 20th Century Los Angeles* (Dissertation), Stanford University, 39.

perpetuate the distinguished line of “civilized vs. savage” between American Settlers and Native Americans through citizenship.

The relationship between Native Americans and American Civilization is one of constant pressure and continuous negotiation. Even before American Settlers began moving into the region of Southern California, the Native Americans had already suffered at the hands of the Spanish and Mexican states that had presided over them. The Spanish already had a preconceived notion of Native Americans as uncivilized beings, however they felt they could be saved through conversion and hard work on the California Missions that had been developed by the Spanish Empire and the Catholic Church in the 15th and 16th century.¹⁹ This had made groups like the Serrano and Cahuilla dependent upon the missions for their survival as their mobile lifestyles had been taken from them. Yet many groups were able to maintain a sense of autonomy through creating syncretic belief systems, by combining indigenous spirituality (or cosmologies) and the Catholic religion that was imposed upon them.

Once the Spanish were defeated by the Mexicans and the Mexican government secularized the missions, most Native Americans were left to their own means for survival away from the missions. Yet they could not return to their ancestral homelands, as wealthy Mexican ranchers had seized the lands for their own businesses.²⁰ On top of this, racial violence was common between Mexicans

¹⁹ Hass, *Conquest and Historical Identities*, 14.

²⁰ Yvette J Saavedra, *Pasadena before the Roses: Race, Identity, and Land Use in Southern California, 1771-1890* (Tucson: University of Arizona Press, 2018), 123.

and Native Americans given the lower status of Native Americans compared to the Mestizo land owners. Despite this new harsh reality, Native Americans were able to maintain their cultural beliefs and practices even though they did not have access to their homelands. Thus, they partially regained some mobility (both physically and socioeconomically) even if it was not within their traditional homelands.

The American Settlers came and took the land from Mexico. Adopting the previous laws used against Native Americans by the Spanish and the Mexicans, the United States first used its power to commit genocide against multiple Native American groups in California.²¹ Though they were very successful in Northern California, many tribes managed to escape the wraith of American Civilizations stride from westward expansion. When similar tactics failed in Southern California, assimilation became key to the policy of westward expansion. Native Americans were confined to reservations and their children were taken from them to be assimilated to the ways of the settlers. There was resistance at every turn, from squatting in traditional territories to runaways from Indian Boarding Schools, there was a constant struggle for autonomy and survival. Yet as time went on, the grasp of American Civilization became too tight and Native American groups began to turn to a different strategy, how to negotiate within the American Civilization.

²¹ Brendon C Lindsay, *Murder State: California's Native American Genocide, 1846-1873* (Lincoln: University of Nebraska Press, 2012), 25.

By negotiating within American Civilization, many Native Americans were forced to give up much, some would lose their nomadic practices, others their practices of communal sharing, and all too some extent lost aspects of their cultural heritage which American Settlers found “unsettling.” Then in return, multiple groups of Native Americans were able to escape the horrors that other Native Americans in Northern California suffered. They were able to take advantage of the concepts of private property and citizenship to maintain a connection to some of their ancestral homeland. There was also a chance to hold on to cultural beliefs and practices that would have been enough to send in the federal troops to put an end to a threat to American Civilization. In the process of negotiation, so much had to be given up, yet so much was also maintained as a result. It was this product of compromise that multiple groups from the Southern Paiute to the Mojave have maintained their livelihoods. Thus, the institutions of American Civilization imposed a homogenization of culture that affected all different Native American groups.

In terms of understanding this process of American Civilization, it is important to understand that this process does not encompass all groups. It is constantly in flux and ever changing as a result of changing development.²² If the goal of civilization is to develop and progress through modernization, then those who stand in the way of change and colonization are a threat to the process of civilization. In the case of Native Americans, they would be considered a barrier

²² Perlman, *Against His-story*, 135.

to the civilizing process of development and progress because they do not share the same cultural and structural values as those who are part of the civilizing process. Thus, Native Americans were placed outside of the boundaries of civilization and thus a threat to the ideas of progress and development.²³ As a threat, these groups needed to be eliminated at all costs, even if that meant destroying not only their bodies, but also their culture and their livelihood.

Yet, since American Civilization is not a totalizing force, there can be room for adjustment. Thus, Native Americans in Southern California utilized the tactic of negotiation in order to preserve themselves and their cultural within the American Civilization. Multiple groups would adopt the values of private property and citizenship while also utilizing these same processes to preserve their own cultures and beliefs. Much like how many Native American groups found ways to integrate Catholic practices and rituals with their own spiritual beliefs, so too were Native Americans able to adopt American Civilization's cultural and institutional approaches while also maintaining practices that had been passed down for generations.²⁴ This would include those who adopted to reservation life and ideals of private property like the Navajo and the various tribes associated with the San Manuel Band of Mission Indians

However, even though many Tribes developed strategies to negotiate these power structures, notions about what was considered civilized versus

²³ Perlman, *Against His-story*, 256.

²⁴ Churchill, *Struggle for the Land*, 203.

uncivilized still played out in the settler mindset. Many Native American groups have been kept at the lower rungs of American Civilization with no opportunity for economic mobility. This economic stratification left many groups with little to no access to land and many were outraged at the obstacles that were created to limit their ability to navigate the colonizer's system and culture. It does not help that the popular perception of many Americans is that Native American's have been extinct. That is why it is so important that the struggles and needs of Native Americans are kept alive and their stories continue to be told so that American Civilization does not permanently obscure their culture and history. Thus, in the next section, I will be delving into the primary sources that I found in the National Archives at Riverside that illustrate the effect of settlement on Native Americans and how negotiation became key to survival.

Group Cases

One of the key cases I found in my research of the primary sources at the National Archives in Riverside was a series of letters regarding a 1903 land dispute and review for a case of land that was within the San Bernardino Meridian regarding the Pala and Pauma Tribes. The land itself was described having little to no agricultural benefits given the terrain and proximity to the Palomar and Santa Rosas mountains. The only viable source of development was the San Luis Rey River which could provide a source of energy through

water and erosion power.²⁵ Needless to say, the land was rather sparse with only the Pala and Pauma Tribes residing in the area along with a few farmers and homesteaders attempting to fertilize the land.

The issue of land dispossession in this case occurred do to a conflict over grazing rights between a Pala Indian and a local farmer. The farmer had allegedly caught the man attempting to use part of the farming land in order to feed his cattle. Thus, the farmer had threatened to shoot the man's cattle and made an appeal to the BLM and the Committee on Indian Affairs. As a result, the land surrounding the farm, as well as number of acres along the San Luis Rey River, were taken into consideration as to whether they should be allotted to the Natives, Farmers, or the Federal Government. Based on a survey of the land, and the promise that part of the land would be allotted to the Pala tribes, the case had a 46-year life span.

One facet of this case that stood out was an issue surrounding the Cleveland National Forest in San Diego. Because it was still in the process of being established, part of the forest, approximately 8342.71 acres, was placed within the withdrawal.²⁶ This area of the forest was heavily debated because it was considered as one of the places the Pala would be allotted. Given the predisposition of the Federal government to discriminate against Native American allotment, there were significant concerns regarding whether the land

²⁵ "Letter to the Secretary of the Interior, April 1, 1903," Records of the Bureau of Land Management, Record Group 49, National Archives at Riverside, Perris, California, United States.

²⁶ "Land Investigation Report, April 8, 1903," Records of the Bureau of Land Management, Record Group 49, National Archives at Riverside, Perris, California, United States, 1.

should remain within the public sphere or be privatized. One of the deciding measures was a letter written by a new Cleveland National Park ranger in 1909. In the letter, the park ranger made specific claims about the necessity of the preservation of American Forests and the legacy for American youth. In his letter, the ranger described how all land allotted to the National Park belonged to the National Park as public property. What is most interesting about his letter was his description of the possibility of Native American allotment of the land. The ranger stated that if Native Americans were allotted this part of the land, that it would not only be an improper use of the land, but also a waste of valuable land.²⁷ This letter points to the racialized aspects of American Civilization and how certain groups are perceived as being more deserving than others. Given the status of the land from the surveyor, this was clearly a contradictory statement.

How is it that land, which clearly does not have much potential for agricultural development according to a land surveyor, become useless when in the hands of Native Americans? This is an example of the pervasive belief that American Civilization has imposed upon its settlers and citizens. If land cannot be developed and shaped for the purpose of growth, it was considered useless. However, if it is in the hands of Native Americans, who were still seen as being outside of the American Civilization at this time, it is even more useless as it does not serve the necessities of progress and development. After 46 years passed,

²⁷ "Land Investigation Report, April 8, 1903," Records of the Bureau of Land Management, 3.

the land that is now the Pala Indian Reservation was allotted along with the areas around the Cleveland National Forest.

This mentality of use in nature also pertains to the very idea that it must be preserved in its state of wilderness. In the context of the national forest, it is being preserved for American Youth who might learn from the wilderness. Yet this same narrative does not include Native Americans, as their occupation signifies a lack of wilderness. But American Civilization interprets Native Americans as being wild and savage, thus showing the flawed concept of the “wilderness” that American Civilization has created.²⁸ The contextualization of the Cleveland National Forest emphasizes the narratives of wilderness espoused by American Civilization.

Around the same time that the Pala Tribe was attempting to deal with land allotment issues near the San Luis Rey River, another group of Native Americans (referred to as the Mission Indians), were dealing with similar issues at Warner’s Ranch in the San Diego county area. Known as the Kuupangaxwichem people, or the Cupeño, these peoples resided along the north eastern half of San Diego County bordering the San Bernardino Meridian. Like the Mission Indians of the San Gabriel Valley, this group of Native Americans had been forced on to Mission land, before being removed by the Mexicans and later displaced by the American Settlers. The settlers in this case founded Warner’s Ranch which

²⁸ William Cronon, "The Trouble with Wilderness; Or, Getting Back to the Wrong Nature," *Environmental History* 1, no. 1 (1996): 8.

acquired a majority of the Cupeño land. Then in 1892, former governor John G. Downey owner of this property, issued a notice of eviction to the Cupeño.²⁹

Much like the Pala and Pauma Indians to the south, the Cupeño attempted to fight for land allotment. They appealed to the Commission of Indian Affairs in 1903 to make claims that the land had been promised to them under Mexican law before the Mexican-American War, and was confirmed by a land allotment law passed in 1902 that set aside land for use by Native Americans within north eastern San Diego County. The claim was based on historic lands that had belonged to the Cupeño before the founding of the missions and had been upheld by U.S. law. Even the 1902 U.S. law had marked the region as private property belonging to the Cupeño following the creation of the reservation system.³⁰ With all of these factors in place, the allotment should have been held up, and multiple documents from the National Archives in Riverside substantiated that this should be the case.

However, the appeal was denied and the committee revoked the original claim. The official reason given for this decision was related to the timing of the claim. The order for eviction had been issued in 1892 by Downey and the Cupeño had not made an official legal response to this order until 1903. As a result, the committee asserted that too much time had passed to issue a full legal complaint and even though the Cupeño held legal right to the land, it was

²⁹ Vincent Nicholas Rossi, "Warner Springs' History Shadowed by Conflict," *San Diego Union*, January 28 2007.

³⁰ *Ibid.*

forfeited as a result of inaction. However, other documentation demonstrated the economic motivation behind allowing the ranch to remain in Downey's legal possession. The ranch itself had the ability to support over 200 cattle as grazing land and was still fertile compared to the Cupeño land north of the ranch. Thus, economic profitability seemed to have played a key role in influencing the committee's decision to allow the eviction to stand.³¹

With the eviction of the Cupeño, multiple rights groups within Los Angeles began to petition the committee for a review of the claims. When this failed, a number of groups attempted to purchase segments of land around the Warner Ranch in order to help the Cupeño at least have some of their original land. Unlike the original area within Warner Ranch, the land surrounding it had not been guaranteed to the Cupeño. Thus, with the little resources these rights groups had, they were unable to purchase any land or help the Cupeño in any way. Now fully landless, the Cupeño had no choice but to abide by the rules of the BIA.

As a result, the Cupeño were moved to the Pala Indian Reservation and became intermixed with the Pala Indians. Much like the San Manuel Band of Mission Indian's reservation, the Cupeño had to negotiate with the Pala in order to maintain their lifestyle in spite of being forced to share the lands. With this negotiation, the Pala and the Cupeño still live side by side on the Pala Indian

³¹ "The Commissioner of Indian Affairs, January 24, 1903," Records of the Bureau of Land Management, Record Group 49, National Archives at Riverside, Perris, California, United States.

Reservation.³² This demonstrates the domination of American Civilization and its control over Native American life, culture, and history. They held the power to determine the rights and privileges of Cupeño and Pala would be allowed, even if they abided by the laws that were laid down for them.

Both of these cases represent the attempts at collective action on behalf of different Native American groups within the San Bernardino Meridian and north east San Diego County. The efforts of these groups have shown the transition from full resistance to negotiation of the system under which they live. Like the San Manuel and Morongo reservations, these two groups have sought to preserve their ways of life by both resisting integration and negotiating livable outcomes with the restrictions of the settler colonial process. The fact that both the Pala and Cupeño had to deal with “ranchers” who had sought to maintain private property laws is no exception. The expansionist and domesticating forces of settler colonialism directly expresses their desire to control and exploit the Native Americans. The clashes between settlers and native peoples was indicative of the controlling of ideas of American Civilization. In order to survive, the Pala and the Cupeño had to negotiate the laws and the rulings within the boundaries of the American Civilization framework that was imposed on them.

Unlike their Serrano and Cahuilla counterparts, the Pala and Cupeño still had to fight for their access to land. Even as the Cupeño held the allotments that

³² Frank D. Lewis, "The Warner Ranch Indians: And Why They Were Removed To Pala," *Overland Monthly*, August, 1903, 171.

had been granted to them, first by Mexico and then by the United States, they still had their rights revoked. The racial systems of legal and social discrimination that American Civilization established demonstrate the desire for domination through how progress and development will unfold. The Pala could not take the land in the northern part of the Cleveland National forest, because they were not seen as being able to utilize it properly. The Cupeño could not have the land that existed on Warner's Ranch, because the ranch needed for grazing its 200 cattle. Because they are not of the American Civilization, and they are not settlers, they were not given access to the land and resources needed to survive and thrive. Even though they would legally become citizens, and can hold private property, they cannot have access to the land, they will be sequestered to the land that had been set out from them by the BIA, BLM, and the governing structures of American Civilization.

Yet what of those who choose not to act collectively, but instead as individuals? Even though Native American's had been legal confined to the whim of the reservation, there was still the possibility to act out as an individual. It was much harder than that of the collectivity of the tribe, yet there were benefits to taking this route. As an individual, a Native American could learn and maneuver the processes of American Civilization. This meant that they could act and move through the system of private property that had been set up by the settlers that came.

If someone of Native American ancestry wanted to accomplish this however, they could not necessarily claim that they were in fact Native American. In a number of cases. Native Americans would pose as Mestizo or of Mexican descent in order to maneuver the ideological market that the settlers had brought. Many Native Americans were already Mestizo's due to the Spanish control of the region from years ago. Therefore, they could account for two kinds of heritage that would allow them to negotiate the world they found themselves in. Some would even go so far as to reject their Native American heritage in favor of their Mexican heritage. Thus, the cross section of culture and socialization began to emerge as individuals adopted notions of private property and laws that combined for both Spanish and Native heritage.

Individual Cases

In this section, I will be looking at two individuals who utilized the systems of private property in order to respond to the looming American Civilization that impacted their lives and the lives of their families. One was successful in maintaining their land allotment and making their claim; the other was successful within their lifetime, but the laws that existed pushed their children off the lands that had been in their family for generations. This discussion will also show the continued push between individual gain under American Civilization and collective gain.

The first person that we will focus on is Juan Despierto, a Native American man who lived in the San Bernardino Meridian from 1890 to 1957. During that time period, Despierto claimed that he was a mestizo man who was looking to purchase a house in the 1920s. He had no job and no regular income at the time, but was able to make a case for himself through the Land Allotment Act of 1887.³³ This act entitled the allotment of land on the basis of assimilation of Native Americans into American Civilization. This tactic of assimilation meant that since Despierto had defined himself as mestizo, he would be entitled to an allotment of land for himself and his family to live on. Thus, the role of individual Native Americans in allotment meant that assimilation would be more likely instead of negotiation.

However, the process of land allotment was unique for Despierto since he did not hold sovereign power over the land that reservations had fought for. Instead of being classified as a homestead, like what a settler's land would be considered, the land was instead classified as a "public domain allotment."³⁴ This meant that the land was technically neither in the private sphere, nor the public sphere of land control. It was instead a hybrid of the two meaning that Juan Despierto technically simultaneously owned and did not own the land usufruct. It was originally land that had been held by the state and federal government, but would later be turned over for private use. Thus, it held all the rights of privately

³³ "Application for Patent in Fee or for the sale of Indian Land, May 20, 1957," Records of the Bureau of Indian Affairs, Record Group 75, National Archives at Riverside, Perris, California, United States.

³⁴ Ibid.

owned property, and was also part of the public sphere and could be utilized as such.

For the case of Juan Despierto however, he was able to make more private claims on the basis that he was Mestizo instead of fully Native American. As a result, he was able to negotiate the allotment of land as a Mestizo, which gave him more rights to the land and thus more access to rights as a U.S. citizen. The importance made here is that while there was social discrimination against Mestizos and Mexican-Americans, there was yet to be any legal discrimination at the turn of the 20th century. As a result, Despierto's Spanish sounding name, and his claim to Mestizo heritage meant that he would be able to maneuver the allotment claim much more easily since he was not legally perceived as Native American. This form of individual negotiation became important for many indigenous peoples who were attempting to avoid the fate of their tribes.

The process that Despierto was able to negotiate was only made possible because of the clash between American Civilization/colonization and the sovereignty of Native American Tribes. The development of colonization meant the continued process of extraction and construction related to building cities such as Los Angeles and San Diego were essential. As a result, the consistent attempts on behalf of the U.S. government to forcefully assimilate Native Americans continued to create hostility and conflicts. Thus, Despierto was able to take advantage of the negotiation tactics used by tribes like the Serrano and Cahuilla to negotiate the forced assimilation the U.S. government was utilizing to

gain and maintain control. Ultimately, land allotment could be used as a means to negotiate the individual assimilation by the U.S.

The negotiation of settler colonialism by Despierto was not the same as the negotiation of settler colonialism used by the sovereign Native American Tribes. In some cases, this tactic of negotiation worked in favor of American Civilization and colonization. Yet, it also provides for the autonomy and safety of Despierto against those same forces. His affairs were in order, yet those of the Native American Nations remained a perpetual struggle for sovereignty. This highlighted how deep the impact of settler colonialism was in these struggles. It was to the benefit of the individual Native American to attempt to negotiate this power structure.

However, not all Native American individuals were able to negotiate this process, and even more would lose everything. The case of Maria Despierto (no relation to Juan Despierto), is a prime example. Maria had been married to a Mexican rancher who owned land near the Palomar Mountains in the San Bernardino Meridian. She was illiterate, but had done much of the work on the ranch and had a number of children. Her husband died in the mid 1910's and she became the head of the estate under U.S. law. She had fought hard for her estate even though the state attempted to remove her and her children from the land due to the fact that part of the land was allotted based on her Native

American heritage.³⁵ She continued to fight for her estate until she died in the 1950s.

Following her death, the property should have been transferred to her eldest son who was in his forties at the time. Yet, after her death, the state government seized the land stating that it was to be utilized for the purpose of water extraction due to the fertile soil.³⁶ The sons would take this action to court on the grounds that they had the right to their land due to their father's and mother's status as American Citizens. However, the court rebuked this claim on the bases that Maria Despierto had become the only legal owner of the house following her husband's death and due to her illiteracy, was unable to file the proper documentation.

This argument presented in court was used as justification despite the fact that the BIA had established that the land rightfully belonged to the descendants of Maria Despierto. However, the land was considered too valuable to be left to the sons of a native woman, who's land had been partially allotted. The structural racism of this case illustrates how even as an individual, Native Americans could and would be subjected to unfair and unjust treatment in the name of colonization and American Civilization. While the children of Maria Despierto continued to

³⁵ Land Status, May 12, 1961, Records of the Bureau of Indian Affairs, Record Group 75, National Archives at Riverside, Perris, California, United States, 1.

³⁶ "Maria Despierto de Mesa – Public Domaine Allotment No. 15 September 21, 1960," Records of the Bureau of Indian Affairs, Record Group 75, National Archives at Riverside, Perris, California, United States.

fight these claims, there was little hope that this process of individual assimilation would result in their family's property rights being reinstated.

The land itself would be utilized by the state before being sold to a homesteading family. This case underscores the continued power that the nation-state and its institutions of colonization have over the lives of individual Native Americans. Cases such as Juan Despierto would be shown as the model for how Native Americans could be successful in the American Civilization. Yet for every Juan Despierto, there is a Maria Despierto, individuals that have to fight all their lives for their livelihood before having it swept away after their death. Maria did not have the chance to change her identity like Juan Despierto, to claim she was mestizo instead of Native American. She was unable to protect her family's property rights after death, something that should have been guaranteed if she was truly a citizen of the United States. It was not guaranteed for any Native American following their death that their rights of ownership would be guaranteed.

This distinction between the negotiation of individual Native Americans and Sovereign Tribes is important, because it shows how the process of settler colonialism and American Civilization are a single entity of power and control that is composed of institutions, social structures, and economies that create domination and discrimination. The fact that Native Americans were able to act as individuals with regards to allotment shows the flexibility that American Civilization is capable of. The racial constructs and systems that define American

Civilization promotes the rights of individuals yet hypocritically strips that rights of those that it deems unworthy or a threat. But with the power that American Civilization exerts, it is impossible not to negotiate in the first place. While the processes of American Civilization made promises that the rights of Native Americans would be upheld individually, it was not near the level of freedom Native Americans had when they acted as sovereigns.

The realities of Native American life under American Civilization have been difficult and repressive. Beginning with the exploitation they suffered under the Spanish and the Mexicans, the Tribes of Southern California have found ways to survive. The threat of settler colonialism and even genocide, led many Tribes in Southern California to resist by engaging in negotiation. By negotiating, Tribes like the Serrano, Pala, and Cahuilla gave up much including land to cultural practices and traditions. Other groups such as the Mojave were pushed even further into the recesses of American Civilization and confined to reservations with little sovereignty and fewer choices compared with what they once had.

Other Native Americans acted as individuals through the process of assimilation in order to negotiate American Civilization. Some were successful like Juan Despierto, and received allotment which they could control and maintain themselves. Others like Maria Despierto and her children ended up losing the land that they had worked for over decades. These individuals had the

potential to negotiate the American Civilization, yet very few were actually successful.

The constraining nature of American Civilization acted as a means to control and manipulate power to achieve its own ends. The process of settler colonialism perpetuated this by depriving Native Americans off their land and eliminating their cultural traditions through violent and legal means. The vision of westward expansion was to control all land that was “uncivilized”. This American Civilization resulted in untold suffering and abuse of power.

CHAPTER THREE

MEXICANS

The lives of the Mexicans inhabitants of Southern California changed dramatically with the movement of European American settlers and the ending of the Mexican-American War. With this shift of power in 1848, the United States would take almost all of Mexico's northern territories and established itself as the dominate nation-state in North America. Much like the Native Americans, Mexicans were placed within the framework of discrimination due to differences in culture and beliefs which were overshadowed by the settler's culture and needs.³⁷ For many Mexicans, the transition of power was a cultural shock, but many would still recognize the institutions and social structures given that they too had lived under the process of Mexican Civilization. Thus, while the processes of American Civilization devastated Native American structures and beliefs, many Mexicans were able to navigate the changes they faced since they were familiar. It was the clashes of culture/values (catholic vs protestant, centralized vs decentralized power) between Mexicans and settlers that resulted in violence and discrimination against Mexicans, and the overarching power of American Civilization that exploited these relationships.³⁸

³⁷ Hass, *Conquest and Historical Identities*, 124.

³⁸ Linda Heidenreich, *This Land Was Mexican Once: Histories of Resistance from Northern California*, (Austin: University of Texas Press, 2007), 54.

This section will focus on how Mexican negotiation of American Civilization was also a racialized process similar to that of Native Americans. However, unlike Native Americans, Mexicans had their own interpretation of civilization that allowed some to negotiate the structure of American Civilization. People who were held in higher regard by the Americans, such as the Californios, were able to negotiate American Civilization with ease while others, mostly Mestizos, were not able to. On top of this, this section will also look into how Mexicans and Native Americans developed a complex relationship within American Civilization.

Mexicans had the advantage, when compared to Native Americans, in their ability to maneuver through the new systems of laws because they were familiar with Spanish laws and cultural practices. Mexicans had operated within the political and economic institutions of the Spanish which were similar to those established by the United States (as well as the numerous Spanish laws that the U.S. would adopt). This experience made the transition to the new laws and legal processes easier for the Mexicans.³⁹ One notable group among Mexicans was the Californios who were rich landowners that had received ranches that had been designated to them by the Mexican government. Following the Mexican-American War, many Californios were granted legal citizenship in the United States due to their wealth and status within the decentralized region of Southern

³⁹ Hass, *Conquest and Historical Identities*, 155.

California.⁴⁰ Many of the richer Californios and Mexican Americans in the region had been looking for a means to break away from Mexico given the centralized political power held by the state in Mexico City.

However, process of westward expansion would change the original legal means by which many Mexicans had been living for a long time. While many of the richer Californios, and other land owners were able to easily assimilate into the new systems, Mexicans at the lower socio-economic levels were held to their social status in the new structure imposed by the U.S. While there was no legal discrimination, there was sociocultural discrimination that permeated Mexican society in Southern California. Images of those beyond the Mississippi River as uncivilized and wild were constantly present in the ideals of westward expansion.⁴¹ Mexican's already had conceptualized their own process of civilization, this included the development of institutions that reinforced cultural and socioeconomic norms within Mexico (like the centralization of power, catholic practices and more familial values). Yet because Mexican Civilization was only similar structurally to American Civilization and not culturally, many Mexicans would face the discrimination similar in nature to those suffered by Native Americans under American Civilization.

Mexicans and Race in Southern California

⁴⁰ Heidenreich, *This Land Was Mexican Once*, 42.

⁴¹ White, "Your Misfortune," 63.

One of the most important factors that contributed to this form of exclusion was the distinction between the racial categories of Mexican Civilization and American Civilization. Under Spanish rule and later adopted into the Mexican state, the distinction between different races was established through specific categories. These categories were based on levels that was determined by lineage that could be traced directly to Spain verses those who were born in the Americas. For instance, those who were born in Spain and moved to the Americas were the Peninsulares who were designated to hold the highest level of authority, Mestizos were those who had lineages that combined Spanish and Native ancestry, Mulattos were those with African and Spanish ancestry. This categorization based on blood line and ancestry was rigidly adhered to and directly impacted the social structure. This structure could be navigated in such a way that allowed those with pure Spanish ancestry to gain and hold power in that society.⁴² The most significant of example was Pio Pico, who despite his Afro Spanish ancestry, was able to become a politician in Alta California, and even became the last Governor of Alta California under Mexican rule.⁴³ It should be noted that while navigating this racial system could be done by people of mixed ancestry, those with no European ancestry would have little opportunity to ascend the ranks of power within that society. This also explains why many Native Americans suffered greatly under Mexican rule.

⁴² Saavedra, *Pasadena*, 34.

⁴³ Saavedra, *Pasadena*, 38.

When the United States took control over the region of Southern California, they established a multilayered racial system that was more directly connected to racial background. Literally black and white, the new system forced upon the Mexicans in the region removed many of the special categories that had existed under Spanish and Mexican rule.⁴⁴ American emigrants became the most preferentially treated group in the region along with the other land owners. However, even though Mexicans had become second class citizens in the land that they once owned, legal proceedings and legal discrimination was less likely to occur for many. Integration across racial categories that had been established under the Spanish were less of a problem for Mexicans as opposed to Native Americans.

The flexibility of the Spanish system of racial hierarchy that was in place allowed many of the wealthier Mexicans to easily navigate the biracial system. In particular, the Californios and Peninsulares gained all the rights and privileges ascribed by American Civilization due to their status as landowners.⁴⁵ It was also easier for many of the wealthier Mexicans due to their Spanish heritage and lighter skin when compared to their challenges that their Mestizo counterparts had to confront. This does not mean that it was easy for many of these Californios, they still faced issues with regard to land distribution and land control. Many would even lose their land because of legal loopholes that allowed

⁴⁴ Heidenreich, *This Land was Mexican Once*, 72.

⁴⁵ Saavedra, *Pasadena*, 75.

new investors and settlers to take the land for themselves. Whereas before the U.S. invasion of Southern California, only a few wealthy ranchers owned massive amounts of land, after the war a lot of the ranches were divided and while Californios could maintain their wealth, their land was taken for the benefit of the settlers.⁴⁶

While the Californios and Peninsulares lost significant portions of their land and wealth, these losses were minimal when compared to what Mestizo Mexicans endured through the settlement process. Many of the Mestizo Mexicans that lived in the Southern California region had smaller plots of land compared to the large ranch owning Californios, but they still held access to land and resources.⁴⁷ There were even a large number of Mestizos that were able to attain vast amounts of wealth. This was due in part to the racial system that allowed for maneuverability between classes based on lineage and heritage. For example, individuals could be of Mestizo background and claim to be more Peninsulares background which allowed for upward social mobility.

Following the transfer of power from Mexico to the United States, Mestizos specifically suffered greatly. This included wealthier Mestizos who lost much more land when compared to the lighter skinned Peninsulares Mexicans. Those with even dark skinned were designated as Native American despite their clear Spanish and Mexican heritage. Small Mestizo farmers were the most negatively

⁴⁶ Saavedra, *Pasadena*, 134.

⁴⁷ *Ibid*, 108.

impacted since their land was taken as spoils of war following the Mexican American war.⁴⁸ Many Mestizos ended up moving onto Native American reservations in order to avoid further persecution by settlers. It is important to note that cultural and social discrimination were commonly used against Mestizo and other Mexicans to eliminate any social status they held previously. Therefore, while there was no legal means of discriminating against Mexicans, cultural discrimination, particularly anti-Catholic sentiments, were used to create and reinforce tensions between settlers and Mexicans. This culminated with continued modernization which pushed for more labor and thus brought many Mexicans as laborers in industrial jobs since they had no other options for work and a means to make a living. The push for modernization and urbanization in Los Angeles would exacerbate tensions between the two groups creating an atmosphere of distrust and slander that perpetuated narratives of westward expansion.

This was part of the grand narrative of westward expansion that categorized many Mexicans as being outside of the sphere of American Civilization. This distinction was what led to the taking of Mexican homes and forcing them to work in more manual and labor jobs.⁴⁹ Since many of the Mestizo Mexicans were unable to keep their farms from being taken by the federal government, many had to move to the cities in order to make a living.

⁴⁸ Haas, *Conquest and Identity*, 94.

⁴⁹ Camp, *Materializing Inequality*, 24.

This forced movement, brought on by factors of economic need and the general push for progress through the colonial process, sequestered many Mexicans into the lower classes (if they had not already been there to begin with). Thus, Mestizo Mexicans had to negotiate their new environments by helping in the process of colonization. This included helping build Los Angeles into its current Americanized version of itself and working in the mining operations in the San Bernardino Meridian. Life for Mexicans had been diminished through the process of settler colonialism, however, they were still making significant contributions to the overall process of development and progress in the American Civilization.

One key factor that distinguished Native Americans and Mexicans under the process of American Civilization, was that of citizenship. Unlike the Native Americans, who would not receive citizenship status until the 1920s, many of the Mexicans living in Southern California at the time of the Mexican American War, were granted citizenship as part of the compromise.⁵⁰ This applied in particular to the Californios who were seen as a potentially valuable assets who could contribute to the development of American Civilization in Southern California. It also applied to many Mestizo Mexicans as well given that their land was seen as valuable to the development of American Civilization in the region. In addition, mestizos were seen as a ready yet disposable work force much like that of the poor settler workers that came before them. This tactic of using citizenship to

⁵⁰ Camp, *Materializing Inequality*, 43.

create a new labor force would be utilized multiple times throughout the early 20th century to help contribute to development and growth.

This process highlights the distinction between how some of the Mexicans in Southern California were able to take advantage of the narratives of westward expansion to help gain access to the benefits of American Civilization and others did not. Many of the Californios and Peninsulares were able to maneuver the process solely through their wealth or based on their light skin color. This was not consistent however, since many Californios who had darker skin were treated as lower status and became associated with the Mestizos who were already being pushed into the category of second-class citizens. The lines of citizenship started to be drawn based on class and racial lines to benefit continued development and settler colonialism. While lighter skinned Californios could emerge into a wealthier citizenship status, darker skinned Mestizos would be pushed into a working class or poor category. Yet both were distinct from Native Americans as Mexicans were seen as having the potential to contribute to American Civilization unlike the Native Americans.

Mexicans and Native Americans

It was this distinction that would drive a wedge between Native Americans and Mexicans. There had already been tensions between Mexicans and Native Americans since the days of Spanish rule. Many Californios saw Native Americans as being part Spanish rule and a reminder of their only colonial

history.⁵¹ Thus they were a burden for the Mexican state, which had been attempting to frame itself as a modern state that belonged in the modern world of the late 19th century. Native Americans were seen as holding back the development of Mexicans, and Mestizos were seen as contributing to that problem. Thus, a line was drawn between Mestizos and Native Americans, with Mestizos harboring distain of Native Americans as having tainted their chances of moving up in society.

This racial and cultural divide was what made many Mexicans more appealing as contributors to the growth of American Civilization. Though settlers had to contend with both Mexicans and Native Americans, Mexicans were seen as more reasonable given they had lived within and internalized certain aspect of Civilization through living in the structures and institutions established by the Spanish. This included systems of government and customs that reflected those of American Civilization, and given that Mexican Independence had been partially inspired by the American Revolution, there was in fact a number of similarities. Even if American Civilization saw Mexican Civilization as being flawed or more primitive, the structures still existed that reflected the processes of civilization. Even in Southern California, where the government of Alta California existed for a number of years, the process of assimilation for Californios and some Mestizos was not as difficult when compared to the

⁵¹ Saavedra, *Pasadena*, 22.

assimilation, and eventual attempted genocide, of various Native American groups.

The relationship between Mexicans and Native Americans was very similar to that of the relationship between American Settler and Native Americans. While there was never attempts at assimilation or genocide, there was consistent tension and conflict between Native Americans and Mexicans. When Mexico held power over Southern California, they took control of the Spanish Missions as well and began a process of secularization. In the process of secularization land from the missions was redistributed to the Californios ranchers and Mestizo peasants that were lucky to acquire some lands in this process. Many of the Native American groups had come to rely on the missions' resources due to forced conversion which caused many of the Native Americans to be left without land to sustain themselves. As a result, some groups attempted to return to some of their old lands only to find it had been allotted to Californio or Mestizo ranchers.

This inability to return to the mission or their ancestral lands left many Native American groups desperate to find some form of solace from their persecution and places where they could establish homes to survive. Yet the Mexican government offered no relief as tensions between desperate Native Americans and new landowning Californios and Mestizos began to grow. Conflicts broke out between the Native Americans and Mexicans in Southern California with various Native American groups raiding ranches and Mexicans responding

in part by attacking Native American encampments to drive them off the land.⁵²

What distinguished these forms of conflict between Native American and Mexicans from the genocide and attempts at assimilation of Native American by U.S. Settlers was the fact that the former was not systemic. There was systemic discrimination against Native Americans by Mexicans, yet the extent to which conflict occurred they was based on individual cases.

Yet these conflicts were enough for the Mexican government to relent and establish a proto-reservation system. Parts of the old lands that had been traditionally held by Native American groups in the pre-Spanish era were allotted to their specific groups, Granted these parts were the least habitable parts of the old region with the more fertile parts of old lands being left to the agricultural desires of the Californios and Mestizos, but it was still an incremental change.⁵³ This ultimately became the model the eventual reservation system that would be established by the U.S. government during the process of westward expansion. Even though this change had occurred in favor of Native Americans, the racial discrimination against Native Americans continued under Mexican rule. They were seen as ungodly savages in the eyes of Mexicans who had maintained the racial cast system of the Spanish had established. Native Americans had been and would continue to survive on the lowest rung of the racial ladder under Mexican rule with no real change in attitude towards Indigenous culture until the

⁵² Heidenreich, *This Land was Mexican Once*, 19.

⁵³ I Heidenreich, *This Land was Mexican Once*, 28.

1920s, but by then, Southern California was already in the hands of the United States.⁵⁴

Mexican Civilization and American Civilization

This division between Mexicans and Native Americans, and the connections between Mexicans and United States Settlers, shows the breadth of the impact that Perlman delineated through his concept of civilization. Both Mexicans and U.S. Settlers are affected by the cultural ideologies and structures reproduced under civilization. Because of the internalization of these beliefs, people have adhered to a certain historical narrative of superiority over those that had been seen as outside of civilization. For both Mexicans and U.S. settlers, Native Americans were viewed as “outside” of civilization, even though the Spanish years before had attempted to convert and bring these various Native American groups into the fold of the Spanish/Catholic civilization. The structures which both Mexicans and U.S. Settlers support allows them the power to dominate and control those that were cast outside of these systems since they were perceived as undeserving and not worthy of being included. In addition to the racialized aspects of citizenship with American Civilization, the narratives of Manifest Destiny and the Wild West included Mexicans as part of the uncivilized

⁵⁴ Haas, *Conquest and Identities*, 45.

narrative of those who lived outside American Civilization. Effectively, Mexican Civilization and American Civilization became at odds with one another culturally.

It should be noted that these definitions of citizenship and the process of settler colonialism were in constant flux. The narrative of westward expansion and the exceptionalism of American Civilization means that Mexican Civilization would get in the way of the process of westward expansion. Thus, it is a matter of the clash of cultures between American Civilization and Mexican Civilization. Yet the institution of power and domination remain the same. The American Civilization did look down upon Native Americans, and did not view them as being fully civilized; however, their stilted racist view of Mexican Civilization was similar, though not equal, as the Indians were always viewed as being below the Mexicans. In this regard, the fight between civilizations was inevitable because of these dominating narratives of growth and expansion. The Mexican American War demonstrated this clearly, and the winner was the biracial system within American Civilization.

It was because of this biracial system and because of the myth of the Wild West that American Civilization actually delegitimized the status of Mexican Civilization. Despite having a multiracial leveled system by which it operated as well as a centralized form of government power, Mexican Civilization was not considered a reasonable option. In the myth of the Wild West, the area that had once belonged to Mexico, was viewed as open territory that had little to no rule or order. In the narrative of American Civilization, the area of Southern California

had always been a desert that held access to the Pacific Ocean as well as an abundance of resources. No longer was the area held by Mexicans who had utilized the land in a way similar to the Native Americans, but was now in the controlled by the industrializing American Civilization. It was this erasure of the narrative of Mexican Civilization within the American West that allowed for the exploitation of Mestizos whose land had been stripped from them.

The continued dominance of the biracial system of American Civilization dispelled the narrative of the multiracial system of Mexican Civilization. Those Californios who were of a lighter skin color, or some other position of authority could hold U.S. citizenship and work alongside the settlers who were granted and owned huge areas of land. Those Mestizos on the other hand, who might have held positions of power, were pushed into a second-class status with few actually gaining access to U.S. citizenship. The distinction of race would also be exacerbated by the development of modernization within Southern California. As continued development occurred in the region with extraction becoming a prominent source of wealth in the San Bernardino Meridian, many Mestizos found themselves working for the new groups that came after the settlers. The continued growth of cities like Los Angeles and San Diego would turn the Mestizos into a new labor force which could be used and exploited in return for a belittled livelihood.

This points to another major distinction between Mexican and Indigenous life under American Civilization. Assimilation for Mexicans into American

Civilization involved becoming part of the economy, whether it was as a laborer or as a source for new taxes for the United States government. Thus, the accessibility for Mexicans within American civilization was more open than the Native Americans would ever experience. It appears to be more of a matter of respect for the Mexicans having lived within their own sense of Civilization (i.e. living under a state and developing a means of governance that resembled that of the United States). This recognition created a sense of respect in conquest, particularly for the Californio land owners who represented the pinnacle of Mexican Civilization. They were allowed into the system with relative ease, even though many would lose their economic livelihoods as they attempted to navigate the terrains of the American legal system to maintain the rights to their lands.

Mestizos on the other hand represented an assimilation challenge for American Civilization. For they were not the Californios, by any measure of wealth, land or power (though some did hold positions of high power). They also did not have the racial background like many Californios when they came under the grasp of American Civilization. They were relegated to a lower stratum given that they were half Native American. Yet, they could not be categorized as Native American since they were a part of the same culture that Californios so it was concluded that they had internalized aspects of "Civilization". It was also the case that there was no binding laws that discriminated against Mexicans, compared to other historically marginalized groups at the time and thus no real legal action could be taken on a racial level. Because of this distinction, Mestizos were

granted American citizenship just like the Californios, but their opportunities were only extended to laboring positions to help continue the development of American Civilization.

It should also be noted that this offer of citizenship was a means for American Civilization to assert its control over the region of Southern California (and California as a whole). Californios and Mestizos living within Southern California were now distinct from Mexicans living in Baja California, Sonora, or any part of Mexico. This new distinction between Mexicans in Southern California and Mexico would impact the perceptions of Mexicans for the European American settlers that had entered into Southern California.⁵⁵ The loyalties of the Californios and Mestizos under American Civilization was always under scrutiny as many of the settlers assumed that they were still loyal to Mexico. This fueled distrust between the now Mexican-Americans and the settlers that were moving to Los Angeles and the San Bernardino Meridian. The racial prejudice that was held against Mexicans by many settlers was exacerbated by this questioning of loyalty and citizenship within American Civilization.

It was also now the case that families and friends had been divided by the new annexation of California which put into prospective the racial tensions of the settler Mexican relationship. Those that fell outside of Southern California's southern border became the *others* who were not granted the privileges of those

⁵⁵ White, "*Your Misfortune*," 57.

under American Civilization. They existed in a state of chaos where the aspects of civilization existed, but were intertwined with the 'uncivilized' aspects of Indigenous culture. This would be pushed even further when the Mexican Revolution threw Mexico into chaos and pushed the United States to start solidifying its border with Mexico thus perpetuating the original problem.

This distinction between Mexicans that had become citizens in Southern California and Mexicans still living in Mexico brought up a number of questions regarding the social status of Mexican-Americans.⁵⁶ As stated before, there was no legal binding discrimination against Mexicans, but many settlers made it much harder for Mexicans to live under American Civilization. This new racial categorization pushed many Mexicans into lower paying jobs and many were forced into poverty as a result. The unintended social consequence also led to segregation, not based on legal means, with certain schools designated as for Mexicans and others designated for American Settlers. As a result, language became a factor of discrimination which forced Mexicans to learn and speak English as a means of survival. Thus, the social tensions brought about the same results as legal discrimination.

Mexicans, particularly Mestizos, also continued to fight against the image of being half-Native. They put a distance between themselves and Native Americans in order to attempt to integrate into American Civilization. Many would even harass and attack Native Americans in order to further distance themselves

⁵⁶ Camp, *Materializing Inequality*, 48.

and emphasize their Spanish heritage. In spite of all this show of allegiance with the American Civilization, most Mestizos (particularly if they had darker skin) were forced into menial labor jobs which payed the minimum and did nothing to improve their standard of living.⁵⁷ Class discrimination became an intermeshed with racial discrimination. Overt discrimination against Mestizos demonstrated how racial status affected the class standing that individuals held. If a person was not a settler or of European decent, it was very likely that they would remain in working class jobs that allowed little opportunity for upward mobility.

This mindset of supremacy was key to the settler colonial narrative that sought to erase the existence of Mexico Civilization from the Western United States. This process of replacing narratives still left the monuments and laws that were remnants of Mexican rule. Yet for the most part, the main monuments and laws were attributed to Spanish rule and not Mexican rule, such as the preservation of the California Missions and how most names were kept to describe places in which they were located geographically (i.e. Los Angeles, San Bernardino, etc.).

At this time, Mexicans in Southern California were actively integrated into American Civilization, yet they were dispersed by the transition from the multiracial system under Mexican Civilization to the biracial systems. In this context, lighter skinned Californios were able to integrate, thanks to both their skin color and their wealth, much more easily than their darker skinned Mestizo

⁵⁷ Camp, *Materializing Inequality*, 61.

counterparts, who were forced into working and poor classes. Even the changes in boundaries deeply affected the relationship between Mexico and the United States, since when Southern California became integrated into American Civilization, the southern border became a new point of contention. Mexicans at the southern border who previously would cross back and forth with ease, became confined once the new boundaries were established by both American and Mexican Civilizations. Those north of the border were now part of a superior civilization while those south of the border became part of the inferior nation.

It should be noted, that while both Mexicans and settlers were in contention with one another, both groups had been born into and shaped by Perlman's definition of "Leviathan." Both existed under a structure that promoted domination and hierarchical structures but with differentiating cultural practices. That is why in both cases, Mexicans and settlers discriminated against Native Americans since they were seen as being outside of the Civilizing process. Even though many had been forced into servitude by the Spanish Civilization years before, the Native Americans had been seen as outsiders in the civilizing process. That is why even Mestizo groups were known to attack and shun groups of Native Americans even though they might hold similar backgrounds. Still, the dominating narratives of "Westward Expansion" and "American Exceptionalism," demonstrated that any group that stood in the way of the ever-expanding American Civilization would be categorized as being outside forces that threatened the process of expansion.

While these factors of civilized structure and racial prejudice played a role in the domination of Southern California for both Native American and Mexicans, class and wealth to also significantly impacted the established order. The class distinctions are paved the way for the negotiation process for both Native Americans and Mexicans. Heavily influenced by race, the established class structure under American Civilization created a means of controlling the economic factors that each group would be able to access. For Native Americans, this meant controlling their movement through the allotment of land. For Mexicans, this means the Mestizos were forced into working class jobs to help build up cities like Los Angeles and San Diego. Yet there is also one group that is also affected by this class structure under American Civilization. The group that would also be manipulated and subdued under the laws and constricted order of the American Civilization, would be the American settlers, specifically poor “settler” farmers and homesteaders.

CHAPTER FOUR

EUROPEAN AMERICAN SETTLERS

The poor European American settler were not generally considered to be a victim of the settler colonial process and in the case of my thesis, the consequences of American Civilization. They resided within the traditional narrative of Westward Expansion and Manifest Destiny and could be considered the main beneficiaries of this process of westward expansion. The land that they came to own was the same land stolen from the Native Americans and Mexicans.⁵⁸ Their diligence and hard work focused exclusively on the development of the land for their own personal use perpetuated American Civilization in the region and attracted more settlers into the region and thus allowing more land to be stolen from Native Americans and Mexicans. These Farmers and Homesteaders were the first to initiate the process of settler colonialism.

This section will look into how the European settlers benefited from the institutions of American Civilization. How they perpetuated the myths of westward expansion and domination. Yet it also shows how they too became victims of the effects of colonization. From the development of agribusiness to the diverting of

⁵⁸ Emily Rader, *"So We Only Took 120 Acres": Land, Labor and Settler Supremacy in the Settlement of Southern California, 1800-1925*, University of Southern California, 1998, 33.

water in Owen's Valley, settlers would be swept into the consequences of settler colonialism.

Pioneers, was the term used for them in the beginning of expansion which denoted the characterization of what these poor European American farmers and homesteaders perpetuated. Following the logic behind Westward Expansion, the pioneers were bringing American Civilization into the "unknown" and "wild" regions beyond the Mississippi. They were the first to establish the social and cultural institutions (such as rugged individualism) within the region of Southern California and the rest of the American West. In the case of the state of California, there was a group of settlers that had revolted against Mexico proclaiming the "Bear Flag Republic" that allowed the U.S. to partially justify its war with Mexico.⁵⁹ These poor European American farmers that had brought the ideals of American Civilization with them had created the process of settler colonialism that shifted the power dynamics in the American West in favor of the United States.⁶⁰

These poor farmers and homesteaders were the archetype of American Civilization. However, as demonstrated with Native Americans and Mexicans that assimilated into American Civilization, the process of American Civilization was in constant flux. It is with this flux that the same farmers and homesteaders that had expanded the reach of American Civilization, suddenly became victims of it.

⁵⁹ Heidenreich, *This Land was Mexican Once*, 76.

⁶⁰ White, *Your Misfortune*, 24.

Before going further, it should be noted that this victim hood for poor farmers and homesteaders was not systemic as it was for Native Americans and Mexicans. There was never systemic violence used against these farmers and homesteaders, there were no attempts at genocide or legal discrimination against the settlers. Yet the turn against poor European American farmers was clearly seen as the development of Southern California unfolded through the 1910s and 20s.

The underlying motivation for this turn against the poor European Americans was instigated by class and economic discrimination. Unlike the racial and cultural discrimination that Native American and Mexicans confronted, the poor settler farmers of Southern California faced class-based discrimination. Specifically, this meant that access to resources that farmers and homesteaders needed for survival were restricted due to the fact that the farmers were in a lower economic class with little power to make change. Access to certain goods and valuables was limited and accessibility within the economic infrastructure was minimal.⁶¹ While these poor farmers had access to the various institutions and benefits of American Civilization, such as the railroad and mechanized industry, this did not guarantee that these groups could have access to these institutions compared to their middle- and upper-class counterparts.

⁶¹ Donald J. Pisani, *From the Family Farm to Agribusiness: The Irrigation Crusade in California and the West, 1850-1931*. (Berkeley: University of California Press, 1984), 37.

It should also be noted that many of these poor settler farmers and homesteaders lived in close proximity to Native Americans and Mexicans. Particularly Mestizo groups that also resided in more working-class areas would be working side by side with poor settler farmers. This is significant given that even though these farmers and homesteaders held social and cultural privileges that neither Native Americans nor Mexicans had, yet they did not have access to the economic infrastructure that would make their lives and living conditions easier. Consequently, many farmers and homesteaders were kept in the same lower socioeconomic status as Mexicans and Native Americans under American Civilization.

This was not always the case however, as many of the poor settler farmers had lived in very well-to-do conditions following the Mexican-American War. From the 1860s up through the 1900s, many farmers and homesteaders held positions within American Civilization that benefited their own interests. For instance, the land surrounding the City of Los Angeles at the time was ripe (literally and metaphorically) with citrus groves and farmers that many poor settler farmers and homesteaders benefited from.⁶² This boom in production led to economic opportunities for many farmers and homesteaders in the citrus industry, which led to more people seeking opportunities in farming. It was also at this time that Mestizo farmers were discriminated against and pushed out of

⁶² Carey McWilliams, *Southern California: An Island on the Land*, (Santa Barbara: Peregrine Smith, 1973), 54.

the marketplace, leaving farmhand work as the only available economic opportunity for Mestizos.

Modernization and Agribusiness in Southern California

A shift came in the 1910s and 20s corresponding with the development of cities like Los Angeles and San Diego which began to expand the opportunities for urban dwellers. As the population increased, the land available for citrus groves began to dwindle and as a result, more and more poor settler farmers and homesteaders were pushed out. Only those farmers that had brought and controlled huge amounts of land were able to maintain their economic hold. This left many poor settler farmers and Mestizo farmworkers out of work and with no land, many were forced to leave the cities for the San Bernardino Meridian.⁶³ Many poor settler farmers and homesteaders found themselves living among Mexicans and Native Americans that had already been pushed into the lower class based on their skin color alone. Yet still many of the poor settler farmers and homesteaders saw themselves as distinct from the Mexicans and Native Americans they now lived with, thinking that this would be only a temporary setback. For some it was, for most, it was not.

This new shift for these poor settler farmers was solidified when the farming settlements went from being run by poor settler farmers on small sections of land, to being run by huge agribusinesses which owned vast acres of

⁶³ Pisani, *From Family Farm to Agribusiness*, 68.

land. From the 1900s onward, the development of these huge agribusinesses coincided with the mass migration of people into Los Angeles and San Diego, which in turn had been spawned by the modernization of Southern California.⁶⁴ This shift promoted changes in the allotment of land leaving many homesteaders and farmers with no land on which to sustain themselves or their families. The agribusinesses swiftly developed and expanded, taking advantage of the ever going economy in Southern California by buying land that had been owned by poor settler farmers. Many of these farmers attempted to hold onto the land but were eventually driven out by insufficient economic prospects or by intimidation from these new agribusinesses.

It should be noted that the majority of these new agribusinesses are still profiting off the labors and disenfranchisement of Native American and Mexicans. Particularly when it came to farm hands, Mexicans were seen as cheap labor compared to some of the settler farmhands that were hired. Even Native Americans were seen as an integral part of agribusiness expansion as their lands were fertile and the agribusiness was always in need of more land to plant and harvest. Yet for poor settler farmers, they were seen as either new potential farmworkers or simply ignored all together. As land expansion for agribusiness was key, it did not matter who owned the land at that time, just as long as the business could purchase it up for its own purposes.⁶⁵

⁶⁴ Pisani. *From Family Farm to Agribusiness*, 52.

⁶⁵ Pisani. *From Family Farm to Agribusiness*, 54.

In the case of poor settler farmers, it was the economic burdens that would cause their suffering. Unlike the physically violent and legal means by which American Civilization would acquire land, it was financial reasons that drove the poor settler farmers from their land. Many of the settlements that were used for farming land were bought for a low price from the state government (after they had been taken from either Native Americans or Mexicans).⁶⁶ Thus, production for poor settler farmers was at a subsistence level which meant that they could not operate profitably within the economy. As a result, offers to buy land cheaply by agribusinesses became common place and poor settler farmers had no choice but to take the offers given. It was that or face land and legal fees that would ruin them economically. The poor settler farmers were moved from their fertile land into the same lower classes as Mexicans and Native Americans. The economic divide that separated poor settlers from their counterparts in the city was enough to push them into a subsistence level of living again. Although there was no systematic or legal discrimination, a substantial number of individual poor settlers were affected by classist systems and regulations. It would be possible for a number of these same poor settlers to reach a higher level of class. Yet, the majority of these people would barely be able to survive in the new exploitive context created by agribusinesses.

It is these agribusinesses that represent the modernization of Southern California as delineated by the process of American Civilization. Even though

⁶⁶ Rader, "*So we only took 120 acers,*" 32.

these farmers and homesteaders had helped to perpetuate the spread of American Civilization and willingly participated in it, they ultimately were marginalized because of their class status and made dependent upon the same businesses that had pushed them into the lower socioeconomic classes of American Civilization. Agribusinesses took their land and made them dependent on their economic services. Now, the settlers could be moved aside to make room for the promises that agribusiness had for the region. Their privilege of being U.S. citizens from birth granted them some access to the market that was systematically denied to Mexicans and Native Americans. Farmworkers in particular were predominantly settlers, did not have the means to operate within the economy, and many would be left to squander in the lower classes alongside Mexican and Native Americans.

The development of this class-based discrimination continued throughout the modernization of Southern California. From the 1870s to the 1910s, the prospects for poor settler farmers became more and more slim. Those that believed in the economic opportunities being offered by developing cities like Los Angeles and San Diego moved into more laboring jobs to help with urban development.⁶⁷ They took positions as construction workers, day laborers and other service-oriented positions as Los Angeles began to spread out over the land as more and more cities began to spring up. These poor settler farmers had been made dependent on the development process of American Civilization just

⁶⁷ Pisani, *From Family Farm to Agribusiness*, 78.

as Native Americans and Mexicans had become dependent upon American Civilization. Even farmers that lived outside of Los Angeles had begun to rely on selling their crops to help sustain themselves economically. Those who had not been absorbed by large agribusinesses, were forced to live subsistent lives in rather poor conditions.

But many of the older farmers that had gained the land during the beginnings of settler colonialism, refused to yield against the demands of the city. Throughout the San Bernardino Meridian many wealthy farmers held onto their titles and refused to back down against the state and other businesses that sought to profit off their land.⁶⁸ The even though many farmers had given up claims to their land in the Meridian to help with mining and other processing, others continued to fight for ownership, pushing against what they saw as rightfully theirs. In the legal sense it was, however it would still be at the expense of Native Americans and Mexicans that had held the land before them. The struggle against development in the region for poor settler farmers, was still reliant on the narratives created by American Civilization. Their beliefs in Manifest Destiny and their divine right to the land guided their push against the development of urban areas like Los Angeles and San Diego.

The Myth of the Wild West

⁶⁸ Rader, "*So we only took 120 Acres,*" 64.

While it might be easy to point to the narrative of Westward Expansion as the reason for fighting against development, it is more so the narrative of the Wild West that created the justification for poor settler farmer's right to the land. In this narrative of the Wild West, the Western United States, was still outside the reach of the Federal and State governments.⁶⁹ This meant that property and ownership for poor settler farmers was based on claim rather than property rights. Claim itself was based on the idea that because either the poor farmer had settled on the land, or their family before them had settled the land, so thereby were entitled to its ownership. It was not the government that decided whether or not a person owned the land, but the individual who claimed ownership. Hence the idea of the Wild West, which depicted the region as being claimable through any means necessary.

As a result, the narrative of the Wild West perpetuated the belief that the land itself was empty prior to settlement. Any rights Native Americans or Mexicans might have had to the land was lost to the presumptions of the land being wild, and in the case of the pioneers in need of taming and claiming. Thus, while the struggle against the domination of American Civilization was similar between poor settlers, Native Americans, and Mexicans, the framework by which poor settler farmers struggled perpetuated the extension of the Wild West

⁶⁹ White, "*Your Misfortune*," 58.

narrative.⁷⁰ The land was still theirs and no one else's, as it had been wild and unoccupied before they arrived.

Because of this perpetuating of the Wild West narrative, a new narrative emerged that affected poor settler farmers even further. This narrative was called "The Closing of the West," and it began to occur around the same time as the modernization of Southern California. The narrative is rather simple, it defined the belief that government exertion of power over property and land in the American West removed the freedom and opportunities offered by the "Wild West."⁷¹ This coincided with the hardships of poor settler farmers as the development of Los Angeles continued to affect their economic livelihood. It created the belief that the opportunities for farmer and settlers had been squandered by the U.S. government and corporations that sought to buy up land to continue developing cities for the urbanites in Los Angeles and San Diego. It was this narrative that many poor settler farmers felt they were fighting against in order to maintain their sense of self and their own sense of identity.

This was a complete fabrication however, as the narrative of the "Closing of the West" continued to serve the needs of American Civilization. It did not take into consideration the fact that the land had once belonged to Mexican Civilization, or that it had once belong to Native Americans. It did not take into consideration the fact that poor settlers were within the same economic situation

⁷⁰ Patricia Limerick, *Desert Passages: Encounters with the American Deserts*, (Albuquerque: University of New Mexico, 1985), 17.

⁷¹ Limerick, *Desert Passages*, 93.

as Native Americans and Mexicans, not because of the unfair nature of the government and economic market. It did not focus on the bigger picture of how American Civilization, as a combination of institutional, social, political, and economic institutions/practices, continued to affect their livelihoods. The most common example which characterized this was the Workingman's Party of California. The Workingman's Party drew upon racial narratives to achieve its goals of excluding Chinese laborers from working the United States. Believing the narrative of European racial superiority, they failed to look to the bigger picture of American Civilization and how it created socioeconomic conditions that perpetuated socioeconomic conditions. It is this reductionist path that poor settler farmers took which distinguished them and separated them from the exact struggles that Native Americans and Mexicans were trapped by and struggling to survive under.

Betrayal at Owen's Valley

For poor settlers, the ultimate betrayal of American Civilization was the California Water Wars, or rather the creation of the Los Angeles Aqueduct in Owen's Valley. This development represented a significant shift in power, demonstrating how American Civilization turned against those that had helped to cultivate and reinforce its ideals in Southern California. Along with the acquisition of the San Fernando Valley, it would be the largest transfer of land in Southern California history. It represented the final stage in the development in Los

Angeles, as it sought to draw more power and energy for itself at the expense of poor European American settlers, and Native Americans within the Owen's Valley region.⁷² This was a pinnacle of modernization in Southern California which was needed to sustain life in the region.

Before 1908, the farmers in Owen's Valley controlled the flow of water in and out of the valley. Through a series of interventions, the U.S. Bureau of Reclamation developed a series of irrigation systems that prevented any diversion of water from the valley towards Los Angeles. This allowed the farmers unlimited access to water for their own use, and given the limited amount of space in the valley, there were no monopolistic farms or agribusinesses that dominated the region.⁷³ Some of the water had been diverted to help the Southern Paiute peoples, as they were the original inhabitants of Owen's Valley before settlement. However, their access was much more limited compared to that of the poor settler farmers.

This changed in 1908, as the newly founded Los Angeles Water Department was formed under the supervision of lead engineer William Mulholland. Under this new city authority, Mulholland was able to use the department to gain access to Owen's Valley's water through a series of water rights litigations that superseded the power of the Bureau of Reclamation. Though the process would take three years, the city was able to negate the rights

⁷² Paul H. Lane, *Owens Valley Groundwater Conflict: The Critical Issues of the Lawsuit Filed by Inyo County against the Los Angeles Department of Water and Power*, (Los Altos: W. Kaufmann, 1978), 157.

⁷³ *Ibid*, 159.

of the farmers in Owen's Valley under the guise of helping the city of Los Angeles support a growing population. This would be a similar argument used later when the project was expanded to the Colorado River.

Between 1908 and 1913, Mulholland oversaw the construction of the Los Angeles Aqueduct which was considered one of the biggest construction projects at the time. This process of building the aqueduct put even more strain on Owen's Valley farmers as they continued to fight against what they saw as unjust expansion of the city of Los Angeles.⁷⁴ When the aqueduct was completed, farmers were going to the city to protest the continued attacks against their livelihoods and economic wellbeing. The Los Angeles Water Department continued to claim water rights throughout the valley until almost 90% of all the water in Owen's Valley was owned by the city of Los Angeles.⁷⁵ This riparian diversion left farmers with little to no access to water and drove many of them from the land.

Some of the farmers would fight back however, and the struggle against the diversion would continue into the 1920s. While protests against the city's expansion continued within Los Angeles, more violent struggles would occur in the valley itself. By 1924, the lake bed had been completely drained by the city and farmers attacked the local Inyo County Bank, which had lent money to the

⁷⁴ Lane, *Owen's Valley Groundwater Conflict*, 125.

⁷⁵ *Ibid*, 207.

construction of the aqueduct, and even destroyed multiple sections of the dam.⁷⁶ This included the main Alabama Gates and parts of the northern structure, which allowed some water to flow into the lake bed.

Because of the attacks on the bank and the aqueduct, the economy in Owen's Valley began to collapse as the Inyo County bank went under. This in turn began to affect small businesses which sent the local economy into a nosedive, erasing the life savings for many of the residents in the valley. The attacks ceased as farmers attempted to save what was left of their economic livelihoods and maintain their farms at the same time. Meanwhile the city of Los Angeles finalized its hold on most of the water in the valley and continued to pull water from the valley. The Los Angeles Water Department established its own jurisdiction to protect the aqueduct from further attacks.

This whole event demonstrates how the development of Los Angeles turned the super structure of American Civilization against the same group of people that had perpetuated its expansion. Even though the farmers in Owen's Valley had taken the water from the Paiute peoples, and even changed its name from the original Payahūnādū, they too were betrayed in favor of further development and colonization. The collapse of the local economy showed the lengths to which the industrialized process would go to continue development

⁷⁶ Martin Forstenzer, "Dust to Dust: Owens Lake, once a vacation spot, is now a salty environmental hazard. It dried up in 1924, when Los Angeles siphoned away its water," *Los Angeles Times*, April 10, 1992.

and expansion of power. To this day, the Los Angeles Department of Water and Power holds jurisdiction over the aqueduct, and even built another aqueduct in the 1970s. The rights of the poor settler farmers were superseded by the need for economic growth in the City of Los Angeles.

At the same time, this event fails to address what happened to the Southern Paiute peoples that continue to live in the valley. They too were affected by the development of the aqueduct and most were pushed into the more remote regions of the valley. The Southern Paiute also protested and called for the right to the water in the valley. Yet in the popular narrative of the California Water Wars, it is only the poor settler farmers that get the attention of the popular press. The divisions between the narratives of the Southern Paiute and the poor settler farmers of Owen's Valley need to be continuously addressed as their story is just as important as the economic strife that disenfranchised the poor settler farmers of the region.

The aqueduct represents the continued push of the narrative of Westward Expansion. Owen's Valley demonstrates that the power of colonization and American Civilization can be felt by all. That even the settlers that had perpetuated its goal through the process of settler colonialism, can also be subject to domination and disposed of at will. The economic strife suffered by poor settlers was not the same as the physical or legal violence suffered by Native Americans or Mexican. However, it has just the same potential to ruin livelihoods and affect the growth of individuals.

It is under these conditions that the poor settlers in Southern California are subject to exploitation by the processes of American Civilization. Even though poor white settlers benefitted, at times, in the greater American Civilization and were key in pushing the process of settler colonialism, they too were subject to its negative consequences. Unlike the Native Americans and Mexicans of the region who suffered physical and legal violence, poor settlers would suffer economic violence at the hands of the city and the state. This economic injustice pushed poor settlers into further poverty and would come to hate cities like Los Angeles and San Diego that had taken their livelihood away. The denial of water rights in Owen's Valley shows the extent to which American Civilization shaped itself to fit its own needs at the expense of those who had perpetuated the culture and structures that brought it into existence in the first place.

It should be noted that the suffering of poor settlers cannot be compared to that of the suffering of Native American and Mexicans. Though all three groups suffered under the leviathonic power of American Civilization, the suffering of Native Americans and Mexicans was systemically enacted. It was systemic because it would affect all within said groups to some extent or another. The perpetuation of legal and land discrimination makes it obvious that factors of American Civilization sought to change and affect their very livelihoods. Meanwhile with poor settlers, the economic discrimination that they faced was based on the fact that distribution of power, property, and resources under American Civilization was unequal, and thus was not systemic for all. Yet this

demonstrated the intersectionality of American Civilization, and how it is a fluid entity that exists and dominates the historical narrative in order to achieve its desired results.

CHAPTER FIVE

CONCLUSION

The process of settler colonialism was key to the development and expansion of the construct of American Civilization as it continues to grow and expand through its institutional and cultural practices. This process seeks to establish American Civilization like a Leviathnic force that will continue to consume the resources it needs so that it can perpetuate its own progress and growth. American Civilization takes all that it can in the name of development, utilizing a number of tactics of settler colonialism. It either forces integration or extermination of local populations that existed in the region before the colonizing process was initiated. Land was overtaken and anything and anyone living within the region was classified as either a benefit to American Civilization or a nuisance (sometimes both) to be expunged. Everything was categorized by American Civilization in this manner and whatever continues to aid development was maintained while whatever hinders development was disposed and manipulated to achieve its desired goals.

American Civilization has thus maintained itself throughout the years by creating historical narratives that capture a favorable view of its own history. The narrative of “Manifest Destiny” puts into perspective the need for westward expansion for the good of all Americans. It justifies its conquests and consumptions on the basis of pushing back the “unknown wild” that it has created

as an opposition to its end goal. Narratives of the “Wild West” capture the dangers of the region, how unruly these areas were before American Civilization brought its own institutions and cultures as a taming and civilizing force. These narratives perpetuate a totality that sustains the historical narratives of American Civilization in the positive light by focusing on importance of development and progress.

Yet American Civilization in its Leviathonic state cannot be considered a complete totality. Though its consequences are wide spread (i.e. racial institution and cultural discrimination to name a few) it is not a single entity, but a collection of practices and forms that maintain narratives of domination and control. It is a collection of institutions and practices that make up an entity which has widespread control. Because American Civilization is not (cannot be) a totalizing force, it is subject to change and interpretations. This subject of interconnectedness shows how the three groups of Native Americans, Mexican, and poor settlers were subjected to similar structural violence in spite of their historical differences and confrontations.

Native American were clearly subjected to the worst treatment under American Civilization in Southern California. Many of the various tribes, from the Pala to the Mojave, had already been subjected to the Spanish laws and rules that had attempted to do away with their traditions and cultures, while Mexican Civilization removed them from any land attachment they had for generations. Under American Civilization, things became worse as various tribes had to fight

the new land allotment laws being forced upon them by yet another new power within the region. The struggle for sovereignty would only prove successful in terms of some further integration into American Civilization, such as being granted citizenship in the 1920s.

American Civilization subjected Native Americans to dispossession and genocide in numerous instances while also rewarding those who were willing to integrate into American Civilization. This is made clear in the case of Juan Despierto who was able to attain a portion of land because of his status as a Native American man. Yet like most of the battles that were won, the victory was bittersweet. While land was attained, it was land that was inhospitable and, in some cases, void of necessary resources. Even if there was a victory, the likelihood of it being beneficial for Native Americans was slim at best.

For Mexicans in Southern California, changes occurred systemically yet it was distinct from that of Native Americans. The change in this case was the racial discrimination for Mexicans, particularly Mestizos. Having been forced to transition from a multiracial system to a biracial system, Mexicans with more Spanish ancestry (Californios) were able to transition easily into the new American Civilization they found themselves in. Other Mexicans with more Indigenous backgrounds (Mestizos) were still allowed to participate in American Civilization, yet they were relegated to working class opportunities and conditions. This also included Mestizos who owned vast amounts of land and were rather wealthy losing a lot of their wealth, while Californios who were poorer

could suddenly have access to all the benefits of American Civilization. It should be noted that these groups were only integrated into American Civilization on the basis that they were living in Southern California at the time of the Mexican-American War when the U.S. annexed California from Mexico.

Yet another key distinction that should be noted here is that Mexicans living in Southern California had already been living under their own form of Mexican Civilization; while they were affected by the settler colonial process, many Mexicans lived and operated under similar institutions and government organizations that exist in American Civilization. Thus, the takeover for many Mexicans in the region was more of a cultural form of domination rather than structural. This was demonstrated through the accessibility for Mexicans, both Californio and Mestizo, to become part of the industrializing forces in Southern California. Whether they had invested infrastructure or worked as laborers to help build up cities like Los Angeles and San Diego, they remained part of the process. It also shows the divisions between Native Americans and Mexicans including the cultural tensions between the two groups.

Finally, poor European American settlers also fit into their oppressive structure that is American Civilization. Poor settlers were part of the settler colonial process, in fact many of the farmers that sought land grabs in Southern California were perpetrators of settler colonialism. Historically they were the pioneers that ventured into the "Wild West" to look for land and opportunity beyond that of the Eastern United States. Yet they also represent how the

leviathonic force of American Civilization was in constant flux, and that those who were once allies could turn into new enemies. How even though poor settlers do not suffer the same physical and legal violence that is systemic to Native Americans and Mexican, they are still prone to economic violence.

For poor settlers, it was the modernization of Southern California that pushed them into economic duress. Because the goal of American Civilization was expansion and growth, the cities of Los Angeles and San Diego became the two most important cities in Southern California. Mass immigration from back east began to occur as more and more urbanites were moving to cities like Los Angeles and San Diego, which created more work for poor settler farmers. All the while huge agribusinesses were beginning to emerge based on the demand that pushed a lot of poor farmers off their land, giving them little opportunity to do much else. Therefore, many poor settlers would live among Mexican and Native Americans who were attempting to survive economically as well.

The biggest event that showed the economic violence against poor settlers was the building of the Los Angeles Aqueduct, and the privatization of water in Owen's Valley. This event demonstrated the true growth of American Civilization and its consequences, as it deprived many of the water they so desperately needed. Many poor settlers were bankrupted and forced out of the valley in an attempt to find some other means of survival. The Southern Paiute also experienced huge land grabs in the region that affected their livelihoods as well. Poor settlers had suffered economic violence and had been betrayed by the

same institutions and cultures that they had once fostered. They had become caught up in the conquest of American Civilization.

The history of settler colonialism and colonialism is part of the much larger process that individuals have become trapped in. This totalizing force of American Civilization, demonstrated the interconnected nature of these institutionalized processes, racism, colonialism, sexism, classism, and so on. It is created through the desire of growth and conquest, which affects all groups that are caught up in the process. Historical narratives are used to justify or erase its actions and shows the means by which oppressions is carried out in all formers. The oppression of Native Americans, Mexicans, and poor settlers can be seen within this process, yet it is also clear that these groups can change roles as oppressors and oppressed. The domination of American Civilization is not limited to the United States, it exists in a nation-state or organization that seeks to utilize history and historical narratives to push for development and conquest at the expense of others. This analysis of Southern California at the turn of the twentieth century represents a fraction of what exists in other histories. The historical narrative of settler colonialism, is one that exists throughout the histories of the world.

APPENDIX A

RECORDS OF THE BUREAU OF LAND MANAGEMENT: RECORD GROUP 49

April 8, 1903

The Commissioner
of the General Land Office

Sir:

I transmit herewith a copy of a letter of the 1st instant, from the Acting Commissioner of Indian Affairs, regarding the withdrawal of certain public lands in California, for use of the Mission Indians.

In view of the facts stated, and in accordance with the recommendation of the Indian Office, I have to direct that all unoccupied public lands in the south half of Township 9 South, Range 1 West, S. E. M., California, be withdrawn from entry and settlement temporarily until the same can be formally set aside for said Indians, if found necessary so to do.

Very respectfully,

E. A. Hitchcock

Secretary

2986, Ind. Div., 1903.

One enclosure

Y

April 1, 1903

The Honorable

The Secretary of the Interior

Sir:

I have the honor to transmit herewith, a communication dated March 20, 1903, from Charles F. Lummis, Esq., of Los Angeles, California, Chairman of the Advisory Commission, appointed under the Act of May 27, 1902, to aid in the selection of a tract of land for the Warner's Ranch Indians, in which he recommends the withdrawal from entry and settlement of all unoccupied public land in the south half of township 9 south, range 1 west, San Bernardino Meridian, California, for the use of the Mission Indians at Pala and Panama, California.

Mr. Lummis states that this land lies back of the Pauma and Agua Tibia ranches and should be set aside for Pala and Pauma Indians and the Warner's Ranch Indians now to be moved to Pala; that the Pauma Indians have only 250 acres of land and no pasture land whatever; that they formerly ran their stock on the vacant lands in the south half of said township, but two years ago the owner of Agua Tibia ranch ordered the Indians to remove their stock from the vacant lands under penalty of having the stock shot, and is now running her cattle thereon; that there is one Indian, Sylvester Gomez, at present living on said lands, and that they will probably support 200 cattle.

In accordance with the recommendation of Chariman Lummis it is recommended that the Commissioner of the General Land Office be directed to withdraw all unoccupied public lands in the south half of township 9 south, range 1 west, S. B. M., California, from entry and settlement, until the necessary formalities may be arranged to have the same permanently set aside for the Indians.

Very respectfully,

S/ A. G. Tonner

Acting Commissioner

Pala
and
Panama

LAND INVESTIGATION REPORT

The purpose of this report is to disclose factual data relating to the South One-half of Township 9 South, Range 1, West, San Bernardino Meridian, San Diego County, California.

This area was temporarily withdrawn from forest use by Secretarial Order on April 8, 1903, which reads as follows:

April 8, 1903

"The Commissioner
of the General Land Office

Sir:

I transmit herewith a copy of a letter of the 1st instant, from the Acting Commissioner of Indian Affairs, regarding the withdrawal of certain public lands in California, for use of the Mission Indians.

In view of the facts stated, and in accordance with the recommendation of the Indian Office, I have to direct that all unoccupied public lands in the south half of Township 9 South, Range 1 West, S.B.M., California, be withdrawn from entry and settlement temporarily until the same can be formally set aside for said Indians, if found necessary so to do.

Very respectfully,

E. A. Hitchcock,
Secretary

2986, Ind.Div. 1903"

It is apparent that no determination has ever been made as to whether the lands should be set aside for the Indians, the withdrawal order never having been revoked. The said temporary withdrawal of April 8, 1903, did not set aside the lands for Indian use or occupation as evidenced by the very language of the withdrawal order. Furthermore, some 46 years have elapsed since the temporary withdrawal and during this period no Congressional Act or administrative decision has been made carrying the title to any or all of the withdrawn lands for Indian use or occupancy.

From a perusal of the attached land map and aerial photos showing the area covered by the temporary withdrawal and adjacent land, the following facts are evident:

(a) The east and north boundaries of the withdrawn area fall in a rough, mountainous area comparable to and of the same classification as contained in the Agua Tibia Wilderness area adjoining.

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(b) That the southerly and westerly boundaries of the withdrawn area lying within the National Forest have been determined as to Physical location separating agricultural land from forest and watershed land.

LAND CHARACTER ANALYSIS:

Of the withdrawn land 8342.71 acres lie within the present boundaries of the Cleveland National Forest.

A careful study of the aerial pictures attached to this report discloses the following facts:

1. The area comprises the headwaters of the San Luis Rey drainage basin in Marion Canyon, Agua Tibia Creek and Frey Creek. These headwaters make a drop in elevation from 5100 feet to 1500 feet at the Forest boundary, in a distance of 2½ miles.

2. The average slope of the entire area is approximately 30%, with maximum slopes throughout the main drainages of 60%. It is estimated that not more than 5% of the entire withdrawal area inside of the Forest boundary has slopes under 20%.

3. The debris fans forming the entrance to the Agua Tibia Creek, Marion Creek and Frey Creek drainage areas are stabilized, having their upper limits at or near the National Forest boundary. Lands adaptable for agricultural use begin on these debris fans outside the National Forest boundary.

4. The primary cover type of the area is heavy brush and some non-commercial timber. The cover types on the main ridges are predominantly chamise, ceanothus species, and manzanita. Main drainages have heavy riparian vegetation made up of alders and big cone spruce. At the extreme upper end of the main drainages there is a small area that is predominantly a mixed conifer type. There are practically no grass types in the area suitable for grazing.

5. Major soil types of the area are decomposed granite, broken and faulty.

Based on the above land characteristics of the area, it can be concluded that there is no opportunity for any agricultural development or range use. These lands have a primary purpose of water production and erosion stabilization of the lower agricultural areas, which areas are dependent upon the protection and maintenance of these watersheds.

LAND USE ANALYSIS:

1. The only travel routes within the area are the Morgan Hill Truck Trail (Forest Service) and the Mission and Gomez foot trails. There are no access roads leading into the area from public highways. The only recreational areas adaptable to use are at the extreme northeast corner of the withdrawn lands, sloping to the north and east and not included within the drainage area covering the greater portion of the withdrawn area. These lands are not now used for

recreation in any form.

In the 46 years elapsing since the withdrawal order was issued, there is no evidence of Indian occupancy. Actual use by Indians over these years has been approximately 15 man days annually, primarily for the purpose of cutting posts. A small number of man days have been spent by these Indians in hunting in the area. However, both of these uses are permissible to Indians on National Forest land and are not restricted to the withdrawn area.

2. No structural improvements such as power lines, dams, residences, etc. have been made within the area except roads, trails, fire water developments as installed and maintained by the Forest Service for protection and administrative purposes.

On or about November 25, 1946, Application No. 065161 to purchase a portion of the withdrawn area outside of the Forest boundary was made by Mr. Hartwell Bradford of Placentia, California. Said application was rejected by the District Land Office at Los Angeles, California, on December 4, 1946, on the grounds that "The land applied for was subject to entry." This decision was appealed and on September 30, 1949, an opinion was handed down by W. H. Flanery, Acting Solicitor, for the Secretary of the Interior, a copy of which is attached hereto. Mr. Flanery states that application can be made for restoration of the area applied for under Application No. 065161 to public domain, subject to acquisition under existing statutes.

Is it not then probable that the area within the boundary of the National Forest can also be released from the withdrawal order? If so, and in view of the above factual data and supporting evidence, it is therefore recommended that the temporary withdrawal order of April 8, 1903, be revoked permitting this area to come under National Forest Administration.

Respectfully submitted,

(Signed) E. W. Schultz
E. W. SCHULTZ, District Ranger
Cleveland National Forest

April 25, 1950

ATTACHED HERETO:

Aerial Photos AXN 270-77-78-79-80-81-95-96-97
AXN 212-58,59,60,61
AXN 213-5,6

General Land Office Plat approved May 14, 1921
Township 9 South, Range 1 West, S.B.M.
Vicinity Map of Land under Investigation
Copy of Opinion by Acting Solicitor W. H. Flanery
(Dept. of the Interior), Sept. 30, 1949.

Reproduced from the holdings of the National Archives at Riverside



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

Area Director
Asst. Area Director

FEB -2 1959

Dear Mr. President:

Enclosed is a draft of a proposed bill, "To add certain public lands in California to the Yule Indian Reservation, the Susan Indian Reservation, and the Cleveland National Forest, and for other purposes."

We suggest that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Secretarial Order dated April 8, 1903, directed the Commissioner of the General Land Office as follows: " * * * that all unoccupied public lands in the south half of Township 9 South, Range 1 West, S.9.N., California, be withdrawn from entry and settlement temporarily until the same can be formally set aside for said (Mexican) Indians if found necessary so to do." The acreage totaled 9,270.82 acres.

Of this land, 8,262.71 acres lie within the exterior boundaries of the Cleveland (San Jacinto) National Forest. By the terms of the Presidential Proclamation dated February 14, 1907, this land is exempt from the national forest as long as the Secretarial Order of April 8, 1903, remains in effect. Upon revocation of the Secretarial Order, the land will become a part of the national forest. This Department intends to revoke the Order as soon as the proposed legislation is enacted.

In 1934, the 1,008.11 acres that are located outside the Cleveland National Forest were examined in detail for the purpose of determining their proper disposition. Our recommendations relate to these 1,008.11 acres and also to a 40-acre tract in sec. 6, T. 10 N., R. 1 W., San Bernardino meridian, which is presently vacant public domain.

The 1,008.11 acres (all in T. 9 S.) are located in San Diego County, between the towns of Yule and Pecos Valley. In general, the land is rough, rocky, and hilly, and lies on the northeastern slope of Palmer Mountain. The 541.30 acres in section 19 are mostly steep, rocky, and brush covered, but they have some grazing value. The 30 acres in section 30 are crossed by a truck trail and would

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provide some building sites. The 125.35 acres in section 11 are composed of three separate tracts; one is on a steep hillside, but the other two are crossed by a state highway and have considerable acreage of good level ground which can be used for agricultural and homestead purposes. The 159.56 acres in section 12 have about 4 acres in the southern tip which are relatively flat and have been used by an adjoining landowner for agricultural purposes.

The 40 acres of vacant public domain in T. 10 S. are immediately adjacent to the Pala Indian Reservation. The proposed legislation will add 708.55 of these 1,048.11 acres to the Pala Indian Reservation, 136.53 acres to the Puma Indian Reservation, and 203.03 acres to the Cleveland National Forest. In addition, the proposed legislation provides for the Indians to continue their customary use of the 8,262.71 acres that are now within the exterior boundaries of the Cleveland National Forest, and the 203.03 acres that are added to the forest, subject to such regulations as may be mutually determined by the Secretary of Agriculture and the Secretary of the Interior.

The land in the south half of T. 9 S., lying both within and outside the exterior boundaries of the Cleveland National Forest, has been used over a long period of time by many Indian families. They visit and camp in the area, mostly in the fall, to gather acorns, hunt deer, cut posts, and just to enjoy the out-of-doors. Some Indians have grazed livestock in the area. The right to continue their customary use of the area is important to the Indians. The Department of Agriculture is not able to give the Indians exclusive use privileges without enabling legislation, and a provision for that purpose has been included in the bill.

The land proposed to be added to the two Indian reservations is either adjacent to or in close proximity to the present land of the Indians and can be used advantageously by them. The land proposed to be added to the national forest is adjacent to present forest lands and would serve to straighten the exterior boundaries thereof.

The small tract of land (5 acres or less) which is proposed for allotment to a Santa Isabel Indian has been occupied by her since 1943. She also uses a house and several sheds that were constructed on the land by the County Highway Department.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

(sgd) Roger Ernst

Assistant Secretary of the Interior

Hon. Richard M. Nixon
President of the Senate
Washington 25, D. C.

Enclosure

Copy to: Director of Information
Mr. L. A. Sigler (2)
BIA
CODE 101
Secretary's Reading File
Area Director, Sacramento, Calif.

A B I L L

To add certain public lands in California to the Pala Indian Reservation, the Pauma Indian Reservation, and the Cleveland National Forest, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following described public lands of the United States are added to and made a part of the Pala Indian Reservation and the title thereto is hereby declared to be in the United States in trust for the Pala Band of Mission Indians of California, subject to valid existing rights:

Lots 1, 2, 3, 4, 5, 6, and 7, E $\frac{1}{2}$ W $\frac{1}{2}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ sec. 19; N $\frac{1}{2}$ NE $\frac{1}{4}$, sec. 30, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (Lot 2) sec. 31, all in T. 9 S., R. 1 W., and NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 6, T 10 S., R 1 W., San Bernardino meridian, California, containing 708.55 acres, more or less.

SEC. 2. (a) Subject to the provisions of subsection (b) of this section, the following described public lands of the United States are added to and made a part of the Pauma Indian Reservation and the title thereto is declared to be in the United States in trust for the Pauma Band of Mission Indians of California, subject to valid existing rights:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 31, and Lots 6, 7, and 8, sec. 32, all in T 9 S., R 1 W., San Bernardino meridian, California, containing 136.53 acres, more or less.

(b) The Secretary of the Interior is authorized to allot to Mrs. Camelia Linton Foster, a Santa Ysabel Indian, a tract of land not to exceed five acres located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 31, T 9 S., R 1 W., San Bernardino meridian, California, and to issue to her a trust patent pursuant to the provisions of section 5 of the act of February 8, 1887 (24 Stat. 888), as amended, provided said Indian is occupying the land on the date of the enactment of this act.

SEC. 3. The following described public lands of the United States are added to and made a part of the Cleveland National Forest, subject to valid existing rights, and they shall be subject to all laws, rules, and regulations applicable to said national forest, except as provided in section 4 of this act:

Lots 2, 3, 4, and 5, NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 32, all in T 9 S., R 1 W., San Bernardino meridian, California, containing 203.03 acres, more or less.

SEC. 4. Use privileges, including exclusive uses and exclusive privileges to harvest forest products, either with or without charge, on the public lands of the United States in the south half of T 9 S., R 1 W., San Bernardino meridian, California, that were temporarily withdrawn from entry and settlement pursuant to order of the Secretary of the Interior dated April 8, 1903, and that are within the exterior boundaries of the Cleveland National Forest, and on the public lands

of the United States that are added to the Cleveland National Forest by section 3 of this act, may be made available to the Indians of the Pala, Pauma, Rincon, and LaJolla Reservations under regulations jointly issued by the Secretary of Agriculture and the Secretary of the Interior. Such regulations may provide for a continuation of the customary use of such lands by such Indians.

Reproduced from the holdings of the National Archives at Riverside
CZERNY ANDERSON
LICENSED LAND SURVEYOR
P.O. BOX 298
SAN DIEGO, CALIFORNIA

MISSION RESEARCH

CZERNY ANDERSON
LICENSED LAND SURVEYOR
P.O. BOX 298
SAN DIEGO, CALIFORNIA

LAND INVESTIGATION REPORT

The purpose of this report is to disclose factual data relating to the South One-Half of Township 9 South, Range 1 West, San Bernardino Meridian, San Diego County, California.

This area was temporarily withdrawn from forest use by Secretarial Order on April 8, 1903, which reads as follows:

April 8, 1903

"The Commissioner
of the General Land Office

Sir:

I transmit herewith a copy of a letter of the 1st instant, from the Acting Commissioner of Indian Affairs, regarding the withdrawal of certain public lands in California, for use of the Mission Indians.

In view of the facts stated, and in accordance with the recommendation of the Indian Office, I have to direct that all unoccupied public lands in the south half of Township 9 South, Range 1 West, S.B.M., California, be withdrawn from entry and settlement temporarily until the same can be formally set aside for said Indians, if found necessary so to do.

Very respectfully,

E. A. Hitchcock,
Secretary

2986, Ind. Div. 1903"

It is apparent that no determination has ever been made as to whether the lands should be set aside for the Indians, the withdrawal order never having been revoked. The said temporary withdrawal of April 8, 1903, did not set aside the lands for Indian use or occupation as evidenced by the very language of the withdrawal order. Furthermore, some 46 years have elapsed since the temporary withdrawal and during this period no Congressional Act or administrative decisions has been made carrying the title to any or all of the withdrawn lands for Indian use or occupancy.

From a perusal of the attached land map and aerial photos showing the area covered by the temporary withdrawal and adjacent land, the following facts are evident:

- (a) The east and north boundaries of the withdrawn area fall in a rough, mountainous area comparable to and of the same classification as contained in the Agua Tibia Wilderness area adjoining.
- (b) That the southerly and westerly boundaries of the withdrawn area lying within the National Forest have been determined as to physical location separating agricultural land from forest and watershed land.

LAND CHARACTER ANALYSIS

Of the withdrawn land 8342.71 acres lie within the present boundaries of the Cleveland National Forest.

A careful study of the aerial pictures attached to this report discloses the following facts:

1. The area comprises the headwaters of the San Luis Rey drainage in Marion Canyon, Agua Tibia Creek and Frey Creek. These headwaters make a drop in elevation from 5100 feet to 1500 feet at the forest boundary, in a distance of $2\frac{1}{2}$ miles.
2. The average slope of the entire area is approximately 30%, with maximum slopes throughout the main drainages of 60%. It is estimated that not more than 5% of the entire withdrawal area inside of the Forest boundary has slopes under 20%.
3. The debris fans forming the entrance to the Agua Tibia Creek, Marion Creek and Frey Creek drainage areas are stabilized, having their upper limits at or near the National Forest boundary. Lands adaptable for agricultural use begin on these debris fans outside the National Forest boundary.
4. The primary cover type of the area is heavy brush and some non-commercial timber. The cover types on the main ridges are predominantly chamise, ceanothus species, and manzanita. Main drainages have heavy riparian vegetation made up of alders and big cone spruce. At the extreme upper end of the main drainages there is a small area that is predominantly a mixed conifer type. There are practically no grass types in the area suitable for grazing.
5. Major soil types of the area are decomposed granite, broken and faulty.

Based on the above land characteristics of the area, it can be concluded that there is no opportunity for any agricultural development or range use. These lands have a primary purpose of water production and erosion stabilization of the lower agricultural areas, which areas are dependent upon the protection and maintenance of these watersheds.

LAND USE ANALYSIS

1. The only travel routes within the area are the Morgan Hill Truck Trail (Forest Service) and the Mission and Gomez foot trails. There are no access roads leading into the area from public highways. The only recreational areas adaptable to use are at the extreme northeast corner of the withdrawn lands, sloping to the north and east and not included within the drainage area covering the greater portion of the withdrawn area. These lands are not now used for recreation in any form.

In the 46 years elapsing since the withdrawal order was issued, there is no evidence of Indian occupancy. Actual use by Indians over these years has been approximately 15 man days annually, primarily for the purpose of cutting posts. A small number of man days have been spent by these Indians in hunting the area. However, both of these uses are permissible to Indians on National Forest land and are not restricted to the withdrawn area.

2. No structural improvements such as power lines, dams, residences, etc. have been made within the area except roads, trails, fire water developments as installed and maintained by the Forest Service for protection and administrative purposes.

On or about November 25, 1946, Application No. 065161 to purchase a portion of the withdrawn area outside of the Forest boundary was made by Mr. Hartwell Bradford of Placentia, California. Said application was rejected by the District Land Office at Los Angeles, California, on December 4, 1946, on the grounds that "The land applied for was withdrawn for use of Mission Indians on April 8, 1903, and is not subject to entry." This decision was appealed and on September 30, 1949, an opinion was handed down by W. H. Flanery, Acting Solicitor, for the Secretary of the Interior, a copy of which is attached hereto. Mr. Flanery states that application can be made for restoration of the area applied for under Application No. 065161 to public domain, subject to acquisition under existing statutes.

Is it not then probable that the area within the boundary of the National Forest can also be released from the withdrawal order? If so, and in view of the above factual data and supporting evidence, it is therefore recommended that the temporary withdrawal order of April 8, 1903, be revoked permitting this area to come under National Forest Administration.

Respectfully submitted,

(signed) E. W. SCHULTZ
District Ranger, Cleveland National
Forest

APR 25, 1950

ATTACHED HERETO:

Aerial Photos AXN 270-77,78,79,80,81,95,96,97
AXN 212-58,59,60,61
AXN 213-5,6

General Land Office Plat approved May 14, 1921
Township 9 South, Range 1 West, S.B.M.
Vicinity Map of Land under Investigation
Copy of Opinion by Acting Solicitor W. H. Flanery
(Dept. of the Interior), Sept. 30, 1949.



Realty
4164-56

PRS 6436

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INDIAN

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Washington 25, D. C.

COPY

April 12, 1956

My dear Senator Kuchel:

We have your letter of March 22, with enclosure from Mr. A. H. Bradford, 909 National Oil Building, 609 South Grand Avenue, Los Angeles 17, California, concerning land on the Palomar Mountain in California withdrawn from entry and settlement by Secretarial Order dated April 8, 1903.

The Department has prepared a proposed bill to add the land covered by the above order to the Pala Indian Reservation, the Pauma Indian Reservation, the Cleveland National Forest, and to allot a small tract of five acres or less to a Santa Isabel Indian. On February 2 the proposed bill was forwarded to the Director, Bureau of the Budget, for clearance from that Bureau. This clearance has not yet been received.

The Secretarial Order of April 8, 1903, covered a total of 9,270.28 acres and the bill provides for its disposition and an additional 40 acres of public domain land. Of this land, 8,262.71 acres lie within the exterior boundaries of the Cleveland National Forest and upon revocation of the Secretarial Order, this acreage becomes a part of the national forest.

The remaining 1,048.11 acres covered by the proposed bill are to be assigned as follows: 628.55 acres to the Pala Indian Reservation; 136.53 acres to the Pauma Indian Reservation; and 283.03 acres presently outside the exterior boundaries of the Cleveland National Forest added to the forest.

The proposed bill also provides for the Indians to continue their customary use of the land added to the national forest, subject to regulations as may be mutually determined by the Secretary of Agriculture and by this Department.

Upon receipt of the requested clearance from the Bureau of the Budget, we plan to submit the proposed bill to the Congress.

The enclosure which accompanied your letter is returned herewith.

Sincerely yours,

/s/ Westley D'Ewart

Assistant Secretary of the Interior

Enclosure
Hon. Thomas H. Kuchel
United States Senate
Washington 25, D.C.

cc: Area Director, Sacramento, Calif.
w/enclosures

UNITED STATES SENATE

March 22, 1956

COPY

Honorable Douglas McKay
Secretary of the Interior
Department of the Interior
Washington 25, D. C.

My dear Mr. Secretary:

Attached is a self-explanatory letter from
Mr. A. H. Bradford of Placentia, California.

I would very much appreciate your kindness
in having a current report furnished to me in this matter.
I had assumed that it was progressing satisfactorily.

Sincerely,

/s/ Thomas H. Kuchel

THOMAS H. KUCHEL
United States Senator

K:Wp
encl.

BRADFORD BROS., Inc.

Orange-County Note Below

Placentia, California

Placentia 357

February 16, 1956

COPY

Senator Thomas H. Kuchel
United States Senate
Washington 25, D. C.

Dear Sir:

Subject: Palomar Lands under withdrawal order
dated April 8, 1903.

On June 30, 1954 a memorandum was issued to the Under Secretary of the Interior from the Director, Bureau of Land Management (file no. 65424 ESAL:LSH) on subject Mount Palomar Lands-- Pala and Pauma Indians of California. Attachments to this memorandum were as follows: "I concur: July 9, 1954 (sgd) Glenn L. Emmons, Commissioner of Indian Affairs. "Approved: July 12, 1954 (sgd) Ralph A. Tudor, Acting Secretary of the Interior."

On July 12, 1954 Ralph A. Tudor answered your letter of July 6, 1954 in which you requested that a decision be reached as expeditiously as possible in connection with an old withdrawal of lands on Palomar Mountain.

Preceding the above there was other correspondence from the desk of M. F. Small, your administrative assistant.

It seemed to me that the matter of adding some of the above mentioned withdrawn lands to the Pala and Pauma Indian reserves and the balance returned to public domain and Forest Service was about to be concluded, but apparently action stopped at this point or has been pigeon-holed in some department.

Would you please advise me of its status at this time, and also, if there is any constructive action which could be taken to expedite it. Please address your reply to me at 909 National Oil Bldg., 609 South Grand Ave., Los Angeles 17, Calif.

Thank you for your efforts in this matter.

Respectfully requested,

/s/ A. H. Bradford

A. H. Bradford

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

(sgd) Roger Ernst

Assistant Secretary of the Interior

Hon. Richard M. Nixon
President of the Senate
Washington 25, D. C.

Enclosure

Copy to: Director of Information
Mr. L. A. Sigler (2)
BIA
CODE 101
Secretary's Reading File
Area Director, Sacramento, Calif.

At the present time a member of the Pauma Band grazes about thirty-five head of livestock in the area yearly and there is some additional intermittent livestock grazing by members of the Pala Band. Members of the Pala, Pauma and Rincon bands and probably others use the area for hunting, camping and harvesting of timber products, principally Christmas trees and wood. In the past fence posts, wood and other timber products were harvested and sold by the Indians. Use has been controlled by issue of permits to individual Indians but in recent years, because of lack of administrative staff, it has been impossible to exercise close supervision. The greater part of the area is steep, rough, not readily accessible, and has little commercial value.

I conferred with the forest supervisor of the Cleveland National Forest in early 1951 on the possibility of adding this tract to the National Forest, and he stated that the Forest Service had long been interested in its annexation primarily for the reason that it constitutes a fire hazard and because lack of administrative control over the area made it difficult for the Forest Service to exercise adequate fire control over its own land. The forest supervisor mentioned in passing that there are very few resources in the area for exploitation by the Indians and that the Indians need not be deprived of the use of the area even if it were transferred to the national forest. However, there would, of course, be certain use restrictions and regulations to which the area is not now subject because of our lack of funds and administrative staff. The forest supervisor expressed the possibility that the tract might be acquired by the Forest Service through purchase, although no funds were available for the purpose.

The Pala Band considers this tract a part of its reservation and stands ready to challenge any opposing view. Members of the Pauma and Rincon Bands also use the area and no doubt feel that they also have a vested interest therein. While there is good argument for adding most if not all of this land to the Cleveland National Forest, I do not feel that the Bureau or the Department should recommend such action at this time and in no case should this be done without the full understanding and consent of the Indian groups involved. Even though most of the land is of questionable value, the Indians are extremely zealous in protecting their land interests and any move on the part of the Bureau of Indian Affairs or the Department to dispossess them of what they feel they own would create intense opposition. Cooperation from the Indians in our withdrawal efforts in the Mission area at this time leaves much to be desired at best. Any steps to dispose of this tract would solidify the opposition and make it very difficult if not impossible to work cooperatively with the Mission Bands. Furthermore, any such action would provide critics of our California withdrawal program with "ammunition" which would be very effective in thwarting our efforts. For the Bureau to support such a proposal at this time, I believe, would alarm the Indians, cast suspicion on our program in the state and result in a great deal of adverse publicity and unfavorable reaction.

I believe that Superintendent Dady's statement in the last paragraph of his letter of October 12, 1937 referred to above, is no less true today than it was at that time.

I urge, therefore, that no official action be taken in the matter until such time as we are able to discuss the problem with the Indians and get their views. It may well be that when the facts concerning liability for fire control and other burdens of owning such unproductive land are brought to their attention that they will agree to disposing of the major part of the area to the Forest Service.

Sincerely yours,

LMH:cb
cc: L. B. Ward

Leonard M. Hill
Area Director

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COPY

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs
Washington

Land
70292-1902

January 19, 1903

The Honorable,

The Secretary of the Interior.

Sir:

Referring to the proposed purchase of certain lands at Pala, in San Diego County, California, for the occupancy of the Mission Indians on Warner's Ranch, and other Mission Indians not provided with suitable lands elsewhere, I have the honor to transmit, herewith, a communication, dated November 19, 1902, from William Collier, Esq., Special Attorney for the Mission Indians, in which he suggests that a quantity of vacant government land immediately bordering on the Pala tract, be withdrawn from settlement and entry until it can be determined just what particular subdivisions it would be necessary and useful to add to the lands purchased for the Indians.

The Attorney suggests the withdrawal of the E/2 Sec. 21, Sec. 22, Sec. 23, Sec. 24, Sec. 25, Sec. 26, Sec. 27, E/2 Sec. 28, E/2 Sec. 33, Sec. 34, Sec. 35 and Sec. 36, in township 9 south, Range 2 West, and Sec. 1, Sec. 2, Sec. 3, E/2 Sec. 4, E/2 Sec. 9, Sec. 10, Sec. 11 and Sec. 12, in township 10 south, range 2 west, S.B.M. The order of withdrawal, if made, should, he states, apply to such lands as have not heretofore been set apart for Indian purposes and to which no valid claims have attached under the public land laws.

He states that a very considerable portion of this land can, after proper investigation of the tracts immediately surrounding the Pala tract, be restored to entry without injury to the Indians. Such additional land as it may be found desirable to retain for the permanent occupation of the Indians, in addition to the Pala tract, would be useful, in his opinion, to supply them with wood, and also to prevent an indifferent class of whites from getting a foothold on the borders of the tract purchased.

In the preliminary report of the Advisory Commission, appointed under the Act of May 27, 1902, it is stated, on page 48:

Over 5000 acres of vacant government land adjoins this proposition, and your Commission recommends that in case of purchase of the Pala properties, the Government add this vacant land to the reservation. This would make a reservation of over 8,000 acres, at an expense of less than \$46,500 to the government.

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It is recommended that the described land be withdrawn from entry and settlement in the manner suggested by Special Attorney Collier, and that the Commissioner of the General Land Office be given proper directions to that end.

It is requested that this Office be advised of the action taken hereon.

Very respectfully,

(Signed) W. A. Jones

Commissioner

2

(Copy)
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DEPARTMENT OF THE INTERIOR

COPY

WASHINGTON

January 24, 1903.

The Commissioner of Indian Affairs.

Sir:

Referring to your communication of the 19th instant, recommending, upon the suggestion of William Collier, Special Attorney for the Mission Indians, that certain described tracts of government land in San Diego County, California, be withdrawn from entry and settlement until it can be determined just what particular subdivisions it would be necessary and useful to add to the lands recently purchased for the "Warner's Ranch" and other Mission Indians, I inclose, herewith, for your information, a copy of a letter of even date, addressed to the Commissioner of the General Land Office, ordering that the lands mentioned be withdrawn from entry and settlement, and so held until further notice.

Very respectfully,

(Signed) E. A. Hitchcock.

Secretary.

564 Ind. Div. 1903.

1 Inclosure

M.E.W.

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BUREAU OF INDIAN AFFAIRS
Washington

COPY

April 1, 1903

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication dated March 20, 1903, from Charles F. Lummis, Esq., of Los Angeles, California, Chairman of the Advisory Commission, appointed under the Act of May 27, 1902, to aid in the selection of a tract of land for the Warner's Ranch Indians, in which he recommends the withdrawal from entry and settlement of all unoccupied public land in the south half of township 9 south, range 1 west, San Bernardino Meridian, California, for the use of the Mission Indians at Pala and Pauma, California.

Mr. Lummis states that this land lies back of the Pauma and Agua Tibia ranches and should be set aside for Pala and Pauma Indians and the Warner's Ranch Indians now to be moved to Pala; that the Pauma Indians have only 250 acres of land and no pasture land whatever; that they formerly ran their stock on the vacant lands in the south half of said township, but two years ago the owner of Agua Tibia ranch ordered the Indians to remove their stock from the vacant lands under penalty of having the stock shot, and is now running her cattle thereon; that there is one Indian, Sylvester Gomez, at present living on said lands, and that they will probably support 200 cattle.

In accordance with the recommendation of Chairman Lummis it is recommended that the Commissioner of the General Land Office be directed to withdraw all unoccupied public lands in the south half of township 9 south, range 1 west, S.B.M., California, from entry and settlement, until the necessary formalities may be arranged to have the same permanently set aside for the Indians.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

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Reproduced from the holdings of the *National Archives at Riverside*

4
COPY

April 8, 1903

The Commissioner
Of the General Land Office.

Sir:

I transmit herewith a copy of a letter of the 1st instant, from the Acting Commissioner of Indian Affairs, regarding the withdrawal of certain public lands in California, for use of the Mission Indians.

In view of the facts stated, and in accordance with the recommendation of the Indian Office, I have to direct that all unoccupied public lands in the south half of Township 9 south, Range 1 west, S.B.M., California, be withdrawn from entry and settlement temporarily until the same can be formally set aside for said Indians, if found necessary to do so.

Very respectfully,

E. A. Hitchcock,
Secretary.

2986, Ind. Div., 1903.

One enclosure.

1903-1903

Washington.

duplicate

April 1, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication dated March 20, 1903, from Charles F. Lummis, Esq., of Los Angeles, California, Chairman of the Advisory Commission, appointed under the Act of May 27, 1902, to aid in the selection of a tract of land for the Warner's Ranch Indians, in which he recommends the withdrawal from entry and settlement of all unoccupied public land in the south half of township 9 south, range 1 west, San Bernardino Meridian, California, for the use of the Mission Indians at Pala and Pauma, California.

Mr. Lummis states that this land lies back of the Pauma and Agua Tibia ranches and should be set aside for Pala and Pauma Indians and the Warner's Ranch Indians now to be moved to Pala; that the Pauma Indians have only 250 acres of land and no pasture land whatever; that they formerly ran their stock on the vacant lands in the south half of said township, but two years ago the owner of Agua Tibia ranch ordered the Indians to remove their stock from the vacant lands under penalty of having the stock shot, and is now running her cattle thereon; that there is one Indian, Sylvester Gomez, at present living on said lands, and that they will probably support 200 cattle.

7

In accordance with the recommendation of Chairman Lummis it is recommended that the Commissioner of the General Land Office be directed to withdraw all unoccupied public lands in the south half of township 9 south, range 1 west, S.B.M., California, from entry and settlement, until the necessary formalities may be arranged to have the same permanently set aside for the Indians.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

E.B.F.(G)

6

April 8, 1903.

duplicate

The Commissioner
Of the General Land Office.

Sir:

I transmit herewith a copy of a letter of the 1st instant, from the Acting Commissioner of Indian Affairs, regarding the withdrawal of certain public lands in California, for use of the Mission Indians.

In view of the facts stated, and in accordance with the recommendation of the Indian Office, I have to direct that all unoccupied public lands in the south half of Township 9 south, Range 1 west, S. B. M., California, be withdrawn from entry and settlement temporarily until the same can be formally set aside for said Indians, if found necessary so to do.

Very respectfully,

2986, Ind. Div., 1903.

One enclosure.

E. A. Hitchcock,

Secretary.

8

C
1902-16461

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON, D. C.

duplicate

Jan. 29, 1903

J. W. A.

The Register and Receiver,
Los Angeles, California.

Gentlemen:

By order of the Department dated January, 24, 1903
the following described land is withdrawn from settlement and
entry:-

E $\frac{1}{2}$ Sec. 21; all of Secs. 22, 23, 24, 25, 26, 27; E $\frac{1}{2}$ Sec. 28;
E $\frac{1}{2}$ Sec. 33; all of Secs. 34, 35 and 36, T. 9 S., R. 2 W., S.B.B.M.

All of Secs. 1, 2, and 3; E $\frac{1}{2}$ Sec. 4; E $\frac{1}{2}$ Sec. 9; all Secs.
10, 11 and 12, T. 10 S., R. 2 W., S.B.M.

Make the proper notations on your records and allow no
entries for these lands.

Very respectfully,

W.A. Richards

Assistant Commissioner

E.H.B.

See telegram Jan'y. 29, 1903

COPY

22

19669-1903

Reproduced from the holdings of the National Archives at Riverside

Application
April 1, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication dated March 20, 1903, from Charles F. Lummis, Esq., of Los Angeles, California, Chairman of the Advisory Commission, appointed under the Act of May 27, 1902, to aid in the selection of a tract of land for the Warner's Ranch Indians, in which he recommends the withdrawal from entry and settlement of all unoccupied public land in the south half of township 9 south, range 1 west, San Bernardino Meridian, California, for the use of the Mission Indians at Pala and Pauma, California.

Mr. Lummis states that this land lies back of the Pauma and Agua Tibia ranches and should be set aside for Pala and Pauma Indians and the Warner's Ranch Indians now to be moved to Pala; that the Pauma Indians have only 250 acres of land and no pasture land whatever; that they formerly ran their stock on the vacant lands in the south half of said township, but two years ago the owner of Agua Tibia ranch ordered the Indians to remove their stock from the vacant lands under penalty of having the stock shot, and is now running her cattle thereon; that there is one Indian, Sylvester Gomez, at present living on said lands, and that they will probably support 200 cattle.

7

In accordance with the recommendation of Chairman Lummis it is recommended that the Commissioner of the General Land Office be directed to withdraw all unoccupied public lands in the south half of township 9 south, range 1 west, S.B.M., California, from entry and settlement, until the necessary formalities may be arranged to have the same permanently set aside for the Indians.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

E.B.F.(G)

6

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It is recommended that the described land be withdrawn from entry and settlement in the manner suggested by Special Attorney Collier, and that the Commissioner of the General Land Office be given proper directions to that end.

It is requested that this Office be advised of the action taken hereon.

Very respectfully,

(Signed) W. A. Jones

Commissioner

Land
70292-1902

Jan. 19, 1903

The Honorable,
The Secretary of the Interior.

duplicate

Sir:

Referring to the proposed purchase of certain lands at Pala, in San Diego County, California, for the occupancy of the Mission Indians on Warner's Ranch, and other Mission Indians not provided with suitable lands elsewhere, which purchase is understood to be now nearing completion, I have the honor to transmit, herewith, a communication, dated November 19, 1902, from William Collier, Esq., Special Attorney for the Mission Indians, in which he suggests that a quantity of vacant government land immediately bordering on the Pala tract, be withdrawn from settlement and entry until it can be determined just what particular subdivisions it would be necessary and useful to add to the lands purchased for the Indians.

The Attorney suggests the withdrawal of the E/2 Sec. 21, Sec. 22, Sec. 23, Sec. 24, Sec. 25, Sec. 26, Sec. 27, E/2 Sec. 28, E/2 Sec. 33, Sec. 34, Sec. 35 and Sec. 36, in township 9 south, Range 2 West, and Sec. 1, Sec. 2, Sec. 3, E/2 Sec. 4, E/2 Sec. 9, Sec. 10, Sec. 11 and Sec. 12, in township 10 south, range 2 west, S. E. M. The order of withdrawal, if made, should, he states, apply to such lands as have not heretofore been set apart for Indian purposes and to which no valid claim have attached under the public land laws.

He states that a very considerable portion of this land can, after proper investigation of the tracts immediately surrounding the Pala tract, be restored to entry without injury to the Indians. Such additional land as it may be found desirable to retain for the permanent occupation of the Indians, in addition to the Pala tract, would be useful, in his opinion, to supply them with wood, and also to prevent an indifferent class of whites from getting a foothold on the borders of the tract purchased.

In the preliminary report of the Advisory Commission, appointed under the Act of May 27, 1902, it is stated, on page 48:

Over 5000 acres of vacant government land adjoins this proposition, and your Commission recommends that in case of purchase of the Pala properties, the Government add this vacant land to the reservation. This would make a reservation of over 8000 acres, at an expense of less than \$46,500 to the government.

acc

16

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It is recommended that the described land be withdrawn
from entry and settlement in the manner suggested by Special
Attorney Collier, and that the Commissioner of the General Land
Office be given proper directions to that end.

It is requested that this Office be advised of the
action taken hereon.

Very respectfully,

(Signed) W. A. Jones
ICF

Commissioner

DEPARTMENT OF THE INTERIOR

WASHINGTON

January 24, 1903.

The Commissioner of Indian Affairs.

Sir:

Referring to your communication of the 19th instant, recommending, upon the suggestion of William Collier, Special Attorney for the Mission Indians, that certain described tracts of government land in San Diego County, California, be withdrawn from entry and settlement until it can be determined just what particular subdivisions it would be necessary and useful to add to the lands recently purchased for the "Warner's Ranch" and other Mission Indians, I inclose, herewith, for your information, a copy of a letter of even date, addressed to the Commissioner of the General Land Office, ordering that the lands mentioned be withdrawn from entry and settlement, and so held until further notice.

Very respectfully,

(Signed) E. A. Hitchcock

Secretary

564 Ind. Div. 1903

1 Inclosure

M.E.W.

duplicate

APPENDIX B

RECORDS OF THE BUREAU OF INDIAN AFFAIRS: RECORD GROUP 75

Form No. 5-105
May 1955

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

APPLICATION FOR PATENT IN FEE OR FOR THE SALE OF INDIAN LAND

Allottee Juan Despierto P.D. No. 12 Reservation Public Domain
Form filled out by Frances Mesa Quisquis July 9 1957
(Date)

Application is hereby made for (~~patent in fee~~) (supervised sale)* for the following described land: NW 1/4 and Lots 1, 2, 3 and 4 of Section 7, T. 10 S., R. 1 E., S.B.M.

containing 130.42 acres, more or less.

In justification of this application, true statements are made to the following items (item 15 only is applicable for the sale of inherited lands in multiple ownership):

1. Age 66
2. Date of birth 1890
3. Degree of Indian blood 1/2
4. ~~Single~~ Married (strike out one)
5. Education: Years in elementary school 7 High school _____
College _____
6. The following persons are dependent upon me for support (Give names, ages, and relationship) none
7. I am enrolled as a Lajailla Piro Indian San Luis
(Name of tribe)
8. Permanent address Valley Center Box 710
9. The amount of my annual income is \$ none
10. My income is obtained from the following sources: none
11. If receiving public assistance grants from the State or general assistance from the Bureau of Indian Affairs, or funds from the Veterans Administration, Social Security, or any regular public benefit, state kind and amount. (If none, state none.) none

*Strike out words not applicable.

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12. If indebted to the United States, state amount and purpose of indebtedness. (If not, state none.) none

13. ~~Do~~ (do not)* live on or make personal use of the land covered by this application. do not

14. The land is leased and the annual rent received is \$ none. (If not leased, state none.) none

15 (a) I intend to use the land for the following purposes after receiving a patent in fee which becomes taxable from date of issuance:

(b) I intend to use the proceeds of sale for the following purposes:

To improve in our land + and to get a tank + pipes

I (we)* authorize the sale of the land heretofore described and hereby accept the highest bid thereon provided it is not inconsistent with the present fair market value as indicated by the appraisal. It is agreed that rental payment (crop or cash)* will accrue to the purchaser, effective as of the beginning of the next annual lease period and that all advance rental payments collected shall be deducted from the purchase price.

It is also agreed that the proceeds arising from the sale of this land may be disposed of in accordance with regulations prescribed by the Secretary of the Interior.

Subscribed and sworn before me this

Francisco Juan Quijano

9 day of may, 1957.

Elizabeth Mesa

I hereby certify that the effect of this application was explained to and fully understood by the applicants and the application is hereby approved.

Francisco Juan Quijano, Quijano, Quijano

Witness to Signature -

Angelina Calae Ormish
James Martinez

(Title)

*Strike out words not applicable.

RECEIVED
U. S. GOVERNMENT PRINTING OFFICE: 16-71923-1
MAY 20 1957

RECEIVED
MAY 13 1957

Riverside Field Office
Bureau of Indian Affairs

Riverside Field Office
Bureau of Indian Affairs

Sept. 10, 1953

Deed executed by Victoria Despierto Harris, conveying
all of the original allotment of Juan Despierto, Mission
P.D. No. 12, to Elizabeth Mesa Tyndle and Frances Mesa
Quisques. Approved by Area Director Aug. 19, 1953.
Mailed to grantees this date.

see file - Elizabeth Mesa (Tyndle)

*Husband - Alex. Quijua
Volcan*

*1953 address -
Valley Center*

CERTIFICATION AS TO INDEBTEDNESS

I hereby certify that an examination of the records, books, accounts and files under my jurisdiction and in my custody has been made and no debts are found of record against John S. ... Allottee No. 12 except as shown below: (indicate if spouse is co-signer) Public Domain

	Indicate whether contract with Tribe or U. S.	Agreement Number	Indicate whether tribal or gratuity funds	Unpaid Balance \$	Amount Delinquent \$
Probate Fees		69670-16 B H G		15.00	
Reimbursable Loans				-0-	
Revolving Credit Loans					
Educations Loans					
Rehabilitation Loans					
Repayment Cattle					
Other (Specify) (Include claims allowed against estates)					
TOTAL				\$ 15.00	\$

If indebtedees show arrangements made for settlement of debt on reverse hereof (this end up) and attach agreements for such settlement. Use separate sheet for each estate or debtor, or heir, if necessary.

3-5-53
Date

District Agent

California Indian
Agency

(Over)

Pala Indian Agency,
Pala, Cal. August 5, 1930.

Mrs. G. W. Harris,
Witch Creek, Cal.
(San Diego County)

My friend:

Answering your letter of the third, our records show that your father, Juan Despierto, owned the NW¹ NE¹ and lots 1, 2, 3 and 4, Sec. 7, T. 10 S., R. 1 E., S. B. M., containing 130.43 acres; that on his death this land became yours and, as far as our records show, it is still yours.

I do not know how any one could take this land away from you. If you hear that anyone is talking about anything of that kind, please let me know who it is and all about it.

This land is not a homestead. It is called a "public domain allotment". If your father had a homestead in addition to this land it would be a separate matter entirely and it could be taken away from you unless the taxes are kept paid on it.

Your friend,

Superintendent.



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UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
P. O. Box 749
Sacramento 4, California
July 14, 1961

IN REPLY REFER TO:

Realty - Acq. & Disp.
310 - Riverside
PD-15, Maria Despierto
de Mesa

Mr. Orlando Garcia

Field Representative, Riverside Area Field Office

Dear Mr. Garcia:

There is enclosed (fee) (~~trust~~) patent No. 1220933 issued June 30, 1961

to Frank W. Lewis, purchaser

covering the allotment of Maria Despierto de Mesa

No. PD-15. This allotment is described as SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Lots

1, 2 & 3, Section 8, T. 10 S., R. 1 E., San Bernardino Meridian, California

containing 170.19 acres.

Please make the proper notations on your allotment schedule and other pertinent records and deliver the patent to the patentee when the "Receipt for Patent" (Form No. 5-214) has been signed. The original copy of this receipt should be transmitted by you directly to the Central Office, with a copy of your letter of transmittal to this office. The duplicate copy of the receipt should be retained in your file. Please inform the patentee the fee patent must be recorded in the County records where the land is situated.

Sincerely yours,

Leonard M. Hill

Leonard M. Hill
Area Director

Enclosures: Fee Patent, Receipt for Patent, Central Office letter

Copy to: County Assessor, Riverside County Riverside, California
Forestry Branch
Tenure & Management Section
Mr. Nordstrom
Appraisal Section

Riv Co. to forward to San Diego.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

CONSENT TO SALE

WHEREAS, the undersigned, is the owner of an undivided 16/360 interest in those certain lands described as SW1/4, NW1/4, Lots 1, 2 and 3, in Section 8, T. 10 S., R. 1 E., S88M, Calif., containing 170.19 acres, more or less which were allotted to Maria Despierto de Mesa deceased allottee No. 15 of the Public Domain ~~Reservation~~ and

WHEREAS, I have been advised that under authority of the Act of June 25, 1910 (36 Stat. 855) and other applicable provisions of law, the Secretary of the Interior or his duly authorized representative proposes to sell the above-described land;

NOW THEREFORE, I hereby consent to the sale of said lands and request the Secretary of the Interior or his duly authorized representative to sell and convey all of my right, title and interest therein, and I hereby agree to accept the highest bid thereon provided it is not inconsistent with the present fair market value as indicated by the appraisal, sub-

ject to ~~payment to me~~ deposit to my credit at the Sacramento Area Office Indian Agency of my proportionate share of the sale price. It is agreed that rental payment (crop or cash) will accrue to the purchaser, effective as of the beginning of the next annual lease period and that all advance rental payments collected shall be deducted from the purchase price.

WITNESSES:

(Wife) Margaret B. Mesa
Frank L. Holmes
P. O. Box 361
Yuma, Arizona (home)
address

Steve E. Mesa
STEVE MESA
c/o Claudia Mesa
General Delivery
San Jacinto, Calif.

Pursuant to the Act of February 8, 1887 (24 Stat. 388) as amended by the Act of February 28, 1891 (26 Stat. 794), for which a trust patent was issued 9/23/07 under Act of Feb. 8, 1887, supra, as amended by the Act of May 8, 1906 (34 Stat. 182), to Maria Despierto de Mesa, Public Domain Allottee No. 15, for land described as the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and the Lots 1, 2 and 3, all in Section 8, T. 10 S., R. 1 E., SBM., California, containing 170.19 acres.

No subsequent transactions affecting acreage of record in this office.

Frances Mesa (Quisnes)	72/360
Claudia Mesa	24/360
Elizabeth Mesa (Alba)	18/360
Dolores Mesa (Modesto)	16/360
William H. Mesa	72/360
Agnes V. Ward (Cardosa)	18/360

MARIA DESPIERTO de MESA: Pub. Dom. Al. #15 - Probate #188-27.

Heirs:	Theodore Ward	9/360
	Frances Mesa,	9/360
	Stephen Mesa	18/360
	Victor Mesa	16/360
	Maria Mesa Ward	360/360
	Thelma Anderson Mesa	1/5

Stephen Mesa: Probate #51024-39 (1/5)

Heirs:	Claudia Arrietta Mesa (3/9)	3/45
	Elizabeth Mesa (2/9)	2/45
	Rose Mesa "	12/45
	Dolores Mesa "	2/45

Victor Mesa: Pro.#30966-41 (1/5)

Heirs:	William Howard Mesa	1/5
--------	---------------------	-----

Maria Mesa Ward: Pro.#38280-44 (1/5)

Heirs:	Wildred Ward (1/4)	1/20
	Fernando Ward "	1/20
	Agnes Virginia Ward "	1/20
	Frances Marie Ward "	1/20

Fernando Ward: Pro.#6030-57 (1/20)

Heirs:	Theodore Ward (1/2)	1/40
	Frank Ward "	1/40

Wilfred Ward: Pro.#6031-57 (1/20)

Heirs:	Andres Avelino Ward (all)	1/20
--------	---------------------------	------

(Heirs cont'd on Page 2.)

John L. Sparrow
John L. Sparrow
Deputy Officer

Rose Mesa: Pro.#8237-60 (2/45)

Heirs:

Steve Mesa, (all) 2/45

SUMMARY OF HEIRS

Frances Mesa (Quisques)	72/360 ✓
Thelma Mesa Anderson (Gray)	72/360 ✓
Claudia Mesa	24/360 ✓
Elizabeth Mesa (Alba)	16/360 ✓
Dolores Mesa (Modesto)	16/360 ✓
William H. Mesa	72/360 ✓
Agnes V. Ward (Cardoza)	18/360 ✓
Frances Marie Ward (Ortega)	18/360 ✓
Theodore Ward	9/360 ✓
Frank Ward	9/360 ✓
Andres Avelino Ward	18/360 ✓
Steve Mesa	16/360 ✓
	<u>360/360</u>

John L. Speraw
John L. Speraw
Realty Officer

Riverside Area Field Office
Riverside, California
May 12, 1961

Office Memorandum • UNITED STATES GOVERNMENT

TO : Orlando Garcia, Field Representative
Riverside Area Field Office

DATE: October 12, 1960

FROM : Chief Appraiser
Sacramento Area Office

SUBJECT: Appraisal report covering the Maria Despierto de Mesa property
identified as Public Domain Allotment No. 15.

Appraisal report, dated October 11, 1960, covering the above identified property
consisting of approximately 170.19 acres, has been approved in the appraised
fair market value of \$1,700.00.

According to the information contained in the request for appraisal, a supervised
sale of the subject property is contemplated.

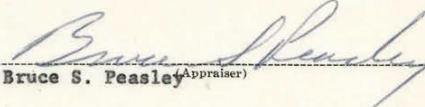
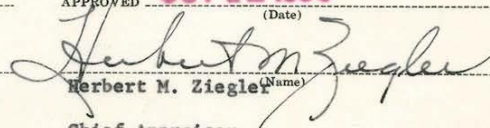
One copy of the approved report is attached.

Herbert M. Ziegler
Herbert M. Ziegler
Chief Appraiser

Attachment 1
Appraisal Rpt.

RIVERSIDE AREA FIELD OFFICE RIVERSIDE, CALIFORNIA		OCT 13 1960		INITIAL
BRANCH	2	1306		
Fid Rep				
Program Off.	3	13		
Realty				
Roads				
Forestry				
Irrigation				
Personnel				
Prop. & Supp.				
mm:llt				No. Copies Rec'd:

UNITED STATES
Department of the Interior
BUREAU OF INDIAN AFFAIRS
BRANCH OF REALTY
APPRAISAL REPORT

AREA Sacramento	AGENCY Riverside Area Field Office
PROPERTY OF Maria Despierto de Mesa - Public Domain Allotment No. 15	
ADDRESS 	
PURPOSE OF APPRAISAL <p align="center">To estimate the fair market value of the property herein described.</p>	
LEGAL DESCRIPTION <p align="center">The SW/4 NE/4; NW/4 SE/4 and Lots 1, 2 and 3 in Section 8</p>	
STATE California COUNTY San Diego TOWNSHIP 10 S RANGE 1 E S.E. B & M	
NUMBER OF ACRES 170.19 more or less	TYPE AND CHARACTER Mountain Grazing
APPRAISED VALUATION AS OF September 20 19 60 FAIR ANNUAL RENTAL \$----- FAIR MARKET VALUE \$ 1,700.00	
<p align="center">I certify that I have carefully examined the above-described premises and the amount indicated represents my best unbiased judgment as to the present market value of the fee simple title thereto, except as otherwise indicated. I do further certify that I have no present or intended future interest therein.</p>	
_____ <i>October 11, 1960</i> (Date)	_____  Bruce S. Peasley (Appraiser)
_____ RECOMMENDED (Date)	APPROVED OCT 12 1960 (Date)
_____ (Name)	_____  Herbert M. Ziegler (Name)
_____ (Title)	_____ Chief Appraiser (Title)

APPRAISAL REPORT

PROPERTY OF

Reproduced from the holdings of the *National Archives at Riverside*

María Despierto de Mesa - Public Domain Allotment No. 15

INSPECTION:

Public domain allotment No. 15 was inspected by me on September 21, 1960.

LOCATION - NEIGHBORHOOD ANALYSIS:

This property lies on the south slope of Palomar Mountain high above Pauma Valley at an elevation ranging from about 3,400 to 5,200 feet above sea level. This location is about 4 miles northeast of Rincon as the crow flies or about 14 miles by road. Palomar Observatory is about 6½ miles northeast. Palomar Mountain State Park is just one mile north.

This neighborhood is rural in character and sparsely settled. Pauma Valley below is a beautiful small valley devoted to citrus and avocado production, cattle ranching and more lately to recreation. A new championship golf course is nearing completion and a large residential and country club development is planned.

Atop Palomar Mountain are many summer cabins.

In general the immediate area is mainly devoted to recreation and cattle grazing.

No public utilities presently serve the property however an electric transmission line is located near the north line of the property.

DESCRIPTION OF LAND:

Public domain allotment No. 15 contains 170 acres, more or less, and is irregular in shape as shown on the tract map. The land lies on the south slope of the mountain, is very steep and is classed as rough stony land unsuited for agriculture. The tract lies just below the top of the flat atop Mount Palomar. Two intermittent streams cross the tract, one in the west end and one in the east end. These are the heads of the creeks that drain the south slope of Mount Palomar.

The surface soil is rocky and shallow. The land is nearly all brushy with some large trees in the draws.

PROPERTY OF

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Maria Despierto de Mesa - Public Domain Allotment No. 15

ADAPTABILITY:

This tract is considered suitable for grazing of livestock and this is considered to be its highest and best use. If access was available the northern end might have summer cabin possibilities affording an excellent view of the surrounding countryside. At present this access is not available and far too costly to develop for the benefit of the subject property alone.

MINERALS:

There are a number of small mines scattered along the mountains in this area. Local residents and brokers seem to attach little significance to mineral rights.

APPRAISAL REPORT

PROPERTY OF

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Maria Despierto de Mesa - Public Domain Allotment No. 15

MARKET DATA (comparable sales or lease analysis)

SALE NO. 1

Grantor: Frances Mesa Quisques and Elizabeth Mesa Tyndle
Grantee: F. E. Thibodo
Legal Description: NW/4 NE/4 and Lots 1, 2, 3 and 4, Section 7,
Township 10S., Range 1E., SBBM., 130.42 acres, more or
less.
Date of Sale: 1959
Consideration: \$1,500 cash - \$11.50 per acre
Authority for Consideration: Mrs. Frances Quisques
Remarks: This is a triangular 130 acre tract which lies 1/4
mile west of subject on slope of mountain. I consider
this sale slightly superior by reason of being a little
less steep and a little more open.

SALE NO. 2

Grantor: Hazel G. Keating
Grantee: E. J. and Dorothy Mathis
Legal Description: SE/4 NW/4 and SW/4 Section 10; W/4 Section 15,
Township 9S., Range 2W., containing 352 acres, more or
less.
Date of Sale: August 26, 1955
Consideration: \$15,000 - \$42.50 per acre
Authority for Consideration: E. J. Mathis
Remarks: This sale is several miles west of the subject, has
good access on a state highway and was improved with
a house and well at time of sale. This sale is
considered very superior by reason of location,
improvements and topography.

APPRAISAL REPORT

PROPERTY OF

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Maria Despierto de Mesa - Public Domain Allotment No. 15

MARKET DATA (comparable sales or lease analysis)

Sales of mountainside land in this area are limited. Sale #1, a recent sale of very comparable land just west of the subject, is a very good indication of the value of this type of property. Sale #2 is not wholly comparable but does give some indication of value. After considering the two sales, it is estimated the subject tract has a value of \$10.00 per acre or \$1,700.00.

APPRAISAL REPORT

PROPERTY OF	Reproduced from the holdings of the <i>National Archives at Riverside</i>		
	María Despierto de Mesa - Public Domain Allotment No. 15		
SUMMARY OF LAND VALUES			
Segregated by Use, Soil, Topography, Other	Per Acre	Acres	Total
Mountain grazing	\$ 10.	170.19	\$ 1,701.90
Mineral -----	No known minerals of value on this tract.		
Timber -----	Timber is not considered merchantable.		
Growing crops -----			None.
Severance damage -----			None.
TOTAL			\$ 1,701.90
SUMMARY OF IMPROVEMENT VALUES*			
Type and Size of Building; Construction Foundation, Walls, Roof, Interior	C. L. D. Value	Contribution Value	
	\$	\$	
TOTAL			\$
PROPERTY VALUE SUMMARY			
Total Land Value	\$	<u>1,701.90</u>	
Total Improvement Value	\$	<u>None</u>	
TOTAL PROPERTY VALUE	(Rounded)	\$	<u>1,700.00</u>

*Indicate value used—cost less depreciation or contribution.

APPRAISAL REPORT

PROPERTY OF

Reproduced from the holdings of the *National Archives at Riverside*

Maria Despierto de Mesa - Public Domain Allotment No. 15

CORRELATION OF TECHNIQUES—CONCLUSIONS (summary statement showing which technique offers the most direct indication of present fair market value)

The estimate of value in this report is based on an analysis of limited market data. This is considered to be the only realistic approach to value for this property.

APPRAISAL REPORT

PROPERTY OF

Reproduced from the holdings of the *National Archives at Riverside*
Maria Despierto de Mesa - Public Domain Allotment No. 15

Section 8 Township 10 S Range 1 E

TRACT MAP

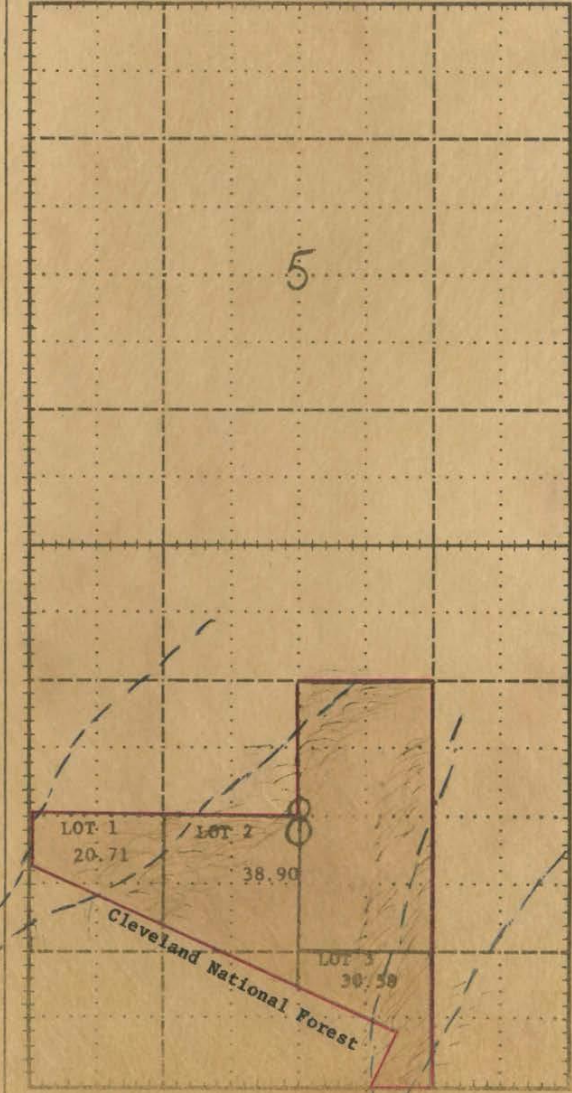
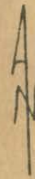
LEGEND

- Cropland
- Grazing
- Pasture
- Irrigated
- Woodlands
- Other

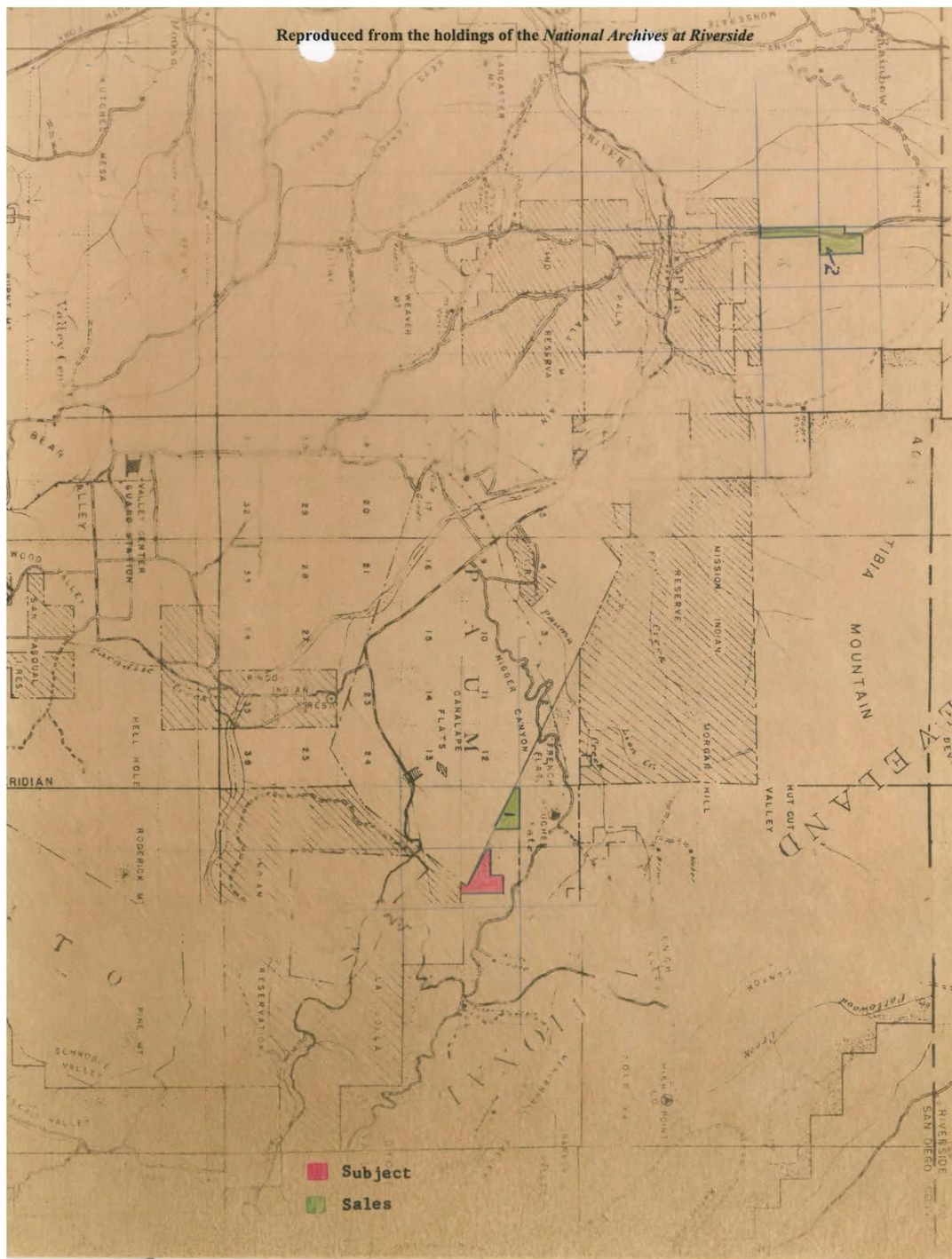
SCALE

1" = 1,320'

NOTES



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Mar. 3, 1927.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:-

There is enclosed an agreement, virtually a power of attorney, in which Steven (Steve) Mesa, an Indian of the Soboba Indian reservation, and one of the heirs of Maria Despierto De Mesa, is empowered by the other heirs to rent or lease the homestead allotment of Maria Despierto de Mesa, and be responsible to the other heirs for any moneys received. Reference is also made in the agreement to sale. The matter was called to the attention of Steve Mesa and he replied "I realize that the land can not be sold until the Indian Office approves the sale."

Maria Despierto de Mesa died May 29, 1923. Her heirs have been determined, Probate 188/27 JMT, Jan. 12, 1927, as follows:- Frances Mesa (Quisques), dau; Stephen (Steven) Mesa, son; Victor Mesa, son; Maria (Mary) Mesa Ward, dau; and Thelma Mesa Anderson, dau. The four heirs have signed the agreement and Steven has accepted. The heirs are competent to lease free from supervision. The land is a public domain allotment, No. 15, and totals 170.19 acres, as described in the agreement.

This matter was evidently arranged by the heirs without consulting this office, and Steve Mesa has asked that it be submitted to the Office for action. There appears to be no reason why it should not be approved so far as the leasing of it is concerned, but it is thought desirable that a clause be inserted concerning sale.

Very respectfully,

DEM
Encl.

Dist. Supt in Charge.

UNITED STATES
DEPARTMENT OF THE INTERIOR
INDIAN FIELD SERVICE

RECEIVED
MAR 3 1927
San Jacinto, Calif.
March 2,nd 1927.

Mission Indian Agency,
Riverside , Calif.

My Dear Sirs; I have your letter of Feb, 27, and in reply will say that I wish you to send the agreement on for approval. I realize that the land can not be sold until the Indian office approves the sale..

How about the " (Probate fee \$50.00) " that is on you letter of Jan. 21, 1927 ? I do not what this is for or ,who to be paid to or by.

Steven Mesa

Very truly yours. Steven Mesa.

Feb. 21, 1927.

Mr. Steven Mesa,

San Jacinto, Calif.

My friend:-

I have received an agreement, signed by your brothers and sisters, empowering you to lease or sell the public domain allotment of your deceased mother, Maria Despierto de Mesa. No letter accompanied the agreement, but from its nature I assume you want me to send it to the Indian Office for approval.

I believe the Indian Office would approve the agreement so far as it pertains to lease matters, but there are certain regulations regarding sale of deceased lands which must be complied with before any sale can be made. You and the other heirs could not sell the land without consent and approval of the Secretary of the Interior. Is this understood by you? If not, please let me know and I shall be glad to explain it in detail.

I shall hold the agreement until I hear from you.

Very truly yours,

DEM

Dist. Supt in Charge.

AGREEMENT.

KNOW ALL MEN BY THESE PRESENTS: That we, Frances Mesa Quiquis, of Walnut, California, Victor P. Mesa of Soboba, California, Mary Mesa Ward of Escondido, California, and Thelma Mesa Anderson of San Diego, California, being children and heirs at law of Maria Despierto de Mesa, deceased Indian Public Domain allottee No. 15, of the Mission tribe of Indians in California, all being of full age, do hereby NOMINATE AND APPOINT Steven Mesa or Steven Mesa, also son and heir of the said Maria Despierto de Mesa, and a resident of the State of California, as our ATTORNEY-IN-FACT, to act for us and in our stead, in the same manner as though we ourselves were present, in the following particulars to-wit:-

To rent or lease the trust real estate belonging to the estate of Maria Despierto de Mesa and more particularly described as the Southwest Quarter (SW₁) of the Northeast Quarter (NE₁) and the Northwest Quarter (NW₁) of the Southeast Quarter (SE₁) and the Lots numbered One (1), Two (2) and Three (3) all in Section Eight (8) of Township Ten (10) South, Range One (1) East, of the San Bernardino Meridian, in California, containing 170.19 acres, to whom and in such manner as he shall deem to be to the best interests of the estate, either for a cash rental or for improvements, and the said Steven Mesa or Steven Mesa shall account to us for our proportionate share of such rentals, if any are paid in cash, once each year and at the termination of any lease period.

It is further expressly understood that the said Steven Mesa or Steven Mesa may receive offers on the sale of the above described real estate, but that before entering into a contract or agreement to sell, he shall submit to each of the undersigned a written proposition of sale, signed by the prospective purchaser, setting forth the proposed purchase price, time and terms of payment and other material facts of the proposed sale, to be approved or disapproved in writing by us as interested persons.

It is further agreed that this agreement shall be submitted to Superintendent C. L. Ellis of the Mission Indian Agency, Riverside, California, for his consideration and recommendation to the Indian Office, Washington, D. C., before the same shall become effective or binding upon us.

Signed this the _____ day of December, A. D. 1925.

WITNESSES:-

Walnut, California.

Soboba, California.

Escondido, California.

San Diego, California.

Mission Indian Agency.

Pala, California.
November 19, 1926.

Mrs. Thelma Anderson,
4069 Texas St.,
San Diego, California.

Dear Mrs. Anderson:

While in Riverside last week, I made inquiry as to whether you and your brothers and sisters had ever been allotted or whether selections had been made for any of you on the Reservation, and it appears that none of you have received any allotments nor does it show that selections for tentative allotments have been made. I know of no reason, however why you would not have the right to make application for allotments if you so desire, and if Mr. Wadsworth, the Special Allotting Agent, comes in while I am here, I will try and get additional information from him as to what will be necessary for you people to do.

I also talked with Mr. Murphy about your asking if you could arrange for just one of you to handle the land of your mother, and he says that will be satisfactory to the office, and that you can agree upon one of you to do the business, and then give to such one a "Power of Attorney", which is merely a formal agreement that he can act for you in that particular respect, but which would bind that one to account to the others for what had been done. If I can assist you in any way with this matter I will be glad to do so while I am here or in this vicinity.

Very respectfully,

Examiner of Inheritance.

Oct. 18, 1927.

Mrs. Petronilla Garboni,

~~351 California Ave.~~ *Route #1, Ardmore Hwy,*
Riverside, Calif.
Hilary Ave

Dear Mrs. Garboni:-

Fee patent No. 1008422 has been issued in your name for the 40 acres belonging to your grandmother, Maria Dolores Guavish. You may obtain the patent by calling at this office and signing receipt for it.

Very truly yours,

DEM

Dist. Supt in Charge.

Oct. 24, 1927.

General Land Office,

Los Angeles, Calif.

Gentlemen:-

As requested by our regulations, I am notifying you that fee patent No. 1008422, issued Oct. 6, 1927, has been given to Petronilla Garboni for the Southwest quarter of the southwest quarter Sec. 22, T8S R1W S8M (Riverside County).

This land originally was the public domain allotment of Marian Dolores Guavish, Los Angeles 017011, and passed to Petronilla Garboni on the death of the allottee.

Very truly yours,

DEM

Dist. Supt in Charge.

REFER IN REPLY TO THE FOLLOWING:

124266
UNITED STATES

4

L-S
41465-27
37184-27
WC

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON



SEP 23 1927.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted a letter from the Superintendent of the Mission Indian Agency, in which he recommends that a patent in fee be issued to Petronilla Garboni for the allotment of Maria Dolores Guavish, deceased allottee No. 22 on the Public Domain. The allotment is described as the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 22, Township 8 South, Range 1 West, S. B. M., in California, containing 40 acres. Mrs. Garboni was made^h sole beneficiary of the land of the decedent by will approved April 23, 1927.

The application of Mrs. Garboni for patent in fee was recently denied on the ground that she was without education, and the sale of her land under supervision was suggested.

The Superintendent, however, in the letter enclosed, believes that she should be given a fee patent. Although of Indian blood ($\frac{1}{2}$ Indian) she is a competent and capable woman. She has lived among whites nearly all her life, and her husband is white. None of her immediate family is carried on the agency rolls. She wants a fee patent in order to buy a small ranch near Riverside. She is perfectly competent to manage the matter to good advantage. With the fee patent she can seek a buyer and make a sale.

In accordance with the renewed recommendation of the Superintendent, it is recommended that the Commissioner of the General Land Office be requested to issue a patent in fee to Petronilla Garboni for the land above described, provided there are no reasons appearing on the records of the General Land Office why such action should not be taken.

Respectfully,

(Sgd.) CHAS. H. BURKE

Commissioner.

9-RFP-16 (10-3 jmb)

Department of the Interior,
Office of the Secretary,
SEP 26 1927

Approved and referred to the Commissioner of the General Land Office for action in accordance with the foregoing recommendation.

(Sgd.) JOHN H. EDWARDS

Assistant Secretary.

INDIAN ALLOTMENT APPLICATION FOR LANDS WITHIN THE NATIONAL FOREST.

Section 31, Act of June 25, 1910, 36 Stat. L., 855. (To be submitted through the Forest Supervisor.)

Temeecula Cal.

Application No. _____, 191 2

I, Maria Dolores Guavish, being an Indian of the Mission tribe, do hereby apply to have allotted to

me as the head of a family age 87 under the provisions of Sec. 31 of the Act of June 25, 1910 (36 Stat. L., 855), the following-described lands

within the Cleveland National Forest:

The land has been surveyed and is located in S.W. 1/4 S.W. 1/4 sec. 22 T. 8 S. R. 1. W. S. B. M. This land is

valuable for agricultural purposes, at the present time there is an orchard vineyard and an adobe house on the land. In support of the foregoing application I do solemnly swear that I am an Indian of the above tribe as alleged; that I have not heretofore received an allotment; that I have made actual bona fide settlement on the lands described herein (or that I have valuable

permanent improvements located thereon consisting of an adobe house 16x30 vineyard one acre orchard 1/2. Most of the land is fenced); that I am applying for these lands for my exclusive use and benefit, and that the lands described are more valuable for agricultural (or grazing) purposes than for the timber found thereon.

Maria Dolores Guavish (Name.)

WITNESSES—

A. D. Solak Adolfo Changua

Subscribed and sworn to before me this 16 day of August, 191 2

(Official designation.)

1 Insert "to me, as the head of a family, aged — years," or "to me, as a single person — years of age," or "to my minor child" (giving the name and age of the child), as the case may be. The same blank may be used in making application in the case of an orphan child, the agent's or special agent's name being inserted in place of the parent's, and the phraseology changed to suit the case.

2 Insert description of the land, if surveyed, by legal subdivisions; if unsurveyed, by metes and bounds, beginning with some object that may be easily identified, or a permanent artificial monument or mound set for the purpose, or in such other manner as to admit of its being readily identified when the official survey comes to be extended. If the application is for grazing land, it should be stated in the application that the lands are "only valuable for grazing purposes."

AFFIDAVIT OF MARIA DOLORES GUAUVISH.

State of California,) County of Riverside))ss.)	In the matter of Indian Homestead Entry Application on NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 22, T. 8 R. 1W, S. B. M., etc, made under the provisions of the Act of June 11, 1906.
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I, Maria Dolores Guavish, do hereby solemnly swear that I am the widow of Santiago Guavish, who originally located on the land as described in my application set forth, including the portion of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 22, T. 8 R. 1W, S. B. M., the line of which, I believe, took in a good part of our actual improvements; and that my late husband and myself moved upon the said land over thirty-five years ago. We made considerable improvements on the said land and obtained our living entirely from the place, and after his death, I continued to live there with my daughter, Maria Attache, up to the present date.

I will further say that about five years ago, my late husband endeavored to have his claim on the land recorded to him, and for this purpose, he went before the then Indian Agent, Chas. E. Shell of Pala California, but the papers furnished him were out of date and he was also misinformed by others as to the steps he should take regarding the matter at the time.

Furthermore I, myself, on the 31st day of May, 1909, filed an Indian Allotment Application under Act of February 8, 1887 and February 28, 1891 at Los Angeles Land Office on the said land but it was rejected because the land in question was included in the National Forest.

Maria Dolores Guavish

Subscribed and sworn to

before me this 14th day of August, 1909, and before the following two witnesses:-

<u>Amy Golsh</u> <u>Adolpho Chagua</u>	}	Witnesses.
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Jameson W Lewis,
Supt. & Special Disbg. Agt.

Aug. 14, 1909

Copy of an Affidavit -

María Dolores Guzmán

Indian Homestead Claim

Forest Reserve

Year 1871 and 1872

CHIEF OF BUREAU }
(REGISTERED TO FILE)

BY: 1808
I, the undersigned, do hereby certify that the above is a true and correct copy of the original as the same appears in the files of the Bureau of Land Management, Department of the Interior, at Washington, D. C.

WILLIAM B. SMITH, CHIEF OF BUREAU

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