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Front Cover: Grave marker at the Pala Cemetery near St. Francis Chapel, Pala Indian Reservation.

Back Cover: Santa Ysabel Indian Mission Church christened St. John the Baptist (San Juan Bautista) in 1924. Public domain photo.

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In The Name of the Law:
The Cupeño Removal of 1903

Phil Brigandi

Home. The place you’re from. For most people, it is the center of their world; if they lose their home, they lose their way. In 1903 the Cupeño people of San Diego County lost their home. The United States Supreme Court ruled that they had no right to the land that had been their home for centuries. Ordered by the government to a reservation at Pala, the Cupeño were forced to make a new home.

The eviction of the Cupeño in 1903 was the last of Indian “removals” in the United States, ending a federal policy of forced relocations that had begun 75 years earlier, and is best-remembered in the Cherokee “trail of tears.” The Cupeño removal came at a time when attitudes were changing, both in Washington and around the nation. Various groups and individuals took up the cause of the Cupeño, yet in the end the old policies prevailed. This article focuses primarily on the Cupeño, but there were other villages affected as well: the Luiseño villages at Puerta la Cruz and La Puerta, and the Kumeyaay villages at Mataguay, San José, and San Felipe, on the edge of the desert. The events and emotions described here apply to those villagers as well.

The Cupeño were one of the smallest tribes in California. Their territory was centered around Warner Hot Springs. Their main village was known as Cupa—hence their name. Long before the arrival of the Spaniards, the Cupeño had lived off the land as hunters and gatherers. There was hardly a plant or animal found in their territory that was not used for food, for medicine, or for manufacture.²

The earliest recorded Spanish expedition to the area was in 1795. They named the valley El Valle de San José. Beginning in the 1820s, the Cupeño came under
the influence of Mission San Luis Rey, which ran stock in the valley below the village. According to Jonathan Trumbull (Juan José) Warner, who first saw the valley in 1831, Mission San Diego had 5,000 cattle pastured in the southern end of the valley. He wrote, “the north half was occupied by the San Luis Rey Mission, and had buildings upon it, and vineyards planted by the mission. In the summer it was occupied by sheep and in other seasons by brood mares.” A few of the Cupeño went to live at the mission, but most remained in their villages and were not significantly affected by the secularization of the mission in 1834, which stripped the Franciscan padres of their authority over the Indians.

Portions of the Cupeño territory were included in two conflicting Mexican land grants, both known as the Rancho Valle de San José. The first was granted to Silvestre Portilla in 1836 and the second to Jonathan Trumbull Warner in 1844. Warner’s grant also took in the Rancho Agua Caliente at the northern end of the valley, which had been granted to José Antonio Pico in 1840, but abandoned two years later. Portilla left California not long after receiving his grant and his rancho was sold to José Joaquin Ortega, who signed the land back over to Mission San Diego in 1842 so he could receive yet another grant in the Santa Maria Valley (present-day Ramona). This cleared the way for Warner’s 1844 grant.

With the American takeover of California in 1850, the U.S. Congress ordered a review of all Mexican land grants by a special commission. The hearings, appeals, and surveys took decades. During this time, Warner lost his land piece by piece,
yet the valley continued to be commonly known as the Warner Ranch. In 1869, John Gately Downey, a former governor of California, began acquiring land in the valley and by 1880 was the sole owner of most of the old Warner Ranch. Under Spanish and Mexican law, the Indians had held the right to continue to occupy their existing villages, even when the land was granted as a rancho. American law did not see it that way.

**Law but not Fact**

As early as 1873 there had been rumors that Governor Downey intended to remove the Indians from the Warner Ranch. But first he had to settle his own right to the land. Sometimes he played at remorse, telling the local Indian agent in 1883 that he would only evict the Indians with “great reluctance.” Still Downey delayed. A major factor in his decision to delay filing suit against the Cupeño was the case of *Byrne v. Alas*, which began working its way through the courts in 1883. The case was similar, pitting the Indians living at Soboba near San Jacinto against San Bernardino businessman Matthew Byrne, who had purchased 710 acres within Rancho San Jacinto Viejo, which included the Indian village site.
The case was heard in San Diego County Superior Court, and the villager—not surprisingly—lost the first round. The case was appealed, however, to the California Supreme Court, and in 1888 they affirmed the Sobobas’ right to their village, citing the precedents in Mexican law that protected permanent villages even within the boundaries of rancho grants. It was only a possessory right, but it was enough. For Downey, it must have been a blow; subsequently it gave the Cupeño four more years before he finally filed suit against them.

In July 1892, Governor Downey filed his first lawsuit against the Cupeño, but unfortunately for him his attorneys forgot to include the southern villages among the defendants so almost immediately, the Cupeño asked that the suit be dismissed. That same day, Downey filed two new suits seeking the removal of the Cupeño along with the other villagers living on the ranch. The suit against Cupa and Puerta la Cruz was known as Downey v. Barker et al. (with Alejandro Barker heading the list of the 86 defendants). Mataguay, San José, and La Puerta were grouped together as Downey v. Quevas et al.

During the Soboba case, Los Angeles attorney Shirley Ward had served as Special Attorney for the Mission Indians, representing the United States Attorney General’s Office. Now, along with Frank D. Lewis of Riverside (who had been appointed a Special Attorney in 1891), Ward would try to win the Warner Ranch case. Downey was represented by State Senator Stephen M. White of Los Angeles. The Merchant’s Exchange Bank of San Francisco (which held the mortgage on the ranch) also had their own attorney in court to look after their interests.

After the usual exchange of preliminary documents, the case was heard by San Diego County Superior Court Judge George Puterbaugh on July 17-18-19, 1893. Downey’s case was simple and to the point. The Warner and Portilla grants had been patented, Downey had purchased the property and paid the taxes on it, and the patents said nothing about any Indians. They were trespassers and should be removed. With that, the plaintiffs rested. Ward and Lewis took a more calculated approach. Their case followed the lines of the Soboba suit. The possessory rights of

San Diego County Superior Court Judge George Puterbaugh conducted the initial trial of the Cupeño in 1893. ©SDHC #16326.
permanent villages were protected under Mexican law, and the United States in acquiring California under the Treaty of Guadalupe Hidalgo (1848) had pledged to uphold Mexican land laws.

This point was clearly understood by the earliest American officials in California. In his 1850 Report on the Subject of Land Titles in California, William Carey Jones wrote, “I understand the law to be that wherever Indian settlements are established, and the Indians till the ground, they have a right of occupancy in the land they need and use; and whenever a grant is made which includes such settlements, the grant is subject to such occupancy....” But when that view proved inconvenient, the government’s attitude began to change. As early as 1852, when the Senate turned down ratification of a series of treaties made with various California tribes, they noted, “that the United States in acquiring possession of the territory of Mexico, succeeded to its rights in the soil; and as that government regarded itself as the absolute and unqualified owner of it, and held that the Indians had no usufructuary or other rights therein, which were to be in any manner respected, that the United States were under no obligations to treat with the Indians, occupying the same, for the extinguishment of their title.”

Ward and Lewis introduced records from the Mexican archives of the Pico and Warner grants, and copies of U.S. government records relative to them. To prove the Indians long occupancy at Cupa, they placed some of the oldest members of the tribe on the stand to share their memories with the court. Alejandro Barker (at 39 the only registered voter at Cupa) did the translating. A reporter for The San Diego Union wrote,

Being deeply interested in the ultimate outcome of the suit, Barker may consider himself highly honored by the council for the plaintiff, who, in thus allowing him to interpret the remarks of his fellow citizens in a tongue that nobody but himself understood, evinced a faith in his honesty that should be gratifying in the extreme.

Barker was not well during the trial. An observer from the Women's National Indian Association says he served “at the risk of his life ... and the proceedings had often to be stopped because the effort he made produced hemorrhages from his lungs. But he was too patriotic to give up when so needed by his people.” One of the most informative witnesses was Machola Moro, the widow of longtime Cupeño captain José Maria Moro. The San Diego Union of July 18, 1893, described her as “a picturesque old Indian woman about 80 years of age [she was closer to 75], who was born on the rancho and who has continuously lived there ever since. She did not speak Spanish ... but gave her testimony in the Indian tongue.” In part she said:
I live at Agua Caliente [Cupa] or Warner’s Ranch, right at the Hot Springs; I was born and raised right there...I remember when Juan Largo [Warner] came to live on the ranch, I was about [a] half-grown woman then. There were as many Indians living at Agua Caliente village then as now – a little more then than now – more old people then than now. The Indians then used to live a good deal on acorns and lots of other stuff that grows around the Hot Springs there—grasses and cactus and one thing and another.... Here are some of the different seeds we used to use. We got the [acorn] and pounded it on the rocks and put some hot water on it and took the bitterness out of it, and made a kind of mush.

My husband was José Maria Moro; he was the captain of the Agua Caliente village, had control over the people that lived there and advised them to keep quiet and work – [he] was Captain a long time.

The Indians had cultivation at Agua Caliente when I was a little girl, and my husband used to cultivate land. They didn’t farm as much as they do now, because they had nothing to work with. They worked by a small stick with a little piece of iron on top of
In The Name of the Law

it and plowed with it by horseback from the horn of the saddle. [They] didn’t farm much, but farmed a little wheat and beans and corn and one thing and another – pumpkins and watermelons…. I remember when the men were kind of broken up. The priests were coming along there, and we had church sometimes and prayed there; whenever the priests got there, we went to the church and prayed. The priest never lived there; he came down from someplace else. The church had a kind of corral—all around it there and big houses all around it, but there was a cross right in the middle, where the church is now—right there standing up. It was not really a church-house, but a big house they kept the grain [in] – a kind of grain-house; they moved the grain and one thing and another, and then would have the church inside sometimes; they brought their children and had church where the cross was.

The big house for keeping grain in was built by some of the men who lived right there at the Hot Springs; under orders from the priests, the Indian men, women and children all worked on it, and built the house. I was never at San Luis Rey Mission while the priest had charge of it.13

A number of early Mexican and American settlers also testified or gave depositions on behalf of the Cupeño. All testified to their long occupation at the hot springs. Pio Pico, the last Mexican governor of California (then 92 years of age) testified that the Cupeño were there when he first visited the springs in 1820. Downey’s attorneys objected to all of this testimony (and in fact all of the evidence introduced on the Indians’ behalf) as irrelevant, arguing that “The possession of the parties...is immaterial to the case, that the patent of the United States Government controls any mere matter of possession.” Judge Puterbaugh reserved his ruling, but later their objection was sustained and every single piece of the Cupeño testimony was ruled inadmissible.

In addition to his objection, Senator White cross-examined many of the witnesses, especially on the subject of agriculture: What crops were grown? How big were the fields? How were they irrigated? Ward and Lewis wanted to show that for 50 years the Cupeño had been farmers. White wanted to prove that they had not been so civilized. As for Governor Downey, he was clearly no longer in control of himself or the case. According to court records,

[D]uring its trial three years ago ex-Gov. Downey was present and made himself conspicuous by interposing questions to the
witnesses, much to the annoyance of the attorneys on both sides.... Senator White was his attorney, and when this cross-questioning became annoying he would impatiently remind the childish old man that he was trying the case, and that matters would be much facilitated if the ex-governor would keep still.\textsuperscript{15}

At the time of the trial, The San Diego Union was less harsh, noting only “Governor Downey ... frequently insisted on putting in a question of his own to the witnesses, but was in each instance checked by Senator White or other friends.”\textsuperscript{16} In 1896 the Union reported that when Downey didn’t like the answer to one of his questions, he would mutter under his breath “That’s a dum lie.”\textsuperscript{17}

Despite their early confidence, Downey’s lawyers took no chances. After Ward and Lewis rested, they asked to reopen their case and submit further evidence. In reopening their case, Downey’s lawyers wanted to show that Warner’s patent was based on his 1844 grant, not Pico’s 1840 grant, because the Pico grant clearly and expressly protected the possessory rights of the Cupeño, while Warner’s grant did not include the required clause.

Ward and Lewis argued that because Indian possessory rights were always protected under Mexican land laws, the Cupeño’s rights were included in the other protected usages (“servidumbres”) that were cited in the Warner grant. They admitted this was a stretch, but in the Soboba case the court had ruled that Indian occupation was in the same character as a highway – that is, an easement allowing use by others (which is what the term servidumbres technically means).

Downey’s attorneys replied with the astonishing argument that the reason the Indians’ rights were not protected in the Warner grant was because there had not been any Indians living in the valley in 1844. To support their outrageous claim, they introduced into evidence a letter Warner had secured at the time of his grant:

\textit{Office of the First Justice of the Peace}
\textit{San Diego}

In view of the petition which the party interested remits to this office, I beg to state that the said Valle San José is, and has for the past two years been vacant and abandoned, without any goods nor cultivation on the part of San Diego; but said place belongs at the present time to the said mission, and at petitioner’s request I sign this, in San Diego.

August 6, 1844
Juan Ma. Marron\textsuperscript{18}
As this brief note was cited in each successive court ruling against the Cupeño it deserves closer examination. Under Mexican law, land in use by a mission could not be granted to private individuals. Mission San Diego had for many years kept livestock and raised crops in the southern part of the Valle de San José, as an outpost of their asistencia at Santa Ysabel. The mission had been secularized in 1834, but was still controlled by a government administrator and thus had a nominal claim on the lower valley in 1844. The point of this letter was to clear the way for the Warner grant so far as the mission was concerned. Downey’s lawyers, however, argued that the phrase “vacant and abandoned” showed that there were no Indians living in the valley at the time.

Warner naturally saw through this farce. A week before the trial began, the 85-year-old Warner gave a deposition on behalf of the Cupeño before Stephen White and others in White’s home in Los Angeles. Asked about the letter, Warner apparently had a map of the rancho in front him when he replied:

Let me explain, sometimes we are misled from not understanding certain facts; and now I will tell you so that you may understand this, both you and your client and anybody else. You see, here is the Agua Caliente and there is El Valle de San José. Now El Valle de San José, so far as the mission of San Diego was concerned, had no connection whatever with the Agua Caliente. When I wrote the petition, I was referring to the southern half of the San José Valley; that is a geographical piece of land.19

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19 Hot springs at Warner Ranch. ©SDHC #82:13438.
The northern half of the valley – the Agua Caliente – had long been utilized by Mission San Luis Rey. Even if Marron’s letter meant there were no Indians in ex-Mission San Diego’s territory in 1844 (which it certainly did not), it proved nothing about the village at Cupa. In fact, Warner’s diseño (map) submitted along with his grant application shows the villages of Agua Caliente, San José and Mataguay by name, along with several other unnamed villages. Factually, the issue was clear, but legally it was still in doubt.

After three days of testimony both sides rested. With the testimony completed, the case should have moved along promptly, but then followed a series of delays (both legal and otherwise) which postponed a ruling for almost three and a half years. First, on March 1, 1894, Governor Downey died. Settling his estate was complicated by the fact that for more than a year, no will could be found. Eventually his nephew, J. Downey Harvey, was substituted as plaintiff in the suits. Then shortly after Downey’s death, Senator White asked for additional time to submit proof that Downey had paid all the taxes on the ranch for the previous ten years.

Finally, in November 1895, the cases were transferred from Department II to Department III of the San Diego County Superior Court after Judge Puterbaugh disqualified himself, “owing to having had some connection with the Warner ranch property.” Judge Puterbaugh had been an active advocate of the construction of a dam at the bottom of Warners Ranch for years – a project that would require the eviction of the Indians at La Puerta and San José.

Judge W.L. Pierce presided in Department III. He waited more than a year before ruling on the cases, submitting his judgment on December 29, 1896, just days before he retired from the bench. First, he upheld Downey’s lawyers’ objection to all of the evidence entered on behalf of the Cupeño, ruling it inadmissible. The government patent, he held, was conclusive as to property rights. In other words, the Cupeño were left with absolutely no defense in the eyes of the court. “Thus,” Ward and Lewis later wrote, “the entire issue between the parties was and is one of law and not of fact. It is as to the materiality and admissibility of defendant’s evidence, and not as to the sufficiency or weight thereof.”

Judge Pierce also accepted Downey’s lawyers’ contention that the Cupeño were not residing on the land at time of the occupation of California by the United States in 1846. Indeed, they were not, nor was either of them, nor were the ancestors or ancestor of either of them at the time of the acquisition from the Mexican government by the United States of the territory embraced within the state of California, and for more than thirty years prior thereto, or at all, recognized as Mission or Pueblo Indians by the laws of
Spain, Mexico and the United States, and were not in the adverse possession, occupancy or use of the following described land....

With those two rulings the result was inevitable. The Cupeño and the other villagers on Warners Ranch were told they had no legal right to what had always been their homes. Ward and Lewis immediately filed a motion for a new trial but their request was denied. The only avenue left was an appeal to the California State Supreme Court, but before it could be submitted, a $6,100 bond would have to be filed with the court. The Downey family attorneys assumed that no one would lay out that kind of money on behalf of the Cupeño, but they were wrong. The Indian Rights Association of Philadelphia managed to raise the money in just a few days, and the appeal was filed in June 1897.

Forced to resume their legal battle, the attorneys for the Downey heirs continued their two-pronged attack: first, there were no Indians on the land at the time of the Warner grant; second, even if there were, any rights they might have once held had been lost in the intricacies of the Federal Land Commission process.

Ward and Lewis stuck to their guns:

Under Mexican law, Warner held the legal title, subject to the easement of the Indians’ possessory rights. The confirmation of this legal title and the issue of the patent therefore in no way changed the character of such title, nor freed it from the easement in favor of the defendants....

Under the Mexican law, no obligation rested upon such Indians as these of acquiring their property rights by specific grant; but such rights were given and protected by the general law of the land, and the United States by treaty guaranteed that it would protect all private property rights existing within the ceded territory.

The Downey lawyers denied the notion that the Cupeño had any possessory rights descending from Mexican law:

There can be no issue here as to what the law of Mexico authorizes, unless that law was carried into and made a part of the statutory enactments of the United States. The United States as a sovereign [nation] had the power to do whatever it chose with the property acquired from Mexico regardless of any treaty stipulations.
Yet in the Treaty of Guadalupe Hidalgo, the United States had pledged to protect all land titles in California, and the act authorizing the Land Commission in 1851 had specifically ordered a review of the status of Indian titles so that a determination could be made. There is no record that such a report was ever completed, but during the appeals process the courts operated on the assumption that the requirements of the act had been obeyed, and that the rights of the Indians had been found wanting.

Lewis disagreed:

It was reasonable to suppose that Congress did not intend the provisions of the Act of 1851 to apply to Indians who knew no English, could not read and write, and who knew as little regarding individual or tribal ownership of property as they did of Acts of Congress or of Land Commissioners.

It is evident from the fact that Congress in passing the act provided in the sixteenth section, making it the Commissioners’ duty to report on Indian claims, at that time at least, had no intention to bind the Indians by its other provisions...

No matter, the Downey attorneys argued, “neither treaty nor Congressional act was designed for the benefit of the Indians.” At the time of the Warner grant, they claimed, the Cupeño were “mere outside barbarians – uncappable [sic] of ownership and incapacitated for civilization…. The defendants are not entitled to any consideration here,” they wrote. “They do not belong to civilization. They must be attended to, it is true, and protected, but they cannot interfere with the effect of a patent of the United States.” But the attorneys struck closest to the heart of the matter when they argued:

The courts cannot exercise any direct appellate jurisdiction over the rulings of those officers or of their superior in the department in such matters, nor can they reverse or correct them in a collateral proceeding between private parties…. It would lead to endless litigation, and be fruitful of evil, if a supervisory power were vested in the courts over actions of the numerous officers of the Land Department, on mere questions of fact presented for their determination.

In other words, what was really at stake here was the obliteration of nearly 40 years’ worth of battles over rancho land titles. If the Cupeño were allowed
to go “behind” the patent, and prove a possessory right “on a mere question of fact” that was not originally spelled out in the patent, it would open the door for every single rancho patent to be challenged by other settlers. And it seems clear that the courts had no intention of letting the rights of one small tribe of Indians overturn four decades of high-priced litigation.

Ward and Lewis’ appeal on behalf of the Cupeño focused on six key points:

- That the rights of Indians under Mexican law were not limited to specific grants, but “were protected by the general law of the land.”
- That under Mexican law, Warner’s grant was subject to the possessory right of the Indians.
- That by treaty the United States agreed to preserve all existing property rights in the ceded territory, “which it is claimed includes the rights of these defendants.”
- That confirmation of Warner’s grant relieved the Cupeño of the need to submit a claim before the Land Commission, since their rights were bound up with his by Mexican law.
- That the Land Commission decision was between Warner and the United States government, and did not affect the Cupeño’s rights in relation to Warner’s original grant.
- That the 1880 Federal patent to Warner specifically stated it does not affect the rights of “third persons.”

The California State Supreme Court finally heard the Indians’ appeal in April 1899, and issued its ruling on October 4 of that same year. Several new justices had been appointed to the court since the days of the Soboba case, and on a split decision the court agreed that the Cupeño and the other villagers had no rights to their homes. Four justices concurred while three (including Chief Justice William Beatty) dissented. The majority decision noted: “Where a grant of land from the Mexican government is confirmed by the United States and a patent issued thereto, such patent is conclusive evidence of title, as against Indians claiming a prescriptive title to the same land.”

The decision quoted extensively from the Soboba case but maintained that the Cupeño case “differs materially” from it because the land “was vacant and unoccupied at the date of the grant, and in the grant the clause in reference to the rights of the Indians is omitted entirely.” It is “useless,” the judges wrote, to argue that the Warner grant is the same as the Pico grant (which contains the strict clause that he shall “not molest [prejudicar] the Indians that thereon
may be established.”). Pico had abandoned his rancho and his rights had been extinguished. The mere protection of *servidumbres* in the Warner grant “cannot be tortured into” meaning he must not disturb the Indians. The decision relied heavily on the (historically false) contention that the Cupeño were not living at Cupa when the Warner grant was made in 1844, and the Marron letter is quoted in the decision as “proof” of this outlandish claim.

In his dissent, Chief Justice Beatty argued that there was no material difference between *Byrne v. Alas* and this case. He accepted *servidumbres* as broad enough to include the possessory rights of Indians, and affirmed that Cupeño were living in the valley “long before the date of the Warner grant.” In a concurring dissent, Justice Thomas McFarland added that the Cupeño’s rights existed even without the clause in the Warner grant, and that they were under no obligation to submit their claim to the Land Commission. “They are mere wards of the nation, and it is to be presumed that the nation has always recognized and protected their customary rights, and that all its grants are made with the understanding that the grantees know these rights, and take subject to them.”

History and legal precedent, however, were not enough to save the Cupeño once the white man decided they wanted their land. D.L. Withington, one of the Downey family attorneys, while welcoming the verdict was mild in his comments to the press: “There is and never has been any indications of any unfairness to the Indians on the part of the owners of the ranch, whose standing in the community is such as to insure the utmost fairness towards the Indians.”

In other words, the Downey family members were far too prominent to want to appear prejudiced toward the Cupeño—they simply wanted to use the courts to throw them out of their ancestral homes. After the removal, Withington felt free to express a different opinion. Any sympathy for the Cupeño, he wrote, was “misplaced” and irrational. He scoffed at their “morality” (his quotes), claiming that “their chief diversion is gambling,” and insisted that they had “held these springs and lived there without working, as other Indians do, for more than half a century...[and] lived like princes among their fellows off of other people's property” from the income they received from the hot springs.

Ward and Lewis immediately asked the court for a rehearing, but their request was denied. That left only two options—the Cupeño and the other villagers could leave their homes or the case could be appealed to the United States Supreme Court. By now, the Warner Ranch case was attracting more and more attention, and so the United States Attorney General’s office stepped in and filed the appeal on behalf of the Cupeño. Shirley Ward went to Washington in March 1901 to help argue the case before the U.S. Supreme Court along with Assistant Attorney General Henry Hoyt. “It is unnecessary to say that Mr. Ward devoted himself to
the hearing in the Supreme Court with the same energy, zeal, and ability that he has shown in the previous stages of the case….”32

Hoyt later wrote: “I must confess that I felt very confident after the oral argument that we had impressed the Court.”33 Yet the results were the same. On May 13, 1901, the United States Supreme Court upheld the ruling of the California courts – the Cupeño would have to go. The Court “rested the result upon the legal principles,” and not “upon the merits of the Indians’ claim,” Hoyt summarized: “The Cupeño had lost their homes on a technicality.”34

As before, the Barker case was combined with the Quevas case (“The facts in the cases are so nearly alike that it is sufficient to consider only the first”). The decision (181 U.S. 481) was issued without dissent. Once again the infamous 1844 “vacant and abandoned” letter from Marron was quoted to support the claim that the Cupeño were not on the ranch at the time of the Warner grant. Moreover, the court ruled, even if the Cupeño once had a valid claim, they lost it when they failed to present it for confirmation by the Land Commission in the 1850s. In response to the argument that this policy did not live up to the terms of the Treaty of Guadalupe Hidalgo, the court quoted from their decision in the case of Botiller v. Dominguez (130 U.S. 238):

[S]o far as the act of Congress is in conflict with the treaty with Mexico, that is a matter in which the court is bound to follow the statutory enactments of its own government. If the treaty was violated by the general statute enacted for the purpose of ascertaining the validity of claims derived from the Mexican government, it was a matter of international concern, which the two states must determine….

In other words, the Cupeño had no standing to question whether the United States Government was living up to the terms of the Treaty of Guadalupe Hidalgo; only Mexico could do that in an international court. The Cupeño had been cut off at the knees at every step of the way through the court system. Even if they had held rights under Mexican law, they had lost them because a government clerk had failed to mention them in Warner’s grant. And even if his grant had included the required language, it did not matter because Downey’s attorneys had “proven” that the Cupeño were not living in the valley in 1844. And even if they were living on the ranch then, they had lost their rights when they did not file a claim with the Land Commission in the 1850s – even though the Land Commission was supposed to deal with the rights of Indians separately. And while they could not find any record that the Commission had studied the question
of Indian property rights, the courts took it for granted a report had been made, and having not seen it, naturally assumed that it had gone against the Indians.

Prominent Indian rights activist Albert Smiley gave a cynical summation of the situation:

One tribe is nicely placed and has water and vineyards and homes occupied for generations; but an ex-governor of California came and saw and coveted, and between him and a purchased judge and an indolent and incapable agent and an indifferent Government they are to be ousted.... All the Mission Indians are ready for civilization, but we will not allow them to be civilized. They are crowded from every foot that will grow a tree or pasture a sheep. The debasing influence of camp life and camp life itself can be eliminated there in five years by the exercise, not of any self-satisfying quality called benevolence, but by the exercise of common honesty.36

In the end, all the legal maneuvering boiled down to the hard, cold fact that the Cupeño had lost. Ward and Lewis had presented the Indians’ claim with clarity and diligence, but all they had managed to do was to delay the inevitable.

What to do?

In 1901, after nearly a decade of legal wrangling and delays, the U.S. Supreme Court ruled that the Cupeño people of San Diego County had no rights to their ancestral homes at Warner Hot Springs. With the decision their fate was sealed. Legally, J. Downey Harvey, whose family owned the Warner Ranch, could have had them evicted from his property the day after the decision was issued, but he agreed not to do anything until Congress had time to act.

The government did make an attempt to buy the village lands, but Harvey refused to sell any smaller parcels, offering only a full 30,000 acres of the ranch for $245,000 – a cost far beyond the government’s willingness to pay (which was probably Harvey’s intent). This would have still left 14,000 acres at the south of the ranch for a reservoir project. In July 1901, the Indian Office recommended that a special inspector be sent out to locate a reservation site. In late November, James McLaughlin finally reached California. He spent a little over a week in the field looking over possible reservation sites. He met with the Cupeño and was struck by how much they loved their old home.

McLaughlin’s eventual choice for a reservation site was the Monserrate Ranch in the hills between Bonsall and Fallbrook, which, he claimed, was “far superior
to any [other site] that I have examined.” He recommended purchasing 2,370 acres that were offered to the government for $70,000. McLaughlin’s recommendation was initially accepted in Washington, and in January 1902 the Commissioner of Indian Affairs asked Congress for $100,000 to purchase the Monserrate Ranch and to relocate the Cupeño there. That might have been the end of it were it not for a few Southern Californians who were outraged at McLaughlin’s choice. Chief among them was Charles Fletcher Lummis, the influential editor of Out West magazine in Los Angeles. Buying the Monserrate Ranch was a farce, he declared. McLaughlin had seen the land in December when it was green from the first winter rains, but come summer, the ranch was almost completely dry. What’s more, Lummis added, the owners had set an outrageous price. “[T]hese lands had been sold several times, recently, for about one-third what the Government was preparing to pay for them,” he wrote.

Lummis threw himself into the issue with his customary zeal. Through the pages of Out West and personal letters, Lummis insisted Washington disregard the recommendation of this “tenderfoot” inspector, and authorize a group of knowledgeable Southern Californians to make a proper selection. Besides his magazine, Lummis had another ace up his sleeve – he had attended Harvard University with Teddy Roosevelt. In November 1901, Lummis met with the President. He pushed his old acquaintance hard to get what he wanted. Meanwhile, Senator Thomas Bard of Ventura County introduced a bill to provide the funds for the removal. Approved by the President in May 1902, it required that a Warner’s Ranch Indian Commission be assembled “to assist the Secretary of the Interior in purchasing suitable lands.” Lummis was immediately appointed chairman, joined by San Diego County rancher Russell Allen (another former classmate of Roosevelt’s) and Charles Partridge of Redlands, an active supporter of the Indian Rights movement.

In March 1902, when Lummis first learned that the creation of the Commission was likely, he visited Cupa and held a “junta” (as he called it). Lummis was impressed with “The unvexed truth, the simplicity, the directness, the earnestness, and yet the perfect self-control of these aboriginal speeches.” Captain Cecilio Blacktooth’s speech (as translated by Celsa Apapas) has been reprinted many times:

We thank you for coming here to talk to us in a way we can understand. It is the first time anyone has done so. You ask us to think what place we like next best to this place where we always live. You see that graveyard out there? There are our fathers and our grandfathers. You see that Eagle-nest mountain and that Rabbit-hole mountain? When God made them, He gave us this place. We
have always been here. We do not care for any other place. It may be good, but it is not ours. We have always lived here. We would rather die here. Our fathers did. We cannot leave them. Our children born here – how can we go away? If you give us the best place in the world, it is not so good for us as this. The Captain he say his people cannot go anywhere else; they cannot live anywhere else. Here they always live; their people always live here. There is no other place. This is our home. We ask you to get it for us. If Harvey Downey [sic] say he own this place, that is wrong. The Indians always here. We do not go on this land. We stay here. Everybody knows this Indian land. These Hot Springs always Indian. We cannot live anywhere else. We were born here and our fathers are buried here. We do not think of any place after this. We want this place, and not any other place.

“But if the Government cannot buy this place for you, then what would you like next best?” Lummis asked.

There is no other place for us. We do not want you to buy any other place. If you will not buy this place we will go into the mountains like quail, and die there, the old people and the women and children. Let the government be glad and proud. It can kill us. We do not fight. We do what it says. If we cannot live here we want to go into those mountains and die. We do not want any other home.39

Lummis then set out to do exactly what Capt. Blacktooth had begged him not to do – to find the Cupéño a new home. The Commission made two tours of inspection through Southern California during the summer of 1902. Traveling with them were two representatives of the Cupéño, “intelligent and representative
men,” Ambrosio Ortega and Salvador Nolasquez. All told, the Commission considered 45 possible reservation sites and visited 28 of them. They examined each site, took photographs, measured the water flow, and made copious notes. Among the places considered were parcels at Santa Ysabel, Pauma, Moosa, De Luz, Guajome, Ethanac, Jurupa, San Pasqual, Agua Tibia, and Descanso. Nolasquez and Ortega were often asked their opinion; some of the sites they admitted were nice enough, but they always made it clear that the people wanted to remain at Cupa. During that same summer, Commissioner of Indian Affairs W.A. Jones also visited California, and Lummis arranged for the two Indians to meet him. They renewed their request to remain in the Cupa homes.

On August 28, 1902 the Commission submitted its final report. Their choice was the Pala Valley, where 3,436 acres could be purchased for $46,300. The chief attraction at Pala was water from the San Luis Rey River. “So far as is known,” Lummis boasted afterwards, “never before in our history as a nation were Indians moved to better lands than those from which they were dispossessed.”

The Crying Road

Once the title to the land at Pala was clear, preparations for the actual removal could begin. On April 16, 1903, Lummis, Mission Indian Agent Lucius A. Wright, and other officials arrived at Cupa to discuss removal plans with the Cupeño. They “were received sullenly and almost defiantly” by the people. The arrival of Lummis seems to have especially annoyed them. As for Agent Wright, one newspaperman reported, “The Indians do not entirely like him, or trust him, but they feel that he is doing his best. They say that they prefer him a thousand times to Mr. Lummis [to] whom they have taken a strange, unreasoning dislike.”

In fact, the Cupeño felt they had good reason for disliking Lummis, whom they are said to have dubbed the “Thin Liar.” Despite his sincere desire to help the Cupeño find a new home, his tendency to always thrust himself into the center of everything he was involved with made him an easy target for the Indians’ wrath. Still, Lummis and his party had a job to do. First, they expelled

Salvador Nolasquez (1861-1933) served as village captain at both Cupa and Pala. Photo from 1902 when he accompanied the Warner Ranch Indian Commission as one of the representatives of his people. ©SDHC #19101.
all the whites from the area. Then they called a meeting at the schoolhouse. The Cupeño decided to have their own meeting first and arrived an hour late to the meeting. Once they arrived, Agent Wright and government attorney William Collier both tried to explain the government’s position on the removal. Father B. Florian Hahn, the Catholic Priest from Banning who ministered at the village from time to time, and Lummis both called on the Cupeño to go peacefully to their new home over growing murmurs of discontent.

After listening to all their pleas, Juan Maria Cibimoat (the newly elected captain) rose to complain that the government officials had not kept the Cupeño informed of what was happening, and said his people would never leave their home. And with that the Indians rose as a body and left the room. Collier sensed that Capt. Cibimoat’s resolve was not shared by all of his people. “One of the great difficulties we had to encounter,” he explained a few days later, “was the fact that when the Indians have a chief he is their spokesman and nobody but he will say anything.” Many of the other Indians, Collier noted, were not planting crops that spring and some were already pulling out their fences. This, he felt, was good evidence that no matter what Capt. Cibimoat said, they expected to move.

Rumors quickly began to circulate that Lummis had done more than call for peace—that in fact “he told the Indians that if they did not go to Pala, United States soldiers would shoot them.” Lummis vehemently denied this, but there is no doubt he believed that armed troops would be necessary. Lummis and the others left Cupa soon after the meeting, convinced that there was little hope for a peaceful removal. Lummis, for one, believed it would take the army to dislodge
the Cupeño. Publicly, he reassured the newspapers that everything would be just fine, but privately, he continued to press for troops.

Some of the papers heard Lummis’ threats. The San Francisco Chronicle reported that Lummis had warned the Cupeño “that if they did not go they would be compelled to do so.” The New York Times reported that Lummis, Wright, and the others, had “wired to Washington, reporting that it would be impossible to evict the Indians without the presence of United States troops.” Lummis always publicly denied that he had threatened the Cupeño that they would be shot if they would not go to the reservation; while perhaps he did not use those particular words, his meaning was always clear.

Cecilio Blacktooth, the previous year’s Captain, was in San Bernardino a few days after the meeting with Lummis, and he told a reporter:

> We will never give in. Some of our people are scattered among the tribes in Riverside and San Bernardino counties, but the old men and women would not leave, and have begged to be taken above Warners Ranch in the mountains, where they can look down upon the graves of their ancestors.

Some newspapers portrayed Blacktooth as defiant, and ready to fight or flee. In fact, he was in San Bernardino to buy horses to help the Cupeño move their belongings to Pala. While in town, Blacktooth also visited with attorney John Brown, Jr., who had served as legal counsel to the Cupeño leaders for the past year. Brown continued to insist that a way might still be found for the Cupeño to remain in their homes. This endeared him to the Cupeño, but only complicated matters for the government officials.

Another white man who arrived on the scene about this same time was George L. Lawson, a sometimes newspaper correspondent for the Los Angeles papers who had begun writing some highly dramatic articles about the Cupeño situation the month before. While expressing sympathy for the Cupeño, he also predicted violence if the government tried to move them. The Cupeño (at least some of them) took to Lawson, probably because he said what they wanted to hear – that they should not have to move. At the time, the people were ready to listen to anyone who offered that promise. On the other hand, none of the other Anglos involved with the removal seem to have cared much for Lawson. The Los Angeles Express eventually stopped publishing his dispatches.

Lummis developed a special dislike for Lawson, an attitude Lawson returned in kind. Lummis publicly called Lawson a “wanton and malicious liar,” and claimed that he was only stirring up trouble at Cupa so that “he might have a
sensation and [make] a dollar or two by space writing.” Lummis’ attitude was perhaps predictable. He still viewed the protection of the Cupeño as his own private crusade. As for Lawson, he seems to have been sincerely concerned with the Cupeño’s welfare – perhaps even enough to justify in his own mind the exaggerated articles he had been sending to the Los Angeles papers. Reading his diary, one cannot help but get the sense that he rather enjoyed the prominence he came to hold in the eyes of the Cupeño.

As April 1903 drew to a close, the situation looked bleak on all sides. There seemed little hope of moving the Cupeño peacefully, though just what sort of resistance would be mounted remained unclear. The government, however, was still determined that the removal should take place as soon as possible. Grasping at his last straw, attorney John Brown called upon President Roosevelt himself to intervene and stop the removal. Coincidentally, Roosevelt was scheduled to visit Southern California early in May, so Brown sent for Capt. Cibimoat and several other men from the tribe to come to San Bernardino and lay their case directly before the president. It is difficult to judge at this late date what Brown hoped to accomplish. Certainly his sympathy was sincere, but as even he had been forced
to admit to Lummis a year before, his legal options were nil. Perhaps he hoped the president could arrange some extra-legal solution, which was highly unlikely.

Meanwhile, the Indian Office made one of its few good decisions in the whole matter. They ordered James E. Jenkins, one of eight Special Inspectors in the Indian Service, to head to San Diego County and take charge of the removal, superseding both Wright and Lummis, who had expected to supervise personally. After Jenkins was appointed, Lummis wisely decided to step back, perhaps finally recognizing how upsetting his presence was to the Cupeño.

Jenkins proved to be just the right man for the job. He immediately began to make the necessary arrangements for the removal. Instead of soldiers, he hired about 40 local ranchers and teamsters to transport the Cupeño and their belongings. They began arriving on the ranch around May 8 or 9, set up a temporary camp about half a mile from the village along the banks of Agua Caliente Creek, and settled in to wait for the word to go. Jenkins had already been at Cupa for several days, doing his utmost to convince the Cupeño that their removal was not only inevitable, but was in fact best for them. He enlisted whatever support he could get for his thankless task – Josephine Babbitt, the teacher at the government school; Domingo Moro, the Indian policeman at Cupa; 55 and even George Lawson.

Either the repeated threats of what would happen if they would not go, or the repeated promises of a better life at Pala began to wear down the resistance of some of the Cupeño. Jenkins definitely had a certain element of fear on his side. Lawson noted in his diary that a few days before the removal, when Jenkins went down to the Warner Ranch store, the Cupeño were afraid that Jenkins was going to telephone for troops. This fear of attack was probably a factor in convincing the Cupeño to go peacefully. Jenkins showed great tact in his dealings with the Cupeño, but there was never any doubt in his mind what he had
been sent to do. He could be patient, but ultimately he expected to be obeyed. His diplomacy seems to have been helped along by the absence of Capt. Cibimoat and the other most vocal opponents of the removal, who had gone to San Bernardino as part of John Brown’s futile scheme to try to secure a reprieve directly from President Roosevelt.

Brown was not without influence in San Bernardino. On May 8 he arranged to have the Cupeño leaders meet the president as he toured the city. Capt. Cibimoat, Salvador Nolasquez, Ambrosio Ortega, and two other men were there, but they were not allowed to speak to the president, simply shake his hand. The same night that the men met the president, a runner arrived in San Bernardino to announce that removal was imminent. Jenkins, in fact, had planned to begin the next day, but then agreed to wait until the delegation in San Bernardino could return. Cibimoat, Ortega, and Blacktooth set off for Cupa as soon as they got the news. The other men followed soon after. The outcome seemed inevitable, but Cibimoat still had a few cards left to play.

Cibimoat and his two companions reached Cupa late Saturday night. According to Lawson, when they discovered how well Jenkins had succeeded at convincing the Indians to move they were furious. Told that the removal was now set to begin on Monday, May 11, 1903, Capt. Cibimoat tried to stall. He called a meeting of the people and told them that he had talked with President Roosevelt and claimed that Salvador Nolasquez was coming soon with a paper that would let them keep their homes. Later (according to Lawson), Cibimoat changed his
story, and said that it was John Brown who had this all-important paper. Then Cibimoat and Ambrosio Ortega rode off to Mesa Grande to call Brown and beg him to come.

Inspector Jenkins immediately saw through Cibimoat’s bluff. He called another meeting for 7:30 that same Sunday night, but only five Indians showed up—then promptly left—saying they would not meet without Capt. Cibimoat present. Jenkins agreed they would meet again in the morning. Agent Wright, who had been keeping a low profile for several days, left the ranch about this time to supervise arrangements at Pala. Whatever moves were left to be played, there was no doubt in his mind what the final outcome would be.

Cibimoat and Ortega waited three hours at Mesa Grande to get a connection to San Bernardino, but around 9 p.m. they finally got through to John Brown, who promised to come at once. Returning to Cupa, the men held another late-night meeting with the villagers. Later still—Lawson claimed—Cibimoat crept over to the schoolhouse in the darkness and sat talking with Josephine Babbitt long into the night. The next morning, May 11, 1903, Jenkins was ready to begin the removal. He roused the teamsters up early and they hitched up their teams and got ready to finally move their wagons into the village itself. Before they set out, “Mr. Jenkins exhorted the teamsters to behave with good judgment.” All of the men had been sworn in as deputies for the duration. Many carried side arms or had rifles stowed under their wagon seats. Most were glad to be on their way. They had not planned on so many delays, and some were running low on food for themselves and their horses. With Jenkins on the seat of the lead wagon, the teams pulled into the village around 7:30 in the morning, and spread out up and down the main street.

News reports of the Cupeño response to this “aggressive move” (as the Los Angeles Times termed it) vary considerably. Citing an eyewitness, the Times reported on May 12, “when the Indians saw the white men and wagons coming they locked and barred the doors of their cabins and threatened to shoot anyone who should dare to disturb them.” Joseph Schirmer, the Riverside Daily Press correspondent (one of the few reporters actually on the scene), wrote that there was little response, and noted that some of the adobes already had piles of furniture, boxes, and bedding in front of them, ready to go. When Cibimoat came out of his house, a group of Indians rushed over to talk with him. Jenkins joined the group, and continued to press his reasons why they must move. Cibimoat replied that they would not go before John Brown arrived. Jenkins relented and agreed to give them until noon, but then they would have to begin packing, Brown or no. According to Lawson, an air of suspense hung over the village for the rest of the morning.

Meanwhile, John Brown was driving hard from San Bernardino to Cupa.
Along the way he passed Agent Wright on his way to Pala. “I wondered what he was up to,” Wright later told a reporter. Brown finally reached Cupa around 1:30 p.m. and immediately sat down with Capt. Cibimoat and the other leaders. Of course he had no “paper” from President Roosevelt, and he told the men that there was now nothing left to do but go peacefully. Schirmer reported that this brief meeting, “left a gloomy look on the dusky faces” of the village leaders.

Their business concluded, Brown, Cibimoat, Judge Pasqual, Blacktooth, and Ambrosio Ortega went up to the schoolhouse to discuss matters with Inspector Jenkins. Afterwards, Jenkins called one last meeting of the tribe to settle the matter once and for all. John Brown spoke first. He suggested that Jenkins display his credentials to the Cupeño, and stress that he was charged by the president to carry out the removal. Brown told the people that he had done all that he could and advised them to go peacefully. Next, Laura Cornelius, an Oneida Indian teaching at the Sherman Indian boarding school in Riverside, pleaded with the villagers to trust the government to take care of them.

Capt. Cibimoat gave a passionate speech, stressing that the springs at Cupa had always been their home, and claiming again that there was nothing for them at Pala and that they would all starve there. “The Captain maintained to the last that he would rather die than be moved,” Schirmer reported in the *Riverside Daily Press* on May 14, “but one could see the bottom had gone out of the opposition and his following had forsaken him.”

Jenkins also saw this. According to Lawson, he asked Cibimoat if he was no longer acting as captain, since he seemed to be speaking only for himself. Perhaps, Jenkins suggested, each man present should be allowed to speak for himself as well. “Yes,” Cibimoat shrewdly replied, “ask them if they would rather stay here or go to Pala.” Jenkins ignored that suggestion, knowing full well what the answers would be. While many of the Cupeño were ready to move, certainly none of them wanted to move. Instead, Jenkins kept his attention focused on Capt. Cibimoat, reminding him that he had promised to do what was right if Jenkins would wait for John Brown to arrive. Cibimoat replied that he would break that promise. Now Jenkins had had enough. According to Lawson, he rose and said he had been patient long enough, and now he expected them to obey the government and Capt. Cibimoat to keep his promise. With that said, Jenkins made a dignified retreat.

The meeting ended somewhat inconclusively, but later that evening Capt. Cibimoat and some of the other men came to see Jenkins to tell him that they would keep their promise and go peacefully to Pala. They did demand a few parting arrangements. The government would have to agree to pay for all their crops and trees at Cupa, and before they left they wanted to visit the graveyard one last time, and to take the church bell with them to Pala. Jenkins agreed to
all these things, and questions seemed finally settled. There was a continuous hustle and bustle all through the village that night as the Cupeño made final preparations to leave their old homes.

During the course of the negotiations, Jenkins made a number of promises to the Cupeño. “[A]mong these promises were a better home with plenty of water and better houses to live in and farming tools and food until such houses were constructed, and pay for their crops, and pay for their work...at their new home.”60 Some years later, Carolina Nolasquez recalled that Jenkins “said that here [at Pala] they would give us houses, and then cattle, horses, he would give us something good upon bringing us here. Brown said that it would be all right for us to come down here. And we said ‘All right.’”61 While Jenkins certainly deserves praise for his patience and diplomacy, Joseph Schirmer gave even higher praise to the Cupeño, “who with the enemy in their camp... held their anger and sorrow in rein, and finally manfully succumbed to the inevitable.”62

Tuesday, May 12, 1903, dawned bright and pleasant, but before long the temperature began to rise and by mid-morning it was clear it was going to be a hot day. All through the village the Cupeño were rushing to finish packing everything they owned for the move to Pala – furniture, clothing, kitchen items, pets, plants, chickens, even lumber and window frames.

Eleven-year-old Roscinda Nolasquez always remembered the confusion of that last morning at Cupa, with Jenkins giving orders in English, which most of the Cupeño could not understand. “We were so scared,” she said. “We didn’t know what he was saying. We didn’t know what was going on. We saw old people running back and forth. We cried, too, because we were afraid.”63 Roscinda struggled that morning to make sure her cats would not be left behind. They were finally rounded up and shut up in a box. In a 1962 interview she recalled:

People came from La Mesa, from Santa Ysabel, from Wilakal, from San Ignacio they came to see their relatives. They cried a lot. And they just threw our belongings, our clothes, into carts, chairs, cups, plates. They piled everything on the carts.64

There were many tears that morning, especially when the people made their last visit to the graveyard below the chapel. “They went to the cemetery,” Roscinda recalled, “there they wept. Then it was time to move out. Still they did not move. They could not move outside [the cemetery], they stayed there by the gate.”65 In the midst of death, there was life. On the very day of the removal, Celsa Apapas gave birth to a baby boy, whom she named James Edward Jenkins Apapas. A calf born that same day was named Lummis.66
A few Indians put on a show of defiance – at least in words. Capt. Cibimoat and some of the other men stood together on a brushy hillside above the village, looking down on their homes. “Old Salvador [Nolasquez] declared that the Pala lands which he had visited are poor and dry,” the Los Angeles Times reported, “and that they would have to tie him to take him.” Capt. Cibimoat still expressed the hope that the Cupeño would just be left alone. “We are not lame or blind,” he said. “We can work. We don’t want help.” But with the removal going on before his very eyes, even Cibimoat’s resolve was crumbling. “Driven into the last corner,” the Times reported, “Cibimoat turned away and wept.”

The most blatant act of defiance that morning came from another Cibimoat, Manuela Cibimoat, one of the oldest women in the village. Rather than face removal, she fled to the hills, where the reporters all imagined her dying a slow death in some forgotten part of the mountain. In fact, Manuela Cibimoat did not die on the mountain. According to Roscinda Nolasquez, shortly after the Cupeño arrived at Pala her father and her uncle “went after her, and they brought her back. She died [later], and she’s buried here [at Pala].”

Reporter Grant Wallace of the San Francisco Bulletin could not just stand by and cover the day’s events. He tried to help out where he could. “While I helped lay reader Ambrosio [Ortega]’s mother to round up and encoop a wary brood of chickens,” he later wrote,
I observed the wife [Jacinta] of her other son, Jesus, throwing
an armful of books – spellers, arithmetics, poems – into the bonfire,
along with bows and arrows, and superannuated aboriginal bric-
a-brac. In reply to a surprised query, she explained that now they
hated the white people and their religion and their books. Dogged
and dejected, Captain Cibemoat [sic] with his wife, Ramona, and
little girl, was the last to go. While I helped him to hitch a bony
mustang to his top buggy, a tear or two coursed down his knife-
scarred face; and as the teamsters tore down his little board cabin
wherein he kept a restaurant, he muttered, “May they eat sand!”

Wallace’s description is reminiscent of the old tale that Cibimoat placed a
“curse” on the hot springs before leaving. Roscinda spoke of the curse more than
once. “They put a curse on it [Warners], that’s why everything’s going down.”
Once, on a visit to Cupa, she showed me the very spot at Cupa where she said it

*Before leaving their homes, the Cupeño were given one last chance to visit the graveyard below the chapel. Roscinda Nolasquez’s grandmother, Mercedes Nolasquez, is standing near the center in the light-colored apron and bandana. Out West, July 1903.*
was done, saying that Cibimoat “kicked, kicked, kicked – three times – and spit.” Some people attributed the many financial problems of the Warner Hot Springs resort over the years to this curse, as well as the death of cattle baron Walter Vail in 1906 while he was leasing Warners Ranch. Vail died after being crushed between two street cars in Los Angeles. Others maintain that Capt. Cibimoat lifted the curse in 1917, when he attended the rededication of the Chapel of St. Francis at Warners.

The real curse, however, was about to be enacted “in the name of the law.” By mid-morning on May 12, every wagon was loaded and ready to go. A number of the Cupeño had already set off in “their own light wagons and drove rapidly away ahead of the wagon train toward Pala, too proud and heartsick to witness the desecration of their ancient homes.”72 Jenkins also set off for Pala ahead of the wagons, leaving the teamsters more or less in charge. Judd Tripp, one of those teamsters, later recalled:

There were 30 or 40 teams went up there to get those Indians. I had a two-horse team...and you’d get $5 a day per wagon and team.... I picked up old Cayatan... I got his outfit to haul. He had some great big old round rocks [mortars], you know, and other stuff ... that was a heck of load! But most of ... the Indians they didn’t have enough to make a load.... Most of the Indians had their own horses, some of them had rigs ... a little old spring wagon or
something, with a team of their own. But most all the stuff they had to move, we moved.73

A little after 10 a.m. John Brown climbed up onto the seat of the lead wagon next to Ambrosio Ortega, and shouted “Vamoose Pala!” and the journey began. Capt. Cibimoat was the last to leave. “We will go to Pala,” he said, “but I cannot say that we will stay.”74

“INDIANS BUNDLED AWAY LIKE CATTLE TO PALA,” read the banner headline in the Los Angeles Times the next day (much to Jenkins’ disgust). “There was no trouble at all at leave-taking,” Jenkins told a reporter. “We gave the Indians about all the time they asked, and when they decided to go with us, we were ready to take them. All of the drivers are sworn in as officers. I have left the caravan in charge of them. But they do not need any one to watch out for them; they are as peaceable as lambs. While regretting to leave their old home, they are perfectly willing to go.”75

Mesa Grande pioneer and photographer Ed Davis, a friend of many of the local Indians, secured permission to visit Cupa two weeks later to view the aftermath of the removal. He found everything in a “chaotic condition,” with the village full of empty cans and boxes, rubbish, and other odds and ends. The ranch cowboys had already come through and shot all the stray dogs and cats that had been left behind.76

When the wagons reached the village of Puerta la Cruz, a few miles down the road, several other wagons were waiting there to join the sad procession. It was a different story at Mataguay and San José. When the teamsters arrived early that morning, they found the villages deserted. The inhabitants—two families at

Los Angeles Daily Times

WEDNESDAY, MAY 13, 1903.

INDIANS BUNDLED AWAY LIKE CATTLE TO PALA.

BY DIRECT WIRE TO THE TIMES

SAN DIEGO, May 13.—Charlotte Wachoff, a Warner Ranch Indian, yesterday night left for the interior of the land of Washington in the rear of the wagon train. She and a small boy were on their way to Pala, the place where they are to call home.

The place where the Indians live has been occupied by the government for hundreds of years, the ground that they live on is the property of the United States. The Indians are to be removed to Pala, and until they come there, the place is still unsettled. The wagon train is to arrive in the village to-morrow night.

The Warner Ranch Indian removal was widely covered in newspapers and magazines across the country in 1903. Los Angeles Daily Times, May 13, 1903.
Mataguay and three at San José—had fled. Some of the Mataguay villagers were later gathered up. “Only one village,” the Los Angeles Times reported, “San Jose, with its dozen unbleached American citizens, escaped. Its captain, on seeing the heavy farm wagons approaching to carry away his people’s lares and penates, fled up the mountain side and hid among the greasewood, and his people said they would go, but not to Pala, but would rather die in the cañons. They will be fetched later.”

La Puerta was removed even later.

Stopping for lunch near the edge of the ranch, Grant Wallace noted that the Cupeño “lingered long on the last acre of Warner’s Ranch, as though loath to go through the gates.”

Roscinda Nolasquez rode in a buggy with some of her family. “It was a hard trip,” she recalled, “...they wouldn’t let us stop to drink water.” Being thirsty most of the way was always one of Roscinda’s strongest memories of the trip. “We were all crying,” she said on another occasion, but “the drivers were all laughing and singing.”

Trailing along behind the caravan, a group of the young men on foot drove the Indians’ cattle and horses.

The Cupeño camped at Oak Grove that first night out, alongside the old Butterfield stage station. They were offered food from the government, but many refused the rations out of self-respect. They were not beggars; they needed no charity. Others refused because of rumors that circulated through the camp. “Don’t eat anything,” Roscinda remembered hearing that night, “because they
The next morning, the Cupeño were roused up for an early breakfast. By 6 a.m. they were back on the road. "They kept going westward," Roscinda recalled. "They did not look back again." Lunch that day was at Dripping Springs and by evening the caravan had reached the lower end of the Pauba Valley, a few miles south of Temecula. As it often does, a low fog hung over the valley that night. Jenkins bought a cow from the Pauba ranch which was slaughtered and barbecued for dinner, and Luiseño from the nearby Pechanga Reservation (who had themselves been "removed" almost 30 years before) came with oranges and other small gifts.

On Thursday, May 14, the Cupeño started on the last leg of their journey, down the canyon below where Pala Road (S16) now runs. The wagons were strung out along the steep, dusty grade, but by 9 a.m. they began slowly rolling into Pala. "Why do we stop here?" some asked. Capt. Cibimoat finally came – the last to arrive. "Is this home?" he asked. "No muy bueno," he exclaimed, and broke down and cried. Seventy-five years later, Roscinda Nolasquez still remembered her first impression: "It was dirty," she said, "nothing but trees. We had no homes ... we had nothing, we had nothing to eat."

The Indians huddled together, wondering what to do next. Grown men were in tears. Then a red racer snake (paxa’ā in Cupeño) darted through the crowd, breaking the tension. Hoping to further defuse the moment, Jenkins asked the
Cupeño to help set up the 40-odd tents that would be their homes for the next six months. None of them had expected to go from living in solid adobe homes to canvas tents. “They promised us good homes,” Roscinda said, yet there they were, camping down by the river “like gypsies.” Over the coming weeks, she said, many of the natives became sick. “At Cupa,” she said, “we were never sick, because we were bathing [in the hot springs] every day.”

Water was another pressing issue. Before the first afternoon was out, Capt. Cibimoat, “with Cecilio Blacktooth, the former chief, Domingo Moro, Amroso [sic—Ambrosio] Ortega and Salvador Nolasquez went to the banks of the San Luis Rey River where a solemn powwow was held. The river’s waters were tested and its course was followed with particular care. The verdict was that it was good.”

Still, it was not their beloved hot springs.

For his part, James Jenkins was pleased with how the removal went, especially since he had not had to resort to violence. Lummis, whom The San Diego Union (May 14, 1903) claimed was still “bitterly disappointed over his lack of success in bringing about the removal himself,” maintained that Jenkins’ apparent success was based as much on good luck as any talent he might possess, and still insisted that soldiers should have been called in. The removal at San Felipe was in stark contrast to the Warner Ranch removal. On September 4, 1903, Mission Indian Agent L.A. Wright arrived with another group of teamsters. There were no reporters, no photographers, no concerned onlookers. Wright called the Cupeño peoples together, told them the time for their removal had come, and gave them just a few hours to think it over.
Ed Davis, who followed the San Felipe removal closely, later wrote: “After three hours of persuasion, with eighteen four-horse teams waiting outside, patience ceased to be a virtue, and the agent began operations by smashing in the locked door of the Capitan’s house, with an axe, and ordering the contents to be loaded immediately onto the waiting wagons.”

As at Cupa, the 35 or so villagers’ possessions were loaded onto a line of 18 wagons, and the caravan set off for Pala late that same day. They spent three nights on the road, near Santa Ysabel, at Oak Grove, and on the Pauba Ranch before reaching Pala on September 7, 1903.

Among the new arrivals was Juanita Cuero. The next day, she wrote a letter to her brother, saying:

[T]his land promised of Pala is nothing but a pure lie because they have seen nothing but a narrow valley between mountains without having arrived at any green field as they had promised them and that they had put [up] for them for the first night seven tents in place of ten but that probably tomorrow they were going to put ten [up] for them and that her mother wanted to come back right away and that the man who has charge of the Indians, he had said that she could return from there but that it would gain

A group of men visited the San Luis Rey River soon after their arrival at Pala. “Felt better when they saw the water at Pala,” read the original caption when this photo was published in Out West magazine in 1903. Little did they suspect the decades of battles over water yet to come. Out West, July 1903.
more for her to wait to take her piece of land... but [she felt] that San Felipe was where it was very much better for them...\textsuperscript{88}

**Coffin Houses and Water Issues**

Reservation life presented many challenges for the Cupeño, and it would be years before they adjusted to their fate. They were strangers in a strange land, and it was a long time before they began to feel at home. The major concern at Pala in 1903 was how to house the new arrivals. The trouble started when the government rejected the idea that the Indians simply be allowed to build their own adobe houses. They also rejected the suggestion that the government provide lumber for the people to build wooden homes for themselves. Apparently the Indian Office wanted to give the Indians their new homes, to emphasize the fact that the government was going to provide for their needs – and that they were now in charge. “[I]t is time they were taught that the Government has some voice in the affairs of the reservation,” newly appointed Pala Indian Agent Charles E. Shell wrote.\textsuperscript{89} But by trying to assert their dominance, the government made a massive blunder. Someone in Washington decided it would be best to purchase pre-fabricated buildings for use on the reservation – the Ducker Patent Portable Houses.

The Ducker Patent Portable House had been designed for vacation use at summer resorts in the East; they had thin board and batten walls, and a layer of tarpaper over a wooden roof. Fully assembled, they were just 12 x 22 feet (264 square feet), and were meant to be divided into two or three rooms. Special Agent C.E. Kelsey bordered on the sarcastic in his 1906 report on the houses:

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\text{[T]hings were rather at a standstill until the brilliant idea was evolved of getting temporary houses for the Indians to live in permanently. The Indians were inclined to be mutinous and openly threatened to return to Warner’s Ranch. There was evident need for haste, so fifty portable houses were ordered by telegraph, – from New York. The order seems to have been filled in due course of business, and the delay in coming by freight, more than 4,000 miles, was no greater than usual with transcontinental freight, but as a time-saving device, it was hardly a success. It was nearly six months before the Indians got into the houses. The expense was double what wooden cabins built on the spot would have been, and about four times the cost of adobes. There would be less room to cavil at this purchase if the houses were fairly adapted to the purpose for which they were bought. The houses are well enough constructed}\]

for the purpose for which they are advertised and sold, that is for a temporary house, or wooden tent. As a permanent dwelling place for human beings they are far from satisfactory. Being composed of but a single thickness of board three-quarters of an inch thick, they are hot in summer and cold in winter. The California sun has sprung the narrow strips composing the panels and made cracks in about every panel. The sun has also warped the roof panels and injured the tarred paper, which constitutes the rain-shedding part. The houses are neither dust-proof, nor water-proof, and are far inferior to the despised adobes.90

The first 30 Ducker Patent Portable Houses began arriving in October 1903,91 and it was immediately evident that this would not be enough, so 20 more were ordered, but 50 were nowhere near enough. In the spring of 1904 Agent Shell reported that there were still six families without any home at all. In 1906 the 49 houses then standing (one had already been destroyed in a wind storm) were home to 236 people – 156 of them over the age of 18. Most of the tiny homes had at least five residents; some had as many as nine.92 Publicly, Shell was bland: “There was some grumbling about the size of these buildings and
their airiness, but that has generally subsided.” Nevertheless in his reports to the Indian Office, Shell was blunt:

[T]he houses are very unsatisfactory. I feel safe in saying that there is not a side section [of any] house that is not open admitting both light and wind when the wind blows which is most of the time here. People who visit do criticize them.... During a recent dust storm the floors of these houses were covered with dust which blew through the cracks. This deficiency could not be seen until the houses were put together. If they have not yet been paid for I would suggest that an inspector be sent here to look at them.  

The government refused. As late as 1944, 26 of the Ducker Patent Portable Houses were still in use. Today, not a single one survives.

The other key issue on the new Pala Reservation was water. Soon after the Indians’ arrival, a shallow ditch was dug to irrigate some of the lands on the south side of the San Luis Rey River, but most of the reservation farm lands lay to the north. Eventually the Indian Office appropriated the money to build a large cement-lined ditch north of the river. The new ditch was completed in May 1913, and the Cupeño celebrated with a fiesta. The blessing of the work was given by the priests from Mission San Luis Rey.
An abundance of water had been one of the major factors in selecting Pala for a reservation site, but as soon as the Warner Ranch was cleared of Indians (by moving them to Pala) plans could finally move ahead to dam the San Luis Rey River – thus depriving Pala (and the other downstream reservations) of much of the water supply that had made it attractive in the first place. After more than 30 years of talk by various promoters, it was William G. Henshaw who finally got the dam built in 1922 and once the floodgates were closed, the flow of the San Luis Rey River has never been the same. The water issue was finally settled in 2015.95

Conclusion

Many well-meaning people heaved a collective sigh of relief once the removal of the Warner Ranch Indians was complete. A tragic situation, they felt, had been averted. It seems as if some of them simply could not see the removal from the Indians’ point of view. Their former attorney, Frank Lewis, commented, “The loss to these Indians is a sentimental rather than a material one, for the land secured for them at Pala is better in every way than that which they were forced to leave.”96

But sentiment is also real, as those who have been forced from their homes know. When the Cupeño arrived at Pala, there were at least a score of newspapermen and photographers present. Most left within a day or two, but Grant Wallace stayed on. “At the end of my two weeks stay among them,” he later reported, “I found that many of the older people were still ‘muy triste’ [very sad]. They had not yet ceased wasting fresh tears over old griefs, and still their sorrow’s crown of sorrow is remembering happier things’, for their love of home is stronger than with us.”97

For the Cupeño who were driven from their homes, the removal of 1903 was the defining moment of their lives. They seldom spoke of it, Roscinda Nolasquez said. The memories were just too painful. Even more than 80 years later, the memories of the removal were old wounds for Roscinda that she hated to reopen, but she did so that her people—so that all of us—would not forget.

At Cupa we lived well.
And now, having lost our homes,
we must live here at Pala today.
I don’t know if our homes are any good,
but here we are.

—Roscinda Nolasquez, 196298
NOTES

1. The Trail of Tears refers to the forced removal of the Cherokee Indians by President Andrew Jackson during 1838 and 1839.


6. *The San Diego Union*, April 29, 1888. In Byrne (74 Cal. 628), the court held that the Indians had a valid possessory right, in spite of the patent, so long as they were in possession of the land at the time of the signing of the Treaty of Guadalupe Hidalgo in 1848.


10. As early as 1851, Moro commanded the Cupeño when Captain Antonio Garra was away. He served as captain throughout the 1860s and 70s until his death in 1885 (*The San Diego Union*, July 31, 1885).

11. “Juan Largo” (Long John) was a common nickname for 6’3” tall J.J. Warner, who came to the valley in 1843 or 1844.

12. At this point, according to the *Transcript on Appeal* (p. 68), “Witness opens [a] package and shows various kinds of seeds of wild grasses, fragments of cactus, and various other products of the soil and seeds that they lived upon there.”


14. San Diego County Superior Court records (Case #6919).

15. Ibid.


17. *The San Diego Union*, December 30, 1896 (I presume the reporter meant “damn lie,” which one did not say in newspapers in 1896). Downey’s health and state of mind had never been quite the same since a railroad accident in 1883 where he was severely injured and his first wife was killed.


19. Reconstructed from the trial transcript and the *Transcript on Appeal*, p. 78. In 1840, Juan Maria Osuna, the administrator of the ex-Mission San Diego wrote: “I declare that the land of Agua Caliente is the property of San Luis Rey... which is contiguous with the Rancho of San José” (Joseph Hill, *The History of Warner’s Ranch and its Environs*. Los Angeles: privately printed, 1927, p.108). On December 18, 1827 the priests at San Diego reported that the mission controlled “from the Valle de San José to the laguna called Agua Caliente...a stretch of two leagues, on which the cattle of the mission are pastured and also the sheep.” Just four days later, Father Peyri at Mission Luis Rey wrote that his mission had a rancho “at a distance of sixteen leagues... a district reserved for sheep, which is famous for its warm springs. There pasture also the flocks of Mission San Diego.” Pico’s 1840 grant was for “the place ... known by the name of Agua
In The Name of the Law

Caliente, included in the lands of San Luis Rey.” Quoted in Hill, *Warner’s Ranch*, pp. 36-37.

20. *Transcript on Appeal*, p. 104. “Between about 1888 and 1892 Judge George Puterbaugh and his associates ... made an earnest and sustained effort to develop the north coastal region of San Diego County by the construction of a dam at Warner’s Ranch itself, on the San Luis Rey River.” (Hill, *Warner’s Ranch*, p. 170). A year after the case was heard, Judge Puterbaugh was still boosting the reservoir plan at public meetings (*The San Diego Union*, July 10, 1894).

21. *J. Downey Harvey... vs. Alejandro [sic] Barker et al. ... Brief of Defendants and Appellants* (1898), p. 6 (their italics).


23. The Indian Rights Association was founded in 1882, and posted the bond for the Soboba appeal. After the Cupeño case was settled by the U.S. Supreme Court, Commissioner of Indian Affairs W.A. Jones tried unsuccessfully to get Congress to cover the cost of the appeal bond, then Downey’s heirs sued the Indian Rights Association for interfering and secured roughly half of the bond ($2738) as damages (*Out West*, January, 1903).

24. *J. Downey Harvey... vs. Alejandro [sic] Barker et al. ... Reply Brief of Defendants and Appellants* (1898), pp. 50-51.

25. Ibid., p. 10.

26. *Overland Monthly*, August, 1903, p. 173. Lewis was misinformed (or indulging in hyperbole) to suggest that the Cupeño had no notion of “individual or tribal ownership of property.” Clan ownership of land, especially, was controlled by long custom and tradition.


31. *The San Diego Union*, July 13, 1903. “Misplaced sympathy and, still worse, that sympathy which springs from the imagination and not from the reasoning powers is destructive of a healthy public sentiment,” he wrote.


33. Ibid.

34. Ibid.

35. *Botiller v. Dominguez* is still the ruling precedent. In it the court took a much stricter view than the California Supreme Court had in the Soboba case. It requires that every claim, Indian or otherwise, had to be presented to the Land Commission. Yet as Ward and Lewis pointed out, *Botiller* concerns an entire land grant that was never submitted to the Commission, and the “third parties” contesting it were Anglo squatters – which has no connection whatsoever with the Cupeño case.

36. *Report of the Superintendent of Indian Schools* (1898), p. 24. Smiley is not named in this report, but is described as “a leading member of the Board of Indian Commissioners” who helped establish new reservations in Southern California.

37. McLaughlin’s report is included in a Congressional report on “Relief of Certain Mission Indians in California.” (*Senate Report #469, 57th Congress, 1st Session, February 14, 1902*).

38. *Out West*, April, 1903.

39. Ibid. April, 1902, pp. 473-75.
40. The report (written by Lummis) is quoted extensively in *Out West* in April (pp. 440-455) and May (pp. 589-602) 1903.

41. *Out West*, April 1903.


44. Edward H. Davis, “Agua Caliente Ind. Removal,” manuscript notes, April 19, 1903 (microfilm, envelope 7, journal 5), San Diego History Center Research Archives.

45. Wright had a stenographic record made of the meeting, which he enclosed in a letter to the Commissioner of Indian Affairs on April 21, 1903 (copy in the Lummis Papers, Braun Research Library, Autry Museum). For a newspaper account, see the *Riverside Daily Press*, April 22, 1903. See also the Davis “Agua Caliente Ind. Removal” notes. It was said that Cibimoat was the only man willing to serve as captain during this tragic year.


47. For the rumors (and Lummis’ denial), see *Los Angeles Times*, May 2, 1903. A white visitor at the springs was told by the Indians that Lummis said “if they would not go soon, he would order the soldiers to come and tear down their houses, and if they still resisted, they would be shot down.” *The San Diego Union*, April 24, 1903. See also *The San Francisco Chronicle*, April 24, 1903.


50. Elsinore *Press*, May 8, 1903. In April 1903 Lummis wrote to the Commissioner of Indian Affairs: “…if we have 20 U.S. Regulars who wear their credentials in the blue on their backs, who need no papers, who are used to guns and to keeping their fingers off the trigger until it has to be, I believe we can still perform this difficult task without any incident which will go down in history as a sorrow and disgrace.” Quoted in Mark Thompson, *American Character, The Curious Life of Charles Fletcher Lummis and the Rediscovery of the Southwest* (New York: Arcade Publishing, 2001), pp. 233-34.


52. For reprints of some of Lawson’s articles in the Herald, see the San Diego Evening Tribune, March 23, 26, 1903.

53. *Los Angeles Times*, April 9, 1903. Agent Wright later said, “The great trouble that we have had to contend with is that a number of well-meaning persons and a number of those who were not well meaning have stirred up the Indians.” (*The Riverside Daily Press*, May 13, 1903).

54. “Diary Notes,” 1903, George Wharton James Papers in the Braun Research Library. While this manuscript does not have Lawson’s name on it, and is written in third person, it is in Lawson’s handwriting – presumably a copy he later made for James.

55. Moro was not actually facing removal, as he had filed a homestead in the hills above Cupa, beyond the ranch boundaries. At one point Jenkins became concerned that the Cupeño might try to move to Moro’s homestead instead of the reservation, and according to Ed Davis told him that if they “made the least move to do so he would put him in irons, so that settled that.” (Notes, May 11, 1903).


58. *The Riverside Daily Press*, May 14, 1903. Despite a ban on reporters, Schirmer had managed to sneak in with the teamsters, and wrote his dispatches hidden under a blanket in the back of a wagon. His diary-like description of the next few days is a valuable first-hand account of the removal.
59. Many reporters felt Cornelius made a great impression on the Cupeño, but Lawson noted in his diary that her plea had little effect. Roscinda Nolasquez (1892-1987), the daughter of Salvador Nolasquez and the last survivor of the removal, confirmed that same view (Roscinda Nolasquez, interviewed by the author, August 7, 1985).

60. “Historical Memorandum of the Removal of the Agua Caliente or Warners Ranch Indians” (1903). Copy in the Cupa Cultural Center collection.


64. Quoted in Nolasquez, Mulu’Wetam. Roscinda’s account was translated literally from Cupeño, hence its somewhat unusual syntax.

65. Ibid.

66. The Los Angeles Times, May 14, 1903.

67. May 14, 1903. Calling Nolasquez “old” may have been an addition of the rewriter; Nolasquez was just 42 years old then, and had 30 years left to live.

68. The Los Angeles Times, May 14, 1903.

69. Personal interview, February 16, 1981.

70. Out West, July 1903.

71. Personal interview, February 16, 1981.

72. The Los Angeles Times, May 14, 1903.

73. Tape recorded interview by Lester Reed, 1963 (copy in author’s collection). Tripp added that the men did their best to keep every family’s goods separate.


75. The San Diego Union, May 14, 1903.

76. Davis manuscript notes, May 31, 1903.

77. The Los Angeles Times, May 14, 1903. “About a dozen of the red men living in the Valle San Jose section of the ranch were not disturbed, and they intend to live near Santa Ysabel.” The San Francisco Chronicle, May 13, 1903. Many of the residents of Mataguay moved there as well.

78. Out West, July, 1903.


81. Ibid., February 17, 1986.

82. Nolasquez, Mulu’Wetam, p. 23a.

83. The Los Angeles Herald, May 15, 1903.

84. Personal interview, July 12, 1978.


86. The Los Angeles Herald, May 15, 1903.

87. Edward H. Davis, “The Last Eviction,” in Charles Quinn, Edward H. Davis and the Indians of the Southwest United States and Northwest Mexico (Downey: Elena Quinn, 1965). Davis sent his account for Agent Wright to look over. He made a few corrections, but admits in his own
account that he ‘broke in a door or two.’ (L.A. Wright to C.F. Lummis, September 23, 1903; Lucius Wright Collection, Seaver Center for Western History Research, Los Angeles). See Out West, October, 1903.

88. Juanita Cuero to Theodore Grand, September 8, 1903, paraphrased in the diary of Fred Grand, September 17, 1903 (translated from the French and courtesy Judy Swink and the Grand family). Cuero’s mother was Florentina Cuero, and it is possible that Fred Grand was her father.

89. Shell to Commissioner of Indian Affairs, September 24, 1903 (Pala Agency Records, 1903-1910, RG 75, National Archives and Record Service, Perris, CA).


91. The Los Angeles Times, October 10, 1903.

92. Holland to Commissioner of Indian Affairs, August 9, 1906 (Pala Agency Records).


94. Shell to Commissioner of Indian Affairs, December 26, 1903 (Pala Agency Records).


96. Overland Monthly, August, 1903.

97. Out West, July 1903.

98. Nolasquez, Mulu’Wetam, p xx.
A Faithful Mirror:
The Founding of *The San Diego Union*

Alfred JaCoby

Introduction

*The San Diego Union* published more than 30,000 editions during its first century and a quarter of telling San Diego’s story. It covered its booms and busts, its wars and its sometimes anxious peacetimes, its heroes and its villains—usually more interesting than the heroes. It was known for cheering growth and surviving depressions, and for leading too little and sometimes following too much. The paper’s name—a political statement supporting the United States of America as a union—was offered in an area that was known for its support of the South in the recently concluded Civil War. Yet its founders also set a tone, often later seldom followed, of its editorial course by stating the new newspaper would take no partisan stands and be “a ‘faithful mirror’ to the area.”

The principal founder of *The San Diego Union*, William Jefferson Gatewood, a lawyer as well as editor, had fought and won a duel that had its genesis in abolition politics just before the Civil War. Members of his family were pioneers in Illinois and his father was a distinguished legislator and friend of Abraham Lincoln in that martyred President’s earliest political forays. Its other founder was Edward Wilkerson Bushyhead, a member of a distinguished Cherokee tribal family and a journeyman printer. Their first employee was also a printer. He was

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*Alfred JaCoby* (1927-2008) spent 39 years as a leading columnist, feature writer, Sunday editor, and city editor of *The San Diego Union* before retiring in 1992. He then wrote a history of the newspaper (through the mid-1990s) with the help of colleague Janet Sutter. The book was commissioned by the Copley Foundation and is as yet unpublished. This article is excerpted from the first chapter of JaCoby’s history through publication of the first copy of the *Union* in October 1868 with editorial assistance by *The San Diego Union-Tribune* staff writer Roger Showley. The majority of quotes not cited are from the *Union*, other newspapers, and the archives of the San Diego History Center.
José Narciso Briseño, an American born of Chilean parents. This disparate trio left the foundering Gold Rush town of San Andreas to bring their newspaper to San Diego, a frontier outpost having little business and no industry but great hopes for the future.
Tradition has it that at least one of the co-founders, Bushyhead, was so sure the newspaper would fail that he refused to have his name on the first editions. As with many other traditions in the history of The San Diego Union, this legend can't be proved; as also with many other traditions of the newspaper, it makes wonderful reading.

The San Diego Union was typical of most other frontier newspapers during its earliest years, going from owner to owner and location to location. Its founders were dedicated to preserving San Diego's initial location. As the years went by, its owners moved the paper with the growing city into a new location in what is now downtown San Diego, and then again to Mission Valley, a location more central to its growing readership.

Gatewood, Bushyhead, and Briseño, all of the nineteenth century, were a cultural mix typical of the United States as the twenty-first century began. They created a newspaper that was not just in San Diego but of San Diego. They set the pattern from the next 125 years on that 10th day in October in 1868. “A Faithful Mirror” is their—and The San Diego Union’s—and San Diego’s—story.

Gold Rush Origins

San Andreas was dying. There was no doubt about it. The little Gold Rush town with its one main street and a scattering of old wooden buildings, a few brick structures, and mounds of abandoned mill piles was dying. The glory days of the Mother Lode, the days when gold nuggets were found in the ponds and a man could make a fortune from the flakes of gold in the sand and gravel of the rushing streams, those days were gone.

The great Gold Rush of 1848 was twenty years behind now. The hordes of Easterners who had rushed West at the cry of Gold! Gold in California! had come, and, mostly, had gone from the foothills. The glory days of placer mining were over and hard-rock quartz mining was on the rise. Hard-rock mining meant big mining companies and day-labor wages. The glamour, whatever glamour there might be in labor in the freezing waters of the Sierra, was gone.

San Andreas was dying. Its population would fall from 16,299 to 8,895 between the 1860 and 1870 census. Thousands of men, mostly young and mostly refugees from hard times at home had come to California to see the elephant, to find their fortunes in the Gold Rush of 1848. Many miners had died in the freezing streams and bitter winters of the Mother Lode. Others realized that California's rich soil was a greater lode than the gold fields. Some turned to crime, and many were executed as a result of frontier justice. A few had returned home and even fewer had returned home rich. Some stayed to find their future in post-Gold Rush California.
The editor of San Andreas’s local newspaper was William Jefferson (Jeff) Gatewood, a lawyer from Illinois who came to California in the first news of the Rush. He was elected district attorney, fought and won a bloody duel in 1859 over the Slavery issue, and, in 1867, took over the San Andreas Register, in the Calaveras county seat, placing his support and influence against the rebels who fought a Civil War for slavery and against the United States. With the Civil War over and the easily found gold petering out, Gatewood apparently was ready for a new enterprise. Even the irony of his next move remains.

Jeff Gatewood’s little newspaper, the San Andreas Register, was dying too. Pioneer newspapers normally ran but four pages, an accommodation to the tedious and slow hand presses then in use. The Register was staying at that level each week, but advertising was at a pitiful level, and two of the largest advertisements in August were for general stores that were going out of business. Job printing, the commercial adjunct to a newspaper office, kept the enterprise alive. Only his law practice and his income as a public administrator of Calaveras county provided enough income for Gatewood and his wife, Mary, whom he had married in San Francisco in 1857.

Now Mary Gatewood’s brother, a prosperous merchant named Philip Crosthwaite from San Diego, was visiting San Andreas. Crosthwaite could not have helped but notice the town’s problems. They served his purpose and he was quick to tell about San Diego, his home at the southern end of California, the second city of the “Cow Counties,” the city with a perfect harbor and high hopes for a connection with the proposed southern route for a transcontinental railroad.

San Diego had a future, said Crosthwaite, who would have been the perfect Chamber of Commerce spokesman, if the dusty little town had had a Chamber of Commerce. There was the original San Diego, he explained, and, a few miles south, a transplanted San Franciscan named Alonzo Erastus Horton was developing a tract of land that, Horton trumpeted, was the finest city site he’d ever known.

San Diego had a past, too. It had been the first landfall in 1542 for Juan
Rodríguez Cabrillo in what would become American California. The first Spanish settlement in Alta California had been the Catholic mission founded in San Diego in 1769. San Diego was one of the original twenty counties of American California in 1850. It was still one of the state’s largest counties, stretching from the Pacific Ocean across the coastal plain through foothills and mountains and across the desert to the Colorado River, from California’s eastern to western borders, the only county to do so. San Diego was perfect except for one thing, Crosthwaite explained. There was no newspaper. With the Civil War over three years and with a railroad a heady promise, San Diego needed a newspaper. There hadn’t been one for eight years, and in the booming Southwest a town without a newspaper wasn’t much to talk about.

There had been a newspaper, San Diego’s first, the *San Diego Herald*, from 1851 to 1860, published by John Judson Ames, a formidable man at 6-feet-6 inches and 300 pounds. Ames had supported a proposal to divide California into a northern state and a southern territory, with the added twist of the southern portion annexing the Sandwich (now Hawaiian) Islands and becoming pro-slave. The idea had actually been approved by southern California voters in 1859 but had become lost in the beginning of the Civil War. Ames, as did editor after editor after him, also had promoted San Diego as the terminus of a southern transcontinental railway.

The *Herald* just missed being the first newspaper in Southern California. The *Los Angeles Star’s* first edition preceded it by only 12 days in 1851. Ames was politically correct at the time for San Diego, but the tiny town could not yet support even a weekly newspaper. In 1860 Ames packed his press and moved to publish the *San Bernardino Herald*. That effort didn’t last long and he soon sold out. Ames died in 1861.

San Diego needed a newspaper, Crosthwaite argued. San Diego was growing and San Andreas was dying. Why shouldn’t Gatewood move his *Register* to San Diego and start anew? There were merchants in San Diego, Crosthwaite explained,
who would commit themselves to advertising support. There was no other printing establishment in San Diego and the opportunity would be great for job and commercial printing. The future was in San Diego.

Gatewood was the principal in the San Andreas Register but not the only owner. Gatewood’s partner was a Cherokee printer named Edward W. Bushyhead, nicknamed Ned. The third member of the Register staff was an apprentice printer named José Narciso Briseño. Bushyhead was listed on the paper’s masthead as publisher and Gatewood as editor. Gatewood had officially joined the paper less than a year earlier. The Register of October 12, 1867, had carried the Gatewood salutatory:

> With this number of the paper begins our editorial life. We enter upon it with but little, if any knowledge of its duties; with a nervous diffidence of the mysterious responsibilities and requirements of the position. Yet, with a firm determination to succeed honest, and illustriously if we can, of, failing, to leave a record which will evoke no malicious criticisms nor bring to our cheek the blush of shame. Energetic labor, however unsuccessful, is commendable—and as we shrink not from the struggle, neither shall we repine at the result.

The salutatory also made promises expected by any new editor in his dealings with government and the economy, as contemporary now as then:

> To the taxpayers and the citizens of Calaveras County, we promise a watchful care over county affairs; full and immediate exposure of all wrongs that may be perpetuated by our officials, without fear, favor or affection. We will use our best efforts to have the burdens of taxation lightened, if possible; suggest such retrenchments and reforms as may occur to us; give a history of the doings in the world
outside as well in the different localities of the country; record the mineral developments, the agricultural advancements and rejoice with you in your success and prosperity, or, share with you the sympathetic tear over your misfortune and distress.¹⁴

That had been then and this was now. Gatewood decided to go to San Diego and look over the scene in person. Early in August, or possibly in late July, Gatewood made the long, dirty trip from the mountain greenery of the Sierra foothills to the dusty desert of San Diego. He talked to the merchants of the original Pueblo, gained promises of support and advertising, learned the community’s political structure, and generally did the market research necessary for a publisher. At some point he received enough assurances of solid financial support that he agreed to move from San Andreas to San Diego. Within a few weeks, he agreed in August, the San Andreas Register would become the San Diego Register. Gatewood returned to San Andreas to enlist Ned Bushyhead to be his printer in launching the San Diego paper. The third man, Briseño, also agreed to come to San Diego. Bushyhead and Briseño were essential to the project because they were trained printers, which Gatewood was not, although he could write a forceful copy.

The Register was a paragon of ethnic diversity more than a century before such political correctness became popular. Gatewood, from Illinois, was the son of a state legislator. Bushyhead, a part Cherokee from Oklahoma (then Indian Territory) was the son of a principal chief of the Cherokee Nation. Briseño was Hispanic, from a Chilean family that had come to Calaveras County during the Gold Rush. Gatewood had served in Mexico with the U.S. Army in 1847-48, then found himself in El Dorado County in 1850. He later moved to nearby Calaveras County. Bushyhead’s had been a life of adventure though he was still a teenager when he arrived in California. He started moving West at age 6, when he traveled the Trail of Tears from Tennessee to Indian Territory with his

José Narciso Briseño, printer and third member of original team. Photo courtesy of Calaveras County Historical Society.
father, Cherokee Chief Jesse Bushyhead, a Baptist minister. At 12, Ned apprenticed as a printer at the *Cherokee Advocate* in Tahlequah, Indian Territory, then at 18, he traveled further West to mine for gold.

Briseño’s father had been a jockey in Spain who had emigrated to Chile, married into a wealthy family, and then moved to California to follow the stories of gold told by seamen and miners. On the ocean journey from Spain, their first landfall, after passing through Tierra del Fuego at the tip of South America, had been ports in Chile. Eventually, the Briseño family had become farmers and ranchers there.

On August 1, 1868, Gatewood had hinted at his coming departure with an ad in his own newspaper: “I offer all my property, real, personal and mixed (except for the *Register* office and my law library) for sale cheap for cash.”

Gatewood must have been persuasive. On August 15, 1868, the trio published their first final edition in San Andreas. In his last editorial, Gatewood recalled the good days and said goodbye to the city which had been his home for nearly two decades. He wrote his farewell to Dear Old Calaveras in the *Register*:

> Our heart has never known a warmer impulse toward the “Banner County” of Democracy, nor felt a keener regret at the inevitable Fate that calls us to other scenes than it experiences this day. Dear Old Calaveras! We have been identified with its interests since we ceased to be a boy. Its prosperity has been a part of our own. In its reverses we have had an equal share....We have known Andreas in the heyday of its prosperity, and are tolerably familiar with it now, when its greatness has departed. We have contracted friendships which only death may part. But the whaling interest of Southern California invites us. The aboriginal inhabitants of San Diego County call aloud to us. They need regeneration. We go to perform the work. Farewell.

Sentiment didn’t overwhelm him completely. Above his sentimental valedictory was a brief notice in bold type: “John Inglis is our agent for collecting money due this office. He is now traveling in our county for that purpose.” As an indication of possible things to come, the editorial was followed by a short report from Los Angeles on August 2 reporting that “the oscillation [earthquake] was nearly east and west and lasted for two seconds; water in a bathtub moved gently, as though one side of the tub had been raised, and houses creaked like a ship....”

A few days later, on August 22, 1868, Henry Hamilton, editor of the *Los Angeles Star* welcomed his old friend to Southern California. Hamilton wrote in
the jocular style used by editors when writing about fellow editors in pioneer days:

We had the pleasure of meeting on Sunday last our friend Jeff W. Gatewood, Esq., of the San Andreas Register, who was on his way to San Diego to prospect as to the propriety of removing the Register office to that city [San Diego]. It is many years since we saw our friend Jeff; he had evidently been living on the fat of the land, no small quantity of which has adhered to his corpus. The report from old Calaveras is not as satisfactory as we would wish it. Nothing can be a stronger proof of this fact than the announcement that the Register would be discontinued after its publication of last week, although published at the county seat. In the county seat, many years were occupied in litigation and hundreds of dollars expended, and yet it all ends in the town our county seat not being able to support a good Democratic paper. We are sorry for it and wish it were otherwise...In our neighboring city of San Diego, we think there is a fine opening for a Democratic paper. Mr. Gatewood is well qualified to supply the desideratum....

Crosthwaite’s trip to San Andreas had borne fruit: A newspaper for San Diego. Gatewood and Briseno traveled overland to San Diego. Bushyhead, taking with him the printing equipment, went to San Francisco, purchased new fonts of type, and sailed south by boat.

The Move to San Diego

Editor Hamilton of the Star raised a question in his item about Gatewood and San Diego’s new newspaper: Was the Register being moved to San Diego to appear there as the San Diego Register? Or had Gatewood discontinued the Register completely? It would have been an action common in the peripatetic world of frontier journalism, if the intention were to move the paper to another city, to use the same name. But Hamilton says that Gatewood was discontinuing the Register and Gatewood used another name—The San Diego Union—when he reached San Diego. The answer may lie in Gatewood’s and San Diego’s politics. In San Andreas, Gatewood and Bushyhead had used their newspaper as a constant trumpet for the Democratic Party. In addition, Gatewood had fought a duel nine years earlier, just before the Civil War, as a defender of the concept that the United States were a union and could not be broken into two nations. San Diego, and the other southern counties, had been Copperhead country, hotbeds of Southern sympathy. The war was over but the anger remained. Gatewood had agreed, on
his August fact-finding trip, to refrain from political comment for one year in exchange for financial support. He may not have wanted to toss the name of the Register, a known Democratic supporter, into the faces of his new backers in San Diego. At the same time, he may have chosen The Union as a subtle reminder and political statement to the South-leaning San Diegans that the North had won the war and the Union was one.

Each month the steamer Orizaba brought settlers and supplies to San Diego, but this trip in the late summer of 1868, she also brought a newspaper—or at least the essentials to publish one. Aboard the Orizaba, along with the usual freight of food and provisions, was unusual cargo—a Washington Hand Press, a good selection of new printing type, some paper and ink—and a journeyman printer with years of experience. Bushyhead had learned to set type at age 12 and had spent two-thirds of his 36 years at the printing trade. As the Orizaba passed the Point Loma headland, Bushyhead got his first look at San Diego, then the southwesternmost town in the United States. He was to live there for the next 39 years, the rest of his 75-year life.

The United States was still very much a land of pioneers in the 1860s and California was a land of newcomers. Some had come from the South to escape the ruin of the Civil War; others came from the East and its cold winters. All came with the hope of starting afresh in this final frontier on the Pacific Ocean.

Settlers still arrived in San Diego on the rugged overland routes by wagon and horse. Others opted for the easier route, the Orizaba’s monthly run from San Francisco. It was certainly the best way to haul a printing plant from Northern California’s gold country. From the deck of the Orizaba, coming down the California coast, Ned Bushyhead could see bare brown hills, sagebrush, scrub oak, and a few tiny settlements with strange-sounding Spanish names such as Monterey, Santa Barbara, and Los Angeles. California called itself the Golden State but the land was not like the green hills, forests, rivers and lakes of his early home in Oklahoma or the Mother Lode where he had mined and worked as a printer.

The town itself was three miles distant from the shore. (The landing point was near where Alonzo Horton’s new San Diego would flourish). San Diego, discovered by Juan Rodríguez Cabrillo in 1542, had been settled by Spain in 1769 under Father Junípero Serra, a Franciscan missionary, and a group of soldiers whose mission it was to colonize Alta (upper) California for the ruling Spanish crown. The Mexican War of Independence from Spain ended in 1821 and a new government took over in the Californias. The U.S.-Mexican War of 1846-48, which gave vast southwestern territories to the new nation, occurred almost at the same time as the California gold discovery on January 24, 1848. In 1850, California became the 31st state of the United States.
Even with a balmy climate, protected harbor, and available land, San Diego hadn’t yet boomed nor bloomed. It was still a small assortment of adobe and frame houses around a plaza, like Los Angeles, to the north. San Francisco, established as a mission and presidio in 1776, was, because of the Gold Rush, a real city of brick and granite. Southern California was still Cow Country to Northern California, which dominated the state’s economy. To the effete of San Francisco, San Diego was dull, dusty, discouraging, and out of the way. But it was a town of promise for those with vision and a spirit of adventure and the three men who happened to live in the dying Gold Rush town of San Andreas—Gatewood, Bushyhead, and Briseño.

Journalism was a portable profession in the late-1800s. As pioneers moved West, so did newspapers. A publisher would set up in a promising town, put out a paper for awhile, then move on somewhere else. Often, the publisher was the printer, writer and editor. It was hard work, a young man’s (and sometimes woman’s) game, but it didn’t take much equipment, essentially a printing press and type, plus ink and paper. The new publishers set up their press and type cases in a little wood frame building, which was later restored as a historical landmark by The Copley Press. The building is now part of the Old Town San Diego State Historic Park.

*The San Diego Union* would last. Gatewood was the risk-taker, who would leave in less than a year to follow the will o’ the wisp of a railroad for San Diego. Bushyhead was the one who stayed, who would stick with the paper until its

![The Estudillo house was one of the more prominent residences in the pueblo of San Diego during the Mexican period. ©SDH. Postcard 1915.](image)
success was assured. He may have had his doubts at first; his name does not appear in the first edition, as does Gatewood’s as editor and Briseño as publisher. Finally, on May 12, 1869, without an explanation, Bushyhead was listed as publisher.

San Diego, the little collection of structures around a dirt plaza, miles from an available wharf, usually scarce of water, and with a population of barely 2,000 persons in the entire county, had been a vigorous Confederate center during the Civil War. Gatewood, whose father’s death had been announced to the Illinois legislature by Abraham Lincoln himself in 1842, was firm in his belief that the Constitution could not be torn apart by the Copperhead Southerners. That these two disparate elements could be brought together was a symbol that the Union could survive after the bloody days of 1861-1865.

San Diego was essentially a Spanish and Mexican town during its early years, but then the American emigrants brought a mix of cultures and customs. The original residents, the Kumeyaay Indians, contributed their own diversity. In San Diego, in these times, Native American dress, the Yankee businessman’s frock coat and the Mexican ranch owner’s serape were all familiar sights on the Plaza.

Not everyone was thrilled with the picturesque. The first schoolteacher, Mary Walker, recalling her arrival in 1865, said that “The prospect as we neared the town was not encouraging. But the climax was reached when we arrived at the Plaza. Of all the dilapidated miserable looking places I had never seen one like this before.” Soon after, she discovered the fleas to be, in her words, plentiful and hungry. Walker was to teach the only school in the county. At recess, the boys amused themselves herding pigs and hens, except just before a bullfight in the plaza when the children were just more or less absent, watching the goings-on.

There was a lot going on, as reported by Rufus K. Porter, a pioneer in the rural community of Spring Valley and correspondent for a San Francisco newspaper. “Although this is considered an out-of-the-way town, and, in fact is such, still there is something generally going on, or something expects to go on that keeps folks from the dying of ennui and in fact puts nearly everybody in a sociable humor,” he wrote.

The town had a considerable social life—fiestas, wedding receptions, and balls,
which continued until dawn. The spacious Bandini and Estudillo adobes and the brick Whaley house all offered hospitality. The Spanish ladies (Mexico freed itself from Spanish rule in 1821 but there was still a great deal of pride in having Spanish blood) in bright dresses danced, smoked cigaritas, and danced some more.

In her memoirs, Mary Walker described Spanish dinners not unlike suburban Southern California of the late-20th century with tables spread under the trees:

A sheep, pig or kid was roasted whole in an outside oven, and served with a dressing composed largely of olives, red peppers and various savory herbs, also a sauce of tomatoes and chili peppers half and half. A small quantity of this would bring tears to most stony eyes. As winter approached and the hills were brown and barren no longer, I realize the advantages we had here over a bleak New England climate.

San Diego had the problems and prejudices of frontier America. Mary Walker lost her position because she invited a black woman to dine with her in public. She did not leave San Diego, however, staying instead to marry one of the town's leading citizens, Ephraim Morse. New San Diego was soon divided into lots, and blocks, the creation of Alonzo Erastus Horton, who arrived in 1867 from San Francisco where he owned a furniture store. After hearing a lecture about the ports of California and San Diego's prospects, he dramatically told his wife: “I am going to sell my goods and go to San Diego and build a city.” The Civil War was over. San Diego had a new dreamer and developer in Alonzo Horton. The future was open. And on October 10, 1868, San Diego had a newspaper.

Starting up

The first issue of The San Diego Union was pulled off a hand press on October 10, 1868, in a small, frame building just a few dusty footsteps from the Old Town Plaza. Against the odds, all still exist—the paper, the building, the Plaza.
The biggest miracle was the paper’s survival. Frontier newspapers were a fragile commodity, appearing and disappearing with great frequency. But it didn’t take much time or space to start up a newspaper in 1868. Once the Washington hand press was unloaded from the steamer Orizaba on September 19, things happened fast. The press and the type cases went into one of the two front rooms of the little buildings on San Diego Avenue that had been a workers’ dormitory for the wealthy Pedrorena family from Spain and Mexico. The equipment was set up in time to print a prospectus dated October 3, 1868, encouraging residents to advertise and report local news. That was followed soon after by the first edition.

Both prospectus and first edition would have startled anyone who had known Gatewood and Bushyhead in San Andreas, where they were known as fervent,
enthusiastic Democrats. In those days, they paved their paper with editorials and news in support of the party, putting down the opposition whenever possible. In their San Diego prospectus, however, they emphasized the paper would not be used to print political tirades but to publish the advantages of the harbor, climate and soil of the area. The new paper would be politically neutral, a fact explained in the editor’s opening prospectus:

The Editor of The Union having, by contract, closed its columns against the expression of his own political sentiments, will not allow the subject a place therein until such time as he can do so without violating his word.

This editorial tenor was not really explained until nearly a year later. This came in an editorial mention on May 12, 1869: “When this paper was started, it was with the distinct understanding that the question of politics should not be discussed in its columns for one year.”

And so The San Diego Union was printed for the first time with Ned Bushyhead and José Briseño setting the type and operating the press, and Gatewood wielding the editorial pen. His salutatory gushed in the nineteenth century manner, but with the skill that Gatewood brought to his prose. The paper would not deal in delusive visions, nor in the whisperings of fancy. Instead, he wrote:

The Union will be a faithful mirror, reflecting from its pages times of distress as well as of prosperity—hopes and fears, gloom and gaiety and smiles and tears. A faithful chronicler of today, and a future reliable historian of the past.

And in a taste of things to come:

In the grand struggle for the improvement of Southern California—in opening the way for the march of civilization—in
leveling the hills—grading streets...in building wharves, docks, arsenals, forts and fortifications...it must and shall labor earnestly and unceasingly. Its world must be a world of stern reality.

He only hoped, Gatewood wrote, he would be spared to “see the bay busy with commerce, surrounded by manufacturing and mercantile houses, princely
residence, the domes and spires of churches and schools of learning, and the valleys full of flowers and fruits.”

Although the fact was not mentioned in the paper’s opening statement, The Union was committed to stay in Old San Diego, the original little villa dating back to the pueblo’s founding in 1834, for at least a year. That was explained nearly two years later, on June 23, 1870, in an editorial comment: “That when the people of Old and New San Diego met in the summer of 1868 and subscribed money to guarantee against any losses Col. Gatewood guaranteed upon his part that the journal should be published in Old San Diego for one year.”

Content and Reviews

The first edition of The San Diego Union was set in six columns on four pages. In the first column on the front page the owners set up a mystery which remains to this day: “Published Every Saturday Morning by J.N. Briseño.” All evidence indicates Briseño was only an apprentice printer. Why was he listed as the publisher rather than Gatewood, who appeared on an inside page as editor, or Bushyhead, the trained journeyman printer? Over the years, the legend has grown, appearing again and again in yearly stories about the paper’s anniversary that Bushyhead feared for the life of the project and didn’t want his name associated
with it. But Bushyhead had thrown in with Gatewood, his partner in San Andreas, and made the long journey from the northern California foothills to a dusty cow town near the Mexican border. Why would he have grown doubtful about the project so late in the game? The story about Bushyhead’s reluctance first appeared thirty or so years later, in a turn-of-the-century history of the area, and there is no contemporary evidence before then. Whatever the case, Bushyhead’s name did not appear in the paper’s masthead for more than a year after Gatewood’s departure.

The cost of subscribing to the paper was listed as $5 for one year, $3 for six months, single copies 12 ½ cents. Most of the front page was filled, not with news, but with what might be termed things good for the mind: a poem titled “Make Home Beautiful”; a short story, “The Fisherman’s Treasure,” which took up most of the space; plus various other creative fillers, including a definition of eloquence. The back page was rather like the front page, a collection of poetry, anecdotal jokes, and short essays. It was all in the style of most newspapers of the period: The first and the last pages were printed first and carried what would be called “soft” feature news, information of no timely value which could be assembled and printed early in the publication week. Since each edition of a frontier paper had to be printed slowly on a hand press, the number of pages was limited.

Since the inside two pages of a four-page paper were printed last, locally originated news was carried inside, usually on page 2 and page 3. In The Union’s case, the name of “W. Jeff. Gatewood” with the titles of editor and proprietor, appeared on the second page. In print, he effusively thanked Captain Johnson and officers of the steamship Orizaba for freighting the printing press and other office material free of charge.

Transportation was a popular topic in the first edition and many thereafter. There were items about the proposed stage line to Fort Yuma; on the boundary between the state of California and the Arizona Territory; the meeting of stockholders of the San Diego and Gila Southern Pacific and Atlantic Railroad Company; the Overland Mail Stage service and the new Wells Fargo & Co. Also noted in the first edition was a story that the city had deeded to the federal government, for military and naval purposes, 750 to 1,000 acres of land on Point Loma. A century and a half later, the land was still used by the federal government.

A paragraph from the Los Angeles Star praised the innovation of a young lady learning to set type in that office: “She devotes her forenoons to the study of modern languages at school and her afternoons, for a couple or three hours, are spent at case, learning the art preservative.” Other women should learn the printing trade, the Star said, pointing out that “A printing office is just the place for a woman.”

The first edition also noted in a brief item that it was printed on the day that the world was to end but not commenting on the non-event. The world continued
on its axis and so did The San Diego Union. Another story emphasized important commodities of the county: There were 1,950 acres cultivated in 1867-68, and the crop yields included 31,750 bushels of barley and unspecified amounts of wheat, corn, peas, beans, potatoes, fruit trees, beef, hogs plus 32 beehives. Page 3 continued with news of little interest to the town, including items about the mail service to San Francisco and Los Angeles, the schedule of the steamer Orizaba, the progress on Father Antonio Ubach’s new Catholic Church, and listings of ships and cargo arriving in the harbor.

And a prophetic paragraph:

We are exceedingly sorry that many of our citizens through negligence, or perfect indifference, have omitted to subscribe for The Union, so as to begin with the first number as a portion of the history of this part of the State, the first number of The San
Diego Union this paper, at no distant day will be founded not only convenient for reference, but highly interesting to those who have any curiosity for investigating daily records of the past.

Advertisements began on the front page, in the first column, including a series of business card ads such as one for “W. Jeff. Gatewood, attorney and counselor at law” (he continued to combine the careers of lawyer and journalist as he had in San Andreas). These permanent small insertions were highly prized. Once their type was set, it was easy for the newspaper to use them over and over again, at little cost. Publishers loved these “tf” (til forbid) ads and their use was encouraged. The first insertion cost $2. After that, the charge was reduced to $1 per insertion.

The most prominent advertisement—one column wide by four inches deep—was that of the San Francisco meat firm of George Irvine, “packer and curer of hams, bacon, shoulders, & dried beef, etc., and manufacturer of pure California leaf lard.” More advertisements appeared on the third and fourth pages of the four-page paper. There were ads for Thomas Whaley’s general store, Horton’s extension of New Town, Charles E. May’s saddle and harness shop, the Branch Saloon on Market, Ephraim Morse’s store on the plaza, the New San Diego Hotel and the Cosmopolitan Hotel (the former Bandini house). And there were the many medical
ads: Star Stomach Bitters, Mexican Mustang liniment (for “cuts, bruises, sprains and swellings”), Lyon’s Flea Powder (“natural death to bedbugs, ants, roaches”), and the many claims of Helmbold’s Extract Buchu (“for shattered constitutions, cure for diseases of the bladder, kidneys, and for female complaints”).

The first edition of what would become the second oldest newspaper in Southern California went out to subscribers and other newspapers; the exchange of editions was the custom among pioneer publications, which often used out-of-town papers as the convenient source of news. Publishers were collegial and usually commented favorably, often with a heavy sense of humor, on a newcomer and these “reviews” were picked up and reprinted in later editions:

“The paper looks well typographically and its editorial columns give evidence that Jeff has not lost his grip.” — Stockton Gazette.

“The Union is edited with the sprightliness and ability displayed by Mr. Gatewood as editor of the Register.” — Sonora Union Democrat.

“It is a very neatly printed paper, full of interesting local matter, and we are sure it will be an efficient co-laborer in the exertions now being made to bring before the people of the State, and especially the immigrant, the great advantages possessed by San Diego and its vicinity, over the northern parts of the State. We wish The Union the most abundant success.” — Los Angeles Star.

“Its editorials are remarkably good for the kind, and if any person can ride between the political waves set in motion by partisan strife, it must be Gatewood. Neutrality though in a newspaper is a difficult feat to perform even when managed by the most facile mind. Still we have confidence in Jeff’s peculiar ability, and shall watch with interest, magnified by regrets for the uneasy position he will be compelled to occupy.” — Tuolumne City News.

“The editor, W. Jeff. Gatewood, has long handled the pen in California, and knows how to make a readable and valuable journal. We wish him all success in his enterprise and congratulate the people of San Diego upon having a wide-awake organ. They may now properly call attention to their magnificent harbor, to their claims to the terminus of the Southern Pacific R.R. and for the Arizona trade.” — The Arizonian.
It is interesting to note that several papers referred to Gatewood’s “long experience as an editor.” In truth, he had only taken his first job as an editor—the editorship of the *San Andreas Register*—less than a year before on October 12, 1867. Editor Gatewood also took “A Promenade” for his readers through San Diego, then as now a collection of villages. The San Diego of 1868 consisted of Old Town, New Town, Middle Town, and La Playa (Point Loma), all in the city limits.

On a stroll through New Town, Gatewood reported seeing a great number of interesting goods on Culverwell’s Wharf, reaching 150 feet into San Diego Bay. The schooner *John Hunter* had landed feed and agricultural implements for farming, doors and window-frames for a large hotel about to go up on Fifth and F, and other lumber for various buildings. Near the wharf was a new building soon to become a billiard saloon, near another billiard saloon. “Passing around to Mr. Horton’s Wharf we observed families of emigrants who had just arrived, camped out upon ground they had cleared for future homes,” he observed.

The privately owned wharf was already five hundred feet long and piles had been driven to lengthen it further. Construction was booming everywhere:

On looking around we discovered some twenty new buildings in the course of construction. As we returned we passed by the residence of Mr. Horton, on whose porch we saw a squash, or pumpkin, measuring seven and a-half feet in circumference, which was raised in a small garden in New Town, a few hundred yards away from the Bay....Mr. Whaley has just opened a new dry-good store in the Robinson building, adjoining the store of Mr. (Ephraim) Morse (whose stock is hardware, tobacco, clothing).

In Old Town the improvement is not so general, or not so observable. On the north side of the Plaza, a Mr. G. Robinson is erecting a building, forty feet square, destined to be a billiard saloon. We heard some talk of contemplated improvements in the town, but we will leave them to be chronicled when the promises are fulfilled.

Jeff Gatewood’s last issue as editor was May 5, 1869, in which it was announced that he had sold the paper to C.P. Taggart and Bushyhead.

*The Union’s* first editor wrote in his valedictory, his last message, that the venture had proved a success from the pecuniary point of view. But it had been a struggle, the advertising sources were mainly local and not highly profitable. But the subscription list was nearly a thousand, and the paper just about six months old. Gatewood was given a fond sendoff as he departed for a railroad convention.
in Memphis; he was by then president of the San Diego, Gila and Atlantic Rail Road Company. Said The Union: “He is a genial, whole-souled man who firmly believes in the future of Southern California and whose mind is not clouded by any narrow or selfish convictions.”

The farewell mentioned that Gatewood would visit his birthplace in southern Illinois.

It is some years since he left the parental roof and we hope that he will find the hearts of his dear friends as warm as when he buckled on the armor of life and turned his face to the Pacific shores, though we apprehend that he will find that time has made many changes in his native state. We can promise our readers an occasional letter from Mr. Gatewood, descriptive of his journey during his absence, which we are sure will be rich, rare and racy.

The Gatewood era was over for The San Diego Union, but not for journalism in San Diego.
NOTES


2. San Andreas had hired Gatewood in 1866 to beat down the claim of Mokelumne Hill, another mining camp, to be the county seat of Calaveras County. He won the battle for San Andreas and then had to sue for his fees.

3. About half of the eastern portion of the original San Diego County was taken in 1913 to form today’s Imperial County.

4. Gatewood used virtually the same wording a year later in his Salutatory for *The San Diego Union*.

5. Hamilton had been editor of the *Calaveras Chronicle* published at Mokelumne Hill in the early 1850s before taking over the *Star* in 1854, selling it in 1856, and then buying it again May 16, 1868, a few weeks before Gatewood’s move to San Diego. William B. Rice, *The Los Angeles Star*, Berkeley: University of California Press: 1947.

6. The earlier *San Diego Herald* had become the *San Bernardino Herald* in 1860; the *Daily Alta California* had originated in Monterey and then moved to San Francisco; the *Los Angeles Star* had moved to Wilmington in 1856. See Edward C. Kemble, *History of California Newspapers 1846-1848*. Los Gatos: The Talisman Press, 1962. Reprinted from the supplement to the *Sacramento Union*, December 25, 1858.

7. Alonzo Horton (1813-1909) is generally considered the founder of New Town (present-day San Diego’s downtown). He purchased 960 acres for 27 ½ cents per acre in 1867. His lots were included in what became known as Horton’s Addition.
Two Hundred Years of Service to the Native Peoples of San Diego:  
The Bicentennial Anniversary of the Asistencia Santa Ysabel 

By Iris Engstrand

On September 20, 1818, in the hills 60 miles east of Mission San Diego de Alcalá, a small church—an Asistencia—was founded at Santa Ysabel in answer to the call of 250 natives unable to make the long journey west to attend mass at California’s first Franciscan establishment in Alta California. The Asistencia’s original floor tiles laid by padres and Indians in 1818 can still be seen. The present-day church built in 1924 and dedicated to St. John the Baptist (San Juan Bautista) is a reminder of the historic significance of this region to all who pass by.

Father Juan Mariner first made contact with the Indians at Santa Ysabel in 1795. Although Father Mariner and other padres from Mission San Diego periodically visited the area, they maintained that the Indians should be granted their request to have an Asistencia or sub-mission to meet their needs. Accordingly the padres petitioned Governor Pablo Vicente de Solá in Monterey to approve a church. The governor did not take expedient action so the padres, with the help of the natives, built a brush shelter (enramada) on the site and called upon Father Fernando Martín to celebrate the first Mass on September 20, 1818. A sign still exists that described the placing of the original Asistencia floor tiles.

By 1822, 450 natives, consisting of both Luiseño and Kumeyaay, lived at the Asistencia of Santa Ysabel. A chapel, granary, several adobe houses, and a cemetery had all been constructed on the grounds. In September of that year Father Mariano Payeras, Father President of the California Missions, visited the area as part of a

Iris Engstrand, The Journal of San Diego History co-editor, has published numerous articles, chapters, and books that document the contributions of Spanish missions and missionaries, explorers, and naturalists throughout Baja and Alta California. Her award-winning book San Diego: California’s Cornerstone is a popular local history.
plan to establish a chain of inland missions, with Santa Ysabel as the “mother” mission. The plan never came to fruition.

Sometime later, two bells were seen hanging on a simple timbered framework along the side of the Asistencia. Both bells were brought from Baja California. One, inscribed Nuestra Señora de Loreto, was dated 1723 (the oldest bell known to exist in Alta California) and the other—San Pedro 1767, a date two years prior to the founding of Mission San Diego. Unfortunately they were stolen in 1926 and the complete bells were not recovered, although parts of the bells were later found.

After secularization of the California missions in 1834 during the period of Mexican rule (1821-1846), neighboring landowners plundered Santa Ysabel Asistencia and its lands. The chapel disintegrated into ruins. The Indians continued to honor their church grounds by visits from nearby priests, but the infrequent religious services were held under branch shelters (ramadas) leaning against the Asistencia wall. In 1844, despite protests by the local Indians, Rancho Santa Ysabel, consisting of 17,719.40 acres, was granted to José Joaquin Ortega and Edward Stokes.
After this time, a wagon road to Warner’s ranch from San Diego passed through the Santa Ysabel site. General Stephen Watts Kearny and his “Army of the West” camped at the Rancho on their way to the Battle of San Pasqual in December 1846 and Jean Baptiste Charbonneau, son of Sacajawea, camped at the Mission in 1847 after guiding the Mormon Battalion to San Diego. In his U.S. Mexican Boundary Survey in 1849-50, U.S. Army Lieutenant A. W. Whipple documented the Mission as being “in ruins.”

As the Americans took over California after the Mexican War, the little church at Santa Ysabel continued to survive with a roofless structure and a few simple huts. By 1857 there were some American settlers in the area and the site served as a way station for the coaches of the San Antonio-San Diego mail line. The Santa Ysabel Chapel was somewhat rebuilt by 1875 and services continued. The Santa Ysabel Indian Reservation with an area of 9,679 acres and located “about three miles southeast of Henshaw Dam and about fourteen miles by road from Julian to the center of the reservation” was set out in 1898. The small town of Santa Ysabel nearby had a population of 249.

Eventually three acres of the original Asistencia compound were returned to the San Diego diocese of the Roman Catholic Church. Father Joseph Exalaphat LaPointe, a French Canadian missionary, came to work with the Indians in 1903. With their help, he laid the cornerstone of the present church on September 14, 1924. It was designed as a simple California mission-style boarded-concrete structure and built with funds from the personal legacy of Father LaPointe. The church, christened St. John the Baptist in 1924, is well preserved.

The sign marking the place where the original Asistencia tiles of 1818 can be seen. Photo by Tom Workman.
Father LaPointe continued as the mission priest until his death on November 19, 1932. At the request of the Indians, he was buried alongside the building he endowed.\(^8\) Church services were later conducted by the Sons of the Sacred Heart founded in Verona, Italy. The Verona Fathers, as they were called, also administered religious services at the majority of Indian reservations in San Diego County until their membership was no longer sufficient to support those activities.

As the 200\(^{th}\) anniversary of the Santa Ysabel Asistencia approaches in September 2018, it is timely to remember the history of both the Asistencia and its surrounding area. The town of Santa Ysabel, about seven miles northwest of Julian, occupies land that was once the Santa Ysabel Rancho. The general store built in 1880 is still standing just a mile away from the church. The stolen bells were recast after a fragment of one of the bells was discovered and returned to the church.\(^9\) The local Indians still hold yearly fiestas, make pottery and baskets, and produce various kinds of lacework. Unlike other areas of San Diego County, the years have not changed Santa Ysabel. Visitors are frequent and legends of buried treasure still abound.\(^{10}\) The church, which remains in the diocese of San Diego, is administered by the St. Elizabeth of Hungary parish in Julian. Mass is celebrated each Saturday and Sunday by Father William Kernan.

Mission Santa Ysabel c. 1886. ©SDHC #12108. Photo by C.B. Turrill.
Two Hundred Years of Service to the Native Peoples of San Diego

Santa Ysabel Asistencia Site

Father Fernando Martin celebrated the first mass on Sept. 20, 1818 at a site nearby, an outpost of Mission San Diego. By 1822 Santa Ysabel had a chapel, cemetery, granary, many houses, and 450 neophytes. After secularization in the 1830’s, priestly visits were rare. Tradition asserts that services have been held here since 1818, under ramadas erected against one wall after the roof caved in. The present chapel was built in 1924.

California registered historical landmark no. 369

Originally registered April 3, 1940. Plaque placed by the State Department of Parks and Recreation in cooperation with the Roman Catholic Diocese of San Diego, Santa Ysabel Tribal Council, and Squibob Chapter E Clampus Vitus, September 26, 1987.

California registered historical landmark no. 369 placed in 1987. Photo by Tom Workman.

Santa Ysabel Old Bells and Chapel. ©SDHC #11835.
Santa Ysabel, Old Indian Church. ©SDHC #13574.

Santa Ysabel Festival c. 1914. ©SDHC #4484-1.
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Santa Ysabel Mission Church c. 1924. ©SDHC #11212.

Santa Ysabel Festival c. 1914. ©SDHC #4484-2.
Santa Ysabel Chapel bells. Confirmation by Father LaPointe, c. 1918. ©SDHC #4423.

Maria Diego and Baby Bernardino at Santa Ysabel. E.H. Davis photo. ©SDHC #OP: 12550-30.

Two Hundred Years of Service to the Native Peoples of San Diego

Passport of Father LaPointe. San Diego Mission Archives.

Father LaPointe, c. 1905. San Diego Mission Archives.

Enrique La Chusa, Bell ringer at Santa Ysabel. E.H. Davis photo. ©SDHC #86: 15900-1057.

Father LaPointe. San Diego Mission Archives.
A fragment of the adobe chapel at Mission Santa Ysabel Asistencia, San Diego, 1902. The Indians enclosed the remains before Easter Sunday, 1901. Photo by C.C. Pierce. CHS-735, University of Southern California Archives.

Exterior view of the bells and cross at the Mission Santa Ysabel Asistencia, San Diego, 1902. Photo by C.C. Pierce. CHS-734, University of Southern California Archives.
Two Hundred Years of Service to the Native Peoples of San Diego

Santa Ysabel Angel of the Lost Bells. Photo by Tom Workman.

The grave marker of Concepcion Osuna. Santa Ysabel Cemetery. Photo by Tom Workman.

NOTES

1. Padres at Mission San Luis Rey de Francia founded an Asistencia at San Antonio de Pala on June 13, 1816 as an adjunct some twenty miles upstream on the San Luis Rey River. It remains as an active mission and Indian school. The Pala site had been noted by Father Juan Mariner, who arrived in San Diego in November 1785, and Captain Juan Pablo Grijalva on an exploratory trip in 1795, when they went up the San Diego River and then through Sycamore Canyon and the Santa María (or Pamo) Valley, and into what they named El Valle de San José, now known as Warner Springs. They chose the Santa Ysabel site for an Asistencia sub-mission of San Diego.

2. Pablo Vicente de Solá, the last Spanish governor of Alta California, served from 1810 to 1821 and was compelled to return to Mexico when the independence forces defeated the royalist Spanish army in Mexico City in 1821. Solá became active in the new government under an independent Mexico. Little actually changed when the flag of the Republic of Mexico replaced the Spanish flag at San Diego's Royal Presidio and at the Missions of San Diego de Alcalá and San Luis Rey de Francia.

3. Father Fernando Martin, a native of Robledillo, Spain, born May 26, 1770, became a Franciscan in 1787 at the convent of Ciudad Rodrigo where he remained until 1809 when he volunteered for service in America. He served at Mission San Diego from July 6, 1811, until his death on October 19, 1838. See Hubert Howe Bancroft, History of California, San Francisco: The History Company, 1886. Vol. III, p. 619.

4. Father Payeras wrote on June 2, 1820, “All I have said concerning these sites [area around San Antonio de Pala] I can also say concerning Santa Isabel, 17 leagues north of Mission San Diego. In the three areas mentioned, the respective friars have informed me that there is a considerable number of peaceful gentiles, who, owing to the considerable distance and not wanting to leave their homes, wish and long for a mission in their lands. They already have a sanlocal (unblessed chapel) for prayers, as well as granaries, crops, and a priest's house.” Writings of Mariano Payeras translated and edited by Donald Cutter. Santa Barbara: Bellerophon Books, 1995, p. 65. See also George William Beattie, California's Unbuilt Missions: Spanish Plans for an Inland Chain, Privately printed, 1930.

5. A plaque on the grounds reads, “An original carving by Steven Beradi inspired by the search for the lost bells of the mission of Santa Ysabel. According to legend, the padre and the Indians bought two bells 150 years ago for six burro loads of barley. They were the oldest bells in California. Made in 1723 and 1767. In 1926 the bells were stolen. ...” The top of one of the bells, along with the clappers, have been returned to the chapel and are now in the museum. Another part of one of the bells was also found. There is a statue of the Angel of the Lost Bells standing at the site.

6. William Hartnell stated on July 18, 1840, that various Indians of Santa Isabel protested against the grant of Santa Isabel by the governor to Joaquin Ortega because as administrator of the San Diego Mission he had knowledge of the optimal pieces of land. See Zephryn Engelhardt, Mission San Diego, p. 241.

7. Report of John W. Dady, Superintendent of the Mission Indian Agency at Riverside, California, to the Federal Writers’ Project. San Diego History Center Research Archives. The reservation was first set aside for the Indians by Executive Order of President U.S. Grant on December 27, 1875.


10. The San Diego Union, January 29, 1894 reported that “Wm. Dyche together with an Indian guide, rifle and shovel, started to the hills in search of the horde [a treasure of some $20,000 buried by a miserly Indian who never divulged where he hid his wealth].” Apparently the treasure has not yet been discovered.

Grandchildren of Enrique La Chusa, Santa Ysabel. E.H. Davis photo. ©SDHC #OP 15362-644.
BOOK REVIEWS


Reviewed by Michael J. Gonzalez, Professor, Department of History, University of San Diego.

If ever a scholar deserves to wear a crown of laurel leaves it would be Elizabeth Kryder-Reid. Her thesis is simple and direct, even elegant. She says that when visitors walk through the gardens that now grace the center of a mission site, they receive cues on how to regard the Franciscans’ efforts to convert the Indians. The flowers, the fountains, the opportunity to linger before statues dedicated to Father Junípero Serra, the Franciscan who established nine of the first twenty-one California missions, create the impression that the priests cared for the Indians, while the Indians, even if initially reluctant to accept a new faith, soon learned to appreciate the benefits of converting to Roman Catholicism. But Kryder-Reid points out that when the missions were in operation between 1769 and 1834, no garden sat at the center of the mission quadrangle. Instead, the spot that now encourages visitors to recollect in quiet repose was where Indian converts often gathered – in rows no less – to receive commands from the priests about the chores or duties they needed to perform (pp. 51-52). If the Indians neglected their tasks, they faced punishment – that is, if they survived. By the 1790s, and into the next century, many Indian converts died from disease and the harsh treatment they suffered at the hands of the priests and Spanish-speaking settlers.

According to Kryder-Reid, the placement of the garden was an American idea. After California became a state in 1850, most of the missions fell into ruin. Beginning in the 1870s, and for the next fifty years, private citizens, church pastors, and functionaries appointed by local municipalities, restored the missions and planted gardens to justify their efforts to modernize California. Believing that the Franciscans labored hard to civilize benighted Indians, the individuals who refurbished the mission grounds saw themselves in the same light and encouraged the illusion that from the eighteenth century onward the leaders of California always blessed their constituents with grace and beauty.

To offer a more accurate view of the past, Kryder-Reid proposes that the missions should possess “third spaces” (esp. pp. 129, 233-234), in which the grounds would feature exhibits showing how the Indians asserted their will,
or what modern scholars now call “agency.” Within a third space, the priests do not emerge as dominant, nor do the Indians resemble a downtrodden people. Rather, by re-writing the markers in mission gardens, or setting up displays that emphasize that conversion varied from person to person and was rarely complete, the individuals who now manage the missions would demonstrate that Indians often resisted, accepted, or altered a priest’s teachings as they wished. If there is a criticism to be made it would testify to Kryder-Reid’s boldness, and not to the structure of her argument. For example, she poses, but does not develop, the point about why many members of the public preferred the delights of a mission garden. Between the 1870s and 1920s, when the missions’ redesign was in full throttle, the state’s elected representatives and many of their constituents called for the disenfranchisement of Chinese and Japanese immigrants, demanded the arrest of labor activists who challenged California businesses, and supported laws to sterilize criminals, the mentally handicapped, and other supposed misfits. (Between 1909 and 1928, at least 2,500 men and women went under the knife.) It may be a stretch to connect the planting of mission gardens with the indignities heaped on Asian immigrants and others, but throughout the text, Kryder-Reid cites the work of Michel Foucault and Walter Benjamin (esp. 65-67, 169-170). The two post-modern theorists argue that the powers-that-be of modern society use art and architecture to distract the public from witnessing injustice. Accordingly, and Kryder-Reid would have been correct to make the claim, it would follow that the individuals who admired the missions and supported their restoration, often ignored or lacked the ability to comprehend the implementation of distasteful and controversial practices.

These comments on what Kryder-Reid overlooks are not meant to sting. Kryder-Reid has raced so far ahead in the field of mission studies that other scholars would be wise to follow in her wake and examine the subjects she could not address. As she explains so well, the missions embody the period in which they were re-constructed and do not represent the history they ostensibly commemorate. Thus, to say once more, if a crown of laurel leaves were to be awarded, it would rest on the head of Kryder-Reid for composing a wonderful, brilliant, and provocative work.
That ability of Los Angeles to harness distant water sources played a critical role in its demographic and economic growth has been well documented by historians. Individual monographs on this topic, however, usually explore just one of these sources. In *Water and Los Angeles*, William Deverell and Tom Sitton offer readers a “riparian triptych” that examines how three rivers – the Los Angeles, the Owens, and the Colorado – made possible the creation of the metropolis between 1900 and 1941 (p. viii). This slender volume is a welcome and fascinating addition to the ever-growing literatures on Los Angeles and the history of water in the West, even if some of the book’s interpretive claims could be more fully developed. *Water and Los Angeles* brings together a remarkable range of primary source documents pertaining to the three rivers and how civic leaders attempted (sometimes in the face of both local and distant opposition) to manipulate them to serve the interest of metropolitan growth. Following a short introduction, the book presents three chapters, each of which consists of brief prefatory remarks followed by the primary sources themselves. The first chapter (“Rivers of Growth”) documents the interplay between rivers and urban development. Here the reader is reminded of how water could threaten the economic development of the city (as in the case of the periodic flooding of the Los Angeles River) as well as make that development possible. The second chapter (“Harnessing the Rivers”) pertains more to the engineering and technological issues involved in the planning and construction of riparian infrastructure. The third and final chapter (“Rivers in Nature”) focuses on some of the environmental consequences of Los Angeles’s reliance on these rivers to sustain its growth.

The primary sources in these chapters are a real treasure, and Deverell and Sitton are to be congratulated for making accessible such a remarkable mix of materials. Some of the sources relate directly to several of the most controversial aspects of Los Angeles’s quest for water. Challenging the *Chinatown* myth is a letter from Dr. John Randolph Haynes to Upton Sinclair in which the former rejects the idea that members of a syndicate concocted the entire Owens Valley project as a way to bring water to San Fernando Valley lands they hoped to subdivide. But some primary sources do point to shady dealings in the Owens Valley story: two documents from the Aqueduct Investigation Board condemn former mayor
Fred Eaton for enriching himself while working to secure land and water options from farmers and ranchers in the valley. The range of primary sources is one of the great strengths of the book. There are newspaper articles, letters, articles from engineering journals, and reports from a variety of governmental agencies. While some readers may not be enthralled by the Colorado River Compact (although this vital interstate agreement deserves its place in the book), those interested in the early history of southern California will find much of interest in a report that contains testimony from long-time residents about flooding of the Los Angeles River. These recollections include not only striking descriptions of the extent of the flooding but also glimpses into the economy, society, and land use patterns of nineteenth-century Los Angeles.

Deverell and Sitton’s introduction does well to identify important themes and to make a case that it is conceptually enriching to think of the three rivers together rather than separately. The primary sources are at the heart of the book, though, and in the end some readers may want more of the authors’ own reflections about the interconnections among the three rivers. What commentary the authors do provide is excellent, as when they suggest how the riparian history of Los Angeles reflects Progressive Era ideas about expertise, government power, and the quest for control over nature. The introduction is only fifteen pages, though, and each chapter opens with just a few paragraphs of thematic remarks. Each primary source includes a short introduction as well, but this reviewer would have liked more contextualization and further explication of what the three rivers tell us when we think of them together. The first chapter (which is longer than the other two combined), for example, includes separate sections for each river, thus encouraging the reader to think of them individually rather than collectively.

Water and Los Angeles is nevertheless a thought-provoking book that would be an excellent resource for undergraduate and graduate courses on California, the West, and environmental history. Lay readers will also find much of value here: the introduction offers a nice overview of water development in Los Angeles, and the primary sources are well-chosen and engaging. Those versed in the hydraulic history of southern California will find this book an excellent complement to the existing literature. This reviewer hopes these two eminent historians, who have done such great work on other aspects of Los Angeles history, will continue to offer their insights on the story of water in southern California.

Reviewed by David Miller, Adjunct Assistant Professor, Department of History, University of San Diego.

One of the most exciting events of the school year for many students is of course the field trip. Outside the confines of the classroom, students enjoy exploring and learning as they interact in a tangible way that often does not feel like learning at all. Indeed, few days are greeted with more anticipation. So when did this celebrated educational outing stop exciting adults? With its frequently pleasant weather and wealth of cultural and historical sites San Diego is the perfect place to rekindle our love affair with the field trip. Donald Harrison has provided the perfect field manual for such an endeavor in his compilation of essays, 77 Miles of Jewish Stories: History, Anecdotes & Tales of Travel Along I-8. Harrison has not only enumerated much to appreciate about San Diego’s past, he reminds readers of the importance of the Jewish presence in the county’s history. One is struck by the often-overlooked multicultural presence in San Diego in general, as well as the agency and presence of Jewish peoples in particular.

Donald Harrison is well-qualified to tell these histories. Harrison, a writer for San Diego Jewish World, has had an important journalistic presence in San Diego since 1972. He was a reporter at the former San Diego Union and helped run the San Diego Jewish Press-Heritage. Each of the “chapters” in this compilation first appeared as an article in San Diego Jewish World between April 2015 and August 2016. Harrison drove the Interstate 8 Highway to “seek a Jewish story in the vicinity of every exit as the freeway followed its course from its western terminus...to the boundary line separating San Diego County from its eastern neighbor, Imperial County” (p. 1). Harrison explains that his book is not just “about synagogues and other Jewish communal places;” the book will also “alert many readers to the richness of Jewish pursuits in San Diego County” (p. 2).

The book unfolds like the open highway: exit by exit, in chronological order as they appear to a driver traveling west to east on Interstate 8. For each exit Harrison identifies a site (or in some cases several sites) with extrapolations to contextualize and illuminate their history, cultural significance, and, of course, links to the Jewish community. The book contains 70 “chapters” for 77 exits; some include multiple sites, such as Exit 3 (Old Town and Heritage Park) that has five essays. Other exits appear to skip, although as Harrison explains in the Introduction they do not. Exits are numbered by miles from origin, not sequential order. (There are
no Exits 24, 25, and 26, for example.) The book facilitates history “in the field.” Each article contains driving directions from Interstate 8 to, and from, the sites. Hence Harrison’s book may be usefully enjoyed both on the bookshelf and in the car as a field guide.

Readers might be surprised at the different ways Harrison weaves the Jewish connections into his tale. In some cases, the link is explicit. For example, the International Sports Arena (now known as the Valley View Casino Center) was largely the product of one Jewish San Diegan, Robert Breitbard (Exit 1). Another example is that of Louis Rose, an early San Diego pioneer whose name graces the visitor’s information center at Old Town State Park as well as a community in Point Loma (Exits 3 and 0). The presence of Jewish settler Rose reminds readers of the diverse nature of San Diego’s founding residents.

In other cases, the Jewish relationship to a particular site is subtle. Harrison identifies Nimitz Boulevard in Point Loma (Exit 0), for example, and explains that Admiral Nimitz “supported the proposal of then Captain, and later Admiral, Hyman Rickover, a Jewish officer, to convert the submarine fleet from diesel to nuclear power” (p. 3). Point Loma now houses an important submarine base for the U.S. Navy. Harrison manages to take the most common features of San Diego, contextualize them, and reveal fascinating stories.

Sometimes the site appears to have no specific historical Jewish connection at all. What could possibly be Jewish about Mission San Diego (Exit 8)? Harrison takes the opportunity to contemplate the Christian iconography and history of the mission, viewing it from a Jewish lens and providing readers with interesting perspective. Readers may also find a surprise or two. Harrison reveals several lesser-known sites. Stop off at Exit 51 to tour the remnants of Camp Lockett, a US Army barracks of the racially segregated all-Black 10th and 28th Cavalry regiments during the Second World War. The same exit includes the site of an 1875 gunfight in Campo. Whatever the case, each essay reveals the depth and diversity of San Diego County’s history that informs us not only of the region’s past, but of larger historical truths as well.

Harrison has complied an illuminating and enjoyable guide to San Diego County. Readers from many backgrounds will find great use and joy in this collection. Harrison states openly that he really did not write exclusively for the Jewish community. Rather, he hopes people of all backgrounds and interests will read and learn. School children take field trips. Harrison’s 77 Miles provides the equivalent experience for those adults who wish to know a little bit more about San Diego. In a larger sense, Harrison reminds San Diegans that to know ourselves, and others, we need to get out and see our city.
An American Genocide: The United States and the California Indian Catastrophe, 1846–1873. By Benjamin Madley. New Haven: Yale University Press, 2016. Illustrations, notes, bibliography, and index. xv + 692 pp. $38 cloth. $22 paper. For decades scholars have contemplated whether the term “genocide” is applicable to the decimation of Native American populations in the United States. Benjamin Madley of UCLA contends that in the case of California, the term is tragically apt. Not only did the American period gold rush lead to widespread violence against California Indians, but an open war of extermination developed in which the United States Army and local volunteer militias killed indiscriminately while federal and state officials provided the financial and legal support for the effort.

Californio Portraits: Baja California’s Vanishing Culture. (Before Gold: California under Spain and Mexico Series). By Harry W. Crosby. Norman: University of Oklahoma Press, 2015. Illustrations, maps, glossary, bibliography, and index. xx + 283 pp. $29.95 cloth. In 1981 the photographer and historian Harry W. Crosby published an account of the lives of the mountain-dwellers of Baja California and how the completion of the transpeninsular highway exposed them to the outside world. Californio Portraits is a revised and expanded version of Crosby’s earlier book. In it the author traces the evolution of this people from their eighteenth-century antecedents and examines how they have preserved traditional economic and cultural practices – and still a significant degree of isolation – even with the arrival of the new highway.

Driven by Fear: Epidemics and Isolation in San Francisco’s House of Pestilence. By Guenter B. Risse. Champaign: University of Illinois Press, 2016. Foreword, illustrations, notes, and index. x + 298 pp. $95 cloth. $30 paper. $27 e-book. This volume from the University of Illinois’s series on the history of emotions explores the origins and consequences of San Francisco’s policy of confining the diseased in the city’s House of Pestilence. Guenther Risse, a professor of the history of medicine at the University of California, San Francisco, investigates the medical and economic concerns that dictated this segregation as well as the emotional reactions (derived from complex attitudes pertaining to race, class, and morality) that shaped policy towards those afflicted by maladies ranging from smallpox to syphilis.
Independent Stardom: Freelance Women in the Hollywood Studio System. By Emily Carman. Austin: University of Texas Press, 2016. Photographs, appendices, notes, bibliography, and index. xiii + 220 pp. $24.95 paper. While the major Hollywood studios during the 1930s used long-term contracts to monopolize the talents of leading stars, Emily Carman explores how a number of women worked as freelance actors, thus avoiding some of the creative restrictions that characterized the studio system. Major stars including Barbara Stanwyck and Carole Lombard worked as freelancers, and Independent Stardom highlights the agency of women who used this technique to control their careers in a male-dominated industry.


Speaking Freely: Whitney v. California and American Speech Law. By Philippa Strum. Lawrence: University Press of Kansas, 2015. Citations, chronology, bibliographic essay, and index. xii + 186 pp. $45 cloth. $18.95 paper. The United States Supreme Court 1927 decision in Whitney stands as a landmark in First Amendment law, especially given Louis Brandeis’s opinion offering an extensive defense of free speech. Strum’s monograph discusses the implication of debates surrounding free speech in the context of the repressive atmosphere of the First World War and the immediate post-war years. In the course of the book she also traces the political journey of Anita Whitney, the scion of a wealthy family who was drawn to radical politics and whose support of the Communist Labor Party brought down upon her the wrath of California’s Criminal Syndicalism Act.
EXHIBIT REVIEW

Imperial Valley Desert Museum
Reviewed by Iris Engstrand

The Desert Museum, one of the most attractive but perhaps least known of the nearby museums, is located 26 miles west of El Centro and 90 miles east of San Diego on Interstate 8. It is a new facility in the heart of the Yuha Desert at Ocotillo showing Native American artifacts collected within the desert landscape of the Imperial Valley. Its various exhibits feature these artifacts while a group of murals show the region past and present. Its exhibits are in cabinets, but some are built with a realism that makes the visitor feel a part of the desert surroundings. Its exhibits are not static but are combined with recent discoveries made in the area.

The mission statement is as follows: “The Imperial Valley Desert Museum preserves, interprets, and celebrates the desert through outstanding collections, research, and educational programs.” Although founded in 1979, the museum only recently has taken physical shape as a modern building. Their stated goal is “to be the foremost research and educational institution devoted to the preservation, interpretation, and celebration of the Imperial Valley desert.” It is still a work in progress.

An informative video is shown continuously that illustrates native Kumeyaay life narrated by local Manzanita, Santa Ysabel, and Campo reservation residents. They explain the routes for hunting and gathering followed by their Kumeyaay ancestors and the processes they devised for creating bows from tree branches and making arrow tips from obsidian, grinding raw acorns and preparing a mash, making thread for a kind of cloth, weaving baskets for many uses, and stripping agaves for roasting.

The museum’s hours are 10:00 am to 5:00 pm Wednesday through Sunday. It is definitely worth a visit.
Desert Museum located off Interstate 8, Imperial County. Photo courtesy Desert Museum.

Archaeological collections within the Desert Museum. Photo by Iris Engstrand.
Water is Life. This mural illustrates the value of water in the life of the desert. Photo courtesy Desert Museum.

An exhibit featuring the Big Horn Sheep commonly seen in the Anza Borrego Desert State Park. Photo by Tom Workman.
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SAN DIEGO
California’s Cornerstone, second edition
by Iris Engstrand

Format: Softcover
Pages: 360
Dimensions: 6” x 9”
ISBN: 9781941384244
Retail: $19.95

This work is a sweeping history of the region from the time of its indigenous people to the present. Chapters cover the Spanish, Mexican, Victorian, world war eras and the postwar boom, through 2015 centennial celebration of the 1915 Panama California Exposition, the legalization of medical marijuana, and an outlook from 2016.

COLORING SAN DIEGO LANDMARKS
by Nancy Hendrickson

Format: Softcover
Pages: 96
Dimensions: 8.5” x 11”
ISBN: 9781941384251
Retail: $9.95

Whether you’re among the 34 million annual visitors to San Diego or the many that call it “home,” you’ll love exploring the city’s landmarks through this unique coloring adventure. Draw your way into 42 of San Diego’s most iconic scenes, from the picturesque downtown bay to historic Old Town, Balboa Park, and Seaport Village. Get lost in a city known for its charm while letting the stress melt away and your inner artist emerge.

COAST to CACTUS
The Canyoneer Trail Guide to San Diego Outdoors
by The Diego Natural History Museum

Format: Softcover
Pages: 636
Dimensions: 6” x 9”
ISBN: 9781941384206
Retail: $29.95

This book is far more than a hiking guide to the best of San Diego County outdoors. It is a trail guide designed to teach appreciation and understanding of San Diego County. It is like having a trail naturalist – a “Virtual Canyoneer” – with you who will introduce habitats and species, as well as cultural and geographical features, found on each exploration.

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FRANCISCAN FRONTIERSMEN
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By Robert A. Kittle
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