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## California's First Mass Incarceration System

*Franciscan Missions, California Indians, and Penal Servitude, 1769-1836*

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**ABSTRACT** Over time, California's missions came to resemble a mass incarceration system in general and penal servitude in particular. This article will describe that process by examining changing policies of recruitment, spatial confinement, regimentation, surveillance, physical restraint, and corporal punishment as well as California Indian resistance. With the help of secular government authorities, Franciscans and their military allies established the system between 1769 and 1790 before deploying more overtly carceral practices between 1790 and 1836. In its conclusion, this article explores the meaning of California's missions as carceral spaces before suggesting new avenues of research on the history of incarceration within and beyond California. **KEYWORDS** American Indians, California Indians, Missions, Franciscans, Native Americans, incarceration, penal servitude

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There were no chain-link fences topped with razor wire, no panoptic guard towers, and no orange-clad inmates. Yet, Franciscan missionaries and their military allies operated a system of twenty-one California missions that echo from colonial past into carceral present. They sometimes used force to bring California Indians to the missions. Once there, missionaries and their military allies increasingly confined them, imposed strict rules, regimented their movements, and exploited their labor. Surveillance became common, sexual violence a problem, and corporal punishment a means of control. In response, thousands of California Indians resisted. They escaped, attacked their captors, and organized uprisings while their home communities sometimes tried to eject the colonizers. Franciscans and their military allies increasingly responded with additional, sometimes lethal, force. All of this they did in the name of reform: the transformation of tens of thousands of Indigenous people into baptized Catholic workers.

Over time, California missions came to impose a system of penal servitude, or imprisonment with forced labor. Eyewitnesses and scholars have repeatedly noted the missions' imposition of policies strikingly similar to both

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slavery and incarceration. Indeed, these two categories often blur. Franciscans could not legally buy and sell California Indians.<sup>1</sup> Thus the system cannot be strictly defined as legalized chattel slavery. Still, as missions spread, Franciscans came to hold California Indians as unfree laborers while seeking to morally transform them. Franciscans described California Indians as children. Yet, they often treated them more like slaves or criminals. The missions thus exhibited characteristics of both systems but were most like penal servitude. California missions were not modern prisons. Yet reinterpreting California missions through a carceral lens sharpens how we understand their contested nature while potentially complicating the historiography of penal culture in California and the United States as a whole.

Historians generally date mass incarceration in the United States to the post–World War II era, noting the dramatic spike in incarceration since the 1970s while seeking to explain the inversely proportional relationship between falling crime rates and rising mass detention numbers as well as the reasons behind the disproportionate incarceration of African Americans, Latinos, Native Americans, other racial minorities, and the poor.<sup>2</sup> Between 1974 and 2010, the number of incarcerated people in state and federal penitentiaries rose from at least 229,721 to 1,612,395, or from roughly 1 in 1,000 residents to 1 in 200.<sup>3</sup> Yet, state and federal penitentiaries are only part of a larger carceral system. According to a 2018 Prison Policy Initiative report, “The American criminal justice system holds almost 2.3 million people” in prisons, jails, juvenile correctional facilities, immigration detention facilities, civil commitment centers, and state psychiatric hospitals. Meanwhile, “There are another 840,000 people on parole and a staggering 3.7 million people on probation.”<sup>4</sup> Scholars have demonstrated that twentieth- and twenty-first-century events were crucial to the dramatic rise of mass incarceration.<sup>5</sup> Still, while some have linked this phenomenon to legacies

1. In 1542, Spain’s New Laws prohibited Native American slavery. Still, *de facto* slavery continued in parts of Spain’s empire. See Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Boston: Houghton Mifflin Harcourt, 2016), 46–47.

2. See, for example, Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010), 20–58.

3. U.S. Department of Justice, “Prisoners 1925–81,” 3 ([www.bjs.gov/content/pub/pdf/p2581.pdf](http://www.bjs.gov/content/pub/pdf/p2581.pdf)); U.S. Department of Justice, “Prisoners in 2010,” 1 ([www.bjs.gov/content/pub/pdf/p10.pdf](http://www.bjs.gov/content/pub/pdf/p10.pdf)).

4. Peter Wagner and Wendy Sawyer, “Mass Incarceration: The Whole Pie 2018,” March 24, 2018 (<https://www.prisonpolicy.org/reports/pie2018.html>).

5. See, for example, Alexander, *New Jim Crow*; John F. Pfaff, *Locked In: The True Causes of Mass Incarceration and How to Achieve Real Reform* (New York: Basic Books, 2017); James Foreman, Jr.,

of African American chattel slavery, Jim Crow, and other aspects of Anglo American law and policy, California mission history reveals one state's first mass incarceration system as a colonial era phenomenon.<sup>6</sup>

Scholars have long debated whether California missions were free institutions or sites of confinement. The journalist Carey McWilliams ignited the modern phase of this explosive dispute in 1946, likening Franciscans in California to "Nazis operating concentration camps."<sup>7</sup> Others have argued that California Indians freely came to the missions and voluntarily remained in them. In 1995, ethnohistorian Randall Milliken insisted that California Indians "were not marched to the baptismal font by soldiers with guns and lances," while in 2004 historian James Sandos declared: "There was . . . no forced recruitment of gentiles for missionization."<sup>8</sup> In contrast, historian David Stannard argued, in 1992, that, "the missions [drove] natives into their confines," while in 1995 Latin American and Chicano literature scholar Rosaura Sánchez called California missions "a penal colony, the dystopia from which it was practically impossible for the Indians to escape."<sup>9</sup> A decade later, anthropologist Kent Lightfoot specified: "The missions resembled penal institutions with the practice of locking up some neophytes at night and restricting movements outside the mission grounds."<sup>10</sup> More recently, American Indian studies scholar Jackie Teran addressed gendered California mission violence and "the Origins of Native Women's Mass Incarceration."<sup>11</sup>

This article will briefly describe how California missions became increasingly carceral by examining changing policies of recruitment, spatial confinement, regimentation, surveillance, physical restraint, and corporal punishment

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*Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2018).

6. Alexander, *New Jim Crow*, 20–58.

7. Carey McWilliams, *Southern California Country: An Island on the Land* (New York: Duell, Sloan & Pearce, 1946), 29.

8. Randall Milliken, *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area, 1769–1810* (Menlo Park, Calif.: Ballena Press, 1995), 1; James A. Sandos, *Converting California: Indians and Franciscans in the Missions* (New Haven: Yale University Press, 2004), 103.

9. Rosaura Sánchez, *Telling Identities: The California Testimonios* (Minneapolis: University of Minnesota Press, 1995), 51.

10. David E. Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992), 137; Kent G. Lightfoot, *Indians, Missionaries, and Merchants: The Legacy of Colonial Encounters on the California Frontiers* (Berkeley: University of California Press, 2005), 62.

11. Jackie Teran, "The Violent Legacies of California Missions: Mapping the Origins of Native Women's Mass Incarceration," *American Indian Culture and Research Journal* 40 (2016): 19–32.

as well as California Indian resistance. With the help of secular government authorities, Franciscans and their military allies established the system between 1769 and 1790 before deploying more overtly carceral practices between 1790 and 1836. Finally, this article will explore the meaning of California's missions as carceral spaces while suggesting new avenues of research on the history of incarceration within and beyond California.

## THE RISE OF CALIFORNIA'S CARCERAL MISSIONS, 1769-1790

By the time they arrived in California, Spaniards had an established habit of capturing and holding Native Americans against their will. As early as 1493, Christopher Columbus sailed back to Spain with 10 to 12 Arawak people taken from Caribbean islands.<sup>12</sup> Shipments continued and in 1495 Columbus sent 550 Arawaks from Hispaniola to slave markets in Spain.<sup>13</sup> Spaniards then enslaved large numbers of Indigenous people in and around the Caribbean. In keeping with this habit of capturing and confining Native Americans, the first Spaniards to explore California's coast took 2 Kumeyaay boys away to Mexico in 1543.<sup>14</sup>

Yet, for 226 years, Spanish authorities paid little attention to California. Only in 1769 did Spain—fearful of potential British, Dutch, and Russian expansion into California—begin colonizing the region. That year, Spain deployed soldiers and Franciscans, who would work in uneasy alliance, to seize California.<sup>15</sup>

The invasion aimed to erect a geostrategic shield for northern Mexico's lucrative silver mines, while facilitating what the founder of California's missions and their first leader, Father President Junípero Serra, called a "spiritual conquest."<sup>16</sup> Serra and his fellow Franciscans viewed California Indians as pagans and *gente sin razón*, or "people without reason." They sought to transform allegedly childlike California Indians into Catholic workers by replacing

12. Bartolome de las Casas in John G. Cummins, *The Voyage of Christopher Columbus: Columbus's Own Journal of Discovery Newly Restored and Translated* (New York: St. Martin's Press, 1992), 225, fn.

13. Reséndez, *Other Slavery*, 24.

14. Henry R. Wagner, *Spanish Voyages to the Northwest Coast of America in the Sixteenth Century* (San Francisco: California Historical Society, 1929), 93.

15. David J. Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992), 238-41, 243-44.

16. Antonine Tibesar, ed. *Writings of Junípero Serra* (4 vols., Washington, D.C.: Academy of American Franciscan History, 1955-66), 4:127.

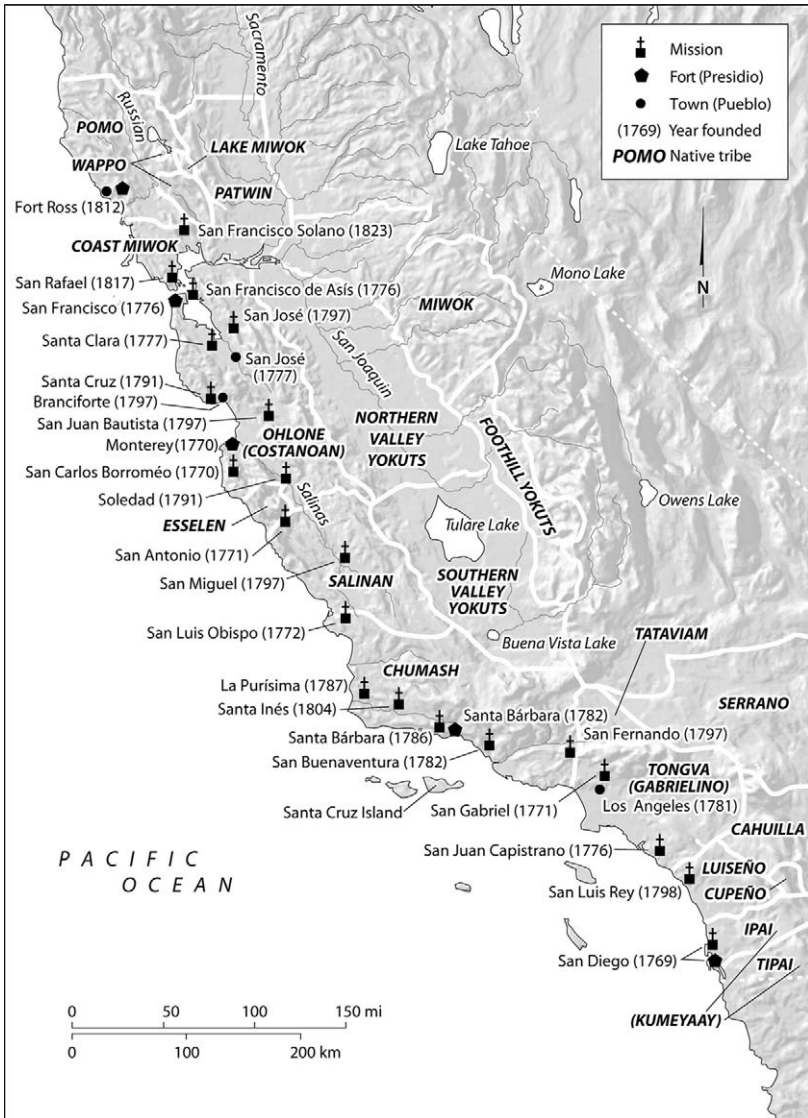


FIGURE 1. California Mission, Presidio, and Pueblo Map. Map by Bill Nelson.

Indigenous religions, cultures, political structures, and traditions with Hispanic ones. Franciscans aimed to refashion California Indian lives and minds. Ultimately, they sought to save California Indian souls from everlasting damnation in hell and, instead, send them to heaven's eternal bliss. It was a colonial

project ostensibly bent on social reform and it came to rely, increasingly, on punitive practices and unfree labor, or penal servitude.<sup>17</sup>

During the 1770s and 1780s, curiosity, food, and gifts drew many Indigenous people to the new California missions. In 1776, the conquistador Juan Bautista de Anza observed of baptized Northern California Indians at Mission San Carlos Borroméo “most of them receive conversion by way of the mouth,” explaining “they like our grains and gifts.”<sup>18</sup> That same year, the Franciscan Pedro Font added that Southern California Serrano Indians were “usually caught by the mouth.”<sup>19</sup> Climatic variability, droughts, and elevated ocean temperatures may also have driven certain California Indians, such as some Chumash people, to missions in search of food.<sup>20</sup>

As the number and environmental impact of missions increased, colonists inadvertently pushed California Indians toward them. Spaniards introduced pathogens, flora, and fauna that transformed local ecologies, destroying traditional means of subsistence while introducing “Old World” diseases. Results included hunger, sickness, and death.<sup>21</sup> Compounding these consequences, Spanish officials banned the traditional California Indian practice of burning grasslands. These bans decreased the yields of customary hunting and gathering, both of which relied upon fire-based land management.<sup>22</sup> Environmental degradation, diseases, and hunger thus drove some California Indians to missions.

Although many came to the missions voluntarily in the 1770s and 1780s, baptized California Indians soon found themselves in state-sanctioned captivity. Following a conflict between himself and California’s secular governor,

17. Douglas Monroy, *Thrown Among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley: University of California Press, 1990), 44–45.

18. Juan Bautista de Anza in Herbert Eugene Bolton, ed. and trans., *Anza’s California Expeditions* (5 vols., Berkeley: University of California Press, 1930), 3:119.

19. Pedro Font in Herbert Eugene Bolton, ed. and trans., *Font’s Complete Diary: A Chronicle of the Founding of San Francisco* (Berkeley: University of California Press, 1933), 181.

20. Daniel O. Larson, John R. Johnson, and Joel C. Michaelsen, “Missionization among the Coastal Chumash of Central California: A Study of Risk Minimization Strategies,” *American Anthropologist* 96 (1994): 263–99. For a rejoinder to this thesis, see Deana Darrt-Newton and Jon M. Erlandson, “Little Choice for the Chumash: Colonialism, Cattle, and Coercion in Mission Period California,” *American Indian Quarterly* 30 (2006): 416–30.

21. Steven W. Hackel, *Children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California, 1769–1850* (Chapel Hill: The University of North Carolina Press, 2005), 65.

22. Henry T. Lewis, *Patterns of Indian Burning in California: Ecology and Ethnohistory* (Ramona, Calif.: Ballena Press, 1973), v–xlviii; Jan Timbrook, John R. Johnson, and David D. Earle, “Vegetation Burning by the Chumash,” *Journal of California and Great Basin Anthropology* 4 (1982): 163–86, 170–72; Hackel, *Children of Coyote, Missionaries of Saint Francis*, 337–38.

in 1773 Father Serra obtained a decree from the viceroy and a royal council in Mexico City recognizing Franciscan authority over baptized California Indians: “the management, control, and education of the baptized Indians pertains exclusively to the missionary fathers . . . just as a father of a family has charge of his house and of the education and correction of his children.”<sup>23</sup> This decree marked a crucial turning point in the development of the missions as carceral spaces.

The 1773 decree provided Franciscans with secular government support for their spatial confinement and violent control of baptized California Indians. Once Spanish imperial authorities declared baptized California Indians to be Franciscans’ legal wards, Franciscans could hold them against their will under Spanish law. Baptism in California missions thus came to function not unlike a sentence to life in prison: it became a state-sanctioned legal justification for the indefinite confinement of baptized California Indians, as well as the use of force against them, by Franciscans and Spanish soldiers, in connection with confinement.

Among the key features of many penal systems is the role of the state in directing policies of incarceration and establishing the terms of reform. In California missions, the Spanish state abdicated much of that authority to Franciscans but increasingly pushed its soldiers to help enforce Franciscan control over baptized California Indians. The Spanish state did so because the missions were crucial to developing the colony and realizing the state’s secular and religious goals. Spanish soldiers thus served as an armed police force increasingly charged with controlling, containing, punishing, and recapturing baptized California Indians.

The legal implications of baptism were not always clear to California Indians, in part due to language barriers, and these implications likely became less clear as the time to baptism decreased. According to historian Steven Hackel, “Children below age nine they baptized without hesitation, but Indians nine and older had to demonstrate a basic comprehension of Catholicism beforehand. Typically, pre-baptismal instruction took months, if not years.” However, during the 1780s the instruction time prior to baptism plummeted: “In later decades, once Serra was gone [in 1784], it would last

23. Bucareli, Valcárel, Toro, et al., “Decision of the Royal Council of War and Exchequer,” May 6, 1773 in Herbert Eugene Bolton, ed. and trans., *Historical Memoirs of New California*, by Fray Francisco Palóu (4 vols., Berkeley: University of California Press, 1926), 3:50; José de Gorráez, “Decree,” May 13, 1773 in *Ibid.*, 56.

only weeks.”<sup>24</sup> Baptismal candidates now had little time to learn that baptism served—under Spanish law in California—as a legal justification for their indefinite incarceration.

Beyond their drive to convert California Indians to Catholicism, Franciscans and secular authorities had another reason for spatially containing California Indians: they needed labor to build, maintain, and expand their colonial project. By 1790, “hardly 1000” colonists—including soldiers, priests, and others—were present in California.<sup>25</sup> Yet, at that time there existed sixteen missions, four presidios, and two pueblos as well as large-scale farming and ranching enterprises. Given the relatively small number of colonists, building and maintaining all of these institutions would have been extremely difficult without Indigenous laborers.

Spanish California slowly became a kind of penal colony. Spaniards—facing a profound immigrant shortage—forcibly contained California Indians, in part, to secure labor. As early as 1780, California Governor Felipe de Neve critiqued California missions, describing “the Indians’ fate [as] worse than that of slaves.”<sup>26</sup> Six years later, the French navigator Jean François de la Pérouse wrote that San Carlos Mission “brought to our recollection a [slave] plantation at St. Domingo, or any other West-India island . . . we have seen both men and women in irons, and others in the stocks; and lastly, the noise of the whip might have struck our ears, this punishment also being admitted.”<sup>27</sup> These observers saw little distinction between slavery and mission labor, an observation that some have made of modern penal institutions.<sup>28</sup>

Multiple scholars have also characterized California mission Indians as unfree laborers. In 1943, the historical demographer Sherburne Cook insisted: “the mission system, in its economics, was built upon forced labor.”<sup>29</sup> In 1978, historian Robert Archibald argued: “the result in many cases was

24. Steven W. Hackel, *Junipero Serra: California's Founding Father* (New York: Hill and Wang, 2013), 199, 236.

25. William M. Mason, *The Census of 1790: A Demographic History of Colonial California* (Menlo Park, Calif.: Ballena Press, 1998), 2.

26. Felipe De Neve in Edwin A. Beilharz, *Felipe De Neve: First Governor of California* (San Francisco: California Historical Society, 1971), 52.

27. Jean-François de Galaup comte de la Pérouse, *A Voyage Round the World, Performed In the Years 1785, 1786, 1787, and 1788 . . .* (3 vols., London: Lackington, Allen, and Co., 1807), 2:194.

28. Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *Journal of American History* 97 (2010): 716–17.

29. Sherburne F. Cook, “Conflict between the California Indian and White Civilization, I. The Indian versus the Spanish Mission,” *Ibero-Americana* 21 (1943): 95.



slavery in fact although not in intent.”<sup>30</sup> Other scholars have defined California’s mission labor system as “slavery without the actual sale of the individual,” “a communal form of forced labor,” “spiritual debt peonage,” or “semicaptive labor.”<sup>31</sup> Historian Marie Christine Duggan has countered: “One gap in the argument for physical coercion is that missions were not walled compounds. Rather, missions were landed institutions that increased over time to the size of modern counties.”<sup>32</sup>

Still, Franciscans would come to zealously restrict the movement of baptized California Indians beyond these confines. Thus, missions can be compared, in this regard, to modern U.S. “honor camps” in which prisoners have been contained without walls.<sup>33</sup> In 1776, the Franciscan Pedro Font observed, “the fathers require that . . . they shall no longer go to the forest, but must live in the mission; and if they leave the rancheria, as they call the little village of huts and houses of the Indians, they will go to seek them and will punish them.”<sup>34</sup> Franciscans did frequently grant “Extended leaves,” somewhat like modern prison furloughs, but baptized California mission Indians could officially undertake such leaves only with permission.<sup>35</sup>

Inside the missions, Franciscans began to regiment the lives of California Indians. La Pérouse observed that, at San Carlos Mission, “The proselytes are collected by the sound of a bell; a missionary leads them to work, to the church, and to all their exercises.”<sup>36</sup> Such regimentation increasingly lasted

30. Robert Archibald, “Indian Labor at the California Missions: Slavery or Salvation?,” *Journal of San Diego History* 24 (1978): 181.

31. Rupert Costo and Jeannette Henry Costo, “Bigotry in Academia Malevolent and Benign,” in Costo and Costo, eds., *The Missions of California: A Legacy of Genocide* (San Francisco: The Indian Historian Press, 1987), 187; Sánchez, *Telling Identities*, 55; Sandos, *Converting California*, 110; Hackel, *Children of Coyote, Missionaries of Saint Francis*, 281. Scholar Richard Steven Street asserted that Franciscans employed both coercion and consent to obtain California Indian workers in *Beasts of the Field: A Narrative History of California Farmworkers, 1769–1913* (Stanford: Stanford University Press, 2004), 23–25. Steven Hackel observed that in Spanish California, “Indian labor took numerous forms and stages between freedom and unfreedom.” See Hackel, *Children of Coyote, Missionaries of Saint Francis*, 295.

32. Marie Christine Duggan, “With and Without an Empire: Financing for California Missions Before and After 1810,” *Pacific Historical Review* 85 (2016): 27. Based on a study of account books for four missions, Duggan also argued that, “it was not until the Spanish empire unraveled in the nineteenth century that Indians labored at missions with little compensation.” *Ibid.*, 23.

33. Volker Janssen, “When the ‘Jungle’ Met the Forest: Public Work, Civil Defense, and Prison Camps in Postwar California,” *Journal of American History* 96 (2009): 702–26.

34. Font in Bolton, *Font’s Complete Diary*, 179.

35. Hackel, *Children of Coyote, Missionaries of Saint Francis*, 87.

36. La Pérouse, *Voyage Round the World, Performed In the Years 1785, 1786, 1787, and 1788 . . .*, 2:194.



FIGURE 2. Count Jean François de la Pérouse, other visitors, and missionaries observe San Carlos Borroméo Mission Indians standing at attention during a formal inspection accompanied by bell ringing. José Cardero, “Copia de un dibujo que deja el Pintor del Conde dela Perouse a los Padres de la Mision del Carmelo en Monterey [Copy of a Drawing of the Visit of the Count de la Pérouse to the Fathers at the Mission of Carmel at Monterey (in 1786), California],” drawing on paper, [1791–1792]. *Courtesy of the Bancroft Library, Berkeley, California.*

from dawn to dusk. Like many jailors, Franciscans sometimes lined up California mission Indians for inspection, as depicted below in Figure 2.

The most obviously carceral space in each California mission was its *monjerío*, or “nunnery.” Franciscans built *monjeríos* at all twenty-one missions and caged unmarried California Indian females in them overnight, or sometimes for longer periods. Like many prisons, *monjeríos* had thick walls and barred windows, or no windows at all, to minimize communication with the outside and to prevent escape.<sup>37</sup> La Pérouse explained: “An hour after supper,

37. Chelsea K. Vaughn, “Locating Absence: The Forgotten Presence of *Monjeríos* in Alta California Missions,” *Southern California Quarterly* 93 (2011): 143.

they take care to secure all the women whose husbands are absent, as well as the young girls above the age of nine years, by locking them up.”<sup>38</sup> *Monjeríos* also facilitated surveillance with an assigned matron to monitor behavior and movement. Even the dean of pro-mission historians, the Franciscan Zephyrin Engelhardt, referred to “the Monjerio and its Inmates.”<sup>39</sup> As historian Chelsea K. Vaughn observed, Franciscans established *monjeríos* to preserve the chastity of unmarried females and to control sexual behavior in the Spanish tradition of sequestering girls and women.<sup>40</sup>

Franciscans did have reason to worry about sexual assaults by Spanish soldiers near the missions. In 1772, the San Diego Mission Father Luís Jayme reported hearing that local California Indians, presumably Kumeyaay people, “leave their huts and the crops which they gather . . . and go to the woods and experience hunger. They do this so that the soldiers will not rape their women as they have already done so many times in the past.” Jayme received multiple eyewitness reports of gang rapes and concluded of Spanish soldiers, “many of them deserve to be hanged on account of the continuous outrages which they are committing in seizing and raping the women. There is not a single mission where all the gentiles have not been scandalized.”<sup>41</sup> The following year, Serra added, “soldiers . . . would catch an Indian woman with their lassos to become prey for their unbridled lust.”<sup>42</sup> In 1777, San Diego Commandant José Francisco Ortega wrote simply that soldiers “go by night to nearby villages for the purpose of raping Indian women.”<sup>43</sup> Historian James Sandos concluded that Spanish soldiers’ “Sexual abuse of Indian women, including rape, became a serious problem.”<sup>44</sup>

Yet, the missions and presidios, like many carceral spaces, were themselves sometimes loci of sexual violence.<sup>45</sup> Confinement and gross power disparities—compounded by terror and violence—facilitated sexual abuse and

38. La Pérouse, *Voyage Round the World, Performed In the Years 1785, 1786, 1787, and 1788* . . . , 2:201.

39. Zephyrin Engelhardt, *The Missions and Missionaries of California* (4 vols., San Francisco: James H. Barry, 1908–1915), 2:1: xvi, 549.

40. Vaughn, “Locating Absence,” 142.

41. Maynard Geiger, trans. and ed., *Letter of Luís Jayme, O.F.M., San Diego, October 17, 1772* (Los Angeles: Dawson’s Book Shop, 1970), 40, 44–48, 38.

42. Tibesar, *Writings of Junipero Serra*, 1:363.

43. José Francisco Ortega in Cook, “Conflict between the California Indian and White Civilization, I,” 105–6.

44. Sandos, *Converting California*, 7.

45. For one recent study of sexual violence in carceral spaces, see Allen J. Beck, Marcus Berzofsky, Rachel Caspar, and Christopher Krebs, *Sexual Victimization in Prisons and Jails Reported by*

predation. Soon after Mission San Diego's establishment, soldiers raped two Indigenous women (presumably Kumeyaay) there.<sup>46</sup> In 1773, Serra received a report of soldiers sexually assaulting Indigenous children, probably Tongva, at Mission San Gabriel.<sup>47</sup> Later, an Indigenous woman named Veneranda, from Mission Soledad, testified that soldiers had raped her daily in her cell at Monterey Presidio.<sup>48</sup> The mission system sought to convert California Indians and use their labor to build a colony on their land. The resulting carceral system profoundly victimized many of them.

Surveillance is a hallmark of penal institutions and in California missions Franciscans monitored and disciplined California Indians' labor, religious observance, and social behaviors. The variety of actions for which Franciscans had mission Indians shackled, locked in the stocks, or whipped underscored the level of surveillance. According to Sandos, these actions included "desertion . . . insolence, tardiness or absence from Mass, carelessness in learning the doctrina, gambling, and bickering between spouses that led to violence, laziness, fornication, adultery, and concubinage."<sup>49</sup>

Franciscans employed corporal punishment to control and discipline California Indian minds and bodies. Some mission priests, including Serra, practiced self-flagellation as a form of religious penance and devotion.<sup>50</sup> They also used whips to enforce control. In 1775, Serra wrote that he wanted some San Carlos Mission Indians to suffer "two or three whippings . . . on different days," asserting that these floggings "may serve . . . for a warning, and may be of spiritual benefit to all."<sup>51</sup> Five years later, Serra condoned the striking of California Indians by missionaries: "That spiritual fathers should punish their sons, the Indians, with blows appears to be as old as the conquest of these kingdoms [the Americas]; so general, in fact, that the saints do not seem to be any exception to the rule."<sup>52</sup> The founder of

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*Inmates, 2011–12: National Inmate Survey, 2011–2012* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2013).

46. Geiger, *Letter of Luis Jayme*, 40, 46–48.

47. Tibesar, *Writings of Junípero Serra*, 1:363.

48. Hackel, *Children of Coyote, Missionaries of Saint Francis*, 226.

49. Sandos, *Converting California*, 49–50.

50. For Serra and two other priests, see Francis F. Guest, "Cultural Perspectives on California Mission Life," *Southern California Quarterly* 65 (1979): 13; Charles Francis Saunders and J. Smeaton Chase, *The California Padres and Their Missions* (Boston: Houghton Mifflin Company, 1915), 342–43; Felipa Osuna in Rosemary Beebe and Robert M. Senkewicz, trans. and eds., *Testimonios: Early California through the Eyes of Women, 1815–1848* (Berkeley: Heyday Books, 2006), 152.

51. Tibesar, *Writings of Junípero Serra*, 4:425.

52. *Ibid.*, 3:413.

California's missions thus made the deliberate infliction of pain an official mission policy.

Franciscans and Spanish soldiers officially executed few California Indians. Yet, the missions became places of mass death. By concentrating California Indians—sometimes under unhealthy conditions—Franciscans facilitated pathogen transmission.<sup>53</sup> From 1769 through 1788, Franciscans at eleven missions reportedly baptized 10,575 California Indians but buried 3,576.<sup>54</sup>

Unsurprisingly, thousands of California Indians fled the missions. Their motives varied, as the interrogations of a dozen captured after fleeing Mission San Francisco in 1797 make clear. Tiburcio had suffered five whippings for weeping when his wife and child died. Magin had endured the stocks while sick. Tarazon had visited home and stayed. Claudio had been “beaten . . . with a stick and forced to work when ill.” José Manuel had been bludgeoned. Liberato “ran away to escape dying of hunger as his mother, two brothers, and three nephews had done.” Otolon had been “flogged for not caring for his wife after she had sinned with the vaquero.” Milan had been worked “with no food for his family and was flogged because he went after clams. Patabo had lost his family and had no one to take care of him.” Orencio’s niece had starved to death. Toribio had been “always hungry” and Magno had “received no ration because, occupied in tending his sick son, he could not work.”<sup>55</sup> Although often motivated by fear of violence or by individual desperation, “fleeing from the missions became a collective expression of rebellion” according to historian George Harwood Phillips.<sup>56</sup>

Spanish soldiers’ attempts to recapture escaped California mission Indians sometimes turned lethal, underscoring the regime’s commitment to spatial confinement. In 1782, Governor de Neve—who generally opposed using soldiers to recapture baptized California Indians—wrote of Esselen Indians who had fled Mission San Carlos: “The repeated patrols that have been sent out to importune them to come back have resulted in deaths among the non-

53. Cook, “Conflict between the California Indian and White Civilization, I,” 45–46, 53–54.

54. “General State of the Missions of New California at the end of December, 1788” in Finbar Kenneally, trans., *Writings of Fermín Francisco de Lasuén* (2 vols., Washington, D.C.: Academy of American Franciscan History, 1965), 2:400. The report cited here is for 1788, but is cumulative, beginning in 1769.

55. Hubert H. Bancroft, *The Works of Hubert Howe Bancroft* (39 vols., San Francisco: A.L. Bancroft, 1883–1890), 18:711, n33. For nine additional testimonies and details on each of the twenty-three escapees see Milliken, *Time of Little Choice*, 299–303.

56. George Harwood Phillips, *Indians and Intruders in Central California, 1769–1849* (Norman: University of Oklahoma Press, 1993), 82.

Christian natives.<sup>57</sup> Pedro Fages, who succeeded de Neve that year and served as governor until 1791, also sought to limit army involvement in recapture operations.<sup>58</sup> Nevertheless, army patrols, like corporal punishments, eventually became part of the invisible walls that held tens of thousands of California Indians in the missions.

Reinforcing the regime of spatial confinement, corporal punishment often followed recapture, particularly after a baptized California Indian fled repeatedly. La Pérouse explained, “the moment an Indian is baptized, the effect is the same as if he had pronounced a vow for life.” Flight, a violation of this implied vow, triggered an institutionalized response: “If he escape, to reside with his relations in the independent villages, he is summoned three times to return, and if he refuse, the missionaries apply to the governor, who sends soldiers to seize him in the midst of his family, and conduct him to the mission, where he is condemned to receive a certain number of lashes, with the whip.”<sup>59</sup> Despite the threat of flogging and other punishments, thousands of California Indians fled and resisted recapture. The Chumash woman María Solares of Mission Santa Inés explained that her grandmother had been an “*esclava de la misión*,” or mission slave, who “had run away many, many times, and had been recaptured and whipped till her buttocks crawled with maggots.”<sup>60</sup> The desire for freedom, sovereignty, and control of ancestral lands inspired others to organize large-scale resistance against the missions and their alien way of life.

In the 1770s and 1780s, Southern California Indians repeatedly sought to drive Franciscans and their military allies away. During the early morning hours of November 5, 1775, some six hundred Kumeyaay warriors attacked Mission San Diego, burning buildings and killing three people, including Father Jayme.<sup>61</sup> The following year, Chumash, Salinan people, or both fired flaming arrows into the reed roofs of Mission San Luis Obispo, burning down mission buildings. Further incendiary attacks on the mission followed.<sup>62</sup> In 1781, Mojaves and Quechans in southeastern California destroyed two

57. De Neve in Randall Milliken, *Ethnogeography and Ethnohistory of the Big Sur District, California State Park System, during the 1770–1810 Time Period* (Sacramento: State of California, Dept. of Parks and Recreation, 1990), 56.

58. Pedro Fages in Bancroft, *Works of Hubert Howe Bancroft*, 18:405, n28.

59. La Pérouse, *Voyage Round the World, Performed in the Years 1785, 1786, 1787, and 1788 . . .*, 2:194–95.

60. María Solares summarized in Carobeth Laird, *Encounter with an Angry God: Recollections of My Life with John Peabody Harrington* (Banning, Calif.: Malki Museum Press, 1975), 18.

61. Vicente Fuster in Tibesar, *Writings of Junípero Serra*, 2:449–58.

62. Bancroft, *Works of Hubert Howe Bancroft*, 18:298–99.

Spanish outposts on the Colorado River.<sup>63</sup> Four years later, the female Tongva shaman Toypurina planned an uprising against San Gabriel Mission that ended with her and twenty warriors in the mission cellblock.<sup>64</sup>

By 1790, California missions exhibited a host of features common to sites of incarceration. They enforced a legal framework that sanctioned the incarceration of baptized Indians and the use of force. They locked up unmarried females. They physically restrained California Indians, using shackles and stocks. They exploited California Indian labor. They became loci of sexual violence. They surveilled mission Indians. They employed corporal punishment to control behavior and they violently punished escapees. California Indians, meanwhile, resisted, in some of the ways that prisoners have done elsewhere: by escaping and by organizing uprisings. The system now became more prisonlike.

### INCREASINGLY CARCERAL MISSIONS, 1790-1836

Already remote, in the 1790s the colony of California became more economically independent. First, the Colorado River uprising of 1781 severed the overland link to Spanish Arizona. Now, the maritime connection to Mexico atrophied. The presidios no longer requested that ships from Mexico regularly bring large quantities of flour, corn, or beans.<sup>65</sup> Thus, even as they multiplied and expanded, California missions became more economically self-reliant. Franciscans needed more laborers even as California Indians became increasingly wary of the missions and less willing to go to or remain in them. Consequently, the missions became more carceral, beginning with the ways in which authorities drove some California Indians to the missions.

Franciscans and Spanish soldiers increasingly used coercion and force to bring California Indians to the baptismal font, making recruitment more frequently akin to arrest. The “crime” was being an un-baptized Indigenous person. According to Cook, “The entrance of the military into the active field of proselytizing ended the era of true voluntary conversion . . . during the

63. *Ibid.*, 18:362–64; Mark Santiago, *Massacre at the Yuma Crossing: Spanish Relations with the Quechans, 1779–1782* (Tucson: University of Arizona Press, 1998), 115.

64. Steven W. Hackel, “Sources of Rebellion: Indian Testimony and the Mission San Gabriel Uprising of 1785,” *Ethnohistory* 50 (2003): 643–69.

65. Following “substantial requests” for these items in prior years, records apparently report no such requests in 1791, 1792, 1795, 1797, 1799, 1802, 1803, 1804, 1805, 1806, 1807, 1809, or 1811. Francis Guest, “Municipal Institutions in Spanish California, 1789–1821” (Ph.D. dissertation, University of California, Los Angeles, 1985), 247–48.

decade 1790–1800.”<sup>66</sup> Multiple sources attest to coercion and capture. In 1794, San José Pueblo Commissioner Gabriel Moraga reported how Mission Santa Clara friar Manuel Fernández recruited one Northern California Indian community with soldiers, personally whipping a man with a lance because he did not come quickly enough and threatening “to burn their villages down” if the people failed to submit to baptism. When another California Indian man, El Mocho, resisted recruitment, Father Fernández “ordered him tied up and given many lashes.” Afterward, El Mocho could only support “himself with a cane, unable to stand upright, with waist and buttocks covered with swollen wounds.”<sup>67</sup>

Reports of coercion and capture in Northern California multiplied during the nineteenth century. In 1805, Sergeant Luis Peralta led a punitive expedition from San Francisco into the interior, killing ten or eleven California Indians before taking at least twenty-five prisoners to Santa Clara Mission for baptism.<sup>68</sup> In 1822, the Russian Achille Schabelski visited San Francisco Bay and described how, “When the commandant of the presidio wants to increase the number of mission residents, he sends a detachment of soldiers” to a California Indian village. They “swoop down upon it during the night with loud cries,” discharging guns and lassoing civilians. “As soon as an Indian is roped, he is dragged to the ground and tied to a horse, whereupon the soldier rides at a gallop until the Indian is weakened by the loss of blood flowing from his wounds. . . . The reverend Franciscan fathers receive their new children and make them accept Christianity. Such is the method used in California to make new converts to Catholicism.”<sup>69</sup> Other Russians reported stories, told in San Francisco, of raids in which Spaniards captured California Indians and brought them to missions as prisoners.<sup>70</sup> The Northern California Indian leader Succaro explained, “the Christians offered . . . no choice at all when they asked [me] to choose between Christ and death.”<sup>71</sup>

Observers also reported coercion and capture in nineteenth-century Southern California. The Scotsman Hugo Reid married a Tongva woman

66. Cook, “Conflict between the California Indian and White Civilization, I,” 74.

67. Gabriel Moraga in Milliken, *Time of Little Choice*, 281.

68. Cook, “Conflict between the California Indian and White Civilization, I,” 76; Bancroft, *The Works of Hubert Howe Bancroft*, 19:34–35.

69. Achille Schabelski in Glenn J. Farris, eds., *So Far From Home: Russians in Early California* (Berkeley: Heyday Books, 2012), 106–7.

70. For examples in 1815, 1818, and 1821, see James R. Gibson, ed. and trans., *California through Russian Eyes, 1806–1848* (Norman, Okla.: The Arthur H. Clark Company, 2013), 81, 97, 135.

71. Succaro paraphrased in Sánchez, *Telling Identities*, 65.



from Mission San Gabriel.<sup>72</sup> He explained how “soldiers or servants proceeded on expeditions after converts.” At “Rancho del Chino . . . they tied and whipped every man, woman and child in the Lodge, and drove part of them back with them. On the road they did the same with those of the Lodge at San Jose.”<sup>73</sup> The Kentuckian James O. Pattie likewise recollected of his 1829 visit to Mission San Luis Rey: “The greater part of these Indians were brought from their native mountains against their own inclinations, and by compulsion; and then baptized; which act was as little voluntary on their part, as the former had been.”<sup>74</sup>

Summarizing what he had learned during multiple visits to Northern and Southern California ports in 1831 and 1833, the Hawaiian-born sailor and merchant William Heath Davis concluded, “The Indians were captured by the military who went into the interior of the country in pursuit of them, detachments of soldiers being frequently sent out from the Presidio and other military posts in the department on these expeditions, to bring the wild Indians into the Missions to be civilized and converted.” Davis specified, “Sometimes two or three hundred would be brought in at a time—men, women and children—from the foothill region of the Sierra Nevadas and the San Joaquín and Sacramento valleys.” Once captured, “They were immediately turned over to the Padres at the different Missions, generally with a guard of a corporal and ten soldiers to assist the priest in keeping them until they had become somewhat tamed.”<sup>75</sup>

Some California Indians resisted armed roundups. In 1813, when a San José padre went to proselytize in the San Ramon Valley, Costanoans mortally wounded two of the soldiers escorting him.<sup>76</sup> At least one roundup became a massacre. In the early twentieth century, the cattleman José Antonio Águila recalled an event described to him by two Yokuts Indian eyewitnesses and his father, whose own father was also an eyewitness. According to Águila, in about 1809, “The [Yokuts] Indians [of the Orestimba Narrows] refused to go to the mission. The Cavalry tried to take them

72. Laura Everson King, “Hugo Reid and His Indian Wife,” *Annual Publication of the Historical Society of Southern California and Pioneer Register* 4, part 2 (1898): III.

73. Hugo Reid in *The Los Angeles Star*, June 19, 1852, 2.

74. Timothy Flint, ed., *The Personal Narrative of James O. Pattie . . .* (Cincinnati, Oh.: John H. Wood, 1831), 213–14.

75. William Heath Davis, *Sixty Years in California: A History of Events and Life in California . . . Being a Compilation by a Witness to the Events Described* (San Francisco: A.J. Leary, 1889), 3, 9.

76. Bancroft, *Works of Hubert Howe Bancroft*, 19:339.

and got into a hot fight and killed or ran away all of the older people. They took the younger ones to Misión [sic] Santa Clara.” The two Yokuts eyewitnesses specified: “They had been at the fight when about 200 of their tribe were killed or scattered.” Águila’s father told him that the two Yokuts men “had told the truth, that all of the soldiers had been sworn to secrecy about the fight, but his father was ashamed of his part in it and thought that I should know the truth about it.” Such shame may have prevented the retelling of other roundup-related atrocities.<sup>77</sup>

Once at missions, California Indians faced increased confinement after 1790. As Father José Señan of Mission San Buenaventura explained in 1800, “No way do we permit Indians to go wandering around the mountains at will and without permission.”<sup>78</sup> Again, eyewitnesses described forced labor and slavery. Fermín Francisco de Lasuén succeeded Serra as Father President of the California missions and in 1796 himself wrote of Mission San Francisco’s use of “forced labor.”<sup>79</sup> In 1806, the Russian official Nicolay Rezanov reported: “[T]he missionaries in California have completely enslaved their neophytes.”<sup>80</sup> In 1824, the Russian sea captain Otto von Kotzebue—who visited multiple California missions—specified: “The fate of these so called Christian Indians is not preferable even to that of negro slaves.”<sup>81</sup> Two years later, the explorer Harrison Rogers wrote of Mission San Gabriel Indians, “They are Kept in great fear, for the least offence they are corrected, they are complete slaves in every sense of the word.”<sup>82</sup> James Pattie reported visiting fifteen missions, from San Diego to San Juan Bautista, and in 1831 insisted: “No bondage can be more complete, than that under which they live.”<sup>83</sup> By 1835, the Scottish merchant Alexander Forbes concluded: “the Missionaries . . . have transformed the aborigines . . . into . . . slaves.”<sup>84</sup> Few written eyewitness California Indian accounts of the missions exist, but in 1877 the Costanoan man Lorenzo Asisara emphasized that at early nineteenth-century

77. José Antonio Águila in Frank F. Latta, *Handbook of Yokuts Indians* (2nd edition, Santa Cruz, Calif.: Bear State Books, 1977), 133, 135, 136, 151.

78. José Señan in Duggan, “Financing for California Missions Before and After 1810,” 27.

79. Kenneally, *Writings of Fermín Francisco de Lasuén*, 1:407.

80. Nicolay Rezanov in Gibson, *California through Russian Eyes, 1806–1848*, 1:67.

81. Otto von Kotzebue, *A New Voyage Round the World, in the Years 1823, 24, 25, and 26* (2 vols., London: H. Colburn & R. Bentley, 1830), 2:79.

82. Harrison G. Rogers Journal, November 1826–January 1827, William Henry Ashley Collection, Missouri History Museum Archives, St. Louis, Missouri, December 2, 1826.

83. Flint, *Personal Narrative of James O. Pattie . . .*, 211–16, 235, 237.

84. Alexander Forbes, *California: A History of Upper and Lower California from their First Discovery . . .* (London: Smith, Elder and Co. Cornhill, 1839), 231.

Mission Santa Cruz, “The Spanish priests were very cruel with the Indians: they mistreated them a lot, they kept them poorly fed, ill clothed, and they made them work like slaves.”<sup>85</sup>

The missions’ spatial confinement provided a crucial labor force ensnared by a system that increasingly resembled penal servitude. Whether paid or unpaid, California Indians were instrumental in expanding Spanish colonization. By 1805, some twenty thousand California Indians, living in nineteen missions, provided the bulk of the labor needed to harvest nearly 60,000 fanegas of barley, corn, and wheat. They were also crucial to managing more than 800 pigs, 1,000 mules, 21,000 horses, 95,000 cattle, and 135,000 sheep.<sup>86</sup> The spatial confinement of California Indians remained vital to ensuring Spanish access to their indispensable labor.

Like eighteenth-century observers, nineteenth-century eyewitnesses emphasized *monjeríos*’ prisonlike qualities. In 1824, von Kotzebue visited Mission Santa Clara and wrote that its *monjerío*, “having no windows on the outside, and only one carefully secured door, resembled a prison for state-criminals.” He added, “These dungeons are opened two or three times a-day, but only to allow the prisoners to pass to and from the church. I have occasionally seen the poor girls rushing out eagerly to breathe the fresh air, and driven immediately into the church like a flock of sheep, by an old ragged Spaniard armed with a stick.”<sup>87</sup> Following his 1829 visit to Mission San Luis Rey, Pattie wrote that its Franciscan “rulers” held “all [females], whose husbands are absent, and all young women and girls above nine years of age” overnight “under lock and key.”<sup>88</sup>

*Monjeríos* could also be places of punishment. Former Mission San Gabriel housekeeper Eulalia Pérez recollected that unmarried California Indian females caught outside of the mission after curfew would be “locked up” in the *monjerío*.<sup>89</sup> Sending women and girls to these locked dormitories was a form of chastisement given the confinement, tight quarters, lack of airflow, and often poor sanitation.<sup>90</sup> They could also conceal sites of corporal punishment. In 1800, Father Estevan Tapís reported the flogging, shackles, and

85. Lorenzo Asisara in Gregorio Mora-Torres, ed. and trans., *California Voices: The Oral Memoirs of José María Amador and Lorenzo Asisara* (Denton: University of North Texas Press, 2005), 95.

86. Robert Archibald, *The Economic Aspects of the California Missions* (Washington, D.C.: Academy of American Franciscan History, 1978), 167, 179–81.

87. Von Kotzebue, *New Voyage Round the World, in the Years 1823, 24, 25, and 26*, 2:94–95.

88. Flint, *Personal Narrative of James O. Pattie . . .*, 212–13.

89. Eulalia Pérez in Sánchez, *Telling Identities*, 86.

90. Cook, “Conflict between the California Indian and White Civilization, I,” 90.



FIGURE 3. In the foreground, a mounted overseer carrying a whip or lance marches ten California Indians north toward San Francisco Bay. To the left, another overseer on horseback drives three California Indians south. Louis Choris, “Vue du Presidio s.<sup>n</sup> Francisco [View of San Francisco Presidio],” lithograph, c. 1815. Courtesy of the Bancroft Library, University of California, Berkeley.

“days in the stocks” to which authorities subjected females in Mission Santa Bárbara’s *monjerío*.<sup>91</sup>

Like other carceral spaces, nineteenth-century *monjeríos* could also be sites of sexual exploitation and assault. In 1836, the New Englander Faxon Dean Atherton spent the night at Mission San José and later recollected how “All the young girls of the Mision [sic] are kept locked up nights by themselves,” presumably in the *monjerío*. There, “They are under the charge of a man who is called an Alcalde, but I found that he knew the value of a 4 real piece and understood what he received it for. There are some pretty fair girls amongst them, and what is more, devilish neat and clean. The large ovens for baking they have here are fine handy things.”<sup>92</sup> Some time between 1912 and 1915, the Chumash man Kitsepawit, or Fernando Librado, described the routine rape of females at Mission San Buenaventura as recounted by Woqoch, or Old Lucas, who had been the Indian sacristan there: “They took all the best-looking Indian girls . . . and they put them in the nunnery [*monjerío*]; the priest had an appointed hour to go there. When he got to the nunnery, all were in bed in the big dormitory. The priest would pass by the bed of the superior [*maestra*] and tap her on the shoulder, and she would commence singing. All of the girls would join in, which . . . had the effect of drowning out any other sounds.” Then, “While the singing was going on, the priest would have time to select the girl he wanted [and] carry out his desires.” According to Woqoch, “In this way the priest had sex with all of them, from the superior all the way down the line . . . The priest’s will was law.”<sup>93</sup>

To enforce their will, Franciscans increasingly surveilled and regimented California mission life, often using violence to compel compliance. In 1794, one missionary insisted: “They must be treated like schoolchildren, who are governed showing them bread in one hand and whips in the other.”<sup>94</sup> Witnesses described such policies in practice. The British Navy captain

91. Estevan Tapís in Virginia Marie Bouvier, *Women and the Conquest of California, 1542–1840: Codes of Silence* (Tucson: University of Arizona Press, 2001), 96.

92. Doyce B. Nunis, ed., *The California Diary of Faxon Dean Atherton, 1836–1839* (San Francisco: California Historical Society, 1964), 9–10.

93. Woqoch summarized by Fernando Librado in Fernando Librado, John Harrington, and Travis Hudson, *Breath of the Sun: Life in Early California as Told by a Chumash Indian Fernando Librado to John P. Harrington* (Banning, Calif.: Malki Museum Press, 1979), 52–53. In 1831, James O. Pattie observed of the missions: “The priests are omnipotent, and all things are subject to their power.” Flint, *Personal Narrative of James O. Pattie* . . . , 237.

94. Luis de Sales in Claudio Saunt, “‘My Medicine Is Punishment’: A Case of Torture in Early California, 1775–1776,” *Ethnohistory* 57 (2010): 685.

Frederick Beechey visited Mission San José in 1826 and later wrote that after morning and evening bells tolled, overseers “went round to the huts, to see if all the Indians were at church, and if they found any loitering within them, they exercised with tolerable freedom a long lash with a broad thong at the end of it.” Once at services, overseers stood “with whips, canes, and goads, to preserve silence and maintain order, and . . . to keep the congregation in their kneeling posture.” Finally, “The end of the church was occupied by a guard of soldiers under arms, with fixed bayonets.” Unsurprisingly, “The congregation was very attentive.”<sup>95</sup> Even Engelhardt conceded: “the friars drew up what might be called police regulations for the transgression of which certain punishments were meted out.”<sup>96</sup>

Coercive regimentation also structured some nineteenth-century California mission labor. Pattie described Mission San Luis Rey overseers in 1829 as “very rigid in exacting the performance of the allotted tasks, applying the rod to those who fell short of the portion of the labor assigned them.”<sup>97</sup> In about 1835, the Luiseño Indian man Pablo Tac wrote of San Luis Rey Mission Indians laboring under conditions reminiscent of penal servitude. Franciscans first gave orders to rod-wielding overseers who distributed work assignments. “[A] Spanish majordomo and others” then accompanied the laborers “to see how the work is done, to hurry them if they are lazy, so they will soon finish what was ordered, and to punish the guilty or lazy one.”<sup>98</sup>

Surveillance helped Franciscans to enforce control and extended into the most intimate spaces. Asisara recollected how Mission Santa Cruz Father Ramon Olbés, who monitored human reproduction there, responded to one couple’s childlessness by ordering them to copulate in front of him. The husband refused. Olbés then insisted on inspecting the man’s penis “in order to affirm that he had it in good working order.” Olbés next asked the wife “if her husband slept with her, and she answered . . . yes.” Olbés then queried “why don’t you bear children? ‘Who knows!’ answered the Indian woman. He [then attempted] to examine her private parts.” She resisted. In response, Olbés had her whipped, shackled, and locked in the *monjerío*. He also forced

95. F.W. Beechey, *Narrative of a Voyage to the Pacific and Beering’s Strait . . . in the Years 1825, 26, 27, 28* (2 vols., London: Henry Colburn and Richard Bentley, 1831), 2:31–32.

96. Engelhardt, *Missions and Missionaries of California*, 2:1:275.

97. Flint, *Personal Narrative of James O. Pattie* . . . , 213.

98. Pablo Tac, Minna and Gordon Hewes, ed. and trans., “Indian Life and Customs at Mission San Luis Rey: A Record of California Mission Life Written by Pablo Tac, an Indian Neophyte (Rome, ca. 1835),” *Americas* 9 (1952): 99.

her to carry a wooden doll and publicly “wear cattle horns affixed with leather.” Olbés likewise had her husband shackled, locked up, and made to wear horns.<sup>99</sup> Such actions were not altogether inconsistent with Franciscan policies. Certain confessional manuals instructed missionaries to ask detailed questions about California Indians’ sexual practices and even their related dreams and thoughts.<sup>100</sup> Franciscans then disciplined perceived infractions.<sup>101</sup>

Despite gross abuses of power, California mission fathers still ostensibly sought to morally transform their wards. In 1801, Father President Lasuén declared: “Here then, we have the greatest problem of the missionary: how to transform a savage race such as these into a society that is human, Christian, civil, and industrious.” He insisted, “This can be accomplished only by denaturalizing him.” Lasuén added, “Here are aborigines whom we are teaching to be men, people of vicious and ferocious habits who know no law but force.”<sup>102</sup> Like many prison wardens, Lasuén relied upon force to help compel this transformation.

Floggings, in particular, seem to have increased in frequency and severity after 1790. In 1811, the Kumeyaay cook Nazario received 124 lashes in twenty-four hours at Mission San Diego.<sup>103</sup> The following year, Mission Santa Cruz Indians killed Father Andrés Quintana in retaliation for what the Costanoan man Venancio Asar recollected, in 1818, as the padre’s floggings with an iron-tipped horsewhip that cut into victims’ buttocks.<sup>104</sup> In 1878, the fifty-four-year-old Julio César, likely a Luiseño man, recollected of his youth at Mission San Luis Rey: “When I was a boy the treatment given to the Indians at the mission was not at all good.” He noted, “flogging for any fault, however slight” and emphasized, “We were at the mercy of the administrator, who ordered us to be flogged whenever and however he took a notion.”<sup>105</sup> Asisara also recalled whippings: “The Indians at [Santa Cruz] mission were very severely treated by the padres, often punished by fifty lashes on the bare back”

99. Asisara in Mora-Torres, *California Voices*, 125.

100. Brian T. McCormack, “Conjugal Violence, Sex, Sin, and Murder in the Mission Communities of Alta California,” *Journal of the History of Sexuality* 16 (2007): 395, 397, 399.

101. Albert Hurtado, “Sexuality in California’s Franciscan Missions: Cultural Perceptions and Sad Realities,” *California History* 71 (1992): 379.

102. Kenneally, *Writings of Fermín Francisco de Lasuén*, 2:202, 220.

103. Bancroft, *Works of Hubert Howe Bancroft*, 19:345.

104. Venancio Asar summarized by Lorenzo Asisara, in Edward D. Castillo, ed. and trans., “The Assassination of Padre Andrés Quintana by the Indians of Mission Santa Cruz in 1812: The Narrative of Lorenzo Asisara,” *California History* 68 (1989): 120–21.

105. Julio César, “Recollections of My Youth at San Luis Rey Mission,” ed. and trans. Nellie Van de Grift Sanchez, *Touring Topics* 22 (1930): 42.

with a whip “made of rawhide.” Moreover, “any disobedience or infraction” could bring down “the lash without mercy [on] the women the same as the men.” Thus, “We were always trembling with fear of the lash.”<sup>106</sup> Whippings could be used to discipline, control, and punish.

When California Indians resisted by attacking missionaries, floggings were sometimes severe. In 1805, an Indian named Hilário threw a rock at a San Diego missionary. In response, Governor José Joaquín de Arrillaga ordered Hilário “kept in prison, where on nine successive feast days . . . he shall be given twenty-five lashes. On the other nine Sundays he shall be given thirty-five or forty stripes.”<sup>107</sup> The *novenario*—twenty-five lashes per day for nine consecutive days—was an institution at Mission San Diego.<sup>108</sup> Whippings in response to attacks on friars could also be severe elsewhere. In 1816, the Viceroy of New Spain sentenced father Quintana’s alleged murderers at Mission Santa Cruz “to two hundred lashes and from six to ten years of hard labor in chains.”<sup>109</sup>

Franciscan fathers rarely critiqued the officially sanctioned physical restraint or corporal punishment of California mission Indians. Yet, in 1798, a former Mission San Miguel padre reported to the Viceroy: “The manner in which the Indians are treated is by far more cruel than anything I have ever read about.” He explained, “For any reason, however insignificant it may be, they are severely and cruelly whipped, placed in shackles, or put in the stocks for days on end without receiving even a drop of water.”<sup>110</sup> Despite a subsequent official investigation, in 1805 the Viceroy declared the padre’s accusations “groundless.”<sup>111</sup> Physical restraint and corporal punishment in California missions continued.

The repertoire of constraints and punishments varied. During his 1829 visit to Mission San Luis Rey, Pattie “saw women in irons for misconduct, and men in the stocks.”<sup>112</sup> Pérez recollected that at Mission San Gabriel,

The punishments that were imposed were the stocks and confinement to a cell. When the crime was serious, they would take the delinquent to the

106. Asisara in E.S. Harrison, *History of Santa Cruz County, California* (San Francisco: Pacific Press Pub. Co., 1892), 46, 47.

107. José Joaquín de Arrillaga in Zephyrin Engelhardt, *San Diego Mission* (San Francisco: The James H. Barry Company, 1920), 154–55.

108. Bancroft, *Works of Hubert Howe Bancroft*, 18:593.

109. Hackel, *Children of Coyote, Missionaries of Saint Francis*, 341.

110. Fr. Antonio de la Concepción [Horra] in Rose Marie Beebe and Robert M. Senkewicz, *Lands of Promise and Despair: Chronicles of Early California, 1535–1846* (Berkeley: Heyday Books, 2001), 272.

111. Viceroy in *Ibid.*, 271.

112. Flint, *Personal Narrative of James O. Pattie . . .*, 212–13.



guardhouse. There, they would tie him to a cannon or to a post and whip him twenty-five times or more. . . . Sometimes they would put them in the stocks head first. Other times they would put a shotgun behind their knees and tie their hands to the gun. This punishment was called *Ley de Bayona*. It was very painful.<sup>113</sup>

The apparent ubiquity of corporal punishment underscored the missions' carceral nature.

Official executions remained rare, but the missions did become increasingly lethal after 1790. Between 1790 and 1799, Franciscans officially baptized 14,030 California Indians and buried 8,089.<sup>114</sup> The death toll then increased rapidly. Between 1800 and 1834, some 60,987 California Indians reportedly received baptism while at least 51,956 died in the missions.<sup>115</sup>

Rising numbers of California mission Indians attempted to escape as the missions became more carceral and deadly. Perhaps four thousand escaped in 1817 alone.<sup>116</sup> Captain Beechey explained, "after they became acquainted with the nature of the institution and felt themselves under restraint, many absconded."<sup>117</sup> Reid wrote of Mission San Gabriel, "Indians of course deserted. Who would not have deserted!"<sup>118</sup> In total, historians have estimated that between 5 and 10 percent of all baptized California mission Indians ran away.<sup>119</sup> In escaping, California Indians established an enduring tradition of resisting first Spanish, then Mexican, and later forms of incarceration under United States rule.

113. Pérez in Beebe and Senkewicz, *Testimonios*, 109.

114. The 14,030 figure is the result of subtracting the cumulative number of baptisms provided in Lasuén for 1769–1790 (12,877) from the cumulative total for 1769–1799 (26,907). The 8,089 figure is the result of subtracting the cumulative total number of deaths provided in Lasuén for 1769–1790 (4,780) from the cumulative total for 1769–1799 (12,869). Kenneally, *Writings of Fermín Francisco de Lasuén*, 2:402, 420. Note: there is no report for 1789 in this book.

115. The 51,956 figure is conservative and is the result of subtracting the adjusted total number of deaths provided in Lasuén for 1769–1800 (14,144) from the total provided by Zephyrin Engelhardt for 1769–1834 (66,100). The number of baptisms is the result of subtracting the total number of baptisms reported in Lasuén for 1769–1800 (28,813) from the total provided by Engelhardt for 1769–1834 (89,800). See Kenneally, *Writings of Fermín Francisco de Lasuén*, 2:422 and Engelhardt, *The Missions and Missionaries of California*, 3:2:653.

116. Sherburne F. Cook estimated 4,060 "based on 3,205 for 15 missions" in Cook, "Conflict between the California Indian and White Civilization, I," 61.

117. Beechey, *Narrative of a Voyage to the Pacific and Beering's Strait . . . in the Years 1825, 26, 27, 28, 2:23*.

118. Reid in *Los Angeles Star*, June 26, 1852, 2.

119. Hackel, *Children of Coyote, Missionaries of Saint Francis*, 95.



FIGURE 4. This drawing illustrates how Rumsen or Costanoan archers would defend their community from a charging Spanish dragoon. Tomás de Suria, “Modo de pelear de los Yndios de Californias [Mode of combat of the Indians of the Californias],” pencil drawing, 1791. *Courtesy of Archivo del Museo Naval, Madrid, Spain.*

In response to the rising number of escapees, the state supported increasingly violent recapture operations. In 1797, Spanish soldiers attacked a group of escapees and non-mission Indians, killing seven and capturing eighty-three.<sup>120</sup> Three years later, Sergeant Pedro Amador killed a chief during a recapture and round-up operation.<sup>121</sup> In 1804, Father Estevan Tapís reported, “fugitives are increasing and the only remedy is an immediate increase of military force.”<sup>122</sup> Others listened. In 1812, an expedition from missions San Francisco and San José attacked escapees and their allies, leaving “many dead.”<sup>123</sup> In 1829, the Mexican soldier Joaquín Piña recorded how his unit attacked escaped California mission Indians, killing perhaps thirty or more people, including male and female prisoners.<sup>124</sup> The following year, a Mission San Rafael priest ordered some escapees recaptured, enlisting the

120. Bancroft, *Works of Hubert Howe Bancroft*, 18:710–11.

121. *Ibid.*, 18:549.

122. Tapís in Bancroft, *Works of Hubert Howe Bancroft*, 19:26–27.

123. Bancroft, *Works of Hubert Howe Bancroft*, 19:324.

124. De Neve in Randall Milliken, *Ethnogeography and Ethnohistory of the Big Sur District, California State Park System, During the 1770–1810 Time Period*, 56; Joaquín Piña in Beebe and Senkewicz, eds., *Lands of Promise and Despair*, 370–74.

assistance of trappers from the United States. According to participant Kit Carson, “The Indians were routed, lost a great number of men. We entered the village in triumph, set fire to it and burned it to the ground.” Finally, “We turned over our Indians to those from whom they had deserted.”<sup>125</sup>

Punishments for recaptured escapees also seem to have intensified after 1790. In 1797, California Governor Diego de Borica sentenced nine recaptured escapees to twenty-five to seventy-five lashes each and up to two years of work in shackles at San Francisco’s Presidio.<sup>126</sup> Three years later, Father Tápís explained that if a Santa Bárbara Mission Indian—“a man, a boy, or a woman”—ran away more than once, “he is chastised with the lash or with the stocks. If this is not sufficient . . . he is made to feel the shackles, which he must wear three days while at work.”<sup>127</sup> In 1824, von Kotzebue observed that soldiers “generally hunt [escapees] from their place of refuge, and bring them back to undergo the severe punishment their transgression has incurred.”<sup>128</sup> As Reid recollected of Southern California mission escapees, “If they proceeded to other missions, they were picked up immediately, flogged and put in irons until an opportunity presented of returning them to undergo other flagelations [sic],” while “If they stowed themselves away in any of the rancherias, the soldiers were monthly in the habit of visiting them; and such was the punishment inflicted on those who attempted to conceal them that it rarely was assayed.”<sup>129</sup> Still, California mission Indians continued to defy Franciscans and their allies by escaping.

In 1831, Beechey summarized official reactions to mission escapees: “the services of the Indian, for life, belong to the mission, and if any neophyte should . . . desert, an armed force is sent in pursuit of him, and drags him back to punishment.”<sup>130</sup> In addition to running away from the missions, California Indians also organized mass resistance movements to preserve their freedom, cultures, sovereignty, and lands.

Mission uprisings and Indigenous resistance to invasion increased in frequency, duration, intensity, and geographic range as mission conditions

125. Blanche C. Grant, ed., *Kit Carson’s Own Story of His Life, As Dictated to Col. and Mrs. D.C. Peters about 1856–1857, and Never before Published* (Taos: Santa Fe New Mexican Publishing, 1926), 16.

126. Bancroft, *Works of Hubert Howe Bancroft*, 18:710–11.

127. Tápís in Zephyrin Engelhardt, *Santa Barbara Mission* (San Francisco: The James H. Barry Company, 1923), 80.

128. Von Kotzebue, *New Voyage Round the World, in the Years 1823, 24, 25, and 26*, 97.

129. Reid in *Los Angeles Star*, June 26, 1852, 2.

130. Beechey, *Narrative of a Voyage to the Pacific and Beering’s Strait . . . in the Years 1825, 26, 27, 28*, 2:19.

deteriorated. From 1820 to 1823, a former San Rafael Mission Indian named Pomponio, likely a Coast Miwok man, led other escapees in raiding missions around the San Francisco Bay Area.<sup>131</sup> In 1824, the Chumash launched the largest California mission uprising. It involved people at missions Santa Inés, La Purísima, and Santa Bárbara. Chumash people burned buildings, killed non-Indians, and held La Purísima for almost a month while many fled to the interior and possibly to Santa Cruz Island, some permanently.<sup>132</sup> Four years later, large numbers of California Indians escaped missions San José, San Juan Bautista, and Santa Cruz.<sup>133</sup> The Yokuts man Estanislao, born at Mission San José, then led a major uprising, holding off multiple Mexican military expeditions before suffering defeat in 1829.<sup>134</sup> By repeatedly burning buildings, killing Spaniards, Mexicans, and their allies, and fleeing in large numbers, California Indians established a tradition of resistance to incarceration and helped to pave the way for their own emancipation.

Mexico won independence from Spain in 1821 and made all Indians citizens, creating the basis for the legal emancipation of California mission Indians under Mexican law.<sup>135</sup> In 1826, California Governor José María de Echeandía allowed potentially self-supporting and married or adult California mission Indians to request emancipation, “provided they had been Christians from childhood, or for fifteen years.”<sup>136</sup> Some California mission Indians promptly began petitioning for “freedom,” but officials did not always grant such requests.<sup>137</sup> California Governor José Figueroa then issued “Provisional Preparations for the Emancipation of Mission Indians” in 1833 and the Mexican Congress secularized California’s missions.<sup>138</sup> Figueroa

131. Alan K. Brown, “Pomponio’s World,” *Argonaut* 6 (1975): 1–20.

132. James A. Sandos, “Lavantamiento!: The 1824 Chumash Uprising Reconsidered,” *Southern California Quarterly* 67 (1985): 109–33; Dee Travis Hudson, “Chumash Canoes of Mission Santa Bárbara: the Revolt of 1824,” *The Journal of California Anthropology* 3 (1976): 4–14.

133. Sandos, *Converting California*, 171.

134. Juan Bojorges in S.F. Cook, “Expeditions to the Interior of California Central Valley, 1820–1840,” *Anthropological Records of the University of California* 20 (1962): 166; Albert Hurtado, *Indian Survival on the California Frontier* (New Haven: Yale University Press, 1988), 43–44; Sandos, *Converting California*, 170–72.

135. Augustin de Iturbide, “Plan of Iguala,” February 24, 1821 in <http://scholarship.rice.edu/jsp/xml/1911/20697/3/aa00005tr.tei.html>

136. José María de Echeandía in Bancroft, *The Works of Hubert Howe Bancroft*, 20:102–3.

137. Lisbeth Haas, *Saints and Citizens: Indigenous Histories of Colonial Missions and Mexican California* (Berkeley: University of California Press, 2014), 141–47.

138. José Figueroa in Bancroft, *Works of Hubert Howe Bancroft*, 20:328, n.50; *Decreto del Congreso Mejicano secularizando los Misiones, 17 de Agosto de 1833* in *Ibid.*, 20:336, n.61.

continued the legal secularization process the following year, thus largely liberating numerous California mission Indians.<sup>139</sup>

For many, secularization presented an opportunity to speak candidly about a system that had, for generations, held them by force. The Chumash man Kitsepawit (Fernando Librado) later explained that at Mission San Buenaventura, “When all the Mission Indians heard the cry of freedom, they said, ‘Now they no longer keep us here by force.’”<sup>140</sup> In 1834, Captain Pablo de la Portilla reported from Mission San Luis Rey: “These Indians will do absolutely no work nor obey my orders.” Instead, “All with one voice would shout, ‘We are free! We do not want to obey! We do not want to work!’”<sup>141</sup> California mission secularization then continued into the mid-1840s.<sup>142</sup>

California’s missions took a terrible toll on Indigenous lives. According to Hackel, “Across the California missions one in three infants did not live to see a first birthday. Four in ten Indian children who survived their first year perished before their fifth [and] Between 10 and 20 percent of adults died each year.”<sup>143</sup> Spanish and Mexican officials knew of the death toll. Yet they maintained and expanded the mission system and its regime of spatial confinement for decades. By December 1834, Franciscans had reportedly baptized some 89,800 California Indians and buried some 66,100.<sup>144</sup>

The total number of baptized California Indians suggests a mass incarceration system. In 1769, perhaps 72,000 California Indians inhabited the coastal zone roughly between San Diego and Mission San Francisco Solano. Subsequent births, recruitment from beyond this territory, and possibly inflated baptismal records made it possible for Franciscans to record nearly 90,000 baptisms. Baptized California Indians then experienced what, especially after 1790, amounted to incarceration under conditions of penal servitude. As late as 1830, Franciscans held some 18,000 California Indians in

139. Figueroa in *Ibid.*, 20342, n.4.

140. Librado, Harrington, and Hudson, *Breath of the Sun*, 91.

141. Pablo de la Portilla in Zephyrin Engelhardt, *San Luis Rey Mission* (San Francisco: The James H. Barry Company, 1921), 96.

142. Robert H. Jackson and Edward Castillo, *Indians, Franciscans, and Spanish Colonization: The Impact of the Mission System on California Indians* (Albuquerque: University of New Mexico Press, 1995), chapter 5; Carlos Emanuel Salomon, *Pio Pico: The Last Governor of Mexican California* (Norman: University of Oklahoma Press, 2010), chapter 4.

143. Hackel, *Junipero Serra*, 238.

144. Engelhardt, *Missions and Missionaries of California*, 3:2:653.

the missions and, according to Cook, “few, if any, unconverted . . . were left in the territory.”<sup>145</sup> If Cook is correct, nearly all surviving California Indians in this coastal zone were incarcerated in 1830 or were escapees. Even if we ignore the depopulation that had occurred after 1769, and the small number of non-Indians now living in the coastal zone to use an undiminished total population figure of 72,000 in 1830, the rate of incarceration within the coastal zone in 1830 would have been roughly 250 per 1,000 residents. By comparison, California’s 2018 incarceration rate was approximately 6 per 1,000 residents, while that of the United States as a whole was roughly 7 out of 1,000.<sup>146</sup> Even these rough numbers suggest that the missions were California’s first experiment in mass incarceration.

Sadly, the Mexican emancipation of mission Indians did not end California’s regimes of spatial containment imposed by force. In 1836, California Governor Mariano Chico imposed an American Indian pass system, ordering “that every Indian, found away from his residence without license from the alcalde, administrator or missionary, should be arrested and sentenced to labor on the public works.”<sup>147</sup> After spending time in California during 1835 and 1836, the New Englander Richard Henry Dana wrote that while the missions had once held California Indians as “their slaves,” secularization had not freed them: “they are virtually slaves, as much as they ever were.”<sup>148</sup> As Phillips insisted, “the secularization of the missions did not free the neophytes but placed them under different management.”<sup>149</sup> According to Native American studies scholar Edward Castillo, by 1840 there were perhaps a dozen large “feudal establishments, each with 20 to several hundred Indians, in all perhaps as many as 4,000.”<sup>150</sup> Historian Albert Hurtado has noted, “In the 1840s Indians were practically the sole source of agricultural labor and whites used every possible means to obtain their services. Slavery, debt peonage, and wage

145. Sherburne F. Cook, “Historical Demography” in Robert F. Heizer, volume ed. and William Sturtevant, series ed., *Handbook of North American Indians, Volume 8: California* (20 vols., Washington, D.C.: Smithsonian Institution, 1978), 8:92.

146. Peter Wagner and Wendy Sawyer, “States of Incarceration: The Global Context 2018,” June, 2018 (<https://www.prisonpolicy.org/global/2018.html>).

147. Theodore Hittell, *History of California* (4 vols., San Francisco: N.J. Stone, 1898), 2:221.

148. Richard Henry Dana, *Two Years Before the Mast: A Personal Narrative of Life at Sea* (New-York: Harper & Brothers, 1840), 209, 210.

149. George Harwood Phillips, *Vineyards & Vaqueros: Indian Labor and the Economic Expansion of Southern California, 1771–1877* (Norman, Okla.: The Arthur H. Clark Company, 2010), 165.

150. Edward D. Castillo, “The Impact of Euro-American Exploration and Settlement,” in Heizer and Sturtevant, *Handbook of North American Indians, Volume 8: California*, 8:105.

labor all had a place in Mexican and Anglo California.”<sup>151</sup> Ranchers and farmers held California Indians in what scholars have defined as “debt peonage,” “seigneurialism,” or a “paternalism . . . similar to that which bound black slaves to white masters.”<sup>152</sup> Meanwhile, Mexican officials reaffirmed the legality of whipping California Indians in 1839 and slave raiders sometimes took them by force.<sup>153</sup> In 1846, as the United States invaded California, the Pomo chief Hallowney told U.S. Navy Lieutenant Joseph Warren Revere, “as if he were spitting some fiery substance from his mouth [that] ‘the Californians . . . hunt us down and steal our children from us to enslave them.’”<sup>154</sup>

Mexican regimes of spatial confinement maintained with force set local precedents upon which U.S. citizens and administrations then seem to have grafted their own carceral systems, even as they undid Mexican rule. The U.S. military officers who governed California under martial law from 1846 to 1850 imposed local and statewide Indian pass systems. Perhaps borrowing from Mexico’s 1836 California Indian pass system, these officers sought to spatially control California Indian movement with passes, punishing violators with incarceration. California state legislators first met in 1850 and that year legalized the whipping of Indians as well as white custody of Indian minors and Indian prisoner leasing. In 1860, they legalized the “indenture” of “any Indian.”<sup>155</sup> Thus, between 1850 and 1863 alone some twenty thousand California Indians became unfree laborers.<sup>156</sup> Kidnappers took many by force

151. Paul Finkelman, “The Law of Slavery and Freedom in California,” *California Western Law Review* 17 (1981): 438; Tomás Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (2nd ed., Berkeley: University of California Press, 2009), 48; Hurtado, *Indian Survival on the California Frontier*, 211.

152. David Weber, *The Mexican Frontier, 1821–1846: The American Southwest under Mexico* (Albuquerque: University of New Mexico Press, 1982), 211; Monroy, *Thrown Among Strangers*, 100–3; Almaguer, *Racial Fault Lines*, 49–50.

153. Haas, *Saints and Citizens*, 165. William Heath Davis recollected, “At the Mission of San Jose in 1839, I saw an Indian whipped on the bare back, for some offense.” See Davis, *Sixty Years in California*, 335.

154. Revere and Hallowney in Joseph Warren Revere, *A Tour of Duty in California . . . and the Principal Events Attending the Conquest of the Californias*, ed. Joseph N. Balestier (New York: C.S. Francis, 1849), 130, 134, 132.

155. Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe, 1846–1873* (New Haven: Yale University Press, 2016), 146–49, 158–59, 286–87.

156. Robert F. Heizer, “Indian Servitude in California,” in Wilcomb Washburn, volume ed., William Sturtevant, series ed., *Handbook of North American Indians, History of Indian-White Relations*, (20 vols., Washington, D.C.: Smithsonian Institution, 1988), 4:415. For a recent study of California Indian servitude under U.S. rule, see Benjamin Madley, “‘Unholy Traffic in Human Blood and Souls’: Systems of California Indian Servitude under U.S. Rule,” *Pacific Historical Review* 83 (2014): 626–67.

and unfree California Indians faced dire repercussions—including torture, death, and the massacre of their communities—if they escaped. The state began to dismantle elements of this system—such as most legalized forms of bondage—only during and after the U.S. Civil War.<sup>157</sup>

Meanwhile, California established new jails and prisons. On February 1, 1850, San Francisco began holding prisoners in a new, large-scale facility: the *Euphemia*, a floating prison hulk moored just off the city docks.<sup>158</sup> The following year, the bark *Waban* became a state prison ship, its 40-odd inmates quickly growing to perhaps 150 or more. Officials employed these prisoners to quarry stone and build California's first new terrestrial state prison under U.S. rule: San Quentin.<sup>159</sup> Administrators also put inmates to work on a variety of maintenance, expansion, and moneymaking ventures while using the lash to enforce control.<sup>160</sup> It was a familiar pattern of penal servitude.

## CONCLUSION

This preliminary study suggests that Franciscans and their military allies operated California missions in ways that resemble carceral institutions in general and penal servitude in particular. With the help of government authorities, they created a legal system that sanctioned the confinement and physical punishment of baptized California Indians. They surveilled and regimented them. They physically restrained them using shackles, stocks, ropes, and locked buildings. They facilitated sexual violence. They employed corporal punishment to control behavior and violently punished escapees. All of this they did in the name of a reform program that aimed to transform California Indians into Catholic workers, the unfree bodies upon which they depended to build and maintain their colonial project. California Indians, meanwhile, resisted in some of the ways that prisoners have elsewhere: escaping, attacking their captors, and rising against them.

Reinterpreting California missions through a carceral lens sharpens how we understand their contested nature while potentially complicating the historiography of penal culture in California and the United States. This

157. Madley, *American Genocide*, 332–33.

158. James P. Delgado, “Gold Rush Jail: The Prison Ship ‘Euphemia,’” *California History*, 60 (1981): 138.

159. *Daily Alta California*, December 20, 1851, 2; Shelley Bookspan, *A Germ of Goodness: The California State Prison System, 1851–1944* (Lincoln: University of Nebraska Press, 1991), 3.

160. William B. Secrest, *Behind San Quentin's Walls: The History of California's Legendary Prison and Its Inmates, 1851–1900* (Fresno, Calif.: Craven Street Books, 2015), chapters 1, 2, and 3.



is particularly true given ongoing debates in the wake of Serra's contested 2015 canonization by the Roman Catholic Church. If Franciscans and their military allies held California Indians by force, California missions—so often rendered in sugar cubes by California fourth graders—become a more bitter aspect of history.<sup>161</sup> Exposing the missions' carceral policies and their consequences helps to peel away the colorful camouflage of California's Spanish fantasy history, a mythology still rehearsed today, to reveal a darker past.<sup>162</sup> Understanding the missions as places of mass incarceration and penal servitude also increases Franciscan, military, and government officials' responsibility for the mass death that occurred within them.

More work needs to be done in order to better map the contours of California missions as carceral spaces, including detailed case studies that analyze policies and their implementation at particular missions as well as how different California Indian communities responded. Fortunately, such studies are being written. In her 2017 book, *City of Inmates*, historian Kelly Lytle Hernández examined Mission San Gabriel as Los Angeles's "first experiment in human caging."<sup>163</sup> She thus provided a case study exploring connections between California's colonial past and its long practice of incarceration.

Additional research is also needed on the potential relationship between the missions and other systems of incarceration in California. Similarities exist between the ways in which Spaniards, Mexicans, and U.S. citizens confined California Indians. Yet the possible vectors that may have transmitted these practices from the missions to Mexican institutions to California under U.S. rule, as well as their potential reception and modification, remain to be explored. More empirical data is necessary in order to evaluate these potential legacies. How the missions shaped California's modern jails, prisons, and other carceral spaces, if at all, remains to be determined. Research on these possible connections may shed new light on the history of mass incarceration in California.

161. Historian Zevi Gutfreund noted that the still-popular fourth-grade model mission building assignment "has left generations of California children with the impression that the missions were idyllic sanctuaries." See Zevi Gutfreund, "Standing Up to Sugar Cubes: The Contest over Ethnic Identity in California's Fourth-Grade Mission Curriculum," *Southern California Quarterly* 92 (2010): 163.

162. For a recent critique of the romantic California mission narrative, see Michelle M. Lorimer, *Resurrecting the Past: The California Mission Myth* (Pechanga, Calif.: Great Oak Press, 2016).

163. Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017), 25.

As importantly, understanding California's eighteenth- and nineteenth-century missions as sites of incarceration suggests the need to explore how other colonial-era carceral systems may have contributed to the evolution of local penal institutions as well as the long history of incarceration in the United States as a whole.<sup>164</sup> Mass incarceration in the United States has many antecedents, but California missions should not be overlooked. The resemblance between California missions and modern penal institutions suggests an echo worthy of a further hearing. ■

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The author teaches in the history department and American Indian studies program at the University of California, Los Angeles. He is currently a fellow at the Swedish Collegium for Advanced Study.

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164. For a long study of incarceration in the United States, see Rebecca M. McLennan, *The Crisis of Imprisonment: Protest, Politics, and the Making of the American Penal State, 1776–1941* (Cambridge: Cambridge University Press, 2008).