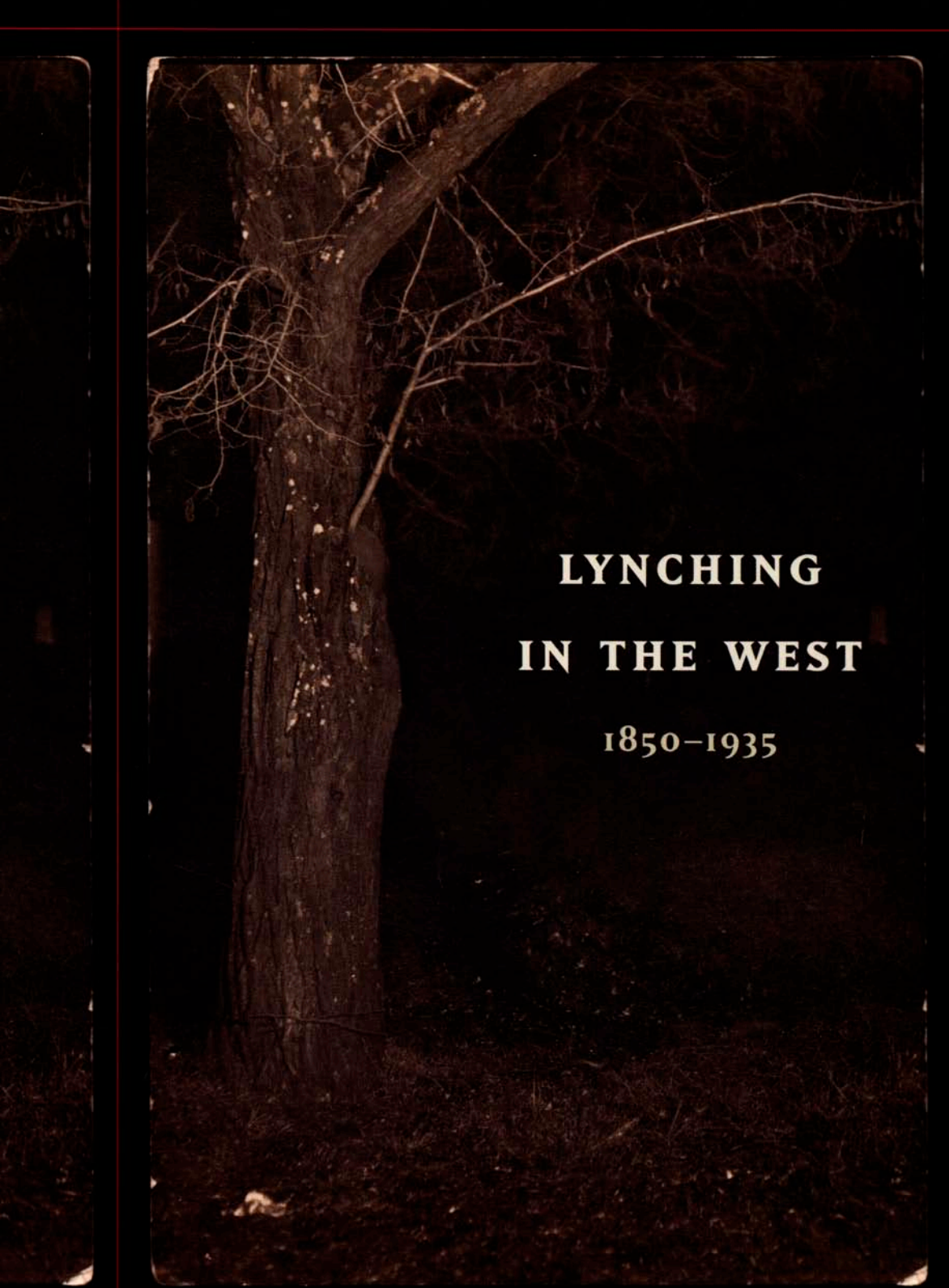

# LYNCHING IN THE WEST

1850–1935

KEN GONZALES-DAY

*A John Hope Franklin Center Book*

# LYNCHING IN THE WEST: 1850–1935

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Ken Gonzales-Day

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# CONTENTS

*Illustrations ix*

*Acknowledgments xi*

INTRODUCTION Searching for California's Hang Trees 1

ONE Counting the Dead: Frontier Justice and the Antilynching Movement 23

TWO The Greatest Good: Capital Punishment or Popular Justice? 63

THREE In the Shadow of Photography: Copy Prints in the Archive 93

FOUR Signifying Bodies: Unblushing and Monstrous 133

FIVE The Wonder Gaze 173

CONCLUSION 201

*Appendix 1 Case List of Lynchings and Summary Executions 205*

*Appendix 2 Selected List of Legal and Military Executions 229*

*Appendix 3 Pardons, 1849–59 237*

*Notes 239*

*Bibliography 275*

*Index 287*

# ILLUSTRATIONS

UNNUMBERED ILLUSTRATIONS

"Franklin Avenue (1920)" *frontispiece*
"Erased Lynching (c. 1910–15)" 21
"Erased Lynching (1933)" 62

FIGURES

Map of California Counties xiv
1. "Historical Marker #141" 15
2. "Aqua Fria Road" 17
3. " 'Judge Lynch,' California Vigilantes, 1848" 41
4. "Stop Lynching: N.A.A.C.P. Legal Defense Fund" 46
5. "A Murderer Lynched by Californian Emigrants" 49
6. "John and Charles Ruggles" 51
7. "Execution of James P. Casey and Charles Cora" 52
8. "The capture of the 'Law and Order' armory" 53
9. Lynching of John Heath by the Bisbee Mob in Tombstone, Arizona 55
10. "The Solograph Flash Pistol" 58
11. "Unidentified Execution" 74
12. "Unidentified Execution" 74
13. "Unidentified Execution" 74
14. "Admission Day Celebration" 78
15. "Scene of the Chinese Riot" 81

16. "And he went for that heathen Chinee" 82
17. "Seal of the San Francisco Vigilance Committee," 1856–57 89
18. "Man with Top Hat at Summary Execution" 90
19. "The tree in Santa Rosa Cemetery" 106
20. "Breaking down the Door" 109
21. "The Stripped Body of Jack Holmes" 110
22. "Reginaldo Francisco del Valle and Family" 121
23. "Josepha del Valle" 122
24. "Boy with Monkey" 145
25. "Peon de Ladrillera, Mexico" 153
26. "Girl with Spots" 159
27. "The Miner's Ten Commandments" 163
28. "Elephant" 164
29. "Contours of Foreheads" or "Physiognomical Lines" 165
30. "Execution of José Forner" 166
31. "The head of Joaquin" 179
32. "Head of Joaquin Murrieta" 182
33. "A New Rule in Algebra" 185
34. "Hanging of the Mexican Woman" 186
35. "Execution Scene in Los Angeles by the Vigillance Committee" 192

COLOR PLATES *after page 114*

Plate 1. "Execution of Josh the Nigger"
Plate 2. "Adios Amigos!"
Plate 3. "Lynching of Null, Stemler, Moreno, and Johnson"
Plate 4. "Hanged at the Water Street Bridge"
Plate 5. "1920 Santa Rosa: S.F. gang came to Santa Rosa"
Plate 6. ". . . der Wild West Show"
Plate 7. "del Valle family group"
Plate 8. "Rodolfo Silvas"
Plate 9. "Tiburcio Vasquez"
Plate 10. "Abraham Lincoln"
Plate 11. "Joaquín Murrieta"
Plate 12. "La Chola Martina"
Plate 13. "Santa Rosa Cemetery"
Plate 14. "Next Morning When Jimmy Awoke, the Cowboys Were Gone"
Plate 15. "Run Up"
Plate 16. "With None But the Omnipresent Stars to Witness"

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Los Angeles, January 5, 2006.

# LYNCHING IN THE WEST: 1850–1935

Map of California Counties. Courtesy of California State Association of Counties, Sacramento, California.

> The hang tree's leaves twinkled as merrily as those of other trees; its massed foliage held the same sunny gleams and cool shadows; it crooned the same lullabies when the breeze stirred its branches. But men who admired its beauty, crossed the street to avoid walking beneath its haunted shade.
>
> —Walter Noble Burns, *The Robin Hood of El Dorado*

# INTRODUCTION

## Searching for California's Hang Trees

### SLOW CIRCLES

I exited Union Station in downtown Los Angeles and began walking south. I was traveling to the intersection of Alameda and Aliso streets—barely a block away. To get there I would have to take one of several streets that extended over the freeway. This particular stretch of freeway had been carved out of one of the oldest parts of the city when urban planners decided that running a multilane highway through a few blocks of crumbling adobe buildings could serve two purposes: lead visitors through town and shield them from an unsightly past. But like an old wound, it still scars the landscape, forming an artificial barrier between Los Angeles's raucous past and its sprawling present.

Eighteen-wheelers hummed and hissed their way through the slow traffic below me—modern day woolly mammoths trapped in rush hour tar pits. Once across the freeway, I realized that I was standing at the very intersection I had been searching for. I walked in slow circles and squinted helplessly at

the bleached gray asphalt, vaguely aware of how random my actions might appear to those passing by—but I could see no one.

I knew *he* wouldn't be there. I had gone to see, to witness his absence, as I had done for a hundred others, in a hundred places. What did I expect to see? The broken circle of blood-soaked dirt that would have formed beneath his feet as the wind pushed his body in slow circles? No, there was nothing to see, no clues to what had happened here. Perhaps it was the saccharine smell of hot tar, smoldering brake pads, and diesel fumes that was making me nauseous, but I had to leave.

## AN ORDINARY CASE

It was just weeks before the great deluge that would define the winter of 1861–62, a year when the Los Angeles River would overflow its banks and store owners like Mr. Meyer or the Hellman brothers would face ruin as adobe walls melted under torrential rains.[1] On October 17, Mrs. Leck, or Frau Leck as she was sometimes called, was working in the small shop that she and her husband owned in downtown Los Angeles when she was brutally stabbed and robbed.[2]

According to one account there were no witnesses; another suggested that her young children may have been present in the store during the heinous crime. People began to assemble in front of the small storefront after she was discovered. Word spread through the crowd that a suspect had been identified. He was rounded up and brought before the angry crowd. A rope was placed around his neck. One eyewitness detailed how the angry mob dragged the accused down Alameda Street, observing that by the time they had turned onto Aliso Street the loathsome creature had been stabbed so many times that he was nearly dead already.

In spite of his rapidly declining health, he was strung up by the vigilantes just blocks from the sheriff's office. The newspaper summarized the popular sentiment surrounding the case when it wrote, "A butchery such as he committed was enough to stir our citizens to call aloud for instant vengeance. This was no ordinary case. A helpless and feeble woman, a mother, with two little children playing around her, is set upon by this devil in human form, and mangled and mutilated until life is extinct, for the purpose of gain. No death is too horrible for such a monster, and the yawning gates of hell opened to receive him none too soon."[3]

This particular monster was named Francisco Cota and he was fifteen years old. In uncovering the details of the case, I would learn that he was Mexi-

can, that he had been denied due process, and that he was stabbed, dragged, and hanged with a rope by a group of European and Anglo-Americans that had chosen to take the law into their own hands. Afterward, his body was left to hang on public display for an undisclosed period of time. If the boy was lucky, and there is no reason to believe that he was, his family members would have found his body in time to provide a proper burial.

In considering the details of the case, I wondered if *justice* could really be served if the law was not. In Cota's case, all legal alternatives had been blatantly ignored. And how might race or ethnicity have contributed to the outcome of the case? The 1861 claim that this had been "no ordinary case" was ironic because, as the history of lynching makes clear, Cota's treatment by the enraged mob was nearly identical to the treatment received by thousands of other persons lynched across the nation.

## A LANDSCAPE WITHOUT MEMORY

Of the many books published on the history of lynching in the United States, only a handful give much thought to the Western region of the nation; when Western states are included, the information is usually out of date or inaccurate. This book attempts to correct the historical record in one of these states and to reveal to the nation that—like the lynching of African Americans—Native Americans, Chinese, and Latinos of Mexican and Latin American descent were lynched in California. This book demonstrates that many of these public killings were guided by anti-immigration sentiments, the fear of miscegenation, a deep frustration with the judicial system, or in combination with white supremacy. Thus, the goal of this study is twofold: first, to provide a broader understanding of the transracial nature of lynching in the United States; and second, to consider those factors which may have contributed to the nearly complete erasure of this history from national consciousness.

In their introduction to *Remaking a World*: *Violence, Social Suffering, and Recovery*, Das and Kleinman theorize the creation of a "public space" in the wake of such collective tragedies, recognizing that "the experience of victims and survivors can not only be represented but also be molded," and they insist that the "repair of relationships" must begin "in the deep recesses of family, neighborhood, and community" before they can be incorporated into the "narratives of larger entities such as the nation and the state."[4] Therefore, acknowledging lynching in California is only the first step in addressing the legacy of violence and terror experienced by racial and racialized communities in the West.

However, before such reparations can be realized, it will be necessary to establish the precise impact of race on this history. Seemingly counterintuitive, the discussion of race in chapter 1 begins by exploring the evolution and emergence of the "Anglo-American" and the United States as a race nation because this formation was directly linked to the degradation of blacks, Asians, American Indians, and persons of Mexican or Latin American descent—racially, ethnically, and legally.

## THE LAW OF THE LAND

The first state constitution, written in 1849, guaranteed that "the right of trial by jury shall be secured to all, and remain inviolate forever. . . ."[5] It asserted that in a court of law, no person shall be "subject for the same offence to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. . . ."[6] In spite of such precautionary measures, the history of lynching reveals that in many cases those charged with a crime would be denied these basic rights and were often compelled to confess their crimes from the end of a rope. In one well-known case a man was lynched twice for the same crime, one for which he may have been completely innocent.

On February 8, 1857, a volunteer posse was returning to Los Angeles from Santa Barbara, where they had just lynched a man by the name of José Jesús Espinosa, when they decided to pay a visit to a certain Encarnación Berreyesa, following rumors that he was an escaped villain.[7] Arriving in the middle of the night, they saw that a rope had scarred his neck and quickly hanged him to a nearby tree. The men would later claim that Berreyesa had been tried and found guilty of escaping the hangman's noose.[8]

Accounts confirm that three years earlier a different posse of men had visited Berreyesa's house, then in northern California, and that he had been questioned from the end of a rope, but there is nothing to suggest that the posse had tried to kill him, only that they had questioned him. Several days later, on July 21, 1854, a similarly masked posse went to visit his brother at another of the family's nearby ranches in Santa Clara County.[9] Presumably accused of the same crime, the posse either succeeded in gaining his brother's confession or killed him in the effort because the next morning he was found, by his wife and children, hanged to a tree.[10] If all of this wasn't confusing enough, Encarnación's brother Nemesio was misidentified as "Derrasio Berreyesa" in one of the earliest newspapers accounts of the incident.[11] Given

the proximity and similarity between the two cases one can reasonably conclude that Nemesio was the Berreyesa the 1854 posse had been searching for.

One newspaper article expressed great scorn for Nemesio's killers: "When vigilant committees must go, like thieves, at night in disguise, it is time for them to be hung. . . . When honest men take the law into their own hands they don't steal about in the dark."[12] Significant in several respects, this criticism of the lynching demonstrates that this "vigilant committee" was not only indistinguishable from a *hanging party* but that the term *vigilance committee* was used far more broadly than has generally been recognized. This is not to suggest that lynchers and vigilance committees were indistinguishable, but simply that they could be.

The Los Angeles account is disturbing for another reason as well, because it suggests that the Los Angeles posse decided to hang a man simply because his neck was scarred.[13] Even if he were guilty of a crime, it seems unlikely that a single man could have presented a serious threat to such a heavily armed band, and he should have been brought to Los Angeles to stand trial.

In recognizing that the deaths of these brothers were linked to one another, the Berreyesa case is able to draw attention to the biased nature of both "trials," revealing that neither was the result of a true vigilance committee but was merely the anticipated results of a hanging party that had gone in search of "Mexicans."[14] The Berreyesa family, once a wealthy and highly respected California family, is a tragic and frequently cited example of bias against Latinos. At least nine members of the extended family died at the hands of Anglos.[15]

## OTHER SOURCES

Examining a handful of surviving documents, newspaper accounts, and other forms of ephemera, including lynching souvenir cards, view cards, postcards, sketches, published illustrations, and scrapbooks, this history provides a unique opportunity to observe the power of racist pleasure, first in shaping Western racial stereotypes, then, as they were echoed in the journalistic texts, legislative measures, and finally in the photographic images they inspired. Though comparatively rare, particularly when compared with images of African Americans in other states, these images are material clues to a history that has long been cloaked and obscured by regionalist narratives.

This book must also consider the relation between the aesthetics of the event, from the physical act to the creation of the lynching photograph and its progeny, the souvenir card, view card, and postcard, each of which re-

mains trapped somewhere between memento and evidence.[16] Bound within the politics of race, such images stood in direct contradiction to what can only be characterized as an emerging and expanding judicial system throughout the latter half of the nineteenth century.[17] Given the necessity for a complex and multivalent analysis, the chapters will traverse a number of disciplinary fields, setting regional, racial, and legal histories alongside of photographic and art historical ones.

After the war with Mexico, and compounded by the nation's fascination and disdain of indigenous populations, California became the first Western region to draw international attention as newspaper correspondents reported on everything from the daily emergence of mining camps, spawned by the discovery of gold at Sutter's Mill in 1848, to conflicts with "Indians," to tracking the going price of eggs, and finally, to even noting the location of the nearest hang tree.[18] These hang trees would continue to cast their haunted shade well into the twentieth century.

While the West was still a U.S. territory, bandits, murderers, and horse thieves from China, England, France, Ireland, Italy, Mexico, and other countries were summarily executed and lynched alongside African Americans, American Indians, and Mexican Americans. But contrary to the popular image of the American West as a lawless frontier—encountered everywhere from the dime novels from the 1860s to Hollywood Westerns still in production over a century later—in California, those areas with the most law enforcement had the greatest number of summary executions, vigilance committees, and lynch mobs.[19]

Although persons from many different races, ethnicities, and nationalities died at rope's end between 1850 and 1935 (the period from statehood to the last documented lynching), new data suggest that persons of color were statistically more likely to die by lynching than those of northern European descent.[20] There was a report of a lynching as late as 1947, but it could not be confirmed in time for publication.[21]

*Lynching in the West* compiles the most complete list of California's legal and extralegal executions published to date, revealing the lynching of persons of color alongside Anglo-Americans, Australians, and Europeans from three continents. The data suggest that lynching and other forms of community-driven violence were deeply linked to the formation of our young nation; from vigilance committees to the antilynching movement, the history of lynching has touched many communities and continues to serve as a powerful catalyst for thinking about race, ethnicity, and national identity.

## DEATH IN THE GOLD FIELDS

The summary execution of Richard Cronin (Crone), also known as "Irish Dick," was one of the earliest Gold Rush accounts to be published. Cronin was said to have dealt monte in the El Dorado Saloon, and most accounts agree that he killed a miner in a quarrel over a wager. A later account described what followed: "The miners took him in charge, tied a rope round his neck, then giving him the other end, compelled him to climb a tree, go out on one of the limbs, fasten the end of the rope, and at the drop of a handkerchief, jump off. He complied with apparent cheerfulness, and died without a struggle."[22] But this image stands in stark contrast with the majority of accounts that suggest that death at the hang tree was among the worst deaths imaginable. Often misdated, the Cronin case occurred before California was recognized as a state and is not included in the final statistics, but as one of the earliest cases involving a hang tree, it provides a valuable point of comparison to the many cases that follow.[23]

After the Gold Rush, the vigilance committee or lynch mob was most likely to surface in response to an alleged capital offense. Rather than leaving the judgment or sentencing to a legally recognized court of law, the committee or mob would intervene on behalf of the *people* when guilt was presumed, and if there was insufficient evidence to ensure a conviction, or if there was the perception of unwarranted legalese, such as a request for a change of venue. Unlike the Southeast and East Coast, where lynch victims rarely saw the inside of a courtroom, in California, legal trials were not an uncommon precursor to a lynching or summary execution. Even when trials resulted in a death sentence, there were cases where the *people* were driven to action rather than allow the accused to appeal to a higher court or have the opportunity to petition the governor for a reprieve or pardon.

In some cases, the actual workings of the law provoked the community to action, as in an 1854 case in which two men were legally tried, found guilty, and sentenced to be hanged in Los Angeles. One was a "mestizo" by the name of Féliz Alvitre, and the other was an Anglo by the name of Dave Brown.[24] On January 12, 1855, a stay of execution arrived for Brown but not for Alvitre.[25] On the day scheduled for Alvitre's execution, and in keeping with the law, he was taken to the jail yard and executed. There was, however, the perception of differential treatment among the city's gathering Latino residents, and matters were only made worse when the execution was badly bungled and Alvitre's body fell to the ground in the middle of the execution.

Apparently the rope had broken, and the executioner had to run out, lift the body, and knot the ropes back together before he "once more drew aloft the writhing form, to the delight of the mob."[26]

The mayor, a man by the name of Stephen Foster, had stopped a previous attempt to lynch Brown by promising to resign as mayor and resume the lynching should a higher court reverse the Brown decision. With the stay of execution in hand, he was called on to keep his promise.[27] He resigned his office "from a beer keg" and led a crowd that was described to be composed of "Latin Americans and Yankees" to storm the jail.[28] A Mexican man by the name of Juan Gonzales was assigned to pull the cord but Brown objected to being hanged by a "greaser," so the mayor gave the job to an Anglo-American.[29] Alvitre's stay of execution arrived a week after he had been hanged—it had apparently been delayed in the mail.[30] Foster was later reelected as mayor.

But not everyone lived in a region that had a mayor, let alone a sheriff. Consider, for example the lynching of a Swede known as David, "DG," or William Brown, in fall 1851.[31] He was tried for stealing nearly $600 in gold dust in Rich Bar, a small mining camp located on the Feather River.[32] Because the nearest judge was two days' travel away, a judge and jury were appointed from among the miners, and after the trial, the jury handed the judge a paper saying that Brown was to be hanged in one hour's time.

"Dame Shirley" (Louise Amelia Knapp Smith Clappe) was one of the few women to have kept a record of her time in the gold fields and left a description of the events that followed. "The whole affair, indeed, was a piece of cruel butchery," she wrote, "though that was not intentional. . . . In truth, life was only crushed out of him, by hauling the writhing body up and down several times in succession, by the rope which was wound round a large bough of his green-leafed gallows."[33] She concluded that the trial was performed by some of most reckless members of the community, in spite of the fact that another eyewitness insisted that the sheriff and constable had been present throughout the whole proceeding.[34]

This second witness was a German sailor, turned miner, by the name of Adolphus Windeler, who, given his professional training, had been responsible for the handling of the ropes in at least two lynchings. His journal confirms details from Shirley's account and matter-of-factly notes that Brown had to be "forked up and down several times to break his neck."[35]

According to his journal, he was also responsible for one of the earliest recorded lynchings of an African American in California. Recorded as Joshua

Robertson, or "Josh," he had been, like Brown, accused of robbery and was brought to Rich Bar to be tried by the miners[36] (color plate 1).

"Josh" had been Shirley's cook for three months, and in a letter to her sister, she doubted the veracity of the charges.[37] Writing on the episode, she gives a sense of the futility that must have been shared by all lynch victims when she wrote, "He said, very truly, that whether innocent or guilty, they would hang him; and so he 'died and made no sign,' with a calm indifference, as the novelists say, 'worthy of a better cause.' "[38]

## AN AMERICAN TRADITION

Those familiar with the history of lynching will not be surprised to learn that the number of African Americans lynched in California is extremely small when compared to the southeastern United States. In fact, three of the most widely cited sources on lynching identify only two cases of African Americans being lynched in California as compared to the over five hundred cases recorded in Mississippi during the same period.[39] These same sources placed California's total number of lynchings somewhere between twenty-five and fifty cases.[40] The remaining cases have been repeatedly, if curiously, identified as white, regardless of the fact that American Indians, Asians, and Latinos (including at least one Mexican national) were counted in their number.

I identified at least eight cases that involved the lynching of African Americans in California, and when I combined these with the lynchings of American Indians, Asians, and Latinos from North and South America, the number of racially or ethnically motivated lynchings increased from 2 to 210.[41] This number does not include the 22 cases in which the race, ethnicity, or national origins of the victims could not be determined.[42]

In addition, *Lynching in the West* includes many new cases involving the lynching and summary execution of persons of European origin or descent, bringing the total from a recorded 48 cases to 120.[43] If all these cases were included in the national statistics on lynching, California's ranking would move from the twenty-first to the sixth worst state in the nation.[44] The greatest problem encountered in compiling these statistics was the time frame represented in the most widely cited studies; many of these case lists begin in the 1880s, and as the Cota case suggests, California's ranking would be very different if all of the state's cases could be acknowledged. This is not to suggest that the number of cases recorded in other states wouldn't be expanded by extending their lists back in time as well but that California's most turbulent years

occurred prior to the dates conventionally covered in the most widely cited sources. *Lynching in the West* seeks to not only correct the historical record but to wrestle with the question of *erasure* itself, a historical (but not irreversible) phenomenon whose impact can be seen in the national statistics on lynching.

## LIFE IN THE GOLD FIELDS

The first Anglo-American, African American, Latin American, Australian, Chinese, and European fortune hunters borrowed mining techniques from Chilean and Mexican miners, learned how to brew acorns into "coffee" from Indians, bought tortillas and chili from Mexican women, and had their laundry washed in Chinese camps.[45] There were also Latinos or *native Californians*, as they were known, who already lived on ranches or who lived in the small towns that had sprung up around the handful of still-functioning parish churches. These Spanish speaking *Californios* sold beef, produce, and wine to the miners and occasionally even tried their hand at mining. Beneath this lofty image of intercultural exchange, racial, ethnic, and national biases were being reconsidered, revised, and newly formulated; whether taking on new forms or solidifying long-held beliefs, these constructs would leave an indelible mark on the region for generations to come.

In California, as immigrants continued to flood into the state in the 1850s and 1860s, American Indians were constantly and increasingly being targeted for removal from their lands. These conflicts led to numerous Indians wars and outright massacres, and for every Indian killed by acts of aggression, many more died from disease. Those that survived took jobs on ranches, wandered in the city squares, or were relocated to reservation lands. Likewise, Chinese immigrants were driven from their claims, denied the opportunity to own land, and characterized as "heathen Chinee" for their spiritual beliefs. Even those who lived on Mexican and Spanish land grants found their long-held privileges weakened as land grants were challenged, overturned, or lost from taxes owed. In the gold fields, Mexicans, Peruvians, and Chileans were driven from their claims, and Mexican and native-born Latinos were repeatedly characterized as mongrels and bandits.

Given such overt challenges, one of the greatest obstacles to understanding the history of lynching in the West must be traced back to the concept of vigilantism itself. The irony is that while terms like "frontier justice" or "popular tribunal" still invoke images of cattle rustlers and stagecoach robbers meeting justice on a lawless frontier, they also mask a history of racial violence in a region that was not only culturally diverse but still is.

Coined by later historians, the term "frontier justice" has been applied to everything from racially motivated lynchings to urban vigilantes: dandies that dressed in finely tailored suits and vests and held mock trials that paralleled court proceedings in every manner—except for being legally constituted. Even the most ambitious researchers are challenged to distinguish substantial differences between the practices referred to as vigilance committees, lynch mobs, kangaroo courts, hanging parties, and sheriff's posses.

Often perceived as the sole expression of law in Gold Rush mining camps and in the region's burgeoning new cities, vigilantism could be willed into existence with chilling efficacy, punishing horse thieves and gamblers in a moment's notice or unseating corrupt city officials in places like San Francisco.[46] A reasonably accurate description for some of the most celebrated cases, this malevolent presence could not exist without lasting repercussions to the judicial system, and in subsequent decades, lynch mobs and self-appointed committees of vigilance would become so commonplace that sheriffs would be forced to hide, disguise, or move their prisoners to keep them from the impassioned mob.

To make matters worse, in the nineteenth century, the term *lynch law* included numerous forms of vigilante justice, ranging from hanging to flogging, banishment, branding, ear cropping, and other forms of summary justice that have complicated the study of lynching in the American West. The cases from which the chapters draw include only those that conform to the Tuskegee Institute's controversial definition of lynching, a definition which reads, "There must be legal evidence that a person was killed. That person must have met death illegally. A group of three or more persons must have participated in the killing. The group must have acted under the pretext of service to justice, race or tradition."[47] The greatest advantage to using the same definition that guided previous scholars in establishing the national statistics on lynching is that California's case list can now be compared and contrasted within a national context.

With regard to the availability of legally sanctioned punishments, the first state prison opened in January 1851 on a ship named the *Waban*, and construction began on a new city jail in San Francisco in February of that same year; in spite of these early advances, funding and labor issues would delay the completion of the state prison at San Quentin until 1854.[48] In the interim, the newspapers were filled with accounts of prisoners escaping from these floating prisons, which, when combined with the embryonic state of the legal system, helps to explain the apparent explosion of extrajudicial activities in the 1850s and 1860s. But why there were vigilance committees and

lynch mobs in the West is not questioned as much as why these practices were uncritically accepted well into the twentieth century—nearly a century after the legal system was first established?

Even as new courthouses and county jails were being completed in the 1860s and 1870s, lynch mobs and vigilance committees continued to meet, but unlike their predecessors, many of these new collectives shifted their actions from the light of day to the anonymity of night. Indeed, these extralegal proceedings were increasingly performed by masked mobs whose lawless acts could be worse than the criminals they prosecuted. To give one example, in 1879, Elijah Frost, "Bige" Gibson, and Tom McCracken were legally arrested for the larceny of a saddle and some pieces of harness.[49] Though guarded by two deputy sheriffs at Brown's Hotel while awaiting trial, at one o'clock in the morning on September 4, 1879, a gang of vigilantes overpowered the guards and escorted the prisoners to the nearest bridge, where they were hanged with a well rope that had been borrowed from a neighbor.[50] From a legal perspective, stealing "some pieces of harness" can hardly be said to merit the death penalty—even by the staunchest of death penalty advocates.

## FRONTIER JUSTICE AND RACE

The most significant data to emerge from this study have to do with the impact of race on the history of lynching in California. Some may question the comparison of the self-appointed vigilance committees and necktie parties of frontier justice to the race hatred and brutality of lynch mobs in the South. However, national statistics on lynching have always included the lynching deaths of both blacks and whites; some of the most widely cited sources record over fourteen hundred Anglo-American deaths by lynching out of a total that hovers around five thousand cases nationwide, depending on the source.[51] The presence of whites, or Anglos, in the national statistics has not diminished the impact of lynching on African American history. Asians, American Indians, and Latinos of Mexican and Latin American descent were lynched in the West, yet no one has acknowledged that racial bias may be as integral to the study of Western lynching as it has been to the study of lynching nationwide. This historical erasure has been heightened by the fact that lynching has become conflated with white racism against blacks. This observation is not intended to diminish the significance of lynching to the history of African Americans; it instead attempts to acknowledge that the history of lynching has touched other racial and racialized communities in other historical moments. Even though the number of cases recorded in the

West is considerably smaller than the number recorded in the South, these lynchings were no less fatal.

That lynching has long been thought of in terms of black and white racial categories has contributed to the general absence of information on cases involving other nonwhite communities, and it has ultimately served to lock blacks and whites in a false binary of race.[52]

Although race was once seen as a biological fact, many race theorists now recognize that ethnicity, class, and nation are the three categorical paradigms that have guided race and race relations in the nineteenth and twentieth centuries.[53] Whether one uses race, ethnicity, or nationality as a guiding principle, the record suggests that lynching was far more deeply ingrained in the national consciousness than has been previously acknowledged.

Likewise, questions of class alone cannot explain lynching in the West. In the nineteenth century, race hatred was driven as much by the pseudosciences as by class privilege and social Darwinist models; and concepts such as Manifest Destiny were invoked to justify war with Mexico, the killing of thousands of American Indians, and the taking of thousands of acres of land from Mexican and Spanish land grant holders. The case studies in this book also make it apparent that such concepts contributed to the lynching of hundreds of persons in the American West.

## MARKING THE TERRITORY

In the American West, communities that were identified as nonwhite were regularly targeted by exclusionary acts that placed restrictions on who could mine, own land, buy a home, vote, serve on a jury, become a citizen, and even get married.[54] Even the names of the mining camps revealed something about the new social order. Chinese Camp, French Camp, and "Chili Gulch" (named after the people from Chile, not the pepper) emphasized national identity, but nationality was not the only source of inspiration for camp names. There were others with names like Poverty Hill, Mormon Island, Yankee Hill, Nigger Hill, Murderer's Bar, and Hangtown, which literally mapped out the new economic and political landscape.[55]

As mining towns gave rise to new cities, it was not uncommon to read about the emergence of Mexican "Sonoratowns," named for the many Mexicans who came from Sonora, or the many new "Chinatowns." Meanwhile, the wealthiest "Yankee" and European settlers took up residence on higher ground, creating, for example, Nobb Hill in San Francisco or Bunker Hill in Los Angeles. Many of these original communities have migrated or wit-

nessed the displacement of older immigrants (as they were replaced by more recent arrivals), but the basic principals have remained constant; each community created, or was forced to create, separate markets, separate schools, and separate economies, and with varying success, each attempted to provide opportunities for self-improvement to its members.

Distinguishing between race, ethnicity, and nationality was not always as straightforward as it is today, and in the nineteenth century it was not uncommon for the term "Mexican" to be employed as either a racial, class, or national marker, or all three. This is nowhere more true than in California's history of lynching, where Mexicans, Chileans, Peruvians, native Californians, and other immigrants from Latin America might find themselves called Chilean in one account and Mexican in another.

The lynching of African Americans has been recorded in many Western states and, as stated, is regularly included in the national statistics on lynching. Likewise, the lynching or summary execution of Anglos has long been recognized as a part of vigilantism, and countless examples can be found in regionalist texts on the rough-and-tumble days of the Old West. So one of the fundamental goals of this book is to allow the nation, and the many communities it represents, to finally acknowledge that when taken collectively, the lynching of American Indians, blacks, Chinese, and Latinos constituted the majority of cases of lynchings and extrajudicial executions in California. Perhaps this history may even inspire other researchers, students, and history buffs to look anew at their own states and hometowns.

## SEARCHING FOR CALIFORNIA'S HANG TREES

The initial research for this book grew out of an interdisciplinary approach that sought to pair the case records with the analysis of photographic and historic images.[56] In addition to tracking down historic photographs, drawings, and prints, I began looking for any kind of official documentation that I could find: an announcement in a newspaper, published leaflets, or first-person narratives which could be confirmed in multiple sources.

In California, there is only one official historical marker. It is located in Placerville, or "Hangtown" as it has long been known.[57] The sign marks a spot that is just yards from where one of California's most infamous hang trees stood.[58] The marker is in front of Hangman's Tree Bar, and inside, next to the jukebox, a small papier-mâché tree branch spouts from the wall and is said to mark the site of the original tree. As recently as 2005, a manikin was

1. Ken Gonzales-Day, "Historical Marker #141," 2002, chromogenic print, 8 by 10 inches. Courtesy of the artist.

tethered to the building with a hangman's noose and dangled above the bar's entrance. According to the bartender, this Western clad creation must be relynched each year due to the bleaching effects of the sun—a crime for which he is surely not guilty (figure 1).

The historical record clearly indicates that while telephone poles, bridges, corral gates, and, in at least one case, a wagon could be used to hang a person, the method of choice for lynch mobs and vigilantes usually involved throwing a piece of rope over one of the low hanging branches of California's many native oak species.[59]

As a practicing artist, a photographer, and an avid researcher, I set out to travel to and photograph as many of the sites as I could. I photographed oak trees in rustic and urban settings, in strip malls, and amid tract housing. Sadly, California's native oak species are plagued by sudden oak death, a mysterious disease that can be carried on the shoes and clothing of hikers and local residents. It attacks the frail immune systems of California's native species, and as a result, these last living witnesses to California's history of lynching may one day be gone.[60] The California oak grows extremely slowly, and some preservation groups have claimed that a large tree can be several hundred years old,

which means that many of these trees would have shaded the lynch mobs and hanging parties as they passed under their branches (figure 2).

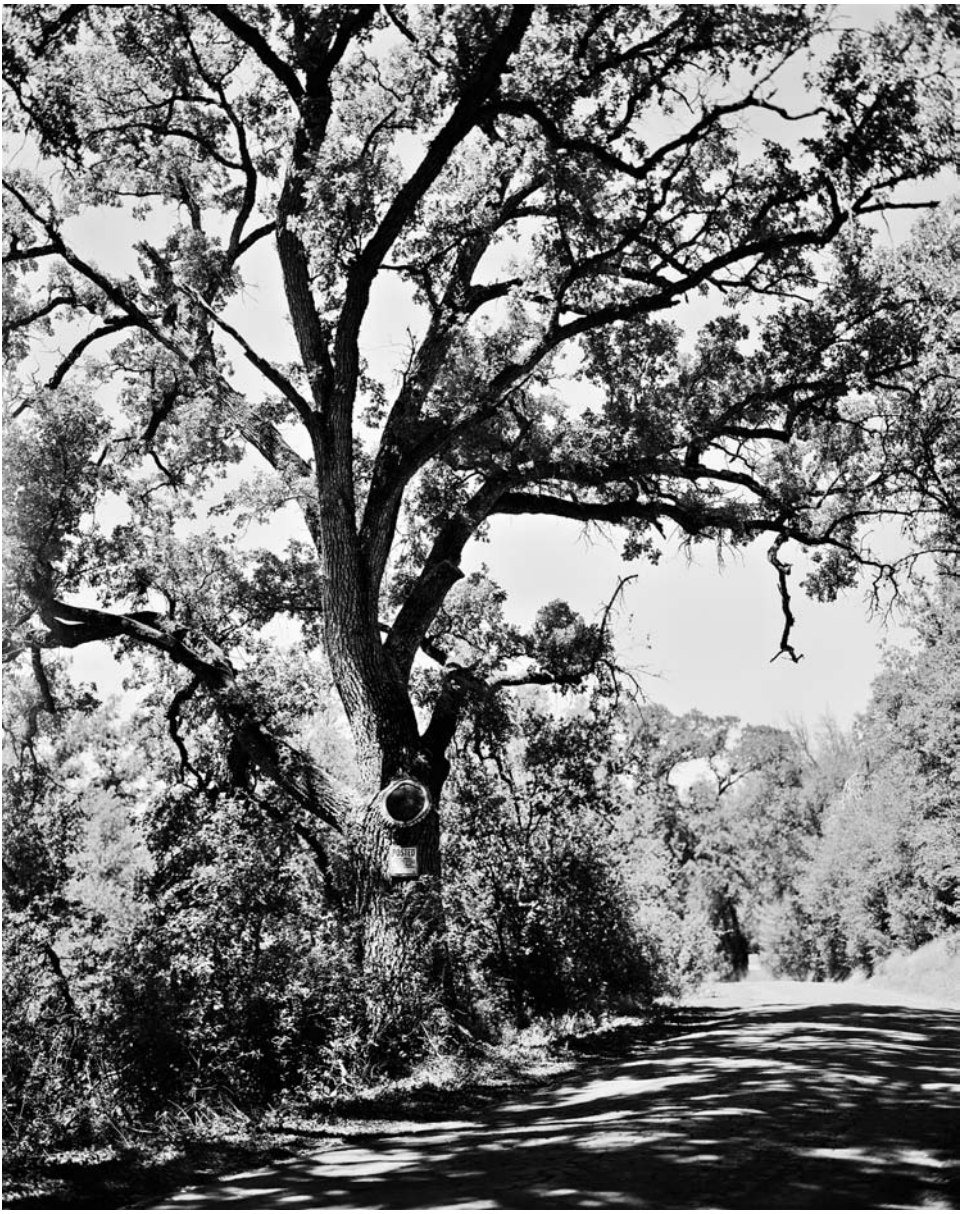
Over the past five years I have retraced the steps of the lynch mob and vigilance committee, and these photographs have become an irrefutable record of my journey. Standing at these sites, even the most beautiful landscape is undone. Sometime a natural landmark or the mention of a street name guided me, but often I had no way of knowing whether I was photographing the exact site or not. In my own journey, the photographs have come to symbolize points of resistance in a vast landscape, both physical and historical, over which I have no control. A solitary figure on a solitary journey, I have documented the empty space that lies between the historically unseen body of the lynch victim and my own unseen body. Standing on the side of the road, tucked beneath the old-fashioned black hood that covers my camera's ground glass, cars slow and people stop to ask what I am doing. What can I tell them?

Once at a site, I gaze into the haunted shade and try to remember the names of those who died—if known. I also try to remember the names of the victims. In visiting the many different locations and regions of the state I have been able to see this history with new eyes. Sleeping at a roadside hotel or camped in some pristine wilderness area, I can sometimes understand how isolated and threatened these small communities must have felt. In the Gold Rush town of Columbia, now preserved as a state park, travelers can wander down Main Street or sit in the cool dampness of the old jail cell. There is a courtroom wedged in a long narrow room a few short blocks from both the jail and the saloon. Scarcely wider than a modern hallway, it is filled with small chairs. One begins to understand the degree of isolation that the people in these communities must have felt as they crowded into the courtroom, huddled side by side, to pass judgment on murderers and thieves—in between rounds of whiskey at the saloon.

Part pilgrimage and part memorial, my work has taken me to hundreds of California's lynch sites, and no matter how pristine or developed these sites may be, my experience of the landscape has been forever transformed.

## THE CHAPTERS

Using the history of lynching as a point of departure, chapter 1 examines the historical misrecognition of lynching from two perspectives, first, by looking to popular conceptions of frontier justice and the Wild West, and second, by exploring the antilynching movement's role in shaping the history of lynch-



2. Ken Gonzales-Day, "Aqua Fria Road," 2005, chromogenic print, 46 by 36 inches. Courtesy of the artist.

ing nationwide.[61] To give a sense of the amount of information that was previously available on the history of lynching in the West, one must look to the National Association for the Advancement of Colored People (NAACP) and the Tuskegee Institute Archive in Tuskegee, Alabama, each of which generated some of most widely cited statistics on the history of lynching in the United States.

Under the Tuskegee definition of lynching, the actions of some of the most respected vigilance committees, typically excluded from the history of lynching, would become recognizable as lynching, if for no other reason than the vigilance committee was regularly invoked as a regional "tradition" as early as 1851. Later committees bypassed most, if not all, of the procedures followed by the state's most celebrated vigilance committees.[62]

Chapter 2 looks to the history of capital punishment from its midcentury decline in Europe to its simultaneous emergence in California. During the first five decades of California statehood, legal executions were mostly administered by individual counties, and as a result there is no single registry or source from which to gather information as to whether a given execution was legally constituted or not. Luckily, the newspapers were often adamant about distinguishing legal executions from lynchings because legal executions were seen to emphasize California's progress toward becoming a modern state. However, unlike a growing number of other states which passed laws that demanded that all legal executions be conducted beyond the public view, California's legal executions continued to draw crowds that numbered in the thousands well into the final years of the nineteenth century.

Once seen as a neutral depository for regional, individual, and institutional records, in an age of increasingly limited resources and ever-expanding audiences, the archive has itself become a subject of study.[63] Its collecting policies, its requirements for access, and its methods of indexing and organizing materials can have an impact on which histories get told. The contemporary historian David Montejano states: "The death or resurrection of race divisions is fundamentally political" because "the notion of race does not just consist of ideas and sentiments; it comes into being when these ideas and sentiments are publicly articulated and institutionalized." The question of how race and vigilantism have been "publicly articulated and institutionalized" is specifically taken up in chapter 3, which considers the archive.[64]

Moving from the categorization of race to racial categorizations themselves, chapter 4 looks at the intersection of race and lynching from a very different perspective than that found in the previous chapters. Comparing the evolution of "the American type" with its nemesis, the *greaser*, chap-

ter 4 explores the tensions between these two groups, noting that as Anglo-Americans began to search for their own national identity they increasingly sought to distinguish themselves from their European ancestors as well as from the "barbarian" hoards that infested the West—Indian "savages," Mexican "greasers," and Chinese "celestials," among others.[65] Drawing from an analysis of physiognomy and a wide range of pseudosciences, chapter 4 demonstrates how "the American type" evolved in response to social Darwinist fears that Americans might someday devolve into "primitive" dark-skinned beings.

Finally, chapter 5 looks to some of the most turbulent episodes from California's past and details specific examples from the compiled case records in its consideration of *the wonder gaze*, a concept, it is argued, that contributed to shaping the image of the "Mexican" bandit and murderer as exemplified by the public display of the "head preserved in spirits" or the public hanging of the only woman to be lynched California's history.

More than a history of Gold Rush miners or cowboys, *Lynching in the West* revives a past that had nearly been lost as lynching and other forms of vigilantism faded from historical view. But should this past be forgotten? In examining the relationship between the evolution and development of the Anglo-American as a national type and nineteenth-century attitudes about race, this book looks beyond the spectacle of lynching to the social histories which made these acts possible in the first place. This book also serves to remind the nation's many communities that it is never to too late to reclaim your past or to acknowledge the past of your neighbors.