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The Violent Legacies of the California Missions: Mapping the Origins of Native Women's Mass Incarceration

Jackie Teran

In 1773 two young California Indian girls were digging plants at the Soledad ranchería near the San Diego mission. When the girls realized that three soldiers had followed them, they headed up a hill to escape. Two of the soldiers trapped and raped one of the girls. The third soldier caught and raped the other, injuring her spine, which led to her death two days later.¹ Together with four other witnesses, the surviving girl testified to a local priest through an interpreter, and this information was relayed to Sergeant Mariano Carillo. The sergeant then interviewed the girl and the four witnesses to the crime and had them sign a document detailing the events.² Lieutenant Pedro Fages received the complaint and forwarded the document to Governor Felipe de Barri, who then sent it to the Mexico City viceroy. Fifteen months later, the overlooked document reached yet another official, General José Antonio Areche. The viceroy ordered the men—Francisco Avila, Sebastián Albitre, and Matheo Ygnacio de Soto—to trial. Avila and Albitre were imprisoned in the San Diego presidio during the trial, but Ygnacio de Soto disappeared and never faced trial.

The trial began on October 19, 1775, and a copy of the entire five-year proceeding was sent to the viceroy in Mexico City. Although one of the only court cases dealing with sexual violence during the missionization of California, the trial was an opportunity to make an example of the soldiers and demonstrate that this type of violence would not be tolerated. However, the trial proceedings were far from ideal: “The distance between Loreto [a city in Mexico] and the scene of the alleged crime had made it impossible to confront the accused with their accuser or with Carillo and the first witnesses to the complaint; there had been no defense attorney because none

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was available; and other steps had been omitted, through necessity, which the law prescribed 'for the better proving' of the crime."³ The accused denied the charge; the body of the child who died was never examined or seen; and the identification of the soldiers was not considered to be satisfactory, so the burden was placed on the child, whose words were "poorly explained by the interpreter."⁴ The trial ended by discharging the accused soldiers, granting them time served and sending them to live away from the crime location—in Monterey, an area of California with a large population of California Indian women.

The Spanish priests and soldiers who arrived in California in 1769 brought the ideology that California Indians needed to be Christianized in the name of God because they were inferior, uncivilized savages. Padre Fermín Francisco de Lasuén regarded the task of evangelization as "the greatest problem of the missionary" and wondered, "how to transform a savage race such as these [*sic*] into a society that is human, Christian, civil and industrious?" In answering himself, Lasuén noted that this task could only be accomplished by "denaturalizing" them. It is easy to see what an arduous task this is, for it requires them to act against nature, but it is being done successfully by means of patience, and by unrelenting effort to make them realize they are men."⁵ Violence towards California Indians was not only seen as permissible, but often necessarily "unrelenting."

Despite being the demographic group most often arrested, incarcerated, and victimized by police brutality, per capita, Native Americans remain the most under-researched group in prison scholarship.⁶ This form of erasure is troubling for a number of reasons. For one, it places Native Americans on the periphery of prison-related issues and contributes to a long history of scholarship that devalues their experiences. This erasure also limits the scope of prison-related research by excluding settler colonialism as an analytical rubric for understanding the nature of the prison industrial complex (PIC).⁷ Many scholars have begun thinking through a historical trajectory to trace the roots of the mass incarceration of people of color. Many have made significant contributions by interrogating the Middle Passage, Jim Crow legislation, and the strategic construction of the Thirteenth Amendment as particular sites that offer a road map that leads directly to our current carceral conditions.⁸ Settler colonialism is often mentioned in passing as a contributing factor, but Native American experiences and a close examination of settler colonialism has rarely been fully interrogated.

The story of the two young California Indian girls demonstrates how contradictory were the policies that governed California. Even as the priests worked hard to control the sexual behavior of the soldiers, the soldiers were sent to California trained to subdue and discipline the original inhabitants. Violence against California Indians was "permissible when it advanced the particular interests of the Spanish Conquest, but punishable when it did not."⁹ Feminist historian Antonia Castañeda argues that notwithstanding its claim of being the "great champion" of California Indians' rights, and despite its efforts to "protect" California Indian women from sexual violence imposed by Spanish soldiers, the Catholic Church was nonetheless extremely hypocritical because "Jesuits, Franciscans and other religious orders relied heavily on corporal punishment."¹⁰ She argues, "While rape and other acts of sexual

brutality did not represent official policy on this or any other Spanish frontier, these acts were nevertheless firmly fixed in the history and politics of expansion, war, and conquest.”¹¹ For Native women, moreover, once expansion, war, and conquest have been “completed,” sexual violence persists to maintain settler colonialism.

Patrick Wolfe uses the term “logics of elimination” to describe settler colonialism as an ongoing structure rather than an event. Expanding on this, Noelani Goodyear-Kaʻōpua adds that containment is used when elimination is avoided.¹² These same logics can be traced in contemporary modes of discipline in the PIC. The violence that took place in the missions reveal the logics of elimination and containment that unfolded in a myriad of ways that marked Native women for rape centuries later.

Unpacking the ways in which California Indian women experienced colonization in California missions, as well as the subsequent 1850 Act for the Government and Protection of Indians, helps us to understand the ideologies that first gendered and criminalized Native bodies. This specific time period marks a shift from mission and Spanish control of Native peoples to one of conquest by law and criminalization. Using the California missions and subsequent laws and policies as a lens will demonstrate the need to take these histories seriously and pursue further inquiries on how the PIC is related to and extended from settler colonialism.

More specifically, what were the conditions that have led to the victimization and criminalization of Native American women today? How might decolonizing this settler-colonial framework assist the prison abolition movement?¹³ To answer these questions, this article will analyze the *monjeríos*—the room in every mission that locked young girls and women up until marriage—as a site of gendering and racialization. This interrogation of Native women’s imprisonment and the specific conditions of these confined spaces is coupled with data culled from newspaper sources to provide new insight into the 1850 Act for the Government and Protection of Indians, which formalized and codified the criminalization and carcerality of California Indians on federal, state, and local community levels of government. Unfortunately, newspaper articles written during this period reveal more about settlers than California Indians, often mirroring and reinforcing dominant perceptions of settler society, but still function to publicize events. The newspaper sources chosen demonstrate how settler attitudes and policy functioned on an everyday basis to eliminate California Indians.

In 1772, Father Luis Jayme provided detailed testimony documenting the seizure and rape of Kumeyaay Indian women to the head of the Franciscan College. He was particularly concerned about the many accounts of rapes of young girls, violence that was causing Indian families to flee. Jayme noted that at every mission, soldiers had “scandalized all the Gentiles,” were “committing a thousand wrongs, particularly in regard to sex,” and that there were “very many soldiers who deserved to be hung for the continuous abuses they commit, seizing and violating women.”¹⁴ Yet the case of the two young girls at the Soledad ranchería seems to be the only one that produced a trial in the four-year period that Jayme documents. Jayme seems less concerned with the treatment of the women than avoiding retaliation from Native peoples and the negative effect on his ability to “enhance Franciscan efforts.”¹⁵

Although the Franciscans admonished the soldiers for sexual abuse, the *monjerios* represent the contradictory nature of Franciscan policies and demonstrate how sex and corporeal punishment were used to violate and police California Indian women. In 1824 a Russian explorer, Otto von Kozebue, visited the Santa Clara mission. He describes the *monjerio* “as a large building resembling a prison, without windows and only one carefully secured door.”¹⁶ He adds, “These dungeons are opened two to 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. After mass, they are in the same manner hurried back to their prison.” With separate rooms for women and men, the purpose of these locked dormitory rooms was to control their sexuality—to keep them from sinning, in the Catholic worldview. It was “typically a long, narrow adobe room with high walls, small windows, and a single entrance which could be securely locked from the outside.”¹⁷ Widows and other unmarried women, including girls between the ages of seven and eleven who were taken from their families, were locked up and monitored until marriage or death.

Ironically, the room that served to protect these women left them even more vulnerable to sexual abuse. A Chumash man, Fernando Librado (Kitsepawit), who was raised at the Mission La Purísima, shared a story as told to him by “Old Lucas, the Indian sacristan at Mission San Buenaventure.” According to Librado,

They all took the best-looking Indian girls, Lucas said, they put them in the nunnery; 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 and tap her on the shoulder, and she would commence singing. All of the girls would join in, which in the dormitory had the effect of drowning out any sounds. While the singing was going on, the priest would have time to select the girl he wanted, carry out his desires and come back to where the superior was. Then the singing would stop. In this way the priest had sex with all of them, from the superior all the way down the line. It may be that it was some sort of game which had been concocted between the superior and the priest. The priest’s will was law. Indians would lie down if the priest said so.¹⁸

Remarkably, in 1841, French explorer Eugene Duflot de Mofras described the *monjerios* as a necessary space “to protect [young Native American women] from the brutality of the Indians.”¹⁹ The ideology of “brutal Indians” justified the confinement of California Indian women, which realistically left them vulnerable to the brutality of their “protectors.”

These varying accounts reveal a radical disjunction between reality and ideology that results in constitutive violence: that is, identifying and distinguishing subjects who are legitimate from those subjects who are not. Enabling the discipline and surveillance that structured the missions’ exercise of control were many torture devices, including the *corma*.²⁰ Once used to keep livestock from running away, the priests took it up to punish Indian women who had committed adultery and to police their sexuality. This apparatus allowed women to continue to work, but not to spread their legs. It

“closed around the prisoner’s feet, was formed of two pieces of wood hinged together, twenty-four inches long and about ten inches wide . . . the corra could be used to punish Indians and allow them to perform simple tasks, such as cleaning wheat or grinding corn.”²¹

When mission priests disciplined women’s sexual activities with a painful torture device meant for cattle, they both shamed their sexuality and reduced them to animals. Yet at the same time, Indian girls were taught that under certain circumstances, adultery was acceptable—such as when a priest walked into a room and required girls to sing for him while he had sex with his choice of Native women in the *monjerío*. As Sherene Razack has argued, in these spaces the male’s sense of self is “directly derived from controlling rigid boundaries and specific practices of knowledge production to create racial space, that is, space inhabited by the racial Other.”²² Europeans had long depended on patriarchal authority and racialization to establish power over Native women’s bodies, marking them as inherently “violable” and “rapable.”²³ Sexual violence towards Native women serves the goal of settler colonialism by leaving Native women particularly vulnerable through specific modes of gendering and racialization. This particular violence extends to harm Native men, Native land, and Native independence.

In the missions, priests struggled with population decline among the California Indians. Excessively high mortality rates and low fertility rates were “largely the result of a host of chronic infectious diseases introduced to the region by the Spaniards.”²⁴ Dividing the dimensions described for *monjeríos* by the number of women locked up in them results in approximately 7 by 2 feet for each person.²⁵ As a result, it is speculated that these overcrowded spaces aided the spread of infection, and, “furthermore, venereal disease, notably gonorrhea and syphilis, both highly infectious, not only contributed to the high mortality but most certainly contributed to the low fertility that prevented the mission population from stabilizing between epidemics.”²⁶ Low birth rates and sexual assault created a situation in which some California Indian women in the missions who gave birth to stillborn babies were severely punished. In 1852, Scotsman Hugo Reid, a Los Angeles rancher, wrote a letter about the indiscriminate punishment Padre Jose Maria Salvedea inflicted on Native women:

Having found out the game practiced in regard to destroying the children born to the whites, he put down all miscarriages as the same cause. Therefor, when a woman had the misfortune to bring forth a still-born child, she was punished. The penalty inflicted was shaving the head, flogging for fifteen subsequent days, irons on feet for three months and having to appear every Sunday in Church on the steps heading up to the altar, with a hideous painted wooden child in her arms!²⁷

The “game” Reid refers to is the infanticide that some women committed after becoming pregnant as a result of rape by soldiers. In reality, the very conditions the Franciscans imposed contributed to such infant mortalities as well as the high infertility rates. Beyond the trauma of rape and infant mortality, the Franciscans imposed shame, surveillance, and policing to discipline Native women for the very behavior the Franciscans themselves had caused.

The missionization of California lasted from approximately 1769 to 1845. However, the end of missionization did not offer a reprieve for California Indians. In fact, with the onset of the Gold Rush and California statehood, just the opposite occurred.²⁸ In 1850 the new California state legislature, dominated by whites from the United States, drastically changed the lives of California Indians. Most notably, on April 22 the state legislature passed California Statute Chapter 133, "An Act for the Government and Protection of Indians."²⁹ This act, forcing California Indians into subordinate legal, political, social, and economic positions, authorized their indenture.³⁰ In fact, this was "the common practice of kidnapping Indian children and women, and openly selling them as servants."³¹ The purpose of Chapter 133 was twofold—to get rid of California Indians and exploit their labor—but it also created an atmosphere of lawlessness in which white men were the law unto themselves and sexual violence against California Indian women would continue. Settlers could continue to kill and violate California Indians with impunity. If Natives killed or injured settlers in retaliation, white settlers justified their own actions against these "violent savages." Often telling stories that encouraged vigilante justice, newspapers of the time represented the voice of white settlers and were often referred to as the "watchdog of democracy." Publishers often demanded that local, state, and federal governments work to dispossess, displace, and destroy California Indians.³²

Other newspaper articles called for leniency and attempted to offer a voice for California Indians, some of which shed light on the cyclical nature of the violence imposed on California Natives. Although the newspapers examined for this article never speak about the 1850 act directly, they demonstrate that kidnapping women and children was a normal event. The 1850 act had already legalized acquisition of California Indian labor: "When an Indian is convicted of an offence before a Justice of the Peace, punishable by fine, any white man may, by consent of the justice, give bond for said Indian, conditioned for the payment of said fine and costs, and in such case the Indian shall be compelled to work for the person so bailing, until he has discharged or cancelled the fine assessed against him."³³ If, for example, a California Native was simply loitering in public, he was arrested and his labor made available for purchase. Section three of the act legalizes obtaining Native children, stating that any white male in possession of an Indian child

and wishing to keep it, such person shall go before a Justice of the Peace in his Township, with the parents or friends of the child, and if the Justice of the Peace becomes satisfied that no compulsory means have been used to obtain the child from its parents or friends, shall enter on record, in a book kept for that purpose, the sex and probable age of the child, and shall give to such person a certificate, authorizing him or her to have the care, custody, control, and earnings of such minor, until he or she obtain the age of majority.³⁴

For some white settlers, even this was not enough. In 1856, a journalist for a San Francisco newspaper reported that agents and employees of several reservations "are daily and nightly engaged in kidnapping the younger portion of the females, for the vilest of purposes. The wives and daughters of the defenseless Diggers are prostituted

before the very eyes of their husbands and fathers.”³⁵ This report, and many other calls for reform, found success, but not in the way the authors had intended. In April of 1860 California legislatures essentially legalized the kidnapping of Native children when they amended the 1850 act by giving county and district judges full power and authority to apprentice Indian children without the consent of their parents or guardians.

Conditions became increasingly more deplorable for California Indians. On August 19, 1865, a journalist for the *Sacramento Union* wrote,

The Legislature has done much blowing concerning the Indians in this county, but every Act hits them harder. They are held here as slaves were held in the South; those owning them use them as they please, beat them with clubs and shoot them down like dogs . . . James Shores, an Indian slaveholder here, shot one the other day, because he would not stand and be whipped, inflicting a severe wound, but not killing him . . . I have my doubts of finding a jury that will convict a man for killing an Indian up here.”³⁶

In creating legislation that granted impunity for kidnapping, raping, and killing California Natives, the passage of the 1850 act and its subsequent amendments marks a specific moment when sexual violence became codified into law. Throughout the jurisdiction of California, Native women were twice subject to assault and settler profitability, whether through domestic servitude or selling their bodies for rape.

Newspaper sources reveal how this impunity was justified. A specific cycle of violence began when conditions were imposed on California Indians that prevented them from obtaining food. As a result, Indian men would attempt to steal cattle in order to eat and feed their families. Settlers would then rally a mob of men, kill entire camps of Indian men, and keep the children and women. *The Humboldt Times* encouraged a war of extermination, stating that “The pioneer settlers are not in the habit of deserting their homes for the menaces of native Diggers, and will not be likely now. The white man will remain and occupy the country, the Indian will disappear. If not removed to the Reservations, and retained there by the officers of Government, a bloody retaliatory warfare will continue until the Indians of this coast are exterminated.”

The author of a lengthy reply article in the *Marysville Appeal* hoped to deescalate this call for extermination. In justifying the actions of California Indians, it fully encompasses the magnitude of what California Indian men and women faced during this period. Dated December 6, 1861, in Marysville’s northern location the winter cold was probably beginning to set in, exacerbating lack of supplies, clothing, and hunger. The author wrote, “The stealing of a steer, worth, perhaps, five dollars, by a party of half-starved Indians, who, gradually crowded from their once-happy hunting grounds, have ventured to make a reprisal to sustain life, is generally deemed sufficient cause for a bloody raid upon the flying fugitives, who, exasperated in turn by discriminate slaughter of their kin, seize upon the very first occasion that offers retaliation.”

The *Marysville Appeal* article requested further inquiry into the causes of the depredations that white men faced from the California Indians, arguing, “But it is from

these mountain tribes that white settlers draw their supplies of kidnapped children, educated as servants, and women for purposes of labor or lust . . . It is notorious that there are parties in the Northern counties of this state whose sole occupation is to steal young children and Squaws from the poor Diggers." Later, the author notes that settlers are "willing to pay fifty or sixty dollars for a young Digger to cook and wait upon them, a hundred dollars for a likely young girl."³⁷ Here we see how the criminalization of Native peoples is deeply connected to both sexual violence, and violence with impunity; here the workings of systemic rape and logics of elimination under settler colonialism are unveiled.

During this period law can be seen as inherently violent in and of itself in the way it legitimizes either punishing or upholding violence depending on who commits the act. On September 10, 1859, the *San Francisco Bulletin* released a story that further reveals the contradictory logics of white supremacy under settler colonialism. John Breckenridge reports that four men, including himself, were watching over ten imprisoned California Natives, when a miner by the name of Cain arrived to claim one of the imprisoned women. When the four guards prevented him, he returned two hours later with a mob of forty-five men and a deputy, who locked up the guards, released the prisoners, shot the Native woman's "Buck" (husband), and took the "squaw." Breckenridge reports that "the only motive the mob had was to secure the squaws and keep them."³⁸ Similarly, the *Marysville Appeal* reported on February 8, 1861, that "Several hundred miserable Indians have been slain in Tehama, Mendocino and Humboldt counties . . . for the hunger offense of cattle stealing."³⁹ Later in the same article the journalist adds, "there are many white men who take their neighbor's stock, and have nothing worse hurled at them, therefor; but a string of resolutions."

Once the California Indian men were eliminated for these "hunger offenses" women and children would then become easier to abduct. This method of elimination and containment was made abundantly clear in the *Alta California* newspaper on April 5, 1852. A California Indian man was shot by a miner for stealing a knife. When the miner who killed the Indian man was identified by other Indians, they threatened the miner's life. The miner assembled a mob and surrounded the encampment where the California Indians were staying. The mob "shot all the men, several squaws, and destroyed the rancho." The mob traveled two miles to another encampment and repeated the bloody scene. "The squaws and children" were taken and were reported to have been "mourning over their hard fate and begging for bread."⁴⁰ Their "hard fate" was likely that of domestic servitude and/or sexual violence—all justified by the initial offense of stealing a knife.

Domestic servitude was hardly the lesser of two evils, as the case of the Chase family demonstrates. For five years, the wife of Andrew Chase had continually refused to have an indentured Native woman in the home.⁴¹ When Chase first introduced the idea of an indentured Native servant to his wife, she turned it down after hearing from other women that often their husbands had sex with—that is, raped—the young female Native apprentices. Chase then decided to fight the Native female temptation, writing, "I should like an Indian Girl and had about concluded to send for one, but Mrs. C found by inquiry of ladies who had experience in this kind of property,

that they [Native girls] weren't to be trusted, especially if their masters are fond of vanity. Wife thinks we had better not run the risk, and I think if anything should turn up it would be awful."⁴² Chase's letter reveals that Native women were thought of as property, yet at the same time they were seen as manipulators able to seduce their masters—and thus were to blame for their own rape. Subsequently, when her husband turned forty-five, Mrs. Chase felt more comfortable, assuming his age would diminish the risk of sexual engagement, and an indentured Kumeyaay girl, whom the Chase family renamed "Emma," arrived in 1862. As property and indentured servitude was legalized under the 1850 Act, sexual violence towards Native women and girls continued to be accepted as a norm, and, justified under white male supremacy through the ideology of whiteness, upheld the logics of containment.⁴³

The lawlessness that occurred on the missions continues today on tribal territory.⁴⁴ In the twentieth century Public Law 280 and *Oliphant v. Squamish* added to the complex matrix of jurisdictional injustice imposed on California Indians by the 1850 Act. In 1973, without tribal consent, PL 280 handed California, as well as other states, jurisdiction "over offenses committed by or against Natives on reservations."⁴⁵ In 1978, the Supreme Court ruled in *Oliphant v. Squamish* that Indian tribal courts do not have criminal jurisdiction over nontribal members. Amnesty International's report *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* reveals that "The US Department of Justice's study on violence against women concluded that 34.1 per cent of American Indian and Alaska Native women—or more than one in three—will be raped during their lifetime; the comparable figure for the USA as a whole is less than one in five."⁴⁶

Essentially, the difficulty of navigating between tribal, state, and federal laws permits perpetrators to evade justice. As the Amnesty International report puts it, "Sometimes the confusion and the length of time it takes to decide whether tribal, state or federal authorities have jurisdiction over a particular crime result in inadequate investigations or in a failure to respond at all." The report specifically points out that the federal government creates obstacles for tribes that are adjudicating sexual violence: "The US government has interfered with the ability of tribal justice systems to respond to crimes of sexual violence by underfunding tribal justice systems, prohibiting tribal courts from trying non-Indian suspects and limiting the sentences which tribal courts can impose for any one offence."⁴⁷ In other words, legal complexities that affect Native girls and women today are similar to the colonial laws governing the Soledad rancharía in 1773, which denied any semblance of justice to the young Native girls who were raped and mortally injured by Spanish soldiers.

The stories woven throughout this article reveal that following sexual violence, Native girls and women have faced complex legal procedures and an absence of laws that create the conditions allowing this violence. Thinking through the conditions that permitted sexual violence in the California missions and the 1850 Act for the Government and Protection of Indians reveals how these specific historical legacies are reflected in the lives of Native women today. For example, approximately one hundred and fifty years after the rape and subsequent trial of the two young California Indian girls, Stormy Ogden (Pomo) wrote about her experience as a California Indian

woman.⁴⁸ Ogden's account demonstrates the continuing operation of a system of jurisdictionally complex legislation that historically has functioned to protect white men from the legal consequences of sexual abuse of California Indian women.

Ogden was sexually abused by her neighbor's son at the age of five; by her stepfather and grandmother's husband at the age of seven; then by several male classmates; and eventually, by her husband. By the age of ten she was on her way to becoming an alcoholic. Later, she attempted suicide multiple times. None of her rapists went to jail for their crimes. Rather, at the age of twenty-two, Ogden was sentenced to five years in the California Rehabilitation Center in Norco. Like Ogden, girls who are abused are likely to face social consequences such as poverty and involvement in illegal activity.⁴⁹ Ogden writes, "Violence perpetrated against women and girls can put them into the criminal justice system where they are not seen as victims, but as offenders in the eyes of the state."⁵⁰ Their coping mechanisms are criminalized and they, not their abusers, end up serving time. Similarly, Beth Richie uses the term *gender entrapment* to name the link between Black women's participation in illegal activities and violence against women in domestic relationships and poverty.⁵¹ Applying her theoretical framework to Native women makes visible the ways the PIC operates to uphold settler colonialism. However, it is important to distinguish between the way gender entrapment functions for Black women and Native women; the sexual violence can be traced back to differing historical legacies. Yet both histories are also part of a larger settler-colonial project, and should also be examined together to fully understand the way violence and criminalization work against all women today.

Particularly in the prison system, conditions that remain today for California Natives directly reflect those that California Natives endured under the mission system, including: complex legal procedures, forced geographical relocation, unfree labor, confined living quarters, poor health conditions, impunity for sexual violence, normalization of consistent and imminent physical violence, food limitations, shackles, breaking up of families, harsh discipline, mortification, hypervigilance, denial of Native spirituality/practices, imposition of Eurocentric, patriarchal religious practices, and social and premature death.⁵²

In 1999, the Bureau of Justice reported that per capita, Native Americans experience rates of violence which are more than twice those of the US resident population as well as a rate of incarceration 38 percent higher than the national rate. These numbers have continued to rise.⁵³ Yet astonishingly, attempts to understand the nature of the prison industrial complex rarely analyze settler colonialism and Native American experiences. However, Luana Ross's work is an exception. Ross, a Salish sociologist, examines the life histories of imprisoned Native American women in Montana to demonstrate how race, ethnicity, gender, and class contribute to defining certain behaviors as criminal and to the subsequent incarceration rates. She provides a detailed history of the way colonization in Montana created conditions that are specific to these women.⁵⁴ Beyond Montana and beyond the slave trade, the missionization and subsequent legal codification of violence in California reveals a significant place of origin in which Native men and women were institutionally contained and

physically eliminated. The California missions were some of the nation's first prisons and necessary in order to bring the state into the Union.

Doing this work exposes the contradictory logics of gendering and racialization under white supremacy. Understanding the full history of violence and white supremacy upon which the United States was founded and the logics and politics that have emerged directly out of that history will better equip scholars, and antiprison and prison abolitionist activists as well, with the tools to understand and ultimately to dismantle the prison industrial complex in the United States. Stormy Ogden's story is also significant in that it demonstrates California Indian women's survival and presence. Sharing stories of survival, speaking out and destabilizing the historical logics of a legal system that protects white people's location of privilege are crucial tools for exposing how sexual violence assists in colonization. Situating this work within a feminist, abolitionist framework and putting Native women at the center of analysis allows a closer examination of how sexual violence serves the goals of settler colonialism in various ways.⁵⁵ Legal and social structures that uphold settler colonialism, in which gender, sexuality, race, class, and culture operate to victimize and criminalize Native women, must be dismantled. Understanding the conditions that constructed and perpetuated the way Native women were objectified through a process of gendering and racialization in the missions can assist in dismantling those conditions today. Native women continue to be eliminated and contained through ongoing imperial logics, such as mass incarceration, but most importantly, they continue to resist.

NOTES

1. Virginia M. Bouvier, *Women and the Conquest of California, 1542–1840: Codes of Silence* (Arizona: University of Arizona Press, 2004), 47.

2. Edwin A. Beilharz, *Felipe de Neve: First Governor of California* (San Francisco: California Historical Society 49, 1971), 27–30.

3. *Ibid.*, 29.

4. *Ibid.*, 30.

5. James A. Sandos, *Converting California: Indians and Franciscans in the Missions* (New Haven: Yale University Press, 2004), 92.

6. Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge: South End Press, 2005), 139. American Indians experience per capita rates of violence which are more than twice those of the US resident population, and on a per capita basis American Indians had a rate of prison incarceration 38 percent higher than the national rate. See Lawrence Greenfield and Steven Smith, *American Indians and Crime* (Washington, DC: Bureau of Justice Statistics, US Department of Justice, 1999).

7. In "Making Connections: The Anti-Violence Movement Actively Resisting the Prison Industrial Complex," Communities Against Rape and Abuse defines the prison industrial complex (PIC) as "a massive multi-billion-dollar industry that promotes the exponential expansion of prisons, jails, immigrant detention centers, and juvenile detention centers. The PIC is represented by corporations that profit from incarceration, politicians who target people of color so that they appear to be 'tough on crime,' and the media that represents a slanted view of how crime looks in our communities. In order to survive, the PIC uses propaganda to convince the public how much we need prisons; uses public support to strengthen harmful law-and-order agendas such as the 'War on Drugs' and the 'War

on Terrorism'; uses these agendas to justify imprisoning disenfranchised people of color, poor people, and people with disabilities; leverages the resulting increasing rate of incarceration for prison-related corporate investments (construction, maintenance, goods and services); pockets the profit; and uses profit to create more propaganda." Available at http://www.incite-national.org/sites/default/files/incite_files/resource_docs/9261_anti-prisonbrochure.pdf. Angela Davis describes the PIC (as well as its similarities to the military industrial complex) by suggesting, "Both systems generate huge profits from processes of social destruction. Precisely that which is advantageous to those corporations, elected officials, and government agents who have obvious stakes in the expansion of these systems begets and devastation for poor and racially dominated communities in the United States and throughout the world. The transformation of imprisoned bodies—and they are in their majority bodies of color—into sources of profit who consume and also often produce all kinds of commodities, devours public funds, which might otherwise be available for social programs such as education, housing, childcare, recreation, and drug programs." See Angela Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003), 88.

8. Dylan Rodriguez, *Forced Passages: Imprisoned Radical Intellectuals and the US Prison Regime* (Minneapolis: University of Minnesota Press, 2006); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012); Angela Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture* (New York: Seven Stories Press, 2011).

9. Antonia Castañeda, "Sexual Violence in the Politics and Policies of Conquest," in *Building with Our Hands: New Directions in Chicana Studies*, ed. Adela de la Torre and Beatriz M. Pesquera (Berkeley: University of California Press, 1993), 28.

10. Ibid.

11. Ibid., 25.

12. Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (December 2006), 387–409; Noelani Goodyear-Ka'ōpua, *The Seeds We Planted: Portraits of a Native Hawaiian Charter School* (Minneapolis: University of Minnesota Press, 2013).

13. Anti-prison activism and scholarship works to abolish the prison industrial complex by creating a political vision with the goal of eliminating imprisonment, policing, and surveillance, and creating lasting alternatives to punishment and imprisonment.

14. Bouvier, *Women and the Conquest of California*, 46–47.

15. Ibid., 47.

16. Rupert Costo and Jeannette Henry Costo, *The Missions of California: A Legacy of Genocide* (San Francisco: Indian Historian Press, 1987), 81.

17. Barbara L. Voss, "Colonial Sex: Archaeology, Structured Space, and Sexuality in Alta California's Spanish-Colonial Missions," in *Archaeologies of Sexuality*, ed. Robert A. Schmidt and Barbara L. Voss (London: Routledge, 2000) 43.

18. Fernando Librado and John Peabody Harrington, *Breath of the Sun: Life in Early California, as Told by a Chumash Indian, Fernando Librado, to John P. Harrington*, ed. Travis Hudson (Banning: Malki Museum Press, 1979), 52–53. Some historians speculate that the priest was likely Fr. Blas Ordaz, who was rumored to be very fond of California Indian women and was the literal father of several children.

19. Chelsea K. Vaughn, "Locating Absence: The Forgotten Presence of Monjeríos in Alta California Missions," *Southern California Quarterly* 93, no. 2 (2011): 148.

20. Floggings, shackles, hobbles (two piece of wood that covered the feet, joined together by a ring that went to the knee which then connected to ring straps that hung from the waist and were then fastened with weights), beatings with cudgels, and whippings with cat-o'-nine tails (whips with nine knotted lines, sometimes fashioned with steel balls or barbs of wire) are some of the other devices that may have been used to punish California Indians within the missions.

21. Steven W. Hackel, *Children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California, 1769–1850* (Chapel Hill: University of North Carolina Press, 2005), 325.
22. Sherene Razack, *Race, Space, and the Law: Unmapping a White Settler Society* (Toronto: Between the Lines Press, 2002), 12.
23. Smith, *Conquest*, 10.
24. Hackel, *Children of Coyote*, 113.
25. Sherburne Friend Cook, *The Conflict Between the California Indian and White Civilization* (Berkeley: University of California Press, 1976), 89. This book is a collection of six articles that were first published in *Ibero-Americana* between 1940 and 1943.
26. Hackel, *Children of Coyote*, 114–15.
27. Robert F. Heizer, “The Indians of Los Angeles County: Hugo Reid’s Letter of 1852” (Los Angeles: Southwest Museum Papers 21, 1968), 83.
28. Clifford E. Trafzer and Joel R. Hyer, *Exterminate Them! Written Accounts of the Murder, Rape, and Enslavement of Native Americans during the California Gold Rush* (East Lansing: Michigan State University Press, 1999), 1.
29. For a complete historical timeline that documents the period from missionization to 1850 and how this legislation came to be, see Benjamin Madley, “Unholy Traffic in Human Blood and Souls’: Systems of California Indian Servitude under U.S. Rule,” *Pacific Historical Review* 83, no. 4 (2014): 626–67.
30. Trafzer, *Exterminate Them!*, 19.
31. *The Destruction of California Indians: A Collection of Documents from the Period 1847 to 1865 in which are Described Some of the Things that Happened to Some of the Indians of California*, ed. Robert Heizer (Santa Barbara: Peregrine Smith, Inc., 1974), viii.
32. Brendan C. Lindsay, *Murder State: California’s Native American Genocide, 1846–1873* (Nebraska: Board of Regents of the University of Nebraska, 2012), 30.
33. State of California, “Statutes of California Passed at the First Session of the Legislature” (San José, 1850), 102.
34. *Ibid.*
35. Heizer, *The Destruction of California Indians*, 278.
36. Robert F. Heizer, ed., *They Were Only Diggers: A Collection of Articles from California Newspapers 1851–1866* (Ramona: Ballena Press, 1974), 2–3. Subsequent newspaper quotations are taken from this source.
37. *Ibid.*, 84–85.
38. *Ibid.*, 117.
39. *Ibid.*, 76.
40. *Ibid.*, 24–25.
41. Lindsay, *Murder State*, 155.
42. *Ibid.*, 155.
43. Cheryl Harris posits that racial identity and property are deeply interrelated concepts, where whiteness, constructed as a form of racial identity, evolved into a form of property, protected by law. Whiteness as property parallels the system of domination in which Black and Native American peoples were created as racially contingent forms of property. See Cheryl Harris, “Whiteness as Property,” *Harvard Law Review* 106, no. 8, (1993): 1707–91.
44. Amnesty International, “Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA,” April 24, 2007, index number AMR 51/057/2007, <https://www.amnesty.org/en/documents/AMR51/057/2007/en/>.
45. Luana Ross, *Inventing the Savage: The Social Construction of Native American Criminality* (Austin: University of Texas Press, 1998), 24.

46. Amnesty International, "Maze of Injustice," 2.
47. Ibid., 8.
48. Stormy Ogdén, "Prisoner W-20170/Other," in *Sharing Our Stories of Survival: Native Women Surviving Violence*, ed. Sarah Deer, Bonnie Clairmont, Carrie A. Martell, and Maureen L. White Eagle (Lanham, MD: Altamira Press, 2008), 149–63.
49. Beth Richie, "Queering Antiprison Work," in *Global Lockdown: Race, Gender, and the Prison-Industrial Complex*, ed. Julia Sudbury (New York: Routledge, 2005), 73–85.
50. Ogdén, "Prisoner W-20170/Other," 156.
51. Richie writes, "The model illustrates how gender, race/ethnicity, and violence can intersect to create a subtle, yet profoundly effective system of organizing women's behavior into patterns that leave women vulnerable to private and public subordination, to violence in their intimate relationships and, in turn, to participation in illegal activities. As such, the gender-entrapment theory helps to explain how some women who participate in illegal activities do so in response to violence, the threat of violence, or coercion by their male partners." See Beth E. Richie, *Compelled to Crime: The Gender Entrapment of Battered Black Women* (New York: Routledge, 1996), 4.
52. Lisa Marie Cacho describes how certain groups of people are excluded from the law's protection but not the law's discipline, punishment, or regulation. She also uses the term *social death* to symbolize how the foundation of law relies on some groups and the way "law is dependent on the permanence of certain groups criminalization. These permanently criminalized people are the groups to whom I refer as *ineligible for personhood*—as populations subjected to laws but refused the legal means to contest those laws as well as denied both the political legitimacy and moral credibility necessary to question them." See Lisa Marie Cacho, *Social Death: Racialized Rightlessness and the Criminalization of the Unprotected* (New York: New York University Press, 2012), 6.
53. Greenfield and Smith, *American Indians and Crime*; Todd D. Minton, "Jails in Indian Country, 2012," U.S. Department of Justice (2013): accessed November 20, 2014, <http://www.bjs.gov/content/pub/pdf/jic12.pdf>.
54. Ross, *Inventing the Savage*.
55. Smith, *Conquest*.