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Schooling the Other:
The Role of Education in Nineteenth-Century California

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ABSTRACT OF THE DISSERTATION

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This study looks at the history of California through the prism of education. Control of California changed hands several times during the long nineteenth century, and each change brought about turbulence and social unrest. Schools often proved to be the battlegrounds on which existing cultures clashed with incoming power structures. This study examines these different cultures and their attitudes toward educating the masses, beginning with the different California Indian tribes and ending with California as a U.S. state. In each case, education that was provided by the ruling powers was meant to serve those powers. Consent of the governed was preferable but not necessary. Especially under the United States, educators had to walk a fine line between the rights of parents and the needs of the state. Catholics resisted the Protestant ethos of American common schools. Democrats resisted public schools because they became the postwar agenda of the Republican Party. White parents resisted sending their sons and daughters to school with children of color. Farmers and other manual laborers resisted supporting high schools which their working-class children would never attend. Compulsory school

laws were passed and ignored. Each of these struggles shaped the public school systems that finally became universal among U.S. states in the twentieth century.

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Introduction

Someone once said that, in order to understand a community, it was necessary to examine what it taught its children. This dovetails with the broad definition of education, put forward by Bernard Bailyn, as the transmission of culture from one generation to the next. This transmission begins at birth and continues on to adulthood. Once we reach maturity, we become set in our ways and change becomes difficult. That is why, whether a culture is to be sustained or challenged, children are the key.

Over the centuries, parents and guardians have been the first and most effective teachers of children. They pass on to their children their own culture, experiences, and attitudes. When the community shares this culture and remains undisturbed, very little changes. However, when new ideas are introduced, through conquest, immigration, or new leadership, change is inevitable and often painful.

Frontier communities have always been especially susceptible to upheavals wrought by new ideas. That is because frontiers, as defined by John Mack Faragher, are spaces in which different cultures interact. For roughly a hundred years, from the second half of the eighteenth to the end of the nineteenth centuries, California was such a frontier. A succession of newcomers overlaid their cultures on previously established societies. They did this, or tried to do this, by educating the young in the new ways.

In this dissertation I provide evidence that the role of education in nineteenth-century California was to produce subjects that would be useful to the ruling society, whatever that society was. It was important to each of these societies that children be trained to carry out the will of the dominant culture. When the parents of these children were members of that culture, things were relatively peaceful. When they were not, schools became centers of controversy. There was a lot of controversy in California's nineteenth-century schools, brought on by the unprecedented intersection of cultures in the region. Parents often resisted the prevailing culture's efforts to educate their children, because they feared that their children would be absorbed into that culture and thereafter look down on their elders as ignorant aliens. Other parents considered themselves to be entitled to their children's labor and saw any kind of compulsory education as a violation of their rights. Whatever the reasons, education in California only became compulsory when it involved uncomfortable change.

There were some individuals that the ruling society refused to educate at all. These were beings regarded as incapable of participating in the dominant culture and therefore in no need of education. This specifically applied to nineteenth-century white Americans' attitudes toward nonwhite peoples. In this dissertation I analyze how changing times and a somewhat reluctant commitment to principle eventually brought about relative equity in the education of nonwhite Americans.

A number of historians have explored the various ways in which the nineteenth-century American educational system sought to assimilate other races by making them as

white as possible.[1] What might not be as apparent was how the educational system sought to assimilate other whites—by making them less foreign, or less Catholic, or less southern. This is something I attempt to do in this dissertation: to show that the nineteenth-century vision of the ideal American was so specific that it excluded not just nonwhite races but also certain categories within the white race itself. The purpose of the public school in California, as in the rest of the United States, was to fine-tune the American citizen, to homogenize the electorate, and to educate children out of those troubling "other" categories (a process that continues, with some modifications, to the present day). This is a corollary to my overarching thesis that public education serves the dominant society.

The common school movement gained momentum in the United States in the 1830s, during Jackson's presidency, when the common man became the ideal American. New states dropped the property requirement for voting, so that now any white American man, rich or poor, could cast his vote. The nation realized that it would have to do something to make sure that elections of government officials were not decided by a mob of ignoramuses. Public education was the key to producing informed voters.

Most of the communities that espoused public education in the form of the common school were relatively homogenous in their makeup—English-speaking Protestants of European descent. Such was not the case in California. During the

[1] See David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence: University Press of Kansas, 1995), and Wesley S. Woo, "Presbyterian Mission: Christianizing and Civilizing the Chinese in Nineteenth-Century California," *American Presbyterians*, Fall 1990, Vol. 68, No. 3 (Fall 1990), pp. 167-178.

nineteenth century, California was the most ethnically diverse state in the Union. As such, it faced challenges to the public school system not known in other states. California in the nineteenth century was a microcosm of what the United States would look like in the twenty-first century.

Several historians have written about education in nineteenth-century California. The first to do so was the state's fourth Superintendent of Public Instruction, John Swett, who some have dubbed the "Horace Mann of the Pacific" for his tireless devotion to setting the California public school system on firm financial footing. In 1876 he published *History of the Public School System of California.* He makes no mention of any attempts on the part of Spain or Mexico to establish public education in California. Instead, his account begins with the Constitutional Convention in Monterey in September of 1849, during which American lawmakers agreed to include in the new state constitution a provision for public education. Swett traces the history of public schools in California for the first quarter century of their existence and faithfully details the organization of the districts, the training of teachers, and the struggle with the state legislature to take public education seriously enough to impose the taxes necessary to support it. Hubert Howe Bancroft, in his majestic seven-volume history of California published in the 1880s, includes several accounts of education in California, from the Spanish Franciscans on. In 1911, Swett published his second book, *Public Education in California*, in which he puts the history of California's public education into context with that of the rest of the nation.

In 1937, William Warren Ferrier published *Ninety Years of Education in California*, *1846-1936*. Like Swett, Ferrier discusses the legal provisions made by the state legislature for education, provisions that were ignored or, for financial reasons, were not practical during the first years of the state's existence. But Ferrier goes beyond Swett's work by writing about the racial issues inherent in nineteenth-century school laws in California. The subject was the elephant in the room in the writings of Swett, who was intent on making tax-supported education acceptable to parents. He recognized race as a hot-button issue that could easily derail the California public school system, so he avoided the subject whenever he possibly could.

Ferrier's book appeared during a time when many Americans were expressing an interest in the history of American education. This came about as a result of the professionalization of American teachers. Early in the nineteenth century, teaching had been looked down on as something one did before marriage or after retirement. But as the education of the electorate became more important, training teachers also became more important. By the end of the nineteenth century, teachers were required to earn teaching certificates at the normal schools located throughout the country. To aid in the process of dignifying the teaching profession, schools of education sought to impress on their students that they were training to be part of a long and honorable tradition of teaching, and to show them how schooling had evolved and improved over the years. Thus was born the history of education as a subdiscipline of American history. Over the next two decades, works on the history of education appeared, to serve as textbooks in the new departments of education. Most of these histories focused on national (and

therefore eastern) education.[2] Ferrier's was the only one to focus on California. Fifteen years later, in 1952, Roy W. Cloud published *Education in California* to celebrate the hundredth anniversary of the California public school system and also as a history of the California Teachers' Association, of which he was chief executive secretary. It is a top-down history that principally focuses on the careers of the most prominent members of the association.

Beginning in 1960, with the publication of Bernard Bailyn's *Education in the Forming of American Society*, there was a renewed national interest in the history of education. This brought on another wave of works on the subject,[3] including a biography of California's first State Superintendent of Public Instruction. *Judge Marvin and the Founding of the California Public School System* (1962), by David Frederic Ferris, follows John G. Marvin's efforts to establish a statewide school system in the face of an apathetic state legislature, lack of funds, a shifting population, and a precarious frontier government. Setting up a state government was expensive, and state senators and assemblymen were hesitant to burden an already overtaxed electorate with the costs of a public school system. Ferris argues that, in the early days of the state, free public education was pushed aside in favor of more pressing matters. In time, however, Marvin succeeded in making a statewide public school system a reality.

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[2] See, for example, Ellwood P. Cubberley, *Public Education in the United States: A Study and Interpretation of American Educational History* (Boston: Houghton-Mifflin Company, 1919, 1934); Stuart G. Noble, *A History of American Education* (New York: Rinehart & Company, 1938).

[3] See David B. Tyack, ed., *Turning Points in American Educational History* (Waltham, MA: Blaisdell Publishing Company, 1967); Lawrence A. Cremin, *American Education: The National Experience, 1783-1876* (New York: Harper & Row, 1980); Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983).

Since the 1960s, works that deal with the history of education in California have appeared with measured regularity. *The Development and Organization of Education in California* (1968), by Charles J. Falk, includes discussions about education among California Indians as well as the educational efforts of the Catholic friars at the California missions and the attempts to foster education under the Republic of Mexico. Falk points out that the frontier conditions in California made it as difficult for the Americans to establish a school system as it had been for those who came before them, especially in the chaos created by the Gold Rush and, a decade later, the Civil War. In a similar vein, Irving G. Hendrick, in the first chapters of his slim survey book, *California Education: A Brief History* (1980), discusses the nature of education among California's Indian tribes before the coming of the Spaniards; the kind of education administered to neophytes under the Spanish mission system; the schools established in California during the Mexican period; and the founding of a statewide school system when California joined the Union in 1850. Charles Wollenberg offers a different take on the history of education in California in *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (1976). Wollenberg presents the school busing controversy of the 1970s as part of a continuing pattern of racial inequity that has afflicted the California state school system since its inception. His work is primarily concerned with the court cases that grew from that conflict. These cases and their resolutions trace the legal trajectory of equal rights in California's public schools.

California occupies only a corner of the canvas upon which Victoria-María MacDonald draws in *Latino Education in the United States: A Narrated History from*

1513-2000 (2004). MacDonald's examination of her subject begins when Ponce de León first landed on the shores of Florida. MacDonald argues that the current level of educational achievement among Latinos in the United States is affected by the educational legacies not only of the United States but also of Mexico and of Spain before it. She compares the historical experiences of Latinos in Florida, New Mexico, Texas, California, Puerto Rico, and even Cuba with regard to attitudes toward and access to education. *Latino Education in the United States* was among the first works to examine non-Anglo education in the United States on such a broad scale.

Conversely, D. Michael Bottoms' focus in *An Aristocracy of Color* is much narrower in both time and place, as indicated by his subtitle—*Race and Reconstruction in California and the West, 1850-1890* (2013). Unlike MacDonald's work, *Aristocracy of Color* does not center solely on the subject of education but rather how race was defined and constricted in the laws and politics of nineteenth-century California. Bottoms examines nineteenth-century race theory in juxtaposition with Reconstruction legislation which forbade the withholding of civil rights based on race. One of the book's chapters is dedicated to the issue of race in California's schools. It spotlights legal cases in which California's black and Chinese residents fought for equality in the state's public school system.

Ward McAfee approaches the same issues through a wider lens in *Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s* (1998). As with most histories of American education, McAfee's work focuses mainly on the eastern states, and on the condition of education after the Civil War. McAfee argues that the

Republican Party sought to bind the nation's war wounds through the public schools, by providing the newly-freed black citizenry with the education they had been denied while under slavery. The party also used the public schools to defend against the problems created by increased immigration from countries, particularly Ireland, that were predominantly Catholic. The Republican Party's efforts to homogenize the American electorate by means of the public schools foundered on the party's insistence that public schools be racially and religiously integrated.

Matthew Gardner Kelly, in "Schoolmaster's Empire: Race, Conquest, and the Centralization of Common Schooling in California, 1848-1879," argues that state centralization of public education was a California innovation. He states that California led, rather than followed, the eastern states in implementing a centralized statewide school system.[4] In terms of timing, that may be true. But it is inaccurate to suggest, as Kelly does, that California came up with the idea and the eastern states emulated it. Centralized state control of school systems had been recognized by eastern educators for decades as the most efficient way to educate America's youth. However, there were deeply entrenched systems already in place in the eastern states, left over from colonial times, that put the responsibility for the schools in the hands of local authorities.[5] It would take some time to replace these local systems with statewide authority over the

[4] Matthew Gardner Kelly, "Schoolmaster's Empire: Race, Conquest, and the Centralization of Common Schooling in California, 1848-1879," *History of Education Quarterly*, Vol. 56, No. 3 (August, 2016), p. 447.
[5] William J. Reese, *The Origins of the American High School* (New Haven and London: Yale University Press, 1995), p.67.

schools. California, as a new state with a largely transplanted population, could put the new system into place at the outset, without having to retrofit older arrangements.

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This dissertation intersects with many of these works. Like Falk, Hendrick, and MacDonald, I try to soften the Yankee-centric nature of my subject by including the educational endeavors of Spain, Mexico, and the California Indians. Like McAfee, I explore how the perception of southerners and Catholics as outsiders had a profound impact on public education after the Civil War. And, like Wollenberg and Bottoms, I examine the white response to the inclusion of nonwhite children in the public schools after the Civil War.

If it is necessary to examine how a community schools its children in order to understand that community, it is also necessary to examine the community in order to understand why it schools its members as it does. I attempt to do that in this dissertation. I look at the culture and the times in which schooling took place during California's several historical phases. At times this takes the reader as far afield as medieval Europe or colonial America. But since all history rests on the history that went before it, it is necessary to go back far enough to make the story comprehensible. Thomas Bender, in the introduction to *Rethinking American History in a Global Age*, refers to this process as "following the extension of historical contexts." Bender argues that American historians "must understand every dimension of American life as entangled in other histories."[6] In

[6] Thomas Bender, ed., *Rethinking American History in a Global Age* (Berkeley and Los Angeles: University of California Press, 2002), p. 5.

no part of the country does this apply more than in California. Since the eighteenth century, and especially since the nineteenth, California has been entangled with the rest of the world. To understand California, then, it is necessary to at least touch on these other histories. This dissertation looks at the histories of Spain, Mexico, China, and the United States to form a more accurate understanding of what took place in California in the nineteenth century and how that cumulative history shaped the educational experiences of California's children.

For the most part, this work is organized chronologically, since an examination of the cause and effect of historical events on education in California does much to explain its development. Chapter 1 looks at the attitudes toward knowledge that were held by the various peoples that inhabited California. Living in the Information Age as we do, it is easy to forget that access to knowledge has not always been considered a birthright. Hierarchical societies throughout history have deemed only certain individuals, specially trained, blessed, or consecrated, to be worthy of possessing specialized knowledge. California Indians and the Catholic Church in California were two of those societies. Chapter 2 delves into the historical development of Spain and Mexico to demonstrate the function that education served in each of those societies. It also examines how political instability and a lack of social cohesion short-circuited many earnest attempts to establish systems of public education in Spanish and Mexican California during the eighteenth and nineteenth centuries. Chapter 3 deals with California's conquest by the United States and its breathtakingly rapid entry into the Union as the 31st state. In this chapter I examine how the chaos of the Gold Rush and early statehood challenged the stalwart American

commitment to the common school. Chapter 4 looks at how the aftermath of the Civil War affected public education in California. Public schools treated the state's many southern-born residents as traitors to the union, and attempted to school their children away from the attitudes of their parents. The postwar surge of Catholic immigrants from Europe incited some California educators to do all in their power to tone down the "Catholicness" of some of their students. Chapter 5 looks at the trajectory of the education of nonwhites in nineteenth-century postwar California. For its own specific reasons, California was remarkably recalcitrant when it came to accepting the Reconstruction Amendments to the Constitution—particularly the Fourteenth and Fifteenth Amendments, which guaranteed citizenship and voting rights to native-born persons of color. This would create a great deal of disruption in California schools and bring the question of race to center stage.

In *Schooling and the Making of Citizens in the Long Nineteenth Century*, David Labaree makes the observation that "schools exist to help individuals adapt to the needs of society."[7] On the surface, this is a gentle, innocuous statement of a widely accepted fact. Labaree goes on to discuss the historical tension in America's schools between personal fulfillment and public responsibility. Especially today, people look at schooling as a necessary part of a successful personal life, and as such it is a positive thing. But my research has revealed that, at bottom, public education serves the ruling society. When

[7] David F. Labaree, "Citizens and Consumers: Changing Visions of Virtue and Opportunity in U.S. Education, 1841-1954," in *Schooling and the Making of Citizens in the Long Nineteenth Century: Comparative Visions*, ed. Daniel Trohler, Thomas S. Popkewitz, and David F. Labaree (New York: Routledge, 2011), p. 186.

that rule is threatened, society will use the schools to coerce the outliers into "adapting to the needs of society." The Franciscans exercised this coercion on the California Indians; the iteration of the American school system in California exercised it over its own group of Others—Catholics, Confederates, and people of color.

Because this is a work of nineteenth-century history, it contains material on race and gender that some readers may find objectionable. But to revise nineteenth-century attitudes to suit twenty-first-century sensibilities would be historically dishonest. So I hope that this dissertation will be read in the spirit with which it was written—with the greatest respect for the many different kinds of people that inhabit its pages.

Chapter 1

Attitudes toward Knowledge among Early California Peoples

Americans and Europeans traveling to California in the eighteenth and nineteenth centuries often commented negatively on the California Indians. John C. Frémont, the "Great Pathfinder", famously dubbed them "Diggers" after observing that roots formed a substantial part of the indigenous diet. The epithet stuck and became synonymous with laziness and ignorance.[1] Many observers believed that California Indians were barely human, for they saw little evidence of any culture among them.[2]

It probably never occurred to these observers that if they saw no evidence of culture among the California Indians, it was because the Indians did not want them to see it. This had everything to do with the way the Indians regarded knowledge.

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[1] J.J.F. Haine and Jean Albert Goris, "A Belgian in the Gold Rush: California Indians, A Memoir by Dr. J.J.F. Haine," *California Historical Society Quarterly*, Vol. 38, No. 2 (June 1959), p. 148; Helen Mabry Ballard, "San Luis Obispo County in Spanish and Mexican Times," *California Historical Society Quarterly*, Vol. 1, No. 2 (Oct. 1922), p. 154; Herbert Howe Bancroft*, Native Races of the Pacific States*, Vol. I, p. 373; Dr. John Joseph François Haine, "California Indians," lecture before the Société Royale de Géographie d'Anvers, 1883.

[2] Bernard de Voto, *Year of Decision: 1846* (Boston: Little, Brown and Company, 1943), p. 337; 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), p. 131.

In this chapter I examine attitudes toward the basis for all schooling—the acquisition of knowledge. Horace Mann famously quipped that the common school was the great equalizer, and the American ideal, embodied in the Declaration of Independence, was that all men are created equal. But social equality was neither possible nor, in many cases, desirable in hierarchical societies, such as those of the California Indians and the eighteenth-century Catholic Church. Such societies were rigid and unchanging, and their members found a sense of security and belonging within those rigid frameworks. Change was frightening, and was therefore to be resisted. Thinking for oneself was uncomfortable and highly discouraged. It was much safer to follow the lead of those who appeared to be in possession of special knowledge.

It was a common belief among southern California Indian tribes—among them the Gabrieleño (Tongva) of the Los Angeles Basin, the Luiseño to the southeast, and the Chumash to the north—that humans received all knowledge from the gods.[3] Knowledge, therefore, possessed supernatural power, and must only rest in the hands of those who

[3] Raymond C. White, "The Luiseño Theory of 'Knowledge,'" *American Anthropologist*, New Series, Vol. 59, No.1 (Feb. 1957), pp. 8-9; Kathleen L. Hull, "Archaeological Expectations for Communal Mourning in the Greater Los Angeles Basin," *Journal of California and Great Basin Anthropology*, Vol. 31, No. 1 (2011), p. 28; Bill Cohen, "Indian Sandpaintings of Southern California," *Journal of California and Great Basin Anthropology*, Vol. 9, No.1 (1987), p.13; Lowell John Bean, "Power and Its Applications in Native California," *The Journal of California Anthropology*, Vol. 2, No. 1 (Summer 1975), p.29; Lisbeth Haas, "'Raise Your Sword and I Will Eat You': Luiseño Scholar Pablo Tac, ca. 1841," in *Alta California: Peoples in Motion, Identities in Formation, 1769-1850*, ed. Steven W. Hackel (Berkeley: University of California Press, and San Marino: Huntington Library, 2010), p. 99. See also Steven W. Hackel, *Children of Coyote*, p. 16.

would use it to benefit humankind. Knowledge in the hands of unworthy beings would lead to death and destruction.[4]

The lifeways of several southern California tribes reflected the belief that knowledge was power and must be closely guarded. The Gabrieleño, for example, constructed their villages around a central sacred space, known as a *yovaar* or *yobagnar,* which they believed was where the mortal could commune with the divine. The *yovaar* was a flat, circular piece of ground enclosed by a three-foot-high willow fence and open to the sky. Hugo Reid, a Scottish immigrant to California whose wife was a Gabrieleño woman, described the *yovaar* as a "church," but it was not a church where all were welcome. Because the *yovaar* was seen as a place of sacred power, only those who possessed the knowledge to handle such power were permitted to enter.[5] These included the *tomyaar*, or chief; the *puplem*, or shamans (seers); and the village elders, drawn from the elite ruling class. All others remained outside the fence in respectful silence.[6]

The village structures that were built closest to the *yovaar* were the homes of the chief and the shamans, who were considered the most worthy of being in contact with the supernatural power of the *yovaar*. Other tribal elite also had their homes near the center of the villages, and this not only gave them access to power but also served to protect

[4] This careful guarding of knowledge explains why there are so few primary sources from the Indian peoples themselves. While I reference several primary sources in this section, they are all, almost without exception, provided by non-Indian eyewitnesses, whose accounts are unavoidably colored by their own cultures and perceptions.
[5] Hugo Reid, "Letters on the Los Angeles County Indians," no. 4, *Los Angeles Star*, 1852; William McCawley, *The First Angelinos: The Gabrielino Indians of Los Angeles* (Banning, CA: Malki Museum Press, Morongo Indian Reservation, and Novato, CA: Ballena Press Publishers Services, 1996), p. 27.
[6] Father Geronimo Boscana, *Chinigchinich* (1822).

them in times of war.[7] Beyond the elite center of the village were the homes of the commoners, and the poor lived beyond them on the outskirts of the village in lean-to structures or windbreaks. The poor and homeless were therefore the most susceptible not only to inclement weather but also to attacks from enemies.[8] It is likely that these were the first and perhaps the only Indians that most European and American immigrants to California saw as they passed the villages. The opinions that many Europeans and Americans formed of the California Indians were thus skewed by having an incomplete picture of Indian culture.

The arrangement of their villages reflected the structure of society among the Gabrieleño, Luiseño, and other southern California Indians. Highly stratified and hierarchical, these Indian cultures were conservative and allowed for little to no social mobility. A southern California Indian lived the life into which he or she was born, following structures and rules imposed from without rather than created from within. Universal education was certainly not a part of that structure; power sprang from knowledge, and only those deemed worthy could be allowed access to it.

This attitude is evident in the male puberty rites that played a central role in southern California Indian culture. The puberty rite was the first time a boy was given access to the knowledge of the native California universe. To keep that knowledge out of the reach of those unentitled to it, the crucial phases of the puberty rite were carried on in the utmost secrecy.

[7] McCawley, *The First Angelinos*, p. 28.
[8] Ibid.

The culminating ceremony in the boys' puberty rite was the creation of a sandpainting. This was the most sacred and secret part of the rite. The elders made a depiction of the native Californian universe on a level piece of ground selected especially for that purpose and protected from the eyes of unqualified individuals by an overarching brush hut.[9] This depiction was made up of concentric circles of white, black, and red, representing heaven, earth, and the underworld. The message was that humans, positioned between the upper and lower worlds, could draw knowledge (and therefore power) from both.[10]

Within these circles the sandpaintings consisted of mnemonic symbols to help the initiates remember the lessons the elders taught them about such things as astronomy, astrology, and the geographical features of the vicinity in which their village was located.[11] The boys were instructed to commit to memory all they learned from the sandpainting. When the instruction was concluded, the elders pushed the edges of the sandpainting—which consisted of various colored sands and seeds—toward a hole at the center of the painting, thereby erasing the painting so as to protect the knowledge it contained. The material was then gathered up and taken to a sacred space and the brush hut that had sheltered the painting was burned to the ground.[12]

This ritual, so pivotal in the lives and beliefs of southern California Indians, demonstrates their attitude toward the acquisition and retention of knowledge. The

[9] Cohen, "Indian Sandpaintings," p.12.
[10] Cohen, p. 8.
[11] Each southern California Indian village considered itself to be the center of the world and therefore to possess the strongest concentration of shamanistic power. The further a shaman moved away from his village, the more his power decreased. See Cohen, p. 9.
[12] Cohen, p. 12.

knowledge made available during the puberty rite was acquired in secret and retained in the memory. Such knowledge could not be put into writing because it might fall into the wrong hands. This view of knowledge precluded the development of a written language. While some historians and anthropologists have attributed the absence of a written language among the California Indians to slow cultural development, it is far more likely that native Californians would have considered the concept of a written language to be dangerous. This also explains why California Indians were known to have remarkably good memories.

This is not to say that native Californians considered all knowledge to be a sacred secret. From an early age they taught their children the precepts of the community, which they believed had been handed down to them by their god, Chinigchinich. This divine bequest thus made all knowledge sacred; however, only certain aspects of it were kept secret, out of the hands of the unworthy.

To train their children to become adults worthy of receiving knowledge and its attendant power, southern California Indians taught their children the principles of respect for authority, reciprocity and food-sharing, physical endurance, and personal hygiene. For example, children were not allowed to pass between two adults who were in conversation with each other. When they became old enough to hunt and fish, boys were taught that they could not eat their own kill or catch because that would weaken their hunting and fishing skills. Children were not allowed to approach a fire for warmth,

or to eat certain foods before they reached adulthood. And everyone, adults as well as children, were commanded to bathe once a day.[13]

In addition to these behavior-modifying lessons, children also learned by listening to the stories told by the village bards. These were specially-trained men who had memorized the ancient tales and were able to repeat them word for word—an important skill in a conservative culture that did not possess a written language and that eschewed changes of any kind. These bards told creation stories, moral fables, and origin tales.[14] Children thus grew up with a sense of where their people had come from.

Some children, who showed particular aptitude for it, were trained in the ceremonial dances of the tribe. In describing the sacred space of the *yovaar,* Hugo Reid also described a second enclosure nearby that was "unconsecrated" and used to teach selected children "to dance and gesticulate."[15] Because dance was such an integral means by which the Gabrieleño and other southern California tribes sought to sustain traditional knowledge, the unconsecrated enclosure can be seen as a school for the young. However, this school taught only the movements and not the significance behind these movements, significance that was often associated with the powerful knowledge held only by the elite. When these dances were performed, they were introduced by the chief in a special language that was incomprehensible to the average Indian. According to

[13] Hugo Reid, "Letters on the Indians," No. 9, Los Angeles *Star*, 1852; Father Gerónimo Boscana, *Chinigchinich*, pp. 47, 61-62. See also McCawley, pp. 148-9.
[14] McCawley, p.149.
[15] Reid, "Letters on the Indians," No. 4, Los Angeles *Star*, 1852.

Father Gerónimo Boscana, this resulted in the Indians performing traditional rituals "without understanding the meaning of what they do or articulate."[16]

Because of the exclusive nature of ritual knowledge and power, those who held it were looked on as above and somewhat outside Indian society. Average Indians viewed these knowledge-possessors with respect and fear but also saw them as somewhat peculiar. Those who possessed the most potent forms of knowledge were not subject to the same social rules that governed everyone else. They could also use their power to harm someone who displeased them; for this reason, lower- and middle-class members of the tribe tended to avoid them whenever possible.[17]

While it was possible for tribal members who had not inherited sacred knowledge to acquire it, those already in possession of such knowledge did what they could to prevent this, usually by means of secret societies, a secret language, and the control of ceremonial paraphernalia. "The main social implication of power," according to Lowell Bean, "was that elites lived a life and shared a knowledge system which clearly separated them from their people."[18]

That California natives maintained a strict custody over knowledge and power can be seen, finally, in their mourning rituals. When a person died the Indians believed that the spirit of that person lingered, chained to this world by his or her possessions and by the memories that loved ones held of the person. To free the spirit for its journey to the land of the dead—and to protect the living from any mischief a lingering spirit might

[16] Boscana, *Chinigchinich*, p. 17.
[17] Bean, "Power and Its Applications in Native California," p. 31.
[18] Ibid., p.32.

cause—the person's name was never again spoken, and the person's clothes were ritually burned.[19] Dead bodies were either burned or buried, and the person's possessions, which were considered tainted because of having belonged to the dead, were burned or buried with the body. Such possessions could include pots, baskets, beads, bone and shell tools, and otter skins; if the person were an official, his ritual instrument would be buried with him.[20]

As a result of these beliefs and practices, very little material culture accumulated among the Gabrieleño and other tribes of southern California. European and, later, American observers, for whom an accumulation of goods across generations was a symbol of civilization and culture, therefore believed that the southern California Indians had neither. They did not see the lack of goods for what it really was—as a way of protecting sacred knowledge from the unworthy.

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In the sixteenth century, Spain ruled the western world. Its monarchs, Ferdinand of Aragon and Isabella of Castile, had succeeded in driving the Muslims off of the Iberian peninsula and in making Spain the most Catholic country in Europe. They set up the Inquisition to make certain that every Spaniard was a true Catholic. The Inquisition

[19] McCawley, p. 156; White, p. 7.
[20] Hull, "Archaeological Expectations," p. 33; McCawley, p. 157.

punished otherness and, in so doing, trained the Spanish people to conform unquestioningly to hierarchical authority.[21]

When Columbus stumbled onto the Americas, he opened up to Spain a whole new world of riches and missionary opportunity. In its conquest of the Aztec and Incan empires, Spain came into possession of most of the gold, precious jewels, and silver of the Americas. Spain became fabulously wealthy, and the Catholic Church, to which it was devoted, prospered. A delighted Pope Alexander VI gave Ferdinand and Isabella the title of "The Catholic Monarchs."[22] Though not the only Catholic monarchs in Europe, "their Most Catholic Majesties," Ferdinand and Isabella, set the standard of piety according to the Church in Rome. Catholicism thus became the overriding characteristic of what it meant to be Spanish.

With its newfound wealth and prestige, Spain became the most powerful nation in Europe. Other lesser nations tried to emulate it, with varying degrees of success, but none could come close to Spain's splendor. Spain saw itself as God's most favored nation. It had discovered the narrow path to both spiritual and temporal success and was determined to carry on in the same vein. Spain began to grow complacent in its greatness.

The Protestant Reformation of the sixteenth century flashed through Europe and shook reluctant Spain out of its complacency. Martin Luther was preaching the

[21] Yirmiyahu Yovel, "Ferdinand, Isabella, and the 'True Inquisition,'" *The Other Within* (Princeton, NJ: Princeton University Press, 2009), pp. 168,174.
[22] Jeffrey Gorsky, "The Catholic Monarchy," *Exiles in Sepharad* (Lincoln, NE: University of Nebraska Press: Jewish Publication Society, 2015), p. 213.

heretofore unheard-of idea that the key to personal salvation lay, not in the Church, but in developing a faith in God by means of the Scriptures. Every individual was personally responsible for his or her salvation, and this required the ability to read the Bible. For the first time, literacy became a matter of life and death.

This philosophy of searching the Scriptures for oneself ran counter to the Spanish Inquisition's insistence on unquestioning submission and conformity to the Church. To maintain the status quo, learning in Spain had always been reserved to the upper classes, and was administered by intellectual middlemen—priests and professors—who interpreted the material and delivered it to their students in pre-digested form. In an age when books were scarce and literacy was low, this had been a necessity. In places like Spain, it was also an effective form of social control.

The first universities in Europe—the University of Bologna in 1158, the University of Paris in 1200, the University of Salamanca in 1219--promoted a method of study that came to be known as scholasticism. The principle behind this method of study was that knowledge and truth already existed—in the philosophies of Plato and Aristotle, in the mathematical equations of Pythagoras and Euclid, in the writings of early Church Fathers such as Origen and Augustine—and had only to be ingested, memorized, and parroted back.[23] This culture of received knowledge held sway in Europe until the humanist currents of the Renaissance encouraged critical thinking and empirical research.

[23] Such a method of study was necessitated by the scarcity of books in pre-Gutenberg Europe. Students were dependent for their learning on the lectures of their professors, which they memorized to the best of their abilities.

The top-down flow of knowledge that characterized scholasticism suited hierarchical Spain. When the Protestant Reformation began to spread its message of religious egalitarianism throughout northern Europe in the sixteenth century, the Catholic countries mounted a counter-reformation in order to hold on to the minds and hearts of their parishioners. A Spaniard, Ignatius of Loyola, founded a new religious order, the Society of Jesus, whose focus was on the moral and religious education of the young. Recognized by the pope in 1540, the Jesuits developed a system of study admired even among Protestants.[24] The Jesuits imposed order on what had been up to this time a haphazard approach to education. They introduced the practices of graduated curricula and examinations. In their grammar schools and colleges, they taught theology based on the writings of Thomas Aquinas, philosophy based on the teachings of Aristotle, and the classical literature of the Greeks and the Romans.[25] The Jesuits were thus able to keep the influence of the Protestant Reformation at bay in Catholic Europe. Yet, as innovative and influential as Jesuit education was, it was directed primarily at the elite. The common people, in Spain as in other Catholic countries, remained illiterate, for it was not necessary for them to know how to read to carry out their functions in society.

The Jesuits were among the religious orders that established missions in the Spanish colonies of North and South America. Their arrival in these lands, however, was later than that of the Franciscans and Dominicans. The Society of Jesus differed from

[24] Katherine Walsh, "The Reformation and Education: Humanist Theory and Sectarian Practice," *Studies: An Irish Quarterly Review*, Vol. 64, No. 255 (Autumn 1975), p. 224.
[25] Noel Barber, S.J., "Education: A Reflection of Social Change? Durkheim on Jesuit Education," *Studies: An Irish Quarterly Review*, Vol. 76, No. 302 (Summer 1987), pp. 220, 222.

other Catholic religious orders in that many of its members were the sons of the aristocracy, born to privilege and raised in the tradition of leadership. The order itself was new and therefore not as hidebound by custom as were the 300-year-old Dominican and Franciscan orders. Unlike the Dominicans and Franciscans, the Jesuits were not a mendicant order, meaning that they had no tradition of begging for their sustenance, and this perhaps made them less humble than the other orders. And while the Jesuits took the same vows of poverty, chastity, and obedience as their Franciscan and Dominican brothers, Ignatius of Loyola had added a fourth vow—that of unquestioning loyalty to the pope and a willingness to take the word of God to any corner of the earth to which he might choose to send them. This vow, in effect, gave the pope his own personal "militia" which, with the rise of regalism in the eighteenth century, threatened the sovereignty of the Spanish monarch. In 1767 Carlos III expelled the Jesuit order from Spain and from all its colonies in the Americas.[26]

Although the prime motivation for the Jesuit expulsion was political, other factors also entered into the decision. One of these was the Jesuit stance on education. In the sixteenth century, when the Spanish Empire was at the peak of its power, the Jesuits had led the way in innovating Spanish education with a methodical, graded approach to learning. The Jesuit curriculum was codified in 1599 in the *Ratio Studiorum* and was emulated around the world. But the Jesuits, like the Spanish Empire itself, became frozen in their success. For two centuries, Jesuit teachers were bound by the precepts in

[26] Magnus Mörner, "The Expulsion of the Jesuits from Spain and Spanish America in 1767 in Light of Eighteenth-Century Regalism," *The Americas*, Oct. 1966, Vol. 23, No. 2 (Oct. 1966), p. 161.

the *Ratio Studiorum* and could not substantially alter the plan of study.[27] Meanwhile, the Scientific Revolution and the Enlightenment of the seventeenth and eighteenth centuries were changing the world around them. By the time the Bourbon king, Carlos III, ascended the Spanish throne in 1759, Spain was woefully behind the times. To a large extent, the king blamed this situation on the Jesuits, who still used the scholastic method of the Middle Ages which emphasized rote memorization of received knowledge rather than the empirical methods of experimentation and discovery which made the Scientific Revolution possible.[28] The Jesuits, who by 1767 ran the largest educational institution in the world, were now deemed unsuited to teach the children of a new age.

Once the Jesuits were removed from the provinces of New Spain, the Franciscans stepped in to fill the void. In the spring of 1768 they arrived in Baja California, led by Junípero Serra. The following year, in response to Spanish fears about the incursion of Russian fur trappers along the Pacific Coast, Serra led a Franciscan missionary expedition north into Alta California.[29]

While the Franciscans may have differed from the Jesuits with regard to their political ambitions, their educational methods among the Indians of the Californias were nearly identical to those of their predecessors.[30] This was because their educational goal was identical—not to make the Indians literate, but to make them Spanish. This

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[27] Maurice Whitehead, "From Expulsion to Restoration: The Jesuits in Crisis, 1759-1814," *An Irish Quarterly Review*, Winter 2014-15, Vol. 103, No. 412, The Jesuits in Ireland: Before and after the Suppression, p. 449.
[28] Whitehead, "From Expulsion to Restoration," p.455.
[29] Steven W. Hackel, *Junipero Serra: California's Founding Father* (New York: Hill and Wang, a division of Farrar, Straus and Giroux, 2013), p. 146.
[30] Hackel, *Junipero Serra*, pp. 147-48.

included, of course, making them Catholic. The reason for this was simple: Spain needed to have its vast holdings occupied by a Spanish population in order to protect them from being conquered by other European nations. Since few Spaniards were willing to travel to the ends of the earth, which was where they perceived California to be, Spain had to make Spaniards out of the people that were already there. The most effective way to do so was by means of the missions.

Turning Indians into Spaniards required that they adopt the Spanish language and the Spanish religion. But the acculturation process also included eating Spanish food and learning Spanish occupations. This was a tall order, and the missionaries knew that it would only be possible if they imposed the utmost organization and discipline on the neophyte Indians. To that end, the daily routine at the missions was highly ordered. The church bells awakened the mission at dawn. The Indians first went to the chapel for Mass and catechism, then to breakfast, which was usually *atole*, a kind of corn porridge, or mush. After breakfast, the adults went off to work—the men to the fields or to the masonry, blacksmithing, or carpentry shops, the women to cooking, spinning, weaving, sewing, or to making baskets and pottery. The children went to school—the younger ones to learn the catechism in Spanish through rote memorization, the older ones to learn the industrial skills that they would need as adults. There was a noontime meal break, and at sunset the Angelus was played on the church bells, which called everyone back to

the chapel to recite the rosary and sing hymns.[31] Thus, the neophytes' days were filled with Spanish religion, language, food, and occupations.

Only the brightest Indian boys were taught to read and write, with a view to their becoming priests and teachers. This was in keeping with the custom in Spain, where few people outside the priesthood were literate.[32] In an age when books were rare and expensive, teaching the common people to read and write would have served little purpose.[33] Despite the Bourbon reforms endorsed by Carlos III to modernize Spain, Franciscan missions in California carried on the Jesuit scholasticism that relied on the intellectual conformity of received knowledge.[34]

In some respects, the Franciscan educational methods paralleled the methods the Indians had used to teach their own children. In the absence of books and the ability to read, the Franciscans required their students to memorize everything—catechisms, prayers, hymns. This would have been familiar to Indians from a culture without a written language. The Franciscans taught all the Indians Spanish, but only those few selected for the priesthood were taught Latin, the language in which Mass was delivered. The Indians would have accepted this as normal, since their shamans had their own "sacred language" that was incomprehensible to the average Indian. The Franciscans' primary educational focus was to teach the Indians skills that would enable them to feed, clothe, and shelter themselves after the Spanish fashion—just as the Indians had been

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[31] Victoria-María MacDonald, *Latino Education in the United States: A Narrated History from 1513-2000* (New York: Palgrave Macmillan, 2004), p.13; James Aloysius Burns, *The Catholic School System in the United States: Its Principles, Origin, and Establishment* (New York: Benziger Brothers, 1908), pp. 55-6.
[32] Hackel, *Junipero Serra*, p. 8. See also Lisbeth Haas, "Pablo Tac."
[33] Burns, *The Catholic School System in the United States*, p.58.
[34] Hackel, *Junipero Serra*, pp. 40-41.

taught by their parents to feed, clothe, and shelter themselves after the native Californian fashion.

The area in which mission education most sharply diverged from Indian education was in the matter of discipline. Corporal punishment was almost unknown among the Indians of California. Physical violence came from enemies, not loved ones. In Spain, however, corporal punishment was a sign of parental love.[35] Junípero Serra and his fellow Franciscans took quite literally the Biblical injunction that those whom the Father loves He scourges. Therefore, if a neophyte Indian committed a sin, the Franciscans felt duty-bound to punish him, usually by means of a whip, imprisonment, or forced labor. The sin could be anything from adultery to skipping Mass.[36] Some Indians, their bodies outraged by this unaccustomed treatment, ran away from the missions, in itself an act deserving of punishment. If a baptized Indian ran away, the Franciscans sent out soldiers to find him and bring him back to the mission, whereupon he was flogged or imprisoned. Such treatment, along with the missionaries' interference in the Indians' sexual lives, created resentments that sometimes resulted in open rebellions. These rebellions reinforce the claim by some historians that the California Indians were coerced into Catholicism rather than being truly converted to it.[37]

When considering whether mission education was successful, it is important to view it in light of its original goal. For the Franciscans, the goal was to make true Catholics of the Indians, and in this they were only partially successful. However, they

[35] Hackel, *Serra*, pp. 18-19.
[36] Hackel, *Children of Coyote*, p. 322.
[37] See, for example, Rupert and Jeannette Henry Costo, *The Missions of California: A Legacy of Genocide*.

did turn the Indians into a labor force that made the missions prosper as centers of agriculture and commerce, which helped Spain hold on to its most far-flung province until the second decade of the nineteenth century. As a mechanism of empire, the education the California Indians received at the missions was a resounding success.

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Outside the missions, formal education in colonial California was almost nonexistent. The non-Indian population in California in 1800 was less than 3,000, scattered across a province larger than Spain itself.[38] Most of these people were soldiers and their families, or they were convicts and foundlings emptied out of Mexico's jails and orphanages and sent to Spain's most remote and least populated possession. Frontier conditions such as these are never conducive to the establishment and maintenance of formal institutes of learning. The seventh Spanish governor of California, Diego de Borica, made a valiant effort to correct the situation when, in 1795, he issued orders that required the establishment of primary schools in the various California towns. The order also made attendance compulsory, with fines imposed for unexcused absences.[39] But this was a hard sell to parents who were themselves illiterate and who needed their children's labor on the farm or the ranch. Borica's efforts resulted in the opening of schools in San Jose, San Diego, Los Angeles, Santa Barbara, and Monterey, most of them taught by retired soldiers and sailors, who had learned to read so that they could be promoted.

[38] Woodrow James Hansen, PhD., *The Search for Authority in California* (Oakland, CA: Biobooks, 1960), p.3.
[39] Hubert Howe Bancroft, *History of California*, Vol. I, pp.642-3, n. 42.

Every few months Governor Borica demanded a review of reports and copybooks sent from the schools. These schools did well for about a year and then disappeared from the records. Governor Borica's educational efforts lacked not only parental support but also that of the Spanish government. In 1793 the Spanish crown had issued a royal order that a school for Indians be established in every pueblo in California. Nothing was said about a school for non-Indian children.[40] The non-Indians in California were already Spanish and Catholic, which was all that Spain required of its subjects.

Beyond Borica's short-lived efforts at public schooling, the only other attempts at literacy were made on a private basis, such as the informal *amiga* schools. An *amiga* was a literate elite woman who taught her children at home and sometimes the children of her neighbors as well. As a result, literacy remained the province of the elite, as it always had in Spanish society.[41] Elite families also hired private tutors for their children and, when their sons were older, sent them to universities in Mexico, Peru, or Hawaii.

Even among the elite, however, literacy and education were not always guaranteed, especially for girls. Girls throughout the Spanish Empire tended to marry young and raise large families, and many fathers therefore did not see the point of incurring any expense to educate their daughters. A second reason for their hesitancy was addressed quite frankly by Sor Juana Inés de la Cruz, a seventeenth-century nun living in Mexico City, in a letter she wrote to the Bishop of Puebla. In this letter she stated that

[40] Ibid.
[41] Ibid.; MacDonald, p. 18; Toto, pp. 15-16.

> If fathers wish to educate their daughters beyond what is customary, for want of trained older women and on account of the extreme negligence which has become women's sad lot, since well-educated older women are unavailable, they are obliged to bring in men teachers to give instruction in reading, writing, and arithmetic, playing musical instruments, and other skills. No little harm is done by this, as we witness every day in the pitiful examples of ill-assorted unions; from the ease of contact and close company kept over a period of time, there easily comes about something not thought possible. As a result of this, many fathers prefer leaving their daughters in a barbaric, uncultivated state to exposing them to an evident danger such as familiarity with men breeds. All of which would be eliminated if there were older women of learning, as Saint Paul desires, and instruction were passed down from one group to another, as is the case with needlework and other traditional activities.[42]

According to Sor Juana, there was a widespread belief among elite fathers during the Spanish colonial era that they had to keep their daughters ignorant in order to preserve their chastity. This attitude was carried northward into California and remained alive there even after the Spanish colonial period had ended.

The Enlightenment of the eighteenth century introduced the concept of human rights—in particular, the right to self-rule. When the United States won its independence from the most powerful empire in the world, it touched off a series of revolutions that secured independence for former colonies in the Americas. Foremost among these was Mexico, which won its independence from Spain in 1821 and, in 1824, established itself as a republic.

The Mexican war for independence was led by well-educated, liberal-minded *criollos* (creoles), who objected to the *casta* system set in place in New Spain by the Spanish Empire. This hierarchical system placed *peninsulares*, people born and raised in

[42] Sor Juana Inés de la Cruz, *Reply to Sor Philothea*, 1691.

Spain, at the top of the social ladder. Most political leaders and virtually all religious leaders in New Spain (present-day Mexico) were Spanish-born men. Below the *peninsulares* on the social scale were the creoles, people of Spanish descent born in New Spain. The Spanish king, always concerned with loyalty, believed that those born in Spain would be more loyal to the Crown's interests than those born in the new world. It was therefore the *peninsulares* who held all the power in New Spain. This created resentment among the creoles, many of whom were just as well educated and often more capable than the *peninsulares*. In addition, the Mexican mestizos (part Spanish, part Indian), whom the Spanish had looked down on because of their mixed ancestry, were imbibing the Enlightenment ideals of equality among the races, and they and the many Indians in Mexico yearned to throw off the yoke of imperial Spain and return Mexico to its Aztec roots. What held back many Mexicans from rebellion was an abiding loyalty to the Catholic Church and, by extension, the Spanish monarchy. However, when Napoleon occupied Spain in late 1807, he forced King Carlos IV off the throne and replaced him with his own brother, Joseph Bonaparte. In addition, Napoleon demanded that King Carlos' heir, Ferdinand VII, renounce his right to the throne. This usurpation of the Spanish monarchy destroyed the foundation of loyalty that had kept Mexico more or less pacified under the hand of Spain. Resentments that had formerly been kept in check now boiled to the surface, as the lower classes in Mexico perceived the dominating *peninsulares* as suddenly vulnerable, bereft of the protection of the Crown. On September 16, 1810, the priest Miguel Hidalgo led a group of peasants, most of them Indians and *mestizos*, against the European residents of the wealthy mining town of

Dolores. This touched off a series of local revolts that would keep Mexico in a state of upheaval for the next decade. The struggle was not simply between Spain and Mexico; it was within Mexico itself, for the Mexican people were sharply divided between those who were devoutly loyal to and comfortable with the Spanish imperial hierarchy and those who believed that the Mexican people should rule themselves.[43]

Far-off California remained under the iron-fisted control of the Catholic Church and the Spanish military. The majority of California residents were the Indians, whom the Spanish Franciscans still deemed incapable of governing themselves. The non-Indian residents, known as the *gente de razón* (people of reason), were mostly the families of soldiers who had sworn allegiance to Spain. In 1809 California had sworn allegiance to the deposed heir apparent to the Spanish throne, Fernando VII; in 1821, even as Mexico officially declared its independence from Spain on September 28, Californians still regarded themselves as loyal subjects of Fernando VII.[44] Little changed after Mexico won its independence; California went from being neglected by Spain to being neglected by Mexico.

Despite the royalist leanings of the majority of non-Indian Californians, the spark of liberalism found ready tinder in some of the sons of California's elite. These bore the family names that would become prominent in California history—Vallejo, Alvarado, Pico, Castro. All of them were the sons of officers in the Spanish military—one of the few occupations in California that required literacy. The majority of privates in the

[43] Gilbert M. Joseph & Timothy J. Henderson, eds, *The Mexico Reader: History, Culture, Politics* (Durham, NC: Duke University Press, 2002), pp. 169-71.
[44] Bancroft, *History of California* Vol. II, pp. 87, 431.

Spanish army and sailors in the Spanish navy were illiterate; if a soldier or sailor wanted to be promoted, he had to know how to read and write. This explains the presence of grown men in some of the schools held intermittently during California's colonial period.[45]

Officers often passed on their education to their sons, or at least saw to it that their sons were educated. This education, in turn, opened up to these young men the world of books, which opened up the outside world, something with which most Californians were not familiar. As a result, a number of these young men developed liberal attitudes that ran counter to the conservative, hierarchical society in which they lived.

Mariano Vallejo stands as a prime example. As an adult, Vallejo was intricately involved in California politics during the Mexican era; he was the grantee of the Petaluma rancho and was a cofounder of the town of Sonoma. As a soldier, his mental energy and discipline led to his promotion to the office of general. This same mental energy showed itself early in his life. He started school at the age of seven in Monterey, the provincial capital of California, along with his nephew Juan Bautista Alvarado (the boys were only a year apart in age) and his friend José Castro, at a school founded by the Spanish governor Pablo Vicente de Solá at his own expense.[46] Vallejo and Alvarado, in their memoirs, described a routine at their school which is remarkable in its resemblance to the educational routine carried on among the neophyte Indians at the missions. The governor's school in Monterey taught the children to recite the catechism by heart, and

[45] Bancroft, *History of California* Vol I, p. 642.
[46] Mariano Guadalupe Vallejo, *Historia de California*, 1875, MS, Bancroft Library (Berkeley, CA) i255.

failure to do so was punished, usually by a ferule (wooden ruler) slapped across the child's hand. More serious transgressions were punished by flogging with a scourge. The boy being punished would be stripped of his shirt and stretched face-down on a bench with a handkerchief stuffed in his mouth. The teacher, a retired army officer, would then administer the blows with a scourge made of hemp rope embedded with iron points.[47]

Added to these inducements to learn was Vallejo's natural quickness of mind and yearning for knowledge. As he and his companions progressed in their studies, they were given books to read that were approved by the Catholic Church and therefore of a religious nature.[48] However, they knew that there were other books out there, those not approved by the Church, and it was these that they wanted to read. They found the opportunity whenever they could. Vallejo, Alvarado, and Castro formed a secret reading group to study politics and history. As a young man, Vallejo smuggled into Monterey a library of banned books, which he shared with the other two. A priest discovered this and ordered the three youths to give up the books, go to confession, and do penance. When they refused, they were unofficially excommunicated from the Catholic Church and from much of the conservative society of California.[49] Thus their reputations as liberal rebels were cemented. This was to serve them well after Mexican independence, especially with the advent of José María Echeandía as governor of California.

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[47] Ibid, p. 428. From this description it becomes clear why the Franciscans did not consider excessive their corporal punishment of the Indians at the missions.

[48] George Tays, "Mariano Guadalupe Vallejo and Sonoma: A Biography and History," *California Historical Society Quarterly*, June 1937, Vol. 16, No. 2 (June 1937), p. 104.

[49] Leonard Pitt*, Decline of the Californios*: *A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley, Los Angeles, London: University of California Press, 1966), p. 3.

Echeandía was a lieutenant-colonel of engineers, well-educated, and devoted to the cause of Mexican republicanism, with its commitment to racial equality and an end to slavery.[50] The best way to accomplish this in California, as he saw it, was to carry out the order to secularize the missions. This stance, of course, earned him the hatred and opposition of the Franciscans at the missions, but it also drew to him as disciples the young elite liberals of California. Vallejo, Carrillo, Pico, and others wanted for California what Echeandía represented—an end to colonialism, an end to illiteracy, an end to clerical and military power over the civil lives of Californians. And yet these were the things to which the older generation, and much of the younger, clung. Imposing liberalism on a hierarchical society was a battle that Mexican California would ultimately lose.[51] The cause of public education would suffer accordingly.

[50] Bancroft, *History of California*, Vol. III, p. 244.
[51] Douglas Monroy, *Thrown Among Strangers*, p. 133.

Chapter 2

The Power of Government over Education, and Vice Versa: Bourbon Spain, Republican Mexico, and Catholic California, 1769-1846

Formal education, public or private, has always been driven by institutes of power, whether they be religious, political, or economic. The purpose of education changes over time to meet the needs of these institutions. Before the eighteenth century, for example, education served mainly to separate the elite from the masses. But in the humanitarian currents of the Enlightenment, education was transformed into an equalizing force that would equip people to rule themselves. The Scientific Revolution also changed the nature of education from a study of the classics to a tool in the acquisition of new and specialized skills.

Like the powers that ruled it, California's history is somewhat chaotic. It was part of the Spanish Empire which, by the dawn of the 19th century, was in serious decline. It then became part of the fledgling Mexican Republic, which never achieved lasting stability in the 19th century. California then became a part of the United States in the midst of the most tumultuous time in California's history—the Gold Rush. Accepting the

premise that formal education can only thrive in a stable environment, it is interesting to compare the educational ideals in California's three historical periods to the educational realities. This chapter will look at the first two periods, those of Spain and Mexico. The eighteenth century wrought changes on the world that Spain, largely because of its educational system, was not equipped to handle. And Mexico, even after it gained its independence from its antiquated parent, could not decide what it wanted to be. In a few short years it went from empire to republic to centralist dictatorship and back again. This confusion made the establishment of a stable system of schooling almost impossible. Ultimately, in California, the responsibility for educating children was left where it had resided for half a century—in the hands of the Catholic Church.

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At the beginning of the eighteenth century, the once-mighty Spanish Empire teetered on the brink of bankruptcy. The depletion of the silver mines in the Americas, the constant warfare with other European powers throughout the seventeenth century, and the benign neglect of the failing Hapsburg dynasty all contributed to the crisis. When the last Spanish Hapsburg king, Carlos II, died childless at the age of 39, his nephew Philip, who was also the grandson of Louis XIV of France, became the king of Spain. The House of Bourbon thus replaced the Hapsburgs on the Spanish throne.

King Philip knew that, if he was to set about reforming Spain, he needed men who were open to new ideas, men who had little to lose by letting go of the past, men who could be educated in the new ways. He found these men, not among the complacent nobility, but among the middle classes of Spain—traders, merchants, land-holding

peasants—and he recruited them into the new institutes of learning he was setting up to meet the challenges of the Enlightenment.[1] Unlike the universities, which were reserved for the elite and which taught such subjects as philosophy, rhetoric, theology, and law, the new schools established in Spain by Philip V taught advanced agriculture, hydraulic engineering, mathematics, physics, chemistry, and metallurgy.[2] This was especially true in the new military academies, through which, for the first time, the Spanish monarch had a personal hand in the selection and training of military officers and, by extension, the viceroys, governors, and court officials who would run the local governments in Spain and the colonial governments in the Americas.[3] The new education in Spain gave members of the middle class in Spain the stepping stone they needed to improve their lot. This made them grateful to, and dependent on, the king. The king, convinced of their loyalty, proceeded to send these newly educated men to the American colonies to look after things for him and to institute his Enlightenment reforms there.

The Spanish monarch was the commander-in-chief of the Spanish military, and as such he personally bestowed rewards and promotions on all officers above the rank of sergeant. This personal connection, along with the principle of chain of command, meant that military officers would obey the king and carry out his orders without question.[4] This made them ideal candidates for government positions, especially in the colonies. A

[1] José María Imizcoz, "Train, Polish, Reform. The Education of Basque and Navarre Elites: from the Habsburgs to the Bourbons," *Espacio, Tiempo y Educación*, Vol. 6, No. 2, July-December/julio-diciembre 2019, p. 10.
[2] Ibid., p. 19.
[3] Imizcoz, p. 16.
[4] Francisco A. Eissa-Barroso, "'Of Experience, Zeal, and Selflessness': Military Officers as Viceroys in Early Eighteenth-Century Spanish America," *The Americas*, January 2012, Vol. 68, No. 3 (Jan. 2012), p. 333.

military man could be counted on to run a tighter administration than a man trained in the law. He would also be more loyal to the king. In Alta California, where virtually all of the non-Indian, non-clerical population was connected to the military, the people were far more loyal to the king than they were in other parts of New Spain.

When Spain stumbled onto the fabulous mineral wealth of the Americas, it became obsessed with the process of extraction, to the exclusion of almost everything else. Indian labor was turned to mining the gold, silver, and precious gems hidden in New World soil, and agriculture—the foundation of civilization—suffered. As a result, New Spain and the other American viceroyalties did not produce enough food and clothing to meet their own needs, and Spain was hard-put to make up the deficit. So its American colonies turned to other countries to supply their needs—Britain, France, and the Netherlands, all of whom had a strong presence in the Caribbean, which had become the marketplace of Europe.[5]

The Bourbon reforms sought to correct this situation by improving the infrastructures of Spain's colonies and encouraging the development of agriculture, particularly the growth of cotton, timber, and cattle. The Industrial Revolution had produced a number of new machines and techniques to improve agricultural output. To take advantage of these, however, the populace had to be educated in how to use them.

[5] Brian R. Hamnett, "Mercantile Rivalry and Peninsular Division: The Consulados of New Spain and the Impact of the Bourbon Reforms," *Ibero-amerikanisches Archiv*, 1976, Vol. 2, No. 4 (1976), pp. 288, 290.

Technical and scientific education of youth, therefore, became a focal point of the Bourbon reforms.[6]

As previously mentioned, the Jesuits had had almost exclusive control of secondary education in Spain since the sixteenth century. However, their unchanging curriculum of rote memorization, study of the classics, and the art of debate had become outdated and calcified by the beginning of the Bourbon era, and many enlightened Spaniards blamed the Jesuits for Spain's backwardness.[7] After the Jesuits were expelled from the Spanish Empire in 1767, scientific and technical education became the ideal. King Carlos III assured his people that he would do everything possible to promote better public instruction.[8] The Spanish Crown hoped that this new education in its colonies would translate into greater economic production and increased revenues for the royal treasury. The Bourbon Crown envisioned technical schools springing up throughout its realm, where capable boys would be taught mathematics, chemistry, physics, agriculture, and engineering.[9]

Public education, however, requires revenue, something the Spanish Bourbons never possessed in great quantity. Even when public funds were earmarked for education, the Crown often diverted those funds to other, more pressing, purposes, such as the defense of the realm against foreign enemies.[10] Because of this, such public

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[6]Jaime Vicens Vives, *The Economic History of Spain* (Princeton, NJ: Princeton University Press, 1969), p. 482.
[7] Ibid.
[8] Brianna Leavitt-Alcántara, *Alone at the Altar: Single Women and Devotion in Guatemala, 1670-1870* (Stanford, CA: Stanford University Press, 2018), p. 132.
[9] Vives, p. 482; Hamnett, pp. 285, 287-8.
[10] Leavitt-Alcántara, pp. 132-3.

education as existed in Bourbon New Spain was mainly funded and supported by the charitable donations of wealthy individuals, or, more broadly, by the Catholic Church.

Since the Middle Ages, Catholic monasteries had served as centers of learning for boys of some means throughout Europe. This tradition extended into Spain's New World possessions. Priests and monks stood ready to implement the Bourbon reform imperative for the development of public education, and missionary orders such as the Franciscans and Dominicans extended that mandate to the various Indian groups living in Spanish America.[11] The essential role of the Catholic Church in establishing and maintaining formal education in Latin America cannot be overemphasized.

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When Napoleon Bonaparte deposed Bourbon King Ferdinand VII of Spain in 1808 and replaced him with his own brother, Joseph Bonaparte, the Spanish people were outraged. They rebelled against French rule, and although Ferdinand VII was being held prisoner in France, Spaniards formed *juntas* in every province to resist the Bonapartes in his name.[12] In Spanish America the common people were similarly outraged, for their emotional attachment to their monarch was exceeded only by their devotion to the Catholic Church, which was also being threatened by French rule. A rumor began to circulate that, rather than being held in France, King Ferdinand had actually escaped to

[11] Leavitt-Alcántara, pp. 109, 118-19.
[12] Edward J. Goodman, "Spanish Nationalism in the Struggle Against Napoleon," *The Review of Politics*, Jul. 1958, Vol. 20, No. 3 (Jul. 1958), p. 334.

New Spain and was traveling around the country incognito, looking after his loyal subjects.[13]

With the usurpation of the Spanish throne, many people in New Spain felt bereft of their parent. Joseph Bonaparte was a hated stepfather, and the Spanish who submitted to his rule and espoused liberal French ideas were traitors.[14] The people of New Spain no longer felt a sense of obligation to the mother country. Grievances that had been suppressed out of loyalty to the Spanish king now began to surface throughout the viceroyalty. On September 16, 1810, in the mining city of Dolores, the Catholic priest Miguel Hidalgo, a creole, led an insurgency comprised of Indians and mestizos (people of mixed race) against the Spanish ruling class of the mining district, who had a long history of exploiting the masses. While the demands of these Indians and mestizos were land and better working conditions, Hidalgo sought to mount a revolution based on the principles of loyalty to Church and king and rejection of the usurpers in Madrid. Displaying a unique mixture of American pride and devotion to the rightful monarch, the banners carried by Hidalgo's insurgents read: "Long live religion. Long live our most holy mother Guadalupe. Long live Ferdinand VII. Long live America and death to bad government."[15]

Hidalgo was an inspirational leader who gathered thousands of angry peasants to his cause and led them to the very gates of Mexico City before he was defeated by the

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[13] Eric Van Young, *The Other Rebellion: Popular Violence, Ideology, and the Mexican Struggle for Independence, 1801-1821* (Stanford, CA: Stanford University Press, 2001), p. 1.
[14] Lucas Alamán, "The Siege of Guanajuato," *Historia de Méjico*, Vol I (Mexico City: Imprenta de J.M. Lara, 1849).
[15] Alamán, "The Siege of Guanajuato"; see also Virginia Guedea, "The Process of Mexican Independence," *The American Historical Review*, Feb. 2000, Vol. 105, No. 1 (Feb., 2000), p. 119.

Spanish army, captured, tried, and executed in July of 1811. Although his rebellion failed, his name would be invoked throughout Mexico in the coming years of insurgency.

The engine of revolution had been set in motion by the collapse of legitimate power in Spain, though the movement was not by any means organized or cohesive. After the execution of Hidalgo there arose other insurgent leaders, among them Ignacio Rayón and another priest, José María Morelos, who tried to unify the struggle for independence, but the grievances were so numerous and so localized as to defy any sort of concerted resistance. According to Virginia Guedea, "Insurgency broke out across New Spain, not as a cohesive and integrated movement, but autonomously and, in most cases, to seek relief for local and provincial grievances. Thus it would be more proper to speak of various insurgencies, not just one."[16] The many different parts of society in New Spain—*peninsular* and creole, urbanite and farmer, mestizo and Indian, liberal and conservative—help to explain this uneven response to the disintegration of legitimate power emanating from Spain.

Observers at the time saw another difference among the people of New Spain that influenced the rebellion, and that was the difference in educational level. The creoles who received the highest levels of the Enlightenment education promoted by the Bourbon reforms were among those who instigated many of the insurgencies. That education had fully equipped them to run their own affairs in New Spain, from governance to trade, and the upheaval in the mother country gave them the chance they needed to prove it. Conversely, it was the lack of education among the Indians of New Spain that made

[16] Guedea, p. 119.

them, in the eyes of one Spanish observer, willing pawns in the creoles' game. A high crown official, stationed in New Spain, remarked on the outbreak of rebellion in 1810: "Is it not well known that the insurgent leaders have taken advantage of the simplicity and ignorance of the poor Indians in matters of religion and politics, to seduce them with false ideas and drag them into the party of rebellion?"[17]

In 1770 the Bourbon crown had issued a decree requiring that primary schools be established in Indian villages throughout New Spain. The main purpose of these schools was to replace indigenous languages with Spanish. More than two hundred years after the Spanish conquest, there were still pockets of indigenous peoples throughout New Spain who had never learned Spanish. It was imperative to the centralizing policy of the Bourbons that they do so, and that they completely abandon their native tongues. This effort to enculturate the Indians was a failure, partly because the Indians themselves resisted it and partly because the Catholic priests in many of the villages opposed the idea. Eric Van Young argues that the priests felt that they could better control their parishioners if they remained ignorant of the language of the ruling class.[18] Whatever the reasons, the Indians of New Spain did not attend the secular schools set up by the Bourbon crown. Their ignorance of politics made them easy to lead when someone came along promising them something better.

In 1813 insurgency leaders held elections in every province of New Spain to choose legislators who would form a Supreme National American Congress, which

[17] *Archivo General de la Nación* (AGN), Historia, Vol. 493, exp. 12, fols. 114r-116r, 1811.
[18] Van Young, p. 479.

assumed national sovereignty and declared New Spain's independence from Spain in November of that year and enacted a republican constitution in October 1814.[19] However, the colonial regime still in place in New Spain fought against the insurgents and handed them defeat after defeat. Morelos was imprisoned and executed at the end of 1815, and the Supreme National American Congress was dissolved.[20] New Spain's initial bid for independence was stillborn.

In 1820, Spain managed to reinstate the liberal Constitution of 1812. In theory, this should have reassured the liberals in Mexico that all would be well. Instead it convinced them that the political situation of the mother country remained unstable, and her colonies would continue to suffer the same vicissitudes should they remain bound to her.[21] In November of that year, the Spanish viceroy sent royalist troops to put down an insurrection in the southern province of Guerrero. Instead, the American-born royalist general, Agustín de Iturbide, came to an accord with the rebels and persuaded them to declare for independence. On February 24, 1821, Iturbide issued the Plan de Iguala, a declaration of independence and preliminary blueprint for the new nation.[22] The Plan set forth the Three Guarantees: that Mexico was independent of Spain, that her creoles were in every way equal to Spanish-born *peninsulares,* and that the Roman Catholic Church was the state religion of Mexico, with tolerance for no other.[23]

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[19] Guedea, p. 123.
[20] Ibid., pp. 127-8.
[21] Ibid., p. 129.
[22] It is of note that, although this was the second declaration of independence for Mexico (the first having been issued by the Supreme Congress in November 1813), it is neither February 24 nor November 6 that is celebrated as Mexican Independence Day but September 16—the day in 1810 when Hidalgo led the peasants in the *Grito de Dolores.*
[23] Agustín Iturbide, *Plan de Iguala*, February 24, 1821.

The act of declaring independence from a European power had been in vogue since the thirteen colonies declared their independence from Britain 45 years earlier. There were, however, important differences. While the Declaration written by Jefferson emphatically rejected rulership by a king, the Plan of Iguala declared that the government of the newly independent Mexico would be a constitutional monarchy, ruled by King Ferdinand VII of Spain or a member of his family.[24] The Plan of Iguala was not, therefore, declaring Mexico's independence from the king of Spain, but rather from the liberals in the Spanish government who had tried to impose French Enlightenment ideals on the Spanish Empire. The other substantial difference between the two declarations was that one made no mention of religion at all beyond an appeal to Divine Providence to recognize the rectitude of the declaration, while the other stated in no uncertain terms that Mexico would be Catholic, with a prison sentence waiting for anyone who tried to challenge the supremacy of the Church.[25]

This adherence to both Church and Crown, even as it declared its independence from Spain, says much about the prevailing Mexican character at this time. The hierarchy imposed by both monarchy and clergy offered to each Mexican the security of a structured society and of knowing his or her place within that society. Nothing in the Mexican experience had prepared its people for republican government. Historian Timothy E. Anna argues that Mexico had declared its independence from Spain, not to become a republic, but to reclaim its pre-Spanish past as the Empire of Anahuac, or the

[24] Ibid.
[25] Ibid.

Mexican Empire.[26] Mexicans were comfortable as subjects of an empire; they were not prepared to assume the responsibilities of republican citizenship.[27]

In the absence of a Bourbon to ascend the Mexican throne, the people flocked around Agustín de Iturbide, the colonel who had created and implemented the Plan of Iguala and who later became president of the regency that had been set up to rule until a constitution could be written and a monarch crowned. Beginning in September of 1821, the people of Mexico called for Iturbide to be crowned emperor of the Mexican Empire. At first Iturbide resisted the proposal. But after hearing from the commandants and captains general of most of the Mexican provinces that the people would rather have a constitutional monarchy than a republic, Iturbide withdrew his objections and, in May 1822, to the enthusiastic delight of the crowds, the Mexican Congress declared Agustín de Iturbide the first emperor of the Mexican Empire.[28]

California under Mexico

California, under the firm control of the Spanish military and Spanish Franciscans, might have been expected to resist being part of a Mexican Empire independent of Spain. When he first heard the rumor of such an eventuality, the Spanish governor of California, Pablo Vicente de Solá, declared that the idea of independence from the "immortal, incomparable Spanish nation" was an absurdity produced by "a

[26] Timothy E. Anna, "The Rule of Agustín de Iturbide: A Reappraisal," *Journal of Latin American Studies*, May, 1985, Vol. 17, No. 1 (May, 1985),p. 82.
[27] Ibid., p. 84.
[28] Ibid., pp. 91-93.

country of dreamers."[29] Nevertheless, when he received orders from Mexico City three months later to take the oath of allegiance to the Mexican Empire and to require all religious, civil, and military personnel in California to do the same, Sola complied.[30] Bancroft notes that there is no record of any protest against taking the oath in California, except on the part of a few friars who were on the verge of retirement and knew that a loyalty oath to the Mexican Empire would cause trouble for them should they decide to return to Spain.[31]

Why did Alta California, that most sentimentally Spanish of all the provinces of New Spain, acquiesce so readily to the new Mexican Empire? It can be safe to assume that the answer lies in the nature of the Plan of Iguala, and in the character of Iturbide himself. The Plan of Iguala aggressively defended both the Catholic Church and the monarchy of Ferdinand VII. Since the non-Indian population of California was divided mainly between the Franciscans and the army (each soldier having sworn his allegiance to the king), swearing allegiance to an empire founded on the Plan of Iguala would not have been seen as a betrayal of previous loyalties. In fact, the clergy would have been relieved to know that the order put forth by the legislature of Spain to secularize the missions would now be rescinded by the Plan of Iguala's guarantee to protect all Church possessions and institutions. In addition, Iturbide himself seemed to embody the ideals to which the *gente de razón* aspired. He was a devout Catholic and a gifted military leader

[29] Letter from Sola to Arguello, Jan. 10, 1822.
[30] Hubert Howe Bancroft, *History of California* Vol. II (San Francisco: The History Company, Publishers, 1886; Facsimile edition published at Santa Barbara, Ca.: Wallace Hebberd, 1966), p. 451.
[31] Bancroft, *History of California* Vol. II, p. 453.

who, in a few short months, had effected an almost bloodless coup against the Spanish colonial regime, whereby he secured Mexico's independence from Spain.[32]

The reign of Agustín de Iturbide as emperor of Mexico ended with his abdication in March of 1823. Overspending on the imperial household and the subsequent imposition of heavy taxes had reduced him from hero to goat in the eyes of many Mexicans. His most grievous political error, however, was to dissolve the Mexican Congress in the summer of 1822 over fears that some of its members were conspiring to create a republic. The dissolution of Congress led to uprisings headed by Iturbide's generals, most notably Antonio López de Santa Anna, who later claimed the credit for instituting Mexico's republican government.[33]

Some historians debate the legitimacy of Santa Anna's claim, but the fact remains that, after the failure of the monarchy, Mexico did become a republic. In 1824 the Mexican Congress issued a new constitution for the United States of Mexico, which replaced the Plan of Iguala as a blueprint for the nation.[34]

In California, the news that Mexico had been constituted a republic was not received as well as had been the news proclaiming the Mexican Empire, especially by the clergy. The new constitution's guarantee of racial equality and full participation in the government meant that the California Indians were now free and equal citizens of the

[32] Anna, p. 86.
[33] Anna, pp. 97-103.
[34] The Mexican constitution was, to a large extent, based on that of the United States. One notable difference concerns the subject of education. The Constitution of the United States of America makes no mention whatever of education, which, according to Article VII, makes education, by default, the purview of the individual states. The Mexican Constitution of 1824, on the other hand, makes public education the responsibility of the federal government of Mexico.

Mexican Republic, entitled to vote and hold office. This meant, once again, that the missions would be secularized—that their lands would be divided up among the Indian neophytes and their chapels would become parish churches overseen by "secular" priests (priests who were not members of a regular religious order such as the Franciscans). The Franciscans themselves were in danger of losing their jobs.

Needless to say, when orders arrived in California to swear allegiance to the new republic, a number of friars refused to comply. They were concerned not only for their own futures but also for those of the Indians attached to the missions, whom the friars truly believed were not ready for self-government.

Recognizing the anti-republican, anti-secularization attitude of the Franciscans, who in California constituted the ruling class,[35] the Mexican government in 1825 appointed a new governor to California, a man whom they believed would uphold the ideals of the republic and effect the secularization of the missions. Lieutenant-colonel José María de Echeandía was the director of the college of military engineers in Mexico City, and he carried this much-needed administrative ability with him to California. During his years in California he was able to train local leaders in the functionings of a republican government.[36] He was less successful in secularizing the missions, for he came to realize, as the friars had been saying all along, that the neophyte Indians were not ready to rule themselves. This was due in large part to the fact that most of them could not read. (Indian literacy had never been as important to the Franciscans as teaching

[35] Leonard Pitt, *Decline of the Californios*: *A Social History of the Spanish-Speaking Californians, 1846-1890* (Berkeley, Los Angeles, London: University of California Press, 1966), p. 2.
[36] Bancroft, *History of California* Vol. III, pp. 36-37.

them to be Spanish-speaking Catholics.) To correct this, Echeandía ordered schools to be opened to teach the people of California to read.[37]

Perhaps Echeandía's most important accomplishment in California was to instill in the rising generation of *Californios* the liberal ideas of republican government. Juan Bautista Alvarado, Santiago Arguello, Juan Bandini, Carlos and José Antonio Carrillo, José Castro, Andrés and Pío Pico, and Mariano Vallejo were the sons of military officers who had been taught to read by their literate fathers. The ability to read set these youths apart from most Californians; so did their taste for forbidden books and new ideas. They had chafed under the ultraconservative culture of California as maintained by the Church and by Spanish tradition. But when Governor Echeandía arrived from the new Republic of Mexico to teach liberal government to the Californians, he found willing disciples in these young men. He encouraged study groups in Monterey that focused on Enlightenment ideals, among them education for all citizens.[38] All of these youths would in the future have a hand in shaping California as a Mexican territory and, to some extent, as a U.S. state.[39]

Echeandía was an enthusiastic advocate of universal education as a mechanism of self-government, and he hoped to make California a stable society in which public education could thrive. In this he was thwarted, however, by the federal government in Mexico, which decided in 1829 that California should serve as a penal colony for the

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[37] Woodrow Hansen, PhD., *The Search for Authority in California* (Oakland, CA: Biobooks, 1960), p. 10.
[38] Douglas Monroy, "The Creation and Re-creation of Californio Society", in *Contested Eden: California before the Gold Rush*, ed. By Ramón A. Gutiérrez and Richard J. Orsi (Berkeley, Los Angeles, London: University of California Press, 1998), p. 180.
[39] Pitt, p. 3.

republic.[40] This decision came after repeated efforts to entice respectable citizens to settle California had failed. Ships began to arrive at the port of Monterey transporting dozens of convicts, some of them quite dangerous. Since California had no jails, they were put to work in various towns and villages throughout the territory under the supervision of the local authorities. Most of them continued their lives of crime and wreaked havoc in their communities. With their arrival, Echeandía's dream of a stable California society came to an end, and resentment against the central government in Mexico mounted on the part of the *Californios*.[41]

After years of too much responsibility, too little money to carry out his plans to improve California, and too much neglect from Mexico, Echeandía, after submitting to Mexico City a detailed plan for the secularization of the missions, resigned the governorship in 1830. His resignation happened to coincide with a change in the government of Mexico. Since its inception as a republic, factions within the Mexican government had debated as to which form that republic should take. For six years the federalists had held sway. Now, with a change in administration came the rise of the centralist faction. This resulted in a loss of autonomy for Mexico's states and territories, as the lawmakers in Mexico City attempted to centralize power and create a one-size-fits-all law code. This was a reversion to the hierarchical rule of the Empire and a revival of the power of the Catholic Church.

[40] Bancroft, *History of California* Vol. III, p. 47.
[41] Ibid., p. 49; Monroy in *Contested Eden*, p. 180.

The man who replaced Echeandía as governor of California reflected this change in the national government. He was Manuel Victoria, a career military officer who had little regard for republican forms of government. He immediately rescinded Echeandía's orders to the missions to secularize, which won for him the loyalty of the Franciscans. He declared that the election of representatives to the California *diputación*, or assembly, had been illegal, and he refused to convene a meeting of that body. He had suspected criminals tried and convicted by martial law rather than civil law. All of these actions won him the enmity of the young disciples of Echeandía, who felt the constrictive society of their younger days tightening around them once again. A year later they led a rebellion against Victoria. The two forces clashed at Cahuenga, just northwest of Los Angeles, on December 5, 1831. Victoria was seriously wounded in the battle and surrendered to Echeandía the next day.[42] Soon afterward, Victoria was packed off to Mexico on an American ship.

It would be expected that a territory that rebelled against a duly-appointed governor and threw him out would face serious repercussions from the central government. At this time, however, Mexico was dealing with too many problems of its own to expend much energy or expense in bringing the recalcitrant Californians to heel. Antonio María Osio, one of the signatories to the document sent to Mexico City justifying the expulsion of Victoria, put it succinctly in his memoir:

> It was known that the general government sought only two things from Alta California: first, that it not be annexed [to another country, such as Russia or the United States], and second, that it not bother the government by asking for money. As long as they did not do these things, the government compensated

[42] Bancroft, Vol. III, p. 209.

them by allowing them to do as they pleased and govern themselves as they saw fit.[43]

To that end, the governor that was sent to California to replace Victoria brought with him a decree of amnesty for all who had participated in the coup.[44]

That governor was General Don José Figueroa, widely considered to be the best of California's Mexican governors. In that period of anti-Spanish feeling in Mexico, Figueroa took great pride in his Aztec ancestry. He was also proud to serve in California, which he believed to be the location of Aztlán, the fabled ancestral home of the Aztecs.[45]

Figueroa came to California laden with several commissions from the Mexican government. He was to begin a limited partitioning of mission lands, giving parcels to selected Indians. He was to encourage trade, in part by coaxing the missions to build trading ships. He was also to encourage colonization by granting land to settlers, including foreigners—with the caveat that no more than a third of the lands were to be granted to Russian and American families. Above all, he was ordered to secularize the missions.[46]

Figueroa approached his assignment with earnest integrity, only to discover what Echeandía had learned before him—that secularizing the missions was no easy task. The

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[43] Osio, *History of Alta California,* p. 113.
[44] Ibid., p. 125; Alfred Robinson, *Life in California during a Residence of Several Years in That Territory: Comprising a Description of the Country and the Missionary Establishments, with Incidents, Observations, Etc. with an Appendix, Bringing Forward the Narrative from 1846 to the Occup--*, Primary Source Edition (San Francisco: William Doxey, Publisher, 1891. p.149; Bancroft, Vol. III, p.242.
[45] Bancroft, Vol. III, p. 238; C. Alan Hutchinson, *Frontier Settlement in Mexican California: The Híjar-Padrés Colony and Its Origins, 1769-1835* (New Haven and London: Yale University Press, 1969), p. 154.
[46] José Figueroa*, Reglamento Provisional para la secularización de las misiones de Alta California*, 9 de Agosto, 1834. Seaver Center for Western History Research, Natural History Museum of Los Angeles County.

Indians were not prepared to become the self-motivated, land-owning farmers that the Mexican government wanted them to be. But it went beyond that. The vast majority of the wealth of California resided in the trade of mission products—wines, grains, wool, and especially cowhides and tallow—virtually all of which was produced by means of Indian labor. The 40% duty on these items when they were traded with foreign ships represented the only revenue that the government of California received.[47] To secularize the missions would destroy the territory's tenuous economic base, since civilian production in California was almost nonexistent. Also, the missions had supported troops stationed in California ever since the Mexican Revolution broke out in 1810, and the current republican government of Mexico, chronically underfunded, continued to rely on this aid. If mission lands were broken up and put into the hands of the Indians, both the economy and the army would collapse.[48]

Lawmakers in far-off Mexico City failed to recognize this. In the summer of 1833 the Mexican Congress passed the Secularization Decree, which applied to all missions in both Baja and Alta California.[49] Secularization in California was no longer simply a commission given to a territorial governor; it now had behind it the force of federal law.

This liberal move on the part of the Mexican Congress occurred during a time when the country's ultraconservative president, Santa Anna, was in self-imposed exile.

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[47] Bancroft, Vol. III, p. 57; Hutchinson, p. 149; Hansen, p. 17.
[48] 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), pp. 370, 371.
[49] Ministerio de Justicia, 17 August 1833 (Secularization of the Missions). Seaver Center for Western History Research, Natural History Museum of Los Angeles County, GC 1147, Folder 8, L.2100 A.13.62-225.

Vice-President Valentín Gomez Farías, a more liberal man than Santa Anna, was now in charge. To facilitate the secularization of the missions, Farías commissioned a settlers' colony to go to Alta California to take up land. The colony, which came to be known as the Híjar-Padrés Colony, included teachers, merchants, artisans, and mechanics. The people of California would no doubt be happy to receive Mexican settlers who were not convicts.[50]

The people of California were not happy—at least, not the people in the government there. News of the colony preceded it to California, and Governor Figueroa and the members of the territorial *diputación* saw this as a simple land-grab. They could not accept the idea that the greatest treasure California possessed, the mission lands, would fall into non-Californian hands. Spurred by this prospect, the *diputación* convened in July of 1834, and by August 2 it had drawn up a Provisional Regulation for the Secularization of the Missions of Alta California, which was published on August 9 (one of the earliest documents to be printed in California).[51]

According to the secularization law, all of the "temporalities" of the missions (land, buildings, vineyards, orchards, livestock, etc.) were to be taken off the hands of the friars so that they could concentrate on spiritual matters. An administrator would be assigned to each of the 21 missions to oversee the parceling out of lands and chattel to qualified Indians and to non-Indians who were over 20 years old and/or family heads.

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[50] Hutchinson, *Frontier Settlement in Mexican California: The Híjar-Padrés Colony, and Its Origins,* pp. 156-7; Hansen, p.16.

[51] José Figueroa, *Manifesto a la Republica Mejicana* (Monterey, California: Imprenta del C. Agustín Zamorano, 1835). Seaver Center, Antonio Coronel Papers, GC1001, Box 24, folder 2007.

Each parcel of land was to measure at least 100 *varas* but not more than 400 *varas* square. Lands granted to Indians could not be resold or mortgaged.[52]

The young liberals of California—Vallejo, Alvarado, the Pico brothers, Castro, the Carrillo brothers—saw the secularization of the missions as the beginning of a new era for California, one in which the Enlightenment base of private property would replace the Church and the military as the economic backbone of the territory. In time, each of these young men would take possession of grants of land in California. Rather than resulting in a liberal society based on the principles of equality and merit, however, the passing of mission lands into private hands would produce a society every bit as hierarchical and oppressive as the mission system it replaced.

Soon after acting president Farías granted permission to the Híjar-Padrés colony to set out for California, President Antonio López de Santa Anna returned to Mexico City from a self-imposed exile to once again take up the reins of government. He suspended the secularization law of August 1833 and immediately sent word to Governor Figueroa in California that he was not to surrender the governorship to Híjar when he arrived, notwithstanding the orders Híjar had in hand to take over. Santa Anna also ordered that secularization of the California missions not be carried out. Governor Figueroa chose to heed one order and disregard the other. Secularization of the missions proceeded, in the hands of *Californio* administrators.[53] The Híjar-Padrés colony arrived in California in October of 1834 and was given land in the northern part of the territory near Sonoma,

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[52] Figueroa*, Reglamento Provisional para la secularizacion de las misiones de Alta California, 9 de Agosto, 1834.* Seaver Center for Western History Research, Natural History Museum of Los Angeles County.
[53] Ibid.

where Mexican settlement was needed. Neither Híjar nor Padrés was able to gain control over the mission lands, but the colonists they brought with them had an influence on California, particularly in the area of education.

Figueroa, like Echeandía before him, was concerned about the education of children in California. In one of his reports to the government in Mexico City he noted that when he commenced his governorship there were only three primary schools for boys in California—in Los Angeles, Monterey, and Santa Barbara—and none for girls. The schools that did exist were poorly funded and had incompetent teachers.[54]

When the Híjar-Padrés colony arrived in California one year after Figueroa took office, there were among them twenty-two well-educated teachers, a resource that California sorely needed. They brought with them instructions from Mexico City as to where they were to be placed and what their salaries were to be. Híjar gave the instructions to the California *diputación*, which turned it over to its Committee on Public Education (which, it can be safe to assume, based on the condition of public education in California during this period, had been neither very busy nor very successful up until this time). The committee approved the instructions, and the teachers went off to fill their positions throughout California. California's first normal school (a school to train elementary school teachers) was opened in Monterey with Híjar as the director.[55]

The teachers who came to California with the Híjar-Padrés colony had a lasting effect on California history. One of these teachers was Ignacio Coronel, who eventually

[54] Hutchinson, pp. 322-23.
[55] Ibid.

settled with his family in Los Angeles. Several decades later, in an interview with one of Hubert Howe Bancroft's associates, Coronel's son, Antonio, said about the Híjar-Padrés teachers that "many sons of the country who today are men of importance and have been important, owe to them the little education and knowledge they possess."[56]

Figueroa had accomplished the Herculean task of secularizing the missions, and the young Californians loved him. But in May of 1835 he became ill, and he named the senior member of the *diputación*, José Castro, to fill in for him until he recovered. He never did. Figueroa died of a stroke in September of 1835. Castro became interim governor and carried out the duties of the office until the second day of January, 1836, when he turned over the governorship to Nicolas Gutierrez. Gutierrez held the office for four months, during which time he published the notice sent from Mexico City that the pueblo of Los Angeles, the largest town in California, had been recognized as a *ciudad* (city) and subsequently proclaimed the new territorial capital of California.[57] The city of Monterey was outraged and determined to ignore the proclamation. This served to exacerbate the north-south rivalry in California. Meanwhile, the musical chairs of the governorship played on.

After the Californios sent the last of the Mexican governors packing, they elected one of their own to the governorship—Juan Bautista Alvarado. Alvarado was well-liked, not only because he was a natural-born leader but also because he was related, by blood or marriage, to most of the influential persons in California. However, all was not

[56] Antonio Franco Coronel, "Cosas de California," BL, p. 18.
[57] Gutierrez Estrada, Primera Secretaria del Estado, Departamento del Interior. Mexico City, 23 May 1835. Seaver Center, GC 1147, Folder 6, L.2100.46-1906.

harmonious in the territory. Alvarado was an *arribeño,* and the *abajeños* in Los Angeles and San Diego were outraged when he declared that Monterey would remain the capital of California despite the proclamation from Mexico City that made Los Angeles the capital. Pico, Bandini, Carrillo, and other southern Californians resisted Alvarado's authority on this and several other issues. At times this resistance led to both sides mustering up an army to face each other on the field of battle. Each side made a great show of its intentions, with bristling weapons and blaring bugles; but when it came down to actual combat, they hesitated. The reason for this was simple: most of the soldiers had relatives who were fighting on the other side, and no one wanted to be responsible for killing his uncle, his cousin, or his brother-in-law. Since the non-Indian population of California was so small, and since marriage between Indians and non-Indians was so rare, it was inevitable that sooner or later most of the members of the *gente de razón* would be related to each other. Pío Pico, for example, was married to an Alvarado; Alvarado himself was the nephew of Mariano Vallejo, who was married to a Carrillo, and so on. While creating much chaos and disarray, these clashes seldom resulted in bloodshed. Rather than civil war, these disturbances more closely resembled the family squabbles that they were. The near-miss quality of the numerous "battles" staged in California between quarreling factions was a source of frustration to the few Californians who were true warriors. One of these, Lieutenant Juan Rocha, fumed that the only way he would ever see blood in a California war was if he took his barber with him to the battlefield so he could bleed him.[58]

[58] Osio, p. 172; Bancroft, Vol. III, p. 499.

The Era of the Ranchos

The secularization law provided for the appointment of a civil administrator at each mission to oversee the distribution of mission lands. Under Figueroa, those appointed as mission administrators were all part of the extended family of influential Californios. By 1836, the appointment process was complete, and Californios looked forward to a bright future as landowners, participating in California's only major industry, the lucrative hide and tallow trade.

That same year, California produced its first textbook for children. Agustín Zamorano, who had brought the first printing press to California in 1833, published a small chapbook entitled *Tablas para los niños que empiezan a contar* (Tables for the children who are beginning to count). In addition to the basic multiplication tables, the book included tables on monetary breakdowns (8 *reales*=1 peso), weights (25 lbs.=1 *arroba*), and measures (36 inches=1 *vara*). This knowledge was necessary to future landowners involved in the hide and tallow trade. Tallow was traded in units called arrobas. Land was measured in *varas* (a rough equivalent of a meter or an English yard). And, of course, a businessman always had to know how many *reales* went into a peso.[59]

[59] *Tablas para los niños que empiezan a contar* (Monterey, California: Impr. De A. Zamorano, 1836), RB4373. The Huntington Library, San Marino, California.

The publication of this little book revealed where lay the priorities of the Californios in 1836, on the eve of the major dispersal of mission lands into private hands. They wanted to prepare their sons to participate in the business of California, which required facility with numbers far more than it required knowing how to read. Unlike New England primers, which taught children their A-B-Cs, the first California textbook taught children their 1-2-3s. This is yet another example of education meeting the needs of the system that supports it. In this particular case, that system was the Californio economy.

Alvarado served as governor from 1837 to 1842, and it was under his administration that the conversion of mission lands into private ranchos began in earnest. To no one's surprise, the majority of land grants issued during Alvarado's term went to the families of the *gente de razón*.[60] Very few of the grants went to mission Indians, for whom the land had been held since 1769. Because there was so much land and so few *Californios*, the grants were huge and imprecisely surveyed.[61] The size limit for a land grant was 11 square leagues, which translates to 50,000 acres, or the staggering measurement of 76 square miles. As vast as this seems, however, it must be taken into account that in semi-arid southern California, where most of the land grants were located, it took a dozen acres to pasture one cow.[62]

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[60] Douglas Monroy, *Thrown among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley, Los Angeles, Oxford: University of California Press, 1990), p. 126.
[61] Hubert Howe Bancroft*, California Pastoral 1769-1848* (San Francisco: The History Company, Publishers 1888: facsimile edition, San Bernardino, CA.: Forgotten Books, 2012), P. 258; James J. Rawls & Walton Bean*, California: An Interpretive History*, Ninth Edition (Boston: McGraw-Hill, 2008), p. 67.
[62] Rawls & Bean*,* p. 67.

The rise of the California rancho system coincided with the rise of the hide and tallow trade along the California coast. California leather was in demand at the shoe factories in New England, just as California tallow was a sought-after commodity at soap and candle factories in South America. The landowning *Californios* thus found themselves in possession of a product that was not only in high demand but also relatively easy to produce, thanks to a salubrious climate and the abundance of land and labor brought about by the dissolution of the missions.

After secularization, the vast majority of the mission Indians had nowhere to go except the pueblos and the ranchos. Their numbers produced a glut on the job market, and rancheros were therefore able to hire them on for little more compensation than food and shelter.[63] This combination of vast land holdings and a large, cheap labor force created among the *Californios* a paternalistic, hierarchical society that bore little resemblance to the liberal ideals of the young Vallejo, Alvarado, and Castro (all of whom became large landholders under the rancho system). Vallejo gave voice to this shift in perspective in a letter he wrote to Juan Antonio Carrillo, California's representative in the Mexican Congress: "I am neither centralist, nor federalist, nor monarchist, but ranchero, caring little for systems while we have neither population nor capital."[64]

It also produced an atmosphere in which book learning was neither highly prized nor considered particularly important. The first printing press had been brought to California in 1833 Zamorano, but, aside from the one small arithmetic textbook that it

[63] Ibid., p. 68.
[64] Letter from Mariano Vallejo to Juan Antonio Carrillo, March 12, 1838.

had produced, it was used primarily for the distribution of government documents. As late as the rancho era there were no newspapers or book publishers to be found anywhere in California, and the Catholic clergy pressured government officials not to allow banned books—which was almost anything of a non-Catholic nature—to enter California's ports. Under these circumstances, the people of California saw little reason to go to all the trouble of learning to read. Instead, they learned the things that would be of the most use to them on the ranchos—how to ride horses, slaughter cattle, render tallow, and dress cowhides. They also learned the most important values in Californio society—devotion to the Church, loyalty to family, and openhanded hospitality to guests.[65]

Among those who acquired land grants on former mission holdings were a few Americans. American ships had been putting in at California ports for supplies since the end of the eighteenth century. In 1826 the first Americans to enter California by land did so when Jedediah Smith and his trapping party crossed the Mojave Desert and made their way to Mission San Gabriel. The Spanish government, conscious of its tenuous hold on its most remote province, was wary of Americans, just as it was wary of Russians and Britons. The Mexican government was more welcoming to foreigners than Spain had been, but suspected that the United States had designs on California, so Americans were not let in without permission and then they were watched very carefully.[66] Californians, however, seemed to like Americans, judging from the number that allowed their daughters to marry them. These were, of course, the Americans who had taken the

[65] Monroy, *Thrown among Strangers*, pp. 140-49.
[66] Bancroft, Vol. III, p. 176.

trouble to acquire Mexican citizenship and convert to Catholicism in order to be granted land.[67] Other Americans, such as Oliver Larkin and Alfred Robinson, lived in Mexican California as traders.

Mexico utterly failed in its attempt to keep Americans out of California. In 1841 the first wagon train from the United States crossed the Sierra Nevada into the Sacramento Valley. The Bidwell-Bartleson party found refuge at the end of its long trek at the rancho of Dr. Marsh, a cranky sort who was nevertheless a fellow American. Another wagon train of Americans, coming west from Santa Fé and led by William Workman and John Rowland, arrived in San Gabriel in November of the same year.

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Mexico sent a new governor, Manuel Micheltorena, to replace Alvarado at the end of 1842. Among Micheltorena's many instructions from the national government was that, as governor of California, he encourage the education of youth.[68] In this Micheltorena was more successful than any of his predecessors since Figueroa. A well-educated gentleman himself, Micheltorena took an intense interest in primary schools, visiting some of them personally. He was in communication with the *ayuntamientos* of various towns, urging them to see to the education of the young. In January 1844, for example, the *ayuntamiento* of Los Angeles, the largest town in California, received a letter which stated, in part, that

> It is not my duty to solve the problems of our Department's felicity, but it is my duty to assure the education of its children; they, like the vegetation after

[67] Ibid., p. 177.
[68] Micheltorena, *Instrucciones que recibió del Supremo Gobierno al tomar el mando de Californias*, 1842, MS.

> sprouting, that requires the attention of the diligent farmer, so it may flourish and bear the fruits, that some day the country may reap its richness; likewise this municipality should attend the cultivation of these tender plants which some day shall prove to be its hope, its treasure and its greatness.
>
> The authorities, who have constantly been zealous for the progress of this municipality, have not omitted any step for the reinstallation of this beneficial nursery and hopes that you will contribute with whatever is in your power, so that our exertions will not be amiss.
>
> To you, Mr. preceptor, I deliver this mass of youths, so that you may direct them in the path of morality, knowledge and honor, that they may prove to be the glory of this department, to your great satisfaction.[69]

In May of 1844 Micheltorena issued the *Reglamento de Escuelas Amigas*, which provided for elementary schools taught by educated women (*amigas*) to be established in the seven major towns in California (San Diego, Los Angeles, Santa Barbara, Monterey, San José, San Francisco, and Sonoma) under the patronage of the Virgin of Guadalupe. Schools would be conducted in the homes of the teachers until other suitable locations could be acquired.[70]

That same year, Micheltorena granted the request of Bishop García Diego for some land near the Mission Santa Inés on which to build an ecclesiastical seminary. Micheltorena also pledged $500 per year to the seminary on the condition that it admit to its student body any Californian who desired higher education, whether he planned to enter the priesthood or not.[71] Until that year, any Californian who wanted his son to receive higher education had had to send him to university in Mexico City, Peru, or Honolulu. The seminary was a good start on higher education in California, but

[69] Manuel Micheltorena to the Los Angeles *ayuntamiento*, January 1844. Los Angeles City Archives, Box B-1366, Vol. I, 1827-1846, p. 422.
[70] Manuel Micheltorena, *Reglamento de Escuelas Amigas*, 1844, MS.
[71] Bancroft, Vo. IV, p. 426.

Micheltorena wanted to take it further. In September 1844 he came up with a plan to solicit contributions from some of California's leading citizens for the purpose of hiring a teacher from the United States to open an institute of higher learning in Monterey. He raised the sum of $900, $100 each from William Hartnell, Oliver Larkin, and Pío Pico, among others. Larkin then commissioned Alfred Robinson, an American trader long active in California, to find a teacher.[72]

It is significant that all of Micheltorena's efforts to provide public education for California took place in 1844, which, according to Bancroft, was the quietest year of the decade in California.[73] This reinforces the observation that public education can only thrive in a stable environment.

Ultimately, Micheltorena's educational efforts toward California failed, because the relative peace that held sway through most of 1844 did not last. Micheltorena became the victim of the Californians' distrust of Mexico and their desire for home rule. In November of 1844 they rose up in revolt against Micheltorena.[74] In February 1845 they defeated him at the second Battle of Cahuenga; and in March they put him on the American ship *Don Quixote* and sent him back to Mexico. José Castro, who had led the forces against Micheltorena at the Battle of Cahuenga, now became the *comandante general* of California's military, and Pío Pico was elected governor.

[72] Bancroft, Vol. IV, p. 403.
[73] Ibid., p. 632.
[74] El Coronel Manuel Micheltorena to the Citizens of California. Monterey, California, 16 December 1844. Seaver Center, GC 1147, Folder 9.

The secularization of the missions was completed during Pico's administration. Pico's involvement in the process has made him a wise and reasonable governor in the eyes of some historians and a godless criminal in the eyes of others.[75] The missions had been in a state of decline for years and were now laboring under varying burdens of debt. Pico arranged for some missions to be leased in order to pay off their debts; others, whose debts were insurmountable, were sold. He also arranged that part of the proceeds from the leases was to be earmarked for education.[76] By the end of 1845, he had succeeded in selling only three missions—San Juan Capistrano, La Purísima, and San Luis Obispo—and leasing only four—Santa Barbara, San Buenaventura, Santa Inés, and San Fernando, the last being leased to Andrés Pico, the governor's brother.[77]

The pueblo of Los Angeles had more success with public education during the Mexican era than any other part of California because it had the largest concentration of population in the territory. Even so, school terms were short, and only a limited number of students (almost all of them boys) attended. During Governor Echeandía's administration, Luciano Valdes conducted school in Los Angeles, from January of 1828 to November of 1830.[78] This stint of nearly three years was one of the longest served by a teacher in Mexican California. Most appointments were considerably shorter, due to the lethal combination of lack of funds and parental apathy, if not hostility. Many parents

[75] See Bancroft, Vol. IV, pp. 546-7; William Gleeson, *History of the Catholic Church in California*, Vol. II (San Francisco: Printed for the author by A.L. Bancroft and Company, 1872), pp. 156-7; Zephyrin Engelhardt, *San Gabriel Mission and the Beginnings of Los Angeles* (San Gabriel, CA.: Mission San Gabriel, 1927), pp. 216-218.
[76] Bancroft, Vol. IV, p. 550.
[77] Ibid., p. 553.
[78] Bancroft, *California Pastoral*, p. 496; Toto, p. 47.

valued their children's work over their education, believing that work would better prepare them for adulthood.

Still, Los Angeles was better at providing for public education than were other parts of California. Joaquín Botiller succeeded Valdes as schoolmaster in Los Angeles, teaching from December 1830 to December 1831. Between the two teachers, the pueblo of Los Angeles had regular public elementary education for nearly four years in a row. After that, schooling in Los Angeles fell off somewhat. Between 1832 and 1834 three teachers attempted to teach school in Los Angeles. Two of them only lasted a month each.[79]

In July of 1838, Ignacio Coronel, erstwhile member of the Híjar-Padrés colony, began to teach school at his home in Los Angeles. He taught for more than two years, and his daughter Soleda taught dramatics and dancing to girls.[80] After the Coronel school closed, Los Angeles public education suffered a lapse of nearly three years. In August of 1843 a navy ensign, Guadalupe Medina, opened a school in Los Angeles based on the Lancastrian system of education, a system in which the school teacher educated the older boys, who each then became responsible for teaching the younger boys (a system which continues to this day in universities, where graduate students are employed as teaching assistants in lower-division courses, where the students number into the hundreds). Medina's Lancastrian school lasted until July of 1844, when he was called back into military service.[81]

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[79] Bancroft, *California Pastoral*, p. 496.
[80] Toto, p. 96.
[81] Ibid.

Pío Pico became governor of California in 1845, with his capital at Los Angeles. He loved his city and he was invested in the principle of public education; yet, when he took office, there were no public schools operating in Los Angeles. The reasons for this were the same as they had always been—a lack of both funds and parental enthusiasm. Illustrating this is a letter written in January 1846 by Mariano R. Roldan, a city official, to the Los Angeles *ayuntamiento* (city council) in which he said:

> One of the most important duties attributed to me is the management of the school, the education of the children, and instructing them in the Christian Doctrine. I shall communicate to you, that I have commenced to perform this with due earnestness. Yesterday morning at nine o'clock, I invited this small community to visit the school, where a few parents attended. I informed them of the object of the meeting, which was, to raise contributions among the parents, with which to pay the teacher Don Vicente Moraga, the sum of fifteen dollars per month, who agrees to teach the children from their first letters, but always under my supervision. The subscriptions of the parents was not sufficient to pay said teacher the amount specified, and I now come to you for the purpose of asking that you contribute the sum of four dollars a month, to pay said teacher in full.[82]

Despite Judge Roldan's sincere efforts, Don Moraga's school never opened. When the American forces took control of California six months later, there were no schools operating in Los Angeles at all.[83]

Meanwhile, the rivalry between north and south in California grew worse. It reached a crisis point in June of 1846, when Pico in the south and Castro in the north began preparing troops to march against each other. As with so many similar events in the past, this conflict resulted in no bloodshed but a great deal of social upheaval. It

[82] Letter from Judge Mariano R. Roldan to Los Angeles Ayuntamiento, January 19, 1846 (LACA, Box No. B-1366 Vol. I, 1827-1846, p. 420).
[83] Bancroft, *California Pastoral*, p. 496.

would require a substantial threat from outside to unite the *arribeños* and *abajeños.* One soon came.

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The influx of Americans into California that had begun in earnest in 1841 had not slowed, despite laws passed in Mexico and forwarded to California that such immigrants were not to be allowed in and those already in California were to be expelled.[84] The never-failing *Californio* hospitality welcomed the immigrants and saw to their needs, at such end-of-trail places as Sutter's Fort and Mariano Vallejo's Petaluma rancho outside of Sonoma. Letters back to the states of California's delightful climate and welcoming atmosphere encouraged more immigration, until many Americans began to believe that California rightly belonged to the United States. This was the cherished desire of the new American president, James K. Polk, who in 1845 offered Mexico $40 million for the purchase of California and New Mexico.[85] There was no question that Mexico, always strapped for cash, needed the money. However, General Antonio López de Santa Anna, who had been humiliated by the Americans in Texas, was, once again, the president of Mexico, and he was in no mood to cede one more foot of Mexican territory to the United States.

Nine years after the fact, Texas was still a sore spot. Rumors were circulating that the U.S. was now ready to annex Texas, which it had recognized as an independent republic in 1836. The Mexican Congress, which had never recognized Texas

[84] Passport law of May 1, 1828; *Expulsion of Citizens of the U.S. from Upper California*, etc., 1843; Order of July 10, 1845. See Bancroft, Vol. IV, pp. 273, 381, 605.
[85] Rawls & Bean, p. 86.

independence, made it clear that they would regard such action on the part of the United States as a declaration of war. The United States accepted the challenge. In February 1845 the U.S. annexed Texas as a territory; the following December, Texas was admitted to the Union as the 28th state. A state of undeclared war now existed between the United States and Mexico.

In California this news, which they received several months later, produced only mild consternation. Pronouncements were made against allowing Americans into California, but no action was taken in that regard. Sutter, in his capacity as an official of the Mexican government, continued to welcome American wagon trains into the safety of his fort and to provide individual Americans with land, jobs, and passports.

It was not until June of 1846 that Californians became truly alarmed at the Americans within their midst. This state of affairs was brought on by the actions of John C. Frémont, captain of the U.S. Scientific Expedition and Corps of Topographical Engineers.[86] For the past two years Frémont and his troop of surveyors had been in and out of California, charting a route to the Pacific Ocean. On his return to California in December 1845, however, Frémont brought with him a force of 60 armed marksmen, in the event that war should break out between the United States and Mexico while he was there. In California, General Castro recognized Frémont's presence as a threat. He ordered Frémont out of California, an order that Frémont obeyed as slowly as he could. He withdrew northward into Oregon, but in May 1846 he returned to northern California and joined a group of ragtag Americans who believed they were also going to be

[86] Hansen, p. 59.

banished from the territory. Most of these men were not property owners, did not have their families with them, and had not been assimilated into the easygoing *Californio* society. A majority of them were hunters, trappers, and runaway sailors.[87] Encouraged by Frémont's return, they began their revolt against the existing authority by stealing some of General Castro's horses. Four days later, on June 14, 1846, they surrounded Mariano Vallejo's home in Sonoma and informed him that he was a prisoner of war. Frémont took the colonel to Sutter's Fort and imprisoned him in a cell for two months. This embittered Vallejo, who up until that time had been quietly in favor of an American takeover of California.

Meanwhile, back in Sonoma, Frémont's American followers proclaimed the establishment of the California Republic. They raised a flag over the Sonoma plaza which consisted of a red star in the upper left corner, a grizzly bear in the upper right, the words "California Republic" underneath them, and a red stripe along the bottom. Thus the insurrection came to be known as the Bear Flag Revolt.

The Bear Flag only flew over northern California for a few weeks before U.S. Naval commodore Sloat, in response to orders from the Secretary of the Navy, entered Monterey harbor on July 7, 1846, and raised the U.S. flag over the town. The American flag soon flew over every port in California. The United States had officially declared war on Mexico on May 13, 1846.

The Mexican War in California was short. It ended with the capitulation of Los Angeles in January 1847, a year before the war formally ended in the east. The

[87] Rawls & Bean, p. 90.

inhabitants accepted the American takeover more or less peacefully. They had no idea that their secluded California, which many had once believed lay at the ends of the earth, would soon become the center of the world.

Conclusion

Formal education had a significant effect on the history of Spain, New Spain (Mexico), and, by extension, California. In Spain, the medieval education of the Jesuits gave way to the Enlightenment education demanded by the Bourbon reforms. In Mexico, liberal republican ideals replaced traditional forms of education, with varying amounts of success. In California, a small young liberal contingent attempted to impose Enlightenment ideas on a deeply traditional and hierarchical populace. Despite limited success, the introduction of new knowledge and new ideas disrupted the complacency of both the Spanish empire and the Catholic Church by implanting a spirit of independence in the colonies.

The education imposed by the Bourbon reforms was bound to fail because its methods and its purpose were at odds with each other. It attempted to use scientific and technical knowledge to bolster the antiquated system of mercantilism. It demanded unconditional loyalty to the king even as it gave Spain's colonies the tools they needed to rule themselves. Although the scientific and technical education of the Bourbons never reached California directly, men who had been trained in it did—men such as Lieutenant-colonel José María de Echeandía, an engineer trained in one of the many Bourbon military academies, who was instrumental in imparting to the rising generation of

Californians the ideals and methods of republican government, which included the ideal of universal education.

The radical republican thought of the French Revolution spilled over the Pyrenees into the universities of Spain, and from there crossed the Atlantic to Spain's American colonies. This philosophy, combined with the modernizing Bourbon reforms and the example of the newly-independent United States, contributed to growing unrest in the viceroyalty of New Spain that needed only the spark of Napoleon's invasion of Spain to touch off a revolt against Spanish imperialism.

After Mexican independence, the governors appointed to California reflected the ever-changing landscape of Mexican politics—from empire to republic, from federalist to centralist, from Mexico-born to California-born. The mood of the nation at the time determined how each governor viewed public education. Some, such as Echeandía, Figueroa, and Micheltorena, followed the Federalist Constitution of 1824 in regarding education of the young to be the responsibility of the state. Others, such as Victoria and Chico, believed that any education to be had should be left in the hands of the Catholic Church. California's first native-born governor, Juan Bautista Alvarado, believed in the principle of universal education, but he and his educated relatives were so busy vying for control of California that the subject of public education was hardly thought about, much less put into practice. Pío Pico, California's last governor under Mexico, sold off some of the missions and set aside a percentage of the proceeds for the purpose of public education. This eventually came to naught, as so many other sincere efforts had. During the first half of the 19th century, there was never enough money or political stability in

California to make a system of public education viable, and there was also never enough interest on the part of parents in sending their children to school. This attitude would continue into the American era.

Chapter 3

Education in California: On the American Frontier

Religion was important to a majority of Americans in the first half of the nineteenth century. After a period of neglect during the Revolutionary era, religious fervor had once again blazed forth in what came to be known as the Second Great Awakening. The message of this movement was quite different than that of the Puritans who had settled New England. Calvinistic groups such as the Puritans believed in the doctrine of predestination, an elitist tenet which held that God had already decided an individual's fate, and people were therefore divided into two groups, the saved and the damned. There was nothing a person could do to become saved if God had foreordained otherwise. Conversion was therefore pointless.[1]

In contrast, the Second Great Awakening was much more egalitarian in spirit. The discouraging doctrine of predestination was abandoned in favor of the message that one could be saved by accepting God and Jesus into one's heart. Mass conversions were effected at camp meetings throughout the nation. By taking religion out of the stuffy

[1] Paul E. Johnson, *A Shopkeeper's Millennium: Society and Revivals in Rochester, New York, 1815-1837* (New York: Hill and Wang, 1978), P. 5.

churches and into the open air, the Second Great Awakening made salvation available to all, and in so doing served to democratize religious faith.

To ensure salvation, however, a person had to continue to display Christian attributes. This extended to the nation as a whole. To continue to receive God's blessing, the United States had to conduct itself in a Christian manner toward its neighbors. Yet it was becoming evident that the American people were going to continue to push west across the continent, into territories owned by other nations. The United States desperately needed a rationale to square expansionist reality with religious ideals.

It found that rationale in the concept of Manifest Destiny. Those who adhered to this idea believed that it was perfectly clear that God intended for the American people to spread their "empire of liberty" from sea to shining sea and to demonstrate to less fortunate peoples the superiority of their way of life. With this conviction firmly in hand, Americans who were so inclined could now continue to expand across the continent without being bothered by their consciences. Though many Americans still objected, the United States proceeded to fight and win a war against Mexico, and in so doing acquired the territories of Texas, New Mexico, and California.

That the United States still experienced a stab of conscience after the fact is made clear by the fifteen million dollars it paid to the Mexican government for its northern territories. It is also evident in the terms of the Treaty of Guadalupe Hidalgo, the document that officially ended the war between the United States and Mexico. The treaty pledged to respect the property rights of all erstwhile Mexican citizens living in the newly acquired territories, and to offer them U.S. citizenship. Because the naturalization law of

the United States at this time only allowed free whites to become citizens, the treaty implicitly classified Hispanics as white.[2]

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Early in the nation's history, the constitution of each state had included a landowning requirement in its voter qualifications. The original idea had been that those who owned the land should rule the land. As time went by, however, this created a disparity in the adult white male population. Poor men who owned no land could not vote. Merchants and mechanics could not vote. Naturalized European immigrants who lived in cities, and therefore owned no land, could not vote. The result of this disparity was a lack of interest in government and politics among the common people, who saw no reason to pay attention to such things if they could not participate in them. Politics came to be seen as the province of landholding patricians. The first six presidents came from and were elected by this class.

However, beginning with Vermont in 1791, the new states that entered the Union dropped the landholding requirement from their voter qualifications. In the newer states, the franchise was extended to all white male citizens over the age of twenty-one. Because of the preponderance in population of the original states, it took some time and the addition of several states for the new voting policy to have any impact on national elections. But in the presidential election of 1828 the voice of the common people was heard for the first

[2] Maria E. Montoya, et al., *Global Americans: A History of the United States* Vol. 1 (Cengage Learning, 2018), pp. 329-330.

time. Andrew Jackson became the seventh president of the United States and the first to be called "the people's president."[3]

Just as the Second Great Awakening had democratized religion, the election of Andrew Jackson democratized politics in the United States. An egalitarian spirit overtook the American people that had not been there before. It was in this climate of an equal voice for all that the common school movement was born. Common people had demonstrated that they had political power. It was therefore imperative that they be educated enough to make intelligent choices at the polls. It was also imperative that they be morally trained to be virtuous citizens. The common school was seen as the answer to both imperatives.

These were the religious, political, and educational precepts that Americans took with them to California. Although all three would take a beating from the Gold Rush, they would in time recover enough to reshape California society and the education within that society. In this chapter I examine how California's admission to the Union at the height of the common-school movement in the U.S. impacted the new state's provisions for public education. This chapter will also look at how religion affected perceptions of public schooling and how changing politics and the outbreak of the Civil War left permanent marks on California's public school system.

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[3] Ibid., pp. 268-9.

1847 was a remarkably peaceful year in California. The capitulation of Los Angeles in January of that year ended for California all the hostilities of the Mexican War that still raged in the east, while the installment of an American military command ended the squabble for power among the prominent Californio families. Relieved of such distractions, the citizens of California could once again turn their attention to the matter of educating their young.

Charles Toto, Jr., in *A History of Education in California, 1800-1850*, claims that a pioneer woman named Olive Mann Isbell conducted the first Yankee-style school in California on the grounds of the old Santa Clara Mission, near San Jose, beginning in December of 1846. This was an extension of the wagon-train school she had conducted along the California trail en route from Missouri to Sacramento.[4] John Swett, State Superintendent of Public Instruction in California during the 1860s, recorded the establishment by the local *ayuntamiento* of a public school in the village of Yerba Buena, soon to be renamed San Francisco, in 1847.[5] That same year, according to William Warren Ferrier, Dr. W.B. Osborn opened a school in Los Angeles. Osborn had come to California with a New York regiment to fight the war and had been mustered out of service after the capitulation of Los Angeles.[6] He thus continued the California tradition of schools conducted by retired soldiers.

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[4] Charles Toto, Jr., *A History of Education in California*, 1800-1850 (PhD. dissertation, University of California, Berkeley, 1967), p. 100.
[5] John Swett, *Public Education in California* (1911), p. 107.
[6] William Warren Ferrier, *Ninety Years of Education in California, 1846-1936* (San Francisco: Savage Book Shop, 1937), p. 26.

None of these schools survived the Gold Rush. When James Marshall discovered gold at Sutter's mill on January 24, 1848, nine days before the signing of the Treaty of Guadalupe Hidalgo, California was forever changed. The relative calm of 1847 dissolved before the onslaught of gold seekers that began in 1848.

The California Gold Rush touched off one of the largest voluntary migrations in human history. Two-thirds of the migration came from the United States, but people came to California in substantial numbers from every inhabited continent except Africa. The push-pull factors, of which historians are so fond, were in solid evidence. The pull, of course, was gold, but the push varied according to where one lived. Americans were still suffering the effects of a depression that had been brought on by the financial panic of 1837. Revolutions raged through Europe in 1848, prompting French and Germans to board ships bound for California. Australia had been founded as a penal colony and, in 1848, was still not a pleasant place to live. Ireland was still struggling to feed its people after the devastating potato famine of 1845. And southern China had been ravaged by civil war, in the form of the Taiping Rebellion, and subsequent starvation. People from all these places surged to far-off California in the hopes of a new start.

All of these people, including the Americans, were trespassers. Federal law in the United States deemed public lands, and all their natural resources, to be the property of the federal government.[7] But upon acquisition of California, the United States, like Mexico and Spain before it, had faced the challenge of how to get its citizens to settle in

[7] H.W. Brands, *The Age of Gold: The California Gold Rush and the New American Dream* (New York: Doubleday, 2002), p. 45.

such a far-off place. Almost immediately, that problem was solved, along with the added bonus of having thousands of volunteers dig the gold out of the ground. While some of this gold was taken out of the country, most of it was pumped back into the U.S. economy. Allowing trespassers free access to public lands was a small price to pay for such benefits.

In the early years of the Gold Rush, more than 200,000 people converged on California. Only two percent of this number were women.[8] Since there are usually no children without women, either as producers or caregivers, the number of non-Indian children in California was quite small during this period. The focus was not on settling down and building homes but on gathering riches and returning home elsewhere. Few people even thought about establishing schools.

But some who came to California had no homes to return to. Others had been seduced by California's non-golden charms—the congenial climate and exquisite scenery—and decided to stay. They realized that they were going to have to figure out how to govern this wild child of a country that they now called home.

And here they ran into a problem, for the question of how to administer the lands acquired from Mexico brought to the fore the hotly-debated slavery issue in the United States Congress.

Early in its existence, the United States had recognized the need to organize its unincorporated lands into territories. The Northwest Ordinance of 1787 had provided a

[8] Rawls, James J., and Walton Bean, *California: An Interpretive History*, Ninth Edition (Boston: McGraw-Hill, 2008), p. 114.

step-by-step blueprint for bringing a land holding through the process of becoming a territory and then a state of the Union, on an equal footing with the existing states. According to this ordinance, once the free white adult male population of an area reached 5,000, they could organize a territorial government, to be approved by Congress, as a first step toward statehood. After the Mexican War, however, Congress refused to organize its newly-acquired lands into territories. The tenuous balance of slave states and free stood at fifteen each. According to the Missouri Compromise of 1820, which had drawn the line between slave territories and free just above the 36th parallel, New Mexico would be deemed slave territory, while California would be divided across its middle, slave to the south and free to the north. The territories of Nevada and Utah would also be free. Since this would throw off the delicate balance on which internal harmony depended, Congress had refused to set up any territorial governments in its new possessions.

California, frustrated by this refusal, decided to dispense with a territorial government and apply directly for statehood. Its population by 1849 certainly exceeded the 60,000 free white adult males required for statehood. To that end, in September 1849 a constitutional convention of forty-eight representatives from every part of California met in Monterey to draw up a state constitution. They used as their template the state constitutions of Iowa and New York.[9] Among the many provisions made by the constitution was that for public education. Article IX, entitled "Education," provided for the election of a Superintendent of Public Instruction to a three-year term (salary to be

[9] Kevin Starr, *California: A History* (New York: Modern Library, an imprint of The Random House Publishing Group, 2005), p. 92; Rawls & Bean, p. 122.

determined by the state legislature). It also laid out the means by which schools would be supported—through the sale of public lands earmarked for school purposes, the sale of property left by deceased persons without will or heir, and through taxes levied on private property. The constitution also made the state legislature responsible for setting up a system of common schools in California and for dividing the state into various school districts. Each school district, in turn, was required to conduct school three months out of every year. Any school district that failed to do so would be deprived of its portion of the school fund for that year.[10]

The constitutional convention voted overwhelmingly that California should enter the Union as a free state. This was somewhat surprising, considering the large contingent of southerners in California (casually referred to as "the chivalry"). The decision was based on the experiences of the gold fields. Several southern men had come to California accompanied by their slaves, whom they put to work mining gold. The master, of course, was the recipient of any gold they found. Other miners, who had to dig for themselves, cried foul and chased these men and their slaves out of the diggings. It was therefore determined early on that slavery would never be allowed in California except as a punishment for crime (an exception that would have dire consequences for California's Indian population).

California sent its bid for statehood to the U.S. Legislature in December 1849, and for the next six months the debate raged. Southerners in Congress were opposed to the admission of California as a free state without the admission of a slave state to balance it

[10] 1849 Constitution of the State of California, California State Archives.

out. (At the time, there were no slave territories that qualified for statehood.) At the same time, no one, including southerners, wanted to let go of California. California had San Francisco Bay, one of the finest natural harbors in the world, which would connect the United States directly to the lucrative Asian trade. California had a pleasant and healthful climate. California had gold.

In the end, Congress hammered out the awkward and unwieldy Compromise of 1850, which made several concessions to the slaveholding states in exchange for California's admission to the Union. It was yet another step that would lead to the disintegration of the Union in the following decade, but for now Californians had cause to celebrate. California became the thirty-first state on September 9, 1850, sprung full-grown into statehood just as Athena had sprung full-grown from the head of Zeus. In commemoration of this, the goddess Minerva, the Roman version of Athena, was prominently displayed on the new state seal of California.

On paper, at least, public education in California benefited from the fact that the state constitution had been modeled on the constitutions of New York and Iowa. New York, along with New England, had always been a champion of public education, though for somewhat different reasons. New England's enthusiasm for literacy had been born of the Protestant belief that a personal relationship with God was only possible by means of reading the scriptures. New York's desire for public schooling was more pragmatic. Since the founding of the Republic, New York had been the recipient of more immigrants than any other state. Unlike the English-speaking Protestants that had first populated the colonies, these immigrants were German, Irish, and Catholic. There was a widespread

fear, first voiced by Thomas Jefferson, that the admission of too many culturally diverse immigrants into the United States would destroy the unity of thought and purpose so necessary to a self-governing people. A system of education sponsored by the government was seen as an antidote to this danger. A common school would be the most effective way to homogenize and Americanize the children of these immigrants.[11]

Since so many immigrants were poor, volunteer groups set up charity schools in their midst to educate their children free of charge. Since most of these volunteer groups were organized in Protestant churches, the charity schools had a decidedly Protestant flavor to them, which included the teachers' reading aloud a portion of the King James Bible every morning. Catholic parents' and priests' objections to this practice would eventually lead to the establishment of a Catholic school system in the United States. In the meantime, however, the urban charity schools in eastern cities such as New York, Boston, and Philadelphia gradually became common schools where immigrant children mingled with American-born children to learn their ways.[12] By the 1830s the common-school movement was spreading across the country, led by such luminaries as Horace Mann and Catharine Beecher.

Horace Mann is known as the father of public education for good reason. In 1837 he became the secretary of the newly-formed Massachusetts State Board of Education and immediately set off on a circuit tour of the state's schools. He was dismayed by the lack of organization and cohesion he observed in the schools and became convinced that

[11] Carl F. Kaestle, *Pillars of the Republic*, p. 166.
[12] Ibid., p. 57.

public schools should be unified in purpose as well as curriculum. The purpose of schools in a republic, as he saw it, was to create responsible citizens. This meant that, in addition to reading, writing, and arithmetic, students had to learn moral virtue. They had to learn to control their passions for the sake of the greater good, to keep freedom from turning into license. To remain free, the people had to learn to police themselves, because otherwise the state would be forced to do it for them. The common school was tasked with teaching that self-restraint by teaching morality.[13]

In this specific, the political goals of schooling as envisioned by Mann dovetailed with the religious goals of evangelists such as Catharine Beecher. The daughter of Lyman Beecher, a prominent Presbyterian and Congregationalist minister, Catharine Beecher joined her father in his efforts to evangelize the western frontier. She believed that the best way to do this was through the common schools, and that the best teachers for these schools were women, who were considered to be morally superior to men. Through the efforts of Catharine Beecher and others, the teaching profession became increasingly feminized in the course of the nineteenth century: in 1800, most teachers were men; by 1900, seventy percent were women.[14] Because of this, primary education came to be seen as an extension of the home and therefore of women's sphere of influence, which led to the enrollment of more girls in common schools.

This enthusiasm for common schools was reflected in the state constitution of Iowa in 1846 and was therefore transferred to California's state constitution three years

[13] Lawrence A. Cremin, *American Education: The National Experience, 1783-1876*, pp. 138-9.
[14] Kaestle, p. 125.

later. But while California's original state constitution required the school districts throughout the state to conduct school for at least three months out of the year, it did not make it mandatory for students to attend. Instead, according to Section 2 of Article IX, the intent of the state legislature was to "encourage by all suitable means, the promotion of scientific, moral, and agricultural improvement."[15] Just what those "suitable means" included was not specified, but legal compulsion was not among them. The common school movement assumed that good American parents would make every effort to see to it that their children received a good American education as soon as the state provided the means to do so. In well-established eastern communities, this assumption proved correct. But things were different on the frontier, where people were too busy taming a wilderness—and, in the case of California, grabbing gold—to make a go of formal education for their young. For a time, California's statewide school system existed only on paper.

In the absence of a state-run school system, Protestant churches and missionaries opened short-lived schools throughout California. Like bubbles rising to the surface of a viscous liquid coming to a slow boil, these schools appeared briefly and then collapsed, either through want of funds or want of interest. In April of 1847, a Mormon named Mr. Marston had opened a private school in San Francisco and enrolled twenty pupils. The school closed when Mr. Marston joined the rush for gold the following year. In April 1849 the reverend Albert Williams opened a school in San Francisco with twenty-five pupils. That school lasted five months. In October 1849, John C. Pelton and his wife

[15] 1849 Constitution of the State of California.

arrived in San Francisco from Boston and opened a school in the Baptist chapel. In August of 1849, Yale graduate Mr. C.T.H. Palmer opened a school in Sacramento, in the heart of the Gold Rush. This school only lasted a few weeks and was sparsely attended. Palmer closed the school and sold the schoolroom accoutrements to Reverend Joseph A. Benton, who opened a Congregational Church in October of that year and taught school on the side. That school only lasted until the end of 1849. Six months later Mr. James Rogers opened another school in Sacramento, which was taken over by the Methodist Episcopal Church late in 1851. To the south, in Los Angeles, Reverend Henry Weeks and his wife opened a primary school for girls and boys. This school showed unusual stamina: it lasted until 1853 when common schools were finally established under state auspices. To the east, Mormons established a colony in San Bernardino in June of 1851 and soon established a school there.[16] The presence of religion in education was as strong in the United States as it had been in both Mexico and Spain.

In recognition of the debt owed the churches for the few schools extant in the state, the California School Law of 1851 made provision for the state to fund those schools. Section 10 of that law stated:

> If a school be formed by the enterprise of a religious society, in which all the educational branches of the district schools shall be taught, and which, from its private and public examination, the committee will it to be well conducted, such school shall be allowed a compensation from the Public School Fund in proportion to the number of its pupils, in the same manner as provided for district schools in this act.[17]

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[16] Mark Michael Groen, *Public Schools and Politics I the Gilded Age: The Role of Politics and Policy in Shaping Public Education and the Growth of Schools and Schooling in San Bernardino County, California, 1867-1890* (Riverside, CA: PhD Dissertation, University of California, Riverside, 2002), p. 21.
[17] California State School Law, 1851, quoted in John Swett, *History of the Public School System of California* (San Francisco: A.L. Bancroft and Company, 1876), p. 15.

As with most items pertaining to schools in California in 1851, this law existed on paper only. There was still a gold rush going on. In 1851 there were approximately six thousand school-age children in California, and almost none of them were attending school.[18]

Even in southern California, where gold fever was not quite so prevalent, officials struggled with the school question. In May of 1851, Mayor B.D. Wilson, in his inaugural address, outlined his plans for the city of Los Angeles, which at the time had a population of less than two thousand. He suggested that the public school, which had been established by the Reverend Henry Weeks and his wife in November 1850 and which was supported by the city of Los Angeles to the amount of $150 per month, should be closed, since "its advantages do not seem to me to be great or general enough to justify the expense."[19] Yet, two months after the mayor's address to the people, an opinion piece appeared in the Los Angeles *Star* with a starkly different view of the wants of the people with regard to education. It stated, in part:

> There may have been less energy in the public efforts, during the past twelve months or more, than we reasonably may have expected, for the promotion of Education in Los Angeles County; certainly, there is no lack of disposition on the part of the people to have their children educated, if suitable opportunity could be had. The mass of the inhabitants are seeking light. Go where you will, you will find about the same thirst for information and the same regret for the want of it, that characterize the settlers in the new or neglected districts of the old States. In many a lowly habitation the children bring out their well-used "Cartilla," timidly, yet with a pride in their bright eyes, *trying* to learn by the aid of a chance visitor, or the toil-worn mother, herself but little advanced beyond them. From time to time, during the past year, half a dozen little schools have been going on at once, in different parts of the city, kept up by the humble support of a population none

[18] Swett, *History of the Public School System of California*, p. 18.
[19] Los Angeles *Star*, 17 May 1851.

> of the richest in the world's gear, but in whom it is delightful to see this lively and constant, yet half-hidden aspiration for the improvement so long denied them by a thousand untoward circumstances, all originating—in justice to them, be it said—rather from the political, than the social organization of the country. Without wasting words to elect among a multiplicity of projects, or waiting upon tardy legislation, let us bestir ourselves, in every way, and by all means we can apply, to foster and develop this generous sentiment now glowing in the hearts of the people. Keep the public school, if you will.[20]

Apparently, the opinion voiced by the *Star*'s editor prevailed, for the Weeks school continued to operate in Los Angeles for the next two years.[21]

Meanwhile, at the state level, a minority in the legislature was earnestly attempting to carry out the duties laid on it by the state constitution with regard to public education. In October of 1850, one month after California attained statehood, the people of California duly elected Judge John G. Marvin as the first California State Superintendent of Public Instruction.[22] But this was as far as the legislature got in providing a system of public education in California. Despite appointing a senate committee on education, the legislature made no effort to establish schools or hire teachers, and Superintendent Marvin therefore had nothing to superintend. In all fairness, the legislature did have its hands full with more pressing matters. The chairman of the education committee, Benjamin Cory, acknowledged as much in his report to the Speaker:

> We are just organizing a State system, which from circumstances is necessarily very expensive. The taxes laid upon the people for State, County, and municipal purposes make an aggregate so large that the Committee on Education have not deemed it practicable to report a bill taxing the people still further for school

[20] "Female Education," Los Angeles *Star*, 12 Jul 1851.
[21] Ferrier, p. 50.
[22] David Frederic Ferris, *Judge Marvin and the Founding of the California Public School System* (Berkeley and Los Angeles: University of California Press, 1962), p. 29.

> purposes, feeling convinced that the people of California having children to educate will, by private subscription and municipal regulations, establish and maintain schools throughout the State until a school fund can be obtained for the establishment of *public* schools. The Committee are convinced that it will be at least two or three years before a school fund will come into the State treasury from the liberal grants made for that purpose in our State Constitution. And being impressed with this belief, the Committee have thought it best to postpone the consideration of this subject for the action of a future legislature which will have at its disposal more ample materials than we have at our command from which to cull and frame a correct Public School System. With these few remarks the Committee have instructed me to report this bill back to the House and respectfully recommend its indefinite postponement.[23]

This report touches on several concerns and assumptions held by members of the state legislature. The first was a legitimate fear of overtaxing the people of California, who were already being asked to bear the expense of establishing a new state government. The second was the assumption that California parents who wanted their children educated would see to it themselves, perhaps at the community level. This was in keeping with a precedent set in New England two hundred years earlier by Puritan parents who saw the education of their children as an act of faith. In New England, each town was its own independent identity, centered around the church and ruled by church elders who held town meetings to discuss community issues. At these meetings the people voted to raise money to support not only a local pastor but also a local school.[24] This tradition had spread throughout the eastern states in the intervening years, so that the establishment of schools came to be seen as a municipal rather than a state responsibility. Although the states were now officially accepting the burden of teaching their children by

[23] Benjamin Cory, *Report of the Committee on Education*, addressed to the Speaker of the House of the Assembly, in Archives of the Secretary of State, Sacramento, file 1850.
[24] Swett, *Public Education in California*, p. 17.

including provisions for school systems in their state constitutions, struggling state legislatures like the one in California continued to depend on local communities to educate their children.

The report by Benjamin Cory acknowledged this reality by stating that it would be two or three years before California would be in a position to establish a "correct" statewide school system. A majority of the school fund was to come from the sale of government lands, and it would take some time for this process to produce revenue.

Nine years before California was admitted to the Union, the U.S. Congress had passed the Preemption Act of 1841. This was a land act designed to facilitate the distribution of public lands within the boundaries of new states and also to provide revenue for the state and federal governments. By law, all public lands in any given state belonged to the federal government. To help the state governments build their infrastructures, the Preemption Act awarded a new state 10% of the proceeds of government land sales within its borders. In addition, the act provided for the federal government to make an outright gift to each new state of 500,000 acres of government land. Revenue from the sale of those half million acres went entirely to the state, amounting to not less than $1.25 per acre, and that revenue was to be "faithfully applied to objects of internal improvement within the States…namely: Roads, railways, bridges, canals and improvement of water-courses, and draining of swamps."[25] The act did not specify that any of the revenue accrued from the sale of the half-million acres must be used to support public schools. However, in its state constitution of 1849 the California

[25] "1841, September 4-5 Stat. 453—Preemption Act of 1841". *U.S. Government Legislation and Statutes. 8*

legislature magnanimously devoted the entire federal land grant to a fund for the support of public education:

> …the five hundred thousand acres of land granted to the new states under an act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A.D. 1841…shall be and remain a perpetual fund, the interest of which…shall be inviolably appropriated to the support of common schools throughout the State.[26]

In addition to the 500,000 acres of land granted by the Preemption Act of 1841 was the provision made by the Land Ordinance of 1785. This ordinance, passed into law before the nation was a decade old, had stipulated that all government lands were to be surveyed and parceled into townships measuring six miles square. Each township was made up of thirty-six sections, each section encompassing one square mile. The sixteenth section of every township thus surveyed was reserved for the support of schools. This was the first provision the U.S. government made at the federal level for the support of public education. Later, in 1853, Congress added the thirty-sixth section of each township to the support of public schools.[27]

Taken together, these endowments of the proceeds of the sales of public lands represented a potentially lush school fund for the state of California. But circumstances prevented the materialization of this treasury. First of all, the process of surveying and recording the public lands was slow and cumbersome. Since they were federal lands, the federal government reserved the right to survey them. But this took time, money, and attention on the part of the U.S. Congress, which by this time was too preoccupied with

[26] *1849 Constitution of the State of California*, Article IX, Section 2.
[27] California State Land Commission, "School Lands," Oct. 19, 2018.

sectional tensions to pay much attention to surveying California public lands. Second, by 1853 the amount of gold being mined in California was beginning to dwindle, and people were reconsidering the wisdom of buying land in California. Third was the nature of the lands themselves. California was a vast state comprising more than a hundred and twenty million acres of land, but much of that land was not conducive to private farming. Much of the state was desert, mountains, or rocky coastline. The parts of the state that were ideal for agriculture were already owned by rancheros whose land grants, protected by the Treaty of Guadalupe Hidalgo, often covered tens of thousands of acres. And land known to contain gold or other valuable minerals was not eligible for sale. As a result, the proceeds from the sale of public lands was never enough to support a statewide school system.[28]

Faced with this situation, in 1852 the California legislature voted to impose a school tax of five cents on each one hundred dollars of assessed property value. It also authorized counties and incorporated towns to impose additional school taxes not to exceed three cents on every hundred dollars of property.[29] In this way a start was made to establishing a school fund for the state of California.

But even this small provision for the funding of a public school system met with opposition. The second State Superintendent of Public Instruction, Paul K. Hubbs, made an indignant note of this in a speech he made to the California State Legislature in 1855:

> It is purely ridiculous and mean in the individual to say "I will not pay for the education of the children of others." You pay for roads over which you never

[28] Governor's Special Message and the Report of the Superintendent of Public Instruction. *Journal of the State Assembly,* Fifth Session, 1854, Appendix doc. No. 5. Huntington Library, San Marino, California.
[29] Ferrier, p. 6; Swett (1876), pp. 19, 20.

> travel, and you pay for prisons which you never inhabit. It is but a part of the social compact of civilized society to advance the intelligence and to elevate the character for independent thought and action by the whole people.[30]

Because of the depression that followed the Gold Rush, school revenue from property taxes had decreased from $53,511 in 1853 to $38,187 in 1854.[31] Partially as a result of this, in 1855, three quarters of the white children of California were not attending school.

As previously mentioned, the Common Council of the city of Los Angeles made several efforts to establish and maintain a public school. In June 1850, after the state constitution had been drawn up but before California's official admission to the Union, the *ayuntamiento* (town council) of Los Angeles hired Francisco Bustamente, a Spanish-speaking retired soldier, to teach Angeleno children reading, writing, and "good morals." Apparently this school did not last very long, because later in the year, after California had become a state, the town council of Los Angeles established a school committee but could not find any competent teachers. A man named Hugh Owens contracted with the city to teach school for fifty dollars a month, but the school soon failed. In 1851, the Reverend Henry Weeks and his wife began to teach school in Los Angeles for the princely sum of $150 per month; they managed to keep this school going until 1853.[32]

The reason why some early schools in Los Angeles failed was that they were taught by Protestants. The vast majority of the population of southern California in the 1850s was Hispanic and Catholic. Their priests represented the ultimate authority in their lives, and many priests feared the corrupting influences that a Protestant education would

[30] Quoted in Ferrier, p. 8.
[31] Ibid.
[32] Ferrier, pp. 49-50.

have on Catholic children. Some priests instructed their parishioners to hide their children when the school marshals came around, so that they would not be counted in the public school census. Other priests threatened members of their flock with excommunication if they sent their children to public schools.[33]

To combat the threat of Protestant schools and to provide for the education of its children, the Catholic Church set up schools in Los Angeles and its environs in the early years of statehood. Priests taught primary school at Mission San Gabriel, nine miles east of Los Angeles, and in the city itself. Under the state school law of 1851, these schools were entitled to a share of the state school fund, meager as it was. Even with this provision, however, attendance at the Catholic schools was low. At Mission San Gabriel, the Reverend Francis Sanchez taught a class of ten children, and in Los Angeles, a French priest named Anacletus Lestrade conducted a school of forty pupils.[34] Ignacio Coronel, a parishioner and once a member of the Híjar-Padrés colony, taught a school of fifteen boys.[35]

As low as this attendance was, it represented a part of the Catholic presence in California education in the 1850s. Judge John G. Marvin, first California State Superintendent of Public Instruction, recognized the Catholic contribution to the education of California's youth. In correspondence with Bishop Joseph Sadoc Alemany

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[33] Kaestle, p. 162; see also James Aloysius Burns, *The Catholic School System in the United States: Its Principles, Origin, and Establishment* (New York, Cincinnati, Chicago: BenzIger Brothers, Printers to the Holy Apostolic See, 1908), p.361.

[34] Letter from Bishop Joseph S. Alemany to Superintendent John G. Marvin, February 13, 1853. In Second Annual Report of the Superintendent of Public Instruction. *Journal of the Fourth Session of the Legislature of the State of California*, 1853. Huntington Library, San Marino, California.

[35] Engh, Michael E., S.J., *Frontier Faiths: Church, Temple, and Synagogue in Los Angeles, 1846-1888 (*Albuquerque: University of New Mexico Press, 1992), p. 74.

of Monterey in 1852, Marvin learned that six hundred California children were attending schools sponsored by the Catholic Church. This represented eighteen percent of the total school enrollment in the state. One of the most enlightening details of this report was the fact that not all of the six hundred pupils attending Catholic schools were Catholic. Some Protestant children were attending these schools simply because there were no other schools to attend.[36] The Catholic Church, therefore, was filling an educational vacuum created by a lack of funds and commitment at the state level. Taking this into consideration, Superintendent Marvin urged the state legislature to continue supporting sectarian schools with state funds. But times were changing. The growing Anglo-American majority in the northern part of the state saw this plea as an attempt to use public funds to promote Catholicism, a clear violation of the principle of separation of church and state (and an affront to the Protestant majority). His stance on this issue lost for Marvin reelection to the superintendency the following year. In 1853, the revised school law declared that "No common schools shall receive any moneys, benefits or immunities under the provisions of this act…unless such schools shall be free from all denominational and sectarian bias, control and influence whatever."[37] While this act ended state support of religious schools, it did not end the practice, long established in the common schools and objected to by Catholics, of opening each school day with a reading from the King James version of the Bible.[38]

[36] Letter from Bishop Alemany to Superintendent John G. Marvin, 1853.
[37] "An Act to establish and regulate Common Schools, and to repeal former acts concerning the same," Section 31, "Schools and Teachers," May 18, 1853. Reprinted in the Butte [County*] Record*, 11 Nov 1854.
[38] Ferrier, p. 93.

California's first state constitution had required that all laws and public notices be published in both English and Spanish.[39] However, by 1855 this spirit of inclusion was evaporating from the state. That year, the bilingual law was repealed.[40]

These twin animosities toward the Catholic Church and the Spanish language had their origins at the national level. The two major political parties of the early nineteenth century in the United States were the Whigs and the Democrats. These parties were not regionally specific; members of both parties could be found throughout the North and South. As westward expansion coupled with the spread of slavery became a bigger issue, however, fault lines appeared in both parties. The Whig party, especially, was divided over the issue. Northern Whigs wanted to prohibit slavery in newly acquired territories while Southern Whigs tried to expand it. The impasse so hogtied the party that by 1852 it could not agree on a candidate to put forth in the presidential election.

Into this void stepped a new political party, the American Party, better known as the Know-Nothings. The party first formed around a number of secret societies whose members were all instructed to answer questions about their activities with the response, "I know nothing." This party had coalesced as a response to the growing nativism in the United States brought on by the huge increase in immigration during the 1830s and 1840s. Most of these immigrants were Irish and German. About half of the Germans and virtually all of the Irish were Catholics. Since the Catholic faithful supposedly gave their first loyalty to the pope, many Americans believed that this tidal wave of European

[39] Pitt, p. 46; Rawls & Bean, p. 121.
[40] Ibid., p. 226.

Catholic immigration was a plot on the part of the Vatican to seize power in the United States. The Know-Nothings therefore campaigned to halt immigration ("America for Americans!") and tried to pass laws that prohibited anyone not born in the United States from holding office and that required a residency of twenty-one years before a foreign-born person could be naturalized. They believed that people living in the United States should speak English, and they were not inclined to accommodate those who spoke other languages.

The Know-Nothing party caught on quickly in San Francisco and in the California state legislature. Because of the Gold Rush, California had been inundated with its own wave of foreigners, and much of what the American Party stood for struck a chord in the state. Know-Nothing candidates won victories in the elections for governor, cabinet members, and congressmen in 1854.[41]

Schools were affected by this new political spirit. Common schools in California were now to be taught exclusively in English, and no taxpayer money was to go to any Catholic school.[42] Many Californians approved these new measures, believing that they would make for a more homogenous American citizenry.

Spanish-speaking Californians, however, were outraged, especially in the southern part of the state. The Spanish-speaking majority in Santa Barbara defied the new school law and continued to conduct their school in Spanish.[43] In Los Angeles, the Common Council had cooperated with the state mandate to conduct public schools in

[41] Hubert Howe Bancroft, *History of California*, Vol. VI, p. 700.
[42] Swett (1876), pp. 23-4; Engh, p. 75.
[43] Pitt, p. 226.

English, and issued an ordinance to that effect.[44] However, three-quarters of the 500 school-aged children in Los Angeles were Spanish-speaking. To provide for their educational needs, a man named Antonio Jimeno del Recio proposed to the town council that they pay him to teach school in Spanish in the curate's home until such time that the Church could send Jesuit teachers to Los Angeles. At the prompting of Abel Stearns, a leading Angeleno who had married into a prominent Californio family, the town council accepted Recio's proposal. He opened the school and conducted it for a short time, until the earmarked funds ran out.[45]

A few months later, in the winter of 1856, another Angeleno, J.R. de Neilson, opened a bilingual Catholic school for boys in the printshop of Jean Louis Vignes, a French vintner who had arrived in Los Angeles in the early 1830s.[46] De Neilson charged a dollar a month per student to teach the boys English, arithmetic, geography, reading and writing, along with Catholic instruction. In keeping with Hispanic tradition, the school day was divided into a morning session from nine to twelve and an afternoon session from two to four o'clock, with a two-hour siesta at midday. De Neilson taught as many as thirty-five students, but the parents of some of them found the dollar-per-month tuition to be too expensive. Led by Antonio Coronel, members of the community petitioned the town council for a subsidy to help support the school. Faced with the strict new school

[44] Common Council, "Ordinance establishing and regulating Free Common Schools in the City of Los Angeles," June 12, 1855. LACA, Box 1367, Vol. VII, pp. 438-442.
[45] Pitt, p. 226.
[46] John Mack Faragher, *Eternity Street*, p. 54.

law against supporting sectarian schools with public funds, the Common Council could do nothing to help them. De Neilson's school was forced to close.[47]

Meanwhile, the Church in Rome had appointed a new bishop to California. Thaddeus Amat was consecrated in Rome in March 1854 and reached Monterey, where he was installed as second bishop under Archbishop Alemany, in November of that year.[48] A year later, Bishop Amat visited Los Angeles for the first time. At a meeting in the Los Angeles parish house in December, 1855, Amat informed his congregants that the American Catholic hierarchy had arranged for the establishment of a girls' orphanage and school in Los Angeles. Already, six Sisters of Charity were on their way from Baltimore to California to open the orphanage, and they needed a home for themselves and the orphans. Amat elicited pledges of money from most of the elite Angeleno Catholics, among them Abel Stearns, John G. Downey, Stephen Foster, Louis Vignes, Antonio Coronel, and Agustín Olvera. When the nuns arrived in January 1856, they took up residence in a home that had been purchased from Mayor Benjamin Wilson.[49] In a matter of days they opened their "Institución Carativa de Los Angeles" as a girls' orphanage and school.[50] The school thrived, and parades of the female students dressed in white gowns became a part of the pueblo's fiestas from then on.

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[47] Pitt, pp. 226-7.
[48] Zephyrin Engelhardt, O.F.M., *San Gabriel Mission and the Beginnings of Los Angeles* (Mission San Gabriel, 1927), p. 315.
[49] Manuel Requeña, et al. *Resolutions of a committee representing the City of Los Angeles for purchasing for the Sisters of Charity the house & land of Benjamin D. Wilson on Alameda Street*. February 17, 1856. Benjamin Davis Wilson Collection, Box 9, msWN751. Huntington Library, San Marino, California.
[50] Pitt, p. 224.

While less spectacular, the common school effort in Los Angeles persevered. In 1854 Mayor Stephen Foster (not to be confused with the songwriter of the same name) convinced the town council to begin the construction of two brick schoolhouses, one on the corner of Spring and Second Streets, the other on Bath (now Main) Street.[51] These were the first buildings in Los Angeles designed specifically to be schoolhouses. Before this, schools in the city had been conducted in private homes or rented buildings. In 1855, William McKee was hired to teach the boys' division; the girls' division was taught by Miss Louisa Hayes, who was the first woman public school teacher in Los Angeles. She was also a Roman Catholic.[52]

Miss Hayes' engagement as a public school teacher preceded the arrival of Bishop Amat in Los Angeles, but when he arrived he made it very clear that he was opposed to the idea of Catholic families sending their children to be educated in the public schools. He shared this attitude with most American Catholic clergy of the nineteenth century—some of whom, as has been previously noted, urged Catholic parents to hide their children from school marshals or who threatened with excommunication Catholic parents who sent their children to public schools. The public school was an agency of the government, and Bishop Amat, along with his fellow clergymen, saw the U.S. government—and, by extension, the California state government—as a Protestant

[51] Engh, p. 75.
[52] Harris Newmark, *Sixty Years in Southern California, 1853-1913* (New York: The Knickerbocker Press, 1915), p. 47.

institution. He felt that a Catholic child's attendance at an American public school would threaten his or her Catholicism.[53]

Because of the Sisters of Charity, Catholic girls in Los Angeles were receiving an education acceptable to the bishop. It was now time to look after the boys. In 1859 Bishop Amat oversaw the opening of the "Escuela Parroquial de Nuestra Señora de Los Angeles," a parochial grammar school for boys with a tuition of two dollars a month. The excellence of the curriculum drew Catholics and non-Catholics alike. Those who attended, both boarders and day scholars, included Protestants and members of the city's substantial Jewish community. These students were excused from the religious exercises.[54] One of the greatest draws of this school was that it was bilingual. Angelenos of all ethnicities were convinced of the benefits of being fluent in both English and Spanish.

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In 1857 a Virginian named Andrew J. Moulder was elected California State Superintendent of Public Instruction. He brought to his office a deep conviction of the necessity of free public schools; he also brought racial attitudes of which he was equally convinced. In his annual school report of 1858, which he presented to the California State Legislature, he stated that

> …there are 40, 530 children in the State between 4 and 18 years of age; …the whole number attending school during the year 1858 was 19,822, and…the daily average attendance was but 11,183. It follows that 20,708 children have not been

[53] Letter, Sister Scholastica Logsdon to Francis Burlando, 28 December 1861, Los Angeles, "Correspondence of the Director," vol. II, AWPDC. Bishop Amat, "Christian Education," Los Angeles *Star*, 2 May 1857.
[54] Pitt, p. 227.

> inside of a public schoolhouse, and that 29,347 have, in effect, received no instruction during the year.
>
> If…we do not take instant and effective means to remedy it, these 29,347 neglected children will grow up into 29,347 benighted men and women; a number nearly sufficient, at ordinary times, to control the vote of the State, and, in consequence, to shape its legislation and its destiny!
>
> Damning as the record is, it is yet lamentably true, that during the last five years the State of California has paid $754,193.80 for the support of criminals, and but $284,183.69 for the education of the young!
>
> In other words, she has paid nearly three times as much for the support of an average of four hundred criminals as for the training and culture of thirty thousand children.
>
> To make the point more forcible, the figures show that she has expended $1,885 on every criminal, and $9 on every child![55]

Moulder was of the Jeffersonian school that held that a self-governing republic must be a well-educated republic. To his practical mind, California needed to educate its young as a matter of self-preservation.

Because he saw education mainly as a means of producing responsible voters, Moulder believed that the state should not expend funds to educate those children who would not grow up to be voters (or the wives and mothers of voters). At this period in the nation's history, blacks, Asians, and Indians did not have the franchise. It can therefore be assumed that Superintendent Moulder saw no reason to educate them. This was unfortunate but very much in keeping with the general attitudes of the times and, it must be added, with the U.S. Constitution as it stood at the time. Superintendent Moulder was also concerned that the admission of children of these races into the common schools would dissuade the parents of white children from sending their offspring to school. In this same annual report (1858) he recommended to the State Legislature that "Negroes,

[55] Andrew J. Moulder, *Annual Report of the State Superintendent of Public Instruction before the California State Legislature,* January 1858.

Mongolians, and Indians" should not be allowed to attend schools for white children, and that any school district that allowed them to do so should be deprived of its share of the state educational fund.[56]

Schools for black children had been established in 1854 in both San Francisco and Sacramento, the only two areas of the state with any appreciable black population. (In 1850 there were 962 blacks in California, 872 of which were men. In 1853 there were 2,000 blacks in California, most of them living in San Francisco.)[57] Superintendent Moulder had no objection to the state funding of separate schools for nonwhite children, as long as the local white community had no objection. But he was adamant about keeping these children out of the state's common school system. He justified this stance by referring to the school law of 1855 (the same one that discontinued Spanish language schools), which required school marshals to take a census of all "white children" (both Anglo and Hispanic) in each district between the ages of five and eighteen. In his annual report before the State Legislature in January 1859, Moulder stated:

> In several of the counties attempts have been made to introduce the children of Negroes into our public schools on an equality with the whites. Whenever consulted on this point the State Superintendent has resolutely resisted such attempts and employed all the power conferred upon him by law to defeat them. In his communications on the subject he has instructed the school officers that our public schools were clearly intended for white children alone…Had it been intended by the framers of the law that the children of the inferior races should be educated side by side with the whites, it is manifest the census would have included children of all colors. If this attempt to force Africans, Chinese and Diggers [California Indians] into one school is persisted in it must result in the ruin of the schools. The great mass of our citizens will not associate on terms of

[56] Ibid.

[57] Andrew J. Moulder, *Annual Report of the State Superintendent of Public Instruction before the California State Legislature*, January 1859.

> equality with these inferior races; nor will they consent that their children should do so.[58]

A year later Moulder's wishes were enacted into law. The school law of 1860 made it illegal to admit nonwhite children into the common schools of California, under penalty of forfeiture of state funding. School trustees were allowed but not required to set up separate schools for nonwhite children.[59] Thus, if a school district chose not to set up a separate school, nonwhite children stayed home.

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Although the gold mines in California had begun to peter out by the late 1850s, another mineral strike revived California's fortunes and continued to make the state important to the federal government in Washington, D.C. This was the Comstock Lode in neighboring Nevada territory, discovered in 1859 and consisting of both gold and silver deposits. Because Nevada territory did not have its own banking system, and because most of the investors in the Comstock Lode were Californians, the profit made in the Comstock was deposited into San Francisco banks. The federal government, which had been eager for a direct connection to California's wealth since the days of the Gold Rush, had been planning for years to build a transcontinental railroad, and the Comstock strike reinvigorated those plans. The question of whether the railroad should follow a northern or southern route led to sectional strife, as did almost every national issue in the 1850s, and the building of a railroad to link California to the rest of the Union was postponed indefinitely. Most Californians, of course, were in favor of the railroad and did not

[58] Ibid.
[59] Ferrier, p. 99.

particularly care whether it followed a northern or southern route. But in this, California was at the mercy of the eastern states, who had other issues on their minds.

The Democratic Party had dominated California politics throughout the 1850s, except for the brief period mid-decade when the Know-Nothings had taken control of the state government. But the Know-Nothing fever had passed and the Democrats were again ascendent. The strength of the Democratic Party in California can be explained not only by the number of southerners that had come to the state but also by the number of Catholics in California. The Democrats were the preferred party of immigrants, since they were less nativist than either the Whigs or the Know-Nothings. Since the majority of recent immigrants were Catholic, the Democratic Party became known as the favored party of Catholics. In California, these included not only the numerous Irish immigrants in San Francisco but also Hispanic southern California.

By decade's end, however, the Democratic Party in California was in trouble. Like the rest of the country, it was split over the slavery issue. As the presidential election of 1860 approached, that split became more crucial. The incumbent Democratic president, James Buchanan, had proven to be a profound disappointment to his party, and few Democrats wanted to nominate him to a second term. In the absence of a strong candidate, California Democrats could not agree on who to nominate to the presidency. The presence of a third-party candidate on the ballot, John Bell of the Union Party, further split the vote. As a result, the four electoral college votes of predominantly Democratic California went to the candidate of the recently-formed Republican party,

Abraham Lincoln. This situation created a shift in California politics. In 1861 Leland G. Stanford was elected as California's first Republican governor.

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When the Civil War broke out in April of 1861, California's first instinct was to remain neutral. The issues involved had very little to do with the Golden State. The fighting was two thousand miles away and only under the rarest circumstances would it ever reach California.

As a state of the Union, however, California had pledged to support the federal government, and the only way to get around that was to secede, as the Confederate States were doing. There was a strong secessionist movement in California at the beginning of the war. The majority of secessionists, however, did not want to join the Confederacy. Rather, they wanted to join with Oregon, Washington Territory, and Arizona Territory to form the independent Pacific Republic. The western states and territories were feeling neglected by the far-off federal government, and many believed that their interests would be best served if they struck out on their own as the southern states were doing.

The majority of Californians did not want to leave the nation, so ultimately California remained in the Union, contributing funds and manpower to the Union cause. Even so, the Confederate sympathizers continued to be active in the state. Secret societies such as the Knights of the Golden Circle campaigned for the Confederacy. There was an exodus of Chivalry Californians east to join the Confederate Army. Conspiracy rumors ran rampant throughout the state.

Aware of California's tenuous stance on the war, President Lincoln sought to bind the Golden State to the Union cause. With the departure of the southern states, the U.S. Congress was now overwhelmingly Republican, and able to push through Republican legislation that had been voted down by the Democrats before the war. One of these was the Pacific Railroad Act, which would award contracts to two railroad corporations to construct a railroad from Omaha, Nebraska to Sacramento, California. President Lincoln signed the act into law on July 1, 1862. California now had a bright new future opening up before it and a vested interest in remaining in the Union.

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This was the political situation in California when the people of the state elected to office their fourth State Superintendent of Public Instruction in 1862. That man was John G. Swett, who did more than any other superintendent to place California's state school system on a secure financial footing.

The business-minded element in the state legislature that had always dragged its feet about funding education was now using the Civil War as a reason to postpone raising taxes for school purposes. Swett, a stalwart New Englander for whom education was next to godliness, realized that it would require a lot of nagging and wheedling to get the state legislature to do right by California's public school system. Swett was up to the task.

He began, as soon as he had taken office, by engaging a lawyer to draw up an airtight taxation bill to be presented to the state legislature. The bill called for the imposition of a small state school tax, the raising of county school taxes, and the

collection of school district taxes. The committee to which the bill was presented approved all except the levying of a state school tax, since they believed the taxpayers would put up too much of a protest. Swett did not want to press too hard in his first round with the legislature, so he withdrew the provision for the state tax. Then he vigilantly shepherded the rest of the bill through the Assembly and the Senate, until, "by careful management and constant watchfulness," he got the bill passed into law.[60]

This was the first step on the long road to financial solvency for the public school system of California. Swett campaigned for state support of the public schools at every opportunity, and he was not above shaming the people of California to do it. At a meeting of state school teachers in San Francisco in the spring of 1863, Swett made this appeal:

> *Raise the rates of county taxation for the support of common schools* ought to be inscribed over the doors of every schoolhouse in California. When our gold mines are enriching the world; when our valleys are teeming with agricultural wealth; when commerce is pouring its treasure into our lap—shall we give less for the support of schools than the older states on the other side of the continent raise by direct taxation? What are lands, and seas, and gold, and silver, compared with men, trained and educated in the public schools to an intelligent comprehension of their rights and duties as citizens of the state and of the Union?
>
> While other states are moving onward in a liberal support of schools, ought we, in California, entering on a new career of prosperity,--ought we to make the war an excuse for relaxing our efforts in behalf of popular education?[61]

Swett then addressed an argument that had been made by the legislature early in the state's history and was once again resurfacing—that if the parents of California wanted their children educated, they would see to it themselves. Swett retorted:

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[60] John Swett, *Public Education in California* (1911), pp. 153-4.
[61] Swett (1911), p. 156.

> If left to their own unaided efforts, a majority of parents will fail, through want of means, properly to educate their children; another class, with means at command, will fail through lack of interest. All the children can be educated only by a system of free schools, supported by taxation, and controlled directly by the people.[62]

In other words, parents could not be trusted to educate their children the way the state needed them to be educated. The state itself must take things in hand.

To do that, however, the state needed tax money—more tax money than it was now receiving even after the successful passage of Swett's new school bill. Swett realized that if he was to make any headway in passing a statewide school tax, he would have to appeal to the people directly. So he did. At his own expense, because the state had not budgeted for it, Swett traveled throughout California, visiting schools, meeting with parents, speaking at public assemblies.[63] By means of this personal touch, coupled with Swett's tireless persuasiveness, parents in the various school districts throughout the state began to circulate petitions for the state legislature to impose a "half-mill" tax on all property in the state, to be used for school purposes.[64] These petitions began arriving in the state capitol as the legislature was convening for the 1865-66 session. Swett was there, "in close attendance on the legislature, watching the successive stages of the school bill."[65] The petitions continued to pour in, bearing the signatures of 10,000 California residents, until one assemblyman said, "For God's sake, Swett, stop these endless petitions for a half-mill tax, and we will give you whatever you ask for."[66]

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[62] Ibid.
[63] Swett 1911, p. 167.
[64] The proposed law would lay a half-mill tax on every dollar of assessable real estate, equivalent to five cents on every hundred dollars.
[65] Swett 1911, p. 175.
[66] Ibid.

The school bill passed the assembly but was resisted in the senate, which attached an amendment to the bill to allow public schools to admit nonwhite children. The assembly vigorously protested this provision, the senate relented and removed the amendment, and Swett's school bill passed. This was not the first or last time that a legislature would use race as a political tool. Nevertheless, the bill passed, and California public schools were now drawing close to being adequately funded, thanks to the single-minded tenacity of their state superintendent.[67]

Swett continued to labor in behalf of the California public schools. Under his supervision, the Revised School Law of 1866 made provisions for school libraries and a uniform series of school textbooks. It also required the state to provide schools for nonwhite children in districts that did not allow them to attend school with white children. The state property tax was raised from five cents to eight cents on every hundred dollars, and counties were required to impose a minimum school tax of three dollars for every school-age child.[68]

This substantial increase in revenue made Swett's fondest wish a reality—that the California public schools would be completely free to every (white) child in the state. Up until this time, even with public moneys, it had been necessary for California parents to help defray the cost of educating their children by paying what was known as rate bills. These were based on the number of children a family had in school and how often they were attending. By the end of Swett's term of office as state superintendent, rate bills

[67] Ibid.
[68] Swett 1911, pp. 186-7.

were no longer necessary. Families no longer had to decide which of their children should attend school and for how long. Swett was rightly proud of this accomplishment and made note of it in his next biennial report.

> The school year ending June 30, 1867, marks the transition period of California from rate bill common schools to an American free school system.
> For the first time in the history of the State, every public school was made entirely free for every child to enter.[69]

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Ultimately, the goal of the common school movement in the United States was to produce an informed and homogenous electorate. This was especially true in California, as Superintendent Swett pointed out in his annual school report for 1863, during the height of the civil war:

> If one state in the Union needs a system of free schools more than any other, that state is California. Her population is drawn from all nations. The next generation will be a composite one, made up of the heterogeneous atoms of all nationalities. Nothing can Americanize these chaotic elements and breathe into them the spirit of our institutions except the public schools.[70]

As a New Englander and a staunch unionist, Swett was appalled by what he perceived to be the disloyalty of the seceding states. As an educator, he lay the blame at the door of the South's neglect to properly school its children. In a speech before the state teachers' institute in May of 1863 he stated that "we begin to perceive, amid the terrible realities of war, that the schools have been the nurseries of loyalty, and the lack of

[69] John Swett, *Second Biennial Report of the Superintendent of Public Instruction of the State of California, for the School Years 1866 and 1867*. California Department of Education Reports. RB1239, volume 3. Huntington Library, San Marino, California.
[70] John Swett, "Thirteenth Annual Report, 1863," *History of the Public School System of California* (1876), p. 41.

them the right arm of secession."[71] This firm belief led Swett, as state superintendent, to persuade the state legislature to require all teachers in California to sign an oath of loyalty to the Union before they would be allowed to teach in the public schools. Passed into law on April 27, 1863, the oath read:

> I do solemnly swear (or affirm, as the case may be) that I will faithfully support, protect, and defend the Constitution and Government of the United States against all enemies whether domestic or foreign; that I will bear true faith, allegiance and loyalty to the said Constitution and Government, and that I will to the extent of my ability teach those under my charge to love, reverence and uphold the same, any law or ordinance of any State Convention or Legislature, or any rule or obligation of any society or association, or any decree or order from any source whatever, to the contrary notwithstanding; and further, that I do this with a full determination, pledge and purpose, without any mental reservation or evasion whatsoever; and I do further swear (or affirm, as the case may be,) that I will support the constitution of the State of California.[72]

The law made it illegal for any school officer to pay the salary of a teacher who had not taken the oath. Nevertheless, there were Democrat-dominated pockets throughout California where trustees shut down schools rather than take the oath of allegiance. Other districts refused to hire teachers who *would* take the oath.[73] Swett, in his annual report as State Superintendent of Public Instruction, was outraged.

> Of the spirit of disloyalty which induces them to place themselves in this attitude I cannot speak in terms of too severe condemnation. In Ukiah District, more than half the scholars who attend the Public Schools are the children of loyal parents, but the voters outnumber us, so that it is impossible to elect Trustees who will perform their duty. I regret to say that we have a large element in our population in this county who have but little ambition to improve or even to maintain our present School system. Of this you may be made aware by what I have said

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[71] Swett (1911), p. 161.

[72] California State Legislature, *An Act Concerning Teachers of Common Schools in this State*. Approved April 27, 1863. Quoted in Stockton *Independent*, Vol. IV, No. 87, 14 May 1863.

[73] John Swett, *Thirteenth Annual Report of the Superintendent of Public Instruction of the State of California, for the year 1863*, p. 49. California Department of Education Reports, call number 1239, volume 1863-1867. Huntington Library, San Marino, California.

> above of their determination to elect none but the most ultra Secessionists for Trustees.[74]

By his use of the words us and them, Swett emphasized the political divide in California between unionists and secessionists, Republicans and Democrats, Northerners and Southerners, patriots and traitors. He thus contributed to the perception that southern Democrats were the Other in a republican form of government, and needed to be brought to heel by means of the public schools. The Democrats, of course, resisted such enculturation. Yet most of California's southern Democrats were shrewd enough not to put their position into print. It was left to the opposing newspapers to sum up, with varying degrees of bias, where California Democrats stood with regard to loyalty oaths and schools in general. Opposition to the oaths and to Yankee-style Protestant-flavored education was particularly strong in southern California.[75] Two months after the oath was passed into law, the Los Angeles Daily *News*, a Republican journal, made some snide observations about Democrat-driven efforts to evade the law.

> In some quarters it is proposed to "swear in a black," to use "Democratic" language, for the purpose of securing the funds, and who shall in due time be dismissed on some pretext to make room for the "faithful." In others it is propose[d] to repudiate the oath as "tyrannical and un-democratic." Whatever course may be entered upon it may be well for all who expect to become guardians and instructors of the young mind, that it is well to do so under the law which provides for their pay. It is not likely that the law will be deviated from in this particular for the accommodation of those who would "conscientiously" see our Government trampled under foot by traitors; those who are decidedly against the Government are not justly entitled to receive their support from any of its branches…The Public schools of Southern California will be looked after in the future; allowing the recital, amongst the names of Presidents, that of Jeff. Davis…is not exactly in keeping with loyalty to the Government.[76]

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[74] Ibid.
[75] San Mateo County *Gazette*, Volume V, No. 33, 13 November 1863.
[76] "That Oath!" Los Angeles Daily *News*, Vol. 8 No. 4, 29 June 1863.

Within a week of the publication of this piece, the battles of Gettysburg and Vicksburg turned the tide of the war permanently in favor of the Union. After Appomattox, Confederate sympathizers in California remained rebellious, but that rebellious spirit would be accompanied by a profound bitterness that would make the task of state educators all the more difficult.

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Through John Swett's Herculean efforts and terrier-like tenacity, California had overcome the frontier conditions detrimental to schooling and, by the end of the 1860s, had established a statewide public school system funded entirely by taxes and the State School Fund. But the schools now faced new challenges, brought on by the changes wrought by the recent war, the industrialization of the country, and the vast increase in European immigration. In the crucible of the following decade, public education in California would be reshaped yet again.

Chapter 4

Education in California: After the Civil War

America hardly recognized itself after the Civil War. A country that had seen itself as blessed by God for its moral virtue had shown itself capable of killing its own, and a sort of national self-loathing set in, resulting in corruption in every facet of society. Before the war, the ideal American had been Jefferson's yeoman farmer, hard-working, self-sufficient, and impervious to political seduction. But the rapid rise of industry after the war produced factory workers who were dependent on big business for their wages, wages that could be raised or lowered on the whim of their employer. Those who remained farmers were no longer self- sufficient, as they were now dependent on the railroads to ship their produce, and the unregulated freight rates pushed the farmers to the brink of ruin. A new wave of immigration crowded east coast cities, lowered wages, and intensified the nation's ever-present ethnic hostilities. And nearly four million newly-freed black Americans needed food, shelter, clothing, work, and education, things that a lifetime in slavery had not prepared them to acquire on their own.

Education, as it always does, reflected the zeitgeist of the times. Before the war, the main purpose of education in the eyes of most Americans was to develop a child's character. The virtues of honesty and civic responsibility were essential to the maintenance of the republic. This mostly agrarian society encouraged its young to engage with nature and learn from its ways.[1] After the war, an increasing number of Americans began to see education as a tool for self-advancement in an increasingly competitive world. They also saw it as a way to homogenize an increasingly heterogeneous society. The introduction of compulsory education, all but unheard of before the war, was a manifestation of this desire to control society.

This chapter looks at the profound changes in society that overtook the United States after the Civil War, and how schools in the nation as a whole and in California in particular reflected those changes. I examine how new perceptions of southerners as conquered traitors and Catholics as foreign invaders determined how educators intended to school the children of these groups. I also look at the rise of the industrial employment of children in the postbellum years and how this led to the passage of compulsory education laws. Finally, I consider how Californians responded to the high school movement that gained momentum in the last decades of the nineteenth century.

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In December of 1863 President Lincoln announced his plan to reconstruct the South at war's end. His "Proclamation of Amnesty and Reconstruction," also known as the Ten Percent Plan, stipulated that the president would grant a full pardon to any former

[1] Stuart G. Noble, *A History of American Education* (New York: Rinehart & Company, 1938), pp. 142-3.

Confederate who took an oath of loyalty to the United States and would restore to that person all his property except slaves. (The exceptions to this pardon were high-ranking officers in the Confederate military and former U.S. congressmen, judges, and military personnel who had left their offices to join the Confederacy.) When ten percent of a former Confederate state's voting population had taken the loyalty oath, they would be permitted to rewrite their state constitution, set up a state government, and apply for readmission to the Union.[2] By making this proclamation while war still raged, Lincoln hoped to prompt an early surrender on the part of the southern states by reassuring them of lenient treatment in the aftermath of the war.

Many Republicans in Congress, however, thought that Lincoln's plan was too lenient. Known as Radical Republicans, they wanted to punish the South for its insurrection. Although Lincoln in his second inaugural address had preached "malice toward none" and "charity for all," in July of 1864 the Radical Republicans put forth their own plan for reconstruction, the Wade- Davis bill, which called for fifty percent of a seceded state's electorate to take the loyalty oath before that state would be readmitted to the Union.[3] Lincoln pocket-vetoed the bill, but when John Wilkes Booth assassinated him in Washington D.C.'s Ford Theatre five days after war's end, the President's plans for a kinder, gentler reconstruction died with him.

Lincoln's assassination, the first of its kind in American history, shocked an already traumatized nation. Southerners as well as Northerners mourned both him and the

[2] Abraham Lincoln, "Proclamation of Amnesty and Reconstruction," December 8, 1863.
[3] Armstead L. Robinson, "The Politics of Reconstruction," *The Wilson Quarterly*, Vol. 2, No. 2 (Spring 1978), p. 111.

tenuous sense of security he had provided. To make matters worse, few people liked or trusted his successor, Andrew Johnson, a tailor from Tennessee whose wife had taught him to read. He was a Democrat and a former slaveholder, and Lincoln had added him to his ticket to show the South that southerners who showed loyalty to the Union could participate fully in its government. But Johnson had little of Lincoln's humanity and none of his humor. He hated blacks, but he also hated the Southern elite who had always looked down on his humble beginnings. He wanted them punished, but he wanted middle- and lower-class white southerners brought back into the Union as quickly as possible so that they could vote to keep him in office in the presidential election of 1868. Knowing that the Radical Republicans would block his plan, Johnson implemented it while Congress was not in session. But the reconvened legislature was able to undo much of his progress. In March of 1867, over Johnson's veto, they passed the First Reconstruction Act, which put the South under martial law and required any state applying for readmission to the Union to have rewritten its constitution and to have ratified the Thirteenth Amendment, abolishing slavery, and the Fourteenth Amendment, declaring all those born or naturalized in the United States to be American citizens. The state would also have to ensure freedmen's voting rights, even if a substantial percentage of its white population was denied the vote.[4] These were bitter pills for the South to swallow and did little to bind the nation's gaping wounds.

In the aftermath of America’s bloodiest war, many postwar Americans began to look askance at the two major political parties. They blamed the Democrats for the war

[4] Robinson, “The Politics of Reconstruction,” p. 118.

and saw them as disloyal to the nation.[5] The Republicans, who had had free rein in the federal government during the war and for several years afterward, were seen as hopelessly corrupt.[6] Many Americans viewed both parties as morally bankrupt. As a result, after the war new political parties began to appear. Many newspapers, eschewing identification with either the Republicans or the Democrats, refashioned themselves as "independent" journals. As such, they felt free to vilify members of both major political parties. Newspapers of the era thus became highly vituperative in tone.[7]

Despite the defection of many Americans from the two major political parties (especially in the West), most Americans continued to identify themselves as Democrats or Republicans, often with an almost religious fervor. After the southern states were restored to the Union, the representation of the two parties in Congress was fairly equal, and the sparring between the two resumed.[8]

Before the Civil War, the crusade most important to the young Republican Party had been the abolition of slavery in the United States. After the war, with that goal accomplished, the Republicans turned their crusading energies to public education.[9] The newly freed slaves, most of whom were illiterate, needed to be educated to become

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[5] Nell Irvin Painter, *Standing at Armageddon: The United States, 1877-1919* (New York: W.W. Norton & Company, 1987), p. 33.
[6] Calhoun, "The President under Fire," p. 533.
[7] Charles W. Calhoun, "The Political Culture: Public Life and the Conduct of Politics," in *The Gilded Age: Perspectives on the Origins of Modern America*, Second Edition, ed. Charles W. Calhoun (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2007), p. 241.
[8] Lewis L. Gould, "Party Conflict: Republicans versus Democrats, 1877-1901," in *The Gilded Age*, p. 265.
[9] Mark Michael Groen, *Public Schools and Politics in the Gilded Age: The Role of Politics and Policy in Shaping Public Education and the Growth of Schools and Schooling in San Bernardino County, California, 1867-1890* (PhD. Dissertation, University of California, Riverside, 2002), p. 32.

functioning members of the electorate. The majority of northern schoolteachers who went south after the war to teach in the freedmen's schools were Republican.

The South had always lagged behind the North when it came to education. This was due in large measure to the difference in circumstance of the English migrants who first settled the different regions in the seventeenth century. Separatists and Puritans, most of them solid middle-class, had come to New England with their families, seeking personal salvation based on a firm knowledge of the scriptures—which, of course, required that each believer learn how to read. The Chesapeake region, on the other hand, had been settled by rich and poor alike, with favor toward the rich when it came to allotting land. Thus, from the beginning, social classes in the South were clearly delineated. Religion was a side dish in Virginia and of the Anglican persuasion—which, like its near relative, the Catholic Church, did not particularly encourage literacy among the lower masses. Unschooled parishioners were easier to lead. This translated later into the philosophy that too much education made the working class, slave or free, unfit to do its job. The children of the elite, however, should receive the best education possible "in order to maintain their position as members of the white, privileged class of our society."[10] Education, or the lack of it, was used to maintain the stark stratification of society that held sway throughout the South before the Civil War. After the war, the victorious North imposed education on the lower classes in the South as a political and military strategy. White southerners perceived Yankee-style non-segregated public

[10] *DeBow's Review*, vol. 20 (February 1856), p.149.

education as a punishment for defeat and kept their children home.[11] As a result, with the help of the freedmen's schools, some southern blacks became better educated than a number of their white neighbors. The situation convinced many Republicans that universal education was necessary—not just in the South but throughout the nation. Public schools therefore became closely associated with the Republican Party, and many Democrats resisted universal education on that basis.[12]

In anticipation of a Union victory in the Civil War and the subsequent freeing of millions of slaves, in March 1865 Congress established the Freedmen's Bureau. Officially known as the Bureau of Refugees, Freedmen, and Abandoned Lands, the Freedmen's Bureau was an arm of the U.S. War Department set up to help former slaves make the transition to freedom—but also to aid southern whites made homeless and destitute by the war, and to redistribute southern land confiscated by the federal government. However, displaced southern whites were more likely to turn to their local governments for help than to the Bureau, and the plan to transfer confiscated acres into the hands of former slaves ("forty acres and a mule") met with such vehement resistance that it was

[11] Carl F. Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983), p.212; Lawrence A. Cremin, *American Education, The National Experience, 1783-1876* (New York: Harper & Row, 1980), p. 177; Richard J. Altenbaugh, *The American People and their Education: A Social History* (Upper Saddle River, NJ: Merrill Prentice-Hall, 2003), p.147; David B. Tyack, ed., *Turning Points in American Educational History* (Waltham, MA: Blaisdell Publishing Company, 1967), p. 28.

[12] John D. Pulliam and James van Patten, *History of Education in America*, Sixth Edition (Englewood Cliffs, NJ: Merrill/Prentice Hall, 1995), p. 86; see also Gould, "Party Conflict," p. 269.

rescinded within six months.[13] The main focus of the Freedmen's Bureau, therefore, became the welfare of African Americans.

The social services of the Bureau held out much hope to black Americans. Those who applied were given food, clothing, blankets, and other necessities. The Bureau set up hospitals to provide free health care to freed persons. It set up courts of law where former slaves could be reasonably sure of being treated justly and on an equal legal footing with whites. Throughout the South, the Bureau opened freedmen's schools to teach the overwhelmingly illiterate black population how to read and write. Bureau officials were even instructed to recommend literate and well-liked blacks to fill posts in the Reconstruction governments of the various states.[14] Despite the auspicious beginnings provided by the Bureau, however, black emancipation was not easy to maintain. As early as 1865, before the imposition of martial law on the South, the South Carolina legislature passed the first of what came to be known as the Black Codes.

Adopted by Mississippi, Louisiana, and other states, the Black Codes were designed to restrict the freedoms of African Americans and reduce them to a condition as close to slavery as possible. Blacks in these states were required to work under contract. If they broke the labor contract, they were denied wages already earned and subject to arrest by any white person.

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[13] Richard Lowe, "The Freedmen's Bureau and Local Black Leadership," *Journal of American History*, Vol. 80, No. 3 (Dec. 1993), p. 990; Ira C. Colby, "The Freedmen's Bureau: From Social Welfare to Segregation," *Phylon*, Vol. 46, No. 3 (3rd qtr., 1985), p. 222. See also Marjorie H. Parker, "Some Educational Activities of the Freedmen's Bureau," *The Journal of Negro Education*, Vol. 23, No. 1 (Winter, 1954), p. 9.

[14] Colby, "The Freedmen's Bureau," p. 225; Lowe, "Local Black Leadership," p.991.

Vagrancy was punishable by unpaid labor in the fields. Black children were "apprenticed" to white families until their twenty-first birthdays, compensated only with room and board. The Black Codes prohibited blacks from sitting on juries or marrying whites.[15]

To combat the Black Codes, Congress passed the Civil Rights Act in 1866 and the Fourteenth Amendment in 1868, which guaranteed equal protection under the law and forbade the states from depriving any native-born or naturalized person of life, liberty, or property without due process. In response, some southerners resisted by extralegal means. The Ku Klux Klan first appeared in Tennessee in 1866 and from there spread throughout the South. The Klan was made up of radical southerners who were determined that, if they could not constrain blacks legally from exercising their rights, they would do so through terror. Hiding their identities under white cloaks and hoods, Klansmen rode out at night to intimidate and kill black voters and their white sympathizers. They destroyed ballot boxes and set fire to homes and fields. Their activities so alarmed the federal government that in 1871 Congress passed the Ku Klux Klan Act, which made it a federal crime to violently prevent a person from exercising his civic and political rights. The Act gave the President the power to send federal troops to uphold the rights of citizens.[16] This effectively quelled the violence for a time, but the very presence of the Klan contributed to the social chaos in the South.

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[15] John Mack Faragher et al., *Out of Many: A History of the American People* (Upper Saddle River, NJ: Pearson Prentice-Hall, 2009), p. 454. A similar code was set up in southern California, aimed at the Native American population there.
[16] Faragher et al., pp. 467-70.

Meanwhile, the Freedmen's Bureau was losing ground. To entice southern states to apply for readmission to the Union as quickly as possible, Congress stipulated that any state that did so would no longer be subject to the Freedmen's Bureau. By the end of 1868, all but three of the seceded states—Georgia, Mississippi, and Texas—had fulfilled the requirements for readmission. Four years later, with the readmission of the last three states, the Bureau was dismantled. Five years after that, federal troops were withdrawn from the entire South, leaving southern blacks to the mercy of white "redeemers" and allowing for the entrenchment of Jim Crow law. Southern blacks were once again denied the vote and, for the most part, access to education. To escape these conditions, many southern blacks, on average about 7,000 a year, began to migrate to northern cities.[17]

Postbellum northern cities proved to be magnets not just for southern blacks but for northern and Midwestern farm folk as well. The invention of efficient farm machinery—such as John Deere's steel plow and Cyrus McCormick's reaper—enabled one or two workers to do the work formerly done by a dozen or more. As more and more farmers implemented these devices after the Civil War, the demand for farm hands decreased, driving many rural Americans to the cities in search of employment. Farm failures brought on by the Panic of 1873 increased this migration.[18]

Adding to the southern blacks and unemployed farm workers in the cities were

[17] Faragher et al., p. 527.
[18] Robert D. Barrows, “Urbanizing America,” in *The Gilded Age*, ed. Charles W. Calhoun (Lanham, MD: Rowman &Littlefield Publishers, Inc., 2007), p. 106.

immigrants from other parts of the world, mainly Europe. In the 1840s, 1.4 million people had immigrated to the United States, 2.6 million in the 1850s. The majority of these immigrants came from Ireland and Germany. The Civil War curtailed (but did not stop) immigration; however, in the four years after the war, another 1.5 million people came to the United States. The difference between the two groups was that a majority of the antebellum immigration eventually settled on farms or ranches, whereas those who came after the war settled primarily in cities.[19]

The burgeoning factories in the cities had work for all these people, and for their children. Because they could be paid less, some employers actually preferred hiring children, who were as good at some of the unskilled jobs as were their parents. At first, there was little negative reaction to children working in factories alongside their parents. Rural children helped out on the family farm as soon as their parents considered them to be old enough to work, usually at about age seven or eight. Most nineteenth-century Americans considered this to be an ideal way to train their children to become "useful" adults. The fresh air and exercise strengthened their bodies, while the farm chores instilled in them the habits of productive labor. In addition to farm work, American society viewed apprenticeship as an acceptable form of child labor. Under this system, a family would place its child, usually a boy, with a skilled artisan so that the boy could acquire the skills to earn a living. Blacksmiths, carpenters, cobblers, and other artisans took in these boys and, in exchange for room, board, and training, benefited from their

[19] "Immigration Statistics," Stockton *Independent*, Vol. XVI, No. 45, 24 March 1869. This immigrant flow still consisted mainly of northern and western Europeans. Southern and eastern Europeans would not constitute the bulk of immigrants until after 1880.

labor.[20] Nineteenth-century Americans viewed young apprentices and farm laborers with approbation. The "idle child" was perceived as a social problem to be avoided.[21]

This ideology carried over to the factories. By 1870, 1 out of 8 children living in the United States was employed.[22] They worked not only in northern cities but also in the textile mills that sprung up throughout the South after the Civil War.[23] The practice of putting children to work met with the approval not only of employers but also of the parents of these children. In a working-class family, the children's income was secondary in importance only to that of the father and represented a sort of life insurance that the family could not otherwise afford.[24]

A factory setting, however, did not offer the health benefits of life on a farm, nor the acquisition of special skills made possible by an apprenticeship. Children worked in poorly- ventilated factories for ten to twelve hours a day, standing most of the time, sometimes losing fingers or hands in the machinery; or they worked in coal mines as "breakers," separating the coal from the slag and breathing in coal dust for twelve to fourteen hours at a time. Some child laborers did their work crowded into dim, stuffy basements with cold floors; others, particularly in glass and steel factories, stood before roaring furnaces all day long, breathing in noxious fumes.[25] It was therefore not the fact

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[20] Viviana A. Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children* (New York: Basic Books Inc., Publishers, 1985), pp. 171, 241 n. 4.
[21] Michael Schumann, "History of Child Labor in the United States—part 1: Little Children Working," *Monthly Labor Review*, U.S. Bureau of Labor Statistics, January 2017, p. 2.
[22] Ibid., p. 4.
[23] Zelizer, *Pricing the Priceless Child*, p. 60.
[24] Ibid., p. 59.
[25] Schumann, "History of Child Labor," pp. 7-8; Forest Chester Ensign, *Compulsory School Attendance and Child Labor: A Study of the Historical Development of Regulations Compelling Attendance and Limiting the Labor of Children in a Selected Group of States* (Iowa City: The Athens Press, 1921), p. 59; Faragher et al., p. 521.

that children were working, but the changed conditions under which they were working, that prompted the beginnings of the anti-child labor movement in the 1870s. In tandem with this movement, as both cause and result, arose the campaign for compulsory education.

In 1873 Jacob Riis, who would later gain fame for his photographic essay on slum conditions in New York City (*How the Other Half Lives*), wrote an article for *Harper's New Weekly Magazine* entitled "The Little Laborers of New York City." In it he shone a light on child labor as the curse of the working class and detailed why the problem represented a threat to the public welfare:

> With the children of the fortunate classes there are certain years of childhood which every parent feels ought to be freed from the burdens and responsibilities of life…But the father of the poor child can indulge in no such sentiments. He is compelled to harness the little one very early to the car of labor…Neither his affection for his offspring nor his unselfishness can be relied upon as guarding his child's future. The law is forced to protect the minor…These children, stunted in body and mind, are growing up to be our voters and legislators. There are already over 60,000 persons in New York who can not read or write. These little overworked operatives will swell this ignorant throng.[26]

Riis went on to advocate for vocational schools, a new form of apprenticeship which would allow students to acquire the skills necessary to function in the new industrial society.[27]

Child labor laws had appeared in the statute books of many states since early in the nineteenth century, but they had been enacted, not to eliminate child labor, but to ensure that the working child received at least a minimum amount of schooling. The

[26] Jacob Riis, "The Little Laborers of New York City," *Harper's New Weekly Magazine*, Vol. 47, Issue 279 (August 1, 1873), pp. 3,4,9.
[27] Ibid.

responsibility for that schooling was placed, not on the state, but on the manufacturers who employed the children. Connecticut, in 1813, was the first state to enact such a law. The law required factory managers to provide instruction for the children in reading, writing, and arithmetic, as well as provide for their regular attendance on "public worship".[28] The law was passed without any provision for its enforcement, and therefore lay on the books unobserved until 1840 when Henry Barnard, Connecticut's leading educator, declared it "a dead letter in nearly, if not every town in the state."[29] It was a pattern that would repeat itself with tiresome regularity in other states throughout the Union.

Many manufacturers resisted the law because they felt it was in their best interests that their work force remain illiterate. An ignorant worker was more likely to be docile and could usually be paid less than an educated one. But some manufacturers did provide for the education of the children they employed. Since most children worked ten to twelve hours a day, six days a week, the only time they could attend school was Sunday. Manufacturers combined their obligation to teach children to read and write with their obligation to provide religious instruction to create the Sunday school. For many laboring children the Sunday school provided the only access they would have to books and schooling.[30]

When manufacturers failed to provide their young workers with an education, philanthropic societies stepped in to help. The charity school became a common sight in

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[28] Ensign, *Compulsory School Attendance and Child Labor*, p. 34.
[29] *Second Annual Report of the Commissioners of the Common Schools of Connecticut*, p. 24.
[30] Richard J. Altenbaugh, *The American People and their Education: A Social History* (Upper Saddle River, NJ: Merrill/Prentice-Hall, 2003), pp. 76-7.

most American cities during the first half of the nineteenth century, intended for the children of the working poor, many of them immigrants. (Middle- and upper-class parents, it was assumed, could afford to provide for their children's education at their own expense.) Because the charity schools used the King James Bible as a textbook, and because of their association with pauperism, many parents avoided sending their children to these schools—especially Catholic and immigrant parents, who perceived the charity school as trying to "Americanize" their children and thus driving a wedge between children and the culture of their parents. Other parents, however, took advantage of the charity schools, which laid the foundation for the public school systems that would gain traction after the Civil War.[31]

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A dominant issue in the postwar debate over child labor laws and compulsory education was that of parental rights. Eighteenth-century English law had declared that a child was the property of his or her father, and this belief carried over to the infant United States.[32] Following that line of reasoning, a parent had the right to decide whether to send a child to work or to school or even to keep him or her at home idle. A large number of nineteenth-century American parents believed it was none of the state's business what they decided to do about their own children. However, as the United States grew and its population became more heterogeneous, politicians and reformers began to see a danger in granting parents the exclusive right to direct their children's

[31] William J. Reese, *The Origins of the American High School* (New Haven and London: Yale University Press, 1995), p. 10.
[32] Schumann, *History* part 1, p. 13.

lives. As Jacob Riis pointed out, those children would grow up to become voters and legislators, and unless they were properly trained to be Americans and suitably instructed in the workings of civic life, there would be chaos at the polls. The state, in the name of self-defense, therefore had a right to demand that children be educated, and educated in a certain way. In the minds of these middle- and upper-class politicians and reformers, the child was the property of the state.[33] This attitude met with bitter resistance from working-class parents. But as the postwar social chaos continued, the concept of the school as an instrument of social control gained in popularity. One by one, individual states began to pass compulsory education laws.[34] However, in an unfortunate historical coincidence, the move toward compulsory education took hold just as a financial catastrophe was about to empty local government coffers of the money necessary to build schoolhouses and pay teachers, and necessitate more parents to put their children to work. The Panic of 1873, brought on by the contraction of the national economy after the Civil War and by overinvestment in railroads, was the worst financial crisis in the nation's less-than-hundred-year history. In the months and years that followed, banks and businesses, already strained to the breaking point by the contraction of the economy, failed across the country, and millions of people lost their jobs. Thousands of unemployed workers, mostly men, left home on foot, looking for work. The "tramp"

[33] Stuart G. Noble, *A History of Education* (New York: Rinehart & Company, 1938), p. 129; Ellwood P. Cubberley, *Public Education in the United States: A Study and Interpretation of American Educational History* (Boston: Houghton Mifflin Co., 1919, 1934), pp. 750-51.

[34] In his annual message to Congress in December 1875, President Grant called upon the legislature to enact a constitutional amendment requiring states to establish and maintain free public schools. Congress, however, considered this to be an overreaching of federal authority. Public schools, they held, should be determined at the state level. See Charles W. Calhoun, "The President under Fire," *The Presidency of Ulysses S. Grant* (Topeka: University Press of Kansas, 2017), pp. 512-13.

became a commonplace figure on the roads and highways of postbellum America. The depression that followed the Panic of 1873 lasted more than five years and cast a financial pall over the decade of the 1870s.[35] Tax revenue dropped, making it difficult for state and local governments to contract for public works such as schoolhouses. There was limited money with which to pay schoolteachers' salaries. This situation, combined with resistance from many parents, would make compulsory education laws dead letters in many states by the end of the decade. Unfortunately, California was one of those states.

Postbellum California

The years immediately following the Civil War were promising ones for California. The construction of the Central Pacific Railroad had begun, and the prospect of soon connecting to the rest of the nation by rail energized the state. In addition to looking east, however, California also looked west. One of the principal motivations of constructing the transcontinental railroad was to give the eastern states more direct access to the China trade. In anticipation of this, in 1867 the Pacific Mail Steamship Line was opened. The line transported not only trade goods but also Chinese laborers to work on the Central Pacific Railroad. This filled a need, for at the time California was experiencing a labor shortage. With most of the Chinese in California working to push the railroad through the Sierra Nevada to the east, much of the racial tension that had

[35] Faragher et al., pp. 474-5; Jackson Lears, *Rebirth of a Nation: The Making of Modern America, 1877-1920* (New York: Harper Collins Publishers, 2009), p. 31.

prevailed during the Gold Rush subsided. This made it easier for the United States to sign the Burlingame Treaty with China in 1868. This treaty not only established the terms of trade between the two countries but also addressed the concern of the Chinese emperor that his people were not being treated very well in the United States. This was especially true in California, where abuse of the Chinese was common.[36] The Burlingame Treaty made discriminatory legislature against the Chinese (which was also common in California) illegal, and it made possible the immigration of thousands more Chinese into the country, mainly into California. As long as the railroad needed workers, this situation was acceptable, if not desirable, to most Californians. But the Chinese continued to pour into California even after the railroad was completed in 1869. By the middle of the 1870s, the Chinese comprised nearly ten percent of California's population. Rather than a shortage, California now had a labor glut on its hands. To exacerbate the situation, many men who had worked on the Union Pacific Railroad—most of them Irish—had decided to continue west to California once the railroad was completed. They found themselves in competition with the Chinese for jobs in the Golden State; and, because the Chinese were willing to work for less, they usually beat out their Irish competitors. As a result, the Chinese made up a third of the work force in California during this period.[37] This situation led to the formation of the predominantly Irish Workingmen's Party, whose motto was "The Chinese Must Go!"[38]

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[36] J.M. Guinn, "Educational Advice and Educational Advisers," p.48. J.M. Guinn Papers, Box 2. Huntington Library, San Marino, California.
[37] D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman, OK: University of Oklahoma Press, 2013), p. 138.
[38] James J. Rawls and Walton Bean, *California: An Interpretive History*, 9th ed. (Boston: McGraw-Hill, 2008), p. 196.

The railroad itself, which had held such promise for California, proved to be more detrimental than beneficial to the state. The prospect of providing a trade conduit between Europe and Asia was thwarted when the Suez Canal opened on November 17, 1869, six months after the completion of the transcontinental railroad. The Suez Canal cut through the Sinai Peninsula in Egypt and formed a water highway between the eastern Mediterranean and the Indian Ocean by way of the Red Sea. European ships bound for the Indian Ocean no longer had to go around the immense continent of Africa or brave the stormy Cape of Good Hope. With this new trade route opened up, European nations also no longer needed to go west and conduct their China trade across the North American continent.

Not only would California not benefit from this international trade, but the state's merchants and manufacturers now found themselves in competition with their counterparts in East Coast and Midwestern cities, who used the railroad to ship their products to the California market. This depressed prices and contributed to California's growing recession.

To make matters worse, California was now facing one of the new phenomena of the Industrial Age—the monopoly. Throughout the 1870s, California wrestled with transportation and land monopolies, both of them instigated by the erstwhile Central Pacific Railroad.

After the completion of the transcontinental railroad, the Big Four of the Central Pacific—Leland Stanford, Charles Crocker, Mark Hopkins, and Collis P. Huntington—used their newfound wealth to continue building railroads within the state of California.

First, they bought up most of the short lines that had been previously constructed in the state. Then, with subsidies granted them by the state legislature, they began construction of a railroad that would run south from San Francisco and then east, to connect the southern states to California. In anticipation of this, they renamed their railroad the Southern Pacific. Soon, they had gained control of the state's harbors and had built their own steamship line to compete with the Pacific Mail. Farmers and merchants now had to transport their goods via the network of the Southern Pacific, which set the highest rates possible—in the words of Collis P. Huntington, "all that the traffic would bear."[39]

Because of the real estate subsidies made to the railroad by the state legislature, the Southern Pacific eventually became the largest landholder in California. This land monopoly, along with the transportation monopoly, led California journalists to dub the Southern Pacific Corporation the "Octopus"--grasping everything within its reach and maintaining a stranglehold on the people of California. One of the motivations for rewriting the state constitution was to break the monopoly of the Southern Pacific.[40]

Thus California, like the rest of the country, entered the 1870s against a backdrop of chaos and mistrust. That mistrust would translate into the marginalization of increasing numbers of people, thereby creating new groups of the Other in the state.

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One of the consequences of the South's defeat in the Civil War was an increase in emigration from former slave states to California. During the second half of the 1860s,

[39] William Deverell, *Railroad Crossing: Californians and the Railroad, 1850-1910* (Berkeley and Los Angeles: University of California Press, 1994), pp. 27-8
[40] Deverell, *Railroad Crossing*, p. 46.

newspapers throughout the state carried numerous reports of the almost daily waves of immigrants into California.[41] In addition to the former slave states such as Missouri and Texas, New York also contributed a substantial number of immigrants to California. Most of these were Irish and, like those from the former slave states, they voted Democrat. Thus, by the end of the 1860s, California's brief stint as a Republican state had ended. Although both parties were strongly represented in the electorate of the state, the Democrats once again became dominant in the state legislature.

Those who came from the former slave states brought with them the bitterness of defeat. They now lived under the government of the conquering enemy, a government which had forced them to give up a way of life that they had cherished for generations. These people were in no mood to have anything else forced on them by the government. Unfortunately for the cause of education, many of them viewed the public schools as Yankee institutions set up to teach their children to be Yankees and turn against their parents.

This perception was reinforced by the fact that New Englander John Swett was still the State Superintendent of Public Instruction in California for two years after the war ended. He had equated a lack of schooling with treason on the part of the South. He had insisted that teachers in California take an oath of allegiance to the Union during the war. Now that the war was over, some Democrats in California were accusing him of mandating anti-southern textbooks in the public schools and of skewing the teachers'

[41] Marysville Daily *Appeal*, Vol. XX, No. 64, 15 Sep 1869; San Jose *Mercury-News*, Vol. I, No. 50, 28 Sep 1869; San Jose *Mercury-News*, Vol. I, No. 92, 16 Nov 1869.

examinations so that only those opposed to the South would be hired to teach in the public schools. Zach Montgomery, a member of the California bar and erstwhile state senator, began publication of a newspaper called the *Occidental* in which he voiced these accusations. He quoted from page 237 of *Lossing's Primary United States*, the required history textbook in California after the Civil War:

> Jefferson Davis, the wicked head of the Confederate traitors, very much frightened, ran away from Richmond, with a great amount of gold that he and his associates had stolen from the banks and the people…While all the loyal people of the country were rejoicing because the war had so ended, President Lincoln, one of the best men that ever lived, was murdered in Washington by a young man hired by the Confederates to do the wicked deed.[42]

Montgomery, who hailed from the border state of Maryland, was outraged that the children of California were being taught their recent history with such a sharp sectional slant. He also objected to the teachers' examinations written by Swett, which Montgomery felt were being used to ascertain an applicant's politics rather than his or her qualifications as a teacher. As proof, he offered a portion of the examination which Superintendent Swett published in his biennial report to the state legislature in 1865:

> What was the alleged reason for the secession of the southern states?
> The true reason?
> When and how was the great rebellion inaugurated?
> When was the emancipation proclamation issued, on what grounds, and what was the effect on the nation?
> Draw a contrast between the character of Abraham Lincoln and Jefferson Davis.[43]

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[42] *Lossing's Primary United States*, p. 237. Quoted in the *Occidental,* July 16, 1866.
[43] John Swett, *First Biennial Report of the State Superintendent of Public Instruction before the Legislature of the State of California for the years 1864-1865*, p. 107. Quoted in Zach Montgomery, *The Poison Fountain, or, Anti-Parental Education. Essays and Discussions on the School Question from a Parental and Non-Sectarian Standpoint* (San Francisco: Published by the Author, 1878), p. 150. Huntington Library, San Marino, California.

In that same biennial report, Superintendent Swett stated that "the child should be taught to consider his instructor, in many respects, superior to the parent in point of authority…the vulgar impression that parents have a legal right to dictate to teachers is entirely erroneous."[44]

The assertion by Superintendent Swett that a teacher's authority superseded that of the parents alarmed southerners in California who were already worried that the public school system was a Yankee institution designed to turn their children against them. Swett did nothing to allay those fears when he made comments such as those he included in a speech before the California State Teachers' Institute in May 1867:

> We have a course of study, established by law, by means of which teachers are enabled to pursue an intelligent system of instruction, in spite of the prejudices of parents who are too ignorant to comprehend the purpose of a school.[45]

By implication, Swett was insulting not only the politics but also the intelligence of many of the Democratic parents in California. It is little wonder that they viewed him, as well as the state school system in general, as the enemy.

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In September 1871, *Harper's Weekly* published a political cartoon created by famous illustrator and cartoonist Thomas Nast. The image portrays schoolchildren cowering behind their teacher on the bank of a river, as what appear to be crocodiles emerge from the river. On closer inspection, one can see that the crocodiles are actually the mitered heads of Catholic priests as they crawl onto the shores of the American public school

[44] Ibid., pp.164-66.
[45] The *California Teacher*, June 1867, p. 321.

system. Entitled "American River Ganges," the cartoon graphically captures the widespread fear that the postbellum United States felt toward the church in Rome, especially in the area of public education.[46]

This resurgent American fear of Catholic influence in the schools was prompted by two events that occurred in fairly close succession. In response to losing the Papal States to the emerging nation of Italy, Pope Pius IX had called the First Vatican Council in 1869-70 to shore up papal authority. During the Council, he declared the concept of papal infallibility to be official Catholic doctrine. The concept held that the pope in Rome was God's mouthpiece and, as such, every pronouncement the pope made that was of an ecclesiastical nature could not be wrong. Pius also spoke out against the idea of a "free church and a free state," and, in keeping with this, the doctrine of infallibility declared that the worldwide Catholic faithful must submit to the pope not only in matters of faith but also in matters of discipline and government.

The Protestant American majority, who had just fought a war to preserve their republican form of government, was aghast at the papal declaration. In May of 1870, while the Vatican Council was still deliberating over the doctrine, the San Francisco-based newspaper *Alta California* weighed in on the subject.

> …[T]he dogma of infallibility might not be objected to by the civil governments if it related strictly to spiritual matters; but its decisions embrace also subjects of a secular and political nature, and which directly belong to the civil power. Such are the questions of civil rights and jurisdictions, of union of Church and State, popular education, the oath of fealty due to legal governments, and various civil laws necessary for the maintenance of the government. Upon these and other civil questions, the Roman Pontiff has often given decisions, invariably in favor of the Church as against the State. The famous Papal Syllabus issued by the

[46] Thomas Nast, "American River Ganges," *Harper's Illustrated Weekly*, September 30, 1871.

> present Pope stigmatizes the practice and main principles on which our own and other governments are based. If Papal decisions in civil questions, are to be held as divine revelations, and articles of faith, we do not see how individuals can avoid offending either the Church or the State.
>
> If the Pope be the judge of what governments are legal, and what are not, if he is to decide when subjects are to take or refuse their oath of allegiance to civil governments, as in the case of Spain, where the clergy have been commanded to refuse taking it, what will become of the civil power? It will be simply a gift in the hands of the Pope, which he may give to the sovereign he likes best. Will there be any chance then for a government like ours, which professes freedom of conscience of speech and of the press to be recognized as a legal Government? A Government which does not recognize the authority of the Pope, either in spiritual or temporal matters, will stand a bad chance indeed.[47]

The United States had come into being by resisting the dictates of an overseas power. It was a point of pride among most Americans and had been woven into the fabric of the national character. The perceived threat of another overseas power controlling the lives of a substantial number of Americans, in defiance of the national government, was more than most Americans could countenance. American Catholic bishops were well aware of this. Shortly after the above article appeared in the *Alta California*, the San Luis Obispo *Tribune* reprinted s protest submitted by a group of mainly American bishops to Pius IX against the declaration of papal infallibility. The protest noted, among other things, that such a declaration would make their already difficult jobs that much harder.

> …[O]n account of the circumstances in which we are placed in countries where heresies not only exist with impunity, but are dominant, this definition, instead of attracting, would alienate those whom we seek by all Christian means to lead to the true fold of Christ.[48]

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[47] "The Declaration of Papal Infallibility and Its Probable Results." Daily *Alta California*, Volume 22, Number 7346, 2 May 1870.
[48] "Papal Infallibility—Protest of American Bishops." San Luis Obispo *Tribune,* Vol. 1, No. 41, 21 May 1870.

In other words, declaring himself to be infallible would dash any hopes the pope might have of converting the "heretical" United States into a Catholic country.

This appeal, and others like it, failed to have the desired effect. On July 18, 1870, the First Vatican Council defined Papal Infallibility as an official doctrine of the Roman Catholic Church.[49]

A number of Protestant Americans believed that the pope's plot to take over their country would begin, as most cultural conversions do, in the schools. This belief was reinforced by regular attempts on the part of Catholics to divert public funds to the support of Catholic schools. The most infamous of these attempts was the one perpetrated by William Marcy "Boss" Tweed in New York in 1869. Tweed was the head of a powerful political machine known as Tammany Hall, which provided food, jobs, and social support to immigrants, mainly Irish Catholics, in return for their votes. Tweed's personal interest in religion was probably minimal, but he knew the central role the Catholic Church played in the lives of his constituents, who did not want the faith of their children to be threatened by the Protestant taint of American public schools. Tweed used his considerable power and influence to push a bill through the New York state legislature which provided that twenty percent of the state's excise tax would be used to fund private schools of two hundred students or more. Since Catholic schools were the only private schools to have such large student bodies, the bill was designed to divert

[49] "Dr. Scudder and the Pope." Daily *Alta California*, Volume 22, Number 7481, 14 September 1870.

public funds to Catholic schools. Within a year of the bill's passage, Catholic schools in New York had received $200,000 from the state.[50]

New York's Protestant Republicans became aware of this just as the news of the Papal Infallibility doctrine reached them, and their fear of the Church's influence on education prompted a hue and cry that reverberated throughout the country. The *Alta California* reprinted a piece from the New York *Times* which made that city's fears quite clear:

> The question of the integrity of the American common school system is one of continually increasing importance. There exists in the country a sect, the controlling qualities of which, as far as public indications can be obtained, are violently opposed to that system, and desire either its overthrow, its perversion, or its restriction to such limits as would destroy its usefulness. This sect, we need hardly say, is that of the Roman Catholics…To avoid this it must be steadily kept in mind that the free schools are essential to the protection of the whole community, and to shun every appearance of religious prejudice in their administration. And if this does not satisfy, the public mind must be aroused to see that if pretensions are made by the Catholic Church inconsistent with free public education, those pretensions are based on ideas of authority and exclusiveness inadmissible in a Republican state, and that the application of them would be fatal to free government.[51]

It did not take long for Republican Protestants in California to pile on. In April 1870, the state legislature had passed and Democratic Governor Haight had signed into law a bill which allowed the city of San Francisco to allocate $15,000 of its common funds to the Presentation Convent, a Catholic school. A year later, the Sacramento Daily

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[50] Ward M. McAfee, *Religion, Race, and Reconstruction: The Public School in the Politics of the 1870s* (Albany, NY: State University of New York Press, 1998), p. 57. It was this development that prompted Thomas Nast to create "American River Ganges," which, in its first iteration, included a caricature of Boss Tweed in the background and the words "Tammany Hall" on the building.

[51] "Roman Catholic War Against Free Schools." Daily *Alta California*, Volume 23, Number 7779, 10 July 1871.

Union voiced a protest against the law, using language reminiscent of that in the New York *Times* piece.

> In the name of all other religious sects and of the perfect freedom and equality of American institutions, we denounce this law as an outrage without excuse or justification; as a mean, demagogic catering to a powerful, un-American, intolerant and quasi-political sect, and the well-known enemy of common school education…If they wish to maintain an exclusively sectarian school, they have the right to do so, but they have no right to tax *all* the people of San Francisco to pay its expenses. If they may do so, then they may, by-and-by, tax all the counties for a like purpose; and it is easy to see that the course would soon break up and destroy the common school system, which is the ulterior design of a very strong and very adroit society in the Roman Catholic church of the United States.[52]

The state of California was no stranger to the Catholic school controversy. Early in the state's existence, Catholic schools were the only schools to be found in some parts of California, and the first Superintendent of Public Instruction was quick to acknowledge the state's indebtedness to the Catholic Church for providing at least some of California's young with an education.[53] It was that indebtedness that moved the state legislature to pass a law granting state funds to accredited Catholic schools. As the public school system gained its footing, however, and as more Protestant American families moved into the state, this law became increasingly unpopular. In 1855 the school law was revised to prohibit the use of the school fund to support sectarian schools. The issue cropped up at regular intervals for the next twenty years, but never elicited a particularly vehement protest until the 1870s. This was because California, unlike most

[52] "Sectarian Discrimination." Sacramento Daily *Union*, Vol. 41, No. 7241, 29 July 1871.
[53] John G. Marvin, Second Annual Report of the Superintendent of Public Instruction, February 13, 1853. *Journal of the Fourth Session of the Legislature of the State of California* (San Francisco: George Kerr, state printer, 1853). Huntington Library, San Marino, California.

of the eastern states, had a strong Catholic tradition. It also had a large Catholic minority, made up of Hispanic natives and Irish, French and German immigrants.

By the 1870s, however, California had come to more closely reflect the sentiments of the nation as a whole, and by this time most Americans had decided that theirs was not only a white country but also a Protestant one. No one was more convinced of this than the Reverend Dr. Henry Scudder, a Protestant minister in San Francisco who was a popular speaker and whose sermons were reprinted in newspapers throughout the city.

Ever since the rise of the common school movement in the 1830s, schoolteachers across the land had begun each school day with a reading from the King James Version of the Bible. This was also true in California. Protestant Californians saw nothing objectionable in the practice. Catholic Californians, however, did. They claimed that the King James Version of the Bible was a sectarian book and, therefore, the reading of it in the public schools violated the school law against the introduction of sectarian books into the schools. It was an ongoing controversy. In 1873 Dr. Scudder, never one to keep his opinions to himself, weighed in by publishing a slim volume entitled *The Catholics and the Public Schools*. In it he denied that the Bible was a sectarian book, since Protestants and Catholics alike claimed to believe in it. (He totally ignored the issue of which version of the Bible was being read in the schools.) He lauded the Bible as a fountain of morality and wondered why any parents would object to their children drinking from it. They would not object, he declared, if they were not urged to do so by their priests, who were un-American and not to be trusted.

> Romish priests are not of this nation. Their allegiance is not to this government, but to another that is outside of this. They hold that the Pope is not only the head of the Papal Church, but the lord of the world, the sovereign of kings, the one potentate who is above all secular governments. More than this, they hold him to be the lord of the human conscience, lately also made infallible. Their loyalty is not an American, but a Papal loyalty. Their flag is not our flag. Their history is not our history. Their sympathy is not with the Republic, nor with its purposes of liberty.[54]

Scudder evidently designed this inflammatory passage to stir up the innate American fear of being dominated by a foreign dictator. By using "us versus them" language, he implied that California Catholics were the foreign-controlled Other who needed to be thoroughly Americanized. The best way to do this, Dr. Scudder went on to state, was by means of the public schools.[55]

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A little more than a year after Scudder published this work, the Chief Justice of the Supreme Court of Arizona, Edmund F. Dunne, delivered a speech in Tucson in which he presented the Catholic side of the school controversy. Arizona was still a territory, not having been infused with an immediate population as had California. Nevertheless, the two places shared some similarities. Like California, Arizona had once belonged to Mexico. It had a large Hispanic population, most of whom were Catholic. And Arizona Catholics were just as upset as were Catholics in California that they were being taxed to support a public school system to which they did not want to send their children. The

[54] Henry Martyn Scudder, D.D., *The Catholics and the Public Schools* (New York: Mason, Baker & Pratt, 1873), pp. 8-9. Acc. No. 125877, Huntington Library, San Marino, California.
[55] Ibid., p. 17.

points that Judge Dunne made in his speech were so salient to the controversy that a printing company in San Francisco saw fit to publish his speech in its entirety.

Speaking both as a Catholic and as a man well-versed in American law, Dunne was able to address the accusation made by some, like the Reverend Dr. Scudder, that Catholicism was incompatible with a republican form of government. Dunne pointed out that a republican government guaranteed freedom of religion to all, including Catholics. A republican government also protected the rights of minorities, and this applied to Catholics in the United States.[56] In keeping with this, there were three things, according to Dunne, that a republican government had no right to do. It had no right to teach religion. It had no right to teach irreligion. In fact, the government had no inherent right to teach at all.[57]

Catholics throughout the country had put up a protest against the reading in public schools of the King James version of the Bible—the ultimate Protestant translation. They claimed that such reading turned the public schools into Protestant institutions and threatened the faith of their children.[58] The state-run public schools were therefore both teaching religion and teaching irreligion—that is, they were teaching Catholic children to be Protestant, and they were also teaching them not to be Catholic. This, Dunne argued, was the reason the government wanted to force the rising Catholic generation into the

[56] Edmund F. Dunne, *Our Public Schools: Are They Free for All, or Are They Not? A Lecture* (San Francisco: The Cosmopolitan Printing Company, 1875), p. 7.
[57] Ibid., p. 8.
[58] Steven K. Green, *The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine* (New York: Oxford University Press, 2012), p. 43.

public schools—to teach them to be Protestant and therefore more in tune with the American way of life.[59]

Dunne's assertion that the government did not have the inherent right to teach harked back to the ongoing debate over who owns the children living in a nation—the parents or the nation itself. Dunne came down firmly on the side of the parents. He claimed that learned men throughout the ages, from Plato to George Washington, had declared that the most important education was religious education. Since a republican government had no right to teach religion, that responsibility fell to the parents. It would therefore be just as wrong for a government to force a child to go to a school his parents did not want as it would be to force any American citizen to go to a church he did not want.

> You have no right to make a broad church, to which all parents must go; neither can you, in right, establish a broad school, which all children must attend, for the school is the church of the children, and the Church is the school for parents.[60]

In the wake of Dunne's eloquent plea, a bill providing for the funding of Catholic schools came within one vote of passing in the territorial legislature of Arizona. In the end, however, Arizona Catholics, like those in California, would have to pay the public school tax without any return to fund the private Catholic schools to which they wanted to send their children.

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[59] Ibid., p.18.
[60] Ibid., p. 42.

The new California state constitution of 1879 hammered the lid on the coffin of public funding for private schools. Article IX, Section 8 of that document read:

> No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this state.[61]

By means of this law, Catholic schools would not be entitled to public funds. Also by means of this law, the Bible would no longer be read aloud in the public schools, since this would constitute the indirect sectarian instruction which this law prohibited. This provision made it easier for many California Catholics to send their children to the public schools. Many others, however, chose to support the Catholic schools, which became part of the largest private school system in the United States.

Compulsory Education

In 1871 the Republicans in California held their statewide convention to set forth their platform and to nominate their candidates for public office. One of the planks of that platform was compulsory education:

> Fifth. That the safety and perpetuity of republican institutions depend mainly upon public education and intelligence. We therefore approve and recommend a common school system that shall not only extend its benefits to all, but which shall be compulsory upon all.[62]

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[61] Constitution of the State of California. Adopted in Convention at Sacramento, March 3, A.D. 1879; submitted to and ratified by the people May 7, 1879. Reprinted in *A School Manual for the use of Officers and Teachers in the Public Schools of California*, compiled by James Wright Anderson, Superintendent of Public Instruction (1893), pp. 78-9. Huntington Library, San Marino, California.

[62] Quoted in the Chico Weekly *Enterprise*, 2 Sep 1871.

Almost immediately, a flurry ensued in the partisan newspapers throughout the state. Republican newspapers cheered the stance on compulsory education while Democratic newspapers, for the most part, repudiated it. One of the strongest oppositions to a proposed compulsory education law was that it would force white children to attend school with nonwhite children. This theme is evident in the editorial rant of the Salinas *Standard*:

> Compulsory education, is it? All right, if you can humbug the white people of California into an acknowledgment of the black-hearted, sinfully conceived proposition. Compulsory education in California! Great God! So monstrous is the bare suggestion that we cannot understand that a man could be found so lost to all the finer sensibilities of mankind as to take it upon his lips with a serious approval and recommendation that it might become law![63]

Those in favor of compulsory education linked a lack of education to a rise in crime. To require school attendance, therefore, was an act of self-defense on the part of the state. This was clearly the stance of the Daily *Alta California*, a Republican newspaper published in San Francisco:

> …if children are left to neglect and ruin by any or all of the educational institutions there shall be a power to compel attendance in the schools established by the State and supported by the people. This we consider a wise and wholesome provision of law, and we look upon it as, in great measure, an act of self-defence on the part of the people, for it is much less expensive for the State to educate children than to maintain and restrain its criminals.[64]

Although the subject of compulsory education was quickly made a partisan issue by the newspapers of California, there were Democrats who favored the idea. One of these was Henry Hamilton, editor of the Los Angeles *Star*, who wrote:

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[63] Salinas *Standard* (n.d.), quoted in Marysville Daily *Appeal,* 8 Jul 1871.
[64] Daily *Alta California*, 27 Aug 1871.

> …the parent or guardian who is so far forgetful of the welfare of his charge, as to leave him in a state of ignorance and consequent degradation, acts criminally towards the child as well as the community, and the State law should stretch forth its hand, take charge of the child, and compel its attendance at school.[65]

Hamilton, an Irish-born Democrat, was often at odds with his fellow party members, even in his own city. El Monte was a community just east of Los Angeles that had been settled mainly by emigrants from Texas, who brought with them southern attitudes about public education. Hamilton, dismayed by the proceedings of a Democratic Party meeting in that community, castigated his fellow Democrats in print:

> We are sorry to find that any one presenting his name before the people of an enlightened country, as a candidate for legislator, as a maker of laws for the guidance as well as the protection of the citizen, should take up a position in opposition to the education of the rising generation. Yet such we find to be the case, if the report that has reached us from the Monte meeting is correct, and we know it to be so.[66]

Los Angeles had been making progress in the area of public education but still had a long way to go. The problem was not lack of facilities but lack of attendance. Less than half of the school-age children in Los Angeles were enrolled in school, and half of those did not attend regularly.[67] At the beginning of 1871, when schools were reopening after the Christmas holidays, Hamilton inserted into his newspaper a hopeful little nudge for the parents and children of Los Angeles: "The public schools of this city will resume their labors in the good cause of education to-morrow. It is important that children desiring to profit by them should date their attendance from the first day of the term, and parents should see that the children are on hand promptly."[68] By August, however,

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[65] Los Angeles *Star*, 9 Jul 1871.
[66] Los Angeles *Star*, 16 Jul 1871.
[67] Los Angeles *Star*, 18 Jul 1871.
[68] Los Angeles *Star,* 8 Jan 1871.

Hamilton had lost all faith in the willingness of many parents to see to their children's education. He saw the anticipated law for compulsory education as a growing necessity. "We have here the official statement that, out of 5,137 children for whom school money is drawn, only 2,324 are on any school roll. This state of affairs is but little creditable to the parents of the county, and the sooner we have a wholesome dose of 'compulsion' administered, the better."[69]

Elsewhere in the state, the debate raged on, intensified by the upcoming election for state officers. Since its admission to the Union, California's politics had been controlled by the Democratic Party. But when the party split over the slavery issue, it began to lose its grip on the state—first in 1860, when California's 4 electoral votes went to the Republican candidate for president, Abraham Lincoln; then in 1861, when Republican Leland Stanford was elected governor. The war exacerbated the attrition from California's Democratic Party. Since the South was overwhelmingly Democrat, and the South had seceded from and was making war on the Union to protect the institution of slavery, many Californians became disenchanted with the party. A substantial number of Californians, wanting to show their loyalty to and solidarity with the Union, migrated to the Republican Party.[70] By the early 1870s, the ascendancy of the Democratic Party at the California polls was no longer a foregone conclusion. Each party knew that it had to fight for every vote. In such an atmosphere, each party would use whatever issue came to hand to press its advantage. In July of 1871, a few weeks before

[69] Los Angeles *Star*, 26 Aug 1871.
[70] Bottoms, *An Aristocracy of Color*, p. 40.

the elections, the worried editor of the Sonoma *Democrat* reminded his readers that "if the Republican party should get control of the State government, they will enact laws compelling every parent to send his children to the common schools, and that no discretion will be left them."[71]

A few days before the election, there appeared in the Chico Weekly *Enterprise* this panic-stricken piece:

> If Mr. Booth [Republican candidate for governor], and a majority of the Republican Legislative tickets should be elected, would there be anything in the way of the adoption of a compulsory system of education which would force every man's child into the common schools with negroes and Chinamen?...When it is remembered that by the Burlingame Treaty the Chinese have already a right to the privileges of our schools, and that the legislation of the Radical [Republican] party in Congress for years past has tended to break down class distinctions, and the establishment of equality in social as well as other relations between the several races, it will be seen what an immense influence such a system as proposed for this State, would have toward accomplishing this purpose. Surely no white man who has self-respect sufficient to make him a good citizen, and who respects the future of his children, can long debate whether or not he can give his assent to such a system of education as the Radical platform foreshadows.[72]

In striving to make his point, the editor of the *Enterprise* did somewhat mislead his readers. The Burlingame Treaty had made provision for Chinese nationals to take advantage of the Federal government's educational system. This did not extend to the state school systems. Most readers, however, would not have been aware of that distinction. They pictured the common schools being overrun with Chinese children, even though, at the time, there were no Chinese children enrolled in the public school system of California.

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[71] Sonoma *Democrat*, 22 Jul 1871.
[72] Chico Weekly *Enterprise,* 2 Sep 1871.

As it became increasingly evident that a sea change was imminent in California politics, Republican newspapers such as the Daily *Alta California* grew complacent about the passage of the compulsory education law. "We can safely predict that the acceptance of compulsory education as part of the law of California, is not far distant."[73]

The Republican Party had nominated Professor Henry N. Bolander as their candidate for the office of State Superintendent of Public Instruction. Bolander was a devout advocate of compulsory education, and he included it in his campaigning throughout the state.[74] His election as State Superintendent was part of the Republican landslide of 1871. Newton Booth, Republican, was elected governor, and the State Assembly and Supreme Court now had Republican majorities. Only the Senate remained "hopelessly Democratic."[75]

The vote on compulsory education was set for March 1872, and its passage was now considered a foregone conclusion, so much so that the Los Angeles *Star* mistakenly declared its passage the day after the election, before the returns had come in.[76] The measure had passed the state assembly with flying colors; but its life came to a quiet end on the floor of the Democrat-dominated senate. Republicans throughout the state were outraged.[77]

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[73] Daily *Alta California*, 27 Aug 1871.
[74] Russian River *Flag*, 31 Aug 1871.
[75] Daily *Alta California*, 12 Sep 1871.
[76] Los Angeles *Star*, 14 Mar 1872.
[77] San Jose *Mercury News*, 16 Mar 1872;

Proponents of compulsory education refused to take no for an answer. Superintendent Bolander campaigned tirelessly for it. In his first biennial report to the state legislature, Bolander declared:

> Admitted that education forms the only secure foundation and bulwark of a *republican* form of government; admitted that the universality of education becomes thus of vital importance to the State; and admitted that the exigencies of the case not only empower but compel the State to provide all the facilities necessary to enable every child to acquire at least a common school education, and we are forced to the conclusion that it is not only the privilege, but the duty of the State, to compel every parent to bestow upon his children at least the education which the State places within his reach.[78]

In April 1873 a Teachers' Institute (conference) was held in Los Angeles. One of the resolutions up for adoption was that of compulsory education. It stated that

> …the best interests of the children and of the people of the State of California, require the enactment of a law that will compel all children between seven and fourteen years of age to receive such instruction of studies usually taught such children in our public schools for at least six months each year, unless such children reside more than two miles from a public school, or are either physically or mentally incapable of attending school and receiving instruction.[79]

The resolution was voted on and passed, but not by as large a margin as might be expected. The Democratic Party still held sway in southern California. In addition, many teachers resisted the idea of compulsory education because they feared that it would cause disruption in their classrooms. The vote on the resolution for compulsory education was sixteen teachers for and thirteen against.[80]

A teacher who was decidedly against compulsory education was a Mr. Storke, who migrated south from Santa Barbara to Los Angeles where, in October 1873, he

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[78] Henry N. Bolander, *Fifth Biennial Report of the State Superintendent of Public Instruction, 1872-73*, quoted in Swett (1876), p. 63.
[79] Quoted in the Los Angeles *Star,* 18 April 1873.
[80] Los Angeles *Star*, 18 April 1873.

began to publish the Los Angeles *Herald*, a rival newspaper to the Los Angeles *Star*.[81] He made his southern sympathies clear in the prospectus of the *Herald:*

> The *Herald* will be an independent Democratic journal and its efforts directed to sweeping from power and place those now mismanaging the affairs of the Nation…The *Herald* will advocate State Rights and oppose Centralization; it will encourage White and oppose Coolie immigration…While the *Herald* will treat slavery as a dead issue, it will earnestly advocate the right of every State, be it Northern or Southern—Massachusetts or South Carolina—to govern itself in accordance with the wishes of its people, and the dictates of the Federal Constitution, without national interference.[82]

Storke struck a chord with the people of Los Angeles. Before long the circulation of the *Herald* was outstripping that of the *Star,* which, under a new editor, was attempting to keep itself above the political fray by declaring itself independent and nonpartisan.[83]

A few weeks after the launch of the *Herald*, Storke published a two-part editorial on compulsory education. This was in response to the fact that a compulsory education bill was once more before the state legislature. Storke drew on both his southern sympathies and his experience as a teacher to lay out his reasons for opposing a compulsory education law. His two principal arguments were that 1) a compulsory school law was unnecessary, since the voluntary system in place worked as well as a compulsory system would; and 2) a compulsory education law would violate the rights of parents to educate and train their children as they saw fit. He found the existing school curriculum to be deficient because it did not train the body as well as the mind, which he considered necessary for most future employment.[84] This touched on a nationwide

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[81] Los Angeles *Star,* 18 Nov 1873.
[82] Los Angeles *Herald,* 10 Oct 1873.
[83] The *Star* limped along for a few more years before permanently closing its doors in 1877. The *Herald* would not be seriously challenged in Los Angeles until the appearance of the Republican *Times* in 1881.
[84] Los Angeles *Herald*, 15 Nov 1873.

controversy raised by the compulsory education question—whether a child should spend his or her days working or going to school. Finally, Storke brought up a concern shared by many teachers over the prospect of compulsory education:

> It is the policy of government to make no distinctions in regard to the rights, duties and privileges of citizens. And for this reason, the children of all citizens, of whatever race, color, or previous condition, would be entitled to equal privileges in public schools. A compulsory school law would force into the schools all the turbulent, disorderly and vicious boys in the district, many of whom it would be impossible for the teacher either to educate or reform—whose influence would be only evil, and that continually.[85]

Despite the best efforts of Storke and his like-minded fellow Californians, the state government was now sufficiently Republican to allow for the passage of a compulsory education law. On March 28, 1874, the state legislature approved "An Act to enforce the educational rights of children." This law required parents and guardians to send their children to school for at least two-thirds of the school term each year. Failure to do so would result in a twenty-dollar fine. Children exempted from the requirement to attend public school were those deemed mentally or physically unable to attend school, those already attending a private school, those receiving an adequate education at home in all the required branches, or those who were already educated to the required level. There were other exemptions as well, based less on the individual child than on his or her circumstances at home. A child would not be required to attend public school if his or her parents were "extremely poor, or sick." And if a child lived more than a mile from the nearest school house, he or she was not required to attend.[86]

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[85] Los Angeles *Herald*, 16 Nov 1873.
[86] "An Act to enforce the educational rights of children," *Statutes of California*, Twentieth session, chapter 516, March 28, 1874.

It is fairly easy to ascertain which parts of their constituencies lawmakers were trying to appease with this law. The exemption for children attending private schools would please the many Catholic Californians whose children attended church-sponsored schools. The exemption for children living more than a mile from the nearest school house would apply to most children living in the rural districts of California. And the exemption for children whose parents were destitute or sick could be claimed by parents who wanted their children to work rather than go to school.

In attempting to please everyone, California's first compulsory education law was so watered down that it carried little weight. The children who attended public school in California after the compulsory education law was passed were, for the most part, the same ones who had attended before—white middle-class Protestant children who lived in urban environments and had Republican parents. The law made so little difference in the educational complexion of California that John Swett, in his *History of the Public School System of California*, failed to include it in his summary of important school legislation for 1874. When his *History* was published two years later, Swett attached an addendum to the back of the book: "Omission. In the section of legislation, 1874, on page 65, no mention is made of the Compulsory Education Bill passed during that year; but as the law has proved a dead letter, the omission is of little consequence."[87]

Dead letter it was. The parents of California carried on as usual with their educational preferences for their children, and almost no fines were imposed or collected for noncompliance with the law. By 1876 the state legislature was discussing the repeal

[87] Swett, 1876, after p. 246.

of the compulsory education law. In February the Assembly—which was by now, in the ever-shifting kaleidoscope of California politics, controlled by the Democrats—voted to repeal the law. But the Senate, which now had a Republican majority, voted down the repeal. The compulsory education law remained on the books. Most communities continued to ignore it. But a few decided to double down on their commitment to compulsory education. When San Francisco elected a new City Superintendent of Schools in 1878, he declared that the time had come for "at least partially enforcing the Compulsory law." He suggested that the best way to do this was to open a central truant school for boys who were constantly absent from regular school.[88] The city of San Jose went a step further. They hired a truant officer, whose duties included arresting truant children and delivering them to their parents or to the city authorities. Truant children were all able-bodied children between the ages of eight and fourteen who were found loitering on the streets during school hours.[89]

These efforts aside, it is apparent that little was done to enforce the compulsory education law. Evidence of this can be found in a small news item that appeared in the Sacramento Daily *Union* in April of 1878: "A Kansas man has been fined $5 under a Compulsory Education Act for not sending his daughter to school."[90] So rare was this occurrence that it was deemed fit news for a California newspaper, even though it happened in Kansas.

[88] Daily *Alta California*, 28 Oct 1878.
[89] San Jose *Mercury News*, 15 Sep 1877.
[90] Sacramento Daily *Union*, 20 Apr 1878.

The High School Question

One of the many debates surrounding public education in the United States after the Civil War centered on the question of how extensive that public education should be. The goal of the common school movement, begun in earnest in the 1830s, was to ensure that every American citizen could read, write, and "cypher" (do arithmetic). Once a child mastered these elements of education, he was prepared to acquire further knowledge on his own. Most well-educated nineteenth-century Americans were self-taught. They were aided in their education by institutions such as public libraries and museums and by a proliferation of newspapers.[91] As the population grew larger and more diverse, the schools came to be seen as the producers of good citizens. To turn children into loyal citizens and intelligent voters, additional subjects, such as geography and U.S. history, were also taught. The common school system thus came to have two levels, the primary school and the grammar school. A child who entered primary school at the age of six or seven usually finished grammar school by the time he or she was fourteen—the age at which most Americans believed a child was ready to start work. By the 1860s, a majority of Californians had come to accept and support the public school system as comprising primary and grammar schools. But in the cities and larger towns in the state, a new element was being added—the high school.

Since the founding of the Republic, statesmen and educators had recognized the need to instruct at least a portion of the populace in the higher branches of learning.

[91] 1852 Report of the Trustees of the Boston Public Library, quoted in Cremin, *The National Experience*, p. 307.

Americans had decided to rule themselves, and to do so successfully required more knowledge of the world than could be attained by the learning of simple reading, writing, and arithmetic. It also required a wider diffusion of such knowledge than the small number of American college graduates represented. To answer this need, institutes of higher learning, often referred to as seminaries or academies, sprang up throughout the young nation. While state and local governments recognized the benefits of these institutions and did what they could to support them with land grants and funding, nineteenth-century academies and seminaries were private institutions that could only survive by charging tuition. As a result, only those students who did not have to work for a living and whose parents could afford their tuition actually attended these institutes. In the first half of the nineteenth century, this was a very small portion of the population of the United States. During this period, only about six percent of the nation's population attended institutes of higher learning.[92]

Because they had to depend on income from the students to survive, academies and seminaries adapted their curricula to what local parents wanted their children to learn. These schools therefore varied widely in their course offerings and their goals for their students. There was no uniform course of study recognized by the antebellum academies. What they all had in common was the recognition that the talented few, both

[92] Margaret A. Nash, *Women's Education in the United States, 1780-1840* (New York: Palgrave MacMillan, 2005), p. 41.

male and female, needed more than rudimentary education in order to become "useful" citizens of the Republic.[93]

Academies could be either male, female, or coeducational. Boys could choose a practical education, preparing for business, or a classical education that prepared them for college. And while girls in the early part of the nineteenth century were not admitted into formal colleges or universities, the education they received at some of the nation's academies and seminaries were equivalent to the college educations acquired by young men.[94] Some people objected to the idea of higher education for females, fearing that such education would make a middle-class woman unfit for her proper "sphere", which encompassed submission to her husband and devotion to her children. Others, however, recognized that the increasing number of women who earned their livelihoods by teaching would have to be well-educated themselves in order to be effective instructors of the nation's youth.[95] Some of the academies dedicated to providing teacher training later became teachers' colleges, known at the time as normal schools.

Public school reformers wanted the subjects taught in the seminaries and academies to be taught in the public schools, to make them accessible to a greater number of American youths. This led to the concept of the "high school," which differed from the academies only in the sense that it was public, and, ideally, supported by taxes.

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[93] Kabria Baumgartner, "'Cruel and Wicked Prejudice': Racial Exclusion and the Female Seminary Movement in the Antebellum North," *Women's Higher Education in the United States*, ed. by Margaret A. Nash (New York: Palgrave MacMillan, 2018), p. 48.
[94] Lucia McMahon, "'She Pursued Her Life Work': The Life Lessons of American Women Educators, 1800-1860," *Women's Higher Education in the United States*, pp. 27, 32.
[95] William J. Reese, *The Origins of the American High School* (New Haven: Yale University Press, 1995), p. 32.

The first public high school in the United States was opened in Boston in 1821. Known as the English Classical School, it was established as an alternative to Boston Latin, a preparatory school for boys which qualified them for admittance into Harvard or some other university. The mission of the English Classical School was to equip boys not bound for college with the skills necessary to be successful in Boston's increasingly mercantile culture.[96] Five years later the High School for Girls was opened in Boston. The school offered many of the same courses taught at the boys' English Classical School, in addition to such "feminine" courses as needlework. Mainly, however, the High School for Girls served as a training ground for future teachers.[97] In the following decades, cities and towns throughout the country followed Boston's lead and established high schools of their own.

Educational reformers believed that the continued existence of academies would threaten the rise of publicly funded high schools, and in the decades leading up to the Civil War the number of academies in the United States declined.[98] By the time California entered the Union, the academy movement was passing into history. There was never a large academy presence in California during the nineteenth century. Instead, the public high school served to educate young people in the higher branches of learning and prepare them for the new industrial culture overtaking the nation.

The first high schools in California were opened in 1856 in San Francisco and Sacramento. The practical impulse for establishing these schools was that the existing

[96] Ibid., p. 14.
[97] Nash, *Women's Education in the United States*, p. 66.
[98] Reese, p.33.

grammar schools were becoming overcrowded, and school authorities saw the need for separate accommodations to continue the education of the most promising of the grammar school students. San Francisco decided it would be best to separate these students by sex. The Boys' High School was established with the stated purpose "to fit young men for the practical duties and business of life or for admission into any of the best colleges or universities in the United States."[99] Since no state university yet existed in California, the second objective could only be obtained by students willing to be content with attending the small denominational colleges in California, or whose parents could afford to send them to colleges in the eastern states.

The stated purpose of the Female Seminary was "to instruct young ladies not only in the solid branches of a thorough education, but also in the fashionable and polite accomplishments." Those "fashionable and polite accomplishments" included proficiency in music and art, which at the time were markers of elevated social status. As Margaret Nash argues, however, being skilled in the fine arts could also afford a young woman a means of supporting herself in a world of limited employment opportunities for women.[100]

The establishment of a high school in Sacramento grew out of the superintendent's belief that the subjects of ancient history, astronomy, bookkeeping, Latin, French, and Spanish should be added to the public school curriculum. The doubling of the county school tax made it possible to open a high school in that city on

[99] Ferrier, p. 80.
[100] Margaret A. Nash, "A Means of Honorable Support: Art and Music in Women's Education in the Mid-Nineteenth Century", *History of Education Quarterly*, February 2013, Vol. 53, No. 1 (February 2013) p. 45.

September 1, 1856.[101] Unlike those in San Francisco, the high school in Sacramento was coeducational. An almost equal number of boys and girls studied such subjects as arithmetic, English grammar, composition, and rhetoric.[102]

For the next six years, the high schools in these two cities were the only ones in existence in California. Most Californians, like other Americans, considered high schools to be extravagances of little worth in the real world. Then, in 1862, the federal government passed one of its wartime pieces of legislation that altered the attitudes of many Americans, including Californians, toward high schools. The Morrill Act of 1862 granted federal land to each state to establish "at least one college where the leading object shall be, without excluding other scientific and classical studies and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts…in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life."[103] Here, at last, was a university for the people, a university with muscle and not just brains, a university meant to educate "the industrial classes." The institution of the land-grant college removed the objection that many Americans had toward the university—that the only men who went to college were those that did not actually have to work for a living.

The democratization of higher education represented by the Morrill Act made the high school much more relevant in the minds of many Californians. The high school was

[101] Ferrier, p. 87.
[102] Ibid., p. 88.
[103] Act of July 2, 1862 (Morrill Act), Public Law 37-108, which established land grant colleges, 07/02/1862; Enrolled Acts and Resolutions of Congress 1789-1996; Record Group 11; General Records of the United States Government; National Archives.

the necessary bridge between the grammar school and the state university. After the passage of the Morrill Act, half a dozen new high schools opened in northern California in anticipation of the founding of the University of California, which was chartered on March 23, 1868, and opened its doors to its first students the following year in Oakland, on the campus of the Protestant College of California, which was now a principal part of the state university.[104]

Even with this milestone reached, the high school had limited appeal in California through the 1870s. By the end of that decade there were only sixteen high schools in the state of California, and these were under attack. The attacks had begun late in the previous decade, when some observers noted that the curriculum of the high schools did not coincide with the goal of the Morrill Act to promote "the liberal and practical education of the industrial classes." An example of this is an editorial which appeared in the San Francisco newspaper the Daily *Alta California* in April 1869. It is to be remembered that the first high school in California had been opened in this city thirteen years before, before the Morrill Act had established the state university as a place to acquire a practical rather than a classical education. The Boys' High School had been meant to function as a preparatory school for admission into "the finest colleges and universities in the country," which at the time had followed the English pattern of offering instruction in classical studies. The editorial in the *Alta California* pointed out

[104] Irving G. Hendrick, *California Education: A Brief History* (San Francisco: Boyd & Fraser Publishing Company, 1980), p. 52.

that the curriculum at the San Francisco high schools was now out of date. Under the title "Education in the Useful Arts," it said:

> …our present system of high school is defective. A large part of the time in our academies and colleges is spent in studies that have no practical value. The students are sickened and discouraged with memorizing phrases that they are sure to forget within a few weeks, and could make no use of if they could remember them. Latin and Greek, the details of history, geography, and botany, the complicated rules of grammar books, pass entirely from the mind of most of the students within a year or two and never are recalled…
>
> After a boy has learned reading, writing, and arithmetic, which branches surpass everything else in importance, if his parents are poor he should be taught those arts which contribute most to enrich nations, and are the best wealth for individuals. In a country like ours, every man should know how to drive a nail, or a screw; to use a plane, square, and level; to hang a door, to put on a lock, to file a saw, and grind an edged tool…The wages of skillful mechanics are about twice as great as those of common laborers, and in California a good trade is equivalent to the possession of $6000 in bank, paying as it does about $60 a month more than unskilled labor receives…
>
> Ladies need a practical education, too…It is cruel to leave girls as a class without property or mechanical skill to take their chances in a world so selfish and so full of changes as this. Book folding, boot sewing, map coloring, and a number of other similar occupations, in which work is frequently in demand, can be learned in a short time, and the most skillful generally make good wages…The basis of American society is the doctrine that work is honorable, and it would be well if all American children thoroughly learned some mechanical art, so that in the future all the best paid laborers were those born or bred here, leaving the least remunerative employments for persons from abroad.[105]

The editor touched upon several salient points in this piece. The first was a tacit acknowledgment of the change that had come over the country. During the first half of the nineteenth century, the United States had been submerged in its romantic period. A majority of Americans during this period believed that the United States as a nation had been blessed by God. There was a strong trend among middle-class Americans to show that they were worthy of that blessing by striving toward virtue and sincerity and by

[105] Daily *Alta California*, 4 Apr 1869.

engaging with the natural world. There was also the tendency, by those so inclined, to embrace learning for learning's sake and to take the time to contemplate, reflect, and meditate on what they were learning.

America's romantic period died on the battlefields of the Civil War. It died even sooner in California, in the mining camps of the Gold Rush, where a man's character was not nearly as important as his material worth. Americans in general, and Californians in particular, entered the second half of the nineteenth century very practical-minded. The most important thing was how one was to earn a living in this selfish and ever-changing new world.[106]

The second point was that women as well as men needed a practical education. This was a new and liberal thought in a society that believed that woman's place was in the home.

The third point was that all Americans should learn a mechanical skill so that they could double their wages and leave the lower-paying jobs for "persons from abroad." Cheap immigrant labor was as much a reality then as it is now.

Despite his criticism of the curriculum, it is clear that the editor of the *Alta California* was in favor of high schools. This was not the case with all Californians. Those communities in California that maintained high schools included them in the public school system subsidized by the state. Many people objected that this took much-needed money away from the primary and grammar divisions of the common schools. This was a valid argument. Since the Civil War, there had been a steady stream of

[106] See Grass Valley Morning *Union,* 3 Jul 1870.

immigration into California from the eastern states.[107] The nature of the immigration had changed since Gold Rush days, especially when it came to Americans entering the state. Rather than single men, the new immigration was families, bringing their school-aged children with them. The public school system in many communities could hardly keep up with the increase. People in these communities argued that it was inequitable to maintain a high school when there were not enough common schools for all the children, especially because it cost more to instruct a high school student than a primary school student.[108]

The argument in favor of high schools in California was given impetus by a court case in Michigan that came to be known as the Kalamazoo case. The "village" of Kalamazoo had opened a high school in 1858, without a vote of the taxpayers. Despite this, the high school operated for fifteen years without major opposition. Then, in 1873, a former senator named Charles E. Stuart, a major property owner in Kalamazoo, filed suit with two other property owners against School District No. 1 of Kalamazoo. They argued that the school district had no right to collect taxes for the support of a high school, since the tax payers had never voted on it. They also argued that a public school system should encompass only the primary and grammar divisions and that high school, which taught foreign and "dead" languages, was extravagant and unnecessary to a good basic education. The property owners lost the suit in circuit court, but they appealed the decision to the Michigan Supreme Court. On July 21, 1874, the Michigan Supreme

[107] Remi Nadeau, *City Makers: The Story of Southern California's First Boom, 1868-76* (Corona del Mar, CA: Trans-Anglo Books, 1965), p.20.
[108] Chico Weekly *Enterprise*, 26 Oct 1877.

Court upheld the ruling of the circuit court, stating that the school board of Kalamazoo had the legal right to include the high school in the public school system.[109]

The "Kalamazoo Case" set a precedent for the legality of high schools across the nation. Even so, many Californians resisted the idea, especially those of modest means. They argued that their children would have to begin work as soon as they were able, which would prevent them from ever attending high school. Only the children of parents of comfortable means could afford to attend high school, and yet everyone was taxed for it. The result was that the poor were paying for the privilege of the rich to send their children to high school.[110]

Others went so far as to claim that too much education was not good for a child. This interesting piece appeared in the Chico Weekly *Enterprise* in October 1877:

> …The present high schools ought to be turned into night schools or ragged schools, or primary schools for instruction in rudiments of English. It would be much better if the present girls' high school was provided with a cooking range, washing tubs and boards, mangles [wringers], brooms, brushes, sewing machines, and that "our girls" be taught house-keeping than that they puzzle their brains over their present useless studies. It would be better for our boys that the high school, Latin school, or half the grammar schools were converted into institutions for instruction in some useful mechanical employment. Our boys know too much.[111]

Those in favor of the high schools argued that the poor were doing their children a disservice by refusing to support the high schools. A free public high school was the only way a working man's son could attain the secondary education required to be

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[109] *Stuart et al. v. School District No. 1 of the Village of Kalamazoo*, 30 Mich. 69. Caselaw Access Project, Harvard Law School. Elizabeth Timmerman, "The Kalamazoo School Case," Kalamazoo Public Library, Kalamazoo, MI.
[110] Sacramento Daily *Union*, 7 Nov 1877.
[111] Chico Weekly *Enterprise*, 26 Oct 1877.

admitted to the (at the time) free state university. If the poor did not take advantage of this arrangement, it was argued, then it would be only rich men's sons who would get a college education and enter the professions and politics. Eventually, the poor would be ruled by the rich, as they were in corrupt old European countries. Democracy and the American Republic would perish.[112]

Yet even some who favored the high schools recognized the realities of the times. California, like the rest of the country, had fallen into a depression in the 1870s, and for many families, sending their children to school past the age of fourteen was not an option. The Sacramento Daily *Union,* a Republican newspaper in favor of high schools, acknowledged this fact:

> …Clearly a school system arranged on so large a scale that the majority of the people are precluded from availing themselves of its higher branches does not present those popular elements which democratic communities are sure to require…The practical effect would seem to be that only those parents who are able to support their children up to maturity, can afford to let them pass through the entire educational course. On the other hand it is asserted that the High Schools are necessary links between the lower schools and the University, and that if they are removed the whole system will be disjointed and thrown into confusion. There is reason in this, no doubt; but it is also evident that for the children of the poor the University is as unattainable as the High School, and that therefore the prospect of being cut off from the University cannot appeal with much force to this class…[If] the masses justly complain that the existing system does not meet the demands of their circumstances, the net result of abolishing the High Schools would merely be to recognize conditions which already exist. We are no believers in contraction of educational facilities…But we are clearly of opinion that no popular scheme of education can be satisfactory which does not adapt itself to the circumstances of the people who pay for its support, and that a system which, while professing to hold out certain advantages to all, is so arranged that only a small minority can make use of it, calls for amendment.[113]

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[112] "Our High Schools," Los Angeles *Herald,* 15 Feb 1876; Dr. I.E. Dwinell, "High Schools," Sacramento Daily *Union,* 7 Nov 1877.
[113] Sacramento Daily *Union*, 7 Nov 1877.

A majority of the state concurred with this opinion. When the California Legislature drew up a new state constitution in 1879, they included a section on public education which addressed the "high school question." Article IX, Section 7 read:

> The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State School Fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools.[114]

In other words, a community was free to have a high school, if the voters in that community chose to support it. But the taxpayers of California were not going to pay for it.

Although the law did not legally abolish high schools in California, it effectively did so in many communities who could not afford to maintain high schools on their own. This state of affairs continued in California until 1903, when the state legislature voted a tax of a cent and a half on every $100 of taxable property to establish a state high school fund.[115] Not until the early twentieth century was California prepared to invest in a statewide system of secondary education.

Conclusion

The California custom of schooling the Other into the dominant culture, begun by the Franciscans in the eighteenth century, continued in the nineteenth century under the

[114] 1879 Constitution of the State of California, quoted in the Sacramento Daily *Union*, 27 Dec 1879.
[115] Ferrier, p. 92.

Americans. The Other had been redefined to include white groups considered to be outside the American culture, such as European immigrants and native Californios. After the Civil War, two more classes of whites were added to the Other. One class included those who had been shaped by the culture of the American South. They were a defeated people, branded as traitors and blamed for the bloodshed of the war. Many northerners, such as John Swett, believed that the South's widespread failure to educate its people had been responsible for the rebellion. To prevent such a thing from happening again, the Republican Party determined that southerners in California should be educated—under compulsion, if necessary. Southerners were equally adamant that their children not be forced into Yankee-style schools, where they would be taught to look upon their own parents as the enemy.[116] This southern resistance to the public schools, which they viewed as Yankee institutions, would persist well into the twentieth century.

The other group of white Others in California were the Catholics, the erstwhile ruling class of California. Political developments in Europe and in the eastern states after the Civil War created a national animosity toward the Catholic Church, especially in the area of education, and this animosity extended to the Golden State. Protestant Californians began to equate Protestantism with liberty and Catholicism with subjugation. They argued that public school funds should not be given to Catholic schools whose aim was to shut down the public school system. This argument acquired the force of law in the new state constitution of 1879.

[116] See the Sonoma *Democrat*, 30 Dec 1871.

Chapter 5

Beyond the Pale: Schooling Nonwhites in Nineteenth-Century California

No discussion of schooling the Other in nineteenth-century California would be complete without a consideration of the Chinese, blacks, and Indians in California during this period, their relationship to the U.S. government, and, therefore, their place in the California public school system. Before the Civil War, none of these groups were present in the social fabric of white Americans, most of whom looked at them as rather of another species. Because of the narrow racial views of white Americans, the idea that these other groups could become citizens and participate in government was regarded as ludicrous. Since the purpose of public education in California was to educate future voters (and the future wives and mothers of voters), it had formerly not been necessary, in the minds of many people, to educate the children of blacks, Indians, and Chinese, since none of these groups had the right to vote in the 1850s and 1860s. The Civil War, however, wrought sweeping changes on the American electorate. The Thirteenth Amendment (1865) abolished slavery. The Fourteenth Amendment (1868) declared that every person born on American soil was an American citizen. The Fifteenth Amendment (1870) guaranteed that no male American citizen would be denied the vote based on race, creed, color, or previous condition of servitude. Throughout the Reconstruction South,

federal troops were stationed at polling places and ballot boxes to protect newly freed blacks who were exercising their right to vote for the first time.

California, far removed from the rest of the nation, was slow to adjust to these new standards. It was fully two years after the passage of the Fifteenth Amendment before the California State Legislature passed a law stating that "the education of children of African descent and Indian children must be provided for in separate schools; provided, that if the directors or trustees fail to provide such separate schools, then such children must be admitted into the schools for white children."[1] This reluctant law, passed under the order of the Supreme Court as a result of a lawsuit brought by the parents of a black schoolgirl in San Francisco (*Ward v. Flood*, 1872), reflects California's chronic unwillingness to provide for the education of its nonwhite children. There were several reasons for this unwillingness. Undoubtedly the most common reason was the widespread belief among nineteenth-century Americans that the white race was naturally superior to all others. Believing this, most white people did not want their children mixing with the children of races they considered to be inferior. Lawmakers, aware of this attitude, were loath to alienate their constituents by passing laws that would force integration. They were equally unwilling to spend money on erecting separate schools for nonwhite children when they could barely afford to build schoolhouses for white children. This can be seen in the writings of John Swett, the man who did so much to get California's public school system on its feet. Although the debate over educating

[1] William Warren Ferrier, *Ninety Years of Public Education in California, 1846-1936: A Presentation of Educational Movements And their Outcome in Education Today* (Berkeley, CA: Sather Gate Book Shop, 1937), p. 99.

nonwhite children was a running theme throughout California's early educational legislation, Swett, in both of his memoirs, mentions the subject only briefly, with negative overtones. One senses his resentment toward members of the state senate who tried to kill his bill for a state school tax by attaching a rider that would admit "negro, Mongolian, and Indian children" into the public schools. The bill only passed because the senate finally consented to withdraw the clause. Later, when Swett drew up the Revised School Law of 1866, he included a provision for separate schools for nonwhite children. The provision was buried in the middle of the document but was there, no doubt, to reassure skittish white parents that their children would not be attending school with nonwhite children. Whatever the personal attitudes of Swett, a New Englander, were, he wanted above all to establish a free public school system in California. This would not happen if white parents refused to support a racially integrated system with tax money.[2]

By the time it acquired California, the United States had come to recognize the necessity of the common school, not only as a means of transmitting a common culture to the rising generation, but also as a way to reorient children of immigrant cultures into the American way of life. Thomas Jefferson's fear that unfettered immigration would destroy the cultural homogeneity of the young Republic had become reality.

[2] See Swett, *History of the Public School System of California* (1876), pp. 29, 48-49; Swett, *Public Education in California* (1911), pp. 175-6.

In the late eighteenth century, most white Americans thought of the American culture as English-speaking and Protestant. The first tides of immigrants to the British North American colonies had been English and Scottish Protestants, and they set the standard for what was to become the dominant culture, a culture so narrowly defined that all who were not of these groups were regarded as the Other. The Irish who came spoke English, but they were not Protestant. Some of the Germans who came were Protestant, but they did not speak English. So many of them settled in Pennsylvania, Benjamin Franklin's home colony, that Franklin voiced the fear that their numbers were going to obliterate the English language in the colonies.

By the time it won its independence from Britain, the new Republic had come to terms with the fact that it was and would remain a nation of immigrants. However, most Americans thought of immigration as coming only from Europe, specifically Western Europe. In 1790, Congress passed its first act to establish a uniform "Rule of Naturalization." The act stated that "any alien, being a free white person…may be admitted to become a citizen" of the United States, as long as they fulfilled the residency requirements and were of "good character."[3] Taking into consideration the time period during which this was written, it is evident that the intent of the framers in specifying "free white persons" was to prevent the naturalization of enslaved persons brought over from Africa.

The California Gold Rush triggered the first mass immigration to the United States from places other than Western Europe. One of the largest components of this

[3] First Congress, Sess. II, Chap. III—An Act to establish an uniform Rule of Naturalization, March 26, 1790.

migration was the Chinese. Before 1848 there were virtually no Chinese in the United States. Chinese law and tradition prevented the Chinese people from leaving their country. They were bound to their land not only by the command of their emperor but also by the conviction that China was the center of the world, the Celestial Kingdom blessed by heaven. In addition, the Chinese custom of ancestor worship required the Chinese to remain close to the graves of their parents and grandparents so that they could tend to them. It would take a crisis of the greatest magnitude to make a Chinese person violate that mandate.[4]

That crisis came in the middle of the nineteenth century, concurrent with the discovery of gold in California. It was actually a combination of crises that forced young men out of China and across the Pacific Ocean to *Gum Saan*, "Gold Mountain," their name for California. As previously mentioned, flooding in southern China had led to widespread famine. The Taiping Rebellion, which would turn out to be one of the bloodiest conflicts of the nineteenth century, erupted at about the same time. Young men who had no other way to feed themselves or their starving families boarded ships in the port city of Canton and headed for California in the hopes of digging enough gold to send home to buy food. Thousands of young Chinese men would eventually set sail for California—but very few women and even fewer children. The original purpose of these men was not to settle in California but merely to sojourn there, make their fortunes, and

[4] H.W. Brands, *The Age of Gold: The California Gold Rush and the New American Dream* (New York: Doubleday, 2002), pp. 61-2.

return home to China. Those who were married left their wives behind to tend the children and the family shrines.[5]

In this way the Chinese differed from other immigrants. A majority of people who migrated to the United States in the nineteenth century considered America to be the Promised Land, superior to the countries they had left behind. The Chinese did not. For the most part, they had no desire to become American citizens, even if the federal law had allowed them to do so—which it did not. The specification of "free white persons" in the Naturalization Acts of both 1790 and 1795 excluded native Asian- and African-born persons from American citizenship.

Since the stated purpose of the common schools in the nineteenth century was to produce responsible American citizens, those who were barred from eventual citizenship were also, for the most part, barred from the public schools. In most of the United States, this exclusion applied only to black children. In post-Gold Rush California, however, it applied also to Chinese and Indians. For the Chinese, this initially worked no hardship, since there were almost no children among their numbers. But as the 1850s progressed, and opportunities continued to present themselves in California even as conditions worsened in China, Chinese merchants and labor contractors migrated to the urban centers of the state, mainly San Francisco and Sacramento, and they brought their families with them. By 1857 there were enough Chinese children in San Francisco for their parents to ask the city to establish a separate school for them. The school board granted their request by making provision for the teacher's salary to be paid out of the

[5] Ibid.

public school fund. But it was the Presbyterian Church that provided the school room by making available the basement of their chapel on the corner of Stockton and Sacramento Streets.[6]

The Presbyterian Church had been evangelizing among the Chinese in San Francisco since the early 1850s. Their mission had a two-fold purpose. The first was to teach the Protestant faith to the Chinese, so that they could carry it back with them when they returned to China (as most of them originally intended to do) and become lights of truth in their "benighted" country.[7] The second was to acculturate the Chinese to the American way. This would serve to protect both the Chinese immigrants and the American culture into which they had entered. The Presbyterians, like most American Protestants, believed that the United States had been mandated by God to serve as an example of His coming kingdom. To be Protestant, American, and civilized were therefore one and the same thing. It was this belief that led to the American intolerance of all non-Protestant religions. By the 1850s, with the large influx of Hispanic, Irish, and German Catholics, Americans had been forced to make room for the Catholic Church within their borders. At least, they reasoned, the Catholic Church claimed to be Christian and to believe in the Bible. But the religion of the Chinese was completely strange and foreign. They had no knowledge of or belief in the Christ or the Bible. They were, in the terminology of the day, heathens, and therefore not entitled to any brotherly consideration. In the gold fields as well as in the state legislature, white Californians

[6] Ferrier, p. 102. See also the Sacramento Daily *Union*, Vol. 12, No. 1812, 17 January 1857.
[7] Wesley S. Woo, "Presbyterian Mission: Christianizing and Civilizing the Chinese in Nineteenth-Century California," *American Presbyterians*, Fall 1990, Vol. 68, No. 3 (Fall, 1990), pp. 167-8.

used the term "heathen Chinese" to justify their treatment of them as something less than human. The Presbyterian mission sought to alleviate the suffering of the Chinese by converting them to the Protestant faith and homogenizing them into the American culture to the extent possible. To that end, they had established a Chinese Sunday School and evening school to accommodate the young Chinese working men of the city, to teach them Presbyterian doctrine and help them learn English. The two schools had only limited success, however. While a few Chinese did convert to the Presbyterian Church, the majority were not interested in abandoning the religion of their ancestors. They attended the schools only long enough to learn a smattering of English, and then left.[8] The schools eventually closed, leaving an educational void in the Chinese community of San Francisco until the public school opened in September 1859.

The initial enrollment in the Chinese public school was sixty-eight boys and nine girls, but after a few months only a dozen school children were attending regularly. The majority of the seats were taken up by young Chinese men in their twenties who wanted to learn English. Then, in 1860, the California State Legislature passed a new school law, authored by the recently elected State Superintendent of Public Instruction, Virginia-born Andrew Jackson Moulder. Moulder had previously voiced the opinion that California's public schools should be for white children only, and in 1860 he coaxed the state legislature into passing that opinion into law. The new school law of that year prohibited any school district from admitting "Negro or Mongolian" students into their public schools. If they did so they would forfeit all of their share of the state school

[8] Ibid., p. 170.

fund.[9] The city of San Francisco, faced with this ultimatum, was forced to remove funding from the Chinese public school, and in June 1860 it closed down. Soon afterward, it reopened as an evening school with the primary purpose of teaching English to foreign-born working men. The majority of the pupils were Chinese. This school was privately funded, as were most schools for the Chinese in California during the 1860s. The Presbyterian Church had a major hand in this.

Under Superintendent John Swett, the state legislature passed a new school law in 1866 which mitigated, somewhat, the harsh terms of the 1860 school law. The new law prohibited nonwhite children from attending schools for white children *unless* the school district in which they lived made no effort to provide them with separate schools. Even then, they would only be allowed to attend those schools if the parents of the white students made no formal objections. It was a backhanded concession, but it was a step in the right direction. Under this new law, the Chinese public school in San Francisco was once again in operation.

California, which had favored the Republican Party during the Civil War, swung back to the Democrats in the elections of 1867. A southern Democrat, Rev. O.P. Fitzgerald, was elected State Superintendent of Public Instruction. It was exceedingly important to him that the South and southerners not be depicted in a negative light in the public schools in the wake of the recently concluded war. They were not to be seen as

[9] John Swett, *History of the Public School System of California* (San Francisco: A.L. Bancroft, 1876), p. 205.

traitors nor as a conquered enemy.[10] They were not to be treated as the Other. The many southern Democrats living in California at the time wholeheartedly concurred with him.

The Chinese, however, were a different story. The Reconstruction Amendments to the U.S. Constitution had abolished slavery and had made every person born on American soil an American citizen. White Americans were now forced to accept American blacks and Indians as fellow citizens. But Californians resisted including the Chinese in that category. They chose to ignore the few Chinese children that had been born in California and instead focused on the tidal wave of Chinese still coming to the state from China. In the eyes of white Californians, the Chinese were taking jobs away from white men and were responsible for the depression that had settled over the state. By 1870, animosity against the Chinese in California had reached fever pitch.

That same year, Superintendent Fitzgerald oversaw the passage of an amended school law that stated that "the education of children of African descent, and Indian children, shall be provided for in separate schools."[11] No mention at all was made of "Mongolian" children, as had previously been the case. Superintendent Fitzgerald also instructed that Chinese children not be included in the school census of 1870. If Chinese children were not acknowledged, the state would be under no obligation to educate them. Under such pressure, the school district in San Francisco once again removed funding from the Chinese Public School, and it once again closed.[12]

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[10] Ibid., pp. 62-3.
[11] Ibid., p. 205.
[12] D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman, OK: University of Oklahoma Press, 2013), p. 128.

Into this educational vacuum, yet again, stepped the Protestant churches. By this time there were, in San Francisco, several Protestant missions in addition to the Presbyterians. The Methodists, Congregationalists and Episcopalians were all evangelizing among the Chinese in that city, and one of the basic components of their religious work was to teach English to the Chinese so they could read their Bibles.[13] Twenty-five hundred Chinese enrolled in the churches' evening schools and three thousand in the Sunday schools. As with the public schools at that time, enrollment exceeded regular attendance; probably only a third of those enrolled showed up on a regular basis.[14] Those who did attend were usually more interested in learning English than learning about the Bible. Once they knew enough of the new language to conduct business or serve as interpreters, most of them left school.[15]

Many Chinese parents in California were concerned that their children, growing up in the United States, were losing the Chinese culture, which would put them at a disadvantage when the family finally returned home to China. To offset this, Chinese language schools were opened in San Francisco, sponsored by the powerful Chinese benevolent associations known as the Chinese "Six Companies." These schools hired Chinese professors who trained their students to pass the examinations that would be required for them to obtain government positions or lucrative professions in China.[16]

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[13] See "The Chinese Mission School," Daily *Alta California*, Volume 22, Number 7583, 25 Dec 1870.
[14] Otis Gibson, *The Chinese in America* (Cincinnati, OH, 1877), pp.176-77.
[15] *Report of the Chinese Mission to the California Conference of the Methodist Episcopal Church* (San Francisco, CA, 1889), p.9.
[16] Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (Berkeley, Los Angeles, London: University of California Press, 1976), pp. 36-7.

But other California Chinese parents felt it would be more immediately beneficial for their children to learn the language and ways of the Americans with whom they did business. In 1877, a group of thirteen hundred Chinese residents of San Francisco and Sacramento petitioned the state legislature to establish separate schools for their children. They made it clear that the Chinese themselves would prefer separate facilities, rather than sending their children to the regular public schools with white children. No doubt, many Chinese felt that white children were inferior to their own. But the request had the additional advantage of removing from the white members of the state legislature any fear of racial mixing in the schools.

The timing of the petition, as it turned out, was unfortunate. That same year, 1877, anti-Chinese feeling in California coalesced into a new political party, the Workingmen's Party, headed by Irish immigrant Denis Kearney and dominated by Irish working men who felt the most threatened by cheap Chinese labor. The motto of the Workingmen's Party was "The Chinese Must Go!" Just as the Republican Party had been formed twenty-three years before with the aim of bringing an end to slavery, the Workingmen's Party was formed with the express purpose of stemming the tide of Chinese immigration to California. Had the Workingmen's Party had its way, every Chinese person in California would have been sent packing back to China. This was not possible, but it was possible to pass legislation that would prevent any more of them from coming. The Workingmen's Party won seats in the state government in the next elections. Because of this, the party had a strong influence over the composition of the new state constitution that was ratified in 1879. The long and unwieldy new constitution

included an anti-Chinese article that prohibited corporations—such as the railroads—from hiring Chinese, and also forbade Chinese labor on public works "except in punishment for crime." It allowed municipal governments to limit Chinese residence to specific parts of the community or even to prohibit Chinese residence within their city limits.[17] The article was designed to squeeze the Chinese out of California in one way or another. Although several of the anti-Chinese laws passed by the California State Legislature were later struck down as unconstitutional, the strong anti-Chinese sentiment in California was highly influential on the federal government, which, three years later, passed the Chinese Exclusion Act. This act halted the immigration of Chinese laborers into the U.S. for a period of ten years and was the first immigration law passed in the United States that was aimed specifically at a certain ethnicity.[18]

The tide of Chinese pouring into California was halted, but there were already nearly a hundred thousand Chinese in the state, and some of them had children who needed to be educated. After the failure of the petition of 1877 and the passage of anti-Chinese legislation in 1879 and 1882, the Chinese community in California remained relatively silent about the educational rights of their children until 1884. By that time, the California school law had been amended to prohibit school districts from denying admission to children based on race. This was in keeping with the Fifteenth Amendment to the U.S. Constitution, ratified in 1870, which stated that no male citizen would be denied the vote on account of race. Since all races were now allowed to participate in

[17] California State Constitution, 1879.
[18] Daily *Alta California*, Volume 34, Number 11791, 4 August 1882.

government, all races should be educated at public expense. This looked good on paper but did not work in practice. California's prejudice against the Chinese was so strong that most people chose to ignore the rights of the Chinese in any area, including education.

This was the situation in October of 1884 when Joseph and Mary Tape attempted to enroll their eight-year-old daughter, Mamie, in the Spring Valley School in San Francisco. Unlike most Chinese parents, the Tapes were Protestant converts who spoke English and actually wanted their children to be Americans. They lived on Green Street, outside of Chinatown, and had adopted the American way of life.[19] But when they attempted to enroll Mamie in the all-white Spring Valley School, the principal of the school, Jenny Hurley, was faced with a dilemma. She asked the city school superintendent for advice. Unfortunately for the Tapes, the San Francisco Superintendent of Schools at the time was Andrew Jackson Moulder, the former State Superintendent of Public Instruction who had overseen the 1860 law barring nonwhite children from California's public schools. Not surprisingly, he instructed Miss Hurley to deny admission to Mamie Tape.

The Tapes did not accept this decision. They took the matter to the Chinese consul in San Francisco, an American attorney named Frederick Bee. He sent a letter to Superintendent Moulder protesting Mamie Tape's exclusion from the Spring Valley School, in view of the fact that she was California-born and therefore, according to the Fourteenth Amendment, an American citizen. Moulder, in his turn, went to the State

[19] Humboldt *Times*, Vol. XXIV, No.88, 10 October 1885.

Superintendent of Public Instruction, William T. Welcker, for advice. Welcker shared California's widespread antipathy toward the Chinese, and he instructed the San Francisco Board of Education to deny admission to Mamie Tape and to all other Chinese children.[20] The board concurred and passed a resolution that school principals who admitted Chinese children would be dismissed from their posts.[21] One board member, however, made the quiet observation that if American-born Chinese were eventually going to be allowed to vote, they must be educated.[22]

Undeterred, in November 1884 Joseph Tape filed suit against Principal Hurley—and, by extension, the San Francisco Board of Education and the California Department of Public Instruction—in San Francisco's Superior Court.[23] In January 1885, Judge Maguire handed down the court's decision. He made note of three salient points. First, the California school law required the public schools to be open to "all children". Second, Mamie Tape was native-born and therefore an American citizen, and to deny her equal protection under the law would be unconstitutional. Third, the Chinese in California paid school taxes along with everyone else, and it was unjust to deny their children entrance into a school system supported by their tax dollars. He therefore ordered Principal Hurley to admit Mamie Tape into the Spring Valley School.[24]

The decision met with outrage from several quarters. State Superintendent Welcker, in a letter to the San Francisco Board of Education, voiced the opinion, shared

[20] "No Chinese Need Apply," Daily *Morning Times* (San Jose), Vol. XI, No. 69, 19 September 1884.
[21] "Chinese in Our Schools," Daily *Alta California*, Volume 38, Number 12690, 10 January 1885.
[22] Wollenberg, p. 40.
[23] "A Test Case," Daily *Alta California*, Volume 37, Number 12617, 29 October 1884.
[24] Daily *Alta California*, Volume 38, Number 12690, 10 January 1885.

by many Californians, that "the Fourteenth Amendment was intended for people of African descent. No thought was had of the Chinese in the matter."[25] He then instructed the board to appeal the decision to the State Supreme Court, which they did. In March 1885 the California Supreme Court upheld the decision of the Superior Court. Chinese children were to be admitted into California's public school system.[26]

Superintendent Moulder had always been acutely conscious of white parents' sensitivity to sending their children to school with nonwhite children. Once he saw the handwriting on the wall, Moulder urged the San Francisco Board of Education to open a separate school for "Mongolian" children—quickly, before Principal Hurley was forced to admit Mamie Tape into the Spring Valley School.[27] On April 1, 1885, the school board secured a space on the corner of Jackson and Stone Streets above a grocery store and set about fitting it up as a public school for Chinese children. Six days later the Tapes presented their daughter Mamie at the Spring Valley school for enrollment. The Chinese school was not yet ready to open, and Principal Hurley feared that she would be forced to admit Mamie Tape into her all-white school. The Board of Education, fearing that their hand would be forced, called for a special meeting that evening to discuss their options.[28] They directed Principal Hurley to stall for time by informing the Tapes that Mamie would have to receive her vaccinations and a medical examination before she

[25] San Francisco Daily *Evening Bulletin*, 15 Jan 1885.
[26] "The Chinese in the Schools," Chico Weekly *Enterprise*, Volume XVI, No. 42, 6 March 1885.
[27] "The Chinese School Problem," Daily *Alta California*, Volume 38, Number 12744, 5 March 1885.
[28] "Mamie Tape's Application," Daily *Alta California*, Volume 38, Number 12777, 7 April 1885.

could be admitted. This infuriated Mamie's mother Mary who, the following day, sent an impassioned letter to the San Francisco Board of Education.

> I see that you are going to make all sorts of excuses to keep my child out of the public schools. Dear sirs, Will you please tell me! Is it a disgrace to be Born a Chinese? Didn't God make us all!!! What right! Have you to bar my children out of the school because she is a Chinese Descend. They is no other worldly reason that you could keep her out, except that. I suppose, you all go the churches on Sundays! Do you call that a Christian act to compel my little children to go so far to a school that is made in purpose for them. My children don't dress like the other Chinese. They look just as phunny among them as the Chinese dress in Chinese look amongst you Caucasians. Besides, if I had any wish to send them to a Chinese school I could have sent them two years ago without going to all this trouble. You have expended a lot of public money foolishly, all because of one poor little Child…May you, Mr. Moulder, never be persecuted like the way you have persecuted little Mamie Tape. Mamie Tape will never attend any of the Chinese schools of your making! Never!!! I will let the world see sir what justice there is When it is govern by the Race prejudice men! Just because she is of the Chinese descend, not because she don't dress like you because she does. Just because she is descended of Chinese parents I guess she is more of a American than a good many of you that is going to prevent her being Educated.[29]

The Tapes reluctantly complied with the requirements and had Mamie vaccinated and examined by a doctor. By the time they presented the necessary documents to the school board, however,

the Chinese public school had opened, and Mamie and her little brother Joseph, now six, were forced to attend there.[30] Despite Mrs. Tape's vehement declaration to the contrary, the Tapes were forced to acquiesce to the inevitable. Although subjected to the fiction of "separate but equal" schools, Mamie Tape and the other Chinese children of California were assured of the right to public education.

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[29] "An Indignant Mother," Sausalito *News*, Volume 1, Number 18, 11 June 1885.
[30] Evening *Bulletin*, 14 April 1885.

People of African descent had been in California since at least the eighteenth century, when Felipe de Neve brought a group of mixed-race families to found the pueblo of Los Angeles in 1781. Among the forty-six original settlers of Los Angeles were those described as "negros" and "mulatos", the latter being the Spanish *casta* term for persons of mixed African and European ancestry.[31] Enslaved Africans had been transported to the Spanish Caribbean beginning in the sixteenth century and from there had been carried into Mexico.[32] Intermingling of races was common in the Spanish colonies, which not only gave rise to the *casta* terminology but also created a certain racial fluidity, especially on the frontier. Ten years after the founding of Los Angeles, for example, some of those who had originally been classified as *mestizo* ("mixed," i.e., Spanish and Indian) were now classified as *español* (Spanish). By reclassifying themselves, the settlers sought to separate themselves from the local Indians they encountered in California.

Unlike the Spanish, English colonizers did not tend to intermingle with the native populations they subjugated. As a result, there was little racial fluidity in the British colonies.[33] The United States, once it became an independent country, inherited this mindset. A person who was one-sixteenth African in an otherwise all-European ancestry was, by law, African.

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[31] Felipe de Neve, "El Padrón de Los Angeles, Peninsula de California," 1781. Archives of California, Provisional State Papers, Missions and Colonization, Tom. I, Bancroft Library, pp. 101-2. Translated in Doyce B. Nunis, Jr., ed., *The Founding Documents of Los Angeles: A Bilingual Edition* (Los Angeles: Historical Society of Southern California and the Zamorano Club of Los Angeles, 2004), pp. 257-8.
[32] Nunis, p. 164.
[33] "The Public Schools and Colored Children," San Francisco *Bulletin*, 24 Feb 1858.

The Treaty of Guadalupe Hidalgo, which ended the war with Mexico and ceded Texas, New Mexico, and California to the United States, guaranteed that the Mexican citizens of those territories would automatically become citizens of the United States after one year.[34] In this situation, the United States was forced to practice a little racial fluidity of its own. The U.S. naturalization law stipulated that only "free white persons" could become naturalized American citizens. Therefore, Mexican citizens, many of them of black and Indian ancestry, magically became "white" under the Treaty of Guadalupe Hidalgo. The Anglo-American representatives at California's first constitutional convention were no doubt aware of this transformation in some of their fellow representatives, many of whom hailed from southern California. All forty-eight members might have been struck with the irony of wrestling over the question of whether those of African or Indian descent would be allowed to vote in California, even as persons of African and Indian descent sat among them.

But wrestle they did. The constitutional convention of 1849 debated over who should be allowed to vote and even over who should be allowed to enter the future state. California became a part of the United States during a time when the slavery issue had reached fever pitch. Because they did not want southern slave holders bringing their slaves into California to mine gold for them, the convention delegates voted overwhelmingly to apply for admission to the Union as a free state. For this reason, some delegates argued that free blacks should be barred from entering California. Their

[34] Treaty of Guadalupe Hidalgo, 2 February 1848.

reasoning was based on the pseudoscience of race prevalent at the time, as expressed by one of the delegates, a physician named Wozencraft:

> It would appear that the all-wise Creator has created the negro to serve the white race…The African will always be subservient to the Caucasian. It is his nature to be so—he must be so. If we wish to avoid placing them in a position of servitude, we must exclude them.[35]

Other delegates argued that free blacks had as much right to enter California as a free white man, and to include a prohibition against their entry might cause the U.S. Congress to reject California's constitution and delay statehood. In the end, California's first constitution did not deny entry to anyone based on race. It did, however, withhold the franchise from those of African descent.

Even though they were not barred from entering the state, few African Americans lived in California during the nineteenth century. The U.S. Census of 1850 counted only 962 blacks in California, of which, not surprisingly (considering the Gold Rush), 872 were men.[36] By 1853 the number had climbed to 2,000, but by the late 1850s only 2500 persons of African descent lived in California among a population of over 200,000. Throughout the remainder of the nineteenth century, blacks in California would represent only about one percent of the population.[37]

Nevertheless, there were children among them, and their parents wanted them educated. California's first state school laws were silent on the subject of race, and in some of the more tolerant school districts the few black children among them were

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[35] *California Constitutional Convention. 1849. Report of the Debates in the Convention of California, on the Formation of the State Constitution in September and October, 1849.*
[36] U.S. Census, 1850.
[37] Rawls & Bean, p. 155.

allowed to attend public school with white children. In most districts with black children, however, white parents objected to their attending school with their own children. This was the case in San Francisco, which, in the 1850s, was one of the only places in California with a big enough population of black children to justify opening a separate school for them. This they did in May of 1854, three years after the establishment of California's public school system. The San Francisco Board of Education opened a separate public school for "colored" children in the basement of St. Cyprian Church on Jackson Street, between Stockton and Powell Streets, supported by money from the school fund.[38] The initial enrollment in 1854 was 45 students; by 1860, enrollment had grown to 100.[39]

Also in 1854, a school for black children opened in Sacramento.[40] Unlike the San Francisco school, however, the Sacramento school was not supported by public funds. It was a private school, opened and taught by a black teacher, Elizabeth Thorn Scott, and held at St. Andrew's African Methodist Episcopal Church. When Miss Scott got married, she stopped teaching and the school closed for a few months, until the reverend Jeremiah B. Sanderson reopened it in April 1855.[41] Realizing that private donations could not sustain the school indefinitely, in June 1855 Sanderson petitioned the city school board for financial aid. He noted that it was unjust that the nonwhite school be denied funding when black residents were taxed for school purposes just like everyone else. The petition

[38] "Public School," Daily *Alta California*, Volume 5, Number 126, 7 May 1854.
[39] Wollenberg, *All Deliberate Speed*, pp. 10-11.
[40] "Schools in Sacramento County," Sacramento Daily *Union*, Vol. 8, No. 1133, 9 November 1854.
[41] Susan Bragg, "Knowledge is Power: Sacramento Blacks and the Public Schools, 1854-1860," *California History*, Fall 1996, Vol. 15, No. 3, African Americans in California (Fall, 1996), p. 216.

won the support of a majority of Sacramento City Council members, including Charles Crocker and Mark Hopkins (future members of the Big Four, who would finance the Central Pacific Railroad in the next decade). The petition resulted in an amendment to the city ordinance for common schools, which allowed the Board of Education to open "one or more schools for colored children, if in their opinion, they deem it expedient."[42]

Allowed, but did not require. In the following years, the Sacramento School Board refused to give the colored school an allotment greater than the amount that black Sacramento residents actually paid in school taxes, which was not enough to sustain the school without private support.[43]

With the election of Andrew Jackson Moulder as California's State Superintendent of Public Instruction in 1857, the ambivalence about the position of nonwhite children with regard to the public school system was removed. Superintendent Moulder was vigorously opposed to their admission into regular public schools, as evidenced by his report to the California State Legislature in January 1859:

> In several of the counties attempts have been made to introduce the children of Negroes into our public schools on an equality with the whites. Whenever consulted on this point the State Superintendent has resolutely resisted such attempts and employed all the power conferred upon him by law to defeat them. In his communications on the subject he has instructed the school officers that our public schools were clearly intended for white children alone…Had it been intended by the framers of the law that the children of the inferior races should be educated side by side with the whites, it is manifest the census would have included children of all colors.[44] If this attempt to force Africans, Chinese and Diggers into one school is persisted in it must result in the ruin of the schools.

[42] Amendment 47 to City Charter Ordinance No. 245, "An Ordinance for the Establishment and Regulation of Free Common Schools Within the City of Sacramento," 1855.
[43] Bragg, "Knowledge is Power," p. 219.
[44] This was in reference to the school law of 1855 which instructed the school marshals to take a census of all *white* school-aged children in the state.

> The great mass of our citizens will not associate on terms of equality with these inferior races; nor will they consent that their children should do so.[45]

What frustrated Moulder was the fact that, despite his vehement objection to mixing the races in the public schools, he had no means, in 1859, of punishing the school districts that did so. This changed with the revised school law of 1860, passed by the state legislature but overseen by Moulder, which made it illegal for school districts to admit nonwhites into public schools attended by white children. Any district that defied the law would have all state school funds withdrawn from them. A school district was permitted, but not required, to establish a separate school for nonwhite children, as long as none of the white parents objected. This half-measure made the public education of nonwhite children dependent on the beneficence of the whites in a community, which often was nonexistent.[46]

The union victory in the Civil War altered, for a time, the accepted attitude of whites toward blacks. More than half a million Americans had died in a bloody war to determine whether legal slavery would continue to exist in a nation founded on the principles of individual liberty. With the end of the war and the ratification of the Thirteenth Amendment, legal slavery ended in the United States. Californians, who had voted to enter the Union as a free state in order to keep masters and their slaves out of the gold fields, had no problem accepting the end of slavery. One of the marks of slavery in the Confederacy had been forced ignorance; it had been a crime to teach slaves to read in

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[45] California Department of Public Instruction, "Annual Report of the Superintendent of Public Instruction," *Appendix to the Journals of the Senate, 10th Session, 1859* (Sacramento: State Printing Office, 1859), 14-15. *California Statutes 1860*, ch. 329, §8.
[46] Ferrier, pp. 98-9.

the South. Therefore, those who espoused the end of slavery needed to support the education of black children.

California's revised school law of 1865-66, piloted by New Hampshire-born Superintendent John Swett, reflected this principle. While the school law of 1860 had allowed public school funds to be used to establish separate schools for nonwhite children, at the pleasure of the white citizens, the school law of 1866 made the establishment of these separate schools mandatory. The state of California was now, for the first time, actually *required* to educate its nonwhite children, the sentiments of the white community notwithstanding. There were still exceptions, however. The establishment of a separate school was not required in communities that had less than ten nonwhite children, which was the case in most of California's rural districts. The few nonwhite children who did live in such communities were permitted to attend school with white children, but only if the white parents did not object.[47] In rural areas especially, this stipulation resulted in some nonwhite children going without any public education.

In the more urban centers, however, the revised school law resulted in the opening of "colored" schools all over California—in Stockton, Oakland, Los Angeles, and San Jose, among other cities. The daughter of martyred abolitionist John Brown, Sara, taught a nonwhite school in the northern California community of Red Bluff during the 1860s.[48]

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[47] Revised School Law of 1866. *Second Biennial Report of the Superintendent of Public Instruction of the State of California for the School Years 1866 and 1867* (Sacramento: D.W. Gelwicks, State Printer, 1867), p.22. California Department of Education Report, volume 1863-1867, call no. 1239. Huntington Library, San Marino, California.

[48] Wollenberg, *All Deliberate Speed*, p. 11; Bottoms, p. 113.

In 1867 the Democrats regained control of California's state government, and under their influence the education of California's black children stalled. In San Francisco a separate school for black children had been constructed on Broadway, between Powell and Mason Streets, in 1864. The central location of the school had made it accessible to all the black children of San Francisco. However, in 1868, after the Democrats had regained control of California, the school board of San Francisco voted to close the Broadway school and move the nonwhite school to the top of Russian Hill, the tallest hill in San Francisco.[49] The reason for the move was that a new, whites-only public school had been opened on Broadway just down the street, and white parents were uneasy about their children's school being so close to a school for colored children. The fact that the colored school had been at that location longer had no effect on the board's decision. The black children of San Francisco would now be required to trudge up Russian Hill every day to get an education. This situation would give rise to a landmark lawsuit a few years hence.[50]

In 1867 the Fourteenth Amendment, which declared every person born on U.S. soil to be an American citizen and which guaranteed every citizen equal rights before the law, passed in the House of Representatives and the U.S. Senate and was sent to the individual states for ratification. The California state legislature was in recess when the amendment arrived, and Governor Frederick Low chose not to convene a special session to consider the amendment. He simply left it on his desk until the next regular session of

[49] Daily *Alta California*, Volume XX, Number 6709, 29 July 1868.
[50] Ferrier, p. 100; Wollenberg, pp. 16-17; Bottoms, p. 112.

the state legislature. By that time, the required three-quarters of the states had ratified it, and the Fourteenth Amendment became the law of the land in 1868. The following year the Fifteenth Amendment, which gave the franchise to all adult male citizens, came up for ratification. This amendment did go before the California State Legislature, which refused to ratify it. But the Fifteenth Amendment, like the Fourteenth before it, became federal law without California's support, and California was forced to abide by it.[51]

No doubt influenced by the passage of these laws, the California school law was modified yet again in 1872 to make it mandatory for white public schools to admit nonwhite students, if no separate school was available. This completely removed the concession of white parents as a prerequisite for the education of nonwhite students. It did not, however, remove the provision of separate schools.

The issue of separate schools was challenged by a case brought against school authorities in San Francisco in 1872. The lawsuit, known as *Ward v. Flood*, involved a black schoolgirl named Mary Frances Ward, who lived on Pacific Street in San Francisco and had to walk past the whites-only Broadway School every day on her way to the colored school at the top of Russian Hill. The girl's mother, Harriet Ward, thought this was ridiculous, and in July 1872 she took Mary Frances to the Broadway School, to be admitted there. The school's principal, Noah Flood, rejected the admission of Mary Frances out of hand. She was black, there was a "special school" for black children, and therefore, by law, he was not required to admit Mary Frances to a school attended by

[51] The state of California would not ratify the 14th and 15th Amendments until the Civil Rights movement of the mid-twentieth century.

whites.[52] In September of that year, Harriet Ward's white attorney, John W. Dwinelle, filed suit against Principal Flood on the grounds that Flood's refusal to admit Mary Frances Ward to the Broadway School violated the equal rights guaranteed to her by the Fourteenth Amendment.[53]

Dwinelle's fees were paid out of a fund raised by black Californians who, in November 1871, had convened in the city of Stockton for a conference that came to be known as the "Education Convention."[54] "Education is the natural consequence of freedom," the convention declared, and went on to support the conviction that citizens of African descent could not obtain the education necessary to exercise their freedom in the "caste schools," the separate colored schools then in existence in California. The only way that black Americans could obtain an education equal to the education of the whites was to attend the same schools as the whites. If they could not obtain access to white public schools by means of the state legislature, black Californians would use the courts to do so. *Ward v. Flood* became the test case in the endeavor to achieve integrated schools.[55]

The case came before the California State Supreme Court in September of 1872. The court kept the case under consideration for the next year and a half. During that time there was much discussion of the issue, especially in San Francisco's two African-American newspapers, the *Elevator* and the *Pacific Appeal*. The editors of these two

[52] San Jose *Mercury News*, Vol. II, No. 16, 27 September 1872.
[53] "Equal Rights in Public Schools—a Suit Commenced," Pacific *Appeal,* Vol. IX, No. 7, 28 September 1872.
[54] Bottoms, p. 119.
[55] *The Pacific Appeal*, 25 Nov 1871.

papers voiced the resentment felt by many black Californians at being grouped with the state's other main minorities, the Indians and the Chinese, when it came to political, educational, and social issues. The majority of blacks in California were northern free blacks, who had obtained education and enough financial stability to emigrate to California to begin with. They had early on established an association of black citizens in California known as the Atheneum, which advocated for the rights of black Californians.[56] Many blacks considered themselves more worthy of equality with whites than either of the other two races. Black Americans spoke English, were usually members of a Protestant religion, and had a shared history with Anglo-Americans, as skewed as that history was. These were claims that could not be made by either the Chinese, whom *Pacific Appeal* editor Peter Anderson referred to as among the "objectionable classes," or by the California Indians, whom most people in the state, including the African Americans, dismissed as "savages." To be classified with either group would lower the prestige of black Californians.[57]

The state supreme court handed down its decision on *Ward v. Flood* in February 1874. The judgment stated that Principal Flood had not violated Mary Frances Ward's right to publicly funded education, since the city of San Francisco maintained a publicly funded colored school that she could attend. Keeping the races separate was not a violation of civil rights, as long as the educational facilities available to one group were equal in every way to those available to the other. The California State Supreme Court

[56] "The Colored People of African Blood in San Francisco," Daily *Alta California*, Volume 5, Number 96, 7 April 1854.
[57] *Pacific Appeal*, 10 Feb 1872.

thus established the dubious principle of "separate but equal" twenty-two years before the case of *Plessy v. Ferguson* made it a national catchphrase.[58]

The decision in *Ward v. Flood* thus released California school districts from the obligation of integrating their public schools. Nevertheless, some districts chose to do so on their own. In 1875, the year after the state supreme court's decision, the San Francisco Board of Education voted to close the colored schools and integrate their school system, thus making moot their victory in *Ward v. Flood*.[59] Other communities followed suit. Oakland, Sacramento and Vallejo integrated their school districts that same year, and the following year saw separate "colored schools" closing throughout the state.[60]

Yet this sudden change in policy was not a sign that white Californians were making a wholesale shift in their racial attitudes. It was, rather, a sign of difficult economic times. The Financial Panic of 1873 had hit the eastern states hard, and it rippled westward until, by 1875, California was feeling its full effects. School districts came to the realization that it was more expensive to educate nonwhites separately than it was to integrate them into the common schools, so integrate they did. When the school law was revised in 1880, all mention of race was removed. As is often the case, economics had accomplished what law and principle could not.

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[58] "Supreme Court Decisions," Sacramento Daily *Union*, Vol. 46, No. 7143, 25 February 1874.
[59] "The Abolishment of Separate Schools for Colored Children," The *Pacific Appeal*, Vol. XI, No. 51, 7 August 1875.
[60] Wollenberg, p. 25; Bottoms, pp. 125-6.

Anthropologists and historians estimate that there were three hundred thousand Indians living in California in 1769, when the Spanish founded the mission system that represented the Indians' first sustained contact with outsiders. California's wrinkled topography created a landscape of hills and mountains, making internal migration difficult. For this reason, the different Indian groups living in California were fairly isolated from each other. The soil and climate of California provided food and other necessities in abundance, making travel in search of food unnecessary. Each Indian group lived in relative security, developing its own language and culture. For a time, the California Indians thrived. Before European contact, California was the most densely populated region north of Mexico.

Isolated as they were, the California Indians had no knowledge of or immunity to the outside world. This made them highly susceptible when the outsiders finally came. With the establishment of the missions along the California coast, the Spanish brought with them new animals, new plants, and new diseases, thus continuing the process of the Columbian Exchange that had wrought destruction on Mesoamerica two hundred years before. Spanish crops and livestock displaced or destroyed some of the native flora and fauna on which the Indians had depended for food.[61] Spanish diseases killed many Indians. And the mission lifestyle forced on Indian neophytes killed many more. Those Indians who resisted being missionized were forced to leave the benevolent coastal

[61] Steven W. Hackel, *Children of Coyote, Missionaries of Saint Francis: Indian-Spanish Relations in Colonial California, 1769-1850* (Chapel Hill, NC: University of North Carolina Press, 2005), pp. 78-9.

climes and retreat to the harsher mountain and desert climates of the interior. But at least they had somewhere to go.

By the mid-1800s, after less than a century of European contact, the Indian population of California had been cut in half. As dizzying as this attrition seems, it pales in comparison to what was about to happen to the California Indians. California's isolation had made it unappealing to Spanish or Mexican settlement, and for many years this protected the Indians in the interior. But when gold was discovered in the foothills of the Sierra Nevada, all hope of a peaceful existence was lost to California's Indians. The valleys and streams where they hunted and fished were the very places where gold was found, and these valleys and streams were torn apart by men who descended on California from all over the globe. The California Indians were chased out of their homes and killed or left to starve. With no other recourse, they took to stealing food and livestock from white men to feed their families. This brought on retaliation by the whites, most of whom were Americans with a legacy of Indian removal in their national history.

When Andrew Jackson was elected president in 1828, he brought to the executive office the firm belief, informed by his experience on the Tennessee frontier, that white men and Indians could not peacefully coexist on the same land, due to the stark contrast between how those two groups actually used the land. The whites were not going to leave; in fact, more and more of them were arriving from Europe with every ship. So the Indians had to go. The United States owned a lot of land west of the Mississippi River that had not yet been settled by whites. The Indian Removal Act of 1830 established

Indian Territory in the unorganized land that is the present-day states of Nebraska, Kansas, and Oklahoma. The Indians moved west along the Trail of Tears to their new homes which were promised to them in perpetuity by the U.S. government.[62]

But the California Indians could not be sent any further west, and, unlike imperial Spain, the gold seekers did not want them where they were. The Spanish had needed the Indians to hold California for Spain against the incursions of other European powers, particularly the English and the Russians. The Americans, on the other hand, had no use for the Indians—at first.

California had entered the Union as a free state with breathtaking speed. Its 1849 state constitution stoutly declared that "neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state." As the Gold Rush gained impetus, however, California found itself with an acute labor shortage. The miners who came to California bent all their energies to digging for gold. Since most of them were single men, there were no women to cook and clean and do laundry for them, but the men quickly found themselves in need of these services. The state constitution had prohibited slavery in California, but it had also provided a large loophole by means of which Californians could sidestep that prohibition. Slavery and involuntary servitude were perfectly legal in California as punishment for crimes.

Those who wished to take advantage of this provision needed to find a subservient class of people with few rights of their own. Because there were so few blacks in California, those seeking servants turned to the Indians, which some Americans

[62] Indian Removal Act, 1830.

considered to be lower than the blacks in the racial hierarchy. In April 1850, the California State Legislature passed "An Act for the Government and Protection of Indians." Article 20 of this act read, in part:

> Any Indian able to work and support himself in some honest calling, not having wherewithal to maintain himself, who shall be found loitering and strolling about, or frequenting public places where liquors are sold, begging, or leading an immoral or profligate course of life shall be liable to be arrested on the complaint of any resident citizen of the county, and brought before any Justice of the Peace of the proper county, Mayor or Recorder of any incorporated town or city who shall examine said accused Indian, and hear the testimony in relation thereto, and if said Justice, Mayor or Recorder shall be satisfied that he is a vagrant, as above set forth, he shall make out a warrant under his hand and seal, authorizing and requiring the officer having him in charge or custody, to hire out such vagrant within twenty-four hours to the best bidder, by public notice given as he shall direct, for the highest price that can be had, for any term not exceeding four months.[63]

Since it was easy to find Indians who were "loitering or strolling about," or leading lives that white Americans regarded as immoral or profligate, California now had an easily accessible workforce. In places like Los Angeles, employers saw to it that the system became self-perpetuating by paying their Indian workers in liquor. The newly-freed Indian would drink his liquor, get arrested and convicted for drunkenness, and be auctioned off to the highest bidder to begin another four months of involuntary servitude.[64]

A particularly chilling provision of the Act for the Government and Protection of Indians was Article 3, which stated:

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[63] *Statutes of California*, chapter 133, April 22, 1850.

[64] David Samuel Torres-Rouff, *Before L.A.: Race, Space, and Municipal Power in Los Angeles, 1781-1894* (New Haven: Yale University Press, 2013), p.110.

> Any person having or hereafter obtaining a minor Indian, male or female, from the parents or relations of such Indian minor, 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. Every male Indian shall be deemed to have attained his majority at eighteen, and the female at fifteen years.[65]

What made this so disturbing was not the relatively benign wording of the article but the abuse that followed it. The article itself made it legal for white Californians to take Indian children into their homes as wards and keep them to adulthood. It was expected that these children would be put to some kind of labor. But the article made it clear that these children were only to be obtained by white people with the consent of the children's parents or friends and that "no compulsory means" should be used to obtain the child. In other words, the parents were not to be killed and the children were not to be kidnapped. Yet, as the business of trading in Indian children became a lucrative enterprise in Gold Rush California, such depredations on the part of the traders became commonplace. What made the situation worse was that justices of the peace, when appealed to for legal recognition of a white family's acquisition of an Indian child, seldom questioned how the child was obtained and did not require the presence of the child's parents or friends at the hearing. It is estimated that, by the height of the Gold Rush, one in every four California households had one or more Indian wards working as domestic servants.[66]

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[65] *Statutes of California*, chapter 133, April 22, 1850.

[66] Sherburne F. Cook, "The California Indian and Anglo-American Culture," in Wollenberg, ed., *Ethnic Conflict in California History* p. 33.

Since the purpose of taking in an Indian child as a ward was to obtain domestic help, few of the guardians of these wards were interested in educating them beyond what they needed to know to work around the house. Those who might have an inclination to give their wards an education were permitted but nor required to send them to the public schools. In several versions of the California state school law, nonwhite children "not living under the care of white persons" were not allowed to attend the public schools.[67] This specification meant that Indian children who were wards of white persons *were* allowed to attend public school. (It also demonstrated how widespread the ward arrangement was.) Yet, even with this provision in the school law, the reality was that few Indian children ever attended California's public schools in the nineteenth century. In the 1865-66 school year, for example, only sixty-three Indian children were enrolled in public schools throughout the state.[68]

In the 1850s the federal government established five small reservations for the California Indians. The Indians were to move onto these lands, where they would be protected by the military from white depredation and taught to farm and otherwise adopt the ways of the American nation to which they now ostensibly belonged.[69] The reality was much less sanguine than the hype, however. The comparatively few Indians who were coerced into moving onto the reservations were harassed by white settlers who begrudged them even their small portion of reservation land. White farmers squatted on reservation land or ranged their livestock over it. Even more deplorable were the white

[67] Ferrier, p. 99.
[68] Wollenberg, p. 85.
[69] Rawls & Bean, p. 150; Cook, p. 38.

Indian agents in charge of the reservations who were supposed to defend the Indians and look after their welfare. Many of these agents were as contemptuous of the Indians as were other white Americans and, believing that they were soon to be extinct, saw no reason to look after their interests.[70] These men often requisitioned foodstuffs, particularly beef, that the government had provided for the Indians, and instead sold it to the miners and pocketed the money.[71] They also preyed on Indian women under their care and kidnapped Indian children to sell as servants.[72] The Indians, unable to bear such treatment, escaped off the reservations in droves and returned to their ancestral homes. Some were able to successfully hide from the soldiers. Those who could not were captured and returned to the reservations, again and again, until the U.S. government was finally forced to acknowledge the fruitlessness of such efforts. Several of the reservations were shut down because there were no Indians left on them.[73]

Under such chaotic circumstances it was impossible to establish schools on the reservations for the education of Indian children. This did not happen until the 1870s, when the federal government opened schools on the Hoopa Valley and Tule River

[70] United States Office of Indian Affairs, *Reports on Indian Affairs, California Superintendency 1861-1871* (Washington, 1861-1871), n. 19,98.
[71] Robert F. Heizer & Alan J. Almquist, *The Other Californians: Prejudice and Discrimination Under Spain, Mexico, and the United States to 1920* (Berkeley, Los Angeles, London: University of California Press, 1971), pp. 83-5.
[72] Stacey L. Smith*, Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction* (Chapel Hill, NC: University of North Carolina Press, 2013), pp. 150-53.
[73] Cook, p. 39.

reservations.[74] By century's end, the Bureau of Indian Affairs was operating six boarding schools and twenty day schools in California, attended by 900 students.[75]

Yet the nature of these schools alienated Indian parents and children alike. Most Indian parents wanted their children to remain Indian. The whole point of federally funded education, however, was to "Americanize" the Indians and make them informed voters. American authorities favored the boarding schools because they took Indian children away from the influence of their parents and culture and immersed them in the language, religion, customs, and styles of their conquerors.[76] After a quarter century of Indian wars, most Americans saw this as the only way that the Indians could assimilate and live with the whites in peace. The process almost, but not quite, exterminated the Indians in California in the nineteenth century.

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In the early years of its existence, the United States clung to the lofty ideal that it would never entertain imperial ambitions. That sort of thing was to be left to the corrupt European powers from which the United States had fought so hard to free itself. The Declaration of Independence had equated lack of political representation with tyranny, and had listed this as one of the justifications for declaring independence from Britain. Yet, in the course of the nineteenth century, the United States denied political representation to nonwhite residents of U.S. states and territories. This was reflected in

[74] Wollenberg, *All Deliberate Speed*, p. 86.
[75] United States Department of the Interior, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior* (Washington, 1891), pp. 56-58.
[76] *Annual Report of the Commissioner of Indian Affairs* (1885), pp. 5-6.

the public schools, those institutions set up as nurseries of republican thought and civic responsibility and where children of color, for the most part, were forbidden.

The Civil War forced the nation to acknowledge the hypocrisy inherent in the fact that nonwhite individuals were being marginalized in a country founded on the principles of liberty and equality. While a majority of white Americans would have preferred that the population of the country be all white, this was patently impossible. Rail against it as they might, there was no avoiding the fact that American-born citizens, as guaranteed by the Fourteenth Amendment, were going to come in all colors. This was especially true in California, the most ethnically diverse state in the Union. Painfully, and by fits and starts, the public schools of California came to reflect that reality.

Conclusion

In 1852, Bishop Joseph Alemany petitioned California's State Superintendent of Public Instruction, John G. Marvin, for a portion of the state school fund to support Catholic schools. The Catholic Church strongly believed that the faith of its children would be threatened by attendance at California's public schools, which had a strong Protestant ethos. Catholic parents were therefore instructed to send their children to Catholic schools. Since these same parents had paid taxes into the state school fund, it was only fair that their share of the fund be directed to the schools of their choosing. This seemed to be a reasonable argument to Superintendent Marvin, who complied with the bishop's request. This action cost Marvin his job. The following year he was voted out of the Superintendent's office. That same year, the California state legislature passed a law that prohibited the use of school funds to support any school of a sectarian nature. California, so long a Catholic stronghold, now had a Protestant majority, and its public schools reflected that reality.

The nationwide struggles over school vouchers in the twenty-first century mirror the controversy over using public funds for Catholic schools in nineteenth-century California. Though the present debate has expanded beyond religion to include such issues as race and wealthy privilege, the objection is the same—that diverting public

funds into private schools will weaken the public school system. But there is another, more potent, objection, which goes to the heart of my thesis. Private schools, then as now, are seen by their opponents as attempts to prevent students from assimilating into the local culture, either racially, religiously, or economically. In the nineteenth century, Catholic Californians did not want their children influenced by Protestant ideas. In the twenty-first century, many parents who send their children to private schools seek to shield them from other influences. Some private schools are racially exclusive. This trend actually began with the first introduction of school vouchers in the 1950s, in response to the Supreme Court's ruling in *Brown v. Board of Education* which racially integrated public schools. Other private schools are sponsored by religious fundamentalists, who consider such state-mandated subjects as evolution and alternate life styles to be morally dangerous to their children. Still other private schools exist to prepare students to enter elite colleges and universities and to allow them to make the desired social connections that will benefit them in their careers and personal lives. Whatever form these schools take, opponents of private schools see the students in these private institutions as outside the mainstream. They view them as the elitist Other.

Southerners in the nineteenth-century United States regarded the common school as a Yankee institution, bent on turning their children against them. This was especially true after the Civil War, when the Republican Party exchanged its identification as the anti-slavery party for a new persona as the champion of universal education. In California, this was exacerbated by the long tenure of a New Englander as State

Superintendent of Public Instruction. John Swett believed that the South's failure to educate its young in republican virtues was at the root of its rebellion and secession. He was determined not to allow that in California. He wrote teacher's exams to weed out any applicants who might harbor Confederate sympathies. Even more egregious to southern parents living in California, he approved textbooks that portrayed the Union as saintly and the Confederacy as an agent of evil. Southern parents living in California refused to allow their children to attend schools where they would fall under the influence of such textbooks.

Controversy over school textbooks has continued ever since. The most violent protest occurred in West Virginia in 1974, incited by parents outraged by the new federal guidelines to make school curricula more multi-cultural. Religious groups, miners' unions, and the Ku Klux Klan became involved. There were boycotts and bombings and shootings before the issue was resolved, largely in favor of the conservative element. Textbook controversies still crop up on a regular basis. An advocacy group for Texas oil and gas interests tried to block the use of an unflattering textbook in an environmental science class. Fundamentalist parents in Florida were angry over a world history textbook which, they believed, was too complimentary of Islam. And creationists who believe that the earth and everything on it came about in six days object to science textbooks that claim that the earth is billions of years old. To solve this problem, some publishers have edited their textbooks to appeal to their markets. One of the largest of the textbook publishers, McGraw-Hill, publishes a textbook for high school students studying American history. The textbook goes through a review process at the state

level, and the text is modified to suit the sensibilities of the constituents of each state. As a result, there are "California" editions and "Texas" editions of the same textbook. On the subject of immigration, for example, the California edition presents the point of view of an immigrant, while the Texas edition offers the point of view of a border patrol officer. The same kind of divergence can be seen as well on such subjects as gun control, race, and sexual orientation. By altering textbooks, each state is trying to school its children according to the attitudes of the dominant culture in that state. Those who do not share the values of the dominant culture are nonetheless compelled to send their children to public school, unless they have the means to make other arrangements for their children's education. This is the essence of compulsory education.

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When we speak of compulsory education, therefore, we are referring to the compulsion of parents, not children. It is when parents find themselves surrounded by a society with which they have little in common that they must be compelled to allow their children to be schooled in the new culture. Throughout history, parents have been eager to pass on to their children their beliefs and their accumulated knowledge of the world. When the world suddenly changes, parental wisdom can seem outdated, perhaps even useless. Parents find themselves as ignorant of this new world as are their children, and this can create resentment and resistance to change.

In this study I have sought to illustrate this concept by examining the role of education within the many cultural interactions that make up California's history. The schooling of children is most successful in a stable, homogenous society, something that

was almost nonexistent in California during the nineteenth century. Before European contact, however, several California Indian tribes had such societies. Isolated even from each other, early California peoples such as the Tongva and the Chumash taught their children how to live as they themselves had lived for generations. These were hierarchical, conservative societies, where each person knew his or her place and for whom change was anathema. While knowledge of the material world was the birthright of all, mystical knowledge was regarded as a powerful weapon that could be used for good or evil. It could not be allowed to fall into the hands of someone who might misuse it. Such knowledge was therefore imparted in secret and committed to memory. When it was necessary to speak of it, the elite did so in a secret language. Nothing was written down. Those who possessed this knowledge were looked up to and feared by the rest of the village, and the elite were careful to preserve this source of power.

When the Franciscans came to Alta California in 1769 to hold the province for Spain, they brought with them a society as hierarchical and conservative as that of the California Indians. The Catholic Church made a sharp distinction between clergy and laity. It was quite content that its laity remain illiterate, since the purpose of the priests was to interpret scripture and church doctrine for the masses. The clergy conducted their religious rituals in an elite language—Latin—and, as illustrated by the Jesuit *Ratio Studiorum*, which remained unchanged for two hundred years, they looked on change of any kind as undesirable and somehow as a sign of a lack of faith.

Unchanging as the Catholic Church was in the eighteenth century, it nevertheless represented an enormous change for the native peoples of California. The Franciscans

were sincerely invested in bringing the California Indians into the Catholic fold. But they would have considered it sacrilegious to adapt Catholicism to the local environment. Instead, the local environment must adapt to Catholicism, which by this time in history had become inseparably identified with Europe. The friars brought with them European plants and animals, which displaced or destroyed much of the native habitat on which the indigenous peoples had depended for food. But they also insisted that the Indians learn how to farm and herd and dress and live as Europeans did. Because the Indians had become dependent on the Church for food, they had no choice but to comply, to the best of their ability, and to allow their children to be schooled in European ways. But there was still much resistance to change. Indians resisted conversion to European ways by running away from the missions. Those who could not run away sometimes rose up against the Franciscans in bloody revolt. While this is an extreme example of resistance to compulsory education, it demonstrates the problems inherent in the overlay of one culture upon another.

The non-Indian residents of Spanish California, on the other hand, belonged to the dominant culture. They had been born and raised Catholic and had been taught their rosary and their catechism. Although made up of an amalgam of ethnicities, they identified as Spanish subjects and they lived, ate, spoke, dressed, and worked in the Spanish style. Most of them were military men and their families and had sworn allegiance to the Spanish monarch. They lived under the watchful eyes of the Catholic clergy which, at the time, was the ruling class in California. The average Spanish child in California learned all he or she needed to know from parents and priests. Although some

secular Spanish authorities, such as Governor Diego de Borica, did attempt to establish schools in California, the Spanish population as a whole saw no need for them, and they soon died out. The absence of a printing press in California rendered literacy superfluous, as did California's isolation from the rest of the world.

With the dawn of the nineteenth century, that isolation began to disappear. Ships from Russia, England, and the newly independent United States put in at California ports to trade for goods produced by the missions. As a result of this trade, new ideas began to filter into the secluded province, ideas deemed dangerous by the Catholic clergy. These ideas included such blasphemies as self-rule and human rights. The Franciscans banned the books containing such ideas. Most Californians willingly complied with the bans. But there was a handful of literate California youths that was beginning to chafe against the restrictive ecclesiastical society in which they had been raised. They yearned for change. Their attempts to let in the light of the outside world, to overlay a new culture on the existing society, met with stiff resistance. When Mariano Vallejo smuggled in a shipment of banned books for his personal library, his priest informally excommunicated him.

It is no surprise that these liberal-minded youths became political leaders once Mexico declared its independence from Spain and became a republic. Yet the social structure in California never lent itself to republican government. There were two social classes in the minds of the Californios—the people of reason and the people without reason. Almost all of the California Indians were classed in the second category, the *gente sín razón*, and, even though Mexican law made them equal citizens with voting

rights, most of them never voted. Neither did most of them come to own the mission lands that had been held in trust for them since the days of Junípero Serra. Instead they worked on the ranchos established on those lands by the non-Indians, the *gente de razón*, who spent most of the Mexican period squabbling among themselves. They gave lip service to the importance of educating the young in a liberal society, but they did very little about it. Meanwhile, most Californios were content to remain as they had always been—willing subjects of the Catholic Church and of His Majesty the King.

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The Great Seal of the United States of America bears the motto *E Pluribus Unum*, "Out of many, one." The members of Congress who adopted that motto in 1782 probably had no idea what they were getting the country into. The "many" they were thinking of was the thirteen states (one for each letter of *E Pluribus Unum*), which Congress was trying to coalesce into a single political entity. Later, as it became evident that immigration from Europe was not going to abate, *E Pluribus Unum* became a promise that the United States would welcome and absorb people of a variety of nationalities. It was understood, however, that once they came to the United States, they would have to become Americans.

This was accomplished by means of the common schools. Politicians recognized the importance of a homogenous electorate, and this required that the Other be Americanized. As time went by and the world grew wider—especially after the discovery of gold in California—Americans came to realize just how diverse that Other might be.

The Civil War made that diversity even more manifest. Not only was it necessary to educate former slaves to make them responsible voters; it was also necessary to educate white Southerners, who had been bred in a hierarchical, paternalistic society in which wealthy landowners had always determined the votes of the common people.

As one state after another adopted compulsory education laws, parents fought to maintain their control of their children. Since education was necessary in a self-governing republic, states declared compulsory education to be a form of self-defense on the part of the government. Parents were therefore compelled to act in the interests of the greater good and send their children to school.

In California, compulsory education ran both ways. Not only did the state government compel parents to send their children to school; the state government itself was compelled to educate children who had at one time been outside the fabric of society but who now, in keeping with the principle of *E Pluribus Unum*, would be woven into it.

A study of public education in California in the nineteenth century is a study of how dominant societies exerted control over subordinates. Those who were at odds with the dominant culture saw compulsory education in the public schools as a violation of the rights guaranteed to Americans by the Constitution. The rectitude of this control has been argued over the years, but the fact remains that this process continues into the twenty-first century. Governments claim the right to compel their citizens to do what is perceived to be the most beneficial to the nation as a whole. Citizens continue to resist what they perceive to be unwarranted coercion on the part of the State. It is a struggle that will continue, and it will be played out, to a large extent, in the public schools.

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