

A Demon Named "Indian Joe"

BY PAUL BRYAN GRAY

Clare V. McKanna's latest work, *The Trial of "Indian Joe": Race and Justice in the Nineteenth-Century West* (University of Nebraska Press, 2003), is a superb book that examines the influence of American racist attitudes on the outcome of an 1892 murder trial in San Diego County. People of color were seldom treated fairly by the nineteenth-century judicial system, a phenomenon McKanna has already described in two of his previous works, *Homicide, Race, and Justice in the American West, 1880-1920* (1997) and *Race and Homicide in Nineteenth-Century California* (2002).

In *The Trial of "Indian Joe,"* McKanna narrows his study of racial bias against non-white criminal defendants to a single trial which he presents so meticulously that it is virtually seen under a microscope. McKanna persuasively argues that the defendant was found guilty and put to death because he was falsely demonized as an evil Indian. Racial assumptions about the defendant's character unfairly tainted both the investigation and trial of the case. Despite conflicting evidence raising doubt about his guilt, the Indian was doomed the moment he entered the courtroom.

In nineteenth-century California, no group of non-whites was regarded with more contempt than Indians, who were relegated to the absolute bottom of the social structure. Their condition evoked sympathy from Francisco P. Ramirez, the brilliant young Mexican editor of *El Clamor Público*, Los Angeles's Spanish language newspaper. The June 4, 1859, edition observed: "In California, Indians are killed by whites as if they were birds or wild animals. The Indian race is not seen as part of the human family."

Ten years later the April 1, 1869, Los Angeles *Republican* published an article that approved the approaching extinction of local Tongva people: "The number of Indians is diminishing so rapidly that they will soon cease to be a source of much annoyance." By 1892, the time described in McKanna's book, prejudice against Indians had not abated.

The case described by McKanna, based on admirable research, involves the murder of an elderly married couple named John and Anna Wilhelmina Geysler, who lived in a small farming settlement on Otay Mesa, east of San Diego. Two neighbors, father and son, went to the darkened Geysler home during the early evening of October 16, 1892, to investigate reports of a disturbance.

They found an Indian named José Gabriel inside the house and violently subdued him. The younger man grabbed a heavy metal pin used to stake out ani-

mals and beat the Indian about the head so severely that he nearly killed him. The men soon discovered the bodies of Mr. and Mrs. Geysler outside the house near a door on the south side leading to a kitchen. Both had been killed by blows to the skull, the murder weapons being a pair of clubs discarded close to the victims. Apparently the woman was killed inside the house, since the kitchen floor was covered with blood.

The captured Indian, José Gabriel, claimed that he had arrived and entered the house just before the neighbors set upon him. He had known the Geyslers for over a year and was living on their property while digging a cistern for them, a fact that was later verified. Gabriel said he approached the house from the north, where a barn in which he slept was located, and went through a door on the east to ask the Geyslers for something to eat. He did not know they were dead on the south side of the house until he was dragged through the kitchen door by his captors. Gabriel blamed the killing on two other Indians, but his reasons for accusing them were not developed in the court record.

After nearly being lynched at his preliminary hearing in Otay, Gabriel was bound over for trial in San Diego. Melville and Frank Rawson, two brothers practicing law together near the downtown courthouse, were appointed to act as defense counsel. They were less than successful civil attorneys whom McKanna describes as "not well versed in criminal law."

Experienced criminal attorneys would have known that a scenario of how the crime probably occurred might be inferred from the angle, depth, and size of the injuries left by the fatal blows. These details could also have led to deductions about the assailant(s) such as height, weight, and whether the wounds were inflicted by a right- or left-handed person. However, at the trial, the Rawsons neglected to cross-examine a medical doctor properly concerning the victims' wounds. In addition, they never saw fit to visit the crime scene.

Nevertheless, testimony and other evidence that did come out at trial pointed away from Gabriel's guilt. Without prompting by defense counsel at trial, a medical doctor stated on his own that the male victim's injuries showed he was struck with two clubs of different sizes, shapes, and weights. This fact, of course, supported José Gabriel's claim that the crime was committed by two other Indians.

Although half an hour passed between the neighbors hearing yells of the male victim and their arrival

at the Geyser home, it was never explained why José Gabriel would have dallied so long around the bloody bodies before his capture. If he was guilty, he easily could have fled down one of the canyons back of the mesa and escaped before the neighbors arrived. The Mexican border was only two miles away.

One of the most compelling features of the case was the bloody tracks of one or more bare-footed persons found on the kitchen floor. Although he had no shoes, it is unlikely that they were made by José Gabriel. Every witness agreed that there was no trace of blood on the soles of his bare feet, a near impossibility if he had been in the kitchen. This and many other anomalies left enough reasonable doubt for a possible acquittal.

The real problem in the case, and I think the point of McKanna's book, was the creation of a demonic persona for José Gabriel after he was charged with murder. The San Diego *Sun* gave Gabriel the fictitious name "Indian Joe" in a headline on October 17, 1892, that read: "'Indian Joe' Does the Deed." The San Diego *Union* not only adopted the fiction of "Indian Joe," but it portrayed Gabriel as a "fiend" and an "Indian devil." The paper claimed he had "snake-like eyes" and "a swarthy face filled with savage cunning." The stories in the press made "Indian Joe" into a kind of satanic monster. The actual person known as José Gabriel was lost in the racist myth of "Indian Joe."

José Gabriel was born in El Rosario, Baja California. He probably spoke Borjeño (a sub-Yuman dialect) in his youth as well as Spanish. Eventually he wandered into San Diego County where he learned some English and worked as a casual laborer for about fifty cents a day. At the time of his arrest, he was sixty years old and had lived in the area for over twenty-five years. While he liked to drink a little wine, Gabriel had a good reputation and was considered a reliable worker. No one called him "Indian Joe" until he was charged with murder. Several people who had employed him over the years testified that he was always simply known as "Gabriel."

The false characterization of Gabriel as the evil "Indian Joe" was permitted by the court during trial. Several witnesses who did not know him took a cue from the press by referring to Gabriel as "Indian Joe." The court made no effort to maintain the defendant's proper identity although the prejudice it engendered must have been obvious. Gabriel's appearance likely



José Gabriel

encouraged his being cast in the role of the malignant "Indian Joe." He had an ugly face lined with deep scars. Under the involuntary guise of the monstrous "Indian Joe," he was found guilty and sentenced to be executed. José Gabriel went stoically to his death by hanging in San Quentin on March 3, 1893.

McKanna's book is not only well researched, but beautifully written. It is a cautionary tale from the nineteenth century that is relevant today. In the last decade numerous wrongfully imprisoned people have been ordered released from death rows across the country as a result of DNA testing conducted through The Innocence Project headed by Barry Scheck and Peter Neufeld. The repeated conviction of innocent people, many of them racial minorities, remains a major concern today long after the death of the innocuous José Gabriel, demonized under the name of "Indian Joe." The little book by McKanna remained on my mind long after I read it.

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