

John Rollin Ridge, ca 1850. (Photo, daguerreotype, California State Library.)

## Stranger in a Strange Land:

### *The Story of Yellow Bird, California's First Native American Attorney*

BY JOHN G. BROWNING

IN A LETTER written in October 1854, California's first Native American attorney, John Rollin Ridge — better known by his Cherokee name, Chees-quata-law-ny, or Yellow Bird — shared his impressions concerning how he felt after moving to the state at the height of the Gold Rush:

I was a stranger in a strange land. I knew no one, and looking at the multitude that thronged the streets, and passed each other without a friendly sign, or look of recognition even, I began to think I was in a new world where all were strangers, and none cared to know.<sup>1</sup>

As we shall see, Ridge was indeed an outsider in many ways. He was a Native American who had fled the violence roiling the Cherokee Nation after its displacement during the tragic Trail of Tears, and a man of letters who used his education to enter professions that were otherwise closed to him, becoming not just a lawyer but a journalist and America's first Native American novelist as well. And in his best-known work, *The Life and Adventures of Joaquín Murieta, the Celebrated California*

*Bandit*,<sup>2</sup> the trained lawyer provided insights into how rejection of the rule of law and the legally sanctioned treatment of minorities as inferior can give rise to vigilante violence.

#### *Our Dark History*

Dreams of Gold Rush fortune-making aside, there were few states that would have been worse for a Native American like John Rollin Ridge to move to in 1850. As Governor Gavin Newsom acknowledged in his executive order apology last year, California's Native Americans endured "violence, exploitation, dispossession and the attempted destruction of tribal communities" during more than a century of state-sanctioned "depredations and prejudicial policies against California Native Americans."<sup>3</sup> Yet even this historic apology doesn't convey the enormity of the genocidal campaign waged against Native Americans in California. Between 1846 and 1870, California's Native American population plummeted from approximately 154,000 to roughly 30,000.<sup>4</sup> Although disease and starvation accounted for much of this total, approximately 16,000 were slaughtered — not just in conflicts with white settlers or the U.S. Army, but in the 24 state militia expeditions called out or authorized by California governors between 1850 and 1861.<sup>5</sup>

One of those governors was the state's first, Peter Burnett (also later a justice of the California Supreme Court), who in his 1851 State of the State Address declared that "a war of extermination will continue to be waged between the races until the Indian race becomes extinct."<sup>6</sup> Reflecting the prejudices of the day, the *Daily Alta California* newspaper had issued its own genocidal call in 1849, writing: "Whites are becoming impressed with the belief that it will be absolutely necessary to

2. John Rollin Ridge, *The Life and Adventures of Joaquín Murieta, the Celebrated California Bandit*, San Francisco: William Cooke & Co., 1854; Norman, Okla.: U. of Oklahoma Press, rev. ed. 1977.

3. Hon. Gavin Newsom, Executive Order N-15-19 (June 18, 2019), <https://www.courts.ca.gov/documents/BTB25-PreConTrauma-02.pdf> [as of Sept. 21, 2020].

4. Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe*, New Haven, Conn.: Yale U. Press, 2016, 354.

5. Benjamin Madley, "It's Time to Acknowledge the Genocide of California's Indians," *Los Angeles Times*, May 22, 2016, <https://www.latimes.com/opinion/op-ed/la-oe-madley-california-genocide-20160522-snap-story.html> [as of Sept. 19, 2020].

6. Gov. Peter Burnett "State of the State Address" (Jan. 6, 1851) *Governor's Gallery*, [https://governors.library.ca.gov/addresses/\\_01-Burnett2.html](https://governors.library.ca.gov/addresses/_01-Burnett2.html) [as of Sept. 18, 2020]. See also Gregory Nokes, "Peter Hardeman Burnett's Short but Notorious Judicial Legacy" (Spring/Summer 2020) *CSCHS Review* 16.

1. Rennard Strickland, "Yellow Bird's Song: The Message of America's First Native American Attorney" (1993) 29 *Tulsa L. Rev.* 252.

exterminate the savages before they can labor much longer in the mines with security.”<sup>7</sup>

Overt violence was just one tool. Over the coming years, state lawmakers, law enforcement officials, and judges would also strip Native Americans of legal power and rights, land, and protection under the law. The ironically-titled “Act for the Government and Protection of Indians,” passed in 1850, banned Native Americans from voting; legalized the corporal punishment of Native Americans; made them presumed guilty until proved innocent in the event of criminal charges; legalized de jure custodianship of Native American minors as well as convict leasing; and stipulated that no white man could be convicted of a crime based on the testimony of a Native American.<sup>8</sup> After that Act, California legislators moved swiftly to restrict Native American access to the courts, barring them from giving evidence against a white person in criminal cases, from serving as jurors, or from serving as witnesses in civil cases involving whites. On February 19, 1851, legislators decreed that only “white male” citizens could become attorneys.<sup>9</sup>

### *Enter Yellow Bird*

One might think that with such an overwhelmingly hostile climate toward indigenous people, California in 1850 would be among the least likely destinations for a Native American seeking to make his fortune. However, John Rollin Ridge was no ordinary individual. Born in 1827 in the Cherokee Nation (present day Georgia) to a wealthy, prominent Cherokee leader named John Ridge and his wife Sarah (the daughter of white missionaries from Connecticut), John Rollin Ridge was raised in comfortable surroundings.<sup>10</sup> He was educated by missionaries in New Echota, the Cherokee capital. But there was trouble brewing over the policy of “Indian removal” being pushed by the Georgia Legislature and at the national level by President Andrew Jackson. Ridge’s father and grandfather led a Cherokee faction that was resigned to the inevitability of being removed from their ancestral homeland; they signed the Treaty of New Echota in 1835, and voluntarily relocated to lands provided to them in what is now Arkansas and Missouri. Another faction led by John Ross resisted relocation, and was forcibly removed as part of the horrific “Trail of Tears.”

Once the Ross faction arrived, bad blood persisted between the starving newcomers and the “Treaty” Cherokees who had already settled in the new territory.

Resentment boiled over into violence, and on June 22, 1839, John Ridge was dragged out of his home and stabbed to death in front of his wife and 12-year-old son (other “Treaty” faction leaders, including John Rollin Ridge’s grandfather, were also assassinated the same day).<sup>11</sup> After the murders, and fearing for her family’s safety, Ridge’s mother Sarah moved them to Fayetteville, Arkansas. There young John continued his education, even as the family’s finances became more precarious. In 1843, Sarah sent John back East for further schooling at Great Barrington Academy in Great Barrington, Massachusetts, where he remained until 1845.<sup>12</sup>

In 1845, Ridge returned to Fayetteville to study law. In keeping with the custom of the time, this meant “reading the law” under the tutelage of an older lawyer. In a letter to his uncle, Cherokee leader Stand Watie, Ridge says, “I have been in town here ever since you left pursuing the study of Law and will remain for a considerable while.”<sup>13</sup> In May 1847, Ridge married a white woman, Elizabeth Wilson, and they settled down on a farm on Cherokee land. With the arrival of a daughter, Alice, in 1848, Ridge began to supplement his income as a writer, publishing poetry as well as articles about Cherokee politics and history in Arkansas and Texas newspapers under his Cherokee name, Yellow Bird. But in 1849, Ridge killed a member of the Ross faction in a confrontation over Ridge’s missing stallion.<sup>14</sup> Fearing that he would not receive a fair trial, Ridge fled — initially to Missouri, and then, on April 18, 1850, for the gold fields of California, leaving his wife and daughter to follow later. He would never return to Arkansas or the Cherokee Nation.

### *California Dreaming*

Initially, Ridge headed to California accompanied by his brother Andrew and an African American slave (the Cherokee, for all their sufferings, saw no hypocrisy in their own slaveholding tradition). The trip was arduous and depleted virtually all of Ridge’s resources. Upon arriving in Placerville, a bustling mining town at the foot of the Sierra Nevada mountains, Ridge’s party tried to set up a mining operation. But Ridge quickly learned that few of the fortune-seekers ever actually struck it rich. There was a shortage of available claims; digging or prospecting for gold was backbreaking work; and the costs of supplies and equipment was exorbitant. Compounding the harsh living conditions in mining camps was a lawless environment characterized by vigilante violence against immigrant miners.<sup>15</sup> Interestingly enough,

7. Quoted in Erin Blakemore, “California’s Little-Known Genocide” (Nov. 10, 2017) *History.com*, <https://www.history.com/news/californias-little-known-genocide> [as of Sept. 18, 2020].

8. Madley, *An American Genocide*, 158–59.

9. *Id.* 160. See also, e.g., Michael Traynor, “The Infamous Case of *People v. Hall* (1854) — An Odious Symbol of Its Time” (Spring/Summer 2017) *CSCHS Newsletter* 2.

10. See generally James W. Parins, *John Rollin Ridge: His Life and Words*, Lincoln, Neb.: U. of Neb. Press, 2004, 10.

11. *Id.* 29–31.

12. *Id.* 36.

13. *Id.* 45 [referencing letter of John Rollin Ridge to Stand Watie, Apr. 14, 1846].

14. *Id.* 55.

15. See, e.g., Martin Ridge, Disorder, “Crime, and Punishment in the California Gold Rush” (Autumn 1999) *Montana, The Magazine of Western History* 12–27, 22–23.

Ridge was far from the only person with a legal background seeking his fortune during the Gold Rush. Many lawyers flocked to gold mining camps.<sup>16</sup> One of these was Stephen J. Field, who went from alcalde and justice of the peace in the mining community of Marysville, California in 1850 to the California Supreme Court, and finally to the U.S. Supreme Court as an associate justice, appointed by President Lincoln in 1863.<sup>17</sup>

Ridge himself had little but disgust for the lawyers he encountered in mining camps and towns, and felt there were too many of them. He observed:

This part of the country abounds with lawyers . . . (whose name in every country is Legion), some good and some bad; some lawyers who understand the point of lucre, and others who deal more in monies than they do in eloquence, although the latter is not always dishonored at their hands . . . . A few are certainly such men as we can trust . . . , but the majority of them, I might almost call them a mass, belong to that abominable class of knaves, idiots, and scoundrels.<sup>18</sup>

Ridge would be among those who decided that using his legal training would be more lucrative and less physically taxing than mining for gold. Still, he saw law as a last resort to provide a stable source of income beyond his writing endeavors, his post as Yuba County deputy clerk, and “side hustles” as a notary public and a part-time special policeman. Writing to his mother in 1855, Ridge said:

I will not practice law unless I am driven to it. The general science of law I admire — its every day practice I dislike. But for the sake of having something upon which to rely in case of necessity, I have patiently burned the midnight oil since I have been in Marysville. I was determined that if untoward circumstances gathered around me, and I was thrown out of employment, I would have some sure thing to depend upon, so that I might stand boldly up and say to the world, “I ask you no favors.” I prefer a literary career, but if I cannot place myself in a position as a writer, I will even go into the drudgery of law.<sup>19</sup>

16. Gordon Morris Bakken, *Practicing Law in Frontier California*, Lincoln, Neb.: U. of Neb. Press, 1991, 14.

17. Stephen J. Field, *The Personal Reminiscences of Early Days in California* (1880, 1893), reprint New York: [privately published], 1969. See also James Marchiano, “Justice Stephen J. Field’s Personal Reminiscences, Remembered” (Spring/Summer 2011) *CSCHS Newsletter* 10 [recounting the story of how the book came into existence, leading to the original 1893 publication].

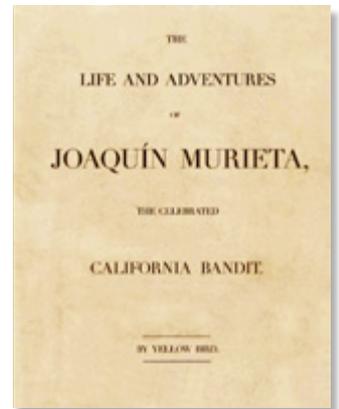
18. Strickland, *supra* 29 *Tulsa L. Rev.* 252, 253.

19. Letter of John Rollin Ridge to Sarah Ridge, Aug. 19, 1856, located in the Stand Watie Miscellaneous File, Western History Collections, University of Oklahoma Library.

Little is known of John Rollin Ridge’s law practice, but it was likely as mundane as he described, probably drafting of mortgages and deeds, and resolving disputes between merchants and miners. And while the State Bar of California archives have no record of a “John Rollin Ridge” being admitted to the bar,<sup>20</sup> in all fairness, Ridge died long before the earliest admission dates of practicing attorneys who were brought into and assigned bar numbers by the State Bar. As Gordon Bakken pointed out, the Roll of Attorneys in the California State Archives in Sacramento reflects a total of 619 people admitted to practice in the 1850s, “but in that era it was not unusual for men to practice law in local justice courts without being admitted to the bar.”<sup>21</sup> Admission to practice in California then, as in most states, was fairly easy. Bar admission, as Bakken noted, required being “twenty-one years of age, good moral character, and the necessary qualifications of learning and ability.”<sup>22</sup> Having “read the law” in Arkansas, and with his intellectual gifts and writing skills, it is not surprising that Ridge could meet and exceed the low bar for admission.

A more intriguing question is how Ridge achieved this despite his Native American ancestry, which should have barred him under California law from entering the legal profession. Certainly, Ridge made no secret of his lineage, writing under his Cherokee name and sometimes tackling topics related to Native American issues and white atrocities committed against indigenous peoples in California.<sup>23</sup> It is possible that in daily life, the biracial Ridge “passed” as white; surviving photographs depict Ridge as lighter-skinned, with more Anglo features than Native American.

Regardless, John Rollin Ridge’s most important legacy remains not in his work as a lawyer, but as a writer. He wrote for the *Sacramento Bee*, was editor of the *California Express* until 1858, and then became the editor of the



Title page of *The Life and Adventures of Joaquín Murieta: The Celebrated California Bandit* by John Rollin Ridge, writing as “Yellow Bird.” (Public domain, via Wikimedia Commons.)

20. Email to the author from Louise Turner, Program Supervisor, Attorney Regulation, The State Bar of California (Aug. 12, 2020).

21. Bakken, *Practicing Law in Frontier California* 2.

22. *Ibid.*

23. See, e.g., David Farmer and Rennard Strickland, *A Trumpet of Our Own: Yellow Bird’s Essays on the North American Indian*, San Francisco: Book Club of California, 1981, 54–64.

*Daily National Democrat*.<sup>24</sup> He achieved great renown (if not riches) for his only novel, *The Life and Adventures of Joaquín Murieta, the Celebrated California Bandit*, published in 1854.<sup>25</sup> Widely regarded as the first novel by a Native American author, the book recounts the tale of a Robin Hood-like figure, a Mexican American driven to banditry after he and his wife were wronged by white men. Ridge's tale of a bandit turned folk hero echoed the xenophobia and ethnic violence of California in its early days of statehood. But although his work captured the public imagination, Ridge never realized the profits he deserved<sup>26</sup> — and so law and journalism remained his more reliable sources of income.

After the end of the Civil War in 1865, Ridge was part of a Cherokee delegation that traveled to Washington, D.C. to negotiate with the federal government (a faction of the Cherokee Nation had sided with the Confederacy

during the war, and Ridge's uncle Stand Watie had served as a general). But that delegation ended in failure, and Ridge returned to California. By 1867, John Rollin Ridge would be dead of a "brain fever," or encephalitis lethargia.<sup>27</sup>

### Conclusion

John Rollin Ridge is best known today as one of the first modern Native American writers, and an important figure in early California journalism. But he was also California's first Native American attorney, an often overlooked and stunning accomplishment given the barriers that have existed throughout U.S. and California history restricting Native Americans from entering the legal profession. Yet at the same time, John Rollin Ridge — who remained a "stranger in a strange land" long after his arrival in California — reflects the dichotomy and inner conflict experienced by all Native American lawyers and perhaps all minority attorneys. Ridge was driven into white society, a so-called "civilized Indian" educated in white schools, yet his sense of Native American pride and identity remained at odds with the demands of surviving in the white man's world. ★

24. Parins, *John Rollin Ridge*, 139.

25. See, e.g., Cheryl Walker, "John Rollin Ridge and the Law" in *Indian Nation: Native American Literature and 19th-Century Nationalisms*, Durham, N.C.: Duke U. Press, 1997, 111–38; Hsuan L. Hsu, "The Legend of Joaquín Murieta: A History of Racialized Violence" (July 9, 2018) *The Paris Review*, <https://www.theparisreview.org/blog/2018/07/09/the-legend-of-joaquin-murieta-a-history-of-racialized-violence/> [as of Sept. 18, 2020].

26. Copyright infringement was not uncommon during this period, nor were unscrupulous publishers. In his correspondence to family, Ridge expresses frustration and money problems, saying he "expected to have made a great deal of money off of my book," and describes publishers as "putting the money in their pockets" while leaving him and other authors "to whistle for our money." See Parins, *John Rollin Ridge*, 105–8.

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27. Parins, *John Rollin Ridge*, 220.

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