

FEW HEROES: CALIFORNIA MISSION SECULARIZATION

By John S. Caragozian

As California has long taught schoolchildren, the 21 California missions were key in our state's history. For better or worse, the missions provided a toehold for Christianity and European "civilization" in this remote outpost of Spain's empire.

Franciscan missionaries founded the first California mission in 1769 in San Diego and the last in 1823 in Sonoma. By the early 1830s, some 18,000 Native Americans worked the tens of millions of acres of mission lands along the Pacific coast.

By the end of the decade, however, the missions and missionaries were largely defunct, shorn of their people and lands. The reasons ranged from altruism to greed.

Spain had originally planned for California's missions to be temporary. Missionaries were to instruct Native Americans in religion, agriculture, and related trades such as weaving and blacksmithing. Within 10 years after a mission's founding, the Native Americans were to become eligible for full-fledged citizenship and the missions were to become regular parish churches in secular pueblos. Accordingly, missionaries held mission lands in trust, with title to be transferred to Native Americans upon the latter's citizenship. *See, e.g.,* W. W. Robinson, "Land in California," at 24-25, 28-29 (1948).

The missionaries' treatment of Native Americans was and remains controversial. Most modern historians conclude that the missionaries enslaved the Native Americans and subjected them to corporal punishment, or worse, if they tried to escape the missions, shirked work, or practiced tribal religion. A different perspective is that mission natives were treated better than Native Americans in California's few pueblos.

In any event, the missions grew to eventually claim one-sixth of all of modern-day California's land.

In 1813, Spain decreed that the California missions were to be secularized: in theory, the missionaries were to become parish priests and lands to be turned over to Native Americans, conditioned upon the Native Americans being sufficiently "advanced." Missionaries responded that no such advancement had occurred because Native Americans could not so quickly attain a level of civilization that had taken Europeans centuries. *See* Zephyr Engelhardt, III "Missions and Missionaries of California," at 315, 320-21 (1913). As a result, Spain's decree had no practical effect.

Within the next decade, however, three related events laid a foundation for actual secularization. First, in 1821, Mexico became independent. Spain, though, continued to inveigh against independence, so Mexico expelled all Spaniards under age 60 as potential threats. The expulsion applied to California missionaries, many of whom were born in Spain. While some

individual missionaries were at least temporarily exempted, the missionaries as a whole were weakened,

Second, in 1826, Mexico's California governor, Jose Maria de Echeandia, proclaimed the Native Americans emancipated. They were no longer subject to corporal punishment, were otherwise freed from missions' control, and were eligible to become citizens.

Third, and most important, Mexican citizens increasingly recognized California's agricultural potential and began to migrate here. This migration, in turn, engendered conflict between religious missions—which monopolized land ownership in the then-explored parts of California—and hundreds of secular Mexicans looking for land on which to settle.

In 1828, Gov. Echeandia issued regulations for land grants. While these first grants avoided undisputed mission lands and went mainly to the governor's allies, they helped to introduce private ranchos in California and to attract still more settlers.

Two years later, Gov. Echeandia petitioned Mexico's central government for broad secularization of the missions. When the central government failed to act, Echeandia, on his own initiative and at the end of his gubernatorial term, decreed secularization.

Newly appointed California Gov. Manuel Victoria arrived from Mexico City in 1831 and immediately suspended the decree. In response, an armed rebellion by California-born citizens called Californios—who resented being governed by a non-Californio and coveted the land that secularization would make available—deposed Gov. Victoria. Mexico then appointed a Californio governor.

In 1832, California again petitioned the central government of Mexico for secularization on the grounds that the missionaries continued to mistreat the Native Americans and the missions had become too powerful. That year, the central government instructed California to gradually distribute mission land to Native Americans "as are fitted for it" until only lands necessary for "spiritual administration" remained under missions' control.

Finally, in 1833, the central government decreed abrupt and all-inclusive secularization. The central government ordered that mission lands, save for the church buildings and gardens, be distributed and subject to administration by secular officials.

Under California's 1834 regulations to implement secularization, each Native American family head or adult over 20 years old would receive up to 28 acres, a pro-rata share of one-half of the mission livestock, tools, and seed for the next crop year. Lands not distributed to Native Americans could be granted or sold.

A pro-missionary historian, himself a Franciscan, wrote that secularization was confiscation and derided its supporters as caring nothing for Native Americans and, instead, as being "schemers" for mission lands. Zephyryn Engelhardt, *supra*, at 320-21, 418. While his views are suspect (for

instance, he repeatedly referred to Native Americans as “savages”), his basic argument was correct in that secularization failed to provide Native Americans with the promised benefits.

A few Native Americans received acreage—typically small plots of poor land—but eventually lost it by sale or forfeiture. California’s governors granted most mission lands to their own families, allies, and other wealthy or influential Californios. California experienced a land rush and the creation of the almost-mythical rancho period, when families presided in feudal style over grants that sometimes exceeded 40,000 acres apiece.

Individual missionaries bore some blame here, too. After secularization, they deserted the missions and allowed and sometimes encouraged outsiders to take livestock, tools, and even parts of buildings that could be used as construction materials. The result was that little of value was left for those Native Americans who wanted to remain at the missions that may have been their only homes; instead, they drifted to native villages, Mexican pueblos, or ranchos, often enduring severe poverty.

By 1845, almost all mission lands had been granted, sold, or leased. Even some mission buildings—for example, the San Gabriel mission—had been sold to pay off mission debts. *See* W. W. Robinson, *supra*, at 30-31, 58-61, 67.

The resulting Mexican rancho era lasted less than 20 years. In 1846, the United States occupied California during the U.S.-Mexico War and eventually annexed California, which the 1849 gold rush further transformed.

Ironically, the Californios who owned the vast ranchos (after dispossessing Native Americans) themselves lost their land after the U.S. conquest, but that story is for a future column.

As for the physical missions, the U.S. Supreme Court invalidated the sales of the San Gabriel and San Luis Rey missions, holding that the Mexican governor had lacked authority under Mexican law to sell them. *U.S. v. Workman*, 68 U.S. 745, 762-66 (1863). U.S. president Abraham Lincoln returned other California missions to the Roman Catholic Church. Today, missions have been rebuilt, attract tourists, and serve as parish churches.

A coda involves the Los Angeles County seal, which included a depiction of the San Gabriel mission topped by a Christian cross. A taxpayer represented by the ACLU sued, claiming that the cross violated the California and U.S. constitutions’ prohibitions on governments establishing religions. The County replied that the cross was historical, not religious, but a federal court disagreed. *Davies v. Los Angeles County Board of Supervisors*, 177 F. Supp. 3d 1194, 1207-28 (C. D. Cal. 2016). The current county seal still includes the mission but no cross.

John Caragozian is a Los Angeles lawyer and on the Board of the California Supreme Court Historical Society. He thanks Janie Schulman for her contributions to this column. He welcomes ideas for future monthly columns on California’s legal history at jcaragozian@sunkistgrowers.com.

*A version of this article first appeared in the Nov. 29, 2021 issue of the Los Angeles Daily Journal.
Reprinted with permission.*