

Support Document for the Amah Mutsun Nation

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This essay is intended to support the Amah Mutsun Nation in their efforts to protect one of their sacred areas currently under threat as a result of the Sargent Ranch Management Company and its plan to build a gravel mining project on 320 acres located on the traditional Amah Mutsun territory. It is accurate to say that the Sargent Ranch Management Company is seeking authorization to use its claim of a property right in the Amah Mutsun Nation territory to build a gravel mining project. One question is whether Santa Clara County, which traces back to the Spanish Catholic Crown law system, will give a green light to the project.

A significant part of the context for this essay is to be found in the book *Murder State: California's Native American Genocide, 1846-1873*, by historian Brendan Lindsay.¹ It is also to be found in *An American Genocide*, by historian Benjamin Madley.² Below I explain the reason why the Sargent Ranch Management Company and the County of Santa Clara are both considered to have a stronger decision-making position in relation to that 320 acres (now known as Juristac) than the Amah Mutsun people who have a cultural and sacred relationship with that area, a relationship which long pre-dates any claims by the Spanish crown to "Alta California," and long pre-dates the founding of the United States, or the founding of the state of California in September of 1850.

In 1771, the Spanish Catholic missionary Junipero Serra spoke on behalf of the Spanish Catholic system of domination when he expressed his "hope" that "we [Spanish Catholics] will see, before long, new and immense territories gathered into the bosom of our Holy Mother the Church, and subjected to the Crown of Spain."³ In 1775, the Franciscan and

¹ Lincoln: University of Nebraska Press, 2012.

² New Haven: Yale University Press, 2017.

³ Writings of Junipero Serra, ed., Antonine Tibesar, O. F. M., Vol. I, Washington, D.C.: Academy of American Franciscan History, p. 209.

Dominican Orders issued a joint statement in which they referred to finding themselves “in this corner of Old and New California, occupied with the spiritual conquest and conversion of infidels. . .”⁴ The spiritual and cultural “reduction” (conquest) and conversion of “infidels” involved cutting them off from places that were spiritually and culturally significant to the “infidel” nations in their own territories, such as in the territory of the Amah Mutsun. The invasive introduction of the Roman Catholic Spanish Crown system into “Alta California” (north of present day Tijuana, Mexico), created an invasive “property” framework of domination that the Amah Mutsun people and other Native nations throughout California are still dealing with to this day. Let us turn now to a deeper examination of that framework and overall context.

The Roman Empire Pattern

Based on the history of the Roman Empire, we are able to identify its ancient mission: Go forth in search of new places to violently force under Roman domination. This process by which the Romans forced their own cultural pattern on nations and peoples to which that cultural pattern was foreign became the basis for one definition of the form of domination called “civilization.” Evidence of this is found in *Webster’s Third New International Dictionary* (1993) under the entry for “civilization,” “the process of civilizing: the forcing of a cultural pattern on a population to which it is foreign.”

Additionally, certain documents issued by a number of popes of the Roman Catholic Church during the fifteenth century⁵ enable us to identify the ancient mission of Christendom (the Christian empire): Go forth in search of previously unidentified non-Christian places to violently force under Christian domination. The “process” of “civilizing” included at least seven-steps that were used to impose the “universal” (Catholic) Roman system on a non-Christian region, such as the Amah Mutsun

⁴ Fr. Zephyrin Engelhardt, O.F.M., *The Missions and Missionaries of California*, Vol. I, Santa Barbara, California: Mission Santa Barbara, 1929, p. 524.

⁵ See *European Treaties Bearing on the History of the United States and Its Dependencies to 1648*, ed., Frances Gardiner Davenport, Washington, D.C.: The Carnegie Institution of Washington, pp. 1-117.

territory in order to “reduce” infidel religious enemies. This is why the Spanish Catholic missions were called “reductions” (*reducciones*, in Spanish). “Civilizing” “savages” was to be achieved by forcing them to undergo a reduction process which would forcibly condition them to live under Christendom’s system of domination. Here are the seven steps: 1) locate them, 2) invade them, 3) capture them, 4) vanquish them, 5) subdue them, 6) reduce them to perpetual slavery, 7) take away their possessions and property.⁶

In the papal bulls of 1493, Pope Alexander calls for the Christian empire to be propagated, and for “barbarous” non-Christian nations to be “reduced” (*deprimantur* and *reducire* in Latin). In the papal decree of May 3, 1493, we find a Latin section of a papal document *Inter Caetera* which reads “*sub actuali dominio temporali aliquorum dominorum Christianorum constitute non essent,*” (lands “not constituted under the domination of any Christian dominators”).⁷ “Infidels,” such as the Amah Mutsun, and the lands of “infidels,” such as the Amah Mutsun territory, were, by means of deadly violence, to be forced under (constituted under) domination by various Christian dominators (“*dominorum Christianorum*”) who were representing the might and weight of church and state, by means of which the “infidels” were to be “pressed down” and subject to the yoke of Christian “civilization” (domination).

Representatives of Christendom (Portugal, Spain, England, France, etc.) were sent by ship to sail in search of some previously unknown place, such as the lands of the Amah Mutsun, where the system of Christian domination had not yet been constituted or established. Once they had successfully sailed to a place inhabited by non-Christians, they were then able to claim to have made “a discovery” of that place for the purpose of creating a system of domination there, consistent with the wording and ideas found in the papal bulls and in royal charters.

⁶ Ibid.

⁷ Ibid., p. 59.

The Chosen People/Promised Land/Right of Domination Mental Model

For millennia, the Amah Mutsun people have had an ongoing sacred relationship with their traditional territory. Their relationship with their territory began thousands of years before the ships of the Spanish crown first invaded that part of North America now known as California. The documents mentioned above clearly reveal that the invaders from Christendom arrived with the intention of establishing a system of Christian domination along the western coast of North America for the temporal and “spiritual conquest” (domination) of the original nations and peoples such as the Kumeyaay, the Chumash, the Maidu, the Miwok, and the Amah Mutsun, to name but a few.

From one perspective, there are people who say there is no biblical basis for the expansion of “Christian empire” or for the violent reduction of infidels. Given that Jesus, was “the prince of peace,” the thinking goes, the effort to, by means of war, dominate the original nations and peoples of this continent was not in keeping with a “Christ-like” path of peace. However, in the Old Testament story of the Chosen People and the Promised Land, we find the narrative of a god who is said to have chosen a specific people with whom he wanted to have a special relationship. Because the deity had chosen them, they are known in the story as “the Chosen People.”

The deity of the Old Testament made a promise of land to his “Chosen People,” but it was land where other nations and peoples were already living. So, according to the story, the “God” of the Bible gave the people he had chosen the right to use various and deadly means of domination against the many nations living on the lands he had promised them. The deep structure of this Old Testament narrative is well-illustrated by just one genocidal passage from the book of Deuteronomy:

But of the cities of these people, which the Lord thy God doth give thee for an inheritance, thou shalt utterly destroy them; namely, the Hittites, and the Amorites, the Canaanites, and the

Perizzites, the Hivites, and the Jebusites; as the Lord they God hath commanded thee.

(Deuteronomy 20: 16-17).

Representatives of Christendom took the Chosen People/Promised Land/Right of Domination cognitive model from the geographical context of the Middle East and applied the vocabulary and pattern of reasoning of that mental model to other geographical areas of the planet, such as here in the Western Hemisphere. Martin E. Marty illustrates this in his book *Righteous Empire: The protestant experience in America*⁸ in his examination of the thinking of colonial Americans in the early decades of the United States:

A strong sense of place was fused with their sense of mission and destiny. As had their fathers before them, they regularly resorted to scriptural imagery to define themselves. In the colonial era the imagery of the wilderness prevailed. Now the familiar term was “Promised Land,” and they were the Israelites who were called to conquer [dominate] it.⁹

Elsewhere Marty writes: “So successful were the orthodox at making the identification with Israel that the larger literary community was able to build on it.” (p. 46). Marty then quotes author Herman Melville: “We Americans are the peculiar, chosen people—the Israel of our time...” This illustrates the fact that the American people have metaphorically thought about themselves and written about themselves in terms of the Israel of old, and the fact that the traditional territories and sacred places of nations and peoples such as the Amah Mutsun have been thought of and written about in terms of the vocabulary of the Chosen People/Promise Land/Right of Domination mental model.

Since the “Chosen People” of the Old Testament are commanded by their god to “utterly destroy” unchosen nations and peoples in the Middle East, it is consistent with the analogy as it has

⁸ New York: The Dial Press, 1970.

⁹ Ibid., p. 46.

been applied in North America for the unchosen nations and peoples of North America to be “utterly destroyed” along with their sacred and significant places.

I do not use the word “domination” lightly in relation to the intentions of the Spanish crown and the United States, in relation to the original nations of this continent, including the Amah Mutsun nation and the Amah Mutsun territory. As the Amah Mutsun website states with regard to their sacred place currently under threat:

Shockingly, the new owners of this property, Sargent Ranch Management Company, have proposed a 320 acre sand and gravel mining project that will destroy and desecrate our most sacred spiritual and religious site.

In their textbook *Property and Law*¹⁰, law professors Charles Monroe Haar and Lance Liebman define “property” as “the first establishment of socially approved physical domination over some part of the natural world.”¹¹ By referring to the Sargent Ranch Management Company as “the new owners of this property,” that management company is being characterized as having the right to claim a right of domination in relation to the area that has been sacred to the Amah Mutsun people for thousands of years. This is in keeping with the way that the Amah Mutsun themselves have defined their current situation.

Over the past 225 years, the intentional destruction and domination of the Amah Mutsun culture, environment and spirituality resulted in the near extermination and erasure of the Amah Mutsun from history.

¹⁰ (Little, Brown, 1985).

¹¹ Ibid.

The Amah Mutsun are the original nation and people that have had a long term relationship with the lands and ecosystems of their territory, including their sacred lands where the Sargent Ranch Management Company is proposing to build a gravel mining project. Given that long-term relationship, we need to ask ourselves, “How have the interests of the Amah Mutsun been negatively impacted and displaced so as to favor non-Amah Mutsun interests?” An answer to that question is found in the organic law system of the United States and in the organic law of the state of California.

Evidence of that organic law system is found in a book that was published by the U.S. Government Printing Office in 1909. The book is titled, *The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America*, edited by Francis Newton Thorpe.

In a section of the book titled, “Commissions, Charters and Plans of Union: 1492-1754,”¹² we find documents that together comprise part of the organic laws of the United States, as well as documents that serve as the backdrop for the U.S. Constitution, the political system of the United States, and the state of California. The first organic law document is titled “Privileges and Prerogatives Granted By Their Catholic Majesties to Christopher Columbus—1492.” That letter to Columbus opens as follows:

“you, Christopher Columbus, are going by our command, with some of our vessels and men, to discover and *subdue* some Islands and Continent in the ocean, and it is hoped that by God’s assistance, some of the said Islands and Continent in the ocean will be discovered and *conquered* by your means and conduct...”¹³

¹² p. 37.

¹³ p. 39.

The words “subdue” and “conquered” are synonyms for the term “domination.” The above wording demonstrates that Queen Isabel of Castile, and King Ferdinand of Aragon/Leon, jointly expressed their “hope” that their “God” would assist Columbus to *discover* (locate) and *dominate* (invade) Islands and Continent in the ocean.

The U.S. government’s book on the organic law system of the United States contains another pertinent document, which is titled “Bull Of Pope Alexander Conceding America To Spain—1493.”¹⁴ The document provides evidence of *the system of domination* that has been and continues to be used by the United States and the state of California against Native nations such as the Amah Mutsun. Evidence of the Christian empire’s system of domination is found in the sentence in the papal decree that mentions “him,” the Roman Catholic deity “from whom empires and dominations and good things proceed [emerge].”

On the basis of the letter to Columbus, and Pope Alexander’s document *Inter Caetera* of May 4, 1493, the Christian empire’s system of domination has been constructed on the lands and territories of Native nations in “North America,” in what is now called “California,” including the lands of the Amah Mutsun. Christendom’s system of domination has resulted in the present day circumstances that the Amah Mutsun Nation has written about as follows:

This mining proposal [by the Sargent Ranch Management Company] seeks to obtain Santa Clara County's approval to destroy the sacred site which served as the focus of Amah Mutsun religious practice for thousands of years.

¹⁴ p. 41.

To repeat what was stated at the opening, the Sargent Ranch Management Company is seeking the approval of Santa Clara County, which traces back to the Spanish Catholic Crown law system, to use its claim of a property right of domination in the Amah Mutsun Nation territory. The Amah Mutsun have said in their petition:

By signing this petition you will directly support the Amah Mutsun Tribal Band's opposition to the proposed sand and gravel mining project at Juristac. Furthermore, you will bring awareness to the true histories of indigenous peoples and help their voice be heard. Your support for our Tribe's efforts to protect and restore Amah Mutsun culture, environments, spirituality and its peoples is essential and deeply appreciated.

As this essay has demonstrated, the Christian empire's system of domination, which traces back at least to the fifteenth century, was eventually adopted as part of the organic law of the United States, the state of California, and Santa Clara County. The colonizers used that deadly and dehumanizing system to create the context that resulted in the U.S. and California becoming the political successors to the Spanish Crown law system of domination. This further resulted in the context for the events documented in Brandan Lindsay's book *Murder State*, and in Benjamin Madley's book *An American Genocide*. Thus, strange as it may seem, the current struggle by the Amah Mutsun to protect their sacred area from the Sargent Ranch Management Company is a present day result of the Christian empire's religious warfare against the so-called "infidel" nations of the North American continent.