

# *He Unleashed a California Massacre. Should This School Be Named for Him?*

The founder of the Hastings College of the Law masterminded the killings of hundreds of Native Americans. The school, tribal members and alumni disagree about what should be done now.

More than 150 years ago, Serranus Hastings, founder of the University of California, Hastings College of the Law, initiated the massacre of Native Americans in Round Valley, Calif. Alexandra Hootnick for The New York Times



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ROUND VALLEY RESERVATION, Calif. — They said they were chasing down horse and cattle thieves, an armed pursuit through fertile valleys and evergreen forests north of San Francisco. But under questioning in 1860 a cattle rancher let slip a more gruesome picture, one of indiscriminate killings of Yuki Indians.

A 10-year-old girl killed for “stubbornness.”

Infants “put out of their misery.”

Documented in letters and depositions held in California’s state archives, the Gold Rush-era massacres are today at the heart of a dispute at one of the country’s most prominent law schools, whose graduates include generations of California politicians and lawyers like Vice President Kamala Harris.

For the past four years, the University of California, Hastings College of the Law has been investigating the role of its founder, Serranus Hastings, in one of the darkest, yet least discussed, chapters of the state’s history. Mr. Hastings, one of the wealthiest men in California in that era and the state’s first chief justice, masterminded one set of massacres.

For those involved, including a descendant of Mr. Hastings who sits on the school's board, the journey into the past has revealed a very different version of the early years of the state than the one taught in classrooms and etched into the popular imagination of intrepid pioneers trekking into the hills to strike it rich.



The university, in San Francisco, is the alma mater of several prominent lawyers and politicians, including Vice President Kamala Harris. Mike Kai Chen for The New York Times

Across Northern California — north of Napa's vineyards, along the banks of the Russian River and in numerous other places from deserts to redwood groves — as many as 5,617 Native people, and perhaps more whose deaths were not recorded, were massacred by officially sanctioned militias and U.S. troops from the 1840s to the 1870s, campaigns often initiated by white settlers like Mr. Hastings who wanted to use the land for their own purposes.

Thousands more Indians were killed by vigilantes during the same period. But what sets apart the organized campaigns is that the killers' travel and ammunition expenses were reimbursed by the state of California and the federal government.

"It's not an exaggeration to say that California state legislators established a state-sponsored killing machine," Benjamin Madley, a history professor at the University of California, Los Angeles, said.

By Dr. Madley's calculation, expeditions carried out at Mr. Hastings's behest killed at least 283 men, women and children, the most deadly of 24 known California state militia campaigns.

In 1878, Mr. Hastings donated \$100,000 in gold coins to found the school that carries his name, California's first law school. It was "to be forever known and designated as 'Hastings' College of the Law," according to the school's enactment.

Now, both the law school and its critics agree that Mr. Hastings "bears significant responsibility" for the massacres, in the words of the Hastings inquiry, but they disagree on what to do about it, including the question of whether the school should retain its name.

At a time when institutions across the country are re-examining their history, Native leaders in California say a broad reckoning over the treatment of American Indians is overdue. The longstanding notion that they died as an accidental consequence of Western settlement, of disease and displacement, they argue, needs to be revised with acknowledgment of the purposeful killing campaigns.

Expeditions carried out at Mr. Hastings's behest were the most deadly of 24 known California state militia campaigns. California Heritage Collection, The Bancroft Library, University of California, Berkeley

An illustration included in an 1861 issue of Harper's New Monthly Magazine depicted settlers killing Native Americans in California. Cornell University Library

The debate over what to do at Hastings comes during renewed attention on the period of Spanish missions, when tens of thousands of Indians were forced to give up local customs and died of disease, and the legacy of Native enslavement — historians estimate that 20,000 Native Americans were enslaved in the first decades after California became a state in 1850, even though it officially barred slavery.

Two years ago Gov. Gavin Newsom described the state's treatment of Native populations as genocide, issued an official apology and created a Truth and Healing Council tasked with producing a report on relations between the state and Native American groups by 2024.

“We have to speak truth,” said Abby Abinanti, chief judge of the Yurok Tribal Court and, in 1974, the first Native woman admitted to the California Bar. “We have not figured out as a country at this point how do we reconcile our behavior. How do we make this right?”

The investigation into the Hastings massacres began in 2017 after a Bay Area lawyer, John Briscoe, published an opinion essay in The San Francisco Chronicle under the headline, “The Moral Case for Renaming Hastings College of the Law.”

Last year the law school announced a number of measures that it described as restorative justice: It agreed to allocate space for a memorial in the main lobby of its administrative building in San Francisco; provide members of all tribes in Round Valley pro bono legal help; maintain a program focused on Indigenous law; and assist in the establishment of a charitable foundation, an initiative currently on hold because of disagreement among tribal members on how to carry it out.

But David Faigman, the chancellor and dean of Hastings Law, has led a campaign to keep the school's name.

"What would removing the Hastings name accomplish?" Mr. Faigman wrote when the results of the school's investigation into the Hastings legacy were made public in September of last year.

David Faigman, the law school's chancellor and dean, has led a campaign to preserve the name "Hastings." Mike Kai Chen for The New York Times

A committee formed to investigate the massacres said changing the college's name might lead to a "decline in applications and perhaps a loss of philanthropic and alumni support."

A number of prominent Hastings alumni, including senior retired judges, disagree and have called for a renaming. They say that like the fortune of the Sackler family, derived from the opioids that ultimately killed multitudes of Americans, the gold Mr. Hastings donated to found the school is tainted.

Ultimately, Mr. Faigman said in an interview, the question of whether Hastings keeps its name rests with the Legislature and the governor. His critics say Hastings should proactively demand the change. A spokeswoman for Mr. Newsom, Erin Mellon, said the governor hoped Californians would "think critically about the harmful legacies of our forebears." The governor will review any legislative proposals that land on his desk, Ms. Mellon said.

The site of the massacres, Round Valley, is a four-hour drive from Silicon Valley. But the halo of wealth of the Bay Area has never reached the tumbledown homes, trailer park and ranches of Round Valley. The main sustaining business in Covelo, the valley's unincorporated town, is backyard marijuana plots.

James Russ, the president of the Round Valley Indian Tribal Council, which governs the Round Valley Reservation, emphasizes that the leadership is happy to accept the college's offer of legal assistance for the tribe's activities.

"We have a window of opportunity and we don't want to screw it up," Mr. Russ said.

Still, the controversy over the name is further complicated by the question of which tribal members should receive reparations.

The Yuki people were decimated and, after decades of intermarriage among members and white settlers, were subsumed into the Round Valley Indian Tribes, which was created after a coerced 19th-century relocation by the U.S. government of seven distinct tribes.

Mona Oandasan, one of the leaders of a group of Yuki tribespeople in Round Valley, said the law school was negotiating with the wrong people. The Yuki were the ones targeted in the Hastings massacres, not the other tribes on the reservation, she said.

"We are the direct descendants, and they should be talking to us," Ms. Oandasan said.



Yuki tribespeople gathered in 2002 to mark the replacement of a 1959 state historical marker that had said Round Valley was "discovered" by white settlers. The new plaque describes the Yuki as the "first inhabitants of Round Valley." via Deb Hutt

Native leaders say they hope the Hastings controversy could be a possible catalyst to bring awareness to a terrible legacy that few Californians know about. Greg Sarris, the chairman of the Federated Indians of Graton Rancheria, a Northern California confederation of tribes, is donating proceeds from his tribe's casino to fund efforts at the Smithsonian to produce curriculums about Native history, including an Indian perspective on the Gold Rush era.

That period was a particularly treacherous and murderous time in California — "a catalog of slit throats, gunshot wounds and crushed skulls," wrote Kevin Starr, a California historian.

But even back then, the massacres of Indians carried out by Mr. Hastings's militias shocked contemporaries and prompted an investigation in the Legislature.

Brendan Lindsay, author of the 2012 book "Murder State: California's Native American Genocide, 1846-1873," says ranchers hunted Indians in the way they might track down a fox that ventured into a henhouse.

According to the chronology by Dr. Lindsay, one set of killings was carried out by H.L. Hall, who was hired to look after Mr. Hastings's cattle and horse ranches in 1858. When four or six — accounts differ — of the nearly 400 horses on the ranch were killed, Mr. Hall and three other men raided a Yuki village and killed nine or 11 tribespeople. During subsequent massacres, he rode into Yuki villages and killed women and children, including the girl he said he killed for "stubbornness."

An administration building for the Round Valley Indian Tribes in Covelo, Calif. The confederation is made up of seven distinct tribes, including the Yuki. Alexandra Hootnick for The New York Times

A second killing spree was led by a group that called themselves the Eel River Rangers.

Mr. Hastings, who died in 1893, is buried in a cemetery in Napa Valley, where he had extensive landholdings. His grave is marked not so much by a headstone as a small monument, a granite obelisk that stands out amid the evergreens of the St. Helena Public Cemetery.

Not taught in California schools, the history of the Round Valley massacres came as a surprise to many of those at the law school. Mr. Faigman, the dean and a history major, said he had never heard of Mr. Hastings's role before Mr. Briscoe's article was published. Col. Claes Lewenhaupt, the great-great-grandson of Serranus Hastings who sits on the law school's board of directors, a seat that has been held by descendants since the school's founding, said he first learned about Mr. Hastings's role a decade ago when he read some of the scholarship that emerged.

"It's awful," said Colonel Lewenhaupt, a lawyer who grew up in the Bay Area and spent a career prosecuting and defending U.S. Army soldiers. But he said he agreed with Mr. Faigman that the Hastings name should be maintained. "I do not think the renaming will benefit the institution," he said.

In Round Valley, Deb Hutt, a Yuki tribeswoman and the sister of Ms. Oandasan, says she wonders why descendants of the Hastings family have never apologized. While sitting at a picnic table across from a tribal gas station, Ms. Hutt said she sometimes tried to imagine what Round Valley would be like had Mr. Hastings and other white settlers not taken over the valley.

Buffered by mountains, the Yuki were relatively undisturbed by Spanish or Mexican conquerors. It took the huge and sudden migration of the Gold Rush for the tribe to be confronted by unmerciful invaders.

“We were their hunt,” Ms. Hutt said of the men who led the Hastings massacres. “And what we lost was more than lives.”