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# Greasers, *Bandidos*, and Squatters under Duress: Containing *Latinidad* in Mid-Nineteenth-Century California

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The effect of this “colonial cringe” is an enduring and debilitating performance anxiety on a global stage.

—Joanne Tompkins<sup>1</sup>

I killed those men who dared to steal my mind. . . .

—Rodolfo Gonzáles, *I Am Joaquin*<sup>2</sup>

Charles E. B. Howe’s little-known 1858 play, *Joaquin Murieta de Castillo, the Celebrated California Bandit*,<sup>3</sup> features what were arguably the first known Latinx representations in western US theatre. Published in San Francisco and likely performed in the Central Valley in the late 1850s, the play depicts California’s national transformation from a Spanish-speaking Mexican state to a Spanish- and English-speaking US state.<sup>4</sup> It depicts a culture in turmoil, in a war of competing imaginaries. The play’s artistic expression provides a window to examine how authorship, laws, ideologies, and performance functioned in tandem to create a settler colonial paradigm of Anglo dominance and Latinx subjection. Present-day Latinx political concerns that were articulated during the settler colonial, California Gold Rush era (1848–50s)—and are reflected in Howe’s play—include concepts of so-called illegality, the separation of Indigenous and Latinx families with aims to create anxiety, precarity, and defenselessness, and Latinxs who are sequestered from citizenship and full participation in US culture. This paradigm helped to shape what we now call US *Latinidad*,<sup>5</sup> or Latinness. This project aims to interrogate the emergence of *Latinidad* in colonial California, and the efforts to contain and position its subaltern status. US Latinxs,<sup>6</sup> or individuals of Latin American descent, continue to confront the stigmas, ideologies, and inequities born in these mid-nineteenth-century machinations.

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My reading of Howe's play focuses on the way that material desires and competition for land would have affected his audiences' reception to *Latinidad* and Latinxs. Ten years before the play's publication, under the Treaty of Guadalupe Hidalgo (1848),<sup>7</sup> Mexico's defeat in the Mexican–American War (1846–8) had forced it to cede half of its nation, including California; in 1848, half of the Mexican nation became one-third of the United States. Therefore, land politics outside of the theatre could be transferred into the theatre as the principal framework that influenced the reception of the *mise-en-scène*, the characters, and the narrative. English-speaking, Anglo-dominant audiences would have received the value of the play viscerally and intellectually in accordance with their monetary, colonial aspirations. Theatricalized racial fictions of Latinxs offered the prospect of economic (land) gains, and could activate an empathy that may have presented itself as gratitude for the privilege of not being Latinx—what I am calling an *antagonistic empathy*. Whereas empathy can be defined as a physical and mental process that establishes an understanding and connection to the beliefs, experiences, and circumstances of personages depicted by the fine, literary, and dramatic arts, antagonistic empathy is a process in which audiences reason social (dis)advantages between intracultural racial and ethnic groups and are drawn to the emotional and economic power of racial distinctions. In Howe's play, which examines races and cultures suddenly forced intraculturally to form a nation, antagonistic empathy contributed—albeit inadvertently—to the novel construction of *Latinidad* as fundamentally oppositional to US culture.

Theatrical production and performance were part of the efforts, as Clara Rodríguez explains, to “‘fit’ exploited peoples into ‘natural’ schemes that would rationalize their oppressed position and included the devaluation of peoples of color.”<sup>8</sup> Howe's play reveals theatrical and cultural processes that contribute to the production of shame, oppression, and indignity upon the native and border-crossing Latinx populations. The European and Anglo characters inflict relentless physical, psychological, and legal persecution upon the Latinx characters, who experience such harms as submission under duress, family separation, lynching, sexual assault, torture, and a beheading. The play and its historical protagonist, Joaquín Murieta (?–1853), capture a moment in California when Latinxs in the United States are ontologically inscribed as laboring, suffering, and indignant bodies made absent in the sociopolitical terrain, partly through discourses of illegitimacy and transgression. Theatrical processes inserted Latinxs into an Anglo-American system of values—a counterfeit version of *Latinidad* that maintained the “greater humanity” of Anglo-Americans. Under this paradigm, US Latinx identity is antithetical to Anglo-Americanness. Simply put, the more villainy and suffering associated with Latinxs—in contrast to Anglo heroism and triumph—the more so-called normal the US culture *feels*.<sup>9</sup> US nation formation in California depended upon the contrived containment and positionality of *Latinidad* and Latinx people.

### Introducing Joaquín Murieta

Howe based his play on the historical Joaquín Murieta, an alleged outlaw and notorious *bandido*—and one of the first historical Latinx representations in US California. Historical records reveal that in 1853 the state of California placed a

bounty on Murieta, wanted dead or alive. Together with his gang, he reportedly had been stealing from and killing mostly Americans of Anglo descent. The Murieta crime and revenge spree began after his wife was violently raped, his brother was lynched by a white Anglo mob looking to rid themselves of Mexican and Latinx competition in the Gold Rush, and Murieta himself was tied to a stake and flogged in the town square of Stockton, California—apparently for demanding justice.<sup>10</sup> A *New York Tribune* article in June of 1853 recorded Murieta's words swearing "eternal warfare against everything [*sic*] and person American," after he "has been despoiled over and over again . . . his dearest rights invaded and trampled under foot."<sup>11</sup> State authorities contracted Captain Harry Love and his mercenaries to capture the alleged bandit. Love hunted, shot, killed, and beheaded Murieta on 25 July 1853, and with the head as proof collected the state-sponsored reward.<sup>12</sup> Two of Murieta's men were captured and taken into custody; the rest escaped.<sup>13</sup> Numerous contentions surround the life, history, and interpretations of the lawlessness and justice surrounding Joaquín Murieta and his men.<sup>14</sup> Nevertheless, Murieta's pickled head in a large jar was featured on a tour (Fig. 1), along with the pickled hand of his lieutenant, Three-Fingered Jack.<sup>15</sup> The profitable display of his head as a touring spectacle of death at carnival sideshows, theatres, and museums, lasted into the early twentieth century and furthered the myths surrounding Murieta.<sup>16</sup> It invited paying customers to experience vicious antagonistic empathy—to experience their own emotions heightened by the imagery of the pickled head. Onlookers may have paid for the spectacle because it propped up their belief in a reasoned settler colonial subjugation of Indigenous and Latinx populations.

Murieta's heroic but tragic resistance became legend across the new American California due to Yellow Bird's historical novel *The Life and Adventures of Joaquin Murieta, the Celebrated California Bandit*, published in 1854, the year following Murieta's death.<sup>17</sup> Yellow Bird, or John Rollin Ridge, was a Cherokee Native American whose culture and family suffered violently under Anglo-American subjugation. He is the first known Indigenous novelist in North America and was the first writer to capture the anxieties, myths, and history of mid-nineteenth-century California through his adaptation of the Murieta story. In his novel's introduction, he reflects on California's "prejudice of color, the antipathy of races, which are always stronger and bitterer with the ignorant and unlettered" and afford excuses for "unmanly cruelty and oppression."<sup>18</sup> He associates deepening strife in California and the nation with the crude ethnocentrism of uneducated Americans: "the lawless and desperate men, who bore the name of Americans but failed to support the honor and dignity of that title."<sup>19</sup> As critical perspective on a burgeoning morality, he writes how the character of the historical Murieta

was nothing more than a natural production of the social and moral condition of the country in which he lived, acting upon certain peculiar circumstances favorable to such a result, and, consequently, his individual history is a part of the most valuable history of the State.<sup>20</sup>

Yellow Bird's humanistic discourses are philosophical and empathetic engagements with race and cultural fusions. As the narrator in his novel, Yellow Bird

**JOAQUIN'S HEAD!!**  
**IS TO BE SEEN**  
**AT KING'S,**  
**CORNER OF HALLECK AND SANSOME STS.,**  
**OPPOSITE THE AMERICAN THEATRE.**

**ADMISSION \$1.** \_\_\_\_\_ **au18 tf**

The following is one of the many affidavits, certificates, INC., proving the identity of the Head:

**STATE OF CALIFORNIA—COUNTY OF SAN FRANCISCO, ss:**  
**Ignacio Lisarraga, of Sonora, being duly sworn, says:— That**  
**he has seen the alleged head of Joaquin, now in the pos-**  
**session of Messrs. Nuttal and Black, two of Captain Love's**  
**Rangers, on exhibition at the Saloon of John King, Sansome**  
**street. That deponent was well acquainted with Joaquin**  
**Murrieta, and that the head exhibited as above is and was**  
**the veritable head of Joaquin Murrieta, the celebrated**  
**Bandit. And further says not.**

**IGNACIO LISARRAGA.**

**Sworn to before me, this 17th day of August, A. D., 1853.**  
**CHAS. D. CARTER, Notary Public.**

Figure 1. Advertisement for the display of Murieta's head, from the *San Francisco Herald*, 20 August 1853.

years to understand the everyday life of ordinary people and their language, and the motivations and relationships born from cultural confrontations.

Charles E. B. Howe lifted his play's narrative structure and dialogue from *Yellow Bird's* novel. However, he also introduced a significant amount of original narrative, characters, dialogue, and technique in his work. Howe's Victorian adaptation shifted *Yellow Bird's* literary, humanistic discourses to violent, often melodramatic transgressions by and upon Latinx characters. As a playwright, he deserves credit for the birth of *Murieta* as a theatrical representation. Howe's *Joaquin Murieta de Castillo, the Celebrated California Bandit* (1858) carried the spectacle of death and containment forward, continuing as a mythmaking apparatus that invited readers and potential theatregoers to witness the violent, racialized melee of mid-nineteenth-century California and its fascination with Murieta's demise.

Scholarship on Charles E. B. Howe and his play is fairly limited. Aside from *Joaquin Murieta de Castillo*, he also authored a much shorter and less ambitious play, *Signing the Declaration of Independence; or, Scenes in Congress, July 4th, 1776*—published by Samuel French circa 1887, yet previously produced in

San Francisco in July of 1863.<sup>21</sup> George R. MacMinn's *The Theater of the Golden Era in California* (1941), Glenn Loney's *California Gold-Rush Plays* (1983), and Bruce Thornton's *Searching for Joaquín* (2003) dedicate four pages between them to Howe's 1858 play. MacMinn highlights the play as a "specimen of 'high art'" that, "despite its shortcomings . . . , showed a higher-degree of concentration upon a peculiarly Californian subject."<sup>22</sup> Loney includes Howe's play in his *California Gold-Rush Plays* and dedicates two pages to historical dramaturgy, including how

Howe's portrait of Murieta as a valiant, intelligent, sensitive man, driven to a life of vengeful crime by deep wrongs done him, may be something of an American *mea culpa*. It is most unusual to find it so early in California history, not to mention American drama.<sup>23</sup>

Like Loney and MacMinn, I believe the playwright was holding up a mirror to the audience. As a chronicle of a quickly changing mid-nineteenth-century environment and culture, the play provided Howe the opportunity to create and experiment with theatrical spectatorship. It reveals a sense of living in the pure present moment of 1850s California, within the excitement, turmoil, and demands of nation forming. As one of the first plays written and set in the American West, it constructed images and choices of identification for spectators (re)constructing their morality within US California.

Howe's own experiences of precarity likely influenced his approach to telling Murieta's story. He elegantly narrated his frontier struggles in his private diary, "Reminiscences,"<sup>24</sup> reflecting on the burgeoning US state of California, specifically during the years 1848–50. Physical, mental, and financial struggle are evident in the diary entries, providing a window into a lifestyle of fear and toil for survival, at least in the early stages of his California exploits. At times, his prose and handwriting style is refined. Exhaustion, cold, and hunger often set in, and elegance slips into incomprehension; one cannot help but imagine the challenging constraints of Howe's life in mid-nineteenth-century California. His narration captures a perpetual suspense about whether he will survive hunger, disease, the environment, and bitter cold. Bouts with Panama fever and cholera almost killed him. Somehow, he was still able to capture his present:

I found myself seated from sheer exhaustion upon a pile of hidez [*sic*]. . . . the rain falling torrentz [*sic*] and my spirit darker than the mud hole before me. . . . a ravenous appetite awoke me to the misery of an empty pocket a system too weak to earn a meal if a job should turn up.<sup>25</sup>

That he was able to record his circumstances affords an understanding of his empathy as shaped by personal experience: a desire to understand his own suffering and the suffering around him is consistent throughout his entries. This intellectual pursuit perhaps supports his need not just to survive, but also to engage deeply with the experiences and the world around him.

Perhaps Howe, like Yellow Bird, identified with Joaquín Murieta, seeing him as the ultimate figure of resilience within the material, spiritual, and physical competition of settler colonial capitalism in California. Yet however novel his adaptation

of the Murieta story, Howe's art is constrained by a dominant ideology that motivates antagonistic empathy and furthers a sharply constrained understanding of *Latinidad* and Latinxs. Murieta's, Yellow Bird's, and Howe's efforts to espouse an equitable possession of the self and possession of the land and its resources were met by racialized laws and ideologies that hijacked their artistic labor. Shaped into yet another arm of the settler colonial apparatus examined in the next section, spectatorship and antagonistic empathy negated Latinx subjectivity as a valued element of US nationhood.

### Californian Coloniality

Before we engage with Howe's play, this section contextualizes the complexity of historical forces that operated in the text and shaped its 1858 publication. The US–Mexico border conflict (which continues in the present) is rooted in the rivalry between England and Spain in the early modern era, specifically the territorial and ideological rivalry between Protestantism and Catholicism. New Spain (1521–1821) and its descendant, Mexico, as Catholic and Spanish-speaking nations, were natural enemies to the pro-Protestant, English-speaking United States. With foundations in militant Protestantism and Calvinism, Manifest Destiny ideology was a matter of justifying—morally, practically, and ethically—aggressive and violent acquisitions of North American territory belonging to Indigenous and Mexican populations. Beginning in the 1830s, the spiritual and cultural ideology of Manifest Destiny became the American political ideology of westward expansion.<sup>26</sup> However, by the start of the eighteenth century—in the western and southwestern regions of the North American continent, including Texas, Arizona, and California—the Spanish culture and the emerging Mexican culture were firmly established. *Latinidad* as a concept and as a reality stood in the way of westward expansion; as of 16 September 1810, these territories belonged to Catholic, Spanish-speaking, “*Mestizo*”<sup>27</sup> Mexico. Manifest Destiny's ideology envisioned *Mestizos*, or racially mixed peoples, as racially and linguistically “impure.”<sup>28</sup> Asserting a hierarchy of religion, language, ethnicity, and race in order to acquire economic prosperity via land ownership had driven expansion since the colonial era.<sup>29</sup> The supposedly “logical” predestination of Anglo-Americans to possess and inhabit North America rationalized the seizure of land from *Mestizo* and Indigenous populations.

In 1846, westward expansion spurred the Mexican–American War (1846–8), leading Mexico to surrender the northern half of its nation to the United States. Thus, the first California Mexican Americans, *Mestizos*, and Indigenous populations were not immigrants. “We did not, in fact, come to the United States at all,” says Luis Valdez, founder of El Teatro Campesino in California. “The United States came to us.”<sup>30</sup> Valdez describes the sudden impact of wildly different cultures forced intraculturally to negotiate different languages, representation, and socioeconomic inequity—challenges that continue in the present.

Anxieties over intracultural flux prevailed in 1848 California. *Californios*,<sup>31</sup> now Mexican Americans, were deeply affected by the massive migration of would-be miners from around the world and simultaneously from the Eastern United States. Most *Californios* remained, relying on the treaty's guarantee of their American citizenship and property rights. With California under US rule, emerging



cultural and political ideologies, including new laws and courts, were susceptible to Protestant Calvinism and Manifest Destiny that predestined the Anglo-American usurpation of land. Anglo-American squatters unlawfully occupied land and relied on complexities in the Treaty of Guadalupe Hidalgo, which necessitated lengthy court proceedings that would eventually bankrupt most US *Californio* landowners. Corruption, language barriers, ethnocentrism, violence, and a legal system designed to separate non-Euro-Americans from their land greatly favored squatters.

The most egregiously treated victims of California's transfer of sovereignty were Indigenous populations. The *Californio* culture had expanded equitable rights and opportunities starting in 1824 with the new Mexican constitution that abolished *castas* (castes) culturally and politically inherited from the Spanish empire.<sup>32</sup> However, Andrew Gibb notes that in US California, "Native- and African-descended Californians would quickly find their expanded rights and opportunities revoked" as US control immediately reversed the historic attempt at racial equity.<sup>33</sup> Despite the fact that the law set down by Articles VIII and IX of the Treaty of Guadalupe Hidalgo guaranteed Indigenous populations and newly created Mexican Americans (former Mexican citizens who opted to stay in California) citizenship and equal protection, the US California state constitutional convention negated these and other treaty provisions.<sup>34</sup> As a result, Indigenous populations were subjected to forms of genocide and extermination as victims of murder, starvation, land theft, and slavery.<sup>35</sup>

California historian Leonard Pitt notes that American "[n]ativism," or the ideology that Anglo-Americans were the rightful owners of land in California, was "born in the months of 1849 and early 1850 when mining enterprise was most individualistic, government most ineffectual, and immigration most rapid."<sup>36</sup> Days before the end of the Mexican-American War, gold had been discovered in Coloma, California, which spurred the onset of the California Gold Rush. The principal Gold Rush competitors for westward expansionists were native *Californios* and immigrants.<sup>37</sup> Xenophobia and racial violence were prevalent between English-speaking immigrants from the East and native, Spanish-speaking California residents and citizens, including *Californios* and Indigenous populations.<sup>38</sup>

Between 1850 and 1855, three laws passed in California exemplified the ideological dominance of American nativism. First, the Foreign Miners' Tax of 1850 explicitly and excessively taxed non-Euro-American citizens—Native Americans, Chinese Americans, Mexican Americans, *Mestizos*, and persons of mixed ancestry and race generally—who wished to work in the mines. Pitt describes it as "a system of taxation and indenture . . . to exploit alien caste laborers rather than expel them."<sup>39</sup> Second, An Act for the Government and Protection of Indians, also passed in 1850, "facilitated removing California Indians from their traditional lands, separating at least a generation of children and adults from their families, languages, and cultures . . . and indenturing Indian children and adults to Whites."<sup>40</sup> Historian James Rawls notes how the benign name of the law disguised its extreme, racially based inhumanity. Any Anglo-American could declare a Native American they deemed to be loitering a "vagrant." A justice of the peace would then lawfully have the "vagrant" sold at auction, where buyers had the right to four months of Indigenous labor with no compensation.<sup>41</sup> Third, also disguised as an antivagrancy statute, the so-called Greaser Act of 1855 identified individuals by

ethnoracial background, especially “all persons who are commonly known as ‘Greasers’ or the issue of Spanish and Indian blood . . . and who go armed and are not peaceable and quiet persons.”<sup>42</sup> Interpretation of the law allowed any Mexican American, Mexican, or *Mestiza/o* to be arrested for acting or speaking in a manner deemed inappropriate or unacceptable for their race. The language and enforcement of the three statutes construct a biological association between viciousness and race, lawlessness and ethnicity, crime and foreignness, quietness and heritage. Francisco P. Ramirez, leader of *El Clamor Público*, the first Spanish-language newspaper in US California, argued in his editorials how, in a country where slavery is lawful, Manifest Destiny is institutionalized, and new citizens are denounced as “greasers,”<sup>43</sup> guarantees of liberty by the US constitution are not attainable.

What was unfolding in the cultural sphere of newly colonized postwar California makes the late 1850s a crucial time for Latinx experience and representations, as newly defined performances of *Latinidad*, on and off the stage, were molded by conceptions of a racialized nation. Douglas S. Harvey reminds us how “[o]ne of the emerging national issues of the nineteenth-century was whether or not slavery was to expand and whether ‘free blacks’ would be tolerated in newly incorporated territory.”<sup>44</sup> How free Indigenous and Latinx populations were contained as of 1848 includes the curtailment of freedom for Black Americans in the West and Southwest. The necessary containment of people of color was part of the westward expansion movement—an ideology that justified disparities, from racial distinctions of intellectual, linguistic, and theatrical superiority, to immigration policies and incarceration rates, what Clare V. McKenna calls “a special kind of justice.”<sup>45</sup>

## Under Duress

Howe’s *Joaquín Murieta de Castillo, the Celebrated California Bandit* (Fig. 2) is set shortly after Mexico ceded California and the Southwest to the United States in 1848. It is the first known theatrical rendering of the historical Murieta, published just five years after the outlaw’s death. In 1860, California’s population was 379,994, of which 85 percent were white.<sup>46</sup> Thus, we can assume that potential readers and theatre spectators were Anglo-dominant. Although evidence of the play’s staging could not be found (though my search continues), I consider it highly likely to have been staged by amateur theatre troupes throughout the Central Valley.<sup>47</sup> Given the popularity of its mythical protagonist, the published playtext, and the success of Yellow Bird’s novel, what an incongruity if it had not been brought to life!

The closest archival reference to an actual performance of the play is Albert Kimsey Owen’s diary from 1872.<sup>48</sup> Owen witnessed the melodrama *Joaquín Murieta* with the Murieta protagonist performed by a *Don Gabutti* in Hermosillo, Mexico, on 3 November 1872, and it seemingly was performed in English. The recorded spectators’ reactions afford us some proximity to nineteenth-century responses to burgeoning intercultural confrontations. Owen writes:

It meets the applause of the Mexicans and it is said to excite them to such frenzy that the Americans and even other foreigners are afraid of venturing in the building, and for days after the performance gringos are likely to be insulted on the streets of Hermosillo.<sup>49</sup>



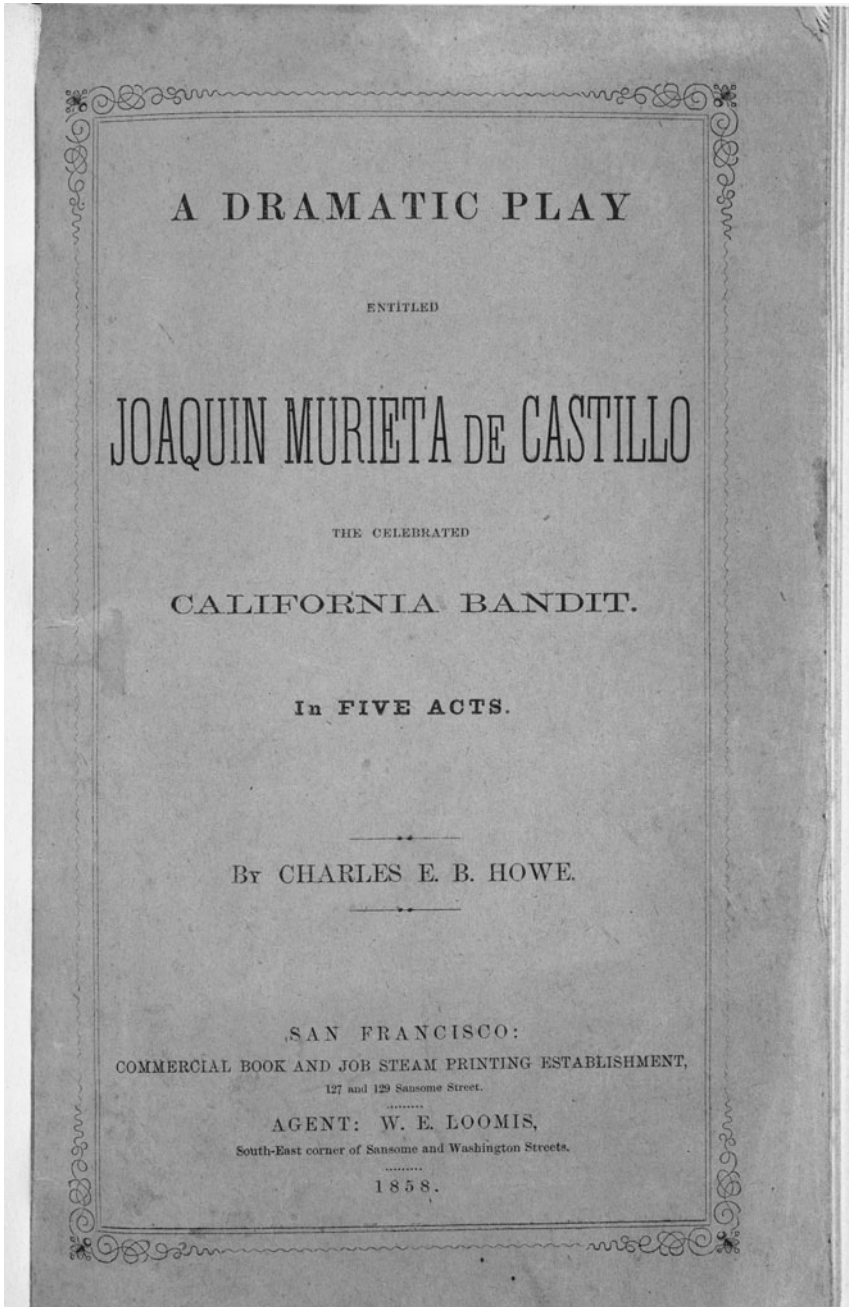


Figure 2. Title page of Charles E. B. Howe's *Joaquin Murieta de Castillo, the Celebrated California Bandit* (1858). Photo: Courtesy of the Huntington Library, San Marino, CA.

The incensed reaction of “frenz[ied]” applause and reactions that vilify Anglo-Americans during and after the play ends reveal the reliable stimulation provided by Murieta’s demise and California’s tragic constructions of race. Perhaps this empathy for Murieta and resulting communal consciousness are what Howe intended. However, empathy mutates into antagonistic empathy in California’s postwar territory that was colonized via ideologies of racial supremacy. The play is a representation of the intercultural negotiations that quickly became *intracultural* catastrophes as the United States colonized the West—cultural constructions of systematic, racialized inequities that resonate in the present.

The first scene of the play is set in the Santa Cruz Monastery in Mexico.<sup>50</sup> Gonzalles, a Catholic priest and a former militia fighter in the Mexican–American War, opens act I looking to escape the “land of the wily Aztec.”<sup>51</sup> In soliloquy, he reveals that his objective is to travel back to the Old World, back to Spain where people are happy, “[u]nlike all we meet here” (6/24). Gonzalles has hidden documents proving that Joaquin Murieta, one of the mission’s young wards who was fostered and reared there, is set to inherit a Spanish dukedom, though Murieta is unaware of his lineage. Gonzalles aspires to advance his class standing and enjoy economic prosperity in Spain by having Joaquin Murieta killed and then using the secret documents to impersonate Murieta.

The plot thickens when Gonzalles hires Garcia, otherwise known as Three-Fingered Jack, a notorious Mexican soldier left destitute after the Mexican–American War, to kill Murieta. Remarkably and in true melodramatic fashion, Murieta overpowers and befriends Garcia and has him swear his loyalty:

Joaquin: Kneel then, and swear on this cross as I dictate.

*(Garcia kneels and repeats after Joaquin)*

– I solemnly swear that I will be the true friend to Joaquin Murieta, until he is safe from harm. As I fail to keep my vow, so punish me, my patron saint, in this world and in the world to come.

Garcia: I swear!

*(Kisses the cross.)*

(12/30)

The code of honor they share, Spanish in origin, is politically, religiously, and culturally telling. It has its origins in the Spanish culture’s survival during and after eight hundred years of Muslim Moors ruling over the Iberian Peninsula. The fervent, militant Catholicism under King Ferdinand and Queen Isabel that defeated the Muslim Moors also unified the Iberian Peninsula’s nation-states under one Spanish nation. In 1492, Spanish-Catholic nationalism provided Spain with the resources, and perhaps the drive, to colonize the Americas.<sup>52</sup> The importation of this Hispanic<sup>53</sup> code of honor emphasizes Murieta’s and Garcia’s shared ancestry.

The setting then shifts to US California. It is the early 1850s and the new national border has been drawn. The characters are now in a liminal territory wherein struggles for language, space, and power are won by accumulating and distributing wealth through strategic and competitive machinations. In US California, Gonzalles can now deploy methods prohibited by Mexican codes of honor and

watchful, cultural traditions. He fervently plots to return to Spain with a new identity—one transformed and acquired by manipulation, murder, and capital accumulation. Gonzalles's character allows spectators to see how the US California frontier seems to offer a *new* exploitative morality with innovative justifications. A dynamic relationship among the realms of morality, religion, the courts, and the cultural sphere had emerged, as differing interpretations of the Treaty of Guadalupe Hidalgo circulated in the courts, in cultural spheres, and in religious discourse. It is critical to keep in mind that nineteenth-century English-speaking Americans “fervently believed that God had ordained that U.S. citizens should populate and govern the vast expanse of land west of the Mississippi River.”<sup>54</sup> These social negotiations, spurred by the cultural sphere and its products, such as Howe's play, influenced how beliefs in removing Indigenous populations and Mexican Americans from their land would continue or would be challenged.

The play's use of the crucifix prop (i.e., “*Kisses the cross*”) and the dramatization of land contentions between Anglo Protestantism and *Mestizo* Catholicism would have invigorated a mid-nineteenth-century audience. Through the priest's villainy, Howe establishes an “anti-Catholic” representation juxtaposed with Murieta's honor. Audiences witness Murieta's “honorable Catholicism” when he befriends and aids Anglo-American migrants under threat from a Mexican guerilla band on US land: “I swear I will kill the first who raises a hand against these defenseless people. . . . [I]f harm befall one of these that's here, I will murder you all; I swear it” (14/32–3). One can imagine the roaring applause this would elicit from a bourgeois audience invested in the expansion of US territory. Murieta's Latinx heroism as he defends the Anglo family is brief but significant to set up the tragic shift: soon thereafter, he is forced to change his relationship to this intracultural, Anglo-American–dominated environment.

Racialized competition for resources comes to a head in act III when the community of California miners begin to forge their *Mestizo* competition as another race that does not belong:

- Zeke: . . . If we get a claim and take out an ounce, they get one and take out pounds; . . . I wish we could hang 'em all, but I swow there are too many of 'em. Let's drive 'em from the country, I calculate that would be a damned sight better. . . .
- Texas Bill: That's the way to do it, drive 'em out. Do as we have done in Texas. Put up notices for these 'ere greasers to vamoze;<sup>55</sup> and them as don't go, we'll hang. (24/43)

Texas Bill's use of Spanish (“vamoze”) highlights a xenophobic tendency encouraged by economic zeal, utilizing linguistic difference to oust competition. Zeke and Texas Bill attend a town hall meeting where they convince the miners of Woods Creek,<sup>56</sup> California, to take measures “to drive all the Spanish population out of the country” (24/43). To rid themselves of the more successful *Mestizo* miners, they confirm new resolutions, including the hanging of “every greaser found in this county after ten days' notice . . . [because] every murder, theft, and horse stealing, which has been done in this county, was done by greasers” (25/44). To justify this violent expulsion, the Anglo-American characters deploy language that stigmatizes *Mestizos* as slippery individuals, difficult to get a hold of literally and

figuratively. The use of “greasers” reinforces *Mestizos*’ cultural stigmatization as vicious, foreign, and potentially criminal.

According to Linda Heidenreich, the aforementioned Greaser Act of 1855 “authorized local militias to keep the Mexican community at bay by terrorizing its members; it allowed Anglos to confiscate Mexican property; and even allowed Anglos to lynch ‘recalcitrant individuals’ with impunity.”<sup>57</sup> Although the term “greaser” originated “as a derogatory reference toward those of Mexican origin, . . . its use expanded over time to encompass Peruvian and Chilean miners during the California gold rush and, more broadly, to describe anyone of Spanish origin.”<sup>58</sup> These were not just ideological strategies; legislation such as the so-called Greaser Act granted the dominant population the pathway to less competition as well as facilitated land acquisition and perhaps religious dominance, as the *Mestizos* made up the bulk of Catholics in the state. These early US California laws linked the West to a nation building under Anglo-American dominance that subjected people of color to dread. Through Howe’s play, we find a capitalist system in the United States organized by settler colonialism and its efforts to dehumanize Latinxs as irreducibly alien.

After Zeke and Texas Bill’s resolutions are confirmed by the community leadership, Joaquin is falsely accused of being a horse thief and about to be hanged. The competing Anglo miners use Murieta’s race, language, and ethnicity to justify their supremacy over him and their right to whip and lynch him. Instead of death, the perpetrators decide to “cure him” with violent torture:

Pitch. . . . No boys, whip the damned greaser!

Jack. Yes, give him a hundred lashes; that will cure him of horse stealing. (25/44)

The whipping takes place onstage as a parallel to Murieta’s historically documented public flogging, after which Joaquin returns home and finds his dying wife, Belloro, who had been violently raped by several Anglo miners. Non-Anglo spectators would be terrified by this plot point, but antagonistic empathy, as the ideologically pure disposition of the bourgeois spectator, may have shielded Anglo-dominant spectators from dread and terror, and thus provided entertainment that reassured them of their (personal and financial) security as non-Latinxs.

The ideology of (forcibly) possessing the Latinx female Other also finds its US theatrical origin in this play.<sup>59</sup> The wartime logic used to promote Manifest Destiny justified Anglo-Saxon dominance of supposedly lesser races via slavery in the slave states and via the whitening of Latinx populations through the sexual assault of Latin American and Indigenous women in the West and Southwest. Manifest Destiny consistently presented Mexican women as sexually desirable, wanting, and submissive. The 30 January 1848 *New York Herald* reported on an important public meeting, “The Great War Meeting at Tammany Hall: Tremendous Gathering of the People—Shall the Whole of Mexico Be Annexed?” where Sam Houston, senator from Texas, concluded his speech at the event with this:

I would recommend you, if the country should be acquired, to take a trip of exploration there, and look out for the beautiful *senoritas* [*sic*], or pretty girls, and if you should

choose to annex them, no doubt the result of this annexation will be a most powerful and delightful evidence of civilization.<sup>60</sup>

This “recommend[ation]” from a US senator was proposed just three days before the Treaty of Guadalupe Hidalgo was signed on 2 February 1848. It presents Mexican women as willing victims of forced acquisition, or rape, and is presented as a patriotic choice representative of a progressive culture. Bodily assault on Latinx women is offered as a calculated strategy to speedily annex and colonize Mexico’s northernmost territories. The politician politicizes the violation and possession of *othered* women to possess an *othered* nation. In the play, Belloro’s loyalty and chastity to Murieta, and the inverse—Murieta’s loyalty and chastity to Belloro—symbolize the nationhood and purity of the Latinx culture within the American nation. Theatrical representations sanctioning violence against these characters would have left audiences with a lasting impression of a dehumanized community that was too dangerous to challenge—or to empathize with publicly—in an already strained culture.

Howe’s play adapts and presents the settler colonial terrorizing of Latinx women by giving voice to Belloro’s trauma in her exchange with Joaquin: “Touch me not, Joaquin! (*Rises in bed.*) I tell thee I am foul—polluted—a being not fit to live, nor yet prepared to die!” (29/47). In accordance with Victorian emphases on female purity, Belloro feels that the sexual violations committed against her have destroyed her ability to fulfill her role as a woman. She deems herself “not fit to live.” As a devalued *Mestiza* in an increasingly hostile, Anglo-dominated area, her sexual purity is perhaps the only universally recognized value she possesses, and Howe’s victimization of Belloro’s Victorian womanhood (synchronized with her Mexican Americanness) might have been designed to lead audiences to feel deep empathy for her, thereby complicating the period’s moral values as they intersected with race and ethnicity. However, I theorize that in practice, dominant audiences invested in racialized settler colonial frameworks would be unable to “establish grounds for mutual goodwill”<sup>61</sup> and a desire to find commonality with racially and linguistically impure *Mestizo*, Latinx characters. Empathy for Belloro, who is arguably the first female Mexican American or Latina protagonist in Western US Theatre, is suppressed in a cultural atmosphere where class is racialized and nativism is a political advantage; or, given that empathy and feeling are variable, empathy may present itself as gratitude for the privilege of not being Latinx—an antagonistic empathy. The artistic expression of *Latinidad* presented by Howe’s play may have inadvertently fostered Anglo-dominant audiences’ desires for economic dominance by cultivating such antagonistic empathy. As the Foreign Miner’s Tax, the “Greaser Act,” and An Act for the Government and Protection of Indians produced and supported economic, psychological, and social advantages for Anglos and Europeans, antagonistic empathy in dramatic art would have probed and negotiated racialized constructions as cultural advantages.

In the play, Belloro asks Murieta for his forgiveness and dies uttering his name. Her victimhood *may* have been viewed as normal or acceptable to audience members rather than tragic because of the intersections of her gender, ethnicity, and race. For Joaquin, Belloro’s death propels a radical transformation. His choice for revenge is tragic because his suffering and death are imminent; his quest to uphold

Belloro's dignity, his own, and his culture's cannot produce any enduring gain. Howe's Murieta represents resistance as a predestined failure in the context of settler colonial power relations:

Joaquin: Revenge, with its unholy light, takes possession of my soul! . . . Oh, . . . that I may wreck a vengeance on mankind that will make devils laugh. . . . [M]y soul and body will I give to thee, oh hell, when my vengeance is complete! (29/49)

Murieta calls on "devils" that will transform his ability to fight the evil exercised upon him, his loved ones, and his culture. He must fight evil with evil; like the capital-driven culture around him, Murieta employs tactics that include racializations and violence against Anglos. His friends volunteer to join him in his revenge to find and kill the Anglo-Americans associated with his whipping and with the death of his wife. Howe adapts the historical Joaquín Murieta who refuses to speak as a typified, subjected Latinx individual and instead seizes subjectivity. Nonetheless, the audience's potential empathy for the Latinx characters is once again foreclosed, this time by Joaquin's alliance with the devil, which creates the correspondences of Latinx with evil, *Mestizo* with danger, non-Anglo with villainy. Murieta's character reversal demands equality via violence. His representation counterintuitively functions as a resistance to a US culture that excludes Latinxs within its already "deep-seated anxiety about identity, security (financial and psychic), labor, and value."<sup>62</sup> The depiction of Latinxs as villains, as bandits, as dangerous, as Other because *they* will negate the racializations proposed by dominant culture and use their own racializations to compete, presents an alternative history and narrative to Anglo-dominant ideology and society. It reveals how Belloro and Murieta are disallowed their bourgeois ambitions as Gold Rush miners and are denied their Americanness as *Mestizo* Latinxs. Violence and dishonor distance them further and further from an equitable, dignified life.

The courthouse scene in act V, scene iv, gives Murieta the opportunity to compete civically by deploying language, performance, and racial appearance rather than physical violence; he appropriates and adapts what the culture and the law require to access the protections of the legal system: an Anglo-American persona. Joaquin uses theatricality to help his ally and himself escape persecution. One of his men, Pedro, is captured, chained, and being tried in "a Court of Justice" (35/55):

Justice Brown: Prisoner, what have you got to say?

Prisoner: Mas, yo no sabe para que tengo esta cadena.

*(Rattles his chain.)*

Yo no hablo el Americano. In poco tiempo el muy amigo viéndra aqui. Per Dios, yo no entender alguna cosa de esto.

[*Translation mine:* But I don't know why I'm chained. I don't speak American. In a little while, my friend will be here. By God, I don't understand any of this.]

Mike: You lie, you damned greaser thief; ye's can talk American, so ye's can.

Justice Brown: Boys, let's talk this over for half an hour.

*(Cries of: Hang him! string him up! no talk! hang him! Enter Joaquin, dressed as an American; looks at Pedro.)*

(35–6/55)



Murieta, “dressed as an American,” goes into an extended monologue posing as Anglo-American “Sam Herrington. . . a packer from the town of San Jose” (36/55–6). This scene highlights Murieta’s success with manipulating systemic racism—a devil in disguise of sorts, as he later says, “The devil takes care of his chickens” (37/57). By hiding his *mestizaje*, or his biologically and culturally mixed racial identity, he is also hiding his presumed impurity and criminality. Consequently, he convinces the Judge and those in attendance that Pedro is an innocent Mexican who works for him with “no positive proof against him, yet there was so strong a prejudice against Mexicans that there was great danger of his being hung” (36/56). The Judge fully trusts “Sam Herrington” and releases Pedro to him. The law and its performance relied (and still rely) on this settler colonial system of respectability where the dominant race—its language, skin color, gestures, dress—warrants value and trust, as well as the power to define the other for its own benefit.

In act V, scene v, Gonzalles identifies the individual “dressed as an American!” (37/58) as Murieta by Byrnes, a Lieutenant in Captain Harry Love’s band. Love has been commissioned by the California Senate and Assembly to capture Murieta for several murders he has committed as acts of revenge, including blowing out the brains of those who whipped him and those who sexually assaulted Belloro. Eventually, Gonzalles gives up Murieta’s location for a bag of gold, and Murieta and his men are ambushed by Captain Love and his mercenaries. Love catches him and threatens to “blow the top of [his] head off,” and Murieta tells his men: “Boys, every one [*sic*] for himself—go!” (42/61). Murieta is shot, and as he dies says, “Don’t shoot any more. My work is done. (*Falls.*) My wife—my Belloro—I—come. (*Dies.*)” (42/61). His concern for his men’s escape, his completed “work” or vengeance, and his desire to see his wife in the afterlife give the spectator one more chance to empathize with Murieta. However, Love’s dialogue immediately follows and ends the play: “Crime brings its own reward, and the stern hand of justice deals out the weight of its punishment” (42/61). Murieta’s subjective satisfaction is juxtaposed with Love’s settler colonial justice.

Anglo-dominant audiences’ economic interests overwhelm any possibility of positive empathy for Murieta and Belloro by the play’s end, as identification with them would contradict a culture structured by racialized economic security. Offstage, these racialized concepts were being performed systematically by denying Latinxs equal opportunities to prosper—via disparaging ideologies, lynchings, and other acts of violent deterrence. There were “at least 597” persons of Mexican origin lynched nationally during 1848 to 1928.<sup>63</sup> For the state of California alone there were 352 lynchings and summary executions recorded between 1850 and 1935.<sup>64</sup> The last man to be publicly executed in California was Mexican American Tiburcio Vásquez, hanged in 1875.<sup>65</sup> Participation in US culture through a subjected position is how Latinxs were culturally corralled from the very establishment of US California. Murieta’s resistance to his containment and his positionality was his greatest asset and his greatest liability, both in the play and in real life.

California Historical Landmark no. 344, located in Coalinga and registered 8 August 1939, records the purported location of the historical Murieta’s ambush and execution. The plaque’s inscription reads:

Arroyo de Cantua, Headquarters of notorious bandit Joaquin Murieta. Killed here July 25, 1853, by posse of State Rangers led by Captain Harry Love. Terrorized mining camps and stage operations during his career.<sup>66</sup>

Like the play, the plaque foregrounds Love's heroism as well as Murieta's criminality and terrorism; the succinct narrative begins by labeling "notorious bandit" Murieta specifically as a threat to Love's determined effort to bring him to criminal justice before depicting Murieta as a broadly terrorizing force. Like the head in the jar, the play and landmark memorialize and eternalize the mid-nineteenth-century spectacle and narrative that initiated the historicized otherness of Latinxs in California. Each display of Murieta's head, each reading of the published play, and each potential performance contributed to the culturally dominant paradigm that would try to keep Howe's version of *Latinidad* preserved for public consumption in a figurative jar. These circulating performances efficiently transmitted representations that profoundly shaped the emerging US California culture and helped to curb the evolution of US *Latinidad*.

## Conclusion

*Papi estás loco*, or "You're crazy, dad," is what my then eight-year-old daughter said to me as I went back to the Huntington Library at the height of Southern California's worst storm in twenty years on an early February morning. Flash flooding was imminent on the forty-five-mile drive from Orange County to San Marino. There was something unformulated in Mexican American and Latinx inscription into nineteenth-century US California of which I did not want to lose sight. I was consumed like a forty-niner. Scholarship by Nicolás Kanellos and Clara Rodríguez, among others, had kept me engaged in Latinx history and Spanish-speaking theatre in nineteenth-century California and the Southwest. Their work inspired me to find a Latinx-themed play that interpreted California's transformation from a Mexican state to a US state. Regarding my native California, I was after what Homi Bhabha calls the "deep nation," or the long past that rationalizes "the authoritarian, 'normalizing' tendencies within cultures in the name of the national interest of the ethnic prerogative."<sup>67</sup> Also of great value were literary and performance pieces that engaged with or interpreted Indigenous and Californio experiences with US settler colonialism. These included Yellow Bird's *The Life and Adventures of Joaquin Murieta, the Celebrated California Bandit* (1854), Helen Hunt Jackson's 1884 *Ramona*, the fantasy heritage performances that emerged in the 1920s,<sup>68</sup> and *The Rose of the Rancho*—David Belasco and Richard Walton Tully's 1906 Broadway hit depicting early US California. By the end of that stormy winter, I struck my own gold—an original copy of Howe's play, Howe's diary, and original posters and advertisements for the display of Murieta's head and the hand of Three Fingered Jack.

The tour featuring Murieta's head and the ideological discourses of westward expansion stimulated audiences of Howe's play to receive Latinxs and *Latinidad* within a specific cultural frame. From one perspective, the play's narrative repeatedly invites its audience to empathize with Murieta as an orphan betrayed by his own caretaker, as someone who turns his assassin into an ally, as the noble defender

of an Anglo family, as a hard-working, ambitious, *new* American who is violently victimized by the Anglo miners. It also invites audiences to empathize with Belloro's terror as a violated, Victorian-era *Mestiza*. Murieta's and Belloro's nobility and the audience's opportunities for empathy might have been good for entertainment, but in 1850s California, their Latinx identities brought inevitable demise. Within the material struggle over resources and land, Anglo spectators who too positively empathized with Murieta or Belloro would be embracing social and economic precarity in a developing culture as the state came into its new US status in the wake of the Gold Rush. The play's Latinx, *Mestizo* characters—protagonists and underdogs, immigrants seeking opportunity—met fates of violence, fear, and oppression, whereas the Anglo characters—whose sensibilities and experiences would have been more familiar—had futures with land acquisition and enhanced access to resources because they managed to restrict *Latinidad* and gain financially. The play's opposing forces—Latinx/Catholic versus Anglo/Protestant—compete for the audience's favor, just as the characters compete for land resources. Hence, Latinx representations such as Howe's could activate a powerful antagonistic empathy that emphasized the economic risks inherent in positive identification, empathy, or sympathy by members of the dominant Anglo culture.

As defined at the outset, empathy is a process of understanding, identifying with, and/or imagining others' circumstances and choices. But that understanding—or inability to understand—is driven by racialized ideologies at the foundation of US culture, at least partly espoused by an (un)intended partnership among dominant culture, spectatorship, and theatre artists. Consequently, as questions about equity in US culture endure, so too do questions about how empathy is affected by racial antagonism. The framework of antagonistic empathy attempts to deconstruct US theatre spectatorship practices that limit representations and understandings of US *Latinidad*.

Representations of nineteenth-century US California and the transformation of land ownership, such as Howe's *Joaquín Murieta de Castillo, the Celebrated California Bandit*, have played a significant role in establishing a paradigm of ethnocentric dominance that persists into the present, with lasting consequences for a broadly defined Latinx community. During the mid-nineteenth century, significant numbers of Latin Americans arrived in California from several countries during the Gold Rush era (1848–55), including Chileans, Mexicans, and Peruvians, leading to a panethnic and transnational US *Latinidad* developing in tandem with California's emergence as a US state. Indeed, the birthplace of Joaquín Murieta is actually unknown: some historians contend a Chilean birthplace, others a Mexican one.<sup>69</sup> Thus we could argue that the characters Murieta and Belloro transcend strictly national representations and are significant as panethnic Latinx figures, who represent by extension the strenuous challenges experienced not only by Mexican Americans, but also by (Afro-)Chicanxs, (Afro-)Latinxs, Puerto Ricans, and Hispanics in trying to achieve equity in the United States. Revisiting these representations and dismantling illusions partly built by theatrical processes can produce a shift in consciousness that decodes racialized settler colonial paradigms and their political and aesthetic gatekeeping functions. Interrogating the theatricalized ethics of the Gold Rush era, resisting the period's suggestions that Latinx people are predestined for suffering and failure, may shed new light on our enduring, systematic, US settler colonial ethos—how to resist it, and how to imagine and create alternatives.

## Notes

- 1 Joanne Tompkins, "Performing History's Unsettlement," in *Critical Theory and Performance*, rev. ed., ed. Janelle G. Reinelt and Joseph R. Roach (Ann Arbor: University of Michigan Press, 2007), 72.
- 2 The narrative voice of this epic poem is Joaquín Murieta, the mid-nineteenth-century historical figure examined in this study. A major text of the Chicano Movement, *I Am Joaquín* (1967), by Rodolfo ["Corky"] Gonzales and Y. Vasquez (Santa Barbara: La Causa Publications, 1967), was adapted into a short film by Luis Valdez and El Teatro Campesino in 1969. The film was made part of the National Film Registry by the Library of Congress in 2010 and included in the Academy Film Archive in 2017.
- 3 Charles E. B. Howe, *Joaquín Murieta de Castillo, the Celebrated California Bandit* (San Francisco: Commercial Book and Job Steam Printing Establishment, 1858). Two original copies of Howe's 1858 publication remain: one at the Bancroft Library at the University of California, Berkeley, and one at the Huntington Library in San Marino, CA. This study examined the latter original copy. Howe's play is also included in *California Gold-Rush Plays*, ed. Glenn Loney (New York: Performing Arts Journal Publications, 1983), 21–63.
- 4 For this reason, I refer to the English-speaking state as "US California" throughout the essay.
- 5 *Latinidad* is the first of a handful of transhistorical terms used for academic analysis in this study. First utilized by Felix M. Padilla as "latinismo" in his 1985 book, *Latino Ethnic Consciousness: The Case of Mexican Americans and Puerto Ricans in Chicago* (Notre Dame, IN: University of Notre Dame Press), 64, 69, 163, *Latinidad*, or Latinness, indicates Latin American cultural affects at large. It is a nonessentialist Spanish word that refers to the attributes of Latin American people inherited from their ancestors and from the attributes of their continually evolving cultures. *Latinidad* is disseminated through the interpretive imagery of Latin American histories, art, and people, and has varying expressions in different national contexts.
- 6 The complexity of historical forces and identifiers within settler colonialism renders "Latinx" not as a term of historical identification but as one of academic analysis; the "x" represents the array of biological, cultural, and racial mixing—or homogeneity—in individuals of Latin American descent. It includes individuals of all genders as well as those who identify as nonbinary, gender neutral, or nonidentarian. The "x" allows each individual to "fill in the blank" from an endless array of cultures, identities, races (Black, European, and Indigenous), and histories that include, as the core, Latin American descent.
- 7 Signed in 1848, the Treaty of Guadalupe Hidalgo ended the Mexican–American War. For Mexico, it included the territorial losses of New Mexico, Utah, Nevada, parts of Colorado, and California. It also guaranteed American citizenship and its "unalienable rights" for Mexicans who decided to stay within those territories. Those guarantees for citizenship and land ownership were not met. The official title of the treaty was the "Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic." See Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict* (Norman: University of Oklahoma Press, 1990).
- 8 Clara E. Rodriguez, *Changing Race: Latinos, the Census, and the History of Ethnicity in the United States* (New York: New York University Press, 2000), 35.
- 9 I credit the locus of this concept to Jose Muñoz's scholarship, which suggests looking at performance "as symbolic acts of difference that insist on ethnic affect within a representational sphere dominated by the standard national affect"; José Esteban Muñoz, "Feeling Brown: Ethnicity and Affect in Ricardo Bracho's *The Sweetest Hangover (and Other STDs)*," *Theatre Journal* 52.1 (2000): 67–79, at 69. Muñoz argues how media culture immerses and contains *Latinidad* within spiciness and exoticism, and "performance work functions as political attempts to contest and challenge . . . stereotypes" with accounts of survival (69). He poignantly asks us to consider when ethnic affect is "brown" enough, and if it is not, if it is deemed part of the cultural logic of "whiteness."
- 10 It is not possible to separate myth from fiction with such a seminal historical figure such as Joaquín Murieta. Different versions of his brother's lynching exist. See Luis Leal, "Introduction," in Ireneo Paz, *Life and Adventures of the Celebrated Bandit, Joaquín Murieta: His Exploits in the State of California*, trans. Frances P. Belle (Houston: Arte Público Press, 2001), ix–xcvii, at xvii, xxiv–xlv; and Bruce S. Thornton, *Searching for Joaquín: Myth, Murieta, and History in California* (San Francisco: Encounter Books, 2003), 78–84.
- 11 Geo., M. B., "California," *New-York Daily Tribune*, 14 June 1853, 6, col. 2; <https://chroniclingamerica.loc.gov/lccn/sn83030213/1853-06-14/ed-1/seq-6/>, accessed 12 October 2019.

- 12 The reward totaled \$1,000; see Thornton, *Searching for Joaquín*, 22–3.
- 13 “California State Rangers.” *California Militia and National Guard Unit Histories* (California State Military Museum); <https://militarymuseum.org/CaliforniaStateRangers.html>, accessed 4 October 2019. This material seems to derive from Works Progress Administration, with the Adjutant General’s Office of California and California State Library, *National Guard of California*, vol. 10: *The California National Guard and the Mexican Border Service* ([Sacramento], 1940).
- 14 The most exhaustive compilation of materials on Joaquín Murieta seems to be Frank L. Latta, *Joaquín Murrieta and His Horse Gangs* (Santa Cruz: Bear State Books, 1980). In Mexico, the principal researcher of Joaquín Murieta is Manuel Rojas, who authored *Joaquín Murrieta, “El Patrio”: El “Far West” del México Cercenado*, 3d ed. (Mexicali: Instituto de Cultura de Baja California, 1992). Articles on Murieta appear in a number of dictionaries and encyclopedias, including the *Diccionario Porrúa de historia, biografía geografía de México* (Mexico City: Porrúa, 1964), and the *Columbia Encyclopedia*, 5th ed. (New York: Columbia University Press, 1993). Perhaps the most dramatic historical account, besides Yellow Bird’s (see note 17), is Walter Noble Burns’s *The Robin Hood of El Dorado: The Saga of Joaquín Murrieta, Famous Outlaw of California’s Age of Gold* (New York: Coward–McCann, 1932).
- 15 Leal, “Introduction,” xiii, xlii–xliv.
- 16 Controversies on the head’s authenticity have never ceased. The latest venture is *The Head of Joaquín Murieta*, a 2016 PBS documentary by John Valadez, who seeks to find the head of Murieta and bury it. The infamous 1981 mondo film *Faces of Death II* stages its self-professed real depiction of Murieta’s pickled head.
- 17 See Thornton, *Searching for Joaquín*, 86–8; Leal, “Introduction,” xii–xxv; and Joseph Henry Jackson, “Introduction,” in Yellow Bird [John Rollin Ridge], *The Life and Adventures of Joaquín Murieta, the Celebrated California Bandit*, new ed. (Norman: University of Oklahoma Press, 1955), §III, xxxi. See also my note 13.
- 18 Yellow Bird, *Life and Adventures of Joaquín Murieta*, 9–10.
- 19 *Ibid.*, 9.
- 20 *Ibid.*, 7.
- 21 Glenn Loney, “Introduction,” in *California Gold-Rush Plays*, ed. Loney, 7–20, at 15.
- 22 George R. MacMinn, *The Theater of the Golden Era in California* (Caldwell, ID: Caxton Printers, 1941), 242.
- 23 Loney, “Introduction,” 16.
- 24 Charles E. B. Howe, “Reminiscences,” holograph, 1854[?], BANC MSS C-D 5149, Bancroft Library Rare Collections, University of California, Berkeley.
- 25 *Ibid.*
- 26 US President James K. Polk (1795–1849) and his 1845–9 administration galvanized the US Congress to expand American territory all the way to the Pacific Ocean. They believed the West was destined for conquest and occupation by Anglo-Americans. See Amy S. Greenberg, *Manifest Destiny and American Territorial Expansion: A Brief History with Documents* (Boston: Bedford/St. Martin’s, 2018) and *The Diary of James K. Polk during His Presidency, 1845 to 1849*, ed. Milo Milton Quaife, 4 vols. (Chicago: A. C. McClurg, 1910), 1: 495–7.
- 27 As a term that originated to distinguish hierarchical class distinction according to race, “*Mestiza/o/x*” can carry pejorative connotations in Latin America, including Mexico. Detractors claim that the concept of a *Mestizo* nation “[in Mexico] pretends to synthesize the composition of the population, but in reality excludes those ethnically differentiated from the group assumed as referent.” See Miguel Alberto Bartolomé, “Pluralismo Cultural y Redefinición del Estado en México,” *Série Antropología* 210 (Brasília: Universidade de Brasília, Departamento de Antropología, 1996), 12; translation mine. Its usage emphasizes a politically advantageous disidentification from Indigenous heritage in which assimilation into the majority or dominant group—*Mestizos*—is favored. In this study, I use *Mestiza/o* when it is historically appropriate, to reiterate the colonial, historicized use of the term. It is not used to detract from the multiple ethnic and racial identities that make up *Mestizos*, including Black, Indigenous, and European, nor is it used as a present-day stratification.
- 28 See Greenberg, *Manifest Destiny*, 16–17 (quote on 17), 137, 140, and doc. nos. 11, 12, 18, 25, 31, 32, and 37; and Richard Griswold del Castillo, *The Los Angeles Barrio* (Berkeley and Los Angeles: University of California Press, 1979), 45, 47, 52, 54. See also my note 45.

- 29 Greenberg, *Manifest Destiny*, 15–16. She notes how “Many of the most active proponents of Manifest Destiny owned foreign investments in Mexico, the Caribbean, and Central America that would vastly increase in value under the US flag. . . . [R]ace and not civilization became the determining factor in this equation. Increasing numbers of ‘Anglo Saxon’ Americans believed their claims to North America to be superior to those of any racially ‘impure’ peoples” (16–17).
- 30 Luis Valdez and El Teatro Campesino, *Actos* (San Juan Bautista: Curaracha Press, 1971), 5.
- 31 *Californios* were Mexicans native to the state of California comprised mostly of *Criollos*, or Mexicans of full Spanish descent, and *Mestizos*—blended *Criollo* and Indigenous populations. The caste system, or *castas*, as an inherently racial stratification of hierarchy in Spanish America, including California, was used to distinguish among social classes in accordance with racial (im)purity; these included, in order of their social standing: Spanish-born *Peninsulares*; the Spanish born in the New World, or *Criollos*; and *Mestizos*, individuals of mixed European, Indigenous, and Black racial identities. The lowest strata comprised Indigenous and Black peoples. This hierarchy continued in Mexican California until 1824 when a new Mexican constitution abolished *castas*. See Andrew Gibb, *Californios, Anglos, and the Performance of Oligarchy in the U.S. West* (Carbondale: Southern Illinois University Press, 2018), 19; and Lisbeth Haas, *Saints and Citizens: Indigenous Histories of Colonial Missions and Mexican California* (Berkeley and Los Angeles: University of California Press, 2014), 119.
- 32 Haas, *Saints and Citizens*, 119. *Castas* were “the classification system that tracked racial inheritances through multiple generations, [which] acted as a tool for sustaining ideologies of racial ‘purity’ within the Spanish empire”; Gibb, *Californios, Anglos*, 18–19.
- 33 Gibb, *Californios, Anglos*, 19.
- 34 “Treaty of Guadalupe Hidalgo,” in *Treaties and Other International Agreements of the United States of America, 1776–1949*, vol. 9: *Iraq–Muscat*, ed. Charles I. Bevans (Washington, DC: Department of State, 1949), 791–806.
- 35 Griswold del Castillo, *Treaty of Guadalupe Hidalgo*, 68–70.
- 36 Leonard Pitt, “The Beginnings of Nativism in California,” *Pacific Historical Review* 30.1 (1961): 23–38, at 23.
- 37 California Gold Rush immigrants were mostly from Malaysia, Hawaii, China, Mexico, Chile, France, Peru, Ireland, Scotland, and Wales. See Thornton, *Searching for Joaquín*, 66.
- 38 Griswold del Castillo, *Treaty of Guadalupe Hidalgo*, 67.
- 39 Pitt, “Nativism in California,” 28.
- 40 Kimberly Johnston-Dodds, *Early California Laws and Policies Related to California Indians* (Sacramento: California State Library, California Research Bureau, 2002), 5.
- 41 Native American genocide was facilitated by the 1850 Act for the Government and Protection of Indians, which occurred in tandem with state and federal government rewards for Native American bodies as evidence of their killing: \$25.00 was the average price for evidence of killing indigenous males, \$5.00 for children. When Native American children were spared, they were often sold or taken in for indentured servitude by the bounty hunter who killed their parents and/or family. See “The Gold Rush: Act for the Government and Protection of Indians,” *American Experience*, [www.pbs.org/wgbh/americanexperience/features/goldrush-act-for-government-and-protection-of-indians/](http://www.pbs.org/wgbh/americanexperience/features/goldrush-act-for-government-and-protection-of-indians/), accessed 14 February 2019.
- 42 Steven Bender, *Greasers and Gringos: Latinos, Law, and the American Imagination* (New York: New York University Press, 2003), xiii.
- 43 The word “greaser” originated in the Mexican–American War as a derogatory term to refer to Mexicans and “the practice of Mexican laborers in the Southwest greasing their backs to facilitate the unloading of hides and cargo.” See Bender, *Greasers and Gringos*, xiii. It may have also been used to refer to a “treacherous Mexican male who was sexually threatening to and desirous of white women.” See Darren Lenard Hutchinson, “Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Anti-Racist Politics,” *Buffalo Law Review* 47 (1999): 1–116, at 87, cited in *ibid*.
- 44 Douglas S. Harvey, *The Theatre of Empire: Frontier Performances in America, 1750–1860* (London: Routledge, 2016), 138.
- 45 See Clare V. McKenna, “A Special Kind of Justice: The Treatment of Hispanic Murderers in California, 1850–1900,” in *Chicano Social and Political History in the Nineteenth Century*, ed. Richard Griswold del Castillo with Manuel Hidalgo (Encino, CA: Floricanto Press, 1992), 95–103, at 99. Disparities as a result of comparing Anglo and Hispanic sentencing rates in nineteenth-century California highlight judicial powerlessness and domination. These San Quentin Prison registers, regarding first-degree murder convictions



during 1850–1900, are included by McKenna (ibid., Table 3, “Victim/Perpetrator Sentencing, 1850–1900,” at 100):

| Perpetrator | Victim   | Life (Sentence %) | Death (Sentence %) |
|-------------|----------|-------------------|--------------------|
| Anglo       | Hispanic | 0                 | 0                  |
| Hispanic    | Anglo    | 23                | 46                 |

Source: San Quentin Registers of Action.

46 “1860 Census: Population of the United States—California,” United States Census Bureau, [www.census.gov/library/publications/1864/dec/1860a.html](http://www.census.gov/library/publications/1864/dec/1860a.html), accessed 26 February 2019. The 1860 US Census reveals a rapidly diminishing nonwhite population within an emergent, US state. Historians theorize that a significant amount of the California “Hispanic” population at that time did not participate in the census, out of fear. Hence, although the population percentages tabulated historically lack accuracy, they do demonstrate a culture of marginalization, subjection, and concealment for non-Anglo individuals. It is possible that “Hispanic” populations also feared attending mainstream public events, such as English-speaking theatre.

47 See MacMinn, *Theater of the Golden Era*, 242–3; and Loney, “Introduction,” 16.

48 See Albert Kimsey Owen Papers, 1872–1923, 1940–1969, Box 1, Huntington Library, San Marino, CA.

49 Ibid.

50 The monastery’s location is not specified in the play. The closest contemporaneous monastery in name and function is the Santa Veracruz Monastery located in the historical center of Mexico City, established in 1586 by a religious order founded by Hernán Cortés. It is Mexico’s second oldest church. Carmen Galindo and Magdalena Galindo, *Mexico City: Historic Center* (Mexico City: Ediciones Nueva Guía 2002), 174.

51 Howe, *Joaquin Murieta de Castillo*, 6; also in *California Gold-Rush Plays*, ed. Loney, 23–4. Subsequent page citations to both editions are given parenthetically in the text.

52 Acknowledgment of violent, bloody, and murderous colonial conquest is certainly in order, as is recognition of the European colonization that came to be in the Northern and Southern Hemispheres.

53 The use of “Hispanic” throughout this essay refers to a descentance from the Iberian Peninsula; this geographic region included modern-day Spain, Portugal, Andorra, and the British territory of Gibraltar. Essentially, the words Spain, Spanish, and Spaniard are of the same etymology as the Latin *Hispanicus*. Those opposed to the use of the term “Hispanic” to encompass all individuals of Latin American descent rightly point out its limited scope to peoples of “Spanish” descentance. The term excludes all Indigenous, mixed ethnic, and racial identifications, and emphasizes a “Spanish” origin or descentance. The use of “Hispanic” is unavoidably pejorative, as it attempts to encompass descendants of forced and violent Spanish colonization in the Americas as “Spanish.” “Hispanic” is distinguishable from (Afro-)Latinx, which includes Latin American, Indigenous, African, European, and Caribbean descent, and from (Afro-)Chicana/o/x, which includes individuals who assert a political consciousness and deny, as Jorge A. Huerta notes, “both a Mexican and an Anglo-American distinction, yet [are] influenced by both.” Huerta, *Chicano Theater: Themes and Forms* (Ypsilanti, MI: Bilingual Press, 1982), 4.

54 Griswold del Castillo, *Treaty of Guadalupe Hidalgo*, 4.

55 The word “vamosé” refers to the Spanish-language “vámonos,” which translates as “let’s go.” Modern English has “vamoose,” meaning to depart suddenly.

56 Woods Creek is located in Jamestown, California, which is in Tolumne County. It is one of the original counties of California established in 1850, the year California became the thirty-first state of the United States. Jamestown was one of the major California Gold Rush (1848–55) towns, and the Woods Creek area and river were reputed to contain some of the largest gold deposits.

57 Linda Heidenreich, “‘Greaser Act’ (1855),” in *Latino History and Culture: An Encyclopedia*, ed. David J. Leonard and Carmen R. Lugo-Lugo, 2 vols. (Armonk, NY: Sharpe Reference, 2010), 1: 218.

58 Bender, *Greasers and Gringos*, xiii.

59 Nineteenth-century Mexican American novelist María Amparo Ruiz de Burton consistently contends with Manifest Destiny and its violent, racist, and gendered constructions.

60 “The Great War Meeting at Tammany Hall: Tremendous Gathering of the People—Shall the Whole of Mexico Be Annexed?” *New York Herald*, 30 January 1848, 1.

- 61 Naomi Rokotnitz, *Trusting Performance: A Cognitive Approach to Embodiment in Drama* (New York: Palgrave Macmillan, 2014), 8.
- 62 Anthony Kubiak, *Agitated States: Performance in the American Theater of Cruelty* (Ann Arbor: University of Michigan Press, 2002), 53.
- 63 William D. Carrigan and Clive Webb, "The Lynching of Persons of Mexican Origin or Descent in the United States, 1848 to 1928," *Journal of Social History* 37.2 (2003): 411–38, at 413.
- 64 Ken Gonzales-Day, *Lynching in the West, 1850–1935* (Durham, NC: Duke University Press, 2006), 240 n. 20.
- 65 Luis Valdez adapted the historical figure of Tiburcio Vásquez in his 1981 play *Bandido!*
- 66 State of California (1939), *California Historical Landmarks*, "CHL No. 344 Arroyo de Cantua—Fresno," Coalinga, California; visited 4 October 2018.
- 67 Homi K. Bhabha, "Introduction: Narrating the Nation," in *Nation and Narration*, ed. Bhabha (New York: Routledge, 2013), 1–7, at 4.
- 68 First coined by Carey McWilliams in *North of Mexico* [1949] (New York: Monthly Review Press, 1961), "fantasy heritage" is aptly described by Rosa Linda Fregoso as naming "the selective appropriation of historical fact, the transformation of selected elements of history (e.g., the economic system of missions and haciendas [in California]) into a romantic, idyllic past that repressed the history of race and class relations in the region." See Fregoso, "Tracking Latina Bloodlines," in *MeXicana Encounters: The Making of Social Identities on the Borderlands* (Berkeley: University of California Press, 2003), 103–25, at 103.
- 69 For Chile, see Simon Collier and William F. Sater, *A History of Chile, 1808–1994* (Cambridge: Cambridge University Press, 1996), 81. For the controversy, see Paz, *Life and Adventures*, xviii–xix.

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