



Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo

SUBJECT: Removal of the Thomas Fallon Statue

DATE: 2/10/21

APPROVED:

DATE: 1/31/21

RECOMMENDATION

1. Commence the City process for the removal of the Thomas Fallon Statue.

DISCUSSION

San José has many urgent and critical priorities in this moment: a pandemic, a deep recession, and an affordable housing crisis, among others. They deserve our undivided attention. They also require the strength and focus of an undivided community.

For the third time in three decades, debate over the Thomas Fallon Statue has reopened old wounds and deepened divides. I am calling for the commencement of the City's standard process to remove the Fallon Statue. At the conclusion of that public process--barring some startling and dramatic change in the facts--I'll support the removal of the statue. It's time to move on.

Such an act has nothing to do with the "rewriting" or "erasing" of history. History is what it is, and every passing generation reconsiders its interpretation of that record, in light of the evolving values and sensibilities of the age. Statues in museums teach history; statues in prominent outdoor spaces glorify history, often without reflection. We should reconsider what we glorify.

Nor should this action be seen to vindicate any acts of vandalism against this or any other public property. Vandals should be arrested and punished according to the law. In a representative democracy, we must decide to erect or take down public statues through transparent, inclusive public processes, not on the whim of a few individuals equipped with a truck and a rope.

Fact and Symbol

It's important to separate the symbol from the fact. Over the course of the three-decade battle over this statue, as in all battles, truth became an early casualty. Many allegations--about what Fallon did or didn't do--don't appear to match the sparse historical record about the man.

But larger truths subsume the historical details. What has become apparent is that for many in our community, this fight is about much more than Fallon.

That is, for many, this isn't about Thomas Fallon's sins; it's about white America's sins. They perceive this statue as the celebration of a conquest that commenced decades of oppression of the vanquished and their progeny--primarily Mexican-Americans.

As Americans, we should all celebrate the flying of an American flag in that or any other location. It's the horse-mounted military figures, mixed with the history of Mexican conquest, and the contemporary experience of racial inequity by Mexican-Americans, that together creates a symbol that has provoked anger. This anger is not merely the product of today's "cancel culture" or political correctness, but has erupted repeatedly over the last three decades.

It's time to refocus on what unites us. Let's move our energies away from tearing down statutes, to focus on what we can build—together.

The Historical Event and its Meaning

The historical details appear less compelling than the symbols. The event depicted by the statue--Fallon's raising of the American flag in San José during the Bear Flag Revolt of 1846—[does not appear particularly consequential](#) to that rebellion against the government of the Centralist Republic of Mexico over California. Nor does San José's "capture" appear to have conferred any particular advantage to the rebels. The most significant events surrounding the Bear Flag Revolt occurred primarily in Sonoma and Monterrey, miles removed from San José. Fallon's expedition consisted of a couple dozen volunteers—which grew to a "force" of 31—who raised the flag above the juzgado in San José without resistance or violence. This was no Battle of Iwo Jima; [Mexican soldiers left the San José outpost several days before Fallon and his small band of volunteers ever arrived](#) from Santa Cruz.

It would take another year--for the signing of the Treaty of Cahuenga--to secure American control over California. Not until the settlement of the Mexican-American War in 1848 did California officially become part of the United States, and another two years would pass before California would be admitted as a state, with San José as California's first state capital.

While this event attracts scant attention by historians outside of San José, it draws sharply different interpretations locally. Naturally patriotic sensitivities are captured by the mere raising of an American flag, as depicted in this statute. With San José's entry to the United States came the establishment of American democratic institutions, and the Valley's extraordinary economic growth and progress under an American flag. Some of the statue's proponents have viewed Fallon's journey to San José as the city's liberation from a quarter-century of rule by a distant, unstable Mexican government. Some also believe that the marriage of Fallon, an Irish immigrant businessman, to a Californio woman, Carmel Castro, symbolizes the multicultural integration of San José.

Critics of the Fallon Statue view the 1846 event as the commencement of the white subjugation of Latinos in San José. America's embrace of Manifest Destiny caused collateral damage often ignored in elementary school history textbooks about our country's westward expansion. The more sinister aspects of America's conquest of California included the [slaying of thousands of women and children of the Pomo, Wintu, Yakaya, and other tribes throughout California—in addition to the many indigenous men killed in combat—by the US military](#). Indeed, Captain Fallon's men left San José within days of the flag-raising, only to be replaced in San José by

[Purser Watmough and thirty U.S. Marines, who promptly launched attacks on indigenous tribes in the San Joaquin Valley.](#) Historians also point to the [Mexican Californios' loss of their land and homes.](#) Although the treaty settling the Mexican-American War committed the U.S. government to preserve land ownership authorized under Mexican and Spanish rule, [Congress passed a law in 1851 that resulted in the dispossession of hundreds of Mexican-American land owners,](#) and hundreds more spent decades trying to protect their ranchos in court. The ownership of land, of course, has [profoundly affected the racial and ethnic dimensions of California's economic inequality.](#)

We are left with two sharply contrasting views of a single historical event. The “conquest” of San José strikes some as the imposition of an ethnic caste system upon San José’s 19th century residents, with Mexican, Californio, and Muwekma Ohlone oppressed by a power structure governed by non-Hispanic whites. Others counter that such racial oppression pre-existed Fallon’s arrival in San José, as historic accounts of Spanish and Mexican rule in the Bay Area provide ample evidence of the subjugation of indigenous tribes with repressive and deadly force.

As far as I can tell, they’re both right.

And two more things can also be true: we can be proud Americans, and we can still feel the burden of the more shameful moments of our shared history. This statue—like history itself—becomes something of a cultural Rorschach test, with varying interpretations shaped by our lived experience.

The Statue

The statue, first proposed under Mayor Tom McEnery’s administration, [drew an angry reaction from Mexican-American community members when it was first commissioned](#) in the late 1980’s, particularly those deeply engaged in racial justice advocacy associated with the city’s Chicano movement. The protests and controversy that followed ultimately left the statue sitting in a warehouse for several years. A public commission recommended to the Council that it should not erect the Fallon Statue until the completion of four other public art works, honoring noteworthy aspects of our area’s Mexican and indigenous Muwekma Ohlone heritage. More than a decade later, after the completion of those public art works, the statute finally saw the outside world under Mayor Ron Gonzales’ administration, landing on a seemingly remote site on St. James Street in a then-neglected park near the 87 freeway. In an article entitled [“Obscure Monuments of Downtown San José”](#) *San José Metro* writer Eric Carlson wrote, “[T]ry finding the Fallon Statue in Pellier Park.” He continued, “Let’s make it easier. Try finding Pellier Park. You’ll have better luck locating the Treasure of the Sierra Madre.” In the ensuing years, though, redevelopment filled the surrounding vacant industrial lots. As the Downtown grew northward, it enveloped the statue, making more prominent its location at the Western entrance to our Downtown.

There it sits today.

The Conversation Today, and the Historic Record

For a significant portion of our community, the Fallon Statue has become a deeply painful symbol of racial oppression. I recently attended a community meeting in which dozens of community members spoke that Fallon’s legacy of “racism,” “murder,” “oppression,” and even “genocide,” toward 19th century Mexican and indigenous Muwekma Ohlone residents of San José. I heard indignance that the City had even kept such a statue for three decades, some comparing the work

with Southern statues of confederate soldiers. The certainty of the crowd was infectious—each subsequent speaker seemed more convinced of Fallon’s atrocities than the last speaker.

Like most of our community, I grew up in the Valley knowing virtually nothing about Thomas Fallon. As the dispute over his statue has reemerged in recent months, I’ve tried to learn more about whatever he did that was so awful—through reading online sources, reviewing two history books, a documentary, and consulting a couple of prominent historians. I can’t say that I’ve learned much—either good or bad—about the man. I haven’t found any accounts of violence that he committed, ordered, or threatened, or even rumors or allegations of such attacks. McEnery’s daughter, Erin, even produced [a documentary, “In Search of the Captain,” describing her puzzlingly fruitless and sometimes humorous examination of the subject](#).

What appears uncontroverted is that Fallon’s military career was decidedly undistinguished—he was a volunteer, and by some accounts, never formally enlisted. [He famously cheated on his Mexican wife, Castro, prompting her to file for divorce](#). So, he was likely a scoundrel. He left San José within days of his arrival, and then several years later, returned to live in San José, and served on the city’s council, and for one year, as its mayor. So, worse than being a scoundrel, he was a politician.

Yet there doesn’t exist anything yet identified on the record to reveal Fallon as a violent or racist oppressor. [He even appears to have attempted to rectify grievances of Californios and Mexicans threatened with land dispossession through title disputes](#). But Fallon played a seemingly minor role in San José’s history---and [gathers perhaps a half-dozen mentions in Clyde Arbuckle’s lengthy treatise on the subject](#), aptly named “The History of San José,” and in Federic Hall’s 1871 book on the same subject. We can’t even say he was the first to fly the U.S. flag at the San José juzgado; apparently somebody beat him to it two or three days before, but the flag was quickly taken down. I can only conclude that while Fallon doesn’t deserve a public flogging, his accomplishments don’t merit a statue either.

Of course, I’m no historian, nor do I claim any expertise. I encourage others who may have information about any of the above to share it publicly, and to ensure that it becomes part of the public record as the Public Art Committee reviews the record in making its recommendations.

Viewing Yesterday’s Symbols With Today’s Eyes

As noted earlier, though, this isn’t really about the historic record surrounding Thomas Fallon. It’s about a symbol, and what that symbol means in a diverse city like San José. For some substantial number of our neighbors, that symbol speaks to white conquest of the Mexican and indigenous communities. And since this is a public work of art, in a prominent, public place, we should ask ourselves whether it’s really worth tormenting our neighbors with a daily reminder of an image that they view as oppressive.

This is the moment in our history for difficult conversations, particularly about race. I’ve participated and heard many of those difficult conversations, and anger is righteously expressed by community members whose families have endured generations of impacts of systemic racism in our national and local institutions. This moment calls for many of us who have not suffered from that oppression to see with different eyes, and to hear with different ears.

My Own Journey

Lately, I've thought a lot about how we experience history differently as a result of our lived experiences. For two decades, I've driven, cycled, or run past the Fallon Statue hundreds of times. I used to live in an apartment only a few blocks away. In all of that time I've probably spent no more than a few seconds looking at the statue.

In recent years, I've taken the time to learn more about my ancestors who lived around San José at the time. My mother's maiden name is Aceves, and around the time of Fallon's planting of the flag in 1846, Ramon Aceves and his wife Rosa Flores would have just arrived from Michoacan. Ramon worked in the Almaden mines, and he likely was exploited and controlled by the British mine owners along with other Mexican and South American immigrants. Within a few years of the planting of that American flag, another ancestor of mine, Maria Clara Ortega, then living in Gilroy, lost the land that was given to her by her grandfather—for a variety of conflict reasons we'd never really understood. But many Mexican families lost their land and their homes around that time—without compensation—and her loss follows the larger historical narrative.

Since my Mexican ancestry isn't immediately apparent, I've never suffered from the discrimination that my forebears experienced. But of course, thousands of my San José neighbors have had a very different life experience—and they have inherited profound pain and indignity of preceding generations. They saw that statue daily, even when I ignored it.

Onward

I expect that the City's public process will conclude with a recommendation to the removal of the Fallon Statue, and I will support that action. I urge that we refocus our collective energy on the critical tasks we face as a community—to keep people safe during a pandemic, to sustain families amid a painful recession, and to rebuild shattered lives and businesses in our recovery. I further hope that when these crises clear, we can move forward with a more generative community dialogue—not about what we want to tear down, but about what we want to build.