



THE PUZZLE OF SAND CREEK

BY RAYMOND G. CAREY

A century ago a cavalry force clattered away from Fort Lyon and the Arkansas River one November evening and pushed steadily northward through the cold night across the bleak plains of eastern Colorado Territory. At the head of the column rode a bull-voiced giant, Colonel John M. Chivington, the commanding officer of the Military District of Colorado. The force was composed of around five hundred members of the Third Regiment, Colorado Volunteer Cavalry, an emergency unit organized for one hundred days of service, and about two hundred and fifty members of the more seasoned First Colorado Cavalry.

Early on the morning of November 29, 1864, that force attacked an Indian encampment located on a bend of Big Sandy, or Sand Creek, about nine miles north by east of the site of present-day Chivington, Colorado. The encampment, made up of approximately one hundred Cheyenne lodges and a few belonging to allied Arapahoes, was estimated by some people who were present that day to have held no more than five hundred Indians, largely women and children. Others placed the total figure between eleven hundred and twelve hundred and judged that there were at least seven hundred warriors in the village.

The attack was made shortly after daybreak, and fighting continued until eleven o'clock according to some reports, until mid-afternoon or even later according to others. Ten soldiers were killed on the field or died of their wounds soon afterward, and about forty others were wounded. Battle reports announced that great numbers of Indian warriors, maybe as many as six or seven hundred, had been killed. The people of Colorado were overjoyed to hear of the victory, for they had lived in terror during the summer and autumn months while the tribesmen raided ranches and emigrant trains, butchered many whites, and carried off women and children into captivity. When the "hundred-daysters" of the Third Colorado returned to Denver to be mustered out, they were welcomed as heroes.

The brilliance of the victory became clouded a few months later when a number of traders, half-bloods, and military personnel contended before two congressional committees and a military commission that the Indians at Sand Creek were friendly and had reason to assume that they were under government protection, that more squaws and papooses than warriors had been killed, and that bodies of the dead had been savagely mutilated by the soldiers. The congressional committees denounced the attack as a dastardly massacre and Colonel Chivington as a monster and murderer. Since he and his forces did not lack defenders and supporters, the controversy over Sand Creek was launched and has gone on for a hundred years.

At best, the event was tragic and the locale was appropriately dreary. The visitor who takes his stand today beside the simple marker on the bluff at the south end of the field and looks northward over the battleground of Sand Creek, does not see Colorado's most pleasant land. On his left, an untidy procession of tawny bluffs marches down from the northwest, executes a sharp left turn to provide the visitor with his observation point, and then proceeds on eastward for a moderate distance. A sterile plain with erratic, thin coverage of sage brush and bunch grass stretches to the horizon ahead and to the right, while between plain and bluffs, Sand Creek—or rather its usually parched bed—wanders down from the northwest in a meandering course marked by taller and thicker grass than the plain can support, by occasional willow thickets and scattered cottonwood trees. The silence is disturbed only by the wind in the dry grass.

The viewer's imagination may enable him to invest the cheerless land with the peculiar solemnity that hovers about places of the dead. But nothing will encourage him in the belief

that he is surveying one of the nation's honored battlefields. Here are no regimental shafts; here, no white markers to record that "Private Robert McFarland, Company D, Third Regiment Colorado Volunteer Cavalry"—or any other man, red or white—"fell here, November 29, 1864." Nor is it likely that such memorials will arise, for Sand Creek was a minute and unimportant battle, as battles go; furthermore, it was a badly smudged entry on what the Commissioner of Indian Affairs in 1864 called "that dark page of our national history, containing a recital of our numerous Indian wars, and the peculiarly bloody and barbarous scenes attending them." By some quirk of policy—is some stirring of a national conscience responsible?—those bloody fields appear to be most honored when the whites were roundly defeated. One may wonder if the battlefield of the Little Big Horn would be a National Monument if Custer's force had annihilated the Indians.

In spite of its relative unimportance, Sand Creek nevertheless continues to generate a remarkable amount of appeal. The controversy of "battle" versus "massacre" continues after a century; historical detectives are repeatedly challenged to find the needle of truth in the haystack of half-truth and downright prevarication that fills the records of the various investigations. New viewpoints and newly unearthed materials in family papers and government records give birth to articles and books on various facets of the event. Striking personalities in the cast of characters attract biographers. Novelists find the theme of Sand Creek useful for pointing a moral about the corrupting effects of power and for adorning a tale about the eternal struggle of the good guys with the bad guys. Television westerns, devoted to the dog-earned script about the noble savage and the white villain, maul the Sand Creek theme with regularity. The central figure of an opera recently produced in Denver was a cross between Judge Bean and Colonel Chivington. Sand Creek not only appears, as one would expect, in histories of military affairs in the West, in histories of the American Indian and of the government's Indian policies and relations, but also in studies of western agriculture and land policy.

All this emphasizes the point that Sand Creek was much more than the usual blood-letting that white men and red men indulged in repeatedly in the course of their savage race war on this continent. The background of Sand Creek was a fabric of entangled public and private interests; the event itself was many-faceted and filled with problems that have never been conclusively solved; the aftermath involved not only personal

animosities and the fumbblings of inept congressional committees, but also the interplay of political forces and undefined stirrings in public sentiment at the end of the Civil War. In short, Sand Creek probably owes its longevity to its complexity, and to the fact that it was and still is an unsolved puzzle that teases the mind and attracts the attention and efforts of all kinds of people with many diverse interests. A brief examination of some of the pieces in that puzzle may be of interest.

A key piece was the basic question of ownership of the mountains and plains of eastern Colorado. In the 1840's, when great numbers of emigrants going to the Oregon country, Mormons, military forces headed for Mexico, and gold-hungry forty-niners, crossed the great plains where the Indian and buffalo roamed, nasty clashes occurred between the red man and the white intruders. Since the whites then considered the endless Plains and the Rockies only as troublesome obstacles on the way to the Pacific coast, the government attempted to give assurance to the Indians and protection to the whites by negotiating the Treaty of Fort Laramie with several of the tribes of the Plains in 1851. In return for their assurances of good behavior, the Cheyennes and Arapahoes were recognized as having title to the vast domain that lay between the North Platte and the Arkansas rivers, from the continental divide on the west to an eastern boundary drawn between the approximate sites of today's Dodge City, Kansas, and North Platte, Nebraska.

That agreement worked passably well for a few years, until the discovery of gold in Cherry Creek in 1858 brought "Pikes-Peakers" by the tens of thousands into the lands of the Cheyennes and Arapahoes. With all of the arrogance and assurance that have been characteristic of the aggressive white race throughout much of its history—and never more than in the nineteenth century—many of the gold-seekers settled down on the Indians' land. They sank mines in the mountain valleys and gulches; they formed settlements and supply centers at the mouths of the canyons; they established farms and ranches along the rivers and creeks and the routes of travel that paralleled them—along the South Platte, along Cherry and Plum creeks, along the Fountain and the Arkansas. The settlers wanted clear title to their lands and expected the government to take care of that detail. Accordingly, government representatives used reason, cajolery, and the gift of uniforms complete with epaulets, to get some of the older chiefs of the southern branches of the Cheyenne and Arapaho tribes to put their marks to the Treaty of Fort Wise, which was approved by the Senate and proclaimed

by President Lincoln in late 1861. By that agreement the chiefs relinquished their tribes' title to the empire assigned them by the Fort Laramie Treaty, except for an irregular triangle of largely mediocre land between the Big Sandy (or Sand Creek) and the Arkansas River. In that area, that lacked adequate water, timber, fertility, and game, the nomadic hunters and warriors were supposed to settle down under government protection, behave themselves, and become hard-working farmers. The effort was a flat failure. The warriors of the southern groups repudiated their chiefs' action, and the Northern Cheyennes and Arapahoes, who had not been consulted, denounced the treaty.

When John Evans arrived in 1862 to take over the responsibilities of Governor and Superintendent of Indian Affairs for the Territory of Colorado, he inherited the unsolved problem, not only from his immediate predecessor, but from a host of predecessors on the Atlantic seaboard and in the Ohio and Mississippi valleys who, through two centuries, had usually solved their problems by driving the primitive savages out of the areas which the whites wanted and establishing land titles by right of conquest. But the barrier of the Rockies put an end to that process; the Indian could be driven no farther westward.

The invading whites and proud warriors could not occupy the same land; experience pointed to the inevitable disasters that would follow. The remaining alternatives were annihilation or accommodation. In pursuit of the latter course, the Office of Indian Affairs had gradually been developing the policy of separating the races, of securing the government's title to large areas by treaty, of setting aside reservations of land for the Indians, and of moving them to those sanctuaries, preferably under agreements to which they had given their consent, or under compulsion if they refused their cooperation and consent.

In the autumn of 1863, Governor Evans took his turn at trying to solve the problem by peaceful negotiation. He invited the chiefs and members of all Cheyenne and Arapaho groups to meet with him in council on the Arikaree, to attempt to work out modifications of the Treaty of Fort Wise that would be acceptable to the Indians as well as the government. But the Indians refused to attend the council. Instead, reports came to him of their angry denunciations of the Fort Wise Treaty as a swindle, of their declarations that they would have nothing to do with any more treaties, and of ominous plans for a general and coordinated rising of tribes of the Plains against the whites during the following year. Those disturbing developments con-

Location of
Sand Creek
Battlefield

Sand Creek Battlefield



fronted the Governor and his military associate, Colonel Chivington, with serious questions about the military forces available to them, whether for defense against the threatened uprising, or for aggressive action to tame the defiant tribes. The prospects, even for an adequate defensive force, must have appeared discouraging to them during the winter of 1863-64 and even bleaker during the following months.

This turns attention to the part of the puzzle that concerns the relation of the Civil War to the crisis in Colorado. One tantalizing question is that of the possible activities of Confederate sympathizers and agents among the Indians at critical times during the war. Conjectures are many, hard facts are few—but it is the sort of enigma that keeps people interested in Sand Creek and digging for more information. But there is no doubt about the military vacuum that was developing in Colorado. In spite of the vigorous objections of the Colorado officials, two incomplete Colorado regiments were moved to Missouri in late 1863 and combined into the Second Colorado Cavalry. Preparation for the Civil War campaigns of 1864 and the intensity of those campaigns obliterated any hope of troops being sent to the frontier, while the gathering threat of Price's invasion of Missouri would not only prevent the Second Colorado's return home, but would require a shift of other units eastward. McLain's Independent Battery would have to go from Colorado to Missouri in the spring, and four companies of the First Colorado Cavalry would be moved to Fort Larned, Kansas, in the midst of the worst Indian depredations during the summer.

Bloody encounters, in April and May of 1864, between detachments of the First Colorado and bands of Indians who were accused of running off stock from ranches on the South Platte and the Smoky Hill, are crucial elements in the puzzle. But what they meant depends on how the records are read and evaluated. The officers involved in those episodes reported to Colonel Chivington that the Indians had the stock they were accused of stealing, that they attacked the troops when the latter approached to retrieve the animals, and that, only then, did the soldiers fire on the Indians. Those reports naturally meant to Chivington and Evans, as to modern writers who defend those authorities and Sand Creek, that the Indians were in a warlike mood, and were probably stealing horses for mounts and cattle for food in preparation for their campaign of terror which was soon in full swing.

The Indians' accounts were exactly the opposite: the Indian bands had found the animals roaming loose on the plains and

were taking them to their owners, but up came the troops and began shooting; the Indians fought back only in self-defense. Those versions of the encounters were stated in part by some of the older chiefs at Camp Weld the following September; they were relayed in much greater detail to the investigating bodies a year later by traders, half-bloods, and some officers of the First Colorado Cavalry who had become convinced of the Indians' innocence, honesty, and peaceful intentions. It is upon those accounts that critics of the Colorado officials and of Sand Creek have based their arguments that the Indians had no intentions of making war on the whites, but that Evans and Chivington drove them to war. Various reasons for the officials' actions have been advanced. For example, fifty years ago, Grinnell¹ concluded that Evans "lost his head" when his attempt at peaceful negotiation failed and he heard of plans for an Indian uprising; thereafter he was obsessed by his conviction that the Indians would make war. He interpreted every Indian action accordingly; consequently, he and Chivington struck brutally at innocent Indians. Professor Berthrong, in his recent book on the Southern Cheyennes,² insisted that Evans, backed by Chivington, deliberately determined to drive the Indians to war so that they could be whipped and forced on to a reservation; then, the white man's title to the land could be established in fact as well as by law. To some students, this conception of Evans as motivated wholly by a single-minded determination to force a solution of the land problem at any cost, seems unnecessarily restrictive.

Another significant element in the complex situation was the involvement of Governor Evans and Colonel Chivington in political controversy during that bloody summer of 1864. Although the population of Colorado Territory was probably considerably under the 25,331 that had been counted by the first territorial officials in September, 1861, Republican leaders in Congress and Republican leaders in the territory were interested in Colorado's becoming a state. After an enabling act was passed by Congress in the spring of 1864, a constitution was drawn up by elected delegates in July. September 13 was designated as the day, not only for a vote on that constitution and statehood, but also for the election of state officials. The statehood faction, in addition to nominating its candidates for all state offices, proposed Colonel Chivington for the federal

House of Representatives, and indicated its intention that Governor Evans should be one of the senators.

Hopes of the statehood enthusiasts for hearty support from the people of Colorado were quickly blighted. The opposition's reaction was vigorous and vitriolic, and its attack centered on Evans and Chivington. Their characters were maligned, their policies challenged. They were charged with creating the Indian problem to serve their political ambitions; they were criticized and ridiculed for their every effort to deal with the crisis. The statehood proposal was decisively defeated in the September election by a ratio of three to one, but the abortive effort and the vicious campaign left deep scars. The people had been divided into antagonistic camps, and men who needed to stand together in a time of common danger had been made enemies. Whether or not Evans and Chivington trimmed their policies and actions before the election so as to cater to public attitudes, whether or not Chivington, after the disastrous election, staged the attack on Sand Creek in an effort to repair his damaged political "image," cannot be clearly established one way or the other. But the unfortunate involvement of the responsible civil and military officials of the territory in that ill-timed political free-for-all bared them to the charge of playing politics with the Indians and the safety of the people of Colorado. Students of Sand Creek assign different sizes to the political pieces in the puzzle, but whether they are large or small, they cannot be omitted.

Another element of prime importance in the complex situation was composed of the attitudes and actions of the officers and men of the Third Colorado Volunteer Cavalry. The short-term unit was the War Department's long-delayed answer to Colorado's need. As raids and massacres increased during the summer of 1864; as the forces in the territory were depleted to meet demands in Kansas and Missouri; after Evans' pleas for regular troops, for the return of Colorado units, and for strengthening of the militia had all been denied, the War Department finally, on August 11, authorized recruitment of a regiment for one hundred days of service. About 1,150 were finally enrolled in the twelve companies. The problem of securing equipment and supplies was practically insoluble, since almost everything had to come from Fort Leavenworth across Indian-infested plains; furthermore, in the understandable view of the War Department, everything needed in Colorado was needed more in the critical theaters of the Civil War. Most of the weapons supplied the Third Colorado were antiquated models discarded

¹ George Bird Grinnell, *The Fighting Cheyennes* (Norman, Okla.: University of Oklahoma Press, 1956; first published by Charles Scribner's Sons, 1915), p. 135.

² Donald J. Berthrong, *The Southern Cheyennes* (Norman, Okla.: University of Oklahoma Press, 1963), pp. 169-71.

by the Union armies; supplies of ammunition, food, and equipment of all kinds were inferior in quality and inadequate in quantity. Only five or six hundred of the men were ever supplied good, bad, or indifferent horses; but those short-term, unseasoned recruits constituted the major part of the force that participated in the encounter at Sand Creek.

Evaluating their place in the Sand Creek complex necessitates knowing what kind of men they were. Unfortunately, few uniformities can be discerned. Many of them were miners or teamsters thrown out of work by the depression in Colorado mining or by the Indians' control over the supply routes. Some of them were doubtless human trash—bums, drifters, ruffians. Others were simply stranded and unemployed men, willing to run risks for some food, clothing, pay, and maybe a little excitement. But many of the "hundred-daysters" (maybe a minority, but certainly a large minority) represented the most solid and substantial elements in the territory. They themselves or their brothers or fathers already had roots in the territory; they had mining claims, farms, ranches, businesses, public responsibilities. They intended to stay in Colorado, and stay they would. In time, they would make important contributions in banking, mining, farming, ranching, business and industry, in law, in public office, and in their everyday roles as responsible citizens.

But in the summer of 1864, they were frontiersmen whose lives, families, and holdings were threatened by savages who burned and raped and massacred. They joined the short-term regiment for the purpose of killing as many Indians as they could, and they would not be overly particular about having only warriors as targets. They were not evil men in their time and place. They were representative white men on a dangerous frontier in the mid-nineteenth century.

In assessing the place of this piece in the puzzle, it has to be noted that the existence of the Third Colorado exerted inescapable pressures on the Colorado authorities. The War Department had authorized the regiment only after Evans and Chivington had repeatedly insisted that the Indian danger made the unit essential for defense of the people of the territory and the routes of travel and supply; the regiment would consequently have to see action, or Washington might reasonably harbor doubts about the reliability of the Governor and the ranking military officer in Colorado. Furthermore, the men of the regiment expected to get a crack at the Indians; if they should be denied the opportunity, their attitudes toward the officials would not be very appreciative. Moreover, if Evans and Chiving-

ton had any further political ambitions, they could not ignore the fact that among the "hundred-daysters" was a fairly large fraction of the voting population of Colorado. Added to everything else was the hard fact that the regiment's contribution to the solution of the Indian problem would have to be made within the limited period of one hundred days.

The attitudes and expectations of the men in the Third Colorado undoubtedly reflected the prevailing public opinion in the territory—a factor of immense importance in the Sand Creek complex. Probably there were some individuals in Colorado who felt deep stirrings of concern for the Indians' rights and best interests. But that concern was no more dominant on the frontier of the high plains and Rocky Mountains in the 1860's than on any other of the frontiers that had existed since European energy had begun exploding over the face of the earth in the late fifteenth century. The predatory white man was advancing in Colorado just as he was advancing at the same time in Siberia, China, Indo-China, India, in north and south Africa. He was confident of his self-attributed superiority, sure of his duty to dominate the lesser breeds, certain of his right to take desirable *Lebensraum* (as Hitler and the Nazis would later call it) from sub-human non-whites if he wanted it. If unenlightened natives resisted him, they were clearly warlike and needed rough treatment to impress them with the blessings of civilization. Morality was involved only in dealings between whites, and religion could usually be counted upon to produce comforting justifications for the beliefs and actions of the elite race.

To the people of Colorado, the Indian had ceased to be a somewhat pestiferous curiosity, but had become a menace; therefore, he must be destroyed. Newspaper editorials repeated the theme before, throughout, and after 1864; residents and visitors emphasized it in their letters. Their fears mounted when the members of the Hungate family were murdered within thirty miles of Denver in June, when raids and massacres spread from the Little Blue to Cherry Creek, from the Platte to the Arkansas. When mail came only by way of Panama and San Francisco, when supplies dwindled and famine threatened, the expectations of the people for annihilating action were unmistakable. It may be doubted that any official could have thwarted that insistent expectation and have continued very long to wield public responsibilities in the territory.

Those pressures and expectations have important relationships to one of the most critical parts of the puzzle: the refusal

of Governor Evans and Colonel Chivington to make peace with Cheyenne and Arapaho chiefs when an opportunity to do so came in late September. That chance followed a series of significant events: the failure of Governor Evans' efforts in June to get friendly Indians to separate themselves from hostile bands and go to designated places for refuge; the savage depredations of July and August; and arrival in mid-August of the long-delayed permission for recruitment of the "hundred-days" regiment. Then, in early September, word came to Fort Lyon of the desire of a council of Cheyenne and Arapaho chiefs to discuss peace. That gesture eventually resulted in seven leading chiefs of the two tribes being conducted to Denver by the commanding officer at Fort Lyon, Major Edward W. Wynkoop, for a talk with Governor Evans and Colonel Chivington. At that council at Camp Weld on September 28, the chiefs admitted that they had not been able to control their warriors, that their people had been on the warpath, and that war parties were still out. However, the chiefs insisted that they wanted to make peace and offered to assist the troops in subduing any of their bands that persisted in fighting.

The Governor reminded them of their refusal to meet with him a year before, of other defiant and warlike actions. He noted that they had offered to make peace only when a new regiment was about ready for action and when winter was approaching. Since a state of war existed, both Evans and Chivington informed them that no treaty could be made with them, but the Colonel suggested that they turn in their arms and submit to Major Wynkoop at Fort Lyon. The chiefs returned to the Arkansas with Wynkoop and some of their bands enjoyed his protection in the vicinity of Fort Lyon through the month of October.

In the course of those events, Major Wynkoop and some of his fellow officers at Fort Lyon claimed to have become convinced of the chiefs' sincerity. Thereafter, Wynkoop's defense of the Indians became as ardent as his criticism of Evans and Chivington, after Sand Creek, was bitter. Before the Military Commission, the following March, he denounced the Governor and the Colonel for refusing to respond to the peaceful gestures of the chiefs, who, in his estimation, were offering the officials the key to a permanent and just solution of the race conflict in Colorado. Wynkoop has, accordingly, been idealized by critics of Sand Creek as the personification of wisdom and compassion, in contrast to Evans' ineptitude and Chivington's villany.



Photograph of the Sand Creek site taken by Dow Helmers on November 29, 1963

Wynkoop was, of course, in a favorable position for urging the daring and unconventional course, for he was not burdened with responsibility for the decisions on which hinged the security of the people of Colorado. Speculation about what would have happened if a peace pact had been sealed at Camp Weld will doubtless continue to appear in the Sand Creek puzzle, for the tragic consequences of the opposite course are only too clear. Wynkoop and his friends might have been right; they could have been terribly wrong. Nevertheless, if their claimed respect for the Indian was sincere and their confidence in him was honest, they were not (as Michael Straight styled them) "a very small remnant"³ of something substantial that was dying on the frontier; they were some of the small seed from which grew, with painful slowness, mutual respect and decent relations between the white population and the Indians.

In contrast to Wynkoop, Evans and Chivington were responsible for making crucial decisions. It is possible that they refused to make peace at Camp Weld because, as some of their

³ Michael Straight, *A Very Small Remnant* (New York: Alfred A. Knopf, 1963).

critics have charged, they had already determined to wage a war of extermination for reasons which are usually advanced as indicative of their vaulting ambitions or sinister designs. But if their minds had been completely free of all concern for such matters as land titles, politics, and public approval, it seems entirely possible that their regard for their public responsibilities alone would have made them avoid an agreement with the chiefs at Camp Weld. Even if the Governor and Colonel had believed implicitly in the good faith and peaceful intentions of the chiefs, they could hardly have ignored the fact that the chiefs did not, and doubtless could not, offer any assurances that their warriors and tribesmen would renounce their claimed right to roam at will over the Fort Laramie treaty lands and would cease to regard and treat the whites as invaders. The real problem was, not the legal question of land titles, but those attitudes and claims. Until the tribesmen agreed to restrict their movements to a limited and defined area, the old problems would persist. The white tide would continue to roll irresistibly over the prairie. White settlements would expand; slaughter of the buffalo, construction of roads and railroads would continue. Indian insecurity and resentment would inevitably lead to clashes, retaliations, and war, no matter how desperately a few chiefs might want to avoid it.

So, the officials might conclude, peace would be short-lived. But even if it lasted only until the opening of 1865, the effects could be disastrous. By then, the "hundred-day" regiment would have evaporated, with its frustrated members disgusted with their leaders, the War Department disinclined to respond when next Colorado might cry "wolf." Worse still, the term of service of the First Colorado would be expiring and, in September, no one could foresee how many, if any, of its members would re-enlist, nor could anyone foretell when the Civil War would end and release regular troops for duty on the frontier. With the future heavy with uncertainty, it should not be surprising if the officials decided that it would be unwise to enter into any agreement that would restrict the Colonel's freedom of action in the short period during which he might have a fairly substantial force at his disposal, provided enough arms, saddles, and horses arrived to render the "hundred-daysters" effective.

Two weeks after the Camp Weld meeting, just when enough saddles and bridles reached Denver to permit about half of the Third Colorado to be mounted, and Colonel Chivington began ordering all of the mounted units into rendezvous in

Bijou Basin, another piece appeared in the puzzle. That was Brigadier General Patrick Edward Connor, commanding officer of the Military District of Utah, who, on October 16, was ordered by General Halleck, Chief of Staff, to take charge of protecting the Overland route between Salt Lake City and Fort Kearny, "without regard to departmental lines." Those orders had been issued upon the demand of the imperious proprietor of the Overland Stage Line, Ben Holladay, who had recently secured a renewal of his mail contract with the government and was preparing to get his coaches rolling again.

Connor had made his reputation as an Indian fighter in January, 1863, when he (then a colonel) led his forces in frigid weather on a march of 140 miles to surprise an encampment of Shoshoni and Bannocks at the conjunction of Battle Creek and Bear River, near the site of present-day Preston, Idaho. The attack was made at daybreak and 224 dead Indians were counted at the end of the long battle. Connor and his men were congratulated by General-in-Chief Halleck for their "heroic conduct and brilliant victory," and Connor was promptly promoted to the rank of Brigadier General.

Connor had been saddled with the responsibility of protecting the Overland, and consequently of invading Chivington's jurisdiction, but he had not been given the authority to commandeer any of Chivington's troops. He promptly began asking for them by dispatches. Then he came to Denver in person in mid-November, just when Chivington was poised to join his forces congregating at Booneville, east of Pueblo, for the march to Fort Lyon.

Just what effects Connor had on Chivington's actions is open to speculation and varied interpretation. At the least, the Irishman's example was a challenge: a long, secret, winter march; an attack on an unsuspecting encampment at daybreak; the destruction of well over two hundred Indians; the plaudits of the War Department; and a brigadier general's stars. But more, Connor was a definite threat to Chivington's dignity, his authority in his military district, the integrity of his jurisdiction. If Chivington's one roll of the dice failed, there could be little question of the expansion of power that would accrue to Holladay's protégé who received his orders direct from the Chief of Staff. Connor's influence, added to all of the other possible pressures on Chivington, may well have contributed the stimulus necessary to drive him to extreme and desperate measures.

Students of Sand Creek have labored long and hard to determine whether the Indians encamped at Sand Creek were friendly or hostile, whether the words and actions of Major Wynkoop and of his replacement at Fort Lyon during November, Major Scott J. Anthony, gave all or any part of them the right to believe that they were under the protection of the flag. The conclusions arrived at differ widely, as in all matters connected with Sand Creek, since different writers with different predilections have given different weight to the divergent statements of different participants. But when he arrived at Fort Lyon on November 28, Colonel Chivington was obviously not concerned in the least with the meaning of the ritual of surrendering a few faulty arms and receiving them back, nor was he interested in determining what Anthony had said to any of the Indians and what he meant by his statements. The encampment was filled with hostile Indians so far as Chivington was concerned. He had apparently chosen it as his target before he reached Fort Lyon, although it does not appear possible to determine how long before. Clearly, none of the objections registered by officers at Fort Lyon carried any weight with him.

An intriguing part of the puzzle concerns the true reasons why he was determined to exterminate the one body of Indians containing groups that seemed to be inclined toward peace, whose chiefs such as Left Hand, White Antelope, and Black Kettle had often indicated a desire for good relations with the whites. The true explanation, which will probably never be definitely known, would doubtless be related to his apparent conviction that an overwhelming and dramatic victory was an absolute necessity. Some of the reasons for such a conviction could have sprung from his determination to use his small force as effectively as he could to reduce Indian strength as much as possible, to overawe other bands, possibly to frighten them away from the white settlements and supply lines, and to hasten the day of their submission to the government's authority.



Sand Creek Battlefield, November 29, 1963

In addition, a resounding victory could serve his purposes in numerous ways. He could top the record of Patrick Edward Connor, blunt his grab for power, and meet the public demand for forceful action. He could move toward solution of the problem of land titles and occupancy, and fulfill the desire of the "hundred-daysters" for action. He could regain the hero's stature which he had enjoyed after Glorieta and restore his ballot-box appeal.

There can be no doubt that his proper target was the much larger concentration of unquestionably hostile Cheyennes and their allies on the Smoky Hill, some fifty miles northeast of Sand Creek. But Chivington's forces were limited—only half of the "hundred-daysters" were mounted, and their arms and horses were largely of inferior quality. A battle with an Indian force of that size would certainly have resulted in many white casualties and possibly even in a disastrous defeat. To conceal a longer march over the plains and surprise a hostile encampment would have been difficult. Chivington and his forces could easily have gone on and on over the open prairies until their supplies and horses were exhausted, and have found nothing but one abandoned camp site after another. The chances for disaster on the Smoky Hill were as great as were the chances





The bluffs at Sand Creek, November 29, 1863

for victory at Sand Creek. Under the circumstances, there could be no hesitancy as to where the blow must be struck.

The "battle," or "massacre," involved many puzzles that furnish partisans with abundant chances for wordy battle and serious students with endless opportunities for testing their capacities for documentary analysis and evaluation of evidence. Colonel Chivington, who announced a resounding victory, insisted at different times that the encampment contained between eleven and twelve hundred, or between nine hundred and a thousand Indians; whatever the total may have been, he claimed that most of them were warriors. At the opposite extreme, "Uncle John" Smith, squaw man and trader, who lost a large quantity of goods in the encampment and whose half-breed son was murdered by soldiers the day after the encounter, insisted that there were not more than five hundred people in the camp and most of them were women, children, and old men.

Chivington announced to the world that between five hundred and six hundred Indians were killed, with almost no women and children among the dead. Trader Smith, at the opposite

pole again, fixed the maximum number of Indian dead at eighty, with no more than thirty warriors among them. Other estimates ranged widely between the two extremes, with supporters of Chivington and defenders of Sand Creek generally estimating the Indian dead from three hundred upward, with some women and children, but not very many, among them. Members of the opposing camp, in contrast, placed the total from two hundred downward, with an exceedingly high proportion of women and children among them.

Other questions, such as the scalping and mutilating of dead Indians' bodies, the presence or absence of an American flag over Black Kettle's lodge, the Indians' use of prepared fortifications in the creek bed or of shallow holes frantically scratched out under fire, the discovery of few or many scalps of white victims in the lodges—such questions received equally divergent treatment by witnesses and those who borrowed from them. As one reads the statements made in the various hearings and in the affidavits and depositions collected by the committees and published in their reports, he leans in despair toward one of two conclusions: either one-quarter of the people present at Sand Creek were blind, another quarter were nearsighted, and the other half were seeing double; or, more congenial liars participated in the Sand Creek affair than in any other battle, ancient or modern. At length, a student of Sand Creek finds himself peering into the face of one after another in the long cast of characters, desperately hoping to find at least one who has something of the appearance of an honest man.

The so-called investigations carried on by the two congressional committees and a military commission contributed their share of enigmas to the puzzle. Curiosity still circles about the identity of the "respectable sources" whose protests, allegations, or appeals roused the War Department and congressional groups into action. Those ever-present witnesses, trader Smith and agent-trader Colley, were probably involved, but they were rather small fish to have created such splashes in the pond. Chivington had some old enemies in the military establishment, such as Lieutenant Colonel S. F. Tappan; Sand Creek won him more in Major Wynkoop and his followers. Both Governor Evans and Chivington had won the hearty animosity of many men and groups during the statehood campaign alone. There doubtless was no lack of individuals who would happily use Sand Creek to discredit both of them; the question is—who did it, and how?

The investigations, particularly those of the congressional committees, have their own fascinations for cynics. Both were

classic examples of how not to conduct a hearing: both were completely innocent of applying any known rules of evidence; second and third-hand evidences and questionable affidavits were gratefully received. The Joint Committee on the Conduct of the War heard the least eye-witness testimony of the three investigating groups; its report, however, was the most vitriolic of all and was released over the signature of Senator Ben Wade who, a year later on the floor of the Senate, admitted that he had not attended the hearings.

Of the three boards, the military commission carried on the most extensive examination and showed some regard for judicial procedure: Colonel Chivington was present, was represented by counsel, and had the opportunity to question witnesses. The impartiality of the commission was unfortunately affected, however, by the fact that Chivington's ancient enemy, Samuel F. Tappan, served as president.

Not one of the examining bodies can be credited with having done a reputable job of distinguishing between the valid testimony of eye-witnesses and the second-hand accounts of special-pleaders, or of cutting through the jungle of half-truths, exaggerations, and untruths to determine, beyond reasonable doubt, what actually happened before, at, and after Sand Creek. But if even one of them had been able to establish what the truth was, then there would probably be no puzzle of Sand Creek, and Sand Creek would have been forgotten long ago.

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A PRELUDE TO WAR

BY WILLIAM E. UNRAU

Several factors prompted Commissioner of Indian Affairs Alfred B. Greenwood to journey to the Upper Arkansas Indian Agency in the late summer of 1860. Migration to the Clear Creek mining country in Kansas Territory was then assuming avalanche proportions; recent military expeditions among the disaffected Plains Indians had failed, and the Treaty of Fort Laramie (1851) would, unless extended, soon expire. Moreover, William Bent, Upper Arkansas Indian Agent and prominent commercial baron of the region, had called for a settlement that would guarantee ironclad protection for the rights and interests of the Cheyennes and Arapahoes. Change was clearly in the air, and it was apparent to Commissioner Greenwood (and others) that the time had arrived for new arrangements on the Upper Arkansas.¹

Armed with a \$35,000 congressional appropriation and high hopes for negotiating a massive land cession from the Cheyennes and Arapahoes, Greenwood left Kansas City for Indian country on August 22, 1860. Three days later at Council Grove his optimism began to falter, for at this lonely Santa Fe Trail outpost his mission was interpreted as little more than a plot designed to accommodate corrupt Indian traders and "loafing fort-crabs." Subsequent experiences were no more assuring for Greenwood. Ranchers at Cow Creek, traders at Beach Valley and the Big Bend whiskey merchants all displayed a wait-and-see attitude, while at Fort Larned, the Commissioner was greeted with reports of recent scalping activity attributed to the murderous

¹ E. V. Sumner to John Sedgwick, May 9, 1860. Sedgwick to Headquarters, Department of the West, August 11, 1860, Sedgwick to his sister, July 19, 1860, cited in Leroy R. and Ann W. Hafen (eds.), *Relations With the Indians of the Plains, 1857-1861* (Glendale: Arthur H. Clark Company, 1959), pp. 198, 213, 260; Charles J. Kappler (ed.), *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904), II, 594-596; William W. Bent to Alfred B. Greenwood, March 5, 1861. Letters Received by the Office of Indian Affairs, Upper Arkansas Agency, National Archives (hereafter cited as OIA, LR, Upper Arkansas); and U.S. Senate, *Report of the Commissioner of Indian Affairs for 1860*, 36th Cong., 2nd Sess., Senate Executive Document No. 1, p. 244.

"Keowas." On September 8 he arrived at Bent's Fort on the Upper Arkansas and by the time preliminary talks with the tribes were under way, he perhaps realized that his mission was doomed to failure.²

Greenwood's official report to Washington was one of measurable success, but in fact his effort was barren of accomplishment. Only a few tribal leaders with questionable authority made verbal promises to exchange their princely domain for government annuities and sedentary life on a reservation between Sand Creek and the Arkansas River. The principal weakness of Greenwood's diplomacy was the obvious absence of the Northern Cheyennes and Arapahoes. Greenwood glossed over the issue by arguing that the Arkansas River tribes might convert their confederated Platte allies to the new life, yet it was no small task to disguise reluctance on the part of the northern tribes to abandon the gold country and their buffalo grounds on the headwaters of the Republican and Smoky Hill. As he contemplated an extended residence at the isolated post, waiting on the obstinate Platte tribes, the Commissioner's attitude shifted from disillusionment to despair. Bent had washed his hands of the affair by announcing his resignation; crisp fall air was a reminder of winter soon coming; and, as no more Indians came in for presents, Greenwood, who had been at Fort Wise³ just twelve days, decided to quit the field. He appointed an aide, ostensibly to oversee presents remaining to be distributed, and with a promise to return "before winter sets in," he headed back to civilization. Political changes in Washington eventually made it less difficult for him to end his career in the Indian Department.⁴

The aide who remained at Fort Wise was Dr. F. B. Culver, Greenwood's personal physician, whose circumstance soon was one of clear embarrassment. Apparently the crafty Commissioner meant to pass his responsibilities on to others, for a few days after his departure, two Indian couriers arrived at Culver's camp with news that Greenwood had been unable to obtain a replacement for Culver. Greenwood would not return, the message continued, and he (Culver) had been named "peace commissioner," with orders to remain on the Upper Arkansas

² *The Kansas Press* (Council Grove), August 25, 1860; and *Report of the Commissioner of Indian Affairs for 1860*, 452.

³ This installation, located just east of present-day Las Animas, Colorado, was named after the governor of Virginia. After Virginia seceded, it was renamed Fort Lyon after Nathaniel Lyon, Union military hero.

⁴ Greenwood to J. Thompson, October 25, 1860, *Report of the Commissioner of Indian Affairs for 1860*, 452-454; and F. B. Culver to U. S. House and Senate, January 14, 1867, OIA, LR, Upper Arkansas.



Agent Albert G. Boone

and to continue negotiations with the tribes. Culver did not celebrate his "appointment" nor is there reason to believe that he pursued his instructions with dedication. As he saw it, his first duty was survival. Inclement weather was approaching; lacking housing and with provisions virtually exhausted, he took employment with Alexander Majors as a wagon agent in return for shelter in a rude shanty belonging to that firm. While the winter winds howled, talks with the tribes were adjourned.⁵

February, 1861, brought changes to the Upper Arkansas country. It brought political machinery to territorial Colorado and organization of the Colorado Indian Superintendency under the visionary guidance of William Gilpin; it brought severe weather and starving Kiowas and Comanches to Culver's doorstep, and it brought reinforcements to Fort Wise in the person of Albert G. Boone, commissioner extraordinary and potential treaty-maker.

Boone, unlike Greenwood and Culver, was a plainsman on the model of Bill Bent. Anxious to maintain the standard established by his celebrated grandfather, Albert had trapped with William Ashley in the Middle Park during the 1820's and had later received a colonelcy in the Black Hawk War. The operation of trading stations among the Osage Indians of Kansas was a stepping stone for Boone to establish a thriving outfitting concern at Westport in association with Bent. Thus when Bent resigned as Upper Arkansas Indian Agent, it was not surprising that Boone was recommended to Commissioner Greenwood. Recalling his days with Ashley, Boone was aware of hardships awaiting him on the plains, yet a chance to serve with the Indian Department might present new and lucrative opportunities. He agreed to the assignment; for Greenwood it was a chance to dispatch relief to the unfortunate Culver.⁶

⁵ *Ibid.*

⁶ Albert G. Boone Papers, State Historical Society of Colorado, Denver.

By December, 1860, Boone was in Washington talking gold, Indian rights, and boundary lines with Indian Department officials and "Pikes Peak Delegate" B. D. Williams; by February, 1861, he was with Culver at Fort Wise. On the eighteenth the two issued supplies to the starving Indians in exchange for rude "X's" affixed to the Treaty of Fort Wise by five Cheyenne and four Arapaho headmen. Seven days after this tour de force Culver headed for Washington to collect his fee; by then a letter from Boone accusing Culver of neglecting his duties and stealing Indian goods was on its way to that same city. In the meantime, Boone remained at Fort Wise for two weeks, but lacking supplies and instructions concerning the destitute Kiowas and Comanches, he retired to the more congenial atmosphere of Denver City and the offices of William Gilpin. Treaty-making with starving Indians was, after all, an easy matter.⁷

While the treaty was dispatched to Washington for Senate approval, conditions at the Upper Arkansas Agency became increasingly complicated. As Commissioner William P. Dole explained in his first annual report, events had "greatly increased the difficulties" in the way of successful administration of Colorado Indian affairs. This was no exaggeration. Perhaps Dole's report would have been more truthful had he reported that conditions were approaching anarchy.⁸

If the treaty were ratified (and there was little reason to doubt that such would be the case), the settlement would require stock and agricultural implements, as well as the construction of buildings, irrigation canals, and similar items necessary for reservation life. In short, it meant a resident agent (unlike the position formerly held by Bent) would be appointed for the Sand Creek Reservation. Boone, with an eye to his own enterprises, was available, but Gilpin was involved with more pressing problems, especially rumors of Confederate activity in the territory; besides, he was not sure of his authority in such matters. Boone, however, was not easily discouraged. By April he was boasting that a Kiowa-Comanche settlement on the pattern of recent negotiations with the Cheyennes and Arapahoes could be consummated. The prospect of such accomplishment was too tempting for Gilpin, and so on June 19, he gave Boone

⁷ B. D. Williams to the Secretary of War, December 12, 1860, cited in Hafen and Hafen, *Relations With the Indians of the Plains*, 279-80; Kappler, *Indian Affairs: Laws and Treaties*, II, 807-811; and Culver to William Dole, April 13, 1861; Boone to Greenwood, February 22, 1861; Boone to A. M. Robinson, March 10, 1861; Boone to Charles E. Mix, July 22, 1861; OIA, LR, Upper Arkansas.

⁸ *Report of the Commissioner of Indian Affairs for 1861*, 16-17.

the nod with the impressive title, "Agent for the Kiowa, Comanche, Cheyenne and Arapaho Indians of the Arkansas, Smoky Hill and Republican Agency." One month later, another hopeful was appointed to the same agency, this time by the Indian Department in Washington. When Samuel G. Colley, the second incumbent, arrived in Denver City in August with the announced authority of Commissioner William Dole, he was accorded a cool reception by the Colorado Indian Superintendent. Gilpin had no official confirmation of this second appointment, and the lack of such information is understandable. The Civil War in the West was interfering with overland communication, and since Colley had not yet posted his bonds, he had no proof that he was a bona fide agent; indeed, he might be an interloper.⁹

Moreover, critical reaction in Washington to Gilpin's program of issuing drafts to finance a territorial military establishment did not place the Governor in a mood to greet the federal appointee warmly. Taking stock of his predicament, Gilpin fired a letter to Commissioner Dole in which he outlined conditions in the Colorado Superintendency. No accounts had been received, no instructions were available, and now there were two agents for one job! Some sense of direction was immediately necessary, Gilpin complained, for "uncertainty growing out of suspended official authority threatens calamity."¹⁰

Boone was not quick to relinquish his authority to Colley, who perhaps preferred life at Denver over residence at Fort Lyon. From the army quarters of his son-in-law at Fort Lyon,



Fort Lyon in the sixties

Boone made efforts to confine Colley to Denver. And so the ridiculous arrangement continued for a time, one agent in Denver, representing Washington, and another at Fort Lyon,

⁹ *The Kansas Press* (Council Grove), April 20, 1861; William Gilpin to Dole, June 19, 1861. Letters Received by the Office of Indian Affairs, Colorado Superintendency, National Archives, hereafter cited as OIA, LR, Colorado Superintendency; Boone to C. E. Mix, July 22, 1861. OIA, LR, Upper Arkansas; U.S., Congress, Senate, *Condition of the Indian Tribes: Report of the Joint Special Committee Appointed under Joint Resolution of March 3, 1865*, 39th Cong., 2nd Sess., Report No. 156, p. 26 (hereafter referred to as *Condition of the Indian Tribes*).

¹⁰ Gilpin to Dole, October 8, 1861, OIA, LR, Colorado Superintendency.

representing the territory. Colley occupied himself with plans for buildings, irrigation ditches, and surveys for the Sand Creek Reservation, while Boone enlarged his ranching operations, turned to town development on the Huerfano, and continued his plans to place all of the Plains Tribes under treaty. Gilpin's earlier confusion was now matched by confusion in Washington. Indian Department authorities received verification from Gilpin of Colley's arrival, but also continued to receive correspondence from Boone regarding plans for new treaties with all Cheyennes and Arapahoes.¹¹

As with Boone, incentives other than an interest in Indian welfare had attracted Colley to the Upper Arkansas. In 1859 his son had come to seek his fortune in Colorado. With the appointment of the elder Colley to the Upper Arkansas Agency under conditions suggesting nepotism—Colley addressed Commissioner Dole as "Dear Cousin William" on official Upper Arkansas correspondence—the way was made less difficult for the younger Colley to establish a thriving livestock and buffalo robe enterprise near the army post, where his father eventually would control government issues designated for tribes of the region. Trade contracts with the Indians were more easily negotiated with the assistance of Blackfoot ("Lying John") Smith, agency interpreter, partner in the younger Colley's operation and one whose influence on the plains was comparable to that of Dick Wootton, Bill Williams, and Kit Carson. According to Bill Bent's testimony in 1865, the hide and stock business of Smith and the younger Colley brought profits of about \$25,000 in less than three years. The elder Colley, while arguing under oath that he was "in no other business," was accused by Bent and others of selling government supplies to the Indians and of holding paper against the government amounting to \$6,000. Perhaps this testimony was a consequence of competition Colley brought to bear on Bent's enterprises. Yet, though it is possible that the elder Colley did not carry on direct transactions with the tribes, it is difficult to believe that he was in no way involved with his son's operations or with the store at Fort Lyon where his wife sold Indian goods to military personnel. At any rate, Gilpin's complaint to Dole that agents of the Colorado Superintendency "refused to attend to their duties" suggests that Colley (and Boone) had interests beyond their official duties as agents.¹²

¹¹ Colley to Dole, January 22, 1862, Colley to Evans, June 30, 1862, OIA, LR, Upper Arkansas; Mix to Colley, January 24, 1864, Letters Sent by the Office of Indian Affairs, National Archives, hereafter cited as OIA, LS.

¹² Testimony of William W. Bent, Pressly Talbot and Samuel G. Colley, spring, 1865, *Condition of the Indian Tribes*, 34, 68, 95; *Rocky Mountain News*, August

While Boone and Colley competed for control of the Upper Arkansas Agency, serious questions arose on the land cession clauses of the Fort Wise Treaty, proclaimed December 5, 1861. Article VI, inserted to provide that continued efforts were to be made to obtain cession agreements from *all* Cheyennes and Arapahoes of the Upper Arkansas, amounted to an admission that until such assent was secured, it would be difficult to interpret the Boone-Culver settlement as one that had accomplished any immediate change in the status of the land question. Article XI, stricken out by the Senate, is more suggestive evidence of the motives of the peace commissioner, the miners, and the settlers.¹³

As proposed, Article XI held that "citizens of Denver City and adjacent towns, in consideration for their kind treatment of the Arapahoes and Cheyennes," requested that they be rewarded by being permitted "to enter a sufficient quantity of land to include said city and towns at the minimum price of one dollar and twenty-five cents per acre." What was meant by "kind treatment" is open to speculation, but the underlying purpose of the article is less obscure.¹⁴

In 1855 Kansas Territorial Governor Andrew Reeder had outlined in quasi-legal terms certain reasons why pre-emption could be extended to unsurveyed land, and in 1858, Governor James Denver had dispatched the Lecompton party to Cherry Creek to organize Arapahoe County. Denver City had been incorporated by the Kansas Territorial Legislature on February 27, 1860, yet all this was of questionable legality after Kansas became a state in 1861. The homestead bill as then proposed—but not passed—applied only to surveyed lands. Pre-emption was not extended to unsurveyed lands until after the Treaty of Fort Wise had been ratified, and by the act of June 30, 1834, anyone who settled on lands "belonging, secured or granted by treaty with the United States to any tribe," or who attempted to survey such lands, could be fined and removed by military force. In short, the treaty-makers were faced with the task of obtaining assurances that the Indian land title in and around Denver City would be extinguished, and thus they found it necessary to write Article XI into the treaty. Ironically, this attempt to cir-

19, 1865; Julie S. Lambert, "Plain Tales of the Plains," *The Trail*, IX (June, 1916), 17-18; Colley to Dole, January 22, 1862, OIA, LR, Upper Arkansas; Gilpin to Dole, March 31, 1862, OIA, LR, Colorado Superintendency.

¹³ Kappler, *Indian Affairs: Laws and Treaties*, II, 807-810; Copy of Proceedings of the Executive Session of the United States Senate, August 6, 1861, OIA, LR, Upper Arkansas.

¹⁴ Kappler, *Indian Affairs: Laws and Treaties*, II, 807-810.

cumvent the public domain laws constituted further proof that the cession clauses of the Fort Wise agreement were of little value as a means of nullifying tribal claims to the upper South Platte basin. Failure of the Senate to be taken in by this stratagem forced the land question back into the hands of the Indian agents, who now were obliged to obtain additional signatures for the Fort Wise Treaty. If the agents failed, any subsequent argument that the negotiations of Boone and Culver were binding to all Indians of the Upper Arkansas would appear, in light of the strategy associated with Article XI, singularly awkward.¹⁵

As the non-treaty Cheyennes and Arapahoes became increasingly obstinate, implications of the land question became gradually clearer to the settlers. Surveyors, eager to collect fees, were at work months before the Fort Wise Treaty was ratified, leaving the agents the task of making explanations to the Indians. Mounting excitement over the Pacific railroad prompted men like W. A. H. Loveland and others to rush completion of a survey over the mountains. Former miners who had turned to ranching fabricated or distorted reports of depredations by the Indians who fought to retain possession of their livestock and grazing lands. By 1862, with the area around Fort Lyon being invaded by men with "agricultural purposes," Agent Boone sent a feeler to Washington to get the Commissioner's reaction to a plan to establish a new south-central Plains Indian agency far down the Arkansas, at Fort Larned.¹⁶

All things considered, it was a challenging situation that faced John Evans in May, 1862, when he became the second chief executive of the territory. Gilpin's military recruitment program was under suspicion, and depressed conditions prevailed in the mining camps. Conditions in the Colorado Indian Superintendency were even less assuring. Gilpin was reluctant to turn over property, accounts, and reports of this office to Evans; bickering continued among agents in the field, the Utes were restive, and there was, of course, the explosive land question.

¹⁵ *Herald of Freedom* (Atchinson, Kansas), February 10, 1855; "Governor Denver's Administration, Letters and Commissions," *Transactions of the Kansas State Historical Society, 1889-1896* (Topeka: Kansas State Printing Co., 1896), V, 512; *Private Laws of the Territory of Kansas Passed at the Special Session of the Legislative Assembly of 1860* (Lawrence: S. A. Medary, Printer, 1860), 72-74; Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776-1936* (Lincoln: University of Nebraska Press, 1962), 236-237; U. S., *Statutes at Large*, IV, 730.

¹⁶ J. M. Edmunds to Dole, May 15, 1861, OIA, LR, Colorado Superintendency; Elmer Ellis, *Henry Moore Teller: Defender of the West* (Caldwell, Idaho: Caxton Printers, Ltd., 1941), p. 79; *Rocky Mountain News*, July 11, 1862; Boone to Dole, January 18, 1862, OIA, LR, Upper Arkansas.

In his eagerness to dispose of the land problem, Evans devised plans for the immediate removal of all Cheyennes and Arapahoes to the Sand Creek Reservation, regardless of conditions suggesting a more cautious approach. He informed the Territorial Legislature that since land titles south of the Arkansas were not clear, it was urgent that the situation be brought to the attention of the Indian Commissioner, the Secretary of the Interior, and Congress. Perhaps a block of land similar to the Cheyenne-Arapaho Reservation could be found for the Kiowas and Comanches. Tentative blueprints for the operation were sent out to Dole, who cautioned moderation and who accused Evans of moving too rapidly toward a policy of "concentration." Such objectives were heatedly denied by Evans, who maintained he was only attempting to fulfill stipulations of the sixth article drawn up at Fort Wise before he became Governor. Nevertheless, his confidence, like that of the Indian agents, was faltering.¹⁷

Over and above the general disaffection that prevailed between the settlers and the Indians, the possibility of an immediate settlement based on the Fort Wise Treaty was precluded by pressure from at least three additional sources. In the first place, speculators, who had learned all was not well with the land cession clauses of the Treaty, supported the Indian point of view at the expense of the settlers, hoping thus to open the way for their own attempts at land grabbing. In May, 1861, about the time that town promoters first learned of the Senate's reluctance to accept Article XI, attorneys representing certain "interested parties" in Iowa hounded Commissioner Dole for a ruling on the Denver City land site. Although Dole took the easy way out by denying any authority to answer such requests—he took refuge in the seal of his office—a little reflection told him that for the immediate future, considerable trouble could be expected from the distant Colorado frontier. Indeed, the prospect of difficulties (or opportunities) may not have been unrelated to Dole's decision to send cousin Colley to the Upper Arkansas Agency.¹⁸

White men and half-breeds, who had married into the Cheyenne and Arapaho tribes, also hampered the agents. There were

¹⁷ Hiram P. Bennet to Dole, November 1, 1862; Evans to Dole, February 26, 1863, OIA, LR, Colorado Superintendency; Evans to Dole, August 6, 1862, OIA, LR, Upper Arkansas; Message of Governor John Evans to the Colorado Territorial Legislature, July 18, 1862, Executive Record, Book A, Colorado State Archives, Denver; Evans to Dole, October 30, 1862, *Report of the Commissioner of Indian Affairs for 1862*, 373-375.

¹⁸ Odell and Updegraff to the Commissioner of Indian Affairs, May 12, 1861, OIA, LR, Upper Arkansas; Dole to Odell and Updegraff, May 29, 1861, OIA, LS.



John Smith with Bull
Bear, Black Kettle, and
Major Edward Wynkoop

men like the Englishman, William McGaa, who had taken an Arapaho wife, and the more appropriate frontier name of Jack Jones; or Blackfoot John Smith; or men like the half-breed Ed Guerrier, who had married one of Bill Bent's daughters and had gone off to live with the Cheyennes. These traders were of the old commercial order of Bent, St. Vrain and Company that now was giving way to the miner, the territorial politician, and the land merchant. They were men of immense influence among the tribes, and their comprehension of unfolding events placed them in a position to advise Indian leaders about such things as mines, land surveys, towns, and treaties. A chance to enlarge their trading operations was not the least of their interests; moreover, service to the agents as interpreters presented an opportunity to join in the struggle for control of the Indian domain.¹⁹

A final and no less significant factor was the pressure brought to bear on the land boundary issue by United States judicial officials sent to administer federal law in Colorado Territory. It was an unenviable task in a region with traditions

of vigilante justice and petty localism in judicial procedure. As will be recalled, the Fort Wise Treaty had been signed by nine chiefs "representing the *confederated* tribes of Arapaho and Cheyenne Indians of the *Upper Arkansas*," (italics added). Since Article VI had been deemed necessary to extend provisions of the agreement to the remaining Indian bands, it was possible (in fact necessary) to rule that, unless it could be clearly established that a few chiefs had the authority to sign away lands of all, the only area legally open to settlement was the territory of the Arkansas watershed. This, of course, excluded the entire region between the south and north forks of the Platte River, where the mines and many thriving settlements were located.

Discussion of such detail amounts to more than simple academic minutia, for all parties were soon excessively concerned with the meaning of the treaty. Insertion of the terms "confederated tribes" and "Upper Arkansas" amounted to proof for facts that the Cheyennes and Arapahoes had recognized at least since the Treaty of Fort Laramie; namely, one group enjoyed title and occupancy rights on the Platte, the other on the Arkansas. This surely was the intention of the Fort Laramie Treaty. Moreover, with creation of one Indian Agency on the Upper Platte and another on the Upper Arkansas, the Indian Department had implied that a dichotomy existed in the territory inhabited by the confederated tribes.

Boone and Colley were soon faced with the boundary dilemma. As Indian agents, they were obligated to enforce those clauses of the Trade and Intercourse Acts that required expulsion of settlers who invaded Indian lands, and while they for a time could placate territorial officials and settlers by continuing to pursue negotiations with the disaffected tribes, such action, from a legal point of view, was impossible after December 6, 1862. According to the troublesome sixth article, additional Cheyennes and Arapahoes were not entitled to "benefits" of the original Fort Wise Treaty after that date. Alternatives remaining were a new treaty (unlikely), the expulsion of the settlers and miners (even more unlikely), or defiance of federal law and recognition of the whole affair as a *fait accompli*.²⁰

The obstinate attitude of the non-treaty Indians and a preoccupation with their own interests encouraged Agents Boone and Colley to cast their lot with the settlers; it was left to S. E. Browne, United States Attorney in Colorado, to call attention to the anomalous boundary situation. Less than a month after

¹⁹ Boone to Dole, November 16, 1861. OIA. LR, Upper Arkansas.

²⁰ Kappler, *Indian Affairs: Laws and Treaties*, II, 807-11.

the time limit had expired on Article VI, Browne asked the Secretary of the Interior to clarify the line between Indian lands and territory ceded by the Fort Wise agreement in 1861. Until it could be established otherwise, Browne advised the Secretary that he would extend federal jurisdiction to the region north of the South Platte, which meant that settlers in that area might be forcibly removed.²¹

The Secretary procrastinated, perhaps because surveys authorized by United States Land Commissioner J. M. Edmunds were then being carried out in the disputed area. But Browne would not be muffled. He put his pen to work again, this time in a letter to Commissioner Dole, from whom he demanded "explicit information as to the actual boundaries." Dole vacillated, but Browne's accusation that the federal laws for the protection of the tribes were, in his words, "being hamstrung" was too much for the ranking officer of the Indian Department. He capitulated by accepting Browne's ruling. The area north of the South Platte, the site of the mines and the territorial capital at Golden City, was off limits to the settlers! Browne brought land surveys to an abrupt halt and saw to it that Dole's decision was printed in the territorial papers. Reaction was instantaneous. With denunciations of Dole, the hapless agents, and the Indian Department raging through the territory like an oriental plague, the time had come for Governor and ex-officio Indian Superintendent Evans to come to the rescue.²²

Armed with the opinion of his right hand man, Agent Boone, who soothingly advised that since the Indians held land in common, the signatures of a few chiefs ceded every inch of land save the Sand Creek Reservation, Evans inaugurated the counterattack with a letter to Dole, dated April 10, 1863. On the basis of a "detailed examination" of the Treaty of Fort Wise, Evans reported he could not find that the South Platte was the boundary of the cession. But if the ruling of Browne and Dole were enforced, continued the Governor, "then by the Territorial Organic Act, much of our settlements are not a part of the Territorial authority, and in fact, include only Denver City and a few agricultural settlements south of South Fork Platte and north of the Arkansas River." It would throw "the miners into complete anarchy," he said, and subject them to the "dangers

²¹ S. E. Browne to the Secretary of the Interior, December 29, 1862, OIA, LR, Colorado Superintendency.

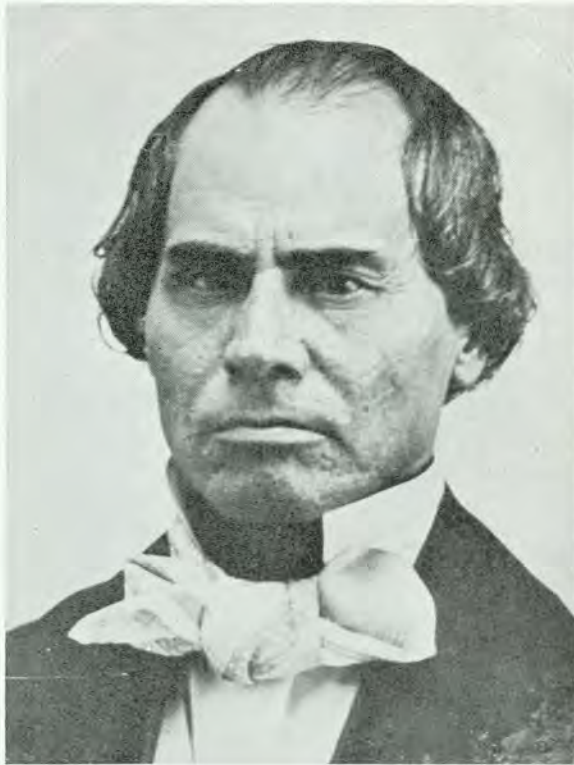
²² J. M. Edmunds to Dole, May 15, 1861, OIA, LR, Colorado Superintendency; Browne to Dole, February 4, 1863, F. M. Case to the United States Land Commissioner, March 13, 1863, OIA, LR, Upper Arkansas; Dole to Browne, February 27, 1863, OIA, LS.

of an Indian War." It was with little difficulty that Dole understood Evans' reference to the "dangers of an Indian War" meant that territorial officials, with scores of miners enrolled in volunteer regiments, planned to use this army against the Indians as a means of solving the boundary question. Additional pressure for a new ruling came from Hiram P. Bennet, territorial delegate to Washington, and from Justice Benjamin F. Hall, who, though he admitted little personal knowledge about treaty and boundary details, cast all reasoning aside by warning Dole, "It is high time that this Indian business be conducted with more care for the interests of civilization." The prospect of being held personally responsible for bloodshed in Colorado Territory was too much for the Commissioner. From his standpoint, a new ruling was mandatory.²³

Dole's letter of retraction to Evans was a wordy, ambiguous recitation of "facts" designed to place responsibility for the explosive state of affairs in the Governor's hands and to find a scapegoat in the event hostilities became a reality. In direct contradiction to the ruling he had previously given Attorney Browne, Dole told Evans "the Treaty of 1861 cedes by its express terms all lands not owned, possessed or claimed by the Cheyennes and Arapahoes, wherever situated." Furthermore, the Congressional appropriation was too large for the few Indians now under the treaty, and so, reasoned Dole, "the Treaty was in reality meant for all, and you must go ahead with a council and get the rest to agree to the Treaty of 1861."

In light of previous difficulties on this last point, Dole deemed it wise to extend blanket authority to Evans. Admitting it would be a Herculean task, Dole advised Evans to "adopt such a kind of policy as may be found expedient." But if this failed, who would ultimately be responsible, who would serve as the scapegoat? The Indian agent, of course. Former Agent William Bent was deemed the most desirable choice. It was Agent Bent, claimed Dole, who in 1859, on the basis of "insufficient data," had precipitated confusion and misunderstanding with his report that the South Platte was the dividing line between lands of the confederated Cheyenne and Arapaho tribes. William Bent, who had been on the Upper Arkansas for three decades, who had trapped on the South Platte as early as 1835, who perhaps was as knowledgeable on the subject of Cheyenne-Arapaho customs, rights, and boundaries as any person in the territory,

²³ Boone to Evans, January 17, 1863; Benjamin F. Hall to Dole, May 24, 1863; Hall to the Secretary of the Interior, June 1, 1863, OIA, LS; Evans to Dole, April 10, 1863, OIA, LR, Colorado Superintendency.



Agent William Bent was a poor choice for scapegoat.

was now accused by a novice Commissioner in distant Washington of having had "insufficient data." The charge might have applied to Boone or Colley or a score of others, but Bent as the scapegoat was indeed a poor choice.²⁴

Browne was furious at having the rug pulled from under him, but Dole refused to retract in favor of his original ruling. The dispensation was now in the hands of Evans and the agents. Colley was urgently dispatched to the Platte tribes with instructions to hold new councils and to return with promises that the Indians would take up residence on the Sand Creek Reservation, but his effort was a complete failure. Evans then turned to the traders. Elbridge Gerry and Antoine Janise returned from the Platte and Republican with equally discouraging news. By then,

²⁴ Dole to Evans, May 18, 1863, OIA, LS; Bent to the Superintendent of Indian Affairs, October, 1859, cited in Hafen and Hafen, *Relations With the Indians of the Plains*, 183-184; Dole to Browne, May 21, 1863, OIA, LR, Upper Arkansas.

settlers on the Arkansas were demanding that Indians be expelled from the area of the proposed tribal retreat.²⁵

The Upper Arkansas agents had lost the confidence of their wards, and for Governor Evans and the land speculators it was a disturbing state of affairs. For the Cheyennes and Arapahoes, it was critical. In a letter to J. W. Wright, contractor who was busy surveying the embarrassingly vacant Sand Creek Reservation, Evans confided, "Those who are best qualified to judge say that unless a new treaty is accomplished, there will be an Indian War." This ominous prediction was dated June 30, 1863,²⁶ twelve months before the Nathan Hungate family was murdered on Boxelder Creek, fourteen months before the alleged Indian uprising on the South Platte, and seventeen months before former Methodist Episcopal clergyman John M. Chivington and his volunteers slaughtered some one hundred and fifty Cheyenne men, women, and children at their lonely camp on Sand Creek.

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²⁵ Browne to Dole, June 19, 1863; Evans to Colley, June 23, 1863; Evans to Dole, August 25, 1863; W. Craig to J. P. Usher, September 21, 1863; Elbridge Gerry to Dole, September 22, 1863, OIA, LR, Upper Arkansas; Dole to Evans, January 15, 1864, OIA, LS.

²⁶ Evans to J. W. Wright, June 30, 1863, OIA, LR, Upper Arkansas.

Sand Creek

BY JANET LECOMPTE

At dawn on November 29, 1864, a regiment of cavalry under Colonel John M. Chivington charged a village of Cheyenne and Arapaho Indians on Sand Creek in eastern Colorado Territory, killing about a hundred and forty Indians.¹ Colonel Chivington claimed a great victory and expected to be rewarded with a brigadier-general's commission.² A month later, however, it was reported that the Sand Creek village had been a small and peaceful one under protection of Fort Lyon on the Arkansas. Furthermore, it was reported that Chivington's troops had misbehaved. They had not only killed but scalped and mutilated, and two-thirds of those slaughtered had been women and children. Eastern newspapers screamed "Massacre!" The War Department ordered a court-martial of Colonel Chivington. Both houses of Congress ordered investigations.

Testimony taken at the investigations showed that the troops were not altogether to blame. For one thing, they were not disciplined soldiers but citizens enlisted for a hundred days' service against Indians. As citizens, they had been assured by William Byers, editor of the *Rocky Mountain News*, that they were engaged in a desperate war with merciless savages. As citizens, they had been urged by Governor John Evans to "kill and destroy" hostile Indians and keep the booty. As citizens-in-uniform, they had been led by Colonel Chivington to the Indian village, reminded of Indian atrocities of the past summer, and sent whooping into the fray.

¹ Testimony of Samuel Colley, March 7, 1865, in U. S., Congress, Senate, *Condition of the Indian Tribes: Report of the Joint Special Committee Appointed under Joint Resolution of March 3, 1865, 39th Cong., 2nd Sess., 1867, Report No. 156, p. 29* (referred to hereafter as *Condition of the Indian Tribes*); testimony of Edmond Guerrier, May 25, 1865, *ibid.*, 66 (148 killed, 60 braves); Samuel F. Tappan, MS diary, library, State Historical Society of Colorado (144 dead, 35 braves).

² Affidavit of Lt. Cossitt, Fort Lyon, 1865, *Condition of the Indian Tribes*, p. 74.



All this and more the investigations showed, but violent measures were taken to keep the testimony secret and the responsibility unassigned. On the whole these measures succeeded, and as a result the accounts of Sand Creek have suffered from lack of contemporary evidence. They have also suffered from the anger of the writers—understandably so, for Sand Creek's evil remains unpurged (the innocent have not yet received history's acquittal nor the guilty her full condemnation). The following account cannot claim to be free either of ignorance or of anger. It promises only an economical selection of facts, which in the opinion of the author indicate most directly the nature of the Sand Creek massacre.

When he ordered his last cavalry charge, John Milton Chivington was a huge man of forty-three with a rough, hearty manner and a thirst for glory. He had come to Denver in 1860 as a Methodist elder. When the war broke out, he put twenty years in the pulpit behind him and, declining the post of chaplain, signed up as major in the First Colorado Regiment.³ In the spring of 1862, Chivington led two magnificently successful cavalry charges against Confederate invaders in New Mexico, and was rewarded with a colonelcy and the wild acclaim of the people of Colorado.⁴ The triumph of his first battles sent the new colonel to Washington demanding that the Secretary of War make him a brigadier-general and attach his regiment to Pope's army. To his surprise, his demand was rebuffed, and he returned to Colorado humiliated but not humbled.⁵

For nearly two years afterwards, Colonel Chivington and his First Regiment sat out the war at Camp Weld near Denver, suffering from boredom, scurvy, damp barracks, and delayed mails. Denied a place in the great armies, the soldiers fretted and fumed, and in the spring of 1864 some of them hung their officers in effigy. The citizens of Colorado were equally discouraged. Business was dull, emigration slow. In the East the war was about to end (or so everyone thought), and still Colorado's people were not a part of the war's excitement and sacrifices. By April of 1864 soldiers and citizens alike were itching for a fight.⁶

³ Isaac H. Beardsley, *Echoes from Peak and Plain* (Cincinnati: Curtis & Jennings, 1898), pp. 241-53.

⁴ Ovando J. Hollister, *Boldly They Rode* (Lakewood, Colorado: Golden Press, 1949), pp. 61-66, 68-73, 89.

⁵ "The Pet Lambs: Colonel Chivington Tells About the Exploits of Colorado's Soldiers," *Denver Republican*, 1890, typescript copy in library, State Historical Society of Colorado.

⁶ Report of the District Inspector, March 20, 1864, *Official Records of the War of the Rebellion*, Series I, Vol. XXIV, Part II, pp. 670f (referred to hereafter as OR); *Daily Mining Journal* (Black Hawk), April 21, 1864, p. 2.

Early in April, Colonel Chivington received a report that a band of Cheyennes had stolen one hundred seventy-five horses from a contractor's herd in eastern Colorado.⁷ The report was never confirmed, never investigated; the theft was never acknowledged by the Indians nor the loss filed as an Indian depredation claim by the contractor.⁸ Nevertheless the news was greeted with relief by nearly everybody. "It would be well to have the boys stirred up some," said a moderate newspaper carefully, as First Regiment soldiers galloped down the Platte to find the thieves.⁹ When soldiers caught up with a party of Cheyennes, they attempted to disarm them and were fired upon—which was all that was needed to send more troops after more Indians.¹⁰ "The Indian troubles have reached a climax," wrote Colonel Chivington's adjutant on April 16.¹¹ "The war is commenced in earnest," reported another officer in May, after he had surprised an Indian village, killing twenty-five men, women and children, "and must result in exterminating them," he added.¹²

So far it was a one-sided war. When troops approached, the Indians ran for their lives, leaving behind their ponies, buffalo robes, lodges, dried meat, buckskins, and cooking pots.¹³ Afterwards the soldiers returned with their booty to camp and wrote up vainglorious reports that failed to fool even their most ardent supporter, the *Rocky Mountain News*. Declared the *News*: "We have always been of the opinion that this Indian war was 'a heap of talk for a little cider.' White men have undoubtedly been the aggressors."¹⁴ By the end of May, the Indians had moved their villages out of the soldiers' way, and Colonel Chivington was obliged to report that the Indian war had "blown over for the present."¹⁵

Colorado's governor could not allow the Indian war to blow over so easily. John Evans was a kindly, dignified gentleman from the Midwest who had amassed a fortune in real estate and had achieved success in many other fields. Now, at the age of fifty, he had his heart set upon making Colorado a state and himself senator of that state.¹⁶ Whether to further his political

⁷ Col. Chivington, April 9, 1864, to A.A.A.G., Dept. of Kansas, OR, Series I, Vol. XXXIV, Part III, p. 113.

⁸ U.S., Congress, House, *Indian Depredation Claims*, 43rd Cong., 2nd Sess., 1875, Doc. No. 65; George B. Grinnell, *The Fighting Cheyennes* (Norman: University of Oklahoma Press, 1956), p. 138.

⁹ *Daily Mining Journal* (Black Hawk), April 23, 1864, p. 3.

¹⁰ OR, Series I, Vol. XXXIV, Part III, pp. 146, 166-67, *passim*.

¹¹ *Ibid.*, 190.

¹² Report of Maj. Jacob Downing, May 3, 1864, *ibid.*, 907-08.

¹³ Report of Maj. Downing, April 18, 1864, *ibid.*, 218f; report of Lt. Eayre, April 23, 1864, *ibid.*, Part I, pp. 880f; report of Maj. Downing, May 11, 1864, *ibid.*, 916; *Rocky Mountain News* (W), April 27, 1864, 1.

¹⁴ *Rocky Mountain News* (W), May 4, 1864, p. 1.

¹⁵ *Daily Mining Journal* (Black Hawk), May 27, 1864, p. 3.

¹⁶ Edgar C. McMechen, *Life of Governor Evans* (Denver: Wahlgreen Pub. Co., 1924).

ambitions (as his enemies charged), or because of a terror of Indians, John Evans exaggerated the danger of an Indian war.¹⁷ By the fall of 1863 he was convinced that the Indian war would begin in the spring of 1864.¹⁸ After the reported theft of the contractor's horses, Evans wired Washington that his predictions about "an alliance among the various tribes of Indians on the plains for purposes of war on the settlements" had come true.¹⁹ The day after Colonel Chivington declared that the Indian war had blown over, Governor Evans wrote General Curtis, department commander at St. Louis, that Colorado was "at war with a powerful combination of Indian tribes" which would "wipe out our sparse settlements."²⁰ Whatever his motives, Governor Evans' statements were not calculated to calm the populace, or to stay the trigger-fingers of Colorado soldiers, who had no intention of returning to their muddy barracks without a fight.

For instance, on May 16 a young lieutenant and a hundred First Colorado men marched towards a Cheyenne village on the Smoky Hill River. As they approached, a head chief named Lean Bear rode out to greet them and was shot dead by the troops. Four soldiers and twenty-eight Indians died in the ensuing scrap.²¹ If the Indian war were a contest to see how many of the enemy could be killed, the white soldiers were now ahead sixty-one to nine, by estimates in their own reports.²²

In gaining publicity for their murders, however, the Indians soon took the lead. On June 11, a party of Roman Nose's Arapahoes on their way to their village on the North Platte, butchered four members of the Hungate family on a ranch thirty miles north of Denver.²³ "Extensive Indian murders," John Evans wired immediately, "the Indian war begun in earnest."²⁴ The



Cheyenne chiefs, identified as White Antelope, Man-on-a-Cloud, and Roman Nose

mutilated bodies of the Hungates were displayed in Denver and the citizens went wild. Breaking into military warehouses, they stole arms and ammunition to fight off an approaching army of Indians.²⁵

There was no army of Indians. In fact, for a month after the Hungate murders no Indian depredation was reported in Colorado. During this quiet time some Cheyennes managed to reach Governor Evans to tell him their side of the Indian war and convince him of their desire for peace.²⁶ On June 27, the Governor issued a proclamation "To The Friendly Indians of the Plains" telling them to bring their people into military posts where they could be fed and protected by the soldiers.²⁷ The Governor's gesture was humane but much worse than futile, for guards at the posts continued to shoot Indians on sight.²⁸

¹⁷ Frank Hall, *History of the State of Colorado* (Chicago: Blakely Printing Co., 1889), I, 325.

¹⁸ U.S., Congress, House, "Report of the Commissioner of Indian Affairs for 1864," *Report of the Secretary of Interior*, 38th Cong., 2nd Sess., 1865, Doc. No. 1, pp. 368f (referred to hereafter as *Indian Affairs, 1864*); testimony of John Evans, Washington, March 8, 1865, *Condition of the Indian Tribes*, pp. 45-46.

¹⁹ John Evans to Gen. Curtis, April 11, 1864, *Indian Affairs Letter Book*, John Evans Collection, State Historical Society of Colorado.

²⁰ *OR*, Series I, Vol. XXXIV, Part IV, pp. 97-99.

²¹ *Ibid.*, 402f; testimony of Maj. Wynkoop, U.S., Congress, Senate, *Report of the Secretary of War, Communicating, in Compliance with a Resolution of the Senate of February 4, 1867, a Copy of the Evidence Taken at Denver and Fort Lyon, Colorado Territory, by a Military Commission Ordered to Inquire into the Sand Creek Massacre, November, 1864*, 39th Cong., 2nd Sess., 1867, Doc. No. 26, p. 85 (referred to hereafter as *Military Commission Report*); affidavit of Maj. Wynkoop, Fort Lyon, June 9, 1865, *Condition of the Indian Tribes*, p. 75.

²² See various reports in *OR*, Series I, Vol. XXXIV, Parts I-IV.

²³ Notes of Simeon Whiteley of the Camp Weld Council, September 28, 1864, *Military Commission Report*, p. 216; *Daily Mining Journal* (Black Hawk), June 15, 1864, p. 2; report of the A.A.A.G., Camp Weld, June 13, 1864, *OR*, Series I, Vol. XXXIV, Part IV, pp. 354-55.

²⁴ John Evans to W. P. Dole, June 14, 1864, *Indian Affairs Letter Book*, John Evans Collection, State Historical Society of Colorado.

²⁵ Lt. Hawley, Denver, to Col. Chivington, Fort Lyon, June 18, 1864, *OR*, Series I, Vol. XXXIV, Part IV, p. 449.

²⁶ John Evans to W. P. Dole, June 15, 1864, *Indian Affairs, 1864*, p. 384.

²⁷ *OR*, Series I, Vol. XLI, Part I, pp. 963-64.

²⁸ Notably Left Hand at Fort Larned. See affidavit of John Smith, *Military Commission Report*, p. 126; affidavit of Col. Ford, Fort Lyon, May 31, 1865, *Condition of the Indian Tribes*, p. 65; *Rocky Mountain News* (D), August 1, 1864, p. 2; testimony of William Bent, *Condition of the Indian Tribes*, p. 94.



Territorial
Governor
John Evans

After some "friendlies" had been fired on as they approached the posts, they ceased to be friendly. Between July 17 and July 20, a war party of Cheyennes galloped along the Platte a hundred miles below Denver, stealing stock and killing at least five and possibly eight herders and emigrants.²⁹ Platte valley ranchers abandoned their homes and the Denver militia was called out to repel an army of Indians.³⁰

Again there was no army, but at last there was an Indian war—in Kansas, Nebraska, and the columns of the *Rocky Mountain News*. For the next three weeks no Indian depredations were reported in Colorado, but the jittery populace was fed a steady diet of attacks and atrocities by its leading newspaper.³¹ A disgusted rival sheet pointed out that most of the incidents occurred east of Fort Kearny, over four hundred fifty miles from Denver, and that half the Indian devilry below Kearny was "pure fabrication";³² it implied, moreover, that some of the "fabrication" originated with the *News's* editor, William N. Byers. Byers was a close friend of John Evans. Both were

²⁹ OR, Series I, Vol. XLI, Part I, pp. 73-74, and Part II, pp. 256-57, 323; *Rocky Mountain News* (D), July 18, 1864, p. 2; July 19, 1864, p. 2; *Rocky Mountain News* (W), July 27, 1864, p. 2.

³⁰ *Rocky Mountain News* (D), July 18, 1864, p. 2.

³¹ *Ibid.*, July 19, 1864, p. 2; July 20, 1864, pp. 2f.

³² *Daily Mining Journal* (Black Hawk), August 22, 1864, p. 3.

strong Methodists, strong Republicans, strongly for Colorado's immediate admission to statehood.³³ Their enemies even suggested that Byers, Evans, and Chivington cooked up the Indian war together, to prove that only as a state could Colorado get sufficient troops to control her Indians, and to show the people the necessity of voting for John Evans as senator and John Chivington as congressman on the state ticket in the coming election.³⁴ There is no evidence that such a collaboration existed, but evidence is abundant that Byers vigorously promoted the Indian war.

In August the Cheyennes and Arapahoes waged a war that was neither fabrication nor hundreds of miles away. On August 11 a party of friendly Cheyennes and Arapahoes tried to reach the commander of Fort Lyon, but were driven away by soldiers.³⁵ The result was that for the next few days the Indians raced up the Arkansas stealing horses, killing cattle, murdering five unfortunates they came across on the road—two near Fort Lyon, three near Pueblo—and capturing a woman.³⁶ For two more weeks the Indian war raged in Colorado. On Running Creek, thirty miles southeast of Denver, Indians killed a stockherder and a boy³⁷ and then ran off all the horses of soldiers camped at Jimmy Camp near Colorado City.³⁸ On the South Platte, Indians killed a man near Fort Lupton³⁹ and were reported to have driven off stock and killed a herder.⁴⁰ Elbridge Gerry, a gullible old-timer who lived on a ranch sixty-six miles northeast of Denver, was told by two Cheyenne Indians that a thousand savages were massing for an attack on the settlements. Gerry dashed off to warn Denver, and in his absence the Indians stole all his stock.⁴¹

For every real depredation there were scores of rumors and false reports. On the Platte and Arkansas terrified ranchers abandoned their cattle and ripening crops and fled to towns or to improvised fortifications.⁴² Hysteria reigned in Denver.

³³ Robert L. Perkin, *The First Hundred Years* (Garden City, N. Y.: Doubleday & Co., 1959), pp. 257-58.

³⁴ *Rocky Mountain News* (D), July 12, 1863, p. 2; *Daily Mining Journal*, December 3, 1864, p. 2.

³⁵ OR, Series I, Vol. XLI, Part I, pp. 238-39, Part II, p. 673; testimony of Lt. Joseph A. Cramer, Denver, February 23, 1865, *Military Commission Report*, p. 33.

³⁶ OR, Series I, Vol. XLI, Part II, pp. 766-67; *Military Commission Report*, p. 33; *Rocky Mountain News* (D), August 26, 1864, p. 3; *Rocky Mountain News* (W), August 31, 1864, p. 4.

³⁷ *Rocky Mountain News* (D), August 16, 1864, p. 2; August 17, 1864, p. 2; *Military Commission Report*, p. 216.

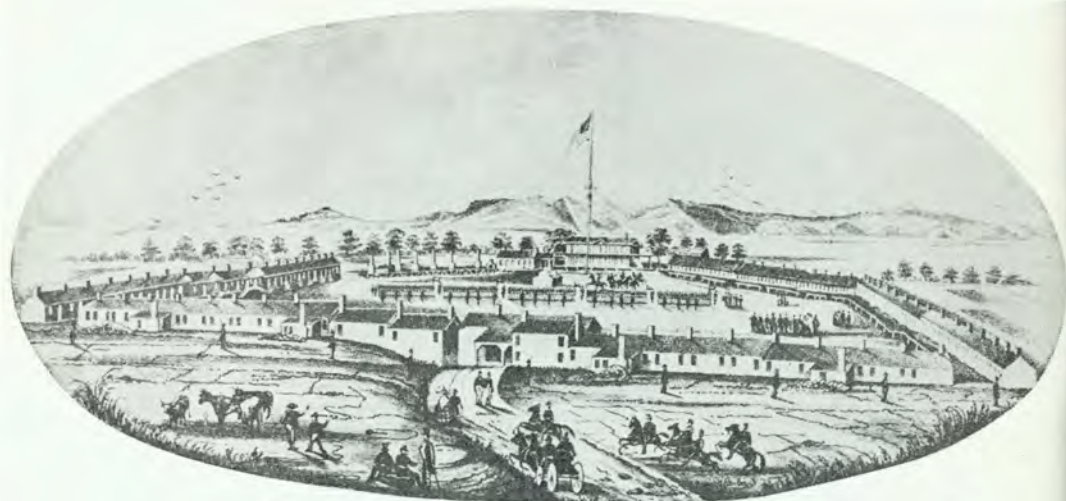
³⁸ OR, Series I, Vol. XLI, Part II, p. 810; *Military Commission Report*, p. 216.

³⁹ OR, Series I, Vol. XLI, Part II, pp. 843, 845.

⁴⁰ *Rocky Mountain News* (W), August 31, 1864, p. 4.

⁴¹ *Indian Affairs*, 1864, p. 363; *Indian Depredation Claims*, p. 22.

⁴² OR, Series I, Vol. XLI, Part II, pp. 766f; *Rocky Mountain News* (D), August 26, 1864, p. 2; *Indian Affairs*, 1864, p. 387, *Condition of the Indian Tribes*, p. 76.



Camp Weld, where the council was held with Cheyenne and Arapaho chiefs

Three women were said to have lost their minds from fright; the overland stage suspended operation; speculators bought up all the flour in hopes of a siege.⁴³

Not to be out-panicked, Governor Evans wired the War and Interior departments that

it will be the largest Indian War this country ever had, extending from Texas to the British line . . . the alliance of Indians on the plains reported last winter in my communication is now undoubted. A large force, say 10,000 troops, will be necessary to defend the lines and put down hostilities. Unless they can be sent at once we will be cut off and destroyed.⁴⁴

A day later Evans issued a proclamation to the people of Colorado telling them to "kill and destroy" all hostile Indians (avoiding the friendly ones) and to "take captive, and hold to their own private use and benefit all the property of said hostile Indians."⁴⁵ Somehow the language of this proclamation lodged in the minds of those who became "hundred-dayers."

On August 11, Governor Evans received authority from Washington to raise a regiment of citizens to serve for a hundred days against Indians. Within a month the ranks were closed.⁴⁶ After a summer made hideous with reports of Indian atrocities, the Third Regiment of Colorado Volunteer Cavalry was ready to go out and kill Indians with no more compassion than a posse of farmers out to shoot coyotes.

⁴³ Simeon Whiteley to John Evans, Denver, August 30, 1864, *Indian Affairs, 1864*, pp. 380f; Whiteley to Evans, September 13, 1864, *ibid.*, 382.

⁴⁴ *OR*, Series I, Vol. XLI, Part II, p. 644.

⁴⁵ *Rocky Mountain News* (D), August 12, 1864, p. 2.

⁴⁶ Raymond G. Carey, "The 'Bloodless Third' Regiment, Colorado Volunteer Cavalry," *The Colorado Magazine*, XXXVIII (October, 1961), 276-80.

While the Third Regiment drilled at Camp Weld, news came from the Arkansas River that the Indian war was in danger of armistice. On September 24, Governor Evans received a letter from Major Edward Wynkoop, commander of Fort Lyon, saying that he had met some Cheyennes and Arapahoes in council on the Smoky Hill River and had received from them four white prisoners traded from the Sioux. In return, Major Wynkoop had promised to bring seven chiefs to Denver to hold a peace talk with the Governor⁴⁷

Colonel Chivington was not pleased. Immediately he wired General Curtis:

I have been informed by E. W. Wynkoop, commanding Fort Lyon, that he is on his way here with Cheyenne and Arapahoe chiefs and four white prisoners they gave up. Winter approaches. Third Regiment is full, and they know they will be chastised for their outrages and now want peace. I hope the major-general will direct that they make full restitution and then go on their reserve and stay there. Would like to hear by telegraph.⁴⁸

Assembling for Camp Weld Conference. Governor Evans' home is at the far left.





At the Camp Weld Conference were Neva (Arapaho), Bull Bear, Black Kettle, and One Eye (Cheyenne), Major Edward Wynkoop, and Captain Silas Soule.

Governor Evans was not pleased, either. As soon as Major Wynkoop arrived in Denver the Governor went to see him at his hotel and told him that he could not make peace now, for (as Wynkoop remembered Evans' words a few months later) "it would be supposed at Washington that he had misrepresented matters in regard to the Indian difficulties in Colorado, and had put the Government to a useless expense in raising and equipping the regiment; that they had been raised to kill Indians and they must kill Indians." But, since Wynkoop had promised the chiefs a talk, the Governor agreed to see them.⁴⁹

On September 28, Wynkoop marched his officers and Indian chiefs out to Camp Weld past hostile groups of Third Regiment men. In the stuffy office, John Evans presided over the meeting. "War has begun," he told the Indians, "and the power to make a treaty of peace has passed from me to the great war chief." To prove that war had begun, Evans spent the rest of the council questioning the chiefs about depredations of the past summer. Talk became desultory; the afternoon dragged on; the hope of reconciliation thinned out to nothing.⁵⁰

⁴⁷ OR, Series I, Vol. XLI, Part III, pp. 242-43; *Rocky Mountain News* (D), September 24, 1864, p. 2.

⁴⁸ September 26, 1864, OR, Series I, Vol. XLI, Part III, p. 399.

⁴⁹ Affidavit of Maj. Wynkoop, Fort Lyon, June 9, 1865, *Condition of the Indian Tribes*, p. 77; testimony of Maj. Wynkoop, *Military Commission Report*, p. 90.

⁵⁰ Testimony of Amos Steck, *Military Commission Report*, p. 42; Whiteley's notes on the Camp Weld council, *ibid.*, 213-17.

Suddenly the council came to a surprising end. Colonel Chivington arose and spoke words that appeared to guarantee peace:

I am not a big war chief, but all the soldiers in this country are at my command. My rule of fighting white men or Indians is, to fight them until they lay down their arms and submit to military authority. You are nearer Major Wynkoop than any one else, and you can go to him when you are ready to do that.⁵¹

The Indians were ready to go to Major Wynkoop now—why else had they come? Joyfully the Cheyenne chief Black Kettle embraced the governor and Major Wynkoop.⁵² Enthusiastically Major Wynkoop told Colonel Chivington and Governor Evans of his plans to bring the Indians close to Fort Lyon where he could feed and protect them.⁵³

After the council Colonel Chivington received a telegram from General Curtis:⁵⁴

I shall require the bad Indians delivered up; restoration of equal numbers of stock; also hostages to secure. I want no peace till the Indians suffer more. . . . It is better to chastise before giving anything but a little tobacco to talk over. No peace must be made without my directions.⁵⁵

These were just the instructions Colonel Chivington had asked for, and they were meant, obviously, to guide Major Wynkoop in his dealings with the Indians. But Colonel Chivington did not show Wynkoop the telegram, either then or in the five days that Wynkoop remained in Denver. Major Wynkoop did not hear of General Curtis' wishes until months later, when he was relieved of command and ordered east to explain why he had ignored them.⁵⁶

On October 3, Major Wynkoop and his soldiers and chiefs started back to Fort Lyon through a countryside where farmers had returned to their farms and ranchers were collecting their scattered stock, assured by Wynkoop that the Indians would not molest them.⁵⁷ All the way to Fort Larned there was peace. The weekly mail came through without an escort; wagon trains relaxed their nervous vigilance and travelled in small numbers;⁵⁸

⁵¹ *Ibid.*, 217.

⁵² Testimony of Maj. Wynkoop, March 21, 1865, *ibid.*, 91.

⁵³ *Ibid.*, 96.

⁵⁴ Testimony of Lt. Cramer, March 3, 1865, *ibid.*, 60.

⁵⁵ *Ibid.*, 173.

⁵⁶ Affidavit of Maj. Wynkoop, Fort Lyon, June 9, 1865, *Condition of the Indian Tribes*, p. 76, in which he says, "I have never received any instructions in regard to the Indians and their treatment." He says it again in the *Military Commission Report*, p. 96.

⁵⁷ *Ibid.*, 91; *Rocky Mountain News* (D), October 3, 1864, p. 2.

⁵⁸ N. P. Hill to his wife, Central City, October 3, 1864, "Nathaniel P. Hill Inspects Colorado: Letters Written in 1864," *The Colorado Magazine*, XXXIV (January, 1957), 41-45; Eugene P. Ware, *The Indian War of 1864* (Topeka: Crane and Co., 1911), pp. 340f.



Arapaho Chief Left Hand

at Atchison, Kansas, a shipping official unloaded a wagon of revolvers intended for Colorado's Third Regiment and put on mining machinery instead, for the war was plainly over.⁵⁹

On arrival at Fort Lyon, Major Wynkoop told Little Raven to move his Arapaho village close to the fort, and he sent Black Kettle and Left Hand out to collect their scattered people and bring them in.⁶⁰ On November 4, to the surprise of the garrison, Major Scott J. Anthony arrived from Kansas to relieve Major Wynkoop, and to "investigate and report upon the unofficial rumors that reach headquarters that certain officers have issued stores, goods, or supplies to hostile Indians, in direct violation of orders from the general commanding the department."⁶¹ Major Anthony took over, but within a few days he saw that the Indians around Fort Lyon were peaceful and would have to be fed. After collecting their guns, he issued them rations.⁶²

⁵⁹ Col. Chivington to Maj. Wynkoop, October 16, 1864, *OR*, Series I, Vol. XLI, Part IV, pp. 23f.

⁶⁰ *Military Commission Report*, pp. 86-89, 91-92.

⁶¹ Special Order No. 4, HQ, Fort Riley, Kansas, October 17, 1864, *OR*, Series I, Vol. XLI, Part IV, p. 62; testimony of Major Wynkoop, *Military Commission Report*, p. 97.

⁶² Maj. Anthony, Fort Lyon, November 6, 1864, to A.A.A.G., Fort Riley, U.S., Congress, Senate, "Massacre of Cheyenne Indians," *Report of the Joint Committee on the Conduct of the War*, 38th Cong., 2nd Sess., 1865, Report No. 142, p. 70 (referred to hereafter as *Massacre of Cheyenne Indians*); testimony of Maj. Anthony, March 14, 1865, *ibid.*, 19.

When Black Kettle and eight other chiefs returned to Fort Lyon and announced that their villages were moving in towards the post, the harried commander, knowing that he did not have rations enough to feed them all, returned their arms and told the chiefs to take their villages out to the buffalo range where they could hunt game. His report of November 16 to the District Commander B. S. Henning stated that he told the Indians "no war would be waged against them until your pleasure was heard,"⁶³ but later he testified that "it was the understanding that I was not in favor of peace with them. They so understood me, I suppose; at least I intended they should."⁶⁴ But Anthony's vacillating intentions were not clear. The Indians understood, as did all the officers and civilians at Fort Lyon, that they were to be safe at their camp on Sand Creek, forty miles northeast.⁶⁵

On November 26, a Cheyenne chief arrived at the fort and asked that a trader be sent out to the Sand Creek village, for the Indians now had a nice lot of buffalo robes to sell. Major Anthony sent three men to the Indians with a wagon load of sugar, coffee, bolts of dress goods, pins, needles, mirrors, and similar articles.⁶⁶ The next day, Major Wynkoop left for Fort Larned bearing two testimonials to the correctness of his dealings with the Indians, one signed by thirty-five grateful settlers of the Arkansas valley, and the other by all the officers at Fort Lyon, with a special endorsement by Major Anthony.⁶⁷

On the morning of November 28, Colonel Chivington and six hundred men of the Third Regiment passed Fort Lyon and camped a mile below. The Colonel ordered a guard surrounding the post, to prevent the Indians from being warned of his arrival. Told of Chivington's intent to attack the Indians on Sand Creek, Major Anthony rode out to greet him, saying that he was "damned glad" Chivington had come, and that he would have gone after the Indians himself if he'd had more men.⁶⁸

Major Anthony issued orders to one hundred twenty-five First Colorado officers and men of the Fort Lyon garrison to

⁶³ *OR*, Series I, Vol. XLI, Part I, p. 914.

⁶⁴ *Massacre of the Cheyenne Indians*, p. 18.

⁶⁵ Testimony of Capt. Soule, February 15, 1865, *Military Commission Report*, p. 10; testimony of Lt. Cramer, March 1, 1865, *ibid.*, 48; testimony of Lt. Minton, April 3, 1865, *ibid.*, 146; testimony of Maj. Wynkoop, March 30, 1865, *ibid.*, 87; testimony of John Prowers, March 24, 1865, *ibid.*, 104-06; and others.

⁶⁶ Affidavit of John Smith, Fort Lyon, January 15, 1865, *Condition of the Indian Tribes*, p. 51; testimony of David Louderback, March 30, 1865, *Military Commission Report*, pp. 134-35; John Prowers testified March 25, 1865, that the Indians had been issued their annuities—"domestic, calico, Indian cloth, beads, knives, axes, sugar, coffee, bacon, flour, and numerous small articles, needles, thread, etc."—sometime in October. *Ibid.*, 107.

⁶⁷ *Ibid.*, 93-95.

⁶⁸ Testimony of Capt. Presley Talbot, May 11, 1865, *ibid.*, 208; testimony of Lt. Harry Richmond, May 16, 1865, *ibid.*, 212.

Silas Soule was
murdered after
testifying before the
Military Commission.



prepare to march with the Third Regiment. During the day the officers of the fort came one by one to their commander to protest an attack on the Sand Creek village. Major Anthony answered them that Colonel Chivington had assured him the village would be surrounded, the stolen stock recovered, the friendly Indians spared and only the perpetrators of outrages killed. Then, said Major Anthony, the entire force would march thirty-five miles further and attack the two thousand Indians camped on the Smoky Hill River. It would be a long campaign—complete, vigorous warfare.⁶⁹

Captain Silas Soule wanted to take his protest to Colonel Chivington in person, but, as he later testified, “I was warned by Major Anthony, Lieutenant Cramer, and some others not to go to the camp where Colonel Chivington was; that he had made threats again me for language I had used that day against [his] command going out to kill those Indians on Sand Creek.” Undaunted, Soule sent Chivington a strongly-worded note.⁷⁰ When Lieutenant Cramer boldly approached Chivington and insisted that Major Anthony had given his word the Indians would be safe on Sand Creek, Chivington shook his fist in Cramer’s face, shouting, “Damn any man who is in sympathy with Indians!”⁷¹

⁶⁹ Testimony of Capt. Soule, February 16, 1865, *ibid.*, 13; testimony of Lt. Cramer, February 28, 1865, *ibid.*, 46-47; testimony of Lt. Cannon, March 27, 1865, *ibid.*, 110; testimony of Lt. Winton, April 3, 1865, *ibid.*, 146-49.
⁷⁰ Testimony of Capt. Soule, February 18, 1865, *ibid.*, 21.
⁷¹ Testimony of Lt. Minton, April 3, 1865, *ibid.*, 147; testimony of Lt. Cossitt, April 6, 1865, *ibid.*, 153; testimony of Lt. Cramer, March 1, 1865, *ibid.*, 147.

The column left Fort Lyon at about eight that night. At dawn, in sight of one hundred twenty lodges of Black Kettle’s sleeping village on Sand Creek, Chivington said to his men, “Now, boys, I shan’t say who you shall kill, but remember our murdered women and children!”⁷² And his troops, yelling like Comanches, galloped forward.

After destroying the village on Sand Creek, Colonel Chivington did not go on to attack the large camp of Indians on the Smoky Hill River. His horses, he reported, were exhausted. The next day the soldiers marched down Sand Creek to the Arkansas then east to the Kansas line, looking in vain for Little Raven’s Arapahoes who had been camped near Fort Lyon. By that time the Third Regiment’s term of enlistment had expired, and the soldiers returned to Fort Lyon.⁷³

Fort Lyon in 1863



Three days before Christmas, the “bloody Thirdsters” as they called themselves, marched triumphantly into Denver. They were laden with booty—ponies, buffalo robes, Indian rings and earrings (some still attached to fingers and ears)—and government guns and horses. Indian scalps, some said a hundred, were displayed by the Third Regiment boys during intermission in Denver’s two theaters, and strung across the tops of mirrors in Lawrence Street saloons.⁷⁴

⁷² Testimony of Capt. A. J. Gill, February 3, 1865, *ibid.*, 179; testimony of James P. Beckwith, March 6, 1865, *ibid.*, 68; testimony of Lt. Cannon, March 27, 1865, *ibid.*, 112; report of Lt. Col. Leavitt L. Bowen, Sandy Creek, November 30, 1864, *Massacre of Cheyenne Indians*, p. 52; testimony of Robert Bent, *Condition of the Indian Tribes*, p. 96; *Miners’ Register* (Central City), January 7, 1865, p. 2.

⁷³ Report of Col. Chivington, December 16, 1864, *Massacre of the Cheyenne Indians*, p. 49.

⁷⁴ Affidavit of Simeon Whiteley, July 27, 1865, *Condition of the Indian Tribes*, p. 71; testimony of Corp. James Adams, *Military Commission Report*, p. 142; A. C. Hunt, Washington, March 15, 1865, *Massacre of the Cheyenne Indians*, p. 44; *Rocky Mountain News* (D), December 21, 1864, p. 3.

William Byers read the reports of Third Regiment officers and used them to write his editorials praising Colonel Chivington and his men.⁷⁵ One report said the Indians had dug rifle pits in the bed of Sand Creek, in preparation for the battle. Another told of finding white men's effects in camp, and a fresh white scalp in a lodge. Somebody quoted Major Anthony's remark that he was "damned glad" Chivington had come. To William Byers and to all of Denver, these reports proved the hostility of the Indian village, and the justification for attacking it. Consequently, it was with surprise and indignation that Byers read a dispatch from the east on December 30, stating that an investigation would be made of the Sand Creek affair, because "high officials in Colorado say that the Indians were killed after surrendering and that a large proportion of them were women and children."⁷⁶ It was several days before Byers and his newspaper could summon the argument and invective to "checkmate" the "high officials."⁷⁷

With expressions of horror the Sand Creek business was reported in eastern newspapers and on the floor of the Senate and House of Representatives. Before January was half over, two investigations had been ordered, one by the Senate Committee on the Conduct of the War, headed by radical Ben Wade,⁷⁸ and the other by Chief-of-Staff Halleck, who demanded a court-martial of Chivington but had to be content with a military investigation, since the Colonel had already resigned from the army.⁷⁹

His actions fully vindicated, Major Wynkoop returned to command Fort Lyon in the middle of January, 1865.⁸⁰ At the same time, Captain Silas Soule left Fort Lyon to become Denver's provost marshal. Since the Indian war had really begun "in earnest," the district commander replacing Chivington had established an unpopular martial law, which Captain Soule was expected to enforce. Soule also had to relieve Third Regiment veterans of government property, an unpleasant and dangerous duty.⁸¹ But far more dangerous was his assignment as first witness before the military commission called to "investigate the conduct" of John M. Chivington.

Captain Soule was called before the commission on February 15, 1865, and gave his evidence in a room at Camp Weld before the three commissioners, Colonel Chivington, and Colonel Chivington's attorney. His testimony was not singular; witness after witness would testify to the same things: No rifle pits but the doomed attempts of women and children to dig into the sand away from the bullets; no white scalps that Soule saw, but many, many Indians ones; few white effects that were not bought from the traders; and above all evidence that Colonel Chivington had been amply warned of the peaceful character of the Sand Creek village and of the protection Fort Lyon had offered it. In six days of questioning, Captain Soule established all these things in a terse and determined way,⁸²—but the people of Colorado were not to know what he said. "No one can be benefitted by such publicity," the commissioners had declared before Soule took the stand, and the proceedings were closed to public and press.⁸³ Testimony of the investigation was not made public until two years later, and then only in the relatively inaccessible Senate documents. Had the people known at the time what the investigation uncovered, Sand Creek might have lost its controversial character a century ago. And Captain Silas Soule might have dandled grandchildren on his knee.



Edward Wynkoop was removed from command of Fort Lyon before the Sand Creek fight.

⁷⁵ *Rocky Mountain News* (D), December 17, 1864, p. 2.

⁷⁶ *Ibid.*, December 30, 1864, p. 2.

⁷⁷ *Ibid.*, January 4, 1865, p. 1.

⁷⁸ *Massacre of the Cheyenne Indians*, p. 1.

⁷⁹ Gen. Halleck to Gen. Curtis, January 11, 1865, *OR*, Series I, Vol. XLVIII, Part I, p. 489; *Military Commission Report*, pp. 1-8.

⁸⁰ Special Order No. 42, HQ, Fort Riley, Kansas, December 31, 1864, *OR*, Series I, Vol. XLI, Part IV, p. 971; Wynkoop's testimony, *Military Commission Report*, p. 95.

⁸¹ *Rocky Mountain News* (D), February 6, 1865, p. 2.

The week after Soule finished giving his testimony, he was fired at twice while making his nightly rounds as provost marshal.⁸⁴ At the end of March, Soule told another officer that he had been repeatedly threatened—how he did not say—and that he “fully expected to be killed on account of his testimony.”⁸⁵

On Sunday evening, April 23, Captain Soule was shot dead on Lawrence Street as he went out to investigate (for the third night in a row) mysterious shots. His murderer was Charles W. Squires, an unassigned recruit of the Second Colorado Cavalry, and an adventurer who had been in Nicaragua with the filibuster, Walker. Squires promptly gave himself up and admitted shooting Soule, but before he could be questioned in detail, he vanished.⁸⁶ He was later recaptured and brought to Denver by a First Regiment officer who had testified against Colonel Chivington. The officer died the next day under questionable circumstances, and a few days later Squires again escaped, this time for good.⁸⁷ If either the officer's death or the murderer's escape were ever investigated, records of it have not come to light.

The military commission adjourned April 26 to attend Soule's funeral.⁸⁸ Colonel Chivington did not attend. He spent that day writing out the answers to nineteen questions sent him by Senator Ben Wade's Committee on the Conduct of the War. Chivington wrote (and swore to its truth) that there had been eleven or twelve hundred Indians in the Sand Creek village (six hundred is a better guess, based on the traditional average of five Indians to a lodge), mostly warriors “assembled there for some special purpose.” Five to six hundred Indians were killed, said Chivington. He saw the bodies of only two women (one had hanged herself) and no children, and “from all I could learn . . . but few women or children had been slain.” Chivington wrote further that “on my arrival at Fort Lyon, in all my conversations with Major Anthony, commanding the post, and Major Colley, Indian agent, I heard nothing of this recent statement that the Indians were under the protection of the govern-

⁸² Testimony of Capt. Soule, February 15-21, 1865, *Military Commission Report*, pp. 8-29.

⁸³ *Ibid.*, 3.

⁸⁴ *Daily Mining Journal* (Black Hawk), April 25, 1865, p. 2; *Rocky Mountain News* (D), May 1, 1865, p. 2.

⁸⁵ Affidavit of Capt. George F. Price, May 3, 1865, *Military Commission Report*, p. 189.

⁸⁶ *Rocky Mountain News* (D), April 24, 1865, p. 2; April 25, 1865, p. 3; April 26, 1865, p. 2; May 1, 1865, p. 2; *Daily Mining Journal* (Black Hawk), April 24, 1865, p. 2; April 25, 1865, p. 2; April 26, 1865, p. 2; May 2, 1865, p. 3.

⁸⁷ *Rocky Mountain News* (D), July 12, 1865, p. 2; July 14, 1865, p. 4; July 15, 1865, p. 1; July 18, 1865, p. 4; October 4, 1865, p. 4; October 6, 1865, p. 4; October 10, 1865, p. 4; *Daily Denver Gazette*, October 14, 1865, p. 2; *Rocky Mountain News* (D), November 3, 1865, p. 1; November 6, 1865, p. 1.

⁸⁸ *Military Commission Report*, p. 161.

ment, &c.” There, along with such justification as the Indian war provided, was Colonel Chivington's defense.⁸⁹ He stuck to it for the rest of his long life, even though some of his own witnesses before the military commission refuted it.

Who in Colorado was to know what the witnesses really said? The only glimpse Colorado people had of the testimony was a synopsis prepared by Colonel Chivington himself and published in the *Rocky Mountain News*. It was replete with fresh white scalps, rifle pits, and all the other accoutrements of Chivington's defense, but it contained not a single word of the testimony of Soule and other commission witnesses.⁹⁰

On May 30, the military commission adjourned.⁹¹ The same day, the report of the Committee on the Conduct of the War, signed by Chairman Ben Wade, was published in the East, describing Sand Creek as “the scene of murder and barbarity,” Chivington's actions as disgracing “the veriest savage,” and Evans' testimony about the Indian war as characterized by “prevarication and shuffling.” The report concluded that those responsible for the outrage should be removed from office.⁹² Promptly President Johnson requested and received John Evans' resignation as Governor.⁹³ Ben Wade's report was not published in Colorado, and the people concluded that their Governor's removal was an inexplicable injustice—a conclusion supported by John Evans' long rebuttal of Wade's report, published in the *Rocky Mountain News*.⁹⁴

William Byers leaped to his friend's defense with an attack on Ben Wade in the *News*, and he offered a cheery hope that a third group of investigators, three distinguished members of Congress now on their way to Denver, would “vindicate” Sand Creek. These men, said Byers, had been appointed to investigate Indian affairs all over the nation, and they were unprejudiced and fair.⁹⁵

Byers was entirely too optimistic about his three congressmen, Messrs. Doolittle, Foster, and Ross, who were at this time with Major Wynkoop at the site of the Sand Creek village. Here, as Chairman Doolittle later wrote, they “picked up the skulls of infants whose milk teeth had not been shed, perforated with

⁸⁹ Affidavit of Col. Chivington, Denver, April 26, 1865, *Massacre of Cheyenne Indians*, pp. 101-08.

⁹⁰ *Rocky Mountain News* (D), June 24, 1865, pp. 2-3.

⁹¹ *Military Commission Report*, p. 228.

⁹² *Massacre of Cheyenne Indians*, pp. i-vi.

⁹³ McMechen, *Life of Governor Evans*, pp. 139f.

⁹⁴ *Rocky Mountain News* (D), September 12, 1865, p. 2; September 13, 1865, p. 2; the rebuttal was dated Denver, August 6, 1865.

⁹⁵ *Ibid.*, July 19, 1865, p. 1; August 19, 1865, p. 1.

pistol and rifle shots, and [examined] the sworn accounts given of the scalping and mutilating of women and children by white men under Colonel Chivington." By the time the three congressmen reached Denver, they were hardly "unprejudiced." Determined, however, to have a "full and frank discussion of the Indian problem," they met with Governor Evans on the stage of the Denver Opera House and made their speeches to an overflow crowd⁹⁶—an irritable crowd, for the dignitaries had kept it waiting an hour and a half.⁹⁷ Of his own speech, Senator Doolittle wrote:

When I had referred in a cool and matter of fact way to the occasion of conflict between the whites and Indians, growing out of the decrease of the buffalo and the increase of the herds of cattle upon the plains of Kansas and Colorado and said: the question has arisen whether we should place the Indians upon reservations and teach them to raise cattle and corn and to support themselves or whether we should exterminate them, there suddenly arose such a shout as is never heard unless upon some battle field;—a shout almost loud enough to raise the roof of the Opera House—"Exterminate them! Exterminate them!"⁹⁸

Senator Doolittle was as appalled by the demonstration as by the massacre itself. He returned to Washington convinced that "while it may be hard to make an Indian into a civilized white man, it is not so difficult a thing to make white men into Indian savages."⁹⁹

Senator Doolittle blamed Colorado's troubles upon her people, but her leaders—Chivington, Evans, and Byers—were also at fault. Each of these leaders well knew the restless mood of the citizens and soldiers; by their acceptance and encouragement of this mood, the restlessness was heightened to hatred and fear and spread like a prairie fire out of control. The Indian war started as a First Regiment diversion and grew into an obsession that demented the whole territory.

But was the Indian war, regardless of how it started or progressed, a proper excuse for the massacre? Defenders of the attack on Sand Creek still use it as justification, as did Chivington, Evans, and Byers, but it does not serve to justify. If the Indians had been peaceful, or even if they had been hostile, the word of the commander of Fort Lyon that they would be safe on Sand Creek had to be honored by honorable soldiers. If the village had been hostile and not under protection of Fort



*Cheyenne Chief
Black Kettle*

Lyon, then was the attack justified? The attack, yes—but not the massacre.

What Chivington ordered and his men effected at Sand Creek violated all the rules of civilized warfare, all the tenets of Christianity, and the spirit of an enlightened democratic nation. Had Chivington or his soldiers made the slightest effort to spare women and children, had they foregone the brute pleasures of scalping and mutilating and the boastful show of their clotted trophies, they might have gotten away with their "glorious battle" for a while, because there were few people in Colorado who did not firmly believe in the hostility of Black Kettle's village and the propriety of Chivington's attack upon it.

There was no excuse, however, for the animal blood-lust displayed at Sand Creek, and Chivington's supporters did the only thing they could do, which was to suppress evidence of it. It is inconceivable that the controversy could have worried Colorado for a hundred years, had the testimony of the investigations been available to the people. But John Evans, William Byers, and hundreds of Sand Creek veterans lived out their long lives in Colorado and the evidence remained suppressed.

History has not yet finished her own investigation of Sand Creek. Her judgments are cool, her motives disinterested, and her values steady. It may take years or it may take centuries, but be assured that in time history will reach her inexorable conclusions about Sand Creek.

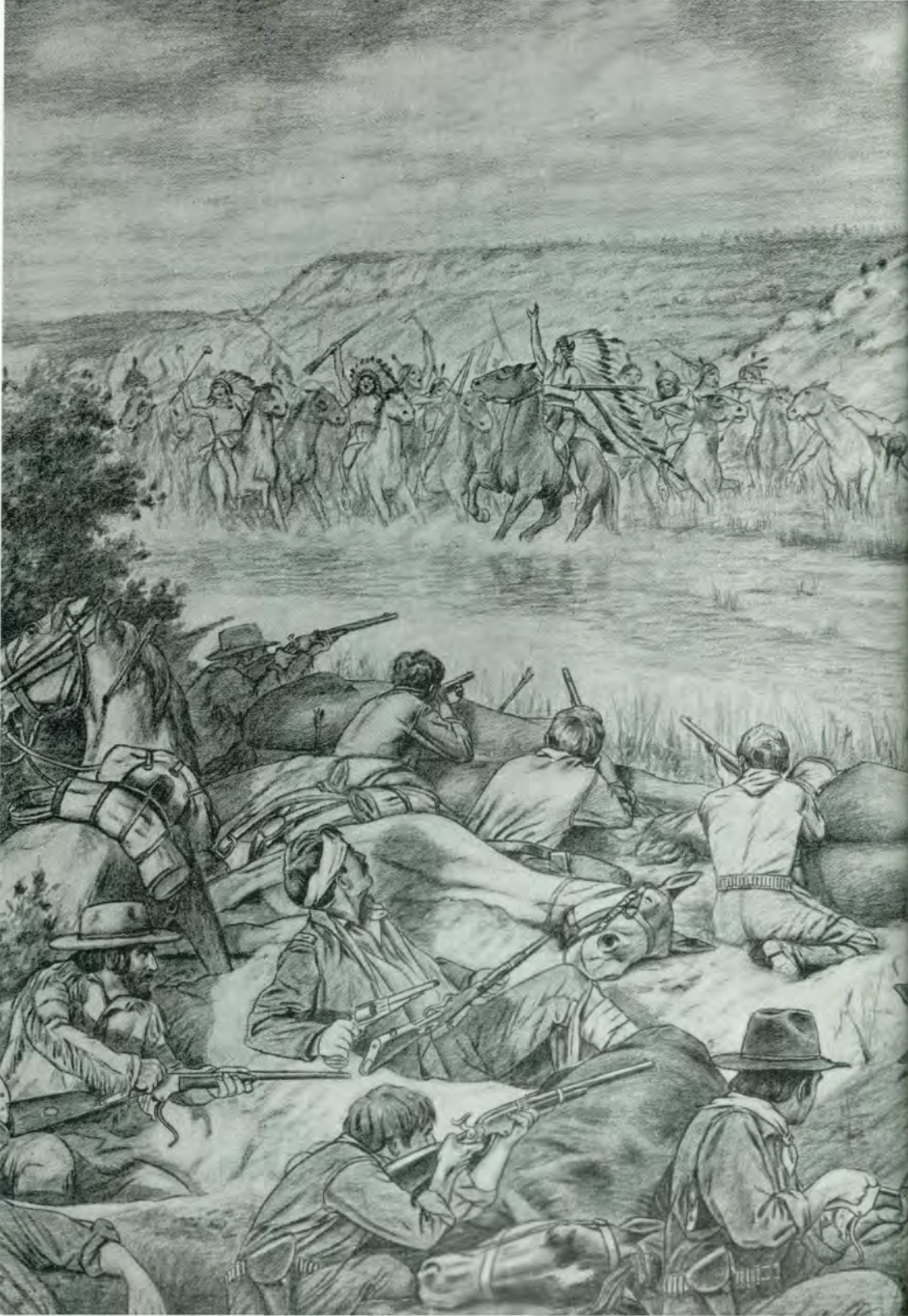
JANET LECOMPTE, housewife and historian, lives with her family in Colorado Springs. Her "Gantt's Fort" appeared in the Spring, 1964, issue of CM.

⁹⁶ Letter of Senator Doolittle to Mrs. L. F. S. Foster, March 7, 1881, "Notes and Documents," *New Mexico Historical Review*, XXVI (April, 1951), 156-57.

⁹⁷ *Daily Denver Gazette*, July 21, 1865, p. 2.

⁹⁸ Senator Doolittle to Mrs. Foster, *New Mexico Historical Review*, XXVI (1951), 156-57.

⁹⁹ *Ibid.*



STAND AT THE ARIKAREE

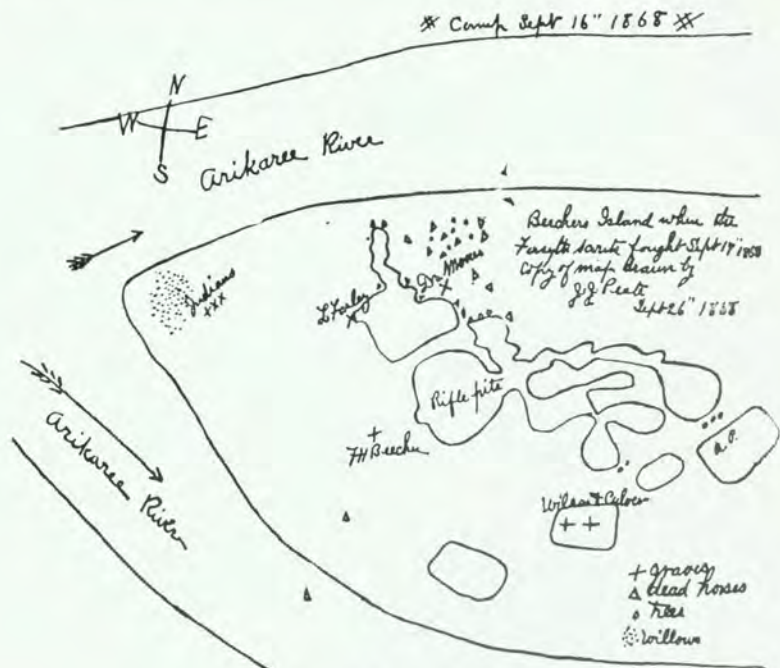
EDITED BY HARRY H. ANDERSON

The battle of Beecher Island, September 17 to 25, 1868, was one of the most spectacular incidents in a long series of conflicts with wild Indian tribes on the Great Plains. In this engagement Major George A. Forsyth with a company of fifty enlisted scouts successfully defended a position on a sandy island in the Arikaree Fork of the Republican River against a vastly superior force of Cheyenne and Sioux Indians. The location of the battlefield is in Yuma County, some seventeen miles south of Wray, Colorado.¹ After considerable suffering from want of food and adequate medical attention, Forsyth's command was relieved on September 25, by a troop of the Tenth U. S. Cavalry from Fort Wallace, Kansas. Additional rescue forces arrived soon thereafter, including two companies of the Second Cavalry from Fort Sedgwick, under the command of Major James S. Brisbin.² On September 26, Major Brisbin wrote a private letter to a friend in Cincinnati, giving the essential details of the battle and some additional information on the condition of Forsyth's command at the time of their relief. This correspondence soon found its way into the newspapers, appearing in the *Chicago Republican* on October 8. The Brisbin letter was one of the first reliable

¹ Merrill J. Mattes supplied an excellent summary of the events surrounding the Beecher Island affair as part of his editorial work on a diary kept during the battle by one of Forsyth's scouts. See "The Beecher Island Battlefield Diary of Sigmund Shlesinger," *The Colorado Magazine*, XXIX (July, 1952), 161-69. Major Forsyth wrote an account of the engagement which appeared under the title "A Frontier Fight," in *Harper's New Monthly Magazine*, June 1895, 42-62. In 1868 Forsyth held the rank of major in the Ninth Cavalry; but was on detached service on the staff of General Philip Sheridan, commander of the Military Department of the Missouri. During the Civil War, Forsyth had been awarded the brevet ranks of colonel and brigadier general of volunteers, and later received the brevet rank of brigadier general in the regular service for his actions at Beecher Island. Francis B. Heitman, *Historical Register and Dictionary of the United States Army* (Washington: Government Printing Office, 1903), I, 430.

² James S. Brisbin entered the Army in April, 1861, as a second lieutenant of dragoons. He served through the Civil War in the cavalry, and was awarded a brevet of major general of volunteers on March 13, 1865, for meritorious service. His appointment as major of the Second Cavalry was dated January 1, 1868. Heitman, *Historical Register*, I, 246. Brisbin was the author of several books on the West, including *Belden the White Chief* and *The Beef Bonanza; or, How to Get Rich on the Plains*.

accounts of the engagement to reach the public press, and is a useful addition to the literature pertaining to the Beecher Island Battle.



Beecher Island Battlefield

DRY [ARIKAREE] FORK
September 26, 1868

I got here this morning, after a most fatiguing march by day and night. By order of General Luther P. Bradley,³ we pressed forward to the relief of Col. Forsythe [sic], of General Sheridan's staff, who was surrounded by Indians on the morning of the 17th inst. He tells me that, as he was at breakfast that morning, about a dozen Indians suddenly charged through his camp,

³ Brevet Brigadier General Luther P. Bradley, Lieutenant-Colonel, 27th Infantry. During the military operations of which the Forsyth scout was a part, Bradley had been ordered from Fort Sedgwick to the forks of the Republican in command of two companies of the Second Cavalry and six companies of his own regiment. It was while on this movement that Bradley received word of Forsyth's situation, and sent Brisbin with the cavalry to his relief. Heitman, *Historical Register*, I, 239; *Record of Engagements with Hostile Indians within the Military Division of the Missouri, from 1868 to 1882*, Lieutenant General P. H. Sheridan, Commanding (Chicago: 1882), 14.

stampeding and capturing seven head of horses. In a few minutes afterward a large body of savages, dressed with feathers and painted for war, were seen coming down a ravine on his left. Having a bad position, Col. Forsythe fell back a few hundred yards to a little island in Dry Creek, where the men began throwing up sand breastworks with their hands. Before, however, they could make any shelter, fully six hundred warriors charged them and killed all of their horses and several men. The Indians fell back a little way after the first charge, and the Indian women and children appeared on the hill, chanting the war song, dancing, clapping their hands, and apparently encouraging the warriors to renew the attack. The Indians evidently intended to make a Fort Phil Kearney [sic] affair of it,⁴ and the most skillful and determined fighting only prevented them from killing every man in Col. Forsythe's command. Col. Forsythe fell at the first fire, receiving a ball in the right thigh, and one in the left leg, breaking it below the knee. Two companies of Indian dog soldiers⁵ presently advanced to the attack, supported by 300 warriors, principally Sioux and Cheyennes. For two hours the battle raged with great fury, the Indians charging the little sand breast-works repeatedly. Hundreds would dash up on ponies, and having got near the works suddenly throw themselves off on the ground, fire, and sneak away in the tall grass. Finding they could not carry the works by charging, the hills and ravines were filled with sharpshooters, and then Indians on horses would ride around the fort in a



all the hills, but by crawling on their hands and knees, and traveling only at night, they, on the fifth day, reached Fort Wallace, 110 miles distant. Gen. Sheridan ordered neither money nor horse flesh to be spared in rescuing Col. Forsythe and his men. Col. Carpenter, 10th United States Cavalry, at once started with a company, and Col. Bankhead set out with 100 men from Wallace.⁸ Gen. Bradley nor myself knew nothing of the affair until the evening of the 25th, when a scout reached us, and I immediately saddled Mix's and Done's [sic] companies,⁹ 2d United States Cavalry, and started for the scene, 50 miles distant. At 3 o'clock this morning I met Col. Bankhead, who was marching with all his might for Forsythe. At 10 o'clock a scout met us and told us that Col. Carpenter had reached Forsythe on yesterday.

The attack was made on the 17th, and on the 18th, 19th, 20th, and 21st there was fighting. Forsythe had with him sixty men,¹⁰

Colonel L. H. Carpenter and the Tenth Cavalry rescued the beleaguered Forsyth scouts on September 25, 1868.



Gutzon Burglum, a long-time admirer of Forsyth, sent this photograph to the general in 1908.

circle to attract the attention of the besieged, and as they raised up to fire, the Indian sharpshooters would pick them off.

By noon of the first day the Indian women changed their war song to wailing for the dead, and one woman was heard exclaiming, "Oh my child! my child!" The battle lasted all day, Lieut. Beecher, Fifth United States Infantry,⁶ being mortally wounded by a ball in the back, and dying a few hours afterwards in great agony. Before he died he repeatedly begged to be shot and put out of his misery. While attempting to dress the wounds of Col. Forsythe, Dr. Moore⁷ received a shot in the head, fell, and expired almost instantly. On the night of the 17th, Col. Forsythe sent out two scouts with directions to get through to Fort Wallace if possible, and secure assistance. They found watchfires on

⁴ On December 26, 1866, 89 officers and men under the command of Captain William B. Fetterman had been ambushed and wiped out by a large force of hostile Sioux near Fort Phil Kearny on the Bozeman Trail in northern Wyoming.

⁵ The Dog Soldiers were a militant warrior society especially prominent among the Cheyenne tribe.

⁶ Frederick H. Beecher was Forsyth's second in command. He had served with the volunteer forces during the Civil War and was appointed to the regular army in 1865. Brisbin is mistaken in giving his regiment as the Fifth Infantry. It was the Third. Heitman, *Historical Register*, I, 206.

⁷ Acting Assistant Surgeon J. H. Mooers.

all scouts, hardy frontiersmen, who fought desperately, killing and wounding many of the Indians. After the first day, Col. Forsythe subsisted his men on horse meat. Col. Carpenter found them eating putrid meat and in a terrible condition, the wounded having been eight days without food or medical attendance. Today we are burying the dead and caring for the sick and wounded. Dead Indians lay within fifteen feet of the breastworks, and the stench from their swollen and bloated bodies and the dead horses is terrible. Out of his sixty men in the fight, Col. Forsythe lost five killed and sixteen wounded. The bodies of our dead are too much decomposed to admit of their being removed. Col. Forsythe is doing well, and will recover. This is the hardest Indian fight we have had for years, and reflects great credit on all engaged. Col. Forsythe retained command of his men all the time, laying on his back and giving orders. Tomorrow we will move the wounded to Fort Wallace. The Indians lost a Cheyenne and Sioux chief. The Sioux also lost their great medicine man, whose drum and shield were captured by Col. Carpenter.¹¹

JAMES S. BRISBIN

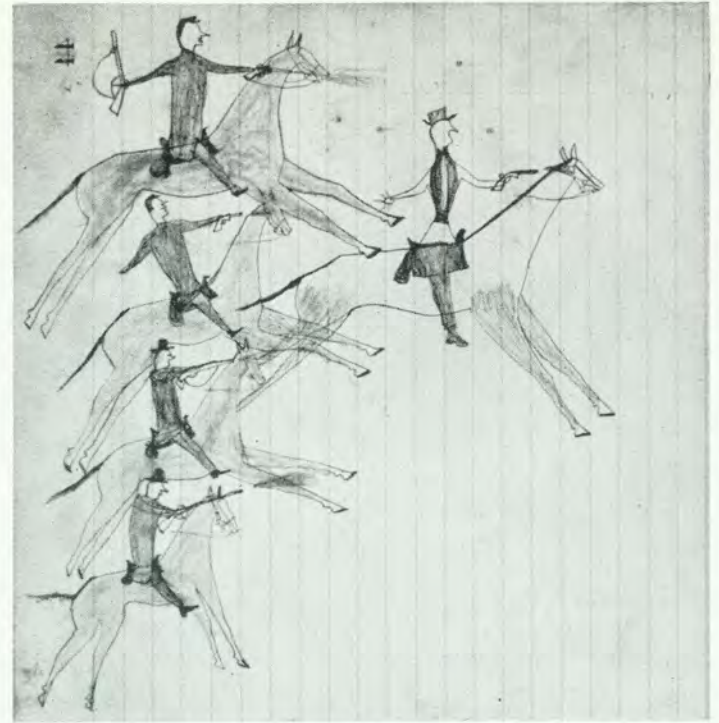
HARRY H. ANDERSON is executive director of the Milwaukee County Historical Society.

⁸ Lieutenant Colonel Henry C. Bankhead, Fifth Infantry, was commanding officer at Fort Wallace. He was brevetted brigadier general on October 1, 1868 "for the prompt energetic and meritorious service rendered during the campaign against hostile Indians and especially in the prompt relief of Colonel Forsyth's beleaguered party on the Republican in September, 1868." Heitman, *Historical Register*, I, 189. Captain Louis H. Carpenter, Tenth Cavalry, held the rank of colonel in the Fifth U. S. Colored Cavalry during the Civil War. In March, 1898, he was awarded the Medal of Honor for "distinguished conduct during the Indian campaign in Kansas and Colorado, September and October, 1868, and in the forced march 23-25 September 1868 to the relief of Forsyth's scouts." Heitman, *Historical Register*, I, 284.

⁹ Captain John Mix had served for a decade prior to the Civil War as an enlisted man in the old Second Dragoons. Shortly after that regiment was redesignated the Second Cavalry in 1861, Mix was commissioned a second lieutenant. Gustavus C. Doane also saw service as an officer during the Civil War. He was appointed to the regular army in July, 1868. Heitman, *Historical Register*, I, 718, 375.

¹⁰ Brisbin is in error here. Forsyth's force numbered only 50 men.

¹¹ The most prominent Indian casualty in the Beecher Island engagement was Roman Nose, the Cheyenne warrior leader. For an account of the battle and his death based upon Indian information, see George Bird Grinnell, *The Fighting Cheyennes* (Norman: University of Oklahoma Press, 1956), pp. 277-91.



After the Summit Springs Battle a notebook of what were apparently Cheyenne drawings was found on the battlefield. Devoted almost entirely to scenes of fighting, the book provides a unique pictorial view of the Indian conflict of the sixties. It is now in the State Historical Society library.

THE BATTLE OF SUMMIT SPRINGS

BY JACK D. FILIPIAK

An important milestone in the development of Colorado was reached in the summer of 1869 when the Fifth U. S. Cavalry defeated a band of marauding Cheyennes in a battle at Summit Springs, Colorado Territory.¹ It was perhaps the most conclusive battle fought on Colorado soil, possibly the most significant in the entire Central Plains area, and has been described by its

¹ The battlefield is about twelve miles south and four miles east of Sterling, and nineteen miles north and two miles east of Akron. Thomas S. Chamblin (ed.), *The Historical Encyclopedia of Colorado* (Denver: Colorado Historical Association, 1960), p. 335.

foremost historian as "one of the most celebrated conflicts between the white man and the Indian in the history of the American frontier."²

Lacking the controversy that has shrouded the Sand Creek incident, its dramatic elements surpass those of the Beecher Island Battle of 1868, for it was "one of the few in the history of the frontier which would measure up to all the requirements of the writers of western fiction."³ The Battle of Summit Springs included a stirring cavalry charge, the rescue of a captured white woman, the death of a noted Indian chief and the complete rout of his followers, along with the capture of a large amount of weapons and other property. It also was the culmination of a long, arduous expedition which had followed the raiding band for five weeks along a three hundred mile trail through the states of Kansas and Nebraska, ending in Colorado Territory.

The illustrious Indian scout and showman, William Frederick ("Buffalo Bill") Cody, who had served as the chief scout on the expedition, recognized the theatrical qualities of the fight at Summit Springs. Its re-enactment was the climax to his famous Wild West Show for years, playing to both European and American audiences. As late as 1907 it was still a part of his performance when he appeared at Madison Square Garden.⁴

But for Colorado, Summit Springs had a deeper significance, one which could only be implied in a mock battle before an audience that was following the action with the help of spotlights. As the "last engagement with plains Indians in Colorado," it represented the end of conflict with the Plains Indians and the opening of the territory for the onward western migration.⁵

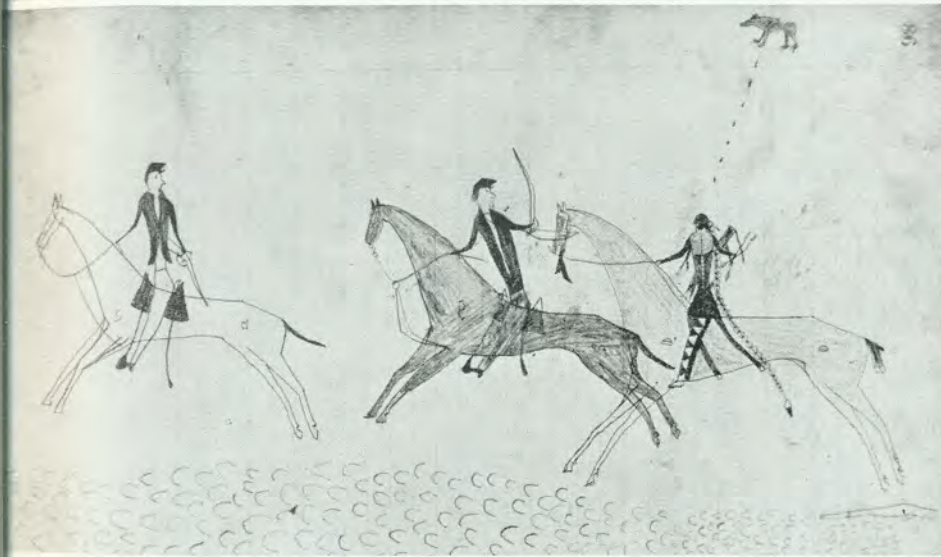
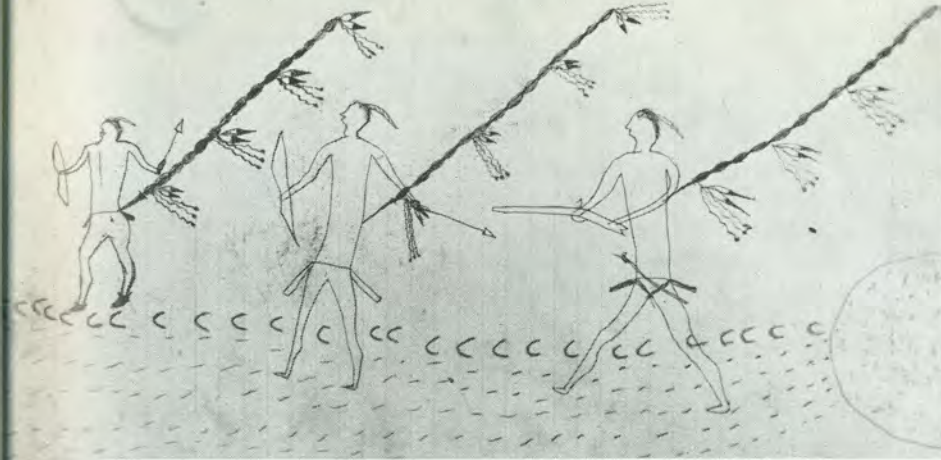
The origin of the battle falls into that familiar, almost classic, pattern of experience between the white man and the Indian in the United States during the last half of the nineteenth century. The penetrating tides of migration infringed on the traditional homelands and hunting grounds of the Indian, resulting in his removal to government reservations. While many Indians acquiesced, occasionally some would object, aroused enough to make a defense of their area.

² James T. King, "The Battle of Summit Springs," *Nebraska History*, XLI (December, 1960), 281. This was the second of a two-part article, the first being "On the March," *Nebraska History*, XLI (September, 1960), 165-99. They were condensed in King's excellent biography of the commander of the expedition, *War Eagle; A Life of General Eugene A. Carr* (Lincoln: University of Nebraska Press, 1963), pp. 94-119.

³ King, *War Eagle*, p. 112.

⁴ *Ibid.*, 3; Elmo Scott Watson, "The Battle of Summit Springs," *The Chicago Westerners Brand Book*, VII (September, 1950), 49.

⁵ Inscription on the battlefield monument erected by Boy Scout Troop 18 of Sterling and the State Historical Society of Colorado in 1933 (LeRoy R. Hafen), "Editorial Notes," *The Colorado Magazine*, XI (September, 1934), 200.



In the Central Plains area migration assumed two forms, that of individuals and that of the "iron horse." In 1868 two rails were working westward, the Union Pacific and the Kansas Pacific. The latter, originally called the Union Pacific, Eastern Division, was headed out of Kansas City with Denver as its target.⁶ Conflict with the Indians was severe enough to launch a large-scale campaign in the winter of 1868 under the direction of General Philip H. Sheridan.⁷

Most of the Cheyennes accepted the move to reservations, but a group of Dog Soldiers led by Tatonka Haska, or Tall Bull, refused.⁸ Determined to make a last stand for their Central Plains refuge, they had been strengthened by the addition of some Sioux. After successfully eluding the cavalry during the winter campaign, they began a series of raids in Kansas the following spring in the month of May.

Operating in the Saline and Solomon River valleys, their first attack was on a hunting party in what is now Republican County, Kansas, on May 21. They then proceeded to attack frontier settlements and homesteads. On the 28th they attacked a railroad crew of the Kansas Pacific at Fossil Creek, now Russell, Kansas. Their last and bloodiest raid was the massacre on May 30 of a German settlement, where thirteen were left dead in their wake. They also carried off three captives, Mrs. Susanna Alderdice and her baby and Mrs. Maria Weichell. The horde was observed to be heading northwest, toward the Republican River, by four buffalo hunters on June 2. Even before reaching the river they had killed the Alderdice baby, annoyed by its crying.⁹

Appeals for protection arrived at the office of the Department of the Platte in Omaha, where plans were already being made for an expedition that would "leave Fort McPherson on the 9th inst. against all Indians in the Republican country." In the view of the commanding general, Christopher C. Augur, "the only permanent safety to your frontier settlements is to

⁶ Robert G. Athearn, "Colorado and the Indian War of 1863," *The Colorado Magazine*, XXXIII (January, 1956), 42.

⁷ Northeastern Colorado Territory had experienced Indian troubles since 1864. See Donald J. Berthrong, *The Southern Cheyennes* (Norman: University of Oklahoma Press, 1963).

⁸ Dog Soldiers were an elite element of the bravest Cheyenne warriors, having their own "dances, songs, ceremonial costumes and insignia, besides special medicines and taboos." See Paul I. Wellmann, *Death on Horseback, Seventy Years of War for the American West* (New York: Lippincott, 1947), p. 93.

⁹ M. H. Garfield, "Defense of the Kansas Frontier, 1868-1869," *Kansas Historical Quarterly*, I (August, 1932), 468-69; Adolph Roenigk, *Pioneer History of Kansas* (Lincoln, Kansas: Adolph Roenigk, 1933), pp. 112, 213, 236, 249-50, with a map on p. 243. Roenigk was almost scalped in the raid at Fossil Creek. Mrs. Alderdice was not a German, but Mrs. Weichell had been in the country only a short time. Both of their husbands were killed in the massacre.

drive the Indians entirely out of the Republican country. This is what I hope to do this summer."¹⁰

The command, called the Republican River Expedition, was led by Bvt. Major General Eugene A. Carr, major, Fifth Cavalry. A West Point graduate of the class of 1850, he had a distinguished service record, especially during the Civil War, when he received his brevet, and a number of other awards, including the Congressional Medal of Honor. Carr had participated in the winter campaign and at its conclusion had spent about two months at Fort Lyon before being ordered back to Fort McPherson. There he received his orders on June 7:

Having well beaten up the country above the headwaters of [the] Republican [then west] towards Forts Sedgwick, and Morgan, and Denver . . . the purpose of your expedition: to clear the Republican country of Indians.¹¹

The expedition consisted of eight undermanned companies of the Fifth Cavalry, augmented by a battalion of Pawnee Indian scouts, which eventually amounted to three companies, led by Major Frank J. North. Gratified by the work of Cody as a scout during the previous campaign, Carr was pleased when his request to have Cody act as the chief scout for the expedition was approved.¹²

On June 9, following a full-dress review for General Augur the day before, the column marched out of the gates of Fort McPherson amidst the strains of the regimental band, moving south and east along the Platte River. The next morning the cumbersome column, which included fifty-four wagons, veered south toward the Republican River.

They did not have long to wait before making their first contact with Indians. Scouts spotted a hunting party of about twenty braves on June 12, but the warriors fled quickly when they knew they were seen. Three days later, while in camp on the Republican, a teamster was wounded when Indians tried to drive off the expedition's mules. In a brief chase two Cheyennes were killed, but the rest escaped. The next day their tracks were followed south to the Solomon River in Kansas but were lost on the opposite side. After a few furtive days of unsuccessful

¹⁰ Letter, Gen. Christopher C. Augur to Nebraska Governor David Butler, June 1, 1869, quoted in King, *War Eagle*, p. 100.

¹¹ Bvt. Brig. Gen. G. D. Ruggles to Bvt. Maj. Gen. E. A. Carr, June 7, 1869, quoted in *ibid.*, 101-2.

¹² Frank North's brother, Captain Luther North headed one of the companies of Pawnees in the battalion. They are the subject of George B. Grinnell's *Two Great Scouts and Their Pawnee Battalion* (Cleveland: A. H. Clark, 1928), and R. H. Bruce's *The Fighting Norths and Pawnee Scouts* (Lincoln: Nebraska State Historical Society, 1932). When Luther died in 1933 he was the subject of a memorial issue of *Nebraska History*, XV (October, 1934).

scouting, Carr turned his men around and headed back to the Republican River.¹³

For two weeks the column meandered on both sides of the Republican while moving upstream without a fresh sign of Indians. They were on a bleaker terrain when the hoped-for contact took place. A scouting party found a fresh trail and an abandoned camp on the Arikaree Fork of the Republican on July 3. Two days later another scouting party had attacked thirteen Cheyennes, killing three and capturing eight horses, a few bearing an army brand.¹⁴

Knowledge that the Indians were nearby was confirmed by two attacks on the expedition on July 8. During the day four troopers, who had left the main party to bring in a stray horse, were attacked by eight Cheyennes. Before the attackers rode away the soldiers managed to wound a few. That night, camped on the Arikaree just a few miles east of the Colorado border, a second attack took place about 11 P.M. A number of Cheyennes raced past the sentries and charged right through the center of the camp but failed in their obvious objective—to stampede the command's horses—and left leaving no damage. The attempted delaying tactic verified that Tall Bull and his band were in the vicinity, close enough that a forced march might overtake him.¹⁵

Early the next morning the forced march began, heading north for the Frenchman Fork of the Republican River.¹⁶ The second day, July 10, the trail grew hotter—three abandoned Cheyenne camps were found in quick succession along the stream. Sporadically, prints of a woman's shoe were found on the trail, indicating that these Cheyennes were the same ones which had been raiding in Kansas. One member of the force later commented:



Wherever they had camped we found the print of a woman's shoe, and we concluded that they had with them some captives. This made us all the more anxious to overtake them.¹⁷

Accounts vary as to why Tall Bull, knowing he was being trailed, decided to establish a camp after leaving the Frenchman and heading west toward the South Platte. Possibly because the river was flooded, the decision was made to encamp among the gently rolling hills of northeastern Colorado, beside a narrow stream, White Butte Creek.¹⁸ Regardless of the reason for the decision, it was a disastrous one.

The night of July 10 the members of the Republican River Expedition slept within twenty miles of Tall Bull's village, no doubt fatigued by the long and grueling march that day. Major Frank North wrote in his diary that night:

Saturday, July 10, 1869. This morning moved at 6 A. M. and marched 35 miles, passed three Indian camps. Water poor. In

¹³ King, "On the March," *Nebraska History*, XLI (1960), 172-91. At this time Tall Bull's band was on its way up the Republican River according to George B. Grinnell, *The Fighting Cheyennes* (New York: Charles Scribner's Sons, 1915), p. 299.

¹⁴ King, "On the March," *Nebraska History*, XLI (1960), 191-95.

¹⁵ *Ibid.*, 195-96; Grinnell, *Two Great Scouts*, pp. 191-92.

¹⁶ By the end of the day they were inside Colorado Territory, camped at Beecher's Battle Ground, about thirty miles north of, and not to be confused with, the more famous Beecher Island Battle site of September 17, 1868. See King, "On the March," *Nebraska History*, XLI (1960), 197n; Roenigk, *Pioneer History of Kansas*, p. 259.

¹⁷ Roenigk, *Pioneer History of Kansas*, p. 23. More colorful but unsubstantiated is the tale related by Hercules H. Price, reprinted in *ibid.*, 236, of finding a piece of cloth torn from a woman's dress and later a note: "For God's sake make haste to rescue us." Price served with the expedition as a member of the Signal Corps.

¹⁸ Dean F. Krakel, *South Platte Country, A History of Old Weld County, Colorado, 1739-1900* (Laramie: Powder River Publishers, 1954), pp. 127-28. George F. Price, *Across the Continent With the Fifth Cavalry* (New York: D. Van Nostrand, 1883), p. 140, felt that the camp was made "at the suggestion of the medicine man and against the advice of Tall Bull." Lt. Price commanded Company A on the expedition.





the morn we move early and take three days' rations on pack mules and light out for the Indians. We will have a fight tomorrow sure.¹⁹

Before dawn on Sunday, July 11, Carr marched out of camp with his maximum fighting force of about three hundred men "whose horses were fit for service."²⁰ Soon the trail split. Carr gambled correctly and followed the fainter one, which headed toward the Platte. Shortly after noon Tall Bull's tepee village of about eighty-five lodges was sighted by the Pawnee scouts who were riding ahead of the column. The cavalry force was able to move within a mile of it by cautiously using the hilly terrain as a natural defilade. Carr then divided his cavalymen into two ranks, each with three parallel columns. Major F. W. Crittenden was placed in command of the first rank; Carr took the second.²¹

It was about 3 P.M. when the bugler sounded the call for the gallant, brilliant charge that would be repeated numerous times in Cody's show, and the first rank sped down the ravine over the last mile to the village.²² Lt. George F. Price, who was

¹⁹ Reprinted in Clarence Reckmeyer, "The Battle of Summit Springs," *The Colorado Magazine*, VI (November, 1929), 212.

²⁰ King, *War Eagle*, p. 111.

²¹ King, "The Battle of Summit Springs," *Nebraska History*, XLI (1960), 283-85. Numerous accounts have Cody on a scouting trip during the battle, although he arrived just when preparations were being made for the battle. For an example, see Reckmeyer, "Battle of Summit Springs," *The Colorado Magazine*, VI (1929), 213, 216. Crittenden was the nephew of the noted Sen. John J. Crittenden of Kentucky. Francis B. Heitman, *Historical Register and Dictionary of the United States Army* (Washington: Government Printing Office, 1903), I, 285.

²² Interesting but debatable is the story that the bugler forgot the call and that Quartermaster L. Hayes had to sound the charge. Among other places, it is in Cyrus Townsend Brady, *Indian Fights and Fighters* (Garden City, New York: Doubleday, 1923), p. 171.

on the right side of the first wave, later described it as "one of the most superb charges ever made by the Fifth Cavalry."²³

With pounding hoofs, swirling clouds of dust, Pawnee war cries, and gleaming sabers the charge completely surprised the Dog Soldiers. Excitement and confusion dominated the scene. Some Indians ran to their ponies, mounted, and scurried out of the village. Others, unable to reach a horse, raced for the hills on foot. Some sought the protection of a large ravine on the southeast side of the village, while others fell with the crack of a rifle.²⁴ "I should think," Captain Luther North recalled years later, "the fighting in the village and around the ravine lasted from one to two hours."²⁵

Historian James T. King has commented wryly that "the circumstances of the death of Tall Bull have given rise to one of the longest continuing, one of the most involved, and perhaps one of the least important controversies in frontier history."²⁶ After evaluating conflicting accounts, King concluded that "the weight of evidence seems to tip the scales slightly in favor of Frank North."²⁷ That version places Tall Bull in the ravine at the edge of the village with his wife, daughter, and horse. It continues by having Tall Bull kill his horse to prevent its being captured, and concludes with Tall Bull being shot in the head by Major Frank North when the chief had peered over the edge of the ravine to fire his rifle.²⁸

While the controversy will no doubt continue, supporters for the claimants of the distinction of killing the chief would all agree that his death signified the defeat of his plundering pack. Of those that evaded death or capture that fateful day none were known to have participated in subsequent forays in the Central Plains area.

The rescue of the captured white women was only partially successful. Mrs. Alderdice had been killed at the start of the

²³ Price, *With the Fifth Cavalry*, p. 139.

²⁴ Carl Coke Rister, *Border Command, General Phil Sheridan in the West* (Norman: University of Oklahoma Press, 1944), p. 150.

²⁵ Reckmeyer, "The Battle of Summit Springs," *The Colorado Magazine*, VI (1929), 214-15.

²⁶ King, *War Eagle*, p. 113.

²⁷ *Ibid.*, 116. Cody's claim is found in *The Life of William F. Cody, An Autobiography* (Hartford: F. E. Bliss, 1879), pp. 260-61. While Frank North's claim is repeated in numerous accounts, a solitary claim for Lt. George F. Mason is in Brady, *Indian Fights and Fighters*, p. 177. A lengthy analysis of the controversy is in Don Russell's excellent *The Lives and Legends of Buffalo Bill* (Norman: University of Oklahoma Press, 1960), pp. 129-48.

²⁸ For example, Reckmeyer, "The Battle of Summit Springs," *The Colorado Magazine*, VI (1929), 214-15.

attack. Mrs. Weichell was found in one of the lodges, alive but seriously wounded. She had been in captivity for forty-two days.²⁹

At the close of the day Major North wrote in his diary:

Marched this morn at 6 A. M. with 50 of my men and two hundred whites, with three day's rations. Follow trail until 3 P.M. and came up to the village. Made a grand charge and it was a complete victory. Took the whole village of about 85 lodges. Killed about 60 Indians. Took seventeen prisoners and about three hundred ponies and robes, etc., innumerable.³⁰

The following day was devoted to the typical duties after an Indian engagement. At 8 A.M. Mrs. Alderdice was buried before the assembled command, with a prayer being said by one of the officers. Her body, wrapped in buffalo robes, was laid in a grave on the battlefield and marked with a wooden headboard.

The official accounting that day testified to the nature of the battle. While only one soldier was wounded, the count revealed 52 dead Indians and 17 captured women and children. Captured goods included 274 horses and 144 mules as well as a large quantity of food and weapons.³¹ Before leaving, Carr ordered the lodges to be burnt. With the remains of the village in flames, Carr then headed northeast along the Platte for Fort Sedgwick, near Julesburg, Colorado, arriving there on July 15.³²

²⁹ Mrs. Weichell recovered from her wounds at the Fort Sedgwick hospital and later married one of the hospital attendants. *Ibid.*, 213. She reportedly lived in the area for many years afterward, according to J. N. Hall, "Colorado's Early Indian Troubles As I View Them," *The Colorado Magazine*, XV (July, 1938), 126.

³⁰ Reprinted in Reckmeyer, "Battle of Summit Springs," *The Colorado Magazine*, VI (1929), 212.

³¹ King, "Battle of Summit Springs," *Nebraska History*, XLI (1960), 290-92. An Indian sketchbook, found on the battlefield, was part of the booty. It is now in the library of the State Historical Society of Colorado.

³² Frank North told of money that was found which the Indians had apparently acquired on their raids. Carr had the money turned over to the adjutant, and



Accolades followed the model victory for both Carr and the expeditionary force. The Commanding General of the Department of the Platte, in a general order, expressed

his thanks to General Carr and his command, for their patient endurance of the privations and hardships inseparable from an Indian campaign, and for the vigor and persistency of their operations, so deserving the success achieved.³³

Both the Nebraska and the Colorado legislatures, when they next met, passed resolutions of commendation and thanks.³⁴

directed him to give it to Mrs. Weichell. She supposedly received over \$900. This story is found in Reckmeyer, "Battle of Summit Springs," *The Colorado Magazine*, VI (1929), 217; Roenigk, *Pioneer History of Kansas*, p. 237; and in an excerpt from Frank North's memoirs, reprinted in Conklin, *Brief History of Logan County, Colorado*, p. 237.

³³ General Order No. 48, Hq., Dept. of the Platte, Omaha, August 3, 1869, quoted in King, "Battle of Summit Springs," *Nebraska History*, XLI (1960), 293-94.

³⁴ Reckmeyer, "Battle of Summit Springs," *The Colorado Magazine*, VI (1929), 219; LeRoy R. Hafen, *Colorado and Its People, A Narrative and Topical History of the Centennial State* (New York: Lewis Historical Publishing Co., 1948), I, 320-21.



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Thus ended the Battle of Summit Springs, except for its burlesqued imitation in Cody's Wild West Show. Like its beginning, the conclusion followed a classic pattern—the warring Indians were defeated in their attempt to protect their traditional homelands from continuing penetration by the white man. By 1870 the iron horse of the Kansas Pacific had reached Denver, greatly increasing the opportunity for settlement in the territory, thanks to the Battle of Summit Springs which ended hostilities with the Plains Indians in Colorado. The pattern would appear again, but in another place, at another time and with different participants.³⁵

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³⁵ An interesting anecdote substantiates the fact that the influx of settlers into the region near Summit Springs was after the battle. Roenigk reported a trip to Julesburg to visit the battlefield in 1922, but could find no one who knew of the location. See Roenigk, *Pioneer History of Kansas*, pp. 262-68. Despite its importance, the battle nearly slipped into obscurity. On June 6, 1929, sixty years after the battle, Luther North and Adolph Roenigk visited the battleground with Clarence Reckmeyer. In an editor's note on the front page of the Reckmeyer article ("Battle of Summit Springs," *The Colorado Magazine*, VI, 211) of November, 1929, it was stated that the battle "has heretofore received scant mention in Colorado history." The 1964 edition of "Colorful Colorado," the official map prepared by the Department of Highways, shows many recreational and historical locations, including the Beecher Island battleground, but does not locate the more important Summit Springs battleground.