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**Roberts, Gary Leland**

**SAND CREEK: TRAGEDY AND SYMBOL**

*The University of Oklahoma*

**Ph.D. 1984**

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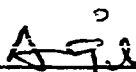

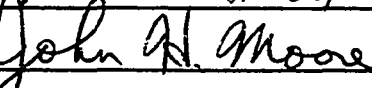
SAND CREEK: TRAGEDY AND SYMBOL

A DISSERTATION  
SUBMITTED TO THE GRADUATE FACULTY  
in partial fulfillment of the requirements for the  
degree of  
DOCTOR OF PHILOSOPHY

By  
GARY LELAND ROBERTS  
Norman, Oklahoma  
1984

SAND CREEK: TRAGEDY AND SYMBOL

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## ACKNOWLEDGEMENTS

More than twenty years have passed since Jerrell H. Shofner, then a professor of history at Georgia Southern College, encouraged me to pursue the subject of Sand Creek as a term paper topic in an undergraduate course on the Civil War. The controversy surrounding the episode instantly intrigued me. At the time, two very patient gentlemen warned me away from the subject because of the way it has of entrapping those who explore its treacherous terrain. Raymond G. Carey was an Oxford trained historian at the University of Denver who became interested in the Sand Creek Massacre as an exercise in a historical methods course only to spend the rest of his life doing research on the subject himself. Michael Straight, the distinguished journalist, novelist, and patron of the arts, found in Sand Creek the inspiration for his moving novel, A Very Small Remnant, which treats the larger themes implicit in the Sand Creek story with great sensitivity.

These two men shared their insights with each other in a delightful correspondence which was, in itself, instructive. More remarkably, they shared their wisdom with me. They disagreed with each other about many things, some of them of little consequence, some of them fundamental, but they shared a commitment to truth that inspired as well as directed my own quest to understand. Over the years they provided much advice and

many of the fruits of their own research to me. They served as point and counterpoint in my efforts to unravel the mysteries of Sand Creek. They were the persons who led me to questions of "why" rather than of "what." They sensitized me to the dangers of partisanship. They taught me patience and persistence. I owe them both an immeasurable debt.

Regretably, Professor Carey did not live to publish his own account of Sand Creek or to complete the important research he was doing at the time of his death. He never saw the final draft of the present study, and I have sorely missed his counsel. But he did continue to contribute to my study, nonetheless. In 1973, Raymond Carey's widow, Faye Carey, and his son, Raymond G. Carey, Jr., graciously permitted me full and exclusive access to his notes and research material. The Carey Collection, now housed at the University of Denver, proved invaluable, providing depth precisely in those areas where my own research was weakest. The generosity of the Carey family and the contribution of the Careys to this study are impossible to overstate.

This project came to fruition under the tutelage of Arrell Morgan Gibson, my major professor at the University of Oklahoma. I am grateful to him for his unfailing kindness and encouragement. I was also fortunate to have a strong committee. Paul W. Glad, H. Wayne Morgan, and Robert E. Shalhope taught me much about history during my sojourn at Norman and gave me the benefits of their considerable skills as scholars and editors. John H. Moore, Assistant Professor of Anthropology, the fifth member of my committee introduced me to the Cheyenne people, helped

me to understand Cheyenne culture, and allowed me to use materials from the very important Sand Creek project which he is directing.

Among the scores of people who assisted me in my studies, several deserve special mention. Laird and Colleen Cometsevah, Walter Roe Hamilton, and Ruby Bushyhead, all Oklahoma Cheyennes, opened their hearts to me and taught me much about the Cheyenne way. Harry Kelsey, formerly State Historian of Colorado and now the Chief Historian of the Los Angeles County Museum of Natural History, led me through a lengthy examination of my conclusions about Sand Creek with penetrating questions and unerring practical insights. Nyle H. Miller and Joseph W. Snell of the Kansas State Historical Society became close friends through years of persistent inquiry and their patient guidance has been a source of great encouragement. Robert M. Utley, the foremost authority on the Indian wars of the trans-Mississippi West, patiently answered endless questions on particular points as well as set a standard of excellence through his own works. William W. Savage Jr., directed my inquiry into the symbology of Sand Creek and advised me in matters relating to popular images. William Errol Unrau, Father Francis Paul Prucha, and Robert W. Mardock each contributed to my understanding of the operations of federal Indian policy in the nineteenth century. James F. Dyer, another student of Sand Creek, provided some special insights which altered my interpretation of key questions. Howard Roberts Lamar of Yale University and David W. Levy of the University of Oklahoma read the first version of this study and offered helpful advice. Robert David Ward, of Georgia Southern College, not only directed the original study but also taught me more

about history than any other one person in the process. Ken Hancock prepared the maps. Ann R. Hammons, a colleague at Abraham Baldwin Agricultural College has lived patiently with Sand Creek over nearly fifteen years, reading every version of the evolving manuscript and serving as sounding board for many of my ideas and interpretations. Finally, Thomas R. Milam, my division chairman, has prodded, cajoled, and threatened me to make this study a reality. To all of these, I am particularly grateful.

Other individuals who made direct and specific contributions to my research include Henry Allen (known to many readers by his pen names, "Will Henry" and "Clay Fisher"), Col. Alexander S. Bennet, Mr. and Mrs. Harold H. Bennet, Donald J. Berthrong, LeRoy Boyd, Michael Brodhead, Donald J. Chaput, A. L. Clark, Reginald S. Craig, John T. Ellisor, Alan W. Farley, Morton Fine, Dorothy Gardiner, E. Adamson Hoebel, Stan Hoig, Thomas Isern, H. Glenn Jordan, Ethel Kimball, James J. Lever, Savoie Lottinville, G. Ray Mathis, Chuck Meketa, Robert N. Mullin, Inez Nelson, Roger L. Nichols, Lewis B. Patten, Robert Pennington, Father Peter John Powell, Mrs. William O. Ramage, Martin Rist, Bertha M. Richards, Carl A. Ross, Karl Schleiser, Michael Sievers, Marion Snyder, Agnes Wright Spring, Merlin Stonehouse, Hans L. Trefousse, Jon Tuska, Irving Werstein, Mrs. M. C. Wheelwright, and Timothy Zwick.

The work of the historian would be impossible without the dedicated people who work in the public and private libraries and repositories of documents. In the course of this research, some of them have been particularly helpful. Brenda Sellers, the librarian at Abraham Baldwin

Agricultural College, has been tireless in her efforts to track down needed materials. For a period of twenty years past, I have enjoyed a correspondence with the Colorado Historical Society. My earliest contact there was Laura Allyn Ekstrom, who was followed by Enid T. Thompson. Most recently, Catherine T. Engels has been prompt in meeting every research need. Maxine Benson, the former state historian of Colorado who is now with the Kansas State Historical Society also encouraged and directed my labors there. Similarly, first Alys Freeze and then Eleanor M. Gehres of the Western Historical Department of the Denver Public Library patiently directed my researches there. The late George A. Snyder who headed the manuscript division of the University of Denver Library was a special help to the evolution of this project. John A. Brennan, Curator of the Western Historical Collections of the University of Colorado Library, Jack D. Haley of the Western History Collections of the University of Oklahoma, and Paul D. Riley of the Nebraska State Historical Society are others who became friends during the development of this study. Robert Svenningsen of the Denver Federal Records Center introduced me to vital materials. Reverend Merle Whitlow of the Methodist Archives at Baker University in Baldwin, Kansas, suggested valuable sources for understanding John Chivington. Herman J. Viola and Paula Fleming of the National Anthropological Archives at the Smithsonian Institution have been more than generous. The staff of the National Archives and Records Service in Washington has been especially helpful, but I would like to single out a few persons who made research there especially pleasant. Sarah Jackson and Elmer O. Parker introduced me to



the Navy and Old Army Branch of the Military Archives Division and treated me as though my project were special. that was their style, and later Elaine Everly and Robert B. Matchette continued to help in that tradition. Robert V. Kvasnicka of the Natural Resources Branch of the Civil Archives Division directed my research into the records of the Office of Indian Affairs with unfailing enthusiasm. The staffs of the Diplomatic Branch, the Judicial and Fiscal Branch, and the Legislative Branch of the Civil Archives Division, all provided critical help. Others who deserve special mention include the late Mae C. Olliff, formerly the reference librarian at Georgia Southern College, Alys Gilman of the Iowa Department of History and Archives, and Archibald Hanna, Curator of the Western Americana Collection, Beinecke Library, Yale University.

In addition, I wish to acknowledge the generous assistance of the staffs of the Bancroft Library at the University of California at Berkeley, Brigham Young University, the Chicago Historical Society, Colorado Division of Archives and Public Records, the Houghton Library of Harvard University, the Huntington Library, the Indiana State Library, Indiana University Library, the Illinois State Historical Library, the Library of Congress Manuscript Division, the Missouri Historical Society, the Museum of New Mexico, the New Mexico State Historical Society, the New Mexico Highlands University Library, the New-York Historical Society, the New York Public Library, the Ohio Historical Society, the Oklahoma Historical Society, the Pioneers Museum of Colorado Springs, the University of Rochester Library, the Southwest Museum at Los Angeles, the

Washington State Division of Archives and Records Management, the Wisconsin State Historical Society, and the Western History Research Center of the University of Wyoming.

Finally, I would like to express appreciation to Pam Philmon, Sarah Martin, and Sandra Seay who prepared the manuscript. Without their help this project would never have been finished. I also want to thank Patsie Cannon, Crystal Maxwell, and Harold Loyd of the Business Division of Abraham Baldwin Agricultural College for introducing me to the mysteries of word processing and for permitting me to use the school's printer in the production of the manuscript.

Through the years I have benefitted from several grants which enabled me to complete this study. In 1971, the American Philosophical Society awarded me a critical grant which allowed me to study white attitudes toward Indians in the nineteenth century. Abraham Baldwin Agricultural College encouraged me to return to graduate school and provided partial support during a period of leave which I spent at the University of Oklahoma. At Oklahoma, the A. K. Christian Graduate Fellowship in history and a grant from the graduate college for dissertation research enabled me to complete important work. Abraham Baldwin Agricultural College's Faculty and Staff Development Fund Screening Committee and the ABAC Foundation also awarded me a grant to defray expenses in the final stages of the work.

To all of these people and institutions, I am grateful.

## PREFACE

As battles go, the Sand Creek Massacre was a small affair, hardly more than a skirmish when compared to the great campaigns in Georgia, Tennessee, and Virginia that were moving toward climax that bleak November of 1864. Fewer than two hundred souls perished at Sand Creek, a meager tally in the light of the carnage of Chickamauga and Atlanta. By any reasonable measure, Sand Creek was hardly more than a footnote in the national tragedy. And yet, for all of that, the Sand Creek affair seized public attention in the winter of 1864-1865 and generated a controversy which still excites heated debate 120 years later. Ironically, the issues raised by that day's bloody work were no less important than the momentous issues called to the public mind by Sherman's policy of annihilation in Georgia. The Sand Creek incident raised a specter more horrible than Sherman's "scorched earth" campaign and touched questions more elemental than burned out plantation houses and homeless civilians. If war were as hellish as Sherman claimed, at Sand Creek demoniac forces seemed unloosed so completely that humanity itself was the casualty. At Sand Creek, it seemed, the last restraints on human conduct in war snapped, and the helpless were slaughtered without reason or justification.

That was the charge that drew public attention to the Colorado frontier that winter. Westerners vociferously and passionately denied it. And the controversy has scarcely changed since the charges and countercharges were first articulated more than a century ago. Any study of the Sand Creek Massacre of necessity begins there, in the controversy. Two scenarios predominate. The first--found largely in the reminiscences of veterans of the Sand Creek campaign, the Colorado press, early state histories, and apologies for Colonel Chivington--argues that the men of the Third Colorado Cavalry were honest, hard-working pioneers defending their homes and families from the unspeakable horrors of savage warfare when they administered a well deserved whipping to the Cheyennes and Arapahoes at Sand Creek. The other--found in the protests of contemporaries, the literature of the humanitarian reformers of the late nineteenth century, the scripts of modern screen writers, the polemics of modern Indian activists, and in most histories of the Indian wars--maintains that the men of the Third were mostly frontier riff-raff swept up from the bars and back alleys of the mining camps who, when incited by an ambitious religious fanatic, fell upon a village of innocents and slaughtered them in an orgy of blood and gore.

Perhaps the most remarkable thing about these scenarios--especially in the light of their great differences--is that they share a common assumption. Both interpretations turn on the character of the attackers. The first declares that the soldiers were good men, so Sand Creek could not have been a massacre. The other says that Sand Creek was a massacre, so the men of the Third must have been twisted and sick or led by someone

who was. In an odd sort of way, then, this "good men" thesis, in both of its variants, offers comforting solutions to the dilemma posed by Sand Creek, the first by simply denying that a massacre ever occurred, the other by dismissing it as the work of social deviants. In both cases, the honor of good men and the sanctity of the great values of democratic society remain unsullied. Perhaps the rationalizations, flawed as they are, somehow protect people from an ancient savagery buried deep in the human soul. Perhaps they reveal the faint flicker of a primal human nobility that cannot bear the horror. Whatever the origins, these rationales are, both of them, inadequate explanations.

They are inadequate because they are fundamentally unrealistic. To be sure, both views contain elements of truth. Both reflect real human emotions. Both present points of view that are genuinely believed and devoutly felt. Perhaps most importantly, both represent ideas and attitudes which directed human reactions to subsequent events in the years after Sand Creek. Both arguments derived from the public debate about the Sand Creek affair in 1865. Not surprisingly, that same partisanship has marked the historical controversy ever since. The debate itself has become a vital element in the complexities of the problem. But partisans have goals other than historical understanding. They see "truth" through the lenses of their particular causes, and their interests demand simple explanations. The goal of the first scenario is to defend the honor of Colorado troops against the charge of massacre; the goal of the other is to prove the genocidal intent of federal policy. This emotional, adversary approach to the Sand Creek Massacre limits the

quest for meaning and seriously flaws the perspectives of most studies of the tragedy.

What happened at Sand Creek was infinitely more complex than either of the standard scenarios suggests. Personalities, politics, economic interests, ambitions, rivalries, prejudices, attitudes, cultural values, institutions, ideas, and a variety of intangibles interact to shape human affairs. The first purpose of this study is to sort out the various threads of influence and to weave them into an analytic narrative which explains not only what happened but also why it happened. The general outlines of the Sand Creek story are familiar enough and a mere retracing of them would hardly be justified, but even the most familiar facts may be better understood in light of previously unexploited sources and the insights which they suggest. Perhaps more importantly, in the account which follows, the compass of the Sand Creek tragedy is greatly enlarged. Topics which have been only mentioned in the past or explored not at all are examined here and integrated into the more familiar strains. The internal rivalries within the First Colorado Cavalry, the relationship of statehood for Colorado to Indian policy, the events which brought the Sand Creek affair to public attention in 1864, the Sand Creek vindication movement of 1865, the connections between Sand Creek and federal Indian policy in the post-Civil War years, and the long range effects of Sand Creek on both the people of Colorado and the Cheyenne and Arapaho tribes of Indians are all areas which are explored at length for the first time herein.

The second purpose of this study is to explore the controversy which surrounds the Chivington affair. The controversy, more than the event, seals the importance of the Sand Creek Massacre. That the incident has been written about often, that it remains more the domain of popularizers and polemicists than of historians, that it persists in the popular mind as a symbol of white mistreatment of the Indians (all facts which would seem to argue against another telling of the story) are clues which provide the critical context for evaluating the impact of Sand Creek. The origins of the controversy in the emotional debate of 1865, the use of the controversy in the dispute between the military and civilian authorities over control of Indian affairs, and the evolution of the symbolic importance of Sand Creek are all themes which are developed here for the purpose, first, of identifying its character and, second, of understanding how history may be used in such a way that image becomes more important than reality.

The third and final purpose of the study is to unravel the rhetoric of justification and condemnation for clues to larger questions of human conduct in war. The Sand Creek incident suggests a number of common denominators in the occurrence of massacres. A real effort has been made to place Sand Creek within the broader sweep of American history, especially in the prologue and epilogue of this work, but, at the same time, Sand Creek is used here as a case study of massacre from which certain conclusions are extrapolated concerning the nature of violence and the phenomenon of massacre.

The need, after all, is not to justify or to condemn what happened at Sand Creek but rather to understand the process at work there. This study has been an effort to bring balance to the Sand Creek story, to enlarge the perspective from which such events can be judged. I have not avoided hard conclusions where they seem to have been justified, but I am also aware that many of the most important questions lie precisely in those areas most difficult to document. I suspect that this work will not satisfy the partisans on either side of the historical controversy. Understanding the nature of that controversy, I have no illusions that this will be the final word on the subject. It will not be. Nor should it be, for if it is good history, it will raise new questions, and if it is not good history, the original task will remain undone. My own best hope is that it will contribute somehow to a more careful synthesis of the Sand Creek story and to a clearer understanding of the forces at work in such tragedies.

Gary L. Roberts

Tifton, Georgia



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SAND CREEK:  
TRAGEDY AND SYMBOL

PROLOGUE

HERITAGE OF SHAME

The record is written in a single word--the record is shame! A nation's faith, not broken once, but broken again and again, till it now lies shattered before the indignant eyes of the civilized world.

--Elliott Coues, 1879<sup>1</sup>

In the slaughter of innocent women and children fleeing before horses and saber-flashing troopers amid images of blood and snow, imploring hands and screaming ponies, burning lodges and smoking Springfields, polemicists from Helen Hunt Jackson to Dee Brown have found an epitomizing symbol of Indian-white relations, a symbol of horrifying and impelling force. Whether expressed in the florid prose of the nineteenth century reformer or in the cinematic artistry of Arthur Penn's Little Big Man, the message has compelled attention. Nothing has more graphically denoted the failure of American Indian policy than the promiscuous and wholesale slaughter of human beings, particularly of persons offering little resistance or those innocent of wrongdoing.<sup>2</sup>

The word massacre always evoked emotional responses, but in this context it took on a particularly repulsive aspect, suggesting somehow

that genocide had come to be accepted as a legitimate solution to the dilemma of Indian-white relations. Significantly, while the race war which characterized the extension of the American frontier included many bloody atrocities, the image itself did not emerge until after the Civil War when a small but active reform movement sought to dramatize the mistreatment of America's native peoples.

The prototype of the image was cast on a cold November morning in 1864, when Colorado troops swarmed over the low bluffs which marked the course of Sand Creek and slaughtered nearly 200 Cheyenne and Arapaho men, women, and children. In time, General Nelson A. Miles, himself a veteran of the Indian wars, would label what happened there "perhaps the foulest and most unjustifiable crime in the annals of America," and one historian would call it "America's St. Bartholomew."<sup>3</sup> On that day, however, the citizen soldiers of the Third Colorado Volunteer Cavalry gave little thought to what history would say of them. They could not know that their actions would be damned as atrocities. On that day they did what they had enlisted to do. They killed Indians. Afterwards, they marched home to a heroes' welcome, with fresh scalps dangling from their saddle horns and with a sense of pride in the thoroughness of their work. Denver welcomed the "bold sojer boys" and their commander, Colonel John Milton Chivington, in grand style, and the Denver Rocky Mountain News proclaimed the victory at Sand Creek to be "the most effective expedition against the Indians ever planned and carried out."<sup>4</sup>

But the glory soon faded. Not every one shared the enthusiasm of the moment. Certain civilian officials, junior officers of the First

Colorado Volunteer Cavalry, and even "Thirdsters" (as the soldiers of the Third Regiment were called) charged that the most revolting outrages had been committed at Sand Creek. Furthermore, they charged that the Indians had been encamped there under the protection of the United States government when attacked. These accusations soon found their way into several eastern newspapers as well as into the hands of prominent government officials. The disclosures repelled Easterners, and for a brief moment in the winter of 1864-65, the "Sand Creek Massacre" seized the attention of a nation locked in a civil war. Within weeks, Sand Creek became the subject of three separate investigations. While Coloradans fulminated, the disclosures unseated the Commissioner of Indian Affairs, caused the removal of the governor of Colorado, and disgraced the territory's greatest hero in the eyes of the nation.

The Sand Creek Massacre marked a turning point in the history of Indian-white relations, and its shadow loomed over Indian affairs for nearly two decades. Sand Creek appealed to those who sought simple answers. In a single, horrifying image, critics found the apotheosis of the national failure to deal with the Indians fairly, while Westerners found in Sand Creek the only solution to the perplexing contest between civilization and savagery. Because Sand Creek became a shibboleth in the crusade for Indian rights, because defending it became a test of loyalty for frontier editors and politicians, the controversy transcended the momentary issues to touch more elemental questions of human conduct. At Sand Creek, Americans confronted the dark side of their common experi-

ence, and they were not able to let go of the moral imperatives until the Indians had passed into the oblivion of the reservations.

The extraordinary attention the Sand Creek affair received in the closing months of the Civil War underscored its immediate importance. Sand Creek sensitized the nation to the problem which would attend post-war migration to the West. Thereafter, the full force of a modernizing, technologically sophisticated society was brought to bear upon the final remnants of Indian resistance to American expansion. The forces of American capitalism brushed aside the American Indians, but not without cost. And Sand Creek suggested that the cost was too high.

As symbol, Sand Creek proved more important than the tragedy itself. The controversy provided an emotional issue to Indian reformers at a crucial point in the evolution of the Indian movement. The movement succeeded in focusing the attention of the country upon the role of the military in Indian affairs, but their very success in casting the army in the role of villain distorted reality and diverted attention away from more fundamental questions. The symbol worked together with a paternalistic ethnocentrism to limit reformers in their search for solutions.

Sand Creek had this effect not because it was the first massacre, or the last, or even the worst, but because it captured public attention at a time when reform-minded people were sensitive to the problems of the native Americans and because it delineated so sharply the contradictions in national policy. Sand Creek focused an ancient debate. Between 1622, when the English crushed the Indians of Virginia, and 1890, when the last bloody spasm of the Indian wars occurred at Wounded Knee

Creek in South Dakota, at least forty incidents occurred which achieved notoriety as massacres of Indian people. These affairs prompted debate. They tested the limits of public forbearance. They prompted moral reflection. They produced both a rationale for slaughter and a pattern of outrage. Massacres demanded an explanation, and a satisfactory response was as important to those who justified them as to those who were shocked by the excesses. They were condemned as aberrations, justified as necessities, or ignored altogether as circumstance, persuasion, or convenience dictated, and the process remained remarkably consistent across three hundred years of American history. Outside of this context, Sand Creek might have been dismissed as a lurid anomaly; within it, its role as symbol found greater meaning.

Still, the image oversimplified the issues. Torn between guilt and remorse over the ruthless subjugation of the Indian, on the one hand, and convinced of the promise of America, with all of its bright hopes for justice, democracy, and equality, on the other, reform-minded Americans sought explanations which would reconcile the moral imperatives with practical realities. The reformers served as America's conscience and fed American needs for self-flagellation. In the process, they found massacres to be so heinous and aberrant that they could be explained only by attributing them to twisted, sick minds, to individuals who did not represent true American attitudes, or, failing in that, to a society fundamentally flawed.

.. Arrayed against this view of American perfidy and dishonor stood a more venerable tradition. Apologists defended American actions toward



the Indians--even massacres--as inevitable and, ultimately, justifiable. They held that Americans had wrested the wilderness from a savage foe, cruel beyond imagination and devoid of the tender feelings of civilized people. According to this view, any wrongs that occurred were inconsequential in comparison to the benefits of progress and civilization. By the nineteenth century, a huge literature supported this view and seared the image of the blood-thirsty savage, daubed with warpaint and the blood of innocent victims, into the American mind.<sup>5</sup>

The awkward, self-conscious, arrogant, self-righteous, compassionate, and vulnerable strains of a people unsure of their place in the world unraveled in the cant of condemnation and justification, but the dialogue constituted something more than an intellectual catharsis. The shrill rhetoric of both polemicists and apologists across the centuries reflected an effort to give meaning to the dispossession of the American Indian commensurate with Americans' perceptions of themselves as a just and fair-minded people.

Yet, for all of the soul-searching, the alternatives remained grimly simple. In the summer of 1779, General John Sullivan sounded the main theme of Indian-white relations in a toast to his officers on the eve of a campaign against the Iroquois in western New York. "Civilization or death to all American savages!" he thundered, and, in fact, Indians never had more than those two brutally direct choices.<sup>6</sup> Of course, civilization was a perjorative term grounded in European ideas of property holding, hard work, and the Christian ethic, but its very ethnocentrism gave it great strength. By whatever method whites chose--

religious, philosophical, scientific, technological, or merely practical--the Indian was different--a savage--and therefore obviously inferior. From this basic premises virtually all American attitudes toward the Indians derived, and that unfortunate mindset shaped American thought and action.<sup>7</sup>

No generation of white Americans ever doubted the ultimate triumph of civilization over savagery, nor did they ever imagine that the ultimate victory might be gained at too great a cost. They could not without denying the very vitality of the American system and the sense of mission which they felt. Americans always believed that the triumph of civilization would best serve Indians as well as whites. The issues in every era were not the results of the bloody race war but the process, not the rightness or wrongness of the conquest but its methods. The swirling controversy over Indian affairs focused on means rather than goals.

For some, civilization dictated the means. Civilization would be judged, they felt, by how the nation dealt with its subject peoples. For them, civilization implied inviolable principles which humanity demanded as a minimum standard.<sup>8</sup> For others who fancied themselves pragmatists in Indian matters, such arguments were romantic pap. To them, the needs of civilization were paramount. They tended to accept harsher methods, to believe that the ends justified the means. If Indians resisted civilization, they would be crushed by it. To clear the way for civilization and its manifest blessings, any practice could be justified. "There is no question of national dignity in the treatment of

savages by a civilized power," Francis A. Walker wrote in 1872. "With wild men as with wild beasts, the question whether in a given situation one shall fight, coax or run, is a question merely of what is easiest and safest. . . . If they stand up against the progress of civilization and industry they must be relentlessly crushed."<sup>9</sup> Thus, while both views used civilization as the touchstone of their arguments, one position found its hope in a paternalistic philanthropy, the other in ruthless military conquest.

And yet, even that simplistic dichotomy failed to explain what happened in any truly adequate way. Even the angriest advocates of extermination derived their attitudes, at least in part, from the assumption that other alternatives had been tried and had failed. Genocide never became public policy. From the beginning, Americans sought to secure their objectives through other means--trade, bribery, treaties, religion--but "peaceful penetration" proved impossible. Increasingly, whites realized that they could not dispossess the Indians fairly.<sup>10</sup>

The cultural differences and the mutually incompatible goals of Europeans and Indians proved too great, and conflict resulted. Conflict sometimes resolved itself in evasion, accommodation, and surrender (in fact, far more often than the literature suggests), but from a very early date, conflicts moved toward violence for solution. Much of the violence operated at the personal level, devoid of "official" character and acted out by individuals against individuals on contested ground. Elliott Coues noted that organized battles represented "very little of the butchery actually accomplished. Much more blood has been shed in the

aggregate, and nothing known of it, in the incessant collisions between our pioneers and the Indians. This record is one of the atrocities exchanged in kind."<sup>11</sup> In that bloody "war in the dooryard," neither Indians nor whites emerged guiltless. Without cultural common denominators to set expectations, the conflict reached a ferocity which neither wholly expected and which each took as evidence of the innate evil of the other.

The violence of the Indian wars was not a chain of officially condoned, methodical, and efficient military campaigns designed to annihilate whole peoples, but rather a consistent, pervasive, but essentially off-handed struggle between exasperated and frightened people. Massacres, when they occurred, were not the product of studied policy but of unrestrained rage. The real contest was never between armies. It was between people, people who understood that they represented life ways that could not coexist. The issues were survival and possession. And the responses to those issues were remarkably consistent.

The settlers went west to find a place on the land, not looking for a fight, but expecting one because they knew that the Indians would not blithly surrender their claims. The settlers were ordinary folk, not noticeably better or worse than anybody else, "good people" by the standards of their time, hard-working, God-fearing people, honest in their dealings with one another, and convinced of their right to be where they were. They went armed with preconceptions about the Indians which were grounded in ignorance, fear, and prejudice. Guilt marked them as well. Property stood at the center of their value system, and because

they valued it so highly, they realized the moral dilemma of dispossession. To insulate themselves, they saw Indian treachery in every act of kindness, Indian duplicity in every generosity, until they persuaded themselves that they were the victims of a savage terror.<sup>12</sup>

The Indians, for their part, showed an amazing passivity in the first stages of contact when whites were most vulnerable, welcoming them with apparent good will. The natives' motives were mixed. They were not merely generous and friendly or innocent or foolish; they also recognized that Europeans could be used to further their own economic, political and social interests. They were, after all, human. When violence came, the Indians resisted because they saw no viable choices, not because they were bloodthirsty or because they were noble. And when they resisted, they fought with earnest ferocity.

That was the image that whites affirmed. In their minds Indians were equated with savagery and savagery with violence. Doubtlessly, some Indian practices, alien to European culture, shocked them. Colonel Henry B. Carrington touched on cruel reality when he described the scene of the Fetterman Massacre in 1866:

Eyes torn out and laid on the rocks; teeth chopped out; joints of fingers cut off, brains taken out and placed on rocks, with members of the body; entrails taken out and exposed; hands and feet cut off; arms taken out from sockets; eyes, ears, mouth and arms penetrated with spearheads, sticks and arrows; punctures upon every sensitive part of the body, even to the soles of the feet and the palms of the hands.<sup>13</sup>

Long before that grim report was written, white Americans had convinced themselves that Indians reveled in butchery, gloried in the most beastly practices. With that strange fascination that seemed always

to attend the grisly, imagination built upon reality to create a literature of monstrous horrors. A shadow of truth provided the base, but it was lost in a self-serving distortion of reality. The half-truths covered a multitude of white sins.

Indians were astonished by the fierceness of white warfare, especially by the high rate of death and the frequency<sup>d</sup> of mass slaughter. Some practices, such as scalping and torture, appeared aboriginally, but the incidence of both increased with contact, strongly suggesting that they appeared among some Indian groups as a result of European practices. Torture, for example, enjoyed a prominent place in European warfare as late as the seventeenth century, and Europeans commonly took heads as trophies to be displayed as signs of victory as well as to terrorize the enemy. Over time, practices common at the point of initial contact were abandoned.

Ironically, then, many of the practices which whites later associated with Indians evolved originally from their own white forebears. For example, many of the eastern seaboard tribes, confronted during the seventeenth century, had fought en masse before contact, but the introduction of firearms forced them to adapt new tactics. The "traditional" modes of Indian warfare--hit and run guerrilla movements involving small parties--developed in response to the realities of contact. As Europeans worked to wrench free of war as an endemic state at home, the bitter heritage influenced the extension of European culture in the New World. Over time, the descendents of the early colonists forgot that many of the abhorrent practices that they attributed to the

Indians were once commonplace among their own people. Then, by a double distortion, they concluded that the rules of war did not apply to Indians, since, as savages, they operated without regard to such rules. Whites assumed that their methods of warfare were rational, honorable, and in harmony with law, religion, and morality, while Indian warfare was irrational, treacherous, and bestial.<sup>14</sup>

Yet, for all of that, whites never quite escaped their own consciences. When confronted with the reality of massacre against Indians, most Americans recoiled in horror. But the response did not so much reflect a rejection of the notion of Indian savagery as it did a deep-seated self-examination. The restraints on war which whites embraced were self-imposed, products of their own concepts of right and wrong. They were not articulated in reaction to the rules of others. They constituted a definition of humanity and civilization. To abandon them meant rejecting the legacy of western civilization which gave the white invaders their identity. Massacres constituted the most damning indictment of all--the sinking of civilization into savagery. Ironically, then, Indian savagery served as a counterpoint which reformers used to condemn white atrocities. Whites were different from Indians, they argued, because they were civilized, and, unless they behaved in a civilized manner, they were not better than savages themselves.<sup>15</sup>

The issue was an ancient one, implicit in the conduct of war. Human beings, then as now, shrank from that dark feature of human nature which allowed them to set aside restraints on their own violence. Yet, war and slaughter shared the same space, binding together men's hopes and

horrors in a single institution. To deal with the contradictions between ideals and actions, humankind long ago attempted to set limits on violence in war. The restrictions on acceptable behavior in time of war were never shared universally, and practices accepted in one culture were often abhorrent in another. In Europe, warfare became imbedded in notions of chivalry, Christianity, and propriety. The indiscriminate killing of women and children, the murder of prisoners of war, violations of flags of truce, and the mutilation of the dead gradually came to be viewed as unacceptable modes of conduct in war by Europeans.<sup>16</sup>

The rationale developed from the need to square the most inhumane institutions and practices with moral and religious principles. The resulting rules, if never quite satisfying to either the cynical or to the romantic, did, at least, ameliorate the horror of war. But the "law of arms" did not transfer well to the American frontier. The European codes devolved from Roman law through the Catholic Church to the "laws of nations" at the point of Indian-white contact. This genealogy had two specific implications for the struggle in America. First, the law of arms bound Christians in their relationships with other Christians. By the sixteenth century, certain elements of the law applied universally as they were thought to be reflections of the natural laws of men, but others applied only to Christian enemies. Roman law excluded "savages" from the protection of the conventions of war on the premise that they were so dangerous that any tactic could be justified in dealing with them.<sup>17</sup> Medieval law acknowledged a distinction between the rules which applied to wars between Christians and those which applied to extranei,



those such Tartars, Saracens, and even Greeks, who fell outside the pale of law.<sup>18</sup>

The English experience in Ireland provided a significant precedent for deviation from the laws of war in America. In 1649, English troops under the command of Oliver Cromwell slaughtered 3,500 men, women, and children at Drogheda. The commander justified the butchery as the "righteous judgment of God upon these barbarous wretches, who have imbrued their hands in so much innocent blood." The massacre "was merely righteous execution on barbaric and treacherous savages" which would "tend to prevent their effusion of blood for the future. Which are the satisfactory grounds to such actions which otherwise cannot but work remorse and regret."<sup>19</sup> Cromwell's record in Ireland made explicit the distinction between civilized war and wars with "savages" in ways which transferred directly to America. Once Indians or Irishmen or any other group of people could be characterized as treacherous, cruel, and savage, moral conventions in fighting them seemed to lose all rationality. The intruders became the victims, and, as victims, the intruders could strike back with impunity.

The second shortcoming of the law of arms for the American struggle lay in its specific application to "men of arms," to a military class which was largely absent from the American scene. War operated on a more primitive level on the frontier, without the restraints imposed by professional soldiers, except in those few situations where regular troops were introduced and until an indigenous military class arose in America. Conflicts involving professional soldiers almost invariably

differed from campaigns relying on the local populace and volunteer officers. And, given the American aversions to standing armies, the number of engagements involving citizens soldiers far outnumbered those fought by professionals. The disorderly process of westward expansion assured frequent collision between settlers and Indians outside any official military context. The carnage represented the most primitive instincts of survival, and if the process was not neat and orderly and if it did not conform to the rules, as men of arms understood the rules, that merely underscored the extent to which the conflict aroused primal emotions. In the wilderness, the rules of war found little place.<sup>20</sup>

And, without rules massacres did occur. The worst offenses were consistently the work of civilians, militia units, and short-term volunteers. All of the major massacres of the seventeenth century--Mystic, Stamford, Turner's Fall, Natick, the Great Swamp Fight, Nathaniel Bacon's attack on the Susquehannahs--were carried out by citizen soldiers. In the eighteenth century, the massacre at St. Francis during the French and Indian War was the work of rangers made up of frontiersmen, the slaughter of the Conestogas was perpetrated by the Paxton Boys, self-styled defenders of the frontier, and the cold-blooded butchery at Gnadenhutten during the American Revolution was the work of militia forces. In the nineteenth century, the massacres at Chehaw, Fall Creek, the Council House, Clear Lake, Trinity River, Humboldt Bay, Buffalo Springs, Sand Creek, Grande Ronde, and Camp Grant were all the work of civilians or militia.

In colonial times, of course, militia forces were usually the only troops available. Few British regulars appeared in America before the French and Indian War, and even after American independence, the continental army formed only a tiny portion of the nation's defensive apparatus. Thus, by the time the regular army became an American institution, the "minute man" was a formidable part of the American tradition. Even after the army became a viable institution, the pattern remained consistent, and because the regulars moved with more restraint and less passion, the army enjoyed a bad reputation among frontiersmen. The settlers and their political mentors argued that frontiersmen "understood" Indians better and could fight them on their own terms. Despite its popularity, the argument was generally false. Most frontiersmen understood little of Indian life. Volunteers were often farmers and shopkeepers and miners whose knowledge of Indians came from tavern gossip, captivity narratives, and community grapevines. Yet, the argument enjoyed widespread acceptance, and when volunteer units were used in Indian fighting, they operated as an extension of frontier attitudes toward the Indians.<sup>21</sup> Considered in this context, most of the massacres in American history were extensions of vigilantism--public action in defense of supposed community values which was justified on the grounds of self-preservation.<sup>22</sup>

The settlers' belief that they were acting in defense of the community lay at the heart of the cruel process. The vagaries of frontier life fostered a sense of community which rivaled the more familiar claim of rugged individualism in the heirarchy of American values. Yet,

since common experience yielded common values, the apparent contradiction between the claims of individualism and community produced no immediate conflict. In the absence of a stable social order, frontiersmen enlarged their prerogatives to include the use of violence when violence could be justified on the grounds of self-defense. Faced with a threat--real or imagined--pioneers closed ranks and moved toward group action. Ironically, then, the same forces which created the great values of American life--self-reliance and optimism and opportunity--also produced violence and exploitation and racism. And in that reality lay the chief causes of massacre.<sup>23</sup>

However, the stereotype bequeathed to the twentieth century by the nineteenth century and nurtured down to the present by much historical, as well as popular, literature, depicted the army as villainous, saber-wielding murderers and incompetent bunglers. The reformers made little distinction between the Colorado volunteers of Colonel Chivington and the regular troops of General William Tecumseh Sherman. They tarred them both with the same brush and gave the country a scapegoat. The solution was comforting. The army seemed an undemocratic institution, and if it could be blamed for the violence of the Indian wars, then the great values could be rescued unsullied by the horrors of massacre.

But the characterization was fundamentally unfair. The army did make blunders, often stupid, terrible blunders which demanded an accounting. Washita, the Piegan Fight, Sappa Creek, Big Hole, Fort Robinson, Remolino, and Wounded Knee all raised serious questions about the military's approach to Indian fighting, and some officers did agree with

Colonel Phillipe Regis de Trobriand that "the confessed aim is to exterminate everyone, for this is the only advantage of making the expedition; if extermination were not achieved, just another burden would be added--prisoners."<sup>24</sup> But de Trobriand's views were not widely shared. Indeed, the overall record of the regulars suggested a rather different attitude. In 1828, Captain Russell A. Hyde, commander at Fort Towson in the Arkansas Territory, prevented a massacre when he refused to support an attack on a village of Shawnees at Pecan Point south of the Red River planned by a zealous militia officer named Colonel Wharton Rector.<sup>25</sup> Colonel George H. Thomas, later famed as the "Rock of Chickamauga," interposed his troops between angry Texas settlers and a band of Comanches to prevent a slaughter in 1856.<sup>26</sup> Officers like Major Edward W. Wynkoop and Captain S.E. Whitman were vilified on the frontier because of their advocacy of Indian rights. Western editors regularly criticized the army because it did not employ a policy of extermination. General George Crook, the nemesis of both the Sioux and the Apaches, repeatedly issued orders to protect the lives of noncombatants.<sup>27</sup> The reports of General William T. Sherman and General Philip H. Sheridan, who directed the last great wars against the Indians, fairly bristled with cautions on the subject of noncombatant casualties. When a court of inquiry found that troops at the Wounded Knee tragedy of 1890 had made every effort to avoid killing noncombatants, it was General Nelson A. Miles himself who brushed the verdict aside, denounced the affair "as most unjustifiable and worthy of the severest condemnation," and recommended compensation to the survivors.<sup>28</sup>

When regular troops were used in Indian fighting, greater attention was given to codes of honor and notions of chivalry, not because soldiers were any more or less noble than civilians, but because the army was a more disciplined organism less emotionally involved in the contest for possession of the land. The officer corps, especially, stood apart from the frontier milieu as an educated and more liberal influence. The writings of John G. Bourke, William Philo Clark, Elliott Coues, Hugh Scott, John C. Cremony, Frank North, Charles Erskine Scott Wood, and others provided some of the most realistic and sympathetic contemporary opinions on the American Indians.<sup>29</sup> Such officers were not romantics. They had seen enough of Indian war to recognize reality, and most of them shared a characteristically nineteenth century ethnocentrism. At the same time, they shared a sometimes grudging admiration for the Indians, and they recognized that the cost of massacres was far too high to justify their use.

Soldiers understood the cruel nature of war better than anyone, and they recognized that noncombatant casualties were inevitable. Still, military law drew a distinction between the unavoidable, inadvertent, and incidental killing of noncombatants in the course of military action, on the one hand, and the premeditated, deliberate, and systematic slaughter of women and children, on the other. In drawing the distinction, the key factor was intent. And the rule was sometimes difficult to apply. The Indians, especially on the plains, avoided pitched battles with the army whenever possible. To bring them to bay, the soldiers tried to catch them in their villages. Once cornered, the Indian men stood and fought

until their women and children could flee, but in the confusion, women and children were often killed, sometimes in significant numbers. General William S. Harney set the pattern in 1856 when he struck Little Thunder's Brule Sioux at Ash Hollow on the Little Blue River in western Nebraska. For twenty-five years thereafter, at places like Bear River, Whitestone Hill, Killdeer Mountain, Adobe Walls, Palo Duro Canyon, the winter campaign against the Sioux and Cheyennes in 1876-77, and the Nez Perce campaign, the army consistently employed the tactic.<sup>30</sup>

Reformers condemned many of these incidents as massacres, and noncombatants died in every engagement. But the army was extremely sensitive on the question of noncombatant casualties, going to extraordinary lengths to disassociate itself from the practice. Ironically, the maxim of de Trobriand--with its emphasis on prisoners--afforded the best defense for the army. The large number of captive women and children taken at Ash Hollow, Bear River, the Washita, the Piegan fight, Palo Duro Canyon, and other engagements sets them apart from the slaughters at Sand Creek, Camp Grant, and Humboldt Bay where the intent clearly was to exterminate everyone. Only once, at Remolino in 1873, did the army attack a village knowing that it contained mostly women, children, and old men.<sup>31</sup> Other incidents, like the Sappa Creek fight of 1875 and the Dull Knife breakout in 1879, involved heavy losses among women and children under highly questionable circumstances. Notwithstanding violations of the code in some engagements, the army set a standard of propriety never equalled in the civilian sector.<sup>32</sup>

True massacres, then, were rooted in the bitter hatred which existed between the settlers and the Indians. When they did occur, they were the work of men who intended to kill everyone without regard to age or sex or condition. Perhaps the most horrifying aspect of the process lay in the fact that it was the work of ordinary people. The cruel, the sadistic, the twisted, the calloused, and the fanatical played their parts in the terrible drama, but they were outnumbered by the angry, the grief-stricken, the terrified, and the insecure. Massacres were rarely conceived and carried out by the psychotic few. Honest, hard-working, God-fearing men burned Mystic, tomahawked helpless women and children at Gnadenhutten, and shot down prisoners at Bad Ax. Frustration, fear, anger, and prejudice were the architects of violence, more often than greed, ambition, and cruelty. That explained the lengths to which frontiersmen went to justify their behavior, the extent to which they were pursued by guilt, and the anger which they felt toward those who criticized their conduct.

Remarkably, across three hundred years, in practically every setting, the process remained the same. Justifying the annihilation of a people required persuasive arguments. The first task was to dehumanize the enemy and to characterize them as a menace to society. In this respect, the image of the Indians as savages proved to be crucial. Physical appearance, language, and religion reinforced preconceptions and rendered Indians essentially invisible as people. Whites spoke of "bucks" instead of men, "squaws" instead of women, "papooses" instead of babies, "savages" instead of people until the rhetoric insulated them



from the humanity of their adversaries. John Beeson, an early reformer who saw the full horror of Indian war in the Pacific Northwest, noted the result:

at length, in the general acceptance of the terms, they [the settlers] ceased to recognize the rights of humanity in those to whom they were so applied. By a very natural and easy transition, from being spoken of as brutes, they came to be thought of as game to be shot or as vermin to be destroyed.<sup>33</sup>

Interestingly, in every setting, white attitudes moved from an essentially benign and patronizing attitude in the beginning to a shrill and frenetic hatred in the end. Early in the process, settlers talked about Indian innocence, gullibility, and lack of cleanliness in a jocular and condescending way. But as time passed, frontiersmen came to see the Indian as a "beastly, rapacious, cunning imitation of humanity," incapable of change, who should "be killed with no more compunction than one would kill a coyote."<sup>34</sup> In 1824, following the Fall Creek Massacre in Indiana ( one of the few places where the perpetrators were tried and executed for their crime), the men who had committed the murders defended their action by claiming that it was "no worse to kill an Indian than to kill a wild beast."<sup>35</sup> From the Puritan divine who called upon his congregation to thank God that six hundred heathen souls had been sent to hell in the attack at Mystic in 1637, to the Kentucky frontiersman who boasted, "I've fit bar and painter (panther) and catamount, but thar ain't no game like Ingins," to the Arizona editor who recommended that Indians be gathered together and then slaughtered "as though they were so many nests of rattlesnakes," white settlers convinced themselves--or

tried--that the Indians were a menace to be destroyed without more than a passing thought.<sup>36</sup>

The transition in rhetoric paralleled the tempo of white encroachment and the beginnings of native resistance. As the white community grew increasingly fearful and defensive, the number of incidents increased--or seemed to increase--and Indian practices and movements formerly ignored now seemed threatening. At that point, the frontiersmen saw the Indians as a threat. Nor did it matter whether the threat was real or imagined; it mattered only that a threat was perceived. The settlers closed ranks then and appealed to the principle of self-defense as a justification for extreme action.<sup>37</sup> Now, the anti-Indian rhetoric became imbedded in rumors, demands for protection from the authorities, and self-conscious musings.

Whites consoled themselves with the belief that they were the agents of civilization, bringing order and creative enterprise to the wilderness. They assured each other that they had been fair, and they saw little connection between their encroachments and Indian resistance. Once violence did occur, economic pressures heightened the sense of crisis and increased the demands for protection. Now the argument of self-preservation took its final form. If the Indians were savages whose rule of warfare was the indiscriminate killing of men, women, and children (which white settlers always assumed) who came to the frontier only to find homes and work the land as God intended, then clearly the whites had the right to defend themselves. A good thrashing would cure the problem and nothing else would. In order to administer such a whipping,

whites reasoned, they had to fight as Indians fought, which meant treacherously, savagely, and indiscriminately. Women and children were not exempt because Indians killed women and children, because Indian women and children were as dangerous as the men, and because to let women and children live would simply prolong the agony. Noncombatants would grow up to be warriors or the mothers of warriors. At the battle of Horseshoe Bend in 1814, an officer reprimanded a militiaman for killing a child; the soldier retorted that he would only have grown up to be a savage.<sup>38</sup> A California pioneer who participated in the massacre of the Mill Creek Indians in 1865, later recalled, "I had often argued with Good (the leader of the group) regarding the disposition of the Indians. He believed in killing every man and well-grown boy, but in leaving the women unmolested in their mountain retreats. It was plain to me that we must also get rid of the women."<sup>39</sup> In 1871, a party of civilians killed about thirty Indians in a cave in northern California. Afterwards, they found some Indian children hidden among the provisions. "Kingsley could not bear to kill children with his fifty-six caliber rifle. 'It tore them up so bad,'" an eyewitness recalled. "So he did it with his thirty-eight caliber Smith and Wesson revolver."<sup>40</sup>

Once fighting did begin, it was, in the parlance of the frontier, "war to the knife." The Indians fought doggedly, and they were capable of the utmost cruelty in their struggle for survival. Murder, rape, torture, and captivity came to be synonymous with Indian warfare. And once begun, who started the violence no longer mattered, because violence fed on violence until it was endemic. Arguments about cause and

effect were pointless on the dark and bloody ground, not because the subject was unimportant, but because it was irrelevant to people whose lives hung in the balance. Because they were part of the process, they did not pause to analyze it.

The attitudes of the settlers were honed on the cutting edge of the frontier where the questions were immediate and real, not abstract and philosophical. There, the costs tallied in dead friends and relatives, lost property, and fear-fed hatred. Whatever future generations would think of them, their reasons seemed sufficient to them. Joseph Doddridge spoke for them:

let him, if he can bear the reflection look at helpless infancy, virgin beauty and hoary age, dishonored by the ghastly wounds of the tomahawk and scalping knife of the savage. Let him hear the shrieks of the victims of Indian torture by fire and smell the surrounding air, rendered sickening by the effluvia of their burning flesh and blood. Let him hear the yells, and view the hellish features of the surrounding circle of savage warriors, rioting in all the luxuriance of vengeance, while applying the flaming torches to the parched limbs of the sufferers, and then suppose those murdered infants, matrons, virgins and victims of torture, were his friends and relations,<sup>41</sup> the wife, sister, child, or brother, what would be his feelings?

Andrew Jackson provided the common answer: "when we figure to ourselves our beloved wives and little prattling infants, butchered, mangled, murdered, and torn to pieces, by savage bloodhounds, and wallowing in their gore . . . we are ready and pant for revenge."<sup>42</sup> Even Lydia Maria Child, an outspoken advocate of Indian reform in the nineteenth century, understood that passionate plea. "It is more than can be expected of human nature," she wrote in 1879, "that the white frontier

settlers, living as they do in the midst of deadly peril, should think dispassionately of the Indians, or treat them fairly."<sup>43</sup>

Over time, the accumulated experience of the frontier generated the expectation that Indian-white contact would follow an inexorable pattern. A body of literature, ostensibly historical, but usually fanciful, fixed attitudes and programmed responses. Each new setting witnessed a familiar scenario of contact, cooperation, confrontation, conflict, and conquest. Settlers, prepared for the experience by an imposing frontier mythology, found their expectations confirmed in captivity narratives and the lore of prejudice.<sup>44</sup> In the popular mind, the situation on the Arizona frontier in 1880 differed little from that in the Ohio Valley in 1763, or that in New England a century earlier. Indians were Indians, whether Pequot, Shawnee, Modoc, or Apache, and the only good ones were dead ones.

Frequently, the fears were based on rumors and that imposing mythology, rather than real atrocities, but the fears were real enough. Demands for protection frequently went unheeded, either because the authorities believed that the threat was not real or because the interests of the frontier were unimportant to those in power or because the military forces were too small to handle the situation. At that juncture, the local population prepared to take matters into their own hands. Eventually, some force--militia, short-term volunteers, or civilians--took the field, most often against the nearest and most easily reached Indians.

In some of the encounters, the process was grimly methodical. At Camp Grant, the citizens of Tucson, Arizona Territory, systematically pulled the sleeping Apaches from their wickiups and clubbed them to death. At Gnadenhutten in 1781, the militia rounded up the Christian Delawares, herded them into separate buildings, and then tomahawked ninety-six men, women and children to death.<sup>45</sup> But most massacres quickly degenerated into riots. At Bad Ax, in 1836, the regular army officers lost control of the militia units. The troops began to kill prisoners, rape prisoner women, and to mutilate the bodies.<sup>46</sup> In almost all of these affairs, the officers either incited their men to slaughter or failed to control them. Wholesale and indiscriminate killing followed as the frustrated frontiersmen vented their wrath on men, women, and children without mercy or remorse.

The result was almost always the same. Major G.J. Raines, a regular army officer who investigated the tragedy at Humboldt Bay, which occurred in California in 1860, provided a report all too typical of many reports of such actions:

I beheld a spectacle of horror, of unexampled description--babes, with brains oozing out of their skulls, cut and hacked with axes, and squaws exhibiting the most frightful wounds in death which imagination can paint--and this done . . . without cause, otherwise, as far as I can learn, as I have not heard of any of them losing life or cattle by the Indians. Certainly not these Indians, for they lived on an island and nobody accuses them.<sup>47</sup>

The horrific aspect of massacres extended beyond the scalping which became the symbol of savagery for many observers. Scalping was widely practiced from the beginning. By the 1790's, it was so commonplace that one traveler found it remarkable when he encountered a company

of Kentuckians who did not practice it.<sup>48</sup> Scalp bounties were offered by both the English and the Mexicans, and frontier editors consistently recommended the practice as a means of dealing with the "Indian question."<sup>49</sup> But scalping was the least of the excesses. In the Creek War of 1813-1814, militiamen made boot tops from the skin of fallen Creek warriors, and some of General William Henry Harrison's frontiersmen allegedly made razor strops from the flesh of the dead Shawnee leader, Tecumseh.<sup>50</sup> Babies were brained against trees or shot in the head or left to die from Mystic to the Great Swamp Fight to Fall Creek to Bad Ax to Sand Creek to Camp Grant.

Some of the participants were appalled at what happened. A contemporary who was present at the Great Swamp Fight in 1676 recorded that "the shrieks and cries of the women and children, and the yelling of the warriors, exhibited a most horrible and appalling scene, so that it greatly moved some of our soldiers. They were much in doubt and afterwards inquired whether burning their enemies alive would be consistent with humanity and the benevolent principles of the gospel."<sup>51</sup> Benjamin Church, an experienced and successful Indian fighter, tried to stop the butchery of Indian women and children in that encounter. But ministers assured the queasy that they were acting within the will of God, and more direct types threatened to kill Church if he did not cease his efforts to stop the killing.<sup>52</sup>

Most, however, agreed with Redmond Conyngham, one of the leaders of the Paxton Boys, who said of the slaughter of the Conestogas in 1763, "necessity compelled us to do what we did."<sup>53</sup> Religious arguments were

marshalled to defend the attacks. John Underhill, recounting the Mystic Massacre, wrote:

It may be demanded, Why should you be so furious? (as some have said.) Should not Christians have more mercy and compassion? But I would refer you to David's war. . . . Sometimes the Scripture declareth women and children must perish with their parents. Sometimes the case alters, but we will not dispute it now. We had sufficient light from the word of God for our proceedings.<sup>54</sup>

Once massacres occurred, the frontiersmen elaborated their defenses, marshalling arguments that, again, were remarkably consistent throughout American history. First, although over and over again the attacks were made on friendly Indians or upon Indians who believed themselves secure, the settlers always insisted that the Indian villages were filled with "hostiles" who used them as bases for raids. When critics argued that the Indians attacked were not guilty of depredations, the settlers claimed that peaceful Indians harbored hostile Indians or pretended friendship or that it did not matter. In almost every instance, the settlers claimed that scalps, stolen property, and livestock were found in the villages which proved that the Indians were guilty.<sup>55</sup> Criticism from outsiders shocked and angered the settlers, who countered with reports of the good effects of the attacks.

This scenario was repeated without significant variation in every situation where massacres occurred. Reformers in every era attempted to allay the cruelty of the process. Most of their arguments were familiar. They condemned massacres because women and children were killed in violation of all traditions of honor, justice, and Christianity. Chivalry stood between the sword and the helpless, they argued, and



only the most depraved could take the lives of the innocent. Similarly, all mutilation of the dead ran counter to the rules of war. They argued that the Indians massacred were at peace--even when they were not. The harshest denunciations were reserved for breaches of faith, for those incidents in which Indians were betrayed or in situations where Indians were attacked while under the protection of the authorities as in the cases of Sand Creek and Camp Grant.<sup>56</sup>

Even the cadence of the rhetoric followed a familiar pattern, paralleling white behavior to that of the "veriest savages," condemning the perpetrators as "monsters in human form," denouncing the "base cowardice" of the attackers, and excoriating violations of "the sanctity of the flag." Over and over again, reformers declared that massacres would "to the last ages fix a stain" on America. The rhetoric of moral outrage was unbelievably consistent. Andrew Jackson's response to the Chehaw Massacre of 1818 was typical. He had not believed, he wrote, "that there could exist withing the U. States, a cowardly monster in human shape, that could violate the sanctity of the flag when borne by any person, but more particularly when in the hands of a superanuated Indian chief worn down with age. Such base cowardice and murderous conduct as this transaction affords has not its paralel [sic] in history. . . ."<sup>57</sup>

"Civilization should not outrun justice," Isaac Parker told the House of Representatives in 1872, "but rather go hand in hand with her."<sup>58</sup> Yet, the humanitarian response inevitably suffered from its acceptance of the same basic premise as the exterminators: the convic-

tion that the Indians had to give way to the superior white culture or perish. The humanitarians, almost without exception, demanded that the Indians abandon their way of life and adopt the Anglo pattern. In literature and poetry and philosophic dissertation, they lauded the Indians as "Noble Savages," the holders of a simpler, better way of life which white civilization had corrupted, but the reformers always concluded that the changes could not be stopped. Survival depended, they believed, upon the willingness of Indians to change, and to change at the rate and under conditions dictated by whites.<sup>59</sup>

The more optimistic reformers in every era argued for the assimilation of the Indians into white culture as a means of saving them from extinction. For most that involved the "simple" expedient of changing the hunter into the tiller of the soil.<sup>60</sup> Humanitarians seized the idea of assimilation as the last hope for the "vanishing" Americans. And, by accepting it as the solution, the philanthropists joined hands with the Indian-hating frontiersmen. Forced assimilation was simply a variant on the theme of extermination. Its violence was not the overt act of murder, but the slower destruction of the spirit through the systematic undermining of native culture, religion and personality. Assimilation intended to annihilate Indian society, and, as such, was an act of violence as surely as the crack of a musket.<sup>61</sup> However much the philanthropic despised and exorcised the rapacious Westerners and the frontier army, they were as much a party to the Indians' tragedy as the exterminators.

Ethnocentrism rendered the most benevolent and idealistic humanitarians essentially naive. Philanthropy, though sincere, was misdirected. What seemed so simple to the advocates of assimilation was not simple at all. The Indians had to be understood in terms of their own cultures and not in terms of the white society alone if real adjustments were to be made. Efforts at assimilation generally failed. Under the onslaught of the American mind as well as American might, Indian societies disintegrated, feeding the fears, guilts, and prejudices which created common bond between the Helen Hunt Jacksons and John Milton Chivingtons of the American past.<sup>62</sup>

The basic dilemma of Indian-white relations was never simply peace or war. Rather, it was the incompatibility of American expansion and the preservation of native cultures. Americans simply lacked the kind of social discipline which was needed to establish non-violent alternatives.<sup>63</sup> Farsighted leaders tried to control the process through laws governing Indian lands, but, ultimately, when confronted by mass preemption, the government simply lacked the will to resist. After all, expansion remained the more basic policy, and the government never expressed a willingness to use military force against large scale intrusions of Indian lands. The government returned to the familiar rationale that the Indians had to give way and permitted legal settlement. The government recognized the basic incongruity of justice for the Indians the continuation of American expansion and contented itself with making the process as painless as possible. The solution satisfied no one, and it rendered the government ineffectual in all Indian matters. That

reality combined with the atmosphere of fear, hate, and prejudice which existed on the frontier to create the seedbed for tragedy.<sup>64</sup>

Massacres did not tell the whole story of Indian-white relations--or even of the Indian wars, for that matter--but violence did color perceptions of the contest. The violence did set contemporary expectations. It did define the issues for far too many of those men responsible for making policy. Massacres captured public attention, but they also created a moral context which oversimplified the issues, turning a great complex of questions into a simple morality play. Yet, ironically, those bloody tragedies offered significant keys to the processes at work, to the complicated emotions, attitudes, and forces at work. Contemporaries could not unravel the issues because they were more concerned with defending a position than with understanding a historical phenomenon. When the subject passed into the hands of chroniclers and historians, they also fell prey to the moral dilemma. Condemnation and justification became their methods in a continuous chain down to the present.

A certain moral disorientation was always inevitable in attempts to understand what happened, and a tone of outrage emerged naturally enough. And, indeed, analyzing the miasma of feelings and drives and attitudes and cultural perspectives eventually yielded, for those who dared attempt it, a more horrifying portrait of humankind than the most militant activist or the most inflammatory journalist could articulate, a portrait which extended beyond the "Indian problem" to the very nature of humanity. The best and the worst in humankind showed themselves in the

bloody massacres of the Indian wars. The most heroic and the most savage acts of men were only variations on the simple and mundane qualities in every man. Gnadenhutten, Humboldt Bay, and Sand Creek were not unique to a forgotten, more violent epoch in the American past. They were evidence of the potential for violence in every generation.

That was why Sand Creek was important in 1865, and that is why it is still relevant today. Sand Creek forced nineteenth century Americans to confront the fundamental questions of human conduct, and if they temporized and rationalized and apologized and agonized, they did no more or no less than other men did in other places and other times. Sand Creek becomes now--as it did for contemporaries then--not merely a case study in Indian-white relations but also a vehicle for probing the connections between the deepest hopes of human beings and the horrors which they perpetrate upon one another. In the twisting confusion of personalities, politics, economics, and cultural misunderstandings of Civil War Colorado, in the horrors of the Sand Creek Massacre itself, broader themes emerge, ancient themes basic to the human experience.

PART ONE:

ORIGINS OF DISCONTENT

ON THE SOUTH-CENTRAL PLAINS

## CHAPTER I

### THE CHILDREN OF SWEET ROOT STANDING

Long ago, before Europeans came to America, before the first Cheyenne ever saw the great bend of Ponoeohe, the Little Dried River that the Americans would name Sand Creek, the people who called themselves Tsistsistas, the Human Beings, hunted and planted their crops of corn, beans, and squash along the Mississippi River.<sup>1</sup> In those times, far beyond the memory of any living Cheyenne, a man of great gifts lived among them. His name was Motsiuiiv, Sweet Root Standing or Sweet Medicine, and he made his home among the Tsistsistas for four lifetimes, teaching them the ways of Maheo, the All Father, and the mysteries they had to understand in order to survive as Human Beings. Eventually, Sweet Medicine died, but not before he told the Tsistsistas of things to come, of strange wondrous, and terrible things beyond the understanding of the wisest among them.

Sweet Medicine told the people that one day a new people would come among them. These strangers would have light-colored hair and white skin. They would wear strange clothes and have long hair on their faces. These hairy-faced men would bring new things to the Tsistsistas--a substance that would look like sand but would taste sweet, a liquid that

would burn the throat and make them crazy, a stick that would speak like thunder and would hurl a little round stone to kill game--but Sweet Medicine warned them that the people must not take these things. Yet, he knew they would.

Among the mysteries he prophesied was a new animal with a long neck and a shaggy tail which would come to the people from the south. "When these animals come," he said, "you will catch them and you will get on their backs and they will carry you from place to place. . . . From that time you will act very foolishly. You will never be quiet. You will want to go everywhere. You will be very foolish. You will know nothing."

But, he warned, the white people would keep coming in great numbers, over land in strange lodges that moved and on the rivers in great houses. They would be searching, always searching, for a special stone which they would crave beyond all else. In time, they would slaughter the buffalo and bring to the land a new animal with white horns. The white people would work very hard, he said, ripping up the soil to plant crops greatly in excess of the Cheyennes' limited plots, and they would insist that the Tsistsistas do likewise. The Human Beings would change, Sweet Medicine told them, and they would forget the old ways until the white strangers forced them to live as they lived.<sup>2</sup>

In this manner, the Cheyennes explained the coming of the white man to their children. When the Cheyennes first met Europeans along the Mississippi in the last years of the seventeenth century, they were already the victims of white-induced changes which dislodged them and



their neighbors in a great, reverberating trauma which forced a new and more aggressive posture on countless groups in response to unexplained pressures from north and east.<sup>3</sup> White colonization and economic expansion, particularly the Anglo-French rivalry for the fur trade, disrupted ancient patterns and provided certain tribes with revolutionary new advantages. Conflict proved to be inherent in the process which slowly pushed the Cheyennes from their homes on the Wisconsin River north and west through the Minnesota Valley to the Sheyenne River in eastern North Dakota by the early years of the eighteenth century. The Tsistsistas remained there for nearly half a century, living in earth lodges and planting their crops until French armed Chippewas struck one of their villages when the men were away and slaughtered the inhabitants.<sup>4</sup>

The Sheyenne River disaster uprooted the Cheyennes again. As they moved south and west away from the Chippewa threat toward the Missouri River, they felt the first tuggings of a new and vibrant cultural milieu. At some point in their peregrinations, the Tsistsistas met a related people, the Suhtaio, and gradually absorbed them into the Cheyenne tribal structure.<sup>5</sup> Eventually, the Cheyennes built their lodges on the Missouri near the present border of North and South Dakota and made alliances with the Arikaras and the Mandans. There, sometime after 1750, they acquired horses.<sup>6</sup> For a time they clung to sedentary ways, but the mobility, independence, and power which horses gave them lured them away from their horticultural past and away from the Missouri toward the unknown reaches of the high plains.

The equestrian revolution produced a new prosperity for the Cheyennes, who became middle men in a thriving trade between the new tribes they encountered and their Missouri River allies.<sup>7</sup> From their villages west of the Missouri and east of the Black Hills, the Cheyennes came into contact with new peoples. With some, notably the Arapahoes, or Kananavich (Bison Path People), another Algonquian group which preceded the Cheyennes onto the Great Plains, the Cheyennes soon developed close partnerships.<sup>8</sup> With others, the Utes, Shoshonis, and Crows, they developed deep and lasting enmities. And with still others, the Kiowas, the Comanches, and especially the Teton Dakota, relations remained ambivalent.<sup>9</sup> The same great diaspora which drew the Cheyennes to the plains in the first place affected all of these groups, and most of them arrived at the same cultural solutions as the Cheyennes, creating competition for horses, hunting territories, and trade. The dynamic tension of high plains competition introduced the tribes to new conditions which stressed conflict and generated new values predicated upon the perpetual threat of war.

Horses lured most of the tribes onto the plains. Horses disrupted the old economic patterns. Horses made the buffalo economy feasible. But horses were a limited commodity. The tribes did not systematically breed horses. Few had an abundant supply. Most horses came not from wild herds or natural growth but from trade and warfare. The option of choosing between the alternatives did not always present itself, and in that situation survival dictated a military solution.

Horse stealing became a military virtue because it helped to sustain tribal security.<sup>10</sup>

For people cut loose from farming, hunting territory proved even more critical. Contrary to popular misconceptions, the buffalo herds were not inexhaustible nor did they follow predictable migration patterns. Rather, a shifting mass of bison became the common economic base for a number of contending tribes. The herds constituted a limited resource which none of the tribes could take for granted. To some extent, all tribes were at the mercy of the buffaloes' migrations. And as hunters depleted the herds or as the animals capriciously shifted ranges, economic necessity again spawned military solutions.<sup>11</sup>

Survival depended upon the maintenance of adequate hunting lands, but the evolving plains culture eroded any remaining notions of land ownership. The tribes claimed territories, but they were amoeba-like zones which expanded or contracted or shifted to completely new grounds in response to pressure. Neutral grounds cushioned these shifting tribal lands. Only strong war parties dared enter these neutral zones. They became game refuges, prize hunting territories which were the chief temptations in the economic balance of power. Population growth, depletion of bison herds within the tribal lands, the erratic migrations of the herds, and the incursions of neighboring tribes supplemented the natural attraction of the neutral grounds and provided the major motives for aboriginal conflict.<sup>12</sup>

The third component of high plains competition was trade. Certain tribes, the Arapahoes for example, preferred trade to war, and

all depended upon trade for certain critical items. Some tribes secured virtual trading monopolies which provided a measure of security for them, but such arrangements were fragile. Once again economic competition for a limited supply of goods fostered diplomatic and military adventures. Prior to 1820, the main source of trade goods was the Missouri River trade. Ironically, even in the last years of the eighteenth century when tribes like the Cheyennes and Arapahoes seemed to have secured an ultimate independence, European trade goods were already critical to continued prosperity and security. While most of the plains Indians had so far had little contact with whites, cloth, beads, axes, guns, sugar, and coffee were already important commodities, commodities which depended upon the Missouri River trade. Already, the new plains tribes were developing that dependence upon white goods which would prove to be their ultimate undoing.<sup>13</sup>

Economic competition for available resources institutionalized a new kind of warfare greatly removed from the stereotypes which later observers imagined. The new warfare was not a game, nor did it focus entirely on horse stealing and "war honors," nor did it reflect the "warlike" character of the plains Indians. If war became endemic to plains culture, it derived from the more substantive, if less romantic, economic realities of life on the high plains. Once confronted with the reality of war, however, the tribes defined its nature through an elaborate system of coups. The greatest honors were reserved for acts of extreme bravery in which no life was taken; simply killing an enemy was far down the list. Indeed, the successive invasion of disputed territory

without loss or even a fight was regarded as the greatest success.<sup>14</sup> Of course, bloody encounters did occur with heavy, sometimes disastrous, losses, but such affrays usually had strategic significance far beyond simply revenge, horse theft, or lust for glory. Plains warfare was no more nor less rational than European warfare. The high plains "rules of war" were no more irrational than any other attempt to regular the horror of war or to grant honors to those who fought well.<sup>15</sup>

Conflict however, was pervasive. It dominated plains society and altered cultural systems. As a distinctive plains culture emerged, the military role so thoroughly dominated that the survival of the culture appeared to depend upon the continuation of conflict. Therein lay the central dilemma of the plains Indians.<sup>16</sup> The Cheyennes reacted to the dilemma in much the same way as other tribes. They fought to win a place on the plains, and they fought to hold it.

But the emphasis on war and the demands of new ecological conditions eroded traditional Cheyenne institutions and modified basic social and political organization. Apparently, the Cheyennes evolved from an essentially patrilineal society characteristic of sub-arctic hunters and gatherers. As they moved south into the Great Lake region in pre-contact times, the organizational structure shifted in the direction of political villages, incorporating several descent groups. Later, as the Cheyennes migrated toward the Missouri, and especially after contact with such riverine tribes as the Arikaras and the Mandans, their social organization took on a matrilineal form. Once the Cheyennes adopted a nomadic economy, the vagaries of plains life threatened tribal cohesion.

The village concept crumbled under the necessities of maintaining horse herds and pursuing the buffalo. Residence organization had to be small enough to sustain people and horses, and large enough to afford adequate defense. Matrilineal units consisting of extended families provided the fundamental social and political structures. These manhao, somewhat inaccurately described as "bands" or "clans" in the literature, varied in number. Originally, the camp circle apparently included four manhao--Heviqsnipahis (Burnt Aorta), Omis (Eaters), Hevatanui (Hair Rope Men), and Masikota (Gray Hair Men). Later, the number rose to ten as bands divided and new groups were absorbed. The Oivimana (Scabby Band), Isimetannui (Ridge Men), Oktouna (Prognathous Jaws), Haunowas (Poor Men), Suhtai (the tribe absorbed by the Tsistsistas), and Wutapiu (Those Who Eat with the Sioux) completed the camp circle. In turn, the manhao divided into smaller residence groups based on family and leadership. These groups continued to proliferate throughout the nineteenth century in response to the pressure of outside forces.<sup>17</sup>

The fragmentation of the tribe in this manner was potentially destructive to tribal unity. The Cheyennes shrewdly embraced a combination of religious rituals and political structures which balanced the exigencies of economic and social conditions. For the Cheyennes, the most important religious celebrations were the renewal of Mahuts (the Four Sacred Arrows), given to the Cheyennes by Sweet Medicine himself, and Hoxeheome, the Sun Dance, in which all living things are renewed. Both were tribal affairs, preceded by councils of the chiefs. Is'siwun (the Sacred Buffalo Hat) the gift of Erect Horns, the Suhtai holy man,

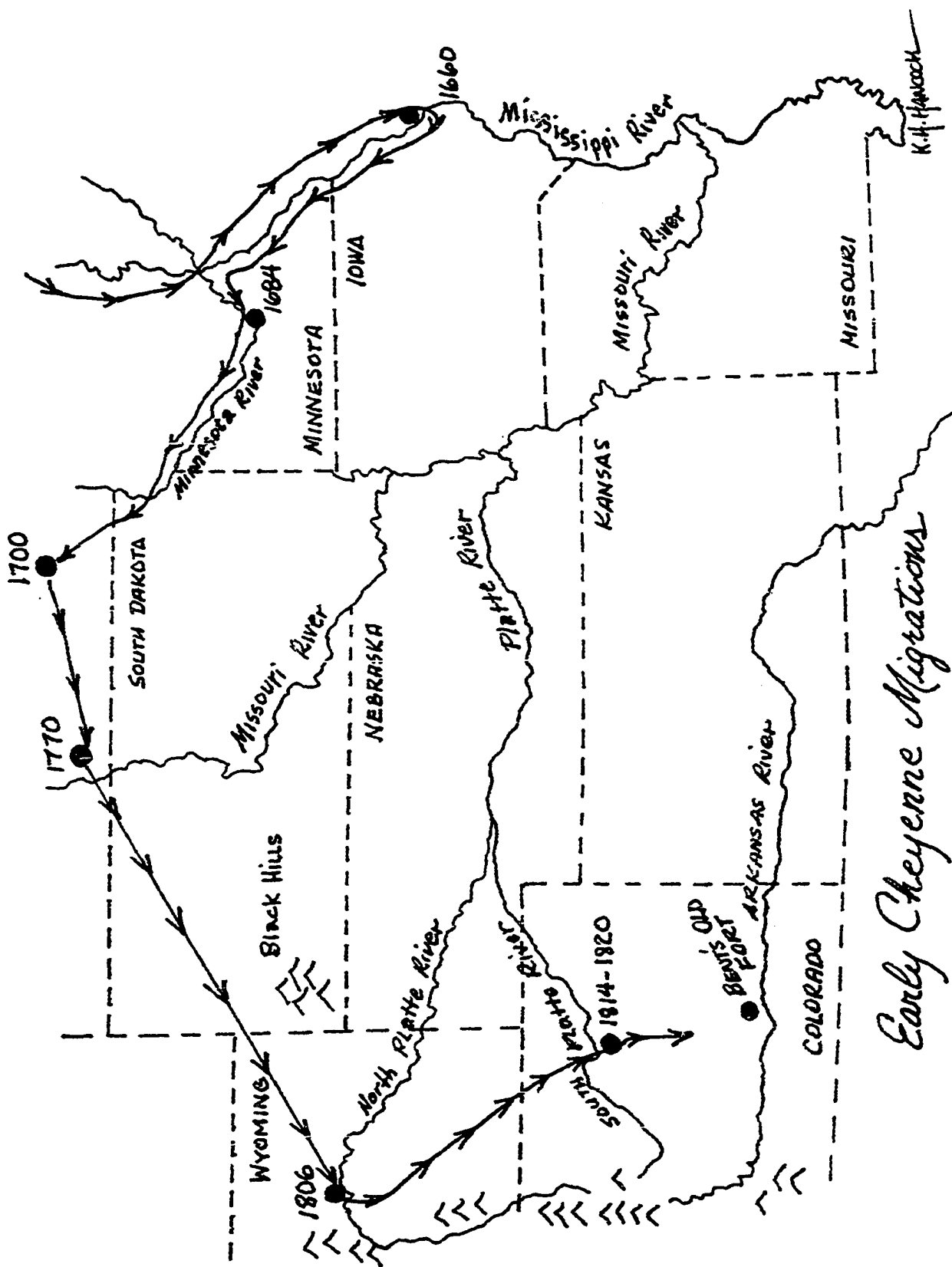
and the Chiefs' Bundle, which embodied the living presence of Sweet Medicine, also imparted spiritual authority to the council chiefs and gave all Cheyennes a sense of oneness with each other. Political structure was infused with religious practice. the Keeper of the Arrows, the Sweet Medicine chief who bore the Chiefs' Bundle, and the Keeper of the Sacred Hat were all members of the Council of Forty Four, and all deliberations of that body involved spiritual preparations.<sup>18</sup>

The Council of Forty-Four, composed of forty chiefs and the four Old Man Chiefs, embodied both civil and spiritual authority. The Old Man Chiefs were priests as well as the principal chiefs of the tribe. They were men of great wisdom, patience, and self-abnegation. The Sweet Medicine chief was chosen from the chiefs to be leader of the people. Once he accepted the sacred bundle, he assumed the preeminent role among the chiefs, but he was not a dictator. He was guide, protector, and servant to all the people. All of the chiefs were chosen for ten year terms, and each chief chose his own successor unless he died in office, in which case the council selected the new chief. Theoretically at least, the Council consisted of four men from each manhao within the tribal circle. This guaranteed representation in the council to every group. Some problems did arise in maintaining this system. Although chieftainships were not hereditary, they tended to be passed patrilineally. Since men assumed the band identification of their wives and sometimes shifted their allegiances to other manhao, the rule of four chiefs per manhao could be undermined. However, two factors mediated against serious deviations from the rule. First, by the time men were

chosen for the council, they were usually well established in their relationships with particular manhao and were unlikely to change since they were the leaders. Second, the renewal of the council every ten years allowed the Council to rectify any problems within its membership.<sup>19</sup>

An even more potent unifying force among the Cheyennes were the notexestoezo. Virtually all plains tribes had military societies, each with its own distinctive insignia and ceremonies. Not only did they serve as the military force in war and the police force in peace, but also they stabilized tribal organization. The Cheyenne societies--the Kit foxes (Wohksehetiniu); the Elk Horn Scrapers or Crooked Lances (Himoweyukis); the Dog Soldiers (Hotamitanu); the Red Shields (Mahohewas); the Crazy Dogs (Hotamisassiu); and the Bowstrings (Himatanohis)--drew their membership from all of the manhao. The men of each manhao shared membership in these societies with the men of other manhao, and the notexestoezo exerted considerable influence because their membership transcended the limits of any particular residence group.<sup>20</sup> Decisions involving the entire tribe required the agreement of the Council of Forty- Four and the soldier societies. The Cheyennes sought to avert internal conflict by establishing the supremacy of civil authority and by uniting the societies against common enemies outside the tribal structure.<sup>21</sup> Yet, such a balance was tenuous at best. The soldier chiefs were elected by their societies. They were usually ambitious younger men, skilled as warriors but with little claim to the qualities required of council chiefs. They were chosen for their abil-





Early Cheyenne Migrations

ities as fighters, chosen to die, but if they survived, they frequently succeeded to the council. In the early days, no man could serve as council chief and as soldier at the same time. Not surprisingly, then, friction between the council chiefs and the soldier chiefs remained a feature of Cheyenne polity.<sup>22</sup>

For a time, this friction stabilized rather than disrupted. each element in the balance of power played its role in the system. For much of the year, the tribe was divided. During this time, the chiefs of the manhao supervised both hunting and raiding, while membership in the notexestozeo maintained loyalties beyond the manhao. Each spring, tribal activity increased. As ponies fattened on spring grass and as the tribe gathered for the annual ceremonies, the soldier societies conducted their rituals and prepared for forays against their enemies. Following the sun dance and the renewal of Mahuts (when that occurred), sorties departed the main camp with great fanfare. These raids were apt to be brash displays of power, war skills, and individual bravery, followed by celebration and boasting, but their primary function was to establish dominance over hunting grounds for the summer. War honors were most like won in this fighting, but claims to neutral grounds were also asserted if not won. At midsummer, fighting subsided as hunting assumed critical importance for the tribe. When autumn came, the tribe dispersed to find wintering grounds. The various residence groups launched raids for horses at this time, anxious to improve the numbers of their herds before winter took its tool. These enterprises were deliberate, usually clan-

destine, and carried out within the manhao rather than conducted by the soldier societies.<sup>23</sup>

On the eve of the nineteenth century, the Cheyennes had adapted well to their environment. Their political system, their religious beliefs, their social order meshed into an integrated whole, complete with checks and balances which seemed to anticipate major problems. For a time, the system worked well, and internal pressures only confirmed its effectiveness. Even so, the system was fragile, and as the Cheyennes faced new challenges in the new century, it was tested.

The nineteenth century found the Cheyennes still a wandering people with fading memories of an agrarian past and now closely allied with the Arapahoes. The association proved beneficial to both groups. The Arapahoes had preceded the Cheyennes onto the plains, and their knowledge proved invaluable to the Cheyennes. The Arapahoes were skilled traders. They knew the lands to the south. They knew the Kiowas and Comanches and how to secure horses from them at the least cost. The Cheyennes brought military strength to the alliance, acknowledged skill in quillwork and tanning, and important trade connections on the Missouri. There, in the villages of the Arikara, lay the main source of vital trade goods. Together, the two tribes probed the hunting territories of the Skidi Pawnee and the Utes on their flanks and eyed the horses of the Comanches and Kiowas as they ventured south. In those first years of the new century they also encountered the Americans, only then pressing their claims upon the Missouri and across the plains.<sup>24</sup>

For the moment, the Americans gave the Cheyennes and Arapahoes little reason for concern. The primary threat to Cheyenne-Arapaho security was an aboriginal force closing on the Missouri. The Teton Dakota, known to the Americans as the Sioux, drove a wedge between the Cheyennes and the Arikaras. The Arikaras, reduced in numbers by disease and easily attacked in their permanent villages, quickly became vassals to the rich, powerful, and numerous Sioux. Harassed and bullied by this intrusion, the Arikaras abandoned their villages by 1832 and attached themselves to the Skidi Pawnees.<sup>25</sup> With their main source of critical goods endangered, the Cheyennes and Arapahoes attempted to repel the invaders for a time, but eventually they sought an accommodation with the Sioux. The alliance proved to be a master stroke, securing a vast region from the Missouri to the headwaters of the Smoky Hill and Republican Rivers and increasing the power of the allies. Once allied, the tribes concentrated their efforts on common foes--the Crows, the Utes, and the Pawnees.

The Cheyennes and Arapahoes secured the soft underbelly of Sioux expansion and served as the outer ring of penetration to the south and west. The Arapahoes pushed beyond the Platte early in the century. In 1820, good hunting on the Smoky Hill and Republican, the vast pony herds of the Kiowas and Comanches below the Arkansas River, and new sources of white trade goods lured Yellow Wolf's Hevataniu manhao south of the Platte as well.<sup>26</sup> Soon other groups of Cheyennes and Arapahoes followed. In 1825, the Cheyennes signed a treaty of friendship and trade with General Henry Atkinson near the mouth of the Teton River, securing a

vital connection with the Americans in the process.<sup>27</sup> At that point, most of the Cheyennes were still north of the Platte, and a few were still planting crops near the Missouri, but when the Bent brothers, Charles and William, and Ceran St. Vrain arrived on the Upper Arkansas in the late 1820's, their trade goods drew the Cheyennes and Arapahoes south. The construction of Bent's Fort near the confluence of the Purgatory River and the Arkansas River in 1833-34, persuaded most of them to concentrate along the South Platte and the Arkansas. Bent's Fort swung the balance of power on the central plains to the Cheyennes and Arapahoes and freed them from dependence on the Sioux for trade goods.<sup>28</sup>

During the 1830's, the Cheyennes and Arapahoes intensified their warfare with the Skidi Pawnees to their north and east and with the Kiowas and Comanches below the Arkansas. Despite numerous fights, they were unable to overawe either. The war with the Kiowas and Comanches proved so costly that in 1840 a grand council was arranged. There, the Cheyennes, Arapahoes, Kiowas, Comanches, and Apaches made a peace that was never broken.<sup>29</sup> With that coup, the tribes shared friendly relations from the Canadian line to Texas. Each was now free to concentrate on other enemies, made less formidable as a result of the new alliances. The Cheyennes were at the height of their power. Horses, hunting territories, trade--each of these necessities was assured.

But security did not come without cost. Crossing the Platte divided both the Cheyennes and Arapahoes. This fissure, almost imperceptible at first and not acknowledged for years after its impact was felt, widened naturally enough. As the tribes extended their dominance beyond

the Platte, sheer distance made tribal gatherings less practical and more infrequent. For those who remained in the Powder River country of the north, the influence of the Sioux proved overpowering, while the greater numbers who moved south became increasingly depended upon William Bent and his trade goods. The division reduced the power of the Council of Forty Four among the Cheyennes and increased the friction between the council chiefs and the soldier societies.<sup>30</sup>

Exposure to the Americans and relative security made the southern Cheyennes less interdependent and more susceptible to the erosion of traditional values. In 1830, in a fight with the Pawnees, the Cheyennes lost Mahuts, the Four Sacred Arrows which were the most venerated religious objects of the tribe. The Cheyennes, ever pragmatists, consecrated new Arrows, but thereafter disaster seemed to pursue them.<sup>31</sup> In 1833, High Backed Wolf, the Sweet Medicine chief, was murdered in a family dispute. The murder of such a prominent leader produced some confusion among the people. For one Cheyenne to kill another desecrated Mahuts and endangered the tribe until the Arrows could be renewed in sacred rites, but it also suggested that traditional respect for the chiefs was slipping. After High Backed Wolf's death more Cheyennes moved south, and Colonel Henry Dodge, who met the Cheyennes near Bent's Fort in 1835, reported them still disoriented.<sup>32</sup>

A second murder about 1836 further suggested the erosion of traditional controls, but that incident merely presaged a more serious symptom. When White Thunder, the Arrow Keeper, did not conduct the renewal ceremonies immediately, members of the Bowstring Soldiers who had

planned a raid against the Kiowas, impatiently whipped the old man and forced him to conduct the rites. The Keeper warned that their expedition would be ill-fated, and, in fact, the entire war party of forty-two Bowstrings was annihilated by the Kiowas.<sup>33</sup> The disaster obscured the affront to the Council, and the Dog Soldiers vowed to move the Arrows against the Kiowas. Porcupine Bear, the first chief of the Dog Soldiers, carried the war pipe to the various Cheyenne and Arapaho camps in preparation for a major offensive. While visiting in the village of the Omis, Porcupine Bear became involved in a drunken brawl and killed a man--the third murder in five years. Porcupine Bear was banished according to Cheyenne law, and the Dog Soldiers were disgraced. Some of his followers, mostly fellow Dog Soldiers, joined him in exile, while other Dog Soldiers, led by Yellow Wolf, organized a new Bowstring Society.<sup>34</sup> In the tribal offensive against the Kiowas and Comanches that followed, the "outlaws" created additional problems that broke the power of the Arrows and spoiled the Cheyenne plan of attack at Wolf Creek.<sup>35</sup> Yet, in spite of this, Dog Soldiers continued to join Porcupine Bear, establishing a new residence unit apart from the traditional manhao. Although the Dog Soldiers continued to be regarded as outlaws by the rest of the tribe for years thereafter, a new, aggressive force was taking shape among the Cheyennes, a force which unified civil and military authority in defiance of tribal custom.<sup>36</sup>

Dog Soldier defection reflected a major breach in the Cheyenne social and political system, but its impact was not immediately felt. Like other changes, the shift away from traditional residence patterns

was not immediately perceived as a major threat. In 1840, when the great council ended war between the Cheyennes and Arapahoes and the Kiowas and Comanches, the traditional system of decision-making appeared to work well. Yet, even though the council deliberated the matter at length and consulted with the soldier societies as prescribed by custom, the members of the council recognized that no permanent peace could be arranged without the consent of the outcast Dog Soldiers. The final decision for peace was made by White Antelope and Little Old Man, both Dog Soldier chiefs.<sup>37</sup>

The changes that overtook the Cheyennes in the 1830's owed as much to the American presence on the Arkansas as to the geographic distances which were the more obvious causes. In the first place, the lure of trade scattered the Cheyennes and Arapahoes over a vast region. More importantly, the Cheyennes and Arapahoes grew increasingly dependent on trade goods as they became more readily available. The influence of the traders also touched the political structure. The traders sought to deal with a few persons rather than with the more complicated native political structure. They tended to select "spokesmen" for the tribes that they dealt with, often in contravention of legitimate tribal authority. In 1835, Colonel Dodge demanded that the Cheyennes choose specific chiefs to speak for them and to deal with the Americans. The Cheyennes humored him and sometimes derisively referred to such leaders as "white man's chiefs," but the incident marked a further erosion of the power of the council.<sup>38</sup> To make matters worse, the traders introduced the Cheyennes and Arapahoes to whiskey. The results were devastating. The



chiefs spoke out against the evils of alcohol, but the people thought them foolish. Porcupine Bear adamantly opposed whiskey, but he killed a man while in a drunken stupor.<sup>39</sup> All around them were the signs that Sweet Medicine had foretold, but for the moment the Cheyennes embraced and protected the Americans. They were benefactors, not interlopers.

But events were taking shape which would undermine that attitude. The belief that the region was useless to whites had long tempered the approach of Americans toward the Great Plains. As early as 1807, Zebulon Montgomery Pike had predicted that "these vast plains of the western hemisphere may become in time as celebrated as the sandy deserts of Africa." Pike regarded the existence of this area as a blessing and suggested that the "Desert" would restrict the limits of expansion and preserve the Union:

Our citizens being so prone to rambling and extending themselves on the frontiers will, through necessity, be constrained to limit their extent on the west to the borders of the Missouri and Mississippi, while they leave the prairies incapable of cultivation<sup>40</sup> to the wandering and uncivilized aborigines of the country.

Pike's report was soon forgotten, but his prophecy proved correct, for a time. Other visitors to the region verified his conclusions. In 1820, Stephen H. Long dubbed the region between Council Bluffs and the Rocky Mountains the "Great American Desert," an arid, treeless zone of no benefit to "a people depending upon agriculture for subsistence."<sup>41</sup>

This idea greatly affected the thinking of Americans about the West. The desert concept was particularly convenient for the architects

of American Indian policy in the 1820's and 1830's. If it was not a conscious part of the policy's structure, it was a complementary fact of life that the notion temporarily restrained settlement west of the Mississippi River. And, in 1836, the Commissioner of Indian Affairs explained the blessing of the region with reference to the Indian tribes by confidently saying, "They are on the outside of us and in a place that will forever be on the outside."<sup>42</sup>

In the 1830's the "Permanent Indian Frontier" came into being as the eastern tribes were removed to the West amid promises of lands guaranteed in perpetuity. In 1834, Congress enacted a legislative package which revised and strengthened the laws governing Indian relations, reorganized the Office of Indian Affairs, and codified Indian policy. Political leaders predicted a new and better era in Indian affairs.<sup>43</sup> Yet, the new policy was not permanent at all. Scarcely had removal been consummated before new circumstances forced a reevaluation of policy once again. By 1840, the lands east of the Mississippi which had so recently seemed inexhaustible, were rapidly disappearing, and white settlers were demanding Indian lands in Wisconsin, Iowa, Missouri, Kansas, and Nebraska. Under the prod of expansionist leaders, "Manifest Destiny" aroused a new interest in the lands west of the Mississippi. Texas was annexed. Oregon came under the American flag. And, in 1848, Mexico ceded California and the Southwest to the United States. At decade's end the lure of gold sent emigrants streaming across the very heart of the Great American Desert. The settlement of the Pacific slope proceeded rapidly after 1849, and as California gold became more diffi-

cult to mine, prospectors looked to the east for the yellow metal. In the 1850's the miners' frontier moved steadily eastward until gold seekers were clamoring up the western slopes of the Rockies to the brink of the domain of the nomadic horse Indians.

These developments forced policy makers to reexamine the "One Big Reservation" idea almost before it went into effect. The acquisition of so much new territory strained the ability of the army and the Indian office to cope with their vast new responsibilities beyond all limits. The eastern tribes, recently resettled with promises that they were at last secure in their homes, now posed a barrier to expansion. Beyond them lay the plains tribes, formidable, highly mobile peoples, who were certain to contest American intrusion. A collision seemed inevitable, but Congress stalled and vacillated while the wagons rolled westward, spawning new crises as American settlers chased their dreams.<sup>44</sup>

The great migrations across the plains altered the ecological balance and disrupted the economic and political status quo. White pressure intensified the destruction of game and drove the herds away from the overland routes, and a proliferation of traders not only increased the rate of the kill but also undermined the Cheyenne-Arapaho advantages in intertribal trade and threatened Sioux domination of the Missouri. As buffalo herds diminished, competition for the declining resources quickened. In practical terms, that meant an escalation of intertribal warfare. The Sioux, so far spared the worst elements of contact with whites, closed on the Platte, challenging both the Crows and the Pawnees after brushing aside smaller groups. Below the Platte, the

Cheyennes and Arapahoes also pressured the Pawnees in bloody contest for territory. Under the weight of the Sioux-Cheyenne-Arapaho combine, the Pawnee economy cracked, driving them into the arms of the Americans for protection and support.<sup>45</sup> The Crows, the Shoshonis, and the Utes also fell back under the pressure of attacks by the allies. Occasionally, whites were drawn into the conflicts, and American authorities grew alarmed. Intertribal warfare posed a potential threat to westering emigrants. Something had to be done, but while policy makers tried to decide what, more insidious influences were working among the tribes.

The emigrants introduced diseases of a fearful variety to the Indians. Smallpox, cholera, whooping cough, and venereal diseases took an awful toll among the tribes in the path of the westward migration just as they had decimated the Missouri River tribes years before. Along the Platte route and the Santa Fe Trail epidemics raged unchecked, climaxing in 1849 when a cholera epidemic decimated the tribes. All along the overland routes the Indians fled in terror from the "big cramps," spreading the disease as they ran. When the epidemic finally ran its course, eleven hundred Pawnees had died, Kiowas, Osages, and even the Sioux had suffered heavy losses, and over half of the southern Cheyennes were dead. Disease not only killed people, but it also quickened the deterioration of the social order. Among the Cheyennes, the Oktouna were virtually annihilated, and the Masikota were so reduced that the survivors joined the outcast Dog Soldiers en masse. The "big cramps" had delivered a debilitating blow to the Cheyenne social structure.<sup>46</sup>

Increased contact also meant increased misunderstandings. Ignorance, greed, and cultural blindness affected the new relationships. Traders of all sorts--Mexicans, trappers cut loose when the beaver trade folded, entrepreneurs, and assorted ne'r-do-well's--competed for robes and profits. Many of them, less scrupulous than William Bent, sold inferior goods and cheated the Indians badly while increasing the flow of liquor among them.<sup>47</sup> White observers began to note the decline of those Indians in regular contact with whites. During the winter of 1842-43 alone, Cheyennes killed three other Cheyennes in drunken brawls. Drunkenness became commonplace. To get whiskey, men sold their goods, their horses, and their wives and daughters. Young men began to avoid the soldier societies and the discipline they represented, chipping away still further at the fabric of the Cheyenne life way.<sup>48</sup>

A bitter irony faced the Cheyennes and Arapahoes in the 1840's. At the very moment their culture reached its florescence, at the very moment that they achieved a measure of security, the seeds of their destruction were planted. In spite of everything, the Cheyennes and Arapahoes remained an expansive force on the central plains. With the Pawnees reeling from the attacks of the Sioux, Cheyennes, and Arapahoes, with the Utes clinging to their mountain strongholds, with the Crows and Shoshonis gradually giving up ground in the northwest, the allies suddenly confronted a new force on the plains. The trappers and the traders and the emigrants had been only the spearhead of an invasion. Now the United States government began a frontal assault upon the political structure and economic order of the tribes.

American authorities had approached the situation along the great overland routes tentatively. Technically, most of the traders in the Indian country were intruders, and emigrants frequently spawned their own difficulties. So, although Thomas Hartley Crawford, the Commissioner of Indian Affairs from 1838 to 1845, recommended changes in policy and urged a crackdown on the liquor traffic, virtually nothing was done until after the Mexican War began in 1846. Until then, federal troops were limited to a few exploratory expeditions, and the government had no official civilian authority on the central plains. In 1846, however, Thomas Fitzpatrick, known as "Broken Hand" to the Indians, was appointed agent for the Upper Arkansas and the Upper Platte. Fitzpatrick was a blunt, hard mountain man who believed that "ingratitude, low mean cunning, cowardice, selfishness and treachery, are the characteristics of the whole race [of Indians]," but for some reason the Indians trusted and respected him.<sup>49</sup> By force of personality and brutal honesty, Fitzpatrick asserted the presence of the government among the tribes. While he urged a program that would stamp out the liquor trade, protect the overland routes, confine the tribes to specific territories, and end tribal warfare, federal troops under the command of Colonel William Gilpin patrolled the Santa Fe road.<sup>50</sup>

The Cheyennes recognized that the times were changing, and in 1846, Yellow Wolf proposed to Lieutenant James W. Abert that the federal government teach them to farm and raise stock. Although Yellow Wolf realized that the young men of the tribe would not give up the joys of the chase easily, he believed that the plan would offer a means of

transition to a new way of life.<sup>51</sup> Yellow Wolf persisted in his demands in the years that followed, but to no avail. He found some support with Colonel Gilpin who saw in the plan an opportunity to use the Cheyennes to protect the overland route, but Fitzpatrick scoffed at the idea as unworkable.<sup>52</sup> Instead, he emphasized the need for a treaty to implement new policies on the central plains.

At the time, the Office of Indian Affairs was in the throes of major shifts in policy. In 1847 and 1848, William Medill, the Commissioner of Indian Affairs, secured the passage of a stiff measure aimed at regulating the liquor trade on the frontier. Moreover, Medill took steps to implement a new policy which would open a corridor along the Platte river valley and remove the Indian threat to the Santa Fe and Oregon trails. He recommended the formation of two Indian colonies, one northern and one southern, with a continuous belt of states and territories interposed between them. Concentrating the tribes in this manner would simplify the administration of Indian affairs, allow the reduction of expenses on Indian matters, and speed the civilization process among the Indians--or so Medill believed.<sup>53</sup>

The first targets of the new policy were the tribes recently removed to the West and clustered in the lands just west of the Mississippi. These peoples, who had been pushed westward for decades accepted their fate with grim resignation, touched the pen to new treaties, and wondered how long "forever" would last this time. The government moved more cautiously in its dealings with the Indians of the plains. Medill found himself under a massive attack from trading inter-

ests, and in 1849, he was removed.<sup>54</sup> His successor, Orlando H. Brown, had little time to adjust to office. On the plains, the largest emigration yet was pushing west, the cholera epidemic was raging, and trade fell off so sharply that William Bent packed his goods, blew up Bent's Fort, and moved down river to a cluster of cabins at Big Timbers.<sup>55</sup> In August, 1849, D. D. Mitchell, the Superintendent of Indian Affairs at St. Louis, received authorization to proceed with treaty negotiations to implement some of his and Fitzpatrick's ideas. Fitzpatrick applauded the decision and began to make preparations to meet with the tribes. Unfortunately, Colonel Gilpin, still angry over Fitzpatrick's summary dismissal of his ideas for protecting the road, refused to cooperate. That was only the first obstacle. Nearly two years passed before the council actually met.<sup>56</sup>

During the interim, the direction of policy subtly shifted again. Previously, virtually all Indian treaties dealt primarily with the cession of Indian lands. Although the government consistently recognized an aboriginal "right of occupancy" as opposed to fee-simple title, custom and usage, more than law, required that Indian claims be "extinguished" by treaty. However, the transfer of Mexican land claims to the United States under the Treaty of Guadalupe Hidalgo made no mention of Indian land claims, and the American government gradually adopted the view that none should be recognized except in cases where grants of land to Indians were fully documented. This constituted a major departure from the past, and led to a period of confused debate. The transfer of Indian affairs from the War Department to the new Interior Department



centralized both Indian policy and land policy in a single agency and signalled a turn away from many of the time-honored assumptions of Indian policy. The most novel idea to emerge was the possibility of extending the approach suggested by the Mexican cession to other regions as well. Clearly, the necessity of removing Indians from lands in Nebraska and Kansas guaranteed to them "in perpetuity," embarrassed the government. This offered additional incentive for a major change. The new national domain was "public land," not "Indian land," the new argument ran, and the native inhabitants had only the most fragile claims. These ideas presaged the possibility of completely eliminating the Office of Indian Affairs within a few decades, and Congress hoped to avoid further grants of lands or recognition of title.<sup>57</sup>

The outlines of policy remained hazy as Fitzpatrick and Mitchell watched the tribes gather at Horse Creek near Fort Laramie late in the summer of 1851. Their objectives were to fix boundaries for the various tribes so that responsibility for Indian violence could be determined, to stop intertribal fighting, and to increase the dependence of the tribes upon the United States government. If the tribes could be assigned to specific geographic districts, they could be held accountable for crimes within their ranges. If the government would agree to compensate the tribes for loss of game, the authorities would be able to manipulate Indian conduct--alternately rewarding and punishing tribes for their behavior through the control of annuities. But the plan was more than a maneuver to "divide and conquer," more than a bold first step toward concentration. The negotiations at Horse Creek signalled a major shift

toward the new policy. It did not acknowledge Indian title. It was a temporary measure designed to weaken the tribes so that they could be more easily dispossessed later.<sup>58</sup>

Nothing in all their diverse history prepared the Indians to understand what happened at Laramie. The gathering itself was unprecedented. Tribes which had fought for decades confronted each other in the council circle. Superintendent Mitchell carefully observed the amenities of Indian diplomacy, then presented his demands. He asked that the tribes permit the government to build roads and forts on their lands and to pay damages done to emigrants who were molested crossing their lands. He implored them to stop warring against each other. The chiefs understood these requests, but when he asked them to define the limits of their territories, he asked them to do a hard thing. Mitchell was asking them to do something they did not grasp in the same way. They knew what lands they ranged over, but they interpreted Mitchell's request in terms of their own notions of land tenure.<sup>59</sup>

But that was not the hardest thing he asked, especially for the Sioux and the Cheyennes. When Mitchell had explained the purposes of the council, he demanded that "each nation . . . select one suitable man to be 'Chief of the whole nation.'"<sup>60</sup> A murmur ran through the assembled chiefs at the suggestion that one man be given responsibility for and control over whole tribes. Chiefs were chosen to speak the mind of their people, but among the Cheyennes, at least, no chief, not even the Sweet Medicine Chief himself, presumed to make decisions for all the people until they had come to one mind. Now, the Council of Forty Four deliberated

erated and conferred with the soldier chiefs, before turning to the younger High Back Wolf, the Sweet Medicine Chief, to make the final choice. He named the Keeper of Mahuts, He-Who-Walks-With-His-Toes-Pointed-Out or Stone Forehead (called Medicine Arrows by the whites) to speak for the Cheyennes.<sup>61</sup>

On September 17, 1851, the Cheyennes signed the treaty of Fort Laramie, along with the other tribes. Stone Forehead, a chief of Heviqsnipahis as well as the chosen spokesman for the Cheyennes, White Face Bull, an Oivimana chief, White Antelope, an Isiometannui council chief, and Bear Feather, aged chief of the Wutapiu, made their marks, binding all of the people with the pledge of the Arrow Keeper himself. But all of the chiefs who signed were southerners, representing only four manhao out of ten. The chiefs agreed to Mitchell's terms, even accepting a definition of the tribal estate. Under the treaty, the United States government recognized the lands between the North Platte and the Arkansas as the country of the Cheyennes and Arapahoes. The gesture meant little to the Cheyennes and Arapahoes, and only the whites really understood the reasons for the carefully defined boundaries. Even the treaty language recognized that the tribes had not abandoned their rights and claims to other lands. They had given up no land. They had not agreed to restrict their movements in any way. They had made no major concessions. As they looked at the mountain of gifts and promise of more to come for a period of fifty years, they seemed to have outfoxed the white tricksters.<sup>62</sup>

But Mitchell and Fitzpatrick had what they wanted as well. Almost all of the benefits that accrued to the federal government as a

result of the treaty were legal technicalities which could be used later to justify dispossession. The government could now ignore even the watered-down land claims of all of the tribes save the particular ones assigned to each zone outlined in the treaty. The government could manipulate annuities. And the government could ignore tribal structure in dealing with the various tribes because of its insistence at Laramie that each tribe choose one spokesman. When the tribes complied with this request, they set a dangerous precedent which allowed the government to hold entire tribes responsible for the actions of a few.<sup>63</sup> Once the practice was validated, the government used it again and again, without bothering to insure that the chiefs who signed were speaking the will of the tribes.

Ultimately, the greater importance of the treaty lay in its demarcation of power on the plains. The Sioux, the Cheyennes, and the Arapahoes dominated the conference from the outset. Fear of the Sioux kept all of the Pawnees and most of the Crows, Arikaras, Hidatsas, Assiniboines, and Gros Ventres away from the conference, while an altercation between the Cheyennes and the Shoshonis led most of the Shoshonis to quit the conference before it started. And the completed treaty constituted a tacit recognition of the power of the Sioux and their allies, at least in Indian eyes.<sup>64</sup>

The Treaty of Fort Laramie was a classic testimony to the cultural gulf between the Americans and the Indians of the plains. Jefferson Davis, writing about Indian policy at a later date, captured part of the problem when he noted that "in the treaty council oftentimes

more is spoken than written." As a result, he said, "the Indians have remembered whatever was impressively spoken, and . . . the Government has necessarily executed only the terms of the treaty as it was written and ratified."<sup>65</sup> With such different perceptions, both Indians and whites left the treaty grounds convinced that they had won a major victory and determined to make no more concessions to the other. Only one thing was clear. The Americans and the Sioux were on a collision course. And that bode ill for the Cheyennes and Arapahoes.

For a time, however, the treaty of Fort Laramie seemed to cement even more strongly the friendly relations between the United States and the Cheyennes and Arapahoes. Following the treaty negotiations, three Cheyennes, Alights-on-a-Cloud, White Antelope, and Little Chief, and three Arapahoes, Friday, Eagle's Head, and Storm, visited Washington and returned with strange stories of American ways.<sup>66</sup> The United States Congress found the terms too generous, however, and in 1853, Bear Feather and a few others signed amendments. The same year federal authorities negotiated another treaty with the Kiowas, Comanches, and Plains Apaches. Both American officials and Indian leaders believed these events portended a better day.<sup>67</sup>

But as emigrants flooded up the Platte River route tensions between the Sioux and Americans escalated. Now the Cheyennes and Arapahoes faced hard choices. In the summer of 1854, the fragile peace cracked, when a dispute over an emigrant's cow resulted in a confrontation near Laramie. Lieutenant John L. Grattan's small force was wiped out, when he opened fire on a party of Brule Sioux, killing one of their

chiefs in the melee.<sup>68</sup> This stupid affair undermined the peace and angered the Cheyennes who saw it as a sign of bad faith. When the northern chiefs met with John Whitfield, the agent at Laramie, later that summer, they were more forcible than polite. They demanded that white emigration up the Platte cease. They insisted that their annuities be paid in guns and ammunition. They demanded that the government pay them \$4,000 the following year. Yet, even in their belligerence they attempted again to appease the whites. They appealed for help in adjusting to the intruders but in a way that shocked their agents. "We want a thousand white wives," one of the chiefs declared, "to teach us and our children this new life that must be lived when the buffalo is gone."<sup>69</sup>

Afterwards, these northern Cheyennes joined the other Cheyennes at Big Timbers on the Arkansas for the renewal of the Council of Forty Four. These solemn proceedings brought important changes to Cheyenne leadership, changes which would affect the people in their relationships with the Americans. High Back Wolf kept the sacred Chiefs' Bundle as Sweet Medicine Chief. Stone Forehead remained the Keeper of Mahuts, and Half Bear continued as the Keeper of Is'siwun. Yellow Wolf, White Antelope, Bear Feather, and White Face Bull had served before, as had others, but new voices spoke in the council now. Lean Bear and Lone Bear (called One Eye by the whites) joined White Antelope to represent the Isimetannui. War Bonnet replaced White Face Bull as head chief of the Oivimana. Most importantly, three Dog Soldiers chiefs--Tall Bull, Bull Bear, and White Shield--took places in the council alongside the one surviving Masikota chief. Porcupine Bear, the outlaw, was dead now, and

the council accepted the Dog Society as a manhao, replacing the decimated Masikota in the council circle.<sup>70</sup>

In the winter that followed, old Bear Feather died, and Moketavatah, Black Kettle, replaced him as the leading voice of the Wutapiu. Black Kettle was about fifty-three years old when he became chief. He was a Suhtai, the son of Swift Hawk Lying Down who had died as a young man. As a youth, Black Kettle had been a Bowstring Soldier, but later he became a leading warrior of the Elks. His first wife, Little Sage Woman, was Wutapiu, and he joined his wife's people as custom required. During the very year that Bear Feather died, Little Sage Woman was captured by the Utes during a foray into the mountains. Afterwards, Black Kettle married another Wutapiu woman called Medicine Woman Later. At the time he became chief, Black Kettle knew little about whites, but Bear Feather's influence disposed him toward accommodation. So, from the beginning, the tall chief with the half smile whom the whites would call "the great peacemaker," counceled peace with the Americans.<sup>71</sup>

By then, the United States army was preparing to take the field to punish the Sioux for the Grattan affair. Not until September, 1855, did they achieve much success in locating the enemy. On September 3, General William S. Harney struck Little Thunder's Brule Sioux at Ash Hollow on Bluewater Creek in a devastating attack. Eighty-five Sioux men, women, and children were killed, and some seventy women and children were captured. Harney's attack thoroughly demoralized the Sioux, won Harney a reputation as "The Butcher" among the Indians and made him a

hero among frontiersmen.<sup>72</sup> Harney forced the Sioux to sign a treaty drawn up by him which gave him the authority to appoint their chiefs. The Indian Office reacted angrily to both the attack and the usurpation of powers. The Senate rejected the treaty, but the Sioux remained quiet.<sup>73</sup>

The Cheyennes and Arapahoes avoided trouble initially, but in May, 1856, a misunderstanding occurred when several young Cheyennes, all northerners, found some horses on the plains near the Platte. The army demanded the horses, claiming that they belonged to emigrants. The young men surrendered three of the horses, but refused to give up the fourth. The soldiers demanded hostages, and when the Cheyennes refused, they attacked. One Cheyenne was killed and another died later as a prisoner of the army.<sup>74</sup> In June, the Cheyennes and Arapahoes attacked a party of emigrants on the Little Blue River. Again the Americans demanded hostages, and again the Cheyennes fought. "Indians did not understand being arrested", George Bent explained years later. "They never took full-grown men prisoners but always killed them in the fight and had it done with; so when the soldiers attempted to arrest any Indians, the Indians, of course, believed that the troops intended to disarm and then kill them; so whenever such an attempt was made the Indians usually fought for their lives."<sup>75</sup>

In August, when it appeared that an accommodation had been worked out, a group of young warriors from the northern bands attacked a mail wagon. The Cheyennes did not kill anyone, and they were quirted back to their village by the older and wiser warriors among them.



Nevertheless, an expedition of the First Cavalry struck one of the Cheyenne camps and killed ten persons. The Cheyennes retaliated in kind, to the total of eighteen whites killed. By September the depredations had ceased, but the Indians were still sullen and dissatisfied. In the fall, Indian agent Thomas S. Twiss came to terms with the Cheyennes, and the problems seemed to be over. The army, however, was not pleased with Twiss's conciliatory activities. On April 10, 1857, Secretary of War John B. Floyd, in office only one month, ordered a punitive expedition against the Cheyennes and the Kiowas. Floyd's order was both foolish and unwarranted. In taking a belligerent position, he not only negated the successful work of another office of government, thereby making the government seem treacherous to the Indians, but he also endangered the life of every emigrant crossing the plains.<sup>76</sup>

Nevertheless, in the summer of 1857, an expedition under the command of Colonel Edwin V. Sumner moved against the Cheyennes. His scouts located most of the tribe encamped in a great village on the Solomon River. The Cheyennes were cocky and anxious for a fight. Their medicine men had convinced them that the soldiers' rifles would not fire, and they sensed an opportunity to teach the whites a lesson. On July 29, 1857, Sumner's cavalry encountered a large party of Cheyennes. For a moment a pitched battle seemed imminent, but when Sumner ordered a saber charge, the startled Cheyennes wavered and then fled in disarray. Sumner destroyed their village and marched on Bent's Fort, determined to "find the Cheyennes in the vicinity, and, by another blow, force them to sue for peace."<sup>77</sup> On the Arkansas, Sumner seized the Cheyennes' annuities

and distributed most of them to the more tractable Arapahoes, but before he could strike again, his troops were ordered to join the Utah expedition and the campaign ended.<sup>78</sup>

Sumner's victory shook the Cheyennes badly. The North Platte Cheyennes, mostly Omis and Suhtai, hurried north to the safety of their secluded ranges on the Upper Platte and the Powder River. There, where the hunting was good and their allies, the Sioux, were strong, they felt secure from the white invaders. For the southern manhao, however, the situation was different. The council chiefs of those groups most directly in the path of white expansion saw the futility of fighting the whites. For them, the answer seemed to lie in some form of accommodation in which their rights could be negotiated. They had watched the flood of emigrants sweep past them for more than a decade. They had felt the building momentum of change. They had seen the effects of emigration on the buffalo and other game. They had seen the deleterious effects of contact upon the social and moral values of their people. They understood how dependent they had already become on the Americans for essential goods. They had to act quickly to avoid a calamity.

In October, High Back Wolf, the Sweet Medicine chief of all the Cheyennes, led a delegation of council chiefs, including White Antelope, Tall Bear, and Lean Bear, to Bent's Fort. They complained bitterly about the treatment they had received from the American government. They insisted that they had tried to honor the Treaty of Fort Laramie. They had not fought with any other Indians, they said, except for the Utes and the Pawnees who were not parties to the treaty. They had held back from

fighting the whites despite serious provocations. Concerning the fighting which had occurred, they said:

We Arkansas and South Platte Band of Cheyenne Indians have never committed but very few depredations, it is true some of our Young Men have joined the North Platt [sic] Band of Cheyennes [sic] but we have nothing to do with them[.] [w]e are separate and distinct Bands[.] [T]hey have their own rules and regulations.<sup>79</sup>

These leaders were pragmatists, not rebels against the authority of the Council of Forty Four. The manhao had considerable autonomy within the system, and these men spoke only for themselves. They sought only to disassociate themselves from the hostilities. Unfortunately, as taken down by William Bent, their statement seemed to imply more, to imply that the northern Cheyennes and the southern Cheyennes were totally different political entities. And that was not true. Bent, at least, read more into their statements than they meant to convey.<sup>80</sup>

The winter of 1857-1858 passed quietly, but without annuities, the southerners suffered more than their northern cousins. The encroachments of the Americans were discussed in the villages. Most of the council chiefs opposed hasty concessions, and the soldier chiefs were prepared to fight. Still, a general mood of conciliation prevailed. In July, 1858, when the southerners gathered with the Arapahoes, Apaches, Kiowas, and Comanches on the Pawnee Fork of the Arkansas to receive their annuities, the agent for the Upper Arkansas, Robert C. Miller, was much impressed by the "salutary effect of a good whipping" on the Cheyennes. "Colonel Sumner has worked a wondrous change in their dispositions toward the whites!" Miller reported.<sup>81</sup>

Not all of the Indians of his agency were so pliable. The Comanches and Kiowas were particularly defiant. When Miller warned them "that if they did not cease their depredations, their Great Father would not only withhold their presents, but would send his soldiers against them to burn their villages and take captive their women and children," Dohasan (Little Mountain) belittled the threat. "I have looked for them a long time," he said contemptuously, "but they have not come."<sup>82</sup>

Not surprisingly, then, Miller played to the Cheyennes, and when he broached the subject of a new treaty, they responded. Yellow Wolf, White Antelope, Old Little Wolf, Tall Bear, Lean Bear, and Black Kettle told him that they wanted peace. They recognized the signs of change, they told him, and they knew that they could not contend against the Americans. The buffalo were disappearing, they said, and they hoped the government would "give them a home where they might be provided for and protected against the encroachments of their white brothers until, at least, like them they had been taught to cultivate the soil and other arts of civilized life."<sup>83</sup> They were agreeable to a new treaty, they told the agent, so long as they could keep the lands on the headwaters of the South Platte.

Something was happening which neither the Cheyennes nor the white officials understood fully. The chiefs had spoken their hearts; they had not proposed a "separate peace" without regard for their brothers. But circumstances were driving them into a web of misunderstanding which would undermine the Cheyenne political system and create a new order. The erosion of Tribal unity was a reality. Geography played a

major role in that. The sheer physical distances between the Arkansas and South Platte manhao and the Omis and northern Suhtai made communication difficult and forced the groups to act independently of each other on many questions. To compound that problem, the United States government placed the Cheyennes and Arapahoes into two agencies based upon geography which contributed to the illusion of separateness. Equally important, the southerners lay in the path of white settlement, while the northerners had not felt the pressure of the invasion yet. In their game-rich country, the latter saw no need to consider changing their life ways. They were warriors and hunters, not farmers, and they would not give away the free life for a plow.

The greater confusion came from the cultural gulf which even men like Bent understood imperfectly. He saw the economic realities clearly enough. The southerners were dependent upon men like himself; the northerners were economically tied to the Sioux. But not even Bent seemed to realize that the Cheyennes still saw themselves linked in the Council of Forty Four. As a result, he and Miller and others gave more weight to the pronouncements of a few chiefs representing their manhao than they were entitled to have. In 1858, the tribal schism was more the result of geography and misunderstanding than of a serious political division. Still, the southerners had taken a dangerous step, daring to speak without consulting the council and in the face of the opposition of the soldier societies. In one sense, they were farsighted men, who realized just how ominous the signs were. Given time, they believed, the

Cheyennes and their Arapaho friends might accept Yellow Wolf's dream. Given time, even the most recalcitrant might see the wisdom of accommodation. Unfortunately, time was about to run out.

## CHAPTER II

### THE TREATY OF FORT WISE

William Wells Bent reached Kansas City, Missouri, at midsummer of 1858. For almost three decades the old plainsman had made annual visits to the sprawling river town to attend to business matters and to replenish supplies for the trading empire which had made him famous. This year he settled his business quickly, briefly visited his children in St. Louis, and returned to Kansas City early in September to prepare for the journey home. Bent found the city in a state of great excitement. During his absence in St. Louis, word had reached Kansas City of a wondrous gold strike in the Pike's Peak region of the Rocky Mountains. The people of the river towns scrambled for supplies and wagons, not knowing that already many of the miners were turning eastward, bitterly dismissing the strike as a fluke. Nor did it really matter. The Panic of 1857 still clutched the West, and the unemployed workers, farmers, and adventurers of Missouri would not dismiss the prospects of the gold fields easily.<sup>1</sup>

William Bent knew that the reports had substance. The Indians of the region had told him of the "yellow iron" in the foothills of the Rockies many years before. He had scrupulously held their secret. Now that the presence of gold was known, he spoke freely to the reporter of

the Journal of Commerce. Despite newspaper reports to the contrary, Bent had no intentions of becoming involved in the rush. His fortune already made, Bent worried more about the implications of the discovery for the life he had made for himself on the Great Plains, and for the way of life of the Indians he had lived among for so many years. While many saw riches and panaceas on the eastern slopes of the mountains, William Bent saw only the first signs of the racial conflict which he knew would ultimately come.<sup>2</sup>

Bent reached his home on the Arkansas River in late autumn. Already, settlers were streaming across the plains to the gold fields. Already, the Indians were watching their passage fearfully. Bent had scarcely unloaded his wagons when a delegation of Cheyenne and Arapaho chiefs came to him, questioning the invasion and asking him to contact government authorities to stop it. He tried to calm their fears, but he knew that the westward push could not be stopped. The best that could be hoped for was an arrangement which would prevent hostilities and guarantee the Indians certain rights. So far, the Indians had shown remarkable restraint. While encounters between the gold hunters and the Utes occurred frequently in the first months of the rush, the Cheyennes and Arapahoes tolerated and even assisted the emigrants. More than one "Fifty-niner" owed their lives to Cheyenne and Arapaho charity, and for a time curiosity aided kindness in maintaining a peaceful atmosphere in the camps. But familiarity did breed contempt. As the gold seekers and the Indians mingled in places like Denver, each found in the other ample support for their preconceptions. Most whites soon convinced themselves



to expect the worst from the natives and wrote home about the "dissolute, licentious, and uncivilized life" of the Indians. With that peculiar arrogance that marked westering Americans, the settlers initially saw the Indians more as a nuisance than as a threat.<sup>3</sup>

At first, the Indians sought to accommodate the whites. The motley assortment of clapboard shanties and tents that constituted Denver occupied a favored campground of the Arapahoes, and in the early months of the gold rush, the Arapahoes and the miners cautiously lived side by side.<sup>4</sup> But while the tribes avoided serious troubles with the gold seekers, they persistently demanded a treaty to clarify their rights and to protect them from the encroachments. Bent lamented that the Indians were "molesting me very mutch [sic] in their demands for a new treaty," and his anxiety quickened in the face of mountain settlement and official silence. So far the Indians were quiet, but Bent warned A. M. Robinson, the Superintendent of Indian Affairs at St. Louis, that the tribes would not passively surrender their lands.<sup>5</sup>

By December, the region along Cherry Creek and the South Fork of the Platte River, in the heart of Cheyenne and Arapaho hunting grounds, was dotted with miners' shanties and rude towns. With the miners came the speculators, men who "cared less for good placers than promising places."<sup>6</sup> Despite the notion of the Great American Desert and the plain fact that little gold had been taken from the mountains, they launched a propaganda campaign to lure settlers to the "new El Dorado." They took full advantage of the poor economic situation in the Mississippi valley and invoked Manifest Destiny to play down the dangers and hardships of

the trek west. Before the summer of 1859, more than a hundred thousand "Fifty-Niners" challenged the Great American Desert. Although less than half ever reached the diggings and many more left disillusioned, the gold seekers rapidly overran Indian lands. When summer came, the Indians knew that the whites were making permanent settlements.<sup>7</sup>

As the miners settled down to stay and built homes and stores in the canyons, a strong movement for self-government developed. Hard on the heels of the gold rush, Kansas Territory sought to assert its authority in the mountains, invoking an 1855 act of the legislature which had established a huge county extending from Kansas's westernmost settlements to the crest of the Rockies. In the intervening years little effort had been made to organize the paper county, but, in spite of almost certain political opposition, James W. Denver, the Kansas governor, authorized a party of prospectors to establish "Arapaho County" as a political unit of Kansas.<sup>8</sup>

From the outset, Arapaho County was legally questionable. The Kansas-Nebraska Act of 1854 had established the western boundary of Kansas at the summit of the Rocky Mountains, but the act also expressly provided that Indian rights would remain unimpaired until extinguished by treaty. Furthermore, it declared that all Indian lands "shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas . . . ."<sup>9</sup> Indian rights remained intact.<sup>10</sup> Moreover, the existing Trade and Intercourse Acts dealing with the Indian tribes expressly

forbade preemption or survey of Indian lands. Violators were subject to fine or removal by military force.<sup>11</sup>

Such provisions were commonly inserted in enabling acts, but the history of their enforcement was so poor that few citizens took them seriously. Nevertheless, Indian land rights provided a fertile field for politicians and speculators who recognized the illegality of the settlements and who hoped to turn the inevitable preemption of the mining region in their favor. As early as the winter of 1858-1859, interested parties began to lobby for the extinguishment of Indian claims to the land. They understood that once settlement actually began restraining the settlers would be impossible. They insisted, of course, that extinguishing Indian land claims was "the surest if not the only course to insure friendly relations between the miners and settlers and the Indian tribes."<sup>12</sup> Continued proximity between whites and Indians would inevitably lead to trouble, they piously warned. In the interim, delay aided the speculators who understood that the government could coerce Indians to sign new treaties easier than it could expel settlers from areas already overrun. Consequently, the promoters pleaded for a speedy settlement of Indian claims to avert war in their protestations to the government on the one hand, and assured emigrants that "We have plenty of 'Injuns' about here, but they don't do anything to nobody," on the other.<sup>13</sup>

Ironically, the Fifty-Niners quickly rejected Kansas's bid for political control of the mining districts on the grounds that Kansas had

no authority over the area because Indian land title had not been extinguished. Yet, they immediately made plans for a provisional government of their own, ignoring their own status as trespassers on Indian lands.<sup>14</sup> As 1859 waned, the settlers established the "Territory of Jefferson" and sent Beverly D. Williams as a delegate to Congress. In Washington, Williams worked diligently for formal organization of the territory and settlement of the land question.<sup>15</sup> In some political circles the experiment of "Jefferson" was an admirable instance of "popular sovereignty," but Stephen A. Douglas, the champion of the doctrine, described the Jefferson experiment with the more derisive term of "squatter sovereignty." In the debate that followed he reminded the Senate that "every man in Pike's Peak is there in violation of the law; every man of them has incurred the penalty of \$1,000 fine and six months imprisonment for going in violation of the Indian intercourse law, and seizing without authority upon land to which the Indian title has not been extinguished."<sup>16</sup>

Williams claimed to be unaware of such "subtleties." Less than a week before Douglas's speech, he wrote Jacob Thompson, the Secretary of the Interior, asking if the government recognized Indian title to the mining region, adding that the whites had already "taken possession of the lands." Even after Douglas's speech, Williams pretended incredulity in a letter to Alfred Burton Greenwood, the Commissioner of Indian Affairs.<sup>17</sup> The subterfuge fooled no one, least of all the Indian department. It was all a charade anyway, part of a very old and familiar pattern, and no one seriously doubted the outcome.

Federal Indian policy in 1859 rested as it always had on the assumption that the Indians would inevitably give way to civilization. However much the government might deplore the rapacious preemption of Indian land, the essential policy of the government assumed that the Indians would submit to American expansion. The object of policy was to make the process "as free of disorder and injustice as possible," not to preserve Indian society and land rights forever.<sup>18</sup> In 1859, even that attention to Indian affairs seemed unlikely. The preemption of Colorado had already gone too far, and Congress was locked in a battle to save the Union. The momentous issues of the day rendered Indian affairs inconsequential to the national government and, surprisingly, to most of the people on the frontier whose lives were certain to be affected by lack of attention to the problems posed by preemption. The settlers drew on experience--as they understood it from a welter of folk wisdom, popular fiction, and captivity narratives--and assumed that the patterns would work themselves through to their inevitable conclusion as they had before on other frontiers. They satisfied themselves with their assumptions of superiority and with homilies about the vanishing Americans, and even when they talked with Indian leaders they generally failed to take them seriously.<sup>19</sup>

Perhaps that was the real tragedy. In the summer of 1859, when William Bent replaced Robert Miller as Indian agent for the Cheyennes, Arapahoes, Comanches, and Kiowas, little doubt remained that the land question would be resolved in favor of the settlers. A year had passed since the news of gold had first reached the towns of Kansas and

Missouri, a year in which the Indian leadership had patiently sought to accommodate the whites while trying desperately to retain the identity of their people, a year in which the chiefs pestered the authorities to define their rights and to set aside some place of Indian choosing where they could live unmolested. And despite the meager results of a year's work, Bent could report with restrained optimism that the Indians "have behaved themselves exceedingly well and I shall have no difficultay [sic] in keeping them quiet hereafter."<sup>20</sup>

What the Cheyennes and Arapahoes expected and how much they understood of what was happening to them never really mattered although they were better analysts of their condition than either contemporary whites or later observers imagined. For more than a decade, the Cheyennes had been asking for assistance in adapting to a new way of life. If old Yellow Wolf's plan for shifting to an agricultural life was naive, if only a few farsighted leaders like him believed the idea was feasible or were willing to try it, the more remarkable fact was white failure to encourage the idea, especially since Indian policy had rested upon the expectation of an evolution from savage to farmer since Jefferson's time. While whites scoffed at the idea, the Cheyennes persisted. Now William Bent clutched at the straw and reported with confidence that "the Cheyennes and Arapahoes have come to the conclusion and passed their laws amongst themselves that they will do anything that I may advise" with regard to farming. He urged that the Indian Office send farming implements as quickly as possible for "the sooner this Matters [sic] is completed the better it will be for the Department and

the Indians as they Must suffer if they dont rais [sic] grain to subsist on."<sup>21</sup>

Ironically, while the government vacillated, the Indians themselves explored the possibilities. In 1858, even before the gold rush, Nawat (Left Hand), a principal chief of the Arapahoes, loaded his family into a wagon and traveled east as far as Council Bluffs, Iowa, working his way on farms and ranches in Nebraska and Iowa and learning what he could of white ways. He returned to Colorado in the first wave of emigration to the gold fields, convinced that his people could not adapt to farming. He confided to Marshall Cook, the leader of a party of emigrants with whom he traveled that agriculture was ill-suited to Arapaho temperament, but he forcefully asserted his intention "to ask the Great Father to Start his tribe in the cattle business as it was more like their Native occupation."<sup>22</sup>

Left Hand's realistic appraisal completely eluded most white observers. In the summer of 1859, Horace Greeley, editor of the New York Tribune passed through Denver on an overland trek to California. There, he interviewed Left Hand. Instantly expert on Indian character and openly contemptuous of the native life style, Greeley naively proposed "an Arapaho tribal farm, say of two hundred acres for a beginning, to be broken and fenced by the common efforts of the tribe, and a patch therein allotted to each head of a family who would agree to plant and till it--I apprehend to very little purpose." When Left Hand dismissed the idea as unworkable, the patronizing Greeley attributed his reaction to some

defect in the "savage" character. Left Hand, he wrote, "probably comprehends that squaws cannot fence and plow, and that braves are disinclined to any such steady monotonous exercise of their muscles. . . ." <sup>23</sup>

Greeley's failure to take Left Hand's response seriously reflected a more fundamental flaw in the Indian-white dialogue. Whites refused to recognize Indian culture as anything beyond "the lowest and rudest ages of human existence." Greeley dismissed them as children, "utterly incompetent to copy in any way with the European or Caucasian race." He wrote, "Any band of schoolboys, from ten to fifteen years of age, are quite as capable of ruling their appetites, devising and upholding a public policy, constituting and conducting a state or community, as an average Indian tribe." <sup>24</sup> Greeley argued for a carefully managed transition period in which the Indians would be taught "to value the blessings of civilization before imposing on them its seeming burdens." He warned that "the vagrancy of the Indians would prove as great an obstacle to its success as their paltry but interminable wars," but without such a program, he imagined, "squalid and conceited, proud and worthless, lazy and lousy, they will strut out or drink out their miserable existence, and at length afford the world a sensible relief by dying out of it." <sup>25</sup>

This attitude deflected the efforts of Indian leaders like Left Hand and Little Raven of the Arapahoes to explain the native position and undermined the efforts of men like Bent who wanted to find an accommodation which would give the Indians security and protection. In the face of official silence from Washington and increasing tensions with the



settlers, the chiefs lost prestige among their own people. Recognizing this, Cheyenne and Arapaho chiefs redoubled their demands for a treaty to define their rights.

From the beginning, common sense dictated a major council with all of the affected tribes belonging to the Upper Arkansas and Upper Platte agencies. Only a council of that magnitude could authoritatively resolve the major issues. Without it, disagreements and misunderstandings were certain to arise. In spite of the physical separation of the northern and southern groups of the Cheyennes and the Arapahoes, the tribes still regarded themselves as united peoples. The bands mixed freely, particularly in the shared hunting territories along the South Platte, the Smoky Hill, and the Republican. Virtually all Cheyennes and Arapahoes, north and south, opposed cessions there, and any truly successful negotiation for those lands would require the agreement of both groups. The Treaty of Fort Laramie acknowledged no distinction between the two groups, and the Cheyennes and Arapahoes themselves favored joint negotiations. As early as December, 1859, Bent reported that the Indians "wish their goods or presents to be taken to the South Platte so that all of the two Tribes may meet, those of the North Platte and this river, to make a treaty."<sup>26</sup>

Yet, despite the obvious advantages of such a conference, the government pursued a disjointed and erratic course which ultimately proved disastrous. The Office of Indian Affairs felt no sense of urgency, and the absence of direction from Washington, the agents were left to their own devices. In September, 1859, Thomas W. Twiss, the agent for

the Upper Platte, negotiated treaties with the Cheyennes and Arapahoes of his agency which granted a reservation on the Cache la Poudre for the Northern Arapahoes and on the Laramie River above Fort Laramie for the Cheyennes of his agency. Although that treaty was never ratified, for the moment the sense of urgency shifted to the Southern Cheyennes and Arapahoes.<sup>27</sup>

Once he knew of Twiss's efforts, William Bent proceeded to seek a comparable settlement with the Southern Cheyennes and Arapahoes. In October, he submitted his annual report. Therein, he indicated the dilemma. "A confederate band of Cheyennes and Arapahoes . . . occupy and claim exclusively the half [of the Fort Laramie lands] included between the South Platte and the North Platte," he explained. "A similar band of the same people distinctly occupy the south half included between the South Platte and the Arkansas river." He indicated that the southerners had expressed a willingness to accept a reserve between the Arkansas and the Raton Mountains, including the Fontaine qui Bouille and Purgatory Creek. He reiterated the urgency of the situation, and added, "In case that these Indians should elect to remain, as at present, separated into two distinct bands, a favorable country, at present most frequented by them [the northern groups], exists between the Cache la Poudre and Chugwater."<sup>28</sup> In late November, Bent advised Superintendent Robinson that negotiations should take place "on the South Platte at or near Fort St. Vrain as the north Platte Shyans & Arrapahos Can come to South Platte and the Arkansas Shyans & Arapahos will go to South Platte and they say it will be nessecary [sic] for them all to be present [italics added]."<sup>29</sup>

At year's end, nothing had happened. Bent sent a grim warning to Washington. The Cheyennes and Arapahoes, he wrote, had so far "scrupulously maintained peace, notwithstanding they many causes of irritation," but he now detected "a smothered passion for revenge" among the Indians, "perpetually fomented by the failure of food, the encircling encroachments of the white population, and the exasperating sense of decay with which they are surrounded." He concluded that "a desperate war of starvation and extinction is imminent and inevitable, unless prompt measures shall prevent it."<sup>30</sup>

Ultimately, however, neither the Indians' insistence on a treaty nor the frantic pleas of Bent and Twiss produced action. They could be ignored, but the demands of settlers, speculators, and politicians could not. The motives of these groups were different, of course. They were not interested in Indian rights but Indian lands. In March, 1860, the miners sent a memorial to President James Buchanan demanding a settlement of the land question. Throughout the spring, the Rocky Mountain News pressed the issue vigorously.<sup>31</sup>

Delay had aided the settlers at first. Numbers had swelled, and government inaction increased Indian restlessness, which ironically worked to the settlers' advantage. The spring of 1860 brought raids against the emigrant trains by Kiowas and Comanches, and only the restraining hand of the chiefs prevented Arapaho and Cheyenne young men from joining them. These incidents were reported dutifully with little said about provocations.<sup>32</sup>

At Denver, where the miners lived in close proximity to the Arapahoes, the situation seemed calm, and the Arapahoes took advantage of the apparent tranquility to leave their villages for raids against the Utes. Unfortunately, the quietude was deceiving. Early in April, while Left Hand and his warriors were away on a raid against the Utes, a party of drunken miners and "bummers," plundered the village, raped women and girls, and stole horses. James Pierson Beckwourth, a mulatto mountain man of considerable influence among the tribes and well-known to the miners instantly protested to the News, pointing out that the potential consequences. Local citizens held a series of meetings to condemn the behavior of the miners and collected a few gifts to placate the Arapahoes. When Left Hand returned, Beckwourth and John Poisal, the chief's brother-in-law, dissuaded him from notions of reprisal. The perpetrators of the outrage were never punished, but the News did use the incident to reiterate "the necessity of extinguishing the Indians' title, and taking such measures as are called for the protection of both whites and Indians."<sup>33</sup> Left Hand held his people in check, but by June, more serious signs of tension were emerging.

Early that month, the concentration of Indians in the Denver area swelled sharply. Sioux and Apaches joined the Arapahoes for an assault on the Utes. In the ensuing sortie, the Utes soundly whipped the war party, and the defeated warriors returned to Denver sullen and angry. A few vented their frustration on local settlers, and the News warned that "matters are steadily growing worse, and the redskins evidently begin to believe that the whites are afraid of them."<sup>34</sup> If something

were not done soon, Editor Byers warned, "forbearance will cease to be virtue, public sympathy will be aroused by some overt act, or terrible outrage committed by the Indians, and a horrible and indiscriminate war will insue."<sup>35</sup>

The summer of 1860 also increased conflict on the plains east of the mountains. Comanche and Kiowa raiders were particularly troublesome along the Arkansas route, and a military expedition took the field against them. A few Cheyennes and Arapahoes took part in the pilfering of wagon trains and the intimidation of emigrants, but the bulk of both tribes contented themselves with the summer hunts and raids against the Pawnees and Utes. The few troops along the overland routes could do little to stop the harassment of emigrant trains. Fortunately, most incidents were petty and attributed to the Indians' "natural disposition to beg and steal."<sup>36</sup> At Denver, the Indian villages remained large through the summer, causing considerable uneasiness among the settlers. In August, rumors flew that the Indians were preparing to attack the town. The attack never came, but the rumor itself suggested the seriousness of the situation.<sup>37</sup>

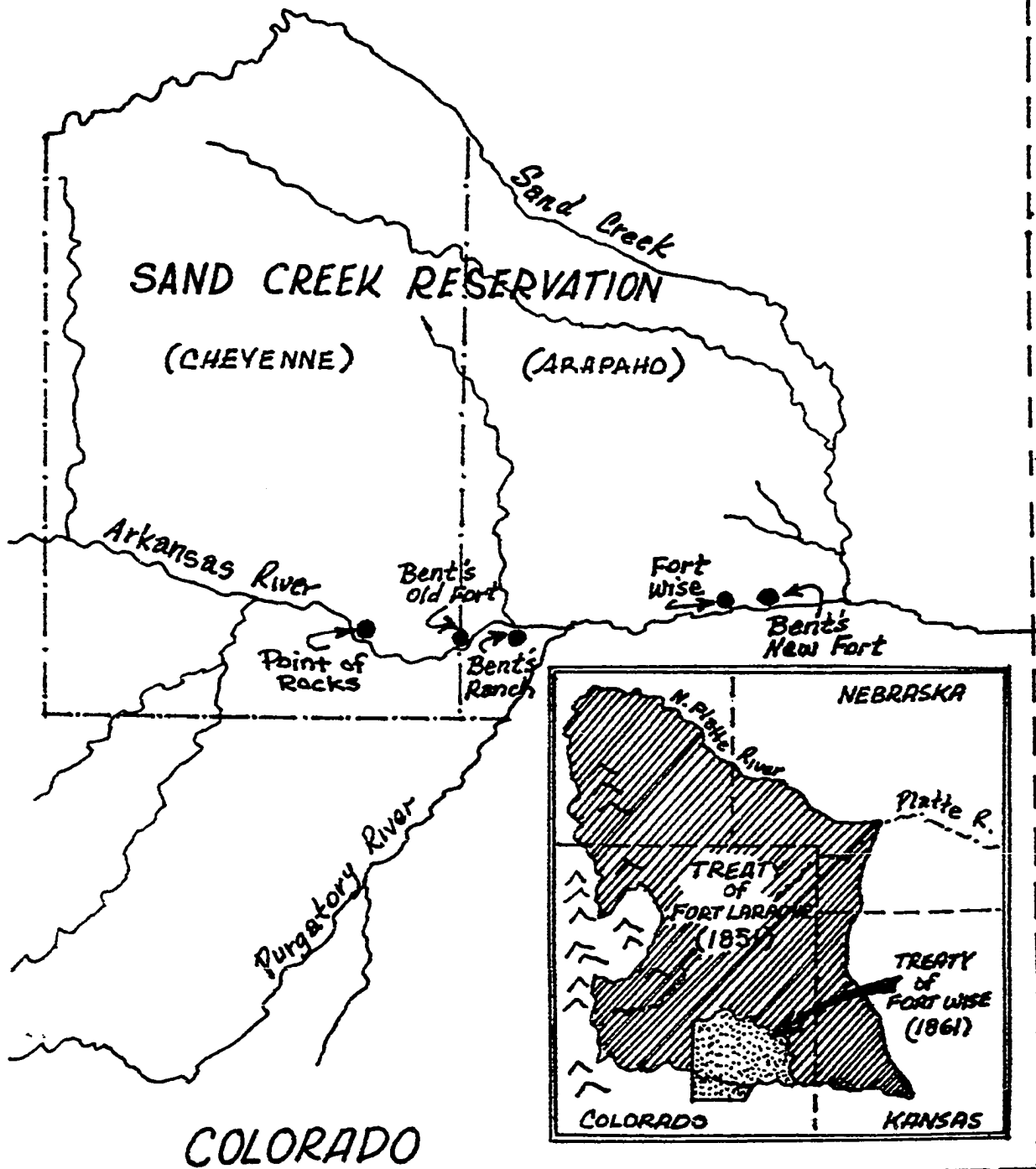
In July, word reached the settlements that Congress had appropriated \$35,000 for negotiations with the Cheyennes and Arapahoes. The prodding had finally paid off. Yet, even then, the elation of the whites was tempered by fears that the government would "sympathize" with the Indians.<sup>38</sup> At William Bent's ranch on the Arkansas the news also met mixed emotions. Bent was disgusted and angry with federal officials

because they had not acted sooner, but the chance to make a just settlement finally seemed possible. Superintendent Robinson persuaded him to remain as agent until the treaty could be consummated, and the old plainsman began the tedious process of notifying the Indians of the impending arrival of Alfred Burton Greenwood, the Commissioner of Indian Affairs. The tribes were already beginning to disperse in preparation for winter as the grass yellowed and the buffalo herds scattered. Most of the Cheyennes were already far to the east on the Republican and the Smoky Hill, but when Greenwood's party reached the agency, the tipis of the Southern Arapahoes dotted the river bottom above Bent's New Fort.<sup>39</sup>

Little Raven and Left Hand, ever the peacemakers, welcomed Greenwood, who passed out gifts and peace medals bearing the likeness of President Buchanan, while he waited impatiently for the arrival of the Cheyennes. In the interim, Greenwood had little to do except to watch the construction of nearby Fort Wise, listen to accounts of Kiowa mischief, and witness an Arapaho scalp dance.<sup>40</sup> On September 18, Black Kettle and White Antelope arrived with a few headmen, and Greenwood proceeded with the council although they represented only two manhao, Wutapiu and Isiometannui. Pressed by other commitments, he refused to wait longer for other Cheyennes to arrive. Instead, he issued a third of the treaty goods and presented his demands that the Indians accept a smaller reserve.

The Arapahoes and Cheyennes impressed Greenwood who reported that "they exhibited a degree of intelligence seldom to be found among tribes, where no effort has heretofore been made to civilize them."<sup>41</sup>

# THE TREATY of FORT WISE



K. H. HANCOCK

They were also hard bargainers. The Cheyennes insisted on an area embracing the entire Fontaine qui Bouille region, while the Arapahoes demanded the Arkansas River country above Bent's Fort. "Of course," a reporter observed, "settlers would object; and if any arrangement is made, the Indians will probably be put over on the Republican, or in some other locality where they will not interfere with 'our manifest destiny.'"<sup>42</sup>

That was a viable option that might have insured success, but Greenwood shoved it aside as casually as he had the chiefs' own proposals. He favored a triangular reserve between Sand Creek and the Arkansas River which straddled the main southern route to the gold fields. Greenwood's proposal had a certain logic. First, in line with the existing policy guidelines of the Office of Indian Affairs, he deliberately sought a reserve which would bring the Indians into close and regular contact with whites. If the Cheyennes and Arapahoes really wanted to learn to farm or raise cattle, as both some of their leaders and William Bent insisted, these lands afforded more opportunity for development than other possible locations. Greenwood's proposed reserve would give the tribes control of the primary watershed in southeastern Colorado. The reserve would give the Indians both sides of the Arkansas River for two-thirds of its length in Colorado, including its confluence with the Purgatory River. Even if the lands north of the Arkansas were arid, they were not unlike the plains region generally. Greenwood thought that the area was ideal for farming with ample water to turn the



reserve into a garden.<sup>43</sup> The chiefs wanted to believe him, and, eventually, Greenwood exacted a verbal agreement from the Arapahoes, who, after all, did secure in the proposal most of the land they had requested, even if they did have to share it with the Cheyennes.

The Cheyennes were more obstinate. Black Kettle and White Antelope told the commissioner that they were anxious to make an agreement which would give them security and protect their rights while they learned the new way of life that they knew must come, but they adamantly refused to make any arrangement or sign any document without first discussing the matter fully with their fellow chiefs and the soldier societies. They told Greenwood that they anticipated little opposition, but they assured him that if the rest of the tribe did refuse to sign a new treaty, they "would enter into such agreement, and settle down, and allow the remaining portion of their tribe to locate where they saw proper. . . ."<sup>44</sup>

At that point, Greenwood considered the matter settled. William Bent promptly resigned, believing that he had finally accomplished his purpose, and Greenwood departed for Kansas and treaty talks with the Kaws, leaving Dr. F. B. Culver, his physician, in charge of the situation at Fort Wise. After Greenwood left, the discussions collapsed for the winter. Culver took a job as a wagon agent for the firm of Alexander Majors to sustain himself through the approaching winter. The Cheyennes and Arapahoes departed for winter camps for the same reasons. The Rocky Mountain News reviewed the council optimistically, declaring, "We believe the whole country will rejoice at this result as it will no doubt

put a stop to all the petty depredations we have suffered at the hands of our Indian neighbors."<sup>45</sup> But in the Cheyenne villages most of the chiefs shook their heads gravely. They wanted no part of any treaty to surrender lands, and the soldier chiefs agreed.

At Bent's suggestion, Albert Gallatin Boone succeeded him as agent for the Upper Arkansas. Boone was the grandson of Daniel Boone, anxious to live up to the reputation of his famous forebear, and interested in lucrative prospects wherever they might be found. He was also a friend of Bent's, and like Bent, a man of experience on the plains. He did not know the Indians as well as Bent, nor did he particularly like them, but they trusted him as "that good man with a grey beard."<sup>46</sup> During the winter of 1860-1861, Boone conferred with officials at Washington on the question of Indian rights and the gold country and was soon on his way to Bent's Fort and his charges. In his valise, he carried a draft of the treaty Greenwood wanted.

Boone arrived at newly constructed Fort Wise early in February, 1861, with authority to conclude a treaty with the "confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas." He found a portion of the Arapahoes and a few Cheyennes there in a starving condition and in a mood to negotiate. Knowing that most of both tribes were scattered during the winter months, unable to move great distances because of the weakened state of their horses, Boone nevertheless proceeded to consummate an agreement with the few leaders who happened to be present. Predictably, those chiefs were the men who had persistently demanded a treaty. Black Kettle, White Antelope, Lean Bear, Old Little

Wolf, Tall Bear, and Lone Bear (called One Eye by the whites because he had lost an eye defending William Bent from a Kiowa attacker) represented the same two manhao that had negotiated with Greenwood. Little Raven, Storm, Shave Head, and Big Mouth, the Arapaho chiefs, were also parties to the earlier discussions.<sup>47</sup>

Boone did not negotiate. He simply presented Greenwood's treaty to the chiefs. They, in turn, acted upon the strength of the verbal agreements of September, with full faith that the terms bound only those who signed. On February 18, 1861, the chiefs touched the pen with that understanding. By the terms of the Treaty of Fort Wise, the chiefs surrendered all their land claims "wherever situated," except for the reserve Greenwood had marked out for them in exchange for promises of annuities and assistance in adapting to an agricultural way of life.<sup>48</sup>

The settlers were pleased. The Office of Indian Affairs was pleased. The chiefs were relieved and confident that they had acted in the best interest of their people. But as a solution to the problems of Indian-white contact, the treaty proved wholly inadequate. When Colorado was organized as a territory within the same month, the untoward haste of the government was explained. The whole purpose of the treaty was to clear away Indian land claims to the mining region. Greenwood sent Boone to Fort Wise with instructions to conclude the treaty, even if it meant going over the heads of those chiefs who were not present.<sup>49</sup> Thus, from the viewpoint of the government, the signatures of the few who did sign were binding on all of the Cheyennes and Arapahoes of the Upper Arkansas Agency.

Still, the agreement was controlled by certain assumptions. Greenwood accepted the notion that the Northern Cheyennes and Arapahoes and the Southern Cheyennes and Arapahoes were two distinct political entities. In his own report of the conference in September, 1860, he wrote:

It should be remarked that a portion of the Cheyennes and Arapahoe bands reside north of the fort, upon the Platte River, and belong to Agent Twiss's agency, and receive their annuities from him; and while the tribes were present at Bent's Fort seemed anxious to induce their people to settle with them upon the Arkansas, they did not regard their assent to the proposed agreement as important.<sup>50</sup>

The treaty negotiated at Fort Wise, then, made no effort to include the northern groups and confined its provisions to those bands in the Upper Arkansas Agency. Article VI of the treaty, a vague and confusing provision, tacitly recognized that the treaty would have little effect if the other members of the Southern Cheyennes and Arapahoes did not accept it. The article read:

The Arapahoes and Cheyennes of the Upper Arkansas . . . are anxious that all of the members of their tribes shall participate in the advantages herein provided for respecting their improvements and civilization, and, to that end, to induce all that are not separated [*italics added*] to rejoin and reunite with them.<sup>51</sup>

Article VI authorized further negotiations with these groups, but concluded that "those who did not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty shall not be entitled to the benefits of any of its stipulations."<sup>52</sup> Significantly, the article limited the treaty's benefits to "all that are not separated." Given Greenwood's view that the northerners and the southerners were distinct political entities and his

understanding that they were separated by geography and jurisdiction, the provision applied only to the other manhao of the Southern Cheyennes and the nonsignatory bands of the Southern Arapahoes.

Further evidence of the treaty's weakness appeared in Article XI, later struck out by the Senate, which would have allowed the residents of Denver and neighboring towns to purchase from the Indians "a sufficient quantity of land to include said city Denver and towns at a minimum price of one dollar and twenty-five cents per acre."<sup>53</sup> This provision not only violated the existing Trade and Intercourse Acts which denied private citizens the right to purchase Indian lands, but also it was an explicit recognition that the treaty of Fort Wise did not cede any lands north of the South Platte.

The treaty did not reach Washington before Congress adjourned, and it was not ratified until August. In the meantime, the Colorado land office was under great pressure. In May, in answer to a request for clarification of the treaty provisions concerning the lands north of the South Platte, the new Commissioner of Indian Affairs, William Palmer Dole, explained to the Commissioner of the General Land Office that "The Indian title has not been extinguished to any part of that Territory." He further advised that a treaty with a division of the tribes called the "Cheyennes and Arapahoes of the Arkansas river," had been concluded, "extinguishing their title to the country extending from the South Platte to the Arkansas." If the treaty were ratified, he explained, the territory and only that territory would be legally open to settlement.<sup>54</sup> In

light of Article VI, even that interpretation was questionable, but one thing was clear. Even though a treaty had been signed, Indian title to the gold fields was still legally intact, the thousands of settlers were still interlopers, and the agents were still charged with expelling them.

Beyond the legal problems that arose almost immediately, the precipitous haste of the government paved the way for repudiation of the treaty by the Indians themselves. The Treaty of Fort Wise was the first time the Cheyennes and Arapahoes were asked to cede land. The chiefs who were parties to the treaty understood the concept of land ownership imperfectly at best. They did not understand that the treaty meant an immediate end to wandering. They saw the Sand Creek reservation as a protected zone where agricultural pursuits would be learned, but, in line with their experience at Fort Laramie, they assumed that their hunting rights and the right to roam at will remained unimpaired until the transition to the new way was accomplished. Most importantly, the chiefs who signed the document believed that it bound only those who signed and had no effect on the rest of the tribes. They had said as much to Greenwood in September.

At first, the treaty created little stir. The signers even put their marks on an amended treaty in November, 1861, but once officials began to suggest that they had ceded away all Cheyenne and Arapaho claims to the lands between the South Platte and the Arkansas, the nonsignatory Cheyennes and Arapahoes reacted angrily. The Cheyennes belittled the "six chiefs" for having signed the document in contravention of tribal law and custom and in the face of their well-known and oft-expressed

desire to meet jointly with the Northern Cheyennes. Neither the Northern Cheyennes nor the majority of the southerners recognized the treaty. Only the Council of Forty Four could conclude an agreement so momentous. Similarly, the Arapahoes repudiated the treaty. Left Hand had wintered at Denver as usual, and he flatly denied that any treaty was binding without his consent.<sup>55</sup>

No one was as shocked as the signers themselves. They denied signing any agreement dispossessing the other groups. Little Raven and the Arapahoes said that they did not know what they had signed, and even Albert G. Boone stated that only Black Kettle understood the provisions of the treaty.<sup>56</sup> Given their experience, the chiefs could not possibly have understood the ambiguous language of the treaty. Yet, even if Black Kettle, Little Raven, and the others did understand, in a practical sense enforcement of the treaty was unlikely. The treaty arbitrarily imposed leadership and responsibility for tribal action on chiefs who could not possibly coerce their people to agree and compelled the tribes to abide by a document to which they were parties only in the most limited sense.

Some leaders were willing to accommodate the whites, but even they expected a period of transition. The majority of the Cheyennes and Arapahoes, however, did not share the same sense of urgency of Black Kettle, White Antelope, and Little Raven. In their camps on the Republican and the Smoky Hill, the old ways continued without the massive contact that worried men like Left Hand and William Bent. The Council of Forty Four and the soldier societies would never agree to the Sand Creek reserve. And even those far-sighted ones who had sought an accommodation

could not anticipate the rapidity of the changes closing on them. Plans that might have been feasible when Yellow Wolf discussed them with Lieutenant Abert were naive and visionary in 1861.

The government forced the issue at Fort Wise simply because whites wanted the land. Greenwood and Boone acted precipitously because of the imminent organization of Colorado Territory, but they did not act necessarily bad faith. Black Kettle, White Antelope, Little Raven, and the other chiefs had asked for a treaty which would clarify their rights and assist them in the transition to an agrarian way of life. Whatever its shortcomings, the Treaty of Fort Wise attempted to do both. Yet, the very features which recommended the reserve to men like Greenwood, Boone, and Bent--agricultural potential, closeness to whites, opportunities for education--made it unacceptable to the Indians. The chiefs, however far-sighted they may have been, acted against the will of their people. That was the fatal weakness of the settlement. The tribes saw the reserve as barren, gameless, and too close to the corroding influence of whites, but not even that caused the treaty to fail. It was not the particular parcel of land the majority of Cheyennes and Arapahoes objected to. The real problem was that they did not want to change their life way. Accepting the treaty meant accepting reservation life, and they were not prepared to do that so long as they could live free as they had always lived. The chiefs failed at the point of the first premise of the treaty. That is why the majority rejected it. The fierceness of their resolve forced the chiefs to repudiate what they had c and



accentuated a new schism within the tribes, this one within the southern divisions themselves.

When the territory's first governor, William Gilpin arrived in Colorado, he found Indian affairs chaotic. As Superintendent of Indian Affairs for Colorado, Gilpin was charged with the administration of this difficult area of public policy.<sup>57</sup> This dual responsibility--as both governor and superintendent of Indian affairs--which dated from the earliest territorial organization was outmoded, cumbersome, and essentially incongruous.<sup>58</sup> It confronted the incumbent with irreconcilable goals. As governor, Gilpin was charged to promote the interest of the new territory. As Indian superintendent, he was bound to protect Indian rights and provide for their welfare. Given the prevailing attitudes and pressures the settlers had impressive advantages.<sup>59</sup> Divided authority in Washington further complicated these problems. The Department of State directed the territorial work of governors, while the Department of the Interior utilized the governors as liaisons between the Commissioner of Indian Affairs and the agents in the field and as administrator of federal Indian policy in the territories.<sup>60</sup> To have brought order out of such a morass would have required the wisdom of Solomon, and William Gilpin was no Solomon.

Nevertheless, the governor quickly realized the need for a speedy solution to the Indian problems. In his initial report to William Dole, Gilpin urged that the Treaty of Fort Wise "be confirmed without delay."<sup>61</sup> Another letter soon followed, criticizing the laws governing trade and intercourse with the Indian tribes as "inapplicable to the

Great Plains." Gilpin argued that the enforcement of existing laws, "leads point blank to expensive and bloody wars, to the destruction of property, to the massacre of the innocent and the escape of the guilty."<sup>62</sup> Moreover, the Indians in his care were "dependent on the chase for existence and hemmed in by fears which are the immediate prelude of despair and desparation [sic]."<sup>63</sup>

In the spring of 1861, some minor depredations occurred. Agent Boone reported that "Daily and hourly I am receiving complaints of burning ranches, killing stock as well as many cases of outrages of the gravest character perpetrated on white women."<sup>64</sup> Since both Kiowas and Comanches were in the area as well as Cheyennes and Arapahoes, Boone could not determine which tribes were guilty of the outrages. The News urged restraint and sharply criticized those "who are in favor of an immediate attack upon the Indians of this vicinity."<sup>65</sup> When the depredations ended as quickly as they began, fears subsided.

That spring, Left Hand continued to mediate for the Indians at Denver. When the Rocky Mountain News accused the Arapahoes of assaulting a white man, Left Hand showed up at Ned Byers's office to demand a retraction. The News apologized. Later Left Hand took the stage at the Apollo Theatre during an intermission to pledge the peaceful intentions of his people and to explain the Indian position.<sup>66</sup> Nevertheless, the number of altercations between Indians and whites in Denver eventually forced the Arapahoes to seek safer camping grounds.

Both Gilpin and Boone hoped that changes in the Indian Office would improve the situation. When the Republicans won in 1860, Abraham

Lincoln appointed Caleb Smith Secretary of the Interior and William Palmer Dole assumed the position of Commissioner of Indian Affairs. Dole, an Illinois politician of limited capacity, knew little about Indians. His greatest assets were a close personal friendship with Abraham Lincoln and the confidence that Lincoln placed in his judgment. Once in office, he moved cautiously, perhaps realizing his own shortcomings. He understood that maintaining peace with the Indians would be his first responsibility. The Five Civilized Tribes in the Indian Territory were already negotiating alliances with the Confederates, and rumors persisted that agents of the rebel government were fomenting war among the western tribes. When he looked soberly at the frontier with its burgeoning settlement, the prospects were gloomy if not grim.<sup>67</sup>

Federal policy in the 1850's, while never formally articulated, moved toward the goal of ending the relationship between the federal government and the Indian tribes. In the southwest, the government recognized Indian title only in cases where ownership could be documented by Spanish or Mexican land grants. Elsewhere, the government pursued a policy of placing Indians on small reservations surrounded by white settlers. Theoretically, the Indians would profit from this close association, learning from their white neighbors by example until, at last, they would be Christianized, civilized, and assimilated. In practice, the record revealed a long history of fraud, harassment, and debasement.<sup>68</sup>

Dole recognized the shortcomings of this approach. His conversations with Charles E. Mix, his chief clerk and a man of long experience

in Indian matters, convinced him that significant reforms were needed in the reservation system to correct the abuses and make good the government's commitment to protect the interests of the Indians. The nature of those reforms was not yet clear that spring and summer of 1861 as the new commissioner settled into his office. Yet, he seemed a prudent man, and expectations were high that he would bring change. Situations like the one in Colorado would test his wisdom.<sup>69</sup>

The summer of 1861 brought a comic situation to the already confused state of Colorado Indian affairs. On June 19, 1861, in contemplation of the approval of the Fort Wise treaty, Gilpin appointed Boone as the resident agent at Fort Lyon for the Cheyennes, Arapahoes, Comanches, and Kiowas. Scarcely a month later, another individual, Samuel Gerish Colley, arrived in the territory and announced that he had been appointed as agent for the Cheyennes and Arapahoes. Having received no official word of Colley's appointment, Gilpin balked at relinquishing the affairs of the Indians to the newcomer. With rumors of a Confederate-Indian conspiracy rampant, he feared Colley might be an interloper.<sup>70</sup> In October, although the newspapers reported the appointment, Gilpin had still received no official confirmation "during two months of suspense." Realizing the absurdity of the situation, Gilpin wrote to Dole, explaining that "In time of war fever every trifle is magnified and intensifies agitation. Mr. Colley has been promptly present to assume the duties of his position, agent Boone has been ready to retire and the uncertainty growing out of suspended official authority threatens calamity."<sup>71</sup>

In the meantime, both Colley and Boone pursued the duties of the office--Colley from Denver where he initiated plans for the survey of the Sand Creek reservation and for the construction of necessary agency buildings and irrigation facilities, and Boone from Fort Lyon (formerly Fort Wise) where he continued his plans to bring the Kiowas and Comanches into treaty negotiations.<sup>72</sup> In the fall of 1861, after a band of Arapahoes led by Big Mouth, plundered a Mexican wagon train west of Fort Larned, Boone reminded authorities of obligations to the Cheyennes and Arapahoes and pushed hard for annuities for his charges and the necessary agricultural implements for putting into effect those provisions of the Wise treaty which could put an end to such raids.<sup>73</sup>

Both Colley and Boone agreed that the only way to prevent trouble was to remove the Indians from contact with the white population. This could be accomplished only if provisions were made for a food supply. Boone (like Bent) saw the answer in agriculture; Colley, more realistically, in stock raising. Both men were victims of the slow-moving machinery in Washington. When Boone finally persuaded the Cheyennes to sign the amended treaty (with Article XI stricken out) in November, 1861, annuities had still not arrived, and the Indians faced another winter without promised provisions. In such circumstances, the Indians left the reservation, since the buffalo ranges lay north and east of the area set aside for them. Once off the reservation, contact with whites was inevitable and conflict was almost certain.<sup>74</sup>

Early in 1862, Comanches and Kiowas from the south, displaced by Civil War engagements in Texas and Indian Territory, encroached on the

reservation causing complaints from the few Indians there.<sup>75</sup> In April, Colley advised Gilpin that the only way to prevent trouble was to "place them above actual want. Remove them from the necessity of theft--we cannot successfully preach peace and patience to a starving savage."<sup>76</sup> In the summer minor incidents occurred involving some non-signatory Cheyennes, but the Arkansas bands remained peaceful. Colonel Jesse Henry Leavenworth, commanding troops on the Santa Fe road between Fort Larned in Kansas and Fort Lyon, reported in August that the Cheyennes and Arapahoes were "well disposed" toward the Americans. Trouble had flared briefly at Larned, but Leavenworth suggested that it "was occasioned by interested parties residing in the neighborhood and on Indian lands, hoping . . . they would be able to purchase for little or nothing whatever the Indians received from the Government."<sup>77</sup>

Fears mounted as the year 1862 drew toward its close. Legally, further negotiations designed to bring the non-signatory bands under the provisions of the Treaty of Fort Wise were not possible after December 6, 1862. Even dismissing the growing restlessness of both Indians and settlers, reaching a settlement in time to meet that provision seemed unlikely. Speculators were taking the Indian position, hoping to reap a profit later from Indian lands, while white men and mixed-bloods who had intermarried with the Indians discouraged the settlement of the land question for trading reasons.<sup>78</sup>

Despite four years of effort, Indian affairs in Colorado had degenerated rather than improved. The treaty which all concerned had hoped would solve the problems had failed. Territorial organization

simply created new problems, pressures from settlers, political factions, and land speculation. The situation demanded calm judgment on the part of those most directly involved in Indian affairs. It required full cooperation between the agents in the field and the Office of Indian Affairs and prompt attention to badly need alterations in the treaty system and the laws governing Indian relations. Unfortunately, the Civil War rendered the problems of the frontier insignificant and Colorado Indian affairs even more chaotic than before.

### CHAPTER III

#### THE CRUCIBLE OF AMBITION

The Civil War complicated the management of Indian affairs on the frontier not only because it insured less attention to the "Indian question," but also because it produced policies, attitudes, and changes which directly influenced relations with the plains tribes. The Treaty of Fort Wise and territorial organization had already diverted the attention of Colorado Territory from Indian matters in the early months of 1861. When word of southern secession and the opening of hostilities reached the mining camps, Colorado's distance from the major theatres of the war did not lessen the impact of the news. Indeed, the war tended to emphasize the isolation of the territory and its great dependence upon the overland routes as life lines of supply while Colorado's heterogeneous population and diverse loyalties encouraged a feeling of crisis.

The bulk of Colorado's population held Unionist sentiments, and efforts on the part of southern sympathizers to organize support for the Confederacy generally aborted. Nevertheless, many of the miners did hail from the states in rebellion. Some of them had come to the gold fields from "Bleeding Kansas" where they had ridden with Missouri "bushwackers" in the cause of slavery. Many southerners left Colorado to enlist in the



Confederate army in Texas or the Indian Territory. A few formed gangs to plunder and steal guns and supplies before departing. These problems caused much concern.<sup>1</sup>

On May 28, 1861, William Gilpin, the first governor of Colorado, arrived at Denver. Gilpin, a visionary protege of Thomas Hart Benton and a forceful advocate of Manifest Destiny, brought with him instructions from President Lincoln to hold Colorado for the Union "at all costs."<sup>2</sup> Yet even as Gilpin unpacked, the scattered units of the regular army were turning eastward to form the nucleus of the Grand Army. Around it would swell the great citizen armies that would meet the Confederate challenge. The problem of defending the frontier now devolved more fully upon the western states and territories themselves. The federal government did not abandon the West. Keeping the emigrant routes open, protecting the mails and the telegraph, and safe-guarding the gold and silver being hauled from the mines of the mountain West were far too important. Already, volunteer regiments were being groomed for service in the West, but the people of the frontier watched in despair as the regulars departed and wondered who would defend them now.

When a Denver saloonkeeper named Charles Harrison was arrested in connection with the murder of a soldier, his southern sentiments were linked to the fact that he was the brother-in-law of Left Hand, the Arapaho chief, and a conspiracy, already suspected, was confirmed in the minds of Coloradans. The Unionists imagined a huge combine of Georgia miners and 25,000 hostile Indians which would sweep the Colorado settlements and deliver the territory's gold to Confederate coffers.<sup>3</sup> These

fears mounted with word that the Confederate agent, Albert Pike, had been dispatched to the Indian tribes to seek allies.<sup>4</sup> Moreover, the close proximity of slave-holding New Mexico and the relative closeness of Texas and Confederate-dominated Indian Territory encouraged fear of an impending disaster.<sup>5</sup>

Consequently, even before Gilpin's arrival, local leaders attempted to raise troops in the Territory. Henry Moore Teller, a leading Colorado politician, wrote the War Department requesting permission to raise troops. Secretary of War Simon Cameron sharply rebuffed these efforts, informing Teller that the War Department had "no desire at present to raise troops at so great a distance from the scene of action, the pressure from the States nearer home for admission into the Army being so great as to compel us to decline troops every day."<sup>6</sup> Governor Gilpin, however, felt that Colorado's defenseless condition demanded vigorous action. On his own initiative, he moved to organize a regiment. So began what became almost an obsession with raising more and more troops.

Colorado's politicians faced more than a Confederate threat. The war came while Colorado was suffering from an economic slump. Mining was moving to large scale operations, as placer mining became unprofitable. As a result, many miners were left without a means of livelihood. Some settled in the fertile valleys of the South Platte and Arkansas Rivers. Others joined Jayhawker bands and plundered their neighbors. With the coming of the war, many returned to the states to enlist in the

army and this drain of men from the settlements intensified the economic dilemma.<sup>7</sup>

Faced with this problem, the political leaders of Colorado seized upon the idea of enlisting territorial volunteers to stall the exodus of settlers and to head off the economic crisis by means of a federal payroll and lucrative government contracts while providing protection for the territory at the same time. Once this course was decided upon, Gilpin pursued it with vigor. The troops, he said, were necessary to prevent Confederate insurrection. Gilpin claimed that 64,000 Indians were gathering on the Arkansas River in alliance with the Georgia miners.<sup>8</sup>

Throughout the summer and fall of 1861, recruitment for the First Colorado Volunteer Regiment continued. The first companies raised were organized by John Potts Slough and Samuel Forster Tappan. Because of his efforts as a recruiter, Slough received command of the regiment, with the rank of Colonel. Slough was an honest but volatile man, possessed of a fiery temper and a remarkable repertory of profanity. He was born in Cincinnati, Ohio, on February 1, 1829. He became a lawyer in his home state and was elected to the state legislature when he was twenty-one years old. There, the "gallant but bellicose" Slough soon won a reputation as a quarrelsome and pugnacious adversary. Finally, he booted another member of the legislature in the seat of the pants during a brawl on the floor of the house. For his pains, he was censured by the legislature and later repudiated at the polls.<sup>9</sup> Undaunted Slough emigrated to Kansas in 1856 where he was soon enmeshed in that territory's explosive

politics. There too, his temper precipitated controversy and thwarted his ambitions. In 1859, he jointed the Pike's Peak gold rush and was chosen as the "Sole Judge of the Appellate Court under the People's Government of Colorado Territory."<sup>10</sup> A pudgy, balding man with a bushy black beard, Slough had the look and bearing of a commander. He was courageous and intelligent, but his temper and his humorless demeanor did not engender confidence. And that vitally affected his command.

The rank of lieutenant-colonel went to Samuel Forster Tappan, a fervent abolitionist from the Central City area. Tappan had already led an eventful career before catching "Pike's Peak Fever." Born in Manchester, Massachusetts, in 1831, Sam Tappan was reared on abolition. His father's cousins, Arthur, Benjamin, and Lewis Tappan were leaders in the movement against slavery. As a child he heard and read the works of men like Wendell Phillips and William Lloyd Garrison. He became an ardent disciple of the cause. A child of time and place, Tappan read voraciously in the classics, works of history, and the transcendentalist thought of Emerson, Whittier, and Thoreau. He kept up a voluminous correspondence, sprinkling his letters with quotes from the literary luminaries of the past.<sup>11</sup>

A chairmaker by trade, Tappan soon found other outlets for his energies. He went to work for Horace Greeley's New York Tribune in the early 1850's where he extended his contacts to political figures of the time. In 1854, he was dispatched to Kansas to cover the troubles there for the Tribune and the Boston Atlas. But Tappan lacked the temperament to be a passive observer, particularly of a cause in which he was vitally

interested. Already a member of the New England Emigrant Aid Society, he soon plunged into Kansas politics. He played a key role in the rescue of Jacob Branson, a leader of the Free State Movement, was arrested several times, and was involved in several shooting scrapes. He served as clerk of the Topeka Constitutional Convention in 1856, secretary of the Leavenworth Constitutional Convention in 1858, and clerk of the Wyandotte Convention of 1859 which finally produced Kansas's constitution.<sup>12</sup> Tappan wrote regularly for at least five newspapers in addition to those which employed him.<sup>13</sup> In August, 1860, Tappan followed the gold rush to Colorado. Upon his arrival, he immediately climbed Pike's Peak, complained of the prevalence of "lynch law," and praised "this western life."<sup>14</sup>

In Kansas, Tappan had written to his sister, "I desire not only the freedom of Kansas, but the immediate unconditional emancipation of every slave under the canopy of Heaven, a desire too ultra for the cowardly and selfish conservatism of our Kansas men."<sup>15</sup> The comment was characteristic, for he was a man of causes and conscience. Tappan's idealism marked him as a self-righteous crusader and an inflexible moralist. Once set upon a course, he was tenacious and vocal. He detested what he called "hunger and thirst after office," but he carefully cultivated friends among officeholders. He judged people quickly and harshly. He wasted little tolerance on those who disagreed with him. Yet, he was capable of sharp insights into events and people. A small man, with a high-pitched voice, he was an unlikely choice as a military

commander, but Kansas had proven that Sam Tappan had the necessary sand.<sup>16</sup>

Governor Gilpin raised his regiments, making extravagant promises which won for the recruits the nickname, "Gilpin's Pet Lambs."<sup>17</sup> The "Pet Lambs" were a motley collection of down-and-out miners, adventurers, and frontiersmen, a residue of rowdy civilians, commanded by free-soilers, lawyers, and business men. To shape such a haphazard band into anything resembling a military organization would require time. As events unfolded, the Colorado First had plenty of time. Once enlisted, the recruits had nothing more to do than to steal chickens from the Denver civilians. They saw little action beyond fighting with the local citizens. As one officer lamented, "They only came to camp to get their meals."<sup>18</sup> Colonel Slough gave the task of drilling these men to the regimental major, John Milton Chivington. In time, he would remember that appointment with great bitterness.

John Milton Chivington stood larger than life even among his contemporaries. A giant of Old Testament proportions, he became Colorado's most controversial pioneer. He carried 260 pounds on his six feet, four inch frame, and he spoke with an authority that demanded attention. Beyond his awesome physical size, beyond his thunder-clap voice, beyond the piercing, dark eyes that seemed to know everything, Chivington overwhelmed--if not intimidated--those who knew him. He excited both adulation and hatred. He inspired both respect and fear. He was a storm center from the moment he arrived in the mining camps,

pulling to him many who followed him with unswerving loyalty and repelling others who found in his charismatic leadership something strangely sinister.<sup>19</sup>

John Chivington's beginnings were hardly auspicious. He was born in Warren County, Ohio, on January 27, 1821.<sup>20</sup> His father, Isaac Chivington was a tough frontiersman who had served with William Henry Harrison during the War of 1812. He also apparently had a weakness for hard liquor and died when young John was four years old. His mother, Jane Runyon Chivington, was a strong-willed woman who reared her children in a frontier environment with notable perserverance. Beyond that sparse information only family stories survived to mark the young Chivington's rites of passage.<sup>21</sup> They related that the Chivington children were one-eighth Seneca, and that John came of age in the river towns along the Ohio where he earned his living as a purse fighter.<sup>22</sup>

From that rough-housing apprenticeship, Chivington found his way into the battle against Satan. In 1840, he married Martha Rollason who apparently had a restraining influence on him. Two years later he was converted at a Methodist revival meeting conducted by Matthew Simpson, who would play a significant role in Chivington's career.<sup>23</sup> Chivington threw himself into an intense study of the scriptures and the doctrines of the Methodist Episcopal Church, and in 1844, he was ordained at Zoar Church in Ohio.<sup>24</sup> His new way of life also attracted him to freemasonry. He was inducted as a Mason in Butlersville, Ohio, in July, 1846.<sup>25</sup> Throughout the remainder of his life, the Methodist Church and the Masonic order were Chivington's anchors.

In 1847, he accepted his first charge as a minister, riding circuit in the Payson district of Illinois. After a successful probation there, he moved to Missouri where he served various charges for nearly ten years. At Hannibal, Shelbyville, St. Joseph, Fillmore, and St. Louis, he preached with a fervor that soon carried him to a place of prominence within the conference.<sup>26</sup> He preached a simple, humorless gospel, with more emphasis on the wages of sin than the gospel of love.

In 1854, he crossed into Kansas to work as a missionary to the Wyandot and Delaware Indians. He served there for two years, preaching at a mission church with the assistance of an interpreter and organizing the first Masonic lodge in Kansas.<sup>27</sup> Few records of his sojourn among the Wyandots survived, and Chivington was notably silent on the subject in his various reminiscences.<sup>28</sup> According to family traditions, however, Chivington's attitudes toward his charges were wholly compatible with the tenets of frontier Methodism. The formula attributed to him, "First convert them to Christianity, then treat them as brothers in Christ," would have found favor among the stern ministers of the frontier who shared frontier skepticism about the Indians. Chivington never had much use for traditional Wyandot ways, and the surviving accounts of his experience with them emphasize his efforts to turn them away from their former beliefs and attitudes.<sup>29</sup>

Those were difficult years on the Kansas-Missouri frontier. The issue of slavery expansion divided families and friends and churches. Chivington took a forceful stand against slavery. When the Methodist Episcopal Church split over the question of slavery, Chivington continued



to preach against slavery. In Platte County, Missouri, "a society of men who wore on the lapels of their coats a wisp of hemp," warned Chivington that if he did not cease preaching, they would tar and feather him. He replied that he would preach the following Sunday. On the appointed day, the pro-slavers arrived with their tar and feathers; Chivington entered the church a few minutes later. He placed his Bible on the pulpit, then drew two revolvers from his coat. Placing them on the pulpit beside his Bible, he declared to the congregation, "By the grace of God and these two revolvers, I am going to preach here today."<sup>30</sup>

Notwithstanding his bold display, threats against Chivington continued until he secured a new post as pastor of the Methodist Episcopal Church at Omaha. He remained there only a year. His personality and manner were not well-suited for the role of pastor of a local church. "Mr. Chivington was not as steady in his demeanor as becomes a man called of God to the work of the ministry," an associate recalled, "giving his ministerial friends regret and even trouble in their efforts to sustain his reputation."<sup>31</sup> Chivington was removed from the pastorate and appointed presiding elder of the Omaha District when the Nebraska City District was divided in 1857. In 1859, Chivington moved to Nebraska City to assume the post of presiding elder of the Nebraska City District, and his brother, Isaac Chivington, became the pastor of the Nebraska City church.<sup>32</sup> According to tradition, when John Chivington arrived in Nebraska City, he found that the local church had been converted into a bar. In a rage, he smashed whiskey barrels and drove the saloon's clientele from the building. When a bold citizen accosted him and

demanded to know on what authority he destroyed private property, Chivington roared, "By the authority of Almighty God!"<sup>33</sup>

With that auspicious beginning, Chivington soon made a name for himself in Nebraska City. He became active in the Masonic lodge, and he dabbled in Republican politics. He was much in demand at camp meetings, and apocryphal stories claimed that when he spoke, he could be heard for four miles if the wind were right. At a quarterly meeting at Table Rock, Nebraska, he prayed that people would be sent there and kept so poor that they could not leave.<sup>34</sup> In 1858 and 1859, he chaired the Committee on Slavery for the Kansas-Nebraska Conference which denounced slavery in the strongest possible terms and declared "That as God has made of one blood all nations of men, we recognize in every human being the offspring of the same common Father and admit the universal brotherhood of man."<sup>35</sup>

John Chivington was a pillar of the community by 1860. He had a growing family, a reputation as a preacher, and political influence. Then, in April, he was named the presiding elder of the new Rocky Mountain district. He arrived in Denver on May 8, 1860, and preached his first sermon the following Sunday at the Masonic hall. Thereafter, he preached at a local saloon proffered to him by the owner until a log church was completed in December.<sup>36</sup> The people of the mining camps soon discovered that Elder Chivington was no ordinary preacher. His muscular brand of Christianity won favor among the miners, and even the dissolute learned to respect him. Reportedly, the Methodist bishops, concerned about his lack of humility, urged him to pray for guidance, but Chivington never wavered.<sup>37</sup>

Chivington's activities also included a vigorous campaign on behalf of freemasonry. He organized several lodges, and became the first Grand Master of Colorado. By the time news reached Colorado of the outbreak of war, Chivington was a power to be reckoned with. When Governor Gilpin organized the First Regiment, Chivington offered his services. Gilpin proffered a commission as regimental chaplain, but Chivington refused it. "I feel compelled to strike a blow in person for the destruction of human slavery," he told the governor, "and to help in some measure to make this a truly free country. Therefore, I must respectfully decline an appointment as a non-combatant officer, and at the same time urgently request a fighting commission instead."<sup>38</sup>

Chivington quickly proved himself to be a forceful leader, but he also found it virtually impossible to submit himself to military protocol and chain of command. He instantly became the storm center of the regiment. He could not accept the role of subaltern, and he constantly altered orders to suit himself. Colonel Slough assigned him the responsibility of drilling the troops. This seemingly routine duty precipitated a quarrel between the two men. Slough wished the men trained in guerrilla tactics while Chivington favored close-order drill. characteristically, Chivington instituted his methods in spite of Slough's orders, and that produced a serious breach among the officers.<sup>39</sup>

But Chivington's insubordination and Slough's lack of leadership did less damage to regimental morale than the sustained inactivity. By November, the situation was critical. Both Company K and Company G refused to be mustered as infantry, and their officers supported the

wishes of the men. The men left camp en masse, and while most of them eventually returned, Slough temporarily incarcerated them and cashiered their officers.<sup>40</sup> December brought more troubles between the soldiers and local citizens, and a special police force was organized to maintain order. Several times, whole companies were arrested for mutiny.<sup>41</sup>

Finally, unable to restrain himself any longer, Chivington wrote a lengthy letter to Major General David Hunter commanding the Department of Missouri, to complain about conditions. When Hunter rebuked Chivington for not going through channels, Chivington indignantly informed him "that I knew what I was about . . . and that I would be very much pleased to be dismissed from the service for trying to get my regiment to the front. . . ."<sup>42</sup>

This squabbling seriously divided the regiment even before it saw any action. Chivington proved to be the chief beneficiary. Aggressive younger officers like Captain Edward W. Wynkoop, Captain Scott J. Anthony, Captain Jacob Downing, Lieutenant George Eayre, and Lieutenant Silas S. Soule were attracted to his crude but charismatic leadership. Colonel Slough had loyal supporters in the ranks, but his aloof manner and quick temper proved to be the fatal flaw in his command performance. His summary treatment of Company G and Company K left a festering resentment within the ranks that benefitted Chivington directly.

While the regiment's field officers fought among themselves, Governor Gilpin encountered troubles of his own. Gilpin issued drafts on the federal treasury to the amount of \$375,000 without proper authorization, in order that he could pay the costs of raising the regiment.

Rumors soon spread that the drafts would not be honored, and Gilpin went to Washington to explain his actions.<sup>43</sup> In the meantime, his popularity waned rapidly in the Territory. The political opposition, led by William N. Byers, editor of the powerful Rocky Mountain News, took full advantage of Gilpin's dilemma. Although the drafts were ultimately paid, the controversy led to the governor's removal.<sup>44</sup>

While Gilpin was in Washington, Acting Governor Lewis Ledyard Weld received a communique from General Hunter, directing him to send all available forces to the assistance of Colonel Edward R. S. Canby in New Mexico. A large Confederate army under the command of General Henry H. Sibley had moved up the Rio Grande valley into New Mexico. First Albuquerque and then Santa Fe fell to Sibley's Texans. Canby's small force at Fort Craig was in desperate straits when Hunter's message arrived. Accordingly, on February 22, 1862, the main force of the Colorado troops moved out of Denver in freezing weather.<sup>45</sup>

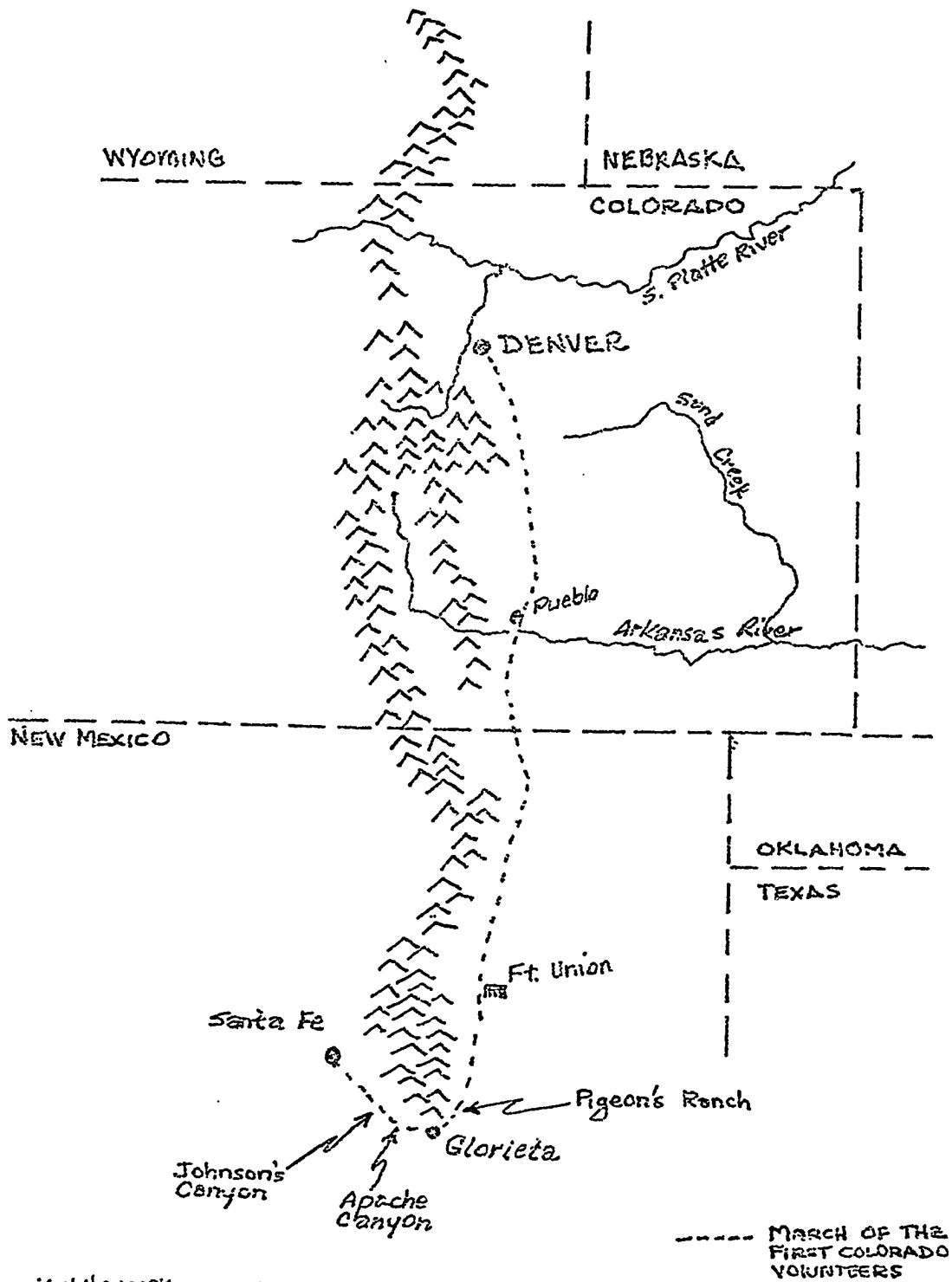
The expedition proceeded without incident until the morning of February 28, when the soldiers of Company I refused to move out when ordered to do so. Lieutenant Charles Kerber, the company commander explained that his men, mostly German immigrants, refused to obey orders because their company had been outfitted with only two wagons while the rest of the companies had been issued three. A violent argument ensued between Kerber and Colonel Slough. Finally, Slough ordered Captain Wynkoop, commander of Company A, to bring up his company and disarm Company I. At that point, Kerber ordered his company to load their weapons. Slough then ordered Captain Anthony and Company E to assist

Company A, and drew his own revolver pointing it at Lieutenant Kerber. Kerber's men instantly leveled their rifles on Slough as a voice from the ranks warned, "You shoot Kerber, and we'll put sixty holes through you." For a tense moment, it appeared that a bloodbath was inevitable. Then Slough wheeled his horse about and ordered Major Chivington to bring the regiment forward to a point below Colorado City. With that, he cantered away, leaving Chivington to settle the dispute. Chivington took charge at once. He explained that no slight had been intended, that enough wagons were simply not available to provide every company with three wagons, and that a wagon would be found for them as soon as possible. That seemed to placate the Germans who discharged their rifles and joined the ranks. Chivington's presence of mind greatly impressed those who saw him that day.<sup>46</sup>

Below the Arkansas the regiment rendezvoused with elements of the First from Fort Lyon (formerly Fort Wise) under the command of Lieutenant Colonel Tappan. Some accounts later claimed that a violent argument developed between Chivington and Slough while the regiment was bivouacked on the Purgatory when Chivington insisted that the men be drilled. According to these accounts, Chivington appealed directly to the men, and Slough, in a rage, screamed that Chivington could "take 'em and go to hell with 'em," before storming away muttering "court martial" under his breath. From that moment, the regiment was virtually two separate units, half following Chivington and half following Slough.<sup>47</sup>

This story was widely believed and, whether true or not, underscored the division within the regiment. On the eve of a major campaign,

# THE NEW MEXICO CAMPAIGN



the First Colorado Volunteers were seriously fragmented, and the credibility of Colonel Slough was undermined. When, however, word reached the Coloradans that Canby had met the enemy at Valverde and that Colonel Gabriel S. Paul at Fort Union was virtually under siege, the regiment moved forward rapidly while Colonel Slough hurried on toward Fort Union by mail coach. When Slough rejoined the regiment at Union on March 15, the troops gave him "three cheers and a tiger." Slough responded by touching his cap. "How little some men understood human nature," one of the soldiers reflected. "He had been our colonel for six months; had never spoken to us; and on the eve of an important expedition, after a long absence, could not see that a few words were indispensable to a good understanding."<sup>48</sup>

On the night of their arrival at Fort Union, the soldiers of K Company raided the sutler's store and made off with goods and champagne and proceeded to imitate, in the words of Colonel Chivington, "the example of the commissioned officers" by "indulging in the draft that intoxicates."<sup>49</sup> Lieutenant Isa Gray encountered some of the enlisted men and tried to persuade them to return to their quarters, whereupon, First Sergeant Durias A. Philbrook, described by Chivington as "a fine soldier, perhaps the best drilled officer in the regiment, a good disciplinarian, and to whose efforts Company K was measurably indebted for its efficiency in drill and its excellent soldierly bearing," drew his revolver and shot Lieutenant Gray in the head. Other officers arriving on the scene fired at Sergeant Philbrook who made his escape. Company B, thinking Lieutenant Gray dead, swore to hang the scoundrel who did it, and only cool



action on the part of the officer of the day prevented a major collision between the two companies. Philbrook was afterwards arrested, court martialed, and executed, which, Chivington said later, "I have always believed, under the circumstances, was a very hard fate."<sup>50</sup>

With regimental discipline in a shambles, Slough nevertheless took command of Fort Union which infuriated Colonel Paul, who could do little but acquiesce since Slough's commission antedated his own. Slough immediately decided to join Canby's forces at the earliest opportunity, but before he could organize, instructions arrived from Canby which explicitly stated, "Do not move from Fort Union to meet me until I advise you of the route and the point of juncture."<sup>51</sup> Slough hesitated but briefly before ordering the troops to prepare to march. Colonel Paul strenuously objected, but to no avail.<sup>52</sup>

The Colorado volunteers had raided the sutler's store again, and were "scattered from Dan to Beersheba, burying plunder, drinking, fighting, and carousing with Mexican women at the Lome, a small Sodom five or six miles from Union. There were dozens of us too drunk to know friends from foe, consequently most provokingly troublesome."<sup>53</sup> Somehow, the regiment was rounded up and, together with most of the forces stationed at Union, the Coloradans moved out of in the direction of Santa Fe. Between them and the Confederates lay Glorieta Pass.

Two days later, Slough encamped near the pass at Bernal Springs. On March 25, setting aside his personal squabble, Slough sent Chivington to reconnoiter the area. He gave specific orders not to engage the enemy. Early on the morning of March 26, Chivington's forces located the

Confederate advance guard in Apache Canyon. Disregarding his orders, Chivington launched an attack which was spectacular if not decisive. The Union troops charged pell mell into the Confederates like "regular demons, that iron and lead had no effect upon." Chivington was in his element "With a pistol in each hand and one or two under his arms."<sup>54</sup> One veteran of the fight recalled later, "Of commanding presence, dressed in full regimentals, he was a conspicuous target for the Texas sharpshooters . . . . As if possessed of a charmed life, he galloped unhurt through the storm of bullets."<sup>55</sup> Another Coloradan was more critical. He reported that the Union troops seemed to have "no head; no one to go ahead and give orders. The captains and lieutenants stood around like stoughton bottles until it became every man for himself."<sup>56</sup> At nightfall, however, Chivington fell back, claiming a major victory.

The next day Chivington's command retired to Kozlowski's Ranch where it joined Slough's forces late that night. Chivington's unexplained delay in rejoining the regiment had caused concern and provoked Slough's anger again. When Chivington failed to return on March 26, Slough had angrily written that half of his regiment had "gone off to hell with a crazy preacher who thinks he is Napoleon Bonaparte."<sup>57</sup> News of Chivington's success at Apache Canyon soothed the doughty colonel, however. There was no time for personal animosity now.

After a full briefing, Slough pressed on and dangerously divided his command into two units. While Slough met the rebel advance at Pigeon's Ranch, Chivington moved west in hopes of striking the Confederate rear. Slough's plan almost brought disaster. The main force,

after initial successes, took a severe pounding, and at the end of the day, Slough's troops were falling back exhausted and on the run.<sup>58</sup> In the meantime, however, Chivington's forces had stumbled upon Sibley's supply train in Johnson's Canyon, nearly a thousand feet below the precipice where Chivington's troops waited. Chivington delayed for more than an hour before attacking. He said that the time was "spent in personal reconnaissance of the situation below;" New Mexico sources and regular army officers attached to his command claimed the time was lost in persuading Chivington to attack.<sup>59</sup> Whatever the case, the troops descended the slopes in a reckless charge that overpowered the Confederate force guarding the train. The Union troops destroyed the wagons and supplies, and bayoneted nearly five hundred horses and mules.<sup>60</sup>

Officers of the regulars later criticized Chivington for not moving to Slough's aid as soon as the sound of the guns indicated that the main force was falling back. "Had he [Chivington] carried out his instructions there would have been different results," a private in the regulars later opined. "The Texans driving us back leaving their rear and flanks open. A prompt movement would have blocked them . . . ." <sup>61</sup> Unfortunately, Chivington was by then caught in the closing darkness in rugged terrain dominated by small cedar and pinon trees. Only the services of a local priest who offered to guide him back prevented the troops from becoming hopelessly lost.<sup>62</sup> When Chivington did rejoin Slough, his news of the destruction of the supply train brought the only cheer of the day. "The Texans have possession of the field," John D.

Miller, a private in the First Colorado wrote to his father, "but we have possession of their grub."<sup>63</sup>

Chivington's strike against the supply train proved decisive. The Confederates requested a truce to gather their dead and wounded, and when General Sibley realized that his supply line had been destroyed, he decided to retire. Within two days the Confederates were retreating in disorder. Miraculously, the Union forces had won the victory. But, as Slough prepared to pursue the fleeing Texans, he received explicit orders to retire to Fort Union and "protect it at all hazards." Angry and frustrated--and perhaps fearful of court martial--Slough resigned.<sup>64</sup> In resigning, Slough won the respect of his men that he had not won as their commander. "Feelings will doubtless change regarding him, for his resignation a necessary consequence of an order which under the circumstance both he and the regiment felt it was a disgrace to obey," Private Hollister wrote. "He obeyed it as became a subordinate officer. He resigned as became a gentleman and a man."<sup>65</sup>

The primary beneficiary of Glorieta among the Coloradans was Major John Milton Chivington. The "Hero of Apache Canyon" was rewarded on April 9, when a petition signed by all of the officers of the regiment was presented to General Canby by Lieutenant Colonel Tappan, asking that Major Chivington be given command of the First Colorado Volunteers.<sup>66</sup> On April 14, Canby granted the request subject to the approval of Colorado's governor.<sup>67</sup> Two days later, Chivington saw his first action as regimental commander at Peralta. Afterwards, the regiment went into camp at

Valverde, and Chivington took command of the Military District of Southern New Mexico with headquarters at Fort Craig. Garrison duty did not set well with the Coloradans, who continued to enjoy a reputation for rowdy behavior, or with the new Colonel Chivington who was anxious to "find a foe worthy [of] our steel."<sup>68</sup>

On June 25, 1862, Chivington wrote a remarkable letter to his friend, the Reverend Hugh D. Fisher of Leavenworth, Kansas. He recounted the Union victory at Glorieta, then confided to his friend.

Now my Dear Hugh D. I want to tell you that having gone into this war I want to make the most of it, and I want you , if you can feel free to do so, to write to Senator Lane and Pomeroy [of Kansas] and get them to assist Mr. [Hiram Pitt] Bennett [sic] Delegate from Colorado in obtaining for me a Brigadier Generalship.

There will be one appointed from Colorado Ter and it rests between John P. Slough, formerly of your city, Lecompton Democrat, Colonel Leavenworth of the 2nd Regt Col vols and myself. Leavenworth is a Democrat of the Wally type and the meanest old whore monger and drunkard in all the mountains, so you see my competition, anything you can do in the way I have suggested will be appreciated and reciprocated. If I can get this appointment now after the war is over I can go to Congress of U. S. Senate easy.<sup>69</sup>

In July, Chivington finally departed for Denver. Hurrying north without an escort, Chivington received a hero's welcome among Denver's elite, including the new governor, John Evans. Equipped with recommendations from the leading citizens, he immediately departed for Washington. Edwin McMasters Stanton, the Secretary of War received him and according to Chivington's memoirs he turned down an appointment as a brigadier in the District of Columbia with the statement, "I would rather command the First Cavalry of Colorado than to command the best brigade in the Army of

the Potomac."<sup>70</sup> He did manage to obtain permission to mount the First Colorado Regiment as cavalry, but he returned home without the commission. He remained optimistic, however. He wrote Lieutenant Colonel Tappan that he expected to be promoted to brigadier general and given command of the Military District of Colorado. Tappan thought his chances were good as well for he confided to another officer that "Several are aspiring for the Colonelcy."<sup>71</sup>

The brigadier's stars eventually went to John Slough, much to the chagrin of Chivington, who had to be satisfied with command of the newly created District of Colorado.<sup>72</sup> These events brought other changes in the First. Edward W. Wynkoop had been appointed major when Chivington was promoted to colonel, and when the regiment was mounted, Captain Scott J. Anthony and Captain Jacob Downing were also promoted to major. All were considered to be favorites of Colonel Chivington.<sup>73</sup> The one officer who seemed totally neglected in the regimental reorganization was Samuel Forster Tappan.

Tappan had been long-suffering. He was disappointed when Chivington was promoted over his head, but he "generously waived his rank in favor of Major Chivington" and personally presented the petition of the officers to Canby. He had hoped that Chivington would secure the rank of brigadier in order that he might succeed to the colonelcy, so when Chivington did not get the stars he was disappointed again and chagrined because younger officers in whom he had little confidence were being promoted.<sup>74</sup>

His bitterness was aggravated by stories that Chivington had taken undue credit at Glorieta for the destruction of the Confederate supply train. New Mexico officers claimed that Captain William H. Lewis and Captain Asa B. Carey were responsible for burning the supply train in Johnson's Canyon. New Mexico sources insisted that Chivington attacked only after two hours of persuasion on the part of the two regular officers. Furthermore, they claimed that Lewis and Carey led the attack while Chivington watched from above. They insisted that slaughtering the livestock consumed valuable time which should have been used in reinforcing Slough and the main Union force. In short, they claimed the Chivington was "strutting about in plumage stolen" from Lewis and Carey.<sup>75</sup>

Tappan also heard distressing rumors that attempts had been made on Colonel Slough's life during the New Mexico campaign. Rumors freely circulated that while the regiment was encamped in the Raton Mountains enroute to Fort Union, the sentinel was withdrawn from Slough's tent "by orders" and that "some men hid themselves in darkness and the bushes" in order to murder him.<sup>76</sup> With his growing disaffection for Chivington and his own tendency to see conspiracy in all things, Tappan decided that he had to determine the truth.

In December, 1862, Tappan's temper reached the boiling point. The Second Colorado Volunteer Regiment presented its commander, Colonel Jesse Henry Leavenworth, with a \$350 saddle, and the officers and men of the first immediately bought a \$550 saddle for Colonel Chivington. The absurdity of this extravagant rivalry offended Tappan who refused, in

Chivington's presence, "to contribute one cent to that object." Later, he reconsidered and gave the collection officer a donation with the understanding that "it is considered a gift to him and not to C."<sup>77</sup> At month's end, he wrote a letter to General Slough at Washington outlining his suspicions, yet carefully avoiding direct accusations. "I am desirous of ascertaining the facts," he wrote, "and if true to have the guilty parties punished however high in rank they may be, if not true to be able to deny it."<sup>78</sup>

By mid-January, 1863, the quarrel between Chivington and Tappan was so bad that Chivington threatened to put Tappan in irons if he attended an officers' meeting. When Tappan learned of the remark, he stormed into Chivington's office, "to ascertain if you have been correctly reported." When he failed to find his commanding officer, he wrote him an angry letter. After assuring Chivington that he wished "to work for the unity of our regiment," his anger overflowed:

From the earliest organization of our regiment you have done your utmost by outspoken remarks and secret intimations to destroy my influence as an officer in the regiment. I design to remain in the service as long as I can do so and retain my self respect to wear the uniform of an U. S. officer and not the livery of any man.

Therefore, I appeal to you in behalf of the cause in which we are both engaged to treat me as an officer and to labor for the harmony of our regiment and not exercise the power conferred upon you to gratify your personal spite and scarafice the interests<sup>79</sup> of our country for the gratification of your political ambition.

Any hope that the rift would be repaired vanished in March, 1863, when Tappan received the long-awaited reply from General Slough. Slough informed Tappan that he could not confirm the specific incident that Tappan had related, but he added that he did not doubt it:



There were men in the Regiment so ambitious and malignant toward me that I believe the statement. Many friends in Denver informed me before we started to New Mexico that I would be assassinated--that many threats of that kind had been uttered by members of one company. . . . at the battle of Pigeon's Ranch a volley was fired at me by a part of this company. Lt. Murphy of New Mexico and Lt. I. C. Anderson will testify to this fact, hence I hid myself from that flank so as to avoid a repetition . . . I resigned the Colonelcy because I was satisfied that a further connection would result in my assassination. I am now satisfied that men now high in rank and command were at the bottom of this thing. I am<sup>80</sup> satisfied that to-day if a chance offered I would be murdered.

Slough did not mention Chivington's name, but the implication was clear to Tappan who was prepared to believe the worst anyway. Tappan was now convinced that Colorado had a monster on its hands, but he had nothing he could prove. So, he quietly tucked Slough's letter away and waited. If he were right, Chivington would show his hand again.

For the moment, Chivington was in a favored position. As the territorial hero, supported by the men of the First Regiment and the considerable population which knew him as a minister and as a Mason, his prospects were good, especially if he could get the First into action again. Tappan posed no immediate threat. He would be circumspect unless something dramatic happened, and even then, Chivington could count on the abolitionist's eccentricity to keep some from listening to him. The one thing that could undermine his position was sustained inactivity. He had to get into the field again before the people forgot Glorieta if he expected to gain the stars he wanted.

Unfortunately for him, the battle of Glorieta and the subsequent withdrawal of Sibley's forces from New Mexico effectively ended the Confederate threat to Colorado. As a result, the necessity for retaining

large numbers of troops within the Territory evaporated. At the same time, Colorado politicians were anxious for a continuation of troop enlistments as a means of insuring economic stability in Colorado. Though the war was scarcely a year old, jobbery and speculation in government contracts had become lucrative pursuits, while merchants had discovered that the troops were excellent customers. With the Confederate threat contained, the possibility that even more troops would be withdrawn from the territory for service in the east increased. Colorado's leaders sought new justifications for the continued retention of troops at home--idle though they were.<sup>81</sup>

The needed excuse came from an unexpected source in late summer of 1862. Early in August, the Santee Sioux in far away Minnesota suddenly struck the Minnesota towns with relentless ferocity. Hundreds of settlers were killed. Word of the uprising reached Colorado early in September. The new governor, John Evans, was soon on his way east to request more troops, and, in his absence, Acting Governor Samuel H. Elbert issued an important proclamation. While it was true, said Elbert, that the territory was safe from Confederate invasion, the more ominous threat of Indian uprising was so grave that stringent measures were needed for defense of the settlements. Additional troops--supported by local militia--were necessary to stave off the impending attack.<sup>82</sup>

Not everyone accepted that assessment. Colonel Jesse Henry Leavenworth, commander of the Second Colorado Volunteer Regiment, proved particularly vocal. At the outset of the war, Leavenworth, a West Point graduate and son of General Henry Leavenworth, left Colorado and went to

Washington where he secured a commission as Colonel with authority to raise the Second Colorado Volunteers. When he returned to Colorado, he found most of the troops idle and many merchants getting rich on government contracts. Disgusted with the petty politics of the territory, he became increasingly critical of the political administration. Because he desired to take the troops east to the front, Leavenworth had great difficulty in filling his regiment. As a West Pointer, he detested the territorial military establishment; as a soldier, he abhorred the maintenance of troops for the purpose of preserving the economy. "A few interested parties have been very anxious to get a large volunteer force retained in this Territory, more for speculation than anything else," he wrote, adding for good measure that "There is no more necessity for troops at this point than at Syracuse, N.Y."<sup>83</sup> On the basis of his observations on the Santa Fe road and his discussions with Indian leaders and knowledgeable officers, Leavenworth concluded that four companies--two at Fort Lyon, one at Fort Garland, and one at Camp Collins--were all that were necessary for the defense of Colorado and the overland trail. The rest, he maintained, were "to protect new town lots, and eat corn at \$5.60 a bushel."<sup>84</sup>

Leavenworth's charges had merit. The number of troops in the West had already increased substantially. Many who volunteered to strike a blow against the South found themselves on frontier outposts protecting the overland routes and preserving peace with the Indians. The diversion of volunteers to the West supplemented the troops being raised there. Despite the great demands of the Civil War, troop strength increased from

ten thousand in 1860 to fifteen thousand by the end of 1862, and the number was rising. Mustering the First Colorado Volunteers alone increased the number of troops in Colorado. Even considering the increased emigration that the war brought, a shortage of troops was not responsible for the Indian troubles. The army, indeed, was capable of launching larger campaigns than ever before against the Indians.<sup>85</sup>

It was, of course, a different army, and men like Leavenworth quickly recognized its changing character. The old army, the regular army, had stood between the settlers and the Indians. The new army was the product of the frontier and shared frontier attitudes. The old army had stood outside the frontier milieu, largely transient and cautious of frontier views. It had been explorer, scientist, roadbuilder, and policeman. The army had chastised the Indians on occasion, but it had also acted as a buffer between the Indians and the settlers. For its troubles, the regular army had won the animosity of the settlers, who blamed it for hostilities they provoked and damned it for standing in the way of America's destiny. The forces now wearing the blue on the frontier, by contrast, were largely western in origin, and took a harder view of the Indian problem than the old army. The new army was also more aggressive as well as less attentive to the Indian point of view. In case of conflict, its biases were clearly with the settlers.<sup>86</sup>

For the moment, the army in Colorado was an idle army. Still, the cry for troops continued, and the territorial officials kept alive the fear of Indian uprising. In the process they complicated Indian

affairs. The Civil War left Indian matters in the hands of minor officials at a critical point. It left frontier defense in the hands of volunteers, mostly inexperienced civilians who blundered their way through the war. The conflict bred ambition in men who should have spent their lives busting prairie sod or excoriating sinners. It interrupted transportation and communications and created economic crises. The task of maintaining peace on the south-central plains would not be an easy one.

## CHAPTER IV

### A QUESTION OF PRIORITIES

When Governor John Evans stood on the balcony of the Tremont House in Denver on the evening of his arrival in Colorado Territory, and spoke to the crowd that gathered to welcome him, he talked about the necessity of railroads for Colorado's growth and predicted a bright future for the farming regions in the South Platte and Arkansas river valleys.<sup>1</sup> Evans brought to his new task political ambitions and dreams of a transcontinental railroad on a route through Colorado. Armed with administrative ability and a wide range of interests, he promised to be a good governor.

John Evans was an Illinois physician who gave up medicine for more lucrative prospects in real estate. A man of high personal integrity, he was an influential lay leader in the Methodist Church and one of the founders of Northwestern University. Evanston, Illinois, was named for him. In the 1850's, he embraced the twin causes of abolition and railroads. In the service of both, he became interested in political affairs and was an early convert to the infant Republican party. In 1860, he ran for Congress, but he devoted most of his time to Abraham Lincoln's campaign for the presidency. Evans lost his own race, but his

efforts on behalf of Lincoln made him a likely recipient of presidential patronage. He was offered the governorship of Washington Territory, but he declined the appointment because of his business interests.<sup>2</sup>

When Governor William Gilpin's removal seemed certain, Evans actively sought his position as governor of Colorado. With the support of Bishop Matthew Simpson, who carried considerable weight in patronage decisions, James Harlan, a leading Methodist senator, Lyman Trumbull, and others, his efforts were successful. In May, 1862, Evans arrived in Colorado. Prospects in the new territory impressed Evans. He saw enormous economic opportunity. Developing that opportunity became his top priority, but his dreams and ambitions for Colorado depended in large measure upon a solution to the "Indian question."

Evans confronted the problem almost at once. Only two days after his arrival in Denver, he witnessed a victory dance of a Cheyenne and Arapaho war party returning from the mountains with six Ute scalps. The next day, Evans visited his new charges at their camp. Remembering the grisly trophies of their raid, he lectured them on the senselessness of their continuing war with the Utes. His well-intentioned concern fell on unresponsive ears. The Cheyennes and Arapahoes interpreted his words as an indication of his favoritism for the Utes. Evans reinforced this perception the following day when he received a delegation of Utes and parleyed with them. For a brief moment, a skirmish seemed imminent right there, but Evans managed to keep a fight from erupting. Afterwards, the Utes advised Evans that "the best thing that could be done with an Arapaho or a Cheyenne was to kill him."<sup>3</sup>

If Evans emerged from that first encounter with the Indians of Colorado with something less than full confidence or admiration for them, the Indians left suspicious and wary of him. The incident was unfortunate, however, primarily because it seemed to confirm Evans's perception of the Indians. Virtually all of his economic plans for the territory depended upon a solution to the problems of Indian relations, but Evans never really appreciated the complexity of the situation. With no prior experience in Indian affairs, he relied upon mid-nineteenth century conventional wisdom regarding the Indians. He saw the "Indian problem" as a simple question of American growth. The Indians had to give way.

As a kindly man, Evans was inclined to be fair, but his attitudes were also dominated by paternalism and a sense of mission. This combination caused him to ignore the cultural chasm and to regard Indian protests as unimportant. The Indians, he believed, had to be taught the "proper doctrine" which was "that they had a right to hunt on the land, but that right must be subject to the higher occupation of the land for a larger population and for civilization."<sup>4</sup> Given these attitudes, his reactions to the reports of the agents and his political allies in Colorado were predictable.

Although many of his plans for Colorado impinged upon a satisfactory solution to the question of Indian land rights, Evans did not initially take this controversy seriously. When Colorado's political leadership assured him that the immigration would eventually settle the land question, he readily agreed. Indeed, when white settlement pushed eastward into the South Platte valley, even the two Indian agents, Samuel



Colley and Albert Boone, recognized the preemption of lands north of the South Platte as a fait accompli.<sup>5</sup>

Early in July, 1862, after a quiet spring, rumors of Indian raids along the Platte, created panic in the Colorado settlements. Although the reports proved false--manufactured by settlers who hoped they would lead to the removal of the Indians from "their" lands--a detachment of cavalry under Colonel Leavenworth took the field. Governor Evans joined the expedition to see the Indian problem first hand. At an Arapaho camp on the Platte, the governor conferred with the chiefs and convinced them to leave the area temporarily. After the council the Arapahoes entertained Evans with a feast and a dance by young maidens "dressed as Eve when she ate the apple," while the residents of Denver were still "look[ing] out for a big thing, as the operators say, and for scalps, and squaws as trophies of the great engagement."<sup>6</sup>

Evans returned to Denver, wiser in his understanding of the vagaries of frontier rumors. The people relaxed, but the Rocky Mountain News suggested that "the alarm has shown our weakness in a military point of view, if an emergency should arise." Clearly, the mood in Colorado was growing less tolerant, and when an altercation occurred near Denver in which a man was severely beaten, the News flatly declared that "Such outrages have gone far enough; it is time the red skins learned to behave themselves, they are paving the way for extermination faster than nature requires, and need another General Harney to 'regulate' them."<sup>7</sup>

Governor Evans did not share or even understand the nervousness and anger of the white citizenry. He still believed that the Indian

problems could be handled without a violent uprising. At midsummer of 1862, having disposed of political and legislative problems that he deemed more important, Evans turned his attention to Indian matters. He presented a program to the legislature which he believed to be even-handed and fair. His plan emphasized the importance of extinguishing the Colorado land claims of the Utes, Comanches, Kiowas, and Apaches, and he urged the legislature to ask Congress to initiate treaty negotiations with those tribes. He did not recommend similar negotiations with the Cheyennes and Arapahoes. Clearly, Evans assumed that the Treaty of Fort Wise had settled their claims. His policies toward them were designed to remove all of them to the Sand Creek reserve.<sup>8</sup>

Once the Cheyennes and Arapahoes were confined there, Evans hoped to implement a three-fold plan. First, he planned to alter tribal structure by making a few chiefs responsible for the actions of their entire tribes. Second, to destroy communal land rights and thus the nomadic life of the tribes, he proposed an allotment of land to each Indian family and the active encouragement of farming and stock raising. Finally, he hoped to "civilize" the Indians through the education of Indian children. Evans wrote Commissioner Dole that civilization could come only "by suspending the wild influences of their aboriginal state and condition in their children."<sup>9</sup>

These policies contained little not already proposed for the Cheyennes and Arapahoes in the Treaty of Fort Wise. His insistence upon dealing with a few chiefs, the notion of allotment, and education were all standard fare in discussions of Indian policy. In practice, however,

Evans made little effort to enforce his plan of concentration. Nor did he view the December 6, 1862, deadline for extending the terms of the treaty to the non-signatory bands as important. Instead, Evans applied a wholly new interpretation to the troublesome sixth article of the Fort Wise treaty. He assumed that all of the lands belonging to the Cheyennes and Arapahoes (of whatever band or geographic location) under the treaty of Fort Laramie had been ceded at Fort Wise; it only remained to determine whether the Cheyennes and Arapahoes who were not parties to the signing of the treaty would derive "benefits" from it. He concluded that Article VI "requires all of them to report themselves there [the Sand Creek Reserve] by the 5th of December, next, under forfeiture of their rights under it [*italics added*]." <sup>10</sup>

Evans's whole program rested on this assumption that the treaty was binding on all the Cheyennes and Arapahoes. The deadline was merely an administrative detail. Once that date passed, all of the Cheyennes and Arapahoes would be bound to accept the Sand Creek reservation without the special benefits promised to the signatories. His task, as he saw it, was to enforce that interpretation once the deadline passed. Dole recognized the dangers inherent in Evans's approach and cautioned him against moving too rapidly toward concentration. Evans retorted that he was merely trying to fulfill the provisions of the Fort Wise treaty. In fact, Evans received little support from Washington. Congress had still appropriated no funds for putting the Treaty of Fort Wise into effect, and Commissioner Dole advised Governor Evans that implementing the treaty would have to wait until funds were available. In the meantime, Evans

was left to his own devices in placating the Indians and temporizing the settlers.<sup>11</sup>

In August, 1862, John Evans left Colorado to attend a meeting of the board of directors of the Union Pacific Railroad and to take care of other business matters in the East. At Chicago, Evans worked for support of a Colorado route. He won few concessions, but left the meeting with an optimistic outlook. The future looked promising.<sup>12</sup>

Then, word reached Chicago of the bloody Sioux uprising in Minnesota. Frightened by its implications, Evans visited Washington to plead for more troops to be used against the Indian threat. When he returned to Colorado in the fall, he found the Second Colorado Regiment still garrisoned in the territory, and the First Regiment returned from New Mexico. Orders to mount the First as cavalry soon followed. In view of this, Evans assured Dole in October that "we have but little danger to apprehend from Indian hostilities. . . ."<sup>13</sup>

The Minnesota tragedy awakened Evans to the potentially dangerous situation in Colorado. Recalling his tenure as governor many years later, he asserted his belief that the Indian troubles which developed in Colorado were "the legitimate consequence of the teaching of Little Crow, the head of the Siouxs [sic] in Minnesota, and not from any local contest that we had with the Indians, because the settlers generally treated them pretty nicely, and did the best with them that they could."<sup>14</sup> Yet, despite frantic warnings in the press about the "perfidious influence on the Sioux" and reminders that the Minnesota Sioux had been "friendly," Evans attempted to maintain an even-handed policy. He

did not panic, and even his reference to "ample military protection" in his annual report did not reflect a capitulation to fear on his part.<sup>15</sup>

Indeed, at the end of the year, Evans was prepared to further reduce the military forces within the territory. He offered to send Colorado's idle troops east to the front. This gesture elicited an immediate response from Colorado's business community who protested vigorously:

Were the troops removed, we fear the Indians would take advantage of their absence to renew, in our midst, the horrors of the Minnesota massacre. And at any rate the fact that there were not troops here sufficient for our protection, would greatly retard emigration and materially effect the prosperity of the Territory.<sup>16</sup>

Even then, Evans was unimpressed. He flatly rejected the idea of maintaining troops for economic reasons and stated that three companies of cavalry and one of infantry were sufficient for the defense of Colorado. With three companies more at Fort Union and four more volunteer companies, Colorado would be adequately protected. He played down predictions of Indian troubles and predicted a quiet year. The News supported Evans in this view arguing that "It is useless to think of retaining twelve hundred cavalry and still a greater number of infantry, lying here comparatively idle."<sup>17</sup>

While he resisted pressures from worried citizens and anxious businessmen, Evans proceeded toward the removal of the Indians from the South Platte. Early in 1863, Evans wrote former agent, Albert G. Boone concerning the Fort Wise treaty. He inquired specifically about communal land rights and asked if the Cheyennes and Arapahoes who signed the

treaty understood that they were surrendering all the lands awarded to them in 1851. Boone responded that "the country known as belonging to the Cheyennes and Arapahoes on the Arkansas was held in common and all of each and every band hunted where they choose [sic] on said land." He also told the governor that he had been authorized to make the treaty over the heads of those who did not attend the council, and that the Indians ceded all their lands except the Sand Creek reserve.<sup>18</sup>

Boone's letter confirmed the existing interpretation of the Fort Wise treaty, since Boone identified the groups with whom he dealt as "the Cheyennes and Arapahoes on the Arkansas," but Evans chose to use the letter as a confirmation of his own interpretation. He ignored Boone's explicit reference to the Arkansas bands and used only that portion of the letter which emphasized communal land rights and Indian agreement to cede all of their lands. On this shaky foundation, Evans prepared to crowd all of the Cheyennes and Arapahoes onto the Sand Creek reservation, insisting that those tribes "inhabited the country and owned it in commons on the Platte and Arkansas." He requested permission from Washington "to use the authority of the treaty provisions for the Platte bands (which are small) to call them to their Reservation saying their country has been ceded &c." He expressed optimism that "these poor Wanderers over a country to [sic] large for them to traverse in a year" would "quietly accept under the Treaty if the Department will aid in the matter."<sup>19</sup>

Evans apparently assumed that the treaty settled the issue insofar as the Cheyennes and Arapahoes were concerned because he

immediately shifted his attention to extinguishing the claims of other tribes in the region. He ordered Samuel Colley, the agent for the Upper Arkansas, to gather a delegation of Comanche and Kiowa chiefs and escort them to Washington to negotiate a treaty with Commissioner Dole. Almost as an after thought, he suggested that Colley include some of the Cheyennes and Arapahoes to impress them with federal power. Colley hurriedly put together the trip. He managed to locate a respectable group of Kiowas, a pair of Comanche chiefs, one Apache chief, and one Caddo refugee from Texas. This carelessness extended to the Cheyennes and Arapahoes. Colley ignored the most important leaders, including non-signatory chiefs. Because they were close by, he invited War Bonnet, the Oivimana head chief, Lean Bear, an Isiometannui council chief, and Standing-in-the-Water, a soldier chief of the Elkhorn Scrapers, to represent the Cheyennes. Left Hand, the Arapaho chief, was told about the trip, and he hurried to Fort Lyon from Denver only to find that the party had departed without him. At Lyon, he found the thoroughly disgusted Little Raven who was no incensed that Colley would not wait for Left Hand that he refused to make the journey. Spotted Wolf and Neva, Left Hand's brother, were the only Arapahoes to join the delegation.<sup>16</sup> To make matters worse, Evans added insult to injury when he received a Ute delegation (also bound for Washington) with much fanfare.<sup>20</sup>

Evans's insensitivity to native protocol and his high-handed approach to the land question combined with Colley's slipshod methods in putting the delegation together to guarantee the failure of the trip. Dole did negotiate a treaty with the Comanches and Kiowas, but the United

States Senate never ratified it.<sup>21</sup> The chiefs were impressed with Washington, and they attracted some attention whenever they appeared on the streets. Once, the residents of the city almost had a chance to see a real fight when the Ute delegation bumped into the plains delegation outside the Indian Office.<sup>22</sup> The chiefs were feted and dined, introduced to the president, and photographed. Before returning home, they visited New York where they were feature attractions at P. T. Barnum's "museum" until they realized that he was using them to make money.<sup>23</sup> Evans did accomplish one thing, however. The Cheyenne and Arapaho chiefs came home convinced that resistance to the whites would be futile. Lean Bear, who had impressed Washingtonians with his intelligence and dignified bearing, and the other Cheyenne and Arapaho chiefs might have despised Evans and Colley, but they understood power.

While the delegation toured the east, Governor Evans stepped up his campaign to implement his plans to clear the Indians from Colorado. Unfortunately, just at that point, his plans ran into unforeseen difficulties. The federal courts, forced to interpret the land clauses of the Treaty of Fort Wise, could find no basis for claims that the Cheyennes and Arapahoes had ceded the lands north of the South Platte. Since this region contained most of the settlements, federal officers found themselves in an awkward situation. On December 9, 1862, Samuel E. Browne, United States District Attorney for Colorado Territory, seeking to clarify the question for his own office, had written to the Secretary of the Interior complaining of the failure of the Boone treaty to define the boundaries of the ceded lands. Explaining that this situation was



creating problems in the prosecution of cases in federal courts, he asked for a clarification of the boundaries of the cession. Until he was better informed, Brown said that he would assume the lands north of the South Platte to be under federal jurisdiction as unceded territory.<sup>24</sup>

Receiving no answer to his query, Browne wrote Commissioner Dole, early in February and requested "explicit information" regarding the boundary dilemma to prevent federal law from "being hamstrung."<sup>25</sup> Dole examined the papers of the Interior Department and the General Land Office relating to the Fort Wise cession, and advised Browne that the official records, including maps prepared at the time of the treaty, confined the cession to those lands "extending from the South Platte to the Arkansas."<sup>26</sup> Armed with this authority, Browne immediately halted land survey north of the South Platte and had the boundary limits published in the newspapers of the territory (most of which were published in unceded territory).<sup>27</sup>

When Dole's decision was published in Colorado, it caused an immediate uproar. Evans was stunned. If Dole's position held, his program to concentrate the Indians was jeopardized and the very territorial organization in doubt. He quickly challenged Dole's interpretation, warning the commissioner that unless the land question was "at once adjusted we are liable to have an Indian war on our hands." Evans reported depredations and troop activity on the Cache la Poudre and claimed that the Indians were making plans to drive the whites "off of what they claim to be their lands."<sup>28</sup>

Evans implied that Dole's correspondence with Browne had produced this state of affairs. Citing the treaty language and his own correspondence with Boone, Evans declared that he could find no evidence to support Dole's "new interpretation." Dole's decision, he said, placed all of the mining area and most of the settlements, except Denver and a few agricultural settlements, beyond territorial authority and in a "state of anarchy." To believe that the south fork of the Platte formed the northern boundary of the cession was ludicrous, if not preposterous, Evans felt, especially in view of the small numbers of the Indians involved and the "enormous sum" of money granted under the treaty. The alternative, he said, was to place all of the Cheyennes and Arapahoes under the treaty of 1861. Reminding Dole of the volume of gold coming out of the mines, he asked Dole to reconsider. "I beseech you in the name of humanity and our dearest interest," he concluded, "to give us authority to avert this threatened repetition of the Minnesota war. . . ."<sup>29</sup>

The governor's frantic appeal was soon reinforced by letters from other Colorado officials. Hiram Pitt Bennet, the territory's representative in Congress, expressed surprise at Dole's position and pointed out that "More than half of the people of Colorado Territory reside . . . on the unceded lands of the Arapahoes & Cheyennes."<sup>30</sup> Benjamin F. Hall, chief justice of the territorial supreme court, asserted that the treaty "was made in utter ignorance" and demanded "more care for the interest of civilization."<sup>31</sup> Francis M. Case, the surveyor general for Colorado, advised his superior, J. M. Edmunds, Commissioner

of the General Land Office, that he was proceeding under Dole's interpretation, but pointed to the Fort Laramie treaty's definition of Cheyenne and Arapaho lands as being bounded on the north by the north fork of the Platte. "A settlement of this question of Boundary will be necessary before the Land office is opened as some of the best land in the country is in the disputed territories & now ready for market."<sup>32</sup>

Under pressure, Dole wavered and then collapsed. In spite of the evidence and without considering the Indians' understanding of the treaty, Dole reversed his earlier opinion, and dropped the whole matter in Governor Evans's lap. He had to justify his action, however, in order to erase the clear understanding of both the Indian Office and the Indians in 1861. Using the Treaty of Fort Laramie (which the Cheyennes and Arapahoes had never ratified in its amended form) as authority, Dole blamed the confusion on William Bent who had provided the Office of Indian Affairs with "insufficient data." His letter to Evans waffled on every point, proved embarrassingly ambiguous, but eventually concluded that the Fort Wise treaty ceded all of the lands of the Cheyennes and Arapahoes, "wherever situated." He agreed with Evans that the amount of money was too great for the number of Indians involved and concluded that "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." He instructed Evans to "adopt such a kind of policy as may be found expedient."<sup>33</sup>

This incredible maneuver shifted responsibility for the situation in Colorado, but making William Bent the scapegoat was far from convincing. In May, Dole wrote District Attorney Browne that "the action

of this office heretofore, touching the matter in question has been based on data received from various sources deemed reliable, but it now seems probably that such data was not well founded and that consequently the action of this office in reference thereto may have been erroneous."<sup>34</sup>

Browne was astonished. He pointed out Dole's inconsistency in saying that the treaty applied to all of the Cheyennes and Arapahoes, on the one hand, and ordering Evans to enter into negotiations with the northern bands, on the other. He scoffed at the notion that Bent was responsible for misinforming the government and at Dole's conclusion that there was no division within the tribes. "You certainly know better by the records in your office. The tribes north of the Platte are in a different agency from those South. They do not range together and have nothing in common except their names. Provision is made in the treaty for them to come in and unite with their brethren, but they have not done so. They have been notified of the terms of the treaty and know its provisions as well as you or I."

Browne then went to the heart of the matter. The Indians, he said, "claim the lands north of the S. Platte and always have. Why not then say at once that these lands have not been ceded to the U. S. [,] treat for them at once as you may easily do and settle the question of jurisdiction?" Browne's primary concern was law enforcement, and he charged that Dole's decision made it possible for lawbreakers to "escape from justice on a quibble about the rights of a worthless, lazy, thieving tribe of Indians." His letter had scarcely left Denver when Chief Justice Hall received a letter from Dole, explaining that the Treaty of

Fort Laramie formed the basis for his decision. That set Browne off again. He pointed out that the Fort Laramie treaty was not a treaty of cession. "The Boone treaty is the only treaty of cession ever made with these Indians. The terms of the treaty itself precludes the idea that all these bands united in the treaty." The way to avoid trouble, he said, was to adhere to the original interpretation and negotiate a new treaty for lands north of the South Platte. If Dole changed to the new view, he warned that "we may have trouble with these bands."<sup>35</sup>

Browne's warning was prophetic. With the sweep of a pen, Indians who had not been treated with for land became transgressors on lands they had never ceded. Dole compounded the government's original error in 1861 with a unilateral change of policy which was arbitrary, inconsistent with federal policy, and certain to cause additional problems with the Cheyennes and Arapahoes. The recalcitrant attitudes of the northern bands and the restlessness of all the tribes on the central plains, coupled with rising economic distress, idle troops, and the pressure of settlement north of the South Platte, insured a confrontation, if not the war John Evans feared.

Governor Evans chose the course most likely to provoke hostilities. He did not, however, deliberately seek a war. Dole's letter to Browne in February apparently caught him by surprise. He obviously believed his interpretation was the correct one, and when Dole sustained Browne's view, the governor saw his entire program jeopardized. At that point the Minnesota tragedy suddenly loomed more ominously than before, especially after the usual spring clashes began to occur. Evans was

still new to Colorado, and he did not understand that increased Indian movement came naturally with spring. After the ravages of winter, they asserted their claims to hunting territories and replenished their horse herds in the traditional way. Unfortunately, that usually led to encounters with settlers. Such incidents were troublesome, but they did not signal a general uprising.

As the spring passed, however, even more knowledgeable observers became worried. Reports from the north indicated that the Minnesota uprising had spilled over into the Dakotas and that General Henry Hastings Sibley and General Alfred Sully were already in the field.<sup>36</sup> Rumor had it that the Sioux had sent runners to confer with their traditional allies, the Cheyennes and the Arapahoes. In March, Lieutenant George Hawkins, investigating reports of depredations on the Platte, found no hostiles but did report that "the Indians talk very bitterly of the whites--say they have stolen their ponies and abused their women, taken their hunting grounds, and that they expected that they would have to fight for their rights."<sup>37</sup> Rumors persisted through the spring that a war alliance had been struck. In May, when word of a "secret war council" of Sioux, Cheyenne, and Arapaho leaders would be held north of Denver, even many veterans of the plains became worried.<sup>38</sup>

In fact, nothing quite so sinister had taken place. The Santee Sioux under Little Crow had been defeated and expelled from Minnesota. Military authorities in that quarter, responding to the fears of settlers in Minnesota and the Dakotas, had ordered Sibley and Sully west to mop up any remaining Santee resistance and to overawe the western Sioux in order

to prevent them from joining the uprising. Not until July, 1863, did Sibley's forces encounter significant resistance, and then only after an unfortunate misunderstanding at a parley in which an army surgeon and several Sioux leaders were shot.<sup>39</sup> The "great war council" which frightened Coloradans was actually only the annual gathering of the tribes preparatory to the great summer hunts. That year, the Brule Sioux invited the Cheyennes to their Sun Dance, and Slow Bull, a Dog Soldier, pledged a Cheyenne Sun Dance as well. These activities brought the Brule Sioux, the Dog Soldiers, and most of the other manhao of the Southern Cheyennes together on the Republican River to be joined by the Southern Oglala Sioux as well. After the Cheyennes held their Sun Dance and the Brules completed their sacred rights, the Dog Soldiers moved with most of the Cheyennes to Beaver creek to conduct their own Sun Dance. These activities formed the basis for the rumors that had John Evans and others nervous, but, at that point, none of the groups on the Republican had any serious intention of fighting the whites for the very simple reason that their independence remained unthreatened.<sup>40</sup>

Still, the situation did demand a cautious, carefully conceived policy. The summer of 1863 was a dry one. Many of the creeks dried up, and at places even the Arkansas was scarcely a trickle. Hunting was poor, and diseases ravaged the Southern bands in particular. The northern Sioux were restive, and conditions on the overland routes were volatile. These conditions argued for patient, careful planning. Instead, policy seemed disjointed and haphazard, if not downright calloused. An army surgeon named John J. Saville, who saw the situation on

the plains first hand, was outraged by the "strange and most unaccountable disregard for the feelings and wishes of the Indians."<sup>41</sup> Saville saw the sickness and hunger which already marked the Indians near the agencies, and he listened to the grievances of Left Hand and Neva, the Arapaho leaders. Their bill of indictment was sweeping.

First, Left Hand said that he did not know the terms of the Fort Wise treaty and insisted that it was not valid without his consent. Second, Neva expressed his contempt for John Smith, Colley's interpreter, reminding Saville that he had personally told Governor Evans that Smith was unacceptable to the Arapahoes. Third, Left Hand, was still angry because Colley had not waited for him in March as he had promised. He believed that he had not been taken to Washington because "he could speak English with 'The Great Father' and tell him how his agents and John Smith had cheated them." Fourth, he accused the whites of breaking their word. He had agreed to stop raiding against the Utes in exchange for protection from them, but when a Ute war party struck the Arapahoes within sight of Fort Lyon the commander made no attempt to stop the fight and expressed no knowledge of an agreement. Finally, Left Hand swore that Colonel Chivington had burned a small Arapaho camp on the Platte.<sup>43</sup>

The charges of Left Hand and Neva were open to question, but they did reflect the Indian point of view. Governor Evans never grasped the importance of understanding and weighing the feelings and wishes of his charges. He did not take their grievances seriously. He ignored Indian culture, refused to learn, and this arrogance led him into serious miscalculations. Two years after the Treaty of Fort Wise, no funds had



been appropriated to put it into effect, the reserve was barren of game, and the few Indians who were there were destitute. Yet, he proposed to force all of the Cheyennes and Arapahoes onto that desolate strip of land in direct contravention of their laws and in spite of their opposition. He underestimated their determination not to surrender their lands on the Platte. He simply assumed that the Indians had to give way, and he convinced himself that they would yield to federal authority.

Beyond the rhetoric and legalisms lay the more elemental reality: the Indian problem in Colorado was cultural not legal. The basis ingredient of the "land question" was not Indian title to the land, but Indian occupation of the land. The Cheyennes and Arapahoes were hardly more than observers of changes that made them aggressors in their own country. They did not fully understand the business of land ownership. Only a few leaders had ever been exposed to the idea, and fewer still were parties to the Fort Wise agreement. What they objected to was white intrusion into their life way, white disruption of cultural patterns. The Indians objected to the treaty, not because the signatories surrendered vast amounts of land. They objected because they were expected to give up the old life they had known, abandon the chase, and confine themselves to a single, barren spot. No six chiefs could compel them to do that. If the Cheyennes and Arapahoes truly understood the treaty-making process and its implications for their way of life, then that understanding resulted from the knowledge that white preoccupation with land and settlement spelled destruction of their culture. Consequently, the development of Indian opposition to the Fort Wise treaty rested on

nothing more complicated than the will to survive as a people. If, in the process of grappling with white society, they found themselves jealously defending territories they occupied, they did so within the context of plains Indian culture or as a direct result of white persistence in demanding Indian land.<sup>44</sup>

The issue was concentration versus the right to roam at will.

John Evans demanded the one thing that the Indians could not accept--the consolidation of all the Cheyennes and Arapahoes on the Sand Creek reservation. Evans never took land title seriously, except when Browne and Dole forced him to consider it. Two hundred years of white expansion decreed that settlement was inevitable. He was quite willing to grant the Indians some land, but he rejected the idea that they had any legitimate claim to large tracts of land. He criticized the treaty system precisely because it implied Indian ownership of land. Ironically, at a time when federal policy under Dole was reasserting the treaty concept, Evans took the position that Indian desires were unimportant if not totally irrelevant.<sup>30</sup>

Evans's priorities were clear. First, he wanted to protect the lives and property of settlers who had a "higher purpose" for the land than "a few bands of roving savages." Second, he hoped to encourage the economic growth of Colorado. Resolution of the Indian question would hasten the economic expansion and enhance the possibility of a transcontinental railroad on a Colorado route. By interpreting the treaty of Fort Wise to include all the Cheyennes and Arapahoes, he could move to clear the prospective route and force the Indians to accept a smaller

area than their numbers justified. He was willing to help them become farmers or ranchers, but he was determined that they would learn these pursuits on lands other than those wanted by whites.<sup>45</sup>

The debate in 1863 proved a stroke of remarkable good luck for Evans. It provided him with an opportunity to clear up the legal questions. It enhanced his political image in Colorado. And it afforded a defense against any charges that Indian rights were being violated. Once Dole acquiesced in his interpretation of the Treaty of Fort Wise, Evans was vindicated, and the governor could pursue his object--the removal of the Indians. He still needed to secure their signatures as though he were negotiating a new treaty. If he succeeded, he would concentrate all of the Cheyennes and Arapahoes without further land concessions; if he failed, the way was left open to force them to accept the Sand Creek reserve on the grounds that they had violated the Treaty of Fort Wise.

The controversy with Dole hardened the attitudes of John Evans. Before the issue arose, Evans seemed confident of his ability to resolve the land question peacefully, and he tended to play down the issue of military preparedness. Afterwards, he joined other officials and the business interests of the territory in demanding a strong military presence in Colorado. Perhaps he believed the argument would strengthen his hand with Dole. Perhaps he finally came to accept the arguments of his political associates and succumbed to the pressure of those elements which depended upon government contracts for economic survival. Perhaps for the very first time, he realized that the Indians were not going to passively accept his plan for them. Whatever the case, in May, 1863,

when reports reached Denver of the "secret council" involving the Sioux, the Cheyennes, and the Arapahoes north of the South Platte, he abruptly changed his posture on the withdrawal of troops from Colorado. From that point on, he opposed any reduction in military personnel.<sup>46</sup>

Evans soon learned that Dole's capitulation did not remove all of the obstacles in his way. His plans required money, as Dole frequently reminded him, but the annuities promised under the Treaty of Fort Wise still had not arrived after two years of waiting. Congress had not appropriated the funds needed to carry out the most basic treaty provisions. The reservation was not ready to be occupied even if the Cheyennes and Arapahoes did agree to his terms. To make matters worse, the Cheyennes and Arapahoes most important to his plans took their annuities from the Upper Platte Agency at Fort Laramie. The Upper Platte Agency was part of the Central Superintendency, not Evans's Colorado Superintendency. That complicated the logistics of the negotiations.<sup>47</sup>

If those problems were not enough to undermine his resolve, Evans had to depend on agents who were not only inept but also probably corrupt. The Indians distrusted both John Loree and Samuel Colley, agents of the Upper Platte and Upper Arkansas respectively. The Indians insisted that Loree defrauded them, and an officer who was at Laramie observed that "he did not stay around the agency, and confined his time and services, as was said, to keeping in a safe place, and drawing his salary."<sup>48</sup> Yet, while he lacked the confidence of both Indians and whites, Loree was the best of the agents involved.

Samuel Gerish Colley acquired his post because he was Commissioner Dole's cousin. He knew nothing about Indians when he arrived in the territory, and he made little effort to learn. Almost from the moment he arrived in Colorado, rumors flew that he took more from the job than he gave. As early as 1862, Governor Gilpin had complained that Colley had interests other than his official duties. In 1863, his son, Dexter Dole Colley, arrived at the agency to become the agency's official trader. He soon entered into a lucrative partnership with John Smith, the agency interpreter. The livestock and buffalo robe operations proved profitable. William Bent claimed that trade contracts with the Indians netted profits of \$25,000 in three years for Colley and Smith.<sup>49</sup>

The most serious charge against Samuel Colley was that he conspired with his son and Smith to trade the Indians their own annuities. Colley denied the charges, and the testimony of men like William Bent may have been colored by the realities of competition. Still, the Indians believed the charges, and a number of persons who were at Lyon during Colley's tenure insisted that they were true. Julia S. Lambert said that Colley's wife sold annuities to the wives of the officers stationed at Fort Lyon and pies made from Indian goods to the soldiers.<sup>50</sup> John T. Dodds said that prominent chiefs like Black Kettle, Lean Bear, Left Hand and Little Raven regularly complained that Colley sold them treaty goods.<sup>51</sup> A private stationed at Fort Lyon, claimed that some of the annuities were sold in Denver and reported that John Smith boasted about the lack of risk in the trading operations since the goods were free.<sup>52</sup>

Yet, the lackluster performance of the agents owed more to ignorance than to fraud. With little direction from above and less inclination to learn anything about their charges, they never succeeded in understanding them or winning their respect. Both men learned grudgingly along the way and occasionally saw the issues more clearly than their superiors. Loree and Colley lacked initiative and stamina to actively pursue the object which Evans demanded. He would have to push and shove them every step of the way.

Ironically, the governor's most troublesome personnel problem developed precisely at the moment he was preparing to put his plan into action. Early in 1863, John Palmer Usher replaced Caleb Smith as Secretary of the Interior. Usher numbered among his friends and cronies a quarrelsome hoosier named John W. Wright. Wright was a former judge, banker, and free-soil politician. In the fifties, his opposition to the extension of slavery became so fervent that he declined a seat in Congress to meet slavery on the firing line in Kansas. He served as a member of the Kansas territorial legislature and appeared in Colorado long enough to make life miserable for Agent Albert G. Boone.

By 1862, Wright was back in his old haunts in Logansport, Indiana, where he had once served as mayor. He was already speculating in railroad stocks and other business ventures with his friend Usher, but his fortunes were far from prosperous. Aside from frequent speeches on the glorious future of the Union cause, he found himself at a low ebb. Then Usher was appointed Secretary of the Interior. By April, 1863, Wright had arranged a contract to survey the Sand Creek reservation for

small far and irrigation facilities. On May 13, 1863, Wright and Usher signed a contract at Indianapolis, and before the month was out, Wright was on his way to Colorado.<sup>53</sup>

Wright had no experience as a surveyor, and he hired James M. Clements of Newcastle, Indiana, to do the actual work. He would supervise and give Clements an appropriate share of the fees. The cozy arrangement between Wright and Usher was consummated without the knowledge of Commissioner Dole, who apparently learned of it from Wright himself. Some difficulty existed between Dole and Wright from Kansas days, which cast doubt on the ability of the two men to work together.

Wright, for his part, assumed that everyone would jump at his command. Officiously, he demanded that Colorado officials have everything in readiness for him. That was the first snag. He requested all the plat books, field notes, and maps of previous surveys taken under Evans's instructions in 1862, and he assumed that these records were in Colorado. They were not. Evans had sent them to Washington.<sup>55</sup> Incensed by the tone of the interloper and unprepared to divert his attention from the treaty negotiations, the governor balked. He advised Wright that "it will require some time to get ready for the Surveys you have contract to make as the partition of the land to the Indians in severalty requires an enumeration & as there are a portion of the tribes who have not yet accepted the provisions of the treaty."<sup>56</sup>

Wright refused to take no for an answer. He arrived at Fort Lyon with a sixteen man crew and flew into a rage when Evans was not there to meet him. "You were instructed to meet me here," he fumed,

"this you have failed to do. . . . I have written to Mr. Usher to order you to send the plats &c." Wearily, Evans, explained that the plat books had been sent to Washington, and added, for good measure, that he had still received no confirmation of Wright's appointment. He attempted to explain that the treaty negotiations would be necessary before plans for dividing the land could be carried out. Regarding the treaty council, he told Wright, "If it is not held & a Satisfactory arrangement made it will be utterly impossible to avoid a bloody Indian war on its account; at least that is the opinion of those best qualified to judge."<sup>57</sup>

That made an impression. The rhetoric began to cool, and Evans reluctantly agreed to permit the survey, believing that changes could be made later if his treaty plans materialized. The process would be more expensive that way, but at least he could get on with the negotiations. That was as far as Evans was willing to go. He refused to give Wright anything definite to work with, and his uncooperative attitude heightened Wright's antagonism toward him. The plat books did not arrive from Washington until August. While Wright and his crew simmered at Fort Lyon that summer, he cultivated the friendship of Agent Colley and his son, Dexter D. Colley, and watched the developing situation on the central plains. He did not like what he saw, and he conveyed his views to Usher regularly.<sup>58</sup>

The continued quarreling between Wright and Evans prompted Usher to intervene with another lucrative plum to help Wright salve his wounded pride. The judge was appointed a special agent to the Caddoes--a southern tribe forced out of Texas and the Indian Territory by the Civil War.



For his additional responsibility Wright was paid five dollars a day plus travel and expenses (substantially more than regular agents received).<sup>59</sup> Even that failed to settle the dispute. Evans complained that Wright refused to work through him as Superintendent of Indian Affairs for Colorado and harped on the unnecessary expenses of Wright's operations.<sup>60</sup> The situation was an unfortunate one. Not only had Evans made an enemy of Wright, but the quarrel had also undermined his relationship with the Secretary of the Interior.

Despite these diversions, Evans set the date for his conference with the Cheyennes and Arapahoes. He would meet with them at a place to be determined on September 1, 1863. On June 23, he informed Agent Colley that "you and Maj. Loree of Fort Laramie are associated with me in a commission to make a treaty or contract with these tribes to satisfy them and induce them to settle on the reserve." He told Colley to keep Judge Wright busy if he could, but added that "If we do not conclude a new treaty of acceptance with the Arapahoe and Cheyenne Inds. there is no need of Surveys & until we do we can not tell how to divide the land."<sup>61</sup>

The next day, Evans met with a group of northern Arapahoes and reported to Dole that "they agreed to meet in conference or council but would not agree to go to the Arkansas to settle." Still, he expressed "little fear" of the Arapahoes. On the other hand, he was confident that the Cheyennes were "meditating war." and were "quite likely to refuse to council." He did not expect that they would talk with him, and he promised, "I shall be vigilant and careful."<sup>62</sup>

As July approached, the reports from Loree and Colley were disappointing, so Evans turned to the traders as emissaries to the tribes. Elbridge Gerry, long time trader in the area, Antoine Janisse, a trader who had married a Sioux woman, and John Simpson Smith, Colley's interpreter, were dispatched to invite the tribes to a council to be held on the Arickaree Fork of the Republican River on September 1, 1863. To attract the Indians, Evans decided to distribute the annual annuities at the council.<sup>63</sup>

He was still waiting for the traders' reports when he received a telegram from Dole instructing him to arrange a treaty conference with the Utes to commence on September 1. Evans informed Dole that a conference on that date was impossible since he had already scheduled a council with the Cheyennes and Arapahoes on that date. Dole persisted, advising Evans that John G. Nicolay, President Lincoln's secretary, would attend the conference which "I suppose you will get together by 1st Sept."<sup>64</sup> Evans fired back a letter stating that the conference with the Cheyennes and Arapahoes could not be postponed. "As to Mr. Nicolay coming, I am glad of it," he added, "I know him well."<sup>65</sup> After all of that, Dole finally informed Evans that he had promised the Utes a treaty conference in late August early September when they were in Washington the previous March. Evans was furious. He held his ground and refused to change his plans, adding that Nicolay would be more useful at the conference with the Cheyennes and Arapahoes anyway.<sup>66</sup>

While Evans haggled with his superiors over administrative matters, his emissaries to the Cheyennes and Arapahoes met with little

success. By the time they departed from Denver to invite the tribes to the governor's conference, the manhao had scattered to hunt and to prepare for the coming winter. In that hot, dry summer, the task was especially critical for game was scarce, water was sparse, and grass was spotty. Only disease seemed to flourish. John Smith informed Samuel Colley in late July that the Arkansas Cheyennes would not attend the conference. Colley reported that the Southern groups would not be able to make the journey to the Republican because "they are making their lodges. . . . their horses are poor, and . . . from where they are it is impossible for them to go for want of water."<sup>67</sup>

Antoine Janisse conferred with some Northern Arapahoes near Fort Laramie before becoming so ill that he could not proceed to the headwaters of the Yellowstone River as he had planned.<sup>68</sup> A mysterious character named Robert North took his place but he made no report until long after the date of the conference. Governor Evans periodically met with the Northern Arapaho chiefs, Roman Nose and Friday, but only Elbridge Gerry managed to reach the Platte River Cheyennes.<sup>69</sup>

Gerry found 150 lodges of Cheyennes on Beaver Creek. These people were the remnant of the great encampment which had gathered in June. Long Chin, Tall Bull, White Horse, and Bull Bear, the Dog Soldier chiefs, treated Gerry coolly and told him that the southern manhao were too scattered to attend a treaty conference. Gerry left the meeting believing that the Cheyennes were willing to meet with the governor and headed north to Julesburg on the Platte to meet the treaty commissioners and report to Governor Evans.<sup>70</sup>

In August, Friday, Roman Nose, and Black Bear, who had stubbornly refused to remove to the Sand Creek reserve, inexplicably signed an agreement with John Loree, the agent for the Upper Platte, stating that they knew about the impending conference and agreeing to "abide by any treaty that has been made by our people with the United States." Two Cheyenne chiefs--Spotted Horse and Shield, both representing the Platte River Cheyennes--also signed the document. The document asserted that no special considerations or gifts prompted them to sign, but the agent did not issue annuities to them until he had their signatures. When the other Cheyennes on the Platte learned what the two chiefs had done, they were so angry that some of the people threatened to kill them. They bitterly denounced Spotted Horse for selling Cheyenne lands without the consent of the council. The virulent response to what he had done confirmed Cheyenne determination to hold on to their lands and freedom.<sup>71</sup>

John Evans was oblivious to these developments until well after the date of the Republican River conference had passed, and he probably would not have understood them anyway. Through August, Evans grew more pessimistic. He urged Colley to attend although he feared "a poor attendance" and suggested that he "increase . . . the pay to be given them," as a means of persuading the non-signatory bands to attend.<sup>72</sup> At the same time, he advised John Nicolay not to accompany him to the Republican, and Mr. Lincoln's secretary readily agreed. On August 21, he confessed to Secretary Usher that "From the great reluctance of the Indians to meet in council, their exalted ideas of the value of the lands they claim, and their general aversions to settling on the Arkansas

river, I fear we may not be able to effect the object."<sup>73</sup> On August 26, the day before we left for the council, he wrote wearily to Dole, "After all our efforts I confess I fear a failure to get them together--But I shall leave no effort untried to get a contract with them, and those who may not come we will try to get to sign the treaty afterwards if possible."<sup>74</sup>

Evans left Denver for Julesburg to join his military escort on August 27, 1863. His worst fears were confirmed when he found only four lodges of Cheyennes waiting for him at the Arickaree fork of the Republican. Gerry tried to cheer the governor, expressing his conviction that the Indians would come in. But, when they did not appear, Evans sent him out again. The old trader found the Cheyennes on Beaver Creek, their numbers swelled to 240 lodges or roughly two-thirds of the southern people. The Dog Soldier chiefs were still there, joined now by White Antelope, Black Kettle, Lean Bear, Two Wolves, and others. They received Gerry in council and asserted their willingness to meet with the commissioners, but they also told him that they could not move at that time. Diphtheria and whooping cough had taken the lives of thirty-five children since his first visit, they told Gerry, and sickness was so widespread that they could not move their village. Even then, Black Kettle was too ill to attend the council.<sup>75</sup> They insisted that they wished to have peaceful relations with the whites, but they made their feelings about the Treaty of Fort Wise very clear. They denounced the treaty as a "swindle," and the aging White Antelope denied that he had signed the treaty. All present told Gerry that Black Kettle also denied agreeing to

accept the Sand Creek reservation. The chiefs told Gerry that the reservation had no game, and when Gerry told them that the governor wanted them to live like white men, the mood grew more sullen. Bull Bear told him, "You tell white chief, Indian maybe not so low yet."<sup>76</sup> The chiefs also told Gerry that the people were angry because "the white man's hands were dripping with their blood," as the result of the killing of Little Heart, Sun Maker's son, a warrior of War Bonnet's Oivimana, at Fort Larned.<sup>77</sup> The atmosphere in the camp was so angry that when Bull Bear finally agreed to talk to Evans, his fellow Dog Soldiers refused to allow him to go. The chiefs insisted that they would sign no treaty until all the Cheyennes could be gathered in council, and then, they told Gerry, they would not give up the lands on the Smoky Hill and the Republican. Gerry left the village, now angry himself. He told the governor that the Cheyennes were uncooperative. His report only confirmed Evans's fears.<sup>78</sup>

John Evans did not--perhaps could not--see that the failure not only reflected Indian obstinance but also his own rigid mindset. At one level, the governor's disregard for the cultural differences crippled his initiative. He had ignored the legitimate concerns of the Indians. He had taken it for granted that they would come running when he called. He did not consider the crucial time tables of the Indian way of life and scheduled the conference at a time when the tribes were separated. On a more practical level, he had moved too quickly and expected too much. Most importantly, he made negotiations impossible when he excluded all treaty options except ratification of the Treaty of Fort Wise. That

removed any real basis for discussion. When Washington's failure to provide the necessary funds to carry out the provisions of the Wise treaty, the spread of the Minnesota fighting to the western Sioux, a general distrust of the agents, and widespread disease were added to the governor's errors, the treaty plans could not succeed. The Cheyennes sent a clear signal to Evans that they would not give up their claims on the Platte, and the governor's earlier optimism faded into despair. Much chagrined by the failure of his mission, Evans returned to Denver convinced that reports of Indian duplicity were accurate and determined to prove that the Plains Indians were hostile.

## CHAPTER V

### THE POLITICS OF COMMAND

In the spring of 1863, after months of sustained idleness, broken occasionally by sorties to investigate rumors of Indian hostility and guerrilla attacks, the military establishment in Colorado was restless. Garrison duty to protect town lots and maintain the price of corn was wearing thin, particularly among officers anxious for action and ambitious for advancement and glory. The First Colorado Volunteer Cavalry shared the little activity with the Second and Third regiments of volunteer infantry with no opportunity to repeat the victories of 1862. Colorado was troop-poor, and not even the Minnesota Massacre and its attendant excitement had obscured the abundance of military manpower in the territory.

The lucrative byproducts of the military presence convinced many businessmen and their political supporters that the key to reversing the economic woes of Colorado was to keep a large military force on active duty at all costs. Ironically, therefore, the soldiers were restless at precisely the time when territorial business and political interests were determined to maintain a significant military presence in the territory. Colonel John M. Chivington, while sympathetic to Colorado's economic



needs, was nevertheless chafing that he had had no opportunity to repeat his successes at Apache Canyon and Glorieta. Active duty against a hostile force was the only thing that could cure the tedium and advance military careers, but action outside of Colorado would threaten the wartime economic program of Colorado's politicians.

So, when General James H. Carleton, commanding the Military District of New Mexico, requested reinforcements from Colorado troops, the news was greeted with mixed feelings. The soldiers were cheered, but Colorado's politicians, including Governor John Evans reacted strongly against the request. Fortuitously, the reports of Indian hostility which so concerned Governor Evans reached Denver in May, 1863, at precisely the moment Carleton's request became public knowledge. The governor quickly dispatched a special messenger to Washington concerning the alleged Indian threat. He also wrote General John M. Schofield, commanding the Department of Missouri, concerning the "secret conference" which allegedly took place north of Denver between the Sioux, Cheyennes, and Arapahoes. He emphasized the danger of Indian war and suggested that Colorado troops would themselves need reinforcements within a short time.<sup>1</sup>

In a letter written four days later, on June 1, 1863, Colonel Chivington assured the departmental commander that there was no immediate cause for alarm. However, Chivington did say that the safety of the territory hinged on the maintenance of the forces stationed in Colorado. He advised Schofield, "I deem the forces in this district all-sufficient to take care of all enemies of the government white or red; but should it be materially weakened, I seriously apprehend there would be trouble with

both white & red." Referring directly to Carleton's request for Colorado troops, he added, "I hope that our people will not be left to the uncovenanted mercy of the most virulent Copperheads and treacherous Indians, thousands of whom are right here in our midst."<sup>2</sup>

The situation in late May and the following summer was never as critical as Evans and Chivington reported. Most of the Indians were either north of the South Platte or ranging eastward, away from the Colorado settlements. The greatest danger lay not in the Republican River camps but along the Santa Fe Trail.

In the spring of 1863, the southern tribes were as anxious for peace as the northern bands of Cheyennes and Arapahoes were restive. Racked with disease, unable to find sufficient game, and forced north by hostilities in Texas and the Indian Territory, the Comanches, Kiowas, Caddoes, and Wichitas spread whooping cough, smallpox, erisipelas, and other diseases to the Cheyennes and Arapahoes. they encroached upon hunting grounds which were already failing to fill the needs of the Cheyennes and Arapahoes. White buffalo hunters on the buffalo grounds east of Fort Larned exacerbated the situation. As the summer wore on, the prolonged absence of rain brought a drought that threatened to dry up the Arkansas River.

The Indians congregated at Fort Larned, a small post with little military discipline. The post was a gathering place for traders and a stop on the Santa Fe road for freighters bound west. The Indians gathered there because annuities passed Larned on their way to Fort Lyon and because it was a convenient place to beg food from the emigrants. By

mid-spring, the area about Fort Larned was filled with more than four thousand destitute and diseased Indians. There, along the Santa Fe route west of Larned, lay the real threat of Indian war in the spring and summer of 1863.<sup>3</sup>

From his vantage point at Fort Lyon, Colonel Jesse Henry Leavenworth was among the first to recognize the critical situation developing on the Santa Fe trail. With the professional soldier's disdain for the volunteer military establishment and disgust for local politics, Leavenworth became extremely critical of existing conditions. As a result of his persistent reports to the Secretary of War, Leavenworth was given command of "all Troops on the Santa Fe Trail Within the District of Kansas."<sup>4</sup> However, he soon realized that despite his impressive title, his command consisted of little more than one cavalry company with which to patrol four hundred miles of road and control several thousand Indians. To complicate matters even more, the district lines were changed, abolishing the District of Kansas and creating the District of the Border, making his jurisdiction uncertain.<sup>5</sup>

Three days after he assumed command, Leavenworth advised his superiors of the crisis at Larned. With only a token force at his disposal, he warned that if anything should happen to "arouse the passions" of the hundreds of Indians surrounding the post "nothing could save us from certain destruction." The primary source of difficulty, he asserted, was the abundance of whiskey on the Mexican wagon trains bound for Santa Fe. The colonel warned his superiors that if "a few Indians threaten one of these Mexican trains . . . and compel them to give them

one canteen of whiskey . . . fearful, indeed, may be the consequences. There is whiskey enough in one train that I met to-day to intoxicate every Indian on the plains." He advised District Headquarters that he would impound every train loaded with whiskey until further instructions were received.<sup>6</sup>

At the same time, Leavenworth requested Lieutenant Colonel Samuel F. Tappan, now in command at Fort Lyon, to detach an officer from the Ninth Wisconsin Battery at Fort Lyon to replace an officer of the same unit who had accidentally shot himself at Fort Larned.<sup>7</sup> This request renewed the animosities between Chivington, on the one hand, and Leavenworth and Tappan, on the other. Colonel Chivington objected strenuously to Leavenworth's request, and through his adjutant, Lieutenant Silas Stillman Soule, explicitly forbade Tappan to send forces to Larned. Soule emphatically informed Tappan that "The time has come when we must use decisive measures. Colonel L. has no authority to call troops from this district and will not have."<sup>8</sup>

This order was particularly revealing in view of the instructions sent to Chivington prior to Soule's letter, relative to the very kind of problems Leavenworth was then facing. General Schofield had written Chivington that

Forces so remote and scattered as those of Nebraska, Colorado, and New Mexico are necessarily very dependent upon each other for mutual support in case of unusual danger, and are too distant to act in such emergency on orders from department headquarters. Hence I rely upon the commanders of those districts to give each other all possible assistance in case of need, and to act promptly, without waiting for orders from me.

In the meantime, Leavenworth's condition was far from improved. Late in June, he reported to Commissioner of Indian Affairs William P. Dole that it was impossible for him to patrol the Santa Fe road as he had only 158 men and officers, "not enough to protect this post and unless there are some more troops sent to this point soon, trouble of a serious nature may be expected." A wagon master, whose train had been raided and provisions destroyed, reported to Leavenworth that he had never seen the Indians so "impudent and insulting." Leavenworth called in the chiefs of the various tribes and told them bluntly that "if they cannot stop their young men from committing these outrages, I shall."<sup>10</sup>

In the early morning hours of June 9, 1863, the expected trouble suddenly flared. A sentry shot and killed a drunken Cheyenne named Little Heart when the Indian tried to ride him down. Leavenworth managed to prevent an incident, and, after a council, the chiefs seemed satisfied that the shooting was justified.<sup>11</sup> As a precautionary measure, however, Leavenworth issued a directive "To Any Troops on the Santa Fe Road" for assistance.<sup>12</sup> Less than a week later the federal mail carrier from the west complained to Leavenworth that he was refused the customary escort service by an an officer of the First Colorado Cavalry "65 miles this side of Fort Lyon." The officer told the mail carrier that he had "positive orders not to do so." Leavenworth reacted vigorously and angrily demanded of his superiors, "Am I expected to guard and escort trains on the whole of this road for 400 miles, with but one company of cavalry?" He added that "There are plenty of troops at Forts Lyon and Colorado [sic] to protect this road, if properly managed."<sup>13</sup>

Tappan, in the meantime, had decided to defy Chivington's orders and to support Leavenworth. Perhaps he recognized the common sense of utilizing his idle troops where needed. Perhaps he felt he could defy Chivington's orders and get away with it. At any rate, Tappan went to Leavenworth's aid. Upon learning of Tappan's disobedience, Chivington removed him from command at Fort Lyon and banished him to the relative obscurity of Fort Garland in the remote mountains of southern Colorado. Leavenworth was furious. "If such is the fact," he stormed, "I ask as a great favor of the general commanding this district that he will so represent our matters out here as will not only restore Colonel Tappan to his former command, but place his post and the whole of the Santa Fe road without the District of Colorado, if Colonel J. M. Chivington is to command it any longer."<sup>14</sup>

Leavenworth's commander, General Thomas Ewing, forwarded the beleaguered Leavenworth's complaints to Schofield.<sup>15</sup> The departmental commander demanded that Chivington justify his need for troops in Colorado. Chivington's reply was far from convincing. He admitted that there was no major threat, but quickly added that "Colorado . . . is not of second importance to any State or Territory to the General Government. If protected and kept quiet she will yield twenty millions of gold this year, and double yearly in years to come, and in view of the national debt, I think this important, very!" He denied "any sinister design in keeping troops here that ought to be elsewhere" and said he welcomed an inspection of the district. Chivington even claimed that the bulk of the troops were retained "for escort duty!"<sup>16</sup>

Military bickering did little to alleviate the situation at Fort Larned. Early in September, John W. Wright wrote Secretary of the Interior John Palmer Usher that "all of the Indians of the plane [sic] are within 50 miles of this place. . . . All this day Col Levenworth [sic] has been advising & feeding these Indians & it has to be done or fight them." Wright was fearful of war because of the death of Little Heart. "The chiefs are loyal," he wrote, "but I fear at attact [sic] on the settlements of Kansas." He added, "We have now 281 solders [sic] on this road for 400 miles while there is plenty at Denver doing nothing." Wright advocated the appointment of an agent at Larned, adding that "If consistent, Col Levenworth is the man."<sup>17</sup>

Wright's enthusiasm for Leavenworth was not shared by officials in Colorado. In fact, his persistent criticisms contradicted both the civil and military authorities of Colorado in ways that jeopardized the designs of both. The political motives of civilian authorities had been exposed before, but his pointed criticism of Chivington created fresh concerns. Chivington had not abandoned his hope of building a political career on his military successes. He had cast his hopes with the Evans party and reluctantly acquiesced in the inactivity of his regiment despite his desire to get into action again. In August, 1863, a group of officers in the First petitioned for a promotion for Chivington, declaring that he was "cool and courageous in action, courteous and polite, when removed from the necessity of military sternness [sic], [and] possessing to a remarkable extent the confidence of the troops under his command." Further, they wrote, Chivington was a man "in whose rectitude

of purpose, and administrative ability, the citizens of this Territory has every confidence."<sup>18</sup>

This petition reached headquarters at about the same time as Leavenworth's angry criticisms. So, when Chivington invited an inspection of the district, General Schofield complied. Lieutenant Colonel S. H. Melcher described what he found in a lengthy report. Troops at Denver had lost their martial air, he said. Officers seldom wore their uniforms. Soldiers raced their horses up and down the streets and were often seen "riding Government horses in company with harlots, in daylight through the streets of Denver." Roll call almost ceased, and "the Saloons of Denver during the day, when drill and other duties should be attended to, are too often filled with gentlemen (?) wearing shoulder straps, and who are to the best of my knowledge officers of the U. S. Army." On the march, some officers carried their wives along, and the soldiers straggled in and out of ranks, racing and "having a good time generally."<sup>19</sup>

When this report reached department headquarters, Schofield reacted angrily. "The Commanding General is astonished," his adjutant wrote Chivington, "to learn that such a state of things exists [in Colorado] and insists that the abuses be at once corrected."<sup>20</sup> For the moment at least, the Colorado Commander's hopes of obtaining a promotion were dashed, and he blamed Leavenworth and Tappan. With Tappan banished to Fort Garland, Chivington determined to eliminate Leavenworth once and for all.



Leavenworth was vulnerable because of certain irregularities in raising his regiment. He had been authorized to raise a regiment of infantry, his commission as colonel to take effect when the regiment was filled. At the time, much of the First Colorado Regiment was still in New Mexico, and Leavenworth's troops were deployed as quickly as they were raised. Recruiting officers found it difficult to compete with territorial militia units which were offering larger bounties, particularly since the Second Colorado Regiment was to be raised as infantry. To deal with this problem and to meet a real need in the territory, Leavenworth had enlisted one company as artillery. Governor Evans and others had applauded this move at the time, but when the men of the artillery battery, commanded by William E. McLain, learned that Leavenworth had violated his orders, some of them complained bitterly to Colonel Chivington, the new district commander. Chivington immediately complained to the Secretary of War about Leavenworth's "deceptive conduct."<sup>21</sup>

At the end of 1862, Leavenworth was twenty men short of the minimum prescribed in general orders, and when he applied to be mustered into service, the adjutant general denied the request. Yet, he was actively commanding troops in the field under orders. In April, Chivington wrote a highly critical letter about Leavenworth, accusing him, on the one hand, of being absent from command, and concluding, on the other, that "Col. Leavenworth is not mustered into the service by his own statement."<sup>22</sup> Nothing had come from this complaint, but now, in early September, Chivington acted again, persuading members of the

disgruntled battery to circulate a petition for Leavenworth's removal. The petition was processed through Chivington's headquarters, and on September 26, 1863, Leavenworth was removed from command for "irregular and deceptive conduct in organizing a regiment."<sup>23</sup>

Angry and determined to clear his record, Leavenworth left immediately for Washington. Both civil and military authorities came to his aid, pointing out his services to the frontier community, and, eventually, on March 5, 1864, he was fully absolved and given an honorable discharge. President Abraham Lincoln offered him a new appointment at the rank of colonel with the brevet rank of major general, but Leavenworth refused. By then, the Second and Third Colorado regiments had been consolidated under Colonel James Ford and called east to Kansas to fight Confederates. Leavenworth wanted to return to Colorado. His experiences there made him an advocate of an enlightened Indian policy and an implacable foe of military politics. So, when the Commissioner of Indian affairs created the Kiowa-Comanche Indian Agency, Leavenworth accepted the appointment as agent.<sup>24</sup>

For the moment, however, Chivington had managed to rid himself of a persistent adversary, and with that victory, he turned his attention again to Samuel Forster Tappan. When he packed Tappan off to Fort Garland in the Sangre de Cristo Mountains, he quickly learned that Tappan out of sight was not Tappan out of mind. He was brought back to mind in September, 1863, when Fort Garland became the center of an extensive manhunt. For almost a year, southern Colorado had been terrorized by two brothers named Espinosa. One of the men was killed in the summer of

1863, but the surviving brother continued the vendetta. In September, 1863, when Governor Evans proceeded to Conejos to negotiate with the Utes, Espinosa threatened to kill him, and the search was intensified. Tappan sent for Thomas L. Tobin, a well-known mountain man, to guide a troop of cavalry under the command of Lieutenant Horace W. Baldwin in pursuit of the outlaw. The soldiers overtook Espinosa and his nephew on October 15, 1863, and killed them both. They found documents on the bodies proving the identity of the dead men, but in order to make the identification positive, Tobin cut off their heads and carried them back to Fort Garland in a gunny sack.<sup>25</sup>

Tappan reported his success to district headquarters and submitted Lieutenant Baldwin's detailed report of the expedition. In his letter, Tappan indicated that "Lt. Dunn with his company leaves to-morrow for Denver and desires to take these Heads to District Head Quarters." This suggestion elicited a sharp rebuke from Chivington who ordered him not to send the heads to Denver and piously admonished him that "we should not make ourselves, 'Heathens baptized to fouler stains.'" Chivington then forwarded the Tappan letter and Baldwin report to department headquarters, writing, "I have discountenanced the suggestion of Lt. Col. Tappan that he would send the heads of the Espanosas [sic] to District Head Quarters. I have in no case ever countenanced such a procedure, and while I feel and know the turpitude of these acts [of the Espinosas], I do not deem it a sufficient reason why we should make ourselves 'Baptized heathens washed to fouler stains.'"<sup>26</sup>

Tappan reacted strongly to the reprimand. "I confess my inability to fully appreciate the force, intent, purpose, or comprehend the meaning" of Chivington's rebuke. "If intended as a reprimand for the decapitation of the Espinosas, I can only say that I did not give orders to have it done, and did not send the heads to district headquarters," he wrote. "The Lieutenant brought them here for the purpose of identification." Tappan then proceeded to justify the action in terms of international law and the accepted rules of warfare, concluding, "They were villains who have already murdered twenty-two (22) persons which was their boast as proven by papers found upon them which justified a forfeiture of all claims that their remains should receive consideration or christian burial."<sup>27</sup>

This exchange of righteous indignation renewed the feud between Chivington and Tappan in earnest. Chivington's opportunity to rid himself of Tappan came in December, 1863, when department headquarters requested him to submit the names of any "worthless officers" that he wished "to be mustered out for the benefit of the service."<sup>28</sup> Chivington promptly submitted the name of Samuel Tappan. But he needed something more substantial than his dislike of the feisty New Englander. Apparently, he sent Captain S. M. Robbins, the Chief of Cavalry for Colorado, to Fort Garland for an inspection. When Robbins returned to Denver, he gave Tappan a favorable report, whereupon Chivington and Major Jacob Downing, the District Inspector and Chivington's most trusted subaltern, tried to persuade Robbins to recommend the dismissal of Tappan. If he would do so, Chivington reportedly told Robbins, he would be promoted to

major when Downing was promoted to lieutenant colonel upon Tappan's dismissal. If he did not cooperate, Robbins was told that "they would do all they could to prevent his further advancement in the regiment." Robbins refused to accept the proposal, but Tappan was now sure that Chivington and Downing meant to secure his dismissal "by some means or other." Tappan lodged a formal protest and requested that no charges brought by either Chivington or Downing be considered "without an opportunity to vindicate myself."<sup>29</sup>

When Colorado was transferred to the Department of Kansas, created in January, 1864, the new department commander, General Samuel Ryan Curtis inherited the quarrel. Repeatedly, reports came to his desk with charges of misconduct against Tappan from Chivington and Downing. Almost as frequently came Tappan's rebuttals and countercharges. Downing, who aspired to Tappan's position within the regiment became the hatchet man. He accused Tappan of using as an orderly a soldier sent to Fort Garland to serve a sentence at hard labor. Further, he alleged that Tappan had retained an officer on active duty after he had been dishonorably discharged for irregularities in his commission.<sup>30</sup>

Tappan responded to the first charge by presenting evidence that the soldier in question was suffering from an eye disease and that the post physician had recommended that he be given only light work out of the sunlight. Further, he pointed out that his conviction had been set aside by no less an authority than Colonel Chivington himself.<sup>31</sup>

The other charges proved a little more difficult to answer. The officer in question was Lieutenant Horace W. Baldwin, who had commanded

the Espinosa expedition. Baldwin was one of the officers of the Second Colorado Regiment's illegal battery, and when Colonel Leavenworth was dismissed, he, Captain McLain, and Lieutenant George S. Eayre were dishonorably discharged. Both Baldwin and Tappan claimed that Tappan relieved Baldwin of duty immediately upon receipt of the order for dismissal. Baldwin then proceeded to Denver where he applied for reinstatement according to standard procedures. Governor Evans then advised him to return to Fort Garland until the disability was removed. When that happened, Evans assured him, he would be given a new commission. Baldwin's removal left Fort Garland short one officer, and since he was there with time on his hands, he volunteered to drill the artillery until a replacement arrived. He also carried out some other duties. This state of affairs provided the needed excuse for Major Downing, who, ironically, did not file the charges until after Baldwin, McLain, and Eayre were reinstated.<sup>32</sup>

Tappan fought back against the charges, and General Curtis was apparently impressed by the formidable array of documents which he submitted to refute the allegations against him. Curtis informed Chivington that his request for the dismissal of Tappan "will not be complied with."<sup>33</sup> When Chivington pressed the Baldwin matter, Curtis dismissed it as part of the attempt to purge Tappan, noting, "The desire to get Lt. Col. Tappan mustered out by summary proceedings of this kind has already been rebuked. The Major as inspector is after his Lt. Colonel and efforts have been made to use this sort of squabble [?] till it seems preposterous."<sup>34</sup>

After that, Chivington took a less active role in the campaign against Tappan, but Downing continued to press for his removal, enlisting the aid of Major T. M. McKenny, the Department Inspector. Early in March, 1864, McKenny forwarded copies of reports by Lieutenant Murphy and Major Downing, reporting "a great want of discipline" at Fort Garland. He described a scene of drunken revelry and concluded, "We think the Post needs another and a better Commanding officer; we have had occasion to mention Lieut Col Tappan's name a number of times before; but hope a disposition may be made of him which will forever prevent a recurrence of similar scenes as described by Lieut Murphy." As late as mid-April of 1864, McKenny was still pushing the Baldwin matter, but General Curtis ignored the reports.<sup>35</sup>

Chivington also applied another kind of pressure. At the end of February, 1864, Tappan received word that his father had died in Massachusetts. He requested a furlough to visit his home and family. The request had to be processed through district headquarters. At the end of March, he withdrew his charges against Chivington and Downing in "the interest of our regiment," but no action was taken on his request for leave.<sup>36</sup> Two weeks later, frustrated and tired, he reported his intention to resign his commission on "the 1st of May next" and cited his inability to get a leave of absence as a major reason.<sup>37</sup> In June, 1864, he wrote to his friend, Charles Sumner, the senator from Massachusetts, that "I have incurred the bitter enmity [sic] of certain parties in this Territory and hear it intimated that every effort will be made to secure

my removal from service." As late as September, 1864, he had still not been granted leave, although he had served since 1861 without furlough.<sup>38</sup>

Other officers were also displeased with Chivington and Downing. Captain Samuel H. Cook had served with distinction in the New Mexico campaign, and he had been wounded in the battle of Apache Canyon.<sup>39</sup> An independent man of strong opinions and one of the more popular officers among the ranks, Cook had been loyal to Slough. Chivington retaliated when he passed over Cook and promoted Scott J. Anthony, Jacob Downing and Edward Wynkoop to the rank of major when the opportunity came. The slight embittered Cook who became increasingly vocal in his criticism of the politics of the regiment. He left no doubt that he believed that the others had been promoted because they were the favorites of Colonel Chivington. From the time he returned to Colorado in 1862 through most of 1863, Cook was stationed at Camp Weld near Denver, and even after his company was ordered to Fort Lyon he was retained on detached service for court martial duty for months before he was allowed to rejoin his company. During that time, Major Downing took special note of his attitude.<sup>40</sup>

In October, 1863, Cook rejoined his company at Fort Lyon. In March, 1864, with rumors flying that the regiment would be pulled east to fight the Confederates in Kansas, Major Downing arrived on an inspection tour and brought news that Curtis had ordered the regiment gathered in the southeast corner of the district for possible service in Kansas. At the time, a group of officers, including both Downing and Cook, discussed the prospects of action against the rebels. The plain-spoken Cook left



no doubt about his feelings. He told the group that Chivington "had used him as a dog, and he did not want to do any more fighting in the Regiment for the glory of John M. Chivington."<sup>41</sup> He recklessly declared that he would do no more fighting "to make majors" and said that if the regiment were ordered east, he would resign his commission.<sup>42</sup>

Major Downing duly recorded Cook's outburst in his notebook, and on May 10, 1864, Cook was arrested and confined to quarters for "conduct to the prejudice of good order and discipline."<sup>43</sup> He languished under house arrest at Fort Lyon throughout the summer of 1864. Late in the summer he was transported to Fort Leavenworth where he was tried before a court martial of officers from other regiments because of suspicions that officers of the First Colorado were far too involved in the case to render a fair judgment. At the trial, Downing tried to establish not only that Cook had made the remarks for which he had been arrested, but also that he was an incompetent officer who failed to keep discipline in his company.<sup>44</sup>

Cook's counsel at his court martial was Samuel Forster Tappan. He sought to establish Cook's good report as an officer and his integrity as a person. Under Tappan's questioning, the officers who had been present when the conversation took place at Lyon admitted that when pressed on the matter, Cook told them that if his resignation were not accepted, he would fight with his company. The only witnesses to appear for the defense were Tappan and Jesse H. Leavenworth. On September 24, 1864, Cook was found guilty of making the critical statements but "with

no criminal intent." On the charge itself he was found to be "not guilty" and returned to duty at Fort Lyon.<sup>45</sup>

This regimental infighting undermined the efficiency and the morale of the First Colorado Cavalry. Chivington alienated a growing number of officers who came to see him as a grasping, vindictive man who manipulated the regiment for his own purposes and rewarded his favorites at the expense of other, more deserving officers. Certain officers were regarded as "Chivington's boys." Major Downing, a cold, ambitious man with the most to gain from the regimental intrigues, came to be regarded as Chivington's eyes and ears. The other officers feared him as the regiment's "hatchet man." Other officers were also said to have special favor with the district commander, including Major Scott J. Anthony, a taciturn man of limited ability whose primary quality was unswerving loyalty to Chivington, Major Edward W. Wynkoop, a brash young officer who had once served as Arapahoe County's sheriff, and Captain Silas S. Soule, a popular and happy-go-lucky veteran of the Kansas border wars.

Edward Wanshear Wynkoop arrived in Colorado with the LeCompton party in 1859, and was credited with naming the townsite they planted in honor of Governor James Denver of Kansas. A native of Pennsylvania and an employee of the federal land office in Kansas, he brought with him to Kansas a commission as the sheriff of Arapahoe County. As an amateur actor on the Denver stage and as bartender in Charles Harrison's Criterion Saloon, he was well-known in the mining camps. And, despite his involvement in several indiscreet episodes, he was popular.<sup>46</sup> When the Civil War came, he enlisted and commanded Company A in the New Mexico

campaign. At Apache Canyon and Glorieta, he galloped into action wearing a scarlet flannel shirt and won the respect of officers and men for his courage. In the attack on the supply train, he commanded the sharpshooters who picked off the artillerymen and seized the Confederate battery. He was rewarded with a promotion and the favor of Colonel Chivington.<sup>47</sup>

But even then, he was already embroiled in regimental politics. Wynkoop was the officer who had initiated the petition demanding that Slough order the troops to New Mexico, early in March, 1862. Wynkoop's company sided with Chivington in the regimental quarrel. And he was forceful enough in his opinions to win the animosity of Samuel Tappan. Tappan's attitude was reflected in a letter he wrote to his cousin after the engagement at Peralta:

Capt. Wynkoop disapointed [sic] us at Peralta. He was ordered to deploy with 4 companies as skirmishers, advance upon the enemy, and bring on a general engagement. . . . Wynkoop went out, discharged a few rounds and then retired without orders. Had I known of his returning without orders . . . one young man who aspires to be a major would have been charged with coward-  
ice.<sup>48</sup>

Nevertheless, when he returned to Denver in 1862, he was welcomed as a local hero, presented with a sword and a strawberry roan horse. Except for a brief and unsuccessful campaign against the Utes in the summer of 1863, Wynkoop spent most of the year at Camp Weld close by Chivington. Although a Democrat, he voiced his support of Republican policies and eventually became a Republican. He was politically active in Colorado affairs, supporting both Evans and Chivington. In every way,

he appeared to be one man Chivington could count on, and the "fighting parson" appeared to develop a genuine affection for him.<sup>49</sup>

Silas Soule was a different sort. He served his apprenticeship as a soldier in "Bleeding Kansas" as one of the original Jayhawkers. His father was an agent for the New England Emigrant Aid Society and one of the organizers of the "underground railroad" in Kansas. Like Tappan, Soule was raised on New England abolitionism. But unlike Tappan, Soule was no self-righteous moralist. He was a crusader but not a humorless do-gooder. He was something of a rake, a good natured individual who won friends easily. In 1859, he was a principle figure in the rescue of Dr. John Doy, an antislavery leader, from a St. Joseph, Missouri jail.<sup>50</sup>

As a result of his efforts there he was selected for the impossible task of rescuing John Brown after the raid on Harper's Ferry. This plan was abandoned, but he was a member of another group that attempted to rescue two of Brown's followers from the Charlestown, Virginia jail. In the "guise of a jovial, half-drunken Irishman," he was arrested and so charmed the jailor's family that he was permitted to see the prisoners. They sent word to abolitionist leaders that rescue was impossible. Before returning to Kansas, he visited Philadelphia where he met several abolitionist leaders, including Walt Whitman, whom he admired.<sup>51</sup>

When he returned to Kansas, he accompanied a party heading for Colorado. In 1861, he joined the First and was appointed a lieutenant when Company K was reorganized. He served in the New Mexico campaign, and in 1863, he was appointed Chivington's adjutant. Soule was adjutant during Chivington's troubles with Leavenworth, and he had signed the

order which prevented Tappan from supporting Leavenworth. In the summer of 1863, he was assigned to recruiting duty, relieving Captain James R. Shaffer, another officer thought to be in Chivington's good graces until he refused to go along with Downing's scheme to oust Tappan. Interestingly enough, Soule was at Fort Garland recruiting for a veteran's unit during the renewed outburst of the Chivington-Tappan quarrel.<sup>52</sup>

When he relieved Shaffer at Garland in January, 1864, Soule wrote Chivington that "the officers here are somewhat jealous of Shaffer and myself and some other officers thinking perhaps that there is a conspiracy to have them left in the shade in the organization of this Veterans corps. Now Col this is confidential when I tell you that I think there are some Guts at this post."<sup>53</sup> He apparently played no active role in the Chivington-Tappan dispute, probably in deference to his association with Tappan in Kansas, but he was loyal to his commander. He did advise Chivington that "Tappan and Jacobs assist me all they can."<sup>54</sup> But by April, he wrote headquarters, "Tell him [Chivington] that if there ever was a mortal tired of a place . . . I am the man [.] [E]very thing is dull and the wind & snow blow continually and I am not remarkable pleased with the officers as a body at this Post."<sup>55</sup> Shortly thereafter, he was promoted to the rank of captain and returned to Denver.<sup>42</sup>

The junior officers were divided. Luther Wilson and Clark Dunn sided with Chivington. George S. Eayre, who had first resigned as an officer in Company K in 1861, and then suffered the humiliation of dismissal as an officer in McLain's Battery, was returned to duty with

the reorganized Independent battery and cast his lot with Chivington.<sup>43</sup> Horace W. Baldwin, on the other hand, soured toward Chivington because the commander had used him as a pawn in his vendetta against Leavenworth and Tappan.<sup>58</sup> Others, like the reserved and reflective Lieutenant Joseph A. Cramer, the efficient Lieutenant Chauncey M. Cossitt, the plodding Lieutenant James Olney, and others kept their own counsel and watched the evolving situation with concern.<sup>59</sup>

The bickering of the officers and the continued idleness (which many came to see as planned) spread the disaffection to the ranks. Already divided as a result of the early regimental squabbles, the troops lost the elan which the New Mexico campaign had engendered. "Old Chiv's" popularity suffered in the process, and his political ambitions became the subject of barracks gossip. Yet, Chivington's public image remained unsullied. His continued control of events depended measurably upon public confidence in him, and he worked hard at sustaining it. He enjoyed a close association with most of the territory's public officials (in spite of the fact that they were divided among themselves), and he maintained his contacts in the Masonic order and the Methodist church. But he was increasingly drawn toward John Evans and his supporters. He also had the active backing of Ned Byers and the powerful Rocky Mountain News.

In May of 1863, when Left Hand's charges against Chivington were reported to the governor, Evans flatly denied that the colonel had "burnt lodges or that he has done anything else imprudent." He added a firm endorsement, "I have every reason to place confidence in him and would

regard a change unfortunate if not dangerous to our peace.<sup>60</sup> Recognizing the importance of this kind of support, Chivington backed Governor Evans even after the governor added his voice to those demanding that troops be kept in the territory to meet the potential Indian threat. For the moment, at least, he was content to enjoy the approbation of the public and share the confidence of Denver's social and political elite.

On the other hand, he could not overlook the fact that his bid for promotion to brigadier general had been rebuffed twice, nor could he ignore the indications that the regimental bickering had aroused suspicions at department headquarters. Despite the relative isolation of Colorado from official scrutiny, first Schofield and then Curtis noted Chivington's penchant for controversy and his unwillingness to cooperate with other district commanders. Rumors reaching Colorado early in 1864 that Chivington would be removed and replaced by one of Curtis's unassigned brigadiers sparked a flurry of protests and petitions from Colorado officials. Curtis quieted the clamor, assuring the ruffled politicians and businessmen that "I had not proposed to remove Colonel Chivington and have no desire to do so." But he added a note which left the door open and kept fears of removal alive. "I must assign officers to duty according to rank," he wrote, "and having five Generals under me they must shear [sic] services and responsibilities under me and colonels under them."<sup>61</sup>

Curtis's statement underscored Chivington's vulnerability, while the guns of war engendered a growing restlessness in him. In June, 1862, still basking in the light of Glorieta, Chivington had written to a

friend, "I hope to be ordered to the River, to Leavenworth thence to where we can find a foe worthy of our steel, So Mote it be."<sup>62</sup> His vision of fresh laurels, stars on his shoulder straps, and a glory road to Congress lost some of its luster in the dull monotony of 1863. To restore it, he needed action. In January, 1863, word reached Denver from west of the Rockies that Colonel Patrick Edward Connor had broken the power of the Bannocks, Shoshonis, and Utes in a daring winter campaign. Connor had force marched his men 140 miles through freezing weather and deep snow, struck the hostiles at Bear River, and won the day in a hard fight. His troops killed more than 224 Indians, destroyed property, and captured 160 women and children. The victory made a strong impression upon Chivington, especially when Connor won the praise of frontiersmen and a brigadier's stars in the bargain. Connor's victory at Bear River joined Harney's attack at Ash Hollow as an example of how Indian fighting should be done.<sup>63</sup>

Bear River preyed on Chivington's mind and raised the possibility of an alternative route for his ambitions. He still preferred to win his victories against Confederates, but through the summer of 1863, as reports filtered into Colorado of Indian fighting elsewhere, the option became more viable. The campaigns of General Henry H. Sibley and General Alfred Sully against the Sioux were followed with great interest. In early September, Denver exulted over Sully's victory at Whitestone Hill in the Dakota Territory.<sup>64</sup> In October, the consolidated Second and Third Colorado regiments were ordered east to fill the gaps occasioned by the withdrawal of troops from Kansas to support the important Vicksburg



campaign. Soon Coloradans were reading about the successes of their "boys" against Confederate forces. From New Mexico came word that General Carleton and Colonel Christopher "Kit" Carson were closing on the Navajos and Mescalero Apaches. Enthusiastic dispatches predicted an early end to the Indian threat in the far southwest.<sup>65</sup> And Chivington sat idly at Camp Weld, waiting for the governor's war and shoring up Denver's economy.

PART TWO:

THE INDIAN WAR OF 1864

## CHAPTER VI

### THE FAILURE OF POLICY

On September 22, 1863, Governor Evans bitterly reported the failure of his Republican River mission to Commissioner Dole. He tried to put the best possible face on the situation, assuring Dole that he would continue to work for a settlement, but in every practical way the aborted conference effectively ended efforts to secure additional signatures to the Fort Wise treaty. Evans finally understood that the Cheyennes and Arapahoes would not accept it. As the basis for further negotiations the treaty was a dead letter, and for a time that autumn he seemed uncertain of what to do next. He did not want a war, but he saw the Cheyennes' refusal to negotiate as evidence of hostile intent. From the moment he returned to Denver, the governor behaved as if Colorado were already under siege. He saw Indian duplicity in every rumor, Indian malice in every report, and Indian treachery in every protestation of peaceful intent.<sup>1</sup>

In October, Evans admitted that "Depredations have thus far been committed by single bands, or small parties, on their own account, without any general responsibility of the tribes to which they belong."<sup>2</sup> Nevertheless, he expected the worst. He convinced himself that he had

done all that he could do to resolve the issue peacefully, and he drifted now toward a military solution as the only alternative certain of success. He did not callously provoke a war for economic reasons (as his enemies later charged), nor did he consciously choose war as a means of settling the land question. He simply concluded that the Indians had chosen war. From that point on, the slightest indication of violence would confirm fears of a conspiracy and fulfill prophecies of disaster. That the Cheyennes and Arapahoes believed themselves to be at peace with the whites mattered little. That legitimate grievances which might cause violence did exist and were rooted much closer to home than Minnesota or New Mexico or Utah mattered less.

The most immediate evidence of the governor's new mood was a preoccupation with the defense of the territory. Evans believed that the Indian uprising, when it came, would be massive like the one in Minnesota. To prevent a repetition of the heavy loss of life associated with the Sioux war, a large force was essential. In September, 1863, he worked assiduously to have the Third Regiment mounted as cavalry, and when, at mid-October, he learned that the Second and Third regiments would be consolidated under the command of Colonel James H. Ford, he commended Ford for his gallantry and reiterated that the regiment should be mounted. He succeeded in having the consolidated regiment mustered as cavalry, only to learn that it had been ordered east into Kansas to meet the guerrillas of William Clarke Quantrill.<sup>3</sup>

Evans protested, but the department commander, General Schofield, was not sympathetic. Potential threats would have to wait

until real ones were under control. Besides, Schofield pointed out, the presence of many able bodied men in Colorado should make it relatively easy to raise troops if needed. He urged Evans to make full use of the territorial militia laws to compensate for the withdrawal of the Second Colorado Volunteers. The militia was a haphazard organization, ill-suited for Indian warfare, but it could be used to some advantage defending settlements or providing escorts.<sup>4</sup>

But this solution posed serious problems for Evans. Recruitment efforts continued unabated, but enlistments virtually stopped. Plenty of men remained in the territory to fill the ranks of any military organization which might be formed, but as the Rocky Mountain News lamented, "About nine-nine hundredths of the citizens of Denver who are able to bear arms are constitutionally opposed to doing so."<sup>5</sup> Because of its remoteness from the primary theatres of the Civil War, Colorado had become a haven for draft dodgers. Moreover, territorial law required two year enlistments in militia companies, and many citizens flatly refused to commit themselves for that long.<sup>6</sup>

Of more immediate concern, the territorial coffers were unable to properly equip or maintain the militia as a fighting unit. In September, Evans reported the territory in a "state of quiet and prosperity," but the withdrawal of the Second in October placed an immediate strain on the economy.<sup>7</sup> The withdrawal meant fewer government contracts and the reduction of sizeable federal payrolls. When Albert G. Boone and other Arkansas valley settlers requested protection against possible Indian attacks, Evans requested that Colonel Chivington provide it and pointed

out to the settlers the limitations of the law.<sup>8</sup> Furthermore, merchants, businessmen, and politicians campaigned actively against militia enlistments, since the militia could not alleviate the economic situation. Significant changes in attitudes toward the militia could be anticipated only if the militia were federalized, and the prospects of doing that were limited in view of the cost and the relative unimportance of Colorado to the overall war effort.<sup>9</sup>

While Governor Evans fretted over the withdrawal of troops from Colorado, the Indian tribes scattered to hunt and to find grass for their ponies before winter closed on the plains. The northern bands of the Cheyennes and Arapahoes were well prepared, having had a successful hunt that summer. They seemed confident that they would secure more favorable terms from the whites the following spring, including "heap horses--and a big treaty."<sup>10</sup> They were soon tucked away in their winter camps far from the whites.

The southern Arapahoes and Cheyennes were not so fortunate. Many of them, unable to move their camps because of illness, were reportedly subsisting on diseased cattle abandoned by the emigrant trains. So fearful were the Indians of disease, that H. T. Ketcham, Special Agent assigned the task of administering the health needs of the tribes, reported that the Indians were anxious to be vaccinated.<sup>11</sup> Major Scott J. Anthony, commanding Fort Lyon, reported to district headquarters in Denver that two thousand Arapahoes under Left Hand, Neva, and Little Raven, were moving toward Lyon in a destitute condition. Anthony reported that the situation was so bad that "the government will be compelled

to subsist them to a great extent, or allow them to starve to death, which would probably be much the easier way of disposing of them."<sup>12</sup> Evans, learning of the situation at Lyon, offered little help to the besieged Agent Colley. "I am at a loss to direct as to those around the agency," he wrote, "but am well satisfied that until we are ready for them on the Reservation they will do better to be out after game."<sup>13</sup>

More disturbing to Evans than reports of starvation and disease, Anthony had also reported rumors among the Arkansas bands that the Sioux had sent runners to the bands along the Platte "trying to get the Indians of the plains all united for a general attack upon both the Platte and Arkansas routes, the attack to be made this fall. . . ." Anthony reported that all of the tribes except the Northern Cheyennes had refused the war pipes.<sup>14</sup> Anthony was somewhat skeptical of the rumors, but Evans took the precaution of requesting Colonel Chivington to instruct his officers to deny provisions and trading rights to the Indians unless authorized to provide them by the agents. He also ordered Colley not to distribute guns or ammunition to the Indians.<sup>15</sup> Colonel Chivington endorsed these measures and assured Commissioner Dole that he would "find me ready to act in concert with all officers of the Indian Bureau in carrying out the policy of the government with the Indians."<sup>16</sup>

The rumors contained a grain of truth. General Sibley managed to arouse the western Sioux in July, and General Sully inflicted heavy losses on the Santees and Yanktonais of Inkpaduta in August, 1863. Caught off guard at Whitestone Hill and astonished by the heavy loss of life, the Sioux sent pipe bearers to their allies, the Cheyennes and

Arapahoes, to persuade them to join in a war against the whites. The Platte River Cheyennes, especially the Dog Soldiers, were disposed to aid them. The question was hotly debated, but ultimately the Northern Cheyennes, like the Northern Arapahoes and the southerners of both tribes, refused to smoke the war pipe. The Dog Soldiers left their options open, but they would not fight until the tribal council met. That could not occur until spring.<sup>17</sup>

The garbled versions of these events that reached Denver, however, seemed to confirm the governor's worst fears. Colley reported that the Sioux had tried to persuade the Cheyennes to join them. John Smith advised that there was "great danger of hostilities" since the Sioux had moved farther south than usual. Then Isaac P. Van Wormer, a rancher in the Denver area, complained that a party of Arapahoes had stolen sixteen horses from him, of which he had recovered five. Evans immediately asked for troops to recover the stolen stock, cautioning Chivington "to proceed in such careful and prudent manner as to avoid any collision with the Indians or causes of ill feeling that is consistent with the performance of the duty required."<sup>18</sup>

So far, none of the reports provided conclusive evidence of widespread hostility, either immediate or contemplated, but on November 7, Evans found what he had been looking for. Robert North, an eccentric white man who lived among the Arapahoes, reported to Evans that at a "big medicine dance" held in his honor some fifty-five miles below Fort Lyon on the Arkansas he saw the principal chiefs of the Comanches, Kiowas, Apaches, Northern Arapahoes, and Cheyennes pledge to the Sioux "that they



would be friendly and shake hands with the whites until they procured ammunition and guns, so as to be ready when they strike. . . . [T]he plan is to commence the war at several points in the sparse settlements in the spring."<sup>19</sup>

Evans reacted to the news with a flurry of letters to other officials. He sent for North and for chiefs in the vicinity and expressed the hope that he would "find them more friendly than reported." On November 9, Evans met with Roman Nose, the principal chief of the Northern Arapahoes with whom he had conferred earlier in the year. Roman Nose demanded a reservation on the Cache la Poudre as the price for negotiations, disavowed any hostile intentions, and claimed that the Cheyennes were planning to join the fighting in the spring.<sup>20</sup> The next day, Evans met at length with North. He emerged from that meeting convinced that North was telling the truth. In a letter to Dole, he avowed his determination "to make every arrangement to prevent war and to ferret out every step in the progress of this foul conspiracy among these poor degraded wretches."<sup>21</sup>

On November 17, Evans departed Denver for Washington where he hoped to attend to business matters and to plead his case directly to the highest authorities. Armed with the statements of North and Roman Nose Evans believed that he had the leverage he needed. On December 14, he wrote a lengthy letter to Secretary of War Stanton, outlining a plan of defense for the Territory of Colorado. He justified his recommendation on the basis of "extensive depredations recently committed" which forced him "to apprehend serious difficulties early in the coming spring."<sup>22</sup>

Evans's program rested on four proposals. First, he asked that no further troops be withdrawn from Colorado to the east. Second, he asked that the First Colorado Cavalry be armed with carbines rather than sabres and revolvers. Third, he requested that authority be given to the commander of the Military District of Colorado to call out the militia. Fourth, he asked that troops be stationed at intervals along the Platte and Arkansas routes, including at least two new posts and a substantial reinforcement of all military installations. He justified this with an emotional appeal:

An alliance of several thousand warriors, beginning on the sparse settlements at various points along our extended frontier, as the wild savages propose to do might sweep off our settlers by thousands, and devastate a large part of our settlements, before relief could be provided by your orders, to say nothing of the delay of its being sent, six hundred miles overland after it leaves the Missouri river.<sup>23</sup>

The governor's plan elicited no immediate response, and he soon departed for New York to attend a meeting of the "Managers of the Pacific Railroad" where he gained some fresh support for a route through Colorado. That heightened the need to resolve the Indian question, and on December 20, Evans penned an important letter to Commissioner Dole. Pointing out that the Cheyennes and Arapahoes "utterly refuse" to accept the Fort Wise treaty, he requested permission to negotiate with the tribes for a reservation site other than the Sand Creek reserve. This was a major step away from his position of the previous summer, and it must have come as something of a shock to Dole who had come to view Evans as something of a Cassandra.<sup>24</sup>

Dole had been suspicious of the governor's repeated warnings of impending disaster, noting in his annual report for 1863, the "considerable excitement" caused by rumors of outbreaks on the plains. He observed that "in every instance . . . the depredations were committed by small bands of roving Indians, for which no tribe, as such, could be justly held accountable." He acknowledged the formidable size of the plains tribes but believed that they lacked "that unity of action and purpose" which would make them a serious threat. In the report, Dole seemed to endorse the Fort Wise treaty and expressed the hope that the various bands would eventually give their consent to the treaty on a piecemeal basis.<sup>25</sup>

Dole saw no urgent need on the plains that justified diverting his attention from tasks that he deemed to be more important. He was busy trying to revise the reservation system, and in the overall scheme of things, Colorado's problems seemed small to him. The more important need was to develop an effective and rational alternative to the existing system. "The plan of concentrating the Indians and confining them to reservations may now be regarded as the fixed policy of the government," he wrote. "The theory of this policy is doubtlessly correct; but I am satisfied that very grave errors have been committed in carrying it into effect." He believed that the Indians must be isolated from white settlement during the transition from the old ways to the new to prevent them "from falling any easy victim to those vices and temptations which are perhaps the worse features of our civilization, and to which he seems to have an almost irresistable inclinations."<sup>26</sup>

Dole's concentration plan had its roots in the "corridor" policy which had been abandoned in the 1850's. He proposed to concentrate a number of tribes on large reserves totally removed from white contact rather than on small reservations in the midst of or near to white settlement. He believed that some reserves should be abandoned because of their proximity to whites and that the tribes should be gathered on lands south of Kansas, away from white pressure. The Indians should then be scrupulously protected in their rights until they learned "the arts of civilized life."<sup>27</sup>

Dole saw the treaty system as the best guarantor of Indian rights. He even hoped to extend the system to the tribes in the Mexican cession. Only when the tribes were protected in this way, he believed, could the federal government withdraw from Indian management. Furthermore, the treaty system would settle the question of land title once and for all and would allow the Indians a voice in their own future. Dole's plan had the endorsement of both President Lincoln and influential members of Congress like James Rood Doolittle, chairman of the Senate Indian Affairs Committee.<sup>28</sup>

Dole was anxious to consummate treaties with all tribes not already provided for under existing treaties and to negotiate new ones in situations which promised to be troublesome in the future. Consequently, when Evans proposed that an alternative site for a reservation be considered for the Cheyennes and Arapahoes, Dole recognized an opportunity not only to avert tragedy but also to negotiate an arrangement more in line with the new policy. Evans's letter offered an alternative

which made sense to Dole and seemed to portend a more realistic approach to policy in Colorado. On January 15, 1864, he advised Evans that

if it is found impracticable to unite the Cheyennes and Arapahoes on their reserve on the Arkansas, you are authorized to treat with them for their settlement on other lands, if by doing so there is a reasonable prospect that they can be satisfied, threatened hostilities averted, and peace and quiet established.<sup>29</sup>

The winter of 1863-64 passed without incident, and the agents reported Indians along the Platte and the Arkansas to be quiet and "well disposed toward the whites."<sup>30</sup> Hiram Pitt Bennet, Colorado's delegate in Congress, informed Commissioner Dole in January that the Indians objected to the military reservation at Fort Lyon being located on lands granted to them by treaty. He suggested that the removal of troops to a point north of the Sand Creek reserve between the Indians and the settlements. This arrangement, he argued, would allow the troops to protect the settlements and prevent settlers from encroaching upon Indian land. More importantly, Bennet reminded Dole that the promises of the Boone treaty had not been kept and warned that if steps were not taken the Arkansas bands might "find their way north to join the hostile Sioux."<sup>31</sup> Colonel Jesse Leavenworth, recently returned to the plains as Indian agent for the Comanches and the Kiowas, offered similar advice to the commissioner.<sup>32</sup>

Special Agent H. T. Ketcham informed the governor of conditions which he found prevalent during his visits among the Indians. He reported "dissipation, Licentiousness, and venereal diseases . . . in and around all the military Posts that I have visited to an astonishing

extent." He also reported widespread cheating of the Indians by traders and post sutlers. At Fort Larned, Captain J.W. Parmetar "continues to get drunk every day & insult and abuse the leading men of the Tribes, & make prostitutes of their women." Under such appalling conditions, Ketcham warned, "you cannot expect to have any permanent peace with these Indians. . . ." <sup>33</sup>

All of these reports tended to confirm Commissioner Dole's analysis of the shortcomings of the system and to argue persuasively for a completely new treaty. Yet, while the situation demanded bold action and while Evans had the authority to move, his plan was still-born. John Evans made no effort to pursue it. He never contacted any tribal leader. In fact, no further mention was ever made of the idea in official correspondence. In spite of the absence of reports indicating active hostility from the Indians, Evans remained convinced that the attacks would commence in the spring as he had predicted. In the interim, he did nothing.

Evans's attitude of resignation and his failure to initiate a new effort based upon Dole's instructions was rendered more difficult to understand by the clamor in the territorial press for a resolution of the land question. "It would puzzle a Philadelphia lawyer to tell whether the Utes, Arapahoes, or Uncle Sam owns the ground on which the improvements of Colorado are made," the editor of the Black Hawk Mining Journal lamented. <sup>34</sup> And even the Rocky Mountain News advised its readers that only sound treaties with each of the tribes would insure the future of Colorado. Moreover, even the governor himself conceded, in his annual

message to the legislature in February, that Indian land title was still open to dispute.<sup>35</sup> And still the governor waited.

On January 1, 1864, the Military District of Colorado became a part of the newly created Department of Kansas, commanded by Major General Samuel Ryan Curtis, the former Iowa congressman. Curtis, concerned with the war in Kansas and believing that a "good company or two, with two howitzers well attended" was "sufficient to pursue and destroy any Indian band likely to congregate anywhere on the plains," was not the sort of man to be much impressed by rumors.<sup>36</sup> He instructed his officers in remote districts to be alert and keep him advised of Indian troubles, but he concentrated his efforts on the Confederate threat to Kansas. He quickly let it be known that he would pull troops away from the frontier districts if the situation demanded it.<sup>37</sup>

This distressed Evans and his associates in Colorado, particularly as the economic plight of the territory seemed to worsen. Prices and freight rates rose at a rapid pace. In April, the sale of mining securities collapsed, leaving most of Colorado's mines in the hands of eastern speculators. To make matters worse, the largest emigration of the war had already commenced along the Platte route, bringing hundreds of settlers through the Indian country.<sup>38</sup>

On March 12, Agent Colley reported on conditions at his agency, noting that he "found the Indians all quiet at Ft. Larned, but the Arapahoes and the Cheyennes still insist that the Sioux will make a raid on the settlements on the Arkansas and Platte Rivers sometime during the spring or early summer."<sup>39</sup> Evans used this correspondence to make

another plea to General Curtis. Curtis thanked him for the information, expressed his interest in "all intelligence of a credible nature," but then reminded Evans that

I am obliged to draw every man that can be spared from the Indian frontier to operate against rebels who have devastated this State of Kansas, and should be kept south of the Arkansas; and I hope you will advise me, both of danger and no danger, so I can use every man you can spare in assisting to crush out the infernal rebellion.<sup>40</sup>

In the meantime, Evans instructed Colley to use spies to discover "the true character of the threatened Indian hostilities." "It is of the utmost importance to the preservation of proper relations with the Indians themselves as well as to the preservation of our Citizens from the outbreak in butchery and all the horrors of Indian war," he wrote, "that the utmost vigilance be observed." He added an ominous note, "I fear an outbreak when not looked for."<sup>41</sup>

By then, snows were melting in the secluded valleys of the Republican and Smoky Hill, and Indian ponies were fattening on spring grasses. The bands were beginning to move in search of fresh meat, while the young men of the tribes were anxious to test their mettle against their enemies in the time honored way. As always, the Cheyennes and the Arapahoes clashed with the Utes, and Colley expressed some fear that the fighting would "extend much further." Still, nothing had happened so far to suggest that the events were any different than those of previous springs. Robert Byington Mitchell, who assumed command of the District of Nebraska early in April, conferred with the Oglala, Brule, and Minneconjou Sioux at Fort Laramie, demanding that they stay out of the Platte



valley, but while the chiefs were incensed by Mitchell's attitude, they avowed their peaceful intentions. Speaking for the Sioux chiefs, Spotted Tail told Mitchell that the Sioux were not afraid of the whites but that they would keep the peace. He said that his people did not care about the Platte valley since the whites had killed off the game there. Nevertheless, he refused to abandon the area until a treaty could be negotiated. He demanded that whites abandon the Smoky Hill trail and cease surveys west of the Niobrara. Mitchell left the conference somewhat skeptical, but in the weeks that followed the Sioux kept their word.<sup>42</sup>

Although the changes were imperceptible to most observers at the time, the Indians were gradually giving ground to the whites--and for reasons that had nothing to do with treaties. The pressure of white settlement steadily depleted game, interrupted easy access to traditional sources for stolen horses, and undermined the base of their trade with whites. The wintering grounds along the Rockies west of the South Platte were no longer accessible to them without the possibility of collision with whites, and the buffalo herds dwindled with each year on lands that were formerly valued hunting grounds.

The winter of 1863-1864 marked subtle demographic changes in the distribution of the tribes. Most of the Northern Arapahoes, under Medicine Man and Friday, continued to occupy lands on the Cache la Poudre near Camp Collins. The Omis and the northern Suhtai, the northernmost Cheyennes remained north of the South Platte as far away as the Yellowstone River. These Indians and their Sioux allies had ample access to

buffalo and wintered well. The majority of the Cheyennes, both northern and southern, were scattered along the Smoky Hill and Republican rivers, south of the South Platte, east of the headwaters of the Republican and Smoky Hill, and north of the Big Sandy. This area constituted the major enclave of buffalo remaining in Colorado. It extended into western Kansas and tended to pull the Indians down river and away from the Colorado settlements. In the spring, the scattered manhao of the Cheyennes began to gather north of Fort Larned on the upper reaches of the Solomon River. These shifts were consistent with traditional plains migrations, but they also marked the shrinking area in which that pattern of life could survive.

The Indians in the worst condition were those closest to the whites. Clustered near Fort Lyon and Fort Larned, they had suffered through the previous summer's drought along the Arkansas. Hunting near the Santa Fe road was poor, and the emigrants and traders had their usual deleterious effects upon the tribes in the form of disease and whiskey. Left Hand and Little Raven had wintered below Larned, far from their usual wintering grounds near Denver, because they were so poor that they could not move. Ironically, as these people tried to find an accommodation with the whites by coming into the Agency at Point of Rocks, they were told that the reservation was not ready to take them and that they would have to subsist themselves by hunting. Then they were denied the ammunition which they needed for hunting.<sup>43</sup>

The net effect of all of this worked to the advantage of settlement and might well have produced a quiet summer in 1864. For the

moment, the majority of Cheyennes and Arapahoes could maintain their life style, and as long as they could do that, they posed no serious threat. The debilitated southerners were too weak to offer much resistance and were so peacefully disposed that they would not cause trouble unless sorely provoked. Even the powerful Sioux, with the winter for reflection and rebuffed in their efforts to secure a grand alliance, made no threatening moves on the Platte. The southern Sioux, the Brule, Oglala, and Minneconjou, who occupied the region of the Upper Platte Agency, showed little enthusiasm for a major confrontation with the whites. Only a few scattered groups remained in the region east and south of the South Platte from the mining camps of Colorado to the headwaters of the Smoky Hill and Republican, and most of them began moving east with the spring thaw. The only Indians within easy striking distance of the Colorado settlements were the friendly Arapahoes of Friday and Medicine Man.<sup>44</sup>

The warnings of November seemed groundless in March as the emigrant trains rolled unmolested up the Platte valley. Then, on April 7, 1864, General Curtis received word that Indians had stolen 175 head of cattle from the firm of Irwin, Jackman & Co., government contractors and freighters working out of Denver. Curtis immediately wired Colonel Chivington of the alleged theft and advised him not to let "district lines prevent pursuing and punishing" the thieves. Curtis also advised General Mitchell of the incident, believing that the theft had occurred in his district.<sup>45</sup> Mitchell relayed the message to Colonel William O. Collins at Fort Laramie with instructions to recover the stock and to "handle the scoundrels without gloves if it becomes necessary," but he

confessed to Curtis that his telegram was "the first intimation I had of the difficulty with Indians."<sup>46</sup>

In Denver, where Irwin-Jackman herders reported the theft directly to Colonel Chivington, the authorities quickly concluded that Cheyennes were to blame. Military preparations were made hastily, and on the following day, Lieutenant George S. Eayre of McLain's Independent Battery departed Camp Weld with fifty-four men and two mountain howitzers to find and to recover the stolen stock. Eayre had no experience in dealing with Indians and no interpreter, but after months of garrison duty and the stigma of having twice lost his commission, Eayre was anxious to prove himself.<sup>47</sup>

The Irwin-Jackman herd had been grazing in open country near the head waters of Sand Creek seventy-five miles southeast of Denver when the alleged theft occurred. The drovers who reported the incident claimed to have trailed the raiders for fifteen miles along Sand Creek until the trail turned east toward the Smoky Hill. Beyond that, they provided little help. They surmised that the thieves were Cheyennes, but they had no concrete evidence. Eayre proceeded to the scene where one of the drovers, a man identified by Eayre as "Routh," joined the soldiers as a guide. He led them to Sand Creek where a snow storm forced Eayre to go into camp for several days.<sup>48</sup>

In the meantime, with no intelligence or other evidence to confirm that a theft had actually taken place, Chivington notified Curtis that Cheyennes were responsible.<sup>49</sup> Other units of the First Colorado

Cavalry were soon in the field. The flurry of military movements encouraged rumors of widespread depredations, but so far no one had seen a hostile Indian. Mitchell and Collins were skeptical of the reports, and after a futile search for Indians in his vicinity, Collins inquired of Chivington regarding the incident, "Is it true? When and where?"<sup>50</sup>

Major Jacob Downing, investigating one of many rumors near Junction Ranch was the first to encounter Indians. These fled without a fight at the troops' approach, and Downing put their lodges, full of buffalo meat and equipment, to the torch.<sup>51</sup> The same day a party of fourteen young Cheyenne Dog Soldiers moving north to join a raid against the Crows and unaware of the excitement, found four stray mules and took them in tow, planning, they always claimed, to turn them over to the whites. That afternoon, W. D. Ripley, a rancher on Bijou Creek, looking for stray stock, came upon the Dog Soldiers encamped near the South Platte. He demanded that they turn the mules over to him, but the cocky young Cheyennes insisted upon a reward for having found them. Ripley left in anger and reported to the authorities at Camp Sanborn that Indians were stealing stock in the area and that he had narrowly escaped being killed by them.<sup>52</sup>

The next morning, April 12, Lieutenant Clark Dunn took the field with Ripley and forty troopers. The patrol overtook the Cheyennes that afternoon near Fremont's Orchard. Ripley identified the mules, and Dunn apparently made some effort to parley, although he had no interpreter. He blundered badly when he tried to seize the Indians' weapons. A sharp, running fight erupted which left two soldiers dead and two

wounded. Three Cheyennes were wounded. Once safely away, the perplexed Dog Soldiers broke off their raid on the Crows and returned to their village near Elbridge Gerry's ranch. After hearing their account, the chiefs there struck camp and moved toward the Smoky Hill to join the other bands and to stay clear of the soldiers.<sup>53</sup>

Lieutenant Dunn, who still did not know the identity of the Indians he had fought, collected weapons on the field and sent them to Denver where they were identified as Cheyenne.<sup>54</sup> That seemed to confirm the worst suspicions of the military and civil authorities in Colorado. Chivington advised Colonel Collins, who had still seen no Indians, to "look out for them and kill them. They are raiding in every direction, and refusing to give up stock when caught."<sup>55</sup> He also instructed the officers of the First Colorado Regiment to "Be sure you have the right ones and kill them."<sup>56</sup> Governor Evans reminded General Curtis of his warnings about an Indian alliance, adding that recent events demonstrated that they "were too well founded to justify indifference."<sup>57</sup> The beleaguered Curtis, having stripped away every available soldier from Kansas and the Indian country to meet an expected Confederate advance, expressed his own fears that the Minnesota tragedy might be repeated on the plains, but he cautioned that troops must "try to prevent irritations of Indian difficulties."<sup>58</sup>

Unaware of these developments, Lieutenant Eayre had renewed his search for the Irwin-Jackman herd. On April 14, he struck a trail leading toward the Republican River, and the next day he located a small camp of five lodges. The Indians were Cheyennes led by Crow Chief who

were enroute to the Republican. Eayre sent three men ahead to demand the cattle. They were met by several warriors who rode out to parley while the women and children "mounted their ponies and left humming." When he realized the Indians were running away, Eayre brought up his troops at a gallop, and the remaining Cheyennes fled without a fight. One young man named Antelope Skin, who was cut off from his companions when the soldiers approached, seriously wounded a trooper when they tried to capture him. He then made his escape. Eayre pursued the Indians for a short distance, then returned and burned the village.<sup>59</sup>

Eayre pushed on, and three days later he came upon a second and larger village. The camp was abandoned, but the Cheyennes had fled in such a great hurry that they scattered food, supplies, and camp equipment for a distance of four miles. Near the village, Eayre's men found nineteen head of Irwin-Jackman cattle. He burned the village and turned back toward Denver convinced that "the Cheyenne Indians are the ones who stole the cattle; that they meditate hostilities against the whites, from the fact of their having first fired upon the command; [and] that they are now encamped upon the Republican, some 200 miles east of Denver . . . ."<sup>60</sup> The Cheyennes, led by Raccoon, hurried on toward the Republican to add their story to those of Crow Chief and the Dog Soldiers. Each report heightened Indian fears, and the chiefs were both incensed and puzzled.<sup>61</sup>

So far, nothing had happened which indicated widespread hostility on the part of the Cheyennes and Arapahoes. Fewer incidents had occurred than in previous years, and in every encounter the Indians fled,

obviously frightened. Even the alleged theft of the Irwin, Jackman & Co. herd was dubious. The Indians frequently raided herds, running off a few head, particularly in the spring when meat supplies were low. That kind of activity had been a troublesome reality for years. Nor were the Indians above stampeding herds for the sheer pleasure of it. But the systematic theft of so many cattle was almost unheard of. The size of the losses gave the incident a special sense of urgency, but it also raised a question of motive.

The Cheyennes never denied that some of their people acquired possession of cattle from the Irwin-Jackman herd, but they vehemently denied either stealing them or running them off. They said that a party of Cheyenne hunters found "a number of oxen straying about among the sand hills. As they did not know to whom the animals belonged, they drove them to their camp, intending to keep them until someone should lay claim to them."<sup>62</sup> Three considerations made this a plausible explanation. First, the friendly Cheyennes and Arapahoes had followed the practice routinely since before the Pike's Peak gold rush, recovering a considerable amount of stock along the overland routes which they usually exchanged for gifts of coffee and tobacco. Second, only nineteen head of Irwin-Jackman cattle were ever recovered, those found near Coon's camp, which tended to corroborate the Indian account, particularly since no further trace was ever found of the herd. Finally, buffalo had been plentiful east of Denver that winter, and, as George Bent pointed out later, "Indians would not eat 'tame meat' when they could get buffalo."<sup>63</sup>



On the other hand, settlers commonly blamed Indians for stampedes or lost livestock or prairie fires in order to recover their losses through depredation claims. Drovers often blamed Indians for lost or strayed livestock to cover their own carelessness and to shift the responsibility away from themselves. Ripley's behavior on the Platte provided another clear example of exaggeration in reporting livestock losses. Furthermore, Irwin and Jackman were influential government contractors with a vested interest in maintaining troops in Colorado.<sup>64</sup>

Perhaps more important was the evidence of peaceful intent. Elbridge Gerry reported that neither the Cheyennes nor the Sioux were aware of any war parties among the Platte or of any raiders leaving the camps of the southern bands. At Fort Lyon, John Prowers, a prominent local rancher who had married the daughter of Lone Bear, the Cheyenne chief known to the whites as One Eye, reported that the Cheyennes had no intention of joining any war against the whites.<sup>65</sup> Captain David L. Hardy recovered fifty head of stock picked up by the Cheyennes without incident and found the Indians "very frightened," and Captain Samuel H. Cook advised Denver that "the Indians are very much alarmed and appeared to be very anxious to keep on good terms with the whites."<sup>66</sup> Above the South Platte, the bewildered Colonel Collins, thoroughly confused by the apparent conflict between reports of depredations and the actual state of affairs in his vicinity, sought more information. He wired Chivington that he had "parties out looking for Cheyennes that had the fight at Fremont's Orchard with Lieutenant Dunn but can learn nothing of them.

Any information you can give as to what band, how many, who chief, where from, where seen last, and where going will help."<sup>67</sup>

Despite these indications that the danger was exaggerated, Chivington's orders and the troop movements were spreading alarm throughout the territory. Even Albert G. Boone, who should have known better, begged Chivington not to leave the Arkansas valley undefended.<sup>68</sup> The Colorado troops were developing a policy of "search and destroy" which was certain to arouse the Indians to real depredations and, eventually, to justify the settlers' fears. Major Downing and Lieutenant Eayre were again in the field chasing rumors but having little success in locating Indians, hostile or friendly. In spite of that, when Downing's saddle-weary troops returned to Camp Sanborn on April 20, the bellicose major insisted that "Everything indicates the commencement of an Indian war."<sup>69</sup>

After sending out fresh patrols the following day, Downing penned another, more revealing dispatch. "It has been stated that the Cheyennes as a tribe discountenanced the depredations of these men," he wrote. "However that may be, I have as yet been unable to find any of them, and if I find any will punish them for the depredations already committed by members of their tribe until further orders from you."<sup>70</sup> Downing's aggressive attitude and his refusal to draw any distinction between the innocent and the guilty underscored the real danger to peace on the plains. The posture of the Indians toward whites was irrelevant. A pervasive and insidious belief in the inevitability of conflict had built up over the years since 1858, fed by fear, misunderstanding, and a tangle of personal and public interest. The white population of Colorado

saw the issue in simple terms. They assumed that they had a superior claim to the land. They did not explore the complexities of the "Indian problem." For them, the "Indian" was a generalized and anonymous figure, bereft of individuality or humanity, seen only as a dangerous threat. That attitude permeated all levels of thought on the subject and, reinforced by the conventional wisdom of the day, it created the atmosphere for tragedy.

For months, Colorado officials had expected hostilities to begin in the spring. Once the first reports reached Denver in April, events followed inexorably. The hard choices had already been made. Neither the civil nor the military authorities investigated the validity of the charges against the Cheyennes. Evans and Chivington made no effort to reach the Indians to resolve the crisis peacefully. They did not have to. Their minds were already made up. Evans continued to meet periodically with Arapaho leaders from the Cache la Poudre and discussed Indian affairs with traders like Elbridge Gerry, but despite their assurances that war could be averted, Evans never doubted the accuracy of the military reports. They confirmed his views of what would happen, and he accepted them without question.

The precipitous behavior and bellicose attitudes of Chivington's subalterns, Downing, Eayre, and Dunn, matched the irresponsibility of Chivington's order to "kill Indians whenever and wherever found," and the blame for what happened seemed to lie there. Commissioner Dole, still largely in the dark two weeks after the first hints of trouble, wrote to the Secretary of the Interior, "I fear the soldiers will get us into a

fight with all these Indians. What a troublesome question that is. We cant do without troops on the frontier & yet their conduct is such in most cases to get up trouble rather than alay [sic] it."<sup>71</sup> As prophetic as that statement proved to be, it grossly oversimplified the situation on the plains. His own office had provided virtually no direction to Governor Evans, and Dole himself had seriously underestimated the volatile character of the situation. Governor Evans quietly accepted the military solution because his policy had failed. When the rumors began to fly in April, he saw them as proof that he had been right all along. He sent no instructions to the agents. He made no public appeal for calm. He sought no assistance from Washington. Instead, he informed Dole of the alleged thefts, saw to it that agency employees were armed, and then concentrated all of his efforts on a single theme. He resumed his demand for troops to reinforce Colorado units warning General Curtis that Chivington could not defend the territory "unless supported from east of the plains."<sup>72</sup>

Evans seemed to have the support of Colonel Chivington. Faced with a divided command, fearful that Curtis would replace him, and anxious to relieve the boredom of garrison duty for his men, Chivington maximized the only war he had. But he did not share the governor's panic. As always, he was supremely confident, and, with his penchant for absolutes, he took a hard line. Still, he understood that no fresh troops would flock to Colorado's aid. He fully expected the spring campaigns against the Confederacy to draw troops away in the same way that the Vicksburg campaign had pulled the Second Regiment east in 1863.

If he were lucky, the First would be called up, or, at worse, Curtis would become so preoccupied with the defense of Kansas that he would be left with a free hand in Colorado.

In fact, Curtis had already weakened his defenses in order to support the movements of General Fred Steele along the Red River to such an extent that he warned General William T. Sherman, "Kansas & Indian country stripped to strengthen Steele."<sup>72</sup> When General Mitchell requested reinforcements in his district, Curtis told him flatly that "As to promising more troops, that seems quite out of the question at present [...] [E]verything has been drawn away."<sup>73</sup> With Steele depleting his forces, Curtis suddenly found himself beset with Kiowa hostilities below Fort Larned, rumors of a major assault on Kansas from Quantrill's guerillas, and deteriorating conditions in the Indian Territory. At the end of April, he ordered four companies from Mitchell's district, noting, "I am in great need of troops."<sup>74</sup> He told Mitchell that emigrants would have to defend themselves. At the same time, he wired Chivington, "Send all the forces you can spare to extreme South East of your district. Rebels threaten upper Arkansas country."<sup>75</sup>

With that, Chivington's views abruptly changed. He requested authority to call out the militia "in case of actual necessity," explaining that "Our people are terribly scared with no protection left them." But he also added, "Don't think they will be needed but the possibility they may." He was more explicit in a second communique written later the same day. Once Mitchell relieved Colorado troops at Camp Collins and Camp Sanborn on the Platte, he would move down the Arkansas in force, he

said. He expressed his desire "to move with my command over into Northwestern Texas, if for nothing but a raid. Can make the most successful one of the war in my judgment." To that, he added, "If there should be further Indian troubles, which does not seem probably, the militia are armed and can take care of them."<sup>76</sup>

This remarkable letter came only days after Evans's plea for more troops and after Chivington learned of a Cheyenne raid against Moore and Kelly's Overland Stage Company station west of Julesburg on the Platte route in which Indians ran off \$800 worth of horses--the first clear instance of hostile behavior on the part of the Cheyennes.<sup>77</sup> On May 2, Curtis instructed Colonel Collins to relieve Chivington's men at Camp Collins, noting, "I draw heavily on Colorado."<sup>78</sup> The same day, he instructed Chivington to move down the Arkansas. He assured Colorado's commander that he would call out the militia "If occasion requires" and expressed the hope that Evans would move quickly in that event. But he warned that his troops might be moved "further down the Arkansas during the Summer campaign."<sup>79</sup>

At the end of April, then, Colorado's authorities disagreed fundamentally on the true state of affairs. Evans appeared to be an alarmist to those few who knew his position. Most of the territory's press agreed with Chivington that the depredations reported did not signal the beginning of an Indian war. No massive uprising had occurred, and the Rocky Mountain News said flatly, "this Indian war was 'a heap of talk for a little cider.'" White men have undoubtedly been the aggressors."<sup>80</sup> Yet, the events of April demonstrated that Coloradans were

prepared to strike the Indians hard at the slightest provocation. The days of accommodation had come to an end.

## CHAPTER VII

### FEAR TAKES COMMAND

For a moment in early May, 1864, the Indian scare appeared to be over. The massive assault on the Colorado settlements which had been predicted in March and April had not materialized. The white population relaxed, giving credit to the military for prompt action which they firmly believed had quelled a nascent uprising. Few whites doubted that the Indians intended mischief, and only the most seasoned plainsmen fully appreciated the restraint which the tribes had shown so far. The Cheyennes and Arapahoes, still more bewildered than angry (if not totally ignorant of what was happening) clung to their villages or loitered near the army posts for fear they would be dragged into the fighting. At Denver, Colonel Chivington relaxed and turned his attention to concentrating Colorado troops in the southeastern corner of the district in case General Curtis needed them in Kansas. Governor Evans waited and worried. Then, abruptly, fresh dispatches reached Denver from the Platte River road.

Following the attack on the Moore and Kelley stage station on the Platte route, rumors of widespread Indian raids were commonplace, and Major Jacob Downing advised Chivington that "Active measures should at



once be adopted to meet them on all sides."<sup>1</sup> But, troops sent out to investigate the rumors found no sign of Indians. In spite of the absence of any real evidence of Indian hostility, Downing continued to insist that war was imminent. Even after three lodges of Dog Soldiers came in to Gerry's ranch and told the old trader that the Cheyennes were still in their winter camps, most of them totally unaware of any trouble, Downing warned them away from Gerry's place with the threat of punishment if they were found on the Platte.<sup>2</sup> Clearly, Chivington's dour district inspector was spoiling for a fight.

Jacob Downing was an ambitious man. As Chivington's eyes and ears, he was feared both in the ranks and among the officers of the First Colorado Cavalry. His role in engineering the removal of Colonel Jesse Leavenworth and his vendetta against Lieutenant Colonel Samuel Tappan were both well known, and his motives were well understood. Downing wanted Tappan's shoulder straps. General Curtis had rebuked him for his activities only weeks earlier. Now, he was anxious to prove himself on the field of battle. Downing despised Indians with a deep and burning hatred, and he was disposed to believe the worst. With Chivington's orders to burn villages and kill Indians in hand, Downing had ample excuse for taking the offensive. No man knew the mind of John Chivington better than Downing, but he did not need Chivington's explicit orders. The district commander had given him considerable latitude in deciding what to do. So, while Chivington busied himself at Denver with the details of consolidating the regiment in southeastern Colorado as Curtis

had ordered, Downing had a free hand, and he was determined to make the most of it.<sup>3</sup>

At the end of April, Downing sent out scouts to locate Cheyenne villages, following them with a detachment of forty troopers. On May 1, 1864, a contingent of these soldiers flushed a lone Cheyenne from hiding near American Ranch on the South Platte. Downing reported that he resisted the impulse to kill the half-Cheyenne, half-Sioux prisoner and later recalled that he had to intervene to keep his men from shooting the man on the spot. At American Ranch, Samuel Ashcraft, Downing's scout, identified the prisoner as Spotted Horse, a Cheyenne chief from one of the villages above the Platte. In fact, he was the same Spotted Horse who had signed the pledge to accept the Fort Wise Treaty for John Loree the previous summer.<sup>4</sup> Downing did not know him, nor did he care about his personal inclinations toward whites. He wanted to know where the Cheyennes were camped, and when Spotted Horse refused to tell him, Downing angrily threatened to burn him at the stake the next morning if he did not give him the information he wished. Downing then ordered a pyre built around a post in the corral in preparation for an execution. The next morning, he had the hapless Cheyenne lashed to the post and lit the fire. When the flames "licked his shins," as Downing later put it with obvious relish, Spotted Horse broke down and agreed to lead Downing to a village in the vicinity. Downing then kicked the burning kindling away, put his troops in the saddle, and crossed the Platte with Spotted Horse, bound and tethered to two troopers, as a guide.<sup>5</sup>

Spotted Horse led the soldiers north of the South Platte for a distance of sixty miles, and at dawn on the morning of May 3, Downing's troops surprised the small village of Bull Ribs and his Oktouna manhao at Cedar Bluffs.<sup>6</sup> The soldiers struck without warning while the inhabitants were still asleep. Downing claimed that he killed twenty-six warriors and wounded many others before the survivors escaped into a draw where they held off the soldiers until Downing gave up the fight. In his report, he lamented the fact that he had no howitzers. With them, he assured Chivington, he could have "annihilated the entire band." Downing reported that the camp contained fifteen large lodges and other smaller ones suggesting a village of about one hundred people, but he insisted that many of the "raiders" had no lodges of their own.<sup>7</sup> The Cheyennes claimed that both the village and the casualties were much smaller than Downing reported, and they insisted that some of the killed were women and children (which Downing denied).<sup>8</sup> Downing did seize more than one hundred horses which, by his own admission, he divided "among the boys" in violation of prevailing army regulations. The major was obviously proud of himself when he advised Chivington that the Cheyennes were "pretty severely punished in the affair." But, he added ominously, "I believe now it is but the commencement of war with this tribe, which must result in their extermination."<sup>9</sup>

Downing returned to the Cedar Bluffs site a week later, on May 10, burned the abandoned lodges, and started back toward Camp Sanborn. Enroute, he encountered a band of Sioux who told him that the survivors had fled north toward the Powder River after trying to persuade them to

join in the fighting against the whites. Downing avoided a clash with these warriors, hoping, as he had said earlier, to postpone conflict with the Sioux "till we get through with the Cheyennes."<sup>10</sup> The major then proceeded to Camp Sanborn and made preparations for returning to Denver. Spotted Horse was still in his custody. Downing always insisted that the chief had begged for a carbine at the beginning of the fight at Cedar Bluffs and that he fought with the soldiers. "He knew only too well what would happen to him if the Cheyenne got him," Downing later wrote.<sup>11</sup> Whatever the truth about that, Spotted Horse remained at Camp Sanborn for a time where he discussed the situation on the plains with Sam Ashcraft.

News of the Cedar Bluffs fight soon spread among the Cheyennes, but southward where Major Edward Wynkoop had assumed command at Fort Lyon, the Indians remained quiet. Wynkoop saw no reason for alarm on the Arkansas, and even reported no need for extra ordnance supplies at Lyon.<sup>12</sup> Chivington ordered him to question the Indians in his vicinity about the fighting on the Platte, punish them if they were guilty of depredations, but "if they commit no offense, of course they will not be molested."<sup>13</sup> Agent Colley reported the Arkansas bands anxious for peace, but their leaders told him flatly that "if the troops come after them they will have to fight."<sup>14</sup>

In Denver, Governor Evans interpreted Downing's attack as further evidence of Cheyenne hostility, but Colonel Chivington forwarded the news to headquarters without fanfare. William Bent and others later charged that Downing attacked the Indians on Chivington's express command in order to stir up a war for political reasons. If that was

Chivington's design, it could not be read in his reaction. In every visible way, he concentrated on moving to support Curtis as ordered. The press, however, so recently discounting rumors of war, quickly began to spread them.<sup>15</sup>

General Curtis accepted Downing's dispatch at face value, but the news disturbed him. On May 9, he tried again to explain the critical military situation to Evans. "The need of concentrating forces to crush rebel armies in Virginia and Tennessee has drawn heavily from the right wing of our army in the field, and exposed Kansas especially to invading rebel forces that threaten to move against us," he wrote. Then he added:

To compensate for such a draft on our front lines, I am obliged to draw from this interior and I hope the militia may in some way be made to take care of the settlements and travel that are liable to Indian depredations.

The fate of the nation depends much on the campaigns of this season against the Great Rebellion and your Excellency will see and feel the necessity of pressing forward against rebel enemies every available man.

I hope therefore Your Excellency will dispense with all the Federal troops you can spare and use your utmost kindness and Militia force to keep down Indian troubles and side issues [italics added] that draw away men, means, transportation and attention to the main vital question, <sup>16</sup> that seems to threaten and overshadow all our hopes and happiness.

Having thus nudged the governor to use his office to promote peace with the Indians, he sent Chivington a simpler message, "I hope the Indians have settled down. I want all the troops to keep the Rebels under."<sup>17</sup>

On May 13, Chivington sent General Curtis a large buffalo robe, several arrows and a revolver from the Fremont's Orchard fight, a cinnamon bear and a bald eagle, "as a small token of esteem."<sup>18</sup> Curtis, by

then almost overwhelmed by the pressures he faced, was delighted with the "splendid trophies of Fremont's Orchard," noting, "I have carefully marked their origin & shall present [them] to public curiosity & try to transmit them to posterity."<sup>19</sup> Within a week, Chivington had ordered most units of the First Colorado Cavalry to rendezvous on the Arkansas, drawing troops from as far away as Fort Garland and stripping all Colorado forces from the Platte route except Company H, stationed at Fremont's Orchard. He inquired whether that unit should also be ordered south, but Curtis advised him to leave Company H in place "till we know [the] Indians will remain quiet."<sup>20</sup>

Through May, few reports of Indian troubles reached the obviously relieved General Curtis. Lieutenant George Eayre was somewhere east of Denver searching for hostiles, but along the Platte and the Arkansas quiet prevailed. District Headquarters had received no dispatches from Eayre since May 1, and Chivington grew increasingly concerned for the safety of the command, led by the ambitious lieutenant who had promised that his next report would be "of a more interesting character."<sup>21</sup> Eayre was looking for a fight. Late in May, patrols from Fort Lyon and Fort Cottonwood searched for the missing column, and Chivington confessed that he was "somewhat fearful for his safety."<sup>22</sup>

Captain Parmetar at Fort Larned advised Curtis that the Cheyennes who had wintered above his post on Ash Creek had moved north "for the purpose of preparing for war."<sup>23</sup> General Robert Mitchell joined those warning of imminent disaster.<sup>24</sup> With fears of Indian war spreading, Governor Evans again lectured Curtis on the "hellish purposes" of

the Cheyennes and demanded that Colorado troops be returned to the territory at once. If troops were not provided for Colorado's defense, Evans insisted that "they will wipe out our sparse settlements in spite of any home force we could muster against them."<sup>25</sup> The beleaguered Curtis lamented that "The Indians and guerrillas keep all my troops on the stretch," but for all of the rumors and frantic pleas, hard evidence simply did not support the doomsayers.<sup>26</sup> Curtis wanted to believe the officer at Cottonwood Springs who insisted that "Indian troubles are magnified. I see nothing to cause serious alarm here and this point is considered the most central."<sup>27</sup> But when rumors reached Cottonwood that ten soldiers had been killed on Box Elder Creek in Colorado, fears mounted that Eayre had found the Cheyennes.<sup>28</sup>

Then, suddenly, Lieutenant Eayre materialized. William Bent, headed east on his annual visit to Kansas City to replenish his stores, was the first to encounter Eayre's command far down the Arkansas near Fort Larned. Eayre told him that he had been attacked by Cheyennes on the Smoky Hill, but that he had won a victory after a battle of seven and one-half hours, killing seventeen Indians, including two chiefs. Eayre then proceeded on toward Larned and safety. Near Larned, an angry Indian emissary told Bent a different story. He said that the soldiers had murdered the chiefs and provoked a fight which continued until Eayre quit the field. Had the Indians wished to do so, the messenger insisted, they could have annihilated Eayre's small force.

Bent listened with growing concern, particularly after he learned that the bands involved were led by Lean Bear and Black Kettle. Both

chiefs were noted for their peaceful dispositions toward the whites. Lean Bear had gone to Washington with Colley the previous spring where he greatly impressed those who saw him. He had returned home determined to keep the peace. Black Kettle was the chief spokesman for peace among the Cheyennes. He had signed the Treaty of Fort Wise, but in spite of the unpopularity of that instrument, he retained a powerful voice in the council. The messenger told Bent that Black Kettle wished to talk with him about what had happened, and Bent arranged to meet the chief seven days later on Coon Creek.<sup>29</sup>

Eayre's dispatches did not reach Denver until June 1, 1864, because of the spring floods, and the delay encouraged a new round of rumors. At Larned, however, Bent managed to piece the story together. Apparently, Eayre had scoured the country east of Denver, moving slowly in the direction of the Smoky Hill River. The Dog Soldiers, the followers of Crow Chief and Coon, and some other Cheyennes congregated on the river after their encounters with the soldiers in April. Beyond them to the east, a large village of Brule Sioux was encamped on the Solomon River.<sup>30</sup> Eayre passed between these camps as he marched south toward the Arkansas. Lean Bear and Black Kettle had wintered on Ash Creek near Fort Larned. When they learned of the troubles on the Platte, they grew uneasy and decided to move north to join the other bands. This was the village which Parmetar reported to Curtis. This large assemblage moved north for a distance of nearly fifty miles and set up a temporary camp, planning to move on to the Smoky Hill.<sup>31</sup>



On May 16, Eayre's command stumbled onto this body of Cheyennes. At the approach of the troops, the Indians became very agitated. Lean Bear and another chief named Star, rode out to parley with the troops. Lean Bear wore his Lincoln peace medal and carried a paper testifying to his character signed by Commissioner Dole. As the two men approached Eayre's skirmish line, the soldiers opened fire. Both chiefs fell from their horses, and some of the soldiers rode to where the bodies lay and shot them again. Members of Eayre's command later verified that "no effort was made by Lieutenant Ayres [sic] to hold a talk with the Indians."<sup>32</sup> A sharp battle ensued which continued for several hours until Black Kettle finally brought the Indians under control. Wolf Chief, who was in the fight, recalled that "He kept riding up and down among the warriors, calling out, 'Stop the fighting! Do not make war!' But it was a long time before the warriors would listen to him. We were all very mad."<sup>33</sup>

The murders of Lean Bear and Star infuriated the Cheyennes and as Eayre's troops retreated toward Larned, the Indians retaliated in force. Along the road between Fort Riley and Fort Larned, the Cheyennes sacked and burned, ran off stock, and killed unwary settlers. Cheyenne warriors descended on Walnut Creek Ranch and ordered Charles Rath, the ranch keeper, to leave at once. They told him that they intended to "kill all the whites they could find" and spared his life only because he had married a Cheyenne woman. When they left they carried her with them.<sup>34</sup>

After these revenge raids, the Cheyennes again stopped fighting. A pattern of stimulus and response had emerged. The Indians reacted when attacked. Nothing indicated sustained hostilities. After the Eayre fight, Black Kettle pushed his people north to join the bands on the Smoky Hill. He could not stop the sorties on the Arkansas and probably did not try to do so, although he personally objected to them. In the meantime, those bands on the Smoky Hill had broken camp and were moving south, unaware of what had happened. About May 18, the two groups met. Now most of the Southern Cheyennes were together. In the council, all of the Cheyennes except the Dog Soldiers opposed going to war.<sup>35</sup> As arranged, Black Kettle met William Bent on Coon Creek, and Bent promised that he would go to Fort Leavenworth and lay the Cheyenne case before General Curtis. Black Kettle agreed that no raids would be launched for a period of twenty days to allow him time for the mission. With that Bent turned back toward Larned, and the Cheyennes moved south again and went into camp on Ash Creek above Fort Larned. This was the large camp reported by the scouts from Fort Cottonwood.<sup>36</sup>

All of this occurred before Curtis or Chivington had fully digested Eayre's dispatches. To them it appeared simply that the Colorado troops had bested the Cheyennes in battle. Chivington remained unimpressed by the Indians and confident that available troops were sufficient to meet the challenge. He wrote Major Wynkoop at Fort Lyon, "The Cheyennes will have to be whipped before they will be quiet. If any of them are found in your vicinity kill them, as that is the only way."<sup>37</sup> Chivington was unmoved when Evans asked that troops be retained at Camp

Fillmore near Booneville to allay the fears of local citizens, explaining that he was "compelled" to follow orders to concentrate his troops in the southeastern corner of district. He reassured Evans that defenses were adequate and conveyed the opinion that Lieutenant George L. Shoup, the commander at Fillmore that "there are no Indians in this vicinity."<sup>38</sup>

On June 3, Curtis dispatched Major McKenney, the department inspector with orders to arrange troops on the mail route west of Fort Riley, and four days later Colonel Chivington departed from Denver by coach for the rendezvous on the Arkansas. Chivington assured Curtis that he could keep the Indians quiet between Fort Lyon and Fort Larned when he arrived. Curtis pressured Chivington to move quickly and complained to the governor of Kansas, "Bushwackers are East and South of us, and hostile, thieving Indians West, but with great vigilance on the part of Federal & State troops we may protect the settlements."<sup>39</sup> On June 11, he wired Chivington to arm his unmounted cavalry as infantry and added, "I hope the Indians have settled down. I want all the troops to keep the Rebels."<sup>40</sup>

Upon his arrival at Fort Lyon, Chivington reported "no Indians between here and Larned." He did feel that "The Kiowas & Cheyennes are determined on war and will have to be soundly thrashed before they will be quiet," but he told Curtis that he could "keep the route between Larned and Lyon clear of Indians and Robbers & if the Major General so directs, I can make a campaign into Texas or after Indians on Smokey Hill & Republican."<sup>41</sup>

In the meantime, William Bent had returned to Fort Larned where he learned that Chivington had been ordered to Lyon. With the district commander so much closer than Curtis at Fort Leavenworth, Bent decided to return to Lyon and lay Black Kettle's case before Chivington. Bent found Chivington at Lyon, as reported, and detailed what he had learned from Black Kettle. He stated that peace could be restored without further violence. Chivington was strangely cool and replied that he lacked authority to make peace, and besides, that he was "then on the warpath." Bent remonstrated that delay was extremely dangerous. If fighting continued, it would likely spread to other tribes. He told Chivington that six Sioux died in the Eayre fight, and that the Kiowas were restive. If hostility spread, full protection of government trains and the emigrants would be necessary, leaving the settlers of Kansas and Colorado to bear the full weight of the war. In that case, Chivington retorted, "the citizens would have to protect themselves." Angered and frustrated by Chivington's intransigence, the aging trader realized his mistake in returning to Colorado. But he retired to his ranch to consider his next move, rather than proceeding to Fort Leavenworth.<sup>42</sup>

Ironically, by mid-June, Curtis had concentrated his forces within striking distance of most of the southern plains tribes. The Cheyennes had moved their camp after Black Kettle's meeting with Bent, crossing south of the Arkansas to Salt Plain on Bluff Creek. Kiowas, Comanches, Apaches, and Arapahoes were all camped in the vicinity which explained Captain Parmetar's nervousness at Fort Larned. A unique opportunity existed to end the troubles right there had military and

civilian authorities realized it, but both were so lost in a maze of rumors, conflicting reports, and their own predispositions toward Indians that the situation at Larned grew even more dangerous.<sup>43</sup>

No incidents had occurred in Colorado since the attack on Kelly and Moore's stage station early in May, but Governor Evans never wavered in his belief that disaster was imminent. On May 28, he wrote an impassioned plea to Curtis. He pointed out that he had previously offered all of the Colorado troops save six companies to Curtis, but that Curtis had declined them because he felt it was not prudent "to weaken the frontier lines." Circumstances had deteriorated since then, he said, and "Now we have but half the troops we then had and are at war with a powerful combination of Indian tribes who are pledged to sustain each other and to drive the white people from their country." He argued that defensive strategy using militia would not work. He begged Curtis "In the name of humanity" to permit Colorado troops to stay in the territory and to mount an expedition against the Indians whom he believed were on the Smoky Hill and Republican. On June 3, he bundled up copies of his correspondence and forwarded it to Curtis with the demand that "our troops be allowed to defend us and whip those red skin rebels into submission at once."<sup>44</sup>

Then something happened which introduced a flicker of doubt in the governor's mind. Evans had discussed Indian matters before with plainsmen like Elbridge Gerry, Samuel Ashcraft, and a mysterious man known only as "Mr. Bouser." They had suggested that the situation might not be as bad as he imagined. Evans was skeptical. Early in June, he

received a letter from Ashcraft informing him that two Cheyennes, Spotted Horse and Little Horse, were enroute to Denver to meet with him.<sup>45</sup>

Spotted Horse was the Cheyenne council chief so badly handled by Major Downing at Cedar Bluffs; Little Horse was his brother. After the fight at Cedar Bluffs, Spotted Horse apparently returned to his people briefly. Having twice disappointed his people, the humiliated chief gave away more than one hundred horses and "threw up" his chieftainship. Convinced that the whites were determined to fight, Spotted Horse returned to Camp Sanborn where he prevailed upon Ashcraft to arrange a meeting with the governor. In June, Spotted Horse arrived at Camp Weld where he eventually met with Evans. With Bouser interpreting, Spotted Horse presented the Indian version of what had happened and told the governor that peace could be saved.<sup>46</sup>

Evans remained skeptical, but Spotted Horse had reminded him of the danger of assuming that all of the Indians were hostile. On June 8, the governor advised Commissioner Dole that "a severe chastisement" would be necessary to restore peace, but he added that "All that can be done by prudence to keep others from joining in the fray should be done while the military bring the others to terms."<sup>47</sup> On June 10, when Captain Joseph C. Davidson departed from Camp Weld with the last company of the First Colorado Cavalry bound for the Arkansas, Spotted Horse and Little Horse rode with them. Evans asked Elbridge Gerry to provide for their families until they returned, explaining, "I have sent them in the hope that they may be instrumental in bringing about a Peace and to serve as guides."<sup>48</sup>

The troops had scarcely left when three terrified riders galloped into Denver to report that Indians were raiding within twenty-five miles of the city. Evans went into action. He wired Curtis that Indians "supposed in large numbers" were murdering and burning near Denver. "Troops left yesterday for Lyon, now near Indians," he wrote, "have requested them to scout. For God Sake order this company of troops to go after the rebel red skins. Militia unmounted & scattered. Pray answer."<sup>49</sup> Davidson was immediately diverted to investigate, and Chivington instructed him to act in concert with Lieutenant Clark Dunn, who was already in the vicinity of the attacks. His instructions were ominous: "Do not encumber your command with prisoner Indians."<sup>50</sup>

As the details of what happened came to light, the local populace grew increasingly frightened. Indians had struck the ranch of Isaac P. Van Wormer southeast of Denver on June 11. Van Wormer's foreman, Nathan Ward Hungate and a man named Miller were tending stock when they saw the flames from the burning ranch buildings. Hungate raced back to save his family. The hired hand headed for Denver and help. When a party led by Van Wormer reached the smoldering remains of his ranch, the nervous citizens found the foreman and his family savagely murdered. The bodies of Hungate, his wife, and two small children (the oldest only four years old, the younger still an infant) were scalped and horribly mutilated.<sup>51</sup>

The mangled bodies were carried to Denver where they were morbidly displayed "in a box side by side, the two children between their parents" on one of Denver's main streets. Nathaniel P. Hill, a chemistry

professor from Brown University who arrived in Denver at the height of the excitement, incredulously wrote his wife, "So fond are these Westerners of Excitement that all the people of the town with a few honorable exceptions went to see them." The irresponsible exhibition of the bodies threatened a panic and produced a frenzied demand for retribution against the Indians.<sup>52</sup>

The governor's response to the Hungate horror seemed almost frantic. He wired Curtis, "We absolutely need the whole regiment in addition to all we can do here. Am organizing militia as fast as possible." He telegraphed Secretary of War Stanton directly: "Indian hostilities commenced. . . . One settlement devastated 25 miles east of here; murdered and scalped bodies brought in today." To Commissioner Dole, he wrote, "Extensive Indian murders, burning houses, &c on Box Elder Creek twenty five miles East--reliably reported. Mangled bodies of four just in."<sup>53</sup> These communications implied that the murders were wide spread, and, at the time, with the excitement at fever pitch, the situation doubtlessly seemed worse than it actually was. Yet, even after the troops reconnoitered the area thoroughly and found no further evidence of hostility, Evans continued to use the Box Elder murders as proof of a conspiracy against the white population of Colorado.

That was not surprising, since Evans was disposed to believe the worst anyway. From his point of view, the butchered bodies of the Hungate family provided the ultimate proof that he had been right all along. The first accounts attributed the killings to the Cheyennes. J. S. Brown and Thomas J. Darrah reported that Cheyennes had stolen stock



from two trains, one on Coal Creek, the other on Bijou Creek, just before the Hungate murders. They had trailed the thieves to the vicinity of Van Wormer's ranch when they encountered a man named Johnson who had just left the scene of carnage at Van Wormer's place.<sup>54</sup> Robert North, Evans's informant among the Arapahoes, also believed that most of the raiders were Cheyennes and Kiowas, although he named John Notnee, a Northern Arapaho as the leader of the party. Notnee later told the governor that Cheyennes had instigated the raid.<sup>55</sup>

North's statement provided the crucial clue to what had actually happened. The previous November, John Notnee had led the raid on Van Wormer's ranch that had created a flurry of excitement in the Denver area. Van Wormer recovered five horses himself, and later, the army forced Notnee to return the stolen horses. After that, Notnee nursed a grudge against Van Wormer. He wintered on the Box Elder and planned his revenge. On June 10, he and three other Northern Arapahoes, possibly including Medicine Man, with whom Evans had previously conferred, started north to the Cache la Poudre. Enroute, they struck Van Wormer's ranch, butchered the Hungate family, ran off a large number of horses, and hurried on to the safety of the friendly Arapaho camps on the Cache la Poudre.<sup>56</sup>

At the time, Evans looked past the clues to what had happened in North's statement and accepted Notnee's self-serving account because he was already convinced that something more pervasive and sinister than revenge motivated the attack. He did not have time to sort out the blame. Denver was on the verge of panic. Ranchers and settlers poured

into Denver in anticipation of a large scale attack on Denver itself. The city was, in the words of one settler, "as full as rumors as a beehive is of buzz."<sup>57</sup> Rumor fed fear until one Denverite confessed "that had there been an attack such confusion and panic [would have] ensued that the Indians could have wiped out the town."<sup>58</sup>

On the evening of June 15, some old people living east of town stumbled into the stage station exhausted and terrified. They reported that they had seen a large party of Indians moving toward Denver. A man named Shortridge carried the message to Denver at a gallop, and within an hour another rider confirmed the report. "The scene that followed beggars description," an eyewitness recalled. "Every bell in the city sounded the alarm. Men, women and children pushed through the streets en deshabelle and literally crazed with fear."<sup>59</sup> Mollie Dorsey Sanford, the wife of an army officer stationed at Camp Weld, was relaxing in her quarters when a pounding on her door brought her to her feet. She recalled:

I opened it, expecting something had happened, but what was my horror to hear him gasp out as his knees knocked together, and his eyes almost starting from their sockets, "Run, wimmin! Run for your lives, the Injuns are coming three thousand strong! Run for the brick building at Denver! Governor's orders! But don't get skeered." (I was already about paralyzed.) . . . Mrs. Towles immediately went into hysterics, while I started to give the alarm, but when the woman came to the first door I went to, I could not utter a word. My tongue had cleaved to the roof of my mouth. By this time I could hear the shrieks of women and children as the flying messenger went his rounds.<sup>60</sup>

Outside, Mrs. Sanford joined the rush to the town. The terrified citizens crowded into the Denver Mint and the upper story of the Commissary building on Ferry Street. The frenzied inhabitants broke into

the military warehouses and stole guns and ammunition to meet the approaching enemy. Evans tried to restore order and sent out scouts to verify the rumors. Eventually, some of the more rational citizens began to return to their homes, but all through the night episodes involving frightened people and near-tragic encounters in the dark continued. With the morning sun, reason finally overcame fear, and upon investigation, the Indian army turned out to be a herd of cattle being driven toward Denver by a group of Mexican drovers.<sup>61</sup>

Evans placed a curfew on the town and ordered all able bodied men to report for drill at seven o'clock in the evening. The "Home Guard" marched around the streets of Denver, and gradually order was restored, although a week later the citizens were still unduly nervous. The scare stimulated some enlistment activity, particularly in the Gilpin County area where a company of more than a hundred men prepared to march to Denver to relieve the city.<sup>62</sup>

The panic convinced Evans that drastic measures had to be taken. Armed with Robert North's statement and the rambling, general indictment of the Cheyennes from one William McGaa, alias Jack Jones, who accused them of a whole series of murders over an eight year period, Evans pressed his case before both civil and military authorities. After months of inaction, he now produced a comprehensive policy within hours.<sup>63</sup> Little of it was new, but in the urgency of the moment, it assumed a new plausibility and coherence.

Proceeding from the assumption that the Indian war had come to pass as he had predicted, he renewed his demand that the First Colorado

Cavalry be returned to duty in Colorado. He proposed to organize the militia under federal authority and requested permission to raise a regiment of one-hundred-day volunteers for service against the Indians. With a federalized militia under military direction to guard the settlements, the First Regiment and the volunteers could launch a major offensive campaign against the hostile forces believed to be concentrated on the Smoky Hill and Republican. He also proposed that friendly Indians be gathered at "places of safety" and subsisted to avoid "placing them all in the ranks of the enemy." This plan, the governor believed, would insured security for the Indians who were peacefully inclined and allow the troops to find and punish the hostiles.

On June 15, Evans wrote a lengthy report to Dole, outlining events since the theft of the Irwin-Jackman herd in April. He emphasized that the Indians had been the aggressors in the spring raids, but he acknowledged that some of the Indians opposed the conflict. He submitted his plan for separating the hostiles from the friendlies and called upon Dole to support the project:

By these camps we may gradually gather them all from the hostile bands as they become tired of the war and then by chastising the hostile ones close up the war . . . .

There [sic] hunting grounds being in the hostile region of the country, they cannot live in peace unless subsistence is furnished. I believe this is the only way to bring<sup>64</sup> about a peace and keep peace with those who do not want to fight.

Without waiting for a response from Washington or confirming the arrangement with the army, Evans instructed the agents to begin collecting the friendly Indians--the Cheyennes and Arapahoes at Fort Lyon, the

Comanches and Kiowas at Fort Larned, and the Northern Arapahoes at Camp Collins. "The war is opened in earnest," he wrote Agent Colley, "and upon your efforts to keep quiet the friendly as a nucleus for peace will depend its duration to some extent at least."<sup>65</sup> He instructed Colley to request rations from the army to support those who came in. He also sent word to Roman Nose to come in at once to Camp Collins, assuring him, "Those Indians that remain friendly may rely upon the government for ample provision and protection. I will see to it."<sup>66</sup> His logic was simple. If the peaceful Indians came in and were treated well, the hostiles might be induced to follow suit. When that happened, Evans told Colley, "the war will be ended."<sup>67</sup>

Evans was therefore disappointed when the response he received from Washington and Leavenworth was lukewarm. "Your letter and accompanying documents received," Curtis wired him on June 18, "Little Howitzers surrounded by irregular troops will overpower Indians. I do not want you to be left unprotected, but all [the troops] that can be spared should come on. What further troubles are known?"<sup>68</sup> Dole's response was equally lukewarm: "Act according to your best judgment with regard to friendly Indians, but do not exceed the appropriations [italics added]."<sup>69</sup> These responses indicated that neither the Office of Indian Affairs nor the army believed that the situation was as critical as Evans thought. T. S. McKenney, Curtis's inspector general, feared a "bloody war," but he felt that it could be avoided by "great caution . . . on our part." He expressed himself frankly, and with obvious reference to Colorado troops, when he wrote that

It should be our policy to try and conciliate them [the Indians], guard our mails and trains well to prevent theft, and stop these scouting parties that are roaming over the country who do not know one tribe from another, and who will kill anything in the shape of an Indian. It will require but few murders on the part of our <sup>70</sup>troops to unite all of these warlike tribes of the plains.

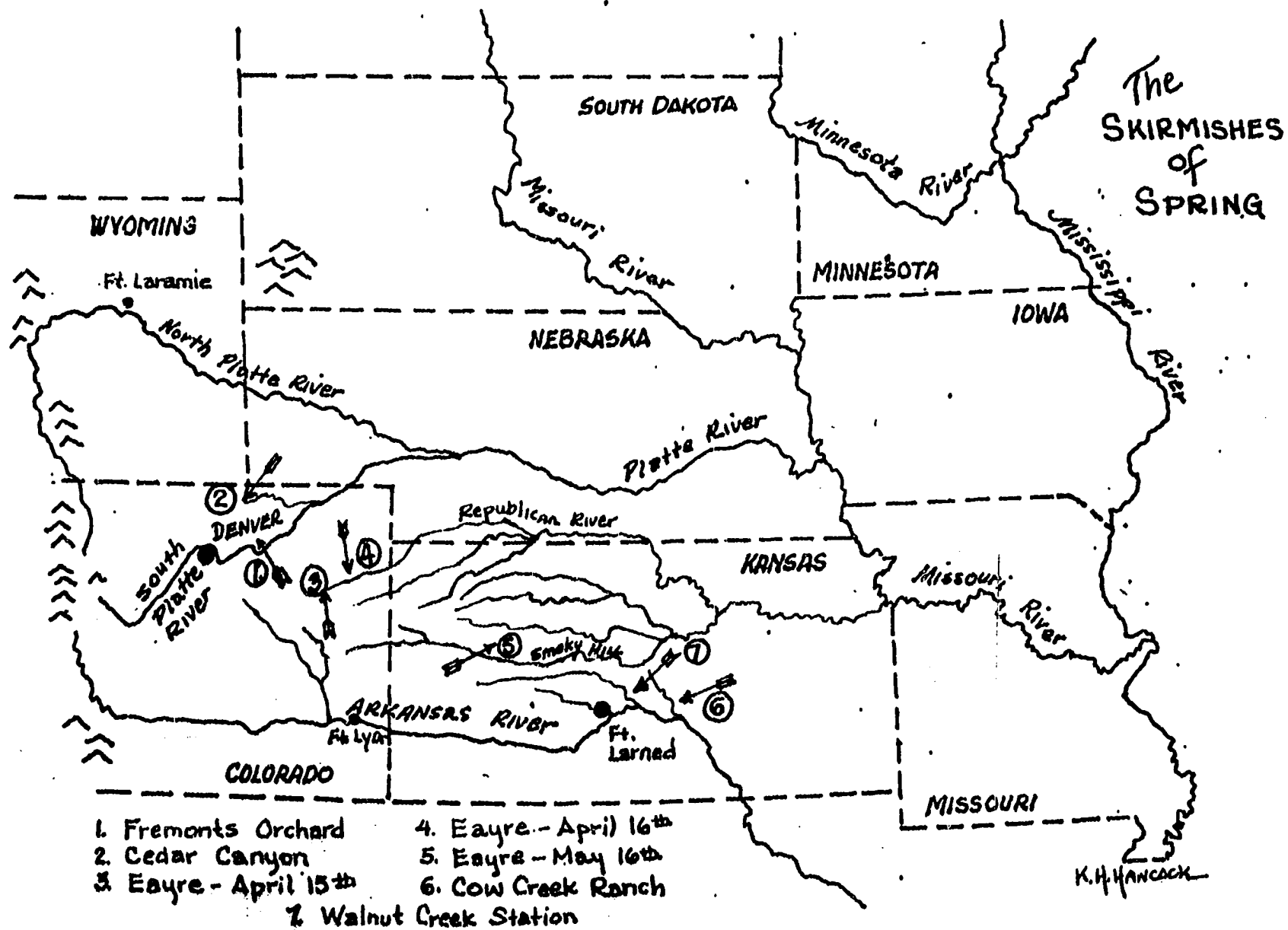
A similar view was expressed by Major Henry D. Wallen who believed that war could "be prevented by prompt management."<sup>71</sup> Curtis's conviction that the primary object of the Indians was theft of stock was supported by the opinion of Colonel Collins at Fort Laramie who said, "The depredations have all been upon careless emigrants who neglect their stock or tie it up at night, and the stealing parties seem to be composed of from two to ten Indians, who conceal themselves until a good opportunity offers to run off the stock without danger."<sup>72</sup> Both Collins and John Loree were convinced that the majority of the raids were made by Sioux from far north of the Platte.<sup>73</sup> Based upon the claims presented to his office, William M. Albin, superintendent of the Central Superintendency, which included most of Kansas and the Upper Platte Agency, believed that the Cheyennes were not responsible for the raids. And his conclusion that most of the claims were made "by persons who would not be able to distinguish a Sioux from an Esquimaux," was no doubt correct.<sup>74</sup>

The problem was that Evans's tales of horror did not stand up under close scrutiny. Even Professor Hill, only a few days in the territory, diagnosed the problem with amazing insight: "Rumors are floating around every day of some Indian depredation; but when you resolve it all down to simple fact, it amounts to a few soldiers killed in April, one family murdered a few days ago . . . and numerous little

thefts."<sup>75</sup> The Hungate murders obscured the fact that the Cheyennes had fought whites that spring only after encounters with Colorado troops. Each sortie by the Coloradans generated revenge raids and then quiet, and the lull following the Box Elder tragedy suggested that the war existed mainly in the minds of Colorado's white population. A careful examination of events since April revealed a measured response on the part of the Indians who after each skirmish gradually gave ground and retreated toward the buffalo grounds on the Smoky Hill and the Republican. As they retreated, the resistance had stiffened, so that the strongest reaction came when Eayre intruded into the heart of their sanctuaries.

This pattern was entirely consistent with plains Indian warfare, although it seemed erratic to men like Curtis whose notions of warfare were different. Even so, the episodic nature of the raids convinced Curtis that the war was less real than Evans imagined. He would have concurred with Nathaniel Hill's view that "The Governor is a very fine man, but very timid, and he is unfortunately smitten with the belief that they are to have an Indian war. He encourages sending all the reports of Indian troubles to the states, to enable him to get arms and soldiers."<sup>76</sup> Curtis said as much to a westbound Indian agent who reported the conversation to Evans when he reached Denver. The agent's report infuriated Evans, who fired an angry letter to Curtis:

If you have evidence that my information of Indian hostilities and alliances for war are not well founded I shall be most happy to be informed of it. Yes, to satisfy me that I am mistaken will be the greatest favor you can confer upon me and the people of Colorado generally. But, how any evidence can disprove the facts which are furnished I am at a loss to perceive how the multiplied and numerous assurances from friendly Indians, Indian Traders and people who suffer and our troops who had several engagements with





the, being attacked in nearly every instance can fail to prove our dangers, I am at a loss to understand.

Curtis attempted to soothe Evans's anger in a long letter. He assured the governor that he knew "small bands" were united against the whites, but he also told him, "I may not have all you have seen and heard, but I am sure I have a great deal on that subject which you have not seen nor heard." He added a pointed jab at Evans's tendency to generalize, "while prepared for the worst, we may not exert ourselves in pursuit of rumors. . . . [H]owever much we may have reason to apprehend a general Indian War we should not conclude them (?) as such a thing in actual existence before going all in our power to prevent such a disaster."<sup>78</sup>

Evans was in a difficult and unenviable position. Increasingly public opinion demanded severe chastisement of the Indians, and he was extremely conscious of public opinion. The Lincoln administration desired several new states, including Colorado, to insure Republican measures in Congress and Lincoln's victory in the presidential election of 1864. An enabling act for Colorado was passed in the spring of 1864, and a constitutional convention called for July. Evans was anxious for statehood and ambitious to become the first senator from Colorado. As the summer progressed, the issue of statehood for Colorado became more and more important, with serious implications for Indian policy. As a member of the Union Pacific's board of directors, the governor's chances of securing a Colorado route for the transcontinental railroad would be greatly enhanced if the Indian problems were solved favorably for the

white inhabitants and if statehood were granted. Furthermore, Evans was convinced that statehood and railroads were the only permanent solutions to Colorado's continuing economic problems.<sup>79</sup>

The Hungate massacre reinforced Evans's conviction that an Indian combination existed. It also had the effect of solidifying public opinion in Colorado behind a policy of war against the Indians. His economic, political, and ethical instincts tied him to the settlers' views, but when he capitulated to coercion he hastened the adoption and acceptance of a policy of extermination. Even so, he was basically a kindly man, and he had communicated with the Cheyennes and Arapahoes enough to know that many were amicable. So, with the weight of responsibility almost completely on his own shoulders, Evans decided to provide "places of safety" for friendly Indians. Agent Colley was encouraging. He advised Evans that one band of Cheyennes was at Fort Lyon, and that another had come in and left, promising to try to prevent Cheyenne participation in hostilities. Based on such assurances, Evans issued his proclamation "To the Friendly Indians of the Plains on June 27, 1864."<sup>80</sup>

Colley immediately contacted William Bent to assist him in reaching the Cheyennes. He explained the governor's plan to Bent. Still smarting from Chivington's sharp rebuff, Bent was cautious, but the proclamation did offer a peaceful alternative that could not be ignored. He immediately left Fort Lyon to locate the Cheyennes. He found them far down the Arkansas near Fort Larned, with some small raiding parties then out.<sup>81</sup> At the same time, Evans sent Simeon Whiteley, agent for the Utes at Middle Park to Camp Collins to parley with the Sioux and the Northern

Arapahoes in that vicinity. Several bands of Arapahoes were there, and Whiteley reported that only the absence of Roman Nose and Medicine Man prevented the consummation of a treaty with them. Evans also dispatched a special agent down the Platte to contact the Sioux and Cheyennes who might be found along the route.<sup>82</sup>

For a time, Evans believed that his proclamation was having the desired effect. Along the Arkansas all was quiet, and occasional raids on the Platte were believed to have been simple thefts. Early in July, a traveler going east reported from Cottonwood, Nebraska, that

From Denver to this place we have seen but few Indians and they were friendly and showed no disposition to interrupt anyone. I have taken pains to inquire of ranchmen and emigrants all along the road, and have yet to learn of a recent instance of the persons or property of travelers being disturbed.<sup>83</sup>

However, several factors were working against the governor's plan. The most serious of these was the failure of Washington authorities to cooperate fully with Colorado's superintendent. Shortly after the proclamation was issued, Charles E. Mix, a hard-fisted bureaucrat who was Acting Commissioner of Indian Affairs while Dole campaigned for Lincoln, instructed Evans not to collect the Indians at military posts, but to concentrate them "about the buffalo range."<sup>84</sup> Such a move was impractical, since any hostiles on the plains were on the buffalo range. No financial support would be given to Evans's venture, and thus no provisions could be purchased for the subsistence of the Indians beyond the yearly annuities. Evans attempted to comply with Mix's order, notifying Colley that "while a liberal compliance with the suggestion that the Indians should be collected about the buffalo range may be

impracticable on account of the presence of hostile Indians, yet, so far as possible, you will act in compliance, therewith, and avoid any great outlay on their account."<sup>85</sup> Mix's ruling effectively scuttled the peace plan.

A second difficulty lay in the Indians' fear of the troops. The spring skirmishes left even the most friendly bands frightened that they might be mistaken for hostiles. When Special Agent H. T. Ketcham encountered the Cheyennes of John Vogel and Little Bear on the Arkansas, the Indians were much alarmed over reports of fighting. They inquired "if it was true, that the Big War Chief in Denver had told his soldiers to kill all their squaws & papposes; and how many Indians they had killed." Ketcham was shocked and expressed his disbelief to Governor Evans:

I had heard that an Order had been issued to the Lieutenant [Eayre] in command, to kill all that he could find--big & little, old & young, male & female! But the killing of defenceless women, and innocent helpless children for the crimes of their fathers, is so barbarous, so contrary to the practice of civilized warfare, so revolting and so shocking to humanity, that I did not & cannot believe that Col. Chivington whose courage benevolence, piety & patriotism are unquestioned, ever issued such an order.<sup>86</sup>

Despite Ketcham's inability to believe the rumor, the Indians evidently did, and many were discouraged from coming in because of it.

At the end of June, Colorado was still quiet. Near Larned, a mail coach was attacked, and the escort "emptied three saddles & killed some Ponies" in the fight.<sup>87</sup> In Nebraska Yanckton Sioux from Minnesota struck near the Pawnee agency.<sup>88</sup> Rumors were so thick and reports so unreliable that Curtis complained bitterly. "I desire that you give me

careful reports," he wrote to Chivington.<sup>89</sup> On July 4, Arapahoes reported at Lyon that a few parties of Cheyennes were moving toward the Platte for the purpose of stealing horses. On July 5, Chivington reported most of the Cheyennes south of the Arkansas and announced his intention to "make them suffer for their temerity." He wrote Curtis, "My judgment is that the only way to conquer a peace is to follow them to their settlements & then chastise them."<sup>90</sup> Increasingly, Evans's plan seemed to be too little, too late. It could not dissolve the fear-fed hate of the settlers toward the Indians nor could it undo the damage already done. The settlers waited for the attacks they were sure would come. The Indians concluded that war was inevitable. Rumor, misunderstanding, and fear had done their work. And the first casualty was peace.

## CHAPTER VIII

### THE SUMMER WAR

The Indian war that everyone feared finally came to the central plains in July, 1864, but it was not the result of an Indian conspiracy as John Evans believed. The war came ultimately not because either side wanted it, but because both sides expected it. The basis for trust deteriorated because both sides could not reach beyond their own cultural limitations to find their common humanity. John Evans was culpable because he abrogated his responsibilities as the chief officer charged with the responsibility of Indian affairs in the area, because during his entire tenure as Superintendent of Indian Affairs he never once met with the principal chiefs of the tribes, because he forsook the difficult task of negotiation for the less demanding role of prophet of doom, and because his capitulation to militarism denied to the Indians any access to the white power structure. Evans was their only conduit, their last hope, and he placed their fate in the hands of men like Chivington and Downing and Eayre who gave no thought to guilt and innocence, no opportunity to speak in solemn council.

General Curtis saw the danger, and he repeatedly warned both Evans and Chivington that caution and restraint would be necessary if

tragedy were to be averted. When Evans finally made his gesture to salvage the peace, he acted sincerely but showed little faith in it. His proclamation could not correct the shortsighted policy which had produced the crisis in the first place. His good intentions could not obscure the fact that he had folded his hands in favor of a military deterrent until no other solution was feasible. Colonel Chivington had aided and abetted the process for less noble reasons, finding in the reckless skirmishes of spring a possible route back to the glory days of 1862. If he believed the reports of his junior officers--and he, like they, probably did--then his convictions refracted through a quiet, desperate fear that the war would end before his dreams of a brigadier's stars and a congressional seat were realized.

Yet, despite the ill-conceived forays of the Colorado troops in the spring, little real violence had been confirmed since the revenge raids following the murder of Lean Bear in May. The Hungate murders, the attack on the Lyon-Larned stage, and the isolated thefts on the Platte route hardly justified the doleful predictions of Colorado authorities. As July began, the majority of the Indians on the central plains considered themselves to be at peace with the Americans. The actions of a few individuals and war parties did not prove hostility on the part of the tribes. Even the Cheyennes, whom Evans saw as the prime movers in the Indian war, were largely committed to peace.

The Dog Soldiers were the exception. Following the Eayre fight, the Dog Soldier chiefs, Tall Bull, Bull Bear (Lean Bear's brother), and White Horse, determined to take their revenge on the whites. They

remained angry about the spring raids, and late in May, they sent runners north of the Platte to offer war pipes to the Brule and Oglala Sioux. The chiefs of the southern Sioux refused the pipes, but some of their young men could not resist the temptation and slipped south to the Dog Soldier camps on the Saline. Later, after a clash between the Sioux and the Pawnees, General Mitchell ordered troops after the Sioux, and most of the Brules of Little Thunder and Spotted Tail moved across the Platte and pitched their lodges near the Dog Soldier camp. A few young Cheyennes from other manhao, especially from Lean Bear's Isiometannui, enraged by the spring attacks, refused to listen to the council chiefs and attached themselves to the Dog Soldiers as well. Through June, the Dog Soldiers waited, caught up in other, more pressing matters, but their inactivity did not mean they had forgotten what had happened.<sup>1</sup>

The majority of the Cheyennes wanted no part of the conflict. The northernmost manhao, including the Omissis (the largest northern group, now virtually autonomous from the rest of the Cheyennes) spent the early part of the summer hunting in the Powder River country unaware of the crisis building on the Platte. The Arkansas manhao and some of the Platte River groups moved south of the Arkansas when the intentions of the Dog Soldiers became clear. They were determined not to get mixed up in the fighting. They encamped at Salt Plain on Bluff Creek below Larned near the Arapahoes, Comanches, Kiowas, and Plains Apaches, and held their Sun Dance there. Stone Forehead, the keeper of Mahuts, was there signaling that the council had no part in the trouble which was brewing.



Ironically, the peace unraveled there just at the moment when it appeared it might be saved.

William Bent reached the camps on Bluff Creek early in July to explain Governor Evans's proclamation to "The Friendly Indians of the Plains." He persuaded the chiefs to parley with Captain J. W. Parmetar at Larned, one of the "places of safety" designated by Evans in his proclamation. The nervous, drunken Parmetar received the chiefs reluctantly, but the conference seemed productive. William Bent left convinced that matters had been "settled satisfactorily on both sides," but the chiefs apparently were not so pleased. George Bent later recalled that they "were insulted by the commander and went away angry."<sup>2</sup> The chiefs behaved as if the matter had been settled, however, and most of the Cheyennes moved up the Arkansas to a point within twenty-five miles of Fort Lyon, well inside the treaty lands, while Stone Forehead and a few lodges remained below Larned. At that point, most of the Cheyennes as well as most of the Arapahoes, Comanches, Kiowas, and Apaches were gathered near Lyon and Larned, both "places of safety."<sup>3</sup>

Unfortunately, the military authorities saw the situation at Fort Larned differently. General Curtis had not endorsed Governor Evans's program for separating the hostiles and friendlies, and he regarded the congregation of Indians near military posts as potentially dangerous. He was especially concerned about the road between Fort Lyon and Fort Larned. It had been a troublesome area since 1862, and by June of 1864, the situation there was significantly worse. All west-bound traffic on the Arkansas route paused at Larned before tackling the

240-mile stretch to Lyon. In between, Curtis could offer only slight protection from the depredation of Indian raiders and Confederate guerrillas. For that reason alone, he was leery of any plan which would gather the Indians so near to so many temptations.

To make matters worse, Larned had already become a rendezvous for the worst sorts of frontier characters as well as one of the favorite haunts of the southern plains tribes. Leavenworth had strained to keep the peace at Larned with great difficulty, but under the command of Captain Parmetar, Larned had become a hell-hole. Parmetar allowed the Indians the run of the fort while he plied Curtis with ominous reports of hostility which no doubt reflected his own fears. The post sutler openly sold whiskey to the Indians, while the Indians prostituted their women for whiskey and other goods. Horse racing, gambling, drinking, and whoring frequently led to confrontations, while the temptation of freight bound for Santa Fe and Denver was sometimes too great for young warriors with too much whiskey under their belts. Dr. Elliott Coues provided an incisive portrait of Larned when he passed there that spring: "At 2 P. M., we brought up at Fort Larned--mean place, built of adobe and logs, with a drunken officer in command; everybody half-drunk already; and all were whole-drunk by bed-time."<sup>3</sup>

The worst part of the situation was that Fort Larned was in the hands of a thoroughly incompetent officer. Captain Parmetar consorted openly with Indian prostitutes, visiting them in their camps or brazenly carrying them to his quarters in broad daylight. His officers even accused him of paying the women with commissary stores. Parmetar was

habitually drunk, stumbling and staggering about the post at all hours. On one occasion, he fell from his horse into the mud of the parade ground and lay there unable to rise while his entire command stood at attention waiting for inspection. Parmetar's behavior undermined discipline and threatened the safety of his command. His officers complained to headquarters, and early in June, 1864, one of them was so outraged by the situation that he appealed directly to Thomas Carney, the governor of Kansas, who forwarded his complaints directly to Curtis. The officer said that he was "deeply disgraced to serve under such a man." After describing conditions at Larned, he wrote:

There is no doubt but all of the tribes of Indians on the plains except a portion of the Arapahoes have united to wage war on the whites. The Son of Big Mouth, Chief of the band of Arapahoes who have joined the hostile Indians is gone now to Texas to make arrangements for their families. As soon as they move war will commence. Then it will require a man to command this post who is not a habitual,<sup>4</sup> beastly, debased, demoralised [sic], and brutalized, drunkard.

Reports of renewed violence on the Santa Fe road and demands from post office authorities for protection for the mails gave such reports added urgency, and Curtis dispatched Major McKenny to investigate. McKenny confirmed that Parmetar was a drunkard and that conditions at the post were explosive. With this report in hand, Curtis moved to replace Parmetar. Larned had become the critical point on the Arkansas route, and toward the end of June when Lieutenant Hardy had his brush with Cheyenne raiders west of Larned, he found no assistance there because Parmetar was "too drunk to do business."<sup>5</sup> By then, Curtis had decided to have Chivington advance from Fort Lyon and remove him from

command. Unfortunately, Chivington abruptly returned to Denver late in June, ostensibly to quiet the panic there in the wake of the Hungate murders but actually to participate in preparations for Colorado's constitutional convention. Curtis was so disturbed that he prepared to move toward Larned himself, but he feared that he could not reach that point before serious trouble broke out. On July 7, Curtis impatiently wired Chivington, "Have sent messenger to Lyon with orders and instructions. If you cannot come through with part of the force as directed, some discreet commander should proceed to Larned & report immediately."<sup>6</sup> A few days later the courier delivered orders to Major Wynkoop at Fort Lyon, directing him to proceed to Larned at once with four companies of cavalry. Wynkoop, instead of immediately complying with the order, sent the request on to Denver for confirmation by Colonel Chivington, in accordance with Chivington's instructions that no troops would be withdrawn from the District of Colorado without his approval.<sup>7</sup> Unfortunately, Chivington had already departed from Denver for Fort Lyon. He arrived there on July 15, and immediately wrote Curtis that "there is no mistaking the fact now that the Cheyennes and Kiowas mean war." He added for good measure, that "the Utes are beginning to steal and rob and are as insolent as were the others before hostilities commenced."<sup>8</sup>

At that point, Chivington seemed preoccupied with technical questions. "I deem it my duty to say that in my opinion, it will be dangerous to the travel on this route for them [his troops] to go farther than Larned," he wrote. "I hope they may not be sent farther away until matters become more settled with the red rebels. Another White band has

been seen on the south side of the river, but they did not number more than twenty. Will these troops be considered a part of this District?" He told Curtis that he would send Wynkoop forward to Larned, then changed his mind and started down river himself on July 17.<sup>9</sup> Thus, Parmetar lingered on at Larned as commander for two weeks after Curtis ordered him removed, and that was just long enough for the situation to explode.

On July 17, while Chivington was preparing for the march to Fort Larned, Satanta, a prominent Kiowa chief arrived at Larned. He attempted to enter the fort but was challenged by a sentry. Unaware of the order that Indians were no longer permitted in the compound and unable to speak English, Satanta impetuously shot the guard with two arrows and fled. The incident created consternation in the Kiowa camp nearby, and a party of Kiowa warriors ran off the entire post horse herd.<sup>10</sup> From there, the Kiowas struck Walnut Creek station, southeast of Larned, leaving ten men dead and two others scalped, but still alive. Contemptuously, Satanta later sent word to Larned that he hoped the army would provide better horses in the future because those he had taken were very poor. Some of the Kiowa chiefs apparently still wanted to preserve the peace, and, according to George Bent, they agreed to return the horse herd.<sup>11</sup>

Left Hand, the Arapaho chief, recognized an opportunity to prove his sincerity by offering to assist the soldiers in recovering the stock. He approached the post with a white flag. A soldier carried his message to Parmetar who answered with a cannon shot that forced the chief to run for his life. Later Left Hand told Agent Colley that he "was not much mad, but my boys were mad, and I could not control them. But as for me,

I will not fight the whites, and you cannot make me do it. You may imprison me or kill me; but I will not fight the whites."<sup>12</sup> Nevertheless, a wave of anger swept through the villages near Larned, and even the Southern Arapahoes joined the war parties that resulted. The next morning Arapahoes ran off a large horse herd near Point-of-Rocks.<sup>13</sup> Now, all of the tribes could be identified as hostiles. Black Kettle and White Antelope, along with the other Cheyennes near Fort Lyon, now moved off toward the Solomon, and Stone Forehead carried Mahuts north of the Arkansas headed for the Dog Soldier camps. Even the majority of the Southern Arapahoes joined the movement north. They were all now convinced that the governor's proclamation was a ruse. Enroute, Black Kettle and White Antelope's people encountered some Brule Sioux who told them that raids had already been launched on the Platte. The chiefs could not restrain their young men, and war parties left at once. The war had commenced.<sup>14</sup>

On July 20, too late to salvage the peace, Chivington reached Fort Larned. He relieved Captain Parmetar of command and appointed Captain William H. Backus of the First Colorado Cavalry as temporary commander until Major Scott J. Anthony could arrive and take command. In his report to General Curtis he again made a special issue of the danger to Colorado and made it clear that he did not want to detain Colorado troops at Larned longer than absolutely necessary. He cited Cheyenne raids on Colorado settlements, the threat of hostilities from the Utes and Apaches, and threw in "Butternuts, Copperheads & other Gents of the Secession persuasion from Missouri" to justify his concern. "I shall set

things in order here & between here and Lyon & then return to Denver to look after matters in that neighborhood," he concluded.<sup>15</sup> Enroute back to Denver, he paused briefly at Fort Lyon to tell Colley of the troubles at Larned (apparently omitting the provocation of the Arapahoes) and hurried on. Colley, disgusted by the report, advised Evans that "There is no dependence to be put in any of them . . . . I now think a little powder and lead is the best food for them."<sup>16</sup> A short time later, a small group of Arapahoes under Left Hand moved close to Fort Lyon and began receiving rations from Colley. Many of his people had joined the hostiles, but nothing could drive him into the conflict.<sup>17</sup>

On the same day that Chivington reached Fort Larned, General Curtis wrote one of his officers in Kansas, "I ordered "L" Company of 11th KVC to Larned, and ordered that drunken Captain arrested. This was because my Colorado troops delay movement and matters at Larned are desperate." His patience had run out, and he concluded, "Will go out there myself."<sup>18</sup> At Lawrence on July 21, the rumor reached him that Indians had taken Fort Larned and Walnut Creek Station. He hurried on to Fort Riley where he reported to General Halleck in Washington that "The Indian difficulties west of this point are serious, and I have come here to rally a force on the borders to repress the mischief." He admitted that his intelligence was limited, but he still believed that "stealing is the main object of the Indians."<sup>19</sup> With a force of four hundred men, chiefly drawn from two regiments of Kansas militia, he then moved toward Larned, establishing Fort Ellsworth (later Fort Harker) on the Smoky Hill and Fort Zarah at the mouth of Walnut Creek on the Arkansas enroute. On

July 29, he finally arrived at Fort Larned, and learned the full story of what had happened at Fort Larned.<sup>20</sup>

To make matters worse, Major Wynkoop arrived the same day, weeks after Curtis had ordered him to Larned. In a letter to Chivington, the departmental commander fumed, "If instead of sending my orders to you from Lyon the commanding officer had moved promptly, a great portion of the murders and loss of stock that have occurred in this region would have been spared."<sup>21</sup> Curtis was also angry that Major Anthony had not arrived to take command, leaving the post in the hands of a junior officer. But he saved his harshest remarks for the Colorado commander, himself. He berated Chivington for returning to Denver when the troubles began rather than defending the Arkansas route as he was ordered in June. "I fear your attention is too much attracted by other matters than your command," he wrote.<sup>22</sup>

Curtis then moved quickly to correct the error. At Fort Ellsworth on July 27, he had issued an important order for dealing with the Indian threat:

II. Hunters will be detailed for killing game, but the troops must not scatter and break down stock to chase buffalo. Indians at war with us will be the object of our pursuit and destruction, but women and children must be spared. All horses, ponies, and property taken will be placed in charge of Quartermaster P.C. Taylor, who will have it properly collected or sent back to safe places for future disposition . . . .<sup>23</sup>

Interestingly, Curtis had already reprimanded Chivington for allowing his men to chase buffalo and for his failure to turn over captured stock to the quartermaster corps. Now Curtis issued new orders,



instructing commanders to keep stock within stockades or other enclosures, to prevent Indians from entering the forts, to provide escorts, and to forward information quickly. He praised the industry of Lieutenant Ellsworth in establishing the fort on the Smoky Hill, but he added, "the negligence exhibited elsewhere, especially at this post, while under its former commander, is deprecated and denounced."<sup>24</sup>

The area between Lyon and Larned had been a trouble spot since Curtis assumed command, and he now seemed to believe that a major reason for that was Colonel Chivington. From his perspective Chivington appeared unwilling to cooperate with other commanders in protecting the road, slow to follow orders, and unduly jealous in deploying his troops beyond the limits of his district. Because Curtis thought this area was critical, because so many of the raids had occurred in that vicinity, and because he was unwilling to tolerate further excuses for failure to defend the Lyon-Larned road, Curtis decided to remove Fort Lyon from the District of Colorado. He created a new district, the District of the Upper Arkansas, embracing the region between Fort Riley and Fort Lyon, and appointed General James G. Blunt to command it.<sup>25</sup>

The removal of Lyon from Chivington's command was clear evidence that Curtis had lost confidence in Chivington's abilities. Chivington received the news bitterly. In a rather lame reply to Curtis's stinging criticisms, he claimed that he had returned to Denver to quiet the panic there. Of the charge that political matters were demanding too much of his time, Chivington wrote, "I assure you, general, that I have not spent one hour nor gone a mile to attend to other matters than my command."<sup>26</sup>

That simply was not true, and Curtis knew it. The colonel had been chosen as the statehood faction's candidate for Congress, and he was stumping the territory for statehood.<sup>27</sup> Most importantly, from the moment Curtis arrived at Larned, his operations against the Indians excluded Chivington. He immediately moved his command in an extended scout to the south, north and west of Larned in a vain search for Indians and returned to Fort Leavenworth by August 8. He could, at least, claim that the Arkansas route was clear. Nothing had happened to change his estimation of the Indian danger.<sup>28</sup>

As the general reviewed the accumulated reports on his desk he knew that this time the Indian war was real. Those reports also implicated all of the tribes of the central plains in the fighting. After the fight at Larned and the attack on Walnut Creek Station, Kiowa, Comanche, and Arapaho raiders besieged a large party at Cow Creek for several days and harassed freighters and other travellers collected at the stage station on the Little Arkansas crossing until troops from Curtis's column relieved them. After those encounters, the Kiowas and Comanches broke off their attacks and swung south and west to regroup and to strike trains on the Santa Fe Trail southwest of Fort Lyon. The Arapahoes turned their ponies north toward the hostile camps of the Cheyennes, or, their anger satiated, slipped quietly into Left Hand's village near Lyon. Thus, when Curtis left Larned, the Arkansas route was virtually clear.<sup>29</sup>

But as Curtis reviewed conditions elsewhere, the prospects were grim. On July 17, 1864, raiding parties struck Bijou Station, Beaver Creek Station, and Kelley's Station on the South Platte. Before they

left the road, they had killed five men and wounded a sixth.<sup>30</sup> Lieutenant George H. Chase managed to recover much of the stolen stock, but the raiders eluded the soldiers completely. Sioux, Cheyenne, and Arapaho warriors were implicated in the attacks which increased in tempo in the last weeks of July. As the main supply line to the west and the primary emigrant route, the Platte road provided an irresistible temptation to the warring bands. General Robert Byington Mitchell, commanding the District of Nebraska, faced a desperate situation in his far-flung command, and at mid-July, he prepared to move up the Platte to inspect the damage personally. On July 19, he requested permission to raise two hundred men for one hundred days' service from among the ranchers and plainsmen along the road who understood "the Indian character and the country, and are accustomed to fighting Indians." Curtis told him to use Nebraska and Colorado militia units and to hold the overland route at all costs. At Julesburg, Mitchell heard that one thousand lodges of Sioux, "all hostile," were encamped within seventy miles of Fort Laramie. He pushed on to Laramie to find Colonel William O. Collins's battalion stretched thin with responsibility for five hundred miles of country and the road from Julesburg to Fremont's Orchard.<sup>31</sup>

Governor Evans pleaded that he could not provide militia, citing again the inadequacies of Colorado's militia law, but Governor Alvin Saunders of Nebraska sent forward two companies of militia to reinforce Mitchell's troops.<sup>32</sup> Saunders also suggested that Curtis authorize the use of 340 veterans of the Nebraska First Cavalry under the command of Colonel Robert R. Livingston who were at Omaha on furlough. "These boys

have had a three years service against the rebels," Saunders wrote, "and I think would like to see them try their hands on the Savage Indians."<sup>33</sup> The offer proved impossible to ignore, especially when the Indians took advantage of Mitchell's movement to strike a ranch between Plum Creek and Cottonwood on July 29. Colonel Livingston himself wired Curtis, "Shall I take a mounted force & slash them?"<sup>34</sup>

By then one party of Indians was bold enough to attack a train of one hundred wagons east of Cottonwood. Forces under the command of Major George M. O'Brian drove off the Indians, but the troops were unable to pursue them. In the meantime, Mitchell confirmed that "The Indians are strung out in small parties all along the line." Even so, he felt that "With two or three more companies, I can secure this line against Indians."<sup>35</sup> To accomplish this, he divided his jurisdiction into two sub-districts, giving Colonel Collins, who had proven himself to be a capable commander, command of the three roads that spread west from Julesburg, and Colonel Samuel N. Summers, a lethargic barrister of limited military ability, command of the line from Julesburg to Columbus, Nebraska. As a further precaution he established Fort Rankin at Julesburg. That was all he could do.<sup>36</sup> July passed without further reinforcements. The line of defense on the Platte was stretched to the point of breaking, and on the morning of August 8, 1864, the line snapped.

Early in August, Captain Henry Booth, commanding a detachment of the Eleventh Kansas Cavalry explored Walnut Creek and the Smoky Hill without locating anything more than a few deserted campsites. He fell

back to Salina on August 5.<sup>37</sup> On August 6, a raiding party surrounded four buffalo hunters on the Saline River forty miles west of Salina, killed them, and took their scalps. The next morning, Indians attacked a cavalry outpost near Salina and ran off the remuda. These incidents served as the prelude to more serious attacks.<sup>38</sup>

On the morning of August 7, Marshall Kelly and J.H. Butler, operators of Oak Grove Ranch near the Little Blue started for Nebraska City. They stopped at the ranch of Joseph Roper to inquire if he needed anything and to give young Kelly the chance to say goodbye to his fiancée, Laura Louise Roper. Laura Roper rode with the two men as far as the farm of William Ewbanks, three-fourths of a mile away. The two men then departed. Six miles from the Ewbanks place, Indians caught Kelly and Butler and killed them. Unaware of this, the Ewbanks spent a pleasant day. Toward evening, Ewbanks's father, his daughter Connie, and his nephew, a boy of nine named Ambrose Usher, left the ranch in a wagon. Ewbanks's brothers were working in the field. When Laura Roper started home, Mr. and Mrs. Ewbanks walked with her, taking along their youngest children, Isabel, a girl of four, and a baby boy.

Not far from the house William Ewbanks picked up a splinter in his foot and stopped to remove it, urging the women to walk on and promising them that he would catch up. Moments later, he heard a war cry from the house. He realized that his sister was there alone. As he ran to help her, a single arrow felled him. The raiders tomahawked his sister as she screamed and kicked. Ewbanks's brothers were killed in the corn field,

his father was murdered on the wagon seat, and Connie Ewbanks and Ambrose Usher were taken prisoner.

At the first sign of trouble, Mrs. Ewbanks and Laura Roper had taken refuge in a buffalo wallow hidden in a stand of trees. The Indians passed them, and for a brief moment, the women thought that they were safe. But Belle Ewbanks screamed with fright. The Indians turned back and found them in the wallow. They dragged the women back to the house where the warriors looted and then burned the house. Laura Roper later recalled:

We were left to wander around; they did not seem to pay much attention to us, they were so busy pillaging the house. I went over a little draw close to the house and taking the chain off my neck dropped it down the front of my dress. Mrs. Eubank [sic] got her baby two dresses and a sunbonnet for herself. I looked around for the Eubank's two brothers but could not find them. By this time it was about six o'clock. The pillaging of the house completed the Indians put us on their horses behind them and we started traveling southwest, crossed the Little Blue River and continued travelling all night.<sup>39</sup>

This scene was repeated for a distance of fifty miles along the river. The Ropers, Laura's folks, managed to escape, but their house and out buildings were burned. Fifteen persons died that day, and Mrs. Ewbanks, Laura Roper, the Ewbanks children, and Ambrose Usher were carried off. But the terror had just begun.<sup>40</sup>

The same day. E. P. Morton, a freighting contractor out of Sydney, Iowa, approached Plum Creek Station east of Fort Cottonwood with ten wagons of household goods and other merchandise bound for Salt Lake City. He took some comfort in the ox-drawn wagons trailing his train. They belonged to Michael Kelly of St. Joseph, Missouri, and were loaded

with machinery and corn. Morton and Kelly corralled their wagons together east of the station and relaxed as night fell, secure in their numbers. The following morning, the train renewed its journey. When the wagons were stretched out, the raiders came, Cheyenne and Sioux warriors swarming over the wagons with deadly efficiency. Somehow, a few of the freighters escaped, dumping the goods from Morton's mule-drawn wagons and scrambling east at a dead run. Still, between eleven and eighteen persons died in the attack, and the Indians carried off Nancy Fletcher Morton, the wife of the freighting boss, and a small boy named Danny Marble.<sup>41</sup>

Within hours, Cheyenne and Sioux warriors murdered another man and ran off stock from Fred Smith's ranch near Plum Creek Station. Six more victims died between Fort Kearney and Fort Cottonwood. The assault appeared to be carefully conceived and directed. News of the attacks spread rapidly, reverberating along the overland route all the way to Denver in a matter of hours. The situation on the Platte had reached crisis proportions.<sup>42</sup>

General Curtis arrived at Fort Leavenworth from his Arkansas march on the day the attacks began. On the following morning, he advised General Halleck of his mission to Larned. "Could not overtake the Indians," he wrote, "but scared them away from Santa Fe route, where stages and trains moved again regularly." He noted that "The Kiowas, Comanches, and Big Mouth's Arapahoes are determined to do all they can. I hope no favors will be offered them by the Authorities at Washington till they make ample reparaton for their outrates."<sup>43</sup> The dispatch was

scarcely posted when news of the Little Blue attacks began to pour in. He wired Governor Carney, "I have no federal troops in that region and request that the Militia be sent after the savages. I will do all I can to bring forces on them."<sup>44</sup> To Halleck, he pleaded for more troops. "Cannot some of General Sully's command move down to Nebraska?" he implored.<sup>45</sup>

Curtis suddenly found himself buried in requests for aid. From the Platte, General Mitchell reported, "The Indians are infesting my lines for five hundred miles. . . . I must have at least 800 horses or abandon this line of communication."<sup>46</sup> Governor Saunders of Nebraska pleaded for horses to mount the First Nebraska Cavalry. "Active measures will alone save the settlements up the Platte from complete abandonment," he wrote.<sup>47</sup> Governor Carney of Kansas requested five hundred stands of arms for immediate use against Indians.<sup>48</sup> From Colorado, too, came pleas for help. Colonel Chivington wired Curtis, "Have most troops here after Confederate Guerillas in Mountains. . . . Shall I move down the Platte to Julesburg with what I have left. Indians are very bad--ought to have my five companies back from Larned."<sup>49</sup> And Governor Evans added:

We are in a desperate condition on account of our communications being cut off by Indians. The route will have to be patrolled or we are cut off. Militia are so defective. We can't hold troops away from home, station camps along the line as far up as Junction, and gather emigrants along in companies & escort from camp to camp.<sup>50</sup>

To make matters even worse, Curtis learned that Indians had returned to the Arkansas route, slipping back to their old haunts once his troops had moved back toward Leavenworth. On August 7, Kiowas struck



a Mexican train near Fort Lyon, killing one man and carrying off provisions. Major Wynkoop took the field in pursuit with eighty men but he broke off the search when he received word from William Bent that Kiowas under Satanta had murdered a family near Bent's ranch. That report proved false, but when Wynkoop returned to Lyon he found that four men had been killed near Cimmaron Crossing. At the same time, close to a thousand Kiowas under Satanta and Little Mountain, the younger, moved close to Bent's pleading peaceful intentions, but said the old trader, "it may all be a suck-in."<sup>51</sup>

On August 11, a sergeant from Fort Lyon out searching for stray horses found a party of fifteen Arapahoes instead. The Indians shouted and rode toward him. The terrified soldier wheeled his horse and raced back to Fort Lyon. Major Wynkoop sent out two squads under the command of Lieutenant Joseph A. Cramer and Lieutenant Horace W. Baldwin. Five miles east of Lyon, Cramer spotted the Indians and gave chase for a distance of fifteen or twenty miles before catching up to them. By then, Cramer had only six troopers with him, and the Indians turned as if to fight. The stragglers from Cramer's patrol arrived in time to turn the Indians, but a running fight ensued in which four Indians were wounded. By then, Baldwin had reported to Wynkoop that Cramer had engaged the Indians, and Wynkoop, fearful for the soldiers' safety, dispatched two more units to locate Cramer. A drenching rain prevented the other detachments from locating Cramer's command, but the exhausted troopers returned without any losses, having broken off the fight when Cramer was thrown from his horse and injured.<sup>52</sup>

Only later did the soldiers learn that the Indians were Arapahoes led by Neva, Left Hand's brother, who had come to Fort Lyon from Black Kettle with a letter explaining the peaceful intentions of some of the Cheyennes and Arapahoes. At the time, no one knew that, however, and the next day, Samuel Colley reported that even Left Hand's people had left the agency. "It looks at present as though we should have to fight them all," he concluded.<sup>53</sup> Wynkoop, although ill-prepared for a major assault still advised Colonel Chivington that he intended "to kill all Indians I may come across until I receive orders to the contrary from headquarters."<sup>54</sup> News of these events complicated General Curtis's task. The Indian attacks had now effectively stalled east-west traffic on both the Platte route and the Santa Fe road. The general faced an impossible situation. The potential for a Confederate invasion into Kansas was greater than ever. Governors, generals, postal authorities, government contractors, emigrants, settlers, and politicians demanded immediate action. All of their requests could not be met. Chances for reinforcements were nonexistent. He would have to rely on the forces already at his disposal.

Curtis still believed that the primary object of the Indians was thievery, but he confided to General Blunt that "When I found the Indians of the Upper Arkansas in defiant array, I apprehended much wider disasters than those already reported & I fear now that they may combine to destroy trains and murder our white people." He instructed Blunt to mobilize a "moving force" of some six hundred men to "annoy, catch and kill so as to make war a burden to the savages and prevent them from

procuring their usual supplies of buffalo meat." Steps should be taken to separate the friendly bands from the hostile, he told Blunt, but they should not be allowed to associate with the troops.<sup>55</sup>

While Blunt mobilized forces on the Arkansas, Curtis turned his primary attention to the overland route up the Platte. The heaviest attacks had fallen on the Platte road between Fort Kearney and Julesburg. So far he had received no reports of actual hostilities near the Colorado settlements, but he recognized that Colorado was dependent upon the Plate route for supplies. Common sense dictated that relieving the areas under direct attack would not only reduce the killings but also would permit the flow of goods and mail to the west once again, thereby relieving the pressure on Colorado.

Accordingly, General Curtis prepared to move north to Omaha to muster an expedition to drive up the Platte. He authorized Mitchell to buy horses. Curtis gave similar instruction to Saunders, but admonished the governor to send his fresh troops up the river "horses or no horses." He wired Carney to purchase arms and assured Evans that arms could be issued to federal officers commanding militia units in actual service. The department commander instructed all of the governors to strike with their militias or to use them to relieve garrisoned troops for duty against the Indians and urged Chivington to move toward Julesburg with every available man. Curtis retained troops in service that were due to be mustered out, requested that the Second Colorado Cavalry be returned to duty on the frontier and encouraged the enlistment of friendly Indians as scouts. He then departed for Omaha.<sup>56</sup>

As Curtis hurried north, new disasters occurred on the Platte and the Arkansas. On August 11, a train was burned thirty miles west of Kearney, and two men were killed ten miles east of Kearney.<sup>57</sup> By August 15, traffic on the Platte route was at a complete standstill. Raiding parties were reported everywhere along the road from east of Kearney to within thirty miles of Denver. Kansas and Nebraska militia units faced supply problems.<sup>58</sup> Colorado had no organized militia forces to send up the Platte. The commander at Fort Kearney could put no more than fifty men into the saddle, and General Mitchell's scattered troops were unable to do more than defend their posts. Reports filtered in that the hostiles were operating from a large camp on the Republican, but until Curtis could organize little chance existed of a major strike against them.<sup>59</sup>

On August 14, at the scene of the Little Blue tragedy, Captain Edward B. Murphy, commanding a company of the Seventh Iowa Cavalry, rendezvoused with a unit of Nebraska volunteers and moved off toward the Republican. On Elk Creek they encountered a large force of Indians, probably hunters from the Republican River camp, and a sharp battle resulted. Murphy's initial advantage withered when his howitzer was disabled, and the arrival of more Indian warriors forced him to retreat. In a running fight that covered twenty miles, two soldiers were killed. Murphy's fight confirmed that the Indians were massed in the vicinity of the Republican.<sup>60</sup>

With traffic completely stalled on the overland route and the troops and settlers barricaded at their ranches, stage stations, and

military posts, reports of attacks slackened as August drew to a close, but the Platte River road was still too dangerous to travel. At the same time, violence had quickened on the Arkansas. On August 17, Arapahoes led by Little Raven's son killed three men below Camp Fillmore and carried off the wife of a man named Snyder. The same party stole horses at the Indian agency and at the ranch of Charles Autobees.<sup>61</sup> On August 19, Kiowas attacked a wagon train near Cimarron Springs, killed ten men, ran off stock, and burned the wagons. The Kiowas contemptuously allowed a party of Mexicans to take a wagon and leave. The Mexicans reported that the Anglos were killed and mutilated, "heads cut off, hearts cut out, and evidently placed in the center of their 'dance circle' while [the Kiowas] held their fiendish war dance around them, and kicked the mutilated bodies about the prairie."<sup>62</sup> On August 22, a war party attacked a large train of wagons, numbering ninety-five in all, west of Larned.<sup>63</sup> On August 21, two men were killed and scalped west of Fort Lyon while enroute to testify before a military commission investigating charges against J. H. Haynes, the surveyor and government contractor at the Upper Arkansas agency.<sup>64</sup> The situation was so bad that General Carleton, commanding the District of New Mexico, ordered troops up the Cimmaron to the vicinity of its crossing with the Arkansas to protect trains moving toward Santa Fe.<sup>65</sup>

The frequency and the distribution of Indian attacks in August confirmed a general Indian war. It was bloody and cruel and terrifying. No place between the Kansas settlements and the Rockies was truly safe. Cheyennes, Arapahoes, Sioux, Kiowas, and Comanches were involved. Rumors

supplemented real atrocities as settlers and freighters and blue-shirted troopers clutched their rifles behind sod barricades. Terror seized the plains and solidified into a demand for severe chastisement of the Indians.

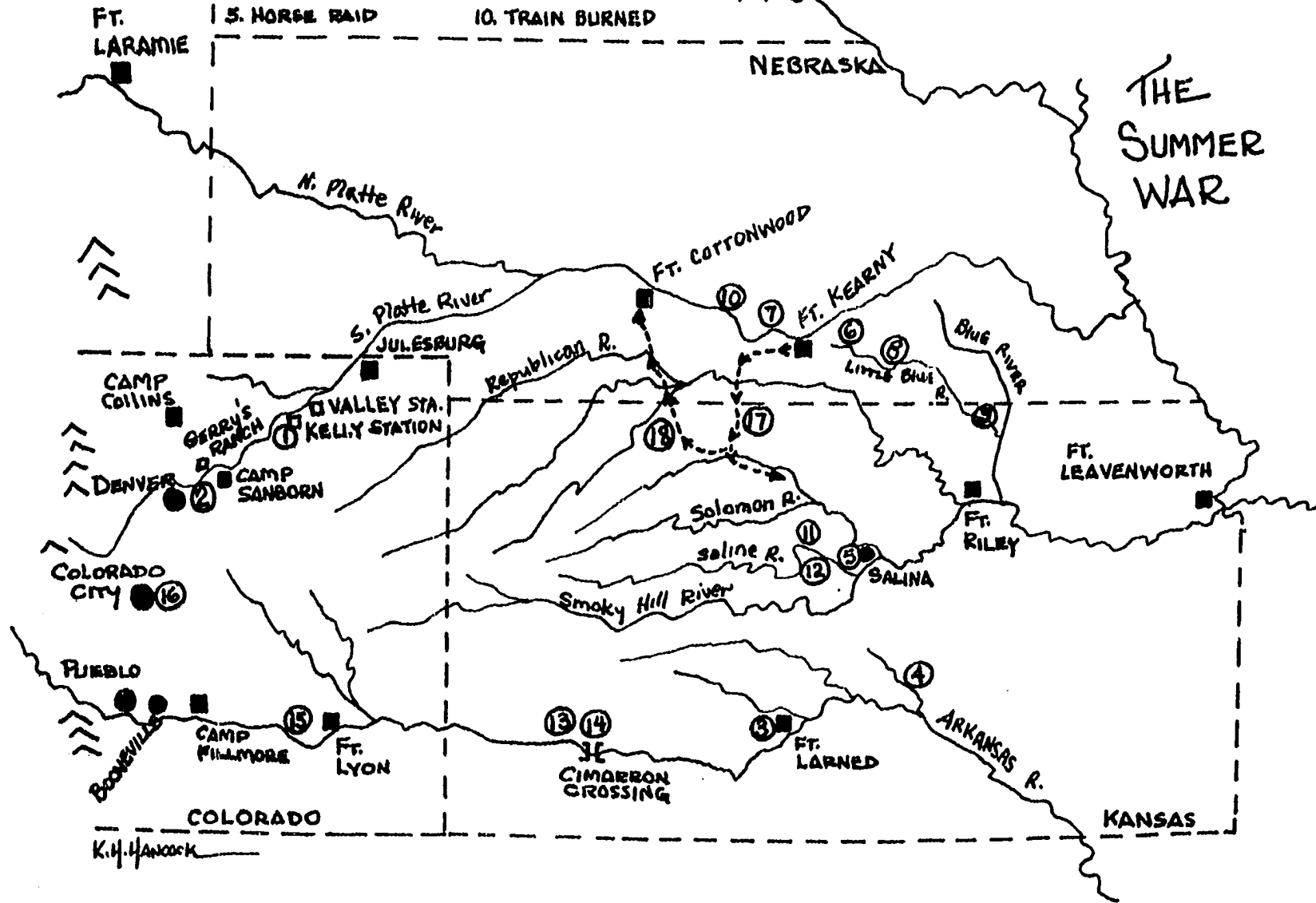
And yet the enemy was largely unseen, an amorphous, dehumanized, anonymous force which, like a contagious disease, struck without warning and then moved on, leaving death in its wake. The explosion at Larned in July had virtually eliminated peaceful contact between whites and Indians. Thereafter, Indian attitudes and movements were monitored only in burned out ranches and scalped bodies. Yet, small signals, too slight and too scattered to have been noted at the time, hinted that the atrocities did not tell the whole story.

Late in July, William Bent insisted that Cheyenne raids along the Platte involved no more than 150 warriors who would not listen to the chiefs.<sup>66</sup> Similar claims were made at various times during the summer by leaders of the Sioux and the Arapahoes. Whites found these reports hard to believe because of the tempo of the raids and the scope of the territory involved. Yet, the war parties reported on the Platte were usually small. Laura Roper later recalled, for example, that the Indians who attacked the Ewbanks farm included only five men. Customarily, large war parties broke up into smaller groups which struck over great distances very quickly. Moreover, after mid-summer, the Indians congregated in an area from which they moved in every direction with little effort. On August 7, William Bent told Sam Colley that his Cheyenne wife had run off "a few days ago" with a young half-blood named "Jo. Barraldo."<sup>67</sup> On the

very same day, several hundred miles away, Cheyennes attacked the Ewbanks farm on the Little Blue. That night as the raiders rode southwest, one of them told Laura Roper not to worry, that the Indians would not kill her or keep her prisoner very long. He told her that his name was "Joe Beralda."<sup>68</sup> Neva, Left Hand's brother, tried to reach Fort Lyon on August 11. Less than a week later he took possession of Laura Roper from Black Kettle. Mrs. Snyder, captured by Little Raven's son on August 17, was taken back to the main Arapaho village on the Republican. There she hanged herself from the lodge poles of a tipi. Laura Roper saw her body.<sup>69</sup> Since Laura was with the Arapahoes only a week before being traded to Black Kettle's Cheyennes, Mrs. Snyder must have committed suicide within a week of her capture. The distance-time relationships involved in these events proved the mobility of the raiders. Clearly, 150 Cheyenne warriors could have done considerable damage over a wide area operating out of a base camp strategically located between the Platte and the Arkansas roads, particularly if similar percentages of Sioux and Arapaho warriors were also fighting.<sup>70</sup>

When the intensive raiding began in August, virtually all of the Cheyennes and Arapahoes were congregated in the Republican River camps. Many were there to fight. Others were there because they were afraid of the whites and took refuge in their large numbers. The summer's events had driven hostiles and friendlies together. Under Cheyenne law and custom that was not surprising. The tribe normally came together in the summer, and a tribal gathering was necessary if the Council of Forty Four

- |                     |                        |                         |                       |
|---------------------|------------------------|-------------------------|-----------------------|
| 1. KELLY STA. RAID  | 6. TRAINS ATTACKED     | 11. HUNTERS KILLED      | 15. SNYDER MURDERS    |
| 2. HUNGATE MASSACRE | 7. TRAINS ATTACKED     | 12. SOLDIERS KILLED     | 16. JIMMY'S CAMP      |
| 3. KIOWA RAID       | 8. PIUM CREEK MASSACRE | 13. TEN (10) MEN KILLED | 17. CURTIS EXPEDITION |
| 4. COW CREEK ATTACK | 9. LITTLE BLUE RAIDS   | 14. TRAIN ATTACKED      | 18. MITCHELL'S ROUTE  |
| 5. HORSE RAID       | 10. TRAIN BURNED       |                         |                       |





to make crucial decisions on the question of war and peace. Once together, the Indians of all persuasions on the subject of peace and war shared the largess of the raids. No attempt was made to separate those opposed to the war from those supporting it. This was consistent with plains Indian cultural patterns. When George Bent arrived on the Solomon Fork in August, he found Cheyennes, Arapahces, and Sioux spread out along the river. He recalled:

It was one of the largest villages I ever saw and the camps were full of plunder. War parties were setting out every day, and other parties coming in loaded with plunder and driving captured herds of horses and mules. As I rode past each village I saw war dances going on in each one, and every lodge was full of plunder taken from captured freight wagons and emigrant trains. I saw fine silks heaped up on the ground in the lodges, and cloaks, groceries of all kinds, ladies' fine bonnets, canned goods, bolts of fine cloth, sides of bacon, bags of coffee and sugar, boxes of crackers, boots, and shoes--everything you could think of, all piled up together.<sup>71</sup>

Nancy Fletcher Morton and Laura Roper, who were both in the Republican River camps, later confirmed that the hostiles and the friendlies were mixed together, but interestingly, both women indicated that the Indians were short of food while they were captives. Neither saw the booty so lavishly described by Bent.<sup>72</sup> More importantly, their accounts documented the ambivalence of the Indians toward the conflict. Far from being the usual catalogues of horrors associated with captivity literature, the accounts of both women showed a certain sensitivity to their captors. Both emphasized a tension among the Indians concerning the war. Laura Roper spent most of her captivity with Neva, Left Hand's brother. She wrote: "Neva had a brother named Notany (Notanee); they could speak good English, and they treated me good. They said they knew it was not

right for me to be there, but it was the only way they could force our government to help them survive, especially the cold winters, as they traded their white prisoners for blankets, clothing, flour, salt, cornmeal, etc."<sup>73</sup> Nancy Morton who spent most of her captivity with the same unnamed chief, remembered that he said several times, "She is a good woman. We have killed her husband. I will keep her until peace is made, then send her home."<sup>74</sup>

In August, hard on the heels of the most serious raids of the summer, the Cheyenne and Arapaho chiefs apparently met to discuss the war. Neva, acting as a messenger for Black Kettle and other chiefs disposed toward peace, attempted to reach Fort Lyon, but his party was driven off by Lieutenant Cramer. At approximately the same time, Left Hand departed from Fort Lyon. His people joined the main camp, but Left Hand crossed the plains to consult with his northern cousins on the Cache la Poudre and then visited Robert Hauck near Platteville. When he left Hauck's place, the chief told his friend that he would urge his people to make peace "by arbitration."<sup>75</sup> Late in August, the chiefs met again. Bent explained, "Most of the older men in our camp were in favor of peace, although the young men were still raiding, and at this council it was decided to write to the authorities, ask for peace, and offer to give up the white prisoners who had been captured during the raids." On August 29, 1864, George Bent and Edmond Guerrier, Bent's brother-in-law, prepared letters "at the chiefs' dictation."<sup>76</sup>

General Curtis and his subalterns in Kansas, Nebraska, and Colorado were unaware of these developments. On August 16, Curtis was

still trying to gather intelligence concerning Indian movements. On that date he advised General Halleck that the Indian concentration on the Republican seemed to be growing. "I am sending out Militia in small parties to join forces which I have gathered," he wrote, "and will soon be upon them, be they many or few."<sup>77</sup> But to General Mitchell, he confessed, "I am pressing forward everything moveable here, but the Militia seem as fixed as the hills."<sup>78</sup> Everywhere, he seemed to have trouble with the mobilization. "I do not like your style of conditional obedience," he angrily told one militia officer, concluding, "I am sending provisions & forage to Junction Ranch, where I hope your Militia will soon join and share the fate of other soldiers."<sup>79</sup> Curtis prodded and cajoled the militia, complaining about their slowness in supporting his efforts. He also demanded more Indian support from the Pawnees and Omahas, noting, "I would like to let them loose on the Republican swarms."<sup>80</sup> By September 2, Curtis had mustered a force of 628 men at Fort Kearney, including elements from the First Nebraska Cavalry, Seventh Iowa Cavalry, and the Sixteenth Kansas Cavalry, supported by Nebraska militia and a company of Pawnee scouts. With this force, he prepared to move against the Indians on the Republican. With Blunt already in the field, he believed that he would be able to catch them.<sup>81</sup>

Already, the tempo of the attacks had subsided. As early as August 22, Curtis advised his son that he believed that the Indian attacks had "played out" in the area east of Kearney.<sup>82</sup> To Governor Saunders, he wrote, on August 23, that the Indians "everywhere act in small bands. Their arms are generally bow & arrow. They avoid the

Soldiers & shun every danger." He added, "Stealing stock seems to be the primary object every where, but murdering & scalping are the incidents and amusements on this line, just as I found it on the Arkansas. I hope the Militia & friendly Indians will come & help find and destroy their Lodges if we have to scour the whole Country."<sup>83</sup>

The plains lay brown and dry from the Kansas settlements to the base of the Rockies before Curtis could muster his punitive expedition, but on September 3, 1864, he moved out of Fort Kearney with his force of 628 men. The expedition was heavy with brass. Mitchell, Collins, Livingston, and Summers accompanied Curtis. In the meantime, General Blunt prepared to move north with a force of six hundred men. Together, Curtis hoped to crush the Indian resistance while Carleton helped to protect the Arkansas route southwest of Lyon, and Colorado held a defensive position on the west. Chivington was conspicuously absent from Curtis's strategy. The summer war appeared to be moving toward climax, and Chivington was once again a bystander.

Curtis expected action. Instead, he found scattered buffalo herds and a few old campsites. For four days his column snaked south without striking a trail. On the Solomon River, Curtis divided his command, sending General Robert B. Mitchell west along the Solomon and the Republican while he turned eastward toward the Kansas towns. He reached the outlying settlements on September 13, without catching sight of a single Indian. Mitchell had similar luck, emerging on the Platte near Fort Cottonwood on September 16. After weeks of feverish preparation, the expedition was a total failure.<sup>84</sup>

From the limited evidence his scouts had found, Curtis believed that the Indians had broken up into "small shy bands" and were moving south.<sup>85</sup> He admitted to General James H. Carleton that "Indian troubles have abated, the Indians having left lines of travel and gone to parts unknown." But he warned Carleton of rumors that the hostiles planned to collect for a "grand Indian Council" somewhere in the Creek or Choctaw country.<sup>86</sup>

When he reached Leavenworth, he found a number of reports which confirmed his belief that the immediate danger had passed. Major John S. Wood, commanding Fort Laramie, insisted that the Indians in his vicinity were friendly. "I think nothing but starvation will drive them into hostilities."<sup>87</sup> Captain Clinton M. Tyler, commanding an independent unit of Colorado militia had arrived at Cottonwood on September 5, from Colorado without seeing any indication of trouble.<sup>88</sup> William Bent's weeks old report of the Kiowa peace overtures in his neighborhood confirmed Curtis's views on the situation in that quarter. Colonel Robert R. Livingston "scouted the tributaries of the Republican and Little Blue rivers thoroughly" finding "No Indian signs until we struck Buffalo Ride, south of Pawnee Ranch. Trails all old. None fresher than three weeks."<sup>89</sup>

A dead calm had descended on the overland routes.

## CHAPTER IX

### THE "BLOODLESS THIRD" REGIMENT

On June 24, 1864, with the Hungate massacre still fresh in the minds of Colorado's citizens, Governor John Evans warned Hiram Pitt Bennet, Colorado's delegate to Congress, that "the people are much alarmed yet for fear of further hostilities." He urged Bennet to use his influence to secure authority for Colonel Chivington to call up the militia or to obtain permission "to raise some 100 day men to aid in the Indian war." Evans pleaded for help to "aid in the case of the friendly Indians on the one hand and [to] subdue the hostile on the other."<sup>1</sup> He issued his proclamation to "The Friendly Indians of the Plains," three days later. Evans felt a genuine sense of frustration. He was not a cruel man. In the mutilated corpses of the Hungates, he saw all of his worst fears materialize. Surely the government would help Colorado now. But his pleas for aid brought only tight-fisted homilies from the Office of Indian Affairs and utter silence from the War Department.<sup>2</sup>

So far, Evans had kept his frantic pleas for help out of the public press, fearing that publication would create a panic among the white population, but his reticence to disclose his efforts to strengthen Colorado's defenses led to accusations that he did not understand the

seriousness of the situation or, worse, that he callously exploited it. Some critics even accused him of deliberately sending troops out of the territory for political reasons. In late June, Coloradans expected the worst. But the worst did not happen. Instead, Colorado fell into a dead calm. Even Evans seemed to relax slightly. He urged Chivington to keep two companies of the First Colorado Cavalry near the settlements. "With this arrangement," he told the colonel, "our people will be safe from thieving bands comparatively while a force could go out and kill the hostile camp [sic] on the Smoky Hill, Republican or wherever else found--"<sup>3</sup> Considering his position only days before, that was a remarkable concession.

Chivington, just returned from the Arkansas where he had deflected the Cheyenne peace overture proffered by Black Kettle through William Bent, still talked about a campaign against the hostiles, but General Curtis failed to endorse the idea, and political considerations took an increasing amount of the "Fighting Parson's" time as well. In the absence of an immediate threat, he also relaxed his guard. The fight to make Colorado a state and himself a congressman now took precedence over Indian affairs.<sup>4</sup>

Early in July, a traveler going east reported from Cottonwood, Nebraska, that

From Denver to this place we have seen but few Indians, and they were friendly and showed no disposition to interrupt anyone. I have taken pains to inquire of ranchmen and emigrants all along the road, and have yet to learn of a recent instance of the persons or property of travelers being disturbed.<sup>5</sup>

With friendly Indians at Camp Collins and Fort Lyon, with rumors of an agreement at Fort Larned, and with assurances from William Bent that the peace could be salvaged, the Rocky Mountain News assured its readers that the troubles were over. "A number of persons who had started to the States have returned," the paper said. "We do not believe there is a particle of danger to travellers now."<sup>6</sup>

When the peace initiative unraveled at Fort Larned in mid-July, the Indians saw the episode as a betrayal, and Evans, unaware of the full particulars, saw renewed hostilities as a rejection of his proclamation. He reacted more vigorously to reports of a raid within a hundred miles of Denver on the Platte route between Junction Ranch and American Ranch. Three persons were killed there, and the governor renewed his plea for reinforcements, urging General Mitchell to order troops to the scene.<sup>7</sup>

Understandably, Evans's first thoughts were about Colorado's defenses. He still envisioned a massive, Minnesota-style uprising. With four companies of the First Regiment at Fort Larned and Fort Zarah, and most of the regiment concentrated on the Arkansas River below Fort Lyon, Evans felt particularly vulnerable. Even when Curtis ordered Colonel Collins to reinforce the units at Camp Collins, Evans remained anxious. Curtis, preoccupied with problems in Kansas and still expecting a Confederate invasion on the Arkansas, could do little more than urge the use of militia.<sup>8</sup>

The main problem with the solution was money. Colorado's militia law was complicated, requiring all male inhabitants between the ages of eighteen and forty five, excluding Quakers, public officials,



prisoners, lunatics, and idiots, to serve in the militia and to supply their own uniforms and equipment. That was not unusual for the period, but the law made no provisions to supply militia on active duty, no provision to mount militia or to reimburse them for the use of their own horses, and no provision to pay anyone save a few officers. Since the governor could call out the militia at will, he seemed to have considerable force at his disposal but with no territorial funds to support it, the militia was almost useless.<sup>9</sup>

Evans responded to the dilemma in three ways. First, he urged the return of Colorado troops stationed out of the territory. Second, he sought permission to arm and supply militia forces from federal sources. Third, he requested permission to raise a regiment of one-hundred-day volunteers. The War Department reacted slowly to the governor's demands, although General Curtis repeatedly informed the governor that Chivington could issue supplies to militia units in actual service. The authorities were less than sympathetic because of immediate threats elsewhere and because Evans provided so little prima facie evidence of actual danger.<sup>10</sup>

The plain fact was that the Colorado settlements were largely safe from Indian attacks. No sizeable incursions occurred nearer to Denver than Junction Ranch. The Hungate massacre, horrible as it was, bore no direct relationship to the rising tensions on the Platte and the Arkansas. It was carried out for personal revenge by Indians who never entered the summer war. One incident did occur near Colorado City in late July when local citizens collided with unidentified Indians, but the details of that encounter were so sketchy that even Governor Evans was

skeptical.<sup>11</sup> When raids did occur on outlying ranches, they were isolated and did little damage. But if the danger was less real than Coloradans imagined, the fear which the fighting on the Platte produced was devastating to public morale.<sup>12</sup>

The troubles on the Platte produced near panic in the settlements. The territorial press poured out a constant stream of reports, factual and fanciful, and all of the papers demanded that the Indians be pursued "until they are perfectly subjugated or thoroughly annihilated."<sup>13</sup> After the attack near Plum Creek Station on August 8, the danger seemed imminent, although the Black Hawk Mining Journal and the Central City Miners' Register did remind readers that the attacks had all occurred hundred of miles away.<sup>14</sup> Warnings to be skeptical of "extravagant rumors" did not restrain the terror. Reportedly, three women lost their minds from fear, and speculators, taking advantage of the crisis, purchased flour and other commodities, hoping to profit from interrupted supply shipments.<sup>15</sup> Even Governor Evans wore a revolver at his belt, proclaiming that it was "the duty of every man to defend himself at all times."<sup>16</sup> The mood in Colorado was grim. "There is but one sentiment in regard to the final disposition which shall be made of the Indians," a minister wrote the American Home Missionary Society, "let them be exterminated, men, women, and children together."<sup>17</sup>

The sense of crisis was heightened when Confederate guerrillas under James Reynolds suddenly crossed the Arkansas and began a series of raids, robberies, and holdups near the population centers. Not only did this create a new threat to public safety, but also it convinced many

that Confederates were involved with the Indians as rumors constantly hinted.<sup>18</sup> Evans used the guerrilla threat to increase the pressure on Curtis. He insisted the "Our two regiments of Colorado troops ought to be sent out at once and we should have at least five thousand additional troops sent along the routes."<sup>19</sup> Yet, at that point Evans had furnished no concrete information of a single attack west of Junction Ranch. "I wish you would give me facts, so I may know of your disasters," Curtis wired Evans.<sup>20</sup> When the governor replied with more generalities, Curtis could do nothing but reiterate, "Do all you can with militia."<sup>21</sup> When Evans persisted Curtis wearily wrote his adjutant, "Everything from Colorado is censational [sic]."<sup>22</sup>

Convinced that Curtis had abandoned Colorado, the governor redoubled his efforts to win help from Washington. He informed Dole that "while we have patriotically furnished troops for the war, we are left almost defenseless at a time when the most powerful combination of Indian tribes for hostile purposes ever known on the Continent [sic] is in open hostilities against us."<sup>23</sup> Describing the situation on the plains to Secretary of War Stanton as "the largest Indian War this country ever had, extending from Texas to the British line," Evans appealed again for authority to raise a regiment of volunteers and pleaded for a "large force, say 10,000 troops." Unless relief was quickly sent, Evans warned that Colorado would be "cut off and destroyed."<sup>24</sup>

In the days that followed, Colorado felt the effects of the Indian troubles, not in the form of war parties but in the loss of communications and supplies. On August 11, George K. Otis, general

superintendent of the Overland Stage Company, stopped the mails and passenger service and ordered company stock off the road. From August 15 until September 29, only one consignment of mail arrived at Denver from the east while mail and passengers accumulated at Latham Station on the Platte route.<sup>25</sup> This interruption of mail service was the greatest cause of continued alarm among Colorado settlers because of the sense of isolation it fostered. In the absence of regular news from the east, rumor and speculation reached alarming proportions.<sup>26</sup>

Moreover, when the Platte route closed, prices skyrocketed in Denver, vital goods dwindled, and a real danger existed that goods would be exhausted. Crops in the Platte and Arkansas valleys were ripening when increased Indian activity sent farmers scurrying for the protection of the settlements, and before the settlers could return to their fields, grasshoppers swept through the farming regions, leaving the ground bare and the settlers with no food for the winter. Finally, Colorado had a real crisis.<sup>27</sup>

Fear of starvation and attack finally generated some activity in the militia. Militia companies at Colorado City, Central City, on the Lower Boulder, at Boonesville and Denver organized and received assistance from the federal authorities.<sup>28</sup> These units took their jobs seriously, but enlistments were slow and the public was unimpressed. Most of the territorial press belittled the mobilization as "a humbug second only to state organization."<sup>29</sup> Captain George Tritch, a city councilman at Denver, disgusted by lagging support, angrily shoved aside the arguments against the militia and demanded,

How long? On, how long? will you remain passive and inactive while your homes are threatened by bands of hostile Indians? Although they may seem far off, yet when they finish their bloody work on the lower Platte, we may surely expect them to swoop down upon us.<sup>30</sup>

Fearing that he could no longer wait for militia or aid from General Curtis or authority to raise a new regiment, Evans took a desperate step. He appealed directly to the people, beseeching all "patriotic citizens" to defend their homes against the "merciless savages" that surrounded them. He warned citizens not to kill friendly Indians as that would "only involve us in greater difficulty."<sup>31</sup> Ned Byers of the Rocky Mountain News contributed an editorial which chimed the prevalent opinion that "a few months of active extermination against the red devils will bring quiet and nothing else will."<sup>32</sup> On August 11, Evans issued a proclamation which authorized the people of Colorado

to go in pursuit of all hostile Indians on the plains, scrupulously avoiding those who have responded to my call to rendezvous at the points indicated; also to kill and destroy as enemies of the country . . . all such hostile Indians; and further . . . I hereby empower such citizens . . . to take captive, and hold to their private use and benefit, all the property of said hostile Indians that they may capture . . . .<sup>33</sup>

Only forty-five days had elapsed since his proclamation offering peaceful Indians places of safety. His new proclamation did not rescind the original offer, and his concern for the safety of the friendly Indians was demonstrated clearly when he intervened to prevent a militia company commanded by Samuel E. Browne, the United States District Attorney, from attacking the Arapaho village at Camp Collins. When Browne determined to strike the village anyway, Evans demanded that he abandon the plan and return to Denver. Only then did Browne relent.<sup>34</sup>

Evans acted admirably in that matter, but Browne's determination to attack Friday's Arapahoes underscored the main problem with the proclamation. Give the temper of Colorado, few citizens were likely to make much distinction between friendly and hostile Indians. The governor had give the people awesome power. An angry Jesse Henry Leavenworth, recently returned to the frontier to assume the duties of Indian agent for the Kiowas and Comanches, demanded of Commissioner Dole,

Will the Dept suffer such an outrage upon the Indians of the plains? [T]urning loose such a hord [sic] of infuriated men as are now on this frontier will make no distinction between the friendly or hostile Indians. That great outrages have been committed lately there is no doubt, but the whole of the Indians should not be held responsible.<sup>35</sup>

On the day after the proclamation was issued, the War Department authorized Evans to raise a regiment of infantry for one hundred days service. Evans immediately pointed out that infantry would be of little use against Indians, and the War Department told Evans to form whatever kind of regiment he wanted. On August 13, the governor published another proclamation calling for volunteers to fill the Third Regiment in order to "pursue, kill, and destroy all hostile Indians that infest the plains, for thus only can we secure a permanent and lasting peace."<sup>36</sup>

The territorial press immediately rallied behind the call. The Central City Miners' Register vigorously endorsed the plan, promising that "there will be no lying around in camp, but sharp active work" against the Indians.<sup>37</sup> The Rocky Mountain News added its voice to the plea for enlistments, and even the Black Hawk Mining Journal, the leading opponent of Evans, Chivington, and statehood, endorsed the concept "as an expedient."<sup>38</sup>

With that, enlistments got under way throughout the territory. Militia units, like the Governor's Guards, commanded by Captain Theodore G. Cree, the Boulder militia under David H. Nichols, and Central City's guards led by Hal Sayr, formed the nucleus of several companies.<sup>39</sup> Mass meetings, speeches by the territorial officials, bipartisan appeals, and editorials beat the drums for enlistments and chided those "cowardly chaps around town" who talked tough but would not enlist because "one has a sick wife and another has a wife that is likely to get sick at any moment."<sup>40</sup> Recruiting officers in Denver prodded and cajoled the locals. Samuel M. Logan, a veteran of the New Mexico campaign was particularly effective.<sup>41</sup> Alfred Sayre, a local attorney, and Martin Will provided for the organization of other companies, but the most unlikely recruiters were Ed Chase, prominent gambler and partner in the Criterion Saloon, and Joseph Foy, owner of the Diana Saloon.<sup>42</sup>

While feverish efforts to promote enlistments got under way, a report reached Denver that a boy and a man had been killed by Indians thirty miles away on Running Creek. This report was followed by another dispatch indicating that hostiles had stolen horses at Jimmy's Camp near Colorado City.<sup>43</sup> Evans immediately fired a telegram to Washington alleging that "extensive depredations with murder of families, occurred yesterday thirty miles south of Denver." He combined this exaggeration with another demand for the return of the Second Regiment to Colorado, concluding, "It is impossible to exaggerate our danger."<sup>44</sup>

Then, Elbridge Gerry and Spotted Horse arrived from the Gerry ranch sixty-five miles up the Platte with an urgent message. Gerry told

Evans that two Cheyenne Dog Soldiers, Long Chin and Shot-by-a-Ree, had warned him to move his livestock because a force of eight hundred to one thousand Cheyennes, Arapahoes, Kiowas, Comanches, and Apaches planned to sweep the valley, drive off stock, and attack the settlements.<sup>45</sup>

The Colorado authorities took no chances. Evans wired Washington of "unlimited information of contemplated attack by a large body of Indians in a few days along the entire line of our settlements," an appeal which moved Secretary of War Stanton to wire General William Rosecrans to send the Second Colorado Regiment home if he could spare them in his department.<sup>46</sup> The general could not, but Stanton's action cheered Coloradans. In the meantime, Chivington declared martial law, ordered all able-bodied men enlisted in some form of military service, and closed all businesses except for two hours per day. The News reported that Denver was "thoroughly military in every respect." as the citizens waited for the attack.<sup>47</sup> It never came. Elbridge Gerry returned to his ranch to find that Indians had run off his stock and his neighbor's while he was away, but otherwise the area was quiet. The joke was on him. Yet, in spite of all the evidence that the planned attack was a hoax, Colorado authorities claimed to have forestalled a massacre through prompt action.<sup>48</sup>

One Denver businessman, with a refreshing sense of humor, took advantage of the situation to inform the public that

It has been found by aboriginal manuscript discovered by members of Capt. Brown's Independent Rangers recently in the entrenchments of Fort Lupton, that the object those 1,500 Indians had in view last Saturday night was to march enmass to town for the purpose of eating a square meal at Fort & Arbour's International Restaurant.<sup>49</sup>



But the mood in the mining camps was largely humorless. Even if the raid had turned out to be a false alarm, it served to remind people just how unprepared they were. Enlistments quickened in the aftermath. The Black Hawk paper published a sobering editorial outlining the danger to Colorado and embracing the Third Regiment as an essential deterrent. In a remarkable editorial, the editors set aside their feud with Evans, Chivington, and the Union Administration party:

We do not like to see men holding back from political suspicions or petty local jealousies. We are all Americans, Coloradians [sic], whether State or anti-State, whether living in Gilpin, Arapahoe, or Clear Creek. . . . Let every man exert himself to fill up this regiment immediately, and a general enrollment of all able-bodied men may yet be avoided."<sup>50</sup>

Martial law in Denver virtually ended work for a period of days but it did provide an incentive to enlist, that "something that would yank those fellows out of their holes and off their front steps," as the News had recommended.<sup>51</sup> The provost guard roamed the streets, literally forcing men into uniform. The zeal of the provost was reflected in the regimental records when five recruits were discharged because they had been "forced to enlist under threats from the Provost Guard."<sup>52</sup> Denver bustled with activity. Militia companies drilled in the streets. Bodies of men from outlying areas came and went as the mustering process continued. Even after Chivington relaxed martial law to permit a more normal business routine, Denver retained the flavor of an armed camp.<sup>53</sup>

At the end of August, Denver had raised four companies (A, C, E, and F), and sent them off to Camp Evans just north of Denver on the Platte River to join Hal Sayr's B Company from Central City and David

Nichols' D Company from Boulder. "Camp Evans, a couple of miles down the Platte, is about the liveliest spot in Colorado," Ned Byers reported to his readers. "There must be six or seven hundred 'bold sojer boys' at present in its tented streets, awaiting orders, arms, and equine equipments to start on the savage war path."<sup>54</sup>

Elsewhere, recruiting continued with similar optimism. Late in August, the Black Hawk Mining Journal reported that the regiment was "filling up rapidly." With uncharacteristic enthusiasm, the Journal informed its readers that "the Regiment is being outfitted, equipped, and armed as fast as possible. 'Tis believed it will be full & ready for service in ten days. Those who would have a most delightful little 'out,' learn something new, and stand a good show for a bit of a fight, should give in their names immediately . . . ."<sup>55</sup> For those not swayed by promises of easy victories, the Journal had blunter advice: "Fill up the regiment or starve next winter."<sup>56</sup> On September 1, the Miners' Register declared that only twenty men were needed to fill up the regiment to maximum strength. "This is your last chance, boys," the editor warned. "The Nevada Co[mpany] is the only one not entirely full."<sup>57</sup> Ten days later the Register announced confidently that "The 3rd Colorado will be ready to march in a day or two, when Mr. Indian will have to get up and skedaddle."<sup>58</sup>

Company G, recruited from the Arkansas counties, El Paso and Pueblo, and commanded by Oliver H. P. Baxter, arrived at Camp Evans on September 12, after marching from Pueblo to Denver, was sworn in, and then promptly marched back to Camp Baxter near Pueblo on the Arkansas.<sup>59</sup>

Scattered groups of volunteers from Summit, Gilpin, Lake, and Clear Creek counties were consolidated into Companies H, I, K, and M. Company L completed the regiment, and on September 19, Governor Evans advised Secretary of War Stanton that the regiment was full.<sup>60</sup> Between 1,100 and 1,200 men had answered the call "to drive the Indians from our plains and restore communications in a few days."<sup>61</sup>

The "Thirdsters," were a mixed lot, representing all elements of Colorado's population. Of the nine companies for which records survived, or approximately eight hundred men, the largest single group of soldiers were farmers, 279 in all, followed closely by 235 miners. Fifty-one men called themselves "laborers," thirty-eight, clerks; thirty-three, teamsters; twenty-three, carpenters; twenty-one, mechanics and engineers; twenty-one, printers; seventeen, merchants; fifteen, blacksmiths; seven, stone-cutters and masons; and an assortment of millers, bakers, tailors, brewers, millers, and tanners. Two lawyers showed up in the ranks, one architect, one artist, one actor, one "M. D.," and a pair of gamblers who registered on the regimental books as "speculator" and "silver maker."<sup>62</sup>

Doubtlessly, the Third Regiment absorbed most of the able-bodied men left in the territory, respectable and unrespectable alike. Most Coloradans imbued with the martial spirit already wore Union blue in the First and Second regiments and McLain's Independent Battery. Raising a third regiment from the thinly populated territory was something of an accomplishment within itself. As the population center, Denver had to bear the biggest share of the burden. Company A quickly absorbed the "better" elements of the population in Denver. Similarly, Company D from

Boulder and Company G from the Arkansas valley (El Paso and Pueblo counties) brought to arms the stable portions of the population. The later companies raised in Denver, like Captain Ed Chase's F Company, came from the less desirable frontier population recruited out of Denver's saloons and gambling halls, and those last few companies raised in the mining districts had more than their share of questionable characters. In some companies, the territory's considerable floating population mixed indiscriminately with more stable types. Many of the Thirdsters left no trace once the regiment was disbanded, and their names on the regimental rolls provided their sole claim to immortality. On the other hand, many of the officers and men in Companies A, B, D, and G continued to live and work in Colorado for years. Far too many honest and honorable men joined the Third to justify the claim (made later in an attempt to explain subsequent events) that the Third represented the scum of frontier society.<sup>63</sup> The Third Colorado Volunteer Cavalry constituted a fair sampling of Colorado's male population, good and bad, prosperous and poor, wise and foolish.

Evans and Chivington made a real effort to find officers with military experience, and half of the forty-six men chosen to command could lay some claim to that distinction. A few, like Major W.F. Wilder, Major Samuel M. Logan, Captain Jay J. Johnson, and Lieutenant Obed Edson were veterans of the First and Second regiments. Others had experience as militia officers, and four reportedly served in the Mexican War. Nearly half of the officers won their commissions because of their recruiting activities. Some, like Captain John MacCannon and Lieutenant

Henry H. Hewitt had reputations as fighting men although they had never served in the army. Several of the officers held their commissions because of their prominence in their home communities.<sup>64</sup>

At least a few companies elected their officers.<sup>65</sup> Captain Ed Chase and Lieutenant Joseph A. Foy, who later succeeded Chase in the captaincy, were popular saloon men. Lieutenant Leavitt L. Bowen was a prominent attorney and city alderman in Denver, but he was better known for the prodigious amounts of alcohol that he consumed on a daily basis. Lieutenant Harry Richmond, who served with Company B, was an actor with no clear credentials other than a commanding presence and a stentorian voice. David H. Moffat, Jr., a rising young associate of John Evans who played no role in recruitment, won his commission because he was politically connected. Dr. T. D. Worrall, who worked diligently for enlistments, lost his commission to John MacCannon because he was on the wrong side of the statehood question. A few, like Mariano Autobees, whose father was an old frontiersman, and Swain J. Graham, who ran the station at Spring Bottom on the Arkansas, knew something about Indians first hand, but most knew their Indians from the columns of the Rocky Mountain News and the frontier rumor mill.<sup>66</sup>

Command of the regiment went to Lieutenant George L. Shoup, Company L, First Colorado Cavalry. Shoup was a popular choice. He favored statehood and sided with Chivington in regimental politics, but he had a good military record. He had served with distinction in New Mexico. He played a large role in ending the reign of terror in southern Colorado carried out by the Espinosas. They had killed his brother and

he commanded the unit that killed one of them.<sup>67</sup> In the summer of 1864, he had seen action against Indians on the Arkansas, and he had taken a large part in the capture of the Reynolds gang, a band of Confederate guerrillas who were plundering the Colorado settlements.<sup>68</sup> He was a serious officer and highly respected. His image in the territory was above reproach. When some citizens began to criticize the organization of the Third as a conspiracy to get anti-state voters out of the territory, the Black Hawk Mining Journal, the organ of the anti-state forces, belittled the argument, largely on the strength of Shoup's reputation. "Some persist in thinking the whole thing a political movement. It is not, neither can it ben used as a political engine. . . . Once raised, the regiment will be under the immediate control of Colonel Shoup, a man, we do assure our readers, who will use it to fight Indians."<sup>69</sup>

Evans had his regiment, but it was an idle regiment waiting for proper supplies. On September 1, the Central City paper noted "Day before yesterday the boys of the Third were made joyous by the announcement of the arrival of the carbines and revolvers so earnestly looked for. . . . The hundred days is passing away, and little can be done until the right arms are supplied."<sup>70</sup> The press tried to keep spirits high, nonetheless. A few days later, the Rocky Mountain News observed that "the hundred day regiment are a splendid set of men, whose discipline and demeanor thus far exceeds that of any miliar sized body of brave 'raw recruits' that we can find the western country over."<sup>71</sup> Even so, idleness was taking its toll. Two days later, the News reported that

"Some of those hundred-day men are 'heavier' than our three year veterans . . . . The pet lambs, after their return from Apache Pass, were not a circumstance to some of our 'mounted infantry' at present around town."<sup>72</sup> Boredom and dissatisfaction had produced the same kind of jayhawking that had marked the First Regiment in the idle days after the New Mexico campaign. Mischief became so common that stringent orders were issued against unauthorized absences from camp, horse racing, discharging firearms, abusing horses, and public drunkenness.<sup>73</sup> On September 22, Ovando J. Hollister wrote his partner in Black Hawk that things were dull in Denver. Commenting on "these poor aspirants for fame on the field of Indian blood, 'fresh and gory!'" he said, "the prospect is that they will not be seriously satisfied. Equipments are as hard to raise as the wind. The hundred days will pass and little be accomplished."<sup>74</sup>

With the regiment near full strength, further activity stalled. The Third Regiment was snared by ordnance shortages and the slow moving machinery of the quartermaster's office. Uniforms were distributed to most companies, but weapons, horse equipments, and horses were in short supply. Ordnance stores and camp supplies were exhausted within days after the first companies were mustered, and, acting on orders from General Curtis, Chivington directed the Acting Assistant Quartermaster, Captain Loudon Mullen, to buy blankets and other necessities on the open market. Conditions were so bad that on September 1, Chivington ordered Mullen to Fort Leavenworth to obtain new stores and to hurry their

shipment back to Denver.<sup>75</sup> This process was slowed both by the interruption of traffic on the overland routes and by the serious drain on quartermaster supplies occasioned by the crisis in Kansas and Nebraska. Before Mullen returned, almost a month later, the District quartermaster and commissary stores burned in a fire at Camp Weld.<sup>76</sup>

Providing mounts proved to be the most serious problem. An adequate number of horses simply was not available, not in Colorado nor in any other area of the Department of Kansas. The pleas of Evans and Chivington for horses simply joined those of other officers. On August 8, General Mitchell advised General Curtis that "Half the troops in this District [are] on foot."<sup>77</sup> In another dispatch dated the same day, Mitchell insisted that he must have eight hundred horses or or abandon the Platte route.<sup>78</sup> On August 10, before the Third was authorized, Chivington mentioned a shortage of serviceable horses and inquired, "Had we not better purchase a few in this emergency?"<sup>79</sup> On August 12, Colonel Summers, reporting from Fort Kearney, told Curtis that he could put only fifty men in the saddle out of his entire command.<sup>80</sup> Kansas was also raising a one-hundred day regiment which required horses, and the superintendent of the Overland Stage Company reported that Kansas militiamen were seizing the company's horses and interrupting the mails.

To make matters worse, most payments were made in government vouchers rather than cash. The vouchers were discounted twenty percent below par, which increased the cost, and horses purchased in Colorado averaged fifty dollars a head more than horses purchased in Kansas and Nebraska.<sup>81</sup> Reviewing Colorado's need, Curtis advised his staff at



Leavenworth that no attempt should be made to supply horses from there. "Their time would be out before horses could get there," he wrote.<sup>82</sup> That was small comfort to Chivington and Evans, particularly in light of instructions from Washington that horses had to be purchased through the Quartermaster Department unless specifically authorized to impress horses into service. In desperation, Chivington wired Curtis, "What shall I do--raised them & have nothing to mount them."<sup>83</sup> Captain Insley, the Quartermaster flatly refused to send horses to any troops enlisted for less than six months' service, and Chivington pressed Curtis to "Please order an impressment for immediate use."<sup>84</sup> In response Curtis advised Chivington, as he had other commanders equally desperate for mounts, "Quartermaster ought to buy horses. If he cannot do so the troops should be armed as infantry."<sup>85</sup> On August 30, Curtis carried his plight directly to General Halleck:

I have ordered Quartermasters to buy horses to mount troops but vouchers are refused payment because the Cavalry Bureau did not make purchase. There are no representatives of the Bureau either in Nebraska or Colorado where immediate necessity requires horses. Over half my Cavalry in that region is without horses, and purchases are quite suspended because money is not supplied and vouchers are discredited.<sup>86</sup>

Some horses were impressed, with or without authority, but even those desperate steps did not solve the problem. When Colonel Shoup took command of the Colorado Third Regiment on September 21, he had no more than four hundred horses for the regiment, and he was never able to obtain more than eight hundred mounts of every conceivable kind for his regiment of 1,100 men. Those that were gathered ranged from "awful mean ones" to "raw boned, squarely built, old plowhorse[s]."<sup>87</sup>

Horses of whatever condition were useless without proper equipment, and saddles, bridles, and other tack were harder to find than horses. Colonel Shoup reported that only two-hundred sets of horse equipments were available when he took command of the regiment. Apparently, no more than 527 saddles and bridles were distributed to the troops. Even assuming that some troopers furnished their own saddles, the officers were never able to put the full regiment in the field. But, the regiment was not unique in that regard. Union regiments in the Civil War rarely approached full strength in effective forces.<sup>88</sup>

The regiment was armed mostly with cast-off equipment rejected by the Union armies in the east. Many of the weapons were outdated Austrian and Belgian muzzle-loaders bought by the Union in the first months of the war when weapons were hard to find. William M. Breakenridge, who served in Company B, recalled later:

We were armed with old out-of-date muzzle-loading muskets, which were loaded with paper cartridges. We had to tear off the end of the paper cartridge with our teeth, pour the powder into the muzzle of the gun, ram the bullet and paper down on top of the powder, and then see that the nipple that held the cap was primed before putting the cap on. These guns carried plenty of powder and lead, but could not be depended on for accurate shooting except at close range, and it was slow work reloading them. However, I was fortunate enough to trade my musket for a Sharp's carbine.<sup>89</sup>

The foreign-made arms were supplemented by an assortment of weapons including "Mississippi Rifles" (Harper's Ferry Percussion rifles, model 1841), .69 caliber Harper's Ferry muskets, a few Sharps' carbines, a small number of Starr's carbines, and a handful of Colt's repeating rifles. Revolvers were in short supply and of varied quality. Ammunition was almost non-existent, and the soldiers were never issued more than

fifty rounds each during the entire time of their enlistment. Apparently only seven sabers were issued to the entire command.<sup>90</sup>

As the weeks passed, this ill-clad, ill-armed, ill-trained force grew increasingly restless. Six companies were deployed along the Platte and the Arkansas early in September. Company A was ordered to the Fontaine-qui-Bouille, and a portion of that troop established a camp on the Arkansas near Pueblo. Captain Baxter, commanded troops raised on the Arkansas, was stationed east of Pueblo. Company B relieved Captain Browne's militia at Fort Lupton. Company C was ordered to Latham on the Platte route, Company F to Junction Station, and Company D to Valley Station. At the end of September, half the regiment was still encamped at Denver while the hundred days slowly slipped away.<sup>91</sup>

One ironic note emerged from the mobilization fiasco. Evans had pleaded all summer that militia could not be mobilized for service against the Indians, but when he issued his call for public support against the Indians in August, militia units at Boulder, Colorado City, and Boonesville responded quickly. Browne's Boulder Guards advanced on Evans's order to protect emigrants and stage passengers accumulating there.<sup>92</sup> More impressively, Captain Clinton M. Tyler raised a company of rangers at Black Hawk which armed itself, provided its own mounts, marched down the Platte as far as Cottonwood, turned south, scouted the headwaters of the Republican, joined General Mitchell's command briefly, and returned to Denver while the Third sat idly waiting on supplies.<sup>93</sup>

From mid-September until mid-October, most of the Third Colorado Regiment endured garrison duty. The easy optimism of August faded into

sullen despair. The soldiers grumbled in the cold winds of autumn, and public expectations began to fade. Already reports were reaching Denver that travel could be resumed. Stephen S. Harding, Colorado's chief justice, wrote his wife, "It is said that the Indians along the rout [sic] have gone back to their hiding places."<sup>94</sup> Writing from Pueblo in mid-September, Nathaniel P. Hill informed his wife that "The road from this place to Denver is free from Indians. . . ."<sup>95</sup> And General Curtis assured both President Lincoln and George K. Otis of the Overland Stage Company that the mails could resume normal service with proper escort.<sup>96</sup>

Mail service did not actually resume for almost a month, a circumstance which served to underline the changed attitude concerning the public safety. When the postmaster at Denver was notified that mails for the east were to be sent via San Francisco, he protested vigorously "That there is no just cause for the Overland not carrying the mails as usual, and no interference from Indians."<sup>97</sup> The rumor was current that Ben Holladay, the company's owner "exaggerated the real danger in order to secure the new mail contract on more favorable terms." Whatever the reason, not until October did mail move with any degree of regularity.<sup>98</sup>

For a time that fall, the Third Colorado Cavalry seemed doomed to pass its one hundred days of service without seeing any action in the field. The soldiers and many of the citizens blamed Evans and Chivington for the inactivity. Even if the Indians seemed to be less active, even if they intended to make peace, most Coloradans believed that a settlement should not be made until the Indians were suitably chastised. The Colorado consensus had not changed. "If there is one idea that should

become an axiom in American politics," the Black Hawk Mining Journal declared, "it is THAT THE RED MAN SHOULD BE DESTROYED. His existence is a curse to himself and to us."<sup>99</sup> The mood in Colorado toward the Third Regiment did not change because Indian attacks had subsided. It changed because the regiment was not doing what it had been raised to do--kill Indians. Ovando J. Hollister expressed the prevailing view toward Indians in late September when he wrote "that nothing will cure their disease but a good Ash Hollow or Bear River dose of medicine."<sup>100</sup> That job had not been done. Instead, the Denver streets and saloons were "full of men and boys covered with lemon stripes 'sashaying' gaily round on their dignity just as if it twasn't their business to get killed immediately."<sup>101</sup> The citizens vented their frustrations on the very people they had cheered as heroes only days before, "grumbling that nothing was likely to be done, hounding the authorities, and taunting the officers and soldiers in camp. . . ."<sup>102</sup> By then, the regiment had a nickname in Denver. The governor's regiment was "The Bloodless Third."

## CHAPTER X

### STATEHOOD AND THE INDIAN QUESTION

In February, 1864, James M. Ashley of Ohio, chairman of the House Committee on the Territories and James H. Lane, the controversial Kansas senator, introduced statehood enabling acts for Nebraska, Nevada, and Colorado.<sup>1</sup> Under ordinary circumstances, the small populations and prevailing conditions in these western territories would have prevented serious consideration of proposals for statehood, but those were extraordinary times. The Civil War entered its third year with the result yet uncertain despite the victories of the Union in the great campaigns of 1863. Lincoln had found his general in Ulysses Simpson Grant who now faced Robert E. Lee in Virginia while William Tecumseh Sherman set in motion a bold plan to strike through the very heart of the Confederacy to the sea. Hard issues relating to southern reconstruction remained to be settled. And most importantly, Abraham Lincoln faced reelection in 1864. The relationship between Lincoln and his party was shaky, and his prospects for reelection even less secure.<sup>2</sup> The western territories, solidly Republican in every case, held important, potential votes, and when Benjamin Franklin Wade offered an amendment which permitted Nebraska, Nevada, and Colorado to become states in September, well in advance of

the general elections in November, the Republican strategy became apparent.<sup>3</sup>

Beyond the blatantly political overtones, the move conformed to Republican policy on the development of the West. The Republicans were Western in origin, and they had been swept into office in 1861 amid promises of free land to settlers, glowing accounts of the inexhaustible mineral wealth to be taken from the Western mountains, and dreams of an "iron belt" of rails connecting the Atlantic and Pacific oceans. The Homestead Act was ~~now~~ a reality, and opening the West to white settlement was a pillar of the party platform almost as strong as opposition to the extension of slavery. Even Lincoln's Indian policy, while it deplored the "frequent and bloody collision" between Indians and whites, while it sought to insure the "material well-being" of the Indians while they adjusted to "the arts of civilization," nevertheless had its primary focus to make the West safe "for the advancing settler."<sup>4</sup>

These bonds between the party and the settlers assured strong Republican organization in the territories. From the beginning of Lincoln's administration that meant that the West played a special role in party strategy. Republicans built support for their programs through the dispensation of patronage. Of course, divisions existed within the party, and Lincoln, in a spirit of fairness, dispensed patronage with surprising even-handedness. As a result, that group within the party which came to be called "radical" because of its insistence on a harsh post-war policy toward the South, secured a strong base in the territories from which they hoped to build support for their programs.<sup>5</sup>

In Colorado, as in other territories, federal appointees reflected national party configurations. William Gilpin, the first governor, was a protege of John C. Fremont and thus associated with the abolitionists and others radically inclined. William N. Byers, the editor of the Rocky Mountain News, formerly a warm advocate of popular sovereignty and Stephen A. Douglas, profited from his association with more conservative Republican appointees with ties to Lincoln.<sup>6</sup> On the surface, then, Colorado politics seemed to reflect national patterns, but the appearances were deceiving. While some men's loyalties turned on issues and principles, more were attracted to the power bases which the party intrastructure provided. Federal office holders in the territories were the connectors between the hopes of frontier entrepreneurs and power-seekers, on the one hand, and the spoils of office in Washington, on the other. Those spoils--government contracts, political appointments, legislative leverage, influence--were crucial to the future of the territories. In large measure they would direct the flow of real power. As a result, local politicians, would-be tycoons, and a rangy assortment of ambitious and opportunistic men swarmed around each new recipient of federal favor. They hung their hopes on personalities and upon assessments of patronage opportunities. Once set together, they worked to build their advantage and to dilute the strength of the opposition--all within the sheltering cover of the Republican Party.

The removal of Gilpin and the appointment of John Evans, for example, was not so much a reflection of a shift in party policy as an indication of territorial power politics with patronage and profits as



the plums. Republican unity was an illusion. The exaggerated rhetoric about "this infernal rebellion," the constant flood of allegations against alleged Copperhead conspiracies, and continuous denunciations of practically everybody as "disloyal" with the slightest deviation from the factional line, scarcely camouflaged the reality that political decisions in the territories usually turned on considerations much closer to home. The frontiersmen were not hypocrits, but they saw the issues refracted through their own local interests. They were not disloyal; they were disconnected. That, perhaps more than anything, aggravated their insecurity. Consequently, they fretted endlessly about their relationship with Washington, seeing in every question a boost or an affront to their security. The successful frontier politicians of the day were those who could somehow balance local interests and party loyalty. Such men were as much appreciated by party patronage-mongers and political leaders as by the frontier interests they served. The system depended on them. The territories provided jobs for the faithful, support for critical issues, and opportunities for investment and development, and good men in the right places were essential to those purposes.<sup>7</sup>

John Evans was such a man. His success in building a strong political organization fulfilled virtually every element in the process. His appointment gave Lincoln an opportunity to pay off a large political debt, satisfied the powerful Methodist lobby within the party, and gave the president a dependable friend in one of the most strategic territories in the West. Evans headed west determined to govern well, hopeful

that his success would carry him back to Washington as a senator, and convinced that Colorado would flourish with the proper direction. As a prominent Republican, a proven developer, an active and successful business entrepreneur, and a man with more personal wealth than any other person in Colorado, Evans was a magnet to men like Ned Byers who feared the demise of Colorado's economic community, and to ambitious younger men like Henry Teller and David H. Moffat, Jr. Evans served as a power surge which propelled the "Union Administration Party" into political dominance.<sup>8</sup>

Through 1863, the dominance of the Denver-based clique went largely unchallenged. The opposition was too weak, and the governor was too popular in the business community to upset the balance. Evans's railroad schemes, his obsession for building Denver into a great city, his plans for mining and agricultural development, even his plans for clearing Indian title in Colorado gave him broad support, while his Methodist and Masonic connections played well with men like John M. Chivington. Hiram Pitt Bennet, the territory's delegate to Congress was tied to the Evans faction, strengthening its hand.<sup>9</sup>

But the political scene was not as tranquil as it at first appeared. The territory's economic woes generated growing discontent, and more than one group of would-be developers had plans for the future. Land and mining rights were confused. Agricultural interests were growing. A large Mexican-American population in the southern part of the territory feared the rising power of the Anglo politicians who dominated the legislature. Competition for government contracts quickened. By

1864, the dormant opposition was recovering its voice. A rival group promoting the future of nearby Golden, led by W. A. H. Loveland, challenged the "Denver Crowd" and courted some of their luminaries, especially Henry Teller.<sup>10</sup> When Delegate Bennet sponsored a seignorage bill designed to settle problems arising from mining claims on unsurveyed lands by permitting access to mineral lands on the payment of a leasing fee, Evans opposed him and ostracized him from the Denver group's inner circle.<sup>11</sup> The dispute between District Attorney Browne and Evans over the Treaty of Fort Wise took on clear political overtones.<sup>12</sup>

Increasingly, John Evans stood at the center of a building storm. His concentration program constituted a clear exposition of Lincoln's hope for Western development, but he had great trouble in implementing it. The Pacific Railway Bill suggested that his plans for a Colorado route for the Union Pacific were largely dead. Evans was beginning to lose his credibility. Even after a territorial consensus emerged on the proper solution to the Indian question, harsh as it was, Evans remained the fulcrum of debate. All agreed the Indians must give way, and, after the spring of 1864, most favored a harsh, punitive policy. The issue was not what should be done with the Indians, but Evans's competence to do it.<sup>13</sup> Statehood, then, became a test for the governor's leadership.

Evans accepted the role willingly, even confidently. He believed that statehood would increase Colorado's influence, enhance economic growth, and send him to the United States Senate. He was devoted to Lincoln. He knew that the idea of statehood appealed to many

people, particularly to business and political leaders ambitious to enlarge their opportunities. Statehood implied maturity, and "home rule" was a nostrum that few politicians could resist. More importantly, statehood promised a cure to many problems. Statehood would halt the perceived economic decline in the territory and heighten investment in Colorado mining properties. The prospect of a transcontinental railroad on a Colorado route would be strengthened if Colorado were a state. Politicians, perplexed by land questions, mining issues, and the Indian problem, believed that statehood would bring greater influence in Washington and quicker solutions to local problems.<sup>14</sup>

Still, many Coloradans, while flattered by the notion of statehood, felt that the territory was not ready to become a state. Many believed that government contracts and territorial patronage were critical to prosperity. They also feared that statehood would mean significantly higher taxes. Some federal appointees saw a threat to their jobs. Some local politicians saw the wrong groups profiting from this particular canvass. The large Hispanic population in southern Colorado did not trust the Anglo leaders who would predominate if statehood won and preferred to take their chances with federal authorities.<sup>15</sup>

Despite the obstacles, Evans was ready to move by the time the enabling act was passed. As early as the spring of 1863, the friends of Mr. Lincoln had taken the first steps when they arranged for Simeon Whiteley to be appointed the Indian agent for the Utes at the Middle Park Agency. Whiteley, a journalist from Racine, Wisconsin, had served Lincoln well in the campaign of 1860. As a reward, he had been attached

to the staff of Simon Cameron, then the Secretary of War. When Cameron was forced from office because of his indiscretions, Whiteley was shuffled to a variety of minor posts, until James Rood Doolittle, senator from Wisconsin, chairman of the Indian Affairs Committee, and an ardent supporter of Lincoln, secured the Colorado appointment for him.<sup>16</sup>

Whiteley knew nothing about Indians. When he arrived in Colorado he visited the site of the agency briefly, then retired to Denver where he totally neglected his duties as an Indian agent. Evans did not press the matter because Whiteley's true purpose in Colorado was to assist him in organizing the statehood movement. Immediately upon his arrival in May, 1863, Whiteley organized the Colorado Council of the Union League and managed to have himself elected president. Within weeks he had organized League councils in fourteen Colorado towns. These groups would provide the local base for the statehood effort.<sup>17</sup> While still drawing his salary as Indian agent, Whiteley took a job with the Denver Commonwealth and eventually bought the paper. His efforts as an editor proved inept, and his peculiar status as an Indian agent was so embarrassing that Dole demanded that he do something to justify his salary.<sup>18</sup> Evans packed him off to the Cache la Poudre to take care of the Arapahoes at Camp Collins, but he was so incompetent in that role that most of the Arapahoes left the area. Eventually, after the spring flood in May, 1864, destroyed the Rocky Mountain News office, Evans helped Ned Byers buy the Commonwealth from Whiteley.<sup>19</sup> Thereafter, Byers directed the statehood campaign in the press.

Ironically, just as Evans prepared to launch the drive for statehood, the disaffection within the Republican Party finally erupted. The war effort seemed stalled, Lincoln seemed slow in acting to correct the situation, and a fight was brewing over reconstruction. At the end of May, disaffected Radicals nominated John C. Fremont as their candidate for president. A week later, Lincoln was renominated at the Republican convention despite considerable misgivings even among conservatives.<sup>20</sup> The convention was scarcely over when Lincoln collided with the Radicals over the nature of the reconstruction process. His veto of the Wade-Davis bill produced an angry outcry against him, and in the weeks that followed, prominent Republicans launched an effort to unseat the party's nominee.<sup>21</sup> Lincoln's popularity within the party reached its nadir. Although the movement failed to gain its purpose, most party observers concluded that Lincoln had little chance of winning, and the president himself confided the friends that he did not believe that he would be reelected.<sup>22</sup>

These developments recast the issue of statehood for the territories. Some Radicals, included Benjamin Franklin Wade, who had caused the vote on statehood to be moved up to September, now had second thoughts. In Colorado and Nevada, Lincoln had strong support. If those territories sent senators and congressmen to Washington, their votes might well support the president's approach to Reconstruction. Consequently, the factionalism of the party at the national level exacerbated the already divided Republicans of the territories. A vote on statehood thus became a test of support for Lincoln.<sup>23</sup>

This new wrinkle added another element to the issue of statehood in Colorado. Stephen Selwyn Harding, chief justice of the territory's courts, Charles Lee Armour, an associate justice for Colorado, Alexander Cameron Hunt, the United States Marshal, and Samuel E. Browne, the petulant United States District Attorney, all owed their appointments to Radicals.<sup>24</sup> Browne had already clashed with Evans over the land question in 1863, and even as the statehood movement was launched, cases were pending in the courts which threatened to place the entire judicial system at variance with the governor's plans by reopening the question of land rights, the liquor traffic, and Indian title.<sup>25</sup> Armour and Hunt were known to be openly hostile to the Evans faction. Moreover, Hiram Pitt Bennet, a known supporter of statehood (he had introduced a statehood proposal in Congress in 1863), had certain Radical connections in Washington and a grudge against John Evans.

The effort to add Colorado's star to the flag was launched before any of this was clear. The most visible proponents of statehood were, predictably, Evans, Byers, Elbert, Teller, and Chivington. Bennet remained conspicuously silent, and Jerome B. Chaffee, one of the chief architects of the Denver clique's economic development program, was noticeably cool.<sup>26</sup> Evans was undaunted, especially after the Colorado Assembly endorsed statehood in May, just days before disaffected Republicans endorsed Fremont.<sup>27</sup> Evans was determined to put forth an appearance of unity.

The enabling act provided that a constitutional convention should convene on the first Monday in July to consider the issue and

draft a constitution. The election of delegates proceeded in June, and the statehood forces tried to mend fences among the various factions within the territory even to the point of choosing O.A. Whittemore, a member of the "Golden Crowd," to preside over the convention. The convention met on July 4, at Golden, then adjourned to Denver where the convention promptly adopted a constitution.<sup>28</sup> The mood was euphoric. The delegates were so confident of success that they scheduled the election of state officials on the same day as the vote on the constitution.<sup>29</sup>

The jubilation proved to be premature. Seeking to avoid the argument that statehood would greatly increase taxes, the convention created a salary schedule for state officials that was so low that it made state offices unattractive. Under the constitution, the secretary of state would have received \$1,000 annually, the attorney general \$400, and members of the legislature \$3 a day while the legislature was in session.<sup>30</sup> More importantly, the decision to hold the election of state officers on the ratification date instantly made statehood a partisan issue. When the "Union Administration Party" held its convention on August 2, it chose D. T. Towne as its candidate for governor, John M. Chivington as its candidate for congressman, and John Evans and Henry M. Teller as its candidates for senators.<sup>31</sup> These nominations linked statehood and support of the Evans faction. That seriously splintered support for the movement, especially after Towne abruptly withdrew his name as the gubernatorial candidate. Then Alan A. Bradford, chosen by the Evans group for a position on the state supreme court, withdrew his



name from the ticket and ran for congressional delegate on the ticket of the "antis."<sup>32</sup>

Most of the leaders of the anti-statehood group were Republicans. Representative W.D. Worrall from Central City, Charles Lee Armour, a federal judge, and Bradford, his colleague on the bench, and Rodney French were the most outspoken opponents of statehood. Other officeholders like Marshal Hunt and District Attorney Browne seemed to lean toward the anti-state position, but took no active role in the early weeks of the campaign. The non-committed, like Stephen Selwyn Harding, the chief justice, rankled the statehood forces as much as the opponents, and the pro-staters chose to view lack of interest as opposition.<sup>33</sup>

Once support of statehood was linked to the Evans administration, the opposition exploited the movement's narrow base. The Black Hawk Mining Journal, edited by Ovando J. Hollister and Frank Hall, took the initiative, ridiculing the leadership: "Old John [Evans] works the lead, Gen. Teller on the near wheel, Col. Chivington on the off wheel, Byers is the horse "to let," and Rev. King the dog under the wagon."<sup>34</sup> In that spirit, the campaign began. The Journal increased the ferocity of its attacks on "'Granny' Evans, Elder Chivington, and the rest of the 'Methodist ranters.'"<sup>35</sup> The prominence of Evans and Chivington as spokesmen for statehood and the deteriorating situation on the plains, served, inevitably, to focus the debate upon Indian affairs. Evans and Chivington were the architects of territorial policies toward the Indians of the plains, and the anti-state faction took advantage of public

suspensions and fears to accuse them of gross mismanagement of not cal-  
loused manipulation of the crisis to promote statehood and their own  
political careers.

The emphasis on Indian policy emerged naturally enough. The  
central issue of the campaign was Colorado's capacity to survive as a  
state, and the central test of that issue was the Indian question.  
Recognizing this, the statehood movement tried to turn the issue into an  
argument for statehood. Statehood advocates insisted that only as a  
state could Colorado "receive an immediate hearing and prompt relief to  
her problems." If, Ned Byers of the Rocky Mountain News argued, Governor  
Evans had been governor of a state when he asked for troops, his appeals  
"would have been speedily granted."<sup>36</sup> As a territory, Byers claimed,  
Colorado faced serious disadvantages, and chances were slim for  
Coloradans "to secure payment for their services, or indemnity for their  
losses [from Indian raids]." Oregon and Minnesota were cited as examples  
of states which had received immediate payment of Indian war claims  
within a year after statehood.<sup>37</sup> Military defenses were inadequate  
simply because Colorado was a territory. In an emotional editorial Byers  
tried to persuade citizens that the solution to the Indian problem was  
statehood. He wrote:

The state of Kansas is afraid of Indians and guerrillas, and  
presto! in the midst of an Indian war to which Colorado is twice  
as much exposed as Kansas; and against the earnest protests of  
our authorities and our people, our troops are called away to  
defend and protect Kansas. Why? Because Kansas is a Sovereign  
State, and has a voice in making and controlling Departments and  
creating commanders of our armies. Colorado has an opportunity  
of acquiring the same position. Those who desire so to do will  
vote for the Constitution.<sup>38</sup>

The anti-state forces quickly turned these arguments against Evans. Responding to an editorial in the Central City Miners' Register, the Black Hawk paper inquired, "Has not Gov. Evans informed the administration at Washington of the state of affairs here? If not, he is the culpable party. If he has, and through the pressing necessity of the wary, they are unable to help us, what a damning insult to the Government is offered by the Register." The editorial continued:

The Government does not injustice to us in throwing the work of defense into our own hands, and if we attend to that work, we are competent to keep open the route between here and the States, and to protect our own territorial settlements. But instead of attending to it, our military leaders are stumping the Territory for offices for themselves. Shame upon the men who would ask the Government to withdraw the troops who are now crushing this infernal rebellion, for the sake of driving back a few Indians--a work, so far as Colorado is concerned, which would have been<sup>39</sup> done long ago but for the jealousy and imbecility of our rules.

Colonel Chivington's high visibility on the campaign circuit gave credence to the Journal's charges. If the situation in Colorado were as critical as most people believed, then why was he not engaged in fighting Indians? Either the danger was not as great as Evans and Chivington claimed, or Chivington was neglecting his duties to garner political rewards. Chivington's popularity fell noticeably as the summer progressed. Public irreverence for the fighting parson began to show. A correspondent of the Journal, known only as "Slug," penned a sarcastic "report" of one of Chivington's speeches, which like all effective satire, combined biting wit and an a realistic parody of the Colonel's style:

My Christian friends, I appear before you not only as the champion of State organization, but as candidate for Congress from Colorado, and I think that my position, considered in a

military point of view, as Colonel of the First Colorado Regiment, and as former presiding elder in this district demands me a hearing.

O my Christian friends, not only do I long to go to Congress, but I have a great relish to combat sin in all shapes. I will meet old Billy Split-foot himself in single combat, and with the war club of Christian warfare--I will lay that individual who is so much admired in the vicinity, a dead man at my feet. O my brethren and sisters, are you not afraid of the Devil when he will come along some of these nights with his three-pronged harpoon and pile the red hot cinders of black damnation upon your reeking souls as high as the pyramids of Egypt, and fry out your kidney fat to grease the machinery of hell?

O my brothers and sisters, I wish to Combat sin in all shapes, don't you know it abounds in this vicinity? As I came to the meeting I was forcibly reminded of a passage of scripture which says MARVEL NOT-ER. For I saw two boys playing Marbles-er and one of them who was jumping about said he was dead-er and he lied-er; he as not a bit more dead-er than I was-er. Therefore my friends marvel not-er but elect me to congress-er, and I will prevent the sale of marbles in this sinful and benighted community-er. O my sisters when the long roll will be called ain't you afraid you will go with the goats-er, and brethren, aint you afraid you will not get to go with the sisters-er? but will find your reward with them fellows who are opposed to State Organization-er. O my Christian friends, vote for me and State Organization-er, for Congress-er. Brother John Evans wants to go to the United States Senate-er. He is a pious man-er, and believes in free grace-er. Brother King thinks all will be saved-er, but I dont think copperheads and sich like will go in-er, but brother King believes in State organization and if brother Evans and I are elected we will get him in-er. But my brethren and sisters, no copperhead nor butter-nut nor them fellows who is opposed to me will get in-er, they will go to the bottomless pit-er where there will be weeping and wailing and gnashing of teeth-er. Gov. Evans says that such like are worse than Indians-er, because they know their duty and do it not-er.

Chivington played a dangerous game that summer. His road to glory as a soldier had turned up a blind canyon. Lost in administrative detail and meaningless skirmishes, and held in check by a timid governor, Chivington increasingly turned his attention toward politics. He neglected his duties, failed to obey orders, and complained every time his

troops were called upon. The old aggressiveness was gone. His raid into Texas withered under instructions from Curtis. His command was reduced in size. His troops were drawn away. His summer campaign evaporated. His commission in the army would expire on September 23, 1864, ten days after the statehood vote. So he pinned his hopes on statehood. A victory at the polls would send him to Congress, and even if statehood failed, he still had an opportunity to go to Washington as territorial delegate.<sup>41</sup>

Chivington's presence on the campaign trail convinced many Coloradans that the Indian war, if it existed at all, had been cooked up for political reasons. The argument was especially persuasive when it came from the officers and men of the First Colorado Cavalry, Chivington's primary base of support. Reports were circulated early in the campaign that the men of the First were solidly behind statehood.<sup>42</sup> Chivington tried to keep that face on things, but when his politicking became so blatant that General Curtis rebuked him, the divisions within the regiment began to show themselves.

"This war is nothing but a political hobby," a disgruntled soldier at Fort Lyon wrote, "so plain a blind man can see it, and the instigators of it should suffer. Who but them ought to atone for the lives already lost by their infernal scheming."<sup>43</sup> Another soldier laconically added, "we have as yet had no encounter with any foe but of the bedbug and mosquito tribes."<sup>44</sup> Still another remarked that "Indians are scarce, though rumors of war reach us occasionally."<sup>45</sup>

These soldiers insisted that the regiment was not in favor of statehood as Chivington insisted, but that certain officers like Major Wynkoop at Fort Lyon were trying "to obtain the proxies of the whole regiment and . . . cast them for Gov. Evans or Col. Chivington, just the reverse of what the boys wish."<sup>46</sup> When Samuel H. Cook the popular officer who had been wounded in the battle of Apache Canyon, was arrested in July, many soldiers believed that he was incarcerated because of his political views. "He dares to think and what he thinks dares to express," a soldier wrote, "and as his plain talk does not get on well upon the minds of certain military gentry, he is quieted by military power. When asked to confirm the general opinion that the soldiers would go unanimous for the State, he replied emphatically that he didn't know of any such d--d fools in the Colorado First."<sup>47</sup>

Opposition from the rank and file of the First Colorado veterans was not expected, and it proved to be important. It reflected the toll that regimental bickering, ineffective action against the Indians, and Chivington's obvious political ambitions had taken on the popularity of the commander since 1862. The Journal came very close to the truth, when it warned, "Col. Chivington can make five times the personal capital for Congress by protecting the Platte Route, than he can buy in stumping the territory with the Rev. Dr. King for state organization."<sup>48</sup>

Governor Evans was equally vulnerable. After the Hungate frenzy, he was damned for his failure to take decisive action and condemned for manufacturing an Indian war out of whole cloth. He almost lost the support of the Central City Miners' Register at that point, but

a private letter persuaded the editor that he had been prompt and persistent in his efforts to secure support for Colorado. Afterwards the Register supported both him and statehood.<sup>49</sup> Ironically, some of the most damaging criticisms came in July during the lull before the summer war, when Evans appeared to be an alarmist even to men like Byers. The eruption of hostilities in August did not exonerate him, however, because the opposition now turned on him for mismanaging Indian affairs so badly that he caused the Indian war. On August 20, the Journal painted a bleak picture:

Our communication with the States is cut off, so that machinery, merchandise, provisions, passengers, mails, etc., have ceased to come forward. Gold cannot be shipped East, or currency West, and the supply of the latter in the banks is nearly exhausted. Work, therefore, must soon generally cease because the money to pay the workmen cannot be obtained. The crops of the Territory are unusually abundant, and we are in the midst of harvest. Indian massacres, however, are alarming the ranchemen [sic], and they may be driven to rendezvous for protection before securing their crops. So leaving out of view the inhuman cruelties practiced upon the defenceless people of the outer settlements, the prospect, not only of an absolute cessation of business, but also of utter starvation ~~or~~ abandonment of the country stares us in the face.<sup>50</sup>

The blame for this state of affairs, the Journal said, rested squarely on the shoulders of Governor Evans. This kind of argument now began to erode the governor's support in the business and farming communities. In a scathing indictment, the Journal accused Evans, Buyers, and Bennet of bringing the territory to the brink of ruin. "[F]earful that their power of mischief was about to be curtailed," the editors charged, "we have the present desperate, unscrupulous efforts to prolong it by forcing State organization on the people." The Journal damned "their

accursed Indian policy, which was generous when it should have been severe, and vice versa, and charged that "they have involved us in a terrible Indian war which may last indefinitely . . . ."51

In August, when Evans authorized citizens to hunt down and kill hostile Indians, even the pro-state Miners' Register called the action a "ridiculous humbug."<sup>52</sup> The Black Hawk Mining Journal naturally picked up this new cudgel and accused Evans of trying to enlist men "so as to get them out of the way before the day of election." Hollister and Hall repeated their oft-expressed contempt for militia and called the one-hundred-day regiment "a notch better." But, they said, the only real answer to the Indian problem was "dependence on the General Government." They called for the creation of a new military department with General John P. Slough as commander, a suggestion which must have infuriated Colonel Chivington.<sup>53</sup>

The rhetoric reached its peak in the waning days of August. "Turn out for the state team--army officers, Federal appointees, shoddy bar-room politicians, one-horse lawyers and Methodist ranters," the Journal implored with mock enthusiasm. "They are now tripping in a gigantic Indian war of their own creation and are likely to get stuck in the mud."<sup>54</sup> The Miners' Register raged at the "renegade editor" of the Journal and his "contemptible lies," while Ned Byers hurled epithets at "Mr. Black-Hawk-Copperhead-bounty-jumping deserter," a not-so-veiled reference to Ovando Hollister.<sup>55</sup> All reason seemed to be banished from the campaign.



Late in August, a new twist was added when the federal courts, forced to settle jurisdictional disputes in criminal cases, opened the old question of Indian land title, declaring all lands north and west of the South Platte River to be legally Indian lands. Predictably, the decisions drew a stream of protests in the territory, and the statehood forces seized the issue. "The consequence will be readily apparent to all who are conversant with the effect of the enforcement of U.S. laws upon Indian lands," the News declared. "It foretells ruin to many who have been doing business in fancied security for years past."<sup>56</sup>

At the hands of Ned Byers, the issue swerved away from the merits of the decisions. Sensing an opportunity to associate opposition to statehood with sympathy for the Indians, he asserted that the federal courts were responsible for the Indian war on the plains. "And the only way to get rid of this Court . . . is to vote for the Constitution, and for the judges in nomination upon the State ticket, whose opinions are known to be on the side of the people and against the Indians." He demanded,

What sane citizens of Colorado will vote to retain this Territorial court--sustaining as it does the right of the Indians to all this region of country thus justifying their present war to drive the whites away--when Congress has given them the privilege of establishing a court of their own; elected by themselves, and which will sustain their title to<sup>57</sup> this country against the accursed, murdering red skins . . . .

Unashamedly appealing to the emotions of a people fed on rumors and atrocities, Byers proclaimed that the voters

will beat back the advancing waves of this merciless war instigated by the decisions and opinions and acts of Federal Judges and other officers sent to administer the laws over the people of Colorado. Two weeks from today we will see whether they will,

whilst fighting the blood thirsty savages with one hand, deposit a ballot with the other for the sustenance and perpetuation of the policy which has so nearly ruined our fair territory.<sup>58</sup>

"Our doctrine," the editorial concluded, "is death to the Indians by bullets, and death to the courts that sustain them by ballots for the Constitution."<sup>59</sup>

Byers' bellicose display signalled a vendetta against the three men who occupied seats on the territorial Supreme Court. Suddenly, the record of the courts was excoriated as "unsatisfactory." The statehood forces claimed that all of the judges were anti-state men and charged that the decisions in question were politically motivated. Yet, even at the time, the statehood advocates had trouble explaining how the decisions helped the anti-state cause. Given the mood at the time, any decision favoring the Indian could hardly be viewed as politically astute. None of the judges were particularly interested in Indian affairs, and the issue of land title did emerge logically from both mining claims and criminal cases in which jurisdictional disputes arose.

Ironically, however, the anti-state forces were able to turn the issue on Byers and especially on John Evans. The Journal ran several articles underlining the uncertain status of the land issue, concluding:

Everybody knows that the treaty of 1861 was imperfect--that all the bands of the Arapahoes and Cheyennes were not and did not become parties to it. One fact alone will prove this undeniably--Gov. Evans' expedition to the head of the Republican last Summer, for the express purpose of meeting some bands of Arapahoes and inducing them to put their signatures to the treaty. The expedition failed. "Forked Tongue" could not even obtain an interview. The Indians were never known to treat but with a man.<sup>60</sup>

The Journal scoffed at the claim that judicial decisions sparked the Indian war and guffawed at the notion that removal of the judges as "a remedy . . . at all adequate." The judges were left with no choice because of an imperfect treaty, the paper said, and the only solution was to "thresh" the Indians until they "will make a treaty that is a treaty."<sup>61</sup> The Journal also denied that the courts were inefficient, stating flatly that "There is no place in America where criminal justice is more sure and signal."<sup>62</sup> Turning the tables, the anti-state people accused Evans and the statehood party of slandering the names of honest men and playing loose with the facts. That charge had considerable sting, particularly when Moses Hallett and J. Bright Smith, respected attorneys, pointed out to the Rocky Mountain News that one of the decisions criticized so vehemently by Byers had been decided on the basis of other legal questions, not on Indian claims to the land. The News published the letter without comment.<sup>63</sup>

That left the question of the sympathies of the judges on the question of the Indian war still in doubt, however, and the statehood faction continued to push the issue. Charles Lee Armour took the greatest amount of criticism. He was a small tyrant of obvious ability who drank too much. He was one of the leaders of the statehood opposition. His performance on the bench had been questioned in some circles even before the statehood issue arose, but criticisms rose dramatically after his decision in the case of the United States v. George W. Harrison. Afterwards, he was fair game for editorial barbs from pro-state editors

a24nd memorials from antagonistic lawyers. The Black Hawk paper put up a spirited defense during the closing days of the campaign.<sup>64</sup>

Allan A. Bradford, another of the judges, was the promising young lawyer from Iowa, so popular in Colorado that the Union Administration Party had named him as their candidate for chief justice on the new state supreme court. Bradford's withdrawal to run for the post of territorial delegate to Congress on the anti-state ticket was one of the statehood group's great embarrassments. Because the party had held him in such high esteem, pro-staters could not attack him with the same reckless rhetoric that they directed at Armour. The most they could accuse him of was acting for political reasons, and that did not hold up well in light of their own testimonials to his integrity.<sup>65</sup>

The chief justice, Stephen S. Harding, was an Indiana politician of free-soil, abolitionist origins who counted among his friends such anti-administration Republicans as George Washington Julian. Harding had served briefly as governor of Utah Territory where he so thoroughly antagonized the Mormons that he was removed. Colorado's chief justice-ship was his consolation prize. Harding was not well pleased with his new assignment, and he made some important enemies in Colorado, including Governor Evans. In time, he would despise the territory, which, in turn, would remember him as the "most unsatisfactory occupant of the Colorado bench."<sup>66</sup>

Yet, Harding did not begin his career in Colorado as the apotheosis of judicial tyranny. At the end of his first year in the territory, the Colorado Bar Association presented him with a glowing memorial and a

silver cup in recognition of his services. The elated chief justice wrote his wife that "my prospects here as a judge is most flattering indeed. Whether or not I deserve it, every body likes me, and the way I perform my public duties."<sup>67</sup>

On the question of statehood, Harding was noncommittal. He mentioned the subject to his wife in May, explaining that "The duration of my stay here will depend on the admission of this Territory into the Union as a state. Whether or no, that will be done this fall depends on the Votes of the people next September. I think it very doubtful whether it will be voted in by the people--and I do not care as to the results."<sup>68</sup>

Justice Harding was still in the good graces of the political leadership when the campaign opened in earnest, and he was himself involved in an effort to remove Armour from the bench. The land decisions changed everything, and, after that, Byers blasted him with scorching editorials concerning his alleged incompetence as a judge, even after Hallett and Smith absolved him of the charge that he had declared the lands north of the South Platte to be Indian lands.<sup>69</sup> The criticisms associated him with the opposition to statehood, although the charges were based on nothing more substantial than his silence. As late as September 10, three days before the election, he wrote his wife:

I cannot at this time say what I will do until the Election of "State" or "No State" comes off next tuesday [sic]. At present I think the "state" ticket will be defeated, but cannot say certain. If the "State" carries then my office and duties here will terminate about the first of December. In the meantime, I will employ my time in securing my gold claims and will then go home if the State is admitted into the Union. As for myself I do not care a fig. I would quite as soon go home as to remain here.

The statehood faction's attack on federal appointees extended to Marshal Hunt (with some cause) and to District Attorney Browne (despite the fact that he endorsed statehood late in the campaign) as well as the judges. Apparently, state advocates hoped to associate territorial appointees with incompetence and corruption as a means of persuading the voters that only elected officials could give them the kind of government they deserved.<sup>71</sup> The anti-state group, on the other hand, argued that Colorado needed the federal presence. The territory's problems derived not from its territorial status, but from the incompetence of its civil and military leaders, Governor Evans and Colonel Chivington. Within this context, the debate became bitterly personal and created irreparable rifts between the public officials.

The primary result of the vitriolic rhetoric was a loss of confidence in all public officials. Coloradans saw the rhetoric for what it was. By August, statehood was doubtful even in Denver. Jerome Chaffee tardily added his name to those who supported the measure, but the voters were unimpressed.<sup>72</sup> As August closed, even Evans recognized that the statehood cause was faltering. To counter the criticisms of his administration, Evans finally published his correspondence with Washington and Leavenworth in the News.<sup>73</sup> This valiant effort to defend himself against the charge that he wanted to send soldiers out of the territory, effectively demolished some of the Mining Journal's accusations, but supporters of statehood continued to desert the cause. Evans then tried to salvage the movement by withdrawing from the senatorial race. The gesture was in vain.<sup>74</sup>

On September 13, the statehood proposal was smashed at the polls by the staggering vote of 4,672 to 1,520. Only two counties, Larimer and Boulder, out of seventeen gave majorities for state organization. To make matters worse, Allan A. Bradford overwhelmingly defeated Chivington in the race for territorial delegate by the vote of 4,625 to 2,850.<sup>75</sup> The humiliated governor lamented that it was "the greated mortification of my life." He blamed "the judges, U.S. Marshal & U.S. Dist. Atty." But for their opposition he believed, "we doubtless would have given three electoral votes to Lincoln & Johnston [sic]."<sup>76</sup> To Lincoln himself, Evans wrote that "the great discouragement of floods and Indian wars" defeated the measure.<sup>77</sup> "We have had a terrible time here during the past summer. The floods first washed us out and then the Indian war interrupted our commerce on the plains so that the Territory has had a severe back set," he wrote his brother in October. "Our state movement was lost in consequence."<sup>78</sup>

The "Indian menace," the closing of the overland routes, and the prevailing economic conditions demonstrated to the people of Colorado the necessity for continued dependence upon federal subsidy for economic and political stability. Though conditions were bad in 1864 for Coloradans, the voters apparently believed that as a state--in the absence of federal support for civil government--Colorado's condition would be infinitely worse. Frank Hall, one of the editors of the Black Hawk Mining Journal, reflecting on the election years later, observed that "The people were not strong enough to support an independent commonwealth and they knew it."<sup>79</sup>

Unfortunately, the angry debate over statehood splintered the Republican party in Colorado even more seriously than it had been before. On the national scene, Republican dissidents, Radicals and conservatives, rallied to Lincoln's cause late in the summer out of fear of George B. McClellan, the Democratic nominee for president. They worked for Lincoln after that, but they still opposed his Reconstruction plans. In Colorado as well, the friends of the Radicals belatedly joined the Lincoln cause. The Journal unenthusiastically endorsed Lincoln as "the best we've got" on September 7, just six days before the statehood election.<sup>80</sup> With Evans as governor and Bradford as congressional delegate, the stage was set for a new patronage battle. Each faction could be counted on to go after their opponents through their associates in Washington. The aftershock of the election would continue to reverberate through the months that followed.<sup>81</sup>

The defeat of statehood fell heaviest on Evans and Chivington. Not only was the failure a severe blow to their political ambitions, but also it demonstrated a dramatic decline in their popularity. Although much of the population favored a punitive Indian policy, serious questions had been raised about the capacity of Evans and Chivington to handle it. Both men's futures now hinged, ironically, on the idle men of the Third Colorado Regiment. If the hundred days expired without action against the Indians, Evans's credibility would be destroyed in Washington as well as in Colorado. Chivington, with his days as a soldier fast coming to an end, recognized the importance of some master stroke to save his career. Fortunately, the election results had one bright spot. Both



the First and Third Colorado regiments had gone for statehood and for Chivington. His last hope lay, like the moment of his first glory, on the field of battle. Only a victory against the Indians could vindicate the policies of Evans and Chivington, and both men now turned their energies to that object. Impatiently, now, they worked to get the Third into the field. And, then, just when they were almost ready, the Cheyennes and Arapahoes initiated a dramatic overture for peace.

PART THREE:

THE SAND CREEK MASSACRE

## CHAPTER XI

### THE BLUNDER AT CAMP WELD

On September 3, 1864, Lieutenant George W. Hawkins, commanding Company A, First Colorado Cavalry, left Camp Wynkoop on the Arkansas River with a small party of troopers due to be mustered out at Denver. On the morning of September 4, as the soldiers approached Fort Lyon, three Indians suddenly appeared in the distance. The Indians made no attempt to escape. Instead, they advanced toward the troops. Under the prevailing orders the soldiers should have killed them outright, but Hawkins hesitated when he saw the scrap of paper in the uplifted hand of the leader. He was an old man, gnarled and blind in one eye, and one of his companions was a woman, so Hawkins took the three prisoner, herded them into Lyon, and preemptorily shoved them into the office of Major Edward W. Wynkoop.<sup>1</sup>

At that moment, Edward Wanshear Wynkoop became the central figure in the drama of Colorado Indian affairs. He was a brash young officer, twenty-eight years old that autumn, fervently devoted to Colonel Chivington, and committed "to kill all Indians I may come across." That he had been chosen to command Fort Lyon was a reflection of Chivington's confidence in him. Lyon was critical to the defense of the Santa Fe road

and the Arkansas valley, and served as the lookout point on General Curtis's right flank. Through the summer, he had pursued the Indians with vigor, and in August had seen the handiwork of the hostiles at close range when several settlers were murdered almost in sight of the fort. Later he would recall:

I did not stop to inquire whether an Indian when he killed a white man or run off cattle was justifiable or not, all I thought that it mattered not though the Red Man once held this continent for his own he could not assimilate with the Spirit of progress, that he was degraded treavherous and cruel, that he must make way for civiliation or be trampled on, that he had no rights that we were bound to respect, in fact that he had nothing but <sup>2</sup>the instincts of a wild beast, and should be treated accordingly.

On that particular morning, he angrily reprimanded Lieutenant Hawkins for not killing the Cheyennes immediately in accordance with district and department orders. Now he had no choice but to hear them. He turned sullenly on the prisoners. The leader was Lone Bear, known to the whites as One Eye since he lost the sight in one eye defending William Bent from a Kiowa attacker years before. Wynkoop knew him. He had been in before to Samuel Colley, the Indian agent. He had carried the news of the governor's proclamation to the chiefs in July. He was the father-in-law of John Prowers, an Arkansas valley rancher who lived at Spring Bottom nearby. The woman was his wife. The younger man was Minimic, or Eagle Head, a respected young warrior who had supported the peace faction that summer. One Eye held out the scrap of paper, and Wynkoop reluctantly took it. He opened it and read in the scrawling hand of George Bent, one of William Bent's half-Cheyenne sons:

Cheyenne Village, Aug. 29th/64

Maj. Colley

Sir:

We received a letter from [William] Bent wishing us to make peace. We held a counsel [sic] in regard to it & all came to the conclusion to make peace with you providing you make peace with the Kiowas, Comanches [sic], Arrapahoes [sic], Apaches and Siouxs. We are going to send a messenger to the Kiowas and to the other nations about our going to make peace with you. We heard that you have some prisoners in Denver. We have seven prisoners of you which we are willing to give up providing you give up yours. There are three war parties out yet and two of Arrapahoes [sic]. [T]hey have been out some time and expect [sic] now soon.

When we held this counsel [sic] there were few Arrapahoes and Sioux present; we want true news from you in return, that is a letter.

Black Kettle &  
Other Chieives [sic]<sup>3</sup>

The letter was remarkable--remarkable because the Indians had sent it, remarkable in its frank admission of past hostility, and remarkable in its diplomacy. Far from a document of surrender, it set conditions for peace. It shrewdly mentioned prisoners. The letter could not be ignored. Yet, understandably, Wynkoop was wary. The offer could be a ruse, a trick to lure troops away from Fort Lyon.

Searching for the thread that would make his decision simple, Wynkoop interrogated One Eye and Minimic. They stood calmly under the fire of his questions, answered without hesitation, and insisted on their desire for peace. One Eye recounted how the war had started, confessed the raids launched in retaliation, and related the efforts of the Cheyennes and Arapahoes to reach Fort Lyon in previous weeks. He told Wynkoop that those tribes and some Sioux were gathered at a point east of

Lyon to the number of 1,300 lodges and nearly 3,000 warriors waiting for their return. He told how he had decided to bring the letter from the chiefs to Lyon.

"But did you not fear that you would be killed when you endeavored to get into the fort?" Wynkoop inquired.

"I thought I would be killed but I knew that the paper would be found on my dead body; that you would see it and it might give peace to my people once more," One Eye replied.

"I was bewildered by an exhibition of such patriotism on the part of two savages and felt myself in the presence of superior beings," Wynkoop wrote more than a decade later. "How could I doubt them after the exhibition of their willingness to sacrifice themselves for the good of their people." But at the moment of confrontation, he was not yet fully persuaded. The prisoners were locked in the guardhouse, while Wynkoop pondered their fate.<sup>4</sup>

Troubled and uncertain, Wynkoop sent for Agent Colley, but he knew that he faced the decision alone. A decision had to be made quickly. Both General Curtis and General Blunt were in the field against the hostiles. He could not wait for a report to reach them and return. The lives of white prisoners hung in the balance. When he finally sat down at his desk and picked up his pen, he wrote a letter not to Curtis or Blunt, but to Chivington, his regimental commander, mentor, and friend. Feverishly, he recounted what One Eye had told him and confessed his frustration. "What course I may adopt in the future I do not know," he wrote, "but will be governed by circumstances. I hope Most Sincerely

that peace may not be made with these 'Devils' who, now that they have committed these terrible deprdations [sic] think that they will get the most of it, cry out for peace."<sup>5</sup>

Wynkoop's distrust of the Indians was too deeply ingrained to be erased by an old man's courage, but after consulting with Colley he knew that he would undertake the mission. He would gamble on the word of "representatives of a race that I had heretofore looked upon without exception as being cruel, treacherous, and blood-thirsty, without feeling or affection for friend or kindred," simply because he wanted to rescue the captives held by the Cheyennes. If the Indians seriously desired peace, the gamble would be worth the risk. An unauthorized mission was clearly in violation of existing orders, but with his garrison recently reinforced by a company of New Mexico Volunteers, Wynkoop concluded that a small expeditionary force could be spared. When he explained his intentions, some of the junior officers protested that the plan was foolhardy, but when he called for volunteers, 127 officers and men stepped forward. With this small force and two snub-nosed, twelve-pound howitzers, Wynkoop moved away toward the Smoky Hill River on September 6, 1864. At the head of the column rode the three Cheyenne emissaries and "The Fool," a harmless Cheyenne who lived at the home of John Vogel, a trader in the area. Wynkoop took him along as a fourth hostage in case of trouble. One Eye led the troops northeast. Somewhere out there lay the great, illusive hostile camp where the Cheyennes and Arapahoes waited.<sup>6</sup>

Since mid-July, the majority of the Indians on the central plains had congregated on the Solomon in sprawling villages that extended for several miles. The Southern Arapahoes, Brule and Oglala Sioux, and even a few Kiowas shared the spoils of the summer war. The Cheyennes were all there, the great halfmoon circle once again complete. Even the Omis, the largest group of Northern Cheyennes, along with the northern Suhtai and small bands from the Powder River country, had crossed the Platte following a successful hunt in the early summer. These people had ventured south not because of the fighting but because 1864 was the year for renewing the Council of Forty Four. Once again the time had come to choose the leaders of the people. But the renewal could not take place immediately because of a murder in the camp. A Cheyenne had killed another Cheyenne in a personal quarrel, desecrating Mahuts, the Sacred Arrows, and separating the favor of Maheo, the All Father Above, from the people.<sup>7</sup> Minimic, the Bowstring headman, had pledged the purification of Mahuts, and Stone Forehead had conducted the sacred ritual while the men and boys of the Cheyennes worshipped in the holy presence of the Arrows.<sup>8</sup>

When Mahuts were renewed and the favor of Maheo restored to the people, the Council of Forty Four convened to pick wise, good men to lead the people. The names of all of the chiefs who were named did not survive in the oral history of the Cheyennes, but many of those chosen to lead the southern bands were familiar. Old Yellow Wolf, Bear Man, Walking Whirlwind, and Big Man were chosen to represent the Hevitaniu. Bull Bear, Tall Bull, White Horse, and Little Robe, the younger, took their places to represent the Dog Soldiers and the remnant of the



Masikota. While Antelope, Old Little Wolf (known as "Big Jake" to the whites), and Lone Bear (One Eye) sat in the council for the Isiometannui. War Bonnet and White Face Bull represented the southern Oivimana. Black Shin and Bull Chip spoke for the southern Suhtai. Sand Hill represented the Heviqsnipahis, and Stone Forehead, also a Heviqsnipahis, retained his place as the guardian of Mahuts. Black Kettle retained his place as head chief of the Wutapiu. Other Southern Cheyennes chosen to serve the people included Tall Bear, Bear Robe, Crow Chief, Spotted Crow, Slim Face, Curly Hair, Black White Man, Seven Bulls, and Old Little Robe, the father of the Dog Soldier chief.<sup>9</sup> The Northern Cheyennes chose wise men as well, including Morning Star (Dull Knife), Old Spotted Wolf, Little White Head, Old Bear, Black Eagle, Box Elder, Turkey Legs, Broken Dish (Calfskin Shirt), and Little Wolf.<sup>10</sup> When all of the seats had been filled, the council chose Little Wolf, the northern Suhtai chief, the leader of the Elkhorn Scrapers, and the greatest warrior among the Cheyennes, as the Sweet Medicine Chief of all the people.<sup>11</sup> The lives of the chiefs were no longer their own; they must now think only of their people.

If the Council of Forty Four deliberated the question of the war with the Americans, the record of their decision did not survive. Still, the chiefs were peacemakers. They would not condone war with the whites. Toward the end of August, the great camp of the Solomon began to break up. The Omis and the other Northern Cheyennes slipped across the Platte and moved off to winter in the Powder River region they loved. Other groups also began to move away to find safe places to winter. Most

of the fighting had ceased by then, and the Southern people drew south toward the Smoky Hill. Most of the southerners were still together when a Cheyenne messenger arrived from Bent's Fort with a letter written by William Bent urging them again to make peace under the governor's proclamation.<sup>12</sup> The council chiefs of the Southern Cheyennes gathered to discuss Bent's proposal. On August 29, 1864, they prepared the message which Lone Bear and Minimic carried to Fort Lyon. They had not agreed to make peace yet, but they would listen.<sup>13</sup>

By then, almost a month had passed since the attacks on the Morton train near Plum Creek and the raids on the Little Blue. Laura Roper had begun to wonder if she would ever see her family again. Early in September, Neva, her Arapaho captor, told her that two warriors had gone to Fort Lyon to arrange for the release of prisoners like her. He worried, she remembered later, that the emissaries would be killed, but he told her that "if the Indians arrived safely, in three days they would send up a smoke signal to let the Indians know the soldiers were coming after their prisoners." On the morning of September 9, the signal came. "Neva came to me and showed me the smoke signal," she recalled. "There was great excitement in camp when word was brought that the troops were coming." For a moment, she was joyous, but her excitement was cut short when Left Hand handed his wife a knife and motioned toward her. "I stood silently frozen in fear," Laura Roper remembered, "as the thoughts raced through my mind, telling me what I could expect if the soldiers tried to take us by force."<sup>14</sup> As soon as the news came, the Arapahoes sent the women, children, old men, and captives over the back trail away from the

advancing troops, while the warriors joined the Cheyennes to face Wynkoop's advancing force.

Word came to the Cheyennes and Arapahoes from Minimic. On the third day out of Fort Lyon, Wynkoop sent him ahead to tell the Indians that he had come to talk about the letter. Early the next morning, the worst fears of the troops materialized at a place called "Bunch-of-Timbers" on the Smoky Hill River when the tiny command suddenly confronted more than seven hundred Cheyenne and Arapaho fighting men "drawn up in a line of battle." It was the largest concentration of warriors encountered by Colorado troops in the Indian War of 1864.<sup>15</sup> Wynkoop prepared for the worst, deploying his men into line of battle and setting his wagons in a tight formation. As the troopers braced themselves for an attack, Wynkoop ordered them to advance. His defiant posture precipitated preparations for battle among the Indians. With that, Wynkoop ordered a halt and sent One Eye out to talk to the chiefs. For a brief, terrifying moment, the soldiers thought they would all be killed. Then One Eye emerged from the mass of horsemen. The chiefs would talk.<sup>16</sup>

Relieved, Wynkoop watched the Indians fall back. He advanced and took up a position on the bank of a dry creek within two miles of the Indian village. While the mounted warriors encircled them, Wynkoop hastily prepared for the council. Then, the chiefs arrived, and the Indians, in the words of Captain Soule, "closed around us as though they meant to gobble us up."<sup>17</sup> The soldiers were at their mercy, and the chiefs wasted no time on preliminaries. They demanded to know why Wynkoop had come. Fortunately, Wynkoop never flinched. He drew Black

Kettle's letter from his tunic and asked if the chiefs had sent it. When they affirmed that they had authorized the letter, he moved quickly. He made no rash promises of peace. He admitted that he had no power to conclude an agreement. Then, he asked the chiefs to give palpable evidence" of their peaceful intentions by giving up the white captives. If they would do that, he would take them to Denver to see the governor who could make peace with them. He would guarantee their safety during that time. Beyond that, he could make no further promises.<sup>18</sup>

When old John Smith had translated his words, an angry murmur spread through the crowd. Bull Bear, the Dog Soldier chief whose warriors had provided the vanguard of Indian power in the summer war, gave voice to the sullen mood of the crowd. Did the whites take them for fools and children? The Cheyennes had offered to exchange prisoners and to negotiate a peace. Now, Wynkoop asked them to give up their captives and receive nothing in return. The whites were foxes, he said, and no peace could be made with them. He had tried to live in peace, but the soldiers had burned Cheyenne camps, stolen his horses, and killed his people, including Lean Bear, his brother who loved the white people. Now he could not trust the whites and would not be made the fool.

The reaction of the crowd told Wynkoop and his officers that they faced a dangerous situation. They were relieved when the next speaker, Left Hand, the Arapaho chief who had accepted the first settlers at Denver and gone east to learn white ways, spoke of his peaceful intentions. He recounted the incident at Fort Larned when the soldiers fired on him, recalled the anger of his young men because of it, and

related the attempts of Neva, his brother, and others to reach Fort Lyon. He did not understand these things, but he stood for peace. Little Raven, the other principal Arapaho chief present, was less forgiving. The whites, he said, could not longer be trusted.<sup>19</sup>

The council seemed to be building against Wynkoop when One Eye broke into the circle. Much agitated, he turned on Bull Bear. He was ashamed at the words of Bull Bear and Little Raven, he said. He had gone to Fort Lyon on behalf of the chiefs, and Wynkoop, the "Tall Chief," had come with him believing in the word of the chiefs. He had pledged the soldiers' safety with his life because peace was at stake. Now, Bull Bear complained about a few horses. He was ashamed when he heard chiefs threaten the soldiers. He would give Bull Bear his best horses, if the Dog Soldier chief would say no more. If the chiefs did not act in good faith, he concluded, he and the men of his manhao would go with the whites and fight with them against his own people rather than see the words of the Cheyenne council broken.<sup>20</sup>

One Eye's hangué reassured the white officers, and when he had finished, Black Kettle, the leading Cheyenne chief present, spoke to him briefly, then arose from his place in the council circle. Until that moment, he had sat quietly as the others spoke. Wynkoop later recalled that "while all the balance of the Council were like snarling wolves, [he] sat calm [,] dignified, immovable, with a slight smile on his face. He saw my bewilderment, I might say my trepidation [sic], and his eyes caught mine, he gave me a look of encouragement, which assured more than if I had the knowledge of a thousand bayonettes [sic] within

call. . . ."21 Now that the others had spoken their minds, Black Kettle addressed the council. Wynkoop did not think the Cheyennes and Arapahoes children or fools, he said. The "Tall Chief" spoke truthfully, not pretending to have power that he did not have. He believed that Wynkoop could be trusted, and he was willing to do as he asked.

Turning to the white men, he then recounted the events of the previous spring and summer from the first attacks to the terrible raids of the summer. Wynkoop and his subordinates were the first group of whites to hear the Cheyenne version of the summer war. Black Kettle admitted that his warriors had committed some terrible acts, but he emphasized the provocations. He told of his attempt to comply with Governor Evans's proclamation, of his efforts to restrain the young men, of his attempts to reach the white soldiers at Fort Lyon. For his part, he would give up the prisoners among the Cheyennes and try to buy others then among the Sioux, but, he said, other chiefs were not yet persuaded. Wynkoop repeated what he had said before and then suggested that he would withdraw to a point twelve miles away to await the council's decision. He would stay there for three or four days. Black Kettle agreed to this, saying that he would bring prisoners when he came and would be prepared to go up to Denver with him.<sup>22</sup> Wynkoop had handled the conference with ability and good judgment. His honesty and bravery had impressed the chiefs, but the morale of his men gave him cause for concern. Wynkoop had instructed Lieutenant Hardin, the officer of the day, not to allow any Indians into the camp except those who were to participate in the conference, but that prohibition proved impossible to enforce. Curious

warriors swarmed over the camp while the soldiers watched helplessly. When one of the Indians began dropping grapes into the vent of a howitzer, a trooper shoved him away and drew his pistol. For a moment a fight seemed imminent as soldiers scrambled into formation, and Indian warriors fumbled with their bows and arrows. Lieutenant Phillips, recognizing the danger, hurried to the scene of the conference and returned with Lieutenant Cramer who instructed the men to stay in small groups near the wagons for protection should trouble arise but to treat the situation with "reckless indifference" for the sake of the Indians. Afterwards, Major Wynkoop told Black Kettle about the situation, and the chief persuaded the warriors to leave the camp.<sup>23</sup>

The incident seemed to heighten the fears of the soldiers. When Wynkoop ordered his men into the saddle and marched them twelve miles that day, they were relieved until they learned that they would wait at that point for word from Black Kettle. The bolder spirits among the soldiers demanded that he lead them back to Fort Lyon. They expressed their fears that the Indians would use his trust to treacherously attack the little force. Wynkoop then explained the situation to the troops, and the soldiers seemed to accept his arguments, although a few threatened to leave for Lyon without permission.<sup>24</sup>

Two days later, near noon Left Hand, Neva, and Notanee arrived and delivered Laura Roper to Major Wynkoop. She later recalled the moment: "I was so overjoyed I could not so much as speak. The Major laid a kindly hand on my shoulder and assured me everything was going to

be all right. I cried and cried until Neva told me to stop crying because the Indians did not approve of women crying."<sup>25</sup>

On the following morning, Black Kettle arrived with three more prisoners. "The feelings I then experienced I would be powerless to fully describe," Wynkoop remembered. "Here was the realization of my most sanguine hopes; the balance of the poor captives of my race within reach and soon to be under our protection."<sup>26</sup> He rode out to meet the Indian entourage. The first person he met was nine-year-old Daniel Marble, taken in the Plum Creek raid along with Nancy Morton. He was in good spirits but asked if the Indians would let him keep his pony. Ambrose Usher, captured on the Little Blue, soon followed. He was more reserved, but he told Lieutenant Cramer that he would "as lief stay with the Indians as not."<sup>27</sup>

As Wynkoop approached the Indians, he spotted a child in the arms of a Cheyenne woman. He wrote later:

With quickened pulse I drew near, when out popped two little arms which were stretched toward me; while I caught sight of a pair of imploring blue eyes. In an instant I reached forward, drew the little girl from within the folds of the blanket and seated her on the saddle in front of me. She put her arms around my body, laid her head upon my breast and between choking sobs, murmured; "I want to see my mama."<sup>28</sup>

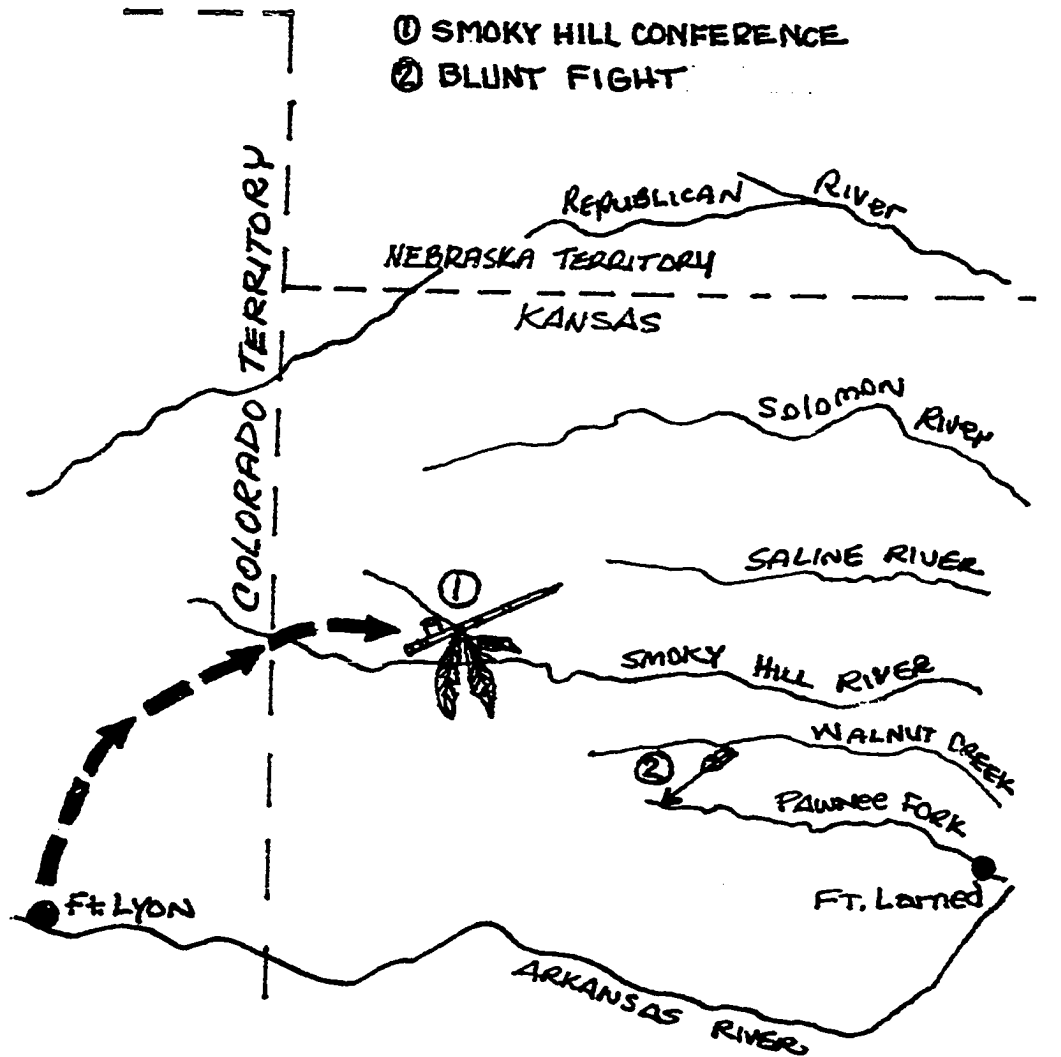
The little girl was Isabel Ewbank, taken with Laura Roper that day on the Blue. Her mother and little brother were somewhere to the north, now in the hands of the Sioux. Overcome with emotion, Wynkoop turned his horse and rode off beyond the moving Indian column "to gain time to control feeling I did not wish the Indians to see." At the camp,



the soldiers crowded around, "shouting, cheering, while down the bronzed cheek of many a battle scarred rough soldier coursed a tear."<sup>29</sup>

Wynkoop conferred with Black Kettle again that morning. The Cheyenne chief told him that the other prisoners, Mrs. Ewbank and her child, and Mrs. Morton, were with other Indians some distance away. He would try to recover them, but that would take time. Mrs. Snyder had been in the Arapaho camp, but she had hanged herself in a tipi.<sup>30</sup> Black Kettle also told Wynkoop that he was prepared to go with him to Denver to see the white chief there. As Wynkoop's command turned back toward Lyon, Black Kettle, White Antelope, and Bull Bear, the recalcitrant one, rode with him to represent the Cheyennes. Neva, Notanee, Bosse, and Heaps-of-Buffalo, all relatives of Left Hand, accompanied them to speak for the Arapahoes.<sup>31</sup>

At Fort Lyon, the returning troops received a rousing welcome. The wives of the officers took the captives in tow, fitted them all in new clothes, cooked hot food for them, and lavished them with attention. Laura Roper particularly remembered the dashing Captain Soule who gave her a ring and treated her "very kindly."<sup>32</sup> Wynkoop now wrote letters to Governor Evans and General Blunt, the commander of the District of the Upper Arkansas, outlining his expedition, his promise to take the chiefs to Denver, and his intention of starting for Denver as soon as possible.<sup>33</sup> The following day he wrote Colonel Chivington a personal letter to advise him of his plans. "I start for Denver tomorrow with chiefs of Arapahoe and Cheyenne Nations as well as four white prisoners," he wrote, "the particulars of which I will give you in person."<sup>34</sup>



The SMOKY HILL  
EXPEDITION

So far, Wynkoop had acted brilliantly. He had turned a fool's errand into a triumphant rescue. But his decision to proceed to Denver rather than to Fort Riley or Fort Leavenworth proved to be a critical error in judgment. His reasons seemed substantial at the time. Blunt and Curtis were in the field. Fort Riley and Fort Leavenworth were hundreds of miles away, across country where the hostiles of other tribes still operated. Governor Evans was the chief official of the Indian Office in Colorado and the man who had issued the proclamation offering peace to those Indians who would come in to the military posts. Besides, he knew Colonel Chivington and trusted him. But the decision left him open to criticisms that he ignored proper channels and to charges that he left his post without proper authority. He had embarked upon a dangerous course. In the meantime, Chivington had just received Wynkoop's first letter, written on the eve of his departure for the Smoky Hill. Chivington saw the letter as significant intelligence material which provided an opportunity for decisive action against the hostile Indians. He immediately asked that ordnance supplies bound for New Mexico be diverted to him for a campaign against "Indian warriors congregated eighty miles from Fort Lyon 3,000 strong."<sup>35</sup> He had received no reply when Wynkoop's second message reached Denver.

By the same mail, a letter, signed "Old Tom," was received by the Rocky Mountain News, praising Major Wynkoop for saving "the lives of four whites, which . . . were better than the lives of a thousand savages!"<sup>36</sup> The News agreed, but protested "against any Indian-rubber

treaties with these double-faced villains. Winter is coming and they have fears of getting hungry. That's what's the matter."<sup>37</sup>

Chivington, now somewhat confused concerning the change in the tone of Wynkoop's letters, reflected the view expressed in the News. He warned General Curtis that Wynkoop

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 that the major-general will direct that they make full restitution and then go on their reserve and stay there.<sup>38</sup>

Wynkoop left Fort Lyon on September 20, 1864, bound for Denver with the freed captives, the Cheyenne and Arapaho chiefs, John Smith, Dexter Colley, the agent's son, Captain Soule, and a detachment of forty soldiers under the command of Lieutenant Cramer. As they marched up the Arkansas, the valley lay empty and silent. Farm houses stood abandoned. Crops waved in the fields, ripe and ready for harvesting. At strong points along the way, he found the settlers barricaded behind wagons, sod fences, and ditches, brought together because of the terror on the land. They gaped as the chiefs in the wagons, wide eyed and angry, while Wynkoop recounted his expedition and assured them that their homes were safe now. Cautiously, the sunburnt farmers and their wives listened, and a few of them began loading their belongings in their wagons determined to save as much of their crops as they could.<sup>39</sup>

Near Denver, Wynkoop left his little train and hurried on with Captain Soule and Colley's son to make the final preparations. By then Wynkoop had spent more than two weeks with the chiefs. He was convinced

that peace was at hand. Denver was abuzz with the news. Hope vied with skepticism in street conversation. Ned Byers tried to play down the significance of the event and allay "fears" that the Third Regiment would have no chance to fight. He reminded the citizens that "the Arapahoes and Cheyennes are but a small portion of the hostiles. . . . Even their entire withdrawal cannot much affect the present condition of things. The Sioux, Kiowas and Comanches are making most of the trouble and will do most of the fighting." Then, significantly, he added:

If the Arapahoes and Cheyennes do not want to participate in the war, all they have to do is to withdraw to their reservation where they will be protected and not molested [italics added]. The Governor long ago invited them to do so and we do not see that anything <sup>40</sup> can be done now than for them to embrace the offered chance.

On the morning of September 27, Major Wynkoop conferred with Evans concerning the peace overture of the Cheyennes and Arapahoes. The governor's response puzzled Wynkoop. He told Wynkoop that Indian affairs had passed into the hands of the army. He would not interfere with military operations, particularly in view of the concentration of forces even then in the field under Curtis' orders.<sup>41</sup> Furthermore, Evans expressed the view that the Indians had not been punished sufficiently to insure peace. If he accepted without chastisement, he argued, "the United States government would be acknowledging themselves whipped."<sup>42</sup>

Wynkoop disagreed, pointing to the provocations of the previous spring and the prospect of fresh horrors if peace were not made. Evans then mentioned the political problems attendant to a peaceful settlement. He had raised a regiment after weeks of persistent effort. The regiment

was now full and ready for action. According to Wynkoop, Evans asked three or four times during the course of their conversation, "What will I do with the Third Regiment if I make peace."<sup>43</sup> If the regiment were disbanded without seeing action, "they would suppose at Washington that there had never been any necessity for the government to go to the expense of raising that regiment." Consequently, Evans concluded that "The Third Regiment was raised to kill Indians, and kill Indians it must."<sup>44</sup>

Evans knew that if the regiment were disbanded and the peace failed, he would find it doubly difficult to obtain troops when next he cried "wolf." Still reeling from his first major political defeat, the failure of statehood, Evans was more than ever aware of public attitudes. If he allowed the hundred days to expire without some military action, the political repercussions would be substantial. Another failure would add substance to the criticism of the anti-state forces and make his already precarious political position even less tenable. He failed to consider the point that Byers had grasped so quickly, that peace with the Cheyennes and Arapahoes did not necessarily mean that the Sioux, Comanches and Kiowas would also stop fighting. The "100-dayers" could bloody their sky-blue uniforms against the hostiles that remained.

Wynkoop's success was the governor's embarrassment. He could not refuse to see the chiefs. Reluctantly, he agreed to meet them on the following day at Camp Weld. Wynkoop left the governor relieved. His popularity in Denver and his persuasive abilities proved to be assets. The next day, Byers interviewed him. "A long conversation this morning

with Major Wynkoop," he wrote for the afternoon edition, "has considerably changed our opinion respecting the pending council . . . with the Arapahoe and Cheyenne Indians." He continued:

With a full statement of the facts, such as will be made in the council today, we believe it is the part of prudence to compromise with the tribes named upon the terms which they propose. They had unquestionably had great provocation for hostilities, and were not the first to violate friendly relations.<sup>45</sup>

Wynkoop feared that some of the locals might cause trouble, but when the chiefs arrived that day, thirty-three carriages containing many of Denver's leading citizens were waiting for them. The chiefs were riding in a wagon, and, as they passed, the carriages fell in behind. Black Kettle and Bull Bear held American flags aloft, and Cramer's troops smartly led the parade up Larimer Street. Laura Roper remembered the scene: "The people welcomed us shouting joyously, many shed tears, others talked rapidly and gesticulated with delight. I was oh so happy to be back in civilization again with white people."<sup>46</sup>

For her the next few days were exciting. Major Wynkoop and his wife bought her a new silk dress and a taffeta petticoat and took all the captives to a local photographic studio where Laura and the children were photographed. Laura Roper then moved to the Planters Hotel where she was entertained with music and dancing, taken to potluck suppers, and told endless stories. The people were understandably curious about her experiences, but, she said, "I eventually became tired of talking about it all the time. I did not feel I was mistreated according to the Indian standards, as they were savages trying to survive in the only way they knew how to. I did object to the daily living in such a filthy manner;

it just goes beyond the imagination, and there were times I felt as though I could not stand it any longer."<sup>47</sup>

The reception of the chiefs at Camp Weld proved to be less cordial. Many of the "Thirdesters" were training there, and they watched sullenly as the chiefs stepped down from the wagon and entered a small building to begin their interview with Governor Evans. An assortment of local dignitaries waited inside--Colonel Chivington, Colonel Shoup, Amos Steck, Samuel Ashcraft, J. Bright Smith, Sheriff Robert S. Wilson, Captain Samuel Robbins, and a few others. Governor Evans asked Simeon Whiteley to take down the proceedings in full because "upon the results of this council very largely depended a continuance of the Indian war on the plains."<sup>48</sup>

As a peace conference, the council at Camp Weld was a failure from the outset. The chiefs passed the pipe to emphasize the seriousness of the occasion from their point of view, but Governor Evans treated the chiefs with great coolness, if not obvious hostility. His attitude underscored his reluctance to talk to them at all. With the Third Regiment ready, he believed negotiations were unnecessary, and unconditional surrender, with the most stringent reparations demanded, were the only terms that would be considered. He told the chiefs flatly that matters had passed into the hands of the military and that only "the great War Chief" had the "power to make a treaty of peace."<sup>49</sup> "My advice to you," said Evans, "is to turn on the side of the government, and show, by your acts, that friendly disposition you profess to me." This meant that the Indians would assist the soldiers in fighting hostile Indians.



If the Indians were prepared to meet these terms, the peace proclamation of June 27, was still in force, and they could come in under its provisions.<sup>50</sup>

Evans made no attempt to hear the chiefs' grievances, and he managed to turn them aside to other questions each time the Indians tried to discuss the causes of the summer war. On the other hand, he brusquely interrogated them concerning specific depredations. The chiefs responded with remarkable frankness, hesitating no longer than it took to consult with each other:

Gov. Evans--Who committed the depredation on the trains near the Junction, about the 1st of August.

White Antelope--Do not know--did not know any was committed.  
Have taken you by the hand, holding nothing back.

Gov. Evans--Who committed the murder of the Hungate family, on Running Creek.

Neva--The Arapahoes, a party of the northern band who were passing north. It was Medicine Man, or Roman Nose, and three others. I as satisfied from the time he left a certain camp for the north that it was his party of four persons.

Agent Whiteley--That cannot be true.

Gov. Evans--Where is Roman Nose now?

Neva--You ought to know better than me. You have been nearer to him.

Gov. Evans--Who killed the man and boy at the head of Cherry Creek?

Neva--(After consultation)--Kiowas and Comanches.

Gov. Evans--Who stole soldier's horses and mules from Jimmy's Camp twenty-seven days ago?

Neva--Fourteen Cheyennes and Arapahoes together.

Gov. Evans--What were their names?

Neva--Powder Face and Whirlwind, who are in our camp, were the leaders.

Col Shoup--I counted twenty Indians on that occasion.

Gov. Evans--Who stole Charley Autabee's horses?

Neva--Raven's son.<sup>51</sup>

And so the conference went, question after question. The Cheyennes unhesitatingly confessed to attacking the Morton train west of Kearny and to the attacks on the Little Blue, but their patience grew thin. Finally, Neva pointed out sharply that "The Comaches [sic], Kiowas and Sioux have done much more injury than we have. We will tell what we know, but [we] cannot speak for others."<sup>52</sup> To the attempts of Neva and White Antelope to return to the subject of peace, Evans reiterated that any arrangements in that regard would have to be made with the military. Chivington, however, did not speak until the council was ending and then only briefly:

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. They are nearer Major Wynkoop than any<sup>53</sup>one else, and they can go to him when they get ready to do that.

With these words--which clearly implied that Chivington was placing the matter in Wynkoop's hands--the council adjourned. In spite of Evans's stern attitude and general rudeness, the chiefs seemed satisfied. They saw the statements of Evans and Chivington as a promise that they would not be attacked if they surrendered unconditionally and came in to Fort Lyon. The Rocky Mountain News shared this understanding,

noting that "the Indians not only seemed satisfied with this proposition but expressed a willingness to place their tribes on the side of the government and aid in the war upon the hostile tribes of the plains."<sup>54</sup> The paper further observed that "everyone present seemed to be satisfied with the course taken in this most important and critical interview, and the council broke up with the belief that these chiefs will use their utmost power to induce their tribes to lay down their arms; a consumation devoutly to be hoped for."<sup>55</sup>

Not all of Denver's citizens were so pleased, however. When the rumor spread that a treaty had been made, the Third Regiment at Camp Evans rioted in protest. The News rebuked them and reminded them that only the Cheyennes and Arapahoes were planning to lay down their arms. The Kiowas, Comanches, and Siouxs were still at war, and they would provide enough action "to satisfy the most ambitious."<sup>56</sup>

The more skeptical Black Hawk Mining Journal warned its readers not to expect much from the conference. "The chiefs who came in with Wynkoop's command have little or no authority--perhaps each of them control a half dozen lodges," the editors declared on the basis of some mysterious knowledge. "They are undoubtably the dog robbers who have created all the chief mischief and now that Winter is approaching and they have taken seven fold revenge in murdering our people and stealing our stock, they are willing to run some risk to secure peace. They amount to nothing and should be sent about their business." The Journal's solution was more in tune with the thinking of the Thirdsters: "their villages are on the Smoky Hill and Republican, not very far down,

consequently easily and surely reached, and nothing will cure their disease but a good Ash Hollow or Bear River dose of medicine. . . . We trust, and have every confidence, that it will be administered up to the handle."<sup>57</sup>

If the Journal completely underestimated the influence of the chiefs within their tribes, it did assess the Weld Conference accurately enough. "THE INDIAN COUNCIL Amounted in effect to this," it said. "Gov. Evans shifted the responsibility onto Col. Chivington, and he shifted it onto Major Wynkoop."<sup>58</sup> Evans had already washed his hands of the affair, instructing Agent Colley:

The chiefs brought in by Major Wynkoop have been heard. I have declined to make any treaty with them lest it might embarrass the military operations against the hostile Indians of the plains. The Arapahoe and Cheyenne Indians being now at war with the United States government, must make peace with the military authorities. Of course this arrangement relieves the Indian bureau of their care until peace is declared with them, and as these tribes are yet scattered, and all except Friday's band are at war, it is not probably that it will be done immediately. You will be particular to impress upon these chiefs the fact that my talk with them was for the purpose of ascertaining their views, and not to offer them anything whatever. They must deal with the military authorities until peace; in which case alone they will be in a proper position to treat with the government in relation to the future.<sup>59</sup>

The governor's argument was obstruse at best, based upon technical distinctions which were questionable at the time in terms of his legal responsibilities, and which certainly escaped the Cheyenne and Arapaho leaders who could not possibly have understood his face-saving legerdermain. While his course of action was politically safe in Colorado and salved his own conscience, it constituted a major blunder in

bringing the Indian war to a close and approached criminal neglect of his responsibilities.

His course did not square with his repeated assertion that the available military forces were "totally inadequate" to chastise the Indians or his statement that the chiefs "were in earnest in their desire for peace, and offered to lay down their arms or to join the whites in the war against the other tribes of the plains."<sup>60</sup> If he believed that, his behavior did not show it. He certainly knew, if the Journal did not, that these leaders were leading spokesmen for the tribes. His motives, therefore, seemed to be totally devoid of courage and committed to a blind acceptance of militarism.

Commissioner of Indian Affairs Dole gave only frosty approval of the governor's response and reminded him that "as superintendent of Indian affairs, it is your duty to hold yourself in readiness to encourage and receive the first intimations of a desire on the part of the Indians for a permanent peace, and to co-operate with the military in securing a treaty of peace and amity."<sup>61</sup> But Evans let the moment pass, relying instead upon a curious proposition: "A peace before conquest, in this case, would be the most cruel kindness and the most barbarous humanity."<sup>62</sup>

Chivington also took care to relieve himself of any direct responsibility for the future actions of the Indians. He gave the responsibility to Wynkoop. On the same day that the Weld Conference was held, Chivington received a reply from Curtis. He was pleased. With those instructions and his harsh terms at Camp Weld, his future actions

would be unfettered by firm promises of peace. To make sure that Wynkoop understood the situation, he showed him the telegram:

I shall require the bad Indians delivered up; restoration of equal numbers of stock--also hostages to secure. I want to peace till the Indians suffer more . . . . I fear agents of Interior Department will be ready to make presents too soon. It is better to chastize before giving anything but a little tobacco to talk over. No peace must be made without my instructions.<sup>63</sup>

The chill on the high plains wind and the rustle in the buffalo grass convinced Curtis that the fighting had stopped for one simple reason: Winter was coming. And that worried him. The Indians would have to seek shelter somewhere, and he feared that they would gather at the agencies. He feared a winter peace without chastisement. He feared that if the Indians warmed themselves at agency fires and fattened themselves on government annuities without first feeling the sting of the federal whip, they would simply renew their war when grass greened in the spring. "Something really damaging to them must be felt by them," he told General Blunt.<sup>64</sup>

Despite his own lack of success in the field, Curtis believed that the time was right for a decisive blow against the hostiles. If they were not permitted to come in to the agencies, they would be weakened by hunger and the lack of forage for their horses. They would be vulnerable to attack, unprepared to sustain a fight, and crippled as forage diminished. The army's horses moved on hay and oats, not on prairie grasses; his men could live on beans and hardtack if need be. He urged Blunt to keep up the pressure while he planned a campaign against the plains tribes.

The general's views reflected the conventional wisdom on the plains concerning the Indians' motives for seeking an autumn peace, and he embraced the conventional solution. His object was to keep them away from the agencies until they were weak and then strike them in their villages. That was the way to conquer a peace. Harney had shown the way at Ash Hollow, and Conner had confirmed the strategy at Bear River. All Curtis had to do was find the hostiles.

The diagnosis was partially correct. Tonoishi, the Cool Moon, reminded the plains tribes that the summer war had given them no time to fill their meat racks or to stuff their parfleches for the winter to come. Most of the summer plunder was gone, and white women's bonnets and bolts of silk would not fill their bellies nor warm their children when the snows came. The easy victories seemed hollow now, and the chiefs who had opposed the fighting--men like Black Kettle, White Antelope, and Left Hand--seemed less foolish when young men were hungry.

Neva, Left Hand's brother, admitted to Laura Roper during her captivity that the Indians wanted peace in order to get blankets and food. He told her that the Indians "knew it was not right for me to be there, but it was the only way they could force our government to help them survive, especially the cold winters . . . ." <sup>65</sup> At the Camp Weld conference he told Governor Evans, "I know the value of the presents which we receive from Washington. We cannot live without them. That is why I try to hard to keep the peace with the whites." <sup>66</sup>

From the white point of view, these admissions constituted clear evidence that the Indians were unrepentant and likely to break out again

when the weather warmed and the horses fattened. Peace under those conditions was an invitation to further violence. They had to be punished first. What Curtis and other public officials never understood was that the Indians considered themselves to be the victims, not the aggressors. They had been wronged, and their gestures toward peace constituted a willingness to let bygones be bygones as Neva said at Camp Weld. The Cheyennes and Arapahoes had taken their revenge for wrongs against them, and they were now willing to restore amicable relations. Within their cultural context, the arrangement was perfectly logical. More importantly, the pattern of summer war and winter peace between the Indians and the Americans was not fixed in 1864. That construct was a notion manufactured on nothing more substantial than white fears and white determination to exact revenge on the Indians. That too was understandable, although it underscored just how wide the cultural gap was, but the most striking feature of the situation was that from the first incidents in April until the Camp Weld conference, no discussion of Indian grievances had taken place between the tribes and any person having real authority. Indeed, no substantive effort to treat with the Indians had taken place since Evans's ill-fated Republican River expedition, despite Dole's explicit authorization to meet with them and Curtis's encouragement to both Evans and Chivington to enter into negotiations.

The Indians had been placed in an almost untenable position. Evans capitulated to a military solution, but he offered sanctuary to those peaceably inclined. His "places of safety" were Fort Lyon, Fort Larned and Fort Laramie--all military installations. But the army never



recognized those locations as refuges, and, indeed, General Curtis explicitly forbade Indians from entering military reserves. Thus, if the Indians did not come in, they were regarded as hostiles; if they did they were subject to be attacked by the soldiers. This contradictory policy prolonged the war, and demonstrated that not all problems of communication were cross-cultural.

These circumstances intensified the cultural trauma of the Cheyennes and Arapahoes, pushing them in the direction of fundamental changes. The Indian war of 1864, disrupted the seasonal pattern which was so crucial to the horse culture. In the spring, when the Indians usually launched raids to establish hunting territories, the Cheyennes found themselves under attack from whites. The early skirmishes drove the Cheyennes together sooner than usual. That within itself probably would not have sustained the fighting, since the Indians probably assumed that whites were trying to establish territories as well, but when the attacks persisted into the summer, they interfered with the Arrow Renewal and other religious activities. Moreover, in the summer months when the Indians normally hunted buffalo and laid in their food supplies for the winter, the tribes were diverted into raiding instead. The best evidence of real change was the abrupt decline in raids at the end of August. Ordinarily, the tempo of horse raids increased in the fall, as the tribes broke up into smaller groups and began to prepare for the winter ahead. In 1864, however, the Cheyennes stayed together much longer than usual. As a result, the large numbers of people placed a heavier burden on food supplies. By the time the raids stopped, horses were weak, meat and

robes were in short supply, and lodge covers and poles needed to be replenished. Unfortunately, with the size of their hunting territories curtailed and the usual sources of trade goods and horses interrupted, the Cheyennes and Arapahoes were dependent upon whites for critical items to a greater degree than before. The old ways were passing, and the means for obtaining goods boiled down to two choices. Either they took the things they needed in the form of plunder or they begged for annuities at the agencies.

The alternatives were bleak. The Cheyennes were forced to choose between begging and fighting. Their responses reflected two opposing ways of surviving as a people. Some, like Bull Bear and Big Mouth, saw the answer in resistance; others, like Black Kettle and Left Hand, sought peace through accommodation. What the peace faction hoped for was a way to adjust to the new forces which had encircled them without losing their dignity as a people. Unfortunately, the government did little to encourage them in these efforts. The authorities treated Indians with patronizing contempt. The white men they had relied upon in the past, men like William Bent, John Smith, and James Beckwourth, were themselves relics of an old way passing. Without white partners in the quest for peace, men like Black Kettle and Left Hand would lose influence, and their more militant brothers would take a significantly larger role in tribal councils. Their one hope seemed to be Major Wynkoop.

Wynkoop proceeded in good faith. Even after Chivington showed him the instructions from Curtis, he believed that he could proceed without violating the spirit of Curtis's instructions. If the Indians

complied with Chivington's demands, they would meet most of the criteria of Curtis's letter. He would make no peace without instructions from Curtis, but he would encourage the Indians until he could persuade Curtis of their sincerity. He had all the authority he needed, or so he thought. The governor's proclamation still remained in force, and Chivington had set down terms which, although harsh, the Indians seemed willing to accept.<sup>67</sup>

Wynkoop arrived at Fort Lyon on October 8, 1864, with Captain Soule, in advance of the chiefs and the remainder of his command. "There are about two hundred Indians camped fifteen miles from here," Captain Soule wrote Chivington, "awaiting the return of the chiefs. Left Hand is here with about twenty Indians today he says if all the rest go to war he will with his band lay down their arms and come in for protection or fight even against his own tribe rather than take up arms against the whites."<sup>68</sup> Wynkoop wrote a lengthy report to General Curtis requesting "particular instructions in regard to my future course." He recounted his mission to the Smoky Hill in detail and told the general that "I think that if some terms are made with these Indians that I can arrange matters so, by bringing their villages under my direct control that I can answer for their fidelity."<sup>69</sup>

When the chiefs arrived, Wynkoop held another conference with them. They seemed willing to comply with Chivington's demands. Wynkoop then advised them to come in to the post where he could watch over them until he received further instructions from General Curtis. The chiefs seemed satisfied. When they left, promising to return with their people,

both the Indians and Major Wynkoop believed a bargain had been struck. Ten days later 652 Arapahoes under Left Hand and Little Raven were encamped along the river within two miles of Fort Lyon.<sup>70</sup>

## CHAPTER XII

### PRELUDE TO MASSACRE

In September, when the Cheyenne and Arapaho chiefs paused at Fort Lyon before visiting the governor, Samuel G. Colley, the Indian agent, issued a limited amount of supplies to them, and, according to Indian sources, Major Edward Wynkoop gave them "a lot of army rations." The chiefs sent these goods to their bands, along with word that "everything was all right and that they were going up to Denver to make peace."<sup>1</sup> With these assurances, the Cheyennes and Arapahoes relaxed their guard. Three manhao--Wutapiu (Black Kettle's people), Oivimana (War Bonnet's band), and Isiometannui (White Antelope's followers) decided to move southeast toward Fort Larned, hoping to winter in peace near Pawnee Forks. The Arapahoes of Little Raven, Spotted Wolf, and Storm also moved in the same direction.

On the evening of September 23, these bands encamped along Ash Creek near the Pawnee Forks. A party of six young Cheyennes, led by Wolf Robe and White Leaf, heard that Pawnees were hunting in the area, and they decided to make a raid on their old enemies. They prepared for the raid, and that night they camped some ten miles below the main villages. Early on the following morning, one of the young men arose early to check the horses before setting out to hunt Pawnees. While he checked the

ponies' hobbles, he caught sight of movement in the distance. He strained in the half-light to see and realized that the forms in the distance were blue-coated troopers advancing toward them at a trot. He gave the alarm, and the young men were busy trying to mount their horses when the troops saw them. In the confusion which followed, one warrior lost his horse and was forced to take flight on foot.<sup>2</sup>

The soldiers were Colorado cavalry and Delaware scouts, operating as the advance guard of General James G. Blunt. Major Scott J. Anthony led the charge on the warrior camp and pursued the fleeing warriors for several miles before other Indians, coming up to investigate the shooting from the villages beyond, rallied and encircled Anthony's troops. Anthony maneuvered his troops to a small knoll near Ash Creek where he was besieged by several hundred warriors.

Unaware of any danger in the area, about fifty Cheyennes and a dozen Arapahoes left the main camps that morning for Fort Larned. This party, led by Standing-in-the-Water, met the main column of General Blunt's force moving up Pawnee Fork. Standing-in-the-Water, one of the chiefs who had visited Washington the previous year, rode right up to General Blunt and shook hands with him. His party then rode along with Blunt's troop without incident until they stumbled upon Major Anthony's desperate defense of the hill. Both the general and the chief were startled, but Standing-in-the-Water realized the danger and broke away at a gallop. Blunt made no attempt to stop the Indians, but charged to relieve Anthony's beleaguered soldiers. The Indians retreated toward the Smoky Hill, and in spite of superior numbers, held off the troops until

the villages could be safely evacuated, then fought a holding action while the women and children escaped over the back trail. Blunt pursued the Indians for two days before his exhausted horses forced him to abandon the chase.<sup>3</sup>

Blunt had come very close to catching the Indians unaware. He did not know of Wynkoop's expedition, but he was somewhat puzzled by the behavior of the Indians as he moved back toward Fort Riley. He hoped to regroup, resupply, and return to the chase. Instead, he found an urgent dispatch from General Curtis waiting for him. A Confederate force of 15,000 men under General Sterling Price had crossed the Arkansas, communications were cut off between Little Rock and Fort Scott, and more Confederates appeared to be advancing in the Choctaw country. Curtis underscored the effect of this new danger:

In view of immediate pressure on my Southern border, it will not be possible for us to extend operations as I would like to do in your District at present. . . . I shall need all possible aid . . . and hope you will be able to strike a blow or join forces to repel invasion or open the way to our comrades who are now cut off from their supplies.<sup>4</sup>

"Pap" Price's offensive fundamentally changed the complexion of affairs on the plains. Curtis wheeled his army about to face the east and the south. Priorities now changed. His hopes for a fall campaign against the Indians evaporated. Preoccupied with the Confederate invasion, Curtis did not take the sketchy first reports of Wynkoop's mission seriously. He brushed it aside, even after Evans wired him that he had conferred with a "party of the most reliable chiefs of the Cheyenne and Arapaho tribes."<sup>5</sup> "The chiefs you name are not reliable," he replied in haste. "These Chiefs are all implicated in the attack on the Arkansas,

where they have depredated till they fear winter is approaching and therefore they want peace which they cannot have at present."<sup>6</sup>

As September expired, Curtis passed the word that the frontier districts would have to fend for themselves. Mitchell bore the responsibility of keeping the mails moving on the Platte route and checking occasional Sioux raids. Colonel Collins and Colonel Livingston supported those efforts from opposite ends of the route.<sup>7</sup> Blunt was expected to move forward to Council Grove with most of his troops at an early date, and the Second Colorado Cavalry--finally ordered home to Colorado--was delayed because of the Confederate offensive and put into the line to defend Kansas City.<sup>8</sup> This meant that troops on the frontier would be thin, but Curtis counted on Indian inactivity to take the pressure off the emigrants and the settlers. Still, he kept to a hard line where the Indians were concerned. He instructed his commanders to cooperate with each other in their efforts to punish the Indians, and he seemed particularly anxious to impress that need on Colonel Chivington.<sup>9</sup>

Chivington's reputation had suffered greatly that summer. His inactivity, his politicking, his imperious behavior had cost him dearly. In August, when Denver was under martial law, he acted with such arrogance that even his advocates began to doubt him. Once, during those days, a rancher came into Denver and asked a local locksmith named Gove to repair a lock for him. At the time business hours were severely restricted, so Gove went to Chivington and asked permission to repair the lock, stating that it would take only a few minutes. Gove later told friends that Chivington exploded at the request, shouting, "No, if you do



a stitch of work I will put you in irons and stand you on the corner of the street as an example to this people." Franklin M. Case, the federal surveyor for Colorado, called upon Chivington to request permission to leave town. He found the Colonel at his desk writing, he later told Samuel F. Tappan, and when he looked up from his work he told him to sit down. Then, tossing his pen on the desk, he threw himself back in his chair and declared, "I believe I could run an empire."<sup>10</sup>

Such anecdotes might have been dismissed as the gossip of disgruntled citizens or political opponents if they had not been supported by more substantial evidence. In August, when Lieutenant George Shoup's troops, working in cooperation with a party of citizens led by United States Marshal Hunt, captured James Reynolds and four of his companions, the five guerrillas were lodged in the federal jail at Denver. Chivington persuaded Hunt that he had authority to try them under military law, and Hunt turned the prisoners over to him. Chivington then telegraphed Leavenworth, "Have five notorious guerrillas. Will try by military commission. If convicted can I approve, and shoot them." Chivington had actually begun to take testimony when he received a telegram from headquarters that no one could confirm sentence of death but the department commander.<sup>11</sup>

Chivington then instructed Captain Theodore G. Cree of the Third Regiment to escort the prisoners to the Arkansas where he would turn them over to Captain Gray for delivery to Fort Lyon and military trial. Oddly, Cree drew no rations for the prisoners, and four days out of Denver near Russellville, the five men were shot "while attempting to

escape."<sup>12</sup> John L. Dailey recorded the incident in his diary:

Started after breakfast, leaving the wagon with prisoners and guard a little in the rear. After traveling about 13 miles, word came forward from the prisoner guard of an attempt to escape, and that the prisoners were all shot by the guard. A party, including myself was immediately sent back to ascertain the true state of things, which were found to be in accordance with the above facts.<sup>13</sup>

At Denver, many citizens were not so sure. They were asked to believe that five men, chained together in a wagon, attempted to break away from heavily armed guards. Chivington was himself reported to have said, "I told the guard when they left that if they did not kill those fellows, I would play thunder with them."<sup>14</sup> Two of the members of Company B of the Third Regiment, Absalom Williamson and Alston Shaw, later admitted to executing the prisoners beside the road.<sup>15</sup> Captain Cree also admitted the following year that the men had been shot deliberately. He claimed responsibility for the act, but Lieutenant Joseph A. Cramer testified that Cree stated that Chivington had ordered him to kill them.<sup>16</sup>

When the news of the killings reached Denver, Samuel E. Browne, the United States District Attorney, wrote an angry letter to General Curtis, outlining his suspicions and advising Curtis that the prisoners were still unburied "unless devoured by the beasts of prey that don't wear shoulder straps." Browne insisted that while the people of Colorado had no sympathy with outlaws, the incident outraged the "common manhood" of Coloradans. "There is no doubt in the minds of our people," he wrote, "that a most foul murder has been committed, and that too, by the express order of old Chivington."<sup>17</sup> General Curtis was not sympathetic to

Browne's position, perhaps suspecting a political motive. While he deplored "the pretense of trial," he lectured Browne on the treatment of brigands and the laws of war.<sup>18</sup>

Still, Curtis did not trust Chivington completely. Blunt, Mitchell, Collins, Livingston, and even the lethargic Summers had campaigned against the hostiles since July, while Chivington campaigned for Congress. Chivington had not been in the field since his hurried march to Fort Larned in mid-July, and then only briefly. He had shown an amazing boldness in ignoring orders and had failed to cooperate with other commanders so frequently that Curtis had reprimanded him. Now, in early October, Curtis lectured Chivington again, "General Blunt deserves and must be consulted."<sup>19</sup> But when Blunt hurried east to shore up Curtis's flank, he left Major B. S. Henning in command of the District of the Upper Arkansas. With a mere major in command at Fort Riley, with Mitchell tied down to the overland route, with Curtis and Blunt preoccupied with a major campaign, Chivington assumed virtual control of military affairs on the south-central plains.

The Price campaign gave Chivington one last chance to regain his early popularity, one final opportunity to overcome the humiliation of his defeat in the race for Congress. His commission as a volunteer officer expired on September 23, 1864, but the crisis in Kansas insured that his command would not be disturbed until the invasion was repelled. Almost miraculously, he had his chance, and for a time in September and October, he was much like the Chivington of 1862, moving troops, drilling recruits, and impertinently demanding ordnance supplies. He had to move

quickly to take advantage of his new-found power, before the Third's time was up, before his own time was up.

On September 30, two days after the Weld Conference, Chivington and Samuel H. Elbert, the territorial secretary, conferred with Ben Holladay, the powerful owner of the Overland State Company, who was personally supervising the reopening of the mail route. Chivington tersely ordered Holladay to shift his route south to the Latham cutoff so that the line could be more easily defended. Holladay reacted angrily to the order, which he estimated would cost the company \$80,000 in lost properties. He and Chivington exchanged heated words. Apparently Holladay upbraided Chivington in the severest terms and reminded him that he was not talking to one of his Denver merchants who would cower in his presence. Whatever was said, Holladay departed for Salt Lake City convinced that Chivington could not protect the road, and Chivington reacted "as if he had felt the lash."<sup>20</sup> Chivington had made one more powerful enemy.

Ben Holladay was a force to be reckoned with. He was heartily despised by many who saw his control of the U. S. mails and the overland stage route as a stranglehold on the region between Atchison, Kansas and Salt Lake City, Utah. In June, 1864, he secured the mail contracts again, much to the chagrin of westerners, some of whom accused him of provoking the Indian war in order to secure more favorable treatment from the government.<sup>21</sup> His power was unmistakable. Through his connections in Washington, he brought tremendous pressure to bear on General Curtis to keep the stage route open. This task tied down most of Curtis's

troops in the District of Nebraska and prevented the organization of an effective initiative against the centers of Indian resistance. Holladay brazenly demanded that troopers be used as stock-tenders and insisted that a minimum of five soldiers be stationed at every station with two to four men assigned to every coach. Curtis had very little room to maneuver in his dealings with Holladay because of a constant stream of telegrams from General Halleck and Secretary of War Stanton directing that he keep the route open at all costs.<sup>22</sup>

After his stormy encounter with Holladay, Chivington behaved as if he recognized his error in antagonizing the stagecoach magnate. He immediately began to strengthen defenses between Denver and Julesburg, moving ordnance supplies and horse equipments to the men stationed along the route as rapidly as possible. He instructed the Thirdsters to kill all the Indians they encountered. Impatiently, he waited for the saddles and other equipment which he needed to launch his offensive against the tribes.<sup>23</sup>

On October 10, two days after Major Edward Wynkoop and Captain Silas Soule reached Fort Lyon with high hopes for a peaceful solution to the Indian problem, the "Bloodless Third" drew its first blood. The incident was not a significant encounter, or even a serious skirmish, just a "little surprise party" for a small encampment of Cheyennes led by a headman named Big Wolf near Valley Station on the South Platte. The Thirdsters, men of Company D, killed ten persons. According to Captain David H. Nichols's official report, six men, three women, and one fifteen year old boy who "shot an arrow well" were killed in the brief affray.

He also claimed that a white woman's scalp and some bloodstained clothing were found which convinced him that the Indians deserved their fate.<sup>24</sup>

From the accounts of others who were present, the incident emerged as far from heroic. Private Morse H. Coffin placed the dead at "four men (one rather young), four women and two babies."<sup>25</sup> Sergeant Henry Blake recorded in his diary, "We captured all--killed 10, which was all: 5 men, 3 squaws and 2 children."<sup>26</sup> Coffin recalled that the men were killed first, then the women and children were shot. "I strongly denounced this part of the work," he recalled later, "using cuss words." Coffin also denied that a woman's scalp was found, although, he said, "I was also misled at the time." He and a few others protested against the shooting of the women and babies, but the balance of the detachment set off for Wisconsin Ranch "in high glee." The "victory" provided an excuse for a celebration as the troopers proudly displayed the scalps they had taken, along with other trophies of their day's work.<sup>27</sup>

News of the Buffalo Springs affair caused celebration all along the line to Denver. Sergeant Blake proceeded to Denver with Big Wolf's scalp in his possession. On October 15, he recorded in his diary: "Staid in Denver all day and had some fun showing my Indian scalps. I had the scalp of Bigg Woolf, Chief of the Shians."<sup>28</sup> Chivington was pleased with the news and advised Nichols "to kill all the Indians you come across."<sup>29</sup> He did not reprimand Nichols for killing women and children despite department orders condemning the practice.<sup>30</sup> Jubilantly, he wired Curtis that "We will clean them (the Indians) out of the country between the Platte and Arkansas directly."<sup>31</sup> He also

reported his success to Holladay, and assured him that his troops were "awake."<sup>32</sup>

The following day, with the arrival of a shipment of saddles, Chivington ordered the Third and some elements of the First to rendezvous at Bijou Basin seventy miles southeast of Denver, preparatory to a campaign against the hostiles. On October 16, he requested rifles from Major Wynkoop at Fort Lyon. "I have the best of evidence that there are a large number of Indians on the Republican [*italics added*] and design to go after them," he wrote Wynkoop. "I have moved the Third out sixty miles and will be after the Indians as soon as we get those carbines."<sup>33</sup> At Camp Elbert, established in Bijou Basin, Colonel George L. Shoup dispatched scouts eastward to look for Indians.<sup>34</sup> All evidence pointed toward a thrust at the Republican River villages.

By that time, however, impatient officials of the Overland Stage Company were demanding "A winter campaign well devised" to "slay without sparing all who can fight." Only "war in its most serious form" could "break their power and learn them to fear, if not respect, our Government."<sup>35</sup> On October 15, Holladay himself wired Secretary of War Stanton and urged an aggressive winter campaign to prevent the mails from being stalled again. For this task, Holladay recommended Brigadier General Patrick Edward Connor, the hero of Bear River, then commanding the District of Utah. "The winter is approaching when Indians can . . . be tracked, pursued, and severely punished," he wrote. "It is the right time for the work and Connor can do it."<sup>36</sup>

On the basis of Holladay's demand, General Halleck immediately ordered General Connor to protect the overland route from Salt Lake City

to Fort Kearney "without regard to departmental lines." These were sweeping orders, indeed, and when Connor sought clarification, asking if they meant that "the troops between Salt Lake and Kearney, inclusive, should be subject to my orders irrespective of departmental lines," Halleck replied that the order did not alter command structure. When working in concert with other commanders, Halleck told Connor, the ranking officer would assume command. In effect, the order gave Connor the responsibility of protecting the road, without granting him the power to compel cooperation from district commanders not disposed to cooperate.<sup>37</sup> Nevertheless, Connor immediately wired Chivington that he was "ordered by the Secretary of War to give all protection in my power between here and Fort Kearney." "Can we get a fight out of the Indians this winter?" he inquired. "Can you send grain out on road to meet my command? How many troops can you spare for a campaign? Answer."<sup>38</sup>

Chivington was stunned. Connor's reputation as an Indian fighter was unequalled in the West. The fierce, red-bearded Irishman had caught the Shoshonis and Bannocks unawares at Bear River in January, 1863, and he had won a brigadier's star and the congratulations of General Halleck for his "heroic conduct and brilliant victory."<sup>39</sup> Chivington was painfully aware of the general's reputation and the challenge he now posed to his own ambitions and aspirations. A campaign with Connor would be Connor's campaign. Chivington was galled even more as he recalled the criticism which he had received throughout the summer from the Daily Union Vedette, a newspaper published at Camp Douglas, Connor's headquarters and edited by Captain Charles Hempstead of Connor's staff.



Hempstead had needled the Colorado commander regularly since August, suggesting that Chivington ought to clear the route and that if he could not do it the veterans of the Bear River campaign could. "The authorities . . . might bear in mind that there is a considerable number of California Volunteers in the District of Utah . . . who have shown their capability in the Indian line of warfare at Bear River," he wrote on August 31.<sup>40</sup> And when news reached Salt Lake City of the Camp Weld meeting, the Vedette offered its opinion on that subject:

We are opposed to anything which looks like a treaty of peace with the Indians who have been actively engaged in the recent hostilities. The season is near at hand when they can be chastised, and it should be done with no gentle hands. Instead of patching up another compromise to be broken by them again next spring or summer when grass is good and food plenty.<sup>41</sup>

Hempstead's barbs added a personal dimension to the threat of General Connor. Angered and frustrated, Chivington wired Curtis, demanding to know, "Have departmental lines been changed? If not will I allow him to give directions in this district?"<sup>42</sup> Curtis was in no position to answer him, however, for the fighting with Price was at its height. Chivington was on his own. By then, the scattered units of the Third were gathering at Bijou Basin preparatory for action, and as the first snows of the season dusted the basin, Chivington received discouraging news from Shoup. His scouts, ranging east from Camp Elbert for fifty miles in the direction of the Republican, had reported "no recent Indian signs in that direction."<sup>43</sup> If not on the Republican, then where? Chivington had to have a victory, and soon, or lose his chance.

At Camp Elbert, the men of the "Bloodless Third" would have settled for decent shelter, warm clothes, and more provisions. The

"boys" were increasingly unruly as they waited for action. Desertions multiplied, sentries left their posts, and stringent orders failed to prevent Jayhawking against neighboring ranchers. Much of the pent-up anger was directed toward Chivington. "Heard any amount of 'growling' about treatment of the regiment at headquarters," John L. Dailey wrote in his diary.<sup>44</sup> With the camp still filled with "plenty of the old mutinous talk," the first blizzard of the season swept through the basin on the night of October 30, creating "Almost a universal howl of discontent among [the] men."<sup>45</sup> Down near the Arkansas, troops were similarly disgruntled. John Wolfe recorded the mood in his company on November 2, "this is a cold morning som of the boys went a hunting kill antelope and som rabbits cold as hel grub is scarce boys is mad cursin and hollowin and playing cards."<sup>46</sup>

On November 3, word reached the Bijou "to put horses on full rations, shoe them and prepare for active duty." Dailey noted, "Great speculation as to what this duty is to be."<sup>47</sup> The excitement was dampened on November 7, when a second blizzard struck, forcing the troops to move the horses into the timber on the hillsides of the basin. On November 10, Dailey wrote, "An unusual amount of uneasy feeling and discontent this evening."<sup>48</sup> Two days later orders came to prepare to move out. On Monday, November 14, five of the six companies at Elbert mounted the divide, struggling against the deep snow, and dropped off toward the Arkansas and a rendezvous near Boone's Ranch. Three days and three nights later, after an exhausting and costly march, the troops encamped with other companies of the Third which had converged on the

same point from stations along the Arkansas. Finally, the Third appeared to be preparing for action.<sup>49</sup>

These movements suggested that Chivington had abandoned his plan to strike the Indians on the Republican River. From Bijou Basin to the Republican Fork was almost a straight march across the plains, and Chivington had clearly intended it to be the mobilization point for the campaign. But when Shoup reported that his scouts had found no Indian sign in the direction of the Republican, Chivington immediately prepared to concentrate the regiment on the Arkansas. By then, he was aware that Connor had departed from Salt Lake City with two companies of cavalry to visit Denver. Connor's imposing shadow seemed to quicken the pace of activity even in the face of the worst weather of the year. He did not answer Connor's query, but he did accelerate his efforts to get his troops into position for a campaign before Connor could move.

Publicly Chivington said nothing which would dampen the enthusiasm of his associates for the general, but he did not enjoy the moment. When John Evans learned of Connor's plans for a winter campaign against the hostiles, he wired him that he was "glad you are coming. . . . Bring all the force you can, then pursue, kill and destroy them."<sup>50</sup> William Byers of the Rocky Mountain News had long believed that the Indian problem could be solved with "a few more men like Colonel Connor."<sup>51</sup> Denver made preparation for Connor's arrival as through he were a visiting head of state. Heavy snows impeded his progress, however, and he was forced to leave his escort at Fort Bridger and proceed to Denver by stagecoach.

Connor arrived in Denver on November 14, in company with Ben Holladay and Captain Hempstead. The News lauded the general as "a fighter and a gentleman and a soldier to boot." "We congratulate Colorado on the accession of so superior an officer to our section of the prairie west," Byers drooled.<sup>52</sup> Chivington was outwardly congenial, but the lavish reception and the unrestrained praise rankled him. Once the amenities were dispensed with, however, the Colorado commander firmly told Connor that he had no troops available for a winter campaign. He was noticeably cool toward Connor and made plans to leave Denver at an early date in spite of the fact that Connor had traveled a great distance to confer with him. Chivington said later that he informed Connor of his own plans, but if he did, Connor made no mention of it in his report to General Halleck written the day after Chivington departed from Denver to join the Third Regiment.

Significantly, Governor Evans left Denver for Washington on November 16. He had requested a two month leave of absence early in October, and when he did not hear from Secretary of State William H. Seward, he simply took it upon himself to make the trip without official sanction.<sup>53</sup> Connor's presence had made an impression upon the governor, and when he reached Atchison, he wired Curtis, "When can I see you if I come to Leavenworth?" Curtis immediately replied, "I can see you at any hour & will be pleased to do so."<sup>54</sup> The following day, Curtis advised Evans to insist upon an increased force of two thousand men for service on the plains. "Knowing, Governor, your earnest zeal and your connections with both the Interior and War Department," he wrote, "I hope

your efforts will be useful in preserving harmonious action between soldiers and agents till the hostile Indians are fully subdued or exterminated."<sup>55</sup>

Evans was now committed to a winter campaign against the Indians, and he continued toward Washington determined to promote that object. With the support of both Connor and Curtis, he believed that he could secure the necessary men and arms. At that point, he was completely unaware that Chivington planned to move against the Indians. He certainly did not know that Chivington was already enroute to join the Third Regiment on the Arkansas. Chivington had kept his plans a secret even from Evans. He did not leave Denver until November 20, four days after the governor departed.

Chivington later claimed that General Connor stopped him as he prepared to leave for the Arkansas. Connor told Chivington that he thought the Coloradans would give the Indians "a most terrible threshing" if they caught them, but he doubted they would. Chivington expressed confidence that he would indeed catch them. Chivington said that as Connor turned to go, he inquired, "Colonel, where are those Indians?"

"General, that is the trick that wins in this game, if the game is won. There are but two persons who know their exact location, and they are myself and Colonel George L. Shoup," Chivington replied.

"Well, but I won't tell anybody," Connor persisted.

"I will bet you don't."

"Well, I begin to think that you will catch the Indians."<sup>56</sup>

This exchange, if it occurred at all, did not appear in Connor's

report. He seemed unaware of Chivington's plans, but he did complain bitterly of district commanders who "appear to be of the opinion that they can spare no troops for a Winter Campaign against the Indians."

Because of this attitude, he concluded that since he had

no authority to move any of these troops which in my judgment, could be spared for such purpose, and it being impossible to transport hither my own men because of deep snow in the mountains, I am unable to even attempt an expedition against the savages, who I am credibly informed are now in<sup>57</sup> winter quarters on the Republican Fork and the Arkansas River.

Connor warned against expeditions that might not fully defeat the hostiles:

Any expedition which would not probably result in their signal chastisement, would be productive of harm rather than good; and until suitable arrangements to that end shall have been made, I do not deem it wise or<sup>58</sup> prudent either to undertake or advise a campaign against them.

Did Connor know what was about to happen? Was he clearing his own skirts should Chivington fail? Those in a position to know agreed that only a decisive defeat against the center of hostile resistance could bring the warring bands to their knees. Any military action short of that would serve only to enrage the Indians. Connor had offered an alternative--a combined attack on the Republican River camps--but that kind of campaign could not be mobilized before the enlistment time of the Third was up, and any joint expedition would be Connor's command. The Third was ill-prepared for a sustained campaign. The march to the Arkansas staging area itself was little short of heroic. Uniforms were inadequate. Forage was so scarce that the troops stole hay and oats from the farmers on the Arkansas. Food was in short supply. The weather tore at men and horses. Dozens of animals died before they reached the

rendezvous at Boone's Ranch. Everything argued against a campaign on the open plains. Chivington knew even as he rode south that the Republican River villages were beyond his reach, but he could find other Indians, south along the Arkansas, resting in fancied security near Fort Lyon.<sup>59</sup>

At Fort Lyon, October passed with no word from Black Kettle and Bull Bear of the Cheyennes. With the prospect of peace at last at hand, the chiefs found the sentiment for continuing the war with the whites to be very strong among certain elements of the tribe. The Blunt fight had caused great alarm among the people, and the Third Regiment's attack on Big Wolf's camp near Valley Station on the Platte even precipitated retaliatory raids. Many were displeased with the unconditional surrender terms proffered at Denver. After all, they argued, the white soldiers were the aggressors. In this militant atmosphere, Bull Bear listened to the council of his fellow Dog Soldiers. The war faction decided to winter on the Solomon River and wait until they had proof that the whites would act in good faith. The remainder of the tribe, numbering about 2,500 persons, including most of the principal chiefs, decided to accept the peace offer. Then Black Kettle and White Antelope led about five hundred people, representing six manhao, toward Fort Lyon, while the Dog Soldiers moved off toward the Solomon. The others lingered on the Smoky Hill.<sup>60</sup> They would watch closely what happened to Black Kettle. If the whites kept their word, they would soon follow; if not, they would join Bull Bear and the Dog Soldiers. The treatment of the Cheyennes and Arapahoes at Lyon would resolve their questions, one way or the other.

While the Cheyennes debated, Major Wynkoop faced serious problems

of his own. His anxiety quickened as the weeks passed without word from Black Kettle or General Curtis. In the meantime, he had to set affairs straight at Fort Lyon. During his absence in late September, Company G, commanded by Lieutenant George H. Hardin who had lost control of his men before on the Smoky Hill, mutinied. When Captain John Butcher ordered the garrison out to quell the disturbance, only Company D--Silas Soule's troop--responded to the order. G Company surrendered, but when the troopers were incarcerated in the post stockade, they set fire to the place and almost blew up the fort since ordnance was stored next to the guardhouse. Wynkoop returned to find morale at a low ebb, his men surly and discontented, and company strength at low levels because many of his troops were being mustered out of the service. He immediately put Company G to building a new guard house and arrested the ring leaders of the mutiny, but the incident was certain to cause trouble for him at headquarters, particularly because the mutiny occurred while he was away from command without authorization.<sup>61</sup>

Wynkoop remained consumed by his plans for peace. He issued prisoners' rations to the Arapahoes on a regular basis, in violation of precise department orders, believing that his actions were justified because of the circumstances and that his conduct would be approved once General Curtis understood the situation.<sup>62</sup> But Wynkoop made a critical error in judgment. In the entire process, he seemed to ignore district headquarters. He apparently made no effort to explain his actions to Major Henning, going over his head directly to General Curtis. Wynkoop's activities were initially lost in the throes of changes in command, the



military emergency, and the generally inadequate communications between Lyon and Fort Riley, but when the dust settled, Henning realized that he had been ignored. He was still largely in the dark. He knew only that Wynkoop's conduct was highly irregular, in violation of regulations, and disregarded proper military channels. East bound traffic along the Santa Fe road brought him more information than Wynkoop had provided, and he was not pleased with what he heard. On October 17, three days after Henning assumed command of the District of the Upper Arkansas, he ordered Major Scott J. Anthony at Fort Larned to proceed to Fort Lyon and take command. "I am very desirous to have an officer of judgment at Fort Lyon," he wrote, "and especially one that will not commit any such foolish acts as are reported to have occurred there."<sup>63</sup>

On November 2, Major Anthony arrived at Fort Lyon on the west-bound stage with orders in his satchel to relieve Major Wynkoop of command and to investigate "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."<sup>64</sup> Anthony was officious and efficient. He immediately reported that when he arrived, the Arapahoes were "daily visiting the post, and receiving supplies from the commissary department, the supplies being issued by Lieutenant C. M. Copett [Cossitt] assistant commissary of supplies under orders from Major E. W. Wynkoop commanding post."<sup>65</sup> Anthony also found certain irregularities in Wynkoop's handling of ordnance and a distressing laxity in permitting officers and enlisted men to go up to Denver to conduct personal business. He dutifully passed all

of this information along to Major Henning. Henning was particularly distressed over orders which permitted soldiers to leave the military district without proper authority. "Such orders can only arise from one of two causes viz. a total lack of that knowledge necessary and requisite to make a good and efficient officer, or an intentional disobedience of orders and almost criminal mismanagement of the affairs of his command," the district adjutant wrote. He summed up Henning's verdict:

Too much looseness [sic] has existed heretofore in the command of affairs at Fort Lyon, showing at times, to use a mild term, a great lack of military courtesy to these Head Quarters, the Commanding Officer has passed many things, by attributing it more to ignorance than intentional insult, until in the months of September and October it reached such a point that some notice had to be taken, Officers not only leaving their posts and jeopardized [sic] the lives of their soldiers under their command and providing a large amount of Government property, but marching from the District with large commands, seeking and assisting to make treaties between a hostile force, and parties that had no authority in the matter.<sup>66</sup>

The most frustrating part of the situation for Wynkoop was that the charges levelled at him obscured the importance of the peace initiative. Wynkoop was no professional soldier, but his command was not unique in its neglect of protocol and military etiquette. Still, he erred seriously when he totally ignored district headquarters. Ironically, the crucial element in his troubles was his personal loyalty to Colonel Chivington. While neglecting district headquarters, on the one hand, he confided everything to Chivington. Faced with the most important decision of his life, he turned to the man he most admired, to the man he had followed at Apache Canyon, to the man he believed would support him. After the Weld Conference, he obediently returned to Lyon to call in the tribes, on the strength of Chivington's word. He did not

seem to realize that Chivington had no authority to authorize him to receive prisoners, nor did he question Chivington's statement that he was the "big war chief" over all the soldiers. Fort Lyon was no longer in Chivington's district. Wynkoop's trust in Chivington's word, his naive assumption that the Weld Conference left him in control, led him to make promises he had no authority to make. His reasons were honorable, but his negotiations slipped into the cracks between command, leaving the Indians in limbo.

Ironically, the only officer who fully understood the situation at Lyon was Chivington. Wynkoop hid nothing from him, and Captain Silas Soule communicated with him regularly. From Soule, Chivington learned that the Arapahoes were, in fact, camped at Lyon. From Soule, Chivington learned that Wynkoop was issuing rations to them. From Soule, Chivington learned that Black Kettle had promised to return with his people. From Soule, Chivington learned of the mutiny of Company G.<sup>67</sup> Soule was not a spy for Chivington. He was simply loyal (like Wynkoop) to his regimental commander. The letters he wrote were free and warm, indicating a genuine regard for Chivington and assuming that he could deal with him on a personal basis. In the summer of 1864, he good naturedly chided his sister, Annie, for her concern over his moral conduct. "I think there is not much danger of my spoiling," he wrote her. "[O]ur Colonel is a Methodist Preacher and whenever he sees me drinking [,] gambling [,] stealing or murdering[,] he says he will write my Mother or my sister Annie so I have to go straight [sic]."<sup>68</sup> Unwittingly, almost innocently, both Soule and Wynkoop provided crucial intelligence to Colonel

Chivington while keeping those officers who could have helped them largely in the dark.

Wynkoop's report and recommendations to General Curtis, along with the endorsement of Agent Colley, did not reach department headquarters before Henning removed Wynkoop, nor did Curtis's subsequent actions suggest that it would have mattered, even if they had. No record survived of Lieutenant Dennison's interview with General Curtis, but Curtis obviously was not impressed. He correctly deduced that the Indians in the Blunt fight were those with whom Wynkoop negotiated, and he saw that collision as proof of their continued hostility. He even advised Chivington that they were probably the Indians Wynkoop reported "erroneously and unfortunately" under his command.<sup>69</sup> In his mind, the Blunt fight nullified the peace overture. He saw Wynkoop's activities as a clear violation of Field Order No. 2, which provided that "Indians and their allies, or associates, will not be allowed within the forts except blindfolded, and then they must be kept totally ignorant of the character and number of our forces."<sup>70</sup> As late as December 2, several days after Colonel Chivington cancelled the peace move at Sand Creek, Curtis still wrote Henning, "The treaty operations at Lyon greatly embarrass matters, and I suppose you have disposed of Maj. Wynkoop and directed a change for the better."<sup>71</sup>

Tragically, then, the situation at Lyon remained unsettled. Curtis never responded to Wynkoop's report directly. He never asked for clarification. He never attempted to meet with the chiefs. He never issued an order specifically resolving the situation. In the meantime,

Henning waited for official guidance and Major Anthony was left to deal with the situation without significant direction.

Anthony, fresh from his narrow escape at Pawnee Forks, arrived at Lyon expecting to find the post virtually in the hands of the Indians. Shortly after his arrival he visited the Arapaho camp with Wynkoop. There, the new commander brusquely laid down his terms: all stock stolen in the summer war and all weapons had to be surrendered. He also told them that they could not enter the post. He was startled when "they at once accepted these terms."<sup>72</sup> Later after concealing a company of soldiers in the canebrakes along the river, Anthony searched the camp for arms and stock. A handful of bows and trade guns were surrendered, and troopers picked fourteen mules and horses from the Indian herd as stolen stock. Satisfied, Anthony allowed them to remain at the post as prisoners of war, continuing to issue rations to them as Wynkoop had done.

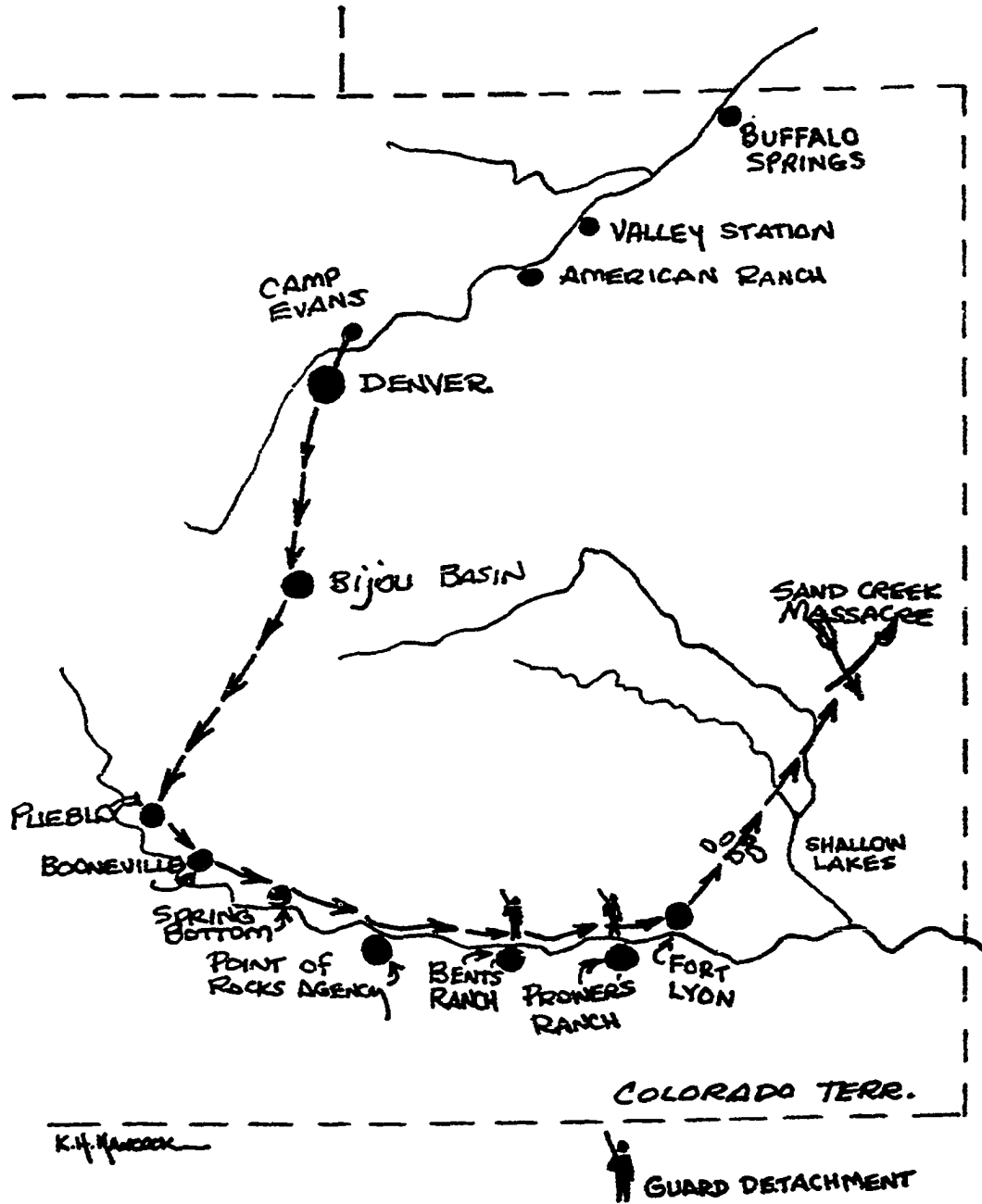
On November 6, Black Kettle returned to Lyon with a delegation of nine chiefs and headmen. The delegation represented some five or six hundred Cheyennes who were moving toward Lyon as instructed by Wynkoop. They told Anthony that two thousand more of their people were seventy-five miles away, waiting for better weather before following Black Kettle's people to Lyon. "I shall not permit them to come in, even as prisoners," Anthony wrote, "for the reason that if I do, I shall have to subsist them upon prisoner's rations." Anthony advised district headquarters that he would demand the surrender of arms, stolen stock, and those guilty of depredations as the price of allowing them to come in. He believed "that they will not accept this proposition, but that they will return to Smoky Hill."<sup>73</sup>

The Cheyennes did not understand Anthony's refusal to allow them to come in, and the Arapahoes told them that things "looked dark" since Anthony had taken command. Although they left the vicinity of the post, they soon returned, this time numbering about sixty men, to council with him. In the interim, Anthony had discussed the problem at length with the officers of the Lyon battalion, and, as a policy of expedience, he weakened his earlier stand.<sup>74</sup>

At the second council, Wynkoop spoke first. He told the Cheyennes that he was no longer in command, but that Major Anthony would treat them as he had treated them. At the point, Anthony addressed the Indians. He had heard much of their bad behavior before arriving at Lyon, he told them, but he was not of the opinion that he had been misinformed. He assured them that an effort would be made to secure a permanent peace, but he said that he could not provide rations for them or allow them to camp near the post. He advised them to stay at Sand Creek until he received instructions from his superiors. There the Cheyennes would be away from the lanes of emigration and the soldiers, and the young men could hunt and provide for the tribe. He had no authority to make peace, he said, but expected word from headquarters at any time which would dictate his future course. He then told them "that no war would be waged against them" until he received word from General Curtis. At that time, he would send a messenger to them, whether the news was favorable or unfavorable to a peaceful settlement.<sup>75</sup>

Anthony's statement was an endorsement of the policy Wynkoop had initiated, and the Indians seemed satisfied. Anthony then returned the

# THE MARCH OF THE "BLOODLESS THIRD"



few guns and bows he had received from the Arapahoes, and told them to join the Cheyennes at Sand Creek, where they could subsist themselves since he could no longer provide for them.<sup>76</sup> The Cheyenne chiefs went with One Eye's son-in-law, John Prowers, to his ranch at Caddoe for the night. The following day, after another brief consultation with Prowers and John Smith, in which they were assured that they would be safe, they moved back to their camps on the banks of Ponoeohe, the Little Dried River, that the whites called Sand Creek.<sup>77</sup> Left Hand, who was ill, lingered at the fort for a time with eight lodges of Arapahoes, but Little Raven, who had been skeptical from the outset, moved away from the post some sixty-five miles down the Arkansas to a point near Camp Wynkoop.<sup>78</sup> Eventually, Left Hand moved out to Sand Creek and went into camp near the Cheyenne village.<sup>79</sup>

Anthony remained suspicious of the Indians and based his course of action squarely upon expedience. He believed that circumstances demanded that he placate them for the time-being. On November 16, he laid out his point of view in a letter to General Curtis:

I am satisfied that all of the Arapahoes and Cheyennes who have visited this post desire peace, yet many of the men of these bands are now on the Smoky Hill and Platte, having in their possession a large amount of stock. I have been trying to let the Indians . . . think that I have no desire for trouble with them, but that I could not agree upon a permanent peace until I was authorized by you, thus keeping matters quiet for the present, and until troops enough are sent out to enforce any demand we may choose to make. . . . [A]s the road will be cut off, and the settlements above and upon the different streams will be completely broken up, as we are not strong enough to follow them and fight them upon their own ground. . . . My intention . . . is to let matters remain dormant until troops can be sent out to take the field against all the tribes [*italics added*]."<sup>80</sup>



Anthony consistently pursued this course throughout his stay at Fort Lyon. On November 25, he advised district headquarters that

Indians are daily visiting the Pickets and inquiring when we will be able to hear from Head quarters so that we can treat with them. Yet their principal desire is to get into the Post to buy provisions. I am still keeping them informed that I have no authority . . . until I get orders. Yet if I had 1000 men here for the field [I] would after providing for a few Indians who have all the time been friendly . . . go out against the main band of Cheyennes & Sioux and try and recover the stolen stock and punish them for what they have done. As it is I shall still keep them from committing depredations upon the road and settlements above here by permitting things to remain quiet until more troops arrive.<sup>81</sup>

Whatever rationalizations Anthony used, the Indians believed that they were perfectly safe at Sand Creek. More importantly, the authorities considered them to be prisoners. After Evans learned from Colley that the Arapahoes had come in, he reported to Commissioner Dole that they had "surrendered."<sup>82</sup> When he paused at Fort Leavenworth enroute to Washington, he wrote to Secretary of War Stanton that "A portion of the tribes of the Arapahoes & Cheyenne Indians want peace and have gone to Fort Lyon under an armistice or some arrangement of the kind with Maj Wynkoop." Evans was skeptical of their sincerity and advocated a winter campaign against the hostiles in their strongholds, but he accepted the fact that the Indians at Fort Lyon were prisoners.<sup>83</sup>

Through November, the military officials gave no direction to Major Anthony. Henning waited for a decision from Curtis, but in the meantime his correspondence referred consistently to "the Arapahoe Indian prisoners." On November 20, he wrote Anthony a private letter advising him that he "perfectly appreciates your position and embarrassment, and

can only advise that General Order No. 2 be carried out. In fact none of us have any option in the matter." He specifically endorsed Anthony's course, saying,

The way that you have arranged with the Arapahoes . . . calling them prisoners will undoubtedly answer for them, but I would not have any more such prisoners and you must keep them all away from the Post. I am sorry that you found any there but do not see that you could have done differently with them. Permit no others to come around even if you do have to fight them, and I think I should not hold back much. . . . The matter is not left in my hands any more than in yours. . . . My opinion is that no truce, peace or understanding will be made with any of the Indians until they are completely humbled, but it is a matter for the Depart Comdr to settle. All we have to do is to obey orders. I only know that if I could get a chance at the red-devils I would destroy the last one if possible, but that is only my individual feeling.<sup>84</sup>

Curtis showed the same kind of ambivalence and arrived at the same conclusion. While he felt that "The treaty operations at Lyon greatly embarrass matters," he also confessed that he was "entirely undecided and uncertain as to what can be done with such nominal Indian prisoners."<sup>85</sup> On November 28, the day before the Sand Creek affair, Curtis informed General James H. Carleton that

The Arapahoes and Cheyennes have come into Lyon begging for peace, turning over prisoners, horse &c., for that purpose. The hardest kind of terms are demanded by me and conceded by some of these Indians. They insist on peace or absolute sacrifice as I choose. Of course they will have to be received, but there remains some of these tribes and all of the Kiowas to attend to, and I have proposed a winter campaign for their benefit.<sup>86</sup>

Early in December, but before Curtis received word of the Sand Creek incident, he wrote a similar letter to Evans who had reached Washington:

some of the Arapahoes and Cheyennes come into or near Fort Lyon and surrender, as they pretend, offering to comply with almost

any terms. Of course, some of these are really anxious to avoid quarrel, while others, as I believe, come in to get food for winter. Probably 2,000 or more are thus asking for mercy, and I suppose<sup>87</sup> in spite of my severe orders they have more than they deserve.

Under the circumstances and because of the "ruinous prices out there at Lyon" Curtis even proposed that the Indians "be located at some more convenient point for feeding them."<sup>88</sup> By that time, however, Chivington had eliminated the problem of feeding the Indians and jettisoned Curtis's plans for a winter campaign. Curtis's delay was the price of betrayal.

On November 26, Major Anthony, still uninformed by his superiors, asked John Smith to visit the village at Sand Creek to determine the situation there. Anthony had already hired One Eye, at a salary of \$125.00 per month, to keep him informed about the movements of the hostile camps, but he wanted a view of the situation at Sand Creek. Smith requested permission to do some trading. Anthony agreed and allowed a teamster named R. W. "Watt" Clark and a soldier of Company C, Private David Henry Louderback to accompany him.<sup>89</sup> The situation seemed well in hand.

Major Wynkoop departed from Fort Lyon the same day, but before he left, he was presented with two letters of testimonial. One, signed by Lieutenant Joseph A. Cramer and endorsed by seven officers at Lyon and Agent Colley, expressed regrets at his removal and said that his course of action was "the means of saving the lives of hundreds of men, women, and children, as well as thousands of dollars-worth of property." Cramer's letter pointed out that since the Smoky Hill conference "no

depredations have been committed by these tribes and the people have returned to their houses and farms, and are now living as quietly and peaceably as if the bloody scenes of the past summer had never been enacted." Significantly there was an endorsement by Major Anthony, which stated simply, "I think Major Wynkoop acted for the best in the matter."<sup>90</sup>

Another letter approving Wynkoop's "efforts to do what we consider to be right, politic and just," bore the signatures of twenty-six Arkansas valley ranchers and farmers, including Albert G. Boone and Allen A. Bradford, the new delegate to Congress. The attitude at Lyon was summed up by an officer who commented that "all here justify the Major in what he did, and are Confident the authorities will approve of it."<sup>91</sup>

With these documents and several prisoners bound for court martial proceedings at Fort Riley, Wynkoop departed.<sup>92</sup> Two days later, Indians approached his escort. Wynkoop recognized the leader as Notanee, the Arapaho chief, and allowed them to approach. Notanee warned Wynkoop that the Sioux were raiding along the road to Larned, then nudged his pony back toward the camp at Sand Creek. Wynkoop's party hurried on toward Kansas, oblivious to the drama about to unfold behind them.<sup>93</sup>

On the evening of November 27, the day after Wynkoop left, Captain Silas Soule and Lieutenant William P. Minton spotted the campfires west of Fort Lyon and reported them to Major Anthony. Fearing that hostile Kiowas might be in the area, Anthony dispatched Soule and a company of soldiers to investigate early the next morning.<sup>94</sup> Several hours later, Soule's patrol met a man driving a wagon who told them that

soldiers were following close behind him. A short distance beyond, Soule met the long, blue column of the Third Colorado Regiment marching toward Lyon. At the head of the troops rode Colonel Chivington. Completely surprised, Soule greeted his regimental commander.

## CHAPTER XIII

### CHIVINGTON'S FOLLY

The enlistment of the Third Colorado Regiment had almost expired when John M. Chivington departed from Denver to join the regiment on the Arkansas. He knew that he had to act quickly, or the "Bloodless Third" would be a monument to his failure. When he reached the rendezvous point at Boonesville on November 23, 1864, he conferred briefly with Shoup, and inspected the regiment. "Chivington takes command," Major Hal Sayr recorded in his diary, "which gives pretty general dissatisfaction."<sup>1</sup> Chivington left no record of his thoughts on that bleak afternoon, but as he rode down the line he surely knew that they were the men he had to win if his fortunes were to be revived. Many of them had voted against statehood. Many had voted against him. But Chivington was shrewd enough to know that a common bond united them that he could use to win their support.

The men of the "Bloodless Third" were not Indian fighters. Many, perhaps most, of them had been no closer to the Indian war than the mutilated bodies of the Hungate family, the rhetoric of the Colorado press, the pressure of economic loss, or the camp gossip they had listened to in the days since they had enlisted. What they shared was an image--an image of savagery. Their understanding of the Indians derived

as much from the stereotypes that gave birth to their prejudices as from the brutal realities of the summer's war. They could grumble all they chose. They could despise him. But all of that did not matter. They had signed up to kill Indians, and when the time came, Chivington knew that they would kill Indians.

On Thursday, November 24, the ten companies of the Third, reinforced by three companies of the First Colorado Cavalry, moved down the Arkansas in good weather and high spirits. On Friday, the troops reached Spring Bottom and enjoyed a "Good Camp" while "the boys had a great time drilling [sic] the battery."<sup>2</sup> A portion of Captain Baxter's Company G was already there at the stage station detaining traffic moving east along the road toward Fort Lyon. Chivington was determined to cloak his movements in as much secrecy as possible.

That evening two civilians heading west to Pueblo from Lyon were surprised to find soldiers bivouacked around the station. When they entered the station to take supper, they found it filled with officers, laughing and talking about the impending campaign. When Colonel Chivington learned that the travelers were from the vicinity of Fort Lyon, he queried them about the situation there. James M. Combs told him that Major Anthony had taken command a few days earlier. Chivington seemed pleased and asked who had been in command before Anthony. When Combs responded that Anthony had replaced Major Wynkoop, Chivington said, "Oh? You must be mistaken; I think Left Hand was in command before Major Anthony came here."<sup>3</sup>

Chivington entertained his officers with a playful interrogation of Combs regarding the Indians at Lyon which eventually trailed off into a general discussion of scalping. The officers amused themselves with boasts of how many scalps they would take and whose. Combs later swore that Chivington remarked that "scalps are what we are after." Combs told the officers that the Indians in the area were peaceable, that all except a few Arapahoes under Left Hand, who was very ill, had left the fort to hunt buffalo with the permission of Major Anthony. Chivington quipped "that he would give them a lively buffalo hunt."<sup>4</sup> Combs finished his supper, and as he was leaving the room, he heard Chivington say to Major Downing, Colonel Shoup, and A. J. Gill, "Well, I long to be wading in gore."<sup>5</sup>

When the column moved out the next morning, rumors began to circulate in the ranks that Indians were nearby. The troops passed Point of Rocks and the site of the unfinished Indian agency, but they saw no Indians. That evening they encamped near Bent's Old Fort where the stage line to Santa Fe veered south from the road to Denver.<sup>6</sup>

On Sunday, November 27, a detachment of Company E of the First Regiment was dispatched to seize John Prowers's ranch at Caddoe to prevent the son-in-law of One Eye from warning the Indians at Sand Creek. The troopers disarmed Prowers and his seven ranch hands and forbade them to leave the house.<sup>7</sup> At the same time, Colonel Shoup moved on Bent's Ranch with a detachment of Company D of the Third. The men "expected a fight," but the ranch was quietly surrounded. A number of Indians were there, and they were quickly gathered up and placed under close guard.



Shoup pressed Robert Bent, one of Colonel Bent's sons, into service as a guide, and he soon departed with young Bent, Jim Beckwourth, and Duncan Kerr, leaving Lieutenant Andrew J. Pennock and the troopers to keep the Bent household under guard. William Bent made the best of the situation and invited Pennock and the sergeants to dinner, but the old plainsman was under great strain. His wife and two of his sons were at Sand Creek. At midnight, Lieutenant Swain Graham arrived with a relief party from Company G, and Pennock's men hurried to rejoin the regiment. They passed the column's campsite at daybreak. Ahead of them, the Third was already approaching Fort Lyon.<sup>8</sup> Near ten o'clock in the morning, Chivington's troops met Captain Soule's patrol.

As Soule approached the advancing troops, the Colonel's first concern was that his efforts at maintaining absolute secrecy were successful. Much to Soule's surprise, he brushed aside the usual amenities and inquired if the garrison at Lyon knew of his coming. Soule said no. Obviously pleased, Chivington asked if Indians were in the vicinity. Soule replied "that there were some Indians camped . . . below the fort, but they were not dangerous; that they were waiting to hear from General Curtis. They were considered prisoners." He said later that one of the officers remarked, "They won't be prisoners after we get there."<sup>9</sup> Chivington then rode ahead of the column into Fort Lyon. Soule remained with the regiment, virtually a prisoner and greatly perplexed by Chivington's manner, until the forces reached the post about noon.

The Thirdsters camped below the post, and pickets were placed around the fort's perimeter to prevent anyone from leaving, on penalty of

death.<sup>10</sup> The rank and file did not know what lay ahead. They knew nothing about the arrangements that Major Wynkoop and Major Anthony had made with the Indians, and Chivington did not tell them. Rumors had spread that they were after "a large body of hostile Indians" near Lyon. As far as they knew those reports were true. After months of waiting, they were ready for action, believing "that the only way to put fear into them (the Indians) was to fight them in their own way and scalp every one of them." In the camp, "the general topic of conversation was that when we got to where the Indians were we were not to take any prisoners."<sup>11</sup>

When Chivington and his staff arrived at Fort Lyon, the startled Major Anthony ushered his regimental commander into his office. Chivington wasted no time. He told Anthony that he intended to move against the Indians in the vicinity at once and invited him to join the expedition. At first, Anthony hesitated. Chivington was operating out of his district, and Major Henning had given strict instructions against expeditions not authorized at district headquarters. Still, he had informed Henning that he favored moving against the Indians as soon as enough troop arrived to make a real campaign. While he was quite willing to accompany Chivington against the Indians, he expressed his fears that any action against the Sand Creek camp that did not carry the fight to the main villages on the Smoky Hill and the Republican would only enrage the Indians and reopen the Indian attacks on the Arkansas route. Chivington assured him that he wished to pursue a sharp, vigorous campaign. Anthony expressed concern for Black Kettle, One Eye, and some others that he believed should be spared. Chivington agreed. With those

assurances, Anthony agreed to reinforce Chivington's command with the Lyon battalion. He emerged from his office to order twenty-three days' rations drawn for his battalion. Obviously, he expected to be in the field for some time. Now enthusiastic, he greeted Lieutenant Harry Richmond, Lieutenant Clark Dunn, and a few others, saying that he was "G-d d--n glad that you have come--I have got them (the Cheyennes) over on Sand Creek 'till I could send for assistance to clean them out."<sup>12</sup>

While Anthony conferred with Chivington, Soule returned to Fort Lyon where he immediately found Lieutenant Cramer and Lieutenant Horace W. Baldwin. He told them that he believed that Chivington intended to attack the Cheyennes at Sand Creek. Cramer and Baldwin admitted similar suspicions. The three of them sought out Major Anthony who confirmed the destination of the Third Regiment. Anthony told Soule that "he had only been waiting for a good chance to pitch into them." When Soule reminded him of his pledge to the Indians, he replied that Chivington had promised to spare those Indians and to make sure that the whites in the camp were saved. The expedition was to "go out the Smoky Hill and follow the Indians up," but he said that Soule would not compromise himself if he chose not to go along.<sup>13</sup>

When marching orders were issued, Lieutenant Cramer told Anthony that he would obey orders, but he added that

I did it under protest, for I believed that he directly, and all officers who had accompanied Major Wynkoop to the Smoky Hill, indirectly would perjure themselves both as officers and men; that I believed it to be murder to go out and kill this same band of Indians. . . . I told him that I thought Black Kettle and his tribe had acted in good faith; that they had saved the lives of one hundred and twenty of our men and the settlers in the Arkansas valley, and that he with his tribe could be of use to us to fight the other Indians, and that he (Black Kettle) was willing to do so.<sup>14</sup>

Anthony told Cramer that he had an understanding with Colonel Chivington "that Black Kettle and his friends should be spared; that the object of the expedition was to surround the camp and take the stolen stock and kill the Indians that had been committing depredations during the last spring and summer." Under those conditions, Cramer said that he "was perfectly willing to go."<sup>15</sup> Lieutenant James D. Cannon of the First New Mexico Volunteers expressed his fears that the expedition "would go out there and jump into the bank of Indians that we had corralled," when Anthony asked him to serve as his adjutant. He told Anthony flatly that he was "fearful that it was only of short duration, as the principal part of Colonel Chivington's command were one-hundred-days men, whose term of service had nearly expired. . . ." Anthony assured him that a campaign of "thorough, vigorous warfare" was in store, and "that we would go on to the Smoky Hill and Republican."<sup>16</sup> With those assurances, Cannon agreed to serve as adjutant.

Still dissatisfied, Cramer sought out Chivington himself. In the presence of Major Jacob Downing and Lieutenant J. S. Maynard, Cramer reiterated his opinion that an attack on Black Kettle's camp would be nothing short of murder. He stated again his feeling that the officers at Lyon were under an obligation of honor to the Indians. These statements infuriated Chivington who exclaimed that it was "right or honorable to use any means under God's heaven to kill Indians that would kill women and children, and 'damn any man that was in sympathy with Indians,' and such men as Major Wynkoop and myself had better get out of the United States service."<sup>17</sup>

Captain Soule was so upset and so vocal in this opposition to an attack on Sand Creek that his friends kept him away from Chivington. His strong views were duly reported to Chivington, however, and several officers, including Cramer and Anthony, told him that Chivington had threatened to arrest him "for language I had used that day against going out to kill those Indians on Sand Creek." Nevertheless, Soule cornered Captain Presley Talbot of the Third Regiment and gave him a note which he asked Talbot to deliver to Chivington. The captain took the letter, but later returned it to Soule unopened.<sup>18</sup>

Later that evening, Chivington and several officers gathered at the commissary, where Lieutenant Cossitt was dispensing supplies for the campaign. In the presence of Samuel Colley, Captain Samuel Cook, and others, Chivington strongly criticized Major Wynkoop's attempts to deal with the Cheyennes and Arapahoes. Lieutenant Cossitt and Lieutenant Minton defended Wynkoop vigorously to Chivington and tried "to press upon Colonel Chivington the injustice of going to attack that camp on Sand Creek." The incensed Chivington "was walking the room in a very excitable manner, and he wound up the conversation by saying, D--n any man who is in sympathy with an Indian."<sup>19</sup> As the time neared for the departure of the column, Lieutenant George H. Hardin, the commander of Company G and a veteran of the Smoky Hill expedition, approached Major Anthony and presented him with his discharge papers. He would not join the expedition.<sup>20</sup>

Watching all of this activity but discreetly remaining in the background was Lieutenant-Colonel Samuel F. Tappan. Ironically, Tappan

had arrived at Fort Lyon two days before from the East where he visited Union headquarters before Petersburg, had "a social chat" with Grant and his staff, and renewed acquaintances in Washington. After his arrival at Lyon, he had an accident while riding and broke his foot.<sup>21</sup> He was convalescing when the Third Regiment camped below the Fort. He avoided a confrontation with Chivington, but he took careful note of everything that happened.

By eight o'clock on the evening of November 28, 1864, preparations for the expedition were completed and the troops moved out with old James Beckwourth and young Robert Bent leading the way. Anthony contributed 125 men from Fort Lyon, including Company C, commanded by Lieutenant Baldwin, Company D, commanded by Captain Soule, and Company K, commanded by Lieutenant Cramer. The addition of these troops brought the striking force of the expedition to about seven hundred men. The troops were divided into five battalions, two of the First Regiment, commanded by Lieutenant Luther Wilson and Major Anthony, and three of the Third, commanded by Lieutenant Colonel Bowen, Major Sayr, and Captain Cree.<sup>22</sup>

Into the night they marched, hunkered down in their saddles against the cold. They walked, trotted, galloped, and dismounted and led, in the approved cavalry style through the dark hours. The column splashed through one of the shallow lakes north of Lyon which set off considerable grumbling that Robert Bent had led them into the water deliberately to foul their paper cartridges. In the hours before dawn the horse of one luckless Thirdster drew up lame, and horse and rider were left alone on the prairie to make their way as they could. Near

dawn, the Thirdsters, completely unaware of the character of the village they sought, grew anxious. Then they were ordered forward at a gallop, raising a considerable racket and causing troopers to remark that "this was a queer way to surprise the Indians."<sup>23</sup> At first light, the troops saw the pony herds of the Cheyennes off to the right and left of the line of march. then suddenly, they crested a ridge and deployed into line of battle with the Third Regiment flanked by the two battalions of the First. Below them, nestled in the bend of Sand Creek, were the lodges of the Cheyennes.

Ponoeohe, the Little Dried River was a ribbon of sand coursed only occasionally by a trickle of water, as it wound its way down from the high plateau east of Denver into the rolling prairie. It dipped south out of the ridge country until it confronted the sand hills and curved in a great arc east and west before dropping off to the south again. As the creek bed turned from north to east a crest of sand bluffs guarded the west and south sides, sliding quickly into a sparse stand of willows and cottonwoods now barren in the cold winds of the Freezing Moon, Hikomini. Patches of snow stood out starkly on the brown land which rose up from the north bank and trailed off beyond the horizon to a faint swell far away. Here, at the great bend of the Big Sandy, a lodge trail from near Fort Lyon crossed northeast in the direction of the Smoky Hill. Here, where ice stood on the edges of the thread of water that etched its way along the creek bed, the lodges of the Cheyennes stood white in the dawn, the smoke of cooking fires rising to announce a new day, the pony herds moving about on the bluffs to the west and on the flat prairie northeast of the village beyond the trees.

The Cheyennes were totally surprised. The camps themselves were scattered, each manhao separated from the others rather than drawn up on the traditional village circle. Left Hand, the Arapaho chief, had arrived only the night before, and his lodges were pitched unusually close to the Cheyennes.<sup>24</sup> Clearly, no thought had been given to defense. The chiefs had the word of Anthony and Wynkoop. They were camped just beyond the reservation boundary on a site approved by the Lyon commanders. So sure were they that they were safe, the Cheyennes had posted no sentries. Even the pony herds were unattended. The Kit Foxes and a few other young men were away from camp hunting buffalo as Anthony had suggested. The Cheyennes' act of faith was complete.<sup>25</sup>

Shortly before dawn on the morning of the attack a few young men went out early to check the pony herds. They saw the troops first. Quickly, they mounted and drove off a number of horses before the soldiers spotted them. Later, Jim DuBois, the hapless Thirder with the lame horse watched these men pass his position two or three miles from the village.<sup>26</sup> In the meantime, the clatter of howitzer carriages and accoutrements and the pounding of horses' hooves roused the Indians. Some women, up early and already busy with morning chores, began to shout that buffalo were coming. Then, they saw the troopers against the grey light. Old John Smith and Private David Louderback stumbled out of War Bonnet's lodge and stared unbelieving at the men on the ridge. They decided that the troops must be forces under General Blunt, and Louderback asked Jack Smith, the trader's mixed-blood son to catch him a horse so that he could ride out to see what they wanted. By then,



however, the women had run off the horses near the camp. Edmond Guerrier, the son of a French-Canadian trapper and a Cheyenne woman, hurried up to where Smith and Louderback stood. The three of them conferred briefly. Louderback then attached a handkerchief to a stick, and the three men started toward the troops. Guerrier watched as the troopers dismounted and knelt in the sand. He turned and began to run toward the northeast. Behind him, he heard the first rattle of gun fire.<sup>27</sup>

For a moment of confused uncertainty, the Indians watched the soldiers, unsure of what to do. Some of the women and children were already moving up the creek bed, walking slowly in the deep sand not knowing whether to stand or run. Even then, Black Kettle called out to the people not to run away or to be afraid but to stand with him. He took the old garrison flag which Commissioner Albert Burton Greenwood had given him in 1860, attached it to a pole, fixed a white flag beneath it, and raised the pole above his lodge.<sup>28</sup> Then, the first troops--three companies of the First Regiment under the command of Lieutenant Luther Wilson cantered across the sandy bed of the creek east of the village, then swung northwest at a gallop, cutting the Indians off from the pony herds northeast of the camp. This accomplished, Wilson's troops swung in toward the camp, drew up, dismounted, and began to fire into the village.<sup>29</sup> At the same time, Colonel Shoup ordered Captain John McCannon to take Company I of the Third Regiment and capture the horse herd southwest of the village. These horses were closer to the village, and when the Thirsters reached the point where the creek curved sharply north, warriors were already scrambling up the side of the creek in a desperate

attempt to reach the horses. McCannon's troops secured the horses, then directed fire into the village from the bluffs. His troops faced the stiffest resistance of the fight, and eventually Shoup ordered Captain O. H. P. Baxter and Company G of the Third to reinforce McCannon.<sup>30</sup>

Now, Anthony's battalion crossed the creek east of the village, slashing between Black Kettle's camp and Sand Hill's camp to the east. His troops moved with the discipline of veterans into position, but he did not open fire, saying that Colonel Chivington would have to "open the ball."<sup>31</sup> On the ridge behind Anthony's troops, Chivington ordered the Thirdsters to prepare for action. Overcoats, rations, haversacks, and other extra equipment were abandoned. With "deep feeling and agitation," Chivington exhorted his men. "Now boys," he said, "I shan't say who you shall kill, but remember our murdered women and children."<sup>32</sup> With that, the "100-dayers" dismounted and began firing in the direction of the village, over and through Anthony's exposed battalion. Lieutenant Cramer realized the danger and pointed out their exposed position to Anthony who ordered his troops west along the creek bed, while Captain Soule and Company D were dispatched along the south bank.<sup>33</sup>

This movement unsettled the men of the Third. Rumors were circulating that the First Regiment would actually take the village while the Third supported them. "This meant that we would not get into it at all," William Breakenridge recalled, "and we would still be known as the 'Bloodless Third.'"<sup>34</sup> The Indians were still crowded about Black Kettle's lodge when Lieutenant Baldwin's howitzers began to lob grape and cannister toward the village. His barrage exploded high in the air, but

the Third's battery dropped shells among the Indians. Now they began to run.

As the Indians scattered, "The left wing of the command broke to follow them. As the colonel tried to check them, the soldiers on the right started. The officers lost control over them, for the volunteers, at sight of the Indians, remembered the crimes committed by their hands and were determined to wreak vengeance."<sup>35</sup> Breakenridge agreed, recalling that "everybody broke ranks and it was a stampede through the Indian village."<sup>36</sup> After months of waiting, the men of the Third--still miners, farmers, clerks, and ranchers rather than soldiers--burst upon the village "like so many wild fellows."<sup>37</sup>

George Bent was near Black Kettle's lodge when the howitzers opened up. He remembered:

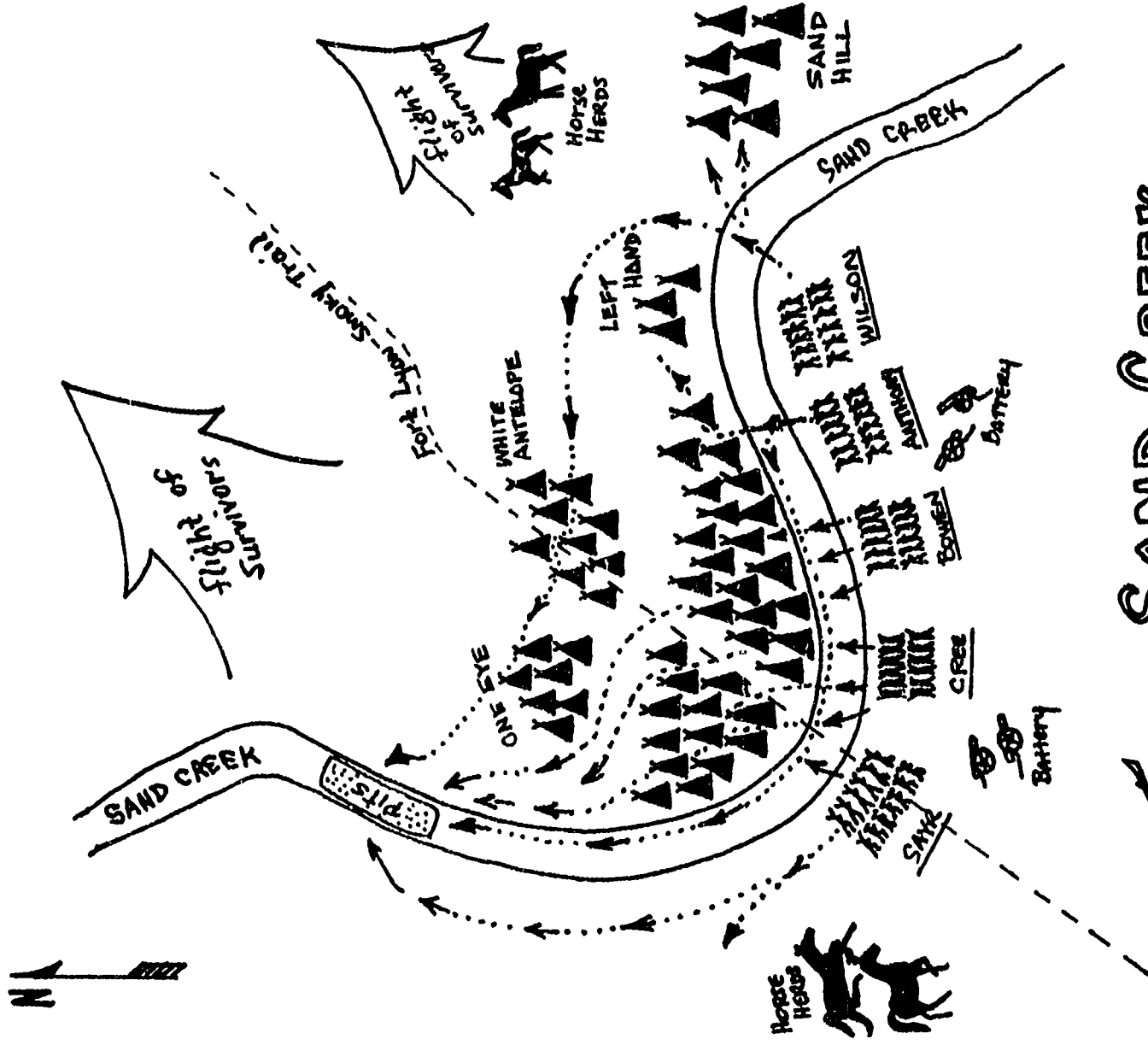
The Indians all began running, but they did not seem to know what to do or where to turn. The women and children were screaming and wailing, the men running to the lodges for their arms and shouting advice and directions to one another. I ran to my lodge and got my weapons, then rushed out and joined a passing group of middle-aged Cheyenne men. They ran toward the west away from the creek, making for the sand hills.<sup>38</sup>

Even then some of the chiefs tried to stop the attack. White Antelope ran toward the troops, his hands uplifted, crying out, "Stop! Stop!" in English. When he realized that he could do nothing to prevent the attack, he folded his arms and stood singing his death song until he was shot down.<sup>39</sup> Standing-in-the-Water and War Bonnet, the two Cheyennes who had accompanied Agent Colley to Washington the year before, fell in the early fire. Old Yellow Wolf, who had wanted the whites to teach the Cheyennes how to farm, was killed nearby. Left Hand, the Arapaho chief,

was true to his word. He stood with his arms folded in the face of the onrushing Thirdsters until a rifle ball crashed into his leg and sent him tumbling to the ground. His people lifted him up and carried him away.<sup>40</sup> Black Kettle watched until he realized that the situation was hopeless. Then, he followed his fleeing people up the bed of the creek. Behind him, his wife went down in a heap. Thinking her dead, he ran on.<sup>41</sup>

The gunfire caught John Smith in the open, and some of the troops directed their fire at him, shouting, "Kill the old son-of-a-bitch!" George Pierce, a veteran of the New Mexico campaign who was attached to Cramer's company, recognized the old man and dashed forward to carry him to safety. Pierce was shot, perhaps by the Indians, perhaps by the rifle fire from the creek bank.<sup>42</sup> Smith retreated toward War Bonnet's lodge with the dirt kicking up around him. There he and Louderback huddled between the Lodge and a trade wagon, while the bullets struck the lodgeskins like hail stones. Watt Clark, the teamster, braved the storm and climbed onto the wagon waving a buffalo hide, but the fire of the soldiers forced him to retreat to the relative safety of War Bonnet's lodge.<sup>43</sup>

The troops met little resistance in the camp itself. The main body of the Indians retreated up the creek, trying to delay the advancing troops until the women and children could get away, but the situation was hopeless. By then troops were on both sides of the creek with more moving through the village in pursuit. Little Bear recalled, "The people were all running up the creek; the soldiers sat on their horses, lined up on both banks and firing into the camps, but they soon saw that the



# The SAND CREEK MASSACRE

K. H. H. H. H.

lodges were now nearly empty, so they began to advance up the creek, firing on the fleeing people."<sup>44</sup>

Private Louderback spotted Colonel Chivington as he rode into the creek bed. He shouted to him, and Chivington told him to come out, that everything was alright, but as he started toward Chivington, troops fired upon him until the colonel ordered them to stop. Then, Chivington recognized John Smith and shouted to him, "Run here, Uncle John; you are all right." Smith ran forward, grabbing hold of Chivington's stirrup as troopers hurried past. At that point Lieutenant Baldwin came up with his battery, and Smith caught hold of a caisson, and half running, half riding, followed along with the advance up the creek.<sup>45</sup>

By then, George Bent's party had been forced back to the creek bed:

Hardly had we reached this shelter under the high bank when a company of cavalry rode up on the opposite bank and opened fire on us. We ran up on the creek with the cavalry following us, one company on each bank, keeping right after us and firing all the time. Many of the people had preceded us up the creek, and the dry bed of the stream was now a terrible sight: men, women, and children lying thickly scattered on the sand, some dead and the rest too badly wounded to move. We ran about two miles up the creek, I think, and then came to a place where the banks were very high and steep. Here a large body of Indians had stopped under the shelter of the banks and the older men and the women had dug holes or pits under the banks, in which the people were now hiding. Just as our party reached this point I was struck in the hip by a bullet and knocked down; but I managed to tumble into one of the holes and lay there among the warriors, women, and children. Here the troops kept us besieged until darkness came on. They had us surrounded and were firing in on us from both banks and from the bed of the creek above and below us; but we were pretty well sheltered in our holes and although the fire was very heavy few of us were hit.<sup>46</sup>

This fighting at the pits was particularly intense. Little Bear, who managed to survive the gauntlet of gunfire and to reach the pits had the feathers of his war bonnet completely shot away.<sup>47</sup> John Smith reached this point with the battery, testifying later, "By the time I got up with the battery to the place where these Indians were surrounded there had been some considerable firing. Four or five soldiers had been killed, some with arrows and some with bullets. The soldiers continued firing on these Indians, who numbered about a hundred, until they had almost completely destroyed them."<sup>48</sup> Still, the troops did not close in for the kill, and they eventually abandoned the scene. Both George Bent and Little Bear stated that most of the people in the pits survived.<sup>49</sup> Late in the afternoon, the Third's howitzers were brought up and fired into the pits, after which the troops assumed that the slaughter was complete.<sup>50</sup>

By the time the fighting concentrated at the pits, the main force had dwindled to scarcely two hundred men. At that point only a few of the officers had any control over their men. The units of the First stayed together, and officers like Captain Cree and Captain Nichols of the Third tried to direct their companies, but the rout had already degenerated into a riot, an uncontrolled ventilation of the hate, fear, and rage which the soldiers had stored up through all those weeks of waiting. "The company to which I belonged became disorganized early in the fight," Irving Howbert recalled, "and after that we fought in little groups wherever it seemed the most effective work could be done."<sup>51</sup>

Soon, small groups and individuals were dispersed over an area of several miles in all directions, each person or party stalking individual warriors or charging after small groups. The Cheyennes used every available means to escape or hide. Every clump of grass, every depression in the earth, every little rise became a potential battle ground. A few Indians on horse back rode the ridges in the distance, occasionally moving in closer in efforts to cut off lone troopers who wandered too far away from their fellows. Dozens of small dramas were played out as the sun mounted the November sky.

Major Cree ordered Morse Coffin and other troopers from Company D after a group of Indians running off to the northeast. They became separated, and Coffin recalled that

Those ahead of me soon overtook and killed several and as I came up Cox was scalping an Indian. A little further up were two squaws the others had left for dead, but one of them was lying face down and writhing and groaning in great agony. She also made exclamations which sounded like O! O! and in her efforts to breath the blood was expelled from a wound which must have been through the lungs. After thinking, it over for a minute or so, and believing it an act of mercy, I drew my revolver and shot her through the head. The other one was a young squaw and showed no sign of life, but as was afterward learned, <sup>52</sup>when Cox came up she was siting up looking around. He shot her.

Duncan Kerr, the scout, found the body of One Eye lying near the camp. "Some of the boys had scalped him," Kerr wrote, "but they either did not understand how to take a scalp, or their knives were very dull, for they had commenced to take the scalp off at the top of the head, and torn a strip down to the middle of the neck."<sup>53</sup> A short distance beyond, he found One Eye's wife sitting alone in a buffalo wallow:

I went up to her and laid my hand on her head. She looked up quietly, and recognizing me said; "How de do Dunk, me heap dry.



Gib me some water." I asked her in the Cheyenne language, if she was seriously hurt. She replied by throwing the blanket back and showing me a ghastly wound in her side, through which the entrails were protruding. The wound must have been caused by a fragment of a shell. I gave her a drink of water, and left my canteen. As I turned to leave, she took my hand to detain me, and begged me to shoot her with my gun. . . . But I could not do it, for I had known her a long time; a lively, sprightly, mischievous, little thing, that fairly worshipped her Chief One Eye. This is the squaw that One Eye brought into Ft. Lyon with him and was on our trip after the captives. When she saw I would not kill her she covered up her head and began singing her death song again. . . . I had not gone very far, when I met a soldier. I pointed her out to him, and told him I had just shot and wounded an Indian and had fired my last shot; that the Indian was badly wounded, and could not help himself, and I wanted him to creep up behind the Indian and shoot him in the back of he head.<sup>54</sup> The fellow crept up close behind her and shot her dead. . . .

Kerr also observed a soldier dismount from his horse and raise his rifle to shoot a fleeing Indian. Kerr remembered,

At the report of his gun, the horse ran away, when a young squaw sprang up from her hiding place, and catching the horse, held it until the soldier came up. As he approached her, she extended the bridle reins toward him, at the same time throwing up her other hand in a supplicating attitude. He grasped the rein, and pointed the carbine at her head, but it snapped, as he had not loaded it after shooting the Indian. She threw herself at his feet, embracing his limbs, and begging in piteous tones, that he would have mercy on her and spare her life. But<sup>55</sup> he coolly reloaded his gun and blew her brains out. . . .

Robert Bent, who had been pressed into service and forced to lead the troops to Sand Creek, now watched in horror as his friends and relatives were killed. He later testified, "I saw five squaws under a bank for shelter. When the troops came up to them they ran out and showed their persons to let the soldiers know they were squaws and begged

for mercy, but the soldiers shot them all." Further up the creek bed he saw "thirty or forty squaws in a hole for protection; they sent out a little girl about six years old with a white flag on a stick; she had not proceeded but a few steps when she was shot and killed. All of the squaws in that hole were afterwards killed and four or five bucks outside. The squaws offered no resistance."<sup>56</sup>

Major Anthony watched as a small child, barely old enough to walk, toddled across the sand. Anthony testified:

I saw one man get off his horse . . . and draw up his rifle and fire--he missed the child. Another man came up and said, "Let me try the son of a bitch; I can hit him." He got down off his horse, knelled down and fired at the little child, but he missed him. A third man came up and made a similar remark, and fired, and the little fellow dropped.<sup>57</sup>

And so the grim work continued into the afternoon. Not all of the Indians died unresisting. At least two men were wounded by women. Several soldiers saw one woman slash the throats of her own two children then plunge the knife into her own breast. "I never saw more bravery displayed by any set of people on the face of the earth than by these Indians," Anthony wrote to his brother after the fight. "They would charge on the whole company singly, determined to kill someone before being killed themselves. . . . We, of course, took no prisoners."<sup>58</sup>

In fact, a few prisoners were taken. John Smith's wife and his youngest child never left War Bonnet's lodge during the fight, and this tipi became a holding area closely supervised by guards. Jack Smith, old John's mixed-blood son, who had initially escaped with Edmond Guerrier, returned to the village later in the morning and gave himself up to Major

Hal Sayr. Old Jim Beckwourth took him in tow and escorted him to the lodge. Charley Bent was caught by some of the hundred-day men, who would have killed him if some of the Mexicans in Lieutenant Autobee's company had not intervened. They protected him until they were able to place him under the care of the guards at War Bonnet's tipi. Later, the wife of Charlie Windsor, who ran the sutler's store at Fort Lyon, was brought in, along with three children--two Cheyenne girls and an Arapaho boy named White Shirt--and a baby.<sup>59</sup>

Captain Soule had refused to order his men to fire, and throughout the day, his company had followed the fight, more observers than participants. Even there on the battlefield, Soule expressed his opinions of what had transpired. Chivington noted his protests, and when, at midafternoon, Major Anthony prepared to return to Fort Lyon to bring up the supply train, he ordered Soule and Company D to accompany him as escort. Anthony hoped to avoid a confrontation in this matter, but before his command departed Soule boldly approached Chivington and requested permission to take Charley Bent back to Fort Lyon. At first Chivington refused, then abruptly changed his mind and said he did not care. After that Anthony hastily departed with Soule and Bent in tow. Soule had probably saved Charley Bent's life.<sup>60</sup>

After three o'clock, the shooting became sporadic, and the troopers began to drift back toward the village. Two members of Company D of the Third rode in herding a few ponies. With them were a woman and child. They met Colonel Shoup who told them flatly, "Take no prisoners." Morse Coffin recalled, "The squaw seemed to understand the import of

the words, and without saying a word turned her back to the boys who shot them both, as they considered the Colonel's words equal to an order to kill them."<sup>61</sup> Those soldiers, and others like Coffin regarded the execution as "a tough transaction," and some soldiers took steps to avoid killing women and children. One trooper allegedly hid a small baby in a feed box, but he was later forced to abandon the child.<sup>62</sup> Another soldier was wounded while trying to rescue a baby on the sand near the pits.<sup>63</sup>

Such acts of compassion proved to be the exception rather than the rule, however. The men of the Third Regiment understood that they were not to take prisoners, and they killed men, women, and children without mercy. Lieutenant James Olney, an officer of the Lyon battalion, watched Lieutenant Harry Richmond of the Third approach several soldiers who were escorting five children and three women to the camp. Olney testified that Richmond "immediately killed and scalped the three women and five children while they (the prisoners) were screaming for mercy; while the soldiers in whose charge these prisoners were shrank back, apparently aghast."<sup>64</sup> Once the fighting was over, the troops ranged over the battlefield searching for "trophies" and scalping the dead. Even those who objected to killing women and children--men like Morse Coffin, who confessed that he "was prepared to remove any Indian's top knot found intact"--indulged freely in scalping.<sup>65</sup> William Breakenridge, the young courier from Company B of the Third, said later that he "had no conscientious scruples in regard to killing an Indian, but I did draw the line at scalping or mutilating them after they were dead." Still, he admitted

that "as far as scalps went, our boys had the best of it, for every dead Indian was scalped once, and some of them two or three times." He was squeamish about scalping, but even he traded a buffalo robe for two scalps.<sup>66</sup>

Some of the soldiers engaged in more extensive disfiguration of the bodies. They cut off ears and fingers. Someone slashed open the body of a pregnant woman and cut the unborn child from the womb. The body of White Antelope lay in the creek bed where he had fallen. Troopers scalped him until no hair remained. By the time Lieutenant-Colonel Bowen reached the body, the scalping was so complete that Bowen "cut off his ears for pocket pieces."<sup>67</sup> Later soldiers cut off the dead chief's nose and his scrotum--the latter allegedly to make a tobacco pouch.<sup>68</sup> A few soldiers cut out the privates of women and stretched them over their saddle bows or attached them to their hats.<sup>69</sup>

Occasionally, the soldiers found wounded persons or individuals feigning death. They dealt with them callously. One soldier found a man with a broken back. According to his friends, the Indian fired a shot at the soldier, whereupon the trooper said, "I will show you fellows how to kill an Indian." Then,

He sat down on the Indian and took him by the head to hold his head still; then raised the knife to cut his throat, but the Indian knocked his arm and the knife plunged into the ground beside the Indian's head. Wise drew it out and said, "Now lay still, until I cut your throat." It looks brutal in a way, but in another sense of the word it was a merciful act. The Indian was suffering excruciating pain and there was no other help for him; his people were all gone and it was only a question of time until he would die of his injury. Osborn thought, "Why not put him out of his misery?"<sup>70</sup>

On another part of the field, David C. Mansell spied a

gay headdress; all ornamented with small Mexican coins hammered out very thin, then linked together one after another to a buckskin band tied around his forehead, which formed a cluster of bangles that hung down almost to his shoulders. He also wore a queue about four feet long platted out of the shaggy mane of buffalo hair, platted into his own hair, close to the crown of his head, and a bunch of bright feathers tied to the end.

Hastily, he dismounted and straddled the fallen warrior, but when he applied a knife to the Indian's scalp, the Indian suddenly came to life and sprang to his feet while Mansell held him by the queue screaming, "Boys, shoot! Shoot! Shoot!" Mansell recalled,

The strange circus frightened our horses almost to a stampede, and the boys had not time to shoot. I held to the queue until it pulled loose from his head. He saved his scalp, and I saved the ornaments. . . . I fired two or three shots while he was running but they had no effects.<sup>71</sup>

The soldiers also rifled the contents of the tipis in the village. In them, they found grim evidence of the summer war. Clothing, photographs, bonnets, mail, canned goods, coffee and other commodities, and scalps convinced the Thirdsters that the punishment meted out that day was well deserved. They hauled out buffalo robes, moccasins, hair ornaments, parfleches, beaded shirts, leggings, arrows, and other souvenirs. Henry Mull, a soldier in Company F of the First Regiment captured the choice prize, a fine Navajo blanket taken from the corpse of White Antelope.<sup>72</sup> Some of the soldiers lay claim to captured ponies, while a party of Mexicans in Captain Baxter's company ran off sixty-six horses early in the fight and herded them directly to Charles Autobee's ranch on the Arkansas.<sup>73</sup> The troopers justified their looting on the basis of Governor Evans's August proclamation.<sup>74</sup>

By nightfall, the troopers had fallen back within the perimeter of the village. Several of the larger tipis became hospital tents where the wounded were housed. The casualties were relatively light. Eight men had been killed on the field, and forty men were wounded, two of them mortally.<sup>75</sup> Considerable excitement ran through the camp when the body of Robert McFarland was brought in, stripped, his chest ripped open, but not scalped. In fact, the Indians scalped only one man that day. He was killed early in the fight, and the scalp was dropped on the field by his slayer. That fresh scalp would prove to be very important in weeks to come.<sup>76</sup>

Mostly, the troopers relived the day's fight. They speculated on which chiefs were killed, and John L. Dailey solemnly recorded that "the leader of the party that murdered the Hungate family (was) among them."<sup>77</sup> Most of them estimated that four or five hundred Indians had perished that day. Near dark, a party of Indians on horseback carrying a flag of truce approached within a mile of the camp looking for survivors.<sup>78</sup> Eventually the soldiers bedded down, but they were kept awake by the howling of dozens of camp dogs which lurked beyond the pickets. Toward morning an edgy sentry fired his rifle and brought the camp to life. The alarm proved to be false, but the soldiers slept on their arms until daylight.<sup>79</sup>

That night, Colonel Chivington penned his first reports. His letter to General Curtis was brief:

GENERAL: In the last ten days my command has marched three hundred miles--one hundred of which the snow was two feet deep. After a march of forty miles last night, I, at daylight this morning, attacked a Cheyenne village of one hundred and thirty

lodges, from nine hundred to one thousand warriors strong. We killed chiefs Black Kettle, White Antelope, and Little Robe, and between four and five hundred other Indians; captured between four and five hundred ponies and mules. Our loss is nine killed and thirty-eight wounded. All did nobly. I think I will catch some more of them about eighty miles on Smoky Hill. We found<sup>80</sup> a white man's scalp, not more than three days old, in a lodge.

Then, he wrote a longer, more detailed report to the editor of the Rocky Mountain News. Already, Chivington seemed to be preparing a defense against the criticism which he obviously anticipated:

I will state, for the consideration of gentlemen who are opposed to fighting these red scoundrels, that I was shown by my chief surgeon the scalp of a white man taken from the lodge of one of the chiefs, which could not have been more than two or three days taken; and I could mention many more things to show how these Indians, who have been drawing government rations at Fort Lyon, are and have been acting.<sup>81</sup>

While Chivington wrote of his triumph, in the darkness beyond the camp fires of the soldiers, the survivors began to stir. White Antelope's daughter, who hid in a hollow tree trunk near the camp, watched the fires from her secret place, but she was too much afraid to venture out.<sup>82</sup> The people in the pits slipped away, helping the wounded and searching along the creek bed as far as they dared for others who might still be alive. Black Kettle found his wife shot nine times but still alive. Individuals who had burrowed into the sand quietly emerged. Together now they began the painful flight toward the Smoky Hill. As they helped each other pick their way toward the northeast, they encountered the warriors who had managed to run off some of the ponies before the fight began. The wounded were placed on horses and the trek continued until the people could go no further. In the freezing cold, they



stopped, unable to move on, afraid to build fires, and tortured by the wind. George Bent was there:

That was the worst night I ever went through. There we were on that bleak, frozen plain, without any shelter whatever and not a stick of wood to build a fire with. Most of us were wounded and half naked; even those who had time to dress when the attack came, had lost their buffalo robes and blankets during the fight. The men and women, who were not wounded worked all through the night, trying to keep the children and the wounded from freezing to death. They gathered grass by the handful, feeding little fires around which the wounded and children lay; they stripped off their own blankets and clothes to keep us warm, and some of the wounded who could not be provided with other covering were buried under piles of grass which their friends gathered, a handful at a time, and heaped up over them. . . . It was bitter cold, the wind had a full sweep over the ground on which we lay, and in spite of everything that was done, no one could keep warm. All through the night the Indians kept hallooing to attract the attention of those who had escaped from the village to the open plain and were wandering about in the dark, lost and freezing. Many who had lost wives, husbands, children, or friends, went back down the creek and crept over the battleground among the naked and mutilated bodies of the dead. Few were found alive, for the soldiers had done their work thoroughly; but now and then during that endless night some man or woman would stagger in among us, carrying some wounded person on their back.<sup>83</sup>

Finally, unable to stand the cold any longer, the survivors resumed their march. Shortly after daybreak, riders began to approach them. They were men from the camps on the Smoky Hill who had learned of the attack from those who had managed to escape early in the fighting. Now, the wounded were all mounted, clothed, and fed. They rode on all that day, finally reaching the first camp late in the afternoon. Bent recalled the scene: "Everyone was crying, even the warriors and the women and children screaming and wailing. Nearly everyone present had lost some relations or friends, and many of them in their grief were gashing themselves with their knives until the blood flowed in streams."<sup>84</sup>

Small parties of warriors retraced the steps of the survivors to the Sand Creek village, keeping safely away but carefully watching the movements of the troops. The soldiers awoke to "a scant breakfast of cold grub slightly improved by coffee made from Indian plunder."<sup>85</sup> With little to do, the troopers began to meander over the battlefield again, renewing their search for trophies. A few carelessly wandered some distance from the pickets, and the result was deadly. One of the little groups of Indians dashed in and managed to kill Francisco Medino, a private in Company C, while other Thirdsters watched helplessly. A detail of the First Colorado Cavalry chased the Indians for several miles, but they could not catch them.<sup>86</sup>

Once that excitement passed, the soldiers resumed their hunt. Major Sayr found an Indian baby still alive among the dead. Troopers watched as he pulled out his revolver and blew out the child's brains. Sayr later cut a trailer of silver medallions from the head of a dead warrior, while Lieutenant Richmond of his company cut off the fingers of the dead to get at rings.<sup>87</sup> Some of the worst atrocities were inflicted during that morning, a full day after the heat of battle had passed.

By the time John Smith rode over the scene of slaughter with Lieutenant-Colonel Bowen, Lieutenant Frank Delamar, and Sergeant Stephen Decatur that afternoon, the bodies were so badly cut up that he had trouble identifying the chiefs. He found the bodies of White Antelope, War Bonnet, Standing-in-the-Water, Yellow Wolf, Old Little Robe and One Eye. He mistakenly identified one badly disfigured body as Black Kettle.

The troops also believed that Left Hand and Notanee were among the killed, but that proved to be incorrect. Left Hand was mortally wounded, but he was carried away and died several days later in the Smoky Hill camps.<sup>88</sup>

In the afternoon, Lieutenant Clark Dunn advised Colonel Chivington that unless he gave orders preventing it, Jack Smith, the son of John Smith, would be killed. Chivington replied, "I have given my instructions; have told my men not to take any prisoners."<sup>89</sup> A short time later, a group of ten or fifteen men, including soldiers in Dunn's company, entered the tipi where the prisoners were kept and began to berate young Smith. He stood up to them, but he warned Private Louderback to get out of the lodge lest he be killed as well. Louderback hurried off toward Chivington's headquarters to try and stop them from killing Smith. Then, a trooper called John Smith outside, telling him "I am sorry to tell you, but they are going to kill your son Jack."<sup>90</sup> The old man walked away toward Chivington's tent when the report of a pistol broke the stillness. Chivington looked up at the shot and said, "Halloo, I wonder what that is?" Private Louderback angrily told Chivington that his soldiers had murdered Jack Smith. The young private was so incensed, that an officer told him to be careful what he said. Louderback turned on him:

I told him I enlisted as a soldier, and I considered my tongue my own; that I did not consider that it belonged to the government; that I thought I could use it whenever I wanted to. Sergeant Palmer, of our company, was standing near me at the time. He told me I had better go down and stay with the company, or I would get shot yet before I left the village. I told him they could have a chance to shoot me in a few days, as soon as I could go to the fort and back, as I did not have anything to shoot with now.<sup>91</sup>

The murder of Jack Smith created considerable excitement, and for a moment the safety of the other prisoners was in doubt. Only the intervention of Colonel Shoup prevented further violence. He quelled the vigilante spirit with threats of severe punishment, but neither he nor Chivington ever reprimanded anyone for the murder. The matter was played down by the officers, and when Major Anthony returned to the battlefield, he erroneously reported that Smith fell "violently ill and died before morning."<sup>92</sup> The "boys" contented themselves with dragging the body around on the prairie.<sup>93</sup>

That afternoon, Colonel Chivington ordered Lieutenant Cramer to burn the village. Shortly before dark, the Third's transportation and supplies reached the battleground, and Sergeant Blake learned of the death of his friends, Foster and McFarland.<sup>94</sup> That night, the troops slept again on their arms, but with the dawn on December 1, the regiment made preparations to depart. One or two women and two or three children were left beside the road as the column moved out. "This party was soon afterwards killed by those who brought up the rear, and who remained behind for the purpose of destroying everything which might be of service to the enemy," Coffin wrote.<sup>95</sup> Fifteen miles below the field, the column met the supply train from Fort Lyon with Major Anthony and Captain Soule, and the troops went into camp there.<sup>96</sup>

Anthony was surprised to find Chivington moving south. He had assumed that the troops would strike northeast against the Smoky Hill camps. Chivington assured him that his plans had not changed. He still

intended to go on to the Smoky Hill. First, however, he intended to clean out Little Raven's Arapahoes who were encamped on the Arkansas near Camp Wynkoop. On the following morning, Anthony departed again for Lyon with the wounded and dead. At Lyon, he hurriedly wrote district headquarters concerning Sand Creek, "the most bloody and hardfought Indian Battle that has ever occurred on these plains." He advised headquarters:

I have this day returned to Fort Lyon with the dead and wounded and shall immediately rejoin Col. Chivington's Brigade who is now moving towards the Arapahoes Camp on the Arkansas [.] [T]he direction proposed to be taken afterwards is to find the remainder of the Cheyennes on Smoky Hill and a band of Sioux reported to be in that neighborhood. The command will probably fifteen days from this be near Fort Larned.<sup>97</sup>

To Lieutenant Cannon, his adjutant, he hastily scribbled, "Am obliged to rejoin Col. Chivington's Brigade at once. Shall fight the ballance [sic] of the Arrapahoes [sic] before morning."<sup>98</sup> In the meantime, Chivington's force had moved south along Sand Creek to its junction with the Arkansas. There, scouting reports reached Chivington that the Indians lay in camp twenty miles further down the river. Sergeant Dailey recorded the result in his diary: "We broke camp at 11 at night and started for them. Reached the spot where they had been about daylight, but the bird had flown."<sup>99</sup>

That was the beginning of a fruitless search for Little Raven's people. With elements of the command moving along both sides of the river, the troops constantly received reports that the Indians were fifteen or twenty miles below them. A night march on the evening of December 5, brought them to another abandoned campsite. Said Dailey: "they had broke camp and started hurridly to the northward during the

night. The command made a short trip out on the trail, finding that they had dropped lodge poles, as if they were marching in haste."<sup>100</sup>

On December 6, the command lay in camp all day, and late in the afternoon, officers passed the word that the command would start toward Fort Lyon and Denver at first light. The work of the Third Regiment was done. Colonel Shoup and his officers expressed the opinion that the horses were so worn out that further pursuit was impossible. Chivington agreed, and on December 7, the troops began the march home.<sup>101</sup>

Major Anthony was stunned. He had always believed that he had sufficient forces at Fort Lyon to attack the village at Sand Creek. He had not done so because he believed that such an attack would be impolitic if it were not followed up by a strike against the camps on the Smoky Hill. Now the Indians had been aroused, and the troops, both the Third and the veteran companies of the First, were due to be mustered out. He rejected the notion that bad weather and exhausted stock prevented further action. He declared the weather to be "delightful for this time of the year" and all conditions favorable "for a campaign that would have been a credit to every one engaged in it if he entered it for other than selfish purposes."<sup>102</sup> He warned of fresh hostilities.

Chivington rode ahead of the regiment, paused briefly at Fort Lyon, and hurried back to Denver, leaving Shoup to bring up the Third. On December 16, he wrote a full report of his expedition for General Curtis. Once again, he claimed heavy casualties for the Indians, concluding that they "are the worst that have infested the routes on the

Platte and Arkansas Rivers during the past spring and summer. . . . On every hand the evidence was clear that no lick was struck amiss." However, Chivington also stated "that the conduct of Capt. Silas S. Soule, Company D, First Cavalry of Colorado, was at least ill-advised, he saying that he thanked God that he had killed no Indians and like expressions, proving him more in sympathy with these Indians than with the whites."<sup>103</sup>

But the conduct of Captain Soule could not detract from the glory of the moment for most Coloradans. In the sheaf of reports Chivington submitted with his own, the other officers of the Third Regiment praised the event as a great triumph. Colonel Shoup declared that "the historian will search in vain for braver deeds than were committed on that field of battle."<sup>104</sup> Lieutenant Colonel Bowen added that "the Third Regiment cannot any longer be called in Denver the bloodless Third."<sup>105</sup> Caught up in the spirit of the moment, the Rocky Mountain News fairly gushed with praise, assuring its readers that "our people may rest easy in the belief that outrages by small bands are at an end, on routes where soldiers are stationed."<sup>106</sup> The Central City Miners' Register exulted:

The good work is begun, and we hope no respite will be given to the savage for till at least four thousand of them have been killed. The true policy is to give them no quarter, but to kill male and female, old and young, that none may be left to tell the tale. We have had talk enough and now want action, just such as they have given us a sample of.<sup>107</sup>

The Black Hawk Mining Journal put aside its crusade against Evans and Chivington and praised Sand Creek, declaring, "It is impossible to exaggerate the value of this occurrence to Colorado. It is the dawn of

a new era, indeed, the rising of a new sun for the Territory.<sup>108</sup> But it was left to one of the junior officers of the Third to make the most telling and ironic observation. Captain Theodore G. Cree asserted that at Sand Creek the men of the Third Regiment had "won for themselves a name that will be remembered for ages to come."<sup>109</sup>

In the flush of his victory, Chivington requested that Curtis relieve him of command.<sup>110</sup> Two days later, on December 22, 1864, when the "Bloody Third," as the soldiers now proudly called their regiment, returned, Colonel Chivington led their triumphal march through the streets of Denver to the cheers of the citizens. But not everyone was cheering. Already rumors were spreading that Chivington's reports did not tell all. On Christmas day, Chief Justice Stephen S. Harding wrote to his wife concerning the return of the Third:

I saw day before yesterday the soldiers on their return from fighting the Indians. It was a horrible sight, with the plunder with which they were loaded and the bloody scalps which hung from their saddlehorns. Most of these were the scalps of women and papooses. The troops were received here with no demonstrations of joy--or as if anything like a victory had been achieved. The truth is these Indians were friendly Indians and no more expected to be killed than any other peaceable tribe. It is said that about 500 have been killed by these soldiers--it is a shame and <sup>111</sup>disgrace to our government that such things can be permitted.

Harding related an account of the murder of a woman at Sand Creek, as told him by a member of the First Regiment, concluding: "God grant that I may never share in any such glory at such a cost to humanity and conscience. These things have already in part been represented to the Government and I have no doubt the officers who commanded this thing to be done will suffer for it, as they should. . . ."<sup>112</sup>

That was only the beginning.



## CHAPTER XIV

### PROTEST AND RECRIMINATION

John Milton Chivington conceived and carried out the Sand Creek expedition in an atmosphere of utmost secrecy. For two weeks in late November, the Third Colorado Cavalry seemed to vanish along with the "Methodist Colonel." Chivington kept his plans from John Evans, General Connor, General Curtis, and the press. Only Colonel George L. Shoup knew his destination. Not until November 28, the day before the attack on the Cheyennes and Arapahoes, did the citizens of Denver and the other mountain communities even learn that the troops were converging on Fort Lyon. Not only did Chivington make sure that the garrison at Fort Lyon remained ignorant of his coming until he arrived, but also he did not inform the men of the regiment of their mission until the night before the attack.

This veil of secrecy was essential to Chivington's design. The citizens of Colorado, and most importantly, the men of the Third Regiment, had no knowledge of the arrangements which had been made between Major Wynkoop and Major Anthony, on the one hand, and the Cheyennes and Arapahoes, on the other. Chivington managed to keep the one group which might have aborted his plan--the officers at Fort Lyon--in the dark until they were powerless to stop him. The men of the Third, went into battle convinced that they faced a hostile force, and the citizens of the

territory, when they learned of the action at Sand Creek, assumed that the Indians deserved their fate. The newspapers of the territory applauded the Sand Creek incident as an event comparable to Harney's action on the Little Blue and Connor's victory at Bear River. "Among the brilliant feats of arms in Indian warfare," the Rocky Mountain News exulted, "the recent campaign of our Colorado Volunteers will stand in history with few rivals, and none to exceed it in final results."<sup>1</sup> Chivington appeared to be the territory's "temporal savior." The soldiers of Colorado had "once again covered themselves with glory."<sup>2</sup> Nothing in the first reports blemished this roseate perception of Sand Creek. Coloradans were confident that the Indians of the plains would sue for peace as soon as word spread among the tribes.

Even the Black Hawk Mining Journal mollified its hard line. In the days preceding the first reports of Sand Creek, the Journal found in the absence of military intelligence further evidence of the incompetence of Evans and Chivington:

The News says Gov. Evans has done all a man could do to protect the Overland Route. What has he done? What has the Commandant of the District done to that end? We defy any one to put their finger on it. All the country knows, however, what they have done to get sent to Congress. It is safe to say that they have done nothing for the last eighteen months but with a view to that end.<sup>3</sup>

When word reached the settlements that the regiment was mobilizing at Fort Lyon, the editors of the Journal had seen in the movement an invitation "to resume their pastime of throat cutting and scalping without fear of interruption."<sup>4</sup> They charged that "the March of the 3d Regiment to Ft. Lyon where there are no Indians and no troubles, where

they can do nothing but eat some contractor's hay, is a continuation of the policy which has nearly ruined us."<sup>5</sup> But when the first news of Sand Creek reached Black Hawk, Hall and Hollister somewhat grudgingly altered their view:

The people of Colorado will see renewed cause of thanksgiving that they did not send Col. Chivington to Congress since he appears to have again turned his attention to military affairs. One more such blow, as of the destroying Angel, inflicted on the Devil's own sons of the Plains, will quite reconcile us to Colonel Chivington. . . . Two more such blows will make us warm admirers of the Methodist Colonel and if by any happy chance or fortune, he should be able to inflict three more. . . the Journal will become his fast friend and will support him for any office within the gift of the people of Colorado . . . .<sup>6</sup>

In the wake of the first reports, rumors circulated freely that the army intended to make a clean sweep on the plains. Street gossip avowed that General Connor had personally ordered Chivington to strike, that General Blunt was advancing west from Fort Riley, that Colonel James H. Ford and the Second Colorado Regiment were moving against the Indians from Fort Leavenworth, that Colonel Kit Carson and his New Mexico volunteers fresh from action against the Kiowas, would cross the Arkansas and join the chase while Chivington and Shoup closed on the Sioux. Said the Journal, "we care not who gets the credit--Col. Chivington, Col. Shoup, Gen. Connor, or even Gov. Evans--some one deserves credit and they shall have it. . . . They or he, whoever it may be, has simply saved Colorado from ruin."<sup>7</sup>

Chivington's decision to halt the expedition aroused suspicions that he had abandoned the chase in order to manage reports of Sand Creek. When the Journal reported that the campaign had ended and Colonel

Chivington was enroute back to Denver, the editors could not hide their disappointment. "Of course a good excuse will easily be found, nor are we going to complain now," said the editors, but they clearly suspected some political motive in his decision.<sup>8</sup> Such reservations were quickly dispelled by the victorious return of the Third to Denver. The "bloody Thirdsters" marched up Ferry Street past the cheering crowds, around the town through Larimer, G, and Blake Streets, and almost back to Ferry before they were dismissed. The "Indians killers" crowded the bars, streets, hotels, and stores, regalling the citizens with accounts of "the great glorious victory." The News declared that "Cheyenne scalps are getting as thick here now as toads in Egypt. Every body has got one, and is anxious to get another to send east."<sup>9</sup> Before the week was out scalps festooned the bars on Lawrence Street and the enterprising troupe at the Denver Theatre produced a melodrama which utilized "numerous novel trappings, trophies of the big fight at Sand Creek." Among the "trappings" were dozens of scalps and three frightened Indian children.<sup>10</sup> The play was so well received that Denver's other theatre produced its own version of "The Battle of Sand Creek," with no apparent difficulty in finding the necessary "trophies."<sup>11</sup>

On Christmas day some of the troops celebrated "by getting drunk," and a gale swept through Denver causing considerable damage. The paymaster of the District of Colorado suffered a heart attack and died when he attempted to rescue a child who appeared to be in danger. "Pay of soldiers by this sad calamity indefinitely delayed," John Dailey recorded in his diary. On December 28, four companies of the Third were

mustered out, without pay. "Left men in bad fix, not having anything to do," Daily noted.<sup>12</sup> Now, Denver's streets were filled with men who could not "well leave--even if they had the means--until their accounts are settled up."<sup>13</sup>

The following day, the Rocky Mountain News printed a dispatch from Washington, D. C., dated December 20, 1864

The affair at Fort Lyon, Colorado, in which Colonel Chivington destroyed a large Indian village, and all its inhabitants, is to be made the subject of Congressional investigation. Letters received from high officials in Colorado say that the Indians were killed after surrendering, and that a large portion of them were women and Children.<sup>14</sup>

That "the most effective expedition against the Indians ever planned and carried out" should be made the subject of a congressional probe was incomprehensible to the majority of citizens.<sup>15</sup> "The spirit that prompted such representations is as contemptibly mean as the representations themselves are outrageously false, as every one in this country well knows," the News declared.<sup>16</sup> Sand Creek had already taken on a symbolic importance. In the public mind its violence, even its excesses, stood justified as an act of self-defense, and criticism constituted as assault on the very fabric of the community.

Curiously, even when fresh evidence began to trickle into the press which suggested that some of the criticism was justified, support scarcely wavered. Only a day after the first intimation that Sand Creek would be investigated, the Journal reported:

A good many of the Third Regiment boys are returning to their old haunts. Some of them do not scruple to say that the big battle of Sand Creek was a cold blooded massacre. If so, it must be remembered that the individual who gave the order for its commission is alone to blame for it. 'Tis the soldier's

part to obey without question, and right nobly was it done on this occasion. Many stories are<sup>17</sup> told and incidents related which are too sickening to repeat.

But the Journal did not condemn Sand Creek. "Perhaps it was wrong in the sight of Heaven, but we can only see with eyes of earth," wrote the editors. "And looking with earthly, practical eyes, we see nothing to condemn but everything to approve in the action of our troops."<sup>18</sup> Private Arthur Gipson of Company B expressed the feeling of most Thirdsters when he wrote his father that at Sand Creek he performed "only a duty which common humanity called upon me and all members of our regiment who turned out in time of need to defend out very homes against the merciless savages. . . ."<sup>19</sup> The Central City Miners' Register cut through the rheotric to proclaim that Sand Creek was justified by the "law of retaliation." Killing, scalping, and mutilating without discrimination were fully justified. Indians had to be dealt with as they fought and forced through terror to submit to a lasting peace. The rules of civilized warfare simply did not apply where Indian were concerned.<sup>20</sup>

Vindicating Sand Creek and the Third Colorado Regiment became a matter of territorial honor, but to make the case for Sand Creek, its supporters had to prove that the Indians there were hostile. The News claimed that "It is unquestioned and undenied that the site of the Sand Creek battle was the rendezvous of the thieving and marauding bands of savages who roamed this country last summer and fall." Ney Byers charged that the "confessed murderers of the Hungate family . . . fell in the Sand Creek battle."<sup>21</sup> If these things were true, the case was made, and Sand Creek's critics could be dismissed as misguided or self-serving men.

The newspapers suspected that the "high officials" were the political enemies of Evans and Chivington, anyway, and they rationalized the motives of the culprits accordingly. "Unfortunately, Colorado is saddled with a lot of uneasy spirits . . . who would drag her down to hell, if by so doing they could further their own political ambition or put money in their pockets," said the News. "They will take desperate chances upon forever damning themselves, to work a temporary injury to those who differ with them upon questions of public policy."<sup>22</sup>

The rhetoric was familiar--and predictable--but, from the beginning, the effort to unmask the critics of Sand Creek took on an ugly aspect. In Denver, ex-Thirdsters threatened to "go for" the high officials although they had not been identified. Some suspected Colonel Samuel F. Tappan, and a few idle veterans of the campaign threatened to lynch him.<sup>23</sup> As additional dispatches reached Colorado from the east, the editor of the Central City Miners Register offered a reward of one hundred dollars to the "gentleman in high position" responsible for a report to the Chicago Tribune denouncing the Sand Creek affair, if he would only identify himself. The editor added that outraged citizens were threatening to raise "a bounty of five hundred dollars for his scalp," and expressed confidence that the sum could be raised "in less than twenty minutes."<sup>24</sup>

Yet, the criticism persisted, jeopardizing, in the minds of many citizens, the public safety and economic interests of the territory. Of all the charges, the most damaging allegation, and the one most difficult to refute, was the assertion that the attack violated pledges made to the

Cheyennes and Arapahoes by Major Wynkoop and Major Anthony. Herein lay the ultimate irony of Chivington's insistence upon secrecy during the campaign. He knew that arrangements existed even before he left Denver, but the facts were not disclosed. Only the vaguest reports ever reached the press, and most citizens were totally ignorant of the events of Fort Lyon from the time the Camp Weld Conference adjourned until the Third Regiment fell upon Black Kettle's village.<sup>25</sup> The eager participation of the men of the Third in the attack and the enthusiastic response of the citizens to news of Sand Creek, rendered acceptance of the facts impossible without admitting that a tragic wrong had been inflicted upon the Cheyennes and Arapahoes.

The Journal managed to sidestep the issue; it simply withheld judgment on Chivington's conduct. If the charges proved true, Chivington, not the rank and file of the regiment, was to blame.<sup>26</sup> For the political supporters of Chivington, the problem was more difficult, and they resolved it with the suggestion that something sinister had occurred at Lyon before the attack. Since the Indians at Sand Creek were obviously hostile, the News reasoned, an investigation should be launched to determine who was "making money by keeping these Indians under the sheltering protection of Fort Lyon and who was interested in systematically representing that the Indians were friendly and wanted peace."<sup>27</sup> In essence, the News charged that someone at Lyon was working in complicity with the Indians. Private Gipson articulated the popular view: "There is undoubtably something deep at Fort Lyon which if stirred much may be brought to light through this investigation, which will cause a sensation."<sup>28</sup>



While Coloradans grappled with the problem, criticism of Sand Creek mounted. The United States Senate voted to withhold the pay of the officers and men of the the Third until an investigation could be made into the facts. The House of Representatives asked the powerful Joint Committee on the Conduct of the War to investigate the incident. Indian troubles flared again on both the Platte and Arkansas routes, demolishing the notion the Sand Creek had broken the power of the hostiles and would lead to the immediate capitulation of the tribes. Efforts to defuse the controversy had failed. The victory had turned sour, and Coloradans wanted to know who was responsible.

Local editorial writers, the politicians, and the veterans of Sand Creek thought they knew, and they did know enough to identify most of the principal actors even if they did play loose with the facts and speculate needlessly about the motives of the "high officials" and "jealous officers" who authored the Sand Creek controversy. Politics, jealousy, and corruption doubtlessly played roles in the "Fort Lyon Affair," but the roots of the controversy were more complex than they imagined--or dared admit. Chivington's enemies had been patient, and the moment was more satisfying because they had caught him on an issue of real substance.

The reaction began even before the fight occurred, on the road west of Lyon when Silas Soule first saw the sky-blue column descending on the fort. He sensed then a kind of betrayal. His mounting anger against Chivington reflected his own disappointment and his fear that the letters which he had written so faithfully to his regimental commander had

provided the seed of this expedition. Already, he felt used, used at Camp Weld, used since Weld in those open-faced letters. At Lyon, Chivington found an officer corps surprisingly united. He knew that they had been badly divided, some almost mutinous, and dissatisfied with conditions there, but now they stood together against him. He was shocked by their boldness, angered by their insubordination. They were enraged that he would disregard their efforts to affect a peace. They went to Sand Creek grudgingly, under protest, and only after Major Anthony assured them that One Eye, Black Kettle, White Antelope, Left Hand, and their friends would be protected from harm, only after Anthony insisted that the hostile camps to the north were the real targets of the expedition. The attack at Sand Creek appalled them and angered them because they saw it as a betrayal of promises made to Black Kettle and to them. When Chivington broke off the campaign abruptly, they were convinced that Chivington had never intended to go beyond Black Kettle's camp. At that point, even Major Anthony reacted angrily. His support, in the first place, rested upon Chivington's assurances that he would press the attack against the Sioux on the Smoky Hill. Anthony lacked the sense of obligation to the Indians which most of the officers there felt, but he recognized the consequences of half-solutions. He, too, felt betrayed.

Even before Chivington returned to Fort Lyon, Samuel Colley, the Indian Agent, his son, Dexter, and old John Smith lay their own plans to expose Sand Creek as an atrocity. Agent Colley, who had done so little for his charges had belatedly developed a concern for them. He recog-

nized that his record in Colorado was on the line. His son was the licensed trader to the Cheyennes and Arapahoes, and his goods had been carried off as plunder. He was also suspected of conspiring with his father to sell Indian annuities to the tribes as trade goods. John Smith was a partner with Dexter Colley in the trading operation, but he carried a special bitterness toward Chivington because of the murder of his son. The wounded Captain Presley Talbot overheard Sam Colley reading a letter he had written to Commissioner Dole denouncing Sand Creek. He also testified that John Smith told him "that the eastern papers would be filled with letters from that post," and "that he would be avenged by using every effort with the department possible." Talbot claimed that Smith expected to make \$25,000 out of the affair.<sup>29</sup>

When Chivington reached Fort Lyon enroute to Denver, he further alienated the officers. According to those present, he "strutted about like a cock turkey, big in his conceit," exclaiming that "this will give me the command of a brigade." Tappan, Chivington's old enemy, who was still at Lyon recuperating from his riding accident, recorded in his diary that Chivington bowed right and left, shouting "in a voice of thunder" to imaginary figures, "Good morning Kit Carson! How are you General Harney. . . . it dont [sic] take me six months to find indians [sic]." <sup>30</sup> George Thompson, a cattle dealer, purchased fifteen captured Indian ponies directly from Chivington at \$35 each before the colonel departed for Denver.<sup>31</sup>

By then, someone at Lyon, possibly several persons, had already sent word to Denver that the Sand Creek victory was tainted. The first

dispatches announcing Sand Creek reached Denver on December 7.<sup>32</sup> Two days later Stephen Selwyn Harding penned a letter to John W. Wright, Governor Evans's old nemesis. Wright and Harding were acquainted. Both were from Indiana, and Harding's son had gone to the Sand Creek reserve with Wright in 1863 when the surveying controversy arose. In late 1864, Wright was in Washington, up to his ears in railroad schemes and land speculation. Most importantly, he was close to John Palmer Usher. Harding warned him to beware of the reports circulating about the Indian fight near Fort Lyon:

The truth will doubtless show that the attack on the defenseless savages was one of the most monstrous in history. The Indians claimed to be quiet and at peace, yet the command pitched into a village of lodges, and the most of these victims were women and papooses. None were spared. All were killed who could not escape. These Indians, I am assured, molested no travelers who passed among them. The most of them had given up their firearms before the attack was made. If such is military glory, God deliver me from all such. Yet this man, Col. Chivington, will attempt to make reputation as a military commander out of this massacre, which should cause a shudder of horror through the whole country, if it shall prove true, as I have no doubt will appear in good time.<sup>33</sup>

On December 10, when the Third Regiment reached Fort Lyon "loaded down with buffalo robes, scalps, strings of silver dollars, &c.--plunder of the Indian fight," the officers at Lyon agreed that "Chivington ought to be prosecuted, and that, when the facts got to Washington, he was liable to by."<sup>34</sup> Lieutenant Cramer marched as far as Bent's Ranch with the Third, and there he told Captain Theodore G. Cree that "Colonel Chivington was working for . . . a brigadier general's commission, and that he did not care how many lives he lost in getting it." Cramer told Cree that he and others he did not name were determined

to "crush" Chivington if they could. "He said," Cree later testified, "he thought they could make a massacre out of Sand Creek. . . ."35

The officers at Lyon lacked the connections to precipitate quick action. Most of them were former miners, farmers, or clerks, who had joined the army because of the Civil War and had risen through the ranks. For this reason, Samuel F. Tappan became the catalyst for their efforts. Tappan had important contacts in Washington and other eastern cities. Charles Sumner, Samuel G. Pomeroy, Orville Browning, James Harlan, Edwin M. Stanton (who was related to his family), and the abolitionist hierarchy in Massachusetts and New York were acquaintances from his anti-slavery days in Kansas. Moreover, during his recent visit to Washington, Tappan had been briefly attached to Grant's headquarters at City Point, and there he cultivated the friendship of Colonel Orville Babcock, Grant's adjutant. Immediately after Sand Creek, Tappan wrote Babcock "what had transpired, and the consequences likely to follow."<sup>36</sup> It was the first of many letters that Tappan and the other officers at Fort Lyon wrote to persons prominent in public affairs.

Not the least of their contacts was General John P. Slough, the former commander of the First Colorado Volunteers. Since his resignation after Glorieta, he had fared well. As military governor at Alexandria, Virginia, he guarded the southern entrance to Washington and by rail was only ten minutes from the capitol. Although nominally a Democrat, Slough was "sound" on the issues of the war from the Republican view, and he had acquired influential friends in Washington, including Benjamin Franklin Wade and Secretary of War Stanton.<sup>37</sup> Tappan had noted these connections

when he visited Slough in October. He now realized that Slough, believing that Chivington had plotted to murder him in 1862, would be a willing ally.

On December 11, the day after the Third left Fort Lyon, an unidentified officer, probably Tappan, wrote Slough, expressing the hope that the letter would "counteract any good impression that may have been made in Washington by the report of Chiv's pretended fight with the Indians . . . ." The officer briefly recounted events from the Smoky Hill expedition to the Sand Creek attack where Chivington's troops "butchered about 200. 40 warriors the balance Squaws and papooses." He assured Slough that five hundred men would corroborate his story."<sup>38</sup>

Lieutenant Cramer also wrote a detailed report of events at Fort Lyon since Anthony took command to Major Wynkoop at Fort Riley. In the letter he told Wynkoop that he was preparing a detailed report for General Slough.<sup>39</sup>

Samuel Colley penned several letters protesting Sand Creek. He sent letters to Commissioner Dole, Secretary of the Interior Usher, and Senator James Rood Doolittle, chairman of the Senate Indian Affairs Committee. "I was in hopes," Colley wrote Senator Doolittle, that

Our Indian troubles were over. I had two hundred and fifty lodges near this place under my protection and that of Fort Lyon. All the chiefs were in camp and doing all they could to protect the whites and keep the peace, when Colonel Chivington marched from Denver, surprised the village, killed one half of them, all the women and children, and then returned to Denver. Few if any whites can now live if an Indian can kill them.<sup>40</sup>

Colley's letter was not completely accurate, but he touched on distressingly hard fact when he suggested that the Indians were again

menacing the overland routes. On December 14, Captain Henry Booth, inspector for the District of the Upper Arkansas, reported to headquarters that travel was hazardous for the first time in weeks between Larned and Lyon. He reported news of the Sand Creek affair, noting, "These Indians were those who have been encamped around Ft. Lyon for some time past." He stated further, "The Indians will no doubt be exasperated by the late action at Fort Lyon and we have reason to suppose will harrass the travel on the Road more than ever. . . . [I]f any way can be found by which a sufficient Escort can be procured, I shall proceed to Fort Lyon without delay."<sup>41</sup>

Jesse Henry Leavenworth was south of Larned looking for the Kiowas and Comanches when he learned about Sand Creek. He hastily abandoned his search, returned to Larned, and angrily wrote Commissioner Dole that Chivington had destroyed almost all of the chiefs "who had remained true to the whites." He warned that those who survived would have no influence with the tribes. Nothing could be done to prevent increased hostilities, he said, unless the Indian Office "takes the matter up in earnest and demands that the parties who were the cause of this wicked treatment of the Indians be powerfully dealt with."<sup>42</sup>

From a military point of view, Chivington's error was increasingly apparent. He had succeeded in arousing the few Indians disposed toward peace and reopened hostilities during a time of the year when Indians were not inclined to fight. These were the consequences that Connor had warned Chivington about and the reasons which prompted Anthony to object to any action short of a major campaign. To make matters

worse, not only was the Third Regiment's time up (over half the regiment had served a hundred days before Sand Creek), but also December brought the end of the First Colorado Cavalry's enlistment period, and throughout the month units of the First arrived in Denver to be mustered out. Troop strength fell rapidly at Camp Fillmore, Fort Lyon, Fort Larned, and Fort Zarah. On December 16, Anthony expressed his views to district headquarters:

I am now of the same opinion that I was when reporting on the 25th November. I then thought that it would not be policy to fight these Indians who were suing for peace until there was a force sufficient to penetrate into their stronghold on the "Smoky Hill" and follow them up until they were completely humbled. . . .<sup>43</sup>

Anthony said that at any time from the time he took command until the day Chivington arrived, he could have annihilated the Indians at Sand Creek. He did not because he feared the consequences of an isolated attack. Conditions were now worse than before the arrival of Colonel Chivington. He criticized Chivington severely for not pursuing the Indians when he had the chance. Privately, he was even less restrained. Bitterly, he wrote his brother:

I have been quite busy for a few days past; have had a funeral each day for three days past of men who lost their lives by the most miserable management that ever was known upon a battlefield. . . . Any one not desiring to make himself Brigadier General could have gone to that "peaceable Indian camp" with 200 men & killed the last Indian there, without losing in killed & wounded ten persons. I am inclined to think the Colonel dared not risk a longer trip into the hostile Indian country for fear he could not get promoted before reports in detail were published, showing his foolish action in that affair. One thing is certain: We here feel wronged by his action; he has whipped the only peaceable Indians in the country (which I wanted him to do if he would go further) he has, after having got almost within sight of other Indians, turned back with the largest & best outfitted command that ever went against Indians in this locality while everything was favorable.<sup>43</sup>



Captain Silas Soule objected to Sand Creek on simpler grounds. Anthony kept him in the field on an extended scouting expedition until mid-December, well after the Third Regiment had left for Denver. But on December 18, he penned a somber letter to his mother:

The day you wrote I was present at a Massacre of three hundred Indians mostly women and children. It was a horrible [sic] scene and I would not let my Company fire. They were friendly and some of our soldiers were in their Camp at the time trading. It looked too hard for me to see little Children on their knees begging for their lives, have their brains beat out like dogs. It was a Regiment [sic] of 100 days men who accomplished the noble deed. Some of the Indians fought when they saw no chance of escape and killed twelve and wounded forty of our men.<sup>44</sup>

Edward W. Wynkoop did not learn about the massacre for weeks after the attack. When he reported to Major Henning at district headquarters and took command of Fort Riley early in December, he still believed that he could salvage the experiment at Fort Lyon. Henning passed on to departmental headquarters the letters of support which Wynkoop carried from the officers at Lyon and the citizens of the Arkansas valley, but Wynkoop wanted to make his case in person. He requested permission to proceed to Fort Leavenworth for the purpose of explaining his conduct directly to Curtis. The general granted him an interview, and Wynkoop hastened to Fort Leavenworth. Curtis was cool at first, but when Wynkoop began to explain his actions, the general interrupted him to say that he censured him "not for the course I had adopted particularly, but for committing an unmilitary act by leaving my district without orders and proceeding to Denver City with the Indian chiefs and white captives to the governor of Colorado instead of coming to himself, and asked what explanation I had to make."<sup>45</sup> Wynkoop admitted his error

in going to Denver, but he defended his decision on the basis of distances, Evans's role as superintendent of Indian affairs, and the isolation of Fort Lyon. He left Fort Leavenworth convinced that he would soon be fully vindicated and hopeful that the peace could still be arranged. At Riley, however, Henning showed him copies of Chivington's reports and the first dispatch from Major Anthony. Wynkoop went "wild with rage" at the news. Then, Cramer's letter arrived. Cramer told him what had happened and explained that he intended to write General Slough. Wynkoop immediately copied Cramer's letter and mailed it along with a letter of his own to Delegate Bennet.<sup>46</sup> He was powerless to do more. Later, Anthony's second dispatch arrived at district headquarters, word reached Riley that Indian troubles were increasing, and General James Ford, Second Colorado Cavalry, took command of the district. On December 31, Ford ordered Wynkoop back to Lyon to take command and to investigate the Chivington affair.<sup>47</sup>

On New Year's day, a small detachment of the First Colorado Cavalry once again descended the bluffs above the Big Bend of Sand Creek, crossed the creek bed, and drew up amid the remains of Black Kettle's village. Soule walked over the field with Captain Booth, the district inspector. Sixty-nine dead Indians were still on the field, three-fourths of them women and children.<sup>48</sup> When the party returned to Lyon, Booth left immediately for Fort Riley to make his report in person to Ford. Soule wrote his mother:

There were not more than one hundred and thirty killed but most of them were women and children and all of them scalped. I hope the authorities will investigate the killing of these Indians and I think they will be apt to hoist some of these

high officials. I would not fire on the Indians with my Co. and the Col. said he would have me cashiered but he is out of the service before me and I think I shand better than he does in regard to his great Indian fight.<sup>49</sup>

Thus, the wheels of retribution were turning even before the Third reached Denver on December 22. The political enemies of Chivington and Evans were prompt to listen to the accounts of veterans of the First Regiment reporting to Denver in advance of the Third, and when the Third arrived, Harding, Browne, U. S. Marshal Hunt, and others probed for more information. Private Hugh Melrose of Captain Baxter's company told Hunt that the boys who enlisted from the Arkansas valley decried "the whole transaction as being very badly managed, and very murderous." Other troopers from that part of the territory confirmed Melrose's statement. "They made no secret in telling what had been done," Hunt later testified, "but they made no boast of it at all. They said they were heartily ashamed of it."<sup>50</sup> The troopers told him that they did not know what Indians they had fought until the fight was over, and then they learned who they were from the white men who were in the village when the attack began. Hunt also interviewed Jim Beckwourth. Afterwards, he wrote a letter to Congressman Bennet.<sup>51</sup> Judge Harding also talked with the veterans. He wrote his wife: "I do not know whenever I was more horror stricken at a tale of blood. . . ."<sup>52</sup>

By then, the first reports of Sand Creek had reached the eastern newspapers, and on December 26, Harding's letter to John Wright appeared anonymously in the New York Herald.<sup>53</sup> The next day, the Washington Star picked up the article, and the Colorado press learned of the report from the Star.<sup>54</sup> On December 29, the story broke in Denver, unleashing the

excited speculation concerning the identity of the "gentleman in high position." While the quest to flush out the offending official gained momentum in Colorado, the Auburn, New York Advertiser & Union identified Harding. Auburn was the home of Benjamin F. Hall, Harding's predecessor as chief justice of Colorado. He had left Colorado at odds with Governor Evans and the Union Administration Party. He was close to William H. Seward, deeply involved in patronage politics, and anxious to find a new position for himself. He coupled his revelation about Harding with a broadside against Colonel Chivington: "He is low and brutal enough to believe that an Indian has no right to live and ought to be exterminated. No philanthropic impulse, sentiment, or idea ever entered into his composition. He openly declares all the Indians in the West ought to be 'cleaned out.'"<sup>55</sup>

The following day the Advertiser reported that Hall and Harding had "recently conferred" and had agreed that Chivington "was getting up this Indian fuss without any adequate cause, merely to keep up [Thomas] Pollock's [his son-in-law] exorbitant contracts for supplies in that quarter. . . ."<sup>56</sup> Early in January, the Washington Daily National Intelligencer published a communique from one "M" which also identified Harding as the prime mover in the controversy.<sup>57</sup>

Ironically, the Colorado press did not learn of these disclosures for nearly a month because Indian attacks on the Platte route stalled the mails and interrupted telegraph service. In the interim, the papers at Denver and Central City probed for the identity of the "high officials" responsible for the uproar. In mid-January, in a move that

ostensibly had no connection with Sand Creek, the territorial legislature ordered an investigation of charges against the territory's executive, judicial, and administrative officers.<sup>58</sup> Significantly, however, in reporting the investigation, the newspapers roundly denounced Chief Justice Harding and U. S. Attorney Browne for spreading "infamous lies" about Sand Creek.<sup>59</sup>

Even before suspicions were confirmed, old charges against Harding were revived. On January 30, the News fingered Harding and reprinted one of the Advertiser articles. In the face of editorial condemnation, Harding tried to defend himself, denying that he knew or had ever corresponded with Hall. He also denied that he had corresponded with any government official on the subject of Sand Creek. He did not say that he had written no one, however, and the Chivington supporters rode the issue hard. They had found a scapegoat. Harding was pressured, threatened, and eventually forced to resign.<sup>60</sup>

While Coloradans rationalized the controversy as the product of a political conspiracy, the barrage of pressure from various sources pushed the federal government into action. On January 9, 1865, Senator Doolittle requested that the matter of Sand Creek be referred to the Indian Affairs Committee for further study.<sup>61</sup> The following day, Godlove Orth, the congressman from Harding's home district in Indiana, introduced a resolution that the Joint Committee on the Conduct of the War investigate Sand Creek.<sup>62</sup> Three days later, after a lengthy debate, the Senate passed a joint resolution withholding the pay of the officers and men of the Third Colorado Regiment until further investigations could be made.<sup>63</sup>

Several senators were under pressure to promote an investigation, even Senator Pomeroy of Kansas who was reluctant to accept the pending measure. Senators James Harlan of Iowa and Doolittle of Wisconsin led the fight for the resolution, while Pomeroy and J. W. NeSmith of Oregon argued against the bill on the basis that it was punishment without prior proof of guilt. Doolittle and Harlan replied that it was not punishment, merely a delay until the facts could be ascertained, while Charles Sumner flatly opined that "exceptional crimes require exceptional remedies. Here is an exceptional crime; one of the most atrocious in the history of our country. There must be an exceptional remedy to a certain extent commensurate with the exceptional character of the crime." Sumner's stance jeopardized the resolution momentarily and brought immediate disclaimers from Harlan and Doolittle that such was the purpose of the resolution. It passed without amendment.<sup>64</sup>

Hiram Pitt Bennet hoped to speak on the subject of Sand Creek when the Senate resolution came before the House of Representatives. He and Governor Evans were still at odds over mining legislation, and his sympathy for the Indians' plight was supplemented by the frantic advices of Jerome B. Chafee, representative of Colorado's big mining interests, that the Chivington affair had so inflamed the situation in Colorado that production was sharply declining because of the inability to obtain equipment.<sup>65</sup> Similar complaints came from the Overland Stage Company. In mid-January, Bennet and George K. Otis of the Overland visited Grant at City Point. The general had already learned of Sand Creek through

Tappan's letter to Babcock, and he and General John A. Rawlins concurred "in damning Sand Creek as infamous."<sup>66</sup> Returning to Washington, Bennet enlisted the aid of General Slough. He asked Slough to provide a copy of Cramer's report. "I propose to show Chivington in his true Colors to the country," he wrote Slough, "and place the great responsibility of that Massacre upon him, and so far as I can relieve the common soldier and the citizen of the Territory of all blame in the transaction."<sup>67</sup> His plans were stymied, however, when the House tabled the resolution without debate.<sup>68</sup>

The public outcry over Sand Creek greatly embarrassed John Evans who was still in Washington when the controversy broke. He had been unaware of Chivington's plans, and news of the attack stunned him. His mission to secure a major campaign against the hostiles seemed to be producing the results he desired when the story first appeared in the press. Both Dole and Usher had endorsed his plan in principle. In an interview with the editor of a prominent Methodist publication, Evans had said that all of Colorado's Indians were hostile "except one little band of friendlies down at Fort Lyon, who were faithful to the government."<sup>69</sup> On December 20, 1864, when the papers published the initial reports of the encounter, he had just sent a request to the Secretary of War asking for arms to supply the Colorado militia.<sup>70</sup> Although Senator Pomeroy stated on the floor of the Senate that Evans "endorsed the act" of Colonel Chivington, Evans tried to avoid public statements on the subject. To the Washington Chronicle, he "declined to express either approval or disapproval, until the facts shall be ascertained," but he

did complain to Curtis that "the excitement in reference to Colonel Chivington's attack" interfered with his efforts to promote a winter campaign.<sup>71</sup> Now, government officials backed off and reacted more cautiously to his requests.

The senatorial debate provided an opportunity for John W. Wright to attack his old enemy. He issued a pamphlet in late January, purporting to deal with the massacre, but actually directed toward Evans's role in the Indian affairs of Colorado. Wright charged that Evans had created the atmosphere which produced Sand Creek with his misguided Indian policy. He emphasized the governor's August proclamation authorizing citizens to kill hostile Indians and to seize property belonging to them. The proclamation was, in Wright's words, "a permit to enter the village at Fort Lyon and do as Chivington did." Although clearly a political tract, written by one with a vested interest and a personal animosity toward Evans, the arguments he presented successfully drew the governor into the controversy.<sup>72</sup>

Yet, Evans, as much as his critics, had politicized the atmosphere. His mission when he left Denver in November was not merely to defend his record as governor or even to plead for a winter campaign against the hostiles. He also hoped to recoup the damage done by the statehood fiasco and counter the activities of his political enemies in Colorado. Patronage politics consumed much of his time that winter. He promoted the appointment of Senator James Harlan (who had worked to have him appointed governor) to the position of Secretary of the Interior, although John Palmer Usher, Wright's mentor, still held the post.<sup>73</sup>



Evans also gathered support from such influential patronage mongers as Harlan, James M. Ashley, Chairman of the House Committee on Territories, James Rood Doolittle, Chairman of the Committee on Indian Affairs, and Bishop Matthew Simpson, the great promotor of Methodist appointments, to oust the federal officers in Colorado who had not supported statehood and to neutralize the influence of Allan A. Bradford the new delegate to Congress. His progress was interrupted when the Sand Creek controversy and Wright's pamphlet wrinkled more than a few brows in administration circles. When other Coloradans, notably Hiram Pitt Bennet, Jerome Chaffee, and George Otis, added their voices to those calling for an investigation, the governor's embarrassment mounted.

Early in March, Evans called upon President Lincoln, and with the aid of Ashley, presented his case. Apparently, he won the president's confidence. Evans and Ashley then requested that those individuals who had opposed "the Union ticket and statehood" in Colorado be removed from office. On March 6, Evans wrote a series of letters to the President requesting the removal of the "disloyal" federal officers. Ashley followed up the meeting with a letter approving the governor's recommendations.<sup>74</sup> But Evans continued to face stiff opposition, and as the Joint Committee on the Conduct of the War made preparations for its investigation of Sand Creek, rumors spread that Evans's enemies had the ear of a member of the committee.<sup>75</sup>

The same pressures that prodded Congress into action simultaneously precipitated activity on the part of the War Department. General Slough forwarded extracts from the correspondence he had received to the

Secretary of War on December 31, 1864.<sup>76</sup> On January 12, Bennet forwarded Chaffee's letter to General Halleck, who immediately ordered General Curtis to investigate.<sup>77</sup> Curtis doubted the validity of the charges against Chivington, but he could not ignore them. If they were true, Chivington was guilty of violating Curtis's specific orders forbidding the killing of women and children.<sup>78</sup> He made his position on that question emphatically clear to Governor Evans in January, when he declared, "I abominate the extermination of women and children."<sup>79</sup> At the same time, Curtis recognized that "the popular cry of settlers and soldiers on the frontier favors an indiscriminate slaughter, which is very difficult to restrain."<sup>80</sup> Consequently, he was reluctant to make a major issue of Sand Creek, particularly in view of his own belief that the incident did not materially alter the Indian situation in his department. Nevertheless, he complied with Halleck's order. "I suppose a commission of officers better be ordered," he advised Colonel Thomas Moonlight, the new commander of the District of Colorado, adding that

If the Colonel did attack that camp, knowing it to be under the instructions of the commander at Lyon, or the Indian agent, he committed a grave error, and may have very much embarrassed our Indian affairs. But I have written General Halleck that such reports must be taken with great allowances.<sup>81</sup>

Curtis believed that the Indians were at Lyon under an "erroneous supposition of the commanding officer at Lyon, that he could make a 'city of refuge' at such a point." Curtis felt that the commander exceeded his authority in doing so, but that the arrangement "should have been respected, and any violation of known arrangements of that sort should be severely rebuked." Curtis feared that the attack was "a kind

of betrayal," but remained suspicious that the Sand Creek furor was created by traders and others "down on Chivington."<sup>82</sup>

By then, Major Wynkoop was already enroute to Lyon to begin a preliminary investigation of Sand Creek.<sup>83</sup> He arrived at Fort Lyon on January 14, and began his inquiry the following day. Wynkoop was a poor choice for the assignment. Involved with the personalities and policies associated with Sand Creek, he could not be a dispassionate observer. He felt himself responsible for what had happened. His effort to bring about a peace provided Chivington with his target and gave false security to the Indians. If the peace were lost, he held himself at fault. Despite a desire to carry out his duties in a responsible manner, in his own defense and as a matter of conscience and of policy, he could view the attack in no other light than as a horrible massacre. For him Sand Creek was a moral wrong that nothing could justify. And perhaps more importantly, Wynkoop deemed it to be his responsibility to right that wrong.<sup>84</sup>

Cramer and Soule had departed for Denver to muster out their companies before Wynkoop reached Lyon.<sup>85</sup> Lieutenant Baldwin was at Fort Zarah in Kansas commanding the battery there.<sup>86</sup> But others testified. Wynkoop talked to many soldiers and officers and took affidavits from a few. On January 16, he wrote his report, a scathing and emotional denunciation of Sand Creek and Colonel Chivington. He began with a factual review of events leading to the massacre, but when he reached Sand Creek in his report, his bitterness gained control:

Women and children were killed and scalped, children shot at their mothers' breasts, and all the bodies mutilated in the

most horrible manner. Numerous eye witnesses have described scenes to me, coming under the eye of Colonel Chivington, of the most disgusting and horrible character. The dead bodies of females profaned in such a manner that the record is sickening. Col. J. M. Chivington<sup>87</sup> all the time inciting his troops to these diabolical outrages.

Wynkoop described Chivington as an "inhuman monster." He concluded that the officers and men at Fort Lyon "unanimously agree that all the statements I have made in this report are correct."<sup>88</sup>

As a dispassionate analysis of the Sand Creek affair, the Wynkoops report had little value, but as a thoroughly personal document the report reflected Wynkoop's bitter anger and revealed how deeply the massacre had affected him. Wynkoop's outraged tone also compelled attention from both military and civilian authorities. The report would appear in all of the official investigations of Sand Creek.<sup>89</sup>

A few days after Wynkoop returned to Lyon, Major Scott J. Anthony resigned his commission "on account of my connexion with the 'Sand Creek affair' which really disgraced every officer connected with it, unless he was compelled to go under orders." In a lengthy letter to Colonel Moonlight, which was subsequently published in the Rocky Mountain News, Anthony reiterated his view that Chivington was "greatly at fault" for not carrying his campaign to the Smoky Hill. The only result of Sand Creek, he asserted, was renewed hostility on the part of the Indians. "It will be a long time, and will require a large force--I think 5,000 troops--to place us in as good a position as we were placed in before he took the field."<sup>90</sup>

The letter provoked sharp criticism of Anthony in the Colorado press. The News accused him of succumbing to the "influence of public

sentiment in and about Fort Lyon," while the Central City Miners' Register suggested, in an obvious reference to Chivington, that "the only object of its renowned author" was "to damn a much larger man than the writer."<sup>91</sup> Lieutenant Harry Richmond expressed an inability to understand Anthony's change of heart, but he offered to the press a quote from a private letter Anthony had written to him. In it, Anthony said,

I am still at this post with a whole scalp, but rejoicing that old Chiv. is no longer my 'head chief.' Am down on Indian fights stronger than when you passed here, and should old Chiv. ever undertake to come in this District again and do as he did before, I should probably go with him to fight Indians if he told me to, but should consider I was doing better service to the Government to join the Indians and fight old Chiv.<sup>92</sup>

Anthony's behavior puzzled most Coloradans at the time--and most historians since. His course seemed ambivalent and contradictory to them, but in an odd sort of way he understood Sand Creek's implications better than most of his contemporaries. He was no humanitarian, like Tappan, squeamish about the excesses of Sand Creek, nor was he, like Soule and Cramer, obsessed with the violation of plighted faith. He was a plainly practical man, and for him Sand Creek was simply a stupid and pointless exercise of ruthless ambition. He was willing to condone excesses, atrocities, even the violation of his word, if it would lead to a final victory over the tribes.

For him attacking Sand Creek was an expedient worthwhile only if it was the first blow in a decisive campaign against the centers of hostility. The prospect of that kind of campaign caused him to follow Chivington, and when Chivington ordered his troops home almost in sight of Little Raven's fleeing Arapahoes, Anthony saw Chivington in a new

light. If Chivington were right about the condition of his horses and his men, if he were correct when he noted the short time left for the Thirdsters, then he knew those things before Sand Creek. If he knew that the campaign would not be an extended one, then it was a foolhardy and reckless venture which complicated Indian affairs. It smashed the prospects for an immediate campaign against the tribes as well as hopes for a negotiated peace.

Anthony felt used. He was angry with himself for being so blind. He struggled with his own guilt. He wrestled with the needless deaths and the military inefficiency. And he damned Sand Creek not because he cared about Black Kettle or One Eye or Left Hand, but because he cared about white settlers. For that reason, he accurately reflected an important strain of thought about Chivington's conduct. His course was not admirable, but he faced its consequences admirably by trying to warn Coloradans of what was to come: "I know what I write, where I get my information, & don't care how many people or what the rank of the people may be who read it. I say that everyone in Colorado will be the loser by old Chivington's disgraceful campaign, & they will find it out before the Indian war is ended."<sup>93</sup>

Yet despite the mounting evidence that Sand Creek was a tainted victory, most Coloradans never wavered in their support of Chivington. The alternative was so monstrous that Coloradans could not accept it without destroying their image of themselves as defenders of home and hearth. So they resorted to easy answers. They ascribed political motives to Harding, Browne, Bennet, and Wright. They dismissed Tappan,

Anthony, Wynkoop, Soule, Cramer, and the other military critics as "jealous officers," Colley and his son as crooks, Smith and Beckwourth as squawmen. They used the fresh hostilities Sand Creek wrought to justify it, turning cause upon effect.

And enough truth could be found to give credence to the charges among people who did not want to believe anything else. Clearly, political motives played a role in the affair. Chivington's enemies were not enlightened advocates of a humane Indian policy, but they had charged that Indian policy was mismanaged in Colorado, and if Sand Creek turned out to be what it appeared to be, their political position would be, in some measure, vindicated. Clearly, Tappan, Leavenworth, Colley, and Smith had deep personal reasons for opposing Chivington. But the presumption that they were motivated entirely from animosity was perjorative in itself and ignored the legitimacy of the issue which had been raised.

Charges of corruption and jealousy fell apart when applied to the officers of the Lyon battalion. Lieutenant Baldwin and Captain Cook were the only officers at Fort Lyon clearly identified with the opposition to Chivington, and neither of them took a prominent role in the Sand Creek controversy. Other officers at Lyon probably opposed him in the regimental squabbles. Fort Lyon, after all, was a divided command. But the primary critics of Sand Creek, Soule, Anthony, and Wynkoop, were considered to be Chivington's "boys," part of the cadre of officers in special favor with the regimental commander. Wynkoop was especially close to Chivington, and Chivington displayed a genuine affection toward him. Wynkoop had worked hard for statehood the previous summer, had in

fact, received considerable criticism for his efforts to influence his men. Soule was devoted to Chivington until Sand Creek. Lieutenant Chauncey Cossitt was also associated with the pro-Chivington group.

The loyalties of some of the junior officers were less clear, but those loyal to Wynkoop--Cramer, Hardin, Phillips, and Olney--by extension, tended to favor statehood and Chivington. Captain R. A. Hill, Lieutenant James D. Cannon, and Lieutenant William P. Minton, all of whom later testified against Chivington, were officers in the First New Mexico Volunteers. They knew little about the regimental squabbles and cared less about territorial politics. All of the officers seemed intensely loyal to Wynkoop following the Smoky Hill expedition. They admired his courage, and if their testimony accurately reflected their feelings, they believed that his mission had returned peace to the Arkansas valley. From their point of view, they did not betray Chivington. Chivington betrayed them when he disregarded the arrangements negotiated by Wynkoop and Anthony. The ferocity of their response underscored how deeply hurt and disappointed they were in him. At Sand Creek, for the first time, they saw the man that Sam Tappan had seen even before Glorieta.

Strangely, as the controversy broke around him, John Chivington made no public defense of his actions, relying instead upon his official reports and the editorial efforts of the News and the Register. The strategy worked well. The only public voice raised against him in Colorado was the Journal's, and its editors tried to balance its criticism of Chivington with defenses of the men of the Third Regiment.<sup>94</sup> In the early weeks of 1865, Chivington's popularity was greater than ever,



and he chose not to disturb that. But once, he did make a curious protest which provided an interesting insight into his values. In the course of the Senate debate, when Senator Pomeroy mentioned that Chivington was a Methodist minister, Senator Harlan, also a Methodist, interrupted to inform Pomeroy, incorrectly, that Chivington had been "suspended and dismissed from the church. . . ." <sup>95</sup> When Chivington learned of the Senate debate through the press, he wrote an angry letter to Bishop Matthew Simpson protesting this "slander publicly uttered" and questioned Harlan's "right as a member of the Church and as a christian man to give publicity to such a falsehood." He mentioned only in passing that Harlan had "Gulped" down "the great lies . . . about the Indian massacre by me and my command . . . and seemed to vie nay to excell 'Crazy Sumner' in wanting swift punishment meeted [sic] out to us." A man could be pardoned for "such ignorance and gullibility," he added, but not for accusing him of apostasy. <sup>96</sup>

Late in January, General Halleck ordered an investigation and early in February, 1865, a military commission convened at Denver to investigate the charges which had been levelled at Chivington and the men of the Third Regiment. Now, at last, the subject of Sand Creek would be fully ventilated. Now, the rumors and inuendoes could be put to rest, and Coloradans of all persuasions hoped that a thorough investigation would resolve the issue, one way or the other.

## CHAPTER XV

### THE SAND CREEK INVESTIGATIONS

The charges which brought the Sand Creek affair to public attention in the winter of 1864-1865, constituted a damning indictment of John M. Chivington and the Third Colorado Volunteer Regiment. In a vague sort of way several newspapers had covered the specifications: The Indians at Sand Creek were peaceful. They were there at the instruction of military authorities at Fort Lyon. They were promised protection until a peace settlement could be arranged or rejected. The battle itself was a riot, with no semblance of order or command control, which led to unnecessary casualties among the troops. The majority of the Indians slain were women and children. The bodies of the dead were scalped and mutilated. Colonel Chivington unwisely stirred up the Indians and then abandoned the expedition when he had the force to move on the hostile villages of the Cheyennes and Sioux supposed to be on the Smoky Hill River.

Altogether, the accusations demanded attention, but oddly, the average citizens of Colorado remained somewhat puzzled by the charges. At no point had anyone pieced the charges together into a coherent argument against Sand Creek for the benefit of the public. What they did hear were vague rumors and heated denials. The Sand Creek critics had no

real voice in the Colorado press, and no one of them emerged as a spokesman. The Black Hawk Mining Journal, which delighted in Colonel Chivington's discomfort, temporized on the hard issues, and thus denied any real explication of the case against Sand Creek.<sup>1</sup>

In the absence of a coherent statement of the facts in the matter, the people grabbed at bits and pieces which taken out of context gave the appearance of a calloused persecution of Chivington, the Third Regiment, and Colorado. Drawing their information from inferences, rumors, preconceptions, and individuals who knew only part of the story, the press engaged in a frenzy of speculation and histrionics. Unable to accurately report the case against Sand Creek--and perhaps disinclined to do so--the editors probed for motive instead. They were unwilling to accept the charges without proofs, and without the information needed to prove the case, they found only jealousies, conspiracies, and corruption at the root. Disposed--almost determined--to believe the first reports anyway, the majority of Coloradans and their spokesmen closed ranks to defend the community from charges of deception and barbarism. Ad hominem approached an art form as they struggled with anger, prejudice, exasperation, and hurt. Eventually, Coloradans on both sides of the issue realized that the rhetoric rotated in an endless circle, and even the hard-bitten editor of the Central City Miners' Register welcomed the prospect of an investigation. Ironically, by then most opinions were fixed, and the attitudes they reflected determined the response of the public to the disclosures of the investigations which followed.<sup>2</sup>

Tragically, Coloradans never really had the opportunity to learn the full details of the Sand Creek Massacre in any objective sense. When the investigations finally got under way, the minds of most people were already closed on the issue. By then, the defenders of Sand Creek had their own scenario: The Indians were hostile. If they were at Sand Creek under some arrangement, then someone from Lyon was profiting from their hostility. The battle was a major feat of arms against a superior force. The majority killed were warriors. A war of extermination was justified even if that meant killing women and children, scalping the dead, and mutilating the bodies. Chivington struck a well-deserved blow and abandoned the campaign because of bad weather, exhausted men and horses, and the end of the Third's enlistment term. Renewed hostilities simply proved that Chivington did the right thing. His critics were unprincipled scavengers out to destroy a bigger man than themselves. The case was convincing to many who believed that any unbiased hearing would confirm it. Equally important, it provided a rational basis for rejecting any unfavorable opinion as biased. Sand Creek had divided Coloradans deeply, and they watched tensely as the investigations began.

When General Henry W. Halleck, the army chief of staff, ordered General Curtis to "inquire into and report on" Chivington's conduct, Curtis reacted unenthusiastically, warning Halleck that the charges might be exaggerated and wiring Colonel Thomas Moonlight, the new commander of the District of Colorado:

I am ordered by Gen'l Halleck to investigate the conduct of Col. Chivington in recent campaign against Indians; also preserve plunder taken. If out of service a commission should be ordered. If still in the service a court of inquiry could

be ordered at his request, or a court martial could be ordered.<sup>3</sup>

Moonlight, who arrived in Denver on January 4, to find that his effective force numbered only two hundred men in the entire district, was understandably more concerned with reports that somewhere between 1,500 and 9,000 warriors were closing on the Platte. He had only 40 troopers to patrol the line between Denver and Julesburg, a distance of 160 miles.<sup>4</sup> He tersely reported that Chivington was out of the service and that he did not have enough officers to convene a commission!<sup>5</sup> By then, Curtis had seen clippings from the eastern press, and on January 13, he wrote Moonlight to convene a commission. Shortly thereafter, Fort Lyon was returned to the District of Colorado and 250 officers and men were added to Moonlight's command. The colonel was embroiled in a controversy with the territorial legislature over defense needs, but on February 1, 1865, he issued the order establishing a commission.<sup>6</sup>

In his efforts to be fair, Colonel Moonlight wanted to use officers who had not been involved in the Sand Creek fight. From his viewpoint, the presidency of the commission, as a matter of right, went to the senior officer in the district. Unfortunately, the senior officer was Lieutenant Colonel Samuel Forster Tappan. His appointment was the supreme irony of the Tappan-Chivington controversy. More importantly, Tappan's role in the investigation colored all subsequent accounts of the Sand Creek affair. His very presence on the board gave the inquiry the appearance of partisanship. Tappan's opinion of Sand Creek was well known, and Moonlight was criticized because he appointed him to the post. Still, Tappan was the only officer above the rank of captain in the

district who had not been present at Sand Creek or, in the case of Major Wynkoop, directly involved in the controversy. Passing him over for a junior officer would also have created a furor.

In an effort to deal with the problem, Moonlight wrote detailed instructions to Tappan, outlining the responsibilities of the commission. The mandate was broad. He instructed Tappan to determine whether the Indians at Sand Creek were under the protection of the government, by whose authority they were there, whether Colonel Chivington knew their condition, whether the Indians were hostile, whether Chivington took prisoners or not, whether steps were taken "to prevent unnatural outrages: or to punish them if they occurred, and whether or not the property captured was turned over to the quartermaster corps as required by military law. But, Moonlight also warned Tappan:

This commission is not intended for the trial of any person, but simply to investigate and accumulate facts called for by the government, to fix the responsibility, if any, and to insure justice to all parties. Colonel Chivington, under these circumstances, has not the right of challenge, and I have been careful to appoint a commission composed of officers not engaged in the operations they are called upon to investigate.

Predictably, however, Tappan's appointment generated criticism. On February 8, Ned Byers announced the investigation, noting, "None will rejoice more, perhaps, that Col. C. His motives have been impugned and his character maligned; all to answer personal ends, but he will, we are confident, come out of the ordeal unscathed." At the same time, the editor expressed surprise at the appointment of Tappan because of his "well known enmity to the Colonel." Even so, said Byers, "we have no fears of the result."<sup>8</sup> When the hearing opened the following day,

Chivington protested vigorously against Tappan's presence on the grounds that he was an "open and avenemy" and that he believed Sand Creek was "one of the greatest blundersever admitted, and one that would cost thousands of lives and the government a great deal of treasure."<sup>9</sup>

Tappan admitted that he had criticized Sand Creek, but he stated: "As to my alleged prejudice and alleged personal enmity, even if true, I should not consider them at all influencing me in performing the duties assigned me in this commission, especially after taking the oath as a member."<sup>10</sup> However much he believed that, and he surely did believe it, much sinister meaning was accorded to Tappan's role in order to convey the idea that the hearing was patently unfair and that all the evidence was suspect. Tappan was assailed as a tyrant in the proceedings, and the press quickly appropriated such words as "menagerie" and "inquisition" to describe the proceedings.<sup>11</sup>

Tappan was eccentric. He was monumentally self-righteous, certain of his own wisdom, and officious in manner, but he was also brutally honest, direct, and principled. His background, his training, and his wide intellectual interests had instilled in him a profound sense of honor, justice, and duty. He was extremely sensitive to the charges that he was involved in any sort of cabal to eliminate Chivington. "What I have done against C.," he declared, "I have done as an officer, as a man, openly and above board, and of which he was advised at the time."<sup>12</sup>

If Tappan made an unsatisfactory president for the commission, his overall temperament rather than his personal animosity toward Chivington made it so. He was reared as a crusader, and his New England abolitionist views carried over unto the realm of Indian affairs. As

abolition approached reality he found a new cause--the plight of the Indians. Sand Creek shocked his sense and justice. If he had never heard of John Milton Chivington, he would have detested and loathed him because of what he believed had happened at Sand Creek.

Still, Tappan worked hard at being fair. The purpose of the commission, after all, was simply "to receive and methodize information . . . and give no opinion on same." Chivington was granted the privilege of cross-examining witnesses and of introducing witnesses in his own behalf. Major Jacob Downing served as his counsel.<sup>13</sup> Of the other two officers on the board, Captain George H. Stilwell was formerly Chivington's adjutant and remained on good terms with his former commander. The third member of the commission, Captain Edward A. Jacobs, was thought to be "impartial."<sup>14</sup>

The mood in Denver when the sessions began was violently pro-Sand Creek. Many of the former Thirdsters were still in town and still unemployed. To make matters worse, the Indian attacks on the Platte drove prices up and generated much anti-army sentiment. Chivington was being punished, they thought, for doing what the army ought to be doing then. On the night before the hearing convened, a mass meeting was held at the Denver Theatre to raise men to fight Indians. In the midst of the proceedings, "Old Chiv" roared out, "Put me down for \$500, to be used in killing Indians and those who sympathize with them." Said the News:

Heavens! how they cheered him, nor would they be satisfied until he had appeared upon the stage. . . . He was greeted with round after round of applause which made the building tremble to its foundation. The people love the old "War Horse," if "High Officials" do denounce him. . . .<sup>15</sup>



This state of affairs convinced the commission that the sessions should be closed to the public to prevent intimidation of witnesses. The officers felt that witnesses would speak more freely behind closed doors, but the decision also prevented the public from learning the details of the testimony. For information, Denverites were forced to rely upon street gossip. The News accused Tappan of denying Chivington a fair hearing, and the Central City Miner's Register laconically noted that Chivington could no longer be accused of trying to hide the facts.<sup>16</sup> Having failed to secure the removal of Tappan directly, Chivington carried his protest to the new Department commander, General Grenville Mellon Dodge, who replaced Curtis early in February when the military departments in the West were reorganized.<sup>17</sup>

Finally, on February 15, the commission called its first witness: Captain Silas Stillman Soule. At twenty-six years of age, Soule faced his greatest challenge. Since arriving at Denver, Soule had served as provost marshal. His former popularity had withered in the wake of reports of his conduct at Sand Creek. On the streets, he was expected to enforce an unpopular martial law, and he daily came into contact with former soldiers who saw him as a major cause of Chivington's problems. To make his situation worse, he was charged with recovering stolen property from the veterans of the Sand Creek campaign. Now, he opened the testimony against Chivington. The commission questioned him for two days while Soule presented testimony on all of the major accusations against Chivington. Downing cross-examined him for four days without

materially damaging or altering his testimony. After a further day of questioning by the commission, he stepped down.<sup>18</sup>

Joseph A. Cramer followed him, but after only a day of testimony in which he gave a detailed account of the Smoky Hill conference, he was excused because of poor health resulting from the fall he had taken the previous summer. Cramer was followed Lieutenant Charles C. Hawley, who reported on matters relating to ordnance, and Amos Steck who recalled the Weld Conference. Afterwards Lieutenant Cramer returned to the stand and presented a measured and exhaustive account of events from the summer of 1864 through the Sand Creek affair. After two and one half days of direct testimony, Downing cross-examined him for another day and one half.<sup>19</sup>

The testimony of Soule and Cramer constituted the primary case against Chivington. Other witnesses followed, who elaborated and substantiated the basic arguments. When James P. Beckwourth took the stand, Chivington objected to his testimony being taken on grounds that he did not believe in God. His objection was overridden, but the press took great exception to Beckwourth's testimony, after word leaked that he had testified that two-thirds of those killed at Sand Creek were women and children. The Register ranted against the "squaw sympathizers' inquisition" which took the word of a "Negro renegade." The paper accused Beckwourth of having murdered a woman and dashed out the brains of a child at Sand Creek, while belittling the idea that the majority of those killed were women and children.<sup>20</sup> The Black Hawk Mining Journal defended the old man and published Beckwourth's rejoinder to the

charges. On March 10, the commission adjourned at Denver, and moved its sessions to Fort Lyon where the hearing reconvened on March 20, 1865.<sup>21</sup>

The first phase of the investigation led to considerable speculation, and the garbled versions of the testimony which made their way to the streets simply hardened attitudes on the subject. When the commission adjourned to Fort Lyon, both the News and the Register had abandoned any hope that the hearing would be fair. The Journal, however, had adjusted its previous position. While its editors were unprepared to denounce Sand Creek out of hand, they did concede that the Indians had been provoked into fighting the previous spring, pointing out that even the News had stated that the white men were the aggressors.<sup>22</sup> Ultimately, the Journal tried to build a case which condemned Chivington and portrayed the Thirdsters as well as the Indians as victims of his ambition. The colonel had broken faith with the Indians in order to win a "Brigadier's star," and in the process, he had exposed the territory to further death and destruction. Reflecting on the military commission's purpose, the editors reasoned:

It is because Chivington did not kill Indians who had been murdering travellers and immigrants, but on the contrary did kill those with whom he had authorized Major Wynkoop to enter into a treaty,<sup>23</sup> that his conduct has been made the subject of investigation.

The Journal stood alone. From across the western territories, editors flocked to Chivington's defense. The Nebraska City News reported that he had apparently attacked a friendly village but added, "Our sympathies are most decidedly with the Col. even through the Indians were

friendly. . . ." The Press advocated changes in the law which would permit "indiscriminate slaughter" beginning on the reservations.<sup>24</sup> The Nebraska City News also endorsed the "Chivington style" and printed the letter of William Baker, a Cottonwoods Springs rancher who praised Chivington as "the only man that has ever struck a successful blow in our defense, since the commencement of the Indian outbreak."<sup>25</sup> The Montana Post of Virginia City, Montana predicted that "Col. Chivington will be received on his return like David after the death of Goliath. His is the true way to settle Indian difficulties."<sup>26</sup>

On March 20, 1865, the military commission reconvened at Fort Lyon. Major Wynkoop recapitulated his efforts to effect a peace with Black Kettle. Afterwards, John Prowers, Lieutenants James Cannon, Chauncey Cossitt, and William Minton, and a civilian named James Combs corroborated much of the evidence presented in the testimony of Soule, Cramer, and Wynkoop as well as presented testimony in reference to their experiences when Chivington arrived at Fort Lyon. Important testimony was also given by several enlisted men who provided damaging details of the engagement at Sand Creek.<sup>27</sup> On April 8, the last witness was examined at Lyon, and except for documents which were attached to the testimony, the commission had completed its direct examination. The commission had called no Thirdsters. However, the commission knew that Chivington would present ample representatives of that unit in his defense. The inquiry was ordered to reconvene at Denver after April 17, to hear witnesses called by Chivington.<sup>28</sup>

The mass of testimony against Chivington, taken together, comprised a fairly cohesive and corroborative case. The major accu-

sations were that the Cheyennes of Black Kettle and the Arapahoes of Left Hand were peacefully encamped at Sand Creek under assurances of safety from Major Wynkoop and Major Anthony, that Chivington was fully apprised of the circumstances, that the attack itself was an indiscriminate slaughter of men, women, and children, followed by widespread scalping and mutilation of the dead, that government properties were taken for private use, and that Chivington's estimate of the number killed was greatly exaggerated.

On April 20, the Tappan commission met at Denver, but quickly adjourned to give Chivington more time to prepare his case. Then, on the evening of April 23, Captain Silas Soule was shot and killed on Lawrence Street near F Street. He had been visiting friends with his new wife of only three weeks, when gunshots lured him to the spot near a church where two soldiers of the Second Colorado Cavalry, Charles W. Squier and William Morrow, waited. Soule tried to defend himself, shooting Squier in the hand before he was killed. The two soldiers returned to their camp and told others that they had shot an officer because he had once incarcerated Squier. They then deserted. Morrow headed down the Platte; Squier fled south toward New Mexico.<sup>29</sup>

The murder of Soule stunned Denver. Despite his testimony against Chivington, he retained the respect of most citizens. His even-handed enforcement of the law and his quick smile and easy manner won all but the most hardened. His marriage to Hersa Coberly, the daughter of the man who ran a popular stopping place below Denver, received considerable attention in the local press.<sup>30</sup> Still, Soule's

life had been threatened repeatedly since his arrival in Denver in January, and several attempts had been made on his life. On the day before he was killed, he had confided to friends that he expected to be murdered.<sup>31</sup>

On April 25, out of respect to Soule, the military commission adjourned. The following day, Tappan and the other commissioners joined the "unusually large and respectable procession" which attended Soule's funeral. Major Wynkoop was among the mourners, and the service was marred when his high-strung horse became excited and fell injuring Wynkoop's back seriously. Chivington did not attend the funeral. Instead, he used the day to answer questions sent to him by the Joint Committee on the Conduct of the War.<sup>32</sup>

From the beginning, virtually everyone believed that Soule's murder had been "evidently coolly and deliberately planned and as systematically carried out."<sup>33</sup> The Rocky Mountain News and the Miners' Register accepted the view that Soule was killed because he had once arrested Squier, but the Black Hawk Mining Journal almost immediately linked his death to the Sand Creek affair. The Journal reminded its readers of the fate of Henderson at Camp Weld in 1862 and the deaths of the Reynolds guerillas the previous autumn. The editors implied an official involvement in all of the incidents, and asserted that assassination had become a deplorable fact of life in Colorado. The Central City paper objected to the Journal's insinuations and pointed out that Soule had testified several weeks before he was killed. The Register was especially

indignant at the suggestion that persons in places of authority were involved in the murder. The Journal replied:

We are rejoiced at the settling, so satisfactorily, of these most injurious and disagreeable suspicions and insinuations. There was neither malice nor foolishness in the idea, however, it being shared by many men who are above either, if we are not. The fact (of which we were not before aware) that Soule's testimony was taken by the Commission several weeks ago, if true, leaves no ground for the suspicion that the foul act was instituted by high and responsible parties; but it does not destroy the fact that desperate and dangerous men had sworn vengeance on Soule for his course with relation to Sand Creek. And there we leave it, satisfied that there was some deeper cause for this murder than the one assigned.<sup>34</sup>

Others were not so sure that the Journal's comment settled the issue of official involvement. Both Tappan and Wynkoop believed that Chivington hired Squier to murder Soule. In Denver, news of Abraham Lincoln's assassination was still fresh, and Tappan solemnly wrote in his diary that "The barbarism of slavery culminated in the assassination of Mr. Lincoln, the barbarism of Sand Creek has culminated in the assassination of Capt. Soule."<sup>35</sup> When the commission reconvened, Chivington opened his defense by presenting a series of depositions. Among them was the statement of a freighter named Lipman Meyer. In it, Meyer claimed that after Sand Creek, while on patrol, Soule was thoroughly intoxicated, that he refused to investigate distant fires because he was afraid of Indians, and that Captain Soule and Lieutenant Cannon stole blankets from him. Meyer's deposition was an obvious attempt to discredit Soule's testimony through allegations of theft, drunkenness, and cowardice, without any opportunity to cross examine Meyer afforded to the commission. The deposition confirmed Tappan's suspicions, and he formally protested Meyer's statement as a shoddy effort to blacken the character of Captain Soule.<sup>36</sup>

To counter the effects of the Meyer deposition, Tappan introduced the statement of Captain George F. Price, Second California Cavalry, who was district inspector for the newly created District of The Plains, commanded by General Patrick Edward Connor. According to Price, Soule accompanied him on a ride from Denver to Central City in late March. Enroute Soule talked about Sand Creek and his testimony. He confided to Price

that he fully expected to be killed on account of that testimony that he was also fully satisfied, after they had killed him, his character would be assailed, and an attempt made to destroy his testimony. . . .<sup>37</sup>

Price's statement removed all doubt from the minds of those who suspected Chivington's complicity in the murder of Soule. Wynkoop always believed that Chivington "had him murdered . . . by an assassin whom he had hired for that purpose."<sup>38</sup> In the absence of evidence linking Chivington and Squier or implicating Chivington in an assassination plot, Tappan was more philosophical. He recalled that Chivington had donated five hundred dollars "to be used in killing Indians and those who sympathized with them."<sup>39</sup> That act alone placed a large share of the responsibility for Soule's death on Chivington, in Tappan's mind, especially in light of his belief that he too was marked for assassination. The result, in Tappan's view, was the encouragement of "assassination of all who would not pronounce Sand Creek a great and glorious battle."<sup>40</sup> Indignantly, he wrote:

Upon whom will posterity fasten the sin and shame of Capt. Soule's death? [W]ill they hold him guiltless who by word and deed encouraged the act, will posterity hold the citizens of this city entirely guiltless of this crime, a people who tolerated and encouraged Chivington in his threats?<sup>41</sup>



After the furor over Soule's death subsided, the hearing moved rapidly. Chivington introduced fourteen witnesses and the depositions of three others. Significantly, all of the witnesses who testified on his behalf were junior officers or enlisted men. The deposition of Colonel George L. Shoup was entered in evidence, but no officer above the rank of captain testified. This meant that the commission never had any opportunity to question Chivington, Shoup, or other staff officers concerning the critical command decisions which led to Sand Creek.

Instead, the testimony presented to the commission concentrated on the events of November 29, 1864. Chivington's witnesses testified that rifle pits had been constructed at Sand Creek before the fight commenced. They insisted that white scalps in the camp proved that the Indians were hostile. They argued that both Anthony and Colley encouraged that attack. And they insisted that the battle was fought against a superior hostile force. Much of the testimony was rebuttal testimony. Downing tried unsuccessfully to impeach the testimony of Cramer, Soule, Cossitt, and Cannon, and to prove that Colley, Soule, and John Smith were profiting from the Indian war. Simeon Whiteley presented his transcript of the Weld conference which was entered into the record. Finally, on May 30, 1865, Chivington concluded his defense, and shortly thereafter the commission adjourned.<sup>42</sup>

The presidency of Samuel Tappan, the tragic murder of Captain Soule, the attempts at character assassination, the secret sessions, and the general atmosphere of hostility left scars that seriously flawed the proceedings. Too many witnesses who could and should have testified were

never called. But the testimony was there, more than eight hundred pages of it, patiently handwritten by Captain Stilwell and Captain Jacobs. Whatever else was said of the hearing, those pages represented the most detailed inquiry into the Sand Creek affair. Tappan made an effort to append an opinion, but his fellow commissioners insisted that the instructions of the War Department be followed, and the transcript was boxed and forwarded to Washington without comment.<sup>43</sup>

Regrettably, Coloradans knew little more about Sand Creek at the end of the investigation than they did before it began. The transcript of testimony was not released to the press. To make matters worse, the results of the investigation by the Joint Committee on the Conduct of the War were released, sharply criticizing Sand Creek as an atrocity. In June, John Chivington published what he claimed to be a "Synopsis" of the evidence taken before the Tappan commission. Actually, it was a collection of the most favorable portions of the defense testimony, interspersed with his own commentary. Chivington criticized Anthony and blamed Smith and Colley for initiating the furor for the purpose of swindling the government out of money. Even in his defense Chivington, like an old Testament patriarch, scolded his people for questioning the faith. If, Chivington thundered, "you desire to become the servile dogs of a brutal savage," criticism of Sand Creek "will suit you, though I thought differently and acted accordingly."<sup>44</sup>

On June 13, the News announced that Lieutenant James D. Cannon had arrested Charles Squier, Soule's assassin, at Las Vegas, New Mexico. On July 11, Cannon arrived in Denver with Squier heavily ironed. He

delivered his prisoner to the provost marshal, and then checked in at the Tremont House. On July 13, Cannon spent much of the afternoon gambling at the Progressive and Diana saloons. He had several drinks before retiring that evening. In the night several hotel guests overheard noises from Cannon's room and the following morning Lieutenant Cannon was found dead. A quantity of morphia was found on a bedside table, and a post mortem examination concluded only that he had died of "congestion of the brain." His stomach was also congested, possibly induced by drugs or liquor. Many citizens suspected foul play, but no proof was ever produced to substantiate the belief that he was poisoned. Nevertheless, men like Edward W. Wynkoop remained convinced that Cannon died because he knew too much about Squier and about Soule's murder. He saw Chivington's hand again.<sup>45</sup>

Squier languished in jail through the summer, but he turned out to be somewhat more important than he first appeared. He was a New Yorker of good family. He was educated as an engineer, and he spoke Spanish fluently. He had participated in Robert Walker's filibustering expedition in Nicaragua. When the Civil War broke out, he was commissioned in the 74th New York Volunteers. He resigned his captaincy abruptly in 1864 and emigrated to Colorado.<sup>46</sup> In November, he was arrested for the attempted murder of Mariano Medina, a well-known pioneer in the region. When the case came to trial, his attorneys were James M. Cavanaugh and Hugh Butler, both prominent members of the Denver bar. Hiram F. Ford and Edward Chase acted as "sureties" for his bond. Squier was convicted of the charges, but the conviction was overturned because

the case had been tried in the federal court rather than the Arapaho county court.<sup>47</sup> Afterwards, Squier enlisted as a private in the Second Colorado Cavalry. He was still unassigned when he and Morrow killed Soule.<sup>48</sup>

Now, evidence came to light that Squier had influential friends. His brother, Ephraim George Squier, edited Frank Leslie's Illustrated Newspaper. After Squier was arrested, his brother intervened on his behalf, and several officers, including General David Sickles, wrote letters attesting to his good character. When Squier complained of mistreatment, even General John Pope intervened on his behalf. Locally, Ed Chase and Marshal Hunt expressed concern for his well-being.<sup>49</sup> In October, 1865, Squier's court martial for desertion and the murder of Captain Soule finally convened. After several days of delay the board of officers was dismissed because Squier had escaped. The escape was clearly engineered with outside help.<sup>50</sup> This time Squier simply vanished, but the whole affair left intriguing questions unanswered. The "sensational" revelations which everyone expected did not materialize.

While Coloradans speculated on the escape of Squier, the army finally rendered its judgment on Sand Creek. Judge Advocate General Joseph Holt wrote a detailed review of the testimony taken before the military commission. He condemned Sand Creek as a "cowardly and coldblooded slaughter" of friendly Indians, sufficient in itself "to cover its perpetrators with indelible infamy." But the "shocking and demoniac barbarities" committed on the dead, Holt continued, generated the impulse "to seize the perpetrators, and bring them to condign punish

ment." Holt deplored the fact that he could not bring charges against Chivington since "by the prevailing rule of law" he was "beyond reach of military trial." He did recommend, however, that the government

manifest not only its disapproval, but its utter abhorrence of the savage crimes thus committed in its name, and that it would so rebuke and brand the authors of these crimes by name, and their infamy shall cling to them, and that they shall thus become a warning to others in all time to come.<sup>51</sup>

Holt's opinion stood as the official military view, although no official order ever carried out his recommendation that the War Department publicly condemn Sand Creek. By then, however, a congressional review of Sand Creek had already characterized the affair in even stronger terms.

In the spring of 1865, "Bluff" Ben Wade's Joint Committee on the Conduct of the War was an investigative body of great importance. The Committee was "a full throated attempt on the part of Congress to control the executive's prosecution of the war" which was unique in the history of American wars.<sup>52</sup> Equally important, it was a political weapon in the hands of its Republican membership, with which they sought to dictate their own solution to the war in light of Radical principles. Gideon Welles, the opinionated and dour Secretary of the Navy, dismissed most of the members of the Committee as "narrow and prejudiced partisans, michievous busybodies, and a discredit to Congress."<sup>53</sup> By 1864, the Committee was anti-administration in sentiment, but the committee remained both earnest and patriotic in its zeal.<sup>54</sup>

The activities of the committee, its secret sessions and the outcry of those who opposed it, gave it something of the reputation of a

court of star chamber, but in fact, it lacked judicial power and could do little more than express opinions.<sup>55</sup> The committee served as a kind of national grand jury. In speaking on the committee's judgments on army officers called before it, Wade once declared that "We only state what in our opinion tends to impeach them . . . and then leave it to better judges to decide."<sup>56</sup> Hewas unduly modest.

The Committee had scrutinized the major campaigns of the Civil War, but in March, 1865, it turned its attention to a relatively insignificant border skirmish with Indians in a territory half a continent away. On March 13, 1865, Jesse Henry Leavenworth was sworn as the first witness in the matter of the Chivington affair. He spoke in general terms regarding Indian affairs on the plains and the disposition and character of the bands which Chivington's troops attacked. When pressed on the subject of Sand Creek, he said that he knew nothing except hearsay and that others were present who could testify with more authority.<sup>57</sup> Only Wade was present for the examination of Leavenworth--following a rule adopted by the committee that a quorum was not necessary for taking testimony--and the following day the chairman left Washington with other members to attend another hearing.<sup>58</sup>

The Sand Creek investigation was left in the hands of Senator Charles Rollin Buckalew, Congressman Daniel Wheelwright Gooch, and Congressman Benjamin Franklin Loan. Buckalew was a Democrat (some said a Copperhead), and his primary interest in this particular hearing grew out of his membership on the Indian Affairs Committee.<sup>59</sup> Both Gooch, from Massachusetts, and Loan, from Missouri, were Radicals. Gooch knew Samuel

Tappan by way of Senator Sumner if not personally, but it was Loan who dominated the hearing from first to last. He made every motion on the subject of Sand Creek before the committee, which led some to believe that he had connections with the political opponents of John Evans in Colorado.<sup>60</sup>

One by one, Samuel Colley, John Smith, and Major Scott Anthony testified. Smith and Anthony dwelt at length on the massacre, and Anthony again emphasized his belief in the impropriety of the attack from a military point of view. Dexter Colley and Captain Samuel Robbins, former chief of cavalry for the District of Colorado, spoke on collateral matters, Robbins once defending Chivington. Alexander Cameron Hunt, the United States marshal, disavowed firsthand knowledge of the massacre, but demonstrated no reluctance in giving his personal opinions and repeating stories told him by others.<sup>61</sup>

On March 15, Governor John Evans took the witness chair. Loan and Gooch bombarded him with questions about his conduct, the Indians, the Weld conference, and Chivington's attack. Under the barrage, he faltered. Without full knowledge of what had transpired after he left Colorado in November, Evans began to temporize, to justify. He pointed to the wrongs suffered through the summer. He declined--rightly--to offer an opinion on Chivington's attack. But still the questions came:

Question. With all the knowledge you have in relation to . . . depredations by the Indians, do you think they afford any justification for the attack made by Colonel Chivington on these friendly Indians. . . .

Answer. As a matter of course, no one could justify an attack on Indians while under the protection of the flag. . . . I

have heard, however . . . that these Indians had assumed a hostile attitude before he [Chivington] attacked them . . . . I suppose they were being treated as prisoners of war in some way or other.

Question. But . . . do you deem that Colonel Chivington had any justification for that attack?

Answer. I would rather not give an opinion . . . until I have hear the other side of the question. . . .

Question. I do not ask for an opinion. Do you know of any circumstance which would justify that attack?

Answer. I do not know of any circumstances connected with it subsequent to the time those Indians left me. . . .<sup>62</sup>

Finally, Evans was permitted to step down.

The testimony was supplemented by materials obtained from the War Department and papers from Colorado's congressional delegate Hiram Pitt Bennet.<sup>63</sup> As a final act of the investigation, Congressman Loan moved that a series of questions be sent to Colonel Chivington to be answered by him and returned to the Committee. The resulting deposition was the fullest statement that Chivington ever made on the subject of the Sand Creek Massacre. In it, Chivington denied that widespread mutilation of the dead took place, swore that both Anthony and Colley encouraged the attack on the Sand Creek village, placed much emphasis on the hostile character of the Indians, and stated that nineteen scalps were found in the camp, one not more than four day old. Beyond these specifics he insisted that the Indians were not under the protection of the flag at the time of the attack because they had not complied fully with the instructions of General Curtis. He denied any knowledge that the Indians were at Sand Creek under the instructions of Major Anthony.<sup>64</sup>



On May 4, 1865, with Zachariah Chandler, George W. Julian, and Congressman Gooch present, Representative Loan moved that a copy of the report of the committee, along with the testimony, be submitted to the President with the recommendation that

Governor Evans . . . be immediately removed from office, and that Colonel Chivington and Major Anthony . . . be at once arrested and brought before a military commission for trial, for acts unbecoming officers of the United States military service, and violating the usages of civilized warfare.<sup>65</sup>

The report of the committee was a sweeping denunciation of the incident. "It is difficult to believe that beings in the form of men, and disgracing the uniform of the United States soldiers and officers, could commit or countenance such acts of cruelty and barbarity as are detailed in the testimony," the report declared. Of Evans, the committee stated, "His testimony . . . was characterized by such prevarication and shuffling as has been shown by no witness they have examined during the four years they have examined during the four years they have being engaged in their investigations. . . ." The committee found Major Anthony's attitude toward the Indians at Fort Lyon to be indefensible. Despite their peaceable intentions, Anthony, out of "fear and not principle" temporized them until Chivington arrived, whereupon he joined him "on his mission of murder and barbarity . . . although Colonel Chivington had no authority whatever over him."

But it was Chivington for whom the committee reserved the most devastating comment:

As to Colonel Chivington, your committee can hardly find fitting terms to describe his conduct. Wearing the uniform of the United States which should be the emblem of justice and humanity; holding the important position of commander of a

military district, and therefore having the honor of the government to that extent in his keeping, he deliberately planned and executed a foul and dastardly massacre which would have disgraced the veriest savages among those who were the victims of his cruelty.<sup>66</sup>

On May 19, the New York Tribune provided the first public hint of the position of the committee:

Perhaps the most startling development of the forthcoming volumes [of committee reports] will be the evidence which they furnish of the Cheyenne massacre of Indians by Col. Chevington [sic] in Colorado Territory. It proves to have been a most brutal and unprovoked slaughter of men, women and children, who were living<sup>67</sup> in a quiet manner in a state of entire peace with the whites.

News of the committee's interpretation reached Denver on May 30, the same day that the military commission completed its work. The Rocky Mountain News demanded to know why the committee could not have waited for the report of the commission before reaching its conclusions.<sup>68</sup> Although the text of the report had not yet been released to the public, the disclosure set off considerable anger in Colorado. Without having seen anything except press dispatches, the Rocky Mountain News denounced the report as a "disgrace on the name of justice" and charged that the committee had based its entire case upon the word "of a few scoundrels who were blind to all else save the gratification of a petty personal malice."<sup>69</sup> The Central City paper dismissed the report "as both false and foolish," and expressed utter surprise at the suggestion that the Indians at Sand Creek had been friendly.<sup>70</sup>

Ironically, the weight of the Joint Committee's report fell heaviest upon Governor John Evans. The report negated his earlier success with President Lincoln in March. Lincoln was now dead, and on

May 15, John Palmer Usher, the lame duck Secretary of the Interior, advised the new president, Andrew Johnson, that he had read the report of the Joint Committee. "The conclusion of the Committee is evidently just," he wrote, "and I join in asking that their recommendations be carried out."<sup>71</sup> In practical terms, with both Chivington and Anthony out of the service, that translated into a recommendation for the removal of Governor Evans. Hurrying to the defense of his friend, Congressman Ashley attempted to head off the effort with an appeal to Secretary of State William H. Seward. He denounced the report of the committee as unjust and made the curious statement that "Gov Evans did not know that any testimony was taken before the Committee on the Conduct of the War, or he could while here last spring have exhonored [sic] himself from all blame."<sup>72</sup>

Ashley recounted the details of the governor's interview with Lincoln, asserting that "this whole matter was talked over and satisfactorily [sic], at least to Mr. Lincoln. . . ."<sup>73</sup> Ashley charged that the entire effort to secure the governor's removal was orchestrated by Copperheads and "a few bolters" including the delegate elect, Alan A. Bradford. He urged Seward to move slowly before acting until Evans could respond to the charges and warned that honoring the wishes of Delegate Bradford on patronage matters would undermine administration support in the territories.<sup>74</sup>

However, on the same day, Bradford wrote a letter to President Johnson calling for the immediate removal of Evans. Bradford accused Evans of inefficiency, neglect of duty, pursuit of private interests, and

interference with the statehood election in 1864. Most importantly, he charged that

In his management of the Indian affairs in the Territory, he has pursued a policy that has intensified the hostility of the Indians and provoked their attacks upon the citizens of the Territory and the routes of travel, thus preventing emigration and disturbing business and trade. He has given countenance and encouragement to massacre of peaceable Indians and destroyed their faith and confidence in the sincerity and obligation of Government Treaties.<sup>75</sup>

Bradford, in concert with Hiram Bennet, Jerome Chaffee, the officials of the Overland State Company, and General John Slough, kept up the pressure. Rumors spread that Evans would be removed and Slough named to succeed him. On June 3, Slough requested permission from Secretary Seward to use his name as a reference during a scheduled interview with President Johnson.<sup>76</sup> Less than two weeks later dispatches were telegraphed to Denver that Evans had been removed and that Slough had been appointed to succeed him. On June 14, Evans wrote Slough requesting that the transition take place as soon as possible.<sup>77</sup>

After consultation with Evans, Ned Byers wrote a lengthy editorial in which he attributed the governor's ill fortunes on John W. Wright, who was still angry over Evans's refusal to sanction frauds in the Sand Creek survey of 1863. Hiram Bennet and Allan Bradford had been influenced to join Wright, and the governor's political enemies had "naturally joined in the foray." Byers concluded:

If removed, then, Gov. Evans has been displaced because of a hostility on the part of the late Secretary, Mr. Usher, and his man Wright, on account of his integrity to the interest of the Government, as shown in his opposition to their corrupt schemes, even when the former was in almost absolute control over him; and because of the hostility of Judge Bennet, originating in the Governor's faithful labors for the mining

interests of the Territory. The means used by them have been the misrepresentation of his earnest efforts for the protection of the lives of our citizens, in a time of great alarm and danger.<sup>78</sup>

Evans's capitulation was premature. He had not been removed yet, but events moved inexorably in that direction. Cyrus Kingsley, the leading Methodist clergyman in Colorado, protested the removal to Bishop Simpson. Kingsley assured Simpson that Evans knew nothing about the Sand Creek affair before it happened and that his enemies had simply used the incident as a pretext to secure his removal. He wrote:

I have not seen a man in the Territory, and I have not visited the most important parties, who does not justify Col. C. for the course he took in whipping the Indians. Even those who use the event to endeavor to injure Gov. Evans secretly acknowledge that they are glad of the event. Still as before<sup>79</sup> remarked Gov. Evans had nothing whatever to do with the matter.

Kingsley pleaded that Evans be retained as governor, arguing that the economic, administrative, and religious health of the territory depended upon it, but as July passed, the governor's chances evaporated. On July 18, Seward formally requested his resignation. Ashley, Simpson, Harlan, Doolittle, and Schuyler Colfax, who reportedly said "that there were but six hundred friendly Indians now in the Territory, and they were killed at Sand Creek," tried desperately to save him, but when the full text of the Joint Committee on the Conduct of the War's investigation was published in mid-July, saving Evans became impossible.<sup>80</sup>

The wave of revulsion was instantaneous. The Philadelphia Public Ledger and Daily Transcript concluded that "The judgment of the public will run with that of the committee that this is a national infamy deserving national reprobation. A meaner and more dastardly act never

disgraced even barbarians."<sup>81</sup> The Washington Chronicle claimed that Sand Creek was a "bloody offense, which could hardly be surpassed in the warfare of the savage tribe with another."<sup>82</sup> The Boston Journal denounced the "apparent barbarity" of the attack.<sup>83</sup> The newly formed weekly, The Nation said simply, "Comment cannot magnify the horror."<sup>84</sup>

Bishop Simpson made one final effort to save Evans, calling on Secretary Seward at Cape May, New Jersey. Seward listened attentively, then told Simpson that because of the report of the Joint Committee on the Conduct of the War Evans could not be retained in office "without having trouble in Congress." Seward was convinced that "a change was necessary to prevent attacks on the administration."<sup>85</sup> On August 1, 1865, John Evans resigned from his post as governor under protest.<sup>86</sup> On the same day, he wrote Secretary of the Interior Harlan requesting that the actual transfer of power be delayed until he had completed negotiations with the Utes. A touch of irony marked his letter as he wrote:

Though a better man may be my successor it will be dangerous to the peace with these Indians to make the contemplated change until after the proposed council<sup>87</sup> as no one can gain the confidence of the Indians in a day.

John Slough arrived in Denver in company with Delegate Bradford on July 30, amid rumors of the governor's removal, but on August 7, General Slough wrote President Johnson, apparently unaware that Evans had already resigned. He said:

Since my arrival in the Territory I have visited the most populous locations and, find with few exceptions he is considered an incubus to the prosperity of this Country. He is not only unpopular, but is a constant subject of ridicule. He is rarely spoken of as Governor but is called "Granny" "Old Woman" &c.<sup>88</sup>

Slough argued that the statehood sentiment in Colorado derived from the need for efficient leadership, and he urged that Evans be removed. At the same time, he withdrew his own name from consideration as the next governor.<sup>89</sup>

John Evans's days as governor were numbered, but he remained determined to make a response to the committee report. Early in August, he finally received a copy of the report and the testimony, and the News told its readers that Evans would soon have a rebuttal.<sup>90</sup> On August 14, Evans wired James Harlan that he would "soon vindicate myself fully before the public from all Connection with or responsibility on the Cheyenne massacre."<sup>91</sup> To Congressman Elihu Washburn, he wrote:

The connection of my name with the Sand Creek affair is all wrong and the committee [sic] could only have been induced to make such statements as they do through the grossest deception being practiced upon them. My vindication shall be full, clear and triumphant. I shall in a few days appeal to the public for suspension of judgement [sic] until I can present the case to the committee or some equally high authority and ask that the injuries be repaired. I shall ask nothing but justice and fair dealing and shall hope for your aid in securing these, and the repairing so far as it can be done the great injustice.<sup>92</sup>

While Evans worked on his response to the committee, the newspaper debate raged on. The Nebraska City News levelled its attack on Benjamin F. Wade, chairman of the Joint Committee on the Conduct of the War:

His character for decency is notoriously bad, and we warn all Indians and Niggers to beware of his example . . . . At present we are in favor of the Rev. Col. Chivington and a religious extermination of the Indians generally, together with all nomadic, Senatorial, Congressional or other sympathizing committees. . . .<sup>93</sup>

The Rocky Mountain News was especially irate over the public reaction in the east. Editorials in the St. Louis Republican, the New York Times, and the Atchison, Kansas Freedom's Champion irritated Coloradans, but the Chicago Tribune produced a violent reaction in Colorado when it described Sand Creek as "an act of hideous cruelty garnished with all the accessories of fraud, lying, treachery, bestiality." The editorial writer admonished:

So monstrous a crime should not go unpunished. Col. Chivington ought to be tried by court martial and shot like a wolf. He has shown himself to be the common enemy of mankind, and he should be dealt with accordingly. If there is a public sentiment in Colorado Territory which justifies such a transaction . . . it is time for the people of the United States to teach such persons a lesson in the rudiments of Christianity and public law, by making an example of such an unparalleled ruffian as this Chivington.<sup>94</sup>

On August 14, the Denver News responded in a strongly worded editorial condemning the Tribune and the St. Louis Republican, which in turn drew a sharp reply from the Black Hawk Mining Journal. The Journal chided the News for its emotional display and argued that it would be more useful to show "that the committee arrived at a false conclusion." The Journal called on any citizen "who knows anything in justification of Sand Creek, whether he loves or hates Chivington, to give it to the public, in some way, that the evidently ex parte testimony taken by the Wade Committee may be disproven or counterbalanced." The Journal could not "believe Sand Creek to have been as bad as represented in the War Committee's report," but the paper added,

If there is no justification nor palliation of Sand Creek possible, let Colorado herself disown and thus make it the act of the individual who is, indeed, alone responsible. If there is, let us know and have it that we may use it in defense of our name and fame, now so fiercely assailed.<sup>95</sup>



The new Denver Gazette edited by Fred J. Stanton and frankly anti-administration, gleefully applauded the discomfiture of Evans and Chivington, calling them "the Damon and Pythias of Colorado, the Siamese Twins of Indian notoriety." The Gazette belittled Evans but saved its choicest barbs for Chivington:

Every eastern paper that comes to us, comes laden with denunciation and bitter curses on his head, not a single sheet we know of says a word in justification. Can it be possible, that such a universal verdict is unjust or untrue. There are no copperhead charges, these are no Democratic libels, the best Republican papers in the East all sing the same song, play the same tune, but all agree in the meter and the key--for all agree in adopting the popular march of the "Bloodhound of Zion."<sup>96</sup>

The report of the Joint Committee on the Conduct of the War had created a national sensation and unseated John Evans. In September, Evans published his reply to the committee in the Colorado newspapers and printed it as a pamphlet which he sent to many government officials in an effort to gain a rehearing before the committee.<sup>97</sup> In the reply, he charged the committee had been "culpably negligent and culpably hasty" in its judgment. The statement consisted of a long recapitulation of events in Colorado as reflected in his official correspondence with Washington and an analysis of the committee report in light of those events. He charged further that the committee had overstepped its bounds in addressing the question of the management of Indian affairs in Colorado. He stated that Ben Wade had assured him the "they would not enquire into such general management." He blamed the conclusions of the committee on a conspiracy of his political enemies. These persons, he asserted, were "much in communication with \_\_\_\_\_ a member of the committee charged

with the investigation of the Chivington Affair." These persons, Evans concluded, misled the committee.<sup>98</sup>

In some respects, the rebuttal was justified. Clearly, Evans had not known of Chivington's plans. Clearly, the committee's official report was riddled with half-truths and misstatements of fact, especially about the background of the Sand Creek affair. Clearly, the committee's report was intemperate and misleading. Clearly, the committee said too much based upon too little direct testimony. Indeed, this carelessness, while it served to create a political sensation, probably damaged the effort to expose Sand Creek as an atrocity, especially on the frontier where a more dispassionate analysis might have produced a different reaction. But ultimately, the governor's defense was ineffective in convincing anyone not already disposed to believe him.

In the reply, Evans sought to establish the hostility of the Cheyennes prior to Sand Creek. He denied having any part in sending the Cheyennes to Lyon after the Weld conference, although this denial impugned his own testimony to another congressional committee that he "suggested to Major Wynkoop through Colonel Shoop [sic] . . . that my judgment was that for the time being it was better to treat them as prisoners of war."<sup>99</sup> He declared that he had placed Indian matters completely in the hands of the military, an argument which left him open to charges of abrogating his responsibilities as superintendent of Indian affairs. His defense focused upon the particulars of the committee's report, but he did not succeed in disassociating himself from Sand Creek. The charge that he was deeply involved in, and responsible for, the policies which led to Sand Creek was largely unanswered. The governor's

administration of Indian affairs was a major factor in the controversy, a point which Evans never seemed to understand.<sup>100</sup>

The governor's reply to the committee brought varying reactions in the local press. Both the Rocky Mountain News and the Miners' Register applauded his performance. The News suggested that if the report was false in associating Evans with Sand Creek "the presumption naturally follows that it is false in other particulars." But the News did regret that the governor had not covered the "whole ground." Byers felt that someone must yet demonstrate that Sand Creek was fought according to the "usages of warfare, with no more attendants of barbarity than usually occur in such cases."<sup>101</sup> The Register had no such qualms, declaring that Evans had exonerated not only himself but also the people of Colorado. The Journal criticized Evans for disassociating himself from Sand Creek, and read into his reply a certain distaste for the affair, implying, in the Journal's view, that he accepted the interpretation of Sand Creek as a massacre. The people and the soldiers remained charged with bad faith, murder, and barbarity because Evans chose personal vindication over vindication of Sand Creek itself.<sup>102</sup> The press arguments simply underscored the failure of the governor's statement to change minds.

Evans was not the only individual to seek personal vindication. Scott J. Anthony was stunned when the committee denounced him in such severe terms. Late in August, he wrote Benjamin F. Wade directly, expressing shock at the interpretation of his conduct. "The reporter must have seriously misunderstood me in recording my testimony, or the Clerk in Copying, committed great error," he wrote. "I certainly never

testified to such matters as you there state." He now insisted that the Indians attacked at Sand Creek formed no part of the group which he had fed at Fort Lyon. While the statement was technically true, it grossly oversimplified the matter.<sup>103</sup> He also wrote to Senator James Doolittle, chairman of another congressional committee which investigated Sand Creek, asking for a hearing. Doolittle invited him to testify in Washington in November, 1865, but he provided no expense money for him to make the trip. Anthony bitterly scrawled across Doolittle's letter, "Doolittle did as much lying as he could."<sup>104</sup> Anthony never had his chance to refute the committee's criticisms, and as the years passed, he hardened his stand on Sand Creek.

While in Washington in March, Evans, Colley, and the others who testified before the Joint Committee on the Conduct of the War were also interviewed by another congressional committee appointed as a result of Sand Creek. This committee, called the Joint Special Committee on the Condition of the Indian Tribes, was charged "to inquire into the condition of the Indian Tribes and their treatment by the civil and military authorities. . . ."<sup>105</sup> Evans fared somewhat better before this committee, although when pressed for reasons why he did not follow up the Weld Conference with "affirmative action" for peace, Evans replied weakly that "the people were terrible excited and making a great cry that I did not do anything for them."<sup>106</sup>

After taking testimony from the other Coloradans in Washington, the special joint committee, chaired by Senator Doolittle, divided into several subcommittees and departed for the West to make a personal

investigation of the state of Indian affairs in the West. Although the Chivington massacre was not the primary objective of the committee, the incident was investigated in some detail by Senator Doolittle, Senator F. S. Foster, and Congressman Lewis Ross, who inquired into Indian affairs in Kansas, Colorado, New Mexico, Indian Territory, and Utah. With them as a representative of the War Department, was General Alexander McDowell McCook.<sup>107</sup>

At Fort Riley the sub-committee took testimony from Edmond Guerrier, the mixed-blood who had escaped from Sand Creek, and a few others. Early in June, they arrived at Fort Lyon where they received testimony from Major Wynkoop, Lieutenant Cossitt, Lieutenant Olney, William Bent, Robert Bent, and others. The grisly details of the testimony were graphically supplemented by a visit to Sand Creek where the congressmen found "the skulls of infants whose milk teeth had not been shed--perforated with pistol and rifle shots. . . ."<sup>108</sup> By the time the committee reached Denver its members were convinced that "while it may be hard to make an Indian into a civilized white man, it is not so difficult to make white men into Indian savages."<sup>109</sup>

The Colorado press attempted to allay public concern, assuring the mining communities that this committee would not follow the pattern of the Joint Committee on the Conduct of the War. Even the Rocky Mountain News attested to the honorable character of the committee members. But the citizens were suspicious.<sup>110</sup> On July 20, the Committee arrived and was entertained at the Evans home.<sup>111</sup> On the following evening the committee appeared in the Denver Theatre to discuss the Indian question

with the local people. To Doolittle fell the task of outlining government policy on Indian affairs. He later recalled that

When I had referred in a cool and matter of fact way to the occasion of conflict between the whites and Indians . . . and said: the question had 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 loud enough to raise the roof of the Opera House--"Exterminate them! Exterminate them!"<sup>112</sup>

Doolittle's remarks drew a strongly worded editorial from the News in defense of extermination. Later when the committee took testimony, Major Jacob Downing flatly stated that "I think and earnestly believe the Indian to be an obstacle to civilization and should be exterminated."<sup>113</sup> The committee had hoped to interview Chivington, but he "found it convenient to be absent" from the city. A reporter with the committee observed that Chivington relied upon his Synopsis instead: "This pamphlet contained many charges and criminations against others and very little history, and was regarded by his friends--who, 'when it waxed warm vanished'--as a feeble effort at justification."<sup>114</sup> Other witnesses did testify, and the committee quietly left the City, convinced more than ever that Sand Creek could not be justified. Its report, when it finally came two years later, condemned Sand Creek, and General McCook, who had experience as an Indian fighter, expressed the view that "Under the rule of Christian nations, I do not think this attack has ever been exceeded in barbarity."<sup>115</sup>

At the end of August, three separate investigations into the Sand Creek affair had been completed. The investigations had focused the

attention of the nation on Colorado, unseated John Evans from the governorship, shattered the political hopes of John Chivington, and precipitated a major re-evaluation of federal Indian policy. Unfortunately, however, the citizens of Colorado had little hard evidence to show for the effort. Only the report of the Joint Committee on the Conduct of the War was circulated in Colorado, and it was seriously flawed. The more important military commission testimony was not published until 1868, and the strongly worded report of the Judge Advocate General, Joseph Holt, never appeared in the public press. The testimony of the Joint Special Committee on the Condition of the Indian Tribes was not published until 1867, and while it joined the other investigations in condemning Sand Creek, the passage of time softened its impact. As a result, the citizens of Colorado never saw the full case against Sand Creek, and they continued to believe that they, not the Cheyennes and Arapahoes, were the victims. For them, the Sand Creek Massacre became a badge of honor.

Yet, the evidence presented in the three investigations constituted a convincing case, and, taken together with other evidence, suggested definite conclusions. The attack of November 29, 1864, was made with full knowledge that the Indians encamped on Sand Creek believed themselves to be under the protection of the garrison at Fort Lyon. The men of the Third Regiment knew nothing of this arrangement, and they killed Indians without regard to sex, age, or peaceful disposition. The fight was disorganized, vicious and cruel, and the excesses committed were horrible. If the testimony of Smith, Soule, Cramer, and Louderback

(not to mention that of Colley and others who were not present at Sand Creek) were totally disallowed, the statements of officers and men who were present established beyond doubt the extent of scalping and mutilation which occurred.<sup>116</sup> Their testimony was corroborated by Indian sources who had no knowledge of the testimony presented at the hearings.<sup>117</sup> But the evidence which gave the greatest weight was that supplied by men of the Third Regiment themselves and by their western contemporaries, evidence supplied by men who were either directly involved or who supported "a total annihilation of the red man . . . from the earliest moment of their redness until they would become black in the face."<sup>118</sup> After news of the investigations reached Denver in January, 1865, an unidentified officer declared that he wished all expeditions were "imbued with the hold aspiration of destroying as great a number of warriors, squaws and children as were in the memorable battle of Sand Creek."<sup>119</sup> The newspapers were filled with accounts of the scalps and other trophies taken, and any effort to deny that such excesses did take place came after public criticism disapproved the practice.

Morse T. Coffin, who defended Sand Creek as effectively as any of his contemporaries and who did so with remarkable candor, dismissed attempts to justify the killing of noncombatants on the ground that it was impossible to distinguish between the sexes and that a certain amount of such killing was unavoidable. Coffin said that

neither Col. Chivington or Col. Shoup . . . have been honest in this matter; but have pretended that the killing of women and children in this battle was entirely unavoidable. . . . Now I know a part of this is true, and that many were unavoidable killed; that it was not easy to distinguish the sexes during the fight, and that it would have been impossible to help



killing many women and children; and I also know perfectly well . . . that it was the purpose during that battle to kill old and young of both sexes. This is the fact of the case, and it<sup>120</sup> is useless to shirk it, or to pretend it was all accidental.

Again, he stated, "I know some of the women and children could have been saved, and it is clear to my mind that many might have been, had it been the desire of the commander."<sup>121</sup>

Many Westerners believed that the extermination of the Indians was the only solution to a perplexing problem, and that Indians had to be fought on their own terms if they were to be impressed by the supremacy of white claims to the land. This meant that killing and scalping women and children, and even the further mutilation of the dead, were felt by many to be justifiable measures in a war, the origins of which they did not fully understand. The fear in Colorado was real even if whites were the aggressors, and while that did not justify the atrocities at Sand Creek, it did go far in explaining them.<sup>122</sup>

In such an atmosphere, Coloradans were shocked that their conduct would be questioned. Investigation was as incomprehensible to the average Coloradan as the reports of massacre were revolting to the average Easterner. For one the issue was a question of survival against the unmitigated horror of Indian warfare; for the other the issue was common morality. If the Easterner did not understand the horrors of Indian war, however, the Westerner failed to comprehend the dangers of sinking into barbarity. Ultimately, then, the evidence was probably irrelevant to most contemporary observers. The issue for them was not whether excesses occurred but whether they were wrong.

Other questions were of lesser importance. The presence of a fresh white scalp in the Indian camp was dangled before the public from the beginning. Whether it existed or not was always unimportant. Surely, white scalps were in the lodges. The Indians had been at war with the whites. They never denied that, even if the Joint Committee on the Conduct of the War did. As for the fresh scalp, Major Anthony insisted that he did not hear of a fresh scalp until after Chivington returned to Denver, although he was with the regiment for ten days after the fight.<sup>123</sup> At least one soldier was scalped during the fight, and Coffin said that the Indian who took it, dropped it, and that it was found on the field the day of the fight.<sup>124</sup> No murders were reported in the Arkansas valley from early October until after Sand Creek, but even if Chivington had proven conclusively that the scalp was fresh, that of itself would not have proven the hostile character of the entire group at Sand Creek.

The presence of rifle pits was also inadequately established. Such redoubts were unusual among the plains tribes, and those holes which were dug were scooped out in the desperation of the fight. The number of Indians killed was never accurately recorded. Witnesses for Chivington claimed to have counted 450 dead warriors on the field.<sup>125</sup> Coffin, who went over the ground with others, counted 116 to 118 warriors, women and children. Allowing for a part of the field he did not cover, he concluded that "I have nothing tangible on which to base a belief that over 175 of the enemy were killed in this battle. . . ."<sup>126</sup> This tallied closely with the figures of Anthony, the officers of the Lyon battalion, Robert

Bent, George Bent, and others. Edmond Guerrier, who was in the camps on the Smoky Hill when the survivors arrived from Sand Creek, reported that 148 persons were killed or missing, roughly a third of them men. His statement was probably the most reliable estimate.<sup>127</sup>

The ultimate question--and the one upon which both defense and attack hinged--was the status of the Indians at the time they were attacked at Sand Creek. On this point, the evidence was overwhelming. An arrangement had been made with the Indians--even if they were not the same Arapahoes that Anthony had fed. Anthony had sent them to Sand Creek. Anthony had assured them that he would warn them if peace could not be made. Anthony permitted Smith and Clark and Louderback to enter the camp with his full knowledge and approval. Evans, Chivington, and Anthony all insisted that no definite commitment had been made to the Indians, but that was a technicality at best. Wynkoop, Evans, Curtis, and Chivington understood the situation. Equally important, Black Kettle and Left Hand believed that they and their people were safe. If the soldiers of the Third did not know that, Chivington certainly did. The officers at Lyon informed him in terms he could not mistake. Consequently, the question of whether an American flag was actually flown over the camp, which consumed so much attention in both contemporary and historical accounts, was inconsequential from the beginning.<sup>128</sup> Whether real or imaginary, the Indians were at Sand Creek because they believed that were protected by the flag. Chivington knew that and attacked anyway. That was the crowning infamy of Sand Creek.<sup>129</sup>

The reports of the investigations, with all their prejudices and shortcomings, did not err greatly in their conclusions, but the breach of

faith, perhaps more than the atrocities, determined the course of the Cheyennes and Arapahoes after Sand Creek. That same breach of faith vitally affected the course of high plains history for years thereafter and haunted all efforts to build a workable and honorable Indian policy. The fragile thread of trust snapped at Sand Creek, and the hope for a lasting peace withered in a wave of fresh violence.

PART FOUR:

THE LEGACY OF SAND CREEK

## CHAPTER XVI

### CARBINE AND OLIVE BRANCH

Following the Sand Creek affair, frontier editors gratuitously predicted that Indian depredations were at an end. In consequence of Chivington's victory, they assured the settlers, the "savages" would end their resistance and submit to the white man's "manifest destiny."<sup>1</sup> Their optimism proved to be misguided. Sand Creek produced many results, but peace was not one of them. To the contrary, Sand Creek's most immediate effect was a massive escalation of Indian hostilities on the plains. As Major Anthony had feared and General Connor had predicted, Chivington's hasty and ill-conceived attack seriously increased Indian recalcitrance, reinforcing the determination of those who had not come in and alienating those who had counseled peace. Far from ending the Indian troubles, Chivington's slaughter insured continued suffering on the frontier for both Indians and whites and shattered the one experiment which might have brought peace to the central plains.<sup>2</sup>

In the weeks after Sand Creek, news filtered in to Lyon, Larned, Rily, Laramie, and Leavenworth that the tribes were gathering. Initially, most observers were skeptical, believing as they always had, that the Indians could not launch a winter offensive. In mid-December, George Bent was recovered enough from his hip wound to leave the Cheyennes, so

he and Edmond Guerrier, accompanied by a young full-blood, started for Bent's Ranch on the Arkansas. Near Lyon, the discouraged Guerrier decided to turn himself in to Major Anthony. He brought the first real information from the Indian villages concerning the Sand Creek attack. Guerrier told Anthony that the 148 people were missing from the Sand Creek camp and presumed dead by the Indians. Of that number, twenty-five were warriors, twenty-seven were old men, and the balance were women and children. He also brought the first news that Black Kettle had survived the attack.<sup>3</sup>

The most ominous feature of Guerrier's report was the news that the Indians intended to move against the whites as soon as alliances could be secured. The chiefs had sent war pipes to the Sioux and the Northern Arapahoes who were wintering on the Solomon. George Bent and Guerrier had been among the Cheyennes who carried the war pipes to the Sioux. The Oglala and Brule chiefs, Pawnee Killer and Spotted Tail, listened to the Cheyenne messengers and afterwards smoked the pipe. Significantly, both of these groups had avoided the fighting the previous summer. Black Bear of the Northern Arapahoes who had moved south from far above the Platte to visit the Southern Arapahoes, also smoked the war pipe. The Cheyennes then left their village at Bunch of Timbers and moved north to a point on the Solomon River where they joined their new allies.<sup>4</sup> Even the consistently pacific Friday abruptly left Camp Collins early in January.<sup>5</sup>

But Guerrier was circumspect in what he reported about the plans of the tribes, and he kept George Bent's presence in the area to himself. Young Bent, in the meantime, rested at his father's ranch for several

days, then, with his mother and the two Cheyenne women who had been protected by men of the First Regiment because they were the wives of white men, he rejoined the Cheyennes at the village on Cherry Creek, a tributary of the Republican River in the northwestern corner of Kansas. Four hundred lodges of Cheyennes, one hundred lodges of Arapahoes, and more than a thousand lodges of Sioux spread out along the creek.<sup>6</sup>

That great village confirmed the extraordinary impact of Sand Creek on the Indians. Setting aside their usual practice of scattering in the winter months to conserve food and forage, they congregated on Cherry Creek and prepared to launch a winter war, something which the military and the settlers thought them incapable of. The chiefs planned massive revenge raids on the Platte route, and shrewdly realized that they would have to move against points with sufficient stores to sustain them through the winter. If all went well, they could strike a devastating blow, then move north away from the Platte to sanctuaries where the soldiers could not pursue them until spring.<sup>7</sup>

Old Jim Beckwourth found the Cheyennes on Cherry Creek, but they received him coolly. He urged them to forget war because they could not hope to win, but the members of the council responded bitterly:

We know it. . . . But what do we want to live for? The white man has taken our country, killed all of our game; was not satisfied with that, but killed our wives and children. Now no peace. We want to go and meet our families in the spirit land. We loved the whites until we found out they lied to us, and robbed<sup>8</sup> us of what we had. We have raised the battle-axe until death.

On January 6, Colonel Robert R. Livingston reported from Fort Kearney that the Indians were gathered on the south fork of the Solomon



(his intelligence obviously some days old), and he even recommended an attack on the camps with "say 400 men and 4 pieces of Artillery," but three days later, he penned a revised evaluation:

There are fifteen hundred (1500) lodges six miles east of mouth White-man's Fork on Republican River, composed of Cheyenne's, Comanche's, and Sioux. They will average six (6) warriors to the lodge, or say nine thousand (9000) fighting men. I am ready to repulse anything at our posts, but doubt propriety of attacking such a force with only five hundred (500) mounted men. The rascals evidently intend mischief.

By then, the "mischief" had already begun. A large party of hostiles had already destroyed a wagon train near Valley Station and left a dozen men dead. On January 6, eleven Cheyennes fired on sentinels at Fort Rankin near Julesburg. When Captain Nicholas J. O'Brian galloped after them with sixty troopers and a few civilians, more than a thousand warriors swarmed over the sand hills. O'Brian's detachment fought its way back to the little garrison, but eighteen men died before reaching safety. Then, the warriors moved up the road to Julesburg, a mile away, where they looted with abandon, carrying away tons of plunder.<sup>10</sup> A stagecoach had arrived at Julesburg only minutes before O'Brian gave chase to the decoys, and seeing the pursuit, the passengers and stage hands quickly loaded up and raced for Rankin arriving just ahead of O'Brian's retreating troopers. At the stage station, the Indians found hot food on the table, and several of them, including George Bent, helped themselves to a good meal.<sup>11</sup>

The Julesburg raid signalled the beginning of a new wave of violence. For the hostiles, the raid secured substantial stores, including much needed foodstuffs. For the whites, the raid sparked a new

The WINTER WAR

Snake Creek

White River

Nebraska River

Snake Creek

Mud Springs

Lodgepole Creek

Main Plate River

Julesburg

Antelope Station

Spring Hill

DENNISON

Valley Station

South Plate River

North Arrow

panic, with Acting Governor Samuel H. Elbert wiring Washington on January 9, "We must have 5,000 troops to clean out these savages or the people of the territory will be compelled to leave it."<sup>12</sup> And a merchant from Julesburg demanded of General Curtis, "Is this road with its immense commerce to be abandoned to the savages? If the Government cannot protect it, hand [it] over to private enterprise."<sup>13</sup>

On January 14, the onslaught began in earnest with attacks on Morrison's Ranch, Godfrey's Ranch, and Beaver Creek Station, all west of Fort Rankin. Moving in war parties larger than any ever seen on the Platte, the Indians burned every ranch west of Rankin for a distance of eighty miles.<sup>14</sup> A party of ex-soldiers heading east ran into a war party. After killing them, the Cheyennes found scalps and other relics from Sand Creek in their baggage. Outraged, they hacked the bodies to pieces.<sup>15</sup> By the end of January, the hostiles controlled the Platte route.

The Indian offensive was disciplined and deliberate. Small raiding parties were prohibited, and the soldier societies carefully directed both the movements of the warriors and the camps. Only Fort Rankin, Valley Station, and Junction Ranch held out against the fury of Indian assaults, and Colonel Livingston advised General Mitchell, "Feel assured, general, that this is no trifling Indian war."<sup>16</sup> From Fort Kearney, General Mitchell begged for more troops. "I think we have the biggest Indian war on our hands we ever had in this section of the country," he wrote to General Curtis.<sup>17</sup> While Mitchell prepared to take the field, panic reached such a state in the Colorado settlements that on the night of January 16, 1865, when the Aurora Borealis lighted up the

northern sky, many settlers thought "it a conflagration started by the redskins, in the valley of the Platte or Cache-a-la-Poudre."<sup>18</sup>

After the Julesburg fight, all of the able-bodied men at Fort Rankin were ordered to Cottonwood to join General Mitchell for an expedition against the Indians. On January 15, Mitchell's force, consisting of 640 cavalry, 100 mule-wagons, 4 howitzers, and 2 Parrott guns, moved up the river. Afterwards, the troops turned south and probed along the Republican River, unaware that the majority of the Indians were already congregating on the Platte west of Julesburg. In freezing weather, the troops marched without encountering any significant body of Indians. On January 25, Colonel Livingston's troops returned to Fort Kearney, and the weary officer wrote, "Their main trail is westward along the Republican, and over one hundred small ones fall into it from the south. I don't know as yet where they crossed Platte but am told they passed to the north west, about twenty-five miles west of Julesburg."<sup>19</sup>

Mitchell had better luck. The chill brought the general to reflection, and he told his officers:

It is a well-known fact that it costs a million dollars a year to keep a cavalry regiment in the field. It takes in my district from Omaha to South Pass three regiments of cavalry; that is to say three million dollars a year. This is outside of the loss of productive labor and loss of men by death and disease. . . . I would put these Indians on reservations, dress them up in broadcloth, feed them on fried oysters, and furnish them money to play poker with, and all the tobacco and whiskey they wanted, and then I will be a million dollars ahead of the game in my little district every year.<sup>20</sup>

First, however, he had to catch them, and when he failed to do that, he settled on another plan. On January 27, with a brisk wind blowing out of the north, Mitchell sent out a message along the line as

far as the telegraph could carry to fire the prairie grass south of the Platte. The fires were set for a distance of a hundred miles destroying forage all the way to the Arkansas River in three days. Leo Palladie, a scout with Mitchell, told Captain Eugene F. Ware, "Now, Mr. Indian has got to get north of the Platte River."<sup>21</sup>

Mitchell and his subaltern, Captain Ware, always believed that the prairie fire succeeded in driving the Indians out of the region between the Platte and the Arkansas. Ware argued:

It made clear to them that they were in between two fires; that an expedition could at any time be sent north from the Arkansas River and south from the Platte, and they could not expect to be at war, or carry on prolonged hostilities, along the Republican or Smoky Hill rivers, without final extermination. It was forced upon them by the Mitchell expedition, that, as a strategic matter, if they wanted more war, they must go<sup>22</sup> north across the Platte into the vast "shallow-water" country.

George Bent denied that the fire had that effect, arguing that by the time the blaze was set, the Indians were already congregating on the South Platte only a few miles west of Fort Rankin. He wrote, "while the General was amusing his troops with the ten thousand-square-miles of prairie fire, we were on our way to clean out the stage line, and this time we did the work thoroughly."<sup>23</sup> The only fires he recalled were the blazing ranches and stage stations. After a sweep along the trail from Alkali east of Julesburg to Valley Station, the only fires remaining were Indian campfires. The trail, he recalled, fell into an eerie darkness, silent save for the drums which could be heard for miles.<sup>24</sup> Whatever the truth, the chiefs realized that the region between the rivers was no longer safe for them, and about February 1, they decided to quit the valleys of the Platte and the Arkansas where their villages were

vulnerable to attack and join their northern tribesmen in the Powder River country. Only Black Kettle demurred. When the tribes struck their lodges and began to move north, he headed south with eighty families, expecting to join Little Raven's Southern Arapahoes south of the Arkansas. This small group represented all that was left of the peace faction. From that point on, the Southern Cheyennes were divided between the smaller, traditionally organized peace faction and a large war faction organized around the soldier societies. Thereafter, the soldier chiefs dominated political decision making for the majority of Cheyennes.<sup>25</sup>

Before leaving the Platte, the hostile forces again moved on Julesburg. On February 2, they struck the little settlement furiously, looted the warehouses of all stores, and burned the buildings while the soldiers watched helplessly from Fort Rankin. Afterwards, the Indians moved closer to the fort, broke open stores of liquor bound for Denver, and staged a victory dance before a fire of telegraph poles to demonstrate their contempt for O'Brian's tiny garrison. "It was a very thrilling scene," Captain Ware recalled, "except that we knew if they had courage to make a dash on the post there would not be any of us left by daylight."<sup>26</sup> Through the night the troopers waited nervously, fully expecting to be overwhelmed with the dawn, but when the sun came up, the besiegers were gone.<sup>27</sup>

The Indians pushed north through the vacant country between the South Platte and the North Platte. Only one settlement lay in their path, the telegraph station at Mud Springs, manned by five civilians and

nine soldiers. On February 3, the great Indian calvacade crossed Lodgepole Creek, and shortly thereafter an advance party of Sioux warriors reconnoitered the Mud Springs station. On February 4, a large war party descended on the station. The telegraph operator managed to get off messages to Camp Mitchell and Fort Laramie, and on February 5 and 6, reinforcements from those posts reached Mud Springs. The old veteran, Colonel William Collins and his seasoned Ohio Volunteers held fast, and on February 7, the Indians drew off to rejoin their families. Collins boldly pursued them to the North Platte, following a trail of beef carcasses and discarded food tins. When he reached the frozen river, he confronted the full strength of the hostiles deployed on the hills beyond. The Indians had crossed the river on the ice, after sanding a strip for the crossing. They had driven wagons of goods and hundreds of cattle across, and now, they held the crossing to provide time for the women and children to reach safety. When the warriors used the sanded track to launch a charge against Collins, he hastily corralled his wagons and repelled the assault. The Indians toyed with the soldiers for a time and then withdrew.<sup>28</sup>

In the meantime, Livingston reached Julesburg and sent his troops west along the line in an effort to survey the damage and reopen the telegraph. They worked under the watchful eye of Indian observers, but they managed to restore service along a considerable stretch of the route.<sup>29</sup> Astonished by the destruction, Livingston wrote Mitchell, "Feel assured that an extensive war is on our hands and more troops must--that's the word--must be obtained at once."<sup>30</sup>

The Cheyennes, Arapahoes, and Sioux had taken a terrible vengeance for Sand Creek. The Overland route was the scene of utter desolation for a distance of a hundred miles. More than fifty whites had been killed, over fifteen hundred cattle run off, and a hundred tons of government hay burned. Ben Holladay estimated that the second raid on Julesburg alone cost his company \$117,000. As the great villages moved north, they hauled wagon loads of hardware, clothing, cloth of various kinds, and a remarkable array of foods. The Indians feasted on bacon, flour, corn meal, sugar, molasses, beef, canned fruits, and an assortment of smoked and canned meats. Their pack ponies were laden with sacks of shelled corn.<sup>31</sup>

While the hostiles dined on smoked oysters and canned peaches, the price of flour in Denver soared to twenty-seven dollars per hundred pounds. Bacon and sugar stood at fifty cents a pound, and corn brought ten dollars a bushel. Once again the mail was stopped, and telegraph service was interrupted. To make matters worse, the Indians had burned telegraph poles, and replacements had to be hauled into the Platte valley from as far away as Cottonwood. Moreover, the disruption of travel and the destruction of trains on the route meant that supplies would be weeks in arriving since new trains would have to be sent out from the east. Mining operations were virtually suspended.<sup>32</sup> The interruption of freighting service seriously inflated prices in the territory at a time when eastern investors were trying to develop their recently acquired mining properties. The tottering economy of Colorado was on the verge of collapse; its business community was in an uproar. "For God's sake, urge



some action," Jerome B. Chaffee pleaded with Delegate Bennet, adding bitterly, "There is no use to depend on General Curtis, Evans, Chivington, or any other politician."<sup>33</sup>

To make matters worse, Colorado was practically defenseless. At the beginning of the year, most of Colorado's troops had been mustered out. The First Regiment stood at less than battalion strength. Enlistments sagged. Colorado had almost no troops on the Platte, and the few troops on the Arkansas could do little more than escort travellers. Only one company held the road between Fort Lyon and Denver. Colonel Moonlight spent his first weeks as district commander quarreling with the territorial legislature over defense and eventually declared martial law until Colorado raised 360 soldiers to protect the line to Julesburg, the section of the road where most of the attacks were taking place.<sup>34</sup>

Colorado's editors naturally had their say on the subject. The Rocky Mountain News sarcastically suggested that Colorado's "high officials" be sent down the Platte to quiet "the friendly-peaceable-surrendered-hightoned-gentleminde-d-quiet-inoffensive savages."<sup>35</sup> Considerable sentiment favored the creation of a new regiment of volunteers, but the negative reaction to Sand Creek caused many citizens to oppose any effort that might result in the same kind of criticism which had been levelled at the Sand Creek attack. The Black Hawk Mining Journal flatly opposed the use of volunteers, and called for a militia force to defend the settlements while the regular army chastised the Indians.<sup>36</sup> The Central City Miners' Register opined that the rules of civilized warfare did not apply where Indians were concerned and that strychnine was quite as

effective as bullets in killing Indians. The liberal use of poison and \$100 bounties for Indian scalps would quickly settle the Indian question.<sup>37</sup> Even the Journal admitted that the plan had some merit, but disapproved of the idea because of "this threatened Sand Creek investigation," the effects it might have on troop efficiency, and the plain fact that "several scalps grow on one head and those heads are not confined to warriors."<sup>38</sup>

General Curtis did not appreciate the seriousness of the situation. He assured General Halleck that "There is no new feature in these Indian troubles except that Indians seem more frightened." He told Halleck that the Indians "have not great armies. They are not combined. Their action is in separate bands of separate tribes."<sup>39</sup> He soothed Colonel Moonlight with the advice that "The raising of troops in Colorado is a very expensive business judging from the cost of the 100 day regiment & it seems better to recruit for the old Regiments than to try to set up new ones."<sup>40</sup> Not until after the second raid on Julesburg did he seem to comprehend the danger, and by then, plans were already in motion to replace him.<sup>41</sup>

Ironically, a major change in command had been in the works since the autumn of 1864. General Grant wished to consolidate the Departments of the Northwest, Missouri, and Kansas into the Division of the Missouri. Grant had watched with alarm as the number of troops required on the frontier steadily increased. He believed that the trouble stemmed from area commanders jealously guarding their own troops, and he believed that with a unified command, troops could be shifted to

the scene of trouble as needed. He also deplored what he regarded as the inefficiency of General Curtis and General Rosecrans, the commander of the Department of Missouri. On November 30, 1864, one day after Chivington attacked Black Kettle's village, Grant placed Major General John Pope in command of the new division.<sup>42</sup>

In February, 1865, the reorganization proceeded. Grant disliked Curtis, but the Kansas commander's political connections made it difficult to relieve him outright, so Grant moved him to command the enlarged Department of the Northwest, where he could depend upon General Sibley and General Sully as effective field commanders. The Department of Kansas was absorbed into the Department of the Missouri, and General Grenville Mellon Dodge assumed command of that department. The efficient Brevet Brigadier General James H. Ford continued in command of the District of the Upper Arkansas. Efforts to combine the Districts of Colorado, Nebraska, and Utah into a new Department of the Plains was rebuffed by Secretary of War Stanton, but those districts were consolidated into a giant District of the Plains. That represented something of a victory for Ben Holladay. General Patrick Edward Connor was given command of the new district, which invested him with responsibility for the Overland Mail route from the Little Blue River to Salt Lake City. Connor's earlier mandate to protect the road now seemed possible.<sup>43</sup>

The importance of the reorganization was immediately apparent. General Pope was the army's leading expert on Indian policy. A critic of the existing practices of the Indian Office, he believed that fundamental changes had to be made in the management of tribal affairs if Indians were to be saved from destruction. The current system invited corruption

and debauched the Indians. It had "worked injustice and wrong to the Indian . . . made his present state worse morally and physically than it was in his native wildness, and . . . entailed heavy and useless expense upon the government."<sup>44</sup> In his view, the treaty system had failed. However noble in theory, the practice corrupted both Indians and whites. The system recognized indian land title and provided for the payment of money to Indians for land cessions. The annual payments were open invitations to the most disreputable frontier types to steal from the Indians. Equally important, the reservations established for the Indians lay too close to white settlements which further exposed them to exploitation.<sup>45</sup>

To cure the problem, he relied upon an idea which was already anachronistic in 1865. He believed that white settlement had reached its limits, and that reservations could be established far to the rear of white communities. Geography would protect the Indians. He proposed that the "semi-civilized tribes," those already residing on reservations in proximity to settlements be removed to more remote locations away from the debilitating influences of the whites. Interestingly, he thought the problem of the "wild" tribes like the Cheyennes, Arapahoes, and Sioux was simpler. He proposed that they be allowed to continue their nomadic ways in remote areas and that their management be turned over to the military. The wild Indians should be told, he said, that "so long as they keep the peace the United States will keep it, but as soon as they commit hostilities, the military forces will attack them, march through their country, establish military posts in it, and, as a natural consequence, their game will be driven off or killed."<sup>46</sup>

Pope carried these views with him to his new command, and they colored his approach to the situation on the plains. He acknowledged the "many noble qualities" of the plains Indians in their "wild state," respected them as fighters, and sympathized with their plight, all of which were novel traits for a commanding general on the central plains. On the other hand, he had a distressing tendency to impose his own ideas in direct contravention of established federal policy. He was prepared to dictate a military solution on the plains, but he misjudged the limits of his authority and soon became embroiled in a series of collisions with the Indian Office which eventually thwarted his plans for a campaign against the Indians.<sup>47</sup>

In February, however, Pope and his subalterns had to act quickly to meet the crisis on the Platte route. The burden of that effort fell to Major General Grenville Mellon Dodge, fresh from the battlefields in Georgia and a man with some experience on the frontier. Dodge left no doubt about his approach to the hostilities. He favored a policy of "watching, attacking, and following."<sup>48</sup> But he was also cautious. His first duty was to reopen the Overland Mail route. On February 10, Dodge ordered all west-bound traffic stopped at Fort Kearney and Fort Riley until they were organized in companies strong enough to defend themselves. No trains with fewer than one hundred men were allowed to proceed.<sup>49</sup>

Dodge's commanders, like Colonel Moonlight in Colorado, quickly pointed out the scarcity of troops in the region, but Pope had already anticipated that. He ordered Dodge to take all of the troops he needed

from Kansas and Nebraska to reopen the Overland Stage route and informed him that two regiments of paroled Confederate soldiers were enroute to man the garrisons along the Platte and Arkansas in order to free other troops for offensive action. These troops, the Second and Third Regiments, U. S. Volunteers, popularly known as "Galvanized Yankees," soon moved into place on the Arkansas and Platte routes where they did creditable service.<sup>50</sup> Until they arrived, however, Dodge had to improvise. He encouraged his commanders to strike when and where possible, but he warned General Mitchell, "I don't want any such outrages as were committed by Chivington."<sup>51</sup> Similarly, he wrote General Ford, "The Indians must be punished, the women and children captured and held as hostages. I do not consider such fights as Chivington's to be of any benefit in quelling Indian disturbances or any credit to our service."<sup>52</sup>

For the moment, however, conditions afforded little opportunity for another Chivington affair. The troops contented themselves with scouting expeditions and escort duty. The Overland route was quiet, and Colonel Livingston could report confidently that traffic could be resumed with minimum danger.<sup>53</sup> The Indians had disappeared from the Platte road. But the generals were certain that the inactivity only signalled a lull in the fighting, not an end to hostilities. The question facing Dodge and Pope was not whether to fight Indians but when and where. With the area between the rivers cleared of Indians at least temporarily, hostile movements could be anticipated from two quarters, south of the Arkansas and north of the Platte.

The posture of the Indians below the Arkansas, especially that of the Comanches and Kiowas, was uncertain. Colonel Kit Carson's collision with Little Mountain's Kiowas at Adobe Walls, four days before Sand Creek, had been audacious, but it failed to overawe any but the most tractable.<sup>54</sup> General Ford, and even Colonel Leavenworth, the agent for the Kiowas and Comanches, expected trouble from them in the spring. Leavenworth believed that the Comanches could be kept quiet, but the army doubted that. Little Raven's Arapahoes and Black Kettle's Cheyennes afforded little threat. This ambiguous situation produced a running quarrel between Leavenworth and the generals. Fresh from meeting with the Arapahoes, Kiowas, and Apaches, the agent carried his peace proposals directly to Washington. Pope was leery, and Dodge urged Ford to watch the movements of Leavenworth's charges until a campaign could be mounted against them. There the matter rested through the early spring.<sup>55</sup>

The more serious threat lay north of the Platte. After the great raids, the hostile forces had driven far to the north, without opposition, into the heart of lands still largely free of white settlement. The Indians pressed on through the Nebraska sand hills into the timbered eastern edge of the Black Hills. Near Bear Butte, the sacred place of beginnings for the Cheyennes, Spotted Tail and most of the Sioux turned off to the east and eventually swung southwest to Fort Laramie where they joined the perennially peaceful Oglalas and Brules known in the region as "Loafers."<sup>56</sup> The Arapahoes also broke off from the main body to join their kinsmen on the Powder River. A few Cheyennes tarried on the Little Missouri River to hunt antelope, but the main force also turned west toward the Powder. There, the southerners found the Oglalas

of Red Cloud and the Northern Cheyennes. Now, almost all of the Cheyennes were together. The effects of years of separation now became apparent. Even the appearance of the northerners startled the Southern Cheyennes. George Bent recalled:

Our southern Indians all wore cloth blankets, cloth leggings, and other things made by the whites, but these northern Indians all wore buffalo robes and buckskin leggings; they had their braided hair wrapped in strips of buckskin painted red, and they had crow feathers on their heads with the ends of the feathers cut off in a peculiar manner. They looked much wilder than any of the southern Indians, and kept up all the old customs, not having come much in contact with the whites.<sup>57</sup>

The Southern Cheyennes thought the northerners "were growing more like the Sioux in habits and customs every year," but the two divisions shared the last weeks of winter and the early spring together on the Powder, enjoying a brief encounter with the old free life. May found the Cheyennes and Sioux on the Tongue River where they pitched their lodges in the old-time tribal circle, each manhao occupying the place it had held in former times. Here Is'siwun, the Sacred Buffalo Hat, and Mahuts, the Sacred Arrows, occupied their traditional places within the Cheyenne nation for the last time. The Cheyennes enjoyed the reunion, but it was a reunion which the generals had feared.<sup>58</sup>

The Powder River camps held the key to a coalition of staggering proportions. The Teton Sioux there, Oglalas, Minniconjous, and Sans Arc, along with the Northern Cheyennes, had so far kept the peace, but, numbering more than a thousand lodges, they were a potential threat of awesome proportions. Now, the Southern Cheyennes and their Sioux allies (reduced to about six hundred lodges) were in their midst, recounting Chivington's treachery and boasting of their victories on the Platte. To



make matters worse, other Tetons--Blackfeet, Two Kettle, Hunkpapa, Minneconjou, and Sans Arc--occupied the region between the lower Powder and the upper Missouri. These Sioux had fought Sully the previous summer, in combination with the Yanktonais and Santees from east of the Missouri. Together they represented an additional two thousand lodges. Military intelligence from this region indicated that the Sioux were listening to the Southern Cheyennes. If the Cheyennes managed to forge an alliance, the combination would be capable of destruction on a scale never before possible.<sup>59</sup>

Before the end of March, the major shifts in command were completed, and General Pope had finished his plans for a major offensive. He envisioned a three-pronged initiative against the Indians. All available men would be mustered at Fort Larned, Fort Laramie, and Fort Rice. Twelve hundred men, commanded by General Ford, would move from Larned against the tribes below the Arkansas. A similar force would proceed from Fort Rice under General Sully and establish a fort on the Powder River. General Connor, commanding two thousand troops, would march north from Laramie directly for the Powder River villages.<sup>60</sup>

Efforts to mobilize the offensive, however, quickly stalled in the mud and high waters of the spring thaw, while red tape snarled supply shipments, horses for the cavalry, and transportation for support elements. Even the suddenly plentiful troops posed more problems than they solved. No sooner were they assigned, than they were ordered mustered out. Those who were retained deserted in great numbers, grumbled to the point of mutiny, and defied logistical systems. Not enough horses could

be found to mount those who could be counted on. Only the "Galvanized Yankees" seemed really dependable.<sup>61</sup>

To make matters worse, officers continued to commit blunders which threatened to turn even the most peaceable plains Indians against the Americans. In April, the brash young Colonel Charles A. R. Dimon, commanding the First U. S. Volunteers at Fort Rice, shot two Santee prisoners, following a raid on the post horse herd. The incident had no immediate effect except to increase the tension with the Sioux.<sup>62</sup> A more serious blunder occurred at Fort Laramie in mid-May. A minor Sioux chief named Two Face had purchased Mrs. Lucinda Ewbank, the woman who had been captured with Laura Roper on the Little Blue the previous August, from her captors in order to prove his friendliness for the whites, but when he and another chief, Black Foot, approached Fort Laramie, they were arrested and hauled before Colonel Moonlight, who had succeeded Colonel Collins as commander. Moonlight summarily hanged both chiefs in artillery trace chains.<sup>63</sup> Moonlight was relieved of command shortly thereafter, but the incident caused even the most placid of the "Laramie Loafers" to wonder about the wisdom of placing themselves at the mercy of the whites.

Then Secretary of War Edwin Stanton compounded the problem when he ordered the Laramie Sioux moved to Fort Kearney. On June 11, troops of the Seventh Iowa, under the command of Captain William D. Fouts, and a company of Indian police started the Sioux, numbering between 1,500 and 2,000 persons, for Kearny. The Sioux went sullenly, especially angry that the whites would move them into the very heartland of their enemies,

the Pawnees. The Laramie Sioux quarreled among themselves over what they should do, and three days out of Laramie, the dispute reached the boiling point. When the column broke camp that morning, the Indians delayed their departure while the troops moved off toward Scott's Bluff. When Captain Fouts realized that the Indians had not left the campsite, he returned to find the camp in an uproar. As he tried to get them moving, someone shot and killed him. With that the entire camp, including the Indian police, broke for the Platte. The Iowa troops came galloping back, but the Sioux put up a fierce charge that left four troopers dead and four wounded before they crossed the river after their women and children.<sup>64</sup> When word of the incident reached Laramie, the lackluster Moonlight hurriedly put a mixed group of soldiers into the saddle and set out after the fleeing Sioux. Almost half of his force turned back with played out horses, and three days later, the Sioux caught the rest of his command at breakfast and ran off every horse he had. The humiliated colonel could do nothing but curse the Sioux, burn his saddles, and march his troops back to Laramie--on foot.<sup>65</sup>

The incident cost Moonlight his job, but more importantly, his ineptitude drove most of the peaceful Sioux into the Powder River camps. Raids on the telegraph lines and stagecoaches increased as the summer proceeded. The Indians disrupted traffic west of Fort Laramie so completely that the Overland Mail again abandoned its stations on Bridger's Pass road. Yet, the generals understood that these raids did not represent the main offensive of the Indians. For the moment, the Indians in that massive Powder River concentration were busy hunting buffalo. Once their meat racks and parfleches were full, the real war would come.<sup>66</sup>

While the situation north of the Platte simmered, conditions on the Arkansas deteriorated almost to the point of anarchy. The problem there derived more from the almost comic bickering between civilian and military authorities than from the immediate threat of the Kiowas and Comanches. Jesse Leavenworth's frenetic demands for a negotiated settlement matched an ill-starred effort to launch a major operation below the Arkansas. Leavenworth fought a determined campaign against the army, while circumstances beyond the control of the harried General Dodge left the army looking foolish and inept.

At first, Leavenworth seemed outmatched. Commissioner Dole, preoccupied with treaty negotiations designed to clear Indian title in more settled areas, had listened to doomsayers like John Evans and acquiesced in a military solution on the plains even before the Sand Creek Massacre. When the news of Chivington's attack broke, Dole remained conspicuously silent. He virtually ignored Samuel Colley's protest, and the frustrated Colley--perhaps sensing his own culpability--quietly resigned. Even after both Congress and the army announced investigations, Dole kept strangely quiet, as though the situation on the plains were out of his hands.

By the time the Joint Committee on the Conduct of the War began its investigation, Dole's superior, John Palmer Usher, was already a lame duck, having resigned as Secretary of the Interior for reasons unrelated to Indian affairs. Senator James Harlan, who had spoken forcefully against Sand Creek in January, was named to succeed him, but Usher's resignation did not take effect until mid-May. In the interim, Harlan

chafed at the delay and criticized the Indian office unmercifully. During that period Dole relied upon his personal friendship with Lincoln to hold his job, but he provided no effective leadership to agents in the field like Leavenworth. While Dole kept his own counsel, the army plotted their summer offensive, and Leavenworth almost singlehandedly represented civilian interests on the central plains.<sup>67</sup>

In March, Leavenworth carried his argument directly to Washington, where he raised such a ruckus that General Halleck advised General Dodge to use extreme caution in order that he might avoid any collision with the "friendly" Comanches and Arapahoes.<sup>68</sup> By the time these instructions reached General Ford on the Upper Arkansas, Leavenworth was prepared to initiate discussions with the Indians, and Ford was ready to take the field. Frustrated, Ford suspended his operations rather than give the appearance of duplicity. Unfortunately, the Arkansas River tribes had detected the military preparations and had taken flight south into the Washita valley. While Dodge and Pope turned to the War Department for instructions, Leavenworth headed after the Indians. Not far out of Larned, Kiowas descended on his camp, "robbed him, stole his mules, and he hardly escaped with his scalp. . . ."<sup>69</sup>

Ford, Dodge, and Pope relished the moment and even Leavenworth's ardor cooled momentarily. Dodge then instructed Ford to proceed with the original plan to pursue the Indians, and this time Leavenworth appeared to be silenced. Acting Commissioner of Indian Affairs Charles Mix angrily told Leavenworth to stop his efforts to reach the Indians and "leave the matter to the army".<sup>70</sup> Ford again prepared for action. This

time, the high waters of the Arkansas River stalled his troops just long enough for a dispatch to reach him ordering all cavalymen due to be mustered out before October 1, 1865, to be released immediately. That directive devastated his striking force, and the disgusted Ford retired to Larned.<sup>71</sup>

At that point, another force further muddled the already confused situation. On May 31, a delegation of the Special Joint Committee on the Condition of the Indian Tribes, including Senators Doolittle and LaFayette S. Foster, and Congressman Lewis W. Ross, arrived at Larned with Agent Leavenworth just as Ford was able to muster enough men to begin his already twice delayed movement against the Kiowas.<sup>72</sup> After some hours of earnest and sometimes angry discussions, including Ford's own testimony, General Alexander McDowell McCook, commander of the military escort for the committee and General Pope's personal emissary to safeguard the interests of the army, ordered Ford to suspend his campaign.<sup>73</sup>

McCook's decision reflected the influence of Colonel Leavenworth and Senator Doolittle, but the general also believed that Ford's command was too small to meet the forces which Ford himself believed would be arrayed against him. Furthermore, McCook felt that the campaign would endanger the overland traffic because it would leave the Santa Fe road virtually unprotected. Most importantly, at Doolittle's urging, President Johnson had authorized the senator to act as a special commissioner to negotiate a peace with the objects of Ford's campaign.<sup>74</sup> Doolittle explained his insistence on a suspension to Secretary of the Interior

Harlan. Estimating the strength of the tribes south of the Arkansas at between 5,000 and 7,000 men, he projected that a successful campaign would require 5,000 to 6,000 troops and cost between \$25,000,000 and \$50,000,000. And for what? Doolittle touched the heart of the problem:

As yet no great amount of bloodshed has taken place, except the treacherous, brutal, and cowardly butchery of the Cheyennes on Sand Creek, an affair in which the blame is on our side. It is that affair which has combined all the tribes against us. And why not? They were invited to place themselves under our protection. The sacred honor of our flag was violated, and unsuspecting women and children butchered, and their bodies horribly mutilated, and scenes enacted that a fiend should blush to record.<sup>75</sup>

On the strength of intelligence from old Jesse Chisholm, Leavenworth's interpreter, Doolittle believed that all of the tribes wanted peace save the Cheyennes, who still favored "war to the knife," and he thought they could be influenced to make peace "with some proposition of atonement, which justice to the Cheyennes and decent respect for ourselves demands at our hands to the Cheyennes. . . ." He concluded, "As a matter of policy, even, as well as of duty, I would propose terms to the Cheyennes for their losses at Sand Creek. It is just. Besides, if we offer it, and they refuse it, we may detach the other tribes from them."<sup>76</sup>

Ford seemed relieved, but Dodge was furious. He protested McCook's actions to Pope who promptly informed Dodge that McCook had exceeded his orders. Yet, after this exchange, Dodge wrote a curious letter which intimated that he was willing to go another way. Justifying his own decision not to dispatch Ford immediately, he asserted that if he had ordered him into the field on the heels of runners sent out by

Leavenworth and the congressional committee the action would have only tended "to mix matters." He wrote:

I am willing they should try, and . . . I shall wait to hear from runners. The committee think the military are in the wrong; that we should act wholly on the defensive and conciliate the Indians. I could get an interview with the Indians. They desire to treat with an officer, if they treat, but I had seen Stanton's order that I had no business treating with Indians; it was my duty to fight them, &c., and get a lasting peace to show our forces in their country which I will do as soon as I know Colonel Leavenworth has failed.

By then, Senator Harlan had finally assumed his duties as Secretary of the Interior. Harlan was no visionary humanitarian, but he did have strong opinions on Indian affairs. In his mind, Usher and Dole had lost control of Indian policy, and he determined to reassert civilian authority. For the moment, however, the army had the upper hand, and Harlan entered into a dialogue with Secretary Stanton and General Pope. When Doolittle's letter reached him, Harlan considered his views along with Dole's endorsement of the Doolittle approach. Finally breaking his silence on the subject of Sand Creek, Dole approved Doolittle's "suggestions as to the duty of atoning to the Cheyennes for the wanton slaughter of their people made by the troops under the direction of Colonel Chivington last year." He continued:

It certainly does seem to be the dictate of humanity, justice, and good policy in a case like this, when the Indians desire peace, when a portion of them have been shamefully treated by officers and soldiers under the flag of the United States, and where a vast expense of money and perhaps of life can be saved by such a course, that negotiations should be open with them and the military expedition made to depend upon the success or failure of negotiations.

Dole's letter made sense, but it was too little, too late to save his job. With Lincoln dead, Dole had no one to support him. Sand



Creek had made him a liability, and Harlan proceeded to oust him from office. On June 22, he instructed Dole to prepare for an extensive tour of the western territories to negotiate personally with tribes in Dakota, Idaho, Montana, and Colorado and to "impress upon them the alternative of permanent peace or annihilating war."<sup>79</sup> Harlan revealed his approach to the military when he ordered Dole to be ready to deal with the tribes as soon as they were conquered and while the military presence was still strong. Dole reacted angrily. Harlan's purpose was very clear. Dole told him that such a mission was impossible without a large appropriation from Congress, and he lectured him for underestimating the difficulty of altering the life ways of the plains Indians. He then did what was expected of him. On July 6, 1865, Dole resigned--one more victim of the Sand Creek controversy.<sup>80</sup>

The same day, Harlan unveiled his approach to federal Indian policy. His plan called for the rapid dispossession of the Indians in order to make way for the advancing settlers. The Indians were to be confined to small reservations remote from settlement. "At first, the district of country assigned to each tribe may be large," he explained to General Pope, "and afterwards diminished from time to time as game disappears and the Indians become more and more accustomed to civilized pursuits." He hoped eventually to bring the Indians under civil government and to assimilate them into the general population. He proposed to regulate the process by providing federal assistance to the tribes in their transition from the old ways to the new life by the expansion of the United States and by using swift military action to quell any resistance to the plan.<sup>81</sup>

Very little of the plan was new, and even Dole thought it to be naive on crucial points. But, for the moment, at least, the policy signalled a new spirit of cooperation between the Interior Department and the War Department. Pope would be pleased to see many of this ideas incorporated into the concept. When Dennis Nelson Cooley assumed the post of Commissioner of Indian Affairs, Harlan reiterated his determination that in situations involving hostile Indians, the Indian office would be subordinated "to the policy and operations of the War Department." He directed Cooley to "instruct the several Superintendents and Agents" that they were not to furnish supplies or funds to the hostiles and all their "intercourse with such Indians" was to "be sanctioned by the officers of the War Department." In return, the War Department was expected to cooperate with the Interior Department in its relations with peaceful Indians. The bureau's field officials could "request the assistance and cooperation of the proper military authorities" when necessary, and if they believed at any time that army officers were infringing on the Interior Department's conduct of Indian affairs, they were to report the facts to Cooley or to him. Moreover, field officers were not to publish any facts concerning Indian affairs or to discuss policy for publication.<sup>82</sup>

On paper, the relationships were not perfectly clear, but in Kansas, civilian and military authorities were still quarreling over the status of the Indians. Were they hostile? Were they peaceful? The policy makers had not resolved that practical question, and while the authorities sought an accommodation with each other, the Indians acted.

Emboldened by the confusion, the Kiowas and some Comanches commenced attacks all along the Santa Fe road, clashing with army patrols, running off the horse herd at newly established Fort Dodge, striking trains on the road and the Cimarron Cutoff, and producing a general panic from Larned well into New Mexico.<sup>83</sup> Dodge again ordered Ford to prepare three columns and to hold them in readiness for action south of the Arkansas. He then wrote Harlan, demanding to know if Leavenworth's mission prevented punitive expeditions in retaliation for actual raids. Fortuitously, Dodge received a copy of Harlan's instructions to the agents in the next mail. With that in hand, on July 19, Dodge ordered the campaign to begin. In his view, the June attacks and Harlan's circular removed the last obstacle.<sup>84</sup>

But the expedition never left Larned. By then, General Ford had been mustered out of the service. The new district commander, Brigadier General John B. Sanborn, moved cautiously, asking Colonel Leavenworth for assurances that his mission of peace would be successful. Leavenworth could not make the firm guarantees that Sanborn wanted, but he expressed his conviction that peaceful relations had already been established. The one thing that could jeopardize the progress he had made would be massive troop movements south of the Arkansas. He warned Sanborn, "Should the movement of troops south of the Arkansas River intimated by you be made just at the time I am in council with them, an angel from Heaven could not convince them but what another Chivington massacre was intended."<sup>85</sup>

In the face of this imperative, Sanborn delayed, and on August 4, General Pope called off the invasion and ordered Sanborn forward to

the mouth of the Little Arkansas to participate in Leavenworth's conference. He arrived on August 15, to find Leavenworth in earnest conference with the chiefs of the Kiowas, Comanches, and Apaches. Later, Little Raven, Storm, and Big Mouth of the Arapahoes and Black Kettle and Little Robe of the Cheyennes joined the negotiations. On August 15, sixteen Kiowa, Comanche, and Apache chiefs, including Dohasen, Lone Wolf, and Santanta of the Kiowas, Ten Bears, Iron Mountain, and Buffalo Hump of the Comanches, and Poor Bear of the Apaches, signed a truce agreeing to refrain from all hostilities until a treaty conference could be convened in October. Three days later, eight Cheyenne and Arapaho chiefs signed a similar document.<sup>86</sup>

The rapprochement on the southern plains coincided with the long awaited summer offensive of the tribes north of the Platte. In late July, the Cheyennes, Northern Arapahoes, and Sioux descended on the Platte. Since May only sporadic incidents had occurred because the chiefs imposed strict discipline, but on July 26, the tribes converged at Platte Bridge Station 130 miles west of Fort Laramie. There, at the juncture of the California and Oregon trails, Major Martin Anderson, commanding a company of the Eleventh Kansas Cavalry, held the line. A few other soldiers, including men from the Third U. S. Volunteers and the Eleventh Ohio, were also there. Among the officers present was Lieutenant Caspar Collins, the son of Colonel Collins, who was enroute to Laramie for duty with General Connor. Indian movements had already been detected in the area, and Major Anderson thought it imperative to send out a relief force to rescue a small train of wagons moving east with an escort

of twenty-five men commanded by Sergeant Amos Custard. Anderson passed over his own officers, who were due to be mustered out shortly, and ordered Lieutenant Collins to lead the mission with about twenty Kansas troopers. Collins recognized that the assignment meant almost certain death, but he obeyed the order and rode out of the little stockade, crossed the bridge, and advanced west.<sup>87</sup>

Behind the hills, a concentration of warriors variously estimated at between one thousand and three thousand men, waited, held in check by the soldier societies. When Collins reached a point nearly a half a mile from the bridge, the Indians attacked. The valley was soon filled with charging Indians as Collins made a desperate attempt to retreat to the bridge. Collins already wounded, stopped to aid a fallen trooper. He was struck in the forehead with an arrow and was soon engulfed by the hostiles. Miraculously, only Collins and four men were killed.<sup>88</sup>

Now the Indians turned their fury on Sergeant Custard's train which crested the ridge to the west just as the Indians overwhelmed Collins's little command. He retreated across the ridge and corralled the wagons. For four hours the troopers fought desperately. Then, the Cheyennes and Sioux swarmed over the wagons, killing the twenty-two defenders.<sup>89</sup>

With the victory at Platte Bridge, the Indians considered the War at an end. That they did not inflict more damage was a feature of basic cultural differences between the plains Indians and the Americans. The Cheyennes had inflicted a terrible vengeance for Sand Creek, the tribes had asserted territorial limits in the time honored way, and the

Indians had done these things without a single major defeat. A few minor incidents continued at isolated points, but the main forces returned to the great village at Crazy Woman's Fork and broke up to hunt before settling into winter camps. The tribes had not yet learned that the Americans fought a different kind of war, but General Patrick Edward Connor was preparing to disabuse them of their misunderstanding.<sup>90</sup>

Yet, Connor's campaign was also ill-starred. Despite his hopes for an aggressive assault on the Powder River concentration, the expedition floundered through the summer. When it appeared that he had sufficient men to launch the campaign, most were suddenly ordered back to the states to be mustered out. To make matters worse, the eastern Sioux struck deep into Minnesota and forced abandonment of Sully's planned rendezvous with Connor.<sup>91</sup> Connor would be on his own. The pugnacious Connor planned to advance into the Powder River country with three columns, and he issued strongly worded orders to his subordinates: "You will not receive overtures of peace or submission from Indians, but will attack and kill every male Indian over twelve years of age."<sup>92</sup> Upon seeing the order, General Pope angrily rebuked him, declaring that such an order, if carried out, would cost him "his commission if not worse."<sup>93</sup> The specter of Sand Creek still hovered close.

Connor's expedition moved in three columns. The first, commanded by Colonel Nelson Cole and numbering 1,600 men, moved out of Omaha on June 1, bound up the Loup River after the hostiles near Bear Butte before joining Connor on the Yellowstone near September 1. Lieutenant Colonel Samuel Walker headed the second column, consisting mostly of troops from

the disgruntled Sixteenth Kansas Cavalry. At Laramie, these troops refused to march, claiming that their time would be up before the campaign ended, but Connor arrayed his own California Volunteers against the mutineers and cowed them into submission.<sup>94</sup> On July 5, Walker moved out of Laramie northward along the western edge of the Black Hills to the Little Missouri and on to the Rosebud for a rendezvous with Connor.<sup>95</sup>

The main column, composed of the veteran Seventh Iowa Cavalry, Eleventh Ohio Cavalry, and the Second California Volunteers, together with Major Frank North's Pawnee scouts and two hundred men of the Sixth Michigan Cavalry, left Fort Laramie on August 1, striking north for the Powder. On August 11, Connor's column reached the Bozeman Trail crossing of the Powder, and the Michigan Cavalry began to construct Fort Connor at that point. Connor's troops skirmished with parties of Cheyennes and Sioux moving north from the Platte Bridge fight, and North's Pawnees wiped out a party of twenty-seven Cheyennes to the last man.<sup>96</sup> Leaving the Michigan volunteers to complete construction of the fort, Connor pressed on to the Tongue without encountering the Indians. Not until August 28, did his scouts report Indian activity. On that day, the Pawnees discovered an Arapaho village near the headwaters of the Tongue, and the following morning a portion of his command struck the Arapaho village of Black Bear just as they were breaking camp. Connor's troops scattered the villagers. The warriors retreated slowly at first, then fled with Connor in hot pursuit. Then, discovering that Connor had lost most of his troops at the village, the Arapahoes counterattacked and drove Connor back to the village, from where the troops withdrew under fire down the Tongue.<sup>97</sup>

After that, the weary troops fought the elements rather than the Indians, marching through heavy rain and snow in search of Cole and Walker. The first troops they found were "Galvanized Yankees" and Dakota volunteers acting as escort for a road building expedition attempting to link Sioux City, Iowa, with the Bozeman Trail. James A. Sawyers, the head of the expedition, reported that they had encountered a large force of Cheyennes and Sioux between the Belle Fourche and Powder Rivers.<sup>98</sup> In the meantime, Cole and Walker had linked up on the Belle Fourche and proceeded to the Little Missouri where fresh Indian signs were plentiful. By then, however, the officers felt compelled to break off the search and meet Connor at the appointed rendezvous on the Rosebud. Upon reaching the Powder, these troops drove off Sioux attackers on September 1, then stumbled onto the great village of Sioux, Cheyennes and Arapahoes that had assaulted Platte Bridge Station. The soldiers fended off the attackers for several days while rations ran out, storms decimated the horses, and the commanders despaired of finding Connor. On September 13, Connor's Pawnee scouts found them and led them in to Fort Connor, where Connor's main force arrived on September 24.<sup>99</sup>

The agonizing campaign had not netted a single major victory over the Indians. The campaign did draw attention to the Bozeman Trail into Montana and led to construction of a fort on the Powder, but it had failed utterly to overawe the Indians. Connor hoped to regroup and take the field again, but another reorganization broke up the far-flung District of the Plains into four districts and assigned Connor to the District of Utah. That effectively relieved Connor, and he abandoned the



Powder River country and returned to Laramie before proceeding to Denver thence to Salt Lake City. The hero of Bear River would not get a second chance.<sup>100</sup>

As September expired, the campaign of 1865 could be judged fairly as a failure. The Indians--in combination as never before--had struck at will from Montana to Texas. The army had deployed more men over a wider area at greater cost than ever before. In the process, eight thousand troops and twenty million dollars, not counting pay, had failed to produce a single military victory commensurate with the heady expectations of spring. "One good thrashing will gain a peace that will last forever," General Ford had avowed in May, but in August, General Pope hurried to participate in the peacemaking process, aware that control of Indian affairs had already slipped through his fingers.<sup>101</sup> Pope claimed that the army had reopened the Platte and Arkansas routes and cleared the region between the rivers of Indians, but that was not true. The Indians had withdrawn at their leisure and struck the routes as they chose. Dodge tried to make a major victory of Connor's action on the Tongue River against the Arapahoes, but the facts of the matter squelched even that.<sup>102</sup>

The campaigns of 1865 failed for many reasons. When Pope took command, the goals seemed fairly simple: Open the overland routes, assert American power north of the Platte in order to protect the Bozeman Trail and other routes to Montana, and conquer a peace. Fresh from victories against the Confederates, the generals could not believe that the Indians could mount a successful offensive. Surveying battles like

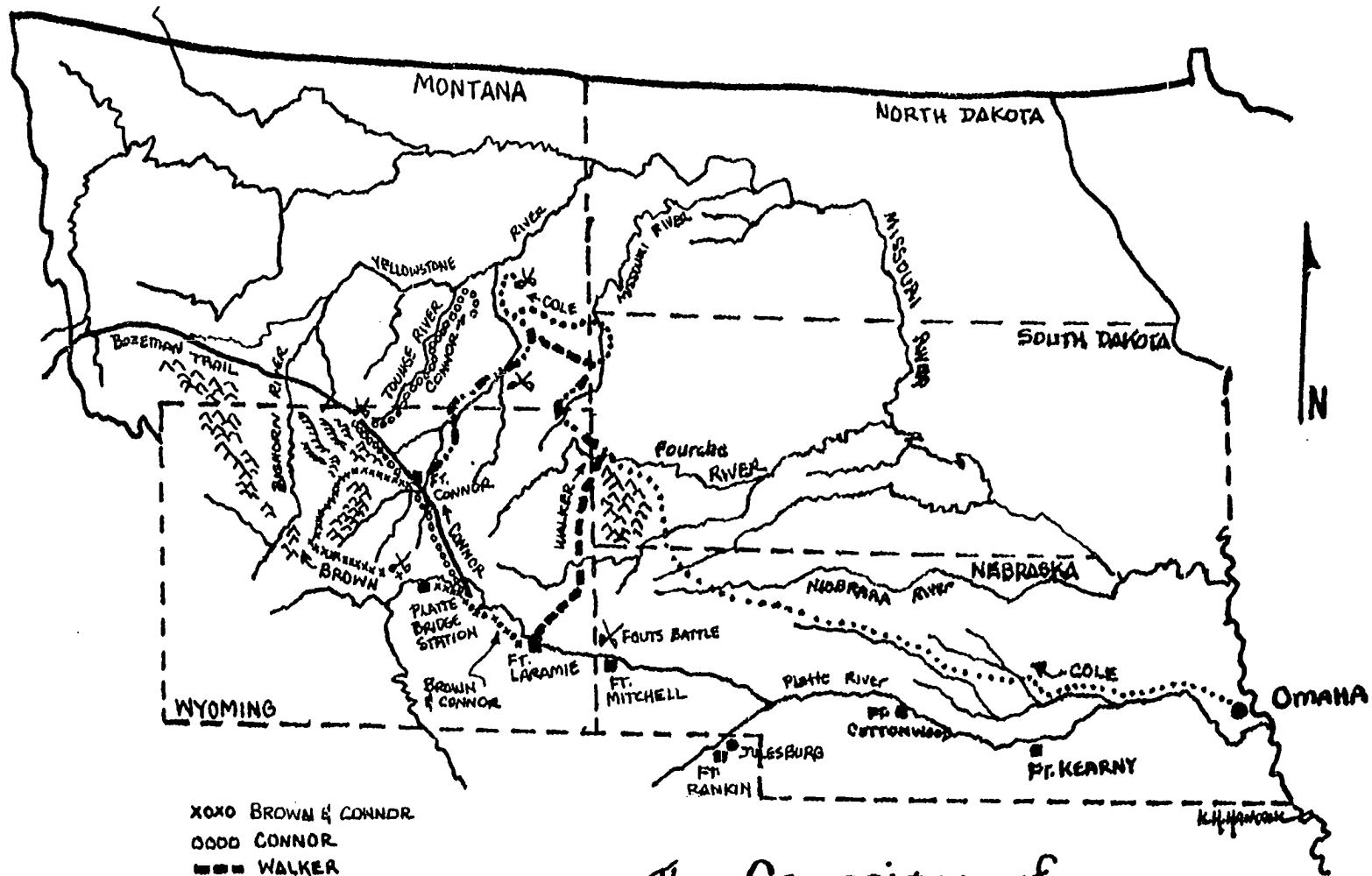
Whitestone Hill, Killdeer Mountain, and Adobe Walls, Pope believed that the Indians could be followed to their villages and forced to fight. Theoretically, he was correct, but the generals made tactical errors in every operation. They misjudged the capacity of the enemy to resist. They learned just how badly mapped the region between the Platte River and the Missouri River really was. They were buried in problems of logistics and supply. The postwar demobilization, congressional determination to reduce spending, and bad weather crippled their best efforts to bring the tribes into battle.<sup>103</sup>

Ultimately, however, the 1865 campaign faltered because both civilian and military authorities concluded that "the war was something more than useless and expensive; it was dishonorable to the nation and disgraceful to those who . . . originated it."<sup>104</sup> As the various committees and commissions explored the origins of the conflict, their disclosures engendered a growing mood of conciliation. At Taos, New Mexico, in June, the Doolittle Committee listened to William Bent and Colonel Kit Carson, respected by politicians and soldiers alike as the best authorities on Indian matters. Bent, whose sons were fighting with the hostile Cheyennes, emphatically asserted that "I would guarantee with my life that in three months I could have all the Indians along the Arkansas at peace, without the expense of war."<sup>105</sup> Carson concurred and added his conviction that "every effort should be made to secure peace with the Cheyennes and Arapahoes before any war was prosecuted against them, in view of the treatment they have received."<sup>106</sup> General Alexander McD. McCook, the military observer with the committee, agreed. Most

frontiersmen still endorsed extermination as the best policy, but they stood alone. "The history of the Chivington massacre is too fresh in the public mind, and will be forever too atrocious in history," The New York Times thundered, "for the preaching of any further doctrines of that sort."<sup>107</sup>

In time, a strict dichotomy of opinion developed, with the advocates of civilian control, peaceful negotiation, and presents on the one hand, and partisans of military direction of Indian affairs and a policy of chastisement, on the other. But, in 1865, both civilian and military leaders sought an accommodation with each other. Both groups recognized the complexity of the problem and the need for a speedy solution. Sand Creek dramatized past failure. Still, Chivington might have been the scapegoat, and Sand Creek might have been treated as an isolated incident.

Samuel F. Tappan, who saw deeper into the problem than most of his contemporaries knew, warned against placing all the blame on Chivington. He pointed out to Charles Sumner that Chivington, whom he described as "an ignorant man, misguided, and mistaken in his conceptions of military duty," believed "that he was doing his duty as a soldier, and he permitted the scalping and mutilation of the dead, thinking it the only way to bring the surviving Indians to terms." But, Tappan urged, "to charge all the fault on Chivington" benefitted no one. Much of the fault, he argued, "rests with those highest in authority, for not having fixed and well understood policy that would have frustrated the possibility of a Sand Creek massacre."<sup>108</sup> Sumner agreed, and his



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## The Campaigns of 1865

statement that "We must do Something [sic] to prevent wrongs to the Indians," rapidly became official sentiment.<sup>109</sup> Accounts of the Sand Creek Massacre captured the attention of abolitionists, newspapermen, philanthropists, soldiers and politicians at a time when public debate could be diverted to the frontier.

The official consensus emerged most clearly in October, 1865, when a peace commission converged on the Little Arkansas to negotiate with the southern plains tribes. General Sanborn, Colonel Leavenworth, William Bent, Kit Carson, General William S. Harney (of Ash Hollow fame), Thomas Murphy, and James Steele comprised an unusually able commission. On October 12, 1865, the commission began negotiations with Black Kettle's Cheyennes and Little Raven's Arapahoes. From the beginning, the specter of Sand Creek haunted the council. Major Edward Wynkoop commanded the military escort for the commission. "It was the first time I had seen the Cheyenne Indians since I had left them on Sand Creek with assurances of safety a few days before the massacre," he later recalled, "and I was uncertain of my reception, presuming that . . . they would connect me with that disaster. . . ." To his amazement, he "was surrounded and greeted with the utmost kindness" when he rode into their camp, and Black Kettle assured him that they did not blame him for what had happened.<sup>110</sup>

The reminders of Sand Creek were everywhere, and when the commissioners finally faced the Cheyenne and Arapaho chiefs in the first session, Major General Sanborn's opening remarks were awkward and embarrassed. He quickly admitted that the Indians had been "forced to

make war," and hurried on to assure the chiefs that the commission's purpose was to make reparations. He promised to restore all the property lost at Sand Creek. He promised each chief 320 acres of land "in his own right," and each child and woman who lost a parent or husband 160 acres. He promised all annuities owed them even though they had fought against the United States. And he reiterated that "We all feel disgraced and ashamed when we see our officers or soldiers oppressing the weak, or making war on those that are at peace with us."<sup>111</sup>

Sanborn combined contrition with the unmistakable message that the Cheyennes and Arapahoes must settle down on a new reservation south of the Arkansas. Although he promised "reservations so large that you can subsist by hunting for many years," both Black Kettle and Little Raven were reluctant to make any treaty that did not involve all their people. Little Raven wanted more time to gather all the Arapahoes before making a final treaty, and he complained of the treatment they and the Cheyennes had received at the hands of Colonel Chivington and his "fool band of soldiers." He demanded an honest agent and complained about previous agents. Eventually, Little Raven forced an agreement that any treaty negotiated there would be binding only on those chiefs who signed it.<sup>112</sup>

Before speaking, Black Kettle embraced the commissioners. Then he spoke to them of his fears:

Your young soldiers I don't think they listen to you. You bring presents, and when I come to get them I am afraid they will strike me before I get away. When I come in to receive presents I take them up crying. . . . My shame (mortification) is as big as the earth, although I will do what my friends advise me to do. I once thought that I was the only man that persevered to be the friend of the white man, but since they

have come and cleaned out (robbed) our lodges, horses, and everything else, it is hard for me to believe white men any more. . . . All my friends--the Indians that are holding back--they are afraid to come in; are afraid they will be betrayed as I have been.<sup>113</sup>

The chiefs bargained for some voice in the choice of lands for a reservation and for the grants which the commissioners proposed. Black Kettle insisted upon the right to roam "until it is necessary for me to accept the proposed reservation"<sup>114</sup> William Bent had hoped that the two tribes might be located on the buffalo grounds along the Smoky Hill River, the favorite buffalo grounds of the tribes, but the establishment of the Butterfield Overland Despatch Line and the possibility of railroads through that region made this impossible.<sup>115</sup> Instead, the commission agreed to a reservation south of the Arkansas in southwestern Kansas and the Indian Territory. Because it would be necessary to extinguish title to lands in that region, the Indians were permitted to "range at pleasure" between the Platte and Arkansas until such time as the reservation could be established.<sup>116</sup>

The Cheyenne and Arapaho chiefs affixed their marks to the Treaty of the Little Arkansas on October 14, 1865. By its terms, they ceded all land claims save for an ambiguous region between the Arkansas River, the Cimmaron River, and Buffalo Creek. The signers received 320 acres each and the Sand Creek survivors who lost parents or husbands were promised 160 acres each, as Sanborn had said. Thirty-one Arapaho and Cheyenne mixed bloods were granted 640 acre tracts on the old Fort Wise lands. Reparations were promised to the tribes for their losses at Sand Creek, and the treaty condemned Colonel Chivington and repudiated the "gross and wanton outrages" committed at Sand Creek.<sup>117</sup>

On paper the Treaty of the Little Arkansas was a good treaty, drawn up by as able a commission as was ever appointed to deal with the Indians. Nevertheless, one of the secretaries at the negotiations, reflecting on the commissioners' work, observed prophetically, "Their fate . . . will be that they died of too large views."<sup>118</sup> The major problem was that the signatories represented so few members of their tribes. Black Kettle and Little Raven led only 270 lodges, including only 80 lodges of Cheyennes. More than 760 lodges (almost 3,800 people) were still in the hostile camps in the north, demanding the hanging of Colonel Chivington by the government as the price of negotiation.<sup>119</sup>

Bent and Carson understood the difficulties inherent in remaking Indian policy. Although both men opposed further punitive action for the moment, they strongly urged the transfer of Indian affairs to the War Department. They were sharply critical of the system of civilian control and advocated a stern but just reservation system under military direction. Such a system would prevent exploitation by agents and insure well-informed military leaders. In the wake of settlement the alternative for the Indians was extinction. They pointed out the responsibility of the government to find an equitable policy, asserting that

humanity shudders at the idea of the destruction of hundreds of thousands of our fellow creatures until every effort shall have been tried for their redemption and found useless, by dispossessing them of their country we assume their stewardship, and the manner in which this duty is performed will add a glorious record to American history, or a damning blot and reproach for all future time.<sup>120</sup>

To avoid a recurrence of the Sand Creek tragedy, Bent and Carson recommended the use of regular troops, commanded by officers who would



not "rashly place the country in danger of a devastating Indian war in consequence of any slight provocation on the part of the Indians."<sup>121</sup> General William Tecumseh Sherman, who assumed command of the Military Division of the Mississippi that fall, carefully examined their report, agreed with it, and noted thoughtfully, "Probably no two men exist better acquainted with the Indians than Carson & Bent for their judgment [sic] is entitled to great weight."<sup>122</sup>

For the moment, the Treaty of the Little Arkansas assuaged official guilt. The Senate of the United States approved it, but not before Senator Alexander Ramsay succeeded in removing Colonel Chivington's name from it, or before it was amended to exclude the reservation lands from the State of Kansas.<sup>123</sup> The Treaty of Fort Sully, negotiated the same month as the Treaty of the Little Arkansas, lacked the support of most of the Sioux. Most of the Cheyennes, Arapahoes, and Sioux were not brought to terms that year, so that the negotiations marked a false dawn. General Pope and Secretary Harlan had managed a cooperative effort at peace, but the burgeoning emigration, the various Pacific railroad schemes, and the miserly attitude of Congress underscored the impracticality of any policy which depended upon the existence of a large unsettled area of the continent. Lands to which the Indians could be pushed were running out. The tribes were encircled by white expansion, and, in a very real sense their destiny was manifest. As civilian and military officials surveyed future prospects, they understood that years of difficulty lay ahead, but if they believed that the Sand Creek Massacre was behind them, they were sadly mistaken.

## CHAPTER XVII

### THE MILITARY UNDER SEIGE

For a moment in the closing months of 1865, federal authorities, civilian and military, reached a consensus on the proper course to follow in resolving the crisis on the plains. The Sand Creek controversy, with its attendant revelations about the conduct of Indian affairs, introduced a moral urgency to Indian policy which precluded a military solution and generated a mood of conciliation. Once the facts of Sand Creek were known, both the army and civil government took pains to disassociate themselves from the affair. As they surveyed the wreckage of federal policy and attempted to explain how such an incident could occur, both civilian and military leaders sought accommodations which would salve the national conscience and restore public confidence.

The effort was a bold attempt to respond to the moral imperatives with a realistic and unified policy. The work of the Joint Special Committee on the Condition of the Indian tribes and the initiatives of General John Pope and Secretary of the Interior James Harlan forecast success. The Doolittle Committee gathered a great mass of information, and the military accepted a secondary role almost willingly. But the arrangement did not hold. Within a year after the Treaty of the Little Arkansas was concluded, the War Department and the Interior Department

were locked in a bitter struggle for control of Indian affairs, and the nascent Indian reform movement was becoming a force before which both generals and bureaucrats trembled.

Ironically, while the Sand Creek Massacre precipitated the re-examination of Indian policy in 1865, it also fostered a tentative and defensive policy which gave no real security to Indians or whites. This result was unintentional, of course, but as moral outrage gave way to guilt and embarrassment, these feelings produced the conciliatory mood of late summer. The emotional factor continued to influence official behavior for years thereafter. Both civilians and soldiers became so sensitive to charges of "massacre" that they acted indecisively in critical situations rather than run the risk of new accusations of atrocities against the Indians.

When the policy makers did find a relief valve, it distorted the problem as well as softened the guilt. Both the Joint Committee on the Conduct of the War and the Judge Advocate General's office attributed the massacre to a few fanatics. Both official reports and editorial comments branded Colonel John M. Chivington a coward and a monster who alone bore the primary guilt. The net effect was to make Sand Creek a bizarre anomaly. Once officialdom wrote off Sand Creek as a aberration, overall policy could be vindicated as consistent and fair. Curiously, then, the very horrors which made the Sand Creek affair a national sensation also diverted attention away from more substantive issues of policy implicit in the Sand Creek story.

Still, the ghost of Sand Creek continued to haunt those charged with the responsibility for Indian affairs. The Sand Creek Massacre was

an issue ready-made for crusaders, and the spectacle of American troops murdering unresisting women and children became a devastating weapon in the hands of policy critics. The emotional context overwhelmed the reasoned rationalizations of public officials and kept them off-balance and guilt ridden. Sand Creek gave reformers an emotional issue in the crucial stages of the emerging Indian rights movement. It did not become a cause celebre in the accepted sense of the term; it did set the tone of the movement. Sand Creek became "Exhibit A" in the reformers' case against federal policy. It drew the lines of the issue neatly and simply, and even after Sand Creek gave way to other controversies, the image of murdered innocents and burning lodges remained a constant in reform rhetoric.<sup>1</sup>

The consensus failed even before the reformers built real momentum, however. Harlan's olive branch to the military in July, 1865, and Pope's later acceptance of a negotiated settlement succeeded because both agencies agreed on the status of the Indians. Neither could justify an aggressive military campaign. In those halcyon days, both could agree, more fundamentally, that the army should manage hostile Indians, and that the Indian Office should manage peaceful Indians. "Such a policy . . . is the plain dictate of common sense," Cooley observed, "and if all officers will but exercise it, there may be no difficulty." But he also underscored the fatal flaw in the arrangement:

Upon some points . . . there may be a variance of opinion, which must be settled by superior authority; as for instance, the question as to when military force is to commence its operations and take the complete control, when the civil agents are of the opinion that peaceable measures will prevent bloodshed; and again, as to where, short of extermination, the

exercise of military authority is to stop, when the civil authorities have reason to believe that the hostile parties are sufficiently phished.<sup>2</sup>

This dilemma provoked considerable debate in the closing months of 1865, and as the year waned, Harlan became more vocal in his criticism of the army. The army, for its part, resurrected the idea of transferring the management of Indian affairs to the War Department. Once consolidated within one department, the generals argued, policy would be more evenhanded and less confused. The idea was not new. The War Department had given up the responsibility for Indian affairs reluctantly in 1849, when the Department of the Interior had been created, and soldiers had not hidden their contempt for civil management in the intervening years. But Sand Creek revived the issue. Charging inefficiency and corruption, a growing number of persons felt that transfer was the best solution. Samuel Forster Tappan was one of the first to recommend transfer, arguing that "the military officers are independent of all local authorities and local influences, sure of their position as long as they do their duty and are faithful to the trust and policy of the Government and just to the Indians."<sup>3</sup>

General Alexander McD. McCook, Pope's man with the Doolittle Committee, sounded a similar appeal. McCook predicted "constant conflicts of authority" until the management of Indian affairs was returned to the War Department. Officers, he argued, were better able to determine when punishment should be ordered and when it should cease. Since peace was "the object of all wars," no conflict would be inherent in the transfer. Furthermore, the general declared, the Commissary and

Quartermaster Departments could distribute goods with more efficiency and less graft.<sup>4</sup> All of the military men who answered a questionnaire prepared by the Doolittle Committee favored transfer, and four of eleven civilian respondents agreed.<sup>5</sup> Even the ascerbic Jesse Henry Leavenworth, betraying his military background, felt that the regular army had the best chance to develop an honest, just, and efficient policy.<sup>6</sup>

Following the Treaty of the Little Arkansas, William Bent and Kit Carson made transfer their first recommendation in the lengthy assessment of Indian policy which they prepared for General Pope.<sup>7</sup> The Bent-Carson report greatly impressed General Sherman, the new commander of the reorganized Military Division of the Missouri. He prepared a detailed report for the army's new chief-of-staff, General Grant. "If the whole management of the Indians, their treaties, annuities, and traders could be transferred back to the War Department," Sherman wrote, "it would much simplify our work."<sup>8</sup> Grant agreed, and, early in 1866, he expressed his own conviction that "the matter of first importance" was the transfer of Indian affairs to the War Department.<sup>9</sup> Actually, Senator William M. Stewart of Nevada had already introduced a transfer bill in May, 1865. The bill was killed, but Senator John Sherman of Ohio, the general's brother, tried to attach an amendment for transfer to the annual Indian appropriations bill. This effort also failed.<sup>10</sup> But these initiatives were only the first in a long and bitter struggle.

Ironically, those first efforts at transfer failed, not because of determined opposition from humanitarian reformers, but because Congress did not perceive the question as an urgent one. In fact,

support for transfer was probably greater at that point than at any later time. Not only did the army favor the change, but a significant number of reform-minded persons. Certainly, men like Tappan and Leavenworth and Bent and Carson, all frontiersmen who wanted a fair shake for the Indians, represented the most reasoned judgment of the situation, and their advocacy of military control alone dispelled the homily that military control meant genocide. But after the treaties of 1865, the plains lay deceptively quiet, and an economy-minded Congress talked about reduced military spending and the reduction of the army to skeleton levels, not about an enlarged role for the military. The mood was supported in the public press which contended that the troops on the frontier should be reduced because they aggravated rather than eased the problem with the Indians. Frontiersmen added their own kind of criticism to the chorus, complaining that the troops knew "no more about their business than an old politician does about honesty."<sup>11</sup> Western editors remained convinced that frontiersmen could handle the situation themselves if left to their own devices. Thus, in a peculiar way, the army's first skirmish was not with the Indian Office or the reformers but with a strange combination of fiscal conservatives and Western exterminators. It was a strange alliance composed of those who wanted to make the subjugation of the Indians a matter for free enterprise, through scalp bounties and government subsidy, and those who believed that the Indian troubles were over.

Sherman knew better. The treaties of 1865 would not hold. They could not hold. Even from his office at St. Louis, he could see what was

happening. The settlers were pouring west at an accelerated pace, rushing to build new lives in the Great West. The myth of the Great American Desert evaporated as farmers flooded into the territories and new states to take advantage of the Homestead Act or to seek their fortunes in the gold fields of the Western mountains. Already, the Union Pacific Railroad was laying track in Nebraska, while the company's Eastern Division snaked across Kansas to the ping of hammers. Kansas had already refused to permit the Cheyennes and Arapahoes to settle on lands within that State, and the Texans adamantly opposed a Comanche and Kiowa reserve there. The Sioux faced new incursions as settlers, lured by Montana gold, plunged after their dreams in the Northwest.

American civilization was closing in on the Indians of the plains. The forces of American capitalism, cut loose and fed by the Civil War, now turned on the frontier, bringing the full power of their modernizing influences to bear upon the native inhabitants. Old solutions were obsolete. All of the old homilies about removing the Indians from harm's way were destined for the scrap heap. All of the grand hopes for buying time were dashed. The Indians were encircled, and the lusty, exploitative combination of American settlers and American industry could not be held back for long. The dream of men like John Evans was careening pell mell into reality, and no group of "savages" could stand in the way of progress. "The poor Indian finds himself hemmed in," Sherman wrote, and he shuddered at the thought of what lay ahead. Watching the scramble of the settlers, he warned General Grant, "We must not be astonished if some of them lose their horses, cattle, and scalps."<sup>12</sup>



Ironically, the greatly increased responsibilities paralleled the demobilization of the grand army. The burden of defense fell back onto the shoulders of the regulars. By mid-1866, regular strength would stand near thirty thousand men. It was a larger force than the prewar army, but it was also divided between reconstruction duty in the South and frontier defense.<sup>13</sup> The limited troops deployed in the West could not expect to defend every settlement or every party of emigrants. Consequently, the army adopted a largely defensive position. If a real crisis should arise, the army planned to shift into an offensive posture, mobilizing troops for specific campaigns. Of course, this would leave other areas even less protected than before. The policy never satisfied Westerners, who demanded absolute protection. Sherman lamented, "Each spot of every road and each little settlement along our five thousand miles of frontier, want its regiment of cavalry or infantry to protect it against the combined power of all the Indians, because of the bare possibility of their being attacked by the combined force of all these Indians."<sup>14</sup>

The return of the regulars to the frontier eliminated the vigilante mentality which had characterized much of the frontier army during the war years. But the postwar army was a tougher army, hardened in the crucible of civil war, modernized in equipment and tactics. Equally important, command had passed to a new generation of officers which took a more pragmatic view of war. War was a dirty business, and Sherman planned to carry it to hostile Indians in the same way that he had carried it to Georgia. He believed that the quickest way to end a

war was to make it unbearable to the total population. The "policy of annihilation" which emerged in the years after the war, then, was not the product of racism aimed at genocide, as critics would claim. It was a modification of strategy and tactics already used against the South.<sup>15</sup>

Even the reasons were essentially the same. Like Southern whites, the plains Indians represented a traditional culture which stood in the way to expanding American capitalism. Like Southern whites, the Indians refused to adapt. The army's role was to grease the wheels of progress, to protect the settlers in their westward thrust, and to expedite the modernizing process. Although still a buffer of sorts between Indians and whites, the army's role was more clearly to act as the cutting edge of a new order on the plains.

While Sherman fumed and fretted at St. Louis in the early weeks of 1866, the Indian Office moved to shore up the treaties of the Little Arkansas. With the approach of winter in 1865, many of the Southern Cheyennes had moved south from the hostile camps in the north to their familiar wintering grounds between the Platte and the Arkansas. Only then did they learn about the treaty, and what they learned angered many. The Dog Soldiers pitched their lodges on the Republican and the Solomon, and they were infuriated to find a stage road through the heart of the Smoky Hill country. To make matters worse, a squad of soldiers attacked a party of Cheyennes, and the Dog Soldiers, assuming that the treaty had been broken or that they had been misinformed, retaliated with more raids. With the threat of fresh hostilities in mind, both William Bent and Black Kettle urged further talks to reassure the Cheyennes who had

not been present at the treaty talks. Government officials agreed that the matter was urgent.<sup>16</sup>

Persuading the Cheyennes to accept the treaty would require a person whose honesty and sincerity the Indians could trust, and almost everyone agreed that the best man for the job was Major Edward Wanshear Wynkoop. After the Sand Creek controversy died, Wynkoop pursued his duties as Chief of Cavalry for the District of the Upper Arkansas and served as advisor to generals and congressmen on Indian matters. Sand Creek haunted him. His anger toward Chivington gradually gave way to guilt over his own role in the tragedy. That sense of honor which had characterized him since his youth now impelled him seek absolution in service to the Indians.

Wynkoop had impressed both the Doolittle committee and the treaty commissioners. The Cheyennes and Arapahoes at the Little Arkansas had welcomed him and begged the commission to make him their agent. Even General Pope believed that he was the only man who could settle matters without further violence. President Johnson and Secretary Harlan agreed, and in December, Johnson appointed him special agent to the Cheyennes and Arapahoes for the purpose of persuading the non-signatory chiefs to accept the Treaty of the Little Arkansas. He was detached from his military duties to carry out the assignment, and late in February, 1866, he met the chiefs on Bluff Creek, forty miles southeast of Fort Dodge.<sup>17</sup>

The Bluff Creek conference brought together most of the surviving southern chiefs, including Stone Forehead, the venerated keeper of Mahuts.<sup>18</sup> The chiefs seemed disposed to accept the peace made on the

Little Arkansas, but Tangle Hair, speaking for the Dog Soldiers, adamantly refused to give up the Smoky Hill country. Wynkoop had no authority to negotiate the point, but he persuaded Tangle Hair to keep the peace until his objections could be forwarded to the proper authorities. The ploy bought time, and the chiefs signed a document tentatively agreeing to the terms of the Little Arkansas treaty. But the Dog Soldier chiefs and Stone Forehead left the meeting determined to hold the lands on the Smoky Hill.<sup>19</sup>

Wynkoop pressed his initiative that spring, finally conferring with Bull Bear, Tall Bull, and White Horse, the Dog Soldier chiefs in April. Like their brother, Tangle Hair, they pledged to keep the peace, but they refused to concede on the Smoky Hill question. After that Wynkoop returned to Washington. At mid-summer, the promised annuities had not arrived on the plains, and Wynkoop was sent west again to explain the delay. By August, the Dog Soldiers were threatening to clear the Smoky Hill road of white men, if they did not leave voluntarily, and a few raids did occur.<sup>20</sup> Still, the tenuous peace held.

In the meantime, the United States Senate had confirmed the Treaty of the Little Arkansas, but not before amending it to exclude any Cheyenne-Arapaho reserve from Kansas.<sup>21</sup> That precluded any concessions to the Dog Soldiers. When special agents, W. R. Irwin and Charles Bogy arrived on the plains to secure the signatures of the chiefs to the amended treaty, they found even the peace chiefs like Black Kettle unwilling to accept the amendments and insistent on a Smoky Hill reserve. Not even Wynkoop, now the regularly appointed agent on the Upper

Arkansas, could persuade them.<sup>22</sup> The council broke up without success, and Wynkoop continued to coax those chiefs who seemed most tractable. Finally, in November, Black Kettle and other peace chiefs signed the amended treaty, surrendering Cheyenne lands in Colorado and Kansas, including the Smoky Hill country. From the Cheyenne perspective, the treaty was binding only on those who signed it. The Dog Soldiers and their allies did not recognize the cession as binding, and they swore they would not give up the Smoky Hill without a fight.<sup>23</sup>

The most remarkable thing about the process was how little white leaders had learned from the experiences of the past. Even men like Wynkoop, who regarded themselves as friends of the Indians, had no understanding of the Cheyenne political structure. And if they made a more determined effort to obtain assent to the Treaty of the Little Arkansas than John Evans had made to ratify the Treaty of Fort Wise, the net result was the same. Those disposed toward peace signed; those willing to fight did not. And the government of the United States assumed the signatures of the former to be binding on the latter without regard for Cheyenne sensitivities and polity. The issue was resolved only on paper. Wynkoop had almost single-handedly kept the peace in 1866, but the force of his personality would not maintain it indefinitely. The progress of settlement would see to that.<sup>24</sup>

Other events, however, soon overshadowed Wynkoop's minor miracle. In May, General Sherman began an inspection of the plains, traveling up the Republican, then turning north toward Kearny and the forts beyond. Later in the summer he proceeded to Fort Laramie and Denver. At

Denver, Sherman's patience ran out. Businessmen, politicians, and editors were still clamoring for military protection just as they had in 1864, and the general quickly dismissed their pleas as arrant opportunism. "Denver needs no protection," he wrote Grant. "She could raise on an hours notice 1,000 men, and instead of protection she can and should protect the neighboring settlements that tend to give her support and business."<sup>25</sup> He curtly dismissed a local delegation, informing them that he would not furnish them troops to shore up the local economy. His sarcastic dismissal of such men did not endear him to frontiersmen, but he wrote wearily to one of his colleagues:

I don't see how we can make a decent excuse for an Indian war. I have travelled all the way from Laramie without a single soldier as Escort. I meet single men unarmed travelling along the road as in Missouri--cattle--horses--graze loose far from their owners, most tempting to a starving Indian, and though Indians might easily make a descent on these scattered Ranches yet they have not done so, and I see no external signs of fear of such an event, though all the people are clamorous for military protection.<sup>26</sup>

Back in St. Louis, Sherman found that the public debate on Indian policy seemed to be heating up. Most of the furor seemed to come from western journals forecasting doom and demanding that Congress do something to save the settlers. Sherman brushed aside the paper war with an oath and drafted his report. His first recommendation was that the management of Indian affairs be turned over to the army. "Indians do not read," he wrote, "and only know of our power and strength by what they see, and they always look to the man who commands soldiers as the representatives of our government." Reservations would have to be established, he said, and the Indians would have to make new concessions. In

the meantime, the army's role would be to protect the overland routes. He resurrected the old corridor concept, hoping to concentrate the Indians north of the Platte, west of the Missouri, and east of the Bozeman Trail in the north, and south of the Arkansas and east of Fort Union, New Mexico, in the south. The net effect, he explained, would be to open a wide belt between the Platte and the Arkansas to settlement and railroad development. The plan was far from perfect, he admitted, but given the distances involved, the size of his forces, and the rate of settlement, it was the best he could devise.<sup>27</sup>

That autumn, Sherman looked back on the summer with relief. So far, the prophets of doom had been proven wrong, and with winter approaching, he believed that the year would expire without major incident. He assumed that the tribes would not take any initiative late in the year because Indians avoided winter war when they could, but once again the conventional wisdom was flawed. The Sioux north of the Platte remained utterly opposed to the Bozeman Trail, and they swore to resist the construction of forts in the Powder River country. On December 21, 1866, near Fort Phil Kearney, one of the new posts, they made good their threats. Woodcutting crews had been harrassed from the outset of construction, but on that particular morning, Captain William J. Fetterman, commanding a relief force of eight-one officers and men, rode into a trap. Fetterman's troops were annihilated, and their bodies were horribly mutilated.<sup>28</sup>

The Fetterman Massacre stunned the country. As the gory details of the affair reached headquarters, Sherman could not restrain himself.

"We must act with vindictive earnestness against the Sioux, even to their extermination, men women, and children," he scribbled in a letter to Grant. "Nothing else will reach the root of this case."<sup>29</sup> The statement was intemperate, politically stupid, and wholly rhetorical. Sherman planned to strike the Sioux hard, but he had no plan for exterminating them. He had repeatedly denounced what he called "the Chivington process," and his views on killing noncombatants had not changed.<sup>30</sup> But the statement proved to be a major tactical blunder. For months, the supporters of the army had been working to muster support for the transfer of Indian affairs to the War Department. Now, in one angry moment, Sherman had confirmed the opinions of opponents of the change and had provided the opposition with a devastating weapon. With a single statement, Sherman had linked the regular army to the Chivington style.

The Fetterman affair sparked the first major debate on Indian policy since the furor following Sand Creek. During the quiet months of 1865 and 1866, the sense of urgency dissipated until Senator Doolittle lamented that he could not persuade his colleagues in Congress to discuss "anything which concerns our Indian relations."<sup>31</sup> Indeed, the report of Doolittle's own Special Joint Committee on the Condition of the Indian tribes languished at the Government Printing Office for months awaiting Doolittle's summation and the recommendations of the committee.<sup>32</sup>

Still, during those months the groundwork for reform was laid both in Congress and out. In the Senate, Doolittle and John B. Henderson of Missouri became the leading proponents of reform; in the House of Representatives, George Washington Julian of Indiana and William Windom



of Minnesota assumed leadership of the reform initiative.<sup>33</sup> The humanitarian reform movement also contributed some important spokesmen to the cause. Abolitionist leaders like Wendell Phillips, Lydia Maria Child, Aaron Powell, Henry Ward Beecher, and Cora Daniels added their voices to those of John Beeson, Bishop Henry Whipple, Alfred H. Love, and Alfred B. Meacham as advocates of Indian rights.<sup>34</sup> E. L. Godkin's The Nation and the National Anti-Slavery Standard gave voice to reform views, and gradually a reform agenda took shape which emphasized civilian control, peace, and assimilation.<sup>35</sup>

At the end of 1866, however, the movement lacked focus. Strong differences of opinion remained over the best way to achieve a fair policy toward the Indians. So far, the issue had not crystallized in the debate over civilian versus military control. Rather, the reform-minded few seemed to be directed only by a general sense of injustice. Beeson and Whipple had views that dated back to the war years and beyond, but most of the reformers were as yet unsure of themselves. In that formative period, the movement owed much to the energy and drive of one very determined man--Samuel Forster Tappan. Throughout 1865 and 1866, he served as the conscience of public officials and private philanthropists. He was uniquely suited to the task. As a frontiersman, he could speak with authority from experience; as a New Englander with abolitionist credentials, he could gain access to the reform establishment; as a journalist he had gifts of expression and persuasion.<sup>36</sup>

After leaving military service in 1865, Tappan had traveled east. In Washington, he conferred at length with a number of

high-ranking officials. He renewed his acquaintance with Grant and Orville Babcock. He spoke with Harlan and Stanton. In Congress, men like Doolittle, Charles Sumner, and John Henderson listened to his ideas. He made an especially deep impression on William Windom, chairman of the House committee on Indian affairs and a Westerner who responded to Tappan's first-hand experience. Even hard-liners like Samuel Pomeroy of Kansas took him seriously.<sup>37</sup> Once he had laid the foundations for reform in Washington, he moved on to New York where he proselytized his New York friends and used the columns of the New York Tribune as a forum. He became embroiled in a public exchange of letters with former governor John Evans of Colorado.<sup>38</sup> From New York, he moved on to Boston where he courted Wendell Phillips, William Lloyd Garrison, and others of the old abolitionist hierarchy. Most importantly, he kept up a barrage of correspondence on the subject even after the initial impact of the Sand Creek affair faded from public view. Although less well-known and less visible than either John Beeson or Bishop Whipple, Tappan was one of the primary architects of the Indian reform movement.<sup>39</sup>

From the beginning, Tappan had placed much faith in the ability of the army to administer Indian affairs more efficiently and more humanely than the corrupt Indian Office, but by the end of 1866, his views were changing, and the events that now unfolded rendered a transformation in his thinking. Sherman's interjection planted the seed. From his home in Manchester, Massachusetts, the former Coloradan watched with growing concern.

The Fetterman disaster was still news when the House Committee on Indian Affairs introduced a bill recommending changes in policy. The

committee bill reflected sentiment for continued civilian control of Indian affairs, and Congressman Robert C. Schenk of Ohio immediately introduced an amendment calling for transfer of Indian matters to the War Department. Schenk, William A. Darling of New York, Andrew S. Sloan of Wisconsin, and John A. Kasson of Iowa led the fight for transfer.<sup>40</sup> Their strategy followed the premises of Bent and Carson, Pope and Sherman, Leavenworth and Tappan that military control would be fairer and more honest. Windom was not convinced. Citing "the management by the War Department of Indian Affairs in Colorado," he read into the record Lieutenant James Cannon's affidavit concerning atrocities at Sand Creek. A supporter of the amendment quickly inquired if Chivington's conduct had not been rebuked by the War Department. "I presume, Mr. Speaker, that it was rebuked," Windom responded,

but when gentlemen stand here arguing that it is for the benefit of the Indian to turn him over to the hands of men who have shown themselves capable of such brutal conduct, I think it is but fair that some examination<sup>41</sup> of their mode of treatment should be presented to the House.

"If anything can be found in the conduct of the civil authority half as bad as this," he added, "I will vote for the amendment. . . ."<sup>42</sup> The move was theatrical, but, remarkably, no one effectively responded to Windom's challenge or even pointed out the fallacies in his argument. But the ploy did prove on thing: Sand Creek was still an embarrassing and intimidating subject.

Once that was clear, the reformers pressed the initiative. The amendment passed the House as expected, and the amended bill went back to the Senate where it was eventually defeated. In the course of the Senate

debate, Samuel C. Pomeroy, the senior senator from Kansas (and a friend of Samuel F. Tappan), used Sherman's extermination statement to prove that the War Department was unfit to handle Indian affairs.<sup>43</sup> Then, on February 4, 1867, the senators voted to publish the testimony of the military investigation into the Sand Creek Massacre in 1865. Interestingly, however, the work of the Tappan commission was published without the opinion of Judge Advocate General Joseph Holt appended, which deprived readers of the army's official condemnation of the massacre.<sup>44</sup>

In the meantime, Senator Doolittle and the work of the Joint Special Committee on the Condition of the Indian Tribes became the center of a related controversy. Early in January, the Cincinnati Gazette began publishing a series of articles from a Washington correspondent which accused the Doolittle committee of suppressing the evidence it had collected in 1865.<sup>45</sup> The various subcommittees had already prepared reports, some of them controversial and misleading, and these reports, along with supporting materials and the responses to a survey prepared by Doolittle, had been published already. The unbound materials had languished for months at the Government Printing Office awaiting a summary report by the Chairman.

Senator Doolittle, already under fire because of his opposition to the impeachment of Andrew Johnson, had moved slowly, partly because he felt that the reports distorted the truth, partly because he thought that some individuals would be unfairly criticized if the documents were published, and partly because he realized that the documents were politically explosive.<sup>46</sup> But when the Gazette began publishing excerpts

from the printed materials as though they were gospel, Doolittle hurried to meet the criticism. By then, excerpts had also found their way into the Congressional debate. He submitted the hastily prepared report to the Senate, and on January 26, 1867, the Senate ordered it to be printed along with the supporting materials as an appendix.<sup>47</sup>

The Doolittle report itself held few surprises. Doolittle argued that the Indian population was declining, that most of the Indian troubles were caused by white aggression, that the loss of Indian lands and the destruction of game led to decay among the tribes, and that management of Indian affairs should remain in the Department of the Interior. The last point was the crucial one. Doolittle argued that the military was ill-suited for the task "by their habits and profession." He argued that Indian policy and land policy should be handled by a single agency. And he insisted that the division of responsibility between the departments allowed each to serve as a check on the other. Finally, to correct abuses in the Indian service, he recommended the creation of inspection boards to supervise the conduct of policy--the very subject of the legislation to which the House amendment had been attached.<sup>48</sup>

Before the report could be published, however, the Gazette accused committee members of selectively using materials from the printed documents to defeat transfer. Referring to the opponents of transfer in the House, the correspondent wrote:

They caused to be read at the clerk's desk extracts detailing the horrors of the Sand-Creek-Chivington massacre, as an example of the manner in which the Indians have been treated by the military authorities. This, as all acquainted with the

facts know, was a cold-blooded butchery, made against the protest of the officers of the fort near which it took place, without authority, and which was fully investigated by the War Department, and severely denounced--the Department spending more time in this inquiry than in almost any other ever made by it. The act was performed, too, not by an officer of the regular army, or really of the volunteer body, but by a body of men who were virtually border ruffians. It is certainly a matter deserving reflection that the only use allowed to be made of the report of nine members of Congress, sent out at great expense, and charged with the duty of re-reporting [sic] to Congress should be to use misrepresentations of that report on the floor of the House to defeat a bill looking directly to the correction of the gross abuses which that very report exposed.<sup>49</sup>

The controversy succeeded in capturing public attention. The Nation, pointing to the tragedy at Fort Phil Kearney, sharply criticized federal policy. "We do not justly discriminate between the tribes themselves," the editor wrote, "and our practice is usually first to massacre, by the wholesale, all the redskins we can get at--brave, squaw, and papoose--and next to patch up a peace by presents with all that are left." He then contrasted the treatment of the Sioux and the Cheyennes. Recounting Sand Creek, he wrote,

If anyone can read the record of our dealings with the Cheyennes, and then marvel at their present murderous marauding, he has poorly studied human nature. Nothing of this sort do we proffer, of course, in excuse for the Indian outrages, but in explanation, rather, of those outrages; we trace back from the harvest to the seed.<sup>50</sup>

On the other hand, the editor said, the Sioux had been too kindly treated. "The primal remedy for our evils," he went on, "is in the transfer of the Indian Bureau from the Department of the Interior to the War Office."<sup>51</sup>

In February, the House called on the Sanborn-Sully commission (a presidential commission headed by John B. Sanborn and Alfred Sully which

had been appointed to make peace with the Sioux in the Powder River country) to investigate the Fetterman Massacre and to determine which tribes were hostile and which were friendly. The move implied a congressional distrust of the military investigation already launched, but it also precipitated another review of the causes of the troubles on the plains.<sup>52</sup>

Suddenly, Sand Creek was news again, a major exhibit of the failure of policy and the need for critical changes, utilized by both the supporters and opponents of transfer. At that juncture, the army initiated plans which further undermined the War Department's credibility and linked it to the Sand Creek mentality. Senator Doolittle suggested in his report that the government had atoned for "the violation of faith" at Sand Creek when it negotiated the Treaty of the Little Arkansas, but more than a year after the treaty, the tribes still had no permanent home. In the absence of official action, the Cheyennes and Arapahoes continued to occupy lands on the Republican and the Smoky Hill in accordance with treaty provisions granting them that right until a reserve could be established. To complicate matters, Kiowas moved north of the Arkansas, while Oglala and Brule Sioux dropped south of the Platte into the same region. As a result, the friction between settlers and the Indians smoldered ominously and threatened to burst into flame. Reports of Indian depredations led General Winfield Scott Hancock, Pope's successor as commander of the Department of the Missouri, to conclude that the Cheyennes and Arapahoes were responsible.<sup>53</sup>

Early in April, 1867, General Hancock moved into western Kansas with a force of fifteen hundred men, comprised mostly of the newly formed

Seventh Cavalry under the command of Brevet Major General George Armstrong Custer. Hancock was determined to overawe the Indians. He informed Major Wynkoop that he intended to parley with the chiefs to impress upon them the futility of war, but he went prepared to fight. "No insolence will be tolerated," he said flatly.<sup>54</sup> General Sherman, conscious of the public mood, took care to instruct Hancock. "I have no fear that you or any other officer under you will kill or injure unresisting people of any race of kind," he wrote in a sentence which betrayed his fears--fears which proved well justified.<sup>55</sup> Within weeks Hancock had precipitated a war, confirmed the image of the army as saber-wielding murderers in the minds of many, and damaged the cause of transfer far more seriously than the reformers had been able to.

Wynkoop arranged a conference between Hancock and the Dog Soldiers on April 10, but a snowstorm, interfered. By the time the Indians arrived on April 12, Hancock was irritated, and when he learned that only two chiefs, White Horse and Tall Bull, had come in, he impatiently told the chiefs that he intended to march on their village in order to treat with all the chiefs. The chiefs were much alarmed over this. The memory of Sand Creek was still fresh, and Tall Bull insisted that Wynkoop make the general understand that if the troops approached, the people would run away. Wynkoop tried to explain the fears of the Indians to Hancock, but the general was unmoved. On the following morning, the troops moved out toward the Cheyenne village on Pawnee Fork.

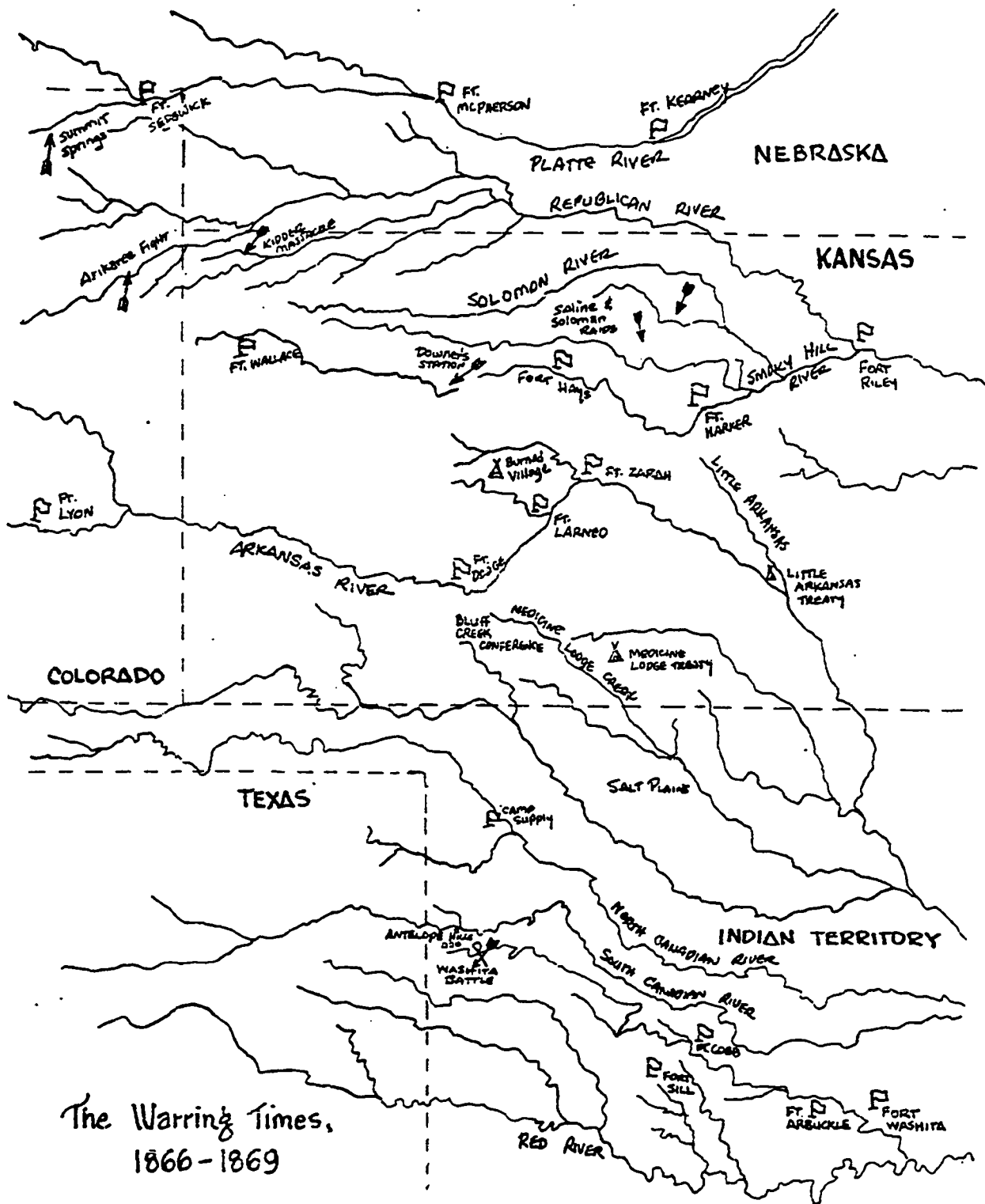
When Hancock approached the village on April 14, he faced a large force of Cheyenne and Sioux warriors drawn up in line of battle



while the people of the village fled. Angrily, Hancock demanded that the chiefs go after their people and force them back to the village. The chiefs sullenly departed, and the warriors fell back, but instead of bringing back their relatives, the men slipped away that night, leaving Hancock in possession of an empty village. Hancock insisted that the Indians had acted in bad faith, in spite of the efforts of Wynkoop and his scouts to explain their fears, and three days later he burned the village. Both Wynkoop and Jesse Leavenworth immediately protested to Washington. In a letter criticizing Hancock, Wynkoop reminded his superiors of Sand Creek and pointed out that the Indians "had no means of discriminating between him [Hancock] and Colonel Chivington or distinguishing the man for the monster."<sup>56</sup>

In his determination to be firm, Hancock had behaved stupidly. Having alienated the main Indian groups, he conferred with leaders of a few smaller bands and then returned to Fort Leavenworth. With his departure, the peacefully inclined factions fled south of the Arkansas, and the rest, including the Cheyenne Dog Soldiers, descended on the immigrant routes. In June, Colonel George Armstrong Custer took the field with three hundred men, but except for a few skirmishes with the Sioux, the boy general was unable to bring the Indians into battle. Before the end of July, his weary troopers returned to Fort Wallace, unable to continue the campaign, while the Indians struck at will throughout the region.<sup>57</sup>

Naturally, the continuing raids produced an outcry on the frontier where governors demanded permission to raise volunteer units to



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meet the situation, while Western editors called for new Sand Creeks to settle the problem once and for all.<sup>58</sup> Sherman hastened to investigate the situation in person and spent much of his time trying to quiet rumors of wide-spread hostilities. By then, however, the Sanborn-Sully commission had made its report on the origins of the hostilities. In a lengthy dispatch which emphasized the failure of the army to appreciate the Indian position on critical questions, Commissioner Sanborn traced the troubles on the central plains to the Sand Creek Massacre. He recounted that affair in graphic detail, placing particular emphasis upon the effect of Sand Creek upon the Indians. He castigated General Hancock for not realizing that the Cheyennes would fear another Sand Creek when he advanced so precipitously on their village. The Indians had placed their trust in the government only to have their women and children slaughtered in their refuge; then Hancock came to them and threatened a war of extermination if they did not allow troops to visit their villages. The whole approach made the government look preposterous, he argued.<sup>59</sup>

The new commissioner of Indian affairs, Nathaniel G. Taylor, added his own version of the "cold-blooded butchery" of Sand Creek to prove that the Cheyennes and Arapahoes should not be punished further. Taylor sought a more permanent answer to the crisis on the plains with an updated version of the old corridor policy. Drawn in part from General Sherman's proposals of the pervious year (a notable stroke of diplomacy), the plan called for the creation of two huge reserves, one north of Nebraska and one south of Kansas. In these two areas, which would be kept free of white settlers, the "wild tribes" would be "civilized" without the corrosive influences of the civilizers.<sup>60</sup>

Taylor's plan set off a spirited debate in Congress when Senator John B. Henderson of Missouri, who succeeded Senator Doolittle as chairman of the Senate Indian Affairs Committee, introduced a measure to implement the new concentration scheme. He proposed that a peace commission be appointed to negotiate a comprehensive settlement with the plains tribes, and General Sherman gave the idea his guarded endorsement.<sup>61</sup> The measure generated a complete recapitulation of all of the familiar arguments. Senator John Sherman argued that any sort of reservation policy would simply prolong hostilities. Only assimilation offered any hope for the tribes. He attacked the treaty system. Citing General Pope's opinion that peace commissioners promised to keep whites out of Indian country, "knowing well that it is impossible to fulfill such a promise," Sherman criticized the bill for including precisely that kind of provision. The government never had and never intended to keep such promises, he said, and it was time to stop the farce of treaty negotiations.<sup>62</sup>

Senator Henderson chided his congressional colleagues for their failure. The army's duty was not to "inquire into the validity of a law," he said, not to decide whether an Indian treaty or a federal statute which conflicted with that treaty had superior weight. Sherman also defended the army, but he marshalled other, more familiar arguments. Soldiers, he said, could fight Indians only "by assuming their own weapons." He defended Hancock, posing the question, "How are you going to fight with savages?" His reply was also familiar: "The only way to fight the Indian is to go to his wigwam where his women and children are

left, capture them if you choose and hold them as prisoners of war, or . . . bring back the women and children into the settlements and keep them there far beyond the reach of their husbands and fathers. I would not hang them nor slaughter them, but I would feed them."<sup>63</sup>

And so the debate went. Senator Pomeroy of Kansas expressed shock at Hancock's stupidity and endorsed the peace plan. Westerners sought to amend the legislation to permit volunteers to be raised in the territories. Henderson reacted in horror to that suggestion, reminding the Senate of the lessons of Sand Creek:

. . . my opinion is that Colonel Chivington will be the first man who will be ready with his regiment under this provision. Colonel Chivington has already cost us money enough, I may safely say not less than \$50,000,000. He was a candidate for Congress . . . and rendered himself exceedingly popular, in all probability, with a certain class of people; and but for the anger aroused throughout the country everywhere perhaps he would have been elected on account of this very great deed, on account of the glory that he won at the Sand Creek massacre! I think the probability is that if you adopt this amendment in any shape whatever Colonel Chivington will be ready with his regiment, and instead of making peace with the Indians the result will be that we shall have further troubles. I know that we can make no peace with such men at the head of our military commands.

He had no desire to reflect unfairly upon Colonel Chivington, he said, but

it is my honest belief that our present difficulties are due in a great degree to his act at the Sand Creek massacre, a thing uncalled for, a thing unmerited on the part of the Indians; and in fact it was a deed committed upon them at a time when they were under the pledge of protection of the United States, for they had been brought there by the order, not only of military commanders, but of civilians for the purpose of making peace--an unparalleled butchery which necessarily drove them into war; and I should have had no respect for them if they had not gone to war after that, and nobody else would have had.<sup>64</sup>

Senator Lot Morrill of Maine added his own account of Sand Creek to the debate to show the folly of using volunteers. "I admonish the Senate that if they would not have the barbarities and the atrocities of 1864 repeated," he said, "to confine the defense of the border to the Army of the United States, and not give up the protection of the border or the prosecution of war upon any plea whatever to volunteer troops residing there."<sup>65</sup>

On July 20, 1867, the act creating the peace commission was approved with an amendment authorizing the Secretary of War to call up volunteers if the commission failed. Congress named four of the special commissioners--Indian Commissioner Taylor, General Sanborn, Senator Henderson, and Samuel F. Tappan (the last appointed on the recommendation of Congressman Windom who declined appointment to the commission). President Johnson named General Sherman to head the military representatives. Other military appointees included William S. Harney, the aging "hero" of Ash Hollow, and Alfred H. Terry, the plodding commander of the Department of Dakota.<sup>66</sup>

Amid high hopes among reformers and bitter skepticism on the frontier, the commission moved west in August.<sup>67</sup> After an inconclusive conference with the Sioux at North Platte, Nebraska, in September, the peace commissioners convened on Medicine Lodge Creek, seventy-five miles south of Fort Larned, early in October to negotiate with the southern tribes including the Cheyennes. In their pouches, the commissioners carried new treaties, already drawn up and ready for signatures. Sherman did not go to Medicine Lodge, sending General Christopher C. Augur in his place.<sup>68</sup>

The conference had an almost festive air at first, as the tribes gathered to talk and feast and receive gifts and mingle with the herd of white newspaper reporters who came with the commissioners. The Comanches, Kiowas, and Kiowa-Apaches soon made their marks on a treaty, accepting a reserve in southwestern Indian Territory.<sup>69</sup> But the Cheyennes had not yet appeared. Only Black Kettle and a few of his followers were present. He insisted that his people would come in, and the Arapahoes waited patiently for their friends. Some of the commissioners were ready to leave, but old General Harney demanded that they give the Cheyennes more time. On October 20, Minimic, Little Robe, and Grey Head arrived and conferred with Black Kettle. They said that the tribe was renewing Mahuts, and that they would come in as soon as the sacred ceremonies were completed. The chiefs then left, taking Black Kettle with them.<sup>70</sup> On Sunday, October 27, the Cheyennes arrived with a chilling display of military discipline.

The Cheyennes swept into camp in full battle array, charging to within a few feet of the commissioners before reining their horses up sharply. The negotiations were sharp and uncharacteristically brief. Buffalo Chief spoke for the Cheyennes, and he made it clear that they would not surrender their rights to lands between the Arkansas and the Platte. When he had finished, the commissioners were startled that no one else rose to speak. Buffalo Chief had said everything that the Cheyennes had to say. Even Black Kettle kept silent.<sup>71</sup> Finally, fearing that the treaty would be lost altogether, Senator Henderson struck a bargain with the chiefs. He told the chiefs that they could range north

of the Arkansas until the buffalo disappeared. With that assurance, the Cheyennes made their marks.<sup>72</sup>

This last-minute arrangement doomed the Treaty of Medicine Lodge because it left the basic issue between the Americans and the Cheyennes unsettled. The collision of whites and Indians in the region between the Platte and the Arkansas was the major source of continued irritation, and, by skirting that question, the commission guaranteed further trouble. Whites were prepared to ignore Henderson's unofficial agreement, and the Cheyennes assumed that their basic right to roam at will remained unimpaired. Moreover, the arrogant, contemptuous attitude of the Cheyennes confirmed that the soldier chiefs were in control of Cheyenne polity. But the commissioners seemed pleased, and in its report to the president, written in January, 1868, they confidently declared "with anything like prudence and good conduct on the part of our own people in the future, we believe the Indian war east of the Rocky mountains is substantially closed."<sup>73</sup>

That report also traced the troubles on the plains to Sand Creek, an incident which "scarcely has its parallel in the records of Indian barbarity." The commissioners blamed the war which followed on Sand Creek. The war cost, \$30,000,000., required the withdrawal of 8,000 troops from the Civil War, and caused destruction all along the frontier. The commission concluded:

The result of the year's campaign satisfied all responsible men that war with Indians was useless and expensive. Fifteen or twenty Indians had been killed at an expense of more than a million dollars apiece, while hundreds of our soldiers had lost their lives, many of our border settlers had been butchered and much property destroyed. To those who reflected on the



subject, knowing the facts, the war was something more than useless and expensive; it was dishonorable ~~to~~<sup>74</sup> the nation, and disgraceful to those who had originated it.

With the commission report came recommendations for implementation of the new concentration policy which would lead eventually to assimilation and citizenship for the Indians. The commissioners also recommended the creation of a new cabinet-level Department of Indian Affairs to deal with the thorny problem of transfer.<sup>75</sup> At that point, the reformers seemed to have won the day. The following spring, the commissioners headed west again to conclude another treaty at Fort Laramie. There, the commissioners accepted the demands of Red Cloud, closing the Bozeman Trail and acknowledging the Powder River country as "unceded" Indian lands. The treaty also created a large reserve in the Dakota Territory. Even at Laramie, the specter of Sand Creek lingered. The Northern Cheyennes and the Northern Arapahoes touched the pens there, among them the Arapaho chiefs Neva, Notanee, and Spotted Wolf who had gone north after Sand Creek and the death of Left Hand<sup>76</sup>

The work of the peace commission, though flawed, did generate fresh enthusiasm for Indian reform and in 1868, American reformers took a greater interest in the Indians than they had taken before. The commission's report appealed to those who wished to "conquer by kindness" rather than by extermination. In April, 1868, Lydia Maria Child published her An Appeal for the Indians which called for a more humane approach to the Indians. Shortly thereafter, Peter Cooper, industrialist, philanthropist, and founder of Cooper's Union, embraced the cause of the Indian and organized the United States Indian Commission for the

purpose of supporting government efforts to end the Indian troubles on the frontier, to protect their interests, and to elevate them to a higher level.<sup>77</sup> The assumptions of the reformers were frequently naive, and their arguments adhered to a firm belief that the Indians were lower on the evolutionary scale and had to be guided toward civilization like children. Yet, for all their limitations, they established a viable presence by July, 1868. That month, Cooper's Commission submitted a memorial to Congress, charging flagrant misappropriation of funds by Indian Agents. Based on the memorial, the Senate held up the Indian appropriation bill, and, at the suggestion of San Tappan, amended it to permit General Sherman to distribute funds to the plains tribes.<sup>78</sup>

These developments suggested the emergence of a more even-handed policy, but by mid-summer peace was already in jeopardy. The hard-won, humiliating Treaty of Fort Laramie had so far held, but the Medicine Lodge Treaty was coming apart. The reasons were simple enough: The main issues had not been settled. The government was slow in sending annuities. The Sioux encouraged the Cheyennes to hold out for the Smoky Hill region, citing their own success in closing the Bozeman Trail as precedent. And the Cheyennes clashed with the Kaws which caused agents and army officers to move more cautiously in providing them with arms.<sup>79</sup> At the end of July, most of the Cheyennes were disgusted with the government, and early in August two hundred young Cheyennes, along with a handful of Sioux and four Arapahoes, left the Dog Soldier camp on Walnut Creek and headed north to raid against the Pawnees. However, most of the warriors, about 180 of them, abandoned that plan and swung westward toward the white settlements on the Saline and Solomon Rivers.<sup>80</sup>

The warriors had no serious intention of causing trouble. They were young and cocky and curious, but some of them nursed bitter memories. That, mixed with whiskey and the humiliation of recent attacks by the Kaws and the Pawnees was enough to precipitate a disaster. On August 10, Man-Who-Breaks-the-Marrow-Bones, a brother of the dead chief, White Antelope, and Red Nose, a Dog Soldier, caught and raped a white woman near the Saline. When they carried their victim back to camp, the others forced them to set her free. The next day, however, a party of settlers fired on the Cheyennes. The majority of the Indians still wanted to avoid further trouble, but when hotheads killed a settler, the rest gave in and joined the attacks. When they broke off the raids on August 12, they had raped five women, killed fifteen men, and destroyed much property.<sup>81</sup>

The raid reverberated east and west like a thunder clap. When he learned of it, Black Kettle openly wept. Then, he struck his lodges and hurried south to the reservation lands south of the Arkansas.<sup>82</sup> Major Wynkoop quickly sensed that this was a serious breach because the young men in the raiding party included warriors from most of the bands. He called in the few chiefs available to him and demanded that the guilty men be punished. Little Rock promised that the leaders of the raid would be surrendered, but the Cheyennes never had a chance to produce them. "I see further forbearance with the Indians impossible," Sherman wrote tersely.<sup>83</sup> His patience had run out. When further raids occurred in September, Wynkoop made a desperate attempt to win official support for a plan to gather the friendlies and to protect them with troops, while the

army punished only the guilty. He believed that the majority discountenanced the attacks, but Thomas G. Murphy, his superior at the Central Superintendency, disagreed. Murphy accused the Cheyennes of planning the raid. Murphy told Charles E. Mix, the Acting Commissioner of Indian Affairs, "War is surely upon us."<sup>84</sup>

The Indian Office reacted slowly to the crisis. Jesse Leavenworth, disgusted with the Kiowas and Comanches and under investigation for alleged misuse of funds, had resigned in June, and his successor, the aging Albert G. Boone, had not yet arrived when the crisis broke. Murphy instructed Wynkoop to send the Kiowas, Comanches, and Apaches south to old Fort Cobb on their reservation lands for protection. The Cheyennes would have to deal with the military. As September began, the agency at Fort Larned stood empty. The Cheyennes had fled south or were raiding in Kansas. With his charges beyond his reach, Wynkoop wearily requested a leave of absence and departed for Philadelphia on September 17.<sup>85</sup> His departure left the Indians wholly in military hands.

Events now moved inexorably. General Sheridan prepared for a major winter offensive to catch the hostiles in their villages. The Cheyennes, Sherman said, had to be "soundly whipped," and he urged his field commander to "prosecute the war with vindictive earnestness against all hostile Indians, till they are obliterated or beg for mercy."<sup>86</sup> The generals were committed to total war, but the sound and fury of public debate kept them aware of the consequences of a misdirected blow. Sherman felt that the army was now in a position to separate the innocent from the guilty, and he instructed General William B. Hazen to proceed to

Fort Cobb to provide protection for the peaceful Indians and to deny sanctuary to the hostile. In practice, that meant that the Kiowas, Comanches, and Apaches were welcome at Fort Cobb; the Cheyennes and Arapahoes were not.<sup>87</sup> "All of the Cheyennes and Arapahoes are now at war," Sherman wrote to the Secretary of War. "Admitting that some of them have not done acts of murder, rape, &c, still they have not restrained those who have, nor have they on demand given up the criminals as they agreed to do."<sup>88</sup>

Military preparations set off a sharp exchange between Tappan and Sherman. Tappan pleaded that Sherman not abandon the ideas endorsed by the peace commission in January. By then, Tappan envisioned a conspiracy to drag the country into an Indian war in order to pull troops from the South and cause the defeat of Ulysses Grant in the fall election. It was a far-fetched notion, and Sherman soon dismissed Tappan as a fanatic. But Tappan was persistent. In late September, he wrote the general:

Between Chivington and Hancock I can recognize no difference. Between Chivington and yourself I shall not be able to recognize any if you persist in the enforcement of your extermination order, unless it be in favor of Chivington, he not having your culture your experience your purchase your position and the advantage of his own example and what came of it.<sup>89</sup>

Sherman ignored the comparison, but he told Tappan flatly that he had lost patience with the Indians. He had favored a lenient policy, he said, even jeopardized his position to be fair, but "when they laugh at our credulity, rape our women, burn whole trains with their drivers to cinders, and send word that they never intended to keep their treaties,

then we must submit or we must fight them. When we come to fighting Indians I will take my code from soldiers and not civilians."<sup>90</sup>

In October, the peace commission convened in Chicago to survey the wreckage of its work. In a stormy two-day session, Tappan and Taylor tried to hold the humanitarian program together, but their colleagues, reinforced by the presence of General Grant, overruled them and endorsed a statement which urged a military solution, advocated an end to the treaty system, and recommended the transfer of Indian Affairs to the War Department.<sup>91</sup>

This decision sent a shock wave through the reform movement. The reformers were still digesting the report of Major Wynkoop in which he asserted that the troubles could have been avoided if the government had kept its promises:

The expenditure of a few thousands would have saved millions to the country; would have saved hundreds of white men's lives; have saved the necessity of hunting down and destroying innocent Indians for the faults of the guilty; of driving into misery and starvation numbers of women and little children, not one of whom but now mourns the horrible massacre of Sand Creek, and who still suffer from the loss of their habitations and property, wantonly destroyed by Major General Hancock.<sup>92</sup>

Bishop Henry Whipple, who had fought for the Indian since 1862, pleaded with the peace commissioners in person. "The army may and must protect our people," he said. "It is false protection if they repeat scenes which have taken place and which only served to rouse into tenfold more of hate of the passions of a savage race."<sup>93</sup> Alfred H. Love, the founder of the Universal Peace Society, protested against the "forcible civilization schemes" of the government, and his organization submitted a memorial calling for sweeping reform in Indian policy.<sup>94</sup> Commissioner

Taylor wrote bitterly of the new militance in Indian policy and argued against the transfer of Indian affairs to the War Department. Of the Cheyennes, he wrote, "Can they ever forget the insignia of those who shot down, by military orders, their old men, women, and children, under the white flag and under our own banner at Sand Creek." He added, with heavy sarcasm, "if civilization means peace, and peace means massacre a la Sand Creek, then by all means let us have transfer."<sup>95</sup>

Elsewhere, the mood was angrier. In Kansas, Governor Samuel J. Crawford readied a volunteer regiment for action, and a Kansas editor spoke for most frontiersmen:

The Indian Bureau will believe nothing till they obtain, through miles of red tape a month later, an official report. We only hope that Governor Crawford will put himself at the head of our western men, follow the Indians to their homes, and do his work a la Chivington. If he does he must be sure to keep out of the way of United States officials; or if necessary, fight them.<sup>96</sup>

Sherman proceeded cautiously, fending off the demands of the governors of Kansas and Colorado and instructing his officers repeatedly "to spare the well-disposed."<sup>97</sup> He took great pains "to hold out the olive branch with one hand and the sword in the other" in order to protect the innocent, and he spoke of "a double process of peace within their reservations and war without."<sup>98</sup> But he was in no mood to coddle the Indians, and he drew his definitions of peaceful and hostile broadly. He ordered Sheridan after the Cheyennes immediately following the angry confrontation in Chicago. That battle was on his mind as he assured Sheridan that he would support him:

If it results in the utter annihilation of these Indians, it is but the result of what they have been warned again and again. . . . I will say nothing and do nothing to restrain our troops from doing what they deem proper on the spot, and will allow no vague general charges of cruelty and inhumanity to tie their hands, but will use all the powers confided to me to the end that these Indians, the enemies of our race and our civilization, shall not again be able to begin and carry out their barbarous warfare on any kind of pretext they may choose to allege.

The peace chiefs of the Cheyennes faced an impossible dilemma. Men like Black Kettle and Little Rock had taken no part in the violence. They wanted no part of any war. But they were no longer in control of events. Even the one government official they had trusted, "Tall Chief" Wynkoop, seemed to have abandoned them. That fall, the Cheyennes gathered in a great sheltered valley on the Washita River northwest of Fort Cobb. It was a perfect spot, with plenty of water, timber, and winter grass. Arapahoes, Kiowas, Comanches, and Apaches were also wintering there. The Cheyennes were in three camps. Old Whirlwind's few lodges were west of the others. The main village included most of the council chiefs, including Stone Forehead, the Keeper of Mahuts. Black Kettle's village of fifty-one lodges was farther east surrounded by heavy timber. It seemed a secure place.

In November, Black Kettle made one last, desperate attempt to save his people. With Little Rock and Little Robe of the Cheyennes and Big Mouth of the Arapahoes, he rode into Fort Cobb to plead for refuge there. General Hazen listened to the chiefs, and he believed that they were sincere. But his orders forbade him to provide a haven for hostile bands, and Sheridan had declared all Cheyennes to be hostile. He told them that they must go away, that he could not make peace with them. He



was so touched that he made one last effort to provide Black Kettle a special sanctuary. He later wrote James A. Garfield, "I again asked him whom he represented, hoping to give him personally, with his families, the protection of the Government but [he] replied that he spoke for all the Cheyennes. . . ."100 Black Kettle and the others turned away and pointed their horses toward the Washita camps. A light snow was falling. Perhaps winter would give the Cheyennes the protection the soldiers would not.

Hazen, still uncertain that he had made the right decision, hurriedly wrote an explanation to General Sherman:

To have made peace with them would have brought to my camp most of those now on the warpath south of the Arkansas, and as General Sheridan is to punish those at war, and might follow them in afterwards, a second Chivington affair might occur, which I could not prevent.<sup>101</sup>

On the day after the Cheyennes left Fort Cobb, General Sheridan decided to abandon his plan to send three columns after the Cheyennes and to rely instead upon a single column commanded by Lieutenant Colonel George Armstrong Custer. Custer's orders were explicit. He was to proceed to the Washita River "the supposed winter seat of the hostile tribes to destroy their village and ponies; to kill or hang all warriors, and bring back all women and children."<sup>102</sup> On November 23, Custer's column moved south. Two days later, scouts struck the trail of a Cheyenne war party pushing toward the safety of the winter villages on the Washita.<sup>103</sup> On the night of November 27, Custer's scouts located the village of Black Kettle nestled in the trees beside the river. Custer did not know whose village it was, nor did he know about the other

villages up the valley. He knew only that he had found his quarry. At first light, on November 28, 1868, one day short of four years after the Sand Creek Massacre, Custer attacked Black Kettle's village.

Black Kettle and his wife, Medicine Woman Later, were both killed early in the fighting as they tried to escape across the river. In another part of the village, Little Rock was also killed. Custer's troops took the camp easily, but they soon discovered that the fight was not over. The Cheyennes fought hard from the cover of the timber, and warriors from the other villages soon joined the fighting. In the fighting, a number of women and children were killed, some inadvertently, some deliberately. One party of Custer's command was cut off from the rest and overwhelmed. Realizing his vulnerable position, Custer burned the village as the Indians watched from the hills. He then slaughtered more than 850 Indian ponies. Afterwards, he feinted movement west toward the other villages, but when the warriors fell back to protect them, he turned the column about and headed for Fort Supply.<sup>104</sup>

In his official report, Custer claimed that he had killed 103 warriors. Later he set the figure as high as 140. In one report, he went so far as to claim nearly three hundred killed, wounded, and captured. That figure was preposterous on its face, but Indian claims that they suffered fewer than twenty warriors killed, with sixteen women and nine children also killed, were probably low. Custer avoided much comment about noncombatant casualties, noting only in his report that "in the excitement of the fight, as well as in self-defense, it so happened that some of the squaws and a few children were killed and wounded. The

latter I have brought with me and they receive all the medical attendance the circumstances of the case permit. Many of the squaws were taken with arms in their hands, and several of my command are known to have been wounded by them."<sup>105</sup> The care with which these statements were made underscored the sensitivity of the army to charges of impropriety, and a second report, written a month later, by an officer who visited the battle site, emphasized the same point:

The bodies of nearly all the warriors killed in the fight had been concealed or removed; while those of the squaws and children, who had been slain in the excitement and confusion of the first charge, as well as in self-defense [italics added], were wrapped in blankets and bound with lariats, preparatory to removal and burial.<sup>106</sup>

The day after the Washita fight, Edward W. Wynkoop arrived at Fort Leavenworth under orders to proceed to Fort Cobb and gather the peaceful elements of his charges together for protection. It was the fourth anniversary of the Sand Creek affair, and when he learned that troops were in the field moving in the direction of Fort Cobb, Wynkoop abruptly resigned. Remembering Sand Creek, he said flatly, "I most certainly refuse to again be the instrument of the murder of innocent women and children."<sup>107</sup> He was preparing to go to Washington when word reached Leavenworth of Custer's attack, and the distraught Wynkoop bitterly condemned the army for perpetrating another massacre on the innocent Black Kettle and his band.<sup>108</sup>

Wynkoop had grown increasingly frustrated and isolated in the flow of events after Bluff Creek, and for reasons that had little to do with his personality or even with his management of the Cheyenne-Arapaho Agency, Wynkoop had gradually lost the confidence of both the federal

officials and the majority of the Cheyennes. To one group he seemed a hopeless dreamer; to the other he seemed to be one more corrupt Indian agent bent on destroying the Cheyenne people. Like Black Kettle, his friend, Wynkoop could not control the forces unleashed on the plains. He believed he knew the best solution, and the Washita attack confirmed his worst fears. It also intensified his guilt. He could not gloss over the fact that he had not been on the ground during those critical weeks of October and November. Now, he lashed out in anger and grief.

His anger, at least, was shared by other reformers. Samuel Tappan bitterly wrote to Commissioner Taylor:

We complain of their atrocities (which cannot be justified or even excused), forgetting that our own people have for generations and for centuries committed as cruel and disgusting barbarities upon the Indians, giving them, as the weaker party, the advantage of a plea of doing all they do only in retaliation. We repeat the fatal error of under-rating the capacity of the Indians for a protracted and successful guerrilla warfare, and persist in pursuing an punishing the innocent instead of the guilty, more intent on attacking the villages containing the women and children, than the active war parties, which of course is considered by the Indians not a war against a single tribe, in punishment for real or fancied outrages, but a war for the extermination of their race. Can they by any known process of reasoning come to any other conclusion from what has happened during the last few years? Can they from the treatment of their ancestors for the last 300 years?<sup>109</sup>

Other reformers joined the chorus, and "Shenandoah," a frequent contributor to the National Antislavery Standard contributed a thirty-eight stanza poem called "Moke-Ta-Va-Ta, the Martyr Chieftain." Custer was compared to Chivington, and Washita was cited as proof that the army was incapable of managing Indian affairs.<sup>110</sup> At the end of December, Bishop Whipple chastised the government for its "shameless disregard for justice" and predicted that "Congress will whitewash it

[Washita] all over; the Press and people and army will act on the principle 'dead men tell no tales.' Human kind like to throw mud on people they have wronged."<sup>111</sup> On December 23, Major Wynkoop spoke to a gathering of Peter Cooper's United States Indian Commission in New York. In an emotional address, he traced events back to "a man in power . . . whose name is synonymous [sic] with infamy--Colonel John Chivington." But, he said, neither Sand Creek nor the Hancock campaign would have caused the most recent outrages if Congress had made the appropriations which the Department of the Interior had asked for. He portrayed Black Kettle as a veritable saint and greatly exaggerated his influence over the Indians. He defended the Department of the Interior, saying that it was not responsible for any "of our Indian troubles." The cure for the problem, he concluded, would come only when the sympathies of the American people were aroused for the Indian.<sup>112</sup>

If Wynkoop's pleas were saccharine and bitter, the military's defense of the Washita fight unnecessarily played loose with the facts. Dismissing Black Kettle as "a worn out and worthless old cipher," General Sheridan praised Custer and claimed that photographs, clothing, bedding, and other items were found in the village which came from the homes of persons massacred on the Solomon and Saline. He also described gratuitously Indian atrocities which he could not possibly have had knowledge of.<sup>113</sup> Sherman also approved the battle, advising his subordinates:

This you know is a free country, and people have the lawful right to misrepresent as much as they please, and to print them, but the great mass of our people cannot be humbugged into the belief that Black Kettle's camp was friendly with its

captive women and children, its herds of stolen horses and its stolen mail, arms, powder, &c., trophies of war. I am well satisfied with Custer's attack. . . .<sup>114</sup>

The press generally agreed. The New York Times, which had denounced Sand Creek and the "Chivington style," now characterized Black Kettle as "the most troublesome and dangerous character on the Plains" and praised Custer for having disposed of him.<sup>115</sup> The Nation, which had been sympathetic to some Indian reform initiatives, defended the army:

Massacres cannot be committed in secret, and it must be remembered that soldiers are under a limit of restraint in dealing with Indians of which civilians know nothing, inasmuch as the former "pay with their persons" for any defects in policy toward the tribes, while the Indian agents are "reporting" to Washington. Such expeditions as Custer's after "Black Kettle" are not those which the most enthusiastic soldier undertakes for pleasure.<sup>116</sup>

The Washita campaign left a mixed inheritance. It again derailed efforts to transfer the control of Indian affairs to the War Department. It confirmed in the minds of the reformers, their belief that the army meant to annihilate the Indians, men, women, and children together. They saw little distinction between Washita and Sand Creek. They pointed out that military power had fallen on the innocent rather than the guilty. They declared that even if some hostiles were in the village, Custer had no idea whose village he was attacking or whether the people there were peaceful or hostile until after the fight was over. Washita revitalized the reform movement and marked the beginning of an aggressive campaign for Indian reform which rested upon a strong anti-military bias.<sup>117</sup>

Yet the Washita fight was not another Sand Creek Massacre. Washita was not an indiscriminate slaughter. Sixteen women and nine

children were killed in Custer's assault, most of them shot in the melee of the battle. But troopers killed several callously and deliberately. Still, Custer's men committed few atrocities, and fifty-three prisoners indicated a restraint totally lacking at Sand Creek.<sup>118</sup> Furthermore, prisoners were found in the camp.

In 1869, General Grant assumed the presidency, and many thought that he would embrace a military solution to the Indian question. Instead, he initiated the "Peace Policy," a bold effort to eliminate corruption in the Indian Bureau and to promote civilization among the Indians.<sup>119</sup> He hoped to accomplish this double miracle by entrusting the management of Indian affairs to religious denominations. The move gave greater political clout to the reform movement, but the debate continued. Sherman was weary of the controversy, but each time army appropriations or Indian appropriations came before the Congress, the military confronted the ghost of Sand Creek.<sup>120</sup> Moreover, Sherman not only found himself denounced by reformers who called him an exterminator, but also he faced a chorus of criticism from the frontiersmen who chastised him for not using the Chivington approach.<sup>121</sup>

All hope that public opinion would shift to the military point of view evaporated in the early months of 1870. On January 23, Colonel E. M. Baker attacked a camp of Piegans (a division of the Blackfoot tribe) in Montana and killed 173 men, women, and children.<sup>122</sup> Sherman and Sheridan were astonished at the ferocity of the criticism. The New York Times, so recently supportive of the army, called the Piegan attack a "sickening slaughter" in the Chivington style.<sup>123</sup> Under attack in the

press and assaulted by reformers in and out of government, the army tried to respond, Colonel Baker denied that most of the killed were women and children, pointed out that 140 women and children were taken prisoner and then released, and declared, "I believe that every effort was made by the officers and men to save the noncombatants, and that such women and children as were killed were accidentally killed."<sup>124</sup>

Sheridan tried to defend the army, insisting that its first priority was to protect the settlers, its second to protect the Indians from lawless whites. To meet the challenge, he wrote, the army would take the fight to the Indians, "and if a village is attacked and women and children killed the responsibility is not with the soldiers, but with the people whose crimes necessitates the attack." Indignantly, he asked, "Did we cease to throw shells into Vicksburg or Atlanta because women and children were there?"<sup>125</sup> The reformers were unimpressed. "I say there is no warrant in the laws of God or of man for destroying women and children merely because their husbands and fathers may be marauders," one Congressman thundered.<sup>126</sup> And Lydia Maria Child wrote that

Men . . . thought the whip was more efficient than wages to get work out of the black man; and now the approved method of teaching red men not to commit murder is to slaughter their wives and children! . . . Indiscriminate slaughter of helpless women and innocent babies is not war--it is butchery; it is murder. . . .<sup>127</sup>

The Piegan affair effectively killed transfer and confirmed the anti-military spirit of public opinion. Baker's fight joined Washita and Sand Creek in the case against the army and saddled the army with a reputation which almost eliminated the generals from important policy decisions. Not until Custer's debacle at the Little Big Horn in 1876 was



the transfer issue seriously revived.<sup>128</sup> But by then, the final wars were in process, and the issue soon became moot.

Through those years, the Sand Creek Massacre was mentioned less frequently as new battles and new names took the headlines, but it was never out of mind. In 1870, the new Board of Indian Commissioners appointed by President Grant, reflecting on the course of events since the Civil War, wrote of Colonel Chivington and his Thirdsters: "For the honor of humanity, it would be well could the record of their deeds be blotted out. The entire history of Indian warfare furnished no more black and damning episode than the massacre at Sand Creek."<sup>129</sup>

Both William Tecumseh Sherman and Samuel Forster Tappan could agree with that assessment. The army remained a "chained dog," never able to pull free of the debilitating restraints of Congress or the persistent criticism of reformers or the constant abuse of frontier settlers. "We are placed between two fires," Sherman wearily wrote Sheridan in 1870, "a most unpleasant dilemma from which we cannot escape. . . ."<sup>130</sup> The reformers also took their share of abuse from those who saw them as naive, sentimental, soft-headed do-gooders who preferred that America's destiny be thwarted rather than to muss the hair of a single Indian warrior.

In 1876, the story went the rounds that humorist Mark Twain had advised the Secretary of the War to gather all of the Indians together and then massacre them. Pressed on the matter, Twain allegedly told a reporter:

I said there was nothing so convincing to an Indian as a general massacre. I said the next surest thing for an Indian

was soap and education. Soap and education are not as sudden as a massacre, but they are more deadly in the long run; because a half-massacred Indian may recover; but if you educate him and wash him it is bound to finish him sometime or other. It undermines his constitution; it strikes at the foundation of his being.

"Sir," I said, "the time has come when blood-curdling cruelty has become unnecessary. Inflict soap and a spelling book on every Indian that ravages the plains, and let them die!"<sup>131</sup>

As usual, even through the racist overtones of his sarcasm, Twain saw more clearly than most of his contemporaries. The day of the Indian wars was almost over, and the momentum for assimilation of the Indians into American society was growing. Publication of Helen Hunt Jackson's A Century of Dishonor in 1881, was followed by a more efficient effort for Indian reform which culminated in the Dawes Act of 1887.<sup>132</sup> Four years later, at a place called Wounded Knee, the Indian campaigns ended, as they had begun, amid charges of massacre. But times had changed. The battlegrounds were turned under by the white man's plow and set down in deed books as the property of white men. The response was not fierce debate but embarrassed shock, and even when a military investigation concluded that every effort had been made to avoid killing noncombatants, General Nelson A. Miles, the commander of the Military Division of the Missouri, denounced the tragedy and recommended compensation to the survivors.<sup>133</sup> Now, the guns fell silent. Having won, Americans could afford a tear for past wrongs and one final twinge of guilt before dismissing the whole bloody record as history and turning to the new task of obliterating Indian culture with soap and education.

## CHAPTER XVIII

### COLORADO AND THE GHOST OF SAND CREEK

The Sand Creek Massacre deeply scarred the citizens of Colorado, creating both a sensitivity bordering on paranoia and an insatiable need to explain what had happened on that grim November day in 1864. The public disclosures of 1865 soured the victory and left Coloradans searching for an explanation. Most people had simply assumed that Sand Creek was what it appeared to be, a great victory over the Indians that had raided and plundered the overland routes. So, when the charges of massacre were first made, they reacted with dismay. Unfortunately, the public, so eager to learn more, did not have access to all the facts. Most of what they heard and read was refracted through the point of view of some person or group that had a vested interest in the controversy. The majority of the people arrived at conclusions based upon limited evidence of what had happened.

Colorado's citizens were never of one mind on the subject. Some--federal officials who were more Eastern than Western in their prejudices, soldiers who understood more about the situation, Arkansas valley ranchers and farmers who recognized the good effects of the Camp Weld conference, and men of good will whose humanitarian impulses recoiled at the atrocities--condemned the attack from the beginning. A few

denounced Sand Creek out of less noble political and economic reasons. Just how many Coloradans disapproved of Sand Creek was never made clear. As a group, they were less vocal than Sand Creek's defenders, and those who did speak out were quickly accused of ulterior motives. Equally important, they frequently misrepresented the facts themselves--either intentionally or unintentionally.<sup>1</sup>

Most Coloradans simply refused to believe that the Sand Creek affair had been the atrocity which public officials and government investigators said that it was. They knew the Thirdsters--or some of them, at least--and the men they knew were not murderers or fiends or ruffians. What they knew about their neighbors was that they had joined the Third Regiment to protect the lives and property of the people of the Territory against a savage enemy that had not spared the most innocent in their raids. For them, the chain of cause and effect began with Indian attacks against settlers. They knew little of the provocations; they understood only the results. They fell easily into rationalizations. The men of the Third were good men, honest, hardworking, and God-fearing. Such men could not commit the kinds of acts that they were accused of committing. But even if they did get carried away, the Indians deserved the beating they took.<sup>2</sup>

These Coloradans, along with those who had participated in the affair and those whose hatred of Indians overshadowed all other considerations, found the condemnation of Sand Creek to be inexplicable. They believed that what had happened at Sand Creek was justified by the necessities of the moment. They had fought a foe whose usual method of

war, they believed, embodied treachery, torture, murder, and mayhem. They did not flinch at the scalps and booty their friends brought home, and they wasted few tears for the Indian women and children the "boys" had killed. However regrettable the excesses might be in civilized warfare, they were necessary when dealing with savages. "The only method in which a lasting peace can now be obtained is to fight and hunt them down like wild animals," a Colorado resident wrote in March, 1865. He touched the sentiment of many frontiersmen when he criticized General Grenville M. Dodge's order to spare Indian women and children. "[T]his may be policy," he wrote, "but [it] will not succeed in obtaining a speedy settlement of the present difficulties as leniency only makes an Indian more savage and bitter. We must over-awe and terrify them. . . ."3

Yet, Coloradans of all persuasions shared a feeling that the government had unfairly condemned the territory's people without a complete airing of the affair. It was hard to see in the violent rhetoric of the witch hunters and hard liners who wanted the scalps of the "conspirators" who had any reservations about Sand Creek, but even those who condemned the atrocities and the breach of faith at Sand Creek resented the blanket condemnation of the soldiers and the implied criticism of the territory. Colorado's honor and the reputation of its troops were at stake, not to mention its economic prospects. Somehow, Colorado's moral integrity had to be vindicated.

For many that meant vindicating Sand Creek. Settlers were practical folk, disposed to see things in the light of their own interests. They responded when the Denver Rocky Mountain News and the Central

City Miners' Register alleged that the Indians killed at Sand Creek were the very ones responsible for the summer's atrocities. The press gravely reported that White Antelope had led the party that murdered the Hungates, while editors and letter writers characterized Black Kettle and Left Hand as the most villainous chiefs on the plains.<sup>4</sup> And when the Cheyennes and Arapahoes retaliated following Sand Creek, the majority of citizens brushed aside the argument that Chivington's attack was responsible for the fresh hostilities and stubbornly argued that the new outbreak merely proved that Sand Creek was justified.

Nor did they fail to point out certain practical benefits of Sand Creek. It broke the power of the tribes in Colorado (although that was not immediately apparent in light of the winter war which followed the incident). By the summer of 1865, the Sand Creek reservation stood empty, and Agent I. C. Taylor, who replaced Samuel Colley in the spring of 1865, transferred the agency headquarters from Colorado to Fort Larned in Kansas. The reservation lands were guaranteed to Colorado by default, along with the disputed region north of the South Platte, even before the Treaty of the Little Arkansas gave legal color to the preemption. With the land question settled favorably to themselves, Colorado's politicians saw fresh visions of railroads, statehood, and economic growth--visions which reinforced the popular belief that what the central plains needed was more Sand Creeks.<sup>5</sup>

In the summer and fall of 1865, efforts to vindicate Sand Creek reached almost hysterical proportions. Just as the public outcry against the massacre seemed to be subsiding, Secretary of State William Seward

asked for Governor John Evans's resignation as governor, and the Congress published the report of the Joint Committee on the Conduct of the War. These disclosures coincided with a new statehood initiative in the territory, and Sand Creek immediately infected the contest, creating the only real spark of controversy in an otherwise dull canvass. Still, the politicians handled the issue gingerly at first because the effort to make Colorado a state rested upon a fragile coalition.

As far as statehood itself was concerned, the sense of urgency and vitriol which has marked the earlier campaign were absent. The new movement was a blatant case of boosterism motivated largely by the belief that Colorado's economic future depended upon statehood. The new effort began almost as soon as the first one failed. The Union Administration Party, Colorado's Republicans, was in a shambles at that point. The stunned pro-staters were still trying to put their shattered party back together when the leaders of the old anti-state group passed the word that they would support a new statehood initiative if they were included in the new state government. In a flurry of activity, the Republicans patched over their differences, negotiated with their erstwhile foes, and, in the spring of 1865, this coalition issued a call for a constitutional convention.<sup>6</sup>

The new movement seemed certain of success. Only a few diehards like W. D. Worrall opposed the measure. The press, including the Black Hawk Mining Journal, lined up solidly behind the measure until the Denver Gazette, a Democratic journal edited by the caustic Fred J. Stanton, an English journalist with a particular dislike for John Evans and John

Chivington, opened offices in June, 1865, to provide heavy-handed and sarcastic commentary on Colorado's quest for admission to the Union.<sup>7</sup> Yet, as solid as support seemed to be within the divided Republican camp and in the business community, some evidence suggested that Stanton was more than a political gadfly. In the first place, Colorado's declining populace was less enthusiastic than the movement's promoters realized. More importantly, the 1864 enabling act had not provided for a second referendum on statehood. The political considerations which had made statehood attractive to the Congress in 1864 were no longer important, but, undaunted by such technicalities, the statehood forces drafted a new constitution in June and confidently submitted it to the voters. This time, the leaders wisely avoided trying the referendum to an election of state officers but even then, the measure passed by merely 155 votes in a contest in which only 5,769 people voted.<sup>8</sup>

The absence of public enthusiasm for statehood, the close vote, and charges of fraud in the balloting did not dampen the spirits of Colorado's politicians. Once voters approved statehood, the economic and political leaders of the territory turned excitedly to the nomination of candidates for state offices. An election was set for December, and the various factions and interest groups maneuvered for position in the upcoming conventions. Yet, for all of the posturing and pontificating, most of the substantive issues seemed resolved. Almost without exception, the prospective candidates endorsed president Andrew Johnson's reconstruction plans, seemingly unaware of growing disenchantment with Johnson among congressional Radicals. Coloradans had not been drawn into



the reconstruction debate at that point, and on the one question related to that issue, Colorado's citizens had overwhelmingly rejected black suffrage. The mood of Colorado's leaders revealed a primary interest in business issues, and while they offered a variety of solutions to the territory's economic woes, they generally agreed that development and railroads were the key considerations. The real question remaining seemed to be: Which candidates would pluck first fruits of statehood?<sup>9</sup>

Determining which politicians were best prepared to promote Colorado's interests in Washington was a question of no small importance, but it was not a subject likely to stir the interest of a community which seemed bored with the whole process. The public appeared much more interested in the renewed discussion of the Sand Creek affair and Indian policy. These issues, after all, had a kind of urgency that other questions did not. The removal of John Evans was hardly a shock. He had become a liability to the administration, and however much his friends wanted to save him, they could not. But when the removal was coupled with the intemperate report of the Joint Committee on the Conduct of the War, Coloradans were outraged. Even men who had no love for John Evans or John Chivington resented the attack on Colorado's citizen soldiers. They saw the report as an insult to the honor and integrity of Colorado, and they believed that the charges had to be answered.

With the territory in an uproar over the Committee's report, reports reached the Colorado towns of the negotiations with the Cheyennes and Arapahoes on the Little Arkansas.<sup>10</sup> By October, feelings ran so high that some soldiers of the Veteran Battalion of the First Colorado

Volunteers drew up a series of resolutions which endorsed Sand Creek and declared that they would not support any candidate who had criticized the battle.<sup>11</sup> Sand Creek had become "a prominent and an incessantly intrusive feature of the campaign," Frank Hall recalled years later. "It entered into, permeated, and, it may be said, literally infested every stage of the contest."<sup>12</sup>

In this atmosphere, the parties met to nominate candidates for state office. As expected, the Democrats were still anemic. They enjoyed Republican discomfiture, poked invective at Evans and Chivington and the News through the columns of the Gazette, and mounted a respectable campaign with William Craig as their nominee for governor.<sup>13</sup> But, the real contest would take place at the convention of the Union Administration Party. The convention convened at Denver on October 16. As the first order of business, the convention chose Stephen Decatur, the former commissary sergeant of Company C, Third Colorado Volunteers and Colonel Leavitt Bowen's clerk at Sand Creek, as chairman of the conclave.<sup>14</sup>

At the outset, the convention was clearly divided. Much speculation centered on what role Chivington would take and whether he would run for Congress. Ovando J. Hollister, one of the delegates from Black Hawk, expressed the view that the convention would not nominate him for Congress because of the Sand Creek question. Only a "calm, complete, documentary, unanswerable vindication of Sand Creek" would save him, and he did not have time to produce such a defense before the convention. Beyond that, Hollister predicted that the delegates would not send Chivington to Congress because they believed he would not be seated in

Washington if elected and because many of them did not think him competent to hold the office.<sup>15</sup> Despite his continued popularity in some circles, Chivington no longer held any position of influence in the territory, and Sand Creek made him a liability to the party.

The Republican leadership was anxious to avoid controversy. They did not want to jeopardize statehood, and, for the moment at least, they hid their differences. The convention took its job seriously, and the delegates approved a slate of candidates in relatively short order. George Chilcott, a popular lawyer from Pueblo who was associated with the Denver faction, won the nomination for Congress. John Evans, representing the Denver interests, and Henry Teller, leader of the "Golden Crowd," were the favorites as candidates for the United States Senate, but Jerome Chaffee maneuvered himself into a strong challenge to Teller. Fortunately, the convention did not have to settle that dispute; it would be left to the new state government. William Gilpin, a man with considerable influence among the Mexican-American citizens of Colorado and ties to the Radicals in Congress, received the gubernatorial nomination. Dr. Eugene F. Holland, who had expressed serious reservations about Sand Creek, became the candidate for lieutenant governor, and Allen A. Bradford, so recently the target of bitter attack from Evans and the Denver group, won a nomination for the new supreme court, along with W. R. Gorsline and J. Bright Smith, who had both expressed doubts about Sand Creek.<sup>16</sup> The ticket made good the promise to attempt a unification of the party.

On October 17, the convention adopted a party platform. Most of the planks simply endorsed national Republican policies, and they passed

with ease, but when the proposed platform was presented to the delegates, John T. Lynch rose to introduce a series of amendments endorsing the Sand Creek affair and a policy of extermination against the Indians. The issue was debated on the floor with heated exchanges among the delegates, but when Decatur gaveled the convention to order and called for the vote, the amendments passed by a vote of fifty-four to nineteen.<sup>17</sup> Hollister lamented the outcome:

In the convention several members voted for them who are known to be opposed to them--some, even, who talked against them in the convention. This was a sacrifice of principle to policy which was beneath men. Dr. Holland of Clear Creek . . . pursued a different course. As for myself, God knows that I would be glad to be able to absolutely endorse Sand Creek, but as far as my information now stands, I can't do it. I am agitated by no personal considerations in the matter. I wish to vindicate our people and soldiers from the odium cast upon them by the Government and Press of America. But it must be done, if at all, by unanswerable facts. Resolutions will not do it; an unanimous vote of the people will not do it; facts alone are equal to it.<sup>18</sup>

The Sand Creek planks were sweeping. They asserted that the federal government had a duty to protect frontiersmen from "hostile savages." They protested the "malignant attacks on the soldiers of Colorado" who had merely done their duty in attacking "a large tribe of Indians at Sand Creek." They pledged that the party would not support any candidate who sympathized with the Indians or who had criticized Sand Creek in any way. Finally, they declared that peace and "the progress of civilization" demanded a "repetition of such battles as Sand Creek . . . ad libitum, ad infinitum."<sup>19</sup>

"It would seem that this pronunciamento was sufficiently emphatic to satisfy the most violent Sand Creeker," Hall wrote, "but it was

not."<sup>20</sup> Hollister expressed the view of many Republicans when he declared that the Sand Creek supporters had driven "a cleaving wedge" into the party and diminished the chances for having statehood approved in Washington. His advice was "to ignore Sand Creek as an issue, and unitedly work for the nominees of the late convention, who are all good and acceptable men, without regard to personal or political considerations."<sup>21</sup>

The Sand Creek men continued to push the question, however. On October 18, under the headline, "SAND CREEK--THE TEST QUESTION," the Rocky Mountain News unleashed an intemperate attack upon those who had opposed the Sand Creek resolutions. Byers singled out Henry C. Leach, Amos Steck, and George W. Lane for particular abuse. He brushed aside any suggestion that the resolutions would hurt Colorado's chances for statehood:

Let us look at the facts in the case. Many of our people have visited the States since the Sand Creek affair. The universal testimony of these on their return to us, is that when they attempted to defend the people of Colorado against the charges made concerning that fight, they received the answer that the charges of barbarity and massacre came from our own citizens, and if we are abused on account of them, the remedy must be applied at the root of the disease which is here at home. This is the fact, and the voice of this people alone can set the matter in the true light before the citizens of the United States. This should not be done in a weak and fearful manner. We have done nothing that should make us ashamed, and the united voice of this people should and will indorse and approve the course taken by their defenders at Sand Creek, and every where else that they have chastised their merciless and barbarous foes. A few more such rebukes as that given in today's Convention, by the vote on this question, will close the mouths of their slanderers, and re-establish our honor abroad where they have injured us.<sup>22</sup>

Hollister understood what that meant: "The consequence will be that the Sand Creek men will bolt the nominations."<sup>23</sup> On October 19, a

group claiming to represent Colorado's veterans and soldiers submitted its own slate of candidates for state office. Calling themselves the "Sand Creek Vindication Party," these hard-liners endorsed the Union platform but expressed fears that some of the party's candidates did not support the Sand Creek planks. Stephen Decatur, chairman of the newly adjourned convention and a Thirdster who had testified for Chivington before the Tappan commission, was the spokesman for the Sand Creekers, accusing several nominees, including William Gilpin, of accepting the platform for purely political reasons, while their true sympathies were with the critics of Sand Creek. The "vindicators" proffered a simple yardstick for evaluating the party's candidates: "Every nominee who failed to indorse that battle in its entirety without evasion or qualification, was to be crucified and forever branded as the Iscariot of his race."<sup>24</sup>

Only four candidates on the party's ticket survived the scrutiny. The Sand Creek ticket endorsed Chilcott for Congress, J. H. Gest for Secretary of State, U. B. Holloway for Attorney General, and William Gorsline as a judge of the supreme court. All of the other candidates were rejected. Edwin Scudder, "the soldiers' friend," won their nod for governor, and George L. Shoup, former commander of the Third Regiment and the "hero of the territory," became their candidate for lieutenant governor. Jacob Downing, Chivington's old district inspector, was one of the names offered for the supreme court.<sup>25</sup>

As the Union Administration Party's official organ, the News avoided an open endorsement of the Vindication ticket, but the paper's

sympathies were apparent in editorials which endorsed the sentiments if not the candidates of the vindication movement. Byers and Daily made no attempt to defend the convention's nominees, leaving them to answer the charges themselves. Candidates and would-be candidates stampeded over each other to get statements into the News praising Sand Creek and swearing undying loyalty to the brave soldiers of Colorado.<sup>26</sup> The editors gave generous space to the vindicators, aided their cause by publishing the names of the convention delegates who had voted for and against the Sand Creek resolutions, and attacked Republicans deemed to be "soft" on Sand Creek with frontal assault and inuendo.<sup>27</sup>

At the outset, then, the veterans loomed as a force in the coming election, mobilized by an emotional appeal for the vindication of Sand Creek. However much the politicians deprecated the introduction of the subject into the campaign, they could not ignore it. The Democrats were ecstatic, believing that the havoc the issue would create in Republican ranks might just give them a chance in the upcoming election. The Denver Gazette took the offensive, belittled Evans and Chivington and Sand Creek, and suggested that William Craig and the Democrats might well be a reasonable alternative to the divided Republicans.<sup>28</sup> Editor Stanton fomented trouble where he could, suggesting, for example, that John Evans was not a real supporter of Sand Creek.

Ovando Hollister was never a neutral observer, but he was a perceptive one. He shared the view that the Sand Creek question improved the Democrats' chances. "The project of bringing out a straight Sand Creek Ticket is generally regarded with disfavor, even by strong Sand

Creek men," he wrote on October 19. His main objection was that the debate proved nothing and that it would change few minds. But, the introduction of the issue into the campaign might well destroy the chances of statehood:

I know that the gratification of passion and the sweetness of revenge are superior with most men to all considerations; I would suggest that a revenge that defeats itself is of all conceivable things the most aggravating. This is just how it stands. If Sand Creek was right, Time itself will vindicate it and them and their revenge will be ample and complete. If it was wrong, those who take that ground will win in the long run, and nothing can prevent it, leaving those who insist on a premature endorsement defeated, and with the bitter consciousness, also, of having failed to rule or ruin.

Every consideration in the world combines to urge moderation on the Sand Creek men.<sup>29</sup>

But the Sand Creekers had no intention of moderating their stand. When two companies of the Veteran Battalion, First Colorado Cavalry, arrived at Denver on October 19, to be mustered out, they paraded up Denver's main street with flags flying and a band playing and carrying a banner with the words "John M. Chivington for Congress" emblazoned on one side, and "Sand Creek must be vindicated" on the other.<sup>30</sup> Soon afterwards, Chivington, "Old Sand Creek himself," arrived in Denver and announced himself as an independent candidate for the congressional seat, despite Chilcott's unequivocal support of Sand Creek and the Vindication Party's endorsement of Chilcott. Chivington could still raise a crowd, and the "boys" cheered when he spoke. He entered into the campaign immediately, and debated James M. Cavanaugh, another independent candidate, before a packed house.<sup>31</sup>

But the politicians feared Chivington. As a symbol, he was still a heroic figure to many Coloradans, but as a political candidate he



was a pariah. Hollister's reaction was predictable: "It would be as amusing (?) as secession for Colorado to elect a man to Congress on the strength of an act for which Uncle Sam should think proper to try by court-martial and have him shot!"<sup>32</sup> Other Republican leaders might slap him on the back and tell him what a bully thing he had done for Colorado when he attacked the Indians at Sand Creek, but they knew that his election would create a stir in the east that just might scuttle statehood altogether. Even the vindicators seemed embarrassed at the prospect, and they stuck with Chilcott as their candidate. Chivington must have sensed the mood. On November 4, he quit the race. He claimed that he had entered the contest in the first place because he doubted Chilcott's support of Sand Creek. Now, he said, he knew Chilcott was a firm advocate of vindication. The politicians were relieved.<sup>33</sup>

In November, the controversy became even more frenetic. The Rocky Mountain News published maudlin affidavits describing gory Indian atrocities, and the Sand Creek men talked of dark conspiracies. The persistent barbs of the Gazette eventually even raised suspicions about John Evans, and the ex-governor was forced to defend himself against the charge that he did not approve the course of Chivington and the Third at Sand Creek. On November 4, he penned a letter to Stephen Decatur, which was published in the News, in which he pledged to vindicate Colorado's soldiers from "the calumnies and misrepresentations that have been heaped upon them. . . ." He also assured Decatur that the policy of the government should be to conquer a peace.<sup>34</sup> Jerome Chaffee, making significant gains against Henry Teller, brushed close by perjury when he swore in a

published affidavit that he had defended Colorado's troops (and by implication Sand Creek) the previous winter when he was in Washington.<sup>35</sup>

The treaty of the Little Arkansas added even more bitterness. When reports reached Denver that General Sanborn had formally apologized to the chiefs for Sand Creek and that the treaty included specific reparations to the Indians as well as a direct condemnation of Chivington and the Third Regiment, the reaction was furious. The News published several letters from disgruntled Colorado soldiers assigned to the military contingent with the treaty commissioners. One of them, Alexander F. Safely, who had testified for Chivington before the military commission, swore that General Harney, the hero of Ash Hollow and one of the commissioners, disapproved of the treaty. Safely claimed that Harney said that he "would send the Colorado troops after the Indians and give them a little more of Sand Creek; that that was what they ought to have, God damn them! that he liked Colonel Chivington's style of treating with Indians, and that he would like to see Colonel Chivington and become acquainted with him."<sup>36</sup>

The tempest did accomplish one thing. In the last days before the election, the News published a steady stream of editorials and letters which blamed the Sand Creek controversy upon a political conspiracy to ruin Governor Evans and Colonel Chivington and to seize power in the territory. These discourses provided the rationale for Sand Creek which would become the conventional defense of Sand Creek in Colorado. The argument was simple: In 1864, the Indians of the plains--wholly without provocation--besieged the territory and committed numerous

outrages against the settlers. Evans tried every avenue open to him to secure an honorable peace. Failing to persuade the Indians to retire to their villages, he secured permission to raise a regiment to chastise them. These troops, under orders from General Curtis, marched to Sand Creek. The Indians there were hostile. They were not under the protection of any federal officer. The Indians fought hard from rifle pits constructed before the attack. Women and children were killed fighting alongside the men. After the battle, fresh scalps, household goods, clothing, and other items proved that the Indians were hostile. Any atrocities that occurred were the work of exasperated men half-crazed with grief and anger over the savagery of the Indians.

It was a neat package, and Stephen Decatur used it effectively in a final, passionate appeal:

we are not violators of flags of truce! we are not the cowards who would massacre disarmed prisoners of war! nor the vain braggarts to bring home trophies of a battle with defenseless and already subjugated enemies murdered in cold blood! We are men--born of tender mothers and not barbarous [sic] and murderers! We are men who proved our manhood by going out in defense of all we hold dear. We are Americans, who love the flag of Freedom, and we believe that we honored and did not disgrace that flag at the battle of Sand Creek.<sup>37</sup>

On November 14, 1865, the case of Sand Creek went to the people of Colorado. The Union Administration Party swept the election. The only candidate on the Sand Creek ticket to defeat the nominee of the Union Party was George L. Shoup, and he was a very popular man in the territory with or without Sand Creek.<sup>38</sup> Still, the Sand Creek supporters saw the election as a referendum on Sand Creek, and, with baffling logic, they concluded that the results vindicated Sand Creek. "By the recent

election the majority of the voters of Colorado have decided that Sand Creek should be justified," Ney Byers opined in the News, and, he added, "now it only remains for the public servants they have chosen to finish up a work that has been so triumphantly begun."<sup>39</sup>

The contest left no question that Sand Creek was important to Coloradans, but the claim that it represented a mandate for Sand Creek was questionable at best. Throughout the campaign, the leading politicians in both the Democratic Party and the Union Administration Party had insisted that the matter should not be a controlling issue in the election. William Gilpin had ignored the issue altogether, which had eventually led the News to endorse Scudder, and a whole group of anti-state Republicans, men like Henry Teller, Alexander C. Hunt, and Hiram Pitt Bennet, stayed out of the contest altogether. The smashing defeat of the Vindication Ticket seemed to suggest that Sand Creek was not the deep seated issue that the Rocky Mountain News and the vindicators insisted that it was.<sup>40</sup>

Some Coloradans contended that the whole movement had been a fraud from the beginning. They believed that the architects of the scheme were party malcontents, who, having seen their ambitions thwarted in the convention, seized on the controversy surrounding Sand Creek as a means of furthering their own political careers. The initial response to their feelers encouraged them. Using the petition of the soldiers which had been published in the News, they implied that no one who failed to endorse Sand Creek could be elected. Just how many soldiers the petition represented was never revealed, but its publication was enough to

stampede some of the party's candidates into making strong endorsements. George Chilcott led the way, and others quickly followed.<sup>41</sup>

The main problem of the vindicators was that they did not have any really strong candidates to put forward. George L. Shoup was the center piece of the ticket, and they rode his popularity for all it was worth. But, the leaders of the movement did not make him the gubernatorial candidate. Instead, the nomination for governor went to Edwin Scudder, a Denver politician of modest abilities who had consistently criticized Sand Creek prior to October, 1865.<sup>42</sup> William R. Gorsline, one of the candidates for the supreme court, was also on record as a critic of Sand Creek, and George Chilcott, despite his latter-day conversion, had previously insisted that he knew nothing about Sand Creek.<sup>43</sup> Those nominations raised some questions among politically aware citizens of Colorado.

Hollister suggested that if the vindicators had named Chivington for Congress, Decatur for governor, Shoup for lieutenant governor, and filled the rest of the ticket with men like David Nichols, Jay J. Johnson, and other former Thirdsters who were on record as firm advocates of Sand Creek, no one would have doubted their "earnestness and sincerity." By turning to a collection of second-rate politicians, he concluded, the vindicators had proven that the whole effort was a cheap political trick initiated by a small group of ambitious men. Not only was the movement a fraud, he concluded, it unjustly played to the emotions of the veterans of the Third Regiment for the sake of gaining an instant constituency. Honest Sand Creek men had been duped and left with nothing to show for their efforts.<sup>44</sup>

In December, 1865, the new "state legislature" convened and selected John Evans and Jerome Chaffee United States senators. They along with Chilcott, departed for Washington fulling expecting to win formal admission to the Union. The senators elect soon realized, however, that their task was far from simple. Powerful voices from Colorado were already raised against statehood. Henry Teller, disgruntled over Chaffee's manipulations, joined Allan Bradford, the incumbent territorial delegate who had been so maligned during the campaign, to oppose statehood. Alexander Cameron Hunt, the former United States marshal and persistent foe of John Evans, also raised his voice against statehood. To make matters worse, Alexander A. Cummings, the new territorial governor, who had arrived in the territory during the campaign for state offices, flatly reported to Secretary of State Seward that the canvass had occurred without proper authorization. He also pointed out the failure of the new constitution to guarantee black suffrage.<sup>45</sup>

If those problems did not present enough difficulties, the Coloradans arrived in Washington just as Andrew Johnson collided with the Radicals in Congress. So far, Colorado Republicans had presented a united front in support of Johnson, and Evans and Chaffee assured Edward Cooper, Johnson's secretary, that they had not committed to the Radicals. That was not enough to satisfy the president. Johnson did not like Evans; he had forced the governor's resignation the previous summer. Moreover, the small population of Colorado did not, in Johnson's mind, justify statehood.<sup>46</sup> As a result, Evans and Chaffee turned to Congress.

The congressional response to the statehood petition was lukewarm at best. The political urgency of the previous year had eased,

and some still nursed bitter feelings against Evans for failing to deliver statehood when the votes mattered. The Radicals were suspicious of him. He had been a Lincoln man, and many of his friends in Congress, like Doolittle and Harlan, were associated with the moderates. This situation placed the senators elect on the horns of a dilemma. If they promised to support the president, the Radicals would sabotage their chances in Congress; if they supported the Radicals, Johnson would certainly veto any enabling legislation.

Ironically, Colorado's future seemed to rest with Benjamin Franklin Wade, former chairman of the Joint Committee on the Conduct of the War, who served as chairman of the Senate committee on the territories. "Bluff Ben" had little use for Evans, but he opposed the admission of Colorado for the same reasons that Johnson opposed it. Colorado's small population was the prime consideration. As a Radical, he also objected to Colorado's refusal to grant blacks the right to vote. Moreover, he feared that two new senators might provide Andrew Johnson with just enough votes to thwart the Radicals' ability to override his vetoes.<sup>47</sup>

When the debate began in the Senate, the questions of population and black suffrage dominated the discussion, but even there the specter of Sand Creek intruded. Senator Charles Sumner directly attacked John Evans for this role in the massacre and called the attention of his colleagues to the report of the Wade committee. "His testimony [on Sand Creek] is held up as 'characterized by such prevarication and shuffling as has been shown by not witness they have examined during the four years they have been engaged in their investigations,'" Sumner read. This was

the man who now led the statehood drive for Colorado. Why, Sumner asked, should he be trusted?<sup>48</sup>

This intemperate attack elicited a sharp response from Senator Doolittle. He said that he did not hear the former governor's testimony before the Joint Committee on the Conduct of the War, but his own committee, the Joint Special Committee on the Condition of the Indian Tribes, had questioned Evans with a different result:

. . . I must say that there was nothing in the testimony which led those of us who heard it to suppose or believe that Governor Evans had any knowledge of the meditated attack of Colonel Chivington upon the Indians at Sand creek. Indeed, there was some testimony before us which tended to show that Chivington made the attack without any knowledge on the part of Governor Evans.<sup>49</sup>

When Senator Henry Smith Lane of Indiana offered an even more forceful defense of Evans, claiming that the committee had unfairly censored Evans, Benjamin Wade interrupted to say that he "was not present at the hearing" and "therefore had no knowledge of this."<sup>50</sup> Lane then proceeded with a spirited defense of both Evans and the Sand Creek affair, which, from its content, suggested that someone from Colorado had helped him to prepare his remarks. At the conclusion of his statement, he posed a more pertinent question: "Suppose there was a personal objection to one of the Senators-elect, is that any reason why Colorado should not be admitted as a State?"<sup>51</sup>

Eventually, in May, 1866, the enabling legislation passed Congress, and the future of Colorado went back to the president's hands. Time and events had altered his position somewhat. A month before, the Congress had overridden his veto of the Civil Rights Act of 1866. Now,



realizing that two votes would have made the difference, he called Evans and Chaffee to the White House and told them that if they would pledge to support his program, he would guarantee Colorado statehood. The two Coloradans refused, and Johnson vetoed the enabling act.<sup>52</sup>

The veto produced a wave of angry activity in Colorado, and Andrew Johnson was roundly denounced in the territorial press. For a time after that, Coloradans professed Radical principles, but in the end their natural conservatism drew them back.<sup>53</sup> The statehood battle continued with fresh initiatives and more defeats for another decade before Colorado's star was added to the flag. In the end, the Sand Creek Massacre probably had little real effect on the debate in 1866 or on the contests that followed. But the shadow it cast was always there, and Coloradans could not forget it.

The acrimony of the Sand Creek vindication effort also complicated territorial affairs. John Evans's successor, Alexander A. Cummings, arrived in Colorado in October, 1865, while the Union Administration Party was meeting in convention. The virulence of the contest surprised him, and he acquired an almost immediate distaste for the "Denver crowd" within the Republican ranks. Cummings soon clashed with that clique. In December, 1865, when the "state legislature" convened to pick Colorado's senators, Samuel H. Elbert, the territorial secretary and Evans's son-in-law, arbitrarily decided that the territorial assembly was no longer needed. Cummings reacted angrily and called the assembly into session. That set off a feud which eventually forced Elbert's resignation in June, 1866.<sup>54</sup>

In his first message to the assembly, Cummings addressed the Sand Creek issue. After expressing his surprise at the importance given to the subject in political circles and underscoring the divisions which existed on the subject, he challenged the legislature to deal with the question once and for all:

I do not propose to enter this discussion, but I deem it proper to say that it is not the intention of the Government to do injustice to any of its citizens, and if there is any testimony within reach of the Legislative Assembly, that was not accessible to either of the former commissions, and that will throw any new light upon the subject, it will be my pleasure to forward it to Washington. It cannot suppose, for one moment, that it was the intention of the Government to omit any opportunity to ascertain the truth. But still it is possible that there may be further testimony, and if so, I am sure it will be welcomed at Washington with as much earnestness as it will be furnished and forwarded.<sup>55</sup>

Significantly, the legislature made no effort to investigate Sand Creek. Apparently, no one wanted to stir the controversy again. And so Coloradans were left to make their decisions on the basis of rumor, hearsay, and prejudice. That was perhaps the supreme irony. Most of the citizens did not really know the extent of the charges. Except for references to killing women and children and to scalping, the press had not disclosed the nature of the atrocities committed at Sand Creek, nor had it really explored the circumstances leading to the fight. The report of the Joint Committee on the Conduct of the War was widely circulated, but the supporting evidence was not. John Evans never made an official report as Superintendent of Indian Affairs, and his Reply touched Sand Creek only indirectly. Moreover, the military commission had met behind closed doors, and its testimony was not published until two years later, except for the highly selective "synopsis" printed by

Chivington himself. Indeed, in 1865, reports were circulated that the testimony had been stolen so that no record remained of the Tappan commission. The rumors proved to be untrue, of course, but Coloradans still had to rely on what their leaders told them or what the veterans of the campaign, who did not know the whole story either, recalled. In the absence of access to information, the people assumed that they were the victims of some mysterious and vicious plot. By the time the testimony did become available, they had convinced themselves that it was somehow tainted.

Governor Cummings had to deal with the results. The Rocky Mountain News denounced him because of his opposition to statehood, and the political maneuvering which had characterized party politics in Colorado since 1863 continued. Cummings allied himself with Teller and Hunt. In 1866, with Cummings's backing, Hunt challenged Chilcott for the delegate's seat in Washington. The contest was close, and Chilcott apparently won. Still Cummings awarded the election certificate to Hunt. That drove the new territorial secretary, Frank Hall, and incumbent delegate Allen Bradford, back into the Denver camp, and the feud continued with bitter accusations and counter attacks. Wearily, Cummings wrote to Seward, "There is no peace for any United States official here unless he will endorse all the horrible atrocities of Sand Creek and utterly ignore the famous frauds in the Quartermaster Department by which the government was swindled out of millions of dollars under pretence of suppressing Indian hostilities."<sup>56</sup>

In 1867, the statehood group--after being rebuffed a second time in Washington--moved to unseat Cummings and unite the Republicans in

Colorado. With Jerome Chaffee directing the scenario, the statehood men accused the governor of misappropriating Indian funds for his own financial gain. Chaffee meantime courted Hunt as the leader of the disaffected Republicans. The maneuver worked. Hunt abandoned Cummings. The governor answered the charges fully and adequately, but he was soon removed as governor. Alexander Cameron Hunt was appointed to succeed him, with Chaffee's blessing, much to the amazement of many of Chaffee's supporters.<sup>57</sup>

Hunt took office amid renewed reports of Indian hostilities on the plains, and the territory was soon immersed in a panic that bordered on deja vue. Hunt wired Secretary of War Edwin M. Stanton in language that was all too familiar:

Depredations from Indians on our Eastern and Western borders are of daily occurrence. . . . The present military being mostly Infantry are entirely inadequate for protection of settlers and great thoroughfares. I would most respectfully ask . . . authority to organize mounted volunteers for a campaign against the savages.<sup>58</sup>

Federal authorities were unimpressed. General William Tecumseh Sherman doubted the motives of men like Hunt, and Hunt, himself self-conscious about his role, tried to reassure the general:

Each succeeding year seems to intensify the hatred of the white settlers for the merciless savages, and at the same time to almost obliterate the remembrance of the long chapter of wrongs, borne, often patiently, by the red men at the hands of the white. Men, who, after the bloody, useless, and ill-advised Sand Creek affair were loud in their denunciation of its atrocities and want of policy, now heap [sic] curses on all who are unfortunate enough to have a red skin, be he peaceable or hostile.<sup>59</sup>

But Hunt could not escape his own political dilemma, and he gave in to the pressures. He bombarded Sherman and Stanton with requests,

while the Colorado press railed against Sherman's stupidity as a military man. That environment and the very real violence on the central plains kept the demand alive to give "the red devils another taste of 'Sand Creek.'"<sup>60</sup> The animosity toward the Indians ran as deep as ever. In September, 1868, the Pueblo Chieftain described the Indian with characteristic venom: "He is treacherous, thieving, lying, drunken, sneaking, bloodthirsty, brutal, ungrately, and has all these and every other bad quality in the superlative degree, unredeemed by a single spark of humanity, generosity, chivalry, or decency."<sup>61</sup> As late as 1870, the Golden Transcript was still advocating "an utter and uncompromising war of extermination upon every hostile tribe and never let up till every louse and nit of them is safe in the happy hunting rounds."<sup>62</sup>

The old belligerent spirit survived, and Colorado editors would not let Sand Creek die. The frequency with which it was mentioned in the late sixties bordered on obsession. Each report of Indian attacks produced fresh references to the advantages of the Sand Creek approach. As the fighting continued, even those who had opposed Sand Creek began to rethink their position. When Custer struck Black Kettle's village on the Washita, Colorado's editors exulted over Black Kettle's death and the efficiency of Custer's troops, but they complained that Sand Creek had been more important. The papers applauded the Piegan Massacre in 1870, and when the citizens of Tucson, Arizona, and their Papago accomplices bludgeoned and shot to death 120 sleeping Apaches at Camp Grant while they were under promises of protection from government authorities, the

Rocky Mountain News was lavish in its praise: "Camp Grant is the last of those victories for civilization and progress which made Sand Creek, Washita, and the Piegan fight and other similar occurrences famous in Western History. It is just and right and was fully demanded by the circumstances of the times."<sup>63</sup>

The Sand Creek Massacre was Colorado's albatross, but the territory wore it like a medal of honor. Through the years, however, the affair was slowly sanitized, and the easy acceptance of its violence in 1865, gradually gave way to a more elaborate and studied rationale. The vindicators had set the tone in the statehood contest of 1865, and subsequent defenses added subtle alterations. In 1867, the renewed fighting and the work of the peace commission rejuvenated interest in the origins of difficulties with the Cheyennes and Arapahoes. Sand Creek was again freely ventilated in the public press. Samuel F. Tappan, one of the commissioners, had already become the arch-villain of the Sand Creek controversy to many Coloradans, and when he traced the origins of the war to the misdirected policies of John Evans and John Chivington in an interview with the New York Tribune, the story set off an explosion of anger in the West.<sup>64</sup>

John Evans himself wrote a long letter to the editor of the Tribune. He denied that the Indian War began in Colorado, linking the war there to the Minnesota uprising of 1862. He recounted his own efforts to secure peace. He denied that troops were held in Colorado for political reasons, and he suggested that Tappan's own behavior was motivated by political ambition. Evans avoided specific reference to Sand Creek and concentrated instead on the atrocities of the Indians.

"Even if there have been wrongs committed," he said obliquely, "it does not prove those who magnify them to be worthy of special confidence, nor all the people of the border to be barbarians."<sup>65</sup>

A few years later, in the spring of 1876, the subject of Sand Creek arose in a debate on Indian policy in the House of Representatives. The attack was so vituperative that Thomas H. Patterson, Colorado's first Democratic delegate to Congress and a relative newcomer to Colorado, felt compelled to defend Colorado's people from "one of the most terrible tirades I have ever heard." Later, he wrote H. A. Orahood that he could not hold his peace after the speaker "alluded to the Colorado regiment as [a] collection [of] fiends in human form and poured out the vials of Wrath upon Chivington."<sup>66</sup>

Over the years, Colorado newspapers published the reminiscences and comments of many veterans of the Third Colorado Cavalry. Some of them were frank and voluminous; other were brief and defensive. But a large collection of memoirs emerged which provided an unusual collection of first hand accounts. Those closest to the events were the frankest. Early accounts tended to acknowledge scalping and other atrocities at Sand Creek, while later accounts were less willing to admit that such things had happened. As "civilized society" overtook Colorado, Coloradans rationalized, explained away, and recast the Sand Creek story in their search for a usable past. Perhaps the most consistent feature of these accounts was the almost tortured self-consciousness in them, a kind of nervous self-analysis which extended beyond normal recollection. Most were as honest as they could be about an event that had scarred

their lives for reasons they did not fully comprehend. Some were aggressive. Some were defiant. Some were bitter. Some were apologetic. Some were surprisingly matter-of-fact. Some were bluntly honest. But running through them all was the silent acknowledgement that they could not forget what happened that day. They needed to talk about it. They needed to explain what happened--to themselves at least.<sup>67</sup>

The writings of William N. Byers provided a useful barometer of Colorado opinion. In the weeks after Sand Creek, the columns of the Rocky Mountain News freely acknowledged that the men of the Third Regiment took Indian scalps and killed women and children. More importantly, the editors applauded the Thirdsters for their conduct. Later in 1865, Byers was one of the architects of the standard defense of Sand Creek. Again, he acknowledged excesses at Sand Creek, although now he tended to excuse them on the grounds that the Thirdsters had merely taken revenge for past Indian murders and atrocities against white women and children. In subsequent years, Byers justified scalping as the work of exasperated men who could not be held responsible for their actions.<sup>68</sup>

In 1879, Helen Hunt Jackson, then beginning her crusade for Indian rights, published an account of Sand Creek in the New York Tribune. Mrs. Jackson, herself married to a Coloradan, portrayed Sand Creek in grim terms. She described the atrocities committed, drawing from testimony. She reported that more than a hundred scalps had been displayed on the stage of a Denver theatre. She quoted from the more gruesome accounts of soldier atrocities.<sup>69</sup>

Byers responded in an angry letter. He denied that atrocities



had been committed by the soldiers, and he presented his own version of the "facts:"

Scalps of white men not yet dried; letters and photographs stolen from the mails; bills of lading and invoices of goods; bales and bolts of the goods themselves, addressed to merchants in Denver; half-worn clothing of white women and children, and many other articles of like character, were found in that poetical Indian camp, and recovered by the Colorado soldiers. They were brought to Denver, and those were the scalps exhibited in the theatre of that city. There was also an Indian saddle-blanket entirely fringed around the edges with white women's scalps, with the long, fair hair attached. There was an Indian saddle over the pommel of which was stretched skin stripped from the body of a white woman.

Time had wrought a remarkable transformation in Byers's "facts," if not in his attitudes. In 1865, he had gloated over a single white man's scalp; in 1879, he wrote about many scalps. In 1865, his newspaper had described the Navajo blanket taken from the body of White Antelope in detail; in 1879, he wrote about a blanket fringed with the scalps of white women. In 1865, he had quipped about the bountiful supply of Indian scalps; in 1879, he denied that the Thirdsters took scalps. In 1865, officers and men testified that the men of the the Third had cut out the private parts of Indian women and stretched them over the pommels of their saddles; in 1879, Byers had transformed those reports into an Indian saddle decorated with the skin of a white woman.

Byers indignantly pointed out the provocations and insisted that "Sand Creek saved Colorado, and taught the Indians the most salutary lesson they have ever learned." Colorado had never had a fair hearing, he claimed and the investigations which were held were designed to ruin certain individuals. Jackson pointed out in reply that no official report had ever reached Washington from Governor Evans, the man who

should have provided an explanation from Colorado. Why, she asked, did not Colorado set the record straight if the reports were false. Byers then pleaded that no one listened when Colorado tried to explain what happened. And so the exchange went. In 1883, when these letters were published in the second edition of A Century of Dishonor, Mrs. Jackson prefaced them with this remark: "That men, exasperated by atrocities and outrages, should have avenged themselves with hot haste and cruelty, was, perhaps, only human; but that men should be found, fifteen years later, apologizing for, nay, justifying the cruel deed, is indeed a matter of marvel."<sup>71</sup>

But the defense went on. In 1882, Henry M. Teller, by then a senator from the state of Colorado, felt compelled to defend his home state's honor in a debate over an appropriations bill. He presented the standard defenses and then addressed the question of atrocities:

I do not suppose it can be denied, I do not suppose it will be doubted, that among these ten or twelve hundred [soldiers] were some exasperated men whose families had been destroyed; for there were men in that regiment whose wives had been murdered, whose children had been murdered, whose houses had been burned, whose stock had been destroyed and run off, who committed outrages upon these Indians. I believe in some instances Indians were killed after they had surrendered. I believe that the Superior Caucasian race for a little while was disposed to treat the Indians as the Indians had treated them; but the great mass of the men who were engaged in that battle repudiated any such conduct, and saved such of the prisoners and children as they could.<sup>72</sup>

Teller insisted that it would be wrong for the country to believe that Coloradans attacked "an unoffending band of Indians." He also claimed that the Sand Creek village was filled with plunder and scalps recently taken. He also hinted at a conspiracy against

Chivington. And, he complained that the people of Colorado were never given a fair and impartial hearing.<sup>73</sup>

In 1889, Frank Hall published his History of Colorado. He had watched the controversy as both a journalist and a politician since the first news of Sand Creek reached the settlements in December, 1864, but in his history, he tried to put Sand Creek into perspective. In a meticulous argument, he traced the events that led to Sand Creek and concluded that the Sand Creek affair had been justified. His argument was familiar. The Indians were the aggressors. The booty and scalps found in the camp proved that. He denied that Chivington had violated any agreement between the officers at Fort Lyon and Black Kettle. Yet, Hall could not justify everything, and, to his credit, he did not try. He acknowledged that numerous atrocities occurred on the battlefield. He wrote:

Whether the battle of Sand Creek was right or wrong, these fiendish acts can never be palliated, nor can there ever be in this world or the next any pardon for the men who were responsible for them. It was this more than any other stain attaching to this historic tragedy which brought the condemnation of mankind upon the leaders of that terrible day, and which strive as we may to efface it, will remain as the deliberate judgment of history.<sup>74</sup>

With the coming of the twentieth century, most Coloradans chose to put the Sand Creek affair behind them as an embarrassing part of an ancient time. But at reunions of the Third Colorado Regiment, old men still grappled with the memory of it, and, once in 1908, a group of veterans gathered on the site of the fight and walked over the field trying to reconstruct what had happened there forty-four years before,<sup>75</sup> As those greyed old men died, the debate lost its intensity, but it did

not die. The state's citizens took positions for and against Sand Creek, and, occasionally, the dying embers of the old controversy flared into flame. In the 1940's for example, someone proposed that a new street in Denver be named "Chivington Boulevard" in honor of the hero of Glorieta and Sand Creek. Leonard "Chief" Hudnall, the great grandson of One Eye, and the grandson of Amache and John Prowers, was a member of the state legislature at the time, and he led a protest which forced local officials to choose another name.<sup>76</sup>

In 1961, the regents of the University of Colorado renamed a dormitory in honor of David H. Nichols who had been the speaker of the house of representatives of the territorial legislature and an influential founder of the University of Colorado. Nichols had also been a captain in the Third Colorado Cavalry. He had commanded the attack on Big Wolf's camp at Buffalo Springs in October, 1864, which took first blood for the Third. He also participated in the Sand Creek attack. In 1969, the university's Student Assembly voted to change the name of Nichols Hall to White Antelope Hall "in memory of those early Indians of Colorado who died trying to preserve their homeland and their way of life." Afterwards, the Associated Students of the University of Colorado provided money for a plaque. The subject came up again in 1970 and 1971. At a 1971 meeting of the regents, the request was denied. Frederick Thieme, president of the university, explained that the regents' task "was not to un-name buildings, but to name new buildings." Officially, the matter ended there, but the students persisted in calling the dormitory White Antelope Hall and the school newspaper still refers to it as "White Antelope (Nichols) Hall."<sup>77</sup>

Today, the place where Black Kettle's people died is a silent, lonely place, and cattle graze where Cheyenne tipis stood. A small, granite slab identifies the site. No monument rises on the spot to memorialize those who fought there, and only a few people bother to turn off state Route 96 up the narrow dirt road that leads to the battlefield. At the intersection, a larger monument stands beside the highway. The bronze plaque bears a brief description which underscores the ambivalence which is still felt in Colorado about what happened at Sand Creek. At the top, the inscription reads: "SAND CREEK 'BATTLE' OR 'MASSACRE.'" Below is a terse statement that Chivington and the Third Regiment attacked the village of Black Kettle there. The inscription concludes with an epigram that may be the only statement that all Coloradans can accept about Sand Creek: "One of the regrettable tragedies in the Conquest of the West."

## CHAPTER XIX

### SCARRED LIVES

William Bent died of pneumonia at his ranch on the Purgatory on May 16, 1869, almost unnoticed in a region where he had once been a living legend. His passing was a reminder of the changes which had overtaken the high plains in only a decade. Bent had watched the sweep of settlement into Colorado from the beginning. Even then, he had realized the implications of the white intrusion for his way of life. Even then, he had warned of the terrible war between Indians and whites that eventually did come. His efforts to avoid conflict and to make the transition to a new way of life easier for himself and his Indian neighbors had failed. The Sand Creek Massacre marked the end of an era in which Indian and white cultures could coexist, and with it, both Bent's trading empire and the assumptions that were implied by its very existence crumbled.<sup>1</sup>

But Sand Creek cost Bent more than his trading interests. For him, the massacre was a deeply personal tragedy. His three sons had been there that day. Robert, his oldest boy had been forced to lead Chivington's troops to Sand Creek. He agonized over his role in the affair and found himself distrusted, even hated, among his mother's people.<sup>2</sup> George fought for his life against the Coloradans and escaped

with the survivors to the Smoky Hill camps. Charles, the youngest, was captured early in the fight. Silas Soule intervened and took him back to Fort Lyon the same afternoon, and his timely action probably saved the young mixed-blood from the fate of Jack Smith.<sup>3</sup> Both George and Charles fought with the Cheyennes in the warring times which followed.

By the end of the summer of 1865, William Bent's wife, Yellow Woman, had been killed in the Powder River country, and her scalp dangled from the belt of a Pawnee scout with Connor's expedition.<sup>4</sup> Of all Bent's children, Charles took the tragedy hardest. Something snapped inside him, and he became a renegade of the worst sort. His cruelty became so notorious that a price was placed on his head. Even his brother George abandoned him. Somehow, he blamed his father for all that had happened, and once, he made his way to the ranch on the Purgatory to murder him. The "old man," as Charles called his father, was away at the time, and Charles left quietly never to return. In 1868, he was wounded in a fight with the soldiers. During his convalescence, he contracted malaria and died.<sup>5</sup> Old Bent took the news in stride. His family was divided. His business interests were in jeopardy. His claims to land were being questioned. He was cut off forever from the Cheyenne people he knew and loved. Sand Creek had taken almost everything from him.

William Bent represented an old way dying. The other white men who played prominent roles in the Sand Creek tragedy--John Evans, John Chivington, Edward Wynkoop, Scott Anthony, Samuel Tappan, and others--represented a new and arrogant force on the western frontier. They were men who envisioned cities, farms, railroads, and mines transforming

the west. All of them--even Wynkoop and Tappan--believed that the Indians had to give way. Sand Creek demonstrated how far some of them were willing to go to affect their aims, but whether they approved what happened there or recoiled in horror, none of them ever escaped the memory. It shaped their lives in ways they never imagined in those bitter days of 1864-1865.

Few men felt the weight of Sand Creek as heavily as John Evans. His association with the affair probably kept him from ever serving as a senator from Colorado. Despite the liability, he made a successful career for himself in Colorado and eventually died a respected and much admired citizen. Still, John Evans never quite came to grips with Chivington's massacre. He always insisted that his course of action in Colorado was right and justifiable, that the Indians were the aggressors in 1864, even that he made no promises to the chiefs at Camp Weld, but not once in all of his public utterances nor in any private correspondence which has survived, did he specifically endorse Sand Creek or make any effort to exonerate John Chivington.

The criticism that he vacillated before the Joint Committee on the Conduct of the War sprang primarily from his unwillingness to express himself fully on the subject without knowing all of the facts.<sup>6</sup> But later, in testimony before the Joint Special Committee on the Condition of the Indian Tribes, he carefully avoided any direct comment on Sand Creek, concentrating instead upon defending his record as Superintendent of Indian Affairs. Indeed, although Sand Creek was the most important development in Indian affairs for 1864, Evans, as Superintendent, never submitted an official report on the affair.<sup>7</sup>



When the report of the Joint Committee on the Conduct of the War was published, Evans sought personal exoneration. He blamed his troubles on political enemies who "conspired to connect my name with the Sand Creek battle, although they knew that I was in no way connected with it."<sup>8</sup> His "reply" won him supporters in the East. Even the Chicago Tribune, which had recommended that Colonel Chivington be "shot like a wolf," praised it and said that it proved "that he was in no manner responsible for what happened at Sand Creek."<sup>9</sup> The Central Christian Advocate reprinted the governor's response to the committee in full and concluded that "his defense is triumphant."<sup>10</sup> Yet, at the time, he was publicly criticized for not going further. Indeed, the Denver Gazette raised so many questions about his failure to endorse Sand Creek, that Evans was forced to write a letter to the Rocky Mountain News reassuring the voters, but even there, he expressed a desire to see Colorado's soldiers vindicated and voiced his support for an aggressive Indian policy, but he did not specifically endorse Sand Creek.<sup>11</sup> In his 1867 exchange with Samuel Tappan, he took precisely the same position, and in later years in lengthy interviews with the researchers of Hubert Howe Bancroft, he defended his own actions without defending Sand Creek itself.<sup>12</sup>

Evans, then, was a victim of Sand Creek. He was ignorant of the massacre until after it occurred, but he could not repudiate it without endangering his own political position in Colorado and admitting his own culpability in the mismanagement of Colorado Indian affairs. His official response embodied his own conviction that he had pursued the

proper course, but it also provided him with the means to endorse a policy of conquest without an explicit approval of Sand Creek. He could not bring himself to endorse Sand Creek. Chivington had used him, and he could not personally accept the atrocities. So, he pleaded ignorance about Sand Creek while he defended his own policies. And while his protests were in some measure justified, his methods left him open to charges of political expediency and moral cowardice.<sup>13</sup> Ultimately, however, Evans's contribution to the development of Colorado overcame the specter of Sand Creek. His reputation for personal integrity outweighed the suggestions of personal misconduct, and his essential honesty won him a reprieve from the public condemnation of Sand Creek.

The Sand Creek Massacre was a desperate gambler's throw that John Milton Chivington hoped would make him a national hero and thrust him into high political office. Instead, it made him a social pariah. For a time, he rode the wave of popular support for Sand Creek, half believing that the people of Colorado would reward him even in the face of public controversy. But many of those who publicly endorsed Sand Creek gradually put space between themselves and the "fighting parson." Once he left the military and his position of authority, he lost the only real clout he had ever had. Sam Tappan had always insisted that Chivington was an ignorant man who really did not understand the political process, and his behavior tended to confirm the opinion. The overbearing manner and crude theatrics which once had passed for frontier charisma, now simply seemed to be arrogance and selfishness.<sup>14</sup>

David Marquette, a Methodist minister and historian, provided some indication of Chivington's character in a revealing assessment:

John M. Chivington was one of those strong, forceful characters who find it difficult to either control themselves or to subject themselves to the requirements of a church, or to the rules of war, but are a law themselves. But for these defects he would have been a power for good, as he was a strong preacher and possessed many of the elements which constitute successful leadership.<sup>15</sup>

Chivington had not only acquired a taste for power, but also a taste for material things. During the war, Chivington had entered into various business enterprises and was suspected of being involved with freighting operations with his son-in-law, Thomas Pollock and others. Apparently, he also lived a rather lavish lifestyle. A veteran of the Third Regiment later recalled, "I did not know him personally, but only as a Soldier knew his commander. Col. Chivington always impressed me as a man who was inclined to live beyond his means--Who wanted to maintain the pomp and style of a major General on the pay of a Colonel."<sup>16</sup>

These defects of character became more apparent as the years passed. In the winter of 1865-1866, Chivington and his wife left Colorado and returned to Nebraska City, Nebraska, to live where people still remembered him as a fire-and-brimstone preacher. His former neighbors welcomed him, and for a time he seemed to be settling into life there. In June, 1866, Thomas W. Chivington, the colonel's son, was drowned in the North Platte River while trying to rescue passengers from a stagecoach that had overturned.<sup>17</sup> This tragedy was only the first to mark the Chivington family. In 1867, the Chivingtons attended the Methodist camp meeting at Mount Pleasant in Cass County, Nebraska, where his wife died unexpectedly.<sup>18</sup>

Although he was not formally readmitted to the Nebraska conference of the Methodist Episcopal Church, he continued to preach and to participate in political activities. In September, 1866, he attended the Republican Territorial Convention at Brownville, and on the night before the convention opened, he delivered a rousing speech against the Democrats: "If I am so fortunate as to go to Heaven, I will get a pair of copper-toed, square-toed boots, and standing on the battlements of paradise, will kick them to hell as fast as they appear; and if I go to hell, I will provide a red hot cauldron of boiling sulphur to chuck them in when they come there."<sup>19</sup> In March, 1867, he showed up on Omaha "to assume command of religious interests," as a local paper quipped. The editor commented:

If Rev. Colonel Chivington can succeed as well in saving souls, as he did in slaughtering innocent Indians, once upon a time we shall expect to see a grand revival of the grace of God among our people and great good accomplished. We say nothing of his kicking Democrats "over the battlements of Heaven down into Hell." If he should ever scale the aforesaid battlements himself, we should neither doubt his disposition, nor question his ability to do the kicking.<sup>20</sup>

By 1868, he seemed well ensconced in the community and quite respectable. He was active in Republican politics. He was chosen the first commander of the Grand Army of the Republic at Nebraska City. He was involved in the Odd Fellows and active in Masonic matters. he was also granted a "traveling connection" in the Nebraska Conference of the Methodist Church. He was not, as was widely circulated, expelled from either the Methodist Church or the Masons.<sup>21</sup> Still, the Methodists were disturbed by something in his life. Chivington's "case" was presented to the annual conference in 1869, and "Brother Giddings moved that the case

of J. M. Chivington, with the papers therewith, be referred to the Presiding Elder of the Nebraska City District for investigation according to the discipline and that passage of his character be dependent upon the decision of the committee."<sup>22</sup> The motion carried, and Chivington was finally accepted in 1870. The records in the case were lost, but the church clearly had some grievance against him.

Behind the public image he sought to project, John Chivington led another life that may well explain his brethren's concern. In 1866, Chivington formed a business partnership with the Reverend O. A. Willard, a prominent Methodist minister in Denver. Willard was one of Chivington's closest associates in Colorado, and he had defended Chivington vigorously after Sand Creek. Willard borrowed \$10,000 from an Omaha banker to establish a freighting operation. He and Chivington, who contributed to the partnership with funds from other enterprises, then purchased one hundred wagons and one hundred four-yoke teams of oxen at a cost of \$100,000 from the firm of Stebbins and Porter.<sup>23</sup>

The details of the arrangement were never very clear, but apparently the debt was to be paid to Stebbins and Porter by hauling a million pounds of the company's freight from Atchison, Kansas, to Denver. Within weeks, Henry M. Porter discovered that Chivington had shipped some of his company's goods on the wagons of other freighters without making arrangements to pay them. Porter not only found himself forced to pay the freighters himself, but also he discovered that Chivington had not returned to Atchison, but had gone instead to Fort Laramie and North Platte, Nebraska. Later, Porter learned that Chivington had negotiated

with Wells, Fargo and Company to haul government supplies to military posts in the Dakota Territory.

Porter then contacted the Omaha banker who had loaned money to Willard and other creditors and left for North Platte. He arrived only to learn that Chivington, without Willard's knowledge, had sold the wagons and teams to his son-in-law, Thomas Pollock, without regard to the mortgage held by Porter or to monies owed other creditors. A lawsuit followed in which Wells, Fargo agreed to pay the debts owed to Stebbins and Porter and the other creditors. Pollock managed to salvage a few dollars, but Willard lost his share of the investment. Chivington, in the meantime, was still freighting with a mule train which he had obtained from his son-in-law at the time he sold him the wagons and teams.<sup>24</sup>

In addition to these financial shenanigans, Chivington also became embroiled in a confrontation with the military at Fort Laramie. Angered by the welter of contract manipulations, General I. N. Palmer was already suspicious of Chivington when he learned that Chivington was also involved in other activities:

Chivington has been about here nearly all winter, he enjoyed the protection of the place, for himself and train and he was always politely treated. He however has been writing shamefully abusive articles in a Denver paper in one of which he stated that the officers of the Post were living openly with Squaws! &c There was not a shadow of truth in his statements, and I cannot permit him to return to this Military Reservation.<sup>25</sup>

The Omaha Weekly Herald also received copies of the letters, but the editor refused to print them. In April, the Herald wrote a lengthy editorial defending the integrity of the officers at Fort Laramie,

unmasking Chivington as the author of the slanderous articles, and denouncing him as a "rotten, clerical hypocrite."<sup>26</sup>

Even the death of Chivington's son brought out his dark side. The younger Chivington had been a rather successful freighter, and he left a modest estate. His father claimed that he had been a partner with his son, and that he was entitled to a substantial portion of the property. When Colonel Chivington's wife died in August, 1867, the estate was still unsettled, and he, by his own admission, determined to claim it by marrying his son's widow. On May 13, 1868, Sarah Chivington married her father-in-law at Chicago, Illinois.<sup>27</sup> When the news reached Nebraska and Colorado, it stunned the people who knew Chivington. The Omaha Herald said simply, "We have no comment to make upon the above crime against society at this time."<sup>28</sup> The bride's parents published a notice in the Nebraska papers disavowing any knowledge of the event. "Had the facts been made known to us of the intentions," they wrote, "some measures would have been taken to prevent the consummation of so vile an outrage--even if violent measures were necessary."<sup>29</sup> Even Chivington's former ally, Ned Byers, declared in the columns of the Rocky Mountain News, "What he will do next to outrage the moral sense and feeling of his day and generation, remains to be seen; but be sure it will be something, if there is anything left for him to do."<sup>30</sup>

When Thomas Chivington's estate was finally settled, John Chivington received only \$360, much to his consternation. So, he managed to have himself appointed as a special administrator to make a claim against the government for horses allegedly lost to Indians in 1864 when

Thomas's wagons were pressed into government service. In the summer of 1870, Chivington and his wife went to Washington to pursue the claim. He filed the claim, but while there he learned that Henry M. Porter had been awarded \$410,000 for losses incurred in 1865. Chivington claimed an interest in the case, and Porter's lawyer (who also happened to be his lawyer) agreed to pay him half of the settlement if Chivington could provide an indemnifying bond. Chivington then presented a bond signed by himself, George O'Brian, and G. W. Tipton, a senator from Nebraska. Shortly afterwards, Senator Tipton informed authorities that he had not signed the bond. Tipton and the federal authorities also discovered that the notary seal had been stolen, and they sought an indictment for forgery. Learning of the legal efforts, Chivington skipped town and fled to Canada.<sup>31</sup>

Chivington's departure brought other disclosures. He was already in trouble with the law in the District of Columbia. He had been arrested and appeared in police court on the charge of having "grossly insulted a lady," in an incident involving a Mrs. M. A. Swetland.<sup>32</sup> Moreover, in his hurry to leave town, he did not pay his bill at the National Hotel, and his wife's bags were held by the Hotel pending payment. Here, accounts differ, but apparently, Sarah Chivington had already left Washington for Nebraska.<sup>33</sup> She never saw Chivington again, and in October, 1871, she secured a divorce on the grounds of desertion and non-support.<sup>34</sup>

For a time after that Chivington dropped from view. He did not remain in Canada long, but where he went after that was never clear. He



may have lived for a time at San Diego, California. Eventually, however, he returned to his native Ohio in 1873, on the occasion of his mother's death. Local gossip in Warren County, Ohio, held that Chivington took \$80 which his mother had set aside for her burial, left his mother to be buried by the county, and moved to Cincinnati.<sup>35</sup> There, he made the acquaintance of a woman named Isabella Arsen who owned considerable property. Within a year, he had married her. Shortly after they were married, Chivington allegedly took a promissory note owed to his new wife, forged her name on it and secured payment of the debt. Some time later, Mrs. Chivington's brother happened to mention the disposal of the property, and Mrs. Chivington learned what her husband had done for the first time. "I then accused Mr. Chivington of stealing my property and forging my name," she later swore, "upon which he struck me a violent blow upon the face [,] knocking me down [,] trying to make me promise to say nothing about it and take no legal action against him [,] which I refused to do."<sup>36</sup> Mrs. Chivington swore out a warrant against her husband on a charge of assault and battery. Apparently, she later dropped the matter. The Warren County grand jury did not indict him, and Mrs. Chivington lived with her husband for the rest of his life.<sup>37</sup>

The incident and persistent gossip about other misconduct did not prevent Chivington from becoming active in the affairs of the Grand Army of the Republic, the Masons, and the Odd Fellows. In 1883, he took advantage of this base to enter politics. The Republicans of Clinton County nominated him to run for the state legislature. Almost immediately, his opposition dredged up the story of the Sand Creek Massacre. The

editor of the Lebanon Patriot wrote a blistering editorial which forced Chivington from the race. The county committee persuaded him to step aside, and another candidate was named. Chivington threatened to sue the editor of the Patriot, but the matter was eventually dropped. Chivington's own explanation was a little different:

One end of our county is settled very largely by Quakers, and when this story . . . was brought out against me, it hurt me with them, for it seems as if they would prefer to vote for the incarnate fiend rather than for a man who had in any way hurt their peculiar pets, the Indians. The other people of the county were very strongly in my favor, for I had but little opposition in the nominating convention, and I was strongly urged not to withdraw. I think I would have been elected. . . .<sup>38</sup>

His political hopes shattered again, Chivington decided to accept an invitation to attend the first annual meeting of the Pioneer Society of Colorado. On September 13, 1883, Chivington spoke to the members of the society on the subject of Sand Creek, declaring that "it is but justice to the pioneers of Colorado, as well as myself that I should give the true history of the Sand Creek fight." The crowd responded enthusiastically to his account, especially when he proclaimed, "I say here, as I said in my home town in the Quaker county of Clinton, Ohio, in a speech one night last week: 'I stand by Sand Creek.'"<sup>39</sup>

"Colonel Chivington's speech was received with an applause from every pioneer," the Rocky Mountain News said, "which indicated that they, to a man, heartily approved the course of the colonel twenty years ago, in that famous affair in which many of them took part, and the man who applied the scalpel to the ulcer which bid fair to destroy the life of the new colony, in those critical times, was beyond a doubt the hero of

the hour."<sup>40</sup> As the old-timers crowded around him, shaking his hand and slapping him on the back, John Chivington sensed that he had found a permanent home at last. Later, as he talked with reporters, he confirmed his intentions of settling his affairs in Ohio and returning to Denver to live.<sup>41</sup>

John Milton Chivington spent the rest of his life in Colorado. Although past sixty now, he was still an imposing man, his huge frame still straight and tall. His beard had turned white, giving him a distinguished, grandfatherly appearance, but the fire still burned in this eyes, and he was still capable of going into fits of righteous indignation. On the streets of Denver, he became a local attraction, a giant relic of the frontier past. He basked in the attention, frequently giving interviews to reporters and writing his own reminiscences about the glory days of 1862 and the bitter times of 1864.

Secure again in the place where he had first won honor, he renewed his affiliations with the Grand Lodge of the Masons, with the Denver chapter of the G. A. R., and with the Methodist establishment in Denver. He did not return to the pulpit, but he served as an active advisor to church leaders, and he wrote accounts of the early days of Methodism in the mining camps.<sup>42</sup> Chivington also entered local politics. Eventually, he became undersheriff of Arapahoe County. His reputation served him well in that job, and in 1887, he became something of a local hero when he flushed a hardcase named Newt Vorce from hiding with a simple threat to blow him to kingdom come if he did not surrender.<sup>43</sup>

From time to time some local group would honor him, and in 1889, the Colorado legislature asked him to open its annual session with prayer.<sup>44</sup> In 1891, Chivington was elected coroner of Arapahoe County, the last post he filled.<sup>45</sup> And yet, even safe in the bosom of people who gave him friendship and respectability, controversy continued to pursue him. In 1884, he had sued the Colorado Springs Company and the Manitou Mineral Water Bath and Park Company for possession of the lands on which the city of Colorado Springs developed.<sup>46</sup> Later, in 1887, he had been indicted for perjury in a sensational case involving misconduct in the sheriff's office. He was tried in September, 1887, and acquitted.<sup>47</sup> In March, 1892, Chivington incurred the wrath of Denver's Italian community when a rumor went the rounds that Chivington, acting in his capacity as coroner, had removed eight hundred dollars from the body of one Francesco Gallo and kept it for himself. Charges were filed against Chivington, and a judge ordered him to surrender the money he had taken to the court or face criminal prosecution. Chivington complied with the order.<sup>48</sup> And when his house caught fire, more than a few people in Denver believed that he had set it in order to collect insurance.<sup>49</sup>

By 1892, Chivington's health was failing, and he soon retired to his front porch where he spent his last days talking with passers-by and arguing points of theology with minister friends. On October 4, 1894, he died quietly, attended by his wife and the Reverend Isaac Beardsley, a close personal friend. He was buried on October 7, 1894, with full Masonic honors. More than six hundred of his brothers marched in the funeral procession, followed by members of the Colorado Pioneer Society

and the Grand Army of the Republic. Among his pallbearers were Harper M. Orahood, Scott J. Anthony, and Jacob Downing. Dr. Robert McIntyre preached the funeral message, praising his friend as a man who "towered above other men like a California redwood tree above the other trees of the forest. . . ." At one point, he declared:

He always reminded me of Elijah. I think he was an Old Testament man. I think that one of his favorite texts was, "an eye for an eye, a tooth for a tooth." This man knew the principles of the Gospel, but they appealed to him in his ideas of justice and right. What a ruin, what wreck this man might have been if he had not been reached by the principles of the Gospel, early in life. The real battle ground of Chivington was the battle he fought with his own self.<sup>50</sup>

John Milton Chivington was a strange, enigmatic man, never really understood even by those who knew him best. His friends extolled his Christian virtues, while his own granddaughter said of him, "My grandfather was a terrible man."<sup>51</sup> Yet, almost everyone agreed that Sand Creek preyed upon his mind more than anything else. He seemed almost obsessed with vindication, hoping against hope that the blot could be erased. He was bitter, and he lashed out at those he blamed for his troubles. In his mind, the chief villain was Samuel Forster Tappan. He despised Tappan. In 1883, he told a reporter that Tappan alone "raised the storm of persecution above my head that has misled so many people who are unacquainted with the facts. And through all the years he has persistently misrepresented and lied about me."<sup>52</sup>

Chivington's assessment was at least partially correct. For twenty years, Sam Tappan never missed an opportunity to denounce Sand Creek. As a peace commissioner and an advocate of Indian reform, he was the product of Sand Creek. Tappan regarded Chivington as an ignorant and

crude man, and he always assumed a patronizing attitude toward his former commander. Tappan was a crusader, and Chivington was more important to him as a symbol than as a personal enemy. Chivington represented a mentality that Tappan detested. And for fifteen years after Sand Creek, the pugnacious little reformer doggedly used Sand Creek and Chivington to underscore the problems in American Indian affairs.

Tappan's connections in Washington and his skill as a journalist gave him considerable clout. He hobnobbed with congressmen, generals, and bureaucrats. He was close to men like Wendell Phillips. Throughout the late sixties, when he was on the Indian Peace Commission, and the seventies, Tappan supported himself as a journalist and newspaper correspondent. His commitment to Indian reform was unmistakable. He impressed Cora Daniels enough that she married him, although the marriage ended in divorce seven years later. In the 1870's, he adopted a Cheyenne girl, one of the three captives taken at Sand Creek, and sent her east to a girl's school in New York. She died there of a sudden illness, but her academic record while there was good.<sup>53</sup> In the 1880's, he passed the task of promoting the Indians' cause to a new generation of reformers, but even then, he became the organizer and first superintendent of the Nebraska Indian Industrial School at Genoa, Nebraska.<sup>54</sup>

Chivington claimed that Tappan was living in Cincinnati in 1883, and that he was responsible for the story which forced him to drop out of the race for the state legislature.<sup>55</sup> By then, however, the conventional view in Colorado was that Tappan had been the architect of a conspiracy to destroy Chivington and Evans using Sand Creek as the

bludgeon. The view was widely circulated in 1865 in the pro-Sand Creek press. In 1881, John McCannon, a veteran of the Sand Creek affair, suggested a slightly different twist:

Yes, but there was a very good reason why. You see Shoup's appointment as colonel of the Third regiment caused great jealousy.

Shoup had only been second lieutenant of the First and his being jumped to a colonelcy all at once made the boys mad. . . . The whole matter of Chivington's blame may be attributed to Sam Tappan and Ed. Wynkoop, whose jealousy caused it.<sup>56</sup>

McCannon went on to suggest that Tappan was so hated in Denver that he was forced to hide himself to avoid being lynched. Tappan angrily responded, denying the charges and pointing out that he had visited Denver five times since 1865 and that he had always been received graciously. In 1883, he attended an encampment of the G. A. R. in Denver some weeks before Chivington arrived. Chivington spoke of him bitterly at that time, and Tappan again felt compelled to respond.<sup>57</sup> The enmity between the two men was deep and bitter, and it never ceased as long as either man lived.

There was a final irony in the Chivington-Tappan feud. In 1892, his health failing and in financial straits, John Chivington filed an Indian depredation claim in the amount of \$30,000 for the loss of horses near Fort Laramie in 1867. The government was suspicious of the claim and decided to hire a special investigator in the case. The man the Justice department chose was Samuel Tappan. Tappan attacked the assignment with a passion bordering on obsession. He pursued Chivington back through time, uncovering and resurrecting every indiscretion, scandal, and misdeed that he could find. His determination netted a mountain of

gossip, hearsay, and a substantial number of public documents. From Blandchester, Ohio, in April, 1892, Tappan wrote to the assistant attorney general, "We are driving from cover a monster. I thought I knew him, but was mistaken."<sup>58</sup> John Chivington died before the claim was settled, and it was eventually denied. His old enemy had thwarted him once again. But Tappan never enjoyed the adulation that Chivington enjoyed in Colorado. He spent his last days in Washington, feeble and destitute. He died there, almost forgotten, in 1913.<sup>59</sup>

No man, not even Samuel Tappan, hated John Chivington as fervently as Edward Wanshear Wynkoop. After resigning his post as agent to the Arapahoes and Cheyennes in 1868, Wynkoop returned to his native Pennsylvania where he operated an iron foundry with his brother until the financial panic in 1873 when the business failed. At that time, he tried without success to secure an appointment as an Indian agent to the Navajos, but he could not. In 1876, he headed west again, this time to the Black Hills. At Custer, in the Dakota Territory, he organized a group known as the Black Hills Rangers for defensive purposes against the Sioux. Later, he moved on to Deadwood, then returned home to tout the future of the Dakota mines.

In 1882, he returned to Denver as a special timber agent for the United States Land Office. The next year, he was moved to a similar position in New Mexico. In 1886, he lost his job with the election of Grover Cleveland, but he stayed on in Santa Fe. He was well liked there. He had served as the commander of the Department of New Mexico, G. A. R., and he had achieved some prominence for his efforts to erect a memorial



to his old friend, Kit Carson, at Santa Fe. In 1889, he served briefly as adjutant general of the New Mexico militia before accepting the position of warden of the territorial prison. Wynkoop did an admirable job as warden, reforming the system, building a hospital, adding a sewer system to the prison, and providing a garden to supply fresh vegetables to the prisoners. In 1891, he lost his post over a dispute with the territorial prison board. He did not survive long after that. On September 11, 1891, he died of Bright's disease, a malady brought on by the injury he suffered to his kidneys when he fell from his horse at Silas Soule's funeral in 1865.<sup>60</sup>

Ned Wynkoop was not a crusader. He did not pursue Indian reform with the vigor of Sam Tappan. But he was a man with a strong sense of honor. Outspoken, independent, and incorruptible, he never deviated from his commitment to his code of moral responsibility. If he lost the brash idealism of his youth, he could never forget or forgive the monstrous betrayal of John Chivington. Wynkoop felt that he had failed the Cheyennes because he had trusted Chivington. He knew that Chivington had used him to give the Cheyennes a false sense of security. Disappointment aggravated the guilt and the feelings of betrayal that he felt. He had admired Chivington, looked up to him, trusted him. That was the crowning insult that added humiliation to his sense of responsibility for the tragedy. Wynkoop could not forgive Chivington. He denounced him as "infamous" and described him as a "fiend incarnate." In 1876, he reflected upon Chivington's troubles after Sand Creek: "it seems from what

is well known of his subsequent career that a higher tribunal than any on Earth, has judged and sentenced him; the afflictions and misfortunes that have since surrounded him, appear to come directly from an offended Deity."<sup>61</sup>

During the investigations of 1865, Chivington attacked and belittled Wynkoop and his motives in the same way that he attacked and belittled the motives of Silas Soule and other officers of the Lyon battalion. Yet, strangely, once the hearings passed, John M. Chivington rarely mentioned Wynkoop when he talked about Sand Creek. He never criticized Wynkoop as he did Tappan. The loss of Wynkoop's respect was one thing that Chivington never got over. Chivington felt a genuine affection for the tall young officer who, dressed in a red flannel shirt, had charged with him into the Confederate guns at Apache Canon.<sup>62</sup>

In 1892, after Ned Wynkoop's death, his wife Louise returned to Denver with her family. She took a house on the corner of Thirteenth and Stout Streets, only a few doors away from John Chivington's residence at 1235 Stout Street. Times were hard for the Wynkoops, and Chivington took a personal interest in their welfare. He called on Louise frequently, and he helped her to secure a widow's pension from the government.<sup>63</sup> He also contributed to the family's welfare by appointing young Frank Wynkoop to coroner's juries on a number of occasions. Once, the young Wynkoop arrived at the coroner's office for a hearing before the rest of the jurors and took a seat on a sofa across from Chivington's desk to wait for the others. Chivington saw him sitting there, got up from his desk, and sat down beside him. The old man asked how the boy's mother

was and exchanged a few pleasantries about the family. Then Chivington leaned toward Wynkoop and whispered, "Your father was right." Frank Wynkoop later recalled: "I merely bowed my head in acknowledgement, at the same time feeling a touch of pity for this degraded old man, who, at last, likely realized and admitted a sin, perhaps only to ease a guilty conscience."<sup>64</sup>

At a later date, Chivington met Harman Wynkoop, another of Ned's sons, at the offices of the Rocky Mountain Herald. Harman remembered the meeting:

Mr. Chivington took hold of my hand and stood looking at me for about fifteen seconds without saying a word, and finally, still holding my hand, said: "I did not know I would ever have the pleasure of meeting one of Major Ned Wynkoop's boys. Your father was an excellent soldier, brave, honest, and always a gentleman." I said, "Colonel Chivington, I want to thank you for what you have just said of my father. I appreciate it very much. But Sir, I will always have the same feeling toward you and your men for the Sand Creek Massacre that my father had to his dying day." He let loose my hand, bowed his head and walked out.<sup>65</sup>

If Edward Wynkoop's views toward Chivington and Sand Creek were consistent over the years, the view of Major Scott J. Anthony, Wynkoop's replacement as commander of Fort Lyon in the autumn of 1864, changed dramatically over the years. Anthony had been one of the first men to denounce Sand Creek in forceful terms. He criticized Chivington's leadership and had declared that the battle had "disgraced" every officer not forced to accompany the command under direct orders. He was so vocal that the Rocky Mountain News criticized him severely.<sup>66</sup> He endured the disdain of many of the veterans of the "Bloody Third" without complaint until the publication of the report of the Joint Committee on the Conduct

of the War. The committee's sharp denunciation of his conduct in the affair cut him deeply. He protested against the characterizations of the report, and he tried in vain to secure a special hearing from Senator James Doolittle.<sup>67</sup> In the fall of 1865, he was a tepid supporter of the vindication movement, and his name was even mentioned as a possible candidate on the vindication ticket. Shortly thereafter, however, he left Colorado for Montana where he dabbled in mining and worked as a surveyor for the Union Pacific Railroad.<sup>68</sup>

In 1869, Anthony returned to Denver, opened a real estate business, and established the first abstract title company in the city. Active in local affairs, he was a Mason and a member of the Grand Army of the Republic. He held membership in the Denver Club, the Sons of the Revolution, and the Colorado Association of Pioneers. He was active in the Denver Chamber of Commerce, and he directed the city's tramway system for ten years. In 1879, he was one of the founders of the State Historical and Natural History Society of Colorado. Anthony lived out the rest of his life in Denver, dying there on October 2, 1903.<sup>69</sup>

During those last years, Anthony said little about the Sand Creek Massacre. He shunned interviews and wrote no personal memoir about his involvement. Even so, the condemnation of the Joint Committee on the Conduct of the War gnawed at him. As late as 1878, he wrote Morse T. Coffin, a veteran of the Sand Creek campaign, that the committee had garbled and mutilated his testimony. He told Coffin that the Indians he had disarmed and fed at Fort Lyon were Arapahoes under Little Raven only. "I have no objection to your using my name as authority for the statement

that the Indians who were disarmed and fed by me at Fort Lyon formed no part of the band which Chivington's command fought at Sand Creek," he said emphatically.<sup>70</sup>

This argument formed the base of Anthony's defense of his own actions from that point until his death. Anthony always insisted that he and made no agreements with Black Kettle or his Cheyennes. When Frank Hall wrote his History of Colorado, he relied heavily upon Scott Anthony's version of what happened.<sup>71</sup> The argument contained a grain of truth, of course. Anthony did not disarm the Cheyennes, nor did he feed them. But the argument ignored two important facts. First, the Cheyennes were at Sand Creek on his instructions and with the assurance that if the situation changed they would be told. Second, he conveniently overlooked Left Hand's death and the simple truth that Little Raven's people escaped a similar fate only because they managed to stay a few miles ahead of the Coloradans until Chivington tired of the hunt.

Anthony's arguments served him well in Colorado, however, and he managed to overcome the criticism which had been leveled at him by disgruntled veterans in 1865. He even mended his fences with John Chivington. When Chivington died, he was a pallbearer.<sup>72</sup> Yet, outside of Colorado, Anthony remained perhaps the most puzzling figure in the entire Sand Creek controversy, a man who appeared to have acted inconsistently in the Sand Creek affair. That he came to disregard the letters which he wrote in the winter of 1864-1865 (which were his best defense against the charge) in favor of a simpler rationalization more popular in Colorado, illustrated both his bitterness and his desire to be accepted

in his home state. Ironically, his change of emphasis contributed to his continuing role as Sand Creek's most misunderstood man.<sup>73</sup>

The crusty and irascible Jacob Downing never admitted any regrets. As Chivington's hatchetman and partner in ambition, Downing shared his mentor's unrepentant spirit. He, perhaps more than any other one man, knew Chivington's mind. He had stood at Chivington's side from the moment that the fighting parson assumed command of the District of Colorado until they both departed the service late in 1864. From the moment the controversy over Sand Creek broke, he became Chivington's staunchest defender. He served as Chivington's counsel at the Tappan hearing. He, more than any other man, shaped the nature of the defense of Sand Creek. In his testimony before the Doolittle Committee in July of 1865, he summarized the defense tersely. Between five and six hundred Indians were killed. Most of them were men. Very few women and children were killed. Few scalps were taken. He saw no mutilation of bodies. But even there, he gave this frank opinion:

I heard Colonel Chivington give no orders in regard to prisoners. I tried to take none myself, but killed all I could; and I think that was the general feeling in the command. I think and earnestly believe the Indians to be an obstacle to civilization, and should be exterminated.<sup>74</sup>

Downing never wavered from that belief. In later years, Downing turned his energies to business and eventually amassed a fortune in Colorado mining, but he always relished the opportunity to talk about the old days. He was frequently interviewed in the press. Through the years the number of bodies he remembered personally counting increased while the number of women and children killed decreased, but he also made it

clear that killing Indians was no crime in his eyes. He relished telling the story of how he had forced Spotted Horse to lead him to Cedar Canon in 1864 by lashing him to a stake and threatening to burn him alive.<sup>75</sup> In 1905, when George Bent wrote an article for a Denver paper criticizing the Sand Creek affair, Downing dismissed his comments with a characteristic remark: "George Bent is a cutthroat and a thief, a liar and a scoundrel, but worst of all a half-breed." Later in the same interview, he said, "Colonel Chivington was criticized considerably after the battle, but I hardly know what for." He died without ever changing his mind.<sup>76</sup>

Perhaps the most puzzling figure in the aftermath of Sand Creek was George L. Shoup, the commanding officer of the Third Colorado Regiment. Shoup's popularity in Colorado was matched only by his silence on the Sand Creek issue. In his testimony before the Tappan commission and his few public utterances of record, he emerged as the loyal subaltern of Colonel Chivington. Chivington led, and Shoup followed. His loyalty won him the applause of many Coloradans, while Chivington's assumption of command saved him from responsibility for the attack.<sup>77</sup> His favored position won him the nomination for lieutenant-governor in the statehood election of 1865, but his public letter endorsing Sand Creek was surprisingly moderate in tone.<sup>78</sup> When statehood failed, Shoup left Colorado for greener fields. He settled in Montana and opened a mercantile operation in Virginia City. Later, he opened a second store in Salmon, Idaho, and in 1867, he moved to Idaho.<sup>79</sup>

George Shoup found his niche in Idaho. His successful mercantile operations allowed him to diversify his interests. He soon developed a substantial cattle operation and found a place in the territory's politics. When Lemhi County was organized in 1869, he was one of the first county commissioners. Later, he served two terms in the territorial legislature. In 1880, he was chosen as a member of the Republican National Committee and served until 1884. Shoup was also active in promoting Idaho among potential investors. In 1886, he declined the Republican nomination to the congressional delegate's seat, but in 1880, he accepted the governorship of Idaho Territory. As governor, Shoup managed the admission of Idaho to the Union, accomplishing his task within a year. Afterwards, he served two terms as a United States Senator. He left the Senate in 1903 and died the next year. His popularity waned during his last term because he did not endorse the free-silver idea, but when Idaho chose two men to stand in statuary hall in the United States capitol, George L. Shoup was one of them.<sup>80</sup>

The younger officers of the First Colorado Regiment vanished into obscurity. Of those who opposed Chivington, Silas Soule and James D. Cannon, the New Mexico officer assigned at Lyon, died under mysterious circumstances. Of the others, only Joseph A. Cramer left a trail, and it was tragically short. Cramer's even, honest testimony had proven to be some of the most damaging to Chivington during the Tappan investigation. Despite recurring physical problems which resulted from the injury he had suffered when he was thrown from his horse while pursuing Neva's peace party in August, 1864, Cramer served with the Veteran



Battalion of the First Colorado Cavalry until November 19, 1865, when he was mustered out at Denver.<sup>81</sup> Cramer left Colorado and settled down in the little farming community of Solomon, Kansas. In 1868, his wife died, and a year later he remarried. By then, his honesty and steadiness made him an attractive possibility for public office. In 1870, he was elected Sheriff of Dickinson County, although Abilene had replaced Solomon as the population center of the county. Unfortunately, the old injuries to his liver and stomach prevented him from becoming a part of the cowtown era of Kansas history. On December 16, 1870, Joseph Cramer died. He was thirty-one years old.<sup>82</sup>

Samuel Gerish Colley, the lackluster agent for the Cheyennes and Arapahoes during the Civil War years quietly resigned in 1865, and slipped out of Colorado unnoticed. He retired to the safer environs of Beloit, Wisconsin, and exchanged the rigors of frontier life for a career in banking.<sup>83</sup> His son, Dexter Colley, stayed on the frontier as a trader. In the early seventies, he opened a liquor store in Dodge City, Kansas. During that town's heyday as a cattle camp, he served on the city council and was associated with the "Dodge City Gang," which ran local politics during the late 1870's.<sup>83</sup> John W. Wright, the acerbic Hoosier who had caused John Evans so much grief, continued his dabbling in Indian affairs. He was involved in a number of questionable enterprises with the Bureau of Indian Affairs, but despite frequent accusations of dishonesty on his part, he managed to avoid criminal prosecution. Eventually, he settled down in his home town of Logansport, Indiana, where he spent his last days as a respected pioneer citizen.<sup>85</sup>

The Colorado politicians--Allen A. Bradford, Hiram Pitt Bennet, Jerome Chaffee, Henry M. Teller, Samuel H. Elbert--and the editors--William Byers, John Dailey, Frank Hall, Ovando J. Hollister--built distinguished careers.<sup>86</sup> John Potts Slough, the Colorado First's first commander who helped to launch the investigation of Sand Creek, was appointed chief justice of the New Mexico Supreme Court in 1866. His bellicose manner and profane language made him a storm center, and late in 1867, a member of the territorial legislature shot and killed him at the La Fonda Hotel in Santa Fe.<sup>87</sup> The rank and file of the First and Third regiments went on to live as civilians. Many of them became legislators, county commissioners, school board members, church deacons, and respectable citizens. A surprising number of them--men like Morse T. Coffin, Irving Howbert, William Breakenridge, A. K. Shaw, and David Mansell--wrote about Sand Creek in later years.<sup>88</sup> Some Coloradans like Julia H. Lambert, Watson Clark, and George Thompson, forcefully criticized Sand Creek and Chivington.<sup>89</sup>

John W. Prowers, the Arkansas valley rancher who had married Amache Ochinee, the daughter of One Eye, was one of those who never forgave Chivington. He prospered in the years after Sand Creek. His wife received an allotment of land on the Arkansas under the terms of the Treaty of the Little Arkansas and he bought the claims of others who obtained grants under the treaty, including the property of Julia Bent, William Bent's daughter. He was the principle founder of Las Animas, Colorado, and he was influential in both political and business affairs until his death in 1884.<sup>90</sup>

By then, time had changed some things, and Amache Prowers, called "Amy" by her friends, had managed to win acceptance in Colorado society. Her personality, wit, and dignity overcame many prejudices. She became something of a celebrity in the state, and she was much sought after in Denver social circles. She remained quite unaffected by the fuss and somewhat suspicious of the attention. She was active in the Eastern Star, and on one occasion in the early 1890's, she came face to face with John Chivington for the first time since the day he stood in the doorway of her home at Caddo and ordered soldiers to hold her family as prisoners until after his troops had done their work at Sand Creek.

She was talking to friends when one of the hostesses approached her with a giant, white bearded man in tow. "Mrs. Prowers," she said, "do you know Colonel Chivington?"

The tiny Cheyenne woman turned and looked up into Chivington's face. Ignoring his outstretched hand, she answered, in a voice that reverberated through the room: "Know Col. Chivington? I should. He was my father's murderer."<sup>91</sup>

## CHAPTER XX

### THE SURVIVORS

In the fall of 1873, a party of buffalo hunters returning to Dodge City, Kansas, after an unsuccessful hunt on the plains of eastern Colorado, struck the big bend of Sand Creek and descended the bluffs to the place where Black Kettle's people had died nearly a decade earlier. Nature had already erased much of the evidence of what had happened there, but a few sunbleached bones still lay scattered along the creek bed. The hunters had no hides to show for their work, so they gathered up the bones and loaded them on the wagons to be sold at Dodge for fertilizer and buttons.<sup>1</sup> Those white scavengers removed the last physical traces of the Sand Creek Massacre. For them, it was a trivial and unimportant act, but it underscored an important fact. For the Cheyennes, Ponoeohe, the little dried river, had become a place of death, and they never returned, even to bury the dead.

That dreary day in Hikomini, the freezing moon of 1864, the Cheyennes came to the end of a time when they could coexist with whites peacefully without losing their freedom as a people. There, the last fragile threads of trust snapped. Afterwards, the forces of American modernization closed on the Cheyennes with dizzying speed. The Sand Creek Massacre represented something more than a military defeat,

something more than the loss of lands in Colorado, something more than a betrayal. The Sand Creek tragedy altered the very nature of Cheyenne society and polity.

The number of Cheyennes actually killed at Sand Creek was the subject of debate from the moment the first reports reached Denver. Colonel Chivington claimed to have killed five or six hundred warriors (as many as nine hundred as the years magnified the victory in his own mind), and his closest subalterns placed the figure somewhere between four hundred and five hundred killed.<sup>2</sup> While a high "body count" doubtlessly served their purposes and enhanced the importance of the battle, the actual number of people killed was much smaller. The best estimates of the death toll placed the number killed between 148 and 175 men, women, and children.<sup>3</sup> Even admitting some margin for error, and allowing for the Indians' tendency to underestimate their casualties, no evidence ever emerged which supported an estimate above two hundred killed.<sup>4</sup>

The Cheyenne population at Sand Creek numbered between 450 and 600 persons. At the time, military authorities normally estimated the population of plains Indian villages at five people per lodge. The Cheyennes had 114 lodges at Sand Creek, representing 112 families (War Bonnet, chief of the Oivimana, and Snake, Black Kettle's camp crier, each had two lodges), which led observers to place the village population near 600 people.<sup>5</sup> But some contemporary evidence suggested that even that figure was high. The Sand Creek camp was not an ordinary village. Its population included a surprisingly high number of prominent, older men, and a large percentage of women and children. Many of the men were of

fighting age, but most of the young Cheyenne men remained with the more cautious majority on the Smoky Hill or with the Dog Soldiers over on the Solomon. The people at Sand Creek were not only the most tractable Cheyennes, but also they were the most trusting. The council chiefs who led their followers there had taken a gamble that most of the Cheyennes were unwilling to chance. Their guarantee of good faith was that they brought their families and closest followers to a place within easy striking distance of the garrison at Fort Lyon. Even the Kit Foxes and Bowstrings who provided security for the camp were totally insufficient to meet a major assault on the village.<sup>6</sup>

Information collected from the Cheyennes at the treaty negotiations on the Little Arkansas in 1865, listed the names of 112 family heads and recorded 27 killed, 12 wounded, and 73 uninjured in the attack. Unfortunately, the report did not indicate the number of women and children killed or the number of young men and old men without their own lodges.<sup>7</sup> Edmond Guerrier, who brought the first reports from the Indians to Fort Lyon early in 1865, told Major Anthony that 27 old men, 25 young men, and 96 women and children were killed for a total of 148 dead.<sup>8</sup> George Bent, in one estimate placed the number of men killed at 53 and the number of women and children killed at 110, while on another occasion, he fixed the number of men killed at 28 and the number of women and children killed at 109.<sup>9</sup>

Guerrier's number of "old men" coincides exactly with the number of killed reported on the Little Arkansas. Bent's estimate of fifty-three killed was one more than the total of Guerrier's old men and

young men, and his estimate of twenty-eight was one more than the number of Guerrier's old men. If Guerrier's "old men" was a reference to heads of families, to established warriors, then the numbers were remarkably consistent. The numbers also supported the contention of the Indians that two-thirds of the people killed were women and children.

Moreover, considerable testimony from white sources substantiated the Indian claims. No fewer than 10 whites who were on the battlefield that day testified that between 150 and 200 Indians were killed at Sand Creek. The officers at Fort Lyon, and the civilians who were present all declared that between two-thirds and three-fourths of those killed were women and children.<sup>10</sup> Even Morse T. Coffin, a Thirdster who defended Sand Creek, always swore that no basis existed for assuming that more than 175 Cheyennes were killed.<sup>11</sup> If, then, George Bent and others were correct when they asserted that at least a third of the people at Sand Creek were killed, then the village population would have been nearer five hundred than six hundred. Even allowing for the Kit Foxes and other young men who were away from the village hunting on the morning of the attack, a majority of the people at Sand Creek managed to escape. Chivington's troops proved to be surprisingly inefficient.

Still, the Sand Creek affair was a tribal tragedy of massive proportions. Black Kettle's Wutapiu took the heaviest casualties, but War Bonnet's Oivimana, Yellow Wolf's Hevitaniu, and White Antelope's Isiometannui also took heavy casualties. Only a few of the small number of Suhtai died in the fighting, and Sand Hill's Hevignipahis--who had pitched their lodges away from the main village--escaped with few

killed.<sup>12</sup> These losses touched virtually every Southern Cheyenne family, disrupted long-established residence patterns, and caused a realignment of loyalties and leadership among the survivors.

Ten council chiefs and four soldier chiefs died at Sand Creek. The Hevitaniu suffered the heaviest losses. Old Yellow Wolf, Big Man, and Bear Man were killed from that manhao. White Antelope and One Eye, both chiefs of the Isiometannui died in the attack. War Bonnet, the Oivimana head chief, and Tall Bear, who was probably Wutapiu, were also killed. Spotted Crow, Bear Robe, and old Little Robe, the father of Little Robe, the Dog Soldier leader, were all killed in the fighting. They were all council chiefs, although their manhao affiliations have been lost. Standing-in-the-Water, senior chief of the Elk Horn Scrapers, was killed early in the fighting, and Yellow Shield, chief of the Bowstrings, also fell fighting. Two Thighs and Wood, both leading chiefs of the Kit Foxes, were also killed. Other prominent Cheyennes who died at Sand Creek included White Hat, Bear Feather, Crow Necklace, Two Lances, Black Wolf, Big Head, Sitting Bear, Big Shell, Wolf Mule, The Man, Heap of Crows, and Full Bull.<sup>13</sup>

Sand Hill, chief of the Heviqsnipahis, and White Face Bull, chief of the Oivimana, were wounded. Black Kettle and Seven Bulls, both Wutapiu, and Whirlwind, Hevitaniu, escaped unharmed.<sup>14</sup> Bull That Hears, a Bowstring headman, and Big Crow, an Elk chief who succeeded Standing-in-the Water as senior chief, escaped, along with other prominent Cheyennes, including Coffee, Iron, Old Crow, Wolf Tongue, Bear Tongue, and Snake.<sup>15</sup>



In one devastating blow, the Colorado troops had eliminated virtually every one of the chiefs who favored peace. Nearly one fourth of the members of the Council of Forty-Four had died in a single day. Three of the dead chiefs--White Antelope, Tall Bear, and One Eye--had signed the Treaty of Fort Wise. Two of the killed--War Bonnet and Standing-in-the-Water--had gone to Washington with Samuel Colley in 1863.<sup>16</sup> Sand Hill, Big Crow, Wolf Tongue, Coffee, Iron, and Bull That Hears, all survivors, changed their views and became supporters of resistance.<sup>17</sup>

The political repercussions were particularly far-reaching. At first, the Cheyennes directed their fury at Black Kettle and other chiefs who had taken their people to Sand Creek. They turned away from Black Kettle when he spoke in the council and called him an old woman who had lost his courage. He bore the humiliation with courage and dignity, and in time most of the people realized that he was not to blame for the tragedy, that he, more than anyone, had been betrayed. Some contemporary reports described him as a Cheyenne "Peter the Hermit," who visited the camps of the Cheyennes and Sioux, calling them to a great crusade against the whites.<sup>18</sup> The reports were untrue. Sand Creek convinced Black Kettle even more that some sort of accommodation had to be reached, and when the Cheyennes launched their winter war early in 1865, he took those who would still follow him and moved south of the Arkansas away from the fighting. Black Kettle never regained his former influence in the council, and from that time on, the followers of Black Kettle and the chiefs who cast their lot with him stood apart from the majority of the Cheyennes.

The crisis created by Sand Creek precipitated drastic changes in the Cheyenne political structure. The deaths of so many people and so many prominent chiefs undermined the political base of the Council Chiefs. Resentment against the peacefully inclined chiefs further diminished the credibility of the Council of Forty-Four. Real political power now shifted to the soldier societies. The voices of Bull Bear and Tall Bull, chiefs of the Dog Soldiers, dominated the councils, and the remaining council chiefs, including the venerable Keeper of Mahuts, Stone Forehead, acquiesced in their leadership.<sup>19</sup> For all practical purposes, the southern Cheyennes soon discarded the Council of Forty-Four. The council had already become an anachronism in dealing with whites even before Sand Creek. The Americans had never understood its function, and most officials were totally ignorant of its existence. The Treaty of Fort Wise had confirmed the pattern of negotiating with tractable chiefs and holding the less cooperative majority accountable, and that method was continued at the Little Arkansas, Bluff Creek, and Medicine Lodge. The total disregard for the Council on the part of whites and the exasperating habit of Black Kettle and others of signing new treaties without consultation with other Cheyennes, infuriated the soldier leaders who came to see the council as an impotent and useless institution.

In a practical sense, the Council of Forty-Four had ceased to function in Cheyenne-American relations even before the Cheyennes themselves realized that it had become a fiction in the most important political relationship which the tribe had. The Sand Creek affair precipitated a fundamental rift in the Cheyenne political order. The

southerners were split irretrievably in the winter of 1865. The smaller peace faction led by Black Kettle, old Little Wolf (called "Big Jake" by the whites), the younger Little Robe (who parted ways with his Dog Soldier brothers), and Little Rock, remained organized in the traditional manhao, but the larger group which favored war broke the traditional social pattern and organized themselves around the soldier societies. The council chiefs tried to maintain traditional authority, but once discredited in the minds of the majority, the council chiefs could not hold the social order together. Ironically, then, the soldier chiefs became the agents of fundamental social change as well as political change. Moreover, Stone Forehead gave the power of his sacred office to the changes by remaining with the Dog Soldiers during the warring times of the late sixties.<sup>20</sup>

Yet, while real decision-making power shifted to the soldier chiefs after Sand Creek, the Americans continued to deal with the traditional leaders who lacked any coercive power over any groups other than their own personal followers. Thus, Sand Creek not only undermined the internal political structure of the tribe, but also it effectively eliminated any hope for meaningful negotiations with the majority of the Cheyennes. The smaller peace faction continued to seek an accomodation with the American government, while the militant majority consistently rejected all overtures. The Sand Creek Massacre and subsequent events convinced the recalcitrants that war was not only inevitable but also desirable. The soldier societies came to see war as a profitable enterprise with minimum risks when compared to the costs of accomodation.

Furthermore, the war faction recognized white guilt feelings over Sand Creek and incorporated the massacre into their diplomacy, using it as a standard justification for depredations even years after the event. Ironically, the group of Cheyennes who suffered most at the hands of the government were those groups most willing to trust the whites. Black Kettle's efforts for peace led inexorably to disaster on the Washita, while the warring groups took few losses until the army decisively defeated the Dog Soldiers at Summit Springs in July, 1869.<sup>21</sup>

With the death of Tall Bull at Summit Springs, White Horse took Stone Forehead and Manhuts and led his followers to the Powder River country to join the Northern Cheyennes, but most of the Dog Soldiers gradually moved onto the Cheyenne and Arapaho Reservation in Indian Territory. Even there, the traditionally organized manhao collaborated more fully with the whites, lived closer to the agency, and adapted to change more readily than the residence groups identified with the soldier societies which shied away from the whites, stayed clear of the agency as much as possible, and resisted change.<sup>22</sup>

When time came to renew the Council of Forty-Four in 1874, the Southern Cheyennes were cut off from the Northern Cheyennes almost completely. Although Stone Forehead had carried Mahuts south again, the northern people decided to form a new, separate, and distinct council. The creation of this separate council confirmed the schism which had been evolving for decades. In practical terms, however, it provided the cohesion which the northerners needed during the last years of Cheyenne resistance against the Americans, and it helped the people to adjust to

the reservation life which followed. Significantly, the northerners averted the conflict between the council chiefs and the soldier chiefs which had proven to be the undoing of the southern people. The northerners chose council chiefs who favored resistance and permitted soldier chiefs to retain their positions as heads of their societies after becoming council chiefs.<sup>23</sup>

Arapaho losses at Sand Creek were small by comparison to Cheyenne losses, but the results were no less profound. Fewer than fifty men, women, and children accompanied Left Hand, the most pacific of the southern Arapaho chiefs, to the Sand Creek village. They had arrived only the day before the attack, having left Fort Lyon shortly after Little Raven broke camp and led most of the Arapahoes downriver to a point near Camp Wynkoop because he distrusted major Anthony. Left Hand was very ill at the time. Perhaps that was why he decided to join the Cheyennes, or perhaps he was still convinced that peace was at hand. After all, he had been the most enthusiastic Arapaho supporter of the Camp Weld initiative.<sup>24</sup>

Left Hand's few lodges (only eight or ten or them) were pitched unusually close to the Cheyennes on the morning of the attack.<sup>25</sup> They stood near the point of attack, and his people bore the brunt of the first assaults. True to his promise never to fight the whites, Left Hand stood unresisting with his arms folded when the bullet crashed into his leg and sent him tumbling into the creek bed. He managed to crawl away or was dragged away by others.<sup>26</sup>

Few Arapahoes survived. MaHom, Left Hand's sister, and her daughter, Mary Poisal, were among the few to escape.<sup>27</sup> Kohiss, a young Arapaho woman carrying a child in a cradle board on her back, scooped up another child with one arm and, half-dragging a third child by the hand, fled up the creek bed. Although wounded several times, she made it to the safety of the pits, but the child on her back and the child running beside her were both killed.<sup>28</sup> Red Bull and Ice were the only Arapahoes of fighting age to survive, and the cost for them was high. Red Bull's son was found on the field the next day by a sergeant named Graham who took him back to Denver when the soldiers returned. One elderly Arapaho man was apparently the only other Arapaho survivor. The wounded and sickly chief, Left Hand, was carried to the camps on the Smoky Hill by the Cheyennes, but he died there a few days later.<sup>29</sup>

The Sand Creek disaster divided the Arkansas bands of the Arapahoes. Neither Neva nor Notanee were at Sand Creek. Notanee missed being there only because Left Hand and Black Kettle had sent him to warn Major Wynkoop of possible danger on the Arkansas road. Afterwards, both Neva and Notanee took their people north and never returned to the familiar haunts between the Platte and the Arkansas. Both men signed the Treaty of Fort Laramie in April, 1868. In the spring of 1870, young Arapahoes raided several settlements in Wyoming, killing eight people and seizing property. The local citizens organized themselves, and, unable to find the hostiles, one party attacked a small group of friendly Arapahoes led by Black Bear. Black Bear made no attempt to resist, but he and fourteen other men, along with two women, were killed. The

chief's wife, his son, and seven other children were taken captive. The incident so enraged the Arapahoes that they launched retaliatory raids. In one of them, Notanee was killed.<sup>30</sup> Neva's fate eluded contemporary chroniclers, but he apparently lived out his life on the Wind River Reservation in Wyoming.

On the other hand, Little Raven pursued a more passive course. Like Left Hand, Little Raven had tried to deal with the Americans in the early years of settlement in Colorado, but in 1864, he capitulated to those who advocated fighting. At the Smoky Hill council with Wynkoop, he spoke for the war faction of the Arapahoes. Even so, he offered his hand in peace after the Camp Weld meeting, first to Wynkoop and then to Anthony. His skepticism saved him from the fate of Left Hand at Sand Creek, but he still had to flee to avoid a similar fate at the hands of Colonel Chivington. The Sand Creek affair shook Little Raven deeply. He fled south of the Arkansas, convinced that resistance was futile. From 1865 until his death, he worked consistently for peace.<sup>31</sup>

Thus, while the Sand Creek Massacre enraged the Cheyennes and made them more determined to resist, it demoralized the Southern Arapahoes and led the majority of them to seek peace with the whites at all costs. The alliance which had held securely since before the first Cheyennes crossed the Platte now deteriorated into a bitter rivalry. The alliance had been already in trouble even before the massacre. The Arapahoes had borne the brunt of the white invasion in 1858 and 1859, while most of the Cheyennes remained undisturbed. Forced off their favored lands in the mining region at the headwaters of Cherry Creek and

confronted by the overwhelming numbers of the white settlers, Left Hand and Little Raven had tried to deal with the Americans. Only the Arkansas manhao of the Cheyennes (themselves under the same pressure) understood their course of action. The majority of the Cheyennes, who had not felt the full impact of settlement in their Smoky Hill and Republican river camps, interpreted the Arapaho pliability as weakness. After the Treaty of Fort Wise, the alliance gradually dissolved.

At the negotiations on the Little Arkansas, Little Raven tried to put distance between his people and the Cheyennes. Thereafter, the Arapahoes worked for a separate treaty arrangement with the Americans, apart from the Cheyennes. The Cheyennes, on the other hand, perceived what they thought to be discrimination against them in such matters as treaty negotiations, annuities, and gifts. In their minds, the Arapahoes were currying favor with the whites. The government seemed oblivious to the growing tensions between the two groups until after reservation life began in 1869. By then, a deep-seated antipathy had replaced the alliance, and the agents soon warned that the two tribes might have to be separated.<sup>32</sup>

The deterioration of the Cheyenne-Arapaho alliance emphasized the extent to which the old assumptions of plains culture had been undermined. By 1865, the economic factors which had cemented the alliance in the first place had been largely undermined. Without real interdependence, the military alliance crumbled as well. The Sand Creek affair was simply the coup de grace to the former connections. Without binding common interests, cultural differences (which were substantial)



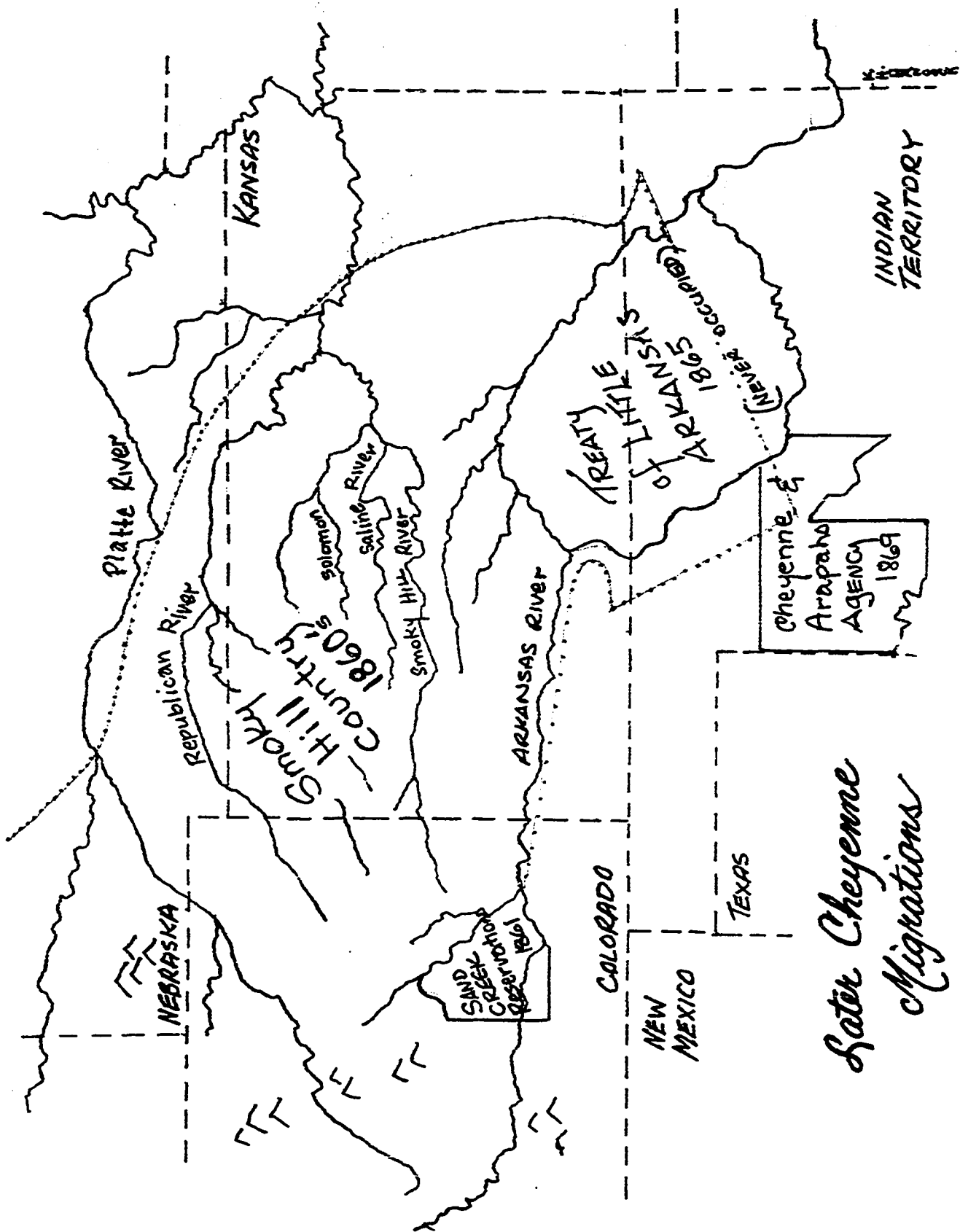
overshadowed other considerations. Both the tractable Arapahoes and the bellicose Cheyennes blamed the other for the collapse of the alliance, but the real causes ran much deeper than either imagined. The Cheyennes had long felt that the Arapahoes had ceased to provide the advantages which had brought about the alliance in the first place, and their contempt for the Arapahoes was increasingly apparent even before Sand Creek. On the other hand, the Arapahoes had concluded that their connection with the Cheyennes had become a liability which threatened to bring down the wrath of the American military upon them. In short, the Arapahoes no longer provided the economic advantages to the Cheyennes that had brought them together, while the Cheyennes no longer afforded protection to the Arapahoes. The American intrusion had destroyed the high plains balance of power created by the alliance. Self-interest replaced interdependence, and the alliance disintegrated in a welter of petty disputes and jealousies. With the fundamental assumptions of the alliance undermined, differences in language, customs, values, and general demeanor confirmed the separation.<sup>33</sup>

Reservation life merely exacerbated the differences. The Cheyennes and Arapahoes chose different paths in dealing with the new conditions. Already seriously divided, the Cheyennes continued to fragment into quarreling factions once they settled on reservation lands. The majority scattered into small groups approximating the old residence patterns. The old ways died hard for the fiercely independent Cheyennes, and so long as the buffalo herds could be reached, the majority refused to settle down. In 1874, when white hunters decimated the great southern

herds, the more recalcitrant Cheyennes joined the Comanches and the Kiowas in one final and futile bid for freedom. After the Red River War, even they more or less accepted their fate and slipped into the grinding monotony of agency life. Still, periodic outbreaks, confrontations, and petty depredations persisted into the 1890's and underscored Cheyenne determination to maintain some semblance of independence.<sup>34</sup>

But the time for fighting had passed, and the more serious threats to the Cheyenne life way were insidious erosions of culture, rather than direct assaults on life and limb. With the power of the Council of Forty-Four destroyed, the people of the tribe found many things to divide them. The Sun Dance and the Arrow Renewal had been the great unifying ceremonies in the past, but the federal government first discouraged and eventually banned both much to the consternation of the traditional people. The government also discouraged Indian dress, Indian language, and Indian social customs. While many Cheyennes defied the bans and continued to practice traditional ways, change gradually overtook the tribe. In 1889, two years after the Dawes Act was passed, the Cheyennes faced allotment in severalty. Over the next few years, their land base evaporated, and many conservatives realized for the first time that without land they would be forced into the white man's world in order to survive at all.<sup>35</sup>

"Uncle Sam is trying to get the old Indian to ride a new, unbroken pony, civilization, and must give him the bridle and reins . . ." one Cheyenne chief told visitors to Oklahoma in the 1890's, but the government would not let go.<sup>36</sup> To force change in policy, the



Cheyennes took up new weapons--the boycott, the petition, the legal suit--in a continuing battle for autonomy.<sup>37</sup> The odds against success were staggering, and with the intrusion of 200,000 whites after allotment, the Cheyenne way seemed crushed out, but Sweet Medicine's people survived on their allotments and in the little towns of western Oklahoma, still proud, still respecting the elders, still generous, still loving the land and the sky, still unbroken in spirit.<sup>38</sup>

While the Cheyennes sought to deal with the whites through a strategy of evasion, the more pliable Arapahoes pursued a policy of accommodation. Unlike the Cheyennes, the Arapahoes maintained their political system. The chiefs still directed tribal policy. The soldier societies still enforced it. And the Arapahoes still maintained a dramatic unanimity of purpose. Although outnumbered by the Cheyennes, the Arapahoes were more successful in their willingness to cooperate. The Arapahoes adapted more readily to agriculture and stock raising. They fenced their lands, leased portions of their range to white cattlemen, and sent their children to school with fewer complaints.<sup>39</sup>

Still, reservation conditions debilitated them in many of the same ways that they did the Cheyennes. Throughout the brief reservation period, the Arapahoes remained generally quiet. They cooperated with the agents during the Red River War and later served as scouts for the army when Little Wolf's Northern Cheyennes left the reservation in 1878.<sup>40</sup> These actions aggravated the Cheyenne-Arapaho dispute and increased tensions among the Arapahoes. Some violence did occur as young Arapahoes lashed out at the system, but it was mostly personal violence rather

than group violence. Arapahoes sought relief from the pressures in religious panaceas as well. In 1890, the Arapahoes readily embraced the Ghost Dance religion, providing the most substantial pockets of devotees on the Southern plains. The peyote religion also flourished among the Arapahoes early. Their visionary faith sometimes cost them dearly, as in 1890 when the second Chief Left Hand agreed to sell tribal lands because Sitting Bull, the Ghost Dance prophet, advised him that the Messiah would soon come and restore the land to the people anyway, but their solidarity as a tribe was never shaken. The Arapahoes emerged from the reservation years better prepared to meet the challenge of acculturation than most of their Cheyenne neighbors, but they were no less scarred by the process.<sup>41</sup>

For all their differences, the Cheyennes and the Arapahoes were still bound together. Their tragedy was a shared tragedy. There were times, especially at ceremonial gatherings and religious meetings, when the old, easy relationship revived, as if to remind them that the real irritant of their relationship was the white man.<sup>42</sup> In those moments, the old ones remembered better times when men rode free on the high plains and pitched their tipis in secluded valleys and cut lodge poles on the slopes of the mountains and hunted the buffalo on the Republican and raided against the Utes. But that was long ago when the Americans were allies, before the miners came, before the towns and cities of Colorado existed, before Sand Creek.

The Cheyennes and Arapahoes did not forget Sand Creek, although at times the government seemed to ignore its pledges concerning that

affair. At the Treaty of the Little Arkansas, the United States government acknowledged the wrong done at Sand Creek and promised to pay for the damages to property which the tribes suffered there. On the basis of information gathered from the Cheyennes, the commissioners determined that the Cheyennes lost 575 horses, 31 mules, and 114 lodges including furnishings and other property. The value of this property was fixed at \$38,620. Arapaho losses were not specifically listed on the schedule because the few Arapahoes who had escaped from Sand Creek were then with the northerners, and Little Raven had no way of knowing who had been killed or who had survived. For this reason, the commissioners recommended the appropriation of an additional \$15,000 to cover the losses of persons whose names did not appear on the list. This meant that the commission recommended a total of \$53,620 for losses in property.<sup>43</sup>

No punitive damages were awarded the tribes. The commissioners did agree to provide each widow and each person who lost a parent at Sand Creek a grant of 160 acres on the new reservation which was to be created. The treaty also granted 320 acre plots to the Cheyenne chiefs who signed the treaty, including two who were not present at Sand Creek, as compensation for losses. Interestingly, the most generous grants went to the wives and mixed-blood children of white traders. The treaty stipulated that these grant were made at the "special request" of the Cheyennes and Arapahoes, but the influence of traders like William Bent could hardly be missed. In all, thirty parcels of land, each 640 acres in size, were awarded out of the old Sand Creek reservation lands in Colorado.<sup>44</sup>

On July 26, 1866, the United States Congress voted an appropriation "to be paid in United States securities, animals, goods, provisions, or such other useful articles as the Secretary of the Interior may direct" the sum of \$39,050--\$14,600 less than the treaty commissioners had negotiated.<sup>45</sup> In practical terms this meant that the Arapahoes, whose names did not appear on the list would be excluded or that the Cheyennes would be forced to share the specific amounts fixed for them with other claimants. None of the funds were expended for more than a year after the treaty, and when they were spent, they were handled differently from the treaty provisions. Late in 1866, following a conference with the Cheyennes, Charles Bogy and Walter Irwin, special agents, advised the Office of Indian Affairs that a change in distribution was desirable. They wrote:

It was contemplated that the goods to be distributed as indemnity for the losses sustained at the Sand Creek Massacre, should be given to the individuals who suffered, but the Indians decided among themselves that this would be impracticable; that it would engender strife, and they decided to have the distribution made to them collectively as a tribe.<sup>46</sup>

On January 1, 1867, a trader named James Harrison received \$23,505.13 from this fund for merchandise to be distributed to the Cheyennes and Arapahoes. On February 6, 1867, V. B. Osborne received \$536.25 for goods. No other funds were ever expended, and on August 30, 1872, the balance of \$15,008.62 reverted to the treasury. No official explanation was ever provided.<sup>47</sup>

The land clauses of the Treaty of the Little Arkansas--except for the grants to the mixed-bloods and Indian wives of traders--were

circumvented as well. No grants were ever made either to widows and persons losing parents at Sand Creek or to the chiefs who were signatories of the treaties. The refusal of Kansas to allow the reservation to be situated according to the terms of the original treaty delayed the grants, and at the Treaty of Medicine Lodge, the Cheyennes and Arapahoes relinquished all rights to the lands set aside for them under the Treaty of the Little Arkansas. The government interpreted this to include the specific grants to individuals as well as to general reservation lands, although the treaty language stated that the Cheyenne and Arapahoe "tribes" surrendered their claims.<sup>47</sup> In any event, the government effectively took away most of what had been given in reparations.<sup>48</sup>

When the Colorado troops marched into Denver after the Sand Creek fight in 1864, three Indian prisoners rode with them. The captives--two Cheyenne girls and an Arapaho boy-- were displayed as trophies of the engagement at Denver theatres along with the scalps and booty. The two girls were the daughters of a Sioux-Cheyenne man named Who-ho-mie who was killed in one of the pits along with his wife and twelve or thirteen others.<sup>49</sup> The younger of the two was placed with a family in Denver, while the older girl was turned over to a Mrs. Ford at Central City.<sup>50</sup> The boy--the son of Red Bull, one of the handful of Arapaho survivors at Sand Creek--was taken prisoner by Sergeant Lemuel Graham, the commissary sergeant of Company C, Third Colorado Cavalry. At Denver, in December, 1864, Colonel Leavitt Bowen "authorized" Sergeant Graham "to take, keep, and treat this boy the same as he would were he his own child." Bowen identified the boy as "the only son of Black Kettle, the



Head war chief of the Cheyenne nation."<sup>51</sup> That pretext apparently provided the inspiration for Graham's interest in the child. Along with a former private in Company C named Jesse Wilson, Graham put together a menagerie of rattlesnakes, "western curiosities," and a bear. Wilson and Graham then headed east to tour the states with their "circus." the main attraction was the Indian boy. They named the child "Wilson R. Graham." At some point Graham and Wilson parted company. Graham eventually settled down in Randolph County, Indiana with the child.<sup>52</sup>

At the treaty negotiations on the Little Arkansas, the Cheyennes and Arapahoes demanded that the children be returned, and thereafter, the chiefs persistently reminded the agents and traders that the rescue of the children was a matter of urgent concern to them.<sup>53</sup> Accordingly, Commissioner Cooley instructed Colorado's governor Alexander Cummings to locate the children and return them to their families. Cummings made his investigation and reported to Lewis Bogy, Cooley's successor, in October, 1866. He informed Bogy that the younger of the two girls had died at Denver in the Spring of 1866. The older girl, he said, was living a well-adjusted life in Central City. He wrote:

The third child is at Central City in this Territory, kindly cared for by the family of Mrs. Ford. She is a regular attendant at the school and church of Revd Mr. Jennings; speaks English only; is attentive at school, and will acquire a good education. The family with whom she lives are tenderly attached to her, and she to them. They both feel sorrow and aversion at the prospect of having the child taken from the home and Christian influences with which she is surrounded and returned to the savage life of the Indians of the Plains.

She would not go willingly; and her forcible return to the Cheyennes would--in the opinion of the entire community among whom she now lives happily be so grievous an injury to her whole future life, that I have taken no further steps in the matter, but have informed her friends that a statement to the Department of the facts would, no doubt, restrain further

proceedings. And in this assurance, I am confident you will  
concur.<sup>54</sup>

The boy, Cummings reported, was no longer in Colorado, and he had no way of locating him. Bogy did not press the matter of the Cheyenne girl, apparently convinced that she had found a new way of life. On the other hand, he enlisted the aid of the army in tracking down the Arapaho boy. In fact, General John Pope was already pursuing an investigation of his own. When he learned that Graham and his show had been seen in Illinois, he ordered General Joseph Hooker, commanding the Department of the Lakes at Detroit, to make further inquiries.<sup>55</sup>

At that point, Lemuel Graham himself wrote a letter to the governor of Indiana informing him that he had the boy and that he was willing to turn him over to federal authorities. The governor passed the word on to the army. Early in February, 1867, Lieutenant W. W. Tompkins, aide-de-camp to General George D. Ruggles, the Assistant Adjutant General of the Department of the Lakes, left Detroit for Winchester, Indiana where he took custody of the child. He was in good health and well-dressed when Graham surrendered him. Graham even demanded "a reasonable remuneration for the care and attention given, and the articles furnished this boy." The army was unmoved.<sup>56</sup>

Wilson Graham received considerable attention in the press that winter. He was escorted to Division Headquarters in St. Louis in time to join the expedition of General Winfield Scott Hancock in March, 1867. On the evening of April 12, 1867, at his initial conference with the Cheyennes, Arapahoes, and Sioux at Fort Larned, Hancock presented the boy to the chiefs. Each of the Cheyennes examined him without recognizing

him, but eventually one of the Arapahoes announced that he was the son of Red Bull, an Arapaho warrior. Agent Wynkoop later returned the child to his family. Wilson Graham, known among the Arapahoes as Tom White Shirt, never left his people again until he died at his home in western Oklahoma, forty miles from Colony sometime after 1906.<sup>57</sup>

The surviving Cheyenne girl never returned to her people. The Cheyennes did not press the matter in the deteriorating climate of the 1860's, especially since virtually all of her relatives had been killed at Sand Creek. However, she was eventually turned over to Samuel Forster Tappan who adopted her as his own child. After his divorce from Cora Daniels Tappan, he sent the child to New York City to attend a girl's school there. She was a good student, but before she finished her education, she became violently ill and died. Not until years later did Tappan learn that her real parents had been killed in the massacre.<sup>58</sup>

Most of the Sand Creek survivors eventually settled on the Cheyenne-Arapaho reservation in the Indian Territory without the benefits promised in the Treaty of the Little Arkansas. They remained together, maintaining the residence patterns of the old manhao, as best they could. The heavy losses at Sand Creek had seriously fractured the Southern groups, forcing some of the remnants to join with other manhao or to place themselves under the leadership of other chiefs at least for a time. Some of the survivors had joined relatives and friends among the northern people or attached themselves to the Dog Soldiers for the fighting times. But, for all of the changes and the losses, most of the survivors managed to hold on to the old associations. Red Moon, the son

of old Yellow Wolf, now led the Hevitaniu. Sand Hill still directed the Hevignipahis. Black Kettle's people, the Wutapiu, decimated at Sand Creek and the Washita, now followed White Shield, Black Kettle's nephew. Old Little Wolf (called Big Jake by the whites) led the Isiometannui. War Bonnet's Olivimana, also remained together.<sup>59</sup> And in all their minds the memory of Sand Creek burned.

Bull Bear, the Dog Soldier chief who had gone to Denver with Black Kettle in 1864 and offered to fight hostile Indians rather than the whites, was one of the principal actors in the Sand Creek tragedy to survive the wars. He had been a reluctant enemy of the Americans, offering to counsel with John Evans in 1863 when even Black Kettle would not, then supporting war after his brother, Lean Bear was killed and opposing the initiative begun with Wynkoop on the Smoky Hill until he visited Denver. He had never really trusted Evans and Chivington, however, and he had advised against submitting as Black Kettle did. After Sand Creek, he had fought the whites hard, though at times he seemed to waver in his thinking and to consider an accommodation. After the battle of Summit Springs, he had gone north, but in November, 1869, five years after the Sand Creek affair, he moved onto the reserve in the Indian Territory. Still fiercely independent, he found it difficult to settle down. In 1870, he left the reservation to join the Sioux, but the next year he came back. When the Red River troubles erupted in 1874, he joined the majority of Cheyennes in resistance, but he was no longer as aggressive as he had been. After that struggle ended, he settled down near the agency at Darlington, placed his children in the agency school,

embraced Christianity, and worked to ease the transition for his people. He was still a forceful leader, and his plain-spoken opinions sometimes caused him problems with the agents.<sup>60</sup> Bull Bear's son, who was known by his white name, Richard A. Davis, attended the Carlisle Indian School in Pennsylvania, and returned to Darlington to become a leader of the progressive faction of the tribe and the first Cheyenne to serve as assistant farmer on the reservation. In 1904, both Bull Bear and his son traveled to the Louisiana Purchase Exposition with a delegation of Cheyennes. Bull Bear died not long afterwards.<sup>61</sup>

Minimic (Eagle's Head), who had accompanied One Eye to Fort Lyon in September, 1864, on the mission which ultimately led to Sand Creek, emerged as an important leader of the peace faction during the reservation years. At the time he and One Eye delivered the message of Black Kettle to Major Wynkoop, Minimic had been a Bowstring headman. Apparently, he was not at Sand Creek, but when Black Kettle left the majority of the Cheyennes in 1865, Minimic rode with him. He was with black Kettle on the Little Arkansas in 1865 and was one of the signatories of the treaty concluded there. In 1867, he used his skills as a mediator to arbitrate between Black Kettle and the Dog Soldiers. He helped to arrange the Dog Soldier participation in negotiations at Medicine Lodge, but he did not sign the treaty concluded there.<sup>62</sup>

Following the disaster on the Washita in 1868, Minimic, who was by then a council chief, was one of the first chiefs to surrender to the army. He moved his people to Camp Supply where they remained until after the outbreak of the Red River War in 1874. Minimic reportedly warned

some whites of the impending troubles, but when the fighting actually broke out, he supported the warring faction. He was present at the fight at Adobe Walls.<sup>63</sup> Later, after the surrender of the Cheyennes, he was one of thirty-one men who were imprisoned at Fort Marion in St. Augustine, Florida. During the three years they were there, Minimic was the undisputed leader of the Cheyenne prisoners and made most of the important decisions.<sup>64</sup> In 1878, he and the others were allowed to return to the Indian Territory. At Wichita, Kansas, Minimic told reporters about his experiences without bitterness and pledged to remain at peace. True to his word, he lived out his life quietly on the reservation, dying there in May, 1881.<sup>65</sup>

Not all of the old leaders were as tractable. Stone Forehead, the venerated keeper of Mahuts, moved onto the reservation in 1871. Known to the whites as Medicine Arrows, he refused to submit to the boundaries which the whites imposed. He symbolized the old free spirit to the Cheyennes, and when the last bid for freedom failed in 1874, Stone Forehead fled the reservation and made his way north to the Powder River country and the camps of the Northern Cheyennes. For the moment, they were still free. Stone Forehead died there in 1876, before the last great struggle on the northern plains, and the Sacred Arrows passed to his son, Black Hairy Dog, who eventually returned them to the southern people. Black Hairy Dog died in 1883, but Mahuts were passed on to another keeper. It has been so ever since, and the Sacred Arrows have remained as the source of great power down to the present.<sup>66</sup>

Sand Hill, whose people had escaped the Sand Creek fight with the fewest casualties, was another chief who submitted to the whites with

great reluctance. Always very cautious, he had camped away from the others, and he never forgot the lesson. Close to Stone Forehead, Sand Hill supported the winter war in 1865. His young men participated in the winter war, killing whites and taking prisoners on the Platte River road. Among the prisoners was a sixteen year old girl named Mary Fletcher. Sand Hill kept her until that fall when he sold her, Indian fashion, to John Smith who turned her over to the treaty commissioners on the Little Arkansas. The freed girl always recalled that Sand Hill and his wife had treated her kindly during her captivity.<sup>67</sup>

Sand Hill was very loyal to Stone Forehead, and he kept his manhao close to the Sacred Arrows during the difficult years after Sand Creek. He was never prominent as a fighting chief, but he was determined to remain free so that he was usually counted among the "hostile" Cheyennes. He too, appeared on the Cheyenne-Arapaho reservation in 1871, staying clear of the agency as much as possible. After the Red River fighting, he and a small group of his people escaped to the Red Cloud Agency in Nebraska. Finally, in 1876, when he became convinced that those Cheyennes who remained friendly with the whites would be forced to fight against the Sioux, he slipped away from Red Cloud and settled down on the Cheyenne-Arapaho reservation for good.<sup>68</sup>

The Bent boys, George and Robert, spent their last years with their mother's people, both acting as interpreters and agency employees. The more loquacious George became a very important source for white historians. He had been with the Cheyennes through the troubled sixties, and he alone was able to write down the history of those times. Late in

his life, he wrote about his past, and he corresponded at length with George Bird Grinnell and George F. Hyde. The Hyde correspondence eventually produced a manuscript which provided the most substantial account of the nineteenth century wars with the Americans from a Cheyenne point of view in existence.<sup>69</sup> George Bent died at his Oklahoma home in 1916.

The Bent boys' brother-in-law, Edmond Guerrier, also remained with the Cheyennes. He had served as a scout for Hancock and Custer and as interpreter at several important conferences before settling on an allotment along the North Canadian River in the Indian Territory. He became a rancher and a respected member of the community in his later years. Throughout his life, he continued to work with the government to promote better relations with the Cheyennes. The town of Geary, Oklahoma, was named for him by his white neighbors long before his death in 1921.<sup>70</sup>

Old John Simpson Smith, known as Gray Blanket among the Cheyennes, never left the people with whom he had been intimately connected since before William Bent had built his trading post on the Arkansas River. Not all of the Cheyennes and Arapahoes trusted him, but he served as interpreter for them in every major negotiation with the whites from the Treaty of Fort Laramie in 1851 until the establishment of the reservation in 1869. Afterwards, he continued to work for the agents as an interpreter until 1871. That year, he accompanied a delegation of Cheyenne and Arapaho chiefs to Washington. Shortly after he returned to Darlington, John Smith died on June 29, 1871, of pneumonia. He was survived by his wife, Na-to-mah, a son named Willie who was in the care



of a Quaker family at Lawrence, Kansas, and a daughter named Armana who had married a Sioux fighting man in the north country.<sup>71</sup>

As the old ones passed away, new leaders spoke for the Cheyennes, but most of them remembered Sand Creek. Red Moon, the son of old Yellow Wolf, and Little Chief, the son of the murdered Lean Bear, wore the eagle feather pointing to the right after the manner of the council chiefs. Little Bear, the son of Bear Tongue and the friend of George Bent who had fought so valiantly to protect the women and children at Sand Creek, was also a chief. Three Fingers was also a pipe bearer even though he had been just a child when his mother dragged him to safety in the pits at Sand Creek. His father and baby brother had died that day.<sup>72</sup>

In the homes of the Cheyenne and Arapaho people, the memory of Sand Creek lingered, and when the people gathered they told stories. The family of Black Bear who was carried away from Sand Creek in a cradle board by his grandmother told how the child was almost buried because his relatives thought he was dead. They had already prepared a grave for him when the sun warmed him enough to cause him to move.<sup>73</sup> Owl Woman, the daughter of White Antelope, told how she had hidden in a log to escape the Thirdsters and remained there for more than a day, too frightened to crawl out of her hiding place.<sup>74</sup> There were stories that Black Kettle had dreamed about a wolf with a bloodied head the night before Sand Creek and the night before the Washita attack as well and stories about the young people who had seen a strange light on the prairie the night before the Sand Creek Massacre and told War Bonnet about it.<sup>75</sup>

Even among the Northern Cheyennes, the memory was vivid. Some of the Sand Creek survivors had gone north in 1865 and remained with the northern people. Some, like Big Crow, Coffee, and Iron achieved prominence in the north, and many of those who lived out their lives on the Tongue River reservation in Montana recalled the horrors of that day at Sand Creek. Three Fingers' mother never stopped telling about how her husband was killed or her horror at finding that her baby had been shot and killed even as he rested in the cradleboard on her back.<sup>76</sup> Black Bear's wife, called One Eye Comes Together because of the terrible wound which scarred her face, recounted for others the murder of children and accused the soldiers of raping some of the young women before they killed them.<sup>77</sup> Iron Teeth, the wife of Red Pipe, recalled bitterly, "I had seen a friend of mine, a woman, crawling along on the ground, shot, scalped, crazy, but not yet dead. After that, I always thought of her when I saw white men soldiers."<sup>78</sup>

With the death of Kohiss, the last of the Arapaho survivors, in the 1940's, the Sand Creek generation passed into history, finally free of the white man's world it had sought to avoid. Among the Cheyennes, a few old people still lived who had been small children at Sand Creek, but those who could tell of that day first hand were gone. But the memory remained. Sand Creek was in the minds of the Cheyenne women who shredded the American flag of a returning veteran of World War II with their skinning knives.<sup>79</sup> Sand Creek was not forgotten, and from time to time the old feelings were revived.

In the spring of 1938, the old feelings were aroused again when the Laboratory of Anthropology at Santa Fe, New Mexico, placed an exceptionally fine Navajo chief's blanket on public display for the first time. The classic weaving from the 1850's was already well known in scholarly circles because its extraordinary quality, brilliant color, complexity of design, and silken texture. Billed as the "most beautiful Navajo blanket in the world," it was also historical relic of more than a little interest.<sup>80</sup> Identified as the "Chief White Antelope blanket," it was the blanket taken from the body of White Antelope, the Isimotennui council chief killed at Sand Creek.

The provenance of the blanket was unmistakable. A trooper named Henry Mull stripped the blanket from the body of the dead chief. John A. Fritts, a Thirdster, tried to purchase the blanket from him on the spot for \$50, but Mull took it back to Denver and sold it for \$150.<sup>81</sup> Afterwards, the new owner, Major William Wildew of the Third, sold the blanket to George T. Clark, an early mayor of Denver. Clark was an agent for the Overland Stage Company, and he used the blanket for many years to protect himself from the weather on trips all across the Southwest. After Clark's death in 1888, the family packed the blanket away, but in 1929, his daughter sold it to the Indian Arts Fund at Santa Fe for the sum of \$2,500.<sup>82</sup> In 1938, Dr. Harry P. Mera of the laboratory of Anthropology at Santa Fe acquired the blanket and proudly displayed it for public viewing.<sup>83</sup>

The White Antelope blanket received considerable attention in the Southwestern press, and eventually a copy of a Santa Fe newspaper carrying an account of the blanket found its way into the hands of a

Cheyenne named Kish Hawkins. Hawkins, educated at Carlisle and at Indiana College in Fort Wayne claimed to be the grandson of White Antelope.<sup>84</sup> Hawkins investigated the history of the blanket and discussed the matter with Dr. J. B. Thoburn, then secretary of the Oklahoma Historical Society in Oklahoma City. Thoburn, in turn, explored the subject with Bliss Kelly, an Oklahoma City attorney with an interest in history. Based on these explorations, Hawkins, with the endorsement of other Southern Cheyennes, decided to take legal action to recover the blanket for his family as stolen property. After months of effort, Hawkins retained a Santa Fe attorney who had begun work on the case when he was drafted into service in the army. World War II interrupted Hawkins's efforts, but he did not let the issue die.<sup>85</sup>

The Laboratory of Anthropology naturally took the position that they had acquired the blanket in good faith and that no basis for a claim existed since the blanket was a "war relic." Secretary Thoburn of the Oklahoma Historical Society attempted to mediate the matter, suggesting that one solution would be to allow the blanket to be shown at the Oklahoma Historical Society for a portion of each year with a special showing at the annual Indian celebration at Anadarko, but Thoburn died before any arrangement could be worked out.<sup>86</sup> In the meantime, Hawkins had joined forces with another descendant of White Antelope, an El Reno businessman named Sam Dicke, to seek some legal remedy. Kish Hawkins died in the mid fifties without a suit ever having been filed. Sam Dicke continued to consider a suit, and as late as 1965, Bliss Kelly remained committed to the effort. No suit was ever filed, however. Both Dicke

and Kelly are now deceased, and with their deaths, the matter seemed to be dropped.<sup>87</sup>

The blanket controversy had more far reaching consequences. In their investigations, Hawkins and Dicke stumbled onto the provisions of the Treaty of the Little Arkansas conferring indemnities upon the Sand Creek survivors. Finding no evidence that the indemnities had ever been made, the two men enlisted the aid of Toby Morris, their congressman, and on May 10, 1949, Morris introduced a bill in Congress to confer jurisdiction on the District Court of the United States for the western District of Oklahoma, "to hear, determine and render judgment . . . the claim of Kish Hawkins, and all other lineal descendants of Indians killed in the so-called Sand Creek massacre, to certain grants and benefits provided for by article VI of the Treaty of October 14, 1865 (14 Stat. 703) between the United States of America and the Cheyenne and Arapaho Tribes of Indians."<sup>88</sup>

At the request of J. Hardin Peterson, the chairman of the House Committee on Public Lands, the Department of the Interior investigated the claims. Pointing to the records on disbursements from the funds and adding some subjective suppositions, the Department concluded that "It does not appear . . . that any valid claim exists for the non-payment of these specific benefits."<sup>89</sup> Even so, the Secretary of the Interior recommended that the bill be enacted if amended to give jurisdiction to the United States Court of Claims. The bill was never reported out of committee.<sup>90</sup> Again, in 1953, Morris introduced a similar bill, this one including reference to the White Antelope blanket. Again, the bill was

never reported out of committee. Morris tried a third time, in 1957, after Hawkins' death with the same results.<sup>91</sup>

Repeatedly disappointed in their efforts to have their case heard, Dicke and other Sand Creek descendants sought to append their claims to the case of the Cheyenne and Arapaho tribes then before the Indian Claims Commission, concerning land ceded to the United States under the treaties at Fort Wise, the Little Arkansas, and Medicine Lodge. When those claims were adjudicated, however, the Sand Creek claims were specifically disallowed because the provisions of Article VI of the Treaty of the Little Arkansas made grants to individuals rather than to the tribes. Since the Indian Claims Commission considered tribal claims, it concluded that it did not have jurisdiction in the matter.<sup>92</sup>

This decision convinced Bliss Kelly that the Sand Creek descendants did have a case. The 1949 report of the Secretary of the Interior had made much of the fact that provisions of the Treaty of Medicine Lodge superceded the provisions of Article VI, but the decision of the Claims Commission convinced him that the tribes (as represented by the chiefs who signed the Medicine Lodge treaty) could not give away the grants and indemnities to individuals which were the subject of Article VI of the Treaty of the Little Arkansas.<sup>93</sup> Armed with this position, the Sand Creek claims seemed revitalized. This time, however, the Sand Creek descendants were determined to be better organized. On January 23, 1963, the Sand Creek Descendants Association was incorporated under a charter from the state of Oklahoma, with Sam Dicke as its agent.<sup>94</sup> Dicke then began the overwhelming task of identifying the Sand Creek descendants in

Oklahoma and Montana. While he worked at that task, Kelley enlisted the aid of John Jarman, the new congressman from Dicke's district.

On February 25, 1965, Jarman introduced a new bill in Congress. This bill was much more detailed and careful than its predecessors. The Sand Creek Descendants Association was authorized to represent claimants and to determine heirship of all those making claims, specifying that the list of names and properties lost which had been attached to the treaty of the Little Arkansas could be used in determining heirship, but that it must not be considered as definitive. A special board was to be appointed to determine the value of the lands granted under the terms of the treaty and that all descendants would be paid "per stirpes for the value of lands and property lost, together with interest thereon as provided in this Act."<sup>95</sup> The Association was given six years to file claims with the Secretary of the Interior following enactment. The bill went to the Committee on Interior and Insular Affairs. Despite the best efforts and hopes of Dicke and Kelly, the bill died in committee.<sup>96</sup>

With the passing of Dicke and Kelly, the issue seemed finally forgotten, but it was not set aside among the Cheyennes. In 1972, a small group of Cheyennes met at the home of John Blackowl west of Concho, Oklahoma. These men were traditional people, devoted to the old ways, and they were concerned about the loss of traditions among the young. They included Edward Red Hat, the Keeper of Mahuts, Walter Roe Hamilton, Everett Yellow Man, Roy Bull Coming, Arthur Madbull, Harvey Twins, Willie Fletcher, Terry Wilson, John Green, and Laird Cometsevah. Following a second meeting, held in the tipi of Mahuts near Longdale, these men

agreed to seek a charter for a new organization to be called the Southern Cheyenne Research and Human Development Association, Inc. Walter Roe Hamilton was chosen as chairman of the new group, and Laird Cometsevah became the executive director.<sup>97</sup>

While the new group sought to alleviate many of the social problems of the Cheyennes and to deal with specific needs among the people, its primary function was to preserve traditional ways by encouraging tribal unity, protecting Cheyenne religious rights, strengthening the societies, teaching young people the old ways, and generally revitalizing Cheyenne traditions.<sup>98</sup> The organization proved to be an effective instrument. Within a relatively short time, the Association was virtually self supporting, and at annual affairs like the Sun Dance northwest of Watonga, the numbers participating increased. More and more young people began to be interested in what the group was doing.

In 1975, the Association took up the matter of Sand Creek. After consulting the American Indian Rights Association and the Native American Relief Fund, Laird and Colleen Cometsevah, Ruby Bushyhead, and Terry Wilson began the tedious process of collecting the genealogies of the living descendants of the people who were at Sand Creek. Beginning with the list prepared at the Treaty of the Little Arkansas, these people began painstakingly interviewing Cheyenne families. The association also enlisted the assistance of Karl Schleiser, a professor of anthropology at Wichita State University who advised them in the research. Later, they became associated with John Moore, an anthropologist from the University of Oklahoma. Professor Moore secured funding for the Sand Creek project.



Most of the actual collection of genealogies prepared in this manner were then turned over to Moore as research director of the project. Moore, directing a group of graduate students trained in the use of computers, conducted extensive experiments with the data, not only producing clear family trees for most of those people who were at Sand Creek, but also securing invaluable data about Cheyenne residence patterns, kinship systems, marriage customs, and a full range of other ethnographic problems.<sup>99</sup>

The Sand Creek project has so far collected the genealogies of hundreds of living descendants of the people who were there that day in 1864. The final outcome of the effort is still unknown. Genealogies are now being collected among Oklahoma's Arapahoes and among the Northern Cheyennes on the Tongue River Reservation in Montana. The Southern Cheyenne Research and Human Development Association hopes eventually to go to court to secure indemnity for the Sand Creek losses, but whatever happens to the Sand Creek claims, the efforts of the Association will, at the very least, yield a body of primary data of great significance not only to scholars but also--and most importantly--to the Cheyenne people themselves in their quest to preserve a way of life once dangerously close to extinction. In an ironic way, the Sand Creek claims, with their emphasis upon a tribal tragedy, may yet help to revitalize Cheyenne culture. The Sand Creek descendants are touching their past in a uniquely personal way which binds them together as one people. And their shared experience serves as a reminder to all who take the time to consider it, that only ignorance separates the past from the present.

Knowing that, even the most tragic events become vitally important for the lessons they teach. The Sand Creek Massacre will lose its importance only when it is forgotten. And the children of Sweet Root Standing will not forget.

## EPILOGUE

### THE SAND CREEK MASSACRE: A SEARCH FOR MEANING

This America  
has been a burden  
of steel and mad  
death,  
but, look now,  
there are flowers  
and new grass  
and a spring wind  
rising  
from Sand Creek

--Simon Ortiz, 1981<sup>1</sup>

The thing unloosed at Sand Creek was monstrous. It brought monstrous pain. And, when it was done, it left its demons behind to plague those who tried to understand what had happened there. Hate, fear, guilt, prejudice, terror, arrogance, remorse--they were all present, and they have remained to obscure whatever truth may be discovered in the bloody acts of that day. Looking at the horror of it all, the temptation is to see it as some terrifying anomaly, some awful aberration, something inexplicable except as psychosis. But the Sand Creek affair was none of those things. What happened at Sand Creek was done by rational men with clear notions of right and wrong, by men with no perceptions of themselves as evil. And that makes what happened there all the more frightening. If those men of flesh and blood and bone could

do what they did and live to justify it--even to take pride in it--then what of other men far removed in time and place from the high plains of eastern Colorado? That is the question which drove men then, and drives men now, to defense and protest, because those positions insulate human beings from recognizing that the monster resides in every human psyche.

At once, that is the fascination and the horror of Sand Creek. That is the haunting mystery which feeds the historical controversy and gives the Sand Creek story a larger significance. That is the hidden issue which makes the historical debate itself a part of the Sand Creek story. Were Sand Creek only a cruel anomaly, it might be dismissed as a relic event from a dead past with little relevance to the present. Were it a true aberration, its deviance alone would both accentuate the crime and minimize its importance. Unfortunately, however, the chroniclers of what happened that day have rarely wrenched free of the thrust and parry of justification and condemnation. After more than a century of debate, the primary focus of the literature remains: Was the tragedy at Sand Creek a massacre?<sup>2</sup>

The answer to that question is Yes. By any reasonable definition of the word, what happened at Sand Creek was a massacre. The curious feature of the Sand Creek controversy is that recognizing what happened has a cost. Those who have defended Colonel Chivington and the men of the Third Volunteer Cavalry must admit that those sturdy Colorado folk were parties to a horrible miscarriage of justice. For many that means accepting the truth that their direct ancestors were involved in something which seems totally out of character with everything that they

know about them. The cost for those who have condemned Sand Creek is less obvious and less sure, but recognizing that the Sand Creek affair was indeed a massacre does not mean that they have won. It simply leaves them at the place of beginning. It leaves them with the more searching question of why? The pat answers do not suffice. No longer is it possible to write off Sand Creek as the work of vicious, unprincipled men. They were not. No longer is it possible to see Sand Creek as the premeditated design of a government bent on genocide. It was not. No longer is it possible to relegate Sand Creek to the past as a product of frontier violence. It was not so simple. No longer is it possible to place all of the blame on that stormy preacher turned soldier, John Milton Chivington. He was not that powerful. Indeed, after a time, placing blame itself seems pointless. Exonerating, condemning--those are the duties of judges and juries. The greater need is to understand.

At one level, whether Sand Creek was a massacre or not really does not matter. Whatever the truth of Sand Creek, it profoundly affected Indian affairs on the frontier in the last decades of the nineteenth century. Sand Creek helped to shape policy. Sand Creek restrained the military strategists. Sand Creek heightened the emotional tenor of the public debate on Indian matters. Sand Creek provided a weapon to Indian reformers. Sand Creek aroused sympathy for American Indians. Sand Creek helped, ultimately, to bring about reform, although it may be argued with equal force that Sand Creek so charged Indian affairs with emotion that it made effective compromise almost impossible. And in all of that, the truth about Sand Creek made not one whit of difference.

Nor does the truth about Sand Creek materially affect its symbolic importance. The early reformers used it because what they knew of it conformed to what they believed about the nature of Indian policy, and once they had that perception of it, no further debate was wanted or needed. In the ruffles and flourishes of the polemic literature of the Indian reform movement, many errors in fact abound. But it did not matter. Similarly, it was the perception of Sand Creek that mattered to the frontiersmen and Western editors. Their angry denunciations of federal policy and their furious hatred of the plains Indians were not shaped by what happened at Sand Creek but by what they believed happened there. Sand Creek was for them symbolic of what should be done and of the failure of a weak-kneed federal government to come to grips with the problems of the frontier.

The symbolic importance of Sand Creek in the twentieth century also owes more to perception than to reality. In the 1950's, after the Great Fear of the McCarthy era had faded, script writers for movies and television used Sand Creek to point out the dangers of allowing unscrupulous men to play upon popular passions. In the late sixties, in movies like Soldier Blue and Little Big Man, the Sand Creek image was used to protest against war and the military at the very moment when protests against the war in Vietnam were growing. In the 1960's and 1970's, in popular histories like Dee Brown's Bury My Heart at Wounded Knee and in television programs like the adaptation of James Michener's Centennial, Sand Creek was used to arouse sympathy for the plight of contemporary American Indians.<sup>3</sup> And its emotional power is still sub-

stantial. Reference to Sand Creek still provokes an angry reaction among many Coloradans who view each new reference as a needless and unjustified intrusion into the past. The very mention of Sand Creek can strike terror into the hearts of museum curators who have Sand Creek artifacts in their collections as they envision hordes of militant young Indians descending upon them. Sand Creek still symbolizes all that is wrong with America for many Native American people who view it as the ultimate symbol of American perfidy and dishonor and as the primary proof of the nation's genocidal intent. In none of that does the truth really matter.

The Sand Creek Massacre and the historical controversy which it spawned appropriately symbolize the conquest of the last West. Embodied in it are all of the qualities which marked the closing years of the nineteenth century. There, in sharp relief, may be seen the exploitation, violence, growth, materialism, expansion, racism, optimism, and confusion of a people caught up in a great crucible of change. The historical debate is about American perceptions of themselves as a people, and its intensity underscores that struggle of writers and historians and novelists to reconcile somehow the seeming paradox of Sand Creeks in a nation committed to democracy, equality, and justice for all. That is the hidden agenda in much of the literature.<sup>4</sup>

What remains, then, is the historical fact--that Sand Creek was a massacre--and the dilemma posed by the paradox which that fact seems to leave. The narrow focus of the historical debate is bound up tightly in the safety-valve of the "good men" thesis--the view that good men do not commit massacres. Acceptance of that view predisposes how the subject

will be handled. If the men of the Third Regiment were good men, then Sand Creek could not have been a massacre, or, turned about, if Sand Creek were a massacre, the men of the Third could not have been good men. These assumptions have to be discarded in the light of the evidence. For the most part, guilt is a destructive emotion. Sand Creek is not a cross for Colorado to bear forever, nor must white Americans always struggle under the weight of some overwhelming sense of guilt and shame. Recognizing the wrong, understanding it, Americans may use the lessons of Sand Creek to be a better people. If whites must recognize that their forebears were racists capable of perpetrating a Sand Creek Massacre, Indian people must acknowledge that their forefathers were not saints, that they were capable of and did commit atrocities of their own. The romanticized view of the frontier experience which so long obscured American's treatment of the Indians must not be replaced with a new mythology that obscures the great positives of the American past.

Americans--white and red--have not put the Sand Creeks of their past to rest because they have not come to grips with the evil of which they are capable. They are unable to acknowledge the strain of violence which is a part of their inheritance. The notions of progress and mission which motivated the frontier settlers is sustained today in attitudes of moral superiority, and that conception makes it extremely difficult to accept any version of the past which acknowledges so serious a flaw. Perhaps, on the other hand, it is too much to expect Indian people, who are still confronted with injustice, to set aside their use of Sand Creek as a tool for reform, but they should understand that the



harder they push the point, the more difficult it will be for many non-Indians to acknowledge the reality of Sand Creek.

So, then, understanding the Sand Creek Massacre means coming again to that lonely place where Black Kettle's people died and finding there not expiation for sins committed, justification for wrongs done, nor pointless blame, but simple understanding of what happened in that place. The process which led to that day was complex. The admixture of personalities and emotions and misunderstandings and impersonal forces constituted a veritable Gordian knot. And yet, the nature of what happened at Sand Creek links nineteenth century Americans to their past and their future with unmistakable bonds. Indeed, it touched the lives of modern Americans profoundly and directly. The tragedy at Sand Creek has less to do with the particular victims and victimizers than it does with the human condition itself.

Under ordinary circumstances, religious and moral principles, codes of honor, legal prohibitions, respect for human life, and more elemental feelings of horror, shame, revulsion, and fear not only prevent participation in the mass slaughter and related atrocities associated with massacres, but also they restrain the very advocacy of such behavior. Even in war, the limits of violence are proscribed, and most men at arms obey the rules of war simply because they reflect their own systems of values. Excepting the sociopathic and psychopathic personalities, then, human beings must somehow set aside these restraints on their conduct in order to participate in wholesale slaughter. Somehow, the sacred values of society must be superseded.<sup>5</sup>

The events which led to and away from Sand Creek suggest how this process occurs. Certain broad-based conditions existed which predisposed the situation in Colorado to violence. The first was a fundamental cultural misunderstanding which short-circuited communication and led the dominant culture to the dehumanization of the more fragile culture. Moving rather quickly from condescending and patronizing curiosity and crude humor to perceptions of the natives as bestial, brutal, bloodthirsty, and barbarous, the settlers came at length to see the natives not as human beings at all. This narrow ethnocentrism, even when benign, was reinforced in the dominant group by a sense of moral as well as technological superiority.

When the crisis of the Civil War produced economic deprivation, political controversy, social instability, and a sense of isolation, the resulting fears and frustrations focused on the greatest apparent threat--the natives. To deal with the crisis, the settlers turned to the great values. Given their mindset, most of them never considered that there might be another side to the question. They appealed to a higher law that allowed them, ultimately, to suspend normal prohibitions. The sense of crisis enhanced a sense of community among the settlers which brought them together to resist the perceived threat. Their ultimate violence was rooted in this collective consciousness because it convinced them that violence was acceptable when carried out in defense of community.

The appeal was the ancient one of self-preservation, but other assumptions reinforced it. The settlers assumed that they must protect

themselves because the established authorities seemed unable or unwilling to do so. They assumed that they had an ultimate right to protect themselves under the principle of popular sovereignty. They believed that men must take law into their own hands when the system failed to provide it because the defense of home and family was the fundamental duty of every man. They wrapped all of these beliefs in a mantle of patriotism, religious rhetoric, and manifest destiny. Emphasizing the savagery of the enemy in contrast to their own noble goals, they concluded that the interests of civilization and progress were paramount. Accordingly, the unspeakable became possible as frontier editors and barroom solons openly called for a general extermination of the people who had come to symbolize all of their economic, political, and social misfortunes as well as their fears for personal safety.

When the opportunity came to strike at Sand Creek, the settlers had already dismissed the natives as people. The pent-up rage and fear and grief and frustration found release in violence. Now, massacre became intensely personal, as individual men stuck down combatants and noncombatants without discrimination. And, yet, they seemed somehow detached from what they were doing. Their victims were not people but beastly imitations of people who were responsible for all of their troubles. The group action diminished the sense of personal responsibility. They consoled themselves that they were merely following orders. They found themselves exhilarated almost to euphoria, and the excitement of release removed the final prohibitions. They shot and slashed and cut and burned as though in a frenzy, and they felt better because they had

shed all of their former anxieties. Afterwards, the appeal to a lofty, noble purpose--defense of home and hearth--and the conviction that they were all "good American boys" camouflaged the guilt and hid the possibility that a great wrong had been committed.<sup>6</sup>

These were the ingredients of the Sand Creek affair. Not all of those who participated were equally guilty. Some were so repelled that they did not fire a shot. Some fought hard never imagining that a blow had been struck amiss and later criticized their fellows for the excesses. Why these differences in response occurred is not clear. Some simply recognized the human bond that others denied. Some were more stable in personality and temperament. Some were more easily led. But all of them had been put into a situation where the normal restraints on human conduct were discarded and where their leaders incited them to excess.

The contorted logic of their defenses revealed how far they had to reach to salve their consciences when they were done. They found relief in classic defense mechanisms--denial, displacement, and repression--until they saw themselves as the real victims. They came at last to say, in effect: Sand Creek was not a massacre, but, anyway, the Cheyennes deserved it.<sup>7</sup>

None of this justifies the Sand Creek Massacre. It does help to explain why the tragedy occurred. It takes away the simplistic "good men" thesis and raises the chilling reminder that human control of the monster within depends upon a fragile tether. Much can be learned about the dangers of racism, misdirected patriotism, blind nationalism, and

cultural arrogance from this process. Much can be learned about the importance of cultural understanding and mutual respect. Much can be learned about the use and abuse of the fundamental principles and values. Much can be learned about the need for calm and deliberate thinking as an antidote to demagoguery and the vigilante spirit.

Stripped out of the specific situation, the process described here acquires a broader meaning. It may be used, with few modifications, to describe virtually every mass slaughter in modern history. The cultural misunderstanding, the dehumanization, the appeal to a higher order, the climate of fear, the atmosphere of crisis, the psychic pressure have been critical factors in every massacre from Drogheda to Beirut. But human beings have not learned. They find it so much easier to regard massacre as the work of deranged men or to deny that a massacre occurred at all. Very little has changed since 1864.

At the Hague and Geneva and Nuremburg, twentieth century leaders struggled to set down the limits of war, and the military manuals carried by American soldiers in Vietnam stated the taboos against killing civilians quite specifically, but all of that did not prevent the atrocities of the Phillipine Insurrection, the Nazi horrors, the slaughter at the Palestinian camps in Beirut, or the individual acts of barbarism which have marked every war in human history. When Lieutenant William Laws Calley stood before a military court martial in Columbus, Georgia, in 1971, facing charges in connection with the massacre of Vietnamese men, women, and children at My Lai, he defended himself with the same argu-

ments that John Chivington and the men of the Third Colorado Cavalry had used, and Calley's supporters echoed the same themes that had been used more than a century before.<sup>8</sup>

To denounce the slaughter of Armenians at the hands of the Turks in the early part of the twentieth century, to shrink back in horror from the Holocaust, to demand justice for Nazi massacres such as those in Lidice and Klissura during World War II, to deplore the murder of Afghan rebels by Russian troops in Afghanistan, to recoil at the slaughter of women and children in the Palestinian camps of Satilla and Sabra is easy enough to do. Those atrocities were perpetrated by authoritarian, aggressive, inhumane powers. Somehow, to compare those monstrous atrocities to the acts of John Chivington or American troops in the Phillipines or William Calley seems inappropriate because Americans assume that same moral superiority, that conviction that Americans are incapable of such conduct. But they are. And that is what must be faced.

In 1970, when the news of the My Lai affair broke in the American press, Robert L. Beisner, an American historian, suggested the importance of Americans making those very connections, "if only because it proves what they have always wished to deny, that they share the human condition in its savage as well as civilized aspects." He added, "If we absorb the news from My Lai as merely evidence of aberrant behavior, we will lose its lesson in the flurry to assure ourselves of the 'typical' American's high regard for human life."<sup>9</sup> He proved remarkably accurate. The outpouring of sentiment for Lieutenant Calley was overwhelming, and

when he was convicted after the longest court martial in American history--a court martial which was reviewed each night in explicit detail on television--the public protest employed every argument which William Byers used. Public officials, judges, ministers, repeated the ancient canards: My Lai was not a massacre. Noncombatants do get killed in wars. Women and children are as dangerous as the men. When your life is on the line, you don't stop to ask questions. Anyway, the dinks deserve what they get. They have no regard for human life. They're not like real people. All of that completely ignored the fact that the victims of My Lai were not killed in a sweep through the villages. They were herded, unarmed, into a ditch and executed, from babies in the arms of their mothers to old men past eighty.<sup>10</sup>

And so, the lesson was lost. Americans were shocked when a Phalangist militiaman told an American reporter following the Beirut massacre that "Pregnant women will give birth to terrorists, and children will grow up to be terrorists," but the statement might have been made by an American frontiersman more than a century ago or by an American politician scarcely more than a decade ago.<sup>11</sup> Massacre is not less heinous because it is committed by Americans. To argue that it is, or to deny that Americans are capable of such things undermines rather than supports the nation's system of values. However capricious the rules of war may seem, they constitute a self-defined standard for those who make the rules, not for those whom they fight. Massacres are, in the words of General Douglas MacArthur, "a blot on the military profession, a stain upon civilization and constitute a memory of shame and dishonor that can never be forgotten. . . ." <sup>12</sup>

Ramona Bennett, a young Puyallup woman from the state of Washington expressed one view in an interview with author Studs Terkel:

I know damn good and well that if American children in school had learned that the beautiful Cheyenne women at Sand Creek put their shawls over their babies' faces so they wouldn't see the long knives . . . there would never have been a My Lai massacre. If the history teacher had been really truthful with American children, Calley would have given an order to totally uncooperating troops. There would have been<sup>13</sup> no one to fight. There would have been a national conscience.

The sentiment will seem naive to many, and the case may well be overstated, but it comes close to what Beisner suggested when he wrote that America "must decide neither that Americans are innocents tarred by the isolated brush of one combat outfit's outrage, nor that they are the most murderous tribe now walking the earth. But Americans must face the evil they're capable of. . . ."<sup>14</sup> After the news of My Lai broke in December, 1969, a fervent essay in Time concluded that "only the nation that has faced up to its own failings and acknowledged its capacities for evil and ill-doing has any real claim to greatness."<sup>15</sup>

That is the challenge of Sand Creek.



## NOTES

## LIST OF ABBREVIATIONS

AC	-- James West Arrott Collection
<u>AA</u>	-- <u>American Anthropologist</u>
AAAG	-- Acting Assistant Adjutant General
AAG	-- Assistant Adjutant General
AGO	-- Adjutant General's Office
<u>AR</u>	-- Annual Report
<u>ARW</u>	-- <u>Arizona and the West</u>
<u>AW</u>	-- <u>American West Magazine</u>
<u>AHR</u>	-- <u>American Historical Review</u>
<u>BHMJ</u>	-- Black Hawk <u>Mining Journal</u>
BLM	-- Bureau of Land Management
CCS	-- Court of Claims Section
<u>CKSHS</u>	-- <u>Collections, Kansas State Historical Society</u>
<u>CCMR</u>	-- Central City <u>Miners' Register</u>
<u>CG</u>	-- <u>Congressional Globe</u>
CHS	-- Colorado Historical Society
CIA	-- Commissioner of Indian Affairs
<u>CM</u>	-- <u>Colorado Magazine</u>
CMSR	-- Compiled Military Service Record
<u>CO</u>	-- <u>Chronicles of Oklahoma</u>

CR -- Congressional Record  
CS -- Colorado Superintendency  
CSA -- Colorado State Archives  
DC -- District of Colorado  
DFRC -- Denver Federal Records Center  
DJ -- Department of Justice  
DK -- Department of Kansas  
DM -- Department of Missouri  
DP -- Department of the Platte  
DPL -- Denver Public Library  
DRMN -- Denver Daily Rocky Mountain News  
DUA -- District of the Upper Arkansas  
DWMR -- Denver Westerners' Monthly Roundup  
FCV -- First Colorado Volunteer Regiment  
FO -- Field Order  
GAO -- General Accounting Office  
GFO -- General Field Order  
GLO -- General Land Office  
GO -- General Order  
ID -- Indian Division  
JAG -- Judge Advocate General  
JAH -- Journal of American History  
JCCW -- Joint Committee on the Conduct of the War  
JW -- Journal of the West  
KH -- Kansas History

KHQ -- Kansas Historical Quarterly  
KSHS -- Kansas State Historical Society  
LC -- Library of Congress  
LR -- Letters Received  
LS -- Letters Sent  
MSS -- Manuscripts  
MMWH -- Montana, the Magazine of Western History  
MVHR -- Mississippi Valley Historical Review  
NARS -- National Archives and Records Service  
NASS -- National Anti-Slavery Standard  
NH -- Nebraska History  
NMHR -- New Mexico Historical Review  
NRC -- National Records Center  
OIA -- Office of Indian Affairs  
OR -- Official Records of the War of the Rebellion  
OSI -- Office of the Secretary of the Interior  
OSW -- Office of the Secretary of War  
OU -- University of Oklahoma  
RDB -- Regimental Descriptive Book  
RG -- Record Group  
RLB -- Regimental Letter Book  
RLR -- Register of Letters Received  
RLS -- Register of Letters Sent  
ROB -- Regimental Order Book  
SCVP -- Second Colorado Volunteer Papers

SDTP -- State Department Territorial Papers  
SI -- Secretary of the Interior  
SO -- Special Order  
SW -- Secretary of War  
TCV -- Third Colorado Volunteer Regiment  
USAC -- United States Army Commands  
USCC -- United States Court of Claims  
VA -- Veterans Administration  
WHQ -- Western Historical Quarterly  
WMQ -- William and Mary Quarterly  
WRMN -- Denver Weekly Rocky Mountain News

## PROLOGUE: HERITAGE OF SHAME

1. Elliot Coues, "The Western Sphinx: An Analysis of Indian Traits and Tendencies," The Penn Monthly, XII (March, 1879), 189.

2. For a sampling of polemical literature see Helen Hunt Jackson, A Century of Dishonor (Boston: Roberts Brothers, 1886); George W. Manypenny, Our Indian Wards (Cincinnati: Robert Clark and Company, 1880); Henry Benjamin Whipple, Lights and Shadows of a Long Episcopate (New York: The Macmillan Company, 1902); Dee Brown, Bury My Heart at Wounded Knee (New York: Holt, Rinehart and Winston, 1970); and William Meyer, Native Americans: The New Indian Resistance (New York: International Publishers, 1971). Novels which use massacre as a main theme are numerous. Examples include Dorothy Gardiner, The Great Betrayal (Garden City: Doubleday & Co., Inc., 1949); Will Henry, The Squaw Killers (New York: Bantam Books, 1971); Dale Van Every, The Day the Sun Died (New York: Bantam Books, 1972); Douglas C. Jones, A Creek Called Wounded Knee (New York: Warner Books, 1979); Michael Straight, A Very Small Remnant (New York: Alfred A. Knopf, 1963); and Thomas Berger, Little Big Man (New York: Dial Press, 1966). Ralph E. Friar and Natasha A. Friar, The Only Good Indian . . . The Hollywood Gospel (New York: Drama Book Specialists, 1972), lists fifteen films which use white massacres of Indians as a main theme, including Massacre (1913); Massacre at Sand Creek (1956); Little Big Man (1971); and Soldier Blue (1970). Television has also exploited the theme. NBC's series, Frontier, aired an episode entitled "Shame of a Nation" about Sand Creek in 1955. The CBS Playhouse 90 series produced "Massacre at Sand Creek" in 1960. Many other series have included episodes pursuing the theme, including Wagon Train, Gun-smoke, How the West Was Won, and Bonanza. NBC's extravagant production of James Michener's novel, Centennial (New York: Random House, 1974), aired in 1978, included an episode about a massacre.

3. Nelson A. Miles, Personal Recollections (Chicago: Werner Co., 1896), p. 139; John A. Hawgood, America's Western Frontiers: The Exploration and Settlement of the Trans-Mississippi West (New York: Alfred A. Knopf, 1967), p. 290.

4. WRMN, December 14, 1864.

5. The best explication of this view and its origins is found in Richard Slotkin, Regeneration Through Violence: The Mythology of the

American Frontier, 1600-1860 (Middletown, Connecticut: Wesleyan University Press, 1973). Robert F. Berkhofer, Jr., The White Man's Indian: Images of the American Indian From Columbus to the Present (New York: Alfred A. Knopf, 1978) and Richard Drinnon, Facing West: The Metaphysics of Indian-Hating and Empire Building (Minneapolis: Bobbs Merrill Company, 1980) provide a broad examination of the theme. See also Albert Keiser, The Indian in American Literature (New York: Octagon Books, 1970), pp. 1-153; and Louise K. Barnett, The Ignoble Savage: American Literary Racism, 1790-1890 (Westport, Connecticut: Greenwood Press, 1975), pp. 3-142.

6. Quoted in Roy Harvey Pearce, Savagism and Civilization: A Study of the Indian and the American Mind. Revised Edition (Baltimore: The Johns Hopkins Press, 1967), p. 55.

7. Ibid., pp. 53-75. See also Brian W. Dippie, The Vanishing American: White Attitudes and U. S. Indian Policy (Middletown, Connecticut: Wesleyan University Press, 1982), pp. 3-11; and Winthrop D. Jordan, White Over Black: American Attitudes Toward the Negro, 1550-1812 (New York: W.W. Norton Company, Inc., 1977), pp. 27, 95.

8. Samuel F. Tappan to Charles Sumner, March 24, April 10, 1865, LR, CS, OIA, NARS, RG 75. Reform sentiment is explored at greater depth in Bernard Sheehan, Seeds of Extinction: Jeffersonian Philanthropy and the American Indian (New York: W.W. Norton Company, Inc., 1974); Robert Winston Mardock, The Reformers and the American Indian (Columbia: University of Missouri Press, 1971); Henry E. Fritz, The Movement for Indian Assimilation, 1860-1890 (Philadelphia: University of Pennsylvania Press, 1963); and Francis Paul Prucha, American Indian Policy in Crisis: Christian Reformers and the Indians, 1865-1900 (Norman: University of Oklahoma Press, 1976).

9. Francis A. Walker, The Indian Question (Boston: James R. Osgood and Company, 1874), pp. 34-35.

10. William Christie Macleod, The American Indian Frontier (New York: Alfred A. Knopf, 1928), p. viii.

11. Coues, "Western Sphynx," pp. 189-190.

12. Gary B. Nash, "Red White, and Black: The Origins of Racism in Colonial America," The Great Fear: Race in the Mind of America. Edited by Gary B. Nash and Richard Weiss (New York: Holt, Rinehart and Winston, Inc., 1970), pp. 3-8. Nash later developed these ideas further in his book, Red, White and Black: The Peoples of Early America (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1974). Another important source is David Harry Miller and William W. Savage, Jr., "Ethnic Stereotypes and the Frontier: A comparative Study of Roman and American Experience," The Frontier: Comparative Studies. Edited by David Harry Miller and Jerome Steffen (Norman: The University of Oklahoma Press, 1977), pp. 109-137.

13. Senate Executive Document No. 33, 50th Congress, 1st Session, History of Indian Operations on the Plains, Furnished by Col. Henry B. Carrington to a Special Commission Which Met at Fort McPherson, Nebraska, in the Spring of 1867 (Washington: Government Printing Office, 1887), p. 41.

14. Francis Jennings, The Invasion of America: Indians, Colonialism, and the Cant of Conquest (New York: W.W. Norton Company, Inc., 1976) pp. 146-147, 168-170.

15. Mardock, Reformers, pp. 98-103.

16. William Winthrop, Military Law and Precedents. Second Edition (Washington: Government Printing Office, 1920), pp. 903-1039, provides an invaluable overview of the evolution of the laws of war. Leon Friedman's The Law of War: A Documentary History. Two volumes (New York: Random House, 1972), also provides basic material, although it is skewed toward the twentieth century. M.H. Keen, The Laws of War in the Late Middle Ages (Toronto: University of Toronto Press, 1965), contains the most enlightening view of the codification and consolidation of military law during the late Middle Ages. Emrich de Vattel, in Book III of his classic The Law of Nations, or the Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and of Sovereigns. Three volumes. Translated from the Edition of 1758 by Charles G. Fenwick (Washington: Carnegie Institution, 1916), III, 279-290, focused specifically on the treatment of persons in war. Also useful is Samuel Rawson Gardiner, History of the Commonwealth and Protectorate. Two volumes (New York: AMS Press, 1965), I, 118-126, especially the notes.

17. Miller and Savage, "Ethnic Stereotypes," p. 111, note that "The stereotype of a people as a savage and ferocious mass intent upon rapine and slaughter, in short as sub-human . . . justifies those who use it in making war, but it also sets a certain style for that kind of warfare. Given an opponent so blood-thirsty and dangerous, any tactic may be adopted in making war. A stereotype such as that cultivated by Caesar and perpetuated among the Romans, put those who are thus labelled, whether implicitly or explicitly, beyond the protection of any humane convention."

18. Keen, Laws of War, pp. 7-15.

19. See especially D. M. R. Essom, The Curse of Cromwell: A History of the Ironside Conquest of Ireland, 1649-53 (Totowa, New Jersey: Rowman and Littlefield, 1971), pp. 102-114. The transfer of ideas and attitudes gained in Ireland is examined in Nicholas P. Canny, "The Ideology of English Colonization: From Ireland to America," WMQ, Third Series, 30 (1973), 575-598. See also the same author's The Elizabethan Conquest of Ireland: A Pattern Established, 1565-76 (New York: Barnes and Noble, 1976); and David Beers Quinn, The Elizabethans and the Irish (Ithaca, New York: Cornell University Press, 1966).



20. No single volume adequately assesses this question on a broad scale. Russell F. Weigley, The American Way of War: A History of United States Military Strategy and Policy (New York: The Macmillan Company, 1973), pp. 3-58, 128-167, is helpful in gaining a sense of American attitudes toward the military, and Walter Millis, Arms and Men (New York: Capricorn Books, 1967), pp. 13-71, discusses the democratization of war which provides significant insights into the peculiar problems of the American military. Francis Paul Prucha, Sword of the Republic: The United States Army on the Frontier, 1783-1846 (New York: The Macmillan Company, 1969); Robert M. Utley, Frontiersmen in Blue: The United States Army and the Indian, 1846-1865 (New York: The Macmillan Company, 1967); and Robert M. Utley, Frontier Regulars: The United States Army and the Indian, 1866-1890 (New York: The Macmillan Company, 1973), contain excellent evaluations of attitudes toward the military and military attitudes toward the Indians. Also helpful is Thomas C. Leonard, "Red, White, and the Army Blue: Empathy and Anger in the American West," American Quarterly, 26 (May, 1971), 176-190.

21. Utley, Frontiersmen in Blue, pp. 215-218; Francis Paul Prucha, Broadax and Bayonet: The Role of the United States Army in the Development of the Northwest, 1815-1860 (Lincoln: University of Nebraska Press, 1967), pp. 35-103.

22. Gary L. Roberts, "Violence and the Frontier Tradition," Kansas and the West: Essays in Honor of Nyle H. Miller. Edited by Forrest R. Blackburn, et al (Topeka: Kansas State Historical Society, 1976), pp. 102-104. See also Richard Maxwell Brown, "The History of Extralegal Violence in Support of Community Values," Violence in America: A Historical and Contemporary Reader. Edited by Thomas Rose (New York: Random House, 1969), pp. 88-91.

23. Roberts, "Violence," pp. 99-101; William H. Hutchinson, "Law, Order, and Survival," AW, 7 (January, 1970), 4-5; Daniel Boorstin, The Americans: The National Experience. Vintage Edition (New York: Random House, 1967), pp. 49-112.

24. Philippe Regis de Trobriand, Military Life in Dakota: The Journal of Philippe Regis de Trobriand. Translated and edited by Lucille M. Kane (Lincoln: University of Nebraska Press, 1982), p. 64.

25. See the correspondence of Hyde, Rector, Governor George Izard, and others in Clarence E. Carter, editor, The Territorial Papers of the United States. 26 volumes (Washington: Government Printing Office, 1934-1956), IX, 632-633, 640-641, 676-677, 696-697, 786-789.

26. Rupert Norval Richardson, The Comanche Barrier to South Plains Settlement (Glendale: Arthur H. Clark Company, 1933), pp. 89-266; Utley, Frontiersmen in Blue, pp. 70-77; Kenneth N. Neighbours, Indian Exodus: Texas Indian Affairs, 1835-1859 (n. p.: Nortex Offset Publishing, Inc., 1973), passim; and Kenneth F. Neighbours, Robert Simpson Neighbors and

the Texas Frontier, 1836-1859 (Waco: Texian Press, 1975), passim. One extremely useful source in assessing the military role in Texas and for evaluating military attitudes toward both settlers and Indians is Raymond Estep, editor, "Lieutenant Wm. E. Burnett: Notes on Removal of Indians from Texas to Indian Territory," CO, 38 (1960), 274-309, 369-396; 39 (1961), 15-41. Lieutenant Burnett held a very low opinion of the frontiersmen. On one occasion, he actually attacked a party of settlers which had threatened the Indians in his charge. See also Raymond Estep, The Removal of the Texas Indians and the Founding of Fort Cobb (Oklahoma City: Oklahoma Historical Society, 1961).

27. Utley, Frontier Regulars, p. 51.

28. Quoted in Robert M. Utley, The Last Days of the Great Sioux Nation (New Haven, Connecticut: Yale University Press, 1963), p. 249.

29. Leonard, "Red, White, and the Army Blue," pp. 176-190; and Robert M. Utley, "The Frontier Army: John Ford or Arthur Penn?" Indian-White Relations: A Persistent Paradox. Edited by Jane F. Smith and Robert M. Kvasnicka (Washington: Howard University Press, 1976), pp. 133-145, provide an introduction to the attitudes and writings of military officers.

30. All of these episodes are discussed in Utley's Frontiersmen in Blue and Frontier Regulars.

31. Ernest Wallace, Ranald S. MacKenzie on the Texas Frontier (Lubbock: West Texas Museum Association, 1964), passim; and R.G. Carter, On the Border with MacKenzie, or Winning West Texas From the Comanches (Washington: Eynon Comapny, 1935), pp. 441-443.

32. See the discussions of policy in Utley, Frontier Regulars, pp. 44-58; Prucha, Sword of the Republic, pp. 193-210; and two articles by Richard N. Ellis, "The Humanitarian Generals," WHQ, 3 (1972) 169-178; and "The Humanitarian Soldiers," Journal of Arizona History, 10 (1969), 55-62.

33. John Beeson, A Plea for the Indians (New York: n. p., 1858), p. 31.

34. Tubac Weekly Arizonian, April 21, 1859, quoted in Roger L. Nichols, "American Racial Attitudes Toward the Indians in the Late Nineteenth Century," Unpublished paper presented at the Western History Association Conference, Reno Nevada, October, 1970, p. 4. A useful perspective on American racism toward Indians is provided by Thomas F. Gossett, Race: The History of an Idea in America (New York: Schocken Books, 1965), pp. 17-83, 228-252. This should be balanced with Francis Paul Prucha, "Scientific Racism and Indian Policy," American Quarterly, 37 (May 1975), 152-168, reprinted in Francis Paul Prucha, Indian Policy in the United States: Historical Essays (Lincoln: University of

Nebraska Press, 1981), pp. 180-197. See also Jordan, White Over Black, pp. 13-14.

35. George Chalou, "Massacre on Fall Creek," Prologue, 4 (Summer, 1972), 109-114.

36. MacLeod, American Indian Frontier, p. 216; Arthur K. Moore, The Frontier Mind (New York: McGraw-Hill Book Company, Inc., 1963), p. 95; and Tucson Weekly Arizonian, January 28, 1871, quoted in Nichols, "Racial Attitudes," p. 13. See also Miller and Savage, "Ethnic Stereotypes," pp. 111, 122-123.

37. Roberts, "Violence," pp. 101-104.

38. H.S. Halbert and T.H. Hall, The Creek War of 1813 and 1814 (Chicago: Donohue & Hennessy, 1895), p. 277.

39. Quoted in MacLeod, American Indian Frontier, p. 487. See also R. A. Anderson, Fighting the Mill Creeks, Being a Personal Account of Campaigns Against Indians of the Northern Sierras (Chico, California: Chico Record Press, 1909), pp. 78-81.

40. Quoted in MacLeod, American Indian Frontier, p. 487. For other materials see Robert F. Heizer, editor, The Destruction of the California Indians (Santa Barbara: Peregrine Smith, Inc., 1974), pp. 244-253.

41. Quoted in Sheehan, Seeds of Extinction, p. 206.

42. Quoted in Michael Paul Rogin, Fathers and Children: Andrew Jackson and the Subjugation of the American Indian. Vintage Edition (New York: Random House, 1976), p. 147.

43. Quoted in Mardock, Reformers, p. 99.

44. Wilcomb E. Washburne selected and arranged 311 titles which were published as The Garland Library of Narratives of North American Indian Captivities. 111 Volumes (New York: Garland Publishing Co., 1977). Other useful works for assessing the impact of captivity narratives on white attitudes include James Levernier and Hennig Cohen, editors, The Indians and Their Captives (Westport, Connecticut: Greenwood Press, 1977); Archibald Loudon, A Selection of Some of the Most Interesting Narratives of Outrages Committed by the Indians in Their Wars with the White People (New York: Arno Press, 1971); and Richard VanDerBeets, Held Captive by Indians: Selected Narratives, 1642-1836 (Knoxville: University of Tennessee Press, 1973).

45. Don Schellie, Vast Domain of Blood: The Story of the Camp Grant Massacre (Los Angeles: Westernlore Press, 1968); and James R. Hastings, "The Tragedy at Camp Grant in 1872," ARW, I (Summer, 1959), 146-160; Colin W. Rickards, "The Christian General Investigates the Camp Grant

Massacre," The English Westerners' 10th Anniversary Publication. Edited by Barry C. Johnson (London: The English Westerners Society, 1964), pp. 37-45. Gnadenhutten is discussed in Sheehan, Seeds of Extinction, pp. 187-188.

46. Cecil Eby, "That Disgraceful Affair:" The Black Hawk War (New York: W.W. Norton Company, Inc., 1973), pp. 227-261. See also Roger L. Nichols, editor, "The Battle of Bad Axe: General Atkinson's Report," Wisconsin Magazine of History, 50 (Autumn, 1966), 54-58.

47. Quoted in Heizer, Destruction, pp. 258-259, along with other documents relating to the same affair, pp. 255-265.

48. Sheehan, Seeds of Extinction, p. 203.

49. See especially James Axtell, "Scalping: The Ethnohistory of a Moral Question," in his book, The European and the Indian: Essays in the Ethnohistory of Colonial North America (New York: Oxford University Press, 1981), pp. 207-241. The same author's essay "The Unkindest Cut, or Who Invented Scalping? A Case Study," from the same book, pp. 16-34, explores other questions. Another aspect is covered in Ralph A. Smith, "The Scalp Hunter in the Borderlands, 1835-1850," ARW, VI (1964), 5-22; William Cochran McGaw, Savage Scene: The Life and Times of James Kirker, Frontier King (New York: Hastings House, 1972). Dan L. Thrapp, The Conquest of Apacheria (Norman: University of Oklahoma Press, 1975), pp. 10-12, provides a good synthesis of accounts of one of the most famous scalping incidents, the massacre of Juan Jose's people in 1837.

50. Glenn Tucker, Tecumseh: Vision of Glory (Indianapolis: Bobbs-Merrill Co., 1957); and Halbert and Hall, Creek War, p. 276.

51. Quoted in MacLeod, American Indian Frontier, p. 239. See also Charles H. Lincoln, editor, Narratives of the Indian Wars, 1675-1699 (New York: Charles Scribner's Sons, 1913) for a selection of contemporary accounts. Jennings, Invasion, pp. 319-321; and Douglas Edward Leach, Flintlock and Thomahawk: New England in King Philip's War (New York: W.W. Norton Company, Inc., 1958), pp. 135-143, provide varying interpretations.

52. Benjamin Church, The History of King Philip's War. . . . Edited by Samuel G. Drake. Second edition (Exeter, New Hampshire: J. & B. Williams, 1840), pp. 41-46. See the discussion of Church in Slotkin, Regeneration, pp. 162-178, 188.

53. Quoted in David R. Wrone and Russell S. Nelson, Jr., editors, Who's the Savage? A Documentary History of the Mistreatment of the Native North Americans (Greenwich, Connecticut: Fawcett Publications, Inc., 1973), pp. 139-140. The Paxton tragedy is detailed in Brooke Hindle, "The March of the Paxton Boys," WMQ, Third Series, III (October,

1946), 461-486. See also Wilbur R. Jacobs, editor, The Paxton Riots and the Frontier Theory (Chicago: Rand McNally & Company, 1967).

54. John Underhill, "Newes from America," reprinted in Charles Orr, editor, History of the Pequot War: The Contemporary Accounts of Mason, Underhill, Vincent and Gardiner (Cleveland: The Helman-Taylor Company, 1897), p. 81. Jennings, Invasion, pp. 220-225, provides one modern view, while Alden T. Vaughan, The New England Frontier: Puritans and Indians, 1620-1675 (Boston: Little, Brown and Company, 1965) gives a more favorable interpretation of the Puritan action at Mystic.

55. Documentation on this point is voluminous. The correspondence of those who defended such attacks and especially the frontier press regularly expounded these arguments. Easily accessible references can be found in Sheehan, Seeds of Extinction, pp. 188-189; Jacobs, Paxton Riots, *passim*; Stan Hoig, The Battle of the Washita (Garden City, New York: Doubleday & Company, Inc., 1976), pp. 192-193; and Schellie, Domain of Blood, pp. 147-150. A classic exposition of the point is found in E. Merton Coulter, "The Chehaw Affair," Georgia Historical Review, 49 (1965), 369-395. Even where such palliation was difficult, supporters of stringent action usually found justification. Walker, Indian Question, p. 47n, for example, writes regarding the Piegan affair: "Col. Baker's attack upon a Piegan camp in 1869, even though it should be held to be justified on the ground of necessity must be admitted to be utterly revolting in its conception and execution. Yet no merited chastisement ever wrought more instant and durable effects for good. The Piegans, who had been even more wild and intractable than the Sioux, have since that affair been orderly and peaceable."

56. See especially sources relating to the Conestoga affair, Gnadenhutten, the Chehaw incident, Humboldt Bay, Sand Creek and Camp Grant. Mardock, Reformers, pp. 98-103, provides a good summary of reformist arguments. Benjamin Franklin, who wasted little sympathy on Indians, made a striking argument against slaughter in 1763 in a pamphlet condemning the Conestoga affair: "The only crime of these poor Wretches seems to have been that they had a reddish-brown skin, and black Hair; and some people of that Sort, it seems, had murdered some of our Relations. If it be right ot kill Men for such a Reason, then should any Man, with a freckled Face and red Hair, kill a Wife or Child of mine, it would be right for me to revenge it, by killing all the freckled red-haired Men, Women and Children, I could afterwards anywhere meet with." Quoted in Jordan, White over Black, pp. 276-277. A noted frontiersman, writing a century later, provided the logical answer, noting "the Indians are entitled to at least the same considerations *pari passu* [sic] with their more civilized neighbors, in determining the responsibility to be attached to the nation (tribe) for the criminal act of an irresponsible savage." Colonel Christopher C. Carson to Captain B.C. Cutler, September 11, 1865. LR, DM, C144-1865, Box 17, USAC, NARS. RG 393. Herman Melville, in a review of Francis Parkman's The Oregon Trail, went to the

heart of the reformers' view when he wrote, "We are all of us--Anglo-Saxons, Dyaks, and Indians--sprung from one head, and made in one image. And if we regret this brotherhood now, we shall be forced to join hands hereafter. A misfortune is not a fault; and good luck is not meritorious. The savage is born a savage; and the civilized being but inherits his civilization, nothing more." Quoted in Pearce, Savagism and Civilization, p. 251.

57. Quoted in Robert V. Remini, Andrew Jackson and the Course of American Empire (New York: Harper & Row, 1977), pp. 361-362. See also Francis Paul Prucha, "Andrew Jackson's Indian Policy: A Reassessment," JAH, 56 (1969), 527-539, reprinted in Prucha, Indian Policy, pp. 138-152. See also the responses to other massacres cited in other sources mentioned herein.

58. CR, 43rd Congress, 1st Session, Vol. II, Pt. IV, pp. 3471-3472.

59. Fred A. Crane, "The Noble Savage in America, 1815-1860: Concepts of the Indian, with Special Reference to the Writers of the Northeast." Unpublished Ph. D. Dissertation (New Haven: Yale University, 1952), pp. 76-371; Dippie, Vanishing American, pp. 1-44; Pearce, Savagism and Civilization, passim; and Harold E. Fay and D'Arcy McNickle, Indians and Other Americans: Two Ways of Life Meet (New York: Harper and Brothers, 1959), passim.

60. William T. Hagan, "Private Property, the Indian's Door to Civilization," Ethnohistory, III (Spring, 1956), 126-137; and Wilcomb E. Washburne, "The Moral and Legal Justifications for Dispossession of the Indians," Seventeenth Century America: Essays in Colonial History. Edited by James Morton Smith (New York: W.W. Norton Company, Inc., 1972), pp. 15-32. The intent of the reformers in this regard is substantiated in Fritz, Movement for Indian Assimilation, and D.S. Otis, The Dawes Act and the Allotment of Indian Lands. Edited by Francis Paul Prucha (Norman: The University of Oklahoma Press, 1973).

61. Howard Zinn, "Violence and Social Change in American History," in Rose, Violence in America, pp. 72-73; Sheehan, Seeds of Extinction, pp. 275-279. An especially cogent essay on the subject is Philip Borden, "Found Cumbering the Soil: Manifest Destiny and the Indian in the Nineteenth Century," in Nash and Weiss, The Great Fear, pp. 71-97.

62. Gossett, Race, pp. 244-245; Borden, "Found Cumbering the Soil," pp. 72-73.

63. Bernard Sheehan, "Indian-White Relations in Early America: A Review Essay," WMQ, Third Series, 26 (1969), 267-286.

64. Francis Paul Prucha, American Indian Policy in the Formative Years: The Trade and Intercourse Acts, 1790-1834 (Cambridge: Harvard

University Press, 1962), explores the efforts of government to come to grips with the contradictions of policy. Pearce, Savagism and Civilization, p. 242, succinctly states the problem: "Civilization had created a savage, so as to kill him. Idea had begotten image, so as to kill it. The need was to go beyond image and idea to the man."

## CHAPTER I

### THE CHILDREN OF SWEET ROOT STANDING

1. Ponoeohe is from Rodolphe Petter, English-Cheyenne Dictionary (Kettle Falls, Washington: Privately Printed, 1915), p. 632. In addition to its function as a dictionary, this volume contains much valuable information for those willing to mine its contents.

2. George Bird Grinnell, The Cheyenne Indians: Their History and Ways of Life. Two Volumes (New York: Cooper Square Publishers, Inc., 1963), II, 379-381.

3. Peter Farb, Man's Rise to Civilization: The Cultural Ascent of the Indians of North America. Revised Second Edition (New York: Bantam Books, 1978), pp. 116-139, provides an excellent introduction to this movement.

4. The early migrations of the Cheyennes are covered in Grinnell, Cheyenne Indians, I, 1-33; E. Adamson Hoebel, The Cheyennes: Indians of the Great Plains. Second Edition (New York: Holt, Rinehart and Winston, 1978), pp. 1-9; Donald J. Berthrong, The Southern Cheyennes (Norman: The University of Oklahoma Press, 1963), pp. 3-20. The Sheyenne River disaster (note the difference in spelling as compared to the tribal name) is covered in George Bird Grinnell, "Early Cheyenne Villages," AA, New Series, XX (1918), 361-363; John R. Swanton, "Some Neglected Data Bearing on Cheyenne, Chippewa, and Dakota History," AA, New Series, XXXII (1930), 156-160; George F. Will, "The Cheyenne Indians in North Dakota," Proceedings, Mississippi Valley Historial Association, VII (1913-1914), 69-76; Alexander Henry and David Thompson, New Light on the Early History of the Greater Northwest: The Manuscript Journals of Alexander Henry and David Thompson. Edited by Elliott Coues. Three volumes (New York: F.P. Harper, 1897), I, 144; and David Thompson, David Thompson Narratives of His Explorations in Western America, 1784-1812. Edited by J.B. Tyrell (Toronto: The Champlain Society, 1916), 261-263. See also Joseph Jablow, The Cheyenne in Plains Indian Trade Relations 1795-1840 (Seattle: University of Washington Press, 1950), pp. 1-10.

5. Grinnell, Cheyenne Indians, I, 10-13; Berthrong, Southern Cheyenne, pp. 9-10.



6. Jablow, Plains Indian Trade, pp. 12-24.
7. Ibid., pp. 58-60.
8. Berthrong, Southern Cheyennes, pp. 17-19; and Virginia Cole Trenholm, The Arapahoes, Our People (Norman: University of Oklahoma Press, 1970), pp. 33-42.
9. Berthrong, Southern Cheyennes, pp. 14-26.
10. Frank Raymond Secoy, Changing Military Patterns on the Great Plains: 17th Century through Early 19th Century (Seattle: University of Washington Press, 1953), passim, provides the most detailed analysis of the impact of the horse on plains trade and warfare, the present study joins other recent accounts which challenges traditional scholarship on the nature of plains conflict. The classic view, represented in such works as Robert Lowie, Indians of the Plains (Garden City: Doubleday and Company, Inc., 1963), p. 114, and Harry Hulbert Turney-High, Primitive Warfare in Practice and Concepts (Columbus: Ohio State University Press, 1971), pp. 104, 134, 147, 169-170, holds that plains warfare was a sort of dangerous game fought for glory, horses, and vengeance. Marian W. Smith, "The War Complex of the Plains Indians," Proceedings of the American Philosophical Society, 78 (1937), 425-461, reprinted in abridged form in Roger L. Nichols and George R. Adams, The American Indian: Past and Present (Waltham, Massachusetts: Xerox College Publishing, 1971) pp. 146-153, has written the most persuasive explication of the traditional view. She argues that the character of plains warfare was established before the arrival of the horse and the development of the new plains culture. She denies the economic base of plains warfare, noting (p. 150, abridged version) that "there is no reason to believe that warfare was ever an integral part of Plains economy, as it was, for example, among the marauding bands of the Southwest, nor that the prevalence of horse stealing rested upon a purely economic motive." This view is challenged in several recent studies including W.W. Newcomb, Jr., "A Re-examination of the Causes of Plains Warfare," AA, 52 (1950), 317-330; Oscar Lewis, The Effects of White Contact Upon Blackfoot Culture with Special Reference to the Role of the Fur Trade (New York: American Ethnological Society, 1942), pp. 53-59; Symmes C. Oliver, Ecology and Cultural Continuity as Contributing Factors in the Social Organization of the Plains Indians (Berkeley: University of California Press, 1963), pp. 13, 52, 59; Bernard Mishkiu, Rank and Warfare Among the Plains Indians (Seattle: University of Washington Press, 1966); John C. Ewers, "Intertribal Warfare As the Precursor of Indian-White Warfare on the Northern Great Plains," WHQ, VI (1975), 397-410; and Richard White, "The Winning of the West: The Expansion of the Western Sioux in the Eighteenth and Nineteenth Centuries," JAH, LXV (1978), 319-343.
11. White, "Winning of the West," pp. 330-331.
12. Ibid., pp. 334-335.

13. Secoy, Changing Military Patterns, pp. 86-95; Jablo, Plains Indian Trade, pp. 78-89.

14. White, "Winning of the West," pp. 335-336.

15. Ibid., pp. 342-343; and Secoy, Changing Military Patterns, pp. 93-95.

16. Farb, Man's Rise, pp. 128-131.

17. Cheyenne social organization is discussed in Grinnell, Cheyenne Indians, I, 86-101; Hoebel, Cheyennes, pp. 27-39; George A. Dorsey, The Cheyenne: The Sun Dance (Chicago: Field Columbian Museum, 1905), pp. 61-63; Fred Eggan, "The Cheyenne and Arapaho Kinship System," Social Anthropology of North American Tribes. Enlarged Edition. Edited by Fred Eggan (Chicago: University of Chicago Press, 1955), pp. 35-95; John H. Moore, "Cheyenne Political History, 1820-1894," Ethnohistory, 21 (1974), 334-340; and E. Adamson Hoebel, "On Cheyenne Sociopolitical Organization," Plains Anthropologist, 25 (1980), 161-169. I have followed Hoebel, Cheyennes, pp. 37-38, in identifying the bands and in spelling the Cheyenne words. The use of the term manhao in preference to band is from John H. Moore, "Aboriginal Indian Residence Patterns Preserved in Censuses and Allotments," Science, 207 (11 January 1980), 201.

18. Peter John Powell, Sweet Medicine: The Continuing Role of the Sacred Arrows, the Sun Dance, and the Sacred Buffalo Hat in Northern Cheyenne History. Two volumes (Norman: University of Oklahoma Press, 1969) is the most detailed analysis of the relationship of religion and political structure in Cheyenne society. Hoebel, Cheyennes, pp. 14-25, provides a brief introduction.

19. Berthrong, Southern Cheyennes, pp. 71-72; Hoebel, Cheyennes, pp. 43-53; Karl N. Llewellyn and E. Adamson Hoebel, The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence (Norman: University of Oklahoma Press, 1941), pp. 67-98; and Moore, "Cheyenne Political History," pp. 335-336.

20. Llewellyn and Hoebel, Cheyenne Way, pp. 99-131; Hoebel, Cheyennes, pp. 40-41; Berthrong, Southern Cheyennes, pp. 67-70; all discuss the soldier societies, but the best source is Karen D. Petersen, "Cheyenne Soldier Societies," Plains Anthropologist, 9 (1964), 146-172.

21. Berthrong, Southern Cheyennes, pp. 70-72; and Llewellyn and Hoebel, Cheyenne Way, pp. 130-131.

22. Moore, "Cheyenne Political History," pp. 339-341.

23. Ibid., p. 336.

24. Berthrong, Southern Cheyennes, pp. 17-24; Jablow, Plains Indian Trade, pp. 60-64.

25. White, "Winning of the West," pp. 332-333.

26. Berthrong, Southern Cheyennes, p. 21. See also Stan Hoig, The Peace Chiefs of the Cheyennes (Norman: University of Oklahoma Press, 1980), pp. 27-28.

27. Berthrong, Southern Cheyennes, p. 22.

28. Jablow, Plains Indian Trade, pp. 60-69; David Lavender, Bent's Fort (Garden City, New York: Doubleday & Company, Inc., 1954), pp. 141-154; and George E. Hyde, Life of George Bent Written from His Letters. Edited by Savoie Lottinville (Norman: University of Oklahoma Press, 1968), p. 68.

29. Peter John Powell, People of the Sacred Mountain: A History of the Northern Cheyenne Chiefs and Warrior Societies, 1830-1879, with an Epilogue, 1969-1974. Two volumes (San Francisco: Harper & Row, 1981), I, 70-73; Jablow, Plains Indian Trade, pp. 72-77.

30. The division of the Cheyennes remains one of the critical unresolved historical problems of Cheyenne history. All authorities agree that such a division occurred, but they differ widely as to its impact and upon the question of when the division occurred. Hoebel, Cheyennes, p. 10, notes that from the 1840's on, "the solidarity of the Cheyennes was stretched thin by the great distances separating the northernmost from the southernmost bands. It became more and more difficult for the tribe to assemble as a unit for the early summer Great Ceremonies. And this meant that the Tribal Council could convene less frequently and exercise only decreasing power over the entire tribal populations." Both Moore, "Cheyenne Political History," p. 345, and Hoebel, "Cheyenne Organization," pp. 165-166, suggest that a formal division occurred at about this time, but Powell, People of the Sacred Mountains, passim, argues that tribal unity was maintained until after 1865. This issue critically affects the subsequent history of the Cheyennes, as will be seen herein.

31. George A. Dorsey, "How the Pawnees Captured the Cheyenne Medicine Arrows," AA, New Series, 5 (1903), 645-651; Hyde, Life of Bent, pp. 50-53.

32. Berthrong, Southern Cheyennes, p. 78.

33. Powell, People of the Sacred Mountain, I, 38-45.

34. Ibid., 45-46; Berthrong, Southern Cheyennes, p. 82; George Bird Grinnell, The Fighting Cheyennes (Norman: University of Oklahoma Press, 1955), pp. 48-50.

35. Grinnell, Fighting Cheyennes, pp. 45-62.
36. Moore, "Cheyenne Political History," p. 341; Hoebel, "Cheyenne Organization," pp. 167-168. See also Powell, People of the Sacred Mountain, I, 629n.
37. Berthrong, Southern Cheyennes, p. 73.
38. Ibid., pp. 79-80.
39. Ibid., pp. 89-92.
40. Elliott Coues, editor, The Expeditions of Zebulon Montgomery Pike. Three volumes (New York: Francis P. Harper, 1895), II, 525.
41. Quoted in Francis Paul Prucha, "Indian Removal and the Great American Desert," Indiana Magazine of History, 59 (1963), 299. This essay is reprinted in Prucha, Indian Policy, pp. 92-110.
42. MacLeod, American Indian Frontier, p. 466. The Desert theory is explored in Walter Prescott Webb, The Great Plains (New York: Ginn and Company, 1931), pp. 152-160; Ralph C. Morris, "The Notion of a Great American Desert East of the Rockies," MVHR, XIII (1928), 190-200; Roy Marvin Robbins, Our Landed Heritage: The Public Domain, 1776-1936 (Princeton: Princeton University Press, 1952), p. 227. Prucha, "Indian Removal and Desert," pp. 299-322, effectively demolishes the view, popularized in many general histories and texts, that the architects of Indian removal used the "Desert" as a "dumping ground" for eastern tribes removed to the West. However, the desert theory clearly did influence policy toward the tribes already in the zone.
43. Prucha, Policy in Formative Years, pp.
44. Ironically, the decade of the 1840-'s was a time of some creativity in policy. Prucha, in two essays, "The Dawning of a New Era: The Spirit of Reform and American Indian Policy," in his Indian Policy, pp. 36-48; and "American Indian Policy in the 1840's: Visions of Reform," The Frontier Challenge: Responses to the Trans-Mississippi West. Edited by John C. Clark (Lawrence: University Press of Kansas, 1971), pp. 81-110, reprinted in Prucha, Indian Policy, pp. 153-179 explores this period. Equally important is Robert A. Trennert, Jr., Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System, 1846-51 (Philadelphia: Temple University Press, 1975).
45. White, "Winning of the West," pp. 337-339.
46. Berthrong, Southern Cheyennes, pp. 113-114; Lavender, Bent's Fort, pp. 336-338; Hoebel, "Cheyenne Organization," p. 168; and Powell, People of the Sacred Mountain, I, 95-99.

47. Berthrong, Southern Cheyennes, pp. 78-109.
48. Ibid., pp. 89-92.
49. Quoted in Ibid., p. 108. The standard biography of Fitzpatrick is LeRoy R. Hafen and William J. Ghent, Broken Hand: The Life Story of Thomas Fitzpatrick, Chief of the Mountain Men (Denver: Old West Publishing Company, 1931). See also LeRoy R. Hafen, "Thomas Fitzpatrick and the First Indian Agency of the Upper Platte and Arkansas," MVHR, 15 (1928), 374-384. A more recent evaluation is Trennert, Alternative to Extinction, pp. 160-192.
50. Thomas L. Karnes, William Gilpin: Western Nationalist (Austin: University of Texas, 1970), pp. 187-211.
51. J.W. Abert, Report of Lieutenant J.W. Abert of His Examination of New Mexico in the Years 1846-1847. Senate Executive Document No. 23, 30th Congress, 2nd Session (Washington: Government Printing Office, 1847), pp. 5-6. See also Hoig, Peace Chiefs, pp. 31-33; and Berthrong, Southern Cheyennes, pp. 100-101.
52. Berthrong, Southern Cheyennes, pp. 107-108, 111-112; and Karnes, Gilpin, pp. 198-199. For Fitzpatrick's own assessment, see LeRoy R. Hafen, editor, "A Report from the First Indian Agent of the Upper Platte and Arkansas," New Spain and the Anglo-American West. Historical Contributions Presented to Herbert Eugene Bolton. Two volumes (Lancaster, Pennsylvania: University of Pennsylvania Press, 1939), pp. 128-133.
53. Trennert, Alternative to Extinction, pp. 16-39; and James C. Malin, "Indian Policy and Westward Expansion," Bulletin of the University of Kansas, Humanistic Studies, 2 (November 1921), 1-108.
54. Trennert, Alternative to Extinction, pp. 20-23, 27-29, 35-37, 45-46. See also Robert A. Trennert, "William Medill's War with the Indian Traders, 1847," Ohio History, 82 (Winter-Spring 1973), 46-62.
55. Robert A. Trennert, "Orlando Brown," The Commissioners of Indian Affairs, 1824-1977. Edited by Robert M. Kvasnicka and Herman J. Viola (Lincoln: University of Nebraska Press, 1979), pp. 41-48; Berthrong, Southern Cheyennes, pp. 112-114; Lavender, Bent's Fort, pp. 338-339.
56. Berthrong, Southern Cheyennes, p. 112, 115-116.
57. Harry Kelsey, "Mr. Lincoln's Indian Bureau." Unpublished manuscript (Altadena, California, 1973), Chapter I, pp. 1-28. Kelsey's argument emphasizes the effort to phase out the whole Indian Bureau system and to avoid recognition of Indian title. Kelsey to Roberts, January 3, 1974, Author's Collection.

58. White, "Winning of the West," pp. 340-341; Trennert, Alternative to Extinction, pp. 188-192; Berthrong, Southern Cheyenne, p. 123.

59. For descriptions of the Laramie conference see LeRoy R. Hafen and Francis Marion Young, Fort Laramie and the Pageant of the West (Glendale: Arthur H. Clark Company, 1938), 178-196; and Remi Nadeau, Fort Laramie and the Sioux Indians (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1967), pp. 66-82. Perhaps the most enlightening reports of the conference are those prepared by A.B. Chambers and B. Gratz Brown of the St. Louis Missouri Republican. See the Missouri Republican, September 26, October 1, 2, 5, 29, November 2, 9, 30, 1851. See also Berthrong, Southern Cheyennes, pp. 118-123; and Percival G. Lowe, Five Years a Dragoon, '49-'54, and Other Adventures on the Great Plains. Second Edition. Edited by Don Russell (Norman: University of Oklahoma Press, 1965), pp. 60-71.

60. St. Louis Missouri Republican, October 26, 1851.

61. Ibid. For a full discussion of the implications of this for the Cheyennes see Powell, People of the Sacred Mountain, I, 105, 109-110.

62. Charles J. Kappler, editor, Indian Affairs: Laws and Treaties Senate Executive Document No. 319, 58th Congress, 2nd Session. Two volumes (Washington: Government Printing Office, 1904), pp. 594-596.

63. Berthrong, Southern Cheyennes, pp. 115-116.

64. White, "Winning of the West," pp. 341-342.

65. Jefferson Davis, "The Indian Policy of the United States," North American Review, CXLIII (November 1886), 437.

66. Berthrong, Southern Cheyennes, p. 122.

67. Kappler, Indian Affairs: Laws and Treaties, II, 600-602; Utley, Frontiersmen in Blue, p. 69. See also Harry H. Anderson, "The Controversial Sioux Amendment to the Fort Laramie Treaty of 1851," NH, 37 (1956), 201-220.

68. Lloyd E. McCann, "The Grattan Massacre," NH, 37 (1956), 1-26; George E. Hyde, Spotted Tail's Folk: A History of the Brule Sioux (Norman: University of Oklahoma Press, 1961), pp. 48-53; and Utley, Frontiersmen in Blue, pp. 113-115. See also Nadeau, Fort Laramie, pp. 86-105.

69. AR, CIA, 1854, p. 94.

70. Powell, People of the Sacred Mountain, I, 185-189. Powell is the first student of the Cheyennes to reconstruct this event from the sources. I have accepted his interpretation not so much because the

evidence is overwhelming as because no strong case has been made to contradict it. The year 1854 would have been the appropriate year for such a renewal.

71. Several sketches of Black Kettle have been published. The most useful are John O'Leary, "Black Kettle, a Brief Profile," American Indian Crafts and Culture, 7 (November 1975), 14-17; Hoig, Peace Chiefs, pp. 104-122; Duane Gage, "Black Kettle: A Noble Savage?" CO, 45 (1967), 244-251; Donald J. Berthrong, "Black Kettle, a Friend of Peace," Indian Leaders: Oklahoma's First Statesmen. Edited by H. Glenn Jordan and Thomas M. Holm (Oklahoma City: Oklahoma Historical Society, 1979), pp. 29-48.

72. John B. S. Todd, "The Harney Expedition against the Sioux: The Journal of Capt. John B.S. Todd," Edited by Ray H. Mattison, NH, 43 (1962), 110-125; Richard C. Drum, "Reminiscences of the Indian Fight at Ash Hollow, 1855," Collections of the Nebraska Historical Society, 16 (1911), 143-151; Eugene Bandel, Frontier Life in the Army, 1854-1861. Edited by Ralph P. Bieber (Glendale: Arthur H. Clark Company, 1932), pp. 29-36; Hyde, Spotted Tail's Folk, pp. 71-74; Utley, Frontiersmen in Blue, pp. 116-118.

73. Utley, Frontiersmen in Blue, pp. 117-119.

74. Grinnell, Fighting Cheyennes, pp. 111-112.

75. Hyde, Life of Bent, p. 100.

76. Alban W. Hoopes, "Thomas S. Twiss, Indian Agent on the Upper Platte, 1855-1861," MVHR, XX (1933), 361-363. See also Berthrong, Southern Cheyennes, pp. 134-137.

77. For contemporary accounts of the expedition, including official reports, see LeRoy R. and Ann Hafen, editors, Relations with the Indians of the Plains, 1857-1861 (Glendale: Arthur H. Clark Company, 1959), pp. 21-48, 97-140. Lowe, Five Years a Dragoon, pp. 256-298, also provides a contemporary view from the white side. The most complete account from the Cheyenne viewpoint is found in the letters of George Bent to George Hyde, January 19, 1905, February 28, 1906, August 28, 1915, September 22, 1915, and February 11, 1916, George Bent-George E. Hyde Correspondence, William Robertson Coe Collection, Yale University Library, New Haven, Connecticut. See also Powell, People of the Sacred Mountain, I, 211-214; Berthrong, Southern Cheyennes, pp. 140-142; and Utley, Frontiersmen in Blue, pp. 124-125.

78. Berthrong, Southern Cheyennes, p. 142.

79. White Antelope, et al. to Colonel John Haverty, October 28, December 11, 1857, LR, OIA, UA, NARS, RG 75. Powell, People of the Sacred Mountain, I, 223-225, singles out this council as the point at

which the conflict between the Southern council chiefs and the soldier societies became acute. He suggests as well that with this conference the unity of the Council of Forty Four itself was undermined.

80. William Bent to Haverty, December 11, 1857, LR, OIA, UA, NARS, RG 75. My interpretation rests upon the view that the Cheyennes were pragmatists in their relations with the whites. These chiefs were the ones in the direct path of the whites. They enjoyed considerable autonomy in many matters. Consequently, they acted on their own, not out of disloyalty to the political system of their people, but clearly within its frame. From their viewpoint, their actions bound only themselves. What they failed to understand was that the whites assumed more.

81. Robert C. Miller to Colonel A.M. Robinson, Superintendent of Indian Affairs, August 17, 1858, in Hafen and Hafen, Indians of the Plains, p. 165.

82. Ibid., p. 167.

83. Ibid., p. 166.



## CHAPTER II

### THE TREATY OF FORT WISE

1. Lavender, Bent's Fort, pp. 358-361.
2. The interview with Bent is reprinted in full in LeRoy R. Hafen, editor, Pike's Peak Gold Rush Guidebooks of 1859 (Glendale: Arthur H. Clark Company, 1941), pp. 30-31.
3. William Bent to Colonel A.M. Robinson, November 25, 1858, LR, OIA, UA, NARS, RG 75. Ample evidence of Indian kindness is found in contemporary sources. See, as examples, Libeus Barney to the editor, Bennington Banner (Bennington, Vermont), July 12, 1859, in Libeus Barney, Letters of the Pike's Peak Gold Rush [or Early Day Letters from Auraria] Early-Day Letters by Libeus Barney, Reprinted from the Bennington Banner, Vermont, 1859-1860 (San Jose, California: The Talisman Press, 1959), pp. 38-40; Daniel Blue, Thrilling Narrative of the Adventures, Sufferings and Starvation of Pike's Peak Gold Seekers on the Plains of the West in the Winter and Spring of 1859 (Fairfield, Washington: Ye Galleon Press, 1968), pp. 14-16; Daniel Ellis Connor, A Confederate in the Colorado Gold Fields. Edited by Donald J. Berthrong and Odessa Davenport (Norman: University of Oklahoma Press, 1970), 28-31. George Bent recalled that "the Indians found many a white man wandering about, temporarily insane from hunger and thirst. The Indians took them to their camps and fed them. They did not understand this rush of white men and thought the whites were crazy." Hyde, Life of Bent, pp. 106-107.
4. Agnes Wright Spring, "Rush to the Rockies, 1859," CM, 36 (1959), 82-129; Margaret Coel, Chief Left Hand, Southern Arapaho (Norman: University of Oklahoma Press, 1981), pp. 71-93.
5. Bent to Robinson, December 1, 1858, LR, OIA, US, NARS, RG 75.
6. Henry Villard, The Past and Present of the Pike's Peak Region (St. Louis: Sutherland and McEvoy, 1860), pp. 11-12. See also Ray Allen Billington, The Far Western Frontier, 1830-1860 (New York: Harper & Row, 1959), p. 260.
7. Robert G. Athearn, The Coloradans (Albuquerque: University of New Mexico Press, 1976), pp. 7-17; Coel, Left Hand, pp. 71-74.

8. For a complete view of this matter see three articles by Calvin W. Gower, including, "Kansas Territory and Its Boundary Question: 'Big Kansas' or 'Little Kansas,'" KHQ, XXXIII (1967), 1-12; "Kansas Territory and the Pike's Peak Gold Rush: Governing the Gold Region," KHQ, XXXII, (1966), 289-295; and "Gold Fever in Kansas Territory: Migration to the Pike's Peak Gold Fields, 1858-1860," KHQ, XXXIX (1973), 58-74.

9. U. S. Statutes at Large, XI, 749.

10. Gower, "Governing the Gold Region," p. 310, suggests that the Treaty of Fort Laramie was not legally binding since all the tribes had not approved the Senate amendments. The government clearly regarded the treaty as binding, but even if this argument were valid, it would not alter the status of the land question.

11. William Errol Unrau, "Prelude to War," CM, 41 (1965), 305-306.

12. David Dickinson and John D. Sarver to Samuel R. Curtis, January 27, 1859; Samuel R. Curtis to James W. Denver, February 6, 1859, LR, OIA, UA, NARS, RG 75.

13. Council Grove Kansas Press, May 18, 1861.

14. Gower, "Governing the Gold Region," pp. 310-311. See especially WRMN, January 4, March 14, April 11, 1860.

15. Frederic Logan Paxson, The Last American Frontier (New York: The Macmillan Company, 1924), pp. 147-150, praised this "spontaneous commonwealth" as "a creditable witness to the American instinct for orderly government." See also the same author's "The Territory of Colorado," AHR, XII (1906), 53-65; and Billington, Far Western Frontier, pp. 267-268. A more recent study with some pertinent insights concerning the "Territory of Jefferson" is Howard Roberts Lamar, The Far Southwest, 1846-1912 (New Haven: Yale University Press, 1966), pp. 212-216. Lamar calls the Pike's Peak settlers "sophisticated practitioners of popular sovereignty" who were "as well-versed in self-government as any people in the world."

16. CG 36th Congress, 2nd Session, Part 3, 2154.

17. Williams to Jacob Thompson, May 11, 1860; Williams to Albert Burton Greenwood, May 18, 1860, LR, OIA, UA, NARS, RG 75.

18. Prucha, Policy in Formative Years, pp. 140-147, 186.

19. Barney, Pike's Peak Gold Rush, pp. 21, 25, 40, 79; Conner, Confederate in Gold Fields, pp. 28-31; Coel, Left Hand, pp. 79-81.

20. Bent to Robinson, July 29, 1859, LR, OIA, UA, NARS, RG 75.
21. Bent to Robinson, July 23, 1859, Ibid.
22. Marshall Cook, "On the Early History of Colorado," MSS XXI-42, pp. 148-149, Biographical File, Documentary Resources, Colorado Historical Society, Denver, Colorado.
23. Horace Greeley, An Overland Journey from New York to San Francisco in the Summer of 1859. Edited by Charles T. Duncan (New York: Alfred A. Knopf, 1964), pp. 119-123.
24. Ibid., p. 119.
25. Ibid., pp. 120-121. See also Albert D. Richardson, Beyond the Mississippi: From the Great River to the Great Ocean. Life and Adventures on the Prairies, Mountains and Pacific Coast. . . . 1857-1867 (Hartford, Connecticut: American Publishing Company, 1867), pp. 189-192.
26. Bent to Robinson, November 25, December 17, 1859, LR, OIA, UA, NARS, RG 75.
27. Proceedings of a Treaty Council, September 18, 1859, in Hafen and Hafen, Indians of the Plains, pp. 176-183.
28. Bent to Denver, October 5, 1859, in Ibid., pp. 183-185.
29. Bent to Robinson, November 25, 1859, LR, OIA, UA, NARS, RG 75.
30. Bent to Denver, October 5, 1859, in Hafen and Hafen, Indians of the Plains, pp. 186-187.
31. WRMN, March 1, April 11, April 18, June 13, June 20, 1860. See also Berthrong, Southern Cheyennes, p. 148.
32. Ibid.
33. WRMN, April 18, 1860. See Coel, Left Hand, pp. 97-98; and Elinor Wilson, Jim Beckwourth, Black Mountain Man and War Chief of the Crows (Norman: University of Oklahoma Press, 1972), pp. 164-168. The leader of the mob was a troublesome character called "Big Phil the Cannibal" See LeRoy R. Hafen, "Charles Gardner: Big Phil," CM, 13 (1936), 53-58.
34. WRMN, June 27, 1860.
35. Ibid.
36. Ibid., August 29, 1860.

37. Ibid. Such rumors became an annual feature of Denver life in the early 1860's. See Lawrence Michael Kennedy, "The Colorado Press and the Red Men: Local Opinion about Indian Affairs, 1859-1870." Unpublished M. A. Thesis (Denver: University of Denver, 1967), p. 30.

38. WRMN, September 12, 1860.

39. Stan Hoig, The Sand Creek Massacre (Norman: University of Oklahoma Press, 1961), pp. 8-12. See also Berthrong, Southern Cheyennes, p. 148.

40. Carl Stoeckel and Ellen Battelle, editors, Correspondence of John Sedgwick, Major General. Two volumes (New York: The Devinne Press, 1903), II, 18-19; George A. Root, editor, "Extracts from Diary of Captain Lambert Wolf," KHQ, I (1931-1932), 209-210; J. E. B. Stuart Diary, Microfilm Copy, Kansas State Historical Society. While waiting, Greenwood met a young man named Mark Ralfe who stumbled into Fort Wise after having been shot, speared, and scalped by Kiowas. See Hoig, Sand Creek, pp. 10-11. Hoig notes that some of Greenwood's entourage gave political campaign buttons to two Arapaho braves who wore them as proudly as the chiefs wore the peace medals. Little Raven lost his medal and was so distraught that he offered ten horses for its return.

41. AR, CIA, 1860, pp. 452-453.

42. Golden (Colorado) Western Mountaineer, September 20, 1860.

43. Greenwood to Thompson, October 25, 1860, AR, CIA, 1860, pp. 452-454. Virtually all accounts emphasize the arid and barren character of the reserve recommended by Greenwood. Coel, Left Hand, p. 113, is especially adamant, noting that the Arapahoes called it the "no-water land" and citing Greenwood's own statement that water and timber were scarce on much of the reservation. She also cites Samuel G. Colley's statement to Governor John Evans in 1863 (see Colley to Dole, September 20, 1863, AR, CIA, 1863, pp. 252-253), but there he merely pointed out the absence of game in the area. In 1861, shortly after becoming agent for the Cheyennes and Arapahoes, Colley gave a very different assessment, calling the reserve "a very large tract of valuable land . . . not surpassed in fertility in the United States." Colley to Gilpin, December 19, 1861, LR, OIA, UA, NARS, RG 75. The perception of the Sand Creek reserve as a wasteland in written accounts seems to derive from sympathy for the Indians (along with the assumption that the commissioner and his associates were not acting in good faith), ignorance of the region, and an uncritical acceptance of later native testimony. The chiefs, Bent, and others had asked for a reserve where they could adapt to an agricultural way of life. Greenwood was acting with duplicity only if he did not meet that standard. The truth of the matter was that the reserve had the potential Greenwood claimed for it. Within only a few years after the reserve was abandoned, Arkansas valley farmers and ranchers had

turned the region into the lush farming region which it is today. Within months after the Treaty of Fort Wise was signed in February, 1861, individuals who recognized the agricultural potential of the area were demanding that the Indians be removed to some less desirable point down the river toward Fort Larned in Kansas. See Boone to Dole, January 18, 1862, 1862, LR, OIA, UA, NARS, RG 75. The demands continued thereafter. See William Craig to J. P. Usher, September 21, 1863, in Ibid.

44. Greenwood to Thompson, October 25, 1860, AR, CIA, 1860, pp. 452-454.

45. WRMN, October 17, 1860. See also Greenwood to Boone, December 17, 1860, LS, OIA, pp. 24-25, NARS, RG 75. The reluctant commissioner, F. B. Culver, later made a claim against the government for his services. See Culver to the U.S. Senate and House of Representatives, January 14, 1867, LR, OIA, UA, NARS, RG 75.

46. Hoig, Sand Creek, pp. 13-14; Unrau, "Prelude," pp. 301-302. For a contemporary sketch see The Western Mountaineer, October 4, 1860.

47. Greenwood to Boone, December 17, 1860, LS, OIA, pp. 24-25, NARS, RG 75. Kappler, Indian Affairs: Laws and Treaties, II, 807-811. In identifying the signers of the Treaty of Fort Wise, I have followed Powell, People of the Sacred Mountain, I, 643n, in naming Lone Bear (or One Eye) as a signer of the treaty instead of Left Hand. The name A-am-a-na-co appears to be a phonetic spelling of Lone Bear's Cheyenne name. This interpretation clarifies the puzzle of Left Hand's role. This interpretation is confirmed by George Bent. See Bent to Hyde, November 7, 1914, Bent-Hyde Correspondence, Yale University.

48. Kappler, Indian Affairs: Laws and Treaties, II, 807-811. See also WRMN, January 16, February 6, March 6, 1861; and Bent to Hyde, February 20, 1914; April 17, May 29, November 7, 1914. Boone's role is seen in Boone to Greenwood, February 22, 1861; Boone to Robinson, March 10, 1861; Boone to Charles E. Mix, July 22, 1861, LR, OIA, UA, NARS, RG 75. Other documents are included on Roll 6 of Microfilm Publication T-494, Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Indian Tribes, 1801-69, NARS, RG 75.

49. Greenwood to Boone, December 17, 1860, LS, OIA, Vol. 66, pp. 24-25, NARS, RG 75.

50. Greenwood to Thompson, October 25, 1860, AR, CIA, 1860, pp. 452-454.

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

52. Ibid.

53. Ibid. See also Unrau, "Prelude", pp. 305-306; and Coel, Left Hand, pp. 118-119. Senate action is detailed in The Journal of the Executive Proceedings of the Senate of the United States of America. Twenty-five volumes (Washington: Government Printing Office, 1887), XI, 488, 563-564.

54. William P. Dole to J.M. Edmunds, May 9, 1861, LR, BLM, DFRC, RG 49.

55. Bent to Hyde, April 17, May 29, 1906, Bent-Hyde Correspondence; Evans to Dole, September 22, 1863, John J. Saville to (?) Holloway, April 15, 1863, LR, OIA, UA, NARS, RG 75. See also Powell, People of the Sacred Mountain, I, 236-237, 249-250, 643-644n.

56. Boone to Evans, January 18, 1863, LR, OIA, UA, NARS, RG 75: Statement of Little Raven at the treaty conference on the Little Arkansas, October 12, 1865, AR, CIA, 1865, pp. 517-527.

57. Karnes, Gilpin, pp. 267-271; Unrau, "Prelude," p. 302. The creation of Colorado as a territory also explains the confusing statement in the treaty that the reservation extended along the west bank of the Purgatory River "to the northern boundary of New Mexico." The organic act creating Colorado changed the boundary of New Mexico and placed the reservation some distance north of the territorial line.

58. The dual office was established by a resolution of the Continental Congress on October 3, 1787. See Worthington Chauncey Ford and others, editors, The Journals of the Continental Congress, 1774-1789. 34 volumes (Washington: Government Printing Office, 1904-1937), XXXIII, 601. In March 1857, Congress authorized the discontinuance of the system, but the last dual office was not abolished until 1871. See William M. Neil, "The Territorial Governor as Indian Superintendent in the Trans-Mississippi West," MVHR, XLIII (1956), 213.

59. Neil, "Governor as Superintendent," p. 236.

60. Ibid., pp. 213-214.

61. Gilpin to Dole, June 8, 1861, LR, OIA, CS, NARS, RG 75.

62. Gilpin to Dole, June 19, 1861, Ibid.

63. Ibid.

64. Boone to Robinson, April 25, 1861, LR, OIA, UA, NARS, RG 75. See also Berthrong, Southern Cheyennes, pp. 152-153.

65. WRMN, May 1, 1861. Much of the trouble was caused by the activities of whiskey peddlers. See WRMN, April 17, 24, May 15, 22, 1861.

66. WRMN, May 1, 22, June 12, 19, 1861. See also Coel, Left Hand, pp. 126-134.

67. Harry Kelsey, "William P. Dole and Mr. Lincoln's Indian Policy," JW, X (1971), 484-487; and the same author's "Abraham Lincoln and American Indian Policy," Lincoln Herald, 77 (1975), 139, provide insights into Dole's approach to policy. LeRoy H. Fischer, editor, The Civil War Era in Indian Territory (Los Angeles: Lorrin L. Morrison, Publisher, 1974), provides a convenient examination of Confederate activities in the West. An older but still the most substantial source is Annie H. Abel, The Slaveholding Indians, Vol. I, The American Indian As Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy (Cleveland: Arthur H. Clark Company, 1915).

68. Kelsey, "Dole and Indian Policy," pp. 487-488. For the shape of Indian policy in the 1850's see the essays on Luke Lea, George W. Manypenny, James W. Denver, Charles E. Mix, and Alfred Burton Greenwood in Kvasnicka and Viola, Commissioners of Indian Affairs, pp. 49-87.

69. Kelsey, "Mr. Lincoln's Indian Bureau," Chapt. 2, pp. 1-24; Chapt. 3, pp. 1-54.

70. Unrau, "Prelude," pp. 302-303.

71. Gilpin to Dole, October 8, 1861, LR, OIA, CS, NARS, RG 75.

72. Unrau, "Prelude," pp. 303-304. By this time, the enterprising Boone was already involved in developing a townsite on the Huerfano River which came to be known as Boonesville.

73. Boone to Mix, September 6, 1861, LR, OIA, UA, NARS, RG 75.

74. Ibid. See also Boone to Dole, October 26, November 2, 1861, Colley to Gilpin, December 19, 1861, LR, OIA, UA, NARS, RG 75. The process was familiar. No annuities meant deprivation. Deprivation led to depredations, and depredations, by law, meant no annuities.

75. William Errol Unrau, "The Civil War Career of Jesse Henry Leavenworth," MMWH, XII (1962), 76; Berthrong, Southern Cheyennes, p. 156.

76. Colley to Gilpin, April 2, 1862, LR, OIA, CS, NARS, RG 75.

77. Leavenworth to Captain Thomas Moonlight, August 8, 13, 1862, R. N. Scott and others, editors, War of the Rebellion, A Compilation of the Official Records of the Union and Confederate Armies. 128 volumes (Washington: Government Printing Office, 1880-1901), Series I, XIII, 547-548, 567.

78. Unrau, "Prelude," pp. 306-309.

## CHAPTER III

### THE CRUCIBLE OF AMBITION

1. William M. Wroten, Jr., "Colorado and the Advent of the Civil War," CM, 34 (1959), 174-186; Howard Roberts Lamar, The Far Southwest, 1846-1912: A Territorial History (New Haven: Yale University Press, 1966), pp. 226-229; William J. Barker, "The Forgotten War for the West," Denver Post (Magazine Section) November 6, 1949. Conner, Confederate in the Gold Fields, pp. 109-168, examines the secession crisis from the viewpoint of a Southern sympathizer. Two accounts, Susan R. Ashley, "Reminiscences of Colorado in the Early Sixties," CM, 13 (1936), 226, and Mollie D. Sanford, Mollie: The Journal of Mollie Dorsey Sanford in Nebraska and Colorado Territories. Edited by Donald F. Danker (Lincoln: University of Nebraska Press, 1959), p. 162, offer other contemporary views.

2. Karnes, Gilpin, pp. 270-274; Lamar, Far Southwest, pp. 226-227.

3. Judge Benjamin F. Hall to Abraham Lincoln, September 13, 1861 OR, Series III, I, 504-508. Interestingly, Coel, Left Hand, makes no reference to Charles Harrison. For a sketch of Harrison see Stan Hoig, "Harrison's Rendezvous with Fate," Golden West, 4 (March 1968), 14-15, 51-54.

4. Arrell M. Gibson, "Confederates on the Plains: The Pike Mission to Wichita Agency," Great Plains Journal, 4 (Fall, 1964), 7-16. See also Lavender, Bent's Fort, pp. 372-373.

5. Lamar, Far Southwest, p. 227.

6. Henry Moore Teller to Simon Cameron, May 24, 1861; Cameron to Teller, June 3, 1861, OR, Series III, I, 232, 246. See also Elmer Ellis, Henry Moore Teller: Defender of the West (Caldwell, Idaho: Caxton Printers, Ltd., 1941), pp. 42-43.

7. William Errol Unrau, "The Role of the Indian Agent in the Settlement of the South-Central Plains," Unpublished Ph. D. Dissertation (Boulder: University of Colorado, 1963), pp. 2-3; Lamar, Far Southwest, pp. 229-230. The term, "Jayhawker" originated in Kansas during the border wars to designate free-state guerillas. In time, the term came to



be applied more generally to gangs of freebooters who used the Civil War as a cover for depredations. See William A. Lyman, "Origin of the Name 'Jayhawker,' and How it Came to be Applied to the People of Kansas," CKSHS, XIV (1915-1918), 203-207.

8. Unrau, "Indian Agent," pp. 46-47. Before a congressional committee later, Gilpin was more conservative. See the testimony of William Gilpin, House Report No. 2, 37th Congress, 2nd Session, Government Contracts-Purchase of Army Supplies (Washington: Government Printing Office, 1862), p. 672.

9. Gary L. Roberts, "The Slough-Rynerson Quarrel: Political Violence in New Mexico, 1867," Unpublished paper presented at the Western History Association Conference, New Haven, Connecticut, October, 1972, is the most detailed account of Slough's life. See also Rosa M. Perdue, "The Sources of the Constitution of Kansas," CKSHS, VII (1901-1902), 136n.

10. Perdue, "Sources," p. 136n; John P. Slough to the Attorney General of the United States, January 6, 1866, Appointment Papers of the Department of Justice, New Mexico, NARS, RG 60; William Gilpin to John P. Slough, August 23, 1861, ROB, FCV, AGO, NARS, RG 94. See also Ovando J. Hollister, Boldly They Rode. Edited by William MacLeod Raine (Lakewood Colorado: The Golden Press, 1949), p. 86; William Clark Whitford, Colorado Volunteers in the Civil War: The New Mexico Campaign in 1862 (Denver: The State Historical and Natural History Society, 1906), p. 47.

11. Manchester, Massachusetts Cricket, January 11, 14, 1914 (clippings in the Samuel Forster Tappan Papers, Harvard University Library, Cambridge, Massachusetts); "Tappan Obituary," The Trail, V (1913), 28; Thomas Grenville Goertner, "Reflections of a Frontier Soldier on the Sand Creek Affair as Revealed in the Diary of Samuel F. Tappan." Unpublished M. A. Thesis (Denver: University of Denver, 1959), pp. 8-15; James Jay Monaghan, Civil War on the Western Border, 1854-1865 (Boston: Little, Brown and Company, 1955), pp. 36-37, 51, 92.

12. Perdue, "Sources," p. 133n.

13. Tappan to Anna and Frankie Tappan, April 25, 1857, Tappan Papers.

14. Tappan to Frankie Tappan, August 14, 1860, Ibid.

15. Tappan to Mary T. Smith, February 28, 1858, Ibid.

16. James C. Enochs, "Clash of Ambition: Tappan-Chivington Feud," MMWH, XV (1965), 58-67; Goertner, "Frontier Soldier," pp. 17-18.

17. John Milton Chivington, "The Pet Lambs," Denver, Republican, April 20, 1890.

18. Hollister, Boldy They Rode, p. 35.

19. Raymond G. Carey, "The Tragic Trustee," University of Denver Magazine, II (1965), 8-11, is the best balanced sketch of Chivington. Reginald Craig, The Fighting Parson: The Biography of Colonel John M. Chivington (Los Angeles: Westernlore Press, 1959); and Nolie Mumey, "John Milton Chivington: The Misunderstood Man," DWMR, XII (1956), 5-16, defend Chivington from his critics. See also Enochs, "Clash of Ambition," p. 59.

20. John Chivington's birth date is based upon a consensus of sources. Especially important are John M. Chivington, "The First Colorado Regiment," Edited by Marvin Hardwick Hall, NMHR, XXXIII (1958), p. 144; John Speer, Interview with Mrs. John M. Chivington, March 11, 1902, KSCHS Collections; Isaac H. Beardsley, Echoes from Peak and Plain; or, Tales of Life, War, Travel, and Colorado Methodism (Cincinnati: Curtis & Jennings, 1898), p. 250; "Death of Bro. J. M. Chivington," Square and Compass, October, 1894, p. 214. No birth records for Warren County, Ohio, exist for the period before 1867. See Roberta Palmer, Deputy Clerk, Probate Court of Warren County to Raymond G. Carey, September 9, 1960, Raymond G. Carey Collection, University of Denver, Denver, Colorado. Also useful are Raymond G. Carey, "Colonel Chivington, Brigadier General Connor, and Sand Creek," 1960 Brand Book of the Denver Westerners. Edited by Guy H. Herstrom (Boulder: The Johnson Publishing Company, 1961), p. 108; John Dormois, "The Sand Creek 'Massacre:' A Revised View," The Trail Guide, (July, 1958), 2; Gordon R. Merrick, "Chivington--Before Colorado," Printed paper presented at Research Lodge of Colorado, October 31, 1960, pp. 2-3.

21. The records of the Probate Court of Warren County Ohio verify the marriage of Isaac Chivington and Jane Runyon. See License No. 451, Book 1, page 57; Docket of Estates, No. 0, p. 308, 316; Deed Record, Volume 12, p. 109, Probate Court of Warren County, Ohio, Lebanon, Ohio. Craig, Fighting Parson, pp. 21-26, paints a rather idyllic picture of Chivington's childhood. One account, reportedly verified by Chivington himself, alleges that John M. Chivington was illegitimate. When he discovered this secret, he vowed to clear his name by winning fame. See Laurel Chivington, "The Colonel's Bitter Secret," Denver Post, January 1, 1950. The record seems to debunk this version.

22. Clarence A. Lyman, "The Truth About Colonel John M. Chivington," Unpublished manuscript (Denver: Division of State Archives and Public Records, 1956), pp. 7-30, recounts Chivington's early life, apparently based upon family stories, hearsay, and imagination. Lyman was married to Chivington's granddaughter.

23. Kenneth E. Metcalf, "The Beginnings of Methodism in Colorado." Unpublished Ph. D. Dissertation (Denver: Iliff School of Theology, 1958), p. 259; Beardsley, Echoes, p. 250; Craig, Fighting Parson, p. 27.

24. Beardsley, Echoes, p. 250.
25. John T. Dormois, Francis M. Coleman, and Alan W. Farley, Centennial, Wyandotte Lodge No. 3, F. F. & A. M. (Kansas City, Kansas: Wyandotte Lodge, 1954), p. 13.
26. Beardsley, Echoes, p. 250.
27. Ibid.; Metcalfe, "Beginnings," p. 259. This service is confirmed in William H. Goode, Outposts of Zion (Cincinnati: Poe and Hitchcock, 1864), p. 252; and Henry Turner Davis, Solitary Places Made Glad (Cincinnati: Crouston and Stowe, 1890), p. 135. See also Dormois, et al, Wyandotte Lodge, p. 10.
28. Both Chivington, "First Colorado Regiment," and "The Pet Lambs," are notably silent on Chivington's early career. More significantly, Chivington made no reference to this part of his life in a series of articles entitled "Footprints of Methodist Itinerants in Colorado," Rocky Mountain Christian Advocate (September 26, October 24, 31, 1889). Lee Taylor Casey, "Col. John M. Chivington: Soldier," Rocky Mountain News (March 3, 1929), quotes Chivington as saying, "While in the Missouri Conference I was a missionary to the Wyandotte Indians, and found that the savages seemed eagerly seeking some word of God, some light in the darkness of failure to understand the Almighty," Reportedly, he also said, "Manitou is merely the Indian conception of the Supreme Being, and I find that conception is not unlike our idea of God." Craig, Fighting Parson, p. 37, suggests that this statement conveys "a vein of religious tolerance which would probably have shocked the bishop. . . ."
29. Lyman, "Truth About Chivington," p. 61.
30. Speer, Interview with Mrs. Chivington, p. 11.
31. James Haynes, History of the Methodist Episcopal Church in Omaha and Suburbs (Cincinnati: Crouston and Stowe, 1885), p. 44. See also William B. Wetherell, "History of the Reverends John M. and Isaac Chivington in Their Relationships to the Early Methodist Church in Kansas and Nebraska," Unpublished manuscript, John M. Chivington Collection, Denver Public Library, Denver, Colorado.
32. Wetherell, "History of the Reverends Chivington."
33. Lyman, "Truth About Chivington," pp. 64-65.
34. Raymond E. Dale, "Otoe County Pioneers: A Biographical Dictionary," Unpublished manuscript, Nebraska State Historical Society, Lincoln, Nebraska, p. 492. For Chivington's days in Nebraska City, see the Nebraska City News, February 19, September 10, 1859, and the Nebraska City Advertiser, April 8, 29, May 6, August 26, 1858; April 28, May 26, June 2, 1859.

35. Journals of the Kansas-Nebraska Conference, Fourth Session, April 14-18, 1859, insert after p. 12, Methodist Historical Library, Baker University, Baldwin City, Kansas. Chivington's views on slavery are well established. See his own statements in "The Prospective (Retrospective)," 1884, pp. 17-21 on file at the Bancroft Library, University of California, Berkeley, California. Conference journals indicate that Chivington served on both the Mission Committee and the Education Committee during his Nebraska ministry. In spite of his genuine commitment to these enterprises, he shared the ethnocentrism of his day. His attitudes are documented in several places. For example, while he was serving in New Mexico in 1862, he urged Governor John Evans to attach certain Colorado units to the First Colorado Volunteers. If he did not do that, he told the governor, the units would be attached to a New Mexico regiment and have to endure "the deep mortification of belonging to and having to associate with a set of blanked thieves [sic], Greasers, and Base Cowards." RLB, FCV, Vol. 1, p. 37, AGO, NARS, RG 94. In 1864, he wrote the commander at Camp Collins, "Now if these red rebels can be killed off by one another, it will be a great saving to the Government, for I am fully satisfied that to kill them is the only way to have peace and quiet." OR, Series I, XLI, Pt. 2, 695.

36. Chivington, "Footprints," September 26, 1889; WRMN, May 23, 30, August 8, November 7, 14, 1860. See also the Nebraska City People's Press, April 24, 1860, which noted his departure from Nebraska with this tribute: "Mr. C., is particularly fitted by his energetic and persevering character, and his experience among border men, for the post which has been assigned to him by the Conference. He carries with him the best wishes of a large portion of the people of this Territory . . . who have learned to respect and esteem him for his manly character in society, and his zeal and activity in his spiritual calling." The Nebraska City News, March 24, 1860, also bade him farewell: "The Elder is a man of great energy and force of character, possessed of a vigorous intellect and mature judgment."

37. Michael Straight, "Sand Creek . . . A Novelist's View," DWMR, XIX (April, 1963), 16; Lyman, "Truth About Chivington," p. 49.

38. Chivington, "Pet Lambs;" Chivington, "Prospective," pp. 20-22. In 1861, Chivington preached the funeral of a soldier killed by a saloon-keeper. In that sermon, he stated his position clearly: "I told the excited multitude that I was God's free man, and did not intend to speak any doubtful words on the great question at issue; nor yet to hold my peace. That I was a man of lawful age and full size (six feet four and a half inches and well proportioned), and an American citizen before I became a minister, and that if the Church had required me to renounce any of my rights of manhood or American citizenship before I could become her mster, I should have very respectfully declined." Beardsley, Echoes, p. 242. Chivington's Masonic activities are covered in "Death of Bro. Chivington," p. 214; and Merrick, "Chivington--Before Colorado," passim.

39. Enochs, "Clash of Ambition," p. 62.
40. GO 14, November 11, 1861; GO 21, November 30, 1861; GO 23, December 4, 1861; GO 24, December 12, 1861, ROB, FCV pp. 3-9, AGO, NARS, RG 94; Slough to Adjutant General, DK, January 2, 1862, RLB, FCV, pp. 15-16, AGO, NARS, RG 94.
41. Hollister, Boldly They Rode, pp. 29-43, 55.
42. Chivington, "First Colorado Regiment," p. 146.
43. Ibid., Lamar, Far Southwest, pp. 228-229; Karnes, Gilpin, pp. 278-282.
44. Lamar, Far Southwest, pp. 228-229.
45. General David Hunter to Lewis L. Weld, February 10, 1862, OR, Series I, IX, 630. The regimental squabble intruded even then. Some of the officers thought Slough moved to slow even then. On February 5, Edward W. Wynkoop, the senior captain in the regiment, drafted a petition from the officers asking to be sent to New Mexico: "We consider that we have the right to demand this of you." Quoted in Thomas D. Isern, "The Controversial Career of Edward W. Wynkoop," CM, 56 (1980), 7.
46. Chivington, "Pet Lambs."
47. Mumey, "Misunderstood Man," pp. 7-8. In a badly garbled account of subsequent events, Mumey claimed that Chivington left Slough's command and marched into Colonel Canby's camp at Glorieta Pass where Slough found him having breakfast with Canby. Then he has Canby override Slough's views in favor of Chivington's. None of this happened. Canby was at Fort Craig and did not leave that place until April 1, 1862, three days after the battle at Glorieta!
48. Hollister, Boldly They Rode, p.
49. Chivington, "Pet Lambs." Chivington had little use for such behavior, noting in later years, "No pretext, in my judgment, is sufficient to justify the use of intoxicants by members of the Methodist Episcopal Church; better, far better, die by the hand of a just God than be cured by the devil." Beardlsey, Echoes, p. 243.
50. Chivington, "Pet Lambs." Durias A. Philbrook enlisted at Denver on September 1, 1861. He is listed in the records as a sawyer from Yates County, New York, RDB, FCV, p. 419, AGO, NARS, RG 94. He was shot by firing squad, April 8, 1861. See GO 26, April 4, 1861, ROB, FCV, p. 27, AGO, NARS, RG 94. Interestingly, Chivington presided over the court martial proceedings.
51. Canby to Paul, March 15, 1862, OR, Series I, IX, 653.

52. The most complete discussion of the conflict between Paul and Slough is Arthur A. Wright, "Colonel John P. Slough and the New Mexico Campaign," CM, XXXIX (1962), 89-105. See also Ray C. Colton, Civil War in the Western Territories (Norman: University of Oklahoma Press, 1959), pp. 47-48; and Chris Emmett, Fort Union and the Winning of the Southwest (Norman: University of Oklahoma Press, 1965), pp. 261-263.

53. Hollister, Boldly They Rode, p.

54. Unidentified Confederate soldier to his wife, April 30, 1862, James West Arrott Collection, "Fort Union, 1862," File 2, p. 64, New Mexico Highlands University, Las Vegas, New Mexico; Hollister, Boldly They Road, pp. 62. Hollister noted that a captured Confederate officer claimed that he had directed his entire company to fire on Chivington without effect. Years later, Chivington had a simple explanation: "God was with me." See Casey, "Chivington."

55. Hollister, Boldly They Rode, p. 62.

56. John D. Miller to his father, April 3, 1862, AC, "Fort Union, 1862," File 2, pp. 68-72. Miller said that Captain Samuel Cook volunteered Company F to make the charge up the narrow canyon road. Cook was wounded in this daring effort, a fact which later became important in regimental politics.

57. Mumey, "Misunderstood Man," p. 9.

58. Colton, Civil War, pp. 59-69. See also Ralph Emerson Twitchell, Old Santa Fe (Chicago: Rio Grande Press, 1963), pp. 380-384; and Dayle H. Molen, "Decision at La Glorietta Pass," MMWH, XII (1962), 20-33. Slough took the position that he had accomplished his purpose which was to "reconnoiter in force" and to "harrass" the enemy. See Slough to Canby, March 29, 1862, OR, Series I, IX, 533.

59. Chivington, "Pet Lambs;" Chivington to Slough, March 28, 1862, OR, Series I, IX, 539; Santa Fe Weekly Gazette, April 26, 1862; WRMN, June 10, 1862; James E. Farmer Manuscript, Chehalis, Washington, November 10, 1923, New Mexico State Historical Society, Santa Fe, New Mexico. See also Colton, Civil War, pp. 77-78.

60. Chivington to Slough, March 28, 1862, OR, Series I, IX, 539; Farmer Ms, p. 21. Martin H. Hall, Sibley's New Mexico Campaign (Austin: University of Texas Press, 1960), p. 158, disputes the killing of the horses and mules.

61. Farmer MS., pp. 21-22. See also Santa Fe Weekly Gazette, April 26, 1862; and Rio Abajo Press, March 8, 1864. The New Mexico Territorial Legislature later petitioned the president of the United States to promote Captain William H. Lewis and Captain Asa B. Carey to the rank of

major for their actions at Johnson's Canyon. See Colton, Civil War, pp. 77-78.

62. Chivington, "Pet Lambs." See also "Interrogatories by Lieut. Cyrus H. DeForrest, A. D. C., and replies made by Manuel Chaves, late L. Col. 2d, N M. Vols, relating to the latter's career while in the service of the United States," February 10, 1863, Lt. Col. Manuel Chaves, 2nd New Mexico Volunteers, CMSR, AGO, NARS, RG 94.

63. Miller to his father, April 3, 1862, AC, "Fort Union, 1862," File 2, p. 72.

64. Hollister, Boldly They Rode, p. 74. Slough's letter to the officers and men of the First Colorado Regiment, dated April 12, 1862, praised his troops, and added this note: "I have tried to make the Colorado First an honour not only to the Territory from which it eminated [sic] but also the cause in which you are engaged. How well I have succeeded the battles of Apache Canon and Pigeon's Ranch will testify. In this endeavor I have (doubtless) done many things to cause unpleasant feelings, and have perhaps frequently erred, but never with the intention of so doing." RLB, FCV, p. 23.

65. Hollister, Boldly They Rode, p. 86. For a discussion of Slough's resignation, see Wright, "Slough," pp. 100-105.

66. Hollister, Boldly They Rode, p. 89. Officers of the First Colorado Volunteers to General Canby, April 9, 1862, Chivington, CMSR File, VA, NARS, RG 15.

67. GO No. 29, April 14, 1862, ROB, 1st Colorado Vols., p. 29.

68. For evidence of Chivington's discontent in New Mexico, see his letter to A. A. G., Department of Kansas, April 28, 1862, and his letter to Governor John Evans, April 30, 1862, RLB, 1st Colorado Vols., pp. 35, 37. See also John M. Chivington to Hugh D. Fisher, June 25, 1862, Chivington Collection, DPL. For further evidence of the Coloradans' rowdy reputation, see Emmett, Fort Union, pp. 271-274; and Farmer Ms., pp. 20-21.

69. Chivington to Fisher, June 25, 1862, Chivington Collection, DPL. The reference to Leavenworth as a "Democrat of the Wally type" apparently was meant to suggest "Copperhead" sentiments. Raymond G. Carey, after exploring the subject at length, concluded that "Wally type" should have been "Vally type," a reference to supporters of Senator Clement L. Vallandigham of Ohio. See notes in the Carey Collection.

70. Chivington, "Pet Lambs." This seems unlikely, although Chivington did go to Washington armed with a formidable array of endorsements from Colorado, including a resolution from the legislature of Colorado Territory and letters from Hiram Pitt Bennet, the Territorial

Delegate, and John Evans, the governor. See materials in the records of the Commission Branch, LR, C-737-CB-1863, AGO, NARS, RG 94; and John M. Chivington, CMSR, VA, NARS, RG 15. Evans was lavish in his praise of Chivington to General James G. Blunt: "I have the pleasure of introducing Col. J.M. Chivington the Hero of Apache Canon who by destroying the train of baggage for the Texas [sic] really reconquered to the Government New Mexico. . . . He is every inch a soldier and I hope you will fully confide in his account of the condition and wants of the portion of your command embraced in Colorado Territory." Given Chivington's ambition as expressed in his letter to Fisher such cavalier sentiments would be surely out of character. Furthermore, contemporary sources suggest a considerable disappointment at Chivington's failure to secure the promotion. See especially, Evans to Lincoln, December 24, 1862, Commission Branch, LR, C-1056-CB-1863, AGO, NARS, RG 94.

71. Chivington to Tappan, October 7, 23, 1862, Letters and Other Manuscript Materials Written by J. M. Chivington, S. F. Tappan, L. N. Tappan, J. P. Slough, E. W. Wynkoop, et al., Between the Years 1861 and 1869, Microfilm copy at the Colorado Historical Society, Denver, Colorado; Tappan to Jesse Henry Leavenworth, October 28, 1862, Samuel F. Tappan, CMSR, AGO, NARS, RG 94.

72. John P. Slough, CMSR, AGO, NARS, RG 94. See also the file on Slough in the Generals Papers, Department of War, NARS, RG 107; and Gilpin to Slough, February 24, 1863, William Gilpin Collection, Chicago Historical Society, Chicago, Illinois. Gilpin obviously still had influence in Washington.

73. G. O. No. 29, April 14, 1862, ROB, FCV, p. 29. See also the CMSR files of Wynkoop, Anthony, and Downing, AGO, NARS, RG 94, and Chivington to Tappan, October 23, 1862, Chivington, Tappan, et al. Ms.

74. While Tappan presented the petition of the officers of the First Colorado to Canby, he did not sign it himself. See the original in Chivington CMSR, VA, NARS, RG 15.

75. Santa Fe Weekly Gazette, April 26, 1862; Rio Abajo Press, March 8, 1864.

76. Tappan to Slough, December 28, 1862; Slough to Tappan, February 6, 1863, Chivington, Tappan, et al. Ms.

77. Enochs, "Clash of Ambition," p. 65; Denver Commonwealth and Republican, December 3, 1862, typescript in Second Colorado Veterans' Papers, Colorado Historical Society; and Diary and Notebook of Samuel F. Tappan, p. 53, Microfilm copy at the CHS.

78. Tappan to Slough, December 28, 1862, Chivington, Tappan, et al. Ms.



79. Tappan to Chivington, January 23, 1863, Ibid.
80. Slough to Tappan, February 6, 1863, Ibid.
81. David Westphall, "the Battle of Glorieta Pass: Its Importance in the Civil War," NMHR, XLIV (April, 1969), provides a useful examination of the significance of Glorieta to the course of the Civil War. The economic and political consequences in Colorado are discussed in Karnes, Gilpin, pp. 286-298; Lamar, Far Southwest, pp. 230-240; Utley, Frontiersmen in Blue, pp. 283-284; Unrau, "Leavenworth", 74-79. See also the Golden City Transcript, typescript in SCVP, CHS.
82. A convenient summary of the Minnesota Uprising is found in Utley, Frontiersmen in Blue, pp. 262-280. For more detailed accounts see C. M. Oehler, The Great Sioux Uprising (New York: Oxford University Press, 1959), and Kenneth Carley, The Sioux Uprising of 1862 (St. Paul; Minnesota Historical Society, 1961). The effects of the Minnesota uprising on Colorado are explored in Harry E. Kelsey, Jr., Frontier Capitalist: The Life of John Evans (Denver: State Historical Society of Colorado and Pruett Press, 1969), pp. 126-127. For a sampling of contemporary views in the press, see Kennedy, "Colorado Press and Red Men," pp. 42-43. See also, the Proclamation of Samuel H. Elbert, September 5, 1862, cited in Unrau, "Indian Agent," pp. 47-48.
83. Leavenworth to General E. V. Sumner, March 22, 1863, OR, Series I, XII, Pt. 2, 172-173.
84. Ibid.
85. Utley, Frontiermen in Blue, pp. 211-218.
86. Ibid.

## CHAPTER IV

### A QUESTION OF PRIORITIES

1. Kelsey, Frontier Capitalist, p. 118.
2. John Evans's background is covered in detail in Ibid., pp. 1-113.
3. John Evans Interview, Bancroft MSS P-L329, Folio II, p. 11, The Bancroft Library, University of California, Berkeley, California.
4. Ibid., p. 19.
5. Unrau, "Prelude to War," p. 309; Berthrong, Southern Cheyennes, pp. 160-161n.
6. DRMN, July 12, 1862.
7. Ibid., July 24, 1862.
8. Message of Governor John Evans to the Colorado Territorial Legislature, July 18, 1862, Executive Record Book A, Colorado State Department of Archives, Denver, Colorado; Evans to Dole, August 6, 1862, LR, OIA, UA, NARS, RG 75; AR, CIA, 1862, pp. 186-187.
9. Evans to Dole, August 6, 1862, LR, OIA, UA, NARS, RG 75. See also Berthrong, Southern Cheyennes, pp. 158-159.
10. Evans to Dole, August 6, 1862, LR, OIA, UA, NARS, RG 75. See also Evans to Dole, October 30, 1862, AR, CIA 1862, p. 230.
11. Kelsey, Frontier Capitalist, pp. 129-130.
12. Ibid., p. 126.
13. Evans to Dole, October 30, 1862, AR, CIA, 1862, p. 376.
14. Evans Interview, Bancroft MSS P-L329, Folio II, p. 11.

15. Berthrong, Southern Cheyennes, pp. 158-161, implies that Evans used the Minnesota affair to press for a military solution. He did advise Secretary of State Seward, on August 18, 1862 that "it is of importance that I visit the Commander of this Department, Genl. Blunt at Fort Leavenworth to present the necessities of our defenses against Indian depredations on these settlements remote from the operations of the army." SDTP, Colorado, Folio 80, No. 40, NARS, RG 59, but at that point, he was merely cautious.

16. WRMN, January 29, 1863.

17. Ibid., January 15, 1863. See also, Kennedy, "Colorado Press and Red Men," pp. 43-44.

18. Evans to Boone, January 6, 1863; Boone to Evans, January 16, 1863, LR, OIA, UA, NARS, RG 75.

19. Evans to Dole, February 26, 1863, LR, OIA, CS, NARS, RG 75.

20. Ibid.; John J. Saville to (?) Holloway, April 15, 1863, LR, OIA, UA, NARS, RG 75. WRMN, February 5, 19, 1863, April 23, 1863. For accounts of the delegation's visit to Washington, see Stan Hoig, The Odyssey of John Simpson Smith, Frontiersman, Trapper, Trader, and Interpreter (Glendale: Arthur H. Clark Company, 1974, pp. 126-136; and Herman Viola, Lincoln and the Indians: Historical Bulletin No. 31 (Madison: Lincoln Fellowship of Wisconsin, 1976), pp. 5-12. The editor of the Rocky Mountain News suggested that "instead of taking delegations of savages to Washington, at enormous expense, would it not be better to . . . wipe the treacherous vagabonds from the face of the earth?" He continued, "The experiences of the past year, in Minnesota and elsewhere, affords the most positive evidence of the brutal and treacherous character of the Indian tribes. They seem to feel no gratitude for the liberal manner in which the Government has provided the necessities and comforts of life, and do not hesitate to violate the most solemn treaties." WRMN, February 26, 1863.

21. Treaty between the United States and Comanche, Kiowa, and Apache Indians, April 6, 1863, Documents relating to the negotiation of Ratified and Unratified Treaties with various tribes of Indians, 1801-1869, NARS Microfilm T494, Reel 8; Executive Proceedings, U. S. Senate, XIII, 476-477; XVI, 477-478.

22. Sacramento, California, Daily Union, April 30, 1863. Noah Brooks was the Union's reporter in Washington.

23. Washington Daily Intelligencer, March 28, 1863; Washington Daily Chronicle, March 26, 27, April 7, 8, 1863; Washington Evening Star, March 26, 27, 28, 30, April 7, 8, 1863; New York Tribune, April 7, 8, 11, 13, 1863; New York Times, April 8, 11, 13, 14, 15, 20, 1863. See also Hoig,

John Smith, pp. 132-136; and George S. Bryan, editor, Struggles and Triumphs; or, the Life of P. T. Barnum, Written by Himself (New York: The Macmillan Company, 1927), II, 538-539.

24. Browne to John Palmer Usher, December 9, 1862, LR, OIA, CS, NARS, RG 75.

25. Browne to Dole, February 4, 1863, LR, OIA, UA, NARS, RG 75.

26. Dole to Browne, February 27, 1863; Browne to the Editor of the Rocky Mountain News, March 31, 1863, quoting letters from the Interior Department, May 9, 1861, and from J. M. Edmunds, Commissioner of the General Land Office, May 13, 1861, in Ibid.

27. Unrau, "Prelude," pp. 309-310. Dole, in his letter of May 9, 1861, had been explicit in his reference to the gold region: "The Indian title has not been extinguished to any part of that Territory. By the Treaty at Laramie of September 1851, the Arapahoes and Cheyennes defined, as their possessions, the country alluded to extending from the North Platte to the Arkansas rivers. A treaty with a division of the tribe, called the 'Cheyennes and Arapahoes of the Arkansas river,' was made on the 18th February 1861, extinguishing their title to the country extending from the South Platte to the Arkansas. . . ." Dole to Edmunds, May 13, 1861. LS, OIA, NARS, RG 75.

28. Evans to Dole, April 10, 1863, LR, OIA, CS, NARS, RG 75.

29. Ibid.

30. Bennet to Usher, April 14, 1863, LR, OIA, UA, NARS, RG 75.

31. Hall to Dole, May 24, 1863, LR, OIA, CS, NARS, RG 75.

32. Francis M. Case to Edmunds, March 13, 1863, LS, BLM, DFRC, RG 49. See also Unrau, "Prelude," pp. 310-311.

33. Dole to Evans, May 18, 1863, LS, OIA, NARS, RG 75; Unrau, "Prelude," pp. 311-312.

34. Dole to Brown, May 21, 1863, LR, OIA, UA, NARS, RG 75. See also John Pierce to Edmunds, April 13, May 21, June 1, 1863, LS, BLM, DFRC, RG 49; and J. S. Wilson to Pierce, May 21, 1863, LR, BLM, DFRC, RG 49. Bent's report appears in Hafen and Hafen, Indians of the Plains, pp. 183-184.

35. Browne to Dole, June 6, 1863, Ibid. See also WRMN, May 7, June 11, 1863, CCMR, June 9, 18, 23, 1863.

36. Utley, Frontiersmen in Blue, pp. 270-380.

37. George W. Hawkins quoted in, AR, CIA, 1863, p. 240.
38. Evans to Schofield, May 30, 1863, OR, Series I, XXII, 2, 294.
39. Utley, Frontiersmen in Blue, pp. 272-273.
40. Powell, People of the Sacred Mountain, I, 247-248.
41. Saville to Holloway, April 15, 1863, LR, OIA, UA, NARS, RG 75.
42. Ibid.
43. Ibid. See also Coel, Left Hand, pp. 174-180.
44. Sheehan, "Indian-White Relations in Early America", 276-277, suggests that more attention should be given to the role of acculturation in explaining the land question. The Colorado situation would seem to validate his contentions.
45. Evans Interview, Bancroft MSS P-L329, Folio II, p. 11.
46. Berthrong, Southern Cheyennes, pp. 162-163.
47. Unrau, "Prelude," pp. 311-313; Kelsey, Frontier Capitalist, pp. 131-132.
48. Eugene F. Ware, The Indian War of 1864. Edited by Clyde C. Walton (Lincoln: University of Nebraska Press, 1960), p. 219. Nadeau, Fort Laramie, pp. 161-176, said of Loree, "A more venal and audacious crook never struck the High Plains." Loree antagonized the established traders in the region--men like Seth Ward and James Bordeau--by refusing to renew their trading licenses and giving them instead to his brother and two other close friends of Loree's. Loree's greed and high-handed maneuverings contributed directly to the destabilization of Indian affairs in the Upper Platte region. The traders took him on, complained of his conduct, won the support of the military authorities at Fort Laramie, and eventually secured his resignation in September, 1864.
49. Harry Kelsey, "Background to Sand Creek," CM, XLV (1968), 280-287, provides the most detailed account of Samuel Colley. Dexter Dole Colley was licensed by his father on November 26, 1862. The license was approved on April 21, 1863, with George R. Kimball and Henry A. Hicks shown as sureties for the \$10,000 bond. The employees of young Colley included Jack Smith (John Smith's son) as interpreter and George Green, Thomas Farley, and Antoine Bertrand as teamsters and packers. Licenses for Indian Trade, Register No. C160, p. 47, NARS, RG 75. See also the testimony of William Bent, Presley Talbot, and Samuel G. Colley, Senate Report No. 156, 39th Congress, 2nd Session, Report of the Special Joint Committee on the Condition of the Indian Tribes With Appendix (Washington: Government Printing Office, 1867), pp. 34, 68, 95.

50. Julia S. Lambert, "Plain Tales of the Plains," The Trail, VIII (1916), 17-18. Colley's tactics proved to be similar to those of John Loree. Charles Rath, who ran Walnut Creek Station on the Arkansas route, in combination with John F. Dodds, James A. Robbins, F. Lederick, and A. D. Robbins, formed the Walnut Creek Bridge Company in January 1863, for the purpose of building a toll bridge over Walnut Creek. Rath was a trader at that point, but Colley refused to allow him to continue his operation and denied him a license. The Council Grove Press, July 6, 1863, reviewed the affair: "Charles Rath, a good Union man, has for a number of years been keeping a Ranch and trading at Walnut Creek. Major Colly [sic] is Indian Agent [who] . . . gives his son license to trade among the Indians, and refuses Rath a license! He next takes the position that the country around Walnut is Indian country, and gets a military order to close Rath's Store. This cuts off the Indian supply of flour, sugar, coffee, &c. The Indians became excited, and Maj. Colly and Son ran to Fort Lyon. The Indians being on the point of starvation robbed a government train. . . ." For a full discussion of Rath's problems with Colley see Louise Barry, "The Ranch at Walnut Creek Crossing," KHQ, XXXVII (1971), 141-145. See also William H. Ryus, The Second William Penn: Treating With the Indians on the Santa Fe Trail, 1860-1866 (Kansas City, Missouri: Frank T. Riley Publishing Company, 1913), pp. 49-55.

51. Testimony of John T. Dodds, Condition of the Indian Tribes, p. 65.

52. Testimony of Asbury Bird, Ibid., p. 72.

53. Kelsey, "Background," pp. 287-288.

54. Wright to Usher, September 24, 1863, Collection of Alan W. Farley, Kansas City, Missouri. In this letter, Wright wrote, "I wish you to say to Dole that I have no favours to ask of him--but I have no fight with him--that all the charges about what all the charges about what I said about him in Kansas or that I spoke about him are not true--(that is I made no charges)--& he can go on in his track & I will let him alone, if he does the same with me,--but if he chooses a fight he can have it, I will be in Washington as soon as the election is over--" See also Wright to Usher, April 7, 1863, Clements to Usher, July 17, 1863, Clements to Dole, October 29, 1863, January 30, February 3, 1874, R. C. Johnston and A. H. Smith to Dole, September 24, 1864, LR, OIA, UA, NARS, RG 75; and E. M. Ashley to John Wright, June 16, 1863, John Pierce to Wright, June 5, 1863, LS, BLM, DFRC, RG 49; J.S. Wilson to John Pierce, June 3, 1863, LR, BLM, DFRC, RG 49.

55. Wright to Dole, May 24, 1863, Dole to Colley, June 21, 1863, Evans to Wright, June 9, 30, 1863; Colley to Dole, June 27, 1863, LR, OIA, UA, NARS, RG 75.

56. Evans to Wright, June 9, 1863, Ibid.
57. Wright to Evans, June 28, 1863, Evans to Wright, June 30, 1863, Ibid.
58. Kelsey, "Background", p. 291.
59. Ibid., p. 292.
60. Evans to Dole, July 22, August 24, 1863; Evans to Mix, August 24, 1863; Evans to Usher, August 21, 1863; Dole to Evans, August 3, 5, 1863, LR, OIA, UA, NARS, RG 75.
61. Evans to Colley, June 23, 1863, LR, OIA, UA, NARS, RG 75.
62. Evans to Dole, June 24, 1863, LR, OIA, CS, NARS, RG 75.
63. Evans to Dole, July 13, 14, 17, 1863, Ibid.
64. Dole to Evans, July 8, 16, 28, 1863. LS, OIA, Vol. LXXI, pp. 113-149, 200, NARS, RG 75.
65. Evans to Dole, July 29, 1863, John Evans Collection CHS. See also, Kelsey, Frontier Capitalist, p. 129.
66. Ibid.
67. Colley to Evans, August 22, 1863, AR, CIA, 1863, p. 131.
68. AR, CIA, 1863, pp. 122-124.
69. Ibid. See also Trenholm, Arapahoes, p. 171.
70. Bent to Hyde, April 30, 1906, Bent-Hyde Correspondence; Hyde, Life of Bent, pp. 118-119. See also Powell, People of the Sacred Mountain, I, 249.
71. Berthrong, Southern Cheyennes, pp. 168-169; Trenholm, Arapahoes, pp. 172-173. See especially Loree to Evans, October 24, 1863, LR, OIA, CS, NARS, RG 75.
72. Evans to Colley, August 25, 1863, Indian Letter Book, John Evans Collection, Division of Archives and Public Records, State of Colorado, Denver, Colorado.
73. Nicolay to Dole, August 19, 1863, John G. Nicolay Collection, LC; Evans to Usher, August 21, 1863, LR, OIA, UA, NARS, RG 75.
74. Evans to Dole, August 26, 1863, Indian Letter Book.

75. Hyde, Life of Bent, pp. 118-119, does not relate this second visit from Gerry. See AR, CIA, 1863, pp. 129-130; Evans to Dole, September 22, 1863, Indian Letter Book; WRMN, September 17, 1863. See also Powell, People of the Sacred Mountain, I, 250-251.

76. Edgar Carlisle McMechen, The Life of Governor Evans (Denver: Wahlgreen, 1924), pp. 115-117.

77. AR, CIA, 1863, pp. 129-130. See also Powell, People of the Sacred Mountain, I, 250-251.

78. Evans to Dole, September 22, 1863, Indian Letter Book.



## CHAPTER V

### THE POLITICS OF COMMAND

1. Evans to Schofield, May 27, 1863, OR, Series I, XXII, Pt. 2, 294.
2. Chivington to Schofield, June 1, 1863, Ibid, pp. 302-303.
3. Unrau, "Leavenworth," pp. 78-80.
4. GO No. 1, Headquarters of Troops on Santa Fe Road, June 8, 1863, OR, Series I, XXII, Pt. 2, 313.
5. Unrau, "Leavenworth," p. 80.
6. Leavenworth to Jamor H. Z. Curtis, June 11, 1863, OR, Series I, XXII, Pt. 2, 316-317.
7. Ibid.
8. Soule to Tappan, June 23, 1863, Ibid., pp. 333-334.
9. Schofield to Chivington, June 17, 1863, Ibid., p. 324.
10. Leavenworth to Dole, June 27, 1863, LR, OIA, UA, NARS, RG 75.
11. Grinnell, Fighting Cheyennes, p. 132, says that the Cheyennes harbored no grudge because of the killing. Contemporary sources seem to disagree. See John Smith to Colley, November 9, 1863, LR, OIA, CS, NARS, RG 75.
12. Leavenworth to Any Troops on the Santa Fe Road, July 9, 1863, OR, Series I, XXII, Pt. 2, 361.
13. Leavenworth to AAG, District of the Border, July 22, 1863, Ibid., 401-402.
14. Leavenworth to AAG, District of the Border, July 22, 1863, Ibid., 401-402.

15. Ewing to Schofield, July 26, 1863, Ibid., p. 400.
16. Chivington to Schofield, September 12, 1863, Ibid., pp. 527-529.
17. Wright to Usher, September 3, 1863, John Palmer Usher Papers, Kansas State Historical Society, Topeka, Kansas.
18. Petition of Officers of the First Colorado Volunteers for the Promotion of Colonel John M. Chivington, August 24, 1863, LR, Commission Branch, AGO, NARS, RG 94.
19. Melcher to Colonel C.W. Marsh, August 28, 1863, RLR, DM, pp. 20-22, USAC, NARS, RG 393.
20. Marsh to Chivington, August 29, 1863, Ibid., p. 23.
21. M. S. Beach to Robert S. Roe, January 16, 1877, Colorado Transcript, February 28, 1877, typescript in SCVP, CHS; DRMN, July 25, 1863; Unrau, "Leavenworth," pp. 77-78.
22. Chivington to N. A. Chipman, April 17, 1863, Chivington CMSR, VA, NARS, RG 15.
23. Not all of the official documents relative to Leavenworth's removal have been located among the records of the National Archives. For a summary of the petition against Leavenworth, McLain, Horace W. Baldwin, and George S. Eayre, see Thomas Shillinglaw, John L. Ritchie, and others concerning charges against Colonel Leavenworth, August 27, 1863, RLR, OSW, S1132, NARS, RG 107. Also located is an endorsement containing the recommendation of the Adjutant General and the approval of the Secretary of War, dated December 17, 1863, Ibid., 13/29. This item is particularly interesting since it suggests that Leavenworth was not cashiered in the usual sense, but that his commission was not recognized as valid at any time. See also H. Hannahs to L. D. Boswell, October 18, 1863, in reference to Special Order No. 431, September 26, 1863, CMSR, Jesse H. Leavenworth, AGO, NARS, RG 94. See also Colorado Transcript, April 27, 1877, typescript in SCVP, CHS.
24. The Report of the Judge Advocate General recommending an honorable discharge for Leavenworth, dated February 18, 1864, has not been found among the records of the National Archives. However, a typescript of the report, including President Lincoln's endorsement of March 5, 1864, is among the SCVP, CHS. The report is invaluable for appraising the situation since it quotes extensively from official and private correspondence. General Canby, General Blunt, Commissioner of Indian Affairs Dole, Sam Colley, and Samuel H. Elbert, all praised Leavenworth and his service to Colorado and western defenses. President Lincoln, after reviewing the case found "nothing to censure, and all to commend." See also SO No. 128, March 26, 1864, AGO, NARS, RG 94.

25. WRMN, May 7, 14, 28, 1863; DRMN, July 1, September 5, 1863; DWC, May 21, October 28, 1863; Interview with W. R. Beaty, MSS VIII-62; John McCannon to Henry M. Teller, December 14, 1895; Thomas T. Tobin to George L. Shoup, December 26, 1900; Shoup to Teller, January 2, 1901, MSS VII-127, CHS; Thomas T. Tobin, "The Capture of the Espinosas," CM, IX (March, 1932), 59-66. See also Mel Kitchen, "The Bloody Espinosas," Los Angeles Westerners Branding Iron, 37 (March, 1957), 4-6, 8; Edgar L. Hewett, "Tom Tobin," CM, XXIII (1946), 210-211; John H. Nankivell, "Fort Garland, Colorado," CM, XVI (1939), 13-28.

26. Tappan to Lieutenant George H. Stilwell, October 15, 1863; Baldwin to Tappan, October 16, 1863, RLR, DC, Vol. 339, pp. 38-41; USAC, NARS, RG 393; Chivington to Tappan, October 23, 1863; Chivington to O. D. Green, AAG, DM, October 23, 1863, LS, DC, Vol. 336, pp. 178-179, USAC, NARS, RG 393.

27. Tappan to Stilwell, October 27, 1863, Tappan CMSR, AGO, NARS, RG 94.

28. Chivington to Green, December 21, 1863, Chivington CMSR, VA, NARS, RG 15.

29. Tappan to Colonel S. V. DuBois, January 10, 1864; Tappan to Captain John Williams, February 29, 1864; Williams to Chivington, March 4, 1864, Tappan CMSR, AGO, NARS, RG 94.

30. See Major T. J. McKenney, Inspector General, DK, to Williams, March 10, 1864, transmitting extracts from the report of Major Jacob Downing, Inspector, DC, for January, 1864, February 15, 1864; Tappan to Williams, February 29, 1864; Tappan to Curtis, February 29, 1864, enclosing documents in support of his arguments against Downing's charges, Tappan CMSR, AGO, NARS, RG 94. Not all of the enclosures have been located, but see Baldwin to Tappan, February 28, 1864, Horace W. Baldwin CMSR, Ibid., and the charges and specifications of Tappan against Downing, Jacob Downing CMSR, Ibid.

31. Tappan to Williams, February 29, 1864, Tappan CMSR, Ibid.

32. SO No. 431, dated at Washington, September 26, 1863, reached Baldwin on October 17, 1863, at Fort Garland, and he was immediately relieved of command. See Baldwin to Tappan, February 28, 1864, Baldwin CMSR, Ibid.; and Tappan to Williams, February 29, 1864, Tappan CMSR, Ibid. He received a new commission from Acting Governor Samuel Elbert on January 12, 1864. See order removing disability from Baldwin, McLain, and Eayre, December 15, 1863, RLR, OSW, C-1451, NARS, RG 107; and Muster-in-Roll, February 6, 1864, Baldwin CMSR, AGO, NARS, RG 94.

33. Williams to Chivington, March 4, 1864, Tappan CMSR, AGO, NARS, RG 94.

34. Endorsement of Curtis on report of McKenney to Williams, March 10, 1864, Ibid.

35. Ibid. McKenney to C.S. Charlot, April 21, 1864, and affidavits of Thomas Shillinglaw and Samuel H. Gilson, March 17, 1864, Baldwin CMSR, Ibid. Both Shillinglaw and Gilson claimed that they had heard Baldwin admit that he had served as an officer after his dismissal. Interestingly, Shillinglaw was one of those who originally circulated the petition for Leavenworth's dismissal. See also Tappan to DuBois, March 28, 1864; Tappan to AAG, DK, April 4, 1864, Tappan CMSR, Ibid.; and Baldwin to Tappan, March 20, 1864, Baldwin CMSR, Ibid.

36. Tappan to DuBois, March 28, 1864, Tappan CMSR, Ibid.

37. Tappan to DuBois, April 6, 1864. Ibid.

38. Tappan to Sumner, June 5, 1864, Charles Sumner Papers, Harvard University Library, Cambridge, Massachusetts.

39. Cook's gallantry at Apache Canyon was impressive. He led the cavalry charge down the road into Confederate guns that broke the resistance. See Chivington, "Pet Lambs," and John D. Miller to his father, April 3, 1862, AC, "Fort Union, 1862," File 2, pp. 68-72.

40. Company Muster Rolls, Company F, July, 1862-October, 1863, Samuel F. Cook, CMSR, AGO, NARS, RG 94. When Lieutenant Colonel Melcher made his report on conditions in Colorado in August, 1863, he made this comment in reference to Cook's company: "Co 'F' 1st Cav of Colorado, are a splendid body of men, possessing all the independence, courage and power of endurance which characterize the people of the frontier, with an ambition to become good soldiers, but from some mismanagement, appears to have had little discipline in many points of drill, though possessing a good general knowledge of their duties as soldiers. Some excuse can be offered for the condition of this company, from this fact, that in the first engagement their Captain (Cook) was seriously wounded, and for many months was unable to do duty, and their 1st Lieut (Nelson) who commanded the Company, a brave, but in discipline and drill a careless Officer being detached for a long time from his Regiment, confirmed them in habits which were not calculated to improve them as soldiers." Melcher to Marsh, August 28, 1863, RLR, DM, pp. 20-, USAC, NARS, RG 393.

41. Testimony of Lieutenant Luther Wilson, Lieutenant John Oster, Major Jacob Downing, "Proceedings of a General Court Martial in the Case of Capt. Samuel H. Cook, Co. F, 1st Cav of Colorado, DK, JAG, NARS, RG 163.

42. Testimony of Lieutenant Ira Quimby, Ibid.

43. Chivington to Charlot, June 16, 1864; McKenney to Charlot, April 21, 1864, quoting from Downing's report, Cook CMSR, AGO, NARS, RG 94.

44. Testimony of Downing, "Proceedings . . . in the Case of Captain Cook," DK, JAG, NARS, RG 163.

45. Testimony of Tappan and Leavenworth, Ibid.; GO No. 48, September 24, 1864, DK (printed copy filed with Ibid.).

46. For biographical data see Isern, "Wynkoop," pp. 1-8; Gene Ronald Marlatt, "Edward W. Wynkoop: An Investigation of His Role in the Sand Creek Controversy and Other Indian Affairs, 1863-1868." Unpublished M. A. Thesis (Denver: University of Denver, 1961), pp. 4-40; Edward Estill Wynkoop, "Biography of Edward Wanshear Wynkoop," CKSHS, XIII (1915), 71-79. Especially important are Frank M. Wynkoop, "Intimate Notes Relative to the Career of Colonel Edward Wynkoop," and the Edward W. Wynkoop Scrapbook of clippings, Edward W. Wynkoop Collection, Museum of New Mexico, Santa Fe.

47. See documents in Edward W. Wynkoop, CMSR, AGO, NARS RG 94.

48. Tappan to Lewis N. Tappan, May 18, 1862, Chivington, Tappan, et al., Ms., CHS.

49. Isern, "Wynkoop," p. 8; Hoig, Sand Creek, pp. 82-83; ROB, 1st Col. Cav., pp. 62-118, AGO, NARS, RG 94.

50. The late Raymond G. Carey had collected much material in preparation for a biography of Silas Soule which was not completed before his death. This body of material is the most substantial collection of information on Silas Soule. See the Carey Collection. Biographical sketches include Stan Hoig, "Silas S. Soule: Partizan of the Frontier," MMWH, XXVI (1976), 70-77; C. W. Prentice, "Captain Silas S. Soule, a Pioneer Martyr," CM, XII (1935), 224-225; A. B. MacDonald, "She Looks Back Seventy-Five Years to the Founding of Lawrence," Kansas City Star, January 13, 1929; Virginia Claire Seay, "Pioneers of Freedom: The story of the Soule Family in Kansas," The Kansas Magazine, (1943), 107-115; and Mrs. S. B. Prentiss, "Sketch of the Life of Her Brother, Silas S. Soule, one of the rescuers of Dr. John Doy," Manuscript Division, KSHS.

51. O. E. Morse, "An Attempted Rescue of John Brown from Charlestown, Va., Jail," CKSHS, VIII (1903-1904), 213-226. See also Thomas Wentworth Higginson, Cheerful Yesterdays (Boston: Houghton, Mifflin Co., 1898), p. 233; and Oswald Garrison Villard, John Brown, 1800-59: A Biography Fifty Years After (Boston: Houghton, Mifflin Co., 1910), pp. 574-578.

52. GO No. 11, August 7, 1863, ROB, 1st Col. Cav., AGO, NARS, RG 94. See also Soule to Chivington, January 3, 1864, Silas S. Soule CMSR, Ibid.

53. Soule to Chivington, January 3, 1864, Soule CMSR, Ibid.

54. Soule to Chivington, February 18, 1864, Ibid.
55. Soule to AAG, DC, April 7, 1864, Ibid.
56. GO No. 17, DC, May 15, 1864, ROB, 1st Col. Cav., AGO, NARS, RG 94.
57. George S. Eayre, CMSR, AGO, NARS, RG 94.
58. Baldwin to Tappan, February 28, 1864, Baldwin CMSR, Ibid.
59. The CMSR files of these officers and others have been examined without locating materials that connect them directly to the regimental infighting.
60. Evans to Dole, May 21, 1863, LR, OIA, CS, NARS, RG 75.
61. John Evans, Samuel H. Elbert, Simeon Whiteley, William N. Byers, and John L. Dailey to General Samuel Ryan Curtis, March 1, 1864; Evans to Curtis, March 1, 1864; Stephen S. Harding and George W. Lane, March 1, 1864; Curtis to Elbert, March 1, 1864, Samuel Ryan Curtis Papers, Vol. IX, pp. 74-75, Iowa State Department of History and Archives, Des Moines.
62. Chivington to Fisher, June 25, 1862, Chivington Collection, DPL.
63. Fred B. Rogers, Soldiers of the Overland (San Francisco: Grabhorn Press, 1938), pp. 66-77. WRMN, February 26, 1863, applauded the Bear River fight and declared that what the country needed was "more men like Colonel Conner."
64. Utley, Frontiersmen in Blue, p. 274.
65. Ibid., pp. 235-245.

## CHAPTER VI

### THE FAILURE OF POLICY

1. Evans to Dole, October 14, 1863, AR, CIA, 1863, pp. 239-246. In this report, Evans noted that "At the present time . . . there seems to be a period of quiet among the Indians, and a general feeling of security from danger in the public mind." Interestingly, Evans commented on the separation of the tribes into many small groups, suggesting that the "wisest policy" was to encourage the continuance of the practice. Clearly, what Evans feared was a combination of the tribes. He felt less threatened so long as the tribes were scattered. Evans's concerns are less clear in this annual report than in his working correspondence of that autumn. See especially his letters for the period of September through November, 1863.

2. Evans to Dole, October 14, 1863, AR, CIA, 1863, p. 240.

3. Evans to Edwin McMasters Stanton, September 21, 1863; Evans to Schofield, October 17, undated letter (apparently late October), 1863; Evans to Captain I. W. Alley, October 30, 1863, Indian Letter Book. See also Monaghan, Civil War on the Western Border, p. 275; and Raymond G. Carey, "The 'Bloodless Third' Regiment, Colorado Volunteer Cavalry," CM, 38 (1961), 275.

4. Kelsey, Frontier Capitalist, p. 140; Ellis, Teller, pp. 42-47. Ellis provides a particularly good discussion of the militia problem.

5. DRMN, August 1, 1864.

6. Fred Albert Shannon, The Organization and Administration of the Union Army, 1861-1865. 2 volumes (Glendale: Arthur H. Clark Co., 1928), II, 188-190. See also "An Act to Organize the Militia of Colorado Territory," Colorado Territory, General Laws (1862), Sec. 21.

7. Evans to William H. Seward, September 22 (?), 1863, Indian Letter Book; Unrau, "Indian Agent," pp. 88-89.

8. Evans to Alexander W. Robb, September 22, 1863; Evans to Albert G. Boone and others, September 22, 1863; Evans to Chivington, September 22, 1863, Indian Letter Book.

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9. Carey, "Bloodless Third," p. 275.
  10. Loree to Evans, October 23, 1863, LR, OIA, CS, RG 75. The Indians were encouraged in these beliefs by white traders. Loree named Joseph Bissonette of Fort Laramie specifically. See also Berthrong, Southern Cheyennes, p. 169.
  11. H. T. Ketcham to Evans, Report for 4th Quarter, 1863, LR, OIA, CS, NARS, RG 75.
  12. Anthony to Stilwell, September 24, 1863, OR, Series I, XXII, Pt. 2, 571-572.
  13. Evans to Colley, November 2, 1863, Indian Letter Book.
  14. Anthony to Stilwell, September 2, 14, 24, 1863, OR, Series I, XXII, Pt. 2, 507-508, 532-533, 571-572.
  15. Evans to Chivington, September 21, 1863, Indian Letter Book.
  16. Chivington to Dole, November 6, 1863, LR, OIA, CS, NARS, RG 75.
  17. Utley, Frontiersmen in Blue, pp. 273-276; Hyde, Spotted Tail's Folk, pp. 98-100; Powell, People of the Sacred Mountain, I, 251-252.
  18. Colley to Evans, November 9, 1863; Smith to Colley, November 9, 1863; J. P. Van Wormer to Evans, November 7, 1863; Evans to Chivington, November 7, 1863, LR, OIA, CS, NARS, RG 75.
  19. Evans to Colley, November 7, 1863; Evans to Chivington, November 9, 1863; Evans to Dole, November 9, 11, 1863, Indian Letter Book; Statement of Robert North, November 10, 1863, AR, OIA, 1863, pp. 224-225. For further information on North, see Grinnell, Fighting Cheyennes, 134n. Very little is known about this strange man. He was believed by many to be insane. His "wish to avoid bloodshed" did not prevent him from leading the Arapahoes in the Fetterman Massacre near Fort Phil Kearney in Wyoming a few years later. He was lynched in 1869, along with his Arapaho wife.
  20. Evans to Dole, November 9, 11, 1863, Indian Letter Book. As a result of this conversation, Evans proposed to Dole the possibility of relocating the reservation "to avert this threatened war upon our settlements." Evans to Dole, December 20, 1863, LR, OIA, CS, NARS, RG 75.
  21. Evans to Dole, November 10, 1863, LR, OIA, CS, NARS, RG 75.
  22. Evans to Stanton, December 14, 1863, Indian Letter Book, printed in AR, CIA, 1864, pp. 225-226.
  23. Ibid.



24. Evans to Dole, December 20, 1863, LR, OIA, CS, NARS, RG 75. Following the failure of the Republican River mission, Evans took the extraordinary step of drafting an agreement accepting the Fort Wise cession and authorized Agent Loree to secure the signatures of the Platte River groups. At that point Evans regarded the treaty as a fait accompli. He saw the contract signed by Spotted Horse and others as effecting the consent of all of the bands with the exception of the Omisis who spent the summer of 1863 safely tucked away in the Powder River country. If Loree could secure additional signatures, Evans believed the design of the commission would be well served having secured "the general written assent to a settlement of these Indians on their reservations on the Arkansas river, and an undoubted cession of their claims to all other parts of this country." Evans to Dole, October 14, 1863, AR, CIA, 1863, p. 243. By December, however, Evans had already seen that the Cheyennes and Arapahoes would not assent to the Treaty of Fort Wise. His own negotiations with Roman Nose and other Northern Arapaho chiefs made that abundantly clear.

25. AR, CIA, 1863, p. 138.

26. Ibid., pp. 129-130.

27. For a full discussion of Dole's approach to policy, see Kelsey, "Dole and Indian Policy," pp. 484-492; and Kelsey, "Lincoln and Indian Policy," pp. 144-147.

28. Kelsey, "Lincoln and Indian Policy," p. 144.

29. Dole to Evans, January 15, 1864, AR, CIA, 1864, p. 392.

30. Loree to Chivington, February 29, 1864, OR, Series I, XXXIV, Pt. 2, 468-469. See also Berthrong, Southern Cheyennes, p. 175.

31. Bennet to Dole, January 28, 1864, LR, OIA, UA, NARS, RG 75.

32. Leavenworth to Dole, March 4, 1864, Ibid.

33. Ketcham to Evans, April 4, 1864, LR, OIA, CS, NARS, RG 75.

34. BHMJ, January 16, 1864.

35. WRMN, September 17, 1863.

36. Annual Message of Governor Evans to the Legislative Assembly. February 3, 1864, SDTP, Colorado, Folio 110, No. 56, NARS, RG 59.

37. Curtis to Chivington, June 20, 1864, OR, Series I, XXXIV, Pt. 4, 595-596.

38. Unrau, "Indian Agent," pp. 88-89.

39. Colley to Evans, March 12, 1864, LR, OIA, UA, NARS, RG 75.
40. Curtis to Evans, March 26, 1864, Curtis Papers, IX, 155. See also Evans to Chivington, March 16, 1864, OR Series I, XXXIV, Pt. 2, 633-634.
41. Evans to Colley, March 15, 1864, Indian Letter Book.
42. Ware, Indian War of 1864, pp. 110-118.
43. Evans to Colley, November 2, 1863, Indian Letter Book; Trenholm, Arapahoes, pp. 175-176.
44. These Arapahoes remained encamped near Camp Collins on the Cache La Poudre.
45. Curtis to Chivington, April 8, 1864; Mitchell, to Colonel William O. Collins, April 7, 1864; Mitchell to Curtis, April 7, 1864, OR, Series I, XXXIV, PT. 2, 85, 98; Curtis to Mitchell, April 7, 1864, Curtis Papers, IX, 188.
46. Mitchell to Collins, April 7, 1864; Mitchell to Curtis, April 7, 1864, OR, Series I, XXXIV, Pt. 2, 85.
47. Chivington to AAG, Department of Kansas, April 9, 1864; Eayre to Chivington, April 18, 23, 1864; Chivington to Curtis, April 27, 1864, Ibid., Pt. 1, 880-882, Pt. 3, 113, 218-19, 291.
48. Eayre to Chivington, April 18, 1864, Ibid., Pt. 1, 880-881.
49. Chivington to AAG, Department of Kansas, April 9, 1864, Pt. 2, 113. See also Hoig, Sand Creek, pp. 47-48.
50. Collins to Chivington, April 10, 1864, Ibid., Pt. 2, 123-124.
51. Downing to Chivington, April 12, 1864, Ibid., Pt. 3, 146.
52. Bent to Hyde, March 6, 1905; February 28, March 26, 1906; March 19, 1912, March 5, 1913, Bent-Hyde Correspondence, Yale. The March 26, 1906 letter contains the statement of Little Chief, who was with the Dog Soldiers in the fight. See also Dunn to Chivington, April 18, 1864, OR, Series I, XXXIV, Pt. 1, 882-884.
53. Accounts of the fight at Fremont's Orchard vary widely. Dunn's official report (see above) places the number of Indians at close to one hundred. A "squawman" named Bouser, who sometimes interpreted for Governor Evans, later testified that the Indians stole three head of cattle to feed their families, planning to trade ponies for them if the soldiers came. He said that more than a hundred Indians were involved.

See testimony of Bouser, Condition of Indian Tribes, pp. 72-73. Also helpful are BHMJ, April 14, 1864; CCMR, April 14, 1864; WRMN, April 20, 1864. See also George I. Sanborn to Chivington, April 12; Chivington to Evans, April 15, 1864, OR, Series I, XXXIV, Pt. 1, 883-884, Pt. 3, 166; and Ware, Indian War of 1864, p. 194. Indian accounts, based largely upon the correspondence cited in Footnote 52, provide a very different interpretation. An excellent summary of the Indian view is found in Powell, People of the Sacred Mountain, I, 258-259. See also George Bent to George Hyde, September [?] 1906, George Bent Letters, CHS, Denver; Hoig, Sand Creek, pp. 36-42; Grinnell, Fighting Cheyennes, pp. 140-142; and Berthrong, Southern Cheyennes, pp. 179-180.

54. Dunn to Chivington, April 18, 1864, OR, Series I, XXXIV, Pt. 1, 883-884; Testimony of Jacob Downing, Condition of Indian Tribes, pp. 68-69; Chivington to Curtis, April 15, 1864; Curtis to Mitchell, April 16, 1864; Curtis to General Henry W. Halleck, April 16, 1864, Curtis Papers, IX, 196-197, 199.

55. Chivington to Collins, April 13, 1864, OR, Series I, XXXIV, Pt. 3, 150.

56. Stilwell to Lieutenant George W. Hawkings, April 13, 1864; Stilwell to Captain Samuel H. Cook and Captain W. H. Backus, April 13, 1864, Ibid., Pt. 3, 148-151.

57. Evans to Curtis, April 11, 1864, AR, CIA, 1864, p. 370.

58. Curtis to Mitchell, April 18, 1864, Curtis Papers, IX, 205.

59. Eayre to Chivington, April 18, 1864, OR, Series I, XXXIV, Pt. 3, 218-219; Hyde, Life of Bent, pp. 125-126; Bent to Hyde, April 12, 1906, Bent-Hyde Correspondence, Yale (which includes Antelope Skin's own account of the incident). A sharp difference of interpretation is found in the sources. Eayre maintained that the first village contained only five lodges; Bent said that the village consisted of seventy lodges. I have used Eayre's version for two reasons. First, Eayre's account was written immediately after the skirmish. Second, had the village been as large as Bent reported, Eayre would certainly have claimed the credit. Burning a village of seventy lodges, after all, would have been somewhat more impressive than burning five. Powell, People of the Sacred Mountain, I, 645n, accepts Bent's version, and treats the Eayre account as a separate event not recorded in Cheyenne sources. See also Berthrong, Southern Cheyennes, p. 177; and the Testimony of Asbury Bird, Condition of Indian Tribes, p. 72, which also set the number of lodges at five.

60. Eayre to Chivington, April 23, 1864, OR, Series I, XXXVI, Pt. 1, 880-882.

61. Powell, People of the Sacred Mountain, I, 260-261; Hyde, Life of Bent, pp. 126-127.

62. Hyde, Life of Bent, p. 124.

63. Ibid.

64. The Irwin, Jackman & Co. operation was a partnership owned by Joseph C. Irwin of Jackson County, Missouri, David K. Jackman of Lock Have, Pennsylvania, James Duffy of Marietta, Pennsylvania, and Alexander Caldwell of Columbia, Pennsylvania. In March, 1862, the company was awarded a contract to provide and transport supplies and stores for the army, including beef. Quartermaster Contracts, Office of the Second Comptroller, GAO, NARS, RG 217. Interestingly, no records exist which suggest that the Irwin-Jackman firm ever filed a depredation claim in this matter. Marion M. Johnson, Judicial and Fiscal Branch, Civil Archives Division, NARS, to Gary L. Roberts, January 2, 1981. Considering the size of the alleged theft, this is quite remarkable if the theft actually occurred. However, no further substantiation of such a theft has been found in contemporary documents or press accounts. See also Unrau, "Indian Agent," pp. 44-45; and testimony of Colonel Kit Carson, Condition of Indian Tribes, pp. 96-97.

65. Gerry to Sanborn, April 14, 1864; Colley to Evans, April 19, 1864, OR, Series I, XXXIV, Pt. 3, 167-168, 234.

66. Cook to Stilwell, April 22, 1864, Ibid., 262. See also Berthrong, Southern Cheyennes, pp. 181-182.

67. Collins to Chivington, April 18, 1864, OR, Series I, XXXIV, Pt. 3, 219.

68. Boone to Chivington, April 16, 1864, Ibid., pp. 188-190.

69. Downing to Chivington, April 20, 1864, Ibid., p. 242.

70. Downing to Chivington, April 21, 1864, Ibid., pp. 250-252.

71. Dole to Usher, April 18, 1864, Usher Papers, KSHS.

72. Evans to Curtis, April 11, 1864, Evans to Dole, April 15, 1864; Evans to Curtis, April 25, 1864; Indian Letter Book.

73. Curtis to Sherman, April 16, 1864, Curtis Papers, IX, 198.

74. Curtis to Mitchell, April 18, 1864, Ibid., p. 205.

75. Curtis to Mitchell, April 28, 1864; Curtis to Chivington, April 28, 1864, Ibid., pp. 222, 225.

76. Chivington to Mitchell, April 29 (two letters), Ibid., p. 229.

77. Ibid.

78. Curtis to Mitchell, May 2, 1864, Ibid., p 239; Evans to Curtis, April 25, 1864, Indian Letter Book; Downing to Chivington, May 2, 3, 1864, OR, Series I, XXVI, Pt. 1, 907-908; Pt. 3, 407.

79. Curtis to Chivington, May 2, 1864, Curtis Papers, IX, 239.

80. WRMN, May 4, 1864.

## CHAPTER VII

### FEAR TAKES COMMAND

1. Downing to Chivington, April 20, 1864, OR, Series I, XXXIV, Pt. 3, 242.

2. Downing to Chivington, April 21, 1864, Ibid., pp. 250-252; Hyde, Life of Bent, p. 129. See also Powell, People of the Sacred Mountain, I, 260-261.

3. Jacob Downing was a capable, methodical, and ambitious officer. An attorney, Downing enlisted early in the war. He was appointed captain of Company D of the First Colorado Volunteers, and he served with distinction in the New Mexico campaign. Already growing close to Chivington, he was the beneficiary of the reorganization of the regiment when he was promoted to the rank of major. In 1863, he became the District Inspector for Colorado and was soon feared because of his position. Nothing in the record explains his intense hatred for Indians, but that he did hate them is unmistakable. His correspondence in the spring of 1864 fairly bristles with invective. See Downing to Chivington, April 20, 21, 26, 27, 1864, OR, Series I, XXXIV, Pt. 3, 242, 250-252, 304, 314. See also the testimony of Major Downing, Condition of Indian Tribes, pp. 68-70, where he testified, "I think and earnestly believe the Indians to be an obstacle to civilization, and should be exterminated."

4. Downing to Chivington, May 2, 1864, OR, Series I, XXXIV, Pt. 3, 407. Downing did not name the hapless prisoner in his report, but he did mention him by name in a detailed interview which appeared in the Denver Post, December 31, 1903. Spotted Horse's manhao cannot be established with certainty, although he clearly belonged to one of the Platte River groups. Dorsey, Cheyennes, p. 62-63, identifies a distinct tribal division as the "Cheyenne Sioux." Perhaps this is the group to which Spotted Horse belonged. The sources do identify him as half Cheyenne, half Sioux, and the reference may be to his residence group, rather than to his parentage. See also, the testimony of Bouser, Condition of Indian Tribes, pp. 72-73.

5. Denver Post, December 31, 1903. Downing relished this story, telling it often in later years. For other versions see Denver Field and Farm, December 19, 1891; "Chronicles of Frontier Days," Inter-Ocean, 5 (April 29, 1882), 276-277; and Alice Polk Hill, Tales of the Colorado Pioneers (Denver: Pierson and Gardner, 1884), pp. 85-87. See also Grinnell, Fighting Cheyennes, p. 143.

6. Bent to Hyde, March 3, 1915, Bent-Hyde Correspondence, Yale; Bent to Hyde, September [?], 1905; George Bent Papers DPL; Life of Bent, pp. 129-130; Powell, People of the Sacred Mountain, I, 262.

7. Downing to Chivington, May 3, 1864, OR, Series I, XXXIV, Pt. 3, 908; testimony of Downing, Condition of Indian Tribes, p. 69.

8. Bent to Hyde, March 3, 1915, Bent-Hyde Correspondence, Yale; Berthrong, Southern Cheyennes, p. 184; Hoig, Sand Creek, pp. 45-46.

9. Downing to Chivington, May 3, 1864, OR, Series I, XXXIV, Pt. 3, 908.

10. Downing to Chivington, May 11, 1864, Ibid., p. 916; WRMN, May 11, 1864.

11. Denver Post, December 31, 1903.

12. Wynkoop to Chivington, May 9, 1864, OR, Series I, XXXIV, pt. 3, 531-532.

13. Lieutenant J.S. Maynard, AAG, to Wynkoop, May 16, 1864, Ibid., pp. 531-532.

14. Colley to Evans, May 1, 1864, LR, OIA, UA, NARS, RG 75.

15. Chivington to Curtis, April 25, 27, 29, May 4, 1864; Curtis to Chivington, April 27, 28, May 2, 16, June 10, 1864; Curtis to Halleck, May 6, 1864, Curtis Papers, IX, 215, 220, 223, 225, 229, 240, 247, 251, 274, 292. For press reports see, BHMJ, April 15, 23, May 4, 9, 27, 1864; CCMR, May 4, 8, 1864; WRMN, April 20, May 4, 1864.

16. Curtis to Evans, May 9, 1864, Curtis Papers, IX, p. 272.

17. Curtis to Chivington, May 10, 1864, Ibid., p. 274.

18. Chivington to Curtis, May 13, 1864, Ibid., p. 282.

19. Curtis to Chivington, May 30, 1864, Ibid., p. 348.

20. Curtis to Chivington, May 20, 1864, SO No. 38, June 2, 1864; SO No. 39, June 3, 1864; SO No. 40, June 6, 1864; SO No. 41, June 9, 1864, Ibid., pp. 308, 356.

21. Eayre to Chivington, May 1, 1864, OR, Series I, XXXIV, Pt. 4, 101.

22. Chivington to Wynkoop, May 27, 1864, Ibid., p. 101.

23. Parmetar to Curtis, May 17, 1864, Ibid., p. 294.

24. Mitchell to Curtis, May 26, 1864; Curtis to Stanton, May 27, 1864, Ibid., pp. 334, 337.

25. Evans to Curtis, May 28, 1864, Ibid., p. 315.

26. Curtis to Stanton, May 27, 1864, Ibid., p. 337.

27. Major George M. O'Brian to Charlot, May 21, 1864, Ibid. p. 310.

28. Cottonwood Operator to Major Price, May 20, 1864, Ibid.

29. Testimony of William Bent, Condition of Indian Tribes, p. 94; Lavender, Bent's Fort, pp. 376-377.

30. Hyde, Life of Bent, pp. 130-131; Powell, People of the Sacred Mountain, I, 262-263; Berthrong, Southern Cheyennes, p. 186.

31. Hyde, Life of Bent, p. 131.

32. Eayre to Chivington, May 19, 1864, OR, Series I, XXXVI, Pt. 1, 935; Bent to Hyde, March 26, April 12, 1906, Bent-Hyde Correspondence, Yale; Bent to Hyde, March 6, 1905, Bent Papers, DPL; Hyde, Life of Bent, pp. 131-134; Grinnell, Fighting Cheyennes, pp. 145-146; testimony of Asbury Bird, Edward W. Wynkoop, and William Bent, Condition of Indian Tribes, pp. 72, 75, 98; Thomas J. McKean to Charlot, May 25, 1864, Curtis Papers, IX, 325.

33. Wolf Chief, quoted in Hyde, Life of Bent, p. 132. See also Hoig, Peace Chiefs, pp. 67-76, for a sketch of Lean Bear. On June 2, 1864, two traders, Alfred Gay and John W. Smith (not to be confused with John S. Smith, Colley's interpreter) were sent from Fort Cottonwood to investigate the disappearance of Eayre and to determine the temper of the Indians. They located an encampment of 1,200 lodges "50 miles north of Fort Larned," each containing three warriors, well armed. Their report substantiates the Indian account that Eayre was the first to leave the field. Alfred Gay and John W. Smith to O'Brian, June 10, 1864, OR, Series I, XXIV, Pt. 4, 460-462.



34. J.H. Haynes to Evans, May 20, 1864; Colley to Evans, May 27, 1864; Evans to Dole, June 8, 1864, LR, SI, ID, NARS, RG-75; H.L. Jones to T.O. Osborn, May 31, 1864; Wynkoop to Maynard, June 8, 1864, OR, Series I, XXXIV, Pt. 4, 149-50, 275-276; Curtis to Mitchell, May 27, 1864; Shoup to Chivington, May 30, 1864; Curtis to McKean, June 3, 1864; Curtis to Chivington, June 7, 1864, Curtis Papers, IX, 336, 357, 359; Hyde, Life of Bent, p. 133; Barry, "Walnut Creek Crossing," pp. 143-144; Ida Ellen Rath, The Rath Trail (Wichita: McCormick-Armstrong Co., Inc., 1961), pp. 24-25, 44-54. Documents from Charles Rath's depredation claim are published here. Rath was later one of the early pioneers at Dodge City where he was a partner with Robert M. Wright. See also Berthrong, Southern Cheyennes, pp. 187-188; Louise Barry, "The Ranch at Cow Creek Crossing," KHQ, XXXVIII (1972), 427-428.

35. Powell, People of the Sacred Mountain, I, 264; Hyde, Life of Bent, p. 133; Leo E. Oliva, Soldiers on the Santa Fe Trail (Norman: University of Oklahoma Press, 1967)

36. Lavender, Bent's Fort, p. 377.

37. Chivington to Wynkoop, May 31, 1864, OR, Series I, XXXIV, Pt. 4, 151.

38. H.M. Fosdick to Evans, May 29, 1864; Evans to Chivington, June 3, 1864; Chivington to Evans, June 3, 1864; Shoup to Chivington, May 30, 1864, Curtis Papers, IX, 357.

39. Charlot to McKenny, June 3, 1864; Curtis to Chivington, June 7, 1864; Curtis to Governor Thomas Carney, June 7, 1864; Ibid. pp 355, 359, 362.

40. Curtis to Chivington, June 10, 1864; Ibid., 365.

41. Chivington to Curtis, June 11, 1864, OR, Series I, XXXIV, Pt. 4, 318-319.

42. Testimony of William Bent, Condition of Indian Tribes, p. 98.

43. Hyde, Life of Bent, pp. 133-134.

44. Evans to Curtis, May 28, June 3, 1864, Indian Letter Book.

45. Evans to Ashcraft, June 8, 1864, Ibid.

46. Testimony of Bouser, Condition of Indian Tribes, p. 73.

47. Evans to Dole, June 8, 1864, Indian Letter Book.

48. Evans to Gerry, June 10, 1864, Ibid.

49. Evans to Curtis, June 11, 1864, Curtis Papers, IX, 367.
50. Maynard to Captain Joseph C. Davidson, June 11, 1864; Chivington to Davidson, June 12, 1864; Davidson to Maynard, June 19, 1864, OR, Series I, XXXIV, Pt. 4, 320-321, 330, 462.
51. J.S. Brown and Thomas J. Darrah to Evans, June 11, 1864; Brown, Darrah, and D.C. Corbin to Maynard, June 13, 1864; Maynard to Charlot, June 13, 1864; Reynolds to Chivington, June 15, 1864, OR, Series I, XXXIV, Pt. 4, 319-320, 330, 354-355, 462.
52. Henry Littleton Pitzer, Three Frontiers: Memories and a Portrait of Henry Littleton Pitzer as Recorded by His Son Robert Claibourne Pitzer (Muscatine, Iowa: The Prairie Press, 1938), pp. 162-163; Elmer R. Burkey, "The Site of the Murder of the Hungate Family by Indians in 1864," CM, 12 (1935), 135-142; Ashley, "Reminiscences," pp. 74-75; Hill, Tales of the Colorado Pioneers, pp. 79-80; Nathaniel P. Hill, "Nathaniel P. Hill Inspects Colorado, Letters Written in 1864," CM, 33-34 (1956-1957), 246.
53. Evans to Curtis, June 14, 1864; Evans to Dole, June 14, 1864, Indian Letter Book.
54. Brown, Darrah, and Corbin to Maynard, June 13, 1864, OR, Series I, XXXIV, Pt. 4, 354-355.
55. Statement of Robert North, June 15, 1864, AR, CIA, 1864, p. 228; statement of Neva at Camp Weld Conference, September 28, 1864, Senate Executive Document No. 26, 39th Congress, 2nd Session, Report of the Secretary of War, Communication. . . 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 (Washington: Government Printing Office, 1867), p. 216.
56. Ibid. No evidence exists that this incident represented anything more than an isolated episode of violence.
57. Pitzer, Three Frontiers, p. 163.
58. Sanford, Mollie, p. 188. Hill, Tales of the Colorado Pioneers, p. 82, concurs, writing, "So great was the confusion incident to the fright, it is believed that one hundred Indians could have taken the town."
59. Hill, Tales of the Colorado Pioneers, p. 80.
60. Sanford, Mollie, pp. 187-188.
61. Hill, Tales of the Colorado Pioneers, pp. 80-84; Pitzer, Three Frontiers, pp. 163-164; and Sanford Mollie, pp. 188, provide ample

testimony to the panic. The Denver Weekly Commonwealth, June 22, 1864, provided a graphic picture: "Yesterday evening it seemed as if the 'Father of Lies' and all his children, had taken Denver by surprise. Stories the most unreasonable, monstrous and terrible, passed from mouth to mouth, and were swallowed without one grain of common sense by men and women. . . . We think we never saw such a general fright [as] had taken possession of our people, who after looking upon the bodies of the murdered family, seemed to have let their imagination run away with their judgements." Quoted in Kennedy, "Colorado Press and Red Men," p. 61. The CCMR, June 16, 1864, reported a thousand Indians preparing to attack Denver. See also Ashley, "Reminiscences," pp. 219-230.

62. Ellis, Teller, p. 45; Maynard to Evans, June 12, 1864, OR, Series I, XXXIV, Pt. 4, 319.

63. Statement of Robert North June 15, 1864, AR, CIA, 1864, p. 228; Statement of William McGaa, June 13, 1864, OR, Series I, XXXIV, Pt. 4, 330.

64. Evans to Dole, June 15, 1864, Indian Letter Book.

65. Evans to Colley, June 16, 1864, Ibid.

66. Evans to Roman Nose June [?], 1864, Ibid.

67. Evans to Colley, June 16, 1864, Ibid.

68. Curtis to Evans, June 18, 1864, Curtis Papers, IX, 377.

69. Dole to Evans, quoted in Governor Evans annual report, October 15, 1864, AR, CIA, 1864, p. 218.

70. McKenny to Charlot, June 15, 1864, OR, Series I, XXXIV, Pt. 4, 402-404.

71. Wallen to AG, DM, June 20, 1864, Ibid., p. 476.

72. Collins to Loree, July 3, 1864, AR CIA, 1864, p. 388.

73. Loree to William Albin, September 30, 1864, Ibid., pp. 386-388.

74. Report of Albin, October 1, 1864, Ibid., p. 348.

75. Hill to his wife, June 19, 1864, Hill, "Letters," p. 249.

76. Ibid.

77. Evans to Curtis, June 22, 1864, Indian Letter Book.

78. Curtis to Evans, July 5, 1864, Curtis Papers, X, 25.

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79. Kelsey, Frontier Capitalist, pp. 140-171
80. Colley to Evans, June 21, 1864, LR, OIA, CS, NARS, RG 75; Proclamation of John Evans to the "Friendly Indians of the Plains," June 27, 1864, AR, CIA, 1864, p. 218.
81. Testimony of William Bent, Condition of Indian Tribes, p. 98.
82. Whiteley to Evans, July 14, 1864, AR, CIA, 1864, p. 235. See also Evans to Loree, June 21, 1864; Evans to Uriah M. Curtis, June 22, 1864; Evans to Whiteley, June 28, 1864, Indian Letter Book.
83. DRMN, July 9, 1864.
84. Mix to Evans, June 23, 1864, AR, CIA, 1864, p. 230.
85. Evans to Colley, July 12, 1864, Ibid., p. 229.
86. Ketcham to Evans, July 1, 1864, LR, OIA, CS, NARS, RG 75.
87. Captain D.L. Hardy to Wynkoop, June 29, 1864, Curtis Papers, X, 62.
88. H.H. Heath to Curtis, June 25, 1864, Ibid., p. 6.
89. Curtis to Chivington, June 29, 1864, Ibid., p. 14.
90. Lieutenant C.S. Burdsal to Wynkoop, July 4, 1864; Chivington to Curtis, July 5, 1864, Ibid., pp. 26, 28.

## CHAPTER VIII

### THE SUMMER WAR

1. Powell, People of the Sacred Mountain, I, 265-267; Ware, Indian War of 1864, pp. 139-147; Hyde, Spotted Tail's Folk, pp. 100-102.
2. Testimony of William Bent, Condition of Indian Tribes, p. 98; Hyde, Life of Bent, pp. 133-134.
3. Quoted in Hyde, Life of Bent, p. 134. See also William E. Unrau, "The Story of Fort Larned," KHQ, XXIII (1957), 257-280; and Hoig, Sand Creek, pp. 74-75.
4. Lieutenant R.M. Fish to Governor Thomas Carney, June 6, 1864; Carney to Curtis, June 17, 1864; "Charges and Specifications against Capt. James W. Parmetar, 12th Regt. Kan. Vols." James W. Parmetar, CMSR, AGO, NARS, RG 94.
5. McKenny to Charlot, June 15, 1864, OR, Series I, XXXIV, Pt. 4, 402-404; Hardy to Wynkoop, June 29, 1864, Curtis Papers, X, 62.
6. Curtis to Chivington, July 7, 1864, Ibid., p. 29.
7. Hoig, Sand Creek, p. 92.
8. Chivington to Charlot, July 15, 1864, Ibid., p. 69.
9. Ibid. See also, Hoig, Sand Creek, p. 92.
10. Curtis to Chivington, July 30, 1864, OR, Series I, XLI, Pt. 2, 484; Colley to Evans, July 26, 1864, AR, CIA, 1864, p. 253; Hyde, Life of Bent, pp. 134-135. For an account from the Kiowa point of view, see James Mooney, Calendar History of the Kiowa Indians. 17th Annual Report of the Bureau of American Ethnology (Washington: Smithsonian Institution, 1898), pp. 313-314. See also the statement of An-pay-kau-te, the son of Satank, in Wilbur Sturtevant Nye, Plains Indian Raiders: The Final Phases of Warfare from the Arkansas to the Red River (Norman: University of Oklahoma Press, 1968), pp. 9-10. An-pay-kau-te insisted that his father, Satank (Sitting Bear), not Satanta (White Bear), was the

chief in question. George Bent also named Satank, but Mooney's sources said the man was Satanta. Mildred P. Mayhall, The Kiowas. Second Edition (Norman: University of Oklahoma, 1971), p. 224, follows Mooney.

11. Curtis to Halleck, July 23, 26, 28, 1864, OR, Series I, XLI, Pt. 2, 368, 413, 445; M.M. Payne to Curtis, July 21, 1864; Curtis to Charlot, July 24, 1864, Curtis Papers, X, 99, 102; Louise W. Barry, "The Ranch at Little Arkansas Crossing," KHQ, XXXVIII (1972), 291; Louise Barry, "The Ranch at Cow Creek Crossing (Beach Valley, P. O.)," KHQ, XXXVIII (1972), 432-424; Barry, "Walnut Creek Crossing," pp. 144-145; Mooney, Calendar History of Kiowas, pp. 176-177.

12. Testimony of William Bent, Condition of Indian Tribes, p. 98; testimony of Samuel G. Colley, "Massacre of the Cheyenne Indians," Senate Report No. 142, 38th Congress, 2nd Session, Report of the Joint Committee on the Conduct of the War. 4 volumes (Washington: Government Printing Office, 1865), III, 31. See also DRMN, August 1, 1864.

13. Trenholm, Arapahoes, p. 184; Hyde, Life of Bent, p. 135.

14. Hyde, Life of Bent, pp. 135-137; Grinnell, Fighting Cheyennes, pp. 154-155.

15. Chivington to Curtis, July 20, 1864, Curtis Papers, X, 85. Chivington wrote of Captain Parmetar: "So gross is his conduct and so utterly unfitted for the delicate and responsible duties of Commander at this Post at this critical state of affairs, that I should not have hesitated at superceding him in this command if I had not been instructed by the Maj. Gen. Comdg Department. I shall place him under arrest & order him to report to Major Gen. Curtis at Fort Leavenworth, and will make out charges against him & forward with the names of witnesses, but with the request that he be summarily dismissed, for the reason that I do not think a man acting so ought to be dignified with a trial."

16. Colley to Evans, July 26, 1864, AR, CIA, 1864, p. 230.

17. Report of Evans, October 15, 1864, Ibid., p. 219.

18. Curtis to McKean, July 20, 1864, Curtis Papers, X, 86.

19. Curtis to Major S. S. Curtis, July 21, 1864, Curtis to Charlot, July 26, 1864, Ibid., pp. 89, 102; Curtis to Halleck, July 23, 1864, "Massacre of Cheyenne Indians," p. 62. See also Utley, Frontiersmen in Blue, pp. 287-288.

20. Utley, Frontiersmen in Blue, pp. 287-288.

21. Curtis to Chivington, July 30, 1864, OR, Series I, XLI, Pt. 2, 483.

22. Ibid.
23. GFO 1, July 27, 1864, "Massacre of Cheyenne Indian," pp. 75-76.
24. GFO 2, July 31, 1864, Ibid., p. 76. On June 29, Curtis had warned Chivington, "You must also restrain your troops in the chase after buffalo, an amusement which breaks down stock and delays marches." Curtis to Chivington, June 29, 1864, Curtis Papers, X, 14.
25. Curtis to Charlot, July 23, 1864, Curtis to Chivington, July 30, 1864, Curtis to Evans, July 30, 1864, Special Field Order No. 3, Department of Kansas, July 31, 1864, GO No. 1, Headquarters, District of the Upper Arkansas, James H. Ford to Curtis, July 31, 1864, OR, Series I, XLI, Pt 2, 369, 483-485, 491, 529.
26. Chivington to Curtis, August 8, 1864, Ibid., pp. 613-614.
27. Lamar, Far Southwest, pp. 252-271.
28. Curtis to Halleck, August 8, 1864, "Massacre of Cheyenne Indians," pp. 62-63.
29. Berthrong, Southern Cheyennes, pp. 197-199.
30. Evans to Curtis, July 18, 1864, Mitchell to Curtis, July 19, 1864, Curtis to Evans, July 20, 1864, Curtis to Mitchell, July 20, 1864, Curtis to S. S. Curtis, July 21, 1864, Sanborn to Maynard, July 21, 1864, Sanborn to Chivington, July 28, 1864, OR, Series I, XLI, Pt. 1, 73-74; Pt. 2, 256, 276, 302, 322, 323.
31. Mitchell to Curtis, July 19, 1864, Curtis to Mitchell, July 20, 1864, Mitchell to Curtis, July 27, 1864, Curtis Papers, X, 81, 86, 108.
32. Evans to Curtis, June 21, 1864, Evans to Stanton, June 14, 1864, Evans to Curtis, June 16, 1864, Indian Letter book; Evans to Curtis, August 8, 1864, Saunders to Curtis, July 28, 1864, Curtis to Mitchell, July 27, 1864, Curtis Papers, X, 103, 108, 128.
33. Saunders to Curtis, July 28, 1864, Curtis Papers, X, 103.
34. Colonel R. R. Livingston to Curtis, July 28, 1864, Ibid., p. 104.
35. O'Brian to Curtis, undated, Mitchell to Charlot, July 29, 1864, Ibid., pp. 114-115.
36. Mitchell to Charlot, July 29, 1864, Ibid., p. 115.

37. Captain Henry Booth to Curtis, August 5, 7, 11, 1864, Blunt to Curtis, August 8, 1864, OR, Series I, XLI, Pt. 1, 189-190, 233-235; Pt. 2, 611-612, 659.

38. Ibid.; Berthrong, Southern Cheyennes, p. 199.

39. Virginia N. Leasure, "The Captivity of Laura L. Roper," Nebraska State Historical Society. Laura Roper dictated this account to her daughter in 1918. It was rewritten and submitted to the Nebraska State Historical Society in 1974 by Laura Roper's granddaughter. In preparing this account, this manuscript has been supplemented by materials in the Indian Depredation Case File No. 7007, Pauline Roper v. United States (1893), USCC, NARS, RG 123 and the statement of Laura Roper as recorded by Julia Lambert in "Plain Tales of the Plains," No. 12, p. 6.

40. The best account of the raids in Nebraska and northern Kansas at this time remains Leroy W. Hagerty, "Indian Raids Along the Platte and Little Blue Rivers, 1864-1865," NH, XXVIII (1947), 176-186, 239-260.

41. Musetta Gilman and Clyde Wallace, "Nancy Morton's Own Story of the Plum Creek Massacre, 1864," unpublished manuscript, Nebraska State Historical Society, pp. 4-11. This manuscript was prepared from Nancy Fletcher Morton's own handwritten reminiscences. A more detailed version appeared in the Bertrand (Nebraska) Herald, June 28-September 6, 1940.

42. Haverty, "Indian Raids," pp. 240-242; Berthrong, Southern Cheyennes, pp. 200-201.

43. Curtis to Halleck, August 8, 1864, "Massacre of Cheyenne Indians," pp. 62-63.

44. Curtis to Carney, August 10, 1864, Curtis Papers, X, 133.

45. Curtis to Halleck, August 10, 1864, "Massacre of Cheyenne Indians," p. 63.

46. Mitchell to Curtis, August 8, 1864, Curtis Papers, X, 128.

47. Saunders to Curtis, August 10, 1864, Ibid., p. 132.

48. Carney to Curtis, August 15, 1864, Ibid., p. 138.

49. Chivington to Curtis, August 8, 1864, Ibid., p. 128.

50. Evans to Curtis, August 8, 1864, Indian Letter Book.

51. Bent to Colley, August 7, 1864, Colley to Evans, August 7, 1864, Wynkoop to Maynard, August 9, 1864, OR, Series I, XLI, Pt. 1, 233-234; Pt. 2, 735. See also, Hoig, Sand Creek, pp. 85-86.



52. Cramer to Wynkoop, August 12, 1864, Wynkoop to Chivington, August 13, 1864, OR, Series I, XLI, Pt. 1, 237-240; testimony of Lieutenant Joseph Cramer, Sand Creek Massacre, pp. 32-33; testimony of Samuel G. Colley, Condition of Indian Tribes, p. 31. See also the affidavits of E. W. Wynkoop, March 27, 1882, James M. Combs, December 12, 1881, Augusta C. Hall (Mrs. Joseph A. Cramer) Pension File, WC 339-919, VA, NARS, RG 15. Hoig, Sand Creek, pp. 86-88, is also useful.

53. Curtis to Blunt, August 9, 1864, OR, Series I, XLI, Pt. 2, 629-631.

54. Curtis to Mitchell, August 11, 1864, Curtis to Saunders, August 11, 1864, Curtis Papers, X, 136, 137.

55. Curtis to Carney, August 15, 1864, Curtis to Evans, August 11, 1864, Ibid., pp. 138, 139.

56. Curtis to W. A. Gillespie, August 11, 1864, Curtis to John G. Pratt, August 11, 1864, Charlot to McLain, August 11, 1864, Ibid., pp. 139, 140. See also, Utley, Frontiersmen in Blue, pp. 288-289.

57. Mitchell to Curtis, August 12, 1864, Pratt to Charlot, August 12, 1864, Chivington to Curtis, August 12, 1864, Chivington to Charlot, August 12, 1864, Pratt to Curtis, August 12, 1864, Gillespie to Curtis, August 12, 1864, Mitchell to Curtis, August 8, 1864, Curtis to Mitchell, August 16, 1864, Ibid., pp. 140-162.

58. Mitchell to Curtis, August 18, 1864, Curtis to Halleck, August 18, 1864, OR, Series I, XLI, Pt. 2, 762, 765; Hyde, Life of Bent, p. 141; Bent to Hyde, September 26, 1905, Bent-Hyde Correspondence, Yale; Powell, People of the Sacred Mountain, I, 281; Berthrong, Southern Cheyennes, p. 203.

59. Lambert, "Plain Tales of the Plains," No. 12, p. 8; testimony of Cramer, Sand Creek Massacre, p. 57; statement of Neva, Camp Weld Conference, Ibid., p. 216. See also Janet Lecompte, "Charles Autobees," CM, 35 (1958), 303.

60. Anthony to H.G. Loring, August 23, 1864, Anthony to J. E. Tappan, August 29, 1864, OR, Series I, XLI, Pt. 2, 827, 926.

61. Hoig, Sand Creek, p. 95.

62. Colley to Evans, August 26, 1864, AR, CIA, 1864, pp. 231-232.

63. Carleton to General Lorenzo Thomas, August 28, 29, 1864, OR, Series I, XLI, Pt. 2, 828.

64. WRMN, July 27, 1864; Berthrong, Southern Cheyennes, pp. 196-197.

65. Bent to Colley, August 7, 1864, OR, Series I, XLI, Pt. 2, 735.
66. Leasure, "Captivity of Laura Roper," p. 5.
67. Ibid., p. 9; statement of Neva, Camp Weld Conference, Sand Creek Massacre, p. 216.
68. Contemporary sources emphasize the most of the raiding parties were small. Almost all accounts of strikes on the Platte and the Arkansas indicate groups of five to twenty-five warriors. See especially the correspondence in the Curtis Papers, X.
69. Hyde, Life of Bent, p. 140.
70. Leasure, "Captivity of Laura Roper," p. 7. Laura Roper said flatly, "The Indians were short of food while I was with them." Gilman and Wallace, "Nancy Morton's Story," p. 19.
71. Leasure, "Captivity of Laura Roper," p. 8.
72. Gilman and Wallace, "Nancy Morton's Story," p. 18. In a deposition made on May 11, 1865, Mrs. Morton said she was told that her captors were Cheyennes under Bull Bear, and that she was placed in the lodge of Flat Foot or Old Medicine Man. In the version of her story published in the Bertand Herald, she named her captor as Red Cloud, but this series of articles shows evidence of some liberties in naming individuals and considerable editorial license. She insists in all versions that her captor was a medicine man.
73. Colley to Evans, August 9, 1864, Whiteley to Evans, August 30, 1864, AR, CIA, 1864, pp. 231, 236-237; Augusta Hauck Block, "Lower Boulder and St. Vrain Valley Home Guards and Fort Junction," CM, 16 (1939), 189. See also Coel, Left Hand, pp. 199-200.
74. Hyde, Life of Bent, p. 142.
75. Curtis to Halleck, August 16, 1864, Curtis Papers, X, 157.
76. Curtis to Mitchell, August 17, 1864, Ibid., p. 160.
77. Curtis to Colonel O. P. Mason, August 18, 1864, Ibid., p. 169.
78. Curtis to S. S. Curtis, August 20, 1864, Curtis to Captain Grove, August 17, 1864, Curtis to Saunders, August 21, 1864, Curtis to Mitchell, August 21, 1864, Ibid., pp. 163, 169, 177.
79. Utley, Frontiersmen in Blue, p. 289.
80. Curtis to Curtis, August 22, 1864, Curtis Papers, X, 180.

81. Curtis to Saunders, August 23, 1864, Ibid., p. 182.
82. Berthrong, Southern Cheyennes, p. 206; Utley, Frontiersmen in Blue, p. 289.
83. Curtis to Halleck, September 13, 1864, Curtis to Curtis, September 13, 1864, Curtis to Holladay, September 23, 1864, OR, Series I, XLI, Pt. 3, 179-180, 181, 294-295.
84. Curtis to Carleton, September 19, 1864, Curtis Papers, XI, p. 22.
85. Wood to Curtis, undated, Ibid., p. 6.
86. Tyler to Curtis, September 5, 1864, Ibid., p. 7. For additional information on Tyler and his men, see James F. Willard, "The Tyler Rangers; the Black Hawk Company and the Indian Uprising of 1864, CM, 7 (1930), 147-152.
87. Livingston to Curtis, September 25, 1864, Curtis Papers, XI, 68.

## CHAPTER IX

### THE "BLOODLESS THIRD" REGIMENT

1. Evans to Bennet, June 24, 1864, Indian Letter Book.
2. Kelsey, Frontier Capitalist, pp. 142-143.
3. Evans to Chivington, July 2, 1864, Indian Letter Book.
4. See below, Chapter X.
5. DRMN, July 21, 1864.
6. Evans to Mitchell, July 18, 1864, Indian Letter Book. See also WRMN, July 20, 27, 1864; BHMJ, July 19, 1864, CCMR, July 19, 1864.
7. Evans to General A. L. Sheldon, August 4, 1864, Evans to General Ramsay, August 9, 1864, Evans to Curtis, August 10, 1864, Evans to Stanton, August 10, 1864, Evans to Dole, August 10, 1864, Evans to Jesse Glenwood, August 13, 1864, Evans to Charles Autobee, August 26, 1864, Evans to Curtis, August 11, 1864, Evans to General J. B. Fry, August 11, 1864, Indian Letter Book.
8. Evans to Curtis, July 18, August 8, 11, 26, 1864, Curtis to Evans, August 11, 19, 21, 1864, Curtis to Chivington, August 11, 15, 25, 27, 1864, Curtis Papers, X, 72, 128, 138, 139, 141, 163, 167, 176, 188, 197, 209.
9. Kelsey, Frontier Capitalist, pp. 122-123.
10. The correspondence is voluminous. See the Indian Letter Book for July and August, 1864, and the Curtis Papers, X, 72-209.
11. Evans to Sheldon, August 4, 1864, Indian Letter Book; Irving Howbert, Memories of a Lifetime in the Pike's Peak Region (New York: G. P. Putnam's Sons, 1925), pp. 102-108. Howbert called the incident, "one of the weirdest scenes that I ever have witnessed."
12. Janet LeCompte, "Sand Creek," CM, 41 (1964), 319-321; BHMJ, August 16, 17, 18, 1864; WRMN, August 31, 1864, CCMR, August 18, 1864.

13. CCMR, June 16, 1864.
14. Ibid., August 18, 1864; BHMJ, August 16, 17, 18, 1864.
15. LeCompte, "Sand Creek," p. 322; Unrau, "Indian Agent," p. 88; Whiteley to Evans, August 30, September 13, 1864, AR, CIA, 1864, pp. 236-238.
16. Nathaniel P. Hill to his sister, August 1, 1864, Hill, "Letters," p. 25.
17. Report of September 25, 1864, Colin B. Goodykoontz, "Colorado as Seen by a Home Missionary, 1863-1868," CM, XII (1935), 66.
18. Hoig, Sand Creek, pp. 64-73; Kenneth B. Englert, "Raids by Reynolds," 1956 Brand Book of the Denver Westerners. Edited by Charles S. Ryland (Boulder: Johnson Publishing Company, 1957), pp. 151-168.
19. Evans to Curtis, August 11, 1864, Indian Letter Book.
20. Curtis to Evans, August 11, 1864, Curtis Papers, X, 139.
21. Curtis to Evans, August 11, 1864, OR, Series I, XLI, Pt. 2, 661.
22. Curtis to Charlot, August 20, Curtis Papers, X, 165.
23. Evans to Dole, August 9, 1864, AR, CIA, 1864, p. 251.
24. Evans to Stanton, August 10, 1864, Evans to Dole, August 10, 1864, OR, Series I, XLI, Pt. 2, 644.
25. Endorsement of George K. Otis, on telegram from Evans to Curtis, August 11, 1864, OR, Series I, XLI, Pt. 2, 661; Frank A. Root and William Elsey Connelley, The Overland Stage to California (Topeka: Privately printed, 1901), p. 333. Root was the station master at Latham, and he recalled that 109 sacks of mail piled up at his place. When Indian attacks threatened, these bags were used as breastworks. See also LeRoy R. Hafen, The Overland Mail, 1849-1869 (Glendale: Arthur H. Clark Co., 1926), pp. 260-261.
26. BHMJ, August 20, 1864; CCMR, August 30, 1864.
27. Whiteley to Evans, August 30, 1864, AR, CIA, 1864, pp. 236-237. See also LeCompte, "Sand Creek," pp. 321-322.
28. BHMJ, June 15, 16, 17, August 13, 1864; Willard, "Tyler Rangers," pp. 147-152; Block, "Lower Boulder and St. Vrain Valley Home Guards," pp. 186-191; Evans to Sheldon, August 4, 1864, Indian Letter Book.

29. BHMJ, August 12, 1864.
30. WRMN, August 17, 1864.
31. DRMN, August 10, 1864.
32. Ibid. On August 11, even Professor Hill wrote his wife that he "would rejoice as would every man in Colorado to see them exterminated." Hill, "Letters," p. 36.
33. AR, CIA, 1864, pp. 230-231.
34. Kelsey, Frontier Capitalist, pp. 145-146.
35. Leavenworth to Dole, August 24, 1864, LR, OIA, CS, NARS, RG 75.
36. J. B. Fry to Evans, August 12, 1864, Evans to Fry, August 12, 1864, OR, Series I, XLI, Pt. 2, 695; DRMN, August 13, 1864.
37. CCMR, August 13, 1864.
38. BHMJ, August 15, 1864.
39. Carey, "Bloodless Third," pp. 277-279.
40. DRMN, August 16, 1864.
41. Carey, "Bloodless Third," p. 279.
42. Ibid. p. 283.
43. DRMN, August 16, 17, 1864; Minutes of the Camp Weld Conference, Sand Creek Massacre, p. 216; LeCompte, "Sand Creek," p. 321.
44. Evans to Stanton, August 18, 1864, Indian Letter Book.
45. Statement of Mr. Leroy, August 20, 1864, Evans to Dole, October 15, 1864, AR, CIA, 1864, pp. 219, 232; Block, "Lower Boulder and St. Vrain Valley Home Guards," p. 188; Berthrong, Southern Cheyennes, pp. 204-205; Powell, People of the Sacred Mountain, I, 280-281.
46. Evans to Stanton, August 22, 1864, OR, Series I, XLI, Pt. 2, 809.
47. DRMN, August 23, 1864.
48. Evans to Dole, October 15, 1864, AR, CIA, 1864, p. 219; WRMN, August 31, 1864; Brown to Evans, August 22, 24, 1864, Gerry to Evans, August 22, 1864, Browne to Chivington, August 24, 1864, OR, Series, I,

XLI, Pt. 2, 843-845, 864-865. Virtually all secondary sources have accepted the view that the threat was real, including Powell, People of the Sacred Mountain, I, 281. LeCompte, "Sand Creek," p. 321, is a notable exception. However, the location of the Indians their known practices, the contemporary evidence, and the result, all argue that the whole episode was a hoax.

49. DRMN, August 26, 1864.
50. BHMJ, August 20, 1864. See also Carey, "Bloodless Third," pp. 277-279.
51. DRMN, August 1, 1864.
52. SO No. 4, August 22, 1864, Records of the Third Colorado Cavalry, Adjutant General's Office, Colorado Military Department, Denver, Colorado, p. 6.
53. DRMN, August 20, 22, 23, 24, 1864.
54. Ibid., September 5, 1864.
55. BHMJ, August 23, 1864.
56. Ibid., August 25, 1864.
57. CCMR, September 1, 1864.
58. Ibid., September 11, 1864.
59. Entry for September 12, 1864, Diary of John Wolfe, Pioneers Museum, Colorado Springs; Howbert, Memories, p. 118.
60. Carey, "Bloodless Third," p. 280; Evans to Stanton, September 19, 1864, Indian Letter Book.
61. CCMR, August 14, 1864.
62. Carey, "Bloodless Third," pp. 284-287. Professor Carey's careful scrutiny of the records of the Third Colorado Regiment was supplemented by an extensive examination of other sources in a monumental quest to learn as much as possible about the men of the regiment. His notes include voluminous information on men of the Third from the highest ranking officers to private soldiers. His conclusions in this regard are entitled to great weight.
63. Ibid. Professor Carey wrote: "An incomplete study of the personnel of the regiment . . . indicates that the more stable and permanent elements of the population contributed a larger proportion of

men to the first company recruited in Denver (A), the Boulder company (D), and to Company G (El Paso and Pueblo Counties), and even to Company B, the first Gilpin County company, than to the other Denver companies and those recruited later in the mining counties. Fairly substantial numbers of the non-commissioned officers and privates of those four companies (especially A, D, and G) continued to live in Colorado after 1864 as 'solid citizens,' to engage in agriculture, business, politics, and other community activities, and in numerous instances, to attain considerable prominence. Only a few men from the other companies raised in Denver and in the mountain counties have been similarly identified."

64. Ibid., pp. 282-284. Carey's notes include extensive materials on the Third's officer corps drawn from newspapers, public records, genealogies, local histories, and correspondence with living relatives. About half of the officers owed their commissions to recruiting activities. Some were appointed because of political connections, some because they were locally prominent.

65. DRMN, September 19, 1864. William M. Breakenridge, Hell'dorado: Bringing the Law to the Mesquite (Boston: Houghton Mifflin, 1928), p. 22.

66. Carey, "Bloodless Third," p. 283-284.

67. George L. Shoup CMSR, AGO, NARS, RG 94; J. E. Rutherford, "George L. Shoup," Dictionary of American Biography. 20 volumes. Edited by Allen Johnson and Dumas Malone (New York: Charles Scribner's Sons, 1928-1937), XVII, 131-132; History of the Arkansas Valley (Chicago: O. L. Baskin and Company, 1881), pp. 425, 474-475, 578; LeRoy R. Hafen, editor, Colorado and Its People. 4 volumes (New York: Lewis Historical Publishing Company, 1948), I, 314; Ethel Kimball, "Cavalryman Turned Rancher," True West, 16 (November-December, 1968), 32-35, 41-43. An interesting sidelight is the Diary of George L. Shoup, April 25, 1862-April 23, 1863, at the Colorado Historical Society. Unfortunately, no diary exists for the period of the Third Regiment's history.

68. Hoig, Sand Creek, pp. 66-67, 130.

69. BHMJ, August 25, 1864.

70. CCMR, September 1, 1864.

71. DRMN, September 5, 1864.

72. Ibid., September 7, 1864.

73. SO No. 8, August 27, 1864, SO No. 10, August 29, 1864, SO No. 11, September 1, 1864, Records of the Third Colorado Cavalry, pp. 9-11.



74. BHMJ, September 24, 1864.
75. SO 79, September 1, 1864, DC, USAC, NARS, RG 393. The problems of supply are discussed in the testimony of Lieutenant C. C. Hawley and Captain C. L. Gorton, Sand Creek Massacre, pp. 34-39, 160-163.
76. Carey, "Bloodless Third," p. 290.
77. Mitchell to Curtis, August 8, 1864, Curtis Papers, X, 145.
78. Mitchell to Curtis, August 8, 1864, Ibid., p. 128.
79. Chivington to Curtis, August 10, 1864, Ibid., p. 145.
80. Summers to Curtis, August 12, 1864, Ibid., p. 146. See also Curtis to Saunders, August 11, 1864, Gillespie to Curtis, August 15, 1864, Ibid., pp. 138, 150.
81. Curtis to Halleck, August 17, 1864, General Curtis to Major Curtis, August 22, 1864, Major Curtis to General Curtis, August 22, 1864, Ibid., pp. 157, 180, 181.
82. General Curtis to Major Curtis, August 22, 1864, Ibid., p. 180.
83. Chivington to Curtis, August 25, 1864, Ibid., p. 201.
84. Chivington to Curtis, August 27, 1864, Ibid., p. 209.
85. Curtis to Chivington, August 27, 1864, Ibid.
86. Curtis to Halleck, August 30, 1864, Ibid., p. 223.
87. Carey, "Bloodless Third," p. 292; testimony of Gorton and Shoup, Sand Creek Massacre, pp. 160-161, 175; entry for November 22, 1864, Wolfe Diary; Howbert, Memories, p. 120; Breakenridge, Hellodoro, p. 24.
88. Carey, "Bloodless Third," pp. 292-293; testimony of Hawley, Sand Creek Massacre, p. 35.
89. Breakenridge, Hellodoro, pp. 26-27.
90. Testimony of Hawley, Sand Creek Massacre, pp. 34-38; Carey, "Bloodless Third," pp. 290-291.
91. Carey, "Bloodless Third," pp. 288-289.
92. Browne to Evans, August 24, 25, 1864, OR, Series I, XLI, Pt. 2, 844-845, 896-897.
93. Willard, "Tyler Rangers," pp. 147-152.

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94. Harding to his wife, September 10, 1864, Stephen Selwyn Harding Papers, Indiana University, Bloomington, Indiana.
  95. Hill to his wife, September 167, 1864, Hill, "Letters," p. 42.
  96. Curtis to Halleck, August 28, 1864, OR, Series I, XLI, Pt. 2, 914-915.
  97. DRMN, September 3, 1864.
  98. Report of September 25, 1864, Goodykoontz, "Home Missionary," p. 65.
  99. BHMJ, August 30, 1864.
  100. Ibid., September 30, 1864.
  101. BHMJ, September 26, 1864.
  102. DRMN, September 29, 1864. See also Lonnie J. White, "From Bloodless to Bloody: The Third Colorado Cavalry and the Sand Creek Massacre," JW, VI (1967), 552.

## CHAPTER X

### STATEHOOD AND THE INDIAN QUESTION

1. Colton, Civil War, pp. 177-178; Lamar, Far Southwest, p. 253.
2. Hans L. Trefousse, The Radical Republicans: Lincoln's Vanguard for Racial Justice (New York: Alfred A. Knopf, 1968), pp. 289-297; and T. Harry Williams, Lincoln and the Radicals (Madison: University of Wisconsin Press, 1965), pp. 297-298, 306-333, while differing on basic points of interpretation, agree that the relationship of Lincoln to his party was very strained at this time.
3. Hans L. Trefousse, Benjamin Franklin Wade: Radical Republican from Ohio (New York: Twayne Publishers Inc., 1963), pp. 220-221. See also Lamar, Far Southwest, p. 253.
4. James G. Randall and David Donald, The Civil War and Reconstruction. Second edition (Boston: D. C. Heath and Company, 1962), pp. 288-290; James D. Richardson, editor, A Compilation of the Messages and Papers of the Presidents, 1789-1897. 10 volumes (Washington: Government Printing Office, 1896-1899), VI, 132, 187, 250-251; Kelsey, "Lincoln and Indian Policy," pp. 145-147; David A. Nichols, The Other Civil War: Lincoln and the Indians. (Columbia: University of Missouri Press, 1979), passim.
5. Vincent G. Tegeder, "Lincoln and the Territorial Patronage: The Ascendancy of the Radicals in the West," MVHR, XXXV (1948), 77-90.
6. Lamar, Far Southwest, pp. 226-227.
7. Kenneth N. Owens, "Patterns and Structure in Western Territorial Politics, WHQ, I (1970), 373-392; Tegeder, "Lincoln and Patronage," pp. 77-90; and Eugene H. Berwanger, The West and Reconstruction (Urbana: University of Illinois Press, 1981), pp. 73-101, provide support for this analysis.
8. Kelsey, Frontier Capitalist, pp. 81-127; Lamar, Far Southwest, pp. 240-241.
9. Lamar, Far Southwest, p. 241; Colton, Civil War, pp. 175-175.

10. Lamar, Far Southwest, pp. 254-255.
11. Ibid., pp. 233-240, 254. For a full discussion of the problems of Colorado's mines and the political repercussions, see Frank Hall, History of the State of Colorado, 4 volumes (Chicago: The Blakely Printing Company, 1889), I, 317-323.
12. See above, Chapter IV.
13. BHMJ, July 1, 6, August 12, 1864.
14. Kelsey, Frontier Capitalist, pp. 155-160.
15. Hall, Colorado, I, 311. The standard account of Colorado's early movement for statehood is Elmer Ellis, "Colorado's First Fight for Statehood, 1865-1868," CM, 8 (1931), 23-30. This is supplemented by LeRoy R. Hafen, "Steps to Statehood in Colorado," CM, 3 (1926), 97-110. More recent accounts include those in Lamar, Far Southwest, pp. 252-256, Kelsey, Frontier Capitalist, pp. 155-160; and Colton, Civil War, pp. 177-179.
16. Kelsey, "Background to Sand Creek," pp. 294-295.
17. Ibid., pp. 295-296. Kelsey examined the records of the Union League at the Colorado Historical Society in supporting his interpretation of Whiteley's role in Colorado.
18. Ibid., p. 296. See also Robert L. Perkin, The First Hundred Years: An Informal History of Denver and the Rocky Mountain News (Garden City, New York: Doubleday & Co., 1959), pp. 219-222, 258; Dole to Evans, June 10, July 14, 1864, LS, OIA, NARS, RG 75; and Evans to Dole, June 25, 1864, Indian Letter Book.
19. Evans to Whiteley, June 28, 1864, Indian Letter Book.
20. Trefousse, Radical Republicans, p. 291; Williams, Lincoln and the Radicals, pp. 313-316; Randall and Donald, Civil War and Reconstruction, pp. 467-468.
21. Trefousse, Radical Republicans, pp. 293-295.
22. Randall and Donald, Civil War and Reconstruction, p. 474, quoting Lincoln.
23. Trefousse, Wade, pp. 218-232. The question of the relationship between Lincoln and the Radicals has been the subject of a lengthy historiographical debate. The pioneering work was Williams, Lincoln and the Radicals. David Donald, in an essay entitled "The Radicals and Lincoln," which appears in his Lincoln Reconsidered: Essays on the Civil War Era (New York: Vintage Books, 1956), pp. 103-127, challenged some of

Williams's conclusions. Both men reevaluated their positions in essays which appear in Grady McWhiney, editor, Grant, Lee, Lincoln and the Radicals. Colophon edition (New York: Harper & Row, 1964), pp. 72-117. Trefousse, Radical Republicans, amounted to a major revisionist examination of Williams's conclusions which concludes that Lincoln had few real differences with the Radicals. The historical debate on this point continues, but all accounts agree that the harmony of the party was seriously fractured that summer of 1864.

24. Harding's connections are clearly delineated in Tegeder, "Lincoln and Patronage," pp. 77-90. Also useful is John D. W. Guice, "Colorado's Territorial Courts," CM, 45 (1968), 219-224. Specific connections are spelled out in the Records Relating to the Appointment of Federal Judges, Marshals and Attorneys, 1853-1901, NARS, RG 60, and Letters of Application and Recommendation during the Administrations of Abraham Lincoln and Andrew Johnson, 1861-1869, NARS, RG 59.

25. See the case files in the cases of the United States v. Jerome H. Douchy, Case No. 36-1864, United States v. George W. Harrison, Case No. 48-1864; and United States v. Edward Lee Valle, Case No. 53-1864, Records of the United States District Court for Colorado Territory, DFRC, RG 21.

26. Lamar, Far Southwest, pp. 254-255.

27. Ellis, "First Fight for Statehood," p. 25.

28. Hall, Colorado, I, 310-311; Colton, Civil War, pp. 178-179.

29. Colton, Civil War, p. 178.

30. Lamar, Far Southwest, p. 254.

31. DRMN, August 3, 1864; CCMR, August 4, 1864.

32. Ellis, "First Fight for Statehood," p. 26.

33. Ibid. DRMN, September 8, 10, 1864.

34. BHMJ, July 27, 1864.

35. Ibid., August 15, 1864.

36. DRMN, September 7, 1864.

37. Ibid.

38. Ibid., July 22, 1864.

39. BHMJ, August 13, 1864.

40. Ibid., September 3, 1864.
41. Raymond C. Carey, "The Puzzle of Sand Creek," CM, 41 (1964), 287. Chivington's position was far from enviable. He not only took broadsides from the BHMJ (see the issue of August 8, 1864, for example) but also a touch of sarcasm even from Byers (see DRMN, July 29, 1864).
42. DRMN, July 12, 1864.
43. BHMJ, July 28, 1864.
44. Ibid., July 29, 1864.
45. Ibid., July 14, 1864.
46. Ibid., July 29, 1864, quoting a letter from Fort Lyon, dated July 19, 1864.
47. Ibid., July 14, 1864.
48. Ibid., August 8, 1864.
49. CCMR, July 20, 29, 30, July 2, 1864; Evans to D. C. Collier, June 21, 1864, Indian Letter Book. See also Kelsey, Frontier Capitalist, pp. 156-157.
50. BHMJ, August 20, 1864.
51. Ibid.
52. Ibid., August 13, 1864, quoting the CCMR.
53. Ibid., August 13, 18, 1864.
54. Ibid., August 21, 1864. This item is also quoted in CCMR, August 24, 1864, in a blistering editorial condemning the Journal as a "malicious sheet."
55. CCMR, August 24, 1864; DRMN, August 29, 1864. See Hollister's defense against these charges in BHMJ, July 1, August 26, 1864, where the Black Hawk editor pointed out that he served with the First Colorado Regiment in New Mexico while Byers equivocated on the issue of secession. On August 26, Hollister attacked Byers and Delegate Bennet, calling them "those beautiful twins," who in concert with Evans had brought Colorado "to the brink of ruin." Hollister declared that the statehood issue was an "unscrupulous effort" to save their political careers.
56. DRMN, August 30, 1864.
57. Ibid.

58. Ibid.
59. Ibid. By some strange logic, the Journal argued that the decisions saved the territory a great deal of money. See DRMN, September 5, 1864.
60. BHMJ, September 2, 1864.
61. Ibid. September 2, 5, 1864.
62. Ibid.
63. DRMN, September 5, 1864.
64. BHMJ, August 27, 28, 31, September 12, 1864. See DRMN, August 30, September 5, 7, 10, 1864, for attacks on Armour. See also Guice, "Colorado's Courts," pp. 219-220, for an unfavorable portrait of Armour.
65. Ellis, "First Fight for Statehood," p. 25; Guice, "Colorado's Courts," pp. 221-222. The only charge that ever really stuck in reference to Bradford was that he was ill-mannered and deficient in his personal habits.
66. Tegeder, "Territorial Patronage," pp. 86-88; Lamar, Far Southwest, pp. 362-364; Ellis, Teller, p. 59. Guice, "Colorado's Courts," pp. 222-223, is particularly severe in his treatment of Harding.
67. Harding to his wife, April 22, 1864, Harding Papers. Harding's son, A. L. Harding, wrote to his brother shortly thereafter, with enthusiastic praise for Colorado. He said, "Father has been fortunate in making a good reputation at Central [City] as he has every where else that he has visited in the Territory." A. L. Harding to Sel Harding, May 20, 1864, Ibid.
68. Harding to his wife, May 18, 1864, Ibid. Harding's son was more enthusiastic: "From what I have seen & Heard I think I shall have a chance to vote for Abraham this fall in this Territory. I think Colorado will be admitted as a State before that time. Colorado is loyal to the core and will go, if they go at all, strongly for 'Honest Abe,'" A. L. Harding to Sel Harding, May 20, 1864, Ibid.
69. DRMN, August 20, September 5, 6, 7, 8, 10, 1864. The perception of Harding in historical accounts of early Colorado owes much to the fact that most historians have relied upon the files of the Rocky Mountain News for their interpretations. As will be seen below, Harding's image changed primarily because of the Indian problem, a connection which most writers have totally ignored.
70. Harding to his wife, September 10, 1864, Harding Papers.

71. DRMN, September 5, 6, 7, 10, 1864.
72. Ellis, "First Fight for Statehood," p. 25.
73. DRMN, August 25, 26, 1864.
74. Hafen, "Steps to Statehood," pp. 97-107; Kelsey, Frontier Capitalist, p. 159. See also, DRMN, September 2, 1864. Some measure of Evans's unpopularity may be taken by reference to Republican convention in August. When the governor's name was presented as the candidate for the seat in the House of Representatives, the motion was defeated and Chivington was nominated instead. DRMN, August 3, 1864.
75. CG, 39th Congress, 1st Session, 1866, Pt. 2, 1353; "Abstract of Votes Cast in an Election Held September 13, 1864, on the Adoption of the Constitution of the State of Colorado as Adopted in Convention July 11, 1864, & for Delegate and Member of Congress," Proceedings of the State Canvassing Board, June 23, 1864, pp. 30-31, CSA.
76. Evans to John Palmer Usher, September 23, 1864, Abraham Lincoln Papers, LC, Microfilm Reel No. 82.
77. Evans to Lincoln, November 11, 1864, Indian Letter Book.
78. Evans to Joel Evans, October 30, 1864, David Evans Papers, Ohio Historical Society, Inc., Columbus, Ohio.
79. Hall, Colorado, I, 311.
80. BHMJ, September 7, 1864. See also Trefousse, Radical Republicans, pp. 294-295, and Williams, Lincoln and the Radicals, pp. 328-333.
81. Kelsey, Frontier Capitalist, pp. 160-162.



## CHAPTER XI

### THE BLUNDER AT CAMP WELD

1. BHMJ, September 29, 1864. A much abbreviated version of this chapter appeared under the title, "A Message From Black Kettle," in AW, IX (May, 1972), 20, 63-64. The present account is much more detailed and profits from additional research.

2. Wynkoop to Chivington, August 13, 1864, OR, Series I, XLI, Pt. 1, 237-238; Edward Wanshear Wynkoop, "Unfinished Colorado History," MSS II-20, CHS, p. 84.

3. This letter has been reprinted many places, with the language somewhat edited. This quote is from the original message in the hand of George Bent, presently located at the Colorado College Library, Colorado Springs. Samuel Colley, the Indian agent, later testified that he had sent One Eye to Black Kettle in July, 1864, regarding the governor's peace proclamation, that he returned saying Black Kettle was interested, and that he sent One Eye out again. According to Colley, he was returning the second time when he encountered Lieutenant Hawkins's soldiers. At the time he was at Fort Lyon in July, One Eye discussed matters with Colonel Chivington. Chivington "wrote out a certificate of his good character, stating that he was a friendly Indian, and then told him if he came across any soldiers to show that to them; if they shot before he got to them to show a white flag, and that would protect him." Testimony of Samuel G. Colley, "Massacre of Cheyenne Indians," pp. 30-32.

4. Wynkoop, "Unfinished History," pp. 85-89; testimony of Wynkoop, Sand Creek Massacre, p. 84; affidavit of John S. Smith, January 15, 1864, OR, Series I, XLI, Pt. 1, 965; Hyde, Life of Bent, p. 142; Colley to Evans, September 4, 1864, AR, CIA, 1864, p. 233. George Bent recorded that Wynkoop treated the prisoners "very harshly," but Colley told Evans that Wynkoop "requested that they be well treated, in order that he may be able to rescue the white prisoners from the Indians."

5. Wynkoop to Chivington, September 4, 1864, LR, DC, W-49, Box 1, USAC, NARS, RG 393. Wynkoop's letter to Chivington sharply contrasts with his later statement in the "Unfinished History," pp. 84-89, that One Eye's eloquence convinced him of their sincerity. Straight, "Novelist's View," p. 6, maintained that "This brief encounter was. . . a decisive

moment in Wynkoop's life . . . so profound that we can only conclude that he was unconsciously prepared for it. . . . The chance encounter with One Eye brought to his consciousness in place of a faceless and despised enemy, a fellow human being. He saw in that human being the quality he admired above others--courage. So One Eye brought Wynkoop back to himself." Hoig, Sand Creek, pp. 99-100, takes a similar position. Wynkoop's letter to Chivington forces a reappraisal. In it, he appears uncertain and still convinced that the Indians deserve harsh treatment. Here, Wynkoop's great concern seems to be the prisoners rather than the persuasive energies of the Cheyenne chief.

6. Wynkoop, "Unfinished History," p. 89; testimony of Wynkoop, Cramer, Sand Creek Massacre, pp. 30, 84; Wynkoop to Curtis, October 8, 1864, LR, DK, AGO, NARS, RG 94; Wynkoop to Evans, September 18, 1864, AR, CIA, 1864, pp. 233-235; "Dunk" to the Editor, Evans, Colorado Journal, 1876, undated clippings in the Carey Collection. "Dunk" was apparently Duncan Kerr, an army scout who served with the Colorado troops. He claimed to have accompanied Wynkoop on his mission. His account depicts Wynkoop in a somewhat belligerent light, a man who saw "his duty plainly," and was willing to fight if necessary.

7. Powell, People of the Sacred Mountain, I, 267-269; Llewellyn and Hoebel, Cheyenne Way, pp. 140-146.

8. Grinnell, Cheyenne Indians, I, 352-353.

9. Powell, People of the Sacred Mountain, I, 270-271. Dating the time of this renewal of the Council is extremely difficult. Certain evidence suggests that a gathering of all the Cheyennes, northern and southern, did not occur at all. Hyde, Life of Bent, pp. 139-143, makes no mention of such a grand council. On this basis, Powell seems to favor an early summer gathering when Bent was away from the camps, but Bent says in Ibid., p. 139, that the Omis spent the early summer hunting in the Powder River country. He also claims, pp. 196-197, that the gathering in the Powder River country in the winter of 1865, was the first time the two divisions had been together in years. Dating the renewal of the Council by the renewal of Mahuts is also frustrating. Stone Forehead, the keeper, did not leave the Salt Plain near Larned until mid-July, and the renewal of Mahuts would have had to have preceded the renewal of the Council because of the murder committed that summer. Grinnell, Cheyenne Indians, I, 353, says that Minimic pledged the renewal on the Solomon. This would argue that the renewal came in August before the great camps broke up. The tradition persists in some families of Southern Cheyennes that the renewal of the Arrows did not take place until September of October. Interview with Laird Cometsevah, Calumet, Oklahoma, March 16, 1980. This would be too late for a renewal of the Council afterwards. Curiously, Nancy Morton recalled that while she was a captive (apparently during the autumn or early winter of 1864-1865), she was permitted to see the Arrows. She claimed that they were encamped for six days, and that the chief who held her captive had custody of the arrows. She recalled

that he painted his body red all over (which would identify him as the pledger), but some of the other details are confused. See Gilman and Wallace, "Nancy Morton's Story," pp. 40-41. The curious thing is that she was even aware of the Arrows unless she was actually present at the Renewal. I have chosen to schedule the ceremonies at an August date because that time sequence seems more consistent with the known movements of the Cheyennes.

10. Powell, People of the Sacred Mountain, I, 271-272.

11. Ibid., p. 272. Powell gives the best and most reliable account of Little Wolf's early life. See also, Gary L. Roberts, "The Shame of Little Wolf," MMWH, XXVIII (July, 1978), 36-47, and Hoig, Peace Chiefs, pp. 123-137.

12. Hyde, Life of Bent, p. 142.

13. Ibid.

14. Leasure, "Captivity of Laura Roper," p. 12.

15. Testimony of Wynkoop, Cramer and Soule, Sand Creek Massacre, pp. 9, 33, 84; Wynkoop to Curtis, October 8, 1864, LR, DK, USAC, NARS, RG 393; Dunk to Editor, Evans Journal, 1876, Carey Collection.

16. Wynkoop, "Unfinished History," p. 91; testimony of Cramer, Sand Creek Massacre, pp. 29-34.

17. Testimony of Soule, Sand Creek Massacre, p. 16.

18. Testimony of Cramer and Soule, Ibid., pp. 16-17, 29-30. See also Powell, People of the Sacred Mountain, I, 284-285.

19. Hoig, Sand Creek, pp. 102-104; Wynkoop, "Unfinished History," pp. 91-94.

20. Ibid., p. 93; Coel, Left Hand, pp. 217-218.

21. Ibid., pp. 93-98; testimony of Cramer, Soule, and Wynkoop, Sand Creek Massacre, pp. 16-17, 31-34, 85-86.

22. Testimony of Cramer, Sand Creek Massacre, p. 33; Wynkoop, "Unfinished History," p.

23. Testimony of Cramer, Ibid., pp. 55-56.

24. Wynkoop, "Unfinished History," pp. 99. Wynkoop did not mention a mutiny in his testimony the following spring, Sand Creek Massacre, p. 101, saying only that he heard about the threats from other officers. However, B.N. Forbes, a trooper in Company D, First Colorado Cavalry,

testified that on the first day that the command was on the Smoky Hill, "There was strong talk among the troops of breaking camp and returning to Fort Lyon without orders from the officers. He said that the men "sent for" Wynkoop, but that after he talked with them "the excitement died away and they (the troops) decided to wait for orders." Pressed by Downing, Chivington's attorney, Forbes said that while the troops "had full confidence in Major Wynkoop when sober" they were worried because "there was more whiskey on board than necessary." On cross-examination Forbes said that after the first day the "spirit of mutiny" amounted to nothing more than "idle talk." Ibid., pp. 206-207. Dunk said later that following the conference, Wynkoop told him, he would never "take such chances again." Dunk to Editor, Evans Journal, 1876, Carey Collection.

25. Leasure, "Captivity of Laura Roper," p. 13.

26. Wynkoop, "Unfinished History," pp. 100-101.

27. Testimony of Cramer, Sand Creek Massacre, p. 44.

28. Wynkoop, "Unfinished History," p. 102.

29. Ibid., p. 103.

30. The fate of Mrs. Snyder was confirmed by Black Kettle at the Camp Weld Conference. Sand Creek Massacre, p. 213. In the version of her captivity published in the Bertrand Herald (July 26, 1940), Nancy Morton said that both she and Mrs. Ewbanks were in the Smoky Hill village. She says that they were tied down to the ground and had buffalo robes thrown over them. Afterwards, she said that they released them from their bonds and "allowed us to look at the militia until they were out of sight." Some of the details do not agree with the testimony from other sources, and Mrs. Morton makes no mention of this episode in the handwritten version of her story. Laura Roper said that Mrs. Ewbanks was carried away from the village where she was captive some days before the rescue. Leasure, "Captivity of Laura Roper," p. 8.

31. Testimony of Wynkoop, Sand Creek Massacre, p. 86.

32. Leasure, "Captivity of Laura Roper," p. 14. See also Lambert, "Plain Tales," (May, 1916), p. 8.

33. Wynkoop to Evans, September 18, 1864, AR, CIA, 1864, pp. 233-235; Wynkoop to Captain J. E. Tappan, September 18, 1864, OR, Series I, XLI, Pt. 3, 242-243.

34. Wynkoop to Chivington, September 19, 1864, LR, DK, USAC, NARS, RG 393. Wynkoop's friendly feelings toward Chivington are reflected in this letter: "I have had no opportunity of hearing so far what has been the result of the Election, but am in hopes has turned out favorable to yourself. I held an Election with my command, on the Head Waters of

Smoky Hill and a large majority of my Battalion voted in favor of the Constitution and for yourself; Hoping most sincerely that you are Elected and Expecting too [sic] see you in the course of the week. . . ."

35. Chivington to Curtis, September 19, 1864, OR, Series I, XLI, Pt. 3, 261. Much has been made of Wynkoop's decision to take the Indians to Denver rather than to Fort Leavenworth or even to Fort Riley. Kelsey, Frontier Capitalist, p. 150, regards this as one of "the important questions in the Sand Creek affair," and concludes that Wynkoop feared Curtis "would not approve an easy end to the war." White, "Bloodless to Bloody," p. 548, calls his action a "serious mistake" but does not speculate on his reasons. The more plausible explanation is that Wynkoop simply took them to the men he knew best and respected most--Chivington and Evans.

36. DRMN, September 24, 1864.

37. Ibid.

38. Chivington to Curtis, September 26, 1864, OR, Series I, XLI, Pt. 3, 399.

39. Testimony of Wynkoop, Sand Creek Massacre, pp. 89-90. See also the letter of "P," DRMN, October 3, 1864.

40. DRMN, September 28, 1864.

41. Testimony of Wynkoop, Sand Creek Massacre, p. 90; and Condition of the Indian Tribes, p. 77. Evans had expressed the same view in a letter to Colley on September 18, 1864, in which he said, "I do not deem it advisable to take any steps in the matter until I hear the result of his [Curtis's] expedition." Indian Letter Book.

42. Testimony of Wynkoop, Sand Creek Massacre, p. 90. The governor apparently based this rather illogical statement on a report from Elbridge Gerry that the Indians "claim they whipped the whites this past summer and as they think they are now even with us they would be willing to square accounts if we would and be at peace." Evans regarded such a proposal as "preposterous" but nevertheless seemed to believe that peace in the autumn would be recognition of the Indian "victory." See Evans to Stanton, November 24, 1864, LR, DM, USAC, NARS, RG 393, and the governor's annual report, October 15, 1864, AR, CIA, 1864, p. 222.

43. Testimony of Wynkoop, Condition of the Indian Tribes, p. 77.

44. Ibid. See also Carey, "Puzzle," p. 292. Some historians, notably Kelsey, Frontier Capitalist, p. 146, and Marlatt, "Wynkoop," pp. 55-57, argue that since the only available accounts of this conversation are those of Wynkoop, it probably never occurred. However, given Evans's

posture on the situation in Colorado, it would have been even more remarkable if it did not occur as Wynkoop related it.

45. DRMN, September 28, 1864.

46. Leasure, "Captivity of Laura Roper," p. 15; Wynkoop, "Unfinished History," p. 109. See also Straight, "Novelist's View," p. 8.

47. Leasure, "Captivity of Laura Roper," pp. 15-16.

48. Testimony of Whiteley, Sand Creek Massacre, p. 213. Although Whiteley claimed that he was extremely careful to take down every word said at the conference an examination of the conference minutes suggests that it is not a complete transcript. See Kelsey, "Background to Sand Creek," pp. 297-298.

49. Statement of Evans at the Weld Conference, printed in Sand Creek Massacre, p. 214. This is a curious statement, much at variance with the understanding of the Office of Indian Affairs. See Dole to Evans, October 15, 1864, AR, CIA, 1864, p. 256.

50. Whiteley's report, Sand Creek Massacre, p. 214.

51. Ibid., pp. 215-216. The testimony of Silas Soule and Amos Steck in Ibid., pp. 27, 44, as well as the tenor of the questions as recorded by Whiteley, suggests that Evans steered the chiefs away from any discussion of the origins of the conflict.

52. Whiteley's report, Sand Creek Massacre, p. 216.

53. Ibid., p. 216.

54. DRMN, September 29, 1864.

55. Ibid.

56. Ibid.

57. BHMJ, September 30, 1864.

58. Ibid., October 1, 1864. The editors added, "There is one thing about it: If the Chiefs in council have any or much influence in their tribes, which is doubtful--if they really wish to be on friendly terms with the Whites and to that end will make a definite treaty, and abide by it, then by all means treat with them. But we think facts warrant no hopes of any such consumation. The Head Chiefs, Little Raven, Little Moon [?], etc., appear not except in flames, pillage and massacre. Until they propose peace we fear it is a waste of time to talk about it." Curiously, the Journal named Little Raven, Friday, Left Hand, and Little Moon as the chief offenders who had "signified no desire for peace." On

September 30, 1864, the editors observed that "They have an idea that the Whites are interlopers and they mean to drive them out if possible."

59. Evans to Colley, September 29, 1864, AR, CIA, 1864, pp. 220-221. Berthrong, Southern Cheyennes, p. 210, suggests that until Evans could "undertake a comprehensive peace pact, all bands of the tribes were to be considered at war with the United States Government." If this was his intent, as Berthrong points out, the Indians did not understand the fine distinction. Perhaps more important, such a view made Evans appear even more contradictory in light of his offer to welcome those peacefully disposed at his "places of safety." Evans after all, made the extraordinary statement to the chiefs that he would be happy for the Indians to come in under the proclamation, but that the power to make peace was in the hands of "the great war chief."

60. Report of Governor Evans, October 15, 1864, AR, CIA, 1864, p. 220.

61. Dole to Evans, October 15, 1864, Ibid., p. 256. Dole added, "I cannot help believing that very much of the difficulty on the plains might have been avoided, if a spirit of conciliation had been exercised by the military and others."

62. Report of Evans, October 15, 1864, Ibid., p. 222. Evans's position is summarized in the letter of his clerk, D.A. Chever to Dole, September 29, 1864, in which Chever reported that the governor "had no treaty to make with them, but that they must make terms with the military authority. . . ." He added that "the chiefs promised to use their greatest exertions to induce their warriors to cease hostilities against the whites and expressed confidence in their ability to accomplish this result." Ibid., p. 255. Evans, in his report expressed the hope that the Camp Weld conference might lead to "that most desirable end, the consummation of a permanent and lasting peace with the Indians. . . ." In a telegram to Curtis on September 29, Evans described the Indian leaders as "A party of the most reliable chiefs of [the] Cheyenne and Arapahoe tribes." Curtis Papers, XI, 75. The evidence strongly suggests that Evans believed the Indians were sincere, but that he did not want to take the responsibility of trusting them.

63. Curtis to Chivington, September 28, 1864, OR, Series I, XLI, Pt. 3, 462. LeCompte, "Sand Creek," p. 325, asserts that Wynkoop did not see the telegram. This is definitely not the case, as Wynkoop made direct reference to the telegram, and said that it was partly responsible for his lengthy report to General Curtis. See his letter to Curtis, October 8, 1864, LR, DK, NARS, RG 94.

64. Curtis to Blunt, September 22, 1864, OR, Series I, XLI, Pt. 3, 314-315.

65. Leasure, "Captivity of Laura Roper," p. 8.

66. Whiteley's report, Sand Creek Massacre, p. 217.

67. Carey, "Puzzle," p. 291, notes, "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 Sand Creek 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." These statements are doubtlessly correct, but Wynkoop's decision appears much less "daring and unconventional" in light of his almost naive faith in Evans and Chivington. His whole attitude clearly reflects the confidence he felt in his regimental commander and the governor.

68. Soule to Chivington, October 10, 1864, LR, DC, NARS, RG 393.

69. Wynkoop to Curtis, October 8, 1864, LR, DK, NARS, RG 94. Wynkoop sent his dispatch to Curtis by special messenger, a carefully briefed officer, Lieutenant W. W. Dennison.

70. Testimony of Cramer, Sand Creek Massacre, p. 61.



## CHAPTER XII

### PRELUDE TO MASSACRE

1. Grinnell, Fighting Cheyennes, p. 160n; Berthrong, Southern Cheyennes, p. 209; Powell, People of the Sacred Mountain, I, 287.

2. Bent to Hyde, September 26, 1905; April 2, 1906 (quoting Wolf Robe), January 29, 1913, Bent-Hyde Correspondence, Yale; Bent to Hyde, October 15, 1904, Bent Letters, CHS; Hyde, Life of Bent, pp. 143-144; Blunt to Charlot, September 29, 1864, OR, Series I, XLI, Pt. 1, 818.

3. Blunt to Charlot, September 29, 1864, OR, Series I, XLI, Pt. 1, 818.

4. Curtis to Blunt, September 22, 1864, Curtis Papers, XI, 38. For details of the Price campaign see Albert Castel, "War and Politics: The Price Raid of 1864," KHQ, XXIV (1958), 129-143. Volume XIII of the Curtis Papers is devoted entirely to the Price Campaign.

5. Evans to Curtis, September 29, 1864, Curtis Papers, XI, 75. Evans indicated that a substantial number of Sioux had crossed the Platte and had encamped on the Republican below Fort Cottonwood. "Gen. Sully has doubtless driven them down upon us," he wrote. "We must have a strong force after them at once or we will be destroyed by their cutting off our communications."

6. Curtis to Evans, September 29, 1864, Ibid. Responding to Evans's fears concerning the Sioux, he advised, "If such force is there, it must be attacked as soon as possible. The idea of Sioux being driven down by Sully is not reasonable. That was the report before my visit to the Platte, and I found nothing to justify it."

7. Curtis to O'Brian, September 29, 1864, Curtis to Mitchell, October 2, 1864, Curtis to Chivington, October 2, 1864, Curtis to Livingston, October 2, 1864, Ibid, pp. 73, 74, 79, 87, 89.

8. Halleck to Curtis, September 24, 1864, Curtis to Rosecrans, September 24, 1864, Curtis to Ford, September 25, 1864, Ibid., pp. 55-56.

9. Curtis to Chivington, October 3, 1864, Ibid., p. 90. Curtis told Chivington, "We need every man on the line and must not offer inducements to depletion. Gen. Blunt's desires must be consulted."

10. Diary and Notebook of Samuel F. Tappan, February-May, 1865, Microfilm Copy, CHS, pp. 61, 68.

11. SO No. 71, August 22, 1864, SO No. 76, August 29, 1864, DC, NARS, RG 393; Chivington to Major Curtis, August 23, 1864, Curtis Papers, X, 185; Major Curtis to Chivington, August 24, 1864, OR, Series I, XLI, Pt. 2, 843. On August 25, General Curtis followed up his son's message informing Chivington that in such cases "the final determination should be according to law which requires a review by Department Commander." Curtis Papers, X, 198.

12. Browne to Curtis, October 3, 1864, OR, Series I, XLI, Pt. 3, 596-597; Louella Shaw, True History of Some of the Pioneers of Colorado (Hotchkiss, Colorado: W. S. Ceburn, John Patterson, and A. K. Shaw, 1909), Chapter VI; Englert, "Raids by Reynolds," pp. 165-170; Hoig, Sand Creek, pp. 70-72; Hall, Colorado, I, 313-316.

13. Journal of John L. Dailey, 1864, DPL, entry for September 5, 1864, p. 9.

14. Browne to Curtis, October 3, 1864, OR, Series I, XLI, Pt. 3, 596-597.

15. Shaw, Pioneers of Colorado, pp. 39-47.

16. Testimony of Cramer and Cree, Sand Creek Massacre, pp. 51, 191.

17. Browne to Curtis, October 3, 1864, OR, Series I, XLI, Pt. 3, 596-597.

18. Curtis to Browne, October 15, 1864, Ibid., pp. 899-900.

19. Curtis to Chivington, October 3, 1864, Sand Creek Massacre, p. 173.

20. Carey, "Chivington, Connor, and Sand Creek," p. 124; Ellis Lucia, The Saga of Ben Holladay (New York: Hastings House, 1959), pp. 149-150.

21. DRMN, June 30, 1864.

22. Carey, "Chivington, Connor, and Sand Creek," pp. 116-117.

23. Carey, "Bloodless Third," pp. 290-293.

24. Nichols to Chivington, October 11, 1864, OR, Series I, XLI, Pt. 3, 798-799.

25. Morse H. Coffin, The Battle of Sand Creek. Edited by Alan W. Farley (Waco, Texas: W. M. Morrison, Publisher, 1965), pp. 5-9. Coffin's account, written in 1878 and 1879, was based on notes he took the day of the fight.

26. Entry for October 10, 1864, Diary of Sergeant Henry Blake, 1864, A. A. Paddock Collection, Boulder, Colorado. The present location of the diary is unknown, but a photocopy of the portion covering the late summer and fall of 1864 is in the Carey Collection. The diary was also published in the Boulder Daily Camera, August 2, 1941.

27. Coffin, Battle of Sand Creek, pp. 5-9; Nichols to Shoup, October 10, 1864, DRMN, October 10, 1864. See also White, "Bloodless to Bloody," pp. 555-556.

28. Entry for October 15, Blake Diary.

29. Chivington to Nichols, October 14, 1864, OR, Series I, XLI, Pt. 3, 876.

30. Field Order No. 1, DK, July 27, 1864, "Massacre of the Cheyenne Indians," p. 75, issued by General Curtis, expressly declared that "Indians at war with us will be the object of our pursuit and distinction, but women and children must be spared."

31. Chivington to Curtis, October 15, 1864, OR, Series I, XLI, Pt. 3, 883.

32. Chivington to Holladay, October 14, 1864, Ibid., pp. 876-877. See also Carey, "Chivington, Connor, and Sand Creek," pp. 123-124.

33. Chivington to Wynkoop, October 16, 1864, LS, DC, Vol. 323, DK, USAC, NARS, RG 393. Straight, "Novelist's View," p. 18, suggests that Chivington deliberately mentioned the Republican camps for fear that Wynkoop would not send the carbines if he knew they were to be used against the Indians near Fort Lyon. This is speculation which cannot be verified.

34. SO No. 42, Headquarters, Third Colorado Cavalry, Camp Elbert, Records of the Third Colorado Cavalry, p. 37.

35. R. M. Hughes to Curtis, October 10, 1864, OR, Series I, XLI, Pt. 3, 768.

36. Holladay to Stanton, October 15, 1864, Ibid., p. 903.

37. Halleck to Connor, October 15, 1864, Connor to Halleck, October 17, 1864. Halleck to Connor, October 18, 1864, Ibid., L, Pt. 2, 1013-1015.

38. Connor to Chivington, October 22, 1864, Ibid., XLI, Pt. 3, 259.
39. Carey, "Chivington, Connor, and Sand Creek," pp. 118-119.
40. Camp Douglas, Utah, Daily Union Vedette, August 31, 1864.
41. Ibid., September 27, 1864.
42. Chivington to Curtis, October 26, 1864, OR, Series I, XLI, Pt. 4, 259.
43. Shoup to Chivington, October 24, 1864, LR, DK, USAC, NARS, RG 393.
44. Entry for October 26, 1864, Dailey Journal, p. 44.
45. Entry for October 31, 1864, Ibid., p. 46.
46. Entry for November 2, 1864, Wolfe Diary.
47. Entry for November 3, 1864, Dailey Journal, p. 47.
48. Entries for November 7-12, 1864, Ibid., pp. 48-52. See also Carey, "Bloodless Third," pp. 295-297.
49. The rendezvous was attended by considerable confusion. Dailey recorded the situation when the troops encamped near Pueblo on November 17: "Many of our company went up to Pueblo after supper, found the Mexicans rampant over whiskey and fancied insult from Co. A. They commenced a promiscuous attack on all American soldiers as they made their appearance in the town, firing at them from the bluffs and around corners of houses, and huddling around single ones, with their arms drawn, when opportunity offered. Many shots were exchanged, but no one killed on either side. More wounds from first blows than firearms. Late at night, when camp was settled." Albert G. Boone later filed a claim with the government for the destruction of his property by the troops. See "Correspondence concerning the claim of Col. A.G. Boone, of Colorado, for depredations committed on his ranch by First Colorado Vol. Cavalry, in 1862, and by Third regt. Colorado vols. in 1864-65," MS-ZH-7, New York Public Library.
50. Evans to Connor, October 24, 1864, OR, Series I, L, Pt. 2, 1036.
51. DRMN, February 26, 1863.
52. Ibid., November 16, 1864.
53. Ibid.; Kelsey, Frontier Capitalist, pp. 151-152.

54. Evans to Curtis, November 23, 1864, Curtis to Evans, November 23, 1864, Curtis Papers, XII, 242, 253.

55. Curtis to Evans, November 24, 1864, Ibid., p. 258.

56. Denver Republican, May 18, 1890.

57. Connor to Halleck, November 21, 1864, OR, Series I, XLI, Pt. 1, 908-910.

58. Ibid. Chivington's plans proceeded without regard to these considerations, and the News perhaps unwittingly provided the motive: "Should a winter campaign be deemed at all feasible, the General [Connor] will organize his expedition to that end and at the proper time return to Denver and command in person [italics added]." DRMN, November 19, 1864. Captain Hempstead, on November 21, made this report to his newspaper: "In Denver there are no troops stationed, save a detachment for Provost Guard duty. The 1st Colorado is considerably scattered, but is being gathered in to be mustered out of service, the term of enlistment of most having expired. The 2d Colorado is doing duty in Missouri & the 3d (the hundred day men) are camped in Bijou Basin and about to start on an Indian hunt. As their term of service will expire on the 20th of December they have but little time to win glory or do much in the way of finishing the savages. Col. Chivington, the Dist. Commander started a day or two since to command the expedition. . . . Unless the redskins are severely chastised this winter, or early in the spring, renewed depredations may be anticipated next summer. . . . The General, having completed his business and observation at this point and made up his mind as to the practicability . . . of a winter campaign with his own troops, has taken a flying trip to Central and Black Hawk. . . . On his return, which is expected tonight, we will take up our bed & ride homewards."

59. Carey, "Puzzle," p. 295.

60. Berthrong, Southern Cheyennes, p. 213; Powell, People of the Sacred Mountain, I, 292-293.

61. Soule to Chivington, October 11, 1864, LR, DC, S67-1865 (Box 1), USAC, NARS, RG 393.

62. Testimony of Wynkoop, Sand Creek Massacre, pp. 91-92; testimony of Wynkoop, Condition of Indian Tribes, pp. 75-77.

63. Henning to Anthony, October 17, 1864, OR, Series I, XLI, Pt. 4, 62.

64. SO No. 4, DUA, October 17, 1864, Ibid.

65. Anthony to AAAG, DUA, November 6, 1864, "Massacre of Cheyenne Indians," pp. 70-71.

66. J. E. Tappan, AAAG, to Anthony, November 26, 1864, Scott B. Anthony Papers, FF-2, No. 5, CHS. See also Henning to Anthony, November 4, 1864 (FF-2, No. 1), November 6, 1864 (FF-2, No. 2), November 20, 1864 (FF-2, No. 3), Tappan to Anthony, November 22, 1864 (FF-2, No. 4), Ibid.

67. Soule to Chivington, October 11, 1864, LR, DC, S67-1865 (Box 1), USAC, NARS, RG 393; Soule to Chivington, October 17, 1864, Soule CMSR File, AGO, NARS, RG 94.

68. Soule to his sister Annie, July 16, 1864, Silas S. Soule Letters, M67-1163, DPL.

69. Curtis to Chivington, October 7, 1864, Sand Creek Massacre, p. 174.

70. FO No. 2, July 31, 1864, Sand Creek Massacre, p. 171. Wynkoop testified before the Tappan commission that he did not see the order until Anthony relieved him from command. See Ibid., pp. 96-97.

71. Curtis to Henning, December 2, 1864, OR, Series I, XLI, Pt. 4, 751.

72. Anthony to AAAG, DUA, November 6, 1864, "Massacre of Cheyenne Indians," pp. 70-71; testimony of Anthony, Ibid., pp. 17-18.

73. Ibid. See also the testimony of Wynkoop and William H. Valentine, Sand Creek Massacre, pp. 102, 225-226.

74. Anthony to Curtis, November 16, 1864, OR, Series I, XLI, Pt. 1, 914. See also the testimony of Samuel Colley, Anthony, and John Smith, "Massacre of Cheyenne Indians," pp. 7, 18, 31; and the testimony of Cramer, Wynkoop, Prowers, and W. P. Minton, Sand Creek Massacre, pp. 46, 87, 105, 146-147.

75. Ibid. See also Powell, People of the Sacred Mountain, I, 294-295.

76. Statement of John Smith, January 15, 1865, Sand Creek Massacre, p. 128.

77. Testimony of Prowers, Ibid., pp. 105-106.

78. Grinnell, Fighting Cheyennes, p. 167; Coel, Left Hand, p. 263.

79. Testimony of Anthony, "Massacre of Cheyenne Indians," p. 31; Hyde, Life of Bent, p. 147.

80. Anthony to Curtis, November 16, 1864, OR, Series I, XLI, Pt. 1, 914.

81. Anthony to AAAG, DUA, November 25, 1864, RLR, DUA, DM, Vol. 359 (October 1864-September 1865), pp. 62-63, USAC, NARS, RG 393.
82. Report of Evans, October 15, 1864, AR, CIA, 1864, p. 220.
83. Evans to Stanton, November 24, 1864, Curtis to Evans, November 24, 1864, LR, DM, 1865, C115 (Box 17), USAC, NARS, RG 393.
84. Henning to Anthony, November 20, 1864, Anthony Papers, FF-2, No. 3.
85. Curtis to Henning, December 2, 1864, Curtis to Evans, December 5, 1864, OR, Series I, XLI, Pt. 4, 751, 771-772.
86. Curtis to Carleton, November 28, 1864, Ibid., p. 709.
87. Curtis to Evans, December 5, 1864, Ibid., pp. 771-772.
88. Ibid.
89. Testimony of Anthony and Smith, "Massacre of Cheyenne Indians," pp. 5, 21; testimony of David Louderback, Sand Creek Massacre, pp. 134-135.
90. Cramer, et al., to Wynkoop, November 25, 1864, Sand Creek Massacre, pp. 93-94. The officers who endorsed the letter were Captain R. A. Hill, Lieutenant James D. Cannon, Lieutenant William P. Minton, Lieutenant C. M. Cossitt, Lieutenant Horace W. Baldwin, Captain Silas S. Soule, and Lieutenant George H. Hardin.
91. Testimonial to Major Wynkoop, Ibid., p. 95; extract of a private letter from an officer of the First Colorado Cavalry to John P. Slough, November 27, 1864, with Slough to Stanton, December 31, 1864, LR, General File, AGO, 2694-S-1864, NARS, RG 94. A similar memorial to the one given Wynkoop had already been sent to Denver, DRMN, October 30, 1864.
92. Anthony to AAAG, DUA, November 25, 1864, RLR, DUA, DM, Vol. 359, p. 60, USAC, NARS, RG 393. Interestingly, one of the prisoners was Joe Baraldo, the mixed-blood who had run off with William Bent's wife and who had been with the party that attacked the Ewbanks farm on the Little Blue. Laura Roper said in her reminiscences that Major Wynkoop had given her a pistol and permission to kill Baraldo and that when she refused, the soldiers executed him. Leasure, "Captivity of Laura Roper," pp. 14-15. This was not the case. On December 4, 1864, Baraldo escaped from his guards, and was never recaptured. Endorsement of Henning to Charlot, December 17, 1864, DUA, Endorsement Book, pp. 185-186, USAC, NARS, RG 393.
93. Testimony of Wynkoop, Sand Creek Massacre, p. 87.

94. Testimony of Soule, Ibid., p. 10.



## CHAPTER XIII

### CHIVINGTON'S FOLLY

1. Entry for November 23, 1864, Lynn I. Perrigo, editor, "Major Hal Sayr's Diary of the Sand Creek Campaign," CM, XV (1938), 54. Sayr (who added an "e" to his last name later in life) was slightly more charitable in a later reminiscence: "I always regarded him as a good-natured, well-intentioned man. Crude though he was, he still had been a Methodist preacher before the War. . . . Of course his religious training forbade his use of profanity, which I always thought was somewhat of a handicap to him. On one occasion when he was trying to get the regiment into line for inspection he seemed to have unusual difficulty, and after considerable effort turned to someone and said, 'Where's Major Sayre? Go and get him and tell him to come here and cuss this regiment into line.' Hal Sayre, "Early Central City Theatricals and Other Reminiscences," CM, VI (1929), 52. A useful summary of the march of the Third Colorado regiment from Bijou Basin to Sand Creek is found in the letters of "W. (believed to have been George A. Wells, one of the editors of the Central City Miners Register)" to the editor of the Register, dated November 23, 26, 28, 1864, CCMR, December 28, 31, 1864, January 4, 1865.

2. Entry for November 25, 1864, Wolfe Diary. Curiously, Chivington sent the following message to Curtis on November 24, 1864: "Indians attacked two trains below Fort Lyon. Killed 4 men, drove off 20 head of stock, will clear them out if possible in a few days." No other evidence of such a raid has been found. None of the diarists mention even a rumor of the kind. Was this simply a ploy to justify his presence in the area?

3. Testimony of J. M. Combs, Sand Creek Massacre, p. 115. A government contractor on the Cheyenne-Arapaho agency, Combs was a Coloradan from Empire City, with connections among the officers at Fort Lyon. Joseph A. Cramer had lived with the Combs family before the war, and Lieutenant James D. Cannon, First Infantry, New Mexico Volunteers, was his brother-in-law. See also the testimony of Lieutenant Clark Dunn, Ibid., p. 182.

4. Ibid., p. 117.

5. Ibid. Two companies of the First Regiment joined the expedition at Spring Bottom. Entry for November 25, 1864, Daily Journal, p. 63.

6. On November 26, Dailey noted in his journal, p. 64, that there were "No signs of Indians, but talk of their being around at different points." See also Entry for November 25, 1864, Blake Diary.

7. Testimony of John Prowers, Sand Creek Massacre, p. 107; Amy (Amache) Prowers interview, July 19, 1886, MSS P-L 198, Bancroft Library, UCB.

8. Entry for November 27, 1864, Blake Diary. Blake noted: "Found some Indians & put them under guard. Relief came at 12 oclock at knight [sic] to releave [sic] us." Coffin, Battle of Sand Creek, pp. 15-17, provides a more detailed account of the seizure of Bent's ranch. See also the testimony of Robert Bent, Condition of the Indian Tribes, pp. 95-96.

9. Testimony of Soule, Sand Creek Massacre, p. 10.

10. FO No. 2, DC, November 28, 1864, Ibid., p. 165.

11. Entry for November 28, 1864, Dailey Journal, p. 65; Coffin, Battle of Sand Creek, p. 17; Breakenridge, HellDorado, p. 30.

12. Testimony of George L. Shoup, Lieutenant Clark Dunn, Captain Presley Talbot, and Lieutenant Harry Richmond, Sand Creek Massacre, pp. 178-179, 182, 203, 212; testimony of Major Jacob Downing, Condition of Indian Tribes, pp. 69-70; statement of John M. Chivington, "Massacre of Cheyenne Indians," p. 108. Anthony testified, Ibid., p. 28, that he remonstrated harshly against the attack not as a "matter of principle" but as a "matter of policy," and that he agreed to go only when Chivington assured him that his forces would go on to the Smoky Hill. See also DRMN, February 6, 1865, quoting a letter from Lieutenant Richmond.

13. Testimony of Soule and Cramer, Sand Creek Massacre, pp. 13, 48. If Chivington did, in fact, tell Anthony that he intended to carry the campaign to the Smoky Hill camps--and all of the Lyon officers believed that he did--then he clearly duped them all, as they would have known if they had stopped to think about it. The Third Regiment had enlisted for one hundred days service; its time was running out fast. In fact, the enlistment period of two companies, A and B, expired on November 28, 1864, the very day that Chivington and his command arrived at Lyon. Between December 2 and December 5, the terms of service of four more companies expired, which meant that half of the Third Regiment was due to be mustered out within a week of the time that Chivington and Anthony talked. The question of the Third's enlistment period has been the subject of some discussion. Michael Straight, in his novel A Very Small Remnant, p. 101, takes the position that the regiment's service ended on November 28, 1864. See Straight to Carey, February 25, 1963, for his reasoning. Contemporary accounts are confused as well. The BHMJ,

November 28, 1864, said that the enlistment time would expire on December 13, 1864, while the Daily Union Vedette, December 6, 1864, fixed the date at December 20. According to prevailing military regulations during the Civil War, term of service was dated from the day troops were mustered in, and soldiers frequently left as soon as their terms expired, even in the middle of campaigns (a serious problem in both the Union and Confederate armies). The following chart, from Dr. Carey's response to Michael Straight, March 4, 1963, provides the needed information:

	<u>Enlistment</u>	<u>Mustered in</u>
Co. A (Denver)	Aug. 16-20	Aug. 20
Co. B (Gilpin Co.)	Aug. 15-19	Aug. 20
Co. C (Denver)	Aug. 17-22	Aug. 24
Co. D (Boulder Co.)	Aug. 19-22	Aug. 25
Co. E (Denver)	Aug. 10-28	Aug. 26 (mostly)
Co. F (Denver)	Aug. 18-early Sept. (a few in Oct.)	Aug. 27
Co. G (El Paso & Pueblo)	Aug. 30-Sept. 6	Sept. 12
Co. H (Gilpin Co.)	Aug. 15-Sept. 10	Sept. 17
Co. I (California Gulch)	Late Aug.-early Sept.	Sept. 17
Co. K (Summit Co.)	Late Aug.-early Sept.	Sept. 17
Co. L (Gilpin Co.)	Late Aug.-early Sept.	Sept. 19
Co. M (Gilpin and Douglas Cos.)	Mid Aug.- Sept. 19	Sept. 21

Half the regiment's term of service expired by December 5. Of the remaining companies, only one, Company G, completed its hundred days before the regiment returned to Denver on December 22. The first companies were formally mustered out on December 28, without pay (see the discussion in Chapter XIV). In practical terms, the troops were not likely to abandon the regiment after weeks of inactivity at the moment of its first real action, but Chivington surely knew that he could not manage an extended campaign in so short a space of time.

14. Testimony of Cramer, Ibid., pp. 46-47.
15. Ibid., p. 47.
16. Testimony of Cannon, Ibid., pp. 110.
17. Testimony of Cramer, Ibid., p. 47.
18. Testimony of Soule, Ibid., p. 21.
19. Testimony of Minton and Cossitt, Ibid., pp. 147-153.

20. Affidavits of Scott J. Anthony, September 27, 1892 and January 13, 1893 (FF-10, No. 4, 5), Anthony Papers.

21. DRMN, December 23, 1864; Tappan, "Autobiography," p. 14. Tappan could not pass up the opportunity to point out his association with Grant's staff directly to Colonel Chivington. On October 9, 1864, he wrote Chivington a surprisingly cordial letter, expressing regret that statehood had been defeated. But he did not fail to point out that he had met General Grant or that he had been ordered to report to Grant at City Point, Virginia. Tappan apparently thought he was going to be assigned to the eastern front, but the Price campaign occurred, and he was ordered to rejoin his regiment. Tappan CMSR File, NARS, RG 94.

22. Chivington to Curtis, December 16, 1864, report of Shoup, December 7, 1864, OR, Series I, XLI, Pt. 1, 948-950, 956-957; J. P. Dunn, Massacres of the Mountains (New York: Harper & Brothers, 1886), p. 343; Hoig, Sand Creek, pp. 143-144.

23. Coffin, Battle of Sand Creek, pp. 18-19; Howbert, Memories, p. 122; "W." to editor, CCMR, November 28, 1864, CCMR, January 4, 1864; David C. Mansell, "When the Indians Were Tamed at Sand Creek," Winners of the West, December 15, 1925.

24. Testimony of Samuel Colley, "Massacre of Cheyenne Indians," p. 31. Modern Cheyennes insist that under ordinary circumstances, the Arapahoes would never have been permitted to camp so close to the Cheyenne circle. Perhaps they were extended the privilege because of Left Hand's friendship with Black Kettle or because they arrived late in the day. More likely, modern Cheyennes are reading into the past, attitudes which developed during the reservation years.

25. Mimiambe (wife of Laban Little Wolf) to George Bird Grinnell, August 25, 1916, field notebook, George Bird Grinnell Collection, Southwest Museum, Los Angeles, California; Bent to Hyde, March 9, 1905, March 15, 1905, April 2, 1906, April 14, 1906, April 25, 1906, April 30, 1906, August 2, 1913, October 23, 1914, November 7, 1914, January 20, 1915, Bent-Hyde Correspondence, Yale.

26. Coffin, Battle at Sand Creek, p. 30. James E. DuBois, a private in Company D, Third Colorado, survived this adventure, arrived on the battleground before the fight was over, and later lived a productive life in Colorado, serving as County Clerk of Larimer County and as a member of the State Board of Agriculture. He died in 1901.

27. Testimony of Private David Louderback, Sand Creek Massacre, p. 135; testimony of Edmond Guerrier, Condition of Indian Tribes, p. 66.

28. This has been a controversial issue in much of the literature, largely because Chivington and many of his defenders denied that the flag was flown over Black Kettle's lodge. In the final analysis, the question

is of small import, but I have concluded that the flag was raised. Robert Bent, Condition of Indian Tribes, p. 96; John Smith, Ibid., p. 41, and "Massacre of Cheyenne Indians," p. 5; and George Bent, Bent to Hyde, March 15, 1905, Bent-Hyde Correspondence, Yale April 14, 1906 (containing the statement of Little Bear), Bent-Hyde Correspondence, Yale, and Hyde, Life of Bent, pp. 152-155, all testified or recalled seeing the flag. Lieutenant Cramer, Sand Creek Massacre, p. 50, said that he did not see a flag during the fight but that he "saw one in the camp after the fight, reported to have been over Black Kettle's lodge." All of these witnesses have been challenged by Chivington's supporters as unreliable because of their biases against Chivington. The most persuasive testimony, then, is afforded by Privates George M. Roan and Naman D. Snyder, Ibid., pp. 7, 142. Neither soldier had any known reason to lie, and Snyder had no reason to protect the Indians. He was related to John Snyder killed near Fort Lyon, and his relative's wife had killed herself in the Indian camp. The following year, Private Snyder wrote a deposition designed to prove the hostile intent of the Indians as a part of the effort to defend Sand Creek. DRMN, November 9, 1865. Finally, Lieutenant Colonel Leavitt Bowen, in his report of December 1, 1864, declared that he found a "war flag" in the camp, OR, Series I, XLI, Pt. 1, 957. See the testimony of Stephen Decatur Sand Creek Massacre p. 200, and Dr. Caleb Birdsal, Condition of Indian Tribes, p. 72, for denials that flags were seen in the camp.

29. Testimony of Luther Wilson, Condition of Indian Tribes, p. 67.

30. Report of Colonel Shoup, December 7, 1864, OR, Series I, XLI, Pt. 1, 956-957.

31. Testimony of Cramer, Sand Creek Massacre, p. 48.

32. Testimony of Cannon, James Beckwourth, A. J. Gill, Ibid., pp. 68, 112, 179; testimony of Robert Bent, Condition of Indian Tribes, p. 96. See also Coffin, Battle of Sand Creek, p. 19; Shaw, Pioneers of Colorado, p. 81; "Participant," DRMN, December 25, 1882.

33. Testimony of Soule and Cramer, Sand Creek Massacre, pp. 13-14, 48-49.

34. Breakenridge, Helldorado, p. 32.

35. Shaw, Pioneers of Colorado, pp. 81-82.

36. Breakenridge, Helldorado, p. 32.

37. Andrew J. Templeton, "Life and Reminiscences of Andrew J. Templeton," manuscript in the Pioneers' Museum, Colorado Springs, Colorado. Theodore Chubbuck, a trooper in Company C of the Third agreed, recalling "Col. Shoop [sic] tried to keep the soldiers in line, but he

could not control them. They broke ranks and began firing as fast as possible." Theodore Chubbuck, Dictation," P-L135, Bancroft Library.

38. Hyde, Life of Bent, p. 152.

39. Testimony of James Beckwourth and David Louderback, Sand Creek Massacre, pp. 70, 137, 140; Hyde, Life of Bent, pp. 154-155. Templeton, "Reminiscences," said that White Antelope led the fight until he was killed by Private Hugh Melrose of Company G, Third Colorado Cavalry. Other sources which defend Sand Creek follow this same tact. See also Alexander F. Safely, Sand Creek Massacre, p. 221.

40. Powell, People of the Sacred Mountain, I, 303-304; Coel, Left Hand, p. 297.

41. Bent to Hyde, April 25, 1906, Bent-Hyde Correspondence, Yale.

42. Pierce was a brave soldier. At Glorieta, he rushed from the ranks of Captain Cook's company, shot and disarmed a Confederate major and captured a rebel captain. Whitford, Colorado Volunteers, p. 110. See testimony of Cramer, and Safely, Sand Creek Massacre, pp. 49, 65, 220; testimony of Downing, Condition of Indian Tribes, p. 70. Coffin, Battle of Sand Creek, p. 20, says that some believed that Pierce's horse ran away with him and carried him beyond help. The scout, Dunk, said that Indians killed him, Evans Journal, 1876. George Bent said that John Prowers sent a white man to protect his father-in-law, One Eye. According to Bent, he rode in ahead of the troops and was shot by two Cheyennes, Big Head and Big Baby. This is probably a reference to Pierce. See Bent to Hyde, August 2, 1913, Bent-Hyde Correspondence, Yale.

43. Testimony of Louderback, Sand Creek Massacre, p. 135. Clark gave his own account to a reporter many years later: "There was a village of friendly Indians up on Sand Creek, near Fort Lyon, with whom I traded frequently. On November 26 . . . John Smith, an Indian interpreter, and I went to Fort Lyon on business. On the third day of our visit, when we were out in the Indian camp, Major Chivington and 1,000 men attacked the village." Clark said further: "When the attack was made I got up on a wagon and waved a white skin--a flag of truce. While I was waving it three or four bullets went thru it. Then I got down and lay under a wagon, as I had nothing to fight with." Denver Times, April 7, 1916.

44. Statement of Little Bear in Bent to Hyde, March 15, 1905, Bent-Hyde Correspondence, Yale. The statement is also in Hyde, Life of Bent, pp. 153-154.

45. Testimony of Smith, "Massacre of Cheyenne Indians," p. 5. Feeling was strong against Smith. Louderback and Cramer testified that as Smith approached the troops, some of the officers said, "Shoot the old

son of a bitch; he is no better than an Indian." Sand Creek Massacre, pp. 48, 138. Ironically, at the first firing, some of the women in the camp ran to War Bonnet's lodge believing that Smith could protect them. They turned and ran when they saw the troops firing on him. Statement of Mimiambi, August 25, 1915, Grinnell Collection.

46. Hyde, Life of Bent, pp. 152-153.

47. Testimony of Smith, "Massacre of Cheyenne Indians," p. 6.

48. Ibid., p. 154.

49. Hyde, Life of Bent, pp. 153-154.

50. Coffin, Battle of Sand Creek, p. 21; Mansell, "When the Indians were Tamed."

51. Howbert, Reminiscences, p. 125. Shaw, Pioneers of Colorado, p. 82, noted, "No discipline was used; the soldiers had to fight in the savage fashion." See also testimony of Soule and Cramer, Sand Creek Massacre, pp. 13, 64.

52. Coffin, Battle of Sand Creek, p. 21-22.

53. Dunk to Editor, Evans Journal, 1876.

54. Ibid. Hudnall, "Bent County," pp. 233-247, contradicts this statement, reporting that her grandmother, One Eye's wife, survived the massacre. However, Amache Prowers, One Eye's daughter and Mrs. Hudnall's mother, in her 1886 interview, said that both her father and her mother were killed at Sand Creek. Amy Prowers Interview, Bancroft Library.

55. Dunk to Editor, Evans Journal, 1876.

56. Testimony of Robert Bent, Condition of Indian Tribes, p. 96.

57. Testimony of Anthony, "Massacre of Cheyenne Indians," p. 26.

58. Anthony to Webb Anthony, December 1, 1864, Condition of Indian Tribes, p. 92.

59. Testimony of Smith, "Massacre of Cheyenne Indians," p. 16; testimony of Cramer, Beckwourth, Louderback, Sand Creek Massacre, pp. 51, 71, 136.

60. Testimony of Soule, Sand Creek Massacre, p. 22. See also General John P. Slough to E. M. Stanton, December 31, 1864, transmitting extracts of private letters from officers of the Colorado 1st Cavalry, LR, General File, AGO, NARS, RG 94; and Soule to his mother, December 18, 1864, Soule Letters, DPL.

61. Coffin, Battle of Sand Creek, p. 29.

62. The baby placed in the feedbox evoked much comment in the testimony. See testimony of Louderback, and Sergeant Lucian Palmer, Sand Creek Massacre, pp. 138-141, 143; testimony of Luther Wilson and Jacob Downing, Condition of Indian Tribes, pp. 67, 70; affidavit of Lieutenant James D. Cannon, January 15, 1865, OR, Series I, XLI, Pt. 1, "Massacre of Cheyenne Indians," pp. 88-89, Dunk, in one of his letters to the editor of the Evans Journal in 1876, casts a more positive light on the incident than the others who seemed to have been the episode as evidence of cruelty. Dunk said that a soldier captured two babies and "had not the heart to kill them." Although ordered to kill them, he placed them in the feedbox. One died that night, and the next day he was ordered to leave the surviving child beside the road. The fate of the child is unclear, some witnesses saying that it was left to die and others saying that it was killed by a woman prisoner. Harper Orahood, Captain of Company B, later claimed that John Smith killed the child, but he was trying to discredit Smith at the time. See Orahood's speech in DRMN, March 26, 1892.

63. C. B. Horton, "Survivor Tells of the 'Chivington Massacre,'" Denver Times, 1903. Howbert, Reminiscences, p. 128, presents further evidence of the ambivalence of some of the troops: "At one place an Indian child three or four years of age ran out to us, holding up its hands and crying piteously. At first I was inclined to take it up, but changed my mind when it occurred to me that I should have no means of caring for the little fellow. . . . Every one of our party expressed sympathy for the little fellow and no one dreamed of harming him." Templeton, "Reminiscences," wrote that his group carried two babies back to the camp unharmed.

64. Affidavit of Olney, Condition of Indian Tribes, p. 61. Private George M. Roan, Sergeant Lucian Palmer, and Corporal James J. Adams, Sand Creek Massacre, pp. 143, 145, 150-151, provide supporting testimony.

65. Coffin, Battle of Sand Creek, p. 36. That scalping was widespread is hardly debatable. See the testimony of Beckwourth, Snyder, Cannon, Road, Palmer, James, Adams, Decatur, Sand Creek Massacre, pp. 68-81, 109-114, 141-152, 199; testimony of Olney, Wilson, Bird, Miksch, Condition of Indian Tribes, pp. 61, 67, 72, 75. These witnesses do not include Soule, Cramer, Smith, Colley, Louderback, or the affidavits which Chivington supporters attempted to discredit. See also the reminiscences of Breakenridge, Mansell, Shaw, Blake, and others.

66. Breakenridge, Helldorado, pp. 34-35. Breakenridge sent two scalps to his sister. "I guess they did not take very well at home," he wrote, "for I got a letter from mother giving me a good dressing-down for sending such horrid things to my sister."



67. Ibid. Testimony of Robert Bent, Condition of Indian Tribes, p. 96.

68. Testimony of Wilson, Condition of Indian Tribes, p. 67. See also the testimony of Louderback, Sand Creek Massacre, pp. 137, 145.

69. Affidavit of Cannon, January 16, 1865, testimony of Wilson and Private Asbury Bird, Condition of Indian Tribes, pp. 53, 57, 72; testimony of Louderback and James, Sand Creek Massacre, pp. 137, 145.

70. Shaw, Pioneers of Colorado, pp. 96-97.

71. Mansell, "When the Indians Were Tamed."

72. Affidavit of John A. Fritts, April 9, 1917, quoted in the Santa Fe New Mexico Sentinel, April 24, 1938. See also Joseph Emerson Smith, "Handsome Indian Blanket in World, Taken from Body of Slain Chief, Owned Here," Denver Post, February 22, 1920.

73. Testimony of Lieutenant Henry H. Hewitt, Sand Creek Massacre, pp. 200-201. Hewitt testified that Duncan McKeith, a sergeant in Company H, Third Colorado Cavalry, was the leader of the Mexicans. Hewitt said that he took McKeith and four Mexicans under arrest to Fort Lyon along with sixty to seventy horses. Apparently no charges were filed against them for McKeith was honorably discharged on December 29, 1864. A photograph of his discharge appears in Carey, "Bloodless Third," p. 298.

74. Breakenridge, Helldorado, p. 33.

75. Chivington to Curtis, November 29, 1864, OR, Series I, XLI, Pt. 1, 948-950; Chivington to Wheeler, November 29, 1864, DRMN, December 8, 1864.

76. Coffin, Battle of Sand Creek, pp. 26-28, 36. Said Coffin of the scalping of soldiers by the Indians: "I believe but one of our dead was scalped, and evidently the one who did that was in such haste to get away, that he dropped it, as it was found close by. The fact was, our men were nearly all killed where the enemy could not safely get to them, or where they had no time to spare for it." Thaddeus P. Bell, a sergeant in Company M, Third Colorado Cavalry, who served as "acting assistant surgeon" at Sand Creek (he listed his occupation as "miner"), confirmed that one man was scalped. He also testified that he saw one scalp, freshly taken, not more than "five to eight days old." When asked if the fresh scalp were not the one taken that day, he replied: "I saw the scalp before the fight was going on any length of time; before there had been any wounded or dead brought in off the field, and at a place where there had been none either wounded or killed on either side; and further, by the appearance of the scalp itself. It was lying in or near the door of one of the Indian lodges; it looked like it might have been recently dropped there." Sand Creek Massacre, p. 223.

77. Entry for November 29, 1864, Dailey Journal, pp. 66-68.
78. Ibid., p. 68.
79. Entry for November 30, Ibid., p. 69.
80. Chivington to Curtis, November 29, 1864, OR, Series I, XLI, Pt. 1, 948.
81. Chivington to editors, Rocky Mountain News, November 29, 1864, Ibid., pp. 950-951.
82. This account given by Mary Standing Bull Curtis to Colleen Cometsevah, July 4, 1976. Mrs. Curtis heard the story from Yellow Horse Woman, White Antelope's daughter who was hiding in the log. She was a child at the time of the massacre.
83. Hyde, Life of Bent, pp. 157-158. See also the statement of Little Bear in Bent to Hyde, April 14, 1906. Bent-Hyde Correspondence, Yale.
84. Hyde, Life of Bent, pp. 158-159.
85. Entry for November 30, 1864, Dailey Journal, p. 69.
86. Ibid.; Coffin, Battle of Sand Creek, p. 33.
87. Testimony of Roan, Palmer, Adams, and James, Sand Creek Massacre, pp. 142-146, 150-152. All of these witnesses were enlisted men. One of the most amazing questions at the military commission hearing was posed by Downing to Corporal Adams: "Did not the men who were cutting the fingers off the dead Indians for rings tell you that they were simply obtaining trophies to preserve as reminiscences to bequeath to their children, of the glorious field of Sand Creek?" Adams reply was, "No sir." But the question itself is tantamount to an admission that such activities did occur. See also the testimony of Miksch, Condition of Indian Tribes, pp. 74-75. In his diary Sayr noted in his diary that he had killed "one more Indian today making three in all." Perrigo, "Sayr's Diary", p. 55. Sayr kept the scalp with the silver cone-hos and later his family gave it to the Colorado Historical Society.
88. Testimony of Smith, "Massacre of Cheyenne Indians," pp. 8-9; testimony of Decatur, Sand Creek Massacre, pp. 196, 198-199. Left Hand's death caused considerable confusion among both contemporaries and historians. See the discussion in Coel, Left Hand, pp. 292-301. Especially critical are the letters of George Bent. See especially Bent to Hyde, April 2, 1906, Bent-Hyde Correspondence, Yale, where Bent explains that most of the confusion arose from the fact that a prominent Arapaho chief of a later era was also named Left Hand. This man's photograph was taken often, and he has been generally thought to be the chief at Sand Creek.

See also "Left Hand's Autobiography," at the Indian Archives Division, Oklahoma Historical Society, Oklahoma City, which makes no mention of Sand Creek.

89. Testimony of Soule, Sand Creek Massacre, p. 28; testimony of Anthony and Smith, "Massacre of Cheyenne Indians," pp. 10, 22-23. Anthony testified that he pleaded with Chivington for young Smith's life, telling him that Jack Smith would make a good scout for the soldiers and warning that unless he intervened, the boy would be killed.

90. Testimony of Smith, Ibid., p. 10; testimony of Beckwourth, Sand Creek Massacre, p. 71.

91. Testimony of Louderback, Ibid., p. 136.

92. Shoup testified that he could not ascertain who killed Smith, but said little else. Sand Creek Massacre, p. 177. Coffin, Battle of Sand Creek, said that "Col. Shoup got on a wagon near by, and talked to the boys, threatening punishment on any one molesting anything in the lodge, and sending the crowd away. The Colonel mentioned the killing as though accidental." Anthony to Webb Anthony, December 1, 1864, Condition of Indian Tribes, p. 92. Coffin incorrectly attributed this statement to Shoup.

93. Sayre, "Central City Reminiscences," p. 52-53. He made no mention of the incident in his diary. See Perrigo, "Sayr's Diary," entry for November 29, 1864, p. 55.

94. Entry for November 30, 1864, Blake Diary.

95. Coffin, Battle of Sand Creek, pp. 37-38, quoting a letter from Jim DuBois, a Thirdster.

96. Entry for December 1, 1864, Dailey Journal, p. 71.

97. Anthony to Lieutenant A. Hallowell, AAAG, District of Upper Arkansas, December 2, 1864, Curtis Papers, XII, 282.

98. Anthony to Cannon, December 2, 1864, Ibid.

99. Entry for December 2, 1864, Dailey Journal, p. 72.

100. Entry for December 4, 1864, Ibid., pp. 73-74 (this entry includes Dailey's notes for December 5, 1864). See also Blake Diary. On December 4, Chivington's command met the west bound stage which reported Indians down river. Among the passengers on the coach were Robert and Julia Lambert. They told Chivington that on the evening of November 30, while they were encamped on the Arkansas, parties of Indians and a number of horses crossed the river heading south. Chivington informed them of

the Sand Creek fight. Lambert, "Plain Tales" (May, 1916), pp. 10-11; Robert L. Lambert, "Forts and Indians in Colorado," P-L 146, Bancroft Library.

101. Shoup to Maynard, December 6, 1864, Shoup to Chivington, December 7, 1864, "Massacre of Cheyenne Indians," pp. 50-51.

102. Anthony to his brother, December 28, 1864, FF-2, No. 6, Anthony Papers, CHS.

103. Chivington to Curtis, December 16, 1864, OR, Series I, XLI, Pt. 1, 948-950.

104. Report of Shoup, December 7, 1864, Ibid., pp. 956-957.

105. Report of Bowen, November 30, 1864, Ibid., p. 957.

106. DRMN, December 9, 17, 1864; WRMN, December 14, 1864.

107. CCMR, December 9, 1864.

108. BHMJ, December 9, 1864.

109. Report of Cree, December 6, 1864, OR, Series I, XLI, Pt. 1, 959.

110. Chivington to Curtis, December 20, 1864, Chivington CMSR File, VA, NARS, RG 15. Chivington's abrupt request is significant. On December 15, he requested permission "to visit Dept. Head Qrs. about Indian and other matters." Chivington to Curtis, December 15, 1864, Curtis Papers, XIV, 36. The next day, in his official report, he wrote: "If all the companies of the 1st cavalry of Colorado and the 11th Ohio volunteer cavalry, stationed at camps and posts near here, were ordered to report to me, I could organize a campaign, which in my judgment, would effectually rid the country between the Platte and Arkansas rivers of these red rebels." He even requested permission to employ Utes in the new campaign. Chivington to Curtis, December 16, 1864, OR, Series I, XLI, Pt. 1, 949-950. Then, four days later, he asked to be relieved of command. Did he have a hint of what was to come?

111. Harding to his wife, December 25, 1864, Harding Papers.

112. Ibid.

## CHAPTER XIV

### PROTEST AND RECRIMINATION

1. DRMN, December 17, 1864.
2. Ibid.; BHMJ, December 8, 1864.
3. BHMJ, December 3, 1864.
4. Ibid., November 28, 1864.
5. Ibid., December 3, 1864. As early as November 29--the very day of the Sand Creek attack--the editors of the Journal reported that information had reached them that the Third had march on Fort Lyon "where a large body of hostile Indians have congregated. The Indians do not desire peace, and are prepared for war, or yet are ignorant of Col. Shoup's late movement." Based on this information, they said, "we are enabled to modify our statements . . . concerning this matter. We are happy to make this correction and to give credit to whom, and wherever it may be due."
6. Ibid., December 8, 1864.
7. Ibid., December 9, 1864. General Connor quickly disassociated himself from Sand Creek. The Daily Union Vedette, January 5, 1865, declared, speaking of the Sand Creek campaign, "It was planned, inaugurated, and executed solely and entirely by the commander of the District, Col. Chivington, with the 3d Colorado Volunteers. All the glory is his, and, by that same token, none of the blame, if blame there be, rests on the shoulders of Gen. Connor."
8. Ibid., December 14, 1864. The News took a different tact in reference to Chivington: "This distinguished Colorado soldier came to town last night. He is looking fine as usual, though a little fiercer than formerly, and no wonder. Let cowardly snakes and fault-finders carp and slander as they will, the Colonel, as a commander, is a credit to Colorado and the West." DRMN, December 13, 1864.
9. On December 1, 1864, Lieutenant Samuel J. Lorah wrote Captain J. C. Anderson that "Our boys are well supplied with Indian plunder." A

few days later, the News reported that the regiment would be slow in returning to Denver because they were so heavily loaded with the booty of the Sand Creek fight. Ibid., December 12, 13, 22, 1864.

10. Ibid., December 28, 29, 1864. Said the News about the show at the Denver Theatre: "A very full and fashionable audience were at the Denver Theatre last night, to witness that great Indian piece, and well were they repaid for their investment."

11. Ibid., January 4, 1865. On January 11, the News reported that former Lieutenant Joseph Foy, the proprietor of the Diana Saloon had decorated his establishment with trophies of the Sand Creek attack including scalps, buffalo spoons, robes, clothing, and "a calumet of war."

12. Ibid., December 29, 1864; entries for December 26 and December 28, 1864, Daily Journal, pp. 83, 84.

13. DRMN, December 29, 1864.

14. Ibid.

15. Ibid., December 14, 1864.

16. Ibid.

17. BHMJ, December 20, 1864.

18. Ibid., January 5, 1865.

19. CCMR, January 7, 1865.

20. Ibid., December 13, 21, 1864, January 5, 7, 1865.

21. DRMN, December 30, 1864.

22. Ibid., December 31, 1864. The Register said, "It has been the misfortune of our territory to have some of the most infernal liars in high places that ever disgraced any place. . . . We would like to know from where these fellows who write letters so glibly obtained their information . . . Not the men who were there and did the work. . . . We have seen and talked with a score of them and they all declare these reports base and miserable fabrications." CCMR, January 4, 1865.

23. Hoig, Sand Creek, p. 164n.

24. CCMR, January 8, 1865.

25. Press reports for October and November carried virtually no intelligence from the Arkansas, except for an occasional report that the

Arkansas route was quiet. Indeed, the papers flatly expressed the view that the danger had passed in that quarter.

26. BHMJ, January 4, February 18, 24, 28, 1865.

27. DRMN, December 31, 1864.

28. CCMR, January 7, 1865.

29. Testimony of Presley Talbot, Sand Creek Massacre, pp. 208-210. Dexter Colley submitted a claim for property seized by Colonel Chivington and the Third in the spring of 1865. His complaint and affidavit were referred to General Grenville M. Dodge on March 17, 1865, and submitted to the Secretary of War on May 6. Dexter D. Colley to Adjutant General, January 21, 1865, RLR, AGO, Vol. 41, p. 273, NARS, RG 94. The disposition of the case is unknown, but apparently nothing came of it. No claim was ever paid.

30. Tappan Diary, p. 47; testimony of Cossitt, Condition of Indian Tribes, p. 74. Cossitt stated that Chivington said that Sand Creek "would put a star on his shoulder." Also interesting is Tappan to Sumner, April 10, 1864, LR, OIA, CS, NARS RG 75.

31. George W. Thompson, "Experiences in the West," CM, IV (1925), 175-179. Thompson was driving cattle from the East to Fort Union, New Mexico. He was near Fort Lyon at the time of the Sand Creek affair. In fact, some of the fleeing Indians passed his camp. Unaware of what had happened, he went into Lyon to buy saddle horses: "I was directed to Colonel Chivington's tent. I saw him in full dress uniform and thought him the finest looking man I ever saw. They had several hundred horses which had been captured from the Indians. I bought fifteen head at \$25 apiece." The disposal of the captured horses was the subject of considerable controversy. According to Shoup 504 captured Indian ponies were turned over to the regimental provost marshal while "A few remained in the hands of the troops." Captain Jay J. Johnson, the provost, verified that he took charge of the herd at fort Lyon, but when asked on cross-examination if he obeyed the order to turn the horses over to the assistant quartermaster, Chivington's attorney objected stating, "That it is not competent for the court to ask the witness questions which will criminate him if answered in the affirmative, and if answered in the negative will relate to new matter not called out by the defendant, Chivington, in the examination in chief of the witness." Captain G. L. Gorton, the assistant quartermaster at Denver testified that the only horses he received were ninety-three ponies turned over to him through government detectives. Soule, who served as provost marshal in Denver, during the early months of 1865, also testified that he seized some Indian ponies in the possession of veterans. No satisfactory explanation was ever made of the disposition of the horses. Testimony of Soule, Gorton, Shoup, and Johnson, Sand Creek Massacre, pp. 12, 163, 176, 224.

32. DRMN, December 8, 1864.
33. Letter of December 9, 1864, New York Herald, December 26, 1864.
34. DRMN, December 13, 1864; testimony of Silas S. Soule, Sand Creek Massacre, p. 25.
35. Testimony of Cree, Ibid., pp. 190-191.
36. Tappan Diary, p. 69. On January 3, 1865, Tappan penned an angry letter to the Assistant Adjutant General attacking Chivington and the nation of extermination. His sentiments were stated graphically: ". . . the affair at Sand Creek is a proclamation to the Indians that we are determined not to keep our word with them, to make no proposals for peace, but to wage a war of extermination against them, to butcher and scalp their women and children, to assassinate all who fall into our hands as prisoners, to show no mercy, but to excel them in savage cruelty. Ibid, pp. 16-18. Tappan's cousin, Lewis N. Tappen was the first Coloradan to travel east on the Arkansas route, and he gave the first severe account of Sand Creek to the Atchison Freedom's Champion. See the Atchison Daily Free Press, June 28, 1866, and Samuel F. Tappan, "Unpublished Autobiography, March 12, 1895," KSHS, p. 6.
37. Roberts, "Slough-Rynerson Quarrel," pp. 5-15; Washington Daily National Intelligencer, April 20, 21, 22, 1865; application of John P. Slough, January 6, 1866, Appointment Papers, Department of Justice, NARS, RG 60.
38. Extract of a private letter from an officer of the First Colorado Cavalry, dated December 16, 1864, with Slough to Stanton, December 31, 1864, LR, General File, AGO, 2694-S-1864, NARS, RG 94. The author of this letter might have been Lieutenant James Olney. An officer in Lieutenant Luther Wilson's company (originally Slough's company). Olney arrived in Denver on December 17, 1864, in command of Company H, since Wilson had been wounded in the fight at Sand Creek. He was still in command at the end of the month, Command report of the District of Colorado, December 31, 1864, OR, Series I, XLI, Pt. 4, 989. He had opportunity and inclination. He gave some of the most damaging testimony about Sand Creek. See affidavit of Olney, Condition of Indian Tribes, p. 61. Furthermore, Olney was not an officer of the Lyon battalion, and the author of the letter to Slough made several errors of fact which would not have been made by one fully familiar with the course of events at Lyon since the Weld conference.
39. Neither Cramer's letter to Wynkoop nor his report to Slough have come to light. However, both are referred to in a letter from Hiram Pitt Bennet to Slough, January 30, 1865, Western Americana Collection, Yale University Library, New Haven, Connecticut.



40. Congressional Globe, 38th Congress, 2nd Session, Pt. 1, 158.
41. Booth to J. E. Tappan, December 14, 1864, RLR, DUA, DM, USAC, Vol. 359, p. 107, NARS, RG 393.
42. Leavenworth to Dole, January 9, 1865, LR, UA, NARS, RG 75. Leavenworth enclosed several documents, but the enclosures have not been found.
43. Anthony to J. E. Tappan, December 16, 1864, RLR, DUA, DM, USAC, Vol. 359, pp. 119-121.
44. Soule to his mother, December 18, 1864, Soule Letters, DPL.
45. Anthony to his brother, December 23, 30, 1864 (FF-2, No. 6), Anthony Papers, CHS.
46. Testimony of Wynkoop, Sand Creek Massacre, p. 92.
47. Edward Estil Wynkoop, "Edward Wanshear Wynkoop," CKSHS, XIII (1913-1914), 77; Bennet to Slough, January 30, 1864, Western Americana Collection, Yale University Library.
48. SO No. 42, DUA, December 31, 1864, OR, Series I, XLI, Pt. 4, 971.
49. Testimony of Soule and Snyder, Sand Creek Massacre, pp. 11, 77; Soule to his mother, January 8, 1865, Soule Letters, DPL. Booth apparently made no written report of his visit to Sand Creek. Sergeant D. C. Nettleton reported to Colonel James H. Ford, the new commander of the District of the Upper Arkansas, that Booth was enroute to see him, after visiting Lyon and Larned. Booth sent word of an Indian camp on the Smoky Hill (old intelligence by then) and recommended the employment of Robert Bent as a scout. Nettleton to Ford, January 14, 1865, LR, DUA, USAC, NARS, RG 393.
50. Testimony of Hunt, "Massacre of Cheyenne Indians," pp. 44-45.
51. Ibid.
52. Harding to his wife, December 25, 1864, Harding Papers.
53. New York Herald, December 26, 1864.
54. Washington Daily Star, December 27, 1864.
55. Auburn (New York) Advertiser and Union, December 28, 1864.
56. Ibid., December 29, 1864. Pollock was an active contractor during the war years. See agreements dated, June 10, 1864, March 30,

1864, and May 24, 1864, in Commissary Contracts, Office of the Second Comptroller, GAO, NARS, RG 217.

57. Washington Daily National Intelligencer, January 4, 1865.

58. CCMR, January 21, 1865. January 21, 1865. This maneuver was only the latest in the political fight that resulted from statehood. In October 15, 1864, the Colorado had requested Harding's resignation. James M. Cavanaugh, Amos Steck and Moses Hallett advised Harding of the move on November 8, 1864. On November 10, 1864, Harding wrote the committee and agreed to resign after the close of the upcoming session of court. A second resolution was sent on November 30, 1864, demanding his immediate resignation. DRMN, January 13, 1865. At about the same time, the anti-statehood forces had attempted to put together a petition for the removal of Governor Evans, but the effort was stopped when friends of Evans threatened to push for the removal of those who opposed statehood. Kelsey, Frontier Capitalist, p. 161.

59. CCMR, January 21, 1865.

60. DRMN, January 19, 20, 30, 31, February 1, 6, 7, 1865; Guice, "Colorado's Courts," p. 222. Harding's resignation took effect on December 31, 1865. On one particularly questionable decision, Samuel Bowles reported that "the judicious grieved, the unskilled laughed, and everybody said there could be no contempt too great for such a court." Samuel Bowles, Across the Continent: A Summer's Journey to the Rocky Mountains, the Mormons, and the Pacific States with Speaker Colfax (Springfield, Massachusetts: Samuel Bowles & Company, 1865), pp. 60-61. The Journal attempted to defend Harding for a time. On February 14, 1865, Harding wrote to his wife concerning his situation. He expressed great anxiety over a request for a leave of absence to visit Washington. "This territory is cut up into the most miserable factions growing out of the late State Election," he wrote, "and it is most unpleasant to hold office under such circumstances." Harding Papers.

61. CG, 38th Congress, 2nd Session, Pt. 1, 158.

62. Ibid., p. 173.

63. Ibid., pp. 250-256.

64. Ibid.

65. Chaffee to Bennet, January 10, 1865, "Massacre of Cheyenne Indians," pp. 73-74. See also DRMN, June 19, 1865.

66. Evans to Curtis, January 20, 1865, OR, Series I, XLVIII, Pt. 1, 598; Tappan Diary, p. 127.

67. Bennet to Slough, January 30, 1865, Western Americana Collection, Yale.

68. CG, 38th Congress, 2nd Session, Pt. 1, 1336.

69. Quoted in the Denver Gazette, August 19, 1865.

70. Evans to Stanton, December 20, 1864, LR, OSW, NARS, RG 107.

71. CG, 38th Congress, 2nd Session, Pt. 1, 254; Washington Chronicle, January 18, 1865. As late as January 10, 1864, Evans was still pushing a winter campaign, without realizing--apparently--the damage Sand Creek had done. Evans to Curtis, December 17, 1864, January 10, 1865, Curtis Papers, XIV, 43, 93.

72. J. W. Wright, Chivington Massacre of Cheyenne Indians (Washington: Gideon & Pearson, 1865). Wright acted as agent for Dexter Colley in his claims against the government. See Wright to Dole, March 17, 1865, LR, CS, NARS, RG 75.

73. Kelsey, Frontier Capitalist, pp. 162-163.

74. Evans to Lincoln, March 6, 1865, Lincoln Papers, Reel No. 82. Ashley to Seward, May 22, 1864, Appointment Papers, Department of State, NARS, RG 59.

75. DRMN, August 19, 1865.

76. Slough to Stanton, December 31, 1864, LR, General File, AGO, RG 94.

77. Chaffee to Bennet, January 10, 1864, James A. Hardie to Halleck, January 11, 1865, Halleck to Curtis, January 11, 1865, "Massacre of Cheyenne Indians," pp. 74.

78. GFO No. 1, Department of Kansas, July 27, 1864, Ibid., pp. 75-76.

79. Curtis to Evans, January 12, 1865, OR, Series I, XLVIII, Pt. 1, 503-505.

80. Curtis to Halleck, January 12, 1865, Ibid., pp. 502-503.

81. Curtis to Moonlight, January 13, 1865, Ibid., p. 511.

82. Curtis to Evans, January 12, 1865, Ibid., p. 503-505.

83. SO No. 43, DUA, cited in Wynkoop to J. E. Tappan, January 15, 1865, OR, Series I, XLI, Pt. 1, 959-962.

84. For a contrasting view of Wynkoop's motives see Craig, Fighting Parson, pp. 209-212, and Marlatt, "Wynkoop," pp. 92-100. Also useful is Straight, "Novelist's View," p. 19.

85. Both Cramer and Soule were relieved of duty to take their companies to Denver to be mustered out on Christmas day, 1864, Post Returns, Fort Lyon, December 25, 1864, RLR, DUA, Vol. 359, p. 163, USAC, NARS, RG 393. Both continued to serve at Lyon until after the first of the year. Not until January 17, 1865, did they reach Denver. DRMN, January 18, 1865.

86. Post Returns, Fort Lyon, January 11, 1865, Baldwin CMSR File, AGO, NARS, RG 94.

87. Wynkoop to Ford, January 16, 1865, OR, Series I, XLI, Pt. 1, 959-962.

88. Ibid.

89. The report, with accompanying affidavits was published in "Massacre of Cheyenne Indians," pp. 81-93; Sand Creek Massacre, pp. 122-132; Condition of Indian Tribes, pp. 57-64.

90. Anthony to Thomas Moonlight, January 21, 1865, DRMN, February 1, 1865.

91. Ibid.; CCMR, February 5, 1865.

92. DRMN, February 6, 1865. Said Richmond, "Comments are superfluous," Two days earlier, on February 4, the News published another letter signed "D," which was probably written by Major Downing. He wrote: "The inconsistency of this man is so palpable that it needs no further evidence to show clearly to the people of Colorado that his statements in regard to Col. Chivington, and his denial of his own report. . . were engendered in malice and envy, and brands the writer as one unworthy the confidence which the people of Colorado reposed in him as a gentleman and an officer."

93. Anthony to his brother, December 30, 1864 (FF-2, No. 6), Anthony Papers, CHS.

94. BHMJ, December 30, 1864, January 5, 1865.

95. CG, 38th Congress, 2nd Session, Pt. 1, 254.

96. Chivington to Simpson, March 9, 1865, Matthew Simpson Papers, LC, Washington, D.C.

## CHAPTER XV

### THE SAND CREEK INVESTIGATIONS

1. See the discussion of the Colorado press reaction in Kennedy, "Colorado Press and the Red Men," pp. 73-90.
2. DRMN, February 8, 1865; CCMR, January 21, 1865.
3. Curtis to Moonlight, January 11, 1864, Curtis Papers, XIV, 102.
4. Moonlight to General Grenville Mellon Dodge, February 13, 1865, "Massacre of Cheyenne Indians," p. 95.
5. Moonlight to Curtis, January 12, 1865, Curtis Papers, XIV, 107.
6. Curtis to Moonlight, January 13, 1865, OR, Series I, XLVIII, Pt. 1, 511; Moonlight to Elbert, January 7, 8, 1865, Moonlight to Speaker of the House of Representatives, Colorado Territorial Legislature, January 9, 31, February 4, 1865, Moonlight to David H. Nichols, January 25, 1865, Moonlight to E. T. Holland, February 6, 1865, "Massacre of Cheyenne Indians," pp. 97-101; SO No. 23, DC, February 1, 1865, Sand Creek Massacre, p. 2.
7. Moonlight to Tappan, February 12, 1865, Sand Creek Massacre, pp. 3-4.
8. DRMN, February 8, 1865.
9. Chivington to Commission, February 14, 1865, Affidavits of Chivington and Captain J. S. Maynard, February 9, 1865, Sand Creek Massacre, pp. 5-6.
10. Statement of Tappan, Ibid., p. 8.
11. DRMN, February 16, 22, 1865.
12. Tappan Diary, p. 48. Tappan's diary unfortunately reveals little of the day to day proceedings of the investigation. It is rather a collection of Tappan's random thoughts on Sand Creek and other

subjects. As such, however, it is a valuable document for understanding the man and his motives.

13. Moonlight to Tappan, February 12, 1865, Sand Creek Massacre, pp. 3-4; testimony of Major Jacob Downing, Condition of Indian Tribes, p. 70.

14. BHMJ, June 9, 1865. Jacobs had served under Tappan at Fort Garland, but there is no evidence regarding his position in the regimental squabble. The only reference located in the statement of Captain Soule that Jacobs assisted him as much as possible with recruiting duties. Soule to Chivington, February 18, 1864, Soule CMSR, AGO, NARS, RG 94.

15. DRMN, February 9, 1865.

16. Ibid., February 16, 22, 1865, CCMR, February 9, 22, 24, 1865.

17. Chivington to Dodge, February 15, 1865, Chivington CMSR, VA, NARS, RG 15. "Our desire is to have an investigation of the whole affair," he wrote, "but we must earnestly object to officers who are avowed enemies and courts which we believe without any legal right to perform the functions of courts of Inquiry while the officer comd'g the District Col. Moonlight simply by the power of his position appears to desire to force this matter whether the court is legal or not."

18. Testimony of Soule, Sand Creek Massacre, pp. 8-29.

19. Testimony of Cramer and Hawley, Ibid., pp. 29-68. Cramer presented perhaps the most cogent case against Chivington. His testimony was measured and complete.

20. Testimony of Beckwourth, Ibid., pp. 68-76. At one point, when Beckwourth had referred to a conversation with Indian leaders after Sand Creek, Chivington's attorney objected on the following grounds: "The statements of Indians are never received as evidence even when the Indians are personally present, except in cases where it is specially authorized by statute. In other words, it requires an express congressional enactment to render an Indian a competent witness, as in cases of violation of the Indian intercourse laws. The instructions given the commission do not authorize them to receive hearsay testimony as coming from Indians or whites." The objection was overruled. See also, CCMR, March 11, 1865.

21. BHMJ, March 11, 17, 1865.

22. Ibid., February 24, 1865.

23. Ibid., February 28, 1865.

24. Nebraska City Press, January 16, 1865.

25. Nebraska City News, February 1, 6, 1865.
26. Montana Post, January 21, 1865, quoted in James C. Olson, Red Cloud and the Sioux Problem (Lincoln: University of Nebraska Press, 1965), p. 12n.
27. A useful guide to the testimony given before the commission is William J. Mellor, "The Military Investigation of Colonel Chivington Following the Sand Creek Massacre," CO, XVI (1938), 444-464. The testimony of the enlisted men proved to be particularly important because of the suspicions raised against officer like Wynkoop, Soule, and Cramer.
28. Sand Creek Massacre, p. 159. On April 3, Tappan received a letter from Henry M. Teller, who demanded that Chivington be given an opportunity to rebut the evidence. Tappan Diary, p. 127.
29. DRMN, April 24, 25, 1865; BHMJ, April 25, 1865.
30. Ibid., April 1, 5, 14, 1865. The tone of these articles was very friendly, suggesting the affection which most Denverites still felt for the dashing young captain.
31. Ibid., April 24, 25, 1865. As early as February 24, the BHMJ reported that two attempts had been made on the life of Captain Soule.
32. DRMN, April 27, 1865; affidavit of John M. Chivington, "Massacre of Cheyenne Indians," pp. 101-108.
33. DRMN, April 25, 1865.
34. Ibid., April 24, 25, 26, 27, 28, 1865; CCMR, April 24, 25, 1865; BHMJ, April 24, 25, 26, 1865.
35. Tappan Diary, p. 153.
36. Deposition of Lipman Meyer, Sand Creek Massacre, pp. 184-187.
37. Affidavit of Price, Ibid., pp. 188-189. BHMJ, March 27, 1865, reported the Soule had been in town with Captain Price.
38. Wynkoop, "Unfinished History," p. 114.
39. DRMN, February 8, 1865. The News had taken such a forceful stand at the time that the Journal accused the Denver paper of encouraging assassination.
40. Tappan Diary, p. 124.
41. Ibid.

42. Sand Creek Massacre, pp. 175-227. Downing chose his witnesses carefully and proscribed their testimony closely. For example while he called Lieutenant Clark Dunn, he asked no questions concerning Sand Creek itself even though the commission had heard testimony about his actions that day. When he questioned Lieutenant Harry Richmond, he avoided any questions that remotely related to the charges which had been made concerning Richmond during the testimony of the commission's witnesses, and while he questioned Jay J. Johnson, he avoided direct reference to the disposition of the Indian ponies. When the commission attempted to broach subjects discussed in the testimony of other witnesses, Downing objected on the grounds that the commission could not cross-examine on matters not mentioned in the examination-in-chief.

43. Motion of Tappan, May 29, 1865, Sand Creek Massacre, p. 228. The handwritten transcript of the proceedings of the commission is filed in the records of the JAG, NARS, RG 153. The following October, during the statehood contest in 1865, the opposition to the Denver faction accused William N. Byers, who was also Denver's postmaster, of suppressing the testimony. On October 24, 1865, the DRMN published a statement by Byers along with affidavits from various military personnel affirming that the transcript was duly forwarded to Washington.

44. John M. Chivington, To the People of Colorado, Synopsis of the Sand Creek Investigation (Denver: n. p., 1865), pp. 5-8. The "Synopsis" was also published in the DRMN, June 22, 1865.

45. DRMN, June 13, July 12, 15, 18, 1865; Charles Kerber to Commanding Officer of Fort Union, May 13, 1865; Edward Willis to B. C. Cutler, May 18, 1865, Wynkoop to Commanding Officer, Fort Union, May 26, 1865; Warren P. Abreu to Benjamin C. Cutler, June 14, 1865, Abreu to Wynkoop, June 20, 1865, Cannon to Commanding Officer, Fort Union, July 3, 1865, J. S. Graham to Commanding Officer, Fort Union, July 19, 1865, AC, "Fort Union, 1865," File 4; James D. Cannon Pension File, VA, NARS, RG 15, containing the transcript of the coroner's jury in the Cannon case; Wynkoop, "Unfinished History," p. 114. Interestingly, Caleb Burdsal, William H. Valentine, and Simeon Whiteley were all members of the coroner's jury.

46. See documents in Captain Charles W. Squier, 74th Regiment, New York Infantry, CMSR, AGO, NARS, RG 94.

47. U. S. v. Charles W. Squier, First Judicial District, United States District Court, Case No. 104, Records of the District Court, Colorado Territory, DFRC, RG 21.

48. Private Charles W. Squier, 2nd Colorado Volunteer Cavalry, CMSR, AGO, NARS, RG 94. See especially the muster and descriptive rolls.

49. E. G. Squier to John Pope (no date), Charles K. Graham to Stanton, July 11, 1865, David Sickles to Pope, July 16, 1865, Affidavit



of C.W. Squier, September 6, 1865, Hallett and Sayre to Dodge, September, 1865, Hallett and Sayre to Pope, September 7, 1865, Pope to Captain P. T. Tunnley, August 18, 19, 1865, E. G. Squier, August 13, 1865, Extract of letter from A. C. Hunt, July 19, 1865, Squier CMSR, 2nd Colorado Volunteer Cavalry, AGO, NARS, RG 94.

50. Proceedings of a General Court Martial convened by Virtue of Special Orders No. 4, Headquarters, District of Colorado, Separate Brigade, Denver C. T. September 26, 1865- October 10, 1865, Court Martial Case File, Charles W. Squier (NN-3859), JAG, NARS, RG 153; Statement of Thomas C. Beckwith, October 22, 1865, "Provost Marshal's File," War Department Collection of Confederate Records, NARS, RG 109; DRMN, October 11, 25, November 1, 22, December 8, 1865, January 24, 1866; BHMJ, October 9, 11, 1865. According to an item in the Randall Clippings, Vol. 2, p. 313, CHS, Squier was later reported to be living under an assumed name in California. Reportedly, in the 1890's, a dying soldier at the Veterans' Home in Sawtelle, California, stated that he had been hired to murder Soule because of his testimony against Chivington. See Seay, "Pioneers of Freedom," p. 115. The deathbed statement has not been located. The records of the Sawtelle Home, VA, NARS, RG 15, failed to turn up any significant clues. However, in 1902, a veteran of the First Colorado Cavalry who had been at Sand Creek, John A. Fritts, wrote to Washington, claiming that the man who killed Soule was at the Washington State Soldiers' Home in Orting, Washington. He named the man as John Calvin Squires. Squires was a veteran of the 2nd Regiment, New York Heavy Artillery, who was discharged in March, 1865, because of the loss of the use of his left hand from gunshot wounds at the battle of Cold Harbor. Squires died at Manette, Washington on June 21, 1912, but not evidence was ever produced to connect him to Charles Squier or Captain Soule. See statement of Fritts, August 13, 1902, LR, Enlistment Branch, AGO, NARS, RG 94; John Calvin Squires, Company I, 2nd New York Heavy Artillery, CMSR, AGO, NARS, RG 94; John Calvin Squires Case File, Washington State Soldiers' Home, Division of Archives and Records Management, Department of General Administration, State of Washington, Olympia, Washington.

51. Report of the Judge Advocate General in the Case of Colonel John M. Chivington, First Colorado Volunteer Cavalry, Record Book, Vol. 17, pp. 424-434, JAG, NARS, RG 153. Craig, Fighting Parson, p. 258n, suggests that under the precedent of Coleman vs. Tennessee, 97 U. S. 509 (1863), Chivington could have been tried in civilian courts, arguing that the War Department should have instituted a prosecution in the civil courts. The evidence suggests, however, that the Coleman case was an exception to general practice. The Supreme Court still holds, as it did in the Coleman case, that former servicemen are not liable for prosecution by court martial for offenses committed while they were on military duty, Toth v. Quarles, 350 U. S. 11 (1955). Craig claims that such persons may be tried under applicable state and federal laws, but the military took the position in the My Lai case in 1970, that the state and

federal courts lacked jurisdiction to try former servicemen implicated in the My Lai affair. See Investigation of the My Lai Incident: Report of the Armed Services Investigating Subcommittee of the Committee on Armed Services, House of Representatives, Ninety-First Congress, Second Session Under Authority of H. Res. 105, July 15, 1970 (Washington: Government Printing Office, 1970), pp. 47-48. The major distinction between Sand Creek and My Lai is that the Sand Creek incident took place within the territory of the United States and thus liable under territorial and federal statutes. A more practical consideration which may have influenced the situation was the unlikelihood of obtaining a conviction in territorial courts where Chivington's actions were generally applauded by the population.

52. Williams, Lincoln and the Radicals, p. 71. Williams' views on the Joint Committee are conveniently summarized in his "The Committee on the Conduct of the War: An Experiment in Civilian Control," Journal of the American Military History Institute, III (1939), 139-156. A more recent study which moderates Williams' view of the Committee is Hans L. Trefousse, "The Joint Committee on the Conduct of the War: A Reassessment," Civil War History, X (1964), 5-19.

53. Gideon Welles, Diary of Gideon Welles. 3 volumes. Edited by Howard K. Beale (New York: W.W. Norton & Co., 1960), II, 226.

54. William W. Pierson, Jr., "The Committee on the Conduct of the Civil War," AHR, XXIII (1918), 550-576.

55. Williams, Lincoln and the Radicals, pp. 74-76; Trefousse, "Reassessment," pp. 16-19.

56. Quoted in Williams, "War Committee," p. 149.

57. Testimony of Leavenworth, "Massacre of Cheyenne Indians," pp. 1-4.

58. "Journal of the Joint Committee on the Conduct of the War," Ibid., I, xxxiv-xxxv. Williams, Lincoln and the Radicals, p. 74, is useful regarding committee procedure.

59. The Democratic members of the Committee rarely attended sessions because of the domination of Wade. See Williams, Lincoln and the Radicals, p. 65. Buckalew was from Wynkoop's home state, Pennsylvania, but his small role indicates that he was not acting as Wynkoop's agent. For a sketch of Buckalew, see Witt Bowden, "Charles Rollin Buckalew," Dictionary of American Biography. 20 volumes. Edited by Allen Johnson and Dumas Malone (New York: Charles Scribner's Sons, 1928-1937), III 225-226.

60. "Journal, SCCW," pp. xxxiv-xxxvii. An intriguing possibility is that Loan's Colorado contact was William Gilpin, the ex-governor of

Colorado. Common background and associates suggest a connection. Loan's career is obscure, but a brief sketch of him appears in Christopher Rutt, editor, History of Buchanan County and the City of St. Joseph and Representative Citizens (Chicago: Biographical Publishing Company, 1904), pp. 709-712.

61. Testimony of Dexter Colley, Robbins, and Hunt, "Massacre of Cheyenne Indians," pp. 12-16, 43-46, provided ammunition for much of the criticism of the committee's report, since none of them had direct knowledge of Sand Creek.

62. Testimony of Evans, Ibid., pp. 42-43.

63. Ibid., pp. 47-101. Interestingly, neither Slough's exchange with Bennet, nor the documents sent to Slough and Bennet by Wynkoop, Cramer, and Tappan were included.

64. Deposition of John M. Chivington, Ibid., pp. 101-108. See also, "Journal, JCCW," pp. xxxv-xxxvi.

65. Motion of Mr. Loan, Ibid., p. xxxvii.

66. "Massacre of Cheyenne Indians," pp. III-V.

67. New York Tribune, May 19, 1865.

68. WRMN, June 7, 1865.

69. Ibid.

70. CCMR, June 8, 1865.

71. Usher to Johnson, May 15, 1865, LS, OSI, ID, M-21, Roll 5, NARS, RG 48.

72. Ashley to Seward, May 22, 1865, Applications and Recommendations for Office, Department of State, NARS, RG, 59.

73. Ibid.

74. Ibid.

75. Bradford to Johnson, May 22, 1865, Ibid.

76. Slough to Seward, June 3, 1865, William H. Seward Collection, University of Rochester Library, Rochester, New York.

77. DRMN, June 12, 13, 1865; Evans to Slough, June 14, 1865, Gilpin Papers, Chicago Historical Society.

78. DRMN, June 19, 1865.
79. Kingsley to Simpson, June 20, 1865, Simpson Papers, LC.
80. Kelsey, Frontier Capitalist, pp. 162-163; DRMN, June 15, 1865.
81. Philadelphia Public Ledger and Daily Transcript, July 24, 1865.
82. Washington Chronicle, July 21, 1865.
83. Boston Journal, July 24, 1865.
84. Quoted in Frederic Logan Paxson, The Last American Frontier (New York: Macmillan Company, 1924), p. 262.
85. Simpson to Evans, August 4, 1865, Harlan to Evans, August 4, 1864, John Evans Collection, CHS.
86. Evans to Johnson, August 1, 1865, Evans to Seward, August 1, 1865, Ibid.
87. Evans to Harlan, August 1, 1865, SDTP, Colorado, No. 67, Folio No. 125, M-3, NARS, RG 59.
88. DRMN, July 31, August 1, 3, 1865; Slough to Johnson, August 7, 1865, Letters of Application, Lincoln and Johnson, 1861-1868, M-60, Roll 55, NARS, RG 59.
89. Ibid.
90. DRMN, August 10, 1865.
91. Evans to Harlan, August 14, 1865, SDTP, Colorado, No. 69, Folio No. 128, M-3, NARS, RG 59.
92. Evans to Washburne, August 14, 1865, Elihu Washburne Papers, LC.
93. Nebraska City News, quoted in DRMN, August 19, 1865.
94. Chicago, Tribune, August 26, 1865. See also Atchison City (Kansas) Freedom's Champion, August 24, 1865. Reviewing the arguments of the DRMN and the CCMR, the editor of the Atchison paper wrote: "We hope, for the honor of our country and for the credit of humanity, that what the News and the Register say is true, and that Gov. Evans may succeed in vindicating himself from the charges brought against him. We can see wherein, under the influence of that prejudice and hatred, so common in the West, against the whole Indian race, he might have been guilty of acts that were hasty and ill-advised prior to the expedition under Chivington starting out, and yet not be responsible for the actual

atrocities and cold-blooded barbarities that followed. But his connection to Chivington is too clearly established to be denied without the very best evidence, and unless this is given in his defense, the public will neither overlook nor pardon him. The infamy of the Sand Creek Massacre is established beyond a question; three different Committees have thoroughly investigated the affair, and all agree in pronouncing it the most diabolical and atrocious villainy in recorded history. The evidence is voluminous and given by some of the best men in Colorado; even the friends of Chivington could say nothing to excuse or even palliate his crimes. If, therefore, Gov. Evans does not succeed in establishing that he had no connection with this clerical monster, he is branded as Chivington is branded, with enduring infamy."

95. BHMJ, August 19, 1865; DRMN, August 22, 1865.

96. Denver Gazette, August 19, 1865.

97. All three Colorado papers printed his reply. See News, September 12, 1865, BHMJ, September 11, 1865, and CCMR, September 12, 1865. The statement with attendant documents was also published as a pamphlet. See John Evans, Reply of Governor Evans of the Territory of Colorado to that Part Referring to Him, of the Report of "the Committee on the Conduct of the War," Headed "Massacre of Cheyenne Indians" (Denver: n. p., 1865). The reply was also published in Condition of Indian Tribes, pp. 78-93.

98. Evans, Reply, pp. 14-16.

99. Testimony of Evans, Condition of Indian Tribes, p. 48.

100. When the Special Joint Committee on the Condition of the Indian Tribes published his reply, Evans assumed that his vindication was complete. See Kelsey, Frontier Capitalist, pp. 152-153, 300n, and Evans Interview, MS P-L329, Folio V, p. 36, BL.

101. WRMN, September 13, 20, 1865.

102. CCMR, September 12, 1865; BHMJ, September 19, 1865.

103. Anthony to Wade, August 25, 1865, Benjamin Franklin Wade Papers (III-10-C), Vol. II, Folio 2156-2157, LC.

104. Anthony to Doolittle, October 10, 1865 (FF-2, No. 3) Anthony Papers, CHS. He was not in Denver when the committee visited in July, 1865.

105. Majority Report, Condition of Indian Tribes, p. 3.

106. Testimony of Evans, Ibid., p. 48. Senator Doolittle was one of those public figures who accepted the governor's defense as valid.

107. The journey of the committee is covered in detail in Clarissa P. Fuller, editor, "Letter of Senator Doolittle to Mrs. L. F. S. Foster, March 7, 1881," NMHR, XXVI (1951), 148-158; Gary L. Roberts, editor, "Condition of the Tribes, 1865: The McCook Report--A Military View," MMWH, XXIV (January, 1974), 14-25; and Lonnie J. White, editor, Chronicle of a Congressional Journey: The Doolittle Committee in the Southwest, 1865 (Boulder, Colorado: Pruett Publishing Company, 1975). A careful analysis of the work of the committee is found in Donald Chaput, "Generals, Indian Agents, Politicians: The Doolittle Survey of 1865," WHQ, 3 (1972), 269-282.

108. Fuller, "Doolittle Letter," p. 152. A correspondent of the Leavenworth Daily Times, wrote of the visit to Sand Creek, "At the time the Committee visited the field there were few traces of the dreadful carnage. A few trinkets, such as tobacco pouches, pipes, arms, &c., were picked up. A number of skulls lay scattered around--the only part of the skeleton which could not be carried off by the wolves--'they slipped through their teeth when their edge grew dull.'" White, Chronicle, p. 27.

109. Fuller, "Doolittle Letter," p. 152.

110. DRMN, July 19, 1865.

111. Ibid., July 20, 21, 1865.

112. Fuller, "Doolittle Letter," pp. 156-157.

113. DRMN, July 22, 1865; testimony of Downing, Condition of Indian Tribes," p. 70.

114. White, Chronicle, p. 27.

115. Roberts, "McCook Report," p. 21.

116. Testimony of Beckwourth, Snyder, Cannon, Roan, Palmer, James, Adams, Decatur, Sand Creek Massacre, pp. 68-81, 109-114, 141-152, 199; testimony of Olney, Wilson, Bird, Miksch, Condition of Indian Tribes, pp. 61, 67, 72, 75.

117. Testimony of Robert Bent and Edmond Guerrier, Ibid., pp. 66, 95-96; Hyde, Life of Bent, pp. 151-159.

118. DRMN, April 15, 1865.

119. Letter of "D," DRMN, January 4, 1865.

120. Coffin, Battle of Sand Creek, p. 28.

121. Ibid., p. 37.

122. See the discussion in Kennedy, "Colorado Press and the Red Men," pp. 56-120. The sentiments of many Coloradans were expressed by the editor of the Register in January: "... at the risk of being charged with inhumanity and all that sort of bosh [we] advocate the paying of bounties for the scalps of Indians, men, women, and children, indiscriminately, just as has been the custom in older States, to pay bounties for wolf scalps--say fifty dollars each for scalps of males and a lesser sum for those of squaws and papposes, or if this distinction appears badly on our statute books, then say a reward of fifty dollars for Indian scalps, then including all ages and sizes." CCMR, January 11, 1865.

123. Testimony of Anthony, "Massacre of Cheyenne Indians," p. 26.

124. Coffin, Battle of Sand Creek, p. 36.

125. Testimony of Decatur, Talbot, Sand Creek Massacre, pp. 199, 207; testimony of Downing, Bird, Condition of Indian Tribes, pp. 71-72. See also Chivington's various reports and his deposition in "Massacre of Cheyenne Indians," pp. 102-103, in which he claims 500 to 600 killed.

126. Coffin, Battle of Sand Creek, p. 36.

127. Testimony of Guerrier, Condition of Indian Tribes, pp. 65-66.

128. For an extended discussion of the various interpretations of this and other specific issues, see Michael A. Sievers, "Sands of Sand Creek Historiography," CM, 49 (1972), 116-143. Carey, "Puzzle," p. 297, writes: "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." Carey then proceeds to excoriate the congressional investigations as "classic examples of how not to conduct a hearing" and for not applying strict rules of evidence. This tendency to seek a legalistic answer is found in other accounts, most notably Craig, Fighting Parson, pp. 244-260, who presents an entire appendix entitled "Legal Analysis of the Sand Creek Hearings." While the hearings were clearly not models of investigative techniques, the most remarkable feature of these arguments is that historians should demand judicial rules of evidence. Not only does such a view reveal basis misunderstanding of the responsibility of the historian, but it also demonstrates inadequate knowledge of the nature of congressional hearings and of the rules governing the particular military commission in question. In both cases, as in all congressional hearings, the purpose was to elicit information, to gather evidence, regardless of its form. More

importantly, the credibility of the testimony obtained, for historical evaluation, is not based upon its acceptability by a court of law. Its only test must be its relevancy to the historical problem at hand. If the report of the committees were injudicious or exceeded legal proscriptions, that, of itself, does not affect the relevancy of the testimony. The credibility of evidence--whether it is formal testimony, deposition, affidavit, hearsay, rumor, polemic, or eulogy--depends upon the ability and willingness of a witness to tell the truth and the extent to which it is independently corroborated by other evidence. See the discussion in Louis Gottschalk, Understanding History (New York: Alfred A. Knopf, 1950), pp. 149-171. If historians had to depend upon testimony acceptable in a court of law, most of the archives in this country could dispose of their contents with little loss. At Sand Creek, the participants were not more honest or less honest than other men, and to conclude that because testimony contradicts, at least some of it is perjured, is to overlook the simple truth that people see the events in which they participate through the lenses of their own interests. The preponderance of evidence, drawn both from the hearings and from other primary materials, suggests that many men, perhaps even a majority, did not participate in the atrocities which gained attention, but it also affirms that such atrocities were committed on a wide scale and that they were accepted as justifiable by a large portion of the frontier population. Denials came only after Sand Creek became the subject of public controversy. The real issue was never whether Sand Creek was a massacre or not, but whether circumstances justified what happened. That is why the issue of the flag was important. Ultimately, the issues at Sand Creek were legal and moral questions.

129. So concluded the Joint Special Committee on the Condition of the Indian Tribes. See Majority Report, Condition of Indian Tribes, p. 6.



## CHAPTER XVI

### CARBINE AND OLIVE BRANCH

1. See especially DRMN, December 8, 1964.
2. William H. Leckie, The Military Conquest of the Southern Plains (Norman: University of Oklahoma Press, 1963), p. 24, argues that the most immediate effect of Sand Creek "was an Indian war of unprecedented scope and violence." Olson, Red Cloud, p. 12, concurs, stating that "it is difficult to overemphasize the effects of the Chivington Massacre" upon conditions on the plains. Other authors offer a very different interpretation. Craig, Fighting Parson, p. 204, argues that Sand Creek "was a truly decisive battle" which "broke the power of the Cheyennes." Don Russell, "Indians and Soldiers of the American West," The Book of the American West. Edited by Jay Monaghan (New York: Julian Messner, Inc., 1963), p. 220-221, opines that "The final exaggeration of the Sand Creek Massacre has been its representation as the direct cause of a great uprising of Plains Indians when the Cheyenne spread word of the white man's perfidy. It would be difficult to prove that any other tribes were influenced by such a plea or that Indian warfare became more intense than it had been previously." The thrust of my interpretation is that while the Sand Creek did not cause an Indian war, it greatly complicated the task of ending hostilities on the plains and precipitated intense violence at a time of the year when Indians did not usually fight. Prucha, Policy in Crisis pp. 12-13, notes that "Sand Creek intensified Indian hostilities on the plains if it did not indeed set off the new Indian warfare."
3. Hyde, Life of Bent, p. 165; BHMJ, January 5, 1865, quoting a letter from Fort Lyon, dated December 31, 1864.
4. Hyde, Life of Bent, p. 165, 168; Powell, People of the Sacred Mountain, I, 311-312.
5. Daniel C. Oakes to Dennis Nelson Cooley, September 2, 1865, AR, CIA, 1865, p. 383. Friday soon returned and was employed by the army.
6. Hyde, Life of Bent, p. 165.

7. Anthony to Henning, December 15, 1864; Henning to J. E. Tappan, December 14, 22, 1864; Livingston to Charlot, January 2, 1865, OR, Series I, XLI, Pt. 1, 952; Pt. 4, 852, 919, XLVIII, Pt. I, 398-400. See also Berthrong, Southern Cheyennes, pp. 224-225, and Ware, Indian War of 1864, p. 324.

8. Testimony of Beckwourth, Sand Creek Massacre, pp. 73-74.

9. Livingston to Curtis, January 6, 1865, Curtis Papers, XIV, 86.

10. Berthrong, Southern Cheyennes, pp. 226-227; Grinnell, Fighting Cheyennes, pp. 183-188; Byron G. Hooper, Jr., "A Capsule History of the Julesburg Area," DWMR, XIX (1963), 19-20; and Ware, Indian War of 1864, pp. 324-326.

11. Hyde, Life of Bent, pp. 169-173.

12. Elbert to Evans, January 9, 1865, LR, OIA, CS, NARS, RG 75.

13. C. Hendricks to Curtis, February 1, 1865, Curtis Papers, XIV, 145.

14. Berthrong, Southern Cheyennes, p. 227; Hooper, "Julesburg," p. 20; Powell, People of the Sacred Mountain, I, 317-318; Gary W. Howard, "The Southern Cheyenne, 1861-1865: The Beginning War Years." Unpublished M. A. Thesis (Wichita: Wichita State University, 1976), pp. 158-150 (especially a chart of attacks between Julesburg and Denver during January, 1865).

15. Hyde, Life of Bent, pp. 180-181; DRMN, January 16, 1865. See also LeRoy R. Hafen, The Overland Mail, 1849-1869 (Glendale: Arthur H. Clark Co., 1926), p. 263. The scalps were recognized as belonging to White Leaf and Little Wolf, the son of Two Thighs, the Bowstring headman who was also killed at Sand Creek. The identifications were based on the light color of one scalp and a shell which was attached to one scalplock.

16. Livingston to Mitchell, January 8, 1865, OR, Series I, XLVII, Pt. 1, 463. Said Livingston, "The Indians are the masters of the overland road, and immediate action is imperative."

17. Mitchell to Curtis, January 10, 1865, Curtis Papers, XIV, 99.

18. WRMN, January 18, 1865.

19. Livingston to Curtis, January 26, 1865, Curtis Papers, XIV, 124.

20. Ware, Indian War of 1864, p. 346.

21. Ibid., pp. 355-356.

22. Ibid., pp. 356-357.
23. Hyde, Life of Bent, p. 177. Said Bent, "Although I was south of the Platte at the time and right in the way of such a fire, I did not see a sign of it, and never saw an Indian who knew anything about such a fire."
24. Ibid., p. 181.
25. Powell, People of the Sacred Mountain, I, 316; Moore, "Cheyenne Political History," pp. 341-343.
26. Ware, Indian War of 1864, pp. 372-374.
27. Ibid., pp. 374-376; Berthrong, Southern Cheyennes, pp. 228-229; Powell, People of the Sacred Mountain, I, 320.
28. Hyde, Life of Bent, pp. 188-193; Ware, Indian War of 1864, pp. 393-394; Berthrong, Southern Cheyennes, pp. 229-230.
29. Ware, Indian War of 1864, pp. 380-392; Curtis to Halleck, January 26, 1865; Livingston to Curtis, January 26, 1865, Curtis Papers, XIV, 123-124.
30. Livingston to Mitchell, February 6, 1864, Ibid., p. 164.
31. Hafen, Overland Mail, pp. 264-265; Lucia, Ben Holladay, p. 155; Berthrong, Southern Cheyennes, p. 228; Hyde, Life of Bent, pp. 182-183.
32. Unrau, "Indian Agent," p. 210; Rodman Wilson Paul, Mining Frontiers of the Far West, 1848-1880 (New York: Holt, Rinehart and Winston, 1963), pp. 120-121; DRMN, January 19, 1865.
33. Chaffee to Bennet, January 10, 1865, "Massacre of Cheyenne Indians," pp. 73-74.
34. Stillwell to Moonlight, January 10, 1865, LR, DC, S-3 (Box 19), USAC, NARS, RG 393; Moonlight to Dodge, February 13, 1864, OR, Series I, XLVIII, Pt. 1, 838-840; Curtis to Crawford, February 1, 1864, Curtis Papers, XIV, p. 144. Said Curtis, "The 100 day Regt and 1st Colorado time have expired. I am much embarrassed for want of troops in Colorado, and the Indians are doing considerable mischief in that region." See also DRMN, February 8, 9, 1865.
35. WRMN, January 11, 1865.
36. BHMJ, January 7, 10, 11, 12, 1865.
37. CCMR, January 5, 8, 11, 19, 1865.

38. BHMJ, January 16, 1865.
39. Curtis to Halleck, January 30, 1865, Curtis Papers, XIV, p. 135. Curtis argued, "It is folly to attribute the Indian troubles to the wrongs committed by white men--while we may condemn these, it is really more indulgence than cruelty that induced & continues their warfare."
40. Curtis to Moonlight, January 30, 1865, Ibid., p. 137.
41. Utley, Frontiersmen in Blue, p. 304.
42. Ibid.; Richard N. Ellis, General Pope and U. S. Indian Policy (Albuquerque: University of New Mexico Press, 1970), pp. 65-67.
43. Utley, Frontiersmen in Blue, pp. 304, 306.
44. Pope to Stanton, February 6, 1864, OR, Series I, XXXIV, Pt. 2, 259-264.
45. Ibid.
46. Ibid. Pope's plan was subsequently published in The Army and Navy Journal, and it received the endorsement of Indian reformers like Bishop Henry Whipple of Minnesota. Commissioner Dole, however, wrote a searing and somewhat misleading critique of the plan. See Dole to Usher, April 6, 1864, LR, SI, ID, NARS, RG 48. See also Ellis, Pope and Policy, pp. 31-51.
47. See Richard N. Ellis, "After Bull Run: The Later Career of General John Pope," MMWH, 19 (Summer, 1969), 46-57.
48. Dodge to Ford, February 15, 1865, OR, Series I, XLVIII, Pt. 1, 862-863. See also Stanley P. Hirschson, Grenville M. Dodge: Soldier, Politician, Railroad Pioneer (Bloomington: Indiana University Press, 1967), pp. 116-117; and Grenville Mellon Dodge, Indian War of 1865 (Denver: Colorado Commandery of the Loyal Legion of the United States, 1907), pp. 1-20.
49. SO NO. 41, DM, February 10, 1865, OR, Series I, XLVIII, Pt. 1, 807-808.
50. Ellis, Pope, pp. 73-74. For a full discussion of the service of the paroled Confederates, see D. Alexander Brown, The Galvanized Yankees (Urbana: University of Illinois Press, 1963).
51. Dodge to Mitchell, February 14, 1865, OR, Series I, XLVIII, P.t 1, 853.
52. Dodge to Ford, February 15, 1865, Ibid., pp. 862-863.

53. Livingston to Dodge, February 9, 1865, Ibid., pp. 793-794.
54. Robert M. Utley, "Kit Carson and the Adobe Walls Campaign," AW, 2 (Winter, 1965), 4-11, 73-75.
55. Berthrong, Southern Cheyennes, pp. 232-233. Leavenworth to Dole, January 9, 19, May 6, 1865, LR, OIA, UA, NARS, RG 75. A particularly good account of Leavenworth's troubles with the army is found in William Errol Unrau, "Indian Agent vs. the Army: Some Background Notes on the Kiowa-Comanche Treaty of 1865," KHQ, XXX (1964), 138-150.
56. Hyde, Life of Bent, pp. 194-195; Bent to Hyde, May 3, 1905, Bent Letters, CHS; Bent to Hyde, March 24, 1905, May 4, 1906, May 14, November 5, 1913, Bent-Hyde Correspondence, Yale; Hyde, Spotted Tail's Folk, pp. 109-110.
57. Hyde, Life of Bent, p. 197.
58. Ibid. Bent said that the 1865 reunion was the first time all of the Cheyennes had been assembled together for many years. Powell, People of the Sacred Mountain, I, 327, takes a different view, maintaining that the people had gathered as recently as the summer of 1864 for the renewal of the Council of Forty Four. See above, Chapter XI.
59. Utley, Frontiersmen in Blue, p. 315.
60. Ibid., p. 308; Ellis, Pope and Policy, pp. 74-75.
61. Ibid., pp. 75-79.
62. Utley, Frontiersmen in Blue, pp. 316-317.
63. Moonlight to AAG, DM, May 27, 1865, OR, Series I, XLVIII, Pt. 1, 276-277; statement of Lucinda Ewbanks, June 22, 1865, Condition of Indian Tribes, pp. 90-91; Nadeau, Fort Laramie, pp. 177-179. See also Dorothy M. Johnson, "The Hanging of the Chiefs," MMWH, XX (Summer, 1970), 60-69, which provides an examination of some of the contradictory stories told about the incident.
64. Utley, Frontiersmen in Blue, p. 318; Nadeau, Fort Laramie, pp. 179-184; Hyde, Spotted Tail's Folk, pp. 103-106.
65. Moonlight to AAG, DM, June 21, 1865, OR, Series I, XLVIII, Pt. 1, 325-328. See also Utley, Frontiersmen in Blue, p. 318.
66. Hyde, Life of Bent, pp. 197-204.
67. Unrau, "Agent vs. Army," pp. 138-140; Berthrong, Southern Cheyennes, pp. 232-233.

68. Halleck to Dodge, March 28, 1865, OR, Series I, XLVIII, Pt. 1, 1242. See also Leavenworth's correspondence, AR, CIA, 1865, pp. 387-391.

69. Dodge to Harlan, June 22, 1865, OR, Series I, XLVIII, Pt. 2, 971-974.

70. Mix to Leavenworth, April 29, 1865, LS, OIA, NARS, RG 75.

71. Utley, Frontiersmen in Blue, p. 312.

72. White, Congressional Journey, pp. 20-21; Roberts, "McCook Report," pp. 18-19; Doolittle to his wife, May 31, 1865, James R. Doolittle Papers, Division of Archives and Manuscripts, State Historical Society of Wisconsin, Madison; Doolittle to Johnson, May 27, 1865, AR, CIA, 1865, p. 391.

73. McCook to Pope, McCook to Ford, May 31, 1865, OR, Series I, XLVIII, Pt. 2, 707-708.

74. "If I can accomplish this one thing I shall be entirely satisfied," Senator Doolittle wrote his wife on May 31. Doolittle Papers. See also Stanton to Doolittle, May 29, 1865, Doolittle to Harlan, May 31, 1865, OR, Series I, XLVIII, Pt. 2, 669, 868-869; Robert, "McCook Report," p. 19; Berthrong, Southern Cheyennes, pp. 234-235; and Utley, Frontiersmen in Blue, pp. 312-313.

75. Doolittle to Harlan, May 31, 1865, OR, Series I, XLVIII, Pt. 2, 868-869.

76. Ibid.

77. Dodge to Pope, June 3, 1865, Pope to Dodge, June 3, 1865, Ibid., p. 754.

78. Dole to Harlan, June 13, 1865, Ibid., 869-870.

79. Harlan to Dole, June 22, 1865, LS, SI, ID, Vol. 5, pp. 262-263, NARS, RG 48. See also Harlan to Dole June 5, 1865, and Harlan to Stanton, July 6, 1865, Ibid., pp. 275, 278.

80. Dole to Harlan, July 6, 1865, LR, SI, ID, NARS, RG 48.

81. Harlan to Pope, July 6, 1865, OR, Series I, XLVIII, Pt. 2, 1056-1058. See also Gary L. Roberts, "Dennis Nelson Cooley (1865-66)," in Kvasnicka and Viola, Commissioners of Indian Affairs, pp. 100-101.

82. Harlan to Cooley, July 11, 1865, LS, SI, ID, Vol. 5, pp. 283-284, NARS, RG 48.

83. Utley, Frontiersmen in Blue, p. 313; Berthrong, Southern Cheyennes, p. 236.

84. Dodge to Sanborn, July 19, 1865, enclosing extract of Harlan's instructions to the agents of the Office of Indian Affairs, July 11, 1865, Sanborn to Leavenworth, July 22, 1865, OR, Series I, XLVIII, Pt. 2, 1115-1116. On July 24, 1865, Dodge telegraphed Sanborn, "Push out your columns into the Indian country as soon as possible. Every day now is precious. When you get there you can determine whether you can make peace safely before whipping them. If not, fight them, and then make the agreement. I want it settled while you are in their country, and they can see our power; and you understand that in making any agreement we can only make it for a cessation of hostilities, they keeping away from our lines of travel, and we desisting from molesting them. Then appoint a time and place where commissioners of Government and myself can meet them and clear up a permanent treaty." Ibid., p. 1117.

85. Leavenworth to Sanborn, August 1, 1865, Sanborn to Dodge, August 3, 1865, Sanborn to Leavenworth, August 3, 1865, Ibid., pp. 1162-1164.

86. Pope to Dodge, July 28, 29, 1865, Dodge to Pope, July 29, 1865, Pope to Sanborn, August 4, 1865, Ibid., Pt. 1, 360-361; documents in AR, CIA, 1865, pp. 393-397. See also Berthrong, Southern Cheyennes, pp. 239-240; Powell, 314-315; and Unrau, "Agent vs. Army," pp. 150-151.

87. J. W. Vaughn, The Battle at Platte Bridge (Norman: University of Oklahoma Press, 1963), and Agnes Wright Spring, Caspar Collins (New York: Columbia University Press, 1927) provide the most detailed accounts of the Platte Bridge fight. Also important for his synthesis of Indian sources, is Powell, People of the Sacred Mountain, I, 327-342.

88. Vaughn, Platte Bridge, pp. 55-70.

89. Ibid., pp. 77-89.

90. Powell, People of the Sacred Mountain, I, 342, 375. Utley, Frontiersmen in Blue, pp. 320, 322, notes, "The allied tribes had successfully concluded their offensive. . . . The war was over. It was time to break up the huge village and scatter to hunt buffalo." Utley notes at p. 301, the distinction between white and Indian perceptions of war, writing that for the tribes war did not "mean a fight to the finish but rather a massive raid or two, followed by a return to customary pursuits."

91. Ibid., pp. 322-323.

92. Connor to Cole, July 4, 1865, OR, Series I, XLVIII, Pt. 2, 1048-1049.

93. Pope to Dodge, August 11, 1865, Ibid., p. 356.

94. Utley, Frontiersmen in Blue, pp. 323-324.
95. Ibid., p. 324-325.
96. Utley's account in Ibid., pp. 323-332, is the best introduction to the Powder River campaigns. Also useful is H. D. Hampton, "Powder River Indian Expedition of 1865," MMWH, XIV (Autumn, 1964), 2-15. The indispensable source remains LeRoy R. Hafen and Ann W. Hafen, editors, Powder River Campaigns and Sawyers Expedition of 1865 (Glendale, California: Arthur H. Clark Company, 1961). See also the reports of the expedition in OR, Series I, XLVIII, Pt. 1, 329-389; House Executive Document No. 58, 39th Congress, 1st Session, Wagon Road from Niobrara to Virginia City (Washington: Government Printing Office, 1866), and the account in Rogers, Soldiers of the Overland, Chapters 18-24. George Bird Grinnell, Two Great Scouts: The Experiences of Frank J. North and Luther J. North Pioneers in the Great West, 1856-1882, and Their Defense of the Building of the Union Pacific Railroad (Cleveland: Arthur H. Clark Company, 1928), pp. 105-112, provides useful material on the use of the Pawnees as auxiliaries.
97. Hafen and Hafen, Powder River Campaigns, pp. 46-48, 129-136, 365-370; Powell, People of the Sacred Mountain, I, 379-381; Grinnell, Fighting Cheyennes, pp. 210-211; Hyde, Life of Bent, pp. 228-231, Grinnell, Two Great Scouts, pp. 105-112.
98. See Sawyers' report and the diary of Albert M. Holman in Hafen and Hafen, Powder River Campaigns, pp. 219-346. Sawyers spoke with George Bent at the time. Bent told him that the hanging of Colonel Chivington was the price of peace.
99. Utley, Frontiersmen in Blue, p. 330.
100. GO No. 20, DM, August 22, 1865, OR, Series I, XLVIII, Pt. 2, 1201. Connor was received as a hero in Denver. A grand reception was held at the Planter's Hotel, and the territorial legislature lauded him as a hero and called upon the president to place him in command of a jurisdiction which included Colorado. DRMN, October 16, 1865; BHMJ, October 20, 1865. See also Hampton, "Powder River Expedition," p. 15.
101. Ford to Dodge, March 3, 1865, OR, Series I, XLVIII, Pt. 1, 1011-1012; Ellis, Pope, pp. 85-105.
102. Dodge to Bell, November 1, 1865, OR, Series I, XLVIII, Pt. 1, 335-348.
103. Utley, Frontiersmen in Blue, pp. 339-340; Ellis, Pope, pp. 100-105.
104. Senate Executive Document No. 94, 40th Congress, 2nd Session, Message from the President of the United States Transmitting Report of



the Indian Peace Commission (Washington: Government Printing Office, 1868), pp. 15-16.

105. Testimony of William Bent, Condition of Indian Tribes, p. 95.

106. Testimony of Kit Carson, Ibid., p. 98. Carson regarded Chivington as a "damned miscreant." For his comments on Chivington and Sand Creek, see Edwin L. Sabin, Kit Carson Days. 2 Volumes (New York: Press of the Pioneers, 1935), II, 764-766.

107. New York Times, July 29, 1865. See also Henry George Waltmann, "The Interior Department, War Department, and Indian Policy, 1865-1887." Unpublished PhD. Dissertation (Lincoln: University of Nebraska, 1962), pp. 22-75, for a good discussion of eastern attitudes in 1865 and 1866.

108. Tappan to Sumner, April 10, 1865, LR, OIA, CS, NARS, RG 75.

109. Sumner's endorsement on Ibid.

110. Wynkoop, "Unfinished History," pp. 138-139; Berthrong, Southern Cheyennes, pp. 239-241; and Unrau, "Agent vs. Army," p. 150.

111. Statement of Sanborn, October 12, 1865, AR, CIA, 1865, pp. 517-518.

112. Statement of Little Raven, Ibid., pp. 518-519.

113. Statement of Black Kettle, Ibid., pp. 520-521.

114. Ibid., p. 525.

115. Berthrong, Southern Cheyennes, p. 241. See also Unrau, "Agent vs. Army," pp. 146-148, for a discussion of railroad politics.

116. Treaty of the Little Arkansas, Kappler, Laws and Treaties, II, 887-890.

117. Ibid.

118. Samuel A. Kingman, "Diary of Samuel A. Kingman at Indian Treaty of 1865," KHQ, I (1932), 450. Interestingly, General Sanborn asked that Leavenworth honor him by allowing his name to follow Leavenworth's in the treaty, and he said to Leavenworth, "Colonel, you are entitled to all the credit of stopping this war [and] you have saved the government \$50,000 a day that I alone am spending on the Santa Fe route . . . ." Quoted in Unrau, "Agent vs. Army," p. 152. This statement indicates the almost remarkable extent to which the military and civilian commissioners were able to cooperate in the negotiations.

119. AR, CIA, 1865, p. 523; Dodge to Pope, September 15, 1865, OR, Series I, XLVIII, Pt. 2, 1229.

120. Carson and Bent to Pope, October 27, 1865, LR, DM, USAC, C-185 (Box 17), NARS, RG 393. This remarkable document was edited and published by Richard N. Ellis under the title "Carson, Bent and the Indian Problem," CM, 46 (1969), 55-68.

121. Ibid.

122. Endorsement on a copy of the report in the records of the Secretary of War, NARS, RG 107, quoted in Athearn, Sherman, p. 26.

123. Journal of the Executive Proceedings of the Senate, XIV, Pt. 1, 827-829.

## CHAPTER XVII

### THE MILITARY UNDER SEIGE

1. Certain elements of federal Indian policy achieved a kind of constancy in the nineteenth century. The belief that the Indians were dying out as a race, the view that the Indians must give way to civilization to avoid that fate, the view that assimilation and private property offered the best hope for the Indians' salvation, and even the view that frontiersmen favored a harsh policy to clear the natives from civilization's path were all stated in principle well before the Civil War. The policy development following the Civil War has been well developed in Mardock, Reformers and the Indian, Prucha, Policy in Crisis, and Fritz, The Movement for Indian Assimilation, as well as a mountain of journal articles. Although few studies of policy make the point explicitly, they suggest that one of the new themes in post-war policy was the theme of military genocide. The success of the reformers in raising this question is particularly graphic in the fact that few scholars have chosen to emphasize it as a new theme. The anti-military bias so thoroughly dominated post-war thought that most observers have assumed that the attitude had always existed. In fact, the link between the military establishment and the phenomenon of massacre was largely a post-war development. The reformers' fears that military control meant the wholesale slaughter of Indian men, women, and children evolved during the five years after Sand Creek. Many of the reformers doubtlessly had fears about the professional army even earlier (as did most Americans), but the explicit use of massacre as a theme of the reformers was a late development.

2. AR, CIA, 1865, p. 3. See also Roberts, "Cooley," p. 101.

3. Tappan to Sumner, March 24, 1865, LR, OIA, CS, NARS, RG 75.

4. Roberts, "McCook Report," p. 24.

5. Chaput, "Doolittle Survey," pp. 278-279. See also General George G. Sykes to Doolittle, June 10, 1865, James Rood Doolittle Collection, FF-1, No. 14, CHS.

6. With time, Leavenworth's views altered in the face of his confrontations with the military. See Unrau, "Indian Agent," pp. 185-226. As late as June, 1864, Senator Doolittle had advocated the transfer of the Indian office to the War Department. CG, 38th Congress, 1st Session, Pt. 1, 2873.

7. Carson and Bent to Pope, October 27, 1865, LR, DM, C-185 (Box 17), 1865, NARS, RG 393.

8. Sherman to Grant, November 6, 1865, William Tecumseh Sherman Papers, LC.

9. Grant to Sherman, March 14, 1866, LR, DM, USAC, NARS, RG 393. See also the detailed discussions in Athearn, Sherman, pp. 25-32, and especially, Ellis, Pope, pp. 115-121.

10. Donald J. D'Elia, "The Argument Over Civilian or Military Indian Control, 1865-1880," The Historian, 24 (1961-1962), 207-225, provides a useful introduction to the transfer question. A more detailed examination is Waltmann, "Indian Policy," passim. See also Loring Benson Priest, Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865-1887. Bison Edition (Lincoln: University of Nebraska Press, 1975), pp. 15-27.

11. Montana Post, October 7, 1865, quoted in Athearn, Sherman, p. 30.

12. Sherman to Grant, November 6, 1865, Sherman Papers, LC.

13. Utley, Frontier Regulars, pp. 10-36; Athearn, Sherman, pp. 15-16; Ellis, Pope, pp. 107-108; Leckie, Military Conquest, p. 27; Randall and Donald, Civil War, pp. 538-539.

14. Quoted in Utley, Frontiersmen in Blue, p. 348.

15. Weigley, American Way of War, pp. 128-163.

16. Berthrong, Southern Cheyennes, pp. 256-258; Powell, People of the Sacred Mountain, I, 404-406.

17. Sanborn, Harney, Carson, Bent, Murphy, Steele, and Leavenworth to Doolittle, October 17, 1865, LR, OIA, CS, NARS, RG 75; Harlan to Cooley, December 6, 1865, LR, OIA, UA, NARS, RG 75; Wynkoop, "Unfinished History," pp. 140-146; Berthrong, Southern Cheyennes, pp. 257-265.

18. Timothy A. Zwink, "E. W. Wynkoop and the Bluff Creek Council," KHQ, XLIII (1977), 217-239, provides the most detailed examination of the Bluff Creek conference. An important perspective is provided by Powell, People of the Sacred Mountain, I, 406-407.

19. Ibid., p. 407. At the Bluff Creek conference, the Indians traded a captive, Amanda Mary Fletcher, to the whites. Fletcher was taken at Rock Creek Station in August, 1865, by Cheyennes under Sand Hill, who had escaped from Sand Creek. Her sister, Elizabeth Fletcher, spent the rest of her life with the Arapahoes. The most detailed account of the adventure of the Fletchers is found in Virginia Cole Trenholm, "Amanda Mary and the Dog Soldiers," Annals of Wyoming, 46 (1974), 5-46. See also Hyde, Life of Bent, pp. 250-252.

20. Ibid., pp. 408-413; Berthrong, Southern Cheyennes, pp. 257-265; Zwink, "Bluff Creek Council," pp. 234-239.

21. Journal of the Executive Proceedings of the Senate, XIV, Pt. 1, 827-829.

22. Berthrong, Southern Cheyennes, pp. 263-264.

23. Ibid., pp. 264-265; Powell, People of the Sacred Mountain, I, 411-413; Zwink, "Bluff Creek Council," pp. 236-239.

24. Ibid. p. 239; Berthrong, Southern Cheyennes, pp. 261-265; Ellis, Pope, pp. 110-111. Pope had informed President Johnson that if Wynkoop were not appointed agent, the treaty of the Little Arkansas would be worthless.

25. Sherman to Rawlins, September 30, 1866, quoted in Athearn, Sherman, p. 76.

26. Ibid., pp. 76-79.

27. Ibid., pp. 93-97.

28. Utley, Frontier Regulars, pp. 93-110, provides a concise and balanced account of the events leading up the Fetterman Massacre. Other important secondary accounts include Olson, Sioux Problem, pp. 27-57; J. W. Vaughn, Indian Fights: New Facts on Seven Encounters (Norman: University of Oklahoma Press, 1966), pp. 14-90; and Dee Brown, Fort Phil Kearny, An American Saga (New York: Putnam, 1962), passim.

29. Sherman to Grant, December 28, 1866, quoted in Athearn, Sherman, p. 99.

30. Ibid., p. 160.

31. CG, 39th Congress, 1st Session, Pt. 3, 1712.

32. Harry Kelsey, "The Doolittle Report of 1867: Its Preparations and Shortcomings," ARW, 17 (1975), 107-120, provides full details on this matter.

33. Mardock, Reformers, p. 21.
34. Ibid., pp. 8-18; Fritz, Movement for Assimilation, pp. 34-55. Also useful are Linda K. Kerber, "The Abolitionist Perception of the Indian," JAH, LXII (1975), 271-295; and William E. Gienapp, "Abolitionists and Indian Reform, 1865-1871: An Initial Assessment." Unpublished Paper (New Haven: Yale University, 1968).
35. Mardock, Reformers, pp. 17-18.
36. Samuel Tappan's career has not been treated at length by any historian. Despite this, a large amount of manuscript material exists. Tappan kept a correspondence with many prominent people, and his letters are found in many collections. His correspondence with the Office of Indian Affairs between 1865 and 1870 alone is voluminous. He has been treated as a peripheral character in most treatments of the period. Mardock, Reformers, and Athearn, Sherman, provide some useful insights into his reform efforts, but he deserves a more thorough assessment.
37. Mardock, Reformers, p. 26; Fritz, Movement for Assimilation, pp. 48-49. Tappan accompanied the Doolittle Committee to Washington following the committee's tour of the territories. New York Times, August 9, 1865. He arrived in Washington on August 21, where he promptly called upon Stanton, Harlan, Grant's headquarters and Oswald G. Villard, Tappan Diary, p. 187.
38. Auburn (N.Y.) Advertiser and Union, August 10, 1865.
39. See, for a sampling, RLR, OIA, NARS, RG 75, for 1865-1868.
40. D'Elia, "Argument Over Indian Control," pp. 209-210.
41. CG, 39th Congress, 2nd Session, Pt. 3, 897.
42. Ibid., p. 898.
43. Ibid., p. 1624. See also Marvin H. Garfield, "The Indian Question in Congress and in Kansas," KHQ, II (1933), 34-35.
44. Sand Creek Massacre, p. 1; CG, 40th Congress, 1st Session, p. 753.
45. Cincinnati Gazette, January 15, 16, 17, February 6, 7, 15, 27, 1867.
46. Kelsey, "Doolittle Report," pp. 107-120.
47. Ibid., p. 118.
48. Condition of Indian Tribes, pp. 3-10.

49. Cincinnati Gazette, February 6, 1867.
50. The Nation, January 17, 1867.
51. Ibid.
52. Senate Executive Document No. 13, 40th Congress, 1st Session, Report to the Senate on the Origin and Progress of Indian Hostilities on the Frontier (Washington: Government Printing Office, 1867); CG, 40th Congress, 1st Session, p. 756.
53. Condition of the Tribes, p. 6; Utley, Frontier Regulars, pp. 114-115; Athearn, Sherman, pp. 115-130.
54. GFO No. 1, Fort Riley, March 26, 1867, House Executive Document No. 240, 41st Congress, 2nd Session, Difficulties With Indian Tribes, (Washington: Government Printing Office, 1870), pp. 12-13.
55. Sherman to Hancock, March 14, 1867, quoted in Athearn, Sherman, p. 131. See also Sherman to Augur, March 12, 1867, C. C. Augur Papers, Illinois State Historical Library, Springfield, Illinois.
56. Again, Utley, Frontier Regulars, pp. 111-129, provides the best introduction to the Hancock campaign. Other important secondary sources include Berthrong, Southern Cheyennes, pp. 271-282; Leckie, Military Conquest, pp. 39-47; Powell, People of the Sacred Mountain, I, 462-478; Minnie Dubbs Millbrook, "The West Breaks in General Custer," KHQ, XXXVI (1970), 113-148; and David Dixon, "A Scout with Custer: Edmund Guerrier on the Hancock Expedition of 1867," KH, 4 (1981), 155-165. For contemporary sources see, Difficulties with Indian Tribes, *passim*, AR, CIA, 1867, pp. 310-314; Hyde, Life of Bent, pp. 244-266; and George A. Custer, My Life on the Plains. Edited by Milo Milton Quaife. Bison Edition (Lincoln: University of Nebraska Press, 1966), pp. 25-58. The quote is Wynkoop to N. G. Taylor, April 18, 1867, AR, CIA, 1867, p. 314.
57. Utley, Frontier Regulars, pp. 119-120; Powell, People of the Sacred Mountain, I, 479-505. The most detailed examination of Custer's expedition is found in Lawrence A. Frost, The Court-Martial of General George Armstrong Custer (Norman: University of Oklahoma Press, 1968), pp. 44-87.
58. As early as May 15, 1867, the Golden Colorado Transcript was demanding that the government give "the red devils another taste of 'Sand Creek.'" On June 5, 1867, the same paper argued that "The day has passed for sympathetic treatment. We must apply the knife. It were better that every Indian were killed by the bullet, and his bones thrown to the wolves or left to bleach upon the plain, than that one man or one fair Saxon woman should even cower in fright, or be struck with death at the hands of these red fiends who now seek to recover by barbaric war the possession of that which destiny long since took from them for a nobler

use." For a sampling of Colorado comments see Kennedy, "Colorado Press and Red Men," pp. 138-143. See also Marvin H. Garfield, "Defense of the Kansas Frontier, 1866-1867," KHQ, I (1932), 326-344, and Athearn, Sherman, pp. 131-168, for an indication of the temper of opinion.

59. Sanborn to Orville H. Browning, Secretary of the Interior, May 18, 1867, Indian Hostilities, pp. 111-113.

60. Taylor to W. T. Otto, Acting Secretary of the Interior, July 12, 1867, Ibid., pp. 1-6.

61. CG, 40th Congress, 1st Session, p. 655.

62. Ibid., p. 679.

63. Ibid., p. 680.

64. Ibid., pp. 681-690, 707-711.

65. Ibid., p. 708-709.

66. Ibid., pp. 753-757. See also Utley, Frontier Regulars, p. 132; Mardock, Reformers, p. 25; Athearn, Sherman, pp. 171-172; and Fritz, Movement for Assimilation, pp. 62-63.

67. Utley, Frontier Regulars, pp. 132-133.

68. Athearn, Sherman, pp. 177-184.

69. The most detailed treatment of the Medicine Lodge negotiations is Douglas C. Jones, The Treaty of Medicine Lodge: The Story of the Great Treaty Council as Told by Eyewitnesses (Norman: University of Oklahoma Press, 1966). Also useful is Henry M. Stanley, "A British Journalist Reports the Medicine Lodge Peace Councils of 1867," KHQ, XXXIII (1967), 249-320.

70. Hoig, Washita, pp. 22-38; Berthrong, Southern Cheyennes, pp. 189-317; Powell, People of the Sacred Mountain, I, 501-533.

71. Ibid., p. 529.

72. Hoig, Washita, pp. 35-37.

73. Report of Indian Peace Commission, pp. 9-16.

74. Ibid.

75. Ibid., pp. 18-22. See also Prucha, Policy in Crisis, pp. 21-22. Sherman told Senator Ross of Kansas on January 7, 1869, that the military men on the commission did not agree with the conclusions, "but being



out-voted, we had to sign the report." Quoted in Waltmann, "Indian Policy," p. 149.

76. Olson, Red Cloud, pp. 58-95, discusses the Treaty of Fort Laramie in great detail.

77. Mardock, Reformers, pp. 30-32.

78. Ibid., pp. 32-35; New York Times, October 20, 1868.

79. Berthrong, Southern Cheyennes, pp. 300-305; Hoig, Washita, pp. 39-46.

80. Berthrong, Southern Cheyennes, pp. 305-307.

81. Hyde, Life of Bent, pp. 286-290; Powell, People of the Sacred Mountain, I, 532-524, 567-569.

82. Hyde, Life of Bent, pp. 288-289.

83. Sherman to Townshend, August 21, 1868, AR, CIA, 1868, p. 523. Sherman's attitude now toughened sharply. On September 8, 1868, with General Phillip Sheridan in the field after the Cheyennes, Sherman wrote Grant, "I hope he may get hold of them and obliterate them." Quoted in Athearn, Sherman, p. 222. For Wynkoop's interview with Little Rock, see Hoig, Washita, pp. 47-50.

84. Wynkoop to Murphy, August 19, 1868, Murphy to Mix, August 22, 1868, AR, CIA, 1868, pp. 70-71. See also Berthrong, Southern Cheyennes, pp. 306-307.

85. Ibid., p. 307. Wynkoop apparently believed that he could not reach the Indians for further consultation. See also William E. Unrau, "investigation or Probity? Investigations into the Affairs of the Kiowa-Comanche Indian Agency, 1867," CO, XLII (1964), 318-319.

86. Sherman to Hazen, October 12, 1868, quoted in Athearn, Sherman, p. 229.

87. Ibid., pp. 229-231; Utley, Frontier Regulars, pp. 143-149.

88. Sherman to Schofield, September 17, 1868, AR, CIA, 1868, pp. 76-77.

89. Tappan to Sheridan, August 26, 1868, Tappan to Sherman, September 29, 1868, Sherman Papers, Vols. 23-24; Sherman to Tappan, August 9, 13, September 6, 18, 24, 1868; Tappan to Sherman, July 20, August 7, 16, September 23 (two letters), 29, one undated, 1868, Tappan MS, CHS. The quote is from his letter of September 27.

90. Sherman to Tappan, September 24, 1868, Tappan MS, CHS.
91. AR, CIA, 1868, pp. 271-272; Athearn, Sherman, pp. 226-228; Utley, Frontier Regulars, pp. 138-139; Mardock, Reformers, p. 35.
92. Wynkoop to Taylor, October 7, 1868, quoted in Hoig, Washita, p. 188.
93. NASS, November 28, 1868. See also Whipple to Sherman, October 16, 1868, Sherman Papers, Vol. 24; and Whipple, Lights and Shadows, pp. 261, 521.
94. Mardock, Reformers, pp. 40-41.
95. AR, CIA, 1868, p. 12.
96. Topeka Kansas State Record, August 21, 1868. See also Garfield, "Indian Question," pp. 42-44.
97. Athearn, Sherman, pp. 229-231; Berthrong, Southern Cheyennes, pp. 319-324.
98. Sherman to Sheridan, October 15, 1868, Senate Executive Document No. 18, 40th Congress, 3rd Session, Letter of the Secretary of War Communicating . . . Information in Relation to the Late Indian Battle on the Washita River (Washington: Government Printing Office, 1869), pp. 2-3; AR, SW, 1868, p. 1.
99. Indian Battle on the Washita, pp. 4-5. In his letter Sherman took pains to disassociate himself from an extermination policy, an association which, he said, Tappan had charged. Sherman wrote, "As to 'extermination' it is for the Indians themselves to determine. We don't want to exterminate or even to fight them. At best it is an inglorious war, not apt to add much to our fame or personal comfort. . . . To accuse us of inaugurating or wishing such a war, is to accuse of a want of common sense, and of that regard for order and peace which has ever characterized our regular army. The settlement of Kansas and Colorado, the injustice and frauds heretofore practiced on the Indians as charged, are not of our making; and I know the present war did not result from any acts of ours."
100. Hazen to Garfield, January 17, 1869, quoted in Marvin E. Kroeker, Great Plains Command: William B. Hazen in the Frontier West (Norman: University of Oklahoma Press, 1976), p. 80. Kroeker presents a detailed view of Hazen's position, pp. 70-80. Hoig, Washita, pp. 86-93, and Powell, People of the Sacred Mountain, I, 595-597, also offer important insights. See also Leckie, Military Conquest, pp. 91-93.
101. Hazen to Sherman, November 22, 1868, Sherman-Sheridan Letters, C. C. Rister Papers, Western History Collection, University of Oklahoma,

Norman. The preoccupation with Sand Creek was pervasive. On November 15, 1868, Murphy, hardly a sentimentalist where the Indians were concerned, wrote to Commissioner Taylor, "In all these military movements I fancy I see another Sand Creek massacre. If these Indians are to be congregated at Fort Cobb or elsewhere, under promises of protection, and then pounced upon by the military, it were far better that they had never been sent for, or any such promises made them." Difficulties with Indian Tribes, pp. 3-4. On November 25, 1868, Tappan warned Sherman to watch out for volunteers in the field, that they would precipitate more Sand Creeks. Tappan to Sherman, November 15, 1868, Sherman Papers, Vol. 24. A Cheyenne woman, Moving Behind, later recalled that Medicine Woman Later, Black Kettle's wife, was greatly distressed that the village was not moved immediately following the conference with Hazen. Perhaps remembering the horror of Sand Creek, she stood beside her lodge, saying, "I don't like this delay, we could have moved long ago. The Agent sent word for us to leave at once. It seems we are crazy and deaf, and cannot hear." quoted in Hoig, Washita, p. 93, from Theodore A. Ediger and Vinnie Hoffman, "Some Reminiscences of the Battle of the Washita," CO, XXXIII (1955), 138. See also the congressional memorial on Sand Creek published in the New York Times, October 20, 1868. Even Sheridan advised Governor Crawford of Kansas that he had to take care to differentiate his actions from those of Chivington. See Hoig, Washita, p. 74, and Samuel J. Crawford, Kansas In The Sixties (Chicago: A. G. McClurg & Co., 1911), p. 296.

102. Quoted in DeB. Randolph Keim, Sheridan's Troopers on the Borders: A Winter Campaign on the Plains (Philadelphia: David McKay, 1885), p. 103.

103. Hyde, Life of Bent, p. 315; Grinnell, Fighting Cheyennes, pp. 301-302.

104. No effort is made here to detail the Washita fight. For thorough reviews see Hoig, Washita, pp. 126-144; Powell, People of the Sacred Mountain, I, 602-619. The major primary sources are listed here and in Utley, Frontier Regulars, p. 161n. See also Robert M. Utley, editor, Life in Custer's Cavalry: Diaries and Letters of Albert and Jennie Barritz, 1867-1868 (New Haven: Yale University Press, 1977) passim.

105. Custer to Sheridan, November 18, 1868, Press Copy Book, Operations and Sub-Reports of Military Operations Against Indians and Miscellaneous Papers Pertaining to Indian Matters, During Years of 1868 and 1869, Sherman-Sheridan Letters, OU.

106. Custer to Col. J. Schuyler Crosby, AAAG, December 22, 1868, Ibid.

107. Wynkoop to Taylor, November 19, 1868, published in the New York Times, December 19, 1868.

108. Hoig, Washita, p. 189. See especially the New York Times, December 19, 1868.

109. Tappan to Taylor, December 4, 1867, published in the New York Tribune, December 17, 1868, and quoted in Hoig, Washita, p. 187.

110. Undated clipping in Chivington, Tappan, et al. MSS, CHS; NASS, December 12, 19, 26, 1868, February 6, 1869.

111. New York Times, December 24, 1868.

112. Edward W. Wynkoop, Address of Col. E. W. Wynkoop Before the Indian Peace Commission of the Cooper Institute, New York, December 23, 1868 (Philadelphia: A. C. Bryson & Co., Printers, 1869), p. 6. A handwritten copy of the speech also appears in the Philip H. Sheridan Papers, LC, Container 92. Sheridan's harsh appraisal of Wynkoop is found in his letter to Frederick W. Benteen, February 28, 1870, Ibid.

113. Sheridan to General W. A. Nichols, AAG, DM, November 29, December 3, 19, Indian Battle on the Washita, pp. 32, 34-35, 39-41; Sheridan to the Secretary of War, November 1, 1869, AR, SW, 1869, 45-56. In the latter, Sheridan said that some of the women killed on the Saline and Solomon were raped forty or fifty times before their deaths. George W. Manypenny, in his book, Our Indian Wards, pp. 246-247, challenged the statement with a simple question, "How did he know?" Manypenny also challenged the report that mail, photographs, and other items found in the village proved that Black Kettle was involved, noting that neither General Custer nor DeB. Randolph Keim, the reporter who was with Custer and Sheridan, made mention of such items. See also the discussion in Hoig, Washita, pp. 191-194. General Hazen wrote some of the most critical comments about the Cheyennes, dramatically changing his views after the fact. Contrast his statement, quoted above, with his letter to Sherman of December 31, 1868, in which he said that Black Kettle admitted that some of his young men were on the warpath and wanted no peace with the whites. Sheridan Papers. He was particularly critical of Wynkoop. "Wynkoop, in place of coming here where he was ordered, where he could have saved the life of Black Kettle, whose death he now mourns so bitterly, resigned, as it were, in the face of duty, and his people are without any civil agent." Hazen to Garfield, January 17, 1869, quoted in Hoig, Washita, p. 191.

114. Sherman to Sheridan, Hazen, and Grierson, December 23, 1868, quoted in Athearn, Sherman, pp. 273-274. In this letter, Sherman explicitly denied "that Custer's battle was a second Sand Creek affair."

115. New York Times, December 22, 1868. See also issues for December 24, 28, 1868, February 9, 21, 1869.

116. The Nation, December 31, 1868.

117. Wendell Phillips wrote, "Sherman is bartering the glories of Atlanta for defeat, utter and shameful and well deserved, on the prairies." NASS, June 12, 1869. Cora Daniels Tappan told the Universal Peace Society, "a government that has for nearly a century enslaved one race (African), that proscribes another (Chinese), proposes to exterminate another (Indians), and persistently refuses to recognize the rights of one-half of its citizens (women), cannot justly be called perfect." Ibid., May 29, 1869, quoted in Kerber, "Abolitionist Perception," p. 295. Kerber notes, p. 288, "The pattern of response to the Sand Creek massacre was not unlike the response to Cherokee removal--or, for that matter, to attempts in the 1820's to arrange for Negro emigration. If blacks should not be colonized, the Cherokee should not be removed; the plains Indians should not be forcibly placed on arid reservations. If blacks should be integrated into American society, so should the Indians. The Indians should be recognized as people in a less advanced state of civilization who, properly encouraged, might be absorbed into American society. The Indian should be treated with the respect due to his individuality, his humanity." This increased consciousness among abolitionists and other reformers rose sharply following the Washita attack. See NASS for 1869, where virtually every issue includes some attention to militarism in Indian affairs. Lydia Maria Child's Appeal for the Indians was published late in 1868, and Cooper's United States Indian Commission was vitalized. For these developments, as well as the activities of Dr. Henry T. Child of the Peace Union, James M. Peebles, Alfred H. Love, and others see Mardock, Reformers, pp. 37-46.

118. For a careful discussion of casualties see Hoig, Washita, pp. 200-201. Also important is Powell, People of the Sacred Mountain, I, 682-683n. See also the editorial from the Army-Navy Journal, January 2, 1869, quoted in John M. Carroll, editor, General Custer and the Battle of the Washita: The Federal View (Bryan, Texas: Guidon Press, 1978), pp. xii-xiii, where that journal specifically denied that "Custer is a second Chivington," Carroll also presents interesting support for this view from other sources, including pro-Indian accounts.

119. Mardock, Reformers, pp. 47-128; Fritz, pp. 56-167; and Prucha, Policy in Crisis, pp. 30-102, provide a full introduction to the Peace Policy and its relationship to the contest between the army and the reformers. Also important are Robert W. Mardock, "The Plains Frontier and the Indian Peace Policy, 1865-1880," NH, 49 (1968), 187-201; Robert M. Utley, "The Celebrated Peace Policy of General Grant," North Dakota History, 20 (1953), 121-142; and Henry G. Waltmann, "Circumstantial Reformer: President Grant and the Indian Problem," ARW, 17 (1971), 323-342.

120. CG, 39th Congress, 1st Session, Pt. 3, 897-898; 40th Congress, 1st Session, 678-690; 40th Congress, 2nd Session, Pt. 3, 2637-2643; 41st Congress, 2nd Session, 1576-1581; 41st Congress, 3rd Session, Pt. 1, 653-656; CR, 43rd Congress, 1st Session, Vol. II, Pt. 4, 3465, provide sample debate on the point.

121. See the discussion in Athearn, Sherman, 271-296; and Mardock, Reformers, pp. 85-106.

122. The most detailed account of the Baker fight is Robert J. Ege, Strike Them Hard: Incident on the Marias (Bellevue, Nebraska: Old Army Press, 1970). See also Wesley C. Wilson, "The U.S. Army and the Piegans: The Baker Massacre on the Marias, 1870," North Dakota History, 32 (1965), 40-58.

123. New York Times, February 24, 1870.

124. Baker to Sheridan, March 23, 1870, reprinted in Ege, Strike Them Hard, pp. 144-145. For congressional comment, see CG, 41st Congress, 2nd Session, Pt. 2, 1576-1581.

125. Sheridan to Sherman, March 18, 1870, in Ibid, Pt. 4, 3326.

126. Ibid., Pt. 2, 1577.

127. Lydia Maria Child, "The Indians," The Standard, I (May, 1870), 2 quoted in Mardock, Reformers, p. 71. Mardock, pp. 67-72, provides the best discussion of the reform reaction. See also Athearn, Sherman, pp. 278-281. Even William Lloyd Garrison spoke out against the Piegan Massacre. Samuel Tappan used the occasion to write an article "Our Indian Relations," The Standard, I (July, 1870), 161-166. Yet, perhaps the most evocative and revealing imagery was conjured up by "Shenandoah," in another of his poems, this one entitled "The Massacre of the Piegans." His words,

Women and babes shrieking awoke  
To perish 'mid the battle smoke,  
Murdered, or turned out there to die  
Beneath the stern, gray, wintry sky . . . .

[published in The Standard, I (June, 1870), 90-91], confirmed the image created at Sand Creek and illustrated the movement's preoccupation with massacre as well as their association of the military with indiscriminate slaughter.

128. D'Elia, "Argument Over Indian Control," pp. 212-215. Other, episodes, especially the Camp Grant Massacre, which occurred in April, 1871, near Tucson, reinforced the imagery of massacre, Vincent Colyer, the Commissioner of Indian Affairs, describing it specifically as worse than Sand Creek, AR, CIA, 1871, pp. 38-40. See the discussion of Camp Grant in Mardock, Reformers, pp. 98-101.

129. Felix Brunot, Nathan Bishop, and William E. Dodge, Subcommittee Report Board of Indian Commissioners, AR, CIA, 1870, p. 56.

130. Sherman to Sheridan, March 24, 1870, quoted in Athearn, Sherman, p. 280.

131. Cheyenne (Wyoming) Daily Leader, July 28, 1876, quoted in Ibid., p. 168.

132. The literature on the later reform movement is immense. Begin with Mardock, Reformers, Fritz, Movement for Assimilation, and Prucha, Crisis in Policy. Interesting, the Sand Creek symbology remained a part of the movement's emphasis, although it lost some of its particularity. In others, the Sand Creek image translated into something of a generalization about military conduct when applied to the Indian wars. For example, Charles Erskine Scott Wood, who served in the Neg Perce campaign of 1877 under General Oliver Otis Howard, struggled for a time over the military role in the subjugation of the Indian tribes, before embracing a somewhat more radical view than the ambivalence of most of his fellow officers. He became an ardent critic of "civilization" and its costs in human terms. His own feelings of guilt about his experiences led eventually to a literary discourse. At one point, in a poem called The Poet in the Desert, Wood conjured up a familiar image:

We swept like fire over the smoke-browned tee-pees;  
Their conical tops peering above the willows.  
We frightened the air with crackle of rifles,  
Women's shrieks, children's screams,  
Shrill yells of savages;  
Curses of Christians.  
The rifles chuckled continually.  
A poor people who asked nothing but freedom,  
Butchered in the dark.

See Leonard, "Red, White, and the Army Blue," pp. 188-189. Such is the power of the image.

133. Utley, Last Days of the Sioux Nation, pp. 249-250.

## CHAPTER XVIII

### COLORADO AND THE GHOST OF SAND CREEK

1. With the exception of some rather pointed remarks from the pen of Fred J. Stanton, the editor of the Denver Gazette (which did not begin publication for months after Sand Creek), almost no public criticisms of Sand Creek were made, and the rebuff given to Scott J. Anthony for his public statements suggests why. Even the Journal carefully proscribed its comments in order to avoid any overt criticism of the officers and men of the Third Regiment. The critics of Sand Creek, whether officers of the Lyon battalion, public officials, Indian agents and traders, and businessmen, made their arguments in government channels, not in Colorado's press. Criticism from the rank and file of the First and Third Regiments is more difficult to gauge since private soldiers would be less inclined to become involved in public controversies.

2. See Kennedy, "Colorado Press and the Red Man," pp. 75-111.

3. New York Tribune, March 18, 1865. The letter, dated March 2, was simply signed "Hugh." Similar sentiments were expressed by C. Bacon, a Fifty-niner, in a letter to Senator J. M. Howard of Michigan, January 19, 1865: "... very few men Down there [Washington, D. C.] know but little of what we have had to endure and I cannot See the Justice now of Government trying or wishing to interfere as to the best Means which we know of putting matters to a final rest--and I am of the opinion that Some of the Senators Down there could they be placed in Colorado for about Six months would talk much Different from what they have. . . . I for one am glad the Col. [Chivington] got the Start of them and I think that the most of Colorado feels the Same." LR, OIA, CS, NARS, RG 75.

4. WRMN, January 4, 1865; CCMR, January 5, 1865.

5. Berthrong, Southern Cheyennes, pp. 257-258; Craig, Fighting Parson:, pp. 200-204; Josiah M. Ward, "Chivington at the Battle of Sand Creek," Denver Post, January 30, February 6, 1921.

6. Lamar, Far Southwest, p. 257; Ellis, "Statehood Fight," pp. 26-28.



7. Stanton was an English-born journalist, the spokesman for the small Democratic Party in Colorado, and an unrelenting critic of John Evans. In August, 1865, he wrote Commissioner Cooley a sharply worded letter criticizing the governor: "We have had our Indian affairs very badly managed by our present Governor and ex officio Superintendent. He is not at all adapted for the position, a pretty good man personally, but essentially an Eastern man and knows nothing about our wants. . . ." He criticized Evans for his lack of understanding of the "Indian character" and warned that further warfare would destroy the mining interest of the territory. LR, OIA, CS, NARS, RG 75.

8. Ellis, "Statehood Fight," pp. 26-27; Hall, Colorado, I, 366-369.

9. Ibid.

10. CCMR, July 6, 26, 1865; BHMJ, October 8, 20, 1865; WRMN, November 1, 1865.

11. DRMN, October 17, 1865; BHMJ, October 19, 1865.

12. Hall, Colorado, I, 368.

13. Ibid.; Denver Gazette, October-November, 1865.

14. DRMN, October 18, 1865; BHMJ, October 19, 1865.

15. Ibid., October 19, 20, 1865.

16. Ibid., October 19, November 5, 1865.

17. DRMN, October 18, 1865.

18. BHMJ, October 19, 1865.

19. DRMN, October 19, 1865.

20. Hall, Colorado, I, 368.

21. BHMJ, October 18, 1865.

22. DRMN, October 18, 1865.

23. BHMJ, October 19, 1865.

24. Ibid., October 20, 21, 1865; DRMN, October 20, 21, 22, 23, 1865; Hall, Colorado, I, 368.

25. DRMN, October 23, 1865.

26. Ibid., October 23 through November 10, 1865.
27. DRMN, October 24, 26, 27, 30, 31, November 1, 1865. Those voting against the Sand Creek resolutions included the already fingered Steck, Leach, and Lane, as well as Hollister and D.C. Collier, one of the editors of the Register, who could hardly be called soft on Sand Creek.
28. DRMN, October 30, November 1, 8, 1865, include representative reactions to the Gazette's barbs.
29. BHMJ, October 21, 1865.
30. Ibid.; DRMN, October 24, 1865. In describing Chivington's appearance at the People's Theatre, the News said that the press of congratulators was so great that "if he had not been a man of powerful muscle, we surmise his arms would be lame for a month."
31. DRMN, October 31, November 2, 3, 1865.
32. BHMJ, October 21, 1865.
33. DRMN, November 8, 1865.
34. Evans to Decatur, November 4, 1865, DRMN, November 5, 1865.
35. Chaffee to Decatur, November 5, 1865, Ibid., November 9, 1865.
36. Safely's affidavit, dated November 25, 1865, was published in Ibid., November 27, 1865. Safely's affidavit was much at variance with Harney's public utterances and his known friendship with Black Kettle.
37. DRMN, November 13, 1865.
38. Ibid., November 17, 1865.
39. Ibid.
40. Lamar, Far Southwest, pp. 257-258; Ellis, "Statehood Fight," p. 27.
41. DRMN, October 29, 1865.
42. BHMJ, November 15, 1865. Shoup's letter to J. J. Kennedy, Chairman of the Sand Creek Vindication Convention, dated November 10, 1865, was timed for maximum effect. In it, he first avowed that he did not decide to accept the nomination until after he had discussed the matter with Dr. Holland, the Union Administration Party's candidate for Lieutenant-Governor. When Holland refused to endorse Sand Creek, Shoup accepted the nomination. He took a strong position with regard to the merits of the Sand Creek attack, writing in part, "As our commerce and

frontier is still threatened by hostile savages, and as a permanent peace is in my opinion far off, and that you may know how far I endorse the killing of squaws and pappooses, I will define my position." He then indicated that the only way to bring Indians to bay was to carry the fight to their villages. "I would not allow a squaw or pappoose to be killed if it could be avoided, unless they stood in the way of killing a warrior. I deprecate the practice of mutilating a fallen enemy, but commanders cannot at all times be held responsible for his heart cut out, and his body horribly mutilated, he is apt, in his excitement and frenzy, to retaliate in some degree on the first Indian unfortunate enough to fall into his hands." He admitted that some scalping occurred, questioned whether more extensive mutilations were widespread, and insisted that the practice was commonplace in Indian warfare. The issue, he said, was more important that most people realized because it involved "the honor and integrity of the best men in Colorado." DRMN, November 13, 1865.

43. BHMJ, November 15, 1865.
44. Ibid.
45. Lamar, Far Southwest, pp. 258-259; Hall, Colorado, I, 376-377; Ellis, Teller, pp. 74-77.
46. Lamar, Far Southwest, pp. 259-260; Kelsey, Frontier Capitalist, pp. 165-166.
47. Trefousse, Wade, p. 270. Trefousse calls Evans, "Wade's enemy."
48. CG, 39th Congress, 1st Session, Pt. 3, 2135-2136.
49. Ibid., p. 2165.
50. Ibid., p. 2169.
51. Ibid.
52. Kelsey, Frontier Capitalist, pp. 166-167, 306-307n.
53. Berwanger, West and Reconstruction, pp. 67-68. The Colorado press had supported Johnson with surprising unanimity before. After the veto, Byers, Collier, and Hollister opposed him for a time. See Eugene H. Berwanger, "Three against Johnson: Colorado Republican Editors React to Reconstruction," Social Science Journal, XIII (1976), 149-158.
54. Lamar, Far Southwest, p. 259; Hall, Colorado, I, 369-370.
55. Governor's Message Delivered to the Territorial Legislature of Colorado in Joint Convention, Friday, Jan. 5th, 1866 (Denver: Byers & Dailey, Rock Mountain News, 1866), pp. 6-7.

56. Quoted in Lamar, Far Southwest, p. 226. Lamar, pp. 260-264, provides a good introduction to the political maneuverings. For Cummings's side of the controversies see the correspondence in SDTP, Colorado, Folios 144-333, NARS, RG 59.

57. Lamar, Far Southwest, pp. 263-264.

58. Hunt to Stanton, May 27, 1867, quoted in Athearn, Sherman, p. 144.

59. Hunt to Sherman, July 18, 1867, Sherman Papers, Vol. 21.

60. The Hunt-Sherman relationship is discussed fully in Athearn, Sherman, pp. 144-158. Golden Transcript, May 15, 1867.

61. Pueblo Chieftain, September 17, 1868.

62. Golden Transcript, July 6, 1870. For a more detailed account of Colorado opinion as revealed in the press, see Kennedy, "Colorado Press and the Red Man," pp. 135-208.

63. Quoted in Schellie, Vast Domain of Blood, p. 172. Similar praise was directed toward other events. See, for example, the article in the news comparing Washita and Sand Creek, DRMN, December 30, 1868, and the press reaction to the Piegan fight, especially, CCMR, March 10, 17, April 22, 1870; WRMN, March 16, 1870; and Pueblo Chieftain, April 14, 1870.

64. New York Tribune, August 13, 1867.

65. Ibid., September 5, 1867. See also the miscellaneous clippings in Chivington, Tappan, et al Ms.

66. Patterson to Orahod, May 18, 1876, Harper A. Orahod Papers, Box 1, File 160, University of Colorado, Boulder. See also the Denver Daily Tribune, April 25, 1876, and CR, 44th Congress, 1st Session, IV, Pt. 3, 2658-2665.

67. The best known accounts include Howbert, Reminiscences; Coffin, Battle of Sand Creek; Shaw, Pioneers of Colorado; Breakenridge, Helldorado; and Sayre, "Central City Reminiscences." Others previously cited include Mansell, "When the Indians Were Tamed;" the "Dunk" letters to the Evans Journal; "Participant," DRMN, December 15, 1882; Templeton, "Reminiscences;" and Lambert, "Plain Tales." Other useful examples include Harper A. Orahod, "The Third Colorado," Rocky Mountain Herald, March 26, 1892; Walter H. Hurlburt, "The Truth About the Sand Creek Massacre," The Trail, V (February, 1913), 8-9; C. B. Horton, "Survivor Tells of the 'Chivington Massacre,'" Denver Times, July 24, 1903; Cornelius H. Ballou, The National Tribune, Undated clippings in the Carey Collection, Warren P. Marshall, undated clipping in the Carey Collection,

William Hubbard, clipping in the Carey Collection; C. E. Clarke, "An Account of Sand Creek," The Brand Book, English Westerners Society, 15 (January, 1971), 34-36, abridged from an account in the St. Louis Daily Globe-Democrat, September 15, 1876; which was a reaction to an earlier account in the same paper by "a Participant in the Fight," Ibid., August 4, 1876. J.N. Hill, "Colorado's Early Indian Troubles As I View Them," CM, 15 (1936), 126-130. See also the manuscript accounts collected by Hubert Howe Bancroft, including statements by Alden Bassett (P-L 124), Theodore Chubbuck (P-L 135), O. C. Coffin (P-L 138), B. F. Crowell (P-L 76), A. F. Howes (P-L 242), Daniel Keesee (P-L 217), A. Russell (P-L 128), M. H. Slater (P-L 169), W. S. Taylor (P-L 224), and Nathaniel K. Boswell (P-L 31), BL, UC, Berkeley. Copies of these statements are also in the Bancroft Collection, University of Colorado, Boulder. There are also numerous references in the F. W. Cragin Notebooks, Pioneer Museum, Colorado Springs.

68. See above, Chapters XIV and XVIII.

69. See accounts in the New York Tribune, December 28, 1879, January 25, January 31, April 11, 1880.

70. Byers to the editor, February 6, 1880, New York Tribune, February 24, 1880. The entire exchange of letters was published in Jackson, Century of Dishonor, pp. 343-358. It was also widely published in Western papers.

71. Ibid., p. 343.

72. CR, 47th Congress, 1st Session, Pt. 2, 1309, 2456.

73. Ibid.

74. Hall, Colorado, I, 250-251.

75. C. F. Van Loan, "Veterans of 1864 Revisit Scene of Indian Battle on the Banks of Sand Creek," Denver Post, July 26, 1908.

76. Colorado Springs Telegraph, January 22, 1941; Denver Post, June 12, 1941; Agnes Wright Spring to the author, September 15, 1970. The street was eventually named Hale Parkway in honor of Irving Hale, who organized the First Colorado Infantry for service in the Spanish-American War and later founded the Veterans of Foreign Wars in Colorado.

77. John Leach, "Sparks Still Sputter From a Legend," Flatiron Magazine, 1 (September, 1973), 2-7.

## CHAPTER XIX

### SCARRED LIVES

1. Lamar, Far Southwest, pp. 250-251.
2. Ibid. See also H. L. Lubers, "William Bent's Family and the Indians of the Plains," CM, 13 (1936), 19-22.
3. Testimony of Soule, Sand Creek Massacre, p. 28.
4. Lavender, Bent's Fort, p. 388; Hyde, Life of Bent, p. 227.
5. Theodore Davis, "A Summer on the Plains," Harper's New Monthly Magazine, XXXVI (February, 1868), 292-307; Lavender, Bent's Fort, pp. 389-390.
6. Kelsey, Frontier Capitalist, pp. 152-153.
7. Testimony of Evans, Condition of the Indian Tribes, pp. 132-138; AR, CIA, 1865, p. 23.
8. Evans, Reply, p. 15. Evans was quite explicit, noting, p. 2, "I do not propose to discuss the merits or demerits of the Sand Creek battle, but simply to meet the attempt to connect my name with it, and to throw discredit on my testimony."
9. Quoted in the BHMJ, October 14, 1865.
10. Quoted in Ibid. A similar tact was followed by the Northwestern Christian Advocate, December 27, 1865, following news of the election of Evans and Chaffee as senators. Said the paper, "This election of Governor Evans is the answer of Colorado to the insinuations of the writing portion of a certain committee of examination. The Governor has published his own refutation, and its array of logic and facts was unanswerable. Now the State speaks for him." While withholding any endorsement of Sand Creek, the journal added, "there has been no testimony which has involved Governor Evans in wrong. On the contrary there is evidence that while his care saved the population of the territory from massacre, he was also the protector of the lives and rights of friendly Indians."

11. Evans to Decatur, November 4, 1865, DRMN, November 5, 1865.
12. New York Tribune, September 5, 1867; Evans interview, Bancroft MSS PL329, Folio V, pp. 35-36. In an interview with H. H. Bancroft, in 1884, Mrs. John Evans took great pains to disassociate her husband from John Chivington. Coel, Left Hand, p. 241n.
13. The most forceful defense of Evans remains Kelsey, Frontier Capitalist, pp. 149-153. In correspondence with the author, Kelsey has insisted that Evans must be judged according to his times, not according to some twentieth century moral standard which would require him to have stepped entirely out of his experience, and in light of this caution, he has concluded that the interpretation presented herein is much too harsh. Kelsey to author, August 26, 1981, Author's Collection. Carey, "Puzzle," pp. 289-292, offers similar cautions. I do not doubt his good intentions. And I believe that he was unaware of Sand Creek until after the fact. He was not unique in his ethnocentricity. Tappan, Wynkoop, even William Bent, were all ethnocentric. His failures were those of timidity, unwillingness to learn about his charges, and a preoccupation with economic issues. Hubert Howe Bancroft, who personally interviewed Evans, was less charitable. Writing in 1884, he said, "About Ex-Governor Evans and his son-in-law Judge [Samuel H.] Elberts [sic] there is much humbug. They are cold-blooded mercenary men, ready to praise themselves and each other profusely, but who have in reality but little patriotism." Hubert Howe Bancroft, "Colorado Notes, 1884," Bancroft Collection, University of Colorado, quoted in Coel, Left Hand, pp. 309-310.
14. Tappan to Sumner, April 10, 1865, LR, OIA, CS, NARS, RG 75. A typical response is found in the Northwestern Christian Advocate, August 16, 1865. The Advocate first noted that "We have known him personally and favorably and have regarded him as a high-minded Christian gentleman and a gallant soldier." Then, presenting the arguments in the case, the paper called upon Chivington as his friends to vindicate him. Recognizing the frontier arguments for "the death of every Indian found," the editor added, "We hesitate to accept a theory so utterly at war with Christianity, and so repugnant to human instincts. We concede the ignorance, the brutality, the fiendishness of the Indian warfare, but Christians must not, even in war, be brutal or fiendish." The paper then called upon Chivington to provide the facts which would enable it to "clear his record from charges of cruelty from either causing or permitting the slaughter of helpless women and children."
15. David Marquette, A History of Nebraska Methodism, First Half-Century, 1854-1904 (Cincinnati: The Western Methodist Book Concern Press, 1904), pp. 57-58.
16. Thornton K. Tyson to Sarah Chivington, September 12, 1892, John M. Chivington v. United States, Indian Depredation Case File No. 3473, CCS, DJ, NARS, RG 205.

17. Atchison (Kansas) Daily Free Press, June 30, 1866. Thomas Chivington drowned on June 23, 1866, but his body was not found for some time thereafter. His funeral was not held until March, 1867. Nebraska City News, July 7, August 25, September 15, 1866; August 26, 1867. Thomas's daughter, Lulu, also drowned in May, 1867, when she fell from the deck of a steamboat into the Missouri River. See also Dale, "Otoe County Pioneers," pp. 493-494.

18. Ibid., p. 493; Nebraska City News, August 26, 1867.

19. Nebraska City Nebraska Statesman, September 8, 1866.

20. Omaha Daily Herald, March 29, 1867.

21. Dale, "Otoe County Pioneers," p. 494. Far from being expelled both the Methodist establishment in Colorado and the Masons sustained him. On June 26 and 28, 1866, the Atchison Daily Free Press published a lengthy defense of Sand Creek written by Colonel Chivington. In some respects it was his most able effort, and it contains some useful information about the origins of the investigation into the Sand Creek affair. The June 26 issue three documents were printed, a statement dated April 20, 1865, signed by most of the Methodist ministers in Colorado, which unequivocally endorsed Sand Creek, resolutions passed by Denver Lodge No. 5 and Union Lodge No. 7, and the Denver Royal Arch Chapter of Free and Accepted Masons, and an article from the Voice of Masonry entitled "The Case of Brother Chivington," which defended Sand Creek and extolled the virtues of John Chivington. Some of the confusion may have arisen from the fact that Chivington's brother, Isaac Chivington was expelled from the ministry in 1861. See the minutes from the records of the Nebraska Conference quoted in Wetherall, "History of the Reverends Chivington," pp. 3-4. See also George E. Utterback, "Isaac Chivington: Mason and Man of God," The Indiana Freemason, 38 (November, 1960), 4-5, 27, 29, 32.

22. Minutes of the Nebraska Conference, 1869, quoted in Wetherall, "History of the Reverends Chivington," p. 5.

23. Henry M. Porter, Autobiography of Henry M. Porter (Denver: The World Press, Inc., 1932), pp. 34-35. See also DRMN, March 16, April 18, August 4, 1866, January 9, 1867.

24. Chivington's version of these events is explained most fully in a deposition, dated May 19, 1892, taken in support of a depredation claim for the loss of livestock to the Sioux Indians in 1867. Portions of his testimony were supported by Walter D. Pease, Samuel Ashcraft, and Oliver P. Wiggins. The deposition of David Street, an agent for Wells Fargo, dated May 17, 1892, contradicts Chivington's position. These documents and others appear in John M. Chivington v. The United States and the Sioux Tribe, Band, or Nation of Indians, Indian Depredation Case File No. 3473, USCC, NARS, RG 123. Also important are the following documents: P. Heffley to (?), February 25, 1869, Affidavit of William Fulton, April



18, 1892, Tappan to L. W. Colby, Assistant Attorney General, May 14, 1892, Tappan to W. H. H. Miller, May 26, 28, 21, 22, 1892 (all presenting reports relative to the testimony of Porter, Street, and others), James R. Porter to Miller, June 22, 1892, Mary B. Willard (Reverend Willard's widow) to Tappan, July 2, 1892, David Street to Tappan, July 7, 1892, Undated statements regarding the testimony of David Street and Henry Porter, memoranda regarding the testimony of John A. Martin, a Denver merchant who had dealings with Chivington and Willard, and a report (undated) which presents Chivington's case and identifies points at which the testimony of Martin Porter and Street contract him, all found in Chivington v. U. S., CCS, DJ, NARS, RG 205.

25. Palmer to Major H. G. Litchfield, AAAG, DP, LR, DP (P110-1867), USAC, NARS, RG 393. Palmer called Chivington "the notorious Colonel Chivington of the Sand Creek massacre memory." His concerns grew directly out of the Willard, Porter, Pollock, Wells Fargo contract imbroglio. See also Palmer to Miller, July 18, 1892 (two separate letters), Chivington vs. U. S., USCC, NARS, RG 123.

26. Omaha Daily Herald, April 5, 1867.

27. On July 6, 1866, John Chivington was appointed Special Administrator of his son's estate. On April 6, 1867, he was named the regular administrator, but on September 10, 1867, he resigned as administrator and was replaced by one J. J. Hochstetter, who was duly appointed on November 2, 1867. Probate Record A, pp. 384-392, Otoe County, Nebraska City, Nebraska. See Chivington to Hochstetter, February 4, 1869, Tappan to L. W. Colby, Assistant Attorney General, April 14, 1892 (in which he quotes a conversation between P. A. Snyder and John Chivington in which Chivington cited the estate as his reason for marrying his son's widow), Tappan to Colby, April 18, 19 (two letters), 20, 1892, CCS, DJ, NARS, RG 205. Nebraska City News, May 28, 1868.

28. Quoted in the Nebraska City News, May 29, 1868.

29. Ibid., June 1, 1868. On June 10, the paper recorded that "Rev. Mr. Col. Sand Creek Chivington and lady arrived at home to-day from their bridal tour."

30. DRMN, June 10, 1868.

31. Tappan to Colby, April 2, 5, 6, 8, 1892, citing documents from the grand jury and from the case file in Thomas Chivington's claim. CCS, DJ, NARS, RG 205.

32. Tappan to Colby, April 20, 1892, quoting from a letter from Mrs. Swetland to Sarah Chivington, Ibid.

33. Sworn statements by Sarah Chivington (two separate statements), April 18, 1892, and statement by J. B. Lull, Sarah's father, April 18,

1892, Chivington v. U. S., USCC, NARS, RG 123. See also Sarah Chivington to Colby, July 8, 1892, Chivington Collection, DPL.

34. Sarah A. Chivington v. John M. Chivington, Case File, Records of the District Court, Otoe County, Nebraska. The divorce decree was handed down, October 25, 1871. Statement of Sarah Chivington, April 18, 1892, Chivington v. U. S., USCC, NARS, RG 123. Sarah Chivington's tragedy continued. The marriage to John Chivington permanently estranged her from her parents. They forbade her to visit them. When her mother was dying, she went to see her, but her mother turned her face to the wall and ordered her forcibly removed from the room. Dale, "Otoe County Pioneers," pp. 1561-1563.

35. Statement of P. A. Snyder in Tappan to Colby, April 14, 1892, CCS, DJ, NARS, RG 205.

36. Deposition of William Clevenger, Justice of the Peace, April 14, 1892, quoting from the testimony of Isabella Chivington, Ibid.

37. Ibid. See also Tappan to Colby, April 13, (two letters), 14, 16, 1892, Ibid.

38. Denver Daily Times, October 6, 1883; Chivington to Thomas F. Dawson, May 24, 1883, MSS II-28, CHS; Tappan to Colby, April 1, 13, 14, 16, 1892, CCS, DJ, NARS, RG 205. The wife of the editor of the Patriot claimed that Chivington threatened to sue her husband. Said Tappan of the account, "I read the account, while it was terribly severe it was true." See letter of April 16. One of Tappan's informants claimed that Chivington asked him if he knew of anyone who wanted to go to the legislature. If he did, Chivington allegedly told him, he would use his influence in the county to secure the nomination for him provided he would put up the needed money. Such a man was found. He provided the money. Chivington began his canvass, "promising to use all his influence as a Mason, Methodist preacher and an ex soldier." However, when the delegates gathered, they nominated Chivington rather than the man who had put up the money. See letter of April 13, 1892.

39. John M. Chivington, "Battle of Sand Creek," MSS-28, CHS. The speech was published on the occasion of Chivington's death. See the Denver Republican, October 5, 1894. It also appears in William M. Thayer, Marvels of the New West (Norwich, Connecticut: The Henry Bill Publishing Company, 1888), p. 246, and Hill, Tales of the Colorado Pioneers, pp. 89-92.

40. DRMN, September 14, 1883.

41. Denver Daily Times, October 6, 1883.

42. Craig, Fighting Parson, pp. 235-237; "Death of Brother Chivington," p. 215; Chivington, "Footprints," September 26, October 24, 31, 1889.

43. Denver Daily Times, December 30, 1892; Speer, "Interview with Mrs. Chivington," pp. 6-8.

44. DRMN, February 13, 1889.

45. Denver Daily Times, July 19, 1894.

46. Ibid, January 22, March 17, 1884. See also Tappan to Aldrich, April 21, 30, 1892, CCS, DJ, NARS, RG 205, and Chivington v. Colorado Springs, Co., IX Colorado Reports 597 (1886).

47. DRMN, July 3, September 13, 15, 1887; Denver Republican, July 3, 1887.

48. Papers in the matter of the estate of Francesco Gallo, deceased, March 8, 1892, filed with Chivington vs. U. S., USCC, NARS, RG 123. See also Tappan to Aldrich, April 27, 1892, Ibid., and Hall, "Early Indian Troubles," p. 126.

49. Statement of E. L. Gallatin, January 8, 1900, Thomas F. Dawson Scrapbooks. Sarah Chivington apparently also believed that Chivington had tried to burn Thomas Chivington's home in Nebraska City. See Tappan to Colby, April 20, 1892, CCS, DJ, NARS, RG 205.

50. "Death of Brother Chivington," pp. 214-217; Beardsley, Echoes, pp. 252-253.

51. Clarence A. Lyman interview by Benjamin Draper, July 30, 1957, p. 8, Clarence A. Lyman Collection, DPL. Said Lyman, "Chivington considered all his daughters a total loss--no wonder they reciprocated." Chivington's troubles with his family were extensive. All of his children enjoyed good reputations. Even Samuel Tappan called Thomas Chivington a "noble character." Thomas Pollock and Charles Ottaway, his sons-in-law also lived respectable lives. When Chivington left Colorado, he gave Pollock authority to act as his attorney in disposing of some real estate (possibly the Manitou Springs claim). After Pollock died, Chivington brought suit to reclaim the land Pollock had sold, alleging that Pollock had no authority to sell the land and accusing his son-in-law of forgery and perjury. The scheme failed when the Power of Attorney papers were produced, duly signed by John Chivington. Tappan to Aldrich, April 29, 1892, CCS, DJ, NARS, RG 205. On the other hand, his admirers were many. Ed Chase, the prominent saloon keeper, recalling the early days, said that "all admired Chivington and he was regarded as one who feared neither man nor devil." Thomas F. Dawson interview with Edward Chase, July 11, 1921, MSS, IX-4, CHS.

52. Denver Daily Times, October 8, 1883. Chivington must have been pleased when Dunn's Massacres of the Mountains was published in 1886. Dunn wrote, pp. 381-382, "[T]hrough it all, his sturdy manhood has been manifest in every action. Through all the denunciation of that Indian

fight, he was never wavered or trembled. Others have dodged and apologized and crawled, but Chivington never. He has not laid the blame upon superior officers, as he might do. He has not complained of misinformation from inferior officers, as he might do. He has not said that the soldiers committed excesses there which were in no manner directed by him, as he might do. He has simply stood up under a rain of abuse, he heavier than the shower of missiles that fell on Coeur de Leon before the castle of Front de Boeuf, and answered back: 'I stand by Sand Creek.'"

53. Hoig, Sand Creek, p. 175n; Bent to Tappan, February 23, 1889, Bent Letters, CHS.

54. Goertner, "Frontier Soldier," p. 25; Prucha, Policy in Crisis, pp. 288-289. Tappan became Superintendent of the school in 1883.

55. Denver Daily Times, October 8, 1883.

56. DRMN, January 26, 1881. On February 18, 1881, Tappan replied to McCannon's letter, denying that he, Wynkoop, Downing and Anthony had preferred to retain their commands in the First Regiment rather than to assume command of a one-hundred-day regiment.

57. Denver Daily Times, October 8, 1883. See Tappan's response in Denver Weekly Times, October 31, 1883.

58. See the extensive files in the case of Chivington vs. U. S., USCC, NARS, RG 123, and CSS, DJ, NARS, RG 205. The bulk of both files consists of letters and reports from Tappan. The Justice Department wanted Tappan's investigation to be discreet. The Department sought a statement from Chivington under oath "without his knowing that his case is considered of such importance as to require a Special Agent's investigation." Aldrich to Tappan, April 30, 1892, LS, CCS, DJ, NARS, RG 205. Also related is the file, "Correspondence re Sand Creek Massacre," File No. 29398 P. R. D. 1892, LR, AGO, NARS, RG 94. The Justice Department was suspicious of Chivington's claim because it was filed so late, and because Chivington asserted that the Sioux were peaceable at the time he lost his stock to them. The army pointed out that Red Cloud's War was in full swing in the winter of 1867, north of Fort Laramie where the theft allegedly occurred and informed the Justice Department that no raids upon stock near Laramie could be confirmed in the records. When the case was announced in the press, General Innis Palmer took it upon himself to challenge the claim, writing a friend in Washington, "I happen to know a good deal of this Colonel Chivington who, it appears has made this claim against the government, and which I have no doubt is a fraud, pure and simple." He then said, "Although Chivington is a Methodist preacher, I consider him of the greatest scoundrels in this or any other country. He is alone responsible for that horrible Sand Creek Massacre than which nothing since the massacre of the French by the Spaniards in the 16th Century, in Florida can compare." Speaking of the case itself, he added, "Had Chivington lost be depredations at the time mentioned I certainly

would have heard of it, and now after twenty five years I hear of it for the first time." Palmer to Frank (?), February 28, 1892, Chivington vs. U. S., USCC, NARS, RG 123. The Tappan quote in the text is from his Letter to Colby, April 14, 1892, CCS, DJ, NARS, RG 205. Tappan was relieved of his special duties on June 16, 1892, but he continued to forward information to Washington into August of that year.

59. In 1903, John B. Sanborn wrote this dismal report on Tappan, "When I saw him last he was in Washington, rooming in some secluded and cheap boarding house, and was very near if not quite of the dead-beat class, but he had all the mental brightness and ability of his better days. . . . He was a man of many excellent traits and of marked ability in certain lines and certain directions." Sanborn to George Martin, Secretary, KSHS, March 9, 1903, KSHS. See also clippings from the Manchester (Massachusetts) Cricket, January 11, 13, February 1, 1913, Chivington, Tappan, et. al., MS.

60. Isern, "Wynkoop," pp. 16-18; Wynkoop, "Edward Wanshear Wynkoop," pp. 78-79; Frank Murray Wynkoop, "Data Concerning Col. Edward W. Wynkoop," Typescript, Special Collections, Colorado College Library, Colorado Springs, Colorado; A. L. Clark notes on Wynkoop, Author's Collection; Wynkoop Scrapbook, Museum of New Mexico; and Marlatt, "Wynkoop," pp. 25-29; Robert Pennington to the author, October 23, 1967, Author's Collection. See also File No. 357-641, Widow's Pension, Louise M. Wynkoop, VA, NARS, RG 15.

61. Wynkoop, "Unfinished History," p. 74, 134.

62. I have been unable to find one critical remark about Wynkoop written by John Chivington or attributed to him in the press, after the deliberations of the Tappan Commission. Considering Wynkoop's role in the Sand Creek controversy, this is little short of extraordinary.

63. Frank M. Wynkoop to Dorothy Gardiner, June 3, 1949, Dorothy Gardiner Material on Sand Creek Massacre, Colorado, New York Public Library; affidavit of John M. Chivington, September 10, 1892, Louise Wynkoop Pension File, VA, NARS, RG 15.

64. Ibid.

65. Harman H. Wynkoop to Dorothy Gardiner, April 20, 1949, in Ibid.

66. See especially DRMN, February 1, 4, 6, 1865.

67. Anthony to Wade, August 25, 1865, Wade Papers, LC: Anthony to Doolittle, October 10, 1865 (FF-3, No. 3), Anthony Papers, CHS.

68. Denver Republican, October 3, 1903.

69. Ibid.

70. Coffin, Battle of Sand Creek, pp. 39-40.
71. Hall, Colorado, I, 343-344.
72. "Death of Brother Chivington," p. 214.
73. Historians have almost universally accused him of ambivalence or duplicity. In an impromptu debate in 1963, Professor Carey called him "one of the more puzzling characters in the whole Sand Creek affair," while Straight called him "baffling," and "a highly complex and to me, a very ambivalent figure filled with self-hatred." See Raymond G. Carey, editor, "The Historian versus the Historical Novelist: A Transcript of a Spontaneous Debate between Michael Straight, Novelist and Dr. Carey, Historian," The 1963 All Posse Brand Book of the Denver Posse of the Westerners. Edited by Robert B. Cormack (Boulder: Johnson Publishing Co., 1964), pp. 32-37. Utley, Frontiersmen in Blue, p. 292, for example, calls him "A man of somewhat elastic convictions." LeCompte, "Sand Creek," p. 327, speaks of his "vacillating intentions." White, "From Bloodless to Bloody," p. 568, says that he "seemingly . . . did an about face on Sand Creek." Ralph K. Andrist, The Long Death: The Last Days of the Plains Indians (New York: The Macmillan Company, 1964), p. 88, says that his "principles swung like an unlatched gate in the plains wind." See also William N. Byers, Encyclopedia of Biography of Colorado. 2 Volumes (Chicago: Century Publishing Co., 1901), I, 252.
74. Testimony of Downing, Condition of Indian Tribes, p. 70.
75. Denver Post, December 31, 1903. See also, Note No. 5, Chapter VII, and Byers, Encyclopedia of Biography, I, 297.
76. Denver Times, November 4, 1905.
77. Shoup's popularity is unmistakable. Even after questions were raised about Sand Creek, the Black Hawk paper had nothing but praise for Shoup. See especially BHMJ, January 16, 1865. Even Tappan was charitable. See his letter to the editor of the Rocky Mountain News, February 18, 1881, clipping in Chivington, Tappan, et. al., Ms.
78. See the editorial "Good for Colonel Shoup," WRMN, November 15, 1865, which reprinted his letter to J. J. Kennedy, November 10, 1865.
79. Kimball, "Cavalryman Turned Rancher," pp. 32-35.
80. Ibid., pp. 32-35, 41-43; Rutherford, "Shoup," XVII, 131-132.
81. Cramer, CMSR, AGO, NARS, RG 94.
82. See especially the documents in the Augusta Hall Pension File, VA, NARS, RG 15: United States Census, 1870, Lincoln Township, Dickinson County, Kansas, p. 21, KSHS; Abilene (Kansas) Chronicle, December 29,

1870. In an odd sort of way, Cramer did contribute to a Western legend. Because Cramer was ill, Abilene's marshal, Thomas James Smith, who was also undersheriff, was called upon to serve a warrant and arrest a citizen for murder. In the attempt, Smith himself was murdered. Smith is a legendary figure in the history of the cowtowns. He was succeeded as marshal by James Butler, "Wild Bill" Hickok. See the documents reprinted in Nyle H. Miller and Joseph W. Snell, Why the West Was Wild: A Contemporary Look at the Antics of Some Highly Publicized Kansas Cowtown Personalities (Topeka: Kansas State Historical Society, 1963), pp. 577-580. See also Margaret Wolfe, "The Hall Family Has Been Closely Connected with Solomon History," Solomon Tribune, August 5, 1937, and Portrait and Biographical Record of Dickinson, Saline, McPherson and Marion Counties (Chicago: Chapman Brothers, 1893), pp. 535-536, which include biographical sketches of George B. Hall who married Cramer's widow.

83. Kelsey, "Background of Sand Creek," pp. 280-283; and research notes in the Kelsey Collection, especially genealogical and related materials from the Bartlett Museum, Beloit, Wisconsin.

84. Miller and Snell, Why the West Was Wild, pp. 304-305; 339; 594-596; Frederic R. Young, Dodge City: Up Through a Century in Story and Pictures (Dodge City, Kansas: Boot Hill Museum, Inc., 1972), p. 94.

85. Wright's name appears frequently in the records of the Office of Indian Affairs in reference to legal claims, especially in reference to the claims of Indians who served in the Union army during the Civil War. In 1875, his conduct in these claims, as an agent for the Department of the Interior, was investigated. See Edward E. Hill, Guide to Records in the National Archives of the United States Relating to American Indians (Washington: National Archives and Records Service, 1981), p. 90. See also Jehu Z. Powell, History of Cass County, Indiana. Two volumes (Chicago: Lewis Publishing Company, 1913), II, 1205-1206.

86. Lamar, Far Southwest, pp. 252-301.

87. Roberts, "Slough-Rynerson Quarrel," passim.

88. See above, footnote 67, Chapter XVIII.

89. See also the statements of Robert L. Lambert, "Forts and Indians in Colorado," P-L 146, and Daniel Keese, "Indian Depredations," P-L 217, BL, University of California, Berkeley.

90. Hudnall, "Bent County," pp. 242-247; statement of Amy Prowers, P-L 198, BL, University of California, Berkeley.

91. Hudnall, "Bent County," pp. 237-238. See also Agnes Wright Spring, "Cheyenne Girl and White Man's Way." Frontier Times, 44 (August-September, 1970), 32-33, 46.

## CHAPTER XX

### THE SURVIVORS

1. Mari Sandoz, The Buffalo Hunters (New York: Hastings House, 1954) p. 157. This story has an apocryphal quality about it. "Burwell," the correspondent of the Leavenworth Times who visited the Sand Creek site with the Doolittle committee in the summer of 1865, said that the group found "only" a number of skulls that wolves could not carry off. White, Chronicle, pp. 27-28. Robert M. Wright, Dodge City, The Cowboy Capital (Wichita: Wichita Eagle Press, 1913), p. 59, claimed to have had a fight with Cheyennes on the site a few years after Sand Creek.

2. See Chivington's various reports and his deposition in "Massacre of the Cheyenne Indians," pp. 102-103. See also Atchison Daily Free Press, June 28, 1866, and Denver Republican, October 5, 1894.

3. Testimony of Miksch, Guerrier, Palmer, and Robert Bent, Condition of Indian Tribes, pp. 65, 74, 75, 95; testimony of Cramer, Beckworth, Cannon, James, Sand Creek Massacre, pp. 50, 69, 111, 147; testimony of Smith and Anthony, "Massacre of the Cheyenne Indians," pp. 6, 17. Tappan's diary contains a tally of figures on the number of dead, taken from the officers at Lyon. Not one estimate exceeds two hundred. Tappan Diary, p. 8. This range is also confirmed by Coffin, Battle of Sand Creek, p. 34.

4. Berthrong, Southern Cheyennes, pp. 219-220. For some cautions concerning casualties in the Indian wars, see Don Russell, "How Many Indians Were Killed?" AW, X (July, 1973), 42-47, 61-63.

5. "Abstract of Property belonging to the Cheyenne Indians lost or destroyed at Sand Creek Colorado Territory during an attack by United States troops by Colonel Chivington. . . ." Ratified and Unratified Treaties, NARS, RG 75. This document lists the names of 112 Cheyenne heads of households, indicates what happened to them in the fight, indicates the nearest living relatives, and losses in horses, mules, lodges and furnishings.

6. Hyde, Life of Bent, pp. 149-151; Berthrong, Southern Cheyennes, pp. 214-215; Powell, People of the Sacred Mountain, I, 293.



7. "Abstract of Property," Treaty of the Little Arkansas, NARS, RG 75.

8. Letter from Fort Lyon, dated December 31, 1864, BHMJ, January 5, 1865. Samuel Tappan recorded in his diary the receipt of a letter from "Olmstead" at Fort Lyon, which reported that a Cheyenne half-breed had come in to Fort Lyon. According to the mixed-blood, doubtlessly Guerrier, the Indians lost 148 dead, including thirty five warriors, of which twenty-seven were old men. Tappan Diary, p. 2. Olmstead may have been the author of the letter in the Journal.

9. Bent to Hyde, April 30, 1913, Bent-Hyde Correspondence; Bent to Tappan, March 15, 1889, Bent Letters, CHS.

10. Testimony of Guerrier, Palmer, Miksch, and Robert Bent, Condition of Indian Tribes, pp. 65-, 74, 75, 95; testimony of Cramer, Beckwourth, Cannon, James, Sand Creek Massacre, pp. 50, 69, 111, 147; testimony of Smith and Anthony, "Massacre of Cheyenne Indians," pp. 6, 17.

11. Coffin, Battle of Sand Creek, p. 34.

12. Hyde, Life of Bent, p. 159.

13. Ibid.; Bent to Hyde, March 15, 1905, Bent-Hyde Correspondence, Yale, provided the standard list of nine chiefs used by Grinnell, Fighting Cheyennes, p. 173, and Berthrong, Southern Cheyennes, pp. 222-223. Powell, People of the Sacred Mountain, I, 309-310, differentiates between council chiefs and soldier chiefs and adds two more names. The more extended list presented here is based upon the sources and the "Abstract of Property," Treaty of the Little Arkansas, NARS, RG 75. This document includes the names of others who may have been chiefs or prominent men. For the purposes of this study, I have used a purely material measure for determining prominence (a clearly flawed procedure when dealing with plains Indians). Those listed as prominent men are either persons well-known afterwards or who filed claims for at least \$1,000.00, which normally meant fifteen horses or more. Powell, I, 638n, cites notes from the Grinnell Collection which show Tall Bear dying in 1864. He does not list him as dying at Sand Creek, but the Abstract does.

14. "Abstract of Property," Treaty of the Little Arkansas, NARS, RG 75.

15. Ibid.

16. With the Sand Creek Massacre, all three of the Cheyennes who visited Washington in 1863 were dead.

17. Further information on these men may be found in Powell, People of the Sacred Mountain.

18. Tappan Diary, p. 77.
19. Powell, People of the Sacred Mountain, I, 316.
20. Moore, "Cheyenne Political History," pp. 342-343; Hoebel, "Cheyenne Sociopolitical Organization," p
21. Powell, People of the Sacred Mountain, II 722-735; Jack D. Filipak, "The Battle of Summit Springs," CM 41 (1964), 343-354. The use of Sand Creek as a justification even extended to other tribes. In March, 1867, General Sherman complained to one of his officers that the Sioux in Montana were using Sand Creek as proof of white treachery and as justification for their recalcitrance. Sherman to Augur, March 12, 1867, Augur Papers.
22. Powell, People of the Sacred Mountain, II 736-746; Virginia Shaw, "The End of the Cheyenne-Arapaho Alliance," Red River Valley Historical Review, V (1980), 63-65; Berthrong, Southern Cheyennes, pp. 351-355; Moore, "Cheyenne Political History," pp. 344-345.
23. Ibid., pp. 345-346; Powell, People of the Sacred Mountain, II, 921-926.
24. Coel, Left Hand, pp. 263-264.
25. The exact position of Left Hand's camp is debatable. Grinnell, Fighting Cheyennes, p. 171, whose map has been used in most subsequent publications, places Left Hand's camp on the east end of the Cheyenne camp close by Black Kettle on the west and some distance west of Sand Hill's camp. This would mean that the first assaults from both the First and Third Regiments would have been thrown against Left Hand's lodges as the troops slashed between his people and the camp of Sand Hill down the creek. George Bent prepared two maps of the Sand Creek encampment. The first, now in the George Bent-George Hyde Collection, Western History Division, University of Colorado Library, Boulder, shows the Arapaho camp at the center of the camp, encircled in a clockwise position from twelve o'clock by the camps of One Eye, White Antelope, Black Kettle, and War Bonnet. The Second Bent map is located in the Warfare File, 1864-1885, Cheyenne and Arapaho Agency, Indian Archives Division, Oklahoma Historical Society, Oklahoma City. This map presents a somewhat different configuration that omits the Arapahoes altogether and adds "Bear Tongue's camp" in the approximate position of Left Hand's lodges on the first map. The basis for Grinnell's map is uncertain, but other evidence tends to affirm his placement. First, Left Hand arrived last. It is unlikely, therefore, that he should pitch his tipis in the very center of the camp as Bent's first map suggests. Second, Left Hand's closest Cheyenne friend was Black Kettle. Logically, he would have camped next to him, particularly in view of the gap between Black Kettle's lodges and those of Sand Hill. Modern Cheyenne informants even question whether Left Hand was present at all, arguing that Cheyennes would never have permitted the

Arapahoes to camp within the Cheyenne circle. The conclusive evidence that he and his people were present, however, strongly suggest that this is a modern conclusion growing out of the rift between the Cheyennes and Arapahoes that Shaw, "End of Alliance," describes. The map presented herein presents what seems the most logical arrangement. See also Coel, Left Hand, 233-235, for her version of the map and a reproduction of Bent's first map.

26. Ibid., pp. 292-298.
27. "Early Far West Notebook," III, 40, F. W. Cragin Collection, Pioneers Museum, Colorado Springs.
28. Trenholm, Arapahoes, p. 194.
29. Coel, Left Hand, pp. 300-301.
30. Trenholm, Arapahoes, pp. 231-233.
31. Ibid., pp. 211ff.
32. Shaw, "End of Alliance," pp. 56-73.
33. Ibid., pp. 57-64; Donald J. Berthrong, The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875-1907 (Norman: University of Oklahoma Press, 1976), passim.
34. Ibid. pp. 292-295, 339.
35. Ibid., pp. 231-295.
36. Quoted in Shaw, "End of Alliance," p. 69n.
37. Ibid., pp. 68-69.
38. Berthrong, Cheyenne-Arapaho Ordeal, pp. 296-340.
39. Shaw, "End of Alliance," pp. 65-71. See also Donald J. Berthrong, "Cattlemen on the Cheyenne-Arapaho Reservation, ARW, XIII (1971), 5-32; and the same author's "White Neighbors Come Among the Southern Cheyenne and Arapaho, Kansas Quarterly, III (1971), 105-15. A useful Arapaho perspective is Carl Sweezy, The Arapaho Way. Edited by Althea Bass (New York: Clarkson N. Potter, 1966)
40. Trenholm, Arapahoes, pp. 244-254; Berthrong Southern Cheyennes, pp. 372-405; Ramon Powers, "Why the Northern Cheyenne Left Indian Territory in 1878: A Cultural Analysis," Kansas Quarterly, 3 (Fall, 1971), 72-81; James L. Haley, The Buffalo War: The History of the Red River Indian Uprising of 1874 (Garden City, New York: Doubleday & Company, Inc., 1976), passim.

41. Shaw, "End of Alliance," pp. 69-72.
42. Ibid., p. 72.
43. "Abstract of Property," Treaty of the Little Arkansas, NARS, RG 75.
44. Kappler, Indian Laws and Treaties, I, 887-891.
45. Act of July 26, 1866, 14 Stat. 275.
46. Bogy and Irwin to Bogy, December 8, 1866, LR, UA, NARS, RG 75.
47. J. A. Krug, Secretary of the Interior, to J. Hardin Peterson, Chairman, Committee on Public Lands, U. S. House of Representatives, August 29, 1949, Cheyenne and Arapaho Claims Legislation File, No. 5-1, DI, copy in Carey Collection.
48. Ibid.; Kappler, Indian Laws and Treaties, I, 984-989.
49. Bent to Tappan, February 23, 1889, Bent Letters, CHS.
50. Cummings to Bogy, November 12, 1866, LR, CS, NARS, RG 75.
51. Affidavit of Col. Leavitt Bowen, January 4, 1865, copy with report of Lieutenant W. W. Tompkins to General George H. Ruggles, AG, Department of the Lakes, LR, Department of the Lakes, T-2 (1867), USAC, NARS, RG 393. See also Bent to Hyde, June 5, 1906, Bent-Hyde Correspondence, Yale. In a letter to Samuel Tappan, March 15, 1889, Bent said that two boys were captured at Sand Creek, a Cheyenne and an Arapaho, in addition to the two Cheyenne girls. He said that both of the boys were then living near Darlington, Indian Territory. Bent Letters, CHS. No corroborative information has been found to confirm the capture of a second boy.
52. Cummings to Bogy, November 12, 1866, Stanton to Browning, March 26, 1867, LR, CS, NARS, RG 75.
53. In August 1865, a wooden paddle was found on the Santa Fe Road with a message, apparently left by Indians. A portion of the message said, "The Governs in the State wat catch that governer in denver and killed him, and they have got to shian boys in denver. want them back and make peace again." OR, Series I, XLVIII, Pt. 1, 364. See also statement of Black Kettle at the Treaty of the Little Arkansas, AR, CIA, 1865, p. 521; Bent to Cooley, May 29, 1866, Bogy and Irwin to Bogy, November 15, 1866, Bent to Pope, August 28, 1866, Wynkoop to Cooley, May 8, 1866, LR, CS, NARS, RG 75.
54. Cooley to Cummings, October 9, 1866, LS, OIA, Vol. 18, NARS, RG 75; Cummings to Bogy, November 12, 1866, LR, CS, NARS, RG 75.

55. Stanton to Browning, March 26, 1867, Ibid.

56. Tompkins to Ruggles, February 26, 1867, Graham to Ruggles, February 21, 1867, LR, Department of the Lakes, T-2 (1867), USAC, NARS, RG 393.

57. Hyde, Life of Bent, pp. 256-257; Custer, My Life on the Plains, pp. 40-42. Custer's remarks are interesting. He noted, "He was dressed comfortably in accordance with civilized custom; and, having been taken from his people at so early an age, was apparently satisfied with the life he led." Custer said that the boy "seemed little disposed to go back to his people," but that he saw him the next year with the following result: "he then had lost all trace of civilization, had forgotten his knowledge of the English language, and was as shy and suspicious of the white man as any of his dusky comrades." Hancock's description of the boy's identity was somewhat different. He wrote Sherman: "I left the Cheyenne boy at Fort Larned, to be turned over to his nearest relatives, or to the chief of his band, Black Kettle, who is now far south. The boy is a half-brother of Charley Bent. The wife of William Bent, mother of Charley, ran away from Bent and married again. This boy is a son by the second arrangement; at least Charley Bent says so. His reputation is not good, however, for veracity." Hancock to Sherman, April 13, 1867, Difficulties with Indian Tribes, p. 51. See also Hancock's statement to the Cheyennes at Fort Larned in Ibid., p. 54. This version is flawed on several counts. First, the Bent boys' mother, Yellow Woman, died in 1847, at the time Julia Bent was born. William Bent then married Owl Woman's sister, Yellow Woman. Yellow Woman ran off with Joe Baraldo in the summer of 1864, and she was killed by Pawnees during the Powder River campaign. On this point, at least, Hancock was right about Charley Bent's veracity.

58. Bent to Tappan, February 23, March 15, 1889, Bent Letters, CHS: Hoig, Sand Creek, p. 175n. At this writing, the details of the adoption have not been verified, nor has the information concerning her education and death been documented clearly.

59. Powell, People of the Sacred Mountain, II, 743-745. Grinnell, Cheyenne Indians, I, 93, adds an interesting note to the social impact of the Sand Creek affair. Traditionally, the Cheyennes did not marry within their own manhao. Just when this practice broke down is unclear, but Grinnell was told by Cheyenne informants that the men of the Oivimana were the first to marry within their own manhao, after the Sand Creek Massacre.

60. Hoig, Peace Chiefs, pp. 85-96.

61. Ibid. See also Powell, People of the Sacred Mountain, II, passim, especially 892; and Berthrong, Cheyenne-Arapaho Ordeal, pp. 251-253.

62. Hoig, Peace Chiefs, pp. 157-162; Rath, Rath Trail, pp. 2, 7, 28, 36, 42, 112-113; Berthrong, Southern Cheyennes, pp. 339, 346.

63. Minimic's role is covered in Haley, Buffalo War, pp. 42-96, 199, 201, 215, 220.

64. Karen Daniels Petersen, Plains Indian Art from Fort Marion (Norman: University of Oklahoma Press, 1971), pp. 28, 31, 52-53.

65. Hoig, Peace Chiefs, pp. 160-161.

66. Powell, People of the Sacred Mountain, II, 779-808, 846-896, 936.

67. Ibid.; Trenholm, "Amanda Mary and the Dog Soldiers," pp. 5-46.

68. Powell, People of the Sacred Mountain, II 902-903, 933; Berthrong, Southern Cheyennes, p. 397; Berthrong, Cheyenne-Arapaho Ordeal, pp. 24-25.

69. George Bent's contribution to Cheyenne history can hardly be exaggerated. His is the only extensive Cheyenne perspective for much of the history of the nineteenth century. His affiliation with George Hyde not only led to Hyde's autobiography of Bent, taken from his letters, but to manuscript collections at Yale University, the Colorado Historical Society, the Denver Public Library, and the University of Colorado. In addition, George Bird Grinnell used him as a major informant. In fact, all of the early ethnologists relied upon his judgment in one way or another.

70. Dixon, "A Scout With Custer," p. 165; Darrell Rice, editor, Their Story: A Pioneers Day Album of the Blaine County Area (Oklahoma City: Metro Press, 1977), pp. 147-148; interview with Edmond Guerrier, October 14, 1916, Field Notes, Unclassified Envelope 3, Walter Mason Camp Collection, Harold B. Lee Library, Brigham Young University, Provo, Utah.

71. Hoig, John Smith, pp. 217-228.

72. John Stands-in-Timber and Margot Liberty, Cheyenne Memories (New Haven: Yale University Press, 1967), p. 169.

73. Ibid., pp. 169-170; O'Leary, "Black Kettle," p. 15.

74. Mary Standing Bull Curtis to Colleen Cometsevah, July 4, 1976, Cometsevah Collection.

75. Statement of Stacey Riggs, who claimed to be the grandson of Black Kettle, in letter of John O'Leary to the author, December 22, 1980;

statement of Mimiambi to Grinnell, August 26, 1916, field notebook, Grinnell Collection.

76. Stands-in-Timber and Liberty, Cheyenne Memories, p. 169.

77. Ibid. pp. 169-170.

78. Thomas B. Marquis, Cheyenne and Sioux: The Reminiscences of Four Indians and a White Man. Edited by Ronald H. Limbaugh (Stockton: Pacific Center for Western Historical Studies, 1973), p. 19. Limbaugh argues that Iron Teeth Could not have been present at Sand Creek since she was part of Dull Knife's band. However, a number of Cheyennes who escaped from Sand Creek attached themselves to northern groups. Moreover, some modern Southern Cheyennes insist that Dull Knife (or Morning Star, as he was known to the Cheyennes) was present at Sand Creek, and, in fact, one name which appears on the "Abstract of Property," Treaty of the Little Arkansas, NARS, RG 75, bears a striking phonetic resemblance to the Cheyenne name for Morning Star. The English identification on the list simply says "Black Kettle's brother," which ironically, lends a modicum of credence to a persistent notion among Southern Cheyennes that Morning Star was, in fact, Black Kettle's brother, even though no substantive verification is even hinted at anywhere in the literature or in the sources.

79. Statement of Paul Yates to the author, March 3, 1980. See also Alice Marriott and Carol K. Rachlin, Dance Around the Sun: The Life of Mary Little Bear Inkanish, Cheyenne (New York: Thomas Y. Crowell Company, 1977), p. 5, in which the story of Shell Woman is told. According to this account Shell Woman fought with her husband at Sand Creek and had killed four soldiers with her skinning knife.

80. Santa Fe New Mexico Sentinel, May 1, 1938; Ethel M. Arnold, "The Blanket of Chief White Antelope," Art and Archaeology, XXVIII (August, 1929), 45-46, 52.

81. DRMN, December 24, 1864. The blanket was raffled off from chances of \$37.50 each; affidavit of Fritts, April 9, 1917, quoted in the Santa Fe New Mexico Sentinel, May 1, 1938.

82. Arnold, "The Blanket of Chief White Antelope," pp. 45-46.

83. Santa Fe New Mexico Sentinel, May 1, 1938.

84. Some information on Hawkins is found in Berthrong, Cheyenne-Arapaho Ordeal, pp. 315, 321, and in the files of the Oklahoma Historical Society. Some genealogical research seems to indicate that Hawkins was the second cousin of White Antelope's son, on his mother's side.

85. Bliss Kelly to Carey, August 23, 1965, Carey Collection.

86. Kelly to Carey, July 30, 1965, Ibid.

87. Kelly to Carey, July 30, August 23, 30, 1965, Ibid.; Sam Dicke to Dorothy Gardiner, August 30, 1949, Gardiner Papers.

88. H. R. 4627, 81st Congress, 1st Session, May 10, 1949.

89. Krug to Peterson, August 29, 1949, Cheyenne-Arapaho Claims Legislation File, Carey Collection.

90. Ibid.; Kelly to Carey, July 30, 1965, Carey Collection.

91. H. R. 1705, 83rd Congress, 1st Session, 1953; H. R. 6178, 85th Congress, 1st Session, March 19, 1957.

92. Jarman to Dicke, July 27, 1964, quoting a report from James E. Officer, Associate Commissioner of the Bureau of Indian Affairs, Carey Collection. Officer wrote, "claims for losses and injuries suffered at Sand Creek essentially fall into the category referred to as 'moral daring' or sometimes as 'depredation claims.' The awards granted in docket no. 329 were for the value of lands ceded by various treaties with the Cheyenne and Arapaho Indians." See also Kelly to Carey, July 30, 1965, Ibid., and the massive collection of records relating to Cheyenne and Arapaho Tribes v. The United States, Docket No. 329, Indian Claims Commission, published on microfiche by Clearwater Publishing Company, 1974.

93. Kelly to Carey, July 30, August 23, 1965, Carey Collection.

94. James M. Bullard, Secretary of State, Oklahoma State Department to Carey, July 23, 1965, Ibid.

95. H. R. 5513, 89th Congress, 1st Session, February 25, 1965; Dicke to Carey, August 28, 1965, November 27, 1966, Ibid.

96. Nancy J. Arnold, Chief Clerk, Committee on Interior and Insular Affairs, to Carey, July 16, 1965; John Jarman to Carey, July 19, 1965; Kelly to Carey, July 30, August 23, 30, 1965, Ibid.

97. Interviews with Laird Cometsevah, December 16, 1979, March 16, 1980, August 31, 1980; interview with Walter Roe Hamilton, July 14, 1980.

98. Constitution and By-Laws of the Southern Cheyenne Research and Human Development Association, Inc., in Ibid.

99. The first fruits of the Sand Creek Project included an article, Moore, "Indian Residence Patterns," pp. 200-201, and a massive computerized genealogy of the Sand Creek descendants.



## EPILOGUE

### THE SAND CREEK MASSACRE: A SEARCH FOR MEANING

1. Simon J. Ortiz, from Sand Creek (Oak Park, Illinois: Thunder's Mouth Press, 1981), p. 9.

2. See Carey, "The Historian versus the Historical Novelist," pp. 32-37, provides a rather sprightly debate on the topic. Carey, "Puzzle," pp. 279-298; and Sievers, "Sand Creek Historiography," pp. 116-142, are excellent for catching the tone of the writing on the subject. Carey is important for his effort to identify the issues, while Sievers provides a useful guide to the literature.

3. In both NBC's "Shame of a Nation," which ran in 1955, and in the movie, Massacre at Sand Creek, released in 1956, the reaction to McCarthyism is quite vivid. The 1960 CBS Playhouse 90 effort, "Massacre at Sand Creek," also focuses its attention primarily on the evil of John Chivington. Soldier Blue (1970) significantly altered Theodore V. Olsen's novel, Arrow in the Sun (Garden City: Doubleday and Company, Inc., 1969), in order to transform a rather average fictional battle into the film slaughter which required dozens of amputees to achieve "realism" in one of the most gratuitous displays of violence imaginable. Its anti-war fervor and anti-military bias was matched, rather more tastefully, the following year with the release of Little Big Man (1971), which turned the Washita battle into Sand Creek and Custer into Chivington. In this film, the director, Arthur Penn, makes no distinction between regular army and Chivington's volunteers, even though Berger, in his novel, Little Big Man, p. 247, has his hero, Jack Crabb say, "Very few of them was scalped, and I didn't see no mutilations at all. That should be said: this wasn't Sand Creek, and these troops was Regulars not Volunteers; professional fighting men are always less bloody than amateurs." Notwithstanding such interpretive niceties, Penn turned his version of Washita into the most wrenching and convincing massacre of Indians on film. NBC's adaptation of Michener's Centennial, by contrast, acknowledges the fanaticism of a militia officer and pits him against a "good" army officer. Here, the emphasis is placed on the blinding effects of prejudice and the massacre itself is presented to emphasize the exploitation of the Indians, in a form much exaggerated from Michener's own version in the novel.

4. In this respect, the earlier writers are particularly instructive. Dunn, Massacres of the Mountains, pp. 342-382, in what is still one of the best argued defenses of Sand Creek, admitted that in the abstract, killing women and children was wrong. "But as a matter of retaliation, and a matter of policy, whether these people were justified in killing women and children at Sand Creek is a question to which the answer does not come so glibly." He then pointed to other moral dilemmas, including the failure of the federal government to exchange prisoners of war during the Civil War when the authorities knew that as a result Union prisoners were dying at places like Andersonville. His message, simply, was that circumstances justified what happened. Paxson, Last Frontier, pp. 262-263, said perceptively, that "the terror in Colorado . . . was no less real because the whites were the aggressors," then goes on to build an argument justifying Sand Creek based upon familiar themes--that "squaws were quite as dangerous as the bucks," that the only way to fight Indians is to destroy them in their camps," and that the soldiers had to speak "the savages' own tongue with no uncertain accent (that is, to fight in the Indian fashion)." Ultimately, Paxson concluded that "the terrible event was the result of the orderly working of causes over which individuals have little control." MacLeod, American Indian Frontier, p. 494, called this argument "meaningless nonsense." MacLeod acknowledged that Sand Creek's importance lay not so much in the event's "actual historical importance" as in the perception that it was important in the public mind. What he objected to was "the need of condoning it." In a step-by-step analysis, he challenged Paxson on every point, even his use of such perjorative words as "squaws" and "bucks." His conclusion: "To condone Sand Creek is too much, merely to get water to the soul of the Reverend Chivington." MacLeod's analysis offers another point which speaks directly to the modern controversy. Some present-day writers are fond of saying that Sand Creek must be judged in the light of the times, that twentieth-century observers must not read into the past their own value judgments. MacLeod made it eminently clear that this is in most respects an invalid criticism, pointing out that the moral debate was a contemporary debate. The issues were raised then, when Sand Creek happened, not afterwards by historians looking for faults in the past. He concluded his discussion, pp. 496-497, with this passage: "Determined, continuous, relentless war upon the tribes in revolt could have crushed these tribes and subdued them. Death to the Indian men responsible for killing any white women would have taught the Indians to refrain from their aboriginal barbarity in war. Of this there is no doubt. But war to the death can be carried, even against savages with the maintenance of the code of honour of honorable Europeans and Americans. Of this too there is no doubt. The cold-blooded, en-masse butchering of women and children has been disapproved of in the United States even by the masses these six decades past. And we may not consider as extenuating any circumstance surrounding the Sand Creek affair, although we may refrain from condemning the participants." Yet, the argument continues. See, for example, Russell, "How Many Indians Were Killed?" pp. 45-46. Implicit, and often unstated, in all of these arguments, is

the need to reconcile Sand Creek with American values. This is accomplished most often by dismissing Chivington as a fanatic and the men of the Third as frontier trash. See, as examples, Gene Caesar, "The Massacre at Sand Creek," Argosy, 349 (January, 1959); C. William Harrison, "Chivington--His Massacre," True Western Adventures, II (December, 1958), 22-25, 67-68; Michael J. Strucinsky, "Permission to Murder," Frontier Times, 35 (Winter, 1960), 14-16, 42-44; and Budington Swanson, "Bloody Massacre at Sand Creek," True Frontier, I (September, 1968), 18-20, 54-55. Irving Werstein, Massacre at Sand Creek. New York: Charles Scribner's Sons, 1963, a book for younger readers pursues a similar line.

5. The literature confirms the human effort to place limits on violence even in war so overwhelmingly as to be beyond debate, but the literature is also somewhat unsatisfying. Most of the relevant writings tend either toward abstraction or toward politicization, while emotionalism characterizes both. For example, Nevitt Sanford, Craig Comstock, et al, Sanctions for Evil (San Francisco: Jossey-Bass, Publishers, 1973), provides some of the most useful essays on the subject of massacre, but most of them are marred by a Vietnam-era anti-military bias. Similarly, Peter A. French, editor, Individual and Collective Responsibility: The Massacre at My Lai (Cambridge, Massachusetts: Schenkman Publishing Co., 1973), lacks balance. M. Scott Peck, People of the Lie: The Hope for Healing Human Evil (New York: Simon and Schuster, 1983), pp. 212-253, is somewhat more dispassionate but still tied to assumptions about the military which seem unsupported by the Sand Creek experience. The state of the literature makes several things clear. First, the literature tends to be episodic in nature, that is, books about massacre seem to be written in response to specific events. Apart from new trauma, the subject is largely ignored. One of the more serious effects of this is to destroy the possibility of clear historical perspective. Many of the arguments which appeared in the aftermath of My Lai--the debate over the unique problems posed by guerrilla warfare, the curious properties of war fought between a technologically advanced society and a technologically primitive one, and the whole juxtaposition of look-your-victim-in-the-eye killings with the wholesale slaughter of modern bombs--needed the kind of historical perspective afforded by incidents like Sand Creek. Second, the literature makes it quite clear that it is impossible to separate the subject from an emotional context. Third, the literature obscures the remarkable continuity of human responses to such events, while the discrete studies, taken together, underscore the similarities of experience. See also William B. Gault, "Some Remarks on Slaughter," American Journal of Psychiatry, 128 (1971), 450-454; Richard L. Lael, The Yamashita Precedent: War Crimes and Command Responsibility (Wilmington, Delaware: Scholarly Resources, Inc., 1982); J. B. Sheerin, "Psychological Causes and Effects of Atrocities," Catholic World, 211 (April, 1970), 2-3; A. Wilson, "How Relevant are the Rules of War?" Currents, 114 (January, 1970), 3-6; "Wounded Knee and My Lai," Christian Century, 88 (January 20, 1971), 59. A recent study which provides useful insights and new methods for studying the phenomenon of massacre in Phillip Shaw

Paludar, Victims: A True Story of the Civil War (Knoxville: University of Tennessee Press, 1981).

6. See Troy Duster, "Conditions for Guilt-Free Massacre," Robert Jay Lifton, "Existential Evil," Viola W. Bernard, Perry Ottenberg, and Fritz Redl, "Dehumanization," and Bernard L. Diamond, "Failures of Identification and Sociopathic Behavior," all essays in Sanford, Comstock, et al, Sanctions for Evil, pp. 25-48, 102-135, for evidence of the critical ingredients of this scenario.

7. Edward M. Opton, Jr., "It Never Happened and Besides They Deserved It," Ibid., pp. 49-70, provides much useful information, but he ties his argument so closely to a political statement that generalizations from his essay alone would be dangerous. Diamond, "Failures of Identification and Sociopathic Behavior," Ibid., especially pp. 128, 134-135, offers very useful insights. Curiously, placing the blame upon the victim takes another form, this time emanating from the critics of massacre. Henry Allen, who has written two novels which use Sand Creek [Squaw Killers and The Last Warpath (New York: Random House, 1966)], notes, "the overriding tragedy was not just the murderous white assault on the sleeping red camp, but equally the Indian failure to listen to its own voices of warning of the coming holocaustic apocalypse of Pony Soldier fire. The Indians knew these troops were in the field; they simply could not believe they were the targets." He adds, "And any view of the Sand Creek Massacre which does not include Indian culpability, specifically in the sense of the red failure to move out in the face of sufficient and several warnings from their own numbers is not a true account. Indeed, it has always been my view that the real tragedy of Sand Creek was not the wickedness of the white man but rather the innocence of the red man." Allen to the author, February 20, 1980. A similar perspective may be seen in Lewis P. Patten, White Warrior (New York: Gold Medal Books, 1956), and in the television version of Centennial, where Lost Eagle (can the symbolism be missed?) is portrayed as a pathetic old man deserving of pity but not of respect. He seems weak somehow, while Broken Thumb, leader of the resistance, emerges as a stronger, more sympathetic figure. As Allen puts it, "What made Sand Creek a memory of monstrous shame was that the Indians believed in the word of the white man."

8. B. Asbell, "The Day America Could Have Used a Psychiatrist," Today's Health, 49 (August, 1971), 24-29, 62-65; Herbert Kelman and Lawrence Lee, "American Response to the Trial of Lieutenant William L. Calley," Psychology Today, 6 (June, 1972), 41-45, 78-81; "The Clamor Over Calley," Time, 97 (April 12, 1971), 14-21; "Judgment at Fort Benning," Newsweek, (April 12, 1971), 27-34. See also Richard Hammer, The Court-Martial of Lt. Calley (New York: Coward, McCann, & Geoghegan, Inc., 1971) pp. 373-398.

9. Robert L. Beisner, "Guilt and Perspective at Sand Creek and My Lai," Washington Evening Star, December 7, 1969.

10. See especially the Newsweek poll in "Judgment at Fort Benning," p. 28; and Kelman and Lee, "American Response," pp. 41-45, 78-81. For background on the My Lai Massacre, see Richard Hammer, One Morning in the War (New York: Coward, McCann & Geoghegan, Inc., 1970), and Seymour M. Hersh, My Lai 4: A Report on the Massacre and Its Aftermath. Vintage Edition (New York: Random House, 1970).

11. "NBC Nightly News," October 31, 1982.

12. Quoted in Telford Taylor, Nuremburg and Vietnam: An American Tragedy (New York: Bantam Books, 1970), p. 182, from MacArthur's statement confirming the death sentence of General Yamashita.

13. Studs Terkel, American Dreams: Lost & Found. Ballantine Edition (New York: Ballantine Books, 1981), pp. 192-193. The problem is not that people have not heard, but rather that people have assumed that the experience is a relic irrelevant to the present. Dunn, Massacres, p. 382, dealt with another kind of selective memory, when he warned a nineteenth century readership of the dangers of regarding Sand Creek as "the climax of American outrages on the Indian." He wrote: "Lay not that flattering unction to your souls, people of the East, while the names of the Pequods and the Conestoga Indians exist in your books; nor you of the Mississippi Valley, while the blood of Logan's family and the Moravian Indians of the Muskingum stain your records; nor you of the South, while a Cherokee or a Seminole remains to tell the wrongs of his fathers; nor yet you of the Pacific slope, while the murdered family of Spencer or the victims of Bloody Point and Nome Cult have a place in the memory of men--your ancestors and predecessors were guilty of worse things than the Sand Creek massacre." In terms of casualties and of intent, Dunn was probably correct, but in symbolic terms Sand Creek remains the measure against which similar atrocities are drawn. In William Eastlake's short story about Vietnam, "The Biggest Thing Since Custer," Atlantic Monthly, 222 (September, 1968), 96-97 (written before My Lai), the author describes the scene of a Vietcong massacre of an army unit with the reputation of being "ear-men," taking ears as trophies. As a young lieutenant surveys the dead, he muses upon the crimes of the dead soldiers, then concludes that their crimes were not new. Recalling from his college days that he had read the testimony of the mutilation of the dead at Sand Creek, the lieutenant says to himself and the dead commander, "I don't think you can top that Clancy. I don't think war has come very far since then. I don't think your ears can top than, Clancy."

14. Beisner, "Guilt and Perspective."

15. "On Evil: The Inescapable Fact," Time, 94 (December 5, 1969), 26-27.

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## ABSTRACT

SAND CREEK: TRAGEDY AND SYMBOL

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On November 29, 1864, United States volunteers under the command of Colonel John Milton Chivington attacked a village of Cheyenne and Arapaho Indians on Sand Creek in eastern Colorado Territory, killing more than 150 men, women, and children. The "Sand Creek Massacre," as the incident came to be called, prompted two congressional hearings and a military investigation, contributed to worsening Indian-white relations on the central plains, and precipitated a public controversy which fueled a historical debate which still rages today. In this case study of Indian-white conflict, the view that the United States government systematically followed a policy of genocide against the Indians and the notion that massacres can be dismissed as the psychotic behavior of a few individuals are both rejected. The study argues instead that massacres are the work of ordinary people under stress.

This study examines the Sand Creek affair in two ways. First, it presents a detailed chronological account of the origins and consequences of the massacre, examining the multiplicity of forces at work in the tragedy. Special attention is given to the cultural differences between the Cheyennes and the Americans, to white attitudes toward the natives, to political and personal motives of the principal characters, and to the factors which transformed a frontier skirmish into a public controversy. Second, the study examines the Sand Creek Massacre as a symbol of the

failure of American Indian policy in the nineteenth century and seeks to find in the symbology of Sand Creek keys to understanding why massacres occur. The study explores in the rationale of massacre in Colorado, probes the historical controversy from its origins in the aftermath of the massacre to its present manifestations in historical and popular writing, and examines the use of the Sand Creek image by the Indian reform movement and by modern reformers.

Ultimately, the study uses the Sand Creek Massacre to identify the common denominators of massacre broadly conceived and to probe why such events occur. Placing Sand Creek within the context of similar events throughout American history--from the massacre of the Pequots at Mystic in 1637 to My Lai--it treats Sand Creek not as an anomaly but as a human tragedy of which every generation is capable.