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## **Appendix: Thoughts on John Evans and Sand Creek**

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## Appendix: Thoughts on John Evans and Sand Creek

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## THOUGHTS ON JOHN EVANS AND SAND CREEK

Gary Roberts, December 2013

Apart from political rivalry, there was little reason to oppose John Evans as governor of Colorado. He was a success by almost any standard one chose to apply. He was a self-made man, a son of the Middle West. He grew up in a Quaker family in Indiana, and although he converted to Methodism later, Protestant evangelism was a central feature of his character and experience. As a young man, he set his goals high—to build a city, to found a college, to create a fortune, to become a governor, to be elected to the United States Senate, and to make a name for himself. He became a physician, taught medicine, and became an early advocate of various causes, including the creation of hospitals and treatment of the insane. He invested in real estate and railroads. He donated land for the construction of hospitals and universities and sought political office. He opposed slavery and joined the Republican party during the 1850s. By 1861, he had achieved most of his goals. He wanted to expand his wealth and saw the way to do it in railroad expansion. He had not realized his political ambitions, so that the opportunity to become governor of Colorado served his interests both as a politician and as a railroad entrepreneur.

John Evans appears to have been well-intentioned at the beginning of his tenure as governor. Almost certainly he had given the matter of Indian affairs little thought. Even though his job involved ex officio responsibilities as Superintendent of Indian Affairs, policy was set in Washington and agents had the responsibilities for carrying it out. His role would be supervisory and hardly a matter of great concern. If he was typical of middle class white Americans from more settled areas, he carried with him thoughtless images and assumptions about “Indians.” These images and assumptions embodied few distinctions between tribes. The ideas he held were about a vague “them.” He gave little thought to Cheyennes or Arapahos or Utes as major factors in his mission as governor. He assumed, as a matter of course, that the “higher purposes” of settlement and development would control outcomes. As a Methodist layman, he understood the missionary purpose of saving Indian souls and civilizing savages. His essential paternalism was evident in his first contacts with the Cheyennes and Arapahos. They confirmed his belief in their essential barbarism, and he lectured them like children. But, even then, he was more dismissive than concerned. He had a railroad to build, a metropolis to construct at Denver, economic growth to promote, a state to create, and political and personal ambitions to realize.

In all that he hoped to accomplish, his sympathies were tied to the land and the settlers, to the new order that would transform Colorado. The one thing that was incompatible with his goals, as he understood them, was his responsibility to manage and protect the interests of the Indians. At first, he appears to have believed that reconciling the two would pose no large problem, but Indian affairs not only proved to be more complicated than he suspected, but also they directly threatened his economic and political plans. Given a choice between the white settlers and the Indians, like most Western governors, he would side with the settlers. Rumors of Indian raids along the Platte created unease in the settlements, so much so, that in July 1862, the *Denver Daily*

*Rocky Mountain News* proclaimed that “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.” [NOTE: General Harney was William S. Harney, who struck a village of Sioux at Ash Hollow (Blue Water Creek) on the North Platte in September 1855. Approximately 76 men were killed and 43 women and children taken as prisoners.]

Evans does not appear to have shared the sense of danger that the settlers did at that point. Instead he made proposals for extinguishing the land claims of the Utes, Comanches, Kiowas, and Apaches, and prepared a plan for settling the Cheyennes and Arapahos on the Sand Creek reserve. He proposed (a) holding a few chiefs responsible for the actions of all, (b) allotting land to Indian families, (c) encouraging farming and stock raising, and (d) educating children. He explained to Commissioner Dole in August 1862, that civilization could come only “by suspending the wild influences of their aboriginal state and condition in their children.” As he explained years later in one of the Bancroft interviews, the Indians had to be taught the “proper doctrine” 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.” In October, 1862, after he returned from a trip to Chicago and a meeting of the board of directors of the Union Pacific Railroad, he wrote Commissioner of Indian Affairs Dole that “we have but little danger to apprehend from Indian hostilities. . . .” Two developments changed his mind.

The first was the Minnesota Massacre, which made national news in August 1862. Evans told the Bancroft interviewer years later that Colorado’s Indian troubles were “the legitimate consequence of the teaching of Little Crow, the head of the Siouxs 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.” When Colorado’s troop strength was reduced further, Evans complained about its economic impact, but played down the prospect of Indian troubles. In this assessment, he was backed initially by the *Rocky Mountain News*. The *News* declared on January 15, 1863, “It is useless to think of retaining twelve hundred cavalry and still a greater number of infantry, lying here comparatively idle.” Still, continuing reports of murdered settlers in Minnesota underscored Colorado settlers’ sense of isolation and caused them to look at the Colorado tribes with greater apprehension. On January 29, just two weeks later, the *News* reflected public concerns, writing, “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.” Evans, however, proceeded with plans to move all of the Cheyennes and Arapahos onto the Sand Creek reserve. He expected them, he wrote Dole, on February 26, 1863, to “quietly accept under the Treaty if the Department will aid in the matter.” At that point he was more concerned about dealing with other tribes—Comanche, Kiowa, Plains Apaches, and Utes. When delegations were sent to Washington that spring, the Cheyennes and Arapahos who went, were added at the last minute as an afterthought.

The second development was a legal one—and the decisive one. In December 1862, Samuel Browne, the District Attorney for Colorado, complained to the Secretary of the Interior that the Treaty of Fort Wise failed to define the boundaries of ceded lands, which was creating problems in the courts. On February 22, 1863, Dole advised Browne that the lands ceded extended from the South Platte to the Arkansas. With this information in hand, Browne halted land surveys north of the South Platte and published the boundary limits in the territory's newspapers. On April 10, 1863, Evans challenged this interpretation warning Dole that if the interpretation was not changed, "we are liable to have an Indian war on our hands." Now, for the first time, he reported depredations and claimed that the Cheyennes and Arapahos were planning to drive the whites "off of what they claim to be their lands." He begged Dole to change the interpretation "to give us authority to avert this threatened repetition of the Minnesota war. . . ." Other officials joined the chorus. In May, Dole buckled and instructed Evans "to adopt such a kind of policy as may be found expedient."

Browne challenged Dole's decision and predicted that if the Commissioner did not secure a new treaty "we may have trouble with these bands." The normal spring and summer movements of the tribes fed the rumor mill as did reports of General Sibley and General Sully leading expeditions west into Dakota Territory to mop up Santee Sioux who had fled Minnesota and overawe the western Sioux. Evans also became embroiled in a quarrel with a man named John W. Wright, who was sent to survey the Sand Creek reservation. Evans pressured the Indian agents to provide information concerning the mood of the Indians, and planned a conference with the Cheyennes and Arapahos for September 1, 1863. As early as June 24, 1863, he told Dole that while he had "little fear" of the Arapahos, he was certain that the Cheyennes were "meditating war." It was a rough summer, and the tribes suffered from lack of water and grass and the spread of diphtheria and whooping cough. It was true that the Cheyennes, in particular, were sullen and uncooperative. They understood what Evans wanted and found it unacceptable. Rumors fed Evans' worst fears, especially with reports that the Sioux were sending pipe bearers to the Cheyennes and Arapahos following Sully's fight with Santees and Yanktonais at Whitestone Hill in August 1863.

Evans' planned conference never took place. His handling of the arrangements was clumsy, and he paid little attention to the reasons the tribes provided for not attending. He interpreted what happened as evidence that war was inevitable. On September 22, 1863, he wrote a half dozen letters expressing his fears. Yet, in a letter to Dole, on October 14, he noted "a period of quiet among the Indians, and a general feeling of security from danger in the public mind." He even suggested that the "wisest policy" was to encourage the tribes to be scattered into small groups. As late as November 2, 1863, he advised Agent Colley that he was "well satisfied that until we are ready for them on the Reservation they will do better to be out after game."

On November 7, after reports of horses stolen by Arapahos near Denver, Evans requested that Chivington try to recover the horses, but told him "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." That same day,

Evans received a report from Robert North, an eccentric white man who had lived among the Arapahos, of a secret plan among the tribes to commence a war in the spring. North provided what Evans wanted or feared. From that time forward, Evans was convinced that war was certain, although other reports were not as convinced of imminent danger. While in the East that December, he attended a meeting of the “Managers of the Pacific Railroad” in New York, which gave him reason to believe that a Colorado route for the railroad was still possible. This made resolving the Indian question even more urgent. Yet, on December 20, he wrote an interesting letter to Commissioner Dole, telling him that the Cheyennes and Arapahos “utterly refuse” to accept the Fort Wise treaty and asking permission to negotiate with the tribes for another reservation site.

That winter the Department of Kansas was created, and the new commander, General Curtis, did not expect any serious threat. With first movements in the spring of 1864, most of the Cheyennes and Arapahos were east of the mining camps near the headwaters of the Smoky Hill and Republican and moving farther east. On April 7, General Curtis was advised that cattle had been stolen from a government contractor in Denver. Curtis ordered Chivington to pursue the thieves. He also sent messages to General Mitchell and Colonel Collins. Both Mitchell and Collins were skeptical of the reports. Chivington, on the other hand, immediately blamed the Cheyennes, and put a force into the field commanded by Lieutenant George Eayre. No evidence existed to prove that a theft had actually taken place, but Chivington advised Curtis that Cheyennes were responsible. Troop movements prompted more rumors of more depredations. Major Jacob Downing, Chivington’s bulldog with an intense hatred of Indians, struck a village and burned the camp when the inhabitants fled without a fight. Later, a group of Cheyenne Dog Soldiers planning to join a raid against the Crows, picked up four stray mules. When the owner met them, the Dog Soldiers demanded a reward for returning them. As a result, the owner went to the military, and a force under Lieutenant Clark Dunn, another of Chivington’s aggressive officers, took the field. Near Fremont’s Orchard, Dunn got into a running fight with the Dog Soldiers. In neither case was there any evidence of intent on the part of the Cheyennes to move against whites.

These episodes were enough to convince Evans that his predictions of a war “were too well founded to justify indifference.” The cautious Curtis issued orders on April 18, 1864, that troops “try to prevent irritations of Indian difficulties.” By then, Lieutenant Eayre, who had not been heard from, had skirmished with two separate camps and burned them when the Cheyennes fled. Eayre later reported to Chivington that the Cheyennes had stolen the contractor’s cattle and “that they meditate hostilities against the whites.” Major Downing also advised Chivington, “Everything indicates the commencement of an Indian war.” On the other hand, several officers reported that the Cheyennes were frightened and anxious to maintain good relations with whites. Elbridge Gerry reported on April 14, 1864, that the tribes were unaware of any sorties against whites, and John Prowers told Colley [Colley to Evans, April 19, 1864] that the Cheyennes had no intention of joining a war. Captain David Hardy recovered fifty head of cattle that had been found by the Cheyennes, and he reported the Indians “very frightened.” Captain Samuel Cook wrote Chivington’s adjutant on April 22, that “the Indians are very much alarmed and appeared to be very anxious to keep on good terms

with whites.” Other commanders could find no trace of Indian hostility. The evidence was far from convincing that a war was planned by the Cheyennes and Arapahos.

Evans, however, picking and choosing his sources, believed he had the evidence to make his case. Then, Curtis advised his commanders that he needed troops urgently. Already supporting Union operations along the Red River against Confederate troops, he now expected Quantrill to move into Kansas and a Kiowa threat below Fort Larned. On April 28, 1864, he ordered Chivington to move all the forces he could spare to the “extreme South East of your district” because of the Rebel threat. Chivington reacted by requesting permission to call out the militia and asking that he be allowed to launch a raid into northwestern Texas. He wrote, “If there should be further Indian troubles, which does not seem probable, the militia are armed and can take care of them.” This came only days after Evans had requested more troops and after Chivington had learned of a Cheyenne raid on the Platte route west of Julesburg. Chivington played down the threat. He suggested calling out the militia, adding, “Don’t think they will be needed but the possibility they may.” [Chivington to Curtis, April 29, 1864] Even the *Weekly Rocky Mountain News*, said, on May 4, “this Indian war was ‘a heap of talk for a little cider.’ White men have undoubtedly been the aggressors.” Evans, by contrast, continued to urge support against an imminent Indian war.

Major Downing, ever the aggressor, was anxious to pursue the matter of Indian hostility, as well. While Chivington prepared to move into southeastern Colorado as Curtis commanded, Downing took the field. On May 1, 1864, he captured and tortured a Cheyenne, who agreed to lead the troops to a village at Cedar Bluffs. On May 3, Downing attacked. He killed several before the survivors escaped into a draw and managed to hold him off. Downing was very pleased with himself, and wrote Chivington, “I believe now it is but the commencement of war with this tribe, which must result in their extermination.” Evans agreed. Chivington ordered troops to the Arkansas. He left one company at Fremont’s Orchard on the advice of General Curtis to keep them there “till we know Indians will remain quiet.”

Lieutenant Eayre was still in the field, and reports from Captain Parmetar at Fort Larned, and General Mitchell expressed concerns about Indian hostilities. Evans was now demanding that Colorado’s troops be returned to prevent the settlements from being wiped out. At mid-May, Eayre materialized, reporting that he had been attacked by Cheyennes and had weathered a seven and a half hour battle. What had happened was much more serious. Eayre had killed two chiefs who rode out to parley with him, Lean Bear, one of the most prominent peace chiefs, and Star. Black Kettle eventually managed to stop the fight that followed, although Wolf Chief said that it was a long time “before the warriors would listen to him. “We were all very mad,” he recalled. The murder of Lean Bear and Star resulted in a series of raids between Fort Riley and Fort Larned, but at a gathering shortly afterwards, most of the Cheyennes opposed war. The Dog Soldiers were the exception. Yet, even with the raids on the Arkansas, the only attack by Indians in Colorado was the incident on the Platte route in April.

On June 7, 1864, Chivington finally left Denver for the Arkansas, more than a month after he was ordered to the Arkansas. When he arrived at Fort Lyon, he advised Curtis [June 11, 1864] that while he believed that the Kiowas and Cheyennes intended to fight and “will have to be soundly thrashed before they will be quiet,” he could keep the route between Larned and Lyon clear “of Indians and Robbers & if the Major General directs, I can make a campaign into Texas or after Indians on Smokey Hill & Republican.” Chivington obviously believed he had matters well in hand, this only days after Evans, on May 28, had begged Curtis not to leave Colorado defenseless. “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.” In June, a Cheyenne named Spotted Horse met with Evans to explain the Cheyenne side of the story, but Evans was still skeptical. On June 10, the last company of the First Cavalry departed Camp Weld for the Arkansas.

At that point, then, the leaders were divided. Evans was promoting the idea of imminent danger, demanding “a severe chastisement,” [Evans to Dole, June 8, 1864] while assuring Dole 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.” Curtis, and other officers in the Department of Kansas, were still convinced that matters, while tense, were under control. Chivington had moved his troops into southeastern Colorado, and was assuring Curtis that he could protect the road and still take care of the Indians or even launch a raid into Texas against the Confederates. When pressed by William Bent to move quickly to assure peace, Chivington replied that if war did come “the citizens would have to protect themselves.” On the surface, at least, the evidence does not support a unified front between Chivington and Evans. Evans wanted to “whip those red skin rebels into submission at once.” [Evans to Curtis, June 3, 1864, with copies of his correspondence attached]. Chivington was hoping for a chance to take on the Confederates in Texas.

The day after the last troops left Denver for the Arkansas, June 11, three riders charged into Denver to report extensive attacks near the city. The Hungate family had been killed at the ranch of Isaac P. Van Wormer. Evans was frantic. He advised Secretary Stanton that Indian hostilities had commenced. He reported “extensive Indian murders” to Commissioner Dole. He demanded that Curtis return “the whole regiment” to defend the settlements. Inexplicably, the mutilated bodies of the Hungates were displayed on the street in Denver, heightening the dread and anger. Denver already was on the verge of panic when on June 15, reports reached Denver of a large party of Indians moving on Denver. Fear took command, with citizens rushing into the streets and taking refuge in the Denver Mint and the upper story of the Commissary building on Ferry Street. Men broke into the military warehouses and stole guns and ammunition. Through the night, chaos reigned. Evans reacted hysterically. Every dispatch was exaggerated. He told Curtis, “We absolutely need the whole regiment in addition to all we can do here.” He wired Secretary Stanton that Indian hostilities had commenced. He wired Dole that “extensive Indian murders” were “reliably reported” within twenty-five miles of Denver.



It turned out that the Indian army was a herd of cattle being driven toward Denver by Mexican cowboys, but hysteria was the order of the day. Evans did pull himself together and produce in a matter of hours a plan of action. He demanded that the First Colorado be returned to Colorado. He proposed to organize the militia under federal authority. He introduced the idea of a one-hundred day regiment for service against the Indians. He proposed a major offensive against the tribes. He proposed that friendly Indians be gathered at “places of safety.” On June 15, he wrote Dole a lengthy report arguing that the Indians had been the aggressors in the spring raids, while acknowledging that some opposed the fighting. His plan had a certain logic. If the peaceful Indians came in and were treated well, the hostiles might follow suit and the war ended. The responses he received from Dole and Curtis were tepid at best. Curtis was also receiving correspondence from other commanders that conciliation was the best course. Dole was receiving similar reports from the Indian agents. The best course, Curtis’ inspector general told him was to 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 troops to unite all of these warlike tribes of the plains.”

Nathaniel Hill, in Colorado only a few days, wrote, “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.” Of Evans, Hill wrote, “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.” Curtis agreed with that assessment, which set Evans off. He demanded that Curtis show that he was wrong about the threat. Curtis shot back that “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 doing all in our power to prevent such a disaster.” T. S. McKenny, Curtis’s inspector general, advised headquarters on June 15: “It should be our policy to try and conciliate them, 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 [a clear reference to the Colorado sorties]. It will require but few murders on the part of our troops to unite all of these warlike tribes of the plains.” On June 20, Major Henry Wallen expressed the view that war could still “be prevented by prompt management.”

Evans, for his part, was frantic, regularly adding telegrams and letters to the files of Curtis, Stanton, and Dole. The settlers, already suffering from the effects of spring floods, lived on a steady diet of rumors and believed the worst. The only question was who to blame, and Evans was increasingly blamed by many. Additional urgency was added when Congress passed an enabling act for Colorado statehood, and a constitutional convention had called for July—a critical matter within itself, but doubly so in the context of the “Indian problem.” The Indian troubles also endangered his plans for a Colorado route of the transcontinental railroad. Colorado’s economy was in trouble. He had to do something. On June 27, he issued his proclamation “To the Friendly Indians of the Plains.”

It was bound to fail. For one thing, between June 11 and July 17, there were no confirmed reports of Indian hostilities within the Territory of Colorado. All of the problems were east, concentrated either on the Arkansas near Larned or on the Platte. Evans was clearly nervous. On July 2, 1864, the Congress passed new legislation which raised the governor's hopes for a Colorado route for the transcontinental railroad when it authorized the Union Pacific Eastern Division to meet the Central Pacific "provided it reached the hundredth meridian before the Union Pacific line out of Omaha did, according to Evans's biographer. This increased the urgency of resolving the Indian troubles in order to clear the way. Evans saw himself in a race, and his future was the prize.

At the same time, Chivington, who had done virtually nothing that he had been asked to do by Curtis had returned to Denver late in June, ostensibly to help restore order there although there were no troubles to quell. He was now talking fight. He wrote Curtis on July 5, 1864, "My judgment is that the only way to conquer a peace is to follow them to their settlements & then chastise them." On the other hand, the Cheyennes and Arapahos were convinced that "the Big War Chief in Denver had told his soldiers to kill all their squaws & pappooses. . . ." Special Agent H. T. Ketcham wrote Evans on July 1, that he had heard these charges, adding, "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 cannot believe that Col. Chivington whose courage, benevolence, piety & patriotism are unquestioned, ever issued such an order." What was clear, however, was that the bands would be reluctant to come in because they were convinced that the whites wanted war. Only the most tractable would even consider presenting themselves at military posts or agencies in Colorado.

Curtis seemed unaware of Chivington's return to Denver. On July 7, he ordered Chivington to proceed from Fort Lyon to Fort Larned to deal with a building crisis there. Several days later Major Wynkoop received orders from headquarters by courier to move to Larned with four companies. Rather than obeying the order, Wynkoop forwarded the message to Denver for approval from Chivington, who had instructed him not to leave the District of Colorado without his permission. Unfortunately, Chivington had left Denver by then to return to Lyon. He did not arrive until July 15. On July 16, Evans wrote Curtis, "It is very important that Col. Chivington operate with his command on these infernal Indians." Chivington finally left Lyon for Larned on July 17, the very day that the situation at Larned erupted into violence. By the time Chivington arrived on July 20, open resistance on the part of the tribes, including the Cheyennes, was a fact in western Kansas. George Bent recalled the plunder from the raids that warriors brought to villages on the Solomon.

The same day, July 20, an infuriated Curtis, advised a Kansas commander that he would go to Larned himself, blaming the crisis there primarily on Chivington. On July 27, 1864, Curtis issued Field Order No. 1, which included the following instructions: "Indians at war with us will be the object of our pursuit and destruction, but women and children must be spared." Curtis marched from Fort Riley to Fort Larned with four

hundred men. On July 29, he secured Fort Larned. Curtis was livid with Chivington, chastising him for disobeying orders and returning to Denver when he had been ordered to defend the Arkansas route. "I fear your attention is too much attracted by other matters than your command," he wrote on July 30. Because the failure of policy had occurred on the Arkansas route between Larned and Lyon and, in Curtis's mind, was due to Chivington's dilatory actions, he now removed Fort Lyon from the District of Colorado, and created a new district, the District of the Upper Arkansas, to be commanded by General James G. Blunt.

Chivington protested, but to no avail. Besides, while troops from Nebraska and Kansas were in the field against the tribes, Chivington was spending a significant portion of his time campaigning for Congress in the event statehood passed--and as congressional delegate if it didn't. The only Colorado troops actively engaged were those who were stationed at Fort Lyon and Fort Larned in the District of the Upper Arkansas, and a few troops on the South Platte. Chivington even diverted some forces to chase Confederate guerillas reported to be in the area. Evans, who was also campaigning for statehood and a seat in the U. S. Senate, continued to plead for assistance, by now viewed by nearly everyone in authority as an alarmist.

On August 7, 1864, the Indian war exploded with full force along the Platte River in Nebraska and in western Kansas. Curtis was inundated with requests for assistance from every district and territory in his command. Chivington chimed in as well, noting that most of his troops were chasing Confederate guerillas and asking that the five companies of the First Colorado Cavalry at Fort Larned be returned to his district. Evans added, "We are in a desperate condition on account of our communications being cut off by Indians." Without any doubt, Colorado's commerce was in danger and its population fearful. On the day that the native assault began on the Little Blue in Nebraska, Colorado businessman Joseph Kenyon wrote to his New York associate, Samuel Barlow, "We are at present fearfull [sic] of trouble with the Indians on the Plains as they have already driven away and killed many of the Settlers on the Platte & they are still suffered to commit these depredations while our Officials are stumping the Territory for State Organization & their promotion to Congress[,] Governorships &c." Four days later, in another letter concerning the threat to Colorado, Kenyon wrote, "We are indebted to an imbicile [sic] Executive for this state of things as a little decision coupled with good sense would two months ago have avoided what must now cost many lives and I fear a general suspension of business for months to come."

The statehood campaign had been launched in July, while Chivington was supposed to be on the Arkansas between Fort Lyon and Fort Larned. It was quickly linked to the "Denver crowd," a reference to Evans, Chivington and friends. On July 27, the *Black Hawk Mining Journal* reported, "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." The timing was not good. Given the tensions and uncertainties concerning the Indians, the campaign for statehood gave the enemies of Evans and Chivington and of statehood itself, an opportunity. Despite Ned Byers's efforts to make a case that Colorado would not have been ignored if it had been a state,

the anti-state forces made a case against Evans and Chivington and their handling of affairs. The *Mining Journal* said, on August 13, “The Government does no injustice to us in throwing the work of defense into our hands, and if we attend to that work, we are competent to keep open the route open between here and the States, and to protect our territorial settlements. But instead of attending to it, our military leaders are stumping the Territory for offices for themselves.”

Even Chivington’s soldiers were critical. On July 28, the *Journal* published a letter from Fort Lyon which said, “This war is nothing but a political hobby, 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.” Another soldier was quoted on July 29, “we have as yet had no encounter with any foe but of the bedbug and mosquito tribes.” Major Wynkoop was criticized for 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.” The day after the attacks began in Nebraska, the *Journal* said, “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.” Evans suffered most. When the Republican convention convened on August 2, he was nominated as Colorado’s congressional delegate (in the event statehood failed), but the nomination failed, and Chivington was nominated instead.

Under pressure, Evans continued his letter writing campaign. Once fighting renewed on the Platte and returned to the Arkansas, Evans was desperate. On August 10, Evans appealed to the public through the *Rocky Mountain News* to defend themselves from the “merciless savages.” He warned citizens not to kill friendly Indians as that would “only involve us in greater difficulty.” He also wired Stanton, requesting permission to raise a cavalry regiment for one hundred days. Byers added his own opinion that “a few months of active extermination against the red devils will bring quiet and nothing else.” The next day, August 11, Evans issued his second proclamation, this one authorizing citizens “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. . . .” He also telegraphed Curtis again that day, begging that both Colorado regiments be returned to Colorado and that an additional five thousand men be deployed along the Platte and Arkansas routes. An exasperated Curtis, responded, “I wish you would give me facts, so I may know of your disasters.” That generated more pleas from Evans, until Curtis lamented to his adjutant, on August 20, “Everything from Colorado is sensational [sic].”

Curtis could only suggest that Evans use militia. But Evans’s pleas for permission to raise a one-hundred day regiment, paid off. He received authority from Washington, and, on August 23, he issued his call for volunteers. Then the rumor reached Denver that a force of Cheyennes, Arapahos, Kiowas, Comanches, and Apaches were gathering to attack the settlements, 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.” At that point, Chivington declared martial law in Denver, suspending civil authority, as well as closing all businesses except for two hours a day.

All men were ordered to enlist in some form of military service. Denver became an armed camp. The provost guard roamed the streets, and literally forced men to enlist in the new Third Regiment. Militia drilled in the streets. Parties of men from outlying areas came and went as part of the enlistment process. The political opposition claimed that forced enlistment was the real reason for declaring Martial Law.

Chivington reveled in his new found power. Sam Tappan later recorded in his diary two incidents involving Chivington's behavior during his "reign." In the first, he said that Surveyor Case went to Chivington to request permission to leave town. Chivington told him to sit down, then tossed his pen on the desk and leaning back in his chair, said, "I believe I could run an empire." The second incident occurred when Mr. Gove, a local locksmith asked permission to repair a lock for a customer who had come in from outside the city, assuring the commander that it would take only a few minutes. Chivington told him, "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." Chivington also seized five members of the Reynolds gang (Confederate guerillas) being held by U. S. Marshal Hunt, and put them into military confinement. They were supposed to be transferred to Fort Lyon for trial before a military commission. Escorted by troops from the new Third Colorado Cavalry, four days out of Denver, the prisoners were shot "while attempting to escape." Chivington was accused of ordering the executions. He reportedly told bystanders later, "I told the guard when they left that if they did not kill those fellows, I would play thunder with them." [See U. S. District Attorney Browne to Curtis, October 3, 1864.]

These extreme measures shocked many and enraged the business community. FitzJohn Porter, a Democrat and another business associate of Samuel Barlow, complained on August 27, to his friend, "We have been afflicted with imbecility in the management of civil affairs to such an extent that a tyro in military affairs, Col Chivington (the preacher and pretended soldier) aided by a few aspirants to political preference struck and suspended the functions of the Governor (Candidate for the Senatorial chair under the State organization) and of all civil process and law in Arrrapho [sic] county and threatened the same up here [Central City] if we, the people, did not furnish sufficient men for the one hundred day regiment in the U. S. Service in order to ensure his retention in service after the expiration of his enlisted term." Porter said that rumors were common that "Chivington and his friends kept up their reports of indians to throw the governor into contempt and become candidate for the Senate himself, if we became a state." He also said, "During all this time though Chivington had U. S. troops under him[,] he did not go himself or send a soldier to learn the truth of the reports. Most of the murdered and scalped have come into Denver surprised to hear that they and all in their vicinity had been wiped out."

Nor did Evans escape Porter's wrath. He said that during the excitement about the Indian assault on Denver, Evans was so frightened, he "took to a well and sent up in a bucket such official dispatches as 'Maj. General Teller, Central City, The Indians have combined and are upon us. Our city is threatened with destruction and we with massacre. For God's sake hurry down the noble mountain boys. We will defend our homes to the

last drop of our blood. Hurry, hurry, we go to the intrenchments [sic].’ It is also said he got afflicted with too much water that night, and was confined to his bed or room as long as an indian was reported about.” Porter was plainly an enemy of both Chivington and Evans and did report these things as rumors, but they are interesting to the extent that they suggest that Chivington and Evans were not joined at the hip as most accounts have supposed.

In an effort to defend himself against his enemies, Evans began to publish his correspondence—months of it—in the *Rocky Mountain News* to prove that he had tried to get help for Colorado. But prospects were so grim for statehood that on September 2, Evans withdrew from the senatorial race, hoping that his withdrawal would save the measure. It did not. On September 13, 1864, statehood was soundly defeated, and Alan Bradford beat Chivington in the race for congressional delegate. Evans called it “the greatest mortification of my life.” His only consolation prize was that on September 19, he was able to announce that the Third Regiment was filled. Even that was bittersweet because a dead calm had settled on the plains. Throughout the Department of Kansas, officers reported quiet. The Indians were gone. The last reported incident in Colorado occurred near Fort Lupton, on August 25, when a single Indian was killed near Hall’s Ranch [*Rocky Mountain News*, August 31, 1864]. More importantly, the day before the Third was reported filled, Evans received a telegram from Major Wynkoop at Fort Lyon that informed him of Wynkoop’s Smoky Hill expedition to meet with the Cheyenne and Arapaho chiefs and of his intention to escort the chiefs to Denver to meet with him. Evans was mortified.

The next day, September 19, Chivington received a message from Wynkoop: “I start for Denver tomorrow with chiefs of Arapaho & Cheyenne Nations as well as four prisoners.” Chivington’s prospects were gloomy as well. His term of enlistment was due to expire on September 23, although he would not leave command until he was officially relieved. But, if he did not accomplish something in the uncertain time he had left, he would be left with nothing but the memory of Glorieta, poor comfort to a man like Chivington. His response to Wynkoop’s news was noteworthy. He immediately telegraphed Curtis, asking that ordnance found for New Mexico be diverted to him for a campaign against “Indian warriors congregated eighty miles from Fort Lyon, 3,000 strong.” Chivington used the letter for its intelligence on the location of the main camps. He then wrote Curtis, “Winter approaches. Third Regiment is full, and they know they will be chastised for their outrages and now want peace. I hope the major-general will direct that they make full restitution and then go on their reserve and stay there.” Ned Byers played the matter down in his paper, saying, “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.”

On September 27, Wynkoop arrived ahead of his command and went directly to Evans. Evans waffled. He told Wynkoop matters were out of his hand, and that the Indians needed to be punished more to insure peace. More than once he asked, “What will I do with the Third Regiment if I make peace?” He told Wynkoop, “The Third Regiment was raised to kill Indians, and kill Indians it must.” But he could not refuse to

meet the chiefs. The following day the *News* reported that Byers had met with Wynkoop as well, concluding “we believe it is the part of prudence to compromise with the tribes named upon the terms which they propose. They have unquestionably had great provocation for hostilities, and were not the first to violate friendly relations.” The Weld Conference was held that afternoon. It was generally a failure. As the *Black Hawk Mining Journal* reported, “The INDIAN COUNCIL amounted to this. Governor Evans shifted the responsibility onto Col. Chivington, and he shifted it onto Major Wynkoop.” The *News* was much more upbeat. Byers wrote, “. . .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 consummation devoutly to be hoped for.” He also reminded readers that there were still enough Kiowas, Comanches, and Sioux at war “to satisfy the most ambitious.” Evans advised Colley, “this arrangement relieves the Indian bureau of their care until peace is declared with them. . . .” Yet, in his annual report to Dole, on October 15, he expressed his belief 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.” He added, though, “A peace before conquest, in this case, would be the most cruel kindness and the most barbarous humanity.”

General Curtis, without really knowing any of the details, advised Chivington on September 28, 1864, the day of the conference, “I want no peace till the Indians suffer more. . . . No peace must be made without my instructions.” Chivington showed this message to Wynkoop before the major departed for Lyon with the chiefs and his escort. Chivington saw it as the “waffle room” he needed; Wynkoop was more optimistic. When Wynkoop reached Lyon on October 8, he found two hundred Indians camped “fifteen miles from here.” Captain Soule wrote Chivington with this happy report on October 10, and Wynkoop wrote a lengthy report to Curtis asking for his instructions the day that he returned. “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.” He sent the message to Curtis by special dispatch with a carefully briefed officer. Curtis, still focused on other matters, did not respond favorably. For one thing, he was angry that Wynkoop left his post in the District of the Upper Arkansas and carried the chiefs to meet with Evans and Chivington in the District of Colorado. For another, his knowledge was limited, and he was convinced that Wynkoop misjudged his control of the situation.

He based this on an incident which had occurred on September 23. After the chiefs left the Smoky Hill villages, three bands, including the people of Black Kettle, War Bonnet, and White Antelope moved southeast toward Fort Larned hoping to winter near Pawnee Forks, depending on the outcome of the conference. Unfortunately, en route they ran into an expedition commanded by General Blunt. An advanced unit, commanded by Major Scott Anthony, skirmished with a few warriors. Anthony charged a small camp and chased a few Cheyennes for several miles, when other Cheyennes from the villages showed up and encircled Anthony’s troops. He took refuge on a knoll near Ash Creek, besieged by several hundred warriors. In the meantime, a party of Cheyennes and Arapahos en route to Fort Larned met Blunt’s main force. Standing-in-the-Water rode right up to General Blunt and shook his hand. This party and Blunt’s troops rode

along together until they stumbled onto Anthony under siege. The Cheyennes and Arapahos broke away at a gallop, and Blunt charged to Anthony's aid. Blunt then pursued the warriors in the direction of the villages. They held Blunt back long enough for the villages to be evacuated and fought a holding action while the women and children escaped over the back trail toward the Smoky Hill.

The incident was unfortunate. Blunt was puzzled by the Indians' behavior even though he was unaware of Wynkoop's expedition. When he returned to headquarters, he found an order from Curtis waiting for him. "Pap" Price had crossed the Arkansas into Kansas. Blunt was ordered to meet this new challenge, as Curtis wheeled his army about to face the Confederates. This meant that Curtis had little time to think about Wynkoop's effort when he first learned of it, while Blunt's report convinced him that the Indians Blunt had confronted were the very bands Wynkoop claimed to control (which was true). The result was that Curtis told the frontier districts they would have to fend for themselves and decided that the Indians were asking for peace solely because winter was approaching. On the other hand, when the bands returned to the Smoky Hill encampment, the reports convinced many of the Cheyennes and Arapahos that the whites were not serious about wanting peace.

Another troubling result was that the Price campaign gave Chivington another chance. He would not be replaced as commander of the District of Colorado, and Curtis would not be looking over his shoulder. On October 10, the Third Colorado took first blood near Valley Station on the South Platte. The troops found a small encampment led by Big Wolf, a Cheyenne chief. Private Morse Coffin placed the dead at ten, four men, four women, and two babies. Sergeant Henry Blake said in his diary that they captured all ten—five men, three women, and two children—and then shot them all. Coffin wrote, "I strong denounced this part of the work, using cuss words." Chivington, however, was elated. He talked about moving against the Republican River camps, even requesting weapons from Wynkoop at Lyon on October 16.

The situation continued to erode the prospects for peace. The Price campaign led Curtis to replace General Blunt with Major Henning as commander of the District of the Upper Arkansas. Three days after he took command, he ordered Scott J. Anthony to take command at Fort Lyon and send Wynkoop forward to Larned. Henning, anxious to prove himself, took a hard line against Wynkoop's conduct and reported a variety of infractions at Lyon. While Wynkoop proceeded to defend himself with letters in his possession from officers and ranchers in the area, Anthony moved to set the house in order. Yet Henning continued to refer to the "Arapaho Indian prisoners" at Lyon, in his reports.

[NOTE: At this point in the chronology, it is important to review the influence of what happened with General Connor's introduction to the mix. Since this has already been covered in some detail, I have chosen not to address it here, although there may be further references to the importance of Connor and his influence on Evans and Chivington.—GLR.]



The situation at Fort Lyon changed less than might have been expected. Expedience directed Anthony's course. On November 16, well after Anthony told the chiefs to move to Sand Creek, he advised Curtis, "I am satisfied that all of the Arapahoes and Cheyennes who have visited this post desire peace." He said that he told them he could not make peace until authorized by Curtis. He added, "My intention is to let matters remain dormant until troops can be sent out to take the field against all the tribes." On November 25, he told Henning that the Indians were regularly inquiring about word from headquarters. He offered his opinion. "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." What is interesting is the consistent references to the people at Sand Creek as prisoners. Even Evans, in his annual report of October 15, reported to Dole that the Arapahos had "surrendered." Later, en route to Washington, he advised Secretary 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."

Anthony received little help. Henning waited for Curtis, but on November 20, he told Anthony, "The way 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." Henning said that he expected that no permanent peace would be made until the tribes were subdued, but said that he did "not see that you could have done differently with them [the Arapahos]." On December 2, after Sand Creek, but before he knew of it, Curtis finally told Henning that he was "entirely undecided and uncertain as to what can be done with such nominal Indian prisoners." On November 28, the day before Sand Creek, he advised General Carleton of the situation, "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." On December 5, 1864, Curtis even suggested that the Indians at Lyon "be located at some more convenient point for feeding them." What is clear from all of this correspondence is that from the moment their chiefs left Denver, the Cheyennes and Arapahos at Fort Lyon, and later Sand Creek, were considered to be prisoners.

## EVANS AND CHIVINGTON

This review is provided as context. It should help in determining the relative responsibility of the parties involved. As far as I can see, it is hard to make a case for a joint conspiracy plotted by Evans and Chivington. There were times when they worked together, but there were also times when they were at odds over what to do. I concede that it is possible, even probable, that Evans knew that Chivington intended to march on Fort Lyon, but Chivington was very careful to cloak his intentions within the rhetoric of a more ambitious campaign against the center of resistance—the villages on the Republican and the Smoky Hill. Evans could not have known that Chivington would single out the Indians near Fort Lyon. He may well have known Chivington's "style" in fighting based upon the episode at Valley Station, but he took care to insulate himself

from the prospect of indiscriminate slaughter. One thing that I hope that this review demonstrates is that Chivington and Evans were not in lock step throughout this process.

Certainly, they had things in common. They were both Methodists. They were both Republicans. They were both ambitious. They were thrown together as the chief officers of the civil government and military command respectively. They were linked from the beginning, and each's decisions influenced the other. But they had different chains of command in their duties. Evans was a team player; Chivington was not. Evans saw his way forward within an organized structure. He considered himself an individualist, but he also understood the value of associations. He saw his future linked to the success of the Territory, of economic growth, and of political connections. Chivington was much more calculating and duplicitous, although being supremely arrogant he, at times, was more transparent than he thought. He could not hide his animosities. He fought openly at times and clandestinely at all times. He was the sort who was willing to use or to drop any connection if he believed it would benefit him. In a different setting, Evans would have made a name for himself as a businessman and, possibly, as a politician. Chivington was forever a storm center.

There is no doubt that at times they needed each other or that they had similar goals. At the same time, it is hard to make a case that Chivington could be controlled by Evans. Chivington held few men in awe, and Evans was not the sort he admired. Chivington was enamoured of himself. He may well have used Evans to advance his own ambitions, but he did not look up to him. He might have been impressed by Evans's success when he arrived in the territory, being ambitious, but along the way, he certainly parted with Evans more than once. Once Evans concluded that war with the tribes was inevitable, he never wavered. In fact, he became obsessive. At times he seemed almost hysterical. Reviewing the available contemporary sources, both pro-Evans and anti-Evans, it seems plain that white Coloradans, as a group, developed a siege mentality. Rightly or wrongly, they believed they were in imminent danger, they saw themselves as the victims, and they blamed the Indians for their distress.

What is more difficult to measure is the extent to which Evans himself was caught up in this web that he was largely responsible for creating. Somehow, it is hard to see him as cold and calculating. He plainly underestimated the importance of his role as Superintendent of Indian Affairs. He plainly did not attempt to balance his responsibilities to the settlers and to the Indians. He plainly wanted to be a U. S. Senator. He plainly wanted to make Denver, the economic fulcrum of the Rocky Mountain West. He plainly saw the railroad as the central piece in the realization of his ambitions. Whether his ambitions drove him to promote an Indian war, as David Bain argues (or as I have posited at times) or whether his ambitions caused him to rationalize the issues and conclude that the Indians were responsible for the problems, is still unclear to me. In either case the results were disastrous for Colorado and for the Cheyennes and Arapahos. Whether by design or by weakness, he was deeply culpable for the Sand Creek Massacre. He did not pursue negotiations with the Cheyennes and Arapahos (though he occasionally talked about it). He promoted a climate of hatred and fear in the territory. He missed opportunities to deal with the Cheyennes and Arapahos. He blamed others for every

misstep. He abrogated his responsibilities to seek peace as Superintendent of Indian Affairs. He failed to keep a steady hand in guiding the territory. He succumbed to local ideas and pressures. He passed off his responsibilities to the military. He failed to accept responsibility for his failures.

It is hard to imagine Chivington following such a man. He was called “Granny” by his enemies because they saw him as a feeble old woman without the spine it took to lead. It wasn’t his attitudes toward the Indians that they disagreed with so much as his approach to the problems. Chivington was much too self-centered and much too enamored of himself to take second place to a man like Evans. He used him when it was to his advantage, particularly since they already ran in the same circles, but his ambitions for himself were what mattered. He wanted to be a brigadier general. He wanted to go to Congress. In speeches that he gave during the statehood fight, he talked about how he “thirsted for Congress these many years.” He called himself a hero and bragged of his many fights. Some of the accounts were doubtlessly satirical in nature, but they were not far off, in light of other documents, such as his letter to Hugh Fisher and his latter day recollections. The suggestion that Chivington turned against Evans during the statehood struggle rests on the statements of political enemies, but they are not out of the question. Chivington’s character and personality are clearest in his squabbles within the First Regiment, in the insubordination toward Curtis that led to the creation of the District of the Upper Arkansas, in his behavior when he declared Martial Law in Denver, and in the calculated way that he planned and carried out the Sand Creek Massacre.

It was Evans who was responsible, more than any other, for creating the atmosphere for Sand Creek, but it was Chivington’s massacre. Evans was more than an enabler, for a variety of reasons I’ve offered before, but, like many such men, he preferred to pretend ignorance or deliberately avoid knowledge that might work against him. He did not want dirty hands. And, he always saw himself as the defender of the “community.” See his statement to Bancroft. Chivington never wavered. “I stand by Sand Creek!” was his defiant mantra for all his days. Evans “Reply” was a masterful manipulation of the facts, designed to clear his skirts of responsibility. He walked a tight rope when it came to outright defenses of Sand Creek for much of his life. He defended Colorado. He defended its soldiers. He defended the results. He talked about Sand Creek’s “good” effects in later years. But he tried always to distance himself from having had a role in the massacre itself. Even when he defended it (if you can call it that), he gave the “credit” to others. He is a disappointing figure. His background, his education, his charity and humanitarian activities, his public service, and his promotion of institutions and learning are so inconsistent with his behavior that it begs the question of why. What flaws of character explain it? Greed? Cowardice? Racism? Ambition? What is obvious, at the least, is that he betrayed the principles that he claimed for his own.

### **SOME THOUGHTS ABOUT IMPORTANT IDEAS**

Before I go further, I feel the need to offer a disclaimer. As a historian, I have always believed that my purpose is to understand what happened in the past with the

expectation of learning some things of value in the process that may be important for me and for others to understand not just about long-dead men but also about myself and others in the present, and, if I am truly fortunate, those who will come after I am gone. I have worked assiduously to avoid prejudging any situation that I study. I do not set out to prove any point. I demand an open mind because I believe that taking sides delimits my ability to learn from the evidence. Whatever conclusions I reach should be the results of my research, not predetermined goals. If I wish to “prove” something, I can almost always find evidence to support that view. I prefer, rather, to be led to the conclusions, the judgments, the lessons that I reach. This is sometimes difficult, particularly when the subject involves heinous events and troubled times such as Sand Creek and the Civil War West. Nevertheless, I was taught that humility is the handmaiden of history, and I have tried to nurture that understanding of my task. I am not “called” to be an advocate, but to be a searcher. One does not have to be a disciple of Frederick Jackson Turner to understand his statement that, “Each age writes the history of the past anew with reference to the conditions uppermost in its own time.” That statement helps to explain why history is a living discipline, but it is misunderstood if it is interpreted to mean that revisiting the past involves judging it by today’s standards. Rather, it insists that one endeavor to understand the times, by their own terms, not by the present’s, in order that events can be understood as they played out in terms of values, standards, law, and conscience. What this does is to inform the present historian’s understanding of the differences in their understanding and ours. This is a fairer way. Not only does it inform us about the past, but also it teaches us in the present. It allows us to judge what happened before, for good or ill, within the context of the times, while helping us to understand the progression in values over time. We cannot understand without an appreciation for the differences, but if they are granted all of the limitations of their view, and they are still found wanting by the standards of their time, we arguably have a stronger case against them than if we judge them strictly by today’s standards.

When I first began to study the Sand Creek Massacre, I was quickly aware that virtually every account, both primary and secondary, took one of two views. The first said that the Third Colorado Regiment massacred Cheyenne and Arapaho men, women, and children. It was a horrible act, carried out by the dregs of frontier society and led by a religious maniac. Good men could not have done such a horrible thing. The second said that the soldiers of the Third Colorado Regiment were good men, God fearing, family loving men, who went on to live productive and useful lives. Therefore, Sand Creek could not have been the horrible massacre that history made of it, because good men would not do such things. Both interpretations turned (and turn) on the character of the citizen soldiers. I eventually called it the “good men” thesis. But as I studied the first-hand accounts and pondered the writings of historians, including those who wrote about other massacres from Mystic to Wounded Knee, I realized something that was far more chilling. The most frightening part of Sand Creek was that good men participated in it, men with no perception of themselves as evil, men who were not thugs and frontier scum. There were bad men there, of course, but more were simply angry or frightened or simply going along. It was not until then that I realized how fragile the tether that controls men’s acts really is.

That is when the simplistic interpretations fell away, and when I truly understood the complexity of the Sand Creek story. It is far too easy to make this the story of good and evil, when the more terrifying fact is that much of the evil was carried out by men whose lives, in sum, were more often thought good. This is not offered as an excuse for the evil that men do, but rather as a hard lesson about the nature of men. As a student of Western violence in many forms (and for purposes of comparison, of both personal and group violence in other settings), I have argued in an essay on frontier violence and in my book on the Slough-Rynerson Quarrel in New Mexico, that people will justify violence when it can be construed to be in the interest of the community (essentially the group to which one owes first loyalty). Violence is the product of condition, not of place, and violence is most likely to occur when the authority structure is insufficient, when authority is undermined by inefficiency, corruption, or a lack of public support, or when the authority structure itself feels so threatened that it takes action to defend itself. Violence is thus justified whenever a serious threat to community is perceived, and it rarely matters whether the threat is real or imagined. These premises are near the core of violent insurrection and revolution, but they are equally important in explaining vigilantism, brigandage, range wars, and even Indian wars, especially their worst manifestation in events like Sand Creek.

The reason that I offer these ideas for consideration is that they do help to explain the mindset of white Coloradans in 1864. Colorado was in trouble that year. Spring floods, a decline in mining production, the exodus of many settlers, the effects of the Civil War on the economy in Colorado, and the rumors of Indian attacks, produced a growing uneasiness and insecurity. The specter of the Minnesota uprising and the ongoing operations of Sibley and Sully in Dakota against the Sioux reminded Coloradans of how vulnerable they were. Robert Utley has written, “Ironically, the shock waves from Minnesota and Dakota had an important effect . . . for the climate of fear and distrust that descended on the frontier in 1862 and 1863 [and] encouraged Colorado officials to pursue the blundering—or cynical—course that provoked the Plains war of 1864-65.”

The panic in June 1864, after the Hungate murders, was real, and left Colorado settlers with the belief that they were under siege. When the overland routes were closed, the sense of isolation and fear increased. Frank Root, who ran the stage station at Lathrop on the Platte recalled that at one point he had 109 bags of mail piled up in his station house. Shipment of equipment and other goods to Colorado was stopped in its tracks. At one point news print was so scarce that Ned Byers printed the *Rocky Mountain News* on any blank paper he could find. Outgoing mail and other items were shipped west to San Francisco and carried by sea to the East. Settlers along the overland routes abandoned their crops in the fields and left their homes for the safety of towns in many cases. That most of the actual fighting was far east of the settlements did not matter; the threat was real to the farmers, miners, businessmen, and laborers of Colorado. The crisis of public confidence in the summer of 1864, undermined the authority structure and discredited the civilian and military leaders (Evans and Chivington).

The failure of statehood in September was a repudiation of them both, and, perhaps more importantly, it was evidence that the small white population of Colorado was convinced that the territory was not ready for statehood. Colorado needed the federal presence. The anti-state forces blamed Colorado's leaders for both the Indian war and the economic crisis. By the time of the Weld Conference, only those far from the Front Range noticed the quiet that was settling on the plains. The threat was still perceived to be imminent in the Colorado settlements, and, with it, there was a growing anger. The settlers saw themselves as the victims of a savage enemy that had to be chastised and confined, at least, or wiped out altogether. David Svaldi, in his *Sand Creek and the Rhetoric of Extermination* (1989) observed that of twenty-seven articles related to Indians in Colorado newspapers in 1863, ten advocated extermination as the solution. The call for extermination increased through 1864 and 1865. This growing trend paralleled the growing fear, and, after Sand Creek, it continued as many Coloradans tried to justify it. Again, they saw themselves as the real victims and the agents of progress. Several authors, writing about Indian-white conflict have discussed the importance of groups that are outside the perceived community, especially groups which, for a variety of reasons are unlikely to be incorporated into the community. In the case of Native Americans, the obstacles to incorporation were racial, social, cultural, linguistic, and political. They were "outsiders," in the minds of whites, outsiders who had no wish to be incorporated, outsiders with their own sense of community (tribal identity) and their own suspicions of "outsiders" (whites) beyond their communities. Whatever the real foundations of their beliefs, the fears that each community (indigenous or intruder) had of the other were real.

The violent process that unfolded in North America (and especially, for our purposes, the United States) was, at heart, less about race than about land. Racism was generated, in part, by the need to rationalize the taking of the land which led to an ideology that claimed a "right" to the land. John Quincy Adams wrote in 1820, "But what is the right of a huntsman of the forest of a thousand miles, over which he has accidentally ranged in quest of prey? . . . Shall the exuberant bosom of the common mother, amply adequate to the nourishment of millions, be claimed exclusively by a few hundreds of her offspring?" Here was the argument that rationalized the dispossession of the tribes and the carnage that accompanied it. As late as 1880, Colorado's Congressman, James Belford, demanded the expulsion of the Utes because "an idle and thriftless race of savages cannot be permitted to guard the treasure vaults of the nation which hold our gold and silver, but that they shall always be open, to the end that the prospector and miner may enter in and by enriching himself enrich the nation and bless the world by the results of his toil."

### **THE RIGHT OF CONQUEST**

The justification of conquest had ancient roots. Ancient history is often studied in terms of empire. The conflicts of the Roman Empire led the exclusion of "savages" from the protection of the conventions of war. In one essay on "Ethnic Stereotypes," the authors write: "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, whether implicitly or explicitly, beyond the protection of any humane convention.” Medieval law drew a distinction between wars between Christians and those between Christians and *extranei*. For a thorough review of Western thought on this subject and the evolution of “the right of conquest,” see Robert A. Williams, Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (1990). Williams traces the justification of conquest and the treatment of indigenous people from the time of Pope Innocent I and the crusades, through the legal course of Spain and England into the Americas, concluding with Chief Justice John Marshall in the 1820s and 1830s. He is concerned with the evolution of the legal forms used to deal with indigenous peoples.

He points out that the Proclamation of 1763, which was an instrument designed by the English to limit white settlement west of the Appalachians, was the first major action of the British Parliament to breed disaffection in the English colonies of North America. It was also a bold attempt to control the rate of settlement and minimize conflict with the tribes. But England could not control its colonial subjects who claimed “that freedom which is the first principle of commerce.” Williams argues that for the young United States, the foundation of American law relating to Native Americans was set down in the case of *Johnson v. McIntosh* in 1823. Marshall argued that in spite of his own views of the natural rights of Indians based upon “abstract principles of justice,” the Doctrine of Discovery as evolved by the European powers was the law of the land. The doctrine he embraced was as old as the Normans, which was, in turn, the English king’s “original assertion of prerogative rights of conquest in America,” right which passed on to the United States when it became an independent nation. Marshall wrote, “However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear; if the principle has been asserted in the first instance, and afterwards sustained, if a country has been acquired and held under it; if the property of the great mass of the community originates in it, it become the law of the land, and cannot be rejected by Courts of Justice.” He argued that by the laws of nations, “The title of the Indians was not treated as a right of property and dominion, but as a mere right of occupancy.” The right of occupancy did not include “absolute title,” he added, saying, “However this restriction may be opposed to natural right, and to the usages of civilized nations, yet, if it be indispensable to that system under which the country has been settled, and be adopted to the actual condition of the two people, it may, perhaps, be supported by reason, and certainly cannot be rejected by Courts of Justice.” This was affirmation of Indian tribes as “dependent, domestic nations” without absolute title to land and the rationalization of further expansion.

Alexis de Toqueville illustrated the resulting dilemma: “From whatever angle one regards the destinies of the North American natives, one sees nothing but irremediable ills; if they remain savages, they are driven along before the march of progress; if they try to become civilized, contact with more-civilized people delivers them over to oppression and misery. If they go on wandering in the wilderness, they perish; if they attempt to settle, they perish just the same. They cannot gain

enlightenment except with European help, and the approach of the Europeans corrupts them and drives them back toward barbarism. So long as they are left in their solitudes, they refuse to change their mores, and there is no time left to do this, when at last they are constrained to desire it.” He remarked that the United States’ conduct of Indian affairs was “inspired by the most chaste affection for legal formalities.” He concluded, “It is impossible to destroy men with more respect to the laws of humanity.”

Please note that even de Toqueville’s language is not free of perjorative tone or of a sense of European superiority. From a twenty-first century perspective, the ethnocentrism of the entire dialogue is obvious, but it is important to remember that the legal and cultural world view which is represented was already more than a thousand years old, embedded in Western thought and government like DNA. To have found anyone within American society who did not accept these assumptions of the “higher claim” of the discoverer to the land would have been virtually impossible, even among the most dedicated reformers. Their “alternative to extinction” was forced assimilation. Even those few, like Alfred H. Love, who deplored the “forcible civilization schemes” of the government and of reformers, had no “third” alternative to propose. The natives’ choices were still the destruction of their people in war or the destruction of their people through forced enculturation. When Frederick Douglass dared suggest at the annual meeting of the American Anti-Slavery Society in 1869, that blacks and Indians were different, that blacks were anxious to embrace civilization, whereas Indians wanted no part of it, he was lectured by people like Cora Daniels Tappan for his racist view.

Practically, the bleak alternatives of extermination or civilization were the only choices. Some naively hoped to dispossess “fairly,” but despite their good intentions, workable alternatives did not emerge. The government never found an effective method to restrain settlement, which was central to any third way. All that land, empty by any standard that made sense to white Americans who wanted a piece of their own more than anything else, was too vast for any effective restraints to be imposed. Land stood at the center of the white value system. It defined free men, set them apart from servants and vagabonds. Even in the nineteenth century most landless Americans were not that far from European roots, from an understanding that their ancestors were drawn to America from the beginning, not so much for gold, or even faith, as for land. Land defined freedom for them. It was key to a better life. It gave them a place, an identity, a sense of independence that made it worthwhile to take the risk of pushing west.

The settlers knew there were men on the land already, but individually each of them felt that of all those millions of acres, he could claim a few and do no harm. They gave little thought to the definitions of freedom and identity that the land gave to Native Americans. They did not think of the natives much at all, except as a set of unprocessed images passed down to them that portrayed Indians as bloodthirsty savages or romanticized them as noble sons of the forest. By the nineteenth century, a vast literature existed about Indians, but it was not the written word that counted quite so much as inherited perceptions that were vague and abstract until the moment of confrontation. Indians emerged as one more natural obstacle that lay between them and their dreams. It



had always been so. They carried the belief, deeply ingrained that their claim to the land was greater because of the use they intended to make of it.

Once settlers decided that a place was worth having, there was no stopping them. What happened seemed inexorable, inevitable, as certain as the seasons, and even those who deplored the dark and blood ground that marked the way west, still believed that the ultimate result of settlement, however gained, would be good. So thinkers and government officials sought ways to manage the process, to temper it at least, in ways that would minimize the bloodshed and find a place for native peoples in the new order. The government, they hoped, could serve as a buffer between settlers and natives in the struggles that came predictably over time. They negotiated treaties with Indian tribes. They vainly tried to forbid settlement on treaty lands. They promoted trade. And when the land was overrun and baptized with blood, they sent in the army and made new treaties as they and their British and French forebears had always done. The policymakers sought constantly to reform the system. For a thorough review of Indian policy and the efforts to make it work, see Francis Paul Prucha, *Indian Policy in the United States: Historical Essays* (1981) and *The Great Father: The United States Government and the American Indian* (1986). Over and over again through the nineteenth century, the Office of Indian Affairs struggled to make the system work, but for all of their good intentions, they could not stop the Westward movement. And once “new lands” were taken, even those who deplored the means justified what had happened as progress and ruminated on the tragedy of the “Vanishing American.”

Federal policy took shape in the hands of men schooled in the principles of the Enlightenment. They believed in the common origin of all men, in a certain natural equality, and in the perfectability of men. They did not argue for an innate racial inferiority. They believed, rather, that human beings passed naturally through stages from savagism to barbarism to civilization. They rejected the notion that the Indians were locked into a permanent savage state. They believed that as the environment changes, cultures change, until, at last, civilization would be the logical inheritance of all men. What mattered, then, was where particular societies fit on a linear scale of civilization. The goal of policy had to be to promote the civilization of the tribes. Trade, the introduction of agriculture, and the promotion of private property ownership would be the means of change because the yeoman freeholder was the foundation of civilization as they understood it.

In time another movement became a central force in Indian policy—at first on its own and later as a part of the government’s design. Evangelical Christianity was the engine of most 19<sup>th</sup> century reforms, and it inevitably made the American Indian one of its causes. Christians did not teach the laws of nature; they were not rationalists. They brought to the task a missionary zeal to “save” the Indians. More properly, they sought to save individual souls. For them, the great obstacle to this goal was tribalism. Indians had to learn to be individuals first, and tribal community made that difficult. The transition from rationalism to evangelism was easy enough because the object was the same. Both saw the salvation of the Indian in his giving up his way of life by way of individualism,

education, and the ownership of property. Civilization was the objective of both. The conflict would end by means of shared values—Christian values, white values.

The goals of policy, then, were consistent over time in a commitment to the transition of Indians to a new way of life based upon what the reformers considered to be the “Great Values.” The policy-makers and reformers underestimated the difficulty of the task, but they gave little thought to whether or not it was right. Their Eurocentric world view and their ethnocentric attitudes blinded them to the reasons that the policies failed and to the arrogance of their belief that native cultures were the great impediments in the way of any satisfactory solution to the “Indian question.” EuroAmericans seemed incapable of recognizing the value of cultures and beliefs other than their own. In the language of Protestant Christianity, Indians had to be “born again” as civilized men. The reformers’ intentions were benevolent. They did not see themselves as the agents of extermination but of salvation. Their solutions were trapped by their world view. And while they wrestled with how to achieve their purposes, the rush of settlement continued. Even reformers like Lydia Maria Child and Wendell Phillips, who were considered more radical than others in their advocacy of “a doctrine of evolutionary progress,” could not get past the dilemma. Their way required patience and time, and events disallowed either. “How ought we to view the people who are less advanced than ourselves?” Child wrote, “Simply as younger members of the same great human family, who need to be protected, instructed, and encouraged, till they are capable of appreciating and sharing all our advantages.”

Nineteenth century reforms, in almost all of their manifestations, suffered from paternalism. The very notion of “lifting others up” implies a superior position and a superior understanding. When Abraham Lincoln met with the delegation of Kiowa, Comanche, Cheyenne, Arapaho, Apache, and Caddo chiefs on March 27, 1863, he said, among other things, “There is a great difference between this pale-faced people and their red brethren, both as to numbers and the way in which they live. We know not whether your own situation is best for your race, but this is what has made the difference in our way of living. The pale-faced people are numerous and prosperous because they cultivate the earth, produce bread, and depend upon the products of the earth rather than wild game for a subsistence. This is the chief reason of the difference; but there is another. Although we are now engaged in a great war between one another, we are not, as a race, so much disposed to fight and kill one another as our red brethren. You have asked for my advice. I really am not capable of advising you whether, in the providence of the Great Spirit, who is the great Father of us all, it is best for you to maintain the habits and customs of your race, or adopt a new mode of life. I can only say that I can see no way in which your race is to become as numerous and prosperous as the white race except by living as they do, by the cultivation of the earth.” Although, Lincoln avoided telling the chiefs what they must do, he nevertheless talked down to them.

Father Francis Paul Prucha, who is the dean of scholars on American Indian policy, argues persuasively in a series of studies written over decades that scientific racism and Social Darwinism had little effect on Indian policy. The “New American School,” phrenology, and craniology did thrive in the nineteenth century, and were used

to assert Anglo-American superiority, but they were used more to justify European and American imperialism near the end of the century than to justify the suppression of Native Americans from a policy perspective. What they did was to help others, outside the policy circle, rationalize the fate of indigenous peoples with plainly racist arguments. Businessmen, land grabbers, polemicists, and editors, and frontier politicians used them to justify their exploitation, pander to the prejudices of settlers, and promote settlement.

Insofar as the settlers were concerned, the “anti-Indian sublime,” of which Peter Silver has written, an imagery which passed over time of the savage foe from colonial beginnings into the nineteenth century, was more influential. Its origins were likely unclear to those who accepted it—assumed, felt, rather than reasoned or taught. It was fed by the “war in the dooryard.” Their inherited belief in the savage nature of Indians was perpetuated by their interpretation of their circumstances. The issue was immediate and ever present. Fear bred hatred and convinced them that the only answer was to exterminate the “encircling foe.” If the Indians did not give way, they had to be killed to make way for white society’s “higher” claims to the land. And the closer to the conflict, the harsher their attitudes seemed to be. Even Lydia Maria Child wrote in 1870, “It is more than can be expected of human nature 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.”

Nineteenth century Americans did not think in terms of “a clash of cultures.” Multiculturalism was not a theme of nineteenth century reform. The plain fact was that very few of the reformers ever got to know Indians. George Bird Grinnell, writing for *The Atlantic Monthly* in February, 1899, pointed out a fatal weakness in the efforts of reformers and missionaries—“they had no personal knowledge of the inner life of the people they were trying to help.” He wrote, “Their theories appear to have assumed that Indians are precisely like white men, except that their minds are blank and plastic, ready to receive any impression that may be inscribed on them. These friends of the Indian had little acquaintance with Indian character; they did not appreciate the human nature of the people. They did not know that their minds were already occupied by a multitude of notions and beliefs that were firmly fixed there,—rooted and grounded by an inheritance of a thousand years. Still less did they comprehend the Indian’s intense conservatism, the tenacity with which he clings to the beliefs which have been handed down to him by uncounted generations.” In other words, the Indians’ cultural inheritance was as dear to them, as Western tradition was to whites. Whites made little effort to understand that, and even Christianity was as much the gospel of “civilization” as of Christ.

## THE ARMY AND EXTERMINATION

The language of war is frequently hyperbolic, and it may be said fairly that rhetoric is frequently more ferocious than policy. Mark Neely, Jr., in his *The Civil War and the Limits of Destruction* (2007), *passim*, and James M. McPherson, in *Drawn With a Sword* (1996), pp. 66-86, both comment at length on the distinction between rhetoric and policy. First, a distinction must be made between the regular army and the volunteer troops that made up the bulk of the forces fighting on both sides of the Civil War. The

regular army had a far better record than volunteers. They were for the most part professional soldiers who had no direct stake in the events that took place in the West. Their role was to maintain order and to restore order when it was disrupted. Practically, that meant patrolling the wagon roads to prevent clashes between emigrants and natives and chastising those who violated the peace. When the Civil War began, the regular army was withdrawn east, and troops were replaced in the West by volunteers, Westerners who shared the values and ideas of settlers, which, at once, meant a harsher attitude toward indigenous people.

The military in the West freely used expressions like “extermination” and “kill all you come across,” as, indeed, soldiers in the East did in their conflict with the South. And yet, while sentiment for extermination was widespread among the settlers, it was far from universal among the military. General Curtis offers one example. Early in the war, in a letter apparently lost, Lincoln had admonished Curtis to be careful in his dealings with the Indians and to treat them fairly. On February 18, 1864, Curtis wrote to Lincoln, “But I have always borne your injunction in memory, and in subsequent movements of troops through the Indian Country and beyond, favored by ever means in my power the wisdom and humanity of our prescribed policy.” Notwithstanding Curtis’s letter of November 24, 1864, to Evans, to preserve “harmonious action between soldiers and agents till the hostile Indians are fully subdued or exterminated,” Curtis maintained a more limited course. Field Order No. 1, Department of Kansas, issued in July 1864, stated explicitly, “. . . women and children must be spared.” He explicitly told Evans, “I do not believe in killing women and children who can be taken.” Elsewhere he said that the killing of women and children went against his “views of propriety.” Yet again, he said, “I abhor the style.” There are also elements of restraint in the reports of other officers in reports previously cited in the chronological review. Even Ned Byers, the irascible editor of the *Rocky Mountain News* could urge extermination in one issue and speak with restraint in another. But, it is true that there were elements within the volunteer army and among the settlers who truly did favor extermination. Remember the Buffalo Springs incident in October 1864, in which men, women, and children were killed. Some of the Thirdsters in that action took scalps, while others in the unit denounced the killing of women and children and scalping angrily. So, this was not a universal idea, even among the 100 day volunteers.

Neely, in his *The Civil War and the Limits of Destruction*, notes that the debate over Sand Creek in Congress provides an interesting glimpse of nineteenth century thought. He wrote: “They made it clear that the deliberate killing of women and children in warfare was uncivilized and illegal. To be sure, women and children did occasionally get killed in war, but such deaths were usually accidental. They were tolerable as a likely outcome of deliberate strategy only in two circumstances. First, such casualties might occur legitimately as an accidental outcome of the tactics necessary to get at elusive enemies who would stand and fight only when they had to protect their women and children. Second, such casualties were acceptable as the result of a deliberate tactic—or at least understandable given the emotional nature of men—if they came about as retaliation for the enemy’s having adopted the strategy and tactics of a war of extermination first.” This last was, of course, what white Coloradans who defended Sand

Creek argued, as they pointed to the bodies of the Hungates and the other settler casualties of the summer war. A strong argument can be made that Evans' insistence that the tribes had launched a "savage" war against, highlighted by atrocities, presented in a hysterical way, and his August proclamation played to the very impulses of emotion that Neely described. John Evans helped to create the climate of fear that produced Sand Creek. Whether it was by calculated design or by his own fear and weakness, he promoted the inevitability of an Indian war and pandered to the worst instincts of his people, the citizens of Colorado.

Neely argues, further, that except for random accident in the heat of battle, killing women and children "was unthinkable as a positive, explicit, and articulated goal of military action. As an official government policy it would be 'inhuman.' It was so wrong that there was no requirement that a common soldier obey an order deliberately to kill women and children. Military law did not demand that. These assumptions came out fully in the [1865 Congressional] debate." Again, for emphasis, when dealing with frontier troops during the Civil War, it is important to understand that while they were subject to the same rules as the regular army, they shared the values and priorities of frontiersmen. They claimed a right to be where they were, and they believed that if the Indians did not give way they had to be killed or removed so that whites' "higher" claim to the land could be realized.

It has been common over the last several decades for military historians to argue that the Civil War paved the way from the more traditional forms of war (in the Clausewitz tradition) toward a "strategy of annihilation." See Russell F. Weigley, *The American Way of War* (1973), for example. The argument is that the forms of war introduced by Grant, Sherman, and Sheridan during the Civil War, which affected civilians as well as soldiers, changed the face of war and were applied to the Indians in the decade following the end of the war in a fierce new form of "total war." Neely offers a contrary point of view, arguing that the Sand Creek investigations helped "sear into memory an altered point of view: "The American Civil War probably played a key role in that transformation. The change in point of view may well have stemmed from the heightened consciousness of the laws and usages of war brought about by the Civil War. The occurrence of major Indian wars in the midst of the Civil War begged for contrasts. If the one was a contest between civilized belligerents, then the others were contests between civilization and savagery. It was now more important than ever and clearer in the imagination how to distinguish the work of civilized belligerents from that of savages. Making warfare against women and children had become the mark of savagery—even if practiced by armies thought to be civilized belligerents. To make war in that style was to reduce one's own vaunted civilization to the level of savagery. The effect, then, of the Civil War on attitudes towards Plains Indian warfare was probably opposite to what has customarily been posited. The United States did not, as a result of the Civil War, apply newly discovered cruel methods of 'total war' to the Plains Indians. Instead, some people in the United States now realized for the first time that the time-honored cruelties indulged in fighting 'barbarians' and 'savages' were hardly acceptable to humanity. Now white and Indians alike were deemed capable of massacring their enemies. A massacre of Indians, the Sand Creek battle, for the first time was widely recognized as such during

the American Civil War. The effect of the Civil War on behavior toward Indians was brief if it had any, but it left its mark on history and memory in the name ‘Sand Creek Massacre’ forever.”

These ideas may seem to be far afield from consideration of Evans culpability for Sand Creek, but they do illustrate the shortcoming of simplistic labels of what happened. James Axtell in his *Beyond 1492: Encounters in Colonial North America* (1992) cautions against “simplistic abstract labels.” What is most striking about the Sand Creek Massacre is not evidence of genocidal intent, but of public outrage in response to it:

- The outraged reaction of soldiers and settlers and office holders who demanded an accounting for it.
- The demands of public officials that it be investigated.
- The vigorous debate on the floor of Congress that addressed the issue of the slaughter of women and children directly.
- The report of the Joint Committee on the Conduct of the War which damned it as an atrocity.
- The army’s position, through the report of Judge Advocate General Holt that Sand Creek was a “cowardly and coldblooded slaughter” of friendly Indians, sufficient in itself “to cover its perpetrators with indelible infamy.”
- The removal of William Palmer Dole and John Evans from office.
- The government’s acknowledgement of the crime of Sand Creek in the Treaty of the Little Arkansas.
- The consistent use of Sand Creek by the Indian reform movement as Exhibit 1 of past misconduct in their demand for a more humane Indian policy.
- The condemnation of Sand Creek by the Joint Special Committee on the Condition of the Indian Tribes.
- The angry responses to Sand Creek by General U. S. Grant, General W. T. Sherman, Kit Carson, General William S. Harney, General Nelson A. Miles, and other military officials who damned it as an atrocity.

I will leave it to others to judge where Sand Creek fits in the flow of history. What I know is that we do not need to use modern notions of right and wrong and justice to condemn Sand Creek or its perpetrators. They stood judged by the principles of their own times. Even within the limitations of the understanding of the cultural interaction of

which they were a part, even given the ethnocentrism and paternalism of their value system, standards of right and wrong, of justice, of honor within the nineteenth-century mind, men recoiled at the horror of Sand Creek. They would go on to make more mistakes, delimited as they were by their nineteenth-century mindset, but they moved a step beyond where they had been, and they recognized the danger of what had happened. If they did not change the minds of all settlers and bigots, even if they did not shed all of their own prejudices, even if their solutions continued to exploit native peoples, they had taken a step forward and would never be able to act again outside the shadow of Sand Creek. It is not enough to damn Sand Creek. We must also understand how it changed things.

### MISCELLANEOUS COMMENTS

Evans August 11, 1864, Proclamation was reckless and unwise, but it is a stretch to say that it endorsed “killing women, children, and the elderly as part of the norm.” He authorized citizens “to go in pursuit of all hostile Indians on the plains, scrupulously avoiding those who have responded to my said call to rendezvous at the points indicated; also to kill and destroy as enemies of the country, wherever they may be found, all such hostile Indians.” It was reckless because many citizens, predisposed to extermination, would act without regard to sex or age, but Evans did not call for the killing of noncombatants. It is plain from the newspapers and from correspondence that many citizens did favor indiscriminate slaughter, but it was not directed either by Evans or by Curtis. Colonel Chivington, and his subalterns Downing, Dunn, and Eayre, did nothing to prevent the killing of women, children, and the elderly, and at Sand Creek, officers of the Third Regiment, including Chivington, directly ordered it. When Evans left for the East in the fall of 1864, he may have known, as Alan suggests, of Chivington’s intent to move against the bands near the Arkansas, but he could not have known that the Sand Creek fight would degenerate into an indiscriminate massacre or that Chivington or that the officers of the Third would condone wholesale slaughter of noncombatants.

How could Evans not anticipate a negative reaction to a premeditated massacre? He was not, by instinct or otherwise, any more a Westerner than other federal appointees in Colorado, many of whom condemned Sand Creek. Even an ambitious politician could have anticipated that there were limits. It is easy to see him demanding harsh measures to destroy Indian resistance; it is not so easy to see a man of his background and cut agreeing, in a premeditated way to the indiscriminate slaughter of women and children, scalp-taking, or even violation of the flag. It is much easier to see an ambitious man rationalizing what happened after the fact to save his career, especially once he heard the Colorado version of what happened. When he told Bancroft twenty years later that the “benefit” of Sand Creek to the people of Colorado was “very great,” it was hardly surprising. He had tied himself to the “pioneer” version of history and formulated a rationalization for what happened. His statement was not evidence that he approved the atrocities in advance.

Federal policy was not overtly exterminationist (although, at times individuals acted as if it were). The worst atrocities—Sand Creek, Camp Grant, Humboldt Bay,

Gnadenhutten, Bad Ax, as examples—were carried out by “citizen soldiers”—volunteers, or civilians, not by regular army units. Steven Katz argues that American Indian policy was unjust, but “contragenocidal” in intent, that America’s policies for all of its ills and misdeeds ultimately focused on an “alternative to extinction.” Far from giving Americans a pass, he describes the “naïve, quasi-Utopian, exceedingly insensitive, ultimately destructive, though kindly meant ideology” that lay at the center of nineteenth century policy, which saw the Indians’ salvation in progress up the ladder of civilization. Dr. Tinker, in his *Missionary Conquest: The Gospel and Native American Cultural Genocide* (1993), makes the important observation (p. 9) that we cannot ask nineteenth century forbears “to have done the impossible—namely, to have demonstrated an awareness beyond what was culturally possible at the time.” He would have us own up to our history and recognize the sins of our past and learn from them, which is similarly wise.

### JOHN EVANS

The Sand Creek Massacre was Chivington’s folly. He planned it. He carried it out. He knew the situation at Fort Lyon and at Sand Creek. He knew that the Cheyennes and Arapahos were there under assurances of protection. He deceived Major Anthony into believing that the movement against the village was merely the first action in a sustained campaign against the Smoky Hill and Republican villages. He created the environment that led to the slaughter of noncombatants. He took no steps to protect the life of Jack Smith or of any of the prisoners that were taken. He allowed the taking of horses for private gain. He did nothing to prevent scalping or other mutilation of the dead. He was on the ground and in a position to issue orders to prevent such extreme behavior. He defended what happened afterwards, and lived by the slogan, “I stand by Sand Creek” for the rest of his life. He took steps to ruin the reputations of those soldiers who opposed him. His life, during the years after Sand Creek, revealed serious character flaws that involved him in one controversy after another.

The same bill of indictment cannot be drawn against John Evans. Even if Evans knew that Chivington planned a strike against the bands on the Arkansas before he departed for Washington in October, he could not have anticipated the extremes to which Chivington and his troops would go. Even if we assume that he favored the extermination of men, women, and children, which I do not believe that we can, there is no way of demonstrating that he would have approved of the atrocities that took place at Sand Creek. First, he could not have known the circumstances at Fort Lyon. Not even Chivington was fully aware of what the situation was there until he arrived on November 28, 1864. Second, Evans, whatever his attitudes toward Indians, was politically astute enough to know that an attack on a village under the protection of the American flag that involved the slaughter of noncombatants and the mutilation of the dead would be the subject of public outrage if it became known in the East, and the very fact that the charges were not denied, but in fact celebrated, in the Colorado press guaranteed that the atrocities would be revealed.



Evans was culpable, not just as an enabler, but as perhaps the primary figure in creating the environment that made Sand Creek possible. He failed to negotiate in good faith with the Cheyennes and Arapahos, choosing to believe the worst about them in spite of evidence that they were not predisposed to war. He unilaterally changed the meaning of the Fort Wise Treaty of 1861, notwithstanding the clear understanding of the terms of the treaty by other government officials both in Colorado and in Washington. When Dole buckled under the pressure, he still encouraged further negotiations, which Evans did not pursue. He consistently listened to the worst advice, from the political clique in Colorado anxious to secure land title, to characters like Robert North who had little credibility with other officials, to men like Chivington who were ambitious and anxious to secure reputations as Indian fighters, to public sentiment that favored harsh policies. He was motivated by politics and economics. Railroads, statehood, and economic growth were his rationalizations. He was frightened by the Minnesota uprising, and he opposed the treaty system itself. He panicked in the summer of 1864. He was out of his depth as a leader, and his response to the situation was to flood official correspondence with both military and civilian authorities with hysterical demands for military assistance and exaggerated accounts of the danger. In August 1864, he allowed Chivington to declare Martial Law in Denver, which suspended civil authority while he issued an irresponsible proclamation that called upon the settlers essentially to take matters into their own hands, while urging the Department of War to allow him to create a 100-day regiment specifically for the purpose of fighting Indians. Although told by his superiors in Washington that he should work to avoid war and to deal with the Indians should the occasion arise, he abrogated his responsibilities as Superintendent of Indian Affairs and passed off his decision-making powers to Colonel Chivington and the military. His actions were irresponsible, incompetent, and—far worse—calculated. His behavior was a dangerous mix of fear, misrepresentation, and political manipulation. He failed as a leader and created the situation that made something like Sand Creek almost inevitable.

Evans was in Washington when news of Sand Creek broke. He found himself on the defensive. Before the reports reached Washington, Evans had told the editor of a Methodist journal that all of Colorado's Indians were hostile "except one little band of friendlies down at Fort Lyon, who were faithful to the government." On December 20, he had sent a request to the Secretary of War asking for arms to supply the Colorado militia. On December 26, a letter written by Stephen Harding, Colorado's chief justice, to John W. Wright, who had quarreled with Evans over the Sand Creek reserve, was published anonymously in the *New York Herald*. This letter set off a fire storm. In the meantime, important information had reached the War Department and General Grant. When Hiram Pitt Bennet discussed the matter with Grant, the general told him, "I have heard of Sand Creek, and I can but regard that as a massacre." Events moved quickly in January. On January 9, Senator James Doolittle requested that Sand Creek be referred to the Indian Affairs Committee. On January 10, Congressman Godlove Orth, introduced a resolution to have the Joint Committee on the Conduct of the War investigate the affair. The same day, Evans again pushed Secretary Stanton for a winter campaign against the Indians. On January 11, General Henry Halleck ordered General Curtis to investigate Sand Creek. The next day, January 12, Curtis plainly told Governor Evans, "I abominate the extermination of women and children."

On January 13, 1865, the Senate took up the subject of Sand Creek in a debate over S. R. No. 93, a resolution to withhold the pay of the Third Colorado Cavalry until the facts could be determined about Sand Creek. It was a curious debate with friends of Evans arguing both sides. Senator Harlan supported the measure, and Senator Pomeroy opposed it. In making his case, Pomeroy defended Chivington as a man of character and a Methodist minister. When Harlan questioned his Methodist credentials, Pomeroy drew Evans into the equation: "Governor Evans, a man distinguished for his philanthropy and kindness and religion, not only strongly recommended Colonel Chivington, but has indorsed his act since it has been reported to have been committed; and I notice that the papers in that Territory speak in the highest terms of Colonel Chivington." Harlan, thinking that he was helping Evans, stated that the Indians were near Fort Lyon at the invitation of the governor and that they were attacked: "Here the Governor of the Territory invites the peaceable Indians to separate themselves from the hostile Indians in order that they may be protected; and when they are fairly settled down in their camps in pursuance of this invitations the armed white men fall on them and massacre them."

Pomeroy had drawn Evans into the matter by saying that he had "indorsed" the attack since news of it had reached Washington. So far, Evans had tried to avoid public comment on the issue, and on January 18, 1865, the Washington *Chronicle* reported that he "declined to express either approval or disapproval, until the facts shall be ascertained." He was spared one attack. Hiram Pitt Bennet planned to present a detailed accounting of Sand Creek before the House of Representatives, but the Senate Resolution was tabled without debate. Late in January, John W. Wright issued a pamphlet in response to Senator Pomeroy's statement, arguing that Evans was culpable for Sand Creek. He attacked particularly Evans' August proclamation. ". . .how do you justify the order or permission to kill all not found in the four cities of refuge? Might it not be that some had not received the command of your Christian Governor? Might not some one have been sick and unable to move; and might they not have had, as they all have, fine horses, that your Christian brother, Chivington, might desire to possess and this fact be evidence in his mind that they were hostile Indians?" Of Evans' authorization for settlers to take for their own use "all property taken from such hostile Indians," Wright asked, "Who gave the governor this authority? Was it the President, the Secretary of War, or of the Interior, or the Commissioner of Indian Affairs?" He argued that the proclamation was a permit to do what Chivington had done. He also wrote, "An Indian war is on the country. Every effort has been made for two years to produce it, and the Indian has suffered outrage and wrong by the hand of the white man; and when the authors of these outrages are held up as accountable for the murders on the frontier by the Indian scalping knife, and for the millions of money squandered, you have to indorse the author of this proclamation and the leader of the Fort Lyon massacre as philanthropists and as distinguished for their religion."

Evans, who could not return to Colorado because of the winter war on the Platte (the war that was not supposed to be possible), lingered in Washington to build his defense, engaging supporters like Harlan, Doolittle, Bishop Simpson, and James M. Ashley, to promote his cause. He had to neutralize the efforts of Bennet, Allen A.

Bradford (the new delegate from Colorado), Jerome Chaffee (a leading Colorado businessman), and George Otis, representing the Overland Stage Company. Early in March, Evans and Ashley called upon President Lincoln to present the governor's case. Evans made the argument that the attacks upon him were made by "disloyal" federal appointees. Evans appeared to make his case to Lincoln, and Ashley followed up the meeting with a strong letter of support for Evans and a condemnation of other appointees in Colorado as "Copperheads."

Evans was not free of blame, yet, however. On March 13, the Joint Committee on the Conduct of the War began its investigation. On March 15, Evans appeared before the committee. He refused to defend Chivington's attack outright, but the questioning was tough:

"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 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 heard 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. . . ."

On May 4, 1865, the Committee recommended that Evans be removed from office and that Colonel Chivington and Major Anthony be tried before a military commission. Of Evans, the Committee said, "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 been engaged in their investigations . . . ." Evans's friends in Washington rallied to his support, but they merely prolonged the agony. John Palmer Usher, the Secretary of the Interior, concurred with the committee's recommendation. Allen Bradford, Colorado's new representative, wrote a blistering letter on May 22. He concluded, "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.”

Cyrus Kingsley, a Methodist leader in Colorado, worked hard to save Evans and defended Chivington as well. Kingsley said that Evans had known nothing about the Sand Creek affair before it happened. He told Simpson that he knew no one in Colorado that “does not justify Col. C. for the course he took in whipping the Indians,” including Evans’ enemies. Still, he said, “Gov. Evans had nothing whatever to do with the matter.” The report of the Joint Committee on the Conduct of the War was published in mid-July, and on July 18, Secretary of State Seward formally requested Evans’ resignation. Bishop Simpson made one final effort to save Evans, visiting Seward at Cape May, New Jersey. It was a futile gesture. On August 1, 1865, Evans resigned under protest. With a touch of irony, Evans requested that the transfer of power be delayed until he had concluded a treaty with the Utes. Unaware that Evans had been removed, John Slough who was visiting Colorado in company with Bradford, wrote President Johnson concerning Evans, “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.”

In September, Evans published his long awaited “Reply” to the report of the Joint Committee on the Conduct of the War. It was not a defense of Sand Creek. He was quite explicit on that point: “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.” He blamed his problems on his 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.” He defended his management of Indian affairs. He denied having any part in sending the Cheyennes and Arapahos to Lyon after Camp Weld, although he had testified before the Joint Special Committee on the Condition of the Indian Tribes just weeks earlier that he had “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.” The *Chicago Tribune* said that Evans “was in no manner responsible for what happened at Sand Creek.” *The Central Christian Advocate* concluded that “his defense is triumphant,” and the *Northwestern Christian Advocate* declared “there has been no testimony which has involved Governor Evans in wrong.”

Still, Evans’ defense was surprisingly weak. One editor noted that Evans took “the utmost pains to show that he knew nothing of Chivington’s movements and was not privy to his plans or intentions.” Another observer said after reading the “Reply” that “Gov. Evans is afraid to look Sand Creek in the face, and either justify or condemn it.” Even the *Rocky Mountain News* expressed regrets that Evans had not covered the “whole ground,” with a full scale defense of Sand Creek that would demonstrate that Sand Creek had been fought according to the “usages of warfare, with no more attendants of barbarity than usually occur in such cases.” The *Blackhawk Mining Journal* said that Evans had chosen personal vindication over vindication of Sand Creek. The *Denver Gazette* raised so many questions about his failure to defend Sand Creek that Evans wrote a letter to the *Rocky Mountain News* assuring the voters that he wanted to see Colorado’s soldiers vindicated and favored an aggressive Indian policy. He stopped short of a public

endorsement of Sand Creek. In an exchange with Samuel Tappan in the *New York Tribune*, September 5, 1867, he took the same approach. Even in his Bancroft interview, when he said that “the benefit of that massacre as they call it to the people of Colorado was very great for it ridded the plains of the Indians for there was a sentiment that the Indians ought not to be left in the midst of the community,” he claimed no personal responsibility for it. Most of the Methodist ministers in Colorado endorsed Sand Creek in a statement released on April 20, 1865, the Masons defended it, but Evans walked the thin line of defending the reputation of Colorado’s soldiers and his own course of action without specifically endorsing Sand Creek. Some of his old allies never forgave him for that, but he took a lower political profile and turned again to railroads, Methodism, education, and philanthropy to reclaim his reputation. When he died in 1897 that was what Colorado chose to remember, but he never escaped the shadow of Sand Creek.

## CONCLUSIONS

What I have tried to do here is to present a body of information that will provide context for the deliberations of the committee. The information is far-ranging and includes both detail from the contemporary record and commentary on some of the issues raised by the committee’s particular task. I am grateful for the opportunity to be involved in this inquiry because I have revisited some of my own conclusions, as expressed in my dissertation, and I confess that they are harsher than before. I have much more research to do in my work for the General Conference, but this effort has been critical in preparing me for that task. I reiterate what I have said before. I believe that John Evans was seriously culpable for Sand Creek, as more than an enabler, but I have been able to find evidence that he was involved directly in the planning or carrying out of the massacre. I wish to emphasize that there is ample evidence that Sand Creek violated nineteenth century standards. Sand Creek and “the Chivington style” hung over Indian affairs for the rest of the armed conflict with indigenous peoples as reminders of the limits that should be placed upon the conduct of policy.

