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Congressional Testimony of Mr. John S. Smith
Washington, March 14, 1865

Mr. John S. Smith sworn and examined.

By Mr. Gooch:

Question. Where is your place of residence?

Answer. Fort Lyon, Colorado

Question. What is your occupation?

Answer. United States Indian interpreter and special Indian agent.

Question. Will you state to the committee all that you know in relation to the attack of Colonel Chivington upon the Cheyenne and Arapahoe Indians in November last?

Answer. Major Anthony was in command at Fort Lyon at the time. Those Indians had been induced to remain in the vicinity of Fort Lyon, and were promised protection by the commanding officer at Fort Lyon. The commanding officer saw proper to keep them some thirty or forty miles distant from the fort, for fear of some conflict between them and the soldiers or the traveling population, for Fort Lyon is on a great thoroughfare. He advised them to go out on what is called Sand creek, about forty miles, a little east of north from Fort Lyon. Some days after they had left Fort Lyon when I had just recovered from a long spell of sickness, I was called on by Major S.G. Colley, who asked me if I was able and willing to go out and pay a visit to these Indians, ascertain their numbers, their general disposition toward the whites, and the points where other bands might be located in the interior.

Question. What was the necessity for obtaining that information?

Answer. Because there were different bands which were supposed to be at war; in fact, we knew at the time that they were at war with the white population in that country; but this band had been in and left the post perfectly satisfied. I left to go to this village of Indians on the 26th of November last. I arrived there on the 27th and remained there the 28th. On the morning of the 29th, between

daylight and sunrise - nearer sunrise than daybreak - a large number of troops were discovered from three-quarters of a mile to a mile below the village. The Indians, who discovered them, ran to my camp, called me out, and wanted to me to go and see what troops they were, and what they wanted. The head chief of the nation, Black Kettle, and head chief of the Cheyennes, was encamped there with us. Some years previous he had been presented with a fine American flag by Colonel Greenwood, a commissioner, who had been sent out there. Black Kettle ran this American flag up to the top of his lodge, with a small white flag tied right under it, as he had been advised to do in case he should meet with any troops out on the prairies. I then left my own camp and started for that portion of the troops that was nearest the village, supposing I could go up to the m. I did not know but they might be strange troops, and thought my presence and explanations could reconcile matters. Lieutenant Wilson was in command of the detachment to which I tried to make my approach; but they fired several volleys at me, and I returned back to my camp and entered my lodge.

Question. Did these troops know you to be a white man?

Answer. Yes, sir; and the troops that went there knew I was in the village.

Question. Did you see Lieutenant Wilson or were you seen by him?

Answer. I cannot say I was seen by him; but his troops were the first to fire at me.

Question. Did they know you to be a white man?

Answer. They could not help knowing it. I had on pants, a soldier's overcoat, and a hat such as I am wearing now. I was dressed differently from any Indian in the country. On my return I entered my lodge, not expecting to get out of it alive. I had two other men there with me: one was David Louderbach, a soldier, belonging to company G, 1st Colorado cavalry; the other, a man by the name of Watson, who was a hired hand of Mr. DD Coolly, the son of Major Coolly, the agent.

After I had left my lodge to go out and see what was going on, Colonel Chivington rode up to within fifty or sixty yards of where I was camped; he recognized me at once. They all call me Uncle John in that country. He said, "Run here, Uncle John; you are all right." I went to him as fast as I could. He told me to get in between him and his troops, who were then coming up very fast; I did so; directly another

officer who knew me - Lieutenant Baldwin, in command of a battery - tried to assist me to get a horse; but there was no loose horse there at the time. He said, "Catch hold of the caisson, and keep up with us."

By this time the Indians had fled; had scattered in every direction. The troops were some on one side of the river and some on the other, following up the Indians. We had been encamped on the north side of the river; I followed along, holding on the caisson, sometimes running, sometimes walking. Finally, about a mile above the village, the troops had got a parcel of the Indians hemmed in under the bank of the river; as soon as the troops overtook them, they commenced firing on them; some troops had got above them, so that they were completely surrounded. There were probably a hundred Indians hemmed in there, men, women, and children; the most of the men in the village escaped.

By the time I got up with the battery to the place where these Indians were surrounded there had been some considerable firing. Four or five soldiers had been killed, some with arrows and some with bullets. The soldiers continued firing on these Indians, who numbered about a hundred, until they had almost completely destroyed them. I think I saw altogether some seventy dead bodies lying there; the greater portion women and children. There may have been thirty warriors, old and young; the rest were women and small children of different ages and sizes.

The troops at that time were very much scattered. There were not over two hundred troops in the main fight, engaged in killing this body of Indians under the bank. The balance of the troops were scattered in different directions, running after small parties of Indians who were trying to make their escape. I did not go so see how many they might have killed outside of this party under the bank of the river. Being still quite weak from my last sickness, I returned with the first body of troops that went back to the camp.

The Indians had left their lodges and property; everything they owned. I do not think more than one-half of the Indians left their lodges with their arms. I think there were between 800 and 1,000 men in this command of United States troops. There was a part of three companies of the 1st Colorado, and the balance were what were called 100 days men of the 3rd regiment. I am not able to say which party did the most execution on the Indians, because it was very much mixed up at the time.

We remained there that day after the fight. By 11 o'clock, I think, the entire

number of soldiers had returned back to the camp where Colonel Chivington had returned. On their return, he ordered the soldiers to destroy all the Indian property there, which they did, with the exception of what plunder they took away with them, which was considerable.

Question. How many Indians were there there?

Answer. There were 100 families of Cheyennes, and some six or eight lodges of Arapahoes.

Question. How many persons in all, should you say?

Answer. About 500 we estimate them at five to a lodge.

Question. 500 men, women and children?

Answer. Yes, sir.

Question. Do you know the reason for that attack on the Indians?

Answer. I do not know any exact reason. I have heard a great many reasons given. I have heard that that whole Indian war had been brought on for selfish purposes. Colonel Chivington was running for Congress in Colorado, and there were other things of that kind; and last spring a year ago he was looking for an order to go to the front, and I understand he had this Indian war in view to retain himself and his troops in that country, to carry out his electioneering purposes.

Question. In what way did this attack on the Indians further the purpose of Colonel Chivington?

Answer. It was said - I did not hear him say it myself, but it was said that he would do something; he had this regiment of three-months men, and did not want them to go out without doing some service. Now he had been told repeatedly by different persons - by myself, as well as others - where he could find the hostile bands.

The same chiefs who were killed in this village of Cheyennes had been up to see Colonel Chivington in Denver but a short time previous to this attack. He himself told them that he had no power to treat with them; that he had received telegrams from General Curtis directing him to fight all Indians he met with in

that country. Still he would advise them, if they wanted any assistance from the whites, to go to their nearest military post in their country, give up their arms and the stolen property, if they had any, and then they would receive directions in what way to act. This was told them by Colonel Chivington and by Governor Evans, of Colorado. I myself interpreted for them and for the Indians.

Question. Did Colonel Chivington hold any communication with these Indians, or any of them, before making the attack upon them?

Answer. No, sir, not then. He had some time previously held a council with them at Denver city. When we first recovered the white prisoners from the Indians, we invited some of the chiefs to go to Denver, inasmuch as they had sued for peace, and were willing to give up these white prisoners. We promised to take the chiefs to Denver, where they had an interview with men who had more power than Major Wynkoop had, who was the officer in command of the detachment that went out to recover these white prisoners. Governor Evans and Colonel Chivington were in Denver, and were present at this council. They told the Indians to return with Major Wynkoop, and whatever he agreed on doing with them would be recognized by them.

I returned with the Indians to Fort Lyon. There we let them go out to their villages to bring in their families, as they had been invited through the proclamation or circular of the governor during the month of June, I think. They were gone some twelve or fifteen days from Fort Lyon, and then they returned with their families. Major Wynkoop had made them one or two issues of provisions previous to the arrival of Major Anthony there to assume command. Then Major Wynkoop, who is now in command at Fort Lyon, was ordered to Fort Leavenworth on some business with General Curtis, I think.

Then Major Anthony, through me, told the Indians that he did not have it in his power to issue rations to them, as Major Wynkoop had done. He said that he had assumed command at Fort Lyon, and his orders were positive from headquarters to fight the Indians in the vicinity of Fort Lyon, or at any other point in the Territory where they could find them. He said that he had understood that they had been behaving very badly. But on seeing Major Wynkoop and others there at Fort Lyon, he was happy to say that things were not as had been presented, and he could not pursue any other course than that of Major Wynkoop except the issuing rations to them. He then advised them to out to some near point, where there was buffalo, not too far from Fort Lyon or they might meet with troops from the Platte, who would not know them from the hostile bands. This was the

southern band of Cheyennes; there is another band called the northern band. They had no apprehensions in the world of any trouble with the whites at the time this attack was made.

Question. Had there been, to your knowledge, any hostile act or demonstration on the part of these Indians or any of them?

Answer. Not in this band. But the northern band, the band known by the name of Dog soldiers of Cheyennes, had committed many depredations on the Platte.

Question. Do you know whether or not Colonel Chivington knew the friendly character of these Indians before he made the attack upon them?

Answer. It is my opinion that he did.

Question. On what is that opinion based?

Answer. On this fact, that he stopped all persons from going on ahead of him. He stopped the mail, and would not allow any person to go on ahead of him at the time he was on his way from Denver city to Fort Lyon. He placed a guard around old Colonel Bent, the former agent there; he stopped a Mr. Hagues and many men who were on their way to Fort Lyon. He took the fort by surprise, and as soon as he got there he posted pickets all around the fort, and then left at 8 o'clock that night for this Indian camp.

Question. Was that anything more than the exercise of ordinary precaution in following Indians?

Answer. Well, sir, he was told that there were no Indians in the vicinity of Fort Lyon, except Black Kettle's band of Cheyennes and Left Hand's band of Arapahoes.

Question. How do you know that?

Answer. I was told so.

By Mr. Buckalew:

Question. Do you know it of your own knowledge?

Answer. I cannot say I do.

Question. You did not talk with him about it before the attack?

Answer. No, sir.

By Mr. Gooch:

Question. When you went out to him, you had no opportunity to hold intercourse with him?

Answer. None whatever; he had just commenced his fire against the Indians.

Question. Did you have any communication with him at any time while there?

Answer. Yes, sir.

Question. What was it?

Answer. He asked me many questions about a son of mine, who was killed there afterwards. He asked me what Indians were there, what chiefs; and I told him as fully as I knew.

By Mr. Buckalew:

Question. When did you talk with him?

Answer. On the day of the attack. He asked me many questions about the chiefs who were there, and if I could recognize them if I saw them. I told him it was possible I might recollect the principal chiefs. They were terribly mutilated, lying there in the water and sand; most of them in the bed of the creek, dead and dying, making many struggles. They were so badly mutilated and covered with sand and water that it was very hard for me to tell one from another. However, I recognized some of them - among them the chief One Eye, who was employed by our government at \$125 a month and rations to remain in the village as a spy. There was another called War Bonnet, who was here two years ago with me. There was another by the name of Standing-in-the-Water, and I supposed Black Kettle was among them, but it was not Black Kettle. There was one there of his size and dimensions in every way, but so tremendously mutilated that I was mistaken in him. I went out with Lieutenant Colonel Bowen, to see how many I

could recognize.

By Mr. Gooch:

Question: Did you tell Colonel Chivington the character and disposition of these Indians at any time during your interviews on this day?

Answer. Yes, sir.

Question. What did he say in reply?

Answer. He said he could not help it; that his orders were positive to attack the Indians.

Question. From whom did he receive these orders?

Answer. I do not know; I presume from General Curtis.

Question. Did he tell you?

Answer. Not to my recollection.

Question. Were the women and children slaughtered indiscriminately, or only so far as they were with the warriors?

Answer. Indiscriminately.

Question. Were there any acts of barbarity perpetrated there that came under your own observation?

Answer. Yes, sir; I saw the bodies of those lying there cut all to pieces, worse mutilated than any I ever saw before; the women cut all to pieces.

By Mr. Buckalew:

Question. How cut?

Answer. With knives; scalped; their brains knocked out; children two or three months old; all ages lying there, from sucking infants up to warriors.

By Mr. Gooch:

Question. Did you see it done?

Answer. Yes, sir; I saw them fall.

Question. Fall when they were killed?

Answer. Yes, sir.

Question. Did you see them when they were mutilated?

Answer. Yes, sir.

Question. By whom were they mutilated?

Answer. By the United States troops.

Question. Do you know whether or not it was done by the direction or consent of any of the officers.

Answer. I do not; I hardly think it was.

By Mr. Buckalew:

Question. What was the date of that massacre?

Answer. On the 29th of November last.

Question. Did you speak of these barbarities to Colonel Chivington?

Answer. No sir; I had nothing at all to say about it, because at that time they were hostile towards me, from the fact of my being there. They probably supposed that I might be compromised with them in some way or other.

Question. Who called on you to designate the bodies of those who were killed?

Answer. Colonel Chivington himself asked me if I would ride out with Lieutenant Colonel Bowen, and see how many chiefs or principal men I could recognize.

Question. Can you state how many Indians were killed - how many women and

how many children?

Answer. Perhaps one-half were men, and the balance were women and children. I do not think that I saw more than 70 lying dead then, as far as I went. But I saw parties of men scattered in every direction, pursuing little bands of Indians.

Question. What time of day or night was this attack made?

Answer. The attack commenced about sunrise, and lasted until between 10 and 11 o'clock.

Question. How large a body of troops?

Answer. I think that probably there may have been about 60 or 70 warriors who were armed and stood their ground and fought. Those that were unarmed got out of the way as they best could.

Question. How many of our troops were killed and how many wounded?

Answer. There were ten killed on the ground, and thirty-eight wounded; four of the wounded died at Fort Lyon before I came on east.

Question. Were there any other barbarities or atrocities committed there other than those you have mentioned, that you saw?

Answer. Yes, sir; I had a half-breed son there, who gave himself up. He started at the time the Indians fled; being a half-breed he had but little hope of being spared, and seeing them fire at me, he ran away with the Indians for the distance of about a mile. During the fight up there he walked back to my camp and went into the lodge. It was surrounded by soldiers at the time. He came in quietly and sat down; he remained there that day, that night, and the next day in the afternoon; about four o'clock in the evening, as I was sitting inside the camp, a soldier came up outside of the lodge and called me by name. I got up and went out; he took me by the arm and walked towards Colonel Chivington's camp, which was about sixty yards from my camp. Said he, "I am sorry to tell you, but they are going to kill your son Jack." I knew the feeling towards the whole camp of Indians, and that there was no use to make any resistance. I said, "I can't help it." I then walked on towards where Colonel Chivington was standing by his camp-fire; when I had got within a few feet of him I heard a gun fired, and saw a

crowd run to my lodge, and they told me that Jack was dead.

Question. What action did Colonel Chivington take in regard to that matter?

Answer. Major Anthony, who was present, told Colonel Chivington that he had heard some remarks made, indicating that they were desirous of killing Jack; and that he (Colonel Chivington) had it in his power to save him, and that by saving him he might make him a very useful man, as he was well acquainted with all the Cheyenne and Arapahoe country, and he could be used as a guide or interpreter. Colonel Chivington replied to Major Anthony, as the Major himself told me, that he had no orders to receive and no advice to give. Major Anthony is now in this city.

By Mr. Buckalew:

Question. Did Chivington say anything to you, or you to him about the firing?

Answer. Nothing directly; there were a number of officers sitting around the fire, with the most of whom I was acquainted.

By Mr. Gooch:

Question. Were there any other Indians or half-breeds there at that time?

Answer. Yes, sir; Mr. Bent had three sons there; one employed as a guide for these troops at the time, and two others living there in the village with the Indians; and a Mr. Gerry had a son there.

Question. Were there any other murders after the first day's massacre?

Answer. There was none, except of my son.

Question. Were there any other atrocities which you have no mentioned?

Answer. None that I saw myself. There were two women that white men had families by; they were saved from the fact of being in my lodge at the time. One ran to my lodge; the other was taken prisoner by a soldier who knew her and brought her to my lodge for safety. They both had children. There were some small children, six or seven years old, who were taken prisoners near the camp. I think there were three of them taken to Denver with these troops.

Question. Were the women and children that were killed, killed during the fight with the Indians?

Answer. During the fight, or during the time of the attack.

Question. Did you see any women or children killed after the fight was over?

Answer. None.

Question. Did you see any Indians killed after the fight was over?

Answer. No, sir.

By Mr. Buckalew:

Question. Were the warriors and women and children all huddled together when they were attacked?

Answer. They started and left the village altogether, in a body, trying to escape.

By Mr. Gooch:

Question. Do you know anything as to the amount of property that those Indians had there?

Answer. Nothing more than their horses. They were supposed to own ten horses and mules to a lodge; that would make about a thousand head of horses and mules in that camp. The soldiers drove off about six hundred head.

Question. Had they any money?

Answer. I understood that some of the soldiers found some money, but I did not see it. Mr. D. D. Colley had some provisions and goods in the village at the time, and Mr. Louderback and Mr. Watson were employed by him to trade there. I was to interpret for them, direct them, and see that they were cared for in the village. They had traded for one hundred and four buffalo robes, one fine mule, and two horses. This was all taken away from them. Colonel Chivington came to me and told me that I might rest assured that he would see the goods paid for. He had confiscated these buffalo robes for the dead and wounded; and there was also some sugar and coffee and tea taken for the same purpose.

I would state that in his report Colonel Chivington states that after this raid on Sand creek against the Cheyenne and Arapahoe Indians he traveled northeast some eighty miles in the direction of some hostile bands of Sioux Indians. Now that is very incorrect, according to my knowledge of matters; I remained with Colonel Chivington's camp, and returned on his trail towards Fort Lyon from the camp where he made this raid. I went down with him to what is called the forks of the Sandy. He then took a due south course for the Arkansas river, and I went to Fort Lyon with the killed and wounded, and an escort to take us in. Colonel Chivington proceeded down the Arkansas river, and got within eleven miles of another band of Arapahoe Indians, but did not succeed in overtaking them. He then returned to Fort Lyon, re-equipped, and started immediately for Denver.

Question. Have you spent any considerable portion of your life with the Indians?

Answer. The most of it.

Question. How many years have you been with the Indians?

Answer. I have been twenty-seven successive years with the Cheyennes and Arapahoes. Before that I was in the country as a trapper and hunter in the Rocky mountains.

Question. For how long time have you acted as Indian interpreter?

Answer. For some fifteen or eighteen years.

Question. By whom have you been so employed?

Answer. By Major Fitzpatrick, Colonel Bent, Major Colley, Colonel J.W. Whitfield, and a great deal of the time for the military as guide and interpreter.

By Mr. Buckalew:

Question. How many warriors were estimated in Colonel Chivington's report as having been in this Indian camp?

Answer. About nine hundred.

Question. How many were there?

Answer. About two hundred warriors; they average about two warriors to a lodge,

and there were about one hundred lodges.