

The Battle of Sand Creek Strategic Scapegoats and Military Martyrs

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Abstract

During the larger conflict of the American Civil War was a less known (or cared about) war fought between whites and Indians on the "Frontier." Particular to Colorado (and the western plains of Kansas) was the Cheyenne War, fought between (obviously) the Cheyenne and whites (in the form of Union troops). Regardless of perspective, the events at Sand Creek, Colorado on November 29, 1864 best exemplify this friction. What is undisputable is this: Colorado troops, under the command of Colonel John M. Chivington marched from Denver to Sand Creek and attacked the Cheyenne and Arapahoe encamped there. This paper argues Colonel Chivington operated within established policies and directives of war declared by both the governor of the Colorado Territory, John Evans, and his tactical commander, Major General Samuel Ryan Curtis. The systemic strategic scapegoating of superiors and developed dissent of subordinates changed the face of the legitimate military operation at Sand Creek forever to what became widely known as the Sand Creek Massacre.

Today, east from the Front Range of the Rocky Mountains in Colorado, far into its wide Plains is the town of Chivington, Colorado. To the unknowing the name of this town may seem insignificant and nondescript, with a normally safe assumption that some type of historical reference is tied to it sufficing to explain. But the people of Colorado and those who know the history of the region understand the paradox that emerges from the town's name. The town of Chivington creates a natural choke point to the location where Colonel John M. Chivington and 600 men under his command allegedly massacred roughly 150 Indians of the Cheyenne and Arapahoe tribes in November of 1864. The National Historic Site at Sand Creek¹ today sits in Kiowa County, deep on the Eastern Plains of Colorado. With one turn off of four-lane Highway 96 and up over the train tracks, one begins to feel as though he has travelled back in time. Today, the town of Chivington, Colorado is very much like a ghost town, with one-time homes and buildings that skirt the sides of the now two-lane road left to the mercy of the elements. Through town, a small brown sign prompts a left turn steering the course onward. As this left turn marks the end of the pavement, so too does the road begin to press north, deep into the openness of the Great Plains. A few miles down the road, the National Historic Site comes into view in the distance. A short drive later leads to the small site's Ranger Station and parking lot situated in the lowest portion of visible terrain. Just off the Big Sandy Creek's southern mouth, where a small bluff overlooks a southeasterly

¹ Sand Creek Massacre National Historical Site, <https://imrcms.nps.gov/sand/>, (accessed March 17, 2009).

bend, the parking lot sits empty on the 145th anniversary of the Battle at Sand Creek. A few hundred meters walk north carries the traveler to this same small bluff, orienting him northeast to the open range below. At your feet a monument reads “Sand Creek Battle Ground Nov. 29 & 30, 1864.” One would think that such a day would find the parking lot full and the park’s Rangers bustling between controlling the visiting commotion and giving informational presentations; but there is no one, and with the sun lost behind the clouds on this overcast morning in late November, the cold air stings exposed skin.



Figure 1. The view north from the Monument at the Sand Creek National Historic Site overlooking the battlefield

The events at Sand Creek, Colorado on November 29, 1864, were part of legitimate military operations conducted within the framework of established policies and directives. Relating to Indian policy, the failures of President Abraham Lincoln, Governor John Evans, and Major General Samuel Ryan Curtis to effectively implement policy concerning Indians led to the finger pointing that became the first direct cause of the Battle of Sand Creek becoming the Sand Creek Massacre. The second direct cause was that lower level commanders, namely Major Edward Wynkoop and Captain Silas Soule, operated outside their established directives disregarding the orders of higher levels of leadership, eventually creating a significant level of dissent. The contradictions that emerged fostered a climate of dissent that changed the face of the conflict forever. Although initially hailed as a highly successful military operation against the Indians on the Great Plains, within weeks a dissenting faction began to diminish the credibility of the actions of the First and Third Colorado Cavalry. An added dimension of the negative portrayal of events in the aftermath of Sand Creek was the fact that many of the troops were 100 days volunteers. The composition of these volunteers, categorized by Thom Hatch in *Black Kettle* as “an assortment of ne’er-do-wells, scalawags, and hooligans,”² carried a stigma they could not escape. The goal of this analysis is to clearly define the line separating the legitimate military objective at Sand Creek, to *attack*, from the strategic scapegoating and subordinate dissent that changed the perception of the events on the morning of November 29, 1864, nearly overnight. Furthermore, this analysis may also perform as the defense of

² Thom Hatch, *Black Kettle: the Cheyenne Chief Who Sought Peace but Found War* (Hoboken: John Wiley & Sons, 2004), 92.

Colonel Chivington's fundamental argument for the basis of the military action at Sand Creek that he did not attempt to define against criticism.

Historical Perspective

In the first objective analysis of the Sand Creek events originally published twenty years later, in J.P. Dunn's *Massacre in the Mountains*, he notes that Colonel Chivington, "has not laid the blame upon superior officers, as he might do. He has not complained of misinformation from inferior officers, as he might do."³ More to the point, within two short weeks of the Battle of Sand Creek the December 14, 1864, *Rocky Mountain Weekly News* glorifying headline read, "Great Battle with Indians! The Savages Dispersed! 500 Indians Killed Our Loss 9 Killed 38 Wounded,"⁴ would start to change to a more defensive tone afterward. *The Rocky Mountain Daily News* headline on January 4, 1865, began the defensive argument in supporting the attack led by Colonel Chivington and his troops in the article titled, "The Sand Creek Battle- "high officials" checkmated."⁵ The swiftness at which propaganda began playing a role in the development of public opinion about Sand Creek grew into a divisive spectacle that has proven to have endurance equal to the events themselves.

What is undeniable is the highly militaristic level of planning and preparation put into the deliberate attack at Sand Creek. Within the context of offensive military operations, the results were exactly as planned with the commander's intention of complete capitulation achieved. Evidence supports the idea that Colonel Chivington was operating under direct operational guidance from Major General Curtis while conducting the combat operation at Sand Creek. A well-regarded combat leader prior to November 29, 1864, the decisive manner in which Colonel Chivington was able to synchronize his efforts on the battlefield led to an overwhelming victory.

For Clarification

At this point it is necessary to pause for clarification on two key points of this analysis. First, is the issue of the alleged atrocities by soldiers against Indians at the Battle of Sand Creek. Even the hint of any such acts, on any battlefield, cannot be marginalized or considered characteristics of civilized warfare. The Battle of Sand Creek is no different in this regard. The alleged wanton acts of individuals have otherwise tainted this highly successful military operation. Interestingly, this analysis will show that the individuals most capable of stopping these acts, if they indeed occurred, are the same subordinate commanders who voiced the substance of the dissent for these same alleged acts. Secondly, is the context of the use of the word *attack*. The term *attack* undoubtedly carries negative connotations for most of the population, but militarily the doctrinal definition highlights it is a significantly more favorable position than the defense. An attack:

Destroys or defeats enemy forces, seizes and secures terrain, or both. Attacks require maneuver supported by direct and indirect fires. They may be either decisive or shaping operations. Attacks may be hasty or deliberate, depending on the time available for planning and preparation. Commanders execute hasty attacks when the situation calls for immediate action with available forces and minimal preparation. They conduct deliberate attacks when they have more time to

³ J.P. Dunn, *Massacres of the Mountains* (New York: Capricorn Books, 1969), 371-372. All further referred to as *Mountains*.

⁴ "Great Battle With Indians! The Savages Dispersed! 500 Indians Killed Our Loss 9 Killed, 38 Wounded Full Particulars," *Rocky Mountain Weekly News*, December 14, 1864, sec Front Page, page 1.

⁵ "The Sand Creek Battle- "High Officials" Checkmated," *Rocky Mountain Daily News*, January 4, 1865, sec Front Page, page 1.

plan and prepare. Success depends on skillfully massing the effects of all the elements of combat power.⁶

Scope

During the same period as the American Civil War, an equally substantial subplot was fought in regions to the West. An enduring example to the extent of the challenges of Lincoln's presidency and his plans for saving the Union allow for an examination of events in the Colorado Territory during this same time. Furthermore, the challenges for Colorado troops in the Colorado Territory, as well as those detailed to push south or east, proved substantial. In fact, the complexity of circumstances for Union troops in the Colorado Territory in combating threats of Rebel forces pushing north and west from both Missouri and Texas show a particular vantage point of the Civil War because of the added difficulties in dealing with the multiple Indian tribes of the region. The construct of conflicts between Union forces and Indian tribes were part of the greater Civil War. The progressive impacts on Indians as a result of the Colorado gold rush in the late 1840s and subsequent Treaty of Fort Laramie in 1851⁷ impacted all Indians in the region. The tensions created by the significant influx of whites during the mid-nineteenth century and their desires to control the land and its resources also significantly affected the livelihood of the Indians.

The Treaty of Fort Wise in 1861, which specifically targeted the Cheyenne and Arapaho tribes, continued patterns not unfamiliar to white-Indian relations. While the chiefs of the representative tribes initially agreed with the Treaty, growing dissent within the tribes coupled with the fact that whites were slow to fulfill promises within the Treaty continued to compound difficulties.⁸ The problem was that the frequency of hostile acts against whites slowly began to increase into the fall of 1864, essentially helping the conflict take on the role of a smaller war within the confines of the larger Civil War. The prevalence of these asymmetrical attacks against white settlements and lines of communication in eastern Colorado developed a frequency particular to the Cheyenne and Arapahoe tribes. The Governor of the Colorado Territory, John Evans, attempted to hold peace talks with the Cheyenne and Arapaho with no success.⁹ Indian raiding parties continued to carry out attacks and generally created an unstable Great Plains region until finally it became clear enough to Governor Evans that peace would not be possible without definitive action. With his attempt to meet for peace talks unsuccessful and as depredations continued through the summer of 1864, Governor Evans essentially issued a war proclamation in August. The Governor then made it clear at a council with chiefs at Camp Weld, Denver, in September that the time for negotiations and diplomacy had passed and all problems would be resolved militarily.¹⁰

Unfortunately, the historiography of white manipulation of Indian peoples and resources since the beginning of settlements on United States soil is undeniable. As hard as it may be to fathom, even if true, what is alleged to have happened at Sand Creek would not be the first, last, or worst case of atrocities committed against Indians. Arguably the largest of the atrocities, The Trail of Tears of the early 1830's which forced Indian tribes to emigrate West from their indigenous lands of the east and southeast is a pointed example of large-scale policy aimed directly at Indian populations that significantly outweighs that of any alleged occurrences at Sand Creek. And perhaps the most famous incident after Sand Creek is

⁶ United States Department of the Army, *Field Manual 3-0, Operations*, 27 February 2008, 3-8.

⁷ Stan Hoig, *White Man's Paper Trail: Grand Councils and Treaty-Making on the Central Plains* (Boulder: University of Colorado Press, 2006), 85-91. All others referred to as *Trail*.

⁸ Stan Hoig, *Sand Creek Massacre* (Norman: University of Oklahoma Press, 1961), 17. All further referred to as Hoig.

⁹ John Evans, "Reply of Governor Evans of the Territory of Colorado: To That Part Referring to Him, of the Report of 'The Committee on the Conduct of the War,'" Headed "Massacre of the Cheyenne Indians," *Sand Creek Massacre: A Documentary History* (New York: Sol Lewis, 1973), xvi. All Further referred to as *Massacre*.

¹⁰ *Ibid*, vi.

the extermination of three hundred Lakota Sioux at the Wounded Knee Massacre in 1890. With this in mind, a battlefield with non-combatants creates a multi-dimensional challenge that soldiers have dealt with since the beginnings of waging warfare. Even with the best of intentions when non-combatants are mixed in amongst fighters, they are often caught in the middle and sometimes injured or killed. To that point alone, that Indians did fight at Sand Creek is evidence enough to show that a battle did indeed occur. An examination of the injuries sustained by Union soldiers killed and wounded during the battle shows that the nature of their injuries is consistent with those of Indian weapons.¹¹

Levels of Leadership and Their Responsibility

A significant aspect of understanding the events at Sand Creek is an in-depth look at the important characters that played a role leading up to and at Sand Creek. An examination of the individuals responsible for developing both the strategic plans in dealing with larger scale issues involving Indians, and the tactical leaders who acted out the directives is equally significant to this analysis.

In the case of Sand Creek, a clear division of relevant characters is divisible by three echelons of leadership based on their levels of influence. The highest level or policy development level, operated at the national and territorial level and focused on strategic objectives. The president of the United States during the Civil War, Abraham Lincoln, and his appointment of John Evans to governor of the Colorado Territory, encompasses this level of responsibility. Moving one step down from the top begins the transition from the strategic to tactical level. The root of the responsibility for execution of policy directives rests at this level. While high ranking officers, as in this case, Major General S.R. Curtis, Commander of the Department of Kansas, and Colonel John Chivington, Commander of the Military District of Colorado, meshed strategic goals into tactical execution; then rightfully so, they occupy the most important echelon of responsibility. The third echelon is the ground tactical commander level, which in the case of the Battle of Sand Creek seems to find the prevalence of dissent. After an examination of the governmental levels of influence, an analysis of key Indian influences helps illuminate the setting of the Battle of Sand Creek.

President Abraham Lincoln

The highest influence on policy related to the Indians fell on the shoulders of the president of the United States. While early in President Lincoln's first term in office he made moderate attempts at reform, the war against the Confederates in the South eventually occupied most of his effort. Soon action toward Indians was based on an operating philosophy using the idea to "Attend to the Indians,"¹² translated to mean, do whatever was necessary to keep them from distracting efforts in the East. The broken system that President Lincoln inherited for dealing with Indians showed little positive change during his Presidency. The Indian dilemma directly contradicted the vision that President Lincoln had for the West. In fact, the West that he envisioned worked more against the Indians than for them. The progressive development of the Union on the Western Frontier proved to be the nucleus of his concern. In David Nichols book, *Lincoln and the Indians*, he highlights the key ideas of Lincoln's plan. The plan, as President Lincoln saw it, was that the West could flourish best by focusing on three particular factors, all which came at the expense of the Indians. Rather than focus on Indian affairs, Lincoln saw that the factors that best influenced the expansion of the Frontier were concepts surrounding the Homestead Act

¹¹ "List of killed and wounded in the engagement of November 29th 1864, on Big Sandy Creek, Colorado Territory," *Burlington Weekly Hawk Eye* (Burlington, Iowa), December 31, 1864, quoted at <http://www.kclonewolf.com/History/SandCreek/sc-documents/casualties-burlington.html> (accessed April 15, 2009).

¹² Abraham Lincoln, "Letter to Alexander Ramsey," August 27, 1862 in Roy P. Basler, *The Collected Works of Abraham Lincoln*, v. 5 (New Brunswick: Rutgers University Press, 1953), 396. All further referred to as *Collected Works*.

of 1862, exploitation of natural resources, and development of the transcontinental railroad.¹³ Clearly, the issuing of lands West for white settlement and the exploitation of natural resources on these lands were to be of negative consequence to the Indians who occupied them. All done in the name of progress, the leverage provided by this political ideology left significant room for manipulation at the state and territorial level. Lincoln argued that the key factor, as it pertained to the Indians, was that they essentially needed to assimilate to progressive developments based on land and labor, much like the rest of western civilization, or else they would not survive. In President Lincoln's meeting with Indian chiefs at the White House on March 27, 1863, he warned, "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 cultivation of the earth."¹⁴

Governor John Evans

Specific to Colorado, on March 26, 1862, President Lincoln appointed an old friend from Illinois, John Evans, as the second governor of the Territory. Initially offered the same position in Washington Territory, Governor Evans respectfully declined based on his developed personal business interests and desire to remain in relative proximity to Illinois.¹⁵ While Governor Evans had little trouble integrating into the duties of his new position in most areas, one field quickly proved to be far more complex than he could have ever imagined. Specified in the task of governor was also the role of acting as the superintendent of Indian affairs for the Territory.¹⁶ Early successes as governor quickly faded into the challenges presented in the execution of his superintendent duties. Governor Evans' first real exposure to Indians occurred in his first week in Colorado during a period of heightened conflict between Plains Indian tribes of eastern Colorado, namely the banded Cheyenne and Arapahoe tribes, and the Ute tribe of the western portion of the Territory.¹⁷ The regional conflict between tribal Indians in Colorado preceded white Frontierism, with Governor Evans' interaction with one tribe often coming at the cost of productive relations with the other. The strained relations between whites and the eastern tribes of Colorado that would come to mark Governor Evans' term were generally reciprocal to successes he had in securing compliance with the Utes to the west. In keeping with the existing idea about how to develop the land and resources described by President Lincoln above, the mechanism of treaty making-the legitimization of land taking and forced migration-became an effective tool, also utilized by Governor Evans. Governor Evans was able to negotiate a treaty with the Tabeguache band of the Ute tribe on October 7, 1863,¹⁸ relatively peacefully and with a majority consensus of Ute support. This is significant in that it helps to exemplify Governor Evans' initial intentions for peace and coexistence with Indians in Colorado. The paradox created by a peaceful treaty with one tribe was that it often tended to show one tribe in favor over another. Governor Evans was never able to mend the gap created with the eastern tribes by dealing with the Utes as he progressively took measures that pushed them away from diplomacy.

Policy Level Summary

The stated goals of President Lincoln and Governor Evans failed to provide for factors regarding improvement for Indians. To the contrary, the Indians seemed to represent more of a distraction to their

¹³ David A. Nichols, *Lincoln and the Indians: Civil War Policy and Politics* (Columbia: University of Missouri Press, 1978), 193-195.

¹⁴ *Collected works*, 6: 152.

¹⁵ Harry E. Kelsey Jr, *Frontier Capitalist: The Life of John Evans* (State Historical Society of Colorado: Pruett Publishing Company, 1969), 112.

¹⁶ William P. Dole, "Letter to John Evans," April 9, 1862, *Records of the Office of Indian Affairs, Letters Sent*, LXVIII, 50, National Archives, quoted in *Ibid*, 137.

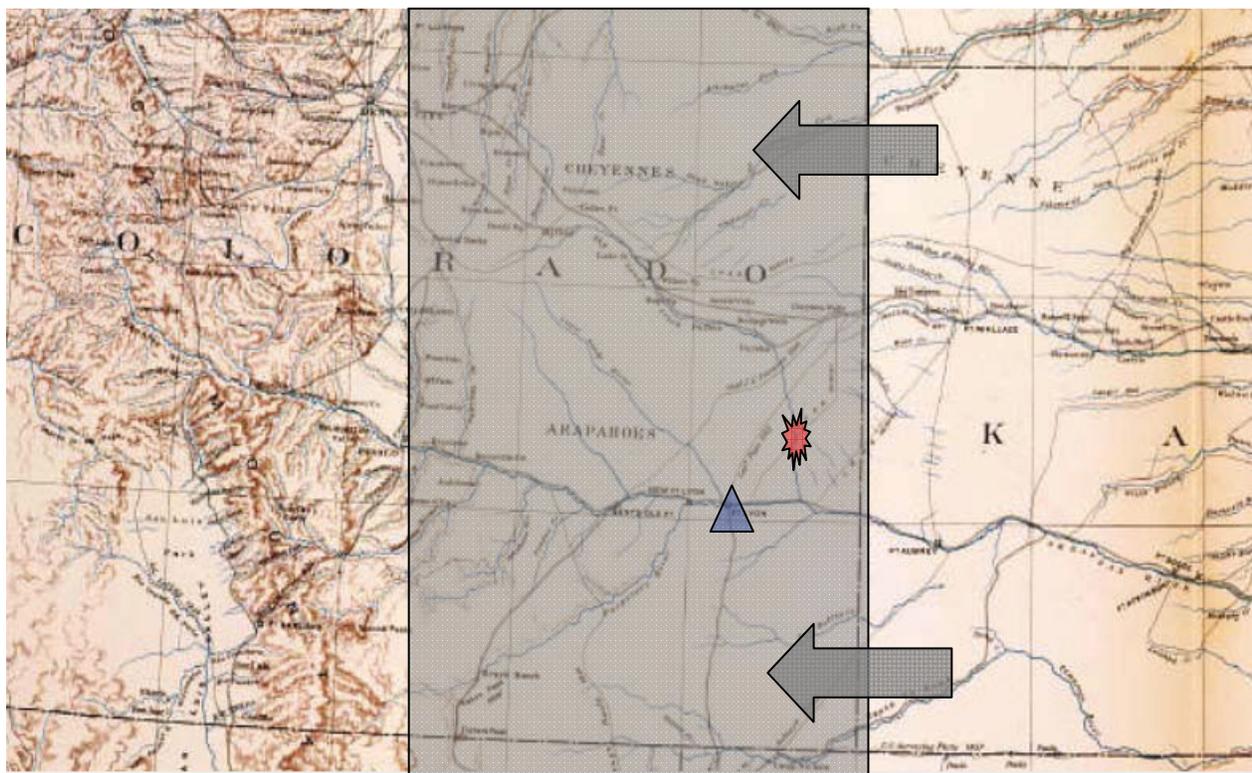
¹⁷ *Ibid*, 118.

¹⁸ United States and Charles J. Kappler, "Treaty with the Utah-Tabeguache Band," October 7, 1863, *Indian Treaties 1778-1883* (New York: Interland Publishing Inc., 1972), 856-860. All further referred to as *Treaties*.

goals. The focus of President Lincoln on the larger Civil War and the passing of responsibility to the military by Governor Evans eventually equated to political negligence. This decision by the President and Governor to pass responsibility for Indian affairs to the military proved to be a decision they would come to regret. When utilized effectively, military action is the last step in the prioritization of the diplomatic ladder. The policies and proclamations issued supported a kinetic solution and provided license for the conduct of military operations as a tool to support higher objectives. When prompted, the security of the United States has always been able to fall back on the decisiveness of the military and its leaders in battle. The events at Sand Creek are another example of this lineage. The absence of accountability by policy makers as a result of military action at Sand Creek allowed critics to dictate popular opinion. This remains the most substantial void in the legacy of the Battle of Sand Creek.

Execution Level and Major General Samuel Ryan Curtis

The transition to the execution level of leadership presented significant challenges during the conflict with Indians on the Great Plains. A deeper understanding of the difficulties inherent in upper echelons of military command is often the least easy to define. Political executives passed the burden of implementing Indian policy to the shoulders of military leaders appointed to command large military districts. The two military officers responsible for the Union efforts in the region related to Sand Creek were Major General Samuel Ryan Curtis, Commander of the Department of Kansas and Colonel John M. Chivington, Commander of the District of Colorado. While John Evans was Governor of the Colorado Territory, the Eastern Plains remained a gray area of overlapping interests with military responsibility allotted to the commander of Kansas.



Base Map- War Department, "Atlas to Accompany the Official Records of the Union and Confederate Armies 1864-1865," Plate CXIX, Section of Map of the States of Kansas and Texas and Indian Territory, 1867.

Figure 2. Shaded region depicts the portion of the Colorado Territory patrolled by Major General S.R. Curtis, Commander of the Department of Kansas. Note the inclusion of both Fort Lyon▲ and Sand Creek★, Colorado.

This is best exemplified at Fort Lyon, sitting roughly thirty miles southwest of Sand Creek, but was part of the military jurisdiction under the responsibility of Major General Curtis. The area of the District of Colorado that Colonel Chivington commanded rested under the direct tactical command of Major General Curtis. The complexity of this dynamic was most visible in the interaction with Indians on the Eastern Plains where the border between the State of Kansas and the Colorado Territory was arbitrary depending on the conflict, day, or circumstance. The convoluted nature of the Indian situation only added to daily confusion and reinforced the logic that placed Major General Curtis at the absolute center of regional concerns.

The figure above illustrates the enormous, highly complex Eastern Plains region that Major General Curtis was charged with controlling from not only Indians to the north and west but also the Confederate Army in the south and east. The scope of the operations conducted during the Civil War in the Great Plains against both elements could not be confronted individually based on finite resources, thus creating a multi-dimensional challenge. The environment on the Eastern Plains of Colorado reached the point that by September 28, 1864, Major General Curtis ordered Colonel Chivington:

I shall require the bad Indians delivered up; restoration of equal numbers of stock; also hostages to secure. I want no peace till the Indians suffer more. Left Hand is said to be a good chief of the Arapahoes, but Big Mouth is a rascal. I fear agent of Interior Department will be ready to make presents too soon. It is better to chastise before giving anything but a little tobacco to talk over. No peace must be made without my directions.¹⁹

This directive clearly outlines both the feelings and intentions of Major General Curtis toward the Indians by the fall of 1864. At a minimum, these orders establish custody of military operations in the region to Major General Curtis. If by no other means, the tactical situation in Kansas remained married to Colorado by this succession of tactical command.

Perhaps the least documented individual, if not least linked character directly involved in the events at Sand Creek, Major General Samuel Ryan Curtis operated as Colonel Chivington's superior during the entire conflict with the Indians on the Eastern Plains in 1864. The importance of this point cannot be understated. In correspondence from Major General H.W. Halleck, Army Chief of Staff, to Colonel Chivington on September 23, 1864, Major General Halleck clarifies for Colonel Chivington that he, "will communicate your wants to your superior officer, General Curtis, at Fort Leavenworth."²⁰ Taken even from the most minimalist perspective, the link between these two commanders is undeniable from this date forward. For Major General Curtis to issue the order to "chastise" and "not make peace," and then not only not accept any form of responsibility but to begin to turn on Colonel Chivington was inexcusable. The responsibility for all operations conducted within a Commander's jurisdiction is ultimately his responsibility. The range of this responsibility is not selective and since Colonel Chivington was a subordinate commander of Major General Curtis, ultimately so too were his actions.

Colonel John M. Chivington

The center of discussions regarding Sand Creek inevitably turn to Colonel John M. Chivington. Already a proven combat Union officer with action repelling Confederate advances at Glorieta Pass during the

¹⁹ Letter from Major General S.R. Curtis to Colonel Chivington, September 28, 1864. *War of the Rebellion Official Records of the Union and Confederate Armies, series I, volume XLI, part III* (Washington: Government Printing Office, 1893), 462. All further referred to as *Rebellion*.

²⁰ *Massacre*, 74.

New Mexico Campaign to his credit,²¹ his reputation as a legitimate combat commander earned him the position of Commander of the District of the Colorado Territory rather quickly. A hard-nosed leader, Colonel Chivington commanded fear and respect from both Rebel and Indian aggressors. While many questions remain concerning Colonel Chivington and the Battle of Sand Creek, his effectiveness as a combat leader fixed on winning decisively in battle has never been debated.

As Colonel Chivington reported on the evening of November 29, 1864, after the events at Sand Creek, he tells of an arduous approach march that ultimately culminated in an overwhelming victory in battle. While the word *attack*, used early in the letter, often evokes the idea of victimization- that one's power imposed on another is without provocation or justification- militarily it is a common doctrinal term used for the specific purpose of defining an operation of exacting overwhelming force, preferably by surprise. Furthermore, the planning and preparation conducted prior to arriving at Sand Creek define the attack even further as deliberate, as opposed to hasty or accidental. Colonel Chivington continued his report with both the quantity and quality of Indians killed at Sand Creek. This is significant because it reinforces the success of the overall intent of the mission. Undoubtedly, if it was Colonel Chivington's intent to go to Sand Creek and make peace, he very well could have, but his purpose was to kill. Colonel Chivington also passed along his casualty report, providing greater validity to the idea that it was a battle rather than a massacre. The report finishes with Colonel Chivington's attempt to add legitimacy to the attack by articulating the presence of a scalp in the village.²² The presence of the scalp supports the idea that white civilians too were caught in the middle of the conflict.

Why Attack?

The glaring question at this point no doubt remains: why did he deem it necessary to plan, prepare, and conduct such an operation? The answer is actually rather obvious. Throughout the course of the summer months of 1864, the frequency of attacks on settlers and lines of logistics relied upon in the West continually increased.²³ The mutilation and murder of the Hungate family south of Denver on June 11, 1864²⁴ proved that the situation was deteriorating very quickly. Forced to take action, twice during the summer of 1864 Governor Evans issued separate proclamations in June and August, progressively increasing the firmness of his stance until eventually conceding the authority to make peace to the military. With the military authority in the District of Colorado passed to Colonel Chivington, this actually put overall responsibility in the hands of Major General Curtis, who Colonel Chivington was obligated to obey.

How It All Came Apart

Strategic Scapegoating

If Colonel Chivington's conduct at Sand Creek was executed under the top down directives of both Governor Evans and Major General Curtis, it is rather peculiar that the aftermath would eventually become so conflicted. The testimony of Governor Evans given on March 15, 1865, to an assembled Committee on the Conduct of War, provides his earliest attempt to deflect blame when he testified that at the time of the Sand Creek events the Indian issue had already been passed over to military authority, of

²¹ *The Battle of Glorieta Pass Gettysburg of the West*, produced by D. Sonnenberg, D. Kruzic, & S.R. Ulibarri. Princeton, New Jersey. Films for the Humanities and Sciences, 1993, VHS. A commentary on the events surrounding Glorietta Pass incorporating journal and diary sources.

²² Letter from Colonel Chivington to Major General S.R. Curtis, November 29, 1864. *Sand Creek papers; testimonies reflecting facts concerning the killing of Cheyenne and Arapaho Indians on November 29, 1864 by the Third Colorado Volunteers* (Black Forest, Colo: Black Forest Bookman, 1959), 21.

²³ *Rebellion*, vol. XLI, part II, 765.

²⁴ *Rebellion*, vol. XXXIV, part IV, 353-354.

which he “had no control.”²⁵ The efforts of Governor Evans to pass custody by asserting his disassociation with Indian affairs, while not only serving as governor but also in his capacity as superintendent of Indian affairs, seem inadequate and are matched equally by Major General Curtis’ related claims. After showing no inclination for, or taking any action regarding to, the events at Sand Creek for over a month, Major General Curtis did nothing until ordered by H.W. Halleck on January 11, 1865.²⁶ Inexplicably, the next day Major General Curtis sent a correspondence in reply stating that Colonel Chivington “may have transgressed my field orders concerning Indian warfare, (a copy of which is here enclosed)...”²⁷ Major General Curtis not only took this correspondence as an opportunity to open a wound that would bring into question the validity of all military operations in the region, but it also functioned as his tool to deflect responsibility to Colonel Chivington only. Interestingly absent from his first tardy attempt at being forthright about the events on November 29, 1864, were his preceding orders to Colonel Chivington encouraging offensive action.

The 1865 Report on the Conduct of War titled *Massacre of the Cheyenne Indians* contains no less than nine correspondences directed from Governor Evans and Major General Curtis to Washington between August and November 1864, reporting depredations of Indians against whites.²⁸ These reports provide significant substance to the argument for the open war being waged against the Indians in the Great Plains, of which both Governor Evans and Major General Curtis were active participants. While the scapegoating of Governor Evans and Major General Curtis proved harmful to the legacy of Sand Creek, they were not alone in influencing public opinion. In fact, it would be accurate to infer that the highest government officials would have preferred to keep such matters as internal as possible while under investigation. An equally as powerful force quickly enveloped the way the public came to see the events at Sand Creek.

Bottom- Up Dissent: Major Edward Wynkoop and Captain Silas Soule

The seemingly popular voice of subordinate leader dissent began to surface nearly simultaneously with Colonel Chivington’s arrival at Fort Lyon on the night of November 28, 1864. These recognizable forms of dissent became audible in the comments of subordinate officers working for him tactically at Fort Lyon, as well as from a professional relationship developed during the previous New Mexico Campaign.

The first form of dissent, recognizable in Major Edward Wynkoop, the Commander at Fort Lyon during the summer and early fall of 1864, and Captain Silas Soule, Commander of D Company, First Colorado Cavalry, also stationed at Fort Lyon directly under Major Wynkoop, came out of the notion that a subordinate is not always agreeable with all the terms of an issued directive and in turn forms a general action and attitude in opposition. Major Wynkoop, despite having been relieved of command at Fort Lyon early in November, and was not present at Sand Creek on the 29th of November, had an opinion that was given significant merit in the succeeding investigations. Major Wynkoop’s tendency to favor an outlook concerning peace over security often came at the price of negligence to superiors’ orders. A point to which he concedes clouded his ability to understand the guidance he was required to follow lies in his testimony to the Committee on the *Massacre of the Cheyenne Indians* where he agrees to “making a mistake of which I have since become painfully aware.”²⁹ The best explanation for Major Wynkoop’s dissent was that it was undoubtedly based in his developed interpersonal relationships with particular Indians. The significant amount of time he spent with the Indians desensitized him to real dangers all around. The Smoky Hill expedition in September of 1864 provides proof to this idea that complacency

²⁵ Committee on the Conduct of War, *Massacre of the Cheyenne Indians*, 38th Cong. 2nd sess., 1864, 37.

²⁶ *Ibid*, 74.

²⁷ *Ibid*, 75.

²⁸ *Ibid*, 62-73.

²⁹ *Ibid*, 82.

was Major Wynkoop's greatest weakness and eventually led to his being relieved of command.³⁰ While in command at Fort Lyon, Major Wynkoop found support for his ideas amongst his subordinates, namely Captain Silas Soule.

Historically, lore has tended to put the actions of Captain Silas Soule into a category all his own when referring to his alleged active resistance during the Battle of Sand Creek. The overly believed idea, expressed also by Stan Hoig in *Sand Creek Massacre*, is that "during the battle Si Soule had refused to order his men to fire, making it a point that he was opposed to killing the Indians."³¹ Unfortunately, the truth is much less dramatic. As Captain Soule pointed out, when he was given orders to move into position to fire, "Before I got into the creek there were troops upon both sides firing across. It was unsafe for me to take my command up the creek."³² Thus, rather than voluntarily choosing not to fire, the tactical situation dictated that he could not. Furthermore, when finally freed and in position, Captain Soule admitted "we were not in line when Wilson commenced firing, but were in line soon after, and opened fire from the south or southeast."³³ This example of Captain Soule and the truth about his actions at the Battle of Sand Creek is one of the many related instances where the truth has been replaced by folklore. As a subordinate officer under the command of Major Wynkoop, Captain Soule shared many of the same views and inevitably expressed the same opinions.

Bottom-Up Dissent: Lieutenant Colonel Samuel Tappan

The second form of subordinate dissent relevant to Sand Creek was visible in the demeanor of Lieutenant Colonel Samuel Tappan. Masking his personal dislike and general ill feelings toward Colonel Chivington, he used them as a powerful tool which he then used to legitimize the allegations about Sand Creek into a formal inquiry. While operating as a subordinate to Colonel Chivington on the Eastern Plains, the tone of the Lieutenant Colonel's correspondences often bordered upon insubordination. In a reply to orders issued by Colonel Chivington to move an element of his command from Fort Garland (in southwestern Colorado Territory) to Fort Lyon as a reinforcement force he objected, stating his desire to have further clarification on the matter before completely committing.³⁴ Given the benefit of the doubt that the questioning of orders may have been inadvertent; a smaller, subtler act of defiance is also visible. During the period of the Civil War (and still today), a formally respectful gesture in the closing of the largest portion of correspondence between any two parties was some construct of the two closings "very respectfully,"³⁵ or "obedient servant."³⁶ Interestingly, in the case of two correspondences from Lieutenant Colonel Tappan to Colonel Chivington, he closes each with "Yours,"³⁷ and "Yours, truly."³⁸ While seemingly subtle, this slight was undoubtedly calculated and heartfelt on the part of Lieutenant Colonel Tappan and can be interpreted to convey his professional disdain for this supervisor.

Dissent Summary

Both of the forms of subordinate dissent originated from the same idea, unanimously pointing blame for what they believed to be an unwarranted attack on the tribes at Sand Creek directly on Colonel Chivington. Since he was the highest official they had visibility or proximity to and generally held him in poor regard, it is rational that they would choose him as their target. The construction of the dissent in

³⁰ Ibid, 92.

³¹ Hoig, 151.

³² *Massacre*, 201.

³³ Ibid, 203.

³⁴ *Rebellion*, vol. XXXIV, part IV, 252.

³⁵ Ibid, 228.

³⁶ Ibid, 229.

³⁷ Ibid, 229.

³⁸ Ibid, 252.

Major Wynkoop and Captain Soule mostly shows their ignorance regarding the role of the military in Indian relations. Perhaps most worth considering is the basic idea that military actions should be used as an enforcement arm toward peace, not for the development of treaties. From a military perspective, the downward spiral of events throughout the summer of 1864 presented clear indicators of the offensive actions to come. This is a point that two military commanders operating in the region should have understood.

A Declaration of War

As mentioned previously, the increased frequency of hostile activities of the Indians on the Eastern Plains during the early part of 1864 continued to escalate to the point that on June 27, 1864, Governor Evans issued a proclamation titled "To the Friendly Indians of the Plains," which included instructions stating that "I direct that all friendly Indians keep away from those who are at war, and go to places of safety," and specified the Cheyenne and Arapahoe near the Arkansas River to seek out the "Indian Agent at Fort Lyon, who will give them provisions and show them a place of safety."³⁹ While not a declaration of war, it was no doubt an attempt by Governor Evans to accomplish two things. The first was to allow for the Indians on the Plains to begin to police themselves, and develop a self imposed divisible line between good and bad internally. The second point was to issue an ultimatum focused on compliance. The proclamation went nearly ignored and acts of violence increased throughout the summer. By late summer the situation had progressed to the point that on August 11, 1864, Governor Evans issued his second proclamation, this time speaking directly to the people of Colorado where he outlined the progressive nature of the conflict up to its current point, warning the citizens of the Territory that aggressive action would now be required:

Now, therefore, I, John Evans, governor of Colorado Territory, do issue this my proclamation, authorizing all citizens of Colorado, either individually or in such parties as they may organize, 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, wherever they may be found, all such hostile Indians.⁴⁰

This time it was a declaration of war. This proclamation acted as a transition from working toward a diplomatic approach to focusing all efforts toward a military solution. The directive could not have been any clearer for commanders currently working to establish security on the Plains. While essentially calling for the establishment of citizen militias, it is no leap of faith that soldiers who were currently serving on active duty on the Plains also adopted this directive under its proper authority. In the simplest terms agreeable to any white in the region, the definition of a hostile Indian was defined as one with the means to fight.

Then why, when operating under this specific guidance would Major Wynkoop and Captain Soule work toward any type of peace talks with Indians who had not disarmed? Documentation supports the fact that Major Wynkoop was aware of the directive based on his report from his rogue excursion to Smoky Hill. Based on an explanation regarding some wandering Cheyenne's desire to pass information concerning white hostages, Major Wynkoop traveled over 100 miles in haste to arrive at Smoky Hill, where both Cheyenne and Arapahoe warriors significantly outnumbered his element in a show of force. Perhaps without recognizing how well he had been manipulated, he entertained the conversation of trading peace for hostages and took the idea a step further by inviting some of the representative chiefs to Denver in the hope of initiating peace talks with Governor Evans. This was done all the while with Major Wynkoop

³⁹ *Massacre*, 67.

⁴⁰ *Ibid*, 53.

knowing, as stated in his report of the September 18th misstep to Smoky Hill, that he told the chiefs he “was not authorized to conclude terms of peace with them.”⁴¹ Conceding he understood the intent of his superiors and recognized the range of his own authority, it is ridiculous he persisted with some of the naïve decisions he made.

Two significant points of analysis are in the details of the meeting at Smoky Hill, in addition to the fact that the Cheyenne and Arapahoe tribes were banded together. The fact that the Indians were bartering for peace with hostages confirms they were hostile. Secondly, a point Major Wynkoop himself admits, when he came upon Smoky Hill he “was confronted by from 600 to 800 Indian warriors drawn up in line of battle and prepared to fight.”⁴² It is peculiar that Major Wynkoop would travel away from Fort Lyon with a minimal force, without permission, and potentially walk into an ambush, while also admitting recognition of Governor Evans’ proclamation. He was lucky to have escaped with his and the men within his charges’ lives. He was either ignorant of, or negligent about, the correspondence passed from Major General Curtis to Colonel Chivington on May 30, 1864, warning:

Some four hundred (400) Cheyennes attacked Lieutenant Clayton on Smoky Hill. After several hours’ fight the Indians fled, leaving twenty-eight (28) killed. Our loss four (4) killed and three (3) wounded. Look out for Cheyennes everywhere.⁴³

The Aftermath

Forms of Inquiry

The murky history between Lieutenant Colonel Samuel Tappan and Colonel Chivington began in the early years of the Civil War. Having served together during the New Mexico Campaign in 1862 and fighting on the same battlefield at Glorieta Pass, by the time of Sand Creek in 1864, they were enemies. While the reasons for personal conflict remain rather ambiguous, normally related back to their earlier campaign where, as a result, Colonel Chivington essentially passed over Lieutenant Colonel Tappan on his way to gaining command of the District of Colorado. As J.P. Dunn put it in *Massacres of the Mountains*, Tappan “was recognized as a personal enemy of Chivington.”⁴⁴ While Colonel Chivington continued to press on with the fight on the Plains, the next few years saw Lieutenant Colonel Tappan maintain a grudge that never diminished. This would prove to be of significance in the aftermath of the Battle of Sand Creek as Lieutenant Colonel Tappan turned his dislike for Colonel Chivington into a vendetta played out as the head of the military commission. This- the military’s internal investigation and its findings- proved similar to the conclusions formed by two concurrent congressional investigations. The military investigation was conducted over seventy-seven days, from February to May 1865. The commission consisted of two captains and Lieutenant Colonel Tappan, who were all subordinates to Colonel Chivington as veterans in the First Colorado Cavalry.

Prior to the board convening, and while claiming not to know the scope of the investigation, Colonel Chivington knew well enough that with Lieutenant Colonel Tappan presiding over the commission it put him at a significant disadvantage. In recognition of this important conflict of interest Colonel Chivington issued a letter to the court stating his objection and if nothing else to have the objection incorporated as part of the official record. Colonel Chivington’s letter started, “I would respectfully object to Lieutenant Colonel S.F. Tappan, first veteran battalion Colorado Cavalry, being a member of the commission for the following reasons,”⁴⁵ and continues to support his position with three legitimate concerns. Colonel

⁴¹ *Rebellion*, 242-243.

⁴² *Ibid*, 242.

⁴³ *Massacre*, 362.

⁴⁴ *Mountains*, 347.

⁴⁵ *Massacre*, 195.

Chivington first admits that he and Lieutenant Colonel Tappan had a personal past, before arguing that Lieutenant Colonel Tappan carried an openly sympathetic feeling toward Indians, and finally adding that all these points would not allow Lieutenant Colonel Tappan to act without prejudice.⁴⁶ While each objection alone seemed to establish a conflict of interest, the commission dismissed Colonel Chivington's concerns.

For the sake of the integrity of the military commission gathered to investigate the events at Sand Creek, it is quite peculiar the investigation was allowed considering the concerns raised by Colonel Chivington. It seems in no way logical that a formalized military commission be permitted to form where a commander was the subject of an investigation chaired by subordinates. Common decency, or professional courtesy, would dictate that a fair panel would consist of peers as a baseline, with the president of the board superior to the accused. Perhaps, if nothing else than to serve as evidence to the lack of division present in the commission, in the reply of Lieutenant Colonel Tappan to Colonel Chivington's concerns, added to the record of the commission stating:

As to my alleged prejudice and alleged personal enmity, even if true, I should not consider them at all influencing me in performing the duties assigned me in this commission, especially after taking the oath required as a member.⁴⁷

While it is debatable if the tone of Lieutenant Colonel Tappan's rebuttal was more militarily insubordinate or personally condescending, the undertone to the reply acknowledges an existing dissension between the two men. Also important to note is that Lieutenant Colonel Tappan's reply makes no attempt to dispute Colonel Chivington's claim regarding Lieutenant Colonel Tappan's sympathetic tendencies toward Indians. By the time the military commission convened, it developed a shape closely resembling the popular opinion that encouraged it to commence in the first place. The required prerequisite to formalize public opinion was to find the right military officer who could shape the report to the predetermined conclusion. This proved to be the perfect assignment for an envious subordinate with a grudge, Lieutenant Colonel Tappan.

Patterns that Emerged

The two committees that formed in Washington in 1865, and the military commission that took place in Colorado at the same time, contain many similarities. The patterns that emerged within the documents can be inferred first from the names given to each: *The Massacre of the Cheyenne Indians*, *The Chivington Massacre*, and *Sand Creek Massacre* leave little to the imagination as to the dominant perspective. In John Carroll's primary source collection of all three investigations, *The Sand Creek Massacre: A Documentary History*, the book in sections reads as a complete tragedy. The investigations read as one-sided stories of absolute "murder and barbarity."⁴⁸ The mix of commentary, testimony, and correspondence fill each investigation to the maximum with the detail necessary to condemn any person associated with such acts. Perhaps one of the best examples of the type of information allowed in the inquiries, not otherwise substantiated by record, is in the testimony of S.E. Browne during *The Chivington Massacre* investigation where he claims to have heard Colonel Chivington during a speech in August 1864 declare, "kill and scalp all, little and big; that nits made lice."⁴⁹

The problem with the investigations remains the same today as in 1865. The accused were left defenseless against the machine of popular opinion. Surprisingly, evidence to this idea is exemplified

⁴⁶ Ibid, 195.

⁴⁷ Ibid, 198.

⁴⁸ Ibid, 5.

⁴⁹ Committee on the Conduct of War, *The Chivington Massacre*, 39th Cong. 2nd sess., 1865, 71.

more conservatively in the proceedings of the military commission chaired by Lieutenant Colonel Tappan. With the dismissed conflict of interest objection by Colonel Chivington previously mentioned in mind, two further points help illustrate the military commission's bias in the conduct of the investigation. At one instance during direct examination, Colonel Chivington raised an objection to Major Wynkoop's speaking in conjecture regarding Black Kettle, the dominant chief of the Cheyenne, an obvious case of hearsay. Not surprisingly, the "objection overruled by the commission,"⁵⁰ essentially allowed Major Wynkoop to submit verbal statements on Black Kettle's behalf. Another example of bias shown by the commission occurred on day twenty-four, when Colonel Chivington requested the opportunity to form a defense, or more directly, to call witnesses residing in Denver to "testify in his behalf before the commission."⁵¹ The commission again decided against Colonel Chivington's request and it was not until day fifty-five before Colonel Chivington would be allowed to defend himself.⁵² This delay in the allowing of testimony in defense was of course one step further than the committees in Washington, where no such opportunity was given. When all was said and done after the three inquiries, the damage to Colonel Chivington's reputation derailed his aspirations of becoming a senator. Having lost an earlier election to Allen A. Bradford for the Territorial seat in the fall of 1864,⁵³ Colonel Chivington's political hopes after the Battle of Sand Creek were completely dashed.

The Indian Perspective

And what of the prevailing belief that the Indians who occupied Sand Creek in the fall of 1864 were not hostile towards whites? Where the previously mentioned concession by Major Wynkoop regarding his arrival at Smoky Hill, and the subsequent Indian attempts to negotiate hostage release fall short; an analysis of the words by the chiefs themselves help to construct a more accurate depiction of the conditions that led to the Battle of Sand Creek. But first, it is necessary to establish an understanding of two factors that significantly influenced the Indian landscape prior to 1864. In keeping with the progressive movement of Frontierism, particularly influenced in Colorado by the gold rush of 1859, the path to the Rocky Mountains ran straight through Indian lands. At the time this was an easy problem to rectify, accomplished through relocation and reservation policy in much the same fashion as everywhere else. The Treaty of Fort Wise in 1861 created significant amounts of dissent among the affected tribes of the Southern Cheyenne and Southern Arapahoe. The big chiefs of each represented tribe, Black Kettle (Cheyenne) and Left Hand (Arapahoe) signed the treaty⁵⁴ to avoid conflicts with whites. The signing of the Treaty of Fort Wise by the Indians eventually proved to come at the cost of internal cohesion that became the clearest Indian weakness of the events to come.

While simultaneously weaving through the challenges presented by whites on the Eastern Plains, the large, volatile struggle within the Cheyenne and Arapahoe tribes continued to create friction. In George Bird Grinnell's 1907 essay, "Tenure of Land among the Indians" he attempts to explain that:

Our notions of land ownership have developed through thousands of years. It seems to us now quite reasonable and expedient that one man should fence out others from his farm and that another should monopolize a lake and another a water power; but a primitive Indian can no more

⁵⁰ Ibid, 275.

⁵¹ Ibid, 269.

⁵² Ibid, 273.

⁵³ Robert Perkins, *The First Hundred Years: An Informal History of Denver and the Rocky Mountain News* (Garden City: Doubleday & Company, 1959), 267.

⁵⁴ *Treaties*, 810.

understand such private monopolies that the average American can understand how there could be private monopoly of air or light.⁵⁵

The complexity of this Indian identity struggle played out internally as a fight between new and old, culture vs. assimilation, life or death. Without reaching too far, the big chiefs of the Cheyenne and Arapahoe tribes did work to bridge this gap, while simultaneously working against white pressures. The dissent created from within the tribes caused by making concessions regarding the land and its resources remained highly fractious as violent resistance against white settlements and logistical lines increased. The environment progressively intensified throughout the early 1860's, pushing past both of Governor Evans' proclamations, eventually leading to the famous meeting between the Cheyenne and Arapahoe Chiefs and Governor Evans at Camp Weld, Denver on September 28, 1864.

In Black Kettle's Own Words

Unquestionably one of the most frequently cited documents in analyses of the events at Sand Creek is the letter by Black Kettle, scribed by George Bent and dated August 29, 1864. This is after all, the document delivered to and that subsequently enticed Major Wynkoop to leave Fort Lyon and travel to Smoky Hill without permission. While most often parsed from a peace offering perspective, the contents of the letter contain significant concessions regarding the disposition and relationships of various Indian tribes to one another that cannot be overlooked. An attempt at an honest analysis of the letter requires that it be read in its entirety, as shown here:

SIR: We received a letter from Bent, wishing us to make peace. We held a council in regard to it; all came to the conclusion to make peace with you, providing you make peace with the Kiowas, Comanches, Arapahoes, Apaches, and Sioux. We are going to send a messenger to the Kiowas and to the other nations about our going to make peace with you. We heard that you have some prisoners at Denver; we have some prisoners of yours which we are willing to give up, providing you give up yours. There are three war parties out yet, and two of Arapahoes; they have been out some time and expected in soon. When we held this council there was a few Arapahoes and Sioux present. We want true news from you in return. (This is a letter.)

Black Kettle and other Chiefs⁵⁶

An overwhelming percentage of the analysis on this topic earns legitimization by this correspondence's mention of the words "make peace," twice within the first two lines. However, two equally important ideas need incorporation into any honest analysis. First, at two separate points Black Kettle stipulates conditions to peace. Initially, he explains peace would only be possible "providing" that whites also make peace with various other warring tribes. Black Kettle then continues that he will hand over hostages "providing" that the whites do the same. This idea, that the Indians were in some sort of power position with leverage enough to negotiate conditions for peace beyond the instructions in Governor Evans' first proclamation eventually proved nearsighted. Secondly, under the circumstances outlined in the Governor Evans' second proclamation only eighteen days prior to Black Kettle's letter, an admission of having "hostages" and knowledge of active "war parties out yet," seems equally naïve, since both of these activities are admitted acts of war. Historically, the United States government tends to not behave favorably when given ultimatums, which is especially true when it comes to hostages.

⁵⁵ George Bird Grinnell, "Tenure of Land among the Indians," *American Anthropologist*, New Series, vol. 9, no. 1 (Jan.-Mar., 1907): 6.

⁵⁶ *Massacre*, 359.

It is improbable that Black Kettle would have forgotten that the history of peace interactions between whites and Indians was not on his side. The American experience has shown that Indians have been without leverage during the treaty process. In Stan Hoig's text, *White Man's Paper Trail*, he adds:

But even when guided by the noblest of purposes, commissioners had the advantage in setting agendas, manipulating written language and the nuances of treaty commitments, and effecting agreements through the promise of reward, threat of punishment, or guise of deceptive misunderstanding.⁵⁷

While at its core, Black Kettle's letter was an effort intended to move toward peace, at least for winter, it is also an acknowledgement that the hostilities that crowded this period of time were by no means a one-sided affair. This realization would soon materialize for Black Kettle and all others present at Camp Weld on September 28, 1864.

Camp Weld

As soon as Governor Evans began to speak on September 28, 1864, it must have become immediately clear to Black Kettle that the negotiations he envisioned would not take place. The transcript of the report⁵⁸ carries an almost foreshadowing tone of the events that would follow in the fall. From the very beginning of the council, Governor Evans made it clear that the time for diplomacy had passed. On multiple accounts, the Indians went so far as to admit wrongdoing regarding many of the accusations and motives for wanting to meet with Governor Evans.⁵⁹ By the end of the short meeting it was abundantly clear that Governor Evans had not budged, making sure everyone was cognizant of his belief that for the small representation of Indians at the council there still existed a significant cadre of warriors. From the point of the conference forward, if not previously, it was clear to both Indian and white alike that the situation was now a military matter. The meeting, being less like a diplomatic forum and more like an ultimatum, concluded as Colonel Chivington spoke for the first time. His clear message outlines the only way peace could be reached, "My rule of fighting white men or Indians is to fight them until they lay down their arms and submit to military authority."⁶⁰ Colonel Chivington's ideology was not objected to by Governor Evans or Major General Curtis- whose order to "chastise" could be argued to support and not undercut Colonel Chivington's idea.

Conclusion

The hard truth is that the chiefs in attendance at Camp Weld, Denver in September of 1864, understood the terms of unconditional surrender required for the fighting to stop and for peace talks to begin. Colonel Chivington's instructions for the Indians to disarm were not enforced within the tribes. Even the most sympathetic analysis of Sand Creek place armed warriors on the battlefield on the morning of November 29, 1864. Under acknowledgement of the terms of the council at Camp Weld, ignoring the call to disarm can in no way be interpreted as anything other than an act of war. In a report no more than five days before the Battle of Sand Creek, Colonel Chivington sent a correspondence to Major General Curtis outlining, "Indians attacked two trains below Fort Lyon. Killed 4 men, drove off twenty head of stock. Will clean them out, if possible, in a few days."⁶¹ The war with the Indians was legitimate. The cost on both sides in regard to resources and human lives was significant and at no point prior to the Battle of Sand Creek was territory not disputed. The conflicts on the Eastern Plains of Colorado Territory during the Civil War fit inside the established policies and directives of both the war with the Indians and

⁵⁷ *Trail*, 8.

⁵⁸ *Massacre*, iv-vii.

⁵⁹ *Ibid*, v.

⁶⁰ *Ibid*, vii.

⁶¹ *Rebellion*, 672.

the battle for the Union. The Sand Creek Massacre was created from the Battle of Sand Creek. Allegations diminished the legitimacy of the operation based on an absolute betrayal at all levels of leadership. The scapegoating of superiors and dissent of subordinates was validated by the three formal commissions which formed conclusions based on half of the available information. Put most succinctly by J.P. Dunn, he summarizes:

Concerning this affair there has been much of exaggeration, much of invective, much of misunderstanding, and much of wholly unfounded statement. Indeed, so much has been said in regard to it that the controversy is far more extensive than the original trouble, and the historical shape that it has assumed is the creation of the controversy, not the fight.⁶²

The legacy of the Battle of Sand Creek remains an open wound in the history of the American clash of progressivism. The collision of two civilizations, white and red, created a heritage of martyrs who represent two sides of one struggle. The story of one is nothing without the oral tradition of the other, and the cold winds that blow across that forgotten battlefield are calls from the spirits ensuring that we never forget.

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⁶² *Mountains*, 335.

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