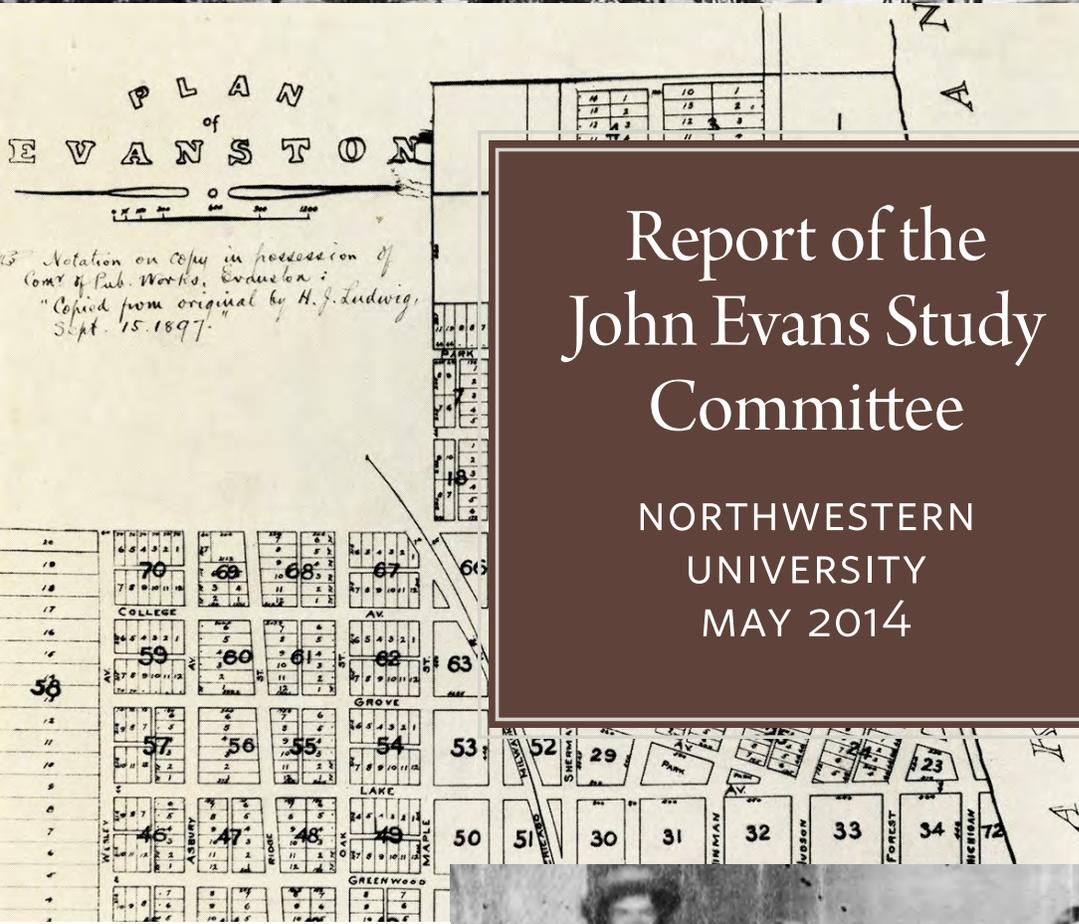




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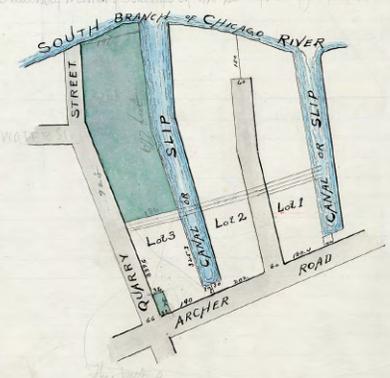
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"Copied from original by H. J. Ludwig,  
Sept. 15, 1897."



Report of the  
John Evans Study  
Committee  
NORTHWESTERN  
UNIVERSITY  
MAY 2014

BRAINARD AND EVANS SUBDIVISION  
of Block 2 of South Fractional part of Section  
29 Town 39 N, Range 12 E.  
Said by John Evans to the University October 20th 1888  
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REPORT OF THE NORTHWESTERN UNIVERSITY  
JOHN EVANS STUDY COMMITTEE

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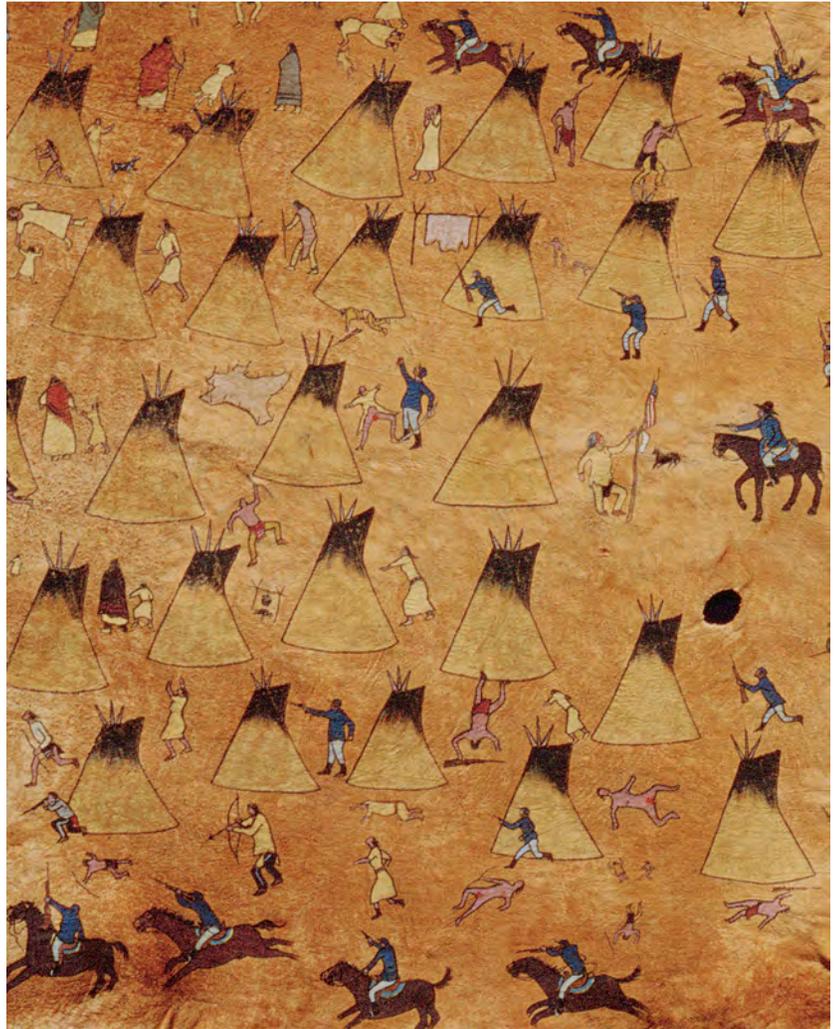
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# Chapter One: Introduction

ON the clear and frozen dawn of Tuesday, November 29, 1864, more than seven hundred heavily armed United States cavalry approached an encampment of Cheyenne and Arapaho Indians by a large bend in a dry riverbed called Sand (or Big Sandy) Creek, in an open and isolated spot on the high plains of southeastern Colorado Territory. The sleeping Indians had no inkling of what was about to happen and had posted no guards. A few weeks earlier, following a spring and summer of sometimes deadly encounters between the territory's Native people and its settlers and soldiers, the inhabitants of the camp had declared their peaceful intentions and surrendered at Fort Lyon, on the Arkansas River about forty miles to the southwest of where the Cheyennes and Arapahos had pitched their tipis. The fort's commander, Major Scott Anthony, who was now part of the advancing force, had directed the Indians to this site, and they thought they had been assured a safe refuge.

The soldiers had ridden all night from Fort Lyon. Most of them were members of the Third Colorado Cavalry, a volunteer regiment formed a few months earlier to confront hostile Indians.<sup>1</sup> The Third was nearing the end of a period of service limited to one hundred days, presumably enough time to deal with the danger. Accompanying these troopers were about 125 men from the veteran First Cavalry. At the head of this combined force was



*Detail from the elk hide painting by Northern Arapaho artist Eugene Ridgely Sr. (1926–2005) of the Sand Creek Massacre. Note the depiction of Black Kettle raising the two flags to indicate to the attacking soldiers that the camp is peaceable. (©1994 Elk Hide Painting, The Sand Creek Massacre, Eugene Ridgely Sr., Northern Arapaho, Courtesy of the Ridgely Family. ©1996 Photograph, Tom Meier)*

Colonel John Chivington, commanding officer of the Military District of Colorado, headquartered in Denver. A hulking bully of a man, Chivington was a Methodist minister who had taken up the sword when the South rebelled. He had won glory for his role in repelling a Confederate attempt to invade Colorado in 1862 but had accomplished little since then to advance his goal of promotion to brigadier general.

Upon arriving at a rise overlooking the encampment, Chivington directed his men to strap their coats to their saddles to allow themselves more freedom of movement in battle, and he dispatched a few companies to get between the Indians and their grazing ponies. Then he stirred up the troopers by reminding them of the brutal killings of white settler

*The soldiers became a savage, undisciplined, and murderous mob. Some ran down individuals or small groups of fleeing Indians, executing helpless women and children at point-blank range and mutilating the victims.*

families by Native American warriors since the spring—“Now boys, I shan’t say who you shall kill, but remember our murdered women and children”—and he ordered them to charge.<sup>2</sup>

The ferocious attack, backed by shells from two twelve-pound mountain howitzers—the only time the U.S. Army employed such heavy artillery against Indians in Colorado—took the encampment entirely by surprise.<sup>3</sup> Some who had heard the hoofbeats of the heavy cavalry horses at first mistook them for buffalo. While the attacking force did not greatly outnumber the Indians, the Cheyennes and Arapahos were far less armed, and many younger warriors either had decided not to join this group or had gone hunting for the buffalo they would need to survive the winter. The majority of those remaining were women, children, and elderly men.

The Indians reacted to the merciless onslaught with a mixture of confusion and terror. Cheyenne chief Black Kettle, the most outspoken advocate of peace with the American settlers, thought that the soldiers did not realize that the camp was friendly. He desperately retrieved the United States flag that former Commissioner of Indian Affairs Alfred Greenwood had given him a few years earlier as a symbol of amity and hoisted it to the top of his tipi, along with a white banner that he had been told would signal to soldiers that his camp was peaceable. George Bent, the mixed-race son of the trader William Bent and his Cheyenne wife Owl Woman, was in the encampment and experienced the nightmare first-hand. Bent later recalled that another highly respected Cheyenne leader, White Antelope,

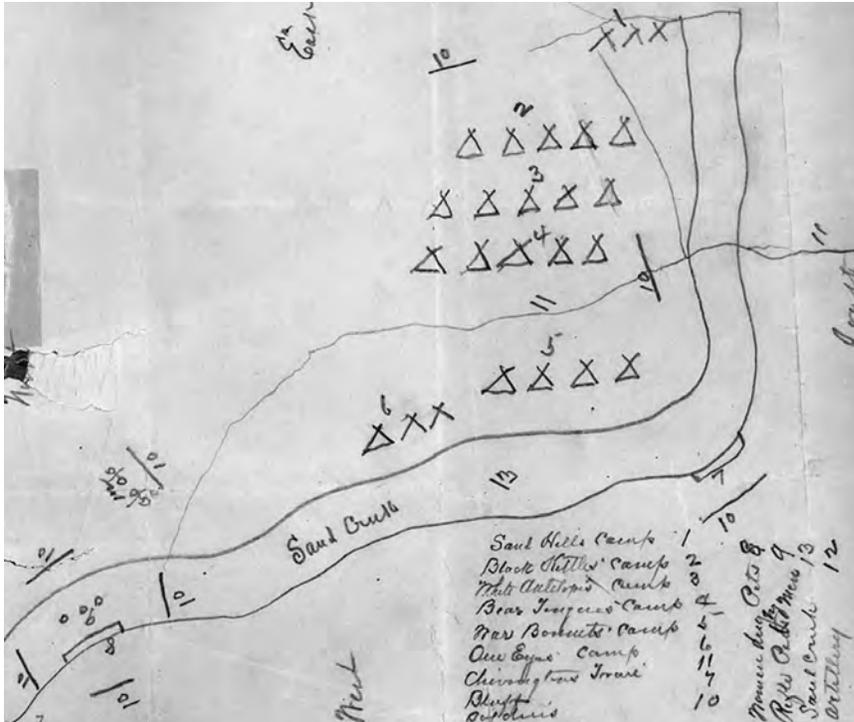
“when he saw the soldiers shooting into the lodges, made up his mind not to live any longer,” since he had not only trusted the soldiers himself but also had persuaded his people to do so. White Antelope “stood in front of his lodge with his arms folded across his breast, singing the death-song:

‘Nothing lives long,  
Only the earth and the mountains.’”<sup>4</sup>

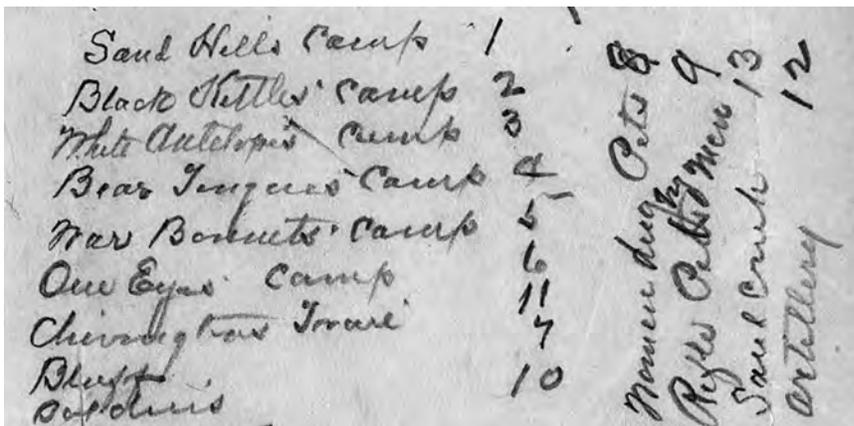
Some Indians fell to their knees and begged for mercy. Others fled to the north and west or up Sand Creek for as far as two miles before hastily digging protective pits in the banks of the riverbed. The violence lasted into the middle of the afternoon, producing scenes of unspeakable brutality. The soldiers became a savage, undisciplined, and murderous mob. Some ran down individuals or small groups of fleeing Indians, executing helpless women and children at point-blank range and mutilating the victims.

Captain Silas Soule of the First Cavalry, who had drawn Chivington’s wrath the evening before when he fiercely objected to the colonel’s plans, ordered his men not to fire. Lieutenant Joseph Cramer also refused, in his words, “to burn powder.” Soon after the massacre, they each wrote to Major Edward “Ned” Wynkoop, Anthony’s predecessor at Fort Lyon, of the horrors they beheld. Soule told of a soldier who used a hatchet to chop off the arm of an Indian woman as she raised it in self-defense and then held her by the remaining arm as he dashed out her brains. Another woman, after realizing that begging for her family’s lives was useless, “cut the throats of both [her] children, and then killed herself.” Yet another, finding that her lodge was not high enough for her to hang herself from a suspended rope, “held up her knees and choked herself to death.”

All the dead Indians’ bodies were “horribly mutilated,” Soule continued. “One woman was cut open, and a child taken out of her, and scalped.” Soule also reported, as did others, that the soldiers slashed away the genitals of women as well as men, including White Antelope and his fellow chief War Bonnet, and displayed them as trophies. The perpetrators included officers as well as enlisted men. These atrocities took place not only in the passion of battle but also in the calm of the following



Map of a portion of the Sand Creek encampment drawn from memory by George Bent, who was wounded but escaped. Note the key to the numbers in the lower right. (Oklahoma Historical Society)



Detail from the George Bent drawing of the encampment. (Oklahoma Historical Society)

morning, as the slain Indians lay upon the now-quiet killing field. Some of the dead were scalped, Cramer stated, four or five times. The “indignities” committed on the corpses, he told Wynkoop, were “things that Indians would be ashamed to do.”<sup>5</sup> Bent, who was wounded but escaped and subsequently joined with other warriors in revenge raids, noted, “Of course the Indians did not have time to bury their dead,” whose bodies were left to wolves and wild dogs rather than attended to as prescribed by sacred custom.<sup>6</sup>

In his reports to military superiors, civil authorities, and the Denver papers, Chivington boasted of his achievement. He exaggerated the severity of the

weather, the arduousness of the march, the size and resistance of the enemy, the number of slain Indians (he put it at over 400, more than twice the actual figure, which was likely around 150), and the valor of his men. He did not note that some of the few casualties among the troops probably resulted from chaotic friendly fire.

Of the Native American victims, about three-fourths were women and children. Among the older men who perished were eleven chiefs, the Arapaho Left Hand and ten Cheyennes. In addition to White Antelope and War Bonnet, the dead Cheyenne leaders included Standing in the Water, Spotted Crow, Two Thighs, Bear Man, Bear Robe,

*A participant at the dedication of the Sand Creek Massacre National Historic Site on April 27, 2007, waves an American flag and a white flag in commemoration of the flags that Black Kettle raised to signal the advancing troops that the people in the encampment were peaceable. (Courtesy Post Modern Company, Denver, CO).*

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Yellow Shield, One Eye, and Yellow Wolf. Only twenty months earlier, Standing in the Water and War Bonnet had been part of a delegation of Native Americans who met with President Abraham Lincoln at the White House. Black Kettle, mistakenly listed by Chivington as killed, miraculously survived and even rescued his badly wounded wife, Medicine Woman.<sup>7</sup>

The death of so many key figures created a terrible void in tribal leadership. Since these leaders all favored peace with the American authorities, the killings convinced many southern Plains Indians that armed resistance was now their only option and turned Black Kettle into an object of ridicule and animosity among his people. Far from ending the Indian threat, Sand Creek ignited an extended period of bitter warfare on a larger, costlier, and deadlier scale than before.

The devastating consequences of the massacre for the victims are impossible to overstate. Sand Creek was a deep wound that would never close, a profound insult as well as a grievous injury. The slaughter became seared into the collective memory of the Cheyennes and Arapahos as one of many instances of betrayal, humiliation, and loss at the hands of the United States that continue to the present. Although the attack occurred almost 150 years ago, it remains a palpable presence and force in these communities today, a reminder never to trust American authorities. Such feelings pervade the oral histories recorded by elderly descendants of Indians in the encampment and collected as part of the preparatory study for the Sand Creek Massacre National Historic Site, which Congress authorized in 2000 and the National Park Service dedicated seven years later.<sup>8</sup>

Southern Cheyenne Lyman Weasel Bear, for instance, recalled his mother's description



of a grandfather scalped alive, while Southern Cheyennes Emma Red Hat and William Red Hat Jr. spoke of soldiers who, as Soule witnessed, slashed open a pregnant woman's belly "and took the Cheyenne child out and cut his throat." The descendants repeatedly spoke of the burden of sadness. Northern Cheyenne Nellie Bear Tusk said that her grandmother "would always cry" as she told her story. Northern Cheyenne Nelson Tall Bull's grandmother would start to reminisce "and then not be able to continue because each time she began to say something about [Sand Creek] she would start crying and never finish."

Northern Cheyenne Dr. Richard Little Bear observed, "We still live with it. Some people wonder why we have a hard time with white people and white organizations and white systems. That's because those have been very destructive to us as a tribe of people."<sup>9</sup> To help assuage such painful feelings among the living while honoring the dead, since 1999 descendants of the Sand Creek Massacre victims and people who sympathize with them have participated in an annual Spiritual Healing Run/Walk in late November that extends from the massacre site to Denver.

The Sand Creek Massacre is a shameful stain on our country, on the social relationships that are the basis of our democracy, and on our aspirations to be a just society. This is not just the retrospective



As Ari Kelman explains in *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (2013), Kiowa County (CO) installed this marker at the Sand Creek Massacre site on August 6, 1950. The marble monument includes the head of a warrior in profile above the inscription, “Sand Creek Battle Ground, Nov. 29 & 30, 1864.” A more recent National Park Service interpretive sign is in the background. At the same time the Kiowa County marker was unveiled, the Colorado Historical Society (now History Colorado) placed a second marker, a marble obelisk, by the highway close to the nearby town of Chivington. (John Evans Study Committee, 2013)

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view of Native Americans and their present-day sympathizers. General Nelson A. Miles, whose career stretched from the Civil War to the Spanish-American War and who became Commanding General of the U.S. Army on the strength of his exploits defeating Indians on the plains, observed in his memoirs, “The Sand Creek massacre is perhaps the foulest and most unjustifiable crime in the annals of America.”<sup>10</sup>

How could this happen? Beyond John Chivington and the men of the Third, what individuals, actions, and circumstances caused this atrocity? Who might have prevented it, but did not? What were the consequences?

The subject of this report is where John Evans (1814–1897) belongs in the answers to these questions. In the spring of 1862, President Abraham Lincoln appointed Evans Territorial Governor of Colorado and its *ex officio* Superintendent of Indian Affairs. Evans served until the summer of 1865, when he resigned after a Congressional committee demanded his ouster because of the Sand Creek Massacre and Lincoln’s successor, Andrew Johnson, followed suit.

Northwestern University’s interest in Evans’s relationship to Sand Creek stems from his prominent place in the institution’s history. Evans was one of the nine civic-minded Methodists who gathered in 1850 for the purpose of establishing

the University, and he was the central figure over the next few years in realizing their vision. In recognition of this, they named the town in which Northwestern is located after him. They also elected him president of the University’s Board of Trustees (and head of the Board’s powerful executive committee), a position he held continuously for over forty years. Although Evans attended only a smattering of meetings in person following his departure for Colorado in 1862—he continued to reside in Denver after he resigned the governorship—he remained a significant presence as a donor and financial adviser. He was without question a warm friend of the University, which over the years has honored him more than any other person connected with the history of Northwestern. His name is on the alumni center and several professorial chairs. Writing in 1939, University President Walter Dill Scott declared that Evans “has had a greater influence on the life of the City of Evanston and of Northwestern University, and has done more to create our traditions and to determine the line of our development, than any other individual.”<sup>11</sup>

The glowing language of the University’s commemorations of Evans and its complete silence regarding the horrifying massacre that sullied his career as territorial governor have aroused debate in recent years. Some students, faculty, and other community members have expressed concern that

the University has glorified someone who does not deserve such treatment. Conversely, others have wondered whether the critics are subjecting Evans to the sort of ahistorical character assassination that judges a person in the past by the standards of the present.

In the winter of 2013, Northwestern University Provost Daniel Linzer responded by appointing our committee of eight senior scholars, four from within and four from outside the University, to examine in detail Evans's role in the massacre. Provost Linzer also asked the committee to try to determine whether any of Evans's wealth or his financial support to Northwestern was attributable to his policies and practices regarding Native Americans in Colorado while he was in office.

Our investigation is not a unique effort—indeed, it occurred simultaneously with similar initiatives by the University of Denver, in whose history John Evans figures at least as importantly as in Northwestern's, and by the United Methodist Church, in which both he and Chivington were active and prominent. The 150th anniversary of the Sand Creek Massacre (and of the University of

Denver) in 2014 partly explains the resurgence of interest in this matter, but all three inquiries are also part of a trend by governments and institutions—notable among the latter are institutions of higher learning—to acknowledge and come to terms with troubling aspects of their pasts, including the sources of their funding.<sup>12</sup>

Our report consists of six chapters, including this introduction. Chapter Two presents an overview of Evans's life and his relationship with Northwestern University. Chapter Three describes the historical context of the massacre, including the settlement of Colorado, the history of U.S. land acquisition from Native Americans, the responses of the Cheyenne and Arapaho tribes to the arrival of American settlers and soldiers, and the effects of the Civil War on Colorado Territory. Chapter Four traces the course of events during Evans's governorship that led to the Sand Creek Massacre. Chapter Five discusses the aftermath of the massacre, focusing on the public outcry, Evans's defense of his actions, and his resignation. Chapter Six states the committee's conclusions regarding John Evans and the Sand Creek Massacre.

*The Sand Creek Massacre  
National Historic Site.  
The view is toward the  
north, from the bluffs  
overlooking the location of  
the encampment. The line  
of trees marks the current  
location of Sand Creek. The  
Third Cavalry attacked  
from the south, and the  
Indians who survived fled  
to the north and northwest.  
(John Evans Study  
Committee, 2013)*

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## Chapter Two: The Life and Career of John Evans

**T**o a remarkable extent, John Evans embodied the major developments of his times. He was a physician and professor of medicine during the rise of the professions in the United States, the leading advocate for and first superintendent of a hospital for the mentally ill in the era of asylum building, a Mason when fraternal orders were rapidly expanding, a founder of universities as the number of institutions of higher learning in America greatly increased, an activist councilman in the city that was the emblem of nineteenth-century American urbanization, a lay Methodist leader in the period when major Protestant sects in this country established themselves as national organizations, a stalwart of the Republican Party who participated in Abraham Lincoln's rise to the presidency, a builder of railroads during the transportation revolution, and, in multiple ways, an entrepreneur in the age of enterprise. He also personified the westward movement of the country's settlers, first to the former Northwest Territory and then to the Great Plains and the Rockies, with the concomitant displacement of Native Americans and disruption of their culture.

John Evans was more than a representative man, however. In virtually all he did, he was an exceptionally ambitious, influential, and capable figure who consistently sought and frequently attained demanding positions of leadership. His combination of

*In virtually all he did, he was an exceptionally ambitious, influential, and capable figure who consistently sought and frequently attained demanding positions of leadership. His combination of intelligence, ingenuity, hard work, and practicality place him in the best traditions of the self-made American achiever. As such, he sought to combine doing well with doing good, to make his worldly actions serve a broader and higher purpose than self-interest.*

intelligence, ingenuity, hard work, and practicality place him in the best traditions of the self-made American achiever. As such, he sought to combine doing well with doing good, to make his worldly actions serve a broader and higher purpose than self-interest.<sup>1</sup>

### IN THE OLD NORTHWEST

John Evans was born on March 9, 1814, in a log cabin near the village of Waynesville, Ohio, located between Dayton and Cincinnati. He was the first of the eleven children (nine lived past childhood) of David and Rachel Evans. His father was a farmer who became a modestly prosperous toolmaker, storekeeper, and real estate investor. David Evans opposed his son's ambitions to be a doctor, but John persisted. He received his M.D. degree from Cincinnati College in 1838, the same year he married Hannah Canby in Bellefontaine, Ohio, about sixty-five miles north of Waynesville.

While they were courting, John wrote to Hannah that "in the whole range of scientific pursuits there is no one path that leads to a wider range for contemplation, nor a more fruitful source of investigation than the medical profession." In the same letter he assured her that a career in medicine did not tend, as some believed, toward impiety.<sup>2</sup> Evans was well aware, however, that his profession had to provide him a living as well as a calling. After disappointing attempts to set up a practice in

small-town Illinois and then back in Ohio, he established a successful medical partnership in Attica, Indiana, on the Wabash River about sixty miles northwest of Indianapolis.

Evans's Indiana years were critical to the development of his professional goals, organizational skills, and religious faith. He became the driving force in the authorization by the state government of the Indiana Hospital for the Insane, to be located in Indianapolis. In 1845, he was named the institution's first superintendent, whose duties included directing the building's construction. Evans toured similar institutions to learn the latest thinking on humane treatment, and his resulting work drew the praise of the famed antebellum reformer Dorothea Dix. When he was still living in Attica, he joined Lodge No. 18 of the Masons, and he was among the organizers of the Marion Lodge of Indianapolis.<sup>3</sup>

Just before he was appointed superintendent, Evans had accepted a position teaching at Rush Medical College (now part of Rush University) in Chicago, founded eight years earlier. Since his duties there occupied only a portion of the year, Evans tried to juggle the two jobs, but in 1848 he resigned from the hospital and moved his family from Indianapolis to Chicago.

Evans maintained a lifelong respect for the beliefs of his Quaker parents, though he followed a different faith. The crucial event in his religious life occurred in 1841, when Methodist Episcopal minister Matthew Simpson came to Attica from Greencastle, Indiana, to promote Indiana Asbury (now Depauw) University, which had been started in 1837. Simpson, only three years Evans's senior, had been chosen the institution's first president. He was on his way to becoming the Methodist Church's most prominent bishop of the middle decades of the nineteenth century, a highly regarded voice on secular issues as well as church

matters. Eager to advance Methodism in America and, in keeping with that goal, the election and appointment of Methodists to public office, Simpson developed relationships with many politicians, including Abraham Lincoln, at whose funeral he delivered the eulogy.

Evans heard Simpson preach in an unfinished mill and was so deeply affected that he traveled four miles the following evening to listen to Simpson again. "He is the first man that ever made my head

swim in talking," Evans recalled almost fifty years later. "He carried his eloquence up to a climax and I had to look around to see where I was."<sup>4</sup> Soon John and Hannah were ardent Methodists, devoted followers and warm friends of Simpson, with whom Evans remained close until the bishop's death in 1884.

The talk that so captivated Evans in Attica was a version of the address on education Simpson delivered when he was inaugurated as president of Indiana Asbury. In it Simpson maintained that America's individual and national character depended on the

quality of instruction its young people received. He argued that learning possesses an ethical dimension that encourages the individual to "cherish and cultivate dispositions for enlarged efforts to ameliorate the condition of man." There was no more important place to build educational institutions than in new communities in emerging parts of the country, since these embodied America's future. "In our national councils," Simpson declared, "the voice of the West [by which he meant what we now call the Upper Midwest] is heard with delight; it may not have the elegance of the East, but it has the boldness of native sublimity."<sup>5</sup>

Evans did not explain why the content of Simpson's address, as opposed to the effectiveness



*John Evans as a young man. (Northwestern University Archives)*

of the delivery, moved him so deeply. But one can detect the influence of the minister's words in the rest of Evans's life. Simpson's theology rested on the foundational traditions of Methodism, emphasizing that vigorous and constructive social engagement, when combined with conscientious self-discipline, was a form of religious practice. This idea appealed to Evans, a pragmatic man whose unfailing dedication to the Methodist Church over the decades consisted mainly of dutiful activity rather than profound reflection. His conversion did not so much change his behavior as convince him that working hard and fostering beneficial social institutions affirmed a person's spiritual development and gave worldly evidence of grace.

Evans relocated to Chicago at a momentous time. In the late 1840s, the city was emerging as the country's great inland commercial center, the linchpin between the industrializing East and the agricultural West. Evans became part of the gathering multitude of newcomers who allied their hopes to the young metropolis's possibilities. Thanks to individuals of similar ambition, imagination, and talent, Chicago would soon be the world's leading commodities market and railroad center.<sup>6</sup> In many respects, however, the city was still very much a work-in-progress with a rough-edged and improvised culture. It had been incorporated only eleven years before Evans arrived and was still marked by more of the "boldness" to which Simpson alluded than "native sublimity." As late as 1830, Chicago was a mere outpost with a local culture that included the families of French trappers and traders who had married into local Indian tribes. As recently as 1833, following the Black Hawk War, Chicago had hosted a council between government officials and Native Americans that resulted in a series of treaties calling for the cession of large tracts of Indian land and the removal of many tribes to the West.

Evans quickly became a prominent member of the "Old Settler" generation of Chicagoans who arrived before 1850. They moved there primarily in

order to make money, though they also embraced their simultaneously altruistic and self-interested responsibility to guide the affairs of the prodigiously expanding city. They were shameless boosters, but the town's development outstripped even their most optimistic predictions.<sup>7</sup> Between 1850 and 1860, Chicago's population climbed from under 30,000 to almost 110,000, and it exploded to nearly 300,000 during the following decade.

By the time Evans opened a private practice on Clark Street, his prior experience at Rush Medical College had already made him a respected member of the small but distinguished Chicago medical community. As a professor of medicine he developed a new specialty, obstetrics and the diseases of women and children. Among his accomplishments was the invention of an "obstetrical extractor," whose silk bands, he claimed, were a great improvement over metal forceps. Evans published his findings in the impressive medical journal that

he edited and co-owned with other local physicians.<sup>8</sup> He was one of the organizers in 1850 of the Chicago Medical Society, which he represented that year at the national meeting of the three-year-old American Medical Association. Evans also co-founded and served as physician to the female wards of the Illinois General Hospital of the Lake. When Chicago and the nation suffered from the major cholera outbreak of 1849, he published an article, which also appeared as a pamphlet, dismissing the dominant miasmatic theory of disease transmission and arguing that contagion was the crucial factor in the spread of epidemics.<sup>9</sup>

But the financial opportunities Chicago presented, not medicine, soon became the center of Evans's attention, leading to a major career change from physician and professor to full-time businessman. Even as a doctor, Evans was an investor in Chicago real estate. With the assistance of a loan from his father, he purchased a three-story brick commercial building diagonally across the street from the downtown block that was and still is the site of the Chicago City Hall and Cook

*His conversion did not so much change his behavior as convince him that working hard and fostering beneficial social institutions affirmed a person's spiritual development and gave worldly evidence of grace.*

County Building (the current structure was built in 1911). The Evans Block, as his property was known, housed not only his medical practice but also several other businesses, including some of the staff of the *Chicago Tribune*. A clear indication of Evans's transition from one calling to another came in 1852 when he traded the medical journal, of which he was now sole owner, for five acres of Chicago land. Developing his multiple holdings—which often entailed complex financing and, given the city's muddy setting, extensive draining—soon consumed virtually all of Evans's attention. By the mid-1850s, he was a very affluent man and no longer practicing medicine. An accounting set his net worth at over \$200,000, which equals roughly 5.5 million 2013 dollars.<sup>10</sup>

By then Evans also had become deeply involved in railroads, which, along with real estate, would occupy most of his energy and resources for the rest of his life. The two enterprises were closely related, since the building of railroads required the acquisition of land and rights of way, and access to railroads raised the value of real estate. Evans's most important Chicago undertaking of this kind was the organization in 1852 of the Fort Wayne and Chicago Railroad, later part of the Pennsylvania Railroad system. A key associate was fellow Old Settler and land speculator William Ogden, who in 1837 had been elected the city's first mayor.

Although the main motive behind Evans's transition from physician to businessman was the desire to become rich, he also devoted a significant amount of time to public service. From 1853 to 1855, Evans served two terms as a Chicago alderman. In what was hardly an uncommon practice—Ogden was only one of many other examples—Evans was not hesitant about using his political position to his financial advantage. He later recalled how he introduced the ordinance that obtained the right of way for the Fort Wayne and Chicago from downtown to the Indiana state line in exchange for draining the land the tracks crossed and providing free transportation for residents in the area.<sup>11</sup> This was not illegal, and neither he nor men like Ogden considered it corrupt, since their efforts helped develop the city. In addition, Evans directed much of his effort as alderman to

providing infrastructure and public services essential to the health and prosperity of Chicago and its people and to his stake in the city's future. Among the vital measures Evans supported were raising the grade (which entailed lifting most downtown buildings, including the Evans Block, and putting in fill) in order to install sewers, authorizing a capacious and publicly owned waterworks, and constructing new streets, alleys, and sidewalks.

Alderman Evans made his greatest civic contribution as chair of the council's committee on public schools. When he moved to Chicago, local public education was mediocre, and if parents could afford to do so, they educated their children privately. During Evans's tenure on the council, the city expanded and unified its educational system, appointed a superintendent, and opened its first public high school.<sup>12</sup> Evans advocated these changes in the belief, instilled in him by Matthew Simpson, that the future of the community depended on such measures. Simpson's influence is evident in a speech Evans delivered on leaving office. He exalted education as “the only sure ground for the improvement of our social and political condition” and “the only guarantee of the perpetuity of our free institutions.” This being so, “Everything . . . that is calculated to improve our public schools, and to render them efficient instruments in bringing about that high state of public intelligence and virtue, essential to happiness, and which they are designed ultimately to secure, must be of the highest interest to every good citizen.”<sup>13</sup>

Nothing fulfilled Simpson's call to action, particularly in the field of education and the advancement of Methodism, so much as the most enduring undertaking of Evans's Chicago years, Northwestern University (originally written “the North Western University”). On May 31, 1850, he and eight other public-spirited Methodists convened in the downtown office of attorney Grant Goodrich. After a prayer from Reverend Zadoc Hall of the Indiana Street Church, they resolved that “the interests of Sanctified learning require the immediate establishment of a University in the North West under the patronage of the M[ethodist] E[piscopal] Church.”<sup>14</sup> “Immediate” turned out to be five years, for it was not until November 5, 1855,

Meeting to establish a University Government of the Methodist Episcopal Church was convened at the office of Grant Goodrich Esqr May 31, 1850. *over the Methodist Stone*

By appointment a Meeting of Friends favorable to the establishment of a University at Chicago under the patronage and Government of the Methodist Episcopal Church was convened at the office of Grant Goodrich Esqr May 31, 1850.

Opened by prayer by the Rev J. Hall.

Present

Persons present	Rev: Rich <sup>d</sup> Heaney	Pastor of Clark St Church
	" R. W. Stanchard	Canal St "
	J. Hall	Indiana St Chapel
	Grant Goodrich Esq	John Evans M.D.
	Orington Lunt	J. H. Botsford
	Henry W. Clark	J. Andrew Brown

The minutes of the meeting at which Northwestern University was founded. It reads, "By appointment a Meeting of Friends favorable to the establishment of a University at Chicago under the patronage and Government of the Methodist Episcopal Church was convened at the office of Grant Goodrich Esqr May 31, 1850." The list of names includes "John Evans, M.D." (Northwestern University Archives)



Old College (as it came to be known), Northwestern's first building, was constructed in 1855 at a cost of just under \$6,000, and it received the university's first students in November of that year. Originally situated on the northwest corner of Davis Street and Hinman Avenue, it was moved to what is now the site of Fisk Hall in 1871, where it housed a preparatory school. In 1899, in order to make way for Fisk, it was moved north, to where the McCormick-Tribune Center is currently located. Old College served a number of different purposes between then and the mid-1920s, when it became the home of the new School of Education. It was demolished in the summer of 1973 after a lightning strike set off the building's sprinkler system, badly damaging the structure. (Northwestern University Archives)



*This photograph, likely taken from the top of University Hall around 1875, offers a winter view south down Hinman Avenue. The third vertical line from the left indicates the location of the Evans home. The line on the left points to a pier (where the limestone for University Hall was unloaded), the other lines to the homes of neighbors. The site was above Clark Street, just west of what is now Sheridan Road. (Northwestern University Archives)*

that Northwestern welcomed its first class of ten students—only four of whom appeared that day.<sup>15</sup>

Evans threw himself into this venture in his typical fashion, taking a lead role (often *the* lead role) in drafting the university's charter, obtaining approval from the state legislature, and selecting the first president (the Reverend Clark T. Hinman, who died unexpectedly in 1854). After the founders decided not to build in Chicago but instead chose as a site a farm along Lake Michigan about a dozen miles north of the center of Chicago, Evans negotiated the mortgage, providing the first payment and guaranteeing the rest. The plan was to sell a portion of this property in order to fund the university, creating at the same time an attractive settlement that was a center of Methodist values, including temperance. Convinced that good transportation facilities were a must, before completing the purchase Evans ascertained that a rail line soon would connect the site to Chicago. His fellow trustees elected him chairman of their board, and they named their new

town Evanston in his honor. He and they helped establish the Garrett Biblical Institute (now the Garrett-Evangelical Theological Seminary), which also opened in 1855.

Evans was one of the first purchasers of residential property in Evanston. His comfortable house—graced with a barn, fruit trees, a vegetable garden, flower beds, and gravel walks—is long gone, but it occupied much of the large piece of land at the southeast corner of the Evanston campus bordered by Sheridan Road to the east and north, Clark Street to the south, and the alley between Sheridan Road and Hinman Avenue to the west.<sup>16</sup> Evans moved here from Chicago in 1855, bringing with him his second wife, Margaret Gray Evans, the sister of the wife of his fellow Northwestern founder and trustee, Orrington Lunt, a wealthy grain broker who, like the Gray sisters, came from Bowdoinham, Maine.

John and Margaret had married in 1853, three years after Hannah Canby Evans died of tuberculosis. Of John and Hannah's four children, only their sole daughter, Josephine, survived past early childhood. John and Margaret also had four children. Their daughter Margaret died of scarlet fever when she was five, a few months after John Evans moved to Denver but while the rest of the family was still in Evanston. Both parents took Margaret's death very hard. Their other three children—two sons and a daughter—lived long and active lives. John Evans's letters to both his wives reveal that he was a



*John Evans and Margaret Patten Gray (1830–1906), his second wife, were married in her hometown of Bowdoinham, Maine, on August 18, 1853. Margaret's sister Cornelia was married to Evans's close friend and fellow Northwestern founder Orrington Lunt. Another sister married Paul Cornell, an attorney and real estate developer who founded the town of Hyde Park, which in 1889 became part of Chicago. (Northwestern University Archives)*

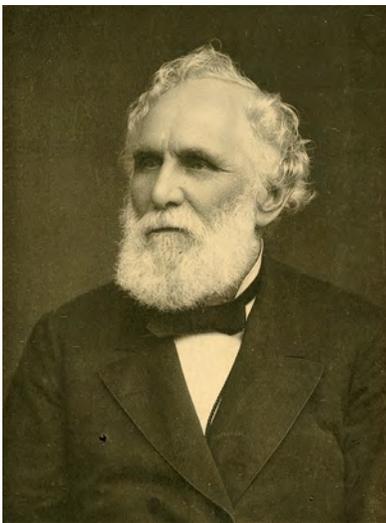
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devoted suitor and loving husband who shared his most personal thoughts and feelings with them.<sup>17</sup>

### **WIDENING AMBITIONS**

One of Evans's most ambitious enterprises during his Chicago years reflected his interests in real estate, railroads, and religion, and in important respects it set the pattern that defined the final four decades of his life. In 1857, he joined with others in a land and transportation scheme that involved the creation of a town called Oreapolis, located on the eastern border of the Nebraska Territory about fifteen miles south of Omaha, where the Platte River flows into the Missouri. Oreapolis was one of the era's countless would-be railroad centers that were conceived by speculators hoping to cash in on the lure of the West to settlers, prospectors, and other businessmen and investors. Oreapolis was intended to be different from most of the rest, however. Like Evanston, it would be a center of learning and piety, an expression of the Methodist mission to spread the "good news" of Christianity and to make solitary places "glad."<sup>18</sup> From the outset, the plan entailed a university, a Methodist seminary, and a Bible institute under the direction of the Reverend John Dempster, who was serving at the time as the first president of Garrett.

When gold was discovered in Colorado the following year, the venture appeared to be a sure thing. John wrote to Margaret from the fledgling boom town, where he had gone for an extended stay in order to direct operations first-hand, "I shall make a road that will be a great thoroughfare to the gold regions" and the Pacific Coast, "and when the road is once opened it will make Oreapolis the great starting point for the over land routes to those points." The settlement, he predicted, "will make a great city and there can be no mistake."<sup>19</sup>



*Orrington Lunt (1815–1897). From 1875 to 1895 Lunt was vice president of the executive committee of the Board of Trustees and then served briefly as president, succeeding John Evans. Among his gifts to the University was \$50,000 toward the funding of the Lunt Library (now Lunt Hall, where the Department of Mathematics is located), which opened in 1894. (Northwestern University Archives)*

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By the fall, however, Evans realized that even his prodigious energy and gifts as a businessman could not turn Oreapolis into a success. The looming Civil War delayed the construction of the transcontinental railroad, and many possible investors doubted that the tracks would pass through Oreapolis (when the Union Pacific was constructed in the late 1860s, its route crossed the Missouri River at Omaha). Capital dried up, and the boom collapsed. Early in 1860, Evans gave the venture one more try when he attempted to interest the members of the Chicago Board of Trade by pointing out to them that Oreapolis was in easy reach of “a gold field of unsurpassed richness and extent, a fair portion of the immense trade of which may be secured to Chicago if proper exertions are made for the purpose at an early day.”<sup>20</sup> This appeal failed, and Evans withdrew from the project, though not from his belief that the West was ripe for money-making and Methodism.

Another and potentially much better opportunity to act on this belief soon appeared, in an indirect and unanticipated way. Evans was one of the many Whigs who, as the party imploded in the 1850s over the issue of slavery, gravitated toward the Republican Party and the candidacy of Abraham Lincoln, whom Evans knew, if (by his own description) “not very intimately.” He recalled that they subsequently became “well acquainted” when Lincoln was devising his campaign strategy.<sup>21</sup> Like Lincoln at this point, Evans objected strongly to slavery as wrong in principle and cruel in practice, and he opposed admitting additional slave states to the Union. He believed Congress could and should ban slavery in the territories and the District of Columbia. But he did not yet advocate immediate abolition in the slaveholding states.<sup>22</sup> Although he did not participate in the national convention in Chicago that nominated the future president, Evans was a delegate to the Illinois state Republican convention in 1860 that endorsed Lincoln’s favorite-son candidacy.

After the election, when the victor was distributing appointments to supporters, Evans’s friends

from his Oreapolis days tried to convince Lincoln to name him territorial governor of Nebraska. Bishop Simpson, who at Evans’s urging had recently moved to Evanston and would live there until 1863, also supported him for this post, but he did not get the job. Soon Lincoln instead offered Evans the governorship of the Washington Territory, which he turned down as too remote.

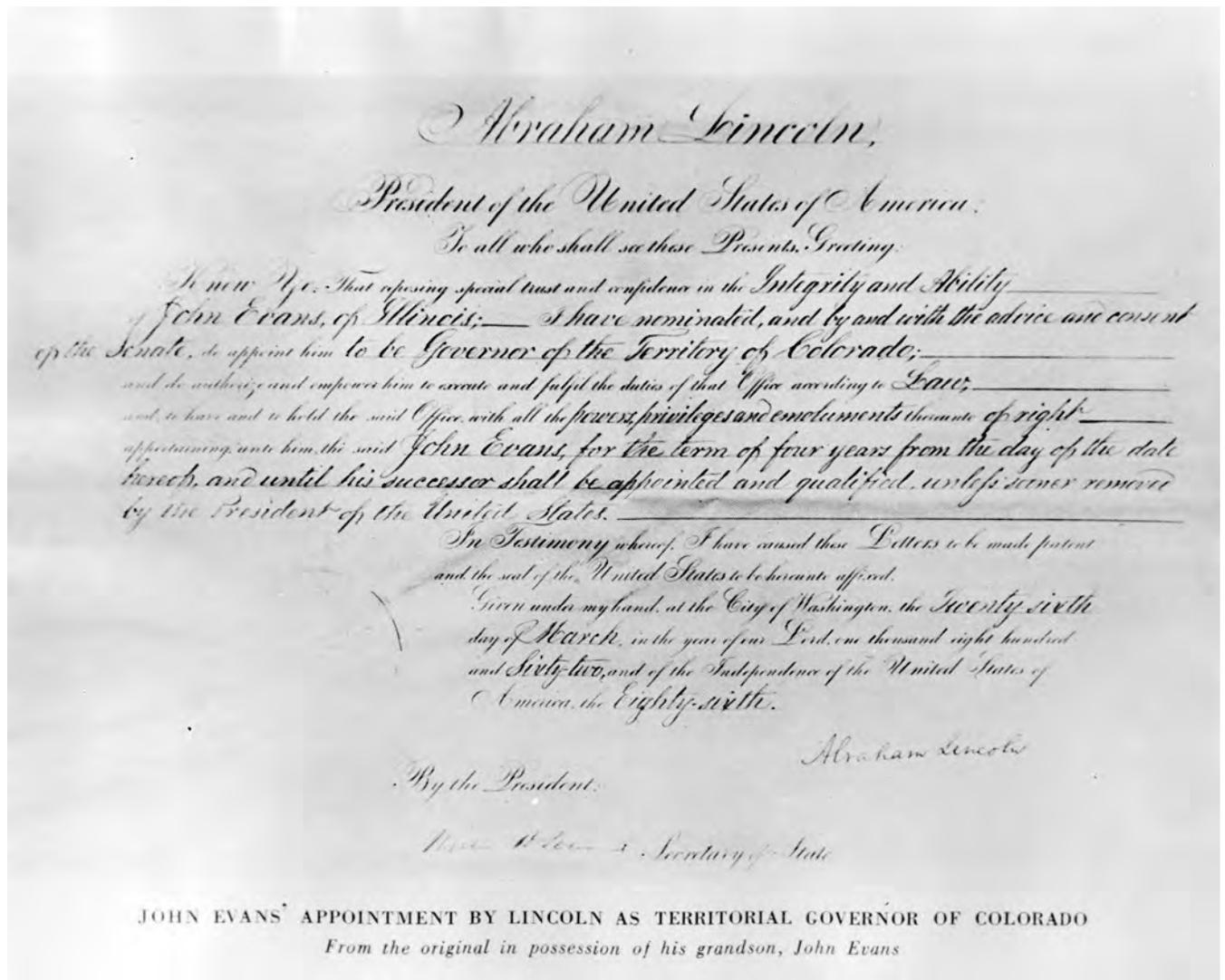
With backing from Simpson and several powerful politicians, Evans successfully lobbied for the same position in a nearer venue: Colorado, which had been made a territory in 1861. Its first governor, William Gilpin, had lost his position for authorizing payments to raise a military regiment without first getting approval from Secretary of War Edwin Stanton. Evans took the oath of office

in Washington on April 11, 1862. At the same time, Evans was named Colorado’s *ex officio* Superintendent of Indian Affairs. Soon after returning home to Evanston, he set off on the two-week journey, crossing the plains by stagecoach and arriving in Denver on May 16, where Samuel Elbert, an ally from his time in

Nebraska, joined him as territorial secretary. Elbert soon began to court Evans’s daughter Josephine. They were married in 1865 on the lawn of John and Margaret’s Evanston home, with Bishop Simpson presiding. Josephine’s health was never strong, and she died of tuberculosis in 1868, a few months after the death of her infant son. In 1873–74, Elbert would serve as sixth governor of the territory, and from 1877 to 1893 on the Supreme Court of the state of Colorado, the last four years as chief justice.

Just why the forty-eight-year-old Evans, so comfortably settled in Evanston and Chicago, was eager to take this new and faraway job is a matter of speculation, but the likely reasons are not elusive. Colorado’s future was full of opportunities, some of them literally golden, and Evans apparently had lost a good deal of money in Oreapolis.<sup>23</sup> The governor’s office would put a shrewd real estate investor and railroad builder like Evans in a particularly advantageous position. Pursuing his own interests was hardly likely to conflict with the Lincoln

*Just why the forty-eight-year-old Evans, so comfortably settled in Evanston and Chicago, was eager to take this new and faraway job is a matter of speculation, but the likely reasons are not elusive.*



Facsimile of John Evans's certificate of appointment as Governor of the Territory of Colorado. The certificate is signed by President Abraham Lincoln and Secretary of State William H. Seward. While it is dated March 6, 1862, Evans was not sworn in until April 11, and he did not arrive in Denver until May 16. Although the certificate specifies a four-year term, in July 1865 Lincoln's successor, Andrew Johnson, speaking through Seward, asked for Evans's resignation. (Colorado State Archives)

administration's agenda of extracting the mining riches of the West and transforming the plains into ranches, farms, and settlements. He also knew that Republicans looked forward to Colorado becoming a state, since it almost certainly would send two more party loyalists to the Senate.

Evans had every reason to believe that he would be one of those senators, which would furnish him an even grander stage from which to advance the interests of his country, his church, his family, and himself. As Edgar Carlisle McMechen writes, "It may be that [Evans] did not part from the Land of Accomplishment [i.e., Chicago] without deep

regret—indeed, he retained his Evanston home for many years afterward—but it is safe to say that, when he faced the Land of Promise [i.e., Colorado], high emprises filled his mind to the exclusion of all else."<sup>24</sup>

More specifically, Evans needed no one to explain to him the financial opportunities presented by the projected transcontinental railroad. The same year he was appointed governor, Evans was selected by Congress to be one of the 158 commissioners of the newly incorporated Union Pacific, which was the key piece in the plan to span the continent. The territory (and then the state)

would gain greatly if Evans could convince others to run the tracks through Colorado, which he tried to do during trips east during his governorship.

To accomplish all this would be a challenge, but of the sort that had consistently excited John Evans and elicited his best efforts. The new governor seemed to have his high hopes affirmed when, shortly after he took office, Overland Stage

*Colorado's politics were at least as unruly as Chicago's, and the local situation was volatile. Evans soon learned that a particular decision or policy could simultaneously make friends and enemies, both of whom might have significant followings within the territory and influence beyond it.*

Company owner Benjamin Holladay hosted him on an overnight trip into the mountains west of Denver. "There," Evans told his wife, "we saw the mills that are taking out so much gold." Although the Civil War might be slowing migration at the moment, "Still in a few years the vast

basis of untold wealth in these Rocky Mountains will be known and the rush will again be hither."<sup>25</sup>

A few days earlier, on his first Sunday in Denver, Evans had his initial encounter with the aspect of his duties that ultimately cost him the governorship. In the heart of Denver he witnessed what he possibly misidentified as a war dance of Sioux, Arapaho, and Cheyenne Indians. Twenty-seven years later, he recalled that the ceremony "impressed me with the savagery of the Indians." Citing his Quaker heritage, he also remembered his unsuccessful (and arguably naïve) attempt to lecture historically antagonistic tribes to make peace with each other.<sup>26</sup>

Evans was too perceptive not to realize in fairly short order how important his relationship with the Indians of Colorado would be, too intelligent not to learn a good deal on the job, and too hard-working and determined not to have some limited successes as superintendent, despite the failures discussed elsewhere in this report. Meanwhile, as governor, he needed to focus on his multiple other responsibilities. His central duty was to establish a stable legal and social order among a population consisting of disparate newcomers and the indigenous

inhabitants. The non-Native people of the territory were independent-minded individualists and anything but a unified group. Some were Hispanics who lived mainly in the southern parts of the territory and faced suspicion and prejudice from Anglo Coloradans. (One of Evans's accomplishments was to have the territory's laws translated into Spanish.)

Colorado's politics were at least as unruly as Chicago's, and the local situation was volatile. Evans soon learned that a particular decision or policy could simultaneously make friends and enemies, both of whom might have significant followings within the territory and influence beyond it. Tensions arose between the governor and the territorial legislature over several issues, and, if Evans could generally rely on the bombastic backing of William Byers and his *Rocky Mountain News*, he could also count on abusive and even vicious criticism from other voices in the local press. For all the anticipation of wealth and prosperity from the mines and the land, 1860s Colorado was heavily dependent on the East for basic supplies and provisions. The prices of these were always steep, and they could become unavailable altogether if Indians interrupted the wagons and stages. At this point, railroad trains reached no farther than eastern Nebraska and Kansas. A terrible fire that struck Denver in April of 1863 and disastrous flooding that devastated the town in May of 1864 posed additional serious challenges.

In this context, Evans made impressive progress. He initiated infrastructure projects, appointed judges, planned a penitentiary and a poorhouse, commissioned militia officers, set bounties on fugitives, issued pardons, and generally tried to fashion and maintain a functioning society almost from scratch. In his first address to the legislature, delivered a month after he arrived, Evans noted the need to consolidate counties, improve election and tax collection procedures, and amend militia regulations, not to mention institute a code of laws. He remained true to his interest in education, which, as in Chicago, he called "a matter of the greatest importance to the future welfare of society." Drawing on his business experience, Evans made a priority of removing impediments to the economic development of the state. This meant, among other

things, preventing corporate monopolies, granting more rights to those who worked the territory's mines than to absentee owners who did not, and, of course, routing the transcontinental railroad through Colorado.<sup>27</sup> All of these publicly valuable measures were also important to Evans's hopes of expanding his own fortunes through investments, which included mining, and to his Methodist faith, which saw economic expansion and strengthening the church as linked.

Evans spent a significant amount of time, especially in 1864, promoting statehood, which he believed would greatly improve the chances of bringing the Union Pacific through Colorado and of obtaining better federal military protection for settlers. Besides, he could not become a senator unless and until the territory became a state. The proposal incited outspoken and powerful opposition from residents who thought that Colorado had too few people and was not ready for self-government. Some opponents feared that statehood would shift many costs from the federal government to the local population, make the territory more rather than less vulnerable to Indians, and subject the male inhabitants to conscription into the Union Army. In addition, the Hispanic population of the state was wary of turning over authority to local leaders who were prejudiced against it. In the face of much *ad hominem* criticism, Evans removed himself from consideration for the U. S. Senate shortly before the statehood election scheduled for September 13, 1864. The voters nonetheless chose by a large margin to remain a territory.<sup>28</sup>

Following his resignation after the Sand Creek Massacre, Evans continued to advocate statehood, and almost exactly a year after the 1864 election a narrow majority of the electorate agreed. The territorial legislature named Evans one of its two senators, pending Congressional and presidential

approval of admission to the Union. Although numerous senators and congressmen were against Colorado statehood, Congress did endorse it.<sup>29</sup> But President Andrew Johnson, locked in battle with the Radical Republicans, supposedly told Evans and fellow Senator-designate Jerome B. Chaffee that he would sign the statehood bill only if they would agree to back him in the future, and they refused. In any event, Johnson vetoed the measure, and subsequent attempts to override the veto or to obtain his signature on a second statehood bill both failed.<sup>30</sup> Colorado did not become a state until 1876.

#### **COLORADO MAGNATE**

While he remained an influential presence in Denver and Colorado politics, Evans abandoned the idea of holding elective public office after 1866 and seems not to have

regretted doing so.<sup>31</sup> He also appears never to have considered leaving the state, even though his wife had difficulty feeling at home there and spent extended periods abroad in the 1870s. He had no need to depart because of Sand Creek, which was more likely to win praise than blame from most non-Native Coloradans. He continued his active involvement in the civic and religious life of Denver, donating to multiple institutions and repeatedly making good on his pledge to give funds to new religious congregations in Colorado regardless of denomination. Meanwhile, he was a mainstay of his own church, active in its affairs and generous with his contributions. Here, too, he sought and achieved high office. He favored the inclusion of non-clergy on the governing General Conference of the Methodist Church, and in 1872, the first year his view prevailed, he won election to this body. He would be reelected every four years up to 1892. Following the pattern established at Northwestern and attempted in Oreapolis, he was



*John Evans, ca. 1870. (Northwestern University Archives)*



*The depot of the Denver Pacific Railway. Evans was the main figure in the construction of this line after the transcontinental railroad route bypassed Denver and Colorado. The Denver Pacific linked Denver to Cheyenne, in the Wyoming Territory, which was on the transcontinental route. (Denver Public Library)*

the leading founder of the Colorado Seminary in 1864, and after it faltered he supported its reestablishment in 1880 as the University of Denver. Evans became its long-time board president and a major donor.

The former governor concentrated above all on his business dealings. At first his attempts to make Denver a railroad hub seemed fruitless, since he could not convince the Union Pacific to send the transcontinental railroad through the city. In defiance of obvious fact, he contended that the high and rugged mountains to Denver's west were not a serious impediment. He commissioned overly optimistic surveys of a route through Berthoud Pass, but in 1866 the Union Pacific decided to lay its tracks along a less challenging path through Cheyenne, a hundred miles to the north of Denver in Wyoming Territory.<sup>32</sup>

Perceiving this decision as a dire threat to his own and Colorado's financial future, Evans became a railroad man on a far more ambitious scale than he had been in Chicago. Between the mid-1860s and the early 1890s, he threw himself serially into several major railway projects. These included an economic lifeline from Denver to Cheyenne

and the Union Pacific, a link between the city and Colorado's mining regions, and a route to the Gulf of Mexico. The last of these would lower the distance by train between Colorado and the closest port serving vessels crossing the Atlantic and at the same time reduce the city's dependence on East Coast middlemen. Evans also developed a streetcar system for Denver.

It is impossible to overstate the complexity of the economic, political, and legal maneuvers (not to mention corporate name changes) Evans and his shifting cast of partners devised along the way or the ferocity of his fights with opposing investors and lines.<sup>33</sup> Railroading and other investments made Evans an exceptionally wealthy man, but also at times cash poor.<sup>34</sup> At the end of his life, the combination of the Panic of 1893 and his failing acuity had thrown his finances into disarray.<sup>35</sup>

When John Evans died on July 3, 1897, he was a much-admired figure. Not only streets and towns but also one of the highest peaks in the front range of the Rockies, visible from Denver, had been named after him. As he lay on his deathbed, local officials detoured pedestrians and streetcars from the vicinity of his home at Fourteenth and Arapahoe Streets so as not to disturb his final hours. Governor Alva Adams ordered that Evans's body lie in state in the capitol for public viewing, and by many estimates his was the largest funeral in Colorado history. Spectators lined the streets on a blazing hot day as the casket proceeded to Riverside Cemetery, where he was buried according to Masonic ritual.

University of Denver Chancellor William Fraser McDowell observed in his eulogy that Evans “had in him the stuff from which pioneers, world-builders, empire makers are made.” McDowell praised the former governor as “a beginner of things, an explorer, a John the Baptist making the rough places smooth.” No individual, he reminded his fellow mourners, could take a train in or out of Denver “but owes a debt of gratitude to the man who made the railroads of the state possible,” no person in search of solace and mercy in any of the city’s churches “but is a debtor to John Evans,” and no child in the state could attend school “without an acknowledgment to the great brain and great heart of the man who made these institutions strong through his interests and his liberality.”<sup>36</sup>

Most obituaries from near or far affirmed this view. Few made any reference to why Evans left the governorship, and if they did, virtually none cited the Sand Creek Massacre as the reason.<sup>37</sup> Just before Evans died, the *Rocky Mountain News* made a rare reference to the massacre, dismissing the blame the governor had received thirty-two years earlier as based on “malicious misrepresentations.” Evans had retired from office, the *News* insisted, “enjoying the fullest confidence of the people of the territory.”<sup>38</sup>

#### A MAN OF HIS TIME

Yet another respect in which John Evans was a representative man was the extent to which he sincerely believed in the pieties of his age. For example, he told the 1850 graduating class of Rush Medical College that because their profession provided them a prominent place in society, they must take care that their “high mission of relief to the sick be accompanied by the refining and purifying influences of the Christian virtues.” This would help cure their patients’ “moral infirmities” as well as their physical ailments. To do so would be to “emulate your Great Exemplar in going about doing good.”<sup>39</sup> Evans similarly championed the value of hard work. Troubled by his fifteen-year-old son William’s lackadaisical attitude toward his studies, Evans admonished him, “You are just at the age when your habits are of the utmost importance to your future character.” The effort expended now

on correcting bad ones “will lead you into a life of industry & usefulness.” To do otherwise was to risk an existence “of aimless inattention if not worse.”<sup>40</sup>

Evans apparently had few doubts that, for a person of sound faith and character like himself, doing well and doing good were entwined.<sup>41</sup> He viewed the accumulation of wealth as placing one under a sacred obligation to devote it to constructive social use. In the same 1855 letter in which he informed his wife Margaret that his holdings put his fortune at over \$200,000, he immediately reflected on what this meant. “Oh!” he told her, “what a responsibility to take care of and use aright such an amount of property.—Oh that the Lord may enable me to use it for his glory & for the good of those under my care and protection. But life is uncertain and I must try and make some disposition of it so that it will be devoted to good whether I live or die.”<sup>42</sup>

But did he increasingly put doing well ahead of doing good, particularly by the time he had become a railroad man in Colorado? Some have thought so. After interviewing Evans and Samuel Elbert in 1884 as part of his monumental endeavor to document the American West, historian Hubert Howe Bancroft waspishly noted to himself, “About Ex-gov. Evans, and his son-in-law Judge Elbert there is much humbug. They are cold blooded mercenary men, ready to praise themselves & each other profusely but who have in reality but little patriotism.” Bancroft added, “I never met a railroad man who was not the quintessence of meanness in more particulars than one.”<sup>43</sup> And even Evans’s sympathetic biographer Harry E. Kelsey Jr. writes, “All of his railroad enterprises were intended to help himself, Denver, and Colorado, in about that order.”<sup>44</sup>

*Evans apparently had few doubts that, for a person of sound faith and character like himself, doing well and doing good were entwined.*

Such remarks may not do the man justice, especially when one considers his career as a whole, including his vast service to the Methodist Church, to Northwestern University and the University of Denver, and to people in all the places that he lived, not to mention the considerable amount of

wealth he gave away. His defenders might point out that, if Evans was mercenary, he did indeed help Denver and Colorado, and not just himself, which distinguished him from several far greedier and less honest railroad developers and leaders of other industries of the Gilded Age. If the certainties he cherished included belief in his own rectitude, his record of positive achievements justifies his high self-regard. But there is some truth behind Bancroft's comment. Convinced of the importance of doing right, John Evans seems to have maintained the self-satisfied view that something was right because he had done it.

### JOHN EVANS AND NORTHWESTERN'S FINANCES

As part of John Evans's efforts to lay strong foundations for Chicago's public school system and a new university for the former Northwest Territory, he sought to endow them with income from specific blocks of land. During his two terms as a Chicago alderman and head of the Common Council School Committee in 1853–55, he reserved rental and leasing proceeds from certain lots owned by the city to pay for public education. This practice offered, he believed, so steady a likely revenue stream that he devoted his valedictory remarks to the mayor and his fellow aldermen to expressing his "hope therefore that neither a desire of officers to obtain a percentage on sales, nor a wish of others to obtain good bargains nor yet a misguided short sighted, though ever so honest policy, will induce those having control of the estates belonging to our school fund to sell any of them, at least for a long term of years yet to come."<sup>45</sup> This practice of retaining real estate as principal and using its yields as operating income became the hallmark of Evans's financial strategy for the North Western University that he helped bring into existence at the same time. His first gifts to the institution consisted of land, and he remained dedicated to this form of financing ever after.

Evans "subscribed" (i.e., pledged) \$5,000 in 1851 to help launch the new university, and

then made good on his promise in two stages. Between 1852 and 1855, he and his brother-in-law Orrington Lunt each contributed \$4,000, paid in installments, toward the purchase of sixteen lots of land at the corner of LaSalle and Jackson Streets in Chicago, then at the southern edge of the expanding downtown, with the income reserved for the use of the recently chartered institution. That Evans's donation did not consist exclusively or perhaps even primarily of his own funds is clear from his later recollection that "my friends came in liberally and we raised the money."<sup>46</sup> And, in October 1853, Evans made a \$1,000 down payment on the purchase of 379 acres of the Foster Farm, along Lake Michigan in the future town of Evanston. Although he also assumed responsibility for the remaining \$24,000 of the purchase price, due over ten years, Evans (as he anticipated) did not have to make further payments on either the principal or the 6% annual interest on the unpaid balance. The trustees retired the mortgage out of the proceeds

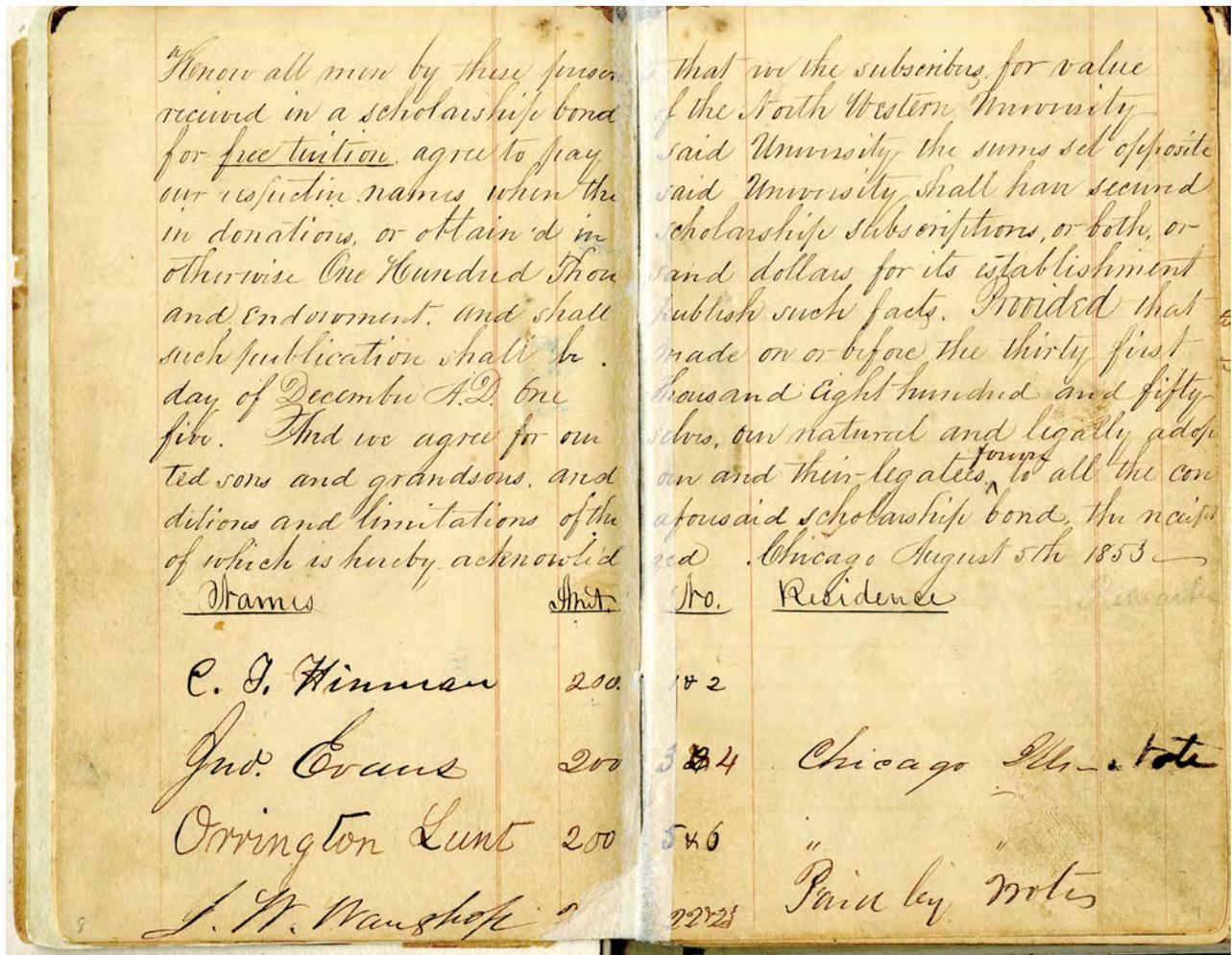
of selling or leasing parts of the acquired land to people who planned to build a home or open a business in the town.<sup>47</sup>

Evans made only minor additional donations to the University in its first decade, although he did occasionally pay contractors out of his own pocket and obtain reimbursement from the treasurer. He was one of the first buyers of land in Evanston,

however, putting \$240 down in July 1854 for Lots 1 and 10–16 in Block 10, with another \$960 due in installments by January 1, 1862, and in 1855 he purchased for \$200 two "perpetual" scholarships that covered future tuition at the university for members of his family and their heirs.<sup>48</sup>

The two land deals of the early 1850s were by far Evans's most important gifts to Northwestern. Although they came at relatively little cost to him (perhaps \$3,000 of his own money), they yielded the majority of the university's annual income during the first forty-nine years of its existence, outstripping tuition revenue, the sale of scholarships, and proceeds from other endowments until

*This practice of retaining real estate as principal and using its yields as operating income became the hallmark of Evans's financial strategy for the North Western University that he helped bring into existence.*



The first pages of the "Perpetual Scholarship" subscription book. One of the ways the new North Western University raised funds was by selling these scholarships for \$100 each. The scholarship covered the tuition of a son and grandson of the purchaser, and it could be passed on to future generations. As this indicates, Northwestern's first president, the Reverend Clark Hinman (1819-1854), purchased the first two scholarships, followed by John Evans and Orrington Lunt, who also each purchased two. Hinman died at thirty-five in 1854, the year before the University began offering classes. Evans and his family used only one of the perpetual scholarships and did so only one time, to educate the elder of his two sons, William Gray Evans, Class of 1877. The tuition was ten dollars per term in William's first year, fifteen dollars per term when he was a senior. (Northwestern University Archives)

1900. Thereafter, the relative importance of the two pieces of real estate (and of income from land in general) declined, but they continued to give off noteworthy returns.<sup>49</sup>

The LaSalle-Jackson property was especially lucrative. It became the site of a portion of the luxurious Grand Pacific Hotel and resulted in total lease income of about \$417,000, some 27% of the University's revenues, from 1867 to 1895.<sup>50</sup> By the latter year, when the hotel failed, Northwestern owned the part of the building on its land as well, which the University opted to replace with a new structure. Leased in 1897 to the Illinois Trust Safety Deposit Company for 99 years, that edifice stood until the 1920s, when a new building spanning the entire original Grand Pacific site became the home of Continental Illinois Bank, the successor to Illinois Trust. The lease continued, and it netted the University almost exactly \$8 million over the life of the contract. Early in the 1980s, Bank of America, the successor to Continental, paid \$20 million toward buying Northwestern's part of the property, and then completed the purchase on April 30, 1996, at the expiration of the original lease, with an additional payment of \$22,740,071.64.<sup>51</sup> In short,

a plot of land acquired by Evans and Lunt's success in drumming up \$8,000 in the 1850s generated unadjusted net income for Northwestern over the next 130 years of almost \$51 million.

The sale or rental of land, most of which had composed the Foster Farm in Evanston, accounted for another approximately 24% of Northwestern's total income in the period 1867–95, about \$318,000 of slightly more than \$1.5 million dollars.<sup>52</sup> But, although the town grew quickly, so did the fledgling institution's expenses. As early as 1866, Evans feared that these twin trends would tempt the trustees into the sort of "short sighted" property sales against which he had warned Chicago's mayor and aldermen. He therefore decided to combine a new gift that would improve the school's balance sheets with stipulations that would restrict the trustees' freedom to sell land in the future.

In November 1866, he agreed to donate several lots of land that he had long owned on Maxwell

Street in Chicago, with the provisos that (a) they could be leased, rented, and improved, but not sold, and (b) the income would be used, first in 1867–68, to satisfy Evans's promise to contribute \$5,000 toward the construction of the college building that became known as University Hall, and thereafter, to support a chair in Moral and Mental Philosophy that, in practice, provided the University president's salary (\$2,500 per year in 1876–88, \$3,000 per year in 1886–90, and \$3,500 per year in the 1890s) for the next three decades.<sup>53</sup> In return, Evans extracted the board's promise to retain in perpetuity one-quarter of each still unsold block of land in Evanston for lease, rent, or lasting improvement.<sup>54</sup> He maintained that holding onto some land permanently would enable the university to share in the rising property values that Chicago's and Evanston's growth were certain to bring.

Evans's attendance at the annual meeting of the Board of Trustees in 1866 was his first appearance since 1861, the year before he moved to Colorado.

Though he remained President of the Board until 1895, he attended the annual meeting only five more times (in 1871–72, 1876, and 1889–90). Most of the board's decisions were made, in any case, by the executive committee of the Board's officers plus three to seven other elected members, but his attendance at this smaller group's meetings also was sporadic. This is not to say that he disengaged from the institution; he visited it four times between September 1877 and March 1879, again in April 1887, and for the last time in June 1894.<sup>55</sup> He also stayed in close touch with his brother-in-law and fellow board member in Evanston, Orrington Lunt. But his day-to-day interests and priorities were largely elsewhere after he went to Colorado. Testimonies to this are the infrequency of his overt interventions



This copy of the 1854 plan of Evanston indicates how the former Foster Farm was divided into lots to be sold or rented, with the proceeds funding "the Northwestern University," whose "grounds" are on the upper right, along Lake Michigan. (Northwestern University Archives)

WARRANTY DEED.

This Indenture, *Pol. 4th* made this *Eleventh* day of *August* 1853 in the year of our Lord One Thousand Eight hundred and Fifty three Between *John H. Foster and Nancy J. Foster his wife of the City of Chicago, Cook County, Illinois of the first part; and The Northwestern University* of the second part

Witnesseth, That the said party of the first part, for and in consideration of *the sum of Twenty five thousand Dollars to them* in hand paid by the said party of the second part,

(the receipt whereof is hereby acknowledged, and the said party of the second part forever released and discharged therefrom) has granted, bargained, sold, remised, released, aliened, and confirmed, and by these presents does grant, bargain, sell, remise, release, alien and confirm, unto the said party of the second part, and to their heirs and assigns forever, all the following described lots or pieces or parcels of land, situated in the County of *Cook* and State of *Illinois*, and known and described as follows, to wit: *The East fractional half of section seven (7) and*

*The East fractional half of section Eighteen (18) and also the South East quarter of the North West quarter of said section Eighteen (18), and also thirty one (31) acres of land, of the East side of the South West quarter of said section Eighteen (18) - said thirty one acres being thirty one (31) rods in width from East to West and extending from North to West the entire length of said south west quarter section*

And also a piece of land in the South East corner of the North East quarter of the North West quarter of said section Eighteen (18), described as follows, viz: Beginning at the South East corner of said quarter-quarter section - thence west on the south line of said quarter-quarter section about eleven rods and ten feet to a Ditch - thence northeasterly along the center of said Ditch about forty one rods to the intersection of said Ditch with the East line of said quarter-quarter section - thence south on said East line about forty rods to place of beginning. (The said land being in *the corner of the East side of the South West quarter of said section Eighteen (18) and containing one (1) acre and thirty nine (39) rods* More or less.)

Together with all and singular the hereditaments and appurtenances thereto in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of in and to the above bargained premises with the hereditaments and appurtenances; To have and to hold the said premises, above bargained and described, with the appurtenances, unto the said party of the second part, its heirs and assigns forever. And the said *John H. Foster* party of the first part for

himself and his heirs, executors and administrators, do covenant, grant, bargain and agree, to and with the said party of the second part, its heirs and assigns, that at the time of the executing and delivery of these presents he is well seized of the premises above conveyed as of a good, sure, perfect, absolute and indefeasible estate of inheritance in law in fee simple, and has good right, full power, and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, and incumbrances of what kind or nature soever; and the above bargained premises, in the quiet and peaceable possession of the said party of the second part, its heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part, shall and will Warrant and forever Defend.

In Testimony Whereof, the said party of the first part hereunto set their hands and seals the day and year first above

*John H. Foster* [SEAL] *Nancy J. Foster* [SEAL]

LED AND DELIVERED IN PRESENCE OF

*Henry W. Clarke* a Notary Public. *John H. Foster*



in and for said county, in the State aforesaid, Do HEREBY CERTIFY, That *John H. Foster* who is personally known to me as the real person whose name is subscribed to the above Deed, appeared before me this day in person, and acknowledged that he executed and delivered the said Deed, as his free and voluntary act, for the uses and purposes therein set forth. And *Nancy J. Foster* wife of the said *John H. Foster* having been by me examined, separate and apart and out of the hearing of her husband, and the contents and meaning of the said Deed having been by me known and fully explained to her, acknowledged that she had freely and voluntarily executed the same, and relinquished her dower to the lands and tenements therein mentioned, without compulsion of her said husband, and that she does not wish to retract the same. Given under my hand and seal this *11th* day of *October* in the year of our Lord one thousand eight hundred and fifty

*Henry W. Clarke* Notary Public

The deed for the Foster Farm, dated August 11, 1853. John Evans made the first \$1,000 payment on the \$25,000 purchase price and pledged the remainder. (Northwestern University Archives)

For the purpose of erecting a substantial College as shall hereafter be hereby promise to pay Western University, the names on this and the be made as follows Viz: April A.D. 1866; And thereafter.

Chicago July 14<sup>th</sup>

Names  
 John V. Parwell  
 Orrington Lunt  
 Ino Evans

full  
 " Original subscription

at Evanston Cook County Ill. Building, of Brick or Stone determined, we the undersigned to the Trustees of the North sumis set opposite our respective following pages - pay ment to One half on the first day of the remainder in six months

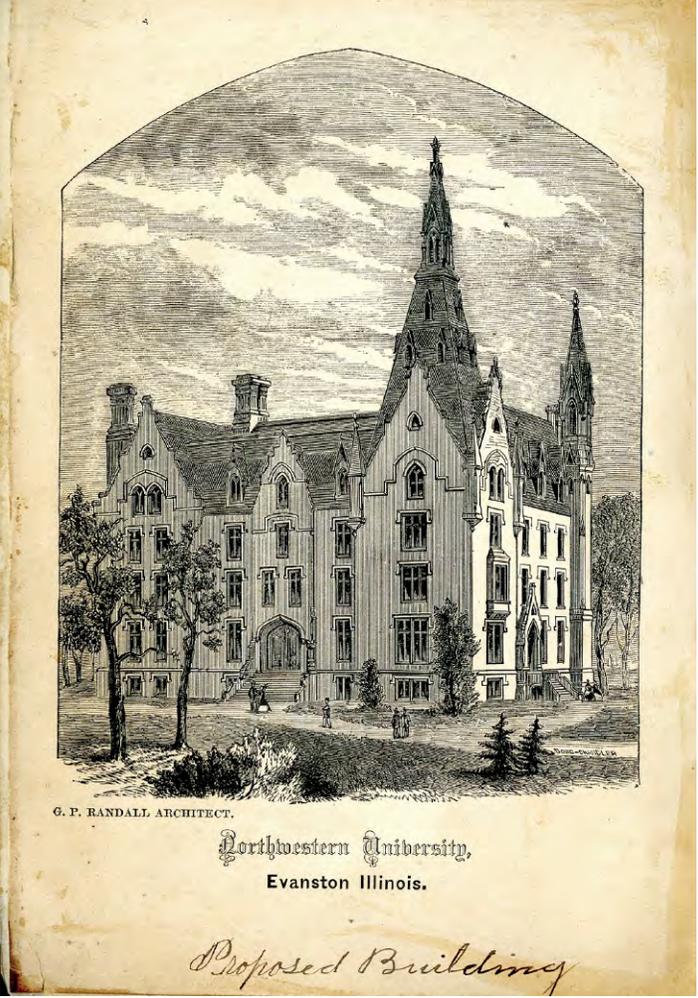
1865.

Amount \$2000 } Paid Oct 20-66 J. C. Hoag  
 \$500 } " Apr 5-67 " Hoag  
 \$500 } " 18 Oct 1867 D. B. Miller  
 \$500 } " 21 Sept 1868 J. J. Hoag

2000 - Paid in Land  
 2000 Paid in Land

These pages from the subscription book for what became University Hall list the first of two pledges made by John Evans, both of which he redeemed in land. The first pledge was for \$2,000, the second for \$3,000. Note the pledge by Evans's brother-in-law and Northwestern co-founder Orrington Lunt, also paid off in land. (Northwestern University Archives)

This drawing of the "Proposed Building" is in the subscription book used to record the pledges (and then payments) that funded what came to be known as University Hall, completed in 1869 at an estimated cost of \$125,000. For almost two decades this structure was the main campus building. It housed the University's library, chapel, classrooms, dorm rooms, meeting rooms, and a natural history museum. (Northwestern University Archives)



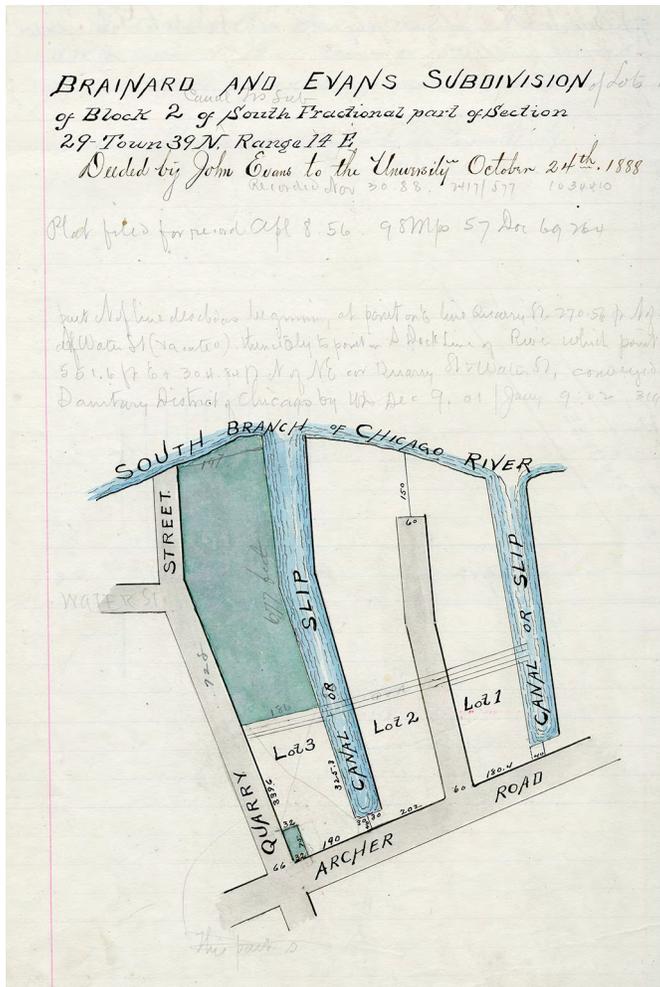
in University affairs, as recorded in the records of the Board of Trustees, and of his donations.

Northwestern's assets grew substantially in the years after John Evans went west. Estimated at \$704,200 in 1868, they reached \$3,579,700 in 1894, at the beginning of his final year as Chair of the Board of Trustees. But the institution operated almost continuously in the red. During Evans's last twenty-seven years as chair, Northwestern had an operating surplus only five times, in 1876–77 and 1890–94. By 1874–75, debt service consumed fully one-quarter of annual expenditures and accounted for nearly all the annual deficit. Despite drastic reductions of outlays for instruction from \$35,000 in that year to only \$16,200 in 1879–80, the interest paid on the incurred debt actually rose slightly, and its share of the reduced overall expenditures reached almost 40%.<sup>56</sup> The University faced an existential crisis, and the challenge that this posed to Evans's financial strategy for the institution motivated him to take once more an active, albeit episodic, role in the Board of Trustees' decisions.

The trigger for his renewed involvement was a discussion in the executive committee in 1875 of abandoning Evans's policy of holding one-quarter of each university-owned block in Evanston for rental income. Trustee and Land Agent Philo Judson, among others, argued that the University would do better to sell those quarters of less-sought-after blocks, to lease only those that could return at least 6% of their value annually, to invest some of the proceeds in safe securities, and to use the rest to retire the debt rapidly. In a letter written on the eve of a trip to Europe, Evans vigorously protested. He argued that the proposal was "founded in temporary expediency" and reiterated his view that if the trustees "set aside this rule now and sell our property to relieve a temporary emergency, the city will grow to the same proportions, but the wealth that results from its growth, will belong to individuals and not to the University." Rather than let go of the reserved land to obtain needed cash, Evans suggested, the institution should reduce expenses and raise tuition and fees sufficiently to balance



*Bird's-eye view of the Northwestern University Evanston campus, looking south, around 1874. University Hall, constructed five years earlier, is in the center, and to its left is Northwestern's first building, Old College. Just visible on the far right in the distance is the new Women's College, now the Music Administration Building. (Northwestern University Archives)*



This drawing offers a visual as well as verbal description of the dock property, valued at \$75,000, that John Evans deeded to the University as part of the intricate series of land exchanges that lay behind the funding of the chairs he donated in Moral and Intellectual Philosophy and in Latin. Maps illustrating Northwestern land acquisition and disposition were kept in a series of land books, as opposed to the records and minutes of the Board of Trustees, which generally include narrative descriptions of property and formal legal descriptions of land. (Northwestern University Archives, Office of the University Attorney, Real Estate Records)

But he had attached two somewhat contradictory conditions to his promises: (a) that his gifts were not be used to retire debt, but rather to increase the endowment of the chair in philosophy that he had created and to establish a new chair in Latin, and (b) that the University would pay off its total indebtedness within two years and never again let that sum exceed \$10,000. Partly because of (a), the trustees could not satisfy (b). As a result, Evans let Northwestern hold but not use the \$25,000 he had given, and he withheld fulfillment of the pledge to contribute a second equivalent sum.<sup>58</sup>

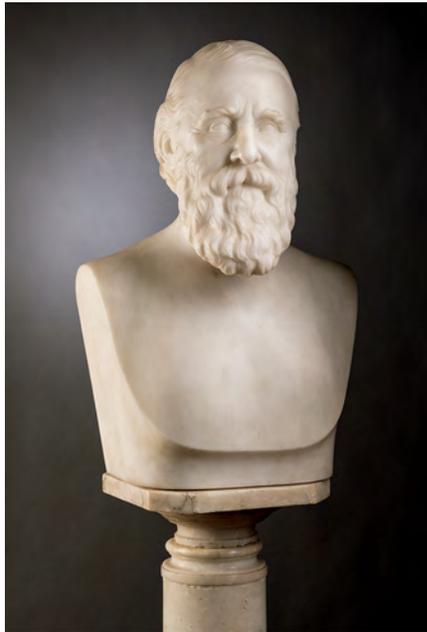
This impasse lasted five years, until September 1888, when Evans and the University began a complicated set of land deals over the following twelve months. First, Evans released Northwestern from the no-sale provision regarding the Maxwell Street lots that he had donated in 1866 and from the no-debt provision of his donation of 1883. He thus permitted the lots' sale to the Chicago, Burlington and Quincy Rail Road. Just under half of the proceeds (\$25,000 of \$55,000) were then added to the equivalent sum he had given in 1883. This \$50,000 constituted the new endowment for the pre-existing but now renamed chair in Moral and Intellectual (rather than Mental) Philosophy. Second, Evans gave the University a dock property valued at \$75,000 on the east bank of the South Branch of the Chicago River, just west of Archer Avenue in the Bridgeport neighborhood. In return, Northwestern paid the mortgage on the property and a few miscellaneous bills out of the other proceeds on the Maxwell Street sale and became free to realize the remaining \$50,000 in value at

the annual budget, and then gradually sell enough unreserved property to erase the burdensome debt. He thus insisted on adherence to the conditions of his Maxwell Street land donation of 1866, and he prevailed.<sup>57</sup>

Evans's austerity course failed, however. As the figures above make clear, the University's indebtedness became more rather than less of a burden by the early 1880s. So he made a new attempt to couple his generosity with institutional discipline. When the trustees appealed to him in 1881 to help launch a drive to retire obligations that now came to almost \$200,000 (about 4.55 million in 2013 dollars), Evans pledged \$25,000 in each of two successive years, provided that the Board could find donors of another \$75,000 in each. Up to a point, the plan succeeded, largely thanks to the generosity of William Deering, who contributed \$75,000 during the two-year effort. Evans delivered the first \$25,000 of his pledge on July 18, 1883.

will. Third, in September 1889, in return for his donations, the University deeded to Evans land in Evanston worth \$100,000, which he deeded back to Northwestern on his characteristic conditions that the property would be rented and not sold, with the proceeds furnishing the endowment for the chair in philosophy and a new one in Latin.<sup>59</sup> In other words, the University got to turn Evans's land in Chicago into cash, and Evans obtained the sort of underpinning for his chairs that he had long preferred.

Evans's gifts in 1888 were his first significant donations to Northwestern since 1866, and, like all his earlier contributions except the \$25,000 that had hung in the air since 1883, they consisted of land in the Chicago area that he acquired before he went west. He had made a few pledges in the interim, including one to the proposed Evanston College for Ladies in July 1871 for \$10,000 toward the construction of a new building, provided others would give \$30,000. But ups and downs in his fortunes and those of the other potential donors following the Great Chicago Fire in October apparently account for the fact that none of these gifts materialized.<sup>60</sup> The donations of 1888 were also the largest Evans ever made, albeit considerably smaller than the contributions to the University that began in the 1880s from its greatest *fin-de-siècle* benefactors, William Deering, Norman Wait Harris, and Milton H. Wilson.<sup>61</sup> In 1898, the University Treasurer and Business Agent reported the value of the land that undergirded the two Evans professorships as having grown to \$175,000, but this was less than the "Special Deering Fund" of



*This bust was a gift from John Evans to Northwestern University in 1894, the year he turned eighty. It was placed in the Orrington Lunt Library and then the Deering Library before it was moved to its current home in the John Evans Alumni Center. (Northwestern University)*

\$215,000, and only a fraction of the "total productive real estate fund" of \$2,013,449. The income of \$7,000 that the treasurer estimated on the two endowments amounted, however, to a respectable 6.4% of the \$109,100 expended on instruction at the Evanston campus in the 1897–98 academic year.<sup>62</sup>

As with Evans's Chicago land gifts, however, his Evanston ones involved a relatively small initial donation becoming a substantial revenue stream for Northwestern. By August 31, 1946, the property supporting the chair in Latin was valued at \$352,750, and that supporting the chair in philosophy at \$824,672; the combined annual income from the two parcels of land came to \$65,328.40, a sum that greatly exceeded the salaries and miscellaneous expenses associated with the chairs. The Board of Trustees therefore directed

that "excessive income be used in the educational budget for unrestricted purposes."<sup>63</sup>

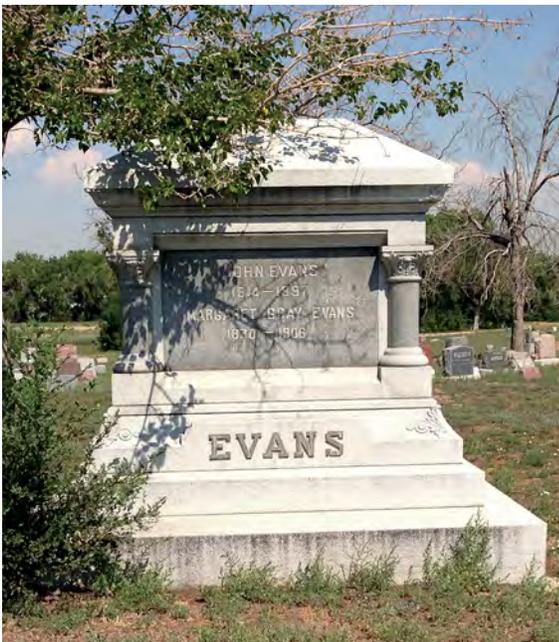
By 1971, however, the University had grown frustrated with the rate of return on the fourteen lots of real estate in downtown Evanston. Backed by John Evans's great-grandson, John Evans Jr., and the City of Evanston, which wanted to restore the Evans land donations to the property tax rolls, Northwestern won a decision in Cook County Circuit Court that allowed the University to sell the land "in order to effectuate the over-riding primary purpose" of Evans's endowment. Northwestern began doing so in 1972, and by the time it found a buyer for the last lot in 2001, the total sales proceeds came to \$5,287,318. Placed in the "long-term pool" of assets, the endowments of the Evans chairs were valued together as of January 2014 at \$14.5 million.<sup>64</sup>

The University does not believe that Evans's original gifts obligate it to use all income from them for the purposes he designated, but only to maintain the two chairs he endowed.<sup>65</sup> Nonetheless, when the philosophy endowment reached the value of nine million dollars in 2007, Northwestern created a second John Evans Chair in Moral and Intellectual Philosophy. Four years later, the Board of Trustees voted to establish a third chair supported by the original philosophy endowment, this one "without restriction as to subject matter."<sup>66</sup> As of this writing, the two chairs in philosophy and the chair in Latin are occupied; the unrestricted one is not.

In March 1894, three years before Evans passed away, he made his final gift to the University: a bust in his likeness. He died intestate in 1897, and his remaining assets passed to his wife, Margaret Gray Evans, who made no contributions to Northwestern prior to or at her death in 1906.

All told, then, John Evans contributed approximately \$103,000 to the University from 1852 to 1888, more than three-quarters of it consisting of land in Chicago and Evanston that he acquired before he went west, or that he traded such land

for.<sup>67</sup> With a few exceptions, his descendants have not donated to the University. Sons William, a graduate of Northwestern, and Evan, who attended the preparatory school attached to the University, contributed nothing during their lifetimes. Grandson John Evans II, an MIT graduate, joined with his sisters in making a donation following the Centennial celebration of 1951, but it was relatively modest and in the form that his namesake favored: an undeveloped plot of land at the corner of Western Avenue and 79th Street in Chicago, valued initially at \$50,000 but sold for a net of \$35,264.63, with the proceeds "eventually used for various building projects and capital improvement on the campus."<sup>68</sup> Two generations later, another Evans descendant gave the University Library two rare books, editions of John James Audubon's *The Birds of America* and *The Quadrupeds of North America*. Now in Special Collections, they were valued upon donation at \$15,000 and reportedly had been presented by John Evans to his wife Margaret as an anniversary present. The donor followed up with cash gifts to the University Library totaling \$7,856, the final one made in 1997.<sup>69</sup>



*This monument marks the graves of John and Margaret Gray Evans in Riverside Cemetery. On a clear day one can see the Front Range of the Rockies, including Mount Evans. Also in Riverside are the graves of Evans's son-in-law and fellow Colorado Territory Governor Samuel Elbert, and of Captain Silas Soule, who was murdered after he testified against John Chivington at the military hearing on Sand Creek. Once an attractively landscaped nineteenth-century "garden" cemetery, Riverside, which is located in what is now a dingy industrial area, has long been in a state of decline. (John Evans Study Committee, 2013)*

### EVANS IN NORTHWESTERN'S MEMORY

John Evans's contributions to Northwestern as founder, donor, and trustee were substantial and crucial, and the institution has acknowledged this in many ways. His fellow trustees bestowed the largest acknowledgment of all in 1854, when they voted to name their new university town after him. "Evanston" defeated other candidates, including "Evans" (which later became the name of a town in Colorado) and "University Place."<sup>70</sup> Most of Northwestern's tributes to Evans came much later, however, between the 1890s and the Centennial observance in 1951. Although the University consistently referred to him in these and earlier tributes as Governor (sometimes ex-Governor) John Evans, it made virtually no mention of his resignation from that position and never noted why he had to leave office.

After Evans presented the University with the portrait bust of himself in 1894, the trustees appointed a committee to prepare a testimonial expressing their "appreciation . . . and also attesting the earnest personal esteem in which Governor Evans is held by this Board." The committee later wrote that "this latest and valued contribution . . . supplements the many noble and timely gifts for which in previous years the University has been indebted to the same generous benefactor," who was a "wise, faithful and helpful friend."

Evans's death in 1897 elicited another outpouring of grateful recognition. Having learned that he was dying, the Alumni Board sent him a handwritten letter assuring Evans of its "remembrance of his generous service to the University." Northwestern President Henry Wade Rogers eulogized him as the first item of Rogers's 1897–98 annual report. Rogers only briefly mentioned the Colorado

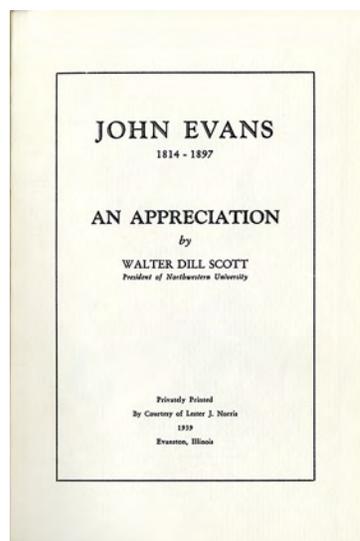
governorship and gave the wrong year (1864 rather than 1862) as the date of Evans's appointment by Lincoln. The trustees, reflecting on what Evans's passing meant, noted "the severance of one more tie that binds us to the earliest days of this institution." His long and dedicated service, they added, "calls for our profound gratitude to Almighty God in raising up strong and able men to lay broad and deep the foundations of this great institution of learning. We recognize the debt we owe to his

wise foresight and executive ability and extend to the family of the deceased our deep sympathy in their sorrow."<sup>71</sup>

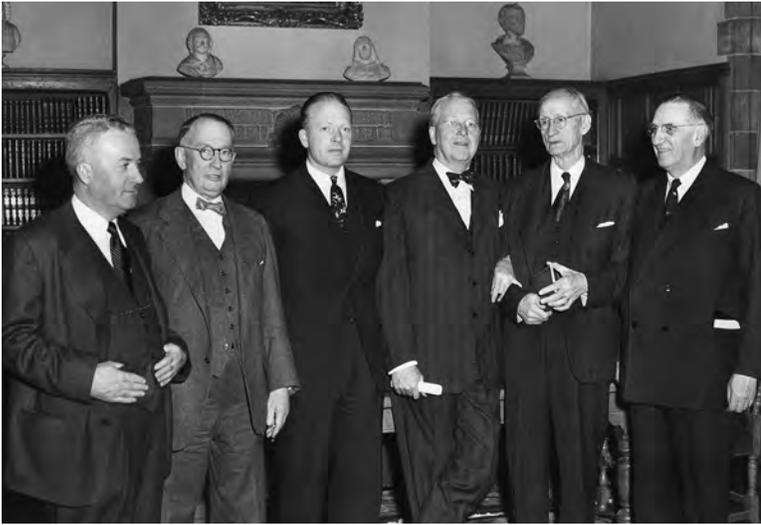
This was only a hint, however, of plaudits yet to come. In the late 1930s, Evans's achievements inspired University President Walter Dill Scott to write a sixty-page biography, privately printed with funding from University Life Trustee and major benefactor Lester J. Norris. While preparing this volume, Scott corresponded with Evans's grandson John Evans II, by then a prominent Denver banker and civic leader. "In the chapters I have written I have, so far as I can judge, not exaggerated his merits," Scott told Evans. "He was one of the great Americans and anything that you and I can do to perpetuate his memory should be done now." Scott devoted each of the chapters to a different aspect

of Evans's career: physician, railroad builder, city builder, educator, religious leader, and political figure. The word "Indian," let alone the name "Sand Creek," never appeared.<sup>72</sup>

A dozen years later, the University made Evans the star of the Centennial festivities. The opening sentence of a booklet reviewing Northwestern's first hundred years described him as "the man whose vision was primarily responsible for founding" the University.<sup>73</sup> A highlight of the celebration was a special exhibition in Deering Library of documents and artifacts from Evans's life, including his



*The title page of the "Appreciation" of John Evans written by Northwestern University President Walter Dill Scott (1869–1955) and published in 1939. (Northwestern University Archives)*



On February 4, 1951, University leaders past and present posed with Evans descendants at the ceremonies marking the opening of the special exhibit devoted to John Evans in Deering Library during the University Centennial. From left to right, J. Roscoe Miller, University president from 1949 to 1970; Franklyn Bliss Snyder, University president from 1939 to 1949; John Evans Jr., great-grandson of John Evans; John Evans II, grandson of John Evans; Walter Dill Scott, University president from 1919 to 1939; and Kenneth F. Burgess, then the president of the Northwestern University Board of Trustees. (Northwestern University Archives)

certificate of appointment as governor, his deeds of gift to the University, correspondence with leading businessmen, a letter stating his views on slavery (discussed in note 22), medical writings, and a silver ceremonial Denver Pacific spike inscribed with his name. The exhibition opened with a large formal reception—some 1,200 people were invited and three hundred attended—featuring speeches by Northwestern President J. Roscoe Miller, University of Denver Chancellor Albert C. Jacobs, and Chairman of the Northwestern University Board of Trustees Kenneth F. Burgess, as well as remarks by John Evans II.<sup>74</sup>

In his address, titled “John Evans and the New West,” Burgess made a brief reference to the circumstances in which Evans left the Colorado governorship. According to Burgess, Evans endured the governorship as long as he did mainly out of loyalty to Lincoln, “but resigned soon

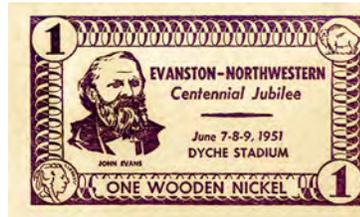


One of the display cases at the 1951 Northwestern Centennial exhibition in Deering Library devoted to John Evans. This case included photographs of the University’s founders and presidents. Next to John Evans at the bottom center left is J. Roscoe Miller (1905–1977), then president of the University. Orrington Lunt is at the bottom center right. (Northwestern University Archives)

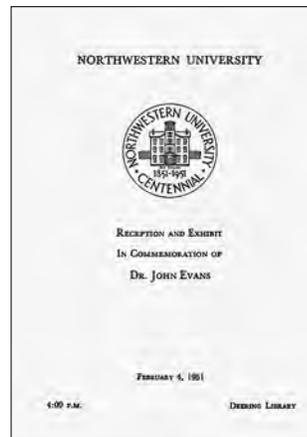
after Andrew Johnson succeeded to the presidency, rather disillusioned by the vicissitudes and disappointments of political position.”<sup>75</sup> Burgess did not specify that these “vicissitudes and disappointments” included the fact that Johnson demanded Evans’s resignation.

One way to trace Northwestern’s continuing regard for Evans is in the travels of the portrait bust through the evolving Evanston campus. The trustees initially decided that it belonged in the new Orrington Lunt Library (now Lunt Hall), which was dedicated in 1894. A significant portion of the library’s funding was a \$50,000 gift from Lunt himself.<sup>76</sup> Four decades later the bust moved to a position just outside the Main Reading Room (now the Art Library) on the second floor of the Charles Deering Library, which replaced the Orrington Lunt Library in 1933. Today, busts of Lunt and of Frances Willard, first dean of the Women’s College, occupy similar positions in Deering Library. On January 30, 1966, the 115th anniversary of the university’s original charter, the Evans bust was installed in its present home, the John Evans Alumni Center, which is located in the former Rufus Dawes House, erected in 1880 on the north side of Clark Street just west of Sheridan Road. The building stands near the site of the home John and Margaret Evans built when they moved from Chicago to Evanston. Before becoming the alumni center in 1955, it had served for twelve years as the John Evans Center for Religious and Social Service.<sup>77</sup>

In the decades after the Centennial, John Evans largely ceased to be such a focus of attention. To the extent he was noted at all, it was mainly as a bearded worthy from that quaint and distant era in which the University and Evanston were founded.<sup>78</sup> He became less a person than a name that was used to evoke the best traditions of Northwestern.



*In conjunction with the Northwestern University Centennial in 1951, there was an Evanston Northwestern Centennial Jubilee. As part of the jubilee, one could purchase these printed balsa wood “nickels” and spend them at face value in certain local stores or keep them as a souvenir. Among several figures and places featured on the “face” of these nickels was the University founder after whom the city of Evanston was named. (Northwestern University Archives)*



*The cover for the program of the reception held at the opening of the exhibition in Deering Library of papers and artifacts relating to the life and career of John Evans. The reception was one of the highlights of the observation of the University’s Centennial in 1951. (Northwestern University Archives)*



*Photograph of an event, circa 1959, commemorating the fact that gifts, pledges, and bequests by members of the John Evans Club, then the University’s leading donors’ organization, had surpassed \$6 million. (Northwestern University Archives)*



*The John Evans Alumni Center occupies the former Rufus Dawes House on Clark Street near Sheridan Road. This building is just south of the site of the home where John Evans and Margaret Gray Evans lived from 1855 to 1862, when they moved to Colorado. (Northwestern University)*

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The Development Office designates those who donate between \$5,000 and \$9,999 annually to the University as members of the John Evans Circle.<sup>79</sup> In recent years, Northwestern has supplemented the two (now four) chairs that Evans endowed in his lifetime with ten additional “honorary” John Evans Professorships that have no connection to his donations.<sup>80</sup> An unprecedented institutional interest in his role in the Sand Creek Massacre has been required in order to make Evans’s life the subject of a more thorough, detailed, and critical examination than President Scott presented in his biography and Trustee Burgess provided at the Centennial.

## Chapter Three: Colorado Before Sand Creek

**I**N the three centuries prior to 1862, the distinguishing feature of Colorado's history was a quickening succession of demographic and cultural waves that broke with increasing force on the eastern slopes of the Rocky Mountains. First, the millennia-long evolution of Native societies picked up pace with the arrival in the sixteenth century of Europeans, who brought horses, and of

*These three factors—numbers, accessibility, and economic motives—soon combined to bring far more dramatic changes to the mountains and eastern plains of the future state of Colorado in fifty years than had occurred in the preceding two centuries.*

new tribes, including the Arapahos and Cheyennes, by the early nineteenth century. Second, almost simultaneously with the arrival of these tribes, the infant United States claimed legal possession of the region, and an increasingly complex engagement between the new nation and the Plains Indians began. Third, the settler presence and influence rose rapidly as America expanded to the Pacific in the 1840s.<sup>1</sup> Finally, the discovery of gold in the eastern Rockies in 1858 brought a massive increase of newcomers, with calamitous effects on Native peoples.

### **THE AMERICAN SETTLEMENT**

The earliest Europeans in the region were Spanish explorers, beginning with Francisco Vasquez de Coronado in 1540–42, who probed outward from the center of Spain's North American empire in Mexico City. Once satisfied that the area offered no prospects of immediate riches, the Spanish confined themselves to founding small colonies around missions in Texas and the Rio Grande Valley. They defended these against Indian raiders,

especially Comanches, and the designs of imperial rival France, meanwhile converting souls to Roman Catholicism. The Spanish presence in Colorado thus remained limited to occasional forays onto the plains. After 1779, when Spaniards decisively defeated a large force of Comanches near present-day Pueblo, Colorado, these forays became rarer still.

By then a shift in the region's relations to the outside world was underway. The Treaty of Paris in 1783 gave the newborn United States possession of lands east of the Mississippi River, and twenty years later the Louisiana Purchase extended the country's western boundary to the continental divide. At least on paper, Colorado's plains and its eastern watershed of the Rocky Mountains now were part of the nation. Whereas the Spanish population in New Mexico had been small, about 25,000 in 1800, that of the United States was more than five million, and that number nearly doubled by 1820 and increased six-fold by 1860 to 31,443,321. Whereas New Mexico had been separated by hundreds of miles of desert from the main Spanish presence in central Mexico, the expanding U.S. population had ready access to Colorado via two rivers running west to east—the Arkansas and the Platte. By the 1830s and 1840s, the nearest substantial American settlements along the stretch of the Missouri River between the mouths of the Platte and the Kansas Rivers had become an economically vibrant part of the nation. Their entrepreneurial energies focused, predictably, on cultivating new farmland and gaining access to the resources in the opening West.

These three factors—numbers, accessibility, and economic motives—soon combined to bring far more dramatic changes to the mountains and eastern plains of the future state of Colorado in fifty

years than had occurred in the preceding two centuries. Initially those changes opened opportunities for Native peoples. Over time settlers monopolized those opportunities, and accelerating economic, political, and technological change proved disastrous to the hunter-gatherer tribes of the high plains.

The earliest stirrings of change came through one of America's biggest businesses, the fur trade. Beginning in the 1820s, trappers operating out of St. Louis and Taos worked the mountains and plains streams for beaver pelts, often intermarrying and forming bonds of trade, family, and amity with Cheyennes, Arapahos, and Lakotas (western or Teton Sioux). Among these men were two brothers from a prominent St. Louis family, Charles and William Bent, who went west seeking both adventure and fortune. In partnership with another trapper, Ceran St. Vrain, the brothers established a walled trading post on the north bank of the Arkansas near what is now La Junta, Colorado.<sup>2</sup> Bent's Fort, with William Bent in charge, was well positioned to trade with Cheyennes, Arapahos, and Sioux north of the Arkansas and Comanches, Kiowas, and Plains Apaches to the south, and Bent, St. Vrain, and Company expanded its reach through satellite posts along the Front Range of the Rockies. During the ensuing decades, trade gradually shifted from beaver pelts to robes made from bison hides. By bartering these at the fort, the region's tribes gained access to a vigorous flow of eastern goods that included European finery, weapons, and household technology. Some Indians, the Cheyennes especially, developed intimate connections with traders. When Owl Woman, the daughter of a chief, married William Bent, he entered the upper strata of the Southern Cheyennes.<sup>3</sup>

Bent's Fort had another valuable economic connection to the East. In 1821, in the wake of Mexico's independence from Spain, New Mexican authorities agreed to allow a heretofore forbidden trade between Santa Fe and Missouri merchants. During the next quarter century, this commerce

steadily grew until hundreds of freight wagons a year followed the Santa Fe Trail along the Arkansas River, most of them taking a branch through southeastern Colorado that turned to the southwest just beyond Bent's Fort. Together the Santa Fe

Trail and the buffalo robe trade centered at Bent's Fort produced the first non-Native settlements of eastern Colorado—Boggsville, Greenhorn, Hardscrabble, and the village that grew into Pueblo.<sup>4</sup>

These settlements were part of a larger community of overlapping, interlocking, and mutually dependent peoples. Charles Bent's marriage to Maria Jaramillo elevated him into the social elite

of Santa Fe, just as his brother William was bound to the Southern Cheyennes. Christopher "Kit" Carson, a Bent trader, first courted and married an Arapaho, Singing Grass, and later a Southern Cheyenne, Making Out Road. He later joined Charles Bent in the New Mexico elite by marrying Bent's sister-in-law, Josefa Jaramillo. New Mexicans prospered from the Missouri trade, while Cheyennes, Comanches, and other tribes experienced an unprecedented affluence. Middlemen like the Bents enjoyed the prestige and wealth that came from straddling different cultures and from the honor derived from their wives' status.

Yet this remarkable arrangement of mutual benefit and cultural blending was inherently unstable. The Bents and others were hastening the region's contact with the growing nation and linking it to a global, capitalist economy that would prove an engine of convulsive changes. The result would be a very different society, one incompatible with and hostile to traditional Indian cultures and economies because of its focus on the production of crops and livestock and the marginalization of Native people. The changes came so quickly that many Natives and their allies had to alter their world view profoundly within their own lifetimes. John Simpson Smith, another of Bent's traders, also married a Southern Cheyenne, Na-to-mah. In 1846, a traveler on the Santa Fe Trail observed one of their children, Jack (*Wo-pea-ken-ne*), having a "crying fit" as the

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traveler's party passed Sand Creek. Eighteen years later Smith and that son were with Black Kettle's band at the massacre. Jack, now despised as a "half-breed," was the final casualty, murdered the day after the attack with the tacit approval of John Chivington.<sup>5</sup>

Two events, scarcely a decade apart, hastened the changes begun by American rule. The first was a twinned episode. Between 1845 and 1848 the United States added 1.2 million square miles to its territory and extended its borders to the Pacific Ocean as a result of the annexation of Texas, the Oregon Treaty with Great Britain, and the seizing of California and the Southwest in the Mexican War. Then, within days of the signing of the Treaty of Guadalupe Hidalgo ending that conflict, gold was discovered on the American River in California. These developments produced a torrent of new traffic along the Arkansas and Platte valleys, as commerce picked up in the Southwest and as individuals and families were drawn to the far West by the lure of gold and the chance for a new start in the farmlands of California and Oregon.

By one estimate, the number of wagons on the Santa Fe Trail increased from 90 in 1844 to 363 in 1846. During the nine years before 1848, fewer than twenty thousand persons had traveled up the Platte toward Utah and the far coast. During the next four years, more than 155,000 made the journey. These tens of thousands of overlanders, with their hundreds of thousands of oxen and other animals, upset the ecology of Indian homelands, especially in the river valleys that provided essential winter camps for the semi-nomadic plains bands. The immigrants also brought with them devastating diseases to which the Indians had limited resistance. Especially deadly was Asiatic cholera, which ravaged both overland travelers and Colorado tribes in 1849 and 1852. Losses among the Southern Cheyennes and Kiowas were particularly dreadful.

Some bands vanished entirely, with survivors absorbed into others, including Black Kettle's.<sup>6</sup>

Non-Native settlement in Colorado remained limited to fewer than a thousand persons—Indian traders, merchants along the Santa Fe Trail, and soldiers in posts established to protect travelers, including Fort Wise, later Fort Lyon.<sup>7</sup> The second event changed that. In the summer of 1858, a party of Georgia prospectors found paying deposits of gold along Cherry Creek in present-day Denver. Coming during a national depression and in a place far closer than the gold fields of California, the find triggered a massive rush to the Front Range by more than twice as many people than had crossed to California in 1849.<sup>8</sup>

The consequences of the Colorado gold rush can hardly be exaggerated.<sup>9</sup> Settlement that had been scattered and temporary now was permanent and widespread. In contrast to earlier arrivals like William Bent, the newcomers sought not to blend with indigenous peoples but to create a society, economy, and political structure modeled on the East. In the past, this kind of development nearly always had proved incompatible with the Indians' way of life and repeatedly led to their removal. Colorado proved no exception.

Gold seekers settled especially along the South Platte, which leaves the Rockies south of Denver and flows through northeastern Colorado to join the North Platte near the Nebraska border. Several gold camps quickly sprang up around Denver and to its north along the base of the mountains. As prospectors probed into these mountains, other camps, among them Gold Hill, Central City, and Jackson's Diggings, soon followed. Denver emerged as a supply center for the growing population. The gold camps in turn spawned settlement on the plains. Crude inns and stores along the Platte road serviced travelers and freighters, and some merchants, like John Iliff, took in hoof-sore cattle that

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would stock the first ranches along the Platte. Iliff's counterpart on the Arkansas was John Prowers, yet another former trader for William Bent, who began raising stock in the 1850s and was on his way to becoming one of Colorado's wealthiest cattlemen.<sup>10</sup>

Meanwhile, the region's first farms were appearing around Denver and along the South Platte. With the increase in non-Native population, agriculture spread steadily. Prowers and other ranchers constructed canals to irrigate fields producing corn, buckwheat, oats, barley, and potatoes, as well as hay for the growing herds. Agricultural development was especially vigorous on the upper Arkansas and its tributaries in the vicinity of modern Colorado Springs. In 1862, John Evans reported that Fountain Creek, an Arkansas tributary, was alone producing annually more than 40,000 bushels of corn, 25,000 of wheat, and 20,000 of potatoes.<sup>11</sup> A cycle of growth was under way: gold (or rumors of it) brought people whose needs were met by an expanding number of ranches and farms that could support even more settlers.

By 1860, according to the census, nearly thirty-five thousand non-Indians were in Colorado, and the true number was likely quite a bit larger. The great majority lived along the Front Range and in the Arkansas and Platte valleys, although the 1850s also had seen the movement of former New Mexican residents up the Rio Grande into the San Luis Valley in South Central Colorado.<sup>12</sup> Most newcomers came from non-slave states, especially in the Ohio Valley and Mid-Atlantic region, and they vigorously supported the Union in the coming war. The demography was typical of mining regions. Ninety-seven percent were males, and 94 percent were between 15 and 44 years old. More than half were between 15 and 24. It was a highly mobile, come-and-go society, populated by a collection of young, restless men. This sort of mix, historically a strong predictor of violence, did not bode well for the period just ahead.

The surge of settlement called for a new political order in what was then, on paper, far western Kansas Territory. In 1859, a convention and popular vote created Jefferson Territory, more than half again the size of modern Colorado. Although never recognized by Congress, it provided *de facto*

government during the two years when the nation was stumbling toward civil war.<sup>13</sup> In February 1861, a month after Kansas was admitted as a state, President James Buchanan signed a bill creating Colorado Territory, with the same boundaries as the later state. Its first governor, William Gilpin, took office on March 25. As in other territories, the president also appointed judges and a secretary.

Much needed doing, starting with setting up the basic governmental apparatus, but one issue was among the highest priorities. "Settlement" implied establishing legal title to the land, and any individual title required that the government first extinguish claims by prior Indian occupants. Ten days before Colorado became a territory, ten Cheyenne and Arapaho chiefs signed a treaty at Fort Wise, ostensibly ceding all of the area to the United States except a small reservation north of the Arkansas River, including the Sand Creek site. Quickly, however, it became clear that most bands of the tribes had not been represented at the treaty council and firmly opposed what had been signed. Even the chiefs who had agreed to the treaty misunderstood the terms, in large part because the integrity of the Cheyenne interpreters was questionable, and no Arapaho interpreter was present at all. As will be discussed, John Evans arrived in Colorado determined to secure either wider approval of the Fort Wise treaty or another land cession altogether. Without one or the other result, the future of Colorado as a place of peaceful settlement was in question. Trying to lay a firmer legal basis for this settlement consumed Evans's attention for most of his first two years in the territory.

The crisis of 1864 that led to the Sand Creek Massacre was a consequence of changes begun early in the century that by 1862 had produced a full-blown transformation. The essential structures of American control were in place. A political and military apparatus and an economy of both larger-scale production and sustenance had come into existence. A massive makeover of the environment was underway. At least the start of a road network to and within the new territory had been laid out, a radical change for an area with few navigable rivers. Above all, the Colorado gold rush brought about a fundamental re-perceiving of the vast midsection

of the expanded nation. In 1858, most Americans had seen the Great Plains and Rocky Mountains as essentially a wild region to get across on the way to more promising places like California and Oregon. The discovery of gold in Colorado not only made the Rockies an alluring destination (and one much closer than California). The space leading to them—the Kansas, Nebraska, and Colorado plains—now was heralded as its own promised land, country waiting to be made into prospering farms and pastures to feed a growing America. Other developments had drawn Colorado physically and economically into the nation. Now it was being bound perceptually, viewed by Americans not as an alien region but as one naturally and truly part of the nation and essential to its future.<sup>14</sup>

That vision, of settled farms and communities with churches and schools, had no place in its economy or social structure for a hunting people dependent on unimpeded seasonal movement through the high plains. Each expansion of settler communities inched the Indians closer to displacement. Colorado's settler population along the Front Range and on the eastern plains now at least doubled and perhaps tripled the Native one, and the newcomers settled in areas crucial to the Indians' semi-nomadic way of life. The center of settlement, along the Front Range, had been the tribes' prime winter refuge. Now bands returned to find growing towns, expanding farmlands, and cattle fattening on grasses needed for tribal herds of ponies. Commercial outlets and army posts occupied timbered spots along the rivers that were equally vital during the bands' annual cycle, and ranchers like Iliff did the same along feeder streams to the Platte. Increasingly the settler habitation of the Platte and Arkansas forced Cheyennes and Arapahos to withdraw to the country between the two, along the Smoky Hill and Republican Rivers, land still relatively unchanged by the rush. One way of life and of using the land rapidly was crowding

out another, repeating the human pattern in which agriculturalists fenced and maintained space long used by hunter-gatherers.

William Bent, now the agent on the upper Arkansas River, reported as early as December 1858, with the rush scarcely underway, that the settlements on the Arkansas and South Platte had the Indians "very uneasy and restless . . . This is their principal Hunting Grounds. This movement they do not understand, as they have never been treated [negotiated with] for it." By the following October, he was even more troubled. With "the concourse of whites . . . constantly swelling," Bent wrote, Indians were "already compressed into a small circle of territory, destitute of food." They had to be rescued. If not, "a desperate war of starvation and extinction is . . . inevitable."<sup>15</sup>

Whatever chance existed to resolve the conflict over land, however, was made more remote by the mounting crisis in the East—John Brown launched his raid on Harpers Ferry exactly a week after Bent made his dire prediction. Tensions were still tightly wound on May 16, 1862, when the territory's second governor, John Evans, arrived in Denver to the cheers of a large crowd and a serenade by the Rocky Mountain Band.

#### THE LEGACY OF U.S. INDIAN POLICY

John Evans probably did not anticipate the responsibilities associated with his second title of *ex-officio* Superintendent of Indian Affairs when he was appointed Governor of Colorado Territory. But he soon became aware that he was now the principal representative of the United States in its formal dealings with the Native people living within the boundaries of his new home. And, as he assumed office, Evans inherited two basic features of federal relations with Indians that he was supposed to implement. First, the United States had a well-established policy for the management of Native communities and the acquisition of

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tribal land for American settlement. That policy was to use federal power to mediate between the indigenous population and American settlers in order to acquire land for settlement while minimizing conflict with Indian people. Second, the principal means to these ends was treaty making. In the decade prior to Evans's appointment, the Office of Indian Affairs, a troubled but increasingly

*By calling agreements with tribes "treaties," Washington wanted to ensure that the national government would handle all formal interaction with tribes. He also wished to demonstrate that his young country would be a nation of just laws and high principles.*

important arm of the federal government, had transformed itself into a national bureaucracy that deployed agents and officers across the continent, all charged with facilitating and enforcing agreements with tribes that attempted to establish fixed borders between settlers and Indians.

The expectations surrounding these two features of federal policy lay beneath the outrage that

erupted in the wake of the Sand Creek Massacre and eventually drove Evans from office. To be sure, the terrible acts committed by Chivington and his men sparked the initial uproar, but revulsion against wholesale violence toward Indians sprang from the prevalent belief, which the massacre appallingly violated, that federal supervision and effective treaty making could facilitate westward expansion while upholding the nation's honor.

George Washington established the principle of federal supremacy in Indian affairs in 1789 when he submitted a recently completed series of agreements with Ohio tribes to the Senate for ratification. While not required to do so by the Constitution, the new president chose to handle Indian agreements in the same way as treaties with independent states. Washington adopted this approach because he wished to block states or individuals from negotiating land purchases with tribes on their own or initiating hostilities with local Indians and thus drawing the entire nation into wars. By calling agreements with tribes "treaties," Washington wanted to ensure that the national

government would handle all formal interaction with tribes. He also wished to demonstrate that his young country would be a nation of just laws and high principles.<sup>16</sup>

For the next fifty years, traders, land speculators, and expansionist politicians challenged Washington's approach. Despite their efforts, Congress, the courts, and succeeding presidents followed his example. In 1790, Congress adopted the first of a series of "Trade and Intercourse Acts" that attempted to regulate unscrupulous traders and liquor sellers who preyed relentlessly on Native people.<sup>17</sup> A generation later, the Supreme Court stepped in to stop individuals from buying land directly from Indian leaders, a practice often characterized by double-dealing and fraud. This decision, *Johnson v. McIntosh* (1823), profoundly shaped the legal relationship between the U.S. government and the Indian peoples for more than a century.

Writing for the majority, Chief Justice John Marshall addressed a dispute between two parties who each claimed ownership of the same tract of land. One claim rested on a sale that originated in the General Land Office in the wake of a formal treaty, while the other involved a transaction between a private citizen and the chief of the local tribe. The Chief Justice rejected the private sale, declaring that all property rights in the United States must derive from the federal government. Marshall's ruling, to be clear, did not recognize Native American rights to land ownership. He argued that as the successor to the British crown, which had originally "discovered" the land that now composed the United States, the federal government had an exclusive "right of discovery" to the Indian-occupied property within its borders.

Indians could "occupy" land, he reasoned, but because of their backwardness, they could not own it. "Discovery," Marshall wrote, gave the Europeans "an exclusive right to extinguish the Indian title of occupancy, either by purchase or by conquest."<sup>18</sup> With the end of British rule, the United States inherited this "exclusive right" to acquire lands it had "discovered."<sup>19</sup> Marshall explained that whenever Americans moved into new territories, federal officials (exercising the right of discovery) would be responsible for extinguishing the Indians'

rights of occupancy before opening the property to settlement. Individuals would then acquire titles to ownership from the General Land Office, the federal agency responsible for the disposition of public land.

Soon after Marshall's *Johnson* decision, the state of Georgia triggered a constitutional crisis by issuing an unprecedented challenge to the supremacy of federal power in Indian affairs. State leaders announced that they would no longer recognize federal treaties acknowledging the authority of the Cherokee tribe, and that the state would soon begin selling treaty-protected tribal lands to the public. In response, federal officials scrambled to secure the tribe's approval of a new treaty that committed the Cherokees to leave the state, while the Cherokees' allies in Washington moved to block Georgia's actions in court. The goal of both efforts was to preserve the supremacy of federal authority and the use of Indian treaties to control the settlement process. In these respects, Washington got what it wanted. The Cherokees ceded the land to the United States by formal treaty, and the Supreme Court turned aside Georgia's attempt to preempt federal authority in Indian affairs.<sup>20</sup> Having surrendered their land under duress, the Cherokees soon embarked on the bitter "Trail of Tears" to a new location west of the Mississippi.

The removal crisis demonstrated both the determination of federal officials to preserve their authority, and—tragically—the near impossibility of stopping popular sentiment in favor of appropriating Indian land.<sup>21</sup> But while federal authority could (or would) not save the tribes that were so brutally treated during the 1830s, it prevented the removal crisis from spiraling out of control. A treaty—albeit an unfavorable one signed by a tiny portion of the tribe's leadership—provided for the Cherokees' departure from Georgia under federal supervision. In addition, the Supreme Court declared the state's unilateral actions illegal. In setting the state's actions aside, John Marshall wrote that "the whole intercourse between the United States and this nation is, by our constitution and laws, vested in the government of the United States."<sup>22</sup>

These assertions of federal supremacy provided a modicum of order and the prospect of maintaining it in the future. They also indicated that treaties with other eastern tribes—despite being "negotiated" under threat of settler invasion—would be respected. And while this did little to soften the blow of removal, it at least enabled many tribes to extract new promises of protection from the United States. The Cherokees' treaty, for example, stipulated that the tribe would have a "patent" to its new territory and that their land would "in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory."<sup>23</sup>

In the aftermath of this crisis, Congress expanded the bureaucracy responsible for administering national Indian policy. Up to this point, federal officials called superintendents had been assigned to oversee relations with major tribes, such as the Iroquois and Cherokees. In addition, territorial governors had been designated as superintendents of Indian affairs and given responsibility for delineating the boundaries between tribal lands and areas newly available for purchase.<sup>24</sup> After the Cherokee removal increased the demands on federal officials, a reorganization of the Indian Office in 1834 created several new superintendent positions, including one for "all the Indian country not within the bounds of any state or territory west of the Mississippi river," and separated the duties of superintendent and governor in Florida, Arkansas, and Michigan territories.<sup>25</sup>

By the 1840s, then, the Indian Office had become the principal department for enforcing the federal government's authority in relations with Native people. In this period, the federal government made a new commitment to treaty making. The occasion for this was the massive expansion of the nation's territorial boundaries following the annexation of Texas, the Mexican War, and the settlement of the Oregon boundary dispute. These events produced the new states of Texas and California and new territorial governments in Utah, New Mexico, Oregon, Washington, and Nevada, as well as Colorado. (Minnesota was also organized as a federal territory in 1849.) With the United States now extended west to the Pacific and north and

south to stable borders with Mexico and Canada, the future of Native people became a domestic concern. Federal officials henceforth were compelled to devise ways of managing indigenous populations and providing for their eventual incorporation into the American nation.

The recognition of this new reality was a key reason why Congress in 1849 transferred the Indian Office from the War Department to the newly created Department of the Interior, which was charged with tasks associated with the nation's recent conquests, principally managing public lands and resources. The politicians who supported the formation of the Interior Department and the commissioners appointed to head the Indian Office in the 1850s believed that Indian affairs needed careful management. As Senator Jefferson Davis declared during debate over the establishment of the new department, "War being the exception, and peace the ordinary condition, the policy should be for the latter, not the former condition."<sup>26</sup> According to the terms of Indian treaties, lands a tribe did not cede to the United States for its use or for sale were "reserved" by them for their own use. These "reservations" were thus, by definition, beyond the reach of settlers, and one of the duties of superintendents was to try to protect Indians from incursions.

Superintendents also were supposed to induce the Indians to become peaceful farmers and herders.<sup>27</sup> Luke Lea, the first commissioner to be appointed as an Interior Department official, wrote in 1850, "There should be assigned to each tribe, for a permanent home, a country adapted to agriculture, of limited extent and well-defined boundaries; within which all . . . should be compelled constantly to remain." Reservations like these would "subdue" the Indian's "haughty pride" and train his "wild energies . . . to the more ennobling pursuits of civilized life."<sup>28</sup> Like Davis, Lea believed future relations with Indian tribes should be based

on diplomacy rather than armed force. As naive as their view may appear in the light of subsequent events, including the Sand Creek Massacre, federal officials in the 1850s thought they had a workable strategy for avoiding conflict between Indians and settlers in the West.

Lea and his successors soon grasped the enormity of this task. They faced immense challenges to their goal of establishing "permanent homes" for Indian people. In California, for example, a riot of settler violence accompanying the chaos of the gold rush prompted the Indian Office to negotiate treaties creating eighteen separate reservations for the protection of local tribes. Unfortunately, because California had been admitted to the Union almost immediately following the Mexican War, its newly chosen senators were able to block ratification of these agreements. Federal officials succeeded in winning approval for a few protected enclaves in California, but their actions had almost no effect on the near-genocide that occurred there. A similar conflict between federal officials and state politicians in Texas led to the expulsion of the state's Indians in 1859.

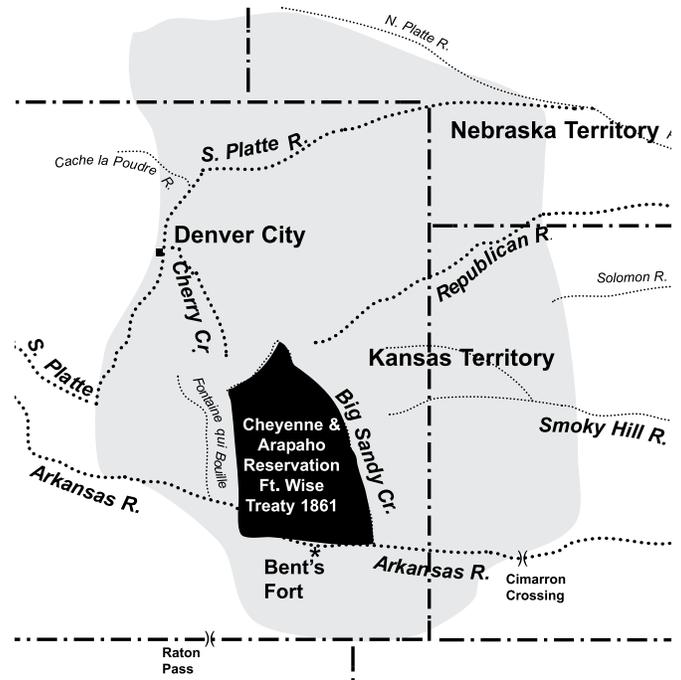
Superintendents had greater authority in federal territories, but here, too, Indian Office officials and territorial leaders struggled to satisfy the expansionist (and racist) enthusiasm of settlers while establishing reservations that would allow local tribes to survive the onslaught of newcomers. This effort had mixed results. It was somewhat successful in Utah and parts of New Mexico, but less so in Oregon and Washington, where the Rogue River and Yakima wars, respectively, pitted local tribes against territorial militias, with federal troops and Indian agency personnel attempting to maintain order.<sup>29</sup>

The Fort Laramie treaty negotiated near the headwaters of the North Platte in 1851 was an example of the treaty-making strategy. Although it did not affect large numbers of settlers, it committed plains tribes (including the Cheyennes and

Arapahos) to peaceful relations with the travelers along the emigration routes to California and Oregon while also providing federal compensation to Native communities for environmental damage along those routes. A subsequent treaty with the Kiowas and Comanches, signed at Fort Atkinson in 1853, produced a similar result for travelers along the Santa Fe Trail. Neither agreement involved the creation of a reservation, but each helped facilitate travel across the plains.<sup>30</sup>

The most eager advocate of the reservation policy in the 1850s was George Manypenny, Indian Affairs commissioner from 1853 to 1857. During his tenure, Manypenny negotiated fifty-two treaties with Midwest, Northwest, and plains tribes. These agreements opened millions of acres for settlement while establishing several new agencies and reservations. “The red man can be transformed in his habit,” Manypenny insisted, “domesticated and civilized, and made a useful element in society.” Manypenny also supported the gradual phasing out of territorial governors as Indian superintendents, a policy Congress finally approved in 1857 (though, as the dual role of John Evans indicates, the practice did not end completely until 1871).<sup>31</sup>

By the time of Lincoln’s election in 1860, the Indian Office had emerged as a national bureaucracy empowered to protect and educate Native American people during a time of rapid settlement and change. As Commissioner Manypenny wrote in 1857, unless “permanent homes” were found for Native people, “these poor denizens of the forest [will] be blotted out of existence . . .”<sup>32</sup> Unfortunately, in addition to challenges on the ground in the West, this national bureaucracy faced numerous internal difficulties. Operating in a world without civil service regulations or ethics laws—and at a time of intense political rivalry—the expanding Indian Office was an irresistible source of patronage jobs. Men like John Evans and Lincoln’s Commissioner of Indian Affairs William Dole were appointed as payment for their political support and without any requirement that they be knowledgeable about Native people. Competent administrators were the exception rather than the rule. And the countless government contracts for necessary services—from holding treaty councils



*The dramatic contrast between the size of the black and gray shadings indicates how much larger was the area in which the Treaty of Fort Laramie (1851) permitted Cheyennes and Arapahos to roam than the reservation prescribed by the Treaty of Fort Wise (1861). This map is from the website on the Sand Creek Massacre curated by Kevin I. Cahill. (Courtesy Kevin I. Cahill, [www.kclonewolf.com](http://www.kclonewolf.com))*

to constructing agency buildings—were awarded largely without a formal bidding process. As a result, a significant percentage of the new governmental dollars being spent on the tribes made its way into the pockets of federal officials and their well-connected friends.

During the 1850s, the Great Plains presented the Indian Office with special challenges. Certain of their strategy, commissioners and superintendents negotiated treaties with the region’s tribes and attempted to separate Indian territories from areas of settlement. The first step in this process occurred in the fall of 1851 at Fort Laramie, as noted above. There a vast gathering of plains tribes agreed to accept responsibility for raids on wagon trains and settlers within the areas allotted to each and recognized the Americans’ right to construct roads through their country. In exchange, the United States promised to maintain the peace in the region and to deliver \$50,000 worth of “provisions, merchandise, domestic animals and agricultural

implements” to the tribes each year.<sup>33</sup> The treaty recognized the Platte and Arkansas River valleys as Cheyenne and Arapaho country.

But, as also noted, the discovery of gold in Colorado in 1858 and the surge of settlement there compelled the Indian Office to make a new effort to separate Indians and newcomers on the plains.

By 1860, the Americans were no longer interested only in a right of passage along the Platte. As we have seen, they also wanted to settle in this region. As a consequence, the Indian Office initiated the vexed treaty negotiations at Fort Wise in the winter of 1861, in which the Southern Cheyennes and Southern Arapahos supposedly agreed to cede all of the land in Colorado Territory east of the Rocky

Mountains to the United States, retaining for themselves a reservation along the Arkansas River north and east of Fort Lyon.<sup>34</sup> The treaty also promised the future division of the new reservation into individual farms and the provision of agricultural and other supplies to the tribes, which were expected to abandon their nomadic culture and take up a pastoral life. The treaty implicitly acknowledged that only a few chiefs had signed it by calling on them “to induce all that are now separated to rejoin and reunite with them.” It also pledged that the Indian Office would “notify” the absent bands and “induce them to come in and unite with their brethren.”<sup>35</sup>

When John Evans reached Denver in the summer of 1862, he was the senior federal officer assigned to Indian affairs in a territory where his top priority as superintendent was obtaining wider Cheyenne and Arapaho agreement to the 1861 Fort Wise treaty, so that newcomers could secure title to land. He also needed to negotiate new agreements with the Utes in the southern and mountainous sections of the territory. However unsuccessful the Indian Office’s efforts had been in California and Texas, Evans’s superiors in Washington expected him to establish “permanent homes” for Colorado’s tribes so that westward expansion could

continue and Native people could progress towards “civilization.”

Governor Evans took up his position alongside Samuel Colley, Agent for the Upper Arkansas (which included the Southern Cheyennes and Southern Arapahos); Simeon Whiteley, Agent for the Grand River and Uintah Utes living in the mountains west of Denver; and John Loree, Agent for the Upper Platte (where the Northern Cheyennes and Northern Arapahos were located). Evans had not appointed these officials; all four reported to Commissioner Dole (a process made more difficult by the often slow and sometimes interrupted mail), though as superintendent Evans was senior to Colley and Whiteley. They probably expected, given the Indian Office’s desire to phase

out governor-superintendents, that once treaties with all the territory’s tribes had been finalized, Colorado would become either part of the Central Superintendency, based in St. Louis (as the Upper Platte Agency already was), or a superintendency administered by someone other than the governor.

John Evans thus assumed office in a somewhat precariously poised position. He was no more than the regional (and inexperienced) *primus inter pares* within the hierarchy of officials obligated to protect Natives that ran from the Indian Agents through him as superintendent and then to the Commissioner of Indian Affairs and finally the Secretary of the Interior. At the same time, Evans was responsible as governor primarily for the welfare of the non-Native citizens of the territory and accountable to the secretary of state. His duties as superintendent and governor were not necessarily conflicting, but they were potentially very much so because settlers wanted the same land on which Cheyennes and Arapaho wished to continue to roam, camp, and hunt.

And, in the increasingly likely event of military conflict with the Natives, Evans had little independent authority at all. The central plains, including eastern Colorado, were part of the army’s Department of the West, headquartered in St. Louis

*His duties as superintendent and governor were not necessarily conflicting, but they were potentially very much so because settlers wanted the same land on which Cheyennes and Arapaho wished to continue to roam, camp, and hunt.*

and under the Secretary of War. The governor could not give orders to the regular army, although he could call up a local militia for public safety, provided that he secured federal funding in advance, which was difficult. These uncoordinated lines of authority greatly complicated and confused matters during and after the crisis of 1864 that led to the Sand Creek Massacre.

### **THE ARAPAHOS, THE CHEYENNES, AND THE AMERICANS**

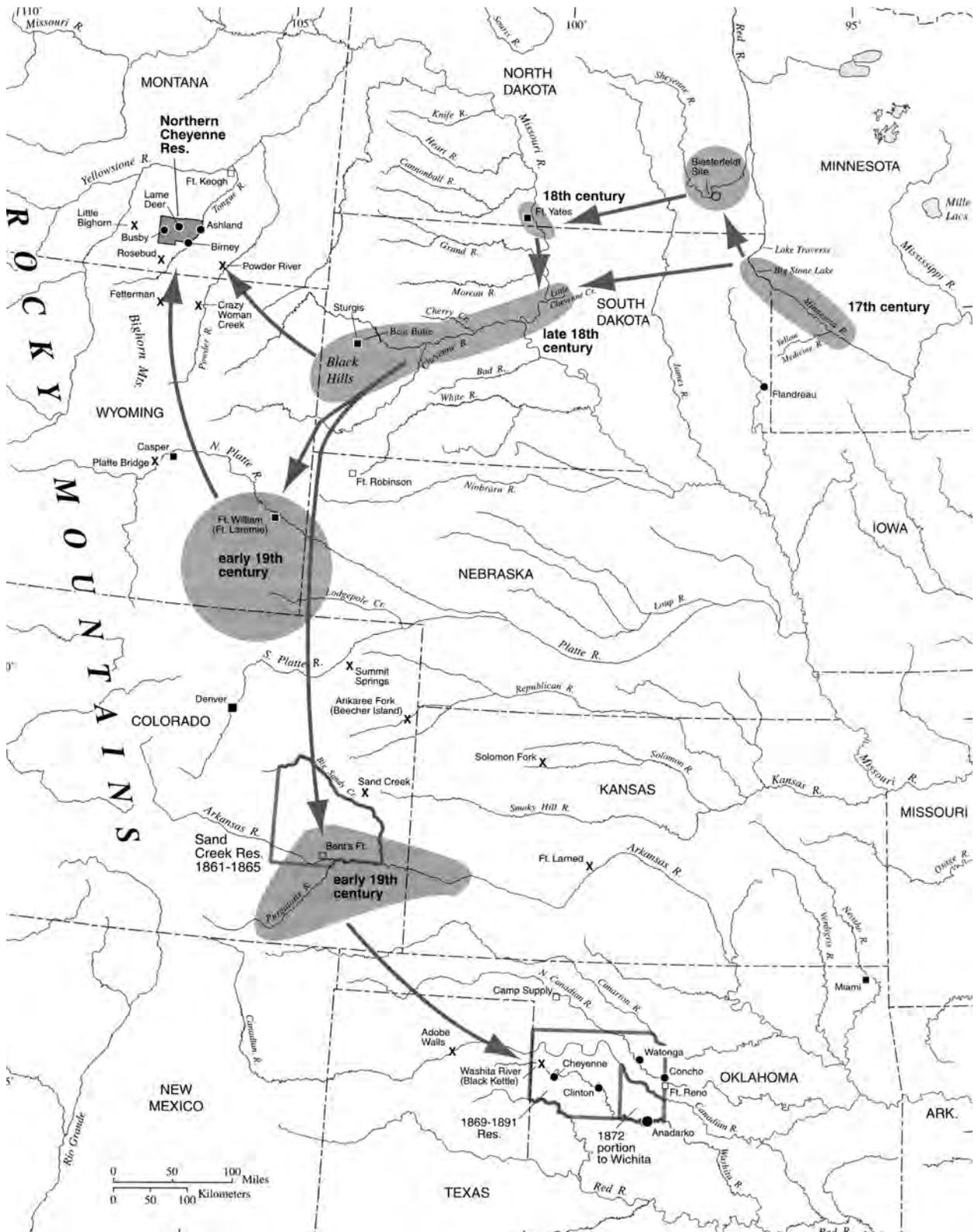
The history of the Arapahos and Cheyennes on the plains is a tale of continual adaptation. As indicated, the two tribes were relative newcomers among the Native American inhabitants of the area that became Colorado. The Arapahos entered the plains from the northeast at the turn of the eighteenth century or earlier and oriented their economy around bison hunting. They began moving into Colorado via Montana at the turn of the nineteenth century. Cheyennes in the mid-seventeenth century were living in Minnesota, where they hunted and farmed (as the Arapahos probably once did). They began moving southwest to hunt buffalo full-time and entered Colorado via South Dakota in the second decade of the nineteenth century.<sup>36</sup> The new environment led to fundamental alterations in internal tribal relationships and dealings with other Indians, as did the tribes' adoption of—and subsequent dependence on—the horse, another relatively recent arrival. The appearance of trapper-traders created opportunities from which Native Coloradans attempted to benefit, but, as discussed, this also entailed further significant changes in Native lifeways. The influx of significant numbers of settlers in the late 1850s, however, presented the greatest challenge. The Cheyennes and Arapahos could accommodate to those passing through to places further west. But once many of these settlers began deciding to make their homes in Colorado, the tribes' ability to adapt faced a severe test. Their best hope lay in a new treaty that would protect them from the settlers and the United States Army, but the prospects for this became increasingly dim.

The Cheyennes and Arapahos had moved to the plains to become buffalo hunters. It was not only this new setting but also the acquisition of the

horse in the eighteenth century that profoundly changed the Plains Indians.<sup>37</sup> The horse revolutionized the hunt—and the lives of the hunters. Previously they stalked buffalo on foot and had only dog travois for transport. The practice reflected and supported a communal society, as the entire band cooperated in the hunt, whether by surround, impound, or drive, and all participants received a share of the meat. Now the horse enabled individual hunters or small groups to go long distances to find herds, chase down the animals, and then transport heavy loads of meat back to camp. As a result, the food supply became more secure and capable of supporting larger camps, but status differentials emerged between hunters with more or fewer horses, even though the prevailing moral code required the wealthy to share access to horses and to distribute food to the needy. In late spring and summer, tribal bands came together in large camps to cooperate in hunting the buffalo that gathered in enormous numbers. In the winter, the bands broke up into smaller groups that followed the now dispersed herds.<sup>38</sup>

New forms of governance developed that could support cooperation in large camps. Leaders from all the bands met in council and reached decisions by consensus. These leaders were wealthy men who attracted followers by establishing a good reputation, including by showing generosity. Policing societies enforced decisions of the council leaders. At the top of the Arapaho political order were elderly men and women who served as priests and had authority over the entire system. Males belonged to four age-graded groups with specified duties. The two youngest groups regulated the camp and the hunt. The Cheyennes formed a Council of Chiefs consisting of representatives from each band. This council had authority in the hunt and social conflicts, but six military societies drew men of all ages from all the bands and had authority over war parties, although ideally the council controlled these. These societies also acted as keepers of order.<sup>39</sup>

A new kind of kinship system developed among all the plains groups, one that was flexible enough to accommodate movements between large and small camps and suited to the ecological and social



This map traces the migration of Cheyennes from the upper Midwest to the Great Plains in the nineteenth century and their reorganization, as was the case with the Arapahos, into northern and southern divisions. The Northern Cheyenne Indian Reservation is located in southeastern Montana, while the Wind River Reservation in west-central Wyoming (see illustration on pg 51) is shared by the Northern Arapahos and Western Shoshones. The headquarters of the combined Southern Cheyenne and Southern Arapaho tribes are in western Oklahoma. (Handbook of North American Indians, 13/2, ed. Raymond J. DeMaille [Washington, DC: Smithsonian, 2001] fig. 1, p. 864)

conditions of plains life. Descent was bilateral; that is, one's mother's and father's families were equally close, which meant that an individual could count on a very large group of relatives for assistance. The kinship system also was generational, in that relatives of the same generation were also considered equally close; for example, cousins were viewed as virtually the same as siblings. This generational closeness allowed for people to bond with almost everyone in their camp or band, which aided cooperation in the hunt, warfare, child rearing, and other activities, and made for good relations and cooperation among bands, even ones that differed over certain matters.<sup>40</sup>

The horse also led to an increase in warfare. Raiding for horses became the means of upward mobility. The goal of raids was not to kill enemies but to steal horses, though if a member of the raiding party was killed, revenge in kind would follow. The death of a relative at the hand of an enemy obligated kinfolk to retaliate by killing or capturing members of the enemy group. War leaders built reputations for success and bravery in both kinds of raids, especially when these involved close combat. Cheyennes acquired "coups" by touching a live enemy or seizing his weapon and by touching a dead enemy. Scalping was not highly valued, but small pieces of enemies' scalps or drawings of exploits might be used to decorate clothing to attract attention to a warrior's valor.<sup>41</sup>

The arrival in the early decades of the nineteenth century of American fur trappers and traders from Taos and St. Louis brought more adaptations. Many of the indigenous peoples who encountered the Americans formed partnerships with them in order to obtain trade goods. The Americans had a wider selection than previously available. Bent's Fort offered an array of goods that made the work of Native men and women easier and included new luxuries. By 1812, Arapaho leaders were sheltering and protecting these trapper-traders on the Arkansas and Platte Rivers, as long as they did not trade with tribal enemies. The Americans in turn adopted trading practices of Indians, such as gift-giving and certain rituals, including ceremonial smoking. As the examples of William Bent, John Prowers, and John Poisal (who married the

Arapaho Chief Left Hand's sister, Snake Woman) indicate, one important aspect of the new commercial and personal arrangements was the marriage of several trapper-traders to Indian women. When the Santa Fe commercial route from Independence, Missouri, to Santa Fe opened in 1821, caravans attracted Arapahos and other southern plains peoples, who traded with—and sometimes stole from—the travelers.<sup>42</sup>

Intertribal trade continued and was an important factor in the development of an alliance between the Arapahos and Cheyennes. The Stephen Long expedition of 1819–20, which was sent by the army to advance American interests and conduct scientific research, came across a huge intertribal trade fair in Colorado Arapaho country at which the Arapaho head chief was supervising the gathering of Kiowas, Plains Apaches, and Comanches with his own tribe. The chief protected Long and his men, who in return followed the prevailing custom by presenting gifts to the leaders. Long reported that Cheyennes were at the gathering, also under Arapaho protection, and that they had brought trade goods from the Missouri River to barter for horses.<sup>43</sup>

The collapse of the beaver trade in the late 1830s and its replacement with commerce in buffalo robes greatly benefited Native people, who brought dressed robes to civilian forts where traders kept large stores of goods. The traders continued to follow native practices in trade relations, expanding existing economic relationships through hiring Indians. William Sublette built a fort on the Upper North Platte in 1834, then sold it to the powerful American Fur Company in 1836. Renamed Fort William (later Fort Laramie), this post traded with Teton Sioux bands, as well as northern bands of Cheyennes and Arapahos. On the South Platte, several short-lived posts attracted other Arapahos and Cheyennes. Of particular importance was Bent's Fort on the Arkansas River, which challenged Fort William for a share of the robe trade. Even before he married Owl Woman in 1837, Bent established a special relationship with the Cheyenne Hairy Ropes band led by Yellow Wolf. Yellow Wolf's Cheyennes promised protection, and their access to trade goods and to horses

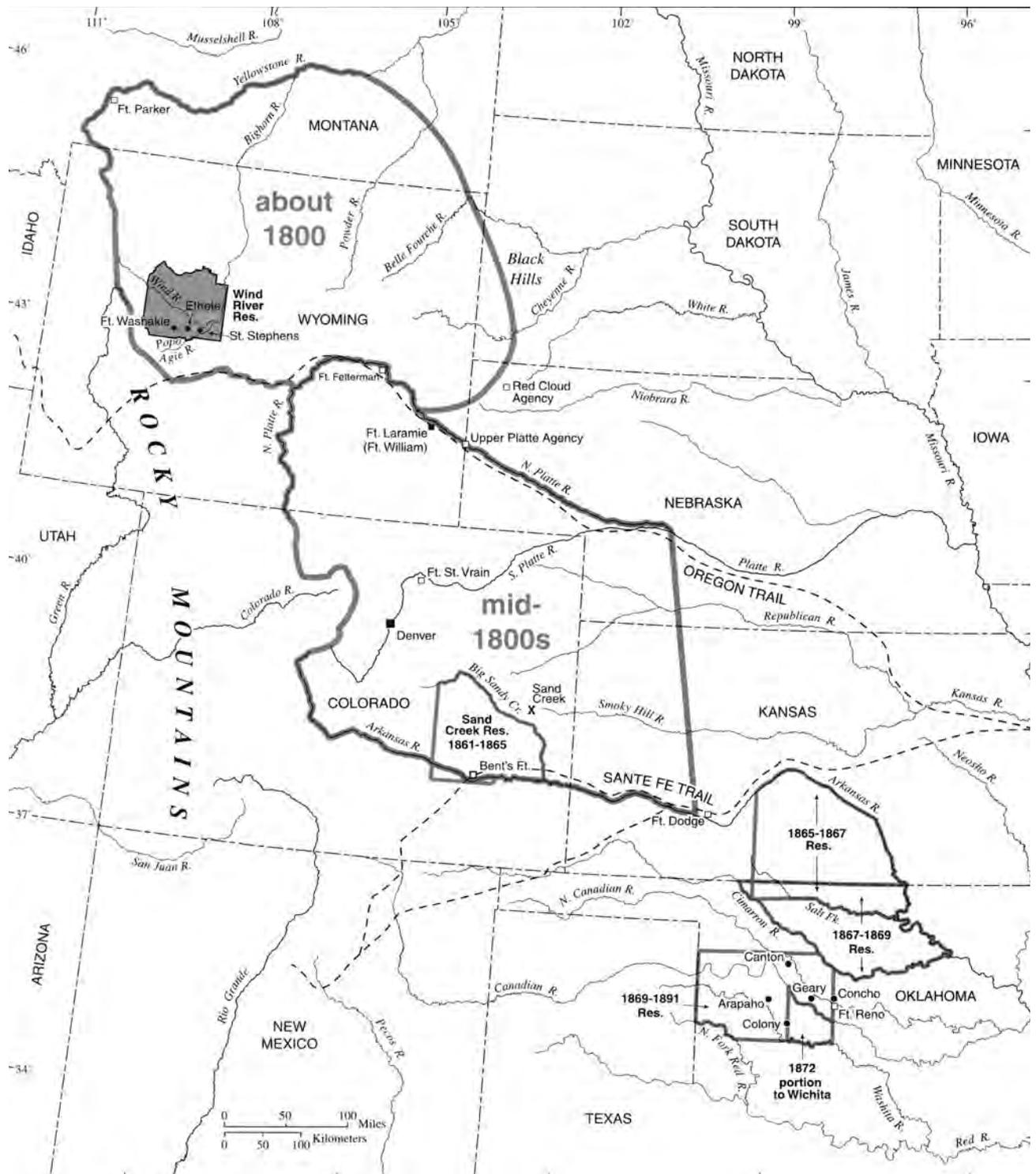
south of the Arkansas acted as a magnet in drawing other bands south of the Platte.<sup>44</sup>

As American commercial interests in the area increased, the federal government tried to stabilize relations on the plains by discouraging intertribal warfare, an effort that continued as the non-Native presence expanded. In the summer of 1835, Secretary of War Lewis Cass sent Colonel Henry Dodge on an expedition to meet with the Arapahos and Cheyennes. Dodge convinced the Arapahos to mediate between the Comanches and Cheyennes to stop conflicts that endangered Santa Fe Trail caravans. Dodge distributed gifts and medals and promised friendship. At that time, the Arapahos ranged largely between the South Platte and the Arkansas Rivers. They outnumbered the Cheyennes, who had two “villages” on the Arkansas, according to Dodge. Dodge counted 3,600 Arapahos, as well as 350 Gros Ventre allies. The Cheyennes numbered 2,640. Arapahos tended to range and winter west of the Cheyennes at the headwaters of the South Platte and Arkansas and in the North and South Park basins in the mountains. By the 1840s, the Arapahos and Cheyennes together had made a lasting peace with the Comanches, Kiowas, and Plains Apaches, but not with the Pawnees to the east and the Utes to the west.<sup>45</sup>

Although commercial relations with traders presented Plains Indians expanding opportunities, the growing American presence posed mounting challenges. Among the worst were the epidemic diseases carried by the emigrants that dramatically reduced the population of some bands. Arapahos in what would become the Colorado Territory regrouped into southern and northern divisions. Similarly, one large Cheyenne band began to range primarily above the Platte and became known to officials as the Northern Cheyennes (the other referred to as the Southern Cheyennes). About this time, some men of the Dog Soldier military society withdrew from the main body of the Cheyennes and began to function as a distinct band. Over the next few years, they attracted other families and gravitated to the watersheds of the Republican and Smoky Hill rivers, between and away from the overland roads along the Platte and the Arkansas.<sup>46</sup>

Meanwhile, the plains buffalo herds were declining precipitously, which made certain trade goods more important to the tribes. They increasingly substituted metal for bone and horn in tool manufacture, blankets for hides, and beads for quills. In addition, Natives desired guns and ammunition to fight their enemies and hunt small game more effectively. But fewer buffalo meant fewer hides to exchange. Arapahos and Cheyennes held the overland traffic at least partly responsible for the waning herds. Nevertheless, the tribes tried to remain on friendly terms with travelers on the Platte road. Instead of stopping them by force, the Indians complained to United States officials and collected tolls (usually food) from wagon trains moving through Arapaho and Cheyenne country in the thousands. But raids by Natives increased elsewhere, especially on the Santa Fe Trail.

The federal government responded by increasing its military presence. In 1845, Colonel Stephen Kearny traveled through the region with troops and heavy artillery, trying to intimidate the Native peoples into refraining from raids. After winning the war with Mexico, the United States established two posts on the Platte River—Fort Kearny in 1848 and Fort Laramie in 1849—and two on the Arkansas River—Fort Mann in 1847 and Fort Atkinson in 1850—in order to guard emigrants.<sup>47</sup> While moving to protect travelers and business interests, the United States also attempted to maintain friendship with the Arapahos and Cheyennes. In 1846, the Upper Platte and Arkansas Agency (under the St. Louis Superintendency) was organized, with Thomas Fitzpatrick as Indian Agent for the Arapahos, Cheyennes, Comanches, Kiowas, Kiowa-Apaches, and Teton Sioux. Fitzpatrick was a widely known and respected trapper-trader who had been among these tribes since the 1820s and who married Margaret Poisal, John Poisal and Snake Woman’s daughter, in 1849. He explained the “custom of the country” to Indian Office officials: the United States must give gifts and, in cases where Indians suffered injury or death, must pay reparations in order to avoid retaliation. He reported that the Arapahos and Cheyennes were “well disposed” toward the emigrants but that a peace treaty was



This map shows the location of Arapaho territory about 1800, Cheyenne and Arapaho territory in the mid-1800s, and the designated reservations. Again, note the dramatic reduction in area from the mid-century territory of the two tribes to the reservation along Big Sandy Creek, as defined by the 1861 Treaty of Fort Wise. The Sand Creek Massacre took place along Big Sandy Creek, not, as the x on the map might suggest, a short distance from it. (Handbook of North American Indians, 13/2, ed. Raymond J. DeMaille [Washington, DC: Smithsonian, 2001], fig. 1, p. 841)

necessary. An intertribal council was authorized and held near Fort Laramie in 1851.<sup>48</sup>

By the terms of the Fort Laramie Treaty of 1851, the United States paid annuities (in trade goods) to reinforce friendship and compensate tribes for damages to their range and property, and the tribes obligated themselves to pay reparations to travelers who were raided. The Arapahos and Cheyennes also consented to new conditions. They agreed to select an Arapaho and a Cheyenne chief who would act as intermediaries and negotiate in cases where reparations were involved. Although the treaty did not formally establish reservations, it recognized Arapaho and Cheyenne territory to be the large area bounded on the north by the North Platte River, on the South by the Arkansas River, and as far as the upper Republican and Smoky Hill Rivers on the east. The Indians retained the right to hunt outside this area. The tribes also acceded to the construction of new forts along the emigrant routes. Arapahos and Cheyennes generally cooperated with government agents, refraining from violence against Americans, paying reparations for the stock they killed when their hunts failed, and responding favorably to suggestions that they adopt agriculture (which the Indians generally understood to include tending livestock) when hunting became less reliable or no longer feasible.<sup>49</sup>

Nevertheless, conflict occurred, typically provoked by U.S. troops in violation of the treaty. This began in 1854 after an emigrant's cow went missing, and Lieutenant John Grattan of Fort Laramie rejected the Sioux head chief's offer of payment for the animal. Instead, Grattan fired on the chief's village, killing him and provoking the Sioux to wipe out Grattan's troops. In 1855, the army retaliated with a far bloodier assault under General William Harney against a Brulé band not involved in the initial hostilities. In an effort to protect friendly tribes from further violence, Agent Twiss gathered as many Indians as he could in a camp of "friendlies" and successfully urged Harney not to attack them.

In April 1856, a party of Northern Cheyennes suspected of stealing a horse came to a spot 125 miles west of Fort Laramie to discuss the charge with troops. Instead of conferring, the troops attacked, killing one Indian and capturing another,

whom they put in irons and let starve to death. After members of his tribe killed a trapper in retaliation, Chief Dull Knife tried unsuccessfully to pay reparations and to surrender the guilty parties. At Fort Kearny, troops attacked a party of Northern Cheyennes who had come to trade peacefully. In August, after a mail train driver was wounded by a Northern Cheyenne's arrow, the commander at Fort Kearny sent soldiers to a Cheyenne camp, where they killed six unarmed warriors who came forward to talk. The occupants of the camp fled, and the troops burned everything left behind. These events led to a Cheyenne revenge party that attacked and killed emigrants on the Platte road, though the Cheyenne chiefs tried to restore peace.<sup>50</sup>

Events made clear that the divided authority between the Departments of the Interior and of War greatly complicated Indian-United States relations, as would be the case again during the lead-up to the Sand Creek Massacre. To the Arapahos and Cheyennes, the actions of the soldiers appeared unjust, unpredictable, and inhuman. When they asked Twiss for help, promising to stay away from the roads used by emigrants, he wrote to Commissioner of Indian Affairs George Manypenny that the military had caused the trouble, but Manypenny and other sympathetic officials in the Indian Office could provide little effective help. Manypenny complained that the War Department hindered his efforts to keep the peace because soldiers acted illegally by attacking and seizing Indians instead of allowing his agents to settle conflicts. He hoped to obtain an armed force responsible to him and not to the military command. Manypenny explained that its members would be "better adapted to the Indian service" than the army and that "careful attention and kind and humane treatment" would be more effective than "bayonets and gunpowder."<sup>51</sup>

For his part, Twiss reported that in spite of the fact that the Cheyennes honored their promises to keep the peace and stay away from the troops, the army went ahead with a plan to punish all Cheyennes for the isolated incidents that took place in the spring and summer of 1856. The following July, several hundred troops under Colonel Edwin Sumner routed a large force of Southern Cheyenne,

killing six. Cheyenne Council Chiefs, desperate for peace, asked William Bent for help.<sup>52</sup> Bent held a council with the Southern Cheyennes and forwarded a letter from them to his superintendent. Bent also criticized Sumner for attacking the Southern Cheyenne, who were not involved in the violence on the Platte.

In their letter, the chiefs argued that they had lived up to the 1851 treaty and accused the soldiers of ignoring it. They expressed revulsion at the army's treatment of Cheyenne men. They insisted that they wanted a new treaty and were eager for peace, and they even offered to surrender any of their warriors who injured settlers. Among the chiefs were White Antelope and Lean Bear. The latter would be shot down in May of 1864 when he approached a group of soldiers and tried to make clear his peaceful intentions. Another author of the letter was Yellow Wolf, who perished at Sand Creek along with White Antelope.<sup>53</sup>

Thus, despite treaties and government policies intended to pacify the plains, Indian-United States relations became increasingly troubled during the 1850s. Even as miners and settlers began to set up camps and build towns on the territory assured to the Arapahos and Cheyennes by the 1851 treaty, Indians attempted to adapt to the new circumstances by participating in the local economy. They augmented their diet of buffalo and small game with American products (especially corn, flour, sugar, and coffee) obtained by collecting tolls and rewards, receiving annuities, and stealing. They began to interact with the settlers by asking, trading, and working for food and goods. Arapahos especially pursued this course, camping in Denver to trade and work and hiring out as stock herders, but some Cheyennes also found employment as messengers and helpers throughout their country. Arapaho leaders visited the *Rocky Mountain News* to contribute stories about how they assisted the settlers. Encouraged by the influential leader Left Hand, they decided that they should learn ranching so that they could use cattle to supplement and eventually replace the buffalo hunt.<sup>54</sup>

Such Indian efforts to coexist were undermined by the attitude of non-Natives, however. Many settlers believed that Indians were innately inferior

and that "civilization" would inevitably overwhelm the primitive Indian. The *Rocky Mountain News*, which reflected and shaped public opinion, characterized the Arapahos and Cheyennes as childlike vagabonds who, as a result of their isolation by an anticipated new treaty, would recede before American settlement without the necessity of destroying them.<sup>55</sup>

Southern Arapaho and Cheyenne leaders working for peaceful relations with settlers tried to negotiate this new treaty on terms the Indians could accept. They wished to send a delegation to Washington, and to obtain permanent reserves of land where Americans would not intrude and Indians would have protection from soldiers and settlers. A few of these leaders had begun expressing an interest in ranching to their agents years earlier. William Bent reported in 1859 that the Indians were in a "state of starvation" and would cooperate with a program that would allow them to pursue this interest. They also wanted fair compensation for the lands taken in the Denver vicinity and to have some choice in the location of their reservations.<sup>56</sup>

In 1860, Commissioner Alfred Greenwood came to Bent's New Fort (to which William Bent had moved in 1849—the new fort was forty miles east of the earlier one) to discuss a new treaty. But few Indian leaders appeared. One reason was that the Cheyennes were afraid to enter the post, which by now was leased to the army and would soon become Fort Wise (and then Fort Lyon). Nevertheless, in February 1861, agent Albert Boone, the grandson of Daniel Boone, ostensibly reached an agreement with the ten Southern Arapaho and Cheyenne leaders in attendance, who in his judgment represented 1,406 Arapahos and 1,380 Cheyennes. This was the dubious Fort Wise Treaty that most Indians rejected and that John Evans was expected to induce them to accept.<sup>57</sup>

#### **THE CIVIL WAR AND COLORADO TERRITORY**

The Sand Creek Massacre occurred during the waning stages of the American Civil War, scarcely four months before the surrender of Robert E. Lee at Appomattox Court House. Events in the East had no direct influence on the massacre, but that bloody

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morning in November 1864 nonetheless owed something to the paradoxical consequences of the war for the territory and, more generally, for the far West. On the one hand, the war revealed the weaknesses in the government's grip on the West, including its ability to control the region's Indians; as the South threatened to pull away from the Union, anxiety heightened over the need to hold the newly acquired western country within the nation. The massacre took place against that backdrop of uncertainty and vulnerability. On the other hand, during the Civil War authorities continued to fail to establish clear boundaries between the settler and Indian communities in a way that at least attempted to recognize tribal lifeways, and Indians responded as they had before the war, with a mix of accommodation and retaliation. The resulting tension and confrontation prompted the western military to deal devastating blows against Natives in Utah and New Mexico, using strategies later repeated to defeat nearly all western Indian peoples within only a dozen or so years after Appomattox. The atrocities at Sand Creek occurred during this time of confusion, apprehension, and violence.

Colorado was the focus of the Civil War's only significant military engagement west of the Missouri River. In the spring of 1862, Confederate general Henry Hopkins Sibley led a force of three thousand from San Antonio, Texas, into New Mexico. His initial goal was to ascend the Rio Grande, as had Spanish conquistadors three centuries before him, seize its settlements, and secure Confederate control of the Southwest. His ultimate plan was to assault California and even invade and annex northern Mexico, but the more immediate

lure was Colorado and its goldfields, potentially an enormous boon for the cash-poor seceded states.<sup>58</sup>

Viewed in retrospect, his odds were long—Colorado was overwhelmingly Unionist—but he initially defeated federal forces in New Mexico, took Albuquerque and Santa Fe, and marched north with his eye on Denver. The surprise arrival of a Colorado command, however, blocked his way at Glorieta Pass northeast of Santa Fe, and after a three-day engagement (March 26–28) Sibley withdrew and retreated to Texas.<sup>59</sup> The key moment at Glorieta Pass, called grandly by some the “Gettysburg of the West,” came when troops under Major John Chivington outflanked Sibley and destroyed virtually all the Confederates’ supply train. The move made Chivington a hero in Colorado and stoked the hopes for military advancement that propelled him at Sand Creek.

However unlikely its chances, the failed campaign spawned lingering fears of Confederate schemes to make other moves toward Colorado, in particular by recruiting discontented Comanches, Cheyennes, Arapahos, and Sioux as allies and surrogates. Such worries rose anew five months after Glorieta Pass as a result of the largest Native conflict during the war, and arguably in the nation's history. Frustrated by chronic corruption and the government's failure to meet its obligations, in August 1862 Dakota Sioux launched assaults on settlements in southwestern Minnesota that left more than five hundred settlers dead before a federal force arrived to regain control.<sup>60</sup> Thirty-eight Sioux were hanged, nearly three hundred imprisoned, and more than a thousand removed to Dakota Territory, but a considerable number escaped onto the northern plains. Memory of the Dakota War would hang over Colorado in the years ahead. John Evans and other officials would report and credit recurring rumors that the conflict's survivors were inviting others to unite in a war of annihilation against settlers on the plains.

Behind fears of rebels and Indians was an undeniable fact of life: Colorado settlers were isolated and poorly protected. Although they had begun to develop farms and ranches, they remained heavily dependent on support from the East, materials



*This dramatic illustration appeared in the September 13, 1862, issue of Harper's Weekly, during the uprising of Dakota Sioux in the Minnesota Territory. The uprising began in mid-August with Native attacks on settlers prompted by corruption in the Indian Office and the federal government's not meeting its treaty obligations. By the end of the year, army troops had put down the uprising, and over three hundred Indians were summarily convicted of murder and rape. They were sentenced to death, though after review Abraham Lincoln commuted the sentences of all but thirty-eight (their hanging was the largest mass execution in U.S. history). The others were kept in prison, where many died. Over a thousand Indians were forcibly sent to Dakota Territory. The open jug of whiskey on the left, labeled "Agent C.S.A.," suggests that the Confederacy was behind the trouble. This, and the racially charged caricature of the Indians, indicate the extent to which the uprising fed cultural prejudices as well as legitimate fears. John Evans and settlers in Colorado were profoundly frightened that the violation and murder of women and the brutal slaughter of children could occur in their territory. (Northwestern University Library)*

funneled through towns in the Missouri Valley and borne more than five hundred miles via supply routes along the Platte and Arkansas Rivers. Those routes were open to assaults from Indian warriors, who attacked trains of freight wagons as well as the way stations essential to maintaining the traffic. Indians could rarely pinch off the flow of goods entirely, but they could disrupt it and thus feed the fears of residents along the Front Range already apprehensive about Confederate raiders and angry Indian refugees from the Dakota War. The very geography that made the central plains and Rockies so accessible, the rivers and the trails along them

that now were well-worn roads of commerce and settlement, left Denver and other settlements vulnerable and uneasy.

From Washington's perspective, those overland routes had even greater significance. The Platte road in particular was the crucial connective corridor to the far West and Pacific coast. California, after all, was both the richest place on earth, producing millions of dollars in gold annually, and the part of the nation farthest from its governing authority. On the eve of the Civil War, that same route had been threatened during the so-called Utah War. In 1857, in response to Mormon resistance to the federal government, President James Buchanan had dispatched several thousand troops to replace Brigham Young as Utah's territorial governor, maintain Washington's authority, and keep open the vital land link to the Pacific. That conflict had been largely resolved, but concerns over control of the Great Basin remained. The Platte route to Colorado, that is, was also a

key to the command of the vast western territories, their settlements, and their resources. Keeping the road open was among the government's highest western priorities—a concern that would play prominently in decisions in the fall of 1864.

Protecting the overland road and Colorado's settlements, however, was always in tension with military needs elsewhere during the nation's gravest crisis. With the outbreak of war, Governor William Gilpin organized volunteers into the First Colorado Infantry, the regiment that repelled the Confederate thrust in New Mexico in March 1862. The following November Governor John Evans

recruited the First Colorado Cavalry. It remained in Colorado, under the command of John Chivington. The First Infantry, however, merged with other units into the Second Colorado Cavalry and went east to help defend Missouri in December 1863, a few months before relations between settlers and Indians worsened. The loss of the Second Cavalry became a major concern for Evans, and as tensions heightened in 1864 he pressed to have it returned to Colorado to protect Denver and the overland road. Instead, in August 1864 the military command authorized another of Evans's requests, the formation of a temporary regiment. The Third Colorado Cavalry was to serve only one hundred days. These "hundred dayzers," largely untrained and poorly disciplined, recruited from Denver and the mines, made up the large majority of those who swept down on Black Kettle's village in November.

More generally, the Civil War understandably kept the military's higher command focused on events elsewhere, Missouri in particular, which was subject to continuing, grinding guerilla warfare and to occasional organized Confederate attacks. As a result, Indian relations in Colorado unfolded with minimal, distracted supervision from above. In addition, the confusions, jealousies, and divisions common in military life came into play. Most of Colorado, for instance, was part of the recently formed Department of Kansas under General Samuel Curtis. John Chivington, in charge of the District of Colorado, commanded some companies of the First Cavalry at Denver, but part of the regiment was at Fort Lyon, under Major Edward Wynkoop, who did not answer to Chivington but was part of the newly created District of the Upper Arkansas. As a result of such divided authority, plus the distractions of war to the east, Indian affairs in Colorado were never under clear and consistent military direction. The garbled situation created an opening for the events that the army and Congress would later condemn.

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As Union forces in the East struggled to hold the nation together, those in the West were devising strategies that over the next decade and a half would be used to defeat the region's Native peoples. Two episodes, both in Colorado's territorial neighbors, showed the way. In Utah to the west, Shoshones along the overland route suffered the same disruptions as Indians on the plains, and the

result was the same tensions and mutual assaults between them and settlers and travelers. In the fall of 1862, Colonel Patrick Edward Connor, commanding an infantry regiment from California that had been sent to Salt Lake City, was ordered to "chastise" the Shoshones. He waited until deep winter, when conditions required Natives in much of the West to remain largely immobilized in sheltered camps. On January 29, 1863, Connor led a force of cavalry and infantry

to a large Shoshone encampment on Bear River in present-day far southern Idaho. What began as a battle degenerated into a massacre that left as many as five hundred Shoshones dead.<sup>61</sup> A year later the famed mountain man and guide, Christopher "Kit" Carson, now a colonel in the army, used the same approach to break the resistance of Navajos in northern New Mexico.<sup>62</sup> On January 12–14, 1864, he led troops into Canyon de Chelly, in the heart of Navajo country, destroying camps and food supplies. Over the following weeks most of the starving Navajos surrendered and began the infamous "Long Walk" to a reservation in eastern New Mexico. This strategy of waiting until the West's bitter winters left Indians confined and vulnerable recurred time and again in the years ahead, including by Chivington's attack at Sand Creek.

As western commanders were finding the means to break the resistance of Indian peoples, wider developments continued to undermine Native independence across the region. The Civil War slowed the pace of settlement, but its consequences, already well advanced by 1860, continued.

In Utah, for instance, the loss of resources to overland travelers, especially essential grassbeds, plus new traffic to a gold strike in Montana triggered the crisis among the Shoshones that led to the Bear River Massacre. In California, the carnage among Indians continued. A gold rush in Idaho began to break the power of the most numerous people of the interior Pacific Northwest, the Nez Percés. Conditions on the plains were especially acute. A severe drought in 1860–61 made matters worse. The bison population continued to decline, and the Indians' pursuit of this vital resource became ever more desperate. Settlement of the Front Range and river valleys destroyed critical habitats and denied Indians essential wintering sites. By the time the Civil War entered its final months, the atmosphere in Colorado was one of mutual fear and anxiety. Settlers saw themselves at risk from Indian assaults; Indians saw their very way of life increasingly under siege.

At just that point, events to the east complicated the situation in Colorado still more. In September 1864, the Confederate General Sterling Price led twelve thousand troops out of Arkansas in one last effort to seize Missouri.<sup>63</sup> On the 28th, at Camp Weld near Denver, Governor John Evans met with Cheyenne and Arapaho leaders who had come seeking to resolve the tensions of the past months. In response to the overture, Evans essentially deferred to General Samuel Curtis, commanding the Department of Kansas, which included Colorado. Only the day before, however, Price had begun his Missouri campaign by taking Fort Davidson (the Battle of Pilot Knob) in an ultimately unsuccessful try at seizing St. Louis. Then and in the weeks ahead, Curtis was preoccupied as Price moved westward across Missouri, threatening first the state capital at Jefferson City and then Kansas City.

Meanwhile relations with the plains tribes drifted. As some Cheyennes and Arapahos prepared to report to Fort Lyon, believing they were under military protection, Evans was negotiating with Utes in the mountains, and the commander at Fort Lyon, Major Edward Wynkoop, who had escorted the Native leaders to Camp Weld, lost his post to the far less sympathetic Major Scott

Anthony. When Black Kettle's band arrived at Fort Lyon early in November, Anthony sent them to Sand Creek and told them that he was awaiting word from Curtis about what steps should follow. But no word came. On October 23, Curtis decisively defeated Price at Westport, outside Kansas City, and the Confederates retreated into Indian Territory, but although Curtis was able to give Colorado somewhat more attention, he remained vague and ambivalent about the situation at Fort Lyon. "I confess myself entirely undecided and uncertain about what can be done about such nominal Indian prisoners," he wrote Evans about Black Kettle's band on December 5.<sup>64</sup> Soon he would learn that six days earlier, at dawn on November 29, John Chivington had ordered the charge on Sand Creek.

## Chapter Four: The Road to Sand Creek

FEDERAL officials, including Colorado Governor and Superintendent of Indian Affairs John Evans, hoped that the 1861 Fort Wise treaty would resolve land disputes between settlers and Native people in Colorado, but the inadequacies of that agreement became almost immediately apparent. Important Cheyenne and Arapaho leaders rejected the treaty, and the Indian Office provided few resources to implement it. Through 1862 and 1863, Evans made an effort to repair and stabilize the situation. Although the major council he hoped to have with representatives of the Cheyenne and Arapaho in September 1863 did not take place, Evans did meet with tribal leaders from Arapaho bands that did not sign the treaty and reached an important agreement with the Utes in the southern reaches of the territory.

Deadly skirmishes between troops and Natives in the spring of 1864 led to heightened conflict and anti-Indian feeling during the summer. Evans developed a plan to protect “friendly” Indians and draw “hostiles” away from fighting and into friendly camps. This failed to produce results, in significant part because of the army’s lack of cooperation. Evans meanwhile beseeched the Department of War to authorize the raising of a hundred-day volunteer regiment that would protect settlers from hostile bands. In early August he received this authorization, and recruiting began. Evans then focused on completing his discussions with Northern Arapahos to select a reservation site, but he gradually withdrew from negotiating with the Cheyennes, even though this was an important aspect of the diplomatic role assigned to him as superintendent of Indian affairs in Colorado. He was unable to cool the anti-Indian rhetoric that had



*The stone marker at the site of Bent's New Fort. Legendary trader William Bent, husband of the Cheyenne Owl Woman and father of George Bent, moved here in 1849 from what is known as Bent's Old Fort, located about forty miles to the west near present-day La Junta, Colorado. In 1860 the United States Army situated Fort Wise (soon renamed Fort Lyon) on this site, which is by a bend in the Arkansas River, visible in the background. From here the troops under John Chivington set out for the Sand Creek encampment on the evening of November 28, 1864. (John Evans Study Committee, 2013)*

come to dominate the non-Native population of the territory, but he did prevent attacks by settlers on friendly Indians gathered at Camp Collins.

When presented in September 1864 with a group of important Southern Arapaho and Southern Cheyenne tribal leaders who were seeking peace, Evans advised them that he could not negotiate an agreement and that they must work out terms with the military authorities. He seemed to assure these Indians that they and their followers would be safe if they did as his earlier plan prescribed and sought refuge at Fort Lyon, which they did. Having abdicated his responsibility to do anything more to help settle the current conflict, Evans left Denver on November 16 for his annual eastern journey. Thirteen days later, John Chivington led the savage attack on Sand Creek, where the Indians had camped with the approval of Scott Anthony, the commander of Fort Lyon.

### ATTEMPTS AT NEGOTIATION

In many respects conditions in the spring and summer of 1862 favored a negotiated agreement with Colorado's Indians. While Evans soon understood that he could not fulfill Commissioner of Indian Affairs William Dole's directive to persuade a wider representation of Indian leaders to agree to the Fort Wise Treaty, the tribes had reason to want something that would replace the 1851 Fort Laramie Treaty. They knew that the annuities prescribed in that treaty would end in 1866 and that the arrival of settlers in larger numbers was diminishing Natives' hunting ranges and thus making those annuities ever more essential for survival. The Indians also knew that no matter how valid the tribes' claims, the government would not evict settlers from Native territory as defined at Fort Laramie.<sup>1</sup> The tribes wanted an agreement that would protect them from these settlers, whose assaults on Indians and their property U.S. officials largely ignored, and from unwarranted attacks by army troops. Even some influential voices of the settler community, including the *Rocky Mountain News*, favored a new pact that was fair to the Arapahos and Cheyennes, though this position would change after the Sioux uprising in Minnesota in late August.<sup>2</sup>

Upon arriving in Denver in May 1862, Evans tried to take advantage of the possibilities at hand for forging agreements with Colorado's Indians. He held a council and a "friendly smoke" in the summer with the Northern Arapahos as a start to negotiations, and he instructed agent Samuel Colley, who dealt with the Southern Arapahos and Southern Cheyennes from his base at Fort Lyon, to prepare the reservation on the Arkansas for ranching. In his annual report for 1862, Evans stated that these tribes could raise cattle on this site and thus "fully sustain themselves." He noted that since Colorado regiments were currently in the territory and had not been sent to fight elsewhere, there would be no "outbreak" as had occurred in Minnesota, the prospect of which terrified him and the territory's non-Native residents. He added, however, that further negotiations were necessary with the Arapaho and Cheyenne leaders who had not been present at the conferences that produced the Fort Wise treaty.<sup>3</sup>

Evans, who during each year of his governorship spent a few months of the late fall and early winter out of the territory on an extended trip to Chicago, Washington, and other cities to attend to both territorial and personal business, continued his diplomatic efforts when he returned to Colorado early in 1863. He met with Northern Arapaho leader Little Owl and the tribe's bilingual spokesman, Friday. The tribe previously had expressed interest in a reservation, but Evans reported to Commissioner Dole that the United States would have to "adjust" the terms of the 1861 treaty and suggested (perhaps to pressure Dole) that without such changes there was the threat of a "Minnesota-like" war. Evans also advised the commissioner that in his opinion the Northern Arapahos were friendly and that their preferred site for a reservation was on the Cache la Poudre River, which flows eastward out of the Rockies across northern Colorado.<sup>4</sup>

He similarly met with Neva, the brother of Southern Arapaho Chief Left Hand, who said that the Southern Arapahos were willing to be ranchers, but that they had serious grievances against the Indian Office, specifically concerning the ways its representatives had lied to them about the terms of the Fort Wise Treaty. The Southern Arapahos also distrusted Colley, who was forcing them to trade for annuity goods that were rightfully theirs in the first place. According to Neva, Colley had deliberately interfered in the selection of the Cheyenne and Arapaho members of the delegation of Indians who met with Abraham Lincoln in the White House in March 1863, so that the main chief Little Raven and Left Hand (who, like Neva, spoke English) could not complain to the president about corruption at the projected Upper Arkansas reservation. The delegates had hoped to use this meeting to persuade the president to end attacks on them by troops, but instead he mainly lectured the emissaries, commenting (in spite of the fact that the United States was engaged in the Civil War) that Indians were more disposed to fight and kill than Americans. In addition, Neva accused Chivington of having burned nine Arapaho lodges.<sup>5</sup>

On one hand, Evans reacted to the meeting with Neva by disparaging him, ignored the



*Noted Civil War-era photographer Matthew Brady took this photograph of the delegation of Plains Indians that met with President Abraham Lincoln on March 27, 1863. The setting is the White House Conservatory. Interpreter John Simpson Smith and Agent Samuel Colley are standing in the back row on the left. John Nicolay, Lincoln's secretary, is in the center of this row. Seated in the front row, left to right, are Cheyenne leaders War Bonnet, Standing in the Water, and Lean Bear, and the Kiowa Yellow Wolf. The Indians in the second row and the other figures have not been identified. Yellow Wolf died of pneumonia within a few days of this visit. Lean Bear was killed by U.S. Army troops in the spring of 1864, when he approached them to state his friendly intentions. He was wearing the peace medal Lincoln had given him. War Bonnet and Standing in the Water were slain a few months later at Sand Creek. Smith was also at Sand Creek, and his son Jack was murdered there by soldiers the day after the massacre. (Library of Congress Prints and Photographs Division, Washington, DC)*

complaints against Colley (perhaps because of his dependence on the agent's assistance or because Colley was Dole's cousin), and dismissed the charges against Chivington, contending that the colonel's leadership was necessary to the preservation of the peace. On the other, Evans said that had he known about the problem with the delegation to Washington, he might have done something about it. Always the physician, he also set up a smallpox vaccination program for the Arapahos and Cheyennes and urged Dole, though without success, to provide the resources needed to establish ranching on the Arkansas reservation.<sup>6</sup>

Evans's most ambitious step to date came in the late summer of 1863, when he tried to hold a council with bands of the Northern and Southern

Arapahos and Cheyennes on the Arikaree fork of the Republican River in northeastern Colorado. His goal was to find a way to modify the Fort Wise Treaty on terms to which both the federal government and the Indians could agree. Evans hoped to persuade tribal leaders to accept reservation life by increasing the annuities they would receive, and, if this proved unsuccessful, to enter into agreements with smaller groups rather than on the tribal level. Believing that the council had been arranged, he made the arduous trip to the Republican River, but no Indians appeared on the designated day.

The reasons varied. Some bands wished to talk but did not have available the ponies they needed in order to get to the council. Others had suffered a serious outbreak of disease in their camp or found

that the timing of the meeting conflicted with other seasonal activities. The Southern Cheyenne and Dog Soldiers told Evans's intermediary that they were still upset at the killing earlier in the year of a Cheyenne by a soldier at Fort Larned, on the Santa Fe Trail in west-central Kansas. This seemed an echo of the army's treatment of Cheyennes in 1856–57. Some Indians were suspicious of any agreement. All opposed settling on the Arkansas reservation. Many still maintained, however, that they wanted friendly relations and would not rule out a treaty discussion.<sup>7</sup>

In spite of the failed council, Evans wrote Dole that the Arapahos and Cheyennes were "quiet" and that the public had "a general feeling of security." At the same time, Evans told Secretary of State William Seward that Colorado was in a condition of "quiet and prosperity." In contrast to some army officers and settlers, he did not hold tribes collectively responsible for the depredations (i.e., attacks and thefts, sometime including killing, rape, and captive-taking of women and children) committed by only a few individual Indians, and he even sympathized with the tribes' objections to the theft of their horses and abuse of their women by Americans. He continued to recommend that the Indian Office try to attract Cheyennes and Arapahos to the reservation by providing more generous support there.<sup>8</sup>

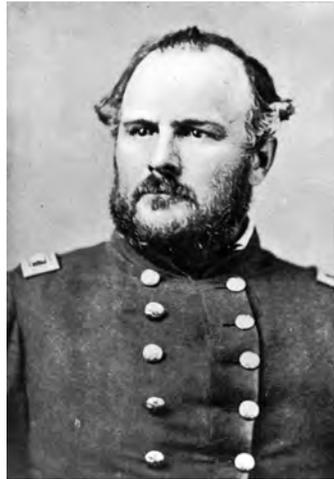
Evans made impressive progress in other treaty negotiations. In October, on the orders of Dole and accompanied by President Lincoln's secretary, John Nicolay, Evans undertook another challenging trip, this time to the southern reaches of the territory to negotiate an agreement with the Utes. The Utes agreed that if they were attacked by Americans, they would report such incidents to an Indian Office agent rather than organize revenge raids. The guilty American would be arrested and, in the case of robbery, the United States would

provide full indemnification. If Indians committed offenses against settlers, chiefs would surrender the guilty parties and pay reparations. In return for a land cession, the Utes were to receive annually not only trade goods but also provisions and livestock.<sup>9</sup> An important reason why dealing with the Utes was easier than with the Arapahos and Cheyennes was that the Utes' more remote location attracted fewer settlers.

Although he had no authority over the military, Evans also tried to moderate Chivington's belligerence. In September 1863, he requested that the colonel keep his troops apart from Indians so as to avoid occasions for violence. In November, when he received a complaint that blamed missing stock on Arapahos, Evans asked Chivington to invite Arapaho leaders to Denver to meet with him in order to arrange for reparations and avoid a "collision" or "ill feeling." The chiefs agreed to come, and Evans made the arrangements personally. In December, when Cheyennes were accused of depredations on the

Platte, he persuaded Chivington to deal with the situation by obtaining reparations and the surrender of the guilty parties, and not, as soldiers were inclined to do, by punishing an entire camp or any Cheyennes the troops came across.<sup>10</sup>

But in November, at the same time the Arapahos agreed to provide the reparations for stolen stock, Evans received what he read as a very troubling message from Robert North, a white man who was married to an Arapaho woman and lived among her people. North claimed that the Comanches, Apaches, Kiowas, Northern Arapahos, and all the Cheyennes had agreed to a military alliance with the Sioux that would launch coordinated attacks on settlements in the spring. This conjured horrifying images in Evans's mind of a reprise of the Minnesota uprising. Although Indian leaders denied the report, and the trustworthiness of North was suspect, Evans chose to believe



*John Milton Chivington (1821–1892). (Denver Public Library)*

him. Even after spies Evans sent out found that no such plan existed, the governor remained wary. His concerns deepened when trader John Smith reported that Sioux were on the Arkansas, which was ominous since this was far from their usual territory. In December, Evans's worries increased when his appeal to Secretary of War Edwin Stanton not to withdraw the Colorado Second Cavalry Regiment from the territory for service against the Confederates in Missouri proved unsuccessful.<sup>11</sup>

Evans continued to try to prepare the reservation near the Arkansas and to persuade the southern tribes to agree to a new treaty. Indian Office agent John Loree meanwhile negotiated with the Northern Cheyenne on possible terms. Evans himself met with the Northern Arapahos, who told him, as they had indicated previously, that they would be willing to live on a reservation on the Cache la Poudre. They would also pay reparations for any damages they caused and stay away from the settlements. Evans promised to discuss this proposal with Dole, whom he asked for permission to offer alternatives to the reservation on the Arkansas. Dole granted Evans's request on January 15, 1864.<sup>12</sup>

Other signs gave reason for optimism that conflict could be avoided. Hiram Bennet, Colorado's territorial delegate to Congress, wrote Dole in late January that the Cheyennes were eager to maintain the peace and keep away from the troops. Dole took this as good news and asked Secretary of the Interior John Usher to forward the correspondence to Stanton. In March, Southern Arapahos, saying that they feared being attacked, declared their readiness to go on the Arkansas reservation. But they complained that the War Department had appropriated land there for military use, namely Fort Lyon. They also asked to be politically separated from the Cheyennes. This entreaty was to no avail, and, while there were no new Indian depredations, relations with the plains tribes remained precarious.<sup>13</sup>

#### **APRIL AND MAY, 1864: VIOLENCE BREAKS OUT**

During the spring of 1864, these relations took a very serious turn for the worse. As troops had in 1856, Chivington's men responded to suspected thefts of stock by Indians not by reporting incidents to representatives of the Indian Office (including Evans) or by negotiating with the tribes but by conducting deadly attacks on Native men, women, and children. This aggressive action led to open warfare. Serious trouble began on April 12, 1864, when the cavalry confronted a group of Dog Soldiers near Fremont Orchard, northeast of Denver on the South Platte. Each side later claimed that the other fired first, but the net results were four troopers dead and several Cheyennes wounded (one so severely he became an invalid) and a readiness on the part of the army to read the incident not as a random event but as the beginning of a larger conflict.<sup>14</sup>

The situation quickly deteriorated. The next day, Chivington wrote General Samuel Curtis, Commander of the Department of Kansas (which encompassed the District of Colorado, in which Chivington was the senior officer), that he would "chastise them [the Cheyennes] severely" unless Curtis directed differently; Curtis did not reply. On April 14 and 15, Lieutenant George Eayre, whom Chivington had ordered to "punish" Indians suspected of stealing 175 head of cattle, destroyed the lodges and provisions of two Cheyenne villages, whose inhabitants fled without casualties. Eayre returned to Camp Weld, located just outside Denver, with nineteen cattle, which the Indians claimed were not stolen but strays. As a general practice, Southern Cheyenne tribal leaders, who insisted they wanted peace with the Americans, readily surrendered such strays to troops from Fort Lyon. Meanwhile, the Indians also tried to assure the Americans that they had sent out no war parties. Nonetheless, Major Jacob Downing, one of Chivington's officers most eager to remove Colorado's indigenous population by force of arms, told the colonel that he would attack all Cheyennes he came across. His intention, he said, was to "wipe them out."<sup>15</sup>

Under orders from Chivington, Major Downing sent troops to find and kill Cheyennes. On May 3, his soldiers murdered two women and two children in a Native village while their men were away hunting and then burned the village. Downing reported that if he had brought a howitzer, he could have disposed of all the Indians he encountered; in his opinion, the Cheyennes should be exterminated. Twelve days later, Lieutenant Eayre's scouting party came upon Black Kettle and Lean Bear's large camp, which had been trading peacefully. When Lean Bear saw the troops approach, he came forward unarmed, wearing the peace medal Lincoln had given him in 1863. According to tribal accounts, Eayre had Lean Bear shot when he was a few feet away. Black Kettle stopped the Cheyenne warriors from annihilating the troops in retaliation. The lieutenant subsequently reported to superiors that the Cheyennes had fired first.<sup>16</sup>

*Apparently believing Chivington's claims that the Cheyennes initiated the encounters with the troops, Evans was also under constant attack from critics who belittled him for being soft on the tribes. Dreading that more attacks were coming, he felt a desperate need for a larger military presence, especially with the Second Cavalry out of the territory.*

William Byers's *Rocky Mountain News* stirred Denverites' fears with stories that focused on Indian war, atrocities, and depredations, greatly exaggerating the actual threat locally. This press campaign made already apprehensive settlers think that Indians might set upon them at any moment. Apparently believing Chivington's claims that the Cheyennes initiated the encounters with the troops, Evans was also under constant attack from critics who belittled him for being soft on the tribes. Dreading that more attacks were coming, he felt a desperate need for a larger military presence, especially with the Second Cavalry out of the territory.<sup>17</sup>

Reports from agents in the field, however, contradicted the inflammatory stories. In late May, for instance, Colley told Commissioner Dole that the Southern Cheyennes would not fight Americans unless attacked and that the Southern

Arapahos would not fight at all. As for the Northern Cheyennes and Arapahos, Colonel William Collins, commander of Fort Laramie, noted that many members of these tribes were "almost in a starving condition" and not a threat. Far from calling for military action against them, Collins asked for more government aid to the Indians in order to alleviate their suffering. In late April, Evans nonetheless had pleaded with General Curtis for additional protection. A month later, after Lean Bear's murder, he again wrote to Curtis for help. While admitting that "old Indian traders" assured him that the Sioux and Arapahos would not join the hostilities, Evans, clearly alarmed, asked for a large force to chastise the Cheyenne severely in order to "avoid a long and bloody war."<sup>18</sup>

#### **JUNE AND JULY: PEACE EFFORTS BY TRIBAL LEADERS, THE HUNGATE MURDERS, AND GOVERNOR EVANS'S APPEAL TO "FRIENDLY" INDIANS**

The army had become a large part of the problem with the tribes, since its actions provoked Indians to take revenge. Up to the time Lean Bear was killed in mid-May 1864, and despite settlers' beliefs to the contrary, the Cheyennes had shown restraint when attacked. But Lean Bear had been a Cheyenne Council Chief, recognized as such by the United States Government, and he was shot, as the Indians contended and the army's inspector confirmed, without just cause. Honor bound to do so, Lean Bear's relatives sent out revenge parties in May along the Arkansas near Fort Larned, where they killed two American settlers. At the same time, however, other Cheyennes were trying to prevent a major war. William Bent and several chiefs went to discuss peace at Fort Larned, only to be met with drunken abuse from its commanding officer, Major J. W. Parmetar, a notorious alcoholic who was later removed for incompetence.

After being promised by a Southern Cheyenne leader that the Indians would forgo revenge attacks for twenty days, Bent decided to see General Curtis but changed his mind and instead went to much nearer Fort Lyon. There he spoke with Chivington, who was visiting the post, which was then in his jurisdiction. Bent explained that the Cheyennes

wanted peace. As Bent later recalled, “In reply [Chivington] said he was not authorized to make peace, and that he was then on the war path.” Bent reminded Chivington that travelers and settlers would suffer from a war, but the colonel said they would have to protect themselves. Bent did not report this exchange to Governor Evans, possibly because he believed that the military now controlled the situation.<sup>19</sup>

According to Lieutenant Joseph Cramer, Black Kettle described the Cheyennes’ frustrated efforts to restore peace to Major Edward Wynkoop, then the commanding officer at Fort Lyon. At this point, Wynkoop (as well as Cramer and Silas Soule, who were stationed at the fort) still held a high opinion of Chivington and had little compunction about killing hostile Indians. After the murder of Lean Bear, as Black Kettle explained to the major, he had advised other Cheyennes that “it would be made all right” by a talk with the commander at Fort Larned, but Major Parmetar’s behavior proved him wrong. Black Kettle also told Wynkoop of how Left Hand, even though he was bearing a white flag, was fired on near the fort in May when he came to offer help returning stolen government stock.<sup>20</sup>

Evans telegraphed Curtis from Denver on June 3, again asking for additional protection. “It will be destruction and death to Colorado,” he told Curtis, “if our lines of communication are cut off, or if they are not kept so securely guarded as that freighters will not be afraid to cross the plains, especially by the Platte River, by which our subsistence comes.” The city was perilously short of provisions. “I would respectfully ask,” the governor continued, “that our troops may be allowed to defend us and whip these red-skin rebels into submission at once.” But he also assured Commissioner Dole that the tribes would negotiate on the “present difficulties.” He kept up work on the Upper Arkansas reservation, and he told Dole that the Arapahos and Comanches were not at war with Americans. He additionally reported that he had developed a friendly relationship with a band of Northern Cheyennes led by Spotted Horse, who was helping him and the troops to bring peace.<sup>21</sup>

Ten days later, on June 12, a farmer named Nathan Hungate, his wife Ellen, and their two

young daughters—one was four years old, the other an infant—were viciously murdered. The Hungates’ mutilated bodies were buried but then disinterred, brought to Denver (which was only thirty miles from their home), and placed on public view, both shocking residents and inflaming them against the Natives. Evans cited the murders in yet another message to General Curtis in which he demanded troops. This time the general responded positively, authorizing Chivington to send soldiers to the area. Chivington told them not to “encumber your command with prisoner Indians,” but they found no Native people. Evans also asked Secretary Stanton for authority to call up a hundred-day regiment of volunteers to fight Indians.<sup>22</sup> For the present, Stanton declined this request.

Evans then devised a strategy by which he hoped to reach out to peaceful tribal members in a way that would both protect them and isolate hostile Indians. On June 14, two days after writing Curtis, Evans asked Dole to support a plan to keep the friendly portions of the Arapahos, Cheyennes, Sioux, Kiowas, and Comanches on good terms by gathering and feeding them at designated places near selected forts. The next day, Major T. I. McKenny, an inspector sent by the army, presented General Curtis with a related proposal that, like Evans’s plan, aimed at heading off a broad conflict. McKenny recommended that troops concentrate on escorting wagon trains and stop the scouting parties that indiscriminately killed Indians. He concluded that even a few murders by troops could instigate large-scale trouble. Curtis ignored the recommendations.<sup>23</sup>

Evans continued to promote his strategy of providing safe havens and provisions for friendly bands. He thought this would not only protect already peaceable Indians from the military but also might neutralize others who were having difficulty finding enough food and so would find the offer of safety and support attractive. He told Colley this was his plan for ending the war. On June 15 Evans wrote Dole of several conferences with the Arapahos and Cheyennes, who accepted the plan on the condition that they would be supplied with food to substitute for the hunt that they would have to forgo. Evans ordered Colley to

make arrangements to feed Southern Arapahos and Cheyennes at Fort Lyon and friendly Kiowas and Comanches at Fort Larned. Northern Arapahos and Cheyennes could find refuge and sustenance at Camp Collins, near the Wyoming border north of Denver. Evans also sent word to the Northern Arapaho leaders that, as promised, he had obtained authority to negotiate for a reservation site more to their liking. Evans instructed Agent Simeon Whiteley to examine a site in Cache la Poudre country for a reservation that would be away from settlers and to consult the Indians while doing so. He asked John Loree to try to keep Northern Arapahos and the Sioux at Camp Collins on amicable terms.<sup>24</sup>

Colley was not immediately successful in gathering the friendly Southern Arapahos and Cheyennes at his agency, since they were away hunting south of the Arkansas River. But he insisted that the Arapahos were reliably peaceable and that, aside from the young warriors in the Dog Soldier band, the Southern Cheyennes did not want to fight. Colley also told Evans, however, that the Dog Soldiers “control the tribe” and the “chiefs are afraid of them.”<sup>25</sup>

Evans put his plan of separating friendly from hostile Indians officially into effect on June 27, when he issued a proclamation “to the friendly Indians of the plains” that he ordered Indian agents, interpreters, and traders to distribute among the tribes. It announced to these peaceable Indians that “some members of their tribes have gone to war with the white people” by stealing stock and killing both soldiers and citizens. “For this the Great Father is angry,” it stated, “and will certainly hunt them out and punish them.” But the Great Father did not want to hurt friendly Native people and would protect them if they stayed away from hostile Indians by going to designated “places of safety,” the Southern Arapahos and Cheyennes to Fort Lyon, Kiowas and Comanches to Fort Larned, Sioux to Fort Laramie, and Northern Arapahos and Cheyennes to Camp Collins.

*Evans put his plan of separating friendly from hostile Indians officially into effect on June 27, when he issued a proclamation “to the friendly Indians of the plains” that he ordered Indian agents, interpreters, and traders to distribute among the tribes.*

The purpose of this, Evans explained, was “to prevent friendly Indians from being killed through mistake.” He warned that only friendly Indians should come in, and he excluded not just hostile warriors but also their families. “The war on the hostile Indians will continue,” the proclamation concluded, “until they are all effectually subdued.” Evans told Curtis, whom he asked to approve this plan, “As we whip and destroy, others will join them, and we will bring it [the war] to a close.” Curtis again did not respond, though he did state elsewhere that he did not want sporadic skirmishes to lead to “an Indian war.”<sup>26</sup>

The proclamation produced very limited results among the Southern Arapahos and Southern Cheyennes. This was because, first of all, the Indian Office refused to provide the necessary provisions to support camps of Indians at the safe havens. Moreover, as Black Kettle and Left Hand later told Edward Wynkoop and Joseph Cramer, respectively, the tribes tried several times to contact the posts to accept Evans’s offer, but the sentries would not allow them to approach and in some instances even fired on them. The soldiers whom Evans did not command, were evidently following orders from Curtis not to let Native people near the posts.<sup>27</sup> Whether he was aware of all these impediments or not (and there is no evidence that he was), Evans remained committed to his safe haven plan for the southern bands. The governor’s proposal appeared to be more successful, however, with the Northern Arapahos and Cheyennes near Camp Collins. He was still counting on a treaty council with that group.<sup>28</sup>

In mid-July, raiding began again. Many Arapahos and Cheyennes believed that the army had declared war, and they found allies among the Kiowas and Sioux (according to Loree, the Minnesota Sioux, i.e., the same Indians involved in the uprising of 1862), who also had grievances. Large war parties in Nebraska and Kansas struck the Platte and Arkansas routes and the Kansas frontier, killing, robbing, and taking women and

children captives. Panic returned to the Denver area, thanks to the *Rocky Mountain News's* habit of reporting these raids as if they presented an imminent danger to its readers. On July 18, Evans yet again wrote to General Curtis, notifying him of the raids and claiming that he had obtained his information about the hostile bands from the "friendlies" near Fort Larned. The attacks on settlers on the roads finally spurred Curtis to action. Heretofore far more concerned about Confederate incursions into Kansas than Indian raids farther west, the general now believed he had no choice but to respond.

Late in July, he left Fort Leavenworth, located in eastern Kansas, and led a force of over four hundred men west to scout for hostile Indians in the Arapaho and Cheyenne country. During this campaign, Curtis issued a field order that specified, "Indians at war with us will be the object of our pursuit and destruction, but women and children must be spared." The Indians evaded him. Unable to find, let alone "punish," the raiders, he returned to Fort Leavenworth, leaving General James Blunt, commander of the new Military District of the Upper Arkansas, based at Fort Riley in western Kansas, to look for hostiles.<sup>29</sup> Curtis placed Fort Lyon in this district, removing it from Chivington's supervision, evidently because Curtis thought the colonel did not follow orders as directly as he should and was devoting too much time to the political campaign for Colorado statehood and his election to the House of Representatives.<sup>30</sup> This angered Chivington, who would later ignore district borders when he led the Third to Fort Lyon and then Sand Creek.

#### **AUGUST AND SEPTEMBER: THE ESCALATION OF VIOLENCE AND A NEW INDIAN PEACE INITIATIVE**

In early August, after most of the troops had left the area, the multitribal raiding parties resumed with greater intensity. Cheyenne, Arapaho, and Sioux warriors in Nebraska and Kansas again

killed several settlers and soldiers and took several women and children as captives. Near Fort Lyon, Kiowas conducted a series of deadly forays. Evans once more begged for troops. He wrote Dole on August 8 that nearly all the Indians were at war and that the settlements were at grave risk. Colley had encouraged Evans's fear and distrust of Indians by reporting that, according to Chivington, all

the tribes were involved in attacks and that the governor's efforts to promote peace had come to naught. While Denver itself was not under attack, the raids cut off lines of transportation and communication, leaving people in the city feeling extremely vulnerable.

Curtis, who believed that the danger was again being exaggerated, issued conflicting directives: he told Blunt to "catch and kill" Indians so as to discourage the raiding bands, yet to keep lines of negotiation with

peaceable Natives open. He severely undermined the second directive by ordering army posts not to allow Indians to approach. He acknowledged this contradiction but offered no solution to keep friendlies safe. In any case, peace was not to be considered without his approval. At Fort Lyon, Major Wynkoop received orders to kill any Indians his men encountered. When Neva tried to get a peace message to Wynkoop, soldiers under Cramer attacked Neva's party and prevented the message from getting through.<sup>31</sup>

Six weeks after issuing his June 27 Proclamation, Evans concluded that it had been ineffective. Colley encouraged this view by reporting that he was not sure that even the supposedly reliable Southern Arapahos were still peacefully inclined. Evans moved further along the path from believing in the possibility of a diplomatic solution to thinking that only the army could bring peace to the plains. Now that Curtis's short campaign against the Indians had done little good, Evans took two important steps. First, on August 9, he renewed his request to Stanton and Dole to authorize a hundred-day regiment to combat Indians. Second, on August 11 he issued another proclamation that

*At Fort Lyon, Major Wynkoop received orders to kill any*

*Indians his men encountered.*

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*under Cramer attacked Neva's*

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*from getting through.*

was far more aggressive than the previous one. After stating that, “with a few exceptions,” the tribes had rejected his generous offer of food and protection if they demonstrated their peaceful intentions, Evans announced a new plan. With few troops on hand to defend the stage stations and ranches, he in effect deputized the entire civilian population by 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.”

Though he instructed residents to “scrupulously” avoid those Indians who had responded to the June 27 proclamation, Evans’s new proclamation encouraged Coloradans to “kill and destroy, as enemies of the country,” any hostile Indians. How they were to identify particular Indians as friendly or hostile was not explained. Since he could offer no other compensation, Evans empowered settlers to take and “hold to their own private use

and benefit” any Native property they seized. He also offered arms, ammunition, and pay for those who would organize into militia companies. “The conflict is upon us,” he concluded, “and all good citizens are called upon to do their duty for the defense of their homes and families.”<sup>32</sup>

Critics have condemned the vigilante tone of Evans’s August proclamation, but, like its June predecessor, it had little effect. Indian raids continued on the Platte Road and near Fort Lyon, and settlers on Cherry Creek near Denver were attacked in late August, but few citizens appear to have taken up arms against threatening Cheyennes and Arapahos, although Evans had to intervene personally to stop one group of citizens from assaulting the friendly camp at Fort Collins. A more portentous event took place in Washington on the day after the August 11 proclamation, when Secretary of War Stanton approved the request for a regiment of hundred-day

volunteers. But, in spite of the pervasive fear and hatred of Indians in Colorado, recruitment proceeded slowly, and Chivington filled the regiment only by declaring martial law and virtually compelling men to sign up. Meanwhile, Evans requested still more troops from Stanton.<sup>33</sup>

**ATTENTION!**  
**INDIAN**  
**FIGHTERS**

Having been authorized by the Governor to raise a  
 Company of 100 day

**U. S. VOL CAVALRY!**

For immediate service against hostile Indians, I call upon all who wish to engage in such  
 service to call at my office and enroll their names immediately.

**Pay and Rations the same as other U. S.  
 Volunteer Cavalry.**

Parties furnishing their own horses will receive 40¢ per day and rations for the same,  
 while in the service.  
 The Company will also be entitled to all horses and other plunder taken from the Indians.

**Office first door East of Recorder's Office.**  
**H. A. S. A. S.**

**Central City, Aug. 13, '64.**

A recruiting poster for the hundred-day regiment of “Indian Fighters” authorized by the Department of War in August 1864. This poster was aimed at volunteers in and around Central City, Colorado. The regiment, the Colorado Third Cavalry, provided most of the soldiers who marched on Sand Creek. (Colorado State Archives)

Cheyenne Village Aug. 29<sup>th</sup> /64  
 Maj. Colley.  
 Sir  
 We received a letter from Bent wishing us to make peace. We held a counsel in regard to it all ~~was~~ 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 with you. We heard that you some prisoners in Denver. We have seven prisoners of you which we are willing to give up providing you give up yours. There are three was parted out yet and two of Arapahoes. they been out some time and expect now soon.  
 When we held this counsel ~~that~~ there were few Arapahoes and Sioux present, we want true news from you in return, that is a letter

Black Kettle &  
 other Chieves

Brought to Ft. Lyon Sunday Sept 27<sup>th</sup> 1864 by One Eye -

The letter, written down by George Bent, that Black Kettle (spelled "Black Kittle") and other "chieves" sent to Samuel Colley at Fort Lyon. This letter led to the meetings of Indian leaders with Major Edward Wynkoop by the Smoky Hill River and then with John Evans, John Chivington, and others at Camp Weld. (Sand Creek Papers, 1861–1864, Mf0018, Special Collections, Tutt Library, Colorado College, Colorado Springs, CO)

their lives, One Eye, his wife, and another Cheyenne appeared near Fort Lyon waving a white flag. They were trying to deliver a letter addressed to agent Samuel Colley from "Black Kettle and other Chieves [sic]" that had been dictated on August 29 to George Bent (as a result of his mixed-race upbringing, Bent was literate in English). It was a direct response to the June 27 proclamation, reporting that the chiefs had held a council and "came to the conclusion to make peace with you," on the condition that the pact included the Kiowas, Comanches, Arapahos, Apaches, and Sioux, as well as the Cheyennes. Noting that the Americans held Indian prisoners in Denver, the letter offered an exchange for seven settler women and children captured in recent raids.<sup>34</sup>

Initially, Fort Lyon commander Edwin Wynkoop was angry that his men let the couriers through despite orders to the contrary. He viewed the arrival of the three Cheyennes with suspicion until they convinced him that he might recover the captives. He was aware that doing so would be perilous, that he might be headed into a trap. Taking what precautions he could, he led 127 cavalry equipped with two howitzers to a conference with the Cheyenne and Arapaho leaders at their campsite on the Smoky Hill River.

The meeting, which involved tense negotiation among the Indians as well as between them and Wynkoop, took place on September 10. Black Kettle stressed that the tribes had always observed the 1851 Fort Laramie treaty and that

**SEPTEMBER 28, 1864: THE CAMP WELD COUNCIL**  
 Meanwhile, unbeknownst to Evans, Black Kettle and other Southern Cheyenne Council Chiefs, along with the main Southern Arapaho leaders, had been lobbying the heads of tribal bands and military societies to end the raids and restore peace on the plains east of Denver. The negotiations were difficult and slow, however, not to mention impeded by Curtis's order that Indians were not to be allowed near military posts.  
 What followed next was an extraordinary sequence of events. On September 6, at great risk to

it was the troops who had violated it by attacking without cause. As a sign of good faith, he and the Arapaho Chief Left Hand delivered four captives to Wynkoop, two girls—one a teenager, the other three years old—and two young boys. After he took the little girl onto his saddle and she hugged him, Wynkoop rode quickly away so the Indians would not see how deeply he was moved.<sup>35</sup>

Bull Bear, head of the Dog Soldier band and brother of the slain Lean Bear, at first voiced opposition to an agreement, but he relented when One Eye, who insisted on keeping his word with Wynkoop, personally paid Bull Bear reparations for Lean Bear's death. Wynkoop, hopeful that this could be the beginning of a peace in the region, was eager to push forward with negotiations. He promised safe conduct to a peace delegation to meet with Evans. In this remote place and with time an important factor, Wynkoop made what he came to believe was a fateful mistake: he broached the idea without first asking the approval of superior officers, let alone Evans. The tribal leaders agreed.<sup>36</sup>

Colley already had notified Evans of the arrival of Black Kettle's letter, and Wynkoop now wrote Evans that he and a delegation of Indians were coming to Denver. Evans told Chivington of the impending visit, but he did not respond to Wynkoop. General Curtis, unaware of any of these developments, spent the two weeks of September on another scouting mission seeking hostile Indians but again found none. On September 19, he wrote to General James Henry Carleton, the commander of the Department of New Mexico, that the Indian trouble had "abated." But he left Blunt in the field to continue looking for Indians to fight. When Chivington learned that the delegation was coming to Denver, he informed Curtis's headquarters, commenting that he believed that Black Kettle's group was not sincere in wanting peace but rather was merely trying to prevent being attacked that winter. Evans appears to have shared this view, since on September 25 he wrote Dole that all the Indians in Colorado, except Friday's band

at Camp Collins, were at war. The *Rocky Mountain News* also expressed opposition to the upcoming "peace council."<sup>37</sup> Wynkoop appeared to be the only American in authority who was taking Black Kettle's initiative seriously.

As a preliminary to the meeting, the major met alone with Evans on September 26. He found the governor very reluctant to speak with the tribal leaders. Wynkoop recalled Evans stating that, since a state of war existed, as a civilian official he could not negotiate peace terms. The tribes would have to talk with the military. According to Wynkoop,

*According to the major, "Several times in our conversation in regard to the object of the Indians who were coming to see him," Evans asked, "What shall I do with the third regiment if I make peace?"*

Evans added that even if he could make peace, he did not think it a good idea to do so, at least at present. Evans maintained that the Indians had not been punished "sufficiently" for their depredations. To agree to a truce would be tantamount to admitting that the government had been "whipped."

Then Evans offered a more personal reason why he did not want to make peace. He explained to Wynkoop that "the third regiment . . . had been raised upon representations made by him to the department that their service were necessary to fight these Indians." If peace were made without these soldiers seeing action, his superiors in Washington would think "that he had misrepresented matters, and that there never had been any necessity for the government to go to the expense of raising that regiment." While he did not mention this to Wynkoop, Evans may also have been worried about a negative reaction closer to home. The statehood initiative that he had led had gone down to defeat only two weeks earlier, on September 13. To appear soft now on the Indian question might further undermine his political standing. He told Wynkoop that "there must be something for the third regiment to do."<sup>38</sup> Evans asserted "that they had been raised to kill Indians, and they must kill Indians" (though he did not specify which ones). According to the major, "Several times in our conversation in regard to the object of the Indians who were coming to see him," Evans asked, "What shall I do with the third regiment if I make peace?"<sup>39</sup>



Several participants in the Camp Weld meeting had their photograph taken. Kneeling in front are Major Edward Wynkoop and Captain Silas Soule. Seated behind them, left to right, are the Arapaho Neva; Cheyennes Bull Bear, Black Kettle, and One Eye; and an unidentified Indian. The two men on the left in the back row are unidentified, but next to them are the interpreter John Simpson Smith, an unidentified Indian, the Cheyenne Bosse, Dexter Colley (son of Samuel Colley), and an unidentified soldier. (Denver Public Library)

But the governor realized that he could not turn his back on the delegation. For one thing, local public opinion was shifting. After speaking with Evans, Wynkoop went to see William Byers, owner of the *Rocky Mountain News*. The conversation convinced Byers, as Wynkoop hoped it would, that a council could be worthwhile, and he said as much in the *Rocky Mountain News*. “We believe it is the part of prudence to compromise with the tribes . . . upon the terms which they propose,” Byers wrote. He then made a remarkable admission: “They have unquestionably had great provocation for hostilities, and were not the first to violate friendly relations.”<sup>40</sup>

The conference took place on September 28 at Camp Weld. In addition to Black Kettle, the Cheyenne representatives included White Antelope and Bull Bear, and the Arapaho representatives were Neva, Bosse, Heap of Buffalo, and Na-ta-Nee. In addition to Evans and Wynkoop, Chivington and Colonel George Shoup, commander of the Third

Regiment, were present. John Smith acted as interpreter, and Indian Office agent Simeon Whiteley prepared the only available record of what was said. Though Whiteley did not make note of them, Lieutenant Joseph Cramer and Captain Silas Soule were also at the meeting.

Black Kettle began by stating that the delegation had come to discuss the June 27 proclamation. After summarizing the sending of the letter to Colley, he said that the Indians had put considerable trust in Wynkoop. “We have come with our eyes shut, following his handful of men, like coming through the fire. All we ask is that we may have peace with the whites.” He then explained:

We want to hold you by the hand. You are our father . . . The sky has been dark ever since the war began. These braves who are with me are all willing to do what I say. We want to take good tidings home to our people, that they may sleep in peace. I want you to give all these chiefs of the soldiers here to understand

that we are for peace, and that we have made peace, that we may not be mistaken by them for enemies. I have not come here with a little wolf bark, but have come to talk plain with you. We must live near the buffalo or starve. When we came here we came free, without any apprehension, to see you, and when I go home and tell my people that I have taken your hand, and the hands of all the chiefs here in Denver, they will feel well, and so will all the different tribes of Indians on the plains, after we have eaten and drank with them.

Evans pressed for an explanation of the tribes' delayed response to his June 27 proclamation. He accused the Arapahos and Cheyennes of making an alliance with the Sioux, and he reminded them of the Indians' apparent refusal to meet with him in September 1863, charging that Bull Bear's band had not permitted him to talk to Evans. Black Kettle admitted the charge against the Dog Soldier band was true. All the delegates denied that they had made a military alliance with the Sioux but acknowledged that their actions had given Evans reason to think this. Evans charged that the "young men" of the tribes were on the warpath and could not be controlled by the chiefs. The delegates replied, "It has been so." Probably to advance the conversation in a more positive direction, Wynkoop prompted Black Kettle, "Did not the Dog Soldiers agree to do whatever you said" after this council with the governor? Black Kettle replied that they had.

Throughout, the Cheyennes and Arapahos were deferential and nonconfrontational—which they viewed as proper behavior at a council to discuss peace. Evans's harsh tone disturbed Neva, who remarked, "It makes me feel bad to be talking about these things [referring to Evans's accusations] and opening old sores." Evans expressed his suspicion that the Cheyennes and Arapahos were there only to get a temporary halt in the fighting that would be to their advantage. He said that he thought that the leaders could not make "a peace which will last longer than until winter is past" and that in the spring the raids would start again. He observed darkly that he was well aware that Indians could make war best in the summer, when their small swift ponies were

well fed, but that he (meaning the cavalry and its well-provisioned large war horses) could fight effectively in winter, and thus "my time is just coming."

Evans underscored that threat by insisting that the chiefs understand that the Civil War had not lessened the Americans' ability to do battle with Native people: "The Great Father at Washington has men enough to drive all the Indians off the plains, and whip the rebels at the same time." And, besides, that conflict was almost over. Neva replied that Arapahos wanted and needed peace, not war: "I know the value of the presents [i.e., the annuities] which we receive from Washington. We cannot live without them. That is why I try so hard to keep peace with the whites."

Most importantly, Evans said that at this point he could do nothing in the way of receiving the leaders' offer of peace. He declared that since a state of war now existed between the Indians and the army, he had no authority as a civilian official to hold a peace council with them. "My proposition to the friendly Indians has gone out; [I] shall be glad to have the all come in under it," he stated, but only "the great war chief" (he did not say just whom he meant, but he was probably referring to Curtis) could make peace. Evans advised them to reach an agreement with the army to help the troops against the hostile bands. In response, Black Kettle said that he thought he could convince others to cooperate with the soldiers. White Antelope then expressed concern that his people were vulnerable to attack by these same soldiers, but Evans was not sympathetic.

While admitting to certain depredations by Natives (including the Hungate killings), the leaders denied that they were responsible for others and took offense at some of Evans's accusations. Neva stated that John Smith had known him since the Arapaho was a child. "Has he ever known me commit depredations on the whites?" Neva asked rhetorically. "Now, when I shake hands with them, they seem to pull away." He and the others insisted that the Comanches, Kiowas, and Sioux were the primary cause of trouble with the settlers and soldiers, and in response to questioning told what they knew of the current location of the Sioux and their plans for further depredations. And again the tribal

leaders declared their good intentions. According to the transcript, Chivington, who had been silent up to now, had the last word. "I am not a big war chief," he said, "but all the soldiers in this country are at my command. My rule of fighting white men or Indians is to fight them until they lay down their arms and submit to military authority." Pointing out that since Black Kettle and the others were "nearer Major Wynkoop than anyone else," he advised that "they can go to him when they get ready to do that." Silas Soule recalled that Chivington remarked that he, not Evans, had authority over relations with Indians.<sup>41</sup>

In spite of Evans's manner and message, the Indian leaders appear to have thought that the discussion went well. As Wynkoop recollected, "At the conclusion of the council the Indians appeared perfectly satisfied with everything that had taken place; they expressed themselves, through the interpreter, that they supposed they were now all right. Black Kettle very affectionately embraced the governor; then he and the balance of the chiefs shook hands with all those assembled."<sup>42</sup> Wynkoop took away the clear impression that, until the military authorities decided on further action, Evans and Chivington had said that Black Kettle's party could surrender as "prisoners" and be protected and provided for at Fort Lyon. As their subsequent actions indicated, the Cheyennes and Arapahos, as well as Wynkoop and Smith, shared this view of what they had been told. Evans had washed his hands of the matter, and now they were in the hands of the military. But the Indian leaders believed that the tribes would be safe as long as they complied with the army's orders as they awaited further peace negotiations.

In a telegram sent to Chivington on the day of the council, General Curtis asserted that he alone could make peace. Curtis also derisively characterized the Indian Office as being too eager to come to terms. Before he would assent to any agreement, he stated, "I shall require the bad Indians delivered up,"

stolen stock replaced, and all hostages returned. "I want no peace till the Indians suffer more." Chivington shared the telegram with Wynkoop, but, as the major explained to Curtis in the report he submitted upon his return to Fort Lyon on October 8, Wynkoop thought that Curtis would be satisfied once the general learned the details of the Camp Weld meeting. Wynkoop continued to feel confident that the Black Kettle party would be safe as long as it followed Evans's and Chivington's instructions.<sup>43</sup>

#### **OCTOBER AND NOVEMBER 1864: QUIET INTERLUDE BEFORE A MASSACRE**

From the Camp Weld meeting on August 28 to the Sand Creek Massacre on November 29, Indians committed no depredations within two hundred miles of Fort Lyon or the Arkansas road. This was in spite of the fact that on September 25, while Wynkoop and the chiefs were on their way to Denver, General Blunt attacked the people left in Black Kettle's camp, then between the Smoky Hill and Arkansas rivers. Many Cheyenne and Arapaho warriors fled the area rather than join the Black Kettle party when it returned to Fort Lyon.<sup>44</sup>

Shortly after the conference, Evans left Denver for further treaty negotiations with the Utes in southern Colorado. On September 29, he wrote to Colley, his agent at Fort Lyon, that he had "declined" to make a treaty with the Cheyennes and Arapahos, "lest it might embarrass the military operations against the hostile Indians of the Plains." He again emphasized that he had removed himself from any responsibility in the matter. This "of course . . . relieves the Indian Bureau of their [i.e., the Indians'] care until peace is declared with them," which was not likely to be soon. He specified that Colley was to make clear to the Indians that "my talk with them was for the purpose of ascertaining their views, and not to offer them anything whatever." He wrote Dole in mid-October that the raids in August were proof that the Indians intended to make a general war,

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though he also acknowledged that four hundred Cheyennes and Arapahos had surrendered at Fort Lyon, as they believed he had advised them to do. The Indian Office could hold a peace council funded by Congress, Evans told Dole, but not until after a military victory. In the meantime, Evans would continue to work on preparing the reservation on the Arkansas and support the Northern Arapahos' desire for a separate reservation on the Cache la Poudre.<sup>45</sup>

In mid-October, Dole wrote back, expressing appreciation of Evans's situation because "civil authority is in abeyance," yet reminding him that "as superintendent of Indian affairs, it is your duty to hold yourself in readiness to encourage and receive the first intimations of a desire on the part of the Indians for a permanent peace, and to cooperate with the military in securing a treaty of peace and amity." The last clause in that sentence implied that Evans needed to obtain the army's approval. But Dole immediately continued—in what can be read as a disparagement of Evans as well as Curtis and Chivington—"I cannot help believing that very much of the difficulty on the plains might have been avoided, if a spirit of conciliation had been exercised by the military and others." A month later, however, Dole wrote, "the affair is in the hands of the military authorities, where we must leave it . . ." Secretary of the Interior Usher went further: "It is not necessary to inquire whether, by accepting conciliatory measures these military operations might not, to a great extent, have been avoided. . . . The question of interest is, what course shall hereafter be pursued with these Indians in order to reduce them to subjection and to afford all needful protection to our citizens. . . . I do not think it important that any further treaties should be made with these Indians."<sup>46</sup>

Meanwhile, evidently without the knowledge of Evans or Chivington, Overland Stage owner Ben Holladay stepped into the already thorny situation. On October 15, worried about the safety of his coaches (which were under contract to carry the mail in the territory) on routes east of the Rockies, he wrote to Secretary of War Stanton to ask for more protection against the Indians, particularly the Dog Soldiers. Holladay strongly recommended

Patrick Edward Connor for the job. Connor was the commander of the military district of Utah. As discussed earlier, in January 1863 Connor had won renown (and, not long after, promotion from colonel to general) for his devastating attack on a Shoshone village at Bear Creek in southern Idaho. Now Holladay recommended the same against the hostiles in Colorado: "It is the right time for the work, and Connor can do it."<sup>47</sup> Evans might have had Connor's strategy in mind when he told the Cheyenne and Arapaho leaders at Camp Weld that winter is "my time." Chivington was also aware of what Connor had done and the acclaim he received.

Holladay's appeal received a quick response. On October 17, General and Army Chief of Staff Henry Halleck ordered Connor to Colorado, although it was out of Connor's jurisdiction. Five days later Connor wired Chivington to alert the colonel that he was on the way and to ask whether they might pursue Indians together.<sup>48</sup> With his troops slowed by bad weather in the Rockies, Connor hastened toward Denver alone by stage. On October 24, Chivington learned from his scouts that they could not locate hostile Indians in their presumed location by the Republican River in northeast Colorado, and that the weather would make any campaign before the end of the Third Regiment's hundred-day enlistment period difficult. On the same day, Evans wrote to Connor to express his approval that the general was en route to Denver. "I have no doubt the Indians may be chastised during the winter, which they much need," Evans said. He urged Connor to "bring all the forces you can" and, using language similar to that in the August 11 proclamation, continued, "then pursue[,] kill[,] and destroy them, until which we will have no permanent peace on the plains."<sup>49</sup>

On November 12, as Connor neared Denver, Chivington ordered the Third Cavalry Regiment and some companies of the First to prepare to leave the city. (By this point, a portion of the Third was also on Bijou Creek, a tributary of the South Platte, on the plains.) On the 14th Chivington sent the men not east toward the Republican, still the supposed center of Indian trouble, but south toward the Arkansas, where there had been no



*Major Edward W. Wynkoop (1836–1891), commanding officer at Fort Lyon, became convinced that Black Kettle and other Indian leaders were sincere in their desire for peace and took them to Denver to meet with John Evans. He was subsequently removed from his post for taking this action without authorization but was reinstated after the massacre. (Denver Public Library)*

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raiding. When Connor arrived in Denver later that same day, Chivington told him that he had no troops available for a joint campaign. His statement was technically correct, but only because he had ordered his men away. Two days later, soon after his return from his meeting with Ute leaders, John Evans left the territory on his annual trip to Washington and the East. On November 21, after departing Denver himself, Connor reported to Halleck that while Indians were in winter quarters on the Republican and the Arkansas, he did not deem it “wise or prudent” to undertake a campaign under the circumstances, stressing that any effort “which would not probably result in their signal chastisement, would be productive of harm rather than good.” He advised waiting until the early spring.<sup>50</sup>

At Fort Lyon, two hundred miles from Denver, Major Wynkoop had done as he thought Evans and Chivington had approved. He allowed the Indians under Black Kettle and Left Hand to camp nearby and furnished them with some provisions, without which they would starve. He soon found himself under attack from his superiors, however, for going to Smoky Hill and arranging the Camp

Weld meeting without first getting permission from Curtis or from Major Benjamin Henning, the current commander of the District of the Upper Arkansas. They not only disapproved of Wynkoop’s response to Black Kettle’s letter but also thought that he was far too permissive in dealing with Indians at Fort Lyon. In mid-October, Henning ordered Major Scott Anthony, then at Fort Larned, to replace Wynkoop at Fort Lyon. “I am very desirous to have an officer of judgment at Fort Lyon,” he told Anthony, “and especially one that will not commit any such foolish acts as are reported to have occurred there.” He reminded Anthony that Curtis “will not permit or allow any agreement or treaty with the Indians without his approval. In fact, his instructions are not to allow any Indians to approach any post on any excuse whatever.”<sup>51</sup>

Anthony arrived at Fort Lyon on November 2, where he was briefed by Wynkoop. Despite his lack of sympathy for the Indians and Henning’s sharp criticism of Wynkoop, once Anthony saw the condition of the Arapahos at Fort Lyon he was willing to let them camp near Fort Lyon on much the same terms that Wynkoop devised. But when Black Kettle arrived in early November at the head of a group of leaders representing several hundred Cheyenne who expected to find protection at the fort, Anthony said that he could not feed them. With the help of Wynkoop, who had not yet left, he arranged with Black Kettle to have his followers camp at Sand Creek to await further news about a possible peace settlement, which would have to come from Curtis. They evidently chose the site because it was familiar to the Indians, not because it bordered the reservation defined by the Treaty of Fort Wise. While Black Kettle complied,

the Arapahos became suspicious of Anthony's good faith. They shared their misgivings with the Cheyennes and, with the exception of Left Hand's family, left the area.<sup>52</sup>

On November 20, having remained in Denver until both Evans and Connor had departed, Chivington left the city to join his troops. He led them to Fort Lyon, where he learned from Anthony that the Cheyennes and Arapahos were only one night's march away. When he revealed his plan to attack their encampment, officers loyal to Wynkoop tried to dissuade him, pointing out that the Indians there were friendly and that they had been told they would be safe. Anthony knew that the Indians at Sand Creek were peaceable, but, like Chivington, he had no hesitations about attacking even peaceable Native Americans once he had sufficient force, as was now the case. He was more interested in going after more threatening Indians, however, and Chivington told him that after dealing with Sand Creek, they would pursue and kill Dog Soldiers and hostile bands elsewhere. Chivington then ordered the troops to mount up.

## Chapter Five: The Aftermath

**F**OLLOWING the slaughter, looting, and mutilation at Sand Creek, John Chivington submitted purposefully erroneous reports of the great “victory” he and his men had won in brave battle against a formidable enemy. Then, instead of pursuing genuinely hostile Indians, he led his troops in brief pursuit of other friendly Indians before abandoning the chase entirely and returning in triumph to Denver. News of the massacre convinced many Cheyennes and Arapahos that the only appropriate response was to fight back. Within weeks, settlers in the territory discovered that, instead of ending the purported Indian threat, Chivington had put them at greater risk than ever. Meanwhile, word of the massacre made its way east, prompting inquiries by Congress and the army. Now in Washington for the purposes of getting more military protection for Colorado and shoring up his position as governor, John Evans found himself by March in front of Congressional investigative committees, forced to defend the soldiers—and himself—for what had happened at Sand Creek.

### FROM CELEBRATION TO ACCUSATION

In a dispatch sent to General Curtis the day of the massacre, Chivington boasted that his men had marched over three hundred miles, some of it through snow two feet deep, and had slain in fierce combat between four and five hundred Indians. His soldiers, who had suffered only nine dead and thirty-eight wounded, “all did nobly.” The Indians

deserved the punishment they had received: his men found a white man’s scalp “not more than three days old” in a lodge.<sup>1</sup> The *Rocky Mountain News* published Chivington’s report on December 8 under a headline that exulted, “Great Battle with Indians! The Savages Dispersed! 500 INDIANS KILLED.”<sup>2</sup> A few days later, the paper announced that the colonel was back in Denver, “looking fine as usual, though a little fiercer than formerly, and no wonder.” The *News* crowed, “Let cowardly snakes and fault-finders carp and slander as they will, the Colonel, as a commander is a credit to Colorado and the West.” The

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Soon the troops arrived and paraded past cheering residents. Once derided as the “bloodless *Third*” because of the unit’s former lack of military action, its men were now rechristened the “bloody *Thirdsters*.” Full of swagger and tales of death-dealing valor, the soldiers proudly branched their ghastly “trophies.” “Cheyenne scalps are getting as thick here now as toads in Egypt,” the *News* quipped. These and other “souvenirs” were put on show in a Denver theater. A blanket supposedly stripped from a dead Indian was raffled off.<sup>4</sup>

But by the last days of 1864, braggadocio turned to indignation at news of accusations being made in Washington. Unnamed “high officials” were saying that the Indians had been killed after surrendering and that many of the dead were

women and children.<sup>5</sup> On January 10, 1865, the House of Representatives directed the Joint Committee on the Conduct of the War (JCCW) to investigate. The committee, chaired by Radical Republican Senator Benjamin Wade of Ohio, had been formed to keep a watchful (and often disapproving) eye on how effectively Lincoln and his generals were putting down the Confederate rebellion. The following day, General Henry Halleck ordered General Curtis to begin a military inquiry.<sup>6</sup>

Even before this, on December 31, 1864, General James Ford, the current commanding officer of the District of the Upper Arkansas, sent Wynkoop back to his former post as commanding office at Fort Lyon. The major's reinstatement likely resulted from the army's concerns about Chivington and Anthony's actions at Sand Creek. After being recalled to Fort Riley in November, Wynkoop had requested and received permission to speak in person to General Curtis, to whom he explained his decision to bring the delegation of Indian leaders to Denver without first receiving approval to do so. Wynkoop carried with him two letters commending his actions for bringing peace to the Arkansas. Cramer, Soule, and seven other officers at Fort Lyon prepared and signed the first letter, twenty-seven settlers the second.<sup>7</sup>

During his interview with Curtis, Wynkoop candidly admitted that he "had since become pretty well convinced" that he "had made a mistake" in accompanying Black Kettle and the other leaders to Evans instead of Curtis, or at least in not reporting their peace offer to the general. Whether Wynkoop thought he had erred not only by failing to follow the military chain of command but also because



*Captain Silas Soule (1838–1865), the Colorado First Cavalry officer who accompanied Major Edward Wynkoop to meet with Black Kettle and other tribal leaders on the Smoky Hill River and then at Camp Weld. At Sand Creek Soule told his men to hold their fire. Soule's testimony against John Chivington during the military hearing led to Soule's murder. (Denver Public Library)*

Curtis might have accepted Black Kettle's peace offer is not clear from the record, but he probably realized that taking the Indians to Curtis would have removed them and their followers from Chivington's reach.<sup>8</sup>

General Ford told Wynkoop that immediately upon arrival at Fort Lyon he was to "make a thorough investigation" of what had happened.<sup>9</sup> And on March 3, 1865, Congress appointed a new joint special committee on the "condition of the Indian tribes" (CCIT), to conduct a comprehensive examination of the situation of Native Americans, including "their treatment by the civil and military authorities of the United States."<sup>10</sup> James R. Doolittle, U.S. Senator from Wisconsin and chair of the Committee on Indian Affairs, was named to lead this effort.<sup>11</sup>

Chivington's actions already had prompted outrage even in Colorado from some of those men most familiar with the truth, notably Silas Soule and Joseph Cramer, though for the moment they expressed their objections to the massacre privately.<sup>12</sup> Scott Anthony, their commander at Fort Lyon when Chivington had arrived, was, like Soule and Cramer, furious with the colonel, but for a completely different reason: Chivington's unwillingness to follow up on the "victory." Anthony had no regrets about the murders and atrocities committed at Sand Creek, though he believed that the Third's lack of military discipline had needlessly cost soldiers' lives. He was angry because Chivington had implied that the attack was only the first step in a larger campaign against hostile bands near the Smoky Hill River to the north. Anthony was flabbergasted when the colonel instead called an end to the chase after a half-hearted attempt

to pursue not these Indians but Little Raven, the Arapaho leader who had presciently decided not to be part of the encampment at Sand Creek and headed south.

Even the *Rocky Mountain News* had expressed surprise at the quick return of the Third, though it accepted the explanation that the cavalrymen's horses were tired and the period of their enlistment was up. In his letter to his brother, Anthony guessed that Chivington hurried back to Denver in hopes of winning promotion to brigadier general before the army discovered how false his reports were. Concerned that he would face blame for the massacre, Anthony felt that he had to "get out of the service just as quick as I can," which is what he did. He also reported that, to make matters worse, the Indians who survived Sand Creek had joined with others and were "swearing vengeance against the whites."

For his part, Chivington was very likely surprised that, unlike Connor following the massacre at Bear River, he was now hearing that what he had done was being condemned in Washington. On December 20, he asked Curtis to relieve him of his command of the Military District of Colorado.<sup>13</sup> Chivington's commission had in fact expired a few months earlier, but he remained in command because Curtis had not named a replacement. Why he chose this particular moment to resign is unclear, but perhaps he sensed, as Anthony had, that instead of receiving a promotion to general, he faced serious disciplinary action if he remained a soldier.

### RENEWED VIOLENCE ON THE PLAINS

The Indian vengeance to which Anthony referred troubled civilians and soldiers in Colorado far more than the pending inquiries. Cheyennes and Arapahos joined with Lakota Sioux in raids along the South Platte and on the main Platte road, including the destruction in early January of the town of Julesburg in the northeast corner of the

territory. These attacks continued into February, and in March the Indians moved north of the Platte. With the Third Cavalry now disbanded and the Second Cavalry still in Kansas, local defenses were

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thin. Jerome Chaffee wrote to Colorado's Congressional delegate Hiram Bennet, "You cannot be too urgent with the Secretary of War, or the President, about our Indian troubles. Unless something is done to settle this trouble, we are virtually killed as a territory." Prices for necessities were now exorbitant, emigration had stalled, and the flow of eastern capital into Colorado was in jeopardy. Chaffee blamed Chivington and Evans for having "failed to comprehend the situation." He advised Bennet

that it was "of no use" to depend either on them or on Curtis to take effective action.<sup>14</sup>

By this time Colonel Thomas Moonlight had succeeded Chivington as commander of the Military District of Colorado. He and Territorial Secretary Samuel Elbert, who was acting governor in Evans's absence, joined Chaffee in trying to obtain more military support. Elbert wrote to Evans with much the same message as Chaffee's, urging him to "get authority to raise a regiment of cavalry for one year's service." The future of Colorado was at stake: "We must have five thousand troops to clean out these savages or the people of this Territory will be compelled to leave it."<sup>15</sup> As Chaffee predicted, when Curtis heard of this request, he was skeptical. He told Halleck that Sand Creek had not increased the Indian threat. Contrary to what Chaffee, Elbert, and Moonlight believed, Curtis maintained that, if anything, "such extra severity [as the Sand Creek Massacre] . . . tends to reduce their numbers, and bring them to terms."<sup>16</sup>

Moonlight disagreed. He advised Elbert that, according to his intelligence, Indians had "burned ranches, killed innocent women and children, destroyed government property wherever it was found, driven off the stage stock, killed the

drivers and passengers traveling on the coaches.” Accusing the tribes of doing to settlers what many Coloradans wished to do to Native people, he said that the tribes “are making it a war of extermination.” Moonlight warned that Indian spies were on “the very skirts” of Denver, and the only hope was to put the state militia “on a war footing.”<sup>17</sup> Local attempts to do so came to nothing because of defects in the militia law, the unwillingness of the territorial legislature to correct them, and general reluctance to join up. Elbert wired Evans, “We cannot raise a regiment here under existing feeling.” In his opinion, “Troops from the states are our only hope.”<sup>18</sup>

This plea, like the similar one from Governor Evans the year before, was (as Curtis suspected on both occasions) out of proportion to the actual danger, although not to the concerns of the settlers. Significant loss of life and damage to property certainly occurred, but despite the onset of the unified Indian assault that Evans and others had feared and the absence of significant military protection or a counterattack, the total settler casualties came to less than a third of the death toll at Sand Creek. Moonlight declared martial law (as Chivington had done a few months earlier in order to fill the Third Cavalry), shutting Denver down until a sufficient number of volunteers came forward. With few exceptions, hostilities ceased after the winter.<sup>19</sup>

### THE INVESTIGATIONS

On January 15, almost immediately after his return to Fort Lyon, Wynkoop submitted his report on the massacre. On the basis of interviews with members of the First Cavalry at Fort Lyon, he recounted Chivington’s brusque arrival there on November 28, describing how the major, “against the remonstrances of the officers of the post,” marched on Sand Creek, where, according to every person Wynkoop interviewed, “the most fearful atrocities were committed that were ever heard of.” Chivington’s actions were, in Wynkoop’s assessment, those of “an inhuman monster.”

Making the colonel’s conduct all the more unjustifiable was the fact that from the time of Black Kettle’s peace overture up to the day of the massacre, “not one single depredation had been

committed by the Cheyenne and Arapaho Indians.” Once-terrified settlers had returned to their ranches “in perfect security,” communication lines had reopened, and travel on the plains had become “perfectly safe.” Now, stung by Chivington’s treachery, several tribes had massed in unprecedented numbers to disrupt the territory’s vital communication and transportation network and to kill settlers. The Cheyennes and Arapahos had allied themselves with the Kiowas, Comanches, and Sioux into a force of five or six thousand. “All this country is ruined,” Wynkoop asserted. “There can be no such thing as peace in the future but by the total annihilation of all the Indians on the plains.”<sup>20</sup>

Two weeks later, the military hearing on Chivington began. It was not a court-martial as such but a fact-finding investigation, since by this point Chivington was no longer in the army. Sessions occurred on seventy-six days between February 1 and May 30, first in Denver, then at Fort Lyon, and again back in Denver. Moonlight assigned three First Colorado officers who had not been at Sand Creek to conduct the hearing. Chivington was permitted to question and summon witnesses. Unquestionably at fault as he was, Chivington was correct in charging that the panel was prejudiced against him. The senior presiding officer was Colonel Samuel Tappan, who had coincidentally arrived at Fort Lyon on the eve of the massacre, argued very strongly against the attack and afterwards had been one of those who took the lead in labeling it for what it was and in exposing Chivington to people in authority. The two of them had already been at odds for a few years. Tappan refused to recuse himself and even participated in the decision to deny Chivington’s contention that he should not serve on the panel.<sup>21</sup>

The sessions were acrimonious and intense. The panel called mainly First Cavalry Regiment officers and soldiers, while Chivington countered with members of the Third. The former described the savage conduct of the soldiers, while the latter stood by Chivington’s original report. In his examination of witnesses, Chivington tried to impugn the characters and motives of Wynkoop, Cramer, and Soule, even implying that Soule was an unreliable drunk who had ordered his men to

mutilate the dead and to arrange the body of a dead Indian woman to make it appear as if she had been hanged.<sup>22</sup> The most poignant testimony was that given by James Beckwourth (spelled “Beckwith” in the transcript), an African American trapper and trader of long experience whom Chivington had ordered to help guide his troops to Sand Creek. Beckwith said that he had met with Cheyenne leader Leg in the Water and others about six weeks after the massacre and tried to convince them to give up the revenge attacks since they were badly outnumbered. “We know it,” the Indians had responded, “But what do we want to live for?” They then explained, “The white man has taken our country, killed all of our game; was not satisfied with that, but killed our wives and children. Now no peace. We want to go and meet our families in the spirit land. We loved the whites until we found out they lied to us, and robbed us of what we had. We have raised the battle-axe until death.”<sup>23</sup>

Wynkoop testified that he had brought Black Kettle and the other leaders to see Evans, not Chivington, in September 1864 since Evans was the territory’s superintendent of Indian Affairs. Besides, to try to take them to the headquarters of the District of the Upper Arkansas at Fort Riley, let alone of the Department of Kansas at Fort Leavenworth, would have entailed a much longer and more dangerous trip, and one requiring many more men, than bringing them to Denver. In this testimony at the military hearing Wynkoop first stated that in his meeting with Evans two days before Camp Weld, the governor had insisted that the Third Regiment had been raised to fight Indians and that it must do so.

Evans was in Washington when he received the letters from Elbert and others in Colorado demanding more federal troops, while right at hand powerful people were demanding punishment for those responsible for the Sand Creek Massacre. In addition, he was aware that political enemies from the statehood campaign had been working for his

removal even before Sand Creek, which made his situation all the more fragile.<sup>24</sup>

The two congressional panels began their work less than a week apart, the CCIT on March 7, 1865, the JCCW on the 13th. The CCIT, which had a far larger set of issues to consider, went on to conduct its investigation not only in Washington but also across the nation, including at the massacre site, and did not publish its report until 1867. The JCCW held only three days of hearings and voted on its recommendations in early May. Like the military tribunal, both committees supplemented their reports with numerous documents.

When the official investigations began, Evans was of course summoned to testify. He appeared before the CCIT on March 8. Much of his testimony consisted of a review of his dealings with Native Americans in Colorado since his arrival in 1862, including his failed attempts to get a wider representation of Cheyennes and Arapahos to affirm the 1861 Treaty of Fort Wise and his efforts to establish a reservation

system for the tribes. Then Evans responded to questions about the events preceding Sand Creek. He said again, as he had in letters prior to the massacre and as the Camp Weld transcript confirmed, that he told the tribal leaders Wynkoop had brought to him that he “was not the peace-making power.” But he now added that he did not guarantee the Indians’ safety if they camped in the vicinity of Fort Lyon. He admitted that he had said Wynkoop should treat the followers of Black Kettle and the others as prisoners of war, but this “was simply an extra-official suggestion that I made,” since he could not issue orders to an army officer. As for what happened following Camp Weld, Evans claimed that he had no direct information. He explained that he had left immediately afterwards for southern Colorado to meet with the Utes, and then following his return to Denver departed on his eastern trip.

Evans denied that he had any personal connection to the Sand Creek Massacre. “I gave no orders,” he declared. “I came away from the Territory before it occurred, and had no knowledge of any intention

*Wynkoop testified that he had brought Black Kettle and the other leaders to see Evans, not Chivington, in September 1864 since Evans was the territory’s superintendent of Indian Affairs.*

to make such an attack.” He knew the Third’s mission was to kill hostile Indians, but he did not know where or when they might do so. He had issued his August 11 proclamation authorizing individual citizens to fight unfriendly Indians only because he had no resources at his disposal as governor with which to fund and equip a militia, and he had taken the supposedly inflammatory language of the proclamation from a similar order issued by Secretary of War Stanton. “There was nothing said about massacring” in this proclamation, he pointed out, adding that it specifically prohibited attacking friendly Indians.

Asked if any “palliation or excuse” justified Sand Creek, Evans vaguely hinted at that possibility. Without providing details, he said that he had read in the Denver papers and heard from others that the Indians at the encampment had “hostile intentions.” But since he was far from Colorado when the massacre occurred, he knew of “no facts either justifying or condemning it” except what he had learned from other testimony before the JCCW. He implicitly justified the attack, however, when he suggested that the members look into the depredations the Indians committed earlier in 1864. He blamed agitation from Native Americans based outside Colorado. Evans said that he had “no doubt . . . that emissaries from the hostile tribes who were driven out of Minnesota [i.e., the Dakota Sioux, following the 1862 uprising] have got us into these difficulties.” He contended that the “restlessness” among “our” Indians would not have amounted to anything without encouragement from the Sioux, who advised the Colorado tribes to take advantage of the nation’s preoccupation with the Civil War to “drive them [i.e., the settlers] out of the country.” Evans did not mention the conversation he had with Major Wynkoop two days before the Camp Weld meeting in which, according to Wynkoop, he had resisted meeting with the tribal delegation and stated that the Third Cavalry Regiment must fight Indians.<sup>25</sup>

*Missouri Congressman Benjamin Loan told the governor that he was evading the question of whether he believed that Dog Soldiers were in the encampment. Evans’s responses to other questions were also equivocal, and he seemed to contradict himself on some points.*

The JCCW was more pointed and accusatory in its questioning of Evans, who appeared before the committee on March 15. He now not only tried to distance himself from the decision to attack the encampment but also from anything else that might make him appear even remotely culpable. He suggested, moreover, that what happened may have been an actual battle rather than a massacre. Missouri Congressman Benjamin Loan told the governor that he was evading the question of whether he believed that Dog Soldiers were in the

encampment. Evans’s responses to other questions were also equivocal, and he seemed to contradict himself on some points. Near the end of Evans’s testimony, Congressman Daniel Gooch of Massachusetts asked him, more pointedly than anyone had previously, whether the attacks and depredations committed by the Indians earlier in 1864 afforded “any justification for the attack made by Colonel Chivington on these friendly Indians under the circumstances under which it was made.” After admitting, “As a matter of course, no one could justify an

attack on Indians while under the protection of the flag,” Evans qualified even this concession. He indicated that he had heard—though only second-hand, and from a source he did not identify—that “Chivington and his friends” had stated “that these Indians had assumed a hostile attitude” prior to the massacre. Evans added, however, that he did not know whether this in fact was so.

Asked whether he thought that Chivington had any rationalization for what took place, Evans ducked the question and instead cast doubt on Chivington’s accusers, trying to present himself as more fair minded than the JCCW committee members. “So far as giving an opinion is concerned,” he stated, “I would say . . . that the reports that have been made here, a great many of them, have come through persons whom I know to be personal enemies of Colonel Chivington for a long time. And I would rather not give an opinion on the subject until I have heard the other side of the question,

which I have not heard yet.” Gooch remained unsatisfied, stating sharply that he did not want to hear Evans’s opinion, only whether the governor knew of any circumstances that would justify the attack. Evans said that he did not.

Without directly maintaining that the attacks of the summer justified Sand Creek or that the Indians in the encampment were responsible for these attacks, Evans then noted that they “were of very frequent occurrence,” that the people of Colorado had “suffered wonderfully” in loss of property and life, and that Native hostilities had continued after Camp Weld. He also claimed that his own trip back to Denver after meeting with the Utes had been delayed because of warnings that the Sioux were preparing an assault. He ended by moving away from the question of whether the massacre was justified to seconding General Curtis’s dubious observation that the massacre had not caused the heightened Indian raids that followed.<sup>26</sup>

Throughout the winter and into the spring and summer, public opinion divided over whether the soldiers’ actions at Sand Creek were blameworthy and, if so, just who was to blame. To some, the massacre was a disgrace that demanded punishment, up to and including execution, especially in Chivington’s case. To others, the Cheyennes and Arapahos deserved the treatment they received, and anyone who spoke of “friendly” Indians was out of touch with reality.

In late July 1865, for example, the *Rocky Mountain News* observed that just as a visitor to Colorado from the East could claim that people in the territory had “no idea of the suffering and desolation” inflicted by the Civil War, “we can reply, ‘and you do not dream of the hardships, dangers and sufferings endured by the frontiersman at the hands of his savage neighbors for the reason that you have not participated in them.’” The *News* asserted that easterners had a conveniently short memory of their own Indian conflicts: “This war of civilization against barbarism is no four years’ struggle. It has lasted from the discovery and first settlement of the

American Continent to the present day . . . It is the irrepressible conflict, and those whose opportunity has ever been best for observation have invariably

arrived at the one conclusion, that it admits but one solution; that, the extermination of the red man, or at least to that degree which will bring to him a . . . sense of his weakness.”<sup>27</sup>

In their floor debate over Sand Creek, some members of Congress questioned the high cost and low effectiveness of current government policies and practices. They spoke of how dishonest and incompetent officials preyed on rather than protected the Indian.

They also wondered why and when a military approach to

Indian affairs had replaced a diplomatic one. While those critical of Sand Creek universally vilified Chivington, Evans did not escape their attention. Senator William Richardson, who was from the governor’s home state of Illinois but a Democrat, argued that the governor “who called these troops into being,” as well as “the officer who gave them the direction to pursue the course which they did pursue [i.e., Chivington],” should be “the first persons to be attacked” and investigated.<sup>28</sup>

In a resolution it passed on May 4, 1865 (but appears not to have been published until early summer), the JCCW denounced in uncompromising language “the fiendish malignity and cruelty of the officers”—Chivington above all—“who had so sedulously and carefully plotted the massacre, and of the soldiers who had so faithfully acted out the spirit of their officers.” The committee also called out Evans, not for being directly responsible for the massacre but for his refusal during his testimony to acknowledge the blatant horrors that the soldiers had committed. Referring to themselves in the third person plural, the JCCW members observed pointedly that Evans’s appearance before them “was characterized by such prevarication and shuffling as has been shown by no witness they have examined in the four years they have been engaged in their

*To some, the massacre was a disgrace that demanded punishment, up to and including execution, especially in Chivington’s case. To others, the Cheyennes and Arapahos deserved the treatment they received, and anyone who spoke of “friendly” Indians was out of touch with reality.*

investigations.” In their judgment, he had been so evasive “for the evident purpose of avoiding the admission that he was fully aware that the Indians massacred so brutally at Sand Creek were then, and had been, actuated by the most friendly feelings towards the whites, and had done all in their power to restrain those less friendly disposed.”<sup>29</sup> The committee tersely recommended “that Governor Evans, of Colorado Territory, should be immediately removed from office.”<sup>30</sup>

At the beginning of March, Evans had an apparently cordial meeting with President Lincoln in which they discussed political strategy.<sup>31</sup> Whether Lincoln would have rejected the JCCW’s recommendation to fire the governor is unknowable, but with the president’s assassination in mid-April Evans lost the only person who might have been both willing and powerful enough to keep him in office.

*Referring to themselves in the third person plural, the JCCW members observed pointedly that Evans’s appearance before them “was characterized by such prevarication and shuffling as has been shown by no witness they have examined in the four years they have been engaged in their investigations.”*

wrote to Johnson, praising Evans as a “judicious governor,” a man of “excellent character.”<sup>32</sup> James Harlan of Indiana, who had just resigned his seat



*Bishop Matthew Simpson (1811–1884), John Evans’s spiritual adviser, mentor, friend, and advocate. (Northwestern University Archives)*

Andrew Johnson was certainly not going to weaken his already precarious standing with Congress for John Evans’s sake, though several prominent and influential individuals tried to get him to do so. On June 2, Schuyler Colfax, U.S. Representative from Indiana and Speaker of the House (Colfax would serve as vice president in President Ulysses Grant’s first term),

in the Senate to succeed John Usher as Secretary of the Interior (whose office included Indian Affairs), wrote Evans on May 30 that he had appealed to Secretary of State Seward to hear the governor out before demanding his resignation. Such an interview never occurred. Bishop Matthew Simpson tried to see Johnson in person, though he told Evans that he doubted it would help much. The new president was “not Mr. Lincoln,” Simpson glumly observed, “He does not seem to have a heart.” Still, the bishop thought that Evans’s job was safe.<sup>33</sup>

Simpson did not get his meeting, and his prediction proved incorrect.

On August 4, three days after Evans submitted his resignation at Seward’s behest, Simpson reported that the secretary had been satisfied with Evans personally but that when Harlan had tried to intervene, Seward had said, “in view of the political actions of the Committee on [the Conduct of] the War he felt that a change was necessary to prevent attacks on the administration.” Evans’s friends “ought not to press” further.<sup>34</sup>

The governor tendered his resignation from Denver, where he had returned by morning coach on April 24, 1865, more than five months after he had left the territory. The *Rocky Mountain News* had greeted his arrival with a note of thanks to Evans for having “worked arduously and incessantly for the welfare of Colorado during his absence.” It noted that “our Territory and its affairs stand well at the National Capitol—owing, in a great degree, to his efforts.” That evening the First Colorado Veterans Battalion brass band welcomed Evans back by performing outside his residence. He emerged to acknowledge this gesture, and those present stood hushed as he spoke movingly of the death of

Ex Deput Col Terr  
Denver Aug. 1<sup>st</sup> 1865

To the President  
Sir:

In compliance  
with your request communicated  
to me through the Hon. the Secretary of  
State I tender my resignation of  
the office of Governor of the Terri-  
tory of Colorado

I am very respectfully  
Your obedient Servant  
Jno. Evans

Letter Book copy of John Evans's resignation submitted to President Andrew Johnson, dated August 1, 1865.  
(Colorado State Archives)

Lincoln. Just hours before, another assassination had occurred much closer to home. Captain and Provost Marshall (i.e., head of the military police) Silas Soule had been fatally shot on the streets of Denver, almost certainly because of his testimony against Chivington at the military hearing.<sup>35</sup>

## Chapter Six: Conclusions

**N***o known evidence indicates that John Evans helped plan the Sand Creek Massacre or had any knowledge of it in advance. The extant evidence suggests that he did not consider the Indians at Sand Creek to be a threat and that he would have opposed the attack that took place.*

Arguments that John Evans was directly and knowingly responsible for the Sand Creek Massacre rest solely on circumstantial evidence. Such arguments suppose that because of his closeness to John Chivington, Evans must have learned about the Sand Creek attack in advance, discussed it with the colonel, and even helped him devise the strategy. Both men lived in what was then the small town of Denver, and they had frequent official and social contact not only as the principal civilian and military officials in the territory but also as founders, leaders, and close associates in the same Methodist church. They were also both Masons.<sup>1</sup> Although Evans was absent from Denver to negotiate with the Utes for a substantial portion of the period between the Camp Weld meeting in late September and his departure for the East in mid-November, he did return in sufficient time to have discussed with Chivington an attack on the Indians who had come to Fort Lyon.

The fact remains, however, that no known direct evidence establishes that Evans even was aware Chivington intended to attack the encampment at Sand Creek, let alone that the governor helped plan the assault. Evans denied that he knew about the massacre in advance, and nowhere in Chivington's spoken or written statements, whether at the time of the inquiries or in the years that followed, did he ever implicate the governor. Chivington had reason to do so, as citing Evans's

support for the attack on the camp might have both strengthened the colonel's defense of his actions or at least spread the blame. His refusal to share responsibility may reflect a narcissistic desire to take sole credit, but he had far more to gain from claiming that he had not acted alone.

Third party testimony also exculpates Evans from advance awareness of the Sand Creek Massacre. Oliver Willard, the minister of the church to which both Evans and Chivington belonged and a friend of both, told the CCIT that "more than once" after the massacre Chivington had confided to Willard "that Governor Evans had no knowledge of when he was to strike, or where, nor what was the object of his expedition." According to Willard, Chivington "had said it was necessary to keep secrecy in such expeditions, and the governor knew nothing of it when he went to the States" on November 16, thirteen days before the massacre.<sup>2</sup>

In addition, a good deal of other circumstantial evidence argues against connecting Evans to the massacre. Discussion of the Indian threat in the period before Evans left Denver for Washington focused entirely on actively hostile Indians, in particular the Dog Soldier band that menaced the Platte River road from camps on the Smoky Hill and Republican rivers. These were almost certainly the Indians Evans urged General Connor to "pursue[,] kill[,] and destroy." The Indians who had reported to Fort Lyon did not constitute a threat that required Connor's help. The contention that Evans would have favored a military attack on Black Kettle's encampment is unsupported by the evidence. In a telegram to Curtis immediately after the Camp Weld meeting, Evans described Black Kettle and the others as "the most reliable Chiefs of the Cheyenne and Arapahoe tribes."<sup>3</sup>

In the superintendent's report he submitted two weeks later, Evans stated that he believed that these leaders "were earnest in their desire for peace." In his communication to Colley after the council, Evans characterized them and their followers not as dangerous enemies but as having "surrendered" at Fort Lyon.<sup>4</sup>

Although Evans's statements show that he favored using deadly force against hostile Indians, he always described military action even against legitimately dangerous bands as a matter of "punishing" them in order to make them agree to peace on American terms, not as an end in itself. Even his invitation to Connor to "kill" and "destroy" Native people, with its reference to "peace on the plains," should be read in the context of his statements about the larger purpose of waging war. Evans never favored killing Indians for its own sake or regardless of age or gender. He was in fundamental disagreement with Chivington in this regard.

In the superintendent's report for 1864, Evans contended that inflicting the army on hostiles was the way both to achieve peace and to secure "enduring friendship" with the Indians. He stated that it was "the policy of the government to treat the Indians kindly," but that the failure to chastise the recalcitrant among them would extend warfare on the plains indefinitely. Until hostile Indians were punished, all treaties "will be but truces, under which new and more revolting outrages will be committed." Employing military force in such circumstances was an unfortunate necessity. "A peace before conquest, in this case," he stated, "would be the most *cruel* kindness and the most *barbarous* humanity."<sup>5</sup> This logic was simplistic and self-justifying, but it was in keeping with Evans's view that in some instances the only way to obtain a meaningful peace with Native Americans was through defeating hostile tribes.

At the same time that Evans was asking for a greater military presence in Colorado and promoting the punishment of unfriendly Indians, he took other, more peaceable steps as superintendent of Indian affairs that in his view would benefit Native people. He continued to prepare reservations for habitation and what he believed would be economic viability. In his 1863 superintendent's report,

he maintained that "the only mode by which even those who have signed the [Fort Wise] treaty can be induced to settle on their reservation is to make the necessary provision for the comfortable subsistence of those who are disposed to do so, and await the gradual influence of their example to induce others to come."<sup>6</sup> In the 1864 report, he described the progress to date in making such provision.<sup>7</sup>

Even after he resigned as governor and superintendent, Evans asked his superiors in Washington if he could continue his promising dealings with the Utes, in which he had invested considerable effort. Evans respected certain Native people with whom he met, notably the Northern Arapaho Friday and the Ute leader Ouray, even if this was to a significant extent because they were more amenable than most others to his terms.<sup>8</sup> As opposed to many other employees of the Indian Office, several of whom stole the annuities they were supposed to distribute, Evans was consistently honest and hard-working, if always condescending and sometimes uncomprehending.

Sadly, it is all too easy to find statements from Evans's contemporaries that, in contrast to anything he ever said, favored the total eradication of Native Americans. This view was common among residents of Colorado Territory, who thought outsiders sympathetic to Indians lacked firsthand knowledge of Natives' savagery. In late August 1864, the Black Hawk (Colorado) *Daily Mining Journal*, the paper in the territory most virulently critical of Evans and Chivington (though it praised the attack on Sand Creek), likened the tribes on the plains to the challenge posed by Carthage to Rome. "If there be one idea that should become an axiom in American politics," the *Mining Journal* declared, "it is that the red man should be destroyed. His existence is a curse to himself and to us."<sup>9</sup> By the standard of such genocidal declarations, Evans was a moderate on the Indian question. Nothing he said, did, or believed suggests he would have conspired to bring about what happened at Sand Creek.

Evans's policy as superintendent of Indian affairs was that of Commissioner Dole and the Lincoln administration. They wished to make treaties by which Native people agreed to live as farmers and herders on remote reservations. This

served the purposes of an American government that had once considered much of Colorado of little value but now wanted to settle and develop it. Looking back in the late 1880s, Evans implicitly criticized the Treaty of Fort Laramie for allowing the Cheyennes and Arapahos to think they could wander as they wished. It struck him as “ridiculous” to assume “that a country a thousand miles long and five hundred miles wide, one of the most fertile in the world, should belong to a few bands of roving Indians, nomadic tribes . . . as their own property.”<sup>10</sup> The progress of the nation demanded that the territory be put to more productive use. In addition, placing Native people on reservations, where they would diligently raise crops and tend livestock, squared with Evans’s faith as a Methodist who believed deeply that regular work habits and earnest self-discipline constituted the proper way to live.

One can say, from today’s vantage point, that such paternalism toward Native people was the hallmark of a policy that, whatever its intentions, constituted a deeply inhumane assault on the economies and cultures of tribes whose homelands were being taken from them. While some Indians agreed to reservation life as the best of the bad options before them, very few wished to be subjected to a civilization that was so dismissive of their own. One can also call Evans naive or disingenuous to think that most soldiers and settlers could or even wished to distinguish between “hostile” and “friendly” Indians. But his position was not unique. He sought to deal with Indians in the same way as virtually every other figure in authority desired, from Abraham Lincoln to other governors and superintendents to fort commanders to even those Indian agents who knew the tribes far better than Evans did and were much more sympathetic to them.

*John Evans nonetheless was one of several individuals who, in serving a flawed and poorly implemented federal Indian policy, helped create a situation that made the Sand Creek Massacre possible. In this regard, the most critical of his errors was his failure to fulfill his responsibility as superintendent of Indian affairs to represent the best interests of Native people in Colorado. The most significant instances of this failure were his*

*response to the skirmishes that occurred in the spring of 1864 and, especially, his conduct during and following the Camp Weld meeting in late September.*

John Evans, despite his efforts to preserve peace, clearly failed in his duty to the tribes. After trying to restrain Chivington in 1863, Evans accepted the colonel’s representations of the skirmishes of the following spring. He and Agent Samuel Colley failed to investigate and inform the Indian Office of the Natives’ view of this violence. In June and July of 1864, he and Colley did not make the necessary effort to achieve the same success with the Southern Cheyennes and Southern Arapahos near Fort Lyon that his June 27 proclamation had attained with the Northern Cheyennes and Northern Arapahos at Fort Collins. Instead, Evans inclined increasingly to the use of force rather than diplomacy. Ironically, despite the reorganization and professionalization of the army during the Civil War, Evans’s repeated and ultimately successful call for a hundred-days regiment delivered into Chivington’s hands an untrained and undisciplined force whose members saw Indians as dangerous and worthy of destruction and who were spoiling for action.

To be sure, like Evans, other individuals who were far from Fort Lyon and the massacre contributed to the circumstances that presented Chivington with his chance to attack the encampment at Sand Creek or failed to act in a way that would have averted the carnage. This group includes the military commanders of the Department of Kansas and the District of the Upper Arkansas, who believed that they should take the primary role in dealing with hostile Indians on the plains and who undermined Evans’s episodic attempts to achieve a diplomatic solution. General Curtis disregarded Inspector General McKenny’s report that censured Chivington’s troops’ behavior in the spring and issued orders that prevented friendly Indians from approaching the places of refuge Evans offered them in his June 27 proclamation. Once he heard that Major Wynkoop had brought the delegation of tribal leaders to Evans, Curtis forbade, without his approval, peace making with Black Kettle’s group but then did nothing to resolve the situation. In replacing Edward

Wynkoop with Scott Anthony as commanding officer at Fort Lyon, Major Benjamin Henning substituted someone who was willing to march on a camp he knew was friendly for a person who would have vigorously opposed that action.

Officials in the Indian Office were similarly blameworthy. Commissioner of Indian Affairs William Dole sent unclear and sometimes contradictory instructions on the extent to which Evans should defer to the army, and Secretary of the Interior John Usher offered little or no practical support for Evans's efforts to make a peace treaty with the Cheyennes and Arapahos. No one in the Lincoln Administration, which was distracted by the Civil War, paid sufficient attention to what was actually happening on the plains. More specifically, Dole and Usher failed to furnish the funding necessary to provide the food and supplies the Cheyennes and Arapahos required if they were to give up the hunt and settle on the reserves that Evans advocated. And in Colorado itself Evans had to depend on unreliable and corrupt colleagues such as Samuel Colley, agent to the Southern Arapahos and Cheyennes.

Nonetheless, John Evans clearly deserves censure for his response to the Indian delegation Major Wynkoop brought to Camp Weld in late September 1864. However irregular, unexpected, and unauthorized was Wynkoop's decision to take the chiefs to Denver, he presented Evans with a remarkable opportunity to forge a peace agreement with a significant body of Indians who, despite Curtis's interference, were trying to meet the conditions of the governor's June proclamation. As Dole unambiguously reminded Evans, his highest obligation as superintendent of Indian affairs was to do whatever he could to work for peace. Instead of being welcoming and open-minded, Evans had to be shamed into the Camp Weld meeting by Wynkoop. Once it began, his tone was hostile and his attitude resigned. Being more receptive to the delegation would have been difficult, for Evans would have had both to restrain Chivington and to convince Curtis to make peace. Just as Evans had no authority over Chivington and Curtis, however, they had no authority over Evans. Evans was free to act even in ways contrary to Curtis's wishes and orders.

What might Evans have done? Even though he had to leave almost immediately to meet with the Utes, he might have informed Dole and Curtis of the Camp Weld meeting and advocated an accommodation between these Indians and the army. Seeking Curtis's help probably would have been futile, since the general was at that point unwilling to stop an all-out campaign against the plains tribes and was uncertain about what to do with "prisoners" like the Indians in the encampment at Sand Creek. But while Evans told the Indian leaders that he was "glad to have [them] come in" under his proclamation and that they would receive provisions and protection at Fort Lyon, he made no effort to persuade Curtis to support Wynkoop. He also did not make a strong plea for support from the Indian Office and ask Dole for instructions. Although Dole reminded Evans after hearing of the Camp Weld meeting that he had a duty "to encourage and receive the first intimations of a desire on the part of the Indians for a permanent peace," he and Usher probably would not have tried to intervene with Curtis or launch a peace process on the southern plains at this time. Nonetheless, Evans could have gone beyond reporting that Black Kettle's group was earnest for peace and that they had surrendered at Fort Lyon. And, in dealing with the local population, he could have issued a public statement supporting peace talks and calling for calm.

Instead of reciprocating the Indians' conciliatory spirit at Camp Weld, Evans rebuked Black Kettle and the others for not coming in sooner. He berated the leaders for some acts they candidly admitted and for some, such as allying with the Sioux, that they truthfully denied. Most of all, he repeatedly insisted that if the Indians wanted peace they had to go to the military and make some arrangement with it. He never appreciated that in sending One Eye to Fort Lyon with the letter they dictated to George Bent, the Indian leaders who favored peace had done just as his June 27 proclamation instructed. Nor did he acknowledge the tremendous risks both Indians and then Wynkoop and his men had taken for the sake of peace. And as soon as the Camp Weld meeting ended, and after Black Kettle embraced him, Evans was eager

to point out to Dole and Colley that he had made clear to the tribal leaders that they had to deal with the army, not the Indian Office.<sup>11</sup> Neither during the meeting nor later did he acknowledge that in the preceding several weeks hostile Indian activity in Colorado had dropped off considerably.

Several circumstances might make Evans's words and manner at Camp Weld seem realistic or at least understandable. The governor may have harbored suspicions of the good faith of Native leaders that dated from their non-appearance in September 1863 at the council Evans had called. He similarly might have wondered why they failed to report to the safe camps he listed in the June 27 proclamation if they really wanted an end to warfare. If so, Evans's close and regular contact with Chivington fanned such suspicions. Accepting the delegation's offer of peace as genuine also entailed risks. Believing that winter was "my time," Evans may have agreed with Chivington's judgment that hostilities had recently waned only because the Cheyennes and Arapahos were lying low until the spring, when they would resume raiding on their grass-fed ponies. Evans may have believed that, given the presence of bands of hostile Indians on the plains, the best he could obtain by negotiating with this group was a limited truce or cease-fire during a cycle of recurrent warfare in which the problem of getting the tribes out of the way of American settlement would never be solved. This was exactly the sort of "cruel kindness" he wanted to avoid.

Complicating everything was the context in which Evans had to operate. As noted, support from Washington was unpredictable and inadequate. At home, he faced an anxious and fearful population that considered itself forgotten by the federal government, physically isolated, and constantly at mortal risk. Every raid or rumor of one conjured up what had happened in Minnesota in 1862. When they heard the Indian delegation was coming to Denver, citizens swung between calls to kill the Native leaders and hopes that something positive might come of a meeting. Above all, Evans faced the virtually impossible task of reconciling his competing obligations as governor and superintendent of Indian affairs. In his published defense, Evans insisted that the Indian Office approved his

actions and instructed him not to interfere with the military, and he explained the Denverites' intense fear of Indians and their expectation that he would act as he did.

All that said, Evans had good reasons to greet the delegation in a more positive manner. Black Kettle and others repeatedly had demonstrated by their actions the sincerity of their desire for peace. They had also shown good faith by giving up hostages. Whether Evans was right or wrong in thinking that he could accomplish little, and whether or not Chivington was so determined that there was nothing Evans could have done to stop the colonel's subsequent actions, Evans did not act in a manner that befitted an official with a federal duty to look out for the tribes. His behavior contrasted markedly with that of Wynkoop, a trained Indian fighter who saw Black Kettle's offer as worth the considerable risks—including the chance that he and his soldiers would be killed—of going to the Smoky Hill camp, and who put his own life and honor on the line in his assurances to the tribal leaders that they would be safe on the trip to Denver. In this moment of possibility, Evans abandoned his responsibilities as superintendent and even, arguably, as territorial governor, since gaining peace in the territory was worth taking the relatively limited risks that negotiating with Black Kettle and the others entailed.

Evans deserves even greater blame if his reasons for telling the Indian leaders that he could not make peace included, as Wynkoop later maintained, a concern that he would suffer embarrassment in Washington—and, very likely, discontent at home—in the event that, after all his pleading for authorization to raise the Third Cavalry, the regiment completed a hundred days of service without a significant engagement with Indians. He perhaps feared that he might lose both his post as governor and his prospects of becoming a senator. That the consequences of not deploying the Third were an important factor in the governor's thinking is the clear implication of Wynkoop's account of the conversation he had with Evans in Denver two days before the Camp Weld meeting. If, in fact, this was the case, the governor's small-minded preoccupation with his personal reputation in such

circumstances was a very grave moral lapse. Even worse was what followed.

*John Evans's conduct after the Sand Creek Massacre reveals a deep moral failure that warrants condemnation. While he denied any role in the massacre, he refused to acknowledge, let alone criticize, what had happened, even going so far as to defend and rationalize it. Regardless of Evans's degree of culpability in failing to make every possible effort to protect the Cheyennes and Arapahos when they were most vulnerable, his response to the Sand Creek Massacre was reprehensibly obtuse and self-interested. His recollections of the event displayed complete indifference to the suffering inflicted on Cheyennes and Arapahos.*

John Evans never criticized Chivington and the soldiers who carried out the massacre nor condemned the atrocities they committed. Neither did he praise the men who refused to participate. He obliquely defended the Third's actions as necessary to settle the West, and he did so without regard for the Native people whose welfare and rights he was as superintendent duty-bound to protect.

The main evidence for Evans's response to the Sand Creek Massacre consists of his testimony before the CCIT and the JCCW in March 1865, the defense of his actions that he published shortly after his resignation, a few public statements in the years that followed, and his recollections of his career in an interview with historian Hubert Howe Bancroft in 1884. On all these occasions Evans had the opportunity to say that what happened to the Indians at Sand Creek was a terrible thing. He never came close to doing so.

In his testimony before the two committees, Evans refused to censure what the troops had done. Instead, he tried to cast doubt on whether their actions had been as unjustified or severe as others claimed. In the defense he published following his resignation, Evans characterized the JCCW report as an unfair rush to judgment that disregarded crucial information and did not grasp Colorado's perilous situation during the fall of 1864. Perhaps knowing by then that defending the troops' actions had become impossible, Evans ducked the issue altogether. He stated that he did not "propose to discuss the merits or demerits of the Sand creek

battle [a term that implied that the event was not a massacre], but simply to meet the attempt, on the part of the committee, to connect my name with it, and to throw discredit on my testimony."

Evans concluded by charging that the committee's reasons for condemning him were false and entirely political.<sup>12</sup> He added two appendices to bolster his arguments. As evidence of his own proper conduct, Evans submitted Simeon Whiteley's transcript of the Camp Weld meeting. To impress upon readers the cruel and barbaric nature of the Indians who attacked the settlers, he included the statement of one former captive, a woman named Lucinda Ewbanks, who told in graphic detail of how she had been raped, beaten, and starved while she was traded among a series of Indians, and how she was separated from her daughter, who ultimately died of injuries sustained in captivity.

Evans was correct in believing that he had made enemies in both Colorado and Washington who were out to get him. They included those who disagreed with his policies or his advocacy of statehood, or with whom he had otherwise come into conflict as he carried out his duties as governor and superintendent.<sup>13</sup> Members of the JCCW, under the leadership of Radical Republican Senator Benjamin Wade of Ohio, had criticized Lincoln for not pursuing the Confederacy with sufficient zeal, and they were now eager to weaken the already tenuous authority of Andrew Johnson. Attacking Evans and the conduct of Indian policy was a way to do so.<sup>14</sup>

But just as Chivington was no less guilty because the military tribunal, headed by his enemy Samuel Tappan, was prejudiced against him, the political climate following Lincoln's assassination in April 1865 does not explain away Evans's unsatisfactory testimony before the two committees a month earlier. Had there been a different power configuration in Washington, Evans might have been permitted to remain in office, but that does not mean he deserved to do so.

After the hearings, his resignation, and the publication of his defense, Evans continued to hold back from criticizing the massacre. In early November 1865, when he was seeking political backing for his renewed bid for a seat in the U.S.

Senate (assuming Colorado would be admitted to the Union), one Stephen Decatur asked Evans to state his position on what the soldiers had done. Decatur had participated in the massacre and become the leader of the “Sand Creek” faction of the Republican Party, whose members insisted that any candidate seeking their endorsement had to support the actions of the Third Regiment. Another group that called itself the Sand Creek Vindication Party, which nominated its own slate, made the same demand. Without explicitly defending the atrocities, Evans would not condemn them.

In a letter published in the *Rocky Mountain News*, Evans pledged “that whether in or out of Congress” he would “leave no opportunity unembraced—no fact unadduced—to vindicate the reputation of Colorado troops from the calumnies and misrepresentations that have been heaped upon them, whether they be officers or private soldiers.” He tied their vindication to his own. Perhaps with his future political prospects in mind, Evans remarked, “Having myself suffered from said misrepresentations, I am collecting facts to be used as evidence, in order that the truth shall be made known, and that justice may be done to all.”<sup>15</sup>

Two years later, writing in the pages of the *New York Herald*, Evans rebuffed charges made by Tappan, then a member of the Indian Peace Commission appointed by Congress to negotiate new treaties with the plains tribes. Tappan told a sympathetic reporter that Evans drummed up a war with the Cheyennes and Arapahos in order to keep the First Regiment in Colorado, bring the Second back to the territory from its current service to the east, and obtain authorization to raise the Third. Evans denied that this was true and insisted that he had consistently worked for peace. “My every act and desire,” he declared, “was to prevent war.” He had some basis for this claim, but he went on to paint a sinister picture of all Native people. He stated that easterners like the readers of the *Herald* were not aware of the kind of guerilla tactics Indians employed. “They murder by stealth, and rob by surprises,” he wrote, “they butcher and mutilate our sons, and take to a captivity worse than death, our wives and daughters; they burn our houses, destroy our emigrant trains, and even the

trains on our railroad, and yet, many of our friends in the East justify them in it.”

Evans’s purpose seems to have been not only to point out that Indians were fearsome aggressors rather than victims and to erase distinctions he had in other instances made between friendly and hostile bands, but also to speak up for the settlers of Colorado, whom he praised as having as much “intelligence, morality, and humanity” as Americans anywhere else in the country. The overall implication was that the Sand Creek Massacre was justified. The closest Evans came to expressing any regrets about it was a vague conditional statement: “Even if there have been wrongs committed, it does not prove those who magnify them to be worthy of special confidence, nor all the people of the border to be barbarians.”<sup>16</sup>

Evans’s reflections on the Sand Creek Massacre in his 1884 interview with Bancroft, by which time he had plenty of opportunity to have reflected at length and had no need to please an electorate, were nothing short of appalling. He characterized it as “this terrible massacre, as it was called, of Chivington,” thus once again questioning whether the term was accurate and separating himself from what had occurred at Sand Creek. As in his published defense in 1865, Evans traced the blame he received at the time to the animus of his political enemies. In a parenthetical section summarizing some of Evans’s other remarks, Bancroft observed that the former governor seemed proud that he was “considered and acknowledged . . . as being a well known terror to the [I]ndians.” (The ex-governor did not mention that some Coloradans had criticized him for not being tough enough.)

And, while Evans once more asserted that he had nothing to do with the events at Sand Creek, “he cited the fact that this war resulted in the removal of all the [I]ndians from Colorado, except the Utes up in the mountains.” The text of the interview then moves back from summary to direct quotation, with Evans stating, “So the benefit to Colorado, of that massacre, as they call it, was very great, for it ridded the plains of the [I]ndians, for there was a sentiment that the [I]ndians ought not to be left in the midst of the community. It relieved us very much of the roaming tribes of [I]ndians.”<sup>17</sup>

Thus, rather than acknowledge the horrors of Sand Creek perpetrated by the Third and their devastating effects on the Cheyennes and Arapahos, Evans downplayed what had happened in 1864 and spoke instead of Sand Creek's "benefits" as a valuable part of his legacy as governor. He neglected to note that the war to "relieve us" of the roaming tribes of Indians had lasted into the 1880s (though not in Colorado). He also showed little awareness that the plains wars following Sand Creek had cost many more lives—of settlers and soldiers, as well as indigenous people—and many millions of dollars, and left the Native American population in a debilitated, demoralized, and dependent position. If anything, the moral failing he demonstrated at this point was more deep-seated—and is more troubling in retrospect—than the justifications for his actions that he offered in the 1860s, when passions were much higher and local public pressure on him was strong. In effect, he asserted in 1884 that the end justified the means, whereas in 1865 he had conceded to the JCCW that no pretext could justify the killing of Indians "under the protection of the flag."<sup>18</sup>

Far from the Colorado politics of two decades before, he might have found a way to say that Sand Creek was a terrible wrong, despite the fact that settlers had been afraid, to some extent with good reasons. His silence on the murder of Native women and children, the violation of living and dead bodies, and the betrayal of the peace delegation to Camp Weld was, even by the standards of his time, deplorable. His inability to see that the massacre was a national disgrace was a serious failing that contrasts with his many public achievements and acts of private generosity. His continuing denial does not undo all the good Evans accomplished in his long life, but neither do his many commendable actions excuse his negation and rationalization of the massacre.

*John Evans did not profit from the Sand Creek Massacre. On the contrary, the massacre damaged him both politically and financially. He did profit in a broader sense from his policies toward Indians when he was governor, however, since in the years that followed he was a full participant, along with many others, in*

*the effort to develop the western and national economies that was profoundly damaging to Native people and remunerative to individuals like himself.*

John Evans's actions both before and after the Sand Creek Massacre raise the question of his motives. Evans was dedicated to being a scrupulous and effective public official, a commitment consistent with his lifelong determination to labor hard and well in everything he undertook. By the time he came to Colorado, he had amply demonstrated that he was drawn to work that would benefit others and that he wished to take a leading role in any community of which he was a part. These high-minded desires did not conflict with the fact that he also accepted the governorship expecting that it would reward him with far more money and power than he could obtain by staying in Chicago.

Things did not go as Evans planned, however, at least in the short run, and certainly not during his governorship. He failed to convince the Union Pacific to choose the route through Colorado that he favored and that he thought was vital to his and the territory's interests. He then had to scramble to build a line connecting Denver to the transcontinental railroad at Cheyenne in order to ensure that his city would not be shut out of the emerging national transportation network. But he did not construct the Denver Pacific Railway until the late 1860s, after he left office, and the major phase of his career as a western railroad man came in the two ensuing decades. He made his early investments during his brief governorship in land and mining at a time when an uncertain local economy suffered from the Civil War and from actual and rumored Indian raids.

Whether or not his policies as governor were responsible for the Sand Creek Massacre, he did not profit from it. It cost him his highly advantageous position as territorial governor, and it contributed to his failure to win admission to the Union for Colorado and a seat in the U.S. Senate for himself. Had the massacre never happened, he probably would have become senator and been positioned to make even more money than he did in the years ahead. His stormy tenure as governor also appears to have put a strain on his marriage that persuaded him to abandon his ambitions for

political office, though he remained active in public life.<sup>19</sup>

In the longer term, however, Evans' investments in land and railroads clearly benefited, as he conceded in the Bancroft interview of 1884, from the development that the removal of Indians from eastern Colorado encouraged. Worth keeping in mind is the fact that the policies Evans favored and tried to implement, including those directed at Native Americans, enjoyed wide support in the 1860s. The Lincoln administration and nearly every Gilded Age businessman backed the undertakings from which Evans hoped to benefit. These included extracting the state's mineral resources, settling and developing the land, and building the transcontinental and other railroads. The enactment of these measures required getting Native Americans out of the way—whether by removal to some place with no American settlers (which was no longer practically possible), confinement on reservations (as was the current official government solution), or killing if Natives resisted.

As a wealthy investor with considerable experience in real estate and railroads, Evans was especially capable of benefiting from this imperative-driven American Indian policy, as in fact he ultimately did. Anyone Lincoln appointed would have been expected to advance the same policy, with the same consequences for Native Americans and the same benefits for real estate and railroad developers, with or without the Sand Creek Massacre. One can also point out that, as an investor, railroad man, and faithful Methodist, Evans did keep the welfare of Colorado in mind and had more scruples than some of the robber barons with whom he dealt, such as Jay Gould and Russell Sage. But the fact remains that Lincoln appointed John Evans, who wanted and accepted the job. John Evans, not someone else, was governor of the territory and superintendent of Indian affairs when the Third Cavalry descended on the encampment.

This brings us back to the observation that Evans was a representative figure who believed in and lived out the dominant ideas of his era, specifically those of most Republicans, including the view of land ownership sanctified, decades before the party was founded, by Supreme Court Chief Justice

John Marshall in *Johnson v. McIntosh*. Although in many ways, both while he was governor and in the rest of his long life, Evans exerted himself for the public good as well as his own, he was in full accord with the prevailing disregard for the lifeways of Native people, above all their desire to move freely over their homelands. To have respected this practice would have conflicted with the national agenda as Evans understood it and from which he hoped to profit—and often did. At first glance, his attitude toward Native people may seem at variance with his opposition to slavery and his support for the rights of free (including recently freed) African Americans. Yet, he surely saw restricting the movement of Indians in the West, emancipating slaves, and, for that matter, advancing Methodism and establishing universities and seminaries as allied rather than opposing missions.<sup>20</sup>

This stance distinguishes him from his few contemporaries who questioned what most people today see as the profound injustice embedded in the then prevailing ethos, especially as applied to Native people. His representativeness separates him, for example, from Helen Hunt Jackson, the purpose of whose 1881 critique, *A Century of Dishonor*, as she explained, was “simply to show our causes for national shame in the matter of our treatment of the Indians.” It also distinguishes him from Episcopal Bishop Henry Benjamin Whipple of Minnesota, a lonely defender of the Sioux after the 1862 uprising, who stated in his preface to Jackson's book, “The great difficulty with the Indian problem is not with the Indian, but with the Government and people of the United States.”<sup>21</sup> That John Evans accepted the conventional wisdom of his times helps explain but does not diminish his failure to exercise moral leadership in dealing with Cheyennes and Arapahos in 1864.

*Although quantifying the portion of John Evans's substantial contributions to Northwestern that resulted from his policies toward Native peoples is difficult, such a connection existed. The University should recognize that, just as Evans profited from the development of the western and national economies in the late nineteenth century, so did Northwestern University and many other institutions.*

John Evans was Northwestern's most active founder from the organizational meeting in Grant Goodrich's Chicago office in 1850 to Evans's departure for Colorado in 1862. After that, although he remained head of the executive committee of the Board of Trustees until 1895, he was for the most part an absent figurehead who made only occasional—though important—interventions in the institution's financial affairs. The oversight of Northwestern University fell to other members of the committee, prominent among them Evans's brother-in-law Orrington Lunt. Through the last several decades of his life, Evans played a more important day-to-day role in overseeing the other major educational institution he helped found and served as board president, the University of Denver.

Evans was also the most generous of Northwestern's first generation of benefactors, both in energy (when he still lived in Illinois) and funds. He was the driving spirit behind the land acquisitions in Chicago and Evanston that provided more than half of the University's income during its first five decades of existence. In addition, he gave Northwestern professorial endowments worth \$100,000 (equal to slightly more than 2.4 million 2013 dollars and valued at more than \$14 million today), almost three-quarters of which, as noted, consisted of land in Chicago acquired before he went west that had appreciated in value since he purchased it.<sup>22</sup> His contributions were significantly greater than those of the second-largest donor among the founders, Lunt, whose gifts were valued at about \$80,000.

Difficult as it is to determine how much of John Evans's wealth was attributable to his policies toward Native Americans when he was governor, determining whether and how Northwestern benefited from those policies is even more challenging. Evans donated the money and land that funded the chairs in philosophy and Latin after he moved to Colorado, though most of the endowment came from selling real estate in Chicago that he had acquired when he lived there. But his prospective and actual prosperity in Colorado made his professorial gifts to Northwestern possible. Although Evans had not yet received significant returns from his Colorado investments by 1866, the prospect of

such returns may have motivated him to give the initial \$25,000. By the time he endowed the chair in Latin in 1888 (at which point he had donated another \$75,000 worth of land), he had derived most of his wealth from Colorado ventures.

A compelling case that Northwestern profited directly from Evans's policies toward Native Americans as governor is, however, hard to make. As discussed, the policies he advanced were those of the administration he was serving, not ones he devised on his own. He did not make significant money in Colorado until he was out of office, and he did so thanks to rapid development in Denver and its environs that had little to do with his brief and troubled wartime administration. Indeed, any financial advantage may well have been delayed somewhat, like Colorado's statehood, by the response to the Sand Creek Massacre.

Nonetheless, the University should recognize that it and entities like the cities of Chicago and Denver, the states of Illinois and Colorado, and the nation as a whole, benefited richly from the forced appropriation of western Indian homelands and the confinement of Native people on reservations. Between 1870 and 1900, Denver's population jumped from about 5,000 to nearly 135,000, Colorado's from under 40,000 to almost 540,000 (in this same period, Illinois's went from just over 2.5 million to more than 4.8 million, Chicago's from just under 300,000 to almost 1.7 million). Like Illinois, Colorado experienced extensive development of its resources as it became linked to an advanced and rapidly expanding national and international economy in which Indians had no place.

*John Evans deserves institutional recognition for his central and indispensable contributions to the establishment of Northwestern and its development through its early decades, but the University has ignored his significant moral failures before and after Sand Creek. This oversight goes against the fundamental purposes of a university and Northwestern's own best traditions, and it should be corrected.*

For what he did and what he gave, Northwestern owes a great deal to John Evans. Both during his lifetime and since he has been repeatedly

honored by the University far more than any other individual connected to its long history. In his lifetime, the University accepted his version of his role in the massacre and the reasons for his resignation; after his death, Northwestern overlooked and then forgot that aspect of his career entirely.

Evans's fellow trustees elected him their president in recognition of how much he had done to make the institution possible and of his leadership ability. As devoted Methodists eager not only to advance the cause of learning but also to strengthen and spread the faith in the Old Northwest, they also admired and respected his commitment to ethical Christian conduct. No evidence suggests that, when Evans came under fire in Washington as a result of the Sand Creek Massacre and had to resign the governorship, the matter ever came up among the Board members meeting in Evanston. If it did arise in their private conversations, few of his colleagues could have conceived of expressing doubts about his conduct or of asking him to step down. This was not only because of their long-standing friendship with him and appreciation of his service and generosity but also because they probably believed, as he did, that he had done nothing wrong. For proof, they could point not only to his self-defense but also to the strong support he received from many leading politicians and most importantly, from the individual they held in the highest esteem, Bishop Matthew Simpson.

The trustees also doubtless read the affirmation of Evans in the *Chicago Tribune*, the voice of proper Republican thinking in the city. The paper published the full text of Evans's defense and then devoted a long and approving editorial to it. In late July 1865, the editors had responded to the JCCW report by deeming Sand Creek as "unprovoked and wholesale butchery" and declaring that "Col. Chivington ought to be tried by court-martial and shot like a wolf." When that report first appeared, the editors now admitted, "the Governor's numerous friends were pained to find his name mixed up with the affair." They had waited patiently for his response, and now that they had it, "we . . . have not waited in vain . . . . A careful perusal of the Governor's reply must convince any candid reader that he was in no manner responsible

for what happened at Sand Creek." The editorial then summarized Evans's pamphlet point by point, implicitly agreeing with it all, including his attack on the motives of his questioners. The paper cited no evidence of its own, but, like Evans's fellow trustees, took him at his word.<sup>23</sup>

It was one thing to stand by John Evans in a difficult hour, however, and another to gloss over the Sand Creek Massacre entirely. As the biography prepared by Northwestern President Walter Dill Scott in the late 1930s and the Deering Library exhibition and reception at the time of the Centennial reveal, for a long stretch the University participated in and perpetuated a collective amnesia that not just disconnected John Evans from the massacre but erased it entirely. No one at Northwestern seemed to notice or record Evans's refusal to condemn the massacre and the shameful way he minimized and justified it. The institution instead held up his life as a model and an inspiration. Just as the University has gained from his actions and his gifts, it also has benefited from his good reputation. In fact, Northwestern has bur-nished that reputation and used it to grace professorships, buildings, and organizations.

In doing so, the University has ignored a deplorable aspect of Evans's career that exposed a deep flaw in his moral character. At the same time, Northwestern has neglected its and every other university's fundamental commitment to discovering and discussing the truth, including about itself. The most significant way in which the University can move to correct this is by taking steps that are in keeping with its leadership role in society as an institution of higher learning. These include increasing the access of Native Americans to a Northwestern education and of all Northwestern students to the study of Native American history and cultures.

# Notes

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## LIST OF ABBREVIATIONS

<b>Condition of Indian Tribes</b>	“Condition of the Indian Tribes,” Report of the Joint Special Committee, S. Rep. No. 39–156 (1867).
<b>CSA-Evans</b>	Personal Papers of Governor John Evans and Family, Colorado State Archives, Denver, CO.
<b>CSA-TGC</b>	Territorial Governors Collection, Colorado State Archives, Denver, CO.
<b>EvansLP</b>	Indian Affairs Letterpress, Territorial Governors Collection, Correspondence, Outgoing 1863–1865, Colorado State Archives, Denver, CO. All citations here are to a typed transcription that can be found in the Governor John Evans Papers at History Colorado and in the John Evans Collection at the Northwestern University Archives.
<b>HC-Evans</b>	John Evans Collection, History Colorado, Denver, CO.
<b>JCCW</b>	“Massacre of Cheyenne Indians,” Report of the Joint Committee on the Conduct of the War, S. Rep. No. 38–142, vol. 3, pt. 3 (1865).
<b>LRCol, reel:frame</b>	<i>Letters Received by the Office of Indian Affairs, 1824–81 (M234), Colorado Superintendency, 1861–1880</i> (Washington, DC: National Archives Microfilm Publications, 1956).
<b>LRUA, reel:frame</b>	<i>Letters Received by the Office of Indian Affairs, 1824–81 (M234), Upper Arkansas Agency, 1855–1874</i> (Washington, DC: National Archives Microfilm Publications, 1956).
<b>LRUP, reel:frame</b>	<i>Letters Received by the Office of Indian Affairs, 1824–81 (M234), Upper Platte Agency, 1846–1870</i> (Washington, DC: National Archives Microfilm Publications, 1956).
<b>Military Hearing</b>	Report of the Secretary of War: Sand Creek Massacre, S. Exec. Doc. No. 39–26 (1867).
<b>NU-Evans</b>	John Evans Collection, Northwestern University Archives.
<b>NU-Trustees Minutes</b>	Minutes of the Board of Trustees of Northwestern University, Northwestern University Archives. All citations here are to a typed transcription of the handwritten minutes.
<b>RCIA</b>	Report of the Commissioner of Indian Affairs.
<b>RMN</b>	<i>Daily Rocky Mountain News</i> (Denver, CO).
<b>War, series/vol/pt:page</b>	U.S. War Department, <i>The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies</i> (Washington, DC: Government Printing Office, 1880–1901).

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## CHAPTER ONE

- 1 All the Colorado regiments referred to in this report were cavalry regiments, and terms such as “Third Regiment,” “Third Cavalry,” “Third Cavalry Regiment,” and “Third” are used interchangeably.
- 2 Report of the Secretary of War: Sand Creek Massacre, S. Exec. Doc. No. 39-26, at 179 (1867) [Hereafter: “Military Hearing”].
- 3 National Park Service, *Sand Creek Massacre Project, Volume 1: Site Location Study* (Denver: National Park Service, Intermountain Region, 2000), 10.
- 4 George E. Hyde, *Life of George Bent Written from His Letters*, ed. Savoie Lottinville (Norman: University of Oklahoma Press, 1968), 155.
- 5 Silas Soule to Edward Wynkoop, 14 December 1864; Joseph Cramer to Edward Wynkoop, 19 December 1864—reprinted in Gary L. Roberts and David Fridtjof Halaas, “Written in Blood: The Soule-Cramer Sand Creek Massacre Letters,” *Colorado Heritage* (Winter 2001): 22–33. The letters are also available online at <http://www.nps.gov/sand/historyculture/the-life-of-silas-soule.htm> and <http://www.nps.gov/sand/historyculture/joseph-cramer-biography.htm>, viewed 23 January 2014.
- 6 George Bent, [autographed letters signed to] George Hyde, 15 March 1905, Yale Collection of Western Americana, Beinecke Rare Book and Manuscript Library, Yale University. Bent published his account of the massacre in a series of six articles in *The Frontier* in 1905–06. See Bent, “Forty Years with the Cheyennes,” *The Frontier: A Magazine of the West*, October 1905–March 1906. See also Hyde, *Life of George Bent*, and David Fridtjof Halaas and Andrew E. Masich, *Halfbreed: The Remarkable True Story of George Bent* (Cambridge, MA: Da Capo Press, 2004).
- 7 Troops led by George Armstrong Custer slew them both in a massacre at Washita Creek in western Oklahoma (near the present town of Cheyenne), then Indian Territory, almost exactly four years later.
- 8 Alexa Roberts, ed., “Chapter 5: The Sand Creek Massacre Site Location Study Oral History Project,” in National Park Service, *Sand Creek Massacre Project*, 137–278. On the much-contested history of the Sand Creek Massacre, see Ari Kelman, *A Misplaced Massacre: Struggling Over the Memory of Sand Creek* (Cambridge, MA: Harvard University Press, 2013).
- 9 Roberts, “Oral History Project,” 190, 209–10, 236, 267, 275.
- 10 Nelson Miles, *Personal Recollections and Observations of General Nelson A. Miles* (Chicago: Werner Company, 1896), 139.
- 11 Walter Dill Scott, *John Evans, 1814–1897: An Appreciation* (Evanston IL: privately printed by courtesy of Lester J. Norris, 1939), 5. Scott relied heavily on Edward Carlisle McMechen’s *Life of Governor Evans, Second Territorial Governor of Colorado* (Denver: Wahlgreen Publishing Company, 1924).
- 12 Two exemplary university self-examinations are western historian Patricia Nelson Limerick’s “What’s in a Name? Nichols Hall: A Report” (1987), commissioned by the University of Colorado at Denver during its consideration of whether to change the name of a campus residence hall that since 1961 had been named after a Coloradan among whose public accomplishments was his enthusiastic service as an officer at Sand Creek, and “Slavery and Justice: Report of the Brown University Steering Committee on Slavery and Justice” (2006), which examines the role of the university’s “historical relationship to slavery and the transatlantic slave trade.” See <https://centerwest.org/projects/land-use/nichols-hall-report> and [http://www.brown.edu/Research/Slavery\\_Justice/](http://www.brown.edu/Research/Slavery_Justice/), viewed 23 April 2014. See also Craig Steven Wilder, *Ebony and Ivy: Race, Slavery, and the Troubled History of America’s Universities* (New York: Bloomsbury Press, 2013). On national self-examinations, see especially Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W.W. Norton, 2000) and Thomas U. Berger, *War, Guilt, and World Politics after World War II* (New York: Cambridge University Press, 2012).

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## CHAPTER TWO

- 1 Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth-Century America* (New York: Verso, 2003), 274.
- 2 John Evans to Hannah Canby, 13 November 1837, John Evans Collection, History Colorado, Denver, CO [Hereafter: “HC-Evans”], Box 1, Folder 13.
- 3 Harry E. Kelsey, Jr., *Frontier Capitalist: The Life of John Evans* ([Denver]: State Historical Society of Colorado, 1969), 41–47; Peter Bassoe, M.D., “The Early History of Neurology and Psychiatry in the Middle West,” *Bulletin of the Society of Medical History of Chicago* 3 (October 1923): 175–90; Carl F. White, “Lengthened Shadow of a Man,” *Indiana Freeman* 24, No. 12 (1947): 14–15, 30–38.
- 4 John Evans Dictations and Related Biographical Material: Denver? 1888?, BANC MSS P-L 329, The Bancroft Library, University of California, Berkeley, 1:7.
- 5 Matthew Simpson, “President Simpson’s Inaugural Address,” in George R. Crooks, *The Life of Bishop Matthew Simpson of the Methodist Episcopal Church* (New York: Harper & Brothers, 1890), 474–504.
- 6 See William Cronon, *Nature’s Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991).
- 7 Evans could boast with the best of them. At ceremonies in Waukegan (located forty miles north of Chicago on Lake Michigan) marking the opening of the Chicago & Milwaukee Railroad in 1855, Evans seconded a toast to Chicago as “the

Future Metropolis of America.” While such a prediction may seem “large,” he explained, nature and human effort were making it come true. Chicago would soon take its rightful place among the great cities of history, so many of which—from Babylon to Paris—were not ocean ports. “Chicago, with her magnificent Lake, giving an inlet from the ocean for the commerce of the World, her Canal and the Illinois River and her 20 Railroads, combined an inland with the advantages of a maritime position and gave her easy access to the control of the trade of the largest fertile region enjoyed by any other city in America—a region extensive enough for an empire and capable of supporting a denser population per square mile, than any of equal extent on the face of the earth.” *Daily Democratic Press*, 12 January 1855, typed transcription in “Dr. John Evans: References in Chicago and Evanston Depositories, 1844–1897,” John Evans Collection, Northwestern University Archives [Hereafter: “NU-Evans”], 116–17.

8 John Evans, M.D., “The Obstetrical Extractor—A Paper read before the Chicago Medical Society,” *North-Western Medical and Surgical Journal* 7/8 (1850–52): 53–62. Years later, prompted by his second wife’s seasickness, Evans invented and patented a bed that would stay level as a ship rocked. See John Evans, of Denver, Colorado Territory, Improvement in Ships’ Berths, US Patent 125,729, issued 16 April 1872.

9 John Evans, M.D., *Observations on the Spread of Asiatic Cholera and Its Communicable Nature* (Chicago: 1849), reprinted from the *North-Western Medical and Surgical Journal*. During the 1866 cholera outbreak, Evans sent a copy of extracts from this article to Congress. See “Memorial of Doctor John Evans, Praying the establishment of a system of quarantine regulations for the prevention of the spread of cholera,” S. Misc. Doc. No. 39-66, at 1–14 (1866). Evans also demonstrated his interest in disseminating knowledge of the natural world when in 1857 he donated money to create the Chicago Academy of Sciences (now the Peggy Notebaert Nature Museum), whose collection of specimens and books soon made it one of the outstanding museums of its kind in the country.

10 John Evans to Margaret Gray Evans, 8 June 1855, HC-Evans, Box 2, Folder 16. Since Evans’s holdings were substantially in real estate, his net worth varied with the price of land, which in turn depended on the local economy, while Evans’s annual expenses stayed constant. Despite Chicago’s continuing growth, the real estate market generally suffered in the late 1850s and early 1860s. See Homer Hoyt, *One Hundred Years of Land Values in Chicago: The Relationship of the Growth of Chicago to the Rise in Its Land Values, 1830–1933* (Chicago: University of Chicago Press, 1933), 74–80. According to a report Evans received in 1863, the net income from his Chicago holdings in 1862 was a little more than \$5,200, the equivalent of about \$96,296 in 2013. Hy Brookes to John Evans, 6 June 1836, HC-Evans, Box 3, Folder 26. For the currency conversion, see Robert C. Sahr, “Consumer Price Index (CPI) Conversion Factors for Years 1774 to 2013 to Convert to Dollars of 2013,” last modified 20 January 2014, viewed 31 March 2014, <http://oregonstate.edu/cla/polisci/sites/default/files/faculty-research/sahr/inflation-conversion/pdf/cv2013.pdf>.

11 John Evans Dictations and Related Biographical Material, BANC MSS P-L 329, 2:4.

12 A. T. Andreas, *History of Chicago: From the Earliest Period to the Present Time* (Chicago: A. T. Andreas, 1884), 1:218–19. Evans also supported the idea that the state of Illinois should keep delinquent youth away from hardened criminals by establishing a reform school separate from adult prisons.

13 “Report of the School Committee,” *Daily Democratic Press*, 9 March 1855, typed transcription in “Dr. John Evans: References in Chicago and Evanston Depositories, 1844–1897,” NU-Evans.

14 “Meeting to Establish a University,” 31 May 1850, in Minutes of the Board of Trustees, Northwestern University Archives [Hereafter: “NU-Trustees Minutes”], 1850–1871, 1:1–2. This source is a typewritten transcription of the original handwritten minutes.

15 Harold F. Williamson and Payson S. Wild, *Northwestern University: A History 1850–1975* (Evanston, IL: Northwestern University Press, 1976), 10–11.

16 Barbara Edwards Sternberg, with Jennifer Boone and Evelyn Waldron, *Anne Evans—A Pioneer in Colorado’s Cultural History: The Things That Last When Gold is Gone* (Denver: Buffalo Park Press, Center for Colorado and the West at Auraria Library, 2011), 20.

17 These letters are in HC-Evans, Folders 13–14 in Box 1, Folders 15–19 in Box 2, and Folders 20–25 in Box 3.

18 Henry T. Davis, *Solitary Places Made Glad: Being Observations and Experiences for Thirty-two Years in Nebraska* (Cincinnati: Cranston & Stowe, 1890).

19 John Evans to Margaret Evans, 12 June 1859, HC-Evans, Box 2, Folder 16.

20 “Pike’s Peak,” *Chicago Press and Tribune*, 10 February 1860; Kelsey, *Frontier Capitalist*, 106–09. Evans told the members of the Board of Trade that their city had a geographical advantage over its most likely competitor, St. Louis, but its businessmen had to act right away. He additionally proposed that they should convince the federal government to open an assay office in the city, “the influence of which would be to centre in the vaults of our Banks the gold dust now (and hereafter to be more generally) distributed in the hands of the people all over the country.”

21 John Evans Dictations and Related Biographical Material, BANC MSS P-L 329, 2:5.

22 Evans explained his position on slavery in a letter dated September 4, 1854, that the *Chicago Tribune* published a week later. Evans was seeking the Republican nomination for a seat in Congress at the time, though he subsequently withdrew in favor of another candidate. Evans stated that it was “the duty of the general government in all cases where it has authority over the subject to exercise its positive influence in favor of freedom and against slavery.” In regard to the Fugitive Slave Law, he stated his opposition to any legislation that denied “any person whatever in times of peace and safety” the right to a writ of habeas corpus and to a trial by jury, and that he “therefore should be in favor of the amendment of said law so as fully to secure those rights.” If the law could not be amended, he would

vote for its repeal. John Evans, Letter to the Editor, *Chicago Tribune*, 11 September 1854. HC-Evans, Box 3, Folder 26.

Evans was progressive on the rights of African Americans. He favored the integration of Chicago's public schools when he was an alderman and, as territorial governor, came out strongly for the Thirteenth Amendment. Colorado's small black population appears to have appreciated his support. On August 1, 1865 (coincidentally, the same day Evans submitted his resignation to President Andrew Johnson), several hundred African Americans participated in a public celebration of the end of slavery. The *Rocky Mountain News* reported that they held a procession through Denver's main streets before stopping in front of Evans's home to pay respects. "His Excellency Gov. Evans responded in a few elegant and appropriate remarks, and received gracefully the three hearty cheers given by the happy throng." "The Celebration Yesterday," *Rocky Mountain News* [Hereafter: "RMN"], 2 August 1865. In 1894, Evans received an eightieth birthday testimonial "From the Colored Citizens of Denver, Colorado," applauding him "as the man who has been their unvarying friend." They thanked him in particular for being an "advocate of the inalienable rights of the Colored Man." The testimonial document continued: "We especially venerate and honor him for his broad humanity, which is without regard to Color, Creed, or clime." "Testimonial from Denver's Colored Citizens," 9 March 1894, NU-Evans, Reel 9.

23 A diary Margaret Gray Evans kept in 1863 indicates that at this point the modest salary her husband received as Governor and Superintendent of Indian Affairs was "a great help to him in his straitened circumstances—it gives us a living and enables him to apply all his income to the extinguishment of debts thereby lightening his mind of a load and affecting his general health." Diary of Margaret Evans, entry at 26 March 1863, Governor John Evans Papers, Denver Public Library, File Folder 13.

24 McMechen, *Life of Governor Evans*, 91.

25 John Evans to Margaret Evans, 1 June 1862, HC-Evans, Box 2, Folder 17.

26 John Evans Dictations and Related Biographical Material, BANC MSS P-L 329, 2:10–11.

27 John Evans, "Governor's Message, Delivered before both Houses of the Legislature of Colorado, on Friday, July 18th, 1862," Territorial Governors Collection, Colorado State Archives [Hereafter: "CSA-TGC"], Executive Record 1862–1865, 54–63.

28 "The great discouragement of floods and Indian wars," Evans told President Lincoln, "conspired to defeat the measure." Evans to Lincoln, 11 November 1864, TGC, Correspondence, Outgoing 1863–1865, Letterpress [Hereafter: "EvansLP"].

29 Charles Sumner and others opposed statehood at this point because the state constitution denied blacks the vote. Cong. Globe, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess. 2135–2139 (1866). This exclusion was not out of keeping with electoral qualifications in other states, and it had popular support in Colorado. See also Kelsey, *Frontier Capitalist*, 166.

30 Kelsey, *Frontier Capitalist*, 164–68.

31 Writing to his wife in 1875 (Margaret Gray Evans was then living in England) about state politics in Colorado, Evans told her that "it is now generally understood that I will not be a candidate." When she commented shortly after this on how her husband had been slighted by President Grant, he responded, "It is the way with the political world—Enemies to day & friends tomorrow." In another letter six months later, he wrote to her about the sad fate that awaited "all earnest & decent men who try to float in the dirty pool of politics." John Evans to Margaret Evans, 18 November 1875 and 20 December 1875, HC-Evans, Box 2, Folder 18; John Evans to Margaret Evans, 16 June 1876, HC-Evans, Box 3, Folder 23.

32 No railway route ran directly west from Denver until the completion of the Moffatt Tunnel in 1928, in which Evans's son William Gray Evans played a key role. See David Fridtjof Halaas, "The House in the Heart of the City: The Byers and Evans Families of Denver," *Colorado Heritage*, No. 4 (1989): 3–31.

33 Among the many lines with which Evans was involved during his Colorado years were the Denver Pacific; the Denver and Boulder Valley; the Denver, Central and Georgetown; the Denver, Georgetown, and Utah; the Denver, South Park, and Pacific; the Denver and New Orleans; the Denver, Texas, and Gulf; the Denver, Texas, and Fort Worth; and the Union Pacific, Denver, and Gulf.

34 Evans's letters to his wife Margaret during the mid-1870s, when she was living in London, indicate that this was a worrisome time. He informed her that both his railroad and at least one of his mining investments were "very badly in debt," and he did not know how they could be salvaged. Months later he apologized for having alarmed her, but still reminded Margaret that they were not as wealthy as they had previously been. "Nor do I see exactly how I am going to get through," he admitted. "But I have at diverse times in my life had close work and hard pinching and always got through so far. And I propose to come through now honorably and squarely if I have to sacrifice half I am worth to do so. It is to save all we can consistently that I ask for economy in the future so I may be spared the necessity of making heavy sacrifices to get the money." He arranged to meet her abroad, but warned, "I fear we shall have to return to America sooner than you will want to leave Europe on account of the finances. I think we in Denver are now at the bottom of our financial crisis." John Evans to Margaret Gray Evans, 18 November 1875 and 28 December 1875, HC-Evans, Box 2, Folder 18; John Evans to Margaret Gray Evans, 4 August 1876 and 3 September 1876, HC-Evans, Box 3, Folders 23 and 25.

35 Kelsey, who devotes a long chapter to Evans's career in railroads based in Colorado, estimates that Evans made nearly \$800,000, a profit of about 2,500 per cent, on what began as the Denver and South Park Railroad. See Kelsey, *Frontier Capitalist*, 169–207. The profit estimate is on 193.

36 "Mourned by a City," *RMN*, 7 July 1897.

37 A rare exception was the *Cincinnati Enquirer* of 24 July 1897, which observed, "The death of John Evans at the age of 83 years removes a man who has been a landmark in the history of Colorado, and under whose Governorship the most tragic event in its history occurred."

38 "John Evans Dying," *RMN*, 3 July 1897.

- 39 John Evans, *Address to the Graduating Class of Rush Medical College on the Nature, Utility, and Obligations of the Medical Profession* (Chicago: C. A. Swan, 1850), 15–16.
- 40 John Evans to William Gray Evans, 6 March 1870, NU-Evans, Reel 1:569.
- 41 One could even simultaneously serve both God and the bottom line. This was evident in a plan that Evans, Lunt, and other members of Chicago's First Methodist Episcopal Church approved for the new building the congregation constructed in the late 1850s. Rather than follow the example of other churches that were leaving the downtown area as it became more commercial, the congregation decided to remain on Washington Street opposite City Hall and raise a four-story structure there. They would rent the first floor as retail space, the second as offices, and reserve the third and fourth for their sanctuary.
- 42 John Evans to Margaret Gray Evans, 8 June 1855, HC-Evans, Box 2, Folder 16.
- 43 H. H. Bancroft, "Colorado Notes: Denver, 1884," BANC MSS P-L 13, The Bancroft Library, University of California, Berkeley, 2. Kelsey implies that this remark may tell as much or more about Bancroft, suggesting that he was irritated with Evans for refusing to purchase a subscription to his *Chronicles of the Builders*. Kelsey, *Frontier Capitalist*, 332 n. 116.
- 44 Kelsey, *Frontier Capitalist*, 207. See also McMechen's remark on "high emprises." McMechen, *Life of Governor Evans*, 91.
- 45 "Report of the School Committee," *Daily Democratic Press*, 9 March 1855, typed excerpt in "Dr. John Evans: References in Chicago and Evanston Depositories, 1844–1897," NU-Evans.
- 46 Williamson and Wild, *Northwestern*, 4–6.
- 47 *Ibid.*, 9.
- 48 Vice President for Business and Finance, Treasurer's Day Books, vol. 1, Northwestern University Archives.
- 49 See the tables of N.U. Budgeted Receipts and Expenditures 1869–1900, in Williamson and Wild, *Northwestern*, 40, 65, and 94.
- 50 *Ibid.*, and pp. 39 and 95 on the lease income in the 1860s, 70s, and 90s. For the lease income in the 1880s, Report of the Treasurer and Agent, 19 June 1883, NU-Trustees Minutes, 1876–1884, 440.
- 51 On the purchase of the hotel building, Minutes of the Executive Committee, 7 May 1890, and Financial Report of the Treasurer for the Fiscal Year Ending 1 May 1890, NU-Trustees Minutes, 1889–1892, 59, 89–90; on the construction costs and leasing terms, Williamson and Wild, *Northwestern*, 95, and Frank A. Randall, *History of the Development of Building Construction in Chicago* (Urbana: University of Illinois Press, 1949), 76–77, 154; and regarding the ultimate sale of the property, email from Northwestern University Vice President and General Counsel Thomas Cline to Carl Smith and Peter Hayes, 15 August 2013.
- 52 Calculated from the sources cited in note 49.
- 53 On the president's salary, Williamson and Wild, *Northwestern*, 55–56; on the initial use of the income, see Resolution passed on Evans's motion at the executive committee meeting of 30 August 1866, NU-Trustees Minutes, 1850–71, 2:358–59. The hand-written subscription sheet for University Hall is in the Northwestern University Archives. See Samuel A. W. Jewett, Subscriptions to College Buildings at Evanston, Illinois, 1865–1869, Subscription Books, General Files Collection. Although he contributed only a small fraction of the building's total cost, Evans's gift appears to have been the largest individual donation.
- 54 Minutes of the Meetings of the Executive Committee, 18 July and 21 November 1866, NU-Trustees Minutes, 1850–71, 2:354 and 368. See also Evans to the executive committee, 21 June 1890, NU-Trustees Minutes, 1889–1892, 91–93.
- 55 On his attendance, email from University Archivist Kevin B. Leonard to Vice President for University Relations Alan K. Cabbage, 15 January 2013, based on an examination of the Trustee minutes; on governance by the executive committee, Williamson and Wild, *Northwestern*, 11–12.
- 56 Tables 1-2, 2-2, and 3-2, in Williamson and Wild, *Northwestern*, 40, 65, and 94.
- 57 See the extensive Minutes of the Board of Trustees Meeting of 22 June 1875, including the reports of the Financial Agent, the Land Agent, and Evans to O. H. Lunt, 22 May 1875, in NU-Trustees Minutes, 1871–1875, 2:314–49.
- 58 Minutes of the Executive Committee, 22 September 1888, including the text of Evans's original offer regarding debt retirement of 16 June 1881, NU-Trustees Minutes, 1884–1889, 327–35. The Trustees' Minutes of 19 June 1883 state that "we accept and will conform to the conditions made by Governor Evans with reference to the increase of the University debt," but this proved to be wishful thinking. The University's liabilities, mostly debt, never dropped below the 1887 level of \$139,000, and the debt relief drive merely cut Northwestern's annual debt service charges from \$14,500 in 1880–81 to a low of \$6,700 in 1885–86, after which the figure rose once more. See NU-Trustees Minutes, 1876–1884, 425, and the tables in Williamson and Wild, *Northwestern*, 65, 94. For the currency conversion, see Sahr, "Consumer Price Index (CPI) Conversion Factors," <http://oregonstate.edu/cla/polisci/sahr/sahr>, viewed 11 April 2014.
- 59 Minutes of the Executive Committee Meetings of 22 September 1888 (including Evans to Lunt of 6 September 1888 and Evans to Lunt of 31 October 1888), of 25 February 1889, and of 24 September 1889, NU-Trustees Minutes, 1884–1889, 327–35 and 363–64, and NU-Trustees Minutes, 1889–1892, 20–22; Financial Report of the Treasurer and Agent of Northwestern University for the Board of Trustees meeting held 17 June 1890, NU-Trustees Minutes, 1889–1892, 89–90.
- 60 "Evanston: The Ladies Fourth of July," *Chicago Tribune*, 5 July 1871.
- 61 See Report of the Treasurer and Business Manager, 1916–17, Northwestern University Archives, 158–59, 172–73, and 214. This document also includes a miscalculation of Evans's total contributions that double counts his donations of

the 1880s and thus arrives at an erroneous total of \$181,370, a tabulation that also appears in the Centennial Documents.

62 Report of the Treasurer and Business Agent to the 48th Annual Meeting, 14 June 1898, 6, 8, in NU-Trustees Minutes, 1896–1898, 498; and Table 3-2 in Williamson and Wild, *Northwestern*, 94.

63 Flash drive of documents related to Evans family donations, Alumni Relations and Development to Peter Hayes, 8 January 2014, Documents labeled Fund Nr. 1 and Fund Nr. 2.

64 Decree of Judge Samuel B. Epstein, Northwestern University v. William G. Clark, Circuit Court of Cook County, Illinois, No. 71 CH 693, 22 November 1971; Northwestern University Assistant General Counsel Anita Ridge to Peter Hayes, 17 January 2014, with attachment listing the properties and their sales prices.

65 Telephone conversation between Anita Ridge and Peter Hayes, 9 April 2014; email from Ridge to Hayes, 9 April 2014.

66 Assistant Provost Laura Koepele-Tenges emails to Carl S. Smith, 21 February 2014, with attachment, and 27 February 2014, and to Peter Hayes, 6 April 2014. Minutes of the Board of Trustees, 11 June 2007 and 13 June 2011.

67 These calculations coincide with the recollections of John and Margaret Evans in their interviews by H. H. Bancroft in 1889. John Evans itemized his gifts as the two chairs and the land beneath the Grand Pacific Hotel, without taking credit for the purchase of the Foster Farm. John Evans Dictations and Related Biographical Material, BANC MSS P-L 329, 1:15. Mrs. Evans said that his gifts totaled about \$100,000. *Ibid.*, 4:1. A gift of \$100,000 in 1888 corresponds in value to more than \$2.4 million in 2013. Sahr, “Consumer Price Index (CPI) Conversion Factors,” <http://oregonstate.edu/cl/polisci/sahr/>, viewed 11 April 2014.

68 John A. Chapman to A. C. van Dusen, 18 March 1954 (on the value of the property), untitled document of 10 March 1952 (describing the lot as vacant except for a few shacks), and C. Rodger Crowe to Harold J. Baer Jr., 17 July 1970 (on the use of the funds), Northwestern University Alumni Relations and Development Office records.

69 Development Office File on the Evans Family, 7–12.

70 Minutes of the Board of Trustees Meeting of 3 February 1854, NU-Trustees Minutes, 1850–1871, 1:37.

71 Minutes of the Meeting of the Executive Committee of 2 July 1894, NU-Trustees Minutes, 1894–1896, 17; Minutes of the Meeting of the Executive Committee of 3 December 1894, NU-Trustees Minutes, 1894–1896, 81; Ada Townsend to John Evans, 22 February 1897, HC-Evans, Box 4, Folder 43; Minutes of the Board of Trustees, 14 June 1898, NU-Trustees Minutes, 1896–1898, 511–12.

72 Walter Dill Scott to Lester J. Norris, 7 April 1939, and Walter Dill Scott to John Evans II, 14 November 1938—both in NU-Evans, Walter Dill Scott Correspondence; Scott, *John Evans*. The Dellora A. and Lester J. Norris Aquatics Center is named after Norris and his wife. The Norris University Center is named after their son, Lester J. Norris Jr.

73 “Northwestern University: The Story of One Hundred Years—1851 to 1951,” NU-Evans, Folder “NU-The Story of One Hundred Years.”

74 “John Evans Exhibit,” *Northwestern Library News*, 2 February 1951, Northwestern University Archives; “John Evans Convocation Guest Roster,” *Northwestern Library News*, 9 February 1951, Northwestern University Archives.

75 *Program of Reception in Commemoration of Dr. John Evans* (Evanston: Northwestern University, 1951), 9, NU-Evans, Folder “John Evans Centennial, 1951.”

76 Minutes of the Meeting of the Executive Committee of 3 December 1894; *Exercises at the Opening of the Orrington Lunt Library Building, September 26, 1894* (Evanston: Northwestern University, 1894).

77 Its occupants included the Methodist Foundation, Hillel, the Lutheran Student Association, the Presbyterian College Club, the Baptist Student Group, the Christian Science Organization, the YMCA and YWCA, and the University Board of Religion.

78 In May of 1984, the University was one of several participating organizations in the ten-day “Evansfest,” which was described as “a celebration of our heritage.” This was not about Evans and Northwestern as much as the cultural vitality of Evanston. Evansfest events included tours, concerts, picnics, and other activities throughout the city.

79 The John Evans Circle dates back to the John Evans Club, which was formed in 1954 in the Rufus Dawes House. The membership requirement was a \$10,000 donation given over ten years or a \$10,000 bequest. The original goal was to enlist 100 members, which would mean a total of \$1 million dollars, which the founders set as equal in 1954 dollars as the value of the land given by Evans. The pledge requirements moved upward over time. In 1997, the club was described as “Northwestern’s foremost donor recognition society.” Membership requirements by then were (a) a gift of \$30,000, at least \$10,000 of which must be designated for the unrestricted purposes of the University, for current-use scholarships, or John Evans Club University Scholarships, or (b) a gift of \$60,000 for any purposes acceptable to the University, or (c) a deferred gift of at least \$120,000 or an intended bequest with the same current value. The John Evans Circle, which is now three steps below the highest level of the Leadership Circle (the Founder’s Circle, for those who give \$50,000 annually), is thus no longer as exclusive as it once was, especially if inflation is figured in. See “The John Evans Club—Historical Perspective,” and memo from Ed Paquette to Cathy Stemberge, January 1997, NU-Evans, John Evans Club Folder; and “Northwestern University Leadership Circle,” <http://giving.northwestern.edu/nulc/>, viewed 6 February 2014.

80 As of the spring of 2014, seven of the ten honorary chairs are occupied. The honorary chairs do not have fixed field designations. Two of these chairs are currently in sociology, with one each in physics, religious studies, molecular and cellular biology, and engineering sciences and applied mathematics.

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CHAPTER THREE

- 1 The terms “settler” and “Americans” will be used as shorthand in reference to otherwise unspecified European and European-American persons and presence.
- 2 They did so by arrangement with several Cheyenne bands, primarily represented in the negotiations by Yellow Wolf, who was among those killed at Sand Creek.
- 3 David Lavender, *Bent's Fort* (Garden City, NY: Doubleday, 1954), is the standard work on the fort and the Bents. See also, Halaas and Masich, *Halfbreed*.
- 4 Janet Lecompte, *Pueblo, Hardscrabble, Greenhorn: The Upper Arkansas, 1832–1856* (Norman: University of Oklahoma Press, 1978).
- 5 Lewis H. Garrard, *Wah-To-Yah and the Taos Trail* (Norman: University of Oklahoma Press, 1955), 79–80. John Chivington also pressed Bent's son Robert into service as a guide to Sand Creek, and, as noted in the introduction, Robert's brother George was wounded in the massacre but escaped to participate in the violent reprisals against white settlers that followed, as did another brother, Charles (Charlie) Bent.
- 6 Thomas D. Hall, *Social Change in the Southwest, 1350–1880* (Lawrence: University Press of Kansas, 1989), 152–53; Ramon Powers and James N. Leiker, “Cholera Among the Plains Indians: Perceptions, Causes, Consequences,” *Western Historical Quarterly* 29, No. 3 (Autumn 1998): 317–40.
- 7 Fort Wise was named after Governor Henry A. Wise of Virginia, but after the outbreak of the Civil War, in which Wise served as a Confederate general, the fort was renamed to honor Nathaniel Lyon, the first Union general to die in the conflict. On the non-Native population, see Thomas Twiss to Commissioner of Indian Affairs, 22 September 1856, in Report of the Commissioner of Indian Affairs [Hereafter: “RCIA”], S. Exec. Doc. No. 34-5, at 647 (1856).
- 8 Traffic along the Santa Fe Trail increased accordingly, much of it now turning northward to Colorado settlements. The number of wagons grew from an estimated 363 in 1846 to more than 3,000 in 1862. Walker Wyman, “Freighting: A Big Business on the Santa Fe Trail,” *Kansas Historical Quarterly* 1, No. 1 (November, 1931): 25.
- 9 See Elliott West, *The Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: University Press of Kansas, 1998).
- 10 Prowers was another figure living across cultural boundaries. He married Amachee, daughter of the prominent Southern Cheyenne Ohinee (a.k.a. One Eye). On the eve of the massacre, John Chivington placed Prowers under house arrest, fearing he would alert Black Kettle. Prowers's wife and father-in-law were at Sand Creek. She survived, he did not.
- 11 Alvin T. Steinel, *History of Agriculture in Colorado* (Fort Collins: State Agricultural College, 1926), 50–51.
- 12 Richard L. Nostrand, *The Hispano Homeland* (Norman: University of Oklahoma Press, 1992), 82–88.
- 13 Calvin W. Gower, “Kansas Territory and the Pike's Peak Gold Rush” (PhD dissertation, University of Kansas, 1958).
- 14 Elliott West, “Golden Dreams: Colorado, California, and the Reimagining of America,” *Montana, the Magazine of Western History* 49, No. 3 (Autumn 1999): 2–11.
- 15 William Bent to Superintendent of Indian Affairs, 17 December 1858, reprinted in Leroy R. and Ann W. Hafen, *Relations With the Indians of the Plains, 1857–1861* (Glendale, CA: Arthur Clark Co., 1959), 173–74; William Bent to Superintendent of Indian Affairs, 5 October 1859, in RCIA, Sen. Exec. Doc. No. 36-2, at 507 (1859).
- 16 Washington's Secretary of War Henry Knox wrote to Congress in the opening months of the President's administration, “It would be unjust to make war on . . . tribes without having previously invited them to a treaty. . . . It is highly expedient that a liberal system of justice should be adopted for the various Indian tribes within the limits of the United States.” See F. P. Prucha, *Documents of United States Indian Policy*, 3rd ed. (Lincoln: University of Nebraska Press, 2000), 13; *American State Papers: Indian Affairs* 1:13 (1791).
- 17 Prucha, *Documents*, 14–15; 1 Stat. 137–38 (1790).
- 18 Johnson and Graham's Lessee v. William McIntosh, 21 U.S. 543 (1823); Prucha, *Documents*, 35–37. “However extravagant the pretension of converting the discovery of an inhabited country into conquest may appear,” the Chief Justice wrote, “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 becomes the law of the land, and cannot be questioned.”
- 19 Over the course of the seventeenth and eighteenth centuries, nations came to recognize that “discovery” required an enforcement of one's claims through the establishment of colonies, missions, or trading posts. By the time of the American Revolution, Europeans accepted this principle of “enforced” discovery even though they continued to challenge each other's borders. In all such cases, however, Marshall believed there was a general presumption that the ruling imperial power maintained the exclusive right to extinguish the claims of resident tribes. See L. C. Green and Olive Dickason, *The Law of Nations and the New World* (Edmonton: University of Alberta Press, 1989).
- 20 The court turned aside Georgia's claims in *Worcester v. Georgia*, 31 U.S. 515 (1832).
- 21 Through tenacity and military resistance, some smaller eastern groups avoided removal. The Seminoles were the most famous tribe to survive the era (though a good proportion of the tribe ended up in the West), but others who remained in the East included the Iroquois, the Ottawas and Chippewas of Michigan, and the Oneidas of Wisconsin.
- 22 *Worcester*, 31 U.S. at 561.
- 23 Treaty with the Cherokee, 29 December 1835, 7 Stat. 478. That treaty was eventually broken, but the Cherokees

retained their independence throughout the massive westward movement of the post-Civil War era.

24 The Northwest Ordinance, adopted in 1787 to govern settlement in the Ohio Valley, had stipulated that territorial governors (appointed by the president) “shall proceed from time to time as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.” The same law famously stated as well that “the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.” *Journals of the Continental Congress, 1774–1789*, ed. Worthington C. Ford, et al. (Washington, DC: 1904–37), 32:340–41. See Prucha, *Documents*, 9.

25 See William M. Neil, “The Territorial Governor as Indian Superintendent in the Trans-Mississippi West,” *Mississippi Valley Historical Review* 43, No. 2 (September, 1956): 213–14. For the 1834 reorganization, see 4 Stat. 735; Prucha, *Documents*, 68.

26 Quoted in F. P. Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 322.

27 Neil, “The Territorial Governor as Indian Superintendent in the Trans-Mississippi West,” 221–22.

28 RCIA, S. Exec. Doc. No. 31-1/3, at 36 (1850); Prucha, *Documents*, 81.

29 The Indian Office urged the negotiation of new treaties in Oregon and Washington and petitioned Congress for funds to support this effort. The governors of those territories—Joel Palmer and Isaac Stevens—were the principal advocates of this strategy. See “Indians—Oregon and Washington Territories,” H.R. Exec. Doc. No. 33–55 (1854).

30 See Prucha, *Great Father*, 338–45.

31 Robert M. Kvasnicka, “George W. Manypenny,” in Robert M. Kvasnicka and Herman J. Viola, eds., *The Commissioners of Indian Affairs, 1824–1977* (Lincoln: University of Nebraska Press, 1979), 60, 62; RCIA, S. Exec. Doc. No. 34-5, at 573 (1856); Prucha, *Documents*, 90; Neil, “The Territorial Governor as Indian Superintendent in the Trans-Mississippi West,” 213.

32 Prucha, *Documents*, 91.

33 Treaty of Fort Laramie, 17 September 1851, in Charles J. Kappler, *Indian Affairs: Laws and Treaties* (Washington, DC: Government Printing Office, 1904), 2:594–596.

34 Arapaho chiefs: Little Raven, Storm, Shave-Head, Big Mouth. Cheyennes: Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand.

35 Article 6, “Treaty with the Southern Arapaho and Cheyenne,” signed at Fort Wise (and often referred to as the Fort Wise Treaty), 18 February 1861, 12 Stat. 1163.

36 Loretta Fowler, “Arapaho,” and John H. Moore, Margot P. Liberty, and A. Terry Straus, “Cheyenne,” in *Handbook of North American Indians*, 13/2, ed. Raymond J. DeMallie (Washington, DC: Smithsonian, 2001), 840 and 863; Clark’s Map of 1805, in *Atlas of the Lewis and Clark Expedition*, ed. Gary E. Moulton (Lincoln: University of Nebraska Press, 1983), 32a. Native people were living in Colorado 10,000 years ago, hunting and gathering. In 1500, Apaches dominated eastern Colorado, followed by Comanches after 1706. The Kiowas and Arapahos entered Colorado at about the same time.

37 Loretta Fowler, *The Columbia Guide to American Indians of the Great Plains* (New York: Columbia University Press, 2003), 28, 36.

38 John C. Ewers, *The Horse in Blackfoot Indian Culture with Comparative Material from Other Western Tribes* (Washington, DC: Government Printing Office, 1955), 299–320.

39 Loretta Fowler, *Wives and Husbands: Gender and Age in Southern Arapaho History* (Norman: University of Oklahoma Press, 2010), 70–85; Loretta Fowler, *Arapahoe Politics: 1851–1978: Symbols in Crises of Authority* (Lincoln: University of Nebraska Press, 1982), 26, 28; George Bird Grinnell, *The Cheyenne Indians: History and Society* (Lincoln: University of Nebraska Press, 1972 [1923]), 1:336–43.

40 Fred Eggan, “The Cheyenne and Arapaho in the Perspective of the Plains: Ecology and Society,” in *The American Indian* (Chicago: Aldine Publishing Company, 1966), 56–58, 64.

41 Grinnell, *Cheyenne Indians*, 2:1, 2, 7, 29, 37.

42 Fowler, *Wives and Husbands*, 14–18; Leroy R. Hafen, *Broken Hand: The Life of Thomas Fitzpatrick* (Denver: Old West Publishing Co., 1931); Donald J. Berthrong, *The Southern Cheyennes* (Norman: University of Oklahoma Press, 1963), 20–21.

43 Fowler, *Wives and Husbands*, 18; Berthrong, *Southern Cheyennes*, 20–21.

44 Fowler, *Wives and Husbands*, 18–20; Berthrong, *Southern Cheyennes*, 25; David Lavender, *Bent’s Fort* (Garden City, NY: Doubleday, 1954), 186–89; Hyde, *Life of George Bent*, 68; Raymond J. DeMallie, “Sioux Until 1850” and “Teton,” in *Handbook*, 13/2:718–60 and 794–820; Richard White, “The Winning of the West: The Expansion of the Western Sioux in the Eighteenth and Nineteenth Centuries,” *Journal of American History* 65, No. 2 (September, 1978): 319–43.

45 Fowler, *Wives and Husbands*, 19; Berthrong, *Southern Cheyennes*, 76–80.

46 Peter John Powell, *People of the Sacred Mountain* (San Francisco: Harper and Row, 1981), 1: 45–46, 69–70; Hyde, *Life of George Bent*, 97.

47 Fowler, *Wives and Husbands*, 21–22; Fowler, *Arapahoe Politics*, 24; Thomas Fitzpatrick to Thomas Harvey, 24 June 1848, in *Letters Received by the Office of Indian Affairs, 1824–81 (M234), Upper Platte Agency, 1846–1870* (Washington, DC:

National Archives Microfilm Publications, 1956) [Hereafter: "LRUP"], 889:54–58.

48 Fowler, *Wives and Husbands*, 21; Berthrong, *Southern Cheyennes*, 94, 96; Fitzpatrick to W. Medill, 11 August 1848; Fitzpatrick to Harvey, 19 October 1847—both in LRUP, 889:21–23 and 33–39.

49 Fowler, *Wives and Husbands*, 18–20, 22; Fowler, *Arapahoe Politics*, 28–34; Berthrong, *Southern Cheyennes*, 118–23; Kappler, ed., *Indian Affairs*, 594–596. On the tribes' faithful observance of the terms of the treaty, see D. D. Mitchell to L. Lea, 17 October 1852, RCIA, S. Exec. Doc. No. 1/5, at 355–58 (1852); T. Twiss to George Manypenny, 20 August 1855; and Twiss to A. Cumming, 10 October 1855—both in RCIA, H.R. Exec. Doc. No. 1/7, at 388–89, 401–05 (1855).

50 See John Whitfield to Cumming, 2 October 1854, and G. Manypenny to R. McClelland, 25 November 1854—both in RCIA, S. Exec. Doc. No. 33-1/7, at 302–04 and 211–31 (1854); Twiss to Secretary of the Interior, 20 August 1855, and Twiss to Commissioner of Indian Affairs, 1 October 1855—both in RCIA 1855, 398–99 and 400–01; George E. Hyde, *Spotted Tail's Folk: A History of the Brulé Sioux* (Norman: University of Oklahoma Press, 1961), 36–82.

51 Twiss to Commissioner of Indian Affairs, 12 September 1856; Twiss to A. Cumming, 25 September 1856; and Cumming to G. Manypenny, 25 September 1856—all in RCIA, S. Exec. Doc. No. 34-5, at 638–45, 650–52, and 616–25 (1856); Twiss to Cumming, 1 September 1857, RCIA, S. Exec. Doc. 35-11/5, at 428–29 (1857); Manypenny to R. McClelland, 25 November 1854, RCIA 1854, 225. And see Berthrong, *Southern Cheyennes*, 129–31; Hyde, *Life of George Bent*, 100–02.

52 Hyde, *Life of George Bent*, 102–05; R. Miller to Cumming, 15 August 1857, *Letters Received by the Office of Indian Affairs, 1824–81 (M234), Upper Arkansas Agency, 1855–1874* (Washington, DC: National Archives Microfilm Publications, 1956) [Hereafter: "LRUA"], 878:152–53; Twiss to Cumming, 1 September 1857, RCIA 1857, 428–29; Manypenny to McClelland, 25 November 1854, RCIA 1854, 225. See Berthrong, *Southern Cheyennes*, 138–40.

53 Letter from White Antelope, High Back Wolf, Tall Bear, Lean Bear, 28 October 1857, enc. in W. Bent to J. Hafferday [Haverty], 11 December 1857, LRUA, 878:209–15.

54 In 1858 the annuities included flour, rice, coffee, sugar, and pilot bread, as well as cloth, hardware, guns and ammunition, hoop iron, tobacco, and beads (Miller to Robinson, 21 July 1858, LRUA, 878:254–55). Accounts of Indian efforts to be part of the local economy include Albert D. Richardson, *Beyond the Mississippi* (Hartford: American Publishing Company, 1867), 186, 189, 190, 193, 297, 300; RMN, 14 May 1859; "George Jackson's Diary, 1858–59," ed. LeRoy R. Hafen, *Colorado Magazine* 12, No. 6 (1935): 208, 210–11; Marshall Cook, "A Fifty-Niner," MSS 1205, Marshall Cook Collection, History Colorado, Denver, CO, 148–49; Horace

Greeley, *An Overland Journey* (Lincoln: University of Nebraska Press, 1999 [1859]), 149, 56, 181; F. W. Cragin Notebooks, Frontier Museum, Colorado Springs, CO, 11:80 and 22:1–3; "The Voorhees Diary of the Lawrence Party's Trip to Pikes Peak, 1858," ed. LeRoy R. Hafen, *Colorado Magazine* 12, No. 2 (1935); and see Janet Lecompte, "John Poisal," in *The Mountain Men and the Fur Trade of the Far West*, ed. Leroy R. Hafen (Glendale, CA: Arthur H. Clark Company, 1968), 6:353–58.

55 "To Fight Indians," RMN, 10 August 1864; "The Indians," RMN, 23 April 1861; "Indian Matters," RMN, 26 April 1861; "The Late Indian Trouble," RMN, 14 June 1861.

56 Bent to Robinson, 25 November 1858; Miller to Robinson, 20 July 1858; Bent to Robinson, 4 August 1858; Bent to Robinson, 17 December 1858 and 23 July 1859—all in LRUA, 878:310–11, 252–53, 260–61, 314–16, 333–35.

57 A. Greenwood to J. Thompson, 25 October and 30 November 1860, RCIA 1860; Boone to Dole, 16 November 1861; Colley to William Gilpin, 19 December 1861; Boone to Dole, 1 March 1862—all in LRUA.

58 The standard work is Martin Hardwick Hall, *Sibley's New Mexico Campaign* (Austin: University of Texas Press, 1960). See also Charles S. Walker, "Causes of the Confederate Invasion of New Mexico," *New Mexico Historical Review* 8:2 (April, 1933): 76–97.

59 Robert Scott, *Glory, Glory Glorieta: The Gettysburg of the West* (Boulder: Johnson Books, 1992).

60 Gary Clayton Anderson, *Little Crow: Spokesman for the Sioux* (St. Paul: Minnesota Historical Society Press, 1986); C. M. Oehler, *The Great Sioux Uprising* (New York: Oxford University Press, 1959).

61 Brigham D. Madsen, *The Shoshoni Frontier and the Bear River Massacre* (Salt Lake City: University of Utah Press, 1985); Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge, MA: Harvard University Press, 2008).

62 Clifford E. Trafzer, *The Kit Carson Campaign: The Last Great Navajo War* (Norman: University of Oklahoma Press, 1982); Tom Dunlay, *Kit Carson and the Indians* (Lincoln: University of Nebraska Press, 2000).

63 Albert E. Castel, *Sterling Price and the Civil War in the West* (Baton Rouge: Louisiana State University Press, 1968).

64 S. R. Curtis to John Evans, 5 December 1864, in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* [Hereafter: "War"], 1/41/4:771–72. In the same letter Curtis noted that he continued to be preoccupied with Confederate forces now threatening Fort Smith and Fort Gibson in Indian Territory, outside his command.

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## CHAPTER FOUR

- 1 Robert Miller to A. M. Robinson, 20 July 1858 and 4 August 1858; Robinson to J. Denver, 7 January 1869 and 15 January 1859—all in LRU; William Bent to Robinson, 5 October 1859, RCIA 1859, 505.
- 2 David Svaldi, *Sand Creek and the Rhetoric of Extermination: A Case Study in Indian-White Relations* (Lanham, MD: University Press of America, 1989), 137–41, 146–50, 152, 154.
- 3 J. Evans to W. Dole, 6 August 1862, LRU, 878:666–67; “Condition of the Indian Tribes,” Report of the Joint Special Committee, S. Rep. No. 39–156, at 45 (1867) [Hereafter: “Condition of Indian Tribes”]; Evans to Dole, 3 June 1862 and 26 November 1862—both in *Letters Received by the Office of Indian Affairs, 1824–81 (M234), Colorado Superintendency, 1861–1880* (Washington, DC: National Archives Microfilm Publications, 1956) [Hereafter: “LRCol”], 197: 66–67, 75–76; Evans to Dole, 30 October 1862, RCIA 1862, 230–31. See also S. Colley to Evans, 30 September 1862, LRCol, 197: 81–83, and Colley to Evans, 31 December 1862, LRU, 878:747–49.
- 4 Evans to Dole, 10 April 1863 and Evans to Dole, 24 April 1863—both in LRCol, 197:372–76, 242–46; Colley to Evans, 31 December 1862, LRU, 878:747–49.
- 5 John Saville to Hollaway, 15 April 1863, LRU, 878:1045–48; *Washington Evening Star* and *Washington National Republican*, 27 March 1863; Herman J. Viola, *Diplomats in Buckskins: A History of Indian Delegations in Washington City* (Washington, DC: Smithsonian Institution Press, 1981), 99–102; Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York: W. W. Norton, 2010), 262.
- 6 Evans to Dole, 21 May 1863, LRCol, 197:229–30; H. Ketcham to Dole, 15 May 1863, LRCol, 197:360; Evans to Dole, 15 June 1863, LRU, 878:797–801; Evans to Dole, 17 July 1863, LRU, 878:849; Evans to Colley, 2 November 1863, EvansLP.
- 7 Evans to Dole, 2 July 1863, LRCol, 197:267–69; Evans to Colley, 25 August 1863, EvansLP; Evans to Dole, 22 September 1863, LRCol; Colley to Evans, 22 August 1863, in RCIA, H.R. Exec. Doc. No. 38-1/7, at 249 (1863); Gerry to Treaty Commissioners, 22 September 1863, LRU, 878:936–943; A. Janis (or Janisse) to Evans, 3 November 1863, LRU, 878:932–934. On the killing of the Cheyenne at Fort Larned, see Evans to Dole, 14 October 1863, RCIA 1863, 242; Colley to Dole, 27 July 1863, LRU, 878:867; J. Smith to Colley, 9 November 1863, LRCol; Leavenworth to A. A. G., 15 July 1863, in *War*, 1/22/2:400–01. Leavenworth and Colley paid reparations to the slain Cheyenne’s family and thereby avoided violent reprisals.
- 8 Evans to Dole, 14 October 1863, RCIA 1863, 239–40, 243; Evans to Seward, n.d. [22 September 1863], EvansLP.
- 9 “Treaty with the Utah—Tabeguache band,” 7 October 1863, in *Indian Affairs*, ed. Kappler, 856–58.
- 10 Evans to Chivington, 21 September 1863, LRCol, 197:303; Evans to Chivington, 7 November 1863, LRCol, 197:319; Evans to Dole, 4 November 1863, LRCol, 197:306–07; S. Van Wormer to Evans, 7 November 1863, LRCol, 197:325; Evans to Colley, 7 November 1863, LRCol, 197:326–27.
- 11 S. A. Sprague (or Spague) to Evans, 7 November 1863, and Robert North Statement in Evans to Dole, 10 November 1863—both in LRCol, 197:323, 314–15; Evans to Colley, 7 November 1863, EvansLP; Evans to Dole, 9 November 1863, LRCol, 197:316–18; Colley to Evans, 9 November 1863, LRCol, 197:328; Colley to Dole, 20 November 1863, LRU, 878:945–46; Evans to Stanton, 14 December 1863, EvansLP; S. Anthony to Headquarters, 24 September 1863, *War*, 1/22/2:571–72; Smith to Colley, 9 September 1863, LRCol, 197:320. George Bent denied that the Cheyennes had joined the Sioux (who wanted to retaliate for the army’s attacks on them in 1863) in a war alliance. See Hyde, *Life of George Bent*, 119–20.
- 12 Evans to Dole, 4 November 1863 and 9 November 1863—both in LRCol, 197:306–07; Evans to Dole, 20 December 1863, LRCol, 197:336; Dole to Evans, 15 January 1864, RCIA 1864, 392.
- 13 H. P. Bennet to Dole, 28 January 1864, LRU, 878:1095–97; Dole to Secretary of Interior, 2 February 1864, RCIA 1864, 389–90; Leavenworth to Dole, 4 March 1864, and Colley to Dole, 17 March 1864—both in LRU, 878:1304–06 and 1162.
- 14 Hyde, *Life of George Bent*, 122–26; Report of Lt. Clark Dunn, 18 April 1864, and George Sanborn to Chivington, 12 April 1864—both in *War*, 1/34/1:883–85. Military historian Robert M. Utley, who has examined the wars on the plains in depth, concludes that the soldiers were the aggressors in the skirmishes in April and May. See Utley, *Frontiersmen in Blue: The United States Army and the Indian, 1848–1865* (New York: Macmillan, 1967), 286.
- 15 Chivington to Curtis, 13 April 1864; Eayre to Chivington, 18 April 1864; Downing to Chivington, 20 and 21 April 1864; and Capt. Sam Cook to Lt. Geo. Stilwell, 22 April 1864—all in *War*, 1/34/3:149, 218–9, 243, 250–52, 262; Colley to Evans, 19 April 1864, LRU, 878:1188–89.
- 16 Downing to Chivington, 3 May 1864, in *War*, 1/34/1:907–08; Hyde, *Life of George Bent*, 129–32; Eayre to Chivington, 19 May 1864, in *War*, 1/34/1:935.
- 17 “Horrible Murders,” *RMN*, 12 April 1864; “Rumor of Indian Fighting,” *RMN*, 14 April 1864; “The Indian War,” *RMN*, 15 April 1864; Svaldi, *Sand Creek*, 157–60.
- 18 Evans to Dole, 15 April 1864, LRCol, 197:439–40; Chivington to Evans, 15 April 1864, *War*, 1/34/3:166–67; Evans to Curtis, 25 April 1864, RCIA 1864, 370–71; Collins to Dole, 15 May 1864, LRUP, 891:165–66; Evans to Curtis 28 May 1864, EvansLP; Evans to Dole, 11 April 1864, LRU, 878:1174–75; Colley to Dole, 27 May 1864, LRU.
- 19 H. L. Jones to T. O. Osburn, 31 May 1864, *War*, 1/34/4:149–50; Hyde, *Life of George Bent*, 133; “Condition of Indian Tribes,” 93–94.

- 20 Military Hearing, 32–33.
- 21 Evans to Curtis, 3 June 1864, *War*, 1/34/4:206; Evans to Dole, 7 June 1864, LRU, 878:1207–08; Evans to Dole, 8 June 1864, EvansLP; Evans to Gerry, 10 June 1864, EvansLP. The time it took for a message to get from one person to another could vary widely. While there was widespread mail delivery and telegraph service between cities and major military installations, a letter or telegram might take days or even weeks, especially if service was interrupted by Indian raids or other factors. In some instances mail between Denver and the East Coast was routed through San Francisco.
- 22 Evans to Curtis, 12 June 1864, EvansLP; Chivington to Capt. J. C. Davidson, 12 June 1864, *War*, 1/34/4:330; Evans to Dole, 15 June 1864, LRUP; Curtis to Evans, 5 July 1864, *War*, 1/41/2:53–54; Evans to Stanton, 14 June 1864, EvansLP.
- 23 Evans to Dole, 14 June 1864, EvansLP; T. I. McKenny to C. S. Charlot, 15 June 1864, *War*, 1/34/4:402–04.
- 24 Evans to Dole, 15 June 1864, LRU, 878:1224–31; Evans to Colley, 16 June 1864; Evans to Roman Nose, 17 June 1864; Evans to Whitely, 28 June 1864—all in Evans to Dole, 30 June 1864, LRCol, 197:466–78; Evans to Loree, 21 June 1864, EvansLP; Colley to Evans, 21 June 1864, and Evans to Colley, 29 June 1864—both in Evans to Dole, 30 June 1864, LRCol, 197:471–73, 481.
- 25 Colley to Evans, 21 June 1864, in Evans to Dole, 30 June 1864, LRCol, 471–73.
- 26 Evans to Colley, 16 June 1864, and Proclamation, 27 June 1864—both in Evans to Dole, 30 June 1864, LRCol, 466–78; Evans to Curtis, 16 June 1864, in *War*, 1/34/4:421–23; Curtis to Gen. H. W. Halleck, 28 June 1864, *War*, 1/34/4:585.
- 27 C. Mix to Evans, 23 June 1864, RCIA 1864, 374; “Condition of Indian Tribes,” 38, 50; Military Hearing, 30, 85–86.
- 28 Evans to Whiteley, 12 July 1864, EvansLP; Loree to Collins, 15 July and 18 July 1864, LRUP, 901:110–11; Evans to Colley, 12 July 1864, RCIA 1864, 373; Whitely to Evans, 14 July 1864, LRCol.
- 29 Loree to William Albin, 13 July 1864, LRUP; Svaldi, *Sand Creek*, 166; Evans to Curtis, 18 July 1864, EvansLP; Curtis to Halleck, 23 July 1864 and 28 July 1864; Curtis to Blunt, 9 August 1864—all in *War*, 1/41/2:368, 445, 629–30; S. Curtis, Field Order, 27 July 1864, Military Hearing, 75; Utley, *Frontiersmen in Blue*, 287–88.
- 30 Gary Leland Roberts, “Sand Creek: Tragedy and Symbol” (PhD dissertation, University of Oklahoma, 1984), 270, 384.
- 31 Chivington to Curtis, 8 August 1864, in *War*, 1/41/2:613–14; Evans to Dole, 10 August 1864, LRCol, 197:492–95; Evans to Stanton, 10 August 1864; Evans to Curtis, 11 August 1864; Curtis to Evans, 11 August 1864; Curtis to Chivington, 30 July 1864—all in *War*, 1/41/2:644, 661, 483–85; Curtis to Blunt, 8/9/1864, *War*, 1/41/2:629–30; “Indian War at Fort Larned,” *RMN*, 1 August 1864; “More Indian Depredations,” *RMN*, 3 August 1864; “Indian War,” *RMN*, 5 August 1864; Wynkoop to J. S. Maynard, 13 August 1864, *War*, 1/41/1:237–38; Colley to Evans, 26 July 1864, LRCol; Military Hearing, 33.
- 32 Colley to Evans, 12 August 1864, and Evans to Dole, 15 October 1864—both in RCIA 1864, 375, 360–62; Proclamation of 11 August 1864, in “Massacre of Cheyenne Indians,” Report of the Joint Committee on the Conduct of the War, S. Rep. No. 38-142, vol. 3, pt. 3 (1865) [Hereafter: “JCCW”], 47; Whiteley reported to Evans on 8/30/1864 that he and Colonel Collins prevented a mob from attacking Friday’s group. Whiteley to Evans, 30 August 1864, RCIA 1864, 380–81.
- 33 Svaldi, *Sand Creek*, 172; Evans to Benjamin Fields, 26 August 1864, EvansLP; Evans to Jesse Glenwood, 13 August 1864, EvansLP; Colley to Evans, 26 August 1864; Statement of M. Leroy, 20 August 1864; Evans to Dole, 15 October 1863; and Whitely to Evans, 30 August 1864—all in RCIA 1864, 375–76, 360–67, 380–81; S. Anthony to S. Tappan, 29 August 1864, *War*, 1/41/2:926; George Otis to Dole, 31 August 1864, LRU, 878:1309–1313; Evans to S. E. Brown, Executive Order, 20 August 1864, CSA-TGC, Executive Record 1862–1865, 173; Charlot to Chivington, 13 August 1864; Chivington to Charlot, 18 August 1864; Evans to Stanton, 18 August 1864—all in *War*, 1/41/2:695, 765–66. In the letter to Glenwood, a settler near Camp Collins, Evans reported that the 100-day regiment would soon be in the field and that the friendly Indians there should be told to remain close to camp to avoid attack.
- 34 Black Kettle & 7 Other Chieftains to Major Colley, 29 August 1864, RCIA 1864, 377. This is online at <http://www2.coloradocollege.edu/library/specialcollections/Manuscript/SandCreek/Kettle1.html>, viewed 30 March 2014.
- 35 Edward W. Wynkoop, “Unfinished Colorado History” (typed transcription), MSS 695, History Colorado, Box 1, 34.
- 36 Military Hearing, 84–86, 31.
- 37 Colley to Evans, 4 September 1864, and Wynkoop to Evans, 18 September 1864, RCIA 1864, 377–79; Evans to Chivington, 14 September 1864, EvansLP; Report of S. Curtis, 2 September 1864 and 13 September 1864; Curtis to Carleton, 19 September 1864; Chivington to Charlot, 26 September 1864—all in *War*, 1/41/3:36, 179–80, 260, 399; Evans to Dole, 25 September 1864, LRCol, 197:509; “Indian Treaty,” *RMN*, 27 September 1864. See also Utley, *Frontiersmen in Blue*, 289.
- 38 Military Hearing, 90. Wynkoop added, however, that Evans praised him for rescuing the prisoners, but reproached him for not taking the Indians by force when he had the chance. Wynkoop reminded the governor how outnumbered he was at the time.
- 39 “Condition of Indian Tribes,” 77.
- 40 Louis Kraft, *Ned Wynkoop and the Lonely Road from Sand Creek* (Norman: University of Oklahoma Press, 2011), 118–19; “Indian Treaty,” *RMN*, 28 September 1864.
- 41 The transcript is included in “Condition of Indian Tribes,” 87–90. It is viewable online at <https://archive.org/stream/conditionindian00tribgoog#page/n102/mode/2up>, viewed 23 April 2014; Military Hearing, 11.

- 42 Military Hearing, 91.
- 43 Military Hearing, 87, 91, 121 (Wynkoop stated that no depredations were committed between 10 September and 29 November); Curtis to Chivington, 28 September 1864, *War*, 1/41/3:462.
- 44 Military Hearing, 48, 88, and 132; Report of Major General James Blunt, 25 September 1864, *War*, 1/41/1:818; Hyde, *Life of George Bent*, 144–46.
- 45 Evans to Colley, 29 September 1864 and 31 September 1864, EvansLP; Evans to Dole, 15 October 1864, and Dole to Evans, 15 October 1864, RCIA 1864, 360–68, 400.
- 46 Dole to Evans, 15 October 1864, and Dole to Usher, 15 November 1864, RCIA 1864, 400, 168; Report of the Secretary of the Interior, H.R. Exec. Doc. No. 38-1, at 9–10 (1864). Several of Dole’s statements were mixed and ambiguous. See also Dole’s much longer observation in his 1864 annual report: “But unless the military authorities are prepared to deal with these hostile tribes immediately, and to press upon them with such force as shall compel them to submission, I fear that an error may have been committed in neglecting to make the best possible use of the disposition shown by a portion of the chiefs towards peace.” This seemed to endorse the use of arms. But then he continued, “As a mere question of financial economy, no principle in our Indian relations is better established than that it is a great deal cheaper to feed them, supplying their limited needs, than to fight them; while as a question of humanity, that policy which makes allowances for the natural discontent of the savage heart to come under tutelage, abandon his free habits, and yield tamely to the rule of those who are pressing him yearly into narrower bounds,

limiting his means of life, and inducing privation and trouble, surely must commend itself to the fair consideration of a Christian people. How the problem of the future condition of these nomadic tribes of the plains is to be solved, is a question that must await events for solution.” Then he appeared to say that the army was in charge and that the Indian Office was there mainly to help: “At present the affair is in the hands of the military authorities, where we must leave it, standing ready to aid in any proper manner to bring about the desired results of a quiet transit for the growing commerce of that region, the peaceful pursuit of their avocations by settlers rightfully present, and the permanent good of the Indians themselves.” Dole to Usher, 15 November 1864, RCIA 1864, 168.

- 47 Ben. Holliday [sic] to E. M. Stanton, 15 October 1864, *War*, 1/41/3:903.
- 48 Major-General Halleck to P. E. Connor, *War*, 1/50/2:1014; P. E. Connor to J. M. Chivington, copied in J. M. Chivington to Maj. C. S. Charlot, *War*, 1/41/4:259. Halleck was at this point second-in-command to Ulysses S. Grant.
- 49 Evans to Connor, 24 October 1864, EvansLP.
- 50 Report of Brig. Gen. P. Edward Connor, 21 November 1864, *War*, 1/41/1:908.
- 51 Henning to Anthony, 17 October 1864, *War*, 1/41/4:62; Military Hearing, 123.
- 52 JCCW, 17–18; Hyde, *Life of George Bent*, 146–47.

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## CHAPTER FIVE

- 1 “Condition of Indian Tribes,” 91. Chivington sent the report to Denver. It did not arrive until a week later and was forwarded to Curtis.
- 2 “Great Battle with Indians!” *RMN*, 8 December 1864. The same paper carried a notice that two weeks earlier, Governor Evans had stopped at Fort Leavenworth on his way east and contributed two hundred dollars to benefit the Second Colorado Cavalry, still stationed in Kansas.
- 3 “Local and Miscellaneous” *RMN*, 13 December 1864; “Coming Back,” *RMN*, 12 December 1864.
- 4 “Local and Miscellaneous,” *RMN*, 22 December 1864; “Condition of Indian Tribes,” 71; “Local and Miscellaneous,” *RMN*, 24 December 1864.
- 5 For a discussion of the possible sources of the questioning of what had actually happened at Sand Creek, see Roberts, “Sand Creek: Tragedy and Symbol,” 450–60.
- 6 JCCW, 74. On the politics of the JCCW, see Bruce Tap, *Over Lincoln’s Shoulder: The Committee on the Conduct of the War* (Lawrence: University Press of Kansas, 1998).
- 7 Military Hearing, 93–95.

8 *Ibid.*, 92. In the middle of January 1865, Curtis wrote to Evans, then in Washington, about the post-Sand Creek Indian uprising on the plains. While conceding that “we may always expect our troops to be guilty of indiscretions,” Curtis added, “I abominate the extermination of women and children.” Curtis confided to the governor, however, that the indiscriminate killing of Native women and children found plenty of support among settlers, which encouraged more of the same. He noted that “such conduct has received so much applause that in Minnesota a premium has been given for scalps, and in General [Alfred] Sully’s recent campaign [i.e., the destruction of a Sioux encampment in the Dakota Territory in 1863 as retaliation for the Minnesota uprising of the year before] one officer reports his success in this line of extermination by throwing out crackers . . . impregnated with strychnine for poisoning his pursuing enemy.”

Curtis then returned to the issue of Sand Creek. In spite of the fact that he had reinstated Wynkoop at Fort Lyon and in the past had been dissatisfied with Chivington as a district commander, he seemed to criticize Wynkoop more than he did Chivington and implicitly praised Evans for refusing to negotiate at Camp Weld. Curtis noted that the attack on Sand Creek “may have been a kind of betrayal, accidental or otherwise, of

a confidence which had improperly been given to the Indians by the officer commanding at Fort Lyon [i.e., Wynkoop] in his efforts to negotiate matters for the Indians with you.” Curtis to Evans, 12 January 1865, *War*, 1/48/1:503–04.

9 Special Orders, No. 42, 31 December 1864, *War*, 1/41/4:971.

10 “Condition of Indian Tribes,” 3.

11 An intriguing question is why this particular massacre of Indians produced such a broad negative response in its own time. It may have been because in this instance the Indians who were massacred had been told by army officers that they would be safe. Mark E. Neely Jr. offers another reason. Neely writes, “Perhaps the heightened hunger for news and increased skills of the press in reporting it induced by the Civil War had something to do with the immediate and substantially truthful emergence of the story of Sand Creek as a massacre rather than a triumph.” He contends that this was the first time that “a massacre of Indians . . . was widely recognized as such during the American Civil War.” Neely continues, “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.” Neely, *The Civil War and the Limits of Destruction* (Cambridge MA: Harvard University Press, 2007), 155, 163. Neely considers the racial factors behind the differences between the way the Union army fought Indians and how it did battle with Confederates. See also Michael T. Smith, “Battles or Massacres?” in Richard W. Slatta, ed., *The Mythical West: An Encyclopedia of Legend, Lore, and Popular Culture* (Santa Barbara, CA: ABC-CLIO, 2001).

12 The Soule and Cramer letters are discussed in the introduction.

13 S. J. Anthony to Brother, 23 and 30 December 1864, Scott J. Anthony Collection, MSS 14, History Colorado; Roberts, “Sand Creek: Tragedy and Symbol,” 445.

14 Chaffee to Bennet, 10 January 1865, JCCW, 73–74. Chaffee was himself in New York and was relaying news he had received.

15 Elbert to Evans, reprinted in *RMN*, 9 January 1865.

16 Curtis to Halleck, 12 January 1865, JCCW, 75.

17 Moonlight to Elbert, 17 January 1865, JCCW, 98.

18 Elbert to Evans, 17 January 1865, EvansLP.

19 Moonlight to Dodge, 13 February 1865, JCCW, 95–97. Although there were Indian raids along the Santa Fe route, Agent Jesse Leavenworth, in charge of the Kiowas, Comanches, Kiowa-Apaches, and Southern Arapahos (and a few Southern Cheyennes), tried to prevent the army from attacking further south. But the army commanders rejected such arguments for peace. Leavenworth unsuccessfully tried to convince the Indian Office to intervene. He then went to Washington and met with Senator Doolittle, who convinced President Andrew Johnson in May to authorize a peace initiative. Leavenworth managed to convene preliminary councils in August and received the consent of the southern plains tribes (except for the Dog Soldiers) to a ceasefire and treaty negotiations. The resulting

Little Arkansas Treaty contained a provision for restitution to the survivors of the Sand Creek massacre. Edward Wynkoop worked to get the non-signers among the Cheyenne to agree to the terms of the treaty and in spring 1866 succeeded in doing so, with the continuing exception of the Dog Soldier band. But this treaty, like those before and one after it, failed to keep the peace. Another massacre of Cheyennes followed at Washita River, in western Oklahoma. As noted earlier, on November 27 (two days prior to the fourth anniversary of the Sand Creek Massacre), troops under George Armstrong Custer killed several dozen Indians, including Black Kettle and his wife Medicine Woman. See Berthrong, *Southern Cheyennes*, 224–44; and Jerome A. Green, *Washita: The U.S. Army and the Southern Cheyennes, 1867–69* (Norman: University of Oklahoma Press, 2004).

20 JCCW, 81–84.

21 The three officers would repeatedly refuse to agree to many of Chivington’s other motions and objections, among them his desire to exclude a number of affidavits from people who did not appear in person, which meant he could not cross-examine them. Confronting witnesses face-to-face, Chivington contended, was “the only protection I have against the malicious perjurer and the designing villain.” His consolation was that since he was no longer in the army, the tribunal could not convict him anywhere but in the court of public opinion. The panel limited the possibilities of this when its members decided to keep the hearings closed. The transcript was not published until 1867. Military Hearing, 164, 185, 79.

22 Military Hearing, 185–86, 79.

23 Military Hearing, 73–74.

24 Kelsey, *Frontier Capitalist*, 151.

25 “Condition of Indian Tribes,” 47–49. Evans likely had not heard Wynkoop’s account of this meeting, which the major presented to both the military panel and the CCIT. Wynkoop testified before the military panel on March 21, after Evans had appeared before both the JCCW and the CCIT, and, as noted, the panel’s proceedings were not public. Wynkoop did not give his account of the conversation to the CCIT until June 9.

26 JCCW, 36–38, 42–43.

27 “The Reasons,” *RMN*, 24 July 1865.

28 Cong. Globe, 38th Cong., 2nd Sess. 253 (1865).

29 JCCW, iv.

30 “Journal of the Committee,” in Report of the Joint Committee on the Conduct of the War, S. Rep. No. 38-142, vol. 1, pt. 1, at XXXVII (1865). The committee also called for the arrest and criminal prosecution of Chivington and Anthony. As noted, they were beyond the reach of court-martial, and they were never prosecuted for Sand Creek in any other court.

31 Roberts, “Sand Creek: Tragedy and Symbol,” 470.

32 Schuyler Colfax to Andrew Johnson, 2 June 1865, Personal Papers of Governor John Evans and Family, Colorado

State Archives, Denver, CO [Hereafter: "CSA-Evans"], Box 19651, Folder 9.

33 Harlan to Evans, 30 May 1865, and Simpson to Evans, 28 June 1865—both in CSA-Evans, Box 19651, Folder 9.

34 Matthew Simpson to John Evans, 4 August 1865, CSA-Evans, Box 19651, Folder 10.

35 "Gov. Evans," *RMN*, 24 April 1865; "Serenade to Gov. Evans," *RMN*, 24 April 1865; "The Homicide Last Night," *RMN*, 24 April 1865.

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## CHAPTER SIX

1 On differences between the men, possibly attributable to class, see Saxton, *Rise and Fall of the White Republic*, 283–85.

2 "Condition of Indian Tribes," 70. Willard was the brother of Frances E. Willard.

3 Evans to Curtis, 28 September 1864, EvansLP.

4 RCIA 1864, 364.

5 *Ibid.*, 365–66.

6 RCIA 1863, 243.

7 RCIA 1864, 366–67.

8 On Evans and Ouray, see Blackhawk, *Violence Over the Land*, 215–16.

9 "Carthago Delenda Est," *Mining Journal* (Blackhawk, CO), 30 August 1864.

10 As noted, the Indians did not in fact see the land as their property, and they did not strongly object to wagon trains or even the railroad crossing their territory as defined by the Fort Laramie Treaty. But settlers were another story, since they interfered with the buffalo hunt and the tribes' customary freedom of movement. John Evans Dictations and Related Biographical Material, BANC MSS P-L 329, 2:19.

11 Evans to Dole, 29 September 1864, and Evans to Colley, 29 September 1864—both in EvansLP.

12 "Those who read this will be curious for some explanation of this slanderous report," Evans wrote, and then provided one: "To me it is plain. I am governor of Colorado, and, as is usual with men in public position, have enemies. Many of these gentlemen were in the city of Washington last winter, endeavoring to effect my removal, and were not particular as to the character of the means they employed, so that the desired result was accomplished. For this purpose, they conspired to connect my name with the Sand creek battle, although they knew that I was in no way connected with it. A friend in that city, writing to me in regard to this attempt, and mentioning the names of certain of these gentlemen, said: 'They are much in communication with -----, a member of the committee charged with the investigation of the Chivington affair' [i.e., Samuel Tappan]. These gentlemen, by their false and unscrupulous representations, have misled the committee." "Reply of Governor Evans, of the Territory of Colorado, to that part, referring to him, of the report of the 'Committee on the Conduct of the War,' headed 'Massacre of Cheyenne Indians,'" reprinted in "Condition of Indian Tribes," 86. Evans originally published this himself as a pamphlet.

13 Kelsey, *Frontier Capitalist*, 162; Roberts, "Sand Creek: Tragedy and Symbol," 454–70.

14 Only three members of the committee (two of them Radical Republicans), not including Wade, were present for the questioning of Evans, and only two of them were among the five members who passed the resolution demanding that the governor be fired. Wade had been fiercely critical of Lincoln and would soon be a leader in the movement to impeach Andrew Johnson. As president pro tem of the Senate, Wade would have succeeded Johnson had the impeachment effort succeeded.

15 He then repeated his position that doing battle was a means to an end. "My opinion, that it is the true policy of the Government to conquer hostile Indians, and require them to submit to its authority before making peace with them, is well known, which policy I shall continue to urge." "Gov. Evans on Sand Creek," *RMN*, 7 November 1865. The letter was dated November 4.

16 *New York Herald*, 5 September 1867. Evans was responding to a story on the arrival of the peace commissioners in St. Louis that appeared in the newspaper on August 13, in which Tappan was extensively quoted.

17 Interview by H. H. Bancroft with ex-Governor John Evans: Denver, 1884, The Bancroft Library, University of California Berkeley, BANC MSS P-L 23, 20–21.

18 JCCW, 42.

19 Sternberg, *Anne Evans, A Pioneer in Colorado's Cultural History*, 79–81.

20 In the study that she prepared as part of the University of Colorado's debate over whether to change the name of Nichols Hall, named after the noted political leader, founder of the university, and soldier David H. Nichols, whose service as captain included participation in the Sand Creek Massacre, Patricia Nelson Limerick writes, "To many of his Anglo-American contemporaries, the founding of universities and the killing of Indians represented service in the same cause." She points out that as recently as 1961, when Nichols Hall was named, "in the minds of those who proposed his name for a building, Nichols's war activities did not detract from his achievements; on the contrary, they added to them." What she says about Nichols also applies to John Evans: "His life provides a valuable case study in the moral complexity of Western American History." Limerick, "What's in a Name? Nichols Hall: A Report," 5, 3.

21 Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (New York: Harper and Brothers, 1881), 7, 1. The appendix includes an exchange of letters discussing Sand Creek between Jackson and William N. Byers, owner of the *Rocky Mountain News*, that were published in 1879 in the *New York Tribune*. "That men, exasperated by atrocities and outrages, should have avenged themselves with hot haste and cruelty, was, perhaps, only human," Jackson conceded, "but that men should be found, fifteen years later, apologizing for, nay, justifying the cruel deed, is indeed a matter of marvel." She was referring to Byers as in the latter group, but her remarks also could have included Evans. *Ibid.*, 343.

22 As noted, the gifts given by Evans's descendants between 1951 and 1997 total about \$56,000. This sum is certainly generous, if far less than the total donations by Evans himself. Evans also benefited the University by purchasing his home site, other land in Evanston, and two perpetual scholarships, but none of these actions involved an outright gift.

23 "The Sand Creek Massacre," *Chicago Tribune*, 26 July 1865; "The Sand Creek Massacre," *Chicago Tribune*, 3 October 1865.

# *Links to Key Documents and Websites*

## Three Investigations of the Sand Creek Massacre

Joint Committee on the Conduct of the War (“Massacre of Cheyenne Indians”)

<https://archive.org/stream/reportjointcomm06wargoog#page/n150/mode/2up>

Military Hearing

<https://play.google.com/books/reader?id=MVFHAQAIAAJ&printsec=frontcover&output=reader&authuser=0&hl=en&pg=GBS.RA1-PA1>

Committee on the Condition of the Indian Tribes (CCIT)

<https://archive.org/details/conditionindian00tribgoog>

Evans Proclamation of June 27, 1864

<https://archive.org/stream/reportjointcomm06wargoog#page/n214/mode/2up>

Evans Proclamation of August 11, 1864

<https://archive.org/stream/reportjointcomm06wargoog#page/n200/mode/2up>

Transcript of the Camp Weld Meeting, September 28, 1864 (from *Rocky Mountain News*)

<http://www.coloradohistoricnewspapers.org/Default/Scripting/ArticleWin.asp?From=Archive&Source=Page&Skin=Colorado&BaseHref=RMD/1865/09/13&PageLabelPrint=2&EntityId=Ar00202&DataChunk=Ar00200&ViewMode=GIF&FontSize=l2>

John Evans’s Published Defense (from “Condition of Indian Tribes”)

<https://archive.org/stream/conditionindian00tribgoog#page/n94/mode/2up>

John Evans Papers in Colorado Archives

<https://www.colorado.gov/pacific/archives/john-evans> (Colorado State Archives)

<http://www.historycolorado.org/researchers/manuscripts> (History Colorado)

War of the Rebellion (Official Records of the Union and Confederate Armies)

<http://digital.library.cornell.edu/m/moawar/waro.html>

Indian Affairs: Laws and Treaties, Charles J. Kappler, ed.

<http://digital.library.okstate.edu/kappler/index.htm>

Treaty of Fort Laramie

<http://digital.library.okstate.edu/kappler/Vol2/treaties/sio0594.htm>

Treaty of Fort Wise

<http://digital.library.okstate.edu/kappler/Vol2/treaties/ara0807.htm>

Sand Creek Massacre, Lone Wolf Website, curated by Kevin Cahill

<http://www.kclonewolf.com/History/SandCreek/sc-index.html>

Letter written by Lieutenant Joseph Cramer to Major Edward Wynkoop, describing the Sand Creek Massacre

<http://www.kclonewolf.com/History/SandCreek/sc-documents/sc-cramer-to-wynkoop-12-19-64.html>

Letters written by Captain Silas Soule to his mother, describing the Sand Creek Massacre

<http://www.kclonewolf.com/History/SandCreek/sc-documents/sc-soule-letters.html>

Letter written by Captain Silas Soule to Major Edward Wynkoop, describing the Sand Creek Massacre

<http://www.kclonewolf.com/History/SandCreek/sc-documents/sc-soule-to-wynkoop-12-14-64.html>

National Park Service Sand Creek National Historic Site

<http://www.nps.gov/sand/index.htm>

# Acknowledgments

**T**HIS report is solely the work of the Northwestern University John Evans Study Committee. The committee would like to express its gratitude to many people for their assistance.

These include several individuals at the Northwestern University Library, most notably the staff of University Archives, especially Kevin Leonard and Janet Olson. We are grateful also for the critical support of Carolyn Caizzi, Stefan Elnabli, Julie Borden Patton, Yvonne Spura, and Claire Stewart. We similarly deeply appreciate the help we received from the extraordinarily knowledgeable, dedicated, and gracious National Park Service employees who administer the Sand Creek Massacre National Historic Site so superbly, particularly Alexa Roberts, Jeff Campbell, and Karen Wilde.

As mentioned in the report, Northwestern's investigation coincides with similar initiatives conducted by the University of Denver and the United Methodist Church. The studies are independent, but those conducting them have assisted one another in obtaining historical sources and exploring certain issues. We are grateful in this regard to Steve Fisher, Alan Gilbert, Dean Saitta, and Nancy Wadsworth of the University of Denver, and to Bishop Sally Dyck, Bishop Elaine Stanovsky, and Robert Williams, General Secretary of the United Methodist Church's General Commission on Archives and History.

Along the way we consulted with a large number of scholars, archivists, curators, librarians, and others whose expertise was indispensable. We are principally indebted to the learning and generosity of David Halaas, Ari Kelman, and Gary Leland Roberts. We would also like to thank several individuals for taking the time to speak with us. These include Megan Bang, David Beck, Martha

Briggs, Kevin Cahill, James Campbell, Richmond Clow, James Farr, Paul Feldman, Gary Fine, Scott Forsythe, Patricia Nelson Limerick, Ananda Marin, Kate Masur, Douglas Medin, Tom Meier, Heather Menefee, Jeffrey Ostler, Jessy Randall, Gail Ridgely, Darius Salter, James Schwoch, and Eli Suzukovich III.

In addition to the Northwestern University Library, we would like to acknowledge the Allen Memorial Art Museum (Oberlin College), the Bancroft Library (University of California, Berkeley), the Beinecke Rare Book and Manuscript Library (Yale University), the Colorado State Archives, the Denver Public Library, History Colorado, the Huntington Library, the Newberry Library, the Oklahoma Historical Society, the Tutt Library (Colorado College), and the United Methodist Archives and History Center (Drew University).

Our committee was appointed by Northwestern University Provost Daniel Linzer, whose office encouraged and supported a full and candid inquiry. We are particularly grateful to Laura Koepele-Tenges, as well as to Daphne Fair-Leary, Celina Flowers, Ursulla Knakmuhs, and Traci Pickerell. Thomas Cline and Anita Ridge of the University's Office of General Counsel were very helpful in furnishing important information.

Special thanks are due for critical tasks done by Paula Blaskovits, Natasha Dennison, Nathan Mead, and Harlan Wallach.

University Relations Senior Designer Victoria Lata designed this report, Senior Editor Kingsley Day proofread its contents, and Director of Publications Anne Egger coordinated its publication. The committee also appreciates the support of Alan Cubbage, Vice President of University Relations.



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